

## **Site Specific Requirements:**

### Prior to Construction:

1. Verification from the Idaho Transportation Department (ITD) shall be provided that confirms that their review of this application understands that 31<sup>st</sup> Street has been vacated. Should ITD indicate the fact that 31<sup>st</sup> Street has been vacated affects their review with respect to safety, these concerns shall be remedied prior to construction permits being issued.
2. A lot line consolidation shall be approved and recorded prior to construction.
3. All future outdoor lighting will be required to be in compliance with code at the time of development.
4. A sustainability checklist shall be provided in accordance with Garden City Code 8-4G. At least 18 points are required.
  - a. Proof of no-cost membership in a car share or vanpool program shall be provided.
  - b. Proof of incentives for employees who carpool or use alternative transportation to get to work shall be provided.
5. Landscaping shall be compliant with Garden City Code 8-4I Landscaping and Tree Protection Provisions.
  - a. A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.
  - b. A minimum of one Class III or Class II tree shall be planted in the frontage and every adjacent streetside. An additional Class II or III tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.
    - i. A minimum of 4 trees are required along the frontage of W. Chinden Blvd.
  - c. A minimum of one tree per one thousand (1,000) square feet of landscaped area and one shrub per one hundred fifty (150) square feet of landscaped area shall be planted.
  - d. Internal shade trees shall be provided at a minimum ratio of one tree planted for every five (5) parking spaces supplied.

### Prior to Occupancy:

1. Occupancy of the site shall not commence until after a Certificate of Occupancy has been obtained from the Garden City Development Services Department.
2. A Building permit shall be applied for and approved by the Garden City Development Services Department.
3. All onsite service areas for waste, recycling, or trash; and equipment areas for transformer and utility vaults shall be located in an area not visible from a public street or adjoining property or shall be screened from view from a public street

and adjoining property with a privacy fence.

4. HVAC equipment, trash dumpsters, recycling, trash compaction, and other service functions shall be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.
5. All signs associated with the application shall obtain approval of a sign permit or master sign plan, including the recently agreed signs directing patrons to overflow parking shall be included in a future sign permit application.
6. A 12' wide public bicycle and pedestrian easement shall be located along Osage and 31<sup>st</sup> Street and maintained in perpetuity and a lockable gate shall be constructed at the west end of the public easement on the shared boundary line between Ada County Tax Parcels R2734541910 and R2734542110.
7. An easement shall be provided for all public water and sewer lines on site.
8. For so long as the subject property is used as an Eating Establishment, Full Service and Food Products Processing, small scale, Aa nonexclusive cross-access easement shall be recorded provided for: (i) access to the trash location if the property is not combined with Ada County Tax Parcel parcel #R2734541997 via the a lot line adjustment; and (ii) additional overflow parking on Ada County Tax Parcel R2734541997 immediately north of the subject property that is approximately 14,000 square feet in size and provides a minimum of 33 parking spaces.
9. Chinden-facing mechanical units shall have architecturally integrated screening.
10. The two existing ingress/egress curb cuts along W. Chinden Boulevard shall be permanently closed in accordance with the Idaho Transportation Department Chinden Access Management Plan unless otherwise recommended by ITD.
  - b) To close each existing ingress/egress curb cut:
    - i) Curb, gutter, and sidewalk improvements shall be installed in the area that is currently designed as an access apron.
  - c) To maintain a curb cut onto Chinden the following shall be provided:
    - i) Documentation from the Idaho Transportation Department recommending that ingress/egress onto Chinden Boulevard remain.
11. A 12-foot-wide concrete sidewalk with 5-foot x 8-foot tree wells for Class II or III street trees shall be installed adjacent to W. Chinden Boulevard upon approval of ITD.
12. If ITD cannot approve the streetscapes in condition number #11, then the applicant shall work with staff and ITD to develop a suitable bicycle and

pedestrian-oriented streetscape in conformance with Garden City Code, Garden City Sidewalk Policy, Idaho Transportation Department, and ADA standards.

13. The proposed trash enclosure located on the Riverside Hotel property shall meet all applicable Garden City Codes and submit required permits at the time of development. The trash enclosure shall be complete prior to the occupancy permit for 3100 W. Chinden being granted.
14. The bicycle and pedestrian pathway as proposed shall be resubmitted for further review once further plans are developed. These plans shall ensure that the existing archway/access in the existing fence line between Ada County Tax Parcel R2734542060 and R2734541997 is preserved and directly accessible from the southeast with appropriate curb cuts. The pathway, landscaping, and lighting shall be installed prior to the occupancy permit for 3100 W. Chinden being granted.

15. At least fourteen (14) bicycle parking spaces shall be provided on-site.

~~15-16.~~ The northwest boundary of the subject property shall be fenced.

#### Site-Specific Requirements for the Duration of the Use:

1. No outside activity or event shall be allowed on the site, except as allowed through a Conditional Use Permit that considers the public health and welfare, the interests of adjoining property owners, odor, noise, traffic, and vehicular and pedestrian safety.
2. The operator shall have a continuing obligation to comply with all city, county, and state regulations relative to such an operation.
3. All streets and driveways shall adhere to the standards of a clear vision triangle.
4. If the parking area is intended to be used after daylight hours, the parking area shall be properly illuminated. Any lights used to illuminate parking lots shall be arranged to reflect the light away from the adjoining property and be on a motion detector or timer.

#### **General Requirements:**

1. This review and approval are 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 the 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 that 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 the Certificates of Occupancy.
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 a Certificate of Occupancy is a criminal offense.
  29. The date of action may be a different date than the applicant is provided with a signed copy of the decision.
  30. This approval shall expire one (1) year from its approval unless otherwise extended as allowed by Garden City Code.
  31. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.
  32. Final decisions are subject to judicial review pursuant to The Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code.
  33. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the final decision and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought.
  34. A takings analysis pursuant to Idaho Code may be requested on final decisions.
  35. 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.

#### **DECISION [For denial of the application and approval of the appeal]**

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the City Council hereby **VACATES/REMANDS** the staff decision and therefore **DENIES** the application, subject to the following conditions:

1. For approval of this application, the following must be done:

2. Final decisions are subject to judicial review pursuant to The Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code.
3. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the final decision and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought.
4. A takings analysis pursuant to Idaho Code may be requested on final decisions.
5. 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.

November 13, 2023

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Mayor, John G. Evans

Date