

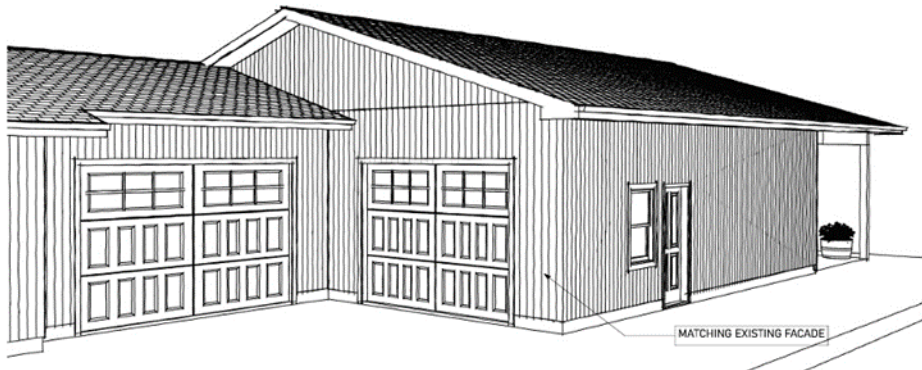


CITY OF GARDEN CITY

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File Number: CUPFY2024 - 0001
Use as Defined By GCC Title 8: Single family detached dwelling unit and Garage/shop over 1,000sqft that exceeds the principal dwelling unit square footage
Location: 4855 N. Fenton
Applicant: Kevin Vincent
Planning and Zoning Commission Hearing Date: January 17, 2024 6:30 p.m.

JOHNSON GARAGE REMODEL



STAFF REPORT

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A. Project Information

Proposed Scope of Work:

Request	Review Process
Conditional Use Permit	GCC 8-6B-2

A conditional use may be found to be appropriate or inappropriate at a given property. In some situations, conditions of approval may be required to assist the proposed use in being appropriate to a location and in conformance with code. In other situations where the use cannot be conditioned to be appropriate to the location or code, it should not be permitted.

Project Details:

- 1) Applicant: Kevin Vincent
- 2) Owner: JOHNSON JASON & TARYN FAMILY TRUST 11/16/2017
- 3) Title 8 Use and definitions:
 - a) It has been determined that the Garden City defined use that best describes the uses proposed are:
 - i) Dwelling unit, single family detached: A structure consisting only of one dwelling unit on a property.
 - ii) Private Garage: An enclosed accessory building or an accessory portion of a principal building designed for shelter or storage of vehicles, owned or operated by the occupants of the principal building.¹
- 4) Proposed Development: Addition of a garage/shop
- 5) Associated Design Review Application: DSRFY2024-0001
- 6) Site Coverage:
 - a) Building: 3,140 SF, 42 % of the site
 - b) Landscaping: Not provided
 - c) Paved Areas: Not provided
- 7) Number of Structures: 1
- 8) A sidewalk waiver has not been requested.
- 9) Closest VRT Stop:
 - a) ~0.2 mi W Chinden Blvd & W Murray St SWC

Site Conditions:

- 1) Existing Use: Dwelling unit, single family detached
- 2) Street Address: 4855 N. Fenton St.
- 3) Ada County Tax Parcel Number(s): R7334150586
- 4) Property Description: LOT 28 BLK 02 RANDALL ACRES SUB NO 04
- 5) Legal Lot of Record: Yes
- 6) Property Size: 0.17 acres
- 7) Zoning District: C-1
- 8) Zoning Overlay: None
- 9) Comprehensive Plan Land Use Map Designation:
 - a) Light Industrial Bradley Technology District
- 10) The project is in the:

¹ "Private Garage is not technically an identified use under Garden City Code 8-7A-1, however, it is a defined term under Garden City Code 8-7A-2.

-
- a) Outside of the Special Flood Hazard Area according to the 2020 adopted FIRM (the FIRM has adopted seclusion and utilizes the 2003 Flood Insurance Study).
 - b) Outside of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
- 11) Adjacent Uses:**
- a) Dwelling unit, single family detached
 - b) Vehicle service
- 12) Adjacent Zoning:** C-1
- 13) Adjacent Comprehensive Plan Designations:**
- a) Light Industrial Bradley Technology District
- 14) Easements on site:** RANDALL ACRES SUB 04 PLAT; 5' POWER AND TELEPHONE EASEMENT; 200,900,017.
- 15) Site Access:**
- a) Front: Fenton
- 16) Sidewalks:** No sidewalk
- 17) Wetlands on site:** None identified

C. Discussion

Discussion

Kevin Vincent is requesting the construction of new garage/shop addition to an existing single family detached dwelling located in the C-1 zoning district. Due to the proposed size, the garage exceeds the existing residential home, which requires a design review consultation and approval, in addition to a conditional use permit approval. Additionally, the use of a single family detached home in a C-1 zoning district is a conditional use, requiring a conditional use permit.

Staff has concerns about the nature of the new garage/shop. Due to its size, it could act as a commercial garage/shop and business. Staff has not reviewed the application under commercial standards, and any business that might otherwise operate on the subject property would and will be held responsible for obtaining proper permits and passing inspections at the time. A condition has been drafted ensuring that no commercial uses operate on the subject property without further permitting and review.

Additional Discussion:

The property is located within the C-1 Highway Commercial zoning district of Garden City which is catered towards more intense commercial activities. The property is also located within the Light Industrial Bradley Technology District designation of the Garden City Comprehensive Plan, which reflects the city's intent to maintain an area of existing industrial uses. Both these designations, especially when combined, create a neighborhood that promotes commercial uses and even more intense industrial uses as opposed to residential. The existing residential use and its garage/shop might not fit best within what the Comprehensive Plan and base zoning district has identified, but the surrounding neighborhood does currently consist of other residential homes and commercial uses.

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

D. Decision

The Planning and Zoning Commission has been provided a draft document that includes findings of fact, conclusions of law, and a decision in the affirmative and in denial. This is done to provide potential options based on the staff's review of the project. This is not intended to be a predetermined decision. All evidence will be considered, and the document may be updated based on the Planning and Zoning Commission's review of the application.

Required Decisions:

Pursuant to Garden City Code [Table 8-6A-1 Authorities and Processes](#), Planning and Zoning Commission is the final decision maker for a Conditional Use Permit. There is no recommending authority to the Planning and Zoning Commission. Pursuant to [GCC 8-6A-2A](#), The City Council shall have the authority to review any action taken by the Planning and Zoning Commission regarding Conditional Use Permits, which would be final unless appealed.

Required Findings:

To approve a conditional use permit, the Planning and Zoning Commission must find the application meets the following findings found in [GCC 8-6B-2](#):

1. The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district;
2. The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts;
3. The use will not unreasonably diminish either the health, safety or welfare of the community; and
4. The use is not in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.

Decision:

After hearing the evidence and considering the application, the decision maker shall make their decision. The decision maker shall report the facts upon which it based its conclusion, the ordinance and standards used in evaluating the application, the actions, if any, that the applicant could take to obtain a permit, and whether a permit is:

1. Granted,
2. Granted with conditions, or
3. Denied.

The decision maker may find that there is inadequate information to render a decision and may also continue the hearing for additional materials to be supplied. It is recommended that they continue the hearing to a date certain for noticing purposes.

The decision maker shall make its findings and decision no later than by the next regular scheduled meeting.

If there is a denial, state code requires that the decision maker identify what could be done to obtain approval.

Appeal of Decision:

Pursuant to 8-6A-9 Appeals, those with standing may appeal a decision within fifteen days from the date of **action**. Action is the date the Planning and Zoning Commission formalizes their decision. The Planning and Zoning Commission may formalize their decision by approving a draft decision or a draft decision with noted changes at the hearing. If additional time is needed to review the decision document for accuracy, they may continue the formalization of the decision to a subsequent meeting. The date of action may be a different date than the applicant is provided with a signed copy of the decision in accordance with Idaho Code 67-6535.

An appeal is \$210 plus the costs of transcripts and must be filed on the appeal application form provided by the City. Appeals received after the 15-day appeal period will not be considered timely and will not be accepted.

E. Agency Comments

Additional comments were made by agencies concerning associated DSRFY2024-0001 application. Please refer to the Garden City website page for more information: [LINK](#)

The following agency comments were provided for CUPFY2024-0001:

Agency	Comment Date	Summary
Garden City Engineer Link to Comment	12/23/2023	<ul style="list-style-type: none">- Prior to performing any grading on the site, the applicant must prepare and have approved by the city an erosion and sediment control plan.- Approval of the project by the North Ada County Fire and Rescue District will be required.- The applicant is responsible to verify that adequate water system supply is available to provide any fire suppression water needs. The applicant is responsible to confirm/verify that adequate sewer capacity is available and that the existing system depth is adequate to serve the site.- A site grading and drainage plan may be required. This will depend on an analysis of the net change to impervious surfaces to determine how the project fits with redevelopment standards of the city. Should the plan be necessary, it must be reviewed and approved by the city.- Depending on the result of the analysis noted above, a storm water design report and a drainage system operation and maintenance manual for handling of storm water prepared by an Idaho licensed design professional may be required.- Depending on the result of the analysis noted above, a site geotechnical report prepared by a qualified license professional may be required for the design of the onsite storm water system.

		<p>- Depending on the result of the analysis noted above, the landowner may be required to enter into an agreement with the city that will be recorded addressing mandatory maintenance of the site's storm water system.</p> <p>FEMA Flood Maps The applicant should review the original FEMA work maps (not the current adopted maps) as the city has been placed in seclusion. The current maps (June 2020) do not display the possible future risk of the flooding potential of the Boise River. If the lowest floor building elevation is below the draft map BFE, a Flood Risk Acknowledgement form will be required from the landowner/developer.</p>
Flood Control District 10 Link to Comment	12/28/2023	FCD10 has no objections or comments.
North Ada County Fire and Rescue Link to Comment	12/22/2023	- The Boise Fire Department has reviewed this application and can approve of this conditional use with the suggestion that fire sprinklers be installed throughout these buildings for future uses as these condos are large enough and have access for fueled vehicles to be moved inside of each occupancy.

F. Public Comment

There was a public comment made in association with the DSRFY2024-0001 application. Please refer to the Garden City Website for more information: [LINK](#)

G. Code/Policy Review

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

Garden City Title 8 Applicable Code Sections		
Code Section	Compliance	Analysis/ Discussion
Title 7 Building Regulations		
7-2-1 Building Code	No compliance issues as conditioned.	A building permit will be required to be completed prior to occupancy of the structure.
Title 8, Chapter 1: General Regulations		
8-1A-4 Applicability		The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
8-1B-1 Nonconforming Properties	No compliance issues noted	Legal parcel of record as described.
8-1B-2 Nonconforming Structures	No compliance issues noted	The existing garage and shop is a non-conforming structure, as it encroaches the minimum 5' setbacks. However, it is proposed for demolition, while a new

		<p>garage/shop addition is intended to replace the existing one. The new garage/shop meets setback standards.</p> <p>A ROS was not submitted as part of this application. The applicant has provided photos of measurements taken from the supposed property line (fence and center line of power poles) to the existing home's wall. Pictures show that the structure is ~5' from the property line. The existing structure may continue to be occupied, repaired, and modified so long as the construction does not further identify the nonconformity.</p> <p>The future garage and shop shall meet current setback standards of 5'.</p>
8-1B-3 Nonconforming Uses	Compliant upon approval of associated CUP	<p>A conditional use permit will be required for use of a single-family dwelling unit in the C-1 zoning district, and for proposing a garage that is over 1,000sqft and exceeds the principal dwelling unit square footage.</p> <p>See section 8-4B-3.</p>
8-1C-3 Property Maintenance Standards	Compliant as Conditioned	<p>Per 8-1C-2, this article applies to all existing residential and non-residential buildings, structures, and lands.</p> <p>In all districts, no garage, tent, trailer, fifth wheel, motor coach, recreational vehicle, travel trailer or other accessory structure shall be erected or used for living quarters or sleeping quarters outside of an approved recreational vehicle park for more than fourteen (14) consecutive days.</p> <p>A condition has been made for the duration of the use.</p>
Title 8, Chapter 2: Base Zoning District Regulations		
8-2B-1 Purpose	No compliance issues noted	<p>The purpose of the two (2) commercial districts is to provide a full range of commercial uses and services for both the residents of Garden City and the region. Location determines the type and form of commercial uses. More intense commercial activities are intended to be located along arterial streets in the highway commercial (C-1) district.</p>
8-2B-2 Allowed Uses	Compliant upon approval of CUP	<p>Single family dwelling units, detached, are conditional use within the C-1 zoning district.</p>
8-2B-3 Form Standards	Compliant as conditioned	<p>The required setbacks are: Front: 5' Interior Side:5' Rear: 5' Street side: 5'</p> <p>The allowable maximum height is: n/a</p> <p>The minimum lot size is: 3000sqft. The current lot size 0.17 acres or ~7,405 SF</p> <p>Based on an image from the Ada County Assessor website, Staff noted there may be setback encroachments and encroachment onto adjacent properties. The existing shed towards the southeast corner of the property is to be demolished. A condition has been drafted to ensure removal or relocation of this shed is done prior to occupancy.</p> <p>Aerial imagery of parcel boundaries do not align with submitted site plans. The property boundary lines appear to be closer to the structure than what</p>

		<p>the plans show. There is room for error on the arial imagery, but without a ROS to confirm boundary lines, staff is unable to determine if encroachments exist. Existing encroachments within the setbacks may remain so long as construction does not intensify the non-conformity. All new construction shall meet the 5' setback minimum.</p> <p>According to code, encroachments are permitted if it is open structures, canopies, balconies, platforms, covered patios, cornices, eaves or other projections, which do not increase the volume of space enclosed by the building and do not project into any required setback by more than two feet (2'). It is possible that the encroachment is due to the roofline.</p>
Title 8, Chapter 3: Overlay Zoning District Regulations		
8-3D Neighborhood Commercial Node	No compliance issues noted	Overlay was not requested.
Title 8, Chapter 4: Design and Development Regulations		
8-4A-3 Fences and Walls	Compliant as conditioned	<p>The size of fence is not specified in plans. Site photos submitted of existing fencing have prompted the below comments:</p> <p>Any existing fence not in conformance with code will be required to either be removed or replaced with code compliant fencing. This includes chain-link fencing, chain-link fencing with slats, barbed wire, and any other fencing material of fencing that is not a permitted fencing material per this section of code.</p> <p>There appears to be various fences along the property boundaries, of varying height and materials. All of which are not code compliant. Removal and/or replacement of all these fences shall occur prior to occupancy permits being granted. If, in the instance that a fence does not belong to the subject property owner, then an affidavit of non-ownership shall be notarized and submitted to the city.</p> <p>All fences shall be a maximum of 6' tall, unless the fence is adjacent to commercial use(s), in which case it may be 8' tall. Fences within the front yard setback can only be a maximum of 3.5' tall.</p> <p>Any fence taller than 6' tall shall obtain an approval recommendation from the design review consultants, an approval from the planning official, and an approved building permit. The existing 6' tall wooden fence along the western property boundary line is over 6' tall. The design review consultants have approved the decorative fence, and required that a building permit be submitted.</p> <p>Any future fence or wall will be required to be in compliance with code at the time of development.</p>
8-4A-4 Outdoor Lighting	Compliant as Conditioned	This proposal does not identify any outdoor lighting. Any future outdoor lighting will be required to be in compliance with code at the time of development. This will be reviewed at the time of building permit. A condition has been drafted to ensure code compliance.

8-4A-5 Outdoor Service and Equipment Areas	Compliant as Conditioned	<p>This proposal does not identify any outdoor service equipment. Any future outdoor service equipment area will be required to be in compliance with code at the time of development.</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> <p>HVAC equipment, trash dumpsters, recycling, trash compaction, and other service functions shall be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.</p> <p>A condition has been drafted to ensure code compliance is met at the time of building permit review, and prior to occupancy permits being granted.</p>
8-4A-7 Stormwater Systems	Compliant as Conditioned	<p>A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.</p> <p>The standards for stormwater integration shall apply to all site improvements and ACHD stormwater facilities. Stormwater swales incorporated into required landscape areas shall be vegetated with grass or other appropriate plant materials. Such swales shall also be designed to accommodate the required number of trees as per subsection 8-4I-4A.</p> <p>Plant materials shall be a species that are able to withstand the anticipated changes in soil wetness and moisture levels.</p>
8-4A-8 Utilities	Compliant as Conditioned	<p>All utilities for a new structure shall be installed underground. For the purposes of this section, the term "utilities" shall include, but not be limited to, electric, natural gas, water, wastewater collection, storm drainage, telephone, and cable services.</p> <p>Another draft condition of approval is provided requiring that all utilities be underground.</p>
8-4A-9 Waterways	Compliant as conditioned	<p>Pressurized irrigation shall be provided in conformance with subsection 8-5A-5H.</p>
8-4B-3 Single Family and Two-Family Attached and Detached Dwelling	Compliant upon approval of CUP and as conditioned	<p>A direct and permanent pathway that connects from the main entrance of the home to the public sidewalk is not proposed. This is not compliant. A condition has been drafted to ensure code compliance.</p> <p>The front entry of the residence has a front door with a covered porch and appears to be clearly visible from the front elevation. This is code compliant.</p> <p>The front façade contains windows and modulation. Compliant.</p> <p>Accessory structures and all portions of the principal structure, <u>such as an attached garage,</u> that are utilized for residential accessory uses over a combined one thousand (1,000) square feet may not exceed the combined square footage of the principal dwelling unit without a design review consultant(s) recommendation and planning official approval as set forth in section 8-6B-3 of this title and subsequent approval of a conditional use permit.</p>

Existing home SF: 1,090 SF
Proposed garage/shop SF: 2,050 SF
The new accessory structures total over 1,000 SF and exceeds the principle dwelling unit's square footage. A design review recommendation, and planning official approval is required as well as a conditional use permit for the proposed size of the garage.

A garage and carport shall be deemphasized when viewed from the public street demonstrated by one (1) of the following:

- The garage or carport shall not occupy more than fifty percent (50%) of the building line adjacent to any public street unless the garage has one (1) of the following: windows in or above the garage doors; and dormers, raised or recessed trim on the garage doors; or garage doors sized for a single automobile; and contains texture, color, and materials that match the residential structure; and
 - The garage or carport is recessed at least six feet (6') behind the front building line of the residential structure; or
 - The garage or carport is located with a side entrance.

The garage is located behind the single-family home. The part of garage facing the public street consists of a garage door with windows that match the existing building's materials.

[8-4C-5 Prohibitions](#) | No compliance issues noted | There are no visible false fronts, prefabricated structures or prohibited materials proposed with this application.

8-4D Parking and Off-Street Loading Provisions.

[8-4D-3 Parking Design and Improvement Standards](#) | Compliant as conditioned | **Vehicle parking:**

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"

The garage and shop are within the property and are designed as 90° parking.

If a parking area is located on the same lot as a single-family dwelling unit, the parking area may be located within the front yard required for such building only if parking elsewhere is not possible. **Parking is possible elsewhere either via the proposed garage or along the driveway. Parking in the front yard shall not be permitted.**

All driveways shall be dustless material, including, but not limited to, asphalt, concrete, pavers, infiltration pavers, paver bricks, or recycled asphalt. **Single-family residential uses may provide a substitute surface material where it can be demonstrated that the materials do not generate dust. The applicant has stated that the driveway will be paved. A condition has been drafted to ensure that at code minimums are met.**

		All parking and loading zones shall provide proper drainage of surface water to prevent the flow of water onto adjacent properties, walkways, or streets. Condition has been drafted.		
8-4D-4 Parking Use Standards	No compliance issues noted	No use shall provide less than the minimum spaces required by this article.		
8-4D-5 Required Number of Off-Street Parking Spaces	No compliance issues noted	Dwelling Type	Required Parking Spaces Per Each Dwelling Unit (Including Covered And Uncovered)	Required Covered Parking Per Each Dwelling Unit
		More than 1 bedroom	2	1
		Parking Required: 2 with 1 being covered. Parking Provided: 2 with 2 being covered. <i>*The site provides an enclosed standard 2 car garage, in addition to a large garage/shop that can accommodate more vehicular parking. The driveway also provides parking spaces.</i>		
8-4D-6 Standards for Equivalent Parking Adjustments	No compliance issues noted	Equivalent parking was not requested.		
8-4E Transportation and Connectivity Provisions				
8-4E-3 Public Street Connections	Compliant as conditioned	There is a general condition of approval requiring that all streets and driveways shall adhere to the standards of a clear vision triangle at all times. Demonstration of compliance with the clear vision triangle will be required prior to building permit issuance.		
8-4E-4 Internal Circulation Standards	No compliance issues noted			
8-4E-6 Sidewalk Standards	Compliant as Conditioned	Sidewalks shall be required along public rights-of-way intended for vehicular travel. <ul style="list-style-type: none"> • All sidewalks shall be a minimum of five feet (5'). • Detached sidewalks shall be required with a 6' or 8' landscape buffer between the Fenton right-of-way and front of sidewalk, to allow for the two Class II or III street trees . • Sidewalks shall be designed to flare around mailboxes, utility boxes and other impediments to pedestrian circulation to maintain a minimum five feet (5') of travel width. • Coordination with ACHD will be required. <p>There is currently a drainage canal on site, about 19'5" from the edge of Fenton pavement. ACHD has not provided a comment at this point in time to determine what improvements will be required, and what the ROW width is. Nor have they confirmed if construction within their ROW would be permitted for the sidewalk and/or landscaping can be within their ROW.</p> <p>If ACHD requires that their drainage be within the Garden City required landscape buffer, the drainage swale shall be engineered to accommodate the Class II or III street trees.</p>		

		The application will also be required to submit a Public Works and Utility application to the City for review and approval.
8-4E-8 Transit Facilities	No compliance issues noted	No transit facilities exist on or near the site, nor are any proposed.
8-4G Sustainable Development Provisions	No compliance issues noted	The development is exempt per 8-4G-2 (D).
8-4H Flood Hazard	Compliant as Conditioned	The planning official is the decision maker on items regarding 8-4H. The City highly encourages that the applicant build to the best available data identified in the FIS study due to the potential cost of flood insurance and safety concerns for the property. Should the applicant choose not to build above the base flood elevations identified in the FIS, the City will request that the applicant record a Flood Acknowledgement on the property.
8-4I Landscaping and Tree Protection Provisions		
8-4I-3 General Landscaping Standards and Irrigation Provisions	Compliant as conditioned	Due to the new garage/shop being larger than the existing dwelling unit, and increasing the gross site area by more than 25%, the applications shall comply with all provisions of this section of code.
8-4I-4 Landscaping Provisions for Specific Uses	Compliant as conditioned	Based on the approximate dimensions, the parcel has a frontage of 50 linear feet. Two class II or class III trees shall be planted with one tree located in the front yard setback. It is possible that the existing tiled canal may conflict with the front setback tree, in which case, that tree may be moved into the landscape buffer between Fenton and the sidewalk.
8-4I-5 Perimeter Landscaping Provisions	Compliant as Conditioned	Required perimeter landscaping along the common property line between an adjacent nonresidential use and a residential use or vacant residentially zoned property. There is no perimeter landscape proposed along the south boundary line which is adjacent to a car lot (commercial). Perimeter landscaping would be required in this location, however, there is an existing Idaho power telephone and utilities easement, which might prohibit trees. The easement is noted on the Randall Acres Subdivision Number 4 plat, but there are no notes regarding prohibitions. The applicant shall reach out to Idaho Power to enquire whether or not trees are permitted within their easement. Garden City Code states that only class I trees may be planted under or within ten feet of any overhead utilities. Conditions have been drafted.
8-4I-7 Tree Preservation Provisions	Compliant as conditioned	Mitigation shall be required for all existing trees four inch (4") caliper or greater that are removed or damaged from the site. Mitigation shall be replacement of the total calipers lost on site up to an amount of one hundred percent (100%) replacement. Mitigation is required for all such trees removed within eighteen (18) months prior to issuance of the building permit for construction on the site or damaged during construction.

		It appears that trees were both removed and pruned, however, it occurred longer than 18 months ago. If trees are to be removed from the site as part of this application for construction, or because trees were damaged by construction, an arborist report and caliper measurement shall occur.
Title 8, Chapter 6, Article A: Administration		
8-6A-3 General Application Process	No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application. There have been denials of an application in substantially the same form for the same use, within one (1) year.
8-6A-4 Required Application Information	N/A	
8-6A-7 Public Hearing Process	No compliance issues noted	The applicant provided a neighborhood meeting more than one month and less than three months prior to application submittal. The City provided a radius notice, notifications to agencies with jurisdiction, and ran a legal notice in the Idaho Statesman, at least 15 days prior to the first hearing. The applicant provided an affidavit of property posting more than 7 days in advance of the hearing validating that the property was posted more than 10 days prior to the hearing.

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Idaho Code 67-6512 Local Land Use Planning Special Use Permits, Conditions, and Procedures	Garden City Code noticing requirements are compliant with this Statute. The statute notes that upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those: <ol style="list-style-type: none"> (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development; (6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction. Prior to granting a special use permit, studies may be required of the social, economic, fiscal, and environmental effects and any aviation hazard as defined in section 21-501(2), Idaho Code, of the proposed special use. A special use permit shall not be considered as establishing a binding precedent to grant other special use permits. A special use permit is not transferable from one (1) parcel of land to another.

<p>Previous entitlement that might affect this project</p>	<p>DSRFY2024-0001: A Design Review Application for the proposed garage that exceeds the principle structure's square footage. The Design Review Committee approved of the new construction, thus approving the ~2,000sqft garage.</p>
<p>Garden City Comprehensive Plan</p>	<p>Idaho Code § 67-6512(a), requires that special or conditional use permits shall be issued only when “not in conflict with the [comprehensive] plan.” The reason for the special treatment of conditional use permits, presumably, is that by their nature, they allow uses not in accordance with the normal zoning for an area. Thus, conditional use permits are, in essence, mini-zones. Conditional use permits are not required to be “in accordance with” the comprehensive plan. Instead, it is sufficient that they not be “in conflict” with the comprehensive plan.²</p> <p>The land use map shows generalized designations for future land uses. The map also identifies unique possibilities for land use and areas for future studies. The following is an explanation for the designations shown in the legend on the land use map. This application is in future land use designations of the Comprehensive Plan:</p> <ol style="list-style-type: none"> 1. LIGHT INDUSTRIAL BRADLEY TECHNOLOGY DISTRICT: The light industrial designation reflects an intent to maintain the area of existing industrial uses, around Bradley Street and north of Chinden. Industrial development includes: materials processing and assembly, product manufacturing, storage of finished products, and truck terminals. Manufacturing support facilities such as offices and research-related activities should also be allowed in this area, but other non-industrial uses should be limited. Major consideration in regulating industrial uses should be setbacks, buffering and landscaping from adjacent residential uses. Standards should also be directed toward control of light, glare, noise, vibration, water and air pollution; use and storage of toxic, hazardous or explosive materials; and outdoor storage and waste disposal. <p>The application may be supported by:</p> <p>Goal 1. Nurture the City</p> <ol style="list-style-type: none"> a.) 1.4 Objective: Create a premier destination place to live, work, and recreate. <p>Goal 2. Improve the City Image</p> <ol style="list-style-type: none"> a.) 2.1 Objective: Encourage new and distinctive neighborhoods. b.) Action Step 2.2.1: Enforce city codes for private property maintenance and abate nuisances, and unhealthy and unsafe conditions. c.) 2.3 Objective: Promote quality design and architecturally interesting buildings. <p>Goal 4. Emphasize the “Garden” in Garden City</p> <ol style="list-style-type: none"> a.) Action Step: 4.3.1: Continue to require sidewalks and landscaping in all development, and in major alterations and re-use of existing commercial sites. <p>Goal 6. Diversity in Housing</p> <ol style="list-style-type: none"> a) Eliminate and upgrade substandard housing. b) 6.3 Objective: Maintain the diversity of housing.

² [2022 Givens Pursley Land Use Handbook](#)

	<p>The application may not be supported by:</p> <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> a.) Action Step 2.3.7: Explore the feasibility of requiring that all utility service lines be undergrounded in new and substantial redevelopments, and when streets are re-developed. <p>Goal 4. Emphasize the “Garden” in Garden City</p> <ul style="list-style-type: none"> a.) 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art. <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> a.) 7.1. Objective: Create pedestrian and bicycle friendly connections. b.) 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.
<p>Garden City Sidewalk Policy</p>	<p>There is no existing nor proposed sidewalk. A condition has been drafted to require a sidewalk be installed in accordance with this policy.</p>
<p>Garden City Street Light Policy</p>	<p>A streetlight is installed along N. Fenton Street in accordance with the policy.</p>