



CONDITIONAL USE PERMIT

Permit info: CUPFY2024-0007
Application Date: 3/19/2024 Rec'd by: CW
FOR OFFICE USE ONLY

6015 Glenwood Street • Garden City, ID 83714 • 208.472.2921
▪ www.gardencityidaho.org • building@gardencityidaho.org

APPLICANT		PROPERTY OWNER	
Name:	David Daniel	Name:	Christine Bennett
Company:	Cleary Building Corp	Company:	Showcase Limousine
Address:	326 E. Franklin Road	Address:	209 W. 38th St.
City:	Meridian	City:	Boise
State:	ID	State:	ID
Zip:	83642	Zip:	83714
Tel.:	208-884-5700	Tel.:	208-830-9937
E-mail:	ddaniel@clearybuilding.com	E-mail:	chris@showcaselimo.com

PROPERTY AND DESIGN INFORMATION: VISIT ADA COUNTY ASSESSOR'S SITE

Site Address:	209 W. 38th St.		
Subdivision Name:	fairview Acres No. 2	Lot:	LOT 27
Tax Parcel Number:	R27 345 11461	Zoning:	C-2
Proposed Use:	Storage	Floodplain:	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

Describe the proposed use: Construct a new detached 42x30 Post frame Building for parking a transit bus in for storage.

Will you be making changes to the structure(s)? YES NO
If no, will you be changing the occupancies as defined by the IBC? YES NO

Check any that are applicable to this application: <i>*If any of the first three boxes are checked, a Design Review Application is required*</i>	X	I will build a new structure
		I will add 25% or more to the floor area of an existing building
		I will alter, replace rehabilitate or restore 25% or more of a store façade.

How is the use appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district?

We are requesting to modify/amend the existing CUP for this property to add this building. This structure falls in line with the existing CUP

Is the use supported by adequate public facilities or services such as water/sewer, schools, roads, parks, transit, fire protection and police protection?

Yes

How does the use affect the health, safety or welfare of the community?

This does not affect the community

How does the use support the goals of the Comprehensive Plan?

This new structure is to add a garage building used to park a small transit bus and store items associated with the bus.

How far is the proposed use from a pedestrian/bicycle pathway?

over 100' away

I consent to this application and hereby certify that information contained on this application and in the accompanying materials is correct to the best of my knowledge. I agree to be responsible for all application materials, fees and application correspondence with the City. I will hold harmless and indemnify the City of Garden City from any and all claims and/or causes of action from or an outcome of the issuance of a permit from the City.

Signature of the Applicant

3/13/24
(date)

Signature of the Owner

(date)

APPLICATION INFORMATION REQUIRED

NOTE: AN ELECTRONIC COPY OF THE ENTIRE APPLICATION SUBMITTAL REQUIRED
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED UNDER ANY CIRCUMSTANCES

ONE (1) HARD COPY OF EACH CHECKLIST ITEM REQUIRED:

- Compliance Statement and Statement of Intent**
- Neighborhood Map**
- Fire Flow / Ability to Serve**
- 11"x17" Site Plan**
- Irrigation/Ditch Company Authorization Letter**
- Landscape Plan**
- Photos of Site**
- Neighborhood Meeting Verification**
- Affidavit of Legal Interest**
- Waiver Request of Application Materials**
- Structural Documentation**
(if previous Certificate of Occupancy has been issued and no change to IBC occupancy is anticipated)

**Additional information may be required by staff such as a traffic/parking analysis, a use analysis or documents related specifically to a business.*



PLEASE CHECK THE FOLLOWING:

INFORMATION REQUIRED ON COMPLIANCE STATEMENT AND STATEMENT OF INTENT:

- Statement explaining how the proposed use(s) is compliant with the standards of review for the proposed application. Cite the ordinances the proposed use(s) is compliant with
- Should include purpose, scope, and intent of project
- Information concerning noxious uses, noise, vibration, and any other aspects of the use or structure that may impact adjacent properties or the surrounding community

INFORMATION REQUIRED ON NEIGHBORHOOD MAP:

- 8 1/2" x 11" size minimum
- Location of contiguous lots and lot(s) immediately across from any public or private street, building envelopes and/or existing buildings and structures at a scale not less than one inch equals one hundred feet (1" = 100')
- Impact of the proposed siting on existing buildings, structures, and/or building envelopes

INFORMATION REQUIRED ON SITE PLAN:

- Scale not less than 1" = 20'), legend, and north arrow.
- Property boundary, dimensions, setbacks and parcel size.
- Location of the proposed building, improvement, sign, fence or other structure, and the relationship to the platted building envelope and/or building zone
- Building envelope dimensions with the center of the envelope location established in relation to the property lines
- Adjacent public and private street right of way lines
- Total square footage of all proposed structures calculated for each floor. If the application is for an addition or alteration to an existing building or structure, then the new or altered portions shall be clearly indicated on the plans and the square footage of new or altered portion and the existing building shall be included in the calculations

- For uses classified as drive-through, the site plan shall demonstrate safe pedestrian and vehicular access and circulation on the site and between adjacent properties as required in Section 8-2C-13 of Title 8.

INFORMATION REQUIRED FOR IRRIGATION/DITCH AUTHORIZATION LETTER:

- Required if irrigation canal/irrigation ditch runs through property or along property lines

INFORMATION FOR NEIGHBORHOOD MEETING VERIFICATION:

- Copy of notice sent to property owners within 300' of an applicable property
- List of notice recipients with names and addresses
- Sign-up sheet from meeting

INFORMATION REQUIRED FOR WAIVER REQUEST OF APPLICATION MATERIALS:

- Statement must include a list of the application materials to be waived and an explanation for the request

STRUCTURAL DOCUMENTATION (IF NO CHANGE TO STRUCTURE OR IBC OCCUPANCY):

- Industrial treatment compliance: a statement answering the following questions:**
 - Do you or will you discharge wastewater other than domestic water from bathrooms to the City Sewer System? If yes, please describe.
 - Are floor drains present in your facility? If yes, are any chemicals stored on site in containers exceeding 1 gallon?
 - Do you or will you use fats, oils or greases in your business? If yes, do you have a grease trap/interceptor present
- One set of detailed current floor plans legibly drawn on minimum 8 1/2 X 11 plan sheet drawn to $\frac{1}{4}$ "= 1' scale (with scale noted on plans) identifying:**
 - Use and square footage per room (i.e. office, storage, restroom, etc.)
 - Primary Occupancy Classification (2018 IBC sec 303-312)
 - Occupancy Load (2018 IBC Sec 1004, table 1004.5)
 - Interior and exterior wall and opening dimensions, windows, doors, roll-up doors
 - Electrical panels interior and exterior
 - Gas meter location
 - Fire extinguisher locations and size
 - Emergency lighting locations
 - Illuminated exit sign locations
 - Fire sprinkler riser location
 - Fire alarm panel location
 - Commercial cooking operation location, including size and type of hoods and grease traps
 - Spray finishing operation location
 - Flammable or combustible product locations
 - Welding operation locations
 - Rack storage locations

Disclaimer Clause: X Denotes application information that may be waived depending on the nature of the request" found under table 8-6a-2 "required application information."



P.O. BOX 930220
VERONA, WI 53593-0220
(608) 845-9700 / Fax (608) 845-7070
ClearyBuilding.com



3/12/2024

To Whom It May Concern:

This letter is to describe the addition of 1 building being proposed at property located at 209 West 38th street Garden City, ID 83714. Legal description- Lot: 27 Block: J EXC R/W, Fairview Acres Sub NO 2. Range 2E, Section- 05, Township- 3N, Parcel # R2734511461. The property owner is Garden City Bennett Boys LLC, Christine Bennett. Current zoning: C-2, total acres: 0.686.

We are requesting to modify/ amend the existing CUP, DEV2005-00302, as this will building will be used to store only a small transit bus when not in use, along with cold storage of items associated with the business, Showcase Limousine. This building will not be used for servicing or repairing vehicles.

The new building will be 42 x 30' x 17, 1260 square feet. This will be a post frame style structure, wood framing with steel exterior. This building will be used to park a small transit bus in it, the remainder of the building being utilized as storage. There will be electricity and concrete installed in this building, no water or restrooms will be installed.

The building's use is in line with the existing building.

Colors on these buildings will be Blue sidewalls and gables, White roof and trim.

There will not be any additional employees hired with the addition of this building.

Thank you for your time and Consideration,

Sincerely,

David Daniel

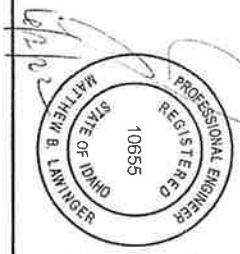
Branch Manager

Cleary Building Corp.

built with pride before the  *is applied*®

BUILDING ACCESSORY SCHEDULE	
ITEM	DESCRIPTION
1	ACCESSION FEASURES
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REVIEWED
By John Sisk at 7:16 am, Sep 09, 2022

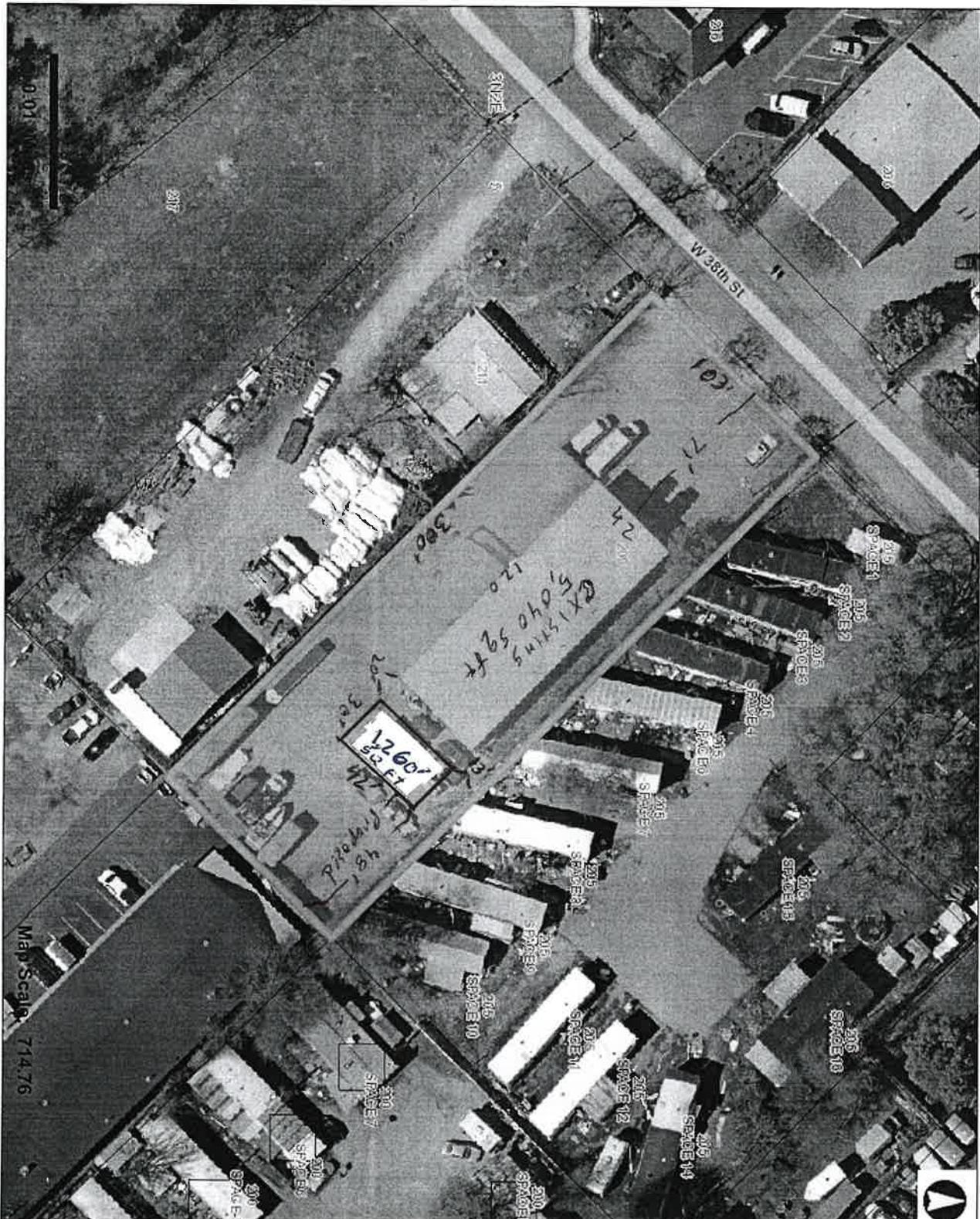


PROJECT NAME:
PORTELA, DUSTIN OR KATIE
PROJECT SITE ADDRESS:
8095 S. CLOVERDALE ROAD
BOISE, ID 83709 (ADA)
BUILDING SIZE:
36' 0" x 36' 0" x 14' 4"
SHEET NAME:
FLOOR PLAN

PROJECT NAME: PORTELA, DUSTIN OR KATIE	
PROJECT SITE ADDRESS: 8095 S. CLOVERDALE ROAD BOISE, ID 83709 (ADA)	
BUILDING SIZE: 36' 0" x 36' 0" x 14' 4"	
SHEET NAME: FLOOR PLAN	
SHEET NUMBER: 2022102036	

Ada County Assessor

This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION OR LEGAL PURPOSES.



Legend

+ Railroad
Roads (<2,000 scale)

<all other values>

Interstate
Principal Arterial
Collector
Minor Arterial
Local
Ramp

Alley
Parks
Driveway

Parks
Address

Townships

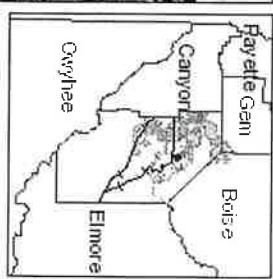
Sections

Condos

Parcels

raster_DBO_AdaOrtho

Red: Band_1
Green: Band_2
Blue: Band_3





DEVELOPMENT SERVICES DEPARTMENT

6015 Glenwood Street • Garden City, Idaho 83714 • www.gardencityidaho.org
Phone 208/472-2921 • Fax 208/472-2996 • building@gardencityidaho.org

January 16, 2024

RADIUS NOTICE REQUEST FOR ADDRESSES

Idaho Code 9-348(1)(b) prohibits the distribution or sale of mailing lists in order to protect the privacy of taxpayers. However, this list can be provided if you are requesting a list of property addresses to fulfill a requirement required by any statute, ordinance, rule, law or by any governing agency (Idaho Code 9-348(8)).

Please check the purpose below:

Land Division Conditional Use Permit

Variance Expansion of Extension of a Nonconforming Use

Zoning Ordinance Map Amendment Property Line Adjustment or Lot Split

Annexation Comprehensive Plan Amendments

Design Review Planned Unit Development

Other «Description»

Agency: City of Garden City - Development Services

Parcel Number or Address of Subject Property:

«Parcel» («Address»)

Brief Description: **Public Meeting Noticing for «Issue_»**

Applicant: **«Applicant Name»**

Address: **«Applicant Address»**

Telephone: **«Applicant Phone Number»**

The document will be emailed to you please provide email address below:

Email address: **«Email»**

Under penalty of perjury, I hereby certify that I will not be using, nor will I allow to be used in any form or manner, the records, documents, or lists obtained from the City of Garden City Development Services Office as a mailing or telephone number list for purposes other than listed above.

By:

Date:

3/19/24

ENTERPRISES LLC
108 W 37TH ST
GARDEN CITY, ID 83714

LANDON WILLIAM H JR
8518 W THUNDER MOUNTAIN DR.
BOISE, ID 83709

WILLIAM PROCTOR
109 W 38TH ST
GARDEN CITY, ID 83714

MIKE & VALLI TRUST
9342 MALAHINE DRIVE
HUNTINGTON BEACH, CA 92646

BICKFORD SIGN & AWNING LLC
112 W 38TH ST
GARDEN CITY, ID 83714

WOLFE PROPERTIES &
INVESTMENTS LLC PO BOX
140197BOISE, ID 83714-0197

CHRISTOPHER J GIEBLER
1172 WOODRIVER DRIVE
TWIN FALLS, ID 8330

JLS III LLC
PO BOX 4090
MC CALL, ID 83638

GARDEN CITY BENNETT BOYS
13599 W ENGELMANN DRIVE
BOISE, ID 83713

SETTLERS IRRIGATION DISTRICT
PO BOX 7571
BOISE, ID 83707-1571

ULTIMATE TRANSMISSION LLC
220 W 37TH ST
GARDEN CITY, ID 83714-6428

MARCH HOLDINGS LLC
PO BOX 832
MC CALL, ID 83638-0832

38TH STREET LLC
250 S 5TH ST FL 2ND
BOSIE, ID 83702

SALLY A O'LEARY
PO BOX 9263
BOISE, ID 83707

37TH MHP LLC
2950 S GIVENS WAY
MERIDIAN, ID 83642

ALLC CHRISTINE BENNETT
209 W. 38TH STREET
BOISE, ID 83714

RAY GERALD BOLINGER
4339 MARVEL LANE
EMMETT, ID 83617-9003

DODSON FAMILY HOLDINGS LLC
6273 N SERENITY LN
MERIDIAN, ID 83646

*Mailed 2/23/24
Susan Thompson*

February 23, 2024

RE: Neighborhood Meeting Notice for Project in your Neighborhood

To whom it may concern,

You are invited to a neighborhood meeting to discuss a project we are proposing near your property. The purpose of the meeting is to discuss the project, answer any questions, and listen to your feedback and suggestions.

File Number: R2734511461

Meeting Date: March 7th, 2024

Meeting Time: 6pm to 8pm

Meeting Location: 209 W. 38th Street, Garden City, Idaho

Project Summary: The application is for New Construction

The proposal is intended to be: Commercial Use. The project includes 1250 square feet of commercial space.

If you would like to contact us ahead of the meeting, please feel free to reach us at (208)-884-5700 or ddaniel@clearybuilding.com. We look forward to hearing from you.

If you provide written comments to the city seven days or more prior to the applicant's consultation with the design consultants, your comments will be reviewed as part of the application. This application's review with the City may take place as soon as 15 days after the neighborhood meeting.

Please note, that if you wish to be an interested party or have the ability to appeal you must notify the city in writing. The city will inform interested parties of any revised materials that are submitted. You cannot appeal the application unless you have standing as prescribed in Idaho Code and provide written comment to the city seven days prior to the application's formal review with the City.

Thank you,

Dave Daniel
Branch Manager
Cleary Building Corp.
326 E. Franklin Road
Meridian, ID 83642

Those who have standing may appeal the decision, provided that written comment is received by the city at least seven days prior to the consultation. Those who have not provided written comments seven days or more in advance of the consultation will not be permitted to appeal.

If you wish to be an interested party or may wish to appeal the city's decision please provide the city with the following information to the city via email planning@gardencityidaho.org or mail to Attn: Design Review 6015 Glenwood, Garden City, Idaho, 83714.

File: R2734511461

I wish to be an interested party Yes No

I wish to have the ability to appeal Yes No

Name:

Email:

Physical Address:

Which design elements are of concern:

Massing

Architectural elements

Connectivity

Landscaping

Water features

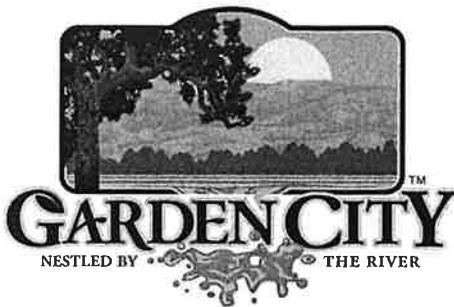
Site layout

Other

Please elaborate:

Signature

Date



6015 Glenwood Street • Garden City, Idaho 83714
Phone 208 - 472-2921 • Fax 208 - 472-2926 •
www.gardencityidaho.org

Affidavit of Neighborhood Meeting

State of Idaho)
)SS

County of Ada)

I, David Allen Daniel

Being first duly sworn upon oath, depose and say:

1. That I provided the attached notice to all individuals owning property within 300' of 209 W. 38th STREET (project address) Garden City, Idaho.
2. The list of individuals that I sent the notice to include all entities that were on the 300' radius list provided by the city of Garden City.
3. I posted the site in accordance with the requirements found in Garden City Code 8-6A-7. B.1, affidavit thereof attached.
4. The location of the meeting was 209 W. 38th STREET.
5. The date of the meeting was: March 7, 2024, a Monday, Tuesday, Wednesday, Thursday, or Friday (please circle the day of the week). (must be a weekday not less than 10 days ahead of this submittal and not more than three months ahead of this submittal).
6. The time of the meeting was: 6 - 8 pm. (must be between 5:30pm - 8:00pm)
7. I remained on site from 6 pm to 8 pm (must be on site a minimum of 30 minutes even if no one is in attendance).
8. The attached sign-in sheet includes all attendees.

Dated this 11 day of March, 2024


Signature

Signature

Subscribed and sworn to before me the day and year first above written

~~Notary Public for Idaho~~

KEVIN L MORGAN
Notary Public - State of Idaho
Commission Number 20221731
My Commission Expires Apr 1, 2028

Residing at: Meridian, ID
My Commission expires 4-1-2026

REQUIRED ATTACHMENTS

1. Neighborhood meeting notice
2. Affidavit of posting
3. Sign in sheet

Neighborhood Meeting Sign-In Sheet

Day: Thursday

Date: March 7th, 2024

Time: 6:00 pm - 8:00 pm

Project Synopsis: Construction of a 1250 square foot Commercial Garage

Information must be written in block letters and in legible handwriting.

Example: Jane Doe, 6015 Glenwood St., Garden City, ID, 83714, planning@GARDENCITYIDAHO.ORG, YES

Name	Address (house number, street, suit, studio, if applicable)	City/State/ZIP	Email	Are you interested in having standing to object to this project? (yes/no)
Sally O'Leary	2060 W. 38th	Burnie ID 83214	Sallydawes@gmail.com	NO

GARDEN CITY PLANNING AND ZONING DEPARTMENT

Application No. DEV2005-00302

Conditional Use and Design Review

for:
Garage

by:
Curt Barber for Christene Bennett
Showcase Limousine

GARDEN CITY PLANNING AND ZONING COMMISSION
PUBLIC HEARING DATE: **October 19, 2005**



CONTENTS

Staff Report
Application
Findings of Fact, Conclusions of Law, and Decision
Elevations
Other Agency Comments



**City of Garden City
Planning and Zoning Commission Staff Report**

Hearing Date: October 19, 2005 (Item #3)

Application: DEV 2005-00312 Conditional Use and Design Review for vehicle storage and office

Applicant: Curt Barber for Christene Bennett, Showcase Limousine

Location: 207 W 38th street; Lot 27, Block J Fairview Acres No. 2; in the Area Business (C-2) Zoning District.

Project Description: The proposal is to establish a new use for the storage of vehicles for a limousine service known as "Showcase Limousine Service". The use would be conducted within a new building which would consist of five vehicle bays and a small office. Asphalt paving would surround the building with the easterly 20% of the site in gravel. Landscaping would be provided along the front and a portion of the side yards. A trash enclosure would be provided at the rear of the garage. A thirty foot wide driveway with parking at the front of the building is also proposed. Details of the site improvements are as follows:

automobile storage (5 bays)	4200 sf
office	840 sf
landscaping	2953 sf (9.8%)
parking	9 spaces

Existing Conditions: The existing 30,000 sf (0.69 acres) lot of record is currently vacant. Surrounding the property is commercial and residential development. The site to the south is residential. Commercial uses are adjacent in all other directions. Access is from West 38th street, a local two lane road. Municipal services, including water and sewer are available to the site.

Standards for Review: Standards for review of this application are as follows:

1. 8-4-1C.3 PURPOSE OF THE C-2 AREA BUSINESS DISTRICT
2. 8-4-5 MINIMUM YARD REQUIREMENTS
3. 8-5B-3 DESIGN REVIEW CONSIDERATION
4. 8-7-4 SUPPLEMENTAL PROVISIONS FOR COMMERCIAL AND INDUSTRIAL USES
5. 8-7-6 LANDSCAPING AND PEDESTRIAN SIDEWALK REQUIREMENTS FOR COMMERCIAL USES
6. 8-8 PARKING REQUIREMENTS

7. 8-10 SPECIAL USES

Staff Analysis:

8-4 Zoning District Requirements: The proposed use is consistent with the purpose of the C-2 General Business Use. The use has infrequent customers and is located within a block of a primary arterial, Chinden Boulevard. The use is classified by the Schedule of District Regulations, as "office" and "automobile storage facility". Office is permitted use in the C-2 District. Automobile storage facility is allowed in the district through the approval of a conditional or special use permit.

The proposal meet the dimensional requirements of the C-2 District as follows:

REQUIREMENT	STANDARD	PROPOSED
Maximum height	55'	12'
Front setback	20'	76'
Rear setback	5'	104'
Side setback-north	5'	5'
Side setback-south	5'	48'
Minimum lot area	3,000 sf	30,000 sf

8-5B-3 Design Review Consideration: As a commercial development, the proposal is subject to the criteria for design review.

1. **Traffic Safety and Congestion:** Access to the site is from West 38th Street, a local, dead end street, and one block south of Chinden Boulevard. With this location and direct access to a state highway, vehicles from the site can have access to their customers with minimal impact on contiguous streets.

Site access would be provided by a thirty (30) foot wide driveway along the south property line. The driveway would provide access to the nine (9) parking spaces located in front of the building and the five (5) garage bays located within the building. Forty-eight (48) feet of pavement, between the building and the property line provides sufficient area for maneuvering vehicles.

2. **Landscaping:** There are no existing landscaping features on the site. A landscape plan showing location, type of species and size has been provided. The landscape areas are provided primarily around the parking area and at the front of the building and site. The plant materials include unspecified evergreen and deciduous trees, shrubs, and turf.
3. **Buildings and Site layout:** The site design includes an access driveway along the south property line with an office/garage building parallel to the drive. The office portion of the building is located in the front of the building with a door and windows facing the street. The area around the building would be covered in asphalt.

Building elevations have been provided. The building would be primarily metal with a metal roof painted light blue, metal grey sides, and a light grey stucco front elevation with rock base.

4. **Outdoor advertising:** Signs for the building have not been submitted.
5. **Drainage:** Further details on the drainage system needs to be provided to ensure that storm and surface water are adequately managed.

8-7-4 Supplemental Provisions for Commercial and industrial uses: The proposed use involves the storage, repair and maintenance of vehicles. The primary issues related to this use and the standards of this code provision are the use and storage of flammable or hazardous materials and potential water pollution from cleaning the vehicles. Conditions of approval have been included to address these issues.

8-7-6 Landscaping and Pedestrian Sidewalk Requirements for Commercial Uses: The landscape area includes 2953 sf representing 9.8% of the site and meeting the 5% requirement of the code. The coverage of living plant material appears to be less than fifty percent, as required by code. A conditional of approval is that more and the type of plant material be provided. The landscape area is concentrated in the front of the site. Conditions of approval have been recommended for irrigation and maintenance of the landscape areas.

No pedestrian sidewalk has been shown on the site plan as required by section 8-7-6D of the Code.

8-8 Parking Requirements

USE	PARKING STANDARD	REQUIRED	PROVIDED
office	1 space/300 sf	$840 \div 300 = 2.8$	
garage	2/bay	10	9

Section 8-8-2C allows for a reduction in parking where there is an adequate public transit or any other reason the parking demand is unusually low. Based on the nature of the business, the site plan which includes ample paved area, and the location of the site within one block from Chinden Boulevard, there appears to be justification for reducing the parking by four (4) spaces.

8-10 Special Uses: The proposal, classified as an automobile storage facility is a use that requires a special use permit because of the potential for off site impacts. This proposal's major potential impacts will be from the traffic, noise, and light and glare of vehicles accessing the site; and the potential storage of flammable or hazardous equipment on the site. Impacts from on site vehicle cleaning could also be an impact.

The project location mitigates the effects of these potential impacts because of the compatibility, with the exception of the single family residence to the south, of surrounding uses and the adjacency to a major arterial and state highway. A large drain field has been designated on the site plan to respond to the issues of water quality. Additional conditions of approval have also been recommended to address the potential effects from vehicles and hazardous materials.

Primary Issues: As conditioned, the proposed use is in compliance with the requirements for a conditional use permit. More details is needed on the landscaping

and a closed vision fence or wall is needed along the south property line to buffer the view, light, glare and noise from the driveway immediately adjacent to the single family residence. The site and building design is utilitarian, but probably appropriate to the proposed use of the site.

Staff Recommendation Staff would recommend approval of Application DEV 2005-00312 with the draft conditions listed in the attached Findings of Fact, Conclusions of Law and Decision.

GARDEN CITY PLANNING AND ZONING COMMISSION

**SHOWCASE LIMOUSINE) FINDINGS OF FACT, CONCLUSIONS
BARBER FOR BENNETT) OF LAW, RECOMMENDATION AND
APPLICATION #DEV 2005-00312) CONDITIONS OF APPROVAL**

This application came before the Garden City Planning and Zoning Commission for consideration on October 19, 2005. The Commission reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Commission makes the following findings of fact and conclusions of law and recommendation:

FINDINGS OF FACT

1. The applicant is Curt Barber for Christene Bennett, Showcase Limousine. The subject property is 207 W 38th street; Lot 27, Block J Fairview Acres No. 2; Garden City, Ada County, Idaho.
2. The property is a vacant, 30,000 sf (0.69 acres) lot of record in the Area Business (C-2) Zoning District.
3. The applicant is proposing is to establish a new use for the storage of vehicles for a limousine service known as "Showcase Limousine Service".
4. The following section of the Garden City Planning and Zoning Code apply to this proposal:

8-4-1C.3 PURPOSE OF THE C-2 AREA BUSINESS DISTRICT

8-4-5 MINIMUM YARD REQUIREMENTS

8-5B-3 DESIGN REVIEW CONSIDERATION

8-7-4 SUPPLEMENTAL PROVISIONS FOR COMMERCIAL AND INDUSTRIAL USES

8-7-6 LANDSCAPING AND PEDESTRIAN SIDEWALK REQUIREMENTS FOR COMMERCIAL USES

8-8 PARKING REQUIREMENTS

8-10 SPECIAL USES

5. A copy of the application and map was transmitted to interested and affected public agencies and written comments were received from the North Ada County Fire Rescue District and the Ada County Highway District (ACHD), and Central District Health Department.. All written correspondence is on file with the subject application.
6. A public hearing notice for the proposed conditional use permit/design review application was provided on October 3, 2005 and notice was sent to all property owners in compliance with the public notice requirements of Section

8-10-6 of the Garden City Municipal Code.

7. Testimony at the public hearing was received from Curt Barber representing the applicant.
8. As a commercial use with a low volume of customers, the proposal is consistent with the purpose and intent of the C-2 Zoning District. The proposed improvements for the use meet all the dimensional standards, and as conditioned, can meet the landscaping requirements as set forth in the Code.
9. This proposal's major potential impacts will be from vehicles generated from the site, including noise, light and glare; water quality; and from operation, storage of flammable or hazardous equipment. The project location mitigates the effects of these potential impacts because of the general compatibility of surrounding uses and the adjacency to a major arterial and state highway. Conditions of approval have also been recommended to address potential effects on surrounding residential uses.
10. A reduction in parking of four (4) parking spaces is acceptable because of the nature of the business, the generous area of paved surface on the site, and the location of the site within one block from Chinden Boulevard.

CONCLUSIONS OF LAW

Approval of a proposed special use is governed by Section 8-10-3 GENERAL STANDARDS APPLICABLE TO ALL SPECIAL USES of the Title 8 Planning and Zoning Code:

1. In fact, constitute a special use as established on the official schedule of district regulations for the zoning district involved.

The proposal is designated as an office and automobile storage facility, a use which is allowed use in the C-2 District subject to a special use permit.

2. Be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan and/or the zoning ordinance;

The proposal would be a low volume use with few customers and an operation that can minimize impacts on adjoining properties and streets. For these reasons the use is consistent with the commercial land use designation and policies governing commercial uses as identified in the Comprehensive Plan.

3. Be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

The proposed design of the use would be an improvement in appearance of the vacant lot. The proposed design includes an industrial style building and pavement. Conditions of approval to mitigate the impacts of vehicles accessing the site has been made to this approval. Landscaping has been provided at the front of the site to enhance the overall appearance.

4. Not be hazardous or disturbing to existing or future neighboring uses;

As conditioned, the potential hazards to surrounding properties from water pollution and hazardous materials will be mitigated.

5. Be adequately served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishment of any proposed use shall be able to adequately provide any such services;

Traffic generated by the site can be accommodated by the existing local street. The site is served by water and sewer utilities. City services including public safety, refuse and schools are available.

6. Not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

All costs for infrastructure improvements and connection will be at the developer, not the public's cost. A condition of the building permit will be the payment of impact fees to the ACHD.

7. Not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;

As conditioned, the potential for detrimental effects on surrounding properties has been minimized.

8. Have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;

The property takes access from a local street and adequate width and capacity is available on the street and access to the site to prevent any interference with surrounding properties or uses.

9. Not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

There are no natural, scenic or historic features on the site that will be lost or damaged by this proposal.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, the Garden City Planning and Zoning Commission hereby approves Conditional Use/Design Review application for Showcase Limousine (Application# **DEV 2005-00302**) and subject to the following conditions:

1. Prior to issuance of a building permit, a revised site plan shall be provided to the Planning and Zoning Department and the department shall have stamped and approved that the following changes have been made:
 - a. Fence design for the south property line of a solid or closed vision design.
 - b. Business Sign(s).
 - c. Landscaping additions which demonstrate that 50% of the landscape area is in shrubs or trees.
 - d. A five (5) foot wide pedestrian sidewalk is identified across the length of the property.
2. Prior to the issuance of a building permit, the following shall be provided and approved by the City:
 - a. All water and sewer utilities are subject to an "Ability to Serve" letter from the Public Works Director.
 - b. A storm and surface plan to manage water run-off from the property.
3. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire prevention equipment and by such safety devices that as normally used in handling such materials. Such hazards shall be stored away from adjacent activities to a distance which is compatible with the potential danger involved as specified in the Uniform Fire Code.
4. All outdoor storage of material shall be maintained in an orderly manner as to not create a public nuisance.
5. All utilities on the site, including telephone, cable television, and electrical systems shall be underground.
6. Approval is subject to the statutory requirements of other reviewing agencies.
7. The applicant and/or owner shall obtain a building permit prior to commencing any development. The design and construction of the development shall comply with the approved and stamped site plan, elevations and the Garden City Code.
8. All landscaping shall be maintained weed free and clear of undergrowth. All trees, shrubs and undercover shall be replaced if they die or become unhealthy.
9. Prior to the issuance of an occupancy permit, the applicant shall submit an irrigation system plan that includes:
 - a. All landscaping areas shall have an automatic underground sprinkler system.
 - b. The system shall be designed to provide 100% coverage with head to head or triangular spacing.
 - c. The system shall provide individual properly hydro-zoned areas for the required water needs.
10. Once construction is complete, the applicant shall request a zoning compliance inspection from the Planning and Zoning Department (472-2900). Staff will check for compliance with the approved site plan and elevation. A Certificate of Occupancy will be issued when all of the conditions have been met.

11. Approval is made subject to a 10-day appeal period to the Garden City Council.
12. This Conditional Use/Design Review approval is valid for one year from date of this approval. If a building permit has not been issued and construction commenced within that one year time, a new application shall be required.

Chairman, Planning and Zoning
Commission

Date Findings of Fact signed