



CITY OF GARDEN CITY

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File Number: CUPFY2024 - 0007
Requested Use: Storage
Use as Defined By GCC Title 8: Vehicle Rental
Location: 209 W. 38th Street
Applicant: David Daniel
Planning and Zoning Commission Hearing Date: May 15, 2024 6:30 p.m.



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: David Daniel
- 2) Owner: GARDEN CITY BENNETT BOYS LLC¹
- 3) Title 8 Use: It has been determined that the Garden City defined use that best describes the use is: vehicle rental.²
- 4) Definition of Use: Garden City Code 8-7A-1 defines this use as: "The use of a site for car share or rental of motor vehicles for short periods of time, generally ranging from a few hours to a few weeks."
- 5) The applicant proposed exterior work.

Site Conditions:

- 1) Existing Use: vehicle rental
- 2) Street Address: 209 W. 38th Street
- 3) Parcel Number(s): R2734511461
- 4) Property Description: LOT 27 BLK J EXC R/W FAIRVIEW ACRES SUB NO 2 #1460-B
- 5) Legal Lot of Record: Yes
- 6) Property Size: 0.686 acres or 29,882.16 SF
- 7) Zoning District: C-2 General commercial
- 8) Zoning Overlay(s): Neighborhood Commercial Node (*partially located in this area*)
- 9) Comprehensive Plan Land Use Map Designation:
 - a) Mixed Use Commercial
 - b) Activity Node: Neighborhood Destination (*partially located in this area*)
- 10) The project is in the:
 - a) 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) 100 Year of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
- 11) Surrounding Uses:
 - a) Vacant parcel
 - b) Warehouse and storage, wholesale
- 12) Adjacent Zoning: C-2
- 13) Adjacent Comprehensive Plan Designations:
 - a) Activity Node: Neighborhood Destination

¹ The owner indicated in the submitted documents and on the Ada County website is different. The Idaho Secretary of State notes that this company is inactive-dissolved.

² The previous Conditional Use and Design Review DEV2005-00302 from 2005 defines the use as the storage of vehicles. This definition no longer exists in the code, so Staff defines the current usage as vehicle rental.

b) Mixed Use Commercial

c) Green Boulevard Corridor

**14) Easements on site: EASEMENTS: FAIRVIEW ACRES SUB 02 PLAT; 200600046;
UTILITY, DRAINAGE, IRRIGATION EASEMENT**

15) Site Access:

a) Side: W 38th Street

16) Sidewalks: Sidewalks are installed and are in good repair

17) Wetlands on site: None identified

B. 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.

C. Agency Comments

The following agency comments were provided:

Agency	Comment Date	Summary
Idaho Department of Environmental Quality Link to Comment	04/23/2024	General comments provided.
Idaho Transportation Department Link to Comment	04/17/2024	ITD has reviewed the application for CUPFY2024-0007 and does not have any comments at this time.
Garden City Engineer Link to Comment	04/29/2024	<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 Ada County Highway District will be required. • Approval of the project by the North Ada County Fire and Rescue District will be required. Has the city provided a “will serve” letter for the site and the addition? Adequate fire flow needs to be assessed. Should fire flow requirements exceed those available, the land use, improvement of off-site city water lines or other efforts may be necessary to obtain approval of plans. • Any new water and sewer services, if any, must be reviewed and approved by the city’s Public Works Department. 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 if a new service is needed. • A site grading and drainage plan may be required. This will depend on an analysis of the net change to ground surfaces (native material, gravel, pavement) to determine how the project

		<p>fits with redevelopment standards of the city. Should the plan be necessary, it must be reviewed and approved by the city. We suspect a plan will be necessary. 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. Compliance with the storm water ordinance and policies of the city will be required. Drainage must be maintained onsite. 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 on-site storm water system. Said report must identify the depth to seasonal high groundwater, provide a profile of encountered soils and their infiltration rates. The report also must provide a design infiltration rate recommendation for the storm water system. The storm water design must provide for at least three feet of vertical separation between the bottom of the storm water facility and the seasonal high groundwater.</p> <ul style="list-style-type: none"> • 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. The agreement must be fully executed, have conditionally approved plans attached and be recorded by the city with final plan approval. • 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. • We note the application lists the landowner as Showcase Limousine. The Ada County Assessor has the property owner as Garden City Bennett Boys LLC. The Idaho Secretary of State notes that this company is inactive-dissolved. The listing should be brought current. A new application and affidavit of legal interest provided the city should be provided.
<p>North Ada County Fire & Rescue District Link to Comment</p>	<p>05/02/2024</p>	<p>North Ada County Fire & Rescue District has reviewed and can approve the application subject to compliance with all the applicable code requirements and conditions of approval per the International Building Code, International Fire Code, and NACFR rules. These provisions are best addressed by a licensed Architect at time of building permit application when making tenant improvements.</p>

ACHD Link to Comment	05/07/2024	The Ada County Highway District (ACHD) has reviewed the submitted application for the application referenced above and has determined that there are no improvements required to the adjacent street(s).
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D. Public Comment

The following public comments were provided:

Commenter	Comment Date	Summary
Chris J Giebler Link to Comment	04/22/2024	Support the Application

E. 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 Code Sections			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
Title 7 Building Regulations			
7-2-1 Building Code	N/A	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	
8-1B-2 Nonconforming Structures		No compliance issues noted	No comment
8-1B-3 Nonconforming Uses		No compliance issues noted	Conditional Use Permit will be required.
8-1C-3 Property Maintenance Standards		Compliant as Conditioned	Conditions have been drafted to ensure compliance is met for the duration of the use. There are no active code enforcement cases for this property.
Title 8, Chapter 2: Base Zoning District Regulations			
8-2B-1 Purpose		No compliance issues noted	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. Activities which are

			more compatible with mixed use or residential uses and minimally disruptive to the neighborhood are to be located in the general commercial (C-2) district.
8-2B-2 Allowed Uses	PZ	No compliance issues noted	Garden City Code Table 8-2B-1 requires a conditional use permit in this zone for the proposed use.
8-2B-3 Form Standards		No compliance issues noted	<p>The applicant is not proposing any exterior changes to the existing building.</p> <p>The applicant proposes the construction of a small storage facility. This building will be used to store a small transit bus. Setbacks requirement in the C-2 zoning district: Front: 5' Rear: 5' Interior Side: 5' Street Side: 5'</p> <p>The existing structure appears to meet form standards.</p> <p>The proposed structure setbacks are: Front: Unknown (5'+) Rear: 48' Side: 13'</p> <p>The submitted site plan shows setback dimensions for both the existing and proposed buildings. A building permit will be required for the new structure. Additional information regarding the setbacks will be required at the time of building permit application submittal.</p>
8-2C-42 Vehicle Rental		Not Compliant	<p>Location Standards: Vehicle rental may be appropriate on Chinden, Glenwood or State Street, which are arterial roadways; however, the use is generally not appropriate on local or collector streets unless on property designated as light industrial (LI) zoning. The property is not on Chinden, Glenwood, or State Street, nor is it in the LI zoning district.</p> <p>Building and Site Design:</p> <p>The site shall be designed in accord with chapter 4, article D, Parking And Off Street Loading Provisions, chapter 4, article E, Transportation And Connectivity Provisions, chapter 4, sections 8-4I-4, Landscaping Provisions For Specific Uses, 8-4I-5, Perimeter Landscaping Provisions, and 8-4I-6, Parking Lot Landscaping Provisions.</p> <p>There shall be no barbed wire visible from the right-of-way or adjacent properties. Chained-link fencing is not permitted adjacent to rights-of-way. There is a chain-link fence visible from the right-of way. It is located along the property boundary lines on both the north and south side of the property.</p> <p>Safe pedestrian and vehicle access and circulation on the site and between adjacent properties shall be demonstrated as follows:</p>

			<p>a. Vehicular lanes shall be sited to minimize additional vehicular traffic on site, within the surrounding uses, and on adjacent rights-of-way.</p> <p>b. A bike rack shall be provided.</p> <p>c. Direct, comfortable, and safe pedestrian connection from the public sidewalk system and the parking area to the structure shall be provided through sidewalks or pathways that are:</p> <ul style="list-style-type: none"> i. A minimum of five feet (5') in width; and ii. Americans with Disabilities Act compliant; and iii. Uninterrupted by motorized vehicles. If there is no other feasible alternative, the vehicular crossing of the path or sidewalk shall be designed in a way to visibly demonstrate that it is secondary to the pedestrian. This may be achieved by changes in materials or colors, landscaping, or other such treatments. <p>There is no pedestrian connection from the public sidewalk to the existing or proposed structure on site. Bike racks will be required per 8-4D.</p> <p>All site and vehicular lighting shall be down-shielded, screened or oriented not to encroach on any adjacent property. Conditioned.</p> <p>The design and construction of the site shall minimize the number of driveway cuts. Driveway cuts to remain.</p> <p>New construction or substantial alteration shall require:</p> <ul style="list-style-type: none"> a. All parking oriented toward the side or rear yards and not placed between the street right-of-way and the primary customer entrance. Existing parking lot to remain. b. Public access facing the public right-of-way. Main entrance faces 38th St. <p>Parking: Customer parking shall be provided at:</p> <ul style="list-style-type: none"> a. One (1) space for every ten (10) cars available for rent; and b. One (1) space for every three (3) pick-ups, cargo vans, or trucks available for rent. <p>Not enough information to review. Condition has been drafted. Additional parking requirements per GCC 8-4D.</p> <p>No on-street parking associated with the use is permitted.</p> <p>Limitations:</p> <ul style="list-style-type: none"> 1. This use is not the same as storage facility or yard, storage facility, self-serve, vehicle sales, vehicle service, vehicle washing facility, or vehicle wrecking yard. Activities on site that are a part of these uses shall require separate approvals.
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			<p>2. All vehicles on site shall be operable, licensed, and shall not be dismantled or partially dismantled.</p> <p>3. All vehicles and trailers to be rented shall be indoors or in a screened parking lot, and shall not to be on display to the right-of-way. Conditioned.</p>
Title 8, Chapter 4: Design and Development Regulations			
8-4A-3 Fences and Walls	PZ	Compliant as Conditioned	<p>All new fences shall be required to be in conformance with this section. Legal nonconforming fences may remain so as long as there are no significant improvements to the site or specifically conditioned in a conditional use permit.</p> <p>The use of barbed wire, razor wire, boxes, sheet metal, old or decayed wood, broken masonry blocks, chain link, chain link with slats, or other like unsightly materials for fencing shall be prohibited.</p> <p>From the submitted images of the property, it appears that the property has a chain link/chain link fence with slats installed. The applicant is not proposing to replace the fence in this application. Chain link fencing is not permitted per Garden City Code. Previous DEV2005-00302 required that the fence along the south property boundary line be of a solid or closed vision design.</p> <p>Conditions have been drafted to ensure code compliance has been met for fence material.</p>
8-4A-4 Outdoor Lighting	PZ	Compliant as Conditioned	<p>Any future outdoor lighting will be required to be in compliance with code at the time of development.</p>
8-4A-5 Outdoor Service and Equipment Areas	PZ	Compliant as Conditioned	<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>Unless fully enclosed and baffled so that no noise is detected on any adjoining property, the location of outdoor mechanical equipment shall meet the following setback requirements:</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>The applicant does not anticipate additional needs for outdoor trash enclosure or dumpster.</p> <p>The applicant did not provide information regarding the current condition or location of HVAC equipment, trash dumpsters, recycling, trash compaction, or other service functions.</p>

			Conditions have been drafted to ensure all mechanical/electrical/ HVAC equipment is screened from the public ROW. If a dumpster is required, it shall be screened from the public ROW.
8-4A-7 Stormwater Systems	PZ	Compliant as Conditioned	A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7. The City Engineer also had comments regarding the stormwater systems.
8-4A-8 Utilities	PZ	Compliant as Conditioned	Another draft condition of approval is provided requiring that all utilities be underground.
8-4A-9 Waterways	PZ	No compliance issues noted	There does not appear to be Boise River irrigation facilities to the site.

8-4D Parking and Off Street Loading Provisions

8-4D-3 Parking Design and Improvement Standards	PZ	Not Compliant	<p>The design standards as set forth in section 8-4D-3 of this chapter, Parking Design And Improvement Standards, shall apply to any new construction, significant improvement, or moving of a structure, and as required by a conditional use permit.</p> <p>Vehicle parking:</p> <table border="1" style="width: 100%; text-align: center;"> <thead> <tr> <th>Parking Angle</th> <th>Stall Width (A)</th> <th>Stall Depth (B)</th> <th>Length Per Car (C)</th> <th>Driveway Width Must also meet fire requirements</th> </tr> </thead> <tbody> <tr> <td colspan="5">Standard</td> </tr> <tr> <td>90°</td> <td>9'0"</td> <td>20'0"</td> <td>9'0"</td> <td>22'0"</td> </tr> </tbody> </table> <p>Parking Provided: 8 regular parking spaces 1 ADA parking spaces</p> <p>Dimensions are not provided. A condition has been drafted to confirm parking space sizes.</p> <p>A pedestrian route that is compliant with current Americans With Disabilities Act (ADA) standards must be provided from the parking area to each primary entrance; Also, pedestrian routes shall facilitate passage from parking spaces to the principal entrance and meet standards set forth in sections 8-4E-6 and 8-4E-7 of this chapter. Not compliant</p> <p>Parking spaces shall not be placed between the public right-of-way and the main building entrance; The previous Conditional Use and Design Review DEV2005-00302 from 2005 did not require this. The parking lot is to remain as it exists.</p>	Parking Angle	Stall Width (A)	Stall Depth (B)	Length Per Car (C)	Driveway Width Must also meet fire requirements	Standard					90°	9'0"	20'0"	9'0"	22'0"
Parking Angle	Stall Width (A)	Stall Depth (B)	Length Per Car (C)	Driveway Width Must also meet fire requirements														
Standard																		
90°	9'0"	20'0"	9'0"	22'0"														

			Bicycle parking spaces shall be in conformance with this section of code. Bicycle parking is not provided.
8-4D-4 Parking Use Standards	PZ	No compliance issues noted	The previous Conditional Use and Design Review DEV2005-00302 from 2005 required 13 vehicle parking spaces. However, fewer vehicle parking spaces were approved. The condition was as follows: "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. "
8-4D-5 Required Number of Off-Street Parking Spaces	PZ	Compliant as Conditioned	Vehicular Parking: Vehicle Rental is considered a low use, which requires 1 space per every 2,000 gross square feet. Required: 5,040 SF (existing building) +1,260 SF (proposed building) /2,000 SF= 3 parking spaces Provided: 9 parking spaces No additional vehicle parking is required per this section of code. However, refer to section 8-2C-42 for additional parking requirements. Bicycle Parking: Vehicle Rental is considered a medium use, which requires 1 space per every 4,000 gross square feet. Required: 6,300 SF (existing building + proposed building) /4,000SF= 2 bicycle parking spaces Provided: None A condition has been drafted to ensure at least 2 bicycle parking spaces are provided on-site.
8-4D-6 Standards for Equivalent Parking Adjustments	PZ	No compliance issues noted	Equivalent parking was not requested.
8-4D-7 Off Street Loading Standards	PZ	No compliance issues noted	Off Street Loading was not proposed.
8-4E Transportation and Connectivity Provisions			
8-4E-2 Applicability			This article provides design standards that shall apply to any new construction, <u>addition</u> , expansion, grading, alteration, or any new or more intense use of property.
8-4E-3 Public Street Connections	PZ	Compliant as Conditioned	There is a general condition of approval requiring that all streets and driveways shall adhere to the standards of a clear vision triangle at all times.
8-4E-4 Internal Circulation Standards	PZ	No compliance issues noted	
8-4E-6 Sidewalk Standards	PZ	No compliance issues noted	There is an existing attached 5' sidewalk on the subject property. There is no sidewalk on adjacent properties.

8-4E-7 Pedestrian and Bicycle Accessibility Standards	PZ	Compliant as Conditioned	<p>There is no proposed pedestrian connection on the property.</p> <p>A pathway system shall extend through the development site and connect the street sidewalk to all primary building entrances. The pathway shall be designed to connect all portions of a development in a direct manner and not involve a significant amount of out of direction travel for likely users.</p> <p>The pathway shall be free from hazards, has appropriate lighting levels, and meets the standards for ADA accessibility and be a minimum width of four feet (4'). Condition drafted.</p>
8-4E-8 Transit Facilities	PZ	No compliance issues noted	The nearest transit stop is located at: W Chinden Blvd & W 39th St SWC and W Chinden Blvd & E 39th St NEC ~ 0.3 mi
8-4I Landscaping and Tree Protection Provisions			
8-4I-2 Applicability			For all new nonresidential uses, all landscaping standards of this article shall be met.
8-4I-3 General Landscaping Standards and Irrigation Provisions	PZ	Not Compliant	<p>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.</p> <p>The previous Conditional Use and Design Review DEV2005-00302 from 2005, stated that “A conditional of approval is that more and the type of plant material be provided. The decision states that “Landscaping additions which demonstrate that 50% of the landscape area is in shrubs or trees.”</p> <p>According to the photos provided, the lawn facing the right-of-way was replaced with pebbles. At least one tree was cut down. The perimeter landscape appears to be overgrown with weeds. The current state of the property does not appear to meet current code standards, nor what was previously approved.</p>
8-4I-4 Landscaping Provisions for Specific Uses	PZ	Not Compliant	<p>A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.</p> <p>Not enough information to review. Landscape plans were not provided.</p> <p>The previous Conditional Use and Design Review DEV2005-00302 from 2005, stated that “The landscape area includes 2,953 sf representing 9.8% of the site and meeting the 5% requirement of the code.”</p> <p>A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional class I tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.</p>

			<p>W. 38th St. (100 LF): Trees Required: 3 Class II or III trees. Provided: 3 trees</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. Not enough information to review.</p>
8-4I-5 Perimeter Landscaping Provisions	PZ	Not Compliant	<p>Required: Along the common property line between an adjacent nonresidential use and a residential use or vacant residentially zoned property;</p> <p>The property to the north used to be a manufacture home park, however, all homes have been removed. The lot is currently vacant.</p> <p>The lot to the south contains a residential dwelling unit. Perimeter landscaping is required along the southern property boundary line.</p> <p>Existing perimeter landscaping appears to be overgrown in Google Street View. Perimeter landscaping was required previously.</p>
8-4I-6 Parking Lot Landscaping Provisions	PZ	No compliance issues noted	Existing parking has been approved under Conditional Use and Design Review DEV2005-00302.
8-4I-7 Tree Preservation Provisions	PZ	No compliance issues noted	<p>Mitigation shall be required for all existing trees four inch (4") caliper or greater that are removed or damaged from the site.</p> <p>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.</p> <p>Previous Google Streetviews show the removal of at least one parking lot tree between 2017 and 2019. Submitted site photos support this. Mitigation is not required because removal was more than 18 months ago.</p>
Title 8, Chapter 6, Article A: Administration			
8-6A-3 General Application Process		No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
8-6A-4 Required Application Information		No compliance issues noted	No application waivers requested pursuant to 8-6A-4A
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.
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Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Idaho Code 67-6512 Local Land Use Planning Special Use Permits, Conditions, and Procedures	<p>Garden City Code noticing requirements are compliant with this Statute.</p> <p>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:</p> <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. <p>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	DEV2005-00302 – Previous conditional use permit and design review for a Garage for Showcase Limousine.
Garden City Comprehensive Plan	<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.³</p> <p>This application is in future land use designations of the Comprehensive Plan:</p> <p>The land use map shows generalized designations for future land uses. The map also identifies unique possibilities for land use and areas for future studies. The following is an explanation for the designations shown in the legend on the land use map.</p>

³ [2022 Givens Pursley Land Use Handbook](#)

1. **MIXED USE COMMERCIAL:** The mixed-use commercial designation is for the area south of Adams Street. The intent of this designation is to create an area for mixed uses, including residential, office, retail, and small scale industrial, that are more urban in character than in the mixed-use residential area. Three story buildings and 40%- 60% lot coverage, with aggregated open spaces for pocket parks should guide the development pattern in this area.

2. **ACTIVITY NODE:** Activity nodes are identified on the Land Use Map for neighborhood centers, local and regional destinations, and locations in proximity to existing and future transit stations and stops. Activity centers range in size depending on their function and location. Some nodes may be centered around the intersection of major streets or extend down a street to connect major community facilities. The common characteristics of the activity nodes are a mix of uses, public spaces, compatible transition to the uses surrounding the nodes and non-motorized connections to within a quarter mile walkable area of the node center. Some nodes, especially around transit stations, would have higher density (at least 14-20 units per acre) and multi-story development (three or more stories). It is not intended that all nodes could be developed within the twenty-year period of the plan. Activity Nodes by type shown on the Land Use Map are as follows: Neighborhood and Destination Centers: The centers should be focused on uses that facilitate making the location a destination. Uses may include small scale retail, art, office, and higher density residential. Identified centers are:

- Adams and 50th Streets intersection to the Boise River
- Adams and 42nd street intersection to the Boise River.
- East city boundary to 36th street between the Boise River and Chinden Boulevard
- Glenwood and Marigold Streets intersection
- Chinden Boulevard and Garrett Street intersection
- Chinden Boulevard and 50th Street intersection
- State Street and Pierce Park Transit Oriented Development Nodes
- Chinden Boulevard and Glenwood Street intersection
- Chinden Boulevard and Veterans Parkway intersection
- State Street and Horseshoe Bend Road
- State Street and Glenwood Street

The application may be supported by:

Goal 1. Nurture the City

- 1.3 Objective: Consider the needs of all citizens, businesses and the environment.
- 1.4 Objective: Create a premier destination place to live, work, and recreate.

Goal 2. Improve the City Image

- 2.2 Objective: Uphold standards for private property maintenance with a focus on nonresidential properties.

Goal 7. Connect the City

- 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.

Goal 12. Evolve as a Destination

- 12.1 Objective: Support a positive business environment.

	<ul style="list-style-type: none"> • 12.2 Objective: Continue to support commercial and industrial land uses. • 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce. <p>The application may not be supported by:</p> <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> • 2.3 Objective: Promote quality design and architecturally interesting buildings. <p>Goal 4. Emphasize the “Garden” in Garden City</p> <ul style="list-style-type: none"> • 4.1 Objective: Beautify and landscape. • 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art. <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> • 7.1 Objective: Create pedestrian and bicycle friendly connections. <p>Goal 9. Develop a Sustainable City</p> <ul style="list-style-type: none"> • 9.3 Objective: Promote and recognize green building construction.
Garden City Sidewalk Policy	A 5-foot attached concrete sidewalk is installed as per policy.
Garden City Street Light Policy	A streetlight is installed along W. 38th Street in accordance with the policy.
Old Town Circulation Network Plan	<p>Based on the Original Town Circulation Plan the streets around the property were designated as local and microstreets.</p> <p>The terms microstreet is intended to add vehicular access to the development on the street while requiring minimal pavement. They will create smaller blocks and provide options for on-street parking to facilitate access to businesses and recreational areas. Further planning is anticipated for roads that will identify typical cross section for design which may include but not be limited to on-street parallel or diagonal, sidewalk, curb, building buffer zone, and landscaping for identified streets.</p>
Garden City Transportation Needs List	<p>38th Street and Chinden</p> <p>Install Pedestrian Hybrid Beacon and overhead lighting at the intersection of 38th Street and Chinden. Per Looking Glass Academy Garden City February 2019 recommendations.</p>