



CITY OF GARDEN CITY

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File Number: CUPFY2024 - 0010

Requested Use: Equipment Rental and Sales

Use as Defined By GCC Title 8: Equipment Rental, Sale and Service

Location: 4665 W. Chinden Blvd.

Applicant: EquipmentShare.com Inc /Givens Pursley LLP (Representative)

Planning and Zoning Commission Hearing Date: November 20, 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: EquipmentShare.com Inc /Givens Pursley LLP (Representative)
- 2) Owner: CHINDEN PROPERTIES TWO LLC
- 3) Title 8 Use: It has been determined that the Garden City defined use that best describes the use is: Equipment rental, sale, and service
- 4) Definition of Use: Garden City Code 8-7A-1 defines this use as: "The use of a site for the sale, rental or servicing of tools, trucks, tractors, construction equipment, agricultural implements, or similar industrial equipment."
- 5) The applicant proposed exterior work

Site Conditions:

- 1) Existing Use: Vacant – No Certificate of Occupancy for existing Equipment Share
- 2) Street Address: 4665 W. Chinden Blvd., Garden City, ID 83714
- 3) Parcel Number(s): R7334140005
- 4) Property Description: BLOCK A RANDALL ACRES SUB NO 3
- 5) Legal Lot of Record: Yes
- 6) Property Size: 5.195 acres
- 7) Zoning District: C-1 Highway commercial
- 8) Zoning Overlay(s): None
- 9) Comprehensive Plan Land Use Map Designation:
 - a) Green Boulevard Corridor
 - b) Mixed Use Commercial
- 10) The project is in the:
 - 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) Surrounding Uses:
 - a) Animal care facility
 - b) Vehicle sales
 - c) Vehicle service
- 12) Adjacent Zoning: C-2
- 13) Adjacent Comprehensive Plan Designations:
 - a) Mixed Use Commercial
 - b) Green Boulevard Corridor
- 14) Easements on site:

a) From GIS

- i) RA 03 PERMIT TO USE ROW; 200900016; PERMIT TO USE ROW FOR UTILITY CONSTRUCTI/MAINT

b) From Submitted Docs

- i) 10.0' POWER LINE EASEMENT; INSTRUMENT NO. 7744995

15) Site Access:

- a)** Front: W. Chinden Blvd.

- b)** Side: W. 47th Street

16) Sidewalks: No sidewalk

17) Wetlands on site: None identified

C. Discussion

History

There was a Conditional Use Permit (CUPFY2021-0010) and associated Design Review (DSRFY2022-0008) for EquipmentShare that have since expired. The DSRFY2022-0008 application was directly associated with CUPFY2021-0010, which was approved by the Planning and Zoning Commission on May 19, 2021. The CUP requested that all required improvements be delayed 18-24 months, so that a Design Review application could be reviewed and completed. The DSRFY2022-0008 application only made it through the pre-application discussion process with the Design Review Committee, with no formal approval or denial, and expired on March 7, 2023, due to inactivity.

CUPFY2021-0010 was approved with conditions on May 19, 2021, with an extension being granted by City Council on May 9, 2022. The permit expired on May 19, 2023, based on the required improvements not being installed and thus no certificate of occupancy being issued.

EquipmentShare is returning with a request for a conditional use permit to operate an Equipment Rental and Sales business. Stating that the reason for their original permit's expiration was due to ongoing and lengthy discussions with ITD and ACHD regarding the streetscape improvements.

Comprehensive Plan Analysis

In and of itself, a Comprehensive Plan is not legally binding. However, a required Conclusion of Law for conditional use permits in Garden City is that the use is in compliance with the Comprehensive Plan. In this way the Garden City Zoning Code ensures that proposed uses are not only required to be compatible with existing neighborhoods, but are also progressing the vision that the community has for those neighborhoods.

The proposed use is located in the Mixed Use Commercial and Green Boulevard Corridor designations of the Comprehensive Plan.

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.*

An Equipment Rental and Sales use may not be appropriate for this area as it does not advance urban character that lends itself to both commercial and residential uses. The use, as proposed, certainly is not aligned with desire for three story buildings at a 40-60% lot coverage. Thus, it does not meet the desired density the Comprehensive Plan has made for this area.

GREEN BOULEVARD CORRIDOR: *The state highways and arterials are identified as green boulevard corridors. This is a bold statement that these corridors should be dramatically changed from the current single purpose function for moving vehicles. The intent of this designation is to create more multi-modal characteristics on these corridors, including*

sidewalks with parkways, bus stops, landscape medians with pedestrian refuges and channelized left-turn lanes. Mobility for vehicles should be maintained, but improvements to the safety and convenience for transit and pedestrians is needed that will influence changes in the adjacent land uses. Existing uses, including commercial uses, are allowed in the corridors, but new uses which generate high volumes of vehicular traffic should be restricted. Development regulations in the corridor should include access management including number and spacing of driveways, location of parking behind the buildings and maximum setback requirements from the street.

The proposed use has the potential to improve the Green Boulevard Corridor at this location through site and design improvements. A condition of approval has been recommended to require a sidewalk and landscaping along both W. Chinden Blvd. and W. 47th Street.

Should the Commission approve this application, staff suggests that it should be adequately conditioned to not be a detriment to those who are investing or may invest in the surrounding neighborhood with projects that are more obviously in alignment with the Comprehensive Plan' goals for the area and address the traffic safety and concerns of W. Chinden Blvd. Certain examples of conditions could be related to both pedestrian comfort and connectivity as well as vehicular safety. Outdoor storage, noise, and environmental effects of the use should also be examined.

Garden City Transportation Needs List: Chinden Blvd.

Garden City understands that Chinden will always carry a high volume of traffic and supports the utilization of Chinden as a significant regional vehicular corridor but would like to ensure that the roadway improvements are done so as to reduce detrimental impacts to adjacent businesses and mobility within Garden City. Garden City has had dialogue with ITD and ACHD concerning the safety of multiple access points entering Chinden Boulevard. ITD has indicated that that for safety purposes they would prefer and endorse limiting access onto Chinden Boulevard by utilizing access points from numbered streets (47th Street).

Utilizing 47th Street to access the business will assist in the overall traffic flow of Chinden, allowing for better regional movement of traffic benefitting all the cities in Ada/ Canyon County. Tied to access management is the City's desire to redevelop Chinden as a tree lined boulevard with tree landscaped medians. Many studies have demonstrated that vertically framing in a corridor increases driver attention and reduces speeds thus reducing accidents. Studies have also demonstrated that property values and retail spending tend to dramatically increase while expenditures on energy and potential drainage needs decrease with the installation of trees.

Previous applications associated with this parcel noted that the Idaho Transportation Department (ITD) has had objections to the access along Chinden.

In order to meet the desired access management, it has been drafted in the decision document to require that at least one access point from the property to W. Chinden Blvd. be closed. It is possible that ITD will require closure of both accesses in accordance with their Chinden Access Management Plan.

At times there is overlap between design and use. Code requires that whenever a new use commences at a site, that the property be compliant with transportation and connectivity

provisions. **Garden City Sidewalk Policy** notes that sidewalk or pathway shall be detached as required by **Garden City Code 8-4E-6 E** and provide for a 6' with root barrier/ 8' without root barrier landscape buffer prescribed by ACHD's policy for Class II or III trees. The draft conditions of approval include the requirement for code compliant sidewalk and landscape buffer along W. 47th Street.

The City has come to an agreement with ITD for the section of Chinden located between 46th Street and Glenwood to have a 7' sidewalk installed along the southern side of the road with a 7' furniture/planting zone. (See Images).

The Thurman Mill Irrigation Canal goes under Chinden Boulevard at the southeast end of the property. We need to investigate whether or not sidewalk and extended curb would interfere with its function.

Landscaping and Tree Protection Provisions

This section of code states, *"For all new residential and nonresidential uses, all landscaping standards of this article shall be met."* Historically, this section of code has been interpreted to mean any new "construction". The reason for this interpretation is in context of the other applicability subsections A-F define further than what a new use would entail based on improvement thresholds. It is likely, and assumed, that the word "construction" or similar word was omitted in error. Therefore, the provisions in this section of code are not required unless the Planning and Zoning Commission were to specifically condition them.

This parcel of land has about 700ft of liner street frontage along W. Chinden and about 500ft of linear frontage along W. 47th Street. It is required to install sidewalks along these frontages which will prove extremely uncomfortable for the pedestrian if landscaping is not installed to compliment it. The site already appears to have some trees along the landscaped area of W. Chinden (the exact amount is unknown as there was not a landscape plan submitted). These trees could count towards any landscape minimums required

Should the Commission approve this application, staff suggests that it should be adequately conditioned to provide the necessary landscaping to help better the streetscape for the safety and well-being of the pedestrian.

Additionally, staff is concerned with the amount of surface area that will be dedicated to the parking of the vehicles. Staff believes that the use of the lot will be acting as a large parking lot to store these vehicles. [Garden City Code 8-4I-6](#) speaks specifically to the landscaping of parking lots in that areas should be distributed throughout a parking lot to soften and screen parking lot edges, reinforce circulation routes, create pleasant pedestrian conditions and maximize shade and stormwater benefits. This section of code is applicable to any parking lot that which consists of five or more parking spaces and is to be substantially altered.

The current site plan shows that there are 17 hard surface parking spots. However, the whole site is being used as a parking lot for the equipment. Staff has conditioned that a parking plan/site layout is to be provided prior to occupancy, and that they shall park according to that parking plan.

Currently the site does not propose any landscaping within the parking lot. However, staff believes that the application should follow all parking lot landscaping standards within 8-4I-6 including but not limited to:

- Edge treatments along streets and other public spaces shall visually screen parked vehicles, but not completely obstruct views into and out of the parking lot for the purpose of supporting pedestrian safety and security.
- Landscaped areas, including islands, medians, and stormwater retention areas shall be designed within the parking lot to define major vehicle and pedestrian routes, provide shade and break up the expanse of paved areas.
- Include landscaped islands with at least one tree at the beginning and end of each parking row and to break up longer rows or highlight special features.

Should the Commission approve this application, staff suggests that it should be adequately conditioned to provide the necessary landscaping to soften and screen parking lot edges, reinforce circulation routes, create pleasant pedestrian conditions and maximize shade and stormwater benefits.

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

The following agency comments were provided:

Agency	Comment Date	Summary
Republic Services Link to Comment	10/09/2024	This property appears to currently have multiple commercial containers. If there are no changes to solid waste service area, we are fine with the plan
Ada County Highway District Link to Comment	10/14/2024	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).
Idaho Transportation Department Link to Comment	10/14/2024	<ul style="list-style-type: none">• The Idaho Transportation Department (ITD) reviewed the referenced application(s) and has the following comments: 1. Per the applicant's narrative and ITD's records, the Transportation Department had previously approved civil plans for Equipment Share on October 19, 2023. The accepted civil design had one approved approach on US 20/26, approximately 180' east of the intersection of W. 47th St. & US 20/26. Since updated plans were not included with the application, ITD will require the applicant to submit civil improvement plans to match what was previously approved for this business.• ITD reserves the right to make further comments upon review of the submitted documents.
Garden City Engineer Link to Comment Link to Comment	10/28/2024 11/12/2024	<ul style="list-style-type: none">• Potential conflict of interest – Joe Canning.• Detailed construction plans for any required or proposed improvements should be submitted for review and approval.• Shall comply with requirements of all agencies having jurisdiction including ACHD, ITD, and Thurman Mill.

Department of Environmental Quality Link to Comment	10/23/2024	<ul style="list-style-type: none"> General comments
ACHD Link to Comment	10/14/2024	<ul style="list-style-type: none"> Traffic impact fee required Driveway approach request required for any proposed driveways Obtain a permit for work within the right-of-way. No improvements required on adjacent streets.

F. Public Comment

None provided as of the drafting of this document.

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 Code Sections			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
Title 7 Building Regulations			
7-2-1 Building Code	N/A	Compliant as conditioned	The applicant is proposing to occupy an existing building without altering the structure. GCC 7-2-1 requires a building permit to be reviewed and approved prior to change in occupancy, as defined by the International Building Code. The applicant must either provide documentation that the building was built to the requested occupancy or apply for a change of occupancy through the City's Occupancy Analysis process prior to occupancy of the building. A change in occupancy may require that improvements be made to the building prior to occupancy.
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-3 Nonconforming Uses		Compliant upon approval of CUP	Conditional Use Permit approval will be required.
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. More intense commercial activities are intended to be located along arterial streets in the highway commercial (C-1) district.
8-2B-2 Allowed Uses	PZ	Compliant upon approval of this CUP	Garden City Code Table 8-2B-1 requires a conditional use permit in this zone for the proposed use.
8-2B-3 Form Standards	PZ	No compliance issues noted	The applicant is not proposing any exterior changes to the building.

			Setbacks within the C-1 Zoning District are 5' on all sides.
8-2C	PZ	Compliant as Conditioned	<p>Limitations:</p> <ol style="list-style-type: none"> 1. All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure. 2. All equipment repairs shall be limited to between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., Monday through Saturday. 3. Damaged or wrecked equipment shall not be stored on site for purposes other than repair. 4. All equipment shall be parked on site and not in adjoining streets or alleys. 5. All discarded vehicle parts or equipment, or permanently disabled, dismantled, or junked vehicles shall be removed from the premises within thirty (30) days of arrival. <p>Site Design: All new structures constructed for equipment repair shall be constructed so that the entrances to individual workstation/service bays do not face abutting residential parcels or the public rights of way.</p> <p>Maintenance: All paved and unpaved areas shall be maintained grease and oil free.</p>
Title 8, Chapter 4: Design and Development Regulations			
8-4A-3 Fences and Walls	PZ	Compliant as Conditioned	<p>The submitted plans show the maintenance of chain-link fencing.</p> <p>Chain link fencing is a prohibited fencing material. A condition of approval has been drafted for the removal of all existing chain link fencing. If the applicant wishes to replace the fencing, it shall be of permitted fencing materials.</p>
8-4A-4 Outdoor Lighting	PZ	Compliant as Conditioned	Compliance with this section of code has been drafted as a condition of approval.
8-4A-5 Outdoor Service and Equipment Areas	PZ	Compliant as Conditioned	Compliance with this section of code has been drafted as a condition of approval.
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 and all other stormwater management policies.
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	<p>The Thurman Mill Canal runs adjacent to this property along the southern and eastern property boundary lines.</p> <p>The canal may interfere with the required sidewalks along W. Chinden Blvd. in which case permission from the Thurman Mill Irrigation District will need to grant permission for the construction of the required streetscape.</p> <p>The canal is to remain open in all locations other than where in conflict with the sidewalk.</p> <p>If fencing is installed along the canal, it shall be an open vision fence, privacy fencing is prohibited. All fencing shall be approved by the irrigation/drainage district.</p>
8-4D Parking and Off Street Loading Provisions New parking code per Ord. 1034-22 Adopted June 12, 2023			
8-4D-3 Parking Design and Improvement Standards	PZ	No compliance issues noted	The design standards as set forth in section 8-4D-3, "Parking Design And Improvement Standards", shall apply to any new construction, alteration, or moving of a structure or <u>any new or more intense use of property</u> .
8-4D-4 Parking Use Standards	PZ	No compliance issues noted	Upon any change of use, the number of vehicle parking spaces to be provided shall be calculated according to the requirements for the new use.
8-4D-5 Required Number of Off-Street Parking Spaces	PZ	Compliant as Conditioned	<p><u>Number of spaces required:</u> 1 space per every 1,000 gross square feet On-site Structure(s): 1,825sqft + 2,941sqft = 4,766sqft Required: 5 Provided: 17</p> <p><u>Note number of bike spaces required:</u> 1 space per every 1,000 gross square feet On-site Structure(s): 1,825sqft + 2,941sqft = 4,766sqft Required: 5 Provided: Unknown – condition of approval has been drafted to require code compliance.</p> <p>A parking plan shall be submitted identifying the location of vehicular parking spaces.</p>
8-4D-6 Standards for Equivalent Parking Adjustments	PZ	No compliance issues noted	None requested.
8-4D-7 Off Street Loading Standards	PZ	No compliance issues noted	A loading zone was not proposed.
8-4E Transportation and Connectivity Provisions			
8-4E-2 Applicability			Provisions apply to any new construction, addition, expansion, grading, alteration, or any new or <u>more intense use of property</u> .

8-4E-3 Public Street Connections	PZ	Compliant as Conditioned	<p>Maintenance of the clear vision triangle has been drafted as a condition of approval.</p> <p>The property currently has two access points to/from Chinden Blvd. and one access point on 47th street. Access management controls, such as shared access, and/or access in variance with that specified by the transportation authority may be recommended by the city for the purpose of protecting the function, safety and functionality of the street.</p> <p>The city previously required that the 47th Street access be realigned, to which ACHD did not permit. The access as it exists is the preferred location per ACHD. The approved streetscape plans were not included as part of this application record.</p> <p>The two existing access points along W. Chinden, if maintained, could create safety hazards not only for vehicles entering and exiting the property onto W. Chinden, but for pedestrians and bicyclists utilizing the right-of-way.</p> <p>The Chinden Access Management Plan provided by ITD recognizes the closure of both accesses on W. Chinden. However, per the applicant's narrative and ITD's records, the Transportation Department had previously approved civil plans for Equipment Share on October 19, 2023. The accepted civil design had one approved approach on US 20/26, approximately 180' east of the intersection of W. 47th St. & US 20/26.</p>
8-4E-4 Internal Circulation Standards	PZ	No compliance issues noted	<p>There is a striped pedestrian pathway from W. Chinden Blvd. that was installed as a part of the previous CUP's requirements. Site plans do not show the pathway, but the submitted site photos show its connection from the Chinden ROW to the main entrance of the building.</p> <p>It is not clear as to what the future connection will look like once the Chinden ROW is improved with sidewalk.</p>
8-4E-6 Sidewalk Standards	PZ	Compliant as Conditioned	<p><u>47th Street:</u> The code requires that the applicant install a 5' wide detached sidewalk with either 6' or 8' wide landscape buffer along 47th Street. The applicant has stated that they have approved ROW streetscape plans from ACHD, however those plans were not submitted as a part of the record. A condition has been drafted to ensure code compliance is met.</p> <p><u>W. Chinden Blvd.:</u> Per the applicant's narrative and ITD's records, the Transportation Department had previously approved civil plans for Equipment Share on October 19, 2023. These plans were not submitted as part of the record.</p> <p>Since the approval of previous civil drawings, ITD and the City have entered an agreement in which a 7' sidewalk with a 5'-7' furniture/planting zone be installed. Conditions have been drafted to ensure the streetscape is installed.</p>

8-4E-7 Pedestrian and Bicycle Accessibility Standards	PZ	Compliant as Conditioned	<p>A pathway system shall extend through the development site and connect the street sidewalk to all primary building entrances.</p> <p>The Garden City Transportation Needs List identifies the potential for city wide pathway networks along canals within the city. As such, there is a potential public pathway that would lie adjacent to the Thurman Mill canal at the rear of the property boundary, for the entire length of the property.</p> <p>Site plans should acknowledge the future pathway development through pedestrian oriented features such as landscaping. A condition has been drafted to ensure the landscape is installed prior to a certificate of occupancy being granted.</p>
8-4I Landscaping and Tree Protection Provisions			
8-4I-2 Applicability			For all new residential and nonresidential uses, all landscaping standards of this article shall be met.
8-4I-3 General Landscaping Standards and Irrigation Provisions	PZ	No compliance issues noted	See Discussion for conversation on this section of code.
8-4I-4 Landscaping Provisions for Specific Uses	PZ	Compliant as Conditioned	<p>A minimum of one class II or class III tree shall be planted in the frontage and every adjacent streetside. An additional tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.</p> <p><u>W. Chinden Blvd. (700 LF):</u> Required: 1 Street + 14 Frontage = 15 trees Provided: Unknown</p> <p><u>47th St. (519 LF):</u> Required: 1 street + 10 frontage = 11 trees Provided: Unknown</p>
8-4I-5 Perimeter Landscaping Provisions	PZ	Compliant as Conditioned	Perimeter landscaping is required between other paved vehicular use areas, including driveways, and vehicle storage areas and all property lines. Perimeter landscaping would be required along the northern and western property boundary lines.
8-4I-6 Parking Lot Landscaping Provisions	PZ	No compliance issues noted	See Discussion for conversation on this section of code.
8-4I-7 Tree Preservation Provisions	PZ	Compliant as Conditioned	It does not appear that the application is to remove any existing trees. The applicant shall mitigate for removed trees or shall provide a certified arborist's certification demonstrating the trees removed were dead, dying or a hazard in accordance with GCC 8-4I-7 (Tree Preservation Provisions).
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			
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	<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 <u>21-501(2)</u>, 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	CUPFY2021-0010 – Previously approved CUP that has since expired.
Garden City Comprehensive Plan	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.¹

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:

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. **GREEN BOULEVARD CORRIDOR:** The state highways and arterials are identified as green boulevard corridors. This is a bold statement that these corridors should be dramatically changed from the current single purpose function for moving vehicles. The intent of this designation is to create more multi-modal characteristics on these corridors, including sidewalks with parkways, bus stops, landscape medians with pedestrian refuges and channelized left-turn lanes. Mobility for vehicles should be maintained, but improvements to the safety and convenience for transit and pedestrians is needed that will influence changes in the adjacent land uses. Existing uses, including commercial uses, are allowed in the corridors. New uses, including commercial uses, should be designed to encourage multi-modal over single occupancy vehicles. Uses which generate high volumes of single occupancy vehicular traffic should be restricted. Development regulations in the corridor should include access management including number and spacing of driveways, location of parking behind the buildings and maximum setback requirements from the street.

The application may be supported by:

Goal 1. Nurture the City

- 1.4 Objective: Create a premier destination place to live, work, and recreate.

Goal 2. Improve the City Image

- 2.4 Objective: Create a vision for the design of all streets and highways consistent with city’s urban setting.

Goal 4. Emphasize the “Garden” in Garden City

- 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.

Goal 7. Connect the City

- 7.1 Objective: Create pedestrian and bicycle friendly connections.
- 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.

¹ [2022 Givens Pursley Land Use Handbook](#)

	<p>Goal 12. Evolve as a Destination</p> <ul style="list-style-type: none"> • 12.1 Objective: Support a positive business environment • 12.2 Objective: Continue to support commercial and industrial land uses. <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. • 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting. <p>Goal 4. Emphasize the "Garden" in Garden City</p> <ul style="list-style-type: none"> • 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. • 7.4 Objective: Maintain and improve standards for sidewalks, curbs, and gutters.
Garden City Sidewalk Policy	Conditions drafted in the approval for the installation of sidewalks in accordance with this policy.
Garden City Street Light Policy	A streetlight is installed along E. 47th Street in accordance with the policy.
Chinden- ITD Access Management Chinden Corridor Access Map	Garden City has been putting significant efforts into identifying ways for Chinden to function better. The vehicles that are proposed at this location will likely require large turning radiuses and will also likely cause impacts to those utilizing this regional corridor. Subsequently, direct access to 47th at Goodall is suggested as the best access location to the property as this will provide the maximum potential choices for potential traffic lights in the future on Chinden either at 47 th street, Murray Street, or Ellen Street. It should be noted that none of the locations are slated for a light at this time.
Garden City Transportation Needs List	Currently Chinden Boulevard functions very poorly from a land use jurisdiction perspective. The roadway can be congested to the point that access to businesses during peak hours is severely limited and divides the portion of the City that is south (west) of Chinden from the portion of the City that is north (east) of Chinden. Additionally, the road is not safe due to the number of vehicular conflict points and lack of pedestrian and bike facilities. The addition of improvements to humanize Chinden will reduce accidents and potential for accidents, increase business access, reduce speeds, reduce police demand, provide for pedestrian movement across Chinden and increase adjacent property values.

Images

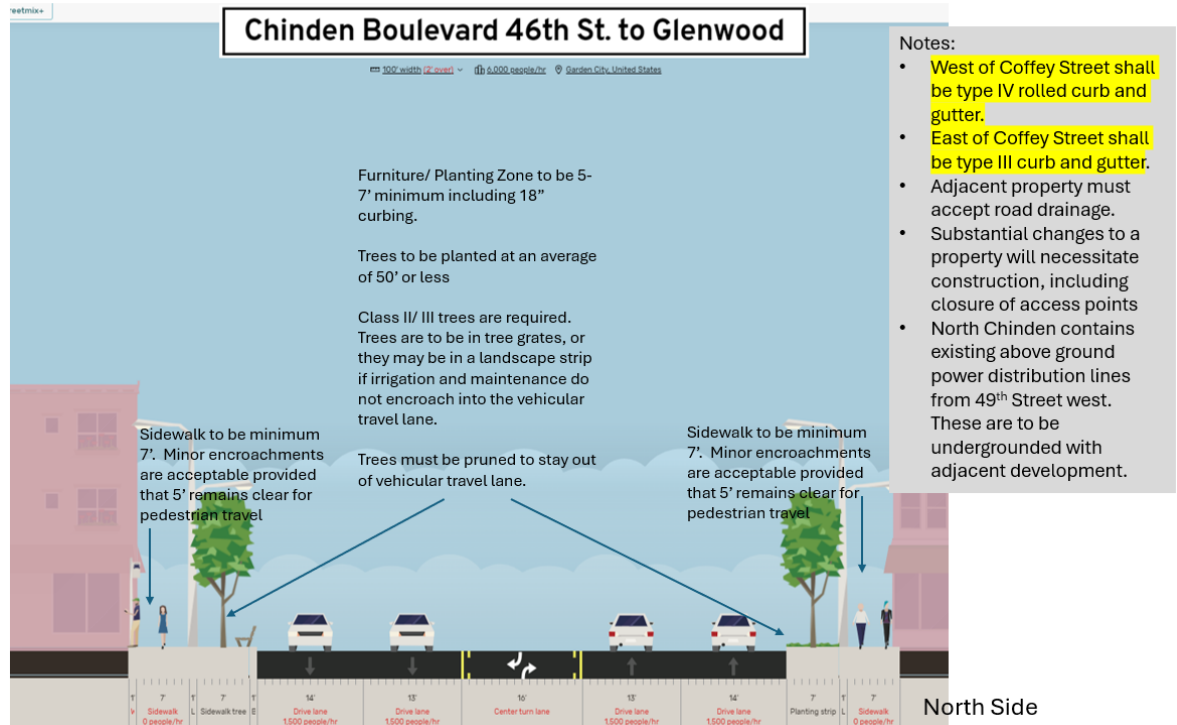


Figure 1: W. Chinden Blvd. Streetscape Required Improvements