



## CITY OF GARDEN CITY

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**File Number: CUPFY2025 - 0004**  
**Use as Defined By GCC Title 8: Drive-Through Establishment**  
**Location: 5200 W. Chinden Blvd.**  
**Applicant: Lauryn Allen & Jeff Hatch**  
**Planning and Zoning Commission Hearing Date: February 19, 2025 6:30 p.m.**



**STAFF REPORT**  
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## Table of Contents

<b>Project Information</b> .....	<b>4</b>
<b>Discussion</b> .....	<b>5</b>
<b>Decision Process</b> .....	<b>6</b>
<b>Agency Comment</b> .....	<b>7</b>
<b>Public Comment</b> .....	<b>8</b>
<b>Code/Policy Analysis</b> .....	<b>9</b>

## A. Project Information

### Proposed Scope of Work:

Request	Review Process
Conditional Use Permit	<a href="#">GCC 8-6B-2</a>

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: Lauryn Allen and Jeff Hatch
- 2) Owner: CHINDEN BUSINESS CENTER LLC
- 3) Title 8 Use: It has been determined that the Garden City defined use that best describes the use is: Drive-throug establishelement
- 4) Definition of Use: Garden City Code 8-7A-1 defines this use as: Any use that permits service to take place directly with customers located in a motor vehicle. The term "drive-through establishment" shall include, but not be limited to, providing food or beverage service, bank service, prescription drugs, and/or film processing. The term "drive-up window service" shall not include fuel sales facility or vehicle washing facility as herein defined.
- 5) The applicant has proposed exterior work, DSRFY2024-0014, which was reviewed and approved with conditions by the Design Review Consultants

### Site Conditions:

- 1) Existing Use: Vacant
- 2) Street Address: 5200 W. Chinden Blvd.
- 3) Parcel Number(s): S0631233601 & S0631233600
- 4) Property Description: PAR #3600 OF SW4NW4 OUT OF FLOOD DIST SEC 31 4N 2E #212451-S; and PAR #3601 OF NW4NW4 IN FLOOD DIST SEC 31 4N 2E #212455-S
- 5) Legal Lot of Record: Yes
- 6) Property Size: 0.7 acres
- 7) Zoning District: C-2
- 8) Zoning Overlay(s): None
- 9) Comprehensive Plan Land Use Map Designation:
  - a) Activity Node: Neighborhood Destination
  - b) Light Industrial Bradley Technology District
  - c) Green Boulevard Corridor
- 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) Drinking establishment, limited service
  - b) Retail store
- 12) Adjacent Zoning: C-2

**13) Adjacent Comprehensive Plan Designations:**

- a)** Green Boulevard Corridor
- b)** Activity Node: Neighborhood Destination
- c)** Green Boulevard Corridor
- d)** Light Industrial Bradley Technology District

**14) Easements on site:** There are no records on file with Garden City of existing easements

**15) Site Access:**

- a)** Front: E. 52<sup>nd</sup> Street
- b)** Side: W. Chinden Blvd. (exit-only)

**16) Sidewalks:** No sidewalk

**17) Wetlands on site:** None identified

## **B. Discussion**

### **Link to the associated Design Review Application Staff Report & Decision:**

DSRFY2024-0014: [https://gardencityidaho.org/vertical/sites/%7BA16794C5-94AE-4C54-B8E9-ADC537012C3F%7D/uploads/DSRFY2024-0014\\_Staff\\_Report\\_and\\_Decision\\_09252024.pdf](https://gardencityidaho.org/vertical/sites/%7BA16794C5-94AE-4C54-B8E9-ADC537012C3F%7D/uploads/DSRFY2024-0014_Staff_Report_and_Decision_09252024.pdf)

### **Distance Between Drive-Through Establishments**

According to the Garden City Code (GCC) 8-2C-13.3, "A drive-through establishment shall not be located within five hundred feet (500'), as measured by the shortest unobstructed driving route from another drive-through establishment, except where access to the drive-through is provided by internal circulation within a commercial site and does not create an additional curb cut to the arterial roadway."

While the code specifies the measurement should be based on the shortest unobstructed driving route, further clarification is needed regarding the method of measurement. Specifically, the code does not indicate whether this distance restriction applies to drive-through establishments on the same side of the road or across from each other on opposite sides.

Staff has measured the distance between the existing Dutch Bros at 5239 W. Chinden Blvd and the proposed Starbucks location. Based on this analysis, the measurement appears to comply with the code, assuming the measurement follows the shortest vehicular driving route (as depicted in [\(Image 1\)](#)). This measurement was taken from the property edge of the existing Dutch Bros to the property edge of the proposed Starbucks location. Notably, this calculation does not account for the actual drive-through access points of either establishment.

An alternative measurement method, such as drawing a direct line from the nearest property corners, would not comply with the code's intent, in staff's professional opinion. We believe the interpretation of the measurement should align with how a vehicle would navigate the area, rather than using a direct, straight-line measurement. (See included map and measurement details.)

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### **Excess Parking and Impervious Surfaces**

The site under review proposes a drive-through establishment, which typically requires only two vehicular parking spaces. However, in this case, the building is not solely a drive-through but also functions as a limited-service eating establishment with an interior café/dining area. As a 2,300-square-foot facility, the site requires a total of five parking spaces to accommodate the dining area, in accordance with the parking standards for limited-service eating establishments.

When combining the two uses—the drive-through and the eating establishment—the site must provide a minimum of seven parking spaces. (See GCC 8-4D staff analysis for detailed

calculations.) The applicant has proposed a total of 18 parking spaces, which exceeds the minimum required by the code.

GCC 8-2C-13.9 further stipulates that "Impervious surfaces shall be the minimum required to provide vehicle access, drive-through lanes, parking, and pedestrian access and seating." In this case, the proposed surplus of parking spaces raises concerns about compliance with the intent of the code, specifically regarding the amount of impervious surface on the site.

Clarification is needed on whether the code intends for impervious surfaces to be minimized only to the extent necessary for functional uses, or if the requirement dictates that the site should have the least possible impervious surface area overall.

Additionally, the submitted plans do not appear to fully meet the parking lot landscape requirements outlined in the code. Specifically, the plans do not show adequate space for tree planting, which is necessary for code compliance. Trees must be planted at least three feet (3') from curbs, sidewalks, driveways, and other hard surfaces to prevent stress caused by vehicle overhang and compacted soils.

## **C. 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 or 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.

## **D. Agency Comments**

The following agency comments were provided:

<b>Agency</b>	<b>Comment Date</b>	<b>Summary</b>
Ada County Highway District <a href="#">Link to Comment</a>	01/13/2025	<p>On December 20th, 2024, the Ada County Highway District approved GC24-0016/DSRFR2024-0014 for the development of a drive-thru coffee shop on .7 acres. The site-specific conditions of approval also apply to GC24-0016/CUPFY2025-0004.</p> <p>Comments associated with DSRFY2024-0014:</p> <ul style="list-style-type: none"><li>- Improve 52nd Street with an 8-foot wide landscape strip and 5-foot wide detached concrete sidewalk abutting the site.</li></ul>

		<ul style="list-style-type: none"> <li>- For a detached sidewalk, reduce the right-of-way to 2-feet behind back of curb and provide a permanent right-of-way easement from the right-of-way line to 2-feet behind back of sidewalk.</li> <li>- Construct a 20-foot wide, curb cut type driveway from the site onto 52nd Street, located a minimum of 150-feet from the intersection of US-20/26 and 52nd Street.</li> </ul>
Republic Services <a href="#">Link to Comment</a>	01/13/2025	<p>This enclosure location will not work as the minimum amount of room needed in front of the enclosure for swing room is 50'. We need more room so another location will need to be chosen. The enclosure needs to be a minimum of 12' x 18' with gates that swing at least 120 degrees and can be staked.</p>
Garden City Engineer <a href="#">Link to Comment</a>	01/18/2025	<p>The site plan is showing an off-site access to lands to the west. Please provide some mechanism to allow cross access. The subject site is not part of the adjoining land.</p> <p>The access point to the west is very close to the Chinden right-of-way. Please address possible safety concerns with right turns into the approach from Chinden. We recommend that a traffic engineer review the proposal and make recommendations on the configuration. We note Keynote 18 that refers to 3-foot maximum height screening wall. This wall could increase vehicle visibility concerns from the site to Chinden and from Chinden to the site.</p> <p>Other general comments made.</p>
Idaho Transportation Department <a href="#">Link to comment</a>	01/10/2025	ITD has reviewed the application transmittal for CUPFY2025-0004. The Department is currently working with the applicant to address frontage updates and site access, and therefore does not have any additional comments at this time.
North Ada County Fire and Rescue <a href="#">Link to Comment</a>	01/13/2025	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.
Department of Environmental Quality <a href="#">Link to Comment</a>	02/03/2025	General Comments.

## E. Public Comment

The following public comments were provided.

Commenter	Comment Date	Summary
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Paul Babichenko <a href="#">Link to Comment</a>	01/14/2025	Supports the application; "We are pleased to have them on the corner."
Brian Wight <a href="#">Link to Comment</a>	01/20/2025	Oppose the request.
Julie Lowe <a href="#">Link to Comment</a>	01/12/2025	Support the application.

## F. 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
<b>Title 7 Building Regulations</b>			
<a href="#">7-2-1 Building Code</a>	N/A	No compliance issues as conditioned.	A building permit will be required to be completed prior to occupancy of the structure.
<b>Title 8, Chapter 1: General Regulations</b>			
<a href="#">8-1A-4 Applicability</a>	Choose an item.	Compliant upon approval of this permit	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.
<a href="#">8-1B-3 Nonconforming Uses</a>			Contains Conditional Use Permit.
<b>Title 8, Chapter 2: Base Zoning District Regulations</b>			
8-2B-1 Purpose	PZ	No compliance issues noted	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.
<a href="#">8-2B-2 Allowed Uses</a>	PZ	Compliant upon approval of this permit	Garden City Code Table 8-2B-1 requires a conditional use permit in this zone for the proposed use.
<a href="#">8-2B-3 Form Standards</a>	PZ	No compliance issues noted	The structures and site appear to be compliant with form standards. The required setbacks are: Front: 5' Interior Side: 5' Rear: 5' Street side: 5'
8-2C	PZ	Compliant as Conditioned	A drive-through establishment may be appropriate on Chinden, Glenwood or State Street, which are arterial roadways that carry high volumes of pass-through traffic; <b>Compliant</b>  A drive-through establishment use shall not be closer than five hundred feet (500') from a residence, residential zone, park, or a school unless separated by an arterial roadway; and: a. The speaker system is located so that the sound from a speaker system is directed away from a residence, residential zone, park, or school and not audible off the site; and

		<p>b. Stacking does not create an impact off site; and</p> <p>c. Vibration, noise, odors, etc., are not allowed off site; and</p> <p>d. The use does not create a negative impact to an existing or planned pedestrian corridor; and</p> <p>e. The use does not hinder the implementation of Garden City adopted plans or policies.</p> <p><b>Compliant</b></p> <p>A drive-through establishment shall not be closer than five hundred feet (500'), as measured by the shortest unobstructed driving route from another drive-through establishment, except where access to the drive-through is provided by internal circulation within a commercial site and would not create an additional curb cut to the arterial roadway. <b>Compliant</b></p> <p>As a conditional of approval, the establishment shall identify the stacking lane, menu, and speaker location (if applicable), and window location for the conditional use permit application. <b>Provided</b></p> <p>New drive-through windows and drive aisles shall be oriented toward the side or rear yards and not placed between the street right-of-way and the primary customer entrance. <b>Compliant</b></p> <p>Vehicle lanes shall be sited to minimize vehicle congestion, blockage, or rerouting on site and within the surrounding uses. <b>Compliant</b></p> <p>Service shall be provided to those who elect to walk or bike.</p> <p>a. Service shall be available in an area that is protected from the weather and separate from vehicle stacking lanes. <b>Compliant</b></p> <p>Adequate trash receptacles shall be provided that comply with the requirements set forth in section <a href="#">8-4A-5</a>, Outdoor Service And Equipment Areas, of this title. <b>Compliant. The applicant provided a new site plan on January 15, 2025, which differs slightly from the previously approved Design Review site plan. The changes are minimal, and Republic Services has approved the new trash enclosure location.</b></p> <p>All site and vehicular lane lighting shall be down shielded, screened or oriented to prevent spillage of light on any residence, residential zone, or public roadway. <b>Compliant</b></p> <p>Stacking lanes shall be screened from view of the public right-of-way, patios and pedestrian use areas with landscaping or a combination of plantings, structures, berthing, or art to a minimum height of four feet (4') where not in conflict with a necessary clear vision triangle. <b>Compliant</b></p> <p>Design review consultant(s) recommendation to the planning official, and an approval by the planning official of the building design and site layout is required prior to a planning and zoning commission public hearing.</p>
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		<p>Safe pedestrian and vehicle access and circulation on the site and between adjacent properties shall be demonstrated as follows:</p> <ol style="list-style-type: none"> <li>A bike rack shall be provided. <b>Compliant</b></li> <li>Access for the pedestrian customer shall be provided facing the public right-of-way. <b>Compliant, pedestrian access faces E. 52<sup>nd</sup> St.</b></li> </ol> <p>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> <ol style="list-style-type: none"> <li>A minimum of five feet (5') in width; and <b>Compliant</b></li> <li>Americans with Disabilities Act compliant; and <b>Compliant</b></li> <li>Uninterrupted by motorized vehicles. <b>Compliant</b></li> </ol> <p>If there is no other feasible alternative, the vehicular crossing of the pedestrian path or sidewalk shall be designed in a way to visibly delineate and protect the pedestrian network. This may be achieved by raising the pedestrian path or sidewalk, changes in materials, colors, landscaping, or other such treatments. Signage alerting drivers to the pedestrian crossing shall be installed. <b>Pedestrian crossing on Chinden and E. 52<sup>nd</sup> St. are visibly delineated through striping. Compliant</b></p> <p>Based on the size of the drive-through and expected patronage, stacking lanes shall have sufficient capacity to prevent obstruction of the public right-of-way. <b>Stacking study provided. An old site plan was used in this study; however the data should not be impacted. Once less curb cut is proposed on 52<sup>nd</sup> Street than what is mentioned in the report.</b></p> <p>The stacking lane shall be a separate lane from the circulation lanes needed for access and parking. <b>Compliant</b></p> <p>Any stacking lane greater than one hundred feet (100') in length shall provide an escape lane. <b>Compliant</b></p> <p>The design and construction of the drive-through facilities shall minimize the number of driveway cuts. <b>Refer to the Idaho Transportation Department's comment regarding the shared access on Chinden.</b></p> <p>A curb cut for access to the drive-through establishment shall not be closer than fifty feet (50') from a public street intersection. <b>Compliant</b></p> <p>Impervious surfaces shall be the minimum required to provide vehicle access, drive-through lanes, parking, and pedestrian access and seating. <b>The site provides more parking spaces than what is required of the use. However, the proposed building contains more than just a drive through establishment, it also provides a sit-down café area which is the reason for providing additional parking spaces. See discussion.</b></p> <p>Directional signs shall be provided that indicate the entrance, exit and one-way path of drive-through lanes. <b>Compliant</b></p>
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			<p>A seating area either indoor or outdoor with temporary or permanent shelter, sufficient for a minimum of ten (10) people shall be provided. <b>Floor plans were submitted, staff is unable to determine interior seating provided. Sufficient seating provided outdoors. Compliant</b></p> <p>A minimum of one (1) outdoor trash receptacle shall be provided. <b>Not listed on provided site/landscape plans, conditioned.</b></p> <p>A restroom shall be provided for patrons. <b>Compliant</b></p> <p>To reduce vehicle emissions, signage shall be provided advising drivers to reduce vehicle idling. <b>Compliant</b></p> <p>Employees shall collect on-site and off-site litter generated by customers at least once per business day. <b>Conditioned.</b></p> <p>Service shall be provided to those who elect to walk or bike at all hours that the drive-through is in operation. <b>Conditioned.</b></p>
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#### **Title 8, Chapter 4: Design and Development Regulations**

<a href="#"><u>8-4A-3 Fences and Walls</u></a>	PZ	Not Compliant	<p>Fences within the front yard setback shall be a maximum of 3.5' or fences greater than three and one-half feet (3.5') shall be set back to be flush or behind the building frontage.</p> <p><b>The site plan shows a 4' high Gabion wall within the front setback along W. Chinden Blvd. This is not code compliant. There is conflicting information between the site plan note #17 and #18, and the construction details on sheet L-1.1. Clarification needed. The proposed height might also conflict with the clear vision triangle maximum height limits of 3'.</b></p> <p><b>There are conditions of approval set forth in DSRFY2024-0014 requiring code compliance. And the CUPFY2025-0004 decision conditions of approval refer to the DSR decision conditions.</b></p> <p>Gabion wall detailed in submittals is to be constructed with concrete, crushed stone, wire cage, rock, pressure treated wood posts, and vinyl covering/caps over the posts.</p> <p>Raised planter beds are proposed along the Chinden frontage. The planters are 2'6" tall with proposed shrubs like lavender English laurel and white flower carpet rose.</p> <p>The intent of both these features is to help screen headlight pollution from the drive-through stacking lane, and to create a more comfortable patio space.</p>
<a href="#"><u>8-4A-4 Outdoor Lighting</u></a>	PZ	No compliance issues noted	

<a href="#"><u>8-4A-5 Outdoor Service and Equipment Areas</u></a>	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>The proposed trash enclosure materials are not disclosed. Renderings show it as a CMU brick enclosure to screen the dumpster. The trash enclosure is visible from E. 52<sup>nd</sup> St. <b>New site plans submitted on January 15, 2025, show relocation of the trash enclosure and Republic Services approval.</b></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><b>Idaho power transformers and other utility boxes will require screening either via fencing or a mix of evergreen and deciduous landscaping per the Idaho Power regulations.</b></p>					
<a href="#"><u>8-4A-7 Stormwater Systems</u></a>	PZ	Compliant as Conditioned	<p>A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.</p> <p>Stormwater swales incorporated into required landscape areas shall be vegetated with grass or other appropriate plant materials. Such swales shall also be designed to accommodate the required number of trees as per subsection 8-4I-4A. If stormwater swales are required by ACHD along E. 52<sup>nd</sup> St. they shall be designed to accommodate the required street trees per code.</p> <p>Gravel, rock, or cobble stormwater facilities are not permitted on the surface of required landscape areas, unless designed as a dry creek bed or other design feature.</p>					
<a href="#"><u>8-4A-8 Utilities</u></a>	PZ	Compliant as Conditioned	<p>A condition of approval is provided requiring that <b>all utilities be underground</b>. The existing Idaho Power Lines along W. Chinden is a distribution line that shall be put underground.</p>					
<a href="#"><u>8-4A-9 Waterways</u></a>	PZ	No compliance issues noted	<p>There does not appear to be Boise River irrigation facilities at the site.</p>					
<b>8-4D Parking and Off Street Loading Provisions</b>								
<a href="#"><u>8-4D-3 Parking Design and Improvement Standards</u></a>	PZ	Compliant as Conditioned	<p>Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS</p> <table border="1"> <thead> <tr> <th>Parking Angle</th> <th>Stall Width</th> <th>Stall Depth</th> <th>Length Per Car</th> <th>Driveway Width* <u>Must also meet fire requirements</u></th> </tr> </thead> </table>	Parking Angle	Stall Width	Stall Depth	Length Per Car	Driveway Width* <u>Must also meet fire requirements</u>
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			<table border="1"> <thead> <tr> <th colspan="5">Standard</th></tr> </thead> <tbody> <tr> <td>90°</td><td>9'0"</td><td>20'0"</td><td>9'0"</td><td>22'0"</td></tr> </tbody> </table>	Standard					90°	9'0"	20'0"	9'0"	22'0"
Standard													
90°	9'0"	20'0"	9'0"	22'0"									
<b>Parking Provided:</b>													
<u>16 regular parking spaces: Compliant</u>													
Stall Width: 9'													
Stall Length: 20'													
<u>1 Handicap parking space</u>													
<b>Stall width and depth unknown</b>													
Accessible spaces shall be designed in accordance with current adopted building codes and current Americans With Disabilities Act (ADA) guidelines.													
<u>3 Compact parking spaces: Compliant</u>													
Required Width: 7'6"													
Required Length: 7'6"													
The parking lot driveway width meets the minimum 22' width.													
Surface parking lots shall not be located within forty feet (40') of an intersection. <b>Compliant.</b>													
<b>Bike parking facilities may not meet the code's bike parking space requirements. 1' wide by 3' tall shadow sun rack surface mounts are proposed. The Code requires that bike parking spaces shall be a minimum of 6' long by 2' wide. But the details of the bike parking area are not disclosed. A condition of approval is in place found in the approved DSRFY2024-0014 requiring code compliance.</b>													
<a href="#"><u>8-4D-4 Parking Use Standards</u></a>	PZ		The number of required off-street parking spaces shall be provided for any new construction, significant improvement, moving of a structure, and as required by a conditional use permit.										
<a href="#"><u>8-4D-5 Required Number of Off-Street Parking Spaces</u></a>	PZ	No compliance issues noted	<p>A Drive-through establishment use requires 1 vehicular space per every 1,000 gross square feet.</p> <p>Gross square feet of building = 2,300 sqft</p> <p>Required spaces = 2</p> <p>Spaces provided = 19</p> <p>Drive-through establishments require 1 bicycle parking space per 500 square feet.</p> <p>Required spaces = 5</p> <p>Spaces provided = 8</p> <p>The site does contain an internal sit-down dining area that would be better classified as an eating establishment limited services use. This would be considered a high parking use which requires 1 vehicular parking space per 500 gross square footage of building.</p> <p>Required spaces: 5</p> <p>Provided: 19</p>										

			<p>A maximum of thirty percent (30%) of the required parking spaces can be compact. With the minimum spaces required for the drive-through use only 1 of the required 2 parking spaces may be compact. Of the 5 required parking spaces for an eating establishment limited services use, 2 are allowed to be compact.</p> <p>7 vehicular parking spaces are required, 3 of which can be compact. Any of the 11 surplus parking spaces can be compact or regular spaces.</p> <p>The site provides adequate parking and might even be considered overparked.</p>
<a href="#"><u>8-4D-6 Standards for Equivalent Parking Adjustments</u></a>	PZ	No compliance issues noted	Not requested.
<a href="#"><u>8-4D-7 Off Street Loading Standards</u></a>	PZ	Compliant as Conditioned	Loading zone not identified on plans.
<b>8-4E Transportation and Connectivity Provisions</b>			
<a href="#"><u>8-4E-2 Applicability</u></a>			Provisions apply to any new construction, addition, expansion, grading, alteration, or any new or more intense use of property.
<a href="#"><u>8-4E-3 Public Street Connections</u></a>	PZ	Not Compliant	<p>All developments shall have approved access to a public street, in conformance with the provisions of the transportation authority.</p> <p>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>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. <b>The Gabion wall and raised planter beds at the southwest corner are within the clear vision triangle of the proposed exit lane.</b></p> <p><b>No fences higher than three feet (3') from the lowest adjacent street grade are permitted in the clear vision triangle. This requirement is stricter than the 3.5' height maximum of GCC 8-4A as discussed previously in this report. See 8-4A staff analysis.</b></p>
<a href="#"><u>8-4E-4 Internal Circulation Standards</u></a>	PZ	No compliance issues noted	<p>The driveway in the site plan has a minimum width of 20'.</p> <p>Comments have been received by Republic Services.</p> <p>There is clear pedestrian access from the public sidewalk to the entrance.</p>
<a href="#"><u>8-4E-6 Sidewalk Standards</u></a>	PZ	Compliant as Conditioned	A 5' wide detached sidewalk and at least 8' wide landscape buffer between the ROW and sidewalk is required. The landscape buffer is where the required Class II or III street

			<p>trees shall be planted. <b>Site plans show the width of the proposed landscape buffer at 12' – 8", but they do not show the required street trees per GCC 8-4I. A public pedestrian access easement will be required for the sidewalk because it is on the property, and not within the ACHD right-of-way.</b></p> <p>The City and ITD have an agreement in place regarding the streetscape improvements on the northern side of W. Chinden Blvd. between 46<sup>th</sup> St. and Glenwood. This agreement states that:</p> <ul style="list-style-type: none"> <li>- Furniture/ Planting Zone to be 5-7' minimum including 18" curbing. It is unclear how wide the planting zone proposed is.</li> <li>- Minor encroachments are acceptable provided that 5' remains clear for pedestrian travel.</li> <li>- Trees to be planted at an average of 50' or less to meet GCC 8-4I requirements.</li> <li>- Class II/ III trees are required. Two trees along the frontage are not identified.</li> <li>- Trees are to be in tree grates, or they may be in a landscape strip if irrigation and maintenance do not encroach into the vehicular travel lane.</li> </ul> <p><b>A condition of approval has been made in the associated DSRFY2024-0014 approval to ensure the Chinden frontage is developed according to this plan, and the applicant will need to work with City staff and ITD for approval.</b></p>
<a href="#"><u>8-4E-7 Pedestrian and Bicycle Accessibility Standards</u></a>	PZ	No compliance issues noted	
<b>8-4I Landscaping and Tree Protection Provisions</b>			
<a href="#"><u>8-4I-2 Applicability</u></a>			For all new residential and nonresidential uses, all landscaping standards of this article shall be met.
<a href="#"><u>8-4I-3 General Landscaping Standards and Irrigation Provisions</u></a>	PZ	Compliant as Conditioned	<p>Required landscape areas shall be at least seventy percent (70%) covered with vegetation at maturity, with mulch used under and around the plants. Required landscaped areas do not appear to show compliance. There is a note on the landscape plan stating this requirement, and <b>a condition has been made for code compliance</b>. Some of the landscaped areas are identified as "Landscape" ground cover, but it is unclear what that consists of. <b>More information is required.</b></p> <p>When five (5) or more trees are to be planted to meet the requirements of any portion of this article (including street trees, perimeter landscaping, parking lot landscaping and other landscape guidelines) a mix of species shall be provided.</p> <p>Trees Required: 3</p> <p>Landscape plan references (6) class I Amur Maple trees, (5) class I Staghorn Sumac trees, and (4) class II Turkish Filbert trees to be planted.</p>

<a href="#"><u>8-4I-4 Landscaping Provisions for Specific Uses</u></a>	PZ	Compliant as Conditioned	<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>Site Area: 30,636sqft</p> <p>Required Landscaping: 1,531sqft</p> <p>Provided Landscaping: 8,925sqft</p> <p><b>The landscape calculations include setback and perimeter landscaped areas. These areas cannot be included in the calculation. A condition of approval has been made in the associated DSRFY2024-0014 to require new plans showing compliance upon building permit submittal.</b></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 II or III tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.</p> <p>Required E. 52<sup>nd</sup> St. (170LF): 1 Frontage + 3 Street Trees</p> <p>Provided: 0 (<b>Deficient 4 trees</b>)</p> <p><b>The January 15, 2025, resubmittals continue to show lack of compliance. The applicant will be required to meet the code standards. Conditions of approval have been made in the associated DSRFY2024-0014 decision document to which this CUPFY2025-0004 decision references.</b></p> <p>Required W. Chinden (180LF): 1 Frontage + 4 Street Trees</p> <p>Provided: 3 (<b>Deficient 2 trees</b>)</p> <p><b>The January 15, 2025, resubmittals continue to show lack of compliance. The applicant will be required to meet the Chinden Streetscape frontage requirements of the ITD and Garden City Agreement. Conditions of approval have been made in the associated DSRFY2024-0014 decision document to which this CUPFY2025-0004 decision references.</b></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.</p> <p>Landscape Provided: 8,925sqft</p> <p>Trees required: 9 <b>Provided</b></p> <p>Shrubs required: 60 <b>Provided</b></p>
<a href="#"><u>8-4I-5 Perimeter Landscaping Provisions</u></a>	PZ	No compliance issues noted	See DSRFY2024-0014 decision condition of approval requiring "Screening on the northern side of drive-through isle shall mitigate the effects of headlights and drive-through noise pollution on adjacent properties, specifically the adjacent winery patio. The perimeter landscaping shall provide a significant buffer using landscaping or other design features such as raised berms, more gabion walls, or something more significant than only shrubbery".
<a href="#"><u>8-4I-6 Parking Lot Landscaping Provisions</u></a>	PZ	Compliant as Conditioned	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. <b>Compliant</b>

			<p>Plant high branching deciduous trees throughout the parking lot interior to provide shade for pedestrians, vehicles, and surfaces.</p> <p>a. Internal shade trees shall be provided at a minimum ratio of one tree planted for every five (5) parking spaces supplied. <b>Compliant</b></p> <p>b. Internal shade trees shall be planted such that no parking space is more than one hundred feet (100') from a tree. <b>Compliant</b></p> <p>Include landscaped islands with at least one tree at the beginning and end of each parking row and break up longer rows or highlight special features. <b>Not compliant. The parking row to the south lacks trees on both ends of the row. This will impact the overall number of vehicle parking spaces provided. A condition of approval was made in the associated DSRFY2024-0014 decision document to which this CUPFY2025-0004 decision references.</b></p>
<a href="#"><u>8-4I-7 Tree Preservation Provisions</u></a>	PZ	No compliance issues noted	A tree mitigation report was provided, all trees on site were determined dead or dying. Mitigation is not required.
Title 8, Chapter 6, Article A: Administration			
<a href="#"><u>8-6A-3 General Application Process</u></a>		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.
<a href="#"><u>8-6A-4 Required Application Information</u></a>		No compliance issues were noted	
<a href="#"><u>8-6A-7 Public Hearing Process</u></a>		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
<a href="#"><u>Idaho Code 67-6512</u></a> 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> <ul style="list-style-type: none"> <li>(1) Minimizing adverse impact on other development;</li> <li>(2) Controlling the sequence and timing of development;</li> <li>(3) Controlling the duration of development;</li> <li>(4) Assuring that development is maintained properly;</li> </ul>

	<p>(5) Designating the exact location and nature of development;</p> <p>(6) Requiring the provision for on-site or off-site public facilities or services;</p> <p>(7) Requiring more restrictive standards than those generally required in an ordinance;</p> <p>(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> <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	DSRFY2024-0014 is the Design Review Application for the new construction proposal. It may include additional conditions of approval not found in this application's decision document that will need to be complied with.
<a href="#">Garden City Comprehensive Plan</a>	<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> <p><b>1. ACTIVITY NODE:</b> 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:</p> <p><b>Neighborhood and Destination Centers:</b> 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.</p> <p><u>Identified centers are:</u></p> <ul style="list-style-type: none"> <li>• Adams and 50th Streets intersection to the Boise River</li> <li>• Adams and 42nd street intersection to the Boise River.</li> <li>• East city boundary to 36th street between the Boise River and Chinden Boulevard</li> <li>• Glenwood and Marigold Streets intersection</li> <li>• Chinden Boulevard and Garrett Street intersection</li> <li>• Chinden Boulevard and 50th Street intersection</li> <li>• State Street and Pierce Park Transit Oriented Development Nodes</li> <li>• Chinden Boulevard and Glenwood Street intersection</li> </ul>

	<ul style="list-style-type: none"> <li>• Chinden Boulevard and Veterans Parkway intersection</li> <li>• State Street and Horseshoe Bend Road</li> <li>• State Street and Glenwood Street</li> </ul> <p><b>2. GREEN BOULEVARD CORRIDOR:</b> 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.</p> <p><b>3. LIGHT INDUSTRIAL BRADLEY TECHNOLOGY DISTRICT:</b> The light industrial designation reflects an intent to maintain the area of existing industrial uses, around Bradley Street and north of Chinden. Industrial development includes: materials processing and assembly, product manufacturing, storage of finished products, and truck terminals. Manufacturing support facilities such as offices and research-related activities should also be allowed in this area, but other non-industrial uses should be limited. Major consideration in regulating industrial uses should be setbacks, buffering and landscaping from adjacent residential uses. Standards should also be directed toward control of light, glare, noise, vibration, water, and air pollution; use and storage of toxic, hazardous or explosive materials; and outdoor storage and waste disposal.</p> <p>The application may be supported by:</p> <p><b>Goal 2. Improve the City Image</b></p> <ul style="list-style-type: none"> <li>• 2.3 Objective: Promote quality design and architecturally interesting buildings.</li> <li>• 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.</li> </ul> <p><b>Goal 4. Emphasize the “Garden” in Garden City</b></p> <ul style="list-style-type: none"> <li>• 4.1 Objective: Beautify and landscape.</li> <li>• 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</li> </ul> <p><b>Goal 7. Connect the City</b></p> <ul style="list-style-type: none"> <li>• 7.1 Objective: Create pedestrian and bicycle friendly connections.</li> <li>• 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.</li> </ul> <p><b>Goal 12. Evolve as a Destination</b></p> <ul style="list-style-type: none"> <li>• 12.1 Objective: Support a positive business environment</li> <li>• 12.2 Objective: Continue to support commercial and industrial land uses.</li> </ul>
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	<ul style="list-style-type: none"> <li>12.3 Objective: Create a premier destination for work, recreation, entertainment, culture, and commerce.</li> </ul> <p><u>The application may not be supported by:</u>  <b>Goal 7. Connect the City</b></p> <ul style="list-style-type: none"> <li>7.3 Objective: Protect neighborhoods from through traffic.</li> </ul>
<a href="#">Garden City Sidewalk Policy</a>	Waiver is not requested. Sidewalks are proposed.
<a href="#">Garden City Street Light Policy</a>	A streetlight is not located within 400' of the property. A condition of approval was made in associated DSRFY2024-0014 to require the installation of a streetlight in accordance with the policy.
<a href="#">Chinden- ITD Access Management</a> <a href="#">Chinden Corridor Access Map</a>	<p>ITD has recommended removal of the existing W. Chinden access upon redevelopment. The plan also recommends removal of the shared access on the adjacent property, this is highlighted due to the application's proposal to utilize this shared access.</p> <p>ITD has provided comments noting that they will require a limitation of access to W. Chinden in the form of an exit only.</p>

## Images



Figure 1: Measurement between Dutch Bros property and proposed Starbucks location.