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A. Record Documents ([link to all file documents](#)) _

Individual links:

1. Application Materials
 - a. CUPFY2025 – 0010 [application and materials](#)
2. Staff Report
 - a. Staff Report for Planning and Zoning - June 18th.
3. Agency Comments: linked in [Section E](#)
4. Public Comments: linked in [Section F](#)
5. [City Noticing](#)
6. [Property Posting](#)

B. Recommendation Summary

Staff Recommendation

Staff has reviewed this application. Because the application is in compliance with all applicable code standards, with the suggested conditions, the staff suggests that the application be approved.

Discussion

On May 12, 2025, the applicant submitted a Conditional Use Permit application for the collocation of DISH Wireless LLC equipment at the existing wireless communication facility located at 8247 W. State Street.

Currently, the applicant has submitted two separate applications for conditional use approval. The proposed modifications to the existing cell tower are being made by two companies: AT&T and DISH. While the applicant requests that each modification be reviewed as a separate application, the City views the site as a single property that currently operates as a vehicle service and includes a cell tower that no longer complies with the original approval.

It is important to note that Garden City utilizes the Conditional Use Permit process to review previously approved conditions and verify ongoing compliance. The site currently does not meet the conditions outlined in the previous approvals. Typically, any unmet conditions are incorporated into the new conditions of approval, and a certificate of occupancy will not be issued until all previously approved conditions have been satisfied.

Even though the cell tower is owned by one company, with equipment operated by other providers and managed by a separate operator, the original landscape approval conditions must still be followed.

Through mutual agreement, the City and Crown Castle International Corp.'s tower operator affiliate ("Crown Castle") have reached a resolution regarding the missing landscaping referenced in Condition #14 of the original Conditional Use Permit (03-17-CU). Crown Castle has submitted documentation detailing the challenges and constraints that make replanting in the original location impractical or infeasible. As an alternative to installing the originally required landscaping, Crown Castle proposes the following mitigation measures:

1. Installation of a wood privacy fence to provide an appropriate visual screening buffer; and

2. A one-time contribution of \$10,000 to the City's Tree Mitigation Fund.

The terms of the agreement are outlined in the decision document and apply solely to the existing cell tower that Crown Castle has committed to address. These provisions do not extend to the proposed modifications by DISH. The purpose of this documentation is to formalize and approve the specific arrangements between the City and Crown Castle.

C. 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: Gary Abrahams
- 2) Owner: DBII LLC
- 3) Title 8 Use: It has been determined that the Garden City defined use that best describes the use is: Wireless communication facility
- 4) Definition of Use: Garden City Code 8-7A-1 defines this use as: A steel monopole, guywire tower, lattice tower or other similar wireless communication structure that is over fifty feet (50') in height, also known as a macro cell facility, designed to support directional antennas, parabolic dishes or antennas, microwave dishes; in addition to associated macro cell facility ground equipment and other similar equipment used in the wireless communications industry; see Federal Communications Commission definition for wireless communication facility.
- 5) The applicant proposes exterior work

Site Conditions:

- 1) Existing Use: Vehicle service; Professional Service, Wireless Communication Facility
- 2) Street Address: 8247 W State Street
- 3) Parcel Number(s): R0719420250
- 4) Property Description: LOT 11 BLK 2 AZALEA SUBDIVISION
- 5) Legal Lot of Record: Yes
- 6) Property Size: 0.567 acres
- 7) Zoning District: C-2 General commercial
- 8) Zoning Overlay(s): None
- 9) Comprehensive Plan Land Use Map Designation:
 - a) Green Boulevard Corridor
 - b) Residential Low Density
- 10) The project is in the:

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- a) ***Parcel partly in the 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) outside of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
- 11) Surrounding Uses:
- a) Vehicle service
 - b) Dwelling unit, single family detached
 - c) Retail Store
- 12) Adjacent Zoning: C-1
- 13) Adjacent Comprehensive Plan Designations:
- a) Neighborhood Node: Transit Oriented Development
 - b) Green Boulevard Corridor
- 14) Easements on site:
- a) 7' PEDESTRIAN/ BIKE PATH.
 - b) UTILITY, DRAINAGE, IRRIGATION EASEMENT, 10'.
 - c) STEIN ROS 3569; 200900049; 40' ROW.
- 15) Site Access:
- a) Front: W State Street
- 16) Sidewalks: Sidewalks are installed and are in good repair
- 17) Wetlands on site: None identified

D. Decision

Staff have drafted a suggested decision document, based on staff's review and analysis of the application. 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 decision maker 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 shall report whether the application is granted, granted with conditions, or denied. The decision also needs to include the facts upon which it is based, the ordinance and standards used in evaluating the application, reasoned statements that specifically address all required findings and all disputed facts, and a conclusion of law. It is important that the decision maker carefully reviews the reasoned statements to ensure that the disputed facts brought up during the hearing are addressed. Finally, if there is a decision or recommendation to deny the application, the decision needs to include the actions, if any, that the applicant could take to obtain approval.

Decision

The Planning and Zoning Commission may take one of the following actions:

1. Grant;
2. Grant with conditions; or
3. Deny.

Motion

A motion should include a clear statement of the recommendation, for example:

1. Action: "I move to approve/deny/ or I move to continue the application to the date certain of..."
2. File number
3. Note findings of fact, conclusion of law, and decision: "As drafted by staff in the affirmative", "as drafted by staff for denial," or "as amended to remove, amend, or add conditions..."

The Planning and Zoning Commission may wait to formalize the written recommendation at the next meeting to ensure that written decision correctly reflects the proceedings and Commission's findings of the disputed facts. However, the Planning and Zoning Commission is required to formalize its decision no later than by the next regular scheduled meeting after the conclusion of the hearing.

Per Garden City Code [8-6A-2](#) and [8-6A-9](#), the City Council may elect to review certain projects for which an action has occurred, if the City Council determines that there is a significant adverse impact to the city as a result of the final decision. If the City Council determines that there is a significant adverse impact, the Council should declare this in the public meeting within fifteen days of the decision and staff will schedule a public hearing that is not *de novo* at a subsequent meeting. Per Garden City Code [Table 8-6A-1 Authorities and Processes](#), the Planning and Zoning Commission is the final decision maker for this application if the City Council does not elect to review the application.

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 fee must be paid and the appeal must be filed on the city supplied 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
Idaho Transportation Department Link to Comment	5/27/2025	ITD has reviewed the application and does not have any comments

North Ada County Fire and Rescue Link to Comment	5/21/2025	<p>1. No outdoor Storage or solid waste containers are proposed. The contractor shall remove all trash and debris from the site daily.</p> <p>2. Access gates shall comply with requirements of the IFC. If gates are electronically- operated, they shall be equipped with an automatic opening mechanism activated by the Opticom system. Manual gates shall be secured with a Knox brand padlock (IFC 503.6, D103.5, BCC 5-12-31) or by chains and locks of such quality so as not to damage fire department cutting tools nor shall cutting operations result in any unnecessary time delay.</p> <p>3. Visible hazard identification signs as specified in NFPA 704 for the specific material contained shall be placed on stationary containers and aboveground tanks and at entrances to locations where hazardous materials are stored, dispensed, used or handled. (IFC 5003.5)</p> <p>4. All fencing to be installed per ASTM F-567. All swing gates to be installed per ASTM F-900.</p> <p>5. All signs must be mounted on the inside of the fence fabric using galvanized Hog-Ring wire</p> <p>6. All fuel tanks and systems shall be installed and maintained in accordance with NFPA 30, NFPA 37, NFPA 54, and NFPA 58.</p> <p>7. Stationary emergency and standby power generators required by this code shall be listed in accordance with UL 2200. (IFC 1203.1.1 Stationary generators)</p>
DEQ Link to Comment	06/02/2025	<p>While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at: https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/</p>

F. Public Comment

The following public comments were provided: None provided

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	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	Choose an item.		The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
8-1B-1 Nonconforming Properties		No compliance issues noted	Legal parcel of record as described
8-1B-2 Nonconforming Structures			
8-1B-3 Nonconforming Uses		Compliant as Conditioned	Existing legal nonconforming use. The existing use “Wireless Communication Facility” is prohibited in the C-2 zone. The use was developed lawfully in 2003 under conditional use permit 03-17-CU. The use was developed lawfully prior to the adoption of the current code and is considered a legal non-conforming use. Subsection A.2 of this ordinance requires a conditional use permit to add to or expand the existing use. CUPFY2023-0002 was approved on May 8, 2023, however it has since expired. A new conditional use permit will be required prior to the installation of the proposed equipment.
8-1C-3 Property Maintenance Standards		No compliance issues noted	Per 8-1C-2, this article applies to all existing residential and non-residential buildings, structures, and lands.
Title 8, Chapter 2: Base Zoning District Regulations			
8-2B-1 Purpose			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. 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	Existing legal nonconforming use for a wireless communications facility.
8-2B-3 Form Standards		Compliant as Conditioned	The required setbacks are: Front: 5' Interior Side: 5' Rear: 5' Street side: 5' The maximum height limitations shall not apply to the following: fire and hose tower; power line tower; water tank or

			<p><i>tower; windmill; <u>wireless communication facility</u>, or other commercial or personal tower and/or antenna structure; or other appurtenances usually required to be placed above the level of the ground and not intended for human occupancy.</i></p> <p>TOWER SCOPE OF WORK:</p> <ul style="list-style-type: none"> • INSTALL (3) PROPOSED PANEL ANTENNAS (1 PER SECTOR) • INSTALL (3) PROPOSED SECTOR MOUNTS (1 PER SECTOR) • INSTALL (6) PROPOSED RRUs (2 PER SECTOR) • INSTALL (1) PROPOSED OVER VOLTAGE PROTECTION DEVICE (OVP) • INSTALL (1) PROPOSED HYBRID CABLE • INSTALL (1) PROPOSED JUMPER <p>GROUND SCOPE OF WORK</p> <ul style="list-style-type: none"> • INSTALL WOODEN FENCED COMPOUND • INSTALL (1) PROPOSED EQUIPMENT PAD • INSTALL (1) PROPOSED ICE BRIDGE • INSTALL (1) PROPOSED PPC • INSTALL (1) PROPOSED EQUIPMENT CABINET • INSTALL (1) PROPOSED POWER CONDUIT • INSTALL (1) PROPOSED TELCO CONDUIT • INSTALL (1) PROPOSED TELCO-FIBER BOX • INSTALL (1) PROPOSED GPS UNIT • INSTALL (1) PROPOSED TECH LIGHT • INSTALL (1) PROPOSED FIBER NID (IF REQUIRED) • INSTALL.L (1) PROPOSED 200A METER <p>The 5' wide PUID Easement extends from the southern property boundary line interior to the property. The new plan demonstrates that the proposed changes do not encroach upon the 5-foot-wide PUID Easement.</p> <p>A condition has been drafted to ensure that all equipment shelters, cabinets or other on-ground ancillary structures shall meet the setback requirements of the zone.</p> <p>The allowable maximum height is: n/a The minimum lot size is: n/a</p>
8-2C-46		Compliant as Conditioned	<p>Applicability: The requirements of this section shall apply to the placement of all new wireless communication facilities and <u>the expansion or alteration of existing wireless communication facilities or similar or associated equipment</u>. Small cell facilities are regulated by section 8-2C-49 of this chapter.</p> <p>Eligible Facility Requests: Upon receipt of an application designated by the applicant as an eligible facilities request, the planning official shall review such application to determine whether the application so qualifies. Consistent with applicable law, the request shall be allowed if the application qualifies as an eligible facility request.</p> <p>Setback:</p>

			<p>1. A wireless communication facility shall not be located closer than five thousand two hundred eighty feet (5,280') (one (1) mile) from an existing cellular tower.</p> <p>2. In addition to the setbacks required for the base zoning district as set forth in section 8-2B-3 of this title, Table 8-2B-2, "Form Standards In All Base Zoning Districts," a support tower for a wireless communication facility shall be set back one foot (1') for every ten feet (10') of the total tower height. Existing tower to remain.</p> <p>3. All equipment shelters, cabinets or other on-ground ancillary structures shall meet the setback requirements of the zone. A condition has been drafted to ensure that all equipment shelters, cabinets or other on-ground ancillary structures shall meet the setback requirements of the zone.</p> <p>Height: The maximum height, including all antenna attachments, shall be one hundred feet (100') in the C-1 zone and one hundred twenty-five feet (125') in the LI zone. Not applicable as the existing cell tower is not located within a C-1 or LI Zone. The existing 120' tall monopole was legally established in 2003 via the 03-17-CU conditional use permit.</p> <p>Collocation: No new towers shall be allowed unless there has been an analysis certified by a qualified engineer and specific to the site that collocation on an existing wireless communication facility is infeasible. Evidence to demonstrate that no existing facility can accommodate the proposed new facility may consist of any of the following:</p> <ol style="list-style-type: none"> 1. No existing towers or structures are located within the geographic area required to meet the proposed facility's requirements; 2. Existing structures are not of sufficient height to meet the engineering requirements of the proposed structure; 3. Existing structures do not have sufficient structural strength to support the proposed antenna and/or equipment; or 4. The proposed antenna would cause electromagnetic interference with the antenna on existing structures, or the antenna on the existing structure would cause similar interference with the proposed antenna. <p>Site Design:</p> <ol style="list-style-type: none"> 1. Tower facilities shall be landscaped with a buffer outside the perimeter of the compound in accordance with the standards set forth in subsection 8-4I-5.C of this title. There is no landscape buffer outside the perimeter of the compound. Crown Castle has proposed the installation of wooden fencing around the existing cell tower infrastructure in lieu of the previously required,
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			<p>but currently inadequate, landscaping (see discussion section).</p> <p>2. Materials, colors, textures and screening shall be used that blend the tower facility to the natural and built environment. Supporting electrical and mechanical equipment installed on the tower shall use colors that are similar to the tower.</p> <p>3. Except as required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC), transmission structures shall not be artificially lighted. Equipment shelters may use lighting consistent with the lighting standards set forth in section 8-4A-4 of this title, "Outdoor Lighting."</p> <p>Site Maintenance: A wireless communication facility that is no longer in use shall be completely removed and the site restored to its preexisting condition within six (6) months of the cessation of operation.</p> <p>Other Regulations Apply: The site and structure design shall be subject to review by the design committee and the process set forth in section 8-6B-3 of this title. DSRFY2025-0017 has been approved.</p>
Title 8, Chapter 4: Design and Development Regulations			
8-4A-3 Fences and Walls	PZ	Compliant as Conditioned	<p>The code prohibits chain link fencing and barbed wire is not permitted unless there is Design Review Committee approval as set forth in section GCC 8-6B-3.</p> <p>The compound is currently surrounded by a chain link fence with a portion being a CMU wall. The proposal is for additional wood fencing to surround the new compound leased area. A condition has been drafted to ensure that all proposed fencing and gates meet GCC 8-4A-3 standards.</p> <p>Fences and walls located within rear and interior side setbacks not adjacent to public rights-of-way: Six feet (6'). The height of the fence is not specified. A condition has been drafted to ensure that all proposed fencing and gates meet GCC 8-4A-3 standards.</p> <p>Barbed wire is also a prohibited material. The existing fence has barbed wire, and the proposed fence also contains barbed wire. Crown Castle has proposed the installation of wooden fencing around the existing cell tower infrastructure in lieu of the previously required, but currently inadequate, landscaping (see discussion section).</p>
8-4A-4 Outdoor Lighting	PZ	Compliant as Conditioned	<p>This proposal does not identify any outdoor lighting. Any future outdoor lighting will be required to be in compliance with the code at the time of building permit review.</p>
8-4A-5 Outdoor	PZ	No compliance issues noted	<p>The code requires that areas for service and equipment areas be screened from any adjoining property and/or public street</p>

Service and Equipment Areas			<p>by a privacy fence. The adjacent residential property to the south has a wood fence for screening purposes, however, the chain link fence surrounding the existing and proposed compound does not act as a privacy fence.</p> <p>Approval 03-17-CU a conditional use permit for the original 'T-Mobile' facility required landscaping around the tower, including evergreens at least 6' in height at the time of planting, interspersed with lower evergreen bushes. Submitted site plans and photos show that the maintenance of this required landscaping was not maintained.</p> <p>Crown Castle has proposed the installation of wooden fencing around the existing cell tower infrastructure in lieu of the previously required, but currently inadequate, landscaping (see discussion section).</p>
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.
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 at the site.
8-4D Parking and Off Street Loading Provisions			
8-4D-3 Parking Design and Improvement Standards	PZ	No compliance issues noted	The site has parking spaces with 90 degrees and 0 degrees. The size and quantity are not specified.
8-4D-4 Parking Use Standards	PZ	No compliance issues noted	
8-4D-5 Required Number of Off-Street Parking Spaces	PZ	Not Applicable	No parking spaces are required for wireless communication facility.
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	Not provided
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>The transportation and connectivity provisions include: Clear Vision Triangle, Internal Circulation, Private Streets, Sidewalk Standards, Pedestrian and Bicycle accessibility, and Transit requirements. There is a pedestrian easement directly adjacent to the limits of the project running the entire easterly portion of the lot.</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.</p>
8-4E-4 Internal Circulation Standards	PZ	No compliance issues noted	The drive is 20' or greater in width.
8-4E-6 Sidewalk Standards	PZ	No compliance issues noted	There is an existing detached sidewalk on the subject property.
8-4E-7 Pedestrian and Bicycle Accessibility Standards	PZ	No compliance issues noted	There is a pedestrian easement directly adjacent to the limits of the project running the entire easterly portion of the lot. The easement contains an existing pedestrian sidewalk running parallel to the parking lot.
8-4E-8 Transit Facilities	PZ	No compliance issues noted	No comment
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	<p>The landscaping that was present at the time of the original 03-17-CU has not been maintained. A condition of approval for 03-17-CU was to maintain the existing landscaping at the time. The lack of landscaping at present is in direct conflict with the original condition of approval.</p> <p>The code requires that the required landscape areas be at least 70% vegetation at maturity. All areas that were landscaped previously have since been replaced with gravel, dirt, or are dead. This is not compliant with the code, nor the previous conditions of 03-17-CU and 05-05-CU.</p> <p>It is unknown if the required landscape areas have automatically controlled irrigation systems. 03-17-CU required that irrigation facilities be installed, but as the landscaping has since been removed or died, it is unclear if such systems were installed.</p> <p>Crown Castle has proposed the installation of wooden fencing around the existing cell tower infrastructure and a one-time donation of \$10,000 to the City's Tree Mitigation Fund in lieu of the previously required, but currently inadequate, landscaping (see discussion section).</p>

8-4I-4 Landscaping Provisions for Specific Uses	PZ	No compliance issues noted	<p>Both the original 03-17-CU and the 05-05-CU required that at least 5% of the site be landscaped. Both applications proved that this minimum was met and therefore compliant with code. Record documents show where those landscaped areas were.</p> <p>This application does not propose any landscaping. And the site no longer consists of landscaped areas. The application is in conflict with the original conditional use permit conditions of approval, and in conflict with current code standards. Crown Castle has proposed the installation of wooden fencing around the existing cell tower infrastructure and a one-time donation of \$10,000 to the City's Tree Mitigation Fund in lieu of the previously required, but currently inadequate, landscaping (see discussion section).</p> <p>There is one street tree located between the ROW of W. State Street and the sidewalk. The code requires that at least 1 class II or III street tree be installed for every 50 linear feet of frontage adjacent to State Street. The previous DSRFY2016-0014 application required that one street tree be installed. The tree was installed.</p> <p>To be compliant with current code standards two additional Class II or III street trees shall be installed along the frontage of W. State Street due to the ~140 linear feet of frontage.</p> <p>The landscaping deficiencies related to the overall site—but not specifically to the cell tower—will be addressed through the City's code enforcement process.</p>
8-4I-5 Perimeter Landscaping Provisions	PZ	No compliance issues noted	<p>The applicant has indicated that there is no landscaping on site at the southerly or easterly property boundaries.</p> <p>Conditional Use Permit 03-17-CU for the construction of the facility, required that there be a landscape buffer 75% comprised of evergreens. The evergreens were to have been at least 6' in height at the time of planting and interspersed with evergreen shrubs. The proposed application does not contain such vegetation. The application is not compliant with the original approval.</p> <p>Conditional Use Permit 05-05-CU for Treasure Valley Collision Center required that there be landscaping continually maintained with a permanent, underground and automatic sprinkler system. The landscaping has not been maintained. The application is not code compliant. . Crown Castle has proposed the installation of wooden fencing around the existing cell tower infrastructure and a one-time donation of \$10,000 to the City's Tree Mitigation Fund in lieu of the previously required, but currently inadequate, landscaping (see discussion section).</p> <p>The eastern property boundary contains a 5' wide pedestrian sidewalk. This sidewalk is located within the 5' setback area, which is preventing the property from installing the required perimeter landscaping. The perimeter landscaping was required as part of DSRFY2016-0014, but was not installed</p>

			<p>based on the neighboring parcel (8241 W. State Street) being required to install perimeter landscaping as part of their DR2014-0007 application. This landscaping is only ~5ft in width, but has not been maintained to meet the perimeter landscaping requirements.</p> <p>The location of the sidewalk is intentional as it is the location of a 7' wide bike and pedestrian pathway easement that connects to the adjoining property to the south. If perimeter landscaping was installed, it would create a non-linear pathway or elimination of an existing pathway.</p> <p>The landscaping deficiencies related to the overall site—but not specifically to the cell tower—will be addressed through the City's code enforcement process.</p>
8-4I-6 Parking Lot Landscaping Provisions	PZ	No compliance issues noted	No comment
8-4I-7 Tree Preservation Provisions	PZ	Not Determined	Google maps images show that there were trees/landscape on the site, but they were removed.
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			<p>Application waivers requested pursuant to 8-6A-4A</p> <p>1) Fire Flow/Ability to serve</p> <p>2) Irrigation/Ditch company authorization letter</p>
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 Press, 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> <p>(1) Minimizing adverse impact on other development;</p> <p>(2) Controlling the sequence and timing of development;</p> <p>(3) Controlling the duration of development;</p>

	<p>(4) Assuring that development is maintained properly;</p> <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	03-17-CU, 05-05-CU, CUPFY2016-5, DSRFY2016-14, CUPFY2023-0003, DSRFY2023-0001, DSRFY2024-0017, DSRFY2025-0006
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.¹</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> <ol style="list-style-type: none"> 1. RESIDENTIAL LOW DENSITY: The areas designated for low density residential is north of the river, and south of the river west of Glenwood. These areas are predominately single-family detached housing, although some areas of attached housing may be appropriate near major arterials and public facilities. 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

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

	<p>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><u>The application may be supported by:</u> list goals or objectives e.g.</p> <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. • 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce. <p><u>The application may not be supported by:</u> list goals or objectives E.g.</p> <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> • 2.1 Objective: Encourage new and distinctive neighborhoods. • 2.2 Objective: Uphold standards for private property maintenance with a focus on nonresidential properties. • 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"> • 4.1 Objective: Beautify and landscape. • 4.2 Objective: Promote community gardens. • 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.
Garden City Sidewalk Policy	Existing sidewalk to remain
Garden City Street Light Policy	A streetlight is installed along W. State Street in accordance with the policy.
State Street Corridor TOD	Is not in TOD.
Garden City Transportation Needs List	<p>Safety Crossings</p> <p>Chinden, State Street, and Glenwood create a barrier between the properties on either side of the roads that segments the City. Installing safety crossings that are comfortable and safe will perforate the barrier effect of these large busy roads. Safe and comfortable access can assist in unifying the City and assist in increasing bike and pedestrian modes of transportation for school children and the rest of public. The more that people chose to ride or walk, the more vehicle trips are decreased. Additionally, the more that residents and patrons are able and comfortable to move about the City outside of their vehicles, the more they will feel a sense of place.</p> <p>State Street Transit Corridor Supportive Local Roadway Network Plan</p> <p>As part of the State Street corridor project there should be a coordinated plan that aligns the infrastructure, connections, and classifications of the local network and State Street. The intent is to have a coordinated approach to redevelopment, roadway classification and infrastructure, access management, and safety concerns.</p>

	<p>State Street Transit Corridor Project</p> <p>Garden City is a participant of the State Street Corridor Project. Other participants include Valley Regional Transit, Ada County Highway District, Idaho Transportation Department, COMPASS, Ada County, Capital City Development Corporation, City of Boise, and City of Eagle. This project was initiated, formally, in 2006. The agencies have agreed to be supportive of high-capacity transit along State Street. Garden City's major obligation to this is to create and implement plans and ordinances that will facilitate Transit Oriented Development Nodes at identified locations along the State Street Corridor. Garden City's Comprehensive Plan aligns with these efforts. The Specific Area Plan ordinance is a zoning classification that can be utilized for the implementation of the nodes, however, it is owner driven rather than requisite zoning.</p>
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