



## CITY OF GARDEN CITY

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**File Number: CUPFY2023 - 0011**

**Use as Defined by GCC Title 8: Drive-Through Establishment**

**Location: 5586 N. Maple Grove Rd.**

**Applicant: Jeff Hatch**

**Planning and Zoning Commission Hearing Date: October 18, 2023 6:30 p.m.**



### STAFF REPORT

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## 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: Jeff Hatch
- 2) Owner: CRC DESIGN BUILD SYSTEMS LLC
- 3) Title 8 Use: It has been determined that the Garden City defined use that best describes the use is: Drive-through establishment
- 4) 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 new construction of a structure and full site work.
- 6) A sidewalk waiver is has not been requested.

### Site Conditions:

- 1) Existing Use: Vacant
- 2) Street Address: 5586 N Maple Grove Rd.
- 3) Parcel Number(s): S0526417340
- 4) Property Description: PAR #7340 OF NE4NSE4 SEC 26 4N 1E RS 6806
- 5) Legal Lot of Record: Unable to determine
- 6) Property Size: 0.491 acres
- 7) Zoning District: C-2
- 8) Zoning Overlay(s): None
- 9) Comprehensive Plan Land Use Map Designation:
  - a) Green Boulevard Corridor
  - b) Mixed Use Commercial
  - c) Neighborhood Commercial Node
- 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) Vehicle service
  - b) Food store
- 12) Adjacent Zoning:
  - a) C-2
  - b) R-3

**13) Adjacent Comprehensive Plan Designations:**

- a)** Mixed Use Commercial
- b)** Green Boulevard Corridor
- c)** Residential Medium Density
- d)** Activity Node: Neighborhood Destination

**14) Easements on site:**

- a)** Existing:
  - i) WELL 8 POWER EASEMENT; 8,543,811; POWER LINE EASEMENT
- b)** Proposed for use:
  - i) Utility Easement on Chinden Blvd.
  - ii) Irrigation Easement on Chinden Blvd

**15) Site Access:**

- a)** Primary: N. Maple Grove
- b)** Secondary via Cross Access Easements: W. Chinden Blvd

**16) Sidewalks:** Sidewalks are installed and are in good repair along N. Maple Rd. appears to be in good condition. Pathway along W. Chinden Blvd.

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

## C. Discussion

This application has been processed in conjunction with DSRFY2023-0006, which was recommended for approval by the Design Review Consultants on October 5<sup>th</sup>, and approved by Development Services staff on October 9<sup>th</sup>. Site plan resubmittals were submitted for review on September 22<sup>nd</sup>, which showed complete reconfiguration of previously proposed plans. This staff report has been updated to reflect those changes, and what was approved and conditioned as part of the design review application.

The parcel abuts the Thurman Drainage Canal. This area on the Chinden Boulevard side is part of the area where there is a proposed plan for a 10' wide multi-use pathway. The project should align with the [Chinden Boulevard South Sidewalk Project Development](#) plan. Site plans show a tentative location of where that pathway should be, but further conversation with ITD, the Thurman Drainage Canal, and the City will be required. Installation of this pathway will be required prior to occupancy.

This project offers only a Drive-through establishment. It is not clear if temporary or permanent shelter is offered for a minimum of 10 people as required by 8-2C-13. A condition has been drafted to require permanent seating that which is weather proof, and to provide either temporary or permanent shelter within the proposed patio/plaza area.

Insufficient details were provided regarding the trash enclosure. It appears that there will be a shared trash enclosure located on the adjacent property, which is to be modified to handle the additional trash from Starbucks. The existing enclosure appears to be made of CMU brick material. Republic Services expresses concerns that there is not enough maneuvering room for the enclosure on the site. If these two businesses are to share this existing trash enclosure, a shared use agreement shall be recorded. A condition has been drafted to ensure that this happens prior to occupancy.

No stacking study or traffic generation numbers were provided. According to the Idaho Transportation Department “If the new development generates 100 or more new trips in the peak hour or 1,000 new trips in a day, a Traffic Impact Study (TIS) is required.” Additionally, it appears that internal circulation routes might get confusing given the layout of the site. However, the design review consultants did not believe that that confusion, if any, would translate to either Chinden or Maple Grove.

The proposed project is in the Comprehensive Plan’s Neighborhood Destination Activity Node, the Green Boulevard Corridor, and the Mixed-Use Commercial future land use designations.

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).

Chinden has been identified as being a green boulevard corridor. The intent of this designation is to create more multi-modal characteristics on this corridor, 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. 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.

The intent of the mixed-use commercial 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.

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 proposed use and its current site design is inconsistent with the goals and the vision of the Comprehensive Plan’s Future Land Use Designations in that it is a use heavily reliant on single occupancy vehicular travel, its’ business model is only for that of a drive-through vehicles, not providing an in-structure coffee shop for patrons, and the one-story building only occupies about 6% of the site.

The plan and use is consistent with the Comprehensive Plan’s Future Land Use Designations in that it does propose the required 10’ pathway in accordance with Chinden Boulevard South Sidewalk Project Development Plan, and offers 3 bicycle parking racks as required by code, thus offering non-vehicular modes of transportation that would otherwise not exist as the site currently stands. Additionally, it proposes to landscape along the frontages of Chinden and Maple Grove, with further conditions in the approval to landscape the “no man’s land” between the property boundary line and the sidewalk per landscaping license agreements with ACHD, ITD and Thurman Mill Drainage District. Lastly, the use of a drive-through establishment for a coffee shop is a less intensive commercial use that better aligns with surrounding residential neighborhoods than other commercial uses that could utilize this space. There have been conditions drafted in the approval to help mitigate any adverse impact this use might cause, but the property does currently reside in a commercial “strip mall” subdivision.

The Planning and Zoning Commission must find that the application meets the findings of a Conditional Use Permit found in Garden City Code 8-6B-2, as mentioned below in section D. Decision.

## **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 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.

## E. Agency Comments

The following agency comments were provided:

Agency	Comment Date	Summary
<a href="#">Sawtooth Law, PLLC (District attorney)</a> Associated with DSRFY2023-0006	08/01/2023	<ul style="list-style-type: none"><li>• Drainage District #2 has a drainage ditch and easement that runs through or abuts this property.</li><li>• The developer must contact the District's attorney's, Sawtooth Law Office, PLLC, for approval before any encroachment, change of easement, or drainage discharge into District's facilities occurs.</li><li>• The District does not approve of trees within the District's easement.</li><li>• Any existing trees within the District's easement will need to be removed.</li></ul>
<a href="#">Idaho Department of Environmental Quality</a> Associated with DSRFY2023-0006	08/02/2023	General comments provided
<a href="#">Republic Services</a>	08/01/2023	Needs more detail on approach and enclosure. It appears that we do not have enough maneuvering room for the enclosure. We also do not have dimensions for the enclosure.
<a href="#">West Boise Sewer District</a>	08/04/2023	The referenced property is not within the West Boise Sewer District boundaries. The project is located in the City of Garden City.
<a href="#">Idaho Transportation Department</a>	08/02/2023	<ul style="list-style-type: none"><li>• This project abuts U.S. Highway 20 (US-20/26)</li><li>• Through access to the State Highway system has been requested with this application via the existing property to the east. The approach to the east will have to be re-permitted through a separate ITD permit process as the estimated additional volume of trips constitutes a change of use.</li><li>• Traffic generation numbers were not provided with this application. ITD needs more information on the trip generations to determine what mitigations, if any, that the applicant may be required to construct on the State Highway system. If the new development generates 100 or more new trips in the peak hour or 1,000 new trips in a day, a Traffic Impact Study (TIS) is required. Mitigations identified by the Traffic Impact Study shall be the responsibility of the applicant to install.</li><li>• Idaho Code 40-1910 does not allow advertising within the right-of-way of any State Highway.</li></ul>

<a href="#"><u>Ada County Highway District (ACHD)</u></a>	08/09/2023	<ul style="list-style-type: none"> <li>• Pay a traffic impact fee. If applicable, a traffic impact fee may be assessed by ACHD and will be due prior to the issuance of a building permit by the lead agency. This is a separate review process and it is the applicant's responsibility to submit plans directly to ACHD.</li> <li>• Comply with all ACHD Policies and ACHD Standard Conditions of Approval for any improvements or work in the right-of-way.</li> <li>• Obtain a permit for any work in the right-of-way prior to the construction, repair, or installation of any roadway improvements (curb, gutter, sidewalk, pavement widening, driveways, culverts, etc.).</li> </ul>
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## F. Public Comment

The following public comment was provided:

Commenter	Comment Date	Summary
Jake Smith	08/01/2023	Concern about traffic and cut-through traffic.

## 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 Applicable Code Sections		
Code Section	Compliance	Analysis/ Discussion
<a href="#"><u>7-2-1 Building Code</u></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="#"><u>8-1A-4 Applicability</u></a>		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="#"><u>8-1B-1 Nonconforming Properties</u></a>	No compliance issues noted	Property Deeds were analyzed in association with the ROS#6806 to determine the legal status of the property.
<a href="#"><u>8-1B-2 Nonconforming Structures</u></a>	Not Applicable	No comment
<a href="#"><u>8-1B-3 Nonconforming Uses</u></a>	Compliant upon approval of CUP	Approval of a conditional Use Permit will be required. A conditional use permit has been applied for.
<b>Title 8, Chapter 2: Base Zoning District Regulations</b>		

8-2B-1 Purpose	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.
<u>8-2B-2 Allowed Uses</u>	Compliant upon approval of CUP	The use "Drive-through establishment" is a conditional use within the C-2 zoning district, requiring the approval of a conditional use permit.
<u>8-2B-3 Form Standards</u>	No compliance issues noted	<p>The required setbacks are:  Front: 5'  Interior Side: 5'  Rear: 5'  Street side: 5'</p> <p>The allowable maximum height is: n/a  The minimum lot size is: n/a  The maximum lot coverage: n/a  There are no encroachments.  All improvements are more than 70' from the Boise River.</p> <p>The building is setback 15' front the property boundary line on W. Chinden Blvd. There is an additional proposed patio/plaza space to the east of the building, for the remaining frontage.</p> <p>Corner properties shall have one (1) interior side setback and one (1) rear setback. The property has frontage along three sides, with the front of the building facing W. Chinden Blvd.</p>
<u>8-2C-13</u>	Compliant as conditioned	<p>A. Location Standards:</p> <p>1. 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; however, the use is not appropriate on local or collector streets. <b>Compliant</b>.</p> <p>2. 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:  <b>The site is approximately 107' from Boise Parks &amp; Recreation, but is separated by Maple Grove.</b></p> <p>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; <b>Compliant, not adjacent to residential zones or structures.</b></p> <p>b. Stacking does not create an impact off site; <b>Stacking study has not been provided.</b></p> <p>c. Vibration, noise, odors, etc., are not allowed off site; <b>Condition drafted.</b></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. <b>Compliant so long as pedestrian pathway is installed along W. Chinden in accordance with the City's and ITD's plans.</b></p> <p>3. 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>B. Building Design and Site Layout:</p> <ol style="list-style-type: none"> <li>1. All establishments providing drive-through service shall identify the stacking lane, menu and speaker location (if applicable), and window location on the conditional use permit application. <b>Identified.</b></li> <li>2. 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>New plans submitted on September 22 show compliance.</b></li> <li>3. Vehicle lanes shall be sited to minimize vehicle congestion, blockage, or rerouting on site and within the surrounding uses. <b>Compliant.</b></li> <li>4. A drive-through establishment within a commercial center shall take access from a principal drive aisle within the commercial center. The drive-through shall be designed to minimize additional vehicle traffic congestion, blockage, rerouting, or pedestrian disruption within the commercial center and on properties adjacent to the commercial center. <b>Compliant.</b></li> <li>5. Service shall be provided to those who elect to walk or bike. <b>Compliant.</b></li> <li>6. Adequate trash receptacles shall be provided that comply with the requirements set forth in section 8-4A-5, Outdoor Service And Equipment Areas, of this title. <b>Compliant.</b></li> <li>7. 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>Photometric light plan submitted and shows compliance.</b></li> <li>8. 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>Landscape buffer has been provided along N. Maple Grove setback which consists of Class I and II deciduous trees. Additional conditions have been set forth to require additional screening as discussed on the October 5th, 2023 consultation.</b></li> <li>9. Any changes to the site design of an existing drive-through that adjoins a residence or residential zone shall require that a minimum six-foot (6') high solid wall or fence, or plantings, structures, berthing, or art to a minimum height of four feet (4') where not in conflict with a necessary clear vision triangle, shall be provided along any property line that adjoins a residence or residential zone. <b>Not adjacent to residential zone.</b></li> <li>10. Any changes to the site design of an existing drive-through that adjoins a residence or residential zone shall require that any portion of the drive-through lane adjacent to a residence or residential zone be set back at least ten feet (10') from the residence or residential zone. The setback area shall be landscaped. <b>Not adjacent to residential zone.</b></li> </ol>
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	<p>11. 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. <b>The building and site layout has not yet been approved. The Design Review Consultation is occurring prior to the Planning and Zoning hearing of the CUP.</b></p> <p>C. Access and Parking: 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>1. A bike rack shall be provided. <b>Provided.</b></li> <li>2. Access for the pedestrian customer shall be provided facing the public right-of-way. <b>Pedestrian walk-up window faces W. Chinden Blvd. as of the September 22<sup>nd</sup> resubmittals. Compliant.</b></li> <li>3. 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: <ol style="list-style-type: none"> <li>a. A minimum of five feet (5') in width; <b>Compliant.</b></li> <li>b. Americans with Disabilities Act compliant;</li> <li>c. Uninterrupted by motorized vehicles. 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>The pedestrian pathways from the existing and proposed sidewalk will not interact with vehicular travel. The pedestrian crossing from the parking lot to the plaza/patio has been indicated via crossing markings and signage on the September 22<sup>nd</sup> site plans. Compliant.</b></li> </ol> </li> <li>4. 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>Not enough information to review, capacity study has not been submitted.</b></li> <li>5. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking. <b>Compliant.</b></li> <li>6. Any stacking lane greater than one hundred feet (100') in length shall provide an escape lane. <b>Compliant.</b></li> <li>7. The design and construction of the drive-through facilities shall minimize the number of driveway cuts. <b>Compliant.</b></li> <li>8. 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></li> <li>9. Impervious surfaces shall be the minimum required to provide vehicle access, drive-through lanes, parking, and pedestrian access and seating. <b>Compliant.</b></li> <li>10. Directional signs shall be provided that indicate the entrance, exit and one-way path of drive-through lanes. <b>Compliant.</b></li> </ol> <p>D. Additional Standards for Drive-Through Selling Food or Beverages:</p> <ol style="list-style-type: none"> <li>1. A seating area either indoor or outdoor with temporary or permanent shelter, sufficient for a minimum of ten (10) people shall be provided. <b>Compliant.</b></li> </ol>
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		<p>2. A minimum of one (1) outdoor trash receptacle shall be provided. <b>Compliant</b>.</p> <p>3. A restroom shall be provided for patrons. <b>Compliant as of September 22<sup>nd</sup> resubmittal plans.</b></p> <p>E. Operational Standards:</p> <ol style="list-style-type: none"> <li>1. To reduce vehicle emissions, signage shall be provided advising drivers to reduce vehicle idling. <b>Provided as of September 22<sup>nd</sup> plans.</b></li> <li>2. Employees shall collect on-site and off-site litter generated by customers at least once per business day. <b>Condition of approval drafted.</b></li> <li>3. Service shall be provided to those who elect to walk or bike at all hours that the drive-through is in operation. <b>Walk-up window provided.</b></li> </ol>
<b>Title 8, Chapter 4: Design and Development Regulations</b>		
<a href="#"><u>8-4A-3 Fences and Walls</u></a>	No compliance issues noted	This proposal does not identify any fence or wall. Any future fence or wall will be required to be in compliance with code at the time of development.
<a href="#"><u>8-4A-4 Outdoor Lighting</u></a>	No compliance issues noted	Lighting plan submitted and appears compliant with code requirements. Further review will occur at building permit reviews.
<a href="#"><u>8-4A-5 Outdoor Service and Equipment Areas</u></a>	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. <b>The trash enclosure details have not been provided. It is unclear what the trash enclosure is made of, and what the gate looks like. It is visible from both Maple Grove and Chinden. Google Street view shows a CMU trash enclosure that is to remain. The Consultant's encouraged using other materials than CMU brick for trash enclosure.</b></p> <p>Unless fully enclosed and baffled so that no noise is detected on any adjoining property, the location of outdoor mechanical equipment shall be at least 50' from the property boundary line. <b>It is unclear how far the trash enclosure is from the property boundary lines.</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>There have been comments regarding the maneuvering room for the enclosure and dimensions for enclosure from Republic Services. <a href="#"><u>Link to comment</u></a></p>
<a href="#"><u>8-4A-7 Stormwater Systems</u></a>	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.
<a href="#"><u>8-4A-8 Utilities</u></a>	Compliant as Conditioned	All utilities for the new structure shall be installed underground. For the purposes of this section, the term "utilities" shall include, but not be limited to, electric, natural gas, water, wastewater collection, storm drainage, telephone, and cable services.

<p><a href="#"><u>8-4A-9 Waterways</u></a></p>	<p>No compliance issues noted</p>	<p>There does not appear to be Boise River irrigation facilities on the site.</p> <p>There is an adjacent Thurman Mill Drain between the site and W. Chinden Blvd. that may conflict with the required 10' wide pedestrian pathway. The irrigation district has not provided comments regarding the pedestrian pathway or site development. There has been a comment regarding the need for license agreements, and construction plan approval from Drainage District #2. <a href="#"><u>See agency comment</u></a>.</p>
<p><a href="#"><u>8-4C-3 Design Provisions for Nonresidential Structures</u></a></p>	<p>No compliance issues noted</p>	<p><b>Comments For Design Review:</b></p> <p><i>Objective 1: The design of all structures shall have a scale, massing and urban form that has a relationship to the street, the pedestrian, and adjacent properties.</i></p> <ul style="list-style-type: none"> <li>• 60% of the street frontage along the front setback should be occupied by a structure or plaza. The property has two streets to address, N. Maple Grove and W. Chinden Blvd. most of the site consists of landscaping and hardscaping, the structure makes up for a small percentage of the site. <b>New materials submitted on September 22<sup>nd</sup> show a reconfiguration of the building so that it primarily faces W. Chinden Blvd. with the addition of a plaza/patio area helping meet this requirement. Due to the shape of the lot, the building faces both Maple Grove and W. Chinden, with the primary street frontage being Chinden.</b></li> <li>• To meet the street frontage requirement, the structure would need to be within 5- 20' of the property boundary line, which is considered the "frontage zone". Or a plaza can be placed in-between the right-of-way and the structure to count towards the 60% requirement and increase interaction with the public ROW. <b>The building is now within the 20' frontage zone as required.</b></li> <li>• A pedestrian plaza is provided.</li> <li>• It is unclear, but it does not appear the building provides the minimum 15% glazing along the facades facing the streets.</li> <li>• There might be blank walls.</li> </ul> <p><i>Objective 2: The design layout of all sites shall maximize opportunities for safe and comfortable pedestrian accessibility and minimize the obtrusive effects of parking and vehicular circulation.</i></p> <ul style="list-style-type: none"> <li>• Driveway lanes crossing a public sidewalk should be no wider than twenty feet (20') and the minimum of feet between driveway intersections with the public street as set forth by the transportation authority. Driveway lanes crossing a public sidewalk intersection should be clearly distinguished with special pavement or coloring. <b>Existing ingress/egress to remain at 22' wide with the existing sidewalk crossing to remain.</b></li> <li>• <b>The parking lot is located internal to the site, however, due to the property's configuration, the parking lot is visible from Maple Grove. The site design demonstrates that the parking lot is well integrated with the overall site design and pedestrian connections and amenities provided to compensate for the parking lot location. Landscape screening is also provided.</b></li> <li>• Pedestrian pathways have been provided from the sidewalk to the main walk-up window.</li> <li>• The structure does not have a primary entrance for patrons, as it is a drive-through only. <b>There is a public restroom, and a walk-up window, that are both clearly identified in the architectural</b></li> </ul>

		<p><b>plans.</b> The employee entrance appears to face Maple Grove, but appears as a side entrance.</p> <p><b>Objective 3: Buildings shall be designed and constructed of quality materials.</b></p> <ul style="list-style-type: none"> <li>Proposed materials: Composite metal panels, finished concrete, corian, metal (prefinished brake metal to match storefront), metal panel, roof parapet, vertical wood siding.</li> <li>Metal siding is a discouraged building material.</li> <li>Discouraged Materials: Metal siding, corrugated fiberglass, aluminum siding, mirror or metalized reflective glass, plywood, chipboard siding, vinyl, cinderblock, plastic tilt-up concrete, highly tinted or mirrored glass, and all types of imitation building materials should not be used as the primary building material.</li> </ul> <p><b>Objective 4: The site design shall respect existing notable site features including existing buildings, landscaping, trees and water.</b></p> <ul style="list-style-type: none"> <li>There are no significant landscaping or notable site feature on the site.</li> </ul> <p><b>Objective 5: The design of all buildings shall provide visual interest, support the vision for the area as articulated in the comprehensive plan and positively contribute to the overall urban fabric of the community.</b></p> <ul style="list-style-type: none"> <li>Buildings should be oriented to a prominent feature, such as a corner location, a plaza, a street or the river. Buildings and site design should provide inviting entry orientation. Buildings should not turn their backs to the street. <b>Compliant as of the September 22<sup>nd</sup> resubmittals.</b></li> </ul> <p><b>Objective 6: The site development should support and be consistent with the adopted streetscape.</b></p> <ul style="list-style-type: none"> <li>The existing streetscape along N. Maple Grove shall remain.</li> <li>The proposed streetscape along W. Chinden shall be compliant with the City's and ITD's adopted <a href="#">Chinden plan</a>.</li> </ul>																				
<a href="#">8-4C-5 Prohibitions</a>	No compliance issues noted	There are no visible false fronts, prefabricated structures or prohibited materials proposed with this application.																				
<b>8-4D Parking and Off Street Loading Provisions</b>																						
<a href="#">8-4D-3 Parking Design and Improvement Standards</a>	Compliant as conditioned	<p>New parking code per Ord. 1034-22 Adopted June 12, 2023</p> <p><b>Vehicle parking:</b></p> <table border="1"> <thead> <tr> <th colspan="5">Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS</th> </tr> <tr> <th>Parking Angle</th> <th>Stall Width</th> <th>Stall Depth</th> <th>Length Per Car</th> <th>Driveway Width* Must also meet fire requirements</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> <tr> <td colspan="5" style="text-align: center;">Standard</td></tr> </tbody> </table> <p>Stall width provided: 9'0".  Stall depth provided: 20'0"  Length per Car provided: 18'0"</p>	Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS					Parking Angle	Stall Width	Stall Depth	Length Per Car	Driveway Width* Must also meet fire requirements	90°	9'0"	20'0"	9'0"	22'0"	Standard				
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		<p>Accessible spaces shall be designed in accordance with current adopted building codes and current Americans with Disabilities Act (ADA) guidelines.</p> <p>A pedestrian route that is compliant with current Americans with Disabilities Act (ADA) standards must be provided from the parking to each primary entrance.</p> <p>The design of the parking area shall minimize the trespass of lights from motor vehicles on adjacent properties and rights-of-way.</p> <p>Bicycle parking spaces shall:</p> <ul style="list-style-type: none"> <li>• Be a minimum space six feet (6') long by two feet (2') wide. <b>Not enough information. Condition drafted.</b></li> <li>• On- site spaces shall be located within fifty feet (50') of the building entrance(s); <b>Provided.</b></li> <li>• Not impede pedestrian or vehicular circulation, or loading zones; <b>Provided.</b></li> </ul>
<a href="#"><u>8-4D-4 Parking Use Standards</u></a>	No compliance issues noted	New parking code per Ord. 1034-22 Adopted June 12, 2023.
<a href="#"><u>8-4D-5 Required Number of Off-Street Parking Spaces</u></a>	No compliance issues noted	<p>New parking code per Ord. 1034-22 Adopted June 12, 2023</p> <p>A drive-through establishment is considered a medium use per the new code, which requires 1 motor vehicle parking space per 1,000sqft of building. The building is 1,275sqft.</p> <p>Required: 1</p> <p>Provided: 7 (<b>Surplus of 6 spaces</b>)</p> <p>The minimum number of bicycle parking spaces is 1 per 500 SF.</p> <p>Required: 3</p> <p>Provided: 3 bike rack structures</p>
<a href="#"><u>8-4D-6 Standards for Equivalent Parking Adjustments</u></a>	No compliance issue notice	Was not requested.
<a href="#"><u>8-4D-7 Off Street Loading Standards</u></a>	No compliance issues noted	<p>This type of usage is likely to have the Loading Zone. Off street loading zone not defined in the submitted plans. Clarification is needed. If a loading zone is provided, the above standards shall be met.</p> <p>If so:</p> <ul style="list-style-type: none"> <li>• All spaces shall have fourteen feet (14') of vertical clearance.</li> <li>• On-site drive aisles, on-site parking, or private roads may be designed to have a dual purpose to accommodate the required loading;</li> <li>• Access driveways for parking areas shall be located in such a way that any vehicle entering or leaving such an area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street. Access shall conform to the clear vision requirements and the vehicle and pedestrian circulation standards in article E, "Transportation and Connectivity Provisions", of this chapter;</li> </ul>

		<ul style="list-style-type: none"> <li>• Except for an alley, loading areas shall be designed so vehicles shall not back out into the street; or project into the public right of way or setback area;</li> <li>• Loading zones may not impede bicycle lanes, multi-use paths, sidewalks, or motor vehicular travel on public roads.</li> <li>• Convenient access to loading spaces shall be provided with not less than fifteen feet (15') in width.</li> </ul> <p>Because there is no loading zone proposed, this section of code is not applicable.</p>
<b>8-4E Transportation and Connectivity Provisions</b>		
<a href="#"><u>8-4E-3 Public Street Connections</u></a>	No compliance issues noted	<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> <p>Existing ingress/egress to remain.</p>
<a href="#"><u>8-4E-4 Internal Circulation Standards</u></a>	No compliance issues noted	
<a href="#"><u>8-4E-6 Sidewalk Standards</u></a>	Compliant as conditioned	<p>The existing attached sidewalk on N. Maple Grove Rd. to remain. This is compliant with code.</p> <p>In cooperation with ITD, Garden City requires a minimum of a 10ft wide detached multi-use pathway to be installed along the W. Chinden frontage. This pathway is required on the subject property with a public access easement. The easement has been drafted as a condition for approval.</p> <p><b>Chinden Blvd South Sidewalk Project:</b></p> <p><b>Alternative #1</b>, Protect Existing Irrigation Drain – For Segment 1, from Maple Grove to Republic Storage, a 10' wide multi-use pathway would be routed to the south of the existing irrigation drain (Thurman Drain) and would utilize the existing right-of-way. Due to the proximity of the Thurman Drain, a fall protection handrail would be included on the north side of the pathway.</p> <p><b>Alternative #2</b>, Pipe Existing Irrigation Drain– For Segment 1, a 10' wide multi-use pathway will be routed on top of the Thurman Drain and will require piping approximately 1850' of the existing drain. A drainage swale is proposed in between the proposed pathway and the existing edge of pavement. The drainage swale will be sized to accommodate the required storm water.</p> <p><b>Alternative #3</b>, Follow Existing Irrigation Drain – For Segment 1, a 10' wide multi-use pathway would be routed on top of the Thurman Drain parallel to Chinden Boulevard and would require piping approximately 1850' of the existing drain. A drainage swale is proposed in between the proposed pathway and the existing edge of pavement. The drainage swale would be sized to accommodate the required roadway storm water.</p>
<a href="#"><u>8-4E-7 Pedestrian and Bicycle Accessibility Standards</u></a>	No compliance issues note	All new commercial development is required to have a direct, convenient pathway system from the building's primary entrances through the site to the public sidewalk. Site plans appear to have a pathways through the site to a public sidewalk.
<b>8-4F Sign Provisions</b>		
<a href="#"><u>8-4G Sustainable</u></a>	No compliance issues noted	The development is required to provide 12 points. <b>Compliant.</b>

<u>Development Provisions</u>		
<u>8-4H Flood Hazard</u>	Compliant as Conditioned	<p>The planning official is the decision maker on items regarding 8-4H.</p> <p>The City highly encourages that the applicant build to the best available data identified in the FIS study due to the potential cost of flood insurance and safety concerns for the property. Should the applicant choose not to build above the base flood elevations identified in the FIS, the City will request that the applicant record a Flood Acknowledgement on the property.</p>
<b>8-4I Landscaping and Tree Protection Provisions</b>		
<u>8-4I-3 General Landscaping Standards and Irrigation Provisions</u>	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. Use of mulch, organic or rock, as the only ground cover in required planting areas is prohibited. <b>Landscape plans do not appear to show 70% vegetation in any of the landscaped areas except for the perimeter landscaping areas. There is a large drainage swale area located toward the center of the property that will not count towards this calculation if it does not meet code.</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>Required Trees: 18 Provided Trees: 45</p>
<u>8-4I-4 Landscaping Provisions for Specific Uses</u>	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><b>Site plans state that 29% of the site is dedicated for landscaping. There is not enough information to differentiate the overall calculations from that of which meets this requirement, assuming the setback and perimeter landscaping provided was included in the overall calculation. Additional information is required for review. 70% of landscaped areas are required to be of vegetative material at maturity.</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 I tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.</p> <p><b>N. Maple Grove Rd. (~251 LF):</b> 1 Street tree + 5 Frontage trees = 6 trees Provided: 1 Street tree + 8 Frontage trees = 9 trees *Staff utilizes the Treasure Valley Tree Selection Guide to determine class and species. **The Class I species proposed do not meet the intent of street trees, as they do not have high or wide branching canopies.</p> <p><b>W. Chinden BLVD.: (~141LF):</b> 1 Street tree + 3 Frontage Trees = 4 trees Provided: 1 Street tree + 0 Frontage trees = 1 tree (<b>deficient 3 trees</b>) *This application proposes only 1 tree along the frontage of Chinden which is not compliant with code. **Street trees are required closest to the ROW, between the patio/plaza and the Chinden ROW and required 10' pedestrian pathway.</p>

		<p>***A condition has been drafted to require a minimum of 4 Class II or III street trees along this frontage.</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><b>Proposed Landscape:</b> 6,220sqft  <b>Required trees:</b> 6,220/1,000 = 6  <b>Provided:</b> 33  <b>Required shrubs:</b> 6,220/150=41</p>
<a href="#"><u>8-4I-5 Perimeter Landscaping Provisions</u></a>	No compliance issues noted	Not required. Where perimeter landscaping might be required due to adjacent vehicular use, it is not being required due to the shared drive aisle's function to both this site and the adjacent existing use.
<a href="#"><u>8-4I-6 Parking Lot Landscaping Provisions</u></a>	No compliance issues noted	<p>The provisions of this section shall apply to all new or substantially altered parking lots of five (5) spaces or more.</p> <p>Internal shade trees are required at a minimum ratio of one tree per five parking spaces, resulting in at least 2 trees. Trees are provided.</p>
<a href="#"><u>8-4I-7 Tree Preservation Provisions</u></a>	No compliance issues noted	There are no existing trees on the site.
<b>Title 8, Chapter 6, Article A: Administration</b>		
<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>	N/A	Application waivers requested pursuant to 8-6A-4A
<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.

<b>Other Items Reviewed</b>	
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> <ol style="list-style-type: none"> <li>(1) Minimizing adverse impact on other development;</li> <li>(2) Controlling the sequence and timing of development;</li> </ol>

	<p>(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> <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	DSRFY2023-0006
<a href="#">Garden City Comprehensive Plan</a>	<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.<sup>1</sup></p> <p>This proposal is in conflict with the Comprehensive Plan’s future land use designations of the Green Boulevard Corridor, Neighborhood Commercial Node, and Mixed-Use Development.</p> <p>The Comprehensive Plan’s explanation for Green Boulevard Corridor is: “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>A drive through is inherently a use that focuses on motor vehicles and is in conflict with the Green Boulevard Corridor’s definition above.</p>

<sup>1</sup> [2022 Givens Pursley Land Use Handbook](#)

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

This use conflicts with uses that facilitate making the location a destination as the intent of a drive-through is to allow vehicles to quickly pass through an area. The proposal is not cohesive with promoting other adjacent small-scale retail, art, office, and higher density residential.

The Comprehensive Plan's explanation for Mixed Use Commercial is: "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."

Drive-throughs do not promote urban design. Moreover, the proposed layout and single-story structure that which occupies 6% of the site does not meet the desire for three story buildings and 40%- 60% lot coverage. The application may be supported by:

Goal 1. Nurture the City

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

Goal 4. Emphasize the "Garden" in Garden City

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

Goal 7. Connect the City

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

Goal 12. Evolve as a Destination

- a.) 12.1 Objective: Support a positive business environment
- b.) 12.2 Objective: Continue to support commercial and industrial land uses.
- c.) 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce.

The application may not be supported by:

Goal 1. Nurture the City

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

	<p>Goal 2. Improve the City Image</p> <p>a.) 2.3 Objective: Promote quality design and architecturally interesting buildings.</p> <p>b.) 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.</p> <p>Goal 12. Evolve as a Destination</p> <p>a.) 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce</p>
<a href="#"><u>Garden City Sidewalk Policy</u></a>	Existing sidewalk to remain along Maple Grove. Sidewalk required along W. Chinden, refer to discussion.
<a href="#"><u>Garden City Street Light Policy</u></a>	A streetlight is installed along W. Chinden Blvd. in accordance with the policy.
<a href="#"><u>Chinden- ITD Access Management</u></a> <a href="#"><u>Chinden Corridor Access Map</u></a>	No access proposed onto Chinden.
<a href="#"><u>Garden City Transportation Needs List</u></a>	Utilizing the existing ITD right-of-way, install a detached sidewalk back of canal on the south side of Chinden from Maple Grove to 8373 Chinden and at 8121 Chinden. This is per the number 2 potential project identified during the ITD, VRT, ACHD and Garden City Charrette held on January 24, 2020. Three alternatives have been identified. This project has gone through COMPASS' project Development process and is anticipated to be \$1-1.5 million.