

## DEVELOPMENT SERVICES DEPARTMENT

6015 Glenwood Street □ Garden City, Idaho 83714

Phone 208/472-2921 □ Fax 208/472-2996 □

[planning@gardencityidaho.org](mailto:planning@gardencityidaho.org) [www.gardencityidaho.org](http://www.gardencityidaho.org)

January 11, 2023

New Cingular Wireless PCS, LLC  
Attn: Gary Abrahams  
590-1<sup>st</sup> Ave. South, #705  
Seattle, WA 98104

Delivery via email to [Gary@gmanetworksservices.com](mailto:Gary@gmanetworksservices.com) and USPS First Class Mail

Re: Appeal Request for DSRFY2023- 0001, CUPFY2023-0002, and CUPFY2023-0003

Dear

On **December 19, 2022**, the Design Committee approved DSRFY2023- 0001 a request for a Design Review, and on **December 21, 2022**, the Planning and Zoning Commission approved Conditional use permits CUPFY2023-0002 and CUPFY2023-0003 for modifications to an existing cell tower at 8247 W. State Street, Garden City, ID 83714. The signed decisions are attached to this notice.

An appeal for the conditions of approval for each of these applications was received on **January 11, 2023**.

The appeals will not be processed as they are not timely.

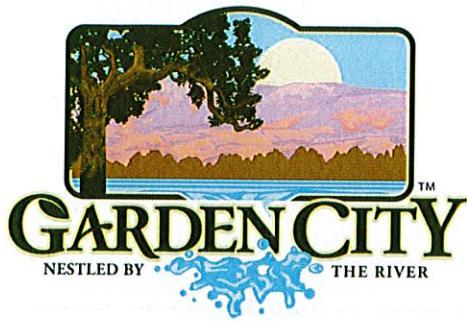
### Appeals:

Pursuant to Garden City Code 8-6A-9 (Appeals), there is a **15 day** right to appeal the decision to the City Council. Once the appeal period ends, the decision is final.

### Regulatory Takings Analysis:

Pursuant to Idaho Code 67-6535(3), you are hereby notified of the right to request a regulatory takings analysis pursuant to Idaho Code 67-8003. If such a request is to be filed, it must be submitted in writing to the Development Services Department not more than 28 days after the final decision. Requests submitted after 28 days will not be accepted.

Sincerely,  
Development Services Department



# DEVELOPMENT SERVICES DEPARTMENT

6015 Glenwood Street □ Garden City, Idaho 83714  
Phone (208)472-2921 □ Fax (208)472-2926

# DESIGN REVIEW REPORT AND DECISION

File Number: DSRFY2023 - 0001

**Review Status: APPROVED AS CONDITIONED**

## Plan Review Number: 1

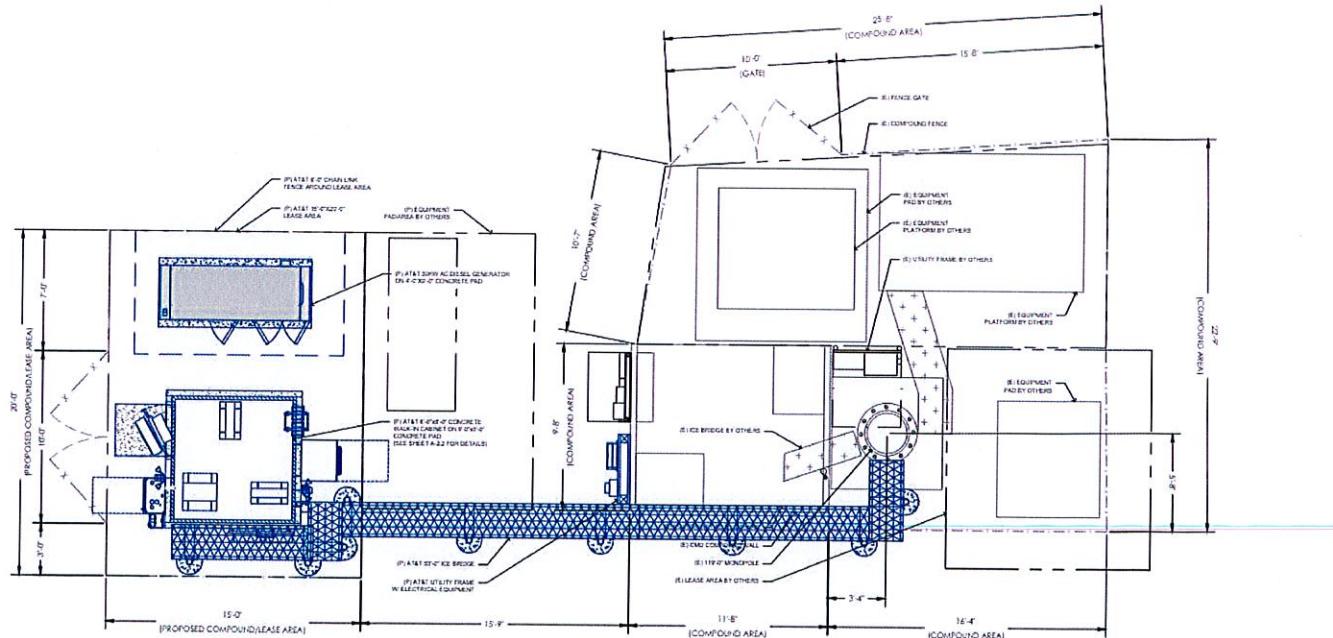
**Reviewer:** Hanna Veal

**Design Consultant:** Brett Labrie

**Design Consultant:** Derek Hurd

**Date:** December 19, 2022

**Applicant:** Gary Abrahams for Crown Castle



DESIGN REVIEW DECISION - 1  
DSRFY2023-0001

## REPORT CONTENT

<b>SITE INFORMATION</b> .....	<b>3</b>
<b>PROJECT INFORMATION</b> .....	<b>4</b>
<b>AGENCY COMMENTS</b> .....	<b>4</b>
<b>PUBLIC COMMENT</b> .....	<b>5</b>
<b>MEETING SUMMARY</b> .....	<b>5</b>
<b>CODE AND POLICY REVIEW</b> .....	<b>5</b>
<b>DECISION PROCESS</b> .....	<b>16</b>
<b>REQUIRED FINDINGS, CONCLUSIONS OF LAW AND DECISION</b> .....	<b>17</b>
<b>IMAGES</b> .....	<b>1</b>

## SITE INFORMATION

- 1) Owner: DBill LLC
- 2) Street Address: 8247 W. State Street
- 3) Ada County Tax 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
- 8) Zoning Overlay: None
- 9) Comprehensive Plan Land Use Map Designation:
  - a) Green Boulevard Corridor
- 10) Floodplain Designation:
  - a) The project is not in the floodplain according to the 2003 FIRM.
  - b) The project is not in the floodplain according to FEMAs most recent modeling of the Lower Boise River, adopted by resolution 1083-20
- 11) Adjacent Uses:
  - a) Vehicle Services
  - b) Single Family Detached Residential
  - c) Manufactured Home Park
  - d) Retail Store
- 12) Existing Use: Wireless Communications Facility
- 13) Easements on site:
  - a) 7' Pedestrian/Bike Path
- 14) Site Access:
  - a) Front: State Street
- 15) Sidewalks: Sidewalks are installed and are in good repair.
- 16) Wetlands on site: none identified

## PROJECT INFORMATION

- 1) Proposed development: Improvements to an existing cell tower
- 2) Noticing was completed on: November 17, 2022; December 2, 2022
- 3) The neighborhood meeting was held on: September 13, 2022
- 4) Associated Conditional Use Permit: CUPFY2023-0002 & CUPFY2022-0003
- 5) Site Coverage: New 15' x 20' Compound/Lease Area
- 6) Number of Structures: 1 (8'x8' Walk-in Cabinet on 9'x9' concrete pad)
- 7) Total number of vehicular parking spaces: 16
- 8) Total number of bicycle parking: 0
- 9) Trash Enclosure: No change proposed
- 10) Sidewalk: Existing sidewalk along W. State Street to remain
- 11) Fencing:
  - a) Existing 6' wood fence along southern property boundary to remain
  - b) Existing wrought iron fence along eastern boundary to remain
  - c) Existing chain-link fencing to remain around existing compound
  - d) Proposed 6' tall chain-link fence proposed around compound
- 12) Landscaping:
  - a) Street Trees: None
  - b) Parameter Landscaping: None

## AGENCY COMMENTS

The following agency comments were provided:

Agency	Comment Date	Summary
Garden City Engineer	11/25/2022	<ul style="list-style-type: none"><li>• Approval of the project by the North Ada County Fire and Rescue District (NACFRD) may be required.</li><li>• Prior to performing any grading on the site, if any, the applicant must prepare and have approved by the city an erosion and sediment control plan.</li><li>• Should any water or serviced services be needed, they must be reviewed and approved by the city's Public Works Department.</li><li>• A site grading and drainage plan may be required. Should 1,000 square feet or more of existing ground surface be altered, a grading and drainage plan would be required. Should any site grading alter existing drainage patterns on the site, a site grading and drainage plan may be required</li><li>• Should a site grading and drainage plan be required, the landowner may be required to enter into an agreement with the city that will be recorded addressing mandatory maintenance of the site's storm water system.</li><li>• Should relocation or changes to any existing irrigation facilities be proposed, it will require the approval of the entity in control of the facility.</li></ul>

			<ul style="list-style-type: none"> <li>• We note the affidavit is personally signed by Taro Sitthion. It is not clear who the party is in relation to the property rights holder – an LLC. We suspect the signature is the personal signature of the member/manager of the property rights holder. The signature should be a party for the valid right holder, the LLC (not as an individual).</li> </ul>
Idaho Transportation Department	Transportation	11/23/2022	<ul style="list-style-type: none"> <li>• To help preserve the highways as constructed and provide responsible growth where allowed, any individual or business planning to add, modify, change use, relocate, maintain, or remove an encroachment on the state highway or use highway right-of-way for any purpose other than normal travel, shall obtain a permit to use state highway right-of-way. Encroachment permits approved by ITD are required for private and public approaches (driveways and streets), utilities and other miscellaneous encroachments</li> </ul>

## PUBLIC COMMENT

None provided as of the drafting of this document.

## MEETING SUMMARY

This is a summary of the discussions that occur at the Design Review consultation meetings.

### December 19, 2022, Meeting Summary:

- Extension of the existing facility, additional area for T-Mobile generator and new AT&T compound, for a total of two generators on site.
- Proposal is to continue the use and even extension of the chain-link fencing.
- Concern regarding the privacy and noise created by the industrial use. Neighbors have not provided public comment prior to the meeting.
- Conditions as drafted are conditions made of previous conditional use permits required for the installation of the wireless communication facility and continuation of the legal non-conforming use.

## CODE AND POLICY REVIEW

### Discussion

The request is for an approval of an expansion of a 'wireless communication facility', which requires approval of a conditional use permit. CUPFY2022-0002 is directly associated with this application. The proposed application is for AT&T to install ground-based equipment, including an equipment shelter building (8'x8' walk-in-cabinet and emergency generator), and collocating on an existing tower. The proposed installation includes installing antennas and ancillary equipment at the 90-foot level on the existing 119' monopole. The proposal encompasses an additional leased area measuring 15'x20' that is referred to as "the compound". The compound is proposed to be fenced in.

Installation would take place on an existing tower, served by existing utilities. The proposed installation includes:

1. Bringing power/fiber to site location
2. Adding AT&T Approved 8'x8' concrete walk-in cabinet, and associated interior equipment
3. Adding new compound fencing
4. Adding (1) 30KW AC diesel generator
5. Adding (1) GPS unit
6. Adding (3) VFA12-HD-WLL sector mounts on (E) monopole
7. Adding (6) antennas, (2) per sector
8. Adding (9) RRHs, (3) per sector
9. Adding (3) DC9 surge suppressors, (1) per sector
10. Adding (6) DC trunks
11. Adding (3) fiber trunks

**GCC 8-2B-2 Allowed Uses:** A wireless communication facility is not allowed in the C-2 General Commercial Zoning District. However, GCC 8-1B-3 allows for a nonconforming use/ structure to be expanded, provided successful obtainment of a conditional use permit. If the associated CUPFY20223-0002 is approved by the Planning and Zoning Commission, then the use would be considered an existing non-conforming use that which is permitted to expand as proposed (or otherwise conditioned).

**The Spectrum Act** (Refer to the FCC Rules submitted on 11-28-2022)

According to the Spectrum Act, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.”

Subsection (a)(2) defines the term “eligible facilities request” as any request for modification of an existing wireless tower or base station that involves (a) collocation of new transmission equipment; (b) removal of transmission equipment; or (c) replacement of transmission equipment.

A modification substantially changes the physical dimensions of a tower or base station if it does not comply with conditions associated with the prior approval of construction or modification of the tower. As analyzed, the application does not comply with the conditions set forth in previous approvals for construction. Therefore, the application proposes substantial changes.

Staff has drafted conditions for approval based on the original 03-17-CU application and subsequent conditional use permits which contained conditions that have not been upheld through the duration of the use. Conditions drafted include aesthetic requirements based on code and previous approvals meant to minimize the visual impact of the wireless facility. The conditions do not prevent modifications to the existing facility from commencing, however, they shall be met as they are directly associated with the original approval of the facility and allow for the continuing existence of the use.

**8-2C-46 Land Use Provisions**

A Wireless Communication Facility has a number of use specific requirements including setbacks from other wireless facilities, and general setbacks, height restrictions, findings for collocation, etc. Specifically germane to the Design Review Approval are the requirements below:

Site Design:

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-5C of this title.
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.
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, "Outdoor Lighting", of this title.

**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.

#### **8-4I-5: Perimeter Landscaping Provisions**

##### **C. Standards:**

1. A perimeter landscaping area shall be at least ten feet (10') wide measured from the property line to the interior of the lot;
2. A screen consisting of vegetation shall be at least six feet (6') wide and six feet (6') in height at maturity;
3. At least one tree shall be planted for every fifteen (15) linear feet of perimeter length (or as appropriate to the selected species) to quickly establish continuous canopy coverage.
4. Additional standards for parking lots and carports are set forth in section 8-4I-6, "Parking Lot Landscaping Provisions", of this article.
5. Structures less than one hundred twenty (120) square feet, including, but not limited to, trash enclosures and storage sheds may encroach into the perimeter landscape area. 6. Perimeter landscape areas shall provide for pedestrian access from residential development to abutting commercial districts and vice versa.

The applicant has indicated that there is no landscaping on site at the southerly or easterly property boundaries.

Per GCC 8-4I-3.F for something to qualify as landscaping, the area must be 70% or more of living material.

Conditional Use Permit 03-17-CU for the construction of the tower, 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.

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.

Landscape plans submitted as part of the 05-05-CU permit indicated that at least 5% of the site consisted of landscaping, a percentage required by code. The documents submitted in conjunction with 05-05-CU a conditional use permit for Treasure Valley Collision show the entire 20' setback along the south property line as being dedicated to landscaping. Not maintaining at least 5% of the landscaping as shown in the submitted documents and as conditioned in the decision document of 05-05-CU, is in direct conflict with the approval.

Submitted site plans, site photos, and Google ariel and street view show that the landscaping shown in the original 03-17-CU has not been maintained, nor have the evergreens been

installed or maintained. The lack of landscaping is in direct conflict with the conditions set forth in previous conditional use permits.

**Potential Conditions for Compliance include:**

1. At least one tree shall be planted for every fifteen (15) linear feet of perimeter length (or as appropriate to the selected species) to quickly establish continuous canopy coverage.
2. A perimeter landscaping area shall be at least five feet (5') wide measured from the property line to the interior of the lot.
3. A screen consisting of vegetation shall be at least six feet (6') wide and six feet (6') in height at maturity.
4. Perimeter landscaping shall not be installed within the pedestrian/bicycle easement.
5. At least 5% of the site shall consist of landscaping.
6. Landscaping shall be 70% or more of living material.
7. Perimeter landscape shall be 75% comprised of evergreens. The evergreens shall be at least 6' in height at the time of planting and interspersed with evergreen shrubs.
8. Landscaping shall be continually maintained, and in good health. Should the landscaping die, it shall be replaced within 6 months.
9. Landscaping shall be continuously maintained with a permanent, underground and automatic sprinkler system.
10. There shall be one class II or III tree installed for every 50' of lineal frontage adjacent to State Street.
11. All chain-link fencing shall be removed and replaced with code compliant fencing materials.
12. Privacy fencing shall be installed to shield all mechanical equipment from view of the public right-of-way and adjacent properties.
13. This approval is contingent upon the Planning and Zoning Commission use approval, and successful approval and completion of all applicable permits

The below serves as an analysis of applicable provisions Garden City Code, Title 8, Development Code and identified applicable policies, plans, and previous approvals.

<b>Garden City Title 8 Applicable Code Sections</b>		
<b>Code Section</b>	<b>Compliance</b>	<b>Analysis/ Discussion</b>
<b>Title 8, Chapter 1: General Regulations</b>		
<u>8-1A-4 Applicability</u>		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.
<u>8-1B-1 Nonconforming Properties</u>	Complaint	Legal parcel of record as described
<u>8-1B-2 Nonconforming Structures</u>	Complaint	
<u>8-1B-3 Nonconforming Uses</u>	Complaint as Conditioned	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

		<p>adoption of 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.</p> <p>Conditional Use Permit will be required</p>
<u>8-1C-3 Property Maintenance Standards</u>	Complaint	<p>Per 8-1C-2, this article applies to all existing residential and non-residential buildings, structures, and lands.</p> <p>No active code enforcement cases on file.</p>
<b>Title 8, Chapter 2: Base Zoning District Regulations</b>		
8-2B-1 Purpose	Complaint	<p>The purpose of the two (2) commercial districts is to provide a full range of commercial uses and services for both the residents of Garden City and the region. Location determines the type and form of commercial uses. Activities which are more compatible with mixed use or residential uses and minimally disruptive to the neighborhood are to be located in the general commercial (C-2) district.</p>
<u>8-2B-2 Allowed Uses</u>	Complaint as Conditioned	<p>Existing legal nonconforming use for a wireless communications facility.</p>
<u>8-2B-3 Form Standards</u>	Complaint	<p>The required setbacks are: Front: 5' Interior Side: 5' Rear: 5' Street side: 5'</p> <p><i>The maximum height limitations shall not apply to the following: fire and hose tower; power line tower; water tank or tower; windmill; wireless communication facility, 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>AT&amp;T proposes to expand the fenced area to accommodate its 8' x 8' walk in cabinet and an emergency generator, and the required minimum 5-foot setback to all property lines in the C-2 zone will be maintained. The antennas and ancillary equipment will be installed on the existing 119' monopole at the 90' level.</p> <p>The allowable maximum height is: n/a The minimum lot size is: n/a There are no encroachments All improvements are more than 70' from the Boise River.</p>
<u>8-2C</u>	Complaint	<p>GCC 8-2C-46</p> <p>Although the proposal is to expand a legal nonconforming use, the Committee may place conditions of approval upon the expansion.</p>

	<p>This section contains use standards for new Wireless Communication Facilities but is noted in this report as guidance for the Committee to consider additional conditions.</p> <p>A. Setback:</p> <ol style="list-style-type: none"> <li>1. A wireless communication facility shall not be located closer than five thousand two hundred eighty feet (5,280') (1 mile) from an existing cellular tower.</li> <li>2. In addition to the setbacks required for the base zoning district as set forth in section <u>8-2B-3</u>, table 8-2B-2, "Form Standards In All Base Zoning Districts", of this chapter, 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.</li> <li>3. All equipment shelters, cabinets or other on ground ancillary structures shall meet the setback requirements of the zone.</li> </ol> <p>B. 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.</p> <p>C. 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"> <li>1. No existing towers or structures are located within the geographic area required to meet the proposed facility's requirements;</li> <li>2. Existing structures are not of sufficient height to meet the engineering requirements of the proposed structure;</li> <li>3. Existing structures do not have sufficient structural strength to support the proposed antenna and/or equipment; or</li> <li>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.</li> </ol> <p>D. Site Design:</p>
--	--

		<p>1. Tower facilities shall be landscaped with a buffer outside the perimeter of the compound in accordance with the standards set forth in subsection <u>8-4I-5C</u> of this title.</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 <u>8-4A-4</u>, "Outdoor Lighting", of this title.</p> <p>E. 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>F. Other Regulations Apply: The site and structure design shall be subject to review by the design review consultant(s) and the process set forth in section <u>8-6B-3</u> of this title.</p>
--	--	--

#### **Title 8, Chapter 4: Design and Development Regulations**

<u>8-4A-3 Fences and Walls</u>	Complaint as Conditioned	<p>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 chain-link fencing 6' in height to surround the new compound leased area. This is not code compliant.</p> <p>Barbed wire is also a prohibited material. The existing fence has barbed wire and the proposed fence also contains barbed wire. This is not code compliant.</p> <p>Removal of existing chain link fencing and barbed wire shall be required. Replacement of fencing shall be of code compliant materials.</p>
<u>8-4A-4 Outdoor Lighting</u>	Complaint as Conditioned	This proposal does not identify any outdoor lighting. Any future outdoor lighting will be required to be in compliance with code at the time of building permit review.
<u>8-4A-5 Outdoor Service and</u>	Complaint as Conditioned	Code requires that areas for service and equipment areas be screened from any adjoining property and/or public street by a privacy fence. The adjacent residential property to the south has a wood fence

<u>Equipment Areas</u>		for screening purposes, however, the chain link fence surrounding the existing and proposed compound does not act as a privacy fence.	
		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.	
<u>8-4A-7 Stormwater Systems</u>	Complaint 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.	
<u>8-4A-8 Utilities</u>	Complaint as Conditioned	Another draft condition of approval is provided requiring that all utilities be underground.	
<u>8-4C-5 Prohibitions</u>	Complaint	There are no visible false fronts, prefabricated structures, or prohibited materials associated with the application.	
<b>8-4D Parking and Off Street Loading Provisions</b>			
<u>8-4D-3 Parking Design and Improvement Standards</u>	Complaint		
<u>8-4D-4 Parking Use Standards</u>	Complaint		
<u>8-4D-5 Required Number of Off-Street Parking Spaces</u>	Complaint	The proposed expansion of the use is intended to be unmanned except for when being serviced. Existing parking located in the parking lot consists of 16 vehicular parking spaces.	
<u>8-4D-6 Standards for Alternatives to On Site Parking</u>	Complaint	Not requested.	
<b>8-4E Transportation and Connectivity Provisions</b>			
<u>8-4E-3 Public Street Connections</u>	DC	Complaint	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.
			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.

<u>8-4E-4 Internal Circulation Standards</u>	DC	Complaint	The drive is 20' or greater in width
<u>8-4E-6 Sidewalk Standards</u>	DC	Complaint	Existing sidewalk along W. State Street is in compliance with this section of code.
<u>8-4E-7 Pedestrian and Bicycle Accessibility Standards</u>	DC	Complaint	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.
<b>8-4F Sign Provisions</b>			
<u>8-4F-13 Master Sign Program</u>	Complaint	No sign proposed.	
<u>8-4G Sustainable Development Provisions</u>	Not Applicable	The sustainability checklist is only applicable to new structures.	
<u>8-4H Flood Hazard</u>	Complaint as Conditioned	The planning official is the decision maker on items regarding 8-4H.  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.	
<b>8-4I Landscaping and Tree Protection Provisions</b>			
<u>8-4I-3 General Landscaping Standards and Irrigation Provisions</u>	Complaint as Conditioned	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.  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 is dead. This is not compliant with code, nor the previous conditions of 03-17-CU and 05-05-CU.  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.
<u>8-4I-4 Landscaping Provisions for Specific Uses</u>	Complaint as Conditioned	<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. <u>The application is in conflict with the original conditional use permit conditions of approval, and in conflict with current code standards.</u></p> <p>There is one street tree located between the ROW of W. State Street and the sidewalk. 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>
<u>8-4I-5 Perimeter Landscaping Provisions</u>	Complaint as Conditioned	<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.</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 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,</p>

		<p>it would create a non-linear pathway or elimination of an existing pathway.</p> <p>It has been conditioned to require perimeter landscaping at the rear of the property in conformance with the original 03-17-CU and 05-05-CU landscape plans; an additional condition is to prevent perimeter landscaping from being placed within the pedestrian easement.</p>
<u>8-4I-6 Parking Lot Landscaping Provisions</u>	Not Applicable	No impact to the existing parking lot.
<u>8-4I-7 Tree Preservation Provisions</u>	Complaint	
Title 8, Chapter 6, Article A: Administration		
<u>8-6A-3 General Application Process</u>	Complaint	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.
<u>8-6A-4 Required Application Information</u>	N/A	<p>Application waivers requested pursuant to 8-6A-4A:</p> <ul style="list-style-type: none"> <li>• Lighting Plan</li> <li>• Topographic Survey</li> <li>• Grading Plan</li> <li>• Will Serve Letter</li> <li>• Sustainability Checklist</li> </ul>
<u>8-6A-5 Administrative Process with Notice</u>	Complaint	<p>A notice of intent was sent to adjoining property owners within 300' and agencies with jurisdiction.</p> <p>If no objections are filed within 15 days, the Design Review Committee's decision shall be considered final.</p> <p>Objections will be heard by City Council following the public hearing provision set forth in section GCC 8-6A-7.</p> <p>Conditions of approval that are deemed necessary to protect the public health, safety, and welfare, and prevent undue adverse impacts on surrounding properties may be required.</p>

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Previous entitlement that might affect this project	05-05-CU, 03-17-CU, CUPFY2016-05, DSRFY2016-14 and DR2014-0007, CUPFY2022-0002, CUPFY2022-0003
<u>Garden City Comprehensive Plan</u>	This application is in future land use designations of the Comprehensive Plan:

	<p><b>a.) Green Boulevard Corridor</b>  <b>b.) Residential Low Density</b></p> <p>The proposed facility is located in the Green Corridor Boulevard and Residential Low Density land use designation of the Garden City Comprehensive Plan. Green Boulevard Corridor- Dramatic Statement that highways and arterials should change from single purpose of moving vehicles to adding pedestrian accesses, refuges, trees and landscaping. Residential Low Density is designated for predominantly single family detached.</p> <p>The design as submitted is arguably not in line with either of these land use designations, as it tends to read more industrial in nature and requests facilities that are read architecturally hostile, such as chain-link fencing, and little to no vegetation.</p> <p>The application may be supported by:</p> <p>Goal 1. Nurture the City</p> <p><b>a.) 1.4 Objective:</b> Create a premier destination place to live, work, and recreate.</p> <p>Goal 7. Connect the City</p> <p><b>a.) 7.4 Objective:</b> Maintain and improve standards for sidewalks, curbs and gutters.</p> <p>Goal 12. Evolve as a Destination</p> <p><b>a.) 12.1 Objective:</b> Support a positive business environment</p> <p><b>b.) 12.2 Objective:</b> Continue to support commercial and industrial land uses.</p> <p>The application may not be supported by:</p> <p>Goal 2. Improve the City Image</p> <p><b>a.) 2.3 Objective:</b> Promote quality design and architecturally interesting buildings.</p> <p>Goal 4. Emphasize the "Garden" in Garden City</p> <p><b>a.) 4.3 Objective:</b> Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</p>
<a href="#">Garden City Sidewalk Policy</a>	Existing sidewalk to remain
<a href="#">Garden City Street Light Policy</a>	A streetlight is installed along W. State Street in accordance with the policy.

## DECISION PROCESS

### General Provisions

A formal application will be processed per [GCC 8-6A-5 Administrative with Notice](#).

**Required Decisions:** The following decision processes are required for the project as governed by [GCC Table 8-6A-1](#). The Planning Official and City Council have decision authority once a Design Review Consultation has occurred.

### Decision

Pursuant to GCC 8-6A-5, staff shall take one of several actions:

- a. Intent to approve as submitted;
- b. Intent to approve with changes;
- c. Request changes and resubmittal;
- d. Recommend denial; or

- e. Recommend public hearing.

Once the decision is rendered it will be sent to the applicant and interested parties. If the determination is a recommendation for a public hearing or if a person with standing objects, a hearing with City Council or Planning and Zoning Commission will be scheduled.

**Appeals of Decision:**

Per Garden City Code [8-6A-5 Administrative Process with Notice](#), there is a 15-day period to file a written objection to the application. The objection shall be made on the appeal submittal form and must be accompanied by the appeal fee. This period starts from the signed decision date. If a written objection is received within the 15-day period, a City Council hearing will be scheduled to decide the application. Verbal objections will not be accepted. Written objections received after the 15-day objection period will not be accepted.

When a design review consultation is required as part of an application that requires a public hearing, public testimony regarding design will be heard by the planning and zoning commission at the planning and zoning commission's scheduled hearing.

## REQUIRED FINDINGS, CONCLUSIONS OF LAW AND DECISION

**Required Findings**

In order to approve a design review application after a recommendation by the design review consultant(s), the decision maker shall make a determination with written reasoned statements on the following findings:

GCC 8-6B-3 Required Findings	Determination	Reasoned Statements
<p>1. The proposed design shall comply with all design standards in Garden City Code, Title 8.</p> <p>2. The proposed design shall provide effective bicycle and pedestrian access and movement to, from, within, and across the site.</p> <p>3. The proposed design shall be compatible with or improve the public's use of existing and planned public spaces, including but not limited to the greenbelt and pathways, sidewalks, parks, roadways, open space, public facilities, Boise river and waterways, canals, and other surface irrigation.</p> <p>4. The proposed design shall be compatible with the neighborhood in scale and intensity.</p> <p>5. The proposed design shall not create an adverse impact on the surrounding neighborhood.</p> <p>6. The proposed architecture and site improvements shall have facades, features, materials and building form, and other physical</p>	Complaint as Conditioned	<p>The application is complaint with all required findings. The application is in conformance with the reviewed sections of code noted in this decision.</p> <p>The application as conditioned, is in compliance with the original approval, and any subsequent approvals for the use of a wireless communications facility.</p>

<p>improvements that are compatible with or enhance the neighborhood.</p>		
<p>7. The proposed design and landscape shall improve the design and function of the site and be consistent with the southwest Idaho climatic conditions; and</p>		
<p>8. The proposed design shall be compatible with applicable natural, scenic, and historic features, including but not limited to wetlands, the Boise River, waterways, and historic structures.</p>		

The Planning Official reviewed the application with regard to Garden City Code, Title 8, Chapter 4, and based on the conditions required herein, concludes the application **meets** the standards of approval under **GCC 8-6B-3 Design Review**.

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Planning Official hereby **Approves** the application, subject to the following conditions:

#### IN APPROVAL

##### **Site Specific Requirements:**

###### Scope of this permit:

1. The proposed expansion of the "Wireless Communications Facility" as applied for and herein conditioned is approved with this application. The expansion of the wireless communications facility use is contingent upon the Planning and Zoning Commission's approval of the associated Conditional Use Permits (CUPFY2023-0002 and CUPFY2023-0003).

###### Prior to Issuance of a Building Permit:

1. All landscaping shall be installed in accordance with the following conditions set forth in this decision document; or a surety for all landscaping improvements shall be provided for and approved prior to the issuance of the building permit.
2. Landscaping that was approved upon the original 03-17-CU and 05-05-CU applications shall be re-installed.
3. At least 5% of the site shall consist of landscaping.
4. Landscaping shall be 70% or more of living material.
5. Perimeter landscaping shall be installed along the southern property boundary line.
  - a. At least one tree shall be planted for every fifteen (15) linear feet of perimeter length (or as appropriate to the selected species) to quickly establish continuous canopy coverage.
  - b. The perimeter landscaping area shall be at least five feet (5') wide measured from the property line to the interior of the lot.
  - c. Perimeter landscape shall be 75% comprised of evergreens. The evergreens shall be at least 6' in height at the time of planting and interspersed with evergreen shrubs.

- d. A screen consisting of vegetation shall be at least six feet (6') wide and six feet (6') in height at maturity.
- e. Perimeter landscaping shall not be installed within the 7' wide pedestrian/bicycle easement.
- 6. The tower facilities shall be landscaped with a buffer outside the perimeter of the compound.
- 7. Landscaping shall be continually maintained, and in good health. Should the landscaping die, it shall be replaced within 6 months.
- 8. Landscaping shall be continuously maintained with a permanent, underground and automatic sprinkler system.
- 9. There shall be one class II or III tree installed for every 50' of lineal frontage adjacent to State Street.
  - a. Two Class II or III street trees shall be installed within the landscape buffer adjacent to W. State Street.

Prior to Occupancy:

- 1. All chain-link fencing shall be removed and replaced with code compliant fencing materials.
- 2. Privacy fencing shall be installed to shield all mechanical equipment from view of the public right-of-way and adjacent properties.
- 3. 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.
- 4. 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, "Outdoor Lighting" or otherwise approved by the Design Review Committee.
- 5. A building permit shall be applied for through Garden City Development Services.
- 6. This approval is contingent upon the Planning and Zoning Conditional Use Permit approval and is subject to the conditions identified by the Planning and Zoning Commission approval.

Site Specific Requirements for the Duration of the Use:

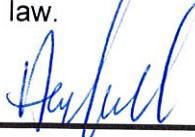
- 1. The tower facilities shall be landscaped with a buffer outside the perimeter of the compound.
- 2. A wireless communication facility that is no longer in use shall be completely removed and the site restored to its preexisting condition within six (6) months of the cessation of operation.

3. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
4. All conditions of approval related to the site as required through the Garden City conditional use permit approvals 03-17-CU and 05-05-CU and the Design Review Committee approval of DSRFY2016-0014 shall be adhered to.

**General Requirements:**

1. This review and approval is specific to the design of the project. Final approval is subject to the approval of other reviewing agencies. Any more restrictive standards adopted and made applicable by any Transportation Authority, Fire Authority or other Federal, State or Local regulatory agencies shall prevail. This approval shall not annul any portion of Garden City Code or other applicable regulation unless specifically noted.
2. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change.
3. All improvements and operations shall comply with applicable local, state and federal requirements and procedures whether specifically addressed in the analysis of this application or not. This shall include but not be limited to 8-4A General Provisions of Design and Development Regulations; 8-4I-3 and Landscape Maintenance Provisions 8-4I-9; and Standards for Transportation and Connectivity Provisions identified in 8-4E.
4. All utilities on the site, including telephone, cable television, and electrical systems shall be underground and in compliance with Garden City Code 8-4A-8.
5. Driveway openings in curbs shall comply with the requirements of the Transportation Authority. The driveway shall be straight or provide a 28-foot inside and 48-foot outside turning radius.
6. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead plant materials shall be replaced.
7. Where landscaping might impact motorist or pedestrian sight distance, shrubs shall be maintained below three feet (3') in height and trees shall be pruned so that the lowest branches will be at least seven feet (7') above the ground level.
8. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
9. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan as required by or exempted from Garden City Code 8-4I and as shown in the approved landscape plans.
10. 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.
11. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
12. All planting areas that border driveways, parking lots, and other vehicle use areas shall be protected by curbing, wheel stops, or other approved protective devices.
13. Trees shall be planted at least three feet (3') from curbs, sidewalks, driveways and other hard surfaces to buffer from stress caused by vehicle overhang and compacted soils or planted with sufficient space to provide for the full maturity of the particular tree species.
14. All other plant material, except sod or ground cover, shall be set back a minimum of one foot (1') from any curb edge to protect from vehicle overhang and mechanical damage.
15. The landscape installation shall stabilize all soil and slopes.

16. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
17. Demonstrate compliance with or an exemption from Garden City Code 8-4G prior to certificate of occupancies.
18. This approval is for this application only. Additional permits, licenses and approvals may be necessary. All other applicable permits must be obtained prior to a Certificate of Occupancy.
19. Property Maintenance Standards shall be maintained as required by Garden City Code.
20. The property owner is responsible for the maintenance of all landscaping and screening devices required.
21. All outdoor living spaces must comply with Garden City Cod 8-3C General Provisions- Living Space Requirements.
22. All outdoor service and equipment areas shall comply with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
23. All stormwater systems must comply with Garden City Code 8-4A-7.
24. System Installation Required: Each and every lot within the subdivision shall have underground pressurized irrigation water. The pressurized irrigation system shall be constructed and installed at the same time as the domestic water lines but shall not necessarily be in the same trenches.
25. Materials submitted after the decision shall not be considered part of the record for this decision. If additional materials or information is submitted after the decision the application may be remanded to the decision-making body during which time the decision shall be stayed provided that there is no immediate threat to life or safety.
26. Any changes in the design, construction, operation or use shall be brought to the immediate attention of the Planning Official for determination if the changes are in substantial conformance with the City's action. Any modification to approved plans shall require submittal and approval of these modifications prior to construction. Final approval is based on substantial conformance with the plans reviewed and approved.
27. Any substantial changes to the design shall be reviewed by the Design Review Committee for compliance with Garden City Code 8-4. Any other changes that are not in substantial conformance with the approval shall be remanded to the decision-making body.
28. Occupying the site prior to Certificate of Occupancy is a criminal offense.
29. There is a 15 day right to appeal to City Council. The applicant or any interested parties may appeal the decision or a part of the decision. An appeal shall be made on the form provided by the City and filed with the City Clerk within 15 days after the action of the decision.
30. This approval shall expire 365 days from its approval, unless otherwise extended as allowed by Garden City Code.
31. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.



December 19, 2022

---

Development Services Staff

Date

## IMAGES

[See Supplementary Materials]

# **GARDEN CITY PLANNING AND ZONING DEPARTMENT**

## **03-17-CU / CONDITIONAL USE PERMIT**

for:  
**T-MOBILE USA, Inc.**

by:  
**Terry Cox**

GARDEN CITY PLANNING AND ZONING COMMISSION  
PUBLIC HEARING DATE: December 17, 2003

### **TABLE OF CONTENTS**

	Page
<b>Executive Summary</b>	
<b>Summary</b> .....	1
<b>Procedural Items</b> .....	1
<b>Staff Analysis</b> .....	2
<b>Recommendation</b> .....	2
<b>Applicable Law</b> .....	2
<b>Findings of Fact</b> .....	4
<b>Conclusions of Law</b> .....	5
<b>Recommended Order</b> .....	5
<b>Conditions of Approval</b> .....	6
<b>Ordinance 803</b> .....	8

### **Attachments:**

- Application
- Applicant's Letter
- Site Plan
- Vicinity Map
- Ordinance # 803

# Garden City Planning and Zoning Department

## EXECUTIVE SUMMARY

03-17-CU

### CELL TOWER

By:  
Terry Cox

**APPLICANT:** T-Mobile USA, Inc.

**PROPERTY OWNER:** Steven Gregory.

**LOCATION:** 8247 W. State Street.

**DESCRIPTION of the REQUEST:** To locate a 120' co-locatable monopole.

**STAFF RECOMMENDATION:** Approval.

**SUMMARY ANALYSIS:** The applicant is requesting Conditional Use approval to construct a 120 ft. co-locatable monopole at 8247 West State Street. The property is located in a C-2 (Area Business District) zone in Garden City, ID; Section 24, Township 4N, Range 1E.

#### NOTE:

*The recommendation provided in this staff report is a result of City Staff's analysis of this project with provided information based on the Garden City Zoning Ordinance and the Comprehensive Plan. The Final decision on this application and any additional Condition(s) of Approval will be determined by the GC Planning and Zoning Commission.*

**TO: GARDEN CITY PLANNING AND ZONING COMMISSION**

**HEARING DATE:** December 17, 2003.

**FILE NO.:** 03-17-CU (Conditional Use)

**APPLICANT:** T-Mobile / Terry Cox  
1497 S. 700 West  
Salt Lake, UT 84104

**OWNER:** Steven Gregory  
8247 W. State St.  
Garden City, ID 83714

## **SUMMARY**

The applicant is requesting Conditional Use approval to construct a 120 ft. co-locatable monopole at 8247 West State Street. The property is located in a C-2 (Area Business District) zone in Garden City, ID; Section 24, Township 4N, Range 1E.

## **PROCEDURAL ITEMS**

1. On November 6, 2003, Planning and Zoning Department accepted File # 03-17-CU and scheduled it for a public hearing before the Garden City Planning and Zoning Commission on December 17, 2003.
2. On November 14, 2003, the staff notified other agencies of File # 03-17-CU and solicited their comments. Any comments received have been attached to the staff report.
3. On December 5, 2003, persons owning property within 300 feet of the site were notified of the hearing by mail. Legal notice of the Commission's hearing for File # 03-17-CU was published in the Idaho Statesman on December 3, 2003. On December 10, 2003 notices were posted on and near the site.

## **STAFF ANALYSIS**

The applicant is requesting approval for a Conditional Use permit for T-Mobile USA, Inc. to place a 120' co-locatable monopole at 8247 W. State Street in Garden City.

The property is located on the south side of State Street;

**Tax parcel #:** R0719420250

**Subdivision:** Azalea Sub. Block 2, Lot 11

Section 24, Township 4N, Range 1 E

**Zone:** C-2

**Size:** 0.567 acre

Recently adopted Ordinance #803 prevents construction of any new cellular towers closer than 5,280 feet (1 mile) to an existing tower and construction of any cell tower has to be in a C-2 zone. (Please find a copy of the Ordinance #803 attached to the Staff Report). This application meets all the requirements of Ordinance #803.

The base area for the cell tower is 332.5 square feet. Landscaped area is 116.8 square feet which is equal to 35% of the leased area.

## **RECOMMENDATION**

Staff recommends that after hearing the evidence and testimony presented during the public hearing, that the Commission approve File #03-17-CU.

## **APPLICABLE LAW**

**This section details the comprehensive plan policies, zoning ordinance regulations, and other applicable standards regarding development of the subject property.**

**1. Garden City Zoning Ordinance. Section 3-10-7.**

**Ordinance 803**

See Ordinance 803 attached.

**2. Garden City Zoning Ordinance. Section 8-2-2.**

**MEANINGS OF TERMS AND WORDS:**

**CONDITIONAL USE:**

*A use which requires a special degree of control because of characteristics peculiar to it, or because of size, technological processes or type of equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities. Such control is to insure that the particular use at the particular site on which such use is proposed to be located is compatible with other existing or permitted uses surrounding the site and/or for public safety or health considerations.*

**3. Garden City Zoning Ordinance. Section 8-4-1.**

**ZONING DISTRICTS:**

Sets forth the purpose, uses and dimensional standards for the C-2 (Area Business District).

**C-2 AREA BUSINESS DISTRICT**

*The purpose of the C-2 District is to permit the establishment of general business uses that are larger in scale than a neighborhood business and smaller in scale than a central business district. Activities in this District are often larger space users and the customers using such facilities generally do not make frequent purchases. Shopping centers will be the predominant building approach. Strip development shall be prohibited. This District shall be located on or adjacent to arterial thoroughfares. (Ord. 443, 12-17-81; 1988 Code)*

**4. Garden City Zoning Ordinance. Section 8-4-4.****OFFICIAL SCHEDULE OF DISTRICT REGULATIONS:**

**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS:** *The following establishes permitted, conditional and prohibited uses for each of the City's zoning districts with P meaning a permitted use, C meaning a conditional use, and a blank space indicating the use is prohibited, in the respective districts. All permitted and conditional uses are subject to design review. Any use not listed shall be considered a Conditional Use (Ord. 443, 12-17-81) (Ord. 597, 7-14-92)*

**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS  
DISTRICTS**

Land Uses	R1-A	R-2	R-3	R-20	C-1	C-2	T	LI	M
<b>BUSINESS USES</b>									
Cellular Towers						C	C		

**5. Garden City Zoning Ordinance. Section 8-10-3.****GENERAL STANDARDS APPLICABLE TO ALL SPECIAL USES:**

**GENERAL STANDARDS APPLICABLE TO ALL SPECIAL USES:** *The Commission shall review the particular facts and circumstances of each proposed special use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:*

- A. *Will, in fact, constitute a special use as established on the official schedule of district regulations for the zoning district involved;*
- B. *Will be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan and/or the Zoning Ordinance;*
- C. *Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;*
- D. *Will not be hazardous or disturbing to existing or future neighboring uses;*
- E. *Will be adequately served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishment of any proposed use shall be able to adequately provide any such services;*

- F. *Will not create excessive additional requirements at public cost for public facilities and services will not be detrimental to the economic welfare of the community;*
- G. *Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;*
- H. *Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and*
- I. *Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.*

## **FINDINGS OF FACT**

**1. Garden City Zoning Ordinance. Section 3-10-7.**

**Ordinance 803**

The Commission finds the proposed development does comply with Ordinance 803.

**2. Garden City Zoning Ordinance. Section 8-2-2.**

**MEANINGS OF TERMS AND WORDS:**

**CONDITIONAL USE:**

The Commission finds that the proposed use requires a *Conditional Use* because Section 8-4-4 *Official Schedule of District Regulations* lists *CELLULAR TOWERS* under Conditional Use permit required uses.

**3. Garden City Zoning Ordinance. Section 8-4-1.**

**ZONING DISTRICTS:**

The Commission finds that the proposed development is located in the C-2 District and meets the definition of C-2 zone.

**4. Garden City Zoning Ordinance. Section 8-4-4.**

**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS:**

The Commission finds that the proposed development is located in the C-2 District and the Garden City Zoning Ordinance allows cellular towers with conditional use process in the C-2 zone.

**5. Garden City Zoning Ordinance. Section 8-10-3.**

**GENERAL STANDARDS APPLICABLE TO ALL SPECIAL USES:**

The Commission finds:

- A. That the property is zoned C-2 and requires approval of Conditional Use permit for cellular towers.
- B. That no evidence has been submitted that shows the proposed use conflicts with Garden City Comprehensive Plan or Zoning Ordinance.
- C. That the proposed use is appropriate with the intended character of the general vicinity.

- D. That there are no hazardous or disturbing uses proposed.
- E. That the site already has all infrastructure services at the location.
- F. That there will be no adverse impacts on existing public facilities and services.
- G. That the proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property or the general welfare by reasons of excessive production of traffic, noise, smoke, fumes, glare or odors.
- H. That the site has been designed as not to create any interference with traffic on the surrounding public thoroughfares.
- I. That there is no known natural, scenic, or historic feature of major importance.

## **CONCLUSIONS OF LAW**

If any of these Conclusions of Law are deemed to be Findings of Fact they are incorporated into the Findings of Fact section.

- 1. The Commission concludes that File # 03-17-CU complies with **Section 3-10-7. Ordinance 803.**
- 2. The Commission concludes that File # 03-17-CU complies with **Section 8-2-2 of the Garden City Code MEANINGS OF TERMS AND WORDS.**
- 3. The Commission concludes that File # 03-17-CU complies with **Section 8-4-1 of the Garden City Code ZONING DISTRICTS.**
- 4. The Commission concludes that File # 03-17-CU complies with **Section 8-4-4 of the Garden City Code OFFICIAL SCHEDULE OF DISTRICT REGULATIONS.**
- 5. The Commission concludes that File # 03-17-CU complies with **Section 8-10-3 of the Garden City Code GENERAL STANDARDS APPLICABLE TO ALL SPECIAL USES.**

## **RECOMMENDED ORDER**

Based upon the Findings of Fact and Conclusions of Law contained in this Staff Report, the Commission approves File #03-17-CU.

## CONDITIONS OF APPROVAL

### FILE # 03-17-CU T-MOBILE / CELL TOWER

**REQUIRED ACTIONS.** The following list details the tasks that the applicant and/or owner must complete before the approval of File # 03-17-CU will be considered final. Please note that you have one year to complete these tasks. If a building permit is required, please contact the Garden City Building Official. This approval shall become null and void if the applicant and/or owner have not obtained a valid building permit by that date.

1. The applicant shall establish the approved use in conformance with the conditions of approval, submitted plans, and application, in that order of priority.
2. All landscaping shall be continuously maintained with a permanent underground, automatic sprinkler system.
3. Approval is made subject to a 10-day appeal period to the Garden City Council.
4. Approval is subject to statutory requirements of the following agencies:
  - a. North Ada County Fire and Rescue
  - b. Central District Health Department
  - c. Garden City Public Works Department
  - d. Garden City Building Department
  - e. Garden City Code Enforcement
  - f. Ada County Highway District
  - g. Garden City Environmental Division
  - h. All applicable irrigation and or drainage districts.
  - i. Garden City Police Department
5. No outside storage is proposed.
6. This Conditional Use Permit and Design Review approval shall expire one year from date of issuance of approval.
7. All exterior lighting shall be down-shielded, and shall not encroach on any surrounding properties.
8. Any signage shall be in accordance with the City Code.
9. The applicant and/or owner shall provide all items noted above to the Planning and Zoning Department and request that the site plan be stamped and approved.
10. The applicant and/or owner shall obtain a building permit prior to commencing any development. Please contact the Garden City Building Official at 472-2900 for fee and application information.

11. Once construction is complete, the applicant shall request a zoning compliance inspection from the Planning and Zoning Department (472-2900). Staff will check for compliance with the approved site plan.
12. A Certificate of Occupancy will be issued when all of the conditions have been met.
13. The design and construction of the development shall comply with the approved and stamped site plan and the Garden City Code.
14. **Clarify landscaping that there will be evergreens with a minimum height of the taller landscaping to be 6 feet. Seventy-five percent of the landscaping is to be evergreens. There can be some interspersed lower evergreens.**
15. **The pole should not be brightly reflected. It should be toned down with a dull finish.**

\*Conditions #14 and #15 are conditions added by the Planning & Zoning Commission at their meeting on December 17, 2003.

**BY THE COUNCIL: EVANS, NIELSON, PIGG AND WEAVER**

**AN ORDINANCE BY THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION, CREATING SECTION 7 OF CHAPTER 10 OF TITLE 3 GARDEN CITY CODE, LIMITING THE LOCATIONS OF CELLULAR PHONE TOWERS WITHIN THE CITY; AND, PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GARDEN CITY:**

**SECTION 1: That Section 7 of Chapter 10 of Title 3 Garden City Code be created and enacted to read as follows:**

**3-10-7: Cellular Tower Locations**

**A. Purpose**

Cellular towers can create an aesthetic nuisance when constructed in, or within view of, residential neighborhoods. This section of the Garden City Code is a means to reduce the negative visual impact of cellular towers within Garden City.

**B. Limitations**

Cellular towers within Garden City may be constructed no closer than 5,280 feet (1 mile) from an existing cellular tower and must be constructed in an area zoned C-2 (Area Business District), after having been granted a conditional use permit.

**SECTION 2: If any one or more sections or subsections of this Chapter are for any reason held to be invalid or unconstitutional, such shall not affect the validity of the remaining portions of this Chapter and the same are and shall remain in full force and effect.**

**SECTION 3: This Ordinance shall be in full force and effect from and after its passage, approval and publication thereof.**

**SECTION 4: PASSED by the City Council and APPROVED by the Mayor of the City of Garden City, Idaho, this 10<sup>th</sup> day of June, 2003.**

**ATTEST:**

**APPROVED:**

---

Sean B. Conklin, City Clerk

---

Ted E. Ellis, Mayor

# GARDEN CITY PLANNING AND ZONING DEPARTMENT

05-05-CU

## CONDITIONAL USE PERMIT

for:

**TREASURE VALLEY COLLISION CENTER**

by:

**HABITEC ARCHITECTURE**

GARDEN CITY PLANNING AND ZONING COMMISSION  
PUBLIC HEARING DATE: August 17, 2005

### TABLE OF CONTENTS

	Page
Executive Summary.....	1
Summary.....	2
Procedural Items.....	2
Staff Analysis .....	2
Recommendation.....	3
Applicable Law.....	4
Findings of Fact.....	6
Conclusions of Law.....	7
Recommended Order.....	8
Conditions of Approval .....	9

### Attachments:

- Application
- Applicant's Letter
- Site Plan
- Vicinity Map
- Other Agency Comments

# Garden City Planning and Zoning Department

## EXECUTIVE SUMMARY

### 05-05-CU TREASURE VALLEY COLLISION CENTER

**APPLICANT:** Steven Moore, Habitec Architecture.

**LOCATION:** 8247 W. State Street.

**SUMMARY ANALYSIS:**

The applicant is requesting Conditional Use approval for an automotive body shop located at 8247 W. State Street in Garden City, ID. The property is zoned C-2 (Area Business District)

**STAFF RECOMMENDATION:** Staff recommends approval based on Findings of Fact, Conclusions of Law and Conditions of Approval.

**NOTE:**

*The recommendation provided in this staff report is a result of City Staff's analysis of this project with provided information based on the Garden City Zoning Ordinance and the Comprehensive Plan. The Final decision on this application and any additional Condition(s) of Approval will be determined by the Garden City Planning and Zoning Commission.*

**TO:** GARDEN CITY PLANNING AND ZONING COMMISSION  
**P&Z HEARING DATE:** August 17, 2005.  
**STAFF:** Marsha LaMascus, Planner.  
**FILE NO:** 05-05-CU (Conditional Use and Design Review).  
**APPLICANT:** Habitec Architecture.  
**OWNER:** Bob Miller

## **SUMMARY**

The applicant is requesting Conditional Use approval for an automotive body shop located at 8247 W. State Street in Garden City, ID. The property is zoned C-2 (Area Business District)

## **PROCEDURAL ITEMS**

1. On June 13, 2005, Planning and Zoning Department accepted File # 05-05-CU and scheduled it for a public hearing before the Garden City Planning and Zoning Commission on July 20, 2005. On July 20, 2005, the Commission failed to convene a quorum and the public hearing was re-noticed for August 17, 2005.
2. On June 24, 2005, staff notified other agencies of File # 05-05-CU and solicited their comments. Any comments received have been attached to the staff report.
3. On July 13, 2005 and August 10, 2005, persons owning property within 300 feet of the site were notified of the hearing by mail. Legal notice of the Commission's hearing for File # 05-05-CU was published in the Idaho Statesman on July 6, 2005 and on August 3, 2005. On July 13, 2005 and August 10, 2005, notices were posted on and near the site.

## **STAFF ANALYSIS**

The applicant, Habitec Architecture, on behalf of the owner Bob Miller is requesting conditional use approval to operate an automotive repair business at 8247 W. State Street.

The existing building was formerly occupied as a bakery warehouse and is currently vacant.

The owner is intending to use the existing building for his business and is proposing no changes to the exterior of the building. All the landscaping is existing and will remain.

The business will operate from 7:30 a.m. to 5:30 p.m. Monday through Friday and on Saturday from 9:00 a.m. until 12:00 p.m. and will have six employees.

The property on either side of this site is commercial and to the south is residential.

**Landscaping:**

The site is 24,699 square feet in size (.567 acres) and requires 5% or 1,234.95 square feet of sprinkled landscaping. The existing site provides 4,102 square feet of landscaping area (16.6%).

**Parking:**

Parking requirements are stated in Section 8-8-7:

**Commercial**

**Parking Spaces Required**

<i>A. Auto body shop, automotive service facility</i>	<i>2 for each service bay</i>
<i>B. Office or service building</i>	<i>1 for each 300 square feet of floor area.</i>

Office space = 2,180 square feet.....(7 parking spaces required)

Service Bays = 4.....(8 parking spaces required)

Required parking = 15 spaces

Provided parking = 20 spaces

Handicapped parking provided = 1

**Garden City Code 8-7-6 Section D Section D – Sidewalks:** Pedestrian sidewalks shall be installed adjacent to all public right of way frontages. Sidewalks shall be five feet (5') wide and constructed of concrete, paver brick or stamped concrete. (I added this as a condition of approval)

Staff finds the proposed application meets the minimum required setback, parking and landscaping standards.

## **RECOMMENDATION**

Based upon the Findings of Fact and Conclusions of Law contained in this staff report, staff recommends that Garden City Planning and Zoning Commission approve File # 05-05-CU with the Conditions of Approval.

## APPLICABLE LAW

This section details the comprehensive plan policies, zoning ordinance regulations, and other applicable standards regarding development of the subject property.

1. **Garden City Zoning Ordinance. Section 8-2-2.**  
**MEANINGS OF TERMS AND WORDS:**

**CONDITIONAL USE:**

*A use which requires a special degree of control because of characteristics peculiar to it, or because of size, technological processes or type of equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities. Such control is to insure that the particular use at the particular site on which such use is proposed to be located is compatible with other existing or permitted uses surrounding the site and/or for public safety or health considerations.*

2. **Garden City Zoning Ordinance. Section 8-4-1.**  
**ZONING DISTRICTS:**

Sets forth the purpose, uses and dimensional standards for the C-2 (Area Business District).

**C-2 AREA BUSINESS DISTRICT**

*The purpose of the C-2 District is to permit the establishment of general business uses that are larger in scale than a neighborhood business and smaller in scale than a central business district. Activities in this district are often larger space users and the customers using such facilities generally do not make frequent purchases. Shopping centers will be the predominant building approach. Strip development shall be prohibited. This district shall be located on or adjacent to arterial thoroughfares. (Ord. 443, 12-17-81; 1988 Code)*

3. **Garden City Zoning Ordinance. Section 8-4-4.**  
**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS:**

**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS:** *The following establishes permitted, conditional and prohibited uses for each of the City's zoning districts with P meaning a permitted use, C meaning a conditional use, and a blank space indicating the use is prohibited, in the respective districts. All permitted and conditional uses are subject to design review. Any use not listed shall be considered a Conditional Use (Ord. 443, 12-17-81) (Ord. 597, 7-14-92)*

*major importance.*

## **FINDINGS OF FACT**

1. **Garden City Zoning Ordinance. Section 8-2-2.**  
**MEANINGS OF TERMS AND WORDS:**

### **CONDITIONAL USE:**

The Commission finds that the proposed automotive body shop requires a *Conditional Use* permit since it is in a C-2 zone. The applicant has turned in the application and the proper fee to the Planning and Zoning Department according to the code requirements.

2. **Garden City Zoning Ordinance. Section 8-4-1.**  
**ZONING DISTRICTS:**

The Commission finds that the proposed development is located in the C-2 District and meets the definition of C-2 zone.

3. **Garden City Zoning Ordinance. Section 8-4-4.**

### **OFFICIAL SCHEDULE OF DISTRICT REGULATIONS:**

The Commission finds that the proposed development is located in the C-2 District and the Garden City Zoning Ordinance allows automotive body repair shops in the C-2 zone through the conditional use process.

4. **Garden City Zoning Ordinance. Section 8-4-5.**  
**MINIMUM YARD REQUIREMENTS:**

The Commission finds that the proposed development meets the minimum yard requirements of the C-2 zone.

5. **Garden City Zoning Ordinance. Section 8-7-2D.**

### **SIDE AND REAR REQUIREMENTS FOR NONRESIDENTIAL USES ABUTTING RESIDENTIAL DISTRICTS:**

The Commission finds that the proposed development is screened from the abutting residential district with a solid fence six feet (6') in height.

6. **Garden City Zoning Ordinance. Section 8-7-4.**  
**COMMERCIAL AND INDUSTRIAL USES:**

The Commission finds that the proposed development will not be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises.

**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS**

**DISTRICTS**

Land Uses	R1A-	R-2	R-3	R-20	C-1	C-2	T	LI	M
<b>BUSINESS USES</b>									
Automotive body shop							C		C

**4. Garden City Zoning Ordinance. Section 8-10-3.**

**GENERAL STANDARDS APPLICABLE TO ALL SPECIAL USES:**

**GENERAL STANDARDS APPLICABLE TO ALL SPECIAL USES:** *The Commission shall review the particular facts and circumstances of each proposed special use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:*

- A. *Will, in fact, constitute a special use as established on the official schedule of district regulations for the zoning district involved;*
- B. *Will be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan and/or the Zoning Ordinance;*
- C. *Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;*
- D. *Will not be hazardous or disturbing to existing or future neighboring uses;*
- E. *Will be adequately served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishment of any proposed use shall be able to adequately provide any such services;*
- F. *Will not create excessive additional requirements at public cost for public facilities and services will not be detrimental to the economic welfare of the community;*
- G. *Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;*
- H. *Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and*
- I. *Will not result in the destruction, loss or damage of a natural, scenic or historic feature of*

7. **Garden City Zoning Ordinance. Section 8-10-3.**

**GENERAL STANDARDS APPLICABLE TO ALL SPECIAL USES:**

The Commission finds:

- a. That the property is zoned C-2 and requires approval of a Conditional Use permit.
- b. That no evidence has been submitted that shows the proposed use conflicts with Garden City Comprehensive Plan or Zoning Ordinance.
- c. That the proposed site and area improvements shall be constructed to be harmonious with commercial developments in the vicinity.
- d. That there are no hazardous or disturbing uses proposed.
- e. That Garden City will continue to provide the public facilities and services.
- f. That there will be no adverse impacts on existing public facilities and services.
- g. That the proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property or the general welfare by reasons of excessive production of traffic, noise, smoke, fumes, glare or odors.
- h. That the site is designed as not to create any interference with traffic on the surrounding public thoroughfares. The site shall comply with Idaho Transportation Department requirements.
- i. That there is no known natural, scenic, or historic feature of major importance.

## **CONCLUSIONS OF LAW**

If any of these Conclusions of Law are deemed to be Findings of Fact they are incorporated in to the Findings of Fact section.

1. The Commission concludes that File # 05-05-CU complies with **Section 8-2-2 of the Garden City Code MEANINGS OF TERMS AND WORDS.**
2. The Commission concludes that File # 05-05-CU complies with **Section 8-4-1 of the Garden City Code ZONING DISTRICTS.**
3. The Commission concludes that File # 05-05-CU complies with **Section 8-4-4 of the Garden City Code OFFICIAL SCHEDULE OF DISTRICT REGULATIONS.**
4. The Commission concludes that File # 05-05-CU complies with **Section 8-4-5 of the Garden City Code MINIMUM YARD REQUIREMENTS.**

5. The Commission concludes that File # 05-05-CU complies with **Section 8-7-2D of the Garden City Code SIDE AND REAR REQUIREMENTS FOR NONRESIDENTIAL USES ABUTTING RESIDENTIAL DISTRICTS.**
6. The Commission concludes that File # 05-05-CU complies with **Section 8-7-4 of the Garden City Code COMMERCIAL AND INDUSTRIAL USES.**
7. The Commission concludes that File # 05-05-CU complies with the **Section 8-10-3 of the Garden City Code GENERAL STANDARDS APPLICABLE TO ALL SPECIAL USES.**

### **RECOMMENDED ORDER**

Based upon the Findings of Fact and Conclusions of Law contained in this Staff Report, the Commission approves File # 05-05-CU, subject to the Conditions of Approval attached to staff's report as "Conditions of Approval."

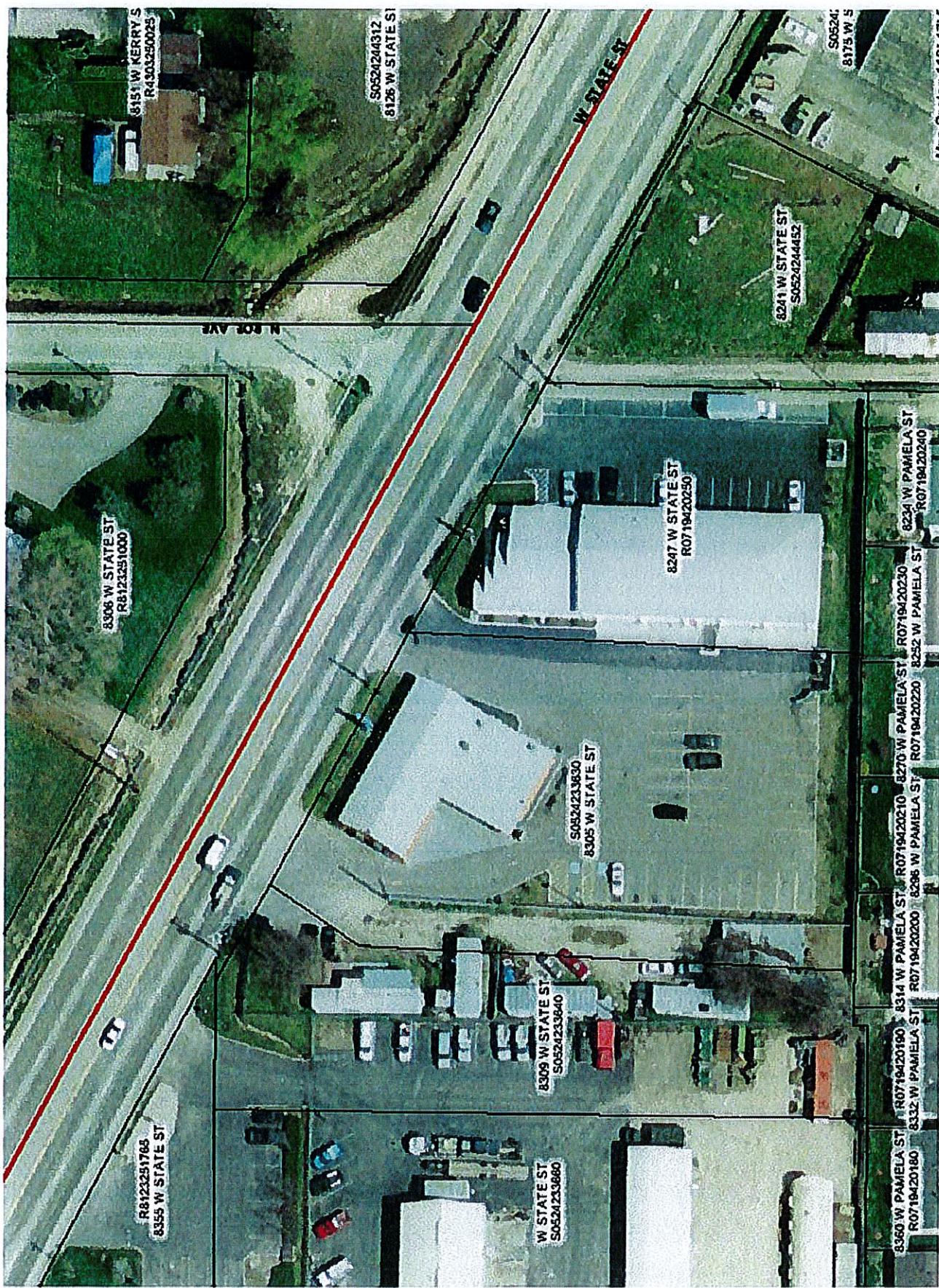
## CONDITIONS OF APPROVAL

### FILE # 05-05-CU TREASURE VALLEY COLLISION CENTER

**REQUIRED ACTIONS.** The following list details the tasks that the applicant and/or owner must complete before the approval of File # 05-05-CU will be considered final. Please note that you have **ONE YEAR** to complete these tasks. If a building permit is required, please contact the Garden City Building Official. This approval shall become null and void if the applicant and/or owner have not obtained a valid building permit by that date.

1. All landscaping shall be continuously maintained with a permanent underground, automatic sprinkler system.
2. The applicant shall establish the approved use in conformance with the conditions of approval, submitted plans, and application, in that order of priority.
3. Approval is made subject to a 10-day appeal period to the Garden City Council.
4. Expansion of this use as applied for is prohibited unless the applicant submits and is approved for a separate application.
5. Approval is subject to statutory requirements of the following agencies:
  - a. North Ada County Fire and Rescue
  - b. Central District Health Department
  - c. Garden City Public Works Department
  - d. Garden City Building Official
  - e. Garden City Code Enforcement
  - f. Garden City Environmental Division
  - g. Ada County Highway District
  - h. Idaho Transportation Department
  - i. All applicable irrigation and or drainage districts.
6. No outside storage is proposed. All outside storage shall be screened with slatted chain link fence.
7. All exterior lighting shall be down-shielded, and shall not encroach on any surrounding properties.
8. Any signage shall be in accordance with the City Code.
9. The applicant and/or owner shall provide all items noted above to the Planning and Zoning Department and request that the site plan be stamped and approved.
10. The applicant and/or owner shall obtain a building permit prior to commencing any development. Please contact the Garden City Building Official at 472-2900 for fee and application information.

11. Once construction is complete, the applicant shall request a zoning compliance inspection from the Planning and Zoning Department (472-2900). Staff will check for compliance with the approved site plan.
12. A Certificate of Occupancy will be issued when all of the conditions have been met.
13. The design and construction of the development shall comply with the approved and stamped site plan and the Garden City Code.
14. All water and sewer utilities are subject to an "Ability to Serve" letter from the Public Works Director. **(applicant has provided the letter)**
15. Pedestrian sidewalk required to be installed adjacent to all public right of way frontages. Sidewalks to be five feet (5') wide and constructed of concrete, paver brick or stamped concrete.



# LandScape



CONDOMINIUM USE PERMIT FOR BDRY'S BAKERY

WONDERFUL OLDE WINE DAY TRADING & EQUITY TRADING AD HOSPES NEGRAS INCHAS DE TURQUESA CANTERAS CHAVES TAVIRA AND AS TURQUESA HESTA DE HOSPIAS CANTERAS TAVIRA DAY TRADING & EQUITY TRADING

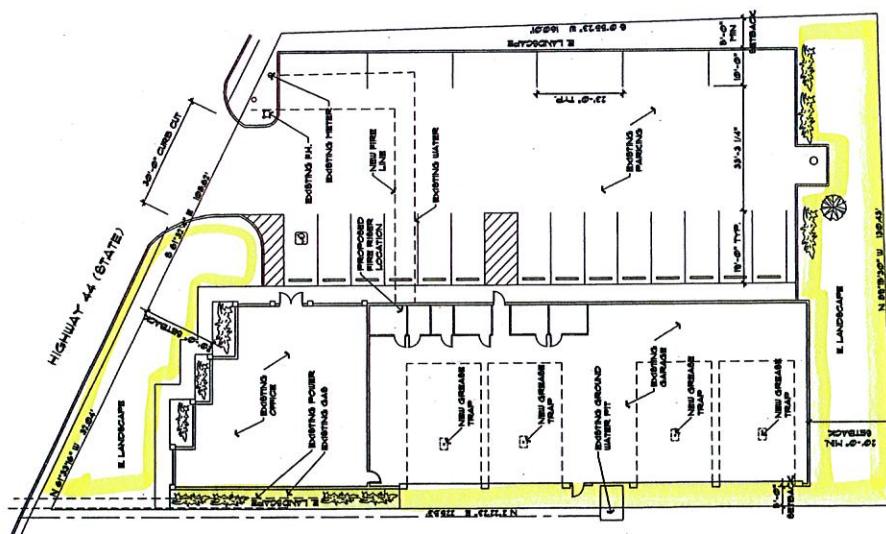


**habitec**  
ARCHITECTURE-PLANNING  
INTERIOR DESIGN  
1250 E. 10th Drive, Suite 207  
Bozeman, Montana 59773  
(406) 587-4800 FAX (406) 587-0770

590

A|.Ø

PARCEL NUMBER	R01184202150
ZONING	C-2
TOTAL SITE	24,650 SF 5.67 ACRES
EXISTING BUILDING USE	
OFFICE	8,200 SF.
WAREHOUSE/GARAGE	2,150 SF.
PROPOSED NEW USE	
OFFICE	8,200 SF.
AUTO SHOP	6,000 SF.
EXISTING LANDSCAPING	
GRASS AND IX 25 CALIFORNIA DECIDUOUS	
EXISTING PARKING	10 SPACES INC. 1 H.C.
REQUIRED PARKING	8 SPACES (2 PER BAY) INC. 1 H.C.
SUMMER USAGE	DOMESTIC ONLY
WINTER USAGE	RESTROOM LANDSCAPE SPRAY BOOTH



Landscape  
05-05-CU

# GARDEN CITY PLANNING AND ZONING COMMISSION

## Wireless Communication Facility

8247 W. State Street, Garden City  
CUPFY2016-5

) FINDINGS OF FACT, CONCLUSIONS  
) OF LAW, AND DECISION

This application came before the Garden City Planning and Zoning Commission for consideration on July 20, 2016, at which time the Commission reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Commission makes the following findings of fact and conclusions of law:

## FINDINGS OF FACT

1. The applicant is Technology Associates represented by Doug Kofford.
2. The property owner of record is Lynn Properties.
2. The request is for an expansion of a Wireless Communication Facility.
3. The location of the project is 8247 W. State Street, Garden City, ID 83714. Assigned Ada County Parcel #: R0719420250; Lot 11 Block 2 of the Azalea Subdivision.
4. The subject property is 0.57 acres.
5. The project is located in the Green Corridor Boulevard and Residential Low Density in the Comprehensive Plan.
6. The project is in the C-2 General Commercial Zoning District.
7. The following section of the Garden City Planning and Zoning Codes apply to this proposal:  
GCC 8-1B-3 NONCONFORMING USES  
GCC 8-2B-2 ALLOWED USES  
GCC 8-2C-45 WIRELESS COMMUNICATION FACILITY  
8-4A-3 "FENCES AND WALLS"  
8-4A-4 "OUTDOOR LIGHTING"  
8-4I-5 PERIMETER LANDSCAPING PROVISIONS  
GCC 8-6B-2 CONDITIONAL USE
8. Other studies, plans or approvals reviewed include:  
GARDEN CITY COMPREHENSIVE PLAN  
GARDEN CITY SIDEWALK POLICY  
STATE STREET CORRIDOR STUDY  
GARDEN CITY 03-17-CU A CONDITIONAL USE PERMIT FOR THE ORIGINAL 'T-MOBILE' FACILITY  
GARDEN CITY 05-05-CU A CONDITIONAL USE PERMIT FOR TREASURE VALLEY COLLISION
9. A copy of the application and plans was transmitted to interested and affected public agencies and written comments were received from:
  - a. Garden City Environmental Division
  - b. Garden City Sewer Division
  - c. Idaho Transportation Department
  - d. Central District Health
  - e. North Ada County Fire & Rescue
10. The record contains:
  - a. Application Materials
  - b. Letter of Application Acceptance
  - c. Agency Review Transmittal
  - d. Radius Notice
  - e. Legal Advertisement in Idaho Statesman
  - f. Affidavit of property posting

- g. Agency Comments
- h. Staff report
- i. Public Comments
- j. Planning and Zoning Commission Hearing Sign Up Sheet
- k. Signed Findings of Fact, Conclusions of Law, and Decision

11. The application was received June 1, 2016. Notification of application acceptance and completion was sent to the applicant within 30 days of receipt of the application. The Commission Public Hearing was held within sixty (60) days of receipt of an application certified as complete.

12. On June 15, 2016 a letter of acceptance with hearing date was sent to the applicant.

13. A transmittal to other agencies including notice, application and other documents was sent on June 17, 2016 more than fifteen days prior to the public hearing.

14. A legal public hearing notice for the proposed conditional use permit application was published on June 15, 2016, and on June 30, 2016, notice was mailed to all property owners within a 300-foot radius of the said property in compliance with the public notice requirements of Section 8-6A-7 of the Garden City Municipal Code.

15. A sign was posted on July 8, 2016, in accordance with Garden City Code for the public hearing of July 20, 2016.

16. On July 20, 2016, at the Planning and Zoning Commission public hearing
 

- a. A staff report was presented by Jenah Thornborrow.
- b. Doug Kofford represented the application.
- c. Testimony from the public was provided by: no one
- d. The application for CUPFY2016-5 was **Approved 2/0** with Conditions of Approval as drafted.

## CONCLUSIONS OF LAW

Approval of the proposed conditional use permit is governed by 8-6B-2 code consideration of Title 8 of the Garden City Code:

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:**  
*This proposed expansion of the use is will not be a detriment to the location, lot, or neighborhood.*
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:**  
*This use is located in an area that has adequate public facilities and services.*
3. **The use will not unreasonably diminish either the health, safety, or welfare of the community:**  
*Provided all conditions of approval are satisfied, complied with, and enforced, this use will not unreasonably diminish the health, safety, or welfare of the community.*
4. **The use is not in conflict with the Comprehensive Plan or other adopted plans, policies, or ordinances of the City:**  
*The wireless communication facility is an existing facility. As such, the zoning prohibition of a facility in the C-2 Zoning district, distance from other facilities, set back one foot (1') for every ten feet (10') of the total tower height, and height of tower is not in compliance with current code requirements. As conditioned, nonconformities with existing ordinances, plans, and policies shall not increase due to the proposed expansion of the facility.*

7. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead plant materials shall be replaced.
8. Where landscaping might impact motorist or pedestrian sight distance, shrubs shall be maintained below three feet (3') in height and trees shall be pruned so that the lowest branches will be at least seven feet (7') above the ground level.
9. A three foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
10. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan.
11. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
12. All planting areas that border driveways, parking lots, and other vehicle use areas shall be protected by curbing, wheel stops, or other approved protective devices.
13. Trees shall be planted at least three feet (3') from curbs, sidewalks, driveways and other hard surfaces to buffer from stress caused by vehicle overhang and compacted soils, or planted with sufficient space to provide for the full maturity of the particular tree species.
14. All other plant material, except sod or ground cover, shall be set back a minimum of one foot (1') from any curb edge to protect from vehicle overhang and mechanical damage.
15. The landscape installation shall stabilize all soil and slopes.
16. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
17. Demonstrate compliance with 8-4G-1 prior to certificate of occupancies.
18. This approval is for this application only. Additional permits, licenses and approvals may be necessary.
19. Property maintenance standards shall be maintained as required by Garden City Code 8-4K.
20. The property owner is responsible for the maintenance of all landscaping and screening devices required.
21. Cross-Connections: All cross-connections between the domestic water lines and the irrigation water lines shall be in accord with the City's adopted standards, specifications and ordinances.
22. Utility easements that are unobstructed by permanent structures shall be provided along front lot lines, rear lot lines, and side lot lines when deemed necessary by the City Engineer. Total easement width shall not be less than ten feet (10'), with twelve feet (12') recommended, front and rear, with at least twenty feet (20') required for water and sewer easements for main lines.
23. Unobstructed easements, including but not limited to, drainage, water, and sewer easements shall be provided as required by the City Public Works or Planning Official.
24. Materials submitted after the decision shall not be considered part of the record for this decision. If additional materials or information is submitted after the decision the application may be remanded to the decision making body during which time the decision shall be stayed provided that there is no immediate threat to life or safety.
25. Any changes in the design, construction, operation or use shall be brought to the immediate attention of the Planning Official for determination if the changes are in substantial conformance with the City's action.
26. No change in terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his or her authorized representative and an authorized representative of the reviewing agency. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Garden City.
27. The Planning and Zoning Commission may revoke a conditional use permit for any of the following: A) Violation of Garden City Code or State or Federal Laws; B) Failure to abide by any conditions of this permit; C) Causing or allowing a nuisance as determined by Garden City Code, in connection with the use for which the permit is granted.
28. Any violation of the conditions of this application is a criminal offence.

## DECISION

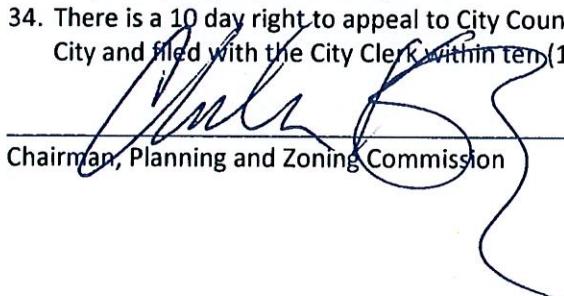
WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, the Planning and Zoning Commission hereby does **APPROVE** CUPFY2016-5 Application for a Wireless Communication Facility located at 8247 W. State Street, Garden City, ID 83714. Assigned Ada County Parcel #: R0719420250; Lot 11 Block 2 of the Azalea Subdivision subject to the following conditions:

1. The proposed expansion of the "Wireless Communication Facility" as applied for and herein conditioned is approved with this application. The expansion of the wireless communications facility use does not negate any approvals for the use of the vehicle service use on the same site.
2. This approval is contingent upon the Design Review Committee design approval and is subject to the conditions identified by the Design Review Committee approval.
3. All conditions of approval related to the site as required through Garden City conditional use permit approvals 03-17-CU and 05-05-CU shall be adhered to.
4. A sidewalk shall be installed adjacent to State Street in conformance with Garden City Code and the Garden City sidewalk policy.
5. Barbed wire is not permitted.
6. New lighting is not approved with this use approval. An existing work light may be utilized on site. The work light shall only be illuminated while someone is working on the site.
7. There shall be no laser source light or any similar high intensity light when projected above the horizontal.
8. There shall be no strobe lights, except for emergency uses; searchlights, except where approved for temporary uses.
9. All equipment shelters, cabinets or other on ground ancillary structures shall meet the setback requirements of the zone.
10. 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 Garden City Code section 8-4A-4, "Outdoor Lighting", or as otherwise approved by the Design Review Committee.
11. If the facility that is no longer in use, the structure and all accessory structures to the use shall be completely removed and the site restored to its preexisting condition within six (6) months of the cessation of operation.

### General Requirements

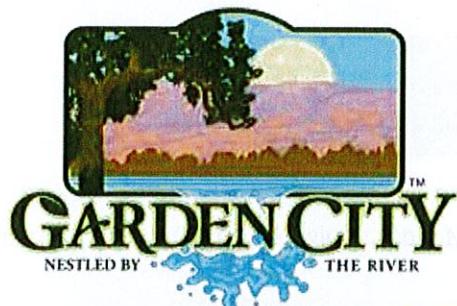
1. Occupancy of the site shall not commence until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.
2. This approval is only approval of the conditional use permit. All other applicable approvals of other decision making bodies, departments, and agencies and permits must be obtained prior to a certificate of compliance or occupancy.
3. The approval is specific to the application provided and reviewed. Final approval is based on substantial conformance with the application as reviewed and approved.
4. Final approval is subject to the approval of other reviewing agencies and City Departments. Any more restrictive standards adopted and made applicable by any Transportation Authority, Fire Authority or other Federal, State or Local regulatory agencies shall prevail.
5. All improvements and operations shall comply with applicable local, state and federal requirements and procedures whether specifically addressed in the analysis of this application or not. This shall include but not be limited to 8-4A General Provisions of Design and Development Regulations; 8-4I-3 and Landscape maintenance provisions 8-4I-9; and standards for transportation and connectivity provisions identified in 8-4E.
6. Any tree grates shall be widened to accommodate the growing tree trunk and prevent girdling of any trees planted in tree wells within sidewalks or other public right of way.

29. Should there be a change in use, there is a clear intent to cease the use, or the use is discontinued for more than one year without written documentation submitted to the City, legal noticing, and property posting indicating intent to continue the use, this approval shall become void.
30. A certificate of occupancy or an application for a building permit shall be considered commencement of the use.
31. All previous uses are null and void unless otherwise conditioned.
32. The Commission may revoke a conditional use permit for any of the following: A) Violation of Garden City Code or State or Federal Laws; B) Failure to abide by any conditions of this permit; C) Causing or allowing a nuisance as determined by Garden City Code, in connection with the use for which the permit is granted.
33. An extension may be granted by the Commission upon findings that the application and or the applicable City regulations have not changed. Such extension shall be applied for sixty (60) days prior to the expiration date for the original approval; only one extension of not more than three hundred sixty five (365) days shall be granted.
34. There is a 10 day right to appeal to City Council. An appeal shall be made on the form provided by the City and filed with the City Clerk within ten (10) days after the action of the decision.

  
Chairman, Planning and Zoning Commission

  
27 Jul 2016

Date



## CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714  
Phone 208/472-2900 • Fax 208/472-2996

### *CUPFY2016-5 and DSRFY2016-14 Conditional Use Permit and Design Review*

For:

An expansion of a Wireless Communication Facility  
Located at 8247 W. State Street, Garden City, Idaho  
Technology Associates represented by Doug Kofford



***Staff Contact: Jenah Thornborrow (208) 472-2921; [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org)***

***City of Garden City***  
***Design Review Staff Report***

Garden City Design Review Committee Pre- Application date: Monday, July 5, 2016, at 12:00 p.m.

***Project Description:***

**Application File Number:** DSRFY2016-14

**Applicant:** Technology Associates represented by Doug Kofford

**Location:** 8247 W. State Street, in Garden City; Ada County parcel R0719420250; Lot 11 Block 2 of the Azaela Subdivision

**Project Synopsis:** The request is for an approval of an expansion of a 'wireless communication facility', which requires approval of a conditional use permit. The application proposes to co-located up to 12 new panel antennas on an existing monopole. The pole will not be increased in size or height. The proposal also includes the addition of an 8'X 12' platform for equipment cabinets. There is an associated generator that is anticipated to run for approximately 10 minutes one time per each week during daylight hours. The facility will not have staff on sight, however a technician will visit the location monthly.

***Existing Conditions:***

- Property Size: 0.57-acres
- Zoning: C-2 General Commercial
- Comprehensive Plan Designation: Green Corridor Boulevard and Residential Low Density
- Flood Plain Designation: Not in Floodplain
- Surrounding Uses: Vehicle Service; Residential; Mobile Home Park
- Existing Use: Vehicle Service and Wireless Communication Facility
- Garden City Easements: 7' bike/ pedestrian easement on eastern property boundary

***Recommendation:*** Approval with conditions.

***Standards for Review:*** Standards for review of this application are as follows:

Standards	Staff Analysis
<b>GCC 8-2C-45 Wireless communication facility</b>	Compliant with Conditions
<b>8-4A-3, "Fences and Walls"</b>	Not Compliant
<b>8-4A-4, "Outdoor Lighting"</b>	Compliant
<b>8-4I-5C: "Perimeter Landscaping Provisions"</b>	Not Compliant
<b>8-4E "Transportation and Connectivity"</b>	Not Complaint
<b>Comprehensive Plan Analysis</b>	See Discussion
<b>Other Plans and Approvals Analysis</b>	Not Complaint
<b>GCC 8-6B-2 Design Review</b>	Pending decision of the Garden City Design Review Committee

**Staff Analysis:**

**GCC 8-2B-2 Allowed Uses:** A wireless communication facility is not allowed in the C-2 General Commercial Zoning District. However, GCC 8-1B-3 allows for a nonconforming use/ structure to be expanded, provided successful obtainment of a conditional use permit.

**GCC 8-1B-3 Nonconforming Uses:** **Compliant if conditional use permit is approved by the Planning and Zoning Commission**

2. *No existing use or structure containing a nonconforming use may be expanded in intensity or degree of use, enlarged, extended, constructed, reconstructed, moved, or structurally altered except: (a) through the approval of a conditional use permit in accord with the procedures set forth in chapter 6, article B, "Specific Provisions", of this title; or (b) where the use of the structure is changed to a conforming use.*

**GCC 8-2C-45 Wireless Communication Facility: See subsequent sections for analysis**

A Wireless Communication Facility has a number of use specific requirements including setbacks from other wireless facilities, and general setbacks, height restrictions, findings for collocation, etc. Specifically germane to the Design Review Approval are the requirements below:

**Site Design:**

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-5C of this title.
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.
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, "Outdoor Lighting", of this title.

**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.

**8-4A-3: FENCES AND WALLS: Not Compliant**

The application proposes a 6' tall chain link fence with three strands of barbed wire. Existing fence has slats. Code prohibits chain link with slats, and barbed wire is not permitted unless there is Design Review Committee approval as set forth in section **GCC 8-6B-3**.

**Potential Conditions for compliance:**

- Remove all existing slats in chain link
- Allow/ Reject/ alter barbed wire request

**8-4A-4: OUTDOOR LIGHTING: Compliant**

The applicant has indicated that there is a work light that is only illuminated when someone is working on the site. There is no proposal to add any additional lights. Furthermore, the applicant has indicated that the tower has FAA approval.

**8-4I-5: PERIMETER LANDSCAPING PROVISIONS Not Compliant****C. Standards:**

1. A perimeter landscaping area shall be at least ten feet (10') wide measured from the property line to the interior of the lot;
2. A screen consisting of vegetation shall be at least six feet (6') wide and six feet (6') in height at maturity;

3. At least one tree shall be planted for every fifteen (15) linear feet of perimeter length (or as appropriate to the selected species) to quickly establish continuous canopy coverage.
4. Additional standards for parking lots and carports are set forth in section 8-4I-6, "Parking Lot Landscaping Provisions", of this article.
5. Structures less than one hundred twenty (120) square feet, including, but not limited to, trash enclosures and storage sheds may encroach into the perimeter landscape area.
6. Perimeter landscape areas shall provide for pedestrian access from residential development to abutting commercial districts and vice versa.

The applicant has indicated that there is no landscaping *on site* at the southerly or easterly property boundaries. It has been indicated that there are 3 deciduous trees on the adjacent residential properties to the south, that the applicant is hoping to utilize for the landscaping provisions. Furthermore, the applicant has indicated that there is a buffer with gravel between the properties.

Per GCC 8-4I-3.F for something to qualify as landscaping, the area must be 70% or more of living material.

Conditional Use Permit 03-17-CU for the construction of the tower, 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.

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.

#### Potential Conditions for compliance:

- Verification that the 7' sidewalk adjacent to the easterly property line is installed and unimpeded.
- At least one tree shall be planted for every fifteen (15) linear feet of perimeter length (or as appropriate to the selected species) to quickly establish continuous canopy coverage.
- A perimeter landscaping area shall be at least ten feet (10') wide measured from the property line to the interior of the lot.
- A screen consisting of vegetation shall be at least six feet (6') wide and six feet (6') in height at maturity.
- Landscaping buffer be 70% or more of living material.
- 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.
- Landscaping shall be continually maintained, and in good health. Should the landscaping die, it shall be replaced within 6 months.
- Landscaping shall be continuously maintained with a permanent, underground and automatic sprinkler system.

Additional solutions to be discussed with applicant and Design Review Committee.

#### ARTICLE E. TRANSPORTATION AND CONNECTIVITY PROVISIONS – Not Compliant

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.

The applicant is proposing a 5' sidewalk outside of the right of way. A 5' sidewalk adjacent to all public right-of-way was required of the approval of 05-05-CU. This sidewalk does not appear to have ever been installed.

Garden City Sidewalk Policy, construction standards require that sidewalks on arterials are 7' in width, detached with a landscaping buffer 6' in width if trees with a root barrier are installed in the buffer or 8' in width if trees without root barrier are installed.

**Potential Conditions for compliance:**

- Install a 7' sidewalk the entire length of the property adjacent to State Street, with a landscape buffer between State Street and the sidewalk, either 6' or 8' in width to accommodate the Garden City sidewalk policy standards, with regards to street tree standards.
- Install one class II or III tree for every 50' of lineal frontage adjacent to State Street.

**Comprehensive Plan Analysis Not Compliant**

The proposed facility is located in the Green Corridor Boulevard and Residential Low Density land use designation of the Garden City Comprehensive Plan. Green Boulevard Corridor- Dramatic Statement that highways and arterials should change from single purpose of moving vehicles to adding pedestrian accesses, refuges, trees and landscaping. Residential Low Density is designated for predominantly single family detached.

The design as submitted is arguably not in line with either of these land use designations, as it tends to read more industrial in nature and requests facilities that are read architecturally hostile, such as barbed wire, and little vegetation.

**Other Plans or Approvals Analysis Not Compliant**

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. The tower was required to be of a dull non reflective finish. A 7' sidewalk easement from the residential development to the south of the site to State Street was required.

The documents submitted in conjunction with 05-05-CU a conditional use permit for Treasure Valley Collision show the entire 20' setback along the south property line as being dedicated to landscaping. A 5' sidewalk was required adjacent to State Street. A letter dated January 17, 2006 from ITD indicates the City may require the installation of a sidewalk to accommodate pedestrians and shall conform to ADA requirements, and be installed at the developers expense.

**Garden City Sidewalk Policy** notes that sidewalk or pathway shall be detached as required by **Garden City Code 8-4E-6 E** and provide for a 6' with root barrier/ 8' without root barrier landscape buffer prescribed by ACHD's policy for Class II or III trees. It further requires that if the sidewalk is adjacent to curb on an arterial roadway the sidewalk shall be at least 7' in width and be free of obstructions.

**Potential Conditions for compliance:**

- Landscaping shall be continually maintained, and in good health. Should the landscaping, or a portion thereof, die or become diseased, it shall be replaced within 6 months.
- Landscaping shall be continuously maintained with a permanent, underground and automatic sprinkler system.
- All new structural components shall be of a non-reflective, dull finish.
- *On site* drainage shall be designed to accommodate the curb, gutter, and concrete sidewalk and in conformance with the transportation authority's and City's requirements.
- Right of way or an easement must be granted for the entire sidewalk to edge of property.

- Sidewalk shall connect to the existing sidewalk on eastern property boundary and provide for connection to an adjacent future sidewalk on western boundary.
- The area between the sidewalk and curb or travel way may be landscaped or hardscaped as determined by the committee.

#### **GCC 8-6B-3 Design Review: Pending decision of Committee**

To approve a design review application, the Commission must find the following:

1. The proposed design is in conformance with the purpose of the zoning district and all dimensional regulations of that district;
2. The proposed design adheres to standards for the protection of health, safety, and general welfare;
3. The proposed design creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city;
4. The proposed design improves the accessibility of development to nonmotorized and public modes of transportation;
5. The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors;
6. The proposed design supports a compact development pattern that enables intensification of development and changes over time; and
7. The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and that encourage pedestrian activity.

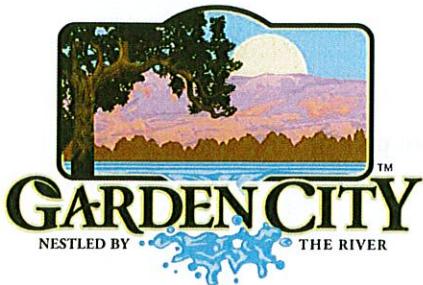
#### **Summary of Potential Conditions for Compliance:**

- Remove all existing slats in chain link fencing. New fencing shall not be chain link with slats.
- Remove barbed wire. No barbed wire is permitted.
- All new structural components shall be of a non-reflective, dull finish.
- Provide verification that the 7' sidewalk adjacent to the easterly property line is installed and unimpeded.
- At least one tree shall be planted for every fifteen (15) linear feet of perimeter length (or as appropriate to the selected species) to quickly establish continuous canopy coverage.
- A perimeter landscaping area shall be at least ten feet (10') wide measured from the property line to the interior of the lot.
- A screen consisting of vegetation shall be at least six feet (6') wide and six feet (6') in height at maturity.
- Landscaping buffer be 70% or more of living material.
- 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.
- Install a 7' sidewalk the entire length of the property adjacent to State Street, with a landscape buffer between State Street and the sidewalk, either 6' or 8' in width to accommodate the Garden City sidewalk policy standards, with regards to street tree standards.
- **Install one class II or III tree for every 50' of lineal frontage adjacent to State Street.**
- Landscaping shall be continually maintained, and in good health. Should the landscaping, or a portion thereof, die or become diseased, it shall be replaced within 6 months.
- Landscaping shall be continuously maintained with a permanent, underground and automatic sprinkler system.

- *On site* drainage shall be designed to accommodate the curb, gutter, and concrete sidewalk and in conformance with the transportation authority's and City's requirements.
- Right of way or an easement must be granted for the entire sidewalk to edge of property.
- Sidewalk shall connect to the existing sidewalk on eastern property boundary and provide for connection to an adjacent future sidewalk on western boundary.
- The area between the sidewalk and curb or travel way may be landscaped or hardscaped as determined by the committee.
- This approval is contingent upon the Planning and Zoning Commission use approval, and successful approval and completion of all applicable permits.

**Requested Documentation:**

- Landscaping plan showing size, type, location, etc. of landscaping.
- Provide verification that the 7' sidewalk adjacent to the easterly property line is installed and unimpeded.



## CITY OF GARDEN CITY

6015 Glenwood Street □ Garden City, Idaho 83714

Phone 208/472-2900 □ Fax 208/472-2998

### ~ MINUTES ~

#### Design Committee

12:00 PM

Monday, August 1, 2016

Mayor's Conference Room- City Hall  
6015 Glenwood Street, Garden City, Idaho

---

#### I. CALL TO ORDER

#### II. ROLL CALL

- a. Present: Bev Callaway, Brett Labrie, Kim Warren, Gerry Armstrong, Garden City Staff Erika Akin
- b. Absent: Diana Caldwell, Garden City Development Services Staff Jenah Thornborrow

#### III. CHANGES TO AGENDA

- a. **DSRFY2016-15** Stan Cole of Cole Architects, representing property and business owner Riverside Hospitality, LLC, cancelled meeting request on this application.

#### IV. CONSENT AGENDA:

- a. **Minutes of 7/5/2016**; Labrie motioned to approved with changes noted, Warren seconded, all aye.

#### V. OLD BUSINESS:

**DSRFY2016-14:** Technology Associates represented by Doug Kofford, is requesting a conditional use permit approval of an expansion of a 'wireless communication facility'. The 0.57 acre site is located at 8247 W. State Street, in Garden City; Ada County parcel R0719420250; Lot 11 Block 2 of the Azalea Subdivision. The property is within C-2 General Commercial zoning district and the Green Corridor Boulevard and Residential Low Density Comprehensive Plan designation. Property Owner Lynn Properties. Committee reviewed the application on July 5, 2016 and requested revisions for Code compliance.

Doug Kofford was present to discuss the revisions. He addressed the difficulty in adding trees to an adjacent parcel or existing pedestrian easement. He questioned whether the site allowed enough room for the required street tree to be placed between the sidewalk and the road. Warren mentioned that safety concerns may motivate ITD to request its placement back from State Street. Applicant was told that the City would prefer the tree between the sidewalk and street. Labrie requested the canopy be treated in a brown earth tone.

**Labrie moved to approve the application with requirements that the canopy be brown and the street tree be north of the new sidewalk unless expressly forbidden by ITD.** Callaway seconded, all aye.

#### VI. NEW BUSINESS:

**DSRFY2016-16** Shawn Nickel of SLN Planning Inc., representing business owners Brian and Terra Wheeler is requesting Design Review approval for a new service provider moving into an existing structure at 400 East 52<sup>nd</sup> St. The project is zoned C-2 and in the Mixed Use Residential Comprehensive Plan land use designation. The new use, Mr. Mudd, requires sidewalk and landscaping upgrades to integrate the use into a residential neighborhood. Design Review approval for code compliance of GCC Chapter 4 is required for conditional use permits. Planning and Zoning Commission approved the CUP on July 20, 2016.

The applicants were not present to discuss the application, however, the Committee reviewed the documents provided for the meeting and gave feedback for staff to share with the applicants.

**Summary of Committee's comments:**

- Show a clear pedestrian connection from the front door to the public sidewalk.
- Consider flipping the location of the parking spaces to the south side of the front parking area to abut sidewalk and give safe passage from car to entrance.
- Provide ADA compliant parking space and route into building.
- Plans list cedar fencing and chainlink, please clarify where each is installed.
- How will the silo and yard be screened from the public street?
- Add a second species to the street trees to ensure viability and code compliance.
- Front sidewalk is angled at the corner and the rear sidewalk corner is curved, consider changing for consistency.
- How will the existing stone wall incorporate into the design?
- Add connection for pedestrian to the corner for crossing 52<sup>nd</sup> or Remington.

Design Review Committee will review the application at a later date for approval.

**VII. DISCUSSION**

**VIII. ADJOURNMENT AT 12:40**

DSRFY2016-0014

**From:** Erika Akin  
**To:** "doug.kofford@taec.net"  
**Subject:** Garden City Design Review Process  
**Date:** Thursday, August 04, 2016 1:55:00 PM  
**Attachments:** [DSRFY2016-00016 Verizon Cell 8247 State Intent to Approve.docx](#)

---

Hello,

Congratulations on your approval from Garden City Design Review Committee on August 1, 2016. Per Garden City Development Code, the City is required to notice the Intent to Approve to all property owners within 300 feet of the project. These mailings (example attached) were posted Tuesday August 2nd and if no written objections to the *design* of the project are submitted, the Design Review approval is final on August 16, 2016. If written objections are received that cannot be resolved with further information about the project, the application will be heard by City Council at a public hearing.

Conditions placed by the Committee on your project remain and will be checked for compliance with the building permit review. If the project changes significantly or elements are changed specifically requested by Design Review, the modification may require approval from the Committee. Staff will inform you if this is the case. Please feel free to check with staff if you have any questions.

Specific to the approval granted on the first of August, the color of the canopy is to be earth tone brown and **the required street tree's preferred location is between the sidewalk and the road subject to approval of ITD**; otherwise, the street tree will be placed between the building and the sidewalk. ITD has not yet responded to questions of placement.

Thank you for participating in the Design Review process. We look forward to continuing to work with you toward completion of your project.

~erika

*Erika Akin*  
Planner/GIS  
Development Services  
208.472.2921

**Erika Akin**

---

**From:** Jenah Thornborrow  
**Sent:** Tuesday, July 12, 2016 9:06 AM  
**To:** Erika Akin  
**Subject:** FW: BOI Confederate  
**Attachments:** TAEC-BOI CONFEDERATE\_ZD\_Rev4\_T100-C200.pdf; VZW\_8X12 PLATFORM.pdf

DSRFY2016-0014

---

**From:** Douglas Kofford [mailto:[douglas.kofford@taec.net](mailto:douglas.kofford@taec.net)]  
**Sent:** Tuesday, July 12, 2016 8:52 AM  
**To:** Jenah Thornborrow  
**Subject:** FW: BOI Confederate

Jenah –

Good morning. Attached are the revised drawings reflecting:

- A- removal of any barbed wire and slats from the fence,
- B- new plantings along the South property line and
- C- a new 7' sidewalk plus a tree on the North side of the property.
- D- There will be no change to existing grade so water will drain as it presently does.
- E- We are not showing the plantings that the LL has to install per his conditions of approval for his CUP because it is on the adjacent parcel.
- F- There is a detail sheet showing the canopy that we are proposing to install above our equipment.

Please let me know if this meets with your approval.

Doug Kofford  
425-306-7886  
5710 South Green Street  
Murray, Utah 84123

