



Mary May, President
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September 20, 2022

To: Bliss Properties, LLC
Michael Miraglio
784 S. Clearwater Loop, Ste. R
Post Falls, Idaho 83854

Subject: GC22-0013/ ZONFY2022-0001, CUPFY2022-0014
4810 N. Adams Street
The Bliss Rezone

The applicant is requesting approval of a rezone from R-3 (Medium Density Residential) to C-2 (General Commercial) designation with a conditional use permit for a service provider (landscaper builder, tradesman) to allow for the future development of a mixed use residential building with a small commercial space. On .27acres

The rezone would allow the existing renter, who owns a landscaping business (Everything Outdoors) to continue to park his work vehicles on site.

A. Findings of Fact

1. Adams Street

- a. **Existing Conditions:** Adams Street is improved with 3-travel lanes, on-street bike lanes, vertical curb, gutter, and 7-foot wide attached concrete sidewalk abutting the site. There is 54-feet of right-of-way for Adams Street (26-feet from centerline).
- b. **Policy:**
 - Collector Street Policy:** District policy 7206.2.1 states that the developer is responsible for improving all collector frontages adjacent to the site or internal to the development as required below, regardless of whether access is taken to all of the adjacent streets.

Master Street Map and Typologies Policy: District policy 7206.5 states that if the collector street is designated with a typology on the Master Street Map, that typology shall be considered for the required street improvements. If there is no typology listed in the Master Street Map, then standard street sections shall serve as the default.

Street Section and Right-of-Way Policy: District policy 7206.5.2 states that the standard right-of-way width for collector streets shall typically be 50 to 70-feet, depending on the location and width of the sidewalk and the location and use of the roadway. The right-of-way width may be reduced, with District approval, if the sidewalk is located within an easement; in which case the District will require a minimum right-of-way width that extends 2-feet behind the back-of-curb on each side.

The standard street section shall be 46-feet (back-of-curb to back-of-curb). This width typically accommodates a single travel lane in each direction, a continuous center left-turn lane, and bike lanes.

Residential Collector Policy: District policy 7206.5.2 states that the standard street section for a collector in a residential area shall be 36-feet (back-of-curb to back-of-curb). The District will consider a 33-foot or 29-foot street section with written fire department approval and taking into consideration the needs of the adjacent land use, the projected volumes, the need for bicycle lanes, and on-street parking.

Sidewalk Policy: District policy 7206.5.6 requires a concrete sidewalk at least 5-feet wide to be constructed on both sides of all collector streets. A parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District's planter width policy if trees are to be placed within the parkway strip. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

Minor Improvements Policy: District Policy 7203.3 states that minor improvements to existing streets adjacent to a proposed development may be required. These improvements are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused driveways with curb, gutter, and sidewalk; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items.

ACHD Master Street Map: ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, collector street requirements, and specific roadway features required through development. This segment of Adams Street is designated in the MSM as a Residential Collector with 3-lanes and on-street bike lanes, a 46-foot street section within 50 to 70-feet of right-of-way.

- c. **Applicant's Proposal:** The applicant is not proposing any street improvements to Adams Street abutting the site.
- d. **Staff Comments/Recommendations:** Adams Street is fully improved; therefore, no additional right-of-way dedication or street improvements should be required as part of this application.

Consistent with District Minor Improvements policy, the applicant should be required to repair or replace any damaged or deteriorated portions of vertical curb, gutter and sidewalk on Adams Street abutting the site.

This segment of Adams Street is within the 2026 chipseal zone.

2. Driveways – Adams Street

- a. **Existing Conditions:** There is an existing 20-foot wide concrete curb cut driveway from the site onto Adams Street located 204-feet west of 48th Street.

There is an existing 28-foot wide concrete curb cut shared driveway located on the adjacent parcel directly to the east of the site. Although off-site, this driveway is used by the applicant to access the rear of the lot.

b. **Policy:**

Access Policy: District Policy 7205.4.1 states that all access points associated with development applications shall be determined in accordance with the policies in this section and Section 7202. Access points shall be reviewed only for a development application that is being considered by the lead land use agency. Approved access points may be relocated and/or restricted in the future if the land use intensifies, changes, or the property redevelops.

District Policy 7206.1 states that the primary function of a collector is to intercept traffic from the local street system and carry that traffic to the nearest arterial. A secondary function is to service adjacent property. Access will be limited or controlled. Collectors may also be designated at bicycle and bus routes.

Driveway Location Policy (Signalized Intersection): District policy 7206.4.3 requires driveways located on collector roadways near a signalized intersection to be located outside the area of influence; OR a minimum of 440-feet from the signalized intersection for a full-access driveway and a minimum of 220-feet from the signalized intersection for a right-in/right-out only driveway. Dimensions shall be measured from the centerline of the intersection to the centerline of the driveway.

Driveway Location Policy (Stop Controlled Intersection): District policy 7206.4.4 requires driveways located on collector roadways near a STOP controlled intersection to be located outside of the area of influence; OR a minimum of 150-feet from the intersection, whichever is greater. Dimensions shall be measured from the centerline of the intersection to the centerline of the driveway.

Successive Driveways: District policy 7206.4.5 Table 1, requires driveways located on collector roadways with a speed limit of 25 MPH and daily traffic volumes greater than 100 VTD to align or offset a minimum of 150-feet from any existing or proposed driveway.

Driveway Width Policy: District policy 7206.4.6 restricts high-volume driveways (100 VTD or more) to a maximum width of 36-feet and low-volume driveways (less than 100 VTD) to a maximum width of 30-feet. Curb return type driveways with 30-foot radii will be required for high-volume driveways with 100 VTD or more. Curb return type driveways with 15-foot radii will be required for low-volume driveways with less than 100 VTD.

Driveway Paving Policy: Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7206.4.6, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway and install pavement tapers in accordance with Table 2 under District Policy 7206.4.6.

Minor Improvements Policy: District Policy 7203.3 states that minor improvements to existing streets adjacent to a proposed development may be required. These improvements are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused driveways with curb, gutter, and sidewalk; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items.

Cross Access Easements/Shared Access Policy: District Policy 7202.4.1 states that cross access utilizes a single vehicular connection that serves two or more adjoining lots or parcels so that the driver does not need to re-enter the public street system.

- c. **Applicant's Proposal:** The applicant is proposing to maintain and use the existing 20-foot wide driveway onto Adams Street located 204-feet west of 48th Street. The driveway aligns with an existing driveway on the west side of Adams Street across from the site.

The applicant is proposing to maintain and used the existing 28-foot wide shared driveway located on the adjacent parcel directly to the east of the site.

- d. **Staff Comments/Recommendations:** The applicant's proposal to continue using the existing driveway located on site meets District policy and should be approved as proposed.

ACHD is unable to approve the use of the existing driveway located offsite on the parcel directly to the east, as this driveway is located on an adjacent parcel and the applicant did not provide an easement to demonstrate that the applicant is able to continue using the driveway.

3. Tree Planters

Tree Planter Policy: Tree Planter Policy: The District's Tree Planter Policy prohibits all trees in planters less than 8-feet in width without the installation of root barriers. Class II trees may be allowed in planters with a minimum width of 8-feet, and Class I and Class III trees may be allowed in planters with a minimum width of 10-feet.

4. Landscaping

Landscaping Policy: A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. District Policy 5104.3.1 requires a 40-foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50-foot offset from stop signs. Landscape plans are required with the submittal of civil plans and must meet all District requirements prior to signature of the final plat and/or approval of the civil plans.

5. Other Access

Adams Street is classified as collector roadway. Other than the access specifically approved with this application, direct lot access is prohibited to this roadway.

B. Site Specific Conditions of Approval

1. Replace any damaged or deteriorated portions of curb, gutter, sidewalk, or driveway on Adams Street abutting the site. If the existing sidewalk is damaged, it should all be reconstructed as 7-foot wide attached or 5-foot wide detached concrete sidewalks.
2. Maintain and use the existing 20-foot wide concrete curb cut driveway from the site onto Adams Street located 204-feet west of 48th Street, as proposed.
3. Maintain and use the existing 28-foot wide concrete curb cut shared driveway onto Adams Street from the adjacent site directly to the east of the site located 204-feet west of 48th Street, as proposed.
4. If access is required, the applicant should be required to submit a driveway request.
5. Other than the access specifically approved with this application, direct lot access is prohibited to Adams Street.
6. A Traffic Impact Fee may be assessed by ACHD and will be due prior to issuance of a building permit. Please contact the ACHD Planner (see below) for information regarding impact fees.
7. Submit civil plans to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD.
8. Comply with the Standard Conditions of Approval as noted below.

C. Traffic Information

Trip Generation: Below is a list of land uses and estimated trip generation rates for uses that may be included within the site. Trip generation rates are based on the Institute of Transportation Engineers Trip Generation Manual, 11th edition.

Use (1,000 sf)	Average Daily Trips (ADT)	PM Peak Hour
Multi-Family Housing (Low-Rise 2 to 3 Floors)	6.74	0.51
Single Family Attached Housing (unit)	7.20	0.57
Senior Adult Housing – Multifamily (unit)	3.24	0.25
Day Care Center (students)	4.09	0.79
Copy, Print & Express Ship Store (1,000 sf)	-----	7.42
Specialty Trade Contractor (1,000 sf)	9.82	1.93
Small Office Building (1,000 sf)	14.39	2.16

Condition of Area Roadways: Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service
Adams Street	60-feet	Collector	424	Better Than "D"

* Acceptable level of service for a three-lane collector is “D” (530 VPH).

Average Daily Traffic Count (VDT): Average daily traffic counts are based on ACHD’s most current traffic counts

- The average daily traffic count for Adams Street west of Veterans Memorial Parkway was 8,032 on June 18, 2020.

D. Attachments

1. Vicinity Map
2. Site Plan
3. Standard Conditions of Approval
4. Appeal Guidelines

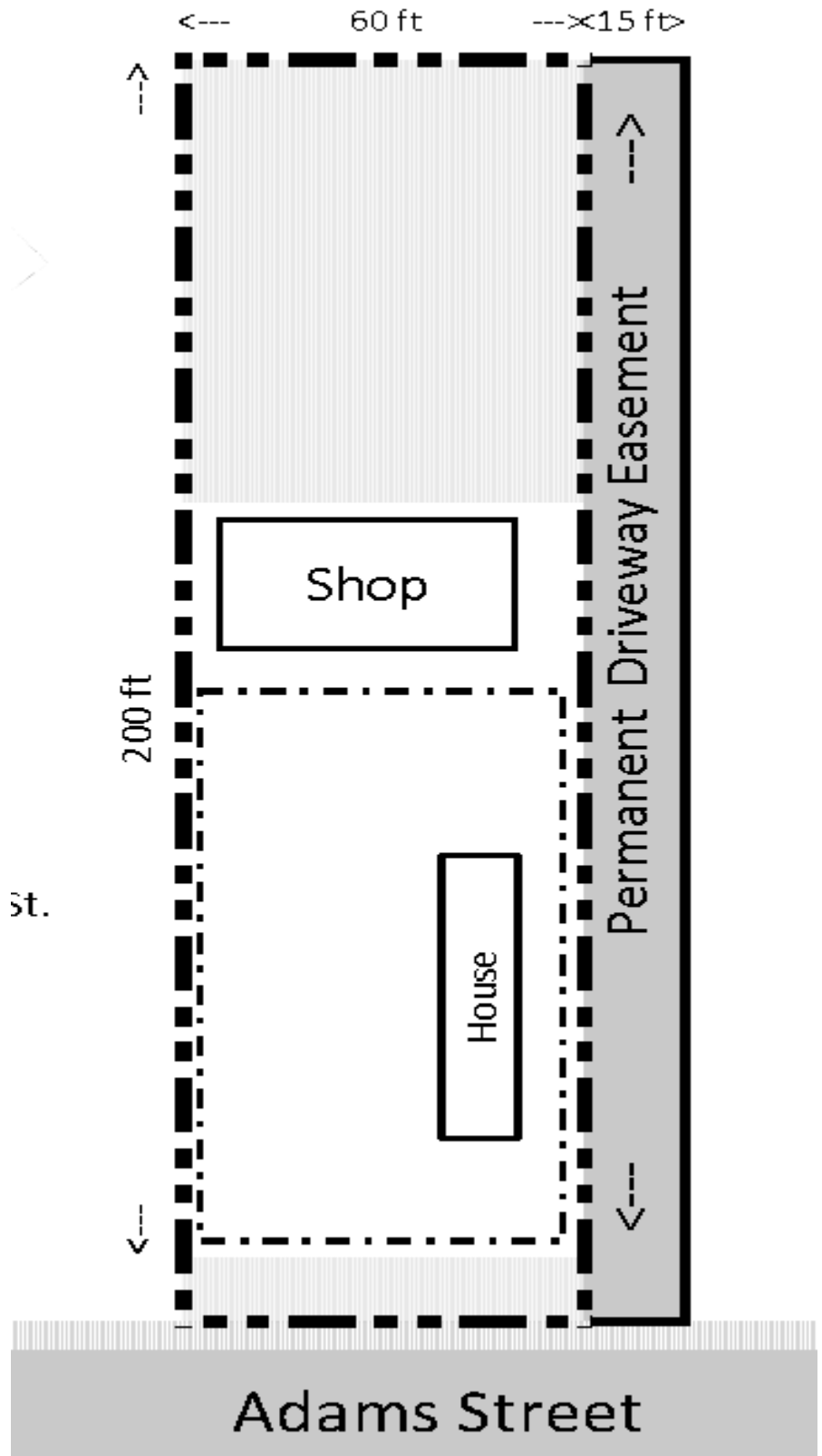
Sincerely,



Renata Ball-Hamilton
Planner
Development Services

cc: City of Garden City (Garden City Planning), Via Email

SITE PLAN



Standard Conditions of Approval

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.6, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter, and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

Request for Appeal of Staff Decision

1. **Appeal of Staff Decision:** The Commission shall hear and decide appeals by an applicant of the final decision made by the Development Services Manager when it is alleged that the Development Services Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.
 - a. **Filing Fee:** The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.
 - b. **Initiation:** An appeal is initiated by the filing of a written notice of appeal with the Secretary and Clerk of the District, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.
 - c. **Time to Reply:** The Development Services Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.
 - d. **Notice of Hearing:** Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the Development Services Manager's reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.
 - e. **Action by Commission:** Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend, or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.