



CITY OF GARDEN CITY

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CUPFY2019-10
Conditional Use Permit
Use: Vehicle Service
Location: 9335 W. State Street, Garden City, Idaho
Applicant: Jen Kwan-Totten with JT Auto Glass



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City of Garden City
Planning and Zoning Commission Staff
Report

Project Description:

Planning and Zoning Commission Public Hearing Date: Wednesday June 19, 2019, at 6:30 p.m.

Application File Number: CUPFY2019-10

Applicant: Jen Kwan-Totten, JT Auto Glass

Location: 9335 W. State Street; Ada County Parcel S0514438630.

Requested Use: Vehicle Service

Project Synopsis: Jen Kwan-Totten with JT Auto Glass & Tint is requesting Conditional Use Permit approval for a Vehicle Service use at 9335 W. State Street. The 0.48 acre site is located in the General Commercial (C-2) zoning district. The applicant is proposing to operate a vehicle window tinting business under the use "Vehicle Service".

Existing Conditions:

- The subject property is .48 acres
- The project is in the C-2 General Commercial Zoning District
- The project is in the Green Boulevard Corridor designation of the Comprehensive Plan Land Use Map.
- The subject property is not located in the 100 year floodplain designation or floodway.
- Surrounding Uses: Dwelling Unit, Single Family Detached, Health and Social Service, Professional Service
- Existing Use: None legally recognized by Garden City Code
- There are no records on file with Garden City of existing easements.
- Access to the site is from W. State Street.
- There are no sidewalks in good repair on site. A detached sidewalk connects to the site at the east property line.

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

1. GCC 8-7A Definitions of Uses
2. GCC 8-2B-2 Allowed Uses
3. GCC 8-2C-41 Industry, Flex or Light
4. Title 8 Chapter 4 Design and Development Regulations
5. GCC 8-6A-4 Required Application Information – Waiver Request
6. GCC 8-6B-2 Conditional Use

Additional Plans and Comments Noted:

1. Other Plans and Approvals Analysis
2. Department and Agency Comments

3. Public Comments

Staff Analysis:

GCC 8-7A Definitions of Uses

VEHICLE SERVICE: The use of a site for the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service painting, repairing or straightening the body and/or chassis of vehicles or steam cleaning of vehicles.

GCC 8-2B-2 Allowed Uses

The use "Vehicle Service" is a conditionally permitted use in the C-2 General Commercial Zoning District.

TABLE 8-2B-1 ALLOWED USES IN ALL BASE ZONING DISTRICTS

<i>P = permitted use; C = conditional use; and a blank denotes the use is not allowed in that district</i>								
	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-20</i>	<i>C-1</i>	C-2	<i>M</i>	<i>LI</i>
Vehicle Service					C	C	C	P

GCC 8-2C-41 – Vehicle Service

The use "Vehicle Service" is subject to the following use specific requirements:

8-2C-41 VEHICLE SERVICE:

A. *Minimum Site Area:* The use shall have a minimum site area of fifteen thousand (15,000) square feet.

B. *Site Layout:*

1. *All hydraulic hoists and pits, and all equipment for greasing, lubrication, and allowed repairs shall be enclosed entirely within a structure.*

2. *Any spray booth must be approved by the fire authority and building official.*

3. *All parts, inventory and vehicles waiting to be repaired shall be kept inside an entirely enclosed building or hidden behind a privacy fence or other visual barrier as set forth in section [8-2C-37](#), Storage Facility Or Yard, of this article.*

4. All new structures constructed for vehicle/equipment repair shall be constructed so that the entrances to individual workstation/service bays do not face abutting residential parcels or the public rights-of-way.

5. Tires taken in on trade that have no more than salvage value shall be stored in a solid wall enclosure.

C. Limitations:

1. No servicing of trucks in excess of one and one-half (1-1/2) ton capacity or industrial equipment of any type or character shall be allowed in the commercial district without a conditional use permit.

2. All vehicle/equipment repair uses and related activities shall be limited to between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., Monday through Saturday.

3. Damaged or wrecked vehicles shall not be stored on site for purposes other than repair.

4. All vehicles that are repaired and are waiting to be picked up by the owner of the vehicle shall be parked on site and not in adjoining streets or alleys.

5. All discarded vehicle parts or equipment, permanently disabled, dismantled, or junked vehicles, or tires shall be removed from the premises within thirty (30) days of arrival.

D. Site Maintenance: *All paved and unpaved areas shall be maintained grease and oil free.*

The scope of the applicant's request is to conduct vehicle tinting and auto glass repair. The standards of this section apply to a full-service vehicle repair. The impact of the applicant's proposal and discussion of the standards of this section should be applied as conditions of approval will be addressed below in the analysis of the required legal findings.

Title 8 Chapter 4.

The standards of this title are usually administered administratively when no structure is required and a conditional use permit is approved. The standards of GCC 8-4D (Parking and Off Street Loading), GCC 8-4E (Transportation and Connectivity Provisions), and GCC 8-4I (Landscaping and Tree Protection Provisions) must be adhered to. A condition of approval can be required to enforce these provisions.

GCC 8-4E-6 (Sidewalk Standards)

This subsection requires sidewalks for new and more intense use of property. At times there is overlap between design and use. Garden City Sidewalk Policy notes that a sidewalk and landscaping buffer is not required if a sidewalk is in good repair on or adjacent to the property. A detached sidewalk and landscape buffer are not installed along W. State Street. A detached sidewalk and buffer are on an adjacent property at the east property line.

The applicant has not requested a sidewalk waiver pursuant to the Garden City Sidewalk Policy. A condition of approval could be considered requiring the installation of the required sidewalk and landscaping improvements pursuant to this section and the policy.

GCC 8-6A-4 Required Application Information – Request for Waiver

The applicant has requested a waiver to the following application requirements relevant to the conditional use permit and variance requests:

- Irrigation/Ditch Company Letter

The City does not have record of a specific irrigation company associated with this property. Agency notice to irrigation companies requesting such notice was provided in accordance with Idaho Code 67-6519(4). As of the drafting of this report, the City has not received a response from any irrigation company. While a waiver of the Irrigation/Ditch Company Letter requirement may be appropriate, this waiver, if granted, does not relieve the applicant of complying with applicable Idaho Code concerning irrigation companies and associated easements.

- Will Serve Letter

The applicant has requested a waiver of this requirement based on the following reasoning:

Will Serve Letter – JT Auto Glass & Tint is requesting a waiver for the Will Serve Letter on the grounds that there are no modifications to the existing business. The business will run with the equipment that it has always had, and no contractors will be used, or modifications will be made.

The purpose of the will serve letter is to establish whether a use has adequate water and sewer service. Adequate water service impacts the delivery of fire protection services, as the fire department requires a minimum fire flow rate to provide this service. Adequate sewer service is necessary to ensure there is enough sewer capacity for the proposed use. Water, sewer, and fire protection services directly impacts required findings 2 and 3 necessary to grant a conditional use permit.

The applicant has stated that the business is an existing business. However, the City does not have any documentation of the property ever receiving a conditional use permit for the use “Vehicle Service” or documentation that a certificate of occupancy was ever given to a business at this location. City documentation dating back to 2009 shows a series of alleged window tint and auto glass repair businesses moving into the site without obtaining a conditional use permit, a certificate of occupancy, and a will serve letter. It should be noted that the purpose of referencing these previous actions is to establish that the City has never had the opportunity to review the water, sewer, and fire services, among others, onsite. This information should not be interpreted to imply that the applicant is being accused of a crime under Garden City Code or to influence the Commission’s decision negatively.

Based on the available information in the record, a waiver of the required will serve letter does not appear to be appropriate.

GCC 8-6B-2 D [Conditional Use] Required Findings

In order to approve a conditional use permit, the Planning and Zoning Commission must find:

1. The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district;
2. The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts;
3. The use will not unreasonably diminish either the health, safety or welfare of the community; and
4. The use is not in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.

Impacts to Finding 1:

There appears to be evidence on the record that the use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district. The prevalent development pattern along W. State Street adjacent to and near the facility includes retail, professional service, mortuary, and church uses. The City does not show a record of any legally established “vehicle service” uses on W. State Street west of Glenwood Street. While previous conditional use permits do not set a precedent to grant a conditional use permit, the Commission has approved a conditional use permit for “Vehicle Service” just off of State Street adjacent to the Carlton Bay development. CUPFY2018 – 6 was approved on Gardner Lane for an auto glass facility. This permit was approved near residential development, but not within full view of this development. The location of the use was away from State Street rather than directly accessible.

A “Vehicle Service” use that is limited in scope to only window tinting and auto glass repair could be compatible with the existing uses along W. State Street, provided it is not changing or storing automotive fluids, conducting extensive repairs, and is conducted entirely indoors. Limiting scope, scale, and visibility ensures compatibility and could meet this required findings.

To ensure this finding is met, some of the standards from Garden City Code 8-2C-41 could be integrated as conditions of approval with the following modifications:

1. *The scope of the use shall be limited to only vehicle window tinting and vehicle glass repair and replacement.*
2. *Minimum Site Area: The use shall have a minimum site area of fifteen thousand (15,000) square feet.*
3. *All hydraulic hoists and pits, and all equipment for greasing, lubrication, and allowed repairs shall be enclosed entirely within a structure.*
4. ~~2. Any spray booth must be approved by the fire authority and building official. Spray booths are prohibited on site.~~

5. All parts, inventory and vehicles waiting to be repaired shall be kept inside an entirely enclosed building or hidden behind a privacy fence or other visual barrier as set forth in section [8-2C-37](#), Storage Facility Or Yard, of this article.

6. All new structures constructed for vehicle/equipment repair shall be constructed so that the entrances to individual workstation/service bays do not face abutting residential parcels or the public rights-of-way.

~~7. 5. Tires taken in on trade that have no more than salvage value shall be stored in a solid wall enclosure. Tires shall not be taken in on trade or stored on site.~~

~~8 1. No servicing of trucks in excess of one and one-half (1-1/2) ton capacity or industrial equipment of any type or character shall be allowed in the commercial district without a conditional use permit. The servicing of trucks in excess of one and one-half (1-1/2) ton capacity or industrial equipment of any type or character shall be allowed under this permit for the purposes of window tinting and auto glass repair only.~~

9. All vehicle/equipment repair uses and related activities shall be limited to between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., Monday through Saturday.

10. Damaged or wrecked vehicles shall not be stored on site for purposes other than repair.

11. All vehicles that are repaired and are waiting to be picked up by the owner of the vehicle shall be parked on site and not in adjoining streets or alleys.

12. All discarded vehicle parts or equipment, permanently disabled, dismantled, or junked vehicles, or tires shall be removed from the premises within thirty (30) days of arrival.

13. Site Maintenance: All paved and unpaved areas shall be maintained grease and oil free.

Impacts to Finding 2:

There does not appear to be enough evidence on the record to determine that the use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts; Information from the will serve

letter is necessary to determine whether there is adequate water, sewer, and fire protection for the proposed use. A condition of approval requiring the applicant to obtain a will serve letter and

meet all applicable city and agency codes and requirements pertaining to water, sewer, and fire protection could provide a mitigation solution.

Impacts to Finding 3:

There does not appear to be enough evidence on the record to determine that the use will not unreasonably diminish either the health, safety or welfare of the community;

Information from the will serve letter is necessary to determine whether there is adequate water, sewer, and fire protection to protect either the health, safety or welfare of the community. A condition of approval requiring the applicant to obtain a will serve letter and meet all applicable city and agency codes and requirements pertaining to water, sewer, and fire protection could provide a mitigation solution.

Impacts to Finding 4:

There appears to be evidence on the record that the proposed use is in conformance with the Comprehensive Plan.

In and of itself, a Comprehensive Plan is not legally binding. However, a required Conclusion of Law for conditional use permits in Garden City is that the use is in compliance with the Comprehensive Plan. In this way the Garden City Zoning Code ensures that proposed uses are not only required to be compatible with existing neighborhoods, but are also progressing the vision that the community has for those neighborhoods.

The proposed use is in the Green Boulevard Corridor designation of the Comprehensive Plan Land Use Map.

***GREEN BOULEVARD CORRIDOR:** The state highways and arterials are identified as green boulevard corridors. This is a bold statement that these corridors should be dramatically changed from the current single purpose function for moving vehicles. The intent of this designation is to create more multi-modal characteristics on these corridors, including sidewalks with parkways, bus stops, landscape medians with pedestrian refuges and channelized left-turn lanes. Mobility for vehicles should be maintained, but improvements to the safety and convenience for transit and pedestrians is needed that will influence changes in the adjacent land uses. Existing uses, including commercial uses, are allowed in the corridors, but new uses which generate high volumes of vehicular traffic should be restricted. Development regulations in the corridor should include access management including number and spacing of driveways, location of parking behind the buildings and maximum setback requirements from the street.*

The proposed use is not a high traffic use, as it is not intended to be operated with the intensity of a drive through establishment or fuel sales. Instead, the use is intended to target customers who need auto glass and windshield services which are usually operated on an appointment basis. The physical standards required of the use, such as the detached sidewalk and landscape buffer, appear to be within the scope of the designation.

The following goals, objectives, and action steps of the plan appear to apply to this proposal:

- Goal 10: Plan for the Future
 - Objective 10.6: Continue to support commercial and industrial land uses

Other Plans and Approvals Analysis

The Garden City Sidewalk Policy was reviewed in association with this application.

Comments from Other Departments and Agencies

Garden City Engineer

Standard comments.

Idaho Transportation Department

Standard comments.

Summary of Comments from Public

There have been no written public comments received to date.