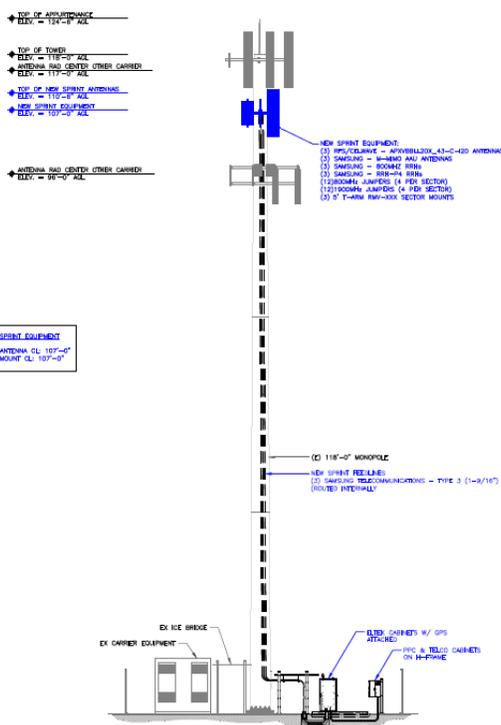




CITY OF GARDEN CITY

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

File Number: CUPFY2019 - 13
For: Nonconforming Use Expansion
Location: 8247 W. State Street Garden City, Idaho
Applicant: Crown Castle
Report Date: 9/12/2019



Garden City Planning and Zoning Commission
 Staff Contact: Chris Samples

STAFF REPORT: CUPFY2019 - 13 – Application materials can be found here: [Link](#)

**City of Garden City
Staff Report**

A. Project Overview

Project Description:

Sarah Baird representing Crown Castle/Sprint is requesting a conditional use permit to expand a legal non-conforming use. The expansion's scope is the addition of telecommunications equipment to an existing wireless communication facility tower. The property is located at 8247 W. State Street, Ada County Parcel R0719420250.

Proposed Scope of Work:

Request	Review Process	Notes
Conditional Use Permit – Nonconforming use expansion to add antenna array to existing wireless communication tower	8-6B-2 Conditional Use	None

Project Details:

Proposed development: Expansion of legal nonconforming use to add an antenna array to an existing wireless communication facility

New structures proposed: None

Site Conditions

1. Address: 8247 W. State Street
2. Parcel Number: R0719420250
3. Property Size: 0.567 acres
4. Zoning District: C-2 General Commercial
5. Comprehensive Plan Land Use Map Designation: Green Boulevard Corridor
6. Floodplain Designation:
 - 2003 FIRM: X
 - 2017 Draft FIRM: X
7. Surrounding Uses:
 - Manufactured Home Park
 - Vehicle Service
 - Retail Store
8. Existing Use: Vehicle Service
9. Easements: There are no records on file with Garden City of existing easements
10. Site Access: W. State Street

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11. Sidewalks: in good repair on or adjacent to the site.

Required Decisions

The following decision processes are required for the project:

Decision	Recommendation Authority	Decision Authority	Hearing Date
Conditional Use	N/A	P&Z Commission	9/18/2019

Exhibits: [Link](#)

1. Staff Report
2. Draft Legal Findings
3. Application Documents
4. Letter of Intent and Compliance Statement
5. Construction Documents
6. Neighborhood Map
7. Site Photos
8. Noticing Documents
 - Radius Notice
 - Agency Notice
 - Legal Notice
 - Property Posting Documents
 - Neighborhood Meeting Documents
9. Agency Comments
 - City Engineer
 - Idaho Transportation Department

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

Conditional Use Standards	
Standard	Staff Comments
8-1B Nonconforming Properties, Structures, Uses	No compliance issues noted
8-2C-46 Wireless Communication Facility	Evaluated for conditions of approval
8-6B-2 Conditional Use	No compliance issues noted

Policies and Studies: The following policies and studies were reviewed for this application:

1. [Garden City Sidewalk Policy](#)

Agency Comments: The following agency comments were provided:

Agency	Comment Summary
ITD	No objection

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Garden City Engineer

No objection

Public Comments: None received.**B. Conditional Use**

USE STANDARDS FOR REVIEW	
City Code	City Standards/Staff Comments
<u>GCC 8-1B-3 Nonconforming Uses</u>	The existing use “Wireless Communication Facility” is prohibited in the C-2 zone. The use was developed lawfully in 2003 under conditional use permit 03-17-CU. The use was developed lawfully prior to the adoption of current code and is considered a legal non-conforming use. Subsection A.2 of this ordinance requires a conditional use permit to add antenna arrays to the existing tower.
<u>GCC 8-2C-46 Wireless Communication Facility</u>	Although the proposal is to expand a legal non-conforming use, the Commission may place conditions of approval upon the expansion. This section contains use standards for new Wireless Communication Facilities but is noted in this report as guidance for the Commission to consider additional conditions. The expansion does not appear to warrant placing standards from this ordinance as additional conditions.
<u>GCC 8-6B-2 Conditional Use</u>	
<u>GCC 8-6B-2D Required Findings</u>	To approve a conditional use permit the Planning and Zoning Commission must determine the request meets the required findings of this section. The findings are analyzed below.
Finding 1	Finding: The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district; Analysis: The use expansion’s limited scope does not change the nature of the use and appears to comply with this finding.
Finding 2	Finding: The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts;

STAFF REPORT: CUPFY2019 - 13 – Application materials can be found here: [Link](#)

	<p>Analysis: The use expansion does not appear to require additional public facilities or services and appears to comply with this finding.</p>
Finding 3	<p>Finding: The use will not unreasonably diminish either the health, safety or welfare of the community;</p> <p>Analysis: The use expansion appears to comply with this finding. No evidence on the record can be found demonstrating the use expansion would unreasonably diminish either the health, safety or welfare of the community.</p>
Finding 4	<p>Finding: The use is not in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.</p> <p>Analysis: The property is located within the Green Boulevard Corridor designation of the Comprehensive Plan's Land Use Map.</p> <p><i>GREEN BOULEVARD CORRIDOR: The state highways and arterials are identified as green boulevard corridors. This is a bold statement that these corridors should be dramatically changed from the current single purpose function for moving vehicles. The intent of this designation is to create more multi-modal characteristics on these corridors, including sidewalks with parkways, bus stops, landscape medians with pedestrian refuges and channelized left-turn lanes. Mobility for vehicles should be maintained, but improvements to the safety and convenience for transit and pedestrians is needed that will influence changes in the adjacent land uses. Existing uses, including commercial uses, are allowed in the corridors. New uses, including commercial uses, should be designed to encourage multi-modal over single occupancy vehicles. Uses which generate high volumes of single occupancy vehicular traffic should be restricted. Development regulations in the corridor should include access management including number and spacing of driveways, location of parking behind the buildings and maximum setback requirements from the street.</i></p> <p>The designation notes that existing uses may remain in the Corridor. The use expansion does not expand</p>

	the height of the tower and does not appear to generate new traffic. The use expansion does not appear to affect development in the designation.
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C. Policy and Study Analysis

POLICIES AND STUDIES	
Document	Staff Comments
<u>Garden City Sidewalk Policy</u>	An existing sidewalk is located along the property's frontage. No new sidewalk is required by the policy.

D. Decision Options

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

1. Approve the application as presented;
2. Approve the application with conditions;
3. Request the applicant return with revised materials for additional review;
4. Deny the application.