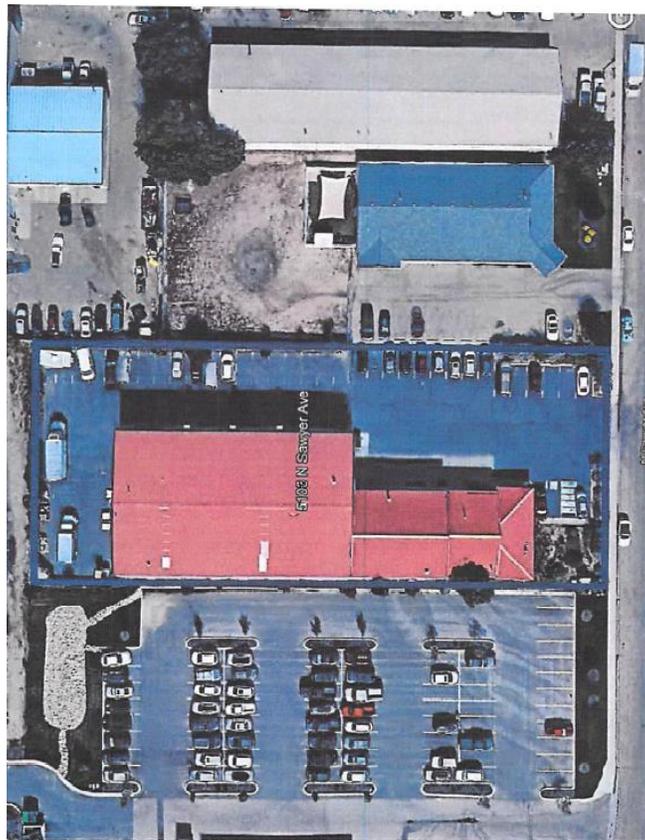


## CITY OF GARDEN CITY

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

**File Number: CUPFY2020 - 13**  
**Requested Use: Retail and wholesale of granite and home improvement**  
**Use as Defined by GCC Title 8: Building material, garden, and equipment**  
**Location: 5103 N. Sawyer Ave.**  
**Applicant: Brian Pope, Rock Bottom Granite**  
**Planning and Zoning Commission Hearing Date: July 15, 2020 6:30 p.m.**  
**Garden City Hall, 6015 Glenwood, Garden City, Idaho**



**STAFF REPORT**  
Prepared by Hanna Veal

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## A. Project Information

### Proposed Scope of Work:

Request	Review Process
Conditional Use Permit	<a href="#">GCC 8-6B-2</a>

A conditional use may be found to be appropriate or inappropriate at a given property. In some situations, conditions of approval may be required to assist the proposed use in being appropriate to a location and in conformance with code. In other situations where the use cannot be conditioned to be appropriate to the location or code, it should not be permitted.

### Project Details:

- 1) Applicant: Brian Pope and Gisele Pope
- 2) Owner: Richard C Ripple Jr. with Crownholders LLC
- 3) Request: Wholesale and retail sales granite, countertop materials, sinks, faucets, home décor, wallpaper.
- 4) Title 8 Use: It has been determined that the Garden City defined use that best describes the use is: Building material, garden, and equipment
- 5) Definition of Use: Garden City Code 8-7A-1 defines this use as:
  - a) The use of a site for the retail sale and service of merchandise used in home and garden improvements. The term "building material, garden and equipment" includes home and garden centers; hardware stores; lawn and garden equipment supply stores; paint and wallpaper stores; lumberyards; nursery, garden and farm supply stores.
- 6) The applicant has not proposed exterior work

### Site Conditions:

- 1) Existing Use: Food products, small scale processing
- 2) Street Address: 5103 N. Sawyer Ave. Garden City, 83714
- 3) Parcel Number(s): R7851270030
- 4) Property Description: LOT 3 BLK 1 SHERER SUB
- 5) Legal Lot of Record: Yes
- 6) Property Size: 0.972 acres
- 7) Zoning District: C-2
- 8) Zoning Overlay(s): None
- 9) Comprehensive Plan Land Use Map Designation:
  - a) Light Industrial Bradley Technology District
- 10) Floodplain Designation:
  - a) 2003 FIRM: Not located in the SFHA
  - b) 2017 Draft FIRM: Not located in the SFHA
- 11) Surrounding Uses:
  - a) Animal Care Facility
  - b) Animal Care Facility
  - c) Animal Care Facility
  - d) Retail Store
  - e) Professional Service
  - f) Vehicle Service

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- g)** Medical Laboratory
  - h)** Equipment Rental, Sale and Service
  - 12)** Adjacent Zoning: Light Industrial
  - 13)** Adjacent Comprehensive Plan Designations: Light Industrial Bradley Technology District
  - 14)** Easements on site :
    - a)** Sherer Sub Plat, Existing (unspecified) easement 20'
    - b)** Sherer Sub Plat 15' utility, drainage, irrigation easement
    - c)** Carlson Sub Plat, Water and sewer main easement
  - 15)** Site Access:
    - a)** Front: N. Sawyer Ave
    - b)** Side: N/a
    - c)** Rear: N/a
  - 16)** Sidewalks: Sidewalks are installed and are in good repair.
  - 17)** Wetlands on site: none identified

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## C. Discussion

- 5103 N. Sawyer Ave is in the Light Industrial land use designation of the Garden City Comprehensive Plan and consists of a number of warehouse and light industrial buildings; the subject building is complementary to the existing development character.
- As described in the applicant's Letter of Intent, the primary focus of Rock Bottom Granite is to educate consumers about the properties of stone for home installation and use. They will carry full slab granite, marble and granite remnants, as well as full format porcelain and Dekton slabs. Their plan to use the site as a retail space with minimal product storage (with office space and an attached warehouse) conforms to the surrounding area's uses.

## **D. Decision**

The Planning and Zoning Commission has been provided a draft document that includes findings of fact, conclusions of law, and a decision in the affirmative and in denial. This is done to provide potential options based on the staff's review of the project. This is not intended to be a predetermined decision. All evidence will be considered, and the document may be updated based on the Planning and Zoning Commission's review of the application.

### **Required Decisions:**

Pursuant to Garden City Code [Table 8-6A-1 Authorities and Processes](#), Planning and Zoning Commission is the final decision maker for a Conditional Use Permit. There is no recommending authority to the Planning and Zoning Commission. Pursuant to [GCC 8-6A-2A](#), The City Council shall have the authority to review any action taken by the Planning and Zoning Commission regarding Conditional Use Permits, which would be final unless appealed.

### **Required Findings:**

To approve a conditional use permit, the Planning and Zoning Commission must find the application meets the following findings found in [GCC 8-6B-2](#):

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

### **Decision:**

After hearing the evidence and considering the application, the decision maker shall make their decision. The decision maker shall report the facts upon which it based its conclusion, the ordinance and standards used in evaluating the application, the actions, if any, that the applicant could take to obtain a permit, and whether a permit is :

1. Granted,
2. Granted with conditions, or
3. Denied.

The decision maker may find that there is inadequate information to render a decision and may also continue the hearing for additional materials to be supplied. It is recommended that they continue the hearing to a date certain for noticing purposes.

The decision maker shall make its findings and decision no later than by the next regular scheduled meeting.

**Appeal of Decision:**

Pursuant to [8-6A-9 Appeals](#), there is a 15-day appeal period to appeal the decision to the City Council. This period starts from the signed decision date and runs concurrently with the 15-day objection period noted above. An appeal is \$210 and must be filed on the appeal application form provided by the City. Appeals received after the 15-day appeal period will not be accepted.

**E. Agency Comments**

The following agency comments were provided:

<b>Agency</b>	<b>Comment Date</b>	<b>Summary</b>
Ada County Highway District	05/05/2020	<ul style="list-style-type: none"> <li>The applicant reached out to ACHD themselves and provided agency comments with application.</li> <li>No Comment on the site improvements outside of ACHD right-of-way.</li> </ul>
Boise School District	None received to date	
Central District Health	None received to date	
COMPASS		
Garden City Engineer	06/15/2020	No comment on application. Appears no exterior work is proposed.
Idaho Transportation Department	None received to date	
Irrigation: Fairview Acres	None received to date	
North Ada County Fire and Rescue	05/15/2020	
Meridian School District	None received to date	
Department of Environmental Quality	06/19/2020	DEQ does not review projects on a project specific basis. DEQ encourages agencies to review and utilize the Idaho Environmental Guide.

**F. Public Comment**

The following public comments were provided: None provided as of the drafting of this document.

**G. Code/Policy Review**

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

**Garden City Title 8 Code Sections**

Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
<b>Title 7 Building Regulations</b>			
<a href="#">7-2-1 Building Code</a>	N/A	No compliance issues as conditioned.	The applicant is proposing to occupy an existing building without altering the structure. GCC 7-2-1 requires a building permit to be reviewed and approved prior to change in occupancy, as defined by the International Building Code. The applicant must either provide documentation that the building was built to the requested occupancy or apply for a change of occupancy through the City's Occupancy Analysis process prior to occupancy of the building. A change in occupancy may require that improvements be made to the building prior to occupancy.
<b>Title 8, Chapter 1: General Regulations</b>			
<a href="#">8-1A-4 Applicability</a>			The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
<a href="#">8-1C-3 Property Maintenance Standards</a>		Compliant as Conditioned	<p>Applicant wants to use part of the outdoor space as merchandise storage.</p> <p>N. Outdoor Display Of Merchandise: The outdoor display of merchandise shall be allowed in compliance with the following standards:</p> <ol style="list-style-type: none"> <li>1. Merchandise for sale shall be displayed outdoors only during hours the business is open, except for merchandise associated with the following uses: building material, garden and equipment; equipment rental, sales and service; nursery; vehicle sales and rental.</li> <li>2. The sale of the merchandise displayed outside shall be associated with a specific business located on the site.</li> <li>3. The outdoor display shall not be located on the public right-of-way, including sidewalks; in the parking lot or in a landscaped area.</li> </ol> <p>Q. Outdoor Storage: Where allowed the outdoor storage of vehicles, equipment, materials, or merchandise shall be in compliance with the following standards:</p> <ol style="list-style-type: none"> <li>1. No outdoor storage items shall block sidewalks, driveways to the site, or impede vehicular and pedestrian traffic and parking.</li> <li>2. For nonresidential uses, outdoor storage areas shall be screened from the view of adjacent property by a solid masonry wall or privacy fence or approved landscape buffer. The height of the wall or fence shall be the maximum of eight feet (8').</li> </ol>
<b>Title 8, Chapter 2: Base Zoning District Regulations</b>			
8-2B-1 Purpose		No compliance issues noted	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.

<a href="#">8-2B-2 Allowed Uses</a>	PZ		Garden City Code Table 8-2B-1 requires a conditional use permit in this zone for the proposed use.
<a href="#">8-2B-3 Form Standards</a>		No compliance issues noted	The applicant is not proposing any exterior changes to the building.
<a href="#">8-2C</a>		Compliant as Conditioned	<p>A. Limitations:</p> <ol style="list-style-type: none"> <li>1. It shall be unlawful for any person to maintain any lumberyard or stacks of lumber or to stack lumber in the city in such a manner as to create a fire hazard or a nuisance or in such a manner as to endanger the life or well being of any persons.</li> <li>2. All lumberyards or stacks of lumber shall be so maintained as to minimize the possibility of fire spreading from such yards to any nearby buildings or improvements.</li> <li>3. All lumberyards and stacks of lumber shall be enclosed by a building or fence so that persons other than those having business interests in connection therewith shall not have access thereto unless permitted to have such access by the person in charge of such lumberyard or stacked lumber.</li> </ol> <p>B. Other Regulations Apply: Outdoor storage areas for materials (excluding growing plants in ground or in containers), and mechanical equipment shall comply with the provisions as set forth in section <a href="#">8-1C-3</a>, "Property Maintenance Standards," of this title.</p>
<b>Title 8, Chapter 4: Design and Development Regulations</b>			
<a href="#">8-4A-3 Fences and Walls</a>		Compliant as Conditioned	<p>Existing 7ft high chain link fencing threaded with metal diagonal strips on property. Fence is located towards the rear.</p> <p>Maximum Height Requirements:</p> <ol style="list-style-type: none"> <li>3. Fences and walls located within rear and interior side setbacks not adjacent to public rights-of-way: Six feet (6').</li> </ol> <p>Prohibited Fencing Materials: The use of barbed wire, razor wire, boxes, sheet metal, old or decayed wood, broken masonry blocks, chain link. Chain -link with slats, or other like unsightly materials for fencing shall be prohibited</p>
<a href="#">8-4A-5 Outdoor Service and Equipment Areas</a>		No compliance issues noted	Currently inside chain link fence and behind the building towards rear of site. No plan for a dumpsters on site.
<b>8-4D Parking and Off Street Loading Provisions</b>			
<a href="#">8-4D-3 Parking Design and Improvement Standards</a>		No compliance issues noted	The design standards as set forth in section <a href="#">8-4D-3</a> , "Parking Design And Improvement Standards", shall apply to any new construction, alteration, or moving of a structure or <u>any new or more intense use of property</u> .

<a href="#">8-4D-4 Parking Use Standards</a>		No compliance issues noted	Upon any change of use, the number of vehicle parking spaces to be provided shall be calculated according to the requirements for the new use
<b>8-4E Transportation and Connectivity Provisions</b>			
<a href="#">8-4E-3 Public Street Connections</a>	DC	Compliant as Conditioned	Written confirmation from applicant that they are compliant with the clear vision triangle for landscaping height and adjacent street/sidewalk surface. There are no fences or signs in clear vision triangle, no evergreens in the landscaping.
<a href="#">8-4E-4 Internal Circulation Standards</a>	DC	No compliance issues noted	No comment
<a href="#">8-4E-6 Sidewalk Standards</a>		No compliance issues noted	There is an existing attached 5'/7' sidewalk on the subject property.
<a href="#">8-4E-7 Pedestrian and Bicycle Accessibility Standards</a>		Compliant as conditioned	<p>No pedestrian accessibility from frontage street sidewalk to primary building entrance.</p> <p>Any new or more intense use of property shall provide for pedestrian accessibility. Accessibility shall be from a direct, convenient, and attractive pathway system that conforms to the following standards:</p> <ol style="list-style-type: none"> <li>1. A pathway system shall extend through the development site and connect the street sidewalk to all primary building entrances, as generally shown in figure 8-4E-1 of this subsection.</li> </ol>
<b>8-4I Landscaping and Tree Protection Provisions</b>			
<a href="#">8-4I-2 Applicability</a>			For all new residential and nonresidential uses, all landscaping standards of this article shall be met.
<a href="#">8-4I-3 General Landscaping Standards and Irrigation Provisions</a>		No Compliance issues noted	All planter areas irrigated with Netafim drip irrigation.
<a href="#">8-4I-4 Landscaping Provisions for Specific Uses</a>	DC	No Compliance Issues noted	<p>A minimum of one class III or class II tree shall be planted in the frontage and every adjacent Street Side. An additional class I tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.</p> <p>Class II or III trees can be substituted at the ratio of two class I trees for every Class II or III tree.</p>
<a href="#">8-4I-5 Perimeter Landscaping Provisions</a>	DC	No Compliance issues noted	Appears the necessary amount of perimeter landscaping is met.
<a href="#">8-4I-6 Parking Lot Landscaping Provisions</a>	DC	No Compliance issues noted	They are not proposing a new or substantially altered parking lot.
<a href="#">8-4I-7 Tree Preservation Provisions</a>	DC	No compliance issues noted	No compliance issues noted if the intent of the applicant is to keep all pre-existing trees. If applicant intends to change landscape, there may be compliance issues.

Title 8, Chapter 6, Article A: Administration			
<a href="#">8-6A-3 General Application Process</a>		No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
<a href="#">8-6A-4 Required Application Information</a>			Application waivers requested pursuant to 8-6A-4A. Landscape Plan.
<a href="#">8-6A-7 Public Hearing Process</a>		No compliance issues noted	The applicant provided a neighborhood meeting more than one month and less than three months prior to application submittal. The City provided a radius notice, notifications to agencies with jurisdiction, and ran a legal notice in the Idaho Statesman, at least 15 days prior to the first hearing. The applicant provided an affidavit of property posting more than 7 days in advance of the hearing validating that the property was posted more than 10 days prior to the hearing.

<b>Other Items Reviewed</b>	
Plan/Policy	Discussion/ Analysis
<a href="#">Garden City Comprehensive Plan</a>	<p>This application is in future land use designations of the Comprehensive Plan:</p> <ul style="list-style-type: none"> <li>a) Light Industrial Bradley Technology District</li> </ul> <p>The application may be supported by:</p> <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> <li>a.) 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.</li> </ul> <p>Goal 12. Evolve as a Destination</p> <ul style="list-style-type: none"> <li>a.) 12.1 Objective: Support a positive business environment</li> <li>b.) 12.2 Objective: Continue to support commercial and industrial land uses.</li> </ul> <p>The application may not be supported by:</p> <ul style="list-style-type: none"> <li>a.) 4.1 Objective: Beautify and landscape.</li> </ul>
<a href="#">Garden City Street Light Policy</a>	<p>Does not apply because Conditional Use with no proposed exterior remodel.</p> <p>Nearest streetlight is about 700ft at the intersection of Chinden and 50<sup>th</sup>.</p> <p>1.6 Individual Commercial Development Commercial development (both new and substantial remodels) may be required to comply with this document. Should site conditions preclude installation of street lights on a commercial development's street frontage, the owner or developer will deposit into a City trust funds sufficient to design, install, and inspect street lights required by this Street Light Placement Guideline. These funds will then be used, when appropriate, to install street lights required for the property at approved alternate locations." And "Substantial remodel is defined as an improvement valued at 20% or more of the total value of the building where the improvement is being made."</p>