



## CITY OF GARDEN CITY

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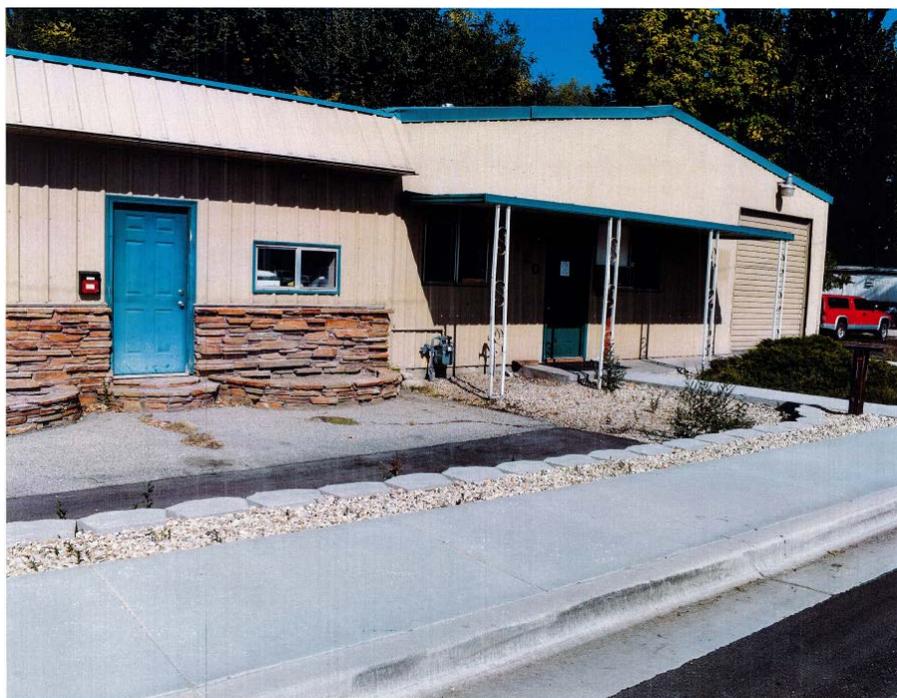
**File Number:** CUPFY2020-1

**For:** Service Provider

**Location:** 120 E. 43rd St., Garden City, Idaho

**Applicant:** American Cleaning Service Co. Inc.

**Hearing Date:** November 20, 2019



Garden City Planning and Zoning Commission  
Staff Contact: Chris Samples

STAFF REPORT: CUPFY2020 – 1 – Application materials can be found here: [Link](#)

**City of Garden City  
Staff Report**

## **A. Project Overview**

### **Project Description:**

Eli Schmoeger with American Cleaning Service is requesting a conditional use permit for the use Service Provider associated with a disaster cleanup and window cleaning business. The property is located at 120 E. 43<sup>rd</sup> Street; Ada County Parcel R2734500756 and is zoned C-2 General Commercial.

### **Proposed Scope of Work:**

Request	Review Process	Notes
Conditional Use Permit for the use "Service Provider"	8-6B-2 Conditional Use	None

### **Project Details:**

- 1) Proposed Use: Service Provider
- 2) Scope of Use: Disaster Cleanup and Window Cleaning
- 3) Number of Buildings: One existing structure
- 4) Number of Employees: Not listed
- 5) Number of Work Vehicles: 15
- 6) Number of Parking Spaces: Specific amount not listed; Indoor vehicle storage proposed;
- 7) Operating Hours: Not listed

### **Site Conditions:**

- 1) Address: 120 E. 43<sup>rd</sup> Street
- 2) Parcel Number: R2734500756
- 3) Property Size: 0.69 Acres
- 4) Zoning District: C-2 General Commercial
- 5) Comprehensive Plan Land Use Map Designation:
  - a) Activity Node – Neighborhood Destination
  - b) Activity Node – Transit Oriented Development
  - c) Mixed Use Commercial
- 6) Legal Parcel of Record: Yes (per Ada County Assessor records)
- 7) Floodplain Designation:
  - a) 2003 FIRM: X
  - b) 2017 Draft FIRM: AE
- 8) Surrounding Uses:
  - a) Warehouse, Storage and Wholesale

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- b) School
  - c) Retail Store
  - d) Food Products Processing, Small Scale
  - e) Eating Establishment, Limited Service
- 9) Existing Use: Vehicle Service
- 10) Easements on site: There are no records on file with Garden City of existing easements
- 11) Site Access: E. 43<sup>rd</sup> Street
- 12) 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	November 20, 2019

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

Conditional Use Standards	
Standard	Staff Comments
<a href="#">8-7A Definitions</a>	Use definition noted
<a href="#">8-2B-2 Allowed Uses</a>	Conditional use permit required
<a href="#">8-2C-36 Service Provider</a>	Comments regarding ongoing compliance with standards
<a href="#">8-4D Parking and Off-Street Loading Provisions</a>	Parking improvements required
<a href="#">8-4E Transportation and Connectivity Provisions</a>	Existing pedestrian improvements noted
<a href="#">8-6B-2 Conditional Use</a>	Compliance issues for all findings noted

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

1. [Garden City Sidewalk Policy](#)
2. [Garden City Street Light Policy](#)

**Noticing:** The following noticing was completed for this application:

Required Public Hearing Noticing		
Noticing Requirement	Required Date	Completion Date
Neighborhood Meeting	October 14, 2019	October 7, 2019
Letter of Acceptance	November 7, 2019	October 18, 2019
Radius Notice	November 5, 2019	October 29, 2019
Interested Parties	N/A No interested parties listed	
Legal Notice	November 5, 2019	October 18, 2019
Agency Notice	November 5, 2019	October 18, 2019
Property Posting Sign	November 10, 2019	November 8, 2019
Affidavit of Property Posting and Photos	November 13, 2019	November 8, 2019
Agenda Posting	November 19, 2019	November 4, 2019

**Exhibits:** [Link](#)

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- 1) Staff Report
- 2) Draft Legal Findings
- 3) Application
- 4) Letter of Intent/Compliance Statement
- 5) Floor Plan
- 6) Photos
- 7) Waiver of Application Requirements Request
- 8) Noticing:
  - a) Neighborhood Meeting
  - b) Acceptance Letter
  - c) Agency Notice
  - d) Legal Notice
  - e) Radius Notice
  - f) Affidavit of Property Posting and Photos
  - g) Agenda Posting
- 9) Agency Comments:
  - a) Garden City Engineer
  - b) ACHD
  - c) Idaho DEQ

### **C. Conditional Use**

<b>USE STANDARDS FOR REVIEW</b>	
<b>City Code</b>	<b>City Standards/Staff Comments</b>
<b><u>GCC 8-7A Definitions</u></b>	<p>For the Commission's reference, the definition of the use "Service Provider" is provided:</p> <p><u>Service Provider</u>: The use of a site for an employee or employees of a company or person that provides materials or labor to perform a service or job not located on site. This may include, but is not limited to, building or trades contractor, damage restoration services or cleaning services. This is not the same as a "storage yard" as herein defined nor does this definition include construction or manufacturing on site.</p>
<b><u>GCC 8-2 Base Zoning District Provisions</u></b>	
<b>GCC 8-2B-2 Allowed Uses</b>	The use "Service Provider" requires a conditional use permit in the C-2 zoning district.
<b>GCC 8-2C – 36 Service Provider</b>	The use is subject to the standards of this subsection:

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A. Site Layout: No structure, facility, drive lane, parking area, or loading area shall be located adjacent to a residential district.

B. Parking and Access:

1. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.

2. All surfaces used for parking shall be constructed with paving, vegetative cover or of dustless material.

C. Limitations: The site shall not be used as vehicle wrecking as herein defined.

D. Site Maintenance:

1. All outdoor storage of materials or vehicles shall be maintained in an orderly manner so as not to create a public nuisance.

2. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.

E. Other Standards Apply: Outdoor storage areas shall comply with section [8-1C-3](#), Property Maintenance Standards, of this title.

The property is not adjacent to a residential district, making subsection A of this ordinance moot for this application.

Subsection B.1 requires entrance and exit drives to be designed to prevent traffic hazards and nuisances. The record is not clear as to how the entrance and exits are designed or if they will present a traffic hazard to pedestrians. A condition of approval could be added to require the applicant obtain documentation from ACHD that the access points on the property meet their standards.

	<p>The remaining standards of this ordinance are enforced on an ongoing basis. Conditions of approval consisting of these standards could be added to ensure ongoing compliance.</p>
<p><b><u>GCC 8-4 Design and Development Regulations</u></b></p>	<p>A change of use can trigger the provisions of this article. Unless specifically triggered by the Design Review provisions of GCC 8-6B-3, the requirements of this article are enforced administratively during the building permit and/or occupancy permit process. An occupancy permit is required for this use.</p> <p>The following chapters are triggered under a new use regardless of whether a new structure is proposed, or an existing structure is expanded:</p> <ul style="list-style-type: none"> <li>• GCC 8-4D (Parking and Off Street Loading Provisions)</li> <li>• GCC 8-4E (Transportation and Connectivity Provisions)</li> </ul> <p>The following provisions are not triggered due to no construction taking place (e.g. a building permit) in association with the use:</p> <ul style="list-style-type: none"> <li>• GCC 8-4 (Landscaping and Tree Protection Provisions)</li> </ul>
<p><b>GCC 8-4D Parking and Off Street Loading Provisions</b></p>	<p>The application notes that 15 fleet vehicles are to be parked onsite and an unknown number of employee vehicles are to be parked as well. Pursuant to GCC 8-4D-5, a parking count is determined by the Planning Director based on a parking study. A condition of approval requiring compliance with this requirement prior to the issuance of a building or occupancy permit could be required.</p> <p>The applicant has not submitted a site plan showing the proposed parking areas and whether the parking areas meet the requirements of this section. A condition of approval requiring such a plan to be reviewed and decided administratively prior to the issuance of a building or occupancy permit could be required.</p>

<p><b>GCC 8-4E Transportation and Connectivity Provisions</b></p>	<p>Pursuant to 8-4E-6 (Sidewalk Standards) and The Garden City Sidewalk Policy, the existing sidewalk located along the property on E. 42<sup>nd</sup> Street satisfies the sidewalk requirements.</p> <p>Pursuant to 8-4E-7 (Pedestrian and Bicycle Accessibility Standards), pedestrian accessibility is required for all new nonresidential development. Direct pedestrian access to the addressed front door of the structure exists.</p>
<p><b><u>GCC 8-6B-2 Conditional Use</u></b></p>	<p style="background-color: black; color: black;">[REDACTED]</p>
<p><b>GCC 8-6B-2D Required Findings</b></p>	<p>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.</p>
<p><b>Finding 1</b></p>	<p>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;</p> <p>Analysis:</p> <p>The record is not clear whether the use is appropriate to the neighborhood due to potential pedestrian/vehicle conflicts. The applicant does not provide information concerning operating hours, number of employees, and when they will be dispatched. There may be compatibility issues due to potential pedestrian and vehicle conflicts and an absence of information in the application concerning operating hours, number of employees, and truck dispatch times.</p> <p>E. 43<sup>rd</sup> Street is slated to have a pedestrian crossing at W. Chinden Blvd., which will facilitate more pedestrian traffic on E. 43<sup>rd</sup> Street to destinations such as the Answer Charter School, Wildflower Bakery, and the Parkway Station development. The potential for pedestrian/vehicle conflicts at this location are a concern, especially during school hours.</p> <p>According to the application, the applicant will have 15 fleet vehicles onsite. The application also indicates that there will not be customer traffic to and</p>

	<p>from the facility, reducing demand of the road system and “have zero impact on the schools”. However, the application is not clear about operating hours, number of employees, and when the trucks would be dispatched from the property.</p> <p>A condition of approval could be added to require the applicant obtain documentation from ACHD that the access points on the property meet their standards.</p>
<b>Finding 2</b>	<p>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;</p> <p>Analysis:</p> <p>The record is not clear on whether the use is supported by adequate facilities or services. A fire flow test and an ability to serve letter was not found in the application materials. The fire flow test determines the available water pressure from the nearest hydrant for fire safety purposes. The ability to serve letter is issued by the City Engineer for the purposes of determining what water and sewer services are available.</p> <p>A condition of approval could be required to make the approval of the conditional use permit contingent upon completing the fire flow test and the ability to serve letter and meeting the minimum applicable standards of code pertaining to fire safety and water and sewer connection.</p>
<b>Finding 3</b>	<p>Finding: The use will not unreasonably diminish either the health, safety or welfare of the community;</p> <p>Analysis:</p> <p>The use could unreasonably diminish the health or safety of pedestrians on E. 43<sup>rd</sup> Street due to potential pedestrian and vehicle conflicts and an absence of information in the application concerning operating hours, number of employees, and truck dispatch times.</p> <p>E. 43<sup>rd</sup> Street is slated to have a pedestrian crossing</p>

	<p>at W. Chinden Blvd., which will facilitate more pedestrian traffic on E. 43<sup>rd</sup> Street to destinations such as the Answer Charter School, Wildflower Bakery, and the Parkway Station development. The potential for pedestrian/vehicle conflicts at this location are a concern, especially during school hours.</p> <p>According to the application, the applicant will have 15 fleet vehicles onsite. The application also indicates that there will not be customer traffic to and from the facility, reducing demand of the road system and “have zero impact on the schools”. However, the application is not clear about operating hours, number of employees, and when the trucks would be dispatched from the property.</p> <p>A condition of approval could be added to require the applicant obtain documentation from ACHD that the access points on the property meet their standards.</p>
<p><b>Finding 4</b></p>	<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:</p> <p>The use may conflict with the Comprehensive Plan, specifically the Activity Node – Transit Oriented Development Node designation of the Comprehensive Plan Future Land Use Map. The Comprehensive Plan provides the following information concerning this designation:</p> <p>Activity Node – Transit Oriented Development Node:</p> <p><i>Activity nodes are identified on the Land Use Map for neighborhood centers, local and regional destinations, and locations in proximity to existing and future transit stations and stops. Activity centers range in size depending on their function and location. Some nodes may be centered around the intersection of major streets or extend down a street to connect major community facilities. The common characteristics of the activity nodes are a mix of uses, public spaces, compatible</i></p>

*transition to the uses surrounding the nodes and non-motorized connections to within a quarter mile walkable area of the node center. Some nodes, especially around transit stations, would have higher density (at least 14-20 units per acre) and multi-story development (three or more stories). It is not intended that all nodes could be developed within the twenty-year period of the plan.*

*Transit Oriented Development Nodes*

- *Chinden Boulevard and Glenwood Street intersection*
- *Chinden Boulevard and Veterans Parkway intersection*
- *State Street and Horseshoe Bend Road*
- *State Street and Glenwood Street*

The potential conflict originates from “*Whether the use supports a compatible transition to the uses surrounding the designation and non-motorized connections to within a quarter mile walkable area of the node center*”.

As noted in the analysis above for findings 1 and 3, there are potential concerns with pedestrian/vehicle conflicts stemming from the use. These concerns present challenges to a compatible transition to multi-family dwelling unit and single-family dwelling unit – attached uses at the intersection of E. 42<sup>nd</sup> and Adams Streets (Parkway Station).

A condition of approval could be added to require the applicant obtain documentation from ACHD that the access points on the property meet their standards.

The application cites the following Comprehensive Plan Goals, Objectives and Action Steps in support of the application:

*Goal 2*

*Objective 2.2: Uphold standards for private property maintenance with a focus on non-residential properties*

*Action Step 2.2.1: Enforce city codes for*

	<i>private property maintenance and abate nuisances, and unhealthy and unsafe conditions. Priority should be given to: ... 3. Excessive accumulation outside structures of personal property”.</i>
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## **D. Agency and Public Comments**

**Agency Comments:** The following agency comments were provided:

<b>Agency</b>	<b>Comment Summary</b>
Garden City Engineer	Standard comments applied
ACHD	No impact fee and no inspection required.
Idaho DEQ	Standard comments applied.

**Public Comments:** No public comments were received.

## **E. Policy and Study Analysis**

<b>Policy/Study</b>	<b>Staff Comments</b>
<b><u>Garden City Sidewalk Policy</u></b>	An existing sidewalk is located along E. 42 <sup>nd</sup> Street, adjacent to the property. Pursuant to The Sidewalk Policy, no new sidewalk improvements are required.
<b><u>Garden City Street Light Policy</u></b>	According to City records, a streetlight is located within 400' of the property. Pursuant to The Streetlight Policy, no other streetlight improvements are required.

## **E. Decision**

### **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.

### **Decision Appeal:**

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Pursuant to 8-6A-9 (Appeals), there is a 15-calendar day appeal period to appeal the decision to the City Council. This period starts from the date of signature on the decision and not the hearing date.