



## CITY OF GARDEN CITY

6015 Glenwood Street □ Garden City, Idaho 83714  
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**File Number:** CUPFY2020 - 2

**For:** Service Provider

**Location:** 5107 N. Alworth St. Garden City, Idaho

**Applicant:** George Gebran, Stixx, LLC

**Hearing Date:** 1/15/2020



Garden City Planning and Zoning Commission  
Staff Contact: Chris Samples

STAFF REPORT: CUPFY2020 – 2 – Application materials can be found here: [Link](#)

**City of Garden City  
Staff Report**

## **A. Project Overview**

### **Project Description:**

Junk King Boise, LLC is requesting a conditional use permit for the use Service Provider for a junk removal business. The property is located at 5107 N. Alworth Street, Garden City, Idaho 83714; Ada County Parcel Number R7334160231. The property 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	Continued from the 12/18/2019 hearing

### **Project Details:**

- 1) Proposed Use: A service provider use to retrieve, sort, and distribute unwanted items to either a retail store or to dispose of.
- 2) Employees: 4
- 3) Operating Hours: 8:00 – 5:00 Monday – Friday and as needed
- 4) Number of Vehicles: Unknown
- 5) Location of Storage: Unknown

### **Site Conditions:**

- 1) Address: 5107 N. Alworth Street
- 2) Parcel Number: R7334160231
- 3) Property Size: 0.683 acres
- 4) Zoning District: C-2
- 5) Comprehensive Plan Land Use Map Designation:
  - a) Light Industrial Bradley Technology District
  - b) Activity Node – Neighborhood Destination
  - c) Main Street Corridor
- 6) Legal Parcel of Record: Yes
- 7) Floodplain Designation:
  - a) 2003 FIRM: X
  - b) 2017 Draft FIRM: X
- 8) Surrounding Uses:
  - a) Manufactured Home Park

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- b) Dwelling Unit, Single Family Detached
- c) Industry, Light
- 9) Existing Use:
  - a) Manufactured Home Park
- 10) Easements on site: There are no records on file with Garden City of existing easements
- 11) Site Access: N. Alworth 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	1/15/2020 (continued from the 12/18/2019 hearing due to incorrect site posting)

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

Conditional Use Standards	
Standard	Staff Comments
<a href="#">8-2B-2 Allowed Uses</a>	Conditional use permit required;
<a href="#">8-2C-36 Service Provider</a>	Use specific requirements noted;
<a href="#">8-4 Design and Development Regulations</a>	Landscaping requirements noted;
<a href="#">8-6B-2 Conditional Use</a>	Compliance issues noted;
<a href="#">8-7A Definitions</a>	Terms referenced in report 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:

Public Hearing Noticing		
Noticing Requirement	Required Date	Completion Date
Neighborhood Meeting	11/3/2019	10/24/2019
Letter of Acceptance	11/18/2019	11/13/2019
Radius Notice	12/3/2019	11/14/2019
Interested Parties	N/A No interested parties of record	
Legal Notice	12/3/2019	11/16/2019
Agency Notice	12/3/2019	11/14/2019
Property Posting Sign	1/5/2020	1/5/2020
Affidavit of Property Posting and Photos	1/8/2020	Not submitted
Agenda Posting	1/14/2020	1/2/2020

Note: The affidavit of property posting has not been received as of the drafting of this report. The Commission can consider the acceptance of a late affidavit as a remedy to this issue, can STAFF REPORT: CUPFY2020 – 2 – Application materials can be found here: Link

continue the application again to a date certain of February 19, 2020, or, pursuant to Garden City Code 8-6A-7C-1C deny the application based on repeated continuances over an unreasonable amount of time.

### **Exhibits: Link**

- 1) Staff Report
- 2) Draft Legal Findings
- 3) Application
- 4) Letter of Intent/Compliance Statement
- 5) Site Photos
- 6) Site Plan
- 7) Noticing Documents
- 8) Agency Comments:
  - a) Garden City Engineer
  - b) Idaho Department of Environmental Quality
- 9) Property Photos
  - a) 12/8/2019 photos
  - b) 12/9/2019 photos

## **B. Conditional Use**

<b>USE STANDARDS FOR REVIEW</b>	
<b>City Code</b>	<b>City Standards/Staff Comments</b>
<b><u>GCC 8-2B Base Zoning District Provisions</u></b>	
<b>GCC 8-2B-2 Allowed Uses</b>	The use "Service Provider" is a conditional use in the C-2 zoning district.
<b>GCC 8-2C – 36 Service Provider</b>	<p>Subsection A requires that no structure, facility, drive lane, parking area, or loading area shall be adjacent to a residential district. The property is not directly adjacent to a residential district. However, an existing manufactured home park is located at the rear of the property. The applicant's materials are not clear as to the overlap between the existing use and the proposed use, as the applicant has not provided information concerning specific storage areas, vehicle parking areas, and other activity areas. The standards of this subsection do not address residential uses adjacent to the proposed use.</p> <p>The existing manufactured home park is also a legal</p>

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	<p>nonconforming use pursuant to GCC 8-1B-3 (Nonconforming Uses). The addition of a conditional use to this property can affect the existing legal nonconforming use by reducing land area from the existing legal nonconforming use, thereby increasing its legal nonconformity. Without additional information about the proposed use, there is difficulty determining the affect of the new use on the legal nonconforming status of the existing use.</p> <p>To protect the health, safety, and welfare of the residents of the existing manufactured home park, conditions of approval could be considered:</p> <ul style="list-style-type: none"> <li>• The replacement of existing manufactured homes with another manufactured home shall require the existing manufactured home park comply with the applicable provisions of Garden City Code 8-4J (Manufactured and Mobile Home Provisions).</li> <li>• Prior to the issuance of a certificate of occupancy and/or a certificate of compliance for the use, a landscape buffer that includes at least one class II or class III tree shall be installed between the existing manufactured home park and the proposed use.</li> </ul> <p>The remaining subsections of this section are use specific standards. Conditions of approval incorporating them as requirements could be considered.</p>
<p><b><u>GCC 8-4 Design and Development Standards</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>

	<ul style="list-style-type: none"> <li>GCC 8-4I (Landscaping and Tree Protection Provisions)</li> </ul>
<b>GCC 8-4D Parking and Off Street Loading Provisions</b>	The application materials note there are four employees but does not note whether customers or visitors will patron the site. The application materials also do not note the location or configuration of parking spaces. 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 or a certificate of compliance for the conditional use permit could be required.
<b>GCC 8-4E Transportation and Connectivity Provisions</b>	Pursuant to 8-4E-6 (Sidewalk Standards) and The Garden City Sidewalk Policy, the existing sidewalk located along the property on N. Alworth Street satisfies the sidewalk requirements.
<b>GCC 8-4I Landscaping and Tree Preservation Provisions</b>	<p>Landscaping is required by this section for new uses. A condition of approval requiring compliance with this requirement prior to the issuance of a building or occupancy permit or a certificate of compliance for the conditional use permit could be required.</p> <p>Additional landscaping associated with mitigating the effects of the proposed use on the existing manufactured home park are discussed previously in this report.</p>
<b><u>GCC 8-6B-2 Conditional Use</u></b>	
<b><u>GCC 8-6B-2D Required Findings</u></b>	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.
<b>Finding 1</b>	<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: The proposed use is located on the same property as an existing manufactured home park. The applicant has proposed operating hours of 8:00 am to 5:00 pm Monday through Friday “but can vary based on seasonality and customer needs”. The</p>

	<p>record is also not clear on the location of the storage of vehicles and their impact on residents.</p> <p>A condition of approval could include limiting operating hours to 8:00 – 5:00 pm seven days a week to accommodate seasonal and customer needs. Another condition of approval could require the applicant to not store vehicles and materials/items adjacent to the existing residential use onsite.</p> <p>Additional conditions concerning accommodating the proposed use with the existing manufactured home park were discussed in a previous section.</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: The record appears to indicate that the proposed use is adequately served by public facilities or services. An existing sidewalk is located along N. Alworth Street. The applicant has obtained a fire flow test and an ability to serve letter for the property. The standard conditions of approval require compliance with agency requirements.</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: The record appears to indicate that additional conditions of approval, as noted in this report, are needed to meet this finding. Conditions concerning operating hours, onsite storage, landscaping, and conditions integrating the standards of 8-2C-36 could help the application meet this finding.</p>
<b>Finding 4</b>	<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: As noted above, the application appears not to have been noticed in accordance with Garden City Code 8-6A-7, creating a conflict with this ordinance.</p> <p>The use may be in both conformance and in conflict</p>

with the Comprehensive Plan.

The use appears to be in conformance with the Light Industrial Bradley Technology District designation of the Comprehensive Plan Future Land Use Map. The Comprehensive Plan provides the following information concerning this designation:

Light Industrial Bradley Technology District:

*The light industrial designation reflects an intent to maintain the area of existing industrial uses, around Bradley Street and north of Chinden. Industrial development includes: materials processing and assembly, product manufacturing, storage of finished products, and truck terminals. Manufacturing support facilities such as offices and research related activities should also be allowed in this area, but other non-industrial uses should be limited. Major consideration in regulating industrial uses should be setbacks, buffering and landscaping from adjacent residential uses. Standards should also be directed toward control of light, glare, noise, vibration, water and air pollution; use and storage of toxic, hazardous or explosive materials; and outdoor storage and waste disposal.*

The intent of this designation is to encourage the regulation of industrial uses. The proposed use is not industrial in nature and could be considered below the typical activity levels association with an industrial use.

The use may conflict with the Activity Node – Neighborhood Destination designation of the Comprehensive Plan Future Land Use Map. The Comprehensive Plan provides the following information concerning this designation:

Activity Node – Neighborhood Destination:

*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 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 proposed use would bring discarded materials and waste to the site to be sorted for either retail sale or disposal. Such a use may not be compatible with the intent of the designation, which is to create specific locations for a mix of uses, public spaces and compatible uses.

The proposed use is also located within the Main Street Corridor designation of the Comprehensive Plan Future Land Use Map. The Comprehensive Plan provides the following information concerning this designation:

Main Street Corridor

*Create a "Main Street" corridor as a principle street with a mix and*

	<p><i>concentration of uses along Adams/ Alworth Street with a possible alignment through a re-developed Idaho Expo site connecting with the Activity Node at Glenwood and Marigold Streets. The corridor should have activity nodes along the street that connect the main street to the arterial roadways and/or the Boise River. The activity nodes should be limited so as to not dilute their function as a center.</i></p> <p><i>The focus of development should be on minimum front yard setbacks, parking on the street and behind buildings, and pedestrian amenities. The center of the activity nodes on the Main Street corridor should be integrated vertically with more height at the principle main street intersection of the node.</i></p> <p>The designation is focused concentrating a mix of uses along Adams and Alworth in anticipation of transitioning to a future developed Idaho Expo site. The designation is also focused on design standards.</p>
<p><b><u>GCC 8-7A Definitions</u></b></p>	<p>The following defined terms were referenced in this report:</p> <p>Service Provider: 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>

## **C. Agency and Public Comments**

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

**Agency**

**Comment Summary**

STAFF REPORT: CUPFY2020 – 2 – Application materials can be found here: [Link](#)

Garden City Engineer	Affidavit of legal interest must be corrected to reflect correct agent of owner; A condition of approval requiring this correction prior to an occupancy certificate could be required.
Idaho Department of Environmental Quality	Standard comments applied.

**Public Comments:** No public comments were submitted for this application.

## **D. Policy and Study Analysis**

<b>Policy/Study</b>	<b>Staff Comments</b>
<b><u>Garden City Sidewalk Policy</u></b>	The Sidewalk Policy was reviewed as part of this report. An existing sidewalk is installed along N. Alworth Street in accordance with this policy.
<b><u>Garden City Street Light Policy</u></b>	The Streetlight Policy was reviewed as part of this report. City records show a streetlight 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:**

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.