



## CITY OF GARDEN CITY

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**File Number: CUPFY2020-09**  
**Application Scope: Conditional Use Permit**  
**Location:**  
**Applicant: Anser Charter School**  
**Report Date: 3/6/2020**



Staff Report  
 Report prepared by Chris Samples

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## A. Report Summary

- Scope of permit is for school expansion and temporary classrooms for Anser Charter School
- Additional information needed concerning deed documentation and parking needs
- A school study is required by ACHD

## B. Project Information

### Proposed Scope of Work:

Request	Review Process	Notes
Conditional use permit to expand the existing use "School" as follows: <ul style="list-style-type: none"><li>• Include additional property along E. 43<sup>rd</sup> Street and provide internal circulation improvements</li><li>• Expand the existing school building</li><li>• Allow the temporary use of portable classrooms during construction</li></ul>	8-6B-2 Conditional Use	None

### Project Details:

- 1) Proposed development: Expansion of existing school
- 2) Number of buildings:
  - a) One permanent building
  - b) Three temporary portable classrooms
- 3) Number of students: Maximum of 675
- 4) Number of parking spaces: 96
- 5) Provided open space: 57,000 sq ft. (75 sq. ft. per student @ 675 students)

### Site Conditions:

- 1) Address: 202 E. 42<sup>nd</sup> Street, 203 E. 43<sup>rd</sup> Street, and 205 E. 43<sup>rd</sup> Street, Garden City, ID 83714
- 2) Parcel Number: R2734501301, R2734501132, R2734501308, R2734501304
- 3) Property Size: 3.521 Acres
- 4) Zoning District:
  - a) R-3 Medium Density Zoning District: R2734501301, R2734501304, R2734501308,
  - b) C-2 General Commercial: R2734501132
- 5) Comprehensive Plan Land Use Map Designation: Mixed Use Commercial
- 6) Legal Lot of Record:
  - a) R2734501132: Yes
  - b) R2734501301, R2734501304, R2734501308: Unknown

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- 7) Floodplain Designation:**
    - a) 2003 FIRM: X**
    - b) 2017 Draft FIRM: AE**
  - 8) Surrounding Uses:**
    - a) Trucking Terminal**
    - b) Dwelling Unit, Single Family Detached**
    - c) Manufactured Home Park**
  - 9) Existing Use:**
    - a) R2734501132: School**
    - b) R2734501301, R2734501304, R2734501308: Dwelling Unit, Single Family, Detached**
  - 10) Easements on site** There are no records on file with Garden City of existing easements
  - 11) Site Access:** E. 42<sup>nd</sup> St., E. 43<sup>rd</sup> St.
  - 12) Sidewalks:** in good repair on or adjacent to the site.

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## C. Discussion

The scope of the proposal is to expand the existing Anser Charter School to increase capacity to 675 students, to include adjacent property within the school, to increase the size of an existing structure, and allow temporary classrooms while construction is taking place.

Deed documentation demonstrating the proposed expansion properties were created prior to August 9, 1988 is necessary to grant the entitlements. A condition of approval can enforce this requirement.

Information concerning the total amount of outdoor space for students is necessary to confirm compliance with Garden City Code. This can be enforced through conditions of approval.

A parking study is necessary to determine parking requirements for the use expansion. This could be enforced through a condition of approval.

Pursuant to Idaho Code, a school study is required by ACHD to review the use. Conditions of approval requiring this study prior to the issuance of a building permit could help to enforce this requirement.

**D. Required Decisions; Required Findings; Decision Maker Actions; Appeals**

**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	3/18/2020
Design Review	N/A	Design Committee	To be scheduled

**Required Findings:**

To approve a conditional use permit, the Planning and Zoning Commission must find the application meets the following findings:

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 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. Deny the application.
4. Request the applicant return with revised materials for additional review;

**Appeal of Decision:**

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.

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## E. Agency Comments

The following agency comments were provided:

<b>Agency</b>	<b>Comment Date</b>	<b>Summary</b>
ACHD	2/14/2020	Complete school checklist prior to ACHD review
City Engineer	2/22/2020	Standard comments provided
Idaho DEQ	2/27/2020	Standard comments provided

## F. Public Comment

The following public comments were provided:

None.

## G. Code/Policy Checklist

Sections with compliance issues noted will be analyzed in detail in section E: Code/Policy Analysis of this report. Sections without any compliance issues noted will not be further detailed in this report.

<b>Garden City Title 8 Code Sections</b>			
Code Section	Review Authority	Compliance Issues	Staff Comment
Title 8, Chapter 1: General Regulations			
8-1A Purpose, Applicability and Interpretation	Planning and Zoning Commission	Compliance issues noted	Documentation of property creation needed to grant entitlements
Title 8, Chapter 2: Base Zoning District Regulations			
8-2B Base Zoning District Provisions	Planning and Zoning Commission	No compliance issues noted	No comment
8-2C Land Use Provisions	Planning and Zoning Commission	Compliance issues noted	Temporary classrooms may need a time limit
Title 8, Chapter 4: Design and Development Regulations			
8-4A General Provisions	Planning and Zoning Commission	No compliance issues noted	No compliance issues noted
8-4D Parking and Off Street Loading Provisions	Planning and Zoning Commission, Planning Official	Compliance issue noted	Parking analysis necessary to determine parking requirements pursuant to 8-4D-5
8-4E Transportation and Connectivity Provisions	Planning and Zoning Commission	No compliance issues noted	Sidewalks installed
Title 8, Chapter 6, Article A: Administration			
8-6A General Provisions	Planning and Zoning Commission	N/A	No waivers requested
Title 8, Chapter 7: References			
8-7A Definitions	Planning and Zoning Commission	N/A	Defined terms referenced: <ul style="list-style-type: none"> <li>School</li> </ul>

<b>Garden City Plans/Policies</b>		
Plan/Policy	Compliance Issues	Staff Comments
<a href="#">Garden City Comprehensive Plan</a>	No compliance issues noted	Comprehensive Plan analysis provided
<a href="#">Garden City Sidewalk Policy</a>	No compliance issues noted	Sidewalk installed on existing site and proposed expansion
<a href="#">Garden City Street Light Policy</a>	No compliance issues noted	Streetlights installed within 400' of property as recommended by the policy

## H. Code/Policy Analysis

<b>Garden City Title 8 Code Section</b>	
<b>City Code</b>	<b>Analysis</b>
<b><u>8-1A Purpose, Applicability and Interpretation</u></b>	
8-1A-4 Interpretation	Parcels R2734501301, R2734501304, R2734501308 are not legally described as single lots and blocks of a subdivision, but rather as divisions of a subdivision lot. Entitlements cannot be granted pursuant to this subsection if the parcels are not created legally. A condition of approval requiring deed documentation dating before August 9, 1988 (as noted in 8-1B-1 Nonconforming Properties) must be submitted demonstrating the properties are legal parcels of record could be implemented.
<b><u>8-2C Land Use Provisions</u></b>	
8-2C-34 School	The proposed temporary classrooms are intended to provide classroom space while the permanent expansion is constructed. Garden City Code 8-2C-38 limits temporary uses to three consecutive months in a calendar year. The temporary classrooms would enable the safe, orderly transition of students to permanent facilities. A condition of approval allowing up to three temporary classrooms could be considered. Another condition could require their removal within 30 days of the issuance of a certificate of occupancy for the building expansion.
<b><u>8-4D Parking and Off Street Loading Provisions</u></b>	A parking analysis is required for nonresidential uses pursuant to Garden City Code 8-4D-5. A parking analysis was not included in the application. A condition of approval could be considered that requires the parking analysis be submitted for review prior to the issuance of a building permit for the new structure and the temporary portable buildings.
<b><u>8-7A References</u></b>	

8-7A-1 Definitions	<p>The following relevant defined terms were referenced in this report:</p> <p>School: An institution of learning or academic instruction and/or instruction in a skill or business. The term "school" includes any public or private educational facility including, but not limited to, nursery schools, preschools, kindergartens, elementary and secondary schools.</p>
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<b>Garden City Plan/Policy Analysis</b>	
<b>Plan/Policy</b>	<b>Analysis</b>
<b><u>Comprehensive Plan</u></b>	<p>The properties are located within the Mixed Use Commercial designation of the Comprehensive Plan Land Use Map:</p> <p>The mixed-use commercial designation is for the area south of Adams Street. The intent of this designation is to create an area for mixed uses, including residential, office, retail, and small scale industrial, that are more urban in character than in the mixed-use residential area. Three story buildings and 40%- 60% lot coverage, with aggregated open spaces for pocket parks should guide the development pattern in this area.</p> <p>The proposal includes a two story expansion of the existing school. A school can contribute to this designation by providing educational opportunities to children living in and around the City.</p>
<b><u>Garden City Sidewalk Policy</u></b>	A sidewalk is installed on E. 42 <sup>nd</sup> St. and E. 43 <sup>rd</sup> St. in accordance with the policy.
<b><u>Garden City Street Light Policy</u></b>	Streetlights are installed within 400' of the subject property as recommended by the policy.