



CITY OF GARDEN CITY

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

File Number: CUPFY2020 - 10
Application Scope: Conditional Use Permit
Location: 208, 212 W. 40th St.
Applicant: Forever Green, LLC
Report Date: 4/8/2020



Staff Report
Report prepared by Chris Samples

Table of Contents

Report Summary	3
Project Information	4
Discussion	5
Decision Process	6
Agency Comment	7
Public Comment	7
Code/Policy Checklist	8
Code/Policy Analysis.....	10

DRAFT

A. Report Summary

- Scope of proposal is for the use Service Provider associated with a landscaping company
- Issues concerning scope of proposal have not been addressed

DRAFT

B. Project Information

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 development: Landscaping business
- 2) Proposed use: Service Provider
- 3) Parking spaces: Unknown
- 4) Number of employees: Unknown
- 5) Number of vehicles: Unknown
- 6) Hours of operation: Unknown
- 7) Trash Enclosure: Unknown

Site Conditions:

- 1) Address: 208 and 212 W. 40th Street
- 2) Parcel Number: R2734510760, R2734510770
- 3) Property Size: 1.378 acres
- 4) Zoning District: C-2 General Commercial
- 5) Comprehensive Plan Land Use Map Designation: Mixed Use Commercial
- 6) Legal Lot of Record: Yes
- 7) Floodplain Designation:
 - a) 2003 FIRM: X
 - b) 2017 Draft FIRM:
- 8) Surrounding Uses:
 - a) Retail Store
 - b) Manufacture Home Park
 - c) Commercial Uses
- 9) Existing Use:
 - a) Dwelling Unit, Single Family Attached (not a legal use)
 - b) Service Provider (existing landscape business requesting a CUP)
- 10) Easements on site:
 - a) 10' waterline easement (212 W. 40th St.)
- 11) Site Access: W. 40th Street
- 12) Sidewalks: Installed along property on W. 40th St.

C. Discussion

The proposed service provider does not provide information concerning number of employees, operating hours, storage area locations, and what is proposed to be stored. Garden City Code requires a sidewalk and landscaping improvements for this proposal. A parking analysis is necessary to determine the number of required parking spaces.

DRAFT

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	4/15/2020

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 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.

E. Agency Comments

The following agency comments were provided:

Agency	Comment Date	Summary
Garden City Engineer	2/22/2020	Standard comments applied

F. Public Comment

The following public comments were provided:

None.

DRAFT

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.

Garden City Title 8 Code Sections			
Code Section	Review Authority	Compliance Issues	Staff Comment
Title 8, Chapter 1: General Regulations			
8-1A Purpose, Applicability and Interpretation	Planning and Zoning Commission	No compliance issues noted	8-1A-4: <ul style="list-style-type: none"> Legal parcels of record verified
Title 8, Chapter 2: Base Zoning District Regulations			
8-2B Base Zoning District Provisions	Planning and Zoning Commission	No compliance issues noted	8-2B-2: <ul style="list-style-type: none"> Conditional use permit required
8-2C Land Use Provisions	Planning and Zoning Commission	Compliance issues noted	8-2C-36: <ul style="list-style-type: none"> Standards of this section could be included as conditions of approval Information concerning hours of operation and scope and scale of use needed
Title 8, Chapter 4: Design and Development Regulations			
8-4D Parking and Off-Street Loading Provisions	Planning and Zoning Commission; Planning Official	Compliance issues noted	8-4D-5: <ul style="list-style-type: none"> Parking analysis required
8-4E Transportation and Connectivity Provisions	Planning and Zoning Commission	No compliance issues noted	No comment
8-4I Landscaping and Tree Protection Provisions	Planning and Zoning Commission, Planning Official	Compliance issues noted	8-4I: <ul style="list-style-type: none"> Landscaping improvements required
Title 8, Chapter 6, Article A: Administration			
8-6A General Provisions	Planning and Zoning Commission	N/A	Application waivers requested pursuant to 8-6A-4A
Title 8, Chapter 7: References			
8-7A Definitions	Planning and Zoning Commission	N/A	Defined terms referenced: Service Provider

Plan/Policy	Compliance Issues	Staff Comments
Garden City Comprehensive Plan	Compliance issues noted	Single use of site may conflict with designation; use may not preclude future redevelopment
Garden City Sidewalk Policy	No compliance issues noted	Sidewalk installed along W. 40 th St.
Garden City Street Light Policy	No compliance issues noted	Streetlight installed as recommended by the policy

DRAFT

H. Code/Policy Analysis

Garden City Title 8 Code Section	
City Code	Analysis
<u>8-2C Land Use Provisions</u>	
8-2C-36 Service Provider	<p>The application does not contain information concerning the number of employees, operating hours, storage area locations, and what is to be stored. More information may be required for this application.</p> <p>The standards of this section can be incorporated as conditions of approval for the proposed use.</p>
<u>8-4D Parking and Off Street Loading Provisions</u>	<p>Parking is usually determined by the Planning Official during the certificate of occupancy and/or certificate of compliance process. A condition of approval requiring a parking analysis submitted for review to the Planning Official could be required by the Commission.</p>
<u>8-4I Landscaping and Tree Protection Provisions</u>	<p>Landscaping is required as part of a conditional use permit and can be enforced administratively as a conditional of approval.</p>
<u>8-6A Administration – General Provisions</u>	
8-6A-4 Required Application Information	<p>The applicant has requested the following application requirements be waived:</p> <ul style="list-style-type: none"> • Irrigation/Ditch Company Letter <p>The waiver request appears appropriate as there is not an irrigation easement shown on the property according to City records.</p>
<u>8-7A References</u>	
8-7A-1 Definitions	<p>The following relevant 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</p>

	<p>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>
--	---

Garden City Plan/Policy Analysis	
Plan/Policy	Analysis
<p><u>Comprehensive Plan</u></p>	<p>The property is located in the Mixed-Use Commercial designation of the Comprehensive Plan Future Land Use Map:</p> <p>The mixed-use residential area is north of Adams/ Alworth Street. This designation allows for residential and commercial uses in a form and scale that is residential in character and design. A mix of residential; small scale office and retail; and public and semi-public uses are appropriate in this district. Regulations for this area should focus on form more than use, with a maximum height of two stories.</p> <p>The proposed use is a single use on the site and no additional structures are proposed. While the use is a permanent entitlement, the use does not appear to preclude future redevelopment of the site.</p>
<p><u>Garden City Sidewalk Policy</u></p>	<p>A sidewalk is installed along W. 40th St. in accordance with the policy.</p>
<p><u>Garden City Street Light Policy</u></p>	<p>A streetlight is installed within 400' of the subject property in accordance with the policy.</p>