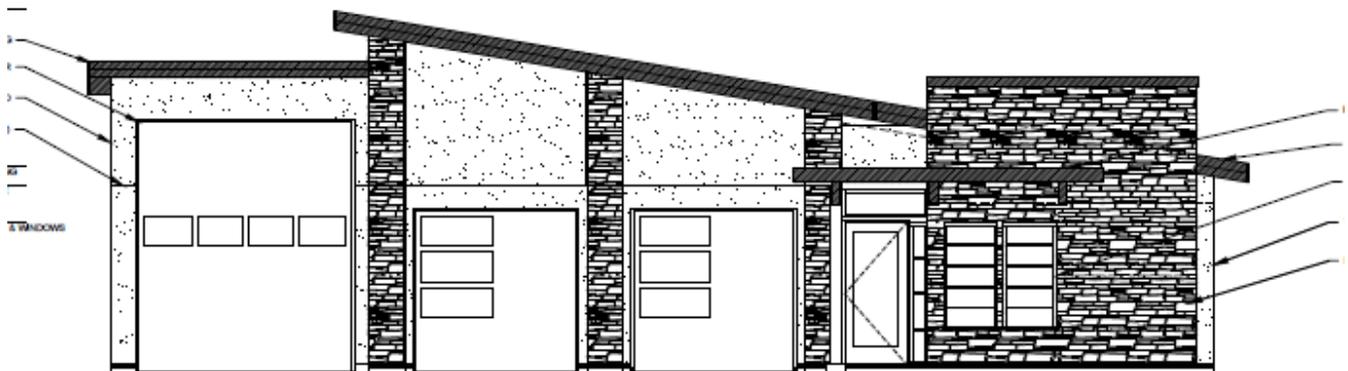


CITY OF GARDEN CITY

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

File Number: CUPFY2020-11/DSRFY2020 - 10
Application Scope: Conditional Use Permit/Design Review
Location: 411 E. 46th Street
Applicant: Jeff Likes, ALC Architecture
Report Date: 4/8/2020



1 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

Staff Report
Report prepared by Chris Samples

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A. Report Summary

- Proposal is for a conditional use permit and a design review for a residential accessory structure in excess of the limits of 8-4B-3
- Proposed structure is a multi-bay residential structure intended by the applicant for RV storage and personal storage
- Areas within structure do not have an identified use
- Pedestrian pathway may be needed from accessory structure to the principal structure
- Conditions of approval limiting the use of the site to those allowed/conditional in the R-3 zone may be necessary

B. Project Information

Proposed Scope of Work:

Request	Review Process	Notes
Conditional Use Permit to exceed the square footage limits for a residential accessory structure	8-6B-2 Conditional Use	None
Design Review to exceed the square footage limit for a residential accessory structure	8-6B-3 Design Review Committee	None

Project Details:

- 1) Proposed development: Accessory structure exceeding the square footage of a residential dwelling unit
- 2) Principal structure square footage: 3,480 sq. ft. (2,230 sq. ft. for living space, 1,250 sq. ft. garage)
- 3) Proposed accessory structure square footage: 3,360 sq. ft.

Site Conditions:

- 1) Address: 411 E. 46th Street, Garden City, ID 83714
- 2) Parcel Number: R2734522621
- 3) Property Size: 0.68 acres
- 4) Zoning District: R-3 Medium Density Residential
- 5) Comprehensive Plan Land Use Map Designation: Mixed Use Residential
- 6) Legal Lot of Record: Yes
- 7) Floodplain Designation:
 - a) 2003 FIRM: AE
 - b) 2017 Draft FIRM: AE
- 8) Surrounding Uses:
 - a) Dwelling Unit, Single Family, Detached
 - b) Manufactured Home Park
 - c) Commercial Uses
- 9) Existing Use: None
- 10) Easements on site: There are no records on file with Garden City of existing easements
- 11) Site Access: E. 46th Street
- 12) Sidewalks: No sidewalk installed along or adjacent to the property

C. Discussion

Residential accessory structures are typically used for residential activities such as storage or personal recreation. These structures are usually permitted administratively through a building permit. When a residential accessory structure exceeds the square footage of the principal structure (over 1,000 sq. ft.), Garden City Code 8-4B-3 requires both a conditional use permit and a design review approval in addition to administrative permits.

The proposed accessory structure is 3,360 sq. ft. and is configured in a three-bay design with a RV bay, storage area, storage mezzanine, and a restroom. The proposed home also has a two-car garage and a RV bay. The applicant has previously met with Chris Samples on September 25, 2019 regarding the proposal. During this meeting as well as in writing on September 29, 2019, the applicant was clearly informed that uses such as service provider are prohibited, that the uses of the R-3 zoning district apply to the property, and that the home's occupant (owner or renter) can only store and use the accessory structure.

Given the design of the structure is indicative of similar commercial structures found with uses such as service provider, conditions of approval have been proposed in this report to control the use of the accessory structure and to provide for revocation of the conditional use permit should an illegal use of the structure take place and/or if conditions of approval are not adhered to.

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
Design Review	N/A	Design Committee	4/20/2020

Required Findings:

Conditional Use Permit:

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.

Design Review:

To approve a design review, the Design Committee must find the application meets the following findings:

1. The proposed design is in conformance with the purpose of the zoning district and all dimensional regulations of that district;
2. The proposed design adheres to standards for the protection of health, safety, and general welfare;
3. The proposed design creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city;
4. The proposed design improves the accessibility of development to nonmotorized and public modes of transportation;

5. The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors;
6. The proposed design supports a compact development pattern that enables intensification of development and changes over time; and
7. The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and that encourage pedestrian activity.

Decision Options:

The Commission and Design Committee 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:

CONDITIONAL USE PERMIT: 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.

DESIGN REVIEW: At the hearing, the Design Committee will make a motion to decide the application. The Design Committee will review and approve the legal findings at the next scheduled hearing and a decision will be formally rendered.

Pursuant to Garden City Code 8-6B-3 (Design Committee) and Garden City Code 8-6A-6 (Administrative Process with Notice), there is a 15 day period to file a written objection to the application. This period starts from the signed decision date. If a written objection is received within the 15-day period, a City Council hearing will be scheduled to decide the application.

Written objections received after the 15 day objection period will not be accepted.

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:

Agency	Comment Date	Summary
Garden City Engineer	3/31/2020	Standard comments

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.

Garden City Title 8 Code Sections			
Code Section	Review Authority	Compliance Issues	Staff Comment
Title 8, Chapter 2: Base Zoning District Regulations			
8-2B Base Zoning District Provisions	Planning and Zoning Commission	Compliance issues noted	8-2B-2: <ul style="list-style-type: none"> R-3 zone limits commercial uses to uses not indicative of a multi-bay facility Use of structure not completely clear in record; conditions of approval may be needed to mitigate
Title 8, Chapter 4: Design and Development Regulations			
8-4B Design Provisions for Residential Structures	Planning and Zoning Commission, Design Committee	Compliance issues noted	8-4B-3: <ul style="list-style-type: none"> Pedestrian pathway from accessory structure may be needed
Title 8, Chapter 6, Article A: Administration			
8-6A General Provisions	Planning and Zoning Commission, Design Committee	N/A	None requested
Title 8, Chapter 7: References			
8-7A Definitions	Planning and Zoning Commission, Design Committee	N/A	Defined terms referenced: Accessory Structure Accessory Use Building, Principal Dwelling Unit, Single Family, Detached Home Occupancy Principal Use

Garden City Plans/Policies		
Plan/Policy	Compliance Issues	Staff Comments

Garden City Comprehensive Plan	No compliance issues noted	Comprehensive Plan Analysis
Garden City Sidewalk Policy	Not applicable	Sidewalks are not triggered specifically by a square footage exception request
Garden City Street Light Policy	Not applicable	Streetlights are not triggered specifically by a square footage exception request

H. Code/Policy Analysis

Garden City Title 8 Code Section	
City Code	Analysis
<u>8-2B Base Zoning District Regulations</u>	
8-2B-2 Allowed Uses	<p><u>Planning and Zoning Commission:</u></p> <p>The applicant has proposed the use Dwelling Unit, Single Family, Detached and Accessory Use. Accessory residential storage is proposed as the Accessory Use. The principal use of the site is Dwelling Unit, Single Family, Detached. The principal structure will have a two-car garage and an RV bay.</p> <p>The proposed accessory structure containing the residential storage is not entirely dedicated to storage. Storage is noted in a portion of the structure (including a mezzanine) and with a proposed RV bay. The remainder of the structure is not identified for any other use. Previous correspondence with the applicant's representative noted that the applicant wishes to build a shop and RV storage that was "not industrial or commercial".</p> <p>The applicant's representative and the applicant met with Chris Samples, Associate Planner and Mark Jones, Code Enforcement on 9/25/2019 to discuss the proposal. Clarification of the meeting was provided on 9/27/2019. Both in the meeting and in the confirmation, the applicant was informed of allowed, conditional, and prohibited uses in the R-3 zone and was informed of the requirements to obtain a conditional use permit and a design review.</p> <p>The R-3 Medium Density Residential zoning district limits the uses of the property to those of a residential and a limited commercial nature. The permitted and conditional uses are:</p> <p>Permitted Uses:</p> <ul style="list-style-type: none"> • Accessory Use • Agriculture • Artist Studio

	<ul style="list-style-type: none"> • Daycare, Neighborhood • Daycare, Personal • Dwelling Unit, Accessory • Dwelling Unit, Multiple Family • Dwelling Unit, Single Family, Attached • Dwelling Unit, Single Family, Detached • Dwelling Unit, Two Family • Home Occupation • Kennel, Hobby • Temporary Use <p>Conditional Uses:</p> <ul style="list-style-type: none"> • Bed and Breakfast • Church or Place of Religious Worship • Dwelling Unit, Group • Eating Establishment, Full Service • Eating Establishment, Limited Service • Food Products, Small Scale Processing • Food Store • Health Club • Health Care and Social Service • Manufactured/Mobile Home Park • Nursing and Residential Care Facility • Public Service Facility • Public Uses • Retail Production • School <p>A condition of approval can be required by the Commission requiring the applicant to only operate uses that are allowed by right in the zone or through obtaining a conditional use permit. A further condition can be required by the Commission requiring staff to schedule a conditional use permit revocation hearing if an illegal use is being operated on the property for any time period.</p>
<p><u>8-4B Design Provisions for Residential Structures</u></p>	
<p>8-4B-3 Single and Two Family Attached and Detached Residential Units</p>	<p><u>Design Committee and Planning and Zoning Commission:</u></p> <p>8-4B-3B states: <i>Accessory structures and all portions of the principal structure, such as an attached garage, that are utilized for residential</i></p>

accessory uses over a combined one thousand (1,000) square feet may not exceed the combined square footage of the principal dwelling unit without a design review committee approval and approval of a conditional use permit.

Design Committee:

The applicant has proposed an accessory structure exceeding the maximum square footage requirements of 8-4B-3B. The proposed home, the principal building, is 3,480 sq. ft. while the proposed accessory structure is 3,360 sq. ft. A design review approval subject to the provisions of 8-6B-3 is required. A condition of approval limiting the accessory structure's size to 3,360 sq. ft. may be placed to specifically set the size of the proposed accessory structure.

The design provisions of 8-4B-3A apply to all residential accessory structures. However, the ordinance is not clear how the pathway requirements of this section apply to an accessory structure. Typically, a pedestrian connection from the sidewalk has been applied to the front door of the residential unit. There is not a case on record of the same requirement applied to an accessory structure. However, a pedestrian pathway from the home to the accessory structure would satisfy this requirement, as the home would be required to connect to the sidewalk. A condition of approval requiring this pathway to the proposed home could be required.

Planning and Zoning Commission:

A conditional use permit is required when the previously noted square footage limit is to be exceeded. The Commission's scope is determining whether the proposed accessory structure and its proposed use meet the requirements of 8-6B-2 (Conditional Use).

As noted in a previous section, the applicant's listed intent is for personal storage of a recreational vehicle, personal storage of residential property, and that no commercial activity, other than that authorized by right or conditional use permit, will take place on the property. The conditions of approval

	noted in the previous section can be placed to limit the use to residential uses and to commercial uses allowed by right or by conditional use permit in the zoning district.
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<u>8-7A References</u>	
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8-7A-1 Definitions	<p><u>Design Committee and Planning and Zoning Commission:</u></p> <p>The following relevant defined terms were referenced in this report:</p> <p>Accessory Structure: A detached structure that is incidental and subordinate to the principal structure and is located upon the same property. The term "accessory structure" shall include, but not be limited to, the following: private garage, storage structure, workshop, and/or greenhouse. The term shall not include additional structures for approved public, commercial, or industrial uses or insurable structures.</p> <p>Accessory Use: A use that is incidental, auxiliary and subordinate to the principal use, and is conducted upon the same property. Examples include but are not limited to the parking and storage intended solely for the primary use.</p> <p>Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.</p> <p>Dwelling Unit, Single Family or Two Family, Detached: A structure consisting of one (1) or two (2) dwelling units and separated from other dwelling units by open space.</p> <p>Principal Use: The main use of land or buildings as distinguished from a subordinate or accessory use.</p>
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<p><u>Comprehensive Plan</u></p>	<p><u>Planning and Zoning Commission:</u></p> <p>The property is in the Mixed-Use Residential designation of the Comprehensive Plan Future Land Use Map:</p> <p><i>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.</i></p> <p>The scope of the accessory use within proposed accessory structure square footage expansion appears to comply with the designation. If a commercial use, such as service provider is started, the proposal would be out of compliance with this designation.</p>
<p><u>Garden City Sidewalk Policy</u></p>	<p>Not applicable. A sidewalk is not triggered by this request.</p>
<p><u>Garden City Street Light Policy</u></p>	<p>Not applicable. A streetlight is not triggered by this request.</p>