



CITY OF GARDEN CITY

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File Number: CUFY2020 – 12
Application Scope: Conditional Use Permit
Location: 510 E. 51st St.
Applicant: Chad Weltzin, Erstad Architects
Report Date: 5/14/2020



aerial from northwest corner at veterans memorial parkway



south elevation from 41st street



aerial from northeast corner at greenbelt and 41st street



north elevation from greenbelt

Staff Report
Report prepared by Chris Samples

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A. Report Summary

- 148 room hotel located adjacent to the Boise Greenbelt
- Part of larger Boardwalk site, a mixed-use development
- Proposed parking is below 1 space per room
- Hotel will include a full-service restaurant with bar and two retail spaces

B. Project Information

Proposed Scope of Work:

Request	Review Process	Notes
Conditional Use Permit	8-2B-2 Conditional Use	None

Project Details:

- 1) Proposed Use: Lodging
- 2) Number of buildings: 1
- 3) Number of lodging rooms: 148
- 4) Parking spaces: 352 for both phases (including multi-family approved through application DSRFY2019-25)

Site Conditions:

- 1) Address: 510 E. 41st St.
- 2) Parcel Number: R2734520933
- 3) Property Size: 1.239 acres
- 4) Zoning District: C-2 General Commercial Zoning District
- 5) Comprehensive Plan Land Use Map Designation:
- 6) Legal Lot of Record: Yes
- 7) Floodplain Designation:
 - a) 2003 FIRM: X
 - b) 2017 Draft FIRM: AE
- 8) Surrounding Uses: Only note uses that we have record of within 600' of the property
 - a) Manufactured Home Park
 - b) Dwelling Unit, Single Family, Detached
 - 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. 41st St.
- 12) Sidewalks: Not installed
- 13) Previous Development Applications:
 - a) DSRFY2019 - 25

C. Discussion

Parking should be discussed as the applicant has provided a parking study and is requesting fewer parking spaces than there are available hotel rooms.

The end of E. 41st St. adjacent to the Greenbelt is proposed to be vacated. A public access and fire access easement should be considered to protect future access to the site and to meet the required findings of a conditional use permit.

ACHD already reviewed the traffic impacts of the proposal when Design Review application DSRFY2019 – 25 was analyzed.

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	6/17/2020

Note: Design Review DSRFY2019 – 25 was approved by the Design Committee on 1/21/2020 for The Boardwalk Development. The scope of the application included the structure and site design for the proposed use as part of a larger mixed-use development. However, the Commission decision can include conditions that affect the uses' design to meet the findings of 8-6B-2. If the conditions of approval conflict with the decision for DSRFY2019 – 25, the applicant will need to have the design review decision amended by the Design Committee.

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 Decision Maker 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
ACHD	4/6/2020	<ul style="list-style-type: none">• ACHD reviewed and approved lodging use within its review for DSRFY2019 – 25• Conditions of approval included street and pedestrian improvement construction• Traffic impact study included in analysis
Garden City Engineer	5/9/2020	<ul style="list-style-type: none">• Property boundary adjustment may be required to consolidate underlying lot lines• General comments provided
DEQ	5/21/2020	<ul style="list-style-type: none">• Standard Conditions

F. Public Comment

The following public comments were provided: Non provided.

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			
8-2C Land Use Provisions	Planning and Zoning Commission	No compliance issues noted	8-2C-28: Conditions of approval integrating the requirements of this section may ensure the use operates within Garden City Code. The requirements are: 1. A maximum of sixty percent (60%) of the lodging units may contain a kitchen. 2. Lodging guestrooms shall not be provided on less than a daily basis
Title 8, Chapter 4: Design and Development Regulations			
8-4D Parking and Off-Street Loading Provisions	Planning and Zoning Commission	No compliance issues noted	Parking study provided
Title 8, Chapter 6, Article A: Administration			
8-6B-8 Expiration of Approvals	Planning and Zoning Commission	No compliance issues noted	A 7-year decision period has been requested due to the current economic climate. A condition of approval specifically noting the application expiration as June 17, 2027 could be applied by the Commission. There are no staff comments on this request.
Title 8, Chapter 6, Article B: Specific Provisions			
8-6B-2 Conditional Use	Planning and Zoning Commission	Compliance issues noted	Vacation of end of E. 40 th St. would cut off Greenbelt from public without a public access easement
Title 8, Chapter 7: References			

8-7A Definitions	Planning and Zoning Commission	N/A	Defined terms referenced: Greenbelt, Boise River Lodging
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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	No compliance issues noted	Sidewalks proposed
Garden City Street Light Policy	No compliance issues noted	Streetlight installed

H. Code/Policy Analysis

Garden City Title 8 Code Section	
City Code	Analysis
<u>8-4D Parking and Off-Street Loading Provisions</u>	
8-4D-5 Required Number of Off-Street Parking Spaces	<p>This section requires the Planning Official to determine the parking space counts of a use based on a parking study, which can then be appealed to the Commission. In that this is being reviewed as a conditional use permit, the Planning Official defers to the Commission for approval.</p> <p>The Commission’s authority for conditional use permits can set parking space counts if needed to meet the required findings of 8-6B-2.</p> <p>The applicant has provided a detailed parking study proposing 89 spaces for the hotel (0.6 spaces per guest room) and 8 spaces for the use Retail. Retail uses do not require a conditional use permit in the C-2 zone.</p> <p>The methodology behind the study assumes the following:</p> <ul style="list-style-type: none"> • Guests will be using rideshare as well as bringing their own vehicles • Parking will be shared with the retail and restaurant uses • Retail patronage will come from the Greenbelt <p>ACHD comments provided for the Design Review of the Boardwalk project (DSRFY2019 – 25), which included the design of the hotel, recommends the City review the parking needs for the use. Further, ACHD does not reserve on-street parking for uses and it can be removed with access point changes.</p>
8-4D-6 Standards for Alternatives to On Site Parking	<p>Cross-parking agreements with properties within a 1/4/ mile of the site can be used to obtain additional parking if the Planning and Zoning Commission determine that more parking is needed for the use. A condition of approval to this effect can be enforced administratively if the Commission chooses to</p>

	delegate enforcement to staff.
<u>8-6B Administration – Specific Provisions</u>	
8-6B-2 Conditional Use	<p>The proposed use includes a proposed vacation of the end of E. 41st St. The applicant does not propose to close off access, but instead to maintain pedestrian and fire access. A public access easement is necessary to ensure public and fire access is maintained. Otherwise, closing off the Greenbelt as part of this use conflicts with all of the findings for the following reasons:</p> <p>Finding 1: Closing off the Greenbelt makes the use inappropriate to the property and the area, as Greenbelt accessibility enhances the use of adjacent and nearby properties in the area.</p> <p>Finding 2: The Greenbelt is a public facility supporting the use. Closing off the Greenbelt from the public renders this public facility inadequate to the area.</p> <p>Finding 3: Access to the Greenbelt provides an additional pathway that supports the protection of the health, safety and welfare of the community. Limiting public access to the Greenbelt limits the ability of essential services, such as the police and fire departments, to provide emergency services along the Greenbelt.</p> <p>Finding 4: The Comprehensive Plan does not support closing off access to the Greenbelt, as noted by <i>Objective 5.5: Create more accessibility to the Boise River and Greenbelt.</i></p> <p>A condition of approval requiring a public access and fire access easement crossing the vacated portions of E. 41st St. be provided prior to the issuance of a building permit for the hotel would ensure that this access is maintained.</p>
<u>8-7A References</u>	

8-7A-1 Definitions	<p>The following relevant defined terms were referenced in this report:</p> <p>Greenbelt, Boise River: Land within seventy feet (70') of the six thousand five hundred (6,500) cfs flow line of the Boise River which may be owned by the city or over which the city may have a right of possession or use and: (A) which is designated by the city council to be retained in perpetuity for public use for purposes compatible with aesthetic, wildlife, education and recreational values of the Boise River; (B) which will provide for unrestricted, noncommercial access to the river; and (C) which will be developed and used to minimize water pollution, provide continuity of the public parks system, and create a buffer where necessary between conflicting land uses.</p> <p>Lodging: The use of a site providing visitor or overnight accommodations, including sleeping rooms, sanitary facilities, guest registration and lobby areas. The term "lodging" shall include motels, hotels and inns</p>
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Garden City Plan/Policy Analysis	
Plan/Policy	Analysis
<u>Comprehensive Plan</u>	<p>The proposed use is located in the Activity Node – Neighborhood Destination and the Green Boulevard Corridor designations of the Comprehensive Plan Future Land Use Map:</p> <p>Activity Node: Neighborhood Destination:</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 transition to the uses surrounding the nodes and non-motorized connections to</i></p>

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. The centers should be focused on uses that facilitate making the location a destination. Uses may include small scale retail, art, office, and higher density residential.

The proposed use is part of a mix of uses on site and a part of the larger Boardwalk development. The structure is multi-story and accessible by pedestrian, bicycle, public transit and car sharing means. Based on this information, the proposal appears to be in conformance with the designation.

Green Boulevard Corridor:

The state highways and arterials are identified as green boulevard corridors. This is a bold statement that these corridors should be dramatically changed from the current single purpose function for moving vehicles. The intent of this designation is to create more multi-modal characteristics on these corridors, including sidewalks with parkways, bus stops, landscape medians with pedestrian refuges and channelized left-turn lanes. Mobility for vehicles should be maintained, but improvements to the safety and convenience for transit and pedestrians is needed that will influence changes in the adjacent land uses. Existing uses, including commercial uses, are allowed in the corridors. New uses, including commercial uses, should be designed to encourage multi-modal over single occupancy vehicles. Uses which generate high volumes of single occupancy vehicular traffic should be restricted. Development regulations in the corridor should include access

	<p><i>management including number and spacing of driveways, location of parking behind the buildings and maximum setback requirements from the street.</i></p> <p>The property does not take access from Veteran’s Memorial Parkway, which is along this designation. The use appears to be in conformance with this designation by not directly accessing this arterial.</p>
<p><u>Garden City Sidewalk Policy</u></p>	<p>Sidewalks are required by the policy and Garden City Code. The applicant’s sidewalk configurations were approved with Design Review application DSRFY2019 – 25. The Commission may add a condition of approval requiring sidewalks meeting the requirements of the policy.</p>
<p><u>Garden City Street Light Policy</u></p>	<p>A streetlight is installed within 400’ of the subject property as recommended by the policy.</p>