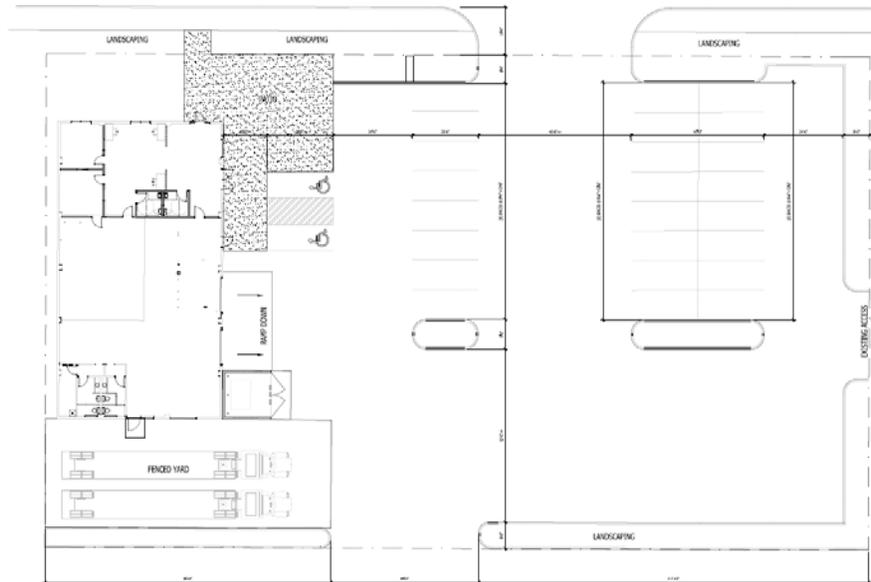


## CITY OF GARDEN CITY

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

**File Number: CUPFY2020 - 6**  
**Application Scope: Conditional Use Permit**  
**Location: 3933 W. Chinden Blvd.**  
**Applicant: Jeff Likes, ALC Architecture**  
**Report Date: 2/13/2020**



Staff Report  
Report prepared by Chris Samples

---

## Table of Contents

<b>Report Summary</b> .....	<b>3</b>
<b>Project Information</b> .....	<b>4</b>
<b>Discussion</b> .....	<b>5</b>
<b>Decision Process</b> .....	<b>6</b>
<b>Agency Comment</b> .....	<b>7</b>
<b>Public Comment</b> .....	<b>7</b>
<b>Code/Policy Checklist</b> .....	<b>8</b>
<b>Code/Policy Analysis</b> .....	<b>9</b>

---

## A. Report Summary

- Scope of work is for an auto glass repair business
- Proposed use is Vehicle Service; The scope of the permit may need to be limited to reflect the actual use;
- Verification of the property's legality is necessary
- A parking analysis is needed to determine parking requirements
- Access reductions along W. Chinden Blvd. are proposed

## B. Project Information

### Proposed Scope of Work:

Request	Review Process	Notes
Conditional use permit for the use Vehicle Service	8-6B-2 Conditional Use	None

### Project Details:

- 1) Proposed Development: Auto glass repair
- 2) Proposed Use: Vehicle Service
- 3) Facility Size: 4,500 sq. ft.
- 4) Number of Employees: Unknown
- 5) Parking spaces: 26
- 6) Trash Enclosure: Screened dumpster

### Site Conditions:

- 1) Address: 3933 W. Chinden Blvd.
- 2) Parcel Number: R2734510909
- 3) Property Size: 0.86 acres
- 4) Zoning District: C-1
- 5) Comprehensive Plan Land Use Map Designation:
  - a) Mixed Use Commercial
  - b) Green Boulevard Corridor
- 6) Legal Lot of Record: Unknown
- 7) Floodplain Designation:
  - a) 2003 FIRM: X
  - b) 2017 Draft FIRM: AE
- 8) Surrounding Uses:
  - a) Retail Store
  - b) Manufactured Home Park
  - c) Service Provider
- 9) Existing Use: None
- 10) Easements on site: None
- 11) Site Access: W. Chinden Blvd.
- 12) Sidewalks: in good repair on or adjacent to the site.

---

## C. Discussion

The legal description of the parcel includes ½ of a platted lot, which is indicative of a previous property boundary adjustment. The City does not have record of a property boundary adjustment on the property. To award an entitlement on the property, the applicant is required to either document the property boundary adjustment or to demonstrate the property is a legal parcel of record created or adjusted in accordance with Garden City Code 8-1B.

The reduction of access points along W. Chinden Blvd. is a priority for the City and ITD. The applicant has proposed reducing access points on the parcel to a single access closest to the structure. Eliminating the additional access point physically would ensure the access is permanently closed.

**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	2/19/2020
Design Review	N/A	Design Committee	2/3/2020 (Approved)

**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:

<b>Agency</b>	<b>Comment Date</b>	<b>Summary</b>
Garden City Engineer	1/30/2020	Standard comments
Idaho Department of Environmental Quality	1/23/2020	Standard comments

## F. Public Comment

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>			
<b>Code Section</b>	<b>Review Authority</b>	<b>Compliance Issues</b>	<b>Staff Comment</b>
Title 8, Chapter 1: General Regulations			
8-1A Purpose, Applicability and Interpretation	Planning and Zoning Commission	Compliance issue noted	Verification of legal lot creation, division, and/or adjustment necessary
8-1B Existing Nonconforming Properties, Structures, and Uses	Planning and Zoning Commission	Compliance issue noted	Verification of legal lot creation, division, and/or adjustment necessary
Title 8, Chapter 2: Base Zoning District Regulations			
8-2B Base Zoning District Provisions	Planning and Zoning Commission	No compliance issue noted	No comment
8-2C Land Use Provisions	Planning and Zoning Commission	Compliance issue noted	Limitation of permit's scope may be needed to restrict use to what is proposed
Title 8, Chapter 4: Design and Development Regulations			
8-4A General Provisions	Planning and Zoning Commission	No compliance issues noted	No comment
8-4C Design Provisions for Nonresidential Structures	Design Committee	No compliance issues noted	Approved under Design Review DSRFY2020 - 2
8-4D Parking and Off Street Loading Provisions	Planning and Zoning Commission	Compliance issue noted	Parking requirements cannot be determined
8-4E Transportation and Connectivity Provisions	Planning and Zoning Commission	Compliance issue noted	Access reduction necessary
8-4I Landscaping and Tree Protection Provisions	Design Committee	No compliance issues noted	Approved under Design Review DSRFY2020 - 2
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

<b>Garden City Plans/Policies</b>		
<b>Plan/Policy</b>	<b>Compliance Issues</b>	<b>Staff Comments</b>
<a href="#">Garden City Comprehensive Plan</a>	No compliance issues noted	Comprehensive Plan Analysis
<a href="#">Garden City Sidewalk Policy</a>	No compliance issues noted	Sidewalk installed
<a href="#">Garden City Street Light Policy</a>	No compliance issues noted	Streetlight installed

## 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	This provision prohibits the City from awarding entitlements to properties that were not divided in accordance with the ordinance in effect at the time of their division. The legal description of the parcel (LOTS 2 & 3 & E2 LOT 32 BLK G FAIRVIEW ACRES SUB #2) does not appear to have a clear lot and block description.
<b><u>8-1B Existing Nonconforming Properties, Structures, and Uses</u></b>	
8-1B-1 Nonconforming Properties	<p>This provision recognizes legal parcels that were created in accordance with the ordinance in effect at the time of division or were created prior to August 9, 1988. As noted above, there is reason to believe that the property was adjusted to include additional property beyond the lot and block description.</p> <p>To ensure the property is documented as a legal parcel of record, a condition of approval could be required by the Commission requiring the applicant to provide a copy of a deed, dated prior to August 9, 1988, that describes the parcel as currently described. Otherwise, a property boundary adjustment application would be required to rectify an illegal adjustment.</p>
<b><u>8-2C Land Use Provisions</u></b>	
8-4C-41 Vehicle Service	<p>The applicant has proposed an auto glass business under the use Vehicle Service. However, the use Vehicle Service allows a wide range of automobile repair. To ensure the conditional use permit matches the scope of the request, a condition of approval could be required to limit the scope of the use to auto glass repair.</p> <p>The standards of 8-2C-41 regulate the use Vehicle Service. The Commission can include these</p>

	<p>standards as conditions of approval for the duration of the use.</p> <p>Subsection C1 prohibits the service of trucks in excess of 1.5 tons without a conditional use permit. The record does not appear to contain evidence that servicing 1.5 ton trucks would not meet the required findings of Garden City Code 8-6B-2. The Commission can include a condition of approval authorizing the auto glass repair of trucks in excess of 1.5 tons.</p>
<p><b><u>8-4D Parking and Off Street Loading Provisions</u></b></p>	
<p>8-4D-5 Required Number of Off Street Parking Spaces</p>	<p>A parking analysis is required by this subsection to determine the number of parking spaces required for a nonresidential use. This requirement may be fulfilled administratively by a potential condition of approval requiring a parking analysis prior to a certificate of occupancy and/or certificate of compliance.</p>
<p><b><u>8-4E Transportation and Connectivity Provisions</u></b></p>	
<p>8-4E-3 Public Street Connections</p>	<p>According to the Idaho Transportation Department Chinden Corridor Map, there is only one documented access point on the property located at the access nearest to the existing structure. The other access point is not a documented/permitted ITD access point.</p> <p>Nonpermitted/nondocumented access points along a public road can present a hazard to the health, safety and welfare of the community by allowing for unrestricted vehicle access on a property. This can create vehicle and pedestrian conflicts. A use that creates a detriment to the health, safety and welfare of the community cannot be approved under the findings of 8-6B-2 (Conditional Use).</p> <p>To mitigate this issue, a condition of approval can be required to permanently close the nonpermitted/nondocumented access points on the property, as shown in the Chinden Corridor Map. The condition can include requiring the removal of</p>

	the physical improvements associated with these access points.
<b><u>8-6A Administration – General Provisions</u></b>	
8-6A-4 Required Application Information	<p>The applicant did not include the following application materials and has not requested their waiver:</p> <ul style="list-style-type: none"> <li>• Irrigation/Ditch Company Letter</li> </ul> <p>A waiver to this requirement appears supported by the following evidence:</p> <ul style="list-style-type: none"> <li>• The use is located inside of an existing structure and does not require irrigation water</li> <li>• The City does not have record of an irrigation line on the property</li> </ul>
<b><u>8-7A References</u></b>	
8-7A-1 Definitions	<p>The following relevant defined terms were referenced in this report:</p> <p>Vehicle Service: The use of a site for the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service painting, repairing or straightening the body and/or chassis of vehicles or steam cleaning of vehicles.</p> <p>Conditional Use Permit: A use that because of peculiar characteristics, size, operations, location with reference to surroundings, streets and existing improvements, or demands upon public facilities is allowed in a district subject to approval by the planning and zoning commission and subject to special requirements in accordance with section 8-6B-2 of this title and as enabled by Idaho Code section 67-6512.</p>

---

<b><u>Comprehensive Plan</u></b>	The property is located in the Green Boulevard Corridor and Mixed Use Commercial Designations of the Comprehensive Plan Future Land Use Map
<b><u>Garden City Sidewalk Policy</u></b>	A sidewalk is installed in accordance with the policy.
<b><u>Garden City Street Light Policy</u></b>	A streetlight is installed within 400' of the property in accordance with the policy.