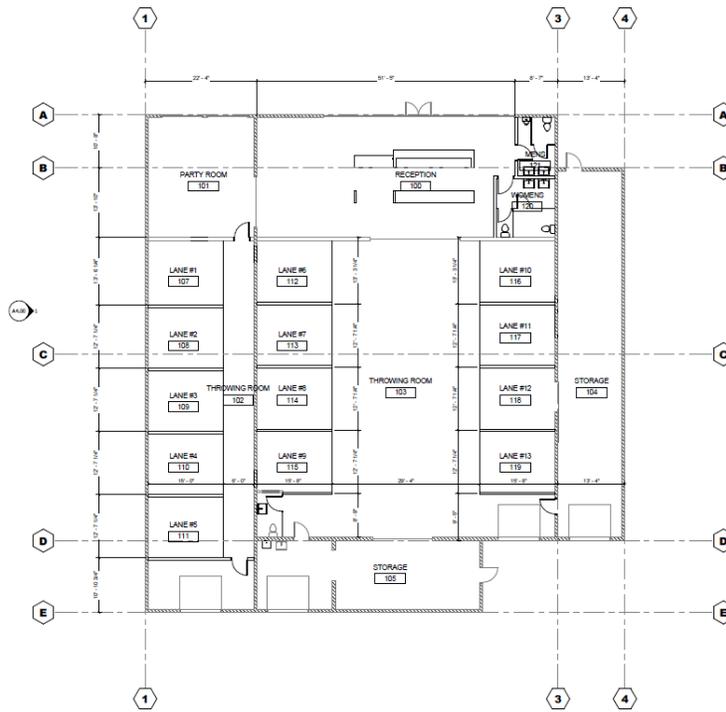


CITY OF GARDEN CITY

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File Number: CUPFY2020 - 8
Application Scope: Conditional Use Permit
Location: 3725 W. Chinden Blvd.
Applicant: Chrysalis Architecture
Report Date: 3/13/2020



Staff Report
 Report prepared by Chris Samples

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A. Report Summary

- Axe throwing use proposed in existing building
- Beer and wine consumption proposed through patrons bringing their own; no alcohol sales proposed
- Access points may need to be reduced on site

B. Project Information

Proposed Scope of Work:

Request	Review Process	Notes
Conditional Use Permit for the use "Axe Throwing"	8-6B-2 Conditional Use	None

Project Details:

- 1) Proposed development: Axe throwing business with patrons allowed to bring beer and wine
- 2) Number of buildings: 1
- 3) Parking spaces: Unknown
- 4) Hours of Operation: 12 pm to midnight with hours varying for special events

Site Conditions:

- 1) Address: 3725 W. Chinden Blvd., Garden City, ID 83714
- 2) Parcel Number: R2734511345
- 3) Property Size: 0.689 acres
- 4) Zoning District: C-1 Highway Commercial
- 5) Comprehensive Plan Land Use Map Designation: Green Boulevard Corridor
- 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) Retail Store
 - b) Service Provider
- 9) Existing Use: None
- 10) Easements on site: There are no records on file with Garden City of existing easements
- 11) Site Access: W. Chinden Blvd.
- 12) Sidewalks: in good repair on or adjacent to the site.

C. Discussion

The applicant has proposed the use Axe Throwing, a use that is not listed in Garden City Code 8-2B-2 (Allowed Uses). Based on information provided from the applicant and guidance from this code section, the use has been determined to require a conditional use permit in the C-1 zoning district. Use standards and potential conditions are discussed based on this determination, including hours of operation and security.

The use proposes to allow patrons to bring beer and wine. The applicant proposes to require a safety orientation prior to a patron participating in the use and proposes to monitor patrons closely.

The three existing access points on W. Chinden Blvd. are not permitted accesses. Closure of two of the access points closest to the intersection and the existing building may be appropriate.

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

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.

E. Agency Comments

The following agency comments were provided:

Agency	Comment Date	Summary
ACHD	2/26/2020	Standard comments applied
Garden City Engineer	2/22/2020	Standard comments applied
Idaho DEQ	2/27/2020	Standard comments applied

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 1: General Regulations			
8-1A Purpose, Applicability and Interpretation	Planning and Zoning Commission	No compliance issues	Legal lot of record
Title 8, Chapter 2: Base Zoning District Regulations			
8-2B Base Zoning District Provisions	Planning and Zoning Commission	Compliance issues noted	Axe Throwing not a listed use under 8-2B-2 Axe Throwing determined to require a conditional use
8-2C Land Use Provisions	Planning and Zoning Commission	Compliance issues noted	Discussion of similar provisions to Axe Throwing
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	Parking analysis required pursuant to 8-4D-5
8-4E Transportation and Connectivity Provisions	Planning and Zoning Commission	Compliance issues noted	Access limitations may be 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: <ul style="list-style-type: none"> • Conditional Use • Use

Garden City Plans/Policies		
Plan/Policy	Compliance Issues	Staff Comments
Garden City Comprehensive Plan	No compliance issues noted	Comprehensive Plan analysis provided
Garden City Sidewalk Policy	No compliance issues noted	A sidewalk is installed along W. Chinden Blvd. in accordance with the policy.
Garden City Street Light Policy	No compliance issues noted	A streetlight is installed within 400' of the property in accordance with the property.

H. Code/Policy Analysis

Garden City Title 8 Code Section	
City Code	Analysis
8-2B Base Zoning District Provisions	
8-2B-2 Allowed Uses	<p>The applicant has proposed the use Axe Throwing. The use is not listed as a used under Table 8-2B-2. If the use is not listed, the use is prohibited unless the proposed use is equivalent to a permitted or conditional use. The following criteria must be considered to make the determination:</p> <ol style="list-style-type: none"> <i>1. The impacts on public services and activities associated with the proposed use are substantially similar to those of one (1) or more of the uses listed in the applicable base districts as allowed;</i> <i>2. The proposed use shall not involve a higher level of activity or density than one (1) or more of the uses listed in the applicable base districts as allowed;</i> <i>3. The proposed use is within the same use category of an allowed use listed in the latest edition of the North American Industrial Classification System (NAICS), published by the United States Department of Commerce;</i> <i>4. The proposed use is consistent with the purpose of the district in which the use is proposed to be located; and</i> <i>5. The proposed use is in substantial conformance with goals and objectives of the comprehensive plan.</i> <i>6. Should the use be determined equivalent to a use that requires a conditional use permit, the application shall be required to follow the procedures set forth for conditional use</i>

permits.

The application defines the use as:

An axe throwing venue for recreational use, including check-in, lounge areas, and restrooms. Axe throwing customers are allowed to bring their own beer and wine, no hard alcohol is allowed. Our proposed axe throwing use provides a unique recreational indoor venue for customers to participate in the activity of throwing axes.

The impact on public services appears similar to the uses "Amusement Center", "Commercial Entertainment Facility" and "Drinking Establishment, Limited Service", as the use is intended to be an indoor recreational activity but contains activity that may require more intensive regulation and beer and wine are allowed onsite for consumption. The level of activity is similar to these uses and does not appear to create a higher level of activity. For the Commission's reference, these uses are defined below:

Amusement Center: The use of all or part of a building for indoor amusement including, but not limited to, video games, laser games, bingo, pool, billiards, card rooms, bowling alleys, child amusement rides, and indoor playground facilities.

Commercial Entertainment Facility: The use of a site for any profit making activity which is generally related to the entertainment field. The term "commercial entertainment facility" includes motion picture theaters, carnivals, nightclubs, and dance halls.

Drinking Establishment, Limited Service: The use of a site primarily for the service of only wine or beer by the glass, but not including restaurants with a wine and beer license where the

principal business is serving food. The use includes wine bar, beer pub, and brewery.

According to the NAICS, code 713990 (All Other Amusement and Recreation Industries) appears to apply to this use:

This industry comprises establishments (except amusement parks and arcades; gambling industries; golf courses and country clubs; skiing facilities; marinas; fitness and recreational sports centers; and bowling centers) primarily engaged in providing recreational and amusement services.

Illustrative Examples:

Amusement ride or coin-operated nongambling amusement device concession operators (i.e., supplying and servicing in others' facilities)

Miniature golf courses

Archery or shooting ranges

Recreational day camps (except instructional)

Billiard or pool parlors

Recreational or youth sports teams

Boating clubs (without marinas)

Recreational sports clubs (i.e., sports teams) not operating sports facilities

Dance halls

Riding stables

The proposed use is consistent with the purpose statement of the C-1 zoning district as it contributes to the full range of commercial services and its intensity could be appropriate along a major arterial:

The purpose of the two (2) commercial districts is to provide a full range of commercial uses and services for both the residents of Garden City and the region. Location determines the type and form of commercial uses. More intense commercial activities are

	<p>intended to be located along arterial streets in the highway commercial (C-1) district. Activities which are more compatible with mixed use or residential uses and minimally disruptive to the neighborhood are to be located in the general commercial (C-2) district.</p> <p>The proposed use does not appear to specifically conflict with the goals and objectives of the Comprehensive Plan.</p> <p>Based on the analysis of the above criteria and the applicant's definition of the use, the use Axe Throwing requires a conditional use permit in the C-1 zone.</p>
<p><u>8-2C Land Use Provisions</u></p>	<p>The use Axe Throwing does not have specific use provisions under this section. However, the uses "Amusement Center", "Commercial Entertainment Facility", and "Drinking Establishment, Limited Service" have been identified as having similar activities to this use. Pursuant to 8-6B-2, the Commission can require conditions of approval to mitigate identified issues and to ensure the use meets the required findings for a conditional use permit. To assist the Commission, an analysis of the use standards for "Amusement Center", "Commercial Entertainment Facility", and "Drinking Establishment, Limited Service" is provided.</p>
<p>8-2C-4 Amusement Center</p>	<p>The regulations of this section concern licensing of pool, billiard or card rooms and do not apply to this use.</p>
<p>8-2C-10 Commercial Entertainment Facility</p>	<p>The regulations of this section prohibit commercial entertainment facilities within 300' of a church or school if alcohol is sold. The proposal does not include the sale of alcohol but allows people to bring alcohol at their choosing.</p> <p>The regulations prohibit outside activities or events except when a special event permit that takes into account public health and welfare, the interests of adjoining property owners, noise, traffic and vehicular and pedestrian safety. The nature of the use include axe throwing and the potential for alcohol to be on site. Including this regulation as a</p>

	<p>site-specific condition may be appropriate to meet the findings of 8-6B-2.</p> <p>The regulations concerning the sale, manufacturing or distribution of alcoholic beverages to comply with Idaho Code are required if such activities are taking place. Compliance with Idaho Code is required regardless of this regulation.</p> <p>The regulation concerning business licensing in Garden City Code Title 3 may be appropriate to regulate licensure of business and could be required as a site-specific condition of approval.</p> <p>The regulations concerning security should be evaluated to determine if they are appropriate to the scope and scale proposed. The use involves axe throwing and enabling patrons to bring beer and wine on site. The applicant indicates in the letter of intent that individuals and groups of bring beer and wine are engaged with by staff in 10-minute intervals to monitor their behavior. The letter also indicates that a safety orientation must be completed, and patrons must demonstrate they can safely throw an axe. The owner has experience operating two locations within the City of Boise. The Commission can require additional security provisions modeled after the regulations of this section or can draft their own based on the activities taking place. The security requirements of this section are included as draft conditions of approval but can be amended by the Commission in the final decision.</p>
8-2C-12 Drinking Establishment	<p>Both the uses “Drinking Establishment, Limited Service” (beer and wine only) and “Drinking Establishment, Full Service” (hard liquor) are subject to the regulations of this section.</p> <p>The setback and outside activity regulations are the same for a Commercial Entertainment Facility and are discussed in this report.</p> <p>The regulations for an amplification device appear to be oriented toward outdoor uses. The applicant does not propose the use of an outdoor amplification device.</p>

	<p>The regulations concerning the closure of the business between 2:00 am and 6:00 am appear to be oriented toward regulating alcohol sales as required by Idaho Code. The applicant's operating hours vary between 12 pm and midnight and not within the limitations noted. The Commission can set the applicant's operating hours as proposed in a condition of approval.</p> <p>The regulations concerning security are the same for a Commercial Entertainment Facility and are discussed in this report.</p>
<p><u>8-4D Parking and Off Street Loading Provisions</u></p>	<p>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.</p>
<p><u>8-4E Transportation and Connectivity Provisions</u></p>	<p style="background-color: black; color: black;">[Redacted]</p>
<p>8-4E-3 Public Street Connections</p>	<p>Public street access is not specifically addressed in the application. Three existing curb cuts are located along W. Chinden Blvd., two of which pull cars directly in front of the building. According to the ITD's Chinden Corridor Map, these access points were not permitted by the Department.</p> <p>Both ITD and the City have identified nonpermitted access points for potential elimination to ensure traffic can safely flow on W. Chinden Blvd. The Commission can require, as conditions of approval, that the two access points at the front of the building to be closed, their physical infrastructure be removed and can require the applicant to obtain legal access with ITD.</p>
<p><u>8-6A Administration – General Provisions</u></p>	<p style="background-color: black; color: black;">[Redacted]</p>
<p>8-6A-4 Required Application Information</p>	<p>The applicant has requested the following application requirements be waived:</p> <ul style="list-style-type: none"> • Will Serve Letter (to provide after decision as

	<p>condition of approval)</p> <ul style="list-style-type: none"> • Site Plan • Irrigation/Ditch Company Authorization Letter <p>The waivers as requested may be appropriate with conditions:</p> <p>Will Serve Letter: A will serve letter is necessary to determine compliance with the required findings for a conditional use permit (8-6B-2), specifically the finding requiring the use to not unreasonably diminish the health, safety, and welfare of the community. The will serve letter could be provided prior to the issuance of a occupancy permit, building permit, or certificate of compliance for the use. This could be enforced through a condition of approval.</p> <p>Site Plan: The site plan provides information on exterior activities related to the use. The use is proposed inside a structure, but site improvements such as landscaping and parking improvements are required. These improvements are reviewed administratively during the occupancy permit or building permit process or prior to the issuance of a certificate of compliance. A condition of approval requiring this site plan prior to the issuance of the building permit, occupancy permit or certificate of compliance would enable site plan review.</p> <p>Irrigation/Ditch Company Authorization Letter: The City does not have record of an irrigation ditch or easement on the property. All irrigation districts within the City were notified of this application. No additional conditions appear warranted.</p>
<p><u>8-7A References</u></p>	
<p>8-7A-1 Definitions</p>	<p>The following relevant defined terms were referenced in this report:</p> <p>Amusement Center: The use of all or part of a building for indoor amusement including, but not limited to, video games, laser games, bingo, pool, billiards, card rooms, bowling alleys, child amusement rides, and indoor playground facilities.</p>

	<p>Commercial Entertainment Facility: The use of a site for any profit making activity which is generally related to the entertainment field. The term "commercial entertainment facility" includes motion picture theaters, carnivals, nightclubs, and dance halls.</p> <p>Conditional Use: 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> <p>Drinking Establishment, Limited Service: The use of a site primarily for the service of only wine or beer by the glass, but not including restaurants with a wine and beer license where the principal business is serving food. The use includes wine bar, beer pub, and brewery.</p> <p>Use: The specific purposes for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.</p>
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Garden City Plan/Policy Analysis	
Plan/Policy	Analysis
<u>Comprehensive Plan</u>	<p>The property is located in the Green Boulevard Corridor designation of the Comprehensive Plan Land Use Map:</p> <p style="padding-left: 40px;">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</p>

	<p>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 management including number and spacing of driveways, location of parking behind the buildings and maximum setback requirements from the street.</p> <p>The proposed use does not appear to conflict with this designation. There is not evidence on the record would generate high volumes of traffic. Reduction in the number of access points along W. Chinden Blvd. would help the use comply with the designation.</p>
<p>Garden City Sidewalk Policy</p>	<p>A sidewalk is installed along W. Chinden Blvd. in accordance with the policy.</p>
<p>Garden City Street Light Policy</p>	<p>A streetlight is located within 400' of the proposed use as recommended by the policy.</p>