



CITY OF GARDEN CITY

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File Number: CUPFY2021-0002
Requested Use: Three manufactured home lots
Use as Defined By GCC Title 8: Manufactured/Mobile Home Park
Location: 113 E. 45th Street.
Applicant: Charles Brown, Maple Woodlawn LLC
Planning and Zoning Commission Hearing Date: February 17, 2021, 6:30 p.m.
Garden City Hall, 6015 Glenwood, Garden City, Idaho



STAFF REPORT
Prepared by Hanna Veal

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A. Project Information

Proposed Scope of Work:

Request	Review Process
Conditional Use Permit	GCC 8-6B-2

A conditional use may be found to be appropriate or inappropriate at a given property. In some situations, conditions of approval may be required to assist the proposed use in being appropriate to a location and in conformance with code. In other situations where the use cannot be conditioned to be appropriate to the location or code, it should not be permitted.

Project Details:

- 1) Applicant: Charles Brown
- 2) Owner: Maple Woodlawn LLC
- 3) Request: Replace single family home with three manufactured home lots
- 4) Title 8 Use: It has been determined that the Garden City defined use that best describes the use is: Manufactured/Mobile Home Park
- 5) Definition of Use: Garden City Code 8-7A-1 defines this use as: Any parcel of ground upon which three (3) or more manufactured homes, mobile homes or combination of one (1) or more manufactured home, mobile home and/or other dwelling units occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation; but shall not include a plot of ground used for mobile home dealers exclusively for the display, storage or sale of manufactured/mobile homes.
- 6) The applicant has proposed the expansion to an existing manufacture/mobile home park which includes the addition of three new units.
- 7) A 5' wide detached sidewalk is proposed along 45th street.

Site Conditions:

- 1) Existing Use: Manufactured/Mobile Home Park
- 2) Street Address: 113 E. 45th
- 3) Parcel Number(s): R2734500642 and R2734500652
- 4) Property Descriptions:
 - a) LOT 29 BLK 2 FAIRVIEW ACRES SUB NO 01 R/S 9483 #0641-S and;
 - b) LOT 30 BLK 2 FAIRVIEW ACRES SUB NO 01 R/S 9483 #0641-B
- 5) Legal Lot of Record: Yes
- 6) Property Size: 0.689 acres and 0.689 acres.
- 7) Zoning District: C-2
- 8) Zoning Overlay(s): None
- 9) Comprehensive Plan Land Use Map Designation:
 - a) Mixed Use Commercial
- 10) Floodplain Designation:
 - a) 2003 FIRM: Outside of the Special Flood Hazard Area
 - b) 2017 Draft FIRM: Outside of the Special Flood Hazard Area
- 11) Surrounding Uses:
 - a) Gem State Electric; Equipment Sales, Rental, and Service
 - b) Manufacture/Mobile Home Park

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- c) Manufacturing/Warehouse and office building
 - d) Personal and Professional Services
 - e) Single Family Dwelling
- 12) Adjacent Zoning:
- a) R-3
 - b) C-2
- 13) Adjacent Comprehensive Plan Designations:
- a) Mixed Use Commercial
- 14) Easements on site: None
- 15) Easements Adjacent to site: Located at 45th Street; Fairview Acres Sub 01 Plat, Utility, Drainage, Irrigation Easement
- a) Front: E. 45th Street
- 16) Sidewalks: No existing sidewalk
- 17) Wetlands on site: None identified

C. Discussion

This application is for a manufactured/mobile home park located at 113 E. 45th Street. The current address is assigned to two parcel numbers, R2734500652 and R2734500642 . The existing manufactured home park consists of both parcels. The two parcels are described as lots 29 and 30 of Fairview Acres Subdivision, both are 0.689 acres, which is equal to 1.378 acres or 60,025 square feet. Garden City Code 8-4J states that a manufactured/mobile home park can be no less 60,000 square feet unless approved by a Conditional Use Permit. The size of the park is code compliant, a Conditional Use Permit is required due to the proposed expansion.

Code states that all manufactured/mobile home parks that are constructed, established, or altered shall be required to conform to the provisions of GCC 8-4J. Since this is a proposal for an expansion to an existing park, the entire park must be held to all standards of code. The existing homes at the park are not code compliant with GCC 8-4J standards, as the provisions are very strict. The applicant has not asked for waivers to these standards, however, staff recommends waivers to these standards with the condition that as new homes move in or as existing homes are altered, they are built and installed to code standards.

The applicant has submitted several site plans, each more detailed than the last. However, staff was unable to do as thorough of a review as necessary. Conditional Use Permit applications do not require the submittal of a landscaping plan, schematics, lighting plans, a sustainability checklist, or a mitigation certificate, which would have allowed for staff to do a more complete review. Throughout the staff report, where code deficiencies are noted, staff has stated that a Design Review Application approval is required. In the drafted decision document, there is a condition for approval stating that a Design Review Application shall be applied for and approved.

Garden City Code 8-4J governs Manufactured and Mobile Homes within a park. Some of these provisions have been conditioned as there was not enough information disclosed in the submitted application to determine compliance. Based on review of the plans provided it can be determined or inferred that the following items are not currently code compliant:

1. The park identification sign is missing, which is important for emergency services;
2. Individual space identification is missing;
3. The proposed space dimensions may not be able to meet 4,000 square feet each;
4. Perimeter landscaping is not shown;
5. The required common open space is not depicted in the submitted site plan;
6. The applicant has stated that there is currently an existing home that is not shown on the submitted site plan.

Furthermore, the existing homes within the park and their associated land area may conflict with code in that:

1. The homes appear to be on spaces less than 4,000sq.ft. of land area;
2. Enclosed tenant storage sheds of 40 sq. ft for each space are not provided;
3. The required off-street parking is not depicted in the submitted site plan.

It also appears that existing homes have been added onto. GCC states that no alterations or additions of any kind shall be built onto, attached to, or become a part of any mobile home built prior to June 1976 except to bring the home up to current U.S. Department of Housing and Urban Development (HUD) standards. Additions or alterations to the existing mobile homes causes extreme concern in that mobile and manufactured homes are built to particular HUD standards. In order for any alteration to a home to occur, an engineered analysis is required to ensure that the homes integrity is maintained.

The applicant has requested a three-year phasing plan. For administrative purposes, should this application be approved, staff has suggested that a surety should be in place to cover the items that which are not immediately required for occupancy.

It should be of note that any application that is denied cannot be reapplied for, in substantially the same form for the same use within one year.

D. Decision

The Planning and Zoning Commission has been provided a draft document that includes findings of fact, conclusions of law, and a decision in the affirmative and in denial. This is done to provide potential options based on the staff's review of the project. This is not intended to be a predetermined decision. All evidence will be considered, and the document may be updated based on the Planning and Zoning Commission's review of the application.

Required Decisions:

Pursuant to Garden City Code [Table 8-6A-1 Authorities and Processes](#), Planning and Zoning Commission is the final decision maker for a Conditional Use Permit. There is no recommending authority to the Planning and Zoning Commission. Pursuant to [GCC 8-6A-2A](#), The City Council shall have the authority to review any action taken by the Planning and Zoning Commission regarding Conditional Use Permits, which would be final unless appealed.

Required Findings:

To approve a conditional use permit, the Planning and Zoning Commission must find the application meets the following findings found in [GCC 8-6B-2](#):

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:

After hearing the evidence and considering the application, the decision maker shall make their decision. The decision maker shall report the facts upon which it based its conclusion, the ordinance and standards used in evaluating the application, the actions, if any, that the applicant could take to obtain a permit, and whether a permit is :

1. Granted,
2. Granted with conditions, or
3. Denied.

The decision maker may find that there is inadequate information to render a decision and may also continue the hearing for additional materials to be supplied. It is recommended that they continue the hearing to a date certain for noticing purposes.

The decision maker shall make its findings and decision no later than by the next regular scheduled meeting.

Appeal of Decision:

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
Ada County Highway District	None received to date	
Boise School District	None received to date	
Central District Health	None received to date	
COMPASS	None Received to date	
Garden City Engineer	11/22/2020	Standard Comments Click Here
Idaho Transportation Department	None received to date	
Irrigation: Fairview Acres	09/07/2020 – Submitted with the CUP application by the applicant	Confirmation of FALWUA irrigation water available. Project should be required to use surface irrigation. Comment submitted with application materials.
North Ada County Fire and Rescue	None received to date	
Meridian School District	None received to date	
Department of Environmental Quality		Standard Comments Click Here

F. Public Comment

No public comments were provided as of the drafting of this document.

Commenter	Comment Date	Summary
None Provided		

G. Code/Policy Review

The below serves as an analysis of applicable provisions Garden City Code, Title 8, Development Code and identified applicable policies, plans, and previous approvals.

Garden City Title 8 Code Sections

Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
Title 7 Building Regulations			
7-2-1 Building Code	N/A	No compliance issues as conditioned.	A building permit will be required to be completed prior to occupancy of the structure.
Title 8, Chapter 1: General Regulations			
8-1A-4 Applicability			The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
8-1B-1 Nonconforming Properties		No compliance issues noted	Legal parcel of record as described.
8-1B-3 Nonconforming Uses		No Compliance Issues Noted	This is a Conditional Use Permit application for a manufactured/mobile home park. If this CUP is approved, the applicant will be required to bring the park up to current code standards. Code also states that the minimum area of a new park or a park that expands, shall be no less than 60,000 square feet in size. The total area of two parcels of land is equal to 60,025 square feet.
Title 8, Chapter 2: Base Zoning District Regulations			
8-2B-1 Purpose		No compliance issues noted	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. 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.
8-2B-2 Allowed Uses	PZ		Garden City Code Table 8-2B-1 requires a conditional use permit in this zone for the proposed use.
8-2B-3 Form Standards	PZ	No compliance issues noted.	The structures and site appear to be complaint with form standards.
8-2C	PZ		There are no land use conditions specific to this use found in this section of code. See GCC 8-4J
Title 8, Chapter 4: Design and Development Regulations			
8-4A-3 Fences and Walls	DC	May not be complaint – Compliant as conditioned	Proposal of existing fencing to remain. Additional fencing is also proposed. The existing and proposed fence height and material remain unknown. Code prohibits the use of chain-link fencing, barbed wire, boxes, sheet metal, old or decayed wood, broken masonry blocks, and chain-link with slats. Code also has maximum height restriction. Compliance with Garden City Code has been drafted as a potential condition of approval.

8-4A-4 Outdoor Lighting	DC	May not be complaint – as Conditioned	Not enough information to review. Approval from the Design Review Committee has been drafted as a potential condition of approval.
8-4A-5 Outdoor Service and Equipment Areas	DC	May not be complaint – as Conditioned	Not enough information to review. Approval from the Design Review Committee has been drafted as a potential condition of approval. Based on site photos, it appears the trash services are collected from individual waste roll carts.
8-4A-7 Stormwater Systems	DC	May not be complaint- as Conditioned	Not enough information to review. Compliance with Garden City Code has been drafted as a potential condition of approval.
8-4A-8 Utilities	DC	May not be complaint – as Conditioned	Not enough information to review. Compliance with Garden City Code has been drafted as a potential condition of approval.
8-4D Parking and Off Street Loading Provisions			
8-4D-3 Parking Design and Improvement Standards	DC	No compliance issues noted - Design Review Approval Required	These standards are superseded by GCC 8-4J-5 Additional Standards for Manufactured Homes in Mobile home Parks. A Design Review Committee approval will be required.
8-4D-4 Parking Use Standards	DC	Design Review Approval Required	The design standards as set forth in section 8-4D-3 , "Parking Design And Improvement Standards", shall apply to <u>any new construction</u> , alteration, or moving of a structure or any new or more intense use of property.
8-4D-5 Required Number of Off-Street Parking Spaces	DC	Design Review Approval Required	These standards are superseded by GCC 8-4J-5 Additional Standards for Manufactured Homes in Mobile home Parks. GCC 8-4J states that two (2) vehicular parking spaces, nine feet by twenty-one feet (9' x 21'), shall be provided on each mobile home space and surfaced. A potential condition of approval has been drafted in the decision document.
8-4E Transportation and Connectivity Provisions			
8-4E-2 Applicability			Provisions apply to any new construction, addition, expansion, grading, alteration, or any new or more intense use of property.
8-4E-3 Public Street Connections	DC/PZ	Compliant as Conditioned.	Clear Vision Triangle not depicted in submitted plans.
8-4E-4 Internal Circulation Standards	DC/PZ	No compliance issues noted	
8-4E-6 Sidewalk Standards	DC/PZ	Compliant as Conditioned.	Code requires that the applicant install a 5' wide detached sidewalk with a landscape buffer. Original site plans show an attached sidewalk, however, updated site plans submitted on

			02/01/2021 show a 5' wide detached sidewalk. Updated site plans do not show the width of landscape buffer. There is a condition of approval drafted that the sidewalk is installed prior to Certificate of Occupancy. The applicant will be required to install the sidewalk per the ITD/ACHD's requirements. The application will also be required to submit a Public Works and Utility application to the City for review and approval.
8-4E-7 Pedestrian and Bicycle Accessibility Standards	DC/PZ	May not be complaint	There does not appear to be a pedestrian pathway throughout the site. Code requires a minimum 4' wide pathway system to connect all primary entrances to the public sidewalk.
8-4I Landscaping and Tree Protection Provisions			
8-4I-2 Applicability			For all new residential and nonresidential uses, all landscaping standards of this article shall be met.
8-4I-3 General Landscaping Standards and Irrigation Provisions	DC/PZ	Design Review Approval Required	Not enough information to review. A landscaping plan was not submitted. Landscaping plans shall be submitted and reviewed during the Design Review Hearing process.
8-4I-4 Landscaping Provisions for Specific Uses	DC/PZ	Design Review Approval Required	A minimum of one class III or class II tree shall be planted in the frontage and every adjacent StreetSide. An additional class I tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage. Class II or III trees can be substituted at the ratio of two class I trees for every Class II or III tree.
8-4I-5 Perimeter Landscaping Provisions	DC/PZ	Design Review Approval Required	Required Along the common property line between an adjacent nonresidential use and a residential use or vacant residentially zoned property. Add conditions Standards: 1. A perimeter landscaping area shall be at least ten feet (10') wide measured from the property line to the interior of the lot; 2. A screen consisting of vegetation shall be at least six feet (6') wide and six feet (6') in height at maturity; 3. At least one tree shall be planted for every fifteen (15) linear feet of perimeter length (or as appropriate to the selected species) to quickly establish continuous canopy coverage. 4. Additional standards for parking lots and carports are set forth in section 8-4I-6, "Parking Lot Landscaping Provisions" , of this article. 5. Structures less than one hundred twenty (120) square feet, including, but not limited to, trash enclosures and storage sheds may encroach into the perimeter landscape area. 6. Perimeter landscape areas shall provide for pedestrian access from residential development to abutting commercial districts and vice versa.

8-4I-6 Parking Lot Landscaping Provisions	DC	No compliance issues noted	
8-4I-7 Tree Preservation Provisions	DC	Design Review Approval Required	Tree mitigation unknown as no landscaping plan nor tree mitigation plan was submitted. Not enough information to review.
8-4J Manufactured And Mobile Home Provisions			
8-4J-4 Standards for Manufactured Homes and Mobile Homes	DC/PZ	Design Review Approval Required	<p>All manufactured or mobile homes placed inside a manufactured home park shall be skirted with a material that is compatible in appearance with the construction of the manufactured or mobile home. The skirting may be in contact with the ground but shall not attach the mobile home to the ground.</p> <p>A potential condition of approval has been drafted in the decision document for compliance with all 8-4J standards.</p>
8-4J-5 Additional Standards for Manufactured Homes in Mobile Home Parks	DC/PZ	May not be compliant	<p>The three new manufactured home spaces are shown to be +/- 4,000sq.ft. However, the existing home spaces are not shown. Need more information for thorough review. Code states <i>“Each manufactured/mobile home park space shall be no less than four thousand (4,000) square feet of land area, not including common area, for each mobile home space in a new or expanded park.”</i></p> <p>Common area is shown to be +/- 1,080sq.ft. adjacent to 45th street. It includes the required 5’ sidewalk and landscape buffer. This is not code compliant in that it does not meet the minimum common area sq.ft. requirements, and that code doesn’t allow for the common area to be located within the required minimum setback. It is currently proposed in the minimum 20’ setback from a public street.</p> <p>The site needs at least 450sqft of open area for the new manufactured homes plus 150sqft per additional home. Total common area needs to equal 1,950sqft. Code States <i>“Each new or expanded manufactured/mobile home park shall provide a minimum of one hundred fifty (150) square feet of area for each mobile home space for the common use of the occupants of said spaces. The common area shall not include the minimum setbacks or the manufactured/mobile home space, nor shall it include parking or garbage areas.”</i></p> <p>Site plans do not indicate enclosed storage facilities for each space. Code requires the at least 40sqft of floor area with a minimum wall height of 5’ is provided per manufactured home space.</p> <p>Space Identification and Park Identification are not depicted in the submitted materials.</p> <p>No information is provided for the existing manufacture homes and their associated spaces. More information is required to do a thorough review. Staff has conditioned compliance with GCC 8-4J standards through a surety process.</p>

Title 8, Chapter 6, Article A: Administration			
8-6A-3 General Application Process		No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
8-6A-4 Required Application Information			Application waivers requested pursuant to 8-6A-4A: <ul style="list-style-type: none"> • Will Serve Letter • Fire Flow Applicant has submitted documents with the City and has asked for an extension. The tests and responses have not been filed as of 1/11/2021.
8-6A-7 Public Hearing Process		No compliance issues noted	The applicant provided a neighborhood meeting more than one month and less than three months prior to application submittal. The City provided a radius notice, notifications to agencies with jurisdiction, and ran a legal notice in the Idaho Statesman, at least 15 days prior to the first hearing. The applicant provided an affidavit of property posting more than 7 days in advance of the hearing validating that the property was posted more than 10 days prior to the hearing.

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Idaho Code 67-6512 Local Land Use Planning Special Use Permits, Conditions, and Procedures	<p>Garden City Code noticing requirements are compliant with this Statute.</p> <p>The statute notes that upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those:</p> <ol style="list-style-type: none"> (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development; (6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction. <p>Prior to granting a special use permit, studies may be required of the social, economic, fiscal, and environmental effects and any aviation hazard as defined in section 21-501(2), Idaho Code, of the proposed special use. A special use permit shall not be considered as establishing a binding precedent to grant other special use permits. A special use permit is not transferable from one (1) parcel of land to another.</p>
Garden City Comprehensive Plan	<p>This application is in future land use designations of the Comprehensive Plan:</p> <ol style="list-style-type: none"> a) Mixed Use Commercial

	<p>The application may be supported by:</p> <p>Goal 1. Nurture the City</p> <p>a.) 1.4 Objective: Create a premier destination place to live, work, and recreate.</p> <p>Goal 2. Improve the City Image</p> <p>a.) 2.1 Objective: Encourage new and distinctive neighborhoods.</p> <p>b.) 2.3 Objective: Promote quality design and architecturally interesting buildings.</p> <p>c.) 2.4 Objective: Create a vision for the design of all streets and highways consistent with city’s urban setting.</p> <p>Goal 4. Emphasize the “Garden” in Garden City</p> <p>a.) 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</p> <p>Goal 6. Diversity in Housing</p> <p>a.) Maintain the diversity of housing</p> <p>Goal 7. Connect the City</p> <p>a.) 7.1 Objective: Create pedestrian and bicycle friendly connections</p> <p>b.) 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.</p> <p>The application may not be supported by:</p> <p>Goal 2 Improve the City Image</p> <p>a.) 2.2.2 Work with private property owners, and neighborhood and business associations to ensure compliance with property maintenance standards.</p> <p>Goal 4 Emphasize the “Garden” in Garden City</p> <p>a.) 4.3.1 Continue to require sidewalks and landscaping in all new development, and in major alterations and re-use of existing commercial sites</p> <p>Goal 6 Diversity in Housing</p> <p>a.) 6.1.2 Create disincentives for the continuance of substandard housing units by continue the aggressive enforcement of health and safety violations of the building and fire code.</p> <p>Goal 7 Connect the City</p> <p>a.) 7.4.4 Develop alternative design and development standards to create safer and neighborly internal streets appropriate for the use.</p> <p>Goal 8 Maintain a Safe City</p> <p>8.1.1 Continue to reduce crime in the city by enforcing nuisance codes and standards for safe and healthy housing.</p>
Garden City Sidewalk Policy	Proposed attached sidewalk along 45 th Street.
Garden City Street Light Policy	A streetlight is installed along E. 45 th Street in accordance with the policy.