



CITY OF GARDEN CITY

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File Number: CUPFY2021-0010
Requested Use: Rent Equipment to contractors in Treasure Valley
Use as Defined by GCC Title 8: Equipment Rental and Sales
Location: 4665 W. Chinden Blvd.
Applicant: Abe Roessler, represented by Equipment Share, Inc.
Planning and Zoning Commission Hearing Date: May 19, 2021, 6:30 p.m.
Garden City Hall, 6015 Glenwood, Garden City, Idaho



STAFF REPORT

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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: Abe Roessler
- 2) Owner: Equipment Share, Inc.
- 3) Request: Equipment rental and sales to contractors in Treasure Valley
- 4) Title 8 Use: It has been determined that the Garden City defined use that best describes the use is: Equipment Rental and Sales
- 5) Definition of Use: Garden City Code 8-7A-1 defines this use as: The use of a site for the sale, rental or servicing of tools, trucks, tractors, construction equipment, agricultural implements, or similar industrial equipment.
- 6) The applicant has proposed a two phased improvement process.
 - a) The first phase consists of using the site as is, without improvements.
 - b) The second phase consists of construction of a commercial building for technicians and an office. This phase would include all upgrades such as fencing, landscaping, sidewalk and/or pathways, etc. The time frame to start phase 2 would be in about 18-24 months.
- 7) A sidewalk waiver has not been submitted at this point.

Site Conditions:

- 1) Existing Use: Vacant
- 2) Street Address: 4665 W. Chinden Blvd.
- 3) Parcel Number(s): R7334140005
- 4) Property Description: BLOCK A RANDALL ACRES SUB NO 3 CASE #SP IE 9500491M #97102983 #97102985
- 5) Legal Lot of Record: Yes
- 6) Property Size: 5.195 acres
- 7) Zoning District: C-1
- 8) Zoning Overlay(s): None
- 9) Comprehensive Plan Land Use Map Designation:
 - a) Green Boulevard Corridor
 - b) 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) Vehicle Services
 - b) Vehicle Sales and Repair

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- c)** Chinden Motor Inn, 4678 W. Chinden Blvd.
 - d)** Idaho Property Maintenance, 4684 W. Chinden Blvd.
 - 12)** Adjacent Zoning: C-1 and C-2
 - 13)** Adjacent Comprehensive Plan Designations: Green Boulevard Corridor and Mixed-Use Commercial
 - 14)** Easements on site: There are no records on file with Garden City of existing easements
 - 15)** Site Access:
 - a)** Front: Chinden Blvd.
 - b)** Side: W. 47th Street
 - c)** Rear: n/a
 - 16)** Sidewalks: no sidewalk
 - 17)** Wetlands on site: none identified

C. Discussion

The applicant has asked for approval of their two-phased approach. The proposal asks that all required improvements are to be delayed 18-24 months, so that a Design Review application can be completed. Staff has conditioned that all improvements be constructed prior to the certificate of occupancy being issued, while granting a delay for the 12' wide pedestrian pathway along Chinden.

Comprehensive Plan Analysis

In and of itself, a Comprehensive Plan is not legally binding. However, a required Conclusion of Law for conditional use permits in Garden City is that the use is in compliance with the Comprehensive Plan. In this way the Garden City Zoning Code ensures that proposed uses are not only required to be compatible with existing neighborhoods, but are also progressing the vision that the community has for those neighborhoods.

The proposed use is located in the Mixed Use Commercial and Green Boulevard Corridor designations of the Comprehensive Plan.

MIXED USE COMMERCIAL: *The mixed-use commercial designation is for the area south of Adams Street. The intent of this designation is to create an area for mixed uses, including residential, office, retail, and small scale industrial, that are more urban in character than in the mixed-use residential area. Three story buildings and 40%- 60% lot coverage, with aggregated open spaces for pocket parks should guide the development pattern in this area.*

An Equipment Rental and Sales use may not be appropriate for this area as it does not advance urban character that lends itself to both commercial and residential uses. The use, as proposed, certainly is not aligned with desire for three story buildings at a 40-60% lot coverage. Thus, it does not meet the desired density the Comprehensive Plan has made for this area. This could change over-time, as the applicant has submitted a two-step phasing process to develop the site to better meet their needs, however, the proposed site and building design of the use during the second phase has not been determined.

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, but new uses which generate high volumes of 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.*

The proposed use has the potential to improve the Green Boulevard Corridor at this location through site and design improvements. The applicant has shown existing trees along W.

Chinden Blvd., but does not show a detached sidewalk. A condition of approval has been recommended to require the detached landscaping and sidewalk.

Should the Commission approve this application, staff suggests that it should be adequately conditioned to not be a detriment to those who are investing or may invest in the surrounding neighborhood with projects that are more obviously in alignment with the Comprehensive Plan' goals for the area and address the traffic safety and concerns of W. Chinden Blvd. Certain examples of conditions could be related to both pedestrian comfort and connectivity as well as vehicular safety. Outdoor storage, noise, and environmental effects of the use should also be examined.

Garden City Transportation Needs List: Chinden Blvd.

Garden City understands that Chinden will always carry a high volume of traffic and supports the utilization of Chinden as a significant regional vehicular corridor but would like to ensure that the roadway improvements are done so as to reduce detrimental impacts to adjacent businesses and mobility within Garden City. Garden City has had dialogue with ITD and ACHD concerning the safety of multiple access points entering Chinden Boulevard. ITD has indicated that that for safety purposes they would prefer and endorse limiting access onto Chinden Boulevard by utilizing access points from numbered streets (47th Street).

Utilizing 47th Street to access the business will assist in the overall traffic flow of Chinden, allowing for better regional movement of traffic benefitting all the cities in Ada/ Canyon County. Tied to access management is the City's desire to redevelop Chinden as a tree lined boulevard with tree landscaped medians. Many studies have demonstrated that vertically framing in a corridor increases driver attention and reduces speeds thus reducing accidents. Studies have also demonstrated that property values and retail spending tend to dramatically increase while expenditures on energy and potential drainage needs decrease with the installation of trees.

Previous applications associated with this parcel noted that the Idaho Transportation Department (ITD) has had objections to the access along Chinden.

In order to meet the desired access management, it has been drafted in the decision document to require that all access point from the property to W. Chinden Blvd. be closed. Additionally, there is a drafted condition to require that the access point from 47th Street be moved from where it currently is, south to align with Goodall Street.

At times there is overlap between design and use. Code requires that whenever a new use commences at a site, that the property be compliant with transportation and connectivity provisions. **Garden City Sidewalk Policy** notes that sidewalk or pathway shall be detached as required by **Garden City Code 8-4E-6 E** and provide for a 6' with root barrier/ 8' without root barrier landscape buffer prescribed by ACHD's policy for Class II or III trees. The applicant is not proposing the required sidewalk or landscape buffer. The applicant did not provide a sidewalk waiver in accordance with the Garden City Sidewalk Policy. The draft conditions of approval include the requirement for code compliant sidewalk and landscape buffer along W. 47th Street.

There is currently an ongoing conversation with ITD and ACHD regarding the pedestrian connectivity along W. Chinden Blvd. In summary, The City has come to an agreement with ITD

for the section of Chinden located between Maple Grove and Glenwood to have a 10' asphalt multi-use pathway installed along the southern side of the road. However, it is worth noting that ACHD might become the entity responsible for the existing and future pathways/sidewalks along Chinden Blvd. New ACHD sidewalk standards along arterials such as Chinden Blvd. are to provide 12' wide detached pathways. Regardless of these conversations, Garden City code requires that a 5' wide detached sidewalk with landscape buffer be installed along W. Chinden Blvd. Additionally, there is the requirement of and 12' wide detached asphalt pedestrian pathway along W. Chinden Blvd. In order to create a uniform pedestrian connection, it has been drafted in the decision document to require a 12' wide detached asphalt pathway along W. Chinden Blvd. The pedestrian pathway is conditioned to be installed within a year of the approval. If a Design review application is applied for within the year, the pathway instalment can be extended so as to meet the Design Review application's site plan and conditions.

The Thurman Mill Irrigation Canal goes under Chinden Boulevard at the southeast end of the property. We need to investigate whether or not sidewalk and extended curb would interfere with its function.

[Landscaping and Tree Protection Provisions](#)

This section of code states, *"For all new residential and nonresidential uses, all landscaping standards of this article shall be met."* Historically, this section of code has been interpreted to mean any new "construction". The reason for this interpretation is in context of the other applicability subsections A-F define further than what a new use would entail based on improvement thresholds. It is likely, and assumed, that the word "construction" or similar word was omitted in error. Therefore, the provisions in this section of code are not required unless the Planning and Zoning Commission were to specifically condition them.

This parcel of land has about 700ft of liner street frontage along both W. Chinden and 47th Street. it is required to install sidewalks/pathway along these frontages which will prove extremely uncomfortable for the pedestrian if landscaping is not installed to compliment it. The site already appears to have some trees along the landscaped area of W. Chidnen (the exact amount is unknown as there was not a landscape plan submitted). These trees could count towards any landscape minimums required. With 700ft of frontage, there would be the requirement of 14 Class I trees split between the 47th Street Frontage and the Chinden frontage. There would be an additional requirement of one Class II tree per frontage.

Should the Commission approve this application, staff suggests that it should be adequately conditioned to provide the necessary landscaping to help better the streetscape for the safety and well-being of the pedestrian.

Additionally, staff is concerned with the amount of surface area that will be dedicated to the parking of the vehicles. Staff believes that the use of the lot will be acting as a large parking lot to store these vehicles. [Garden City Code 8-41-6](#) speaks specifically to the landscaping of parking lots in that areas should be distributed throughout a parking lot to soften and screen parking lot edges, reinforce circulation routes, create pleasant pedestrian conditions and maximize shade and stormwater benefits. This section of code is applicable to any parking lot that which consists of five or more parking spaces and is to be substantially altered.

The current site plan shows that there are 17 hard surface parking spots. However, the whole site is being used as a parking lot for the equipment. Staff has conditioned that a parking plan/site layout is to be provided prior to occupancy, and that they shall park according to that parking plan.

Currently the site does not propose any landscaping within the parking lot. However, staff believes that the application should follow all parking lot landscaping standards within 8-41-6 including but not limited to:

- Edge treatments along streets and other public spaces shall visually screen parked vehicles, but not completely obstruct views into and out of the parking lot for the purpose of supporting pedestrian safety and security.
- Landscaped areas, including islands, medians, and stormwater retention areas shall be designed within the parking lot to define major vehicle and pedestrian routes, provide shade and break up the expanse of paved areas.
- Include landscaped islands with at least one tree at the beginning and end of each parking row and to break up longer rows or highlight special features.

Should the Commission approve this application, staff suggests that it should be adequately conditioned to provide the necessary landscaping to soften and screen parking lot edges, reinforce circulation routes, create pleasant pedestrian conditions and maximize shade and stormwater benefits.

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	None received to date	
Idaho Transportation Department	None received to date	
Irrigation: Fairview Acres	None received to date	
North Ada County Fire and Rescue	None received to date	
Meridian School District	None received to date	

F. Public Comment

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

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.	The applicant is proposing to occupy an existing building without altering the structure. GCC 7-2-1 requires a building permit to be reviewed and approved prior to change in occupancy, as defined by the International Building Code. The applicant must either provide documentation that the building was built to the requested occupancy or apply for a change of occupancy through the City's Occupancy Analysis process prior to occupancy of the building. A change in occupancy may require that improvements be made to the building prior to occupancy.
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-3 Nonconforming Uses		Compliant upon approval of this conditional use permit	Conditional Use Permit approval will be required.
Title 8, Chapter 2: Base Zoning District Regulations			
8-2B-1 Purpose	PZ	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. Location determines the type and form of commercial uses. More intense commercial activities are intended to be located along arterial streets in the highway commercial (C-1) 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 applicant is not proposing any exterior changes to the building.
8-2C	PZ		Limitations: <ol style="list-style-type: none"> 1. All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure. 2. All equipment repairs shall be limited to between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., Monday through Saturday.

			<p>3. Damaged or wrecked equipment shall not be stored on site for purposes other than repair.</p> <p>4. All equipment shall be parked on site and not in adjoining streets or alleys.</p> <p>5. All discarded vehicle parts or equipment, or permanently disabled, dismantled, or junked vehicles shall be removed from the premises within thirty (30) days of arrival.</p> <p>Site Design: All new structures constructed for equipment repair shall be constructed so that the entrances to individual workstation/service bays do not face abutting residential parcels or the public rights of way.</p> <p>Maintenance: All paved and unpaved areas shall be maintained grease and oil free.</p>
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Title 8, Chapter 4: Design and Development Regulations

8-4A-3 Fences and Walls	DC	May not be complaint – compliant as conditioned	Submitted plans show the use of chain-link fencing. Chain link fencing is a prohibited fencing material. A condition of approval has been drafted for the removal of all existing chain link fencing. If the applicant wishes to replace the fencing, it shall be of permitted fencing materials.
8-4A-4 Outdoor Lighting	DC	Compliant as conditioned	Compliance with this section of code has been drafted as a condition of approval.
8-4A-5 Outdoor Service and Equipment Areas	DC	Compliant as conditioned	Compliance with this section of code has been drafted as a condition of approval.
8-4A-7 Stormwater Systems	DC	Compliant as conditioned	Compliance with this section of code has been drafted as a condition of approval.
8-4A-8 Utilities	DC	Compliant as conditioned	Compliance with this section of code has been drafted as a condition of approval.
8-4A-9 Waterways	DC	No compliance issues noted	The Thurman Mill Canal is adjacent to this property. It may interfere with the required sidewalks along W. Chinden Blvd. However, the canal does not run through the property.

8-4D Parking and Off Street Loading Provisions

8-4D-3 Parking Design and Improvement Standards	DC	No compliance issues noted	<p>The design standards as set forth in section 8-4D-3, "Parking Design And Improvement Standards", shall apply to any new construction, alteration, or moving of a structure or <u>any new or more intense use of property</u>.</p> <p>Site plans indicate a parking lot area of 17 vehicular parking</p>
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			spots. 0 of which are ADA compliant. Bicycle parking remains unknown.
8-4D-4 Parking Use Standards	DC	No compliance issues noted	Upon any change of use, the number of vehicle parking spaces to be provided shall be calculated according to the requirements for the new use
8-4D-5 Required Number of Off-Street Parking Spaces	DC	Compliant as conditioned	<p>The minimum and maximum number of required off street vehicle parking for nonresidential uses and mixed use shall be determined by the planning official based on the following criteria:</p> <ol style="list-style-type: none"> 1. The specific use(s) proposed and/or on the property; 2. Uses in the vicinity of the property; 3. A traffic study, if prepared, forecasting the expected traffic and parking needs expected from the use(s); 4. The availability of on street, shared, and/or public parking within the vicinity of the use; and 5. The availability of public transit, vanpooling or other alternative transportation to serve the use. <p>Based off the provided parking information, it appears that the site is adequately parked.</p> <p>Bicycle parking shall be provided based of vehicular parking available and number of tenants. With this as a guide, the site is required at least 1 bike parking spot. A condition has been drafted in the decision document.</p>
8-4E Transportation and Connectivity Provisions			
8-4E-2 Applicability			Provisions apply to any new construction, addition, expansion, grading, alteration, or any new or <u>more intense use of property</u> .
8-4E-3 Public Street Connections	DC	May not be complaint	<p>Maintenance of the clear vision triangle has been drafted as a condition of approval.</p> <p>The property currently has two access points to/from Chinden Blvd. and one access point on 47th street. Access management controls, such as shared access, and/or access in variance with that specified by the transportation authority may be recommended by the city for the purpose of protecting the function, safety and functionality of the street. the two access points along W. Chinden could be creating safety hazards not only for vehicles entering and existing the property onto W. Chinden, but for pedestrians and bicyclists.</p> <p>We have not received comments from ITD regarding access to and from Chinden from the property.</p>
8-4E-4 Internal Circulation Standards	DC	May not be complaint	<p>Comments have not been received by Republic Services.</p> <p>There is not a clear pedestrian access from the public sidewalk to the entrance.</p>
8-4E-6 Sidewalk Standards	DC	May not be complaint	<p>See Discussion</p> <p>Code requires that the applicant install a 5' wide detached sidewalk with either 6' or 8' wide landscape buffer along 47th Street. Additionally, there is the requirement of and 12' wide</p>

			<p>detached asphalt pedestrian pathway along W. Chinden Blvd.</p> <p>There is a condition of approval drafted that the sidewalk along 47th street is installed prior to Certificate of Occupancy. The pedestrian pathway is conditioned to be installed within a year of the approval. If a Design review application is applied for within the year, the sidewalk instalment can be extended so as to meet the Design Review application's site plan and conditions. 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.</p> <p>A waiver has been requested pursuant to the sidewalk policy. Discussed in the Garden City Sidewalk Policy review section</p>
8-4E-7 Pedestrian and Bicycle Accessibility Standards	DC	May not be complaint – compliant as conditioned	<p>See Discussion</p> <p>A pathway system shall extend through the development site and connect the street sidewalk to all primary building entrances.</p> <p>The pathway shall be designed to connect or stub a pathway(s) to adjacent private property, transit stops, adjacent trails, plazas, future phases of development, and open space areas. There is a potential public pathway system that is proposed to follow along all canal systems in Garden City. Thurman Mill canal is adjacent to the rear property boundary line. Site plans should acknowledge the future pathway development through pedestrian oriented features such as landscaping.</p>
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			See Discussion for conversation on this section of code.
8-4I-4 Landscaping Provisions for Specific Uses	DC		<p>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.</p> <p>Class II or III trees can be substituted at the ratio of two class I trees for every Class II or III tree.</p>
8-4I-5 Perimeter Landscaping Provisions	DC		<p>Required:</p> <ol style="list-style-type: none"> 1. Between a new or substantially altered nonresidential use and a residential use or vacant residentially zoned property where such uses are not separated by an arterial street; (Ord. 944-12, 5-14-2012) 2. Along the common property line between an adjacent nonresidential use and a residential use or vacant residentially zoned property;

			<p>3. Along the common property line between a multi-family residential use and a single-family or two-family residential use or vacant single-family or two-family zoned property;</p> <p>4. Between a nonresidential or multi-family use and a public park;</p> <p>5. Between a loading or utility service area, vehicle repair bay, or vehicle fueling area and all property lines;</p> <p>6. Between other paved vehicular use areas, including driveways, and vehicle storage areas and all property lines;</p> <p>7. Between a carport for five (5) or more vehicles serving a residential use and an adjoining lot with a residential use or vacant residentially zoned property.</p> <p>Potential conditions:</p> <p>1. A perimeter landscaping area shall be at least ten feet (10') wide measured from the property line to the interior of the lot;</p> <p>2. A screen consisting of vegetation shall be at least six feet (6') wide and six feet (6') in height at maturity;</p> <p>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.</p> <p>4. Additional standards for parking lots and carports are set forth in section 8-4I-6, "Parking Lot Landscaping Provisions", of this article.</p> <p>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.</p> <p>6. Perimeter landscape areas shall provide for pedestrian access from residential development to abutting commercial districts and vice versa.</p>
8-4I-6 Parking Lot Landscaping Provisions	DC		
8-4I-7 Tree Preservation Provisions	DC	Compliant as Conditioned	It does not appear that the application is to remove any existing trees. The applicant shall mitigate for removed trees or shall provide a certified arborist's certification demonstrating the trees removed were dead, dying or a hazard in accordance with GCC 8-4I-7 (Tree Preservation Provisions).
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			
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>
Previous entitlement that might affect this project	CUPFY2018-14: This application would not directly impact the current application of CUPFY2021-0010, however, it is an example of the kind of project that would be considered in alignment with the Comprehensive Plan.
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) Green Boulevard Corridor b) Mixed Use Commercial <p>The application may be supported by:</p> <p>Goal 1. Nurture the City</p> <ol style="list-style-type: none"> a.) 1.4 Objective: Create a premier destination place to live, work, and recreate.

	<p>Goal 12. Evolve as a Destination</p> <ul style="list-style-type: none"> a.) 12.1 Objective: Support a positive business environment b.) 12.2 Objective: Continue to support commercial and industrial land uses. c.) 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce. <p>The application may not be supported by:</p> <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> a.) 2.3 Objective: Promote quality design and architecturally interesting buildings. b.) 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting. <p>Goal 4. Emphasize the "Garden" in Garden City</p> <ul style="list-style-type: none"> a.) 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art. <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> a.) 7.1 Objective: Create pedestrian and bicycle friendly connections. b.) 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.
Garden City Sidewalk Policy	<p>Waiver submitted for the sidewalk installation postponement. Requested until "Phase 2" is underway.</p>
Garden City Street Light Policy	<p>A streetlight is installed along E. 47th Street in accordance with the policy.</p>
Chinden- ITD Access Management Chinden Corridor Access Map	<p>Garden City has been putting significant efforts into identifying ways for Chinden to function better. The vehicles that are proposed at this location will likely require large turning radiuses and will also likely cause impacts to those utilizing this regional corridor. Subsequently, direct access to 47th at Goodall is suggested as the best access location to the property as this will provide the maximum potential choices for potential traffic lights in the future on Chinden either at 47th street, Murray Street, or Ellen Street. It should be noted that none of the locations are slated for a light at this time.</p>
Garden City Transportation Needs List	<p>Currently Chinden Boulevard functions very poorly from a land use jurisdiction perspective. The roadway can be congested to the point that access to businesses during peak hours is severely limited and divides the portion of the City that is south (west) of Chinden from the portion of the City that is north (east) of Chinden. Additionally, the road is not safe due to the number of vehicular conflict points and lack of pedestrian and bike facilities. The addition of improvements to humanize Chinden will reduce accidents and potential for accidents, increase business access, reduce speeds, reduce police demand, provide for pedestrian movement across Chinden and increase adjacent property values.</p>