



CITY OF GARDEN CITY

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

File Number: CUPFY2021 - 0012

Requested Use: Multi-tenant Industrial Flex, Office, Warehouse

Use as Defined by GCC Title 8: Industry Flex and Warehouse

Location: 219 E 50th St

Applicant: Louise Bertagnolli

Planning and Zoning Commission Hearing Date: August 18th, 2021



STAFF REPORT

Prepared by Hanna Veal

(208) 472-2921; planning@gardencityidaho.org

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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: JST Properties LLC
- 2) Owner: JST Properties LLC
- 3) Request: Change existing use from single tenant to multiple tenants, Industry flex best fits the desired use. Two of the tenant spaces wish to have warehouse components.
- 4) Title 8 Use: It has been determined that the Garden City defined uses that best describe the uses are Industry Flex, and Warehouse.
- 5) Definition of Use: Garden City Code 8-7A-1 defines this use as:
 - a) Industry Flex: The use of a site where there may be the use of heavy equipment or machinery, and/or noise, smells, environmental pollutants, or fire concerns. Light industry typically is for the manufacture, processing, fabrication, analysis, assembly, treatment, and/or packaging of finished products or parts. The use of paint booths not related to vehicle service shall be included in this use category.
 - b) Warehouse: The use of a site as a major stopping or transferring point for freight, storage, wholesale and distribution of manufactured products, supplies and equipment, excluding retail sales.
- 6) The applicant has not proposed exterior work.
- 7) Sidewalk: None proposed, existing attached sidewalk on 50th Street.

Site Conditions:

- 1) Existing Use: Garage, shop, and warehouse.
- 2) Street Address: 219 E 50th Street
- 3) Parcel Number(s): R1055420240
- 4) Property Description: Lot 02 Blk 04 Bradley Park Sub No 01
- 5) Legal Lot of Record: Yes
- 6) Property Size: 1.570 acres
- 7) Zoning District: C-2
- 8) Zoning Overlay(s): None
- 9) Comprehensive Plan Land Use Map Designation:
 - a) Activity Node: Neighborhood Destination
 - b) Light Industrial Bradley Technology District
- 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) 301 E 50th Police Department; Public Service Facility**
- b) 270 E 50th Rhapsody Manufacturing; Industry, Light**
- c) 175 E 50th Omega Plaza; Professional Service**

12) Adjacent Zoning: C-2

13) Adjacent Comprehensive Plan Designations: Light Industrial Bradley Technology District

14) Easements on site There are no records on file with Garden City of existing easements

15) Site Access: List street(s) that the development will be accessed from

- a) Front: E 50th St**

16) Sidewalks: Sidewalks are installed and are in good repair.

17) Wetlands on site: none identified

C. Discussion

This is a conditional use permit application for an industry flex use and warehouse use at 219 E. 50th Street. Professional Service use was also mentioned in the application, but professional services is a permitted use in the C-2. The property is located within the Activity Node: Neighborhood Destination as well as the Light Industrial Bradley Technology District of the Garden City Comprehensive Plan.

Definitions of these Future Land Use Designations are as followed:

ACTIVITY NODE: Activity nodes are identified on the Land Use Map for neighborhood centers, local and regional destinations, and locations in proximity to existing and future transit stations and stops. Activity centers range in size depending on their function and location. Some nodes may be centered around the intersection of major streets or extend down a street to connect major community facilities. The common characteristics of the activity nodes are a mix of uses, public spaces, compatible transition to the uses surrounding the nodes and non-motorized connections to within a quarter mile walkable area of the node center. Some nodes, especially around transit stations, would have higher density (at least 14-20 units per acre) and multi-story development (three or more stories). It is not intended that all nodes could be developed within the twenty-year period of the plan.

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

LIGHT INDUSTRIAL BRADLEY TECHNOLOGY DISTRICT: The light industrial designation reflects an intent to maintain the area of existing industrial uses, around Bradley Street and north of Chinden. Industrial development includes: materials processing and assembly, product manufacturing, storage of finished products, and truck terminals. Manufacturing support facilities such as offices and research related activities should also be allowed in this area, but other non-industrial uses should be limited. Major consideration in regulating industrial uses should be setbacks, buffering and landscaping from adjacent residential uses. Standards should also be directed toward control of light, glare, noise, vibration, water and air pollution; use and storage of toxic, hazardous or explosive materials; and outdoor storage and waste disposal.

The requested uses are in compliance with the Comprehensive Plans visions for the Light Industrial Bradley Technology District by keeping the neighborhood industrial in nature. The building is proposing to become a multi-tenant structure, which would allow for three new industry light uses to move into the suites. The applicant's letter of intent states that they already have three tenants identified to move into these spaces once they achieve approval of the CUP and any associated occupancy permits.

The requested uses of industry light and warehouse are homogenous with the surrounding uses of 50th Street and the surrounding neighborhood. Some of the adjacent uses include Public Services, Industry Light, Manufacturing Warehouse, Vehicle Services, Animal Medical Facility, Church and Religious Services, and Professional Service.

Staff also suggests that conditions related to noise, storage, and environmentally hazardous substances are also conditions that should be considered.

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 Link to Full Comment	07/27/2021	<ul style="list-style-type: none"> Site specific conditions include installation of improvements and payment of impact fees.
Garden City Engineer Link to Full Comment	07/24/2021	<ul style="list-style-type: none"> The affidavit we received in the submittal information was not signed or notarized. Please provide an executed affidavit. General Comments
Irrigation: Fairview Acres Link to Full Comment	07/31/2021	<ul style="list-style-type: none"> No comment
North Ada County Fire and Rescue Link to Full Comment	07/30/2021	<ul style="list-style-type: none"> Any High-piled Storage, (which is storage heights over 12' for common combustible materials, or over 6' for plastic materials) shall be in accordance with IBC 413 and IFC Chapter 32.

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-1 Nonconforming Properties		No compliance issues noted	Legal parcel of record as described
8-1B-2 Nonconforming Structures		No compliance issues noted	
8-1B-3 Nonconforming Uses		No compliance issues noted	Contains Conditional Use Permit for: Warehouse, and Industry Flex Permitted Use includes Professional Services (office)
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. Location determines the type and form of commercial uses. 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	No compliance issues noted	Garden City Code Table 8-2B-1 requires a conditional use permit in this zone for the proposed uses of Industry Flex and Warehouse.
8-2B-3 Form Standards		No compliance issues noted	The applicant is not proposing any exterior changes to the building. The structures and site do appear to be complaint with form standards.
8-2C			Industry Flex: Setback: 1. All mechanical equipment emissions; shipping and/or delivery; or other outdoor activity areas shall be located a minimum of five hundred feet (500') from any abutting residential districts. 2. Any use involving explosive manufacturing or storage, flammable substance storage, foundry, freight and truck terminal, manufacture or processing of hazardous chemicals, power plant, food product storage and processing plant shall be located a minimum of one thousand feet (1,000') from a hospital. Limitations: The following adverse effects shall be mitigated

			<p>through setbacks, buffers, sound attenuation and/or hours of operation:</p> <ol style="list-style-type: none"> 1. Noise, odor, or vibrations; or direct or reflected glare; detectable by the human senses without the aid of instruments. 2. Radioactivity and electric or electromagnetic disturbances which unduly interfere with the normal operation of equipment, instruments, or appliances on abutting properties. 3. Any other emission or radiation which endangers human health, results in damages to vegetation or property or which exceeds health and safety standards. <p>Other Regulations Apply: A use in this category may require approval from the Environmental Protection Agency, the U.S. Department of Agriculture, Central District Health Department, the Ada County air quality board and Idaho Department of Water Resources.</p>
Title 8, Chapter 3: Overlay Zoning District Regulations			
8-3D Neighborhood Commercial Node	PZ	No compliance issues noted	Not Requested.
Title 8, Chapter 4: Design and Development Regulations			
8-4A-3 Fences and Walls	DC	May not be complaint	<p>Existing chain-link fencing surrounding the property. It has been drafted in the decision document to require the removal of the chain-link fencing. As it currently stands, the fence is a legal nonconforming fence.</p> <p>The use of barbed wire, razor wire, boxes, sheet metal, old or decayed wood, broken masonry blocks, chain link, chain link with slats, or other like unsightly materials for fencing shall be prohibited unless an application is made to design review committee and the committee finds the fence to be compliant with the following:</p> <ol style="list-style-type: none"> 1. Implement the vision as set forth in the comprehensive plan; and 2. Demonstrate that the fence provides significant creativity and uniqueness, and the intent is not to merely evade the provisions set forth in this section, or can demonstrate that the fence is an established icon that enhances the community's assets more than a fence complying with the requirements set forth in this section; and 3. Demonstrate that it is constructed of professional and durable materials, and is not intended to be of temporary nature
8-4A-4 Outdoor Lighting	DC	Compliant as conditioned	

8-4A-5 Outdoor Service and Equipment Areas	DC	Compliant as conditioned	
8-4A-7 Stormwater Systems	DC	Compliant as conditioned	Reviewed at the time of the building permit. A building permit will be required for any TI work.
8-4A-8 Utilities	DC	Compliant as conditioned	General condition in the drafted decision document.
8-4D Parking and Off Street Loading Provisions			
8-4D-3 Parking Design and Improvement Standards	DC	No compliance issues noted	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> .
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	The amount of vehicle parking spots is not disclosed on the site plan. More information is required for a more thorough review. However, based off the amount of parking spots shown in the site plans, it appears that the parking lot area could provide adequate parking. There is no existing bicycle parking nor are there any proposed. The site shall have at least 4 bicycle parking spaces as the structure contains 3 tenant spaces. 1 additional bike parking space shall be provided for every 20-vehicle parking spot provided. The applicant shall provide the exact number of vehicular parking spaces prior to C of O being issued.
8-4D-6 Standards for Alternatives to On Site Parking	DC	No compliance issues noted	Not requested by applicant.
8-4D-7 Off Street Loading Standards	DC	Compliant as conditioned	Not enough information to review. The site has existing loading dock areas. The site does not propose new, additional loading dock areas. If the site were to expand their off-street loading spaces, they would need to be compliant with Garden City Code 8-4D-7.
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	DC	Compliant as	Clear vision triangle not depicted in site plans. Drafted

Street Connections		conditioned	condition in the decision document to require compliance with this section of code for the duration of the use.
8-4E-4 Internal Circulation Standards	DC	May not be complaint	The design of internal circulation should be integrated with the overall site design and adjacent properties, including the location of structures, pedestrian walkways and landscaping. There is not a clear pedestrian pathway from the existing attached sidewalk along E. 50 th Street through the site to the primary entrances of the building.
8-4E-6 Sidewalk Standards	DC	No compliance issues noted	There is an existing attached 5'7" sidewalk on the subject property and on both adjacent properties.
8-4E-7 Pedestrian and Bicycle Accessibility Standards	DC	May not be complaint	There is not a clear pedestrian access from the public sidewalk to the primary entrance of each unit. The design of internal circulation should be integrated with the overall site design and adjacent properties, including the location of structures, pedestrian walkways and landscaping. The Planning and Zoning Commission may authorize a 4' wide pathway for pedestrians to safely transverse the property. There have been conditions drafted to require a 4' wide painted pathway from the parking lot to the primary entrances of all 3 tenant spaces.
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			No application waivers were requested pursuant to 8-6A-4A.
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	Garden City Code noticing requirements are compliant with this Statute. 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>(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> <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 <u>21-501</u>(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>
<p>Garden City Comprehensive Plan</p>	<p>This application is in future land use designations of the Comprehensive Plan:</p> <ul style="list-style-type: none"> a) Activity Node: Neighborhood Destination b) Light Industrial Bradley Technology District <p>The application may be supported by:</p> <p>Goal 1. Nurture the City</p> <ul 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. d.) 12.3.5 Market the city to smaller businesses and support a positive environment for entrepreneurial businesses. <p>The application may not be supported by:</p> <p>Goal 4. Emphasize the “Garden” in Garden City</p> <ul style="list-style-type: none"> a.) 4.1 Objective: Beautify and Landscape b.) 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.
<p>Garden City Sidewalk Policy</p>	<p>Existing attached sidewalk along 50th Street.</p>
<p>Garden City Street Light Policy</p>	<p>The City has adopted the goal of providing street lights in local residential areas at a maximum spacing of 400 feet and at locations where street lighting will improve public safety. For purposes of this document, the 400 foot maximum criteria applies in areas of relatively straight and level streets that have no obvious traffic conflict.</p> <p>A streetlight is installed along E. 50th Street and Adams in accordance with the policy. However, the streetlight appears to be more than 400ft away from the property when measuring from the northern most point of</p>

	<p>the property boundary.</p> <p>It has been conditioned in the drafted decision document to require the installation of a streetlight in accordance with this policy. The applicant shall coordinate with public works regarding the installation of the streetlight.</p>
<p>Garden City Transportation Needs List</p>	<p>50th Street: River to Chinden & Alworth: 51st to 49th Addition of landscaping, pedestrian scaled lighting, and on-street parking on 50th Street. Reconfigure Adams to remove center turning lane, add parking and landscape bulb outs on both sides of the street from 51st to 49th Streets. The node is identified in the Garden City Comprehensive Plan and there is zoning in place to support the nodes. The design portion of this project is in the concept phase along Adams Street within anticipated two-lane 40' face to face section with on street parking and landscaping corresponding to the design of 36th Street or the design of 42nd Street north of Adams. Adams street may allow for a potential bike path.</p>