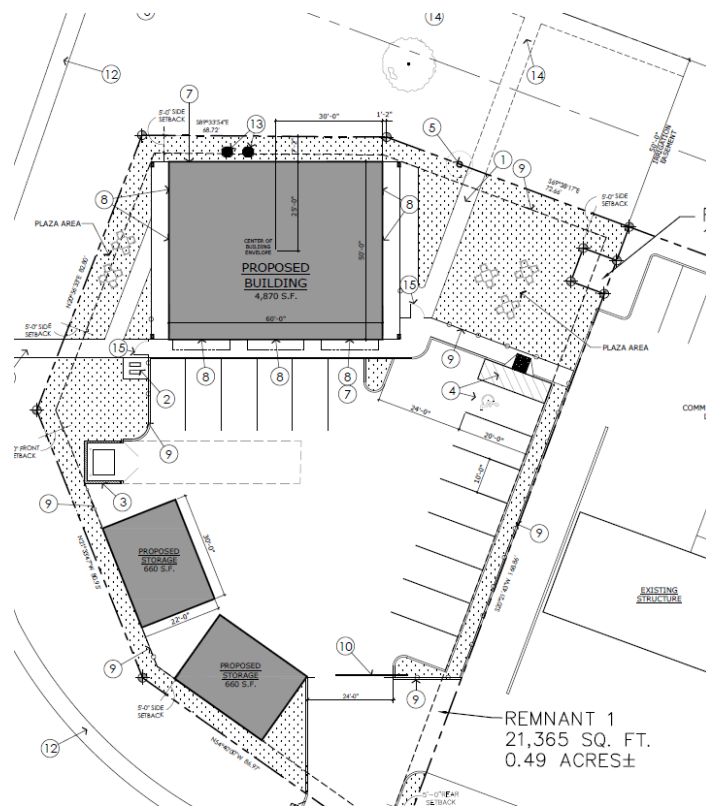




## CITY OF GARDEN CITY

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

**File Number: CUPFY2021 - 0003**  
**Requested Use: Office space for CRC Design-Build Systems and flex space for tenant with storage**  
**Use as Defined By GCC Title 8: Service Provider**  
**Location: 5586 N. Maple Grove Road**  
**Applicant: Jeff Hatch of Hatch Design Architecture**  
**Planning and Zoning Commission Hearing Date: December 16, 2020, 6:30 p.m.**



**STAFF REPORT**  
 Prepared by Hanna Veal

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## A. Project Information

### Proposed Scope of Work:

Request	Review Process
Conditional Use Permit	<a href="#">GCC 8-6B-2</a>

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: Jeff Hatch
- 2) Owner: Capital Ideas LLC with Brian A. Ross. Need new affidavit submitted.
- 3) Request: To provide an office space or CRC Design-Build Systems as well as a flex space for a future tenant. The project will also have a new trash enclosure and storage to the west of the property. All materials to be stored outdoors will be stored in an orderly manner.
- 4) Title 8 Use: It has been determined that the Garden City defined use that best describes the use is: Service Provider
- 5) Definition of Use: Garden City Code 8-7A-1 defines this use as: The use of a site for an employee or employees of a company or person that provides materials or labor to perform a service or job not located on site. This may include, but is not limited to, building or trades contractor, damage restoration services or cleaning services. This is not the same as a "storage yard" as herein defined nor does this definition include construction or manufacturing on site.
- 6) The applicant has is proposing a new building for construction and has already received Design Review approval for DSRFY2020-29.
- 7) A detached sidewalk is being proposed along W. Chinden. In addition to pedestrian pathways through the site.

### Site Conditions:

- 1) Existing Use: Vacant
- 2) Street Address: 5589 N. Maple Grove Road
- 3) Parcel Number(s): S0526417340
- 4) Property Description: PAR #7340 OF NE4NSE4 SEC 26 4N 1E RS 6806
- 5) Legal Lot of Record: Yes
- 6) Property Size: 0.49 acres
- 7) Zoning District: C-2
- 8) Zoning Overlay(s): None
- 9) Comprehensive Plan Land Use Map Designation:
  - a) Activity Node: Neighborhood Destination
  - b) Green Boulevard Corridor
  - c) 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) Retail
- b) Personal services
- c) Professional services
- d) Service provider
- e) Fuel sales
- f) Food store
- g) Single Family Dwellings; attached
- h) Sing Family Dwellings; Detached

**12) Adjacent Zoning:**

- a) C-2
- b) R-3 (across W. Chinden Blvd.)
- c) R-20 (across W. Chinden Blvd.)

**13) Adjacent Comprehensive Plan Designations**

- a) Residential Medium density
- b) Mixed use Commercial
- c) Green Boulevard Corridor

**14) Easements on site**

- a) Well 8 Power Easement; power line easement

**15) Site Access:**

- a) Front: N. Maple Grove Road
- b) Side: n/a
- c) Rear: n/a

**16) Sidewalks:**

- a) An attached sidewalk in good repair is installed along Maple Grove.
- b) There is no existing sidewalk along Chinden, but there is a proposed sidewalk from the property to Chinden. DSRFY2020-29 Conditions of Approval require that a code compliant sidewalk be installed along Chinden.
- c) Proposed pedestrian pathways through the site

**17) Wetlands on site: none identified**

## C. Discussion

[DSRFY2020-29](#) is the associated Design Review Application. A summary of the two hearings for DSRFY2020-29 has been provided below:

1. On October 5, 2020, in accordance with GCC 8-6B-3, a pre-application conference was held with the Design Committee. The Committee provided the following comments and requests:
  - a. Jeff Hatch presented the application.
  - b. There was no staff report.
  - c. The Committee made the following comments and suggestions:
    - i. Fencing as proposed precludes relationship to both Maple Grove and W. Chinden Blvd.
    - ii. Storage sheds should be of similar materials and architectural features as the principal structure.
    - iii. The window depths must remain the same, as it helps with fenestration of the walls of the proposed buildings.
    - iv. Analyze the effects of connection to the rest of the commercial strip development, and its impact on through-traffic.
    - v. Principal structure needs an identifiable public entryway.
    - vi. JUB Engineering might have a plan in place to create a W. Chinden Sidewalk adjacent to the property. The proposed development must adequately provide connection to this sidewalk.
  
2. On October 19, 2020, a public hearing before the Design Review Committee was held:
  - a. Jeff Hatch presented the application.
    - i. New exhibits were created during the hearing with the Committee. Staff request the applicant submit the new exhibits for the record.
  - b. Staff, Hanna Veal, presented the staff report.
  - c. There was no applicant rebuttal.
  - d. There was no public testimony.
  - e. Discussion included:
    - i. The fencing along the perimeter of the site is to be moved from the property line facing W. Chinden to towards the rear, lining up with the parking lot. This will help to create a better pedestrian connectivity throughout the site and with W. Chinden and Maple Grove.
  - f. The public hearing was closed.
  - g. Committee Member Hurd moved to approve the application as drafted in the decision document with the addition of site-specific conditions:
    - i. Add columns, signage, addressing and overhead element to the primary entranceway as shown during the hearing.
    - ii. Screen wall of mechanical units integrated with the building's architecture and materials. Must move to the South side of the building.
    - iii. The other two structures on the site must match the primary building's architectural general design and materials.
    - iv. The 5' perimeter landscaping is permitted along the eastern property line of the parking lot.

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- v. East and West elevations are designated as the front entrances,
  - vi. A sidewalk must be installed per the standards adopted by Garden City and ITD or by Garden City Title 8 Code.
  - h. Committee Member Gresham seconded the motion.
  - i. The motion carried unanimously.

## **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		
Garden City Engineer	11/22/2020	<ul style="list-style-type: none"> <li>• A new Affidavit of Legal Interest needs to be submitted</li> <li>• SWPPP plan needs to be approved</li> <li>• ACHD approval required</li> <li>• Fire District Approval Required</li> <li>• Additional standard comments</li> </ul>
Idaho Transportation Department	None received to date	
Irrigation: Fairview Acres	11/19/2020	This property is in the FALWUA service area; FALWUA does provide irrigation water to this property
North Ada County Fire and Rescue	None received to date	
Meridian School District	None received to date	
Department of Environmental Quality	11/27/220	Standard Comments

### F. Public Comment

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

Commenter	Comment Date	Summary
No Comments		



## 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.

<b>Garden City Title 8 Code Sections</b>			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
<b>Title 7 Building Regulations</b>			
<a href="#">7-2-1 Building Code</a>	N/A	No compliance issues as conditioned.	A building permit will be required to be completed prior to occupancy of the structure.
<b>Title 8, Chapter 1: General Regulations</b>			
<a href="#">8-1A-4 Applicability</a>			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.
<a href="#">8-1B-3 Nonconforming Uses</a>		Compliant upon approval of this Conditional Use Permit application.	A Conditional Use Permit is required for services providers in the C-2 zoning district.
<b>Title 8, Chapter 2: Base Zoning District Regulations</b>			
8-2B-1 Purpose		No compliance issues noted	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.
<a href="#">8-2B-2 Allowed Uses</a>	PZ		Garden City Code Table 8-2B-1 requires a conditional use permit in this zone for the proposed use.
<a href="#">8-2B-3 Form Standards</a>		No compliance issues noted	<p>The structures and site appear to be complaint with form standards.</p> <p>The required setbacks are:            Front: 5'            Interior Side: 5'            Rear: 5'            Street side: 5'</p> <p>The allowable maximum height is: n/a</p> <p>The minimum lot size is: n/a</p> <p>There are not encroachments</p> <p>All improvements are more than 70' from the Boise River.</p> <p>The property has designated the street frontage to be facing Chinden. The proposed site plans include plazas on both the West and East sides of the property. Through the use of the plazas, the street frontage has been met.</p>
<a href="#">8-2C</a>			<b>8-2C-36 SERVICE PROVIDER:</b>

			<p>A. Site Layout: No structure, facility, drive lane, parking area, or loading area shall be located adjacent to a residential district.</p> <p>B. Parking and Access:</p> <ol style="list-style-type: none"> <li>1. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.</li> <li>2. All surfaces used for parking shall be constructed with paving, vegetative cover or of dustless material.</li> </ol> <p>C. Limitations: The site shall not be used as vehicle wrecking as herein defined.</p> <p>D. Site Maintenance:</p> <ol style="list-style-type: none"> <li>1. All outdoor storage of materials or vehicles shall be maintained in an orderly manner so as not to create a public nuisance.</li> <li>2. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.</li> </ol> <p>E. Other Standards Apply: Outdoor storage areas shall comply with section <a href="#">8-1C-3</a>, Property Maintenance Standards, of this title.</p>
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**Title 8, Chapter 3: Overlay Zoning District Regulations**

<a href="#">8-3D Neighborhood Commercial Node</a>		No compliance issues noted.	The applicant has not requested to apply this overlay. Though code specifically states NCN overlay district may be applied along Adams Street and Alworth Street from 36th Street to 51st Street; or any future expansion of Alworth west to Glenwood, the proposed site is within a NCN of the comprehensive plan's future land use designation map.
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**Title 8, Chapter 4: Design and Development Regulations**

<a href="#">8-4A-3 Fences and Walls</a>	DC	May not be compliant – Compliant as conditioned	<p>Submitted site plan speaks to a 6' security fence along the perimeter of the property facing N. Maple Grove. This fencing is proposed to be adjacent to the proposed plaza areas and connect to the proposed building, leaving the frontage of W. Chinden open and only enclosing the parking lot.</p> <p>Fencing material not disclosed. A potential condition for approval has been included in the drafted decision document stating that all fencing materials must be compliant with Garden City Code 8-4A-3 Fences and Walls.</p> <p>DSRFY2020-29 has this conditioned as such.</p>
<a href="#">8-4A-4 Outdoor Lighting</a>	DC	Compliant as conditioned	Exterior lighting is proposed; however, a lighting plan was not submitted with this application.
<a href="#">8-4A-7 Stormwater Systems</a>	DC	Compliant as conditioned	More information is required to do a thorough review.

<a href="#">8-4A-8 Utilities</a>	DC	Complaint as conditioned	More information is required to do a thorough review.
<b>8-4D Parking and Off Street Loading Provisions</b>			
<a href="#">8-4D-3 Parking Design and Improvement Standards</a>	DC	No compliance issues noted	1 ADA parking spot proposed.
<a href="#">8-4D-4 Parking Use Standards</a>	DC	No compliance issues noted	No Comment
<a href="#">8-4D-5 Required Number of Off-Street Parking Spaces</a>	DC	No compliance issues noted	Number of bike parking spaces required = 2 Number of bike parking spaces provided = 3
<b>8-4E Transportation and Connectivity Provisions</b>			
<a href="#">8-4E-7 Pedestrian and Bicycle Accessibility Standards</a>	DC	No compliance issues noted	Pedestrian pathways are proposed throughout the development, however, the pathway connecting to Chinden and Maple Grove intercept the 6' privacy fence. Site plans indicate that pedestrians must pass through a gate in the privacy fence to reach the streets.  Design Review Committee has approved of this design.
<a href="#">8-4E-6 Sidewalk Standards</a>	DC	No compliance issues noted – compliant as conditioned	There is no existing sidewalk along Chinden, but there is a proposed sidewalk from the property to Chinden.  DSRFY2020-29 Conditions of Approval require that a code compliant sidewalk be installed along Chinden.  A potential condition of approval has been drafted in the decision document.
<b>8-4F Sign Provisions</b>			
<a href="#">8-4F-13 Master Sign Program</a>	DC	Compliant as conditioned	8-4F-13: All new development in the commercial, industrial and mixed use zoning districts, with more than one building or occupant shall include a master sign program as part of the application for design review.  A master sign plan shall be submitted as a separate Design Review application for the Committee to review.
<a href="#">8-4H Flood Hazard-</a>	Planning Official	No compliance issues noted	The proposed site is not located in either the 2003 or the 2017 FIRM special flood hazard zones  The City highly encourages that the applicant build to the best available data identified in the FIS study due to the potential cost of flood insurance and safety concerns for the property. Should the applicant choose not to build above the base flood elevations identified in the FIS, the City will request that the applicant record a Flood Acknowledgement on the property.
<a href="#">8-4G Sustainable</a>		Compliant as conditioned	Did not submit a sustainability checklist.

<a href="#">Development Provisions</a>			All new nonresidential structures five thousand (5,000) square feet or less require twelve (12) points. Unless they can prove they are exempt according to GC 8-4G-2.  DSRFY2020-29 Also included this condition in the decision document.
<b>8-4I Landscaping and Tree Protection Provisions</b>			
<a href="#">8-4I-3 General Landscaping Standards and Irrigation Provisions</a>	DC	Compliant as conditioned	Landscape plans were not submitted with this conditional use permit application.  The Design Review Committee has approved all landscape plans submitted with the affiliated DSRFY2020-29 application. A potential conditions of approval states that the site must be constructed in accordance with the approved Design Review.
<a href="#">8-4I-4 Landscaping Provisions for Specific Uses</a>	DC	No compliance issues noted	
<a href="#">8-4I-5 Perimeter Landscaping Provisions</a>	DC	Compliant as conditioned	The proposal is for 5' wide perimeter landscaping located on the eastern property boundary line between the parking lot and the adjacent property.
<a href="#">8-4I-6 Parking Lot Landscaping Provisions</a>	DC	No compliance issues noted	
<a href="#">8-4I-7 Tree Preservation Provisions</a>	DC	No compliance issues noted	
Title 8, Chapter 6, Article A: Administration			
<a href="#">8-6A-3 General Application Process</a>		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.
<a href="#">8-6A-4 Required Application Information</a>			Application waivers requested pursuant to 8-6A-4A <ul style="list-style-type: none"> <li>• Topographical Survey,</li> <li>• Grading Plan,</li> <li>• Will Serve Letter</li> <li>• Ada County Approved Addresses</li> </ul>
<a href="#">8-6A-7 Public Hearing Process</a>		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
<p><a href="#">Idaho Code 67-6512</a> Local Land Use Planning Special Use Permits, Conditions, and Procedures</p>	<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"> <li>(1) Minimizing adverse impact on other development;</li> <li>(2) Controlling the sequence and timing of development;</li> <li>(3) Controlling the duration of development;</li> <li>(4) Assuring that development is maintained properly;</li> <li>(5) Designating the exact location and nature of development;</li> <li>(6) Requiring the provision for on-site or off-site public facilities or services;</li> <li>(7) Requiring more restrictive standards than those generally required in an ordinance;</li> <li>(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.</li> </ol> <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 <a href="#">21-501(2)</a>, 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>Previous entitlement that might affect this project</p>	<p><a href="#">DSRFY2020-29</a>: The Design Review application for this property was approved on October 19, 2020 with conditions.</p>
<p><a href="#">Garden City Comprehensive Plan</a></p>	<p>This application is in future land use designations of the Comprehensive Plan:</p> <ol style="list-style-type: none"> <li><b>b)</b> Activity Node: Neighborhood Destination</li> <li><b>c)</b> Green Boulevard Corridor</li> <li><b>d)</b> Mixed Use Commercial</li> </ol> <p>The application may be supported by: list goals or objectives e.g.</p> <p>Goal 1. Nurture the City</p> <ol style="list-style-type: none"> <li><b>a.)</b> 1.4 Objective: Create a premier destination place to live, work, and recreate.</li> </ol> <p>Goal 2. Improve the City Image</p> <ol style="list-style-type: none"> <li><b>a.)</b> 2.3 Objective: Promote quality design and architecturally interesting buildings.</li> </ol> <p>Goal 4. Emphasize the “Garden” in Garden City</p> <ol style="list-style-type: none"> <li><b>a.)</b> 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</li> </ol> <p>Goal 7. Connect the City</p> <ol style="list-style-type: none"> <li><b>a.)</b> 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.</li> </ol> <p>Goal 12. Evolve as a Destination</p> <ol style="list-style-type: none"> <li><b>a.)</b> 12.1 Objective: Support a positive business environment</li> <li><b>b.)</b> 12.2 Objective: Continue to support commercial and industrial land uses.</li> </ol>

	<p><b>c.) 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce.</b></p> <p>The application may not be supported by: list goals or objectives.  Goal 3. Create a Heart for the City  a.) Create public gathering places at multiple locations throughout the city.</p>
<a href="#">Garden City Sidewalk Policy</a>	<p>Proposed detached sidewalks along Maple Grove ROW and connecting to the existing Maple Grove attached sidewalk.</p> <p>Proposed detached sidewalk from the N. Chinden ROW and connecting to the dirt pathway along Chinden.</p>
<a href="#">Garden City Street Light Policy</a>	<p>4 streetlights are installed at the intersection of Maple Grove and Chinden. Street in accordance with the policy.</p>
<a href="#">Chinden- ITD Access Management</a> <a href="#">Chinden Corridor Access Map</a>	<p>No access proposed onto Chinden.</p>