

BEFORE THE PLANNING AND ZONING COMMISSION
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:)	CUPFY2022-0006
)	
Conditional Use Permit)	FINDINGS OF FACT,
2943 & 2909 W. Chinden Blvd.)	CONCLUSIONS OF LAW;
Garden City, Ada County, Idaho)	AND DECISION
_____)	

THIS MATTER came before the Garden City Planning and Zoning Commission for consideration on January 19, 2022. The Planning and Zoning Commission reviewed the application and materials submitted. Based on the evidence presented, pursuant to Garden City Code Table 8-6A-1, the Planning and Zoning Commission makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT

1. The request is for the use of Vehicle Rental defined by Garden City Code 8-7A-1 as “The use of a site for car share or rental of motor vehicles for short periods of time, generally ranging from a few hours to a few weeks.”
2. The applicant is Will Longstroth of WD Enterprises.
3. The property owner of record is Lawrence Angus Ross.
4. The location of the project is:
 - a. 2943 W. Chinden Blvd.; Ada County Assessor parcel number #R2734530860; Described as PAR #0860 OF BLK R FAIRVIEW ACRES SUB NO 04 PARCEL A ROS 11719 #0850-S
 - b. 2909 W Chinden Blvd.; Ada County Assessor parcel #R2734530870; Described as PAR #0870 OF BLK R FAIRVIEW ACRES SUB NO 04 PARCEL B ROS 11719 #0850-S
5. The properties are of legal record.
6. The subject properties are:
 - a. 2943 – 0.51 acres
 - b. 2909 – 0.4 acre
7. The scope of the request applies to the entire property at each address.
8. The project is located in the C-1 zoning district.

9. The project is located in the Green Boulevard Corridor and Live-Work-Create designations of the Garden City Comprehensive Plan Land Use Designation.
10. The project is not located in the SFHA according to the 2003 FIRM.
11. The project is not located in the SFHA according to the Flood Insurance Model utilized for the 2020 FIRM.
12. The existing use on the site is Drive-Through Establishment.
13. The following standards apply to this proposal:
 - a. Garden City Code 8-1A-4 Applicability
 - b. Garden City Code 8-1B Existing Nonconforming Properties, Structures, and Uses
 - c. Garden City Code 8-2B Base Zoning District Regulations
 - d. Garden City Code 8-2C Land Use Provisions
 - e. Garden City Code 8-4A Design and Development Regulations- General Provisions
 - f. Garden City Code 8-4D Parking and Off-Street Loading Provisions
 - g. Garden City Code 8-4E Transportation and Connectivity Provisions
 - h. Garden City Code 8-4F Sign Provisions
 - i. Garden City Code 8-4I Landscaping and Tree Protection Provisions
 - j. Garden City Code 8-6A Administration
14. The following plans and policies apply to this proposal:
 - a. Garden City Comprehensive Plan
 - b. Garden City Sidewalk Policy
 - c. Garden City Street Light Policy
 - d. Chinden ITD Access Management
15. Required materials per Garden City Code Table 8-6A-2 Required Application Information was provided:

Conditional Use Permit			
Provided			
Yes	No	NA	
X			Compliance Statement
X			Neighborhood Map
	X		Will Serve – Requested

16. Additional application materials submitted include:
 - a. Site Plan;
 - b. Fire Flow;
 - c. Floor Plans;
 - d. Record of Survey;
 - e. Site Photos;

- f. 300' Neighborhood List;
- g. Affidavit of Legal Interest;
- h. Application.

17. Agency Comments were received from:
- a. Garden City Engineer; dated January 1, 2022
 - b. Fairview Acres; dated January 7, 2022
 - c. North Ada County Fire; dated January 5, 2022

18. No public comments were received.

19. The following noticing was completed in accordance with GCC 8-6A-7:

Noticing Requirement	Required Date	Completion Date
Receipt of application	12/14/2021	12/01/2021
Letter of Acceptance (30 days after receipt of application)	01/01/2022	12/12/2021
Radius Notice (15 days prior to hearing)	12/15/2021	12/30/2021
Interested Parties	None	None
Legal Notice (19 days)	01/01/2022	12/28/2021
Agency Notice (15 days)	01/04/2022	12/28/2021
Property Posting Sign (10 days)	01/09/2022	01/05/2022
Affidavit of Property Posting and Photos (7 days)	09/12/2022	01/06/2022

20. Additional Noticing:

- a. Notice regarding Planning and Zoning Hearing on January 19, 2022, time change from 6:30p.m. to 5:30p.m.

21. On January 19, 2022, a public hearing before the Planning and Zoning Commission was held:

- a. Will Longstroth and David Berry presented the application.
- b. Staff, Jenah Thornborrow, presented the staff report.
- c. There was no public testimony.
- d. Will Longstroth and David Berry provided rebuttal:
 - i. ITD is looking at both parcels as one because they are under the same ownership.
 - ii. ITD is permitting a right-in only curb-cut. No exit is permitted along W. Chinden.
 - iii. Primary exit for the business would be off 30th street.
- e. Public testimony was closed.
- f. Discussion included:

- i. As Garden City becomes more urban, pedestrian amenities will need to be provided and enhanced. Especially those along W. Chinden.
- ii. Curb-cuts on 30th Street are subject to ACHD's approval and inspection.
- iii. Condition items #5, 6, and 7 in the drafted decision document shall remain, with #5 being the most preferred option. Staff will need to coordinate with ITD.
- iv. Condition item #13 in the drafted decision document needs to only require approval from ITD to maintain the eastern most curb cut.
- v. The curb cut on 30th street may be modified provided approval of Ada County Highway District.
- g. Commissioner Brown moved to approve the application as drafted in the draft decision in the affirmative with the following conditions:
 - i. The curb cut on 30th street may be modified provided approval of Ada County Highway District.
- h. Chairman Wilde seconded the motion.
- i. The motion carried unanimously.

22. The record contains:

- a. Application Documents
- b. Noticing Documents
- c. Agency Comments
- d. Staff report
- e. January 19, 2022, Planning and Zoning Commission Hearing Minutes and Audio
- f. Planning and Zoning Commission Signed Findings of Fact, Conclusions of Law and Decision

23. In order to approve a conditional use permit application, the Planning and Zoning Commission shall make the following findings:

GCC 8-6B-2 CONDITIONAL USE: REQUIRED FINDINGS			
Conclusion			Standard
Compliant	Not Applicable to this Application	Not Compliant	
X			Finding 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;

			<p>Explanation:</p> <p>As conditioned, and due to the current adjacent land uses, the use of vehicle rental is appropriate to the location, lot, and the neighborhood and is compatible with uses within the C-1 General Zoning District.</p>
X			<p>Finding 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;</p> <p>Explanation:</p> <p>As conditioned, the application is compliant with this finding.</p>
X			<p>Finding 3. The use will not unreasonably diminish either the health, safety, or welfare of the community;</p> <p>Explanation:</p> <p>The application meets this finding. The proposal includes a pedestrian sidewalk along both W. Chinden and 30th Street that which will drastically improve the safety of the corridor for pedestrians and bicyclist. The proposed increase of landscaping helps to improve the community's health and wellbeing.</p>
X			<p>Finding 4. The use is not in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.</p> <p>Explanation:</p> <p>As conditioned, to install the sidewalk, remove the curb cuts, and install street trees and landscaping the application is cohesive with the Comprehensive Plan's Green Boulevard Corridor and Live-Work-Create land use designations and: Goal 2. Improve the City Image</p>

			<p>a.) 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting. Goal 4. Emphasize the "Garden" in Garden City</p> <p>b.) 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art. Goal 7. Connect the City</p> <p>c.) 7.4 Objective: Maintain and improve standards for sidewalks, curbs, and gutters. Goal 12. Evolve as a Destination</p> <p>d.) 12.1 Objective: Support a positive business environment</p> <p>e.) 12.2 Objective: Continue to support commercial and industrial land uses.</p> <p>f.) 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture, and commerce.</p> <p>Furthermore, the use has been found to be compliant or conditioned to be compliant with the sections of code applicable to the application.</p>
--	--	--	---

18. The record was reviewed by the Planning and Zoning Commission to render the decision.

CONCLUSIONS OF LAW

The Planning and Zoning Commission reviewed the application with regard to Garden City Code Title 8, and based on the conditions required herein, concludes the application **meets** the standards of approval under **GCC 8-6B-2 Conditional Use**.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Planning and Zoning Commission hereby **GRANTS** of the application subject to the following conditions:

CONDITIONS OF APPROVAL

Application Specific Requirements:

Scope of Permit:

1. The scope of this permit is to allow for the use of a Vehicle Rental establishment.

Prior to Occupancy:

1. A will serve letter shall be submitted prior to the issuance of a Certificate of Occupancy.
2. A corrected affidavit shall be signed by the property owner and submitted to the city for verification.
3. Adequate documentation shall be provided to identify and verify that the customer parking is provided at 1 space for every 10 cars available for rent and 1 space for every 3 pick-ups, cargo vans, or trucks available for rent.
4. Parking shall be restriped in compliance with the parking plan submitted for review; or a site plan including an amended parking plan shall be submitted to the Design Review Committee for review and approval with code standards including but not limited to 8-4D and 8-4I-6.
5. A 12-foot-wide concrete sidewalk with 5-foot x 8-foot tree wells for Class II or III street trees shall be installed adjacent to W. Chinden Boulevard upon approval of ITD.
6. If ITD cannot approve of the streetscape in condition #5, then a 10-foot-wide detached pedestrian asphalt pathway shall be installed along the entire frontage of W. Chinden Blvd. property line. The pathway shall smoothly transition into the existing red paver pathway on the eastern property line.
 - a. A 6ft wide landscape buffer shall be provided between W. Chinden and the pathway for the required street trees.
7. If ITD cannot approve of the streetscapes in condition number #5 or #6, then the applicant shall work with staff and ITD to develop a suitable bicycle and pedestrian oriented streetscape in conformance with Garden City Code, Garden City Sidewalk Policy, Idaho Transportation Department, and ADA standards.
8. Trees shall be planted adjacent to 30th Street within the landscape buffer to meet street tree requirements of Garden City Code 8-4I.
9. A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.

10. 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.
 - a. 30th Street shall have at least one Class II or III tree and at least three Class I trees installed along its frontage.
 - b. W. Chinden Blvd. shall have at least 1 Class II or III tree and 6 Class I trees installed along its frontage.
11. Occupancy of the site shall not commence until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.
12. A building permit including fire and environmental review shall be applied for and approved by Garden City Development Services Department.
13. The two existing ingress/egress curb cuts along W. Chinden Boulevard shall be permanently closed in accordance with the Idaho Transportation Department Chinden Access Management Plan unless otherwise recommended by ITD or precluded by Ada County Highway District.
 - a. To close each existing ingress/egress curb cut:
 - i. Curb, gutter, and sidewalk improvements shall be installed in the area that is currently designed as an access apron.
 - b. To close both existing ingress/egress curb cuts on Chinden (rendering no access onto Chinden):
 - i. A cross access agreement shall be established with 109 W. 30th Street and 2909 and 2943 W. Chinden for the existing curb cut onto 30th Street; or
 - ii. Modification to the existing curb cut onto 30th Street may occur provided Ada County Highway District approval; and
 - iii. A cross access agreement shall be established with 109 W. 30th Street and 2909 and 2943 W. Chinden; or
 - c. To maintain a curb cut onto Chinden the following shall be provided:
 - i. Documentation from Idaho Transportation Department recommending that ingress/egress onto Chinden Boulevard remain.
14. Prior to occupancy, a public works and utility permit shall be submitted for review and approval of the site work that will be required to bring the site into compliance with:
 - a. A detached sidewalk shall be installed in accordance with Garden City Code 8-4E-6 and the Garden City Sidewalk Policy.
 - a. Adjacent to W. Chinden
 - i. The sidewalk shall be installed to the edge of property.
 - ii. The sidewalk shall be a minimum of 6' in width.
 - iii. The sidewalk shall be installed at a consistent elevation above any curb cut so as to not incline at the curb cut.

- iv. The sidewalk shall be detached by a minimum 6' back of curb landscaped or concrete "furniture" zone.
 - 1. If detached by a concrete "furniture" zone required street trees shall be in tree grates.
 - a. Tree grates must be maintained flush with the sidewalk and align with sidewalk score lines so as to not create a trip hazard.
 - b. Tree grates must be adjusted to expand as the tree trunk expands to alleviate damage to the tree.
 - 2. If detached by a landscape strip, a 6' concrete transition will be provided to adjacent properties that have an attached sidewalk.
 - v. Existing light poles may intrude into the sidewalk provided that there is 5' clear for passage
 - vi. Improvements may be made within the right-of-way provided approval of Idaho Transportation Department.
 - 1. A maintenance agreement with Garden City may be required.
- b. Adjacent to W. 30th Street:
- i. The sidewalk shall be installed to the edge of property.
 - ii. The sidewalk shall be installed at a consistent elevation above any curb cut so as to not incline at the curb cut.
 - iii. The sidewalk shall be a minimum of 5' in width
 - iv. The sidewalk shall be detached by a minimum 6' landscape or furniture zone.
 - v. Improvements may be made within the right-of-way provided a landscape license agreement or other approval from Ada County Highway District.
 - vi. The curb cut on 30th street may be modified provided approval of Ada County Highway District.
15. Landscaping and street trees shall be installed and inspected for compliance with Garden City Code 8-41.
- a. Seven Class II or Class III trees shall be installed adjacent to Chinden Boulevard at an average of 50 lineal feet.
 - i. Linear root barriers are to be installed when planting a street tree 8' or less from hardscape. The root barrier will be designed such that the major root structure will be restrained from extending into utility corridors, but still allow for the normal growth of the tree.
 - b. Four Class II or Class III trees shall be installed adjacent to W. 30th Street at an average of 50 lineal feet.
16. The site must meet perimeter landscaping provisions as set forth in 8-41-5. A site plan must be submitted to Garden City for review, and an inspection must be conducted.

17. All on site service areas for waste, recycling, or trash; and equipment areas for transformer and utility vaults shall be located in an area not visible from a public street or adjoining property or shall be screened from view from a public street and adjoining property with a privacy fence.
18. HVAC equipment, trash dumpsters, recycling, trash compaction, and other service functions shall be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.

Site Specific Requirements for the Duration of the Use:

1. Vegetation adjacent to the ingress/ egresses to the site shall be pruned in such a way to ensure clear vision for the safe ingress and egress to the site.
2. Location Standards: Vehicle rental may be appropriate on Chinden, Glenwood or State Street, which are arterial roadways; however, the use is generally not appropriate on local or collector streets unless on property designated as light industrial (LI) zoning.
3. Building and Site Design:
 - a. The site shall be designed in accord with chapter 4, article D of this title, Parking and Off-Street Loading Provisions, chapter 4, article E of this title, Transportation and Connectivity Provisions, chapter 4, sections 8-41-4, Landscaping Provisions For Specific Uses, 8-41-5, Perimeter Landscaping Provisions, and 8-41-6, Parking Lot Landscaping Provisions.
 - b. There shall be no barbed wire visible from the right-of-way or adjacent properties.
 - c. Chained-link fencing is not permitted adjacent to rights-of-way.
 - d. Safe pedestrian and vehicle access and circulation on the site and between adjacent properties shall be demonstrated as follows:
 - i. Vehicular lanes shall be sited to minimize additional vehicular traffic on site, within the surrounding uses, and on adjacent rights-of-way.
 - ii. A bike rack shall be provided.
 - iii. Direct, comfortable, and safe pedestrian connection from the public sidewalk system and the parking area to the structure shall be provided through sidewalks or pathways that are:
 1. A minimum of five feet (5') in width; and
 2. Americans with Disabilities Act compliant; and
 3. Uninterrupted by motorized vehicles. If there is no other feasible alternative, the vehicular crossing of the path or sidewalk shall be designed in a way to visibly demonstrate that it is secondary to the pedestrian. This may be achieved by changes in materials or colors, landscaping, or other such treatments.
 - iv. All site and vehicular lighting shall be downshielded, screened or oriented not to encroach on any adjacent property.

- v. The design and construction of the site shall minimize the number of driveway cuts.
 - vi. New construction or substantial alteration shall require:
 - 1. All parking oriented toward the side or rear yards and not placed between the street right-of-way and the primary customer entrance.
 - 2. Public access facing the public right-of-way.
4. Parking:
- a. Customer parking shall be provided at:
 - i. One (1) space for every ten (10) cars available for rent; and
 - ii. One (1) space for every three (3) pick-ups, cargo vans, or trucks available for rent.
 - b. No on-street parking associated with the use is permitted.
5. Limitations:
- a. This use is not the same as storage facility or yard, storage facility, self-serve, vehicle sales, vehicle service, vehicle washing facility, or vehicle wrecking yard. Activities on site that are a part of these uses shall require separate approvals.
 - b. All vehicles on site shall be operable, licensed, and shall not be dismantled or partially dismantled.
 - c. All vehicles and trailers to be rented shall be indoors or in a screened parking lot and shall not to be on display to the right-of-way.
6. If the parking area is intended to be used after daylight hours, the parking area shall be properly illuminated. Any lights used to illuminate parking lots shall be so arranged as to reflect the light away from the adjoining property and be on a motion detector or timer.

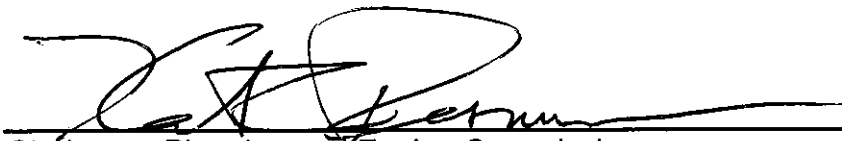
General Requirements

- 1. Any changes in the design, construction, operation, or use shall be brought to the immediate attention of the Planning Official for determination if the changes are in substantial conformance with the City's action. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change.
- 2. This Conditional Use Permit shall not be transferable from one parcel of land to another. Unless otherwise stated in the conditions attached to a permit, the permit shall be granted to the applicant and successors in interest to the premises for which it was approved.
- 3. This approval is only approval of the conditional use permit. All other applicable permits must be obtained and completed prior to a certificate of compliance or occupancy.
- 4. The approval is specific to the application provided and reviewed. Final approval is based on substantial conformance. Any changes to the plans and specifications upon which this approval is based, other than those required by the above

- conditions, will require submittal of an application for modification and approval of that application prior to commencing any change.
5. Final approval is subject to the approval of other reviewing agencies and City Departments. Any more restrictive standards adopted and made applicable by any Transportation Authority, Fire Authority or other Federal, State or Local regulatory agencies shall prevail.
 6. All improvements and operations shall comply with applicable local, state, and federal requirements and procedures whether specifically addressed in the analysis of this application or not. This shall include but not be limited to 8-4A General Provisions of Design and Development Regulations.
 7. The property owner is responsible to maintain the site to edge of roadway asphalt.
 8. If there are any tree grates, they shall be widened to accommodate the growing tree trunk and prevent girdling of any trees planted in tree wells within sidewalks or other public right of way.
 9. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead and diseased plant materials shall be replaced.
 10. Where landscaping might impact motorist or pedestrian sight distance, shrubs shall be maintained below three feet (3') in height and trees shall be pruned so that the lowest branches will be at least seven feet (7') above the ground level.
 11. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
 12. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan as required by or exempted from Garden City Code 8-4I and as shown in the approved landscape plans.
 13. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
 14. All planting areas that border driveways, parking lots, and other vehicle use areas shall be protected by curbing, wheel stops, or other approved protective devices.
 15. Trees shall be planted at least three feet (3') from curbs, sidewalks, driveways, and other hard surfaces to buffer from stress caused by vehicle overhang and compacted soils or planted with sufficient space to provide for the full maturity of the particular tree species. All other plant material, except sod or ground cover, shall be set back a minimum of one foot (1') from any curb edge to protect from vehicle overhang and mechanical damage.
 16. The landscape installation shall stabilize all soil and slopes.
 17. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
 18. Demonstrate compliance with or an exemption from Garden City Code 8-4G prior to certificate of occupancies.
 19. This approval is for this application only. Additional permits, licenses and approvals may be necessary.
 20. Property maintenance standards shall be maintained as required by Garden City Code.

21. The property owner is responsible for the maintenance of all landscaping and screening devices required.
22. All outdoor living spaces must comply with Garden City Cod 8-3C General Provisions- Living Space Requirements.
23. All outdoor service and equipment areas shall comply with Garden City Cod 8-4A-5 Outdoor Service and Equipment Areas.
24. All stormwater systems must comply with Garden City Code 8-4A-7.
25. All utilizes must comply with Garden City Code 8-4A-8.
26. Cross-Connections: All cross-connections between the domestic water lines and the irrigation water lines shall be in accord with the City's adopted standards, specifications, and ordinances.
27. Materials submitted after the decision shall not be considered part of the record for this decision. If additional materials or information is submitted after the decision the application may be remanded to the decision-making body during which time the decision shall be stayed provided that there is no immediate threat to life or safety.
28. No change in terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his or her authorized representative and an authorized representative of the reviewing agency. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Garden City.
29. The Commission may revoke a conditional use permit for any of the following: A) Violation of Garden City Code or State or Federal Laws; B) Failure to abide by any conditions of this permit; C) Causing or allowing a nuisance as determined by Garden City Code, in connection with the use for which the permit is granted.
30. Any violation of the conditions of this application is a criminal offence.
31. A certificate of occupancy or an application for a building permit shall be considered commencement of the use.
32. All previous uses are null and void unless otherwise conditioned.
33. Should there be a change in use, there is a clear intent to cease the use, or the use is discontinued for more than one year without written documentation submitted to the City, legal noticing, and property posting indicating intent to continue the use, this approval shall become void.
34. There is a 15 day right to appeal to City Council. An appeal shall be made on the form provided by the City and filed with the City Clerk within 15 days after the action of the decision.
35. This approval shall expire 365 days from its approval, unless otherwise extended as allowed by Garden City Code.
36. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
37. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the final decision and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought.
38. A takings analysis pursuant to Idaho Code may be requested on final decisions.
39. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected

thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.



Chairman, Planning and Zoning Commission

1-21-22

Date