



CITY OF GARDEN CITY

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

File Number: CUPFY2022 - 0008
Use as Defined by GCC Title 8: Industry, Flex
Location: 107 E 46th St, Suites 112 & 113
Applicant: Roy Chester of Outer Impact
Planning and Zoning Commission Hearing Date: January 19, 2022



STAFF REPORT
Prepared by Hanna Veal

Table of Contents

Project Information	4
Discussion	5
Decision Process	6
Agency Comment	7
Public Comment	7
Code/Policy Analysis	7

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: Roy Chester of Outer Impact
- 2) Owner: J J & B Realty LP
- 3) Title 8 Use: It has been determined that the Garden City defined use that best describes the use is: Industry, Flex
- 4) Definition of Use: Garden City Code 8-7A-1 defines this use as: The use of a multi-tenant structure for the uses of: equipment rental and sales; light industry; motorcycle sale, service, storage rental; service provider; storage yard; vehicle service or other permitted uses within the zoning district which it is in.
- 5) The applicant has not proposed exterior work
- 6) There is an existing attached sidewalk

Site Conditions:

- 1) Existing Use: Suite 112 has a certificate of compliance for Retail Production dated 4/9/2013.
- 2) Street Address: 107 E 46th St., Suites 112 & 113
- 3) Parcel Number(s): R2734500305
- 4) Property Description: PAR#0305 POR OF LOTS 30&31 BLK 01 FAIRVIEW ACRES SUB NO 1 PARCEL A R/S 7941 #0293-S #0303-B
- 5) Legal Lot of Record: Unknown
- 6) Property Size: 1.110 acres
- 7) Zoning District: C-2
- 8) Zoning Overlay(s): None
- 9) Comprehensive Plan Land Use Map Designation:
 - a) Mixed Use Commercial
 - b) 2003 FIRM: outside of the Special Flood Hazard Area
 - c) 2017 Draft FIRM: In the FIS
- 10) Surrounding Uses:
 - a) Suite 108: Personal and Professional Services
 - b) Suite 105: Vehicle Body Shop and Vehicle Services
- 11) Adjacent Zoning: C-2
- 12) Adjacent Comprehensive Plan Designations:
 - a) Mixed Use Commercial
 - b) Light Industrial Bradley Technology District
- 13) Easements on site: 200600045 25' Thurman Canal, 10' Utility, 10' Telephone easements
- 14) Site Access:
 - a) Front: 46th Street

b) Side: N/A

c) Rear: N/A

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

16) Wetlands on site: none identified

C. Discussion

This is a conditional use permit application for an industry flex use at 107 E. 46th Street. The property is zoned C-2, which permits service providers through the conditional use process. The property is located within the Mixed-Use Commercial future land use designation. However, it is directly adjacent to the Light Industrial Bradley Technology District.

Definitions of these Future Land Use Designations are as followed:

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.

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 neighborhood is currently experiencing a transition. East 46th Street consists of other service providers, vehicle services, storage facilities and manufacture/mobile home parks. However, recently approved Garden City entitlements adjacent to E. 46th Street consist of uses that are more residential in nature. These developments tend to follow what the Comprehensive plan has envisioned for the Mixed-Use Commercial corridor, with higher densities in mind. They consist primarily of townhome residential projects. Below is a list of a few entitlements that are within the surrounding area of 107 E. 46th Street.

1. [SUBFY2021-0008 Residential Subdivision – Entitlement Phase – City Council decision on Monday, January 10, 2022.](#)
2. [SUBFY2021-0002 Residential Subdivision – Approved \(45th Place Subdivision\)](#)
3. [DSRFY2020-14 Multi-Family – Approved \(Lot 50\)](#)

While the proposal may not be in ideal alignment with the Comprehensive Plan or the direction of the neighborhood, it should be noted that the application does not intend on making significant changes to the site or the structure. Additionally, it is directly adjacent to the Light Industrial Bradley Technology District where the use would be most appropriate.

As a note, the site appears code compliant in all sections of the analysis. Where there was not enough information to provide a complete review, staff has adequate conditioned compliance.

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.

If there is a denial, state code requires that the decision maker identify what could be done to obtain approval.

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
Garden City Engineer Link to Full Comment	01/01/2022	<ul style="list-style-type: none"> We note the property was surveyed in 2007, and it appears to be a density reduction survey (ROS #7941 - originally 3.5 lots of record to 2 parcels); however, we do not have any record of our office reviewing this density reduction survey. Is the parcel covered by the application an original parcel of ground? We did not receive an affidavit for the application. We note the owner is JJ&B Realty LP. The affidavit must be signed by the landowner. Additional standard comments regarding drainage, sewer, water, etc.
Fairview Acres Link to Full Comment	01/07/2022	<ul style="list-style-type: none"> No Comment – should have no impact on irrigation facilities
North Ada County Fire & Rescue Link to Full Comment	01/05/2022	<ul style="list-style-type: none"> Specific building construction requirements of the International Building Code, International Fire Code and NACFR Rules will apply. However, these provisions are best addressed by a licensed Architect at time of building permit application.

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.

<u>Garden City Title 8 Code Sections</u>			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
Title 7 Building Regulations			

7-2-1 Building Code	N/A	No compliance issues as conditioned.	A building permit will be required to be completed prior to occupancy of the structure.
Title 8, Chapter 1: General Regulations			
8-1A-4 Applicability			The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
8-1B-1 Nonconforming Properties		May not be complaint – compliant as conditioned	Proof of legal lot is required prior to a building permit being issued.
8-1B-2 Nonconforming Structures		No compliance issues noted	
8-1B-3 Nonconforming Uses		Complaint upon approval of the CUP	Contains Conditional Use Permit
8-1C-3 Property Maintenance Standards		No compliance issues noted	
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. Activities which are more compatible with mixed use or residential uses and minimally disruptive to the neighborhood are to be located in the general commercial (C-2) district.
8-2B-2 Allowed Uses	PZ		Garden City Code Table 8-2B-1 requires a conditional use permit in this zone for the proposed use.
8-2B-3 Form Standards	PZ	No compliance issues noted	The applicant is not proposing any exterior changes to the building. The structures and site appear to be complaint with form standards.
8-2C			A. 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.

			<p>B. Limitations: The following adverse effects shall be mitigated 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>C. 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 4: Design and Development Regulations

8-4A-3 Fences and Walls	PZ	No compliance issues noted	
8-4A-4 Outdoor Lighting	PZ	No compliance issues noted	Any future outdoor lighting will be required to conform to the 8-4A-4 standards.
8-4A-5 Outdoor Service and Equipment Areas	PZ	No compliance issues noted	Existing trash enclosures appear to be compliant.
8-4A-7 Stormwater Systems	PZ	Compliant as conditioned	
8-4A-8 Utilities	PZ	Compliant as conditioned	

8-4D Parking and Off Street Loading Provisions

8-4D-3 Parking Design and Improvement Standards	PZ	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	PZ	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	PZ	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>The exact number of vehicle parking spots is not disclosed on the site plan. However, it appears that the parking lot area provides adequate parking.</p> <p>It has been conditioned that based of the available data, the site is adequately parked.</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 more intense use of property.
8-4E-3 Public Street Connections	PZ	No compliance issues noted	Maintenance of the clear vision triangle is drafted as a condition.
8-4E-4 Internal Circulation Standards	PZ	No compliance issues noted	Comments have not been received by Republic Services. However, this is an existing structure with existing code compliant trash enclosures.
8-4E-6 Sidewalk Standards	PZ	No compliance issues noted	There is an existing attached 5' sidewalk on the subject property and on both adjacent properties.
8-4E-7 Pedestrian and Bicycle Accessibility Standards	PZ	Compliant as conditioned	<p>The Planning and Zoning Commission may authorize a 4' wide painted pathway for pedestrians to safely transverse the property from the sidewalk to the primary entrance of the suite.</p> <p>There have been conditions drafted to require a 4' wide painted pathway from the attached sidewalk to the primary entrance of the business.</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	PZ	No compliance issues noted	Landscape plans appear compliant.
8-4I-4 Landscaping Provisions for Specific Uses	PZ	No compliance issues noted	Landscape plans appear compliant.
8-4I-5 Perimeter	DC	No compliance issues noted	Landscape plan appears compliant. Site plan submitted shows at least 5ft of perimeter landscaping. Required when:

Landscaping Provisions			<ol style="list-style-type: none"> 1. Along the common property line between an adjacent nonresidential use and a residential use or vacant residentially zoned property; 2. Between other paved vehicular use areas, including driveways, and vehicle storage areas and all property lines.
8-4I-6 Parking Lot Landscaping Provisions	PZ	Compliant as conditioned	Should the parking lot be substantially altered, parking landscape provisions shall be required to be adhered to. A draft condition of approval has been recommended that should the current parking be amended that Design Review Committee approval be required to ensure compliance with 8-4I-6.
8-4I-7 Tree Preservation Provisions	PZ	No compliance issues noted	Application does not include the removal of any existing trees.
Title 8, Chapter 6, Article A: Administration			
8-6A-3 General Application Process		No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
8-6A-4 Required Application Information			Application waivers requested pursuant to 8-6A-4A: <ol style="list-style-type: none"> 1. Irrigation Company Letter
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: <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;

	<p>(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 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>
<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) Mixed Use Commercial <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 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.) 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters. <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 7. Connect the City</p> <ul style="list-style-type: none"> a.) 7.1.5 Re-develop Osage and Stockton streets as shared mobility corridors that are attractive for pedestrians and bicyclists while maintaining access to local businesses. Consider the opportunities for an art pathway and one-way direction for each street. (See also Action Steps 2.4.1 and 2.4.2
<p>Garden City Sidewalk Policy</p>	<p>Existing attached sidewalk. No waiver required.</p>
<p>Garden City Street Light Policy</p>	<p>A streetlight is installed along E. 46th Street and Osage in accordance with the policy.</p>