



## CITY OF GARDEN CITY

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**File Number: CUPFY2022 - 0009**  
**Use as Defined by GCC Title 8: Vehicle Sales**  
**Location: 112 W. 42<sup>nd</sup> Street, 4209 & 4195 W. Chinden Blvd.**  
**Applicant: Asmir Alic; Ozzy's Car Company**  
**Planning and Zoning Commission Hearing Date: March 16, 2022, 6:30 p.m.**



### STAFF REPORT

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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: Asmir Alic
- 2) Owner: Alic Properties LLC and SLAB Properties LLC
- 3) Title 8 Use: It has been determined that the Garden City defined use that best describes the use is: Vehicle Sales
- 4) Definition of Use: Garden City Code 8-7A-1 defines this use as: The use of a site for the sale or long-term lease (terms of lease for more than a month) of new and used motor vehicles, including consignment sales and lease, and incidental repairs in preparation for on-premises display and sale.
- 5) The applicant has not proposed exterior work
- 6) A sidewalk waiver is requested.

### Site Conditions:

- 1) Existing Use:
  - a) 112 W. 42<sup>nd</sup> Street: Vacant
  - b) 4209 W. Chinden: Lending Institution with existing vehicle sales use to remain on-site per CUPFY2017-05.
  - c) 4195 W. Chinden: Wireless Communication Facility and Vehicle Sales
- 2) Parcel Number(s): R2734510330, R2734510291, R2734510664
- 3) Property Description:
  - a) 112 W. 42<sup>nd</sup> Street: LOT 4 BLK D FAIRVIEW ACRES SUB NO 2
  - b) 4209 W. Chinden: PAR #0291 LOTS 1 & 2 AND SELY 25' LOT 3 BLK D FAIRVIEW ACRES NO 2 #0292-B #99065274 #98046173
  - c) 4195 W. Chinden: PAR #0663 OF LOT 32-34 BLK E FAIRVIEW ACRES SUB 02 #0663-B
- 4) Property Size: 0.689, 0.774, and 0.750 acres
- 5) Zoning District: C-1 & C-2
- 6) Zoning Overlay(s): None
- 7) Comprehensive Plan Land Use Map Designation:
  - a) Activity Node: Transit Oriented Development
  - b) Green Boulevard Corridor
  - c) Mixed Use Commercial
- 8) Floodplain Designation:
  - a) 2003 FIRM: outside of the Special Flood Hazard Area
  - b) 2017 Draft FIRM: 100 Year
- 9) Surrounding Uses:

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- a) Lending Institution
  - b) Wireless Communications Facility
  - c) Vacant Lot
  - d) Drinking Establishment, Limited Services – Sturman’s Winery
  - e) Mobile Home Park
  - f) Chevron
- 10) Adjacent Zoning: C-1 & C-2**
- 11) Adjacent Comprehensive Plan Designations:**
- a) Activity Node: Transit Oriented Development
  - b) Green Boulevard Corridor
  - c) Mixed Use Commercial
- 12) Easements on site :** There are no records on file with Garden City of existing easements
- 13) Site Access:**
- a) Front: Chinden and 42nd
  - b) Side: 42nd
  - c) Rear: n/a
- 14) Sidewalks:** Sidewalks are installed and are in good repair along W. Chinden. / There is no sidewalk along W. 42<sup>nd</sup> Street.
- 15) Wetlands on site:** None identified

## C. Discussion

### Reason for the Conditional Use Permit

Ozzy's Car Company is proposing the expansion of their existing Vehicle Sales conditional use permit (CUPFY2017-4) located at 4209 W. Chinden to include the properties of 4195 W. Chinden and 212 W. 42<sup>nd</sup> Street.

The applicant has mentioned in discussion with staff that the purpose of the proposed shed at 112 W. 42<sup>nd</sup> Street will be to store vehicles that are not to be displayed on the car lot. With this purpose, the lot's primary function, and use, would become that of a storage facility defined by Garden City Code as:

***Storage Facility or Yard:*** *The use of more than twenty percent (20%) of a site where equipment, inventory, supplies, vehicles or other similar items of a nonresidential nature are stored inside or outside.*

Storage facilities or yards are not a permitted use within the C-2 zoning district, therefore it would not be permitted at 112 W. 42<sup>nd</sup> Street. Therefore, the only solution would be to expand the existing CUPFY2017-4 from 4209 W. Chinden to 112 W. 42<sup>nd</sup>, so that the storage shed may act as an accessory use to the existing Vehicle Services use.

### Garden City Sidewalk Policy on 42<sup>nd</sup> Street

The policy notes that sidewalk or pathway shall be detached as required by Garden City Code 8-4E-6 and provide for a 6' with root barrier/ 8' without root barrier landscape buffer prescribed by ACHD's policy for Class II or III trees.

The documents submitted with this conditional use permit do not show the proposal of a 5ft wide detached sidewalk along the frontages of 42<sup>nd</sup> Street. However, the lack of sidewalks appears to be a violation of the conditions set forth in CUPFY2017-4.

The documents submitted in conjunction with CUPFY2017-04, a conditional use permit for a Wireless Communication Facility located at 4195 W. Chinden, required that a 5' detached sidewalk be installed along the western frontage of 42<sup>nd</sup> Street. It does not appear that the sidewalk has ever been installed.

As required by code, the eastern frontage of 4209, the eastern frontage of 112 W. 42<sup>nd</sup> Street, and the western frontage of 2196 W. Chinden are required to have a 5ft wide detached sidewalk with a 6ft with root barrier or 8ft without rot barrier landscape buffer.

It has also been conditioned to require that the sidewalks be installed within a two-year time frame; with the condition going into more detail of the prescribed timeline and possibility of a surety. Staff has drafted this condition in an effort to allow for the business to maintain operations while demonstrating good faith in completing their conditions. (The development at 112 W. 42<sup>nd</sup> Street is not permitted to operate prior to obtaining its certificate of occupancy.)

To stay consistent with development standards of W. Chinden Blvd. a few conditions have been drafted regarding the streetscape along W. Chinden Blvd. The first being a condition requiring an 12ft concrete pathway with 5'x8' tree wells for Class II or III trees. Coordination with ITD will be required for this approval.

If this is not a viable condition, there are two more conditions drafted to replace the original condition. The second requiring that a 10ft 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 sidewalks existing on either side of the properties. The third condition just requires that the applicant work with Garden City Staff and ITD to find a code compliant bicycle and pedestrian pathway that is in conformance with Garden City Code, Garden City Sidewalk Policy, Idaho Transportation Department, and ADA standards.

Sidewalk along Stockton is not required.

### **Sidewalk Waiver Submitted**

The applicant has requested to waive all sidewalk standards applicable to the three sites fronting 42<sup>nd</sup> Street based on the following reasons:

1. Customers will not be accessing the building at 112 W. 42nd St. They will drop off and pick up vehicles at the main business address of 4195 W. Chinden Blvd, and therefore no additional pedestrian foot traffic will be taking place.
2. Currently, 112 W. 42nd St. has a vacant lot across from it and a bull pin for vehicle inventory that is not ready to be put on the car lot for sale behind it (along Stockton Road). Neither of these properties have sidewalks currently, and the lot behind 112 W. 42nd St. that runs along Stockton St. (which is an alleyway) will not be needing/adding/or requiring the installation of sidewalks in the foreseeable future.
3. Lastly, the remaining properties along 42nd St are a mix of residential areas (primarily trailer parks), vacant lots, and commercial buildings, none of which have sidewalks.

It is Garden City's preference that curb, gutter, and concrete sidewalk are installed in most instances. However, the applicant may request a waiver of curb, gutter, and concrete sidewalk concurrent with the submittal of their application. The deciding body may require installation of sidewalk improvements for the entire site, a portion of the site, or no sidewalk based on an analysis of the proposal and site-specific considerations. If the installation of curb, gutter, and concrete sidewalk, is found to create undue hardship, the deciding body may also authorize a pathway as an alternate method for pedestrians to safely transverse the property. Approval of a waiver or alternative to curb, gutter, and concrete sidewalk shall not be considered a binding precedent to grant relief to other properties.

The decision making body may consider the following in making their determination:

- Facts, including costs, demonstrating that construction of a pathway or alternative pedestrian facility is more appropriate.
- The curb, gutter, and concrete sidewalk improvements are already designed and scheduled by the transportation authority, City of Garden City, or Garden City Urban Renewal Agency to be constructed within the next five years.
- The transportation authority is not requiring any improvements.
- The transportation authority has requested that improvements not be constructed.
- The only plausible location for the construction of a sidewalk would create an unsafe situation for the pedestrian or motorist due to the specific physical characteristics of the property.

- The existing adjacent street is of such poor quality that the installation of a sidewalk is infeasible.
- The burden of installation would be disproportionate (see Determination of Proportionality below).
- The improvements would include extraordinary costs above and beyond the installation of the same improvements elsewhere in the city for the following reasons:
  - There is an existing structure that will not be removed that impedes the installation; or
  - Drainage would need to be redesigned and reconstructed (substantially more so than in the typical installation of greenfield or infill sidewalk); or
  - There is a public or irrigation structure that impedes the installation.

The decision-making body will not consider the following in making their determination of and undue hardship:

- Lack of sidewalk on adjacent properties
- Loss of parking
- Ownership of property
- The installation of sidewalk constitutes an unexpected expense to applicant
- Cost of improvement vs. anticipated revenue of project
- The desire of the applicant or property owner to not have a sidewalk

### **Landscaping and Tree Protection Provisions**

The documents submitted with this conditional use permit do not show the proposal Code compliant landscaping. However, the lack of landscaping appears to be a violation of the conditions set forth in CUPFY2017-4 and DSRFY2017-8.

CUPFY2017-4 has an associated Design Review application, DSRFY2017-9, which has a condition stating that “Fencing is to be CMU wall with two feet of landscaping in the front with 50% coverage by landscaping of which 50% is to be six feet tall at maturity.” (Site Specific Condition #2). The building permit was issued based on site designs showing the required vegetation, and it was conditioned in the building permit to require that all conditions in both CUPFY2017-4 and DSRFY2017-8 shall be met. Based off inspection photos, the landscaping was installed, however, it appears that the landscaping has not been maintained and does not currently meet condition standards.

The current application, CUPFY2022-0009, has not submitted landscape plans, however, it has been conditioned to require that all three lots become compliant with Garden City Code 8-4I standards.

When analyzing the application, staff found there to be a large amount of trees that would be required based off the frontage requirements. Please see the staff analysis portion of this report that goes into more detail regarding the requirements. It has been conditioned in the decision document to require code compliance with Garden City Code 8-4I, and all applicable subsections of 8-4I.

### **Ongoing Compliance Issues**

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The drafted decision document consists of many generalized conditions, for example, “The site shall be found in conformance with Garden City Code 8-4I Landscaping and Tree Protection Provisions.” When staff makes such generalized conditions, it makes the ongoing approval processes difficult to reach complete compliance even when efforts are made to require them prior to particular items, such as building permits and certificates of occupancy, being issued.

**Grandfather Rights of 4209 W. Chinden**

The existing property consists of an approximate 0.775 acre lot with an existing vehicle sales use on the east side of the property and an existing Lending Institution business/building with parking on the west side of the lot. The vehicle sales use will be expanding and is a portion of this CUPFY2022-0009 application, while the existing lending institution will remain on-site. The vehicle sales business is an approved, legal vehicle sales use (Garden City file BUSFY2016-13). The approval of the this application does not negate the existing lending institution use on the lot.



## **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 :

4. Granted,
5. Granted with conditions, or
6. 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 <a href="#">Link to Full Comment</a>	01/22/2022	<ul style="list-style-type: none"> <li>• According to current Ada County records, the landowner is ALIC Properties LLC. The affidavit provided has been personally signed by Asmir Alic, not for the LLC. A new affidavit must be provided from the entity that is the landowner.</li> <li>• A “will serve” letter was provided for this site on 8 January 2022. Water flows for this area are limited and reported to be 1,000 gpm. The applicant is responsible to verify that adequate water system supply is available to provide fire suppression water needs.</li> <li>• The applicant is responsible to verify that adequate sewer capacity and depth is available to provide any new sewer connections.</li> <li>• As the project develops at least 2,880 square feet of the existing site, a site grading and drainage plan will be required to be reviewed and approved by the city.</li> </ul>
Irrigation: Fairview Acres <a href="#">Link to Full Comment</a>	01/31/2022	<ul style="list-style-type: none"> <li>• The site is within the FALWUA service area.</li> </ul>
North Ada County Fire and Rescue <a href="#">Link to Full Comment</a>	01/29/2022	<ul style="list-style-type: none"> <li>• Fire hydrants, capable of producing the required fire flow, shall be located so that no part of the structure is more than 400-feet from the hydrant. A fire flow report was not located.</li> <li>• Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility.</li> </ul>
Republic Services <a href="#">Link to Full Comment</a>	01/25/2022	<ul style="list-style-type: none"> <li>• No trash plan was submitted. Nothing to review.</li> </ul>

**F. Public Comment**

There were no public comments 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.

<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-1 Nonconforming Properties</a>		May not be complaint	112 W. 42 <sup>nd</sup> Street: Legal parcel of record as described.  4209 W. Chinden: Described as "PAR #0291 LOTS 1 & 2 AND SELY 25' LOT 3 BLK D FAIRVIEW ACRES NO 2 #0292-B #99065274 #98046173". It is unclear if the parcel is of legal record.  4195 W. Chinden is described as "PAR #0663 OF LOT 32-34 BLK E FAIRVIEW ACRES SUB 02 #0663-B". It is unclear if the parcel is of legal record.  Property deeds and descriptions showing that each parcel is of legal record will be required prior to issuance of certificate of occupancy.
<a href="#">8-1B-2 Nonconforming Structures</a>		No compliance issues noted	It is unknown if there are any nonconforming structures on site, as a site plan has not been submitted to identify issues. However, the application does not propose to change the existing structures on site, and the proposed building located on 112 w. 42 <sup>nd</sup> will be required to be compliant with Garden City Code standards through the building permit phase. The CUP application does not propose to intensify any non-conformity.
<a href="#">8-1B-3 Nonconforming Uses</a>		No compliance issues noted	Contains Conditional Use Permits. CUPFY2017-4 for a wireless communication facility located at 4195 W. Chinden Blvd.  4209 W. Chinden has a conditional use permit CUPFY2017-0005 for a lending institution and vehicle sales grandfather right.
<b>Title 8, Chapter 2: Base Zoning District Regulations</b>			
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. More intense commercial activities are intended to be located along arterial streets in the highway commercial (C-1) district. 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 existing structures and site do not appear to be complaint with form standards. The existing structure at 112 W. 42<sup>nd</sup> Street appears to be on the property boundary line. This building is considered an existing non-conforming structure and the application is not proposing to increase the non-conformity.</p> <p>The proposed building will be required to me all Garden City form standards.</p> <table border="1" data-bbox="695 600 1474 911"> <thead> <tr> <th rowspan="2">District</th> <th rowspan="2">Maximum Height*</th> <th colspan="4">Setbacks</th> </tr> <tr> <th>Front</th> <th>Rear</th> <th>Interior Side</th> <th>Street Side</th> </tr> </thead> <tbody> <tr> <td>C-1</td> <td></td> <td>5'</td> <td>5'*</td> <td>5'*</td> <td>5'</td> </tr> <tr> <td>C-2</td> <td></td> <td>5'</td> <td>5'</td> <td>5'</td> <td>5'</td> </tr> </tbody> </table>	District	Maximum Height*	Setbacks				Front	Rear	Interior Side	Street Side	C-1		5'	5'*	5'*	5'	C-2		5'	5'	5'	5'
District	Maximum Height*	Setbacks																							
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<a href="#">8-2C</a>			<p><b>8-2C-43 VEHICLE SALES:*</b></p> <p>A. Minimum Site Area: The use shall have a minimum site area of thirty thousand (30,000) square feet.</p> <p>B. Accessory Use:</p> <ol style="list-style-type: none"> <li>Vehicle repair may be allowed as an accessory use, subject to the standards as set forth in section <a href="#">8-2C-41</a> of this article, Vehicle Service.</li> <li>Vehicle washing may be allowed as an accessory use, subject to the standards as set forth in section <a href="#">8-2C-44</a> of this article, Vehicle Washing Facility.</li> <li>The accessory uses of vehicle service and vehicle washing facility shall be limited to a combined forty percent (40%) of the gross floor area of enclosed space.</li> <li>Vehicle service shall not be conducted in areas visible from the right-of-way.</li> </ol> <p>C. Location Standards: Vehicle sales 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.</p> <p>D. Building and Site Design:</p> <ol style="list-style-type: none"> <li>The site shall be designed in accord with chapter 4, article D of this title, Parking And Off-Street Loading</li> </ol>																						

			<p>Provisions, chapter 4, article E of this title, Transportation And Connectivity Provisions, chapter 4, sections <u>8-41-4</u>, Landscaping Provisions For Specific Uses, 8-41-5, Perimeter Landscaping Provisions, and 8-41-6, Parking Lot Landscaping Provisions.</p> <p>2. There shall be no barbed wire visible from the right-of-way or adjacent properties.</p> <p>3. Chained-link fencing is not permitted adjacent to rights-of-way.</p> <p>4. Safe pedestrian and vehicle access and circulation on the site and between adjacent properties shall be demonstrated as follows:</p> <ul style="list-style-type: none"> <li>a. Vehicular lanes shall be sited to minimize additional vehicular traffic on site, within the surrounding uses, and on adjacent rights-of-way.</li> <li>b. A bike rack shall be provided.</li> <li>c. 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: <ul style="list-style-type: none"> <li>i. A minimum of five feet (5') in width; and</li> <li>ii. Americans with Disabilities Act compliant; and</li> <li>iii. 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.</li> </ul> </li> </ul> <p>5. All site and vehicular lighting shall be down-shielded, screened or oriented not to encroach on any adjacent property.</p> <p>6. The design and construction of the site shall minimize the number of driveway cuts.</p> <p>E. Limitations:</p> <ul style="list-style-type: none"> <li>1. No on-street parking associated with the use is permitted.</li> <li>2. This use is not the same as storage facility or yard, storage facility, self-serve, vehicle service, vehicle washing facility, or vehicle wrecking yard. Activities on site that are a part of these uses shall require separate approvals.</li> </ul>
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**Title 8, Chapter 4: Design and Development Regulations**

<a href="#">8-4A-3 Fences and Walls</a>	DC/PZ	Not Compliant – Compliant as conditioned	<p>There is a chain-link fence with slats found on 4209 W. Chinden along the Stockton property boundary line.</p> <p>There is a chain-link fence with slats found along 4195 W. Chinden along the 42<sup>nd</sup> Street property boundary line.</p> <p>Chain-link fencing and chain-link fencing with slats are prohibited fencing materials. It has been conditioned to require the removal of all existing chain-link fencing with code compliant fencing materials.</p> <p>Any future fence will be required to be in compliance with code at the time of installation.</p>
<a href="#">8-4A-4 Outdoor Lighting</a>	DC/PZ	Compliant as conditioned	Not enough information to review. This can be reviewed at the time of building permit review. Outdoor lighting must comply with Garden City Code 8-4A-4.
<a href="#">8-4A-5 Outdoor Service and Equipment Areas</a>	DC/PZ	Compliant as conditioned	Not enough information to review. 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.
<a href="#">8-4A-7 Stormwater Systems</a>	DC/PZ	Compliant as conditioned	Stormwater systems have not been identified on submitted plans. A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.
<a href="#">8-4A-8 Utilities</a>	DC/PZ	Compliant as conditioned	All utilities on the site, including telephone, cable television, and electrical systems shall be underground and in compliance with Garden City Code 8-4A-8.

**8-4D Parking and Off Street Loading Provisions**

<a href="#">8-4D-3 Parking Design and Improvement Standards</a>	DC/PZ	Compliant as conditioned	<p>The design standards as set forth in section <a href="#">8-4D-3</a>, "Parking Design And Improvement Standards", shall apply to any new construction, alteration, or moving of a structure or <u>any new or more intense use of property</u>.</p> <p>The new structure located at 112 W. 42<sup>nd</sup> Street will be required to go through the Design Review Hearing process and this section will be re-evaluated.</p>
<a href="#">8-4D-4 Parking Use Standards</a>	DC/PZ	Compliant as conditioned	<p>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.</p> <p>Adequate documentation shall be provided to identify and verify that customer and employee parking is provided.</p> <p>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.</p>

<a href="#">8-4D-5 Required Number of Off-Street Parking Spaces</a>	DC/PZ	May not be complaint – as conditioned	<p>Total number of vehicular parking spaces required: Commercial requirements are not disclosed in Garden City Code. The City of Garden City uses The City of Boise parking code <a href="#">11-07-03 Off-Street Parking and Loading Standards</a>.</p> <p>Automotive Sales Lot, surfaced = 1 spot per 600sqft of gross floor area</p> <p>The application provided: Not disclosed.</p> <p>The existing building’s square footages are not disclosed. However, there does appear to be 5 vehicular parking spaces identified on 4195 W. Chinden and 3 vehicular parking spaces identified at 4209 W. Chinden for the use of employees and visitors. The assessor’s website identifies the “Ideal Lending Title Loans” building to be 1,800sqft, and the “Auto Sales” building to be 3,024sqft. If this is true, then there is at least 4,824square feet of commercial gross floor area between the three sites. This would require at least 8 vehicular parking spaces between the three sites to which the application might already have.</p> <p>It has been conditioned to require at least:</p> <ul style="list-style-type: none"> <li>• 3 vehicular parking spots located at 4209 W. Chinden</li> <li>• 5 vehicular parking spaces located at 4195 W. Chinden</li> <li>• Any required parking shall be determined by the Design Review Committee for the lot at 112 W. 42<sup>nd</sup> Street.</li> </ul>
<a href="#">8-4D-6 Standards for Alternatives to On Site Parking</a>	DC/PZ	No compliance issues noted	None requested.
<b>8-4E Transportation and Connectivity Provisions</b>			
<a href="#">8-4E-2 Applicability</a>			Provisions apply to any new construction, addition, expansion, grading, alteration, or any new or more intense use of property.
<a href="#">8-4E-3 Public Street Connections</a>	DC/PZ	Compliant as conditioned	A condition has been drafted to require the maintenance of the clear vision triangle.
<a href="#">8-4E-4 Internal Circulation Standards</a>	DC/PZ	May not be complaint – Compliant as conditioned	<p>Comments have been received by Republic Services and North Ada County Fire and Rescue.</p> <p>There is not a clear pedestrian access from the public sidewalk on W. Chinden to the entrances of any building. It has been conditioned to require a direct, comfortable, and safe pedestrian connection from the public sidewalk system and the parking area to the structure(s) shall be provided through sidewalks or pathways that are:</p> <ol style="list-style-type: none"> <li>a. A minimum of five feet (5') in width; and</li> <li>b. Americans with Disabilities Act compliant; and</li> <li>c. 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.</li> </ol>

<a href="#">8-4E-6 Sidewalk Standards</a>	DC/PZ	Not Compliant	<p>Sidewalk, curb, and gutter exist along W. Chinden Boulevard. Sidewalks are not installed along 42<sup>nd</sup> Street or Stockton. It is recommended that sidewalk be installed in compliance with Garden City sidewalk standard code and Sidewalk Policy adjacent to 42<sup>nd</sup> Street.</p> <p>Waiver Submitted.</p> <p><a href="#">See Discussion.</a></p>
<a href="#">8-4E-7 Pedestrian and Bicycle Accessibility Standards</a>	DC/PZ	Compliant as conditioned	<p>Not enough information to review. Site plans do not show pedestrian connectivity.</p> <p>All new nonresidential development shall provide for pedestrian accessibility. Accessibility shall be from a direct, convenient and attractive pathway system that conforms to the following standards. This has been conditioned in the drafted decision document.</p>
<b>8-4I Landscaping and Tree Protection Provisions</b>			
<a href="#">8-4I-2 Applicability</a>			<p>For all new residential and nonresidential uses, all landscaping standards of this article shall be met.</p>
<a href="#">8-4I-3 General Landscaping Standards and Irrigation Provisions</a>	DC/PZ	Compliant as conditioned	<p>Landscape plan was not submitted.</p>
<a href="#">8-4I-4 Landscaping Provisions for Specific Uses</a>	DC/PZ	Not Compliant – conditions drafted	<p>A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.</p> <p><b>All three sites lack landscaping besides providing for a few planter boxes in front of the Ideal Lending building. The site does not appear to meet code requirements. The application shall provide for the following landscaping:</b></p> <ul style="list-style-type: none"> <li>• 112 W. 42<sup>nd</sup> (30,012sqft): 1,500sqft</li> <li>• 4209 W. Chinden (33,715sqft): 1,685sqft</li> <li>• 4195 W. Chinden (32,670sqft): 1,633sqft</li> </ul> <p><b>Total landscaping required to meet 5% minimum: 4,818sqft</b></p> <p>A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional class I tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.</p> <p><b>Required Street Trees<sup>1</sup></b></p> <p>4209 W. Chinden Blvd.</p> <ul style="list-style-type: none"> <li>• W. Chinden (214ft): 1 Street + 5 Frontage = 6 Trees</li> <li>• W. 42<sup>nd</sup> (140ft): 1 Street + 3 Frontage = 4 Trees</li> <li>• Stockton Street (225ft): 1 Street + 5 Trees = 6 Trees</li> </ul> <p>4195 W. Chinden Blvd.</p> <ul style="list-style-type: none"> <li>• W. Chinden (211ft): 1 Street + 5 Frontage = 6 Trees</li> <li>• W. 42<sup>nd</sup> (140ft): 1 Street + 3 Frontage = 4 Trees</li> <li>• Stockton: 1 Street + 5 Frontage = 6 Trees</li> </ul>

<sup>1</sup> Measurements were done by staff using online measurement tools. Distances provided are a rough estimate.



			<ul style="list-style-type: none"> <li>N. Curtis Road (100ft): 1 Street + 2 Frontage = 3 Trees</li> </ul> <p>112 W. 42<sup>nd</sup> Street (380ft): 1 Street + 8 Frontage = 9</p> <ul style="list-style-type: none"> <li>W. 42<sup>nd</sup> Street (100ft): 1 Street + 2 Frontage = 3 Trees</li> <li>Stockton (225ft): 1 Street + 5 = 6 Trees</li> </ul> <p><b>The sites are currently deficient by all tree requirements.</b></p>
<a href="#">8-4I-5 Perimeter Landscaping Provisions</a>	DC/PZ	Compliant as conditioned	Perimeter landscaping is required between paved vehicular use areas, including driveways, and vehicle storage areas and all property lines. This site is not compliant with the perimeter landscaping provisions.
<a href="#">8-4I-6 Parking Lot Landscaping Provisions</a>	DC/PZ	No compliance issues noted	Should the parking lot be substantially altered, parking landscape provisions shall be required to be adhered to.
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: None
<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
<a href="#">Idaho Code 67-6512</a> 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"> <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> </ol>

	<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 <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>
Previous entitlement that might affect this project	CUPFY2017-4; DSRFY2017-9
<a href="#">Garden City Comprehensive Plan</a>	<p>This application is in future land use designations of the Comprehensive Plan:</p> <ul style="list-style-type: none"> <li><b>a.</b> Activity Node: Transit Oriented Development</li> <li><b>b.</b> Green Boulevard Corridor</li> <li><b>c.</b> Mixed Use Commercial</li> </ul> <p>The application may be supported by:</p> <p>Goal 1. Nurture the City</p> <ul style="list-style-type: none"> <li><b>a.)</b> 1.4 Objective: Create a premier destination place to live, work, and recreate.</li> </ul> <p>Goal 12. Evolve as a Destination</p> <ul 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> <li><b>c.)</b> 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce.</li> </ul> <p>The application may not be supported by:</p> <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> <li><b>a.)</b> 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.</li> </ul> <p>Goal 4. Emphasize the "Garden" in Garden City</p> <ul style="list-style-type: none"> <li><b>a.)</b> 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</li> </ul> <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> <li><b>a.)</b> 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</li> <li><b>b.)</b> 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.</li> </ul>
<a href="#">Garden City Sidewalk Policy</a>	Sidewalk Waiver submitted.
<a href="#">Garden City Street Light Policy</a>	A streetlight is installed along W. Chinden Blvd. in accordance with the policy.
<a href="#">Chinden- ITD Access Management</a> <a href="#">Chinden Corridor Access Map</a>	<p>The entrance at 4209 located closest to the corner of 42<sup>nd</sup> and W. Chinden permitted has recommended for removal upon redevelopment by ITD.</p> <p>The entrance at 4195 located closest to the corner of 42<sup>nd</sup> and W. Chinden permitted has recommended for removal upon redevelopment by ITD.</p>