



CITY OF GARDEN CITY

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

File Number: CUPFY2022 - 0009
Use as Defined by GCC Title 8: Vehicle Sales
Location: 112 W. 42nd Street,
Applicant: Asmir Alic; Ozzy's Car Company
Planning and Zoning Commission Hearing Date: April 20, 2022, 6:30 p.m.



STAFF REPORT

Prepared by Hanna Veal

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

CUPFY2022-0009 112 W. 42nd Street- Page 1

Table of Contents

Project Information	3
Discussion	5
Decision Process	7
Agency Comment	8
Public Comment	9
Code/Policy Analysis	10

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: 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. 42nd Street: Vacant
- 2) Parcel Number(s): R2734510330
- 3) Property Description:
 - a) 112 W. 42nd Street: LOT 4 BLK D FAIRVIEW ACRES SUB NO 2
- 4) Property Size: 0.689
- 5) Zoning District: C-2
- 6) Zoning Overlay(s): None
- 7) Comprehensive Plan Land Use Map Designation:
 - a) Activity Node: Transit Oriented Development
 - b) 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:
 - a) Lending Institution
 - b) Warless 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: Stockton
 - b) Side: 42nd
 - c) Rear: n/a
- 14) Sidewalks:** There is no sidewalk along W. 42nd 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 use to the property located at 112 W. 42nd Street.

The applicant has mentioned in discussion with staff that the purpose of the proposed structure at 112 W. 42nd 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. 42nd Street. Thus, the applicant has decided to use the property as an additional area for car sales as well as storage of the cars he intends to sell.

Vehicle sales is defined as:

Vehicle Sales: *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.*

The minimum site requirement for a vehicle sales use is 30,00sqft. The property is 0.689, or 30,012sqft, just meeting the minimum requirement for the use. The application is not proposing to use the entire property, rather just a portion of it, and will be required to go to the Design Review Committee.

Design Review Approval Required

As a new construction, this development will be required to go to the Design Review Committee for approval. Some of the conditions of this application have been made to be differed to the DSR Committee.

Garden City Sidewalk Policy on 42nd Street

The policy notes that a 5' wide sidewalk 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 application show the proposal of a 5ft wide detached sidewalk along the frontage of 42nd Street. However, the exact details are left unknown, and the submitted landscape plan does not show the sidewalk.

It has also been conditioned to require that the sidewalks be installed prior to occupancy of the new structure.

Sidewalk along Stockton is not required per the Transportation Needs List if pedestrian oriented features are provided. Further comments are included in the staff analysis below.

Sidewalk Waiver Submitted

The applicant has requested to waive all sidewalk standards applicable to the three sites fronting 42nd 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.

Despite the applicant submitting a sidewalk waiver, the Planning and Zoning Commission determined that sidewalks must be provided as the waiver request did not meet the required standards as set forth by the [Sidewalk Policy](#).

Landscaping and Tree Protection Provisions

The current application proposed landscape improvements to only a portion of the overall site. However, it has been conditioned to require that the entire property become compliant with Garden City Code 8-4I standards because the remainder of the property is clearly acting as a parking lot, vehicle storage area.

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. Landscape design can also be differed to the Design Review Committee.

Ongoing Compliance Issues

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. This is why staff has also mentioned that the Design Review Committee can be differed to, in an effort to create more site-specific conditions.

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	01/22/2022	<ul style="list-style-type: none"> • 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. • 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. • The applicant is responsible to verify that adequate sewer capacity and depth is available to provide any new sewer connections. • 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.
Irrigation: Fairview Acres Link to Full Comment	01/31/2022	<ul style="list-style-type: none"> • The site is within the FALWUA service area.
North Ada County Fire and Rescue Link to Full Comment	01/29/2022	<ul style="list-style-type: none"> • 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. • 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.
Republic Services Link to Full Comment	01/25/2022	<ul style="list-style-type: none"> • No trash plan was submitted. Nothing to review.

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.

Garden City Title 8 Code Sections			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
Title 7 Building Regulations			
7-2-1 Building Code	N/A	No compliance issues as conditioned.	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		No compliance issues noted	112 W. 42 nd Street: Legal parcel of record as described.
8-1B-2 Nonconforming Structures		No compliance issues noted	The proposed building located on 112 W. 42 nd will be required to be compliant with Garden City Code standards through the building permit phase. The new building and stie improvements will require a Design Review Committee approval. The CUP application does not propose to intensify any non-conformity.
8-1B-3 Nonconforming Uses		No compliance issues noted	Contains a conditional use permit.
Title 8, Chapter 2: Base Zoning District Regulations			
8-2B-1 Purpose		No compliance issues noted	The purpose of the two (2) commercial districts is to provide a full range of commercial uses and services for both the residents of Garden City and the region. Location determines the type and form of commercial uses. Activities which are more compatible with mixed use or residential uses and minimally disruptive to the neighborhood are to be located in the general commercial (C-2) district.
8-2B-2 Allowed Uses	PZ		Garden City Code Table 8-2B-1 requires a conditional use permit in this zone for the proposed use.

8-2B-3 Form Standards		No compliance issues noted	<p>The proposed structure at 112 W. 42nd Street appears to compliant with zoning setbacks.</p> <p>The proposed building will be required to me all Garden City form standards.</p> <table border="1" data-bbox="695 352 1468 575"> <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-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-2		5'	5'	5'	5'
District	Maximum Height*	Setbacks																	
		Front	Rear	Interior Side	Street Side														
C-2		5'	5'	5'	5'														
8-2C			<p>8-2C-43 VEHICLE SALES:*</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"> 1. Vehicle repair may be allowed as an accessory use, subject to the standards as set forth in section 8-2C-41 of this article, Vehicle Service. 2. Vehicle washing may be allowed as an accessory use, subject to the standards as set forth in section 8-2C-44 of this article, Vehicle Washing Facility. 3. 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. 4. Vehicle service shall not be conducted in areas visible from the right-of-way. <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"> 1. 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 8-4I-4, Landscaping Provisions For Specific Uses, 8-4I-5, 																

			<p>Perimeter Landscaping Provisions, and 8-4I-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"> a. Vehicular lanes shall be sited to minimize additional vehicular traffic on site, within the surrounding uses, and on adjacent rights-of-way. b. A bike rack shall be provided. 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"> i. A minimum of five feet (5') in width; and ii. Americans with Disabilities Act compliant; and 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. <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"> 1. No on-street parking associated with the use is permitted. 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.
--	--	--	---

Title 8, Chapter 4: Design and Development Regulations

8-4A-3 Fences and Walls	DC/PZ	Not Compliant – Compliant as conditioned	<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.</p> <p>Code also does not allow for barbed wire, it appears that the property has fencing with barbed wire. It has been conditioned to require the removal of all barbed wire.</p> <p>Any future fence will be required to be in compliance with code at the time of installation. It has been conditioned to require code permitted fencing materials if the existing fence is to ever be replaced.</p> <p>The Transportation Needs List states that a fence cannot be taller than 3 ½ ft within the front setback or along the property lines adjacent to right-of-ways (Stockton). The existing fence on-site appears to be 6ft tall, but exact information is not disclosed. (Figure 1)</p>
8-4A-4 Outdoor Lighting	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.
8-4A-5 Outdoor Service and Equipment Areas	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.
8-4A-7 Stormwater Systems	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.
8-4A-8 Utilities	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			
8-4D-3 Parking Design and Improvement Standards	DC/PZ	Not Compliant - Compliant as conditioned	<p>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>.</p> <p>New plans show two vehicular parking spaces adjacent to Stockton Street within 40ft of the corner of Stockton and 42nd. Vehicles would reverse onto Stockton.</p> <p>The property located at 112 W. 42nd Street will be required to go through the Design Review Hearing process and this section will be re-evaluated. The Commission can differ parking lot design to the Design Review Committee</p> <p>Code compliance issues as of right now include:</p> <ul style="list-style-type: none"> • Code does not allow for parking spaces to be located within 40ft of a corner, relocation will be required;

			<ul style="list-style-type: none"> Code does not allow for vehicles to enter the right-of-way (Stockton) in a reverse motion, re-orientation will be required.
8-4D-4 Parking Use Standards	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>
8-4D-5 Required Number of Off-Street Parking Spaces	DC/PZ	May not be complaint – compliant 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 11-07-03 Off-Street Parking and Loading Standards.</p> <p>Automotive Sales Lot, surfaced = 1 spot per 600sqft of gross floor area</p> <p>The application provided: 2 vehicular parking spaces.</p> <p>The proposed building’s square footage is 2,880sqft. This would require at least 5 vehicular parking spaces on-site.</p> <p>It has been conditioned to require at least 5 vehicular parking spaces located at 112 W. 42nd Street.</p>
8-4D-6 Standards for Alternatives to On Site Parking	DC/PZ	No compliance issues noted	None requested.
8-4E Transportation and Connectivity Provisions			
8-4E-2 Applicability			Provisions apply to any new construction, addition, expansion, grading, alteration, or any new or <u>more intense use of property</u> .
8-4E-3 Public Street Connections	DC/PZ	Compliant as conditioned	A condition has been drafted to require the maintenance of the clear vision triangle.
8-4E-4 Internal Circulation Standards	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 42nd Street to the entrance of the 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. The pathway system shall be provided through sidewalks or pathways that are:</p> <ol style="list-style-type: none"> A minimum of five feet (5') in width; and Americans with Disabilities Act compliant; and 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.

8-4E-6 Sidewalk Standards	DC/PZ	Not Compliant – Compliant as conditioned.	<p>Curb, gutter, and sidewalks are not installed along 42nd Street or Stockton. It is recommended that sidewalk be installed in compliance with Garden City sidewalk standard code and Sidewalk Policy adjacent to 42nd Street. The Commission does not regularly condition a sidewalk along Stockton so long as the design and orientation of the site is pedestrian oriented per the Transportation Needs List.</p> <p>The Design Review Committee are the final decision body regarding the details of what pedestrian-oriented features means. But the transportation needs list describes that there should be adjacent landscaping and/or art and street furniture.</p> <p>A sidewalk waiver was previously submitted by the applicant to which the Planning and Zoning Commission previously determined the application does not qualify for the waiver.</p> <p>Code requires that the applicant install a 5' detached sidewalk. There is a condition of approval drafted that this is installed prior to Certificate of Occupancy. The applicant will be required to install the sidewalk per the ACHD's requirements. The application will also be required to submit a Public Works and Utility application to the City for review and approval.</p> <p>See Discussion.</p>
8-4E-7 Pedestrian and Bicycle Accessibility Standards	DC/PZ	Compliant as conditioned	<p>There is no obvious pedestrian connection through the site. Nor is there an obvious connection to where the public sidewalk will be.</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>
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	DC/PZ	Compliant as conditioned	Landscape plan was submitted on April 12, 2022. 10 trees are proposed, with 3 different varieties. This ratio meets code requirements; however, the entire site is not included in the landscape plans, only a portion of the site. The whole site will be required to meet code standards.
8-4I-4 Landscaping Provisions for Specific Uses	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>The site does not appear to meet code requirements as landscape improvement plans only include a portion of the site. The application shall provide for the following landscaping:</p> <ul style="list-style-type: none"> Total landscaping required to meet minimum: (Property size = 30,012sqft): 1,500sqft Total landscaping provided: 2,898sqft <p>This might be an inaccurate measurement because it does not appear the landscape plans show the detached sidewalk as required per code.</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>Required Street Trees¹ 112 W. 42nd Street (380ft):</p> <ul style="list-style-type: none"> • W. 42nd Street (100ft): 1 Street + 2 Frontage = 3 Trees • Stockton (225ft)²: 1 Street + 5 = 6 Trees <p>Provided Street Trees 112 W. 42nd Street (380ft):</p> <ul style="list-style-type: none"> • W. 42nd Street (100ft): 1 Street + 2 Frontage = 3 Trees • Stockton (225ft): 1 Street + 5 = 6 Trees (Deficient 4 trees)
8-4I-5 Perimeter Landscaping Provisions	DC/PZ	Compliant as conditioned	<p>This site is not compliant with the perimeter landscaping provisions.</p> <p>Perimeter landscaping is required between paved vehicular use areas, including driveways, and vehicle storage areas and all property lines. It is also required along the common property line between an adjacent nonresidential use and a residential use or vacant residentially zoned property.</p> <p>The property boundary to the south is adjacent to a mobile home park, which is a residential use. The application shall provide a 10ft perimeter landscape strip for the entire length of the property's southern property boundary line. The application demonstrates compliance; however it is only for the project area.</p> <p>The property boundary to the west is adjacent to another vehicular use and storage yard. The property to the west, located at 105 W. 43rd Street, recently went through the entitlement process (CUPFY2021-0011 and DSRFY2021-0017) and was approved with a 5ft wide perimeter landscaping. Thus, this application, will only be required to provide for 5ft wide perimeter landscaping. And work with the adjacent property's perimeter landscaping plan (See Figure 2). The adjacent property has proposed Green Giant Arborvitae which will reach 50ft tall and 15ft wide at maturity.</p> <p>The Planning and Zoning Commission can differ landscape plan approval to the Design Review Committee.</p>
8-4I-6 Parking Lot Landscaping Provisions	DC/PZ	Compliant as conditioned	<p>The proposed parking lot area shall be found in conformance with this section of code.</p>
<p>Title 8, Chapter 6, Article A: Administration</p>			

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

² Stockton Street measurement is the total length of property's Stockton frontage, not just the identified project area of the property. The project area identified is only 64ft, which would require two trees versus the six trees. Landscape plans reflect this, however, the trees proposed are Class I Crabapple Trees which do not meet the intent of code.

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: None
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	<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"> (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development; (6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction. <p>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>
Previous entitlement that might affect this project	CUPFY2017-4; DSRFY2017-9
Garden City Comprehensive Plan	<p>This application is in future land use designations of the Comprehensive Plan:</p> <ol style="list-style-type: none"> a. Activity Node: Transit Oriented Development b. Mixed Use Commercial <p>The application may be supported by:</p>

	<p>Goal 1. Nurture the City a.) 1.4 Objective: Create a premier destination place to live, work, and recreate.</p> <p>Goal 2. Improve the City Image a.) 2.4 Objective: Create a vision for the design of all streets and highways consistent with city’s urban setting.</p> <p>Goal 4. Emphasize the “Garden” in Garden City a.) 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</p> <p>Goal 12. Evolve as a Destination 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> <p>The application may not be supported by: Goal 7. Connect the City 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 b.) 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.</p>
Garden City Sidewalk Policy	Sidewalk Waiver submitted.
Garden City Street Light Policy	<p>A streetlight is installed along W. Chinden Blvd. in accordance with the policy.</p> <p>A streetlight is installed along E. 43rd Street in accordance with the policy.</p>
Garden City Transportation Needs List	<p>Stockton improvements: The improvements to Stockton are imperative to the City due to the waterline replacement that will be done in conjunction with the project. Until the waterlines are replaced water supply will remain inadequate in much of the eastern portion of the City to meet necessary fire flows. There are also additional compelling outcomes of these improvements. Stockton will assist in safety and improved business viability as traffic counts increase on Chinden.</p> <p>Improvements to Stockton incorporate three principal objectives: safety enhancement on Chinden; congestion mitigation on Chinden, and facilitation of economic development within the western part of Garden City (south of Chinden) through safety, comfort, the replacement of water infrastructure and increased traffic on local roads (increased business presence).</p> <p>Garden City has 4” waterlines in Stockton Street, severely limiting water delivery. Replacement of these lines is a top priority in Garden City’s capital improvement plans to insure adequate fire flow for current and future development. Increasing the line size within Stockton would allow for the potential of increased property values in the areas serviced by this line.</p> <p>Potential improvements to execute vision:</p> <ul style="list-style-type: none"> • Garden City has requested a feasibility study to be conducted to identify if these roads would be appropriate for drainage for the

roadway system to reduce on site drainage needs and assist in flood protection.

- Roadway improvements should include decorative paving or painting ideally that is varied in width and material. Provided that varied paving is too expensive roadway paint that is varied in color could be utilized. This treatment is required to be approved by ACHD prior to implementation.
- Signage that indicates that the pedestrians have the right of way. This treatment is required to be approved by ACHD prior to implementation.
- A maximum speed limit of 10-15 miles an hour. This treatment is required to be approved by ACHD prior to implementation.
- No curb, gutter or sidewalk within the right-of-way is required and limited or no parking is desirable. Sidewalk and connections may still be required on site. This treatment is considered adopted by Garden City for the purposes of redevelopment requirements through the adoption of this plan.
- Lighting
- Controlled access
- Adjacent landscaping and or art and street furniture.
- Fencing > 3.5 not allowed on property line.



Figure 1: Existing chain-link barbed wire fence.

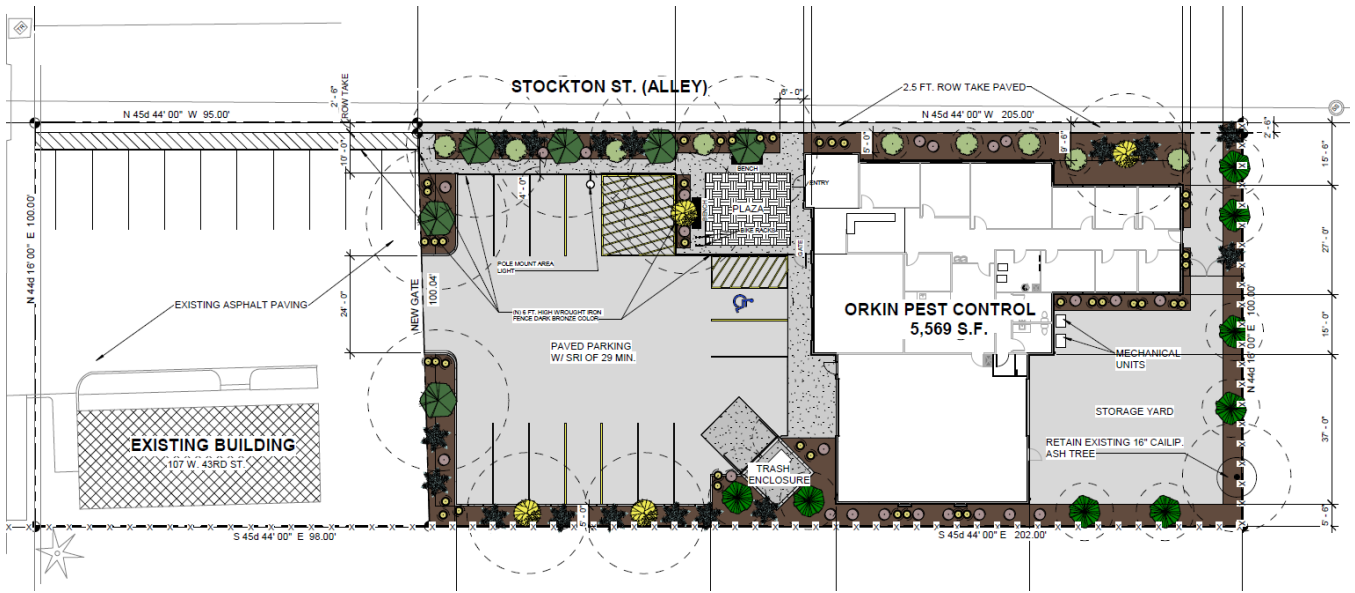


Figure 2: Adjacent western property site and landscape details