



CITY OF GARDEN CITY

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File Number: CUPFY2022-0013 Dirt Road Dancing
Requested Use: Dance Studio/Dance Hall Event Center
Use as Defined by GCC Title 8: Commercial Entertainment Facility
Location: 5125 & 5137 N Glenwood St.
Applicant: Troy DeRosier
Planning and Zoning Commission Hearing Date: September 21, 2022, 6:30 PM



STAFF REPORT

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A. Project Information

Proposed Scope of Work: Transform the space into a mixed-use studio. Dance instructions and potential event hosting.

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: Troy DeRosier
- 2) Owner: TPC GLENWOOD LLC
- 3) Title 8 Use: It has been determined that the Garden City defined use that best describes the use is: Commercial Entertainment Facility
- 4) Definition of Use: Garden City Code 8-7A-1 defines this use as: The use of a site for any profit-making activity which is generally related to the entertainment field. The term "commercial entertainment facility" includes motion picture theaters, carnivals, nightclubs, and dance halls
- 5) Through a Tenant Improvement, the project will be combining two suites that were previously suites dedicated to "Healthcare and Social Service" and a "Church or Place of Religious Worship"
- 6) The applicant has not proposed exterior work

Site Conditions:

- 1) Existing Use: Vacant
- 2) Street Address: 5125 & 5137 N Glenwood St
- 3) Parcel Number(s): R8191508765
- 4) Property Description: PAR #8765 OF LOTS 37 & 38 & VAC ST ADJ TO LOT 37 STRAWBERRY GLEN
- 5) Legal Lot of Record: Yes
- 6) Property Size: 4.18 acres
- 7) Zoning District: C-2
- 8) Zoning Overlay(s): None
- 9) Comprehensive Plan Land Use Map Designation:
 - a) Green Boulevard Corridor
 - b) Future Planning Area
 - c) Transit Oriented Development- Activity Node
- 10) Floodplain Designation:
 - a) 2003 FIRM: Outside of the Special Flood Hazard Area
 - b) 2017 Draft FIRM: Outside of the Special Flood Hazard Area
- 11) Surrounding Uses:
 - a) Health Club – Asana Climbing Gym
 - b) Drive-Through Establishment – Carl's Jr.

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- c) Eating Establishment, Limited Services - Starbucks**
 - 12) Adjacent Zoning: R-2**
 - 13) Adjacent Comprehensive Plan Designation: Future Planning Area**
 - 14) Easements on site: Public Utility Easement 200,600,025, Instrument: 8,435,455**
 - 15) Site Access:**
 - a) Front: N Glenwood St.**
 - b) Side: W Chinden Blvd.**
 - 16) Sidewalks: Sidewalks are installed and are in good repair.**
 - 17) Wetlands on site: None identified**

C. Discussion

The applicant is proposing to combine two suites within the Glenwood Shopping center for a dance hall, which is classified by Garden City Code as a commercial entertainment facility. The draft proposed conditions of approval will render the application code compliant.

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
Department of Environmental Quality	8/12/2022	<ul style="list-style-type: none"> DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply.
Ada County Highway District	9/6/2022	<ul style="list-style-type: none"> ACHD has no site specific conditions of approval for this application.

F. Public Comment

No public comment was received by the city 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.	<p>The applicant is proposing to occupy an existing building after a tenant improvement to combine two existing suites. The applicant has not proposed any exterior changes. GCC 7-2-1 requires a building permit for alterations to structures.</p> <p>A building permit will be required to be completed prior to occupancy of the structure.</p>
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	Documentation confirming that the property is a legal lot of record has not been identified. It has been condition in the draft conditions that documentation verifying that the lot is a legal lot be provided prior to certificate of occupancy.

		No compliance issues as conditioned.	
Title 8, Chapter 2: Base Zoning District Regulations			
8-2B-1 Purpose		No compliance issues noted	The purpose of the C-2 District is to provide commercial uses that are compatible with mixed use or residential uses and minimally disruptive to the neighborhood.
8-2B-2 Allowed Uses	PZ	No compliance issues noted, provided approval	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	The applicant is not proposing any exterior changes to the building.
8-2C		No compliance issues as conditioned.	<p>The draft conditions of approval include conditions to ensure compliance with GCC 8-2C-10. The entirety of the code is included below.</p> <p>8-2C-10 COMMERCIAL ENTERTAINMENT FACILITIES:</p> <p>A. Setbacks: If the use involves the sale of alcoholic beverages, the use shall not be located within three hundred feet (300') of a property used for a church or school.</p> <p>B. Limitations: No outside activity or event shall be allowed in the parking area, except as allowed through a special event permit that takes into account the public health and welfare, the interests of adjoining property owners, noise, traffic and vehicular and pedestrian safety.</p> <p>C. Other Regulations Apply:</p> <ol style="list-style-type: none"> 1. The use shall comply with all Idaho Code regulations regarding the sale, manufacturing, or distribution of alcoholic beverages. 2. The use shall comply with the licensing requirements as set forth in title 3, "Business And License Regulations", of this code. 3. Security shall be provided for the entire premises including inside the building and any parking lot or outside usable space. Security shall be provided in the prescribed manner: <ol style="list-style-type: none"> a. Security personnel are required and shall wear identical attire clearly identifiable with the word "Security" on the backside of shirts; and b. Security staff should have some means of two-way communication; and c. Video surveillance is required; and d. Parking areas shall be lighted; and e. No loitering outside of the establishment shall be permitted.
Title 8, Chapter 4: Design and Development Regulations			
8-4A-3 Fences and Walls		No compliance issues as conditioned.	There is a chain-link fence with slats to the rear of the structure. The fence is consistent with the fencing that is along the adjacent ITD District 3 yard. There is a condition that the applicant either remove the fencing or provide documentation from that the fencing is ITD's fence.

			Replacement will not be required, however, if the applicant chooses to replace the fence, it shall be of code complaint materials such as a vinyl fence or wrought iron fence.
8-4A-4 Outdoor Lighting		No compliance issues as conditioned.	<p>There is outdoor lighting within the shared parking area. The lighting appears, per Google imagery, to be down shielded. There is not enough information to determine if the lighting is mercury vapor.</p> <p>The applicant is not proposing exterior modifications.</p> <p>There is a condition of approval that any changing out of the light fixtures related to the tenant of these suites shall be in compliance with this section.</p>
8-4A-5 Outdoor Service and Equipment Areas		No compliance issues noted	<p>Per a review of Google imagery, it appears that HVAC units are concealed and that the refuse is to the rear of the structure, screening it from view.</p> <p>The applicant is not proposing exterior modifications. Any modification to the site would require that the improvements are compliant with this section.</p>
8-4A-7 Stormwater Systems		No compliance issues noted	<p>The applicant is not proposing exterior modifications.</p> <p>While there is not enough information provided to review compliance with this section of code, any modification to the site would require that the improvements are compliant with this section.</p>
8-4A-8 Utilities		No compliance issues noted	The applicant is not proposing exterior modifications. Any modification to the site would require that the improvements are compliant with this section.
8-4D Parking and Off-Street Loading Provisions			
8-4D-3 Parking Design and Improvement Standards		No compliance issues noted	<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>There was not a parking plan submitted with this application to determine if the improvements are code complaint. The parking is an existing lot determined to be 500 spaces to be shared by the tenants of the commercial center. Even if the drainage were to be noncompliant, there would not be a reasonable way for the applicant to remedy their proportional share of the parking.</p> <p>Any new bicycle parking will be required to be in conformance with 8-4D-3 C.</p>
8-4D-4 Parking Use Standards		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		Complaint as Conditioned	In December of 2005, a variance for parking was approved for the entire shopping center, file DEV2005-0321. The parking that was available at that time was 500 spaces, including the spaces behind the building. It does not appear that there has been any significant alteration to the site since this application

			<p>and can be presumed that there are still roughly 500 spaces available.</p> <p>The DEV2005-0321 staff analysis indicates that the applicant wished to rehabilitate the 112,100 square feet (as proposed in the application) center into a viable commercial center as the anchor building had been vacant for years. The stated intent was to reconfigure the anchor unit, the “Maxx building” (currently Revolutions Concert House) into several smaller stores as well as add a pad site in the parking area. The analysis concluded that based on code at that time, and potential uses the required parking would be between 776 and 924 parking spaces. The staff report indicated that minimally there would be a need for 547 spaces with a more realistic requirement of 595 spaces should the spaces be predominantly retail in nature. The staff report did note that future conditions could exacerbate the situation, as uses could change.</p> <p>Subsequent the approval, and based on the staff discussion, it is reasonable to conclude that the parking for all future uses, as long as the site and structures remain substantially the same, as approved.</p> <p>The required number of bicycle spaces for the entire site is 25 spaces.</p> <p>Based on building permit BLD2010-0176 for suite 5125 showing 3,437 square feet and BLD2012 for suite 5137 showing 11,231 the project is 13% of the site. Subsequently there is a condition that the applicant provide 13% of the required 25 bicycle spaces or 3 spaces.</p>
8-4D-7 Off Street Loading Standards	DC	No compliance issues noted	Based on a review of Google, the loading for the site appears to be provided to the rear of the structure.
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	DC	No compliance issues noted	Based on review of Google images, there do not appear to be any issues with the clear vision triangle or street access.
8-4E-4 Internal Circulation Standards	DC	No compliance issues noted	A pathway connects the public sidewalk system to the entrance.
8-4E-6 Sidewalk Standards		No compliance issues noted	Per review of Google, there appears to be an existing detached 5’ sidewalk on the subject property.
8-4E-7 Pedestrian and Bicycle Accessibility Standards	DC	No compliance issues noted	While there is not ideal internal pedestrian circulation, there is a pathway that is provided internally to the public sidewalk system.
8-4E-8 Transit Facilities	DC	No compliance issues noted	There nearest transit stop appears to be at the northeastern corner of Glenwood and Chinden.

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		Complaint as Conditioned	A landscape plan has not been submitted with this application. There is a condition of approval that the landscaping be compliant proportional to the use.
8-4I-4 Landscaping Provisions for Specific Uses	DC	Complaint as Conditioned	It is unknown if the existing landscaping meets this requirement. Conditions that would result in compliance with this section of code have been included in the draft conditions of approval. A minimum of 5% of the site shall be landscaped excluding required perimeter or setback landscaping. 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. The total site includes 876 lineal feet along Glenwood necessitating 17 trees. There are 5-6 frontage trees existing, per a review of Google imagery. If the applicant were to install 13% of the 12 trees that are deficient the applicant would need to install 1.56 trees. The condition has been drafted as 1 tree. Class II or III trees can be substituted at the ratio of two class I trees for every Class II or III tree. These conditions will be at 13% the requirement as it has been determined that the use will be constituting and estimate of 13% of the structure. After the drafting of the staff report, applicant provided information that demonstrates that the information that the city has related to the suite size is incorrect. They have submitted documentation that the size of the project is 8% of the site. The conditions have been updated accordingly. It is of note that the conditional use permit, CUP2012-00004, a conditional use permit for a church in suite 5137, one of the two suites that this application is comprised of. The church was required to install two additional trees and 15 shrubs. There is evidence that this occurred.
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		Compliant as conditioned	No waivers were requested.

Application Information			The property owner of record is TPC Glenwood, LLC who has a registered agent of Caleb Roope. The affidavit of Legal Interest is from Rob Martin to Rob Martin. This will need to be updated to be from TPC Glenwood, LLC to the applicant of Troy DeRosier.
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>
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) Future Planning Area b) Green Boulevard Corridor c) TOD- Activity Node <p><i>GREEN BOULEVARD CORRIDOR:</i> <i>The state highways and arterials are identified as green boulevard corridors. This is a bold statement that these corridors should be dramatically changed from the current single purpose function for moving vehicles. The intent of this designation is to create more multi-modal characteristics on these corridors, including sidewalks with parkways, bus stops, landscape medians with pedestrian</i></p>

refuges and channelized left-turn lanes. Mobility for vehicles should be maintained, but improvements to the safety and convenience for transit and pedestrians is needed that will influence changes in the adjacent land uses. Existing uses, including commercial uses, are allowed in the corridors. New uses, including commercial uses, should be designed to encourage multi-modal over single occupancy vehicles. Uses which generate high volumes of single occupancy vehicular traffic should be restricted. Development regulations in the corridor should include access management including number and spacing of driveways, location of parking behind the buildings and maximum setback requirements from the street.

TOD- ACTIVITY NODE: Activity nodes are identified on the Land Use Map for neighborhood centers, local and regional destinations, and locations in proximity to existing and future transit stations and stops. Activity centers range in size depending on their function and location. Some nodes may be centered around the intersection of major streets or extend down a street to connect major community facilities. The common characteristics of the activity nodes are a mix of uses, public spaces, compatible transition to the uses surrounding the nodes and non-motorized connections to within a quarter mile walkable area of the node center. Some nodes, especially around transit stations, would have higher density (at least 14-20 units per acre) and multi-story development (three or more stories). It is not intended that all nodes could be developed within the twenty-year period of the plan. Neighborhood and Destination Centers: The centers should be focused on uses that facilitate making the location a destination. Uses may include small scale retail, art, office, and higher density residential.

FUTURE PLANNING AREA: Future Planning Areas have been identified for large parcels of vacant or under-developed land including the area west of the city within the Area of City Impact; the area around the Idaho Expo Center, including the Idaho Department of Transportation (ITD) District 3 Headquarters; and the Ada County Highway District (ACHD) operations and maintenance property surrounding at 37th and Adams. This designation is intended to identify these areas for further master plan or site-specific planning efforts. The large size of these areas provides a unique opportunity for master planning with consideration for a mix of uses and residential housing types; street, sidewalk and bicycle networks and connectivity; spaces for public uses including parks, open spaces, plazas; and infrastructure improvements including water and sewer. Each of the designated Future Planning Areas present unique opportunities and challenges that should be considered in the master planning for the area.

The application may be supported by:

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.

[Garden City Street Light Policy](#)

The site is deficient by one light. If the applicant were to provide a streetlight at 13% of the deficiency (their proportion of the site), once rounded, 0 lights will be required.

[Garden City Transportation Needs List](#)

There are no identified transportation projects that affect this application.