

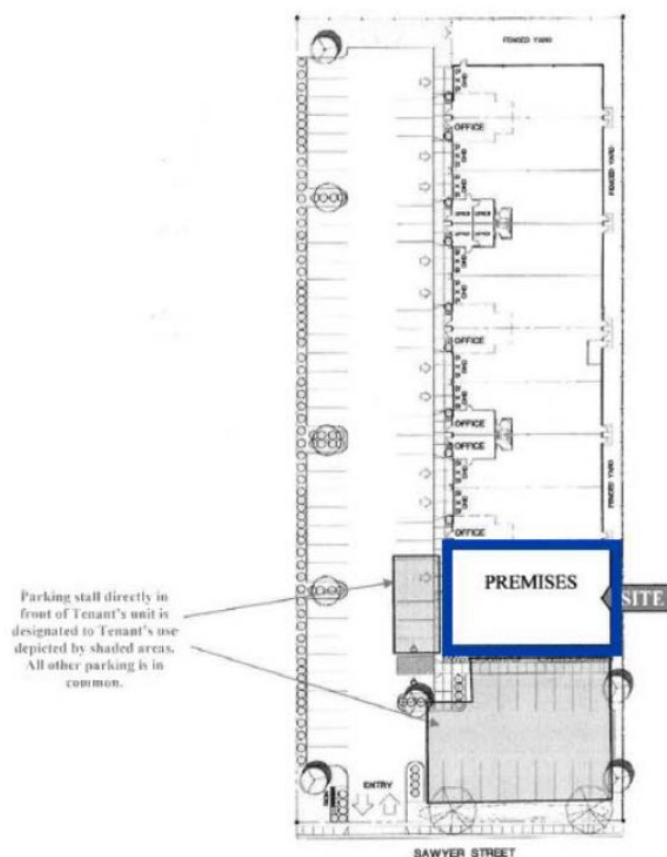


## CITY OF GARDEN CITY

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**File Number: CUPFY2022 - 0016**  
**Requested Use: Food Products, Small Scale Processing (Coffee Roasting)**  
**Location: 5220 N. Sawyer**  
**Applicant: Kris Price**  
**Planning and Zoning Commission Hearing Date: October 19, 2022**

**EXHIBIT A-1**  
**SITE PLAN/FLOOR PLAN**



### 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: Kris Price
- 2) Owner: Sawyer Court LLC
- 3) Title 8 Use: It has been determined that the Garden City defined use that best describes the use is: Food Products, small scale processing
- 4) The applicant has not proposed exterior work.

### Site Conditions:

- 1) Existing Use: Food Products, Small Scale Processing
- 2) Street Address: 5220 N. Sawyer
- 3) Parcel Number(s): R1055420100
- 4) Property Description: LOT 04 BLK 02 BRADLEY PARK SUB NO 01 #99048893
- 5) Legal Lot of Record: Yes
- 6) Property Size: 1.450 acres
- 7) Zoning District: C-2
- 8) Zoning Overlay(s): None
- 9) Comprehensive Plan Land Use Map Designation:
  - a) Light Industrial Bradley Technology District
- 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) Shop For Building Contractor – CMYK Grafix Headquarters
  - b) Drinking Establishment, Limited Services – Rolling Hills Vineyard Tasting Room
  - c) Vehicle Services – Dynamic Detail of Idaho
  - d) Laundry and Dry Cleaning, Commercial Plant – Country Linen Service
- 12) Adjacent Zoning: C-2
- 13) Adjacent Comprehensive Plan Designations: Light Industrial
- 14) Easements on site: There are no records on file with Garden City of existing easements
- 15) Site Access:
  - a) Front: N. Sawyer Ave.
- 16) Sidewalks: Sidewalks are installed and are in good repair.
- 17) Wetlands on site: none identified

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## C. Discussion

The applicant is looking to install a coffee roasting facility. Garden City Code classifies this use as a “Food Products, Small Scale Processing” use, which is permitted in the C-2 zoning district. However, Garden City requires that the specific use of coffee roasting needs to obtain a conditional use permit.

The applicant wishes to host community events to educate the public about the process of importing and roasting coffee.

## **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
Republic Services	09/28/2022	No trash enclosure identified.
City Engineer	10/03/2022	This application appears to be entirely within an existing building with no changes proposed outside. We have no comment.

**F. Public Comment**

None 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.	The applicant is proposing to occupy an existing building without altering the structure. GCC 7-2-1 requires a building permit to be reviewed and approved prior to change in occupancy, as defined by the International Building Code. The applicant must either provide documentation that the building was built to the requested occupancy or apply for a change of occupancy through the City's Occupancy Analysis process prior to occupancy of the building. A change in occupancy may require that improvements be made to the building prior to occupancy.
<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>		No compliance issues noted	Legal parcel of record as described

<a href="#">8-1B-2 Nonconforming Structures</a>		No compliance issues noted	
<a href="#">8-1B-3 Nonconforming Uses</a>		Compliant so long as the conditional use permit is approved	Conditional Use Permit will be required for the use of a coffee roaster.
<b>Title 8, Chapter 2: Base Zoning District Regulations</b>			
<a href="#">8-2B-1 Purpose</a>		No compliance issues noted	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>		No compliance issues noted	Garden City Code Table 8-2B-1 requires a conditional use permit in this zone for the proposed use of the coffee roaster. The use "Food Products, small scale processing" is otherwise a permitted use within the C-2 zoning district.
<a href="#">8-2B-3 Form Standards</a>		No compliance issues noted	The applicant is not proposing any exterior changes to the building.
<a href="#">8-2C</a>			<p>A. Setbacks:</p> <ol style="list-style-type: none"> <li>1. All structures, loading areas, outdoor activity areas, exclusive of parking shall be located a minimum of five hundred feet (500') from any abutting residential districts.</li> <li>2. Uses shall be located a minimum of one thousand feet (1,000') from any hospital.</li> </ol> <p>B. Limitations: No outside activity or event shall be allowed on the site, except as allowed through a conditional use permit that takes into account the public health and welfare, the interests of adjoining property owners, odor, noise, traffic and vehicular and pedestrian safety.</p> <p>C. Other Regulations Apply: The operator shall have a continuing obligation to comply with all city, county and state regulations relative to such an operation</p>
<b>Title 8, Chapter 4: Design and Development Regulations</b>			
<a href="#">8-4A-3 Fences and Walls</a>		No compliance issues noted	Existing fence on adjacent property to the west. The applicant has submitted an affidavit of non-ownership.
<a href="#">8-4A-4 Outdoor Lighting</a>		Compliant as conditioned	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. The applicant is not proposing exterior modifications. 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.
<a href="#">8-4A-5 Outdoor Service and Equipment Areas</a>		No compliance issues noted	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. The applicant is not proposing exterior modifications. Any modification to the site would require that the improvements are compliant with this section.
<a href="#">8-4A-7 Stormwater Systems</a>		No compliance issues noted	The applicant is not proposing exterior modifications. 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
<a href="#">8-4A-8 Utilities</a>		Compliant as conditioned	The applicant is not proposing exterior modifications. Any modification to the site would require that the improvements are compliant with this section.
<b>8-4D Parking and Off Street Loading Provisions</b>			
<a href="#">8-4D-3 Parking Design and Improvement Standards</a>		No compliance issues noted	<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>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 about 70 spaces to be shared by the tenants of the commercial enter. 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>
<a href="#">8-4D-4 Parking Use Standards</a>		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.
<a href="#">8-4D-5 Required Number of Off-Street Parking Spaces</a>		Compliant as conditioned	<p>Provided Parking: ~ 19 (site plans difficult to read)  <i>*The site contains more than the 19 stalls identified, as this is a multi-tenant building.</i></p> <p>The tenant space is 3,864sqft of the overall 21,638sqft multi-tenant building. Garden City has historically required one parking space per every 300sqft of commercial square footage. This would surmount to 12.88 (13) vehicular parking spaces to which the application provides.</p> <p>1 bicycle parking space required per tenant, and 1 bicycle parking required per every 20 vehicular parking spaces. As this conditional use permit contains only 1 tenant space, and less than 20 vehicular parking spaces.</p> <p>Required bike parking: 1  Provided: 0  Compliant as conditioned.</p>
<a href="#">8-4D-6 Standards for Alternatives to</a>		No compliance issues noted	None requested



<a href="#">On Site Parking</a>			
<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>		No compliance issues noted	Existing landscaping and access drive to remain. Based on review of Google images, there do not appear to be any issues with the clear vision triangle or street access.
<a href="#">8-4E-4 Internal Circulation Standards</a>		<b>Not Compliant</b>	There does not appear to be clear pedestrian access from the public sidewalk to the primary entrance of the building/tenant space.
<a href="#">8-4E-6 Sidewalk Standards</a>		No compliance issues noted	There is an existing detached 5' sidewalk on the subject property.
<a href="#">8-4E-7 Pedestrian and Bicycle Accessibility Standards</a>		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.
<a href="#">8-4E-8 Transit Facilities</a>		No compliance issues noted	The nearest transit stop appears to be at the intersection of W. Chinden and N. Kent.
<b>8-4I Landscaping and Tree Protection Provisions</b>			
<a href="#">8-4I-2 Applicability</a>			For all new residential and nonresidential uses, all landscaping standards of this article shall be met.
<a href="#">8-4I-3 General Landscaping Standards and Irrigation Provisions</a>		No compliance issues noted	
<a href="#">8-4I-4 Landscaping Provisions for Specific Uses</a>		Compliant as conditioned	<p>A minimum of 5% of the site shall be landscaped excluding required perimeter or setback landscaping.</p> <p>The overall site consists of 21,638sqft, 5% of the site equates to 1,081sqft. Due to proportionality, the applicant is required to provide 17% of the required 1,081sqft, necessitating 183.77sqft of landscaping.</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>The total site includes about 160 linear feet of frontage along N. Sawyer Ave. necessitating 4 trees. There are 0 frontage trees existing, per a review of Google imagery and confirmation of the applicant. If the applicant were to install 17% of the required 4 trees, the applicant would need to install .68 trees along the frontage. The condition has been drafted as 1 tree.</p> <p>These conditions will be at 17% the requirement as it has been determined that the use will be constituting and estimate of 17% of the structure.</p>

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>			No waivers requested.
<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.

<b>Other Items Reviewed</b>	
Plan/Policy	Discussion/ Analysis
<a href="#">Idaho Code 67-6512</a> 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"> <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> <li>(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.</li> </ol> <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>
<a href="#">Garden City Comprehensive Plan</a>	<p>This application is in future land use designations of the Comprehensive Plan:</p> <ol style="list-style-type: none"> <li>a) Light Industrial Bradley Technology District</li> </ol>

	<p>LIGHT INDUSTRIAL BRADLEY TECHNOLOGY DISTRICT: The light industrial designation reflects an intent to maintain the area of existing industrial uses, around Bradley Street and north of Chinden. Industrial development includes: materials processing and assembly, product manufacturing, storage of finished products, and truck terminals. Manufacturing support facilities such as offices and research related activities should also be allowed in this area, but other non-industrial uses should be limited. Major consideration in regulating industrial uses should be setbacks, buffering and landscaping from adjacent residential uses. Standards should also be directed toward control of light, glare, noise, vibration, water and air pollution; use and storage of toxic, hazardous or explosive materials; and outdoor storage and waste disposal.</p> <p>The application may be supported by:  Goal 12. Evolve as a Destination</p> <ul style="list-style-type: none"> <li>a.) 12.1 Objective: Support a positive business environment</li> <li>b.) 12.2 Objective: Continue to support commercial and industrial land uses.</li> <li>c.) 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce.</li> </ul>
<a href="#">Garden City Street Light Policy</a>	A streetlight is installed along N. Alworth Street in accordance with the policy.
<a href="#">Garden City Transportation Needs List</a>	There are no identified transportation projects that affect this application.