



## CITY OF GARDEN CITY

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**File Number: CUPFY2023-0006**  
**Use as Defined By GCC Title 8: Warehouse, Storage and Wholesale**  
**Location: 5307 N. Glenwood**  
**Applicant: David Buccolo**  
**Planning and Zoning Commission Hearing Date: March 15, 2023, 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: David Buccolo
- 2) Owner: 5307 North Glenwood LLC
- 3) Title 8 Use: It has been determined that the Garden City defined use that best describes the use is: Warehouse, Storage and Wholesale
- 4) Definition of Use: Garden City Code 8-7A-1 defines this use as: The use of a site as a major stopping or transferring point for freight, storage, wholesale and distribution of manufactured products, supplies and equipment, excluding retail sales.
- 5) The applicant has not proposed exterior work.

### Site Conditions:

- 1) Existing Use: Food Products, Small Scale Processing
- 2) Street Address: 5307 N. Glenwood
- 3) Parcel Number(s): R8179960300
- 4) Property Description: Lot 3 Block 1 of Stonewood Park Subdivision
- 5) Legal Lot of Record: Yes
- 6) Property Size: 1.285 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
- 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) Vehicle Washing Facility
  - b) Warehouse and Storage
  - c) TTD's District 3 Offices and Yard
  - d) Vehicle Rental
- 12) Easements on site:
  - a) 30' Common Driveway and Access Easement along Northern border of property;
  - b) 10' Utility, Drainage, and Irrigation Easement along eastern, southern, and western borders of the property;
  - c) 10' Public Utility Easement along southern border of the property.
- 13) Site Access:
  - a) Front: N. Glenwood

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- 14) Sidewalks:** Sidewalks are installed and are in good repair along N. Glenwood  
**15) Wetlands on site:** none identified

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## C. Discussion

- The proposed use is for “Warehouse, Storage, and Wholesale”.
- There was no parking analysis submitted to review existing parking.
- Existing attached sidewalk along N. Glenwood St.
- A streetlight may be required pursuant to the Garden City Street Light Policy.
- The proposed use may or may not conflict with the Future Planning Area designation of the Comprehensive Plan Future Land Use Map.

## **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 decision action 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 comment</a>	02/22/2023	<ul style="list-style-type: none"> <li>General Comments</li> </ul>
Idaho Transportation Department <a href="#">Link to comment</a>	02/26/2023	<ul style="list-style-type: none"> <li>This request does not meet ITD's Transportation threshold for a transportation Impact Study.</li> <li>Idaho Code 40-1910 does not allow for advertising within the right-of-way of any State Highway.</li> <li>Other general comments.</li> </ul>

**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-3 Nonconforming Uses</a>		Compliant upon approval of this CUP	Conditional Use Permit will be required.
<b>Title 8, Chapter 2: Base Zoning District Regulations</b>			
8-2B-1 Purpose	PZ	No compliance issues noted	The purpose of the two (2) commercial districts is to provide a full range of commercial uses and services for both the residents of Garden City and the region. Location determines the type and form of commercial uses. 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>	PZ	No compliance issues noted	The applicant is not proposing any exterior changes to the building.
<a href="#">8-2C-45 Land Use Provisions – Warehouse, Storage and Wholesale</a>	PZ	Compliant as conditioned	A. Limitations: Outside activity areas shall be located a minimum of three hundred feet (300') from any property line adjoining a residence or a residential district.  B. Accessory Uses: The use may include accessory office uses not to exceed twenty five percent (25%) and retail sales not to exceed ten percent (10%) of the gross floor area of the use.
<b>Title 8, Chapter 4: Design and Development Regulations</b>			
<a href="#">8-4A-3 Fences and Walls</a>	PZ	No compliance issues noted	Existing chain-link fencing along southern and western property boundary lines. Chain link fencing is not permitted per Garden City Code. Removal of the fence shall be required prior to the issuance of a certificate of occupancy.  Submitted documents regarding the ownership of the fence show that it belongs to ITD, which is not associated with this CUP application. Removal of the fence is not required.
<a href="#">8-4A-4 Outdoor Lighting</a>	PZ	Compliant as conditioned	Any future outdoor lighting will be required to be in compliance with code at the time of development.
<a href="#">8-4A-5 Outdoor Service and</a>	PZ	Compliant as conditioned	Any future outdoor service equipment area will be required to be in compliance with code at the time of development. This proposal does not identify any outdoor service equipment. Any



<a href="#">Equipment Areas</a>			<p>future outdoor service equipment area will be required to be in compliance with code at the time of development.</p> <p>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.</p> <p>HVAC equipment, trash dumpsters, recycling, trash compaction, and other service functions shall be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.</p>
<a href="#">8-4A-7 Stormwater Systems</a>	PZ	No compliance issues noted	<p>Existing stormwater facilities proposed to remain.</p> <p>If site drainage patterns are altered, the landowner may have to enter into an agreement with the city that will be recorded addressing mandatory maintenance of the site's storm the drainage system. The agreement must be fully executed, have conditionally approved plans attached and be recorded by the city with final plan approval.</p>
<a href="#">8-4A-8 Utilities</a>	PZ	No compliance issues noted	
<b>8-4D Parking and Off Street Loading Provisions</b>			
<a href="#">8-4D-3 Parking Design and Improvement Standards</a>	PZ	No compliance issues noted	
<a href="#">8-4D-4 Parking Use Standards</a>	PZ	No compliance issues noted	Upon any change of use, the number of vehicle parking spaces to be provided shall be calculated according to the requirements for the new use.
<a href="#">8-4D-5 Required Number of Off-Street Parking Spaces</a>	PZ	Compliant as conditioned	<p>The minimum and maximum number of required off street vehicle parking for nonresidential uses and mixed use shall be determined by the planning official based on the following criteria:</p> <ul style="list-style-type: none"> <li>a) The specific use(s) proposed and/or on the property;</li> <li>b) Uses in the vicinity of the property;</li> <li>c) A traffic study, if prepared, forecasting the expected traffic and parking needs expected from the use(s);</li> <li>d) The availability of on street, shared, and/or public parking within the vicinity of the use; and</li> <li>e) The availability of public transit, vanpooling or other alternative transportation to serve the use.</li> </ul> <p>Not all of the above information above has been provided. Staff often refers to the City of Boise parking code for parking requirements for general guidance. But, Garden City usually differs to a standardized requirement of 1 parking space per 300sqft of gross floor area.</p> <p>The existing building is 21,455sqft in size; 5,881sqft is dedicated to office space and 15,574sqft is dedicated to warehouse space. The site offers approximately 41 vehicle</p>

			<p>parking spaces via a count done from the most recent Google ariel imagery and confirmed by the applicant.</p> <p>For reference, City of Boise code would require 1 parking space per 2,000sqft of gross floor area for a warehouse use. If applied to this site, there would be a minimum of 11 vehicle parking spaces. The site exceeds this requirement.</p> <p>Following Garden City's rule, the site would require 71 vehicle parking spaces. The site does not meet this requirement. However, given that a majority of the gross floor area is dedicated to warehouse, which would not likely have the same occupancy load as an office space, the 71 spaces might be considered excessive. Based on the 5,881sqft of office space, the site would be required to provide 20 vehicle parking spaces; to which the site provides.</p> <p>1 bicycle parking space is required per tenant, and 1 bicycle parking space is required per every 20 vehicle parking spaces. As this conditional use permit contains only 1 tenant space and 41 vehicle parking spaces, the site requires 3 bicycle parking spaces. It has been conditioned in the decision document to require the 3 bicycle parking spaces.</p>
<a href="#">8-4D-6 Standards for Alternatives to On Site Parking</a>	PZ	No compliance issues noted	None requested
<a href="#">8-4D-7 Off Street Loading Standards</a>	PZ	No compliance issues noted	Based on a review of Google, the loading for the site appears to be to the northern side of the property.
<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>	PZ	No compliance issues noted	
<a href="#">8-4E-4 Internal Circulation Standards</a>	PZ	No Compliance issues noted	
<a href="#">8-4E-6 Sidewalk Standards</a>	PZ	No compliance issues noted	There is an existing attached 5' sidewalk along N. Glenwood Street.
<a href="#">8-4E-7 Pedestrian and Bicycle Accessibility Standards</a>	PZ	Compliant as conditioned	<p>Internal pedestrian circulation is lacking, however, there is an existing internal sidewalk provided in front of the primary entrance connecting it to the parking lot located at the front of the building.</p> <p>The interaction between the site located at 5311 N. Glenwood and the application's site at 5307 N. Glenwood does not have an existing internal pedestrian pathway. The two sites are intended to interact with one another, which would require employees and/or customers to cross the common drive.</p> <p>There is not a clear pedestrian pathway from the public sidewalk along N. Glenwood to the primary entrance of the</p>

			<p>building on the subject property nor does there appear to be room for one.</p> <p><b>The applicant has submitted site plans showing a proposed painted pathway system that connects the primary entrances of the two buildings at 5307 and 5311 N. Glenwood St. Please refer to resubmittal documents dated February 27, 2023. The proposed pathways appear to meet code requirements.</b></p>
<a href="#">8-4E-8 Transit Facilities</a>	PZ	No compliance issues noted	The nearest transit stop is located at N. Glenwood St. & W. Chinden Blvd. NEC. And N. Glenwood St. & W. Lorimer Ln SWM.
<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>	PZ	Compliant as conditioned	<p>A landscape plan has not been submitted with this application. However, site photos showing existing landscape has been submitted.</p> <p>There is a condition of approval that the landscaping be compliant with Garden City Code.</p>
<a href="#">8-4I-4 Landscaping Provisions for Specific Uses</a>	PZ	Compliant as conditioned	<p><b>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.</b></p> <p>A minimum of 5% of the site shall be landscaped excluding required perimeter or setback landscaping.</p> <p>Street trees are not required as the property has minimal frontage along N. Glenwood due to the “flag lot” shape of the parcel.</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>			<p>Application waivers requested pursuant to 8-6A-4A:</p> <ul style="list-style-type: none"> <li>• Landscape Plan</li> <li>• Site Plan</li> <li>• Irrigation canal/ditch letter</li> </ul>
<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	<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) Green Boulevard Corridor</li> <li>b) Future Planning Area</li> </ol> <p>The application may be supported by:</p> <p>Goal 1. Nurture the City</p> <ol style="list-style-type: none"> <li>a.) 1.4 Objective: Create a premier destination place to live, work, and recreate.</li> </ol> <p>Goal 7. Connect the City</p> <ol style="list-style-type: none"> <li>a.) 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.</li> </ol> <p>Goal 12. Evolve as a Destination</p> <ol 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> </ol> <p>The application may not be supported by:</p> <p>Goal 2. Improve the City Image</p> <ol style="list-style-type: none"> <li>a.) 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.</li> </ol> <p>Goal 4. Emphasize the "Garden" in Garden City</p> <ol style="list-style-type: none"> <li>a.) 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</li> </ol>
<a href="#">Garden City Street Light Policy</a>	<p>The policy notes that a streetlight may be required at intersections and no further than 400' from another streetlight. A streetlight is not installed within 400' of the proposed use. Streetlights may be required by the Commission to meet the findings of Garden City Code 8-6B-2.</p>
<a href="#">Garden City Transportation Needs List</a>	<p><b>Between Glenwood and Coffey: Marigold to Chinden:</b></p>

If the ITD District 3 property ever redevelops there would be an opportunity to create a road that can serve as an activity node road from Chinden to the City Hall and the River.

