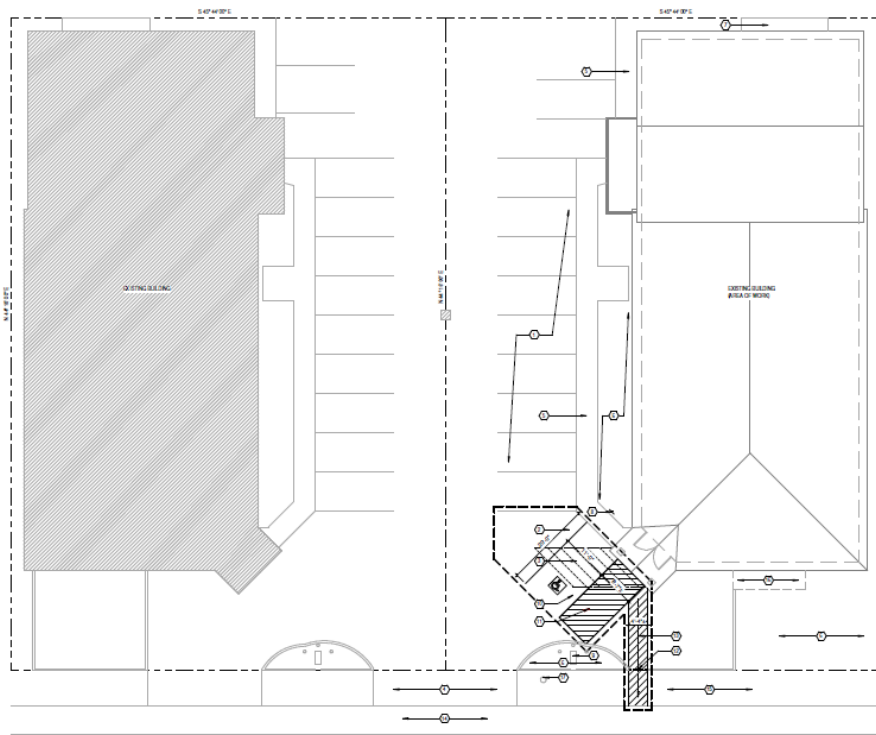




## CITY OF GARDEN CITY

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

**File Number: CUPFY2024 - 0004**  
**Requested Use: Cat and dog boarding, dog daycare**  
**Use as Defined By GCC Title 8: Animal Care Facility**  
**Location: 4048 W. Chinden Blvd.**  
**Applicant: Jenny Strozykowski with Hounds Town Boise**  
**Planning and Zoning Commission Hearing Date: February 21, 2024 6:30 p.m.**



### STAFF REPORT

Prepared by Hanna Veal and Mariia Antonova  
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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: Jenny Strozykowski
- 2) Owner: GILLIAM 2021 GIFT TRUST
- 3) Title 8 Use: It has been determined that the Garden City defined use that best describes the use is: Animal care facility
- 4) Definition of Use: Garden City Code 8-7A-1 defines this use as: The use of a site for the boarding, care, grooming, diagnosis or treatment of animals. The use may include overnight accommodations on the premises and boarding that is incidental to the primary activity. The term "animal care facility" shall include, but not be limited to, an animal clinic, animal hospital, commercial kennel or veterinary office.
- 5) The applicant has not proposed exterior work

### Site Conditions:

- 1) Existing Use: Vacant building
- 2) Street Address: 4048 W Chinden Blvd.
- 3) Parcel Number(s): R2734502105
- 4) Property Description: LOT 32 BLK 6 FAIRVIEW ACRES SUB NO 1 #2100 S
- 5) Legal Lot of Record: Yes
- 6) Property Size: 0.340 acres
- 7) Zoning District: C-1 Highway commercial
- 8) Zoning Overlay(s): None
- 9) Comprehensive Plan Land Use Map Designation:
  - a) Green Boulevard Corridor
  - b) Mixed Use Commercial
  - c) Neighborhood Node: Transit Oriented Development
- 10) The project is in the:
  - a) 500 Year of the Special Flood Hazard Area according to the 2020 adopted FIRM (the FIRM has adopted seclusion and utilizes the 2003 Flood Insurance Study).
  - b) Outside of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
- 11) Surrounding Uses:
  - a) Vehicle service
  - b) Professional Service
- 12) Adjacent Zoning: C-1 Highway commercial , C-2 General commercial
- 13) Adjacent Comprehensive Plan Designations:
  - a) Green Boulevard Corridor
  - b) Mixed Use Commercial

- 
- c) Activity Node: Neighborhood Destination**
  - 14) Easements on site: FAIRVIEW ACRES SUB 01 PLAT; 200600045; UTILITY, DRAINAGE, IRR EASEMENT—ROW (Osage St.)**
  - 15) Site Access:**
    - a) Front: W Chinden Blvd.**
    - b) Rear: Osage St.**
  - 16) Sidewalks: Sidewalks are installed and are in good repair**
  - 17) Wetlands on site: None identified**

## C. Discussion

### Overview

Jenny Strozykowski with Hounds Town Boise is requesting to occupy approximately 7,800 SF of an existing structure located at 4048 W. Chinden Blvd. The applicant has stated that they intend to have multiple indoor play yards for all the dogs, fully enclosed kennels for overnight boarding, and separate for cat boarding.

Garden City Code 8-7A allows for animal care facilities to have overnight boarding. However, in accordance with Section 8-2C-5 of the Garden City Code, there shall be staff available at all times there are animals at the facility. If staff is not on site, a telephone number where a staff member can be reached and available to the site within thirty (30) minutes must be clearly and legibly posted from the exterior of the building at the front entrance to the establishment.

### HVAC and Trash Enclosure

According to Garden City Code Section 8-4A-5, all on-site services such as HVAC and trash enclosures shall not be visible from the right-of-way or adjacent property or shall be screened by a privacy fence. However, the existing configuration of the building, Osage right-of-way, and overhead utilities may not allow for the installation of a privacy fence or screening.

It may be difficult to meet the Republic Services standards for trash enclosures. The standards specify a 12" x 18" (to fit both trash and recycling) with gates opening at least 120 degrees and the gates need to be stacked. If the applicant installs a trash enclosure in accordance with the above requirements, then the trash enclosure at its current location will encroach the Osage right-of-way, which will be prohibited by ACHD. The applicant may try to relocate the trash enclosure to meet code compliance.

Screening of the HVAC units may also be difficult to achieve given their proximity to the Osage right-of-way and the unit's own clearance requirements. Conditions have been drafted to ensure code compliance is met. The Commission may find that the existing site is not undergoing a substantial alteration, therefore waiving the requirements to screen both the trash enclosure and the HVAC units.

### Osage Improvements:

Garden City has had dialogue with ITD and ACHD concerning the safety of multiple access points entering Chinden Boulevard. ITD has indicated that for safety purposes they would prefer and endorse limiting access onto Chinden Boulevard utilizing Stockton and Osage streets as access Chinden businesses from the numbered cross streets. Utilizing Osage and Stockton to access the businesses on Chinden will assist in the overall traffic flow of Chinden, allowing for better regional movement of traffic benefitting all the cities in Ada/ Canyon County.

The City has a clear and strong vision that Osage should remain narrow, and function as the access for adjacent businesses while also being utilized to further the pedestrian orientation of the City. An example for the development of Osage that has been cited in the generation of the Comprehensive Plan and land use development codes, is the concept of a living street. Potential improvements that have been discussed with the Commission include:

- Lighting
- Controlled access
- Adjacent landscaping and/or art features and street furniture

- 
- Fencing no greater than 3 ½ feet tall along the property boundary line

The city has not required sidewalks to be installed along Osage due to the vision of this plan, and this application is no exception. Due to the building's proximity to Osage St., a sidewalk would not likely be feasible without the demolition of a portion of the building. That is not to say that other improvements along Osage cannot be made.

### **Landscaping**

There are concerns regarding the lack of overall landscaping on site. It appears that the existing landscaping areas meet the 5% requirement, however, those areas do not appear to consist of 70% vegetation.

Code requires that every frontage adjacent to a right-of-way requires street frontage trees. Usually this is in the form of street trees within a landscape buffer, however, as Osage does not require a sidewalk, the frontage trees are required within "frontage area" (typically 5-20ft from property line). The existing structure and current ingress/egress to Osage pose issues to the application's code compliance with this section of code, in that it leaves very little room for the 3 required trees. Staff has concerns about the vitality of the trees in this area due to overcrowding and lack of existing soil (the site is mostly hardscape). Staff has drafted two conditions in the decision document that which contradict each other. One allowing for the deficiency due to existing site conditions, and the other requiring the 3 frontage trees. Discussion is recommended.

## **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, those with standing may appeal a decision within fifteen days from the date of **action**. Action is the date the Planning and Zoning Commission formalizes their decision. The Planning and Zoning Commission may formalize their decision by approving a draft decision or a draft decision with noted changes at the hearing. If additional time is needed to review the decision document for accuracy, they may continue the formalization of the decision to a subsequent meeting. The date of action may be a different date than the applicant is provided with a signed copy of the decision in accordance with Idaho Code 67-6535.

An appeal is \$210 plus the costs of transcripts and must be filed on the appeal application form provided by the City. Appeals received after the 15-day appeal period will not be considered timely and will not be accepted.

**E. Agency Comments**

The following agency comments were provided:

Agency	Comment Date	Summary
North Ada County Fire and Rescue <a href="#">Link to Comment</a>	01/04/2024	Specific building construction requirements of the International Building Code, International Fire Code and NACFR Rules will apply. However, these provisions are best addressed by a licensed Architect at time of building permit application.
Republic Services <a href="#">Link to Comment</a>	01/04/2024	Republic Services has no concerns as long as: <ul style="list-style-type: none"> <li>• The current location where the dumpster sets would remain the same.</li> <li>• Garden City does not require to construction of an enclosure.</li> </ul>
City Engineer <a href="#">Link to Comment</a>	01/05/2024	No changes to the site that would require a review. No comment.
Fairview Acres Lateral Water Users Association <a href="#">Link to Comment</a>	01/08/2024	While Idaho law requires FALWUA to grant permission when private property owners want to make changes to the lateral on said private property there is no requirements, or need for future approvals of this type unless specific changes are being proposed that would affect the flow of irrigation water to and through the property in question.
Idaho Department of Environmental Quality <a href="#">Link to Comment</a>	01/10/2024	General comments provided
ACHD <a href="#">Link to Comment</a>	01/12/2024	The applicant shall be required to: <ul style="list-style-type: none"> <li>• Pay a traffic impact fee. If applicable, a traffic impact fee may be assessed by ACHD and will be due prior to the issuance of a building permit by the lead agency. This is a separate review process, and it is the applicant's responsibility to submit plans directly to ACHD.</li> </ul>



		<ul style="list-style-type: none"> <li>• Comply with all ACHD Policies and ACHD Standard Conditions of Approval for any improvements or work in the right-of-way.</li> <li>• Obtain a permit for any work in the right-of-way prior to the construction, repair, or installation of any roadway improvements (curb, gutter, sidewalk, pavement widening, driveways, culverts, etc.).</li> </ul>
ACHD <a href="#">Link to Comment</a>	01/22/2024	<ul style="list-style-type: none"> <li>• There are no improvements required to the adjacent street(s).</li> <li>• Pay a traffic impact fee. If applicable, a traffic impact fee may be assessed by ACHD and will be due prior to the issuance of a building permit by the lead agency. This is a separate review process, and it is the applicant's responsibility to submit plans directly to ACHD.</li> <li>• Comply with all ACHD Policies and ACHD Standard Conditions of Approval for any improvements or work in the right-of-way.</li> <li>• Obtain a permit for any work in the right-of-way prior to the construction, repair, or installation of any roadway improvements (curb, gutter, sidewalk, pavement widening, driveways, culverts, etc.).</li> </ul>

## F. Public Comment

The following public comments were provided as of the drafting of this report:

Commenter	Comment Date	Summary
Gerald Berggren	01/06/2024	Support the Application

## 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	Compliant as conditioned	A building permit for proposed interior construction will be required to be completed prior to occupancy of the structure.
<b>Title 8, Chapter 1: General Regulations</b>			
<a href="#">8-1A-4 Applicability</a>			The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
<a href="#">8-1B-1 Nonconforming Properties</a>		No compliance issues noted	Legal parcel of record as described

<a href="#">8-1B-2 Nonconforming Structures</a>	Choose an item.	No compliance issues noted	<p>The existing structures appears to be encroaching within the 5' side setback of the southwestern property boundary, as well as the rear 5' setback along Osage St.</p> <p>Nonconforming structures may continue to be occupied, enlarged, repaired or modified so long as non-conformity is not increased, or the building is deemed hazardous by the building official.</p> <p>This CUP application does not propose to increase the non-conformity. The building is proposed to remain the same. Ordinary repair work may be done including repair or replacement of nonbearing walls, fixtures, wiring or plumbing so long as such repair work does not increase the degree of nonconformity.</p> <p>The application appears compliant with this section of code.</p>
<a href="#">8-1B-3 Nonconforming Uses</a>		Compliant upon approval of CUP	The use of Animal Care Facility requires a Conditional Use Permit
<b>Title 8, Chapter 2: Base Zoning District Regulations</b>			
8-2B-1 Purpose		No compliance issues noted	The purpose of the two (2) commercial districts is to provide a full range of commercial uses and services for both the residents of Garden City and the region. Location determines the type and form of commercial uses. More intense commercial activities are intended to be located along arterial streets in the highway commercial (C-1) district.
<a href="#">8-2B-2 Allowed Uses</a>	PZ	Compliant as Conditioned	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	<p>The required setbacks are:  Front: 5'  Interior Side: 5'  Rear: 5'  Street side: 5'</p> <p>The allowable maximum height is: n/a  The minimum lot size is: 3,000sqft  There are existing encroachments.  All improvements are more than 70' from the Boise River.</p> <p><b>The site plans do not setback provide dimensions. However, the application does not propose alteration or addition to the existing building. See section 8-1B-2 for further review/analysis of existing nonconforming structures.</b></p>
<a href="#">8-2C-5 Animal Care Facility</a>	PZ	Compliant as Conditioned	Site Layout: A minimum distance of three hundred feet (300') shall be required to be maintained from the facility to any residence or lodging not on the property; the facility shall be entirely enclosed, heated, soundproofed, and air conditioned. <b>There is an existing</b>

			<p><b>residential unit, and neighborhood ≥ 300ft away from the subject property. The facility is entirely enclosed, heated, soundproofed and airconditioned. The application is compliant, but a condition has been drafted to ensure this is the case throughout the duration of the use.</b></p> <p>Site Maintenance:</p> <ul style="list-style-type: none"> <li>• Adequate shelter shall be required for the animals to be kept, including adequate means of restraining animals from running at large.</li> <li>• The property shall be maintained with adequate housekeeping practices designed to prevent the creation of a nuisance and to reduce to a minimum the factors of noise and odor.</li> </ul> <p>Accessory uses, grooming and boarding of animals are allowed.</p> <p>Other Regulations Apply:</p> <ul style="list-style-type: none"> <li>• The operator shall have a continuing obligation to comply with all city, county and state regulations relative to such an operation.</li> <li>• The use shall comply with the licensing requirements as set forth in title 3, Business And License Regulations, of this code.</li> <li>• There shall be staff available at all times there are animals at the facility. If staff is not on site, a telephone number where a staff member can be reached and available to the site within thirty (30) minutes must be clearly and legibly posted from the exterior of the building at the front entrance to the establishment.</li> </ul>
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**Title 8, Chapter 4: Design and Development Regulations**

<a href="#">8-4A-3 Fences and Walls</a>	PZ	Compliant as Conditioned	<p>Existing chain link fencing with barbed wire along the property line bordering 4044 W. Chinden Blvd (west).</p> <p>Chain link fencing is not permitted per Garden City Code. Barbed wire is not permitted per Garden City Code.</p> <p><b>Removal of the chain link fence with barbed wire will be required and has been conditioned. Alternatively, if the applicant can provide a notarized affidavit of non-ownership claiming the fence is not theirs, then removal will not be required.</b></p>
<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	May not be compliant	<p><a href="#">(Figure 1)</a></p> <p>The existing dumpster is located on the Osage Street side and is not screened from the public right of way. The applicant has</p>

<a href="#">Equipment Areas</a>			<p>stated they are going to enclose the trash dumpster. However, details are not provided on plans. And approval of Republic Services will be required.</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>Existing HVAC units also are not screened from the view of Osage.</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	May not be compliant	<p>There appears to be a very large stormwater swale/rock sump along the frontage of W. Chinden. It is unclear if this feature is for stormwater, or if it is part of Fairview Acres Lateral Irrigation that is not tiled. Staff have requested additional comments from Fairview Acres. Only general comments were made on January 17<sup>th</sup>. More information is required.</p> <p>The site appears to be deficient in the required landscaping (see section 8-41 for more information). This area containing the potential stormwater drainage swale could count towards the landscape requirements if landscaping is added. Otherwise, the applicant will need to find additional site square footage to place the landscaping.</p> <p>The reason for mentioning landscaping requirements within this section of review is because stormwater areas can be designated as landscaped areas so long as:</p> <ul style="list-style-type: none"> <li>- Stormwater swales incorporated into required landscape areas shall be vegetated with grass or other appropriate plant materials.</li> <li>- Gravel, rock, or cobble stormwater facilities are not permitted on the surface of required landscape areas, unless designed as a dry creek bed or other design feature.</li> <li>- Plant materials shall be a species that are able to withstand the anticipated changes in soil wetness and moisture levels.</li> <li>- Organic mulch shall not be used against drainage catch basins due to potential sediment clogging.</li> </ul> <p>General conditions have been drafted to allow the applicant to work with Development Services Staff, Fairview Acres, Public Works to ensure landscaping of the drainage swale/irrigation ditch is permitted. A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.</p>

<a href="#">8-4A-8 Utilities</a>	PZ	No compliance issues noted	The application does not propose a new structure.
<a href="#">8-4A-9 Waterways</a>	PZ	No compliance issues noted	<p>If the rock swale is actually the Fairview Acres Irrigation Ditch, then this section of code is applicable.</p> <p>The Fairview Acres Water Users Association provided a letter of authorization and supports the conditional use application for 4048 W. Chinden Blvd as the applicant did not propose changes to the irrigation facilities on the site.</p>

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

<a href="#">8-4D-3 Parking Design and Improvement Standards</a>	PZ	Compliant as Conditioned	<p>The design standards as set forth in section <a href="#">8-4D-3</a> of this chapter, Parking Design And Improvement Standards, shall apply to any new construction, significant improvement, or moving of a structure, and as required by a conditional use permit.</p> <p>The number of required off-street parking spaces, as set forth in section <a href="#">8-4D-5</a> of this chapter, Required Number Of Off-Street Parking Spaces, shall be provided for any new construction, significant improvement, moving of a structure, and as required by a conditional use permit.</p> <p><b>Vehicle parking:</b></p> <table border="1" data-bbox="737 1031 1409 1285"> <thead> <tr> <th colspan="5">Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS</th> </tr> <tr> <th>Parking Angle</th> <th>Stall Width</th> <th>Stall Depth</th> <th>Length Per Car</th> <th>Driveway Width* Must also meet fire requirements</th> </tr> </thead> <tbody> <tr> <td colspan="5" style="text-align: center;">Standard</td> </tr> <tr> <td>90°</td> <td>9'0"</td> <td>20'0"</td> <td>9'0"</td> <td>22'0"</td> </tr> </tbody> </table> <p><b>The parking provided is slightly inadequate being slightly smaller parking spaces than what code requires. The Commission can condition code compliance, or approve as existing. See parking space dimensional sizes below:</b></p> <p><u>8 regular parking spaces</u>  Stall Width: 8'8"  Length per car: 18'  Stall Depth: ~20</p> <p><u>1 regular parking spaces</u>  Stall Width: 8'2"  Length per car: 18'  Stall Depth: ~20</p> <p><u>1 regular parking spaces</u>  Stall Width: 9'2"  Length per car: 18'  Stall Depth: ~20</p> <p><u>1 ADA parking spaces</u></p>	Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS					Parking Angle	Stall Width	Stall Depth	Length Per Car	Driveway Width* Must also meet fire requirements	Standard					90°	9'0"	20'0"	9'0"	22'0"
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Standard																							
90°	9'0"	20'0"	9'0"	22'0"																			

			<p>Stall Width: 11'  Access aisle: 8'  Length per car: 20'</p> <p>All entrances and exits shall be clearly defined and identifiable using architectural treatments, lighting, and signage. The existing configuration of egress/ingress might cause some confusion based on the proximity of other ingress/egress curb-cuts. Per the <a href="#">Chinden- ITD Access Management</a> Plan, ITD has recommended closure of the curb cut located at 4082 W. Chinden, while keeping the 4048 W. Chinden curb cut. As such, and because of the shared use of the drive and parking lot, staff have required that a shared access agreement is created between the two properties prior to occupancy. (<a href="#">Figure 2</a>)</p> <p>Any parking area utilized for more than two (2) dwelling units and/or for nonresidential uses which is intended to be used during non-daylight hours shall be properly illuminated to increase security and avoid accidents. Any lights used to illuminate parking lots shall be arranged so as to direct the light from trespassing on adjoining property and adhere to section <a href="#">8-4A-4</a> of this chapter, Outdoor Lighting.</p> <p>Bicycle parking shall be provided consistent with the following location and design standards:</p> <p>Bicycle parking spaces shall:</p> <ul style="list-style-type: none"> <li>• Be a minimum space six feet (6') long by two feet (2') wide;</li> <li>• On-site spaces shall be located within fifty feet (50') of the building entrance(s);</li> <li>• Public bicycle spaces may be provided within three hundred feet (300') of the property in lieu of on-site spaces. If public bicycle spaces are provided, legally binding documentation including property owner approval, maintenance responsibility, and public use allowance shall be provided to the city;</li> <li>• Be separated by a physical barrier to protect the bicycles from damage by motor vehicles if located within a motor vehicle parking area. The physical barrier can be curbs, poles, wheel stops, or other similar features;</li> <li>• Be visible, unless specified for the use of tenants, in which case the bicycle parking spaces must be covered;</li> <li>• Be easily accessible from the street;</li> <li>• Not impede pedestrian movement or loading zones;</li> <li>• Not impede pedestrian or vehicular circulation or loading zones. The facilities shall be incorporated, whenever possible, into the structure's design or street furniture; and</li> <li>• Be properly illuminated to increase security and avoid accidents and adhere to section 8-4A-4 of this chapter, Outdoor Lighting.</li> </ul>
<a href="#">8-4D-4 Parking Use Standards</a>	PZ	No compliance issues noted	<p><b>Number Of Spaces:</b> No use shall provide less than the minimum spaces required by this article.</p>

<a href="#">8-4D-5 Required Number of Off- Street Parking Spaces</a>	PZ	Compliant as Conditioned	<p><u>Animal care facility</u> is considered medium use per the code, which requires 1 motor vehicle parking space per 1,000sqft of building. The minimum number of bicycle parking spaces is 1 per 1,000 sqft.</p> <p><b>Vehicle parking space required:</b> 7,968SF/1,000= 8 <b>Bicycle parking space required:</b> 7,968SF/1,000= 8</p> <p><b>Total vehicle parking spaces provided:</b> 12 <b>Total vehicle parking spaces provided:</b> 10</p> <p><b>Total bicycle parking spaces provided:</b> 0 Applicant submitted a letter stating compliance will be met. A condition has been drafted ensuring compliance is met prior to occupancy.</p>
<a href="#">8-4D-6 Standards for Equivalent Parking Adjustments</a>	PZ	No compliance issues noted	Equivalent parking was not requested.
<a href="#">8-4D-7 Off Street Loading Standards</a>	PZ	No compliance issues noted	A loading zone was not proposed.
<b>8-4E Transportation and Connectivity Provisions</b>			
<a href="#">8-4E-2 Applicability</a>		No compliance issues noted	This article provides design standards that shall apply to any new construction, addition, expansion, grading, alteration, or <u>any new or more intense use of property.</u>
<a href="#">8-4E-3 Public Street Connections</a>	PZ	No compliance issues noted	<p>All streets and driveways shall adhere to the standards of a clear vision triangle.</p> <p>Access management controls, such as shared access, and/or access in variance with that specified by the transportation authority may be recommended by the city for the purpose of protecting the function, safety and functionality of the street.</p> <p>Properties adjacent to Chinden Boulevard with alley access, shall provide access to the property from the alley.</p>
<a href="#">8-4E-4 Internal Circulation Standards</a>	PZ	No compliance issues noted	<p>Driveways, aisles and turnaround areas, when required for fire and refuse access, shall meet the following standards:</p> <ul style="list-style-type: none"> <li>- Have a minimum vertical clearance of thirteen feet six inches (13'6") for their entire length and width.</li> <li>- Have a minimum width of twenty feet (20').</li> </ul> <p><b>The driveway appears to be over 20' wide.</b></p> <p>The design of internal circulation should be integrated with the overall site design and adjacent properties, including</p>

			the location of structures, pedestrian walkways and landscaping.
<a href="#">8-4E-6 Sidewalk Standards</a>	PZ	No compliance issues noted	There is an existing attached sidewalk on the subject property and on both adjacent properties along W. Chinden Blvd.  The City has had correspondence with ITD regarding updating the Chinden Streetscape to include wider sidewalks and the integration of street trees with tree grates. A condition has been drafted to work with Developments Services and other agencies to ensure an adequate streetscape is provided.
<a href="#">8-4E-7 Pedestrian and Bicycle Accessibility Standards</a>	PZ	No compliance issues noted	There appears to be a painted pathway on the site that connects all portions of a development in a direct manner.
<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	Required landscape areas shall be at least seventy percent (70%) covered with vegetation at maturity, with mulch used under and around the plants. Use of mulch, organic or rock, as the only ground cover in required planting areas is prohibited.
<a href="#">8-4I-4 Landscaping Provisions for Specific Uses</a>	PZ	Not Compliant	A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping. Site square footage: 0.34 acres or 14,810 SF <b>Required landscape:</b> 14,810 SF*0.05= <b>741 SF</b> <b>Provided:</b> According to rough calculations, there is enough landscaping provided on site to meet this requirement. However, the photographs provided show that some areas are sparsely planted and mostly covered with stones. Required landscaped areas shall be at least 70% covered with vegetation at maturity. A condition has been drafted.  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. <b>Trees Required:</b> W. Chinden Blvd. (~100 LF): 1 Street tree + 2 Frontage trees = 3 trees N. Osage St. (~100 LF): 1 Street tree + 2 Frontage trees = 3 trees <b>Tree plantings along N. Osage Street needs to be discussed. The current site configuration may not allow for the required number of street trees to be planted. See discussion section of staff report. (Figure 3)</b>  A minimum of one tree per one thousand (1,000) square feet of landscaped area and one shrub per one hundred fifty (150) square feet of landscaped area shall be planted. Approximate potential area for landscape: 1,152 SF 1,152 SF/1,000 SF = 1 tree 1,152 SF/150 SF= 8 shrubs



			Trees may be substituted for up to one-half (1/2) of the required shrubs at the rate of one tree for ten (10) shrubs and vice versa. The applicant provided a photograph of trees that are not included in The Treasure Valley Tree Selection Guide. Based on information from the Internet Japanese holly, Ilex crenata, is an evergreen shrub. Mature Size: 3–10 ft. tall, 3–8 ft. Wide. ( <a href="#">Figure 4</a> )
<a href="#">8-4I-5 Perimeter Landscaping Provisions</a>	PZ	No compliance issues noted	Not required
<a href="#">8-4I-6 Parking Lot Landscaping Provisions</a>	PZ	No compliance issues noted	There are no changes proposed for the parking lot.
<a href="#">8-4I-7 Tree Preservation Provisions</a>	PZ	No compliance issues noted	<p><b>This section of code is not applicable as the application is not for new construction of a new development.</b> As a note:</p> <p>The provisions of this section are intended to preserve existing trees of four inch (4") caliper or greater from destruction before and during the development process.</p> <p>Mitigation shall be required for all existing trees four inch (4") caliper or greater that are removed or damaged from the site.</p> <p>a. Mitigation is required for all such trees removed within eighteen (18) months prior to issuance of the building permit for construction on the site or damaged during construction.</p> <p>b. Mitigation shall be replacement of the total calipers lost on site up to an amount of one hundred percent (100%) replacement.</p> <p><b>According to Google Maps images and submitted photos, there was a mature conifer on the property in November 2022. In October 2023 the tree is missing.</b></p> <p>The applicant stated that the removal of the trees was part of a landscaping project on Apryl 27,2023, which was completed by Banana Landscape after it was determined that:</p> <ul style="list-style-type: none"> <li>• The tree had overgrown its location, with roots possibly having a negative impact on the foundation of the building.</li> <li>• The tree maintenance was becoming costly.</li> <li>• The tree's lack of maintenance made it unsightly.</li> </ul>
Title 8, Chapter 6, Article A: Administration			
<a href="#">8-6A-3 General Application Process</a>		No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.

<a href="#">8-6A-4 Required Application Information</a>			Application waivers requested pursuant to 8-6A-4A: <ul style="list-style-type: none"> <li>• Sidewalk</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.

<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>	Idaho Code § 67-6512(a), requires that special or conditional use permits shall be issued only when “not in conflict with the [comprehensive] plan.” The reason for the special treatment of conditional use permits, presumably, is that by their nature, they allow uses not in accordance with the normal zoning for an area. Thus, conditional use permits are, in essence, mini-zones. Conditional use permits are not required to be “in accordance with” the comprehensive plan. Instead, it is sufficient that they not be “in conflict” with the comprehensive plan. <sup>1</sup>

<sup>1</sup> [2022 Givens Pursley Land Use Handbook](#)

This application is in future land use designations of the Comprehensive Plan:

The land use map shows generalized designations for future land uses. The map also identifies unique possibilities for land use and areas for future studies. The following is an explanation for the designations shown in the legend on the land use map.

1. **MIXED USE COMMERCIAL:** The mixed-use commercial designation is for the area south of Adams Street. The intent of this designation is to create an area for mixed uses, including residential, office, retail, and small scale industrial, that are more urban in character than in the mixed-use residential area. Three story buildings and 40%- 60% lot coverage, with aggregated open spaces for pocket parks should guide the development pattern in this area.
2. **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. Activity Nodes by type shown on the Land Use Map are as follows:  
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.  
Identified centers are:
  - Adams and 50th Streets intersection to the Boise River
  - Adams and 42nd street intersection to the Boise River.
  - East city boundary to 36th street between the Boise River and Chinden Boulevard
  - Glenwood and Marigold Streets intersection
  - Chinden Boulevard and Garrett Street intersection
  - Chinden Boulevard and 50th Street intersection
  - State Street and Pierce Park Transit Oriented Development Nodes
  - Chinden Boulevard and Glenwood Street intersection
  - Chinden Boulevard and Veterans Parkway intersection
  - State Street and Horseshoe Bend Road
  - State Street and Glenwood Street
3. **GREEN BOULEVARD CORRIDOR:** 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 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

	<p>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.</p> <p><u>The application may be supported by:</u></p> <p><b>Goal 1. Nurture the City</b></p> <ul style="list-style-type: none"> <li>• 1.4 Objective: Create a premier destination place to live, work, and recreate.</li> </ul> <p><b>Goal 2. Improve the City Image</b></p> <ul style="list-style-type: none"> <li>• 2.2 Objective: Uphold standards for private property maintenance with a focus on nonresidential properties.</li> </ul> <p><b>Goal 12. Evolve as a Destination</b></p> <ul style="list-style-type: none"> <li>• 12.1 Objective: Support a positive business environment</li> <li>• 12.2 Objective: Continue to support commercial and industrial land uses.</li> <li>• 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce.</li> </ul> <p><u>The application may not be supported by:</u></p> <p><b>Goal 4. Emphasize the “Garden” in Garden City</b></p> <ul style="list-style-type: none"> <li>• 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</li> </ul> <p><b>Goal 7. Connect the City</b></p> <ul style="list-style-type: none"> <li>• 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.</li> </ul>
<a href="#">Garden City Sidewalk Policy</a>	A 7-foot concrete sidewalk is installed as per policy. In addition, the sidewalk has been expanded with asphalt covering.
<a href="#">Garden City Street Light Policy</a>	A streetlight is installed along W. Chinden Blvd. and Osage St. in accordance with the policy.
<a href="#">Old Town Circulation Network Plan</a>	<p>Based on the Original Town Circulation Plan the streets around the property were designated as local and microstreets.</p> <p>Local roads and pathways are the key component for creating the foundation for more urban land use which Garden City hopes to achieve in Original Town.</p> <p>The terms microstreet is intended to add vehicular access to the development on the street while requiring minimal pavement. They will create smaller blocks and provide options for on-street parking to facilitate access to businesses and recreational areas. Further planning is anticipated for roads that will identify typical cross section for design which may include but not be limited to on-street parallel or diagonal, sidewalk, curb, building buffer zone, and landscaping for identified streets.</p>
<a href="#">Chinden- ITD Access Management</a>	ITD recommended removing the entrance from the property 4082 West Chinden Blvd. and leaving the entrance only from 4048 West Chinden Blvd
<a href="#">Garden City Transportation Needs List</a>	<p><b>Stockton and Osage:</b></p> <p>Garden City understands that Chinden will always carry a high volume of traffic and supports the utilization of Chinden as a significant regional</p>

vehicular corridor but would like to ensure that the roadway improvements are done so as to reduce detrimental impacts to adjacent businesses and mobility within Garden City. 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).

Garden City has had dialogue with ITD and ACHD concerning the safety of multiple access points entering Chinden Boulevard. ITD has indicated that that for safety purposes they would prefer and endorse limiting access onto Chinden Boulevard utilizing Stockton and Osage streets as to access Chinden businesses from the numbered cross streets. Utilizing Osage and Stockton to access the businesses on Chinden will assist in the overall traffic flow of Chinden, allowing for better regional movement of traffic benefitting all the cities in Ada/ Canyon County.

Tied to access management is the City's desire to redevelop Chinden as a tree lined boulevard with tree landscaped medians. Many studies have demonstrated that vertically framing in a corridor increases driver attention and reduces speeds thus reducing accidents. Studies have also demonstrated that property values and retail spending tend to dramatically increase while expenditures on energy and potential drainage needs decrease with the installation of trees.

Additionally, 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.

The City has a clear and strong vision that Stockton and Osage should remain narrow and function as the access for adjacent businesses while also being utilized to further the pedestrian orientation of the City. Right-of-way acquisition would be too costly to increase the width of the streets. An example for the development of Stockton and Osage that has been cited in the generation of the Comprehensive Plan and land use development codes is the concept of a living street. Garden City understands bringing the streets to ACHD local street standards is cost prohibitive due to right-of-way acquisition needs. Garden City is suggesting that due to these constraints that treatments are done within current right-of-way widths. The City believes that the narrow roadways will be advantageous as they will enhance vehicular and non-vehicular mobility and safety while also negating the need for extremely expensive right-of-way costs.

It is anticipated that improvements will require considerable coordination between ACHD, ITD and Garden City, but will require very little actual funding from the transportation agencies.

Potential improvements to execute vision:

- 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

**Chinden (US 20/26), Maple Grove Extension to Garrett Corridor Plan**

Improvements to Chinden incorporate four objectives: safety enhancement, congestion mitigation, preservation of land values along Chinden and allowing for economic development of properties from Chinden Boulevard through increased traffic on local roads (increased business presence). Chinden is identified as a regional corridor in Communities in Motion and will assist in movement of traffic for Boise, Eagle, Star, Meridian, Middleton, Caldwell, etc... While Chinden is forecasted to carry more than 50,000 vehicle trips per day there are approximately 200 businesses with one or more access points along a roughly four mile stretch of roadway. The number of access points to such a heavily trafficked road and no limit on the left turns make this a dangerous section of roadway. Safety and traffic flow along the entire length of Chinden can be significantly increased through closing access points and limiting future access points along Chinden through the use of Stockton and Osage for business access. The Green Boulevard Corridor, a concept identified in the Garden City Comprehensive Plan and within the Garden City code identifies the use of trees and landscaping, landscaped medians, curb, gutter, sidewalk, bike lanes and Transit Ready Development Nodes to facilitate these goals. This concept identifies that reduced access points will increase safety, and recognizes that vertically framing in a corridor increases driver attention and reduces speeds thus further reducing accidents. Studies have also demonstrated that property values and retail spending tend to dramatically increase while expenditures on energy and potential drainage needs decrease with the installation of trees. Adding Clay and Carr streets as east/west travel lanes will also increase the capacity of Chinden (refer to local project request list). A project of this magnitude will require phasing. Garden City and ITD have entered into a corridor plan to address: access management, design, drainage, and phasing of projects. This project has been submitted to COMPASS for a request for funding. A shared walk/bikeway may be a solution on Chinden. Portland Oregon provides examples where they have done this, including Esplanade which provides 4' dedicated to walking and 6' dedicated to cycling.

**Images**



Figure 1: HVAC units and Trash Receptacle

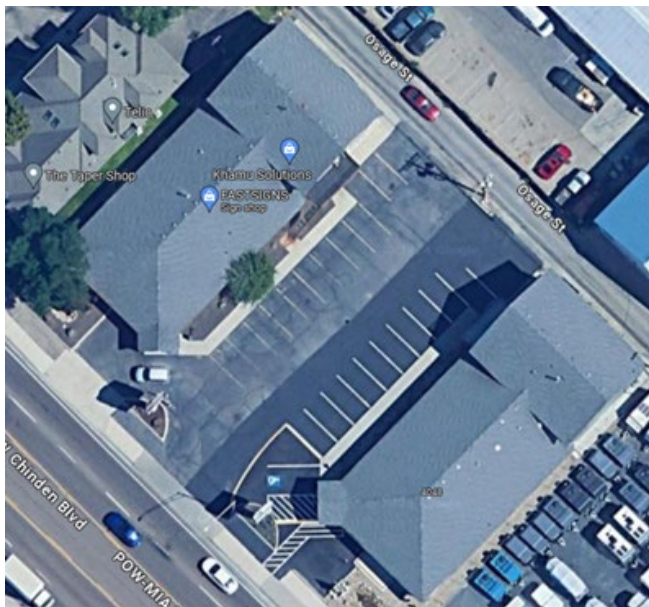


Figure 2: Shared access



Figure 3: Existing Landscaped Areas



Figure 4: Existing trees on site