

BEFORE THE PLANNING AND ZONING COMMISSION  
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:	)	CUPFY2024 - 0006
	)	
Conditional Use Permit	)	FINDINGS OF FACT,
3660 W. Chinden Blvd.	)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho	)	AND DECISION
_____	)	

THIS MATTER, came before the Garden City Planning And Zoning Commission for consideration on April 17, 2024. The Planning and Zoning Commission reviewed the application and materials submitted. Based on the evidence presented, pursuant to Garden City Code Table 8-6A-1, the Planning and Zoning Commission makes the following Findings of Fact, Conclusions of Law and Decision:

**FINDINGS OF FACT**

1. The request is for the use of Vehicle service defined by Garden City Code 8-7A-1 as “The use of a site for the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service painting, repairing or straightening the body and/or chassis of vehicles or steam cleaning of vehicles.”
2. The applicant is Darcy Blazek.
3. The property owner of record is TOUCAN DEVELOPMENT LLC.
4. The location of the project is 3660 W. Chinden Blvd.; Ada County Assessor parcel number(s) R2734502880; described as LOT 33 LOT 34 EXC R/W BLK 10 FAIRVIEW ACRES SUB NO 1.
5. The property is a legal parcel of record.
6. The subject property is 0.690 acres.
7. The scope of the request applies to the entire property.
8. The project is located in the C-1 Highway commercial zoning district.
9. The project is located in the Activity Node: Neighborhood Destination; Green Boulevard Corridor, and the Mixed Use Commercial designations of the Garden City Comprehensive Plan Land Use Designation.

- 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) 100 Year of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
  
- 11. The existing use on the site is Vacant.
  
- 12. The following standards apply to this proposal:
  - a. Garden City Code 8-1A-4 Applicability
  - b. Garden City Code 8-1B Existing Nonconforming Properties, Structures, and Uses
  - c. Garden City Code 8-2B Base Zoning District Regulation
  - d. Garden City Code 8-2C Land Use Provision
  - e. Garden City Code 8-4A Design and Development Regulations- General Provisions
  - f. Garden City Code 8-4D Parking and Off-Street Loading Provisions
  - g. Garden City Code 8-4E Transportation and Connectivity Provisions
  - h. Garden City Code 8-4I Landscaping and Tree Protection Provisions
  - i. Garden City Code 8-6A Administration
  
- 13. The following plans and policies apply to this proposal:
  - a. Garden City Comprehensive Plan
  - b. Garden City Sidewalk Policy
  - c. Garden City Street Light Policy
  - d. Chinden ITD Access Management
  
- 14. Required materials per Garden City Code Table 8-6A-2 Required Application Information was provided:

<b>Conditional Use Permit</b>			
Provided			
Yes	No	NA	
X			Compliance Statement
X			Neighborhood Map
X			Will Serve

- 15. Additional application materials submitted include:
  - a. Site Plan;
  - b. Floor Plans;
  - c. Structural Documentation;
  - d. Landscape Plan an Ledger;
  - e. 300' Neighborhood List;
  - f. Affidavit of Legal Interest;
  - g. Application;

- h. Waiver Request;
  - i. Photos.
16. Agency Comments were received from:
- a. Department of Environmental Quality, April 3, 2024
  - b. North Ada County Fire and Rescue, April 8, 2024
  - c. Idaho Transportation Department, March 27, 2024 and April 10, 2024
  - d. City Engineer, April 1, 2024 and April 7, 2024
17. Public comments were received from:
- a. None
18. The following noticing was completed in accordance with GCC 8-6A-7:

Noticing Requirement	Required Date	Completion Date
Receipt of application		3/18/2024
Letter of Acceptance	4/18/2024	3/29/2024
Radius Notice	3/26/2024	3/27/2024
Interested Parties	n/a	n/a
Legal Notice	3/22/2024	3/27/2024
Agency Notice	3/26/2024	3/27/2024
Property Posting Sign	4/7/2024	4/2/2024
Affidavit of Property Posting and Photos	4/10/2024	4/3/2024

19. On April 17, 2024, a public hearing before the Planning and Zoning Commission was held:
- a. This Andrea Nelson representing the applicant, Darcy Blazek, presented the application.
    - i. Preference to keep one of the accesses along W. Chinden.
    - ii. Request to waive Street tree requirements.
  - b. Staff Hanna Veal presented the staff report.
  - c. Public testimony was heard from:
    - i. Cory Perry; dumpster belonged to previous tenant, no room along Osage to install landscaping, confusion regarding the requirements for closure, willing to use large planter boxes.
    - ii. Sylvia Hampel; would prefer closure of only one access point on Chinden, use paint and signage to direct traffic so they don't exit onto Chinden.
  - d. There was no rebuttal.
  - e. Public testimony was closed.
  - f. Discussion included:
    - i. The two access points closest to the intersection of 37<sup>th</sup> and Chinden shall be closed.

- i. The southeast access along W. Chinden shall be limited to entrance only, with “No Exit” signs and paint indicating as such.
- ii. The dumpster shall either be located inside the building and only taken out on service days, or be screened from view of the public right-of-way per Garden City Code 8-4A-5.
- iii. The HVAC unit adjacent to Osage shall not require screening.
- iv. Landscape standards set forth in Garden City Code 8-4I such as street trees, 5% site coverage, and automatic irrigation shall be waived due to the improvements causing an undue burden for the applicant which is disproportionate to the permit requested.
  - 1. Substitution of the required street trees along all street frontages shall meet Garden City Code 8-4I-4B.4.
  - 2. No automatic irrigation shall be required; however, maintenance shall occur and ensure that all required landscaping is maintained in a healthy condition at all times.
- g. Commissioner Wilde moved to approve the application as drafted in the draft decision in the affirmative with draft conditions of approval, with the following modifications to the conditions of approval:
  - i. The two access points closest to the intersection of 37<sup>th</sup> Street and W. Chinden shall be closed.
    - 1. The southeast access along W. Chinden shall be limited to entrance only.
    - 2. “No Exit” signs shall be installed, as well as paint on the asphalt indicating no exit.
  - ii. The dumpster shall either be located inside the building and only taken out on service days, or be screened from view of the public right-of-way per Garden City Code 8-4A-5.
  - iii. The HVAC unit adjacent to Osage shall not require screening.
  - iv. Landscape standards set forth in Garden City Code 8-4I such as street trees, 5% site coverage, and automatic irrigation shall be waived due to the improvements causing an undue burden for the applicant which is disproportionate to the permit requested.
    - 1. Substitution of the required street trees along all street frontages shall meet Garden City Code 8-4I-4B.4.
    - 2. No automatic irrigation shall be required; however, maintenance shall occur and ensure that all required landscaping is maintained in a healthy condition at all times.
- h. Commissioner Brown seconded the motion.
- i. The motion carried unanimously.

- 20. The record contains:
  - a. Application Documents
  - b. Noticing Documents
  - c. Agency Comments
  - d. Written Public Comments
  - e. Staff report

- f. April 17, 2024, Planning and Zoning Commission Hearing Minutes and Audio
- g. Planning and Zoning Commission Signed Findings of Fact, Conclusions of Law and Decision

21. In order to approve a conditional use permit application, the Planning and Zoning Commission shall make the following findings:

<b>GCC 8-6B-2 CONDITIONAL USE: REQUIRED FINDINGS</b>			
Conclusion			Standard
Compliant	Not Applicable to this Application	Not Compliant	
X			<p><b>Finding 1.</b> The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district;</p> <p><b>Explanation:</b> The use is appropriate to the location, lot, and the neighborhood and is compatible with uses within the C-1 General Zoning District.</p>
X			<p><b>Finding 2.</b> The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts;</p> <p><b>Explanation:</b> There are public services available that can accommodate the proposed development.</p>
X			<p><b>Finding 3.</b> The use will not unreasonably diminish either the health, safety or welfare of the community;</p> <p><b>Explanation:</b> As conditioned, the intended use will not unreasonably diminish the health, safety, or welfare of the community.</p>
X			<p><b>Finding 4.</b> The use is no in conflict with the comprehensive plan or other adopted plans, policies or ordinances of the city.</p>

			<p><b>Explanation:</b>  The application is cohesive with the Comprehensive Plan’s designation of the Green Boulevard Corridor, Mixed Use Commercial and Activity Node. And it supports the Comprehensive Plan’s: Goal 2, Improve the City Image; Goal 4, Emphasize the “Garden” in Garden City; Goal 7, Connect the City; and Goal 12, Evolve as a Destination.</p> <p>Furthermore, the use has been found to be compliant with the sections of code applicable to the application.</p>
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18. The record was reviewed by the Planning and Zoning Commission to render the decision.

**CONCLUSIONS OF LAW**

The Planning and Zoning Commission reviewed the application with regard to Garden City Code Title 8, and based on the conditions required herein, concludes the application **meets** the standards of approval under **GCC 8-6B-2 Conditional Use**.

**DECISION**

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Planning and Zoning Commission hereby **APPROVES** of the application subject to the following conditions:

**CONDITIONS OF APPROVAL DECISION**

**Application Specific Requirements:**

Scope of Permit:

1. The scope of this permit is to allow for the use of Vehicle Services at 3660 W. Chinden Blvd.
2. The 12 existing vehicular parking spaces are sufficient for the use. The site shall provide at least 9 vehicular parking spaces throughout the duration of the use.

Prior to Occupancy:

1. Occupancy of the site shall not commence until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.
2. An Occupancy Analysis shall be applied for and approved by Garden City Development Services Department.
3. A public works and utility permit shall be submitted for review and approval of the site work that will be required to bring the site into compliance with:
  - a. Landscaping and street trees shall be installed and inspected for compliance with Garden City Code 8-4I.
4. At least 9 bicycle parking spaces shall be provided on-site.
  - a. Bicycle parking shall be a minimum of 6' long x 2' wide
  - b. On-site spaces shall be located within fifty feet (50') of the building entrance(s);
  - c. 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;
  - d. Be easily accessible from the street;
  - e. 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
  - f. Be properly illuminated to increase security and avoid accidents and adhere to section 8-4A-4 of this chapter, Outdoor Lighting.
5. All stormwater systems must comply with Garden City Code 8-4A-7.
6. Vehicular parking space dimensions shall be compliant with Garden City Code 8-4D-3.
7. A painted pathway system shall extend through the development site and connect the street sidewalk to all primary building entrances.
  - a. The pathway is free from hazards, has appropriate lighting levels, and meets the standards for ADA accessibility.
  - b. The pathway shall be a minimum width of four feet (4').
8. The two access points closest to the intersection of 37th Street and W. Chinden shall be closed.
  - a. The southeast access along W. Chinden shall be limited to entrance only.
  - b. "No Exit" signs shall be installed, as well as paint on the asphalt indicating no exit.
9. The dumpster shall either be located inside the building and only taken out on service days, or be screened from view of the public right-of-way per Garden City Code 8-4A-5.

10. The HVAC unit adjacent to Osage shall not require screening.
11. Landscape standards set forth in Garden City Code 8-4I such as street trees, 5% site coverage, and automatic irrigation shall be waived due to the improvements causing an undue burden for the applicant which is disproportionate to the permit requested.
  - a. Substitution of the required street trees along all street frontages shall meet Garden City Code 8-4I-4B.4.
  - b. No automatic irrigation shall be required; however, maintenance shall occur and ensure that all required landscaping is maintained in a healthy condition at all times.

Site Specific Requirements for the Duration of the Use:

1. All hydraulic hoists and pits, and all equipment for greasing, lubrication, and allowed repairs shall be enclosed entirely within a structure.
2. Any spray booth must be approved by the fire authority and building official.
3. All parts, inventory and vehicles waiting to be repaired shall be kept inside an entirely enclosed building or hidden behind a privacy fence or other visual barrier as set forth in section 8-2C-37, Storage Facility Or Yard, of this article.
4. All new structures constructed for vehicle/equipment repair shall be constructed so that the entrances to individual workstation/service bays do not face abutting residential parcels or the public rights-of-way.
5. Tires taken in on trade that have no more than salvage value shall be stored in a solid wall enclosure.
6. No servicing of trucks in excess of one and one-half (1-1/2) ton capacity or industrial equipment of any type or character shall be allowed in the commercial district without a conditional use permit.
7. All vehicle/equipment repair uses and related activities shall be limited to between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., Monday through Saturday.
8. Damaged or wrecked vehicles shall not be stored on site for purposes other than repair.
9. All vehicles that are repaired and are waiting to be picked up by the owner of the vehicle shall be parked on site and not in adjoining streets or alleys.
10. All discarded vehicle parts or equipment, permanently disabled, dismantled, or junked vehicles, or tires shall be removed from the premises within thirty (30) days of arrival.



11. Site Maintenance: All paved and unpaved areas shall be maintained grease and oil free.
12. Any future fence or wall shall be in compliance with code at the time of development.
13. Any new or upgraded outdoor lighting related to this use shall be in compliance with Garden City lighting standards.
14. All utilities shall be found in compliance with Garden City Code 8-4A.
15. All streets and driveways shall adhere to the standards of a clear vision triangle.

### **General Requirements**

1. Any changes in the design, construction, operation, or use shall be brought to the immediate attention of the Planning Official for determination if the changes are in substantial conformance with the City's action. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change.
2. This Conditional Use Permit shall not be transferable from one parcel of land to another. Unless otherwise stated in the conditions attached to a permit, the permit shall be granted to the applicant and successors in interest to the premises for which it was approved.
3. This approval is only approval of the conditional use permit. All other applicable permits must be obtained and completed prior to a certificate of compliance or occupancy.
4. The approval is specific to the application provided and reviewed. Final approval is based on substantial conformance. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change.
5. Final approval is subject to the approval of other reviewing agencies and City Departments. Any more restrictive standards adopted and made applicable by any Transportation Authority, Fire Authority or other Federal, State or Local regulatory agencies shall prevail.
6. All improvements and operations shall comply with applicable local, state and federal requirements and procedures whether specifically addressed in the analysis of this application or not. This shall include but not be limited to 8-4A General Provisions of Design and Development Regulations.
7. The property owner is responsible to maintain the site to edge of roadway asphalt.
8. If there are any tree grates, they shall be widened to accommodate the growing tree trunk and prevent girdling of any trees planted in tree wells within sidewalks or other public right of way.

9. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead and diseased plant materials shall be replaced.
10. Where landscaping might impact motorist or pedestrian sight distance, shrubs shall be maintained below three feet (3') in height and trees shall be pruned so that the lowest branches will be at least seven feet (7') above the ground level.
11. A three foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
12. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan as required by or exempted from Garden City Code 8-4I and as shown in the approved landscape plans.
13. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
14. All planting areas that border driveways, parking lots, and other vehicle use areas shall be protected by curbing, wheel stops, or other approved protective devices.
15. Trees shall be planted at least three feet (3') from curbs, sidewalks, driveways and other hard surfaces to buffer from stress caused by vehicle overhang and compacted soils, or planted with sufficient space to provide for the full maturity of the particular tree species. All other plant material, except sod or ground cover, shall be set back a minimum of one foot (1') from any curb edge to protect from vehicle overhang and mechanical damage.
16. The landscape installation shall stabilize all soil and slopes.
17. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
18. Demonstrate compliance with or an exemption from Garden City Code 8-4G prior to certificate of occupancies.
19. This approval is for this application only. Additional permits, licenses and approvals may be necessary.
20. Property maintenance standards shall be maintained as required by Garden City Code.
21. The property owner is responsible for the maintenance of all landscaping and screening devices required.
22. All outdoor living spaces must comply with Garden City Cod 8-3C General Provisions- Living Space Requirements.
23. All outdoor service and equipment areas shall comply with Garden City Cod 8-4A-5 Outdoor Service and Equipment Areas.
24. All stormwater systems must comply with Garden City Code 8-4A-7.
25. Cross-Connections: All cross-connections between the domestic water lines and the irrigation water lines shall be in accord with the City's adopted standards, specifications and ordinances.
26. Materials submitted after the decision shall not be considered part of the record for this decision. If additional materials or information is submitted after the decision the application may be remanded to the decision-making body during which time the decision shall be stayed provided that there is no immediate threat to life or safety.

27. No change in terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his or her authorized representative and an authorized representative of the reviewing agency. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Garden City.
28. The Commission may revoke a conditional use permit for any of the following: A) Violation of Garden City Code or State or Federal Laws; B) Failure to abide by any conditions of this permit; C) Causing or allowing a nuisance as determined by Garden City Code, in connection with the use for which the permit is granted.
29. Any violation of the conditions of this application is a criminal offence.
30. A certificate of occupancy or an application for a building permit shall be considered commencement of the use.
31. All previous uses are null and void unless otherwise conditioned.
32. Should there be a change in use, there is a clear intent to cease the use, or the use is discontinued for more than one year without written documentation submitted to the City, legal noticing, and property posting indicating intent to continue the use, this approval shall become void.
33. The date of action is the date the decision body formalizes their decision. The decision body may formalize their decision by approving a draft decision or a draft decision with noted changes at the hearing. The date of action may be a different date than the applicant is provided with a signed copy of the decision.
34. Pursuant to 8-6A-9 Appeals, those with standing may appeal a decision within fifteen days from the date of action.
35. This approval shall expire one (1) year from its approval, unless otherwise extended as allowed by Garden City Code .
36. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
37. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the final decision and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought.
38. A takings analysis pursuant to Idaho Code may be requested on final decisions.
39. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.



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Chairman, Planning and Zoning Commission

April 17, 2024

Date