



## CITY OF GARDEN CITY

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**File Number: CUPFY2024 - 0006**  
**Requested Use: Automotive Repair**  
**Use as Defined By GCC Title 8: Vehicle Service**  
**Location: 3660 W. Chinden Blvd.**  
**Applicant: Darcy Blazek**  
**Planning and Zoning Commission Hearing Date: April 17, 2024 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: Darcy Blazek
- 2) Owner: TOUCAN DEVELOPMENT LLC
- 3) Title 8 Use: It has been determined that the Garden City defined use that best describes the use is: Vehicle service
- 4) Definition of Use: Garden City Code 8-7A-1 defines this use 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.
- 5) The applicant has not proposed exterior work.

### Site Conditions:

- 1) Existing Use: Vacant
- 2) Street Address: 3660 W. Chinden Blvd
- 3) Parcel Number(s): R2734502880
- 4) Property Description: LOT 33 LOT 34 EXC R/W BLK 10 FAIRVIEW ACRES SUB NO 1
- 5) Legal Lot of Record: Yes
- 6) Property Size: 0.690 acres or 30,056 SF
- 7) Zoning District: C-1 Highway commercial
- 8) Zoning Overlay(s): Neighborhood Commercial Node
- 9) Comprehensive Plan Land Use Map Designation:
  - a) Activity Node: Neighborhood Destination
  - b) Green Boulevard Corridor
  - c) Mixed Use Commercial
- 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) Surrounding Uses:
  - a) Food products, processing
  - b) Food store
- 12) Adjacent Zoning: C-2
- 13) Adjacent Comprehensive Plan Designations:
  - a) Activity Node: Neighborhood Destination
  - b) Green Boulevard Corridor
  - c) Mixed Use Commercial

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**14) Easements on site:**

- a) FAIRVIEW ACRES SUB 01 PLAT; 200600045; UTILITY, DRAINAGE, IRRIGATION EASEMENT.
- b) FAIRVIEW ACRES SUB 01 PLAT; 200600045; UTILITY, DRAINAGE, IRR EASEMENT-  
-ROW

**15) Site Access:**

- a) Front: W. Chinden.
- b) Side: E. 37<sup>th</sup> Street
- c) Rear: Osage

**16) Sidewalks:** Sidewalks are installed and are in good repair

**17) Wetlands on site:** None identified

## C. Discussion

### **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, such as landscaping, cannot be made. Examples of such improvements include Proletariat Wine Company (106 E. 36<sup>th</sup> St. down the street from this application), and Dogtopia (3203 W. Chinden, Picture 1), and the Twisted District Osage patio (3840 W. Chinden).

### **Osage Street Trees**

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. The site primarily consists of hardscape (asphalt), in which the whole Osage frontage acts as their access to the street. By requiring the street trees, the application would need to identify a specific access point to/from Osage. A condition of approval is recommended that street trees be planted adjacent to Osage Street in compliance with code and the Transportation Needs List.

### **Site Landscaping**

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

The 5% landscape requirement excludes landscaping within the setbacks, it appears that all existing landscaped areas are within the 5' front and side setbacks of the property. Additional landscaped areas are required.

## **W. Chinden Blvd. (US 20/26) Frontage**

### **8-4E TRANSPORTATION AND CONNECTIVITY PROVISION:**

8-4E-3: Public Street Connections requires that transportation authorities' requirements are met, that the clear vision triangle is adhered to, and provides regulations on access locations. Code notes that properties adjacent to Chinden Boulevard with alley access or a numbered street (37<sup>th</sup>), shall provide access to the property from the alley or that numbered street (37<sup>th</sup>). Additionally, the Idaho Transportation Department has provided their [Chinden Boulevard Access Management Plan](#) dated September 5, 2019 which has identified the existing SE curb cut along W. Chinden to be removed.

ITD has provided an updated recommendation to remove both curb cuts along W. Chinden Blvd. so that access is limited to the local streets (37<sup>th</sup> and Osage). ACHD has yet to provide a comment regarding 37<sup>th</sup> and Osage, however, it is possible that they too might require closure of accesses along 37<sup>th</sup> Street, and/or Osage. A condition has been drafted to follow the recommendation of ITD regarding closure of both accesses on Chinden.

The accesses can be closed either permanently by demolition of the aprons and construction of curb/gutter and sidewalk. Or, via temporary treatments such as large planters or other landscape treatments, or wheel stops.

### **Chinden Street Trees and Sidewalk**

The City and ITD have come to an agreement regarding the W. Chinden streetscape including a 4' wide furniture zone/small landscape buffer, a 7' wide sidewalk, and the required street trees back of sidewalk. Due to this application having an existing attached concrete sidewalk that is 7' wide, the sidewalk policy allows for the existing attached sidewalk to remain. However, it does not negate the need for the street trees.

If the site were to ever be redeveloped, or propose significant improvements to the property, the new streetscape plan would be implemented.

## **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
Idaho Transportation Department <a href="#">Link to Comment</a> <a href="#">Link to Comment</a>	03/27/2024 04/10/2024	ITD has reviewed the application transmittal for CUPFY2024-0006 and does not have any comments at this time.  Upon further review of CUPFY2024-0006, the Idaho Transportation Department has the following comments: <ul style="list-style-type: none"> <li>• In order to provide optimum traffic flow through the US 20/26 corridor, ITD supports the closure of both accesses onto US 20/26, as the business will still have access to local roads.</li> <li>• At a minimum, ITD will require the closure of the SW corner access onto US 20/26.</li> <li>• Additionally, ITD recommends making the SE access on US 20/26 limited to an “Entrance Only” and having exiting traffic take access off local roads.</li> </ul>
City Engineer <a href="#">Link to Comment</a> <a href="#">Link to Comment</a>	04/01/2024 04/07/2023	General comments regarding fire district approval, water and sewer connections, and FEMA flood maps.
Idaho Department of Environment Quality <a href="#">Link to Comment</a>	04/03/2024	General comments provided.
North Ada County Fire and Rescue <a href="#">Link to Comment</a>	04/08/2024	Per the 2018 International Fire Code, an operational permit from the Boise Fire Department permit will be required for this business. Please apply for a “Repair Garage and Motor Fuel Dispensing Permit”



## 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>	Choose an item.		The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
<a href="#">8-1B-1 Nonconforming Properties</a>		No compliance issues noted	Legal parcel of record as described
<a href="#">8-1B-2 Nonconforming Structures</a>		No compliance issues noted	The existing building does not appear to meet the minimum 5' side setback and 5' rear side setback standard required by the C-1 zoning district. Site plans do not show setbacks, but the building appears to be located on the property boundary line.  Existing nonconforming structures may continue to be occupied, enlarged, repaired, or modified so long as any new additions/modifications meet the current Garden City Code standards. Ordinary repair work may be done so long as the work does not increase the nonconformity. Any structural alteration that would reduce the degree of nonconformity is permitted, subject to approval of building permits.  The requested change of use does not increase the nonconformity of the existing structure.
<a href="#">8-1B-3 Nonconforming Uses</a>		Compliant upon approval	Conditional Use Permit is required for the proposed use.
<a href="#">8-1C-3 Property</a>		No compliance issues noted	<b>There are no active code enforcement cases regarding this property.</b>

[Maintenance Standards](#)

Per 8-1C-2, this article applies to all existing residential and non-residential buildings, structures, and lands.

All land visible from the public right-of-way, including exterior premises and vacant land, whether improved or unimproved, and exterior areas under any roof not enclosed by the walls, doors, or windows of any building, shall be maintained free from the following:

1. Any accumulation of garbage, debris, rubble, hazardous waste, litter, rubbish, refuse, or waste material, including, but not limited to:

a. Graffiti on walls, buildings, structures, fences, and mailboxes;

b. Bottles, cans, paper, plastic, rags, broken glass, organic or inorganic material;

c. Tires, auto parts, lumber, covering (carpet, pads, vinyl), scrap iron, tin, similar materials or other metal not neatly stacked; or

d. Anything that becomes a hazard to the public health and safety or harbors insect, rodent, or vermin infestation.

Vehicles that are inoperable, which includes motor vehicles without current registration, for more than three (3) months shall be enclosed in a structure or located in the rear or side yard and screened from view.

Any landscaping on site or adjacent right-of-way to edge of pavement that is visible from public property which is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated appearance; uncultivated plants, weeds, tall grass, tumbleweeds, uncultivated shrubs or growth (whether growing or otherwise) higher than six inches (6"); or any dead trees and branches, bushes, shrubs, or portions thereof; or trees that harbor insect or rodent infestations, or may become a fire hazard, or result in a condition which threatens the health and safety of adjacent property owners or occupants.

**The photographs provided show that the areas designated for the landscape are not planted and are mostly covered with weeds.**

No noise or vibration shall be permitted which is ongoing and disturbing to normal conversation and/or disturbing sleep on adjoining properties.

Outdoor service and equipment areas shall be maintained in compliance with the following standards:

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

			<p>property, or shall be screened from view from a public street and adjoining property with a privacy fence.</p> <p>Outdoor Storage: Where allowed the outdoor storage of vehicles, equipment, materials, or merchandise shall be in compliance with the following standards:</p> <p>No outdoor storage items shall block sidewalks, driveways to the site, or impede vehicular and pedestrian traffic and parking.</p>
<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.
<a href="#">8-2B-2 Allowed Uses</a>	PZ	No compliance issues noted	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>Setbacks requirement in the C-1 zoning district:  Front: 5'  Rear: 5'  Interior Side: 5'  Street Side: 5'</p> <p>Minimum lot area 3,000 sf.</p> <p>The existing structure does not appear to meet form standards. See above review section 8-1B-2.</p>
<a href="#">8-2C-41</a>	PZ	Compliant as Conditioned	<p>Minimum Site Area: The use shall have a minimum site area of fifteen thousand (15,000) square feet. <b>0.690 acres = 30,056.4 sf. Compliant</b></p> <p>B. Site Layout:</p> <ol style="list-style-type: none"> <li>1. All hydraulic hoists and pits, and all equipment for greasing, lubrication, and allowed repairs shall be enclosed entirely within a structure.</li> <li>2. Any spray booth must be approved by the fire authority and building official.</li> <li>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.</li> <li>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.</li> </ol>

			<p>5. Tires taken in on trade that have no more than salvage value shall be stored in a solid wall enclosure.</p> <p>C. Limitations:</p> <p>1. 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.</p> <p>2. 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. <b>Proposed operating hours are M-F 8:00AM-6:00PM. Compliant.</b></p> <p>3. Damaged or wrecked vehicles shall not be stored on site for purposes other than repair.</p> <p>4. 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.</p> <p>5. 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.</p> <p>D. Site Maintenance: All paved and unpaved areas shall be maintained grease and oil free.</p>
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**Title 8, Chapter 4: Design and Development Regulations**

<a href="#">8-4A-3 Fences and Walls</a>	PZ	No compliance issues noted	There are no fences or walls on the site. None are proposed.
<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 Equipment Areas</a>	PZ	May not be compliant	<p>The existing dumpster is located on the Osage Street side and is not screened from the public right of way.</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>

			Further conversations with Republic Services will be required to determine if screening is a safe and viable option. Relocation of the existing dumpster is an option, as of right now the dumpster is not in a designated or specifically identified position and is able to maneuvered. However, based on historical Google Street view, the dumpster has been in it's current position since 2011. Republic Services has yet to comment on the application.
<a href="#">8-4A-7 Stormwater Systems</a>	PZ	Compliant as Conditioned	A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.
<a href="#">8-4A-8 Utilities</a>	PZ	Compliant as Conditioned	All utilities for a new structure shall be installed underground. For the purposes of this section, the term "utilities" shall include, but not be limited to, electric, natural gas, water, wastewater collection, storm drainage, telephone, and cable services.  The application does not propose a new structure.  Another draft condition of approval is provided requiring that all utilities be underground.
<a href="#">8-4A-9 Waterways</a>	PZ	No compliance issues noted	There is a Fairview Acres Lateral line along the W. Chinden ROW, setback about 15' from the curb/gutter. This irrigation line is currently piped.

**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 <u>as required by a conditional use permit.</u></p> <p><b>Vehicle parking:</b></p> <table border="1" data-bbox="755 1312 1453 1549"> <thead> <tr> <th>Parking Angle</th> <th>Stall Width (A)</th> <th>Stall Depth (B)</th> <th>Length Per Car (C)</th> <th>Driveway Width Must also meet fire requirements</th> </tr> </thead> <tbody> <tr> <td colspan="5" style="text-align: center;"><b>Standard</b></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>Parking Provided:</b> 12 regular parking spaces</p> <p><b>Dimensions are not provided. A condition has been drafted to confirm parking space sizes.</b></p> <p>Parking areas shall not be located closer than four feet (4') to any established public street other than a road designated as an alley. <b>The current parking lot configuration and striped parking stall spaces meet this standard.</b></p>	Parking Angle	Stall Width (A)	Stall Depth (B)	Length Per Car (C)	Driveway Width Must also meet fire requirements	<b>Standard</b>					90°	9'0"	20'0"	9'0"	22'0"
Parking Angle	Stall Width (A)	Stall Depth (B)	Length Per Car (C)	Driveway Width Must also meet fire requirements														
<b>Standard</b>																		
90°	9'0"	20'0"	9'0"	22'0"														

			<p>Pedestrian routes shall facilitate passage from parking spaces to the principal entrance and meet standards set forth in sections 8-4E-6 and 8-4E-7 of code. <b>A condition has been drafted to require a pathway from the public sidewalk, through the parking lot to the main entrance of the building.</b></p> <p>Bicycle parking is not provided. <b>Conditions have been drafted to ensure bicycle parking is provided at the minimum of 6' long by 2' wide, not further than 50' from the building entrance.</b></p>
<a href="#">8-4D-4 Parking Use Standards</a>	PZ	No compliance issues noted	No required parking area or space provided, as required by this article, shall later be eliminated, reduced, or converted in any manner unless other equivalent facilities approved by the city are provided.
<a href="#">8-4D-5 Required Number of Off-Street Parking Spaces</a>	PZ	Compliant as Conditioned	<p>Vehicular Service is considered medium use per the code, which requires 1 motor vehicle parking space per 1,000sqft of building.</p> <p>The minimum number of bicycle parking spaces is 1 per 1,000 sqft.</p> <p>Vehicle parking space required: 8,970 SF/1,000= 9 Bicycle parking space required: 8,970 SF/1,000= 9</p> <p>Total vehicle parking spaces provided: 12 Total bicycle parking spaces provided: 0 <b>Not compliant, condition drafted.</b></p> <p><b>The number of parking spaces provided is based on a count of current designated parking spaces taken from photographs of the site. Judging by the photographs, some areas of the property are also used for parking but do not have designated parking spaces. In addition, one parking space has a ramp to enter the building and cannot be used as a parking lot. It is necessary to provide a more precise number of parking spaces. It may be necessary to redraw stripe spaces.</b></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	Off Street Loading was not proposed.
<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 <u>more intense use of property.</u>
<a href="#">8-4E-3 Public Street Connections</a>	PZ	Compliant as Conditioned	There is a general condition of approval requiring that all streets and driveways shall adhere to the standards of a clear vision triangle at all times.

			<p>All developments shall have approved access to a public street, in conformance with the provisions of the transportation authority.</p> <p>Driveway access shall be separated from other driveways and street intersections in accordance with the requirements of the respective transportation authority, or as agreed to by the city and the transportation authority. Properties that do not conform to the requirements shall be brought into conformance when: a) the property is redeveloped; b) the property is altered by any structural addition that adds more than twenty five percent (25%) increase in gross floor; or c) the property is used for a higher intensity use.</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> <p><b>ITD has provided a recommendation for closure of the two accesses along W. Chinden Blvd. Conditions have been drafted. ACHD has yet to provide comments regarding access to 37<sup>th</sup> St. and Osage.</b></p>
<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	The parcel is a corner lot and has an attached sidewalk at W. Chinden Boulevard and 37th Street. The sidewalks are permitted to remain in accordance with the Garden City Sidewalk Policy.
<a href="#">8-4E-7 Pedestrian and Bicycle Accessibility Standards</a>	PZ	Compliant as Conditioned	<p>There is no pedestrian pathway on site. Code requires that a 4' wide pedestrian pathway shall extend through the development from the public sidewalk to the primary entrance(s) of the building.</p> <p>A condition has been drafted to ensure code compliance.</p>
<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	Not Compliant	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	May not be compliant	<p>A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.</p> <p>Site square footage: 0.69 acres or 30,056 SF  Required landscape: 30,056 SF*0.05= 1,503 SF</p>

			<p><b>Landscape provided:</b> According to rough calculations, there is not enough landscaping provided on site to meet this requirement, as most of the potential landscaped areas are within the 5' setback. Additionally, required landscaped areas shall be at least 70% covered with vegetation at maturity, which is not provided based on site photos. A condition has been drafted to ensure this standard is met. (<a href="#">Figure 2</a>).</p> <p>A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional class II or III tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.</p> <p>Trees Required:  <b>W. Chinden Blvd.</b> (~201 LF): 1 Street tree + 4 Frontage trees = 5 trees  <b>E. 37th St.</b> (~141 LF): 1 Street tree + 3 Frontage trees = 4 trees  <b>Osage St.</b> (~201LF): 1 Street tree + 4 Frontage trees = 5 trees</p> <p><b>Trees not provided.</b> The submitted landscape plans show the intent of planting shrubs and planters. However, species are not identified.</p> <p><b>Tree plantings along N. Osage Street are required. See discussion section of staff report.</b></p> <p>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: ~775 SF  ~775 SF/1,000 SF = 1 tree  ~775 SF /150 SF= 5 shrubs</p>
<a href="#">8-4I-5 Perimeter Landscaping Provisions</a>	PZ	No compliance issues noted	Not required
<a href="#">8-4I-7 Tree Preservation Provisions</a>	PZ	No compliance issues noted	No existing trees on-site.
Title 8, Chapter 6, Article A: Administration			
<a href="#">8-6A-3 General Application Process</a>		No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
<a href="#">8-6A-4 Required Application Information</a>		No compliance issues noted	Application waivers requested pursuant to 8-6A-4A: - Irrigation Ditch Letter
<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.
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<b>Other Items Reviewed</b>	
Plan/Policy	Discussion/ Analysis
<a href="#">Idaho Code 67-6512</a> Local Land Use Planning Special Use Permits, Conditions, and Procedures	<p>Garden City Code noticing requirements are compliant with this Statute.</p> <p>The statute notes that upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those:</p> <ol style="list-style-type: none"> <li>(1) Minimizing adverse impact on other development;</li> <li>(2) Controlling the sequence and timing of development;</li> <li>(3) Controlling the duration of development;</li> <li>(4) Assuring that development is maintained properly;</li> <li>(5) Designating the exact location and nature of development;</li> <li>(6) Requiring the provision for on-site or off-site public facilities or services;</li> <li>(7) Requiring more restrictive standards than those generally required in an ordinance;</li> <li>(8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.</li> </ol> <p>Prior to granting a special use permit, studies may be required of the social, economic, fiscal, and environmental effects and any aviation hazard as defined in section <a href="#">21-501(2)</a>, Idaho Code, of the proposed special use. A special use permit shall not be considered as establishing a binding precedent to grant other special use permits. A special use permit is not transferable from one (1) parcel of land to another.</p>
<a href="#">Garden City Comprehensive Plan</a>	<p>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></p> <p>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. This application is in future land use designations of the Comprehensive Plan:</p> <ol style="list-style-type: none"> <li>1. <b>MIXED USE COMMERCIAL:</b> 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</li> </ol>

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

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 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.

The application may be supported by:  
**Goal 2. Improve the City Image**

	<ul style="list-style-type: none"> <li>• 2.4 Objective: Create a vision for the design of all streets and highways consistent with city’s urban setting.</li> </ul> <p><b>Goal 4. Emphasize the “Garden” in Garden City</b></p> <ul style="list-style-type: none"> <li>• 4.1 Objective: Beautify and landscape.</li> <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>• 7.1 Objective: Create pedestrian and bicycle friendly connections.</li> <li>• 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.</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>• 4.1 Objective: Beautify and landscape.</li> <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>• 7.1 Objective: Create pedestrian and bicycle friendly connections.</li> </ul>
<a href="#">Garden City Sidewalk Policy</a>	<p>A 7-foot concrete sidewalk is installed as per policy. In addition, the sidewalk has been expanded with asphalt covering.</p> <p>See discussion section of this staff report.</p>
<a href="#">Garden City Street Light Policy</a>	<p>A streetlight is installed along E. 37<sup>th</sup> Street in accordance with the policy.</p>
<a href="#">Chinden- ITD Access Management</a> <a href="#">Chinden Corridor Access Map</a>	<p>There are two existing access points along W. Chinden Blvd. ITD has identified the ingress/egress closest to the intersection of 37<sup>th</sup> and Chinden to be removed.</p> <p>There have been a few conditions drafted in regard to ITD’s most recent comments regarding these access points. ITD recommended the closure of both access onto US 20/26 (W. Chinden) based on the business having access to local roads. They also mentioned, that at minimum the SW access be closed, and that the SE access be limited to an “Entrance Only”.</p>
<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 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).</p>

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 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.

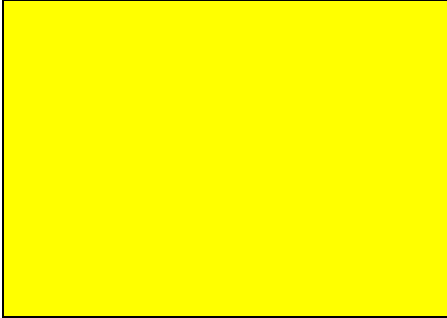
Additionally, Garden City has 4" waterlines in Stockton Street, severely limiting water delivery. Replacement of these lines is a top priority in Garden City's capital improvement plans to insure adequate fire flow for current and future development. Increasing the line size within Stockton would allow 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

*Images*



Figure 1: Example of Osage/Stockton improvements per the Transportations Needs List.





Figure 2: Rough calculations of existing landscaped areas on site.