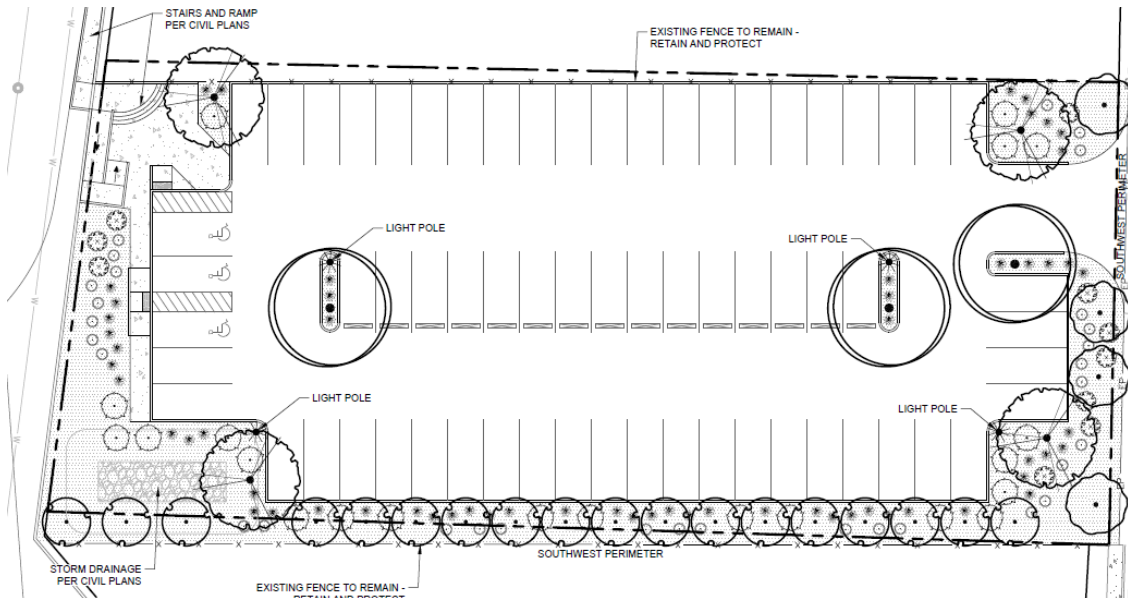




CITY OF GARDEN CITY

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

File Number: CUPFY2024 - 0008
Requested Use: Surface parking area
Use as Defined by GCC Title 8: Parking Facility
Location: 508 E. 40th Street
Applicant: Chad Weltzin with erstad Architects
Planning and Zoning Commission Hearing Date: July 17, 2024 6:30 p.m.



STAFF REPORT

Prepared by Hanna Veal
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A. Project Information

Proposed Scope of Work:

Request	Review Process
Conditional Use Permit	GCC 8-6B-2

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: Chad Weltzin with erstad Architects
- 2) Owner: PARLAY INVESTMENTS LLC
- 3) Title 8 Use: It has been determined that the Garden City defined use that best describes the use is: Parking facility
- 4) Definition of Use: Garden City Code 8-7A-1 defines this use as: The primary use of a site for parking vehicles. The term "parking facility" includes surface lots and garages.

Site Conditions:

- 1) Existing Use: Vacant
- 2) Street Address: 508 E. 40th Street
- 3) Parcel Number(s): R2734560160
- 4) Property Description: LOTS 17/18 BLK 2 FAIRVIEW ACRES SUB NO 7
- 5) Legal Lot of Record: Yes
- 6) Property Size: 0.640 acres
- 7) Zoning District: C-2/DA
- 8) Comprehensive Plan Land Use Map Designation:
 - a) Activity Node: Neighborhood Destination
 - b) Mixed Use Residential
- 9) 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.
- 10) Surrounding Uses:
 - a) Vacant
 - b) The Boardwalk Development - Mixed Use – Multi-family dwelling units, commercial (eating establishment, limited services)
 - c) Single-family dwelling units,
 - d) Manufactured homes
 - e) Heron Park
- 11) Adjacent Zoning: C-2/DA & R-3
- 12) Adjacent Comprehensive Plan Designations:
 - a) Green Boulevard Corridor
 - b) Main Street Corridor
 - c) Activity Node: Neighborhood Destination

d) Mixed Use Residential

13) Easements on site:

a) EASEMENTS: FAIRVIEW ACRES SUB 07 PLAT; UTILITY, DRAINAGE, IRRIGATION
EASEMENT; 200600050

b) EASEMENTS: EASFY2021-0012 WATER BOARDWALK; WATER MAIN
EASEMENT; 2021075765

14) Site Access:

a) Front: E. 40th Street

15) Sidewalks: No sidewalk

16) Wetlands on site: None identified

C. Discussion

This application is for the use of a public parking lot (parking facility) located at 508 E. 40th Street. The intent of the proposal is to provide additional parking spaces for patrons of the Boardwalk building, the Greenbelt, and adjacent retail/restaurants. While on-street parking is permitted in the area, the parking facility will help reduce the quantity of visitors parking along the adjacent residential streets.

The application consists of two lots (lots 17 & 18) of Fairview Acres subdivision. A lot consolidation is not required due to no structure being proposed. The application appears to propose landscaping and a drainage swale outside of these lots on the adjacent southern property located at 500 E. 40th Street (parcel #R2734560140). The city cannot permit this construction encroachment without the applicant obtaining permission from the adjacent property owner. A condition has been drafted to ensure that permission is granted.

Due to the parking facility's proximity to adjacent single family residential dwellings, screening of the parking lot is required, specifically along the north, east, and south sides of the lot. The southern property boundary area contains code compliant perimeter landscaping, but not without encroachment on the adjacent property or redesign of the site plan.

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 being 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
Ada County Highway District Link to Comment	07/03/2024	<ul style="list-style-type: none"> • Construct 40th Street as ½ of a 36-foot street section with vertical curb, gutter and of 5-foot wide sidewalk abutting the site. • Dedicate right-of-way to 2-feet behind back of sidewalk, or for detached sidewalk, reduce the right of-way width to 2-feet behind the back of sidewalk and provide a permanent right-of-way easement that extends from the right-of-way line to 2-feet behind the back of sidewalk. • Close the two existing driveways from the site onto 40th Street with vertical curb, gutter and 5-foot wide sidewalk abutting the site. • Construct a 22-foot wide curb return type driveway located 79-feet northeast of Reed Street (measured centerline-to-centerline). • Submit civil plans to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD. • There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time. The impact fee assessment will not be released until the civil plans are approved by ACHD. • Comply with all Standard Conditions of Approval.
Republic Services Link to Comment	06/20/2024	A parking lot no trash services needed
Garden City Engineer Link to Comment	07/03/2024	<ul style="list-style-type: none"> • Prior to performing any grading on the site, the applicant must prepare and have approved by the city an erosion and sediment control plan. • Approval of the project by the Ada County Highway District will be required.

		<ul style="list-style-type: none">• Comments from the North Ada County Fire and Rescue District may be required. Should any fire flow requirements exceed those available, the land use, improvement of off-site city water lines or other efforts may be necessary to obtain approval of plans. The review by the District needs to include review of locations of fire hydrants.• No sewer connections will be needed. Any new water service must be reviewed and approved by the city's Public Works Department. The applicant is responsible to verify that adequate water system supply is available to provide any fire suppression water needs. Public water lines need to be at least 25 feet from storm water seepage beds or from infiltration surfaces of drainage swales.• Compliance with the storm water ordinance and policies of the city will be required. A site grading and drainage plan will be required that is sealed, dated and signed by the design professional when construction plans are submitted. Said plan must be reviewed and approved by the city. Drainage must be maintained on-site. Please note that site grading must match existing grading along the site's perimeter.• A storm water design report and a drainage system operation and maintenance manual for handling of storm water prepared by an Idaho licensed design professional that is sealed, dated and signed will be required when construction plans are submitted.• A site geotechnical report will be required for the design of the on-site storm water system prepared and sealed, dated and signed by a qualified license professional. Said report must identify the depth to seasonal high groundwater, provide a profile of encountered soils and their infiltration rates. The report also must provide a design infiltration rate recommendation for the storm water system. The storm water design must provide for at least three feet of vertical separation between the bottom of the storm water facility and the seasonal high groundwater.• The landowner must enter into an agreement with the city that will be recorded addressing mandatory maintenance of the site's storm water system. The agreement must be fully executed, have conditionally approved plans attached and be recorded by the city with final plan approval.• The applicant should review the original FEMA work maps (not the current adopted maps) as the city has been placed in seclusion. The current maps (June 2020) do not display the possible future risk of the flooding potential of the Boise River. As no buildings are proposed, the work map information is just information, but future possible BFEs could impact or drive the parking lot design. The work maps are available on the city's website. They are attached to a city council resolution 1083-20 dated 22 June 2020.• The project is comprised of two existing subdivision lots. As no building is proposed, we do
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		not believe a parcel consolidation survey is necessary.
Idaho Transportation Department Link to Comment	06/25/2024	The Department has no comments or concerns to make at this time
North Ada County Fire and Rescue Link to Comment	06/24/2024	The required inside turning radius for fire department access is 28'. The required outside turning radius is 48'. Please make the appropriate changes for fire department access.
Idaho Department of Environmental Quality Link to Comment	07/05/2024	General comments provided

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.

Garden City Title 8 Code Sections			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
Title 8, Chapter 1: General Regulations			
8-1A-4 Applicability	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.
8-1B-1 Nonconforming Properties		No compliance issues noted	Legal lots of record as described. Parcel consists of two original lots (17 & 18), due to the application not proposing a structure, a lot consolidation will not be required.
8-1B-2 Nonconforming Structures		No compliance issues noted	All existing buildings on the site will be demolished. The existing fence will remain.
8-1B-3 Nonconforming Uses		Compliant upon approval of CUP	Conditional Use Permit approval will be required for the use.
8-1C-3 Property Maintenance Standards		No compliance issues noted	Per 8-1C-2, this article applies to all existing residential and non-residential buildings, structures, and lands. No active code enforcement cases on file.
Title 8, Chapter 2: Base Zoning District Regulations			

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. Activities which are more compatible with mixed use or residential uses and minimally disruptive to the neighborhood are to be located in the general commercial (C-2) district.
8-2B-2 Allowed Uses	PZ	Compliant upon approval of CUP	Garden City Code Table 8-2B-1 requires a conditional use permit in this zone for the proposed use.
8-2B-3 Form Standards	PZ	No compliance issues noted	The required setbacks are: Front: 5' Interior Side: 5' Rear: 5' Street side: 5' There are no proposed structures. The existing structures will be removed as part of this application. Landscaping and parking lots may encroach within the setbacks so long as compliance is met in all other applicable sections of code.

Title 8, Chapter 4: Design and Development Regulations

8-4A-3 Fences and Walls	PZ	Not Compliant	The existing fence along the southern property boundary line encroaches onto the adjacent parcel. The proposed landscaping also encroaches onto the adjacent parcel to the south. The adjacent parcel is not owned by the same entity. This encroachment is not permitted unless the applicant gets permission from the neighboring property owner. The existing wood fence on the north and south property boundaries will remain. The application materials do not reflect the current condition of the entire fence. If any parts of the fence contain old, decayed, or broken wood, they must be replaced. Where there is no building frontage, fences greater than three and one-half feet (3.5') shall be set back minimally ten feet (10') from the back of sidewalk so as to allow for street trees and landscaping between the fence and the sidewalk. The fence borders the road. The dimensions of the fence are not provided. If the fence exceeds 3.5', the fence must be set back minimally 10' from the back of sidewalk. Based on submitted site photos, and Google Streetview, the fence is taller than 3.5' within 10' of the road which may not meet clear vision triangle standards.
8-4A-4 Outdoor Lighting	PZ	Compliant as Conditioned	The proposed lighting appears to be compliant with code.

			Any future outdoor lighting will be required to be in compliance with code at the time of development.
8-4A-5 Outdoor Service and Equipment Areas	PZ	No compliance issues noted	The application does not contain outdoor service or equipment areas.
8-4A-7 Stormwater Systems	PZ	Compliant as Conditioned	<p>The application proposes a drainage swale. Stormwater swales incorporated into required landscape areas shall be vegetated with grass or other appropriate plant materials. Such swales shall also be designed to accommodate the required number of trees.</p> <p>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.</p> <p>A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.</p>
8-4A-8 Utilities	PZ	Compliant as Conditioned	Another draft condition of approval is provided requiring that all utilities be underground.
8-4A-9 Waterways	PZ	No compliance issues noted	No comment

8-4D Parking and Off Street Loading Provisions

8-4D-2 Applicability	PZ	No compliance issues noted	The design standards as set forth in section 8-4D-3 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.															
8-4D-3 Parking Design and Improvement Standards	PZ	May not be compliant	<p>Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <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">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>Compliant Parking Provided: 62 regular parking spaces Stall width: 9' Stall length: 20'</p> <p>2 ADA parking spaces:</p>	Parking Angle	Stall Width (A)	Stall Depth (B)	Length Per Car (C)	Driveway Width Must also meet fire requirements	Standard					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														
Standard																		
90°	9'0"	20'0"	9'0"	22'0"														

			<p>Stall width: 9' Stall length: 20' Access aisle: 5'</p> <p><u>1 ADA parking space:</u> Stall width: 11' Stall length: 20' Access aisle: 5'</p> <p>Driveway width: 22'</p> <p>No part of any parking area for more than ten (10) motor vehicles shall be closer than twenty feet (20') to any dwelling unit on an adjoining lot, unless separated by screen in compliance with the provisions as set forth in 8-4I Landscaping And Tree Protection Provisions. The parking lot appears to be closer than 20' to adjacent dwelling units to the north and the south.</p> <p>10' wide perimeter landscaping is provided along the southern property boundary line in accordance with 8-4I, however, as previously discussed, portions of this landscape is proposed on the adjacent property.</p> <p>The setback dimensions between the parking lot, northern property boundary line, and adjacent northern dwelling units were not provided. The parking lot abuts the existing fence which lies primarily on the northern property boundary line. The adjacent dwelling units appear closer than 20'. Perimeter landscaping is not provided in accordance with 8-4I. The parking lot is not compliant.</p> <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 this chapter. Pedestrian paths are not marked inside the parking lot.</p> <p>Bicycle parking is not required, and none are proposed. Due to the proximity of the site to the Greenbelt, and the Boardwalk, it might be appropriate to provide bicycle parking.</p>
8-4D-4 Parking Use Standards	PZ	No compliance issues noted	Upon any change of use, the number of vehicle parking spaces to be provided shall be calculated according to the requirements for the new use.
8-4D-5 Required Number of Off-Street Parking Spaces	PZ	No compliance issues noted	There is no requirement in the code for the number of parking spaces for this use.
8-4D-6 Standards for Equivalent Parking Adjustments	PZ	No compliance issues noted	Equivalent parking was not requested.

8-4D-7 Off Street Loading Standards	PZ	No compliance issues noted	There is no off-street loading area.				
8-4E Transportation and Connectivity Provisions							
8-4E-2 Applicability			Provisions apply to any new construction, addition, expansion, grading, alteration, or any new or <u>more intense use of property</u> .				
8-4E-3 Public Street Connections	PZ	Compliant as Conditioned	A condition has been drafted to ensure the clear vision triangle is maintained.				
8-4E-4 Internal Circulation Standards	PZ	No compliance issues noted	The driveway is 22' wide.				
8-4E-6 Sidewalk Standards	PZ	Not Compliant	There is currently no sidewalk along the parcel's frontage. An attached sidewalk adjoins the southern part of the property. Detached sidewalks shall be required unless in conflict with a street plan adopted by the transit authority and/or the city or there is existing attached sidewalk on both sides adjacent to the property. The existing attached sidewalk only borders the south side of the property, a detached sidewalk will be required. A condition has been drafted.				
8-4E-7 Pedestrian and Bicycle Accessibility Standards	PZ	Not Compliant	Pathways through the site to the required public sidewalk are not proposed.				
8-4E-8 Transit Facilities	PZ	No compliance issues noted	No comment				
8-4I Landscaping and Tree Protection Provisions							
8-4I-2 Applicability			For all new residential and nonresidential uses, all landscaping standards of this article shall be met.				
8-4I-3 General Landscaping Standards and Irrigation Provisions	PZ	No compliance issues noted	When five (5) or more trees are to be planted to meet the requirements of any portion of this article (including street trees, perimeter landscaping, parking lot landscaping and other landscape guidelines) a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required as set forth in table 8-4I-1 of this subsection. <table border="1" data-bbox="743 1633 1414 1749"> <thead> <tr> <th>Required Number Of Class II Or Class III Trees</th> <th>Minimum Number Of Species</th> </tr> </thead> <tbody> <tr> <td>31 to 50¹</td> <td>4</td> </tr> </tbody> </table> Provided: 4 species Class II	Required Number Of Class II Or Class III Trees	Minimum Number Of Species	31 to 50 ¹	4
Required Number Of Class II Or Class III Trees	Minimum Number Of Species						
31 to 50 ¹	4						

¹ Includes required perimeter landscaping trees of 1 per every 15'.

8-4I-4 Landscaping Provisions for Specific Uses	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. Required: $29,739 \times 0.05 = 1,487$ SF Provided: 6,310 SF (<i>The data reflects the entire landscape and includes the perimeter landscape and setback</i>). More information is required to ensure 5% of the site is landscaped excluding perimeter and setback landscaping.</p> <p>A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional class I tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage. E. 40th St. (~117 LF): 1 Street Tree + 2 Frontage trees= 3 trees Provided: 4 trees Class II</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. Proposed landscape: 6,310 SF Required trees: $6,310 \text{ SF} / 1000 \text{ SF} = 6$ Provided: 25 Required shrubs: $6,310 \text{ SF} / 150 = 42$ Provided: 123</p>
8-4I-5 Perimeter Landscaping Provisions	PZ	Not Compliant	<p>Perimeter landscaping required as per code section 8-4D-3.</p> <p>Standards:</p> <ol style="list-style-type: none"> 1. A perimeter landscaping area shall be at least ten feet (10') wide measured from the property line to the interior of the lot; 2. A screen consisting of vegetation shall be at least six feet (6') wide and six feet (6') in height at maturity; 3. At least one tree shall be planted for every fifteen (15) linear feet of perimeter length (or as appropriate to the selected species) to quickly establish continuous canopy coverage. 4. Additional standards for parking lots and carports are set forth in section 8-4I-6, "Parking Lot Landscaping Provisions". <p>Perimeter landscape is not provided along the northern property boundary of the site.</p>
8-4I-6 Parking Lot Landscaping Provisions	PZ	May not be compliant	<p>The provisions of this section shall apply to all new or substantially altered parking lots of five (5) spaces or more.</p> <p>Landscaped areas, including islands, medians, and stormwater retention areas shall be designed within the parking lot to define major vehicle and pedestrian routes, provide shade and break up the expanse of paved areas.</p> <p>Plant high branching deciduous trees throughout the parking lot interior to provide shade for pedestrians, vehicles and surfaces.</p>

			<p>a.) Internal shade trees shall be provided at a minimum ratio of one tree planted for every five (5) parking spaces supplied. 65 vehicle parking spaces provided, 13 internal shade trees required. Excluding the perimeter landscape trees, only 7 trees are provided. On small or narrow sites, shade trees provided in non-street facing perimeter planting areas can be counted toward the internal tree requirement.</p> <p>Solid masonry or wood fencing a minimum of six feet (6') in height with landscaped screening shall be provided between parking lots and residential uses. Landscaping not provided between the parking lot and adjacent northern property dwellings.</p> <p>Include landscaped islands with at least one tree at the beginning and end of each parking row and to break up longer rows or highlight special features. Provided.</p>
8-4I-7 Tree Preservation Provisions	PZ	Compliant as Conditioned	<p>There appear to be trees on the property. An arborist's report and tree mitigation plans are required. A condition has been drafted to require this prior to the removal of existing trees.</p>
Title 8, Chapter 6, Article A: Administration			
8-6A-3 General Application Process		No compliance issues noted	<p>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.</p>
8-6A-4 Required Application Information		N/A	
8-6A-7 Public Hearing Process		No compliance issues noted	<p>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.</p>

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Idaho Code 67-6512 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"> (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development;

	<p>(3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development; (6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (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.</p> <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 <u>21-501(2)</u>, 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>
<p>Previous entitlement that might affect this project</p>	<p>ZONFY2023-0002 DSRFY2024-0011 – Current design review application for the parking facility use.</p>
<p>Garden City Comprehensive Plan</p>	<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.²</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"> MIXED USE RESIDENTIAL: The mixed-use residential area is north of Adams/ Alworth Street. This designation allows for residential and commercial uses in a form and scale that is residential in character and design. A mix of residential; small scale office and retail; and public and semi-public uses are appropriate in this district. Regulations for this area should focus on form more than use, with a maximum height of two stories. 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

² [2022 Givens Pursley Land Use Handbook](#)

	<p>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. <u>Identified centers are:</u></p> <ul style="list-style-type: none"> • 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 <p><u>The application may be supported by:</u></p> <p>Goal 1. Nurture the City</p> <ul style="list-style-type: none"> • 1.3 Objective: Consider the needs of all citizens, businesses and the environment. <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> • 2.4 Objective: Create a vision for the design of all streets and highways consistent with city’s urban setting. <p>Goal 4. Emphasize the “Garden” in Garden City</p> <ul style="list-style-type: none"> • 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art. <p>Goal 5. Focus on the River</p> <ul style="list-style-type: none"> • 5.5 Objective: Create more accessibility to the Boise River and Greenbelt. <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> • 7.1 Objective: Create pedestrian and bicycle friendly connections. • 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters. <p><u>The application may not be supported by:</u></p> <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> • 7.1 Objective: Create pedestrian and bicycle friendly connections.
Garden City Sidewalk Policy	No waiver requested
Garden City Street Light Policy	A streetlight is installed along E. 40 th Street in accordance with the policy.
Old Town Circulation Network Plan	Based on the Original Town Circulation Plan the streets around the property were designated as local and micro streets.