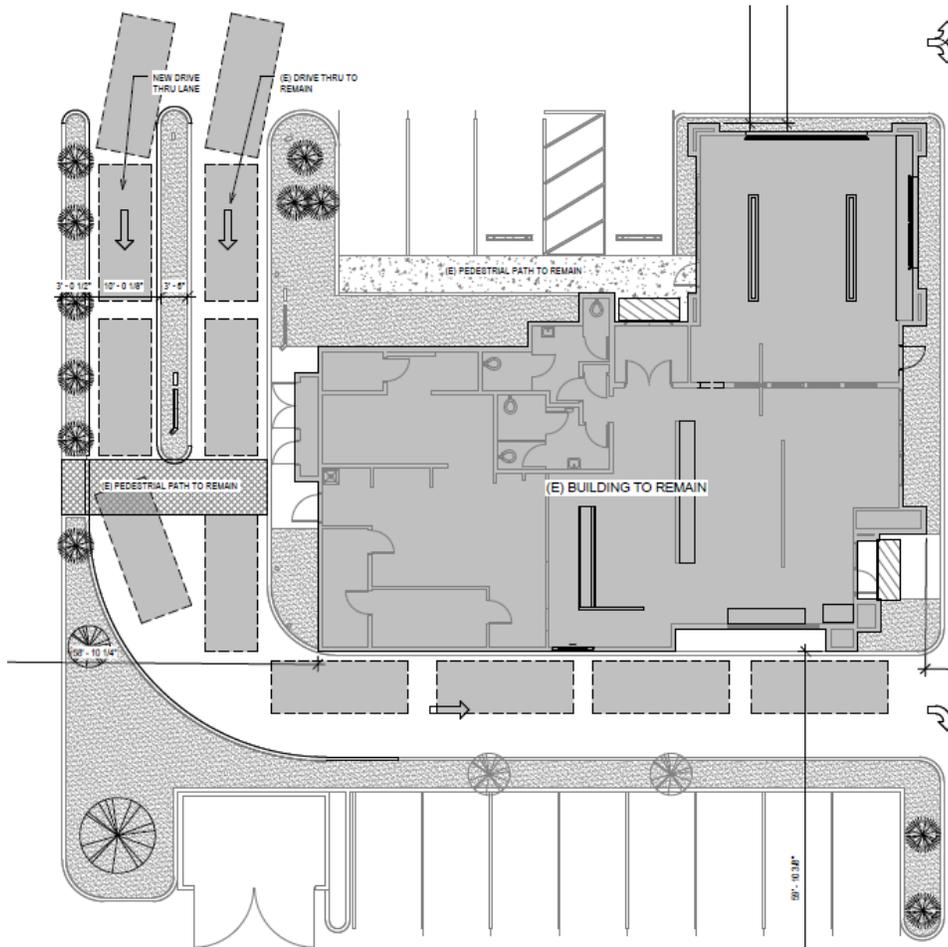


## CITY OF GARDEN CITY

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

**File Number: CUPFY2024 - 0009**  
**Requested Use: Additional drive-thru lane**  
**Use as Defined By GCC Title 8: Drive-Through Establishment**  
**Location: 4999 N. Glenwood St.**  
**Applicant: Rory Heggie**  
**Planning and Zoning Commission Hearing Date: August 21, 2024 6:30 p.m.**



### STAFF REPORT

Prepared by Hanna Veal & Wyatt King  
(208) 472-2921; [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org)

---

## Table of Contents

|                                   |           |
|-----------------------------------|-----------|
| <b>Project Information</b> .....  | <b>3</b>  |
| <b>Discussion</b> .....           | <b>5</b>  |
| <b>Decision Process</b> .....     | <b>7</b>  |
| <b>Agency Comment</b> .....       | <b>8</b>  |
| <b>Public Comment</b> .....       | <b>10</b> |
| <b>Code/Policy Analysis</b> ..... | <b>10</b> |

## 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: Rory Heggie
- 2) Owner: MAL LP
- 3) Title 8 Use: It has been determined that the Garden City defined use that best describes the use is: Drive-through establishment
- 4) Definition of Use: Garden City Code 8-7A-1 defines this use as: Any use that permits service to take place directly with customers located in a motor vehicle. The term "drive-through establishment" shall include, but not be limited to, providing food or beverage service, bank service, prescription drugs, and/or film processing. The term "drive-up window service" shall not include fuel sales facility or vehicle washing facility as herein defined.
- 5) The applicant has not proposed exterior work.

### Site Conditions:

- 1) Existing Use: Drive-through establishment
- 2) Street Address: 4999 N. Glenwood St.
- 3) Parcel Number(s): R8191508798
- 4) Property Description: PAR #8793 OF LOT 38 STRAWBERRY GLEN PARCEL B R/S 5330
- 5) Legal Lot of Record: Yes
- 6) Property Size: 0.912 acres
- 7) Zoning District: C-2 General commercial
- 8) Zoning Overlay(s): None
- 9) Comprehensive Plan Land Use Map Designation:
  - a) Neighborhood Node: Transit Oriented Development
  - b) Green Boulevard Corridor
  - c) Future Planning Area
- 10) The project is:
  - a) outside of the Special Flood Hazard Area according to the 2020 adopted FIRM (the FIRM has adopted seclusion and utilizes the 2003 Flood Insurance Study).
  - b) outside of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
- 11) Surrounding Uses:
  - a) Commercial entertainment facility
  - b) Health club
  - c) Eating establishment, limited service
- 12) Adjacent Zoning: C-2

**13) Adjacent Comprehensive Plan Designations:**

- a) Neighborhood Node: Transit Oriented Development
- b) Green Boulevard Corridor
- c) Future Planning Area

**14) Easements on site:**

- a) EASEMENTS: CARLS- COMMON AREA MAINTENANCE AGREEMENT; 200600025; MAINTENANCE AGREEMENT TERMS
- b) EASEMENTS: CARLS- COMMON AREA MAINTENANCE AGREEMENT; 200600025; MAINTENANCE AGREEMENT TERMS
- c) EASEMENTS: BBNB WATERLINE; 200600025; PUBLIC UTILITY EASEMENT
- d) EASEMENTS: CARL'S JR ELECTRICAL AND SIGN EASEMENT; 200600025; SIGN AND ELECTRICAL EASEMENT
- e) EASEMENTS: CARL'S SUB PLAT; 200600025; 10' WATERLINE EASEMENT
- f) EASEMENTS: CARL'S SUB PLAT; 200600025; 25' SEWER EASEMENT

**15) Site Access:**

- a) Side: N Glenwood

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

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

## **C. Discussion**

There is a pre-existing active conditional use permit on file for this address for the use of a drive-through establishment. This application is a request for the expansion of the current use, to allow for an additional stacking drive through lane.

The drive-through may continue to operate as is under the current conditional use permit.

There are a number of code compliance issues highlighted in the staff report that have corresponding drafted conditions in the approval. Items worth noting include:

### **Perimeter Landscaping and Drive-Through Lane Screening**

The application is required per code to provide perimeter landscaping. However, due to the existing conditions on the site, as well as the surrounding parcels and uses, perimeter landscaping might not be warranted as it would disrupt the vehicular circulation of the large parking lot this site is a part of.

Perimeter landscaping is required between other paved vehicular use areas, including driveways, and all property lines. If perimeter landscaping were to be installed along the property boundary lines, it would be placed within the existing drive isles of the existing parking lot. Perimeter landscaping might be better placed around the stacking lanes, which would also help screen the lanes per GCC 8-2C.

The proposed drive-through screening landscaping consist of shrubs, if this screening is to also count towards the perimeter landscaping requirement, the area would need to be at least 5' wide, and have trees place every 15' or as appropriate for healthy tree canopy growth.

Additionally, staff has concerns relating to the amount of landscaping provided on the overall site. Code requires that 5% of the site is landscaped with 70% of the landscaped area needing to be vegetated at maturity. It is not clear whether or not the site provides this. But plans appear deficient.

### **ITD Agency Comment**

The Idaho Department of Transportation is requiring that the applicant close the southern most access lane adjacent to Glenwood via a curb. Because of this closure, vehicles existing the drive through will be limited to a left turn only out of the stacking lane. Given ITD's comment, there may be an opportunity to install additional landscaping as part of the closure design.

### **Stacking Lanes, Stacking Study & Overflow Potential**

A stacking study was not provided. It is unclear if the stacking of vehicles will overflow into adjacent properties during peak hours. Staff assumes the additional stacking lane proposed will help to manage the potential issues.

Most of the stacking lane is behind the existing building, out of view from the Glenwood right-of-way. However, a portion along the south side of the building is visible from the right-of-way. While there is existing landscape screening of the stacking lane from interior views, there is no landscape screening between Glenwood and the stacking lane exit. Without landscape screening at the end of the drive-through lane headlight trespass will occur onto Glenwood.

---

**Pedestrian Connectivity**

There is not currently a clearly delineated pedestrian pathway from the public sidewalk to the main entrance of the restaurant.

There may be an issue of non-ADA compliant ramp/sloped curb cut from the public sidewalk to the main entrance.

Conditions have been drafted to ensure that direct, comfortable, and safe pedestrian connections from the public sidewalk system and the parking area to the structure are provided through sidewalks or pathways. This may require reconstruction of a section of sidewalk to create a ramp/less abrupt curb cut.

## **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   |
|--|--------------|---|
| Ada County Highway District<br><a href="#">Link to Comment</a> | 07/17/2024   | <ul style="list-style-type: none"> <li>The Ada County Highway District (ACHD) has reviewed the CUPFY2024-0009 application and has determined that there are no improvements required to the adjacent street(s).</li> </ul>  |
| Republic Services<br><a href="#">Link to Comment</a>           | 07/17/2024   | If this does not impact the existing trash enclosure, we have no concerns.  |
| City Engineer<br><a href="#">Link to Comment</a>               | 07/19/2024   | <ul style="list-style-type: none"> <li>Prior to performing any grading on the site, the applicant must prepare and have approved by the city an erosion and sediment control plan.</li> <li>Approval of the project by the Ada County Highway District may be required.</li> <li>Approval of the project by the North Ada County Fire and Rescue District will be required. Should 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.</li> <li>Any new water and sewer services, if any, 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. Garden City <b>cannot</b> directly provide sanitary sewer service from existing Garden City public infrastructure. Sewer service to this site is probably provided via connection to the city of Boise's sewer collection system along Chinden. The applicant should verify the location and point of connection for the existing sewer service to the site and the line's residence within an easement that benefits</li> </ul> |

|  |            |  |
|--|------------|--|
|  |            | <p>the subject property. Should connection to Garden City's collection system be necessary, infrastructure could require obtaining easements from adjacent landowners that may not currently exist. Garden City is not obligated to obtain said easements or provide service.</p> <ul style="list-style-type: none"> <li>• A site grading and drainage plan may be required. This will depend on an analysis of the net change to existing ground surfaces (native material, landscaping, gravel, pavement) to determine how the project fits with redevelopment standards of the city. Additionally, a review of the additional drive through lane needs to occur to see if existing drainage patterns would be altered and necessitates a grading/drainage system change. Should the plan be necessary, it must be reviewed and approved by the city. It appears the new drive through lane increases the amount of impervious ground surface and decreases the amount of landscape area. Depending on the result of the analysis noted above, 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 may be required. Compliance with the storm water ordinance and policies of the city will be required. Drainage must be maintained on-site. Depending on the result of the analysis noted above, a site geotechnical report prepared by a qualified license professional may be required for the design of the onsite storm water system. 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.</li> <li>• Depending on the result of the analysis noted above, the landowner may be required to 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.</li> <li>• The applicant must 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. If the lowest floor building elevation is below the draft map BFE, a Flood Risk Acknowledgement form will be required from the landowner/developer. The work maps are available on the city's website. They are attached to a city council resolution 1083-20 dated 22 June 2020.</li> </ul> |
| DEQ<br><a href="#">Link to Comment</a> | 07/24/2024 | General comments provided  |

|                                 |            |   |
|---------------------------------|------------|---|
| Idaho Transportation Department | 08/06/2024 | <ul style="list-style-type: none"> <li>• This project is located on a heavily congested intersection and considerations must be made to mitigate additional traffic concerns.</li> <li>• ITD recommends restricting access onto the southernmost approach. The applicant shall install a curb to direct traffic north. This restricted access would only be limited to traffic directly exiting the drive-thru.</li> <li>• ITD reserves the right to make further comments upon review of the submitted documents.</li> </ul> |
|---------------------------------|------------|---|

## F. Public Comment

The following public comments were provided:

| Commenter   | Comment Date | Summary  |
|---|--------------|--|
| Jeff Vogt<br><a href="#">Link to Comment</a>        | 06/13/2024   | Because of the current lack of information that we have, we have selected all of the design elements as a concern since we are unsure if they may be or not without being presented the appropriate plans and information to review. Wish for the right to appeal. |
| Robert J. Maynes<br><a href="#">Link to Comment</a> | 07/24/2024   | Neutral to the application   |

## G. Code/Policy Review

The below serves as an analysis of applicable provisions Garden City Code, Title 8, Development Code and identified applicable policies, plans, and previous approvals.

| Garden City Title 8 Code Sections               |                  |                                      |   |
|---|------------------|--------------------------------------|---|
| 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. | A building permit will be required prior to utilizing the additional drive-through stacking lane.<br><br>A building permit will be required for the interior remodel prior to occupancy of the structure. |
| <b>Title 8, Chapter 1: General Regulations</b>  |                  |                                      |   |
| <a href="#">8-1A-4 Applicability</a>            |                  |                                      | The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.                          |
| <a href="#">8-1B-1 Nonconforming Properties</a> |                  | Compliant                            | Legal parcel of record as described.  |
| <a href="#">8-1B-2 Nonconforming Structures</a> |                  | No compliance issues noted           |   |

|   |                 |                                    |   |
|---|-----------------|------------------------------------|---|
| <a href="#">8-1B-3 Nonconforming Uses</a>                   | Choose an item. | Compliant upon approval of CUP     | There is an existing Conditional Use Permit on file (CUP2001-01-09) for a drive-through establishment. The owner has declared their intent to maintain the non-conforming use despite the building being vacant for over a year per Idaho State Statute 67-6538.  |
| <b>Title 8, Chapter 2: Base Zoning District Regulations</b> |                 |                                    |   |
| 8-2B-1 Purpose  | PZ              | No compliance issues noted         | The purpose of the 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. Activities which are more compatible with mixed use or residential uses and minimally disruptive to the neighborhood are to be located in the general commercial (C-2) district.   |
| <a href="#">8-2B-2 Allowed Uses</a>                         | PZ              | Compliant upon approval of the CUP | <p>Garden City Code Table 8-2B-1 requires a conditional use permit in this zoning district for the proposed use. There is an existing, active conditional use permit on file for this property for the use of a drive-through establishment.</p> <p>This application is for the expansion of the existing legal nonconforming use (drive-through). The applicant wishes to expand the existing single lane stacking lane to two lanes, thus intensifying the use. Intensifying the use requires the approval of a conditional use permit.</p>   |
| <a href="#">8-2B-3 Form Standards</a>                       | PZ              | No compliance issues noted         | The structures and site appear to be compliant with form standards.   |
| <a href="#">8-2C</a>  | PZ              | Compliant as Conditioned           | <p>A drive-through establishment may be appropriate on Chinden, Glenwood or State Street, which are arterial roadways that carry high volumes of pass-through traffic; however, the use is not appropriate on local or collector streets. <b>Compliant</b></p> <p>The speaker system is located so that the sound from a speaker system is directed away from a residence, residential zone, park, or school and not audible off the site; and <b>Compliant, not adjacent to residential zone</b></p> <p>Stacking does not create an impact off site; <b>Stacking Study has not been provided</b></p> <p>Vibration, noise, odors, etc., are not allowed off site; and The use does not create a negative impact to an existing or planned pedestrian corridor; <b>Compliant.</b></p> <p>The use does not hinder the implementation of Garden City adopted plans or policies.</p> <p>A drive-through establishment shall not be closer than five hundred feet (500'), as measured by the shortest unobstructed driving route from another drive-through establishment, except where access to the drive-through is provided by internal circulation within a commercial site and</p> |

|  |  |  |   |
|--|--|--|---|
|  |  |  | <p>would not create an additional curb cut to the arterial roadway. <b>Compliant</b></p> <p>Building Design and Site Layout:<br/>All establishments providing drive-through service shall identify the stacking lane, menu and speaker location (if applicable), and window location on the conditional use permit application. <b>Compliant</b></p> <p>New drive-through windows and drive aisles shall be oriented toward the side or rear yards and not placed between the street right-of-way and the primary customer entrance. <b>Compliant</b></p> <p>Vehicle lanes shall be sited to minimize vehicle congestion, blockage, or rerouting on site and within the surrounding uses. <b>Compliant</b></p> <p>A drive-through establishment within a commercial center shall take access from a principal drive aisle within the commercial center. The drive-through shall be designed to minimize additional vehicle traffic congestion, blockage, rerouting, or pedestrian disruption within the commercial center and on properties adjacent to the commercial center. <b>Stacking study not provided</b></p> <p>Service shall be provided to those who elect to walk or bike. <b>Compliant</b></p> <p>Service shall be available in an area that is protected from the weather and separate from vehicle stacking lanes. <b>Compliant</b></p> <p>Adequate trash receptacles shall be provided that comply with the requirements set forth in section <a href="#">8-4A-5</a>, Outdoor Service And Equipment Areas, of this title. <b>Compliant</b></p> <p>All site and vehicular lane lighting shall be downshielded, screened or oriented to prevent spillage of light on any residence, residential zone, or public roadway. <b>Compliant</b></p> <p>Stacking lanes shall be screened from view of the public right-of-way, patios and pedestrian use areas with landscaping or a combination of plantings, structures, berming, or art to a minimum height of four feet (4') where not in conflict with a necessary clear vision triangle.</p> <p><b>The majority of the stacking lane is behind the existing building, out of view from the right-of-way. However, a portion along the south side of the building is visible from the Glenwood right-of-way. There is existing landscaping screening the stacking lane, however, there is not screening landscaping between Glenwood and the stacking lane exit, which could lead to headlight trespass. Existing landscaping appears unhealthy due to lack of irrigation and property occupancy. New landscaping may be required. Refer to GCC 8-4I Landscaping Provisions in this report.</b></p> |
|--|--|--|---|

|  |  |  |   |
|--|--|--|---|
|  |  |  | <p>Design review consultant(s) recommendation to the planning official, and an approval by the planning official of the building design and site layout is required prior to a planning and zoning commission public hearing. <b>Design review not required.</b></p> <p>Access and Parking: Safe pedestrian and vehicle access and circulation on the site and between adjacent properties shall be demonstrated as follows:<br/> A bike rack shall be provided. <b>Not Compliant, no bike rack existing or shown in site plans</b></p> <p>Access for the pedestrian customer shall be provided facing the public right-of-way. <b>Compliant</b></p> <p>Direct, comfortable, and safe pedestrian connection from the public sidewalk system and the parking area to the structure shall be provided through sidewalks or pathways that are:<br/> a. A minimum of five feet (5') in width; and<br/> b. Americans with Disabilities Act compliant; and<br/> c. Uninterrupted by motorized vehicles. If there is no other feasible alternative, the vehicular crossing of the pedestrian path or sidewalk shall be designed in a way to visibly delineate and protect the pedestrian network. This may be achieved by raising the pedestrian path or sidewalk, changes in materials, colors, landscaping, or other such treatments. Signage alerting drivers to the pedestrian crossing shall be installed. <b>Not compliant, pedestrian pathways have not been provided throughout the site. There is no pathway from the public sidewalk to the primary entrance(s) of the building. Conditions have been drafted to require pedestrian connectivity.</b></p> <p>Based on the size of the drive-through and expected patronage, stacking lanes shall have sufficient capacity to prevent obstruction of the public right-of-way. <b>Stacking study not provided</b></p> <p>The stacking lane shall be a separate lane from the circulation lanes needed for access and parking. <b>Compliant</b></p> <p><b>Any stacking lane greater than one hundred feet (100') in length shall provide an escape lane. Submitted plans do not show enough information. Based on staff's measurements, the existing stacking lane is ~170ft long. An escape lane is required.</b></p> <p>The design and construction of the drive-through facilities shall minimize the number of driveway cuts. <b>Compliant</b></p> <p>A curb cut for access to the drive-through establishment shall not be closer than fifty feet (50') from a public street intersection. <b>Compliant, existing curb cuts to remain.</b></p> <p>Impervious surfaces shall be the minimum required to provide vehicle access, drive-through lanes, parking, and pedestrian access and seating. <b>Complaint</b></p> |
|--|--|--|---|

|  |  |  |   |
|--|--|--|---|
|  |  |  | <p>Directional signs shall be provided that indicate the entrance, exit and one-way path of drive-through lanes. <b>Not shown in site plans</b></p> <p>Additional Standards for Drive-Through Selling Food or Beverages:<br/>A seating area either indoor or outdoor with temporary or permanent shelter, sufficient for a minimum of ten (10) people shall be provided. <b>Complaint</b></p> <p>A minimum of one (1) outdoor trash receptacle shall be provided. <b>Compliant if existing receptacle on site remains or is replaced by new receptacle</b></p> <p>A restroom shall be provided for patrons. <b>Compliant</b></p> <p>Operational Standards:</p> <p>To reduce vehicle emissions, signage shall be provided advising drivers to reduce vehicle idling. <b>Not shown in site plans</b></p> <p>Employees shall collect on-site and off-site litter generated by customers at least once per business day. <b>Condition drafted</b></p> <p>Service shall be provided to those who elect to walk or bike at all hours that the drive-through is in operation. <b>Condition drafted</b></p> |
|--|--|--|---|

**Title 8, Chapter 4: Design and Development Regulations**

|  |    |                          |   |
|--|----|--------------------------|---|
| <a href="#">8-4A-3 Fences and Walls</a>                    | PZ | Compliant as Conditioned | This proposal does not identify any fence or wall. Any future fence or wall will be required to be in compliance with code at the time of development.  |
| <a href="#">8-4A-4 Outdoor Lighting</a>                    | PZ | Compliant as Conditioned | This proposal does not identify any outdoor lighting. 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 | Compliant as Conditioned | Existing vacated ATM Kiosk concrete pad and remaining utilities.<br><br>This proposal does not identify any outdoor service equipment. Any future outdoor service equipment area will be required to be in compliance with code at the time of development. |
| <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 | Another draft condition of approval is provided requiring that all utilities be underground.  |

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

New parking code per Ord. 1034-22 Adopted June 12, 2023

| <a href="#">8-4D-3 Parking Design and Improvement Standards</a>      | PZ          | Compliant as Conditioned   | <p>The design of the parking area shall minimize the trespass of lights from motor vehicles on adjacent properties and rights-of-way.</p> <table border="1" data-bbox="743 296 1468 512"> <thead> <tr> <th colspan="5">Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS</th> </tr> <tr> <th>Parking Angle</th> <th>Stall Width</th> <th>Stall Depth</th> <th>Length Per Car</th> <th>Driveway Width*<br/>Must also meet fire requirements</th> </tr> </thead> <tbody> <tr> <td colspan="5" style="text-align: center;">Standard</td> </tr> <tr> <td>90°</td> <td>9'0"</td> <td>20'0"</td> <td>9'0"</td> <td>22'0"</td> </tr> </tbody> </table> <p><b>Parking space dimensions not provided. Condition drafted. The applicant shall provide dimensions of vehicle parking spaces.</b></p> <p><b>Bike parking not provided. Condition drafted.</b></p> | Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS |  |  |  |  | Parking Angle | Stall Width | Stall Depth | Length Per Car | Driveway Width*<br>Must also meet fire requirements | Standard |  |  |  |  | 90° | 9'0" | 20'0" | 9'0" | 22'0" |
|--|-------------|----------------------------|--|--|--|--|--|--|---------------|-------------|-------------|----------------|---|----------|--|--|--|--|-----|------|-------|------|-------|
| Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS |             |                            |  |  |  |  |  |  |               |             |             |                |   |          |  |  |  |  |     |      |       |      |       |
| Parking Angle  | Stall Width | Stall Depth                | Length Per Car   | Driveway Width*<br>Must also meet fire requirements                  |  |  |  |  |               |             |             |                |   |          |  |  |  |  |     |      |       |      |       |
| Standard   |             |                            |  |  |  |  |  |  |               |             |             |                |   |          |  |  |  |  |     |      |       |      |       |
| 90°  | 9'0"        | 20'0"                      | 9'0"   | 22'0"  |  |  |  |  |               |             |             |                |   |          |  |  |  |  |     |      |       |      |       |
| <a href="#">8-4D-4 Parking Use Standards</a>                         | PZ          | Compliant                  | <p>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.</p>  |  |  |  |  |  |               |             |             |                |   |          |  |  |  |  |     |      |       |      |       |
| <a href="#">8-4D-5 Required Number of Off-Street Parking Spaces</a>  | PZ          | Compliant as Conditioned   | <p>Vehicle Parking Spaces<br/>A drive-through establishment is considered a medium use which requires 1 vehicular parking space for every 1,000 gross square feet of building footprint.</p> <p>Existing building Footprint: 3,721sqft<br/>Parking Required: 4<br/>Parking provided: 55<br/>*Building square footage not provided on submitted plans. Staff used Ada County Assessor's website information.</p> <p>Bike parking spaces required: 8<br/>1 space per every 500 square feet.<br/>Bike spaces provided: <b>0 not provided</b></p>  |  |  |  |  |  |               |             |             |                |   |          |  |  |  |  |     |      |       |      |       |
| <a href="#">8-4D-6 Standards for Equivalent Parking Adjustments</a>  | PZ          | No compliance issues noted | None requested.  |  |  |  |  |  |               |             |             |                |   |          |  |  |  |  |     |      |       |      |       |
| <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   | A condition has been drafted to ensure that all streets and driveways adhere to the standards of a clear vision triangle.  |  |  |  |  |  |               |             |             |                |   |          |  |  |  |  |     |      |       |      |       |
| <a href="#">8-4E-4 Internal Circulation Standards</a>                | PZ          | Compliant as Conditioned   | The design of internal circulation should be integrated with the overall site design and adjacent properties, including the location of structures, pedestrian walkways and landscaping.<br><b>Compliant as conditioned. Refer to 8-2C code analysis.</b>  |  |  |  |  |  |               |             |             |                |   |          |  |  |  |  |     |      |       |      |       |

|  |    |                            |  |
|--|----|----------------------------|--|
| <a href="#">8-4E-6 Sidewalk Standards</a>                                      | PZ | No compliance issues noted | There is an existing detached 5' sidewalk on the subject property.   |
| <a href="#">8-4E-7 Pedestrian and Bicycle Accessibility Standards</a>          | PZ | May not be compliant       | <p>A pathway system shall extend through the development site and connect the street sidewalk to all primary building entrances. <b>There is no pathway from the public sidewalk on Glenwood to any of the primary entrances.</b></p> <p><b>There is no clear or direct pathway from the parking lot area to the primary entrance(s).</b></p> <p><b>Conditions have been drafted to ensure code compliance is met. See discussion.</b></p>   |
| <a href="#">8-4E-8 Transit Facilities</a>                                      | PZ | Compliant                  | There is a bus stop at the Northeast corner of the parcel. (Glenwood & Lorimer)  |
| <b>8-4I Landscaping and Tree Protection Provisions</b>                         |    |                            |  |
| <a href="#">8-4I-2 Applicability</a>   | PZ | No compliance issues noted | For all new nonresidential uses, all landscaping standards of this article shall be met.   |
| <a href="#">8-4I-3 General Landscaping Standards and Irrigation Provisions</a> | PZ | Compliant as Conditioned   | <p>The proposed landscape areas do not appear to consist of 70% vegetation.</p> <p>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.</p> <p>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. Trees Species Required: <b>Dependent on perimeter landscaping requirements. To be determined.</b><br/>Trees Species Provided: <b>Unknown</b></p> <p><b>Conditions have been drafted to require code compliance.</b></p> |
| <a href="#">8-4I-4 Landscaping Provisions for Specific Uses</a>                | PZ | Compliant as Conditioned   | <p>A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.<br/>Site square footage: 40,446sqft<br/>Landscape provided: 3,075sqft<br/>Required landscape: 2,022sqft = 7.6%</p> <p><b>There is no legend within the landscape plans indicating types of trees, shrubs, and ground cover proposed. Not enough information to review, and what is proposed appears to be noncompliant.</b></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 class III tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.</p>  |

|   |    |                      |   |
|---|----|----------------------|---|
|   |    |                      | <p>Required Trees: Glenwood St. (~250LF): 1 Street tree + 5 frontage trees = 6 trees<br/>         Provided Trees: 4 (<b>Deficient 2 trees</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.<br/>         Landscape provided: 3,075sqft<br/>         Trees required: 3 <b>Provided (Via existing and proposed)</b><br/>         Shrubs required: 21 <b>Provided (Via existing and proposed)</b></p>   |
| <a href="#">8-4I-5 Perimeter Landscaping Provisions</a>   | PZ | May not be compliant | <p>Perimeter landscaping is required between other paved vehicular use areas, including driveways, and all property lines.</p> <p>A perimeter landscaping area shall be at least ten feet (10') wide measured from the property line to the interior of the lot. <b>Not provided.</b></p> <p>A screen consisting of vegetation shall be at least six feet (6') wide and six feet (6') in height at maturity. <b>Not provided.</b></p> <p>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. <b>Not provided.</b></p> <p>See discussion.</p> |
| <a href="#">8-4I-6 Parking Lot Landscaping Provisions</a> | PZ | Not Applicable       | Parking area is not to be substantially altered per site plan.  |
| <a href="#">8-4I-7 Tree Preservation Provisions</a>       | PZ | Compliant            | All existing trees to be preserved  |
| Title 8, Chapter 6, Article A: Administration             |    |                      |   |
| <a href="#">8-6A-3 General Application Process</a>        |    | Compliant            | The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.   |
| <a href="#">8-6A-4 Required Application Information</a>   |    |                      | Application waivers requested pursuant to 8-6A-4A: N/A  |
| <a href="#">8-6A-7 Public Hearing Process</a>             |    | Compliant            | The applicant provided a neighborhood meeting more than one month and less than three months prior to application submittal. The City provided a radius notice, notifications to agencies with jurisdiction, and ran a legal notice in the Idaho Statesman, at least 15 days prior to the first hearing. The applicant provided an affidavit of property posting more than 7 days in advance of the hearing validating that the property was posted more than 10 days prior to the hearing.   |

## Other Items Reviewed

| Plan/Policy   | Discussion/ Analysis   |
|---|--|
| <a href="#">Idaho Code 67-6512</a><br>Local Land Use Planning<br>Special Use Permits, Conditions,<br>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> |
| Previous entitlement that might affect this project   | Previous Conditional Use Permit, CUP2001-01-09, was issued for the same use, and is still active. If the newly proposed Conditional Use was denied expansion to double stacking lane, the parcel would still be eligible for the single stacking lane use.   |
| <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>This application is in future land use designations of the Comprehensive Plan:</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.</p> <ol style="list-style-type: none"> <li>1. <b>ACTIVITY NODE:</b> 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.</li> </ol>  |

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

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

2. **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.

3. **FUTURE PLANNING AREA:** Future Planning Areas have been identified for large parcels of vacant or under-developed land including the area west of the city within the Area of City Impact; the area around the Idaho Expo Center, including the Idaho Department of Transportation (ITD) District 3 Headquarters; and the Ada County Highway District (ACHD) operations and maintenance property surrounding at 37th and Adams. This designation is intended to identify these areas for further master plan or site-specific planning efforts. The large size of these areas provides a unique opportunity for master planning with consideration for a mix of uses and residential housing types; street, sidewalk and bicycle networks and connectivity; spaces

for public uses including parks, open spaces, plazas; and infrastructure improvements including water and sewer. Each of the designated Future Planning Areas present unique opportunities and challenges that should be considered in the master planning for the area.

Area of City Impact West:

- Access from Chinden Boulevard and through the site with connections to the city.
- Mitigation of the industrial impacts of noise, dust and truck traffic from the existing gravel operations.
- The opportunity for renovation of the gravel operation site for future flood protection, park and recreation uses.

Idaho Expo and ITD District 3 Headquarters:

- Connections through the site including extension of Adams/ Alworth Street to Glenwood at Marigold Street, and between Glenwood and Coffey Streets.
- Opportunity for creating a town center for the city.
- More efficiency in the use of land through eliminating large parcels of currently underutilized parking with year-round, community benefitting uses such as schools, hospitals, and performance space.
- Improved access and utilization of the Boise River and floodplain for park land in exchange for highest and best commercial uses at the Glenwood/Chinden Intersection.

ACHD Site:

- Opportunity to open additional access and river frontage to the public.
- Regeneration of the existing operations and maintenance yard along the river to the highest and best use.
- Challenge in creating higher intensity use of the site that transitions and is compatible with the surrounding neighborhood.

The application may be supported by:

**Goal 2. Improve the City Image**

- 2.2 Objective: Uphold standards for private property maintenance with a focus on nonresidential properties.
- 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.

**Goal 4. Emphasize the "Garden" in Garden City**

- 4.1 Objective: Beautify and landscape.

**Goal 7. Connect the City**

- 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.

**Goal 12. Evolve as a Destination**

- 12.1 Objective: Support a positive business environment
- 12.2 Objective: Continue to support commercial and industrial land uses.
- 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce.

The application may not be supported by:

**Goal 2. Improve the City Image**

- 2.1 Objective: Encourage new and distinctive neighborhoods.

**Goal 4. Emphasize the "Garden" in Garden City**

- 4.1 Objective: Beautify and landscape.

|   |   |
|---|---|
|   | <ul style="list-style-type: none"> <li>• 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</li> </ul> <p><b>Goal 7. Connect the City</b></p> <ul style="list-style-type: none"> <li>• 7.1 Objective: Create pedestrian and bicycle friendly connections.</li> </ul> <p><b>Goal 10. Plan for Future</b></p> <ul style="list-style-type: none"> <li>• 10.3 Objective : Areas are identified for future planning.</li> </ul> <p><b>Goal 12. Evolve as a Destination</b></p> <ul style="list-style-type: none"> <li>• 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce.</li> </ul> |
| <a href="#">Garden City Sidewalk Policy</a>     | No waiver requested, existing sidewalk to remain  |
| <a href="#">Garden City Street Light Policy</a> | There are two existing streetlights along the Glenwood sidewalk   |