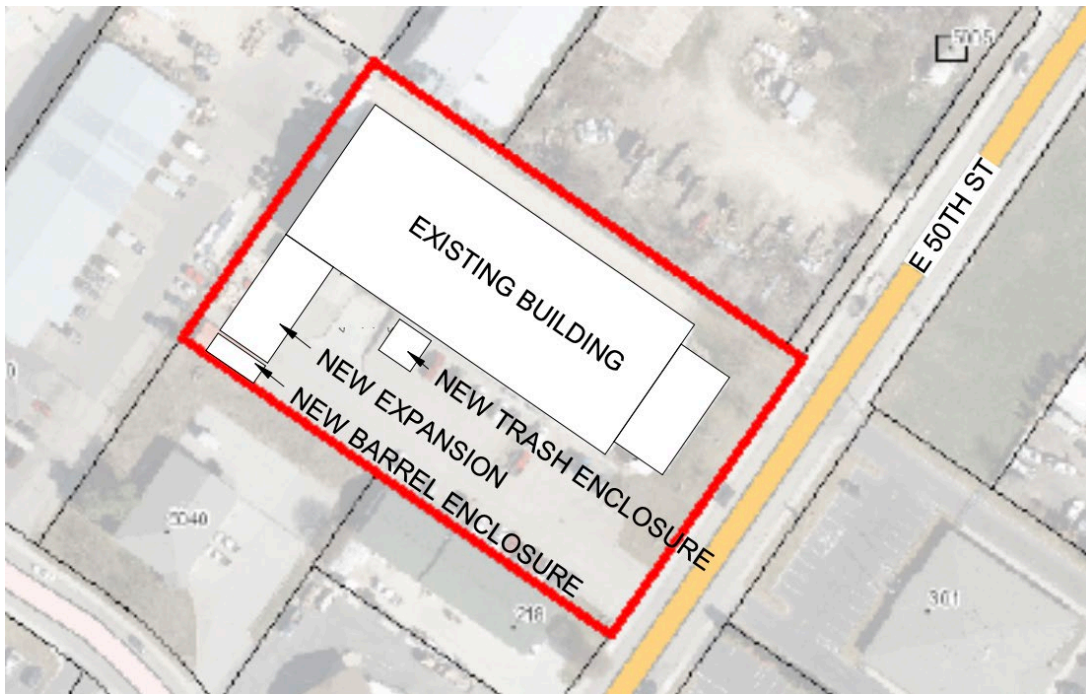




CITY OF GARDEN CITY

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

File Number: CUPFY2025 - 0005
Requested Use: Office/Warehouse expansion/ Manufacturing
Use as Defined By GCC Title 8: Warehouse and storage, wholesale and
Industry, Light
Location: 270 E. 50th Street
Applicant: Jennifer Mohr
Planning and Zoning Commission Hearing Date: February 19, 2025 6:30 p.m.



STAFF REPORT

Prepared by Mariia Antonova
(208) 472-2921; planning@gardencityidaho.org

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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: Jennifer Mohr
- 2) Owner: HTM LLC
- 3) Title 8 Use: It has been determined that the Garden City defined uses that best describe the use are: Warehouse and storage, wholesale and Industry, Light
- 4) Definition of Use:
 - a) Garden City Code 8-7A-1 defines **Warehouse** as: The use of a site as a major stopping or transferring point for freight, storage, wholesale and distribution of manufactured products, supplies and equipment, excluding retail sales.
 - b) Garden City Code 8-7A-1 defines **Industry, Light** as: The use of a site where there may be the use of heavy equipment or machinery, and/or noise, smells, environmental pollutants, or fire concerns. Light industry typically is for the manufacture, processing, fabrication, analysis, assembly, treatment, and/or packaging of finished products or parts. The use of paint booths not related to vehicle service shall be included in this use category.
- 5) The applicant proposed exterior work: building expansion, and site improvements including a new trash enclosure and empty barrel enclosure.

Site Conditions:

- 1) Existing Use: Office/Manufacturing/Warehouse
- 2) Street Address: 270 E. 50th Street
- 3) Parcel Number(s): R1055420160
- 4) Property Description: LOT 10 BLK 02 BRADLEY PARK SUB NO 01
- 5) Legal Lot of Record: Yes
- 6) Property Size: 1.810 acres
- 7) Zoning District: C-2 General commercial
- 8) Zoning Overlay(s): Neighborhood Commercial Node
- 9) Comprehensive Plan Land Use Map Designation:
 - a) Light Industrial Bradley Technology District
 - b) Activity Node: Neighborhood Destination
- 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) **Partially** in the 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) Service provider
 - b) Warehouse and storage, wholesale

12) Adjacent Zoning: C-2

13) Adjacent Comprehensive Plan Designations:

- a) Activity Node: Neighborhood Destination
- b) Light Industrial Bradley Technology District
- c) Green Boulevard Corridor
- d) Mixed Use Commercial
- e) Main Street Corridor

14) Easements on site:

- a) EASEMENTS: RAYLEE SUB PLAT; 5' UTILITY, IRRIGATION, AND DRAINAGE EASEMENT; 200900020
- b) EASEMENTS: BRADLEY PARK 01 SUB PLAT; 15' PUBLIC UTILITY, IRR, AND DRAINAGE EASEMENT; 200600023
- c) EASEMENTS: BOISE SLUDGE LNE AND PUMP PLANS 1988; SEWER LINE EASEMENT 15'; 201000001
- d) EASEMENTS: BRADLEY PARK 01 SUB PLAT; 7' 6" PUBLIC UTILITY, IRR, AND DRAINAGE EASEMENT; 200600023;

15) Site Access:

- a) Front: 50th street

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

17) Wetlands on site: None identified

B. Discussion

Jennifer Mohr is proposing an expansion of the Office/Manufacturing/Warehouse facility located at 270 E 50th Street. The proposal includes a 2,990 SF addition to the warehouse. A conditional use permit for the Office/Manufacturing/Warehouse was granted on August 3, 1996, and the use remains unchanged.

Use of the site

In the originally approved conditional use permit, file number CUP96-08-03, the use was defined as an Office/Manufacturing/Warehouse facility. The term "Manufacturing" no longer exists in the current version of the code. Staff believe that the most appropriate classifications for this facility under the current code are "Warehouse and Storage, Wholesale," and "Industry, Light." While "Industry, Light" is considered a prohibited use in the C-2 zone, Garden City Code 8-1B-3 states that "A nonconforming use may be extended to occupy additional land area only through the approval of a conditional use permit in accordance with the procedures set forth in chapter 6, article B, 'Specific Provisions,' of this title." In addition, only the warehouse is subject to expansion.

Landscaping

The landscape provision is not triggered in this Conditional Use Permit since the warehouse extension does not exceed 25%. However, Staff has observed that the existing landscape has been altered and differs from the originally approved plan. Therefore, Staff suggests that the landscape be brought into compliance with the conditions outlined in the originally approved CUP96-08-03.

C. 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.

D. Agency Comments

The following agency comments were provided:

Agency	Comment Date	Summary
ITD Link to Comment	01/14/2025	ITD has reviewed the transmittals and does not have any comments.
ACHD Link to Comment	01/21/2025	The Ada County Highway District (ACHD) has reviewed the submitted application and has determined that there are no improvements required to the adjacent street(s).
Garden City Engineer Link to Comment	01/20/2025	<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• The applicant must request a fire flow and “will serve” review letter from the city.• Approval from the North Ada County Fire and Rescue District will 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.• Any new water and sewer 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. The applicant is responsible to confirm/verify that adequate sewer capacity is available and that the existing system depth is adequate to serve the site.• The proposed addition is replacing existing hard surface on the site. However, existing drainage patterns may be impacted. Slab or roof drainage may alter site the drainage patterns. The applicant must provide more details on the proposed addition to assure the project is not a major redevelopment and then engage additional city storm water system requirements. Should the project engage

		<p>additional city storm water system requirements, a site grading and drainage plan will be required that is sealed, dated and signed by the Idaho 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 and assure roof and site drainage does not leave the site.</p> <ul style="list-style-type: none"> • Should the project engage additional city storm water system requirements, a site geotechnical report may be required for the design of the on-site storm water system prepared and sealed, dated and signed by an Idaho qualified licensed 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 normally provide for at least three feet of vertical separation between the bottom of the storm water facility and the seasonal high groundwater. • Should the project engage additional city storm water system requirements, 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 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.
DEQ Link to Comment	02/03/2025	<ul style="list-style-type: none"> • General comments provided

E. Public Comment

The following public comments were provided: None provided as of the drafting of this document.

F. 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

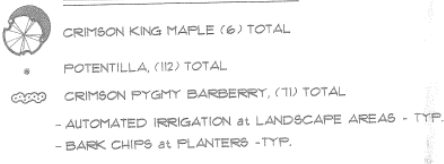
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
Title 7 Building Regulations			
7-2-1 Building Code	N/A	No compliance issues as conditioned.	A building permit will be required to be completed prior to occupancy of the structure.
Title 8, Chapter 1: General Regulations			
8-1A-4 Applicability	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	No comment
8-1B-2 Nonconforming Structures		No compliance issues noted	No comment
8-1B-3 Nonconforming Uses		Compliant upon approval of this CUP	A nonconforming use may be extended to occupy additional land area only through the approval of a conditional use permit in accordance with the procedures set forth in chapter 6, article B, "Specific Provisions", of this title.
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.
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	No compliance issues noted	This is an expansion of an existing legal nonconforming use. a legal nonconforming use may expand provided that it receives a conditional use permit.
8-2B-3 Form Standards		No compliance issues noted	Setbacks requirement in the C-2 zoning district: Front: 5' Rear: 5' Interior Side: 5' Street Side: 5' The existing and proposed structure appears to meet form standards.
8-2C		Compliant as Conditioned	8-2C-24: INDUSTRY, FLEX OR LIGHT:

			<p>A. Setback:</p> <ol style="list-style-type: none"> 1. All mechanical equipment emissions; shipping and/or delivery; or other outdoor activity areas shall be located a minimum of five hundred feet (500') from any abutting residential districts. 2. Any use involving explosive manufacturing or storage, flammable substance storage, foundry, freight and truck terminal, manufacture or processing of hazardous chemicals, power plant, food product storage and processing plant shall be located a minimum of one thousand feet (1,000') from a hospital. <p>B. Limitations: The following adverse effects shall be mitigated through setbacks, buffers, sound attenuation and/or hours of operation:</p> <ol style="list-style-type: none"> 1. Noise, odor, or vibrations; or direct or reflected glare; detectable by the human senses without the aid of instruments. 2. Radioactivity and electric or electromagnetic disturbances which unduly interfere with the normal operation of equipment, instruments, or appliances on abutting properties. 3. Any other emission or radiation which endangers human health, results in damages to vegetation or property or which exceeds health and safety standards. <p>C. Other Regulations Apply: A use in this category may require approval from the Environmental Protection Agency, the U.S. Department of Agriculture, Central District Health Department, the Ada County air quality board and Idaho Department of Water Resources.</p> <p>8-2C-45: WAREHOUSE, STORAGE AND WHOLESALE:*</p> <p>A. Limitations: Outside activity areas shall be located a minimum of three hundred feet (300') from any property line adjoining a residence or a residential district.</p> <p>B. Accessory Uses: The use may include accessory office uses not to exceed twenty five percent (25%) and retail sales not to exceed ten percent (10%) of the gross floor area of the use.</p>
Title 8, Chapter 4: Design and Development Regulations			
8-4A-3 Fences and Walls	PZ	Compliant as Conditioned	<p>The security gate and fence in the northern and northeastern parts of the site appear to be a chain-link fence with barbed wire.</p> <p>Chain link fencing with or without barbed wire is not permitted per Garden City Code.</p> <p>All chain link (with and without barbed wire) fencing visible from the right-of-way, including the gate, shall be removed from the property</p> <p>Any future fence or wall will be required to comply with the code at the time of occupancy.</p>

8-4A-4 Outdoor Lighting	PZ	Compliant as Conditioned	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	Compliant as Conditioned	<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>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> <p>The applicant proposes a new trash enclosure measuring 25 by 24 feet, with a 6-foot-high CMU (Concrete Masonry Unit) wall. Also, the applicant proposes a new empty barrel enclosure measuring 14 by 36 feet, with a 6-foot-high CMU wall.</p> <p>Any future outdoor service equipment area will be required to be in compliance with code at the time of development.</p>																				
8-4A-7 Stormwater Systems	PZ	Compliant as Conditioned	<p>Referring to the City Engineer's comment: The applicant must provide more details on the proposed addition to ensure the project is not a major redevelopment and then engage additional city storm water system requirements.</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	<p>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.</p> <p>Another draft condition of approval is provided requiring that all utilities be underground.</p>																				
8-4A-9 Waterways	PZ	No compliance issues noted	There does not appear to be Boise River irrigation facilities at the site.																				
8-4D Parking and Off Street Loading Provisions																							
8-4D-3 Parking Design and Improvement Standards	PZ	Compliant as Conditioned	<p>Vehicle parking:</p> <table border="1" data-bbox="781 1667 1458 1873"> <thead> <tr> <th colspan="5">Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS</th> </tr> <tr> <th>Parking Angle</th> <th>Stall Width</th> <th>Stall Depth</th> <th>Length Per Car</th> <th>Driveway Width* Must also meet fire requirements</th> </tr> </thead> <tbody> <tr> <td colspan="5" style="text-align: center;">Standard</td> </tr> <tr> <td>90°</td> <td>9'0"</td> <td>20'0"</td> <td>9'0"</td> <td>22'0"</td> </tr> </tbody> </table> <p>Parking Provided:</p>	Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS					Parking Angle	Stall Width	Stall Depth	Length Per Car	Driveway Width* Must also meet fire requirements	Standard					90°	9'0"	20'0"	9'0"	22'0"
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			<p>30 regular parking spaces 2 ADA parking spaces</p> <p>A condition has been drafted to confirm parking space sizes.</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 code. A condition has been drafted to require a pathway from the public sidewalk, through the parking lot to the main entrance of the building.</p> <p>Bicycle parking is not provided. 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.</p>
8-4D-4 Parking Use Standards	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.
8-4D-5 Required Number of Off-Street Parking Spaces	PZ	Compliant as Conditioned	<p>If more than one (1) use is located on a site, the number of required parking spaces shall be equal to the sum of each use.</p> <p><u>Vehicular Parking:</u></p> <p>A Warehouse and storage, wholesale (when utilized for the principal purpose of storage) is considered a low use, which requires 1 space per every 2,000 gross square feet. Required: 12,210 SF/2,000SF= 6 parking spaces</p> <p>An Industry, Light (manufacturing area) use is considered a medium use, which requires 1 space per every 1,000 gross square feet. Required: 16,878 SF/1,000SF= 17 parking spaces</p> <p>The office was identified as a Professional Service, which corresponds to high usage. A Professional Service requires 1 space per every 500 gross square feet. Required: 2,973 SF/500SF= 6 parking spaces Total parking spaces required: 29 Provided: 32 parking spaces</p> <p><u>Bicycle Parking:</u></p> <p>A Warehouse and storage, wholesale: 1 space per 4,000 square feet 12,210SF /4,000 SF= 3 bicycle spaces.</p> <p>An Industry, Light (manufacturing area): 1 space per 1,000 square feet 16,878 SF /1,000 SF= 17 bicycle spaces.</p> <p>A Professional Service (office): 1 space per 1,000 square feet 2,973 SF/1,000 SF= 3 bicycle spaces Total bicycle spaces required: 23 Provided: none</p> <p>A condition has been drafted to ensure at least 23 bicycle parking spaces are provided on-site.</p>

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	Compliant as Conditioned	<p>Off-Street Loading Zones Space And Access Requirements:</p> <ul style="list-style-type: none"> All spaces shall have fourteen feet (14') of vertical clearance; On-site drive aisles, on-site parking, or private roads may be designed to have a dual purpose to accommodate the required loading; Access driveways for parking areas shall be located in such a way that any vehicle entering or leaving such an area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street. Access shall conform to the clear vision requirements and the vehicle and pedestrian circulation standards in chapter 4, article E of this title, Transportation And Connectivity Provisions; Loading zones may not impede bicycle lanes, multiuse paths, sidewalks, or motor vehicular travel on public roads; Convenient access to loading spaces shall be provided with not less than fifteen feet (15') in width. <p>Dimensions are not provided. A condition has been drafted to confirm loading zones space sizes.</p>
8-4E Transportation and Connectivity Provisions			
8-4E-2 Applicability			Provisions apply to any new construction, addition, expansion , grading, alteration, or any new <u>or more intense use of property.</u>
8-4E-3 Public Street Connections	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.
8-4E-4 Internal Circulation Standards	PZ	Compliant as Conditioned	There is clear pedestrian access from the public sidewalk to the entrance. Provided
8-4E-6 Sidewalk Standards	PZ	No compliance issues noted	There is an existing attached sidewalk on the subject property and on both adjacent properties.
8-4E-7 Pedestrian and Bicycle Accessibility Standards	PZ	Compliant as Conditioned	A pathway system is partially provided. A convenient and attractive pathway system that complies with the 8-4E-7 standards is required.
8-4E-8 Transit Facilities	PZ	No compliance issues noted	No comment
8-4I Landscaping and Tree Protection Provisions			

8-4I-2 Applicability			<p>All development, redevelopment, additions, or site modifications to existing development shall be required to conform to this article based upon the following guidelines:</p> <p>A. Additions less than twenty five percent (25%) of the gross floor area of the existing structure or developed area, no additional landscaping shall be required.</p> <p>The proposed addition is approximately 10%</p>
8-4I-3 General Landscaping Standards and Irrigation Provisions	PZ	Compliant as Conditioned	<p>Plans approved on September 18, 1996, under CUP 96-08-03 show that the landscape was 19,443 square feet and consisted of:</p> <p><u>LANDSCAPE SUMMARY</u></p>  <p>(For a complete landscape plan, see Figure 1.)</p> <p>However, a condition of approval requires that at least 5% of the lot size be landscaped, which amounts to 3,938 square feet.</p> <p>Based on images from Google Maps and submitted photographs, it appears that at least six trees were planted on the site; however, their species differ from those originally declared. The number of bushes and shrubs cannot be determined from the photographs.</p> <p>While this issue is not directly addressed in the current CUP application, the landscaping must comply with the approved plans under CUP 96-08-03.</p> <p>The applicant reviewed the landscaping and tree count and determined that the total landscaping area is 8,883.26 square feet, exceeding the minimum requirement of 3,938 square feet specified in the CUP 96-08-03 condition. The applicant also found that one tree is missing on the site and plans to plant it.</p> <p>An approval condition has been established, allowing the applicant to substitute plant species as long as there is no reduction in landscaping and the substituted species are comparable in height and width. Any tree substitutions must be of the same or a larger classification and must have a comparable or larger canopy and height.</p>
8-4I-4 Landscaping Provisions for Specific Uses	PZ	Not Applicable	
8-4I-5 Perimeter Landscaping Provisions	PZ	Not Applicable	
8-4I-6 Parking Lot Landscaping Provisions	PZ	No compliance issues noted	<p>Applicability: The provisions of this section shall apply to all new or substantially altered parking lots of five (5) spaces or more.</p>

			Staff do not believe there have been any substantial alterations.
8-4I-7 Tree Preservation Provisions	PZ	No compliance issues noted	No comment
Title 8, Chapter 6, Article A: Administration			
8-6A-3 General Application Process		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.
8-6A-4 Required Application Information			Application waivers requested pursuant to 8-6A-4A: -Structural Documentation
8-6A-7 Public Hearing Process		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 Press, 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
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; (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>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>
Previous entitlement that might affect this project	CUP 96-08-03

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.¹

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

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

1. **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

2. **LIGHT INDUSTRIAL BRADLEY TECHNOLOGY DISTRICT:** The light industrial designation reflects an intent to maintain the area of existing industrial uses, around Bradley Street and north of Chinden. Industrial development includes: materials processing and assembly, product manufacturing, storage of finished products, and truck terminals. Manufacturing support facilities such as offices and research-related activities should also be allowed in this area, but other non-industrial uses should be limited. Major consideration in regulating industrial uses should be setbacks, buffering and landscaping from adjacent

¹ [2022 Givens Pursley Land Use Handbook](#)

residential uses. Standards should also be directed toward control of light, glare, noise, vibration, water and air pollution; use and storage of toxic, hazardous or explosive materials; and outdoor storage and waste disposal.

The application may be supported by:

Goal 1. Nurture the City

- 1.3 Objective: Consider the needs of all citizens, businesses and the environment.
- 1.4 Objective: Create a premier destination place to live, work, and recreate.

Goal 2. Improve the City Image

- 2.2 Objective: Uphold standards for private property maintenance with a focus on nonresidential properties.

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.

The application may not be supported by:

Goal 4. Emphasize the “Garden” in Garden City

- 4.1 Objective: Beautify and landscape.
- 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.

Goal 7. Connect the City

- 7.1 Objective: Create pedestrian and bicycle friendly connections.

[Garden City Sidewalk Policy](#)

Existing attached sidewalk

[Garden City Street Light Policy](#)

The nearest streetlight is at the intersection of Alworth and 50th Streets, approximately 300 feet away.

[Garden City Transportation Needs List](#)

50th Street: River to Chinden & Alworth: 51st to 49th

Addition of landscaping, pedestrian scaled lighting, and on-street parking on 50th Street. Reconfigure Adams to remove center turning lane, add parking and landscape bulb outs on both sides of the street from 51st to 49th Streets. The node is identified in the Garden City Comprehensive Plan and there is zoning in place to support the nodes. The design portion of this project is in the concept phase along Adams Street within anticipated two-lane 40’ face to face section with on street parking and landscaping corresponding to the design of 36th Street or the design of 42nd Street north of Adams. Adams street may allow for a potential bike path.

50th Street Sidewalk

Complete sidewalk on east side of 50th at Chinden to the 50th street to pedestrian crossing. This will require the removal of encroachments in the right of way. As part of the scope please explore a pedestrian crossing of 50th at Bradley so that users of 50th do not have to cross at Chinden.

Field to 50th

Connect Field Street through to 50th Street. 50th and Adams is an intersection that is identified as a neighborhood node.

Safety Crossings on Allworth at 50th

A crossing at 50th will link a safe bike and pedestrian route from the bench and Boise's bike/pedestrian path to the greenbelt on the south side of the river. The crossing on Alworth will serve the residents of Mallard Point Apartments and residents frequenting the Garden City Police Department and Omega business complex or Moxie Java. The crossings should be part of an overall effort to improve 50th Street to facilitate the generation of the land use neighborhood commercial node as identified in the Comprehensive Plan and codified in Garden City Ordinance. Improvements should also include landscaping, pedestrian amenities, street lighting and potential for a bus shelter.

G. Image

*This plan shows
new enclosed parking*

96-08-03
APPROVED AS SHOWN
Submitted 7-18-96
LANDSCAPE SUMMARY

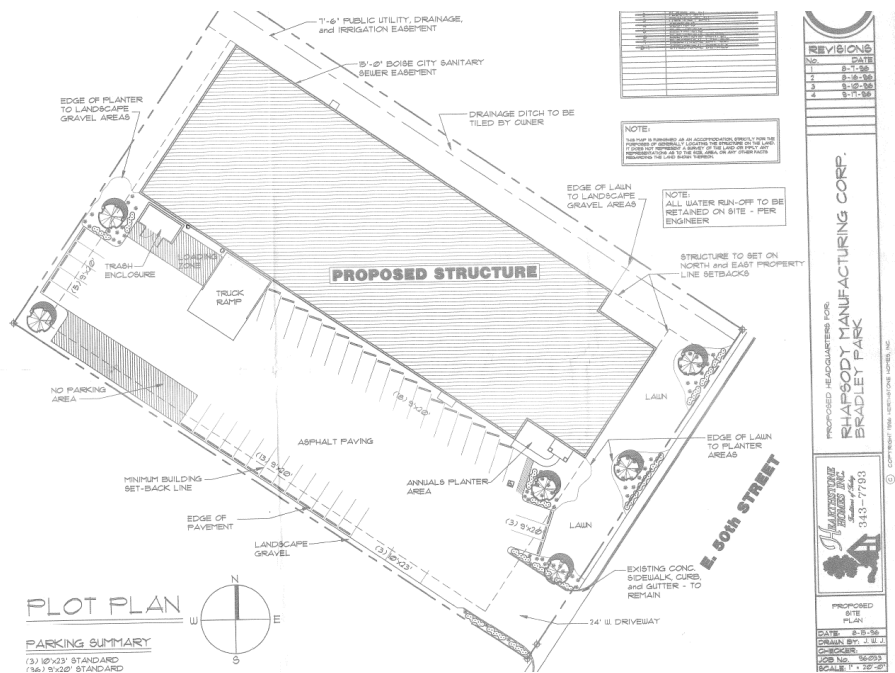


Figure 1. Approved plan under CUP 96-08-03