



CITY OF GARDEN CITY

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File Number: DSRFY2021-0017
Use as Defined by GCC Title 8: Service Provider
Location: 105 W 43rd Street
Applicant: Greg Toolson, JGT Architecture
Re-Application Conference: August 16, 2021
Design Review Hearing: November 1, 2021



STAFF REPORT
Prepared by Hanna Veal

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A. Project Information

Proposed Scope of Work:

Request	Review Process	Notes
Pre-application conference for a design review	8-6B-3 Design Review Committee	Completed on 08/16/2021
Public Hearing	8-6B-3 Design Review Committee	November 1, 2021

Project Details:

- 1) Applicant: Greg Toolson
- 2) Owner: Sawyer, Todd T
- 3) Request: New construction for a Service Provider – Pest Control use.
- 4) Title 8 Use: Service Provider
- 5) Definition of Use: The use of a site for an employee or employees of a company or person that provides materials or labor to perform a service or job not located on site. This may include, but is not limited to, building or trades contractor, damage restoration services or cleaning services. This is not the same as a "storage yard" as herein defined nor does this definition include construction or manufacturing on site.
- 6) Site Coverage: 20,347sqft
 - a) Building: 5,569sqft = 27% of the site
 - b) Landscaping: 3,848sqft = 18.9% of the site
 - c) Paved Areas: 8,759sqft = 43% of the site
 - d) ACHD ROW take: 512sqft = 2.5% of the site
- 7) Total number of vehicular parking spaces: 13
 - a) Surface: 13
 - b) ADA: 1
- 8) Total number of bicycle parking: 4
- 9) Trash Enclosure: Republic Services will pick up individual services internal to the development
- 10) Fencing:
 - a) Proposed 6ft tall wrought iron fence proposed along Stockton, but setback 6' – 6".
 - b) Proposed 6ft tall vinyl fencing proposed along eastern property boundary.
 - c) Proposed 6ft tall vinyl fencing proposed along southern property boundary.
- 11) Pedestrian pathway proposed along Stockton. Pathway is detached from the ROW. Stripped painting is proposed along Stockton ROW that which is not being improved. No sidewalk proposed along 43rd.

Site Conditions:

- 1) Existing Use: The lot is currently split into two parcels, the parcel located at 105 W. 43rd is currently vacant.
- 2) Street Address: 105 W 43rd St
- 3) Parcel Number: R2734510454
- 4) Property Description: PAR #0454 OF LOT 31 BLK D FAIRVIEW ACRES SUB NO 2 #0450-S
- 5) Legal Lot of Record: The lot is a legal lot of record; however, the tax parcels are not.

- 6) Property Size: 0.470 acres
- 7) Zoning District: C-2
- 8) Zoning Overlay(s): None
- 9) Comprehensive Plan Land Use Map Designation:
 - a) Activity Node: Transit Oriented Development
 - b) Mixed Use Commercial
- 10) Floodplain Designation:
 - a) 2003 FIRM: Outside of the Special Flood Hazard Area
 - b) 2017 Draft FIRM: 100 Year
- 11) Surrounding Uses:
 - a) Vehicle Service and Storage Yard
 - b) Appears to be Boise Brew, however, record of the use has not been identified and may not be legally established
 - c) Appears to be Idaho Title Loans, Inc. (professional services), however, record of the use has not been identified and may not be legally established.
- 12) Adjacent Zoning: C-2
- 13) Adjacent Comprehensive Plan Designations: Mixed Use Commercial
- 14) Easements on site: There are no records on file with Garden City of existing easements
- 15) Site Access:
 - a) Front: W 43rd Street
 - b) Side: Stockton
- 16) Sidewalks: No existing sidewalk
- 17) Floodplain Designation:
 - a) 2003 FIRM: Outside of the Special Flood Hazard Area
 - b) 2017 Draft FIRM: 100 Year
- 18) Wetlands on site: none identified

B. Hearing Summary

On August 16, 2021, a Pre-application conference with the Design Review Committee was held. A summary of the discussion with the Committee included:

- a) Applicant stated that removal of chain-link fencing with vinyl slats would not be beneficial.
 - i) The Committee requested that the chain link fencing be removed.
- b) Landscaping area should not be so full of vegetation that the pedestrian cannot exit the vehicular travel way of Stockton if need be.
- c) Plaza needs to be extended or enhanced to meet the street frontage 60% code requirement.
- d) Address the connection between the two parcels. Engage the front lot. Bring front lot into compliance.
- e) South elevation facade – cannot be blank wall.
- f) Xeriscape not allowed permitted as landscape buffer.
- g) Utilities are required to be underground per code.
- h) Can accommodate pedestrian access along Stockton versus 43rd.
- i) Entrance onto Stockton versus internal a possibility.

C. Discussion

Associated CUPFY2021-0011

This property was reviewed and approved by Planning and Zoning on July 21, 2021. The majority of the conditions in the decision document defer to the Design Review Committee for final decision.

Nonconforming Property

The property located at 105 W. 43rd street is described as PAR #0454 OF LOT 31 BLK D FAIRVIEW ACRES SUB NO 2 #0450-S. The parcel is currently not legally described as what is shown on the assessor's website. Instead, the warranty deed states, "Lot 31 in Block D of Fairview Acres Subdivision No. 2....". This shows that the lot is still legal but the tax parcels within lot 31 are not. The city does not regard tax parcels, however, if the owner (Todd Sawyer) were to wish to sell one of the parcels, he would need to either complete a minor land division to meet the parcel descriptions, or to combine the two parcels into the original to match the verbiage of the warranty deed.

Both parcels are owned by Todd Sawyer, and the site is to function as one business. However, because the new development's proposed access is through the adjacent parcel, it has been conditioned by staff for the applicant to provide a cross access easement through the parcel located at 107 W. 43rd. This will allow for the rear parcel to be accessible from 43rd street.

Staff was able to analyze the parcel associated with 105 W. 43rd (R2734510454) for code compliance.

Fencing

There is an existing 6ft tall chain link fence with slats and barbed wire surrounding the entire property. The proposal is to:

- Remove the chain link fencing along Stockton and replace with 6ft tall wrought iron fencing.
- Remove the chain link fencing along the eastern property boundary line and replace with 6ft tall vinyl fence.
- Remove the chain link fencing along the eastern property boundary line and replace with 6ft tall vinyl fence.

The Transportation Needs List states that a fence cannot be taller than 3 ½ ft within the front setback or along the property lines adjacent to right-of-ways. The proposed fence along Stockton meets both these standards as it is setback more than 5ft and flush with the building's front.

Existing Site Modifications: The existing site has chain-link fencing along Stockton and 43rd. The applicant has proposed to replace it with 6ft tall wrought-iron fencing, transitioning to 3ft tall at the corner of Stockton and 43rd. (Refer to site plans submitted on 10-20-2021)

Pedestrian Plaza and Pathways

There is a proposed 814sqft plaza area located in front of the primary entrance of the building. This plaza area is large enough to help the application reach the 60% frontage minimum requirement of GCC 8-4C-3.

There is now a proposed pedestrian pathway along the entirety of the Stockton ROW.

The applicant has proposed a new striped pedestrian connection from 43rd street along Stockton to connect with the detached pathway. Because of this new pathway, all of the chain-link fencing along Stockton has been replaced with wrought-iron fencing and setback from the property line by about 6' – 6". This pedestrian connection was included in the site plans to help address the comments regarding overall site connectivity the Committee made at the previous meeting.

The proposed wrought iron fence along the frontage of Stockton is setback about 6-7ft from the right-of way. It also surrounds the pedestrian plaza, enclosing the parking lot area. There is a proposed gate for pedestrians to walk through from the parking lot to get to the primary entrance of the new structure.

D. Decision Process

General Provisions

A formal application will be processed per [GCC 8-6A-5 Administrative with Notice](#).

Required Decisions: The following decision processes are required for the project as governed by [GCC Table 8-6A-1](#):

Decision	Recommendation Authority	Decision Authority	Hearing Date
Design Review	N/A	Design Committee	Pre-application conference: 08/16/2021 Design formal 11/01/2021 Review hearing:

Required Findings:

For the approval of a Design Review Application, the Design Review Committee must find the application meets the following findings, found in [GCC 8-6B-3](#):

1. The proposed design is in conformance with the purpose of the zoning district and all dimensional regulations of that district;
2. The proposed design adheres to standards for the protection of health, safety, and general welfare;

3. The proposed design creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city;
4. The proposed design improves the accessibility of development to nonmotorized and public modes of transportation;
5. The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors;
6. The proposed design supports a compact development pattern that enables intensification of development and changes over time; and
7. The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and that encourage pedestrian activity.
8. There has been no denial of any application on this property within one year.

Preapplication Conference Options:

Pursuant to [GCC 8-6B-3](#), a preapplication conference with the Design Review Committee is required. The purpose of the preapplication conference is threefold: to provide direction based on design objectives that are relevant to the application, determine the level of review process, and what application materials will be required.

It is appropriate for Committee to take of the following actions:

- Determine the application is ready for a formal application with the Design Review Committee.
- Delegate the decision to the Planning Official as an administrative decision.
- Request the applicant return with more information.

The direction provided by the committee at the preapplication meeting may be changed or reversed at any time during the process if the design or the scope of the project changes.

Decision

Pursuant to [GCC 8-6B-3](#), if the Design Review Committee does not delegate the decision to the Planning Official for an administrative decision, based on the required findings, the Committee shall take one of several actions:

1. Approve the application;
2. Conditionally approve the application with the requirement that the committee review further design details; or
3. Deny the application.

Appeals of Decision:

Per Garden City Code [8-6A-5 Administrative Process with Notice](#), there is a 15-day period to file a written objection to the application. This period starts from the signed decision date. If a written objection is received within the 15-day period, a City Council hearing will be scheduled

to decide the application. Written objections received after the 15-day objection period will not be accepted.

Pursuant to [8-6A-9 Appeals](#), there is a 15-day appeal period to appeal the decision to the City Council. This period starts from the signed decision date and runs concurrently with the 15-day objection period noted above. An appeal is \$210 and must be filed on the appeal application form provided by the City. Appeals received after the 15-day appeal period will not be accepted.

E. Agency Comments

The following agency comments were provided:

Agency	Comment Date	Summary
Ada County Highway District Link to Full Comment	10/20/2021	<ul style="list-style-type: none"> On June 29th 2021, the Ada County Highway District approved Orkin Pest Control/ GC21-0013/ CUPFY2021-0011 for a conditional use permit for the construction of a 5,809 sf building on 0.47 acres. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
Garden City Engineer Link to Full Comment	10/19/2021	<ul style="list-style-type: none"> Legal Parcel of Record: We note the site consists of a portion of Lot 31, Block D of Fairview Acres Subdivision No. 2. Evidence that the parcel is an original parcel should be provided to the city. Ada County Highway District: Approval of the project by the Ada County Highway District will be required. Site Grading and Drainage Plans will be required to be reviewed and approved by the City.
Ada County Fire and Rescue Link to Full Comment	10/19/2021	<ul style="list-style-type: none"> Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1) Fire hydrants, capable of producing the required fire flow, shall be located so that no part of the structure is more than 400-feet from the hydrant. A fire flow report was not located.

F. Public Comment

There were no public comments as of the drafting of this report.

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 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			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 so long as the function of the lot remains the same and the rear parcel is not sold.	The lot is of legal record in that it is Lot 31 of Fairview Acres. There are two tax parcels located on Lot 31 which do not have property deeds to describe the current parcel configuration. There is a ROS from 1988 the applicant submitted, but it does not have a City Engineer stamp, nor property deeds to describe the ROS configuration. So long as the rear parcel is not sold to another owner and the functionality of the lot is to remain the same, there is no requirement of a minor land division. If the current property owner is to sell one of the parcels, a minor land division will be required.
8-1B-3 Nonconforming Uses		Compliant upon approval	Conditional Use Permit (CUP) is required for the use, and a CUP has been approved.
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. 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		Garden City Code Table 8-2B-1 requires a conditional use permit in this zone for the proposed use. A CUP has been approved.
8-2B-3 Form Standards	PZ/DC	No compliance issues noted	The required setbacks are: Front: 5ft Interior Side: 5ft Rear: 5ft Street side:5ft The allowable maximum height is: n/a The minimum lot size is: n/a There are no encroachments.

			All properties meet the minimum street frontage.
8-2C	PZ/DC		<p>A. Site Layout: No structure, facility, drive lane, parking area, or loading area shall be located adjacent to a residential district.</p> <p>B. Parking and Access:</p> <ol style="list-style-type: none"> 1. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances. 2. All surfaces used for parking shall be constructed with paving, vegetative cover or of dustless material. <p>C. Limitations: The site shall not be used as vehicle wrecking as herein defined.</p> <p>D. Site Maintenance:</p> <ol style="list-style-type: none"> 1. All outdoor storage of materials or vehicles shall be maintained in an orderly manner so as not to create a public nuisance. 2. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic. <p>E. Other Standards Apply: Outdoor storage areas shall comply with section 8-1C-3, Property Maintenance Standards</p>
Title 8, Chapter 4: Design and Development Regulations			
8-4A-3 Fences and Walls	DC/PZ	No compliance issues noted – discussion might be warranted	<p>There is an existing 6' tall chain link fence with vinyl slats and barbed wire along the perimeter of all property lines.</p> <p>The applicant has proposed to remove the chain link fence along Stockton and replace with a 6ft tall wrought iron fence.</p> <p>New Construction: The application has proposed landscaping along a portion of the Stockton frontage to help separate and shield the proposed parking lot, the plaza, and the structure. The fence is setback 9ft from the Stockton property line with landscaping and a pathway between it and the street.</p> <p>The Transportation Needs List states that a fence cannot be taller than 3 ½ ft within the front setback or along the property lines adjacent to right-of-ways. The proposed fence meets both these standards as it is setback more than 5ft and flush with the building's front.</p> <p>They also are proposing removal of the chain link fencing on the eastern and southern property boundary line, replacing it with a 6ft tall vinyl fence.</p> <p>Existing Site Modifications: The existing site has chain-link fencing along Stockton and 43rd. The applicant has proposed to replace it with 6ft tall wrought-iron fencing, transitioning to 3ft tall at the corner of Stockton and 43rd. (Refer to site plans submitted on 10-20-2021)</p>
8-4A-4 Outdoor Lighting	DC/PZ	No compliance issues noted	Appears code compliant. No Comment.

8-4A-5 Outdoor Service and Equipment Areas	DC/PZ	Compliant as conditioned.	<p>Compliance with this section of code can be reviewed at the time of building permit issuance and/or prior to occupancy.</p> <p>All on-site service areas for waste, recycling, or trash; and equipment areas for transformer and utility vaults shall be located in an area not visible from a public street or adjoining property, or shall be screened from view from a public street and adjoining property with a privacy fence.</p>
8-4A-7 Stormwater Systems	DC/PZ	Compliant as conditioned	<p>Can be addressed at the building permit level. There is a general condition drafted in the decision document.</p>
8-4A-8 Utilities	DC/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>Can be addressed at the building permit level. There is a general condition drafted in the decision document.</p>
8-4C-3 Design Provisions for Nonresidential Structures	DC	<p>May not be complaint – Discussion warranted</p>	<p><i>Objective 1: The design of all structures shall have a scale, massing and urban form that has a relationship to the street, the pedestrian, and adjacent properties.</i></p> <p>Street Setback: The maximum front setback is fifteen feet (15') from curb edge for a minimum of sixty percent (60%) of the length of the street frontage.</p> <p>Street Frontage: Sixty percent (60%) of the street frontage along the front setback should be occupied by a structure or a plaza.</p> <p>The street setback may be increased when a plaza is provided with a minimum area of five hundred (500) square feet and meeting the criteria for public space.</p> <ul style="list-style-type: none"> The estimated linear frontage along Stockton is about 200ft. the building, according to site plans, is 92ft. The building makes up about 46% of the street frontage. It does propose a 814sqft plaza which makes up about 32ft of the Stockton frontage. Totally about 62% of the street frontage being occupied by the building and plaza. This is code compliant. <p>Blank Walls: There is a blank wall facing the adjacent property to the south. The applicant has included pilasters to the wall in an effort to break up the blank wall and provide shadow lines. The Committee has specifically requested that the South elevation blank wall be treated in one or more of the following code required ways:</p> <ul style="list-style-type: none"> Installing a vertical trellis in front of the wall with climbing vines or plant materials; or Providing a landscaped planting bed at least five feet (5') wide or raised planter bed at least two feet (2') high and three feet (3') wide in front of the wall, with plant materials that obscure or screen at least fifty percent (50%) of the wall's

			<p>surface within three (3) years;</p> <ul style="list-style-type: none"> • Providing artwork (mosaic, mural, sculpture, relief, etc.) over at least fifty percent (50%) of the blank wall surface. (See Minutes). <p><i>Objective 2: The design layout of all sites shall maximize opportunities for safe and comfortable pedestrian accessibility and minimize the obtrusive effects of parking and vehicular circulation.</i></p> <p>Parking Lot Locations: All parking lots should be located to the side and rear of the building fronting on the street. A parking lot may be located between a building and a street when the visual effect of the parking lot has been mitigated by one of the following ways:</p> <ul style="list-style-type: none"> • A minimum of ten feet (10') of landscaping has been provided between the parking lot and the view of the surface lot from the street is minimized; There is a 10ft wide buffer zone between the parking lot and Stockton Street. It consists of a 6ft landscape strip, and a 4ft wide pedestrian pathway. <p>Pedestrian Pathways: Direct, convenient, and attractive pedestrian pathways should be provided that are clearly marked and connect all portions of the site.</p> <ul style="list-style-type: none"> • The site proposes a pedestrian connection from 43rd Street to the primary pedestrian entrance of the new build. They have proposed a 4ft wide striped paved pathways to connect with the proposed detached pathway of the new build. • There is a pathway proposed from Stockton to the primary entrance of the new build. The Committee did say that this pathway could constitute as the through site connection. See minutes. <p><i>Objective 3: Buildings shall be designed and constructed of quality materials.</i></p> <p><i>Objective 4: The site design shall respect existing notable site features including existing buildings, landscaping, trees and water.</i></p> <p><i>Objective 5: The design of all buildings shall provide visual interest, support the vision for the area as articulated in the comprehensive plan and positively contribute to the overall urban fabric of the community.</i></p> <p>Building Orientation: Buildings should be oriented to a prominent feature, such as a corner location, a plaza, a street or the river. Buildings and site design should provide inviting entry orientation. Buildings should not turn their backs to the street.</p> <ul style="list-style-type: none"> • The site has architectural features that orients the building towards Stockton and clearly identifies itself as the primary entrance. However, there is a fence that surrounds the parking lot area that might conflict with the entry
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			<p>way accessibility from the parking lot.</p> <p><i>Objective 6: The site development should support and be consistent with the adopted streetscape.</i></p> <p>No comment.</p>
8-4C-4 Special Provisions for Specific Nonresidential Development	DC	No code compliance issues noted	<p>The site proposes a plaza.</p> <p>Plaza Requirements:</p> <ol style="list-style-type: none"> 1. To qualify as a pedestrian plaza, an area should have: <ol style="list-style-type: none"> a. Pedestrian access (including handicapped access) into the plaza from the public right of way. Gated 6ft tall fence might impede this from the parking lot area. b. Paved walking surfaces such as concrete, brick pavers, or other type of pavers on level, stepped, or gently sloping (less than 3 percent grade). c. One linear foot of seating per perimeter linear foot of the plaza. d. Security lighting on site or building mounted. e. A minimum size of five hundred (500) square feet with the shorter dimension of a plaza less than three (3) times the height of surrounding buildings. Size depicted on plans show it is an 814sqft plaza. f. Buildings on plazas should promote and accommodate outdoor activity with balconies, arcades, terraces, decks, and courtyards for residents' and workers' use and interaction. g. Distributed trash containers around the plaza. h. Direct access to occupied indoor space. i. Located so that the build provides buffering from street noise when the location is on a major arterial. 2. A pedestrian plaza is encouraged to have: <ol style="list-style-type: none"> a. Site furniture. b. Artwork, or amenities such as fountains, kiosks. 3. A pedestrian plaza should not be located adjacent to unscreened parking lots or blank walls without wall treatment. Some treatment is provided within the plaza using landscaping.
8-4C-5 Prohibitions	DC	No compliance issues noted	<p>There are no visible false fronts, prefabricated structures or prohibited materials proposed with this application.</p> <p>There is not any crushed colored rock/crushed tumble glass utilized on the site.</p>
8-4D Parking and Off Street Loading Provisions			
8-4D-3 Parking Design and Improvement Standards	DC/PZ	No compliance issues noted	The design standards as set forth in section 8-4D-3 , "Parking Design And Improvement Standards", shall apply to any new construction, alteration, or moving of a structure or <u>any new or more intense use of property.</u>
8-4D-4 Parking Use Standards	DC	No compliance issues noted	

8-4D-5 Required Number of Off-Street Parking Spaces	DC	No compliance issues noted	<p>The minimum and maximum number of required off street vehicle parking for nonresidential uses and mixed use shall be determined by the planning official based on the following criteria:</p> <ol style="list-style-type: none"> 1. The specific use(s) proposed and/or on the property; 2. Uses in the vicinity of the property; 3. A traffic study, if prepared, forecasting the expected traffic and parking needs expected from the use(s); 4. The availability of on street, shared, and/or public parking within the vicinity of the use; and 5. The availability of public transit, vanpooling or other alternative transportation to serve the use. <p>The applicant has provided the following information:</p> <ol style="list-style-type: none"> 1. 7-9 office employees 2. Business office hours are 7am-6pm Monday thru Friday 3. Average of one (1) walk-in customer per day. Most schedules by phone 4. No regular shipping / delivery schedule <p>According to the City of Boise parking code: Office, Business or Professional > 1,000sqft = 1 parking space / 300sqft Required: 3,793sqft/300sqft = 12.6 parking spots</p> <p>Storage does not require additional parking spaces.</p> <p>According to the site plans, there are 13 proposed parking spaces, with 1 being ADA.</p> <p>Garden City Code requires one bicycle parking space for every commercial tenant, and one for every 20 vehicular parking space. The site is required to have at least one bike parking spot. The site provides two bike parking spaces.</p>
8-4D-6 Standards for Alternatives to On Site Parking	DC	No compliance issues noted	Not requested by the applicant.
8-4D-7 Off Street Loading Standards	DC	No compliance issues noted	None proposed.
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	DC	No compliance issues noted	Not required as the property does not have direct access to a public street for vehicular purposes.
8-4E-4 Internal Circulation Standards	DC	No compliance issues noted	Comments have not been received by Republic Services.

8-4E-6 Sidewalk Standards	DC	No compliance issues noted	<p>Sidewalks along Stockton are not required per the Garden City Transportation Needs List. However, there is a need for pedestrian oriented features.</p> <p>The Design Review Committee are the final decision body regarding the details of what pedestrian-oriented features means. But the transportation needs list describes that there should be adjacent landscaping and/or art and street furniture.</p>
8-4E-7 Pedestrian and Bicycle Accessibility Standards	DC	Discussion required	<p>Pedestrian pathways through the site are not obvious.</p> <p>There is a pedestrian connection to the plaza/main entrance of the proposed building to Stockton. However, there is not a clear path from 43rd Street to the primary entrance of the proposed building. The applicant should consider how pedestrians will travel through the site, especially if the primary vehicular access point will be from 43rd Street. At the August 16, 2021 hearing, the Committee mentioned that if the applicant provided a pedestrian pathway along the Stockton frontage, they would consider this as an adequate connection. See Minutes.</p> <p>All pedestrian pathways shall be a minimum of 4' in width. And the proposed pedestrian pathway along Stockton is 4ft wide and the path from Stockton to the plaza is 6ft wide.</p>
8-4G Sustainable Development Provisions		No compliance issues noted	<p>The commercial development is 5,569sqft. Thus, the development is required to provide 18 points. 19 points have been achieved.</p>
8-4H Flood Hazard	Planning Official	Complaint as Conditioned	<p>The City highly encourages that the applicant build to the best available data identified in the FIS study due to the potential cost of flood insurance and safety concerns for the property. Should the applicant choose not to build above the base flood elevations identified in the FIS, the City will request that the applicant record a Flood Acknowledgement on the property.</p>
8-4I Landscaping and Tree Protection Provisions			
8-4I-2 Applicability			<p>For all new residential and nonresidential uses, all landscaping standards of this article shall be met.</p>
8-4I-3 General Landscaping Standards and Irrigation Provisions		Compliant as Conditioned –	
8-4I-4 Landscaping Provisions for Specific Uses	DC	No compliance issues noted	<p>A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping. The site provides 3,848sqft of landscaping = 18.9% of the site. Excluding setback or perimeter landscaping, the site consists of 1,1227sqft of landscaping = 6% of the site.</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</p>

			<p>setback for every increment of fifty feet (50') of linear feet of frontage. Linear frontage is not depicted in the submitted site plans. Staff roughly measured the linear frontage using GIS tools. Stockton frontage appears to be about 200ft.</p> <p>Trees Required: 1 Streetside + 4 Frontage = 5 trees Trees Provided: 1 Streetside + 4 Frontage = 4 trees</p>
8-4I-5 Perimeter Landscaping Provisions	DC	No compliance issues noted	<p>Required between other paved vehicular use areas, including driveways, and vehicle storage areas and all property lines.</p> <p>The adjacent use to the south appears to be using their property as a boat storage location. The proposed parking lot area of this application is adjacent to the boat storage, requiring the perimeter landscaping. The application proposes a 6ft tall vinyl fence.</p>
8-4I-6 Parking Lot Landscaping Provisions	DC	No compliance issues noted	
8-4I-7 Tree Preservation Provisions	DC	No compliance issues noted	Site has one existing 16" caliper Ash tree, the application is proposing to keep the tree.
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			No waivers requested
8-6A-5 Administrative Process with Notice		No compliance issues noted	<p>A notice of intent was sent to adjoining property owners within 300' and agencies with jurisdiction.</p> <p>If no objections are filed within 15 days, the Design Review Committee's decision shall be considered final.</p> <p>Objections will be heard by City Council following the public hearing provision set forth in section GCC 8-6A-7.</p> <p>Conditions of approval that are deemed necessary to protect the public health, safety, and welfare, and prevent undue adverse impacts on surrounding properties may be required.</p>

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis

[Idaho Code 67-6512](#)
Local Land Use Planning
Special Use Permits, Conditions,
and Procedures

Garden City Code noticing requirements are compliant with this Statute.

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:

- (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.

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 [21-501\(2\)](#), 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.

[Garden City Comprehensive Plan](#)

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

- a) Activity Node: Transit Oriented Development
- b) Mixed Use Commercial

The application may be supported by:

Goal 1. Nurture the City

- a.) 1.4 Objective: Create a premier destination place to live, work, and recreate.

Goal 2. Improve the City Image

- a.) 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.
- b.) 2.4.1 Proactively develop new streetscape standards that are distinctive to the Garden City built environment. The standards should apply to state highways, major arterials, collectors, local streets, and alleys. The standards should reflect the unique characteristics of the street, the neighborhood and adjacent land uses. Such planning should be in coordination with future development or redevelopment.

Goal 4. Emphasize the "Garden" in Garden City

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

Goal 7. Connect the City

- a.) 7.1.5 Re-develop Osage and Stockton streets as shared mobility corridors that are attractive for pedestrians and bicyclists while maintaining access to local businesses. Consider the opportunities for an art pathway and one-way direction for each street. (See also Action Steps 2.4.1 and 2.4.2)

Goal 12. Evolve as a Destination

- a.) 12.1 Objective: Support a positive business environment
- b.) 12.2 Objective: Continue to support commercial and industrial land uses.

	<p>c.) 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce.</p> <p>The application may not be supported by:</p> <p>Goal 5. Focus on the River</p> <p>a.) 5.5 Objective: Create more accessibility to the Boise River and Greenbelt.</p> <p>Goal 7. Connect the City</p> <p>a.) 7.1.5 Re-develop Osage and Stockton streets as shared mobility corridors that are attractive for pedestrians and bicyclists while maintaining access to local businesses. Consider the opportunities for an art pathway and one-way direction for each street. (See also Action Steps 2.4.1 and 2.4.2</p>
Garden City Sidewalk Policy	<p>No waivers submitted, however, Stockton does not require sidewalks per the Garden City Transportation Needs List</p>
Garden City Street Light Policy	<p>A streetlight is installed along E. 43rd Street in accordance with the policy.</p>
Garden City Transportation Needs List	<p>Stockton improvements:</p> <p>The improvements to Stockton are imperative to the City due to the waterline replacement that will be done in conjunction with the project. Until the waterlines are replaced water supply will remain inadequate in much of the eastern portion of the City to meet necessary fire flows. There are also additional compelling outcomes of these improvements. Stockton will assist in safety and improved business viability as traffic counts increase on Chinden.</p> <p>Improvements to Stockton incorporate three principal objectives: safety enhancement on Chinden; congestion mitigation on Chinden, and facilitation of economic development within the western part of Garden City (south of Chinden) through safety, comfort, the replacement of water infrastructure and increased traffic on local roads (increased business presence).</p> <p>Garden City has 4" waterlines in Stockton Street, severely limiting water delivery. Replacement of these lines is a top priority in Garden City's capital improvement plans to insure adequate fire flow for current and future development. Increasing the line size within Stockton would allow for the potential of increased property values in the areas serviced by this line.</p> <p>Potential improvements to execute vision:</p> <ul style="list-style-type: none"> • Garden City has requested a feasibility study to be conducted to identify if these roads would be appropriate for drainage for the roadway system to reduce on site drainage needs and assist in flood protection. • Roadway improvements should include decorative paving or painting ideally that is varied in width and material. Provided that varied paving is too expensive roadway paint that is varied in color could be utilized. This treatment is required to be approved by ACHD prior to implementation. • Signage that indicates that the pedestrians have the right of way. This treatment is required to be approved by ACHD prior to implementation. • A maximum speed limit of 10-15 miles an hour. This treatment is required to be approved by ACHD prior to implementation. • No curb, gutter or sidewalk within the right-of-way is required

and limited or no parking is desirable. Sidewalk and connections may still be required on site. This treatment is considered adopted by Garden City for the purposes of redevelopment requirements through the adoption of this plan.

- Lighting
- Controlled access
- Adjacent landscaping and or art and street furniture.
- Fencing > 3.5 not allowed on property line.

43rd Street:

Pathway Connection: 43rd and Ustick Formalize and improve a pathway that is being utilized as a bike/ ped connection at 43rd and Ustick.

Safety Crossing on Chinden at 43rd Street: This request is currently anticipated to be funded for design in 2021. The request is to provide a safe and comfortable crossing at Chinden to facilitate the bike and pedestrian traffic crossing from the Boise bench to the amenities and regional connections at 42nd Street. This is a connection to the requested bike/ pedestrian connection at 43rd and will serve the ability to connect to the node at 42nd and provide a safe route to school. This light is programed in ACHD's IFYWP for 2021 design and 2023 construction.