



Mary May, President
Alexis Pickering, Vice-President
Jim D. Hansen, 2nd Vice President
Kent Goldthorpe, Commissioner
Dave McKinney, Commissioner

July 29th, 2022

To: Asmir Alic
880 S Island Glenn Place
Eagle, ID 83616

Subject: GC22-0004/ CUPFY2022-0009
112 W 42nd Street
Ozzy's Car Company Storage Shed

The applicant is requesting approval of a conditional use permit to allow for the construction of a storage shed to store cars for a nearby auto sales lot.

A. Findings of Fact

1. 42nd Street

a. **Existing Conditions:** 42nd Street is improved with 2-travel lanes, 33-feet of pavement, and no curb, gutter, or sidewalk abutting the site. There is 50-feet of right-of-way for 42nd Street (23-feet from centerline).

b. **Policy:**

Local Roadway Policy: District Policy 7207.2.1 states that the developer is responsible for improving all local street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

Street Section and Right-of-Way Policy: District Policy 7207.5 states that right-of-way widths for all local streets shall generally not be less than 47-feet wide and that the standard street section shall be 33-feet (back-of-curb to back-of-curb).

Standard Urban Local Street—33-foot Street Section and Right-of-way Policy: District Policy 7207.5.2 states that the standard street section shall be 33-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot wide concrete sidewalks on both sides and shall typically be constructed within 47-feet of right-of-way.

Sidewalk Policy: District Policy 7207.5.7 states that five-foot wide concrete sidewalk is required on both sides of all local street, except those in rural developments with net densities of one dwelling unit per 1.0 acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk shall be constructed along one side of the street. Some local jurisdictions may require wider sidewalks.

The sidewalk may be placed next to the back-of-curb. Where feasible, a parkway strip at least 8-feet wide between the back-of-curb and the street edge of the sidewalk is recommended to provide increased safety and protection of pedestrians and to allow for the planting of trees in accordance with the District's Tree Planting Policy. If no trees are to be planted in the parkway strip, the applicant

may submit a request to the District, with justification, to reduce the width of the parkway strip.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

- c. **Applicant's Proposal:** The applicant has not proposed any roadway improvements to 42nd Street abutting the site.
- d. **Staff Comments/Recommendations:** The applicant should be required to construct curb, gutter, and 5-foot wide detached concrete sidewalk on 42nd Street abutting the site consistent with District policy and as required by Garden City.

The applicant should be required to dedicate additional right-of-way to total 2-feet behind the back of sidewalk or provide a permanent sidewalk easement extending from the right-of-way line to 2-feet behind the back of sidewalk. The sidewalk should be located wither wholly within the right-of-way or wholly within the easement.

2. Named Alley – Stockton Street

- a. **Existing Conditions:** There is a named alley, Stockton Street, abutting the north side of the site that is improved with 15-feet of pavement within 15-feet of right-of-way. Stockton Street runs east/west between 42nd Street and 43rd Street.

- b. **Policy:**

Existing Alley Policy: District Policy 7210.2 states that if a proposed development abuts an existing alley, the dedication of additional right-of-way to obtain a minimum width from the centerline of the alley of 8-feet for residential uses and 10-feet for non-residential or commercial uses may be required. Each development will be reviewed by the District on a case-by-case basis. If the proposed development takes access from an alley, the developer will be required to pave the entire width of the right-of-way from the nearest public street to and abutting the development.

Alley Length Policy: District Policy 7210.3.2 states that alleys shall be no longer than 700-feet in length. If the lead land use agency having jurisdiction requires a shorter block length, the alley shall be no longer than the agency's required block length.

Alley Parking & Setbacks Policy: District Policy 7210.3.3 states that parking within the alley right-of-way is prohibited. "No Parking" signs are required to be installed by the developer. The signs should be located at the alley/street intersections. Parking which is entered from the alley shall be designed so the minimum clear distance from the back of the parking stall to the opposite side of the alley is 20-feet for all perpendicular parking.

Setbacks for structures taking access from the alley should be closely coordinated with the lead land use agency. The setbacks shall either discourage parking within the alley (where it may partially block or occur within the right-of-way) or allow adequate area for one perpendicular parking pad. In order to discourage parking, building setbacks shall be minimal from the alley right-of-way line, while still

achieving the required 20-feet of back-up space from a garage or other parking structure to the opposite side of the alley (i.e. 4-foot setback + 16-foot alley= 20-foot for back-up space).

Alley Intersections and Offsets Policy: District policy 7210.3.7 states that alleys should intersect public streets at each end. In specific circumstances as outlined in the policies below, the District may consider allowing an alley to intersect a public street at only one end. A 90-degree angle of intersection shall be designed where practical. In no case shall the intersecting angle be less than 75-degrees, as measured from centerline of intersecting street. An access to an alley shall be located a minimum of 50-feet from the nearest street (measured centerline to centerline).

Alley/Local Street Intersections Policy: District Policy 7210.3.7.2 states that alleys may intersect all types of local streets including minor local streets. Alleys shall generally be designed with a curb cut type approach when intersecting a local street. Alleys shall generally intersect streets in the middle of the block equally offsetting the intersecting streets. Alleys shall either align with alley/street intersections or provide a minimum 100-foot offset (measured centerline to centerline) from other local street intersections. For alley intersections with local streets, the District may consider a reduced offset if the lead land use agency's required lot size allows for shorter buildable lots.

- c. **Applicant's Proposal:** The applicant has not proposed any improvements to Stockton Street abutting the site.
- d. **Staff Comments/Recommendations:** Stockton Street abutting the site is fully improved. Therefore, no additional improvements or right-of-way dedication is required with this development.

3. Driveways – 42nd Street

- a. **Existing Conditions:** There is an existing unimproved driveway from the site on to 42nd Street located 80-feet south of Stockton Street.

- b. **Policy:**

Driveway Location Policy: District policy 7207.4.1 requires driveways near intersections to be located a minimum of 75-feet (measured centerline-to-centerline) from the nearest local street intersection, and 150-feet from the nearest collector or arterial street intersection.

Successive Driveways: District Policy 7207.4.1 states that successive driveways away from an intersection shall have no minimum spacing requirements for access points along a local street, but the District does encourage shared access points where appropriate.

Driveway Width Policy District policy 7207.4.3 states that where vertical curbs are required, residential driveways shall be restricted to a maximum width of 20-feet and may be constructed as curb-cut type driveways.

Driveway Paving Policy: Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7207.4.3, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway.

- c. **Applicant's Proposal:** The applicant has proposed to close the existing driveway with landscaping.
- d. **Staff Comments/Recommendations:** The applicant should be required to close the existing driveway with curb, gutter, and 5-foot wide concrete sidewalk to match the roadway improvements installed on 42nd Street required with this application.

B. Site Specific Conditions of Approval

1. Improve 42nd Street abutting the site with curb, gutter, and 5-foot wide detached concrete sidewalk as required by Garden City.
2. Dedicate additional right-of-way for 42nd Street to total 2-feet behind the back of sidewalk or provide a permanent right-of-way easement for sidewalk located outside of the dedicated right-of-way.
3. Dedicate additional right-of-way for Stockton Street to total 10-feet from centerline and pave it its entire width following the right-of-way dedication.
4. Close the existing driveway on to 42nd Street with curb, gutter, and 5-foot wide concrete sidewalk to match the improvements installed on 42nd Street.
5. A Traffic Impact Fee may be assessed by ACHD and will be due prior to issuance of a building permit. Please contact the ACHD Planner (see below) for information regarding impact fees.
6. Submit civil plans to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD.
7. Comply with the Standard Conditions of Approval as noted below.

C. Traffic Information

Trip Generation

This development is estimated to generate less than 10 additional vehicle trips per day based on the Institute of Transportation Engineers Trip Generation Manual, 11th edition.

Condition of Area Roadways: *Traffic Count is based on Vehicles per hour (VPH)*

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service
**Chinden Boulevard	0-feet	Principal Arterial	1,720	N/A
42 nd Street	100-feet	Local	N/A	N/A
Stockton Street	300-feet	Local	N/A	N/A

** ACHD does not set level of service thresholds for State Highways.

Average Daily Traffic Count (VDT): *Average daily traffic counts are based on ACHD's most current traffic counts*

- The average daily traffic count for Chinden Boulevard west of Curtis Road was 36,689 on 03/27/19.
- There are no traffic counts for this section of 42nd Street.
- There are no current traffic counts for Stockton Street.

D. Attachments

1. Vicinity Map
2. Site Plan
3. Standard Conditions of Approval
4. Appeal Guidelines

If you have any questions, please feel free to contact me at (208) 387-6132.

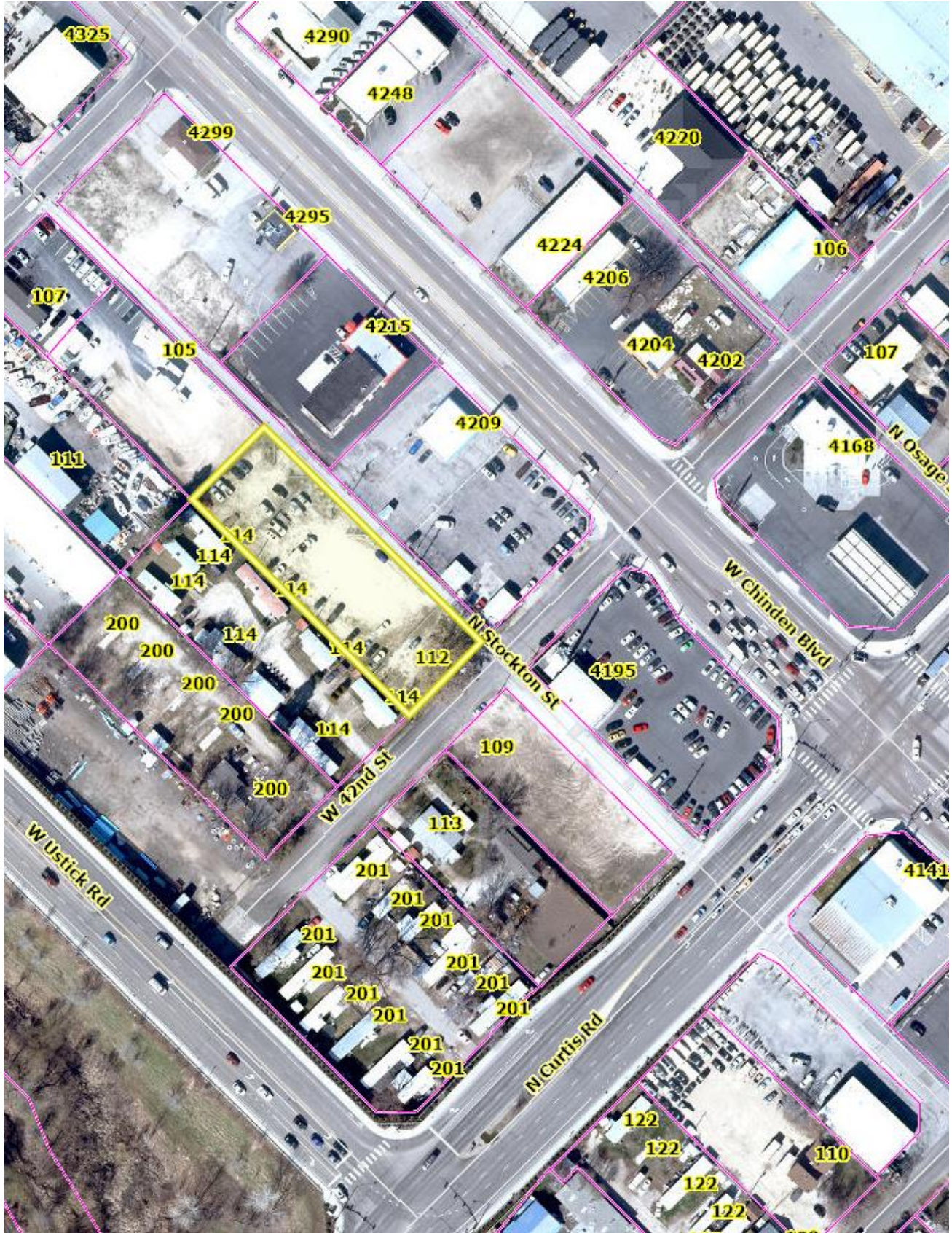
Sincerely,

A handwritten signature in black ink, appearing to read "Kelly Bruner". The signature is fluid and cursive, with the first name "Kelly" and the last name "Bruner" clearly distinguishable.

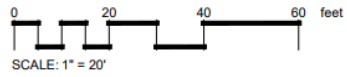
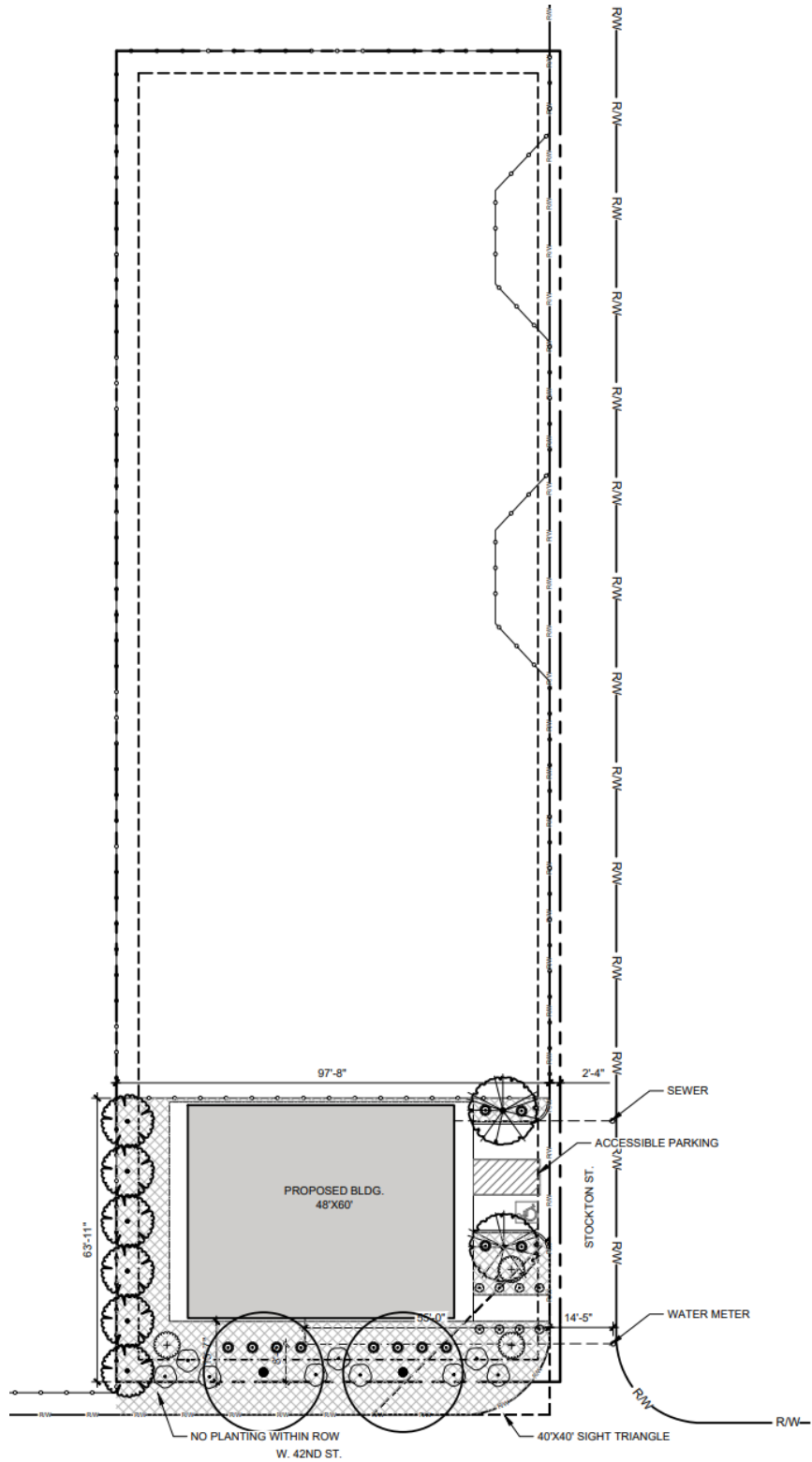
Kelly Bruner
Planner
Development Services

cc: City of Garden City (Hanna Veal, via email)

VICINITY MAP



SITE PLAN



Standard Conditions of Approval

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.6, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. 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.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

Request for Appeal of Staff Decision

1. **Appeal of Staff Decision:** The Commission shall hear and decide appeals by an applicant of the final decision made by the Development Services Manager when it is alleged that the Development Services Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.
 - a. **Filing Fee:** The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.
 - b. **Initiation:** An appeal is initiated by the filing of a written notice of appeal with the Secretary and Clerk of the District, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.
 - c. **Time to Reply:** The Development Services Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.
 - d. **Notice of Hearing:** Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the Development Services Manager's reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.
 - e. **Action by Commission:** Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.