



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

November 16, 2022

To: Brooklyn Park, LLC
Francis Fallon
522 E. 40th Street
Garden City, Idaho 83714

Subject: GC22-0018/ ZONFY2022-0002
520, 522,524, and 526 E. 40th Street
Rezone

The applicant is requesting approval of a rezone from R-3 (Medium Density Residential) to C-2 (General Commercial) designation to allow for the future development of a mixed use residential building with a commercial space on .65 acres.

A. Findings of Fact

This application is for rezone only. Listed below are some of the findings of fact that the District may identify when it reviews future development application(s). The District may add additional findings of fact when it reviews a specific redevelopment application.

1. 40th Street

a. **Existing Conditions:** 40th Street is improved with 2-travel lanes, 19-feet of pavement, and no curb, gutter or sidewalk abutting the site. There is 25-feet of right-of-way for 40th Street (14-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.

For the City of Kuna and City of Star: Unless otherwise approved by Kuna or Star, the standard street section shall be 36-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 50-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.

Half Street Policy: District Policy 7207.2.2 required improvements shall consist of pavement widening to one-half the required width, including curb, gutter, and concrete sidewalk (minimum 5-feet), plus 12-feet of additional pavement widening beyond the centerline established for the street to provide an adequate roadway surface, with the pavement crowned at the ultimate centerline. A 3-foot wide gravel shoulder and a borrow ditch sized to accommodate the roadway storm runoff shall be constructed on the unimproved side.

Cul-de-sac Streets Policy: District policy 7207.5.8 requires cul-de-sacs to be constructed to provide a minimum turning radius of 45-feet; in rural areas or for temporary cul-de-sacs the emergency service providers may require a greater radius. Landscape and parking islands may be constructed in turnarounds if a minimum 29-foot street section is constructed around the island. The pavement width shall be sufficient to allow the turning around of a standard AASHTO SU design vehicle without backing. The developer shall provide written approval from the appropriate fire department for this design element.

The District will consider alternatives to the standard cul-de-sac turnaround on a case-by-case basis. This will be based on turning area, drainage, maintenance considerations and the written approval of the agency providing emergency fire service for the area where the development is located.

- c. **Applicant's Proposal:** The applicant is not proposing any street improvements to 40th Street abutting the site.
- d. **Staff Comments/Recommendations:** As part of a future development application, the applicant is subject to meet the District policies listed above and should be required to improve 40th Street as ½ of a 33-foot wide local street section with pavement widening to total 16.5-feet from the centerline, curb, gutter, and 5-foot wide attached or detached concrete sidewalk and the dedication of additional right-of-way total 23.5-feet of right-of-way from the centerline and a permanent right-of-way easement for detached sidewalks located outside of the dedicated right-of-way abutting the site.

Staff notes, depending on the height of the future building a wider street section may be required to accommodate fire department access.

If detached sidewalks are required and street trees are desired, then an 8-foot wide planter strip should be provided. Provide a permanent right-of-way easement for detached sidewalks located 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 of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

2. Driveways – 40th Street

a. **Existing Conditions:** There is an existing 20-foot wide unpaved driveway from the site onto 40th Street located 800-feet north of Adams 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.

Cross Access Easements/Shared Access Policy: District Policy 7202.4.1 states that cross access utilizes a single vehicular connection that serves two or more adjoining lots or parcels so that the driver does not need to re-enter the public street system.

c. **Staff Comments/Recommendations:** As part of a future development application the applicant should be subject to the above listed District policies. Staff recommends a shared access driveway should be constructed onto 40th Street that will be restricted to a width of 24-feet and be paved 30-feet into the site beyond the edge of pavement of 40th Street.

3. Tree Planters

Tree Planter Policy: Tree Planter Policy: The District's Tree Planter Policy prohibits all trees in planters less than 8-feet in width without the installation of root barriers. Class II trees may be allowed in planters with a minimum width of 8-feet, and Class I and Class III trees may be allowed in planters with a minimum width of 10-feet.

4. Landscaping

Landscaping Policy: A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. District Policy 5104.3.1 requires a 40-foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50-foot offset from stop signs. Landscape plans are required with the submittal of civil plans and must meet all District requirements prior to signature of the final plat and/or approval of the civil plans.

B. Site Specific Conditions of Approval

This application is for annexation and rezone only. Site specific conditions of approval will be established as part of the future development application.

1. A Traffic Impact Fee will 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.
2. 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.
3. Comply with the Standard Conditions of Approval as noted below.

C. Traffic Information

Trip Generation

Below is a list of land uses and estimated trip generation rates for uses that may be included within the site. The applicant is requesting C-2 (General Commercial) as the proposed zoning designation and is proposing a mixed use development with commercial and multi-family type uses. There are an estimated 28 existing vehicle trips per day with 2 vehicle trips per hour in the PM peak hour. Trip generation rates are based on the Institute of Transportation Engineers Trip Generation Manual, 11th edition.

Use (1,000 sf)	Average Daily Trips (ADT)	PM Peak Hour
Medical/ Dental Office Building-Stand Alone	36.00	3.93
Copy, Print, and Express Ship Store (1,000 sf)	-----	7.42
Drive-in Bank	100.35	21.01
Fast Casual Restaurant	97.14	12.55
High -Turnover (Sit Down) Restaurant (1,000 sf)	107.20	9.05
Coffee/ Donut Shop w/o Drive Thru (1,000 sf)	-----	32.29
Low-Rise w/ Ground Floor Commercial (2 to 3 Floors) (Unit)	3.44	0.36
Mid-Rise w/ Ground Floor Commercial (4 to 10 Floors) (Unit)	-----	0.17
Multi-Family Housing (Low-Rise 2 to 3 Floors)	6.74	0.51
Multi-Family Housing (Mid-Rise 4 to 10 Floors)	7.20	0.57
Single Family Attached Housing (unit)	7.20	0.57
Timeshare (unit)	8.63	0.63

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
Adams Street	0-feet	Residential Collector	235	Better Than "D"
40 th Street	117-feet	Local	36	N/A

* Acceptable level of service for a two-lane collector is "D" (425 VPH).

** ACHD does not set level of service thresholds for local roadways.

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

- The average daily traffic count for Adams Street east of Veterans Memorial Parkway was 4,376 on June 18, 2020.
- The average daily traffic count for 40th Street north of SH-20/26, Chinden Boulevard was 987 on March 9, 2022.

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) 387-6171.

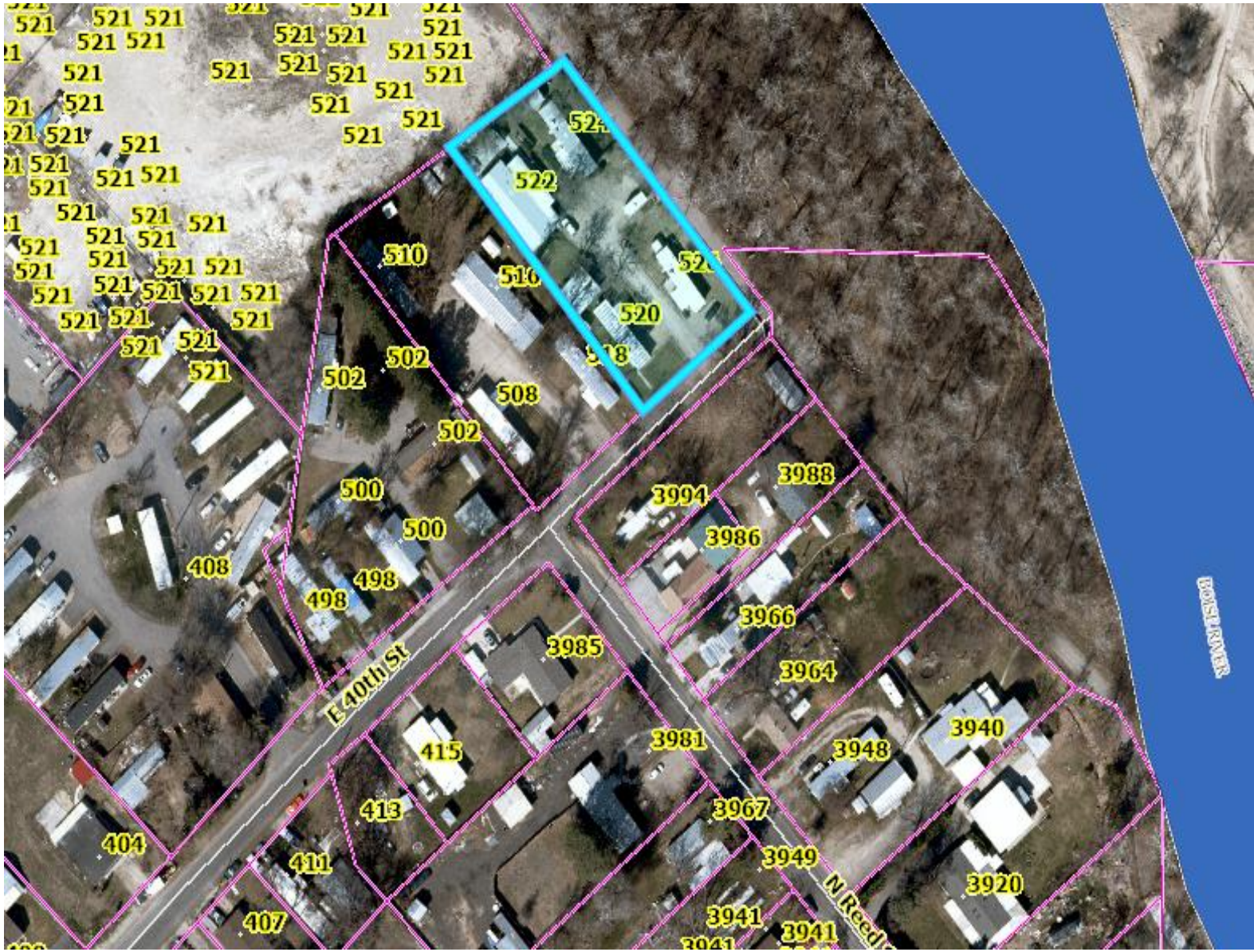
Sincerely,

A handwritten signature in cursive script that reads "Renata Ball-Hamilton".

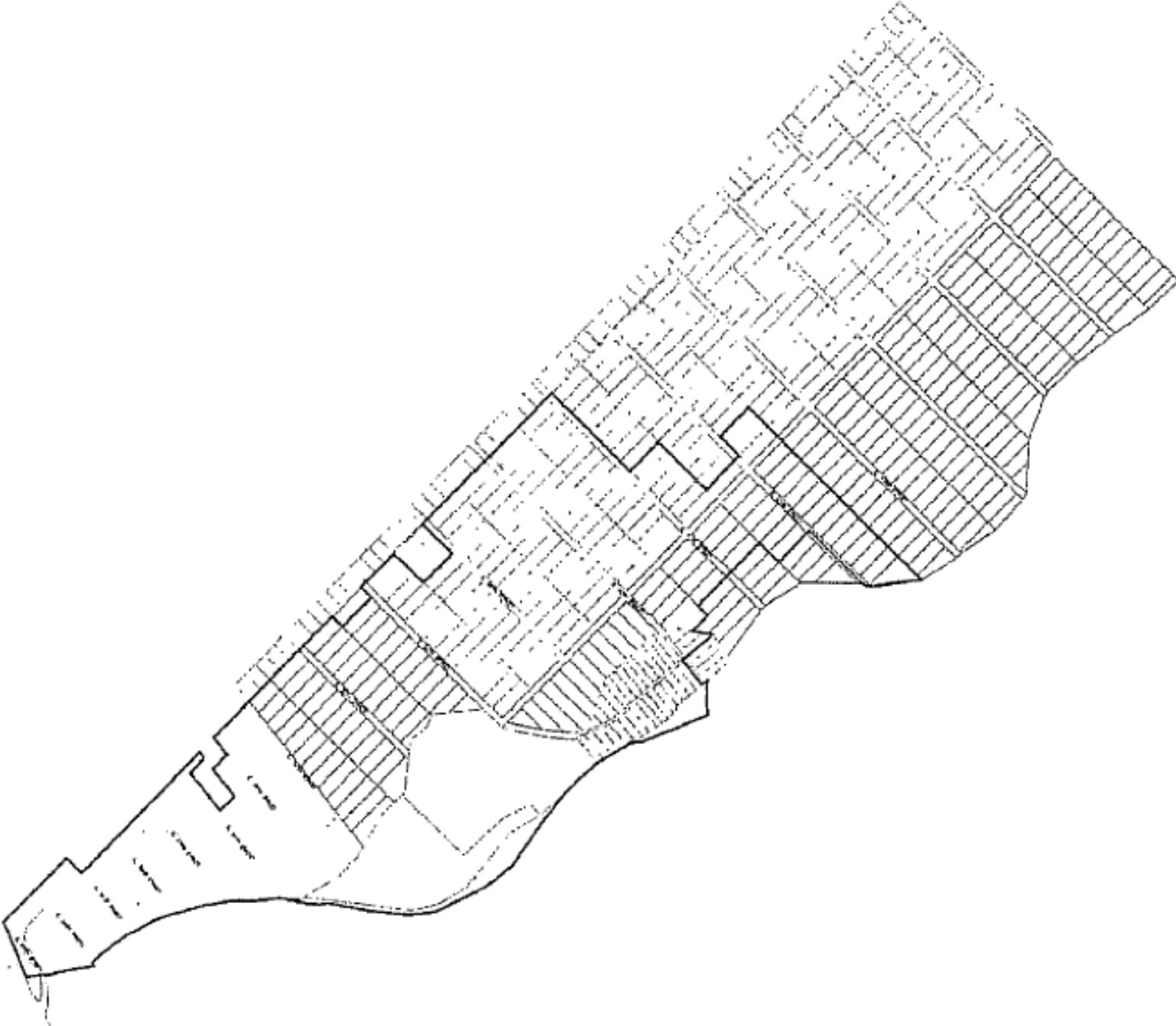
Renata Ball-Hamilton
Planner
Development Services

cc: Garden City (Garden City Planning), 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.