

# GARDEN CITY PLANNING AND ZONING COMMISSION

**Residential Care Facility Expansion  
9995 W. State Street, Garden City  
CUPFY2016-2**

**) FINDINGS OF FACT, CONCLUSIONS  
) OF LAW, AND DECISION**

This application came before the Garden City Planning and Zoning Commission for consideration on February 17, 2016. The application was continued to March 16, 2016, at which time the Commission reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Commission makes the following findings of fact and conclusions of law:

## FINDINGS OF FACT

1. The applicant is Grace at State Street, represented by David Ruby of The Architects Office.
2. The location of the project is 9995 W. State Street, Garden City, ID 83714. Assigned Ada County Parcel #: S0514346780.
3. The subject property is 1.911 – acres for addition, 5.23 – acres for existing. 7.14-acres total.
4. The project is located in the Green Boulevard Corridor and Residential Low Density areas designated in the Comprehensive Plan.
5. The project is in the C-2 General Commercial Zoning District.
6. The following section of the Garden City Planning and Zoning Codes apply to this proposal:  
GCC 8-2B-2 ALLOWED USES  
GCC 8-2C-31 NURSING AND RESIDENTIAL CARE FACILITY  
GCC 8-4 DESIGN AND DEVELOPMENT REGULATIONS  
GCC 8-6B-2 CONDITIONAL USE
7. A copy of the application and plans was transmitted to interested and affected public agencies and written comments were received from:
  - a. Ada County Highway District
  - b. Central District Health
  - c. COMPASS
  - d. Garden City Engineer
  - e. Garden City Environmental Division
  - f. Idaho Transportation Department
  - g. North Ada County Fire & Rescue
  - h. Pioneer Irrigation District
  - i. Republic Services
8. The record contains:
  - a. Application Materials
  - b. Agency Referral Notice
  - c. Agency Comments
  - d. Property Owner Notice
  - e. Legal Advertisement in Idaho Statesman
  - f. Staff report
  - g. Planning and Zoning Commission Hearing Sign Up Sheet
  - h. Signed Findings of Fact, Conclusions of Law, and Decision
9. The application was received January 12, 2016. The Commission Public Hearing was held within sixty (60) days of receipt of an application certified as complete.
10. A legal public hearing notice for the proposed conditional use permit application was published on January 29, 2016, and on January 29, 2016, notice was mailed to all property owners within a 300-foot radius of the said property in compliance with the public notice requirements of Section

- 8-6A-7 of the Garden City Municipal Code.
11. The site was not posted with a public hearing notice sign as required in GCC 8-6A-7 3 and the application was continued to March 16, 2016. A sign was posted on February 29, 2016, in accordance with Garden City Code for the public hearing of March 16, 2016.
  12. A staff report was presented by Jeff Lowe at the public hearing on March 16, 2016.
  13. David Ruby represented the application at the public hearing on March 16, 2016.
  14. Testimony from the public was provided by:
  15. Letters from the following people were submitted at the public hearing on March 16, 2016:
  16. On March 16, 2016, the application for CUPFY2016-2 was **Approved/Denied 4/0** with Conditions of Approval.

## CONCLUSIONS OF LAW

Approval of the proposed conditional use permit is governed by 8-6B-2 code consideration of Title 8 of the Garden City Code:

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:**  
*Grace Assisted Living has been in operation in the neighborhood for over a year and fits well into the neighborhood with both the designed character and function of the facility. The expansion will continue to complement both the existing facility and the neighborhood.*
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:**  
*This use is located in an area that has adequate public facilities and services.*
3. **The use will not unreasonably diminish either the health, safety, or welfare of the community:**  
*Provided all conditions of approval are satisfied, complied with, and enforced, this use will not unreasonably diminish the health, safety, or welfare of the community.*
4. **The use is not in conflict with the Comprehensive Plan or other adopted plans, policies, or ordinances of the City:**  
*The Comprehensive Plan states that Transit Oriented Development is to accommodate a mix of uses including higher density residential, retail, office, research, and public uses. In addition the Carlton Bay development has been planned with the objective to allow complementary uses to co-exist to create a community within a community in which residents and visitors can enjoy a place of social and economic activity on a neighborhood scale.. The Grace Assisted Living Facility adds to the mix of uses by providing an additional residential dwelling type, providing an opportunity for more living choices.*

## DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, the Planning and Zoning Commission hereby does **APPROVE/DENY** CUPFY2016-2 Application for a Residential Care Facility expansion located at 9995 W. State Street, Garden City, ID 83714, Parcel: S0514346780 and subject to the following conditions:

All applicable conditions of approval stated in CUP2012-00008 remain in effect.

1. The expansion of the existing Residential Care Facility is approved with this application. The building addition shall not be occupied until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.
2. The applicant shall install the landscaping pursuant to the landscape plan date stamped January 12, 2016, and approved by Design Review on January 19, 2016. All landscaping shall be provided with an automatic irrigation system and the landscaping fully installed prior to the issuance of a Certificate of Occupancy.
3. The applicant shall construct the building elevations pursuant to the plan date stamped January 12, 2016, and approved by Design Review on January 19, 2016. All exterior work shall be completed prior to the issuance of a Certificate of Occupancy.
4. All internal sidewalks, hardscaping, and storm drain swales shall be constructed pursuant to the plans date stamped January 12, 2016, and approved by Design Review on January 19, 2016.
5. The Property Boundary Adjustment (DEV2015-00008) shall be approved by the City and recorded prior to the issuance of any building permits for the proposed building expansion.
6. Comply with all requirements of the Garden City Environmental Division. Verification of compliance shall be provided prior to the issuance of a Certificate of Occupancy.
7. Comply with all requirements of the Garden City Engineer. Verification of compliance shall be provided prior to the issuance of a Building Permit.
8. Comply with all requirements of the North Ada County Fire Rescue as noted in the letter dated February 9, 2016, prior to the issuance of a Certificate of Occupancy.
9. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change.
10. The Commission may revoke a conditional use permit for any of the following: A) Violation of Garden City Code or State or Federal Laws; B) Failure to abide by any conditions of this permit; C) Causing or allowing a nuisance as determined by Garden City Code, in connection with the use for which the permit is granted.
11. Any violation of the conditions of this application is a criminal offence.
12. Should there be a change in use, the use is discontinued for more than one year without written documentation submitted to the City indicating intent to continue the use, or clear intent to cease the use, this approval shall become void.
13. Occupancy or an application for a building permit shall be considered commencement of use of this permit.
14. There is a ten (10) day right to appeal to City Council. An appeal shall be made on the form provided by the City and filed with the City Clerk within ten (10) days after the action of the decision.

#### **General Requirements**

1. This approval is only approval of the conditional use permit. All other applicable permits must be obtained prior to a certificate of compliance or occupancy.
2. The approval is specific to the application provided and reviewed. Final approval is based on substantial conformance.
3. Final approval is subject to the approval of other reviewing agencies and City Departments. Any more restrictive standards adopted and made applicable by any Transportation Authority, Fire Authority or other Federal, State or Local regulatory agencies shall prevail.
4. All improvements and operations shall comply with applicable local, state and federal requirements and procedures whether specifically addressed in the analysis of this application or not. This shall include but not be limited to 8-4A General Provisions of Design and Development Regulations; 8-4I-3 and Landscape maintenance provisions 8-4I-9; and standards for transportation and connectivity provisions identified in 8-4E.

5. Any tree grates shall be widened to accommodate the growing tree trunk and prevent girdling of any trees planted in tree wells within sidewalks or other public right of way.
6. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead plant materials shall be replaced.
7. Where landscaping might impact motorist or pedestrian sight distance, shrubs shall be maintained below three feet (3') in height and trees shall be pruned so that the lowest branches will be at least seven feet (7') above the ground level.
8. A three foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
9. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan.
10. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
11. All planting areas that border driveways, parking lots, and other vehicle use areas shall be protected by curbing, wheel stops, or other approved protective devices.
12. Trees shall be planted at least three feet (3') from curbs, sidewalks, driveways and other hard surfaces to buffer from stress caused by vehicle overhang and compacted soils, or planted with sufficient space to provide for the full maturity of the particular tree species.
13. All other plant material, except sod or ground cover, shall be set back a minimum of one foot (1') from any curb edge to protect from vehicle overhang and mechanical damage.
14. The landscape installation shall stabilize all soil and slopes.
15. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
16. Demonstrate compliance with 8-4G-1 prior to certificate of occupancies.
17. This approval is for this application only. Additional permits, licenses and approvals may be necessary.
18. Property maintenance standards shall be maintained as required by Garden City Code 8-4K.
19. The property owner is responsible for the maintenance of all landscaping and screening devices required.
20. Cross-Connections: All cross-connections between the domestic water lines and the irrigation water lines shall be in accord with the City's adopted standards, specifications and ordinances.
21. Utility easements that are unobstructed by permanent structures shall be provided along front lot lines, rear lot lines, and side lot lines when deemed necessary by the City Engineer. Total easement width shall not be less than ten feet (10'), with twelve feet (12') recommended, front and rear, with at least twenty feet (20') required for water and sewer easements for main lines.
22. Unobstructed easements, including but not limited to, drainage, water, and sewer easements shall be provided as required by the City Public Works or Planning Official.
23. Materials submitted after the decision shall not be considered part of the record for this decision. If additional materials or information is submitted after the decision the application may be remanded to the decision making body during which time the decision shall be stayed provided that there is no immediate threat to life or safety.
24. Any changes in the design, construction, operation or use shall be brought to the immediate attention of the Planning Official for determination if the changes are in substantial conformance with the City's action.
25. No change in terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his or her authorized representative and an authorized representative of the reviewing agency. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Garden City.
26. The Commission may revoke a conditional use permit for any of the following: A) Violation of Garden City Code or State or Federal Laws; B) Failure to abide by any conditions of this permit; C) Causing or allowing a nuisance as determined by Garden City Code, in connection with the use for which the

permit is granted.

27. Any violation of the conditions of this application is a criminal offense.
28. Should there be a change in use, the use is discontinued for more than one year without written documentation submitted to the City indicating intent to continue the use, or clear intent to cease the use, this approval shall become void.
29. An application for a building permit shall be considered commencement of use of this permit.
30. An extension may be granted by the Commission upon findings that the application and or the applicable City regulations have not changed. Such extension shall be applied for sixty (60) days prior to the expiration date for the original approval; only one extension of not more than three hundred sixty five (365) days shall be granted.
31. There is a 10 day right to appeal to City Council. An appeal shall be made on the form provided by the City and filed with the City Clerk within ten (10) days after the action of the decision.

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Chairman, Planning and Zoning Commission

Date

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