

BEFORE THE PLANNING AND ZONING COMMISSION
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:)	CUPFY2021-0012
)	
Conditional Use Permit)	FINDINGS OF FACT,
219 E 50 th Street)	CONCLUSIONS OF LAW;
Garden City, Ada County, Idaho)	AND DECISION
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THIS MATTER came before the Garden City Planning and Zoning Commission for consideration on August 18, 2021. Amendments to the previously approved decision document came before the Garden City Planning and Zoning Commission for consideration on July 20, 2022. The Planning and Zoning Commission reviewed the application and materials submitted. Based on the evidence presented, pursuant to Garden City Code Table 8-6A-1, the Planning and Zoning Commission makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT

1. The request is for the use of Industry Flex defined by Garden City Code as “The use of a site where there may be the use of heavy equipment or machinery, and/or noise, smells, environmental pollutants, or fire concerns. Light industry typically is for the manufacture, processing, fabrication, analysis, assembly, treatment, and/or packaging of finished products or parts. The use of paint booths not related to vehicle service shall be included in this use category.”
2. The request is also for the use of Warehouse defined by Garden City Code as “The use of a site as a major stopping or transferring point for freight, storage, wholesale and distribution of manufactured products, supplies and equipment, excluding retail sales.”
3. The applicant is JST Properties LLC.
4. The property owner of record is JST Properties LLC.
5. The location of the project is 219 E 50th St, Garden City, ID 83714, Ada County Assessor parcel number R1055420240; Lot 02 Block 04 of Bradley Park subdivision.
6. The property is a legal parcel of record.
7. The subject property is 1.570 acres.
8. The scope of the request applies to the entire property.

- c. Request to Obtain Fire Flow Test
- d. ATS Request
- e. Neighborhood map
- f. Neighborhood Meeting Notice
- g. Neighborhood Meeting Sign-In Sheet
- h. 300' Neighborhood List;
- i. Affidavit of Legal Interest;
- j. Application;
- k. Statement of Intent
- l. Site Photos.

18. Agency Comments were received from:
- a. Boise Fire, dated July 31, 2021
 - b. City Engineer, dated July 24, 2021, and July 9, 2022
 - c. Fairview Acres, dated July 31, 2021
 - d. Ada County Highway District, dated July 27, 2021

19. No public comments were received.

20. The following noticing was completed in accordance with GCC 8-6A-7:

Noticing Requirement	Required Date	Completion Date
Receipt of application	07/13/2021	07/14/2021
Letter of Acceptance (30 days after receipt of application)	07/17/2020	07/21/2021
Radius Notice (15 days prior to hearing)	08/03/2021	07/27/2021
Interested Parties	None	None
Legal Notice (19 days)	07/30/2021	07/27/2021
Agency Notice (15 days)	08/03/2021	07/22/2021
Property Posting Sign (10 days)	08/08/2021	08/06/2021
Affidavit of Property Posting and Photos (7 days)	08/11/2021	08/08/2021

21. Decision Document amendment noticing in accordance with GCC 8-6A-7:

Noticing Requirement	Required Date	Completion Date
Receipt of application		05/20/2022
Letter of Acceptance (30 days after receipt of application)	06/20/2022	06/01/2022
Radius Notice (15 days prior to hearing)	05/31/2022	06/30/2022
Interested Parties	None	None
Legal Notice (19 days)	05/27/2022	06/26/2022

25. The record contains:

- b. Application Documents
- c. Noticing Documents
- d. Agency Comments
- e. Written Public Comments
- f. Staff report
- g. August 18, 2021, Planning and Zoning Hearing Minutes and Audio
- h. June 15, 2022, Planning and Zoning Hearing Minutes and Audio
- i. July 20, 2022, Planning and Zoning Hearing Minutes and Audio
- j. Planning and Zoning Commission Signed Findings of Fact, Conclusions of Law and Decision

26. In order to approve a conditional use permit application, the Planning and Zoning Commission shall make the following findings:

GCC 8-6B-2 CONDITIONAL USE: REQUIRED FINDINGS			
Conclusion			Standard
Compliant	Not Applicable to this Application	Not Compliant	
X			<p>Finding: The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district;</p> <p>Explanation:</p> <p>The uses of industry flex and warehouse are appropriate to the location, lot, and the neighborhood and is compatible with uses within the C-2 General Zoning District. Additionally, it is compatible with the Light Industrial Bradley Technology district of the Garden City Comprehensive Plan Land Use Designation.</p> <p>Where the application is not compliant with current code, conditions of approval have been required to make the site compliant with current code requirements.</p> <p>The use of Industry Flex and Warehouse is not appropriate to the location, lot, and neighborhood as the function of the property is too industrial in nature.</p>

			<p>applicable to the application.</p> <p>The application supports the Comprehensive Plan's Goals:</p> <p>Goal 1. Nurture the City a.)</p> <p>a) 1.4 Objective: Create a premier destination place to live, work, and recreate.</p> <p>Goal 12. Evolve as a Destination</p> <p>a.) 12.1 Objective: Support a positive business environment</p> <p>b.) 12.2 Objective: Continue to commercial and industrial land uses.</p> <p>c.) 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce.</p> <p>d.) 12.3.5 Market the city to smaller businesses and support a positive environment for entrepreneurial businesses.</p>
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18. The record was reviewed by the Planning and Zoning Commission to render the decision.

CONCLUSIONS OF LAW

The Planning and Zoning Commission reviewed the application with regard to Garden City Code Title 8, and based on the conditions required herein, concludes the application **meets** the standards of approval under **GCC 8-6B-2 Conditional Use**.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Planning and Zoning Commission hereby **APPROVES** of the application subject to the following conditions:

CONDITIONS FOR APPROVAL DECISION

Application Specific Requirements:

Scope of Permit:

12. The site shall be compliant with all provision in Garden City Code 8-4A-8 Utilities.
13. All outdoor lighting shall be compliant with all provisions in Garden City Code 8-4A-4 Outdoor Lighting.

Site Specific Requirements for the Duration of the Use:

1. The following adverse effects shall be mitigated through setbacks, buffers, sound attenuation and/or hours of operation:
 - a. Noise, odor, or vibrations; or direct or reflected glare; detectable by the human senses without the aid of instruments.
 - b. Radioactivity and electric or electromagnetic disturbances which unduly interfere with the normal operation of equipment, instruments, or appliances on abutting properties.
 - c. Any other emission or radiation which endangers human health, results in damages to vegetation or property or which exceeds health and safety standards.
2. Maintenance of the clear vision triangle shall be maintained in accordance with Garden City Code 8-4E-3.
3. Maintenance of the painted pathway shall commence at such a frequency that the pathway does not appear faded or worn.

General Requirements

1. 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. 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.
2. This Conditional Use Permit shall not be transferable from one parcel of land to another. Unless otherwise stated in the conditions attached to a permit, the permit shall be granted to the applicant and successors in interest to the premises for which it was approved.
3. This approval is only approval of the conditional use permit. All other applicable permits must be obtained and completed prior to a certificate of compliance or occupancy.
4. The approval is specific to the application provided and reviewed. Final approval is based on substantial conformance. 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.
5. 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.

23. All outdoor service and equipment areas shall comply with Garden City Cod 8-4A-5 Outdoor Service and Equipment Areas.
24. All stormwater systems must comply with Garden City Code 8-4A-7.
25. 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.
26. 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.
27. 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.
28. 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.
29. Any violation of the conditions of this application is a criminal offence.
30. A certificate of occupancy or an application for a building permit shall be considered commencement of the use.
31. All previous uses are null and void unless otherwise conditioned.
32. Should there be a change in use, there is a clear intent to cease the use, or the use is discontinued for more than one year without written documentation submitted to the City, legal noticing, and property posting indicating intent to continue the use, this approval shall become void.
33. There is a 15 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 15 days after the action of the decision.
34. This approval shall expire 365 days from its approval, unless otherwise extended as allowed by Garden City Code .
35. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
36. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the final decision and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought.
37. A takings analysis pursuant to Idaho Code may be requested on final decisions.
38. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.