

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

THIS IS NOT A PREDETERMINED DECISION. ALL EVIDENCE WILL BE  
CONSIDERED. A DIFFERENT DECISION MAY RESULT IN AN UPDATE OF THE  
FINDINGS OF FACT, CONCLUSIONS OF LAW, OR CONDITIONS.

In the Matter of:	)	CUPFY2025 - 0005
	)	
Conditional Use Permit	)	FINDINGS OF FACT,
270 E. 50 <sup>th</sup> Street	)	CONCLUSIONS OF LAW
	)	AND RECOMMENDATION
Garden City, Ada County, Idaho	)	
_____	)	

THIS MATTER, came before the Garden City Planning And Zoning Commission for consideration on February 19, 2025. 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 uses of Office/Manufacturing/Warehouse
2. It has been determined that the Garden City defined uses that best describe the use are Warehouse and storage, wholesale and Industry, Light.
3. Definition of Use:
  - a. Garden City Code 8-7A-1 defines **Warehouse** 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.
  - b. Garden City Code 8-7A-1 defines **Industry, Light** 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.
4. The applicant is Jennifer Mohr.
5. The property owner of record is HTM LLC.

6. The location of the project is 270 E. 50th Street.; Ada County Assessor parcel number(s) R1055420160; LOT 10 BLK 02 BRADLEY PARK SUB NO 01
7. The property is a legal parcel of record.
8. The subject property is 1.810 acres.
9. The scope of the request applies to a portion of the property.
10. The project is located in the C-2 General commercial zoning district.
11. The project is located in the Light Industrial Bradley Technology District; Activity Node: Neighborhood Destination of the Garden City Comprehensive Plan Land Use Designation.
12. The project is in the:
  - a) 500 Year of the Special Flood Hazard Area according to the 2020 adopted FIRM (the FIRM has adopted seclusion and utilizes the 2003 Flood Insurance Study).
  - b) Partially in the 100 Year of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
13. The existing use on the site is Office/Manufacturing/Warehouse
14. The following standards apply to this proposal:
  - a. Garden City Code 8-1A-4 Applicability
  - b. Garden City Code 8-1B Existing Nonconforming Properties, Structures, and Uses
  - c. Garden City Code 8-2B Base Zoning District Regulations
  - d. Garden City Code 8-2C Land Use Provisions
  - e. Garden City Code 8-4A Design and Development Regulations- General Provisions
  - f. Garden City Code 8-4D Parking and Off Street Loading Provisions
  - g. Garden City Code 8-4E Transportation and Connectivity Provisions
  - h. Garden City Code 8-4I Landscaping and Tree Protection Provisions
  - i. Garden City Code 8-6A Administration
15. The following plans and policies apply to this proposal:
  - a. Garden City Comprehensive Plan
  - b. Garden City Sidewalk Policy
  - c. Garden City Street Light Policy
  - d. Garden City Transportation Needs List
16. The following previous approvals apply to this proposal:

a. CUP 96-08-03

17. Required materials per Garden City Code Table 8-6A-2 Required Application Information was provided:

Conditional Use Permit			
Provided			
Yes	No	NA	
X			Compliance Statement
X			Neighborhood Map
X			Will Serve

18. Additional application materials submitted include:

- a. Site Plan;
- b. Floor Plans;
- c. Materials Plan;
- d. 300' Neighborhood List;
- e. Affidavit of Legal Interest;
- f. Application;
- g. Statement of Intent.
- h. Site Photos.

19. Agency Comments were received from:

- a. Ada County Highway District, January 21<sup>st</sup> , 2025
- b. Garden City Engineer, January 20<sup>th</sup> , 2025
- c. Idaho Transportation Department, January 14<sup>th</sup> , 2025

20. Public comments were received from:

- a. None

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

Noticing Requirement	Required Date	Completion Date
Receipt of application		1/14/2025
Letter of Acceptance	2/13/2025	1/15/2025
Radius Notice	2/4/2025	1/17/2025
Legal Notice	1/31/2025	1/21/2025
Agency Notice	2/4/2025	1/14/2025
Property Posting Sign	2/9/2025	1/23/2025
Affidavit of Property Posting and Photos	2/12/2025	1/29/2025

22. Additional noticing includes:

- a. None;

23. On February 19, 2025, a public hearing before the Planning and Zoning Commission was held:

b. This section will be completed after the hearing.

24. The record contains:

- c. Application Documents
- d. Noticing Documents
- e. Agency Comments
- f. Written Public Comments
- g. Staff report
- h. February 19, 2025, Planning and Zoning Commission Hearing Minutes and Audio
- i. Planning and Zoning Commission Signed Findings of Fact, Conclusions of Law and Decision

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

<p><b>The draft findings are written both in approval and in denial. The decision makers may select the corresponding conclusions and explanations during their decision or make different conclusions based on their review of the record materials.</b></p>			
<p><b>GCC 8-6B-2 CONDITIONAL USE: REQUIRED FINDINGS</b></p>			
Conclusion		Standard	
Compliant	Not Applicable to this Application	Not Compliant	
X		X	<p>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;</p> <p><b>In Approval:</b> The use is appropriate to the location, lot, and the neighborhood and is compatible with uses within the C-2 General Zoning District.</p> <p><b>In Denial:</b> List what actions, if any, the application could have taken to obtain approval.</p>
X		X	<p>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;</p>

			<p><b>Explanation:</b></p> <p><b>In Approval:</b> There are public services available that can accommodate the proposed development.</p> <p><b>In Denial:</b> List what actions, if any, the application could have taken to obtain approval.</p>
X		X	<p><b>3.</b> The use will not unreasonably diminish either the health, safety or welfare of the community;</p> <p><b>Explanation:</b></p> <p><b>In Approval:</b></p> <p>This proposal will not unreasonably diminish the health, safety, or welfare of the community as defined in the purpose of the Local Land Use Planning Act, Idaho Code 67-6502.</p> <p><b>In Denial:</b></p> <p>The application is not compliant with 8-4D-3 Parking Design and Improvement Standards, and 8-4E-7 Pedestrian and Bicycle Accessibility Standards. These compliance issues directly impact the health, safety, and welfare of the community.</p>
X		X	<p><b>4.</b> The use is no in conflict with the comprehensive plan or other adopted plans, policies or ordinances of the city.</p> <p><b>Explanation:</b></p> <p><b>In Approval:</b> The application is cohesive with the Comprehensive Plan’s designation of the Light Industrial Bradley Technology and Neighborhood Activity Node.</p> <p>The application may be supported by: <b>Goal 1. Nurture the City</b></p>

			<ul style="list-style-type: none"> <li>• 1.3 Objective: Consider the needs of all citizens, businesses and the environment.</li> <li>• 1.4 Objective: Create a premier destination place to live, work, and recreate.</li> </ul> <p><b>Goal 2. Improve the City Image</b></p> <ul style="list-style-type: none"> <li>• 2.2 Objective: Uphold standards for private property maintenance with a focus on nonresidential properties.</li> </ul> <p><b>Goal 12. Evolve as a Destination</b></p> <ul style="list-style-type: none"> <li>• 12.1 Objective: Support a positive business environment</li> <li>• 12.2 Objective: Continue to support commercial and industrial land uses.</li> </ul> <p><b>In Denial:</b> The application may not be supported by:</p> <p><b>Goal 4. Emphasize the “Garden” in Garden City</b></p> <ul style="list-style-type: none"> <li>• 4.1 Objective: Beautify and landscape.</li> <li>• 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</li> </ul> <p><b>Goal 7. Connect the City</b></p> <ul style="list-style-type: none"> <li>• 7.1 Objective: Create pedestrian and bicycle friendly connections.</li> </ul>
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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/does not meet** 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/ DENIES** of the application subject to the following conditions:

### **POTENTIAL CONDITIONS FOR APPROVAL DECISION**

#### **Application Specific Requirements:**

##### Scope of Permit:

1. The scope of this permit is to allow for the expansion of the Warehouse within the existing Office/Manufacturing/Warehouse use located at 270 E. 50<sup>th</sup> Street.
  - a. It has been determined that the Garden City defined uses that best describe the use are Warehouse and storage, wholesale and Industry, Light

##### Prior to Construction:

1. A building permit shall be applied for and approved by the Garden City Development Services Department.
2. Any outdoor lighting shall be in compliance with code at the time of development.
3. All stormwater systems must comply with Garden City Code 8-4A-7.
4. All utilities on the site, including telephone, cable television, and electrical shall be underground and in compliance with Garden City Code 8-4A-8.
5. HVAC equipment, trash dumpsters, recycling, trash compaction, and other service functions shall be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.
6. All onsite 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.
7. All City Engineer's comments must be addressed.

##### Prior to Occupancy:

1. Occupancy of the site shall not commence until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.
2. A direct, comfortable, and safe pedestrian connection from the public sidewalk system and the parking area to the structure shall be provided through sidewalks or pathways that are:

- a. A minimum of four feet (4') in width;
  - b. Uninterrupted by motorized vehicles.
  - c. The pathway shall be designed to connect all portions of a development in a direct manner and not involve a significant amount of out of direction travel for likely users.
  - d. The pathway is free from hazards, has appropriate lighting levels, and meets the standards for ADA accessibility.
  - e. Pedestrian amenities shall be provided along sidewalks and pathways to support defensible space, crime prevention, pedestrian comfort and accessibility.
  - f. If there is no other feasible alternative, the vehicular crossing of the path or sidewalk shall be designed in a way to visibly demonstrate that it is secondary to the pedestrian. This may be achieved by changes in materials or colors, landscaping, or other such treatments.
3. Fencing on-site and gate, shall meet Garden City Code 8-4A-3 Fences and Walls standards:
  - a. All chain link (with and without barbed wire) fencing visible from the right-of-way, including the gate, shall be removed from the property.
    - i. If replaced, all the new fence and gate shall be compliant with Garden City Code 8-4A-3 standards.
4. Vehicle Parking:
  - a. There shall be a minimum of 29 vehicle parking spaces provided.
  - b. Vehicle parking stall dimensions shall be compliant with Garden City Code 8-4D-3.
5. Bicycle Parking:
  - a. **There shall be a minimum of 23 bicycle parking spaces provided.**
  - b. Bicycle parking shall be a minimum of 6' long x 2' wide.
  - c. On-site spaces shall be located within fifty feet (50') of the building entrance(s);
  - d. Be separated by a physical barrier to protect the bicycles from damage by motor vehicles if located within a motor vehicle parking area. The physical barrier can be curbs, poles, wheel stops, or other similar features;
  - e. Be easily accessible from the street;
  - f. Not impede pedestrian or vehicular circulation or loading zones. The facilities shall be incorporated, whenever possible, into the structure's design or street furniture; and
  - g. Be properly illuminated to increase security and avoid accidents and adhere to section 8-4A-4 of this chapter, Outdoor Lighting
6. Off-Street Loading Zones Space And Access:



- a. All spaces shall have fourteen feet (14') of vertical clearance;
- b. On-site drive aisles, on-site parking, or private roads may be designed to have a dual purpose to accommodate the required loading;
- c. Access driveways for parking areas shall be located in such a way that any vehicle entering or leaving such an area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street. Access shall conform to the clear vision requirements and the vehicle and pedestrian circulation standards in chapter 4, article E of this title, Transportation And Connectivity Provisions;
- d. Loading zones may not impede bicycle lanes, multiuse paths, sidewalks, or motor vehicular travel on public roads;
- e. Convenient access to loading spaces shall be provided with not less than fifteen feet (15') in width.

**7. Landscaping and street trees shall comply with the conditions outlined in the conditional use permit, file CUP 96-08-03 approval.**

- a. The applicant may substitute plant species, if there is no reduction in landscaping and the species are comparable in height and width.
- b. Substitutions of trees must be of the same or larger tree classification and be comparable or larger in tree canopy and height.

During Construction:

- 1. Construction noise that is disruptive to the neighborhood shall be limited to Monday through Saturday from 7:00 am to 8:00 pm unless residents within 300' and the city have been notified in advance of the specific days which it will be necessary to exceed this limitation.

Site Specific Requirements for the Duration of the Use:

- 1. Industry, Light:
  - a. Setback:
    - i. All mechanical equipment emissions; shipping and/or delivery; or other outdoor activity areas shall be located a minimum of five hundred feet (500') from any abutting residential districts.
    - ii. Any use involving explosive manufacturing or storage, flammable substance storage, foundry, freight and truck terminal, manufacture or processing of hazardous chemicals, power plant, food product storage and processing plant shall be located a minimum of one thousand feet (1,000') from a hospital.
  - b. Limitations: The following adverse effects shall be mitigated through setbacks, buffers, sound attenuation and/or hours of operation:
    - i. Noise, odor, or vibrations; or direct or reflected glare; detectable by the human senses without the aid of instruments.
    - ii. Radioactivity and electric or electromagnetic disturbances which unduly interfere with the normal operation of equipment, instruments, or appliances on abutting properties.

- iii. Any other emission or radiation which endangers human health, results in damages to vegetation or property or which exceeds health and safety standards.
  - iv. Other Regulations Apply: A use in this category may require approval from the Environmental Protection Agency, the U.S. Department of Agriculture, Central District Health Department, the Ada County air quality board and Idaho Department of Water Resources.
2. Warehouse, Storage and Wholesale:
- a. Limitations: Outside activity areas shall be located a minimum of three hundred feet (300') from any property line adjoining a residence or a residential district.
  - b. Accessory Uses: The use may include accessory office uses not to exceed twenty five percent (25%) and retail sales not to exceed ten percent (10%) of the gross floor area of the use.

### **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.
6. 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.
7. The property owner is responsible to maintain the site to edge of roadway asphalt.

8. If there are any tree grates, they 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.
9. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead and diseased plant materials shall be replaced.
10. 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.
11. A three foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
12. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan as required by or exempted from Garden City Code 8-4I and as shown in the approved landscape plans.
13. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
14. 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.
15. 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. 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.
16. The landscape installation shall stabilize all soil and slopes.
17. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
18. Demonstrate compliance with or an exemption from Garden City Code 8-4G prior to certificate of occupancies.
19. This approval is for this application only. Additional permits, licenses and approvals may be necessary.
20. Property maintenance standards shall be maintained as required by Garden City Code.
21. The property owner is responsible for the maintenance of all landscaping and screening devices required.
22. All outdoor living spaces must comply with Garden City Cod 8-3C General Provisions- Living Space Requirements.
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. The date of action is the date the decision body formalizes their decision. The decision body may formalize their decision by approving a draft decision or a draft decision with noted changes at the hearing. The date of action may be a different date than the applicant is provided with a signed copy of the decision.
34. Pursuant to 8-6A-9 Appeals, those with standing may appeal a decision within fifteen days from the date of action.
35. This approval shall expire one (1) year from its approval, unless otherwise extended as allowed by Garden City Code .
36. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
37. 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.
38. A takings analysis pursuant to Idaho Code may be requested on final decisions.
39. 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.

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Chairman, Planning and Zoning Commission

Date

**STANDARD CONDITIONS FOR DENIAL DECISION**

1. In order for approval by Garden City, the proposal must be in compliance with all standards of 8-6B-2. This project is not in compliance with the Garden City Comprehensive Plan Goal 4, 7 and Garden City code sections 8-4A, 8-4E, and 8-4D. Compliance can be met by providing adequate bicycle parking; deficient landscaping, pathway connections to the sidewalk, and the removal or replacement of the chain-link fence.
2. The date of action is the date the decision body formalizes their decision. The decision body may formalize their decision by approving a draft decision or a draft decision with noted changes at the hearing. The date of action may be a different date than the applicant is provided with a signed copy of the decision.
3. Pursuant to 8-6A-9 Appeals, those with standing may appeal a decision within fifteen days from the date of action.
4. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
5. Any applicant or affected person seeking judicial review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought. Upon reconsideration, the decision may be affirmed, reversed or modified after compliance with applicable procedural standards. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the request for reconsideration or the request is deemed denied. A decision shall not be deemed final for purposes of judicial review unless the process required in this subsection has been followed. The twenty-eight (28) day time frame for seeking judicial review is tolled until the date of the written decision regarding reconsideration or the expiration of the sixty (60) day reconsideration period, whichever occurs first.
6. Pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code, a takings analysis may be requested on final decisions.
7. 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.

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Chairman, Planning and Zoning Commission

Date