

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

In the Matter of:)	REZONE2022-0001
)	
Rezone to C-2)	FINDINGS OF FACT,
4810 N Adams St.)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho)	AND RECOMMENDATION
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THIS MATTER, came before the Garden City Planning and Zoning Commission for consideration on September 21, 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 application is for a rezone of a property in the R-3 Medium Density Residential District to the C-2 General Commercial District.
2. The applicant is Michael Miraglio.
3. The property owner of record is Bliss Properties, LLC.
4. The location of the project is 4810 N. Adams St.; Ada County Assessor parcel number(s) R2734523135.
5. The property is a legal lot of record.
6. The scope of the rezone is limited to the entire property.
7. The subject property is .274 acres.
8. The project is located in the R-3 Medium Density Residential
9. The project is located in the Mixed-Use Residential Area of the Garden City Comprehensive Plan Land Use Designation.
10. The project is in the not located in the SFHA according to the 2003 FIRM.
11. The project is in the AE flood hazard category according to the 2017 FIS.
12. 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 8-1C-3 Property Maintenance Standards
- d. Garden City Code 8-2B-1 Purpose
- e. Garden City Code 8-2B-2 Allowed Uses
- f. Garden City Code 8-2B-3 Form Standards
- g. Garden City Code 8-6A-3 General Application Process
- h. Garden City Code 8-6A-4 Required Application Information
- i. Garden City Code 8-6A-7 Public Hearing Process

13. 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

14. The applicant provided the following application information:

Materials Provided Per GCC Table 8-6A-2 Required Application Information			
Provided			
Yes	No	Waived pursuant to GCC 8-6A-4	
X			Compliance Statement
X			Preliminary Title Report
X			Neighborhood Map
		X	Master Plan
X			Site Plan
X			Topographic Survey
		X	Natural Hazard and Resources Analysis
X			Dedications and Easements

15. Additional application materials submitted include:

- a. 300' Neighborhood List;
- b. Affidavit of Legal Interest;
- c. Application;
- d. Neighborhood Sign-In Sheet;
- e. Recorded Neighborhood Meeting;
- f. Site Photos; and
- g. Statement of Intent.
- h. Waiver Request

16. Agency Comments were received from:

- a. Department of Environmental Quality; August 12, 2022
- b. ACHD; September 20, 2022

17. Public comments were received from:
 - a. Lindsey High and Paul Martinet; September 14, 2022
 - b. Cindy Pettit; September 21, 2022

18. The following noticing was completed in accordance with GCC 8-6A and GCC 8-6B-3:

Noticing Requirement	Required Date	Completion Date
Receipt of application	8/16/2022	7/27/2022
Letter of Acceptance (30 days after receipt of application)	9/15/2022	8/17/2022
Radius Notice (15 days prior to hearing)	9/6/2022	9/1/2022
Interested Parties	None	None
Legal Notice (19 days)	9/2/2022	8/31/2022
Agency Notice (15 days)	9/6/2022	8/11/2022
Property Posting Sign (10 days)	9/11/2022	09/11/2022
Affidavit of Property Posting and Photos (7 days)	9/14/2022	09/12/2022
Neighborhood Meeting	8/15/2022	6/17/2022

19. On September 21, 2022, a public hearing before the Planning and Zoning Commission was held. The application CUPFY2022-0014 and ZONFY2022-0001 were held simultaneously.
 - a. Chairman Rasmussen introduced the application.
 - b. Michael Miraglio and Justin Cranny with Harley Troxel presented the application.
 - i. Service provider tenant has occupied the premises for about a year. Previous service provider use occupied the property for years prior to that.
 - c. Staff Hanna Veal presented the staff report.
 - i. Zoning districts that allow for service provider include C-1 and Light Industrial.
 - ii. The use is more akin to a Service Provider than a Storage Yard.
 - iii. Garden City Code 8-2C-36.5.A. will not permit a Service Provider adjacent to residential zoned properties.
 - d. Public testimony was heard from:
 - i. Anthony Jobe; in favor.
 - ii. David Jones; in favor.
 - iii. Jason Jones; in opposition.
 - e. Michael Miraglio provided a rebuttal:

- i. Open to a Development Agreement.
- f. Public testimony was closed.
- g. Discussion included:
 - i. In favor of business operating in Garden City.
 - ii. Request to rezone constitutes as spot zoning.
 - iii. Considering CUPFY2022-0014 and ZONFY2022-0001 together is necessary.
 - iv. If the ZONFY2022-0001 application is not approved, the current use of the site as a service provider will not be permitted and must terminate immediately. If the ZONFY2022-0001 application is approved, the use of a service provider is not permitted per Garden City Code 8-2C-36 standards.
- h. Commissioner Brown moved to recommend denial of the rezone application and the conditional use permit as drafted in the draft decision in the denial.
- i. Commissioner Montoya seconded the motion.
- j. The motion carried unanimously.

20. The record contains:

- a. Application Documents
- b. Noticing Documents
- c. Agency Comments
- d. Written Public Comments
- e. Staff report
- f. September 21, 2022, Planning and Zoning Hearing Minutes
- g. September 21, 2022, Planning and Zoning Hearing Audio
- h. Planning and Zoning Signed Findings of Fact, Conclusions of Law and Recommendation

21. In order to approve a rezone application, the Planning and Zoning Commission shall make the following findings:

GCC 8-6B-10 Zoning Map Amendment and Annexation: REQUIRED FINDINGS			
Conclusion			Standard
Compliant	Not Applicable to this Application	Not Compliant	
		X	<p>Finding 1: The zoning map amendment complies with the applicable provisions of the comprehensive plan;</p> <p>Explanation:</p> <p>An application to rezone to C-2, General Commercial, does not achieve Garden City's Plan's goals for the Main Street</p>

			Corridor and Mixed-Use Residential districts.
X			<p>Finding 2. The zoning map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;</p> <p>Explanation: In Approval: This is a proposal to rezone a property. There are no proposed changes to the zoning district regulations.</p>
		X	<p>Finding 3. The zoning map amendment shall not be materially detrimental to, or impacts can be mitigated that affect, the public health, safety, and welfare or impacts;</p> <p>Explanation:</p> <p>The rezoning of the property in a manner that is inconsistent with the Comprehensive Plan may negatively impact the City's ability to achieve the desired vision as identified in the Comprehensive Plan.</p> <p>Uses that which are permitted within the C-2 zoning ordinance that may be considered detrimental to the Comprehensive Plan's vision include but are not limited to those involving vehicle uses and/or sales and more industrial uses.</p>
X			<p>Finding 4. The zoning map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts;</p> <p>Explanation:</p> <p>A rezone of the subject property should not affect the City's ability to provide services to the subject property. Any future development on this property will</p>

			need to demonstrate adequate ability to serve. The associate conditional use is conditioned to provide an ability to serve document.
	X		<p>Finding 5. The annexation of land, if proposed, is in the best of interest of the city and complies with the procedures as set forth in Idaho Code section 50-222.</p> <p>Explanation: Not Applicable: The application is not for an annexation of land.</p>

22. 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, and based on the conditions required herein, recommends to City Council that the application **does not meet** the standards of approval under **GCC 8-6B-10 Zoning Map Amendment and Annexation**.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Design Review Committee hereby **RECOMMENDS DENIAL** of the application, subject to the following conditions:

CONDITIONS FOR DENIAL DECISION

1. While the Planning and Zoning Commission has recommended denial of the application to rezone the subject property to C-2 General Commercial, the Commission has noted that a rezone request to M or a Development Agreement to limit the permitted uses would have resulted in a favorable recommendation.
2. Every final decision is subject to a regulatory taking analysis pursuant to section [67-8003](#), Idaho Code. An applicant denied an application or aggrieved by a final decision concerning matters identified in section [67-6521\(1\)\(a\)](#), Idaho Code, may within twenty-eight (28) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by [chapter 52, title 67](#), Idaho Code.
3. 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.

4. 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.



Chairman, Planning and Zoning Commission

Date