



## DEVELOPMENT SERVICES DEPARTMENT

6015 Glenwood Street ▪ Garden City, Idaho 83714  
Phone 208/472-2921 ▪ Fax 208/472-2996 ▪  
[www.gardencityidaho.org](http://www.gardencityidaho.org)

August 5, 2024

Rory Heggie  
306 NE 2<sup>nd</sup> St.  
Meridian, ID 83642

Sent via e-mail to [rory@studioharchitects.com](mailto:rory@studioharchitects.com) and via USPS

Re: Determination of Completeness/Application Acceptance – **Tentatively Accepted**

Dear Rory,

This letter is to inform you that Conditional Use Permit CUPFY2024-0009, a request for the use Drive-Through Establishment and located at 4999 N. Glenwood St. has been accepted and scheduled to be heard by the Planning and Zoning Commission on **Wednesday, August 21, 2024, at 6: 30p.m**

The hearing will be held in the City Council Chambers of Garden City Hall, 6015 N. Glenwood, Garden City, Idaho 83714 and/or zoom: <https://zoom.us/j/8188588340> or Phone In # **301-715-8592** please refer to the Government Tab on the [gardencityidaho.org](http://gardencityidaho.org) website for up to date information. If we experience any technical difficulties, the hearing in person will continue.

**The materials that were submitted in conjunction with the application have been accepted. The review to determine completeness was cursory. Per GCC Table 8-6A-2 it appears that there is adequate information to conduct the review, however, the following additional information is needed:**

- **Landscape Plan – more detail is required for code compliance review.**
- **Site Photos**

**If we do not receive this information by August 12, 2024, we will cease further action on this application.**

Provided we receive the required information we will be sending notice to stakeholders requesting review of your project, providing legal notifications and reviewing your project for compliance with applicable regulations. Due to open meeting laws it is requested that the applicant does not contact the decision makers off the record. All documentation and comments should be submitted through staff or at the Public Hearing.

If you wish to give a formal presentation to the deciding body, please submit it at least 7 days in advance of

the hearing. If there are materials missing to do a complete review, staff may reschedule your hearing.

It is our goal to provide you with a draft report so that you may review it ahead of time. We appreciate feedback as to accuracy of information and willingness to adhere to any proposed conditions of approval.

Remaining requirements:

You are responsible for completing the following items prior to the scheduled hearing:

- The site shall be posted with a Public Hearing Notice sign by **NO LESS THAN 10 DAYS PRIOR TO THE HEARING DATE** in accordance with Garden City Code 8-6A-7.
- An affidavit of property posting and photos of the sign shall be submitted in accordance with Garden City Code 8-6A-7 by **NO LESS THAN 7 DAYS PRIOR TO HEARING DATE.**
- Any outstanding fees must be paid.
- The property posting sign must be taken down **NO LESS THAN 30 DAYS AFTER THE HEARING DATE.**

**When creating your property posting, make sure to not only include what is required per Garden City Code 8-6A-7, but include the Zoom meeting information as well. This information can be found on the agenda for you scheduled hearing date, however, we have also provided it below:**

To view the meeting remotely, please follow the link below:

Join Zoom Meeting

<https://zoom.us/j/8188588340>

Meeting ID: 818 858 8340

Meeting Phone In: 301-715-8592 (Enter Meeting ID, then # to join)

**Failure to complete any of these requirements will result in the application being automatically continued to the next hearing. Repeated failures to complete these requirements may result in the application's denial. Applications that are denied cannot resubmit in substantially the same form for one year.**

**Public Hearing Written Testimony/Exhibits and Attendance**

- **Please make sure to submit all written testimony and exhibits 7 days or more in advance so that it can be included as part of the record.**
- **Attendance and testimony may be provided via internet. If you plan on attending via internet, please make sure that you have a microphone and speakers. We have noticed that earphones seem to be the best option.**
- **Call in is available if you do not have access to internet.**
- **If we experience any technical difficulties, the hearing in person will continue.**

What to expect at a hearing:

- You or your representative must be present at the hearing to represent the application. You may provide a presentation such as a Power Point. **Failure to be present at the hearing will result in the application being continued to the next hearing or denied in the case of repeated absences.**
- Your application may be moved to the consent agenda if:
  - You agree with the staff report and the draft decision; AND
  - If no members of the public wish to testify in opposition to your application; AND
  - A decision maker does not wish to hear the application.

If any of the above criteria are not met, the public hearing will be held.

- If the public hearing is held, the hearing procedure will consist of:
  - The hearing item will be announced;
  - The applicant presents their proposal;
  - Staff presents the staff report;
  - Public testimony is taken on the application;
  - The applicant has an opportunity to provide rebuttal testimony.
  - Public testimony is closed, and the decision-making body deliberates and decides on the application.

\*Please provide a full account of your project during your presentation or proposal. The Chair of the meeting cannot accept questions and comments out of turn.

What to expect after the hearing:

- As a Conditional Use Permit, your application will be put on the consent agenda for the following City Council hearing date. If City Council chooses to hear your application, you will be notified and given the future hearing date.
- Pursuant to Garden City Code 8-6A-9 (Appeals), there is a 15-day right to appeal the decision to the City Council. The applicant and those who have provided written or verbal testimony on the application have the right to appeal the decision. The appeal period starts from the date of the decision. Once the appeal period ends, the decision is final.

Please contact us at [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org) or 208-472-2922 with any questions concerning your application.

Sincerely,  
Development Services Department



**From:** [planning](#)  
**To:** Aaron Golar; ABC - Idaho State Police; ACHD Planning Review; Andrea Fogleman; Bailee Kinsey; Biljan, Megan CIV USARMY CENWW (US); Bill Jacobs; bob\_kibler@fws.gov; Brandon Flack; Brent Moore (bmoore@adacounty.id.gov); Brian Duran; Bruce Smith; C. Miller; Carla.bernardi@cableone.biz; Cass Jones; Charalee Jackson; Charissa Bujak; Charles Leffler; Charles Wadams; City Council; clittle@achdidaho.org; Colin Schmidt; COMPASS; Connie Sol; Cory Stambaugh; Cynthia Rose; D. Gordon; D. Sperfma; D3DevelopmentServices@itd.idaho.gov; Daniel Pavlinik; Dean Johnson; dsteam@dspropertymgmt.com; exline.eric@westada.org; Fairview Acres (dsteam@dspropertymgmt.com); Forrest France; Garden City Building Department; Griffith, Christen CIV CENWW CENWD (US); Hanna Veal; Idaho DEQ; idprospect@aol.com; Info; Info; ITD Development Services District 3; Jackson Heim; james herbert; James Page; James Pavelek; Jamie Huff; Jenah Thornborrow; Jim Keyser (jkeyser@idahostatesman.com); JMain@republicservices.com; Joanna Ortega; Joe Canning; John Evans; John Living; Jonathan Oppenheimer; Kirk Meyers; L. Badigia; Lanette Daw; Leon Letson; Lindsey Pettyjohn; Lindsey Pettyjohn Library; Lisa Leiby; lisaharm@msn.com; Lynn Livingston; M. reno; M. Singlet; Mack; Marci Horner; Mark; Mark Wasdahl; Mary Buersmeyer; McDannel, Konrad; Mike Bisagno; Mike Nero; Mindy Wallace; Nadine Curtis; New Dry Creek; newdrycreek@gmail.com; Niki Benyakhlef; Olesya Durfey; Pastoor, William; Peg Temple; planning; Preservation; Project Manager; Rachele Klein; Rob Tiedemann; Romeo Gervias; Ronald Wilper; Roy Boehm; rphillips@idahopower.com; rscott3@republicservices.com; S. Bryce Farris (bryce@sawtoothlaw.com); Shelley; Stefanie (stefanie@settlersirrigation.org); Susanna Smith; Tim Luke; Tom Patterson; Troy Vaughn; Valley Reginal Transit; Vincent Trimboli; wbsdmb@qwestoffice.net; Wed 2 No 1; William.m.terry@usps.gov; Zach Kirk, PE  
**Subject:** Garden City Agency Notice  
**Date:** Tuesday, July 16, 2024 9:29:00 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)

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## **CITY OF GARDEN CITY AGENCY NOTICE**

Pursuant to Garden City Code 8-6A-7, you are hereby provided notice of the following application:

**DSRFY2024-0013**: Design Review processed as a Planned Unit Development: Hatch Design is proposing a building designed to be flexible on the interior to easily accommodate varying uses at 575 E. 42nd St., Ada County Parcel #R2734520952, in the C-2 General Commercial Zoning District.

**Planning & Zoning:** September 18, 2024  
**City Council:** October 14, 2024

**CUPFY2024-0009**: Conditional Use Permit: Rory Heggie with Studio H Architects is requesting a conditional use for a second drive thru lane at 4999 N. Glenwood Street, Ada County Parcel # R8191508798 located in the C-2 General Commercial Zoning District.

**Planning & Zoning:** August 21, 2024

Please send comments to [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org). If you do not respond by **August 7, 2024**, your response will be considered "No Comment." Comments should also be addressed to the applicant.

Comments may also be mailed to:

City of Garden City

Attn: Development Services

6015 N. Glenwood

Garden City, Idaho 83714

Please note it is the responsibility of those interested and/or affected jurisdictions to schedule their own applicable meeting. In some cases, Garden City's applications are processed before other jurisdictions' response and the conditions of approval state that the approval is subject to statutory requirements of affected other jurisdictions.



## Development Services

Development Services Department, **City of Garden City**

p: 208-472-2921

a: 6015 Glenwood Street, Garden City, ID 83714

w: [www.gardencityidaho.org](http://www.gardencityidaho.org)





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6015 Glenwood Street ■ Garden City, Idaho 83714 ■ [www.gardencityidaho.org](http://www.gardencityidaho.org)  
Phone 208/472-2921 ■ Fax 208/472-2996 ■ [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org)

### Dear Property Owner:

This is an Official Notice of a Public Hearing regarding a property near your own. Garden City invites you to submit testimony and attend a public hearing regarding this matter.

**Anyone who has standing has the right to appeal all or a portion of the decision. You must submit a written or oral testimony to have standing.** Applicants or affected property owners shall have no more than fourteen (14) days after a final decision is rendered to request reconsideration by the final decision-maker.

### **Testimony and Attendance**

1. All testimony for consideration must be timely or in-person. Please either submit your comments through the Development Services Department at City Hall or [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org) or on the record at the public hearing.
2. Please make sure to submit all written testimony to Garden City Development Services either via mail or to [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org) **7 days or more in advance so that it can be included as part of the record.** You do not have to be physically present to have standing if you submit timely written testimony.
3. **Written testimony that is sent to other departments, directly to individuals, or to decision-makers may not be included in the record.** Due to sunshine laws, we request that the applicant or public do not contact the decision-makers directly.
4. To view the meeting remotely, please follow the link below: <https://zoom.us/j/8188588340> or you can dial (301) 715-8592 and enter the Meeting ID: (818 858 8340) then press # to join. If there are technical difficulties, the meeting will continue in-person. Testimony may be limited to in person at the discretion of the chair. If you plan to attend via the Internet, please make sure that you have a microphone and speakers. We have noticed that earphones are the best option.
5. Auxiliary aids or services for persons with disabilities are available upon request. Please call Development Services at 208-472-2921 three (3) or more days or more prior to this public meeting so that arrangements can be made.

### **Order of the Public Hearing:**

Each application on the agenda will adhere to the following procedure:

1. The applicant will have the ability to represent the application (default 15-minute time limit).
2. A staff member will present the *Staff Report* (default 15-minute time limit).
3. The Chair/Mayor will open the Public Hearing during which time you will have the ability to give testimony (default 3-minute time limit per person and up to 3 minutes per person up to a 15-minute time limit for a spokesman that was requested three or more days in advance and pre-authorized by the chairman).
4. The applicant will then be able to give rebuttal testimony.
5. Close of Public Hearing and discussion among decision-making body.
6. The decision makers may approve, deny, continue for additional deliberations, or make a recommendation to the City Council.

**General Rules for Oral Testimony:**

1. No person shall be permitted to testify or speak before the hearing agency at a public hearing unless such a person has signed his name and written his contact address on sign-up sheets to be provided by the city. This requirement shall not apply to staff or technical witnesses directed by the Chairperson/Mayor to give evidence or information to the hearing agency.
2. No person shall be permitted to speak before the Committee/Council/Commission at a public hearing until such person is recognized by the chairperson.
3. Testimony should directly address the subject at hand.
4. Testimony should not be repetitious with other entries into the record.
5. Testimony should not be personally derogatory.
6. Testimony should comply with time restrictions established by the hearing agency.
7. If oral testimony fails to comply with the aforementioned standards, the chairperson may declare such testimony out of order and require it to cease.
8. All public hearing proceedings shall be recorded electronically and all persons speaking at such public hearings shall speak before a microphone in such a manner as to ensure that the recorded testimony or remarks will be complete.

**Standards for Written Testimony:**

Written testimony and exhibits from the public to be admitted at a public hearing shall comply with the following standards:

1. Written testimony and exhibits must be submitted **at least seven (7) calendar days prior to the date of the pertinent public hearing**. This provision may be varied through notice to potential hearing participants.
2. Written testimony should include the signature and address of the submitter.
3. Written testimony should address the issue at hand.
4. Written testimony should not be personally derogatory.
5. If written testimony or an exhibit fails to comply with the aforementioned standards, the Chairperson/Mayor or Committee/Council/Commission may declare such testimony inadmissible.



July 16, 2024

Send Written Comments To:  
Garden City Development Services, 6015 N. Glenwood St., Garden City, Idaho 83714  
Or [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org)

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**Hearing:**

Planning and Zoning Commission: Wednesday, August 21, 2024, at 6:30 pm

**Application:**

CUPFY2024-0009: Conditional Use Permit:

Rory Heggie with Studio H Architects is requesting a conditional use for a second drive thru lane at 4999 N. Glenwood Street, Ada County Parcel # R8191508798 located in the C-2 General Commercial Zoning District.

The application materials can be found online at [www.gardencityidaho.org](http://www.gardencityidaho.org) at Departments>Development Services> Applications (quasi-judicial)> FY2024. Record documents will be added as received. A staff report and draft decision document will be available typically around one week prior to the hearing.

Your Name \_\_\_\_\_ Date \_\_\_\_\_

Your Physical Address: \_\_\_\_\_

**(Please select)** I wish to be kept informed of any additional future meeting dates:

☐ No ☐ Yes If yes please provide email address: \_\_\_\_\_

**(Please select)** Regarding this application I:

☐ Support the Application ☐ Am Neutral ☐ Oppose the Request

Comments:

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Signature: \_\_\_\_\_

## LEGAL NOTICE OF PUBLIC HEARINGS

Pursuant to established procedure, NOTICE IS HEREBY GIVEN THAT The Garden City, Planning and Zoning Commission will hold a public hearing at 6:30 p.m. on Wednesday, August 21, 2024, at Garden City Hall, 6015 Glenwood St., Garden City, Idaho to consider the following:

**CUPFY2024-0009:** Conditional Use Permit: Rory Heggie with Studio H Architects is requesting a conditional use for a second drive thru lane at 4999 N. Glenwood Street, Ada County Parcel # R8191508798 located in the C-2 General Commercial Zoning District.

The Garden City will hold a public hearing of the Planning and Zoning Commission on Wednesday, September 18, 2024, at 6:30 pm and a subsequent City Council hearing at 6:00 p.m. on Monday, October 14, 2024, at Garden City Hall, 6015 Glenwood St., Garden City, Idaho to consider the following:

**DSRFY2024-0013:** Design Review processed as a Planned Unit Development: Hatch Design is proposing a building designed to be flexible on the interior to easily accommodate varying uses at 575 E. 42nd St., Ada County Parcel #R2734520952, in the C-2 General Commercial Zoning District.

You do not have to be physically present to have standing if you submit written testimony. Written testimony received by the Garden City Development Services Department up to seven days in advance of the hearing will be considered for the record. Written testimony sent directly to decision makers, to other departments, or received less than seven days in advance may not be considered. Only oral testimony will be permitted at the hearing unless the associated visual aids were received seven days or more in advance. Due to sunshine laws it is requested that the applicant and public do not contact the decision makers directly. All documentation and comments should be submitted through staff.

Please send comments to [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org) or mail to:

Attn: Development Services  
City of Garden City  
6015 N. Glenwood  
Garden City, Idaho 83714.

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**Publish 7.17.2024**

ORDER DETAILS

**Order Number:**  
IPL0184254  
**Order Status:**  
Approved  
**Classification:**  
Legals & Public Notices  
**Package:**  
BOI - Legal Ads  
**Final Cost:**  
\$59.96  
**Payment Type:**  
Account Billed  
**User ID:**  
IPL0025090

UPDATE STATUS

**Current Status:**  
Approved  
**New Status:**  

Approved

ORDER NOTES

Additional Information

Update

ACCOUNT INFORMATION

GARDEN CITY CITY OF IP  
6015 GLENWOOD ST  
GARDEN CITY, ID 83714-1347  
208-472-2900  
lleiby@gardencityidaho.org  
GARDEN CITY CITY OF

TRANSACTION REPORT

**Date**  
July 16, 2024 12:15:01 PM EDT  
**Amount:**  
\$59.96

SCHEDULE FOR AD NUMBER IPL01842540

July 17, 2024  
Idaho Statesman (Boise) Print Publication

PREVIEW FOR AD NUMBER IPL01842540

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IPL0184254  
Jul 17 2024



The Beaufort Gazette  
The Belleville News-Democrat  
Bellingham Herald  
Centre Daily Times  
Sun Herald  
Idaho Statesman  
Bradenton Herald  
The Charlotte Observer  
The State  
Ledger-Enquirer

Durham | The Herald-Sun  
Fort Worth Star-Telegram  
The Fresno Bee  
The Island Packet  
The Kansas City Star  
Lexington Herald-Leader  
The Telegraph - Macon  
Merced Sun-Star  
Miami Herald  
El Nuevo Herald

The Modesto Bee  
The Sun News - Myrtle Beach  
Raleigh News & Observer  
Rock Hill | The Herald  
The Sacramento Bee  
San Luis Obispo Tribune  
Tacoma | The News Tribune  
Tri-City Herald  
The Wichita Eagle  
The Olympian

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
37265	574469	Print Legal Ad-IPL01842540 - IPL0184254		\$59.96	2	37 L

**Attention:** Jenah Thornborrow

GARDEN CITY CITY OF  
6015 GLENWOOD ST  
GARDEN CITY, ID 83714-1347

lleiby@gardencityidaho.org

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IPL0184254  
Jul 17 2024

Mary Castro, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

1 insertion(s) published on:  
07/17/24

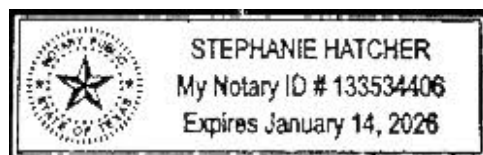
Mary Castro

(Legals Clerk)

On this 17th day of July in the year of 2024 before me, a Notary Public, personally appeared before me Mary Castro known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.  
Legal document please do not destroy!