

STAFF SUGGESTED DECISION

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 - 0007
)	
Conditional Use Permit)	FINDINGS OF FACT,
5443 N. Glenwood St, Unit 5455)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho)	AND DECISION
)	
_____)	

THIS MATTER, came before the Garden City Planning And Zoning Commission for consideration on March 26, 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 use of Animal care facility defined by Garden City Code 8-7A-1 as "The use of a site for the boarding, care, grooming, diagnosis or treatment of animals. The use may include overnight accommodations on the premises and boarding that is incidental to the primary activity. The term "animal care facility" shall include, but not be limited to, an animal clinic, animal hospital, commercial kennel or veterinary office."
2. The applicant is Theresa Sneider.
3. The property owner of record is KC EMERALD PROPERTY HOLDINGS LLC
4. The location of the project is 5443 N. Glenwood St, Unit 5455; Ada County Assessor parcel number(s) R8191508280; LOT 34 STRAWBERRY GLENN.
5. The property is a legal parcel of record.
6. The subject property is 4.100 acres.
7. The scope of the request applies to a portion of the property.
8. The project is located in the C-2 General commercial zoning district.

9. The project is located in the Green Boulevard Corridor; Future Planning Area of the Garden City Comprehensive Plan Land Use Designation.
10. The project is in the:
 - a) outside 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) outside of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
11. The existing use on the site is Vacant Unit.
12. The following standards apply to this proposal:
 - a. Garden City Code 7-2-1 Building Code
 - b. Garden City Code 8-1A-4 Applicability
 - c. Garden City Code 8-1B Existing Nonconforming Properties, Structures, and Uses
 - d. Garden City Code 8-2B Base Zoning District Regulations
 - e. Garden City Code 8-2C Land Use Provisions
 - f. Garden City Code 8-4A Design and Development Regulations
 - g. Garden City Code 8-4D Parking and Off-Street Loading Provisions
 - h. Garden City Code 8-4E Transportation and Connectivity Provisions
 - i. Garden City Code 8-4I Landscaping and Tree Protection Provisions
 - j. Garden City Code 8-6A Administration
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
 - d. Garden City Transportation Needs List
14. The following previous approvals apply to this proposal:
 - a. None identified.
15. 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

16. Additional application materials submitted include:

- a. Application.
 - b. Site Plan.
 - c. Floor Plans.
 - d. 300' Neighborhood List.
 - e. Affidavit of Legal Interest.
 - f. Site Photos.
 - g. Waiver Request for Application Materials
17. Agency Comments were received from:
- a. DEQ, February 21st, 2025
 - b. North Ada County Fire and Rescue, February 24th, 2025.
 - c. Ada County Highway District, February 18th, 2025
 - d. Garden City Engineer, February 14th, 2025
 - e. Idaho Transportation Department, February 18th, 2025
18. Public comments were received from:
- a. None
19. The following noticing was completed in accordance with GCC 8-6A-7:

Noticing Requirement	Required Date	Completion Date
Receipt of application		2/3/2025
Letter of Acceptance	3/5/2025	2/14/2025
Radius Notice	3/11/2025	2/18/2025
Legal Notice	3/7/2025	2/18/2025
Agency Notice	3/11/2025	2/14/2025
Property Posting Sign	3/16/2025	3/15/2025
Affidavit of Property Posting and Photos	3/19/2025	3/17/2025

20. Additional noticing includes:
- a. Notice to applicant of postponement of hearing from March 19, 2025, to March 26, 2025
21. On March 26, 2025, a public hearing before the Planning and Zoning Commission was held:
- a. This section will be completed after the hearing.
22. The record contains:
- a. Application Documents
 - b. Noticing Documents
 - c. Agency Comments
 - d. Written Public Comments
 - e. Staff report
 - f. March 26, 2025 Planning and Zoning Commission Hearing Minutes and

Audio

g. Planning and Zoning Commission Signed Findings of Fact, Conclusions of Law and Decision

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

The below are staff suggested reasoned statements. The Planning and Zoning Commission may select the explanations that correspond to their conclusions or amend the explanations based on the record that they have reviewed. Potential explanations have been provided.			
GCC 8-6B-2 CONDITIONAL USE: REQUIRED FINDINGS			
Conclusion			
Compliant	Not Applicable to this Application	Not Compliant	Standard
X		X	Finding 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; In Approval: The use is appropriate to the location, lot, and the neighborhood and is compatible with uses within the C-2 General Zoning District. There are no residential buildings adjacent to the property; all buildings are commercial.
X		X	Finding 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; Explanation: In Approval: The condition is established to require a connection from the Glenwood Street to the internal shopping mall pathway, which ultimately connects to the Unit 5455 front entrance.
X		X	Finding 3. The use will not unreasonably diminish either the health, safety or welfare of the community; Explanation:

			<p>In Approval:</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>
X		X	<p>Finding 4. The use is no in conflict with the comprehensive plan or other adopted plans, policies or ordinances of the city.</p> <p>Explanation:</p> <p>In Approval: The application is not in conflict with the Comprehensive Plan's designation of the Green Boulevard Corridor and Future Planning area.</p> <p>The application supports the Comprehensive Plan's Goal 12, Evolve as a Destination.</p> <p>Furthermore, the use has been found to be compliant with the applicable sections of code for the application, given the suggested conditions.</p>

24. 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 use of an Animal Care Facility at 5443 N. Glenwood St., Unit 5455.
2. The building permits must be in conformance with the approved plans. Staff may approve minor changes to the approvals so if they are compliant with Garden City Code including:
 - a. Substitutions of plant species, if there is no reduction in landscaping and the species are comparable in height and width. Substitutions of trees must be of the same or larger tree classification and be comparable or larger in tree canopy and height.
 - b. Less than 5% of rearrangement of elevations or building façade materials if there is no reduction in building modulation, fenestration, or glazing.
 - c. Less than 5% of rearrangement of site.
3. Based on the rules of proportionality, the applicant is only required to install 8% of the required landscaping.
4. 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.

Prior to Occupancy:

1. Occupancy of the site shall not commence until after a Certificate of Occupancy has been obtained from the Garden City Development Services Department.
2. Occupancy Analysis to complete business compliance verification shall be applied for and approved by Garden City Development Services Department.
3. A direct and convenient pathway from the main entrance of the tenant space(s) to the public sidewalk on Glenwood shall be provided.
4. A minimum of **one** class II or class III tree shall be planted in the frontage of every adjacent streetside. An additional Class II or III tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.
 - a. The frontage of N. Glenwood shall have a total of 1 Class II or III tree.
5. In lieu of providing 714 SF of landscaping on-site, the applicant shall work with staff to provide either one or all the of the following:
 - a. Provide additional planting areas;

- b. Provide planters;
- c. Provide additional two Class II or III street trees on Glenwood.

6. Landscaping and street trees shall be installed and inspected for compliance with Garden City Code 8-4I.
7. Vehicular parking stall dimensions shall be in compliance with Garden City Code 8-4D-3, Ord. 1034-22
8. At least **2 bicycle** parking spaces shall be provided on-site.
 - a. Bicycle parking shall be a minimum of 6' long x 2' wide;
 - b. On- site spaces shall be located within fifty feet (50') of to the building entrance(s);
 - c. Be separated by a physical barrier to protect the bicycle 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;
 - d. 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
 - e. Be properly illuminated to increase security and avoid accidents and adhere to 8-4A-4 Outdoor Lighting.
9. All HVAC systems and outdoor service and equipment areas shall be identified in building plans for permit review and screened to be compliant with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
10. All chain linked fencing and barbed wire shall be removed and/or replaced with code compliant fencing
 - a. If the fencing is not owned by the subject property owner, then a notarized affidavit of non-ownership shall be submitted to the Development Services Department to waive the requirement for removal.

Site Specific Requirements for the Duration of the Use:

1. Site Layout: A minimum distance of three hundred feet (300') shall be required to be maintained from the facility to any residence or lodging not on the property; the facility shall be entirely enclosed, heated, soundproofed, and air conditioned.
2. Site Maintenance:
 - a. Adequate shelter shall be required for the animals to be kept, including adequate means of restraining animals from running at large.
 - b. The property shall be maintained with adequate housekeeping practices designed to prevent the creation of a nuisance and to reduce to a minimum the factors of noise and odor.

3. Accessory uses, grooming and boarding of animals are allowed.
4. Other Regulations Apply:
 - a. The operator shall have a continuing obligation to comply with all city, county and state regulations relative to such an operation.
 - b. The use shall comply with the licensing requirements as set forth in title 3, Business And License Regulations, of this code.
 - c. There shall be staff available at all times there are animals at the facility. If staff is not on site, a telephone number where a staff member can be reached and available to the site within thirty (30) minutes must be clearly and legibly posted from the exterior of the building at the front entrance to the establishment.

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.

03/26/2025

Chairman, Planning and Zoning Commission

Date