

**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 - 0011
	)	
Conditional Use Permit	)	FINDINGS OF FACT,
411 E 46 <sup>th</sup> Street	)	CONCLUSIONS OF LAW
	)	AND DECISION
Garden City, Ada County, Idaho	)	
_____	)	

THIS MATTER, came before the Garden City Planning And Zoning Commission for consideration on July 16, 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 construction and use of an additional private garage, which, along with all accessory structures and portions of the principal structure used for residential accessory purposes (such as an attached garage), would exceed 1,000 square feet and surpass the square footage of the principal dwelling unit.
2. The applicant is Jeff Likes.
3. The property owner of record is WE RIDE NORTH LLC.
4. The location of the project is 411 E 46<sup>th</sup> Street; Ada County Assessor parcel number(s) R2734522621; LOT 32 BLK 20 FAIRVIEW ACRES SUB NO 03.
5. The property is a legal parcel of record.
6. The subject property is 0.680 acres.
7. The scope of the request applies to a portion of the property.
8. The project is located in the R-3 Medium density residential zoning district.

9. The project is located in the Mixed Use Residential of the Garden City Comprehensive Plan Land Use Designation.
10. The project is in the:
  - a) 100 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) 100 Year 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 Dwelling unit, single family detached.
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 8-2B Base Zoning District Regulations
  - d. Garden City Code 8-4A Design and Development Regulations- General Provisions
  - e. Garden City Code 8-4D Parking and Off Street Loading Provisions
  - f. Garden City Code 8-4E Transportation and Connectivity Provisions
  - g. Garden City Code 8-4I Landscaping and Tree Protection Provisions
  - h. Garden City Code 8-6A Administration
13. The following plans and policies apply to this proposal:
  - a. Local Land Use Planning Special Use Permits, Conditions, and Procedures
  - b. Garden City Comprehensive Plan
  - c. Garden City Sidewalk Policy
  - d. Garden City Street Light Policy
14. The following previous approvals apply to this proposal:
  - a. DSRFY2020-10
  - b. CUPFY2020-11
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. Site Plan;

- b. Floor Plans;
  - c. Landscape Plan;
  - d. 300' Neighborhood List;
  - e. Affidavit of Legal Interest;
  - f. Application;
  - g. Statement of Intent.
  - h. Site Photos.
17. Agency Comments were received from:
- a. North Ada County Fire and Rescue, June 9<sup>th</sup>, 2025
  - b. Ada County Highway District, June 5<sup>th</sup>, 2025
  - c. Garden City Engineer, June 5<sup>th</sup>, 2025
  - d. Idaho Transportation Department, June 7<sup>th</sup>, 2025
  - e. DEQ, June 9<sup>th</sup>, 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		5/20/2025
Letter of Acceptance	6/19/2025	6/3/2025
Radius Notice	7/1/2025	6/25/2025
Legal Notice	6/27/2025	6/7/2025
Agency Notice	7/1/2025	6/4/2025
Property Posting Sign	7/6/2025	6/30/2025
Affidavit of Property Posting and Photos	7/9/2025	7/7/2025

20. Additional noticing includes:
- a. None;
21. On July 16, 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. July 16, 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.			
<b>GCC 8-6B-2 CONDITIONAL USE: REQUIRED FINDINGS</b>			
Conclusion			
Compliant	Not Applicable to this Application	Not Compliant	Standard
X			<p><b>Finding 1.</b> 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>Explanation:</b> The use is appropriate to the location, lot, and the neighborhood and is compatible with uses within the R-3 Medium Density Residential Zoning District.</p> <p>The use of a single-family detached dwelling unit with a garage/shed exceeding 1,000 square feet was lawfully established in 2020 under Conditional Use Permit CUPFY2020-11. The use remains the same, and the applicant has submitted this Conditional Use Permit and a Design Review application DSRFY2025-0009 for the proposed additional garage/shed.</p>
X			<p><b>Finding 2.</b> 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> The proposed detached garage/shed does not require connection to water or sewer services. The applicant has received approval from the Fire Department. The</p>

			remaining agencies either have no comments on the proposal or have approved it.
X			<p><b>Finding 3.</b> The use will not unreasonably diminish either the health, safety or welfare of the community;</p> <p><b>Explanation:</b></p> <p>The proposed detached garage will be constructed of non-combustible materials and has received approval from the Fire Department. The remaining agencies either have no comments on the proposal or have approved it.</p> <p>The structure is intended solely for residential use, limiting any potential impact on public health or neighborhood activity. As stated in the scope of this permit, commercial use is not permitted; any such use would require additional approvals.</p>
X			<p><b>Finding 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>The application is cohesive with the Comprehensive Plan. And is supports the Comprehensive Plan's Goal 2, Improve the City Image; Goal 4, Emphasize the "Garden" in Garden City, and Goal 7, Connect the City;</p> <p>Setbacks have been provided in accordance with Garden City Code § 8-2B-3, and Condition #3 under "Prior to Construction" has been included to ensure compliance.</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 the construction and use of an additional accessory structure (a private garage), which, along with all accessory structures and portions of the principal structure used for residential accessory purposes (such as an attached garage), would exceed 1,000 square feet and surpass the square footage of the principal dwelling unit.
2. This approval is not, under any circumstances or conditions, for any commercial use. If a commercial entity is occupying any space on the subject premises, further permits will be required in accordance with local, state, and federal laws.
3. The conditional use permit does not authorize conditional uses listed in Garden City Code 8-2B-2. A separate conditional use permit is required.

##### Prior to Building Permit Issuance:

1. The applicant shall obtain approval for Design Review application DSRFY2025-0009 associated with this Conditional Use Permit proposal.
2. A building permit shall be applied for and approved by Garden City Development Services Department.
3. Accessory structures shall not be located in any front yard setback and shall be set back a minimum of five feet (5') from any side or rear property line.
4. Single-family residential uses may provide a substitute surface material where it can be demonstrated that the materials do not generate dust.

5. Driveways, aisles and turnaround areas, when required for fire and refuse access, shall meet the following standards:
  - a. Have a minimum vertical clearance of thirteen feet six inches (13'6") for their entire length and width.
  - b. Have a minimum width of twenty feet (20').
  - c. The design of internal circulation should be integrated with the overall site design and adjacent properties, including the location of structures, pedestrian walkways and landscaping.
6. 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 or Compliance has been obtained from Garden City Development Services Department.
2. The building must be constructed in accordance with the approved design review file DSRFY2025-0009.
3. A public works and utility permit shall be submitted for review and approval for the required site work.
4. All chain-link fencing, including fencing with salts and barbed wire, shall be removed or replaced with code compliant fencing materials.
  - 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.
5. Any outdoor lighting shall be in compliance with code at the time of development.
6. All stormwater systems must comply with Garden City Code 8-4A-7.
7. All utilities on the site, including telephone, cable television, and electrical shall be underground and in compliance with Garden City Code 8-4A-8.
8. 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.
9. 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.

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. A conditional use permit revocation hearing shall be held if a use not authorized by Garden City Code is engaged in within the detached accessory structure. If the conditional use permit is revoked, the detached accessory structure shall be demolished.
2. In all districts, no garage, tent, trailer, fifth wheel, motor coach, recreational vehicle, travel trailer or other accessory structure shall be erected or used for living quarters or sleeping quarters outside of an approved recreational vehicle park for more than fourteen (14) consecutive days.
  - a. The quarters may not be utilized more than two (2) times per calendar year from January 1 through December 31 for living or sleeping quarters outside of an approved recreational vehicle park.
  - b. No recreational vehicle shall be allowed to connect to Garden City utilities outside of an approved recreational vehicle park.

**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.

07/16/2025

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Chairman, Planning and Zoning Commission

Date

DRAFT