

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 - 0013

Conditional Use Permit)
3725 W. Chinden Blvd.)
Garden City, Ada County, Idaho)
) FINDINGS OF FACT,
) CONCLUSIONS OF LAW
) AND DECISION

THIS MATTER, came before the Garden City Planning And Zoning Commission for consideration on October 15, 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. It was determined that a Reptile Zoo is comparable to the designated uses of an Animal Care Facility and a Commercial Entertainment Facility.
 - a. **ANIMAL CARE FACILITY:** 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.
 - b. **COMMERCIAL ENTERTAINMENT FACILITY:** The use of a site for any profit making activity which is generally related to the entertainment field. The term "commercial entertainment facility" includes motion picture theaters, carnivals, nightclubs, and dance halls.
2. The applicant is Tyler Messina.
3. The property owner of record is MARCH HOLDINGS LLC.
4. The location of the project is 3725 W Chinden Blvd.; Ada County Assessor parcel number(s) R2734511345; LOTS 2 & 3 BLK J FAIRVIEW ACRES SUB #2 #1340 1350-C #95052655.
5. The property is a legal parcel of record.

6. The subject property is 0.689 acres or 30,013 SF
7. The scope of the request applies to the entire property.
8. The project is located in the C-1 Highway commercial zoning district.
9. The project is located in the Green Boulevard Corridor; Mixed Use Commercial of the Garden City Comprehensive Plan Land Use Designation.
10. 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.
11. The existing use on the site is Vacant.
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 8-2C 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
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. Chinden ITD Access Management
 - e. 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. Site Plan;
- b. 300' Neighborhood List;
- c. Affidavit of Legal Interest;
- d. Application;
- e. Statement of Intent.
- f. Site Photos.

17. Agency Comments were received from:

- a. North Ada County Fire and Rescue, September 29th, 2025.
- b. Ada County Highway District, September 22nd, 2025
- c. Garden City Engineer, September 29th, 2025.
- d. Idaho Transportation Department, September 19th, 2025.
- e. Idaho Department of Environmental Quality, September 15th, 2025.
- f. Republic Services, September 12th, 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		8/20/2025
Letter of Acceptance	9/19/2025	9/11/2025
Radius Notice	9/30/2025	9/11/2025
Legal Notice	9/26/2025	9/17/2025
Agency Notice	9/30/2025	9/12/2025
Property Posting Sign	10/5/2025	10/4/2025
Affidavit of Property Posting and Photos	10/8/2025	10/6/2025

20. Additional noticing includes:

- a. None;

21. On October 15, 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:

- Application Documents
- Noticing Documents
- Agency Comments
- Written Public Comments
- Staff report
- October 15, 2025, Planning and Zoning Commission Hearing Minutes and Audio
- Planning and Zoning Commission Signed Findings of Fact, Conclusions of Law and Decision

23. 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**. Below are reasoned statements to support this conclusion.

The below are staff suggested conclusions and reasoned statements to support those conclusions. The Planning and Zoning Commission will review the record in its entirety. They may select the explanations provided by staff or they may amend the conclusions or explanations based upon their review of the record.

Finding	Standard
GCC 8-6B-2 CONDITIONAL USE: REQUIRED FINDINGS	
Application is compliant with standard	<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>Explanation of Finding (Reasoned Statement):</p> <p>The proposed Reptile Zoo is located in the C-1 Highway Commercial zoning district, which is intended for commercial and retail activities along arterial streets. Although the Reptile Zoo is not explicitly listed in the zoning code, staff determined it is comparable to an Animal Care Facility and Commercial Entertainment Facility, both of which are conditionally permitted in the C-1 zone.</p> <p>The use is compatible with surrounding uses, which include eating establishments and vehicle sales. The indoor nature of the zoo, its educational programming, and its family-oriented focus make it appropriate for the neighborhood and consistent with the commercial character of the area.</p> <p>The use is appropriate to the location, lot, and neighborhood and is compatible with permitted uses in the applicable zoning district.</p>

Application is/ is not compliant with standard	<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>Explanation of Finding (Reasoned Statement):</p> <p>Agency comments from ACHD, ITD, Republic Services, and NACFR indicate that public services are adequate or can be made adequate through conditions. ITD requires closure of two curb cuts along Chinden Blvd., and the city requires sidewalk and landscaping improvements to meet standards.</p> <p>Although the use of the Reptile Zoo is comparable to the designated uses of an Animal Care Facility and a Commercial Entertainment Facility, it does not fully correspond to either use. Therefore, conditions and restrictions have been developed that are appropriate to the nature of the proposed use.</p> <p>The use will be supported by adequate public facilities and services, and conditions have been established to mitigate adverse impacts.</p>
Application is/ is not compliant with standard	<p>3. The use will not unreasonably diminish either the health, safety, or welfare of the community.</p> <p>Explanation of Finding (Reasoned Statement):</p> <p>The proposed use is indoor and controlled, with no exterior modifications or outdoor activities. The applicant has experience operating similar facilities, and the zoo will not involve alcohol sales or high-impact entertainment. Conditions related to fencing, landscaping, and parking will improve site safety and aesthetics. NACFR has reviewed and approved the application subject to compliance with applicable codes.</p> <p>The use will not unreasonably diminish the health, safety, or welfare of the community.</p>
Application is/ is not compliant with standard	<p>4. The use is not in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.</p> <p>Explanation of Finding (Reasoned Statement):</p> <p>The site is designated as Mixed Use Commercial and Green Boulevard Corridor in the Comprehensive Plan. The proposed use supports goals such as:</p> <p>Goal 1. Nurture the City</p> <ul style="list-style-type: none"> 1.4 Objective: Create a premier destination place to live, work, and recreate. <p>Goal 11. Serve the City</p> <ul style="list-style-type: none"> 11.1 Objective: Support additional education facilities. <p>Goal 12. Evolve as a Destination</p> <ul style="list-style-type: none"> 12.1 Objective: Support a positive business environment 12.2 Objective: Continue to support commercial and industrial land uses.

	<ul style="list-style-type: none"> 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture, and commerce. <p>However, the site currently lacks compliance with landscaping requirements and streetscape policy. Staff have drafted conditions to bring the site into alignment with Garden City Code and policy, including tree planting, sidewalk upgrades, and fencing improvements.</p> <p>The use is not in conflict with the Comprehensive Plan or other adopted plans, policies, or ordinances, provided that the recommended conditions are implemented.</p>
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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:

2. The scope of this permit is to allow for the use of a Reptile Zoo located at 3725 W Chinden Blvd.
3. It was determined that a reptile zoo is comparable to the designated uses of an Animal Care Facility and a Commercial Entertainment Facility.
4. Not all requirements outlined in the Garden City Code (GCC) for an Animal Care Facility or a Commercial Entertainment Facility are applicable to the nature of the proposed use.
 - a. Therefore, any future tenant will be required to obtain all necessary permits from the Development Services Department for an Animal Care Facility, a Commercial Entertainment Facility or for any other uses that require permits, depending on the nature of the proposed activity.
 - b. Some restrictions may apply to the Animal Care Facility or Commercial Entertainment Facility use at the proposed Reptile Zoo, as outlined in the Duration of Use section.
5. The existing structure may continue to be occupied, repaired, and modified, provided that the construction does not further increase the nonconformity.

Prior and During Construction:

1. A public works and utility permit shall be submitted for review and approval of the site work.
1. The applicant shall submit an adjusted plan, including corrected site layout and landscaping, to the Development Services Department for review and approval prior to issuance of a Certificate of Occupancy.
2. The applicant shall address all comments provided by the City Engineer prior to the issuance of any construction permits and commencement of site work.
3. 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 Garden City Development Services Department.
2. If any, all required specific licenses and permits from state and federal agencies shall be obtained for exhibition animals.
3. There shall be a minimum of 18 vehicle parking spaces provided.
 - a. Parking along Stockton Street shall be removed or brought into compliance with GCC 8-4D.
 - i. Parking areas shall be designed in such a manner that any vehicle leaving or entering the parking area from, or onto, a public or private street shall be traveling. Except for alley and parallel spaces, driveway configurations which require backing in, from, or out onto the street are not allowed.
 - b. All parking must comply with the requirements of GCC 8-4D-1: Minimal dimensional Standards for Motor Vehicle Stalls.
 - c. All parking spaces shall be provided with substantial wheel restraints to prevent cars from encroaching upon abutting private and public property or overhanging beyond the designated parking stall dimensions.
 - d. No parking shall encroach on adjacent property, in the on-site required landscape area, or across pedestrian pathways.
 - e. Parking areas shall be properly illuminated to enhance security and prevent accidents when used during non-daylight hours.
 - f. A pedestrian route that is compliant with current Americans With Disabilities Act (ADA) standards must be provided from the parking area to each primary entrance.
 - g. ADA parking spaces shall comply with the Americans with Disabilities Act (ADA) standards

- h. The design of the parking area shall minimize the trespass of lights from motor vehicles on adjacent properties and rights-of-way
 - i. Pedestrian routes shall facilitate passage from parking spaces to the principal entrance and meet standards set forth in GCC sections 8-4E-6 and 8-4E-7.
 - j. All parking and loading zones shall provide proper drainage of surface water to prevent the flow of water onto adjacent properties, walkways, or streets.
- 4. There shall be a minimum of 18 bicycle parking spaces provided.
 - a. Bicycle parking spaces shall:
 - i. Be a minimum space six feet (6') long by two feet (2') wide;
 - ii. On-site spaces shall be located within fifty feet (50') of the building entrance(s);
 - iii. Public bicycle spaces may be provided within three hundred feet (300') of the property in lieu of on-site spaces. If public bicycle spaces are provided, legally binding documentation including property owner approval, maintenance responsibility, and public use allowance shall be provided to the city;
 - iv. 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;
 - v. Be visible, unless specified for the use of tenants, in which case the bicycle parking spaces must be covered;
 - vi. Be easily accessible from the street;
 - vii. Not impede pedestrian movement or loading zones;
 - viii. 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
 - ix. Be properly illuminated to increase security and avoid accidents and adhere to section 8-4A-4 of this chapter, Outdoor Lighting.
- 5. The streetscape along W. Chinden Blvd. shall be improved to meet the requirements of the ITD and Garden City Chinden Boulevard approved standards.
 - a. Prior to work in the ITD right-of-way approval must be granted by ITD.
 - b. The portion of the sidewalk along the Chinden side shall function as a Furniture/Planting Zone with a minimum width of 5'-7' feet, including an 18-inch curb.
 - c. Class II or II trees are required.
 - i. Trees to be planted at an average of 50' or less.
 - ii. Trees must be pruned to stay out of vehicular travel lane.
 - iii. Trees are to be in tree grates, or they may be in a landscape strip if irrigation and maintenance do not encroach into the vehicular travel lane.

- d. A concrete sidewalk must be minimum 7' in width. Minor encroachments are acceptable provided that 5' remains clear for pedestrian travel.
- e. The applicant is required to install a total of 5 Class II or III trees along Chinden Blvd.
- f. Two of the three approaches shall be closed in accordance with the ITD Access Management Plan.
 - i. The replacement of the existing curbs and sidewalk along Chinden will be required, and a consistent sidewalk, curb, and gutter system shall be installed in their place.

6. The streetscape improvements along Stockton Street, based on the Transportation Needs List, shall include the following:

- a. Adjacent landscaping and/or art features and street furniture
- b. Any fencing provided shall be no greater than 3 ½ feet tall along the property boundary line
- c. The applicant can also propose his own options for improvements, but they must be agreed upon and approved by Garden City Development Services staff.
- d. The applicant is required to install a total of 5 Class I trees along Stockton Street.

7. The landscaping shall be in conformance with this approval as reviewed and approved or otherwise conditioned.

- a. A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.
 - i. A minimum of 1,501 SF of landscaping is required.
- b. A minimum of one class II or class III tree shall be planted in the frontage of every adjacent streetside.
 - i. The frontage of Chinden shall have a total of 5 Class II or III trees.
 - ii. The frontage of Stockton Street shall have a total of 5 Class I trees.
- c. A minimum of one tree per one thousand (1,000) square feet of landscaped area and one shrub per one hundred fifty (150) square feet of landscaped area shall be planted.
 - i. A minimum of 2 trees shall be planted internally on the site, along with a minimum of 10 shrubs
- d. Required landscape areas shall be at least seventy percent (70%) covered with vegetation at maturity, with mulch used under and around the plants.
 - i. Use of mulch, organic or rock, as the only ground cover in required planting areas is prohibited.
- e. Parking lots shall be designed in accordance with GCC 8-4I, Landscaping And Tree Protection Provisions.
 - i. Internal shade trees shall be provided at a minimum ratio of one tree planted for every five (5) parking spaces supplied.
- f. A Type A perimeter landscaping is required between 3725 W. Chinden Blvd. and 3745 W. Chinden Blvd.
- g. Type B perimeter landscaping is required along the parking lot frontage on Chinden Boulevard and Stockton Street.

- h. All landscaping within the clear vision area must be maintained at a maximum mature height of 3 feet to ensure compliance with a clear vision triangle standards.
- 8. The use of barbed wire, razor wire, boxes, sheet metal, old or decayed wood, broken masonry blocks, chain link, chain link with slats, or other unsightly materials for fencing is prohibited.
 - a. Fencing is required to be removed or replaced along Stockton, between the subject property and 3745 W Chinden Blvd., as well as on a small portion at the east corner facing Chinden Blvd., between the subject property and 3709 W Chinden Blvd.
 - i. Fencing shall be no greater than 3 ½ feet tall along the property boundary line on Stockton Street based on the Transportation Needs List.
- 9. All overgrown plants, weeds, and tall grass shall be removed from the site.
- 10. Any future outdoor lighting will be required to be in compliance with code at the time of occupancy.
- 11. 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.
- 12. 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.
- 13. All stormwater systems shall be deemed permissible and may remain in operation. Any such approved stormwater system found to be in a state of disrepair, deterioration, or non-functionality shall be subject to mandatory reconstruction or rehabilitation.
 - a. Stormwater integration standards apply to all site improvements and ACHD-managed facilities.
 - b. Stormwater systems shall be designed and constructed in accordance with GCC §8-4A-7.
 - c. Stormwater swales incorporated into required landscape areas must be vegetated with appropriate plant materials, such as grass or drought-tolerant species. These swales must also accommodate the required number of trees per GCC §8-4I-4A. All plant materials must be capable of withstanding anticipated variations in soil moisture and wetness.
- 14. All new utilities on the site, including telephone, cable television, and electrical shall be underground and in compliance with Garden City Code 8-4A-8.

Site Specific Requirements for the Duration of the Use:

1. 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. Adequate shelter shall be required for the animals to be kept, including adequate means of restraining animals from running at large.
3. 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.
4. The operator shall have a continuing obligation to comply with all city, county and state regulations relative to such an operation.
5. 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.
6. The sale of alcohol, as well as the allowance for patrons to bring their own alcohol, is prohibited.
7. No outside activity or event shall be allowed in the parking area, except as allowed through a special events permit that takes into account the public health and welfare, the interests of adjoining property owners, noise, traffic and vehicular and pedestrian safety.
8. Visitors may park and use only the on-site parking. If on-site parking is insufficient, the applicant, tenant, or property owner must apply for Equivalent Parking Adjustments in accordance with the criteria set forth in Section 8-4D-6: Standards for Equivalent Parking Adjustments.

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.

Chairman, Planning and Zoning Commission

Date

DRAFT