

## CITY OF GARDEN CITY

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**File Number: CUPFY2025 - 0013**

**Requested Use: Commercial Entertainment**

**Use as Defined By GCC Title 8: Animal Care Facility/Commercial Entertainment Facility**

**Location: 3725 W. Chinden Blvd.**

**Applicant: Tyler Messina**

**Planning and Zoning Commission Hearing Date: October 15, 2025 6:30 p.m.**



### STAFF REPORT

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## Record Documents ([link to all file documents](#))

Individual links:

1. Application Materials
  - a. CUPFY2025-0013 [application and materials](#)
  - b. CUPFY2025-0013 [resubmittals](#)
2. Staff Report
  - a. Staff Report, October 15, 2025
3. Agency Comments: [link](#)
4. Public Comments: [link](#)
5. Noticing Documents
  - a. [City Noticing](#)
6. [Draft Decision Document](#)

## Recommendation Summary

Upon review of this application, staff recommends approval of the Conditional Use Permit for the Reptile Zoo at 3725 W. Chinden Blvd., subject to conditions. The proposed use aligns with the goals and land use designation of the Comprehensive Plan and the intent of the zoning district. However, the site is not complaint with current landscaping, streetscape, and parking standards. Conditions have been drafted to address these deficiencies and ensure compatibility with city codes and policy.

**Should the Commission approve the application, staff recommends that approval be conditioned to include requirements for enhanced streetscape and landscaping improvements. These conditions are essential to support pedestrian accessibility and usability and contribute to economic vitality through increased property values and reduced infrastructure and healthcare costs. ongoing compliance with city code and policy.**

**Staff also recommend that the Commission consider the nature of the proposed use of Reptile Zoo and determine whether additional measures are needed to protect patrons, staff, and animals. Such measures may be included as conditions of approval or amended by the Commission in the final decision.**

## Project Information

### **Proposed Scope of Work:**

Request	Review Process
Conditional Use Permit	<a href="#">GCC 8-6B-2</a>

A conditional use may be found to be appropriate or inappropriate at a given property. In some situations, conditions of approval may be required to assist the proposed use in being appropriate to a location and in conformance with code. In other situations where the use cannot be conditioned to be appropriate to the location or code, it should not be permitted.

## **Project Details**

- 1) Applicant: Tyler Messina
- 2) Owner: MARCH HOLDINGS LLC
- 3) Title 8 Use: It has been determined that the Garden City defined use that best describes the use is: Reptile Zoo, comparable to the GCC designated uses of Animal Care Facility/Commercial Entertainment Facility
- 4) Definition of Use: Garden City Code 8-7A-1 defines this use as:
  - 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.
- 5) The applicant has not proposed exterior work

## **Site Conditions**

- 1) Existing Use: Axe Throwing, Vacant
- 2) Street Address: 3725 W Chinden Blvd.
- 3) Parcel Number(s): R2734511345
- 4) Property Description: LOTS 2 & 3 BLK J FAIRVIEW ACRES SUB #2 #1340 1350-C #95052655
- 5) Legal Lot of Record: Yes
- 6) Property Size: 0.689 acres or 30,013 SF
- 7) Zoning District: C-1 Highway commercial
- 8) Zoning Overlay(s): None
- 9) Comprehensive Plan Land Use Map Designation:
  - a) Green Boulevard Corridor
  - b) Mixed Use Commercial
- 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) Surrounding Uses:
  - a) Eating establishment, full service
  - b) Vehicle sales
- 12) Adjacent Zoning: R-1
- 13) Adjacent Comprehensive Plan Designations:
  - a) Mixed Use Commercial

b) Green Boulevard Corridor  
14)Easements on site:

a) EASEMENTS: FAIRVIEW ACRES SUB 02 PLAT; 200600046; UTILITY, DRAINAGE, IRRIGATION EASEMENT

15)Site Access:

a) Front: W Chinden

16)Sidewalks: Sidewalks are installed.

17)Wetlands on site: None identified

## Discussion

Tyler Messina is requesting a conditional use permit for a Reptile Zoo, located at 3725 W. Chinden Blvd., Ada County Parcel #R2734511345, located in the C-1 Highway Commercial Zoning District.

### Uses

The applicant has proposed a Reptile Zoo, a use that is not listed in Garden City Code [8-2B-2](#) (Allowed Uses). Based on information provided by the applicant and guidance from this code section, the use has been determined to require a conditional use permit in the C-1 zoning district.

Staff have determined that a Reptile Zoo is comparable to the designated uses of the Animal Care Facility and Commercial Entertainment Facility. An analysis of Section [8-2C](#) indicates that the requirements for Animal Care Facilities and Commercial Entertainment Facilities may not fully align with the nature of this proposal. The Commission may consider waving certain requirements or establishing conditions that more appropriately address the specifics of this project.

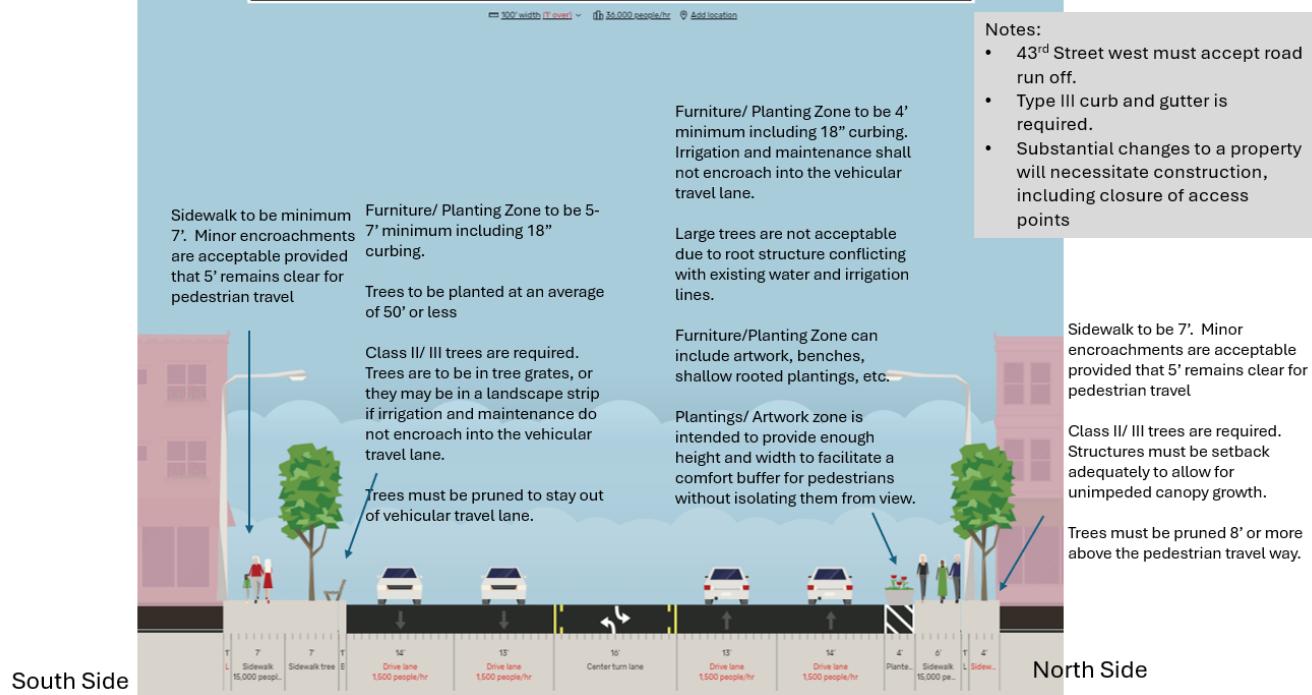
### Improvements along Chinden Boulevard

Based on the [ITD Access Management Plan](#), two of the three approaches along Chinden Blvd. are required to be closed. Access should be taken from the parking lot or from Stockton Street. It appears that attempts were made to block these access points using painted lines with "No Parking" signs painted over them. However, based on the photographs provided and Staff's site observations, at least one vehicle was parked in front of the building. Because the infrastructure was not removed, the curb cuts remain, and the painted lines and "No Parking" signs are poorly visible from the road, Staff believes this issue should be addressed more permanently, specifically through the installation of a curb, sidewalk, and the required landscaping.

Although a sidewalk exists, it does not meet city standards. Staff suggests that the improvements need to align with the city's / Idaho Transportation Department's adopted streetscape vision. This would be consistent with requirements of previous applications such as Enterprise [CUPFY2022-0006](#), located at 2943 Chinden Boulevard and EquipmentShare.com Inc [CUPFY2024-0010](#), located at 2943 Chinden Boulevard 4665 W. Chinden Boulevard.

The image below illustrates the requirements for the sidewalk and landscaping along Chinden in this area of the city:

## Chinden Boulevard Design Fairview to 46th Street



### Stockton Improvements

Stockton has very limited right-of-way, and in some instances can be as narrow as 16' in width. However, due to Chinden being a regional traffic corridor, the city has a clear vision, as articulated in the adopted 2021 Transportation Needs List, that Stockton functions as the access for adjacent businesses while also being utilized to further the pedestrian orientation of the city. An example for the development of Stockton that has been cited in the generation of the Comprehensive Plan and land use development codes, is the concept of a living street. Potential improvements also outlined in the Transportation Needs List include:

- Lighting
- Controlled access
- Adjacent landscaping and/or art features and street furniture
- Fencing no greater than 3 1/2 feet tall along the property boundary line

Because of the width constraints, the city has not historically required sidewalks to be installed along Stockton Street. Correspondingly, staff does not recommend curb, gutter, or sidewalk on Osage.

This site has approximately a 25' setback on the Stockton frontage, providing space for potential improvements. An example of how this space can be addressed is 3203 W Chinden Blvd. (Dogtopia), where the property owner incorporated landscaping within the setback area:



The applicant may also choose to provide alternative improvements consistent with the City's vision for Stockton Street.

Staff acknowledge that some conditions of approval may require time to fully implement due to the nature or scale of the improvements. To ensure timely compliance and project accountability, the City has mechanisms in place, such as the use of financial sureties, that can be employed to guarantee completion of required improvements. These tools provide flexibility for applicants while safeguarding public interests by ensuring that the code is adhered to.

## **Decision Process**

After the public hearing and review of the evidence in (and only in) the record, the decision maker shall make their decision. The decision needs to include the facts upon which the decision is based; the ordinance and standards used in evaluating the application, reasoned statements that specifically address all required findings and all disputed facts, and a conclusion of law. It is important that the decision maker carefully reviews the reasoned statements to ensure that the disputed facts brought up during the hearing are addressed. Finally, if there is a decision or recommendation to deny the application, the decision needs to include the actions, if any, that the applicant could take to obtain approval.

## **Authority**

Pursuant to [GCC § Table 8-6A-1 Authorities and Processes](#), the Planning and Zoning Commission is a final decision maker for a Conditional Use Permit unless the City Council opts to review the application due to significant impact on the city or the decision is appealed.

## **Required Findings**

## Conditional Use Permit (CUP)

To approve a CUP, the decision maker must find the application meets the following findings found in [GCC § 8-6B-2](#):

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.
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.
3. The use will not unreasonably diminish either the health, safety, or welfare of the community.
4. The use is not in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.

## **Action**

The Planning and Zoning Commission may make one of the following actions:

1. Grant the application,
2. Grant the application with conditions,
3. Deny the application; or
2. Request the applicant return with revised materials for additional review.

## **Motion**

When making a motion, clearly state the action being recommended. You may use one of the following formats:

### *To Approve or Deny:*

“I move to approve/deny File No. **[insert file number]**, including the staff-recommended findings of fact, conclusions of law, and decision as drafted by staff.”

— or —

“I move to approve/deny of File No. **[insert file number]**, including the staff-recommended findings of fact, conclusions of law, and decision, as amended to **[remove/add/modify]** **[specify changes]**.”

If there is a denial, to meet statutory requirements, it is important to identify how the application is not compliant and what could be done to obtain approval. Therefore, in the case of denial, the final part of the motion needs to provide this information. An example statement might be “the application is not compliant with sections of code **[state code section(s)]** for approval the proposal will need to achieve compliance with all applicable code requirements” or “for approval, the discussed safety concerns shall be adequately addressed.”

### *To Continue the Application:*

“I move to continue File No. **[insert file number]** to a date certain: **[insert date]**.”

Staff have drafted a suggested decision document, based on staff’s review and analysis of the application. This is not intended to be a predetermined decision. All evidence will be considered, and the document may be updated based on the Planning and Zoning Commission’s review of the application.

## Appeal of Decision

Pursuant to [GCC §8-6A-9 Appeals](#), those with standing may appeal a decision within fifteen days from the date of **action**. Action is the date the Planning and Zoning Commission formalizes their decision. The Planning and Zoning Commission may formalize their decision by approving a draft decision or a draft decision with noted changes at the hearing. If additional time is needed to review the decision document for accuracy, they may continue the formalization of the decision to a subsequent meeting. The date of action may be a different date than the applicant is provided with a signed copy of the decision in accordance with [Idaho Code §67-6535](#).

An appeal fee must be paid, and the appeal must be filed on the city supplied appeal application form provided by the City. Appeals received after the 15-day appeal period will not be considered timely and will not be accepted.

## Agency Comments

The following agency comments were provided:

Agency	Comment Date	Summary
Ada County Highway District <a href="#">Link to Comment</a>	9/22/2025	The Ada County Highway District (ACHD) has reviewed the submitted application for the application and has determined that there are no improvements required to the adjacent street(s).
Republic Services <a href="#">Link to Comment</a>	9/12/2025	Are the trash services and location going to remain the same? If this is the case Republic Services has no concerns with this project.
Garden City Engineer <a href="#">Link to Comment</a>	9/29/2025	<ul style="list-style-type: none"><li>• We note that Wayne March signed the form as an individual. The property appears to be owned by March Holdings LLC. Mr. March needs to sign the form as the Manager or March Holdings LLC.</li><li>• Approval from the Idaho Transportation Department is required for any work within the right-of-way of Chinden Boulevard.</li><li>• Approval of the project by the North Ada County Fire and Rescue District will be required. Should fire flow requirements exceed those available, the land use, improvement of off-site city water lines or other efforts may be necessary to obtain approval of plans. The review by the District will need to include review of access and locations of fire hydrants.</li><li>• If any modifications to gravity irrigation facilities occur the change requires an approval of the project from the irrigation entity. The applicant must review the project and determine if an Army Corps of Engineers 404 permit will be necessary to obtain.</li><li>• We presume that no water or sewer service is needed (based upon the application form). If needed, the design must be reviewed and approved by the city's Public Works Department. The applicant is responsible to verify that adequate water system supply is available to provide any fire suppression water needs. If needed (we presume not), the applicant is responsible to confirm/verify that adequate sewer capacity is available and that the existing system depth is adequate to serve the site.</li><li>• Prior to performing any new grading on the site, if any, the applicant must prepare and have approved by the city an erosion and sediment control plan.</li><li>• If any planned improvements increase hard surfaces by 1,000 square feet, a site geotechnical report, storm water design report and a drainage system operation and maintenance manual for handling of storm water prepared by an Idaho licensed design professional that is sealed, dated and signed will be required. Compliance with the storm water ordinance and policies of the city will be required. Drainage would be required to be maintained on-site. If necessary, the grading plan must assure that proposed elevations match the perimeter ground and storm water</li></ul>

		<p>capture remains on the site. If necessary, the storm water report needs to address how roof drainage will be managed. If necessary, the storm water report needs to include a section on depth to seasonal high groundwater and what its expected elevation is.</p> <ul style="list-style-type: none"> <li>• If a site grading and drainage plan is required, the landowner must enter into an agreement with the city that will be recorded addressing mandatory maintenance of the site's storm water system. The agreement must be fully executed, have approved plans attached and be recorded by the city with final plan approval.</li> <li>• The applicant should review the original FEMA work maps (not the current adopted maps) as the city has been placed in seclusion. The current maps (June 2020) do not display the possible future risk of the flooding potential of the Boise River. If the lowest floor building elevation is below the draft map BFE, a Flood Risk Acknowledgement form may be required from the landowner/developer.</li> </ul>
<p><b>Idaho Transportation Department</b>  <a href="#">Link to Comment</a></p>	9/19/2025	<p>The Idaho Transportation Department (ITD) reviewed the application(s) and has the following comments:</p> <ul style="list-style-type: none"> <li>• Per ITD's Chinden Access Management Plan, the Department will require the closure of both curb cuts in front of the building.</li> <li>• All access will need to be taken from the parking lot approach or off Stockton St.</li> <li>• Should any work be required within ITD ROW, the applicant will need to apply for and receive an approved ITD permit.</li> <li>• ITD reserves the right to make further comments upon review of the submitted documents.</li> </ul>
<p><b>North Ada County Fire and Rescue</b>  <a href="#">Link to Comment</a></p>	9/29/2025	<p>The existing exterior and site will remain as it presently is. The proposed use will not negatively affect the adjacent properties. North Ada County Fire &amp; Rescue District has reviewed and can approve the application subject to compliance with all the applicable code requirements and conditions of approval per the International Building Code, International Fire Code, and NACFR rules. These provisions are best addressed by a licensed Architect at time of building permit application when making tenant improvements.</p>
<p><b>DEQ</b>  <a href="#">Link to Comment</a></p>	9/15/2025	<p>While DEQ does not review every project on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at: <a href="https://www2.deq.idaho.gov/admin/LEIA/api/document/download/15083">https://www2.deq.idaho.gov/admin/LEIA/api/document/download/15083</a></p>

## Public Comment

The following public comments were provided: None provided.

## Code/Policy Review

The below serves as an analysis of applicable provisions Garden City Code, Title 8, Development Code and identified applicable policies, plans, and previous approvals.

<b>Garden City Title 8 Code Sections</b> <b>New code per ORDINANCE NO. 1057-25 &amp; 1056-25</b>			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
<b>Title 7 Building Regulations</b>			

<a href="#"><u>7-2-1 Building Code</u></a>	N/A	No compliance issues as conditioned.	<p>The applicant is proposing to occupy an existing building without altering the structure. GCC 7-2-1 requires a building permit to be reviewed and approved prior to change in occupancy, as defined by the International Building Code. The applicant must either provide documentation that the building was built to the requested occupancy or apply for a change of occupancy through the City's Occupancy Analysis process prior to occupancy of the building. A change in occupancy may require that improvements be made to the building prior to occupancy.</p> <p>A building permit will be required to be completed prior to occupancy of the structure.</p>
<b>Title 8, Chapter 1: General Regulations</b>			
<a href="#"><u>8-1A-4 Applicability</u></a>			The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
<a href="#"><u>8-1B-1 Nonconforming Properties</u></a>		No compliance issues noted	Legal parcel of record as described
<a href="#"><u>8-1B-2 Nonconforming Structures</u></a>		Compliant as Conditioned	 <p>According to the data from the Assessor's website, part of the building or a structure appears to be within the setback. There is existing nonconforming structure.</p> <p>No existing use or structure containing a nonconforming use may be expanded in intensity or degree of use, enlarged, extended, constructed, reconstructed, moved, or structurally altered except: (a) through the approval of a conditional use permit in accord with the procedures set forth in chapter 6, article B, "Specific Provisions", of this title; or (b) where the use of the structure is changed to a conforming use.</p>
<a href="#"><u>8-1B-3 Nonconforming Uses</u></a>	Choose an item.	Compliant as Conditioned	A CUP is required and has been submitted for review.
<a href="#"><u>8-1C-3 Property Maintenance Standards</u></a>		Compliant as Conditioned	<p>Per 8-1C-2, this article applies to all existing residential and non-residential buildings, structures, and lands.</p> <p>Any landscaping on site or adjacent right-of-way to edge of pavement that is visible from public property which is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated appearance; uncultivated plants, weeds, tall grass, tumbleweeds, uncultivated shrubs or</p>

			<p>growth (whether growing or otherwise) higher than six inches (6"); or any dead trees and branches, bushes, shrubs, or portions thereof; or trees that harbor insect or rodent infestations, or may become a fire hazard, or result in a condition which threatens the health and safety of adjacent property owners or occupants.</p> <p><b>Even though there is no open code enforcement case on file, Google images (see Figure 1) show overgrown vegetation between the subject parcel and 3709 W Chinden Blvd (Black Moon Pizza). A condition has been drafted requiring that all overgrown plants, weeds, and tall grass be removed from the site.</b></p>
<b>Title 8, Chapter 2: Base Zoning District Regulations</b>			
<u>8-2B-1 Purpose</u>		No compliance issues noted	<p>The purpose of the highway commercial district is to allow for the concentration of commercial and retail activities that are appropriately located along arterial streets. This zoning district is appropriate in the areas designated in the Comprehensive Plan as Green Boulevard Corridor.</p>
<u>8-2B-2 Allowed Uses</u>	PZ	Compliant as Conditioned	<p>Garden City Code does not specifically mention Reptile Zoo use or any type of zoo use. Therefore, Garden City staff determined that a Reptile Zoo is comparable to the GCC designated uses of an Animal Care Facility and a Commercial Entertainment Facility.</p> <p>Based on GCC, if a proposed use of property is not specifically listed in Table 8-2B-1, the use shall be prohibited, except if the planning official determines that the proposed use is equivalent to a permitted or conditional use. In making the determination, the planning official shall consider the following:</p> <ol style="list-style-type: none"> <li><i>1. The impacts on public services and activities associated with the proposed use are substantially similar to those of one (1) or more of the uses listed in the applicable base districts as allowed;</i></li> </ol> <p>The applicant defined use as: a nonprofit educational facility dedicated to the conservation, education, and responsible care of reptiles and amphibians. The facility will provide hands-on and interactive experiences for families, schools, and the general public, with secure indoor displays of reptiles and amphibians. Core components of the operation include educational programming, guided tours, and community outreach.</p> <p>The impact on public services appears similar to the uses "Animal care facility" and "Commercial Entertainment Facility," as the use is intended to be an indoor display of reptiles and amphibians, but contains activity that is comparable to an entertainment facility.</p> <ol style="list-style-type: none"> <li><i>2. The proposed use shall not involve a higher level of activity or density than one (1) or more of the uses listed in the applicable base districts as allowed;</i></li> </ol>

		<p>The level of activity is similar to Commercial Entertainment Facility use and does not appear to create a higher level of activity.</p> <p>3. <i>The proposed use is within the same use category of an allowed use listed in the latest edition of the North American Industrial Classification System (NAICS), published by the United States Department of Commerce;</i></p> <p>The proposed use cannot be placed within the same category, as the GCC does not include “zoo” or any similar use involving the preservation and exhibition of animal life displays. While there are related categories, such as Animal Care Facility, none specifically addresses this use.</p> <p>According to NAICS, code 712130 Zoos and Botanical Gardens appear to apply. This industry comprises establishments primarily engaged in the preservation and exhibition of live plant and animal life displays.</p> <p>Illustrative Examples:          Aquariums          Wild animal parks          Arboreta          Zoological gardens          Aviaries          The Corresponding Index Entries also include “Reptile Exhibits, Live.”</p> <p>As the use involves not only live displays but also educational programming, guided tours, and public interaction, and as the facility offers entertainment packages for parties and birthday celebrations, these components are more suitably classified within a Commercial Entertainment Facility.</p> <p>According to NAICS, code 713990 All Other Amusement and Recreation Industries appear to apply. This industry comprises establishments (except amusement parks and arcades; gambling industries; golf courses and country clubs; skiing facilities; marinas; fitness and recreational sports centers; and bowling centers) primarily engaged in providing recreational and amusement services.</p> <p>4. <i>The proposed use is consistent with the purpose of the district in which the use is proposed to be located; and</i></p> <p>The proposed use is consistent with the purpose statement of the C-1 zoning district and its intensity could be appropriate along a major arterial.</p> <p>5. <i>The proposed use is in substantial conformance with goals and objectives of the comprehensive plan.</i></p>
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			<p>The proposed use does not appear to specifically conflict with the goals and objectives of the Comprehensive Plan.</p> <p><i>6. Should the use be determined equivalent to a use that requires a conditional use permit, the application shall be required to follow the procedures set forth for conditional use permits.</i></p> <p>Based on the analysis of the above criteria and the applicant's definition of the use, the use Reptile Zoo requires a conditional use permit in the C-1 zone.</p>
<a href="#"><u>8-2B-3 Form Standards</u></a>		Compliant as Conditioned	<p>The applicant is not proposing any exterior changes to the building.</p> <p>Setbacks requirements:  Front: 5'  Interior Side: 0'  Rear: 5'  Street side: 0'</p> <p>The structures and site do not appear to be compliant with form standards. There is existing nonconforming structure.</p>
<a href="#"><u>8-2C-5 Animal Care facility</u></a>  <a href="#"><u>8-2C-10 Commercial Entertainment Facility</u></a>		Compliant as Conditioned	<p>Animal Care Facility:</p> <p>A. 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.</p> <p>B. Site Maintenance:</p> <ol style="list-style-type: none"> <li>1. Adequate shelter shall be required for the animals to be kept, including adequate means of restraining animals from running at large.</li> <li>2. 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.</li> </ol> <p>C. Accessory uses, grooming and boarding of animals are allowed. <b>This condition is not applicable, as it pertains to regular pets, and the nature of this facility does not include grooming of such animals.</b></p> <p>D. Other Regulations Apply:</p> <ol style="list-style-type: none"> <li>1. The operator shall have a continuing obligation to comply with all city, county and state regulations relative to such an operation.</li> <li>2. The use shall comply with the licensing requirements as set forth in title <a href="#"><u>3</u></a>, Business And License Regulations, of this code. <b>The city likely does not have any specific licensing for reptiles and amphibians.</b></li> <li>3. 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. <b>This condition generally applies to Animal Care Facilities, where</b></li> </ol>

			<p>animals belong to other individuals and must be accessible to staff if needed. In this case, the reptiles are owned by the facility owner. The Commission may choose to retain this condition or modify it to reflect the specific nature of the business.</p> <p>Commercial Entertainment Facility:</p> <p>A. Setbacks: If the use involves the sale of alcoholic beverages, the use shall not be located within three hundred feet (300') of a property used for a church or school.</p> <p>B. Limitations: 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.</p> <p>C. Other Regulations Apply:</p> <ol style="list-style-type: none"> <li>1. The use shall comply with all Idaho Code regulations regarding the sale, manufacturing, or distribution of alcoholic beverages.</li> <li>2. The use shall comply with the licensing requirements as set forth in title <a href="#">3</a>, "Business And License Regulations", of this code.</li> <li>3. Security shall be provided for the entire premises including inside the building and any parking lot or outside usable space. Security shall be provided in the prescribed manner:           <ol style="list-style-type: none"> <li>a. Security personnel are required and shall wear identical attire clearly identifiable with the word "Security" on the backside of shirts; and</li> <li>b. Security staff should have some means of two-way communication; and</li> <li>c. Video surveillance is required; and</li> <li>d. Parking areas shall be lighted; and</li> <li>e. No loitering outside of the establishment shall be permitted.</li> </ol> </li> </ol> <p>The proposed use is a family-oriented reptile zoo, and alcohol will not be allowed on site. The applicant's documents do not reference any specific security measures. The owner has experience of operating similar facility. A condition has been drafted stating that the sale of alcohol, as well as the allowance for patrons to bring their own alcohol, is prohibited.</p> <p>The requirements for security are primarily related to public events and may not be specifically applicable to the use of the site. The Commission may require additional safety or security provisions as deemed necessary to protect patrons, staff, and animals. Any such requirements can be included as conditions of approval or amended by the Commission in the final decision.</p>
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#### Title 8, Chapter 4: Design and Development Regulations

<a href="#">8-4A-3 Fences and Walls</a>	PZ	Compliant as Conditioned	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.
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			<p>Prohibited fencing shall be removed or replaced with code-compliant materials. 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.</p> <p>If any portion of the fencing does not belong to 3725 W Chinden Blvd., an affidavit of non-ownership shall be submitted.</p> <p>Also, fencing shall be no greater than 3 ½ feet tall along the property boundary line on Stockton Street based on the Transportation Needs List.</p> <p>Any future fence or wall will be required to comply with the code and policy at the time of occupancy.</p>
<a href="#"><u>8-4A-4 Outdoor Lighting</u></a>	PZ	Compliant as Conditioned	<p>This proposal does not identify any outdoor lighting.</p> <p>Any future outdoor lighting will be required to be in compliance with code at the time of occupancy.</p> <p>A condition has been drafted to ensure code compliance.</p>
<a href="#"><u>8-4A-5 Outdoor Service and Equipment Areas</u></a>	PZ	Compliant as Conditioned	<p>All on-site service areas for waste, recycling, and trash, as well as equipment areas for transformers and utility vaults, must be either located out of public view or screened from adjacent properties and public streets using a privacy fence, in accordance with Garden City Code.</p> <p>Mechanical equipment, including HVAC units, trash dumpsters, recycling containers, and other service-related infrastructure must be integrated into the overall building and landscape design. These elements must be visually and acoustically contained to minimize impacts on surrounding properties and the public realm.</p> <p>This equipment must be screened or otherwise concealed from public view, consistent with code requirements.</p>
<a href="#"><u>8-4A-7 Stormwater Systems</u></a>	PZ	Compliant as Conditioned	<p>Stormwater integration standards apply to all site improvements and ACHD-managed facilities. A draft condition of approval has been included requiring that stormwater systems be designed and constructed in accordance with <a href="#"><u>GCC §8-4A-7</u></a>.</p> <p>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 <a href="#"><u>GCC §8-4I-4A</u></a>. All plant materials must be capable of withstanding anticipated variations in soil moisture and wetness.</p> <p>A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.</p>
<a href="#"><u>8-4A-8 Utilities</u></a>	PZ	Compliant as Conditioned	All new utilities for the structure must be installed underground.

			For the purposes of this section, the term "utilities" shall include, but not be limited to, electric, natural gas, water, wastewater collection, storm drainage, telephone, and cable services.															
<a href="#"><u>8-4A-9 Waterways</u></a>	PZ	No compliance issues noted	There does not appear to be Boise River irrigation facilities to the site.															
<b>8-4D Parking and Off Street Loading Provisions</b>																		
<a href="#"><u>8-4D-3 Parking Design and Improvement Standards</u></a>	PZ	Not Determined	<p>Vehicle parking:</p> <table border="1"> <thead> <tr> <th colspan="5"><u>Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS</u></th> </tr> <tr> <th><u>Parking Angle</u></th> <th><u>Stall Width</u></th> <th><u>Stall Depth</u></th> <th><u>Length Per Car</u></th> <th><u>Driveway Width*</u></th> </tr> </thead> <tbody> <tr> <td><u>90°</u></td> <td><u>9'0"</u></td> <td><u>20'0"</u></td> <td><u>9'0"</u></td> <td><u>22'0"</u></td> </tr> </tbody> </table> <p><u>Vehicle Parking Provided:</u>  <b>36 regular spaces</b>  <b>2 ADA spaces</b></p> <p><b>Dimensions of parking spaces (Dimensions were provided by the applicant but are not shown on the site plan.)</b></p> <p>Main Parking west lot  14 spaces: 18' X 9.5'  10 spaces: 20' X 9'  12 spaces: 18' X 9'  2 spaces: ADA- 18' x 9'  Rear Parking  4 spaces: 18' X 9' striped (could add 4-6 parking spaces)</p> <p>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 in a forward motion. Except for an alley and parallel spaces, driveway configurations which require backing in, from, or out onto the street are not allowed</p> <p>The classification of Stockton is grey whether it is a street or an alley. When the city requested specific guidance on classification from ACHD, there has been conflicting guidance provided. ACHD has indicated that it is an alley, citing its narrow dimensions. They have also noted that it is a street, acknowledging its role in providing sole access to properties and its role for providing emergency service access. The City has suggested treating Stockton as a street for regulatory purposes, given its functional importance.</p> <p>For this reason, a draft condition has been included that <b>parking shall be removed or brought into compliance (see Figure 2).</b></p> <p><b>Google Images also show vehicles parked on the ground along Stockton, on the side of the parking lot. This area does not appear to be a designated parking</b></p>	<u>Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS</u>					<u>Parking Angle</u>	<u>Stall Width</u>	<u>Stall Depth</u>	<u>Length Per Car</u>	<u>Driveway Width*</u>	<u>90°</u>	<u>9'0"</u>	<u>20'0"</u>	<u>9'0"</u>	<u>22'0"</u>
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			<p>area, and the vehicles are parked within the clear vision triangle. <b>Not Compliant</b></p> <p>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;</p> <p>All parking and loading zones shall provide proper drainage of surface water to prevent the flow of water onto adjacent properties, walkways, or streets.</p> <p>All off-street parking areas for nonresidential uses shall be provided with a substantial wheel restraint to prevent cars from encroaching upon abutting private and public property or overhanging beyond the designated parking stall dimensions.</p> <p>Bicycle parking spaces shall:</p> <ol style="list-style-type: none"> <li>a. Be a minimum space six feet (6') long by two feet (2') wide;</li> <li>b. On-site spaces shall be located within fifty feet (50') of the building entrance(s);</li> <li>c. 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;</li> <li>d. 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;</li> <li>e. Be visible, unless specified for the use of tenants, in which case the bicycle parking spaces must be covered;</li> <li>f. Be easily accessible from the street;</li> <li>g. Not impede pedestrian movement or loading zones;</li> <li>h. 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</li> <li>i. Be properly illuminated to increase security and avoid accidents and adhere to section <u>8-4A-4</u> of this chapter, Outdoor Lighting.</li> </ol>
<u>8-4D-4 Parking Use Standards</u>	PZ	No compliance issues noted	Upon any change of use, the number of vehicle parking spaces to be provided shall be calculated according to the requirements for the new use
<u>8-4D-5 Required</u>	PZ	Compliant as Conditioned	<b>Since the use is not specifically listed in the city code, staff has identified two comparable uses—Animal Care</b>

<u>Number of Off-Street Parking Spaces</u>			<p><b>Facility and Commercial Entertainment Facility—parking requirements are calculated based on the more restrictive standards, specifically the high-use requirements: 1 space per every 500 gross SF</b></p> <p><b>Vehicle parking:</b> Required: 8,964 SF/500SF= 18 parking spaces <b>Provided:</b> 36 parking spaces.</p> <p><b>Bicycle Parking:</b> Required: 8,964 SF/500SF= 18 parking spaces <b>Provided:</b> 0 parking space. <b>Deficient 18 parking spaces</b></p>
<u>8-4D-6 Standards for Equivalent Parking Adjustments</u>	PZ	Not Applicable	
<u>8-4D-7 Off Street Loading Standards</u>	PZ	Not Determined	
<b>8-4E Transportation and Connectivity Provisions</b>			
<u>8-4E-2 Applicability</u>			Provisions apply to any new construction, addition, expansion, grading, alteration, or any new or more intense use of property.
<u>8-4E-3 Public Street Connections</u>	PZ	Compliant as Conditioned	<p>All streets and driveways shall adhere to the standards of a clear vision triangle.</p> <p>All developments shall have approved access to a public street, in conformance with the provisions of the transportation authority.</p> <p>Based on the ITD Access Management Plan, two of the three approaches are required to be closed. (<b>See Discussion</b>)</p>
<u>8-4E-4 Internal Circulation Standards</u>	PZ	No compliance issues noted	There is clear pedestrian access from the public sidewalk to the entrance.
<u>8-4E-6 Sidewalk Standards</u>	PZ	Compliant as Conditioned	<p>The plan proposes to retain the existing attached sidewalk along Chinden Boulevard. Currently, the sidewalk consists of two materials, asphalt and concrete, and features multiple curb lines and an uneven surface due to unremoved curb cuts (<b>see Figure 4</b>).</p> <p><b>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.</b></p> <p>A condition of approval has been drafted requiring that these improvements be installed prior to issuance of a Certificate of Occupancy. The applicant will also be required to construct the sidewalk in accordance with ITD/ACHD requirements and to</p>

			submit a Public Works and Utility application to the City for review and approval ( <b>see Discussion</b> ).												
<a href="#"><u>8-4E-7 Pedestrian and Bicycle Accessibility Standards</u></a>	PZ	No compliance issues noted	All new nonresidential development shall provide for pedestrian accessibility.												
<a href="#"><u>8-4E-8 Transit Facilities</u></a>	PZ	No compliance issues noted	No comment												
<b>8-4I Landscaping and Tree Protection Provisions</b>															
<a href="#"><u>8-4I-2 Applicability</u></a>			For all new residential and nonresidential uses, all landscaping standards of this article shall be met.												
<a href="#"><u>8-4I-3 General Landscaping Standards and Irrigation Provisions</u></a>	PZ	Compliant as Conditioned	<p>The following minimum plant sizes shall be used for all required landscape areas:</p> <table border="1"> <tr> <td>Shade trees</td><td>2 inch caliper minimum</td></tr> <tr> <td>Ornamental trees</td><td>2 inch caliper minimum</td></tr> <tr> <td>Evergreen trees</td><td>6 foot height minimum</td></tr> <tr> <td>Woody shrubs</td><td>2 gallon pot minimum</td></tr> </table> <p>Required landscape areas shall be at least seventy percent (70%) covered with vegetation at maturity, with mulch used under and around the plants. Use of mulch, organic or rock, as the only ground cover in required planting areas is prohibited.</p> <table border="1"> <tr> <td>Required Number Of Class II Or Class III Trees</td><td>Minimum Number Of Species</td></tr> <tr> <td>11 to 30</td><td>3</td></tr> </table>	Shade trees	2 inch caliper minimum	Ornamental trees	2 inch caliper minimum	Evergreen trees	6 foot height minimum	Woody shrubs	2 gallon pot minimum	Required Number Of Class II Or Class III Trees	Minimum Number Of Species	11 to 30	3
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<a href="#"><u>8-4I-4 Landscaping Provisions for Specific Uses</u></a>	PZ	Compliant as Conditioned	<p>A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.</p> <p>Required: <math>30,013 \text{ SF} \times 0.05 = 1,501 \text{ SF}</math></p> <p><b>Proposed: None. Not compliant</b></p> <p>A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside.</p> <p>An additional class I tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.</p> <p>Chinden Blvd (~200 LF): 1 Street tree + 4 Frontage trees = 5 trees</p> <p>Provided: 0 trees. <b>Deficient 5 tree</b></p> <p>Stockton Street (~200 LF): 1 Street tree + 4 Frontage trees = 5 trees</p> <p><b>Provided: None. Deficient 5 trees</b></p> <p>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.</p>												

			<p>1,501SF/1000 SF= 2 ; <b>No interior trees are provided. Not Compliant</b></p> <p>Minimum required: 375 SF/150 SF= 10 shrubs; Proposed: <b>None</b></p> <p><b>Note:</b> Staff recommends requiring Class II Street trees (or larger where planting strip width allows) along public frontages to maximize cooling, public health, habitat, stormwater, and long-term canopy outcomes; Class I trees should only be permitted where overhead utilities or substandard planter widths preclude larger forms. This is consistent with regional practices and local streetscape precedents of new developments in Garden City. <b>Conditions have been drafted to require Class II or III trees in lieu of Class I trees along Chinden and Class I trees along Stockton due to overhead utilities.</b></p>
<a href="#"><u>8-4I-5 Perimeter Landscaping Provisions</u></a>	PZ	Compliant as Conditioned	<p>Type A Visual Separator Landscaping is required in the following circumstances:</p> <ul style="list-style-type: none"> <li>Between other paved vehicular use areas, including driveways, and vehicle storage areas and all property lines unless the vehicular use area is a shared facility.</li> </ul> <p><b>A Type A perimeter landscaping is required between 3725 W. Chinden Blvd. and 3745 W. Chinden Blvd.</b></p> <p>Type B Filtered Screen Landscaping is required in the following circumstances:</p> <ul style="list-style-type: none"> <li>Along surface parking areas greater than three (3) cars adjacent to public streets.</li> </ul> <p><b>Type B perimeter landscaping is required along the parking lot frontage on Chinden Boulevard and Stockton Street.</b></p> <p>General perimeter landscaping buffer standards. All perimeter landscaping shall be compliant with the below standards:</p> <ul style="list-style-type: none"> <li>A perimeter landscaping buffer area shall be at least five feet (5') wide measured from the property line to the interior of the lot.</li> <li>Perimeter landscape buffer areas shall not eliminate required pedestrian access between uses.</li> <li>Unless specifically precluded by an easement, or it is impossible to achieve the mature spread of a tree, trees shall be provided for every 50 lineal feet of perimeter landscape.</li> </ul>
<a href="#"><u>8-4I-6 Parking Lot Landscaping Provisions</u></a>	PZ	Compliant as Conditioned	<p>The provisions of this section shall apply to all new or substantially altered parking lots of five (5) spaces or more.</p> <p>Internal shade trees shall be provided at a minimum ratio of one tree planted for every five (5) parking spaces supplied.</p>
<a href="#"><u>8-4I-7 Tree Preservation Provisions</u></a>	PZ	No compliance issues noted	No comment

Title 8, Chapter 6, Article A: Administration			
<a href="#"><u>8-6A-3 General Application Process</u></a>		No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
<a href="#"><u>8-6A-4 Required Application Information</u></a>			Application waivers requested pursuant to 8-6A-4A <ul style="list-style-type: none"> <li>• Irrigation and Ditch Authorization</li> <li>• Structural Documents</li> </ul>
<a href="#"><u>8-6A-7 Public Hearing Process</u></a>		Compliant	The applicant provided a neighborhood meeting more than one month and less than three months prior to application submittal. The City provided a radius notice, notifications to agencies with jurisdiction, and ran a legal notice in the Idaho Press, at least 15 days prior to the first hearing. The applicant provided an affidavit of property posting more than 7 days in advance of the hearing validating that the property was posted more than 10 days prior to the hearing.

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
<a href="#"><u>Idaho Code 67-6512</u></a> Local Land Use Planning Special Use Permits, Conditions, and Procedures	Garden City Code noticing requirements are compliant with this Statute.  The statute notes that upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those: <ol style="list-style-type: none"> <li>(1) Minimizing adverse impact on other development;</li> <li>(2) Controlling the sequence and timing of development;</li> <li>(3) Controlling the duration of development;</li> <li>(4) Assuring that development is maintained properly;</li> <li>(5) Designating the exact location and nature of development;</li> <li>(6) Requiring the provision for on-site or off-site public facilities or services;</li> <li>(7) Requiring more restrictive standards than those generally required in an ordinance;</li> <li>(8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.</li> </ol> Prior to granting a special use permit, studies may be required of the social, economic, fiscal, and environmental effects and any aviation hazard as defined in section <a href="#"><u>21-501(2)</u></a> , Idaho Code, of the proposed special use. A special use permit shall not be considered as establishing a binding precedent to grant other special use permits. A special use permit is not transferable from one (1) parcel of land to another.
<a href="#"><u>Garden City Comprehensive Plan</u></a>	Idaho Code § 67-6512(a), requires that special or conditional use permits shall be issued only when “not in conflict with the [comprehensive] plan.” The reason for the special treatment of conditional use permits, presumably, is that by their nature, they allow uses not in accordance with the normal zoning for an area. Thus, conditional use permits are, in

	<p>essence, mini-zones. Conditional use permits are not required to be "in accordance with" the comprehensive plan. Instead, it is sufficient that they not be "in conflict" with the comprehensive plan.<sup>1</sup></p> <p>This application is in future land use designations of the Comprehensive Plan:</p> <p>The land use map shows generalized designations for future land uses. The map also identifies unique possibilities for land use and areas for future studies. The following is an explanation for the designations shown in the legend on the land use map.</p> <ol style="list-style-type: none"> <li><b>1. MIXED USE COMMERCIAL:</b> The mixed-use commercial designation is for the area south of Adams Street. The intent of this designation is to create an area for mixed uses, including residential, office, retail, and small scale industrial, that are more urban in character than in the mixed-use residential area. Three story buildings and 40%- 60% lot coverage, with aggregated open spaces for pocket parks should guide the development pattern in this area.</li> <li><b>2. GREEN BOULEVARD CORRIDOR:</b> The state highways and arterials are identified as green boulevard corridors. This is a bold statement that these corridors should be dramatically changed from the current single purpose function for moving vehicles. The intent of this designation is to create more multi-modal characteristics on these corridors, including sidewalks with parkways, bus stops, landscape medians with pedestrian refuges and channelized left-turn lanes. Mobility for vehicles should be maintained, but improvements to the safety and convenience for transit and pedestrians is needed that will influence changes in the adjacent land uses. Existing uses, including commercial uses, are allowed in the corridors. New uses, including commercial uses, should be designed to encourage multi-modal over single occupancy vehicles. Uses which generate high volumes of single occupancy vehicular traffic should be restricted. Development regulations in the corridor should include access management including number and spacing of driveways, location of parking behind the buildings and maximum setback requirements from the street.</li> </ol> <p><u>The application may be supported by:</u> list goals or objectives e.g.</p> <p><b><i>Goal 1. Nurture the City</i></b></p> <ul style="list-style-type: none"> <li>• 1.4 Objective: Create a premier destination place to live, work, and recreate.</li> </ul> <p><b><i>Goal 11. Serve the City</i></b></p> <ul style="list-style-type: none"> <li>• 11.1 Objective: Support additional education facilities.</li> </ul> <p><b><i>Goal 12. Evolve as a Destination</i></b></p> <ul style="list-style-type: none"> <li>• 12.1 Objective: Support a positive business environment</li> <li>• 12.2 Objective: Continue to support commercial and industrial land uses.</li> <li>• 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture, and commerce.</li> </ul>
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<sup>1</sup> [2022 Givens Pursley Land Use Handbook](#)

	<p><u>The application may not be supported by:</u> list goals or objectives E.g.</p> <p><b>Goal 2. Improve the City Image</b></p> <ul style="list-style-type: none"> <li>• 2.3 Objective: Promote quality design and architecturally interesting buildings.</li> <li>• 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.</li> </ul> <p><b>Goal 4. Emphasize the “Garden” in Garden City</b></p> <ul style="list-style-type: none"> <li>• 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</li> </ul> <p><b>Goal 7. Connect the City</b></p> <ul style="list-style-type: none"> <li>• 7.1 Objective: Create pedestrian and bicycle friendly connections.</li> <li>• 7.4 Objective: Maintain and improve standards for sidewalks, curbs, and gutters.</li> </ul>
<a href="#">Garden City Sidewalk Policy</a>	The sidewalk exists but does not meet requirements.
<a href="#">Garden City Street Light Policy</a>	A streetlight is installed in accordance with the policy.
<a href="#">Chinden- ITD Access Management</a>	Based on the ITD Access Management Plan, two of the three approaches are required to be closed.
<a href="#">Garden City Transportation Needs List</a>	<p>The City has a clear and strong vision that Stockton and Osage should remain narrow and function as the access for adjacent businesses while also being utilized to further the pedestrian orientation of the City.</p> <p>Potential improvements to execute vision:</p> <ul style="list-style-type: none"> <li>• No curb, gutter, or sidewalk within the right-of-way is required and limited or no parking is desirable. Sidewalk and connections may still be required on site. This treatment is considered adopted by Garden City for the purposes of redevelopment requirements through the adoption of this plan.</li> <li>• Lighting</li> <li>• Controlled access</li> <li>• Adjacent landscaping and or art and street furniture.</li> </ul> <p>Fencing &gt; 3.5 not allowed on property line</p>

## Image



Figure 1. Vegetation growing between buildings



Figure 2. Site Image



Figure 3. Frontage of the building



Figure 4. Curb Cuts

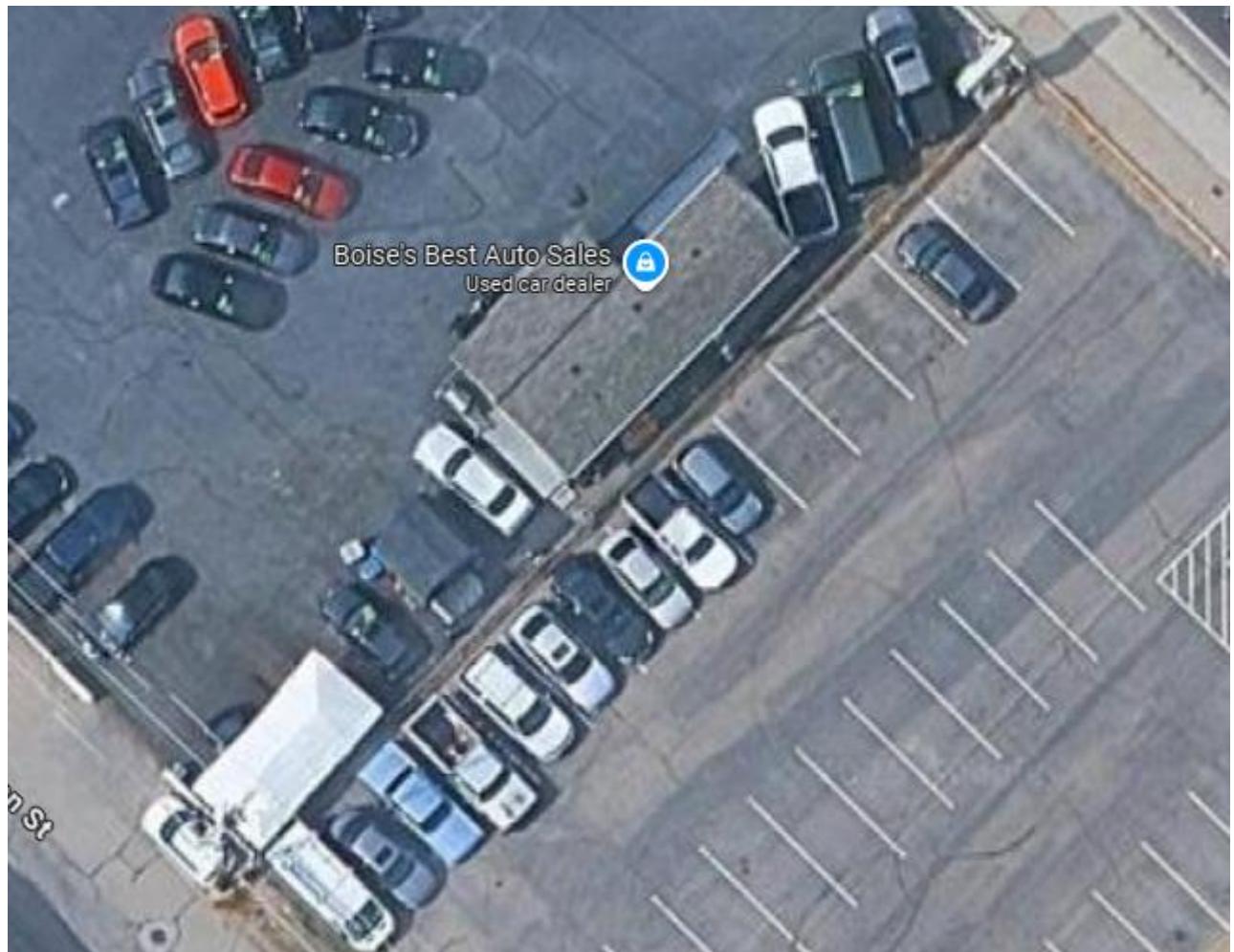


Figure 5. Paved vehicular use areas