

**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:	)	CUPFY2026 - 0001
Conditional Use Permit	)	FINDINGS OF FACT,
4983 N Glenwood St.;	)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho	)	AND DECISION
_____	)	

THIS MATTER, came before the Garden City Planning And Zoning Commission for consideration on December 17, 2025. The Planning and Zoning Commission reviewed the application and materials submitted. Based on the evidence presented, pursuant to Garden City Code Table 8-6A-1, the Planning and Zoning Commission makes the following Findings of Fact, Conclusions of Law and Decision:

**FINDINGS OF FACT**

1. The request is for the use of Church or place of religious worship defined by Garden City Code 8-7A-1 as “: The use of a site that by design and construction is primarily intended for conducting organized religious services, meetings, and associated activities and that is recognized as a religious corporation or society of the state of Idaho with a state tax exempt status in accord with Idaho Code section [63-602B](#).”
2. The applicant is Jennifer Mohr.
3. The property owner of record is TPC GLENWOOD LLC.
4. The location of the project is 4983 N Glenwood St.; Ada County Assessor parcel number(s) R1285070040; LOT 04 BLK 01 CARLS SUB;
5. The property is a legal parcel of record.
6. The subject property is 2.688 acres or 117,089.28 SF.
7. The scope of the request applies to the entire property.
8. The project is located in the C-2 General commercial zoning district.

9. The project is located in the Green Boulevard Corridor; Neighborhood Node: Transit Oriented Development, Future Planning Area of the Garden City Comprehensive Plan Land Use Designation.
10. The project is in the:
  - a) outside of the Special Flood Hazard Area according to the 2020 adopted FIRM (the FIRM has adopted seclusion and utilizes the 2003 Flood Insurance Study).
  - b) outside of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
11. The existing use on the site is One tenant space is vacant, the other two are still occupied.
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 8-4D 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. 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:

<b>Conditional Use Permit</b>			
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, November 21<sup>st</sup>, 2025.
  - b. Ada County Highway District, November 24<sup>th</sup>, 2025
  - c. Garden City Engineer, December 5<sup>th</sup>, 2025.
  - d. Republic Services, November 21<sup>st</sup>, 2025.
18. Public comments were received from:
- a. Mattefs Mark, December 9<sup>th</sup>, 2025
19. The following noticing was completed in accordance with GCC 8-6A-7:

Noticing Requirement	Required Date	Completion Date
Receipt of application		10/14/2025
Letter of Acceptance	11/14/2025	11/14/2025
Radius Notice	12/2/2025	11/21/2025
Legal Notice	11/28/2025	11/26/2025
Agency Notice	12/2/2025	11/20/2025
Property Posting Sign	12/7/2025	12/4/2025
Affidavit of Property Posting and Photos	12/10/2025	12/9/2025

20. Additional noticing includes:
- a. None;
21. On December 17, 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. December 17, 2025, Planning and Zoning Commission Hearing Minutes and Audio
  - g. 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**.

<p>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.</p>	
Finding	Standard
<b>GCC 8-6B-2 CONDITIONAL USE: REQUIRED FINDINGS</b>	
<p>Application is/ is not compliant with standard/</p>	<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><b>Explanation of Finding (Reasoned Statement):</b></p> <p>The proposed church use is located within a C-2 Mixed-Use Commercial zoning district, where such use is allowed by conditional use permit. The site is part of an existing commercial plaza. Conditions of approval will ensure compliance with landscaping, fencing, and frontage standards, improving compatibility with adjacent properties.</p>
<p>Application is/ is not compliant with standard/</p>	<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><b>Explanation of Finding (Reasoned Statement):</b></p> <p>Agency comments confirm that no major off-site improvements are required, though compliance with fire flow and life safety standards will be verified at building permit stage. Conditions of approval require stormwater compliance, ADA pedestrian connections, and landscaping improvements to mitigate potential impacts and ensure adequate service delivery.</p>
<p>Application is/ is not compliant with standard/</p>	<p>3. The use will not unreasonably diminish either the health, safety, or welfare of the community.</p> <p><b>Explanation of Finding (Reasoned Statement):</b></p> <p>The proposed use will occur within an existing building and will not increase the building footprint or create new traffic hazards. Conditions of approval address removal of non-compliant fencing, and screening of dumpsters to maintain public safety and visual quality.</p> <p>The proposal to reduce the amount of parking between Chinden Boulevard and the structure will allow for landscaping, street trees, and</p>

	<p>construction of a code compliant sidewalk consistent with the preferred streetscape design (considering overhead utilities). This proposal does not render the parking lot tree spacing compliant with code standards. Rather, the enhanced landscaping improvements which exceeding minimum requirements are recognized as a proportional offset to the burden of the parking area improvements, which may not be effective within the scope of this application due to drainage constraints.</p>
<p>Application is/ is not compliant with standard/</p>	<p>4. The use is not in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.</p> <p><b>Explanation of Finding (Reasoned Statement):</b></p> <p>The property is located within the Comprehensive Plan designations of Activity Node, Green Boulevard Corridor, and Future Planning Area, which encourage mixed-use development, pedestrian connectivity, and enhanced streetscapes. The proposed use supports goals for creating community destinations and maintaining commercial activity. Conditions requiring sidewalk improvements, landscaping, and pedestrian connections align the project with these objectives and mitigate potential conflicts with adopted plans and policies.</p>

**DECISION**

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Planning and Zoning Commission hereby **APPROVES/ DENIES** of the application subject to the following conditions:

**POTENTIAL CONDITIONS FOR APPROVAL DECISION**

**Application Specific Requirements:**

Scope of Permit:

1. The scope of this permit is to allow for a Church or place of religious worship
2. 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 Building Permit:

1. A building permit shall be applied for and approved by Garden City Development Services Department.
2. The landscape plan provided on December 15, 2025, shall be utilized for landscaping and sidewalk improvements.
  - a. Prior to work in the ITD right-of-way approval must be granted by ITD.

- b. A concrete detached sidewalk must be minimum 7' in width.
- c. The applicant is required to install a total of 5 Class I trees along Chinden Blvd.
  - i. Class I trees shall be planted in accordance with Idaho Power requirements due to overhead utilities along Chinden Blvd.
- d. A portion of the attached sidewalk on the southwest corner of the lot shall become detached.
  - i. 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.
- e. 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 5,854.45 SF of landscaping is required.
- f. 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 10 trees shall be planted internally on the site, along with a minimum of 39 shrubs
- g. 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.

3. Vehicle Parking:

- a. All vehicle parking spaces shall meet the minimum dimensional standards set forth in Garden City Code 8-4D-3.
- b. 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.
- c. Accessible spaces shall be designed in accordance with current adopted building codes and current Americans With Disabilities Act (ADA) guidelines.
- d. Surface parking areas with more than three (3) cars adjacent to public streets shall be screened with landscaping.
  - i. Type B perimeter landscaping is required along the parking lot frontage on Chinden Boulevard if the parking lot faces the street;
  - ii. 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;
- e. Parking lots shall be designed in compliance with the requirements as set forth in GCC 8-4C Nonresidential Structures;
- f. Parking lots shall be designed in accordance with GCC 8-4I Landscaping And Tree Protection Provisions;
- g. The design of the parking area shall minimize the trespass of lights from motor vehicles on adjacent properties and rights-of-way.

4. Bicycle parking:
  - a. All bicycle parking spaces shall meet the minimum dimensional standards set forth in Garden City Code 8-4D-3.
  - b. There shall be a minimum of 154 bike parking spaces provided.
  - c. Be a minimum space six feet (6') long by two feet (2') wide;
  - d. On-site spaces shall be located within fifty feet (50') of the building entrance(s);
  - e. 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;
  - f. Be visible, unless specified for the use of tenants, in which case the bicycle parking spaces must be covered;
5. 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.
6. 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.
  - a. All dumpsters, transformers and utility vaults shall be screened from view from the public right-of-way and incorporated into the overall landscape/site design.
  - b. If a trash enclosure is provided, it shall comply with Republic Services requirements.
7. 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. If there are any changes to the stormwater facility on the site, Public Works approval is required.

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. A public works and utility permit shall be submitted for review and approval of the site work that will be required.

3. Fencing on-site and gate, shall meet Garden City Code 8-4A-3 Fences and Walls standards:
  - a. All chain-link fencing (with or without barbed wire) that is visible from the right-of-way, including the gate, shall be removed from the property or replaced with code-compliant fencing materials.
    - i. If any portion of the fencing does not belong to 4983 N Glenwood St.; Ada County Parcels #R1285070040, affidavit of non-ownership shall be submitted
4. Off-Street Loading Zones Space And Access Requirements:
  - a. All spaces shall have fourteen feet (14') of vertical clearance;
  - b. On-site drive aisles, on-site parking, or private roads may be designed to have a dual purpose to accommodate the required loading;
  - c. Access driveways for parking areas shall be located in such a way that any vehicle entering or leaving such an area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street. Access shall conform to the clear vision requirements and the vehicle and pedestrian circulation standards in chapter 4, article E of this title, Transportation And Connectivity Provisions;
  - d. Loading areas shall be designed so vehicles shall not back out into the street or project into the public right-of-way or setback area; e. Loading zones may not impede bicycle lanes, multiuse paths, sidewalks, or motor vehicular travel on public roads;
  - e. Convenient access to loading spaces shall be provided with not less than fifteen feet (15') in width.
5. The streetscape along W. Chinden Blvd. shall be improved to meet the requirements of the ITD and Garden City Chinden Boulevard approved standards.
6. A direct and convenient pathway from the main entrance of the tenant space(s) to the public sidewalk on Chinden Blvd. shall be provided.
  - a. The pathway may be painted on asphalt; or be made of another material. The pathway shall be clearly for pedestrians. Suggested styles include crosswalk styles of either solid, continental, ladder, or zebra. Standard or dashed styles shall not be used.
7. A cross-access agreement shall be recorded with the Ada County Assessor, stating that upon the sale of any parcel, or any combination of parcels, a cross-access easement must be recorded for each transaction.

Site Specific Requirements for the Duration of the Use:

1. Events that are not associated with the church or place of worship shall not be allowed without an event permit.

2. Existing tenants, or other permitted uses with valid certificates of occupancy, within the subject properties may continue their operations until which the church occupies those spaces. The church shall not occupy the spaces without a certificate of occupancy.
3. The church shall comply with all applicable building, fire, and zoning codes prior to issuance of the certificate of occupancy.
4. Upon issuance of the certificate of occupancy to the church, the prior uses within the subject suites shall be considered vacated, and the conditional use permit shall apply exclusively to the church.
5. The church shall obtain a certificate of occupancy for the approved suites within **three (3) years of the date of approval. If a certificate of occupancy is not issued within this time period, the use shall be considered expired and nullified.**
6. Setbacks: In the residential zoning districts, the interior side setback shall be a minimum of fifteen feet (15') and the rear setback shall be a minimum of twenty five feet (25'). The front setback shall be the same as that required for an allowed use.
7. Accessory Uses:
  - a. Schools, child daycare services, meeting facilities for clubs and organizations, and other similar uses not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation may be permitted to the extent the use is otherwise permitted in the district.
  - b. Accessory uses associated with a church or place of religious worship located in a residential district may only operate between the hours of six o'clock (6:00) A.M. and eight o'clock (8:00) P.M.

### **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 service and equipment areas shall comply with Garden City Cod 8-4A-5 Outdoor Service and Equipment Areas.
23. All stormwater systems must comply with Garden City Code 8-4A-7.
24. 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.
25. 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.
26. 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.
27. 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.
28. Any violation of the conditions of this application is a criminal offence.
29. A certificate of occupancy or an application for a building permit shall be considered commencement of the use.
30. All previous uses are null and void unless otherwise conditioned.
31. 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.
32. 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.
33. Pursuant to 8-6A-9 Appeals, those with standing may appeal a decision within fifteen days from the date of action.
34. This approval shall expire one (3) year from its approval, unless otherwise extended as allowed by Garden City Code .
35. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
36. 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.
37. A takings analysis pursuant to Idaho Code may be requested on final decisions.

38. 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.

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Chairman, Planning and Zoning Commission

Date

DRAFT