

BEFORE THE PLANNING AND ZONING COMMISSION
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:)	CUPFY2026 - 0008
)	
Conditional Use Permit)	FINDINGS OF FACT,
214 W. 37 th Street)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho)	AND DECISION
)	
_____)	

THIS MATTER, came before the Garden City Planning And Zoning Commission for consideration on March 18, 2026. 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 Vehicle service defined by Garden City Code 8-7A-1 as “The use of a site for the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service painting, repairing or straightening the body and/or chassis of vehicles or steam cleaning of vehicles.”
2. The applicant is Hope and Matthew Smith.
3. The property owner of record is Kuma Ann LLC.
4. The location of the project is 214 W. 37th Street.; Ada County Assessor parcel number(s) R2734511419; described as LOT 10 BLK J FAIRVIEW ACRES SUB NO 2.
5. The property is a legal parcel of record.
6. The subject property is 0.69 acres.
7. The scope of the request applies to the entire property.
8. The project is located in the C-2 Mixed-Use Commercial zoning district.
9. The project is located in the Mixed Use Commercial designation 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) 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 Building Contractor – Certificate of Compliance from 2014.
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
14. The following previous approvals apply to this proposal:
- a. BLDFY2006-00055
 - b. BUSFY2026-0022
 - c. ATSFY2026-0008
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. Floor Plans;
 - b. 300' Neighborhood List;
 - c. Neighborhood Meeting Letter;

- d. Sign-In Sheet;
 - e. Affidavit of Neighborhood Meeting;
 - f. Affidavit of property Posting;
 - g. Affidavit of Legal Interest;
 - h. Application;
 - i. Fire Flow;
 - j. Fen Affidavit of non-ownership for the chain-link fence and barbed wire;
 - k. Site Photos.
17. Agency Comments were received from:
- a. Ada County Highway District, February 23, 2026
 - b. Garden City Engineer, February 20, 2026.
 - c. Idaho Transportation Department, March 3, 2026.
 - d. Idaho Department of Environmental Quality, February 23, 2026.

18. Public comments were received from:
- a. Chris Giebler, February 26, 2026.

19. The following noticing was completed in accordance with GCC 8-6A-7:

Noticing Requirement	Required Date	Completion Date
Receipt of application		2/9/2026
Letter of Acceptance	3/9/2026	2/17/2026
Radius Notice	3/3/2026	2/17/2026
Legal Notice	3/3/2026	2/20/2026
Agency Notice	3/3/2026	3/17/2026
Property Posting Sign	3/3/2026	2/25/2026
Affidavit of Property Posting and Photos	3/9/2026	2/25/2026

20. On March 18, 2026, a public hearing before the Planning and Zoning Commission was held:
- a. At the beginning of the meeting the Chairman asked if the applicant was in attendance and if they agreed with the draft findings of fact conclusion of law and recommended decision in the affirmative, if there was any member of the public who wished to testify in opposition to the application, or if the staff or any member of the Commission have any reason that the application should be heard.
 - b. The applicant, Hope Smith, noted that she was in attendance and that she agreed with the decision and conditions as drafted in the affirmative.
 - c. There was no one from the public who wished to testify.
 - d. The staff nor any member of the Commission noted a reason why this item needed to be heard.
 - e. The application was moved to the consent agenda and approved.

21. The record contains:

- a. Application Documents
- b. Noticing Documents
- c. Agency Comments
- d. Written Public Comments
- e. Staff report
- f. March 18, 2026, Planning and Zoning Commission Hearing Minutes and Audio
- g. Planning and Zoning Commission Signed Findings of Fact, Conclusions of Law and Decision

22. 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** the standards of approval under **GCC 8-6B-2 Conditional Use**.

Finding	Standard
GCC 8-6B-2 CONDITIONAL USE: REQUIRED FINDINGS	
Application is compliant with standard	<p>Finding 1. The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district.</p> <p>Explanation of Finding (Reasoned Statement):</p> <p>The proposed Vehicle Services use is compatible with the surrounding area, which is characterized by a mix of light manufacturing, food processing, office/warehouse operations, and small-scale commercial uses. This part of W. 37th Street functions as an employment corridor with long-standing service-oriented businesses, making a vehicle service use consistent with the established commercial character of the neighborhood.</p> <p>Compatibility is further reinforced through site and frontage improvements required by the conditions of approval. These include:</p> <ul style="list-style-type: none"> a) establishing a direct, safe pedestrian connection from the public sidewalk to each suite entrance; b) verifying and, if necessary, restriping parking to meet dimensional standards and mitigate headlight trespass to the south; c) installing required Type A and Type B perimeter landscaping to provide visual separation and screening; d) meeting the minimum five percent (5%) interior landscaping standard with corresponding tree and shrub plantings;

	<p>e) providing bicycle parking; and f) demonstrating screened locations for trash and outdoor service equipment.</p> <p>Collectively, these conditions align the use with the C-2 form and design expectations, safeguard nearby properties, and ensure circulation, access, and appearance are integrated with the overall site and streetscape.</p>
<p>Application is compliant with standard</p>	<p>Finding 2. The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts.</p> <p>Explanation of Finding (Reasoned Statement):</p> <p>Based on the record, the property is adequately served by existing public facilities, and any identified deficiencies can be fully mitigated through the conditions of approval. The Ada County Highway District (ACHD) reviewed the application and determined that no roadway or sidewalk improvements are required, and that the project does not generate traffic volumes that would trigger a Traffic Impact Study. The Idaho Transportation Department similarly indicated no safety concerns related to the use. The Garden City Engineer confirmed that no new sewer or water services are needed, and that the site is already connected to municipal utilities in a manner sufficient to support the proposed use. Fire access remains available from W. 37th Street, and all new or modified operations within the building will require fire authority approval prior to issuance of occupancy.</p>
<p>Application is compliant with standard</p>	<p>Finding 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 record indicates that the site is already developed with commercial buildings and vehicular areas, is served by existing public facilities, and is accessed from W. 37th Street. Reviewing agencies identified no off-site safety concerns or capacity constraints that would be exacerbated by the proposed Vehicle Services use. Where clarifications or deficiencies related to code requirements are identified, they are addressed through enforceable conditions of approval.</p> <p>Conditions require measures that directly mitigate potential health and safety impacts typical of vehicle service activities. There is an additional condition of approval in place confirming Certificates of Occupancy for each tenant so that on-site uses are verified and</p>

	code-compliant over time. Together, these requirements minimize noise, visual clutter, and potential environmental nuisances, while establishing accountable operating parameters for the multi-tenant setting.
Application is compliant with standard	<p>Finding 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>Pursuant to Idaho Code § 67-6512(a), special or conditional use permits may only be issued when the proposed use is not in conflict with the adopted comprehensive plan. This statutory language establishes a threshold that is less stringent than requiring full alignment; a use need not be “in accordance with” the plan, but it must not contradict its goals or policies.</p> <p>Conditional use permits are treated distinctly under Idaho law because they authorize uses that may not conform to the standard zoning regulations for a given area. In effect, they function as site-specific exceptions, that require careful evaluation to ensure compatibility with the broader vision for community development.</p> <p>In this case, the proposed Vehicle Services use is not in conflict with the Garden City Comprehensive Plan and aligns with several key goals and land-use policies. The site is designated Mixed Use Commercial, an area intended to accommodate a blend of commercial including service-oriented activities. Automotive repair is consistent with this district’s intent to support employment, reinvestment in existing commercial properties, and urban-scale nonresidential uses. The project reinforces Comprehensive Plan goals related to fostering a positive business environment, improving the city’s image, supporting commercial and industrial land uses, and improving multimodal connectivity. Relevant goals supported by the project include:</p> <ul style="list-style-type: none"> • Goal 1: Nurture the City <ul style="list-style-type: none"> 1.3: Consider the needs of all citizens, businesses, and the environment. 1.4: Create a premier destination to live, work, and recreate. • Goal 2: Improve the City Image <ul style="list-style-type: none"> 2.2: Uphold standards for private property maintenance with a focus on nonresidential properties. 2.4: Create a vision for the design of all streets consistent

	<p>with the city’s urban setting.</p> <ul style="list-style-type: none"> • Goal 4: Emphasize the “Garden” in Garden City 4.1: Beautify and landscape. 4.3: Enhance streetscapes, sidewalks, and gateways with landscaping and trees. • Goal 7: Connect the City 7.4: Maintain and improve standards for sidewalks, curbs, and gutters. • Goal 12: Evolve as a Destination 12.1: Support a positive business environment. 12.2: Continue to support commercial and industrial land uses. 12.3: Create a premier destination for work, recreation, entertainment, culture, and commerce. <p>Compliance with the adopted zoning ordinance is ensured through the conditions of approval.</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** of the application subject to the following conditions:

CONDITIONS FOR APPROVAL DECISION

Application Specific Requirements:

Scope of Permit:

1. This permit is issued based on the applicant’s request for a property-wide CUP for Vehicle Services applicable to the entire property at 214 W. 37th Street (Parcel R2734511419). However, as noted in the Discussion section of the Staff Report, the property contains multiple tenants. All uses on the property must be individually verified through the required Occupancy Analysis (see Condition, Prior to Occupancy, No. 2). Any use that does not qualify as Vehicle Services or another permitted use in the C-2 zoning district shall not operate under this permit and must independently obtain applicable land use approvals or cease operation pursuant to GCC §8-1B-3.
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 Occupancy:

1. Occupancy of the site shall not commence until after a Certificate of Compliance has been obtained from Garden City Development Services Department.
2. An Occupancy Analysis to complete business compliance verification of all existing businesses on site shall be applied for and approved by Garden City Development Services Department.
3. The applicant shall provide sufficient evidence demonstrating the following site elements meet applicable Garden City standards. Acceptable evidence may include annotated photographs, field measurements, or a dimensioned site sketch:
 - a. Vehicular parking stall dimensions, with each stall measuring a minimum of 9' x 20'. The site shall provide adequate parking for each tenant on-site, for Bob's Auto Repair, at least 6 spaces shall be provided.
 - b. A compliant pedestrian route, meeting current Americans with Disabilities Act (ADA) standards, from the parking area to each primary suite entrance.
 - c. Location(s) of the six (6) required bicycle parking and confirmation that provided racks meet City standards of 8-4D.
 - d. Measures to prevent headlight trespass onto the adjacent property to the south (e.g., wheel stops, landscape screening, fencing, or equivalent solutions).
 - e. The location and screening method for all trash bins, dumpsters, and outdoor service equipment.
4. The applicant shall establish a direct, safe, and clearly delineated pedestrian pathway connecting the public sidewalk along 37th Street to the primary entrance of each tenant space.
 - a. The pathway may be painted on asphalt or constructed of another distinct material. The route must be clearly identifiable as a pedestrian path and visually differentiated from the vehicular drive aisle. Acceptable striping styles include solid, continental, ladder, or zebra patterns. Standard or dashed striping shall not be used.
5. The property shall demonstrate compliance with the minimum five percent (5%) interior landscape area requirement. Based on the total site area of approximately 30,056 square feet, the required interior landscape area is a minimum of 1,503 square feet. This calculation is based on the whole-site review scope of this permit. Landscape areas located within required setbacks or perimeter buffers shall not count toward the required minimum per GCC § 8-4I-4.
 - a. A minimum of two (2) interior trees shall be installed.
 - b. A minimum of ten (10) shrubs shall be installed.

- c. Required landscape areas shall achieve at least 70% vegetative coverage at maturity.
 - d. All required trees and shrubs shall be installed prior to issuance of a Certificate of Occupancy unless otherwise approved through a landscape surety agreement consistent with City policy.
6. At least two (2) Class II or III trees shall be installed along the frontage of W. 37th Street, for a total of three (3) Class II or III trees.
7. The applicant shall install all required perimeter landscaping in compliance with Garden City Code 8-4I-5, including Type A Visual Separator landscaping along the south property line and Type B Filtered Screen landscaping along the W. 37th Street frontage. All required buffers shall meet minimum width, planting composition, and tree spacing standards.

Site Specific Requirements for the Duration of the Use:

1. Mitigation shall be required for all existing trees four inch (4") caliper or greater that are removed or damaged from the site.
2. 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.
3. All hydraulic hoists and pits, and all equipment for greasing, lubrication, and allowed repairs shall be enclosed entirely within a structure.
4. Any spray booth must be approved by the fire authority and building official.
5. All parts, inventory and vehicles waiting to be repaired shall be kept inside an entirely enclosed building or hidden behind a privacy fence or other visual barrier as set forth in section 8-2C-37, Storage Facility Or Yard.
6. All new structures constructed for vehicle/equipment repair shall be constructed so that the entrances to individual workstation/service bays do not face abutting residential parcels or the public rights-of-way.
7. Tires taken in on trade that have no more than salvage value shall be stored in a solid wall enclosure.

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 Code 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 (1) 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.


Chairman, Planning and Zoning Commission

03/18/2026

Date