



CITY OF GARDEN CITY

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STAFF REPORT

File Number: ZONFY2026-0002

Application Type: A Rezone/Zoning Map Amendment from C-2 Mixed Use
Commercial to C-1 Highway Commercial

Location: 4902 W. Chinden

Applicant: Curtis Crystal

Report Date:

Planning & Zoning: March 18, 2026

City Council: April 13, 2026



Staff Report
Report prepared by Hanna Veal

Table of Contents

A. Record Documents	3
B. Recommendation	3
C. Project Information	3
D. Discussion	4
E. Decision Process	6
F. Agency Comments	10
G. Public Comment.....	10
H. Code/Policy Review	11

A. Record Documents: ([link to all FY2026 Applications](#))

Individual links:

1. Application Materials
 - a) ZONFY2026-0002 [Initial application and materials 12/22/2025](#)
2. Staff Reports
 - a) Planning and Zoning Staff Report March 18, 2026
3. Agency Comments: linked in [Section F](#)
4. Public Comments: linked in [Section G](#)
5. Noticing Documents
 - a) [City Noticing](#)
 - b) [Property Posting for Planning and Zoning](#)
6. Planning and Zoning Recommendation
7. [Draft Ordinance 10XX-26](#)

B. Recommendation

Based on the record, including agency comments and the Comprehensive Plan analysis in this staff report, staff finds that rezoning 4902 W. Chinden Blvd. from C-2 Mixed Use Commercial to C-1 Highway Commercial is appropriate for an arterial corridor, and does not conflict with the applicable overlapping Comprehensive Plan designations. The proposed zoning map amendment does not alter applicable form standards and no unmitigable public service, health, or safety concerns were identified by reviewing agencies. Staff recommends approval of ZONFY2026-0002.

C. Project Information

Proposed Scope of Work: This application is for a rezone - zoning map amendment.

Review Process: [GCC 8-6B-10](#)

Definition of Terms: Base Zoning District: General district in which all properties are divided into residential, commercial, or industrial uses and reflected on the zoning map.

Site Conditions

- 1) Street Address: 4902 W. Chinden Boulevard
- 2) Parcel Number(s): S0631244751 and S0631244750
- 3) Subdivision: PAR #4751 OF W2 OUT OF FLOOD DIST SEC 31 4N 2E #244830-R and PAR #4750 OF W2 IN FLOOD DIST SEC 31 4N 2E #244831-R.
- 4) Property Size: 0.59 acres
- 5) Current Zoning District: C-2 Mixed Use Commercial
- 6) Current Zoning Overlay(s): None
- 7) Comprehensive Plan Land Use Map Designation:
 - a) Activity Node: Neighborhood Destination
 - b) Green Boulevard Corridor

c) Light Industrial Bradley Technology District

8) Legal Lot of Record: Unknown

9) Floodplain Designation:

- a) 2003 FIRM: outside of the Special Flood Hazard Area
- b) 2017 Draft FIRM: outside of the Special Flood Hazard Area

10) Surrounding Uses within 600 feet:

- a) Boise Army Navy Store
- b) Vehicle Sales
- c) Vehicle Services
- d) Single Family Residential
- e) Warehouse
- f) Place of Religious Worship
- g) Service Provider
- h) Professional Services
- i) Personal Services
- j) Eating Establishments; Limited and Full Services

11) Existing Use: Retail Store

12) Easements on site: There are no records on file with Garden City of existing easements

13) Site Access: Chinden and E. 49th Street

14) Sidewalks: There are no existing sidewalks

Project Details

- 1) Proposed Zoning District: C-1 Highway Commercial
- 2) Proposed Development Agreement: No
- 3) Proposed Use: Service Provider
- 4) Total number of lots: 2

D. Discussion

Key legal criteria that must be addressed in any rezoning effort:

Comprehensive Plan Alignment:

Each rezoning request must demonstrate clear alignment with the Future Land Use Map (FLUM) and the broader vision, goals, and policies of Garden City's Comprehensive Plan. The subject property is located within three overlapping FLUM designations, each offering a distinct policy context for the proposed zoning map amendment:

- **Activity Node: Neighborhood Destination**
Activity Nodes support a mix of uses, public spaces, and destination-oriented activity serving as focal points for neighborhood retail, arts, culture, and higher-density development.
- **Green Boulevard Corridor**
Green Boulevard Corridors encompass major state highways such as Chinden Boulevard and call for continued commercial use while improving multimodal

access, corridor safety, and aesthetics.

- **Light Industrial Bradley Technology District**

Intended to maintain the existing industrial area around Bradley Street and north of Chinden. Envisioned uses include materials processing and assembly, product manufacturing, storage of finished products, and truck terminals.

Manufacturing-support facilities (e.g., offices and research-related activities) are appropriate, while other non-industrial uses should be limited.

Because the City permits overlapping designations, a rezone is considered consistent when it meaningfully advances at least one designation without conflicting with the others. In this case, the proposed C-1 Highway Commercial zoning district aligns with the Green Boulevard Corridor purpose, and it is compatible with the Light Industrial Bradley Technology District's intent to maintain and accommodate industrial activity. While C-1 may not fully advance all Activity Node characteristics, it does not conflict with the Node's vision and continues to reinforce a destination-oriented commercial environment appropriate for an arterial corridor.

Spot Zoning:

All rezoning applications must evaluate whether the proposed change constitutes illegal spot zoning. Idaho case law classifies spot zoning into two categories:

- **Type I Spot Zoning:** A rezoning that occurs when a property is rezoned to a zoning district inconsistent with the surrounding district(s) but is consistent with the Comprehensive Plan. This is legal because the change aligns with the Comprehensive Plan and the surrounding zoning district(s) do not.
- **Type II Spot Zoning:** Is the type of spot zoning that is commonly referred to as "spot zoning." It occurs when a property is rezoned to a zoning district inconsistent with the surrounding district(s) and the Comprehensive Plan's land use designation(s). This type is illegal and should be denied.

In short, illegal spot zoning refers to a zoning change that is out of character with the surrounding area and the Comprehensive Plan, serving private interests rather than the public good.

For a detailed legal discussion, see pages 53–57 of the [Givens Pursley Land Use Handbook \(2024 edition\)](#).

Degree of Impact:

Rezoning may increase ("up-zone") or decrease ("down-zone") development potential:

- **Up-zone:** Increases development intensity or density otherwise not permitted under current zoning.
- **Down-zone:** Reduces allowable development intensity or density from what is permitted under current zoning.

The financial implications of a rezone are primarily driven by the change in a property's "highest and best use" potential. An up-zone typically serves as a value catalyst, increasing land

appraisal and marketability by allowing for greater density and more intensive revenue-generating uses. Conversely, a down-zone may negatively impact immediate land value by restricting future development capacity; however, it can also stabilize long-term property values for existing residents by preserving neighborhood character and preventing the infrastructure strain often associated with higher-intensity redevelopment.

Staff notes that “up-zoning” and “down-zoning” can describe different aspects of a zoning change. In this case, the proposed rezone from C-2 to C-1 may be viewed as an up-zone with respect to certain commercial/service use permissions (including the applicant’s anticipated use type), while not increasing site form standards or overall development envelope. For that reason, staff’s analysis focuses on the practical change in permitted and conditionally permitted uses rather than lot coverage, height, or other form-based metrics.

Application Details:

Proposed Rezone: C-2 → C-1 (Highway Commercial)

Summary of Changes:

- **Up-zone**
- **Density:** No change
- **Uses:** Expanded permitted and conditional uses
- **Form Standards:** No change (C-1 and C-2 share identical height and setback standards)

The rezone’s impact is functional rather than structural. Because C-2 and C-1 share identical form standards, including height limits and setbacks, the amendment does not increase building bulk or scale. The primary change is to the site’s use profile, as C-1 broadens the range and intensity of commercial and service uses while shifting dwelling units from a permitted use to a conditionally allowed use.

E. Decision Process

General Garden City Code Provisions

The ZONFY2026-0002 application is to be processed per GCC 8-6A-7 Public Hearing.

Required Actions: The following decision processes are required for the project as governed by GCC Table 8-6A-1:

Decision	Recommendation Authority/ Hearing Date	Decision Authority
Rezoning	Planning and Zoning Commission: Hearing March 18, 2026	City Council: Hearing April 13, 2026

Required Findings

For the approval of a ZONING MAP AMENDMENT, the decision making body must find the application meets the following findings, found in [GCC 8-6B-10](#):

1. The zoning map amendment complies with the applicable provisions of the comprehensive plan;
2. The zoning map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;
3. The zoning map amendment shall not be materially detrimental to, or impacts can be mitigated that affect, the public health, safety, and welfare or impacts;
4. The zoning map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and
5. The annexation of land, if proposed, is in the best of interest of the city and complies with the procedures as set forth in Idaho Code section [50-222](#).

Decision:

After hearing the evidence and considering the application, the decision maker shall make their decision. The decision also needs to include the facts upon which it 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.

Pursuant to Garden City Code [Table 8-6A-1 Authorities and Processes](#), the Planning and Zoning Commission is a recommending authority to the City Council, the final decision maker for a rezone application.

Recommendation

The Planning and Zoning Commission is the recommending body for this application. Therefore their decision includes a recommendation to the City Council.

The Recommending Authority may take one of the following actions:

1. Recommend the City Council grant/ approve the application as applied;
2. Recommend the City Council grant/ approve the application with conditions as drafted or as amended to the City Council;
3. Recommend the City Council deny the application; or
4. Request the applicant return with revised materials for additional review.

Recommendation Motion

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

To Recommend Approval or Denial:

“I move to recommend approval/denial of 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 recommend approval/denial 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, state code requires that the decision maker identify what could be done to obtain approval. Therefore, the final part of the motion in case of a recommendation for denial should provide this information. An example statement might be “for approval the proposal will need to meet 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]**.”

The Planning and Zoning Commission may wait to formalize the written recommendation at the next meeting to ensure that written decision correctly reflects the proceedings and Commission’s findings regarding the disputed facts. However, the Planning and Zoning Commission is required to formalize its decision no later than by the next regular scheduled meeting after the conclusion of the hearing.

The recommendation of the Planning and Zoning Commission does not constitute a final decision on the application. Their recommendations cannot be appealed, as they will be heard by the City Council for a final decision.

The City Council is the final decision maker for this application.

Decision

The City Council may take one of the following actions:

1. Sustain the recommendation as presented to the City Council;
2. Modify the recommendation with conditions;
3. Reject the recommendations; or
4. Remand the application to a recommending body for additional proceedings and findings.

Decision Motion

The decision motion follows the same method as a motion for a recommendation. You may use one of the following formats:

To sustain the recommendation:

“I move to sustain the recommendation of the Planning and Zoning Commission for File No. **[insert file number]**, including the findings of fact, conclusions of law, and decision, therefore **[approving/denying]** this application request

-or-

“I move to sustain the recommendation of the Planning and Zoning Commission for File No. **[insert file number]**, including the findings of fact, conclusions of law, and decision, therefore **[approving/denying]** this application request as amended to **[remove/add/modify]** **[specify changes]**.”

To reject the recommendation:

“I move to reject the recommendation of the Planning and Zoning Commission for File No. **[insert file number]**, **[approving/denying]** this application request. The Commission erred in the conclusions of law **[specify changes to each finding, that the Commission erred and what the finding should be]**. (if there are additional amendments) furthermore **[specify changes]**.”

Note: If the decision will result in a denial of the application motion must also include what could be done to obtain approval.

To Continue the Application:

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

To Remand the Application:

“I move to continue File No. **[insert file number]** to the Planning and Zoning Commission **[provide reasons]**, e.g. to review the revised evidence that has been submitted.”

Appeal of Decision:

Pursuant to Garden City Code [Table 8-6A-1 Authorities and Processes](#), Planning and Zoning Commission is the recommending authority and the City Council is the final decision maker for the requested application. The recommendation of the Planning and Zoning Commission does not constitute a final decision on the application.

The applicant or someone with whom has standing may request the City Council to reconsider their decision. A reconsideration request must be made within 14 days of the formal decision being rendered. Every final decision rendered shall provide or be accompanied by notice to the applicant regarding the applicant’s right to request a regulatory taking analysis pursuant to section [67-8003](#), Idaho Code. An applicant denied an application or aggrieved by a final decision concerning matters identified in section [67-6521\(1\)\(a\)](#), Idaho Code, may within twenty-eight (28) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by [chapter 52, title 67](#), Idaho Code.

F. Agency Comments

The following is a summary of the agency comments that were provided at the time of the drafting of this report. All comments are included in their entirety as a part of the record.

Agency	Comment Date	Summary
Ada County Highway District	None received to date	
Garden City Engineer Link to Comment	02/10/2026	<p>As the site is currently developed, we have no objection to the requested waiver of submittal items.</p> <p>The applicant is responsible to verify that adequate water system supply is available to provide domestic and fire suppression water needs. The applicant is responsible to confirm/verify that adequate sewer capacity is available.¹</p> <p>Should any grading on the site be proposed, the applicant must prepare and have approved by the city an erosion and sediment control plan.</p> <p>The applicant must review the original FEMA work maps (not the current adopted maps) on the city's website 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.</p>
Idaho Transportation Department Link to Comment	01/24/2026	ITD has reviewed the below-referenced applications and does not have any comments at this time. However, I would advise the applicant for 4902 W Chinden Blvd that ITD may have comments if they apply for a CUP.
Department of Environmental Quality Link to Comment	01/16/2026	Standard comments.
North Ada County Fire and Rescue	None received to date	

G. Public Comment

None provided as of the drafting of this document.

¹ Fire Flow on file, permit #FF2025-0009, which was used for the Family Pool & Spa BLDFY2025-0060 permit approval and Certificate of Occupancy issuance. The existing fire flow is still adequate, however, an ability to serve application is required and has been drafted as a condition of approval.

H. 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.

Garden City Title 8 Code Sections															
Code Section	Compliance Issues	Analysis/ Discussion													
Title 8, Chapter 1: General Regulations															
8-1A-4 Applicability		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.													
8-1B-1 Nonconforming Properties	May not be compliant	Staff will need the chain of deeds and legal descriptions of the property in order to determine legal lot status.													
8-1B-3 Nonconforming Uses	Compliant as Conditioned	The current use of the property is a Retail Store, which is permitted in both the C-2 and C-1 zoning districts. The applicant has indicated interest in operating a Service Provider use. "Service Provider" is conditionally permitted in C-2 and permitted in C-1. If the rezone is approved, the use may proceed subject to all applicable permits and occupancy approvals required by code. If the rezone is denied, a conditional use permit would be required to establish a Service Provider use on the site.													
Title 8, Chapter 2: Base Zoning District Regulations															
8-2B-1 Purpose	No compliance issues noted	<p>Pursuant to Garden City Code 8-2B-1D, the purpose statement of the zoning districts that are proposed to change are:</p> <p>A. Mixed Use Districts: The purpose of the mixed-use districts is to provide a mix of residential and nonresidential uses that are urban in nature.</p> <table border="1"> <thead> <tr> <th><u>District</u></th> <th><u>Max Density</u></th> <th><u>Min. Density</u></th> <th><u>Purpose</u></th> </tr> </thead> <tbody> <tr> <td>Mixed-Use Commercial (C-2)</td> <td>No Max</td> <td>N/A</td> <td>This zoning district is intended to implement the Comprehensive Plan's vision for mixed-use commercial and Activity Nodes. The designation may be appropriate to implement the Comprehensive Plan's designations of Mixed-Use Commercial and Main Street Corridor.</td> </tr> </tbody> </table> <p>B. Nonresidential Districts: The purpose of the two nonresidential districts is to provide a full range of nonresidential and commercial uses and services for both the residents of Garden City and the region.</p> <table border="1"> <thead> <tr> <th><u>District</u></th> <th><u>Max Density</u></th> <th><u>Min. Density</u></th> <th><u>Purpose</u></th> </tr> </thead> <tbody> </tbody> </table>		<u>District</u>	<u>Max Density</u>	<u>Min. Density</u>	<u>Purpose</u>	Mixed-Use Commercial (C-2)	No Max	N/A	This zoning district is intended to implement the Comprehensive Plan's vision for mixed-use commercial and Activity Nodes. The designation may be appropriate to implement the Comprehensive Plan's designations of Mixed-Use Commercial and Main Street Corridor.	<u>District</u>	<u>Max Density</u>	<u>Min. Density</u>	<u>Purpose</u>
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		Highway Commercial (C-1)	N/A	N/A	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.
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8-2B-2 Allowed Uses	No compliance issues noted	<p>Table 8-2B-1 presents the permitted, conditionally permitted, and prohibited land uses within the applicable zoning districts. For clarity and relevance to the current discussion, zoning districts not under consideration have been excluded.</p> <p>In the below chart a highlight of green is indicative of a use that is less restrictive than in the C-2 Zoning District, and a highlight of red is indicative of a use that is more restrictive than the C-2 Zoning District.</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th colspan="3" style="text-align: center;">TABLE 8-2B-1 ALLOWED USES IN ALL BASE ZONING DISTRICTS</th> </tr> <tr> <td colspan="3">*Indicates uses that are subject to specific land use provisions as set forth in article C of this chapter.</td> </tr> <tr> <td colspan="3">P = permitted use; C = conditional use; and a blank denotes the use is not allowed in that district</td> </tr> <tr> <td></td> <th style="text-align: center;">C-1</th> <th style="text-align: center;">C-2</th> </tr> </thead> <tbody> <tr> <td>Accessory use*</td> <td style="text-align: center;">P</td> <td style="text-align: center;">P</td> </tr> <tr> <td>Agriculture*</td> <td style="background-color: red;"></td> <td style="text-align: center;">P</td> </tr> <tr> <td>Amusement center*</td> <td style="background-color: #92d050; text-align: center;">P</td> <td style="text-align: center;">C</td> </tr> <tr> <td>Animal care facility*</td> <td style="text-align: center;">C</td> <td style="text-align: center;">C</td> </tr> <tr> <td>Artist studio*</td> <td style="text-align: center;">P</td> <td style="text-align: center;">P</td> </tr> </tbody> </table>				TABLE 8-2B-1 ALLOWED USES IN ALL BASE ZONING DISTRICTS			*Indicates uses that are subject to specific land use provisions as set forth in article C of this chapter.			P = permitted use; C = conditional use; and a blank denotes the use is not allowed in that district				C-1	C-2	Accessory use*	P	P	Agriculture*		P	Amusement center*	P	C	Animal care facility*	C	C	Artist studio*	P	P
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		Bed and breakfast*	P	P
		Bicycle sales, service, storage, rental	P	P
		Building material, garden and equipment*	C	C
		Church or place of religious worship*	C	C
		Club*	C	C
		Commercial entertainment facility*	C	C
		Daycare, center*	C	C
		Daycare, neighborhood*		
		Daycare, personal*		
		Drinking establishment, full service*	C	C
		Drinking establishment, limited service*	P	P
		Drive-through establishment*	C	C
		Dwelling unit, accessory*	P	P
		Dwelling unit, group		P

		Dwelling unit, multiple-family*	C	P
		Dwelling unit, single-family attached	C	P
		Dwelling unit, single-family detached	C	P
		Dwelling unit, two-family	C	P
		Eating establishment, full service	P	P
		Eating establishment, limited service	P	P
		Equipment rental, sale and service*	C	C
		Financial institution*	P	P
		Food products, processing*	C	
		Food products, small scale processing*	P	P
		Food store*	P	P
		Fuel sales*	C	C
		Fuel yard	C	
		Health club*	P	P

		Healthcare and social service	P	P
		Home occupation*	C	P
		Hospital*	C	C
		Industry, flex*	C	C
		Industry, information*	P	P
		Industry, light*	C	
		Kennel, hobby*		P
		Laboratory - medical, dental, optical	P	P
		Laundromat, self-service cleaner*	P	P
		Laundry and dry cleaning, commercial plant	P	C
		Laundry and dry cleaning establishment	P	C
		Lending institution	C	
		Lodging*	C	C
		Manufactured/mobile home park		C

		Mortuary*	C	C
		Nursery*	P	P
		Nursing and residential care*	C	C
		Parking facility	C	C
		Personal service*	P	P
		Professional service*	P	P
		Public service facility	P	C
		Public uses	P	P
		Recreational vehicle park*	C	C
		Research and development	P	P
		Retail production*	P	P
		Retail store	P	P
		School*	C	C
		Service provider*	P	C
		Sexually oriented businesses*	C	

		Small cell facility*	P	P
		Storage facility or yard*	C	
		Storage facility, self-service	C	
		Storage yard, commercial recreational vehicle*	C	
		Temporary use*	P	P
		Tobacco entertainment facility*	C	C
		Tobacco retail store	P	P
		Vehicle rental*	C	C
		Vehicle sales*	C	C
		Vehicle service*	C	C
		Vehicle washing facility*	P	
		Vehicle wrecking yard		
		Warehouse and storage, wholesale*	C	C
		Wireless communication facility*	C	

While the proposal expands the intensity of uses onsite, there does not appear to be evidence on the record that a development agreement is necessary to restrict them. With any new structure or use, there are

		administrative and public hearing processes necessary that would protect the health, safety, and welfare of the community.						
8-2B-3 Form Standards	No compliance issues noted	<p>The subject form standards are included below:</p> <p>The existing structure meets the form standards of both the C-2 and C-1 zoning districts. There are no encroachments.</p> <table border="1"> <thead> <tr> <th>Zoning District</th> <th>Zoning Standards</th> </tr> </thead> <tbody> <tr> <td>C-2</td> <td> Height Limitation(s): None Setbacks: Front Minimum: 5' Rear Minimum: 5' Interior Side Minimum: 0' Street Side Minimum: 5' </td> </tr> <tr> <td>C-1</td> <td> Height Limitation(s): None Setbacks: Front Minimum: 5' Rear Minimum: 5' Interior Side Minimum: 0' Street Side Minimum: 5' </td> </tr> </tbody> </table> <p>* 0' interior side setback within the development, 5' to the adjacent property</p>	Zoning District	Zoning Standards	C-2	Height Limitation(s): None Setbacks: Front Minimum: 5' Rear Minimum: 5' Interior Side Minimum: 0' Street Side Minimum: 5'	C-1	Height Limitation(s): None Setbacks: Front Minimum: 5' Rear Minimum: 5' Interior Side Minimum: 0' Street Side Minimum: 5'
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Title 8, Chapter 6, Article A: Administration								
8-6A-3 General Application Process	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.						
8-6A-4 Required Application Information	No compliance issues noted	<p>Application waivers requested pursuant to 8-6A-4A included some application documents not necessary to process this application.</p> <p>The applicant requested waivers for:</p> <ul style="list-style-type: none"> - Master Plan - Topographic Survey - Natural Hazard and Resources Analysis 						
8-6A-7 Public Hearing Process	No compliance issues noted	<p>The applicant provided a neighborhood meeting more than one month and less than three months prior to application submittal.</p> <p>The City provided notice to each affected property and notifications to agencies with jurisdiction. As this matter affects more than 200 properties, alternative noticing as allowed by Idaho Statute 67-6511(b) procedures adopted through GCC 8-6A-7 was utilized.</p> <ul style="list-style-type: none"> a) Posting of the notice in three (3) conspicuous locations within the city; b) Making notice available to all forms of media for use as a public service announcement; or 						

		<p>c) Paid advertisement of notice in local print media and ran a 2"x4" legal notice in the Idaho Press, at least 15 days prior to the first hearing. This application was posted at the City Hall/ and notice was provided to all media types.</p> <p>When notice is required of two hundred (200) or more property owners or purchasers of record, alternate forms of procedures which would provide adequate notice may be provided by local ordinance in lieu of mailed notice. In the absence of a locally adopted alternative notice procedure, sufficient notice shall be deemed to have been provided if the city or county provides notice through a display advertisement at least four (4) inches by two (2) columns in size in the official newspaper of the city or county at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site.</p> <p>The applicant provided an affidavit more than 7 days prior to the hearing that the property was posted more than 10 days prior to the hearing.</p>
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Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Idaho Code 67-6511	<p>The Local Land Use Planning Act requires that zoning ordinance including zoning districts:</p> <ul style="list-style-type: none"> a) Establish procedures that regulate development. b) Provide clear and objective standards. c) Be evaluated by the Planning and Zoning Commission. The Commission must consider the delivery of services and provide for a regulatory takings analysis². d) Be compliant with the Comprehensive Plan. <p>I.C. § 67-6511(d), prohibits a governing board from changing zoning for a period of four years following a property-owner requested zone change because of vested rights. If the board violates this requirement, the statute grants standing to the property owner to challenge the action, and the rule prohibiting rezoning within four years may be judicially enforced. Property owners whose zoning status is changed within four years following a zoning determination shall have standing to enforce the provisions of I.C. § 67-6511.</p>
Idaho Code 67-6511A - Development Agreement	<p>A development agreement has not been formally proposed. Nor is one being recommended.</p>
Idaho Code 67-6519	<p>Garden City Code and procedures for the application granting process are consistent with The Local Land Use Planning Act Application Granting Process.</p> <p>Whenever a governing board or zoning or planning and zoning commission grants or denies an application, it shall specify:</p> <ul style="list-style-type: none"> a) The ordinance and standards used in evaluating the application; b) The reasons for approval or denial; and

² A regulatory takings analysis will be done if requested.

	<p>c) The actions, if any, that the applicant could take to obtain approval.</p> <p>Every final decision rendered shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to section 67-8003, Idaho Code. An applicant denied an application or aggrieved by a final decision concerning matters identified in section 67-6521(1)(a), Idaho Code, may within twenty-eight (28) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by chapter 52, title 67, Idaho Code.</p>
<p>Garden City Comprehensive Plan</p>	<p>When evaluating a request for a zoning map amendment, the reviewing body must consider whether the proposed zoning district is in accordance with the policies of the adopted Comprehensive Plan. Idaho Code section 67-6511 requires that zoning districts be established and amended in accordance with the policies set forth in the Comprehensive Plan, which serves as the guiding policy document for local land use decisions.</p> <p>Although the Comprehensive Plan is not a self-executing regulatory document, the Idaho Supreme Court has affirmed that zoning decisions must consider the Comprehensive Plan and that a governing body cannot ignore the plan in rezone and ordinance proceedings</p> <p>For a rezone request, the analysis should therefore examine the applicable Comprehensive Plan policies, including but not limited to land use designations, neighborhood and community development policies, public service and infrastructure considerations, and any additional guidance relevant to the proposed zoning district. The decision should identify how the request aligns with or diverges from these adopted policies. The record must demonstrate that the Comprehensive Plan was meaningfully considered as part of the recommendation and decision, consistent with the requirements of Idaho Code section 67-6511 and the interpretive guidance of Idaho appellate decisions.</p> <p>Idaho Code 67-6511 notes that after considering the comprehensive plan and other evidence gathered through the public hearing process, zoning map amendments may be adopted or rejected.</p> <p>Furthermore, required Conclusion of Law for zoning map amendments in Garden City is that the amendment is in conformance with the Comprehensive Plan. In this way the Garden City Zoning Code ensures that proposed zoning map amendments are not only required to be compatible with existing neighborhoods but are also progressing the vision that the community has for those neighborhoods.</p> <p>This application is within the following Future Land Use Map designations of the Comprehensive Plan:</p> <ul style="list-style-type: none"> a) Activity Node: Neighborhood Destination b) Green Boulevard Corridor c) Light Industrial Bradley Technology District <p>The definitions of these designations are below:</p> <p><i>Activity Nodes</i> are identified on the Land Use Map for neighborhood centers, local and regional destinations, and locations in proximity to</p>

existing and future transit stations and stops. Activity centers range in size depending on their function and location. Some nodes may be centered around the intersection of major streets or extend down a street to connect major community facilities. The common characteristics of the activity nodes are a mix of uses, public spaces, compatible transition to the uses surrounding the nodes and non-motorized connections to within a quarter mile walkable area of the node center. Some nodes, especially around transit stations, would have higher density (at least 14-20 units per acre) and multi-story development (three or more stories). It is not intended that all nodes could be developed within the twenty-year period of the plan.

Neighborhood and Destination Centers: The centers should be focused on uses that facilitate making the location a destination. Uses may include small scale retail, art, office, and higher density residential.

Green Boulevard Corridor: 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 are 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.

The proposed rezone will bring the zoning district into alignment with the Comprehensive Plan and is not only supported but encouraged by multiple sections of the plan. Specifically, the Rezone application is supported by:

The Garden City Future Land Use Map

Goal 1. Nurture the City

- a) Objective 1.4: Create a premier destination place to live, work, and recreate.

Goal 10: Plan for the Future: This goal emphasizes proactive planning and adaptation to changing conditions.

- a) 10.4.3 Objective: Provide a transition in the height and scale of development that is compatible with the existing surrounding neighborhoods.
- b) 10.3.2 Objective: Recognize the stability of many areas within the city and focus future planning efforts on neighborhoods of rapid change and regeneration, especially east of Glenwood Street on both sides of Chinden Boulevard.

Goal 12. Evolve as a Destination

- a) 12.1 Objective: Support a positive business environment.
- b) 12.2 Objective: Continue to support commercial and industrial land uses.