

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 - 0006
	)	
Conditional Use Permit	)	FINDINGS OF FACT,
4290 W Chinden Blvd. and E 43 rd 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 July 15, 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 Service provider defined by Garden City Code 8-7A-1 as "The use of a site for an employee or employees of a company or person that provides materials or labor to perform a service or job not located on site. This may include, but is not limited to, building or trades contractor, damage restoration services or cleaning services. This is not the same as a "storage yard" as herein defined nor does this definition include construction or manufacturing on site."
2. The applicant is Brian Scheider.
3. The property owner of record is 43RD PROPERTIES LLC.
4. The location of the project is 4290 W Chinden Blvd. and E 43rd St.; Ada County Assessor parcel number(s) R2734501334 and R2734501350; LOT 34 & NW'LY 15' OF LOT 33 BLK 4 FAIRVIEW ACRES SUB NO 1 #1347 B and PAR #1334 POR LOT 30 BLK 4 FAIRVIEW ACRES SUB #1 #1336B
5. Legal Lot of Record: Unable to determine for 4290 W. Chinden Blvd.
6. E. 43rd Street is a legal lot of record.
7. The subject property are 0.38 acres and 0.178 acres.

8. The scope of the request applies to the entire property.
9. The project is located in the C-1 Highway commercial and C-2 Mixed-Use Commercial zoning district.
10. The project is located in the Green Boulevard Corridor; Mixed Use Commercial; Activity Node: Neighborhood Destination ; Neighborhood Node: Transit Oriented Development of the Garden City Comprehensive Plan Land Use Designation.
11. The project is in the:
 - a. Parcel # R2734501350 in 500 Year and parcel # R2734501350 partially in 500 Years 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.
12. The existing use on the site is Vacant.
13. 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
14. 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
15. The following previous approvals apply to this proposal:
 - a. None identified;
16. 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

17. Additional application materials submitted include:
- Floor Plans;
 - 300' Neighborhood List;
 - Affidavit of Legal Interest;
 - Application;
 - Statement of Intent.
 - Site Photos;
 - Site Plan;
 - Landscape Plan.
18. Agency Comments were received from:
- North Ada County Fire and Rescue, February 12th, 2026.
 - Garden City Engineer, February 14th, 2026.
 - Idaho Department of Environmental Quality, February 17th, 2026.
 - Idaho Department of Environmental Quality, June 29th, 2026.
 - Idaho Transportation Department, March 6th, 2026.
19. Public comments were received from:
- None
20. The following noticing was completed in accordance with GCC 8-6A-7:

Noticing Requirement	Required Date	Completion Date
Receipt of application		1/27/2026
Letter of Acceptance	2/26/2026	2/10/2026
Radius Notice	3/3/2026	2/10/2026
Legal Notice	2/27/2026	2/12/2026
Agency Notice	3/3/2026	2/9/2026
Property Posting Sign	7/5/2026	06/29/2026
Affidavit of Property Posting and Photos	7/8/2026	07/08/2026

21. Additional noticing includes:
- Second neighborhood meeting notice to correct the error, as the first neighborhood meeting notice was conducted only for the parcel located at 4290 W Chinden Blvd., June 10, 2026;
 - Additional Radius Notice for parcel #R2734501334, February 23rd, 2026
 - Second Agency Notice, June 22, 2026;
 - Second Legal Notice, June 25, 2026;

e. Third Radius Notice, June 25, 2026

22. On July 15, 2026, a public hearing before the Planning and Zoning Commission was held:

a. This section will be completed after the hearing.

23. The record contains:

a. Application Documents

b. Noticing Documents

c. Agency Comments

d. Staff report

e. July 15, 2026, Planning and Zoning Commission Hearing Minutes and Audio

f. Planning and Zoning Commission Signed Findings of Fact, Conclusions of Law and Decision

24. 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**.

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

Finding	Standard
GCC 8-6B-2 CONDITIONAL USE: REQUIRED FINDINGS	
Application is compliant with standard/	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. Explanation of Finding (Reasoned Statement): The applicant is proposing a Service Provider use, which is a permitted use in the C-1 zoning district on the 4290 W. Chinden Boulevard site and a conditionally allowed use in the C-2 zoning district on the E. 43rd Street parcel. The activities occurring on the 43rd Street site are limited to equipment and vehicle storage that support the principal operations at the Chinden site. The surrounding area contains a mix of commercial and service-oriented uses, and the proposed use fits within the existing development pattern. With conditions that limit the extent of outdoor storage, require perimeter landscaping, and ensure proper screening, the use remains compatible with adjacent zoning and uses.

Application is compliant with standard/	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. Explanation of Finding (Reasoned Statement): No new buildings or utility extensions are proposed. Agency comments indicate that required services can support the use as long as standard conditions are met, including addressing stormwater where applicable, submitting any needed fire-related documentation, and complying with ITD and ACHD access requirements. Conditions have been drafted to ensure that any potential impacts from parking layout, circulation, or outdoor storage are mitigated through proper striping, screening, fencing, and site maintenance
Application is compliant with standard/	3. The use will not unreasonably diminish either the health, safety, or welfare of the community. Explanation of Finding (Reasoned Statement): The use does not introduce new construction, hazardous materials, or changes that would create new risks to public health or safety. Conditions requiring the removal of unsafe parking encroachments along Chinden, installation of compliant screening, and improvements to circulation ensure that vehicle and pedestrian conflicts are minimized. Required fencing upgrades and landscaping improvements further reduce any visual or functional impacts of outdoor storage. These conditions, combined with limitations on the extent of allowable storage on the E. 43rd Street site, ensure that the use operates in a safe and orderly manner that does not negatively affect the surrounding community.
Application is compliant with standard/	4. The use is not in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city. Explanation of Finding (Reasoned Statement): 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. 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. In this case, the proposed use demonstrates strong alignment with several goals and land use designations of the Garden City Comprehensive Plan, particularly within the Activity Node, and Green

	Boulevard Corridor designations. The project supports the following goals: Goal 1. Nurture the City • 1.4 Objective: Create a premier destination place to live, work, and recreate. Goal 2. Improve the City Image • 2.2 Objective: Uphold standards for private property maintenance with a focus on nonresidential properties. Goal 12. Evolve as a Destination • 12.1 Objective: Support a positive business environment • 12.2 Objective: Continue to support commercial and industrial land uses. • 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce.
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DECISION

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

POTENTIAL CONDITIONS FOR APPROVAL DECISION

Application Specific Requirements:

Scope of Permit:

1. The scope of this permit is to allow for the use of an accessory Parking Facility for a Service Provider at E 43rd St. So as long E. 43rd Street, assigned Parcel # R2734501334 is coupled with an active Service Provider use located at 4290 W. Chinden Blvd. Should the Service Provider use at 4290 W. Chinden Boulevard cease or no longer be used in conjunction with E 43rd St.; Ada County Assessor parcel number(s) R2734501334 the approval for the use of a Service Provider will cease, and the principle use will be Parking Facility.
2. This decision document is limited to the site on E 43rd Steer parcel # R2734501334 and does not include 4290 W Chinden Blvd. except:
 - a. Nonconforming structures may continue to be occupied, enlarged, repaired, or modified, provided that such actions do not increase the degree of nonconformity.
 - b. The applicant shall restripe the parking lot at 4290 W. Chinden Blvd. if required by ITD to reinforce safe and appropriate driving patterns.

During Construction

1. Construction noise that is disruptive to the neighborhood shall be limited to Monday through Saturday from 7:00 am to 8:00 pm unless residents within 300' and the city have been notified in advance of the specific days which it will be necessary to exceed this limitation.

Prior to Occupancy:

1. Occupancy of the site shall not commence until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.
2. Fire and Environmental Review to complete business compliance verification shall be applied for and approved by Garden City Development Services Department.
3. A public works and utility permit shall be submitted for review and approval of the site work that will be required to bring the site.
4. All chain linked fencing, barbed wire and sheet metal fencing shall be removed and/or replaced with code compliant fencing
 - a. Chain-linked fencing on E 43rd Street shall be removed or replaced with code-compliant fencing.
 - b. If any portion of the fencing does not belong to the owner, an affidavit of non-ownership shall be submitted.
5. Any changes to the irrigation system shall be approved by Fairview Acres.
6. Storage on the E. 43rd Street site must be limited to less than twenty percent (20%) of the total site area to ensure the use does not meet the definition of a Storage Yard, which is prohibited in the C-2 zoning district.
 - a. All equipment must be screened or otherwise concealed from public view using a privacy fence and/or landscaping.
7. Vehicle Parking:
 - a. Because the E. 43rd Street parcel is being used for parking purposes, the site must provide dedicated parking spaces and demonstrate compliance with all applicable parking standards.
 - i. Vehicular parking stall dimensions shall be in compliance with Garden City Code 8-4D-3
 - ii. Internal shade trees shall be provided at a minimum ratio of one tree planted for every five (5) parking spaces supplied.
 - iii. 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.
8. A pathway system shall extend through the development site and connect to public sidewalk on E. 43rd Street.

- a. A pathway shall be a minimum width of four feet (4').
 - b. Pedestrian amenities shall be provided along sidewalks and pathways to support defensible space, crime prevention, pedestrian comfort and accessibility.
 - c. 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.
9. The landscaping shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
- a. A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.
 - i. The applicant is required to install a total of 388 square feet of landscaping.
 - ii. This landscaping may be installed within landscape islands placed between parking stalls.
 - iii. Landscape islands must include internal shade trees at a minimum ratio of one tree for every five (5) parking spaces.
 - b. A minimum of one class II or class III tree shall be planted in the frontage of every adjacent streetside.
 - i. The applicant is required to install a total of 2 class II or III trees, or equivalent within the street frontage.
 - 1. The trees shall not be located in the clear vision triangle.
 - 2. If trees are planned to be planted under or near power lines, Class I trees may be planted according to Idaho Power requirements.
 - c. Type A landscaping is required along south, east, and north property lines.
 - i. The selected plant materials and configurations shall provide horizontal screening of the site feature or adjacent property within six years of installation.
 - ii. The plant variety shall be mix of primarily evergreen trees and shrubs.
 - iii. A perimeter landscaping buffer area shall be at least five feet (5') wide measured from the property line to the interior of the lot.
 - iv. 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
 - v. The applicant shall work with staff to determine the most appropriate location for the required perimeter landscaping, considering existing perimeter landscaping on adjacent properties.
 - d. Type B landscaping is required along parking lot frontage on 43rd Street.
 - i. The selected plant materials may be a mix of deciduous and evergreen varieties

- ii. The required landscaping may be combined with the street-tree requirements to create a continuous green buffer along the existing sidewalk.
- iii. The applicant may incorporate the required filtered landscaping into stormwater swales, provided the swales are vegetated with grass or other appropriate plant materials.
- e. 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.
- f. No evergreen trees shall be planted within any clear vision triangle.

Site Specific Requirements for the Duration of the Use:

1. If the site on E 43rd Street becomes uncoupled from the principal use at 4290 W Chinden Blvd., or if the principal site changes its use, the Service Provider use on E. 43rd Street will cease.
 - a. At that point, a Parking Facility would become the principal use if it is brought into full compliance with all applicable code standards, including parking, landscaping, and internal circulation.
2. No structure, facility, drive lane, parking area, or loading area shall be located adjacent to a residential district.
3. Parking and Access:
 - a. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.
 - b. All surfaces used for parking shall be constructed with paving, vegetative cover or of dustless material.
4. The site shall not be used as vehicle wrecking as herein defined.
5. Site Maintenance:
 - a. All outdoor storage of materials or vehicles shall be maintained in an orderly manner so as not to create a public nuisance.
 - b. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.
6. Outdoor storage areas shall comply with section 8-1C-3, Property Maintenance Standards, of this title.
 - a. Outdoor storage items shall not block sidewalks, driveways, or impede vehicular or pedestrian traffic or parking.
 - b. Outdoor storage areas for nonresidential uses shall be screened from adjacent properties by a solid masonry wall, privacy fence, or an approved landscape buffer. Screening shall not exceed eight feet (8') in height.
 - c. No junk materials, goods, merchandise, or wares may be stored outside where visible from an arterial street.

- d. Outdoor storage is limited to items owned or used by the business.
- e. The property owner shall maintain sidewalks adjacent to the site in good repair and free of hazards, including debris, weeds, cracks, or ice.
- f. Loading zones shall not impede bicycle lanes, multi-use paths, sidewalks, or vehicular travel on public roads.
- g. Non-residential on-street parking is not permitted on a routine basis unless authorized through permit parking.
- h. Loading zones located within fifty feet (50') of a residential use shall not operate between 10:00 p.m. and 7:00 a.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 (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

Date