

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 - 0012
	)	
Conditional Use Permit	)	FINDINGS OF FACT,
5307 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 September 16, 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 Ultimate Heating & Air, Inc.
3. The property owner of record is NORTH GLENWOOD ST WAREHOUSE LLC.
4. The location of the project is 5307 N Glenwood St.; Ada County Assessor parcel number(s) R8179960300; LOT 03 BLK 01 STONEWOOD PARK SUB
5. The property is a legal parcel of record.
6. The subject property is 1.258 acres.
7. The scope of the request applies to the entire property.
8. The project is located in the C-2 Mixed-Use zoning district.

9. The project is located in the Green Boulevard Corridor; 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 Warehouse and storage, wholesale.
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 Street Light Policy
 - c. Garden City Transportation Needs List
14. The following previous approvals apply to this proposal:
 - a. CUPFY2023-0006;
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 Plan;
 - b. 300' Neighborhood List;

- c. Affidavit of Legal Interest;
 - d. Application;
 - e. Site Photos.
17. Agency Comments were received from:
- a. North Ada County Fire and Rescue, August 19th, 2026
 - b. Ada County Highway District, August 19th, 2026
 - c. Garden City Engineer, August 18th, 2026
 - d. Idaho Department of Environmental Quality, August 24th, 2026
18. Public comments were received from:
- a. CUPFY2023-0006
19. The following noticing was completed in accordance with GCC 8-6A-7:

Noticing Requirement	Required Date	Completion Date
Receipt of application		7/31/2026
Letter of Acceptance	8/30/2026	8/17/2026
Radius Notice	8/30/2026	8/24/2026
Legal Notice	9/1/2026	8/24/2026
Agency Notice	8/30/2026	8/17/2026
Property Posting Sign	8/30/2026	8/27/2026
Affidavit of Property Posting and Photos	9/7/2026	9/9/2026 & 09/10/2026

20. Additional noticing includes:
- a. None;
21. On September 16, 2026, 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. September 16, 2026, 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**.

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 proposed Service Provider use is conditionally permitted within the C-2 Mixed-Use zoning district and is compatible with the surrounding commercial, industrial, and service-oriented uses. The site has been developed with an existing warehouse building and adequate parking areas that support the proposed operation.
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): The site is served by existing streets, utilities, sidewalks, and emergency services, and no agency identified deficiencies that would prevent approval of the proposed use. Conditions of approval related to occupancy review, bicycle parking, site maintenance, and screening of site features will ensure that any potential impacts are adequately mitigated.
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 will occupy an existing commercial building without expansion and is not expected to generate impacts beyond those typical of service provider businesses in the area. Compliance with applicable building, fire, property maintenance, and operational requirements, together with the conditions of approval, will help protect the health, safety, and welfare of the 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):

	The proposed use supports Comprehensive Plan Goal 12 by fostering a positive business environment and continuing commercial and industrial activities within an established employment area.
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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 a Service Provider use located at 5307 N. Glenwood Street.
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 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. The ability to serve shall be reviewed and completed.
4. The applicant shall provide a minimum of 16 bicycle parking spaces on site. The bicycle parking dimensions and location shall be in conformance with Garden City Code § 8-4D-5.
 - a. In total, there shall be 20 bicycle parking spaces on site.
 - b. The applicant shall provide proof of the installation of the bicycle parking spaces.
5. 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.
 - a. Prior to the issuance of a certificate of occupancy, the applicant shall either:
 - i. Demonstrate ownership or control of the shared gate and replace all prohibited fencing materials with code-compliant materials; or

- ii. Provide a notarized affidavit of non-ownership establishing that the gate is owned and controlled by the adjacent property owner at 5311 N Glenwood Street.

Site Specific Requirements for the Duration of the Use:

1. Dumpsters located at the terminal must be screened or otherwise concealed from public view when not being serviced by Republic Services.
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.
7. If it is determined that the applicant does not own or control the shared gate and associated fencing, then upon redevelopment of 5307 N Glenwood Street, or upon submission of a future Conditional Use Permit application that includes both 5307 N Glenwood Street and 5311 N Glenwood Street, the shared gate shall be brought into compliance with Section 8-4A-3 of the City Code.
8. If redevelopment occurs on the subject property or an adjacent property and a safe pedestrian connection to the site can be established, the property owner shall provide a pedestrian pathway in accordance with applicable City standards.

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