BEFORE THE GARDEN CITY COUNCIL
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:	)	CPAFY2026-0001
	)	
Development Code Text Amendment	)	FINDINGS OF FACT,
Urban Storage	)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho	)	AND DECISION
	)	

THIS MATTER came before the Garden City Council for consideration on October 26, 2026. The Garden City Council reviewed the application and materials submitted, considered the recommendation of the Planning and Zoning Commission, and considered public testimony. Based on the evidence presented, the Garden City Council makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT

1. The applicant is Jeff Hatch, represented by Abigail R. Germaine of Elam & Burke, Attorneys at Law.

2. The application is to amend the Garden City Code, Title 8, Development Code, Chapter 2B, Section 1, Table of Allowed Uses in All Base Zoning Districts, to add Urban Storage as a conditional use in the Mixed Use Commercial (C-2), Highway Commercial (C-1), and Light Industrial (LI) zoning districts; to add a new Chapter 2C, Section 50 establishing specific land use provisions applicable to an Urban Storage facility; to add a definition of Urban Storage to Chapter 7A, Section 1, Definitions of Uses; to add Urban Storage as a conditional use within the Neighborhood Commercial Node (NCN), Transit-Oriented Development (TOD), and Green Boulevard Corridor (GBC) overlay districts in Table 8-3A-1; and to add Urban Storage to Chapter 4D, Section 5, Table 8-4D-3 (off-street vehicle parking) and Table 8-4D-4 (bicycle parking).

3. The following section of the Garden City Development Code are amended by this proposal:
   a. 8-2A-1: Table of Allowed Uses in All Base Zoning Districts
   b. 8-2B-1 Purpose
   c. 8-2B-2 Allowed Uses
   d. 8-2C: Land Use Provisions
   e. 8-3A-1: Allowed Uses

f. 8-7A-1: Definitions of Uses
g. 8-6A-4, Table 8-6A-2 Required Application Information
h. 8-6A-7, Table 8-6A-3 Public Noticing Requirements
i. 8-7A-2 Definition of Terms

4. The applicant provided the following application information:

Materials Provided Per GCC Table 8-6A-2 Required Application Information			
Provided			
Yes	No	NA	
X			Compliance Statement

5. The following application information were provided in addition to the materials required by GCC Table 8-6A-2:
   a. Application
   b. Proposed changes to current ordinance
   c. Neighborhood meeting documents

6. The application was considered complete, the letter of acceptance was issued to the applicant, and hearing dates were set on March 2, 2026, in accordance with GCC 8-6A-3.

7. The following noticing was completed in accordance with GCC 8-6A-7[1]:

Noticing Requirement	Required Date	Completion Date
Neighborhood Meeting	3/9/2026	3/11/2026[2]
Legal Notice	3/31/2026	3/18/2026
Agency Notice	3/31/2026	3/13/2026
Public Service Announcement	3/31/2026	3/17/2026

   a. As part of the alternative posting allowance, notice was posted at the Garden City Hall, Garden City Police Department, Garden City Library, Quality Art Supply, and Fred Meyer at Glenwood and Chinden on March 17, 2026.
   b. The applicant provided an on-site property posting notice for the Planning and Zoning Hearing.

[1] The noticing was conducted for all hearings and the dates correspond to the first hearing date.
[2] The neighborhood meeting was held in conjunction with associated applications CUPFY2026-0005 & DSRFY2026-0008, following the procedures of the design review application. Staff had noted in the acceptance letter that the neighborhood meeting information was not submitted at the time of application acceptance, giving the applicant until March 23, 2026, to complete the task.

8. The agendas were posted in the Garden City lobby and on the Garden City website in accordance with Idaho Code 74-204.

9. Agency Comments were received from:
    a. Department of Environmental Quality; dated March 24, 2026 & July 27, 2026;
    b. Idaho Transportation Department; dated March 18, 2026;
    c. Garden City Engineer; dated July 21, 2026

10. Written Public Comments were received from:
    a. James Herbert, dated March 13, 2026

11. On April 6, 2026, the Garden City Design Consultants recommended:
    a. No approval or recommendation was made. The consultation was exploratory and advisory in nature.
    b. Ground floor activation should be defined as actual non-storage uses on street-facing frontage, not pedestrian amenities such as bike racks or landscaping. Though those standards should be added too if additional requirements are put in place beyond existing code.
    c. Storage units should be prohibited on the ground floor of any street-facing frontage.
    d. The proposed code should require that buildings be structurally designed to allow for future adaptive reuse, with interior storage partitions that are non-load-bearing.
    e. The amendment should address compatibility with Comprehensive Plan Future Land Use designations and consider whether the use is more appropriate in the Light Industrial zoning district than in C-2.
    f. All subjective standards shall be replaced with objective, enforceable criteria consistent with existing code provisions.
    g. The amendment should cross-reference applicable existing code sections rather than duplicating or conflicting with standards already established in 8-4C, 8-4A-6, 8-4A-4, and 8-2B-4.

12. On April 15, 2026, a public hearing before the Planning and Zoning Commission was held, a summary of the discussion is below:
    a. Chairman, Ryan Montoya, introduced the application.
    b. Abbey Germaine, on behalf of the applicant, presented the application.
    c. Hanna Veal presented the staff report.
    d. Public testimony was heard from:
        i. Brad McGirr, in opposition of the proposed use within Garden City.
    e. Jeff Hatch and Abbey Germaine provided rebuttal:
        i. In preparing this application he analyzed three different site types; a corner lot, an infill slot lot, and a single-access road lot to assess the broader citywide implications of the proposed code.

ii. Expressed a desire to return to the Design Review Consultants to confirm their April 8th responses were adequate before the Commission acted.
iii. Noted that the applicant had previously been directed by the public and City Council to reduce commercial elements from an earlier project iteration to limit traffic, and was now being directed by staff and Design Review to add them back

f. Public testimony was closed.
g. The public hearing was closed for Commission deliberation.
h. Deliberation included:
i. The one-mile exclusion should be removed.
ii. Activation should be required along some portion of the street-facing ground floor, whether measured as a frontage standard or a percentage, but that prohibiting storage on the entire first floor is too restrictive for buildings with large footprints.
iii. Activation requirement could be folded directly into the definition of the use, rather than as a standalone code standard.
iv. Suggested building the distinguishing characteristics directly into the use definition rather than relying solely on standalone standards.
v. The use should be considered in LI and C-1 zoning districts.
vi. Remove or significantly relax the structural flexibility for future conversion to other uses requirement.
i. The public hearing was opened.
j. Commissioner Brown moved to continue the application for two months, to the date of June 17th, to allow the applicant to address outstanding staff concerns and return to the Design Review Consultants for review of the revised proposal.
k. Commissioner Shepard seconded the motion.
l. The motion carried unanimously.

13. On June 17, 2026, a public hearing before the Planning and Zoning Commission was held and continued to the date certain of July 15, 2026.

14. On July 6, 2026, the Garden City Design Consultants recommended:
a. The definition of "Urban Storage" in 8-7A-1 shall be revised to remove design and operational standards, which are more appropriately addressed in 8-2C-50. The definition should identify the use by its distinguishing characteristics only.
b. Section 8-2C-50(B)(1) shall be removed as redundant with Table 8-2B-1.
c. The restated language in 8-2C-50 drawn from 8-2C-37(C) and (F) shall be replaced with a direct cross-reference to both subsections in full. Staff and the applicant disagree on whether 8-2C-37(F) applies to Urban Storage; the Commission is asked to weigh in on this question.
d. The Design Review requirement in 8-2C-50 shall either be removed or rewritten as a mandatory, use-specific requirement modeled on 8-2C-13(B)(11), depending on the applicant's intent.

e. Urban Storage shall be removed from the NCN and TOD overlay districts in Table 8-3A-1. Staff does not find the use compatible with the stated purpose of either overlay. The GBC overlay addition may be retained for Council consideration.

15. On July 15, 2026, a public hearing before the Planning and Zoning Commission was held:
    a. Jeff Hatch presented the application.
    b. Staff, Hanna Veal, presented the staff report.
    c. Public testimony was heard from:
        i. Brad McGirr, opposed as currently drafted, specific objections related to urban storage in TOD, NCN, and GBC overlays and comprehensive plan designations. July 14th late submittals were not received.
    d. Jeff Hatch provided rebuttal, reaffirming agreement with most staff conditions and requesting continued work with staff on the remaining outstanding items.
    e. Public testimony was closed.
    f. Discussion included:
        i. Commissioners were divided on whether urban storage is compatible with the TOD, NCN, and GBC comprehensive plan designations and overlays – some viewed it as inconsistent with the comprehensive plan's vision for those areas, while others viewed it as a needed amenity as available land becomes scarcer.
        ii. Consensus to eliminate the 1,000ft separation requirement as drafted, viewed by the majority as creating a monopoly rather than serving a valid planning purpose.
        iii. The Commission noted that the July 14th late exhibit had not been available for review in advance of the hearing, which was a key factor in continuing the application.
        iv. Most conditions as drafted in the decision recommendation are acceptable with the exception of:
            1. #5, regarding the self-storage code cross-references restricting dwellings and enterprise/manufacturing uses, shall be revised to clearly distinguish urban storage from traditional self-storage; applicant to work with staff.
            2. #8, regarding standards for urban storage within the TOD and NCN overlay districts, needs to be reworded to align with the Comprehensive Plan's vision for those districts; applicant to work with staff.
    g. Commissioner Brown moved to continue to a date certain of August 19, 2026.
    h. Commissioner Bickerton seconded the motion.
    i. The motion carried unanimously.

16. On August 19, 2026, a public hearing before the Planning and Zoning Commission was held:
    a. Jeff Hatch presented the application, focusing on the two remaining items from the staff report: overlay-specific standards and the self-storage cross-reference.
    b. Staff Hanna Veal presented the staff report.
    c. No public testimony was heard.
    d. The applicant provided rebuttal expressing agreement with the drafted conditions.
    e. Public testimony was closed.
    f. Discussion included:
        i. Concern that the use is not compatible with the Comprehensive Plan and that increasingly elaborate standards are being layered on to make an incompatible use fit; a companion Comprehensive Plan amendment would be the appropriate path if Council wishes to allow the use.
        ii. Recognition that the code changes themselves are well drafted and that the applicant worked closely with staff; support was expressed for the amendments should Council pursue a Comprehensive Plan amendment.
    g. Commissioner Smith moved to recommend denial of the application to City Council based on the inability to make the required finding of compatibility with the Comprehensive Plan, with a note that the Commission supports the code changes themselves should Council wish to revisit the Comprehensive Plan.
    h. Commissioner Bickerton seconded the motion.
    i. The motion passed on a 2/1 vote with Commissioner Brown dissenting.

17. On September 14, 2026, a public hearing before the City Council was held and continued to the date certain of September 28, 2026, due to noticing errors.

18. On September 28, 2026, a public hearing before the City Council was held and continued to the date certain of October 26, 2026, per the applicant's request.

19. On October 26, 2026, a public hearing before the Garden City Council was held:
    a. This section will be completed after the hearing.

20. The record contains:
    a. Application and application materials
    b. Noticing Documents
    c. Agency Comments
    d. Public Comments
    e. Staff Report
    f. Staff Memorandum to City Council
    g. Planning and Zoning Commission Recommendation
    h. April 6, 2026, Design Review Consultants Minutes and Audio
    i. July 6, 2026, Design Review Consultants Minutes and Audio

j. April 15, 2026, Planning and Zoning Commission Minutes and Audio
k. June 17, 2026, Planning and Zoning Commission Minutes and Audio
l. July 15, 2026, Planning and Zoning Commission Minutes and Audio
m. August 19, 2026, Planning and Zoning Commission Minutes and Audio
n. October 26, 2026, City Council Minutes and Audio
o. Signed Findings of Fact, Conclusions of Law and Decision
p. Ordinance 1070-26

21. In consideration of a development code amendment the following findings are required:

The draft findings are written based on the recommendations from the Planning and Zoning Commission. The City Council will review all evidence, and the draft findings may be updated based on their review and consideration.			
GCC 8-6B-5 DEVELOPMENT CODE AMENDMENT: REQUIRED FINDINGS			
Conclusion			
Compliant	Not Applicable to this Application	Not Compliant	Standard
		X	**Finding 1:** The text amendment complies with the applicable provisions of the comprehensive plan.
			Reasoned Statement Explanation: The text amendment, as currently drafted, does not comply with the applicable provisions of the Garden City Comprehensive Plan. The Comprehensive Plan's Future Land Use Map designates portions of the C-1, C-2, and LI zoning districts as Activity Nodes, Transit-Oriented Development Nodes, the Main Street Corridor, the Green Boulevard Corridor, the Live-Work-Create District, Mixed Use Commercial and Mixed Use Residential, each carrying distinct land use objectives that emphasize active, pedestrian-oriented, destination-generating uses. While the applicant has narrowed several deficiencies since April 15, 2026, the amendment as drafted would add Urban Storage as a conditional use within the NCN, TOD, and GBC

			overlay districts in Table 8-3A-1. Urban Storage does not advance the land use objectives established for these designations and presents significant compatibility concerns, particularly within Activity Node and Transit-Oriented Development Node areas where the Comprehensive Plan calls for a mix of uses including higher density residential, retail, office, research, and public uses. The amendment conflicts with Goals and Objectives 1.4 Create a premier destination place to live, work, and recreate, 3.2 Create public gathering places at multiple locations throughout the city, 10.4 Designate locations in proximity to existing and future transit stops throughout the city that serve as activity centers, 10.5 Create a Main Street corridor with commercial nodes as designated on the Land Use Map, and 12.3 Create a premier destination for work, recreation, entertainment, culture, and commerce, of the Comprehensive Plan.
		X	**Finding 2**: The text amendment shall not be materially detrimental to the public health, safety, and welfare;
			Reasoned Statement Explanation — Redlined revision for City Council consideration (reflecting the record as of the September 28, 2026, hearing): *[Drafting note: The redline below conforms Finding 2 to the current record so that, if Council upholds the denial, the reasoned statement rests on legally sound and current grounds. Strike-through text is removed; underlined text is added.]* The text amendment, as currently drafted, is materially detrimental to the public health, safety, and welfare. ~~The proposed code language fails to provide~~

			~~the objective, measurable, and enforceable standards necessary to ensure that Urban Storage is developed and administered in a manner that protects adjacent property owners, the surrounding community, and the orderly administration of the Development Code.~~ Although the draft ordinance now provides objective and enforceable standards, including the Comprehensive Plan Designation Specific Standards of § 8-2C-50(D) and the cross-reference to § 8-2C-37 established in § 8-2C-50(E)(2), those standards do not cure the underlying incompatibility of the use with the Comprehensive Plan. ~~The overlay-specific standards for the NCN, TOD, and GBC designations, and the scope of the cross-reference to the standards of 8-2C-37, remain the subject of ongoing discussion between Staff and the applicant. The applicant submitted revised code language on July 14, 2026, which Staff has reviewed and finds does not yet adequately resolve these items; in particular, the overlay-specific standards remain insufficient to demonstrate compatibility with the Comprehensive Plan's vision for the affected designations, and Staff and the applicant continue to disagree on the appropriate cross-reference to 8-2C-37. As reflected in the conditions herein, the applicant shall continue to work with Staff to revise this language. Until the record reflects revised code language resolving these items, the amendment does not provide the clear, objective, and consistently enforceable standards necessary to support a finding that Urban Storage, as currently drafted, will not be materially detrimental to the public health, safety, and welfare of the community.~~ Because the Comprehensive Plan Designation Specific Standards apply the

			same objectives the Commission found the use unable to satisfy under Finding 1, layering these standards onto the use does not make the use compatible with the designations. Absent a Comprehensive Plan basis for the use in the Activity Node, Transit-Oriented Development Node, and related designations, the amendment continues to authorize a use materially inconsistent with the objectives those designations establish, and is therefore materially detrimental to the orderly administration of Garden City Development Code and the surrounding community.
X			**Finding 3**: The text amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city;
			Reasoned Statement Explanation: There is no identified adverse effect upon the delivery of public services within the city as a result of this amendment.

22. The record was reviewed by the City Council in its entirety to render this decision.

CONCLUSIONS OF LAW

The City Council reviewed the application with regard to Garden City Code, Title 8, and based on the findings required herein, concludes the application **does not meet** the standards of approval under GCC 8-6B-5 Development Code Amendment.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Garden City Council hereby **DENIES** the application, subject to the following conditions:

CONDITIONS FOR DENIAL

1. 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.

ACTION THE APPLICANT COULD TAKE TO OBTAIN APPROVAL

The primary basis for denial is that the proposal does not comply with the Comprehensive Plan. Therefore, an amendment that is revised to achieve consistency with the Comprehensive Plan, or if the Comprehensive Plan is revised to achieve consistency, this request may be eligible for future approval.

10/26/2026

Mayor, William L. Jacobs Date

DRAFT