



DEVELOPMENT SERVICES DEPARTMENT

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To: City Council
From: Jenah Thornborrow, Development Services Director
Subject: CUPFY2021-0005 & DSRFY2021-0007 Extension Request
Date: For March 14, 2022, City Council Meeting

Request

Extension of files CUPFY2021-0005 Conditional Use Permit (CUP) for the expansion of a service provider use. This is not a public hearing.

Background

The Conditional Use Permit, file number CUPFY2021-0005 for an expansion of a service provider use located at 4980 Bradley Street was approved by the Planning and Zoning Commission on March 17, 2021.

The associated Design Review application, file number, DSRFY2021-0007 has not been approved. The initial proposal was substantial enough to trigger certain improvements that are not desired by the applicant's client. On June 7, 2021, the design review application was continued indefinitely. This was to provide the applicant an opportunity to revise the proposed modifications.

Noted Cause for Extension Request

The applicant has noted the cause for the extension request as:

1. No change of use is being proposed to the approved Conditional Use Permit;
2. The applicant is reviewing the alternatives to comply with codes related to the design of the project.

Staff Analysis

Upon review of the file materials, the staff concludes that:

1. The application and/or applicable city regulations have not changed; and
2. There has been no major change in the plans or policies that would affect the compatibility of the project; and
3. The staff has not visited the site to perform inspections of code compliance. However, there is no known current code violation.

Pertinent Code

GARDEN CITY CODE 8-6A-8 EXPIRATION OF APPROVALS:

A. All application approvals shall expire three hundred sixty-five (365) days from the date of approval unless:

1. The city issues a building permit for the proposed improvement, development, or use prior to the expiration of the three hundred sixty-five (365) day period;
or

2. By condition of approval or development agreement, a time period for completion of the application has been specified; or
3. A certificate of compliance has been issued; or
4. The final plat of a subdivision approval is recorded with Ada County; or otherwise defined by section [8-5B-6](#) of this title.

B. City Council may allow for an extension of not more than three hundred sixty-five (365) days provided that they find:

1. Good cause for the request; and
2. The application and/or applicable city regulations have not changed; and
3. There has been no major change in the neighborhood, plans, or policies that would affect the compatibility of the project; and
4. The subject property is compliant and has been compliant, or actively pursuing compliance with all city, state, and federal codes and laws since the date of application; and
5. It is determined by the City Council that it is in Garden City's best interest to grant the extension.
6. A request for an extension is no guarantee that the extension will be granted.

Attachments

- Extension Request
- Draft potential City Council Decision

[Linked record documents](#)

February 7, 2022

City of Garden City
Development Services
6015 Glenwood Street
Garden City, ID 83714

Re: Western Heating & Air Conditioning Storage/Warehouse Addition
4980 North Bradley Street
Garden City, Idaho
Project No. 20046.000/Conditional Use Permit No. CUPFY2021-0005
Design Review No. DSRFY2021-0007

To Whom It May Concern,

This letter is to request an extension to CUPFY2021-005 approved on March 17, 2021, for Western Heating and Air Conditioning at 4980 Bradley Street. This CUP is associated with Design Review application DSRFY2021-007.

A hearing was held on June 7, 2021, and it was moved and agreed upon by the Design Review Committee to continue the Design Review (DR) application to an undetermined date. This decision provided opportunity for the applicant to review the design and study alternatives to comply with Garden City Codes, staff recommendations and the DR Committee's critiques. During the review process it was determined to reduce the size of the building addition to less than 25% of the existing footprint, which would exempt it from portions of the Garden City Code Title 8 development code. This reduction in size would ease some of the substantial modifications that would otherwise be required. The proposed revisions to the building design eliminate the second story, does not affect the originally proposed footprint of the building and does not cause any significant changes to the site. No change of use is being proposed to the approved Conditional Use Permit CUPFY2021-005.

Your consideration to approve the extension of CUPFY2021-005 is appreciated.

Sincerely,

CSHQA, Inc.



Joe V. Turner
Project Manager

JT:rt

Enclosure: Fee payment

BEFORE THE 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:)	CUPFY2021-0005
)	
Extension Request)	FINDINGS OF FACT,
Address: 4980 Bradley Street)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho)	AND DECISION
_____)	

THIS MATTER came before the Garden City Council for consideration on March 14, 2021. The City Council reviewed the request. Based on the evidence presented, pursuant to Garden City Code § 8-6-A-8, the City Council makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT

1. The requestor is Joe Turner with CSHQA.
2. The property owner is Western HVAC Properties LLC.
3. The location of the project is:
 - a. 4980 Bradley Street; Ada County Assessor parcel number(s) R1057230075. Described as: LOT 8 BLK 2 BRADLEY FIELD BUSINESS PARK SUB #96029406;
 - b. N. Bradley Street; Ada County Assessor parcel number(s) R1057230070. Described as: LOT 7 BLK 2 BRADLEY FIELD BUSINESS PARK SUB;
 - c. N. Bradley Street; Ada County Assessor parcel number(s) R1057230065. Described as: LOT 6 BLK 2 BRADLEY FIELD BUSINESS PARK SUB;
 - d. N. Bradley Street; Ada County Assessor parcel number(s) S0631244425. Described as: PAR #4425 OF SE4NW4 SEC 31 4N 2E #212450 B;
4. Conditional Use Permit, file, CUPFY2021-0005 was approved March 17, 2021, for an expansion 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."

5. The approval of CUPFY2021-0005 is valid until March 17, 2022.
6. The associated design review application, file DSRFY2021-0007 was submitted on February 4, 2021. This design review application has not been approved.
7. On February 7, 2022, the applicant requested an extension of the file CUPFY2021-0005 in writing noting:
 - a. No change of use is being proposed to the approved Conditional Use Permit;
 - b. The applicant is reviewing the alternatives to comply with codes related to the design of the project.
8. The City Council considered request on **March 14, 2022.**
9. The record contains:
 - a. Applicant request
 - b. Staff memorandum
 - c. Record files
10. The following standards in the Garden City Code apply to this proposal:

Standards	Compliant	Conclusions
<p>GCC 8-6A-8 Expiration of Approvals</p>	<p>Yes/ No/ N/A</p>	<p>1. Good Cause exists for the request:</p> <p>Explanation: Good cause does exist in that the request will provide the applicant time to identify a code-compliant design that is suitable for the applicant's needs and desires.</p> <p>Or</p> <p>Explanation: Good cause does not exist for the request. The design code is the same as when the applicant applied for the conditional use permit application. There has been adequate time to provide a suitable design.</p>

	<p>2. The application and or applicable city regulations have not changed.</p> <p><u>Explanation:</u> Regulations relevant to this application have not changed.</p> <p>Or</p> <p><u>Explanation:</u> Needs to be articulated.</p> <p>3. There has not been a change in the neighborhood, plans, or policies that affect the compatibility of the project:</p> <p><u>Explanation:</u> There has been no major change in the plans or policies that would affect the compatibility of the project.</p> <p>Or</p> <p><u>Explanation:</u> Needs to be articulated.</p> <p>4. The property appears to be compliant with codes and laws:</p> <p><u>Explanation:</u> There has been no inspection of the property for code compliance. However, there are no code violations currently known to the City.</p> <p>Or</p> <p><u>Explanation:</u> The property is not compliant with codes and laws: site codes or statutes.</p>
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		<p>5. It is in the City's best interest to grant the extension:</p> <p><u>Explanation:</u> It is in the City's best interest to grant the extension as the applicant is working towards a code-compliant project.</p> <p>Or</p> <p><u>Explanation:</u> It is not in the City's best interest to grant the extension as there is no good cause for the request.</p>
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11. Per **GCC 8-6A-8** A request for an extension is no guarantee that the extension will be granted.

CONCLUSIONS OF LAW

The City Council reviewed the application with regard to Garden City Code, Title 8, and concludes the application **does/ does not** meet the standards of approval under G.C.C. § 8-6A-8.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Garden City Council does hereby **Approve/ Deny** this request for an extension of the building permit.

1. Application file number CUPFY2021-0005 has been extended to March 17, 2023.
2. Final decisions may be subject to judicial review pursuant to the Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code.
3. A takings analysis pursuant to Idaho Code may be requested on certain final decisions.

Mayor, John G. Evans

Date