

BEFORE THE CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO

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</p>	<p>1. Good Cause exists for the request:</p> <p><u>Explanation:</u> 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>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>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>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>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>
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11. Per **GCC 8-6A-8** A request for an extension is no guarantee that the extension will be granted.

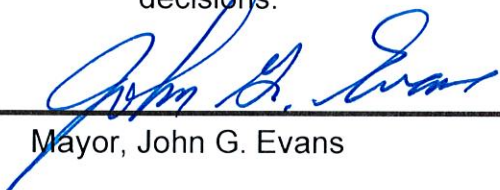
CONCLUSIONS OF LAW

The City Council reviewed the application with regard to Garden City Code, Title 8, and concludes the application **does** 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** this request for an extension of the building permit.

1. Final decisions may be subject to judicial review pursuant to the Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code.
2. A takings analysis pursuant to Idaho Code may be requested on certain final decisions.



 Mayor, John G. Evans

3-15-22

 Date

