

BEFORE THE CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO

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|-------------------------------------|---|--------------------|
| In the Matter of: |) | CUPFY2023-0004 |
| |) | |
| Extension Request |) | FINDINGS OF FACT, |
| 315 E. 34th Street 3388 Kahuna Lane |) | CONCLUSIONS OF LAW |
| Garden City, Ada County, Idaho |) | AND DECISION |
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THIS MATTER came before the Garden City Council for consideration on March 11, 2024. 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 Michael Slavin with Casino Beach, LLC.
2. The property owner is Casino Beach, LLC.
3. The location of the project is 315 E. 34th Street and 3388 Kahuna Lane; Lots 1 & 3 Block 2 Casino Beach Subdivision, tax parcels R1311350400 & R1311350440¹.
4. Conditional Use Permit, file, CUPFY2023-0004 was approved February 15, 2023, for the use of Lodging defined by Garden City Code 8-7A-1 as “The use of a site providing visitors or overnight accommodations, including sleeping rooms, sanitary facilities, guest registration, and lobby areas. The term “lodging” shall include motels, hotels, and inns. The decision was signed February 15, 2023. The approval was valid for one year.
5. On January 22, 2024, the applicant requested an extension of the Conditional Use Permit file CUPFY2023-0004 in writing noting:
 - a. Plat map design, approval, and subsequent construction drawing permitting have taken longer than anticipated - due to unprecedented growth (in the Treasure Valley) and resulting demand on city and county resources.

¹ This application was initially submitted under the parcels that compose Casino Beach subdivision prior to the subdivision being subdivided: a) 300 E. 34th Street; Ada County Parcel Number R2734540550; described as LOTS 1/2 BLK 3 FAIRVIEW ACRES SUB NO 5; b) 303 E. 34TH Street; Ada County Parcel Number c) 304 E. 34th Street; Ada County Parcel Number R2734540570; Described as LOT 3 BLK 30 FAIRVIEW ACRES SUB NO 5 d) 310 E. 34th Street; Ada County Parcel Number R2734540584; Described as LOT 4 & 5 BLK 30 FAIRVIEW ACRES SUB NO 5 e) 318 E. 34th Street; Ada County Parcel Number R2734540586; Described as LOT 6 BLK 30 FAIRVIEW ACRES SUB NO 5 f) 3342 N. Carr Street; Ada County Parcel Number R2734541520; Described as LOTS 33/34 BLK 35 FAIRVIEW ACRES SUB NO 5 g) E. 34th Street; Ada County Parcel Number R2734540587; Described as LOT 7 BLK 30 FAIRVIEW ACRES SUB NO 5

- 6. The record contains:
 - a. Written request.
 - b. Record materials for CUPFY2023-0004.

7. 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 there has been a delay due to plat map design, approval, and subsequent construction drawing permitting taking longer than anticipated due to unprecedented growth in the Treasure Valley, which has resulted in demand on city and county resources.</p> <p>2. The application and or applicable city regulations have not changed.</p> <p><u>Explanation:</u> There have been changes to applicable city regulations. These include changes to GCC 8-6B-3 Design Review, and GCC 8-4D Parking and Off-Street Loading Provisions. Notably, the application is not in compliance with the standards set forth in GCC 8-4D-5 Required Number of Off-Street Parking Spaces. The extension request references the parking study that was conducted for the Casino Beach Subdivision to demonstrate compliance with GCC 8-4D via the provisions of GCC 8-6A-6 Standards for Equivalent Parking Adjustments. This parking study is adequate to render findings in the affirmative of GCC 8-6A-6.B Required Findings for Approval of a Parking Adjustment.</p> |

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| | | <p>Moreover, the city regulations have changed but the application has not changed, therefore this requirement is met.</p> <p>3. There has not been change in the neighborhood, plans or policies that affect the compatibility of the project:</p> <p><u>Explanation:</u> There has not been change in the neighborhood, plans or policies that 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 are no current open code enforcement cases at the subject property.</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 it is an application as the application meets all other required findings.</p> |
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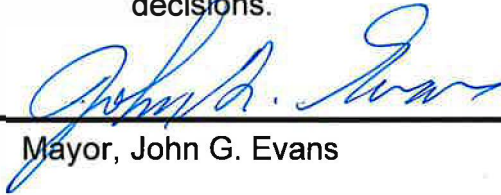
CONCLUSIONS OF LAW

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. § 8-6-A.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. This approval is for a **one-year** extension to February 15, 2025.
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

March 11, 2024

Date