

		<p>Good cause for the request exists. The approval included a phased approach. Phase II includes the construction of a new building. This extension will ensure that the project can complete phase II. In conjunction with phase II the other outstanding physical improvements will be completed.</p> <p>Not In Compliance Good cause does not exist for the request. There are not extenuating circumstances identified that have been identified that warrant an extension.</p> <p>2. The application and or applicable city regulations have not changed.</p> <p>Explanation: The applicable city regulations have not changed.</p> <p>3. There has not been change in the neighborhood, plans or policies that affect the compatibility of the project:</p> <p>Explanation: In Compliance There has not been change in the neighborhood, plans or policies that affect the compatibility of the project.</p> <p>Not In Compliance Provide explanation as to how the neighborhood has changed.</p> <p>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:</p> <p>Explanation:</p>
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		<p>Not In Compliance There have been several violations identified. The application was a result in code enforcement interaction related to the occupancy of the site without the required conditional use permit. Since then, the applicant has been occupying the site without obtaining the required occupancy approvals regardless of the Planning and Zoning Commission's allowance for a phased approach that would provide time for the site to be occupied while improvements are made. Furthermore, there have been interactions with code enforcement related to the equipment booms and lifts being extended, which is specifically prohibited in the conditional use permit. Moreover, there has been additional work done without a permit for which there were additional code enforcement interactions.</p> <p>In Compliance This extension will provide time for this application to become compliant with the conditions of approval.</p> <p>5. It is in the City's best interest to grant the extension:</p> <p>Explanation: In Compliance It is in the City's best interest to grant the extension.</p> <p>Not In Compliance It is not in the City's best interest to grant the extension as there has been continual non-compliance with</p>
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		code and provisions of the approvals.
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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/ does not** 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/ Deny** this request for an extension of the building permit.

1. This approval is for a one-year extension to May 19, 2023.
2. If all conditions of approval for conditional use permit CUPFY2021-0010 are not completed by May 19, 2023, the conditional use permit approval will be nullified.
3. Final decisions may be subject to judicial review pursuant to the Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code.
4. A takings analysis pursuant to Idaho Code may be requested on certain final decisions.

Mayor, John G. Evans

Date