

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:)	DSRFY2021-0011
)	
Extension Request)	FINDINGS OF FACT,
Address: 208 E. 33 rd Street)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho)	AND DECISION
_____)	

THIS MATTER came before the Garden City Council for consideration on **May 13, 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 Jason Jones with Wee Boise, Inc.
2. The property owner of record is Wee Boise, Inc.
3. The location of the project is 208 E. 33rd Street; Ada County Assessor parcel number(s) R2734541364.
4. The application was approved on April 5, 2021.
5. The City Council upheld the approval on May 10, 2021.
6. A one-year extension was granted on April 24, 2022, to May 10, 2023.
7. A second one-year extension was granted on April 24, 2023.
8. This request was submitted in writing on March 26, 2024.
9. The City Council considered this extension request on April 22, 2024, and continued their decision to a date certain of May 13, 2024 to provide adequate time for revised documentation to be submitted.
10. The City Council made an action on this request on **May 13, 2024**.

11. The record contains:
 - a. Applicant request.
 - b. Record documents for DSRFY2021-0021

12. The following standards in the Garden City Code apply to this proposal:

Potential conclusions have been drafted in the affirmative and in disaffirmance. The Council may agree with one or the other of the conclusions or may find a different conclusion. These conclusions of law are not predetermined.

Even one reasoned statement that is not affirming will result in a conclusion that the application does not meet the required standards.

Should the Council approve this request on the consent agenda, the decision will reflect the reasoned statements in the affirmative as drafted.

STANDARDS: GCC 8-6A-8 EXPIRATION OF APPROVALS	CONCLUSIONS	REASONED STATEMENTS
<ol style="list-style-type: none"> 1. Good Cause exists for the request. 2. The application and or applicable regulations have not changed. 3. There has not been change in the neighborhood, plans or policies that affect the compatibility of the project. 4. The property is compliant and has been compliant, or actively pursuing compliance with all city, state, and federal with codes and laws since the date of approval. 5. It is in the City's best interest to grant the extension. 	<p>The request meets the standards.</p> <p>OR</p> <p>The request does not meet the standards.</p>	<p>1. Good Cause exists for the request:</p> <p><u>Explanation:</u> AFFIRMING STATEMENT Good cause for the request exists.</p> <p>This application has been delayed because of problems addressing stormwater retention, specifically in the right of way, as ACHD does not have a standard solution. The first solution that was proposed was denied by ACHD and their suggested solution was not compatible with Building Code. The applicant is currently in the process of seeking a solution that meets building code that ACHD will approve.</p> <p>DISAFFIRMING STATEMENT Good cause does not exist for the request. There are not extenuating circumstances that</p>

		<p>have been identified by the request that warrant a third extension.</p> <p>2. The application and or applicable regulations have not changed.</p> <p>Explanation: AFFIRMING and DISAFFIRMING STATEMENT 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.</p> <p>While there have been changes to applicable city regulations, there have not been changes to the application. 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>Explanation: AFFIRMING STATEMENT There has not been change in the neighborhood, plans or policies that affect the compatibility of the project.</p> <p>DISAFFIRMING STATEMENT The neighborhood continues to redevelop, which produces a strain on available public parking.</p> <p>4. The property is compliant and has been compliant, or actively</p>
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		<p>pursuing compliance with all city, state, and federal with codes and laws since the date of approval:</p> <p>Explanation: AFFIRMING and DISAFFIRMING STATEMENT There are no current known code compliance violations at the property.</p> <p>5. It is in the City's best interest to grant the extension:</p> <p>Explanation: AFFIRMING STATEMENT It is in the City's best interest to grant the extension. The city is still promoting the Live-Work Neighborhood, and this project brings a Live-Work project to the neighborhood.</p> <p>DISAFFIRMING STATEMENT The project has not been able to demonstrate its ability to advance within a reasonable timeframe. This is the third one-year extension request. The application was approved utilizing a code that has been repealed. The application is not compliant with the current code. The application only provides 33% of the parking that would now be required.</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/ 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 10, 2025.
2. For approval of this project, a new application compliant with code must be submitted.
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.

April 22, 2024

Mayor, John G. Evans

Date