



DEVELOPMENT SERVICES DEPARTMENT

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www.gardencityidaho.govoffice

To: City Council
From: Jenah Thornborrow, Development Services Director
Subject: CUPFY2022-0012 Extension Request
Date: For March 27, 2023, City Council Meeting

Request

Extension of Conditional Use Permit CUPFY2022-0012.

This is not a public hearing. If discussion is needed, this item may be removed from the consent agenda. If this item is approved as part of the Consent Agenda, it is understood that the request for extension is to be approved as drafted in the potential decision document provided in the City Council's packet.

Background

Conditional Use Permit CUPFY2022-0012 located at 8529 W State St. was approved by the Planning and Zoning Commission on April 20, 2022.

Noted Cause for Request

The city received a one-year extension request for the above noted condition of approval on March 10, 2023.

1. They are working through issues with the way that sidewalks and lanscpe buffer will impact our current property layout.

Staff Analysis

Upon review of the file materials, staff concludes that:

1. The application and/or applicable city regulations have not changed in such a way that affect this application; and
2. There has been no major change in the plans or policies that would affect the compatibility of the project; and
3. Aside from not having the fence in place, 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.

Pertinent Code

GCC 8-6A-8 Expiration of Approvals

CUPFY2022-0012 Conditional Use Permit – Equipment Rental

A. All application approvals shall expire one (1) year from the date of approval, unless otherwise specified by this code or:

1. The city issues a building permit for the proposed improvement, development, or use prior to the expiration of the one (1) year; 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 one (1) year; provided:

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.

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 [CUPFY2022-0012](#)

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:)	CUPFY2022-0012
)	
Second Extension Request)	FINDINGS OF FACT,
Address: 8529 W State St.)	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 applicant is Chase Hiday.
2. The property owner of record is Gunner, LLC
3. The location of the project is 8529 W State St.; Ada County Assessor parcel number(s) R8123251888; PAR #1888 NEAR CTR OF LOT 11 STEINS SUB R/S 5363
4. Conditional Use Permit, file, CUPFY2022-0012 was approved April 20, 2022, for the use of Equipment Rental, Sale, and Service defined by Garden City Code 8-7A-1 as “The use of a site for the sale, rental or servicing of tools, trucks, tractors, construction equipment, agricultural implements, or similar industrial equipment.” This approval is valid for one year.
5. The City Council approved an extension on March 27, 2023.
6. On April 26, 2024, a formal extension request, for a second extension request was submitted in writing noting:
 - a. Acquiring the property next door helped solve some of the issues we were running into with the sidewalks. We acquired the property in December, we have designed the sidewalk for both property frontages and are getting them approved through ITD. They are scheduled to be installed in June.

- 7. The record contains:
 - a. Written request.
 - b. Record materials for CUPFY2022-0012.

8. 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.

Standards	Compliant	Conclusions
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<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: AFFIRMING Good Cause does exist in that the applicant has been working toward sidewalk compliance. The sidewalks are scheduled to be installed in June 2024.</p> <p>Or</p> <p>DISAFFIRMING Good Cause for the request has not been demonstrated as one year was an adequate amount of time. The applicant has already had two years to install the sidewalks.</p> <p>2. The application and or applicable city regulations have not changed.</p> <p>Explanation: AFFIRMING or DISAFFIRMING</p> <p>There have been changes to Title 8. However, the changes do not affect the standards that apply to this application.</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 There has not been change in the</p>
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		<p>neighborhood, plans, or policies that affect the compatibility of the project.</p> <p>Or</p> <p>DISAFFIRMING The application has become incompatible with the neighborhood because: cite reasons.</p> <p>4. The property appears to be compliant with codes and laws:</p> <p><u>Explanation:</u> AFFIRMING or DISAFFIRMING The applicant is attempting to make their property conforming by this extension request.</p> <p>DISAFFIRMING The request is not timely. An extension request is not appropriate. The applicant should have requested an amendment to their conditions of approval.</p> <p>5. It is in the City's best interest to grant the extension:</p> <p><u>Explanation:</u> AFFIRMING It is in the City's best interest to grant the extension.</p> <p>Or</p> <p>DISAFFIRMING It is not in the City's best interest to grant the extension, because: cite reasons.</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 **April 22, 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.

May 13, 2024

Mayor, John G. Evans

Date



EXTENSION REQUEST	
Request Date: <u>4/26/24</u>	Rec'd by: <u>(signature)</u>
FOR OFFICE USE ONLY	

6015 Glenwood Street ▪ Garden City, ID 83714 ▪ 208.472.2921
 ▪ www.gardencityidaho.org ▪ building@gardencityidaho.org

APPLICANT	PROPERTY OWNER
Name: Chase Hiday	Name: Dean Pollman
Company: Boise Box LLC	Company: Gunner LLC
Address: 8529 West State St	Address: PO Box 2176
City: Garden City	City: Tualatin
State: Idaho Zip: 83714	State: Oregon Zip: 97062
Tel.: 5032778568	Tel.: 9712242244
E-mail: chase@storebluebox.com	E-mail: JanetM@gunnerllc.com

PROPERTY AND VARIANCE REQUEST INFORMATION

Project Name: Cupfy2022-0012

File Number: _____

Date of Approval: April 20, 2022 **Date of Expiration:** April 27th 2024

Site address: 8529 West State St Garden City Idaho 83714

Please cause and or how circumstances beyond the control of the applicant have prevented the action from being taken: By acquiring the property next door helped solve some of the issues were running into with the side walks. We acquired the property in December we have designed the sidewalk for both property frontages and are getting them approved through ITD, we are scheduled for sidewalks to be put in June.

Has this application or city regulations changed since approval? ___ Yes No, if yes please explain:

Has there been any major change in the neighborhood, plans, or policies that would affect the compatibility of the project? ___ Yes No, if yes please explain:

Is the subject property compliant, been compliant, or actively pursuing compliance with all city, state and federal codes and laws since the date of application? ___ Yes No, if yes please explain:

Why is it in the city's best interest to grant this extension? Please explain:
 We just need a few months because the company we have chosen todo the work can not get the sidewalks in until June.

(Signature)
 Signature of the Applicant (date)