



DEVELOPMENT SERVICES DEPARTMENT

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To: City Council
From: Jenah Thornborrow, Development Services Director
Subject: SUBFY2021-0004 Ninety Five Fifty Five State Condominiums Extension Request
Date: For April 25, 2022, City Council Meeting

Request

Extension of subdivision: SUBFY2021-0004 Ninety Five Fifty Five State Condominiums Plat. This is not a public hearing.

Background

Ninety Five Fifty Five State Condominiums Plat, file SUBFY2021-0004, located at 9557 State Street was approved by City Council on February 8, 2021, by the City Council.

Noted Cause for Request

The city received a retroactive one-year extension request in writing on March 25, 2022, noting cause related to:

1. A subdivision name discrepancy was noted, which necessitated starting the project over.
2. Several of the coordination items have had delays.

Staff Analysis

Upon review of the file materials, staff concludes that:

- The application and/or applicable city regulations have not changed; and
- There has been no major change in the plans or policies that would affect the compatibility of the project; and
- There have not been compliance violations identified at the subject property. It is presumed that the 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. It should be noted that there has been no formal investigation or inspection to validate this conclusion.

Pertinent Code

Below are the current sections of pertinent code.

GCC Title 8, Chapter 5, Article B, Section 6 Term of [Subdivision] Permits:

A. Failure To Submit Final Subdivision: Approval of a preliminary subdivision and combined preliminary and final subdivision shall become null and void if a final subdivision has not been signed by the city clerk and engineer within one year of the approval of the preliminary subdivision, or one year of the combined preliminary and final subdivision unless an extension or phasing plan is approved by City Council.

GCC Title 8, Chapter 6, Article A, Section 8 Expiration of Approvals:

A. All application approvals shall expire three hundred sixty-five (365) days from the date of approval unless:

- 1) the city issues a building permit for the proposed improvement, development, or use prior to the expiration of the three hundred sixty-five (365) day period; 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 three hundred sixty-five (365) days provided that they find:

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.
6. A request for an extension is no guarantee that the extension will be granted.

Linked Record Documents: [Linked record documents](#)

Attached Documents:

- Extension Request
- Draft potential City Council Decision