



DEVELOPMENT SERVICES DEPARTMENT

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To: City Council
From: Jenah Thornborrow, Development Services Director
Subject: CUPFY2021-0010 Extension Request
Date: For May 9, 2022, City Council Meeting

Request

Extension of conditional use permit: CUPFY2021-0010 conditional use for an equipment rental and sales use. This is not a public hearing.

Background

CUPFY2021-0010 a conditional use for an equipment rental and sales use, located at 4665 W. Chinden Boulevard, was approved by the Planning and Zoning Commission on May 19, 2021.

Noted Cause for Request

The city received a one-year extension request in writing on March 16, 2022, noting:

1. There is good cause for the request which was originally approved on May 19, 2021. The approval included a phased approach. Phase 1 is currently underway, and the applicant team has submitted the Design Review Pre-Application Request for Phase 2, which includes construction of a new building and all other site improvements. Granting the extension request will ensure the project remains on an established schedule for completion.
2. The application and all application city regulations have not changed.
3. There have been no major changes in the neighborhood, plans or policies that affect the compatibility of the project.
4. The subject property has been actively pursuing compliance with all city, state and federal codes and laws. They are currently obtaining bids to bond for outstanding items.
5. It will be at the City Councils discretion to determine the extension request is in Garden City's best interest. We are confident approval of the extension will ensure the project remains on an established schedule for completion.
6. We understand the extension request is not guarantee

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 been compliance violations subject property since the conditional use permit approval. These include:

1. Code violation: Work without a building permit.

Resolved.

2. Conditional Use Permit Condition: At no point in time shall any equipment including but not limited to boom lifts, scissor lifts, forklifts, or other types of manlifts or aerial lifts extend their arm, bucket, or boom to a height for the purposes of advertisement.

Resolved. However, at times the equipment continues to be extended. Code Enforcement has not reinitiated contact related to this condition of approval.

3. Conditional Use Permit Condition: A twelve-foot wide, detached asphalt pedestrian pathway along W. Chinden Blvd. shall be installed within a year of the approval.
 - a. If a Design review application is applied for within the year, the sidewalk installment can be extended so as to meet the Design Review application's site plan and conditions.

Resolution in progress. There is a current Design Review application in progress.

4. Conditional Use Permit Condition: The site shall acknowledge the future pathway development along the Thurman Mill canal through pedestrian oriented features such as landscaping.

Resolution in progress. They have submitted landscape plans to demonstrate the intent to add landscaping included in the Design Review application. They have also submitted a surety for the landscaping that is pending approval.

5. Conditional Use Permit Condition: All chain-link fencing shall be removed and replaced with code compliant fencing materials per Garden City Code 8-4A-3 Fences and Walls.

Resolution in progress. The surety that is pending approval includes compliant fencing.

6. Conditional Use Permit Condition: One vehicular access point along W. Chinden Boulevard shall be removed.

Partially Resolved. They have not completely removed the one access; instead, they have parked vehicular equipment at the access and blocked entry with the existing chain-link fence gate.

7. Conditional Use Permit Condition: Occupancy of the site shall not commence until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.

Resolution in Progress. With the resolutions that are in progress, this requirement is also in progress.

Pertinent Code

Below are the current sections of pertinent code.

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
- CUPFY2021-0010 Decision Document