



DEVELOPMENT SERVICES DEPARTMENT

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To: City Council
From: Jenah Thornborrow, Development Services Director
Subject: SUBFY2021-0001 Extension Request
Date: For February 14, 2022, City Council Meeting

Request

Extension of subdivision [SUBFY2021-0001](#) Violets Crossing Subdivision for one-year.

Background

Violets Crossing Subdivision, SUBFY2021-0001 located at 3945 and 3947 Reed Street was approved by City Council on March 22, 2021, by the City Council.

The request notes:

1. The project has had delays including employee illness and supply chain material and labor issues.
2. The application and applicable regulations have not changed.
3. No changes in the neighborhood, plan, or policies.
4. The application is actively pursuing compliance with regulations.

Pertinent Code

Below are the current sections of pertinent code related to this request.

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.

Attachments

- Extension Request
- Draft potential City Council Decision

1/2/2022


To Garden City Development Services Department:

We, Reed Street Development LLC, would like to request an extension of SUBFY2021-0001 also known as Violets Crossing. The request for extension is due to the trickle down effect we are experiencing from COVID-19 with helping parties being out of the office due to being sick, supply chain, product, material & labor issues amongst others. The application and applicable city regulations have not changed along with no change in the neighborhood, plans or policies of the project. The subject property is actively pursuing compliance with all city, state and federal codes since the date of the application.

Thank you for your time and we hope our request is accepted.

Best,

Reed Street Development LLC
Kevin Hawk- Landowner
kevin@208.properties
208-871-0328

A handwritten signature in black ink that reads "Kevin Hawk". The signature is written in a cursive, slightly slanted style.

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:)	SUBFY2021-0001
)	
Extension Request)	FINDINGS OF FACT,
3945 and 3947 Reed Street)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho)	AND DECISION
_____)	

THIS MATTER came before the Garden City Council for consideration on February 14, 2022. The City Council reviewed the request. Based on the evidence presented, pursuant to Garden City Code § 8-6-A. 8 and 8-5B-6, the City Council makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT

1. The requestor is Kevin Hawk.
2. The property owner of record is Reed Street Development LLC.
3. The location of the project is 3945 and 3947 Reed St.; Ada County Assessor parcel number(s) R2734560070 & R2734560080.
4. The application was approved for one year on March 22, 2021.
5. The city received a one-year extension request in writing noting:
 - a. There have been delays due to employee illness and supply chain material and labor issues.
 - b. The application and applicable regulations have not changed.
 - c. No changes in the neighborhood, plan, or policies.
 - d. The application is actively pursuing compliance with regulations.
1. 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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GCC 8-5B-6 Term of Subdivision Permit	N/A	Not applicable with an extension approval.
GCC 8-6A-8 Expiration of Approvals	Yes/ No/ N/A	<p>1. Good Cause exists for the request:</p> <p>Explanation: AFFIRMING</p> <p>Good cause for the request exists. The application has been delayed due to employee illness and supply chain material and labor issues.</p> <p>DISAFFIRMING Good cause does not exist for the request. There are not extenuating circumstances that have been identified by the request that warrant an extension.</p> <p>2. The application and or applicable regulations have not changed.</p> <p>Explanation: AFFIRMING There has not been a substantial change in the application nor has there been changes in applicable regulations.</p> <p>DISAFFIRMING TBD</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 neighborhood, plans or policies</p>

		<p>that affect the compatibility of the project.</p> <p>DISAFFIRMING TBD</p> <p>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:</p> <p>Explanation: AFFIRMING There are no current known violations of the property.</p> <p>DISAFFIRMING TBD</p> <p>5. It is in the City's best interest to grant the extension:</p> <p>Explanation: AFFIRMING It is in the City's best interest to grant the extension. The subdivision extension request notes that work on the application is occurring. Moreover, the region needs additional housing.</p> <p>DISAFFIRMING It is not in the City's best interest to grant the extension as the project has not been able to demonstrate its ability to advance the subdivision within a reasonable timeframe. Garden City Code 8-5B-6 notes expiration of subdivisions shall occur within one year. No discernible momentum on the project has been demonstrated regardless of a previous extension approval.</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 subdivision approval.

1. **The subdivision approval extension request has been approved for one year, to da date of March 22, 2023.**
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.

Mayor, John G. Evans

Date