



CITY OF GARDEN CITY

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MEMORANDUM

DATE: For May 24, 2021

TO: Mayor and City Council

FROM: Jenah Thornborrow, Development Service Director

RE: City Council Review of Conditional Use Permit Application CUPFY2021-0007

Requested Action: Review of conditional use permit application, CUPFY2021-0007

Council Review

On April 26, 2021 City Council decided to review the subject application, finding that the Planning and Zoning Commission's decision may result in significant adverse impact to the City making the City affected or aggrieved by the final decision.

Garden City Code 8-6A-9 notes that any action taken by the Planning and Zoning Commission regarding conditional use permits, which would be final unless appealed, may be reviewed and heard by the City Council, when an appeal is not made but the City Council determines in a public meeting, within fifteen (15) days of Commission action, that there may be significant adverse impact to the city as a result of the final decision by the Commission, making the City affected or aggrieved by the final decision. A council review shall stay all proceedings related to the application unless there is imminent peril to life and property, as determined by the commission or court order pursuant to G.C.C. § 8-6A-9.A.4.

The Council review is not *de novo*, meaning that the Council's review is to be on the record of the Planning and Zoning Commission. New concerns, information, or documentation should not be considered. If there is new material that is determined should be reviewed, the application should be remanded to the decision body.

The decision of the council shall be final.

Record Materials (all materials)

1. [DRAFT Potential City Council Decision](#)
2. [Application Materials](#)
3. [Application Clarification](#)
4. Planning and Zoning Commission Hearing Documents
 - a) [Draft Minutes](#)

- b) [Audio](#) (starting at 1:02:00)
- 5. [Planning and Zoning Commission Decision](#)
- 6. Public Comment
 - a) [Belinda Isley](#)
 - b) [Caitlin and Jeff Masingill](#)
 - c) [Nate and Danni Harrison](#)
 - d) [Late Comments](#)
- 7. Agency Comments
 - a) [Fairview Acres](#)
- 8. Staff Reports
 - a) [Staff report](#)
- 9. Noticing Documents
 - a) [Application Noticing Documents](#)
 - b) [Application Property Posting](#)
 - c) [Council Review Noticing](#)