

BEFORE THE CITY COUNCIL  
GARDEN CITY, ADA COUNTY, IDAHO

|   |                       |   |
|---|-----------------------|---|
| In the Matter of:   | )                     | SUBFY2022-0008  |
|   | )                     |   |
| Extension Request<br>Address: 401 E 52 <sup>nd</sup> St<br>Garden City, Ada County, Idaho | )<br>)<br>)<br>)<br>) | FINDINGS OF FACT,<br>CONCLUSIONS OF LAW<br>AND DECISION |

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THIS MATTER came before the Garden City Council for consideration on February 12, 2024. 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 Kelli Chiles with Kimley-Horn, LLC
2. The property owner of record is Gravitas Real Estate Holdings, LLC.
3. The location of the project is 401 E 52<sup>nd</sup> St; Taxing Parcel Number: R7334160670; Property is described as PAR #0670 POR NW2 LOTS 1 & 2 BLK 5 RANDALL ACRES #5 R/S 3814 #0682S.
4. The application was approved for one-year by City Council on January 9, 2023.
5. The City received a one-year extension request in writing on January 9, 2024, noting:
  - a. Changes in market conditions impacting project funding created delays.
  - b. The amount of development in the region caused delays in design development and jurisdictional review times.
6. The record contains:
  - a. Written request
  - b. Record materials for file SUBFY2022-0008.

7. The following standards in the Garden City Code apply to this proposal:

| Standards                                    | Compliant | Conclusions  |
|--|-----------|--|
| <b>GCC 8-5B-6 Term of Subdivision Permit</b> |           | Not applicable with an extension approval.                       |
| <b>GCC 8-6A-8 Expiration of Approvals</b>    | Yes       | 1. Good Cause exists for the request.<br><br><u>Explanation:</u> |

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|  |  | <p>Good Cause does exist in that there have been changes in market conditions impacting project funding created delays. The amount of development in the region has also caused delays in design development and jurisdictional review times.</p> <p>2. The application and or applicable city regulations have not changed.</p> <p><u>Explanation:</u><br/>The design review committee process has been changed from a regulatory board process to a consultation with industry experts. However, this does not affect the physical design standards that apply to this application.</p> <p>Garden City Code 8-4D has been amended by Ordinance 1034-22. The parking analysis provided with this extension request demonstrates compliance with the current parking code. Notwithstanding the application has not changed.</p> <p>3. There has not been change in the neighborhood, plans or policies that affect the compatibility of the project:</p> <p><u>Explanation:</u><br/>There has not been change in the neighborhood, plans or policies that affect the compatibility of the project.</p> <p>4. The property appears to be compliant with codes and laws:</p> |
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|  |  | <p><u>Explanation:</u><br/>There are no current open code enforcement cases at the subject property.</p> <p>5. It is in the City's best interest to grant the extension:</p> <p><u>Explanation:</u><br/>It is in the City's best interest to grant the extension.</p> |
|--|--|---|

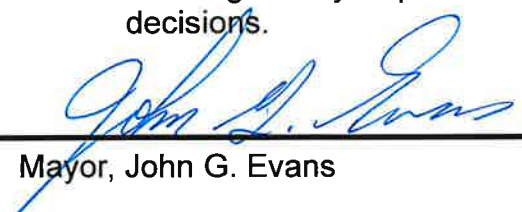
**CONCLUSIONS OF LAW**

The City Council reviewed the application with regard to Garden City Code, Title 8, and concludes the application **does** 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** this request for an extension.

1. This approval is for a **one-year** extension to **January 9, 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.



2-12-2024

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Mayor, John G. Evans

Date