

BEFORE THE CITY COUNCIL  
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:	)	CUPFY2023-0010
	)	
Extension Request	)	FINDINGS OF FACT,
Address: 107 E. 40th St.	)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho	)	AND DECISION
	)	

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THIS MATTER, came before the Garden City Council for consideration on July 22, 2024. The City Council reviewed the request. Based on the evidence presented, pursuant to Garden City Code §8-6-A. 8, the City Council makes the following Findings of Fact, Conclusions of Law, and Decision:

**FINDINGS OF FACT**

1. The requestor is Chris Keith.
2. The property owner is TLB INVESTMENTS LLC.
3. The location of the project is 107 E. 40th St.; Ada County Assessor parcel number(s) R2734502460; PAR #2460 LOT 31 EXC SELY 120' BLK 7 FAIRVIEW ACRES SUB 1.
4. Conditional Use Permit, file, CUPFY2023-0010 for the use of Industry Flex was approved August 23, 2023. The approval was valid for one-year until August 23, 2024.
5. On June 26, 2024, the applicant requested an extension in writing noting:
  - a. The project architectural, engineering, offsites have simply taken longer than anticipated to obtain approvals. Buildings are under construction but on and offsite civil has been submitted to Public Works and ACHD for their review and comment.
6. The City Council considered request on July 22, 2024.
7. The record contains:
  - a. Applicant request.
  - b. Extension Decision.
  - c. Record Materials for application CUPFY2023-0010
8. The following standards in the Garden City Code apply to this proposal:

<b>Standards: GCC 8-6A-8 Expiration of Approvals</b>	<b>Conclusions</b>	<b>Reasoned Statements</b>
<ol style="list-style-type: none"> <li>1. Good Cause exists for the request.</li> <li>2. The application and or applicable regulations have not changed.</li> <li>3. There has not been change in the neighborhood, plans or policies that affect the compatibility of the project.</li> <li>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.</li> <li>5. It is in the City's best interest to grant the extension.</li> </ol>	<p>The request meets the standards.</p>	<ol style="list-style-type: none"> <li>1. Good Cause exists for the request:           <p><u>Explanation:</u> Good Cause does exist in that the project components have taken longer than anticipated to obtain approvals. The buildings are under construction but the civil plans still need partnering agency review.</p> </li> <li>2. The application and or applicable city regulations have not changed.           <p><u>Explanation:</u> The city regulations have changed but the application has not changed, therefore this requirement is met.</p> </li> <li>3. There has not been change in the neighborhood, plans or policies that affect the compatibility of the project:           <p><u>Explanation:</u> There has not been change in the neighborhood, plans or policies that affect the compatibility of the project.</p> </li> <li>4. The property appears to be compliant with codes and laws:           <p><u>Explanation:</u> There are no current open code enforcement cases at the subject property.</p> </li> <li>5. It is in the City's best interest to grant the extension:           <p><u>Explanation:</u> It is in the City's best interest to grant the extension.</p> </li> </ol>

## 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 **August 23, 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.

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 Mayor, John G. Evans

7-22-2024

Date