

BEFORE THE CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:)	SUBFY2023-0001
)	
Extension Request)	FINDINGS OF FACT,
Address: 207 E 45 th Street)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho)	AND DECISION
)	

THIS MATTER came before the Garden City Council for consideration on August 11, 2025. 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 Andrew Wheeler with The Land Architect
2. The property owner of record is BASILEIA HOLDINGS LLC
3. The location of the project is:
 - 1) 207 E 45th Street; Taxing Parcel Number #R2734500592; LOT 25 BLK 2 FAIRVIEW ACRES SUB NO 01 #0591-B.
 - 2) E 45th Street; Taxing Parcel Number #R2734500593; LOT 24 BLK 2 FAIRVIEW ACRES SUB NO 01 #0591-S
4. The extension ordinance that was in effect at the time of the application was ordinance 1032-23.
5. The application was approved for two years by the City Council on July 10, 2023.
6. The City received a timely one-year extension request in writing on July 8, 2025, noting:
 - a. The applicant and owner have made over seven submissions to the city and civil engineer. They are on their final submission with one last item to approve/finalize.
7. The record contains:
 - a. Written request
 - b. Record materials for file SUBFY2023-0001.
8. The following standards in the Garden City Code apply to this proposal:

Standards	Compliant	Conclusions
GCC 8-5B-6 Term of Subdivision Permit	N/A	Not applicable with an extension approval.
GCC 8-6A-8 Expiration of Approvals	Yes	<p>1. Good Cause exists for the request:</p> <p><u>Reasoned Statement:</u> The applicant and owner have demonstrated consistent progress on the project. With only one item remaining for final approval, this ongoing effort supports the finding of good cause for the extension request.</p> <p>2. The application and or applicable city regulations have not changed.</p> <p><u>Reasoned Statement:</u> Garden City Code Planned Unit Development (PUD) has been amended by Ordinance 1056-25. It is acknowledged that the previously approved SUBFY2023-0001 would not meet all the requirements of the new ordinance if submitted today. However, the purpose of the new ordinance was not to invalidate existing approvals, but rather to repeal the existing PUD and Minor PUD ordinance and replace them with a new comprehensive ordinance that addresses the identified issues of the prior regulations.</p> <p>While the City has adopted a new PUD ordinance, this change does not apply retroactively to projects approved under the prior code.</p> <p>The applicant is requesting an extension of the original approval without proposing any modifications to the previously approved plan.</p>

		<p>3. There has not been change in the neighborhood, plans or policies that affect the compatibility of the project:</p> <p><u>Reasoned Statement:</u> 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> <p><u>Reasoned Statement:</u> 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>Reasoned Statement:</u> The site of the proposed project is currently undeveloped land. It is in the City's best interest to grant the extension.</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** 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 **July 10, 2026**.
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.



8-11-2025

Mayor John G. Evans

Date