

April 14, 2009

Chris Anderson
College of Western Idaho
Sundance Investments, LMT
9100 W. Blackeagle Drive
Boise, ID 83709

Re: **CUP09-00014 / 9289 West Barnes Drive**

Dear Mr. Anderson:

This letter is to inform you of the action taken by the Boise City Planning and Zoning Commission on your request for a conditional use permit to occupy an existing building on a ± 4.96 acre parcel located at 9289 W. Barnes Drive in a C-3D/DA (Service Commercial with Design Review & Development Agreement) zone.

The Boise City Planning and Zoning Commission, at their hearing of April 13, 2009, **approved** your request, based on compliance with the attached Reasons for the Decision and Conditions of Approval. Findings may be reviewed at the PDS department. A regulatory takings analysis may be requested by the landowner.

May we also take this opportunity to inform you of the following:

1. This approval will not take effect until after the appeal period has lapsed.
2. The decision of the Boise City Planning and Zoning Commission may be appealed to the Boise City Council within ten (10) calendar days from the issuance of this decision. The Appeal must be written, accompanied by the appropriate fee, and submitted to the Boise City Planning and Development Services Department prior to the deadline set forth herein. Appeal application forms are available in the Planning Department or online under Applications at:
www.cityofboise.org/pds/
or **<http://www.cityofboise.org/pds/index.aspx?id=apps>**
3. All appeals of this permit must be filed by **5:00 P.M., on April 23, 2009.**
4. If this Conditional Use Permit is not acted upon within eighteen (18) months, it will become null and void without further notification from this Department.

This letter constitutes your Conditional Use Permit. If you have any questions, please contact this department at 384-3830.

Sincerely,

David Moser
Planning Analyst
Boise City Planning and Development Services Department

DM/bjc

Attachment

cc: Cornel Larson / Larson Architects / 210 Murray St. / Boise, ID 83714

Reasons for the Decision

The site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls and fences, parking, loading, landscaping and such other features as required. All setbacks of the C-3D/DA zone have been met or exceeded. All required parking spaces have been provided, and the height restrictions of the underlying zoning district have been met.

The proposed use will not place an undue burden on transportation or any other public service in the vicinity, since both Maple Grove and Overland Roads operate at acceptable levels of service. The proposed community college will be similar to an office use in terms of use, traffic and parking and will not place a burden on the neighboring businesses and adjacent properties. Therefore, no adverse impacts will occur on other properties as a result of this approval.

The proposed use has been appropriately located considering the surrounding uses, current zoning, and the goals, objectives and policies of the *Comprehensive Plan*. *Objective 2.16.2* encourages the city to work with other institutions of higher education to maximize their ability to provide quality educational services, while minimizing impacts on area residents and businesses. *Goal 9.1* states that the city will maintain and improve economic opportunities for residents of the Planning Area through creation of a diverse economy, business retention and expansion provision of adequate infrastructure, and a positive economic climate.

Conditions of Approval

Site Specific:

1. Construction, use and property development shall be in compliance with plans and specifications on file with the Boise City Planning and Development Services Department date stamped received on **March 1, 2009** except as may be modified by the Boise City Design Review Committee or Staff or expressly modified by the following conditions.
2. The conditions of approval from DRH99-00229 remain in effect unless specifically modified below.
3. The applicant shall identify the existing location, or provide a minimum of 5 bicycle parking spaces.
4. The College of Western Idaho shall limit its hours of operation to no later than 10 pm on weekdays. No classes shall occur on weekends after 5pm .
5. The project is in a Design Review District. Any exterior improvements to the site or structure require review and approval by the Design Review Committee or Staff. The applicant shall obtain Design Review approval for the minor landscaping changes.
6. The proposed use shall be conducted entirely within the existing structure and the interior courtyard.

7. The applicant shall comply with the conditions set forth in a Boise City Public Works Solid Waste memo dated **March 11, 2009**.
8. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) for drainage, sewers, street lights and subdivisions per Department comments dated **March 16, 2009**. Please contact BCPW at 384-3900. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved plans must be submitted to the Public Works Department for approval.
9. The applicant shall comply with all conditions of the Boise Fire Department. Any deviation from this plan is subject to fire department approval. For additional information, contact Mark Senteno at 384-3967.
10. All of the Ada County Highway District conditions of approval related to the development of the subject property shall be complied with per the staff report dated **March 13, 2009**.
11. Prior to submittal for any construction permits on the site, the applicant must provide documentation that all requirements of the Boise City Subdivision Ordinance have been met. A verification of legal lot or parcel form, signed by Subdivision Staff must be signed and provided to Planning Staff. Contact David Abo at (208) 384-3830 with questions.
12. Any outside lighting shall be reflected away from adjacent property and streets. Shields to direct the light downward shall be added to the fixtures. Impacts on adjacent areas shall not be permitted. The illumination level of all light fixtures shall not exceed two (2) foot candles as measured one (1) foot above the ground at property lines.

General:

13. No change in the terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his authorized representative, and an authorized representative of the City of Boise. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon the City of Boise.
14. Any change by the applicant in the planned use of the property which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant or its successors in interest advises the City of its intent to change the planned use of the property described herein unless a variance in said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.
15. Prior to a building permit and prior to any construction on the site, and an Erosion and Sediment Control Permit must be obtained from the Building Division of the Planning and Development Services Department.

16. An Occupancy Permit will not be issued by the Building Department until all of these condition(s) have been complied with. In the event a condition(s) cannot be met by desired date of occupancy, the Planning Director will determine whether the condition(s) is bondable or should be completed, and if determined to be bondable, a bond will be required in the amount of 110% of the value of the condition(s) which are incomplete.
17. Trash receptacles, on-grade and roof-top mechanical and electrical equipment shall be screened from public view by use of an approved sight-obscuring fence and/or hedging.
18. Vision Triangles as defined in Section 11-01-03 and Section 11-10-04.4G. of the Boise City Zoning Ordinance shall remain clear of all sight obstructions.
19. The applicant or his/her contractor shall obtain a right-of-way permit from the Ada County Highway District prior to any construction in the public right-of-way.
20. Hook-up to wet line sewers shall be required prior to issuance of an Occupancy Permit.
21. Utility services shall be provided underground.
22. This approval does not include approval of any signage. A separate Sign Permit will be required from the Boise City Planning and Development Services Department prior to installation of sign(s).
23. Any future division of this parcel into individual lots or parcels, for the purpose of selling the separate lots to individual owners, will be required to comply with all provisions of Boise City Code, Title 9, Chapter 20, including lot frontage on a public or approved private street, and all requirements for preliminary and final platting.
24. Construction, use and property development shall be in conformance with all applicable requirements of the Boise City Code.
25. The applicant shall obtain Building Permits prior to any work commencing on the property.
26. Specific building construction requirements of the Uniform Building and Uniform Fire Codes will apply. However, these provisions are best addressed at building permit application.
27. Failure to abide by any condition of this Conditional Use Permit shall be grounds for revocation by the Boise City Planning and Zoning Commission.
28. This conditional use shall be valid for a period not to exceed eighteen (18) months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must:

- A. Acquire construction permits and commence placement of permanent footings and structures on or in the ground. The definition of structures in this context shall include sewer lines, water lines, or building foundations; or
 - B. Commence the use permitted by the permits in accordance with the conditions of approval.
29. Prior to the expiration of this conditional use, the Commission may, upon written request by the holder, grant a one-year time extension. A maximum of three (3) extensions may be granted.
30. All development authorized by this conditional use approval must be completed within 5 years (60 months) from the date of the Commission's approval or the applicant will be required to submit a new conditional use application.