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## Planning & Development Services

May 4, 2016

Jim Conger  
DevCo, LLC  
4824 W. Fairview Ave.  
Boise, ID 83706  
[jim@congergroup.com](mailto:jim@congergroup.com)  
(sent via email)

**Re: PUD16-00005 & SUB16-00006 / 6781 E Warm Springs Avenue**

Dear Mr. Conger:

This letter is to inform you of the action taken by the Boise City Planning and Zoning Commission on your requests for Conditional use permit for a 24-unit planned residential development on 4.2 acres located in a proposed R-2D/DA (Medium Density Residential with Design Review and a Development Agreement) and R-1B (Single Family Residential with a Development Agreement) zones and preliminary plat for a residential subdivision comprised of 24 buildable lots and 1 common lot on 4.2 acres located in a proposed R-2D/DA (Medium Density Residential with Design Review and a Development Agreement) and R-1B (Single Family Residential with a Development Agreement) zones.

The Boise City Planning and Zoning Commission, at their meeting of **May 2, 2016**, withdrew a motion to approve **PUD16-00005**. Based on the **April 11, 2016** recommendation to deny **CAR16-00002**, a request for annexation, the Boise City Planning and Zoning Commission does not have the jurisdiction to approve **PUD16-00005** or make adequate findings that are not inconsistent with the recommendation to deny **CAR16-00002**. Additionally, the Boise City Planning and Zoning Commission does not have the jurisdiction to recommend approval of **SUB16-00006** or make adequate findings not inconsistent with the recommendation to deny **CAR16-00002**. Thereby, both **PUD16-0005** and **SUB16-00006** were **denied**.

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

1. The decision of the Boise City Planning and Zoning Commission may be appealed to 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 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:

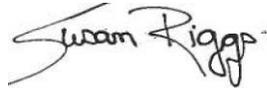
<http://pds.cityofboise.org/> or

<http://pds.cityofboise.org/home/documents/apps/100/>

2. All appeals of this permit must be filed by **5:00 P.M.**, on **May 12, 2016**.

If you have any questions, please contact me at (208) 384-3736.

Sincerely,



Susan Riggs

Associate Planner

Boise City Planning and Development Services

SR/cl

cc:

Marcel Lopez / Conger Mangement Group / [marcel@devco.land](mailto:marcel@devco.land) (sent via email)

Clavis B. Hamilton / Ben's Crow Inn / [bbungard@arthurberry.com](mailto:bbungard@arthurberry.com) (sent via email)

Barber Valley Neighborhood Association / Attn: Mike Reineck / [bvnaboise@gmail.com](mailto:bvnaboise@gmail.com) (sent via email)

Southeast Neighborhood Association Inc. / Attn: Fred Fritchman / [ffritchman@msn.com](mailto:ffritchman@msn.com) (sent via email)

Warm Springs Mesa Neighborhood Association / Attn: Donna Burns / [president@warmspringmesa.org](mailto:president@warmspringmesa.org) (sent via email)

**Reason for the Decision**

**Subdivision**

The preliminary plat concerns a tract which is outside the corporate limits of a city and therefore must be submitted, accepted and approved by Ada County pursuant to Idaho Code § 50-1308. Absent successful annexation approval in the future, the City of Boise Planning and Zoning Commission cannot proceed with this application.

**Planned Unit Development**

The project is outside the jurisdictional limits of the City of Boise. The City does not have the statutory authority to zone or otherwise regulate the use of the property pursuant to Idaho Code § 67-6511. Absent successful annexation approval in the future, the City of Boise Planning and Zoning Commission cannot proceed with this application.