

Day Side, LP
P.O. Box 7156
Boise, ID 83707
December 22, 2016

Via Hand Delivery

Vista Village, L.L.C.
c/o Donna Jacobs
10115 Robert Street
Boise, ID 83705

Re: PUD16-00027/ Access at W. Kootenai and S. Columbus Streets

Dear Donna,

By now you may know that Day Side, LP filed an appeal of the Planning & Zoning Commission's approval of Vista Village's residential project west of S. Robert Street. The appeal is not because we do not appreciate and support the project, but we were caught completely off guard when we read the approval letter from the Commission, which contains a condition of your approval that directly encumbers our property (without our knowledge or consent), and in a manner that, as written, we must protest.

This one condition does not reflect the City's December 5, 2016 staff report that we reviewed before the public hearing, and the condition does not reflect discussions between our representative, Tim Sullivan, and you regarding the potential intersection at Kootenai and Columbus Streets.

By the way, I am sorry that you were not able to reach me directly, but I believe you know that Tim is our representative and speaks for us.

The condition in the staff report is:

3. Comply with requirements of the Ada county Highway District (ACHD) as outlined in their approval dated October 17, 2016.

The condition added by the Commission at their hearing is:

- 2.d. Upon redevelopment of Parcels R9374000095 and R9374000090 **[our property]** cross-access shall be provided from Parcel S1015325410 in support of the installation of a full access onto Kootenai Street that aligns with Columbus Street to the south. This single access shall be utilized by all parcels.

Not only did this new condition encumber our property without our knowledge, the condition is worded in a manner that is vague and leaves too much to guesswork. Neither you nor we need the City to impose a condition – no matter if done with all good intent – that might wind up pitting private property owners against one another.

The discussion between you and Tim Sullivan let you know that we are willing to provide the necessary property for Vista Village to construct, now, a full access intersection leading to your project (not at some unspecified later date when, or even if, our property develops). Tim also talked with you about conceptual access to and from our property via the driveway in your project, although there was no agreement regarding a specific design.

The new condition, as written, vaguely touches upon this concept but only provides that some unknown, unlocated single access will serve both your project and our property. What is needed is the particulars of the design of the intersection and the design of your driveway to serve all properties. An appropriately worded condition that ensures our property is not jeopardized, and ensures full access for your property, would be appropriate.

We filed the appeal to ensure that the two private property owners can continue their discussions to word appropriately a condition of approval or, better yet, provide the City with a mutually agreed upon design of the intersection and driveway to serve the properties.

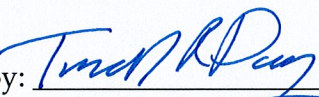
We understand that a portion of our property is required for you to provide a full access intersection leading to your project. We also understand that full access is beneficial for all properties.

We are happy to continue to work with you, your engineer, and City staff on this condition and design. Toward that end, I proposed that we meet next week with City staff to further that discussion. I believe that we can collectively resolve this issue expeditiously.

Sincerely,

Day Side, LP, an Idaho limited partnership

By: Day Break, Inc.
Its: General Partner

By: 
Timothy R. Day, President

cc (via email):

Dick Pavelek (rapavelek@gmail.com)
Tim Sullivan (tim@michenerinvestments.com)
JoAnn Butler (jbutler@spinkbutler.com)
Planning & Zoning Commission (c/o hsimmons@cityofboise.org)
Andrea Carroll (acarroll@cityofboise.org)
Leon Letson (lletson@cityofboise.org)



Google Earth

feet
meters



Columbus



From: Rick Smith <rsmith@hawleytroxell.com>
Sent: Thursday, December 29, 2016 12:43 PM
To: 'JButler@spinkbutler.com'
Cc: Donna Jacobs (donnadjacobs@gmail.com); 'daywillplay@gmail.com'; 'rpavelek@gmail.com'; 'tim@michenerinvestments.com'; Andrea Carroll; Hal Simmons; Leon Letson; Andrew Jacobs <andrewjacobsiv@gmail.com> (andrewjacobsiv@gmail.com)
Subject: RE: Vista Village/PUD16-00027 [IWOV-DMSMSG1.FID20760]

JoAnn,

I represent Vista Village LLC and the developers of the Station Village Apartments. Donna Jacobs has shared with me your email of December 22 (see below), and Tim Day's letter that you attached to the email (also attached here). I wanted to follow up on the email and letter and ask for some clarification, and then we can discuss having the meeting you suggested. It appears there might be some misunderstanding concerning the property and/or the condition that Planning and Zoning imposed.

Tim's letter discusses condition 2d, as added by the Planning & Zoning Commission. That condition requires that my client provide a cross-easement to your client, when your client develops its property, so that the access to my client's property from Kootenai could be expanded to a full intersection that aligns with Columbus Street to the south.

I have attached a Google Earth picture showing the affected property. My client's property is marked with an "S", your client's with a "K", and the intersection is circled. It appears from the circled area that a small portion of my client's property would be affected if the intersection is expanded on the north side of Kootenai to align with Columbus Street. The condition would require that my client provide an easement over that property so that the intersection could be expanded and so that your client could develop its property. P&Z did not impose any conditions on your client, nor does this condition encumber your client's property in any way. Indeed, the condition appears to be intended to facilitate development of your client's property when that time comes.

Tim's letter goes on to say that there should be added "an appropriately worded condition that ensures that [your client's] property is not jeopardized" I do not understand the need for such a condition, but if you have some language in mind, could you provide a draft to me? We can then discuss it in more detail and see if there is an issue and if there is, how to best address it.

Thanks, and feel free to call me if you have any questions.

Rick

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From: **JoAnn Butler** <JButler@spinkbutler.com>

Date: Thu, Dec 22, 2016 at 4:13 PM

Subject: Vista Village/PUD16-00027

To: "donnadjacobs@gmail.com" <donnadjacobs@gmail.com>, "daywillplay@gmail.com" <daywillplay@gmail.com>, "rpavelek@gmail.com" <rpavelek@gmail.com>, "tim@michenerinvestments.com" <tim@michenerinvestments.com>, "acarroll@cityofboise.org" <acarroll@cityofboise.org>, "hsimmons@cityofboise.org" <hsimmons@cityofboise.org>, "lletson@cityofboise.org" <lletson@cityofboise.org>

Everyone, Tim Day met with Donna Jacobs earlier today to discuss the attached letter and appeal of the Vista Village application, which was necessary to address just one of the conditions of approval. Tim will be hand delivering a copy of the final letter to Ms. Jacobs.

The attached letter explains further.

From the various conversations that I've had with the City, and that Tim has had with Donna, it would seem that all of the parties appreciate the project and would like to resolve the one issue. It may be that we can resolve the issue before an appeal hearing. Toward that end, we would like to propose a meeting at City Hall with all of the people on this email during the first week of January.

We hope that sounds promising, and ask that you provide me with several times when you are available that first week in January. We'll work with City Staff to set that meeting.

Wishing you all a nice Holiday!

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