

June 2, 2009

Ethel Ficks
5600 W. Hill Road
Boise, ID 83703

Re: **CUP09-00017 / 5600 W. Hill Road**

Dear Ms. Ficks:

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 operate a community social center on a ± 3.145 acre parcel located at 5600 W. Hill Road in an R-1B (Single Family Residential) zone.

The Boise City Planning and Zoning Commission, at their hearing of June 1, 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 June 11, 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,

Susan Riggs
Planning Analyst
Boise City Planning and Development Services Department

SR/bjc

Attachment

cc: Collister N.A. / Julie Klocke / 4946 N. Contour Way / Boise, ID 83703-2795

Reasons for the Decision

The community social center is compatible with the surrounding uses and will not adversely affect other property of the vicinity. The indoor events will be relatively small with a maximum 35 guest and the outdoor events will be limited to attendees 75. The size and layout of the property provides buffering from the adjoining parcels. Conditions of approval limit the hours of operation and restrict outdoor music to Friday and Saturday with an end time of 10:00 pm. The rear of the parcel slopes upward to the north providing a visual buffer as well as a sound barrier from the noise of the outdoor events. The family will continue to live in the home and oversee the operation of the business.

The site is large enough to accommodate the proposed use and the required parking. No new structures or additions are proposed.

The existing residence is well outside of required setbacks. The thirty required parking spaces have been provided. A condition of approval requires landscaping to help buffer the parking lot and the adjacent property to the east. Agency comments confirm the proposed use will not place an undue burden on transportation. In a staff report dated April 15, 2009, the Ada County Highway District indicated the local and arterial road network in the vicinity would continue to operate at an acceptable level of service. Prior to the issuance of a Building Permit all requirements of the Building and Fire Department must be met.

The project is supported by the goals, objectives, and policies of the Comprehensive Plan. *Objective 6.1.2* states that a land use decision should be supportive of the service level standards. According to ACHD, all adjacent streets will continue to operate at an acceptable level of service. *Objective 7.2.1* encourages the preservation of neighborhoods. The site will preserve the existing character of the neighborhood by maintaining the single-family home and limiting the hours of operation of the social center. The parking lot will be set back approximately 85 feet from Hill Road and will be screened from the road with a landscaping. *Goal 8.0* encourages a city that minimizes suburban sprawl and provides for a diverse mixture of life-styles with an atmosphere and sense of place that varies throughout the different areas of the City. The proposed use will provide the northwest and surrounding areas with a unique environment for business and social gathering while maintaining its residential character.

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 **April 21, 2009** except as may be expressly modified by the following conditions:

2. The occupancy for the proposed use will change from residential to commercial-residential. The applicant will be required to comply with the 2006 International Building Code for the change of occupancy.
3. Outdoor events shall be limited to no more than 75 guests. Indoor guests will be limited based on the building occupancy requirement and in no case shall exceed 35 guests.
4. Outdoor receptions and events with music will be required to take place on the reception lawn which is located directly north of the facility.
5. Wedding ceremonies are allowed on all three lawn areas as identified on the site plan dated **April 21, 2009**.
6. The permitted hours of operation are 9:00 am to 10:00 pm Monday through Thursday, 9:00 am to 11:00 pm Friday and Saturday and noon to 9:00 pm on Sunday.
7. Outdoor music is limited to Friday and Saturdays only, with music ending no later than 10:00 pm.
8. No more than one event may be held on the premises at a time.
9. All event parking must be provided on site.
10. A six foot high cedar site obscuring fence shall be constructed along the east property line. At a minimum, the fence shall extend from the south end of the parking area to just north of the reception area.
11. The applicant shall submit a revised, detailed landscape plan. This plan must be prepared by a landscape professional. The plan should include the following information at a minimum:
 - a) A buffer comprised primarily of upright evergreen shrubs and/or trees shall be installed along the length of the eastern property line. The planting shall begin just north of the existing tree cluster by the parking lot, extending to the north end of the reception area. These evergreens shall be a minimum height of 6' at the time of planting. A similar buffer shall be installed along Hill Road to screen the parking lot.
 - b) The location of all existing trees larger than 2" in caliper and whether they are to be retained or removed. Any tree larger than 2" in caliper removed from the site shall be replaced with a tree or tree(s) with an equal or greater caliper.
 - c) The location of all proposed plant materials including trees and shrubs. All species should be represented by their approximate size at maturity.

12. The applicant shall construct a “detached” sidewalk along the frontage of Hill Road. If the sidewalk is located outside of the right-of-way, the applicant will be required to provide ACHD with an easement for the sidewalk.
13. All landscaping and underground irrigation shall be installed or bonded for prior to issuance of an occupancy permit. For bonding, the applicant is required to provide a minimum of 2 bids for the landscaping materials and the installation. Bids shall be turned into Vicki Descalfani at the Subdivision desk on the 2nd floor of City Hall. She may also be reached at 384-3998.
14. Interior landscaping shall be at least 5% of the total parking and driveway area. This is in addition to the required perimeter landscaping.
15. Existing mature vegetation shall be retained wherever possible.
16. All landscaping shall be maintained in a healthy and attractive condition and shall be irrigated by an appropriate underground irrigation system.

General

17. Trash receptacles, shall be screened from public view by use of an approved sight-obscuring fence and/or hedging.
18. The applicant shall comply with the standards and conditions of the City of Boise Solid Waste Commercial and Multi-Family Centralized Trash Requirements per attached email from Peter McCullough dated **April 3, 2009**.
19. All conditions of the Boise Fire Department report dated **April 13, 2009** shall be complied with. Any deviation from this plan is subject to fire department approval. For further information contact Mark Senteno, at 570-6567.
20. Specific building construction requirements of the Uniform Building and Uniform Fire Codes will apply. However, these provisions are best addressed at the Building Permit application.
21. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) for drainage, sewers and street lights per department comments dated **April 3, 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 Storm Water Plan must be resubmitted to BCPW for approval.
22. All of the Ada County Highway District conditions of approval related to the development of the subject property shall be complied with per staff report dated April 15, 2009.

23. 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.
24. 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.
25. All parking areas and driveways shall be paved, marked and provided with approved wheel restraints, and shall be designed and laid out to conform to the minimum standards required by the Boise City Zoning Ordinance.
26. Hook-up to wet line sewers shall be required prior to issuance of an Occupancy Permit.
27. A detailed grading and drainage plan shall be submitted for review and approval by the Ada County Highway District and Boise City Public Works Department before a Building Permit is issued.
28. 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).
29. Exterior lighting fixtures must be designed and located so as to prevent glare or direct light from falling onto adjoining properties or streets.
30. 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.
31. 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.
32. An Occupancy Permit will not be issued by the Boise City Building Department until all conditions of approval have been complied with. In the event a condition(s) cannot be met by the desired date of occupancy, the Boise City Planning and Development Services Department 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 one hundred ten percent (110%) of the value of the condition(s) which are incomplete.
33. 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; or
 - C. For projects, which require platting, the plat must be recorded within this period. The Commission may also fix the time or period within which the permit shall be completed, perfected or bonded. If the conditions of approval shall not be completed or bonded within such period, said permit shall lapse.
34. 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.
35. Construction, use and property development shall be in conformance with all applicable requirements of the Boise City Code.
36. Upon written request by the holder, prior to expiration of this Conditional Use Permit, the Commission may grant a one-year time extension. A maximum of three (3) one-year time extensions may be granted to an unexpired permit. The Commission reserves the right to require additional conditions or modifications to the revised plans.
37. Failure to abide by any condition of this approval may be grounds for revocation by the Boise City Planning and Zoning Commission.
38. The Conditional Use Permit shall be completed within 5 years (60 months) of the Commission's approval or a new Conditional Use Permit shall be required.

Construction Practices

39. The practices required below are intended to mitigate the impact and disturbance of residential property owners during the construction of adjacent buildings or structures. The following conditions apply to all construction-related activities ranging from grading and demolition activities to final occupancy on any land or parcel falling under the proprietary ownership of the permit applicant.
- a) Prior to the issuance of a building permit and prior to the commencement of any construction on-site, an Erosion and Sediment Control (ESC) permit must be obtained from the Planning and Development Services Department. No grading, demolition or earth disturbing activities may start until an approved ESC permit and the associated site work or grading permits have been issued.

- b) To reduce the noise impact of construction on nearby residential properties, all exterior construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday. Low noise impact activities such as surveying, layout and weather protection may be performed at any time. After each floor of the structure or building is enclosed with exterior walls and windows, interior construction of the enclosed floors can be performed at any time.
- c) Applicant shall comply with Boise City Fire Department requirements for water, access, and/or other requirements as determined by the Fire Marshal.
- d) Any conditions to be enforced during construction shall remain posted at each street abutting the construction site for the duration of the project. In addition to the posted conditions the permit holder shall also post an 11"x 17" laminated sign containing a project contact phone number, name of project contact and the Boise City contact number, 384-3845, to address issues as they arise. Failure to abide by any conditions set forth shall be grounds for revocation of Conditional Use Permit and/or Building Permits and may be subject the owner or owner's agents to fines and criminal citations.