



Planning & Development Services

Boise City Hall, 2nd Floor
150 N. Capitol Boulevard
P. O. Box 500
Boise, Idaho 83701-0500

Phone: 208/384-3830
Fax: 208/384-3753
TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

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CAR12-00009 – J & M Land, LLC

Summary

Rezone of 2.65 acres located at 823 E. Reserve Street from R-2 (Combined Residential) to C-2/DA (General Commercial with a Development Agreement) and a rezone of an adjacent 2.2 acres located at 825 E. Reserve Street from R-3 (Multi-Family Residential) to C-2D/DA (General Commercial with Design Review and a Development Agreement).

Prepared By

Cody Riddle-Manager, Current Planning

Recommendation

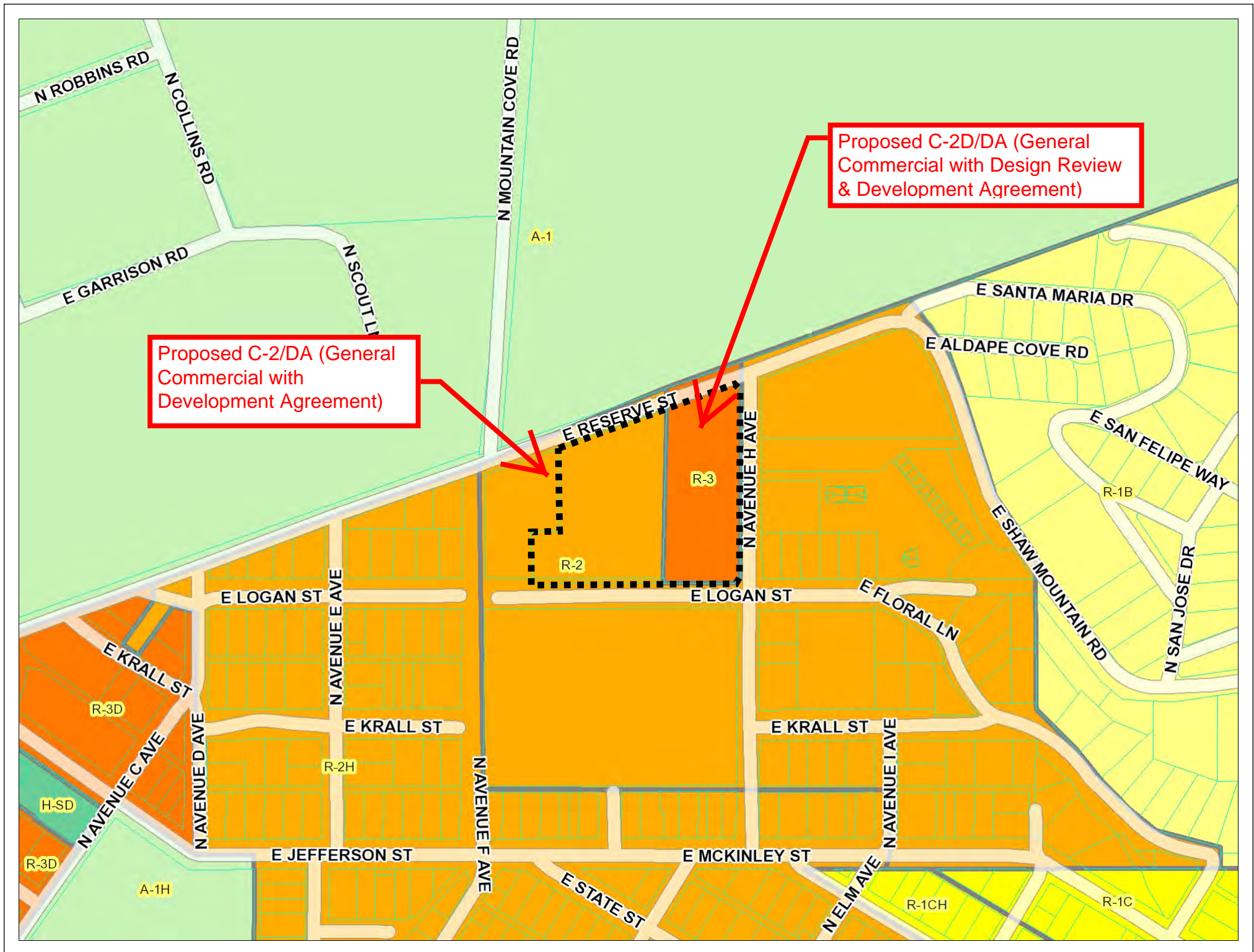
Staff recommends approval of CAR12-00009.

Reason for the Decision

The site is designated a Neighborhood Activity Center on the Land Use Map of the Comprehensive Plan. Activity centers are intended to serve neighborhoods with retail and service uses. They are also appropriate locations for residential development of 16 units per acre or greater, depending on design. In addition to the activity center designation, the property is classified as “Mixed-Use”. The purpose of this designation is to support a variety of commercial and residential uses. The proposed commercial zoning is consistent with the Comprehensive Plan’s vision for the site. It will accommodate a mix of uses upon redevelopment of the site and support the preservation and adaptive re-use of the armory building.

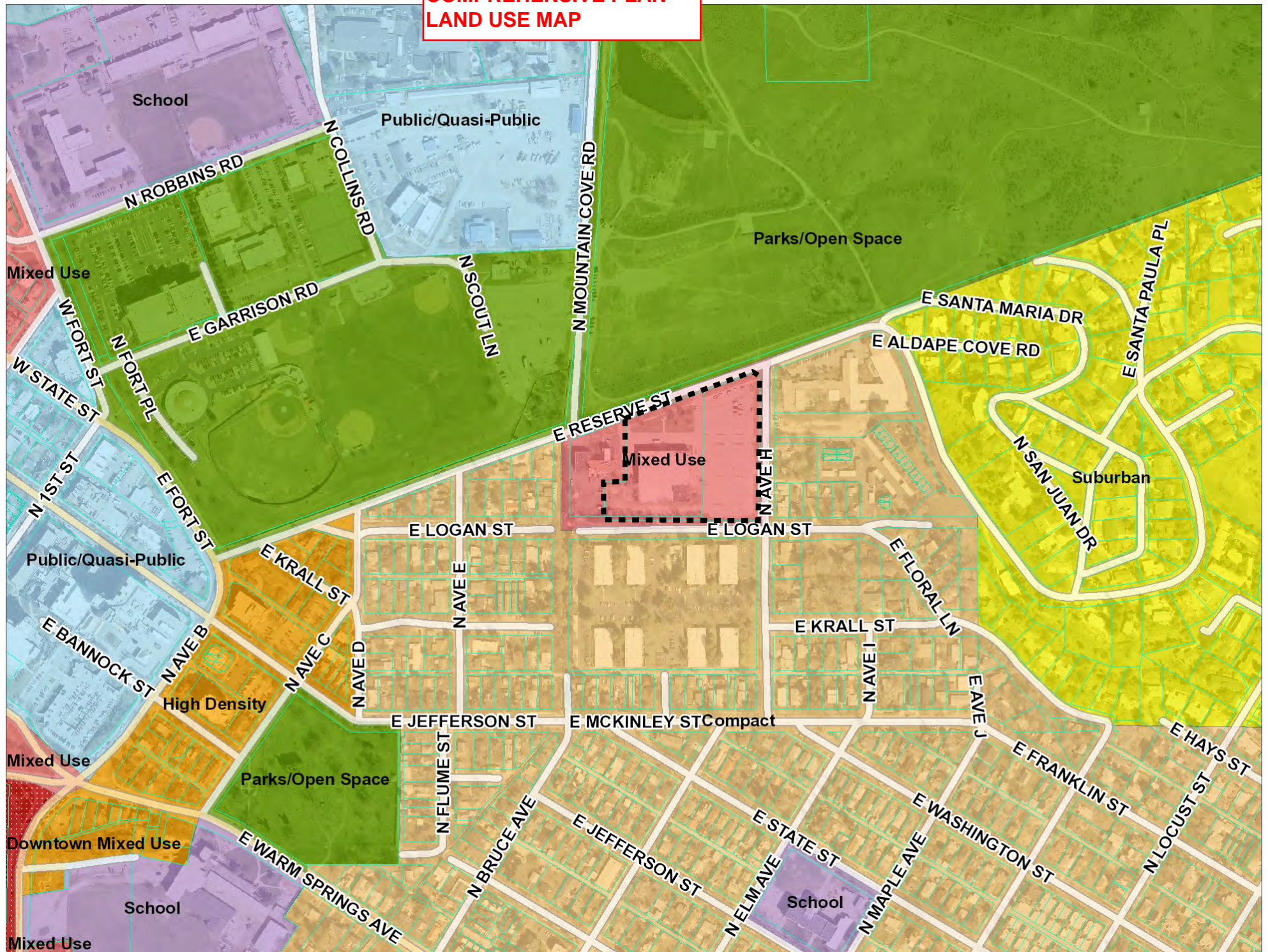
The inclusion of a development agreement that limits the more intense uses otherwise allowed in the C-2 (General Commercial) zone will ensure the property remains compatible with the surrounding neighborhood. The agreement also dictates that any new buildings be oriented to adjacent streets with parking located behind. This is consistent with the established development pattern of the area.

The rezone should not have a negative impact on the transportation system or other public facilities in the vicinity. To date, no public agency has voiced concerns with the request. Comments from the Ada County Highway District confirm the local, collector and arterial roadways in the area will continue to operate at an acceptable level of service.





COMPREHENSIVE PLAN LAND USE MAP





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Planning Division Staff Report

File Number	CAR12-00009
Applicant	J & M Land, LLC
Property Address	823-825 E. Reserve Street
Public Hearing Date	August 6, 2012
Heard by	Planning and Zoning Commission
Analyst	Cody Riddle
Checked By	Hal Simmons

Public Notification

Neighborhood meeting conducted: June 14, 2012
Newspaper notification published on: July 21, 2012
Radius notices mailed to properties within 300 feet on: July 20, 2012
Staff posted notice on site on: July 16, 2012

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Exhibits

Draft Development Agreement
Agency Comments
Public Correspondence

1. Project Data and Facts

Project Data	
Applicant/Status	J & M Land, LLC / Purchaser
Architect/Representative	Justin Blackstock
Location of Property	823-825 E. Reserve Street
Size of Property	± 4.85 acres
Existing Zoning	R-2 (Combined Residential) and R-3 (Multi-Family Residential)
Comprehensive Plan Designation	Mixed Use & Neighborhood Activity Center
Planning Area	North / East End
Neighborhood Association/Contact	East End / Bob Bennett
Procedure	The Planning and Zoning Commission will make a recommendation to City Council.

Current Land Use
The property is currently occupied by the armory building. It is being used as a storage facility for the City of Boise. A surface parking lot occupies the eastern half of the site.

Description of Applicant's Request
The applicant requests a rezone from residential to a commercial zoning district. The intent is to accommodate future mixed-use development. A development agreement has been included in the application. The purpose of the agreement is to limit the range of uses and establish minimum site design standards for the eastern parcel. Each of these elements is intended to ensure the property remains compatible with the surrounding neighborhood.

2. Land Use

Description and Character of Surrounding Area
The area surrounding the site is comprised of a variety of uses including single family residences, apartments, public services, institutional uses, and recreational facilities. The neighborhood is largely developed with minimal vacant ground other than park land.

Adjacent Land Uses and Zoning

North:	Military Reserve / A-1 (Open Land)
South:	Apartments / R-2 (Combined Residential)
East:	Care Center, Apartments and Single Family Homes / R-2 (Combined Residential)
West:	Fire Station / R-2 (Combined Residential)

Site Characteristics

The site is comprised of two parcels and is bordered on three sides by public streets (Reserve to the north, Logan to the south and Avenue H to the east. The old armory building occupies the western parcel and a surface parking lot is located on the eastern parcel.

Special Considerations

The parcel is located within the 100 year floodplain and the armory building is designated as a Landmark on the National Historic Register.

History of Previous Actions

The most recent approvals were conditional use and floodplain development permits to convert the armory into a theater and construct an accessory parking lot. (CUP99-00123 & CFH99-00034)

3. Zoning Ordinance

Section	Description
11-04-06.03	Purpose of General Commercial or C-2 District
11-06-01	Amendment; Reclassification
11-08-08	Development Agreements

4. Comprehensive Plan

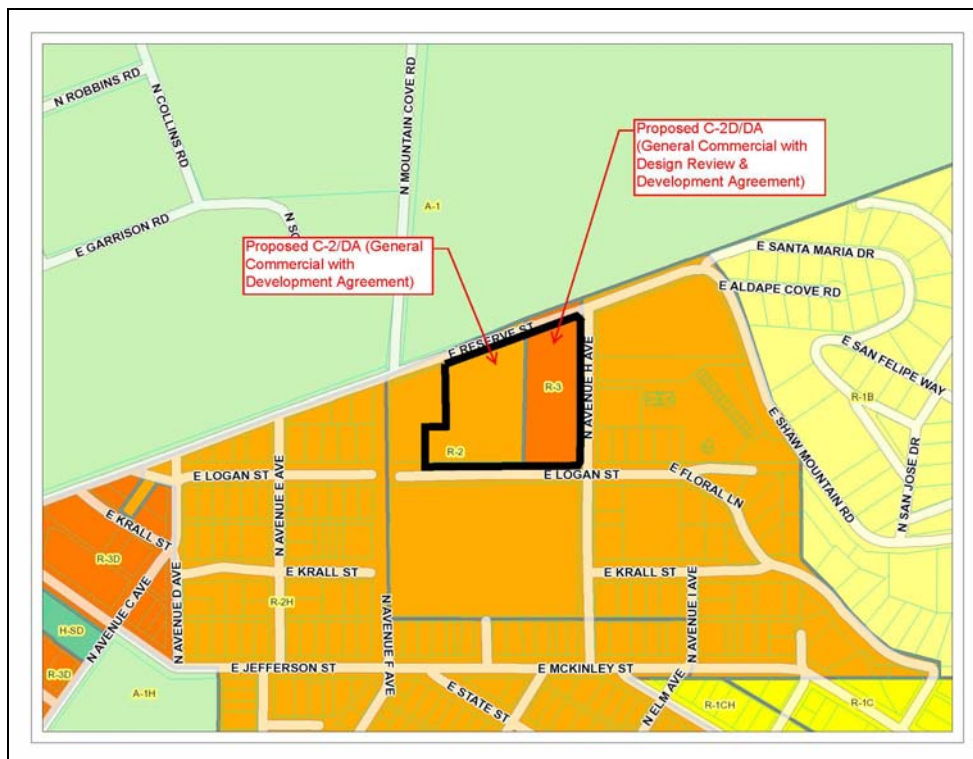
CHAPTER	GOALS, OBJECTIVES & POLICIES
CHAPTER 3-COMMUNITY STRUCTURE AND DESIGN	Neighborhood Activity Center Land Use Map Designation – Mixed Use
CHAPTER 4-PLANNING AREA POLICIES	Principle NE-CCN2.8
EAST END NEIGHBORHOOD POLICY GUIDE	Historic Preservation Goal 3 and 4

5. Transportation Data

The rezone will have no immediate impacts on the transportation system. The Ada County Highway District (ACHD) provided general comments on the proposal and indicated no opposition to the change in zoning. Traffic impacts and site improvements will be analyzed in detail upon application for specific development plans of the property. A copy of the ACHD report, including current traffic counts, is attached as an exhibit.

6. Analysis/Findings

This application is a request to change the zoning of an approximately five acre site from residential to commercial with a development agreement. The property includes two parcels, one with R-2 (Combined Residential) zoning, and the other with R-3 (Multi-Family Residential). The applicant is proposing to change the zoning of both parcels to C-2 (General Commercial). As illustrated below, the proposal is to add the Design Review Overlay to only the eastern parcel, while the development agreement will apply to both.



(Existing / Proposed Zoning)

Given the make-up of the surrounding neighborhood, some of the uses allowed in the C-2 zone could create compatibility issues. To address this concern, the applicant has included a list of uses that will be prohibited in the development agreement. This includes many of the auto-oriented uses such as service stations, sales lots, car washes and convenience stores. A complete list of the prohibited uses can be found in the draft development agreement attached to this report. The agreement also includes basic design standards for the eastern parcel, currently occupied by a surface parking lot. Upon redevelopment, any new building will need to be oriented to Reserve or Avenue H, include entrances along the street, and parking shall be located so as not to dominate the street frontage. With these basic parameters, development of the site should be compatible with the surrounding neighborhood both in terms of use and layout and design.

In addition to the development agreement, the applicant is proposing the Design Review Overlay on the eastern parcel. While the property is not currently located in an overlay district, staff finds it to be appropriate given the proposed commercial zoning.

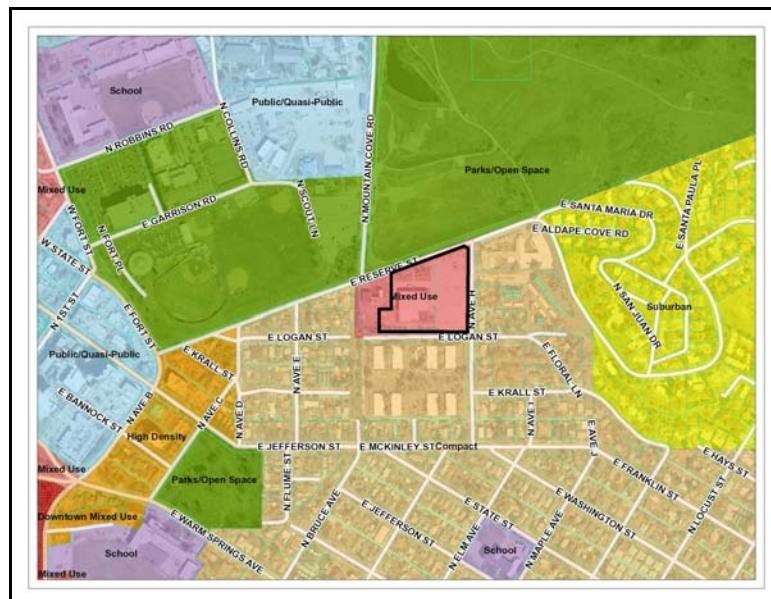
The overlay is not proposed on the western parcel, currently occupied by the armory. The armory is designated as a Landmark on the National Historic Register. According to the applicant, preservation of the structure is a condition of the sales agreement with the City of Boise. Their intent, and the purpose of the agreement, is that the armory will be restored in some fashion and adaptively re-used for commercial and office uses. The applicant is requesting freedom to deal with the restoration without the constraints the Design Review Overlay may entail. It is unusual to zone commercial property without the “D” overlay, but in the interest of promoting creative re-use of the building, and in consideration of the sales agreement, staff can support the request.

As detailed below, staff finds the rezone to be consistent with the applicable ordinance standards. The property is designated “Mixed Use” and as a Neighborhood Activity Center. A rezone to a General Commercial District is appropriate given these designations. It will accommodate the adaptive reuse of the deteriorating armory. This will benefit the surrounding neighborhood by introducing new services and amenities within walking distance of residents. These uses would not be possible under the restrictions of the existing residential zoning. Preservation of the armory is also more likely under commercial zoning. The proposed zoning allows a wide range of uses that could make use of the existing structure. The building is not well-suited for conversion to residences, one of the few uses allowed under existing zoning. The preservation/restoration of this national landmark will have positive impacts on the aesthetics of the neighborhood.

FINDINGS (11-06-01.03)

A. *Comply with and conform to the Boise City Comprehensive Plan;*

The rezone is consistent with the Comprehensive Plan. The property is designated “Mixed Use” on the Land Use Map and also recognized as a Neighborhood Activity Center.



(Land Use Map)

The “Mixed Use” designation is intended to accommodate a variety of development including retail, office, restaurant, and higher density residential. The Comprehensive Plan lists all of the City’s districts as potential implementing zones for mixed-use development. The appropriate zone depends largely on surrounding uses, access, and proximity to other services, including transit. In this instance, the site is located along a collector roadway and surrounded by a variety of uses and zones. The proposed C-2 (General Commercial) zone allows a broad range of retail uses along with restaurants, residential development, and offices. Staff finds this to be the most appropriate zone to accommodate the vision of the Comprehensive Plan. This is consistent with the East End Neighborhood Policy Guide and *Principle NE-CCN 2.8 of Blueprint Boise* that in part reads:

Encourage adaptive re-use of the historic Armory building. Integrate the Armory into a mixed-use development of neighborhood commercial/office/residential uses including workforce housing and public open space.

Staff did explore the appropriateness of alternative zones. Much like the existing residential district, the office zones would not allow for neighborhood serving businesses such as retail and restaurants. Industrial or service commercial zoning, while permissible under the mixed use designation, would create obvious compatibility issues with surrounding residences.

Both the Pedestrian Commercial (PC) and Planned Commercial (C-4) zones allow a similar range of uses to the proposed district. However, the C-4 zone is intended more for larger planned developments. The PC zone is geared toward pedestrian oriented developments with an emphasis on the principles of New Urbanism. The placement of the armory building at the back of the parcel, behind a surface parking lot, is not conducive to a Pedestrian Commercial style of project.

The one alternative that may also be appropriate is the C-1 (Neighborhood Commercial) zone. The use allowances in this district are more restrictive than those of the C-2 zone. Given the semi-industrial character of the armory site and adjacent fire station, the additional use restrictions of the C-1 zone seem unnecessary. Further, many of the more intense uses of the C-2 zone have been prohibited by the attached development agreement.

B. Provide and maintain sufficient transportation and other public facilities, and does not adversely impact the delivery of services by any political subdivision providing services;

Agency comments confirm the rezone will not impact the transportation system or other public facilities in the vicinity. The Ada County Highway District (ACHD) indicated their support of the rezone in an administrative approval letter dated July 11, 2012. While the rezone itself will not have an immediate impact on the transportation system, it will facilitate future development that has the potential to generate additional traffic. ACHD confirmed capacity is available on the road network in the vicinity to accommodate redevelopment of the site.

Reserve Street, a collector roadway and primary access to the site, is currently impacted by 4,272 vehicle trips a day. Of these, 300 occur during the PM Peak hour. An acceptable level of service for a collector is 425 trips per hour. ACHD comments also demonstrate capacity for additional trips exists on Broadway, Avenue B and Warm Springs Avenue. Traffic impacts and site specific requirements will be analyzed in greater detail upon submittal of specific development plans.

The Independent School District of Boise, Fire and Public Works Departments all provided general comments on the application. To date, no public agency has voiced opposition to the request.

C. *Maintain and preserve compatibility of surrounding zoning and development.*

The proposed commercial district is compatible with surrounding zoning and development. The area surrounding the site is comprised of a variety of uses including single family residences, offices, apartments, public services, institutional uses, and recreational facilities. The neighborhood is largely developed with minimal vacant ground other than park land.



(Vicinity Map)

Immediately adjacent to the site is a fire station, care center, athletic fields, and apartment buildings. With the exception of the fire station, the site is separated from adjacent properties by public streets. Staff finds the range of uses allowed in the proposed zone, when combined with the restrictions and design standards in the development agreement will result in future projects that are compatible with the surrounding neighborhood.

7. Development Agreement Requirements

1. Upon City Council approval of the rezone, the applicant shall submit a signed copy of the development agreement for final approval by Legal and Planning staff. This copy shall include any changes required by Council.
2. After the final document is approved by Legal, the City will record the development agreement and schedule the three required ordinance readings.
3. Failure to record the development agreement within the one-year time frame shall automatically render approval of the rezone null and void.

DRAFT

Recording requested by:

DEVELOPMENT AGREEMENT

This Agreement entered into this _____ day of _____, 2012, by and between the City of Boise City, hereinafter referred to as “City,” and J & M Land LLC, the owner of the real property described herein and the Applicant for Boise City rezone number CAR12-0009, hereafter referred to as “Developer.”

RECITALS

WHEREAS, the Developer has applied to the City for a conditional rezone to C-2DA and C-2D/DA of the property illustrated herein (Exhibit A) to facilitate adaptive reuse of the existing Armory Building and future development of adjacent parcel.

WHEREAS, the City, pursuant to Boise City Code Section 11-08-08 and Idaho Code §67-6511A, has the authority to conditionally rezone the property and to enter into a development agreement for the purpose of allowing, by agreement, a specific development to proceed in a specific area and for a specific purpose or use which is appropriate in the area, but for which the requested zoning may not be consistent with the Idaho Code and the Boise City Code; and

WHEREAS, the City’s Planning & Zoning Commission and City Council have held public hearings as prescribed by law with respect to the zoning and planned development of the Property and this Agreement; and

WHEREAS, it is the intent and desire of the parties hereto that development of the Property proceed as provided herein, subject to the terms and conditions of this Agreement and the amendments hereto.

NOW THEREFORE, in consideration of the above recitals and the mutual consideration as reflected in the covenants, duties and obligations herein set forth, the sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Description and Location of Property; Size of Property; Present Zoning: This conditional C-2 zone shall apply to the property owned by Developer, hereinafter referred to as “the Property” and specifically illustrated in EXHIBIT “A.” The commonly-associated addresses of the property are 823 and 825 E. Reserve St. The property is approximately 5 acres. The property was formerly zoned by Boise City as R-2 and R-3.
2. Use Permitted by this Agreement: Unless specifically listed as prohibited in EXHIBIT “B”, the use standards for the C-2 zone, as indicated in B.C.C. 11-04-06.09 apply to both parcels. No change in the uses specified in this Agreement shall be allowed without modification of this Agreement pursuant to the requirements of the Boise City Code. In the event the Developer changes or expands the use permitted by this Agreement without formal modification of this Agreement as allowed by the Boise City Code, the Developer shall be in default of this Agreement.
3. Construction of Use in Conditional Zone: Development and site work shall be constructed as indicated in EXHIBIT “B” and in accordance with Boise City Zoning and Subdivision Ordinances. Failure to construct the development consistent with this Agreement and the Boise City Zoning Ordinance or construction in variance with this Agreement, including the amendment of this Agreement, shall result in a default of this Agreement by the Developer.
4. Default: In the event the Developer, her/his heirs or assigns or subsequent owners of the property or any other person acquiring an interest in the property, fails to faithfully comply with all of the terms and conditions included in this Agreement, this Agreement may be modified or terminated by the Boise City Council upon compliance with the requirements of the Boise City Code.
 - A.) In the event the Boise City Council determines that this Agreement shall be modified, the terms of this Agreement shall be amended and the Developer shall comply with the amended terms. Failure to comply with the amended terms shall result in default.
 - B.) In the event the Boise City Council, after compliance with the requirements of the Boise City Code, determines that this Agreement shall be terminated as a result of the default, the zoning of the property shall revert to R-2 and R-3. All uses of the Property which are not consistent with this zoning or otherwise approved by the City of Boise shall cease.

C.) A waiver by the City of any default by the Developer of any one or more of the covenants or conditions hereof shall apply solely to the breach and breaches waived and shall not bar any other rights or remedies of the City or apply to any subsequent breach of any such or other covenants and conditions.

5. Consent to Rezone: Developer, Developer's heirs, successors, assigns and personal representatives, by entering into this Agreement, does hereby agree that in the event there shall be a default in the terms and conditions of this Agreement in connection with the Property, after compliance with the requirements of Boise City Code, that this Agreement shall serve as consent to a rezone of the Property to R-2 and R-3 zoning, as provided in Idaho Code §67-6511A.
6. Notices: Any and all notices required to be given by either of the parties hereto, shall be in writing and be deemed delivered upon personal service, if hand-delivered, or when mailed in the United States mail, certified, return receipt requested, addressed as follows:
 - a.) To the City:
Director, Community Planning and Development Department
City of Boise City
P.O. Box 500
Boise, Idaho 83701-0500
 - b). To the Developer:

Either party shall give notice to the other party of any change of their address for the purpose of this section by giving written notice of such change to the other in the manner herein provided. Developer expressly agrees to notify any successors and assigns of the need to provide City with a current address. In the event any successor or assign fails to provide an address, City obligations of mailing shall be deemed accomplished by use of the address on file with the County Tax Assessor.

7. Attorney Fees: Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorney's fees as determined by a Court of competent jurisdiction. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination or forfeiture of this Agreement.
8. Time Is Of The Essence: The parties hereto acknowledge and agree that time is strictly of the essence with respect to each and every term, condition and provision hereof, and that the failure to timely perform any of the obligations hereunder shall constitute a breach of and a default under this Agreement by the party so failing to perform.
9. Binding Upon Successors: This Agreement shall be binding upon and inure to the benefit of the parties respective successors, assigns and personal representatives, including City's corporate authorities and their successors in office. This Agreement shall be binding on the owner of the property, each subsequent owner and each other person acquiring an interest in the property. This Agreement shall run with the land.
10. Requirement for Recordation: The Developer shall record this document, including all the Exhibits, prior to the formal adoption of CAR12-00009 by the Boise City Council. Failure to comply with this section shall be deemed a default of this Agreement by the Developer. If for any reason after such recordation the Boise City Council fails to adopt CAR12-00009, City shall execute and record an appropriate instrument of release of this Agreement.
11. Effective Date: This Agreement shall not be effective until CAR12-00009 has been approved and published by the City.
12. Invalid Provisions: If any provision of this Agreement is held not valid, such provision shall be deemed to be excised there from and the invalidity thereof shall not affect any of the other provisions contained herein.

IN WITNESS WHEREOF, the parties have hereunto caused this Agreement to be executed, on the day and year first above written.

Dated this _____ day of _____, 2012.

BOISE CITY

By: _____

David H. Bieter, Mayor

ATTEST:

DEVELOPER

By : _____

Title: _____

ACKNOWLEDGMENT

STATE OF IDAHO)
) ss.
County of Ada)

On this ____ day of _____, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared **David Bieter**, known or identified to me to be the Mayor of the City of Boise City, the municipal corporation that executed the within and foregoing instrument, or the person who executed the instrument on behalf of said municipal corporation, and acknowledged to me that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for Idaho
Residing at: _____
My commission expires: _____

STATE OF IDAHO)
) ss.
County of Ada)

On this ____ day of _____, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, known or identified to me to be _____ that executed the foregoing said instrument, and acknowledged to me that he/she executed the same.

Notary Public for Idaho
Residing at: _____
My Commission expires: _____

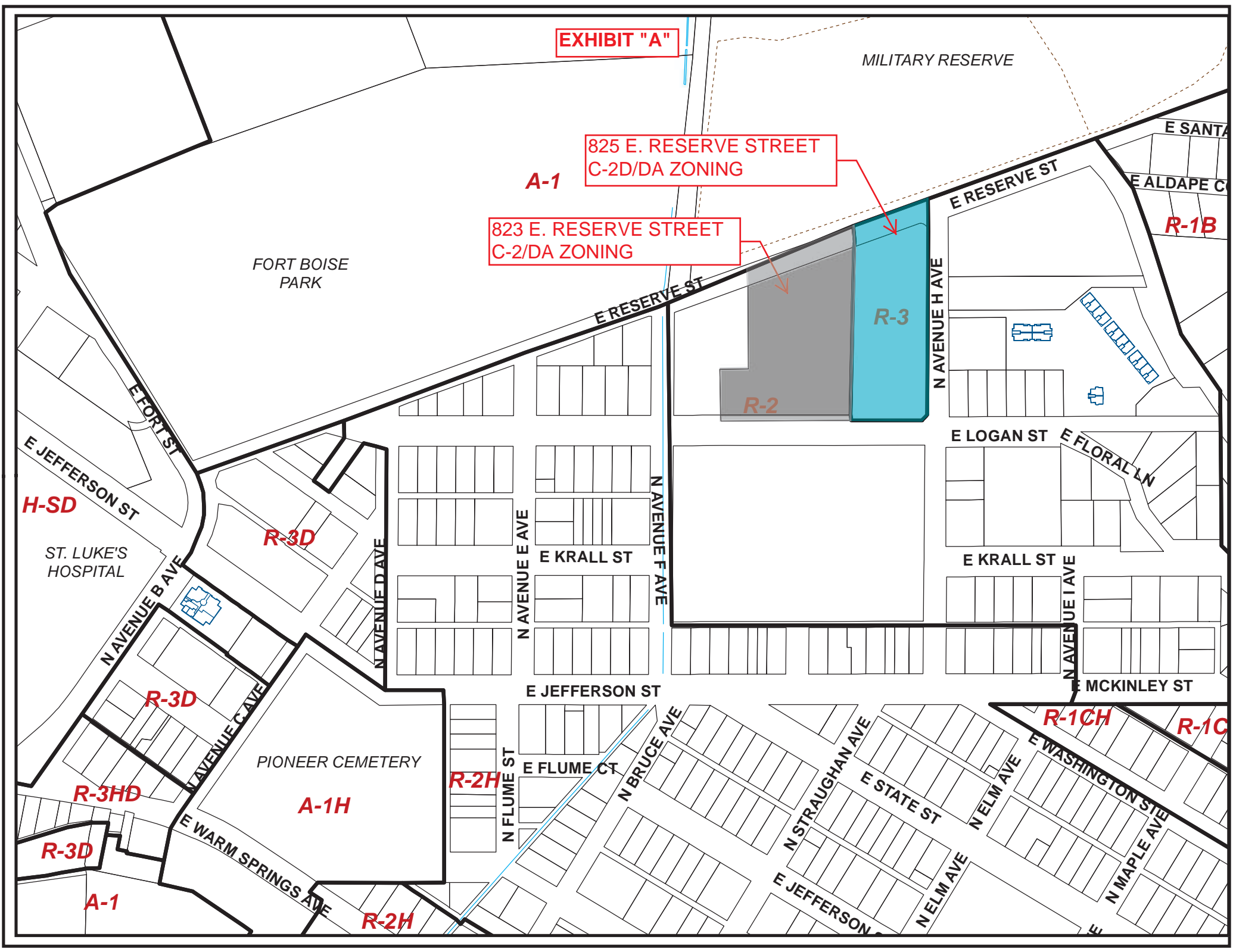


EXHIBIT "A"

MILITARY RESERVE

A-1

825 E. RESERVE STREET
C-2D/DA ZONING

823 E. RESERVE STREET
C-2/DA ZONING

FORT BOISE
PARK

R-3

R-2

H-SD

R-3D

R-3D

R-3HD

R-3D

A-1

A-1H

R-2H

R-2H

R-1CH

R-1C

R-1B

ST. LUKE'S
HOSPITAL

PIONEER CEMETERY

MILITARY RESERVE

E SANTA

E ALDAPE C

E RESERVE ST

E LOGAN ST

E FLORAL LN

E KRALL ST

E MCKINLEY ST

E JEFFERSON ST

E FLUME CT

N BRUCE AVE

N STRAUGHAN AVE

E STATE ST

N ELM AVE

E WASHINGTON ST

N MAPLE AVE

E JEFFERSON

NELM AVE



When recorded, please return to:

City of Boise
Legal Department
Attn: J. Patrick Riceci
Post Office Box 500
Boise, Idaho 83701

CAR 12-00009

**WARRANTY DEED
(ARMORY)**

FOR VALUE RECEIVED, the City of Boise City, an Idaho municipal corporation, the Grantor, does hereby grant, bargain sell and convey unto the City of Boise City, an Idaho municipal corporation, the Grantee, whose current address is 150 South Capitol Boulevard, Boise, Idaho 83702 the following described premises, in Ada County, Idaho, **TO WIT:**


See attached Exhibit A attached hereto and incorporated herein by reference

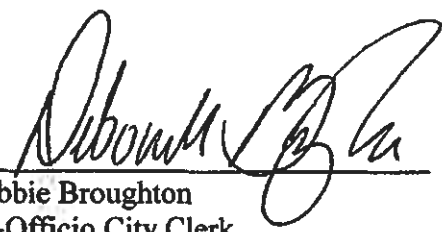
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that they are free from all encumbrances **EXCEPT FOR:** (i) all existing patent reservations, easements, right(s) of way, restrictive covenants, and other matters of record or shown on the recorded plat, if any; (ii) zoning ordinances, and applicable building codes, laws and regulations, and (iii) general taxes and assessments, for the current year, which are not yet due and payable, (collectively the "Permitted Exceptions"), and that Grantor will warrant and defend the same from all lawful claims whatsoever other than the "Permitted Exceptions".

IN WITNESS WHEREOF, Grantor has caused its name to be hereunto subscribed this 8th day of December 2011.

**Grantor
City of Boise City**

ATTEST:


David H. Bieter
Mayor


Debbie Broughton
Ex-Officio City Clerk

RECEIVED

JUN 26 2012

DEVELOPMENT
SERVICES

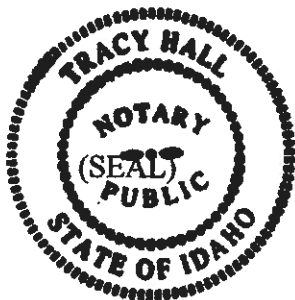
WARRANTY DEED—ARMORY - 1

CAR 12 00009

STATE OF IDAHO)
) ss.
County of Ada)

On this 8th day of December 2011 before me, a Notary Public in and for said state, personally appeared David H. Bieter and Debbie Broughton, known to me to be the Mayor and Ex-Officio City Clerk of Boise City, Idaho, who executed the within instrument, and acknowledged to me that Boise City executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Tracy Hall
Notary Public for Idaho
Residing at Boise, ID
My Commission Expires: 12/16/14

RECEIVED

JUN 26 2012
DEVELOPMENT
SERVICES

**EXHIBIT A
LEGAL DESCRIPTION
FOR
ARMORY PARCEL
(PARCEL B)**

RECEIVED

JUN 26 2012

**DEVELOPMENT
SERVICES**

A parcel of land lying in the John Krall's Third Addition to Boise Idaho, according to the plat thereof, filed in Book 2 of Plats at Page 91 and located within the Northwest Quarter of Section 11, Township 3 North, Range 2 East, Boise Meridian, Ada County, Idaho more particularly described as follows:

Beginning at the Center Quarter Corner of Section 11, from which the North Quarter Corner of Section 11 bears North 0°19'51" East 2654.21 feet; Thence North 0°19'51" East 1275.01 feet along the easterly boundary of the Northwest Quarter of Section 11; thence South 89°48'00" West 46.75 feet (recorded as N 90°00'00" W 46.81 feet) to the northeast corner of Block 23 of said John Krall's Third Addition to Boise Idaho; thence along the northerly boundary of said Block 23 South 70°14'41" West 199.90 feet (recorded as S 70°14'02" W 199.86 feet) to the **TRUE POINT OF BEGINNING**;

Thence South 0°59'58" West 453.73 feet (recorded as S 1°00'00" W 453.77 feet) to the northerly right of way of East Logan Street;

Thence along said northerly right of way South 89°56'16" West 342.72 feet;

Thence North 1°07'46" West 120.45 feet;

Thence North 89°38'31" East 75.12 feet;

Thence North 0°17'49" West 232.91 feet to the southerly right of way of East Reserve Street;

Thence along said southerly right of way North 70°14'41" East 296.54 feet to the **TRUE POINT OF BEGINNING**.

TOGETHER WITH a strip of land situated within the right of way of East Logan Street lying in John Krall's Third Addition to Boise, Idaho, according to the plat thereof, filed in Book 2 of Plats at Page 91 and located within the Northwest Quarter of Section 11, Township 3 North, Range 2 East, Boise Meridian, Ada County, Idaho more particularly described as follows:

Beginning at the Center Quarter Corner of Section 11, from which the North Quarter Corner of Section 11 bears North 0°19'51" East 2654.21 feet; Thence North 0°19'51" East 753.63 feet along the easterly boundary of the Northwest Quarter of Section 11 ; thence North 89°46'08" West 38.67 feet to a found 1/2 inch iron pin marking the westerly right of way of North Avenue "H" as described in Warranty Deed Instrument Number 9300518, Records of Ada County; thence North 88°21'13" West 5.05 feet to a found 5/8 inch iron pin marking the southeast corner of Block 24 of John Krall's Third Addition to Boise, Idaho; thence along the southerly boundary of said Block 24 South 89°54'25" West 195.95 feet to a found 5/8 inch iron pin marking the **TRUE POINT OF BEGINNING**;

Thence along said southerly boundary of Block 24 South 89°56'16" West 342.72 feet to a found 5/8 inch iron pin;

Thence leaving said southerly boundary South 1°07'46" East 15.11 feet;

Thence North 89°54'55" East 342.16 feet to a found 1/2 inch iron pin;

Thence North 0°59'58" East 14.98 feet to the **TRUE POINT OF BEGINNING**.

EXCEPTING THEREFROM A parcel of land for public right of way lying in the John Krall's Third Addition to Boise Idaho, according to the plat thereof, filed in Book 2 of Plats at Page 91 and located within the Northwest Quarter of Section 11, Township 3 North, Range 2 East, Boise Meridian, Ada County, Idaho more particularly described as follows:

Beginning at the Center Quarter Corner of Section 11, from which the North Quarter Corner of Section 11 bears North 0°19'51" East 2654.21 feet; Thence North 0°19'51" East 1275.01 feet along the easterly boundary of the Northwest Quarter of Section 11; thence South 89°48'00" West 46.75 feet (recorded as N 90°00'00" W 46.81 feet) to the northeast corner of Block 23 of said John Krall's Third Addition to Boise Idaho; thence along the northerly boundary of said Block 23 and the southerly right of way of East Reserve Street South 70°14'41" West 199.90 feet (recorded as S 70°14'02" W 199.86 feet) to the TRUE POINT OF BEGINNING;

Thence continuing along said southerly right of way South 70°14'41" West 296.54 feet;

Thence South 0°17'49" East 14.31 feet;

Thence North 70°08'44" East 296.40 feet;

Thence North 0°59'58" East 13.88 feet (recorded as N 1°00'00" E) to the TRUE POINT OF BEGINNING.

Parcel contains 2.77 Acres more or less.

SUBJECT TO a 10.00 feet in width access easement along the northerly 232.91 feet of the westerly boundary and other easements of record or in use.

RECEIVED

JUN 26 2012

DEVELOPMENT
SERVICES



When recorded, please return to:

City of Boise
Legal Department
Attn: J. Patrick Riceci
Post Office Box 500
Boise, Idaho 83701

**WARRANTY DEED
(ARMORY PARKING LOT)**

FOR VALUE RECEIVED, the City of Boise City, an Idaho municipal corporation, the Grantor, does hereby grant, bargain sell and convey unto the City of Boise City, an Idaho municipal corporation, the Grantee, whose current address is 150 South Capitol Boulevard, Boise, Idaho 83702 the following described premises, in Ada County, Idaho, **TO WIT:**

See attached Exhibit A attached hereto and incorporated herein by reference

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that they are free from all encumbrances **EXCEPT FOR:** (i) all existing patent reservations, easements, right(s) of way, restrictive covenants, and other matters of record or shown on the recorded plat, if any; (ii) zoning ordinances, and applicable building codes, laws and regulations, and (iii) general taxes and assessments, for the current year, which are not yet due and payable, (collectively the "Permitted Exceptions"), and that Grantor will warrant and defend the same from all lawful claims whatsoever other than the "Permitted Exceptions".

IN WITNESS WHEREOF, Grantor has caused its name to be hereunto subscribed this 8th day of December 2011.

**Grantor
City of Boise City**

ATTEST:

David H. Bieter
Mayor

Debbie Broughton
Ex-Officio City Clerk

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JUN 26 2012

**DEVELOPMENT
SERVICES**

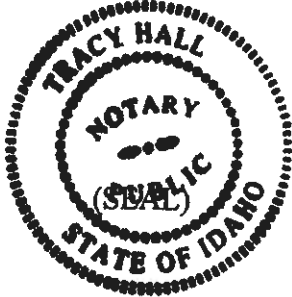
WARRANTY DEED—ARMORY PARKING LOT - 1

CAR 1 2 0 0 0 0 9

STATE OF IDAHO)
) ss.
County of Ada)

On this 8th day of December 2011 before me, a Notary Public in and for said state, personally appeared David H. Bieter and Debbie Broughton, known to me to be the Mayor and Ex-Officio City Clerk of Boise City, Idaho, who executed the within instrument, and acknowledged to me that Boise City executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Tracy Hall
Notary Public for Idaho
Residing at Boise, ID
My Commission Expires: 12/16/14

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EXHIBIT A
ARMORY PARKING LOT LEGAL DESCRIPTION

A parcel of land lying in the John Krall's Third Addition to Boise Idaho, according to the plat thereof, filed in Book 2 of Plats at Page 91 and located within the Northwest Quarter of Section 11, Township 3 North, Range 2 East, Boise Meridian, Ada County, Idaho more particularly described as follows:

Beginning at the Center Quarter Corner of Section 11, from which the North Quarter Corner of Section 11 bears North 0°19'51" East 2654.21 feet; Thence North 0°19'51" East 1275.01 feet along the easterly boundary of the Northwest Quarter of Section 11; thence South 89°48'00" West 46.75 feet (recorded as N 90°00'00" W 46.81 feet) to the northeast corner of Block 23 of said John Krall's Third Addition to Boise Idaho; thence South 0°17'18" West 26.86 feet to the TRUE POINT OF BEGINNING, being a point on a non-tangent curve;

Thence along the westerly right of way of North Avenue "H" southeasterly 14.69 feet along the arc of a curve right, said curve having a radius of 20.00 feet and a chord bearing South 21°10'21" East 14.36 feet;

Thence continuing along said westerly right of way South 0°00'20" West 480.79 feet to the beginning of a curve;

Thence continuing along said westerly right of way southwesterly 23.43 feet along the arc of a curve right, said curve having a radius of 15.00 feet and a chord bearing South 45°06'19" West 21.12 feet to a point on the northerly right of way of East Logan Street;

Thence along said northerly right of way South 89°55'08" West 186.31 feet;

Thence leaving said northerly right of way North 0°59'58" East 454.85 feet to a point on the southerly right of way of East Reserve Street;

Thence along said southerly right of way North 69°52'57" East 177.37 feet to a point on a non-tangent curve;

Thence southeasterly 24.04 feet along the arc of a curve right, said curve having a radius of 20.00 feet and a chord bearing South 73°30'23" East 22.62 feet to the TRUE POINT OF BEGINNING.

Parcel contains 2.21 Acres more or less and is subject to easements of record or in use.

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EXHIBIT 'B'

1. **The property may be developed with the mix of uses allowed in the C-2 zone, as delineated in Boise City Code Section 11-04-06.09 (Use Standards for Commercial Zones). Additionally, the following uses are prohibited:**

- a. Automobile Sales Lot
- b. Service Station
- c. Repair Shop – Major
- d. Car Wash
- e. Bikini Bar
- f. Bus Station
- g. Convenience Store with Gasoline Service
- h. Firing Ranges
- i. Golf Course
- j. Driving Range
- k. Laundry, Self Service
- l. Mausoleum
- m. Mortuary
- n. Parking Lot – Commercial – Offsite Accessory
- o. Recreational Vehicle Park
- p. Outdoor storage, excluding flammable, corrosive or hazardous substances
- q. Tobacco Business Retail (within 300' of residential use or district)

2. **In addition to the use restrictions listed above, the following design standards apply to the parcel located at the corner of E. Reserve Street and Avenue H:**

- a. New buildings shall be located along Reserve and Avenue H, and include entrances oriented to the streets.
- b. Parking shall be located behind or to the side of buildings, not dominating the street frontages.

Annexation & Rezone Application Form

PDS

Department Application

105

New! Type data directly into our forms.

Case #: CAR 12-00009

Note: Be sure to print this form before closing it or you will lose your data. This form cannot be saved to your computer.

Property Information

Address: Street Number: 801, 825 Prefix: _____ Street Name: E. Reserve St
Subdivision: 811 + 825 E. Block: _____ Lot: _____ Section: 11 Township: 3N Range: 2E
*Primary Parcel Number: R467154015 Additional Parcels: R4671540210

Applicant Information

*First Name: _____ *Last Name: _____
Company: JIM Land, LLC *Phone: 208-871-0642
*Address: 2228 W Piazza St. *City: Meridian *State: ID *Zip: 83646
E-mail: highmarkdevelopment@gmail.com Cell: 208-871-0642 Fax: _____

Agent/Representative Information

First Name: Justin Last Name: Blackstock
Company: JIM Land, LLC Phone: 208-871-0642
Address: 2228 W Piazza St City: Meridian State: ID Zip: 83646
E-mail: highmarkdevelopment@gmail.com Cell: 208-871-0642 Fax: _____
Role Type: ☐ Architect ☒ Land Developer ☐ Engineer ☐ Contractor ☐ Other

Owner Information

Same as Applicant? ☐ Yes ☒ No (If yes, leave this section blank)

First Name: _____ Last Name: _____
Company: City of Boise Phone: 208-384-3891
Address: 150 N. Capitol BLVD City: Boise State: ID Zip: 83702
E-mail: _____ Cell: _____ Fax: _____

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JUN 26 2012

Date Received: _____
Revised 10/2008

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www.cityofboise.org/pds

City of Boise Planning & Development Services

P.O. Box 500 • 150 N. Capitol Blvd • Boise, Idaho 83701-0500

Phone 208/384/3830 • Fax 208/433-5688 • TDD/TTY 800/377-3529

CAR 12 00009

1. Neighborhood Meeting Held (Date): Thursday June 14, 2012

2. Neighborhood Association: East End

3. Comprehensive Planning Area: North End / East End

4. This application is a request to construct, add or change the use of the property as follows:

Rezone of 5± acres from R-2 & R-3 to commercial zoning

5. Type of Request: ☒ Rezone ☐ Annexation & Rezone

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6. Current Zone: R-2 & R-3

JUN 26 2012

7. Requested Zone: C2D

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8. Size of property: 4.95 ☒ Acres ☐ Square Feet

9. Existing uses and structures on the property are as follows:

The City of Boise is using the property for Storage & Parking.

10. Are there any existing land uses in the general area similar to the proposed use?

If so, describe them and give their locations:

Downtown

11. On what street(s) does the property have frontage? Reserve St & Logan St

12. Adjacent Property Information

	Uses:	Zone:
North:	<u>Military Reserve</u>	<u>A-1</u>
South:	<u>Residential</u>	<u>R-2</u>
East:	<u>Office & residential</u>	<u>R-2</u>
West:	<u>Boise Fire Station</u>	<u>R-2H</u>

13. Why are you requesting annexation into the City of Boise?N/A**14. What use, building or structure is intended for the property?**No use has been decided at this time.**15. What changes have occurred in the area that justify the requested rezone?**Adaptive reuse of existing structure and site.**RECEIVED**

JUN 26 2012

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CAR 1200009

16. What Comprehensive Plan policies support your request?

Mixed use development next to down town

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SERVICES

[Signature]
Applicant/Representative Signature

6-20-12
Date

Print Form

CAR 1200009

J & M Land, LLC

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June 20, 2012

City of Boise
Attn: Planning Staff
150 N. Capitol Blvd.
Boise, ID 83701

JUN 26 2012
DEVELOPMENT
SERVICES
CAR 12-00009

RE: Rezone Application for J & M Land, LLC (Parcel # R4671540153 and #R4671540210 Boise Armory)

Dear Staff:

On behalf of J & M Land, LLC we hereby apply for rezone from R-2 (Combined Residential) & R-3 (Multi-Family Residential) to C-2 (General Commercial). The subject property consists of two parcels located at Reserve Street and Logan Street. Parcel 4761540210 is currently vacant and being used for Parking and parcel 4761540153 has the abandoned Boise Armory Building currently being used for storage by the City of Boise.

J & M Land, LLC currently has both parcels under contract and is interested in removing the hazardous material and renovating the Armory Building. We also are interested in maintaining and protecting some of the architectural features on the exterior of the Building. J & M Land, LLC current plan is to complete the necessary improvements to get the Building up to code and presentable. We currently do not have a tenant and would like to keep our options as open as possible taking in to consideration the downtown corridor and surrounding uses.

If you have any questions, please feel free to call me.

Sincerely,

J & M Land, LLC

CAR 12 0 0 0 0 9

Justin Blackstock



BOISE CITY PUBLIC WORKS DEPARTMENT

DEPARTMENT CORRESPONDENCE

Date: June 27, 2012

To: Boise City Planning & Zoning

Re: CAR 12-00009; 823 & 825 E. Reserve Street

CONDITIONS OF APPROVAL

SEWER CONDITIONS – MIKE SHEPPARD (384-3920)

No comment.

DRAINAGE / STORM WATER CONDITIONS – BRIAN MURPHY (384-3752)

No comment.

STREET LIGHT CONDITIONS – MIKE HEDGE (388-4719)

No comment.

PERSON MAKING OTHER COMMENTS –

OTHER COMMENTS –


PUBLIC WORKS REPRESENTATIVE


PUBLIC WORKS REPRESENTATIVE


cc: Applicant

CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: June 28, 2012

To: Cody Riddle, Planner III
Planning and Development Services

From: Jim Wyllie 
Public Works Department

Subject: Armory Building
Annexation & Rezone Application
823 & 825 Reserve Street
Car12-00009
Floodplain Requirements
FPR 999

The subject property is located in the Cottonwood Creek Floodplain. Flood Zone designation is AO (an alluvial flood fan) with a flood depth of one foot and a water velocity of three feet per second. Future property development is subject to the regulations and requirements of Chapter 11-12, Boise City Zoning Ordinance.

Call if you have questions.

cc: Hal Simmons, Planning Division Director
sf FPR 999 2.4



Independent School District of Boise City #1

Boundaries, Transportation, and Traffic Safety
8169 W Victory Rd - Boise, ID 83709
(208) 854-4167 Fax (208) 854-4011

RESPONSE TO PLANNING & DEVELOPMENT SERVICES

DATE: June 27, 2012

TO: PDSTransmittals@cityofboise.org

RE: CAR12-00009

At the present time, the Developer and/or Owner have made arrangements to comply with all requirements of the Boise School District.

The schools currently assigned to the proposed project area are:

Elementary School: **Roosevelt**
Junior High School: **North**
High School: **Boise**

Comments Regarding Traffic Impact: **None**

Comments Regarding Safe Routes to School Impact: **None**

If you have any further questions, please feel free to contact this office.

A handwritten signature in cursive script that reads "Lanette Daw".

Lanette Daw, Supervisor
Traffic Safety and Transportation

LD/pkw



Dennis Doan
Chief

City Hall West
333 N. Mark Stall Place
Boise, Idaho 83704-0644

Phone
208/570-6500

Fax
208/570-6586

TDD/TTY
800/377-3529

Web
www.cityofboise.org/fire



Mayor
David H. Bieter

City Council
President
Maryanne Jordan

Council Pro Tem
Alan W. Shealy

Elaine Clegg
David Eberle
Lauren McLean
TJ Thomson

Fire Department

July 5, 2012

Cody Riddle
PDS – Current Planning

Re: Rezone Application; CAR12-00009
823/825 E. Reserve Street

Dear Cody,

This is a request to rezone two parcels from R-2 and R-3 zoning to C-2 Zoning.

The Boise Fire Department has reviewed and can approve the application subject to compliance with all of the following code requirements and conditions of approval. Any deviation from this plan is subject to Fire Department approval. Please note that unless stated otherwise, this memo represents the requirements of the International Fire Code (IFC) as adopted and amended by Ordinance 6308.

Comments:

1. None.

General Requirement:

Specific building construction and infrastructure requirements of the International Building Code, International Fire Code and Boise City Code will apply to future development.

Please feel free to have the applicant contact Romeo Gervais at 570-6567 if they have any questions.

Regards,

Romeo P. Gervais, P.E.
Deputy Chief – Fire Marshal
Boise Fire Department

**Project/File: CAR12-00009**

This is a rezone application to rezone the site from residential (R-2 & R-3) to commercial (C2D). This site is located on the southwest corner of Reserve Street and Avenue H in Boise, Idaho.

Lead Agency: City of Boise**Site address:** 823 & 825 E. Reserve St.**Staff Approval:** July 11, 2012

Applicant: J & M Land, LLC
Justin Blackstock
2228 W. Piazza St.
Meridian, Idaho 83646

Owner: City of Boise
150 N. Capitol Blvd.
Boise, Idaho 83709

Staff Contact: Kristy Heller
Phone: 387-6171
E-mail: kheller@achdidaho.org

**A. Findings of Fact**

- Description of Application:** This is a rezone application to rezone the site from residential (R-2 & R-3) to commercial (C2D). The site currently has an abandoned armory building on the site.

2. Description of Adjacent Surrounding Area:

Direction	Land Use	Zoning
North	Open Land District	A-1
South	Combined Residential District (Laurel Apartments)	R-2
East	Combined Residential District	R-2
West	Combined Residential District (Boise Fire Department)	R-2

- Site History:** ACHD has not previously reviewed this site for a development application.
- Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.
- Capital Improvements Plan (CIP)/Five Year Work Plan (FYWP):**
There are currently no roadways, bridges or intersections in the general vicinity of the project that are currently in the Five Year Work Plan.
 - The intersection of Broadway Avenue/Avenue B and Idaho St./Warm Springs Avenue is listed in the Capital Improvements Plan to be widened to 7-lanes on the north leg, 7-lanes on the south, 6-lanes east, and 5-lanes on the west leg, and signalized between 2022 and 2026.

B. Traffic Findings for Consideration

1. **Trip Generation:** When a future development application is submitted that identifies a proposed use, then the trip generation will be estimated based on the Institute of Transportation Engineers Trip Generation Manual in effect at that time.

2. **Condition of Area Roadways**

Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service	Existing Plus Project
Broadway Avenue	0-feet	Principal Arterial	1,206*	Better than "D"	n/a
Avenue B	0-feet	Minor Arterial	976**	Better than "D"	n/a
Warm Springs Avenue	0-feet	Minor Arterial	581***	Better than "D"	n/a
Reserve Street	500-feet	Collector	300	Better than "D"	n/a
Avenue H	525-feet	Local	n/a	n/a	n/a
Logan Street	540-feet	Local	n/a	n/a	n/a

* Acceptable level of service for a five-lane principal arterial is "E" (1,770 VPH*).

* Acceptable level of service for a five-lane minor arterial is "D" (1,540 VPH**).

* Acceptable level of service for a three-lane minor arterial is "D" (720 VPH***).

* Acceptable level of service for a two-lane collector is "D" (425 VPH).

3. **Average Daily Traffic Count (VDT)**

Average daily traffic counts are based on ACHD's most current traffic counts.

- The average daily traffic count for Warm Springs Avenue east of Broadway Avenue was 13,064 on 6/23/2010.
- The average daily traffic count for Avenue B south of Jefferson Street was 23,920 on 9/2/2009.
- The average daily traffic count for Broadway Avenue north of Front Street was 30,886 on 7/22/2009.
- The average daily traffic count for Reserve Street east of Fort Street was 4,272 on 9/2/2009.
- There are no traffic counts available for Avenue H or Logan Street.

C. Findings for Consideration

This application is for a rezone application only. Listed below are some of the findings for consideration that the District may identify when it reviews a future development application. The District may add additional findings for consideration when it reviews a specific redevelopment application.

1. **Reserve Street**

- a. **Existing Conditions:** Reserve Street is improved with 2-travel lanes, rolled curb, gutter, and 5-foot wide detached sidewalk abutting the site. There is 52-feet of right-of-way for Reserve Street (19-feet from centerline).

- b. **Policy:**

Collector Street Policy: District policy 7206.2.1 states that the developer is responsible for improving all collector frontages adjacent to the site or internal to the development as required below, regardless of whether access is taken to all of the adjacent streets.

Master Street Map and Typologies Policy: District policy 7206.5 states that if the collector street is designated with a typology on the Master Street Map, that typology shall be considered for the required street improvements. If there is no typology listed in the Master Street Map, then standard street sections shall serve as the default.

Street Section and Right-of-Way Policy: District policy 7206.5.2 states that the standard right-of-way width for collector streets shall typically be 50 to 70-feet, depending on the location and width of the sidewalk and the location and use of the roadway. The right-of-way width may be reduced, with District approval, if the sidewalk is located within an easement; in which case the District will require a minimum right-of-way width that extends 2-feet behind the back-of-curb on each side.

The standard street section shall be 46-feet (back-of-curb to back-of-curb). This width typically accommodates a single travel lane in each direction, a continuous center left-turn lane, and bike lanes.

Residential Collector Policy: 7206.5.2 states that the standard street section for a collector in a residential area shall be 36-feet (back-of-curb to back-of-curb). The District will consider a 33-foot or 29-foot street section with written fire department approval and taking into consideration the needs of the adjacent land use, the projected volumes, the need for bicycle lanes, and on-street parking.

Sidewalk Policy: District policy 7206.5.6 requires a concrete sidewalks at least 5-feet wide to be constructed on both sides of all collector streets. A parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District's planter width policy if trees are to be placed within the parkway strip. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.).

ACHD Master Street Map: ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, collector street requirements, and specific roadway features required through development. This segment of Reserve Street is designated in the MSM as a Traditional Neighborhood Collector with 2-lanes and on-street parking, a 40-foot street section within 61-feet of right-of-way.

- c. **Applicant Proposal:** The applicant is not proposing any roadway improvements or right-of-way dedication with this rezone application.
- d. **Staff Comments/Recommendations:** The applicant's proposal does not meet District Policy and should not be approved, as proposed. As noted above, this segment of Reserve Street is designated in the MSM as a Traditional Neighborhood Collector roadway; a 40-foot street section, with 2-travel lanes, on-street parking, and a 5-foot wide detached concrete sidewalk located within 61-feet of right-of-way. Therefore, the applicant should be required to dedicate an additional 11.5-feet of right-of-way from the centerline of Reserve Street abutting the site to total 30.5-feet from the centerline of the roadway and to re-construct Reserve Street as one half of a 40-street section with vertical curb and gutter.

The existing 5-foot wide detached concrete sidewalk abutting the site meets District policy, and should be approved in its existing location. However, the applicant should be required to provide a permanent right-of-way easement for the sidewalk due to the fact that it will be located outside of the right-of-way. The easement shall encompass the entire area between

the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.).

The applicant should be required to replace any deteriorated or deficient sidewalk or pedestrian facilities along Reserve Street abutting the site, consistent with ACHD's Minor Improvements Policy 7203.3.

2. Avenue H

- a. **Existing Conditions:** Avenue H is improved with 2-travel lanes and no curb, gutter or sidewalk abutting the site. There is 54-feet of right-of-way for Avenue H (27-feet from centerline).

b. **Policy:**

Local Roadway Policy: District Policy 7207.2.1 states that the developer is responsible for improving all local street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

Street Section and Right-of-Way Policy: District Policy 7207.5 states that right-of-way widths for all local streets shall generally not be less than 50-feet wide and that the standard street section shall be 36-feet (back-of-curb to back-of-curb). The District will consider the utilization of a street width less than 36-feet with written fire department approval.

Standard Urban Local Street—36-foot to 33-foot Street Section and Right-of-way Policy: District Policy 7207.5.2 states that the standard street section shall be 36-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot concrete sidewalks on both sides and shall typically be within 50-feet of right-of-way.

The District will also consider the utilization of a street width less than 36-feet with written fire department approval. Most often this width is a 33-foot street section (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size.

Sidewalk Policy: District Policy 7207.5.7 states that five-foot wide concrete sidewalk is required on both sides of all local street, except those in rural developments with net densities of one dwelling unit per 1.0 acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk shall be constructed along one side of the street. Some local jurisdictions may require wider sidewalks.

The sidewalk may be placed next to the back-of-curb. Where feasible, a parkway strip at least 8-feet wide between the back-of-curb and the street edge of the sidewalk is recommended to provide increased safety and protection of pedestrians and to allow for the planting of trees in accordance with the District's Tree Planting Policy. If no trees are to be planted in the parkway strip, the applicant may submit a request to the District, with justification, to reduce the width of the parkway strip.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

- c. **Applicant's Proposal:** The applicant is not proposing any roadway improvements with this rezone application.
- d. **Staff Comments/Recommendations:** The applicant's proposal does not meet District policy. The applicant should be required to construct Avenue H as one half of a 36-foot street section with curb, gutter and 5-foot wide attached concrete sidewalk abutting the site within the existing right-of-way.

3. Logan Street

- a. **Existing Conditions:** Logan Street is improved with 2-travel lanes, vertical curb and gutter abutting the site. There is no sidewalk existing abutting the site. There is 65-feet of right-of-way for Logan Street (33-feet from centerline).

b. **Policy:**

Local Roadway Policy: District Policy 7207.2.1 states that the developer is responsible for improving all local street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

Street Section and Right-of-Way Policy: District Policy 7207.5 states that right-of-way widths for all local streets shall generally not be less than 50-feet wide and that the standard street section shall be 36-feet (back-of-curb to back-of-curb). The District will consider the utilization of a street width less than 36-feet with written fire department approval.

Standard Urban Local Street—36-foot to 33-foot Street Section and Right-of-way Policy: District Policy 7207.5.2 states that the standard street section shall be 36-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot concrete sidewalks on both sides and shall typically be within 50-feet of right-of-way.

The District will also consider the utilization of a street width less than 36-feet with written fire department approval. Most often this width is a 33-foot street section (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size.

Sidewalk Policy: District Policy 7207.5.7 states that five-foot wide concrete sidewalk is required on both sides of all local street, except those in rural developments with net densities of one dwelling unit per 1.0 acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk shall be constructed along one side of the street. Some local jurisdictions may require wider sidewalks.

The sidewalk may be placed next to the back-of-curb. Where feasible, a parkway strip at least 8-feet wide between the back-of-curb and the street edge of the sidewalk is recommended to provide increased safety and protection of pedestrians and to allow for the planting of trees in accordance with the District's Tree Planting Policy. If no trees are to be planted in the parkway strip, the applicant may submit a request to the District, with justification, to reduce the width of the parkway strip.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

Minor Improvements Policy: District Policy 7203.3 states that minor improvements to existing streets adjacent to a proposed development may be required. These improvements are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused driveways with curb, gutter and sidewalk; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items.

- c. **Applicant's Proposal:** The applicant is not proposing any roadway improvements with this rezone application.
- d. **Staff Comments/Recommendations:** The applicant's proposal does not meet District policy. Logan Street is improved with 2-travel lanes, vertical curb, and gutter abutting the site. There is no sidewalk existing abutting the site.

Therefore, the applicant should be required to replace any deteriorated or deficient curb, gutter, or pedestrian facilities along Logan Street abutting the site, consistent with ACHD's Minor Improvements Policy 7203.3.

The applicant shall be required to construct a 5-foot wide concrete sidewalk abutting the site within the existing right-of-way.

4. Driveways

4.1 Reserve Street

a. Existing Conditions: There are two existing driveways onto Reserve Street from the site identified below (all measurements are centerline to centerline):

- One 40-foot wide shared driveway located approximately 535-feet west of the intersection of Reserve Street and Avenue H.
- One 25-foot wide driveway located approximately 255-feet west of the intersection of Reserve Street and Avenue H.

b. Policy:

Access Policy: District Policy 7205.4.1 states that all access points associated with development applications shall be determined in accordance with the policies in this section and Section 7202. Access points shall be reviewed only for a development application that is being considered by the lead land use agency. Approved access points may be relocated and/or restricted in the future if the land use intensifies, changes, or the property redevelops.

District Policy 7206.1 states that the primary function of a collector is to intercept traffic from the local street system and carry that traffic to the nearest arterial. A secondary function is to service adjacent property. Access will be limited or controlled. Collectors may also be designated at bicycle and bus routes.

Driveway Location Policy (Stop Controlled Intersection): District policy 7206.4.4 requires driveways located on collector roadways near a STOP controlled intersection to be located outside of the area of influence; OR a minimum of 150-feet from the intersection, whichever is greater. Dimensions shall be measured from the centerline of the intersection to the centerline of the driveway.

Successive Driveways: District policy 7206.4.5 Table 1, requires driveways located on collector roadways with a speed limit of 20 MPH and daily traffic volumes greater than 200 VTD to align or offset a minimum of 245-feet from any existing or proposed driveway.

Driveway Width Policy: District policy 7206.4.6 restricts high-volume driveways (100 VTD or more) to a maximum width of 36-feet and low-volume driveways (less than 100 VTD) to a maximum width of 30-feet. Curb return type driveways with 30-foot radii will be required for high-volume driveways with 100 VTD or more. Curb return type driveways with 15-foot radii will be required for low-volume driveways with less than 100 VTD.

Driveway Paving Policy: Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7206.4.6, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway and install pavement tapers in accordance with Table 2 under District Policy 7206.4.6.

c. Applicant's Proposal: The applicant is not proposing any changes/additions to the existing driveways with this rezone application.

Staff Comments/Recommendations: The existing driveways meet District Policy. However, District staff will review any proposed driveways with a future development application. The applicant shall be required to meet all District policies in effect at the time.

4.2 Avenue H

- a. **Existing Conditions:** There is one existing 20-foot wide driveway onto Avenue H located approximately 250-feet west of the intersection of Reserve Street and Avenue H (all measurements are centerline to centerline):
- b. **Policy:**
 - Driveway Location Policy:** District policy 7207.4.1 requires driveways located near intersections to be located a minimum of 75-feet (measured centerline-to-centerline) from the nearest street intersection.
 - Successive Driveways:** District Policy 7207.4.1 states that successive driveways away from an intersection shall have no minimum spacing requirements for access points along a local street, but the District does encourage shared access points where appropriate.
 - Driveway Width Policy:** District policy 7207.4.3 states that where vertical curbs are required, residential driveways shall be restricted to a maximum width of 20-feet and may be constructed as curb-cut type driveways.
 - Driveway Paving Policy:** Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7207.4.3, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway.
- c. **Applicant's Proposal:** The applicant is not proposing any changes/additions to the existing driveways with this rezone application.
- d. **Staff Comments/Recommendations:** The existing driveway meet District Policy. However, District staff will review any proposed driveways with a future development application. The applicant shall be required to meet all District policies in effect at the time.

5. Tree Planters

Tree Planter Policy: Tree Planter Policy: The District's Tree Planter Policy prohibits all trees in planters less than 8-feet in width without the installation of root barriers. Class II trees may be allowed in planters with a minimum width of 8-feet, and Class I and Class III trees may be allowed in planters with a minimum width of 10-feet.

6. Landscaping

Landscaping Policy: A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. District Policy 5104.3.1 requires a 40-foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50-foot offset from stop signs. Landscape plans are required with the submittal of civil plans and must meet all District requirements prior to signature of the final plat and/or approval of the civil plans.

D. Site Specific Conditions of Approval

This application is for a rezone only. Listed below are site-specific conditions of approval that the District may require when it reviews a future development application for this site. The District may add additional site-specific requirements when it reviews a specific re-development application.

1. Dedicate an additional 11.5-feet of right-of-way from the centerline of Reserve Street to total 30.5-feet from the centerline of the roadway abutting the site and re-construct Reserve Street as one half of a 40-street section with vertical curb and gutter abutting the site.
2. Provide a permanent right-of-way easement for the sidewalk along Reserve Street located outside of the right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk.

3. Replace any deteriorated or deficient sidewalk or pedestrian facilities along Reserve Street abutting the site, consistent with ACHD's Minor Improvements Policy 7203.3.
4. Construct Avenue H as one half of a 36-foot street section with curb, gutter and 5-foot wide attached concrete sidewalk abutting the site within the existing right-of-way.
5. Replace any deteriorated or deficient curb, gutter, or pedestrian facilities along Logan Street abutting the site, consistent with ACHD's Minor Improvements Policy 7203.3.
6. Construct a 5-foot wide concrete sidewalk abutting the site along Logan Street within the existing right-of-way.
7. District staff will review any proposed driveways with a future development application. The applicant shall be required to meet all District policies in effect at the time.
8. Payment of impacts are due prior to issuance of a building permit.
9. Comply with all Standard Conditions of Approval.

E. Standard Conditions of Approval

1. Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way.
2. Private sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.6, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an

authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.

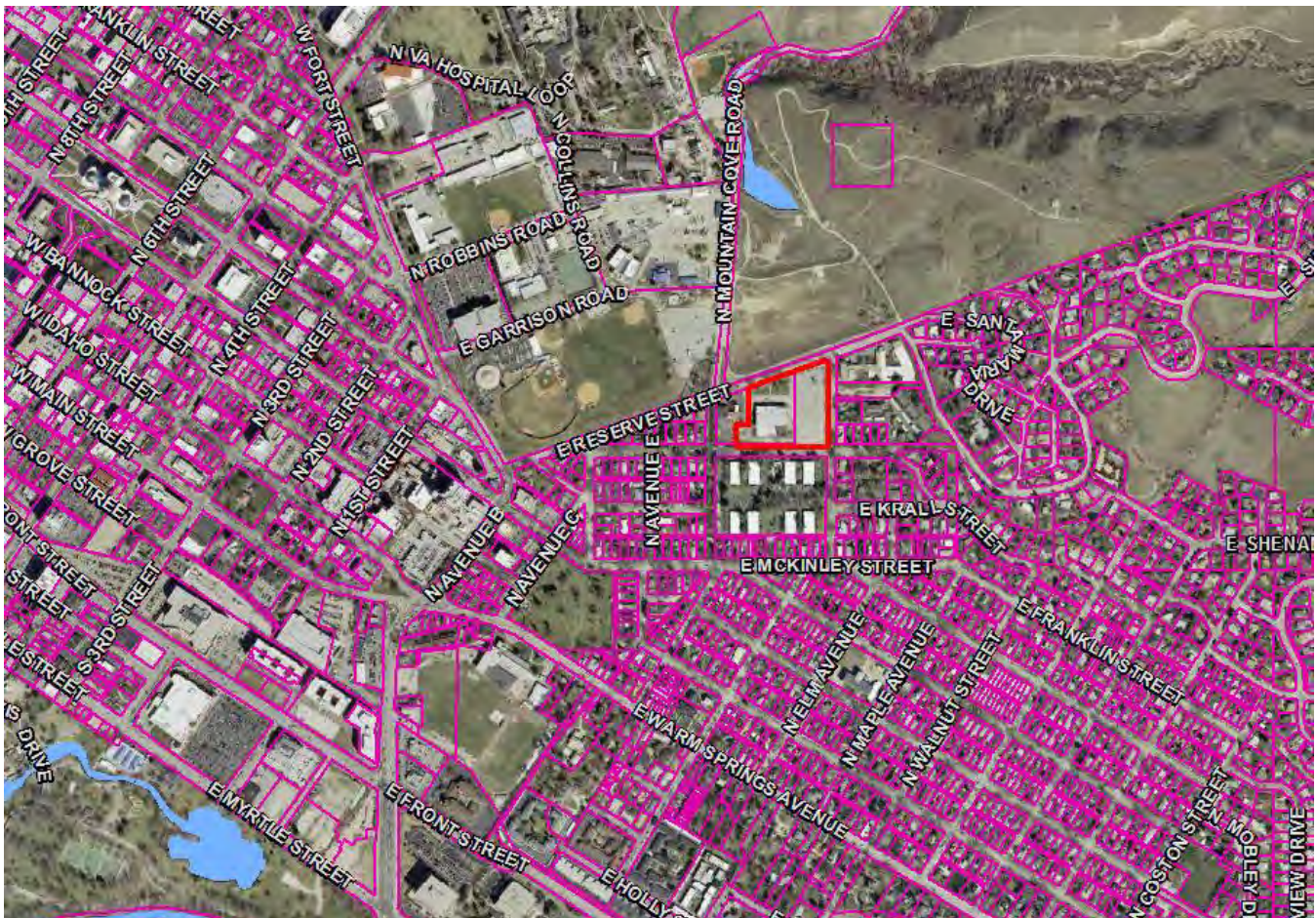
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

F. Conclusions of Law

1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.
2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.

G. Attachments

1. Vicinity Map
2. Utility Coordinating Council
3. Development Process Checklist
4. Request for Reconsideration Guidelines



MEMO TO: Mayor David Bieter, City of Boise staff and Council

FROM: East End Neighborhood Association Armory Subcommittee (Laura Shealy, chair; Steve Trout; Charles Hummel; Charles Gill; Deanna Smith, EENA Board; Erik Kingston; Diane Ronayne; Sheila Trounson; Dave Krick)

DATE: June 7, 2012

RE: Armory proposal from J&M Development

The EENA Armory Subcommittee has been asked to comment on proposals concerning the Reserve Street Armory in connection with a possible property exchange between the City of Boise and J&M Development. Based upon our six years of research and monitoring of the Armory property, the subcommittee members are pleased to offer the following suggestions to the Mayor, Council members and city staff for conditions *to be attached to and transferred with this property*.

1. Any development proposals must comply with the vision for the Armory property embodied in these sections of the city's comprehensive plan ("Blueprint Boise"):

- Adaptive re-use of the historic Armory building is encouraged, integrating it into a mixed-use development of neighborhood commercial/office/residential uses, including workforce housing and public open space. Work with the neighborhood association and others to locate resources to preserve the Armory building. (Sec. NE-CCN 2.8).
- The armory property is designated as one of six mixed-use activity centers intended to serve the North End/East End area. They promote the availability of local services within walking distance of residential neighborhoods. (Sec. NE-CCN 2.1)
- New development will reflect elements of the neighborhood's historic architecture and traditional neighborhood character. (Sec. NE-CCN 1.4)

2. The J&M proposal to brick over the exterior facade of the building fails to meet the above constraints, since it would remove all trace of the building's unique manufacture and hide many of the architectural elements that denote its history.

3. The J&M proposals to landscape and pave the parking area around the building, rewire and prepare the building interior for occupancy are welcome music to our ears. We appreciate the open communication between J&M, this committee and the city, and are eager to help the developer find suitable tenants for the refurbished Armory building.

4. The attached letters from architects Charles Hummel and Steve Trout, as well as the attached renderings, suggest avenues for moving forward with this project that this subcommittee can support. Our priorities are to preserve the interior trusses and essential roof character of the drill hall, preserve the exterior to the extent possible and practical, and return this site and structure to the tax rolls as soon as possible. We hope and trust that this buyer and any future buyers will move ahead expeditiously and not willfully neglect the property.

5. Should the city wish to rezone the five-acre site prior to finalizing the sale, it should do so with the Blueprint Boise vision and the East End Neighborhood Plan firmly in mind.

June 5, 2012

To: Laura Shealy and the Armory Committee

From: Charles Hummel

Re: Comments on the conservation of the Armory and development of the property

The design proposals offered by Steve Trout for the conservation of the Armory suggest some reasonable compromises among the interests of Boise City, the proposed property developer, the Armory Preservation Committee, and the East End Neighborhood Association. These entities share essentially the same goals:

1. Boise City has no identifiable use for the property and the building and has several interests and goals including: a) The acquisition and development by others to relieve the City from the fruitless obligation of maintaining the building. b) Return the property to private ownership for the benefit of the City. c). Maintain the goals of the comprehensive plan for the use and development of the Armory property.
2. We understand that J&M Land LLC has indicated its interest in improving the Armory and the grounds as part of a proposed residential development including: a) Enhance the Armory's exterior appearance. b) Modernize the windows and doors. c) Stabilize the structure and its utilities. d) Landscape the building site. The goals of these improvements are to: e) Satisfy the interests of the city and the neighborhood in maintaining the historic presence of the Armory. f) Provide an appealing appearance for the building and its site to facilitate a residential development. g) Initiate building improvements intended to be completed by others.
3. The Committee and EENA have shared the same goals with the City for many years and now welcome the active interest of J&M in its proposals to acquire the property and retain the Armory. Within those broadly stated goals and interests there are some issues which need clarification or resolution from the standpoint of the Committee and EENA.
4. Steve Trout has provided an image and a statement regarding exterior changes to the Armory with new colors, window/door treatments, awnings, and structural wall bracing. These are offered in lieu of exterior brick cladding suggested by J&M which was noted earlier as not accepted by the Committee. The Committee's hope was that the exterior could be improved without departures from the Secretary of the Interior Standards for changes to building on the National Register. The modifications proposed by Steve Trout may or may not comply with the Federal standard but they offer a reasonable alternative for the Armory's appearance within an upscale residential development.

5. The extent of the initial improvements proposed for the Armory by J&M are not understood beyond those noted above and should be defined in the agreement with the City. Ideally they could extend to a complete restoration of the interior comparable to a “vanilla finish” ready for tenant improvement completion by an occupant.
6. The Committee and EENA expects that J&M will propose a site plan which illustrates the development size, phasing, street and lot layout meeting the objectives of the neighborhood commercial/mixed use zoning which was included in the comprehensive plan for the Armory site.
7. The future ownership and further completion status of the Armory and its immediate site should be defined in the agreement.

STEVE TROUT - Design thoughts accompanying rendering, Reserve Street Armory, June 7, 2012

- The 1950s grey concrete addition will be allowed to be re-colored. In this sketch, I proposed a coloring using a finish or color coat of stucco with a flat-trowel finish, which would offer some texture in the swirls and slight skips of the trowel.
- The red bands above the windows and doors are bolt-on awnings, either fabric or metal or both. Some are shown with tie-backs to the walls or braces below. The idea here is to bring a color or excitement in appropriate scale to the building. They are more relative to retail than to a community building, perhaps. By using "bolt-ons," in the future the building could be taken back to its current condition without much damage or effort. (There are some holes currently in the building from which something similar seems to have been attached to the façade).
- We added signage to the tops of the awnings over doors to potential shops.
- The glazing or window system would be new. I have discussed with Mike the possible use of similar steel window frames. The best steel frame can cost as much as four-times that of a typical aluminum storefront system (like at WinCo). The use of aluminum might offer more "green" benefits than steel.
- The color of the window frames was proposed to be a similar color to the new concrete finish - in an attempt to incorporate this color elsewhere in the building.
- On the south side or to the left of the rendered elevation, I proposed use of the color over the old concrete in the recessed panels (which do not exist on the west elevation) and elsewhere (once we get the trees removed so we can see what we have to work with) and other areas within this section of the building.
- The roll-up doors to the vaulted area would be replaced. It would be good to match the other replacement windows - but if the other windows are historical matches - this would be very expensive, so the standard would be aluminum storefront as shown and proposed. Charles says the original doors were wooden, on hinges. If such doors are functional for the retrofitted building, that would be a nice touch.
- The remaining building (other than the 1950s addition) would remain as is with a little help to the deteriorated concrete on the tops of the pilasters. In this rendering I proposed a new cap that would be colored (again) to match the '50s addition. This cap would only be 3 to 4 inches high.
- In our discussions with Mike M, he was excited about his ideas for the landscaping and using landscaping to help focus on the building. His concepts were only discussed, and we did not see any plans (though he said he was going to get us these). I think his ideas were good, but I have not seen them on paper.
- Relative to the structural strength of the exterior walls, Erik helped me get a copy of the original wall section drawings, and these drawings do not call for any reinforcing. Therefore, if needed, the exterior walls would need to be braced from the inside with a structural frame. This would all need to be engineered. My design position would be that this reinforcing should not be visible from the outside the building.
- I believe Mike M and his partner intend to reuse and save the existing barrel vault trusses (which may need to be structurally augmented). But if they are able to expose and retain the majority of these structural elements, that's better.

The remaining parts of the building, I do not believe are essential to this discussion. This would include the south façade or the remaining interiors.

Concerning Mike M's proposed brick veneer treatment: This brick veneer would be full thickness brick (~3-5/8 inch) with usually a 1/2-inch to 1-inch air gap behind. This thickness will negate any reading of the pilasters - i.e. the whole of the façade would be relatively flat with any brick installed as proposed.