



**Hal Simmons**  
Interim Director

**Boise City Hall**  
150 N. Capitol Boulevard

**Mailing Address**  
P. O. Box 500  
Boise, Idaho 83701-0500

**Phone**  
208/384-3830

**Fax**  
208/384-3814

**TDD/TTY**  
800/377-3529

**Web**  
[www.cityofboise.org/pds](http://www.cityofboise.org/pds)

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David H. Bieter

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## Planning & Development Services

November 6, 2012

Rob Hilvers  
Emergency Responders Health Center, LLC  
777 N. Raymond St.  
Boise, Idaho 83704

**Re: CUP12-00053 / 9976 West Emerald Street**

Dear Mr. Hilvers:

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 for the phased development of a medical office facility. The first phase includes a 4,600 square foot medical office building with associated site improvements. Future phases include a 3,400 square foot gym and additional office space. The property is located on 1.67 acres at 9976 W. Emerald Street in an M-1D (Limited Industrial with Design Review) zone.

The Boise City Planning and Zoning Commission, at their hearing of **November 5, 2012, approved** your request, based on compliance with the attached Reasons for the Decision and Conditions of Approval. 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/](http://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 **November 15, 2012**.
4. If this Conditional Use Permit is not acted upon within two (2) years, 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 me at (208) 384-3823.

Sincerely,



David Moser  
Associate Planner  
Boise City Planning and Development Services

DM/mc  
Attachment

cc: Walter Lindgren / Johnson Architects / 36 E. Pine Ave. Meridian, ID. 83642  
([wldngren@johnsonarchitects.com](mailto:wldngren@johnsonarchitects.com))

## Reasons for the Decision

The undeveloped site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls, fences, parking, loading, landscaping and such other features as required. All required parking spaces have been provided for each phase of the development. Correspondence received from commenting agencies indicates the use will not place an undue burden on the transportation system or other public services in the vicinity. The medical facility comprised of a clinic, gym, and office is compatible to other uses in the industrial neighborhood. The surrounding properties are mainly of office uses. The phased medical facility will not adversely impact the surrounding neighborhood since the area contains similar uses. The proposed use is in conformance with the Comprehensive Plan. The medical clinic, office, and gym facilities will provide convenient medical services for the residences of the area. (*Goal SHCC 15*) The project design is consistent with the Comprehensive Plan design principles, such as framing the streets with the buildings and locating parking areas behind the structures. (*Principle GDP-C/E.3 and Principle GDP-C/E.6*)

## 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 **August 29, 2012** and the revised site plan dated stamped received **October 24, 2012**, except as may be modified by the following conditions:

## Planning

2. The applicant shall identify the trash enclosure location on the Design Review application. The trash enclosure shall be situated away from the public right-of-way and comply with all Public Works Solid Waste standards.
3. The Design Review staff shall ensure the sidewalk location along Emerald Street complies with ACHD requirements.
4. The applicant shall provide a van accessible parking space for the medical clinic building.

5. The applicant shall provide cross access and stub the parking lot to the adjacent property to the east with the future phases.
6. This permit is for detailed approval of phase one and conceptual approval of the future phases illustrated on the revised site plan dated **October 24, 2012**. Detailed approval of the future phases may proceed directly to Design Review as long as it remains consistent with the conceptual plans.
7. The applicant shall comply with the ACHD staff report dated **September 14, 2011**.
8. The applicant shall comply with the Boise City Fire Department as per their comments dated **September 8, 2012**. Contact Romeo Gervais at (208) 570-6567 with any questions regarding fire requirements.
9. The applicant shall comply with the Public Works Environmental conditions as per their comments dated **August 29, 2012**.
10. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) for drainage, sewers, street lights and subdivisions per Department comments dated **September 20, 2012** and **September 21, 2012**. Please contact BCPW at (208) 384-3900. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved plans must be submitted to the Public Works Department for approval.

### **Standard Conditions of Approval**

11. 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.
12. 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.
13. All landscaping shall be maintained in a healthy and attractive condition and shall be irrigated by an appropriate underground irrigation system.
14. Hook-up to wet line sewers shall be required prior to issuance of an Occupancy Permit.
15. 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.
16. Exterior lighting fixtures must be designed and located so as to prevent glare or direct light from falling onto adjoining properties or streets.
17. Utility services shall be provided underground.

18. 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.
19. 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.
20. 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.
21. 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.
22. Construction, use and property development shall be in conformance with all applicable requirements of the Boise City Code.
23. Failure to abide by any condition of this approval may be grounds for revocation by the Boise City Planning and Zoning Commission.
24. This conditional use permit shall be valid for a period not to exceed twenty four (24) months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must: acquire construction permits, commence placement of permanent footings and structures on or in the ground and commence the proposed use.
25. Upon written request by the holder, prior to expiration of this Conditional Use Permit, the Commission may grant a two-year time extension. A maximum of two (2) two-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.