



## PLANNING AND DEVELOPMENT SERVICES

MAYOR: Lauren McLean | DIRECTOR: Mark Lavin

June 3, 2020

Jeremy Amar  
Biltmore Company  
1548 Cayuse Way Ste 100  
Meridian, ID 83646  
[jeremy@biltmoreco.com](mailto:jeremy@biltmoreco.com)

**Re: CAR20-00003 & PUD20-00003 / 3635 W Elder St**

Dear Applicant:

This letter is to inform you of the action taken by the Boise City Planning and Zoning Commission on your request for a modification of a Development Agreement to increase building heights and include multi-family residential uses on 8.7 acres. Also included is a conditional use permit for a planned residential development comprised of 84 multi-family units on 3.98 acres. The project is located in a L-OD/DA (Limited Office with Design Review and a Development Agreement) zone.

The Boise City Planning and Zoning Commission, at their meeting on **June 1, 2020, denied** your conditional use request and **recommended** to the Mayor and the Boise City Council, **denial** of the request for a modification of a Development Agreement based on the attached Reason for the Decision.

This application will be considered by the Boise City Council to establish a public hearing date. You will be notified of the established hearing date.

Questions can be directed to me at (208) 608-7074 or [kholmes@cityofboise.org](mailto:kholmes@cityofboise.org).

Sincerely,

Kevin Holmes  
Associate Planner, Current Planning and Subdivisions  
Boise City Planning and Development Services

KH/mh

cc: Kent Brown / Kent Brown Planning / [kentkb@gmail.com](mailto:kentkb@gmail.com)  
Tim Day / Day Roger John Trust for the Benefit / [jeremy@biltmoreco.com](mailto:jeremy@biltmoreco.com)  
Dan Loughrey / Hillcrest Neighborhood Association / [dloughrey@aol.com](mailto:dloughrey@aol.com)

## Reason for the Decision

### Development Agreement

As further detailed in the project report, the project is not consistent with the approval criteria of Section 11-03-04.2 of the Boise City Development Code (Development Agreement). The modification is not in the best interest of the public convenience and is not compatible with the adjacent zoning and development of the Boise Airport Terminal. Promoting residential uses, such as this, within the Airport Influence Area subject to the levels of noise present at this property is not aligned with the goals and policies of the Comprehensive Plan, the *Boise Airport Noise Compatibility Program*, or the *Boise Airport Master Plan*.

### Planned Unit Development

The project is not consistent with the approval criteria of Section 11-03-04.7 of the Boise City Development Code (Planned Unit Development) nor does it comply with the existing Development Agreement. The multi-family residential project is not compatible with and will adversely affect and burden the nearby Boise Airport. Normal airport operations have been shown to generate noise impacts of over 65 decibels in this area, a level which Federal Administration Agency (FAA) guidelines have classified as non-compatible with residential uses (*Airport Part 150 Noise Study* adopted by reference into *Blueprint Boise*). The Comprehensive Plan does not support residential development that is subject to these levels of environmental noise impacts (*Goal ES8, Principle GDP-AIA.2, and Goal AP-CCN 1*). The Boise Air Terminal and associated facilities are one of the major economic drivers of the City and protecting and promoting the long-term viability of operations is called for throughout *Blueprint Boise* (*Principle AP-CCN 1.3 and Goal AP-PSF 1*). Allowing non-compatible residential development on this property would violate FAA grant assurance 21, jeopardizing future Federal funding for airport operations. This assurance states the City of Boise will take appropriate actions, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the vicinity of the airport to activities and purposes compatible with normal airport operations.

