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CITY OF BOISE

ADA COUNTY RECORDER Christopher D. Rich
BOISE IDAHO Pgs=7 LISA BATT
BOISE CITY

2016-103734
10/27/2016 02:32 PM
NO FEE



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Ordinance NO. ORD-38-16

BY THE COUNCIL

CLEGG , JORDAN, LUDWIG, MCLEAN,
QUINTANA, AND THOMSON

AN ORDINANCE (CAR16-00010 / MAVERIK FOR PROPERTY LOCATED AT 3194 S. COLE ROAD) ANNEXING 4.4 +/- ACRES OF CERTAIN LANDS AND TERRITORY SITUATED IN ADA COUNTY, IDAHO, ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF BOISE CITY; ESTABLISHING AND DETERMINING THE LAND USE CLASSIFICATION OF SAID 4.4 +/- ACRES AS C-1D (NEIGHBORHOOD COMMERCIAL WITH DESIGN REVIEW) ZONING; SETTING FORTH A REASONED STATEMENT IN SUPPORT OF SUCH ANNEXATION AND ZONE CHANGE; DIRECTING THE CITY ENGINEER TO LODGE AND FILE A LEGAL DESCRIPTION AND MAP FOR SAID ANNEXED LANDS AND TERRITORY; PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY AUDITOR, THE ADA COUNTY TREASURER, THE ADA COUNTY ASSESSOR, THE ADA COUNTY RECORDER, AND THE IDAHO STATE TAX COMMISSION; PROVIDING THAT A COPY OF SAID LEGAL DESCRIPTION AND MAP OF SAID ANNEXED LANDS AND TERRITORY BE RECORDED WITH THE ADA COUNTY RECORDER AND FILED WITH THE ADA COUNTY ASSESSOR AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the lands and territory, situated in Ada County and particularly described in Section 1 of this ordinance, has agreed to annexation of said lands to the city; and

WHEREAS, the Boise City Council has found and determined that said lands and territory are contiguous and adjacent to Boise City and that annexation of said lands can reasonably be used for orderly development of Boise City; and

WHEREAS, the Boise City Planning & Zoning Commission, pursuant to public notice as required by law, held a public hearing on June 6, 2016 and recommended to the Mayor and Council that annexation be approved and said lands be zoned C-1D (Neighborhood Commercial with Design Review); and

WHEREAS, the Boise City Council, pursuant to public notice as required by law, held a public hearing on August 30, 2016, on the proposed zoning for the property described in Section 1 below, all as required by Idaho Code, Section 67-6525.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF

REC'D NOV 7 2016

CITY OF BOISE

THE CITY OF BOISE CITY, IDAHO:

Section 1. The lands and territory situated in Ada County, Idaho, adjacent and contiguous to the City of Boise City, Idaho, particularly described and depicted in Exhibits A and B, attached hereto and by reference made a part of this ordinance as though fully set forth herein, be, and the same are hereby, annexed to and incorporated in the territorial limits of the City of Boise City, Idaho.

Section 2. From and after the effective date of this ordinance, all property included within the boundaries and territory described in Section 1 hereof and annexed as provided by said Section shall be subject to all the statutes pertaining to Boise City and all ordinances, resolutions, police regulations, taxation and other powers of Boise City, and all persons and property within the territory so annexed shall be and are entitled to all benefits and rights as are the persons and property presently within the corporate territorial limits of Boise City.

Section 3. Pursuant to the findings of the Boise City Council, the land use classification of the lands described in Exhibits A and B attached hereto and by reference made a part thereof is hereby fixed and established as C-1D (Neighborhood Commercial with Design Review), as provided by the Zoning Ordinance of Boise City.

Section 4. Pursuant to Idaho Code § 67-6535, the Boise City Council hereby adopts the following Reasoned Statement and Findings in support of the Annexation and Rezone:

REASONED STATEMENT

Annexation and Zoning

The project site is in the Boise Area of Impact and the Airport Planning Area, and is eligible for annexation and zone change to a zone compatible with the policies of the *Comprehensive Plan*. Findings have been made to show the proposed commercial zone and use are compatible with the *Comprehensive Plan*. It is in accord the Area of Impact Agreement, Boise Development Code 11-01-07, with Ada County.

The site is in the Boise sewer planning area, and there are mainlines adjacent to the north and west property boundaries.

The Maverik Corporation has a gas station/convenience store on the northeast corner of the same intersection, and they intend to tear it down. They would then construct a Maverik store and fuel center on the subject site across the street. The existing Maverik station is in the city limits. The costs of services would seem to balance where they propose to move the station from the northeast to the southeast corner of the intersection. Typically, commercial uses generate revenues equal to, or greater than the costs of municipal services.

The site is at the intersection of two arterials that presents a logical location for commercial uses. The intersection has M-1D Zoning on the north side of Victory, LO Zoning on the southwest, and R1 on the project site. The uses are convenience stores/gas stations on the NW and NE corners, with health care offices and retail on the SW corner. There is agricultural land to the east of the site which is now an open pasture.

CITY OF BOISE

The request is in the best interests of the public convenience and general welfare. That is demonstrated through the requested Commercial Land Use that is compatible with the Boise Airport, where the existing Large Lot is not compatible. The commercial zoning added to the City tends to generate sufficient revenue to cover costs of services to the site. The removal of the old Maverik station would provide additional commercial opportunity for that site. Cole and Victory Roads are heavily used for commercial traffic accessing the Airport transportation node, so the new Maverik fuel station, including diesel service, will be a supporting service for the transportation corridor.

The request maintains and preserves compatibility of surrounding zoning and development. The rezone to commercial supports and complies with the Boise Airport policies.

The City recommends extending the city limits, zoning and land use boundaries to the centerlines of the rights-of-way on Cole Road to the west, and West Sorensen Drive on the south of the subject parcels. This helps to define jurisdictional issues, and is the way the City typically defines boundaries.

FINDINGS OF FACT

Annexation Findings

The following specific findings were made by the Planning & Zoning Commission on June 6, 2016 and are hereby adopted by City Council:

i. Incorporate the Boise sewer planning area;

The majority of the project site is in the Boise Sewer District, and a main line is available on South Cole Road.

ii. Honor negotiated area of impact agreements;

The proposal and the adoption process comply with the Boise Area of Impact Agreement. The project site is in the Boise Area of Impact, and it is contiguous to the city limits on Victory Road.

iii. Attempt to balance costs of services with anticipated revenues; and

The proposed commercial use historically has produced sufficient revenues to cover the costs of urban services.

iv. Promote other goals of population balance, contiguous development, and prevention of costs due to leap frog development.

The project site is contiguous to commercial and industrial uses along Cole and Victory Roads, and does not propose a leap-frog development. It does not displace population. It will bring services to a populated area that would tend to make the area more sustainable.

Rezone Findings

The following specific findings were made by the Planning & Zoning Commission on June 6, 2016 and are hereby adopted by City Council:

i. Is in compliance with the Comprehensive Plan.

The rezone, based upon a Comprehensive Plan Land Use Map amendment to Commercial, will be compliant with the Comprehensive Plan.

ii. Is in the best interests of the public convenience and general welfare.

The proposed commercial use will serve the public convenience with a proven

CITY OF BOISE

business type with services necessary to the area.

iii. Maintains and preserves compatibility of surrounding zoning and development.

The project site is on an intersection of two arterial streets that sustains commercial, office and industrial uses. There is an existing Maverik convenience store and fuel station to the north that will be razed and replace with the proposed project. There is another gas station on the northwest corner of the intersection. The proposed use is a good fit for the zoning and development in the vicinity.

Section 5. The City Engineer of Boise City is hereby directed to lodge and file with the City Clerk of Boise City within ten (10) days after the passage and approval hereof, a legal description and map prepared in a draftsmanlike manner which shall plainly and clearly designate the boundaries of the lands and territory annexed, pursuant to the provisions of Section 1 hereof.

Section 6. The zoning maps of Boise, Idaho, are hereby changed, altered, and amended to include the real property described and depicted in Exhibits A and B above in the land use classification of C-1D (Neighborhood Commercial with Design Review).

Section 7. The City Clerk of Boise City is hereby directed to file, within ten (10) days after the passage and approval hereof, a certified copy of this Ordinance with the Ada County Auditor, Ada County Treasurer, Ada County Assessor, and the Idaho State Tax Commission, and to file a copy of said legal description and map, as prepared and lodged with the City Clerk by the City Engineer, with the Ada County Assessor, Ada County Recorder and the Idaho State Tax Commission, all as provided by Sections 50-223 and 63-215, Idaho Code.

Section 8. That this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

ADOPTED by the Council of Boise City, Idaho, on October 25, 2016.

APPROVED by the Mayor of the Boise City, Idaho, on October 25, 2016.

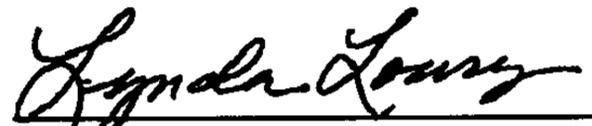
APPROVED:



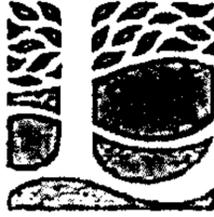
David H. Bieter, Mayor



ATTEST:



Lynda Lowry, Ex-Officio City Clerk



THE LAND GROUP, INC.

October 4, 2016
Project No. 116031

Exhibit "A"

VICTORY & COLE PROJECT
ANNEXATION AND ZONING DESCRIPTION

A parcel of land located in the Northwest One Quarter of Section 30, Township 3 North, Range 2 East, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the Northwest Corner of Section 30 of said Township 3 North, Range 2 East, (from which point the West One Quarter Corner of said Section 30 bears South 00°35'29" West, 2657.37 feet distant), Thence from said Section Corner, South 00°35'29" West, a distance of 40.01 feet on the west line of said Section 30 to the POINT OF BEGINNING;

Thence South 88°01'41" East, a distance of 451.60 feet, said line being 40.00 feet southerly of and parallel with the North Section Line of the Northwest One Quarter of said Section 30, said line being the southerly right-of-way line of West Victory Road;

Thence South 00°35'29" West, a distance of 480.78 feet to the intersection of the northerly right-of-way line of West Sorensen Road and the Westerly boundary line of A.T. Sorensen Subdivision Unit No. 2, as shown on the official plat thereof recorded in Book 21 of Plats at Page 1894 of Ada County Records;

Thence South 22°24'39" West, a distance of 25.00 feet to the centerline of West Sorensen Road;

Thence North 67°35'12" West, a distance of 264.30 feet on the centerline of West Sorensen Road to a point of curve;

Thence 104.74 feet on the arc of a curve to the left, said curve having a radius of 274.88 feet, a central angle of 21°49'51", a chord bearing of North 78°30'17" West, and a chord length of 104.10 feet on the centerline of West Sorensen Road;

Thence North 89°24'31" West, a distance of 94.59 feet on the centerline of West Sorensen Road to a point on the West Section Line of said Section 30;

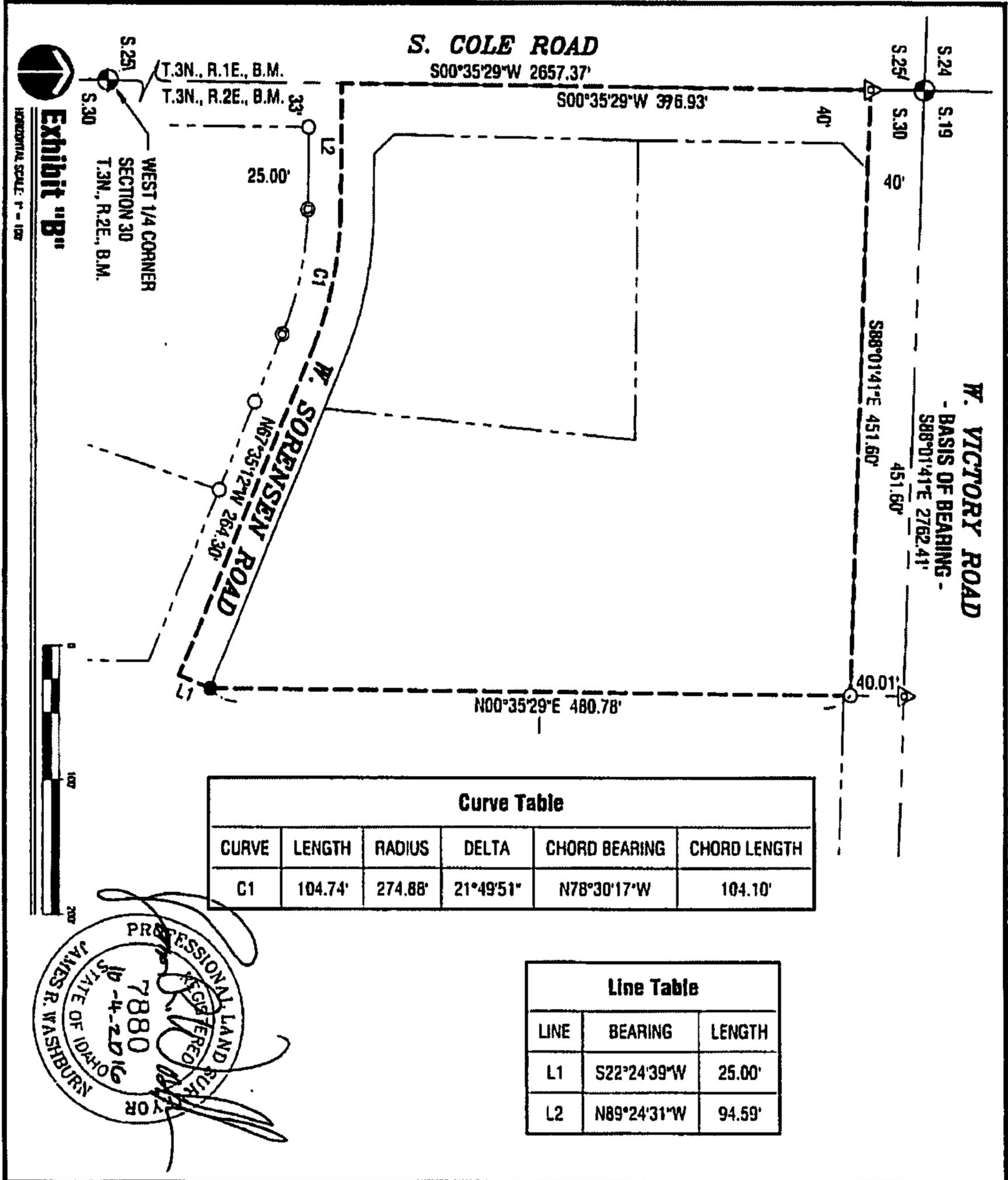
Thence North 00°35'29" East, a distance of 396.93 feet on the West Section Line of said Sections 30 to the point of beginning.

The above described parcel contains 4.48 acres more or less.

PREPARED BY:
THE LAND GROUP, INC.

James R. Washburn





1 of 1	 THE LAND GROUP <small>442 East Lane, Suite 100 P.O. Box 818441, Coeur d'Alene, ID 83816 www.thelandgroup.com</small>	Exhibit "B" Victory Road / S. Cole Road Annexation Rezone	Ada County Idaho
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**City of Boise
Ordinance
Annexation**

**Planning and Development
Services
150 N Capitol Blvd
Boise, ID 83702
1-800-377-3529**

TO: Mayor and Council
FROM: Hal Simmons, Planning and Development Services
NUMBER: ORD-38-16
DATE: September 2, 2016
SUBJECT: CAR16-00010 / Maverik / Ordinance

BACKGROUND:

Recommended for approval at June 6, 2016 Planning & Zoning Commission meeting.

The Boise City Council approved CAR16-00010 on August 30, 2016.

FINANCIAL IMPACT:

None

ATTACHMENTS:

- Exhibit A Maverick CAR16000 Map(PDF)



THE LAND GROUP, INC.

October 4, 2016
Project No. 116031

Exhibit "A"

**VICTORY & COLE PROJECT
ANNEXATION AND ZONING DESCRIPTION**

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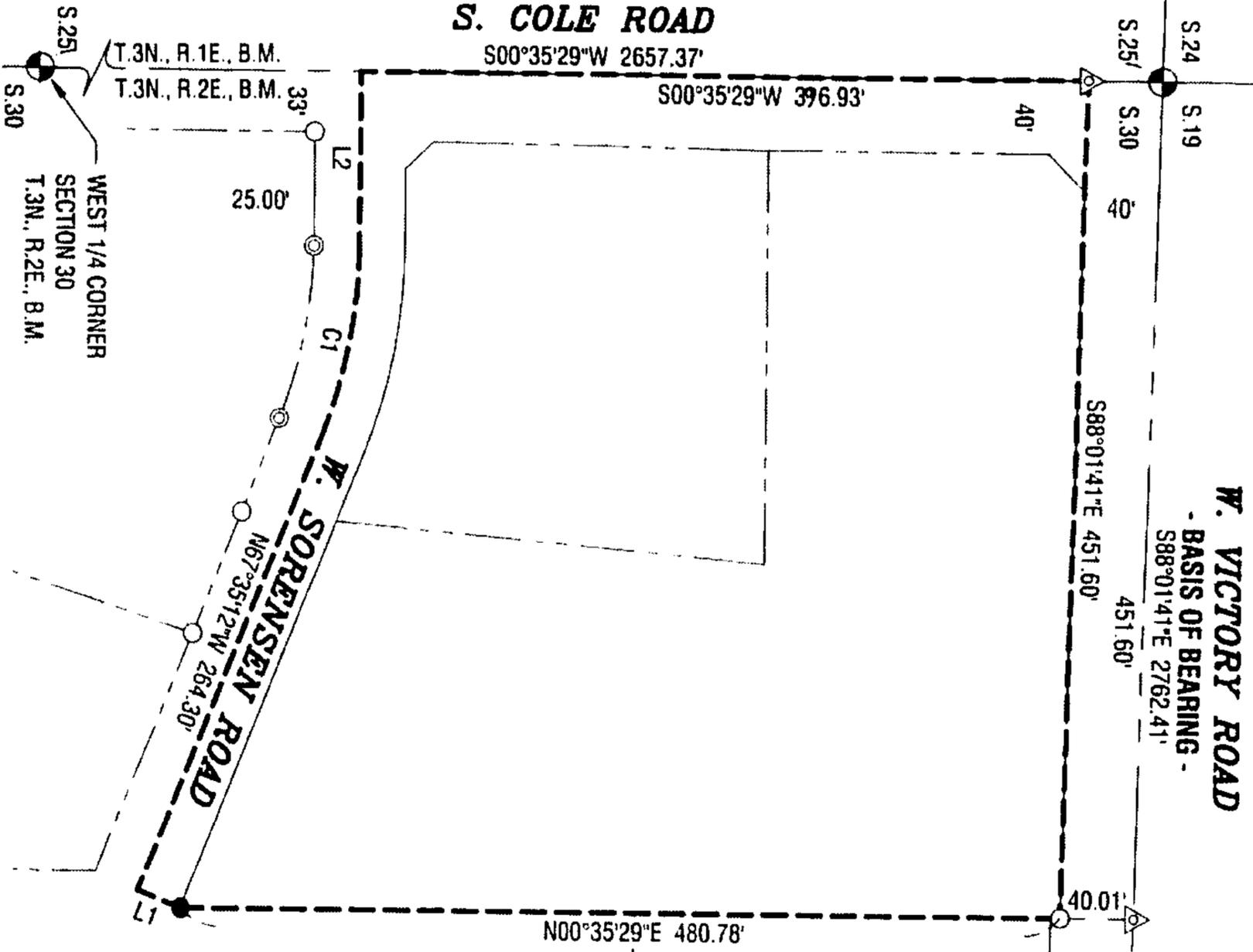
James R. Washburn





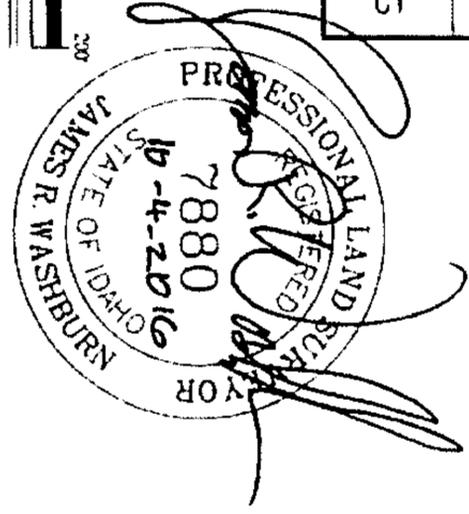
HORIZONTAL SCALE 1" = 100'

Exhibit "B"



CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	104.74'	274.88'	21°49'51"	N78°30'17"W	104.10'

LINE	BEARING	LENGTH
L1	S22°24'39"W	25.00'
L2	N89°24'31"W	94.59'



THE LAND GROUP
 INCORPORATED

447 East Third Street, Suite 100
 Boise, Idaho 83724
 Tel: 208 333 8281 Fax: 208 333 8285
 www.thelandgroup.com

Project No: 116031
 Date of Revision: 5/5/16
 Drawn by: JM
 Checked by: JM

1 of 1

Sheet Title: **Exhibit "B"**
Victory Road / S. Cole Road
Annexation Rezone

Ada County

Idaho