MEMORANDUM

TO: Mayor and Boise City Council

FROM: Hal Simmons Planning Director Boise City Planning and Development Services Department

DATE: December 19, 2005

RE: Bill Fraser Special Exception 1004 La Pointe Street

The following application has been scheduled for January 10, 2006.

BILL FRASER requests approval of a Special Exception to utilize an existing building as a winery on property located at 1004 S. La Pointe Street in a C-2D (General Commercial with Design Review) zone. CUP05-00119

The Boise City Planning and Zoning Commission recommended approval CUP05-00119 during a hearing on November 7, 2005 for Bill Fraser. The applicant has requested a Special Exception to utilize an existing building as a winery.

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SUMMARY
The applicant requests a Special Exception for a winery. The applicant owns a vineyard in Canyon County but would like to utilize an existing ±2,500 sq. ft. building at 1004 S. La Pointe Street as a wine distillery. The proposed winery is small in scale, with only two employees and anticipated production of 400-500 cases per year. The site will occasionally be used for wine tasting events and open houses.

The subject property is generally located south of the Boise River and west of Capitol Boulevard. This is a diverse area, with a mixture of land uses, including warehousing, commercial, office, and multi-family residential. The main campus of Boise State University is located approximately 1,000’ to the east and Ann Morrison Park is located approximately 600’ to the west. The site is zoned C-2D (General Commercial with Design Review) which does not include wineries in the Land Use Table.

The winery will serve the immediate community by providing a unique use and an adaptive reuse of the site. The site is currently vacant which could lead to the decline of this otherwise vibrant community. The Zoning Ordinance allows wineries in M-1 and M-2 Industrial Districts; however it does not list wineries in the Commercial Land Use Table. The proposed winery is at a smaller scale that will not negatively affect neighboring properties with odors, smoke, or noise, that is usually associated with larger, industrial-scale wineries. This location near Downtown and Boise State University is devoid of Industrial zoning.

Staff finds this request to meet the criteria for a Special Exception. Staff has included conditions of approval to facilitate compatibility with other land uses in the immediate vicinity.

ACTION BY PLANNING AND ZONING COMMISSION
The Commission recommended approval of the Special Exception.

MAJOR ISSUES

➢ None.
Planning & Zoning Commission
Hearing Minutes of
November 7, 2005

Commission Members Present
Gene Fadness/Chairman, Brandy Wilson/Vice-Chairman, Brian Ellsworth, Doug Cooper, Richard Pavelek, Lauren McLean & Anthony Shallat.

Staff Members Present
Cody Riddle, Scott Spjute, Vicki Van Vliet, Mary Watson (Legal).

Withdrawals – CUP05-00121/Silver Sage Construction, Inc.

Consent Agenda

CUP05-00110/T&R Development
Location: 9403 W. Cory Lane
CONSTRUCT A PUD OF 6 CONDOMINIUM UNITS IN 3 BUILDINGS ON .91 ACRES IN AN R-1C ZONE.

CUP05-00122/The Orchards, LLC.
Location: 12055 W. Ustick Road
CONSTRUCT A PUD OF 104 RESIDENTIAL UNITS IN 2 RETAIL AND 2 OFFICE BUILDINGS ON 17.44 ACRES IN C-1D & R-2D ZONES.

SUB05-00090/Lifestyle Condominium Subdivision
Location: On the south side of Ustick and Cloverdale Roads
96-UNIT MULTI-FAMILY RESIDENTIAL & COMMERCIAL SUBDIVISION.

CUP05-00119/Bill Fraser
Location: 1004 S. La Pointe St.
REQUEST FOR A SPECIAL EXCEPTION TO UTILIZE AN EXISTING BUILDING AS A WINERY IN A C-2D ZONE.

CUP05-00130/Intermountain Hospital
Location: 303 N. Allumbaugh St.
REQUEST A 38,900 SQ. FT. EXPANSION TO AN EXISTING 73,669 SQ. FT. HOSPITAL TO INCLUDE A 90 NEW BEDS AND A RECREATION BUILDING IN 4 PHASES IN AN L-OD ZONE.

SUB05-00086/Conner’s Corner Subdivision
Location: On the north side of Victory, east of Maple Grove
2-LOT COMMERCIAL SUBDIVISION.

SUB05-00049/Roxey Place Subdivision #2
Location: On the west side of Eagle Rd. halfway between McMillan Rd. and Chinden Blvd.
REQUEST FOR A 28-LOT SUBDIVISION WITH 21 SINGLE FAMILY LOTS, 3 LOTS ZONED L-OD, 3 COMMON LOTS AND 1 CHURCH LOT.

ON THE CONSENT AGENDA, COMMISSION WILSON MOVED TO APPROVE THE ABOVE APPLICATIONS BASED ON THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND SUBJECT TO THE CONDITIONS OF APPROVAL AS STATED IN THE STAFF REPORTS WITH THE EXCEPTION TO SUB05-00090 WITH THE CLARIFICATION IN THE STAFF REPORT THAT THE REQUEST IS FOR 96 RESIDENTIAL UNITS, NOT 104 AND ALSO WITH A CHANGE TO CONDITION #6 TO STATE THAT ALL AFFECTED BUILDINGS SHALL BE FULLY FIRE SPRINKLERED.

COMMISSION COOPER SECONDED AND THE MOTION CARRIED UNANIMOUSLY.

Deferrals

CUP05-00111/Westmark Credit Union – COMMISSIONER COOPER MOVED TO DEFER TO JANUARY 9, 2006. COMMISSION WILSON SECONDED AND THE MOTION CARRIED UNANIMOUSLY.

Regular Agenda

CAR05-00045/SWI Associates, LLC.
Location: 3150 E. Boise Ave.
REQUEST A REZONE OF 7.41 ACRES FROM R-1A TO R-1C/DA WITH A DEVELOPMENT AGREEMENT.

SUB05-00088/Talus Subdivision
Location: On the south side of Ustick & Cloverdale Roads
23-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION.

Cody Riddle – This application is a request to rezone the 7.41 acre parcel from R-1A to R-1C with a development agreement. The development agreement specifically references a specific
Bill Fraser  
1400 Warm Springs Blvd.  
Boise, ID 83712  

Re: CUP05-00119 / 1004 LaPointe Street  

Dear Mr. Fraser:  

This letter is to inform you of the action taken by the Boise City Planning and Zoning Commission on your request for approval of a Special Exception to utilize an existing building as a winery on property located at 1004 S. La Pointe Street in a C-2D (General Commercial with Design Review) zone.  

The Boise City Planning and Zoning Commission, at their meeting on November 7, 2005 recommended to the Mayor and the Boise City Council, approval of the request based on the attached Reasons 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.  

If you have any questions, please contact this department at (208) 384-3830.  

Sincerely,  

Carl Miller  
Planning Analyst  
Boise City Planning and Development Services Department  

Attachment
Reasons for the Decision

Bill Fraser requests a Special Exception for a winery at 1004 S. La Pointe Street in a C-2D (General Commercial with Design Review). The applicant owns a vineyard in Canyon County, but would like to utilize an existing ±2,500 sq. ft. building for wine distilling. The proposed winery is small in scale, with only two employees and anticipated production of 400-500 cases per year. The site will occasionally be used for wine tasting and open houses. The subject property is generally located south of the Boise River and west of Capitol Boulevard. Boise State University and Ann Morrison Park are in the general vicinity of this site.

Wineries are not listed in the C-2 Land Use Table. Uses not listed are prohibited unless determined by the Planning Director to be similar in nature to those specified. The Planning Director has indicated this use will need Special Exemption status to be allowed at this location. By definition a Special Exception should benefit the immediate community, be of equal or lessor impact than those permitted uses in the district, is not anticipated by the Zoning Ordinance, and that proper zoning for the proposed use is not available in the general neighborhood. Staff finds this proposal meets the requirements for a Special Exception.

The subject property is located in the core of a diverse area, which is comprised of warehousing, commercial, office, and multi-family residential land uses. The Boise City Comprehensive Plan Map indicates this area as “Mixed Use.” The proposed winery is compatible with other uses existing within the vicinity. Due to the small-scale of the winery it also provides for a complementary use to the natural transition of this area from warehousing into commercial, office, and multi-family residential. The proposed winery is small and will not negatively affect neighboring properties with odors, smoke, or noise, that is usually associated with larger, industrial scale wineries.

The winery will serve the neighborhood by providing a unique use and an adaptive reuse of the site. The building is currently vacant which could lead to the decline of this otherwise vibrant community. A policy of the Boise City Comprehensive Plan (Policy 9.1.2.) encourages unique forms of land uses that provide improve the economic vitality of an area. This request will provide economic vibrancy for this area by providing a unique land use that will promote economic growth. The Introduction to the Boise Comprehensive Plan indicates that “quality cultural...facilities are a source of community pride.” Wine distillation in downtown Boise will support the tourism industry and support local restaurants. The open houses and wine tasting will also attract patrons to the Downtown area and will support local restaurants.

Staff finds the proposed winery will be a lessor impact than allowed uses in the zone. The C-2 zone allows automobile sales lots, minor automotive repair shops, mortuaries, community commercial shopping centers, retail stores, and taverns, all which are have similar or more impact than the proposed winery. Many allowed uses in the C-2 zone generate automobile traffic. Day-to-day operations of the winery will be low impact and will not encourage patrons to travel to the site. Special events, such as open houses and wine tasting events, at the winery will require a Zoning Certificate to ensure the appropriate timing and adequate parking for the events. The winery will not increase the density of the property and the applicant has not proposed any changes to the site or exterior of the building.
The Zoning Ordinance allows wineries in M-1 and M-2 Industrial Districts however, does not list wineries in the Commercial Land Use Table. Wineries are allowed in the M-1 (Limited Industrial) and M-2 (General Industrial) zoning districts. This location near Downtown and Boise State University is devoid of Industrial zoning. The nearest Industrial zoning that would allow a winery is located more than 1 ½ miles to west (near Saint Alphonsus hospital on Curtis Road).

Staff finds a winery at this location does not place an undue burden on existing transportation and service facilities in the vicinity. According to ACHD staff report, dated September 29, 2005, ACHD did not have any site specific requirements for this proposal. Also, all necessary public infrastructure is available to the site.

The site is of sufficient size to accommodate the proposed use, parking, and loading areas as required by the Zoning Ordinance. The applicant has not proposed any changes to the site or to the exterior of the building. As the building and parking areas exist, trees were preserved and integrated with the project during construction. The building complies with setbacks of the zone. The applicant has proposed five parking spaces which meet the Zoning Ordinance requirements and will be sufficient for the site. The site has two access points, from LaPointe Street and at the rear alley. Vehicular access to the property and internal circulation is safe and convenient for pedestrians, cyclists, automobiles and service vehicles. The location close to Capitol Boulevard is appropriate and will reduce the amount of traffic traversing through residential neighborhoods.

Special Exemptions are reviewed on a case-by-case basis. This request, while meeting the criteria for approval, will not establish precedence for other Special Exceptions. Staff recommends the Planning and Zoning Commission list the following as "Special Circumstances" which are not anticipated by the Zoning Ordinance: the size of the winery and the location near the downtown core.

Staff recommends conditions of approval are placed upon the Special Exception to allow for the establishment of the proposed use in a compatible manner with the neighborhood. Conditions of approval include hours of operation, requirements for special events, and compliance with requests of agencies. The applicant will need to obtain an alcohol license for the distribution of liquor for open houses or wine tasting events. Idaho Code 23-303 regulates that liquor store or distribution station shall be not be located within three hundred (300) feet of a school. Although the site is within 300' of property owned by Boise State University the property may still be eligible for a license provided the all other requirements are met as Boise State University does not qualify as a "school" under this section of Code.

In conclusion, the proposed winery will serve as a compatible use in this unique area of Boise. The adaptation of the building for a small-scale winery is an appropriate mix with existing conditions and with the future redevelopment of this area. Staff recommends approval of the Special Exception.
Planning Division Staff Report

File Number  
CUP05-00119

Applicant  
Bill Fraser

Property Address  
1004 South La Pointe Street

Public Hearing Date  
November 7, 2005

Heard by  
Boise City Planning and Zoning Commission

Planning Analyst  
Carl Miller

Planning Supervisor  
Scott Spjut

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3. General Information 7
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6. Recommended Conditions of Approval 11

Attachments

Vicinity/Zoning Map
Site Plan
Applicant’s Support Material
Agency Comments
1. Executive Summary

Description of Applicant's Request:
Bill Fraser requests approval of a Special Exception to utilize an existing building as a winery on property located at 1004 S. La Pointe Street in a C-2D (General Commercial with Design Review) zone.

Staff's Recommendation:
Staff recommends approval of CUP05-00111.

Summary:
The applicant requests a Special Exception for a winery. The applicant owns a vineyard in Canyon County but would like to utilize an existing ±2,500 sq. ft. building at 1004 S. La Pointe Street as a wine distillery. The proposed winery is small in scale, with only two employees and anticipated production of 400-500 cases per year. The site will occasionally be used for wine tasting events and open houses.

The subject property is generally located south of the Boise River and west of Capitol Boulevard. This is a diverse area, with a mixture of land uses, including warehousing, commercial, office, and multi-family residential. The main campus of Boise State University is located approximately 1,000’ to the east and Ann Morrison Park is located approximately 600’ to the west. The site is zoned C-2D (General Commercial with Design Review) which does not include wineries in the Land Use Table.

The winery will serve the immediate community by providing a unique use and an adaptive reuse of the site. The site is currently vacant which could lead to the decline of this otherwise vibrant community. The Zoning Ordinance allows wineries in M-1 and M-2 Industrial Districts, however it does not list wineries in the Commercial Land Use Table. The proposed winery is at a smaller scale that will not negatively affect neighboring properties with odors, smoke, or noise, that is usually associated with larger, industrial-scale wineries. This location near Downtown and Boise State University is devoid of Industrial zoning.

Staff finds this request to meet the criteria for a Special Exception. Staff has included conditions of approval to facilitate compatibility with other land uses in the immediate vicinity.
2. Facts, Standards of Review & Reason for the Decision

Type Application
Special Exception: Winery

Applicant/Appellant/Status
Bill Fraser / Owner

Location, Site Description
The site is located at 1004 S. La Pointe Street, which is generally south of the Boise River and west of Capitol Boulevard. The site supports a ±2,500 sq. ft. building which has been used for an office and workshop. The site also supports 5 parking spaces. The general area is comprised of a mixture of uses, including office, warehousing, commercial, and multi-family residential. The property is in the Central Bench Planning Area and is not within a recognized neighborhood association.

Zoning and Zoning Allowances, Comp. Plan Designation
The subject property is zoned C-2D (General Commercial with Design Review). Wineries are allowed in the M-1 and M-2 zones but are not listed in the C-2 Land Use Table. This property is designated as “Mixed Use” on the Comprehensive Plan map.

Development Proposal
The applicant proposes a Special Exception to allow an existing building to be used as a winery in a C-2D (General Commercial with Design Review) zone. The one-story, 2,500 sq. ft. building is served by 5 parking spaces and a loading dock.

History of Previous Actions:

| DR-96-93 | Design Review approval of an office & workshop. |

Standards of Review

Section 11-06-08 Special Exceptions
The Planning and Zoning Commission shall review all requests for special exceptions and make recommendations to the City Council.

A. Justification: Finding that there are certain uses that because of their normal nature or design are not commonly permitted in a given district, but that with special consideration by the applicant to the standards of the area, impact, design and existing uses, the said use may benefit the immediate community, the City Council may approve, with conditions as outlined below, any use as requested by an applicant as a conditional use under the Special Exceptions provision.
B. Intent: It is the intent of this Section to promote infilling of built areas of the community with minimal community impact. In all districts it is intended to allow uses of equal or lesser impact than those permitted uses in the district. The Special Exception shall not increase density of a permitted use in a residential district, unless it will adaptively reuse a building which is on the historical register of the City or Federal government and which has an existing gross floor area of greater than 5,000 sq. ft.

***

D. Action by Planning and Zoning Commission:

1. At every special exception hearing before the Planning and Zoning Commission, the Commission shall hear all persons interested in the subject matter then pending before it. Not later than ten (10) days after the conclusion of the hearing, the Commission shall file with the City Clerk a written report of the proceedings before and by the Planning and Zoning Commission at each hearing and its recommendations to the Council. Any recommendation of the Commission relating to a Special Exception shall be in writing and must include in its recommendation all of the following findings of fact, based upon the evidence presented, and supporting the purposes and objectives of said Special Exception:

   a. That the Zoning Ordinance does not anticipate that such a use could be a desirable use in the zone under special circumstances; and

   b. That the use will produce an equal or reduced impact upon the site or neighborhood than would an allowed use; and

   c. That the location of the proposed use is compatible to other land uses in the general neighborhood area and does not place an undue burden on existing transportation and service facilities in the vicinity; and

   d. That the site is of sufficient size to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and such other features as are required by this Ordinance; and

   e. That the site is appropriate for such proposed use and that proper zoning for the proposed use is not available in the general neighborhood; and

   f. That natural features and existing trees are appropriately preserved and integrated with the project and that the finished grading, storm drainage and landscaping are consistent with the established or contemplated character of the neighborhood; and

   g. That access to the property and internal vehicular circulation thereon are safe and convenient for pedestrians, cyclists, automobiles and service vehicles and
are designed such as to have minimal impact upon the surrounding neighborhood and traffic operations; and

h. The approval, denial or modification of the Special Exception does not provide precedent for any other parcel in the City.

2. The Planning and Zoning Commission must list, as part of its report to the Council, those "special circumstances" which are not anticipated by the Zoning Ordinance.

3. The Planning and Zoning Commission may make recommendations as to specific conditions for approval which would allow establishment of the proposed use in a compatible manner with the neighborhood. Such conditions shall be imposed in accordance with the provisions of Section 11-6-4.14 of the Boise City Code.

Reasons for the Decision
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In conclusion, the proposed winery will serve as a compatible use in this unique area of Boise. The adaptation of the building for a small-scale winery is an appropriate mix with existing conditions and with the future redevelopment of this area. Staff recommends approval of the Special Exception.

3. General Information

Notifications:
Neighborhood Meeting: Held on September 15, 2005.
Newspaper notification published on: October 22, 2005.
Radius notices mailed to properties within 300 feet on: October 21, 2005.
Staff posted notice on site on: October 25, 2005.

Size of Property:
Building is 2,500 sq. ft.; Property is 5,875 sq. ft. (0.13 acres).

Land Use

Existing Land Use:
Vacant building.

Hazards:
None known.
Adjacent Land Uses and Zoning:
North: Warehouse, C-2D zone.
South: Print shop, C-2D zone.
East: Alley then auto repair, C-2D zone.
West: LaPointe Street then freight terminal, R-OD zone.

Parking

<table>
<thead>
<tr>
<th>Proposed</th>
<th>Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Handicapped spaces proposed:</td>
<td>0*</td>
</tr>
<tr>
<td>Parking spaces proposed:</td>
<td>5</td>
</tr>
<tr>
<td>Number of compact spaces proposed:</td>
<td>0</td>
</tr>
<tr>
<td>Bicycle parking spaces proposed:</td>
<td>1</td>
</tr>
<tr>
<td>Parking Reduction requested?</td>
<td>No</td>
</tr>
</tbody>
</table>

* Recommended Conditions of Approval require one (1) handicapped space.
** Required spaced based on 746 sq. ft. of office area (3 spaces) plus 1,700 sq. ft. warehouse area (1 space).

Setbacks

<table>
<thead>
<tr>
<th>YARD</th>
<th>REQUIRED FOR BUILDING</th>
<th>EXISTING BUILDING</th>
<th>REQUIRED FOR PARKING</th>
<th>EXISTING PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>20'</td>
<td>32'</td>
<td>7'</td>
<td>7'</td>
</tr>
<tr>
<td>Side (north)</td>
<td>0'</td>
<td>0'</td>
<td>5'</td>
<td>5'</td>
</tr>
<tr>
<td>Side (south)</td>
<td>0'</td>
<td>0'</td>
<td>5'</td>
<td>3'*</td>
</tr>
<tr>
<td>Rear</td>
<td>0'</td>
<td>29'</td>
<td>5'</td>
<td>9'</td>
</tr>
</tbody>
</table>

*Existing existing nonconforming setback.

4. Boise City Comprehensive Plan

This project is located in the Central Bench Planning Area. There is one applicable policy in the Boise City Comprehensive Plan.

Higher-density housing, in conjunction with supporting retail services, shall be promoted in the area between Capitol Boulevard and Ann Morrison Park. The principles and standards of New Urbanism shall be promoted in this area.
Boise City Comprehensive Plan Goals, Objectives and Policies

Chapter 7.0, COMMUNITY QUALITY

Objective 5
Achieve an environment through urban design that maintains and enhances the City’s visual qualities within neighborhood, community and regional commercial areas.

Policy 7.5.4.
Require that new and recycled stand-alone commercial developments be designed to achieve a high level of quality, distinctive character and compatibility with adjacent uses and development, using the following design criteria:

a) Limit building heights to those of the adjacent neighborhood unless mitigated through use of buffer yards, upper story/roofline setbacks and similar techniques;
b) Facilitate and encourage pedestrian activity through siting and design of the structure and inclusion of amenities;
c) Site buildings on common sidewalks, pedestrian areas and bicycle routes that are connected with adjacent residential areas;
d) Include intensive landscape materials to visually extend the character of the adjacent neighborhood;
e) Enclosure of storage/loading-delivery areas with decorative screening of walls and/or landscaping.
f) Mitigation of noise, odor, lighting and other impacts
g) Architectural design treatment of all building elevations that are visible to the public; e.g., storefronts along pedestrian corridors, a variety of landscaping along building perimeters where no pedestrian activity occurs, articulate wall planes with a mix of colors and/or materials in a scale and pattern that is visually pleasing and in context with the neighborhood.

Chapter 8.0 LAND USE

Objective 4
New commercial and office developments shall be located to be convenient to shoppers and employees and to minimize adverse impacts on the street system and adjacent uses.

Chapter 9.0 ECONOMIC DEVELOPMENT

Goal
Maintain and improve economic opportunities for the residents of the Planning Area through creation of a diverse economy, business retention and expansion, provision of adequate infrastructure, and a positive economic climate.
Objective 1
Foster a diverse economy that will minimize the impacts of cyclical economic downturns on the City and its residents.

Policy 9.1.2.
Maintain sufficient vacant land that is reserved for unique forms of industrial, retail and office uses such as; heavy and light manufacturing, high tech industry, regional retail, specialty retail, incubator retail and industrial, and garden and high rise office.

5. Boise City Zoning Ordinance

11-04-06.01 Commercial Districts Established
Certain districts, designated by the symbol "C", followed by a numeral, or numeral and letter, and referred to collectively herein as "C" or Commercial Districts, are established to preserve and enhance property values by providing space in suitable locations for the various types of business activity needed to serve the people and commerce in the city in conformance with the Comprehensive General Plan.

11-04-06.03 Purpose of General Commercial or C-2 District
It shall be the purpose of the Neighborhood Commercial or C-2 District classification to establish district zones regulated to fulfill the needs for travel-related service and retail sales areas within the City. Areas set aside as C-2 may be classified as such in conformity with the comprehensive general plan and in consideration of commercial uses along traffic routes and within community shopping centers. The regulations in Table 3 shall apply, in addition to the general regulations of this Ordinance, to all land, buildings and structures located in any C-2 District.

Section 11-10-06 Off-Street Parking Requirements

Table 13, Off-Street Parking Requirements P-2 Parking District

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Unit of Measure</th>
<th>General Parking Space Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office</td>
<td>Per 250 sq. ft. Net Leasable Area</td>
<td>1.0</td>
</tr>
<tr>
<td>Wholesaling &amp; Warehousing</td>
<td>Per 2,000 sq. ft. Gross Floor Area</td>
<td>1.0</td>
</tr>
</tbody>
</table>
6. Recommended Conditions of Approval

Site Specific:

1. Approval, use and property development shall be in compliance with application material, specifications, and site plan submitted and date stamped received **September 16, 2005** with the Boise City Planning and Development Services Department except as may be modified by the Boise City Design Review Committee or Staff or expressly modified by the following conditions.

2. This project is in a Design Review District and shall be subject to review and approval by the Design Review Committee or Staff.

3. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) for sewers per Department comments dated **September 22, 2005**. Please contact BCPW at 384-3900. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved plans must be submitted to the Public Works Department for approval.

4. Comply with all conditions of the Ada County Highway District report, dated **September 29, 2005**.

5. All parking areas and driveways shall be paved, and shall be designed and laid out to conform to the minimum standards required by the Boise City Zoning Ordinance. The applicant shall provide at least one (1) ADA parking space.

6. The hours of operation shall be limited to 7 AM to 9 PM, seven (7) days a week. Requests for extended hours or for special events and open houses will require a Zoning Certificate.

7. Special events such as open houses or wine tasting events shall require a Zoning Certificate. Sufficient parking shall be demonstrated for each Zoning Certificate.

8. The applicant shall comply with the Boise City Zoning Ordinance regarding the improvements necessary for the sale of alcohol. All permitting shall be established before the sales or distribution of alcohol on the site.

9. This approval does not include approval of any signage. A separate Sign Permit will be required from the Boise City Planning and Development Services Department prior to installation of sign(s).
10. Exterior lighting fixtures must be designed and located so as to prevent glare or direct light from falling onto adjoining properties or streets. All mounted lighting shall be used where possible.

General:

11. 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.

12. 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.

13. All conditions of the Boise Fire Department report PRE05-00349 shall be complied with. Any deviation from this plan is subject to fire department approval. For further information contact David S. Miller, at 384-3827.

14. All parking areas and driveways shall be paved, marked and provided with approved wheel restraints, and shall be designed and laid out to conform to the minimum standards required by the Boise City Zoning Ordinance.

15. The applicant shall comply with the following agency requirements and regulations where applicable by law or judicial decision:
   a. Boise City Fire Department
   b. Ada County Highway District
   c. Boise City Public Works Department
   d. Boise City Building Department
   e. Boise City Parks Department, Forestry Specialist

16. All buildings and site improvements approved by this conditional use shall be completed within sixty (60) months of this approval or a new conditional use shall be required.

17. An Occupancy Permit will not be issued by the Boise City Building Department until all of these conditions have been complied with. In the event a condition(s) cannot be met by the desired date of occupancy, the 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 110% of the value of the condition(s) which are incomplete.
18. 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.

19. Failure to abide by any condition of this approval may be grounds for revocation by the Boise City.
## Conditional Use Application

This box for office use only

<table>
<thead>
<tr>
<th>File #</th>
<th>Fee: 599</th>
</tr>
</thead>
</table>

Cross Referenced File(s): Zone(s): C-2D

Are Pre-Application materials attached? Yes No

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

- Library in existing building

- [ ] Commission Level  [ ] Planned Development  [ ] Special Exception  [ ] Other:

**Note:** When an application has been submitted, it will be reviewed in order to determine compliance with application requirements. It will not be accepted if it is not complete. A hearing date will be scheduled only after an application has been accepted as complete.

**Applicant:** Bill Fraser  
- Owner  
- Phone: 345-9607

**Applicant’s Address:** 1400 Warm Springs Boise, ID  
- Zip: 83712

**Agent/Representative:**  
- Phone:

**Agent/Representative’s Address:**  
- Zip:

**Contact Person (if different from above):**  
- Zip:  
- Phone:

**Address of Subject Property:** 1004 LaPointe St Boise 83706  
- Mapping Division must initial here to signify address verification.

**Property description** (Lot, Block & Subdivision name or recorded deed with a metes and bounds description):

- Lots 30/31 Blk 2  
- Bob Fifer Subdivision # 9014418

**Parcel Number:** 2817000175  
- Received  

**Section:**  
- Township:  
- Range:  
- Quarter: SEP 16 2005

DEVELOPMENT SERVICES

24
1. **Size of property** (square feet and/or acres): 5875 SQ FT.

2. **Water Issues:**
   a. What are your fire flow requirements? (Please see Appendix 111-A of Uniform Fire Code)
   b. What volume of water is available? 2500 GPM (Contact United Water of Idaho, Inc. at 362-7330)

3. **Existing uses and structures on the property are as follows:**
   Approx 1000 SQ FT of offices + Approx 1500 SQ FT shop/storage area

4. **Are there any known hazards on or near the property?** (such as canals, hazardous material spills, soil or water contamination). If so, describe them, and give their locations: **NONE KNOWN**

5. **Adjacent properties have the following building types and/or uses:**
   - North: **TRUCK + INDUSTRIAL PARTS WAREHOUSE**
   - South: **PRINT SHOP**
   - East: **AUTO REPAIR**
   - West: **FREIGHT DOCK AND TERMINAL**

6. **Maximum proposed structure height(s):** **EXISTING BLDG. '993**
   Number of Stories: **1 STORY - MAX HEIGHT 18'**

7. **Structures**
   a. **Number of proposed non-residential structures:**
      Square footage of proposed non-residential structures or additions (if applicable):
      | Gross Square Feet | Net Leasable Sq. Ft. |
      |-------------------|-----------------------|
      | 1st Floor         | 2550 SQ FT            | 2550 SQ FT |
      | 2nd Floor         |                       |            |
      | 3rd Floor         |                       |            |

   b. **Number of existing non-residential structures to remain:** 1
      Square footage of existing non-residential structures to remain:
      | Gross Square Feet | Net Leasable Sq. Ft. |
      |-------------------|-----------------------|
      | 1st Floor         | 2550 SQ FT            | RECEIVED    |
      | 2nd Floor         |                       |             |
      | 3rd Floor         |                       |             |

   **COC/185-CC/119**
   DEVELOPMENT SERVICES
c. Number of proposed residential structures (if applicable): 

d. Size of proposed residential units (if applicable):

<table>
<thead>
<tr>
<th>Number of Units</th>
<th>Sq. Ft. per Unit</th>
<th>Total Sq. Ft</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td></td>
<td></td>
</tr>
<tr>
<td>One-bedroom</td>
<td></td>
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</tr>
<tr>
<td>Two-bedroom</td>
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<tr>
<td>Three-bedroom</td>
<td></td>
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<tr>
<td>Total Number</td>
<td></td>
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</tr>
</tbody>
</table>

Number of existing units to remain:

8. Landscaping: Is any proposed? **EXISTING LANDSCAPING AS PREVIOUSLY APPROVED**

9. Site Design:

Percentage of site devoted to building coverage: 26%

Percentage of site devoted to landscaping: 20%

Percentage of site devoted to paving: 54%

Percentage of site devoted to other uses: 

Describe: Total: 100%

10. Parking

a. Handicapped spaces proposed: 1

   Handicapped spaces required: __________

b. Parking spaces proposed: 6

   Parking spaces required: __________

c. Bicycle parking spaces proposed: 0

   Bicycle parking spaces required: __________

d. Number of compact spaces proposed: 0

   Compact spaces allowed: __________

e. Width(s) of garage door(s): 10'

f. Restricted parking spaces proposed: 0

Note: If you are requesting a shared parking or parking reduction, you must submit a survey of persons using and working on the premises and any additional information demonstrating that use by the regular employees and visitors to the premises will require fewer off-street parking spaces than required by the Zoning Ordinance.

g. Are you proposing off-site parking? **No**

h. Are you requesting a shared parking or parking reduction? **No**

11. Setbacks: **EXISTING BUILDING BUILT IN 1994**

<table>
<thead>
<tr>
<th></th>
<th>Building Proposed</th>
<th>Required</th>
<th>Parking Proposed</th>
<th>Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear</td>
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<tr>
<td>Side</td>
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</tr>
<tr>
<td>(St) Side</td>
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</tbody>
</table>

**RECEIVED**
SEPTEMBER 2005
DEVELOPMENT SERVICES
12. **Exterior**

Building Materials:
- **Roof**: BUR.
- **Walls**: CINDER BLOCK
- **Windows/Doors**: METAL
- **Fascia, Trim, Etc.**: GALV. METAL

Colors:
- **Roof**: WHITE
- **Walls**: GRAY
- **Windows/Doors**: RED
- **Fascia, Trim, Etc.**: GRAY

13. **Loading facilities** (if proposed):
- **Number & Size**: 1 - 10' WIDE
- **Location**: RAMP AT REAR OF BLDG
- **Screening**: 

14. **Drainage** (proposed method of on-site retention): 2 EXISTING SEEPAGE BED DRAINS

15. **Floodways and Hillsides**
   a. Is any portion of this property located in a Floodway or a 100-year Floodplain? **YES**
   b. Does any portion of this parcel have slopes in excess of 15%? **NO**

   **Note**: If either of the above answers to Number 15 is yes, than you will be required to submit an additional Floodplain and/or Hillside application and additional fee. You must submit the additional required application(s) for review at the same time as this request.

16. **Airport Influence Area**
   Is subject site located within the Airport Influence Area? □ Yes □ No
   If so, you must obtain an avigation easement from the Boise Airport Director. The easement must be obtained before the issuance of building permits.

17. **Is the applicant requesting an infill P. U. D.?** □ Yes □ No

   Applications for infill P.U.D.’s must include documentation that shows that the site qualifies as an infill site, including:
   a. A written statement explaining why this site may qualify as an infill P.U.D.
   b. A vicinity map (8½” x 11” at 1”=300’ scale, available from PDS Mapping, showing:
      1. The property lines of the subject lot.
      2. The property lines and uses of all lots within 300’ of the exterior boundaries of the subject lot.
   c. Evidence (map) showing the location of sewer and water utilities.

   **Note**: It is intended that “infill” PUDs are restricted to the City core area and are not applicable to parcels of land located on the periphery of the City or recently annexed lands.

SEP 18 2005
DEVELOPMENT SERVICES
18. Street Layout

a. Review of public street layout:

The impacts of proposed development on adjacent land uses and transportation facilities must be considered. A “Traffic Impact Study” (TIS) will be generally required by the Ada County Highway District, if the proposed development contains more than 100 dwelling units (includes hotels and motels as well as private dwelling units), more than 30,000 square feet of commercial use, or more than 50,000 square feet of industrial or institutional use, or has associated with it special circumstances deemed by ACHD to warrant an impact study. A copy of this study must be submitted with this application.

Is a Traffic Impact Study required? ☐ Yes ☑ No

b. Review of private street layout:

The impacts of proposed development on adjacent land uses and transportation facilities must be considered. A “Traffic Impact Study” (TIS) prepared by a traffic engineer will be required by Public Works and Planning & Zoning for the interior roadway and parking system. This requirement may be waived when it can be shown by the applicant that no section of on-site roadway will exceed 240 vehicle trips per day.

Is a Traffic Impact Study required? ☐ Yes ☑ No

Any revisions to the application must be received 14 days prior to hearing date or your application will be deferred to the next meeting.

[Signature] William J. Jones  
Signature Applicant/Representative  
[Date] Sept 16, 2005

RECEIVED: SEP 16 2005

DEVELOPMENT SERVICES
October 18, 2005

Carl Miller  
Boise City Planning and Development Services  
P O Box 500  
Boise, Idaho  83701-500  

Re: CUP05-00119/1004 LaPointe Street  

Dear Mr. Miller,  

My wife and I purchased five acres on Homedale Road, south and west of Caldwell, Idaho, in 2002. We planted three acres of wine grapes and now would like to produce wine commercially. We considered building a small winery at the vineyard site, but instead decided to try and use our existing building located at 1004 LaPointe Street, just south of the Boise River. We would like to make wine using only our vineyard’s grapes, so we won’t have a very large production, 450-500 cases at the most. We anticipate selling the wine locally to retailers and restaurants. We thought it would be interesting for the local retailer or restaurant to be able to say “This wine is made in Boise, just across the river.” And we would like to be the first winery to be located in downtown Boise. Our building has approximately 1000 square feet of office area and about 1500 square feet of storage or warehouse space. We plan to house the wine making equipment and barrel storage in the warehouse area and have an office and a small tasting area in the front portion of the building. We cannot afford to have a tasting room open daily but we would like to occasionally have a wine tasting such as at the release of a new vintage or, perhaps, a barrel tasting. We are the only two “employees” of the winery and vineyard. The nature of the business is that you are extremely busy for short periods of time and then there is a period when there is very little to do. October is very hectic with harvesting and fermenting the grapes and then there is little to do except racking the wine until bottling. I hope that this letter supplies a little more information regarding our intentions to open a winery in Boise.

Bill Fraser
Three years ago I planted a five acre wine grape vineyard in the Sunnyslope area, southwest of Caldwell. I want to make wine from the grapes and I own an existing building in Boise (1004 LaPointe Street, C-2D). It will easily accommodated the small winery I have envisioned without any interior or exterior changes. I wanted to do the winery in Boise rather than in Canyon County because I live here (convenience) and because I thought it would be interesting to have a small winery in Idaho’s largest city.

Bill Fraser
Road Trust Fund
94 - 35

1004 LaPointe St

INSIDE RED RECTANGLE

CURRENTLY ZONED DZ - 2D.
September 29, 2005

TO: Bill Fraser  
1400 Warm Springs  
Boise, Idaho 83712

SUBJECT: CUP05-00119  
Winery in existing building  
1004 South La Pointe Street

In response to your request for comment, the Ada County Highway District (ACHD) staff has reviewed the submitted application and site plan for the item referenced above. It has been determined that the Right-of-Way and Development Services Department does not have any site specific requirements for you at this time due to the fact that:

- No changes to the public transportation system are being proposed or required at this time.

If the site plan or use should change in the future, ACHD will review the site plan and may require improvements to the transportation system at that time.

Prior to final approval you will need to submit plans to the ACHD Development Review Department.

A traffic impact fee may be assessed by ACHD and will be due prior to the issuance of a building permit. Contact ACHD Planning & Development Services at 387-6170 for information regarding impact fees.

Prior to the construction or installation of any roadway improvements (curb, gutter, sidewalk, pavement widening, driveways, culverts, etc), a permit or license agreement must be obtained from ACHD.

If you have any questions, please feel free to contact me at (208) 387-6174.

Sincerely,

Lisa Bachman  
Planner I  
Right-of-Way and Development Services, Planning Division

Cc: Project File, Construction Services, Boise City
To: Boise City Planning & Zoning
Re: CUP 05-0119; 1004 S. LaPointe Street

Date: September 22, 2005

.conditions of Approval

SEWER CONDITIONS – JIM PARDY (433-5648)

If the existing structure is not connected to central sewer, connection to the central sewer is required. Sewers are available in: the Alley (Phone: 384-3900).

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

No comment.

STREET LIGHT CONDITIONS – BILL COLSON (384-3929)

No comment.

PERSON MAKING OTHER COMMENTS – MIKE HUNTER (384-3993)

OTHER COMMENTS

Process wastewater discharged to sanitary sewer subject to prohibitions and limitations outlined by Title 8, Chapter 14 of Boise City Code. Facility will be subject to random inspection for wastewater pretreatment requirements.
Fax

TO: Bill Fraser
Fraser Vineyard & Winery

FROM: Doug Schaefer

FAX NO: 344-2121

DATE: September 12, 2005

SUBJECT: 1004 LaPointe Street

☐ Urgent  ☑ For Review  ☐ Please Reply  ☐ Please Recycle

COMMENTS: Available Volume Information

Our records indicate the following water volume at 1004 LaPointe Street:

Available Flow of 2,500 gpm

This information represents the available volume of water to be used for conditional use permit applications or design review purposes. However, the pressures and flows are subject to change depending on system demand and changes in system operations. If you have further questions, please feel free to call.

Sincerely,

Doug Schaefer

Doug Schaefer
### Conditions for Permit Number: PRE05-00349

**Print Date:** 11/1/2005 1:35:40PM

<table>
<thead>
<tr>
<th>Condition</th>
<th>Requirement Met</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>0001 APPPLICABLE CODES</td>
<td>None</td>
<td>NOT MET 9/23/2005 DSM</td>
</tr>
<tr>
<td>This application has been reviewed with respect to the REQUIREMENTS of the Boise City Code (BCC) Title VII and the 2000 International Fire Code (IFC) as adopted and amended by the City of Boise. Applicant can feel free to contact David S. Miller at 384-3827.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0002 APPROVAL</td>
<td>None</td>
<td>NOT MET 9/23/2005 DSM</td>
</tr>
<tr>
<td>The Fire department can approve this application with the following conditions.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0011 F.P. BEFORE CONSTRUCTION</td>
<td>None</td>
<td>NOT MET 9/23/2005 DSM</td>
</tr>
<tr>
<td>Fire Department require hydrants, access, and street identification shall be installed prior to construction or storage of combustible materials on site. Provisions may be made for temporary access or street identification.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0012 PRELIMINARY APPROVAL</td>
<td>None</td>
<td>NOT MET 9/23/2005 DSM</td>
</tr>
<tr>
<td>Any fire hydrant approvals given by the fire department are to be considered as &quot;preliminary&quot;. Final approval is not considered to be granted until the fire department performs its &quot;hydrant acceptance&quot; tests. Any changes, such as finished landscaping, which affect hydrant clearance or finished height shall not be considered as approved and will need to be corrected.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0013 IBC Construction Requirements</td>
<td>None</td>
<td>NOT MET 9/23/2005 DSM</td>
</tr>
<tr>
<td>Specific construction requirements of the International Building Code, the International Fire Code, and Boise City Code will apply. However, these provisions are best addressed by a licensed Architect at building permit application.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0025 FIRE FLOW</td>
<td>None</td>
<td>NOT MET 9/23/2005 DSM</td>
</tr>
<tr>
<td>We are concerned about the accuracy of the &quot;required fire flow&quot; shown on the application. Please consult International Fire Code, as amended to determine the required fire flow for a building of this size and construction type.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0032 Construction Permits Required</td>
<td>None</td>
<td>NOT MET 9/23/2005 DSM</td>
</tr>
<tr>
<td>Planning, Subdivision, and Public Works approvals do NOT exempt the applicant from the requirement to obtain Building Permits, Fire Sprinkler Permits, and Fire Alarm Permits.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0036 Project</td>
<td>cup05-00119, 1004 S LaPointe St.</td>
<td>9/23/2005 DSM</td>
</tr>
</tbody>
</table>
LEGAL NOTICE
OF PUBLIC HEARING

THE CITY OF BOISE PLANNING AND ZONING
COMMISSION WILL HEAR A REQUEST
FOR A CONDITIONAL USE (CUPO05-00116)

BILL TRASER
proposed approval of a Special Exception to
alter an existing building at 1306 W. Park St.
property located at

ON November 7, 2005 AT 6:00 P.M.

IN THE BOISE CITY HALL COUNCIL CHAMBERS

For more information, contact the
Planning & Development Services Dept,
180 North Capitol Blvd.
2nd Floor
(208) 384-4330

10/25/2005
December 22, 2005

Boise City Planning and Development Services
P O Box 500
Boise, Idaho 83701-0500

Re: CUP05-00119/1004 LaPointe Street

This letter is to further explain the type of winery operations I propose to conduct if my request for a special use permit is approved for the property located at 1004 LaPointe Street. My wife and I own five acres in Canyon County on which we have planted 3 acres (3,600 plants) of wine grapes. We plan to harvest, crush and destem the grapes at the vineyard and then transport the grape must in 1,000 pound food-grade plastic bins to Boise.

Once in Boise, yeast is added to the must to start the fermentation process, which takes about 4-7 days to complete. After the fermentation is completed, the fermented juice along with the skins and pulp are placed in a 70 litre bladder press. The wine is pressed off the skins and pulp and then pumped into either stainless steel tanks or 60 gallon oak barrels. The pomace (skins and pulp) is trucked back to the vineyard and composted. The wine is aged in the tanks and barrels for up to two years with periodic removals of the settling solids. After aging, the wine is bottled, labeled and packaged into 12 bottle cases for sale. Hopefully, local restaurants, wine shops, distributors and residents will support a small boutique winery, located in Boise, and making wine from locally grown grapes. We will control the process from vine to wine.

I don’t anticipate that we will ever harvest more than three tons/acre or a total of nine tons. Nine tons of grapes will produce about 450 to 500 cases of wine, which seems like a lot, but is really a miniscule amount. (Ste. Chapelle produces about 160,000 cases annually, which is considered a small to medium sized winery).
We do not want, or nor can we afford a “tasting room” but we would like to occasionally have a barrel tasting, open house, or a tasting of newly released wines. This we understand will require a Zoning Certificate to ensure adequate parking and appropriate timing of the event.

The wine making process requires short, intense, periods of work, such as fermenting, pressing or bottling, but I do believe we will create less traffic in the neighborhood than previously when I ran a small construction company from the building.

I hope that this better explains the operation of our proposed winery at 1004 LaPointe Street.

Sincerely,

[Signature]