



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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Planning Division Staff Report

File Number CUP08-00022
Applicant Rimrock Holdings, LLC
Property Address 1388 S. Entertainment Avenue
Public Hearing Date April 14, 2008
Heard by Boise City Planning and Zoning Commission
Planning Analyst Sue Hansen
Planning Supervisor Cody Riddle

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Attachments

Vicinity/Zoning Map
Site Plan
Application
Support Material
Agency Comment

1. Executive Summary

Description of Applicant's Request:

Rimrock Holdings, LLC requests approval of a Conditional Use Permit for a parking reduction on property located at 1388 S. Entertainment Avenue in a C-3D (Service Commercial with Design Review) zone.

Staff's Recommendation:

Staff recommends **approval** of CUP08-00022

Summary:

Rimrock Holdings, LLC requests approval of a Conditional Use Permit for a parking reduction for property located at 1388 S. Entertainment Avenue. The site is situated on the east side of the street approximately 465 feet north of the intersection of W. Overland Road and S. Entertainment Avenue. Interstate I-84 is adjacent to and north of the proposal. Lowe's Home Improvement center is west of the site, and retail spaces are located to the south. A motel is located east of the site, with Steven-Henager College beyond.

The proposed uses at this location are a 7,500 square foot restaurant, and 4,920 square foot retail building, both of which are allowed in the zone. Both have already received Design Review approval, with a condition that the restaurant be limited to 164 seats. However, the applicant would like 210 seats in the restaurant. The applicant is requesting a parking reduction for the restaurant only, the retail space will meet the required number of parking spaces. The required parking for both the retail space and the restaurant is 125 spaces (20 for the retail and 105 for a 210 seat restaurant). The applicant is requesting approval for 111 spaces (20 for the retail and 91 for the restaurant). It is a reduction of 14 parking spaces. The applicant proposes the allowed number of compact spaces, which is 38.

Staff is in support of the request as the area is developed with a variety of uses that promotes trip capture. Customers will park and likely utilize more than one of the businesses located on the site or the adjacent sites. In addition, a significant amount of walk-in business can be expected from the 132 room hotel adjacent to the site.

2. Facts, Standards of Review & Analysis

Type Application

Conditional Use: Parking Reduction

Applicant/Status

John Browning / Owner

Location, Site Description

The site is located at 1388 S. Entertainment Avenue, approximately 465 feet north of the intersection of Overland Road and S. Entertainment Avenue. The site is currently improved with curb, gutter, sidewalk and a private road through the commercial subdivision, otherwise the site is undeveloped.

Zoning and Zoning Allowances, Comp. Plan Designation

The subject property is zoned C-3D (Service Commercial with Design Review). In this zone, retail, offices and restaurant uses are allowed. Parking reductions require conditional use approval. This property is designated as "Commercial" on the Comprehensive Plan land use map. It is within the boundaries of the Southwest Planning Area, and is within the Southwest Ada County Alliance Neighborhood Association.

Development Proposal

The applicant requests approval for a conditional use permit to reduce the number of parking by 14 spaces.

Standards of Review

Section 11-06-04 CONDITIONAL USE PERMITS

Section 11-06-04.13 Criteria

The Commission, following the procedures outlined below, may approve a conditional use permit when the evidence presented at the hearing is such as to establish:

- A. That the location of the proposed use is compatible to other uses in the general neighborhood; and
- B. That the proposed use will not place an undue burden on transportation and other public facilities in the vicinity; and
- C. That the site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls and fences, parking, loading, landscaping and such other features as are required by this title; and

- D. That the proposed use, if it complies with all conditions imposed, will not adversely affect other property of the vicinity; and
- E. That the proposed use is in compliance with and supports the goals and objectives of the Comprehensive Plan.

Section 11-10-01.F

Reduction of Parking Requirements: Parking space requirements for a particular use as established by Table 13 of this chapter may be reduced upon application for conditional use permit in accordance with the provisions and procedures required by Section 11-06-4.13 of the Boise City Code and upon determination by the Commission based on a specific showing by the applicant that the intensity of the particular use will need a lesser amount of parking space. An application for a reduction in the parking space requirements shall include a survey of persons using and working on the premises and such additional information as the Commission may require by which to demonstrate that the use by the regular employees and business invitee, licensees and visitors to the businesses and occupations in and upon the premises shall require less off-street parking space than required by the pertinent provisions of the Boise City Zoning Ordinance.

1. In the event a determination is made that the parking space requirements may be reduced, the Commission shall determine the off-street parking space requirements which shall be subscribed upon the conditional use permit.
2. In making the determinations allowed in this Section, the schedule of parking requirements shall be deemed the normal standard for average intensity of use of the particular use specified and to the extent the intensity of use is less than such norm, or the number of individuals using the premises provides less than the average number of cars, the parking requirements may be reduced.

Analysis

The applicant is requesting approval of a Conditional Use Permit for a parking reduction for property located at 1388 S. Entertainment Avenue. The proposed uses at the location are a 7,500 square foot restaurant and a 4,920 square foot retail building, both of which are allowed in the zone. Both structures have already received Design Review approval, with a condition that the restaurant be limited to 164 seats. The site plan submitted for Design Review approval indicated 102 parking spaces. It appears the applicant has modified the parking layout as the site plan submitted with this application indicates 111 parking spaces (an increase of 9). The required parking for both the retail space and restaurant is 125 spaces (20 for the retail and 105 for a 210 seat restaurant). The applicant is requesting approval for 111 spaces (20 for the retail and 91 for the restaurant). It is a reduction of 14 parking spaces. The applicant proposes 35% of the spaces to be compact spaces, which is the allowed number of 38.

The site is located at 1388 S. Entertainment Avenue on the east side of the street approximately 465 feet north of the intersection of W. Overland Road and S. Entertainment Avenue. Interstate I-84 is adjacent to and north of the site. There is a motel to the east and retail to the south of the site. Lowes Home Improvement Center is across Entertainment Avenue to the west. The site is currently vacant with adjacent roadway improvements of curb, gutter and sidewalk installed on S. Entertainment Avenue, as well as a private street through the commercial subdivision. The restaurant and retail space are compatible to other development in the general area. The uses are allowed in the zone. With approval of the parking reduction, the site is large enough to accommodate the use. All proposed parking spaces and drive aisles meet or exceed the minimum code requirements, and no changes are proposed to the footprint of the building.

The difference in hours of operation and the diversity of uses in the vicinity are the basis of the request, and staff can support the reasons. With the mix of uses, there is a variety of hours of operation. Some of the smaller retail shops will be closed at the time the restaurant experiences its peak hours. It is very likely that patrons will visit more than one of the businesses in the area and park only once for the trip. In addition, walk-in business from the 132 room motel adjacent to the site can be anticipated as well. A cross access agreement that addresses the shared parking has been executed in the CC&R's of the commercial subdivision. The agreement includes the motel, the retail parcel to the south and the Stevens-Henager College located east of the motel. Typically, an Administrative Review is required for shared parking agreements. However, all the other lots in the commercial subdivision are developed with the required number of parking spaces, except Steven-Henager College, the farthest lot from the subject property. If the college wishes to expand by adding more seats, then they would have to obtain a conditional use permit for a parking reduction.

Approval of this parking reduction, if in compliance with the recommended conditions of approval, will not adversely affect other property in the vicinity. The conditional use permit is only required for the parking reduction. Commercial uses of similar or greater intensity than the proposed use comprise a large portion of the neighborhood, and the uses are allowed in the zone. As proposed, the development complies with all required setbacks for the parking lot and buildings. A landscape plan has been approved as part of the Design Review approval. The applicant will be required to modify the Design Review approval to change the conditions of approval and the increase of parking spaces on the site plan.

The proposed use is in compliance with and is supported by the goals and objectives of the *Boise City Comprehensive Plan*. *Objective 8.0.4* of the *Comprehensive Plan* recommends new commercial and office development shall be located to be convenient to shoppers and employees and to minimize adverse impacts on the street system and adjacent uses. The restaurant provides another convenience for patrons of the adjacent mix of businesses in the vicinity. The guests of the 132 room hotel to the east will most likely find the restaurant a welcome amenity that is well within walking distance. It is this diversity that provides for opportunities for shared parking, as many of the patrons will utilize more than one business with one trip. The diversity of commercial uses is also supported by *Policy 8.0.4.6* which encourages uses that serve a variety of shopping,

entertainment, work and dwelling needs, and have differing hours of operation. In addition to the mix of adjacent uses, the Spectrum site is located to the south, across Overland Road, from this proposal. *Objective 7.2.5* requires convenience commercial developments to be designed to achieve a high level of quality, distinctive character, and compatibility with adjacent uses. The buildings and site plan has already received Design Review approval. The use is an allowed use in the zone and is well suited for the site.

ACHD comments indicate no impact to the roadways. No other agency has indicated the parking reduction will place an undue burden on the services they provide.

3. Reasons for the Decision

The location of the proposed use is compatible to other uses in the neighborhood, and if it complies with all conditions imposed, will not adversely affect other property of the vicinity. The use is allowed. Staff cannot identify any conflicts with the hours of operation, noise, smoke or vibration. The proposed parking reduction will compliment surrounding properties by reducing the visual affect of a large parking lot.

The proposed use will not place an undue burden on the transportation system. A reduction of parking will not alter the transportation system. The mix of uses in the area may provide for trip capture as customers may utilize more than one commercial use with a single trip.

Other than the parking, the site is large enough to accommodate the proposed use and all yards, open spaces, and landscaping. All setbacks for the parking and structures have been met and the design of the buildings and site were approved by the Design Review process.

The proposal is in compliance with and supports the goals and objectives of the Comprehensive Plan as it will achieve a high level of quality, distinctive character, and compatibility with adjacent uses. The mix of uses in the area along with the diversity in the hours of operation justifies the reduction of parking. Walk-in traffic can be expected from the adjacent motel as well. A cross access agreement that provides for shared parking has been recorded with the CC&Rs of the commercial subdivision. All required findings for approval have been met. The conditions of approval will protect the properties in the vicinity from any foreseen adverse affects and to ensure the improvements are constructed as proposed.

4. General Information

Notifications:

Neighborhood Meeting: Held on: **February 19, 2008**

Newspaper notification published on: **March 28, 2008**

Radius notices mailed to properties within 300 feet on: **March 29, 2008**

Staff posted notice on site on: **March 26, 2008**

Size of Property:

+/-1.84 acres

History of previous actions

DRH08-00011

Land Use

Existing Land Use:

Vacant

Hazards:

None are known.

Adjacent Land Uses and Zoning:

North: I-84 / C-3D
 South: Mixed commercial retail / C-3D
 East: Commercial retail / C-3D
 West: Commercial retail / C-3D

Parking

Proposed		Required	
Handicapped spaces proposed:	5	Handicapped spaces required:	5
Parking spaces proposed: *	111	Parking spaces required:	125
Number of compact spaces proposed:	38	Number of compact spaces allowed:	38
Bicycle parking spaces proposed:	8	Bicycle parking spaces required:	4
Parking Reduction requested?	Yes	Off-site Parking requested?	No

* Subject of parking reduction.

Setbacks

YARD	REQUIRED FOR BUILDING	PROPOSED FOR BUILDING	REQUIRED FOR PARKING	PROPOSED FOR PARKING
Front	20'	25'	20'	25'
Side (street)	20'	20'	20'	20'
Side	0'	58'	5'	10'

Rear	5'	30'	5'	0' (shared parking)
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5. Boise City Comprehensive Plan

This project is located in the **Southwest Planning Area** with a specific, applicable policy in the *Boise City Comprehensive Plan*:

Policy 8.13.1

Zoning for new regional retail uses shall be prohibited in the Southwest area. New commercial uses shall be of size and design consistent with neighborhood serving facilities.

Boise City Comprehensive Plan Goals, Objectives and Policies

Chapter 6.0, TRANSPORTATION

6.5 Landscaping

Goal 6.5.1

Create a transportation system that is visually attractive and conducive to pedestrian travel.

Objective 6.5.1.1

Accommodate appropriate landscaping elements within and adjacent to the public street right-of-way.

Policy 6.5.1.6

Discourage waiver by ACHD of landscape strip requirements, and encourage that landscape strips always be required along gateway arterials and collectors and in areas already characterized by existing landscape strips.

Chapter 7.0, COMMUNITY QUALITY

Objective 7.2.5

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

Policy 7.2.5.1

Require that neighborhood and community commercial uses be designed and developed to achieve a high level of quality, distinctive character and compatibility with adjacent uses and development. The following criteria, including the Design Guidelines should be used to evaluate all proposals:

- a) Incorporation of site landscape treatments, particularly along street frontages and in parking lots;
- b) Linkage of buildings by common architectural design, landscape and pedestrian systems to avoid the appearance of independent, freestanding structures surrounded by parking;
- c) Siting and design of structures to facilitate and encourage pedestrian activity;
- d) Siting of one or more buildings in proximity to the street frontage to convey a visual relationship to the street and sidewalks;

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.

6. Boise City Zoning Ordinance

Section 11-04-06.03 Purpose of General Commercial or C-3 District

It shall be the purpose of Service Commercial or C-3 District classification to provide for activities of a service nature which are more intensive in use than those permitted in other commercial zones and which are semi-industrial in character. Lands designated as C-3 shall have businesses located therein not requiring industrial locations. 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-3 district.

Section 11-06-04 CONDITIONAL USE PERMITS

Section 11-06-04.01 Justifications

Section 11-06-04.09 Modification & Revocation

Section 11-06-04.13 Criteria and Findings

Section 11-10-06 Off-Street Parking Requirements

Table 13 Off-Street Parking Requirements –Spaces Required

7. 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 **February 26, 2008** with the Boise City Planning and Development Services Department, or as expressly modified by a Design Review approval.
2. The applicant shall provide for trash and recycling requirements in accordance with the Public Works letter dated February 29, 2008.

The applicant shall apply for and receive approval for a Design Review modification for the site and the condition to limit the number of seats in the restaurant.

3. Compliance with all conditions of the Ada County Highway District is required as per letter dated March 3, 2008.
4. This approval does not include approval of any signage. A separate sign permit will be required for signage on the site.

General:

5. 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.
6. 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.
7. All conditions of the Boise Fire Department report dated March 19, 2008 shall be met. Any deviation from this plan is subject to fire department approval. For further information contact Mark Senteno, at 384-3950.
8. The applicant shall comply with the following agency regulations where applicable by law or judicial decision:
 - a. Boise City Public Works Department
 - b. Boise City Building Department
 - c. Forestry Specialist, Boise City Parks and Recreation Department
9. Construction, use and property development shall be in conformance with all applicable requirements of the Boise City Code.
10. Failure to abide by any condition of this Conditional Use Permit shall be grounds for revocation by the Boise City Planning and Zoning Commission.
11. This conditional use shall be valid for a period not to exceed eighteen (18) months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must:
 - a. Acquire construction permits and commence placement of permanent footings and structures on or in the ground. The definition of structures in this context shall include sewer lines, water lines, or building foundations.
12. Upon written request by the holder, prior to expiration of this Conditional Use Permit, the Commission may grant a one-year time extension. A maximum of three (3) one-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.