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Planning & Development Services

January 13, 2015

Jeff Likes
ALC Architecture
1119 E. State St. Suite 120
Eagle, ID 83616
jeff@alcarchitecture.com
(sent via email)

Re: CUP14-00085 / 1602 S. Broadway Ave.

Dear Mr. Likes:

This letter is to inform you of the action taken by the Boise City Planning and Zoning Commission on your request for a conditional use permit for a retail development comprised of three buildings, including an approximately 3,050 square foot building with drive-through window. The 1.12 acre site is located at 1602 S. Broadway Avenue in a C-2D zone.

The Boise City Planning and Zoning Commission, at their hearing of **January 12, 2015**, **approved** your request, based on compliance with the attached Reasons for the Decision and Conditions of Approval.

May we also take this opportunity to inform you of the following:

1. This approval will not take effect until after the appeal period has lapsed.
2. The decision of the Boise City Planning and Zoning Commission may be appealed to City Council within ten (10) calendar days from the issuance of this decision. The appeal must be written, accompanied by the appropriate fee, and submitted to the Planning and Development Services Department prior to the deadline set forth herein. Appeal application forms are available in the Planning Department or online under Applications at:
<http://pds.cityofboise.org/> or <http://pds.cityofboise.org/home/documents/apps/100/>
3. All appeals of this permit must be filed by **5:00 P.M., on January 22, 2015**.
4. If this Conditional Use Permit is not acted upon within two (2) years, it will become null and void without further notification from this Department.

This letter constitutes your Conditional Use Permit. If you have any questions, please contact me at (208) 384-3816.

Sincerely,

Leon Letson
Associate Planner
Boise City Planning and Development Services

LL/pb

cc: Chris Lattanzio / Latco / chris@latcoenterprises.com (sent via email)
Southeast Neighborhood Association Inc. / Attn Fred Fritchman / ffritchman@msn.com (sent via email)

Reason for the Decision

This three-building retail development with associated drive-through restaurant window is compatible with the neighborhood as the site is located within a commercial corridor along Broadway Avenue. The site is large enough to accommodate the requested use. The proposed parking and drive-through for this development are located to the rear and side of the building, which complies with the Boise Citywide Design Standards and Guidelines. Comments from ACHD indicate the surrounding traffic system has the capacity to support the additional vehicle trips generated from this development. The proposed use is in compliance with and supports the goals, objectives, and principles of the Comprehensive Plan. The “Mixed Use” land use designation promotes the mixing of a variety of uses, including retail, commercial, professional offices, restaurants, and financial institutions. Clustering commercial uses, such as restaurants and retail shops, along corridors is also encouraged. *Principle GPD-MU.4* encourages bringing buildings close to the street and locating parking to the rear or side of buildings. Furthermore, the Broadway commercial corridor is anticipated to undergo significant new development and/or redevelopment in the near future.

Conditions of Approval**Site Specific**

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received **November 19, 2014**, and revised site plan dated received **January 6, 2014**, except as expressly modified by Design Review or the following conditions:
2. **Planning**
 - a. Work with Design Review to bring the design of this project into conformance with the Citywide Design Standards and Guidelines, specifically addressing modulation of facades and rooflines, and siding materials and colors.
 - b. The hours of operation for the drive-through shall be restricted to 10 a.m. to 10 p.m.
 - c. The communication system will not exceed 55 decibels at the adjacent residential properties.
 - d. Illumination from outdoor lights will be focused within the parking lot areas; no glare or direct light will be permitted to fall on adjoining properties or streets.
 - e. The communication system will not exceed 55 decibels at the adjacent residential properties.
3. Compliance with the requirements of the Boise City Public Works Department (BCPW) for Solid Waste per the memo dated **December 2, 2014**.
4. Compliance with the requirements of the BCPW for Drainage and Stormwater per the memo dated **December 23, 2014**.
5. Compliance with the requirements of the BCPW for Pretreatment per the memo dated **December 3, 2014**.
6. Compliance with the requirements of the Ada County Highway District (ACHD) per the memo dated **December 23, 2014**.
7. Compliance with the requirements of Drainage District #3 (DD3) per the memo dated **December 18, 2014**.
8. Compliance with the requirements of the Boise Fire Department.

Standard Conditions of Approval

9. Building Permit approval is contingent upon the determination that the site is in conformance with the Boise City Subdivision Ordinance. Contact the Planning and Development Services Subdivision Section at 384-3998 regarding questions pertaining to this condition.
10. All landscaping areas shall be provided with an underground irrigation system. Landscaping shall be maintained according to current accepted industry standards to promote good plant health, and any dead or diseased plants shall be replaced. All landscape areas with shrubs shall have approved mulch such as bark or soil aid.
11. Vision Triangles as defined under Section 11-012-03 of the Boise City Code shall remain clear of sight obstructions.
12. All signs will require approval from the Planning and Development Services Department prior to installation.
13. Trash receptacles and on-grade and rooftop mechanical fixtures and equipment shall be concealed from public view by use of an approved sight-obscuring method. All screening materials shall be compatible with the building materials/design.
14. Utility services shall be installed underground.
15. An Occupancy Permit will not be issued by the Planning and Development Services Department until all of these conditions have been met. 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 or other surety acceptable to Boise City will be required in the amount of 110% of the value of the condition(s) that is incomplete.
16. 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 Boise City. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Boise City.
17. 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 successors of interest, advise Boise City of 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.
18. Failure to abide by any condition of this Conditional Use Permit shall be grounds for revocation by the Boise City Planning and Zoning Commission.
19. This Conditional Use Permit shall be valid for a period not to exceed twenty-four (24) months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must acquire construction permits 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; or

20. Prior to the expiration of this conditional use, the Commission may, upon written request by the holder, grant a one-year time extension. A maximum of three (3) extensions may be granted.
21. All development authorized by this Conditional Use approval must be completed within 5 years (60 months) from the date of the Commission's approval or the applicant will be required to submit a new conditional use and/or variance application.
22. To reduce the noise impact of construction on nearby residential properties, all exterior construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday. Low noise impact activities such as surveying, layout and weather protection may be performed at any time. After each floor of the structure or building is enclosed with exterior walls and windows, interior construction of the enclosed floors can be performed at any time.