



## Planning & Development Services

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# Planning Division Staff Report

**File Number** CUP08-00028  
**Applicant** Donna Bohrn  
**Property Address** 1462 S. Weideman Street  
**Public Hearing Date** April 14, 2008  
**Hearing Body** Boise City Planning and Zoning Commission  
**Planning Analyst** Sue Hansen  
**Planning Supervisor** Cody Riddle

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## Attachments

Vicinity/Zoning Map  
Site Plan  
Applicant's Support Material  
Agency Comments

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## 1. Executive Summary

### Description of Applicant's Request

Donna Bohrn requests a Conditional Use Permit to operate a large child care facility for up to 90 children on a +/- 0.324 acre parcel located at 1462 S. Weideman Street in an C-2D (General Commercial with Design Review) zone.

### Staff's Recommendation

Staff recommends **approval** of CUP08-00028.

### Summary

The applicant is requesting approval of a large daycare facility for up to 90 children. The site is zoned C-2D (General Commercial with Design Review), which allows a child care facility for over 21 children with conditional use approval. The applicant is requesting this approval for a new 3,572 square foot structure, with a 2,050 square foot outdoor play area.

The subject property is located on the east side of Weideman Street approximately 330 feet north of Overland Road, which is classified as a minor arterial. The properties to the north, south and west of the site are zoned C-2D (General Commercial with Design Review), and developed with typical commercial uses. The properties east of the site are zoned L-OD (Limited Office with Design Review), and developed with professional offices. The site is large enough to accommodate the proposed use. All setbacks and parking requirements have been met or exceeded. The property has already received Design Review approval for an office.

Child care facilities can serve as an amenity to a neighborhood by providing necessary services to employees and residences. Staff finds the daycare to be compatible with the current uses in the general neighborhood, and cannot identify any conflicts between the proposed use and the adjacent businesses, offices and nearby residences.

The proposed daycare complies with the *Comprehensive Plan* and the required findings for conditional use approval. The daycare provides a service that is supported by *Comprehensive Plan Goal 7.2*, which encourages services within neighborhoods that are convenient and properly integrated.

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## 2. Facts, Standards of Review, Analysis

### **Type Application:**

Conditional Use: Childcare Center for 21+ children.

### **Applicant/Status:**

Donna Bohrn / Lessee

### **Location and Site Description:**

The subject property is located at 1462 S. Weideman Street, which is situated approximately 330 feet north of Overland Road. The site is in the Southwest Neighborhood Alliance Neighborhood Association and the Southwest Planning Area, as designated by the *Boise City Comprehensive Plan*.

### **Zoning and Zoning Allowances, Comprehensive Plan Designation**

The subject property is zoned C-2D (General Commercial with Design Review). A large child care facility for twenty-one or more children requires conditional use approval in this zone. The *Comprehensive Plan* designation for this site is Medium Density (15 DU/acre).

### **Development Proposal:**

The applicant requests Conditional Use approval for a child care facility supporting twenty-one or more children located at 1462 S. Weideman Street, in a C-2D (General Commercial with Design Review).

### **History of Previous Actions:**

CAR99-00034, Annexation and zoning

CUP00-00130, Drive up window for laundry / dry cleaning – not constructed

DRH00-00216, Design Review approval for laundry / dry cleaning – not constructed

DRH06-00512, Design Review approval for an office structure

## Standards of Review

### **Section 11-06-04.13 Criteria and Findings**

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.

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### Section 11-06-06.02 Child Care Facilities

Child care centers are subject to the following restrictions in addition to the standards of approval shown in Table 11.

- A. Intermediate child care centers (13-20 children) shall be located on the edge of a neighborhood rather than in the center.
- B. Large child care centers shall be located on a collector or arterial street; or if providing service for school age children, shall be within three hundred feet (300') walking distance of the outer periphery of the school grounds; or the facility shall be located in a structure designed for large groups such as a church, school, grange hall or social center.

<b>TABLE 11</b> <b>COMMISSION LEVEL STANDARDS OF APPROVAL - CHILD CARE FACILITIES</b> <b>(Amended by Ord. 5233, 5-8-90)</b>			
<u>STANDARDS OF APPROVAL</u>	<u>GROUP CHILD CARE, NOT IN-HOME (7-12 CHILDREN)</u>	<u>INTERMEDIATE CHILD CARE CENTER (13-20 CHILDREN)</u>	<u>LARGE CHILD CARE CENTER (21 OR MORE CHILDREN)</u>
A. Provide a minimum outdoor play area of 100 sq. ft. per child on-site. This area requirement may be waived or modified if appropriate open space with connecting public sidewalks or paths are located near the facility and that open space can be used by the children as a play area; or the program of the facility is such, that the size of a group of children using the play area at any one time conforms to the 100 sq. ft. per child criteria.	X	X	X
B. Provide a minimum of 35 sq. ft. of in-door gross floor area per child.	X	X	X
C. Secure and maintain a child care license from the City of Boise and the State of Idaho.	X	X	X

D. Comply with the regulations where applicable by law or jurisdiction of the Boise City Fire Department and the health inspector.	X	X	X
E. Provide at minimum, 1 off-street parking space per 10 children, with a minimum of 2 Spaces required regardless of the number of children. Parking in special parking districts shall be provided according to Section 11-10-06, Table 13.	X	X	X
F. Provide for an on-site child pick-up area designated to prevent vehicles from backing onto the roadway (backing into an alley is permissible).	If located on a collector or arterial street	X	X
G. Signs. The applicant's proposal for signage should be submitted and considered during the review process	One 12 sq. ft. attached sign	One 20 sq. ft. attached sign	As allowed by applicable zoning district
H. The lot size shall be adequate to provide for parking, child pick-up area, play area, screening and setbacks.	X	X	X

C. The Planning Director may also require the following standards to protect adjacent properties from adverse impacts or to protect the health, safety and welfare of the children.

1. Fencing or landscape screening of the facility to protect adjacent properties from activities of the facility, or to protect the children from adverse activities such as traffic on arterial or collector streets, at intersections or to screen adjacent properties; or
2. Additional setback to play areas from any property line to protect adjacent properties or to protect children from busy streets, irrigation ditches, animal pastures and other similar conflicts; or
3. Any other conditions deemed necessary by the Planning Director to protect the health, safety and welfare of the children or to protect adjacent property owners from adverse impacts.

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## Analysis

The applicant requests conditional use approval for a daycare facility for up to 90 children at 1462 S. Weideman Street in a C-2D (General Commercial with Design Review) zone.

Staff finds the daycare to be compatible with the current uses in the general neighborhood and cannot identify any conflicts between the proposed use and the adjacent daycare, office and commercial uses. The properties to the north, south, and west are zoned and developed as C-2D (General Commercial with Design Review). The properties to the east are zoned and developed as L-OD (Limited Office with Design Review). There are two other daycares directly across the street on the west side of Weideman Street, as well as a daycare two lots to the north. The two across the street have conditional use approval, and the other was built prior to annexation.

No agencies have indicated that the project will place an undue burden on transportation or any other public facility in the vicinity. According to ACHD, the 90 student facility can be expected to generate 407 total vehicle trips per day. The latest traffic count on April 13, 2006 for Weideman Road is 1,669. Weideman Road is classified as a local street, with 2,000 trips per day considered acceptable. Because of the close proximity to Overland Road, there doesn't appear to be potential for cut-through traffic into a residential neighborhood to the north of the site. Patrons will most likely travel back to Overland Road, which is classified as a minor arterial. The latest traffic count on Overland Road east of Five Mile Road was 26,764 on April 10, 2006. The traffic volume reflects a LOS "C" for a five lane minor arterial. Drop-off and pick-up times generally occur between 7:00 and 8:00 a.m. and 4:00 and 5:00 p.m. The location of the facility as well as the limited duration during which parents remain on site, allows the facility to operate without creating excessive traffic congestion within the commercial neighborhood. No other public agencies voiced concerns with this request.

The site is large enough to accommodate the proposed use. The building and parking area will meet or exceed all required setbacks and a landscape plan has been approved with the Design Review approval. The on site parking will allow the facility to care for the requested number of children. The ordinance requires the provision of 1 parking space for every 10 children attending the daycare, which would be 9 spaces. There will be 15 parking spaces provided at the site, 5 of which may be compact and one must be accessible. The applicant proposes 1 accessible, 4 compact spaces, and 1 to be dedicated to the school van. This would allow for 10 employee spaces, 4 drop off / pick up spaces, and the school van. The drop-off / pick-up area prevents vehicles from backing onto the roadway.

The building will have 3,572 square feet of gross indoor floor area. At 35 square foot per child, 102 children would be allowed. The playground is only 2,050 square feet in area, allowing only 20 kids to play outside at one time. The ordinance allows the 100 square foot per child for outdoor play area requirement to be waived if the facility is such that the size of a group of children using the play area at any one time conforms to the 100 square foot per child criteria.

Staff has included a recommended condition of approval to limit the use of the outdoor play area to no more than 20 children at one time. Staff has also included a recommended condition of approval to provide fencing for the outdoor play area, as required by ordinance.

With the imposed conditions of approval, the childcare center will not cause adverse impacts on surrounding properties. Staff cannot identify any conflicts with the existing childcare centers or other businesses in the vicinity. The proposed hours of operation of 6:30 a.m. to 6:30 p.m., as well as the expected traffic pattern will be similar to the adjacent and surrounding uses. Child care facilities serve as an amenity to a neighborhood by providing necessary services to the employees and residents of the surrounding neighborhood.

The proposed use is in compliance with and supports the goals and objectives of the Comprehensive Plan. The proposed daycare will provide a convenient service properly integrated into the commercial neighborhood (*Goal 7.2*). Policy 8.0.13.6 states “Throughout the Southwest area, particular attention shall be paid to new development to ensure compatibility with existing development including street system interconnections.” The new daycare is compatible with the surrounding commercial and office uses, particularly with the other existing daycares in the immediate vicinity, in terms of like uses, hours of operation, and traffic patterns.

### **3. Reason for the Decision**

The site is large enough to accommodate the proposed daycare facility. All required parking spaces and setbacks have been provided. The indoor and outdoor spaces also meet the minimum dimensional standards for a facility of this size. With the conditions imposed, the use will be compatible with other uses in the vicinity and will not adversely affect other property. The proposed hours of operation of 6:30 a.m. to 6:30 p.m. will be similar to the adjacent and surrounding office, childcare and commercial uses.

The proposed use is in compliance with and supports the goals and objectives of the Comprehensive Plan. The daycare will provide a convenient service properly integrated into the commercial neighborhood (*Goal 7.2*). Policy 8.0.13.6 states “Throughout the Southwest area, particular attention shall be paid to new development to ensure compatibility with existing development including street system interconnections.” The new daycare will be compatible with the surrounding commercial and office uses, particularly with the three other existing daycares in the immediate vicinity, in terms of like uses, hours of operation, and traffic patterns.

No agencies have indicated that the project will place an undue burden on transportation or any other public facility in the vicinity. Because of the close proximity to Overland Road, there is no potential for cut-through traffic into a residential neighborhood to the north of the site. Drop-off and pick-up times generally occur between 7:00 and 8:00 a.m. and 4:00 and 5:00 p.m. The location of the facility as well as the limited duration during which parents remain on site, allows the facility to operate without creating excessive traffic congestion within the commercial neighborhood. No other public agencies voiced concerns with this request.

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## 4. General Information

### Notifications:

Neighborhood Meeting held on: **February 21, 2008**

Newspaper notification published on: **March 29, 2008**

Radius notices mailed to properties within 300 feet on: **March 28, 2008**

Staff posted notice on site on: **March 27, 2008**

### Size of Property:

±0.324 Acres

## Land Use

### Existing Land Use:

The site is currently vacant

### Hazards:

None known.

### Adjacent Land Uses and Zoning:

North: Radio station, Office / C-2D

South: Jiffy Lube, General Commercial / C-2D

East: Offices / L-OD

West: Daycares (2) / C-2D

### Parking:

1 required parking space per 10 children, or 9 total: The site has 15 parking spaces.

## 5. Boise City Comprehensive Plan

This project is located in the **Southwest Planning Area** of the *Boise City Comprehensive Plan*. The following goals, objectives, or policies for this planning area apply to this application:

### Objective 8.0.13.6

Throughout the Southwest area, particular attention shall be paid to new development to ensure compatibility with existing development including street system interconnections.

**Objective 8.0.13.7** Open fencing, transitional lot sizes and other design features shall be used to the greatest extent feasible to retain the rural atmosphere of the Southwest Planning area.

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## CHAPTER 6 TRANSPORTATION

### 6.1 Streets

#### Objective 6.1.4



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Promote land use policies that limit access as necessary to maintain safe and efficient operation of the existing street system while allowing reasonable access to individual development parcels.

## **CHAPTER 7 COMMUNITY QUALITY**

### **Goal 7.2**

Create a community composed of neighborhoods in which services and amenities are convenient, visually pleasing and properly integrated and designed to encourage walking and cycling.

#### **Objective 7.2.1**

Promote and establish a physical framework of development in the City, which encourages the development of form and character of its districts, the preservation of its neighborhoods and the conservation of its historical identity.

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#### **Policy 7.2.3.2**

Seek opportunities through public and private development to retrofit missing services and amenities into existing neighborhoods.

## **CHAPTER 8 LAND USE**

### **Goal 8.0**

Achieve a city that minimizes suburban sprawl, which provides for a diverse mixture of lifestyles and atmospheres and a sense of place that varies throughout the different areas of the City, and that efficiently provides basic services and facilities in close proximity to where people live.

## **6. Boise City Zoning Ordinance**

### **Section 11-04-06.3 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 regulation of this Ordinance, to all land, buildings and structures located in any C-2 District.

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### **Section 11-06-06.02 Child Care Facilities**

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## **7. Recommended Conditions of Approval**

**Site Specific:**

1. Construction, use and property development shall be in compliance with plans and specifications on file with the Boise City Planning and Development Services Department date stamped and received on **February 26, 2008** except as may be modified by the applicable regulatory guidelines of the Building Department or the City Clerk's Office, the Design Review conditions or expressly modified by the following conditions:
2. Fencing around the outdoor play area is required. The site plan shall be modified to include a 6' solid wood or vinyl fence completely surrounding the outdoor play area.
3. Exterior lighting fixtures must be designed and located to prevent glare or direct light from falling onto adjoining properties or streets.
4. The maximum number of children to be cared for at this facility shall not exceed on ninety (90). (Note: The maximum number of children may be reduced by other reviewing agencies.)
5. The maximum number of children allowed to utilize the outdoor playground at any given time shall be twenty (20) unless a larger outdoor play area is provided and approved.
6. The hours of operation for the proposed child care facility shall not extend beyond the hours of 6:30 am to 6:30 pm.
7. All signage shall meet the standards of the Boise City Code Section 11-11. A separate sign permit shall be required.
8. A child care license must be obtained from the City of Boise. This license must be maintained and remain valid.
9. The applicant shall comply with the following agency regulations where applicable by law or judicial decision.
  - a. Boise City Department of Child Care Licensing
  - b. County Health Inspector
  - c. Ada County Highway District
  - d. Boise City Public Works Department

**General:**

10. All landscaping shall be maintained in a healthy and attractive manner.

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11. All conditions of the Boise Fire Department shall be met. Any deviation from this plan is subject to fire department approval. For further information contact Mark Senteno at 384-7809.
  12. All conditions of the Boise Airport shall be met. For further information please contact Matt Petaja at 383-3110.
  13. 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.
  14. 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.
  15. 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 commence the use permitted by the permits in accordance with the Conditions of Approval.
  16. Construction, use, and property development shall be in conformance with all applicable requirements of the Boise City Code.
  17. 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.
  18. Failure to abide by any condition of this approval may be grounds for revocation by the Boise City Planning and Zoning Commission.

**Construction Practices:**

19.
  - a) Prior to the issuance of a building permit and prior to the commencement of any construction on-site, an Erosion and Sediment Control (ESC) permit must be obtained from the Planning and Development Services Department. No grading, demolition or earth disturbing activities may start until an approved ESC permit and the associated site work or grading permits have been issued.

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- b) Applicant shall submit and receive approval from Planning and Development Services and Ada County Highway District for a construction, transportation and parking plan. The plan shall also comply with all construction standards of Ada County Highway District to those streets contiguous to the construction site and surrounding neighborhood. The approved plan shall be posted at each street abutting the construction site and shall address the following:
- Ingress/egress of construction equipment and trucks;
  - Hours of operation for the loading and unloading of construction equipment and materials;
  - Truck access routes, to and from site, for excavation and construction phases;
  - Street closures (if any); and
  - Location of off street parking for construction workers.
- c) Measures shall be taken to manage construction debris and trash on the construction site and efforts shall also be made to provide reasonable controls to minimize fugitive dust on the construction site. Such measures may include, but are not limited to:
- Provide suitable containers for solid waste generated by construction activity;
  - Wet demolition of existing buildings;
  - Watering of driving surfaces and earth moving activities;
  - Installation of wind screening around property and each open floor above grade; and
  - Daily broom cleaning of above grade floors, adjacent streets and sidewalks.
- d) A minimum height of six foot (6') rigid security fencing, either wood or metal, shall be installed around the construction site within 30 days of the date when the first city permit is issued on projects where construction activity shall exceed 90 days.
- e) Exterior lighting and other illuminating equipment or materials shall be positioned, shielded, directed and located to not reflect or impact adjacent residential property and streets.
- f) Applicant shall comply with Boise City Fire Department requirements for water, access, and/or other requirements as determined by the Fire Marshal.

Any conditions to be enforced during construction shall remain posted at each street abutting the construction site for the duration of the project. In addition to the posted conditions the permit holder shall also post an 11"x 17" laminated sign containing a project contact phone number, name of project contact and the Boise City contact number, 384-3845, to address issues as they arise. Failure to abide by any conditions set forth shall be grounds for revocation of Conditional Use Permit and/or Building Permits and may be subject the owner or owner's agents to fines and criminal citations.

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20. Failure to abide by any condition of this approval may be grounds for revocation by the Boise City Planning and Zoning Commission.