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Planning & Development Services

May 12, 2016

Todd Meyers
Maverik
880 W. Center Street North
North Salt Lake, UT 84054
todd.meyers@maverik.com

RE: **DRH16-00132 / 7415 W. Fairview Avenue**

Dear Applicant:

This letter is to inform you of the action taken by the Boise City Design Review Committee on the request to construct a single-story, 5,505 square foot convenience store with 10 fuel islands on property located at 7415 W. Fairview Avenue.

The Committee, at their hearing of May 11, 2016, voted to approve your request. Based on the findings included in the Project Report, the Committee concluded your project complies with Sections 11-7-3.1, 11-7-3.2 and 11-7-3.3 of the Zoning Ordinance, the goals and policies of the Boise City Comprehensive Plan, and the Boise Downtown Design Standards and Guidelines.

Enclosed is a copy of the Conditions of Approval, as well as the Findings of Fact, included in the Project Report. Please be advised detailed Findings can be reviewed in the Planning and Development Services Department on the 2nd floor of City Hall.

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

a. This approval will not take effect until after the appeal period has lapsed.

b. A Building Permit will be required from the Building Division prior to construction.

c. If this Design Review Permit is not acted upon by the commencement of construction or extended, pursuant to the Boise City Code, within eighteen months, it will become null and void without further notification from this department.

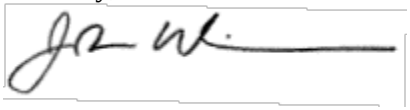
d. A decision or condition of a Committee Level Design Review may be appealed to the Planning & Zoning Commission within ten (10) calendar days from the date of the Committee's action. The Appeal must be written, accompanied by the appropriate fee, and submitted to the Boise City Planning and Development Services Department prior to the deadline set forth herein. Appeal Application Forms are available in the Planning Department on the 2nd floor of City Hall.

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e. A decision of the Planning and Zoning Commission may then be appealed to the Boise City Council. Once the Council makes a final decision, the landowner may request a regulatory taking analysis for that decision and/or conditions within 28 days following such final decision in accordance with Section 67-8003 of the Idaho Code.

If you have any questions, please feel free to contact me at 384-3772.

Sincerely,



Josh Wilson
Design Review Planner
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

AT/nh

Attachments:

- Conditions of Approval
- Findings of Fact

cc: Tamara Thompson / The Land Group, Inc. / 462 E. Shore Drive / Eagle, Idaho 83616
tamara@thelandgroupinc.com
Donna Savage / 7749 W. Opohonga Lane #102 / Boise, Idaho 83704

Conclusion and Recommended Conditions

Staff finds the project complies with Sections 11-03-04.12 C (7)(d) of the Zoning Ordinance, the Design Review Guidelines and the goals and policies of the Boise City Comprehensive Plan and would recommend **approval** subject to the following conditions:

Site Specific Conditions

1. Compliance with the plans and specifications submitted to and on file in the Planning and Development Services Department dated received **April 12, 2016**, except as expressly modified by the following conditions:

    a. Comply with all requirements of CAR15-00012 and SUB15-00037.

    b. Submit a revised site plan showing a bicycle rack providing at least two bicycle parking spaces.

    c. The rooftop HVAC units shall be screened to full height by the parapet wall or a screen wall constructed of materials found on the proposed building.

    d. Lighting shall have 100 percent cut-off light fixtures with a maximum pole height of 25 feet from the ground. No dropped light fixtures shall be allowed. Shielding for light fixtures shall be provided for fixtures within 50 feet of the south property line.

Revised plans indicating compliance with the above conditions shall be submitted to Planning Staff for approval prior to application for any construction permits.

Responsible Agencies and Other Boise City Departments

2. A 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.

3. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) for drainage, sewers, street lights and pretreatment comments as well as the memorandum from the Solid Waste/Ground Water Manager. 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 Storm Water Plan must be resubmitted to BCPW for approval.

4. Prior to a Building Permit and prior to any construction on the site, an Erosion and Sediment Control Permit must be obtained from the Building Division of the Planning and Development Services Department.

5. A Building Permit is contingent upon approval from Boise City Community Forestry for tree planting within right-of-ways, per Title 9, Chapter 16, Section 09-16-05.2. Contact Boise City Community Forestry at 384-4083 with questions regarding this condition.

6. Compliance with the requirements of the Ada County Highway District (ACHD).

7. Compliance with the Boise City Fire Code as required by the Boise Fire Department.

Standard Conditions of Approval

8. The applicant is encouraged to participate in a Transportation Demand Management Program which may include the following measures:

9. Designation of an Alternative Transportation Coordinator to promote alternatives to automobile transportation to employees. This should be coordinated with ACHD's Commuteride Program and ValleyRide.

10. Secure bicycle parking and storage areas.

11. Establish employee alternative transportation incentive programs which may include discounted or free transit passes for employees, carpool/vanpool matching services through coordination with ACHD Commuteride, and flexible work hours.

12. All loading activities and site maintenance (with the exception of snow removal) are limited to Mondays through Fridays between the hours of 7:00 a.m. and 10:00 p.m. and Saturdays and Sundays between the hours of 8:00 a.m. and 8:00 p.m.

13. Construction activity on site is restricted to the hours of 6:30 a.m. to 6:00 p.m. Mondays through Fridays and 8:30 a.m. to 6:00 p.m. on Saturdays and Sundays.

14. 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 an approved mulch such as bark or soil aid.

15. All landscape trees shall be pruned in accordance with the American National Standards Institute's Standard Practices for Tree Care Operations (ANSI A300 - latest edition). No trees on the site shall be topped, headed back, rounded over or otherwise disfigured. Contact Boise City Community Forestry at 384-4083 for information regarding tree care operations.

16. An approved protective curbing shall enclose all landscape areas where they are adjacent to parking areas or driveways.

17. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.

18. Vision Triangles as defined under Section 11-07-02 (B) of the Boise City Code shall remain clear of sight obstructions.

19. In compliance with Boise City Code, anyone planting, pruning, removing or trenching/excavating near any tree(s) on ACHD or State right-of-ways must obtain a permit from Boise City Community Forestry at least one (1) week in advance of such work by calling 384-4083. Species shall be selected from the Boise City Tree Selection Guide.

20. Existing healthy trees shall be saved where not in conflict with building locations or required driveways as determined by the Boise City Forester and approved by the Design Review staff. Existing grading shall be altered as little as possible, with a minimum compaction of topsoil within the tree dripline area. Soil sterilants shall not be applied near the dripline of these trees. Pervious paving shall be provided within the dripline area, unless otherwise approved by the Boise City Forester and the Design Review staff, to allow surface air and water penetration to the feeder root zone of trees near paved areas.

21. Deciduous trees shall be not less than 2" to 2½" caliper size at the time of planting, evergreen trees 5' to 6' in height, and shrubs 1 to 5 gallons, as approved by the Design Review staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.

22. All surface drainage shall be reviewed and approved by ACHD and BCPW. Perimeter grading shall be designed to match the existing grade of the adjoining properties.

23. All parking areas and driveways shall be paved and striped. All handicapped spaces and approved compact spaces shall be clearly marked and signed as required. Bicycle parking, as required by Section 11-07-03 (6) (a) of the Boise City Code, shall be provided.

24. All Americans with Disabilities Act (ADA) requirements shall be met.

25. Any outside lighting shall be reflected away from adjacent property and streets. Exterior light fixture details shall be submitted to the Design Review staff for approval prior to issuance of a Building Permit. Impacts on residential areas shall not be permitted.

26. The illumination level of all light fixtures shall not exceed two (2) footcandles as measured one (1) foot above the ground at property lines shared with residentially zoned or used parcels.

27. Boise City Fire Department requires water mains, fire hydrants and temporary Fire Department access to be installed, inspected and approved by the Fire Department prior to commencement of combustible construction. Note: Temporary water and temporary access during construction may be permitted upon request to, and approval by, the Fire Department.

28. No obstructions (landscaping, signs, fences or other elements) shall encroach upon any required fire access or fire facility.

29. All signs will require approval from the Planning and Development Services Department prior to installation.

30. 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.

31. Utility services shall be installed underground.

32. Rain gutters shall be provided on eaves projecting over pedestrian entries and walkways to protect the occupants from undesirable storm runoff. Through-wall mechanical units shall be architecturally integrated into the building design, as approved by the Design Review staff. Roof vents shall be screened or painted to match the roof color.

33. No trees within street right-of-ways shall be removed or pruned without approval from Boise City Community Forestry in compliance with Boise City Code. No trees within the property, as shown on the plans and approved by the Design Review Committee or the Design Review staff, shall be removed without the approval of the Design Review Committee or the Design Review staff and in compliance with Boise City Code.

34. In the event a tree is removed without prior approval, the tree shall be replaced with a tree with trunk caliper 1.5 times the one removed or with a sufficient number of trees, as approved by the Design Review Committee or the Design Review staff, with a trunk caliper not less than 4" and a total cumulative caliper area equal to 1.5 times the caliper area of the tree(s) removed. Caliper shall be as measured by the American Nurseryman's Association standards. For example, if a 12" caliper tree is removed, it must be replaced with either one 18" caliper tree or three 6" caliper trees or five 4" caliper trees. The replacement requirement may be modified upon a showing made to the Design Review Committee or the Design Review staff of disease or death of the tree which was not caused by neglect.

35. 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.

36. 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.

37. 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.

Findings

The site is located at the southwest corner of Fairview Avenue and Cole Road in a pending C-2D (General Commercial with Design Review) zone. The property is located within a proposed 10-lot commercial subdivision. The subject property is located on the portion of the 6.5-acre site near the intersection of Fairview Avenue and Cole Road. Convenience stores are considered a retail use and convenience stores with fuel pumps are an allowed use in the C-2D zone. Uses surrounding the subject property are a mixture of commercial and residential.

Site Layout and Circulation/ Parking/ Pedestrian and Bicycle Facilities

The applicant has proposed to construct a new convenience store with associated fuel pumps. The proposed building is located on the southern portion of the parcel with fuel pumps on the northern portion of the site along Fairview Avenue. This will use the building to buffer the properties to the south from the more intensive aspect of the use, which is the fuel pump area. It is generally preferable to have convenience stores with fuel sales designed in a manner to place the convenience store at the corner with the fuel pumps located towards the rear of the property. However, in this instance that design could have a potential negative impacts on the residential homes to the south. Placing the fuel pumps as far away from the residential area as possible will mitigate any adverse impacts from the fueling area.

The convenience store and associated fuel pump canopies comply with all setback requirements for the C-2D zone. The minimum required vehicular parking for the convenience store is 19 spaces. The applicant has proposed to install 35 spaces, many of which will serve the future commercial parcels to the west and south. Parking will be evaluated for the development as a whole as each subsequent parcel develops. In addition to the required vehicular parking spaces, two bicycle spaces are required. The submitted site plan does not show the required bicycle parking spaces. As such, a recommended condition of approval will require two be provided.

Landscaping

The applicant has proposed landscaping around the property perimeter and within the parking lot. Landscape planters at the front of the building will be planted with Honeylocust trees and shrubs. The applicant has proposed twenty-foot landscape strips along Fairview Avenue and Cole Road, and the landscape strip exceeds ordinance requirements. The applicant has proposed Class II Linden trees along Fairview Avenue, with lawn and extensive shrub plantings scattered throughout. Along Cole Road, the applicant has proposed Class II Freeman Maple street trees with lawn and extensive shrub plantings. A picnic area on the west side of the building and a lawn area on the east side of the building have been proposed as amenities for customers. Staff finds that the proposed landscaping will meet the requirements of the ordinance, integrate the new building into the site, and will provide screening and year round visual interest.

Trash Enclosures and Mechanical Units

The applicant has proposed a trash enclosure along the east side of the building and the dimensional standards of Public Works Department Solid Waste management shall be met. Mechanical units will be mounted on the roof screened by the parapet wall.

Structure Design

Building Location	**Type/Color**
Roof:	Single Ply Membrane / White Standing Seam metal / Classic Green
Exterior Walls:	Fiber cement siding / Sail Cloth, Autumn Tan, Chestnut Cultured Stone / Alt Dakota, Chardonnay
Trim/Accents:	Metal / Brite Red, Snow White Aluminum panels (fuel canopy) / Brite Red, Snow White Wood timbers / Natural Stain
Windows/ Doors:	Aluminum / Clear Anodized Metal / Painted
Mechanical Equipment:	Roof mounted / Screened by parapet wall

Building Design

The proposed one story building totals 5,505 square feet and has a maximum height of 30’ 6” feet to the peak of the entry element. The exterior walls consist of vertical fiber cement siding in shades of tan with red and green metal accents. The structure features a design with a flat roof and a raised gabled design element at the front of the building, with a canopy over an expanse of storefront at the building entrance. The parapet changes in height, stepping down from the design element in the center, and the building wall has modulation which corresponds with the roofline changes. The color selection consists of tones that will provide design interest without detracting from adjacent properties. The building is in scale with other structures within the immediate area and the proposed use will not negatively impact the adjacent properties.

Massing/ Proportions

The building uses changes in colors, wall plane modulation, and variations in form provided by horizontal and vertical design elements to break up the massing and provide design interest. The design continues the false pilasters located around the building entrance to the remainder of the building in a pattern and frequency consistent with those proposed around the entrance. This will provide continuity to the design and eliminate blank walls on the elevations. The massing, height, and design are typical of the type of building and are compatible with surrounding structures and uses. The building is in scale with other structures within the immediate area and the continuation of the existing use in a new building will not negatively impact the adjacent properties.

Shadow Relief/ Design Interest

The building design uses color fields, horizontal and vertical protrusions, canopies, varied rooflines, and accent colors to provide design interest. Shadow lines are provided by the horizontal projections and wall plane modulation. Windows have been appropriately provided on the customer area at the front of the building, with glazing which addresses the street and parking area.