



PLANNING AND DEVELOPMENT SERVICES

MAYOR: Lauren McLean | INTERIM DIRECTOR: Stephan Burgos

May 16, 2024

Connor Lindstrom
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Re: CUP23-00079 / 2730 W Airport Wy / Appeal

Dear Appellant(s):

This letter is to inform you of the action taken by the Boise City Council on your appeal of the Planning and Zoning Commission's approval of a conditional use permit for a drive-up establishment associated with a coffee shop located at 2730 W Airport Way on 2.96 acres in a C-3D (Service Commercial with Design Review) zone.

The Boise City Council, at their meeting of **May 14, 2024**, **denied** your appeal based on the Reason for the Decision and attached Conditions of Approval formally adopted by the Boise City Council on May 14, 2024.

Questions can be directed to the assigned planner, Matt Denis, at (208) 608-7134 or MDenis@cityofboise.org.

Sincerely,

Jessica Szelag
Deputy Planning Director
Boise City Planning and Development Services

JS/nn

cc: Amy Snyder / City of Boise Air Terminal / asnyder@cityofboise.org

The City of Boise Planning and Development Services Department acknowledges the ancestral, cultural, traditional, and unceded territory of the Shoshone, Bannock, and Northern Paiute people on which our land use and development decisions are made.

REASON FOR THE DECISION

City Council upheld the Planning and Zoning Commission's decision to approve the CUP, while retaining site-specific condition of approval #2, which limits the amount of off-street parking spaces to 19, which is the maximum allowed by the Legacy Zoning Code. The submitted grounds for appeal do not demonstrate an error in the Planning and Zoning Commission's decision.

With the approved conditions, the request is consistent with Boise City Code (BCC) and meets the approval criteria for a Conditional Use Permit (*Section 11-03-04.6.*). The proposed use is compatible with the surrounding area. The subject property is owned by the City of Boise (Air Terminal), and is surrounded by commercial development to the west, south, and east, which primarily consists of offices, restaurants, and hotels. To the north, the site is bordered by the Vista Avenue/I-84 interchange. The drive through lane is proposed to be located along the rear (east) side of the building. It is screened by landscaping consisting of evergreen trees and shrubs and is enclosed within a protruded building façade adjacent to Vista Avenue. The proposed screening and site design meets the intent of the development code while retaining the required clearance for the Marathon Pipe Line LLC petroleum pipeline easement which runs through the southwestern portion of the property. The length of the drive through will allow for up to 12 cars to queue, which is a sufficient length to accommodate the expected peak monthly volumes. Therefore, the use will not cause an increase of commercial traffic to nearby residential neighborhoods or cause significant adverse impacts in the immediate vicinity. As conditioned, the site is large enough to accommodate the proposed use, as all structures, parking, and landscaping comply with the respective dimensional requirements. The proposed use is supported by multiple goals, principles, and policies within the comprehensive plan. *Policies AP-NC1.3* and *AP-CCN 2.1* encourage uses that are compatible with and supportive of the surrounding commercial uses by providing a food and beverage service in close proximity to a major employment center and travel hub. The proposed screening of the drive through aligns with *Principles GDP-C/E.1*, *GDP-C/E.4*, and *GDP-C/E.6*. The proposed enhancement of the entrance to the community gateway and the conditioned street improvements are supported by *Policies CC7* and *CC7.2*, *Principles GDP-CG.1*, *GDP-CG.2*, and *GDP-C/E.5*, and *Goal AP-NC1*.

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 **July 18, 2023**, and **August 9, 2023**, except as expressly modified the following conditions:
2. The proposed development shall be limited to 19 off-street parking spaces.



3. The applicant shall coordinate with the City of Boise Arts and History Department as well as the Boise Airport to install a public art feature on-site. The public art feature must be located outside of any clear vision triangles.
4. Due to the subject property being located within the Airport Influence Area "B", all new structures are required to meet the sound attenuation standards of a minimum noise level reduction (NLR) of 30 DB in noise sensitive areas of the facility.
5. The westernmost vehicular access point onto Airport Way shall be limited to a right-in/right-out access only.
6. All sign and exterior lighting must be directed downward.
7. Separate sign permits must be obtained for all proposed signage.
8. The applicant shall receive Design Review approval prior to submitting building permits.
9. The applicant shall comply with the requirements of the following agencies as identified in their submitted memos:
 - i. Ada County Highway District dated **February 27, 2024**
 - ii. Idaho Transportation Department dated **February 8, 2024.**
 - iii. Marathon Pipe Line LLC dated **January 19, 2024.**
10. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) in the memos from:
 - i. Pretreatment dated **January 22, 2024,**
 - ii. Sewer dated **January 22, 2024,**
 - iii. Solid Waste dated **January 30, 2024,**
 - iv. Street Lights dated **January 23, 2024.**
11. Compliance with the requirements of the Boise City Airport dated **January 31, 2024.**
12. Compliance with the requirements of the Boise City PDS Fire Plan Review dated **January 24, 2024.**
13. Compliance with the requirements of the Boise City Community Forestry dated **February 21, 2024.**

Standard Conditions of Approval

14. This approval does not exempt the applicant from compliance with all local, state, and federal regulations where applicable by law or judicial decision.



15. Vision Triangles, as defined under *Section 11-012-03* of the Boise City Code, shall remain clear of sight obstructions.
16. All landscaping areas shall be provided with an 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.
17. Any outside lighting shall be reflected away from adjacent property and streets. 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.
18. No change in the terms and conditions of this approval shall be valid unless in writing and signed by the applicant or an 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.
19. 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.
20. 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.
21. Failure to abide by any condition of this approval shall be grounds for revocation by the Boise City Planning and Zoning Commission.
22. This permit shall be valid for a period not to exceed 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.
23. Prior to the expiration of this conditional use permit, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.



24. 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, unless temporarily allowed by the Planning Director. 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.

