March 7, 2013

TO: ACHD Board of Commissioners
FROM: Jarom Wagoner
Planner II
SUBJECT: AutoZone (DRH13-00010)
HEARING DATE: March 20, 2013; Consent Agenda

Executive Summary:
The applicant is requesting approval to construct a 5,600 square foot auto parts store. The site is located at 10539 W. Overland Road in Boise, Idaho.

This item is on the consent agenda due to an applicant-requested and staff-supported modification of policy.

Applicant's Request for Modification of Policy:
The applicant is requesting a modification of District Policy 7205.4.7, Driveway Policy. This policy requires driveways, when allowed on principal arterials, to be constructed as right-in/right-out only. The applicant is requesting to maintain the existing full-access driveway on Overland Road located approximately 640 feet east of Five Mile Road.

Staff supports the applicants request due to the fact that the driveway is designed to provide fire and emergency vehicle access to the site. Additionally, staff has recommended and the applicant has agreed to enter into a development agreement with the District acknowledging that the driveway may be restricted or closed in the future. As traffic in the area increases and/or if vehicular conflicts/accidents increase at this intersection ACHD may restrict the driveway at any time.

Staff Recommendation
Staff recommends approval of the staff report, as written.

Attachments:
1. Staff Report
**Project/File:** DRH13-00010 / AutoZone
This is a design review application to construct a 5,600 square foot auto parts store. The site is located at 10539 W. Overland Road in Boise, Idaho.

**Lead Agency:** City of Boise

**Site address:** 10539 W. Overland Road

**Commission Hearing:** March 20, 2013

**Applicant:** Doug Simpson
BRS Architects
1010 S. Allante Place Suite 100
Boise, ID 83709

**Staff Contact:** Jarom Wagoner
Phone: 387-6174
E-mail: jwagoner@achdidaho.org

**Tech Review:** February 26, 2013

### A. Findings of Fact

1. **Description of Application:** The applicant is proposing to demolish portions of an existing building and construct a new 5,600 square foot auto parts store. The proposed tenant is an AutoZone. There is also a bank and a shopping center on the site; however, the scope of the project as defined by the city of Boise is for the northwest corner as shown in the photo above.

2. **Description of Adjacent Surrounding Area:**

<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Use</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>General Commercial</td>
<td>C-2D</td>
</tr>
<tr>
<td>South</td>
<td>Neighborhood Commercial</td>
<td>C-1D</td>
</tr>
<tr>
<td>East</td>
<td>Single Family Residential</td>
<td>R-1B</td>
</tr>
<tr>
<td>West</td>
<td>Neighborhood Commercial</td>
<td>C-1D</td>
</tr>
</tbody>
</table>

3. **Site History:** ACHD has not previously reviewed this site for a development application.

4. **Adjacent Development:** The following developments are pending or underway in the vicinity of the site:
   - CUP11-00098 (Key Bank) was approved January 27, 2012. That site is located approximately 500 feet to the west at the northwest corner of Overland & Five Mile. The report required the installation of medians on Overland Road and Five Mile Road.

5. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.
6. **Capital Improvements Plan (CIP)/Five Year Work Plan (FYWP):**
   There are currently no roadways, bridges or intersections in the general vicinity of the project that are currently in the Five Year Work Program.
   - Overland Road is listed in the Capital Improvements Plan for corridor preservation only for future widening to 7-lanes from Maple Grove Road to Five Mile Road between 2027 and 2031.

**B. Traffic Findings for Consideration**

1. **Trip Generation:** This development is estimated to generate 25 additional vehicle trips per hour in the PM peak hour (none existing), based on the Institute of Transportation Engineers Trip Generation Manual, 9th edition.

2. **Condition of Area Roadways**
   Traffic Count is based on Vehicles per hour (VPH)

<table>
<thead>
<tr>
<th>Roadway</th>
<th>Frontage</th>
<th>Functional Classification</th>
<th>PM Peak Hour Traffic Count</th>
<th>PM Peak Hour Level of Service</th>
<th>Existing Plus Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overland Road</td>
<td>230 feet</td>
<td>Principal Arterial</td>
<td>1,522</td>
<td>Better than &quot;D&quot;</td>
<td>Better than &quot;D&quot;</td>
</tr>
</tbody>
</table>

   * Acceptable level of service for a five-lane principal arterial is “E” (1,770 VPH).

3. **Average Daily Traffic Count (VDT)**
   Average daily traffic counts are based on ACHD's most current traffic counts.
   - The average daily traffic count for Overland Road east of Five Mile Road was 27,873 on June 1, 2011.

**C. Findings for Consideration**

1. **Overland Road**
   a. **Existing Conditions:** Overland Road is improved with 5-travel lanes, vertical curb, gutter, and 5-foot wide sidewalk abutting the site. There is 90 feet of right-of-way for Overland Road (40 feet from centerline).
   
   b. **Policy:**
      - **Arterial Roadway Policy:** District Policy 7205.2.1 states that the developer is responsible for improving all street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.
      - **Master Street Map and Typology Policy:** District Policy 7205.5 states that the design of improvements for arterials shall be in accordance with District standards, including the Master Street Map and Livable Streets Design Guide. The developer or engineer should contact the District before starting any design.
      - **Street Section and Right-of-Way Width Policy:** District Policies 7205.2.1 & 7205.5.2 state that the standard 7-lane street section shall be 96 feet (back-of-curb to back-of-curb) within 120 feet of right-of-way. This width typically accommodates three travel lanes in each direction, a continuous raised or landscaped median with intermittent turn lanes, and safety shoulders.
      - **Minor Improvements Policy:** District Policy 7203.3 states that minor improvements to existing streets adjacent to a proposed development may be required. These improvements are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused...
driveways with curb, gutter and sidewalk; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items.

**ACHD Master Street Map:** ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, arterial street requirements, and specific roadway features required through development. This segment of Overland Road is designated in the MSM as a Mobility Arterial with 7-lanes and on-street bike lanes, a 100-foot street section within 124-feet of right-of-way.

c. **Applicant Proposal:** The applicant is not proposing any improvements to Overland Road

d. **Staff Comments/Recommendations:** Overland Road contains all the elements of a Mobility Arterial; as such staff does not recommend any improvements as part of this application.

Consistent with the MSM, the applicant should be required to dedicate 62-feet of right-of-way from the centerline of Overland Road, abutting the project site.

The applicant should be required to replace any deteriorated or deficient sidewalk, curb, gutter or pedestrian facilities along Overland Road abutting the site, consistent with ACHD’s Minor Improvement Policy 7203.3.

### 2. Driveways

#### 2.1 Overland Road

**a. Existing Conditions:** There are two driveways onto Overland Road providing access to the site. They are located as follows:

- 50-foot wide driveway located approximately 500 feet east of Five Mile Road.
- 30-foot wide driveway located 640 feet east of Five Mile Road.

**b. Policy**

*Access Points Policy:* District Policy 7205.4.1 states that all access points associated with development applications shall be determined in accordance with the policies in this section and Section 7202. Access points shall be reviewed only for a development application that is being considered by the lead land use agency. Approved access points may be relocated and/or restricted in the future if the land use intensifies, changes, or the property redevelops.

*Access Policy:* District Policy 7205.4.7 states that direct access to principal arterials is typically prohibited. If a property has frontage on more than one street, access shall be taken from the street having the lesser functional classification. If it is necessary to take access to the higher classified street due to a lack of frontage, the minimum allowable spacing shall be based on Table 1b under District policy 7205.4.7, unless a waiver for the access point has been approved by the District Commission. Driveways, when approved on a principal arterial shall operate as a right-in/right-out only, and the District will require the construction of a raised median to restrict the left turning movements.

*Driveway Location Policy:* District Policy 7205.4.7 requires driveways located on principal arterial roadways to be located a minimum of 355-feet from the nearest intersection for a right-in/right-out only driveway. Full-access driveways are not allowed on principal arterial roadways.

*Successive Driveways:* District Policy 7205.4.7 Table 1b, requires driveways located on principal arterial roadways with a speed limit of 35 MPH to align or offset a minimum of 355 feet from any existing or proposed driveway.

*Driveway Width Policy:* District Policy 7205.4.8 restricts high-volume driveways (100 VTD or more) to a maximum width of 36-feet and low-volume driveways (less than 100 VTD) to a maximum width of 30-feet. Curb return type driveways with 30-foot radii will be required for
high-volume driveways with 100 VTD or more. Curb return type driveways with 15-foot radii will be required for low-volume driveways with less than 100 VTD.

**Driveway Paving Policy:** Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District Policy 7205.4.8, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway and install pavement tapers in accordance with Table 2 under District Policy 7205.4.8.

**Temporary Access Policy:** District Policy 7202.4.2 identifies a temporary access as that which "is permitted for use until appropriate alternative access becomes available". Temporary access may be granted through a development agreement or similar method, and the developer shall be responsible for providing a financial guarantee for the future closure of the driveway.

c. **Applicant's Proposal:** The applicant is not proposing any changes to the existing driveways.

d. **Staff Comments/Recommendations:** The applicant’s proposal to continue using the 30-foot wide full-access driveway located 640 feet east of Five Mile Road does not meet District Access Management or Successive Driveway Policies; however, staff recommends a modification of policy to allow the driveway to remain as a temporary full-access driveway. This is due to the fact that the driveway is designed to provide fire and emergency vehicle access to the site.

The applicant should enter into a development agreement with the District acknowledging that the driveway may be restricted or closed in the future. As traffic in the area increases and/or if vehicular conflicts/accidents increase at this intersection ACHD may restrict the driveway at any time. The applicant should not be required to provide a surety for the future restriction/closure of the driveway as there are no planned projects for this segment of Overland Road at this time.

The applicant’s proposal to continue using the 50-foot wide full-access driveway located 500 feet east of Five Mile Road does not meet District Access Management, Driveway Location, or Driveway Width Policies and should not be approved as proposed. The applicant should be required to extend the existing 6-inch raised median on Overland Road to restrict the driveway to right-in/right-out. The median currently stops 240 feet east of the stop bar on Overland Road. The applicant should extend the median an additional 310 feet to the east so as to stop 75 feet beyond the driveway. This is due to the fact that Overland Road is classified as a principal arterial roadway and the construction of the median will provide for safer turning movements into and out of the site.

The applicant should also be required to reduce the width of the driveway to 36 feet so as to comply with District Driveway Width Policy. The applicant should replace the portions of unused driveway with vertical curb, gutter, and 5-foot wide sidewalk to match the existing improvements on either side.

### 3. Tree Planters

**Tree Planter Policy:** Tree Planter Policy: The District’s Tree Planter Policy prohibits all trees in planters less than 8-feet in width without the installation of root barriers. Class II trees may be allowed in planters with a minimum width of 8-feet, and Class I and Class III trees may be allowed in planters with a minimum width of 10-feet.

### 4. Landscaping

**Landscaping Policy:** A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision
triangle at intersections. District Policy 5104.3.1 requires a 40-foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50-foot offset from stop signs. Landscape plans are required with the submittal of civil plans and must meet all District requirements prior to signature of the final plat and/or approval of the civil plans.

5. **Other Access**
   Overland Road is classified as a principal arterial roadway. Other than the access specifically approved with this application, direct lot access is prohibited to this roadway.

**D. Site Specific Conditions of Approval**

1. Dedicate 62 feet of right-of-way from the centerline of Overland Road abutting the project site. The right-of-way purchase and sale agreement and deed must be completed and signed by the applicant prior to scheduling the final plat for signature by the ACHD Commission or prior to issuance of a building permit (or other required permits), whichever occurs first. Allow up to 30 business days to process the right-of-way dedication after receipt of all requested material. The District will purchase the right-of-way which is in addition to existing right-of-way from available Corridor Preservation Funds.

2. Extend the existing 6-inch raised concrete median on Overland Road an additional 310 feet to the east so as to terminate 75 feet east of the eastern edge of the driveway on Overland Road.

3. Reduce the 50-foot wide driveway on Overland Road located 500 feet east of Five Mile Road to 36 feet wide. Replace the unused portions of driveway with vertical curb, gutter, and 5-foot wide sidewalk to match the existing improvements on either side.

4. Enter into a development agreement with the District acknowledging that the driveway on Overland Road located 640 feet east of Five Mile Road may be restricted and/or closed in the future.

5. Correct any deficiencies and/or replace deteriorated facilities abutting the site, including sidewalk construction or replacement; curb and gutter construction or replacement; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items along Overland Road, abutting the site.

6. Payment of impacts fees are due prior to issuance of a building permit.

7. Comply with all Standard Conditions of Approval.

**E. Standard Conditions of Approval**

1. Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way.

2. Private sewer or water systems are prohibited from being located within the ACHD right-of-way.

3. In accordance with District Policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.

4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.

5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.

7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.

8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District’s Utility Coordinator at 387-6258 (with file numbers) for details.

9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.

10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.

11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant’s authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.

12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

**F. Conclusions of Law**

1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.

2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.

**G. Attachments**

1. Vicinity Map
2. Site Plan
3. Utility Coordinating Council
4. Development Process Checklist
5. Request for Reconsideration Guidelines
Ada County Utility Coordinating Council

Developer/Local Improvement District
Right of Way Improvements Guideline Request

Purpose: To develop the necessary avenue for proper notification to utilities of local highway and road improvements, to help the utilities in budgeting and to clarify the already existing process.

1) Notification: Within five (5) working days upon notification of required right of way improvements by Highway entities, developers shall provide written notification to the affected utility owners and the Ada County Utility Coordinating Council (UCC). Notification shall include but not be limited to, project limits, scope of roadway improvements/project, anticipated construction dates, and any portions critical to the right of way improvements and coordination of utilities.

2) Plan Review: The developer shall provide the highway entities and all utility owners with preliminary project plans and schedule a plan review conference. Depending on the scale of utility improvements, a plan review conference may not be necessary, as determined by the utility owners. Conference notification shall also be sent to the UCC. During the review meeting the developer shall notify utilities of the status of right of way/easement acquisition necessary for their project. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the developer on its own behalf. Each utility shall provide the developer with a letter of review indicating the costs and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.

3) Revisions: The developer is responsible to provide utilities with any revisions to preliminary plans. Utilities may request an updated plan review meeting if revisions are made in the preliminary plans which affect the utility relocation requirements. Utilities shall have thirty days after receiving the revisions to review and comment thereon.

4) Final Notification: The developer will provide highway entities, utility owners and the UCC with final notification of its intent to proceed with right of way improvements and include the anticipated date work will commence. This notification shall indicate that the work to be performed shall be pursuant to final approved plans by the highway entity. The developer shall schedule a preconstruction meeting prior to right of way improvements. Utility relocation activity shall be completed within the times established during the preconstruction meeting, unless otherwise agreed upon.

Notification to the Ada County UCC can be sent to: 50 S. Cole Rd. Boise 83707, or Visit iducc.com for e-mail notification information.
**Development Process Checklist**

**Items Completed to Date:**
- Submit a development application to a City or to Ada County
- The City or the County will transmit the development application to ACHD
- The ACHD Planning Review Section will receive the development application to review
- The Planning Review Section will do one of the following:
  - Send a "No Review" letter to the applicant stating that there are no site specific conditions of approval at this time.
  - Write a Staff Level report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.
  - Write a Commission Level report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.

**Items to be completed by Applicant:**
- For ALL development applications, including those receiving a "No Review" letter:
  - The applicant should submit one set of engineered plans directly to ACHD for review by the Development Review Section for plan review and assessment of impact fees. (Note: if there are no site improvements required by ACHD, then architectural plans may be submitted for purposes of impact fee assessment.)
  - The applicant is required to get a permit from Construction Services (ACHD) for ANY work in the right-of-way, including, but not limited to, driveway approaches, street improvements and utility cuts.
- Pay Impact Fees prior to issuance of building permit. Impact fees cannot be paid prior to plan review approval.

**DID YOU REMEMBER:**

- **Construction (Non-Subdivisions)**
  - Driveway or Property Approach(s)
    - Submit a "Driveway Approach Request" form to ACHD Construction (for approval by Development Services & Traffic Services). There is a one week turnaround for this approval.
  - Working in the ACHD Right-of-Way
    - Four business days prior to starting work have a bonded contractor submit a "Temporary Highway Use Permit Application" to ACHD Construction – Permits along with:
      - Traffic Control Plan
      - An Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, if trench is >50' or you are placing >600 sf of concrete or asphalt.

- **Construction (Subdivisions)**
  - Sediment & Erosion Submittal
    - At least one week prior to setting up a Pre-Construction Meeting an Erosion & Sediment Control Narrative & Plan, done by a Certified Plan Designer, must be turned into ACHD Construction to be reviewed and approved by the ACHD Stormwater Section.

- **Idaho Power Company**
  - Vic Steelman at Idaho Power must have his IPCO approved set of subdivision utility plans prior to Pre-Con being scheduled.

- Final Approval from Development Services is required prior to scheduling a Pre-Con.
Request for Reconsideration of Commission Action

1. Request for Reconsideration of Commission Action: A Commissioner, a member of ACHD staff or any other person objecting to any final action taken by the Commission may request reconsideration of that action, provided the request is not for a reconsideration of an action previously requested to be reconsidered, an action whose provisions have been partly and materially carried out, or an action that has created a contractual relationship with third parties.

   a. Only a Commission member who voted with the prevailing side can move for reconsideration, but the motion may be seconded by any Commissioner and is voted on by all Commissioners present.

   If a motion to reconsider is made and seconded it is subject to a motion to postpone to a certain time.

   b. The request must be in writing and delivered to the Secretary of the Highway District no later than 3:00 p.m. on the day prior to the Commission's next scheduled regular meeting following the meeting at which the action to be reconsidered was taken. Upon receipt of the request, the Secretary shall cause the same to be placed on the agenda for that next scheduled regular Commission meeting.

   c. The request for reconsideration must be supported by written documentation setting forth new facts and information not presented at the earlier meeting, or a changed situation that has developed since the taking of the earlier vote, or information establishing an error of fact or law in the earlier action. The request may also be supported by oral testimony at the meeting.

   d. If a motion to reconsider passes, the effect is the original matter is in the exact position it occupied the moment before it was voted on originally. It will normally be returned to ACHD staff for further review. The Commission may set the date of the meeting at which the matter is to be returned. The Commission shall only take action on the original matter at a meeting where the agenda notice so provides.

   e. At the meeting where the original matter is again on the agenda for Commission action, interested persons and ACHD staff may present such written and oral testimony as the President of the Commission determines to be appropriate, and the Commission may take any action the majority of the Commission deems advisable.

   f. If a motion to reconsider passes, the applicant may be charged a reasonable fee, to cover administrative costs, as established by the Commission.