February 24, 2009

TO: ACHD Board of Commissioners

FROM: Matt Edmond
Planner III

SUBJECT: Capitol Auto Body expansion (CUP09-00003, DRH09-00015)

The applicant is requesting approval of a Conditional Use Permit and Design Review application for an 885 square foot building addition to an existing automotive service center located at 5373 W. Emerald Street (southeast corner of Emerald Street and Phillippi Street) in Boise. This is a modification to a previous set of applications (CUP08-00066, DRH08-00141, CAA08-00117) which were approved by the ACHD Commission on October 1, 2008.

This item is on the Consent Agenda due to staff’s recommendation to modify policy by waiving requirements for right-of-way dedication, roadway improvements, and access restrictions. This modification of policy is consistent with the Commission’s previous action on this site. Approval of the staff recommendation would affirm the Commission’s earlier action regarding this site.

While the scope of this development remains limited, the proposed expansion is approximately twice the size of the expansion proposed with the previous applications (424 square feet). The current proposed expansion will accommodate a shop staging area, parts storage, and file storage.
Project/File:  CUP09-00003, DRH09-00015
This application is for conditional use and design review for an 885 square foot expansion of an existing auto body shop.

Lead Agency:  City of Boise
Site address:  5373 W. Emerald Street
Commission Hearing:  March 4, 2009
Applicant/Owner:  Dale Gust
Capitol Auto Body
5373 W. Emerald Street
Boise, Idaho 83706
Representative:  Martin Santoyo
River City-Matter Architects
3021 N. Cole Road
Boise, Idaho 83704
Staff Contact:  Matt Edmond
Phone: 387-6187
E-mail: medmond@achd.ada.id.us
Tech Review:  February 17, 2009 (via email)

Application Information:
Acreage:  0.54
Current Zoning:  C-2D
Size of Expansion:  885 square feet

A. Findings of Fact
Existing Conditions
1. Site Information:  The Capitol Auto Body auto service center currently occupies the site.
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>Warehouses</td>
<td>M-1D</td>
</tr>
<tr>
<td>South</td>
<td>Single-family residential</td>
<td>R-1C</td>
</tr>
<tr>
<td>East</td>
<td>Commercial</td>
<td>C-2D</td>
</tr>
<tr>
<td>West</td>
<td>Industrial</td>
<td>M-1D</td>
</tr>
</tbody>
</table>
3. Existing Roadway Improvements and Right-of-Way Adjacent To and Near the Site
   - Emerald Street is improved with three lanes (approximately 40-feet of pavement) and no curb, gutter, or sidewalk, within 50-feet of right-of-way (25-feet from centerline) abutting the site.
   - Phillippi Street is improved with two lanes (approximately 32-feet of pavement) and no curb, gutter, or sidewalk, within 50-feet of right-of-way (25-feet from centerline) abutting the site.

4. Existing Access: The site currently takes access along its entire frontages on both Emerald and Phillippi Streets.

5. Site History: District staff previously approved DRH08-00141/CUP08-00066/CAA08-00117 for a 424 square foot expansion on July 22, 2008. The applicant appealed the requirements of that action, and the Commission approved the application with no requirements for right-of-way dedication or roadway improvements on October 1, 2008. The current applications are a modification of these previous applications, in that the expansion is approximately twice as large and it has been relocated from the south side to the east side of the existing building.

6. Adjacent Development: There is currently no development adjacent to or in the vicinity of the site.

Development Impacts

7. Trip Generation: This development is estimated to generate approximately 37 additional vehicle trips per day based on the Institute for Transportation Engineers Trip Generation Manual for 885 square feet of automobile care center.

8. 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.

9. Traffic Impact Study: A traffic impact study was not required with this application.

10. Current Condition of Area Roadways:

<table>
<thead>
<tr>
<th>Roadway</th>
<th>Frontage</th>
<th>Functional Classification</th>
<th>Traffic Count</th>
<th>Level of Service*</th>
<th>Speed Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emerald Street</td>
<td>140'</td>
<td>Minor Arterial</td>
<td>11,416 east of Curtis 3/19/2008</td>
<td>Better than &quot;C&quot;</td>
<td>30 MPH</td>
</tr>
<tr>
<td>Phillippi Street</td>
<td>170'</td>
<td>Local Commercial</td>
<td>2,451 south of Emerald 9/12/2007</td>
<td>N/A</td>
<td>25 MPH</td>
</tr>
</tbody>
</table>

* Acceptable level of service for a three-lane minor arterial is "D" (17,000 VTD).

11. Capital Improvements Plan/Five Year Work Plan:
   - There are no roadways, bridges or intersections in the general vicinity of the project listed in the current Five Year Work Plan.
   - Emerald Street is listed in the Capital Improvements Plan to be widened to five lanes from Curtis Road to Orchard Street between 2019 and 2028.

B. Findings for Consideration

1. Emerald Street

   Right-of-Way Policy: District policy requires 96-feet of right-of-way on arterial roadways (Figure 72-F1B). This right-of-way allows for the construction of a 5-lane roadway with curb, gutter, 5-foot concrete detached sidewalks and bike lanes.

   Sidewalk Policy: District policy requires 5-foot detached concrete sidewalk on all arterial roadways (7204.7.2).
Applicant Proposal: The applicant is not proposing any improvements along the Emerald Street frontage.

Staff Recommendation: District policy would normally require dedication of 48-feet of right-of-way from the centerline of Emerald Street and construction of 5-foot concrete sidewalk at least 41-feet from the centerline of Emerald Street abutting the site. However, due to the limited scope of development and the Commission action on the previous applications involving this site, staff recommends a modification of policy to waive requirements for right-of-way dedication or roadway improvements along Emerald Street abutting the site at this time.

2. Phillippi Street

Right-of-Way Policy: District policy requires 54-feet of right-of-way on industrial/commercial roadways (Figure 72-F1B). This right-of-way allows for the construction of a 3-lane roadway with curb, gutter and 5-foot wide concrete sidewalks.

Applicant Proposal: The applicant is not proposing any improvements along the Phillippi Street frontage.

Staff Recommendation: District policy would normally require dedication 27-feet of right-of-way from the centerline of Phillippi Street and construction of Phillippi Street to one-half of a 40-foot street section with vertical curb, gutter, and 5-foot attached concrete sidewalk abutting the site. However, due to the limited scope of development and the Commission action on the previous applications involving this site, staff recommends a modification of policy to waive requirements for right-of-way dedication or roadway improvements along Phillippi Street abutting the site at this time.

3. Driveways

Access Policy: District policy 7207.8 states that direct access to arterials and collectors is normally restricted. The developer shall try to use combined access points. If the developer can show that the use of a combined access point to a collector or arterial street is impractical, the District may consider direct access points. Access points for proposed developments at intersections should be located as far from the intersection as practical, and in no case closer than as illustrated on Figure 72-F4, unless a waiver for the access point has been approved by the District Commission.

Driveway Policy: District policy 7207.9.3 restricts commercial driveways with daily traffic volumes over 1,000 vehicles to a maximum width of 36-feet. Most commercial driveways will be constructed as curb-cut type facilities if located on local streets. Curb return type driveways with 15-foot radii will be required for driveways accessing collector and arterial roadways.

Successive Driveway Policy: District policy 72-F5, requires driveways located on collector or arterial roadways with a speed limit of 25 to align or offset a minimum of 105-feet from any existing or proposed driveway.

Driveway Paving Policy: Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7207.9.1, 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 with 15-foot radii abutting the existing roadway edge.

Applicant Proposal: The applicant is not proposing any changes to access on either Emerald or Phillippi Streets.

Staff Recommendation: District policy would normally require restriction of direct lot access onto Emerald Street, because it is an arterial roadway. However, due to the limited scope of development and the Commission action on the previous applications involving this site, staff recommends a modification of policy to allow the applicant to maintain access as it currently
exists. The District may restrict access onto Emerald Street in the future in the event of subsequent development or if access becomes a disruption to normal traffic operations.

C. Site Specific Conditions of Approval

1. Submit construction plans to ACHD Development Review for impact fee assessment. A traffic impact fee will be assessed and will be due prior to issuance of a building permit.

2. Comply with all Standard Conditions of Approval.

D. Standard Conditions of Approval

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

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

3. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.

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. Comply with the District’s Tree Planter Width Policy.

6. 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.

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

8. The applicant shall submit revised plans for staff approval, prior to issuance of building permit (or other required permits), which incorporates any required design changes.

9. Construction, use and property development shall be in conformance with all applicable requirements of the Ada County Highway District prior to District approval for occupancy.

10. Payment of applicable road impact fees is required prior to building construction. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.

11. 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.

12. 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 the Ada County Highway District. The burden shall be upon the applicant to obtain written confirmation of any change from the Ada County Highway District.

13. 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 Highway District of its intent to change the planned use of the subject property unless
a waiver/variance of said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.

E. 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.

Attachments

1. Vicinity Map
2. Site Plan
3. Utility Coordinating Council
4. Development Process Checklist
5. Appeal/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

Submit a development application to a City or to the County
The City or the County will transmit the development application to ACHD

☒ The ACHD Planning Review Division will receive the development application to review

☒ The Planning Review Division will do one of the following:
   ☐ Send a “No Review” letter to the applicant stating that there are no site specific requirements at this time.
   ☐ Send a “Comply With” letter to the applicant stating that if the development is within a platted subdivision or part of a previous development application and that the site specific requirements from the previous development also apply to this development application.
   ☐ 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.

☒ The Planning Review Division will hold a Technical Review meeting for all Staff and Commission Level reports.

☐ For ALL development applications, including those receiving a “No Review” or “Comply With” letter:
   • The applicant should submit two (2) sets of engineered plans directly to ACHD for review by the Development Review Division 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 calculation.)
   • 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 (Zone)
☐ Driveway or Property Approach(s)
   • Submit a “Driveway Approach Request” form to Ada County Highway District (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:
     a) Traffic Control Plan
     b) 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-Con an Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, must be turned into ACHD Construction – Subdivision to be reviewed and approved by the ACHD Drainage Division.

☐ 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
ACHD Construction – Subdivision must have received approval from Development Services prior to scheduling a Pre-Con.
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.