

## STAFF REPORT

### COMMUNITY DEVELOPMENT DEPARTMENT



HEARING 02/07/2023

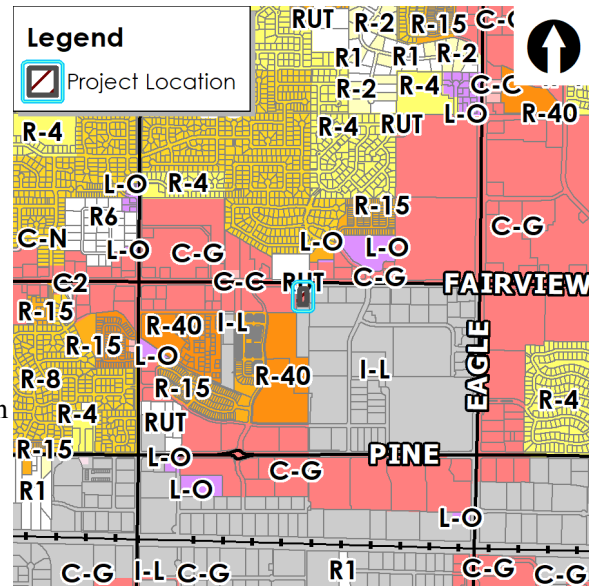
DATE:

TO: Mayor & City Council

FROM: Stacy Hersh, Associate Planner  
208-884-5533

SUBJECT: H-2022-0071  
Jennie' Retail MDA

LOCATION: The site is located at 2365 E. Fairview Avenue, near the half-mile mark between N. Eagle Road and N. Locust Grove Road, in the NE 1/4 of the NW 1/4 of Section 8, Township 3N, Range 1E (R7104250004).



## I. PROJECT DESCRIPTION

Development Agreement Modification (MDA) to amend the existing agreement (DA Inst. #104027941) to remove the subject property from this agreement for the purpose of allowing the property to develop consistent with the allowed uses in the existing C-G zoning district. Currently, the recorded DA requires conditional use permit approval for all future uses prior to development on the property.

NOTE: City Council approved the subject MDA on January 3<sup>rd</sup>. After the hearing, it was discovered that this property did not include the entire boundary of the property that was part of the original DA. Staff met with the applicant to discuss all of the options. Both staff and the applicant agreed that the best course of action was to update the staff report and renotice/reschedule the project. Staff has prepared Findings in the affirmative for Council's approval since the project did not have any public testimony or Council discussion during the previous hearing.

## II. SUMMARY OF REPORT

### A. Applicant:

Richard Wilmot – 3130 W. State Street, Boise, ID 83703

### B. Owner: Mauricio and Ilene Garcia – 4863 N. Larkwood Place, Meridian, ID 83646

### C. Representative:

Same as Applicant

## III. STAFF ANALYSIS

The Applicant proposes to amend the Cortabitarte Development Agreement (Inst. #104027941) to

remove the subject property from the existing development agreement. When this property was originally annexed it included the I-L property directly south of the subject property. Since the applicant wasn't able to obtain the property owner's consent to amend the terms of the original DA, a new DA is being requested so the property can develop consistent with the C-G zoning district without the need of obtaining CUP approval for every use. Below is the legal description and exhibit map of the C-G zoned property attached to the original annexation ordinance. This is the area that will be subject to the new DA.

A concept plan was submitted showing how the property could potentially develop. The new DA will not include this as an exhibit, it is meant for illustrative purposes only. Due to the size of the property, compliance with the City's design standards, and the inclusion of staff's other recommended DA provisions, staff believes the inclusion of a concept plan is not warranted. The proposed site plan depicts a mix of retail, restaurants, a drive-through, and associated site improvements. Because the site has the potential to develop with multiple drive-throughs and restaurants, staff has analyzed the parking on the plan using the restaurant standards requiring one (1) parking stall for every 250 square feet ([UDC 11-4-3-49](#)) of gross floor area to ensure adequate parking. Per this standard, 68 parking stalls would be required if the site develops per the submitted concept plan. Currently, the plan depicts 50 parking stalls. Therefore, staff recommends adding a provision to the Development Agreement to address potential parking issues by requiring a parking ratio of 1 parking stall for every 250 square feet of gross floor area regardless of the use.

Currently, the City is processing a CZC and DES application for a drive-through use on the west boundary in the Pine 43 development. If the abutting property does develop with a drive-through, the proposed drive-through would be within 300 feet of another drive-through which would require CUP approval.

Access to the property is proposed from E. Fairview Avenue; a shared access drive with the property to the east (R8525101800). Staff has reviewed the Pine 43 Development Agreement (#2018-000751) conditions of approval and cross-access was required to be provided to this property for future cross-access and interconnectivity between the two commercial areas. The plan as submitted doesn't contemplate the cross access with the adjacent property. Staff recommends the applicant grant cross access with the adjacent property to improve interconnectivity.

Staff recommends approval of the development agreement modification for the purpose of entering a new agreement with the provisions in Exhibit A below.

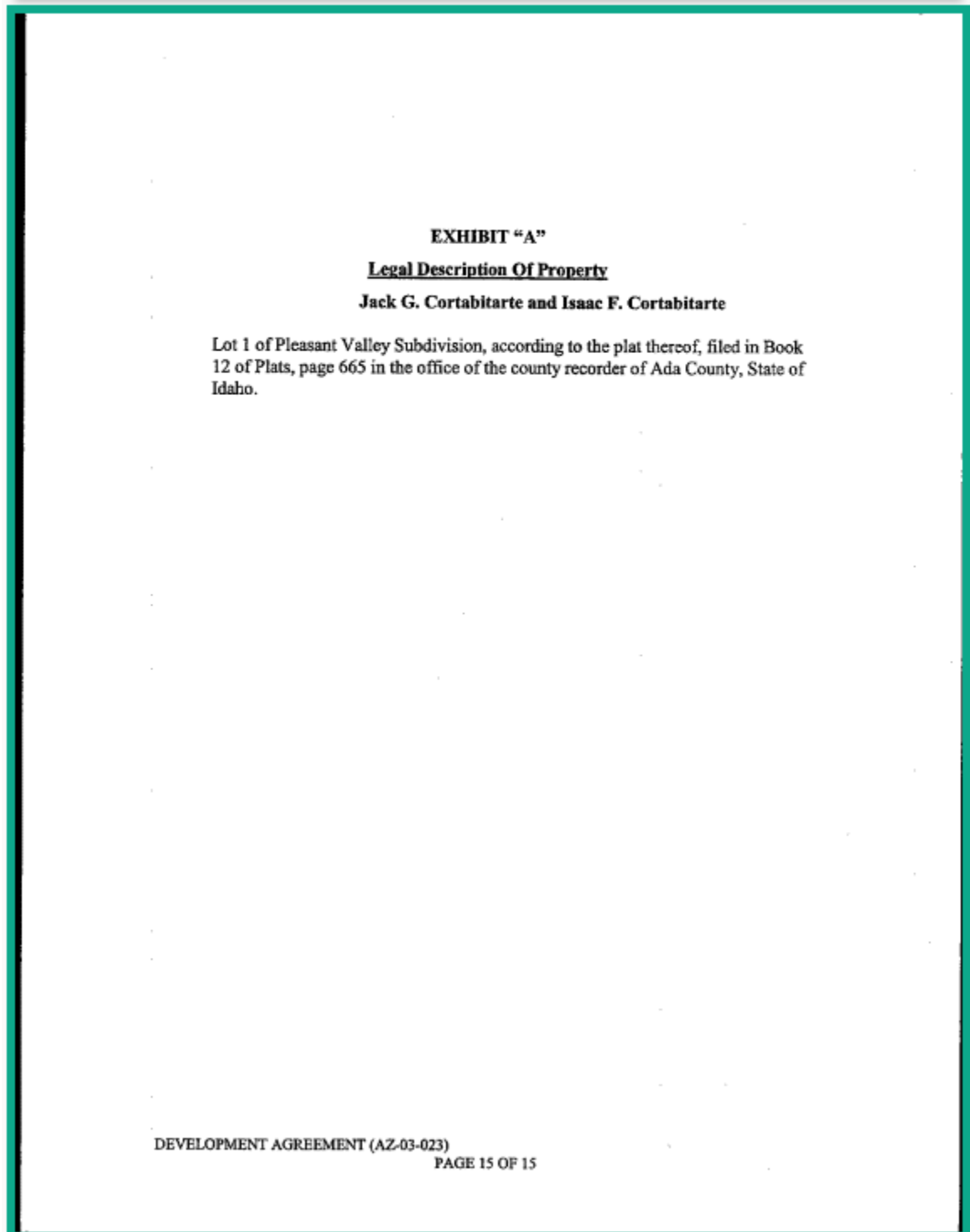
#### **IV. DECISION**

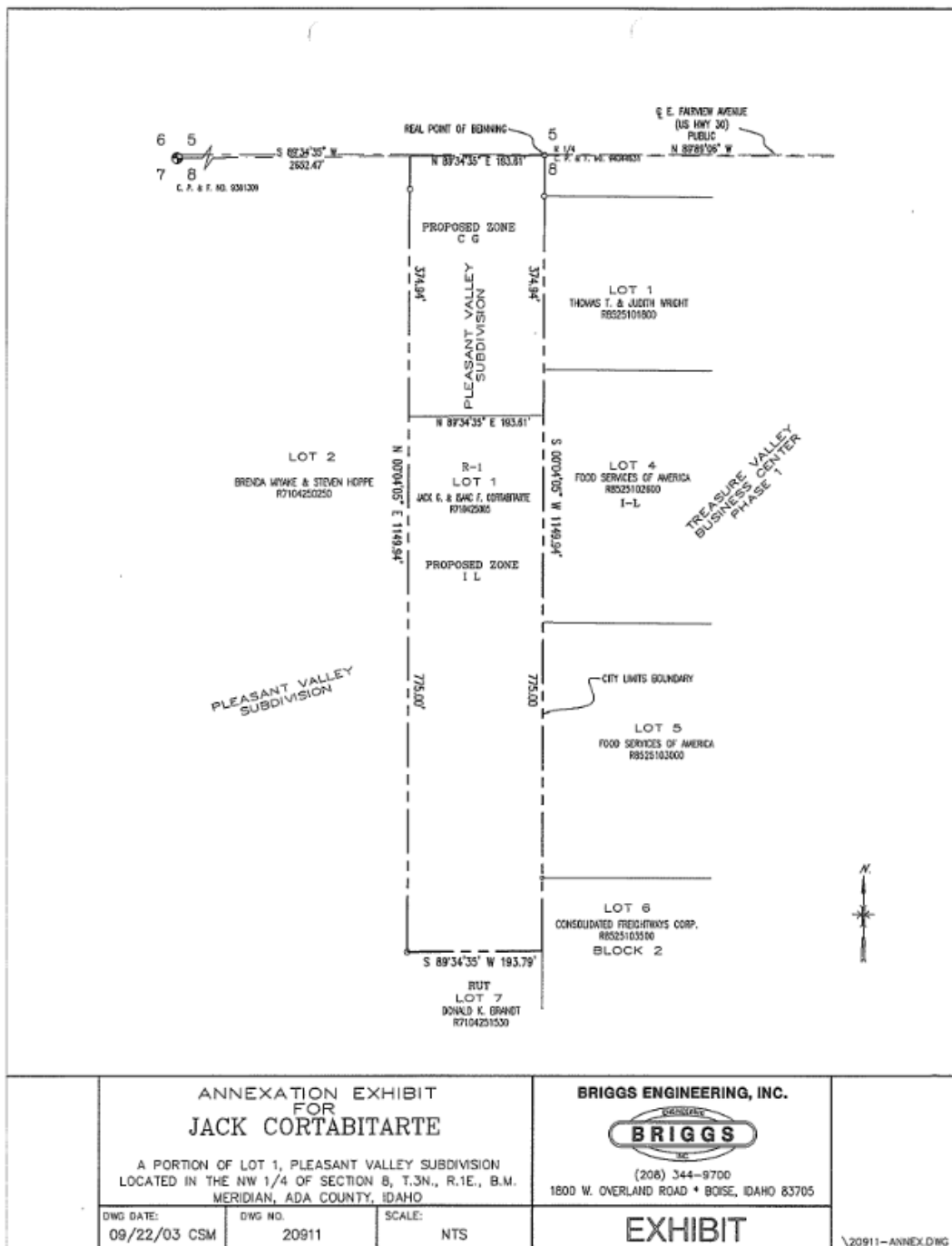
##### **A. Staff:**

Staff recommends approval of the modification to the DA (Inst. #104027941) as recommended by Staff's analysis above and with the specific changes below.

## V. EXHIBITS

### A. Legal Description and Exhibit Map





B. New Development Agreement Provisions Recommended by Staff:

Add a new DA provision - A cross-access/ingress-egress easement shall be granted and the shared driveway constructed to Parcel #R7104250566 (Pine 43 Subdivision) to the west. A copy of the recorded easement shall be submitted with the first certificate of zoning compliance application.

Add a new DA provision – Parking for the development shall be based on the parking ratio of one (1) parking space for every two hundred fifty (250) square feet of gross floor area regardless of use.

C. Conceptual Site Plan (reference only):

