

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



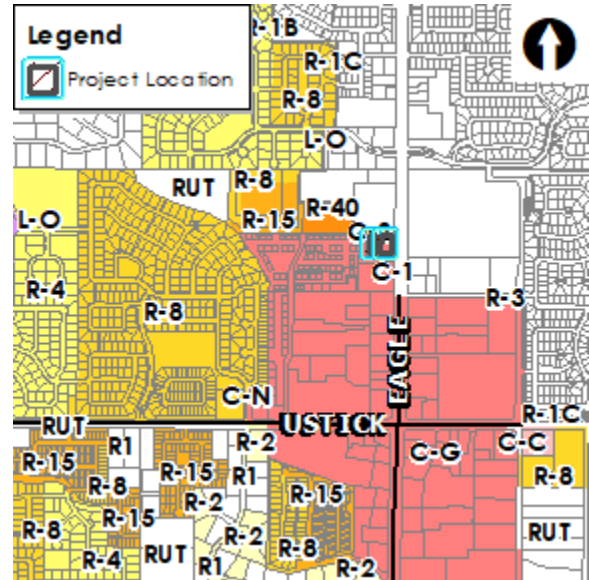
HEARING DATE: 1/18/2022
Continued from: 11/23/2021
Decision issued on 11/30/21 but had to be re-heard by Council due to public hearing notice error.

TO: Mayor & City Council

FROAM: Sonya Allen, Associate Planner
 208-884-5533

SUBJECT: H-2021-0068
 Fast Eddy's at Eagle

LOCATION: 3775 N. Eagle Rd., in the SE ¼ of Section 32, Township 4N., Range 1E.



I. PROJECT DESCRIPTION

Modification to the existing Development Agreement (H-2018-0006 - Inst. #2018-042029) to remove the requirement for the driveway along the west side of the retail store to be extended to the north property boundary for future extension and interconnectivity in accord with UDC 11-3A-3A; and a cross-access/ingress-egress easement to be provided to the property to the north (Parcel #R4582530202, 13984 W. Jasmine Ln.).

II. SUMMARY OF REPORT

- A. Applicant:
 Steve Eddy, Fast Eddy's – 2151 N. Greenview Ct., Eagle, ID 83616
- B. Owner:
 Same as Applicant
- C. Representative:
 Same as Applicant

III. NOTICING

	City Council Posting Date
Notification published in newspaper	11/7/2021
Notification mailed to property owners within 300 feet	10/27/21 & 11/4/21

Applicant posted public hearing notice on site	1/5/2022
Nextdoor posting	11/5/2021

IV. STAFF ANALYSIS

The UDC (11-3A-3A.2) requires cross-access easements to be granted to adjoining properties where access to a local street is not available unless otherwise waived by City Council. The abutting property to the north fronts on a state highway (N. Eagle Rd./SH-55) and does not have access via a local street. Thus, the reason the driveway access and easement were required. Without this access, the undeveloped parcel to the north would have no access other than the state highway until such time as the property to the west (i.e. Delano Subdivision) develops, which granted a [cross-access easement](#) to them through their multi-family development for access via the future extension of N. Centrepont Way.

The driveway was required to be constructed and an access easement granted with development of this site prior to issuance of the first Certificate of Occupancy (see provisions in Section V). The Applicant did not wish to construct the driveway or provide an access easement at that time so the Planning Division recommended the Applicant apply for an amendment to the DA to remove the requirements. A temporary Certificate of Occupancy was issued in order for the Applicant to apply for an amendment, which has since expired.

The Applicant proposes to meet with the property owner to the north at the time of development to see if it makes sense to both of them to install an access at that time. *Note: An assisted living facility was approved to develop on the abutting property to the north through a Conditional Use Permit ([CAR20-00004 & PUD20-00008](#)) for a Planned Residential Development in the City of Boise. This approval will expire on March 9, 2022 if a building permit hasn't been obtained by that time; or unless a time extension is approved. The site plan approved with the PUD depicts a driveway access to this site for cross-access/ingress-egress.*

Because this is a UDC requirement, Staff cannot waive the requirement and therefore, cannot support the request. The UDC *does* allow for a Council waiver to this standard if deemed appropriate by City Council.

V. DECISION

A. Staff:

Staff recommends denial of the modification to the DA as proposed; however, City Council has the authority to waive the requirement in UDC 11-3A-3A.2 and approve the Applicant's request if they deem appropriate.

VI. EXISTING DEVELOPMENT AGREEMENT PROVISIONS PROPOSED TO BE REMOVED:

5.1

- d. The driveway along the west side of the retail store shall extend to the north property boundary for future extension and interconnectivity in accord with UDC 11-3A-3A.
- e. A cross-access/ingress-egress easement shall be provided to the property to the north (Parcel #R4582530202, 13984 W. Jasmine Ln.) with development of this site in accord with UDC 11-3A-3A.2. A recorded copy of said easement shall be submitted to the City prior to issuance of the first Certificate of Occupancy on the site.