



Mayor Robert E. Simison

City Council Members:

Luke Cavener, President

Liz Strader, Vice President

Brian Whitlock

Doug Taylor

John Overton

Anne Little Roberts

December 30, 2024

MEMORANDUM

TO: Mayor and City Council

CC: City Clerk, City Attorney

FROM: Sonya Allen, Associate Planner

RE: Pine 43 West – CR-2024-0003

History: On November 21, 2024, the Planning & Zoning Commission approved a Conditional Use Permit (CUP) (H-2024-0038) for a drive-through establishment within 300-feet of existing residential uses to the west, south, and southeast, and residential zoning district to the south (i.e. R-15) and southeast (i.e. R-40).

Approved Use: The drive-through is for a restaurant which is planned in the western-most tenant space of a new 10,100-square foot multi-tenant building on the southern portion of the site on Pad B (see site and landscape plans below). The drive-through was approved for pick-up service only; a menu board and/or speakers was not approved.

UDC Requirements: The UDC (Table 11-2B-3) requires a 25-foot wide landscape buffer to residential uses on C-G zoned property sharing a contiguous lot line with a residential use; landscaping is required within the buffer in accord with the standards set forth in UDC 11-3B-9C. Because the abutting property to the west contains a multi-family residential use and the subject property consists of one (1) parcel of land, a buffer is required along the entire western boundary of the site. However, the UDC does allow the width of the buffer to be modified by City Council at a public hearing with notice to surrounding property owners; a reduction in the buffer width does not affect building setbacks – all structures are required to be set back from the property line a minimum of the buffer width required in the district (i.e. 25'), per UDC 11-3B-9C.2.

Staff is in the process of proposing an amendment to the UDC, which would allow buildings to encroach in the buffer area if consent from the abutting property owner is obtained *and* if Council grants a reduction to the buffer width. In the interim of a code change, the Director has determined a building can encroach within the required buffer area *if* Council grants a reduction to the buffer width and a reduced setback *and* consent from the adjacent property owner is obtained for the reduced buffer and building setback. A letter of support for the reduced buffer width and associated building setback was submitted from the owner of the abutting residential property provided that a privacy fence and increased plantings are completed along the west boundary of the site, which will provide visual and sound buffering to the residential units.

Applicant Request: The Applicant requests City Council approval of a reduced buffer width of 7-feet adjacent to parking and 10-feet adjacent to the rear of the future single-story building on Pad A with a reduced building setback of 15-feet. The reason for the request is due to the alignment of N. Webb Ave. along the site's east boundary – it shifts abruptly to the west as it intersects with Fairview Ave. in order to align with the access point on the north side of Fairview, which reduces the width of the northern portion of the parcel by more than half of the southern portion of the parcel. The proposed site layout, with the building along the west boundary, provides an added buffer and screening between the adjacent residences and the parking area.



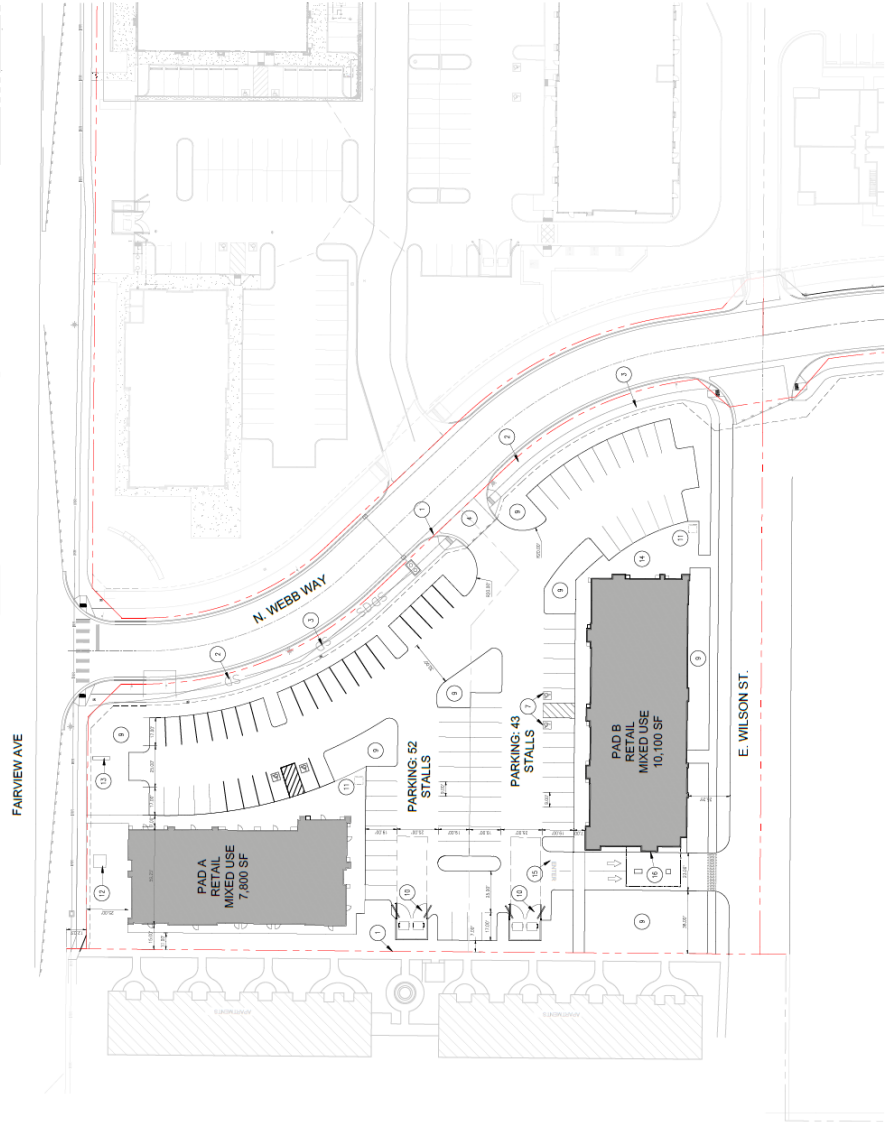


PROJECT INFORMATION

CONTACT INFORMATION	
OWNER:	ERIC CENTERS DRB INVESTMENTS LLC 1000 WEST 1ST PL BOISE, ID 83702 P: (208) 425-4049
ARCHITECT:	JAMES MARSH CSHQ 1000 WEST 1ST PL BOISE, ID 83702 P: (208) 425-4049
SITE PLAN INFORMATION	
PROJECT ADDRESS:	
TED FAIRVIEW AVE MIDEMAN, ID 83642-0000	
PARCEL:	
8724240081	
16.855 SF / 0.37 ACRES	
2.83	
PROJECT AREA:	
16.855 SF / 0.37 ACRES	
TOWNSHIP/RANGE/SECTION:	
3N10E08	
DIMENSIONAL STANDARDS IN THE COMMERCIAL DISTRICT	
FROM TABLE 11-2B-3 OF THE AMERICAN CITY CODE	
FRONT SETBACK (IN FEET)	0
REAR SETBACK (IN FEET)	0
INTERIOR SIDE SETBACK (IN FEET)	0
STREET CLOSURE (IN FEET)	25'
ARTERIAL (FAIRVIEW) CLOSURE (IN FEET)	25'
LANDSCAPE BUFFER (IN FEET)	10'
MAXIMUM BUILDING HEIGHT (IN FEET)	65'
PARKING REQUIREMENTS - SECTION 11-2C-8.2:	
ONE PARKING SPACE REQUIRED FOR EVERY 500 SQ. FT. OF GROSS FLOOR AREA	
PAD A:	7,800 SF / 100 = 18
PAD B:	10,100 SF / 100 = 21
BICYCLE PARKING	
5 BICYCLE PARKING STALLS	
PAD A:	
PAD B:	
30 BICYCLE PARKING STALLS	
30 BICYCLE PARKING STALLS PROVIDED	
30+ 21	
= 95 PARKING STALLS REQUIRED	
= 95 PARKING STALLS PROVIDED FOR RETAIL	

SHEET NOTES:

1. PROPERTY LINE.
2. EXISTING LANDSCAPE AREA TO REMAIN.
3. EXISTING SIDEWALK.
4. EXISTING DRIVE ASLE TO REMAIN.
5. NEW BUILDING FOOTPRINT
6. NEW PARKING LOT STRIPING
7. NEW CONCRETE DRIVEWAY
8. NEW CONCRETE SIDEWALK
9. NEW LANDSCAPE AREA, RE: LANDSCAPE PLANS
10. TRASH ENCLOSURE
11. NEW BIKE PARKING (5 STALLS)
12. EXISTING TRANSFORMER TO REMAIN
13. NEW MONUMENT SIGN
14. NEW DRIVEWAY
15. DRIVE THROUGH STACKING LANE
16. DRIVE THROUGH WINDOW





LANDSCAPE NOTES:

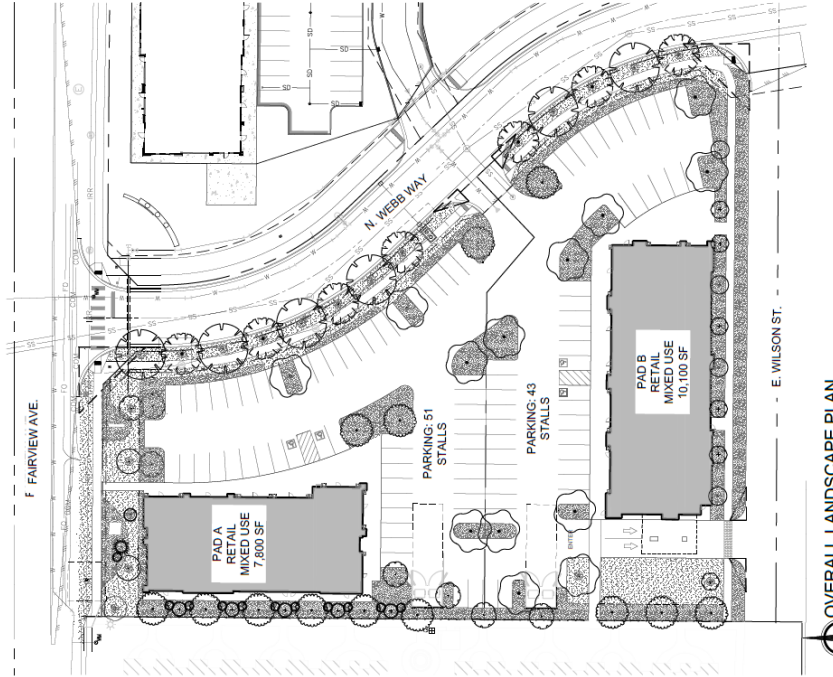
1. CONSTRUCTION SHALL BE TO ACCORDANCE WITH ALL CONDITIONS WHICH IMPERATIVELY PREVENT THE PROPER INSTALLATION OF THE SYSTEM AND SHALL BE TO THE SATISFACTION OF THE AGENCIES INVOLVED.
2. MATERIALS SHALL BE OF THE BEST QUALITY AVAILABLE WITHOUT THE LARGEST VARIATION AVAILABLE, AT THE LOWEST COST, AND SHALL BE OF THE TYPE AND MAKE SPECIFIED BY THE AGENCIES INVOLVED.
3. COORDINATE WITH THE AGENCIES INVOLVED TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS.
4. COORDINATE WITH THE AGENCIES INVOLVED TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS.
5. ALL LANT MATERIAL SHALL CONFORM TO THE AMERICAN NATIONAL STANDARDS FOR TYPE AND MAKE. PARTS WILL BE OF THE TYPE AND MAKE SPECIFIED BY THE AGENCIES INVOLVED.
6. IN THE EVENT OF A MAJOR CONTRACT VARIATION, PARTS WILL BE OVERSEEN BY THE AGENCIES INVOLVED AND ALL OUT OF STOCK PARTS WILL BE REPLACED BY THE AGENCIES INVOLVED.
7. ALL MATERIALS SHALL BE CORROSION RESISTANT TO THE EXTENT OF THE AGENCIES INVOLVED.
8. ALL MATERIALS SHALL BE OF THE TYPE AND MAKE SPECIFIED BY THE AGENCIES INVOLVED.
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20. ALL MATERIALS SHALL BE OF THE TYPE AND MAKE SPECIFIED BY THE AGENCIES INVOLVED.

TOPSOIL NOTES

- [illegible]

7. AT THE TIME OF PLANTING AND HYDRIC IRRIGATION NOTES.

- [illegible]



OVERALL LANDSCAPE PLAN

Scale: 1" = 30'-0"