



Planning & Development Services

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Planning Division Staff Report

File Number CUP09-00014
Applicant College of Western Idaho
Property Address 9289 West Barnes Drive
Public Hearing Date April 13, 2009
Heard by Planning and Zoning Commission
Planning Analyst David Moser
Planning Supervisor Cody Riddle

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Attachments

Vicinity/Zoning Map & Aerial Photograph
Site Plan, Landscape Plan, Floor Plans, & Elevations
Letter of Explanation
Application
Agency Comments

1. Executive Summary

Description of Applicant's Request:

College of Western Idaho requests Conditional Use approval of a community college within an existing building located at 9289 W. Barnes Drive in a C-3D/DA (Service Commercial with Design Review and a Development Agreement) zone.

Staff's Recommendation:

Staff recommends **approval** of CUP09-00014.

Summary:

The applicant is requesting approval of a conditional use permit to place the College of Western Idaho within an existing office building located at 9289 West Barnes Drive. The ±4.96 acre parcel is located on the southeast corner of West Barnes Drive and South Eagle Flight Way in the C-3D/DA (Service Commercial with Design Review and Development Agreement) zone.

The College of Western Idaho will occupy the ±52,296 square foot single story office building within Blackeagle Center Business Park. Based on the anticipated enrollment of 420 students per semester and 19 full time faculty members the school would maintain an occupancy load similar to that of an office building. As a result, the proposed community college would be similar in terms of use, occupancy load, and traffic with the adjacent properties, which is comprised of a mixture of professional offices and retail uses. In addition, the community college will primarily operate during the weekdays and offer some evening classes. Therefore, the school will be compatible and will not adversely impact the surrounding properties.

The site is already developed and the applicant is proposing no changes to the original site plan. Therefore, the parcel is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls and fences, parking, loading, landscaping and such other features as required. Since the school is occupying an existing building it will not place an undue burden on transportation or other public services in the vicinity.

The proposed use is in conformance with the goals, objectives and policies of the Comprehensive Plan. *Objective 2.16.2* encourages the city to work with institutions of higher education to maximize their ability to provide quality educational services, while minimizing impacts on area residents and businesses. *Goal 9.1* states that the city will maintain and improve economic opportunities for residents of the planning area through creation of a diverse economy, business retention and expansion provision of adequate infrastructure, and a positive economic climate. The community college institution will improve the economic opportunities for residents by providing additional training and skills that local business need to expand and create a positive economic environment.

2. Facts and Standards of Review

Type Application:

Conditional Use Permit / Community College

Applicant/Status:

College of Western Idaho / Lessee

Location and Site Description:

The site addressed at 9289 West Barnes Drive is located on the southeast corner of West Barnes Drive and South Eagle Flight Way. The area surrounding the property is primarily office uses along West Barnes Street and South Eagle Flight Way.

Zoning, Zoning Allowances, and Comprehensive Plan Designation:

The site is zoned C-3D/DA (Service Commercial with Design Review and a Development Agreement), which allows for a public school with conditional use approval. The project is located in the Southwest Ada County Alliance Neighborhood Association and is also located in the Southwest Planning Area. The Comprehensive Plan's Land Use Map designates this parcel as 'Commercial'.

Size of Property:

±4.96 acres

Development Proposal:

The applicant is requesting conditional use approval for the College of Western Idaho to occupy the 52,295 square foot office building located at 9289 West Barnes Drive. The parcel contains a ±52,295 square foot one story office building with the associated surface parking lot and landscaping.

History of Previous Actions:

Case Number (Year)	Description
A-4-96/DA (1996)	Annexation with C-3D/DA, C-4D/DA and L-OD/DA zoning.
DRH99-00229 (1999)	Design Review approval for the 52,296 square foot office building.

Standards of Review

Section 11-06-04.13 Criteria and Findings

The Commission, following the procedures outlined below, may approve a conditional use permit when the evidence presented at the hearing is such as to establish:

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- A. That the location of the proposed use is compatible to other uses in the general neighborhood; and
 - B. That the proposed use will not place an undue burden on transportation and other public facilities in the vicinity; and
 - C. That the site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls and fences, parking, loading, landscaping and such other features as are required by this title; and
 - D. That the proposed use, if it complies with all conditions imposed, will not adversely affect other property of the vicinity; and
 - E. That the proposed use is in compliance with and supports the goals and objectives of the Comprehensive Plan.

Section 11-06-06.16 Public School Facilities

When considering a conditional use permit application for a public school facility, the commission shall make the following findings, which shall be in addition to those required in Section 11-06-04.13:

- A. That the project will not have a negative effect on adjacent roads and highways due to increased vehicular, bicycle and pedestrian traffic volumes.
- B. That the Idaho transportation department, the appropriate local highway jurisdiction or both have reviewed the application and reported on the following issues as appropriate: the land use master plan; school bus plan; access safety; pedestrian plan; crossing guard plan; barriers between highways and school; location of school zone; need for flashing beacon; need for traffic control signal; anticipated future improvements; speed on adjacent highways; traffic volumes on adjacent highways; effect upon the highway's level of service; need for acceleration or deceleration lanes; internal traffic circulation; anticipated development of surrounding undeveloped parcels; zoning in the vicinity; access control of adjacent highways; required striping and signing modifications; funding of highway improvements to accommodate development; proposed highway projects in the vicinity; and any other issues as may be considered appropriate to the particular application.

3. Analysis

The applicant is requesting approval of a conditional use permit to place the College of Western Idaho within an existing office building located at 9289 West Barnes Drive. The ±4.96 acre parcel is located on the southeast corner of West Barnes Drive and South Eagle Flight Way in the C-3D/DA (Service Commercial with Design Review and Development Agreement) zone.

The properties adjacent to the north and west, across West Barnes Drive and South Eagle Flight Way are zoned L-OD/DA (Limited Office with Design Review and a Development Agreement). These parcels across the right-of-way are occupied with office buildings. The adjacent parcels to the south and east are zoned C-3D/DA, and contain a mix of offices and retail uses.

The development agreement for the C-3D/DA zone specifically limits certain types of land uses to ensure compatibility. These prohibited land uses include big box commercial centers, adult business, bottle & distribution plants, compost facility, convalescent & nursing homes, motels/hotels, recreational vehicle parks, multi-family dwelling, boarding & rooming houses, halfway houses, regional shopping centers, outdoor storage, tavern/lounge (other than combined with restaurant service), truck terminal and truck stops. All other uses follow the standard use table for the C-3 zone. According to this standard use table public schools are allowed with conditional use approval. The development agreement also places additional restrictions on the warehouses and loading times within the Blackeagle Center Business Park.

The College of Western Idaho will occupy the ±52,296 square foot single story office building within the Blackeagle Center Business Park. The interior of the building will be modified to contain approximately 25 classrooms and computer labs. The rest of the area would be composed of meeting rooms, common areas and administrative office space. The applicant anticipates approximately 420 students per semester and 19 full time faculty members. Given the amount of students and faculty the community college would maintain an occupancy load similar to that of an office building. As a result, the proposed community college would be similar in terms of use, occupancy load, and traffic with the adjacent properties, which is comprised of a mixture of professional offices and retail uses. In addition, the community college will primarily operate during the weekdays and offer evening classes from 6pm to 9pm or 7pm to 10pm. A condition of approval will limit the hours of operation to no later than 10pm on weekdays. No evening classes shall occur on weekends. In addition, all community college activities shall occur inside the building. Therefore, the school will be compatible to adjacent office uses and the surrounding neighborhood.

The site is already developed and the applicant is proposing no changes to the original site plan, except some minor alterations to the landscaping. The parcel is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls and fences, parking, loading, landscaping and such other features as required. All setbacks of the C-3D/DA zone have been met or exceeded. The maximum height allowed in the underlying zone is 45' and the existing office building is single story. Based on the estimated enrollment of 420 students per semester and the 19 full time faculty members, the required amount of parking spaces is 142. The site contains 256 parking spaces, which includes all necessary accessible spaces. A condition of approval will require the applicant to identify the existing location or provide a minimum of 5 bicycle parking spaces.

Staff is unable to identify any conflicts related to noise, hours of operation or basic operating characteristics between the community college and adjacent commercial uses within the Blackeagle Center Business Park. The proposed community college would maintain similar operating hours, generate traffic similar to an office and be contained entirely indoors.

Therefore, the proposed College of Western Idaho will not create a burden on the surrounding land uses and properties.

The ACHD staff report, dated March 13, 2009, stated the conditions of approval from the original Blackeagle Subdivision (97-29-BS) still apply to this conditional use permit. The ACHD report, dated July 10, 1997, stated that the Blackeagle Subdivision would generate 13,630 vehicle trips per day. The primary concerns were the access points to Overland Road and Maple Grove Road and the internal traffic circulation within the Blackeagle Subdivision. Since the applicant is not proposing any changes to the site plan approved by the Design Review (DRH99-00225), the proposed use will not place an undue burden on transportation or other public services in the vicinity.

The community college will not generate significantly more traffic than an office use. According to the Institute of Transportation Engineers trip generation tables, a community college with 420 students would generate 646 Vehicle Trips per Day (VTD) (i.e. 1.54 per student). While an office use within the proposed building would generate 576 VTD. The 646 VTD generated from the school will not adversely impact traffic along Maple Grove or Overland Road, since both these arterials are operating at better than acceptable levels of service.

Roadway	Frontage	Functional Classification	Traffic Count	Level of Service*	Speed Limit
Eagle Flight Way / Barnes Drive	840'	Local Commercial	1,306 north of on 12/10/03	N/A	20MPH
Black Eagle Drive/Kimball Way	458'	Local Commercial	No Data	N/A	20MPH
Maple Grove Road	None	Minor Arterial	16,284 north of Overland on 5/21/08	Better than "C"	35MPH
Overland Road	None	Principal Arterial	28,123 west of Maple Grove on 5/20/08	Better than "C"	40 MPH

*Acceptable level of service for a five-lane principal arterial roadway is "E" (37,000 VTD)

*Acceptable level of service for a five-lane minor arterial roadway is "D" (33,000 VTD)

The proposed use is in conformance with the goals, objectives and policies of the Comprehensive Plan. *Objective 2.16.2* encourages the city to work with other institutions of higher education to maximize their ability to provide quality educational services, while minimizing impacts on area residents and businesses. Since the location of the community college is adjacent to compatible uses (i.e. office and retail) its impact would be minimized on the surrounding properties. *Goal 9.1* states that the city will maintain and improve economic opportunities for residents of the planning area through creation of a diverse economy, business retention and expansion provision of adequate infrastructure, and a positive economic climate.

The community college institution will improve economic opportunities for residents by providing additional training and skills that local business need to expand and create a positive economic environment.

4. Reasons for the Decision

The site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls and fences, parking, loading, landscaping and such other features as required. All setbacks of the C-3D/DA zone have been met or exceeded. All required parking spaces have been provided, and the height restrictions of the underlying zoning district have been met.

The proposed use will not place an undue burden on transportation or any other public service in the vicinity, since both Maple Grove and Overland Roads operate at acceptable levels of service. The proposed community college will be similar to an office use in terms of use, traffic and parking and will not place a burden on the neighboring businesses and adjacent properties. Therefore, no adverse impacts will occur on other properties as a result of this approval.

The proposed use has been appropriately located considering the surrounding uses, current zoning, and the goals, objectives and policies of the *Comprehensive Plan*. *Objective 2.16.2* encourages the city to work with other institutions of higher education to maximize their ability to provide quality educational services, while minimizing impacts on area residents and businesses. *Goal 9.1* states that the city will maintain and improve economic opportunities for residents of the Planning Area through creation of a diverse economy, business retention and expansion provision of adequate infrastructure, and a positive economic climate.

5. General Information

Notifications:

Neighborhood Meeting: **March 23, 2009***

Newspaper notification published on: **March 28, 2009**

Radius notices mailed to properties within 300 feet on: **March 27, 2009**

Staff posted notice on site on: **March 20, 2009**

*A waiver from the neighborhood meeting timeframe was granted.

Size of Property:

± 4.96 acres

Land Use

Existing Land Use:
 Office building

Hazards:
 Staff is unaware of any hazards.

Adjacent Land Uses and Zoning:

North:	Commercial Office / C-3D/DA (Service Commercial with Design Review and a Development Agreement)
South:	Commercial Office / C-3D/DA (Service Commercial with Design Review and a Development Agreement)
East:	Commercial Office / C-3D/DA (Service Commercial with Design Review and a Development Agreement)
West:	Commercial Office / C-3D/DA (Service Commercial with Design Review and a Development Agreement)

Site Design:

Percentage of site devoted to building coverage:	24.1%
Percentage of site devoted to landscaping:	20.2%
Percentage of site devoted to paving:	44.3%
Percentage of site devoted to other uses:	11.4%

Parking:

Proposed		Required	
Handicapped spaces proposed:	9	Handicapped spaces required:	6
Parking spaces proposed:	256	Parking spaces required:	142
Number of compact spaces proposed:	0	Number of compact spaces allowed:	50
Bicycle parking spaces proposed:	1	Bicycle parking spaces required:	5
Parking Reduction requested?	No	Off-site Parking requested?	No

Setbacks:

The applicant is only proposing minor changes to the landscaping on the site. Existing construction meets or exceeds all setback requirements.

6. Boise City Comprehensive Plan

This project is located in the **Southwest Bench Planning Area** of the *Boise City Comprehensive Plan*. There are no goals, objectives and policies for this planning area that specifically apply to this application.

Additional Boise City Comprehensive Plan Goals, Objectives and Policies

CHAPTER 2 PUBLIC FACILITIES, UTILITIES AND SERVICES

Objective 2.16.2

The City shall work with other institutions of higher education to maximize their ability to provide quality educational services, while minimizing impacts on area residents and businesses.

CHAPTER 8.0 LAND USE

Goal 8.1

Achieve a city that minimizes suburban **sprawl that** provides for a diverse mixture of lifestyles and atmospheres and a sense of place that varies throughout the different areas of the City, and that efficiently provides basic services and facilities in close proximity to where people live.

Deleted: sprawl, that

Chapter 9.0 ECONOMIC DEVELOPMENT

Goal 9.1

Maintain and improve economic opportunities for the residents of the planning area through creation of a diverse economy, business retention and expansion, provision of adequate infrastructure, and a positive economic climate.

7. Boise City Zoning Ordinance

Section 11-04-06.04 Purpose for Service Commercial or C-3 Districts

Section 11-06-04 Conditional Use Permits

Section 11-10-06 Off-Street Parking Requirements

8. Recommended Conditions of Approval

Site Specific:

1. Construction, use and property development shall be in compliance with plans and specifications on file with the Boise City Planning and Development Services Department date stamped received on **March 1, 2009** except as may be modified by the Boise City Design Review Committee or Staff or expressly modified by the following conditions.
2. The conditions of approval from DRH99-00229 remain in effect unless specifically modified below.
3. The applicant shall identify the existing location, or provide a minimum of 5 bicycle parking spaces.
4. The College of Western Idaho shall limit its hours of operation to no later than 10 pm on weekdays. No classes shall occur on weekends after 5pm .
5. The project is in a Design Review District. Any exterior improvements to the site or structure require review and approval by the Design Review Committee or Staff. The applicant shall obtain Design Review approval for the minor landscaping changes.
6. The proposed use shall be conducted entirely within the existing structure and the interior courtyard.
7. The applicant shall comply with the conditions set forth in a Boise City Public Works Solid Waste memo dated **March 11, 2009**.
8. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) for drainage, sewers, street lights and subdivisions per Department comments dated **March 16, 2009**. Please contact BCPW at 384-3900. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved plans must be submitted to the Public Works Department for approval.
9. The applicant shall comply with all conditions of the Boise Fire Department. Any deviation from this plan is subject to fire department approval. For additional information, contact Mark Senteno at 384-3967.
10. All of the Ada County Highway District conditions of approval related to the development of the subject property shall be complied with per the staff report dated **March 13, 2009**.

11. Prior to submittal for any construction permits on the site, the applicant must provide documentation that all requirements of the Boise City Subdivision Ordinance have been met. A verification of legal lot or parcel form, signed by Subdivision Staff must be signed and provided to Planning Staff. Contact David Abo at (208) 384-3830 with questions.
12. Any outside lighting shall be reflected away from adjacent property and streets. Shields to direct the light downward shall be added to the fixtures. Impacts on adjacent areas shall not be permitted. The illumination level of all light fixtures shall not exceed two (2) foot candles as measured one (1) foot above the ground at property lines.

General:

13. No change in the terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his authorized representative, and an authorized representative of the City of Boise. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon the City of Boise.
14. 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 City of its intent to change the planned use of the property described herein unless a variance in said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.
15. Prior to a building permit and prior to any construction on the site, and an Erosion and Sediment Control Permit must be obtained from the Building Division of the Planning and Development Services Department.
16. An Occupancy Permit will not be issued by the Building Department until all of these condition(s) have been complied with. In the event a condition(s) cannot be met by desired date of occupancy, the Planning Director will determine whether the condition(s) is bondable or should be completed, and if determined to be bondable, a bond will be required in the amount of 110% of the value of the condition(s) which are incomplete.
17. Trash receptacles, on-grade and roof-top mechanical and electrical equipment shall be screened from public view by use of an approved sight-obscuring fence and/or hedging.
18. Vision Triangles as defined in Section 11-01-03 and Section 11-10-04.4G. of the Boise City Zoning Ordinance shall remain clear of all sight obstructions.
19. The applicant or his/her contractor shall obtain a right-of-way permit from the Ada County Highway District prior to any construction in the public right-of-way.
20. Hook-up to wet line sewers shall be required prior to issuance of an Occupancy Permit.

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21. Utility services shall be provided underground.
 22. This approval does not include approval of any signage. A separate Sign Permit will be required from the Boise City Planning and Development Services Department prior to installation of sign(s).
 23. Any future division of this parcel into individual lots or parcels, for the purpose of selling the separate lots to individual owners, will be required to comply with all provisions of Boise City Code, Title 9, Chapter 20, including lot frontage on a public or approved private street, and all requirements for preliminary and final platting.
 24. Construction, use and property development shall be in conformance with all applicable requirements of the Boise City Code.
 25. The applicant shall obtain Building Permits prior to any work commencing on the property.
 26. Specific building construction requirements of the Uniform Building and Uniform Fire Codes will apply. However, these provisions are best addressed at building permit application.
 27. Failure to abide by any condition of this Conditional Use Permit shall be grounds for revocation by the Boise City Planning and Zoning Commission.
 28. This conditional use shall be valid for a period not to exceed eighteen (18) months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must:
 - A. Acquire construction permits and commence placement of permanent footings and structures on or in the ground. The definition of structures in this context shall include sewer lines, water lines, or building foundations; or
 - B. Commence the use permitted by the permits in accordance with the conditions of approval.
 29. Prior to the expiration of this conditional use, the Commission may, upon written request by the holder, grant a one-year time extension. A maximum of three (3) extensions may be granted.
 30. All development authorized by this conditional use approval must be completed within 5 years (60 months) from the date of the Commission's approval or the applicant will be required to submit a new conditional use application.