

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT

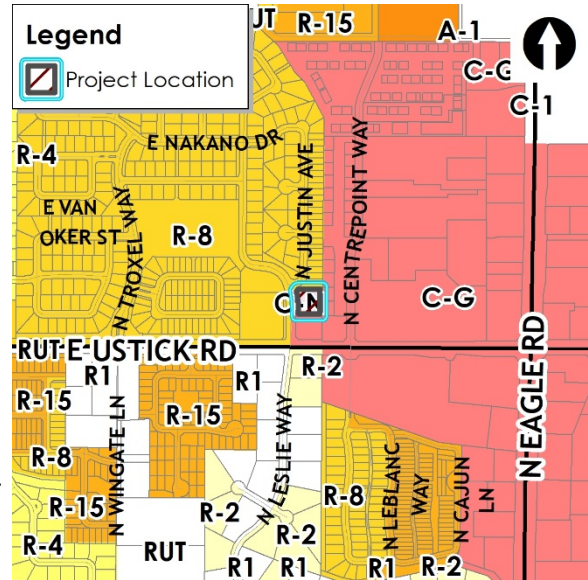


HEARING DATE: 3/23/2021

TO: Mayor & City Council
FROM: Joseph Dodson, Associate Planner
208-884-5533

SUBJECT: H-2021-0009
Cornerstone Dental MDA

LOCATION: The site is located at 3250 N. Leslie Way, in the SW ¼ of the SE ¼ of Section 32, Township 4N., Range 1E.



I. PROJECT DESCRIPTION

Development Agreement Modification to amend the first addendum of the Champion Park Addition Development Agreement (Inst. #106048480) to remove the provision requiring all future uses to obtain a Conditional Use Permit, by 12.15 Design.

II. SUMMARY OF REPORT

- A. Applicant:
Jessica Petty, 12.15 Design – 6584 E. Playwright Drive, Boise, ID 83716
- B. Owner:
Dr. Matthew Tuft, Copperstone Dental – 3200 N. Leslie Way, Ste. 100, Meridian, ID 83646
- C. Representative:
Same as Applicant

III. STAFF ANALYSIS

The Applicant proposes to amend the first addendum of the Champion Park Addition Development Agreement (Inst. #106048480) to remove an existing provision of the original agreement (Inst. #103085229) attached to the addendum as Exhibit B. The existing provision of the original Development Agreement (DA) is still valid because it is attached to the amended one as an exhibit. The existing provision requires that all future commercial uses obtain a Conditional Use Permit (CUP).

The subject site is the last remaining undeveloped commercial property within the Champion Park Subdivision. The property is zoned C-N (Neighborhood Business District) and the proposed use is a new two tenant commercial building with the main user being a dentist office. The proposed use of a

Exhibit A

dental office is a principally permitted use under current development code within the C-N zoning district. Because this is the last remaining undeveloped lot, the Applicant is choosing to amend the DA and remove the provision instead of obtaining a CUP as it will no longer be a necessary provision with the entire development being developed following construction of the new building.

The existing DA provision specifically points out limiting hours of operation as the reasoning for requiring a CUP. Current development code limits the hours of operation within the C-N zoning district to the hours of 6:00AM to 10:00PM. Staff finds the already limited hours of operation of the zone in conjunction with the location of the site to be sufficient for future development and provide adequate evidence to remove the existing provision. Therefore, staff recommends the development agreement modification with the recommended change in Exhibit A below.

The applicant has submitted a site plan that is from their Certificate of Zoning Compliance application that is ready to be approved by Staff should Council approve this modification to the DA. The site plan is site specific so it should not be part of the DA that encompasses the overall and much larger development. The site plan depicts adequate parking, drive aisles widths, and landscaping to be approved. The elevations show a standard office building seen here in Meridian with earth tone colors, a pitched roof with dormers, stucco walls, and stone accents.

In addition to the request for the DA Modification, the Applicant is requesting a Council Waiver to reduce the required landscape buffer along the eastern property line from 20 feet to 15 feet to match the existing buffer along the east boundary and adjacent to the existing office building to the south. The property to the east of the site is a multi-family development and there are approximately two structures directly abutting the subject site. The reason for the waiver request is to accommodate a wide enough drive aisle that allows two-way traffic and can meet the required fire access radii. Furthermore, there is only a portion of the required buffer that is actually adjacent to the noted drive aisle that truly requires the reduced buffer. The Applicant is showing more than the required buffer width of landscaping beyond this area. For these reasons, Staff supports their request and does not see the change in buffer width as becoming detrimental to the adjacent development to the east.

IV. DECISION

A. Staff:

Staff recommends approval of the modification to the DA (Inst. #106048480) as recommended by Staff's analysis above and with the specific change below.

B. The Meridian City Council heard these items on March 23, 2021. At the public hearing, the Council moved to approve the subject Development Agreement Modification and Council Waiver requests.

1. Summary of the City Council public hearing:

a. In favor: Jessica Petty, Applicant Representative

b. In opposition: None

c. Commenting: Jessica Petty.

d. Written testimony: None

e. Staff presenting application: Joseph Dodson, Current Associate Planner

f. Other Staff commenting on application: Bill Nary, City Attorney

2. Key issue(s) of public testimony:

a. None

3. Key issue(s) of discussion by City Council:

a. The ramifications of removing this DA provision;

b. Does this modification remove the requirement for any future Conditional Use Permit? – No; future uses shall comply with the underlying zoning and development code, including any need for a conditional use permit.

Exhibit A

4. City Council change(s) to Commission recommendation:
a. None

V. EXHIBITS

- A. Development Agreement Provision #6.A.2 from the original DA (Inst. #103085229) attached to the amended DA (Inst. #106048480) as “Exhibit B”:

Existing:

“All future commercial uses shall obtain detailed conditional use permits prior to development. The conditional use permits will place limits on the hours of operation of the commercial uses. Owner shall be allowed continued use of the land for agricultural and livestock purposes (not to exceed 150 head of cattle) until 12/21/05 or final plat approval of all phases.”

Staff’s Recommended Change:

~~Strike the condition - “All future commercial uses shall obtain detailed conditional use permits prior to development. The conditional use permits will place limits on the hours of operation of the commercial uses. Owner shall be allowed continued use of the land for agricultural and livestock purposes (not to exceed 150 head of cattle) until 12/21/05 or final plat approval of all phases.”~~

Exhibit A

B. Existing DA Provisions from original DA noted as Exhibit B in addendum:

ANEXATION AND ZONING CONDITIONS OF APPROVAL

1. Remove any existing domestic wells and/or septic systems within this project from their domestic service, per City Ordinance Section 5-7-517, when services are available from the City of Meridian. Wells may be used for non-domestic purposes such as landscape irrigation. The Davis home (2740 Ustick) shall connect to City services when the phase of the proposed subdivision that includes the house is submitted for final plat.

2. All future commercial uses shall obtain detailed conditional use permits prior

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to development. The conditional use permits will place limits on the hours of operation of the commercial uses. Owner shall be allowed continued use of the land for agricultural and livestock purposes (not to exceed 150 head of cattle) until 12/21/05 or final plat approval of all phases.

Exhibit A

C. CZC Site Plan (reference only):

