

**4. Public Hearing for 3970 E. Overland Rd. (H-2024-0053) by Dominic Pera, JGT Architecture, located at 3970 E. Overland Rd.**

- A. Request: Annexation and Zoning of 1.120 acres of land from the R-1 zone in Ada County to the General Retail and Service Commercial District (C-G) zoning district for the construction of a 4,950 sq. ft. multi-tenant building with one side being used for a restaurant.

Lorcher: The next item on the agenda is from JGT Architecture for annexation and zoning at 3970 East Overland Road and we will begin with the staff report.

Ritter: Good evening, Madam Chair and Commissioners. So, tonight we are here for an annexation with zoning for the property located at 3970 East Overland Road. The site consists of 1.120 acres. It is currently zoned R-1 in Ada county. So, the current use of the property is a -- is residential. It has several outbuildings on it, so the -- all the structures will be removed and the existing well and septic system will be abandoned as required. The applicant will be required to apply for a certificate of zoning compliance and design review for this application prior to building permit approval. They are requesting to construct a 4,800 square foot multi-tenant building with one side of it being a restaurant. These are the elevations that were submitted for this property. The building materials consist of stucco, stone, wood and metal accent. Again, the full design review will be required to comply with our architectural standards upon review. Sorry. So, this is the site plan. The applicant will be -- is proposing water conserving landscaping along the front for the landscape buffer towards Overland, which will allow the applicant to reduce that landscape buffer by 50 percent. The applicant is also requesting a Council waiver for the landscape buffer to the north of the property adjacent to the residential property. They are asking to reduce it by -- to -- to 15 feet from the 25 feet. That will be an action for Council to consider. Again, this property -- the future land use designation for this property is mixed use regional. This property is just over an acre in size and actually cannot accommodate mixed use on that and that's why they are doing a multi-tenant building. One half of it will be a restaurant and we have limited the uses for the other half of the building. So, we have the restaurant, we will limit it to professional services, retail, specialty shops, but what we did say excluding any type of drive-thru, because the property cannot accommodate a drive-thru on here. Access to this property is off of South Topaz Avenue, which will be turned into a residential collector. They are to provide some right of way to the highway district for Topaz Avenue and for Overland. So, basically, this is a straightforward application. It is an annexation requesting the C-G zoning for this. The property to the east of it is currently zoned C-G. There have been no written testimony on this application and in talking with the applicant they are in full agreement with staff conditions for this application. So, at this time staff is recommending approval for this with the conditions outlined in our staff report and at this time I will stand for any questions that the Commission has.

Lorcher: Okay. Would the applicant like to come forward?

Wallgren: Good evening, Commissioners. My name is Jerrod Wallgren. I'm with JGT Architecture, 1135 12th Avenue Road in Nampa, representing the applicant, who is the owner of the Dong Khanh Vietnamese Restaurant in Boise. He is looking to acquire this property and build a building for himself and occupy it with his business. We have read the staff report. We agree with all the findings and conditions with that one concern of the buffer to the north. It's a fairly shallow site, so to have the large buffer along Overland and the large residential buffer, it just -- it makes the building footprint impractically narrow and so the applicant is requesting that reduction from 25 to 15 feet. We also have a cross-access required to the property to the east and so that kind of gears that the site be configured the way that we have done it. That's really the only way we can do it. So, that large buffer just makes it really challenging to get a building in there that's not too narrow. So, he is excited to move his business to Meridian and we are looking forward to your recommendation to Council and we will -- we will address that buffer at that time and I'm glad to stand for any questions.

Lorcher: Commissioners, do we have any questions for the applicant at this time? Commissioner Grace.

Grace: Madam Chair, thank you. Jarrod, have you talked to the owner to the north and -- first question. Second question is are you going to mitigate -- if you were to get that waiver are you going to mitigate that in any way by putting trees or fence or landscaping or things like that?

Wallgren: Yes. So, the applicant did have a neighborhood meeting and spoke with the owner of that property in the summer. She did write a letter of support. Unfortunately, she passed away shortly after that. So, the property is currently unowned. It's in -- in probate. So, that's the status of that property. And, yes, we will -- we will -- for whatever reduction we have for that we intend to load it up with evergreen screening, a fence, a berm, everything we can do to provide as much buffer as possible.

Grace: Okay. Thank you.

Lorcher: Okay. Thank you very much.

Wallgren: Thank you.

Lorcher: Madam Clerk, do we have anybody signed up to testify?

Lomeli: Thank you, Madam Chair. No one wishes to testify.

Lorcher: Is there anybody in Chambers that would like to say anything in regard to this application? We will take her and, then, if you would like to come up after. Good evening. If you can just state your name and address for the record.

Adsitt: Good evening, Madam Chair and Commissioners. My name is the Lynette Adsitt. I live at 1360 South Topaz Avenue. So, I'm just north of the -- north to the person that passed away.

Lorcher: Okay.

Adsitt: So, excited to see a Thai restaurant come in. Not excited about the traffic that it will create. It's really hard to get out on to Overland between 5:00 and 6:00. It's basically a right-hand turn only. Yeah. To go left is -- you are just going to get an accident. I would also like to ask the applicant if they have considered the expansion of Overland from five to seven lanes, if that's in their plan.

Lorcher: Okay. We will ask him to address that when he comes back up.

Adsitt: Thank you. Those are my concerns.

Lorcher: Thank you. Sir, did you have anything you would like to add?

Babbitt: Yes. My name is Carl Babbitt, 1671 East Time Zone, Meridian, Idaho. Just had a question. Topaz, is it still scheduled to be widened to go back towards TopGolf and stuff? So, I was wondering if this development has enough room if they widen that road.

Lorcher: We will ask the applicant to address that, but we were under the impression, based on what staff commented, that ACHD is going to make that a collector street. So, yes, it will be widened.

Babbitt: Okay.

Lorcher: But we don't know when, so -- was there anything else that you want -- just want to know that.

Babbitt: No, that --

Lorcher: Okay. Anybody else in Chambers that would like to ask a question? Can the applicant come back forward and answer some of our questions, please.

Wallgren: Madam Chair, Commissioners. Jarrod Wallgren. JGT Architecture. The question regarding Overland, yes, we are accounting for the right of way. The property line is currently near the back of a sidewalk and if you see from the site plan we have -- I think it's roughly an additional 14 foot of right of way take to get -- I believe it's 62 feet from center line of road. Topaz is a little less clear to us, but we have plenty of room in that direction to shift our building as needed to account for any right of way that -- that comes up with more detailed ACHD review. So, we will certainly account for that.

Lorcher: Have you heard from ACHD as far -- or if -- do you know like what their plans are? Is it within two years, five years?

Wallgren: We haven't heard.

Lorcher: You haven't heard. Okay. Staff, do we have -- do we know anything about ACHD's plans for Topaz or --

Ritter: Madam Chair, Commissioners, so ACHD at some point will be widening Overland. I don't know exactly when, but that is in the plan. That's why they are acquiring additional right of way. I think it's like five lanes now and it's supposed to be widened I think somewhere to seven lanes along there. So, they are planning on widening that. I do not have a time frame at this moment for you. I can reach out to the person who asked that question and get that information to her, so --

Lorcher: And, Topaz, is that going to go all the way through the TopGolf?

Ritter: That I don't know, but I know they are getting additional right of way from this property owner, so --

Lorcher: Okay.

Ritter: So, there is something in the plan for that, too.

Lorcher: All right. Commissioners, do we have any other questions for the applicant before we close the public testimony? All right. Thank you very much.

Wallgren: Thank you.

Lorcher: Can I get a motion to close the public testimony, please?

Rust: So moved.

Grace: Second.

Lorcher: It's been moved and seconded to close the public testimony for 3970 East Overland. All those in favor say aye. Opposed? Motion carries.

**MOTION CARRIED: SIX AYES. ONE ABSENT.**

Lorcher: I think the only concern I have is that what you can't see in this picture is to the west of this development or this proposed building are houses. The good news is that there is not a drive-thru and Thai restaurants are lovely, but I don't think there is ever really a hundred people there all at the same time, so -- but it will create a little bit more in and out traffic on Topaz. But if it does become a collector street it should be able to accommodate whatever additional cars that this generates and it's going to have a shared parking lot going east as well.

Seal: Madam Chair?

Lorcher: Commissioner Seal.

Seal: This -- this area here has been part of some hot debates in our past, so -- you know. And this is kind of one of the first dominoes to fall out there, so we kind of knew this -- this was coming. I'm glad to see that it's -- you know, there is -- there is no doubting this is a commercial deployment here. So, that's -- that's nice. We don't have to worry about anything like that going on, but that was some of the worry of some of the residents that were there. But, you know, as more of this land gets -- gets purchased and -- and subdivided and developed and everything I think a lot more of this is going to come in and it -- I mean it's in line with what's happening to the north of it. You know, it's kind of sad to see some of it go away, but that's -- that's what's happening in the area. So, I have no concerns with what's going on in there and -- I mean Council will let them know if they can get the setback that they want, so I'm in favor.

Lorcher: Okay. Any other comments or a motion?

Seal: Madam Chair?

Lorcher: Commissioner Seal.

Seal: After considering all staff, applicant and public testimony, I move to recommend approval to the City Council of File No. H-2024-0053 as presented in the staff report the hearing date December 5th, 2024, with no modifications.

Rust: Second.

Lorcher: It's been moved and seconded to approve File No. 2024-0053 -- 43. Sorry. All those in favor say aye. Any opposed? All right. Motion carries. Thank you.

**MOTION CARRIED: SIX AYES. ONE ABSENT.**