

7. Public Hearing for 3175 N. Ten Mile (H-2020-0122) by Mason & Associates, Located at 3175 N. Ten Mile Rd.

- A. Request: Rezone of a 1.16-acre property from R-4 to the L-O zoning district commensurate with a provision within the Meridian Comprehensive Plan for the purpose of constructing an approximate 10,000 square-foot office building in lieu of residential development.

Seal: All right. Go ahead and move on to item number H-2020-0122 for 3175 North Ten Mile and we will begin with the staff report.

Dodson: Thank you, Mr. Chair. Just pulling up the PowerPoint for you all. Can everyone hear me all right?

Seal: Yeah, we can, Joe.

Dodson: Okay. Good. Can everybody see the screen now as well?

Seal: Yes.

Dodson: Awesome. Thank you. Sorry, just scarfed down dinner, so -- excuse me. As noted this is for 3175 North Ten Mile. It is for -- the request is to rezone a 1.16 acre property from R-4 to the L-O zoning district, which is in line with a provision within the Meridian Comprehensive Plan for the purpose of constructing an approximately 10,000 square foot single story office building with 42 parking spaces, in lieu of a residential development. That 10,000 square foot office building would require 20 parking spaces, so they are in excess of that with the proposed site plan. The subject site is somewhat of a residentially zoned outparcel, due to the fact that it is located on a hard corner of two arterial streets. It is in the southwest corner of the Ten Mile and Ustick intersection and it also has no local street access points. The Meridian Comprehensive Plan has provision to allow properties like this that are less than two acres and have site constraints, particularly constraints made by arterial streets, they are allowed to request a rezone from residential district to the limited office district. The existing site constraints and this provision of the Comprehensive Plan are why the rezone request is being listed before you tonight. The proposed use is for a dental office, which is a principally permitted use within the requested L-O zoning district. The applicant has submitted a site plan that showed compliance with all dimensional standards for a commercial development. With the proposed site plan and proposed use, staff finds the proposed rezone and use to be generally consistent with the Comprehensive Plan. The subject site was annexed in the city in 2010 and does have an existing development. As staff analyzed the application and the existing DA, staff realized that a DA modification was also required, since the original DA contemplated a residential development and not a commercial development. Therefore, the proposed rezone and office use are not generally consistent with the DA. These modifications only required Council action, so following this hearing, should they receive a recommendation of approval, staff recommends the applicant submit a DA modification application to run concurrently with this rezone for the purpose of entering

into in a new DA subject to the proposed development plan, which is the site plan and the new DA provisions noted within the staff report. The existing DA provisions -- there is a -- I should say there is one existing DA provision that requires a 20 foot landscape buffer adjacent to the three existing residents to the south and west. The submitted site plan shows this buffer with adequate -- adequate landscaping and, therefore, in compliance with that existing provision. In hindsight, the 20 foot buffer is also a minimum buffer requirement for the requested L-O adjacent to any residential use. A number of the parking spaces are facing directly towards one of the residential -- or one of the residences, which would be these here I'm referring to and there is an existing wood fence located along all of the shared property lines to these homes. Because the proposed use would have more vehicular traffic than residential, staff finds that the proposed landscaping and existing wood fencing may not be enough screening to mitigate light and light pollution from the proposed dental office and parking lot. Therefore, staff has recommended the landscape buffer be widened to 30 feet adjacent to this home. So, this buffer here and this buffer here be widened to 30 feet in the southwest corner of the site. This change would not compromise any other required dimensional standards, as the proposed drive aisles are more than 15 feet wider than they are required to be. The wider buffer with additional landscaping would pull the parking spaces even further away from the existing homes. Staff did make a mistake -- or I should say I didn't edit my staff report enough before I sent it out and I noted that the applicant should work with adjacent homeowners to replace the wood fence, but that should have been deleted from the report. I do apologize for that if that's caused any confusion. There is no subsequent condition of approval for that, because I should have deleted that in the report. Staff does not believe that replacing the fence is the best option. Instead, staff believes the conditional approval to require the wider landscape buffer adjacent to the home in the southwest corner of the site is a more appropriate solution. In addition to the landscape buffer, access to the site is an issue and is proposed to be two connections to the adjacent arterial. One right-in only access is proposed -- is proposed to Ustick -- or from Ustick I should say and one right-in, right-out access is proposed along Ten Mile. The proposed access to Ustick does not meet ACHD policy, but was a negotiated access at the time the property was sold from ACHD to the current owner. The proposed access to Ten Mile does meet ACHD policy as a limited access right-in, right-out only and is recommended for approval by ACHD. Staff supports the proposed access on Ten Mile commensurate with the approval by ACHD. In addition to the access to Ustick not meeting ACHD policy, the city could further restrict access points for the development despite ACHD's previously granting the access with the sale of the property. The proposed access to Ustick is proposed as an entrance only access, but there would be no true way to restrict the vehicles from utilizing it as an exit. I would if I was in that situation, which is unfortunate, but there is no real way to restrict that. Therefore -- sorry. In addition, this access point is directly within a right-hand turn lane on Ustick to head south on North Ten Mile Road, which intensifies the safety issues associated with this proposed access point. Therefore, through the UDC staff recommends the proposed Ustick access not be approved and, instead, utilize it as an emergency only access barricaded with knock down bollards to prevent people from utilizing it as an entrance. There was one piece of written testimony submitted by -- I believe it's the homeowner that is on the southwest corner. I couldn't verify that. But it's one of the three homes associated. His concerns with the existing

fence remaining and the possibility of future cars jumping the curb and going through the landscape buffer and through their fence. They noted a request for an eight foot tall block wall to replace the existing fence. In the requested zone eight foot fencing is not allowed of any kind. In addition, making an applicant work with the homeowner could be very tricky and there could be no guarantee that staff would be able to verify that that was ever accomplished, which is why staff recommended the wider buffer instead. As Commission sees fit, you can further that requirement of the landscape buffer and require a berm with denser landscaping on top if you would like to make that even safer. Therefore, staff does recommend approval of this application with a requirement that the applicant apply for a concurrent DA modification to be heard at a future City Council meeting. After that I will stand for questions.

Seal: Okay. At this point I would like to ask the applicant to come forward. State your name and address for the record.

Mason: My name is William Mason with Mason and Associates here on behalf of Dr. Rigby and the Design Group. Tonight we are asking for the rezone for a piece of property that ACHD sold to our client. ACHD entered into that development agreement in 2010.

Seal: Sir, did you give your -- state your address for the record?

Mason: I'm sorry if I didn't. It's 924 3rd Street South, Nampa. 83651.

Seal: Okay. Thank you.

Mason: So, in 2010 ACHD entered into a development agreement with the city and thereafter our client purchased this property. Prior to purchasing the property our client talked to ACHD and city planners to verify that he would have access off of Ustick and Ten Mile. ACHD and city staff at the time agreed that a right-in only off of Ustick would be acceptable and a right-in, right-out on Ten Mile would be acceptable. ACHD is honoring that request in their staff report and we would ask that the Commission honor that request if they can feel comfortable with the -- the same comfort level as ACHD. We had one other item that is of concern to us and that's the widening of the landscaping along the south and west side. That 45 foot road access is actually acting as fire access also and so we want to make sure we have turning movements for the fire trucks to be able to get through there. We are not completely opposed to the extra widening of the landscaping strip as long as we can get traffic movements for the fire trucks through the site. And with that I would stand for any questions.

Seal: Okay. Thank you. Commissioners, do we have questions for the applicant or staff? Don't see anybody coming off mute here, so -- okay. With that we will go ahead and take public testimony.

Weatherly: Mr. Chair, we have no one additional signed up besides the applicant to testify.

Seal: Okay. If anybody -- I have one gentleman that would like to come up and testify. Go ahead and come on up, please, sir. And please state your name and address for the record and go ahead.

Rankin: My name is Stephen Rankin. I'm one of the neighbors of this property. I live at 3062 North Firelight Place. I share a fence with this property line. I'm not opposed to the building. I'm not opposed to, you know, a dentist office. I have met the dentist and he's a great guy. Him and I have had conversations. I didn't know the size of the building, anything like that. What I would say is in terms of the location of the out, he has the one coming in from Ustick and, then, the one going out from Ten Mile. I would like to suggest on behalf of the residents who, again, I have neighbors with and myself and my wife and, you know, other people who eventually I'm sure will one time or another occupy my home to have the exit from that parking lot be closer to the building itself. Personally my bedroom literally is right there. So, whether it's first thing in the morning or it's late in the evening or late at night, if someone is coming into there -- believe me, when you hear trucks coming up and down the street at the stoplight you hear it in your -- in your living room. You hear in your kitchen. You hear it upstairs in the bedroom. I would like to politely request that if you are going to have an exit, the only exit for that matter, that you have it be closer to that yellow building, as opposed to right next to my -- my fence. That would be the one thing I would like to suggest. Again, not sure going into this what it was going to be. I'm not opposed to a -- to a dentist office whatsoever. The only thing I would like to politely request is the exit be closer to the building itself and not right next to my fence and thank you.

Seal: Thank you. Appreciate that. Okay. Would anybody else in chambers like to come up? I don't see anybody out there. Anybody on Zoom, if you raise your hand. Don't see anybody. Or it's star -- star nine if you are on a phone. Seeing none, if the applicant would like to come back up and close.

Mason: Again William Mason with Mason and Associates. Again, I would just like to say thank you to the staff and thank you for the Commission for having time for us to present this. I believe it's a good project. I believe it will enhance the area and allow people to get services closer to their homes.

Seal: Okay. Thank you.

Yearsley: Mr. Chair, can I ask a question of the applicant?

Seal: You bet, Commissioner Yearsley, you go ahead.

Yearsley: So, can you address the gentleman's comment why you can't move the approach farther up towards the building on Ten Mile?

Mason: Commissioner, yes, I can. ACHD, during their negotiations, wanted that right-in, right-out to be as far to the south as we can get it in order to not impact the intersection.

Yearsley: Thank you.

Seal: Okay. Do we have any other questions from our Commissioners for staff or the applicant? Okay. Hearing none, I will take a motion to close the public hearing. Thank you, sir.

Yearsley: Before we do that -- and the applicant had the question about fire access around -- in making those turns, you know, for the fire access in and out of the facility there. How do we want to address or talk about that with regards to making the landscape buffer bigger? Do we want to do that now or -- I would kind of like to have staff chime in on that as well.

Seal: Sure. I think that would be a question for Joe and he can respond to that. I think that he did initially respond to that, saying that the drive aisles are 15 feet wider right now than code requires, so --

Yearsley: But the applicant said that they were concerned about the turning radius for the fire trucks to get in and out of that facility if you make those drive aisles small.

Seal: Right.

Yearsley: So, I'm not quite sure how we want to address that or --

Dodson: Mr. Chair?

Seal: Go ahead, Joe.

Dodson: Thank you. Great question, Commissioner Yearsley and the applicant. I do understand that concern. I have -- would do protect reviews for these and this came up as a potential with -- with Fire and they -- they said that everything should still be fine. Like I said, they -- this could be built with 25 foot drive aisles and they should still be able to make those radiuses work and with a ten foot reduction they are going to be over 30 feet wide, so they should be able to make all those radii work. If not, if by some chance they cannot, there -- there is some malleability in the site plan and we might be able to move the landscape -- one of the planter islands over, for instance, this one here, if that needs to move in for the Fire radius here, if they lose one parking space that's fine, they are well over. They have twice the amount of parking they need. So, they are -- there are easy ways to make this work.

Yearsley: Okay. That's what I wanted to make sure before -- so that doesn't become an issue, so thank you.

Dodson: Absolutely. And, then, to reiterate what the applicant also said about the access point, regardless of what was negotiated with the applicant, that ACHD is going to want the accesses far from the intersection as they can get it. I don't know if ACHD would be willing to change that. I believe the minimum distance may not even be met with this. It

has to be at least -- I believe because Ten Mile Road is at least a 45 there -- or 40 mile an hour. It should be 400 plus feet and I don't know if this is even 400 feet. It just is the furthest away it can get, while also meeting the landscape buffer requirements.

Yearsley: Yeah. I figured that as well, but I wanted to make sure the -- or the -- the public knew that, so --

Dodson: Absolutely.

Holland: Mr. Chair?

Seal: Go ahead, Commissioner Holland.

Holland: One more quick question. Is the dentist's office taking up the entire square footage of the site? I don't know if we asked that question.

Dodson: Mr. Chair?

Seal: Go ahead, Joe.

Dodson: Is it my understanding that there is potential that he will not operate the entire building? Ten thousand square feet is rather large for a dentist office from my understanding, but they will be limited to office uses, which, thankfully, with the L-O zone is pretty limited. You are not going to have a restaurant in here, you are not going to get any of those types of things. It will all be less intensive uses and the L-O zone being adjacent to the -- being adjacent to residential zoning and uses, will have unlimited hours of operation period within the -- out of our code, from 6:00 a.m. to 10:00 p.m. and should there be a conditional use permit come forward the Commission would, obviously, have a chance to discuss that further. But like I noted they do have twice the amount of parking that we need as well. So, there are options for additional use to come in, but it would probably be something adjacent or similar to the dental office.

Holland: Thanks. That helps. Confirming that we can't have a restaurant use in there I think is what I was concerned about.

Dodson: Yes, ma'am.

Seal: And, Joe, quick question for me on the -- as far as increasing the berms and all that and just to address the applicant's concerns, which I think has partially been addressed, but I mean would you be in agreement to maybe -- instead of going ten foot in additional with those, maybe five feet and build up a two foot berm on there and have, you know, trees -- mature trees touching -- you know. Or trees touching when they mature type of landscaping in there to have, you know, basically the same kind of effect? Looking for a happy medium here.

Dodson: Understood, Mr. Chair. And I think that's amenable. I do. I don't think that -- that -- I didn't initially think about the berming and maybe more dense landscaping to help. I mean it's, obviously, a lot harder for a car, in the worst case scenario, to go through a bunch of trees. That is very difficult. Maybe one or two, but not a whole bunch. So, I understand that and if that is a happy medium that the Commission wants, I'm amenable to that, yes.

Seal: Okay. Any more questions? All right. I will gladly take a motion to close the public meeting.

Holland: So moved.

Seal: Okay. It is -- oh, do I have a second for that?

Yearsley: Second.

Seal: Okay. It's been moved and seconded to close the public hearing on item number H-2020-0122, 3175 North Ten Mile Road. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: All right. Who wants to go first?

Lorcher: Chairman, I will go first.

Seal: Okay. Commissioner Lorcher, go ahead.

Lorcher: I live down -- I live down the street from this and if I was to go to the dentist here I would most certainly take a right-hand turn from Ustick into this lot versus a left-hand turn over Ten Mile. So, I don't know what the conversation was, how they wanted the access, but they were trying to make it in and out only type of thing. But I would rather take a right than the left. But this is -- this is just an example of a little bit off setting, because it makes it look really big, but this is really small. I mean it shows like on the Ten Mile where the south entrance is seems like it's really far away, but it's right there at the intersection. So, I understand the homeowner's concern. But with a dentist office they are really going to work Monday through Friday, maybe 7:00 to 5:00, maybe 8:00 to 5:00 type of thing. And so the impact of noise to the adjacent homes should be relatively minimal, especially on weekends and evenings.

Seal: Thank you.

Dodson: Mr. Chair?

Holland: Mr. --

Seal: Oh. I think that was Joe. Go ahead.

Dodson: Sorry. Commissioner Holland. We are fighting for -- I'm sorry. I just wanted to clarify the access for the Commission to -- the right-in, right-out access would be on Ten Mile. So, you would not be able to be heading north on Ten Mile and, then, make a left. You would make a U-turn and, then, come through. Part of the ACHD condition of approval is to work with -- for the applicant to have ACHD do some type of medium block -- like a curbing I think is what they suggested -- or requiring. And, then, staff is recommending to only have the Ustick access be emergency only, just to avoid people trying to exit, because it would be one of them I'm sure to try and exit out and cut across three lanes of traffic and the right-hand turn lane to head east on Ustick. It would just be the easiest thing for someone to do. So, we just want to avoid those issues and the potential increase in accidents by that, even if it would be shown as a one way.

Holland: Mr. Chair?

Seal: Commissioner Holland, go ahead.

Holland: I was going to echo the same thing that -- that Joe just said, but that's -- the only access in and out of here is a right-in, right-out, so they can't turn left off of Ten Mile into it, they can only turn right. So, if you were coming from Ustick you would have to turn right on Ten Mile and, then, right into the development. I can see staff's concerns, too, because if -- if the Ustick access was open and you see a stack up of people at the intersection trying to turn right and you wanted to cut through traffic, I could see people cutting through the parking lot to get out on Ten Mile quickly, too. So, I -- I think I'm in favor of the recommendation there to make only one access point and where there is a dental office use, you are not going to have lots of traffic needs flowing in and out of there, so it might be a little inconvenient for patrons of the dentist's office or other office users, but I think they will figure out a flow that -- that works for them. Especially since we don't have a restaurant use in there I'm not as concerned. The only real object I think we need to discuss is vision screening, because that's kind of the only obstacle that came up. Rather than seeing an enhanced buffer, I probably would rather just see some sort of no vision screening that we could put up against the fence line, whether that's brick wall or whether that's an extra vinyl fence or something like that that could help with some of the vision screening, if that's the only concern. But, otherwise, I think it's a nice in-fill for a strange lot. I have driven by this frequently and just always wonder what could fit there and I think this is a decent fit for what -- what could be on that awkward lot.

Seal: Okay. Thank you. Who would like to jump in next?

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: I like this. I think it's a great in-fill project. I think it's a nice fit. A very I guess low density type versus impact, you know, during -- during the day. Not a huge amount

of turnover. I'm, actually, I think in favor of increased buffers. They got more asphalt than they need and it's actually less expensive for them to -- to do less to pave. So, it just gives a little bit more landscaping along the edge and makes it look -- look prettier. So, I'm in favor of the increased buffer area.

Seal: Okay. Commissioner Grove, do you want to jump in?

Grove: I concur with everything that's been said. I'm open to whatever the decision that everybody is for the buffer, but I would be in favor of doing what staff has recommended in terms of closing the drive aisle on Ustick and utilizing it only as emergency access.

Seal: Yeah. I -- I struggle with that one a little bit. When you -- you get a piece of property and you have things negotiated that you think are going to be available and, then, they are suddenly not, that might change some things. So, I'm -- I'm a little bit on the fence about that one. As far as the -- you know, expanding the berms and everything, I think an expansion should happen. Honestly, I think if the -- if that berming were built up a couple feet that would help with not only noise, but also the light, because I mean after a couple feet most cars are going to -- their lights aren't going to shine through that anyway. Not for all cars, but for quite a bit of them. I don't know that a second fence would -- it seems like that might complicate things. To me if -- you know, fencing would be something that we wouldn't want to do. I think we would just ask the applicant to work with the neighbors to replace the fencing that's there. That said I don't think it's going to do much for sound and even vinyl fences have cracks in them, so hard to -- hard to say what would happen in there. But the rest of it looks good. I'm glad to see that a project is coming to fill this corner in at this point in time. With that I would gladly entertain a motion. All right. Who is going to jump in? Is that Commissioner Yearsley?

Yearsley: I just -- I guess for the consensus, I know we have some differing of opinions. I would be curious to know -- I know Commissioner Holland, you -- you didn't want the increased buffers. Are you okay with the increased buffer?

Holland: Mr. Chair, Commissioner Yearsley, I'm okay with the enhanced buffer. I -- I just thought it -- you know, the applicant seemed like they didn't really care for that idea and I -- I don't know that it's necessarily needed, because I don't think it's going to save them all that much traffic noise. I guess I'm open to either way. Whatever the Commission feels like I will go along with.

Dodson: Mr. Chair?

Seal: Go ahead, Joe.

Dodson: Just real quick to clarify with any motion. I do not have any berming or mention of denser landscape within my conditions of approval. So, if you want that you will have to add that into the modification I should say -- just to the -- the maker of the motion, sorry, is the word I was looking for.

Seal: Okay. Thanks for that clarification. Anybody want to take a stab at a motion?

Yearsley: I will go for it. Mr. Chairman, after considering all staff, applicant and public testimony I move to recommend approval to City Council of file number H-2020-0122 as presented in the staff report for the hearing date of April 1st, 2021, with no modifications.

Grove: Second.

Seal: Okay. It has been moved and seconded to recommend approval of item number H-2020-0122, 3175 North Ten Mile, with no modifications. All those in favor?

Holland: Mr. Chair?

Seal: Oh, go ahead. Commissioner Holland.

Holland: One -- one clarification question to the motion maker. Did you not want to have any enhanced screening or buffering or anything? Because I know -- I don't think what -- what Joe just said was that they don't have that in the staff report.

Yearsley: I know and I -- I'm okay not having increased buffering or a berm in that. So, if you are wanting to deny this and do a different motion I'm -- I'm okay with that.

Seal: Yeah. At this point if -- if we are going -- if that's going to divide the vote, then, I would almost rather than Commissioner Yearsley repeal his and if you want to jump in, Commissioner Holland, we can do that, but --

Yearsley: I guess I would be interested in what other people are wanting to say on that.

Holland: Well, I think one more clarification question if I may.

Seal: Go ahead.

Holland: So, staff, we did require having some landscaping there as the buffer. Your recommendation earlier this evening was to do an enhanced buffer zone and that's what's not in the staff report? Can I just clarify that real quick?

Dodson: Mr. Chair, Commission Holland, that is correct. Yes. My staff report only states a wider buffer. There was no mention of a berm or a mention of more dense landscaping. If the Commission sees those options as needed, then, that would be -- you would have to put them in the motion. Yes. If not, then, you -- then no modifications are necessary.

Seal: So, we have the -- we have the ten foot increase in -- in buffer size, but nothing else, basically, what the motion is at hand?

Yearsley: Yeah.

Holland: You know, I think with the -- sorry, I'm -- Mr. Chair. I think with the enhancement of what we have talked about and having the shrubs and stuff there, I don't think there is going to be a lot of light coming through and especially because if -- if it is a dentist use or office use you are probably not going to have a lot of people coming in before the 8:00 to 5:00 hours typically either. If you do have some dental patients they are going to park as close to the building as they can if they are coming in before hours would be my guess, because that's what I try to do.

Yearsley: And that would be my thought as well. That it would be mostly during the day. Even if the other areas are being some other type of facility, like a -- you know, orthodontist or some other business more than likely will be during the day.

Holland: Okay. I'm okay with it then.

Seal: Okay. We will go ahead and proceed with a vote then. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: It's 8:25. Does anybody want to request a bio break or anything or do we want to go ahead and get through this last one?

Yearsley: I think a five minute break would be good.

Seal: Okay. We will break for five minutes and we will be back.

(Recess: 8:25 p.m. to 8:31 p.m.)

8. Public Hearing for Seasons at Meridian/Winco Wells Subdivision (H-2021-0007) by The Land Group, Located at 2600 and 2700 E. Overland Rd.

- A. Request: Conditional Use Permit for a multi-family development consisting of 360 dwelling units on 15.89 acres of land in the C-G zoning district, located at 2700 E. Overland Rd
- B. Request: Preliminary Plat consisting of 3 buildable lots on 34.62 acres of land in the C-G zoning district located at 2600 and 2700 E. Overland Rd.

Seal: Okay. I think we are ready to get started again. So, we will start in -- or we will start back with file number H-2021-0007, Seasons at Meridian/Winco Wells Subdivision and we will start with the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. The next applications before you tonight are a request for a preliminary plat and a conditional use permit. There is