



STAFF REPORT - REVISED

COMMUNITY DEVELOPMENT DEPARTMENT

HEARING DATE: February 6, 2025

TO: Planning & Zoning Commission

FROM: Sonya Allen, Associate Planner
208-884-5533

SUBJECT: 965 E. Ustick Rd. – AZ
H-2024-0063

LOCATION: 965 E. Ustick Rd., in the NE 1/4 of
Section 6, T.3N., R.1E.



I. PROJECT DESCRIPTION

Annexation (AZ) of 1.11 acres of land with an L-O zoning district with a request for City Council approval of a reduced buffer to residential uses from 20-feet to 8-feet 10-inches.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details
Acreage	0.90-acre
Future Land Use Designation	Medium Density Residential (MDR)
Existing Land Use	Single-family residential (SFR) with an existing home
Proposed Land Use(s)	Uses as allowed in the L-O district – no specific use is proposed at this time
Current Zoning	R1 in Ada County
Proposed Zoning	Limited Office (L-O)
Physical Features (waterways, hazards, flood plain, hillside)	None
Neighborhood meeting date	10/18/24
History (previous approvals)	ROS #1070; H-2023-0061 [AZ, CUP - Pathways (private education institution) – withdrawn]

B. Project Area Maps

Future Land Use Map



Aerial Map



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant:

Kent Mussell, Mussell Construction, Inc. – PO Box 3304, Nampa, ID 83653

B. Owner:

MMW&T, LLC – PO Box 3304, Nampa, ID 83653

- C. Representative:
Same as Applicant

IV. COMPREHENSIVE PLAN ANALYSIS

Land Use: This property is designated as Medium Density Residential (MDR) on the Future Land Use Map (FLUM) contained in the [\(Comprehensive Plan\)](#). This designation allows for dwelling units at gross densities of 3 to 8 dwelling units per acre.

Although dwelling units are typically desired in the MDR designation, the Comprehensive Plan does state that at the discretion of City Council, areas with a Residential Comprehensive Plan designation may request an office use if the property only has frontage on an arterial street or section line road and is 2-acres or less in size. In this instance, no ancillary commercial uses are permitted.

The subject property meets the aforementioned criteria. The Applicant proposes an addition to the existing residential structure for the purpose of leasing out spaces to uses that are allowed in the L-O zoning district. This caveat in the Comprehensive Plan applies solely to *office* uses, classified in UDC 11-1A-1 as *professional services and healthcare or social services*, and does not include other non-office uses allowed in the L-O district. *See analysis below in Section V for more information.*

Transportation: East Ustick Road, a 5-lane roadway which runs along the front/north side of this property, is depicted as a residential arterial street on the Master Street Map (MSM). There are no stub streets from adjacent properties/developments to this property.

Goals, Objectives, & Action Items: Staff finds the following Comprehensive Plan policies to be applicable to this application and apply to the proposed use of this property (staff analysis in italics):

- “Permit new development only where it can be adequately served by critical public facilities and urban services at the time of final approval, and in accord with any adopted levels of service for public facilities and services.” (3.03.03F)

City water and sewer service is available and can be provided to this property in accord with UDC 11-3A-21.

- “Require urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, water and sewer utilities.” (3.03.03G)

Urban sewer and water infrastructure is available to this property. Curb, gutter and an attached sidewalk was constructed along E. Ustick Rd. with the road widening project.

- “Ensure development provides safe routes and access to schools, parks, and other community gathering places.” (2.02.01G)

A sidewalk exists along E. Ustick Rd. on this site, which assists in providing a safe route to schools, parks and other community gathering places.

- “Maximize public services by prioritizing infill development of vacant and underdeveloped parcels within the City over parcels on the fringe.” (2.02.02)

Annexation and redevelopment of the subject infill parcel will maximize public services.

V. STAFF ANALYSIS

Annexation & Zoning (AZ):

The Applicant proposes to annex 1.11 acres of land with an L-O zoning district, which includes land to the section line of E. Ustick Rd. **City Council approval is needed to approve the proposed L-O zoning in the MDR FLUM designation as mentioned above in Section IV.**

There is an existing 2,259 square foot (s.f.) single-family dwelling on this site, which the Applicant proposes an addition totaling 8,000 s.f. for tenant spaces for uses allowed in the L-O zoning district, per UDC [Table 11-2B-2](#). A conceptual site/landscape plan is included below in Section VII showing how the site is proposed to re-develop with the larger building and associated parking, drive aisles, walkways and landscaping. **If the property is annexed, the existing structure will be required to connect to City water and sewer service within 60 days of annexation and disconnect from private service, as set forth in MCC 9-1-4 and 9-4-8.**

Because the Comprehensive Plan only allows office use of properties with a residential FLUM designation, Staff recommends uses in the proposed L-O district are restricted to “professional services” and “healthcare or social services” only, which are defined in UDC 11-1A-1, as follows:

Professional service uses include, but are not limited to: Architects, landscape architects and other design services; graphic designers; consultants; lawyers; media advisors; photography studios; and general offices. The term does not include healthcare and social service.

Healthcare and social services (NAICS Code 62). The use of a site for ambulatory healthcare services. Included in this use are offices of dentists; physicians; chiropractors; optometrists; mental health practitioners; physical, occupational and speech therapists; audiologists; outpatient care centers; family planning centers, medical and diagnostic laboratories, imaging centers, kidney dialysis centers; blood and organ banks. Social service uses include, but are not limited to, individual and family services; community food and housing, emergency and other relief services; vocational rehabilitation services; services for the elderly and persons with disabilities; vocational rehabilitation services; and emergency and other relief services.

Professional services and healthcare or social services are listed as a principal permitted use in the L-O zoning district in UDC Table 11-2B-2. Other uses typically allowed in the L-O district are not allowed.

The reason for the restriction in the Comprehensive Plan is that other uses allowed in the L-O district may be more intense and not compatible with adjacent land uses, which are typically residential, and access and interconnectivity between uses may be limited and not adequate for other such uses.

The site is within the Area of City Impact (AOIC) boundary and is contiguous to City annexed land to the south, east and west. A legal description was submitted for the boundary of the annexation area, included in Section VII.A below.

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. **To ensure this property develops as proposed and required, Staff recommends a DA with the provisions discussed herein and included in Section IX.A.**

Access: There are two (2) existing driveway curb cuts to this site via E. Ustick Rd., an arterial street; no other accesses are available to the site from adjacent properties. Only one (1) access driveway is proposed with redevelopment of the site as shown on the site plan, the other driveway will be removed.

Where access to a local street is not available, the UDC ([11-3A-3A.2](#)) requires the property owner to grant cross-access/ingress-egress to adjoining properties via a recorded easement. This standard is intended to apply primarily to non-residential properties but may extend to residential properties where the use is anticipated to change to a non-residential use. This property and the adjacent property to the east at 1001 E. Ustick Rd. (S1106120867) only have access via an arterial street (i.e. Ustick Rd.). The property to the east is designated on the FLUM as Medium Density Residential. The subject property owner also owns the property to the east and doesn't anticipate future use of that property changing from residential to a non-residential use. If a driveway stub and a cross-access

easement were required to the property to the east, the building pad would need to be reduced in size and parking removed on the south side of the building in order for the driveway to align with the adjacent property to the east. For these reasons, Staff does not recommend a driveway stub is required to the east for future cross-access – the Commission and/or City Council may determine otherwise.

Parking: A minimum of 16 spaces are required to be provided for an 8,000 s.f. office building; a total of 37 spaces are proposed, which exceed UDC standards by more than double.

Sidewalks/Pathways: A 7-foot wide (mostly) attached sidewalk exists along E. Ustick Rd. Detached sidewalks are required along arterial streets per UDC 11-3A-17; however, because the existing sidewalk is in good condition, Staff doesn't recommend it's reconstructed as a detached sidewalk.

A sidewalk is proposed on the south and west sides of the building adjacent to the drive aisle and parking that ranges from 5 to 9 feet in width. The sidewalk that abuts parking on the south side of the building is 7-feet wide, which accommodates vehicle overhang in accord with [11-3C-5B.4](#).

A 5-foot wide sidewalk is proposed from the perimeter sidewalk along Ustick Rd. to the main building entrance in accord with UDC 11-3A-19.B.4.

Landscaping: A minimum 25-foot wide street buffer is required along E. Ustick Rd., an arterial street, landscaped per the standards listed in UDC [11-3B-7C](#). The tree class should be included in the plant material legend and should demonstrate compliance with the required standards (25% of the required trees should be Class II; and 35% of qualifying trees must provide urban canopy at maturity. The landscape plan depicts a 30-foot wide buffer and the plantings appear to comply with the UDC standards.

Parking lot landscaping is required in accord with the standards listed in UDC [11-3B-8C](#). **Class II or III trees are required in perimeter buffers; tree class should be added to the plant legend to demonstrate compliance.** Planter islands are required at the ends of rows of parking to reduce the visual impact of long rows of parked cars and to guide traffic.

The UDC ([Table 11-2B-3](#)) requires a minimum 20-foot wide buffer to residential uses in the L-O zoning district, landscaped per the standards listed in UDC [11-3B-9C](#). Residential uses abut the site on three sides – to the west, south and east. **The Applicant requests City Council approval of a modified buffer width along the west property boundary of 8-foot 10-inches at its narrowest point to 11+/- feet with an allowance for up to 2-feet of vehicle overhang within the buffer from adjacent parking spaces. Such requests are allowed to be considered by City Council at a public hearing with notice to surrounding property owners.** The building will not encroach into any of the required buffer areas. The buffer is required to include a mix of evergreen and deciduous trees, shrubs, lawn or other vegetative groundcover. Typically, the buffer area should result in a barrier that allows trees to touch within 5 years of planting; however, because a 6-foot tall privacy fence is proposed, the planting requirement may be reduced to a minimum of one (1) tree per 35 linear feet, plus shrubs, lawn, or other vegetative groundcover. *Note: If Council does not approve the reduced buffer width requested along the west boundary of the site, a 20-foot wide buffer shall be provided as set forth in UDC Table 11-2B-3. This would reduce parking to 22 spaces as there wouldn't be adequate room to accommodate parking along the west boundary, which still complies with the parking standards in UDC 11-3C-6B.1 but may not be adequate for the site.*

Mitigation is required for existing healthy trees 4" caliper and greater that are removed from the site as set forth in UDC [11-3B-10C.5](#). There are 18 existing healthy trees on the site totaling 384 caliper inches, 11 of which, totaling 186 caliper inches, are proposed to be removed – these require mitigation. The other seven (7), totaling 198 caliper inches, are proposed to be preserved and protected on the site. Alternative compliance to this standard may be requested with the Certificate of Zoning Compliance application if it's not feasible to mitigate for all of the trees being removed.

Fencing: Fencing is required to comply with the standards listed in UDC [11-3A-7](#). Fencing exists around the perimeter of the site; however, the applicant proposes to construct new 6-foot tall metal framed vinyl privacy fence around the perimeter of the site as shown on the site plan.

Utilities (UDC [11-3A-21](#)): Connection to City water and sewer services is required in accord with UDC 11-3A-21. **Street lights will be required to be installed with redevelopment of the property in accord with the City's adopted standards, specifications and ordinances.**

Trash: Trash carts are proposed within privacy fencing for screening at the southeast corner of the building, which will be taken to the street for service.

Waterways: There are no existing waterways that cross this site.

Pressurized Irrigation System (UDC [11-3A-15](#)): Underground pressurized irrigation water is required to be provided to the development as set forth in UDC 11-3A-15.

Storm Drainage (UDC [11-3A-18](#)): An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances.

Hours of Operation: The UDC 11-2B-3B, restricts business hours of operation in the L-O zoning district from 6:00 am to 10:00 pm.

Building Elevations: Conceptual building elevation perspectives were submitted for the proposed enlarged structure as shown in Section VIII.C. **Final design of the structure is required to comply with the design standards listed in the [Architectural Standards Manual](#) (ASM). The architectural character of the building should relate to adjacent residential uses. New construction must share at least three similar accent materials, field materials, or other architectural feature of a building within 150-feet of the property in accord with ASM Goal 1.2B.**

Certificate of Zoning Compliance/Design Review: A Certificate of Zoning Compliance (CZC) and Design Review application is required to be submitted to the Planning Division and approved prior to submittal of building permit application(s).

VI. DECISION

A. Staff:

Staff recommends approval of the proposed annexation & zoning application with the provisions included in Section VIII per the Findings in Section IX.

VII. EXHIBITS

A. Annexation & Zoning Legal Description and Exhibit Map

LEGAL DESCRIPTION FOR ANNEXATION OF 965 E USTICK ROAD

A parcel of land located in the in the Northwest 1/4, of the Northeast 1/4 Section 6, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho and being further described as follows:

BASIS OF BEARING:

The North line of said Northwest 1/4, of the Northeast 1/4, derived from found monuments and taken as S89°47'28"E with the distance between monuments found to be 1324.50 feet.

BEGINNING at a point on the North line of the Northwest 1/4, of the Northeast 1/4 Section 6, Township 3 North, Range 1 East, Boise Meridian from which the from which the East 1/16 corner of said section 6 bears South 85°47'28" East a distance of 493.86 feet.

Thence leaving said North line, South 00°16'42" West, a distance of 252.69 feet;

Thence North 89°42'02" West, a distance of 192.00 feet;

Thence North 00°30'53" East to a point on said North line, a distance of 252.39 feet;

Thence along said North line South 89°47'28" East, a distance of 190.96 feet to the **POINT OF BEGINNING**.

Said Parcel containing 48,356 square feet or 1.11 acres, more or less and is subject to all existing easements and rights-of-ways of record or implied.

END OF DESCRIPTION.

Kenneth H. Cook, P.L.S. 9895
Timberline Surveying
847 Park Centre Way, Suite 3
Nampa, Idaho 83651
(208) 465-5687

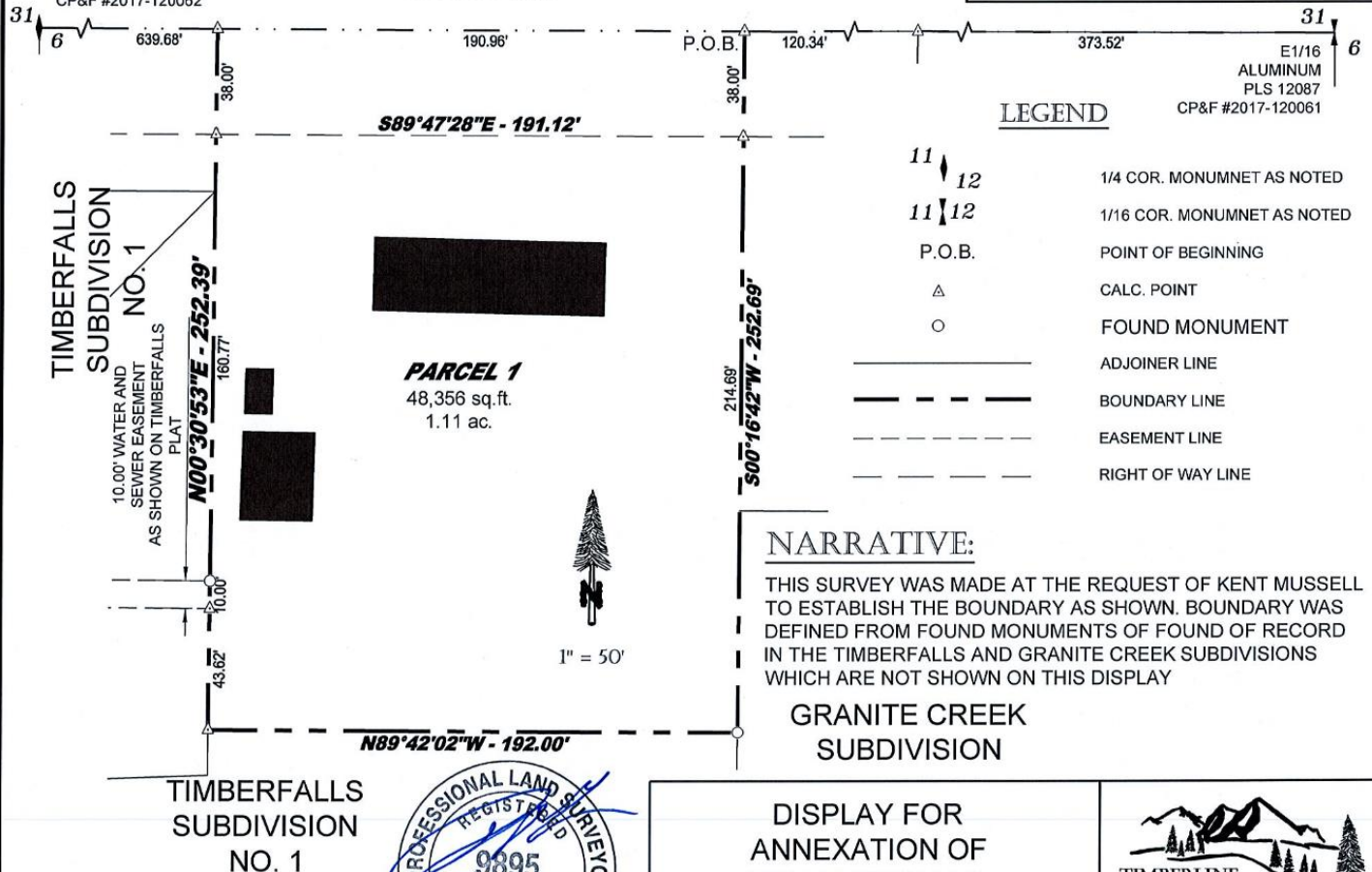


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ANNIXATION.rtf

N1/4
BRASS CAP
PLS 12087
CP&F #2017-120062

USTICK ROAD
BASIS OF BEARING

A PORTION OF NORTHWEST 1/4 OF THE NORTHEAST
1/4 OF SECTION 6, TOWNSHIP 3 NORTH,
RANGE 1 EAST, B.M., ADA COUNTY, IDAHO



DISPLAY FOR
ANNEXATION OF
965 E USTICK RD

FILE: 23013 - MUSSELL- USTICK 4-6-2023.dwg



DATE: 1/24/25

A2

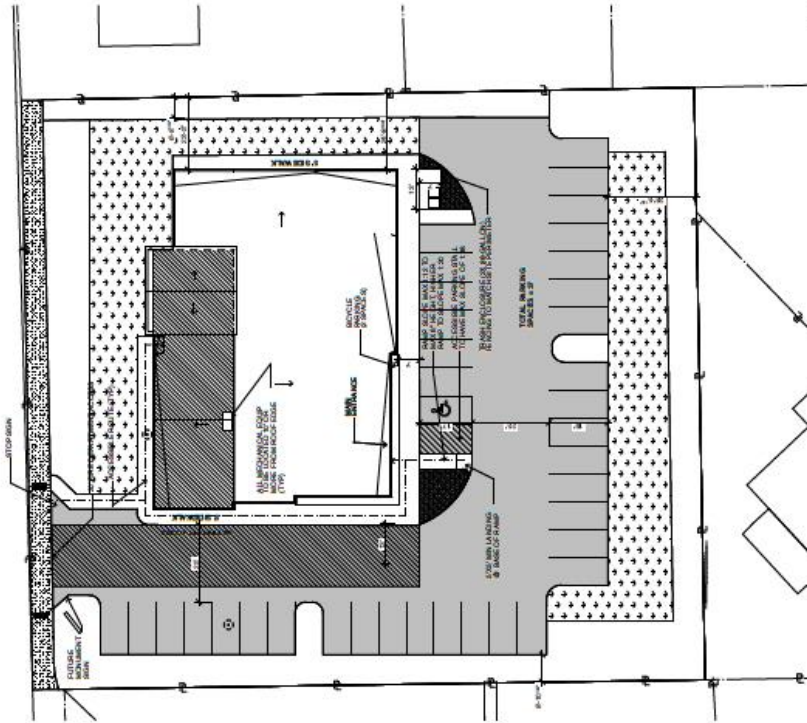
NETWORK ARCHITECTS

965 USTICK ROAD,
MERIDIAN, ID

WORKING DRAWINGS
965 E. USTICK RD. MERIDIAN ID
2517 W. NEFF CT.
BOISE, IDAHO 83702

ORIENTED PROJECTS

PHONE 208.315.1967 • www.networkarch.com



SITE PLAN



SITE LOCATION

[illegible][illegible]

D. Conceptual Building Elevation Perspectives



VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. Annexation & Zoning

A Development Agreement (DA) is required as a provision of annexation of this property. Prior to approval of the annexation ordinance, a DA shall be entered into between the City of Meridian, the property owner(s) at the time of annexation ordinance adoption, and the developer.

Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the date of City Council approval of the Findings of Fact, Conclusions of Law and Decision & Order for the Annexation request. The DA shall, at minimum, incorporate the following provisions:

- a. The existing structure shall connect to City water and sewer service within 60 days of annexation and disconnect from private service, as set forth in MCC [9-1-4](#) and [9-4-8](#).
- b. Future development of this site shall be generally consistent with the conceptual site and landscape plans and building perspectives included in Section VII and the provisions contained herein.
- c. Future development of the property shall comply with the dimensional standards for the L-O (Limited Office) zoning district listed in UDC Table 11-2B-3.
- d. Future use of the site is limited to office uses (i.e. professional services and healthcare of social services as defined in UDC 11-1A-1 and as allowed in UDC Table 11-2B-2) in accordance with the Comprehensive Plan for properties with a residential Comprehensive Plan designation; no ancillary commercial uses shall be permitted.
- e. A reduced buffer width to residential uses is allowed from 20-feet to 8-feet 10-inches *if* approved by City Council as set forth in UDC 11-3B-9C.2. The buffer shall contain landscaping in accord with the standards listed in UDC 11-3B-9C.
- f. Business hours of operation shall be limited to the hours between 6:00 am and 10:00 pm as set forth in UDC 11-2B-3B for the L-O zoning district.
- g. A Certificate of Zoning Compliance application shall be submitted for the change in use and expansion of the site that complies with all UDC conditions and the provisions contained herein.
- h. A Design Review application shall be submitted for the proposed addition to the existing structure that demonstrates compliance with the design standards listed in the Architectural Standards Manual. New construction must share at least three similar accent materials, field materials, or other architectural feature of a building within 150-feet of the property (ASM Goal 1.2B).

IX. FINDINGS

A. Annexation (UDC 11-5B-3E)

Required Findings: Upon recommendation from the commission, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;
Staff finds the proposed map amendment to the L-O zoning district for office uses only is consistent with the Comprehensive Plan as noted in Section V.
2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;
Staff finds the map amendment and associated development is consistent with the regulations outlined for the district and the purpose statement of the commercial districts in that it provides for the service needs of the community.
3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;
Staff finds the proposed map amendment should not be detrimental to the public health, safety and welfare as office use(s) should be compatible with adjacent existing residential uses in the vicinity.
4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and
Staff finds City water and sewer service is available to be extended to this development. The proposed map amendment shouldn't result in adverse impact upon the delivery of services by any political subdivision providing public services within the City as noted.
5. The annexation (as applicable) is in the best interest of city.
Staff finds the proposed annexation is in the best interest of the city.