

**Public Hearing for 965 E. Ustick Rd. (H-2024-0063) by Mussell
Construction, Inc., located at 965 E. Ustick Rd.**

- A. Request: Annexation 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 ft. to 8 ft. 10 inches.

Smith: Next I would like to open the public hearing for Item No. 4, 965 East Ustick Road request for annexation. We will begin with the staff report.

Parsons: Thank you, Mr. Chair, Members of the Commission. First item on your agenda tonight is the annexation of the property located at 965 East Ustick Road. The site consists of 0.90 acres, currently zoned R-1 in Ada county. Previous application was in front of you in 2023, but was later withdrawn as it moved forward to City Council. If you recall that application was for annexation with the -- with the L-O zoning district for the ability to develop a public education facility on the site or a private education. Excuse me. The Comprehensive Plan designation for this site is medium density residential. In the Comprehensive Plan, though, there is a provision in the -- a statement in the Comprehensive Plan I should say that gives the City Council the discretion to allow an applicant to request an office designation on the property when the property is located on arterial with no other access and is two acres or less in size. In this particular case this parcel does meet that criteria to ask for that request. So, the annexation request for you this evening is to again -- once again request the L-O zoning on this property with Council's approval on the annexation request. As part of that, as this Commission knows, we typically require a development agreement with annexations of property. Because the Comprehensive Plan is very specific as to office uses occurring on this property staff is recommending a provision in the DA that restricts the use of this property to professional services and health services only. So, essentially, a professional office or a medical office. No other uses in the L-O zone will be allowed to develop on this site as presented by staff this evening. Also with the annexation request the applicant is required to provide a concept plan for your consideration this evening. So, there is an existing 2,279 square foot home on the site that will be left intact and the applicant's also proposing to add on another -- an additional 8,000 square foot -- square feet for approximately 10,000 square feet of office on the site. Last time this was before you there was discussion of access from Ustick Road. This is the case again. No other cross access or streets are provided to the site. So, the primary access is from Ustick Road, which is a principal arterial and this site plan -- concept plan does show the required landscaping and parking requirements per UDC standards. As noted in the staff report staff is not recommending cross-access with the adjacent properties, because it just would stub to the rear of somebody's lot. Also as part of the requirement for the UDC and the zoning code for the L-O zoning standards an applicant is required to provide a 20 foot landscape buffer when L-O zoning abuts a residential district. In this particular case there is residential surrounding this property on three sides of it. The applicant can meet the 20 foot separation on the east boundary and, then, south boundary. However, on the west boundary they cannot make that work because of the required parking that's needed and the access to Ustick and so the applicant is requesting City Council reduction of that

buffer from 20 feet down to approximately eight feet. So, again, that would be City Council's action when they may -- have this application before them. The applicant also provided some renderings for you to see how the existing home would integrate with the building addition here. As you all know this will require design review after annexation is completed. Staff did receive written testimony from the applicant on this application. They are in agreement with the conditions -- or the DA provisions in the staff report and I had a chance to look at the public record and there was no public testimony provided on this item. With that again staff is recommending approval with a DA with those restricted uses on the site and staff will stand for any questions you may have.

Smith: Thank you. Would the applicant like to come forward? And please state your name and address for the record.

Mussell: Good evening. My name is Kent Mussell. My address 3516 South Bartlett Way, Meridian, Idaho. I represent Mussell Construction. We are the developer for this project that I will be discussing. Last year, as staff mentioned, we brought a similar version of this project before the Commission in preparation for occupancy by Pathways In Education, a local charter school. The Commission at that time unanimously recommended approval to City Council. However, before the Council could vote the project was canceled. The key difference in our current proposal is that Pathways is no longer the intended tenant. Despite the change our overall plan remains very similar. We intend to develop the existing home on the parcel. I want to clarify one thing on that. Our total expected size of this building is 8,000 square feet. So, we won't be adding 8,000 square feet. We are seeking annexation into the limited office zone and we are in agreement with the conditions put on the development agreement -- or we are in agreement to enter into a development agreement with all the conditions proposed by -- by staff. When I read the staff report the allowed uses here with the development agreement in place would be professional services and healthcare offices. Those are the two most likely outcomes for this parcel, but I understood we also had like a social services office has an option in there as well. We -- I don't know if you received a copy of the response to the original staff report. That's null and void. We worked that out with staff this morning and we are in total agreement about the conditions at this point.

Smith: Thank you. Are there any questions for the applicant or staff?

Sandoval: Mr. Chair?

Smith: Commissioner Sandoval.

Sandoval: So, just a quick question. Was this approved for annexation with the last application or was it halfway through? What happened there?

Parsons: Commission Sandoval, essentially what happened was it got to City Council, Council wanted additional information, applicant was happy to do that and, then, eventually the school fell out and they just asked to withdraw that application.

Sandoval: Okay.

Parsons: They never made it all the way through the process to get a Council decision on it.

Sandoval: Okay. Thank you.

Grace: Mr. Chair?

Smith: Commissioner Grace.

Grace: I'm not sure if this is for staff or the applicant, but what is -- what's intended to be on the west side of the -- of this property? Is it residential or is that --

Mussell: Are we talking about the part -- so, there is -- are you talking about maybe the east side of it? Because we have another property over there, but that's going to remain residential.

Grace: Well, I'm wondering what's -- what's on the side of the request for the reduced buffer. What's going to be on that side?

Mussell: Oh. Yeah. The -- the adjacent subdivision is over there. There are -- I don't remember how many lots exactly. Our site plan might show. There is three or four lots.

Grace: Okay. So, it's already currently residential?

Mussell: Yeah. That's right now.

Grace: Oh, I know what it was. So, if there is a reduced buffer what -- what kind of fencing or barrier or what's going to be there?

Mussell: Yeah. This slide actually shows -- so, this -- this was what we discussed in our neighborhood being -- originally we actually only had one neighbor show up to our -- our second neighborhood meeting, but the -- we had a well-attended first neighborhood meeting like almost a year and a half ago and we talked about fencing at that time and this is what seemed to be acceptable to the neighbors in this photograph here and that's what we had planned to do.

Grace: Okay. It looks like a fixed metal vinyl, was that --

Mussell: Yeah. With -- or slightly more attractive vinyl slats within the frame.

Grace: Okay. Thank you.

Smith: Any other questions? At this time -- at this time we would take public testimony. Madam Clerk, is there anyone signed up to testify?

Lomeli: Thank you. We have Gordon Bower. Did you want to justify? No? And then -- is it Todd Powell?

Smith: Yeah. If you could come -- and just state your name and address for the record.

Powell: Yeah. My name is Todd Powell. I live at 3078 Timber Falls, which is the south property behind them. The eight foot buffer, is that -- that -- it was ten behind us. Is it now going to be reduced to eight or is it just going to be the eight along the west side of the property?

Parsons: Mr. Chair, Members of the Commission, sir, the buffer on the south boundary will be 20 feet.

Powell: Okay.

Parsons: So, you are -- the only -- the west side of the boundary will have the --

Powell: And, then, I have one more question. On the east side there they are working on another facility there. He said it was going to be residential, but they have cleared that whole field behind them. So my concern is that might be access to the back of that building as well.

Smith: I think the west side was the residential that was discussed.

Powell: Just another building -- if we are looking at that map it would be to the right of it.

Smith: Okay. Cool. So, we -- obviously we are asking questions as well. What we can do is we can -- when the applicant comes back up have him answer any of those questions and make sure that we are settled.

Lomeli: Commissioners, no one else has signed up.

Smith: Great. Thank you. Is there anyone else in the room who would like to come and speak? Great. Would the applicant like to come back up?

Mussell: I think it would be good for me to address Todd's questions. So, it's -- it's correct. We -- we did purchase 1001 East Ustick, which is to the east of this property. We are in the middle of basically flipping that house. We have no intention for it to be part of this development.

Smith: Thank you. Are there any other questions for the applicant? All right. Thank you very much. Can I get a motion to close the public hearing?

Sandoval: So moved.

Rust: Second.

Smith: It's been moved and seconded to close the public hearing. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Smith: All Right. Discussion?

Sandoval: Mr. Chairman?

Smith: Commissioner Sandoval.

Sandoval: Yeah. I don't like that eight foot, ten inch buffer in the residential, but it already came through planning and zoning and so I feel like that's kind of almost the territory of taking, which is probably not the right term, but -- excuse my terminology. I think that as presented it looks fine for the intended purpose.

Smith: Thank you. Any other discussions?

Grace: Yeah. Mr. Chairman, I would just -- I don't like that buffer either, but I do like the fact that the applicant talked to the -- the property owners to the west and looking at the - - well, the slide was up there, but it's not. But looking at that slide I can see why, you know, with the access to Ustick and the parking I can understand why given the kind of occupancy. That the city is going to have and the DA, I'm hoping it's not going to be a big deal for the residents on the -- on the west side, so I get it.

Smith: Yeah. I recall this kind of being on the list of discussions when it came around last time. I remember we have some discussions, obviously, of kind of drop off the drive aisle type stuff and, then, I remember kind of being -- kind of a bit of a thorny spot before, but, yeah, I think we -- we generally came to a pretty decent spot with that application and it seems like it's -- it's about the same here, so I'm -- I'm comfortable with it. It's not ideal, but you got to take access from somewhere, so -- with that is there a motion?

Grace: Mr. Chairman, I will make a motion.

Smith: All right.

Grace: After considering all staff, applicant and public testimony, I move to approve File No. H-2024-0063 as presented in the staff report for the hearing date of February 6, 2025.

Rust: Second.

Smith: It's been moved and seconded. All in favor? Any opposed? All right. Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

