

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



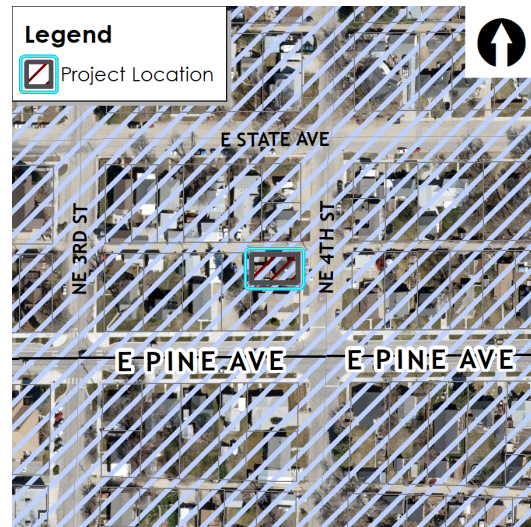
HEARING DATE: 6/27/2023

TO: Mayor & City Council

FROM: Stacy Hersh, Associate Planner
208-884-5533

SUBJECT: H-2023-0010
Fourth Street Books – Pearl House
Collective Rezone

LOCATION: 909 NE. 4th Street



I. PROJECT DESCRIPTION

Request to rezone 0.157 acres of land from the R-15 zoning district to the O-T zoning to operate a retail bookstore.

NOTE: The applicant withdrew their CUP request to operate an outdoor art, entertainment or recreation facility use from this property. After further review of the specific use standards staff has determined that we cannot approve such as use due to its proximity to the adjacent residential uses. Staff does recognize this area is transitioning however, in order to support the ancillary outdoor events, staff believes these types of events should be reviewed and approved as a temporary use through the Clerk's office.

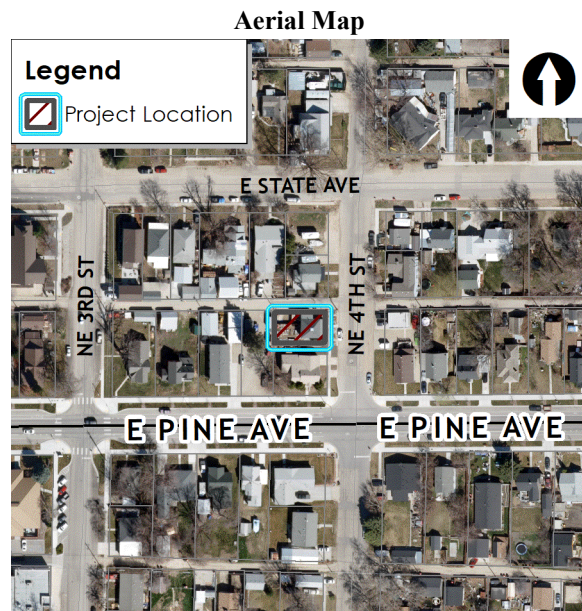
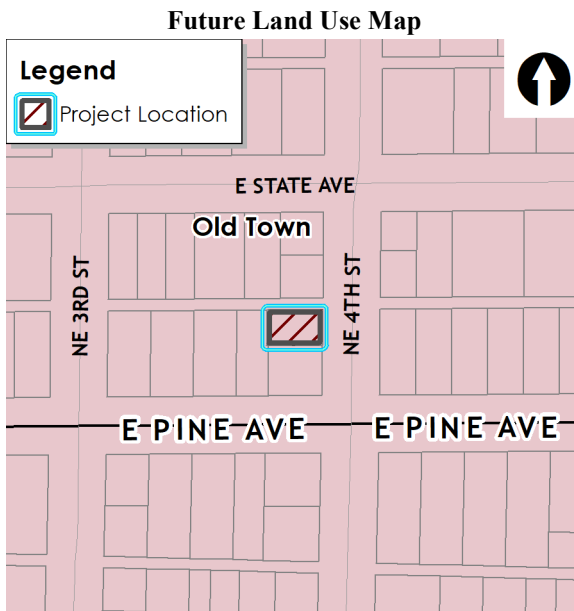
A. Project Summary

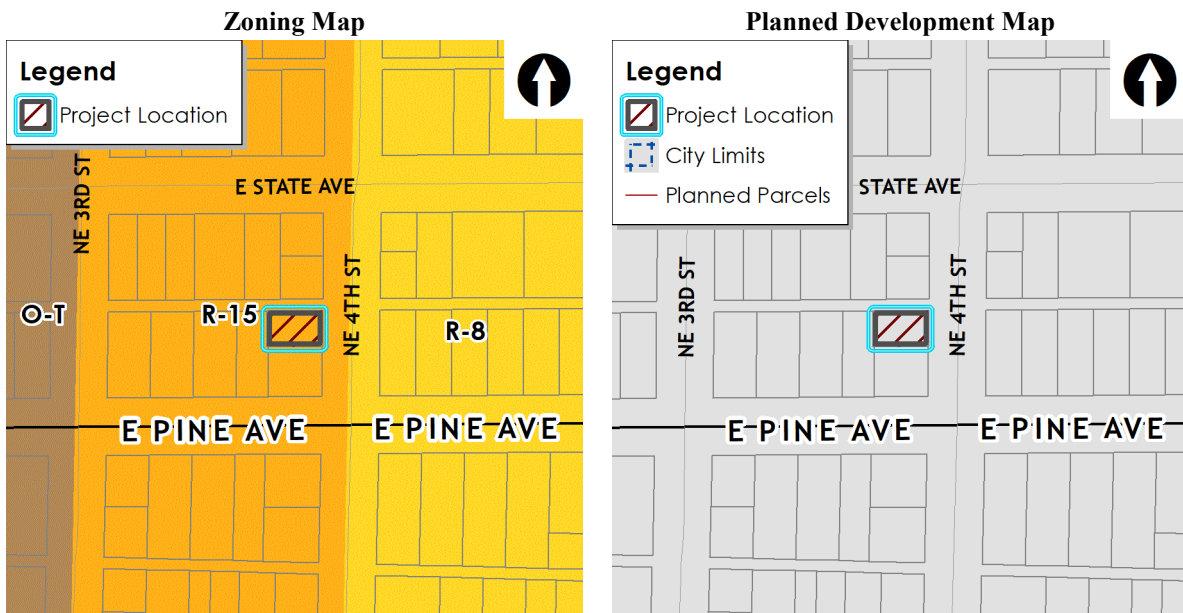
Description	Details	Page
Acreage	Rezone - 0.157	
Future Land Use Designation	Old Town	
Existing Land Use(s)	Single-family residential	
Proposed Land Use(s)	Retail – Book Store	
Lots (# and type; bldg./common)	1 lot	
Phasing Plan (# of phases)	NA	
Physical Features (waterways, hazards, flood plain, hillside)	No unique physical features	
Neighborhood meeting date; # of attendees:	February 7, 2023, 8 attendees	
History (previous approvals)	None	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	Yes	
• Requires ACHD Commission Action (yes/no)	No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Access occurs from NE 4 th Street	
Stub Street/Interconnectivity/Cross Access		
Existing Road Network		
Existing Arterial Sidewalks / Buffers		
Proposed Road Improvements	No road improvements required.	
Fire Service	No comments	
Police Service	No comments	
Wastewater		
• Comments	• No changes to public sewer infrastructure shown in records. Any changes need to be approved by public works.	
Water		
Distance to Water Services	• No changes to public water infrastructure shown in records. Any changes need to be approved by public works.	

C. Project Area Maps





II. APPLICANT INFORMATION

A. Applicant:

Ashley Buzzini, EV Studio – 725 E. 2nd Street, Meridian, ID 83642

B. Owner:

Chelsea Major – 909 E. 4th Street, Meridian, ID 83642

III. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	5/3/2023	6/11/2023
Radius notification mailed to properties within 500 feet	4/28/2023	6/9/2023
Sign Posting	5/3/23	6/6/2023
Nextdoor posting	4/28/2023	6/8/2023

IV. COMPREHENSIVE PLAN ([HTTPS://WWW.MERIDIANCITY.ORG/COMPLAN](https://www.meridiancity.org/complan)):

Land Use:

This property is designated Old Town (O-T) on the Future Land Use Map (FLUM).

This designation includes the historic downtown and the true community center. The boundary of the Old Town district predominantly follows Meridian’s historic plat boundaries. In several areas, both sides of a street were incorporated into the boundary to encourage similar uses and complimentary design of the facing houses and buildings. Sample uses include offices, retail and lodging, theatres, restaurants, and service retail for surrounding residents and visitors. A variety of residential uses are also envisioned and could include reuse of existing buildings, new construction of multi-family residential over ground floor retail or office uses.

Proposed Use: The Applicant proposes to develop the site with a retail store, 4th Street Book that sells both new and used books and offers a micro-café concept, which includes a small selection of coffee, tea, beer (canned), and wine; with an outdoor patio space. The Applicant will also be promoting local authors and artists through their curated workshops and activities.

COMPREHENSIVE PLAN POLICIES (<https://www.meridiancity.org/compplan>):

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*):

- “Support a compatible mix of land uses Downtown that activate the area during day and night.” (2.09.02G). *Adding retail with an outdoor event space into the Downtown area brings an opportunity for additional foot traffic and commerce to occur within a desired location during day and night, adding to the appeal and character of Downtown Meridian. This additional commercial use should be a welcome addition to the other uses in the surrounding area. Per the conditions of approval in this staff report, any outdoor event is required to end no later than ten o’clock p.m. This condition will allow the character of the residential aspect of this neighborhood to remain. In addition, the applicant has stated in their narrative that the backyard space will be used for events for author signings, poetry readings, book clubs, etc. All planned outdoor events/activities will require online registration (including free events) with a limited supply of tickets available. Additionally, the Applicant is required to obtain a Temporary Use Permit that is valid for 160 days per calendar year from the Clerk’s Office to host any outdoor events or activities on the subject property. For more significant events, the applicant plans to collaborate with other businesses with more substantial venues.*
- “Support owners of historic buildings in their efforts to restore and/or preserve their properties. (5.02.01B). *Permitting the establishment of a retail store in a historical downtown home can contribute to the dissemination of knowledge and history regarding both Meridian and the house in question. This, in turn, is likely to boost the economic impact of more foot traffic, leading to the growth of other historical sites in the downtown area.*

V. UNIFIED DEVELOPMENT CODE ([UDC](#))

The proposed use, a retail store is listed as a principally permitted use in the O-T (Old Town) zoning district per UDC Table [11-2C-2](#). Compliance with the standards listed in UDC [11-2D-3 and 11-2D-4](#) is required.

VI. STAFF ANALYSIS

A. Rezone (RZ):

The Applicant is requesting to rezone 0.157 acres of land from R-15 to O-T to operate a retail use for a bookstore on the subject property with ancillary outdoor patio space. A legal description and exhibit map for the rezone area is included in Section VIII.A. This property is within the City’s Area of City Impact boundary.

Retail stores - which the use includes, but is not limited to, convenience stores; food stores; apparel and accessories stores; book, computer, and music stores; electronics and appliances; florists; furniture and home furnishings; general merchandise stores; health and personal care stores; hobby, office supplies, stationery and gift stores; specialty stores; sporting goods; used merchandise stores, are listed as a principal permitted use in the O-T (Old Town) zoning district per UDC Table [11-2C-2](#).

The proposed 800-square-foot bookstore will be located in the downtown area within the Meridian Urban Renewal District. The building, which is over 100 years old and was renovated in 2004, is slated for further improvements to meet city code requirements and enhance the customer experience. The front porch and patio area will be expanded to include an ADA ramp and more seating, with the outdoor patio predominantly utilized during the warmer months. The backyard area will be transformed into a community space encouraging customers to read, socialize, or enjoy a picnic, with seating provided by picnic tables. The Applicant is proposing to use the backyard space to host author signings, poetry readings, book clubs, and other planned activities/events that require online registration, including free events with limited tickets. For more significant events, 4th Street Books plans to collaborate with other local businesses with larger spaces. Furthermore, 4th Street Books intends to participate in downtown Meridian activities such as Art Week and Meridian Main Street Market, while promoting literary and creative programming throughout the Treasure Valley.

Due to the close proximity of neighboring residential properties, Staff acknowledges the potential for noise to travel and has also received public testimony regarding noise and use from adjacent neighbors. To host any outdoor events, the Applicant is required to obtain a Temporary Use Permit from the Clerk's Office that is valid for 160 days per calendar year. Once the adjacent properties develop into commercial uses in the future, the Applicant can apply for a Conditional Use Permit for an outdoor entertainment/activity space.

The proposed hours of operation would be from Tuesday to Sunday, 10:00 am to 10:00 pm, with the bookstore likely opening with a reduced schedule of Thursday to Sunday, 12:00 pm to 9:00 pm for the first 12-16 months.

The City may require a development agreement (DA) in conjunction with a rezone pursuant to Idaho Code section 67-6511A. Due to the size of the development, Staff believes a DA should not be required.

Dimensional Standards (UDC [11-2](#)):

The existing home meets all dimensional standards.

Access (UDC [11-3A-3](#)):

Access is provided via public on-street parking NE 4th Street and an alleyway to the west.

Parking (UDC [11-3C](#)):

The existing home has a driveway off of the alleyway that contains one (1) employee parking stall. There is currently no off-street parking on this site. Customers can walk, bike, or ride the bus as another option to bypass parking availability. Parking is available to customers in the nearby public parking lot adjacent to the Masonic Lodge, located between 2nd and 3rd Street approximately two (2) blocks away. There is also on-street parking available along Pine Avenue and NE 4th Street. **Staff recommends that the Applicant install “No Parking” signs along the alley.**

Old-Town is classified as a Traditional Neighborhood zoning district and no off-street parking is required for a lawfully existing structure unless an addition occurs (UDC 11-3C-6B). No additions are proposed with this project except for expanding the front entry and patio/outdoor seating area. The Applicant is providing one (1) employee parking stall off the alley which meets the required number of off-street parking spaces per UDC 11-3C-6B.3 for the Traditional Neighborhood district. However, the applicant understands parking is a concern and has provided a parking plan to Staff.

The Applicant has provided a parking plan with all available public parking within 1,000 feet, and has used Old-Town alternative parking methods from UDC 11-3C-7 as a guide to address parking concerns. According to the Applicant’s plan available parking spots include both on and off-street

*parking (Exhibit VII.E). **Staff recommends the applicant to explain how they will educate and inform patrons of where to park during the P&Z Commission meeting.***

A minimum of one (1) bicycle parking space is required to be provided based on one (1) space for every 25 vehicle spaces or portion thereof per UDC [11-3C-6G](#); bicycle parking facilities are required to comply with the location and design standards listed in UDC [11-3C-5C](#). Two bicycle racks are proposed on the north side of the building which meets the minimum of one (1) bicycle. ***The Applicant should submit a detail of the bicycle racks with the CZC submittal.***

Sidewalks (UDC [11-3A-17](#)):

There is an existing 4-foot wide detached sidewalk on NE 4th Street along the existing property frontage and an existing 7-foot wide detached sidewalk along E. Pine Avenue.

Landscaping (UDC [11-3B](#)):

The Applicant is proposing additional landscaping (small selection of shrubs and ground cover) around the proposed outdoor event/activity space to reduce the noise in the adjacent residential district. ***In order to help alleviate any undue noise and light disturbances to the nearby residential uses, Staff recommends the landscape plan be revised to include additional landscaping along the western, southern, and eastern fence line (see Section VIII.4). Staff recommends that the Applicant incorporate columnar trees or other taller shrubs around the fence line in addition to the shrubs and groundcover proposed on the landscape plan to help mitigate concerns raised by the adjacent neighbors.***

Fencing (UDC [11-3A-6](#), [11-3A-7](#)):

All existing fencing will remain in place and no additional fencing is proposed. *The existing fencing shall meet the UDC standards.*

Outdoor Lighting (UDC [11-3A-11](#)):

All outdoor lighting is required to comply with the standards listed in UDC 11-3A-11C unless otherwise approved through alternative compliance. Light fixtures that have a maximum output of 1,800 lumens or more are required to have an opaque top to prevent up-lighting; the bulb shall not be visible and shall have a full cutoff shield in accord with Figure 1 in UDC 11-3A-11C.

The Applicant depicts string lights on the landscape plan throughout the back-patio event/activity area. Staff believes these lights are LED and meet the lighting requirements in the UDC code.

Building Elevations:

Conceptual building elevations and perspectives were submitted for the existing bookstore structure as shown in Section IX.D. The building consists of existing siding, fascia trim, asphalt roof shingles and new composite deck with railing and ADA ramp. *As stated above in this report, the only new additions to the structure is the front entry and back-patio for outdoor space.*

The proposed elevations are not approved with this application and will be reviewed with the Design Review application for consistency with the design standards listed in the [Architectural Standards Manual](#). Full compliance with the ASM is not required based on the limited scope of work associated with this project.

Certificate of Zoning Compliance (UDC [11-5B-1](#)):

A Certificate of Zoning Compliance (CZC) is required to be submitted for the proposed use and site changes prior to submittal of a building permit application to ensure compliance with UDC standards and staff comments listed in Section IX.

VII. DECISION

A. Staff:

Staff recommends approval of the proposed rezone from R-15 to O-T per the Findings in in Section X of this report.

B. The Meridian Planning & Zoning Commission heard these items on May 18, 2023. At the public hearing, the Commission moved to recommend approval of the subject Rezone requests.

1. Summary of Commission public hearing:

- a. In favor: Ashley Buzzini, EV Studio; Chelsea Major, Owner, Melissa Baker, Josh Cummings, Marshall Major, Nick Grove, Anna Marino, Lisa Black
- b. In opposition: Tom McGoldrick, Becky Logue, Merton Logue, Leonard Cunningham, Neily Larsen, Judy Larsen, Shelby Ugarriza, Rene Yerby, Sharon Taylor, Nikki Miles, Vonda Yerby, Sarah Klaner,
- c. Commenting: Ashley Buzzini, EV Studio; Chelsea Major, Owner
- d. Written testimony: None
- e. Staff presenting application: Stacy Hersh, Associate Planner
- f. Other Staff commenting on application: Bill Parsons, Planning Supervisor

2. Key issue(s) of public testimony:

- a. Concerns with parking availability for the residents, serving beer and wine, and noise;
- b. Traffic concerns with children playing in the neighborhood;
- c. Neighbors concerned with the possibility for increased theft and crime;
- d. Concerns regarding large events with possible food trucks;
- e. Concerns with Pine Avenue designated as a planned commercial arterial roadway;

3. Key issue(s) of discussion by Commission:

- a. The surrounding area still remains mostly residential and has not yet fully transitioned into Old Town.
- b. There are concerns regarding parking, noise, and the absence of garages for most residents in the area.

4. Commission change(s) to Staff recommendation:

- a. None

5. Outstanding issue(s) for City Council:

- a. None

VIII. EXHIBITS

A. Rezoning Legal Description, Exhibit, and ROS



Client: Chase and Chelsea Major
Revised Date: March 6, 2023
Job No.: 7222

PROPERTY REZONE DESCRIPTION

A Rezone for a parcel of land as shown on that certain Record of Survey No. 13756, recorded as Instrument No. 2022-100876 in the Office of the Ada County Recorders, being a portion of Lots 1 and 2, in Block 3, Cottage Home Addition to Meridian, Book 10, Page 42, Located in the E 1/2 NW 1/4 of Section 7, Township 3 North, Range 1 East, Boise Meridian, City of Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at a found Brass Cap marking the intersection of East State Ave. and NE 45th Street from which a found aluminum cap stamped "PLS 14221" marking the intersection of East Pine Ave. and NE 45th Street bears S. 00°59'28" W., a distance of 335.96 feet;

Thence along the centerline of said NE 45th Street, S. 00°59'28" W., a distance of 167.98 feet to the intersection of Pine Alley Ave. and NE 45th Street, being the POINT OF BEGINNING;

Thence continuing along the centerline of said NE 45th Street, S. 00°59'28" W., a distance of 57.96 feet;

Thence S. 89°59'19" W., a distance of 40.01 feet to the Easterly boundary of said Lot 1, being 70 feet north of the Southeast corner of said Lot 1 and monumented with a set 5/8 inch diameter iron pin stamped "CLS PLS L-20895";

Thence leaving said Easterly boundary, S. 89°59'19" W., a distance of 78.00 feet to a set 5/8 inch diameter iron pin stamped "CLS PLS L-20895";

Thence along a line that is 78.00 feet West of and parallel with said Easterly boundary of Lot 1, N. 00°59'28" E., a distance of 49.99 feet to the Northerly boundary of Lot 2 of said Block 3, marked with a Set 5/8 inch diameter iron pin stamped "CLS PLS L-20895";

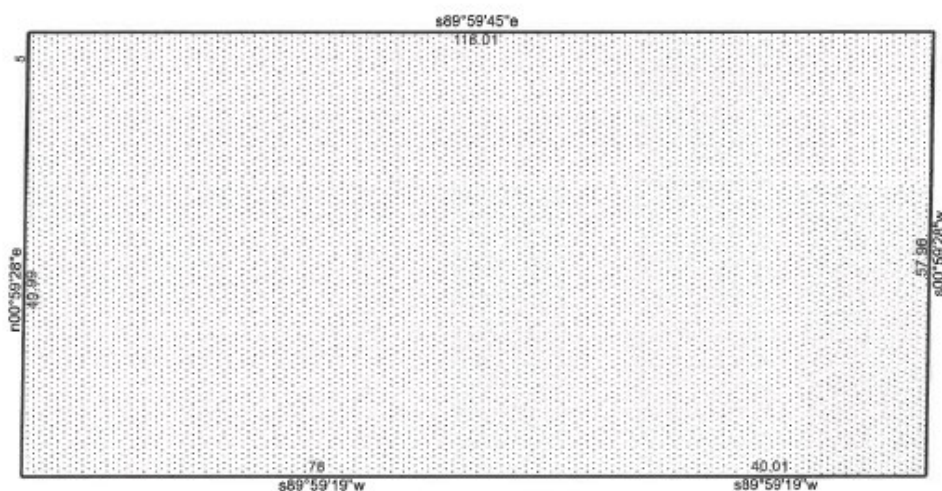
Thence continuing along a line that is 78.00 feet West of and parallel with said Easterly boundary of Lot 1, N. 00°59'28" E., a distance of 8.00 feet to the centerline of Pine Alley Ave.;

Thence leaving said parallel line and along the centerline of said Pine Alley Ave., S. 89°59'45" E., a distance of 118.01 feet to the POINT OF BEGINNING.

This parcel contains 0.15 acres (6,841 square feet) more or less.



623 11th Ave. South, Nampa, ID 83651 • T. (208) 442-0115 • C. (208) 608-2510 • rgray.cls@gmail.com



7222 Revised Rezone to center roads

3/6/2023

Scale: 1 inch= 20 feet

File:

Tract 1: 0.1570 Acres (6841 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/166807), Perimeter=352 ft.

01 s00.5928w 57.96
02 s89.5919w 40.01
03 s89.5919w 78
04 n00.5928e 49.99
05 n00.5928e 8
06 s89.5945e 118.01

BEING PART OF THE N1/2 OF LOTS 1 & 2, BLOCK 3, COTTAGE HOME ADDITION TO MERIDIAN,
LOCATED IN THE E1/2 NW1/4 OF SECTION 7,
T. 3 N., R. 1 E., B.M., CITY OF MERIDIAN, ADA COUNTY, IDAHO

LEGEND

	Cells tested point
	Found brass cap monument
	Found aluminum cap monument
	Found 5/8 inch dia. iron pin
	Set 5/8 inch dia. x 24 inch iron pin w/ plastic cap "C.L.S.P. 5. 1. 20857"
	Found 1/2 inch dia. iron pin
	Block number
	List number
	Record date
	Boundary line
	Property line
	Section line
	Fence line barbed wire

1) This Record of Survey requested by Chase and Chelsea Major is to establish the boundary of the referenced parcel for Rezoning. All found monuments are referenced and accepted, as shown herein. This Survey does not serve as a legal description for the property shown herein. The 2022-05-05-0000000 Records of Adja County, as well as the Plot of Cottage Home Addition to Mendon, Box 10, Page 22.

2) The Record of Survey does not enable the owners of the property shown to convey ownership based solely on this map. A written conveyance of the new parcels must accompany such transfer in order to be effective. This Survey does not serve as a legal description for the property shown herein.

3) This drawing does not necessarily show all of the physical features of the property. Compas Land Surveying P.L.L.C. assumes no liability for present or future compliance or noncompliance with governing jurisdictional restrictions as it pertains to building permits, vehicle access permits or septic permits.

4) Due to structure obstructions as shown herein, there may be possible owner claims with regard to the subject property. Adjoining owner(s) has not been contacted by the Compas Land Surveying regarding possible title issues.

I, Akemi Wells do hereby certify that I am a Professional Land Surveyor licensed by the State of Idaho, and that this Record of Survey correctly represents a survey made by me or under my direct supervision in conformance with Idaho Code: 31-2709, 2022 and accepted procedures of land surveying. I further certify that I have complied with Title 55, Chapter 16, Idaho Code.


 11/1/2012
 Akemi Wells P.L.S. License No. L-20895

INDEX NO. 311-07-04-02-0-00-0000

	RECORD OF SURVEY FOR: CHASE AND CHELSEA MAJOR
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		COMPASS LAND SURVEYING, PLLC 623 11th Avenue South Nampa, ID 83651 Office: (208) 442-0115				
SHEET NO.	JOB NO.	DWG NO.	SCALE	DRAWN BY	DATE	REV
1 OF 2	7222	7222ROS	1"=20'	ANW	11/01/2022	

BEING PART OF THE N1/2 OF LOTS 1 & 2, BLOCK 3, COTTAGE HOME ADDITION TO MERIDIAN,
LOCATED IN THE E1/2 NW1/4 OF SECTION 7,
T. 3 N., R. 1 E., B.M., CITY OF MERIDIAN, ADA COUNTY, IDAHO

I, Akemi Wells do hereby certify that I am a Professional Land Surveyor licensed by the State of Idaho, and that this Record of Survey correctly represents a survey made by me or under my direct supervision in conformance with Idaho Code: 31-2709, 2022 and accepted procedures of land surveying. I further certify that I have complied with Title 55, Chapter 16, Idaho Code.


 Akemi Wells
 
 11/1/20
 P.L.S. License No. L-20895

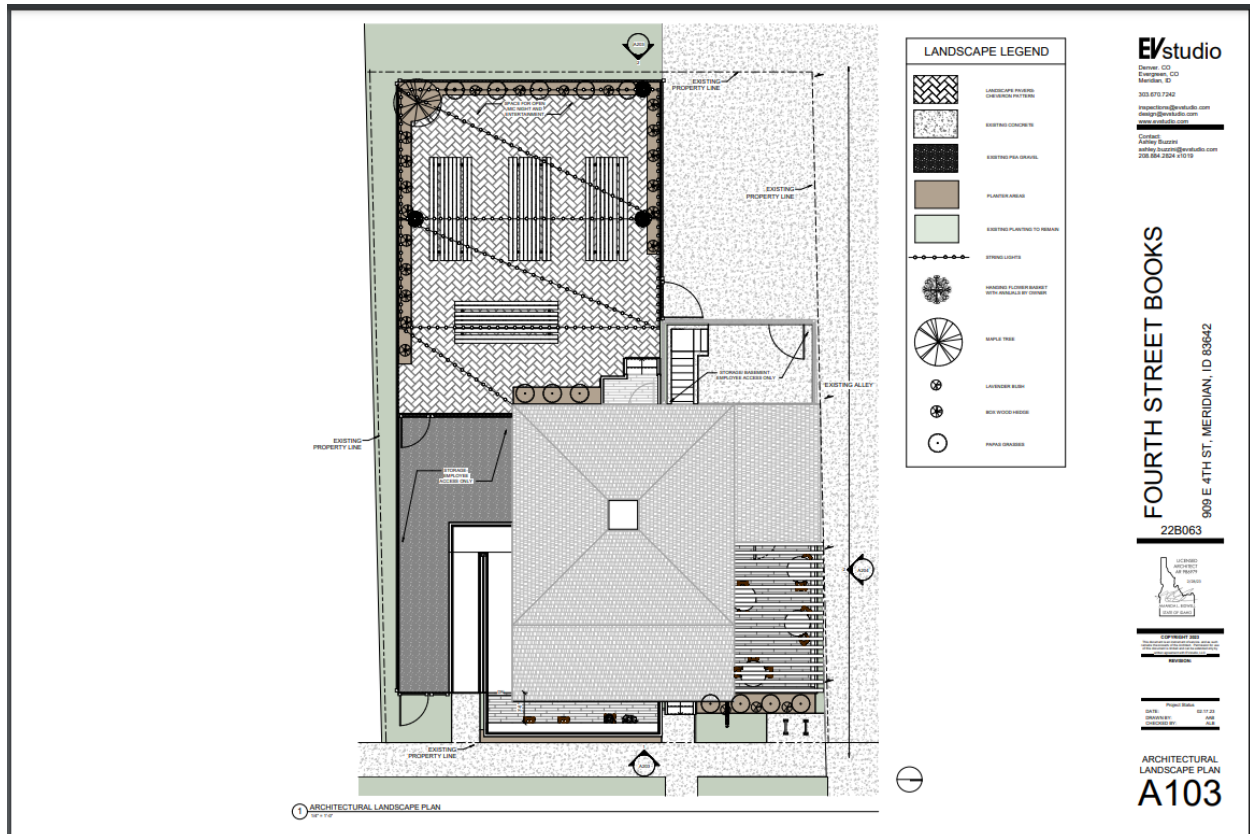
INDEX NO. 311-07-04-02-0-00-0000

RECORD OF SURVEY FOR: CHASE AND CHELSEA MAJO

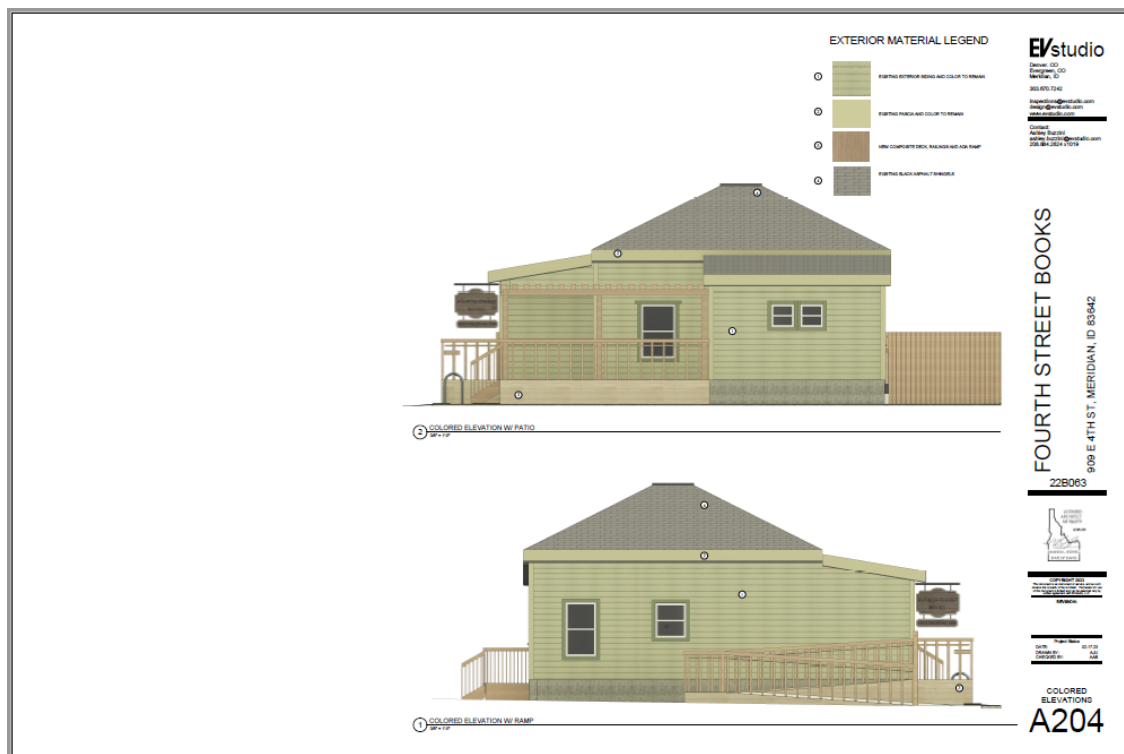
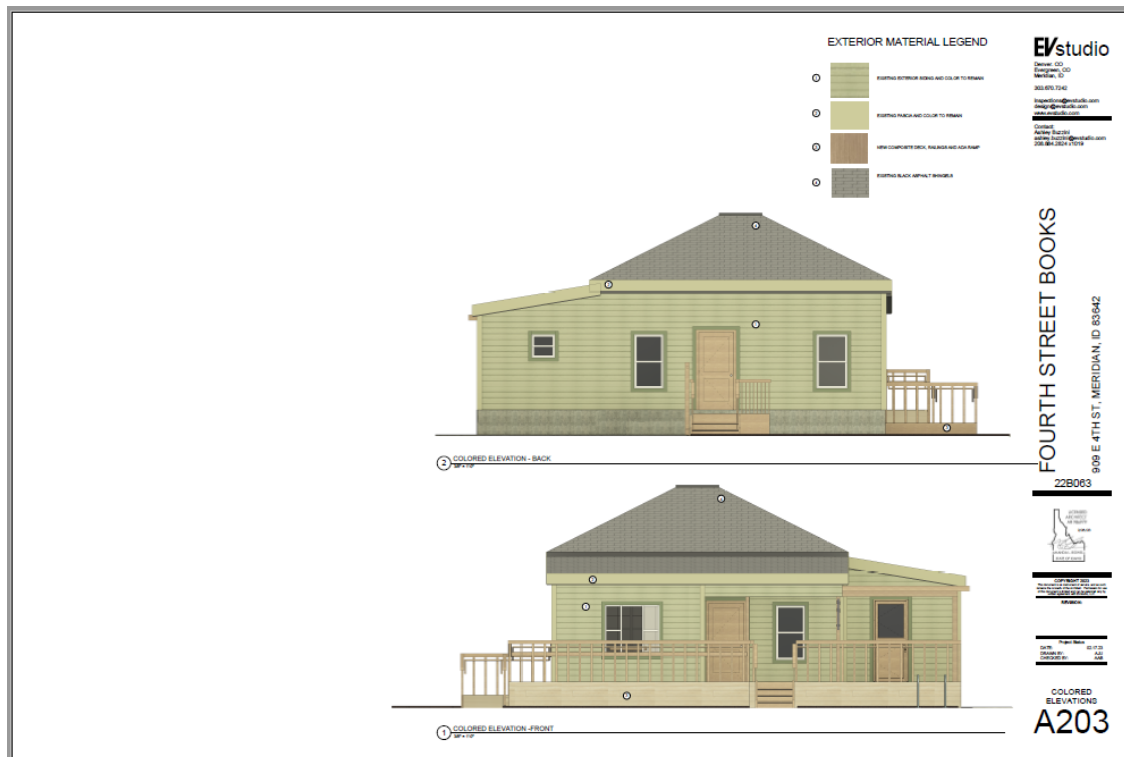
		COMPASS LAND SURVEYING, PLLC 623 11th Avenue South Nampa, ID 83651 Office: (208) 442-0115				
SHEET NO.	JOB NO.	DWG NO.	SCALE	DRAWN BY	DATE	REV
2 OF 2	7222	7222R.OS	1"=20'	AJW	11/01/2022	

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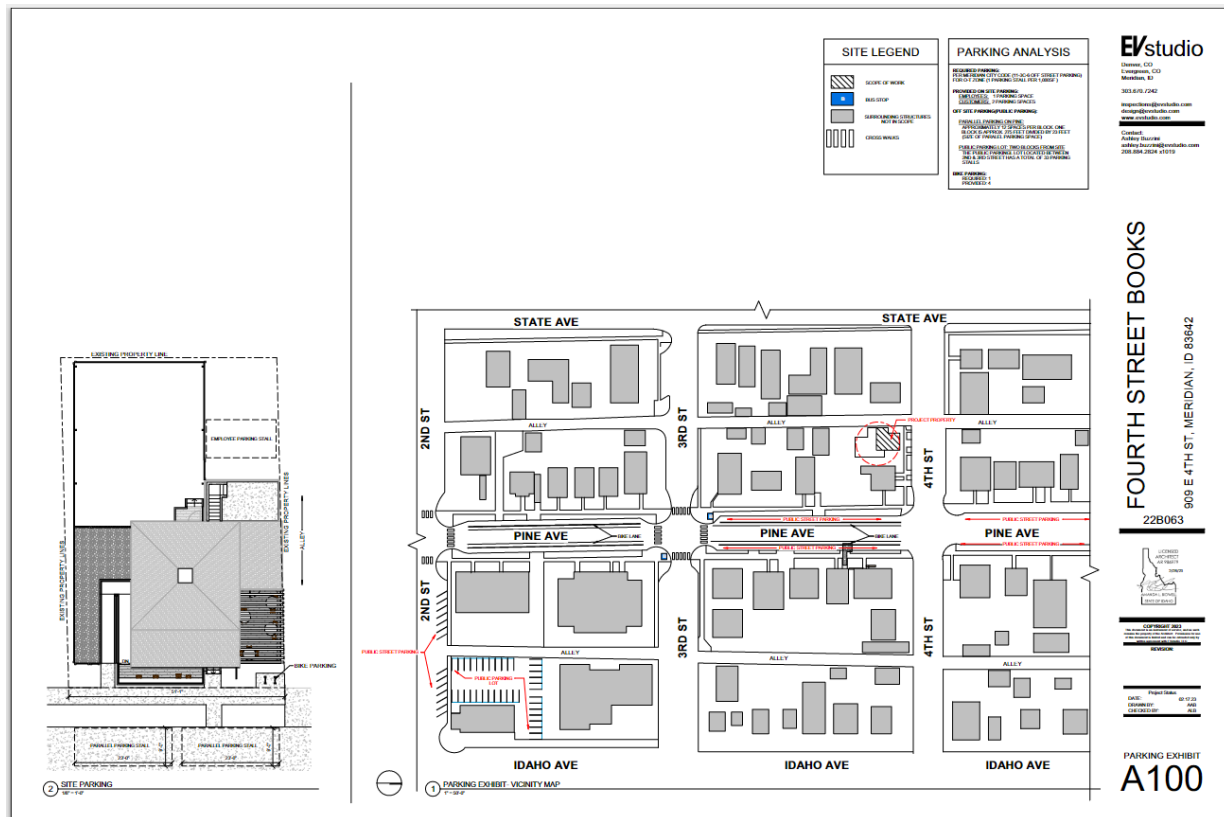
C. Landscape Plan (date: 2/28/2023)



D. Elevations (date: 2/28/2023)



E. Parking Plan (date: 2/28/2023)



IX. CITY/AGENCY COMMENTS

A. PLANNING

Staff Comments:

- a. All proposed outdoor events and activities must obtain a Temporary Use Permit from the Clerk's Office and are limited to operating hours between 10:00 AM and 10:00 PM; the Temporary Use Permit is only valid 160 days per calendar year.
1. The maximum number of allowable customers at the facility at *one time* at any given time must not exceed the maximum occupant load specified in the Fire Code.
2. Prior to building permit submittal, the Applicant shall obtain Certificate of Zoning Compliance and Design Review approval to establish the use and approval for the exterior modifications to the building.
3. The site and landscape plans submitted with the Certificate of Zoning Compliance application shall depict the following:
 - a. Incorporate columnar trees or other taller shrubs around the fence line in addition to and around the fence line in addition to the shrubs and groundcover proposed on the landscape plan.
 - b. Include a detail of the bicycle racks with the CZC submittal.
 - c. Install "No Parking" signs along the alley.
7. All outdoor lighting is required to comply with the standards listed in UDC 11-3A-11C unless otherwise approved through alternative compliance. Light fixtures that have a maximum output of 1,800 lumens or more are required to have an opaque top to prevent up-lighting; the bulb shall not be visible and shall have a full cutoff shield in accord with Figure 1 in UDC 11-3A-11C.

B. NAMPA MERIDIAN IRRIGATION DISTRICT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=291420&dbid=0&repo=MeridianCity&cr=1>

C. IDAHO TRANSPORTATION DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=292380&dbid=0&repo=MeridianCity>

D. IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=291615&dbid=0&repo=MeridianCity>

E. ACHD

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=291016&dbid=0&repo=MeridianCity>

X. FINDINGS

A. Annexation and/or Rezone (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;
Commission finds the proposed zoning map amendment to rezone the property from the R-15 zoning district to the O-T zoning district is consistent with the Comprehensive Plan.
2. The map amendment complies with the regulations outlined for the proposed districts, specifically the purpose statement;
Commission finds the proposed zoning map amendment complies with the regulations outlined in the requested Old Town designation.
3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;
Commission finds the proposed zoning map amendment should not be detrimental to the public health, safety and welfare.
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
Commission finds the proposed zoning map amendment will not result in an adverse impact on the delivery of services by any political subdivision providing public services within the City.
5. The annexation (as applicable) is in the best interest of city.
Subject site is already annexed so Commission finds this finding nonapplicable.