

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



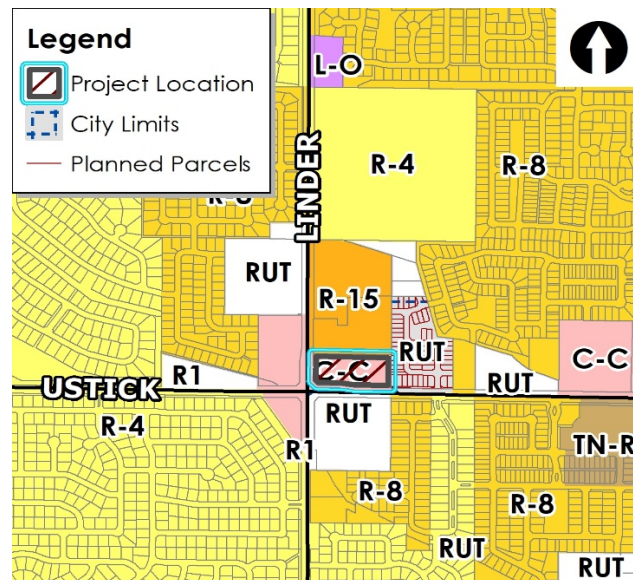
HEARING 4/27/2021
DATE:

TO: Mayor & City Council

FROAM: Joseph Dodson, Associate Planner
208-884-5533

SUBJECT: H-2021-0016
1450 W. Ustick MDA

LOCATION: The site is located at 1450 W. Ustick Road, the northeast corner of N. Linder Road and W. Ustick Road, in the SW ¼ of the SW ¼ of Section 36, Township 4N., Range 1W.



I. PROJECT DESCRIPTION

Development Agreement Modification to amend the Sugarman Subdivision Development Agreement (Inst. #2014-088000) to replace the existing concept plan with the submitted development plan, by Mark Bigelow, MRS Landholdings.

II. SUMMARY OF REPORT

A. Applicant:

Same as Owner

B. Owner:

Mark Bigelow, MRS Landholdings – 1716 N. Stagno Bello Place, Eagle, ID 83616

C. Representative:

Same as Owner

III. STAFF ANALYSIS

The Applicant proposes to amend the Sugarman Subdivision Development Agreement (Inst. #2014-088000) to replace the existing concept plan and amend or add new provisions consistent with a new development plan. See Section V for Staff's recommended changes to the existing DA provisions.

History: The subject site was annexed in 2014 under AZ-14-007 and was approved for a short plat at the same time consisting of four (4) building lots (SHP-14-001). The property is still shown as a singular lot so the plat was never recorded and is no longer valid. However, the DA and annexation ordinance were approved which means the property could develop with C-C uses consistent with the approved concept plan.

Exhibit A

Concept Plan: The concept plan in the existing DA depicts 3 buildings; a gas station, a multi-tenant building, and a bank with a drive-through. The existing DA restricted the location of the drive-through through the hearing process. In addition, the existing concept plan shows a connection to the north directly in line with the Ustick Road access and shows a restricted access point to Linder Road. See Exhibit B for the existing concept plan.

The new concept plan depicts eight (8), single-story, multi-tenant office buildings that could contain those uses allowed in the C-C zoning district. However, the Applicant has indicated that they only allow office uses within their developments. The site plan maintains the arterial access points shown in the approved concept plan but proposes a new connection point to the north due to recent approvals that were not known at the time of annexation in 2014. The proposed office complex also shows green spaces between all of the buildings creating a commercial mew and breaks up the building pads. Because of the proposed site plan, general location of the site, and limited accesses into the site, the probable uses will be personal and professional services, daycare group, flex space, information industry, retail uses, and healthcare/social services so Staff does not find it necessary to specifically limit the uses through the DA. See Exhibit C below for the proposed development plan. More specific review of the site plan will be done with a future CZC application.

Access: Despite the existing access points being approved with the original approvals and concept plan in 2014, the adjacent property to the north has received plat approval and includes a public road stub on the subject site's northern boundary that was not part of the original approvals. The submitted concept plan shows the public road terminating on site via the commercial drive aisles requiring a public access easement on this property. This is not consistent with ACHD policy and requires the road to terminate in a cul-de-sac unless the applicant requests a waiver to this policy which may require ACHD Commission action. Per ACHD staff, this waiver cannot be requested until a future CZC application is submitted for review and approval. ACHD does not provide action or conditions of approval on development agreement applications. If the applicant does not obtain the waiver, it does affect the design of the proposed concept plan and would require a redesign to accommodate a cul-de-sac. A recommended DA provision requires compliance with ACHD policy. This would allow the applicant to move forward with executing the amended DA and submitting a CZC application for ACHD to review and provide the necessary determination on the extension of the approved stub street and access to Ustick Road.

Furthermore, the access to Linder shown on the submitted site plan does not meet ACHD offset policy nor UDC 11-3A-3. This access point should be closed with the future CZC application submittal. The need for this access is further mitigated with an access through Edington Commons to the north that leads to a safer access to Linder Road. The closure of the Linder access on this site also furthers the integration of this site with the residential to the north which helps the project meet the integration desired on mixed-use properties like this.

Waiver Request: In addition to the request for the DA Modification, the Applicant is requesting a Council Waiver to reduce the required landscape buffers along the northern and eastern property lines from 25 feet to 15 feet. The properties to the north and east of the site are approved for residential developments which require a 25-foot buffer for the C-C zoning district, according to the UDC. The Applicant is requesting to reduce the landscape buffers adjacent to the residential developments because in addition to the buffers themselves, the site plan shows a drive aisle and parking spaces between the rear-yard fences of future homes and the commercial buildings. Overall, the buildings should be at least 45 feet from the eastern property line and 60 feet from the northern property line. Within the proposed landscape buffers to the residential developments the Applicant is proposing a micro-path throughout both buffers that connect to the sidewalks along Linder and Ustick. These paths will also connect to the sidewalks that will lead into Edington Commons to the north and a future pedestrian connection from the east (Tetherow Crossing). Furthermore, the Applicant is proposing single-story buildings and with the proposed pedestrian elements maintain the integration desired within a mixed-use designation. Staff

Exhibit A

recommends the landscaping in these buffers be denser to help ensure adequate buffering—at a minimum, the planted trees should touch at maturity. Therefore, Staff finds the reduced landscape buffers along the northern and eastern boundaries offer an equal buffer to the code required 25-foot width when combined with the overall site design.

The additional area of buffer that is shown as less than the required width is that area adjacent to the arterial intersection of Linder and Ustick. The only reason for this buffer being less than the 25 feet required is to make the site design work efficiently. Street buffer reductions require Alternative Compliance (a director determination) to be approved and should be applied for with the first CZC application. On a property located near a hard corner such as this it is more appropriate to place the buildings closer to the corner itself. In addition, requiring the 25-foot buffer in this area would not gain the City any measurable benefits. For these reasons, Staff supports the Applicant's request and does not see the change in buffer width as becoming detrimental to the adjacent developments or to the general welfare.

IV. DECISION

A. Staff:

Staff recommends approval of the modification to the DA (Inst. #2014-088000) as recommended by Staff's analysis above and with the specific changes below.

B. The Meridian City Council heard these items on April 27, 2021. At the public hearing, the Council moved to approve the subject Development Agreement Modification request and the Council Waiver request for a reduced landscape buffer along the north and east boundaries of the site.

1. Summary of the City Council public hearing:

- a. In favor: Mark Bigelow, Applicant
- b. In opposition: None
- c. Commenting: Mark Bigelow
- d. Written testimony: None
- e. Staff presenting application: Joseph Dodson, Associate Planner
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. None

3. Key issue(s) of discussion by City Council:

- a. Reason why Staff did not restrict any uses on the site through the DA Mod;
- b. Demand for office space following the pandemic;
- c. Pedestrian access to and from development but also within the project, specifically any pedestrian access between the buildings (Applicant confirmed only green space between the buildings and no paved pedestrian accesses);
- d. Termination of the public road from Edington Commons and how that could function if
- e. ACHD does not approve the future waiver request;

4. City Council change(s) to the Staff Report:

- a. None

Exhibit A

V. EXHIBITS

A. Development Agreement provisions from the existing DA (Inst. #2014-088000):

Existing Provisions:

5. CONDITIONS GOVERNING DEVELOPMENT OF SUBJECT PROPERTY:

5.1. Owner/Developer shall develop the Property in accordance with the following special conditions:

- 5.1.1 Direct lot access to W. Ustick Road and N. Linder Road is prohibited except for the access points approved with the plat in accord with UDC 11-3A-3. Access to N. Linder Road shall be restricted to right-in/right-out and access to W. Ustick Road shall be determined by ACHD.
- 5.1.2. Future development of this site shall be generally consistent with the conceptual development plan shown on the landscape plan in Exhibit A.2, except for the drive-thru shall be relocated (if proposed) internally and not be located along the east or north boundaries of the site adjacent to existing and future residential properties.
- 5.1.3. A drive-thru establishment shall not be located along the north or east boundaries of the site adjacent to existing and future residential uses.

Staff's Recommended Changes:

5.1.1: "N. Linder Road access is prohibited in accord with UDC 11-3A-3. Access to W. Ustick Road shall be restricted to right-in/right-out only.

5.1.2: "Future development of this site shall be generally consistent the conceptual development plan and building elevations shown on the landscape plan in Exhibit V.C., ~~except for the drive-thru shall be relocated (if proposed) internally and not be located along the east or north boundaries of the site adjacent to existing and future residential properties.~~"

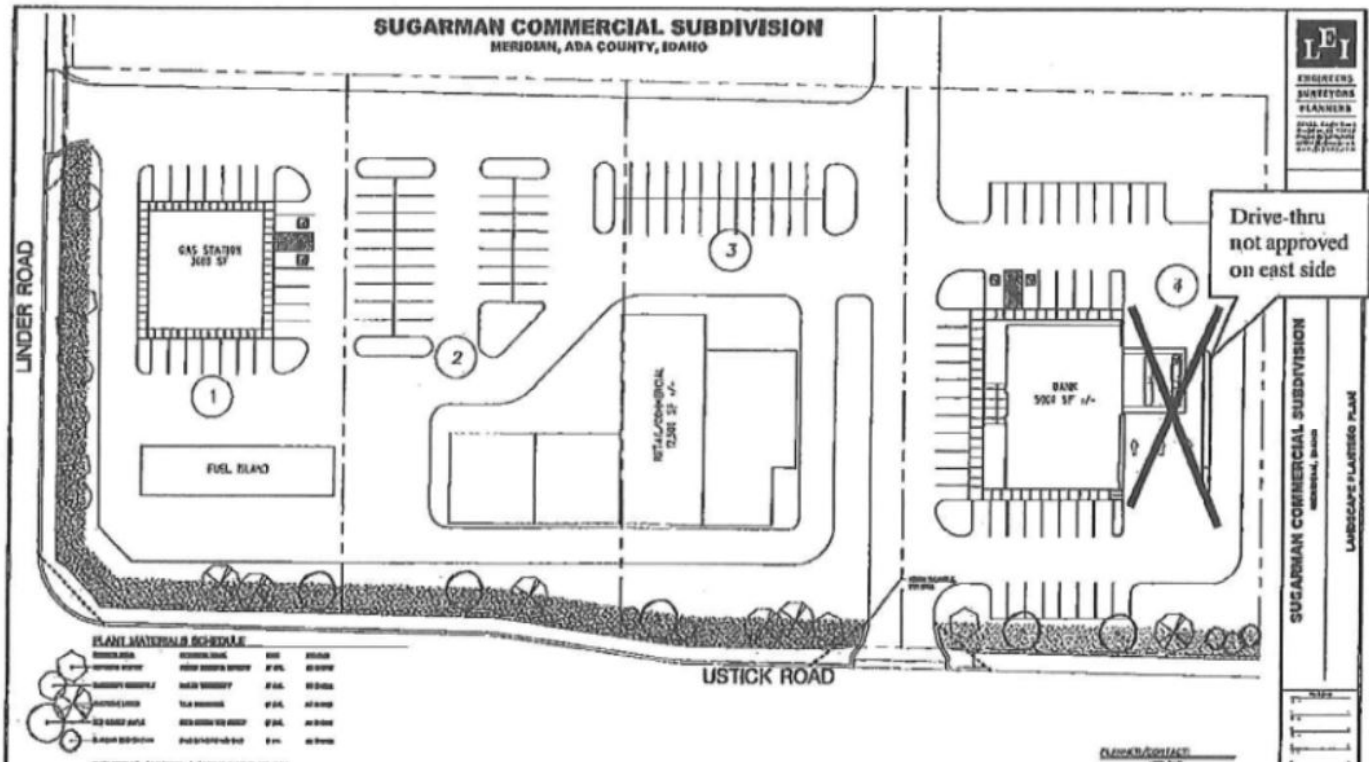
5.1.3: ~~"A drive-thru establishment shall not be located along the north or east boundaries of the site adjacent to existing and future residential uses."~~

Add Provision: "The owner/developer shall submit an alternative compliance application concurrent with the first certificate of zoning compliance application to allow the applicant to construct a 20-foot wide street buffer along Linder and Ustick Roads in accord with UDC 11-3B-7C. Per the approved Council Waiver at the public hearing, A 15-foot wide landscape buffer shall be constructed along the north and east boundary. This buffer shall include a 5-foot pathway that connects to the Tetherow Crossing to the east, the 5-foot sidewalk in Edington Commons and the 5-foot attached sidewalk on Linder Road and Ustick Road, AND landscaped with trees that touch at maturity in accord with UDC 11-3B-9C."

Add provision: "Applicant shall extend the public road from Edington Commons (Parcel #S0436336054) into the subject site per ACHD policy."

Exhibit A

B. Existing DA Concept Plan:



ARCHITECTURAL SITE PLAN

[illegible]

Exhibit A

D. Conceptual Building Elevations:

