

**Public Hearing for 330 N. Linder Rd. (H-2024-0048) by Nicholas Rinker, located at 330 N. Linder Rd.**

- A. Request: Annexation of 1.0 acre of land with an I-L (Light Industrial) zoning district to operate a Vehicle Sale or Rental and Service Facility.

Lorcher: All right. Well, we are just going to keep kind of going along here. The next application is Nicholas Rinker requests annexation at 330 North Linder Road and we will start with the staff report.

Napoli: Madam Chair, Members of the Commission, next item on the agenda is the annexation for 330 Linder Road. The applicant is requesting annexation of one acre of land for the proposed use of vehicle sales or rental and service. The site consists of one acre of land located at 330 North Linder Road. As shown on the screen the zoning is R-1 in Ada county and the FLUM designation is general industrial. The subject property is part of an enclave -- enclave area surrounded by city annexed property. Annexation of this land will provide more efficient provisions for city services. Industrial uses exist to the west across North Linder Road, to the south and to the east. Single family residence does exist to the north in Ada county. But this property is designated as general industrial on the FLUM designation. The use of vehicle sale or rental and service is consistent with the Comprehensive Plan for general industrial designation. The existing residence is -- existing residence is proposed to remain as the main office for the vehicle sales business. The building shall abandon well and septic and connect to city services at the time of annexation in accord with the UDC. Additionally, the current structure proposed to remain will be nonconforming if approved, with a 35 foot street setback required for the I-L zoning. Any future development on the site will be required to be in compliance of this setback. The applicant is requesting -- is also requesting a Council waiver to reduce the 25 foot landscape buffer to the adjoining residential to the north. The property owners for the property to the north did provide a letter in support of this. The applicant is proposing water wise landscaping, which allows the landscape buffer along Linder Road to be reduced to 12 and a half feet. One full driveway access exists to the site via Linder and this is proposed to be eliminated and the applicant will share access with the property to the south through a cross- access agreement. Staff is recommending approval and has not received any written -- written testimony at this time and I will stand for any questions.

Lorcher: Would the applicant like to come forward?

Wilke: Good evening, Commissioners.

Lorcher: Good evening.

Wilke: I'm not the applicant, I'm the applicant's representative. I represented him for the purchase of the property, but he here with us to answer questions.

Lorcher: Okay. Very good. If you can just state your name and address for the record.

Wilke: My name is Matt Wilke. P.O. Box 7, Middleton, Idaho. 83644.

Lorcher: Okay.

Wilke: Like to say we agree with the staff report and recommendation for approval and appreciate the -- the approval there. The -- the -- the applicant agrees with the terms and as -- as stated in the staff report. It is in a future industrial area shown as general on the future land use map and we do have industrial properties contiguous to the south and east already. The neighbors have been fantastic to work with. They seem to have the same vision for the area as the applicant. The neighborhood meeting went well, so that's always a great sign. And the neighbor to the north, as was stated in the staff report, has worked with the applicant to reduce the landscape buffer as they anticipate sometime in the future probably be industrial as well. On the development agreement we just had a couple items to bring up there. One is it does say in the development agreement no more than three cars will be displayed along North Linder Road at any one time. We do have a slight issue with the ITD requirements for a dealer license. So, once he does seek or receive hopefully approval for the annex and rezone his plan would be to apply for the dealership license through ITD and they need to have a display area large enough to display five vehicles of the type the dealer is licensed to sell and so right now being limited to three there is a little bit of conflict there that might need a work around, but in his latest site plan that's dated November 4th, 2024, you can see the four -- or the five display lots on the frontage there and ITD just requires that to be along the office there and he has got plenty of room there to display those five. I don't think it would be an eyesore for automotive and the kind of vehicles he sells. So, that would be our one request there. Also the driveway stub to the north for cross- access, the applicant does not intend to remove the home in front and intends to convert that to an office for the dealer business and so cross-access would probably not be actually very effective in the future, because it would be in the way -- that building would be in the way. It's not going to be removed. He did work with the southern landowner for access there and will come in from that cross-access, which is great, but the -- that northern one is going to be probably not -- it's probably not going to work out just because of the way the lot's designed and this is a small project. ACHD didn't require a traffic impact study due to the low traffic generated and it's really not large enough to -- I don't think really warrant the -- a cross-access to the north, unless this site were to be completely changed in the future, which would require another application and see everyone, but that was our comment there. Also the applicant to install a six foot privacy fence, that's no issue at all. He has actually done that on the north already, so he has matched the east and south boundary. Done some work on the property to clean it up while they are working on the application here. So, that's all great. So, other than that great staff report and we appreciate the recommendation for approval and I stand for questions.

Lorcher: Commissioners, do we have any questions for Matt?

Seal: Madam Chair?

Lorcher: Commissioner Seal.

Seal: I guess it's more of a concern and maybe staff can help with it, but with asking for the reduced buffer space and everything with the house where it is, how is that going to be impacted when they widen Linder? Because they are going to do the overpass for Linder and I would imagine that they are probably going to accelerate widening that, so that to me there -- I just have a concern that, basically, the house structure that's left there, even though it's converted to an office, is that -- is that something that's going to be able to even stay?

Wilke: I believe I read in the staff report that there was -- and maybe staff can talk more on this, but because of the recent work on frontage there on Linder it wasn't going to be required to expand past that. That's all pretty much new construction, new sidewalk and new -- new -- new expansion there already. It's already widened. So, I don't know how that would work with the long-term future plan, but I thought it was already built to that standard.

Seal: Staff, can you collaborate on that a little?

Napoli: Yeah. Madam Chair, Commissioner Seal, as far as with that -- so, Linder has been widened to five lanes here already and there is no planned further improvement on Linder Road at this time from ACHD. So, it is built out to its ultimate capacity at this point. You know, that could change at some point in the future and, you know, at that time have a similar concern, correct, at 35 foot it would create a nonconforming use or -- because of the setback requirement in the I-L zone, which is also part of the reasoning for the cars, the display area. We want the building to be prominent on the property and not have cars displayed in front of it. It's kind of designed for Meridian, because we don't want cars displayed, you know, in front of all the buildings on -- in these areas. We would like the buildings to be prominent. But, you know, as far as Linder Road, you know, at a later point ACHD, you know, it is built out to its ultimate capacity with the five lanes. It was already done. There is actually a moratorium to not cut into Linder Road at this time at that point because of how new it is. I believe it -- in 2026 is when you are able to cut into Linder Road in this portion, but I guess does that answer your question?

Seal: It does. Thank you.

Lorcher: Nick, who makes the decision for his question in regard to three cars displayed or five cars displayed? That's not a city question. Is that an ITD question?

Napoli: So, that's a great -- honestly, I didn't know about that issue. I'm not familiar with the dealer license through ITD. Definitely a conversation I can have with ITD and the applicant before our Council hearing to see if they are willing to work with us on that or if there needs to be some bend on our end. I think either way we can get there to where the applicant won't have an issue with that, so he can get his dealer license -- license. Really, the intent behind that as far as staff is to not have vehicles in front of the building.

Lorcher: Right. So, just understand that, you know, all powerful ITD has their own way of doing things, so it may be the way it is and you will have to decide if that's in your best interest or not.

Grace: Madam Chair?

Lorcher: Commissioner Grace.

Grace: So, with regard to the development agreement in the 35 foot setback, is that related to any expansion and the existing home structure is sort of exempt from that or is that -- does that capture that existing building?

Wilke: It's two feet off, so they need to be 35 or 37, one way or the other, I believe, and so the way I understand it is as long as he doesn't remodel that home and add on to the structure that's there, then, it can stay nonconforming. But maybe someone could educate me more on that one, Commissioners. I'm just not sure that that -- he doesn't need to adjust the size of the home. If he is going to do any development on there it would be more for like a maintenance shop in the future, which wouldn't be attached to that structure, so it could stay in place as it sits.

Grace: Yeah. And I'm just trying to get a sense if you are asking us to modify that -- that DA or are you -- I guess I'm not sure what you are asking us.

Wilke: I'm just -- I guess on your question, Madam Chair, Commissioners, on the question regarding the structure being nonconforming with the 35 foot setback, any future expansion will require compliance. So, he is not planning on expanding that structure. So, it's fine as it sits, just as long as -- unless I'm seeing something wrong there, I don't think that's an issue.

Grace: Okay.

Napoli: Madam Chair, Commissioner Grace, yeah, as far as with that -- so, really, any further intensification or redevelopment of the property would require it to be brought into compliance. That's really the intent. You know, if they decide to redevelop this site in five years' time into something else, essentially, that building will have to be torn down. That's correct.

Lorcher: First, staff, also the shared access for the north and the south, is that something that the city is requiring?

Napoli: Madam Chair, that is correct. Yeah. We are going to continue to ask for that cross-access easement. You know, as far as where it's going to be on site it doesn't necessarily need to be in alignment with the one to the south, it can be further back on the property. It's just essential for us to consolidate these access points on these arterial roadways to prevent, you know, a lot of curb cuts like we see on Eagle Road. We are

trying to prevent that in the future to where we have a lot of traffic coming off these arterial roadways into curb cuts where it creates conflict points and danger to citizens. Correct.

Lorcher: So, I mean in regard to that request from the city, the reason it's there is that you are the applicant today and, then, you are developing the site because you are the one who is annexing to the city, but let's pretend it's ten years from now and the current owner chooses to sell and it becomes something else. So, we have no -- as a city has no ability to create that cross-access if we don't do it at the beginning of the annexation. So, you can work with staff with that, but the north and south, you know, cross-access will most -- will be required. So, you will have to work with staff and kind of figure that part out.

Parsons: Madam Chair, if I can just elaborate on those comments a little bit more. So, you are correct -- I agree with the applicant, it probably doesn't make a lot of sense today because of the way that they may function with a car lot. They want secure inventory. You don't want people going through your site. In instances like that we still require the cross-access. However, we say if it does -- changes to a different use other than that, it will be required -- or doesn't mean they shouldn't build it, but at least we could put -- you could put parameters on that. If this happens, then, they do it. If not, then, they don't have to do it. The other option is the code allows the Council to waive that requirement as well. So, again, it's -- it's really something that the Commission -- the Council could take under consideration as they move forward in front of them for their annexation request.

Lorcher: Okay. Are your neighbors right now to the north and south of you residential?

Wilke: The neighbor to the north, Madam Chair, is R-1 still and it has not rezoned, but the neighbor to the south is light industrial and to the east and I believe to the west across Linder as well if I remember correctly.

Lorcher: Okay. Commissioners, do we have any other questions for the applicant at this time? Thank you very much.

Wilke: Thank you, Madam Chair. Thank you, Commissioners. Thank you, staff.

Lorcher: Madam Clerk, do we have anyone signed up to testify?

Lomeli: Madam Chair, no one has signed up.

Lorcher: Is there anybody in Chambers that would like to speak in regards to this application? Matt, did you have anything else to add or are you good? Okay. Thank you. Can I get a motion to close the public hearing?

Seal: So moved.

Rust: Second.

Lorcher: It's been moved and seconded to close the public hearing for application 0048. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

Lorcher: This one's weird, because I travel Linder all the time and -- and it's changing, but it hasn't changed yet and on the west side of the road -- what is it, A-1 Heating and there is a T-shirt shop and, you know, Ace Auto Body and Meridian Storage and all that kind of stuff. So, it's -- it's been there, but on the west -- on the east side of the road it's always been residential and I guess this is one of the -- not the first one, but one of the few that are -- are really starting to happen. So, to me it seems out of place, but, then, again, it's all going to be kind of, you know, dominoing that way anyway, so --

Grace: Yeah. Madam Chair, my -- my biggest concern was the residential neighbor to the north and it -- it sounds like that that neighbor has been very agreeable and has agreed to the buffer adjustment and so that was my kind of biggest concern, because they seem to be the last residential --

Lorcher: Right.

Grace: -- in that area. So, that -- that does seem to be the way this area is going and, you know, therefore, I wouldn't want to stop that progression.

Lorcher: All right. Any other comments? Do we have any feelings about the cross-access that we want to share with City Council or should we let that kind of ride and let them decide what -- whether they are not going to support a waiver or not?

Seal: Madam Chair, I would leave it for City Council.

Lorcher: City Council. Okay.

Seal: Personally. I don't know if everybody else feels that way or not, but --

Rust: Madam Chair?

Lorcher: Commissioner Rust.

Rust: After considering all staff, applicant and public testimony, I move to recommend approval to the City Council of File No. H-2024-0048 as presented in the staff report for the hearing date of December 5th, 2024, with no modifications.

Grace: Second.

Lorcher: It's been moved and seconded to apply -- to approve Item No. 2024-0048. All those in favor say aye. Any opposed? Motion carries. Thank you very much.

MOTION CARRIED: SIX AYES. ONE ABSENT.

