

Public Hearing for Luna Hospice (H-2024-0012) by CivilSphere Engineering, Located at 525 E. Overland Rd.

- A. Request: Annexation of 1.03 acres of land with a proposed R-8 zoning district.
- B. Request: Conditional Use Permit to operate a nursing or residential care facility consisting of a 14-bed hospice facility.

Seal: And with that I would like to open File No. H-2024-0012 for Luna Hospice and we will begin with the staff report.

Parsons: Thank you, Mr. Chair, Members of the Commission. Next item, as you mentioned, is Luna Hospice. It's a request for annexation and conditional use permit. The subject property consists of 1.03 acres of land currently zoned R-1 in Ada county and the physical address is located at 525 East Overland Road. Comprehensive Plan designation for this property is medium density residential, but this evening we are talking about a non-residential use on the site for a residential care facility. In the Comprehensive Plan there is some language and policy in there that gives the City Council discretion when a site has access to an arterial and it's located -- is less than two acres in size, an applicant can request an office designation. Although we are not asking for office zoning, the use itself is similar to an office, so staff has used that verbiage in the Comprehensive Plan to say that because it's the nonresidential use and quasi-commercial or office that that rule does -- that -- that policy does apply and so they are here -- although we are not talking about density, we are talking about an office use or a nonresidential use on this site. So, ultimately, the Council will be the one to decide whether this is appropriate or not, and they will let the applicant move forward with that R-8 zoning. I just wanted to give you some of that context that just because we see a residential land use designation doesn't mean something else can't go on there at the discretion of City Council. So, the applicant is here tonight to discuss annexation and a conditional use permit to develop a hospice care facility -- 14 bed facility to be exact. Currently on the site there is an existing county residence and a garage structure that will be used for storage. So, the home is approximately 2,200 square feet and, then, this dark gray box that you see in the middle of the site is a 2,200 square foot addition that they plan to construct on the site if and when annexed into the city and, then, also they are proposing to provide the required number of parking stalls required for that use as well. So, under the code a nursing care, residential care facility only has to provide half a stall per bed. So, in this particular case 14 beds times .5, we are looking at a minimum of seven stalls and that's what you see on the site plan -- or this concept plan this evening. Also wanted to mention to you and we called out in the staff report the existing garage, which is located here along the west boundary, really kind of the southwest corner of the site, they may -- may be encroaching into the R-8 setbacks. Whenever we annex properties in and existing structures stay on the site, we try to get -- we try to have the applicants -- or those structures comply with R-8 standards. So, one of our recommended conditions of approval is that they demonstrate on the site plan what official -- what those official setbacks are. Staff did receive an e-mail from the applicant indicating that it could be a four foot setback on that west boundary

and since they are requesting the R-8 zone, the minimum setback required is five. So, there is a possibility of a one foot encroachment. Again, because this is annexation and staff is recommending a development agreement, you can make a recommendation to the City Council for it to remain as is as a nonconforming structure or you can also -- or you could just say remove any structures on the site that don't meet R-8 dimensional standards. Access to this site is probably the more critical issue for this evening and that is because there is no other access to this property, except for Overland Road. I think the one thing that staff was supportive of this use is it's usually less traffic than what you see with other commercial uses. However, this site does have three existing curb cuts as noted in our staff report and the ACHD staff report, so you can see here on the site plan there is a U-shape driveway that is currently constructed on the site and, then, also on the east boundary there is a curb return here as well. Because this curb return on the east boundary aligns with the one on the north side of Overland Road, staff is of the opinion that access should come -- be utilized from that driveway and these two existing be closed. This would allow for cross-access to be achieved and granted to the property to the east and this would also allow the applicant to keep the existing asphalt potentially stubbed to the west for future connectivity to the other county parcel on the west boundary. Now, I would bring to the Commission's attention that the existing home on the west boundary recently went through a pretty large residential addition through the county. Staff has been in conversations with them about annexing into the site and they said -- or annexing their property and they said that they had no -- no plans of annexing anytime soon. So, there is the likelihood of that remaining residential for quite some time. It's -- it's a real possibility. Although our code still requires that we require -- grant cross-access to either one of these properties. Again, if that's something that the Commission wants to recommend to Council that's certainly within your purview and Council can take that under consideration when they act on the annexation request and the conditional use permit as well. Staff is also recommending a 20 foot wide landscape buffer around the south and east boundary. That's something that the applicant did offer up as part of their site plan. I would let you know that that is not required by city code, that's something that the applicant wants to do and staff feels that it's appropriate. Where the existing driveway and the existing garage is on the west boundary staff is okay with that encroaching within the 20 foot buffer and, obviously, the -- the other encroachment as well on the west boundary, meaning the setbacks. Staff is not recommending a 20 foot buffer along the west boundary. Also mention to you because of the arterial -- Overland Road is an arterial street -- that UDC does require a 25 foot wide landscape buffer along an arterial roadway. The applicant is providing that on the plan or demonstrating compliance with that, except in the areas where the existing U-shaped driveway is. If those -- if -- when that driveway is removed, they are required to provide the 25 feet in the area where -- that area of the driveway is being removed. If they can't meet compliance they can certainly go through alternative compliance with staff at the time that they go through CZC approval with us or they can simply take advantage of our waterwise landscaping standards and that actually allows the applicant to reduce that buffer width by half if you take advantage of those standards. So, not only could they get a narrower buffer where their existing driveways are, but they could also reduce that entire 25 foot buffer by half by employing those -- those water design concepts in our -- in our city code. I think the applicant probably wants the flexibility to meet with staff, but -- or work with staff on that as they go through the --

the remainder process with us, but just wanted to put that on the record for the applicant, that they do have flexibility under the city code. So, here are the -- here is the example of the building elevation, the addition that I had mentioned to you. Certainly it's single building materials. Definitely want the addition to look like the existing residents on the site, so it's a cohesive design. Just let you know they still need to probably refine this design concept a little bit more, work with staff going through that design review process, but I think we can get up there. So, although here is a sample elevation, staff anticipates a little bit more design elements on the structure to comply with the existing residence on the site. I also had a chance to look at the public record on this particular application before I came this evening and, again, no public testimony on this application as well. Again, with their request for Council to approve the nonresidential use on the site and with the conditions in the staff report, staff finds this does meet the requirements of the comp plan and the code and we are recommending approval and I will stand for any questions you may have.

Seal: Thanks very much. Would the applicant like to come forward?

Smarda: Good evening. Thanks, Bill. Appreciate it. My name is Claire Smarda. I'm with CivilSphere Engineering. Address is 4466 North Waterfront Way, Boise, Idaho. Thanks for hearing me out. I am really excited about this project. We feel like this is going to be a great use for the location being on Overland and kind of a more busy street, but we had good feedback from the neighbors in the two meetings that we had with them about being a quieter use, but still complying with everything, but they seemed to be happy with it as far as we understand. As Bill was saying with some of his comments, we are working to get all of those addressed. The ACHD comments came back and talking about the cross-access and the one driveway approach, we are definitely going to work with the city to make that work and try to get the best scenario in there, even -- even though the east and west properties will not be annexing at this time, we are going to do our best to make sure that in the future when they do it's going to also work well and they will be able to get in and out. The other issue was the garage -- the existing garage, that we have got that four feet and not the five feet. We would like to keep the garage if possible and have some alternative compliance, but willing to work with staff as we move forward to figure out how to make that work. I think most other issues that came up in the staff report we are very happy to comply with. I do have Allyssa Blakely here with the hospice facility to speak about some of the fencing and other requirements that they were concerned about, so she can explain how this hospice facility is a little bit different than maybe a long-term residential care and assisted living facility, so --

Seal: Okay.

Smarda: -- if she wants to come up later or now or --

Seal: Now is perfect. We will need your name and address for the record as well.

Blakely: My name is Alyssa Blakely. I live at 4514 West Clearview Drive, Boise, Idaho. 83703. And I'm an administrator at Luna that is located in Nampa and we are a ten bed

home. We are licensed as an assisted living facility, but we only take people that are on hospice. So, we specialize in that end-of-life care. I would say 98 percent of our residents are bed bound or wheelchair bound. No one is ambulatory or can get around on their own and so we are the only option for that in the Treasure Valley right now and that's why we are looking to open up a second location and to bring it to Meridian. That's actually the biggest problem I have in Nampa is people say, oh, it's so far away. And I'm from Seattle, so that doesn't click in my head, but -- so having this location in Meridian will get the people in the Ada county area what they are looking for for their loved ones for that close one-on-one care that we offer. In most large facilities you are looking at caregiver-to-resident ratio one to 20 and we offer one to five and so they are getting much more personalized care and in order to be licensed through the -- the RALF organization for residential assisted living facilities, there is a special license for taking anyone that is -- they say the word eloper, someone's trying to escape or to leave that they are unaware what they are doing, they are always trying to leave and we will not be getting that specific license. We specialize in the end-of-life care. No one's really getting around, so we don't need that license. We are not a locked unit in that verbiage for what they use for that and so when it comes to that six foot fence for the property, we don't have a need for it out in Nampa. We will be having -- getting the same license that we have for the one Nampa for the one in Meridian and taking those same level of care residents. Any questions for me?

Seal: Commissioners, do we have any questions? I do have a couple, actually, between staff and you guys can probably answer. So the garage -- is the garage a garage or a carport? I mean is it enclosed?

Blakely: It's an enclosed garage. It's detached.

Seal: Okay.

Blakely: It's a detached garage.

Seal: Okay. And, then, the existing house, will it be a residence where like the -- it will all be a care facility?

Blakely: It will all be a care facility --

Seal: Okay.

Blakely: -- but it will still look like a home. Okay.

Seal: And, then, the seven parking spots -- parking is always a problem, so --

Blakely: In all honesty, it will be sufficient.

Seal: Okay.

Blakely: There is -- no one that's there has a car.

Seal: Right.

Blakely: Because they are not going anywhere.

Seal: Right.

Blakely: Staff will park over in front of the garage, because that part is paved. That's there during the day and, then, the spots will be open for family.

Seal: Okay. So, really, there is more than just the seven?

Blakely: Yeah. There is just -- there will be seven designated parking spots for visitors and we will have where our staff will park. That's already there.

Seal: Yeah. My concern is more around just emergency vehicle access, because, obviously, there is going to be some of that happening there as well, so I just want to make sure.

Blakely: Actually, that's very very rare.

Seal: Okay.

Blakely: Because they are on hospice everyone has a DNR signed.

Seal: Okay.

Blakely: And so the only people that are the -- the coroner.

Seal: Okay.

Blakely: Anyone else?

Seal: Go ahead.

Grace: Yeah. Mr. Chairman, you made me think of something. You -- so, with the garage -- I'm guessing access to that is from the north side to the side --

Blakely: I'm really terrible at this.

Smarda: I can set -- do you have the site plan on your screen?

Seal: Uh-huh.

Smarda: So, on the west side is where the garage is and so you can see there is some concrete and asphalt just north of it -- of Overland. Before we were coming in with that

U-shaped driveway and they could just drive directly over, but we will be closing both of those off because of the staff report and ACHD's comments and so, yes, access to the back garage will come from the north, but it will be a 20 foot drive aisle coming from the east. Does that make sense?

Grace: Okay. Yeah. I just wanted to make sure that the access wasn't maybe on the side that -- that -- adjacent to the residential homes to the south, that the accents was on the other side of the building.

Smarda: I will be along Overland, so we are not going to be putting in a big driveway next to somebody's house or anything like that.

Grace: Yeah. And, then, just to follow up, do you plan on having any like garbage pickup or dumpsters or anything like that?

Blakely: No dumpsters regularly. Regular trash.

Grace: Just the containers like residential?

Blakely: Uh-huh.

Grace: Okay. Thank you.

Seal: Commissioners, anything else?

Smith: Mr. Chair?

Seal: Go ahead.

Smith: I think I have just -- it's more of -- this is more of a me issue than anything. So, if the drive aisle coming from the east and we have this garage around on the west, can you walk me through really quickly just kind of the path -- if I'm an employee and I'm parking there, do I go through where this parking lot is and kind of up this curb and around the house and, then, down --

Smarda: So, there will be -- I will have to redraw the site and there will be some additional demolition outside of the existing house that will have to happen to get a larger drive aisle through there, but, yes, they will be coming in from the east side, coming down and heading west and, yes, we will wrap around, but I will ensure that there are decent turn radiuses for cars to get in there and everything like that.

Smith: Okay. Cool. Thank you. That makes more sense.

Seal: Madam Clerk, do we have anybody signed up to testify?

Conly: Thank you, Mr. Chair. No one's signed up.

Seal: Thank you. Is there anybody else in the audience that wants to testify? I think we have had everybody up here. Everybody's had their chance tonight. With that thank you very much. Appreciate it.

Smarda: See you guys.

Seal: With that, if there is no further questions or comments, I will take a motion to close the public hearing for File No. H-2020-0012.

Smith: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2024-0012. All in favor, please, say aye. Opposed nay? The public hearing is closed.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Would anybody like to jump in and comment on this?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: This seems to be a good use for this space and it sounds like the client is going to be able to make any changes to make the site work regards to annexation and accessibility. You know, the four foot setback or the five foot site is a pretty small amount and I understand the city wants compliance, but with that structure really being there I would be in favor of alternative compliance, but I'm not the decision maker, so all I can do is make -- give my opinion and it seems like moving the cars from the east side of the property to the west and having that parking should be sufficient for the kind of care that they are going to offer at the facility.

Seal: Commissioner Smith?

Smith: Thank you, Mr. Chair. I agree with Commissioner Lorcher, I don't feel super strongly about the alternative compliance. I think that to my mind -- again, not the decision maker here, but I don't see that being an issue to me personally. I also just want to thank you for what you are doing. I have -- generative diseases run kind of pretty strong in my family and so having seen kind of my family take care of my grandparents and great grandparents over the years, you know, it's really important work you guys do and I thank you guys for that.

Seal: Okay. Anybody else? Okay.

Garrett: Mr. Chair?

Seal: Go ahead.

Garrett: Just like to comment, I, too, second that. I -- having family go through this several times I very much appreciate the services you are providing.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: After considering all staff, applicant, and public testimony, I move to recommend approval to City Council for File No. H-2024-0012 as presented in the staff report for the hearing date of June 20th, 2024, with no modifications.

Smith: Second.

Seal: It's been moved and seconded to recommend approval of File No. H-2024-0012 for Luna Hospice. All in favor, please, say aye. Oh, Commissioner Grace, go ahead.

Grace: I had a question before we vote.

Seal: Absolutely.

Grace: Sorry. I had a question before we vote. Maybe it's for staff. Do we have to make any recommendation on the setback, Bill, or --

Parsons: Mr. Chair, Members of that Commission, I would appreciate something on that, if you wouldn't mind, Commission, just for the fact that currently we don't have anything addressed in the DA that speaks to a nonconforming structure on the site and that's why I brought it up. I just wanted to be clear that -- I heard you were supportive of it, so, again, as we transition from you to City Council I want it to be clear that if you guys want a DA revision that Council approve that to remain a nonconforming structure, that we add that verbiage in the DA, so that they are aware that you made that recommendation to them and, then, staff can add that and share that information with them as presented to City Council.

Seal: Okay.

Lorcher: Want me to do that again?

Seal: Absolutely. Thank you very much.

Lorcher: After considering all staff, applicant and public testimony, I move to recommend approval to City Council for File No. H-2024-0012, as presented in the staff report for the

hearing date of June 20th, 2024, with the recommendation that the nonconforming structure remains as is.

Smith: And second stands.

Seal: It's been moved and seconded to recommend approval of File No. H-2024-0012, with the aforementioned modification. All in favor, please, say aye. Opposed nay? Motion passes. Thank you very much.