



CITY COUNCIL REGULAR MEETING

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho
Tuesday, March 22, 2022 at 6:00 PM

All materials presented at public meetings become property of the City of Meridian. Anyone desiring accommodation for disabilities should contact the City Clerk's Office at 208-888-4433 at least 48 hours prior to the public meeting.

Agenda

VIRTUAL MEETING INSTRUCTIONS

To join the meeting online: <https://us02web.zoom.us/j/86391813043>

Or join by phone: 1-669-900-6833

Webinar ID: 863 9181 3043

ROLL CALL ATTENDANCE

___ Jessica Perreault

___ Joe Borton

___ Brad Hoaglund

___ Treg Bernt

___ Liz Strader

___ Luke Cavener

___ Mayor Robert E. Simison

PLEDGE OF ALLEGIANCE

COMMUNITY INVOCATION

ADOPTION OF AGENDA

PUBLIC FORUM – Future Meeting Topics

The public are invited to sign up in advance of the meeting at www.meridiancity.org/forum to address elected officials regarding topics of general interest or concern of public matters. Comments specific to active land use/development applications are not permitted during this time. By law, no decisions can be made on topics presented at Public Forum. However, City Council may request the topic be added to a future meeting agenda for further discussion or action. The Mayor may also direct staff to provide followup assistance regarding the matter.

PROCLAMATIONS [Action Item]

1. Meridian High School Wrestling State Champions Day

ACTION ITEMS

Public Hearing process: Land use development applications begin with presentation of the project and analysis of the application by Planning Staff. The applicant is then allowed up to 15 minutes to present their project. Members of the public are then allowed up to 3 minutes each

to address City Council regarding the application. Citizens acting as a representative of a Homeowner's Association may be allowed up to 10 minutes to speak on behalf of represented homeowners who have consented to yielding their time. After all public testimony, the applicant is allowed up to 10 minutes to respond to questions and comments. City Council members may ask questions throughout the public hearing process. The public hearing is then closed, and no further public comment is heard. City Council may move to continue the application to a future meeting or approve or deny the application. The Mayor is not a member of the City Council and pursuant to Idaho Code does not vote on public hearing items unless to break a tie vote.

- 2. Public Hearing** and Findings of Fact, Conclusions of Law for Apex West Subdivision (H-2021-0087) by Brighton Development, Inc., Located on the North Side of E. Lake Hazel Rd., Approximately 1/4 Mile West of S. Locust Grove Rd.
 - A. Request: Preliminary Plat consisting of 208 building lots (207 single-family and 1 multi-family) and 34 common lots on 96.08 acres in the R-2, R-8 and R-15 zoning districts.
- 3. Public Hearing** for Eagle Crossing (H-2021-0104) by Wadsworth Development Group, With the Project Location Encompassing the Five Existing Lots Located at the Southwest Corner of S. Eagle Rd. and E. Ustick Rd.

Application Requires Continuance

- A. Request: Modification to the Existing Development Agreement (Inst. #2019-121599) for the purpose of updating the existing concept plan.
- 4. Public Hearing** for Victory Commons Condominiums (SHP-2022-0002) by BVA Development, Located at 2976 S. Meridian Rd. (Lot 4, Block 1 of Victory Commons Subdivision No 2)
 - A. Request: Short Plat for 10 commercial condominium units on 2.42 acres of land in the C-G zoning district.
- 5. Public Hearing** for Moberly Rezone (H-2021-0089) by Carl Argon, Located on Parcel R0406010125, South of W. Broadway Ave. Between NW 2nd St. and NW 1st St.
 - A. Request: Rezone 0.159 acres of land from I-L to O-T to allow a duplex.
- 6. Public Hearing** Continued from January 11, 2022 for Heron Village Expansion (H-2021-0027) by Tamara Thompson of The Land Group, Inc., Located at 51, 125 and 185 E. Blue Heron Ln.
 - A. Request: Annexation of 1.36 acres of land with a R-40 zoning district.
 - B. Request: Rezone of 4.18 acres of land from C-G and R-8 to R-40.
 - C. Request: Conditional Use Permit to allow expansion of an existing 108-unit, 5-building multifamily complex to allow an additional 36 units in two new buildings.
- 7. Public Hearing** for Copper Canary (H-2022-0009) by ALC Architecture, Located at 2590 N. Eagle Rd.

A. Request: Modification to the Existing Development Agreement (Inst. #104129529) to remove the subject property from the agreement and prepare a new development agreement with an updated conceptual development plan, removal of the requirement for conditional use approval of any future uses on the site, and requirement for access to be taken from the north via the future backage road with emergency only access from the south.

ORDINANCES [Action Item]

8. Ordinance No. A-19-1812: An Amended Ordinance (H-2017-0142– Summertown) for Annexation of a Parcel of Land Located in Government Lot 2 of Section 1, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, as Described in Attachment “A” and Annexing Certain Lands and Territory, Situated in Ada County, Idaho, and Adjacent and Contiguous to the Corporate Limits of the City of Meridian as Requested by the City of Meridian; Establishing and Determining the Land Use Zoning Classification of 15.17 Acres of Land from RUT to TN-R (Traditional Neighborhood Residential) Zoning District in the Meridian City Code; Providing that Copies of this Ordinance shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and Providing for a Summary of the Ordinance; and Providing for a Waiver of the Reading Rules; and Providing an Effective Date

FUTURE MEETING TOPICS

ADJOURNMENT



AGENDA ITEM

ITEM TOPIC: Meridian High School Wrestling State Champions Day



The Office of the Mayor

PROCLAMATION

Whereas, being a Meridian High School wrestler is more than scoring points, escapes, takedowns, pins and achieving state titles. It is training to build leadership, character, confidence, teamwork and resilience – all traits needed to succeed on the mat, in the classroom and in the real world; and,
Whereas, the Meridian Warrior Wrestling team brought home its second straight 5A state championship banner, riding two individual champs, four second-place finishers and eight more placers; and,
Whereas, their hard work racked up 290.5 points, beating out Coeur d'Alene in second place with 281 points to bring home the 2022 State wrestling Championship trophy; and,
Whereas, The Meridian Warriors conquered the competition for a repeat as 5A State Champions after last year winning their first State Wrestling Championship title since 1987; and,
Whereas, the leadership, training and discipline of their coaches Brad Muri, Jon Muri, Josh Aldinger, Brad Perry, Brian Twait, Dalton Young, Cash Edwards, Riley Orozco, Paden Moore, Mike Briggs, Matt Klinger helped team members Jason Mara, Brodyn Sunada, Jeremiah Gonzalez, Cade White, Isaiah Twait, Carson Gooley, Gabe Arnold, Teigan Dickerson, Matthew Papa, Jay Sallee, Judah Howie, Caden Frix, Parker Mack, Lucas Sears, Lizette Ohlund, Mason Motley, Konner Heath, Kellen Kolka, Zac Kimes, Hunter Ramos, Tristan Smilie, Jackson Gallian, Frabizio Argana, Alexander Smith, Bridjer Bivens to focus their talents, passion, and determination to become a winning team, with each player making valuable contributions to their victory.
Therefore, I, Mayor Robert E. Simison, hereby proclaim March 22nd, 2022 as

Meridian High School Wrestling State Champions Day

in the City of Meridian and call upon the community to join me in congratulating the Meridian High Warriors on their remarkable athletic achievement and for representing Meridian so proudly in the state tournament.

Dated this 22nd day of March, 2022

[Signature]

Robert E. Simison, Mayor

- Brad Hoaglund, City Council President
Joe Borton, City Council Vice-President
Treg Bernt, City Council
Luke Cavener, City Council
Jessica Perrault, City Council
Liz Strader, City Council





AGENDA ITEM

ITEM TOPIC: Public Hearing and Findings of Fact, Conclusions of Law for Apex West Subdivision (H-2021-0087) by Brighton Development, Inc., Located on the North Side of E. Lake Hazel Rd., Approximately 1/4 Mile West of S. Locust Grove Rd.
A. Request: Preliminary Plat consisting of 208 building lots (207 single-family and 1 multi-family) and 34 common lots on 96.08 acres in the R-2, R-8 and R-15 zoning districts.



PUBLIC HEARING INFORMATION

Staff Contact: Sonya Allen

Meeting Date: March 22, 2022

Topic: **Public Hearing** and Findings of Fact, Conclusions of Law for Apex West Subdivision (H-2021-0087) by Brighton Development, Inc., Located on the North Side of E. Lake Hazel Rd., Approximately 1/4 Mile West of S. Locust Grove Rd.

- A. Request: Preliminary Plat consisting of 208 building lots (207 single-family and 1 multi-family) and 34 common lots on 96.08 acres in the R-2, R-8 and R-15 zoning districts.

Information Resources:

[Click Here for Application Materials](#)

[Click Here to Sign Up to Testify at the City Council Public Hearing](#)

**CITY OF MERIDIAN
FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION & ORDER**



In the Matter of the Request for Preliminary plat Consisting of 209 Building lots (205 Single-Family Residential Building Lots; Three (3) Residential Building Lots for Future Re-Subdivision; and One (1) Residential Lot for Future Re-Subdivision for Townhomes or Development of Multi-Family Apartments) and 37 Common Lots on 133.07 Acres in the R-2, R-8 and R-15 Zoning Districts for Apex West Subdivision, by Brighton Development, Inc.

Case No(s). H-2021-0087

For the City Council Hearing Date of: March 8 and 22, 2022 (Findings on March 22, 2022)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of March 22, 2022, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of March 22, 2022, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of March 22, 2022, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of March 22, 2022, incorporated by reference)

B. Conclusions of Law

1. The City of Meridian shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. The Meridian City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.

- 7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of March 22, 2022, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

Pursuant to the City Council’s authority as provided in Meridian City Code § 11-5A and based upon the above and foregoing Findings of Fact which are herein adopted, it is hereby ordered that:

- 1. The applicant’s request for preliminary plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of March 22, 2022, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

Please take notice that approval of a preliminary plat, combined preliminary and final plat, or short plat shall become null and void if the applicant fails to obtain the city engineer’s signature on the final plat within two (2) years of the approval of the preliminary plat or the combined preliminary and final plat or short plat (UDC 11-6B-7A).

In the event that the development of the preliminary plat is made in successive phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of two (2) years, may be considered for final approval without resubmission for preliminary plat approval (UDC 11-6B-7B).

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-6B-7.A, the Director may authorize a single extension of time to obtain the City Engineer’s signature on the final plat not to exceed two (2) years. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the preliminary plat, combined preliminary and final plat or short plat to comply with the current provisions of Meridian City Code Title 11. If the above timetable is not met and the applicant does not receive a time extension, the property shall be required to go through the platting procedure again (UDC 11-6B-7C).

E. Notice of Final Action and Right to Regulatory Takings Analysis

- 1. **Please take notice** that this is a final action of the governing body of the City of Meridian. When applicable and pursuant to Idaho Code § 67-6521, any affected person being a person who has an interest in real property which may be adversely affected by the final action of the governing board may within twenty-eight (28) days after the date of this decision and order seek a judicial review as provided by Chapter 52, Title 67, Idaho Code.

F. Attached: Staff Report for the hearing date of March 22, 2022

By action of the City Council at its regular meeting held on the _____ day of _____, 2022.

COUNCIL PRESIDENT BRAD HOAGLUN VOTED_____

COUNCIL VICE PRESIDENT JOE BORTON VOTED_____

COUNCIL MEMBER JESSICA PERREAULT VOTED_____

COUNCIL MEMBER LUKE CAVENER VOTED_____

COUNCIL MEMBER TREG BERNT VOTED_____

COUNCIL MEMBER LIZ STRADER VOTED_____

MAYOR ROBERT SIMISON VOTED_____
(TIE BREAKER)

Mayor Robert Simison

Attest:

Chris Johnson
City Clerk

Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.

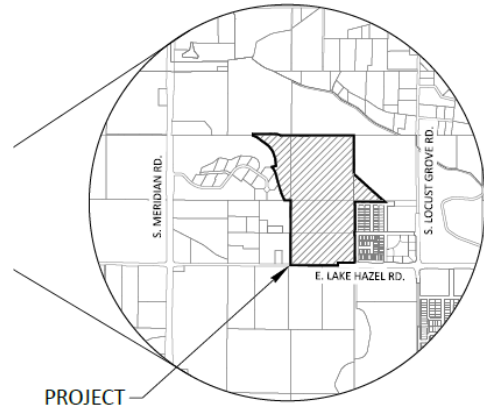
By: _____ Dated: _____
City Clerk's Office

EXHIBIT A

STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: March 22, 2022
 DATE: *Continued from: March 8, 2022*
 TO: Mayor & City Council
 FROM: Sonya Allen, Associate Planner
 208-884-5533
 SUBJECT: H-2021-0087
 Apex West – PP (aka Pinnacle)
 LOCATION: North side of E. Lake Hazel Rd.,
 approximately 1/4 mile west of S. Locust
 Grove Rd., in the south 1/2 of Section 31,
 T.3N., R.1E.



I. PROJECT DESCRIPTION

Preliminary plat consisting of ~~208~~ 209 building lots (~~207~~ 205 single-family residential lots, 3 residential lots for future re-subdivision for single-family homes and 1 lot for future development of townhomes or multi-family apartments) and ~~34~~ 37 common lots on ~~96.08~~ 133.07 acres in the R-2, R-8 and R-15 zoning districts for Apex West Subdivision.

II. SUMMARY OF REPORT

A. Project Summary

| Description | Details | Page |
|--|---|------|
| Acreage | 96.08 <u>133.07</u> acres | |
| Existing/Proposed Zoning | R-2, R-8 and R-15 | |
| Future Land Use Designation | Low Density Residential (LDR), Medium Density Residential (MDR) and Medium High Density Residential (MHDR) | |
| Existing Land Use(s) | Agricultural land | |
| Proposed Land Use(s) | Single-family residential (SFR) detached dwellings | |
| Lots (# and type; bldg./common) | 208 <u>209</u> building lots/ 34 <u>37</u> common lots | |
| Phasing Plan (# of phases) | 4 phases | |
| Number of Residential Units (type of units) | 207 <u>205</u> (SFR detached dwellings) | |
| Density (gross & net) | 3.17 units/acre (gross); 5.29 units/acre (net) – overall (not including future units in R-8 and R-15 zoned lots) | |
| Open Space (acres, total [%]/buffer/qualified) | 16.17 acres (or 16.61%) common open space | |
| Amenities | Swimming pool, two (2) segments of the City’s multi-use pathway system, and an additional 5% open space above the minimum required. | |

| Description | Details | Page |
|---|---|------|
| Physical Features (waterways, hazards, flood plain, hillside) | The McBirney Lateral and another un-named waterway cross this site. | |
| Neighborhood meeting date; # of attendees: | 10/19/21 | |
| History (previous approvals) | H-2020-0066; Development Agreement Inst. #2020-178120 (Apex); H-2020-0117; Development Agreement Inst. #2021-102396 (Shafer View Terrace) | |

B. Community Metrics

| Description | Details | Pg | | | | | | | | | | | | | | | |
|---|---|---------------------------|----------------------------|-------------------------------|----------------------------|-------------------------------|-----------------|------------|--------------------|-----|-----------------|-------------------|------------|----------------|-----|-----------------|--|
| Ada County Highway District | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Staff report (yes/no) Requires ACHD Commission Action (yes/no) | <p>Yes</p> <p>No</p> | | | | | | | | | | | | | | | | |
| Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed) | Two (2) accesses are proposed via E. Lake Hazel Rd., an arterial street; and one (1) access is proposed via E. Quartz Creek St., a collector street. | | | | | | | | | | | | | | | | |
| Traffic Level of Service | <table border="1"> <thead> <tr> <th>Roadway</th> <th>Frontage</th> <th>Functional Classification</th> <th>PM Peak Hour Traffic Count</th> <th>PM Peak Hour Level of Service</th> </tr> </thead> <tbody> <tr> <td>Lake Hazel Road</td> <td>1,321-feet</td> <td>Principal Arterial</td> <td>351</td> <td>Better than "E"</td> </tr> <tr> <td>Locust Grove Road</td> <td>1,350-feet</td> <td>Minor Arterial</td> <td>181</td> <td>Better than "E"</td> </tr> </tbody> </table> <p>* Acceptable level of service for a two-lane principal arterial is "E" (690 VPH). * Acceptable level of service for a two-lane minor arterial is "E" (575 VPH).</p> | Roadway | Frontage | Functional Classification | PM Peak Hour Traffic Count | PM Peak Hour Level of Service | Lake Hazel Road | 1,321-feet | Principal Arterial | 351 | Better than "E" | Locust Grove Road | 1,350-feet | Minor Arterial | 181 | Better than "E" | |
| Roadway | Frontage | Functional Classification | PM Peak Hour Traffic Count | PM Peak Hour Level of Service | | | | | | | | | | | | | |
| Lake Hazel Road | 1,321-feet | Principal Arterial | 351 | Better than "E" | | | | | | | | | | | | | |
| Locust Grove Road | 1,350-feet | Minor Arterial | 181 | Better than "E" | | | | | | | | | | | | | |
| Stub Street/Interconnectivity/Cross Access Existing Road Network Existing Arterial Sidewalks / Buffers | E. Quartz Creek St. is proposed to be extended through this site; stub streets are proposed to be extended from Apex Northwest #1 and #2; stub streets are proposed to adjacent properties. | | | | | | | | | | | | | | | | |
| Proposed Road Improvements | <p>Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):</p> <ul style="list-style-type: none"> Locust Grove Road is listed in the CIP to be widened to 3-lanes from Lake Hazel Road to Amity Road between 2036 and 2040 Lake Hazel Road is listed in the CIP to be widened to 3-lanes from Linder Road to Meridian Road between 2036 and 2040. Lake Hazel Road is listed in the CIP to be widened to 5-lanes from Meridian Road to Locust Grove Road between 2036 and 2040. Lake Hazel Road is listed in the CIP to be widened to 5-lanes from Locust Grove Road to Eagle Road between 2036 and 2040. Apex Subdivision entered into a Cooperative Development Agreement with ACHD in May 2021 to widen the segment of Lake Hazel Road to 5-lanes to the east of this site. These construction plans are currently under review. The intersection of Lake Hazel Road and Locust Grove Road is listed in the CIP to be reconstructed as a multi-lane roundabout with 2-lanes on the north leg, 2-lanes on the south, 4-lanes east, and 4-lanes on the west leg between 2036 and 2040. Apex Subdivision entered into a Cooperative Development Agreement with ACHD in May 2021 to fully improve this intersection consistent with the 2020 CIP. Construction plans are currently under review with ACHD. The intersection of Lake Hazel Road and Eagle Road is scheduled in the IFYWP to be widened to 5-lanes on the north leg, 4-lanes on the south leg, 3-lanes on the west leg and 4-lanes on the east leg and signalized in 2023. The intersection of Lake Hazel Road and Meridian Road is listed in the CIP to be widened to 6-lanes on the north leg, 6-lanes on the south, 7-lanes east, and 7-lanes on the west leg and signalized between 2036 and 2040. The intersection of Amity Road and Locust Grove Road is listed in the CIP to be reconstructed as a multi-lane roundabout with 2-lanes on the north leg, 2-lanes on the south, 4-lanes east, and 4-lanes on the west leg between 2031 and 2035. | | | | | | | | | | | | | | | | |
| Fire Service | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Distance to Fire Station | 3.6 miles | | | | | | | | | | | | | | | | |

| Description | Details | Pg |
|--------------------------|--|----|
| • Fire Response Time | Falls outside the 5:00 minute response time area - nearest station is Fire Station #6 – cannot meet response time goals. When Fire Station #7 is constructed in late summer of 2023, it will be within the 5:00 minute response time area. | |
| • Resource Reliability | 85% - does meet the target goal of 80% or greater | |
| • Risk Identification | 2 – current resources would be adequate to supply service | |
| • Accessibility | Project meets all required access, road widths and turnaround. ALL residences having two frontages (the street & an alleyway behind it) shall have address numbers on the front of the building and on the back side facing the alley. | |
| • Special/resource needs | Project will require an aerial device; can meet this need in the required timeframe if a truck company is required. | |
| • Water Supply | Requires 1,000 gallons per minute for one hour, may be less if buildings are fully sprinklered. | |
| • Other Resources | | |

| | | |
|--------------------------------|----------------------|--|
| Police Service | No comments received | |
| • Distance from police station | | |
| • Police Response Time | | |

| | | | | | |
|---|--|--|--|--|--|
| West Ada School District | | | | | |
| • Distance (elem, ms, hs) | | | | | |
| • Capacity of Schools | | | | | |
| • # of Students Enrolled | | | | | |
| | | | | | |
| • # of Students Predicted from this development | 132 school aged children predicted from this development by WASD (154 for future townhomes) School Impact Table | | | | |

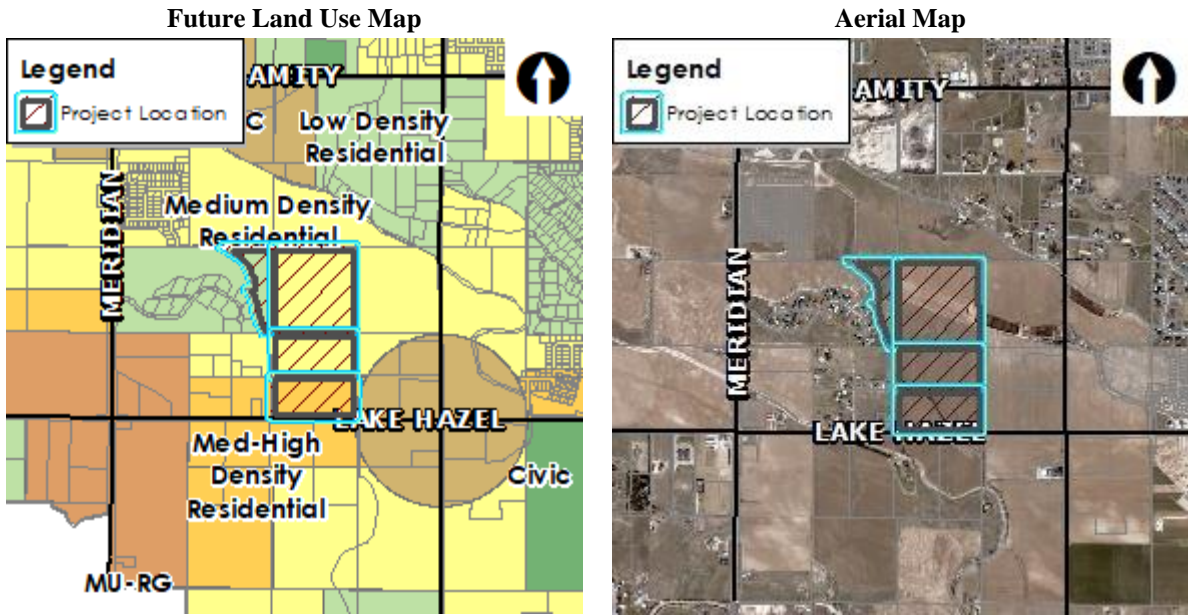
| | Enrollment | Capacity | Approved lots per attendance area | Approved MF units per attendance area | Projected Students from Approved Dev. |
|---------------------------------|------------|----------|-----------------------------------|---------------------------------------|---------------------------------------|
| Mary McPherson Elementary | 449 | 675 | 2677 | 26 | 591 |
| Victory Middle School | 984 | 1000 | 3738 | 502 | 501 |
| Mountain View High School | 2368 | 2175 | 2701 | 0 | 432 |
| School of Choice Options | | | | | |
| Christine Donnell School -Arts | 489 | 500 | N/A | N/A | |
| Spalding Elementary - STEM | 656 | 750 | N/A | N/A | |

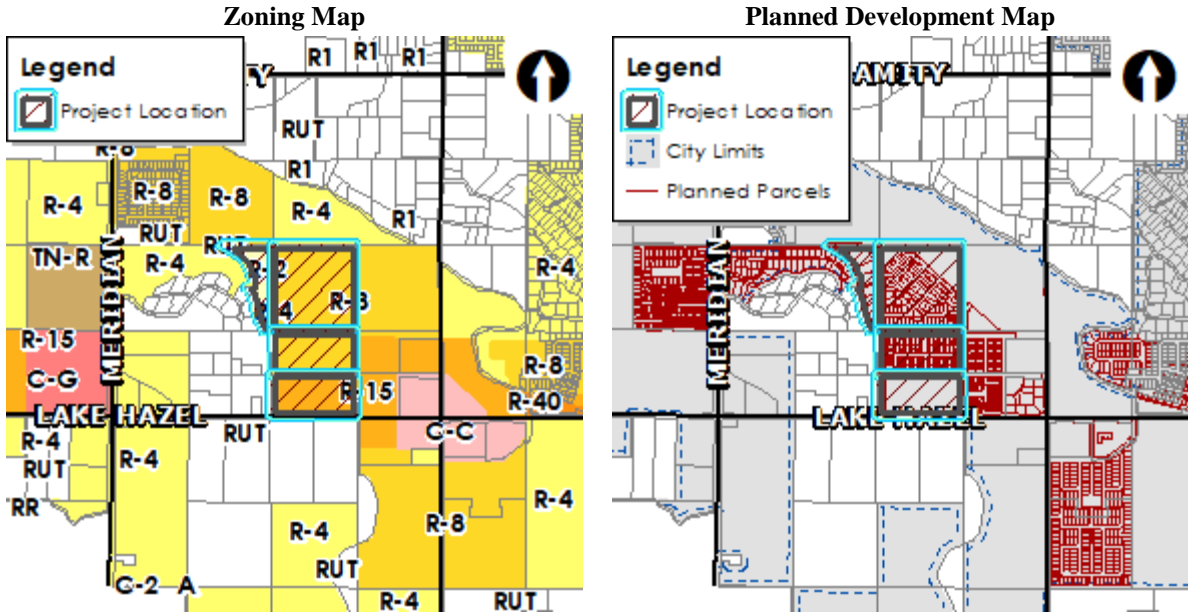
| | | |
|--------------------|--|--|
| Wastewater | | |
| • Impacts/concerns | <ul style="list-style-type: none"> • Flow is committed • All sewer manholes must have a 14-foot-wide access road per the City Design Standards. • Ensure no sewer services cross infiltration trenches • No permanent structures may be within City utility easements including but not limited to trees, bushes, buildings, carports, trash enclosures, fences, infiltration trenches, light poles, etc. • Do not run sewer main in common driveways, services should be run within the common driveway. • Sewer main should be run from the northern portion of the site down South Sublimity Way from the existing sewer main. Main should be kept within the Right of Way whenever possible. | |

| | | |
|---------------------------------|-------------------|--|
| Water | | |
| • Distance to Water Services | Directly adjacent | |
| • Pressure Zone | 5 | |
| • Estimated Project Water ERU's | See application | |
| • Water Quality | None | |

| | |
|---|--|
| <ul style="list-style-type: none"> • Project Consistent with Water Master Plan | Yes |
| <ul style="list-style-type: none"> • Impacts/Concerns | <ul style="list-style-type: none"> • 12 inch water main will need to be constructed at the Northwest corner to make the second connection at East Quartz Creek Street. • There is a piece of water main missing at the corner of East Prickle Drive and East Pinpoint Way, this must be included to complete the water loop. • The water main in East Prime Drive needs to be upsized to 12 inch from South Sublimity Way to East Prickle Drive. • The water main in East Prickle Drive needs to be upsized to 12 inch from East Prime Drive to East Heyday Drive. • The water stub in East Heyday Drive to the property line needs to be upsized to 12 inch. |

C. Project Area Maps





- A. Applicant:
Josh Beach, Brighton Development, Inc. – 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642
- B. Owner:
Brighton Development, Inc. – 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642
- C. Representative:
Same as Applicant

III. NOTICING

| | Planning & Zoning Posting Date | City Council Posting Date |
|--|-----------------------------------|------------------------------|
| Notification published in newspaper | 12/21/2021 | 2/20/2022 |
| Notification mailed to property owners within 300 feet | 12/15/2021 | 2/17/2022 |
| Applicant posted public hearing notice on site | 12/22/2021 | 2/24/2022 |
| Nextdoor posting | 12/16/2021 | 2/18/2022 |

IV. COMPREHENSIVE PLAN ANALYSIS ([Comprehensive Plan](#))

The Future Land Use Map (FLUM) contained in the Comprehensive Plan designates approximately 11 acres of the site as Low Density Residential (LDR), 65 acres as Medium Density Residential (MDR) and 20 acres as Medium High-Density Residential (MHDR).

The LDR designation allows for the development of single-family homes on large and estate lots at gross densities of 3 dwelling units or less per acre. These areas often transition between existing rural residential and urban properties. Developments need to respect agricultural heritage and resources, recognize view sheds and open spaces, and maintain or improve the overall atmosphere of the area.

The use of open spaces, parks, trails, and other appropriate means should enhance the character of the area.

The MDR designation allows for dwelling units at gross densities of 3 to 8 dwelling units per acre.

The MHDR designation allows for a mix of dwelling types including townhouses, condominiums, and apartments. Residential gross densities should range from 8 to 12 dwelling units per acre. These areas are relatively compact within the context of larger neighborhoods and are typically located around or near mixed use commercial or employment areas to provide convenient access to services and jobs for residents. Developments need to incorporate high-quality architectural design and materials and thoughtful site design to ensure quality of place and should also incorporate connectivity with adjacent uses and area pathways, attractive landscaping and a project identity.

The proposed development consists of a total of ~~207~~ 209 single-family detached dwellings. The plat includes two (2) R-8 zoned lots in the MDR designated area for future residential development; and one (1) R-15 zoned lot in the MHDR designated area for future development of townhomes or multi-family apartments. The proposed development in the MDR designated area has an overall gross density of 3.17 units/acre with a net density of 5.29 units per acre, excluding the future development areas. The R-2 portion has a gross density of 0.70 units/acre with a net density of 1.18 units/acre and the R-8 portion has a gross density of 3.70 units/acre with a net density of 6.16 units/acre, consistent with the densities desired in the associated LDR and MDR designations.

The following Comprehensive Plan Policies are applicable to this development:

- “Encourage a variety of housing types that meet the needs, preferences, and financial capabilities of Meridian’s present and future residents.” (2.01.02D)

Only one housing type, single-family detached, is proposed in this development at this time; some units will be accessed via internal local and collector streets with front/side entry garages while others will have rear access via alleys. Another housing type, either townhomes or multi-family apartments, is planned to develop on the R-15 zoned future development area (i.e. Lot 1, Block 1). If townhomes are proposed, the lot will need to be re-subdivided to accommodate the townhome units; if apartments are proposed, a conditional use permit will be needed for approval of a multi-family development.

- “Permit new development only where it can be adequately served by critical public facilities and urban services at the time of final approval, and in accord with any adopted levels of service for public facilities and services.” (3.03.03F)

City water and sewer services are available to service this development in accord with UDC 11-3A-21. The emergency response time for the Fire Dept. falls outside of the 5-minute response time area; once Fire Station No. 7 is constructed in the late summer of 2023, it will meet the response time goal.

- “Encourage compatible uses and site design to minimize conflicts and maximize use of land.” (3.07.00)

Staff believes the proposed use and site design are compatible with existing and future uses, which should minimize conflicts and maximize use of land.

- “Ensure development is connected to City of Meridian water and sanitary sewer systems and the extension to and through said developments are constructed in conformance with the City of Meridian Water and Sewer System Master Plans in effect at the time of development.” (3.03.03A)

The proposed development will connect to City water and sewer systems; services are

required to be provided to and though this development in accord with current City plans.

- “With new subdivision plats, require the design and construction of pathway connections, easy pedestrian and bicycle access to parks, safe routes to schools, and the incorporation of usable open space with quality amenities.” (2.02.01A)

Two (2) segments of the City’s multi-use pathway system is proposed within this site consistent with the Pathways Master Plan, which will provide safe pedestrian and bicycle access to the internal common area with a swimming pool and school site to the southeast in Apex Southeast.

- “Evaluate comprehensive impacts of growth and consider City Master Plans and Strategic Plans in all land use decisions (e.g., traffic impacts, school enrollment, and parks).” (3.01.01A)

A Traffic Impact Study (TIS) was required by ACHD for this development and was taken into consideration in ACHD’s report.

See comments from WASD and Community Development in Section VIII for school enrollment calculations in regard to the number of school-aged children estimated to be generated from this development and associated school capacity.

The closest City Park to this site is Discovery Park, a regional park consisting of 77-acres of land, to the southeast of the S. Locust Grove Rd. and E. Lake Hazel Rd. intersection bordering Apex Southeast.

- “Require all development to create a site design compatible with surrounding uses through buffering, screening, transitional densities, and other best site design practices.” (3.07.01A)

The proposed site design should be compatible with existing and future surrounding uses.

- “Require urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, water and sewer utilities.” (3.03.03G)

Urban sewer and water infrastructure and curb, gutter and sidewalks are proposed as required with this development.

In summary, Staff believes the proposed development plan is generally consistent with the vision of the Comprehensive Plan per the analysis above.

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

A. Preliminary Plat:

The proposed preliminary plat consists of ~~208~~ 209 building lots (~~207~~ 205 single-family lots; three (3) residential building lots for future re-subdivision; and 1 lot for future development of townhomes or multi-family apartments) and ~~34~~ 37 common lots on ~~96.08~~ 133.07 acres in the R-2, R-8 and R-15 zoning districts for Apex West Subdivision.

The subdivision is proposed to develop in ~~four~~ five (4 5) phases as shown on the phasing plan in Section VII.A.

The proposed plat includes a portion of Parcel #S1131417220 depicted on the plat as Lot 1, Block 5 and the surrounding area outside of Parcel #S1131417210. As discussed at the pre-application meeting, the entire parcel must be included in the proposed plat or a property boundary adjustment application must be approved to create a separate developable parcel for that area—a portion of the lot cannot be included as it would create an illegal split. Until this concern is resolved, the City Council has inadequate information to make a final decision concerning this application. Therefore, Staff recommends that prior to City

~~Council entering its Findings of Fact, Conclusions of Law, Final Decision and Order, a property boundary adjustment shall be approved, which incorporates Lot 1, Block 5 and the surrounding area into Parcel #S1131417210 or creates a separate developable parcel for that area. A revised plan was submitted that includes the entire parcel.~~

Three ~~Four~~ future development areas are depicted on the plat, Lots 32 and 43, Block 6; Lot 2, Block 5; and Lot 1, Block 1. The R-8 zoned lots (i.e. Lots 32 and 43, Block 6; and Lot 2, Block 5) are planned to be re-subdivided in the future through new preliminary plat applications. The R-15 zoned lot (i.e. Lot 1, Block 1) may be re-subdivided in the future through a new preliminary plat application for the development of 240 townhomes; or, a multi-family development may develop on the site, which will require approval of a conditional use permit. **If single-family homes or townhomes are developed on these lots, they shall be re-subdivided prior to issuance of any building permits.**

Existing Structures/Site Improvements:

There are no existing structures or site improvements on this property; it's currently agricultural land.

Subdivision Design and Improvement Standards (UDC [11-6C-3](#)):

Development of the subdivision is required to comply with the subdivision design and improvement standards listed in UDC 11-6C-3, including but not limited to streets and block face. The proposed plat complies with these standards.

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

Access is proposed at the northwest corner of the development from E. Quartz Creek St., a collector street, from S. Meridian Rd. and from S. Sublimity Ave. and S. Apex Ave., both collector streets, via E. Lake Hazel Rd. Stub streets are proposed to adjacent properties for future extension and interconnectivity. **A note should be included on the final plat prohibiting direct lot access to the collector and arterial streets, except for Lots 4-11, Block 10 which are allowed direct access via S. Sublimity Way – homes on these lots should have side entry garages with a turnaround area so that vehicles aren't backing out onto the collector street in an effort to preserve public safety.** Street setbacks for residential units abutting collector streets shall be as approved with ZOA-2021-0003.

Public alleys are proposed for internal access to some of the lots in Phase 1; alleys are required to comply with the standards listed in UDC [11-6C-3B.5](#). Three (3) common driveway lots are also proposed and are required to comply with the standards listed in UDC [11-6C-3D](#); an exhibit for such is included in Section VII.B.

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

Off-street parking is required to be provided in accord with the standards listed in [UDC Table 11-3C-6](#) for single-family detached dwellings based on the number of bedrooms per unit. Garages and parking pads in driveways are proposed to satisfy this requirement.

The proposed local street sections accommodate on-street parking on both sides of the streets for guests in addition to driveway parking spaces on each lot; ~~146 spaces are proposed for guests in the residential area along with another 28 spaces as depicted on the parking plan in Section VII.E.~~ Staff is of the opinion sufficient parking can be provided for this development.

Off-street parking is also required for the building/changing rooms at the community swimming pool. A minimum of (1) space is required per every 500 square feet of gross floor area; 12 spaces are proposed which exceeds the minimum standards. A minimum of one (1) bicycle parking space is also required to be provided per UDC 11-3C-6G and should be designed in accord with the standards listed in UDC 11-3C-5C.

Pathways (UDC [11-3A-8](#)):

The Pathways Master Plan depicts a segment of the City's multi-use pathway system along the west and northeast boundaries of the site. Pathways are proposed as shown on the landscape plan.

The Park's Dept. is requiring a 10-foot wide detached pathway along the west side of S. Sublimity Ave. which will connect to the pathway proposed in the common area along the back side of lots in Block 10. **The gravel pathway proposed through Blocks 5, 6, 7, 9 and 10 is required to be improved per the standards listed in UDC 11-3B-12C.3. Landscape strips are required along both sides of all pathways, landscaped per the standards listed in UDC [11-3B-12C](#), which include a mix of trees, shrubs, lawn, and/or other vegetative ground cover,** including those in Blocks 6, 7, 9 and 10 – if within an easement, additional area shall be provided outside of the easement to accommodate landscaping. *See comments from Park's Dept. in Section VIII.J.*

A minimum 5-foot wide pathway should be included in Lot 36, Block 6.

All multi-use pathways not located within the right-of-way are required to be placed in a 14-foot wide public use easement, which shall be submitted to the Planning Division prior to submittal for City Engineer signature on the final plat(s) for the phase in which they are located.

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

Sidewalks are required to be provided adjacent to all streets as set forth in UDC 11-3A-17. Detached sidewalks are proposed within the development as depicted on the landscape plan.

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

Eight-foot wide parkways are proposed along all streets where detached sidewalks are proposed. All parkways should be constructed in accord with the standards listed in UDC [11-3A-17E](#).

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

A 25-foot wide street buffer is required along E. Lake Hazel Rd., an arterial street; and 20-foot wide street buffers are required along E. Quartz Creek St./S. Sublimity Ave., S. Apex Way and E. Crescendo St., collector streets. Landscaping is required to be installed within the buffers per the standards listed in [UDC 11-3B-7C](#), **which require a variety of trees and shrubs, lawn, or other vegetative groundcover – shrubs are required to be included in the buffer in accord with this standard; lawn shall comprise no more than 65% of the vegetated coverage of a landscape buffer (see UDC 11-3B-7C.3 for more information).**

Landscaping is required adjacent to all pathways per the standards in UDC [11-3B-12C](#) as noted above under Pathways.

Landscaping is required within parkways per the standards listed in UDC [11-3A-17](#) and [11-3B-7C](#) as proposed.

Qualified Open Space (UDC [11-3G](#)):

Based on the standards listed in UDC [11-3G-3](#), the R-2 zoned area requires a minimum of 8% (or 0.80-acre) open space based on 9.94 acres of land; and the R-8 zoned area requires a minimum of 15% (or 6.01-acres) open space based on 40.09 acres of land for a total of 6.81 acres of common open space. *Although the future residential R-8 and R-15 zoned areas (i.e. Lots 32 and 43, Block 6 and Lot 1, Block 1) are included in the boundary of the proposed plat, Staff did not include these areas in the required open space calculations as they are proposed to be re-subdivided and/or included in a conditional use permit in the future prior to development. At such time they will be required to comply with the open space standards on a stand-alone basis.*

The proposed open space consists of linear open space, open grassy areas of at least 5,000 square feet in area, 8-foot parkways and street buffers along collector and arterial streets as shown on the

open space exhibit in Section VII.D. A total of 16.17 acres of qualified open space is proposed, which exceeds UDC standards.

The proposed open space areas have direct pedestrian access, high visibility, comply with the CPTED standards and support a range of leisure and play activities and uses, while promoting the health and well-being of its residents as required in UDC 11-3G-3A.2.

Qualified Site Amenities (UDC [11-3G](#)):

Based on the standards listed in UDC 11-3G-4, the 50.03-acre development area requires multiple amenities to be provided totaling a minimum of 10 points from the separate categories listed in UDC Table [11-3G-4](#). *Note: As noted above under the Qualified Open Space analysis, Staff did not include the two (2) R-8 zoned lots (Lots 32 and 43, Block 6) and the R-15 zoned lot (Lot 1, Block 1) in the calculations.*

A swimming pool with changing facilities and restrooms (6 points); two (2) segments of multi-use pathways totaling approximately ½ mile (totaling 4 points); and a playground (3 points) are proposed totaling 13 points, which exceeds the minimum standards. A detail of the playground equipment should be submitted with the final plat application for the phase in which it is located.

Storm Drainage:

An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances. Design and construction is required to follow Best Management Practices as adopted by the City. The Applicant submitted a [Limited Geotechnical Engineering Report](#) for the subdivision.

Pressure Irrigation (UDC [11-3A-15](#)):

Underground pressurized irrigation water is required to be provided for each and every lot in the subdivision as required in UDC 11-3A-15.

Utilities (UDC [11-3A-21](#)):

Utilities are required to be provided to the subdivision as required in UDC 11-3A-21.

Waterways (UDC [11-3A-6](#)):

The McBirney Lateral crosses this site within a 40 to 41-foot wide easement; the Farr Lateral crosses the northeast corner of this site within a 55-foot wide easement; and the Watkins Drain runs along the west side of this site within a 38-foot wide easement, as depicted on the plat. These waterways are proposed to be piped in accord with UDC 11-3A-6B. The Applicant requests approval of a waiver to UDC 11-3A-6B to allow the Watkins drain to remain open as an amenity feature; a cross-section of the amenity corridor is included in Section VII.C.

In order for Council to waive the requirement for covering the drain, it has to find that the public purpose requiring such will not be served & public safety can be preserved per UDC 11-3A-6B.3a. No fencing is proposed to prevent access to the drain and the Applicant is not proposing to improve the drain per the water amenity standards in the UDC, which require construction drawings and relevant calculations prepared by a qualified licensed professional registered in the State of Idaho to be submitted to both the Director & the authorized representative of the water facility for approval. If the waterway/drain is improved as part of the development as a water amenity, its banks in all places adjacent to and located on said development should be no steeper than one (1) foot vertical per every four (4) feet horizontally and have a depth and velocity in all places adjacent to and located on said development such that the product of the maximum depth (feet) multiplied by the peak velocity (feet per second) does not exceed four (4).

Williams Pipeline: The Williams Pipeline runs across Lot 2, Block 5 and Lot 32, Block 6 within a 75-foot wide easement. All development within the pipeline easement should comply with the Williams Pipeline Developers Handbook.

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

All fencing is required to comply with the standards listed in UDC 11-3A-7.

Five-foot tall open vision metal fencing is proposed adjacent to all internal common open space areas to distinguish common from private areas; and 6-foot tall solid wood fencing is proposed in other areas as depicted on the landscape plan in Section VII.C in accord with UDC standards.

Building Elevations (UDC [11-3A-19](#) | [Architectural Standards Manual](#)):

Conceptual building elevations in a variety of materials and colors were submitted for future single-family detached homes in this development as shown in Section VII.E. *Single-family detached dwellings are exempt from the design standards in the Architectural Standards Manual.*

A Certificate of Zoning Compliance and Design Review application is required to be submitted and approved for the changing rooms and swimming pool on Lot 1, Block 5 prior to submittal of applications for building permits. All non-residential structures shall comply with the design standards listed in the Architectural Standards Manual.

Because homes on lots that abut collector streets (i.e. E. Quartz Creek St. and S. Sublimity Ave. and S. Apex Way south of E. Crescendo St.) and arterial streets [i.e. S. Locust Grove Rd. and E. Lake Hazel Rd. (if applicable)] will be highly visible, the rear and/or side of structures on these lots should incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public street. *Single-story structures are exempt from this requirement.*

VI. DECISION

A. Staff:

Staff recommends approval of the requested preliminary plat with the conditions noted in Section VIII per the Findings in Section IX.

B. The Meridian Planning & Zoning Commission heard these items on January 6 and February 3, 2022. At the public hearing on February 3rd, the Commission moved to recommend approval of the subject PP request.

1. Summary of Commission public hearing:

- a. In favor: Mike Wardle and Jon Wardle, Brighton Corporation
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: Julie Edwards; Josh Beach, Brighton Corp.
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. Concern with the provision of (3) common driveways within the development & associated traffic congestion as discussed at the Commission hearing for Apex East; concern pertaining to parking in relation to the alley-accessed units & the adequacy of such for guests on the adjacent public streets, especially with the common driveways proposed and parking issues associated with those. Suggests some of the building lots be eliminated in favor of provision of a guest parking lot in addition to the on-street

parking & elimination of the common driveways in favor of larger lots in those areas. School capacity concerns from the proposed development and others in the area.

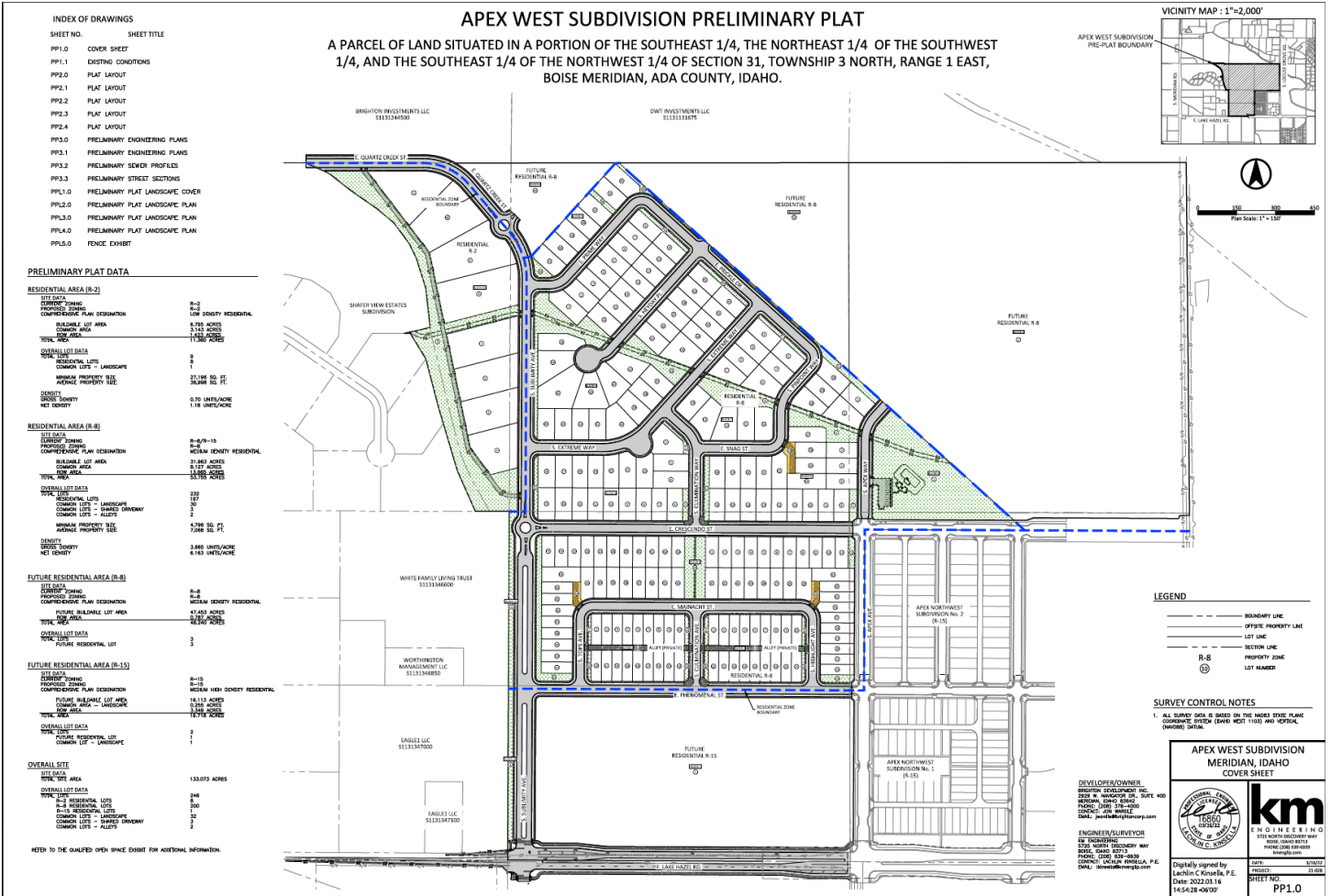
3. Key issue(s) of discussion by Commission:
 - a. Inquiry if S. Sublimity Ave. could be built with the first phase as a final build instead of a temporary fire access;
 - b. Inquiry if Apex East and Apex West will be considered one development for common use of common areas and amenities;
 - c. The provision of common driveways within the development and associated congestion – not in favor of common driveways although they're allowed by code;
 - d. In favor of the Applicant's request to leave the Watkins Drain open and not pipe it.
4. Commission change(s) to Staff recommendation:
 - a. None
5. Outstanding issue(s) for City Council:
 - a. The Applicant requests approval of a waiver to UDC 11-3A-6B which requires all waterways on the site to be piped in accord with UDC standards, to allow the Watkins drain to remain open as an amenity feature (condition #7 needs to be modified if Council approves the waiver).
 - b. Prior to City Council approval of the subject preliminary plat application, a property boundary adjustment is required to be approved, which incorporates Lot 1, Block 5 and the surrounding area into Parcel #S1131417210 or creates a separate developable parcel for that area. Council can act on this application but the Findings can't be approved until this has been done.
 - c. Staff requests Council include a modification to condition #2b in Section VIII.A to also include Lots 4-11, Block 10 in the requirement for an easement for a 20' wide street buffer to be provided on the lots along E. Quartz Creek St./S. Sublimity Ave.

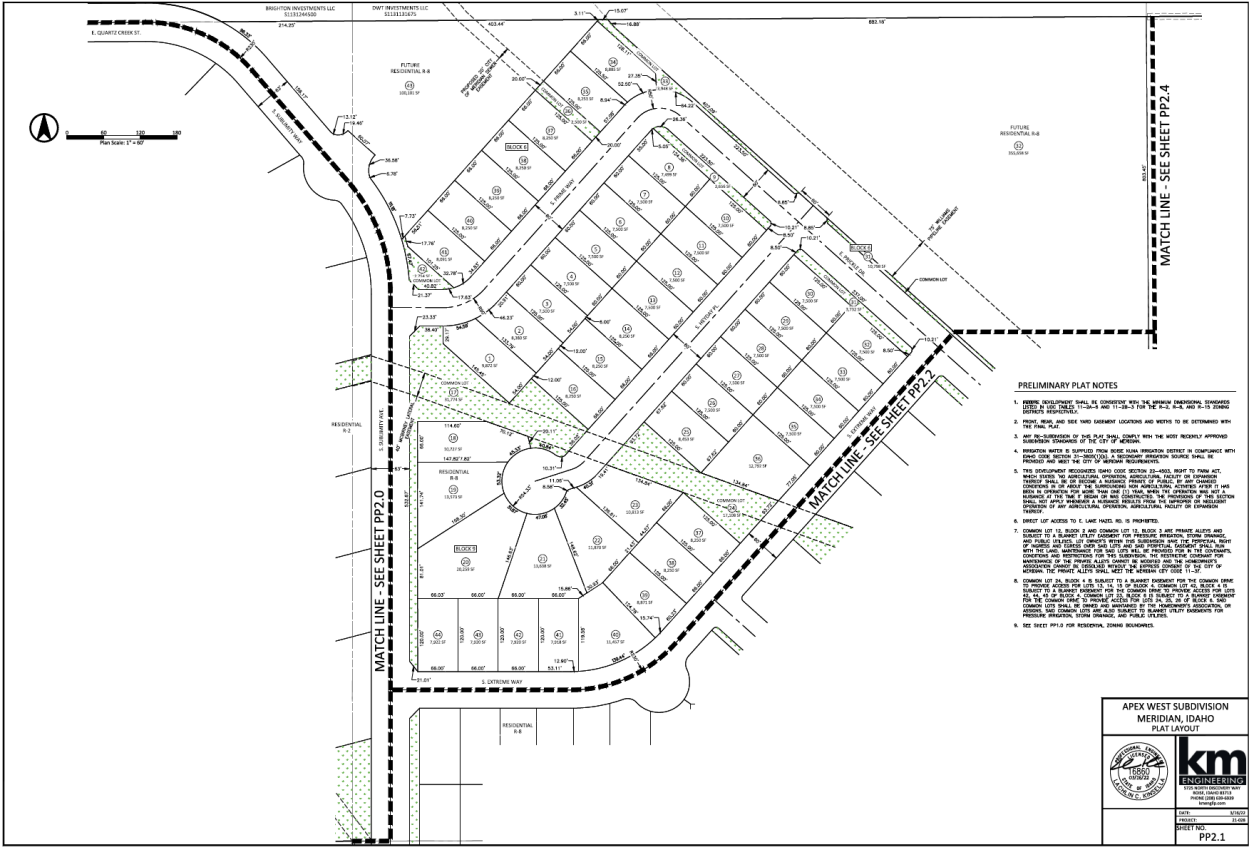
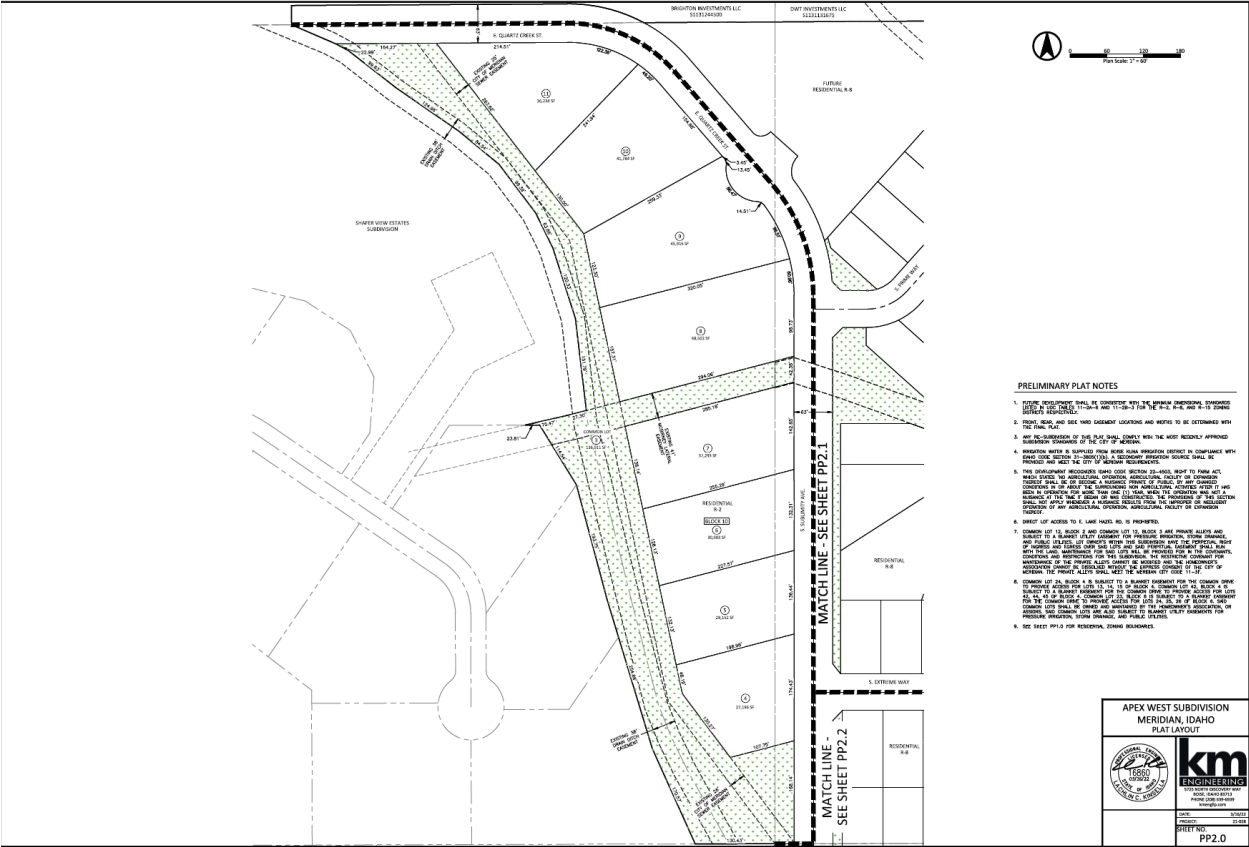
C. The Meridian City Council heard these items on March 8, 2022. At the public hearing, the Council moved to approve the subject PP request.

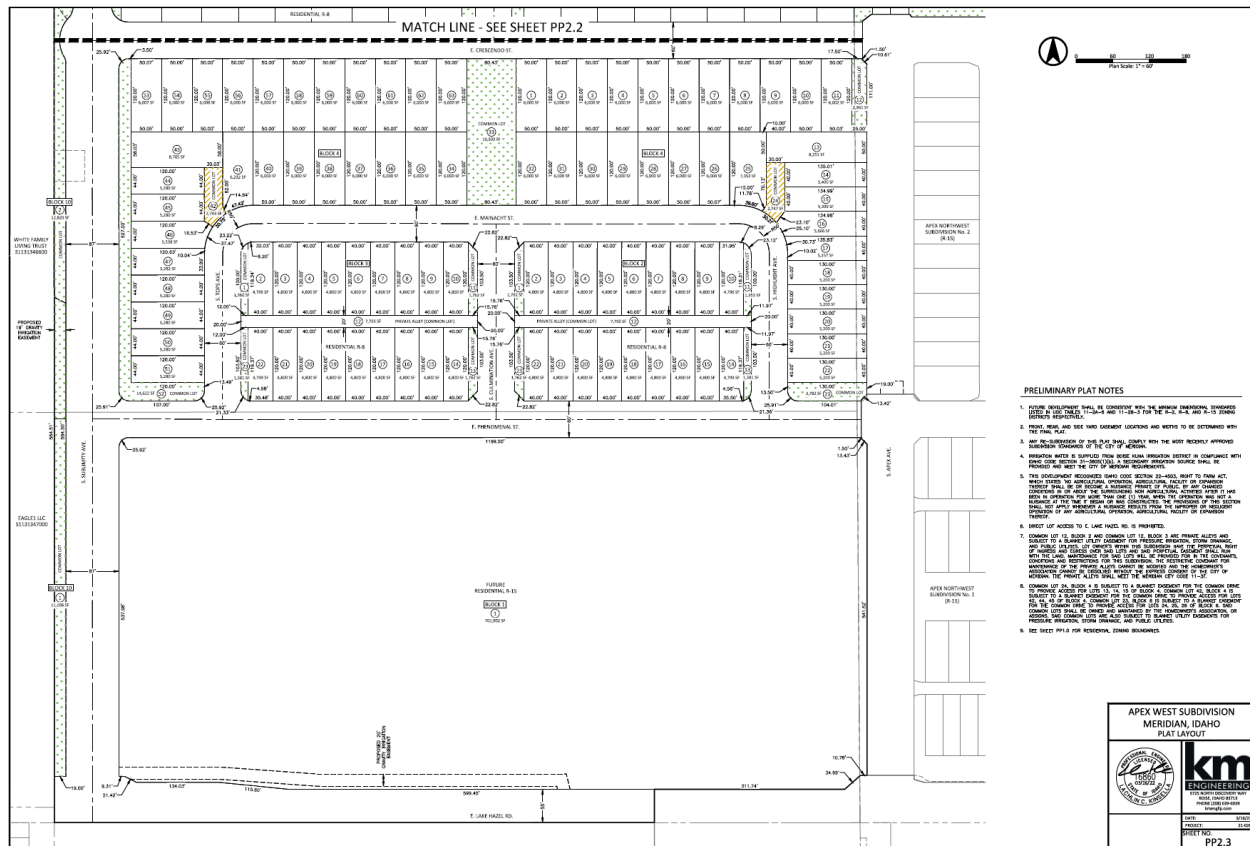
1. Summary of the City Council public hearing:
 - a. In favor: Mike Wardle & Jon Wardle, Brighton Corp.
 - b. In opposition: None
 - c. Commenting: Julie Edwards
 - d. Written testimony: None
 - e. Staff presenting application: Sonya Allen
 - f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
 - a. Question as to whether or not any water studies have been done – concern pertaining to impact on the aquifer and wells in the area from the proposed development; concern pertaining to impact of the proposed development on area school enrollment; timetable for phase 3 construction; and desire for drought tolerant landscaping to be installed.
3. Key issue(s) of discussion by City Council:
 - a. The Applicant's request to leave the Watkins drain open and not pipe it;
 - b. Concern pertaining to impact on area school enrollment from students generated from this development;
4. City Council change(s) to Commission recommendation:
 - a. Council approved the Applicant's request to leave the Watkins drain open and not pipe it.

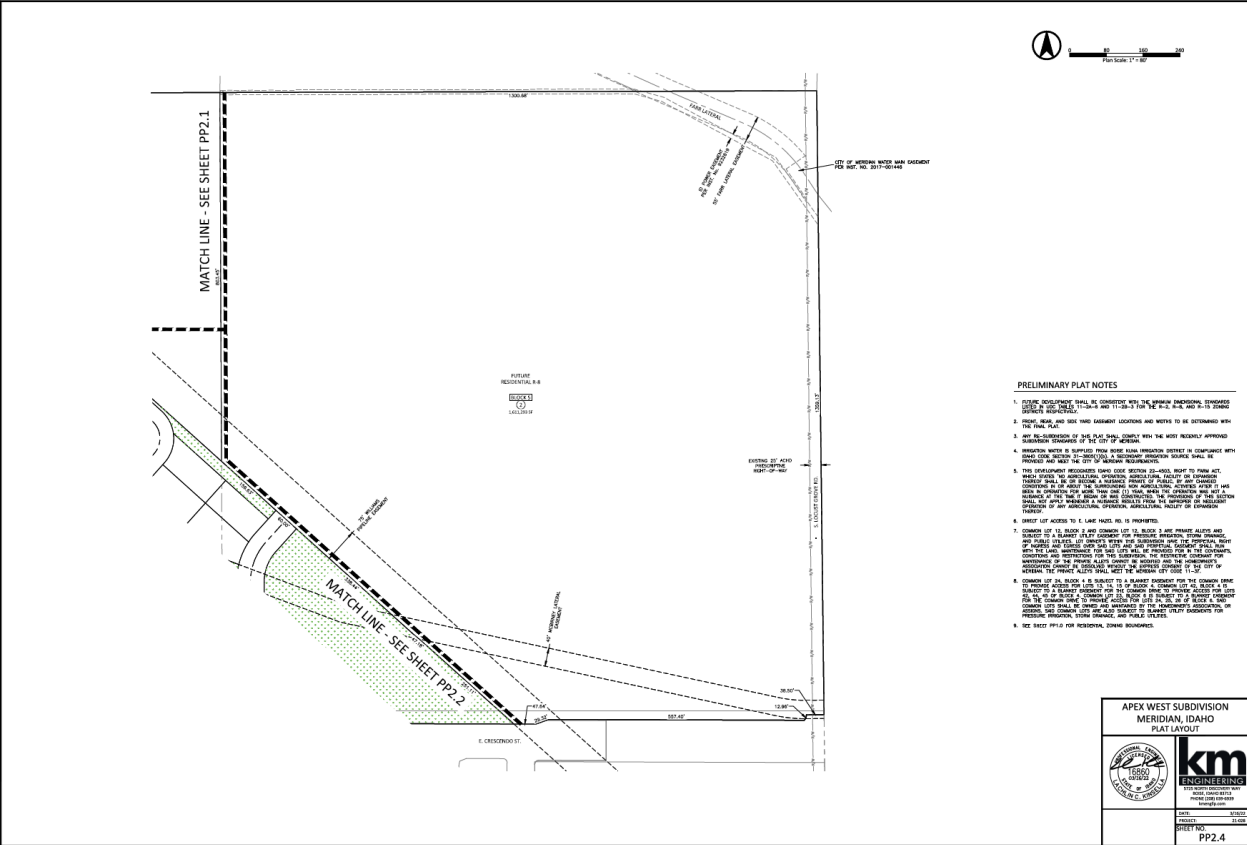
VII. EXHIBITS

A. Preliminary Plat & Phasing Plan (date: ~~8/16/2021~~ 3/16/2022) – REVISED



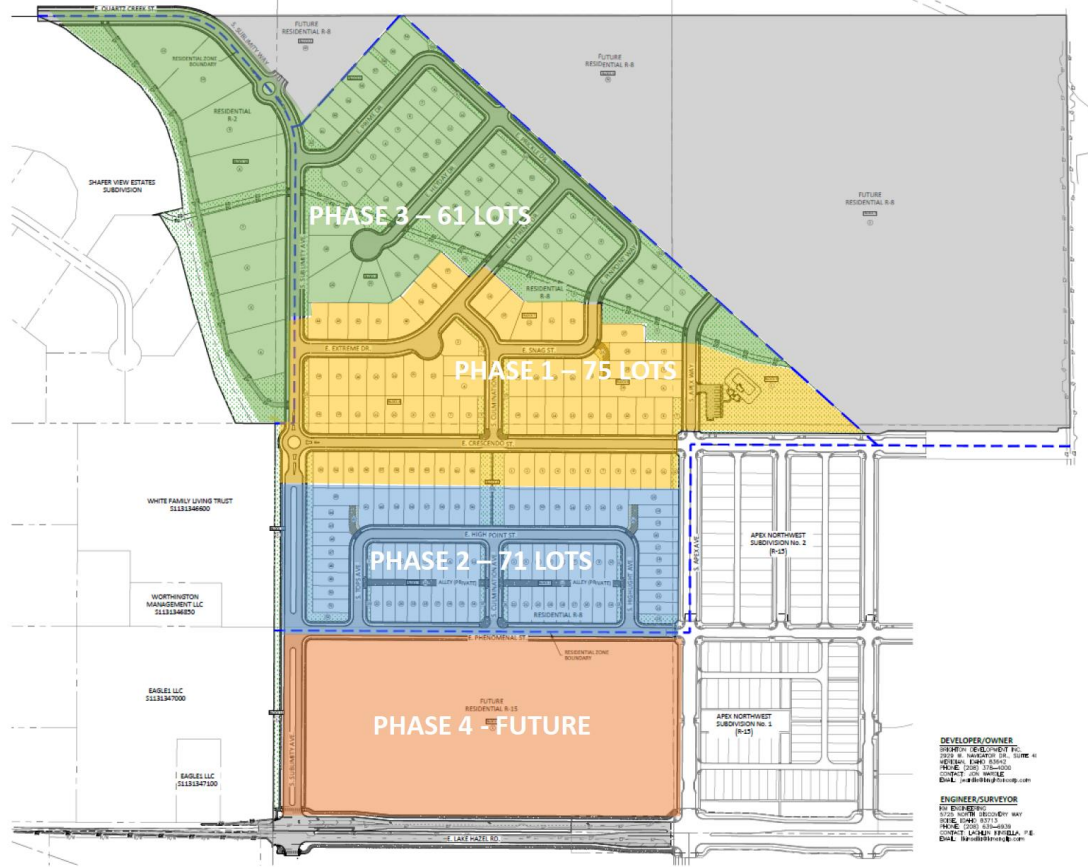






APEX WEST PHASING

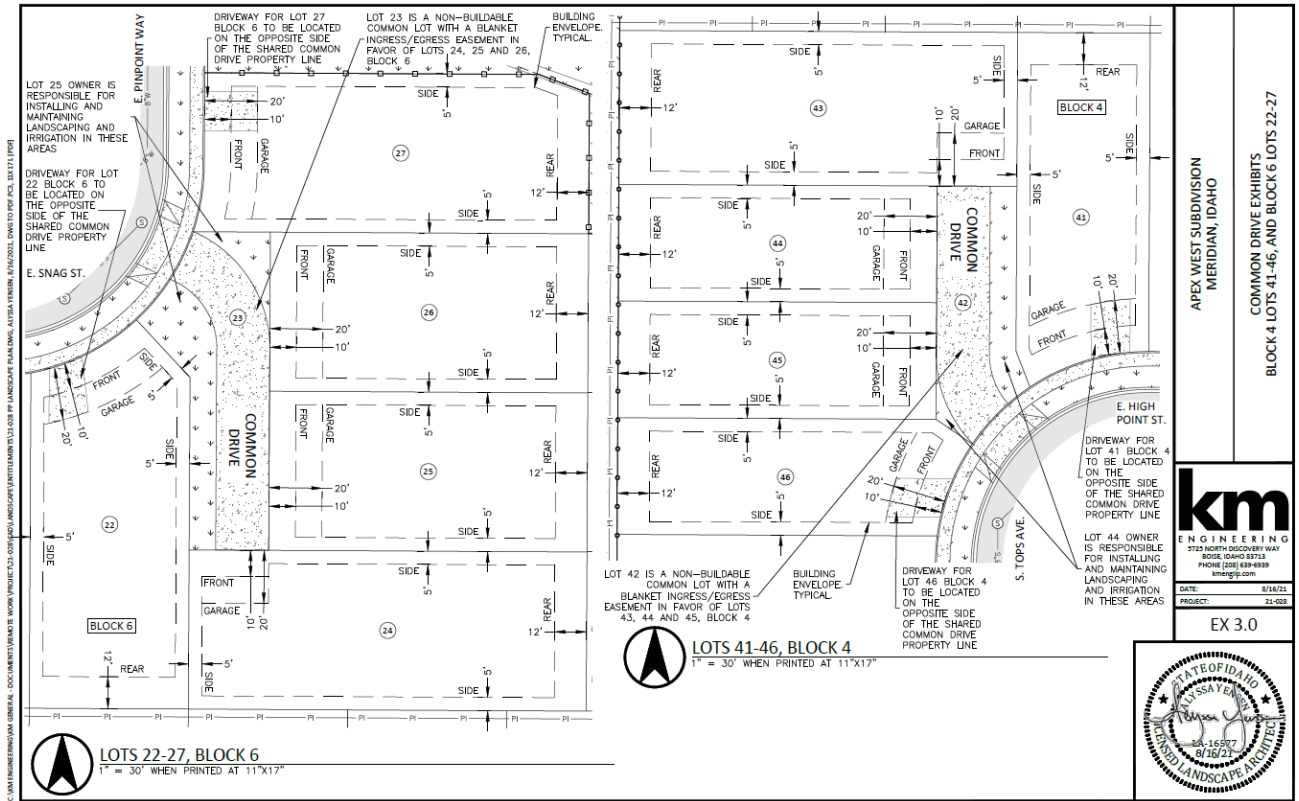
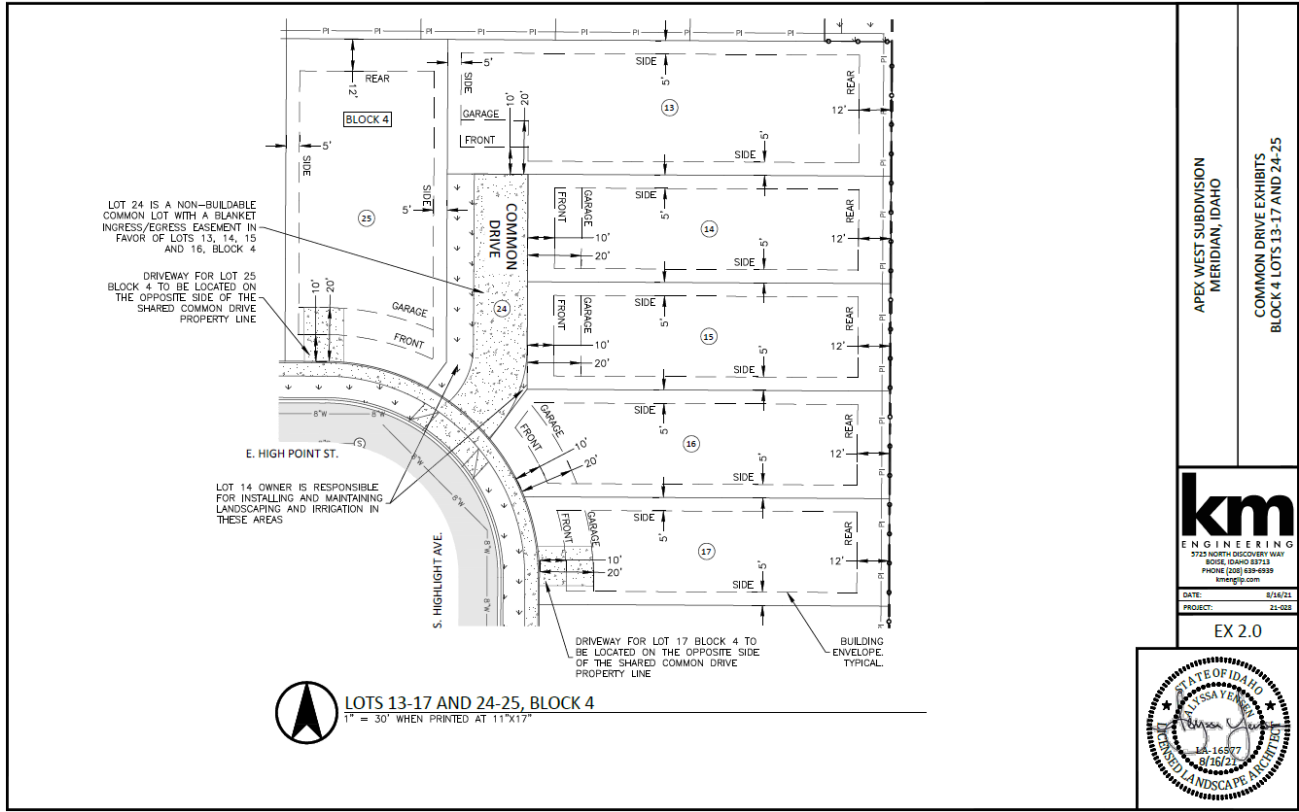
| | |
|--------------|-----------------|
| PHASE 1 | 75 |
| PHASE 2 | 71 |
| PHASE 3 | 61 |
| TOTAL | 207 |
| PHASE 4 | R-15 Future |
| PHASE 5 | Future Pre-Plat |



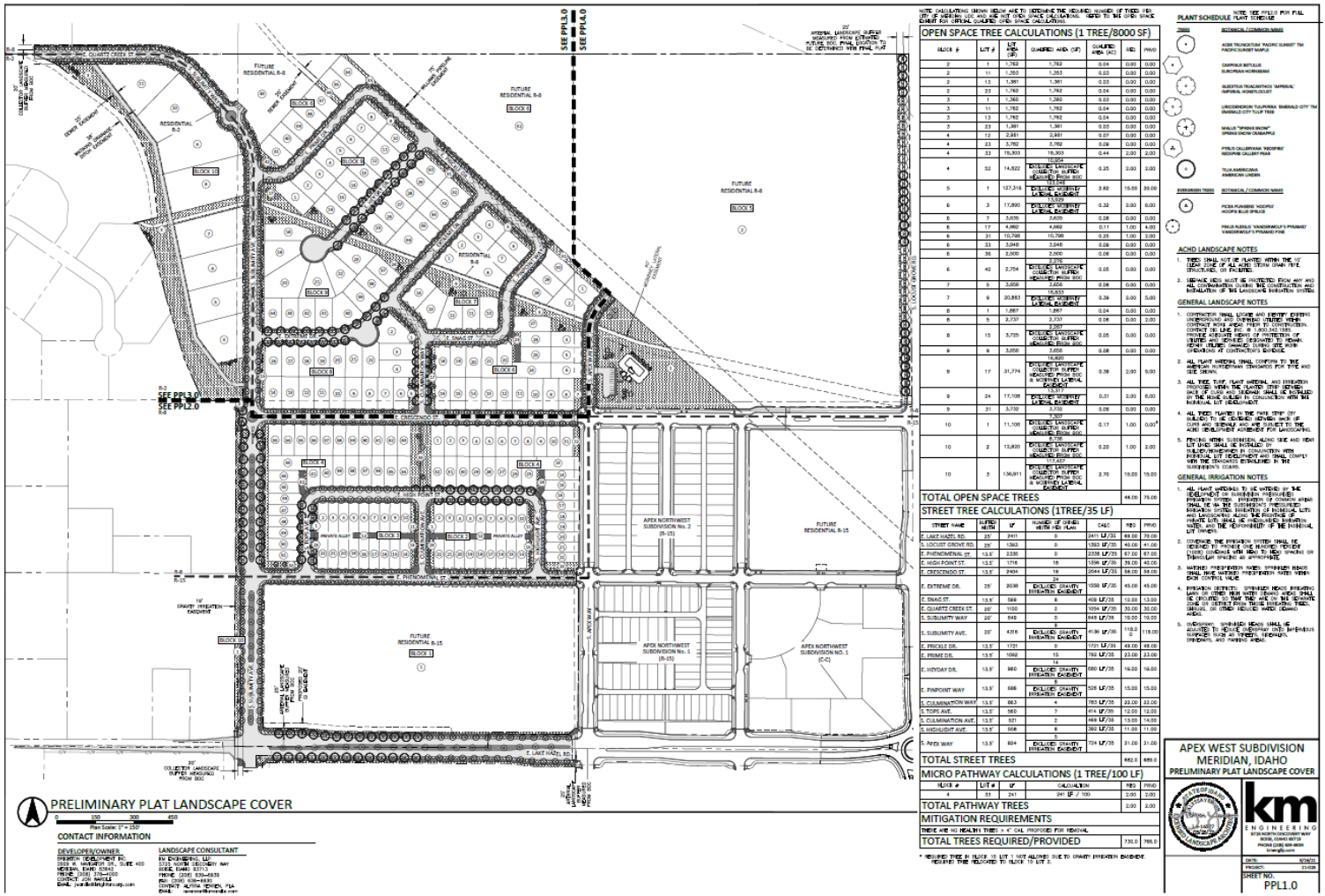
DEVELOPER/OWNER
 PROJECT: APEX WEST PHASING
 DATE: 08/14/2024
 PROJECT NO: 24-000000000000000000
 COUNTY: HAMILTON COUNTY, OHIO
 DATE: 08/14/2024
 DRAWN BY: J. HANSEN

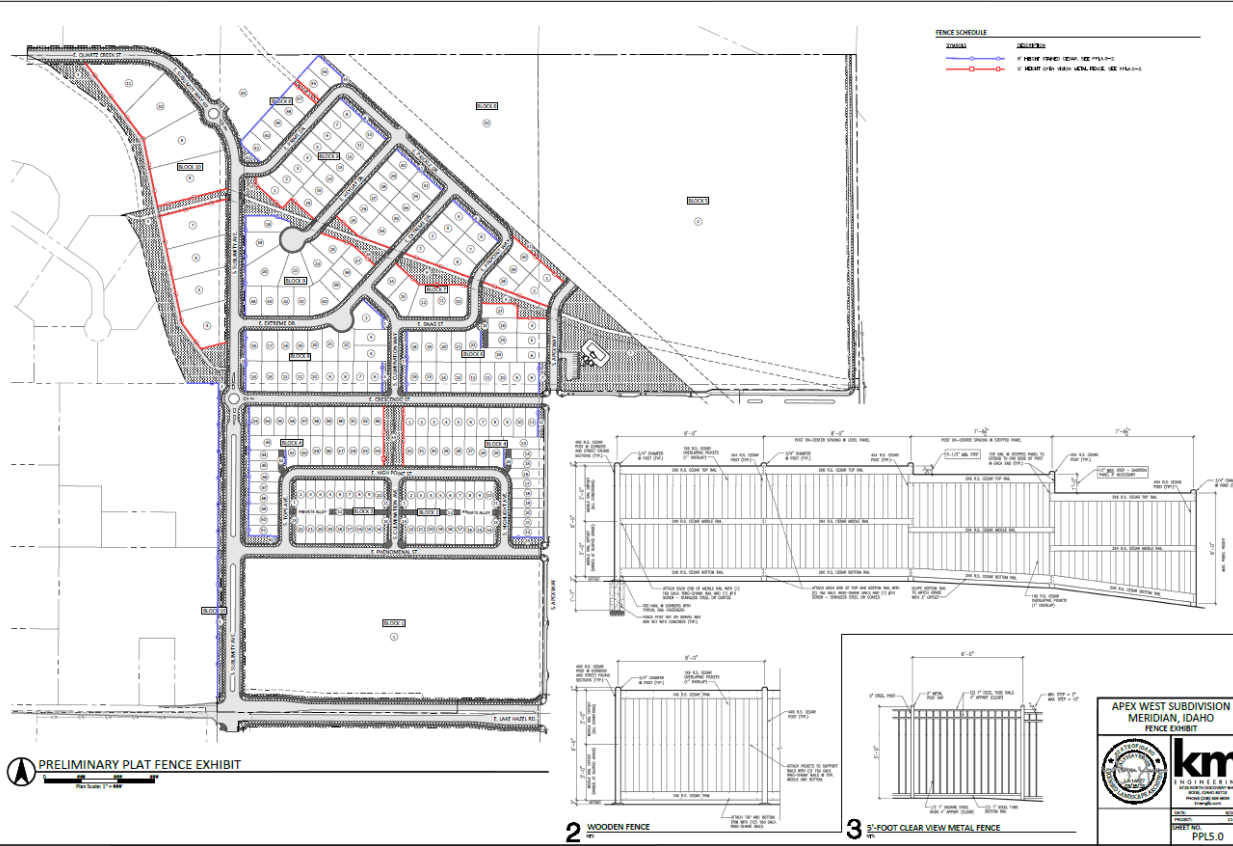
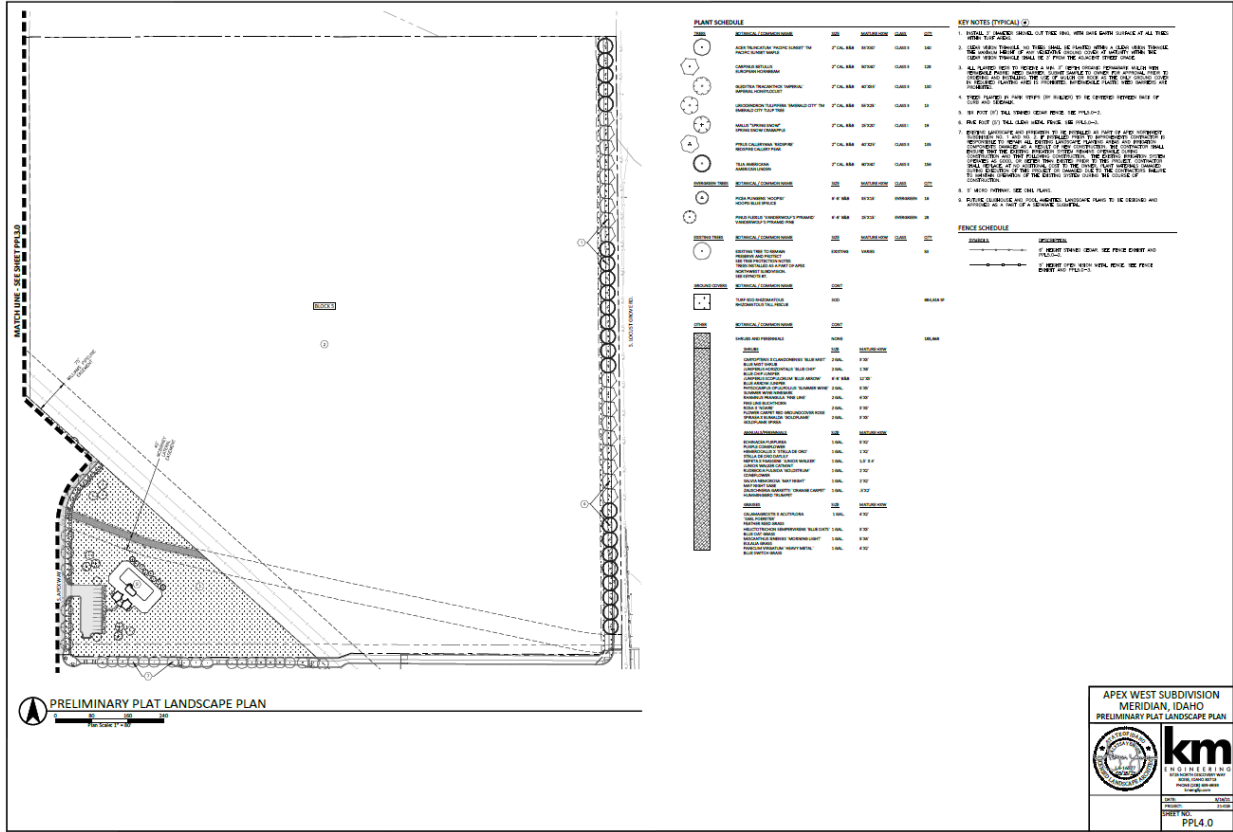
ENGINEER/SURVEYOR
 J. HANSEN
 LICENSE NO: 100000000000000000
 PROJECT NO: 24-000000000000000000
 COUNTY: HAMILTON COUNTY, OHIO
 DATE: 08/14/2024

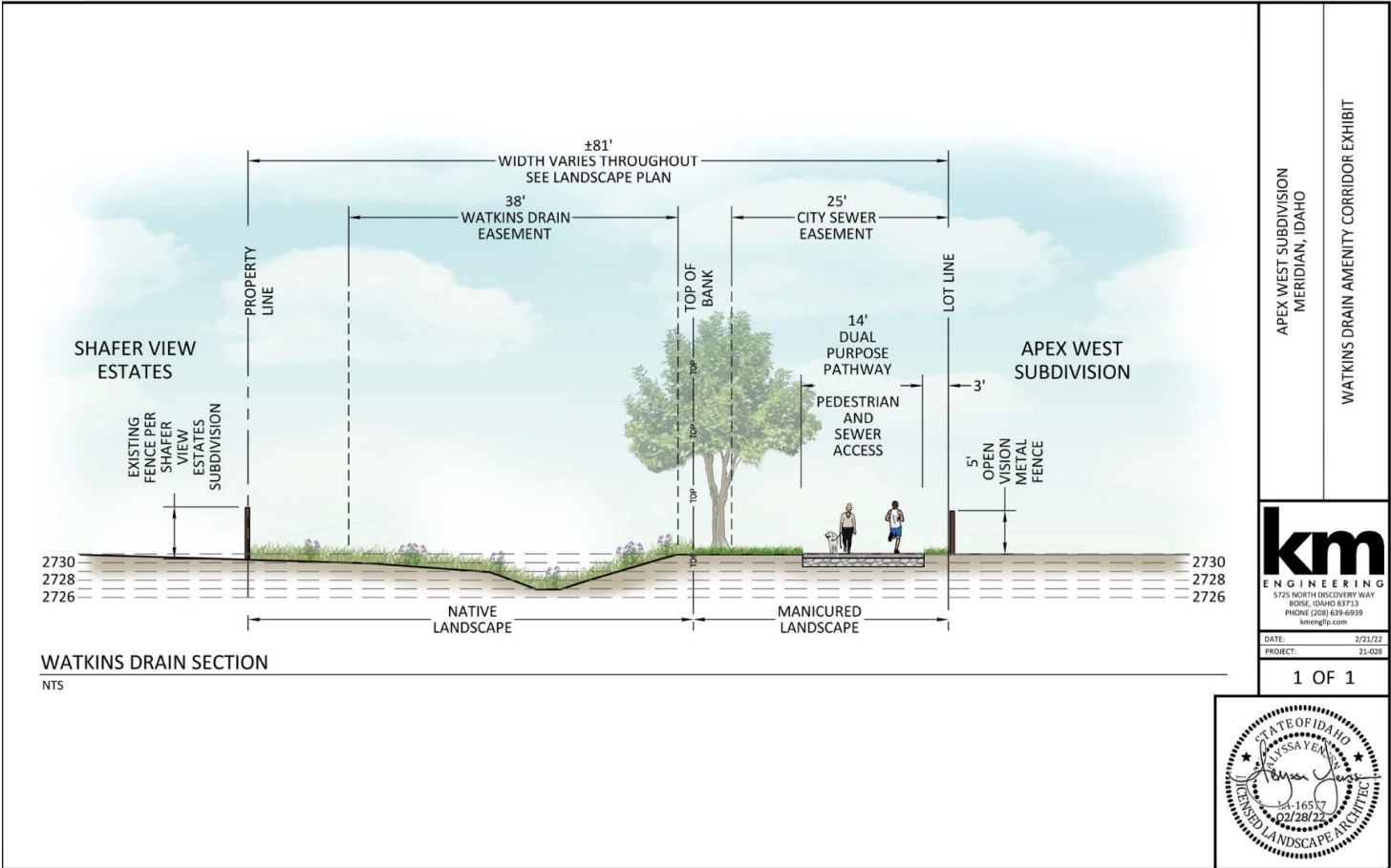
B. Common Driveway Exhibits



C. Landscape Plan & Fencing Plan (date: 8/16/2021 3/15/2022) - REVISED







D. Open Space Exhibit (dated: 8/16/24 3/15/22) - REVISED



E. Conceptual Building Elevations



VIII. CITY/AGENCY COMMENTS & CONDITIONS

~~Prior to City Council entering its Findings of Fact, Conclusions of Law, Final Decision, and Order, approval of the subject preliminary plat application, a property boundary adjustment shall be approved, which incorporates Lot 1, Block 5 and the surrounding area into Parcel #S1131417210 or creates a separate developable parcel for that area.~~

A. PLANNING DIVISION

1. Future development shall comply with the provisions of the existing Development Agreements (i.e. Shafer View Estates – Inst. #2021-102396 and Apex – Inst. #2020-178120), and the preliminary plat, phasing plan, common driveway exhibits, landscape plan and conceptual elevations in Section VII and the conditions of approval listed below.
2. The final plat shall include the following revisions:
 - a. Include a note prohibiting direct lot access to the collector and arterial streets, except for Lots 4-11, Block 10.
 - b. Depict an easement for the 20-foot wide street buffer on the west side of S. Apex Ave. south of E. Crescendo St.; for the 25-foot wide street buffers on the west side of S. Locust Grove Rd. on Lot 2, Block 5 and on the north side of E. Lake Hazel Rd. on Lot 1, Block 1.
3. The landscape plan submitted with the final plat shall be revised as follows:
 - a. Depict additional landscaping within street buffers as set forth in UDC [11-3B-7C](#). *Note: These standards were recently revised.*
 - b. Depict a 20-foot wide street buffer on the west side of S. Apex Ave. south of E. Crescendo St. with landscaping in accord with the standards listed in UDC [11-3B-7C](#). *Note: These standards were recently revised.*
 - c. All pathways shall be improved per the standards listed in UDC 11-3B-12C.3 and have landscape strips along each side of the pathways and be landscaped per the standards listed in UDC [11-3B-12C](#), which requires a *mix* of trees, shrubs, lawn, and/or other vegetative ground cover. *Pathways are not allowed to have a gravel surface. Landscape strips are required along all pathways, including those in Blocks 6, 7, 9 and 10 – if within an easement that prohibits trees, additional area shall be provided outside of the easement to accommodate the required landscaping.*
 - d. Include calculations in the Project Calculations table that demonstrate compliance with the standards for pathway ([11-3B-12C](#)) landscaping; include required vs. provided number of trees. Landscaping is required along *all* pathways.
 - e. A minimum 5-foot wide pathway shall be included in Lot 36, Block 6.
 - f. Depict a 10-foot wide detached multi-use pathway along the west side of S. Sublimity Ave. as required by the Park's Dept. in accord with the Pathways Master Plan.
 - g. The fencing on the northeast side of Lot 34, Block 6 shall be revised to comply with the standards listed in UDC 11-3A-7A.7b.
4. A 14-foot wide public use easement shall be submitted to the Planning Division for the multi-use pathways within the site that are not within the public right-of-way prior to submittal of the final plat for City Engineer signature in the phase in which they are located.

5. Future development shall be consistent with the minimum dimensional standards listed in UDC Tables [11-2A-4](#) for the R-2 zoning district, [11-2A-6](#) for the R-8 zoning district and [11-2A-7](#) for the R-15 zoning district.
6. Off-street parking is required to be provided for all residential units in accord with the standards listed in [UDC Table 11-3C-6](#) based on the number of bedrooms per unit.
7. All waterways on this site shall be piped as set forth in UDC [11-3A-6B](#) unless otherwise waived by City Council. *The Applicant requests approval of a waiver from City Council to leave the Watkins drain open – Council approved this request.*
8. Homes on Lots 4-11, Block 10 shall have side entry garages with a turnaround area so that vehicles aren't backing out onto the collector street in an effort to preserve public safety.
9. If a multi-family development is proposed on Lot 1, Block 1, a conditional use permit application shall be submitted and approved prior to submittal of any building permit applications for that lot. Qualified open space and site amenities shall be provided in accord with UDC standards for such.
10. If single-family homes or townhomes are developed on [Lot 2, Block 5](#); Lots 32 and 43, Block 6 and/or on Lot 1, Block 1, these lots shall be re-subdivided prior to issuance of any building permits. Qualified open space and site amenities shall be provided in accord with UDC standards for such.
11. Homes on lots that abut collector streets (i.e. E. Quartz Creek St. and S. Sublimity Ave. and S. Apex Way south of E. Crescendo St.) and arterial streets [i.e. S. Locust Grove Rd. and E. Lake Hazel Rd. (if applicable)] will be highly visible, the rear and/or side of structures on these lots should incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public street. *Single-story structures are exempt from this requirement.*
12. Submit a detail of the proposed playground equipment with the final plat application.
13. All development within the Williams pipeline easement shall comply with the Williams Pipeline Developers Handbook.
14. Street setbacks for residential units abutting collector streets shall be as approved with ZOA-2021-0003.
15. A Certificate of Zoning Compliance and Design Review applications shall be submitted for the non-residential portions of the development (i.e. changing rooms associated with the swimming pool) and approved prior to submittal of applications for building permits. All non-residential structures shall comply with the design standards listed in the Architectural Standards Manual.
16. Staff's failure to cite specific ordinance provisions or terms of the approved annexation does not relieve the applicant of responsibility for compliance.

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 All sewer manholes must have a 14-foot-wide access road per the City Design Standards.
- 1.2 Ensure no sewer services cross infiltration trenches.

- 1.3 No permanent structures may be within City utility easements including but not limited to trees, bushes, buildings, carports, trash enclosures, fences, infiltration trenches, light poles, etc.
- 1.4 Do not run sewer main in common driveways, services should be run within the common driveway.
- 1.5 Sewer main should be run from the northern portion of the site down South Sublimity Way from the existing sewer main. Main should be kept within the Right of Way whenever possible.
- 1.6 12-inch water main will need to be constructed at the Northwest corner to make the second connection at East Quartz Creek Street.
- 1.7 There is a piece of water main missing at the corner of East Prickle Drive and East Pinpoint Way, this must be included to complete the water loop.
- 1.8 The water main in East Prime Drive needs to be upsized to 12-inch from South Sublimity Way to East Prickle Drive.
- 1.9 The water main in East Prickle Drive needs to be upsized to 12-inch from East Prime Drive to East Heyday Drive.
- 1.10 The water stub in East Heyday Drive to the property line needs to be upsized to 12-inch

2. General Conditions of Approval

- 2.1 Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2.2 Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
- 2.3 The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. **DO NOT RECORD.** Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.
- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of

assessments for the common areas prior to receiving development plan approval.

- 2.5 All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
- 2.6 All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
- 2.7 Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
- 2.8 Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
- 2.9 Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
- 2.10 A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
- 2.11 All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
- 2.12 Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
- 2.13 It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 2.14 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.15 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.16 Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 2.17 The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
- 2.18 The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the

facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.

- 2.19 At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
- 2.20 A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
- 2.21 The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 2.22 The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

C. FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=243074&dbid=0&repo=MeridianCity>

Phasing Map:

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=243072&dbid=0&repo=MeridianCity>

D. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=244321&dbid=0&repo=MeridianCity>

E. WEST ADA SCHOOL DISTRICT (WASD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=248416&dbid=0&repo=MeridianCity>

F. COMMUNITY DEVELOPMENT SCHOOL IMPACT ANALYSIS

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=248658&dbid=0&repo=MeridianCity>

G. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=242586&dbid=0&repo=MeridianCity&cr=1>

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=250827&dbid=0&repo=MeridianCity>

H. BOISE PROJECT BOARD OF CONTROL (BPBC)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=243205&dbid=0&repo=MeridianCity>

I. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=243211&dbid=0&repo=MeridianCity>

J. PARK’S DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=251528&dbid=0&repo=MeridianCity>

IX. FINDINGS

A. Preliminary Plat Findings:

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings:

1. The plat is in conformance with the Comprehensive Plan;

The City Council finds that the proposed plat is generally consistent with the adopted Comprehensive Plan in regard to land use, density and collector street layout. (Please see Comprehensive Plan Policies in, Section IV of this report for more information.)

2. Public services are available or can be made available and are adequate to accommodate the proposed development;

The City Council finds that public services will be provided to the subject property with development. (See Exhibit B of the Staff Report for more details from public service providers.)

3. The plat is in conformance with scheduled public improvements in accord with the City’s capital improvement program;

Because City water and sewer and any other utilities will be provided by the development at their own cost, the City Council finds that the subdivision will not require the expenditure of capital improvement funds.

4. There is public financial capability of supporting services for the proposed development;

The City Council finds there is public financial capability of supporting services for the proposed development based upon comments from the public service providers (i.e., Police, Fire, ACHD, etc.). (See Section VIII for more information.)

- 5. The development will not be detrimental to the public health, safety or general welfare; and,**

The City Council is not aware of any health, safety, or environmental problems associated with the platting of this property. ACHD considers road safety issues in their analysis.

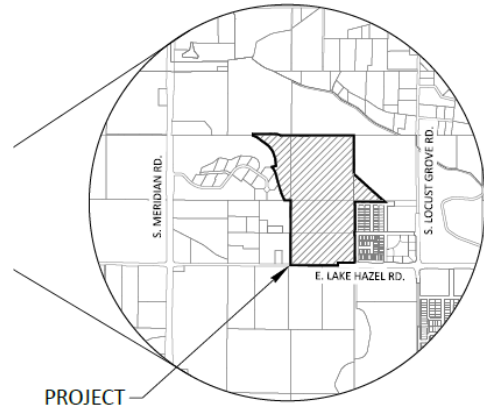
- 6. The development preserves significant natural, scenic or historic features.**

The City Council is unaware of any significant natural, scenic or historic features that exist on this site that require preserving.

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: March 22, 2022
 DATE: *Continued from: March 8, 2022*
 TO: Mayor & City Council
 FROM: Sonya Allen, Associate Planner
 208-884-5533
 SUBJECT: H-2021-0087
 Apex West – PP (aka Pinnacle)
 LOCATION: North side of E. Lake Hazel Rd., approximately 1/4 mile west of S. Locust Grove Rd., in the south 1/2 of Section 31, T.3N., R.1E.



I. PROJECT DESCRIPTION

Preliminary plat consisting of ~~208~~ 209 building lots (~~207~~ 205 single-family residential lots, 3 residential lots for future re-subdivision for single-family homes and 1 lot for future development of townhomes or multi-family apartments) and ~~34~~ 37 common lots on ~~96.08~~ 133.07 acres in the R-2, R-8 and R-15 zoning districts for Apex West Subdivision.

II. SUMMARY OF REPORT

A. Project Summary

| Description | Details | Page |
|--|---|------|
| Acreage | 96.08 <u>133.07</u> acres | |
| Existing/Proposed Zoning | R-2, R-8 and R-15 | |
| Future Land Use Designation | Low Density Residential (LDR), Medium Density Residential (MDR) and Medium High Density Residential (MHDR) | |
| Existing Land Use(s) | Agricultural land | |
| Proposed Land Use(s) | Single-family residential (SFR) detached dwellings | |
| Lots (# and type; bldg./common) | 208 <u>209</u> building lots/ 34 <u>37</u> common lots | |
| Phasing Plan (# of phases) | 4 phases | |
| Number of Residential Units (type of units) | 207 <u>205</u> (SFR detached dwellings) | |
| Density (gross & net) | 3.17 units/acre (gross); 5.29 units/acre (net) – overall (not including future units in R-8 and R-15 zoned lots) | |
| Open Space (acres, total [%]/buffer/qualified) | 16.17 acres (or 16.61%) common open space | |
| Amenities | Swimming pool, two (2) segments of the City’s multi-use pathway system, and an additional 5% open space above the minimum required. | |

| Description | Details | Page |
|---|---|------|
| Physical Features (waterways, hazards, flood plain, hillside) | The McBirney Lateral and another un-named waterway cross this site. | |
| Neighborhood meeting date; # of attendees: | 10/19/21 | |
| History (previous approvals) | H-2020-0066; Development Agreement Inst. #2020-178120 (Apex); H-2020-0117; Development Agreement Inst. #2021-102396 (Shafer View Terrace) | |

B. Community Metrics

| Description | Details | Pg | | | | | | | | | | | | | | | |
|---|---|---------------------------|----------------------------|-------------------------------|----------------------------|-------------------------------|-----------------|------------|--------------------|-----|-----------------|-------------------|------------|----------------|-----|-----------------|--|
| Ada County Highway District | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Staff report (yes/no) Requires ACHD Commission Action (yes/no) | <p>Yes</p> <p>No</p> | | | | | | | | | | | | | | | | |
| Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed) | Two (2) accesses are proposed via E. Lake Hazel Rd., an arterial street; and one (1) access is proposed via E. Quartz Creek St., a collector street. | | | | | | | | | | | | | | | | |
| Traffic Level of Service | <table border="1"> <thead> <tr> <th>Roadway</th> <th>Frontage</th> <th>Functional Classification</th> <th>PM Peak Hour Traffic Count</th> <th>PM Peak Hour Level of Service</th> </tr> </thead> <tbody> <tr> <td>Lake Hazel Road</td> <td>1,321-feet</td> <td>Principal Arterial</td> <td>351</td> <td>Better than "E"</td> </tr> <tr> <td>Locust Grove Road</td> <td>1,350-feet</td> <td>Minor Arterial</td> <td>181</td> <td>Better than "E"</td> </tr> </tbody> </table> <p>* Acceptable level of service for a two-lane principal arterial is "E" (690 VPH). * Acceptable level of service for a two-lane minor arterial is "E" (575 VPH).</p> | Roadway | Frontage | Functional Classification | PM Peak Hour Traffic Count | PM Peak Hour Level of Service | Lake Hazel Road | 1,321-feet | Principal Arterial | 351 | Better than "E" | Locust Grove Road | 1,350-feet | Minor Arterial | 181 | Better than "E" | |
| Roadway | Frontage | Functional Classification | PM Peak Hour Traffic Count | PM Peak Hour Level of Service | | | | | | | | | | | | | |
| Lake Hazel Road | 1,321-feet | Principal Arterial | 351 | Better than "E" | | | | | | | | | | | | | |
| Locust Grove Road | 1,350-feet | Minor Arterial | 181 | Better than "E" | | | | | | | | | | | | | |
| Stub Street/Interconnectivity/Cross Access Existing Road Network Existing Arterial Sidewalks / Buffers | E. Quartz Creek St. is proposed to be extended through this site; stub streets are proposed to be extended from Apex Northwest #1 and #2; stub streets are proposed to adjacent properties. | | | | | | | | | | | | | | | | |
| Proposed Road Improvements | <p>Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):</p> <ul style="list-style-type: none"> Locust Grove Road is listed in the CIP to be widened to 3-lanes from Lake Hazel Road to Amity Road between 2036 and 2040 Lake Hazel Road is listed in the CIP to be widened to 3-lanes from Linder Road to Meridian Road between 2036 and 2040. Lake Hazel Road is listed in the CIP to be widened to 5-lanes from Meridian Road to Locust Grove Road between 2036 and 2040. Lake Hazel Road is listed in the CIP to be widened to 5-lanes from Locust Grove Road to Eagle Road between 2036 and 2040. Apex Subdivision entered into a Cooperative Development Agreement with ACHD in May 2021 to widen the segment of Lake Hazel Road to 5-lanes to the east of this site. These construction plans are currently under review. The intersection of Lake Hazel Road and Locust Grove Road is listed in the CIP to be reconstructed as a multi-lane roundabout with 2-lanes on the north leg, 2-lanes on the south, 4-lanes east, and 4-lanes on the west leg between 2036 and 2040. Apex Subdivision entered into a Cooperative Development Agreement with ACHD in May 2021 to fully improve this intersection consistent with the 2020 CIP. Construction plans are currently under review with ACHD. The intersection of Lake Hazel Road and Eagle Road is scheduled in the IFYWP to be widened to 5-lanes on the north leg, 4-lanes on the south leg, 3-lanes on the west leg and 4-lanes on the east leg and signalized in 2023. The intersection of Lake Hazel Road and Meridian Road is listed in the CIP to be widened to 6-lanes on the north leg, 6-lanes on the south, 7-lanes east, and 7-lanes on the west leg and signalized between 2036 and 2040. The intersection of Amity Road and Locust Grove Road is listed in the CIP to be reconstructed as a multi-lane roundabout with 2-lanes on the north leg, 2-lanes on the south, 4-lanes east, and 4-lanes on the west leg between 2031 and 2035. | | | | | | | | | | | | | | | | |
| Fire Service | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Distance to Fire Station | 3.6 miles | | | | | | | | | | | | | | | | |

| Description | Details | Pg |
|--------------------------|--|----|
| • Fire Response Time | Falls outside the 5:00 minute response time area - nearest station is Fire Station #6 – cannot meet response time goals. When Fire Station #7 is constructed in late summer of 2023, it will be within the 5:00 minute response time area. | |
| • Resource Reliability | 85% - does meet the target goal of 80% or greater | |
| • Risk Identification | 2 – current resources would be adequate to supply service | |
| • Accessibility | Project meets all required access, road widths and turnaround. ALL residences having two frontages (the street & an alleyway behind it) shall have address numbers on the front of the building and on the back side facing the alley. | |
| • Special/resource needs | Project will require an aerial device; can meet this need in the required timeframe if a truck company is required. | |
| • Water Supply | Requires 1,000 gallons per minute for one hour, may be less if buildings are fully sprinklered. | |
| • Other Resources | | |

| | | |
|--------------------------------|----------------------|--|
| Police Service | No comments received | |
| • Distance from police station | | |
| • Police Response Time | | |

| | | | | | |
|---|--|--|--|--|--|
| West Ada School District | | | | | |
| • Distance (elem, ms, hs) | | | | | |
| • Capacity of Schools | | | | | |
| • # of Students Enrolled | | | | | |
| | | | | | |
| • # of Students Predicted from this development | 132 school aged children predicted from this development by WASD (154 for future townhomes) School Impact Table | | | | |

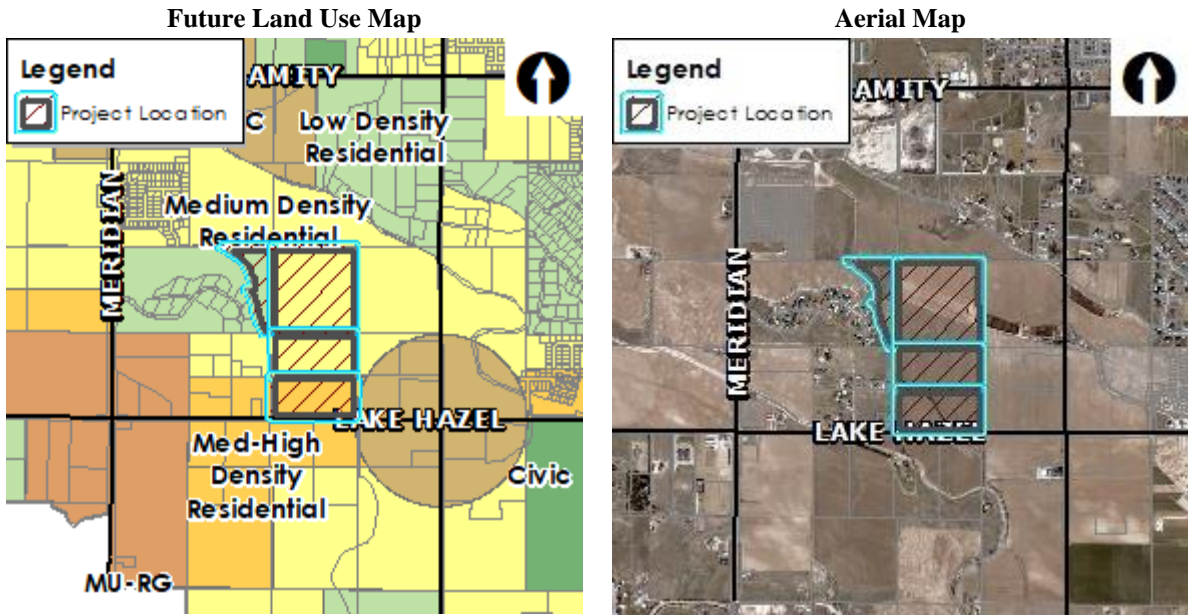
| | Enrollment | Capacity | Approved lots per attendance area | Approved MF units per attendance area | Projected Students from Approved Dev. |
|---------------------------------|------------|----------|-----------------------------------|---------------------------------------|---------------------------------------|
| Mary McPherson Elementary | 449 | 675 | 2677 | 26 | 591 |
| Victory Middle School | 984 | 1000 | 3738 | 502 | 501 |
| Mountain View High School | 2368 | 2175 | 2701 | 0 | 432 |
| School of Choice Options | | | | | |
| Christine Donnell School -Arts | 489 | 500 | N/A | N/A | |
| Spalding Elementary - STEM | 656 | 750 | N/A | N/A | |

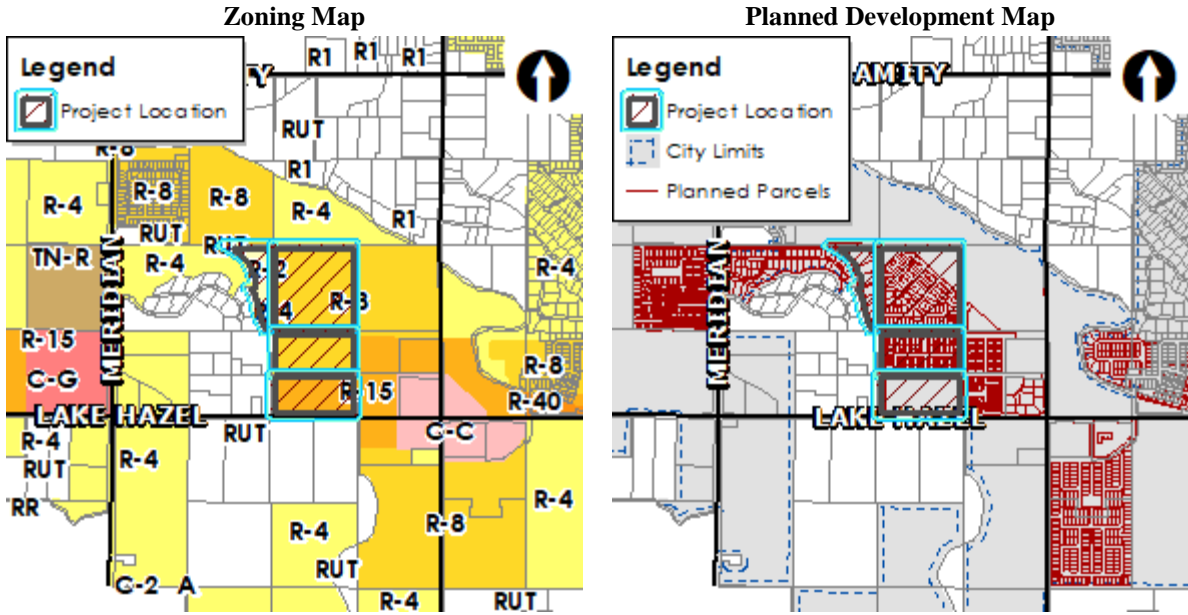
| | |
|--------------------|--|
| Wastewater | |
| • Impacts/concerns | <ul style="list-style-type: none"> • Flow is committed • All sewer manholes must have a 14-foot-wide access road per the City Design Standards. • Ensure no sewer services cross infiltration trenches • No permanent structures may be within City utility easements including but not limited to trees, bushes, buildings, carports, trash enclosures, fences, infiltration trenches, light poles, etc. • Do not run sewer main in common driveways, services should be run within the common driveway. • Sewer main should be run from the northern portion of the site down South Sublimity Way from the existing sewer main. Main should be kept within the Right of Way whenever possible. |

| | |
|---------------------------------|-------------------|
| Water | |
| • Distance to Water Services | Directly adjacent |
| • Pressure Zone | 5 |
| • Estimated Project Water ERU's | See application |
| • Water Quality | None |

| | |
|---|--|
| <ul style="list-style-type: none"> • Project Consistent with Water Master Plan | Yes |
| <ul style="list-style-type: none"> • Impacts/Concerns | <ul style="list-style-type: none"> • 12 inch water main will need to be constructed at the Northwest corner to make the second connection at East Quartz Creek Street. • There is a piece of water main missing at the corner of East Prickle Drive and East Pinpoint Way, this must be included to complete the water loop. • The water main in East Prime Drive needs to be upsized to 12 inch from South Sublimity Way to East Prickle Drive. • The water main in East Prickle Drive needs to be upsized to 12 inch from East Prime Drive to East Heyday Drive. • The water stub in East Heyday Drive to the property line needs to be upsized to 12 inch. |

C. Project Area Maps





- A. Applicant:
Josh Beach, Brighton Development, Inc. – 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642
- B. Owner:
Brighton Development, Inc. – 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642
- C. Representative:
Same as Applicant

III. NOTICING

| | Planning & Zoning Posting Date | City Council Posting Date |
|--|--------------------------------|---------------------------|
| Notification published in newspaper | 12/21/2021 | 2/20/2022 |
| Notification mailed to property owners within 300 feet | 12/15/2021 | 2/17/2022 |
| Applicant posted public hearing notice on site | 12/22/2021 | 2/24/2022 |
| Nextdoor posting | 12/16/2021 | 2/18/2022 |

IV. COMPREHENSIVE PLAN ANALYSIS ([Comprehensive Plan](#))

The Future Land Use Map (FLUM) contained in the Comprehensive Plan designates approximately 11 acres of the site as Low Density Residential (LDR), 65 acres as Medium Density Residential (MDR) and 20 acres as Medium High-Density Residential (MHDR).

The LDR designation allows for the development of single-family homes on large and estate lots at gross densities of 3 dwelling units or less per acre. These areas often transition between existing rural residential and urban properties. Developments need to respect agricultural heritage and resources, recognize view sheds and open spaces, and maintain or improve the overall atmosphere of the area.

The use of open spaces, parks, trails, and other appropriate means should enhance the character of the area.

The MDR designation allows for dwelling units at gross densities of 3 to 8 dwelling units per acre.

The MHDR designation allows for a mix of dwelling types including townhouses, condominiums, and apartments. Residential gross densities should range from 8 to 12 dwelling units per acre. These areas are relatively compact within the context of larger neighborhoods and are typically located around or near mixed use commercial or employment areas to provide convenient access to services and jobs for residents. Developments need to incorporate high-quality architectural design and materials and thoughtful site design to ensure quality of place and should also incorporate connectivity with adjacent uses and area pathways, attractive landscaping and a project identity.

The proposed development consists of a total of ~~207~~ 209 single-family detached dwellings. The plat includes two (2) R-8 zoned lots in the MDR designated area for future residential development; and one (1) R-15 zoned lot in the MHDR designated area for future development of townhomes or multi-family apartments. The proposed development in the MDR designated area has an overall gross density of 3.17 units/acre with a net density of 5.29 units per acre, excluding the future development areas. The R-2 portion has a gross density of 0.70 units/acre with a net density of 1.18 units/acre and the R-8 portion has a gross density of 3.70 units/acre with a net density of 6.16 units/acre, consistent with the densities desired in the associated LDR and MDR designations.

The following Comprehensive Plan Policies are applicable to this development:

- “Encourage a variety of housing types that meet the needs, preferences, and financial capabilities of Meridian’s present and future residents.” (2.01.02D)

Only one housing type, single-family detached, is proposed in this development at this time; some units will be accessed via internal local and collector streets with front/side entry garages while others will have rear access via alleys. Another housing type, either townhomes or multi-family apartments, is planned to develop on the R-15 zoned future development area (i.e. Lot 1, Block 1). If townhomes are proposed, the lot will need to be re-subdivided to accommodate the townhome units; if apartments are proposed, a conditional use permit will be needed for approval of a multi-family development.

- “Permit new development only where it can be adequately served by critical public facilities and urban services at the time of final approval, and in accord with any adopted levels of service for public facilities and services.” (3.03.03F)

City water and sewer services are available to service this development in accord with UDC 11-3A-21. The emergency response time for the Fire Dept. falls outside of the 5-minute response time area; once Fire Station No. 7 is constructed in the late summer of 2023, it will meet the response time goal.

- “Encourage compatible uses and site design to minimize conflicts and maximize use of land.” (3.07.00)

Staff believes the proposed use and site design are compatible with existing and future uses, which should minimize conflicts and maximize use of land.

- “Ensure development is connected to City of Meridian water and sanitary sewer systems and the extension to and through said developments are constructed in conformance with the City of Meridian Water and Sewer System Master Plans in effect at the time of development.” (3.03.03A)

The proposed development will connect to City water and sewer systems; services are

required to be provided to and though this development in accord with current City plans.

- “With new subdivision plats, require the design and construction of pathway connections, easy pedestrian and bicycle access to parks, safe routes to schools, and the incorporation of usable open space with quality amenities.” (2.02.01A)

Two (2) segments of the City’s multi-use pathway system is proposed within this site consistent with the Pathways Master Plan, which will provide safe pedestrian and bicycle access to the internal common area with a swimming pool and school site to the southeast in Apex Southeast.

- “Evaluate comprehensive impacts of growth and consider City Master Plans and Strategic Plans in all land use decisions (e.g., traffic impacts, school enrollment, and parks).” (3.01.01A)

A Traffic Impact Study (TIS) was required by ACHD for this development and was taken into consideration in ACHD’s report.

See comments from WASD and Community Development in Section VIII for school enrollment calculations in regard to the number of school-aged children estimated to be generated from this development and associated school capacity.

The closest City Park to this site is Discovery Park, a regional park consisting of 77-acres of land, to the southeast of the S. Locust Grove Rd. and E. Lake Hazel Rd. intersection bordering Apex Southeast.

- “Require all development to create a site design compatible with surrounding uses through buffering, screening, transitional densities, and other best site design practices.” (3.07.01A)

The proposed site design should be compatible with existing and future surrounding uses.

- “Require urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, water and sewer utilities.” (3.03.03G)

Urban sewer and water infrastructure and curb, gutter and sidewalks are proposed as required with this development.

In summary, Staff believes the proposed development plan is generally consistent with the vision of the Comprehensive Plan per the analysis above.

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

A. Preliminary Plat:

The proposed preliminary plat consists of ~~208~~ 209 building lots (~~207~~ 205 single-family lots; three (3) residential building lots for future re-subdivision; and 1 lot for future development of townhomes or multi-family apartments) and ~~34~~ 37 common lots on ~~96.08~~ 133.07 acres in the R-2, R-8 and R-15 zoning districts for Apex West Subdivision.

The subdivision is proposed to develop in ~~four~~ five (4 5) phases as shown on the phasing plan in Section VII.A.

The proposed plat includes a portion of Parcel #S1131417220 depicted on the plat as Lot 1, Block 5 and the surrounding area outside of Parcel #S1131417210. As discussed at the pre-application meeting, the entire parcel must be included in the proposed plat or a property boundary adjustment application must be approved to create a separate developable parcel for that area—a portion of the lot cannot be included as it would create an illegal split. Until this concern is resolved, the City Council has inadequate information to make a final decision concerning this application. Therefore, Staff recommends that prior to City

~~Council entering its Findings of Fact, Conclusions of Law, Final Decision and Order, a property boundary adjustment shall be approved, which incorporates Lot 1, Block 5 and the surrounding area into Parcel #S1131417210 or creates a separate developable parcel for that area. A revised plan was submitted that includes the entire parcel.~~

Three ~~Four~~ future development areas are depicted on the plat, Lots 32 and 43, Block 6; Lot 2, Block 5; and Lot 1, Block 1. The R-8 zoned lots (i.e. Lots 32 and 43, Block 6; and Lot 2, Block 5) are planned to be re-subdivided in the future through new preliminary plat applications. The R-15 zoned lot (i.e. Lot 1, Block 1) may be re-subdivided in the future through a new preliminary plat application for the development of 240 townhomes; or, a multi-family development may develop on the site, which will require approval of a conditional use permit. **If single-family homes or townhomes are developed on these lots, they shall be re-subdivided prior to issuance of any building permits.**

Existing Structures/Site Improvements:

There are no existing structures or site improvements on this property; it's currently agricultural land.

Subdivision Design and Improvement Standards (UDC [11-6C-3](#)):

Development of the subdivision is required to comply with the subdivision design and improvement standards listed in UDC 11-6C-3, including but not limited to streets and block face. The proposed plat complies with these standards.

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

Access is proposed at the northwest corner of the development from E. Quartz Creek St., a collector street, from S. Meridian Rd. and from S. Sublimity Ave. and S. Apex Ave., both collector streets, via E. Lake Hazel Rd. Stub streets are proposed to adjacent properties for future extension and interconnectivity. **A note should be included on the final plat prohibiting direct lot access to the collector and arterial streets, except for Lots 4-11, Block 10 which are allowed direct access via S. Sublimity Way – homes on these lots should have side entry garages with a turnaround area so that vehicles aren't backing out onto the collector street in an effort to preserve public safety.** Street setbacks for residential units abutting collector streets shall be as approved with ZOA-2021-0003.

Public alleys are proposed for internal access to some of the lots in Phase 1; alleys are required to comply with the standards listed in UDC [11-6C-3B.5](#). Three (3) common driveway lots are also proposed and are required to comply with the standards listed in UDC [11-6C-3D](#); an exhibit for such is included in Section VII.B.

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

Off-street parking is required to be provided in accord with the standards listed in [UDC Table 11-3C-6](#) for single-family detached dwellings based on the number of bedrooms per unit. Garages and parking pads in driveways are proposed to satisfy this requirement.

The proposed local street sections accommodate on-street parking on both sides of the streets for guests in addition to driveway parking spaces on each lot; ~~146 spaces are proposed for guests in the residential area along with another 28 spaces as depicted on the parking plan in Section VII.E.~~ Staff is of the opinion sufficient parking can be provided for this development.

Off-street parking is also required for the building/changing rooms at the community swimming pool. A minimum of (1) space is required per every 500 square feet of gross floor area; 12 spaces are proposed which exceeds the minimum standards. A minimum of one (1) bicycle parking space is also required to be provided per UDC 11-3C-6G and should be designed in accord with the standards listed in UDC 11-3C-5C.

Pathways (UDC [11-3A-8](#)):

The Pathways Master Plan depicts a segment of the City’s multi-use pathway system along the west and northeast boundaries of the site. Pathways are proposed as shown on the landscape plan.

The Park’s Dept. is requiring a 10-foot wide detached pathway along the west side of S. Sublimity Ave. which will connect to the pathway proposed in the common area along the back side of lots in Block 10. **The gravel pathway proposed through Blocks 5, 6, 7, 9 and 10 is required to be improved per the standards listed in UDC 11-3B-12C.3. Landscape strips are required along both sides of all pathways, landscaped per the standards listed in UDC [11-3B-12C](#), which include a mix of trees, shrubs, lawn, and/or other vegetative ground cover,** including those in Blocks 6, 7, 9 and 10 – if within an easement, additional area shall be provided outside of the easement to accommodate landscaping. *See comments from Park’s Dept. in Section VIII.J.*

A minimum 5-foot wide pathway should be included in Lot 36, Block 6.

All multi-use pathways not located within the right-of-way are required to be placed in a 14-foot wide public use easement, which shall be submitted to the Planning Division prior to submittal for City Engineer signature on the final plat(s) for the phase in which they are located.

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

Sidewalks are required to be provided adjacent to all streets as set forth in UDC 11-3A-17. Detached sidewalks are proposed within the development as depicted on the landscape plan.

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

Eight-foot wide parkways are proposed along all streets where detached sidewalks are proposed. All parkways should be constructed in accord with the standards listed in UDC [11-3A-17E](#).

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

A 25-foot wide street buffer is required along E. Lake Hazel Rd., an arterial street; and 20-foot wide street buffers are required along E. Quartz Creek St./S. Sublimity Ave., S. Apex Way and E. Crescendo St., collector streets. Landscaping is required to be installed within the buffers per the standards listed in [UDC 11-3B-7C](#), **which require a variety of trees and shrubs, lawn, or other vegetative groundcover – shrubs are required to be included in the buffer in accord with this standard; lawn shall comprise no more than 65% of the vegetated coverage of a landscape buffer (see UDC 11-3B-7C.3 for more information).**

Landscaping is required adjacent to all pathways per the standards in UDC [11-3B-12C](#) as noted above under Pathways.

Landscaping is required within parkways per the standards listed in UDC [11-3A-17](#) and [11-3B-7C](#) as proposed.

Qualified Open Space (UDC [11-3G](#)):

Based on the standards listed in UDC [11-3G-3](#), the R-2 zoned area requires a minimum of 8% (or 0.80-acre) open space based on 9.94 acres of land; and the R-8 zoned area requires a minimum of 15% (or 6.01-acres) open space based on 40.09 acres of land for a total of 6.81 acres of common open space. *Although the future residential R-8 and R-15 zoned areas (i.e. Lots 32 and 43, Block 6 and Lot 1, Block 1) are included in the boundary of the proposed plat, Staff did not include these areas in the required open space calculations as they are proposed to be re-subdivided and/or included in a conditional use permit in the future prior to development. At such time they will be required to comply with the open space standards on a stand-alone basis.*

The proposed open space consists of linear open space, open grassy areas of at least 5,000 square feet in area, 8-foot parkways and street buffers along collector and arterial streets as shown on the

open space exhibit in Section VII.D. A total of 16.17 acres of qualified open space is proposed, which exceeds UDC standards.

The proposed open space areas have direct pedestrian access, high visibility, comply with the CPTED standards and support a range of leisure and play activities and uses, while promoting the health and well-being of its residents as required in UDC 11-3G-3A.2.

Qualified Site Amenities (UDC [11-3G](#)):

Based on the standards listed in UDC 11-3G-4, the 50.03-acre development area requires multiple amenities to be provided totaling a minimum of 10 points from the separate categories listed in UDC Table [11-3G-4](#). *Note: As noted above under the Qualified Open Space analysis, Staff did not include the two (2) R-8 zoned lots (Lots 32 and 43, Block 6) and the R-15 zoned lot (Lot 1, Block 1) in the calculations.*

A swimming pool with changing facilities and restrooms (6 points); two (2) segments of multi-use pathways totaling approximately ½ mile (totaling 4 points); and a playground (3 points) are proposed totaling 13 points, which exceeds the minimum standards. A detail of the playground equipment should be submitted with the final plat application for the phase in which it is located.

Storm Drainage:

An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances. Design and construction is required to follow Best Management Practices as adopted by the City. The Applicant submitted a [Limited Geotechnical Engineering Report](#) for the subdivision.

Pressure Irrigation (UDC [11-3A-15](#)):

Underground pressurized irrigation water is required to be provided for each and every lot in the subdivision as required in UDC 11-3A-15.

Utilities (UDC [11-3A-21](#)):

Utilities are required to be provided to the subdivision as required in UDC 11-3A-21.

Waterways (UDC [11-3A-6](#)):

The McBirney Lateral crosses this site within a 40 to 41-foot wide easement; the Farr Lateral crosses the northeast corner of this site within a 55-foot wide easement; and the Watkins Drain runs along the west side of this site within a 38-foot wide easement, as depicted on the plat. These waterways are proposed to be piped in accord with UDC 11-3A-6B. The Applicant requests approval of a waiver to UDC 11-3A-6B to allow the Watkins drain to remain open as an amenity feature; a cross-section of the amenity corridor is included in Section VII.C.

In order for Council to waive the requirement for covering the drain, it has to find that the public purpose requiring such will not be served & public safety can be preserved per UDC 11-3A-6B.3a. No fencing is proposed to prevent access to the drain and the Applicant is not proposing to improve the drain per the water amenity standards in the UDC, which require construction drawings and relevant calculations prepared by a qualified licensed professional registered in the State of Idaho to be submitted to both the Director & the authorized representative of the water facility for approval. If the waterway/drain is improved as part of the development as a water amenity, its banks in all places adjacent to and located on said development should be no steeper than one (1) foot vertical per every four (4) feet horizontally and have a depth and velocity in all places adjacent to and located on said development such that the product of the maximum depth (feet) multiplied by the peak velocity (feet per second) does not exceed four (4).

Williams Pipeline: The Williams Pipeline runs across Lot 2, Block 5 and Lot 32, Block 6 within a 75-foot wide easement. All development within the pipeline easement should comply with the Williams Pipeline Developers Handbook.

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

All fencing is required to comply with the standards listed in UDC 11-3A-7.

Five-foot tall open vision metal fencing is proposed adjacent to all internal common open space areas to distinguish common from private areas; and 6-foot tall solid wood fencing is proposed in other areas as depicted on the landscape plan in Section VII.C in accord with UDC standards.

Building Elevations (UDC [11-3A-19](#) | [Architectural Standards Manual](#)):

Conceptual building elevations in a variety of materials and colors were submitted for future single-family detached homes in this development as shown in Section VII.E. *Single-family detached dwellings are exempt from the design standards in the Architectural Standards Manual.*

A Certificate of Zoning Compliance and Design Review application is required to be submitted and approved for the changing rooms and swimming pool on Lot 1, Block 5 prior to submittal of applications for building permits. All non-residential structures shall comply with the design standards listed in the Architectural Standards Manual.

Because homes on lots that abut collector streets (i.e. E. Quartz Creek St. and S. Sublimity Ave. and S. Apex Way south of E. Crescendo St.) and arterial streets [i.e. S. Locust Grove Rd. and E. Lake Hazel Rd. (if applicable)] will be highly visible, the rear and/or side of structures on these lots should incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public street. *Single-story structures are exempt from this requirement.*

VI. DECISION

A. Staff:

Staff recommends approval of the requested preliminary plat with the conditions noted in Section VIII per the Findings in Section IX.

B. The Meridian Planning & Zoning Commission heard these items on January 6 and February 3, 2022. At the public hearing on February 3rd, the Commission moved to recommend approval of the subject PP request.

1. Summary of Commission public hearing:

- a. In favor: Mike Wardle and Jon Wardle, Brighton Corporation
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: Julie Edwards; Josh Beach, Brighton Corp.
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

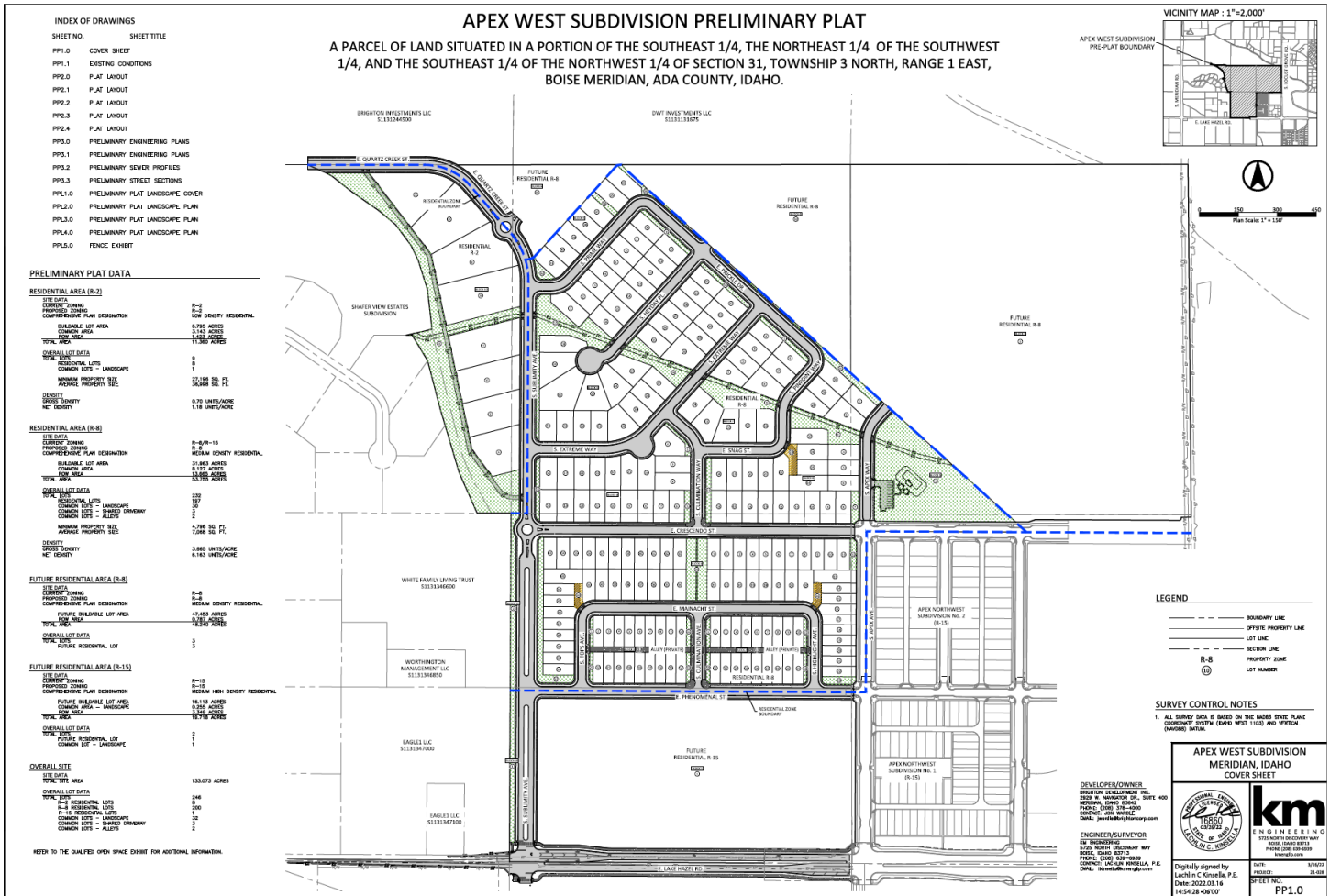
- a. Concern with the provision of (3) common driveways within the development & associated traffic congestion as discussed at the Commission hearing for Apex East; concern pertaining to parking in relation to the alley-accessed units & the adequacy of such for guests on the adjacent public streets, especially with the common driveways proposed and parking issues associated with those. Suggests some of the building lots be eliminated in favor of provision of a guest parking lot in addition to the on-street

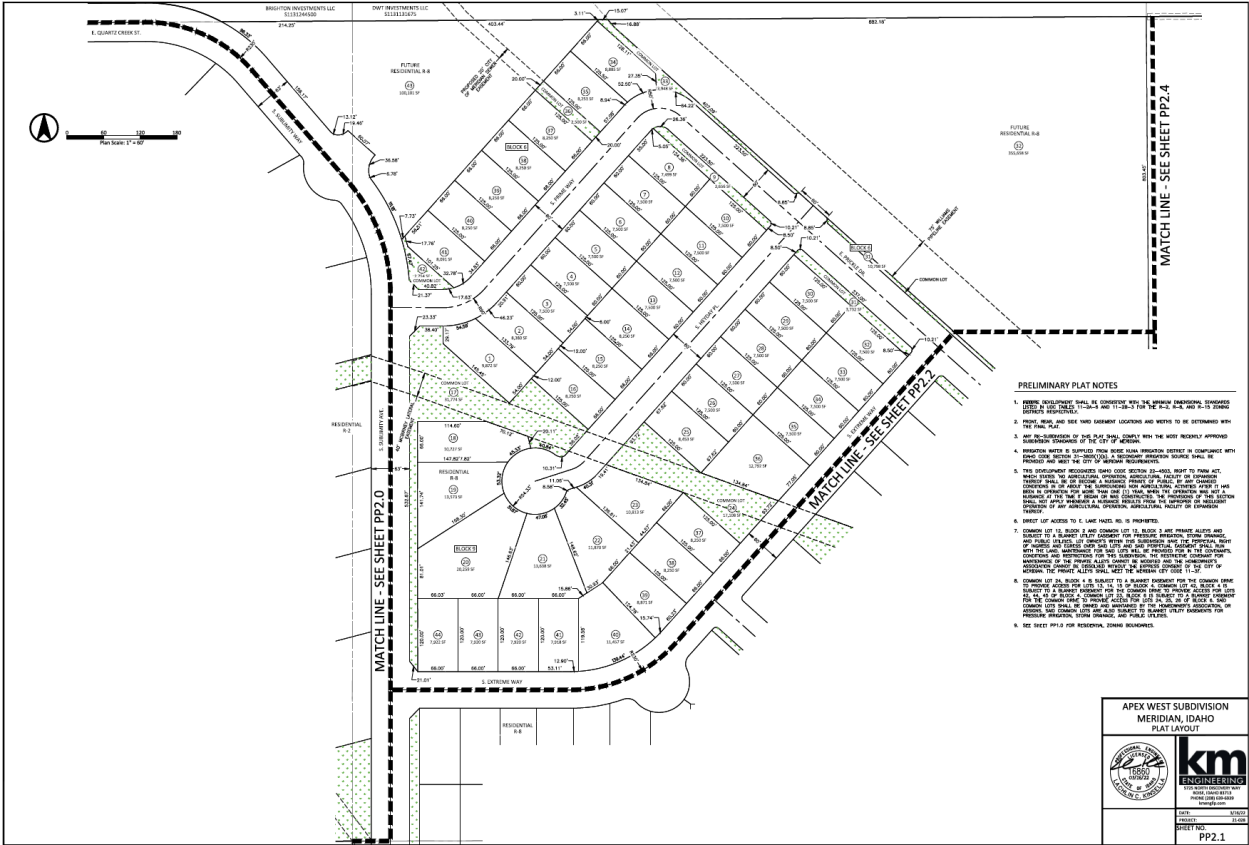
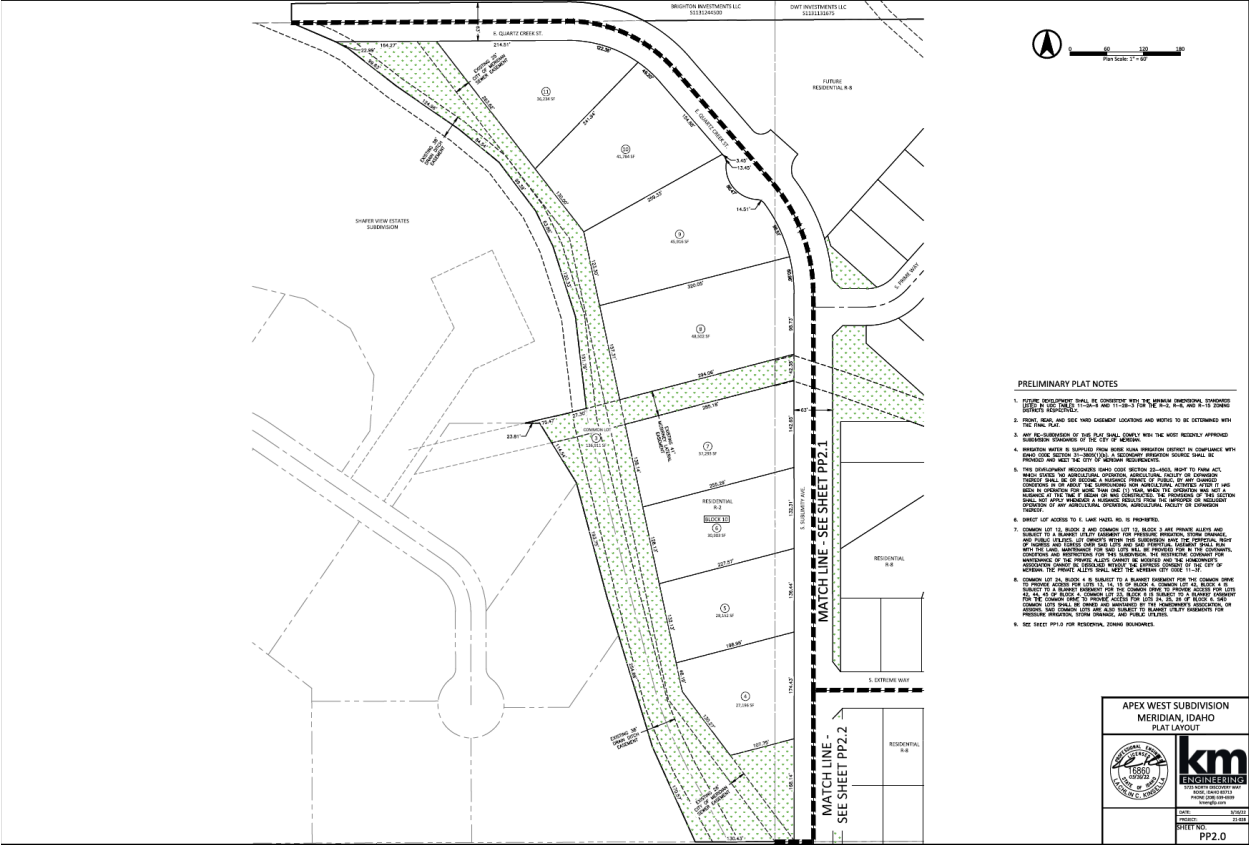
parking & elimination of the common driveways in favor of larger lots in those areas. School capacity concerns from the proposed development and others in the area.

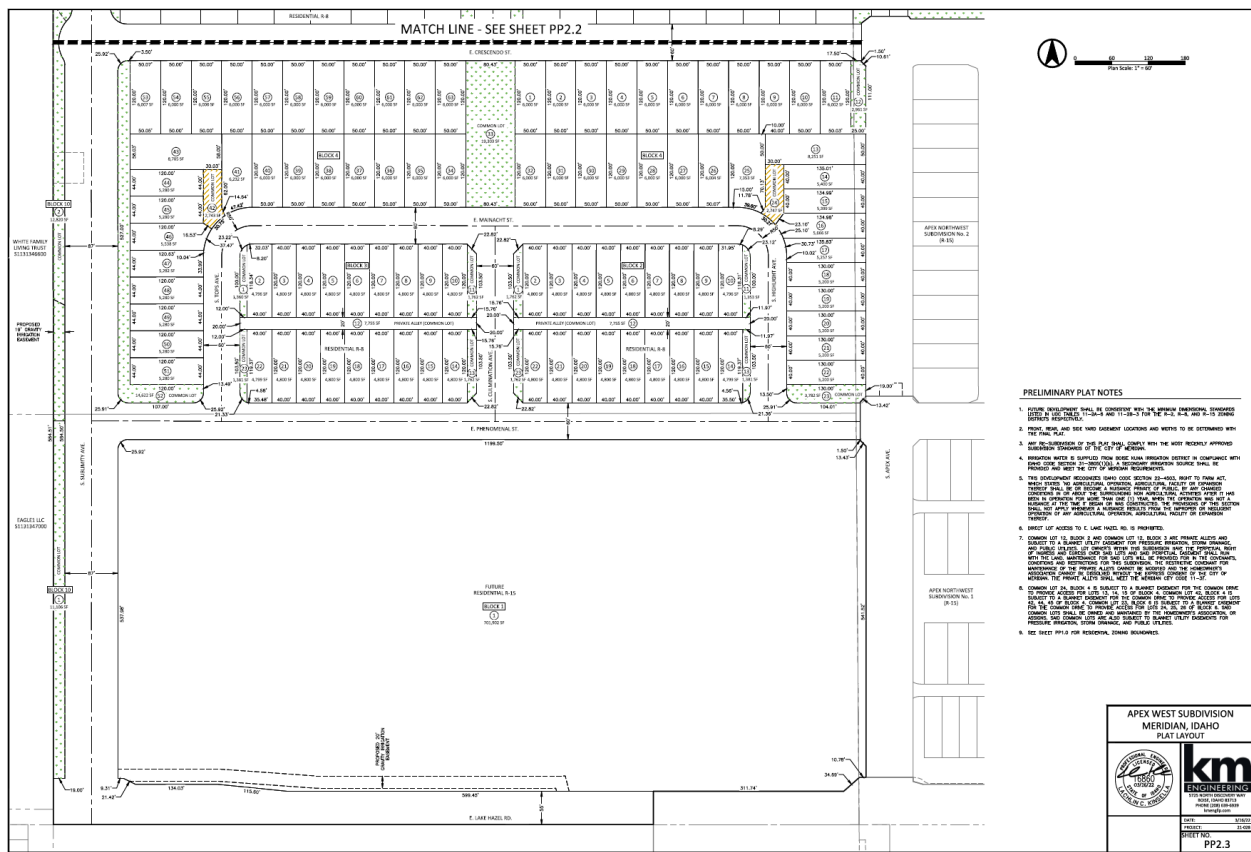
3. Key issue(s) of discussion by Commission:
 - a. Inquiry if S. Sublimity Ave. could be built with the first phase as a final build instead of a temporary fire access;
 - b. Inquiry if Apex East and Apex West will be considered one development for common use of common areas and amenities;
 - c. The provision of common driveways within the development and associated congestion – not in favor of common driveways although they’re allowed by code;
 - d. In favor of the Applicant’s request to leave the Watkins Drain open and not pipe it.
 4. Commission change(s) to Staff recommendation:
 - a. None
 5. Outstanding issue(s) for City Council:
 - a. The Applicant requests approval of a waiver to UDC 11-3A-6B which requires all waterways on the site to be piped in accord with UDC standards, to allow the Watkins drain to remain open as an amenity feature (condition #7 needs to be modified if Council approves the waiver).
 - b. Prior to City Council approval of the subject preliminary plat application, a property boundary adjustment is required to be approved, which incorporates Lot 1, Block 5 and the surrounding area into Parcel #S1131417210 or creates a separate developable parcel for that area. Council can act on this application but the Findings can’t be approved until this has been done.
 - c. Staff requests Council include a modification to condition #2b in Section VIII.A to also include Lots 4-11, Block 10 in the requirement for an easement for a 20’ wide street buffer to be provided on the lots along E. Quartz Creek St./S. Sublimity Ave.
- C. The Meridian City Council heard these items on March 8, 2022. At the public hearing, the Council moved to approve the subject PP request.
1. Summary of the City Council public hearing:
 - a. In favor: Mike Wardle & Jon Wardle, Brighton Corp.
 - b. In opposition: None
 - c. Commenting: Julie Edwards
 - d. Written testimony: None
 - e. Staff presenting application: Sonya Allen
 - f. Other Staff commenting on application: None
 2. Key issue(s) of public testimony:
 - a. Question as to whether or not any water studies have been done – concern pertaining to impact on the aquifer and wells in the area from the proposed development; concern pertaining to impact of the proposed development on area school enrollment; timetable for phase 3 construction; and desire for drought tolerant landscaping to be installed.
 3. Key issue(s) of discussion by City Council:
 - a. The Applicant’s request to leave the Watkins drain open and not pipe it;
 - b. Concern pertaining to impact on area school enrollment from students generated from this development;
 4. City Council change(s) to Commission recommendation:
 - a. Council approved the Applicant’s request to leave the Watkins drain open and not pipe it.

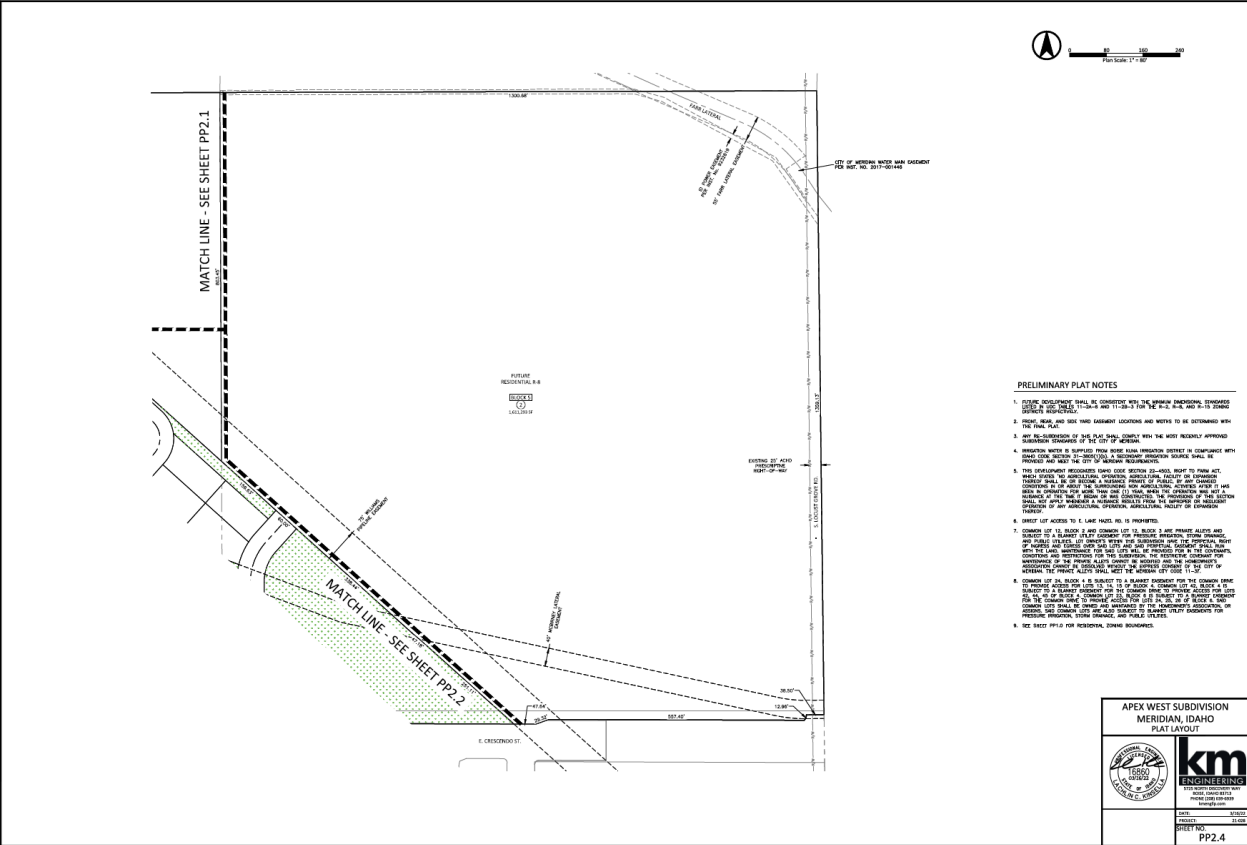
VII. EXHIBITS

A. Preliminary Plat & Phasing Plan (date: ~~8/16/2021~~ 3/16/2022) – REVISED



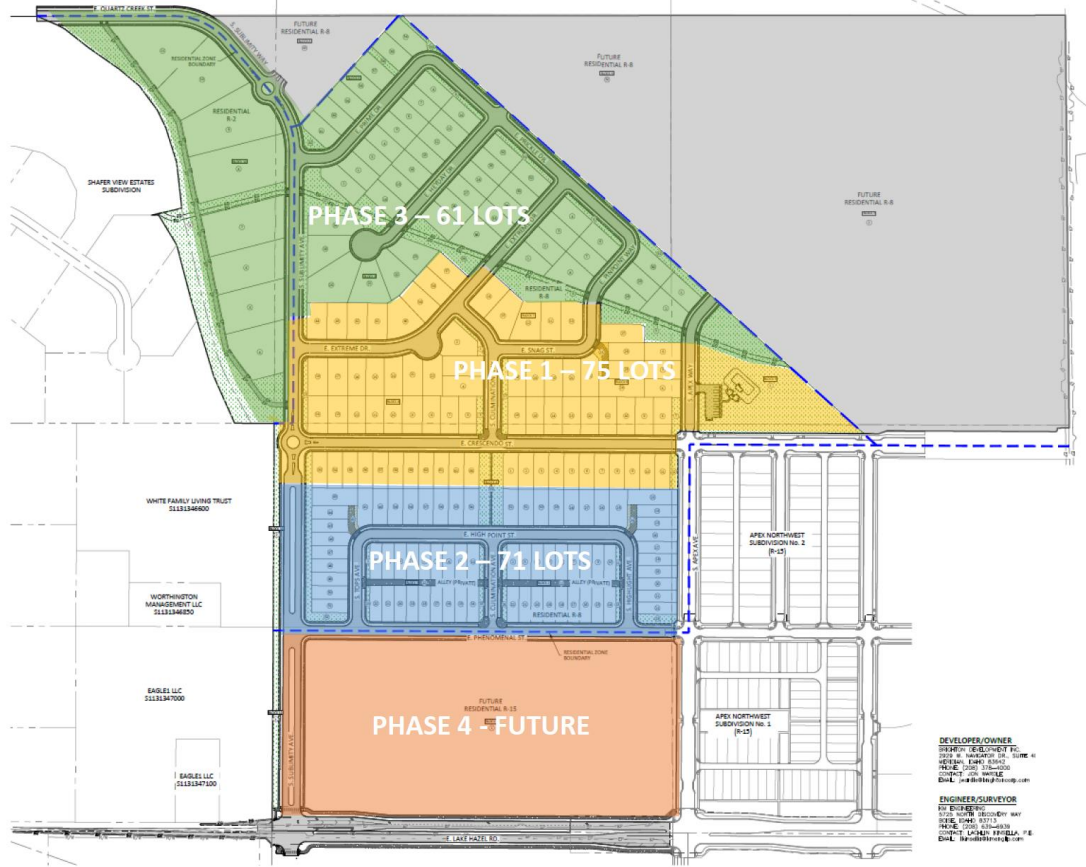






APEX WEST PHASING

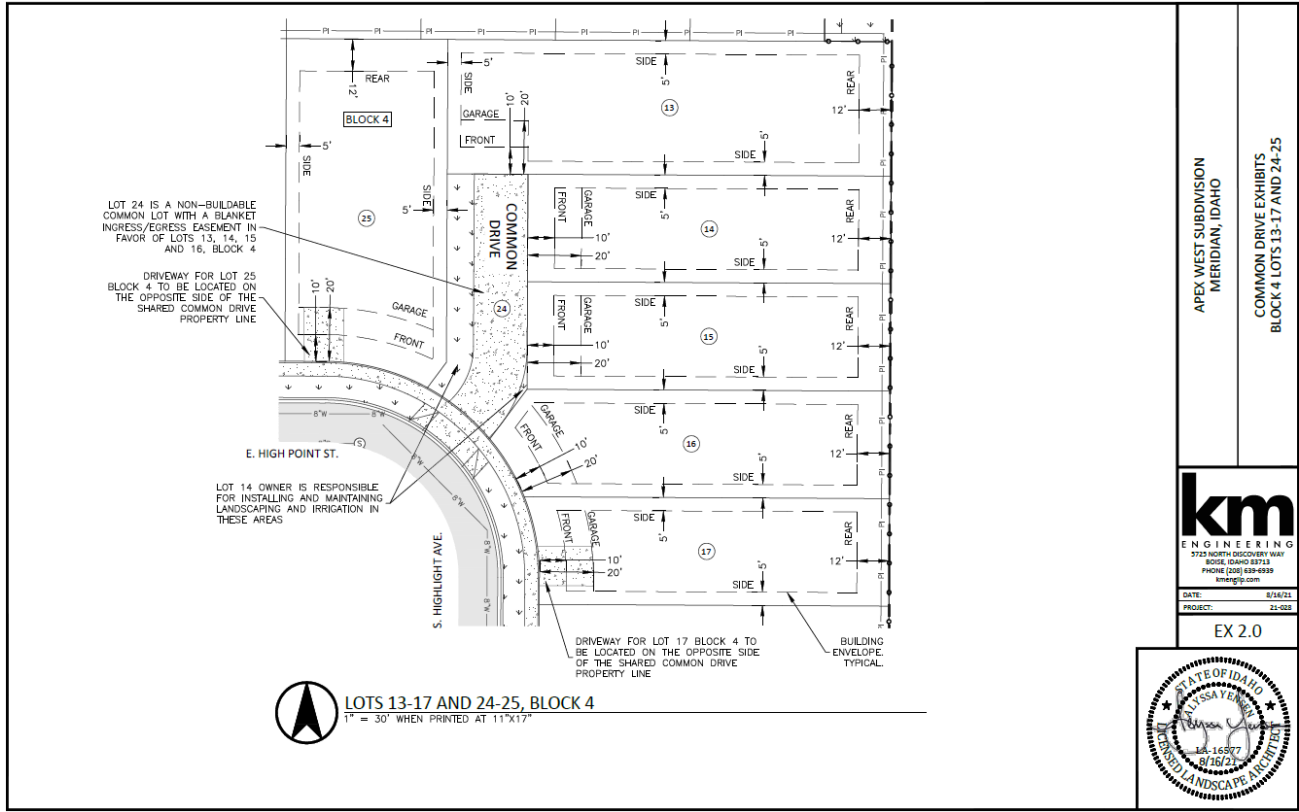
| | |
|--------------|-----------------|
| PHASE 1 | 75 |
| PHASE 2 | 71 |
| PHASE 3 | 61 |
| TOTAL | 207 |
| PHASE 4 | R-15 Future |
| PHASE 5 | Future Pre-Plat |



DEVELOPER/OWNER
 PROJECT: APEX WEST PHASING
 DATE: 08/14/2024
 DRAWN: [Name]
 CHECKED: [Name]
 DATE: 08/14/2024
 PROJECT: APEX WEST PHASING

ENGINEER/SURVEYOR
 [Name]
 DATE: 08/14/2024
 PROJECT: APEX WEST PHASING
 DATE: 08/14/2024

B. Common Driveway Exhibits

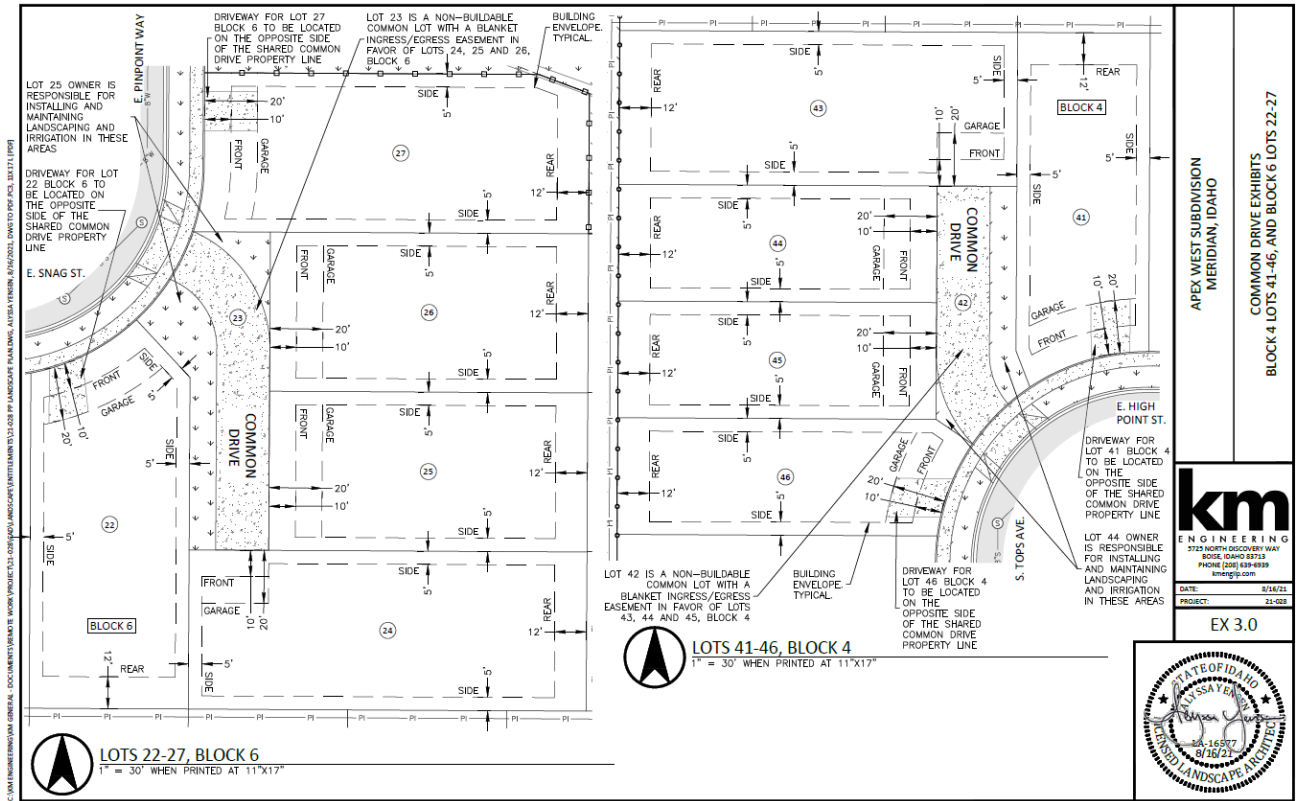


APEX WEST SUBDIVISION
MERIDIAN, IDAHO
COMMON DRIVE EXHIBITS
BLOCK 4 LOTS 13-17 AND 24-25



DATE: 8/16/21
PROJECT: 21-028

EX 2.0



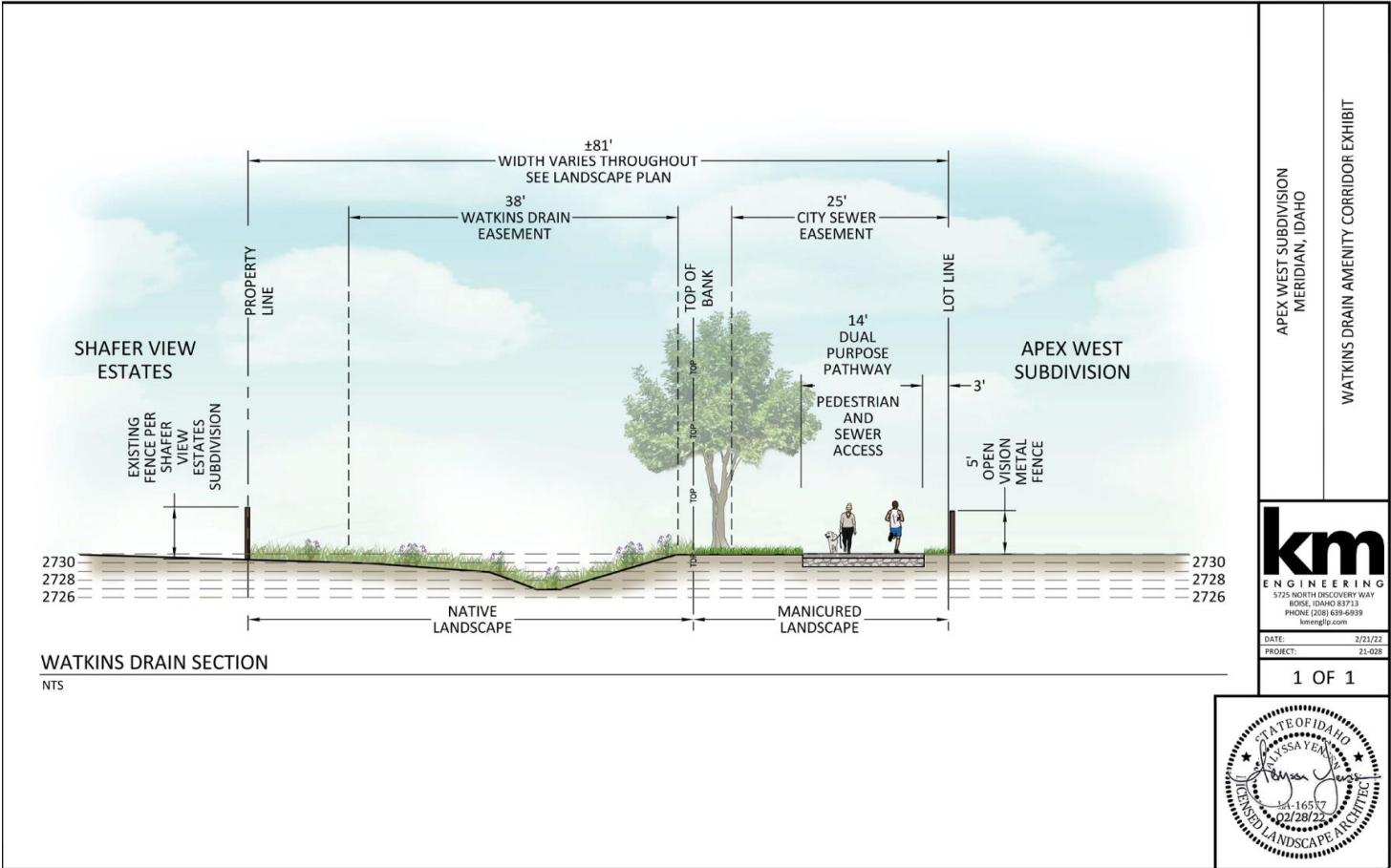
APEX WEST SUBDIVISION
MERIDIAN, IDAHO
COMMON DRIVE EXHIBITS
BLOCK 4 LOTS 41-46, AND BLOCK 6 LOTS 22-27



DATE: 8/16/21
PROJECT: 21-028

EX 3.0





D. Open Space Exhibit (dated: 8/16/24 3/15/22) - REVISED



E. Conceptual Building Elevations



VIII. CITY/AGENCY COMMENTS & CONDITIONS

~~Prior to City Council entering its Findings of Fact, Conclusions of Law, Final Decision, and Order, approval of the subject preliminary plat application, a property boundary adjustment shall be approved, which incorporates Lot 1, Block 5 and the surrounding area into Parcel #S1131417210 or creates a separate developable parcel for that area.~~

A. PLANNING DIVISION

1. Future development shall comply with the provisions of the existing Development Agreements (i.e. Shafer View Estates – Inst. #2021-102396 and Apex – Inst. #2020-178120), and the preliminary plat, phasing plan, common driveway exhibits, landscape plan and conceptual elevations in Section VII and the conditions of approval listed below.
2. The final plat shall include the following revisions:
 - a. Include a note prohibiting direct lot access to the collector and arterial streets, except for Lots 4-11, Block 10.
 - b. Depict an easement for the 20-foot wide street buffer on the west side of S. Apex Ave. south of E. Crescendo St.; for the 25-foot wide street buffers on the west side of S. Locust Grove Rd. on Lot 2, Block 5 and on the north side of E. Lake Hazel Rd. on Lot 1, Block 1.
3. The landscape plan submitted with the final plat shall be revised as follows:
 - a. Depict additional landscaping within street buffers as set forth in UDC [11-3B-7C](#). *Note: These standards were recently revised.*
 - b. Depict a 20-foot wide street buffer on the west side of S. Apex Ave. south of E. Crescendo St. with landscaping in accord with the standards listed in UDC [11-3B-7C](#). *Note: These standards were recently revised.*
 - c. All pathways shall be improved per the standards listed in UDC 11-3B-12C.3 and have landscape strips along each side of the pathways and be landscaped per the standards listed in UDC [11-3B-12C](#), which requires a *mix* of trees, shrubs, lawn, and/or other vegetative ground cover. *Pathways are not allowed to have a gravel surface. Landscape strips are required along all pathways, including those in Blocks 6, 7, 9 and 10 – if within an easement that prohibits trees, additional area shall be provided outside of the easement to accommodate the required landscaping.*
 - d. Include calculations in the Project Calculations table that demonstrate compliance with the standards for pathway ([11-3B-12C](#)) landscaping; include required vs. provided number of trees. Landscaping is required along *all* pathways.
 - e. A minimum 5-foot wide pathway shall be included in Lot 36, Block 6.
 - f. Depict a 10-foot wide detached multi-use pathway along the west side of S. Sublimity Ave. as required by the Park's Dept. in accord with the Pathways Master Plan.
 - g. The fencing on the northeast side of Lot 34, Block 6 shall be revised to comply with the standards listed in UDC 11-3A-7A.7b.
4. A 14-foot wide public use easement shall be submitted to the Planning Division for the multi-use pathways within the site that are not within the public right-of-way prior to submittal of the final plat for City Engineer signature in the phase in which they are located.

5. Future development shall be consistent with the minimum dimensional standards listed in UDC Tables [11-2A-4](#) for the R-2 zoning district, [11-2A-6](#) for the R-8 zoning district and [11-2A-7](#) for the R-15 zoning district.
6. Off-street parking is required to be provided for all residential units in accord with the standards listed in [UDC Table 11-3C-6](#) based on the number of bedrooms per unit.
7. All waterways on this site shall be piped as set forth in UDC [11-3A-6B](#) unless otherwise waived by City Council. *The Applicant requests approval of a waiver from City Council to leave the Watkins drain open – Council approved this request.*
8. Homes on Lots 4-11, Block 10 shall have side entry garages with a turnaround area so that vehicles aren't backing out onto the collector street in an effort to preserve public safety.
9. If a multi-family development is proposed on Lot 1, Block 1, a conditional use permit application shall be submitted and approved prior to submittal of any building permit applications for that lot. Qualified open space and site amenities shall be provided in accord with UDC standards for such.
10. If single-family homes or townhomes are developed on [Lot 2, Block 5](#); Lots 32 and 43, Block 6 and/or on Lot 1, Block 1, these lots shall be re-subdivided prior to issuance of any building permits. Qualified open space and site amenities shall be provided in accord with UDC standards for such.
11. Homes on lots that abut collector streets (i.e. E. Quartz Creek St. and S. Sublimity Ave. and S. Apex Way south of E. Crescendo St.) and arterial streets [i.e. S. Locust Grove Rd. and E. Lake Hazel Rd. (if applicable)] will be highly visible, the rear and/or side of structures on these lots should incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public street. *Single-story structures are exempt from this requirement.*
12. Submit a detail of the proposed playground equipment with the final plat application.
13. All development within the Williams pipeline easement shall comply with the Williams Pipeline Developers Handbook.
14. Street setbacks for residential units abutting collector streets shall be as approved with ZOA-2021-0003.
15. A Certificate of Zoning Compliance and Design Review applications shall be submitted for the non-residential portions of the development (i.e. changing rooms associated with the swimming pool) and approved prior to submittal of applications for building permits. All non-residential structures shall comply with the design standards listed in the Architectural Standards Manual.
16. Staff's failure to cite specific ordinance provisions or terms of the approved annexation does not relieve the applicant of responsibility for compliance.

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 All sewer manholes must have a 14-foot-wide access road per the City Design Standards.
- 1.2 Ensure no sewer services cross infiltration trenches.

- 1.3 No permanent structures may be within City utility easements including but not limited to trees, bushes, buildings, carports, trash enclosures, fences, infiltration trenches, light poles, etc.
- 1.4 Do not run sewer main in common driveways, services should be run within the common driveway.
- 1.5 Sewer main should be run from the northern portion of the site down South Sublimity Way from the existing sewer main. Main should be kept within the Right of Way whenever possible.
- 1.6 12-inch water main will need to be constructed at the Northwest corner to make the second connection at East Quartz Creek Street.
- 1.7 There is a piece of water main missing at the corner of East Prickle Drive and East Pinpoint Way, this must be included to complete the water loop.
- 1.8 The water main in East Prime Drive needs to be upsized to 12-inch from South Sublimity Way to East Prickle Drive.
- 1.9 The water main in East Prickle Drive needs to be upsized to 12-inch from East Prime Drive to East Heyday Drive.
- 1.10 The water stub in East Heyday Drive to the property line needs to be upsized to 12-inch

2. General Conditions of Approval

- 2.1 Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2.2 Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
- 2.3 The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. **DO NOT RECORD.** Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.
- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of

assessments for the common areas prior to receiving development plan approval.

- 2.5 All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
- 2.6 All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
- 2.7 Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
- 2.8 Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
- 2.9 Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
- 2.10 A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
- 2.11 All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
- 2.12 Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
- 2.13 It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 2.14 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.15 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.16 Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 2.17 The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
- 2.18 The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the

facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.

- 2.19 At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
- 2.20 A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
- 2.21 The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 2.22 The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

C. FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=243074&dbid=0&repo=MeridianCity>

Phasing Map:

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=243072&dbid=0&repo=MeridianCity>

D. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=244321&dbid=0&repo=MeridianCity>

E. WEST ADA SCHOOL DISTRICT (WASD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=248416&dbid=0&repo=MeridianCity>

F. COMMUNITY DEVELOPMENT SCHOOL IMPACT ANALYSIS

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=248658&dbid=0&repo=MeridianCity>

G. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=242586&dbid=0&repo=MeridianCity&cr=1>

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=250827&dbid=0&repo=MeridianCity>

H. BOISE PROJECT BOARD OF CONTROL (BPBC)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=243205&dbid=0&repo=MeridianCity>

I. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=243211&dbid=0&repo=MeridianCity>

J. PARK’S DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=251528&dbid=0&repo=MeridianCity>

IX. FINDINGS

A. Preliminary Plat Findings:

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings:

1. The plat is in conformance with the Comprehensive Plan;

The Commission finds that the proposed plat is generally consistent with the adopted Comprehensive Plan in regard to land use, density and collector street layout. (Please see Comprehensive Plan Policies in, Section IV of this report for more information.)

2. Public services are available or can be made available and are adequate to accommodate the proposed development;

The Commission finds that public services will be provided to the subject property with development. (See Exhibit B of the Staff Report for more details from public service providers.)

3. The plat is in conformance with scheduled public improvements in accord with the City’s capital improvement program;

Because City water and sewer and any other utilities will be provided by the development at their own cost, the Commission finds that the subdivision will not require the expenditure of capital improvement funds.

4. There is public financial capability of supporting services for the proposed development;

The Commission finds there is public financial capability of supporting services for the proposed development based upon comments from the public service providers (i.e., Police, Fire, ACHD, etc.). (See Section VIII for more information.)

- 5. The development will not be detrimental to the public health, safety or general welfare; and,**

The Commission is not aware of any health, safety, or environmental problems associated with the platting of this property. ACHD considers road safety issues in their analysis.

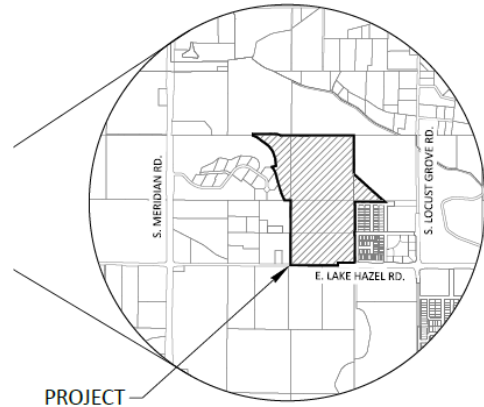
- 6. The development preserves significant natural, scenic or historic features.**

The Commission is unaware of any significant natural, scenic or historic features that exist on this site that require preserving.

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: March 8, 2022
 TO: Mayor & City Council
 FROM: Sonya Allen, Associate Planner
 208-884-5533
 SUBJECT: H-2021-0087
 Apex West – PP (aka Pinnacle)
 LOCATION: North side of E. Lake Hazel Rd., approximately 1/4 mile west of S. Locust Grove Rd., in the south 1/2 of Section 31, T.3N., R.1E.



I. PROJECT DESCRIPTION

Preliminary plat consisting of 208 building lots (207 single-family residential lots and 1 lot for future development of townhomes or multi-family apartments) and 34 common lots on 96.08 acres in the R-2, R-8 and R-15 zoning districts for Apex West Subdivision.

II. SUMMARY OF REPORT

A. Project Summary

| Description | Details | Page |
|---|---|------|
| Acreage | 96.08 acres | |
| Existing/Proposed Zoning | R-2, R-8 and R-15 | |
| Future Land Use Designation | Low Density Residential (LDR), Medium Density Residential (MDR) and Medium High Density Residential (MHDR) | |
| Existing Land Use(s) | Agricultural land | |
| Proposed Land Use(s) | Single-family residential (SFR) detached dwellings | |
| Lots (# and type; bldg./common) | 208 building lots/34 common lots | |
| Phasing Plan (# of phases) | 4 phases | |
| Number of Residential Units (type of units) | 207 (SFR detached dwellings) | |
| Density (gross & net) | 3.17 units/acre (gross); 5.29 units/acre (net) – overall (not including future units in R-8 and R-15 zoned lots) | |
| Open Space (acres, total [%]/buffer/qualified) | 16.17 acres (or 16.61%) common open space | |
| Amenities | Swimming pool, two (2) segments of the City’s multi-use pathway system, and an additional 5% open space above the minimum required. | |
| Physical Features (waterways, hazards, flood plain, hillside) | The McBirney Lateral and another un-named waterway cross this site. | |

| Description | Details | Page |
|--|---|------|
| Neighborhood meeting date; # of attendees: | 10/19/21 | |
| History (previous approvals) | H-2020-0066; Development Agreement Inst. #2020-178120 (Apex); H-2020-0117; Development Agreement Inst. #2021-102396 (Shafer View Terrace) | |

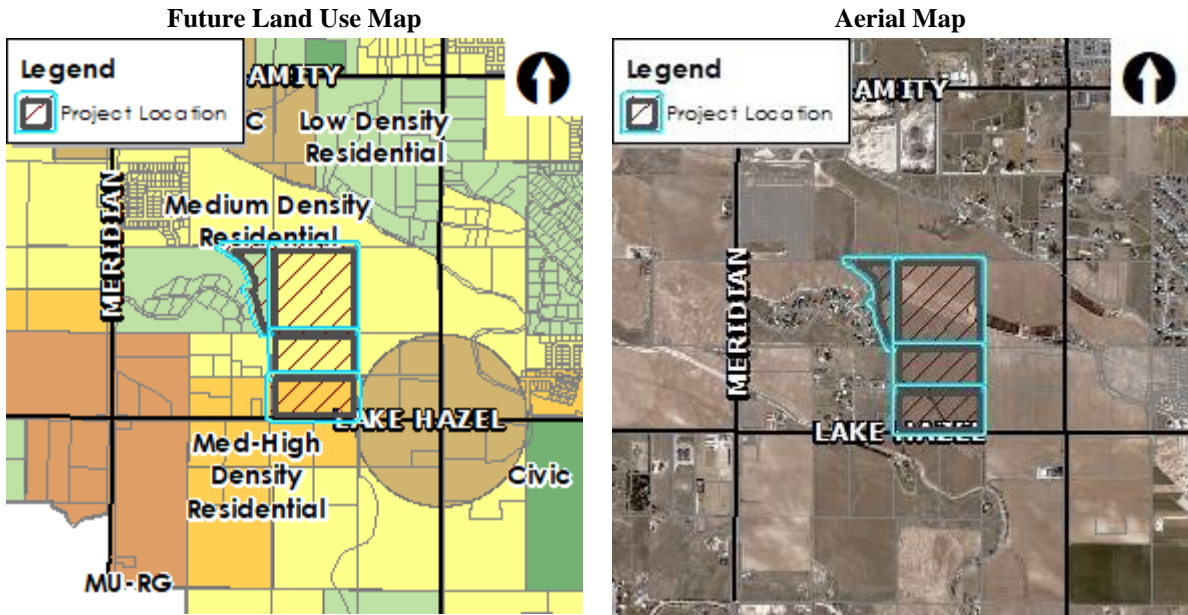
B. Community Metrics

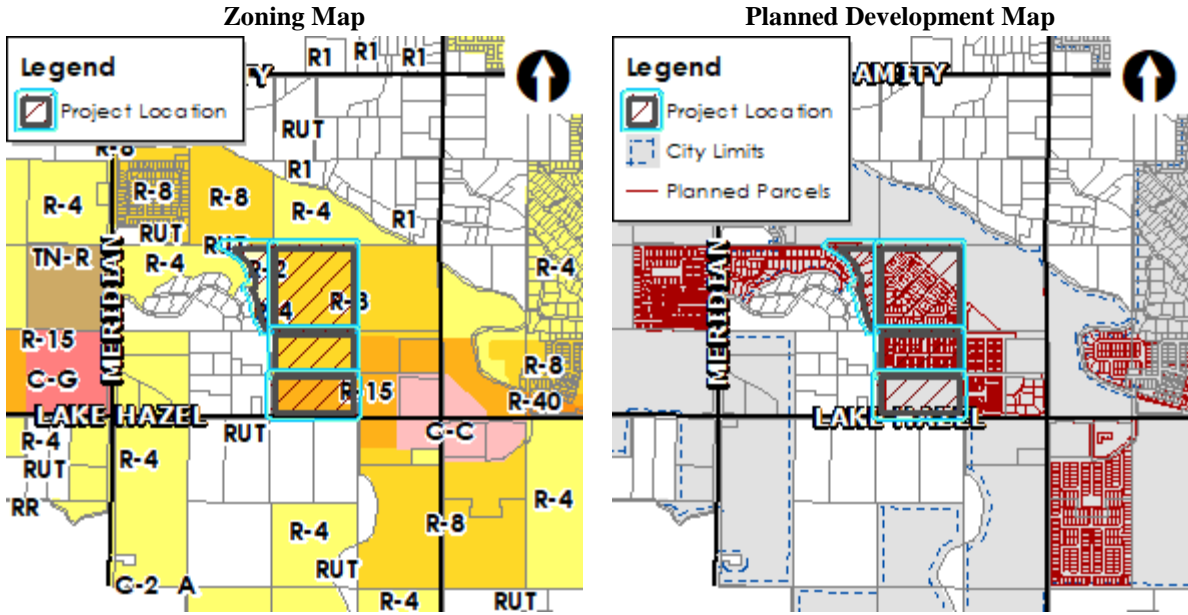
| Description | Details | Pg | | | | | | | | | | | | | | | |
|---|--|---------------------------|----------------------------|-------------------------------|----------------------------|-------------------------------|-----------------|------------|--------------------|-----|-----------------|-------------------|------------|----------------|-----|-----------------|--|
| Ada County Highway District | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Staff report (yes/no) Requires ACHD Commission Action (yes/no) | <p>Yes</p> <p>No</p> | | | | | | | | | | | | | | | | |
| <p>Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)</p> <p>Traffic Level of Service</p> | <p>Two (2) accesses are proposed via E. Lake Hazel Rd., an arterial street; and one (1) access is proposed via E. Quartz Creek St., a collector street.</p> <table border="1"> <thead> <tr> <th>Roadway</th> <th>Frontage</th> <th>Functional Classification</th> <th>PM Peak Hour Traffic Count</th> <th>PM Peak Hour Level of Service</th> </tr> </thead> <tbody> <tr> <td>Lake Hazel Road</td> <td>1,321-feet</td> <td>Principal Arterial</td> <td>351</td> <td>Better than "E"</td> </tr> <tr> <td>Locust Grove Road</td> <td>1,350-feet</td> <td>Minor Arterial</td> <td>181</td> <td>Better than "E"</td> </tr> </tbody> </table> <p>* Acceptable level of service for a two-lane principal arterial is "E" (690 VPH). * Acceptable level of service for a two-lane minor arterial is "E" (575 VPH).</p> | Roadway | Frontage | Functional Classification | PM Peak Hour Traffic Count | PM Peak Hour Level of Service | Lake Hazel Road | 1,321-feet | Principal Arterial | 351 | Better than "E" | Locust Grove Road | 1,350-feet | Minor Arterial | 181 | Better than "E" | |
| Roadway | Frontage | Functional Classification | PM Peak Hour Traffic Count | PM Peak Hour Level of Service | | | | | | | | | | | | | |
| Lake Hazel Road | 1,321-feet | Principal Arterial | 351 | Better than "E" | | | | | | | | | | | | | |
| Locust Grove Road | 1,350-feet | Minor Arterial | 181 | Better than "E" | | | | | | | | | | | | | |
| <p>Stub Street/Interconnectivity/Cross Access</p> <p>Existing Road Network</p> <p>Existing Arterial Sidewalks / Buffers</p> <p>Proposed Road Improvements</p> | <p>E. Quartz Creek St. is proposed to be extended through this site; stub streets are proposed to be extended from Apex Northwest #1 and #2; stub streets are proposed to adjacent properties.</p> <p>Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):</p> <ul style="list-style-type: none"> Locust Grove Road is listed in the CIP to be widened to 3-lanes from Lake Hazel Road to Amity Road between 2036 and 2040 Lake Hazel Road is listed in the CIP to be widened to 3-lanes from Linder Road to Meridian Road between 2036 and 2040. Lake Hazel Road is listed in the CIP to be widened to 5-lanes from Meridian Road to Locust Grove Road between 2036 and 2040. Lake Hazel Road is listed in the CIP to be widened to 5-lanes from Locust Grove Road to Eagle Road between 2036 and 2040. Apex Subdivision entered into a Cooperative Development Agreement with ACHD in May 2021 to widen the segment of Lake Hazel Road to 5-lanes to the east of this site. These construction plans are currently under review. The intersection of Lake Hazel Road and Locust Grove Road is listed in the CIP to be reconstructed as a multi-lane roundabout with 2-lanes on the north leg, 2-lanes on the south, 4-lanes east, and 4-lanes on the west leg between 2036 and 2040. Apex Subdivision entered into a Cooperative Development Agreement with ACHD in May 2021 to fully improve this intersection consistent with the 2020 CIP. Construction plans are currently under review with ACHD. The intersection of Lake Hazel Road and Eagle Road is scheduled in the IFYWP to be widened to 5-lanes on the north leg, 4-lanes on the south leg, 3-lanes on the west leg and 4-lanes on the east leg and signalized in 2023. The intersection of Lake Hazel Road and Meridian Road is listed in the CIP to be widened to 6-lanes on the north leg, 6-lanes on the south, 7-lanes east, and 7-lanes on the west leg and signalized between 2036 and 2040. The intersection of Amity Road and Locust Grove Road is listed in the CIP to be reconstructed as a multi-lane roundabout with 2-lanes on the north leg, 2-lanes on the south, 4-lanes east, and 4-lanes on the west leg between 2031 and 2035. | | | | | | | | | | | | | | | | |
| Fire Service | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Distance to Fire Station Fire Response Time | <p>3.6 miles</p> <p>Falls outside the 5:00 minute response time area - nearest station is Fire Station #6 – cannot meet response time goals. <i>When Fire</i></p> | | | | | | | | | | | | | | | | |

| Description | Details | Pg | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|----------|-----------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|---------------------------|-----|-----|------|----|-----|-----------------------|-----|------|------|-----|-----|---------------------------|------|------|------|---|-----|---------------------------------|--|--|--|--|--|--------------------------------|-----|-----|-----|-----|--|----------------------------|-----|-----|-----|-----|--|--|
| | <i>Station #7 is constructed in late summer of 2023, it will be within the 5:00 minute response time area.</i> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Resource Reliability Risk Identification Accessibility | 85% - <i>does</i> meet the target goal of 80% or greater 2 – current resources would be adequate to supply service Project meets all required access, road widths and turnaround. ALL residences having two frontages (the street & an alleyway behind it) shall have address numbers on the front of the building and on the back side facing the alley. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Special/resource needs | Project will require an aerial device; can meet this need in the required timeframe if a truck company is required. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Water Supply | Requires 1,000 gallons per minute for one hour, may be less if buildings are fully sprinklered. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Other Resources | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Police Service | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | No comments received | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Distance from police station Police Response Time | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| West Ada School District | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Distance (elem, ms, hs) Capacity of Schools # of Students Enrolled | <table border="1"> <thead> <tr> <th></th> <th>Enrollment</th> <th>Capacity</th> <th>Approved lots per attendance area</th> <th>Approved MF units per attendance area</th> <th>Projected Students from Approved Dev.</th> </tr> </thead> <tbody> <tr> <td>Mary McPherson Elementary</td> <td>449</td> <td>675</td> <td>2677</td> <td>26</td> <td>591</td> </tr> <tr> <td>Victory Middle School</td> <td>984</td> <td>1000</td> <td>3738</td> <td>502</td> <td>501</td> </tr> <tr> <td>Mountain View High School</td> <td>2368</td> <td>2175</td> <td>2701</td> <td>0</td> <td>432</td> </tr> <tr> <td colspan="6">School of Choice Options</td> </tr> <tr> <td>Christine Donnell School -Arts</td> <td>489</td> <td>500</td> <td>N/A</td> <td>N/A</td> <td></td> </tr> <tr> <td>Spalding Elementary - STEM</td> <td>656</td> <td>750</td> <td>N/A</td> <td>N/A</td> <td></td> </tr> </tbody> </table> | | Enrollment | Capacity | Approved lots per attendance area | Approved MF units per attendance area | Projected Students from Approved Dev. | Mary McPherson Elementary | 449 | 675 | 2677 | 26 | 591 | Victory Middle School | 984 | 1000 | 3738 | 502 | 501 | Mountain View High School | 2368 | 2175 | 2701 | 0 | 432 | School of Choice Options | | | | | | Christine Donnell School -Arts | 489 | 500 | N/A | N/A | | Spalding Elementary - STEM | 656 | 750 | N/A | N/A | | |
| | Enrollment | Capacity | Approved lots per attendance area | Approved MF units per attendance area | Projected Students from Approved Dev. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mary McPherson Elementary | 449 | 675 | 2677 | 26 | 591 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Victory Middle School | 984 | 1000 | 3738 | 502 | 501 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mountain View High School | 2368 | 2175 | 2701 | 0 | 432 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| School of Choice Options | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Christine Donnell School -Arts | 489 | 500 | N/A | N/A | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Spalding Elementary - STEM | 656 | 750 | N/A | N/A | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> # of Students Predicted from this development | 132 school aged children predicted from this development by WASD (154 for future townhomes) School Impact Table | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wastewater | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Impacts/concerns | <ul style="list-style-type: none"> Flow is committed All sewer manholes must have a 14-foot-wide access road per the City Design Standards. Ensure no sewer services cross infiltration trenches No permanent structures may be within City utility easements including but not limited to trees, bushes, buildings, carports, trash enclosures, fences, infiltration trenches, light poles, etc. Do not run sewer main in common driveways, services should be run within the common driveway. Sewer main should be run from the northern portion of the site down South Sublimity Way from the existing sewer main. Main should be kept within the Right of Way whenever possible. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Water | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Distance to Water Services Pressure Zone Estimated Project Water ERU's Water Quality | Directly adjacent 5 See application None | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| | |
|---|--|
| <ul style="list-style-type: none"> • Project Consistent with Water Master Plan | Yes |
| <ul style="list-style-type: none"> • Impacts/Concerns | <ul style="list-style-type: none"> • 12 inch water main will need to be constructed at the Northwest corner to make the second connection at East Quartz Creek Street. • There is a piece of water main missing at the corner of East Prickle Drive and East Pinpoint Way, this must be included to complete the water loop. • The water main in East Prime Drive needs to be upsized to 12 inch from South Sublimity Way to East Prickle Drive. • The water main in East Prickle Drive needs to be upsized to 12 inch from East Prime Drive to East Heyday Drive. • The water stub in East Heyday Drive to the property line needs to be upsized to 12 inch. |

C. Project Area Maps





- A. Applicant:
Josh Beach, Brighton Development, Inc. – 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642
- B. Owner:
Brighton Development, Inc. – 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642
- C. Representative:
Same as Applicant

III. NOTICING

| | Planning & Zoning Posting Date | City Council Posting Date |
|--|-----------------------------------|------------------------------|
| Notification published in newspaper | 12/21/2021 | 2/20/2022 |
| Notification mailed to property owners within 300 feet | 12/15/2021 | 2/17/2022 |
| Applicant posted public hearing notice on site | 12/22/2021 | 2/24/2022 |
| Nextdoor posting | 12/16/2021 | 2/18/2022 |

IV. COMPREHENSIVE PLAN ANALYSIS *(Comprehensive Plan)*

The Future Land Use Map (FLUM) contained in the Comprehensive Plan designates approximately 11 acres of the site as Low Density Residential (LDR), 65 acres as Medium Density Residential (MDR) and 20 acres as Medium High-Density Residential (MHDR).

The LDR designation allows for the development of single-family homes on large and estate lots at gross densities of 3 dwelling units or less per acre. These areas often transition between existing rural residential and urban properties. Developments need to respect agricultural heritage and resources, recognize view sheds and open spaces, and maintain or improve the overall atmosphere of the area.

The use of open spaces, parks, trails, and other appropriate means should enhance the character of the area.

The MDR designation allows for dwelling units at gross densities of 3 to 8 dwelling units per acre.

The MHDR designation allows for a mix of dwelling types including townhouses, condominiums, and apartments. Residential gross densities should range from 8 to 12 dwelling units per acre. These areas are relatively compact within the context of larger neighborhoods and are typically located around or near mixed use commercial or employment areas to provide convenient access to services and jobs for residents. Developments need to incorporate high-quality architectural design and materials and thoughtful site design to ensure quality of place and should also incorporate connectivity with adjacent uses and area pathways, attractive landscaping and a project identity.

The proposed development consists of a total of 207 single-family detached dwellings. The plat includes two (2) R-8 zoned lots in the MDR designated area for future residential development; and one (1) R-15 zoned lot in the MHDR designated area for future development of townhomes or multi-family apartments. The proposed development in the MDR designated area has an overall gross density of 3.17 units/acre with a net density of 5.29 units per acre, excluding the future development areas. The R-2 portion has a gross density of 0.70 units/acre with a net density of 1.18 units/acre and the R-8 portion has a gross density of 3.70 units/acre with a net density of 6.16 units/acre, consistent with the densities desired in the associated LDR and MDR designations.

The following Comprehensive Plan Policies are applicable to this development:

- “Encourage a variety of housing types that meet the needs, preferences, and financial capabilities of Meridian’s present and future residents.” (2.01.02D)

Only one housing type, single-family detached, is proposed in this development at this time; some units will be accessed via internal local and collector streets with front/side entry garages while others will have rear access via alleys. Another housing type, either townhomes or multi-family apartments, is planned to develop on the R-15 zoned future development area (i.e. Lot 1, Block 1). If townhomes are proposed, the lot will need to be re-subdivided to accommodate the townhome units; if apartments are proposed, a conditional use permit will be needed for approval of a multi-family development.

- “Permit new development only where it can be adequately served by critical public facilities and urban services at the time of final approval, and in accord with any adopted levels of service for public facilities and services.” (3.03.03F)

City water and sewer services are available to service this development in accord with UDC 11-3A-21. The emergency response time for the Fire Dept. falls outside of the 5-minute response time area; once Fire Station No. 7 is constructed in the late summer of 2023, it will meet the response time goal.

- “Encourage compatible uses and site design to minimize conflicts and maximize use of land.” (3.07.00)

Staff believes the proposed use and site design are compatible with existing and future uses, which should minimize conflicts and maximize use of land.

- “Ensure development is connected to City of Meridian water and sanitary sewer systems and the extension to and through said developments are constructed in conformance with the City of Meridian Water and Sewer System Master Plans in effect at the time of development.” (3.03.03A)

The proposed development will connect to City water and sewer systems; services are

required to be provided to and though this development in accord with current City plans.

- “With new subdivision plats, require the design and construction of pathway connections, easy pedestrian and bicycle access to parks, safe routes to schools, and the incorporation of usable open space with quality amenities.” (2.02.01A)

Two (2) segments of the City’s multi-use pathway system is proposed within this site consistent with the Pathways Master Plan, which will provide safe pedestrian and bicycle access to the internal common area with a swimming pool and school site to the southeast in Apex Southeast.

- “Evaluate comprehensive impacts of growth and consider City Master Plans and Strategic Plans in all land use decisions (e.g., traffic impacts, school enrollment, and parks).” (3.01.01A)

A Traffic Impact Study (TIS) was required by ACHD for this development and was taken into consideration in ACHD’s report.

See comments from WASD and Community Development in Section VIII for school enrollment calculations in regard to the number of school-aged children estimated to be generated from this development and associated school capacity.

The closest City Park to this site is Discovery Park, a regional park consisting of 77-acres of land, to the southeast of the S. Locust Grove Rd. and E. Lake Hazel Rd. intersection bordering Apex Southeast.

- “Require all development to create a site design compatible with surrounding uses through buffering, screening, transitional densities, and other best site design practices.” (3.07.01A)

The proposed site design should be compatible with existing and future surrounding uses.

- “Require urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, water and sewer utilities.” (3.03.03G)

Urban sewer and water infrastructure and curb, gutter and sidewalks are proposed as required with this development.

In summary, Staff believes the proposed development plan is generally consistent with the vision of the Comprehensive Plan per the analysis above.

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

A. Preliminary Plat:

The proposed preliminary plat consists of 208 building lots (207 single-family lots and 1 lot for future development of townhomes or multi-family apartments) and 34 common lots on 96.08 acres in the R-2, R-8 and R-15 zoning districts for Apex West Subdivision.

The subdivision is proposed to develop in four (4) phases as shown on the phasing plan in Section VII.A.

The proposed plat includes a portion of Parcel #S1131417220 depicted on the plat as Lot 1, Block 5 and the surrounding area outside of Parcel #S1131417210. As discussed at the pre-application meeting, the entire parcel must be included in the proposed plat or a property boundary adjustment application must be approved to create a separate developable parcel for that area – a portion of the lot cannot be included as it would create an illegal split. Until this concern is resolved, the City Council has inadequate information to make a final decision concerning this application. Therefore, Staff recommends that prior to City Council entering its Findings of Fact, Conclusions of Law, Final Decision and Order, a

property boundary adjustment shall be approved, which incorporates Lot 1, Block 5 and the surrounding area into Parcel #S1131417210 or creates a separate developable parcel for that area.

Three future development areas are depicted on the plat, Lots 32 and 43, Block 6; and Lot 1, Block 1. The R-8 zoned lots (i.e. Lots 32 and 43, Block 6) are planned to be re-subdivided in the future through new preliminary plat applications. The R-15 zoned lot (i.e. Lot 1, Block 1) may be re-subdivided in the future through a new preliminary plat application for the development of 240 townhomes; or, a multi-family development may develop on the site, which will require approval of a conditional use permit. **If single-family homes or townhomes are developed on these lots, they shall be re-subdivided prior to issuance of any building permits.**

Existing Structures/Site Improvements:

There are no existing structures or site improvements on this property; it's currently agricultural land.

Subdivision Design and Improvement Standards (UDC [11-6C-3](#)):

Development of the subdivision is required to comply with the subdivision design and improvement standards listed in UDC 11-6C-3, including but not limited to streets and block face. The proposed plat complies with these standards.

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

Access is proposed at the northwest corner of the development from E. Quartz Creek St., a collector street, from S. Meridian Rd. and from S. Sublimity Ave. and S. Apex Ave., both collector streets, via E. Lake Hazel Rd. Stub streets are proposed to adjacent properties for future extension and interconnectivity. **A note should be included on the final plat prohibiting direct lot access to the collector and arterial streets, except for Lots 4-11, Block 10 which are allowed direct access via S. Sublimity Way – homes on these lots should have side entry garages with a turnaround area so that vehicles aren't backing out onto the collector street in an effort to preserve public safety.** Street setbacks for residential units abutting collector streets shall be as approved with ZOA-2021-0003.

Public alleys are proposed for internal access to some of the lots in Phase 1; alleys are required to comply with the standards listed in UDC [11-6C-3B.5](#). Three (3) common driveway lots are also proposed and are required to comply with the standards listed in UDC [11-6C-3D](#); an exhibit for such is included in Section VII.B.

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

Off-street parking is required to be provided in accord with the standards listed in [UDC Table 11-3C-6](#) for single-family detached dwellings based on the number of bedrooms per unit. Garages and parking pads in driveways are proposed to satisfy this requirement.

The proposed local street sections accommodate on-street parking on both sides of the streets for guests in addition to driveway parking spaces on each lot; ~~146 spaces are proposed for guests in the residential area along with another 28 spaces as depicted on the parking plan in Section VII.E.~~ Staff is of the opinion sufficient parking can be provided for this development.

Off-street parking is also required for the building/changing rooms at the community swimming pool. A minimum of (1) space is required per every 500 square feet of gross floor area; 12 spaces are proposed which exceeds the minimum standards. A minimum of one (1) bicycle parking space is also required to be provided per UDC 11-3C-6G and should be designed in accord with the standards listed in UDC 11-3C-5C.

Pathways (UDC [11-3A-8](#)):

The Pathways Master Plan depicts a segment of the City's multi-use pathway system along the west and northeast boundaries of the site. Pathways are proposed as shown on the landscape plan.

The Park's Dept. is requiring a 10-foot wide detached pathway along the west side of S. Sublimity Ave. which will connect to the pathway proposed in the common area along the back side of lots in Block 10. **The gravel pathway proposed through Blocks 5, 6, 7, 9 and 10 is required to be improved per the standards listed in UDC 11-3B-12C.3. Landscape strips are required along both sides of all pathways, landscaped per the standards listed in UDC [11-3B-12C](#), which include a mix of trees, shrubs, lawn, and/or other vegetative ground cover,** including those in Blocks 6, 7, 9 and 10 – if within an easement, additional area shall be provided outside of the easement to accommodate landscaping. *See comments from Park's Dept. in Section VIII.J.*

A minimum 5-foot wide pathway should be included in Lot 36, Block 6.

All multi-use pathways not located within the right-of-way are required to be placed in a 14-foot wide public use easement, which shall be submitted to the Planning Division prior to submittal for City Engineer signature on the final plat(s) for the phase in which they are located.

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

Sidewalks are required to be provided adjacent to all streets as set forth in UDC 11-3A-17. Detached sidewalks are proposed within the development as depicted on the landscape plan.

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

Eight-foot wide parkways are proposed along all streets where detached sidewalks are proposed. All parkways should be constructed in accord with the standards listed in UDC [11-3A-17E](#).

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

A 25-foot wide street buffer is required along E. Lake Hazel Rd., an arterial street; and 20-foot wide street buffers are required along E. Quartz Creek St./S. Sublimity Ave., S. Apex Way and E. Crescendo St., collector streets. Landscaping is required to be installed within the buffers per the standards listed in [UDC 11-3B-7C](#), **which require a variety of trees and shrubs, lawn, or other vegetative groundcover – shrubs are required to be included in the buffer in accord with this standard; lawn shall comprise no more than 65% of the vegetated coverage of a landscape buffer (see UDC 11-3B-7C.3 for more information).**

Landscaping is required adjacent to all pathways per the standards in UDC [11-3B-12C](#) as noted above under Pathways.

Landscaping is required within parkways per the standards listed in UDC [11-3A-17](#) and [11-3B-7C](#) as proposed.

Qualified Open Space (UDC [11-3G](#)):

Based on the standards listed in UDC [11-3G-3](#), the R-2 zoned area requires a minimum of 8% (or 0.80-acre) open space based on 9.94 acres of land; and the R-8 zoned area requires a minimum of 15% (or 6.01-acres) open space based on 40.09 acres of land for a total of 6.81 acres of common open space. *Although the future residential R-8 and R-15 zoned areas (i.e. Lots 32 and 43, Block 6 and Lot 1, Block 1) are included in the boundary of the proposed plat, Staff did not include these areas in the required open space calculations as they are proposed to be re-subdivided and/or included in a conditional use permit in the future prior to development. At such time they will be required to comply with the open space standards on a stand-alone basis.*

The proposed open space consists of linear open space, open grassy areas of at least 5,000 square feet in area, 8-foot parkways and street buffers along collector and arterial streets as shown on the

open space exhibit in Section VII.D. A total of 16.17 acres of qualified open space is proposed, which exceeds UDC standards.

The proposed open space areas have direct pedestrian access, high visibility, comply with the CPTED standards and support a range of leisure and play activities and uses, while promoting the health and well-being of its residents as required in UDC 11-3G-3A.2.

Qualified Site Amenities (UDC [11-3G](#)):

Based on the standards listed in UDC 11-3G-4, the 50.03-acre development area requires multiple amenities to be provided totaling a minimum of 10 points from the separate categories listed in UDC Table [11-3G-4](#). *Note: As noted above under the Qualified Open Space analysis, Staff did not include the two (2) R-8 zoned lots (Lots 32 and 43, Block 6) and the R-15 zoned lot (Lot 1, Block 1) in the calculations.*

A swimming pool with changing facilities and restrooms (6 points); two (2) segments of multi-use pathways totaling approximately ½ mile (totaling 4 points); and a playground (3 points) are proposed totaling 13 points, which exceeds the minimum standards. A detail of the playground equipment should be submitted with the final plat application for the phase in which it is located.

Storm Drainage:

An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances. Design and construction is required to follow Best Management Practices as adopted by the City. The Applicant submitted a [Limited Geotechnical Engineering Report](#) for the subdivision.

Pressure Irrigation (UDC [11-3A-15](#)):

Underground pressurized irrigation water is required to be provided for each and every lot in the subdivision as required in UDC 11-3A-15.

Utilities (UDC [11-3A-21](#)):

Utilities are required to be provided to the subdivision as required in UDC 11-3A-21.

Waterways (UDC [11-3A-6](#)):

The McBirney Lateral crosses this site within a 41-foot wide easement; and the Watkins Drain runs along the west side of this site within a 38-foot wide easement, as depicted on the plat. These waterways are proposed to be piped in accord with UDC 11-3A-6B. The Applicant requests approval of a waiver to UDC 11-3A-6B to allow the Watkins drain to remain open as an amenity feature; a cross-section of the amenity corridor is included in Section VII.C.

In order for Council to waive the requirement for covering the drain, it has to find that the public purpose requiring such will not be served & public safety can be preserved per UDC 11-3A-6B.3a. No fencing is proposed to prevent access to the drain and the Applicant is not proposing to improve the drain per the water amenity standards in the UDC, which require construction drawings and relevant calculations prepared by a qualified licensed professional registered in the State of Idaho to be submitted to both the Director & the authorized representative of the water facility for approval. If the waterway/drain is improved as part of the development as a water amenity, its banks in all places adjacent to and located on said development should be no steeper than one (1) foot vertical per every four (4) feet horizontally and have a depth and velocity in all places adjacent to and located on said development such that the product of the maximum depth (feet) multiplied by the peak velocity (feet per second) does not exceed four (4).

Williams Pipeline: The Williams Pipeline runs across Lot 32, Block 6 within a 75-foot wide easement. All development within the pipeline easement should comply with the Williams Pipeline Developers Handbook.

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

All fencing is required to comply with the standards listed in UDC 11-3A-7.

Five-foot tall open vision metal fencing is proposed adjacent to all internal common open space areas to distinguish common from private areas; and 6-foot tall solid wood fencing is proposed in other areas as depicted on the landscape plan in Section VII.C in accord with UDC standards.

Building Elevations (UDC [11-3A-19](#) | [Architectural Standards Manual](#)):

Conceptual building elevations in a variety of materials and colors were submitted for future single-family detached homes in this development as shown in Section VII.E. *Single-family detached dwellings are exempt from the design standards in the Architectural Standards Manual.*

A Certificate of Zoning Compliance and Design Review application is required to be submitted and approved for the changing rooms and swimming pool on Lot 1, Block 5 prior to submittal of applications for building permits. All non-residential structures shall comply with the design standards listed in the Architectural Standards Manual.

Because homes on lots that abut collector streets (i.e. E. Quartz Creek St. and S. Sublimity Ave. and S. Apex Way south of E. Crescendo St.) will be highly visible, the rear and/or side of structures on these lots should incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public street. *Single-story structures are exempt from this requirement.*

VI. DECISION

A. Staff:

Staff recommends approval of the requested preliminary plat with the conditions noted in Section VIII per the Findings in Section IX.

B. The Meridian Planning & Zoning Commission heard these items on January 6 and February 3, 2022. At the public hearing on February 3rd, the Commission moved to recommend approval of the subject PP request.

1. Summary of Commission public hearing:

- a. In favor: Mike Wardle and Jon Wardle, Brighton Corporation**
- b. In opposition: None**
- c. Commenting: None**
- d. Written testimony: Julie Edwards; Josh Beach, Brighton Corp.**
- e. Staff presenting application: Sonya Allen**
- f. Other Staff commenting on application: None**

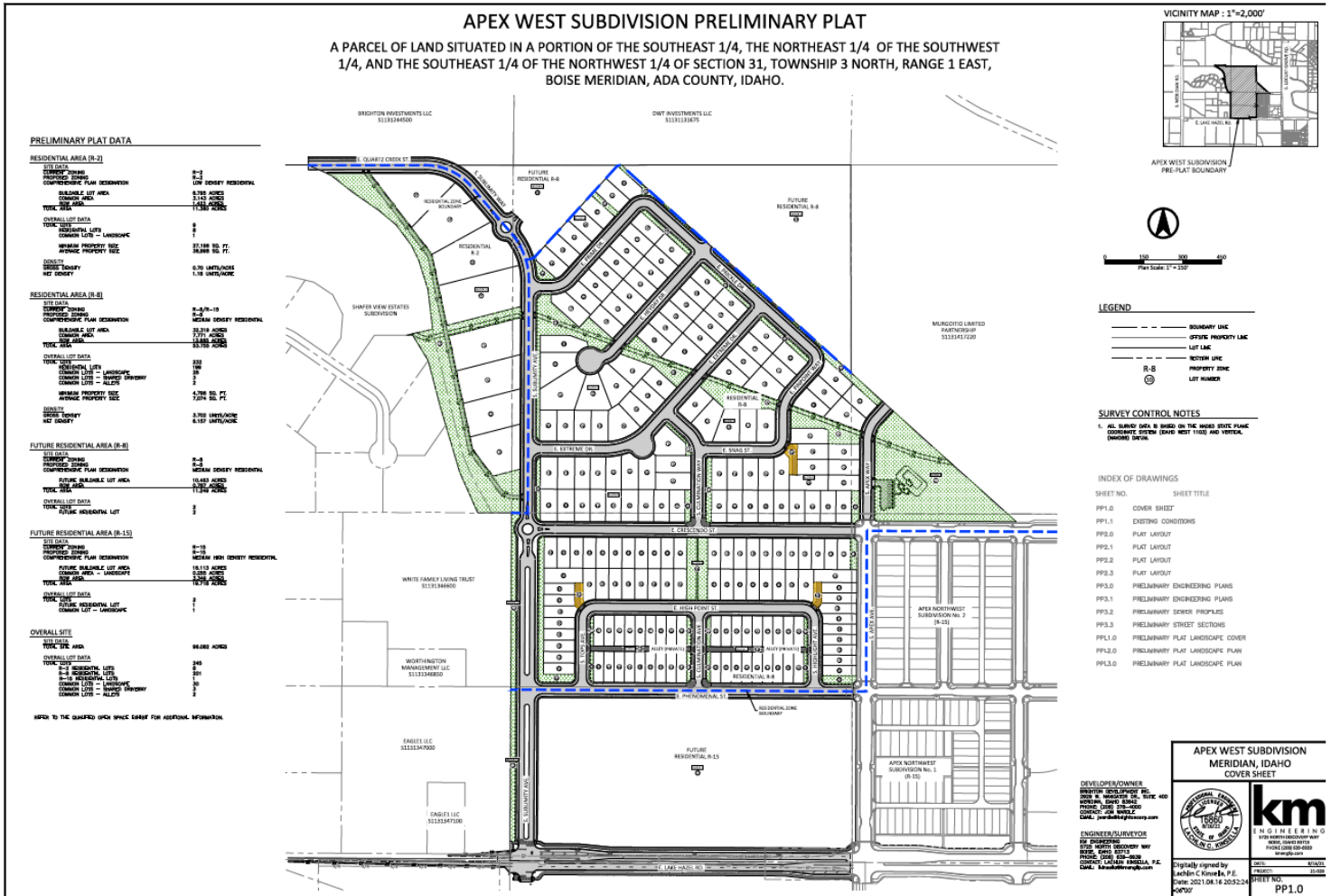
2. Key issue(s) of public testimony:

- a. Concern with the provision of (3) common driveways within the development & associated traffic congestion as discussed at the Commission hearing for Apex East; concern pertaining to parking in relation to the alley-accessed units & the adequacy of such for guests on the adjacent public streets, especially with the common driveways proposed and parking issues associated with those. Suggests some of the building lots be eliminated in favor of provision of a guest parking lot in addition to the on-street parking & elimination of the common driveways in favor of larger lots in those areas. School capacity concerns from the proposed development and others in the area.**

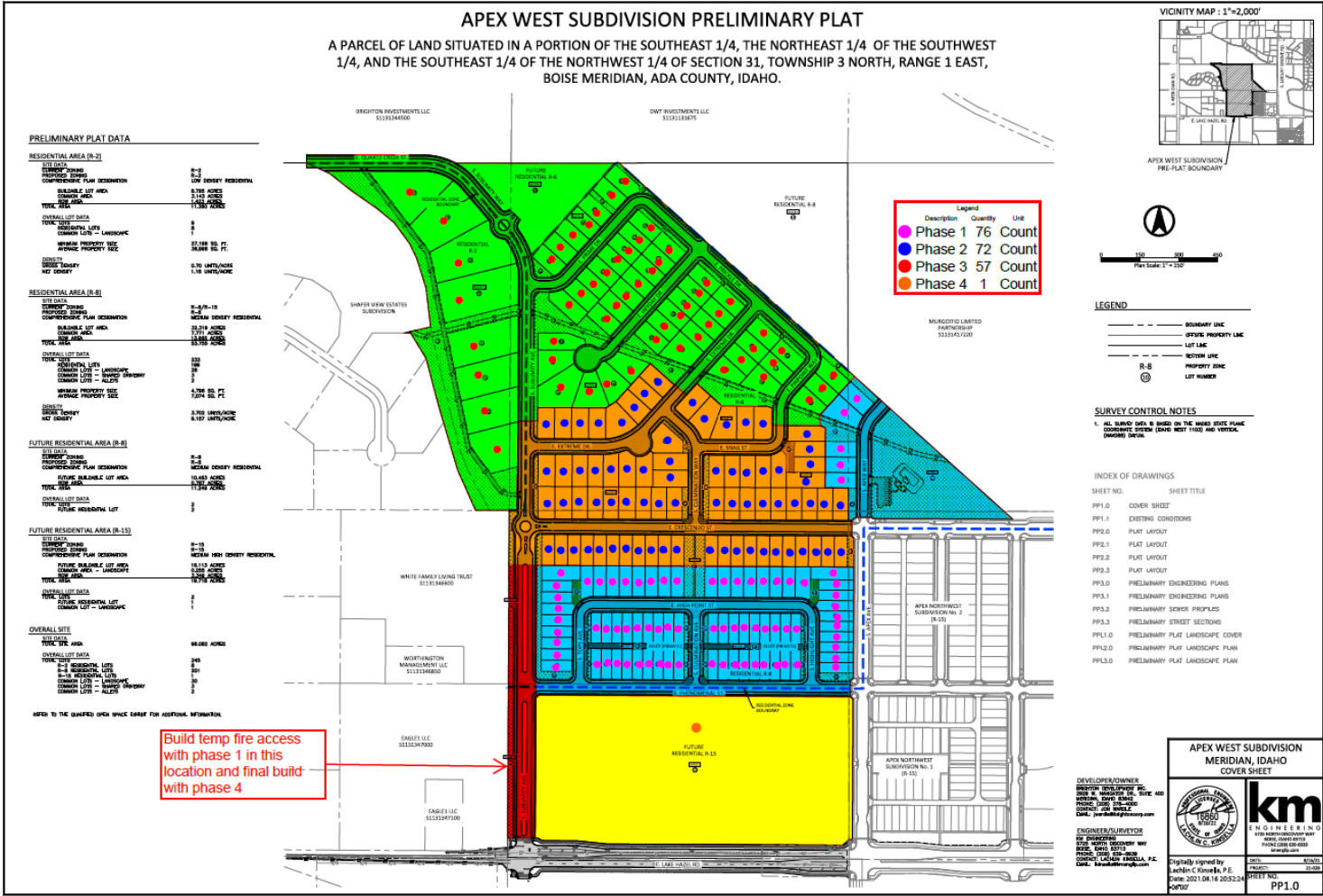
3. Key issue(s) of discussion by Commission:
 - a. Inquiry if S. Sublimity Ave. could be built with the first phase as a final build instead of a temporary fire access;
 - b. Inquiry if Apex East and Apex West will be considered one development for common use of common areas and amenities;
 - c. The provision of common driveways within the development and associated congestion – not in favor of common driveways although they’re allowed by code;
 - d. In favor of the Applicant’s request to leave the Watkins Drain open and not pipe it.
4. Commission change(s) to Staff recommendation:
 - a. None
5. Outstanding issue(s) for City Council:
 - a. The Applicant requests approval of a waiver to UDC 11-3A-6B which requires all waterways on the site to be piped in accord with UDC standards, to allow the Watkins drain to remain open as an amenity feature (condition #7 needs to be modified if Council approves the waiver).
 - b. Prior to City Council approval of the subject preliminary plat application, a property boundary adjustment is required to be approved, which incorporates Lot 1, Block 5 and the surrounding area into Parcel #S1131417210 or creates a separate developable parcel for that area. Council can act on this application but the Findings can’t be approved until this has been done.
 - c. Staff requests Council include a modification to condition #2b in Section VIII.A to also include Lots 4-11, Block 10 in the requirement for an easement for a 20’ wide street buffer to be provided on the lots along E. Quartz Creek St./S. Sublimity Ave.

VII. EXHIBITS

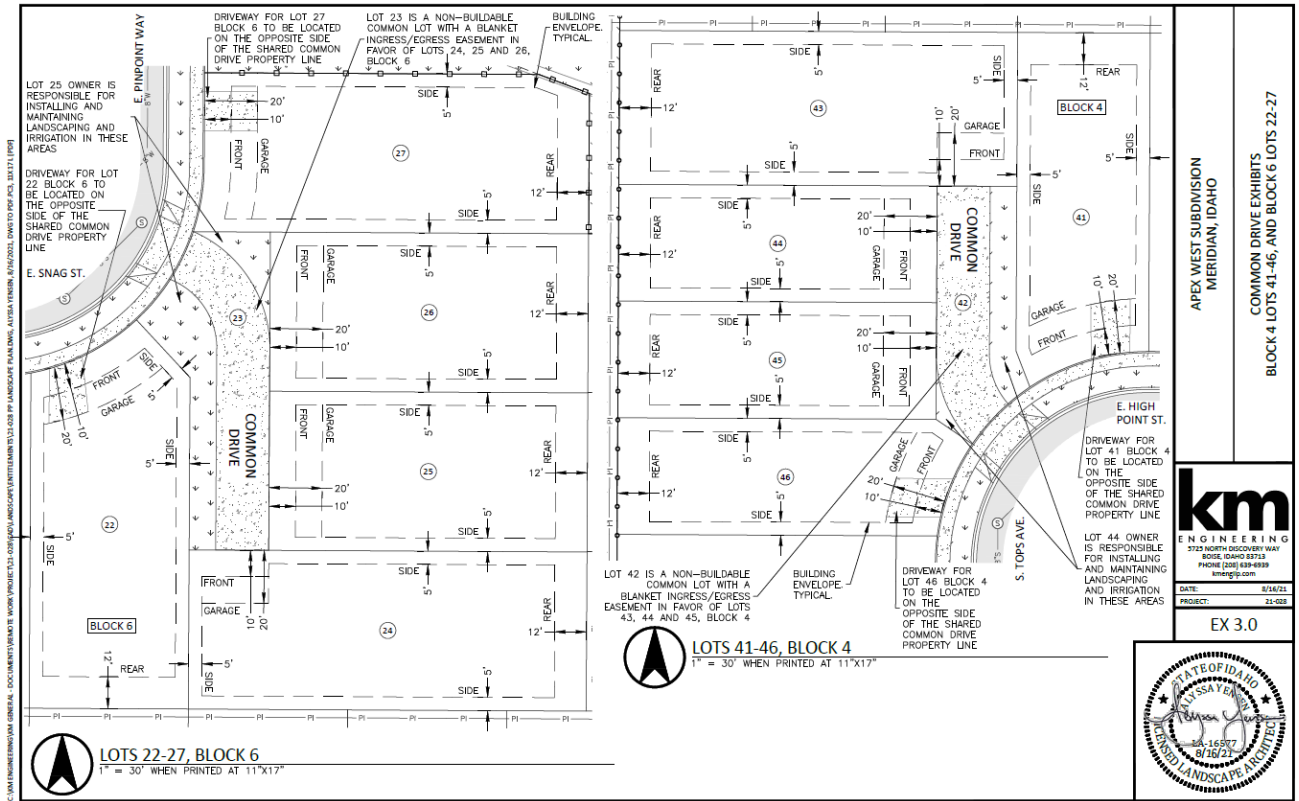
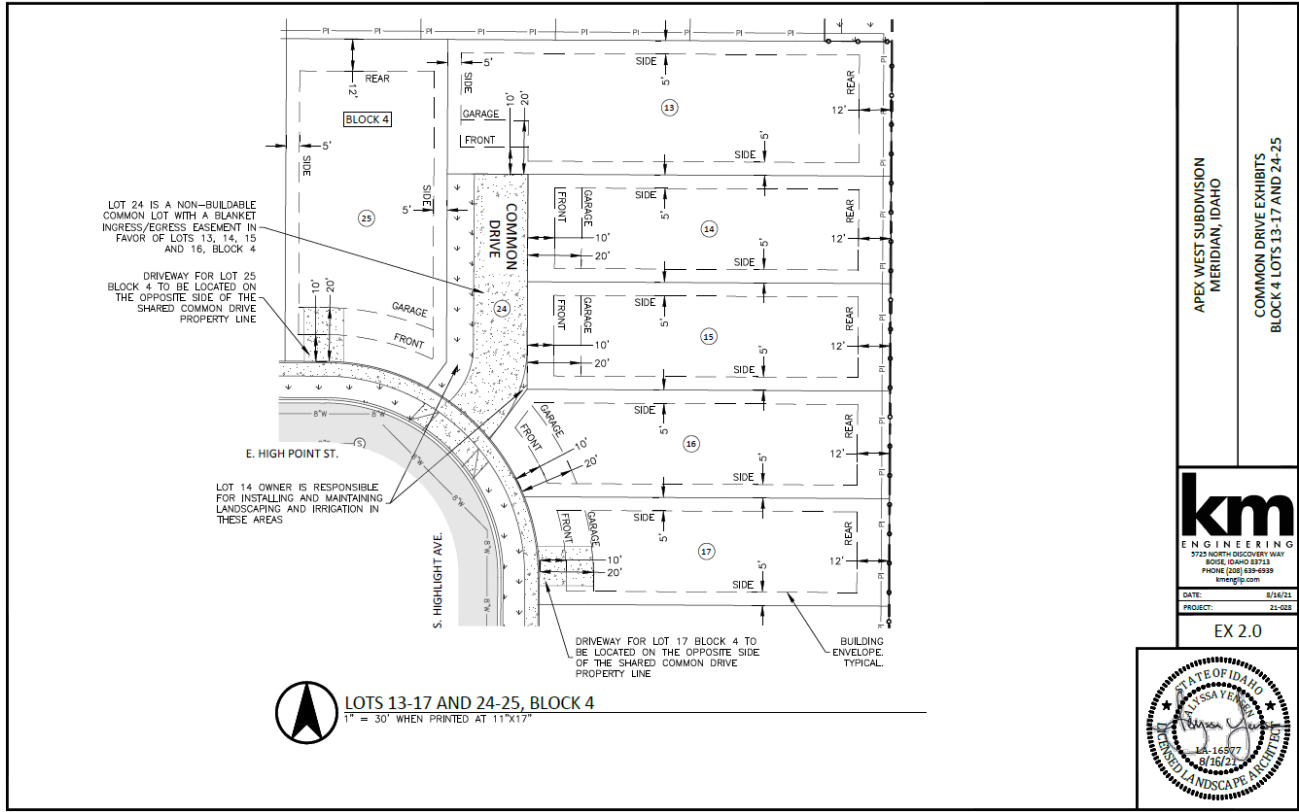
A. Preliminary Plat & Phasing Plan (date: 8/16/2021)

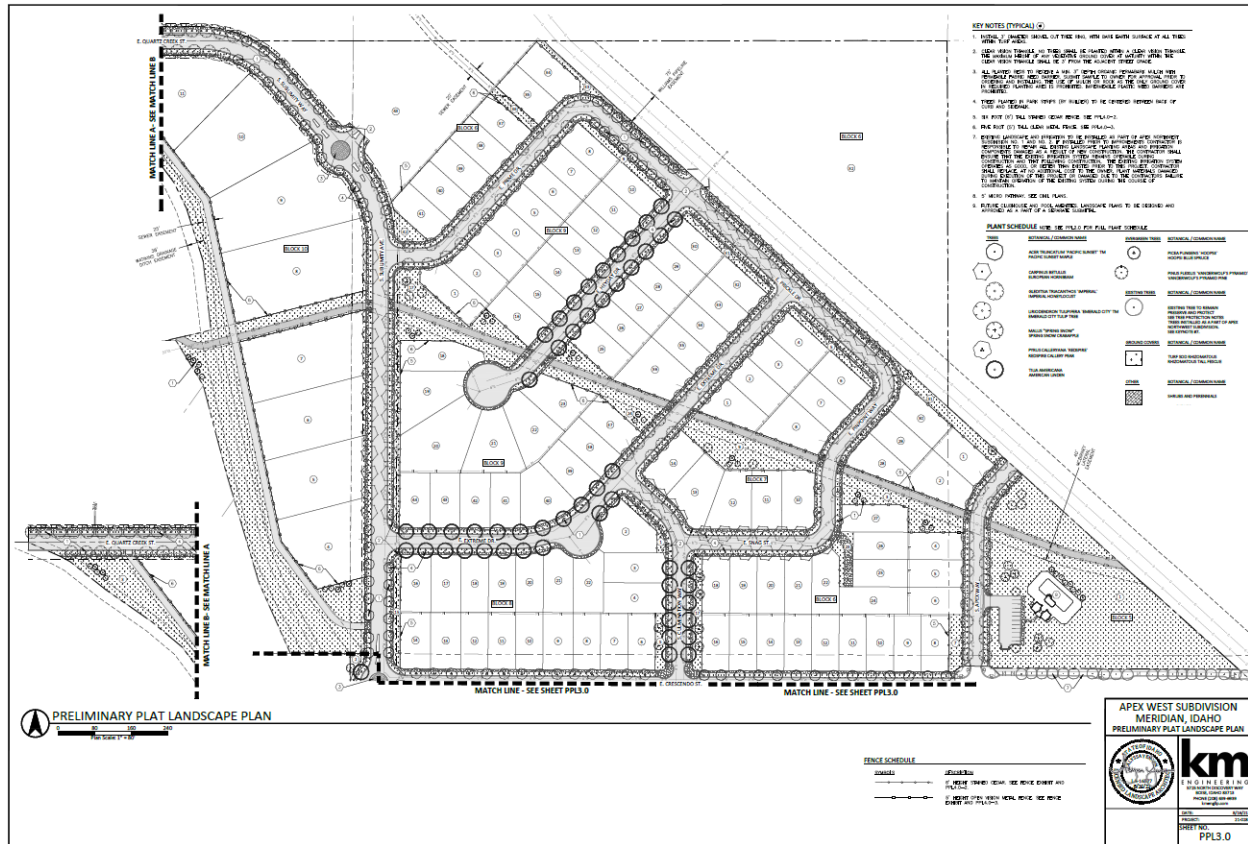
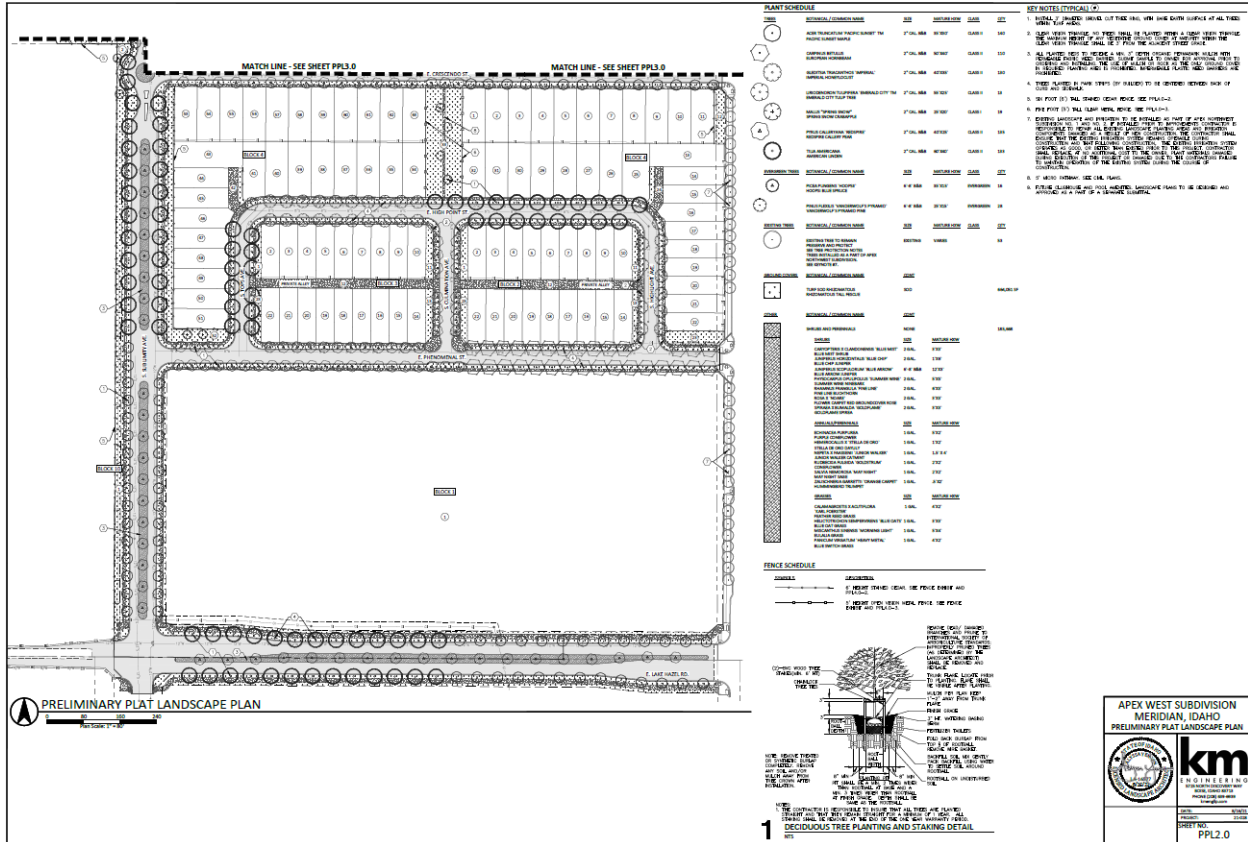


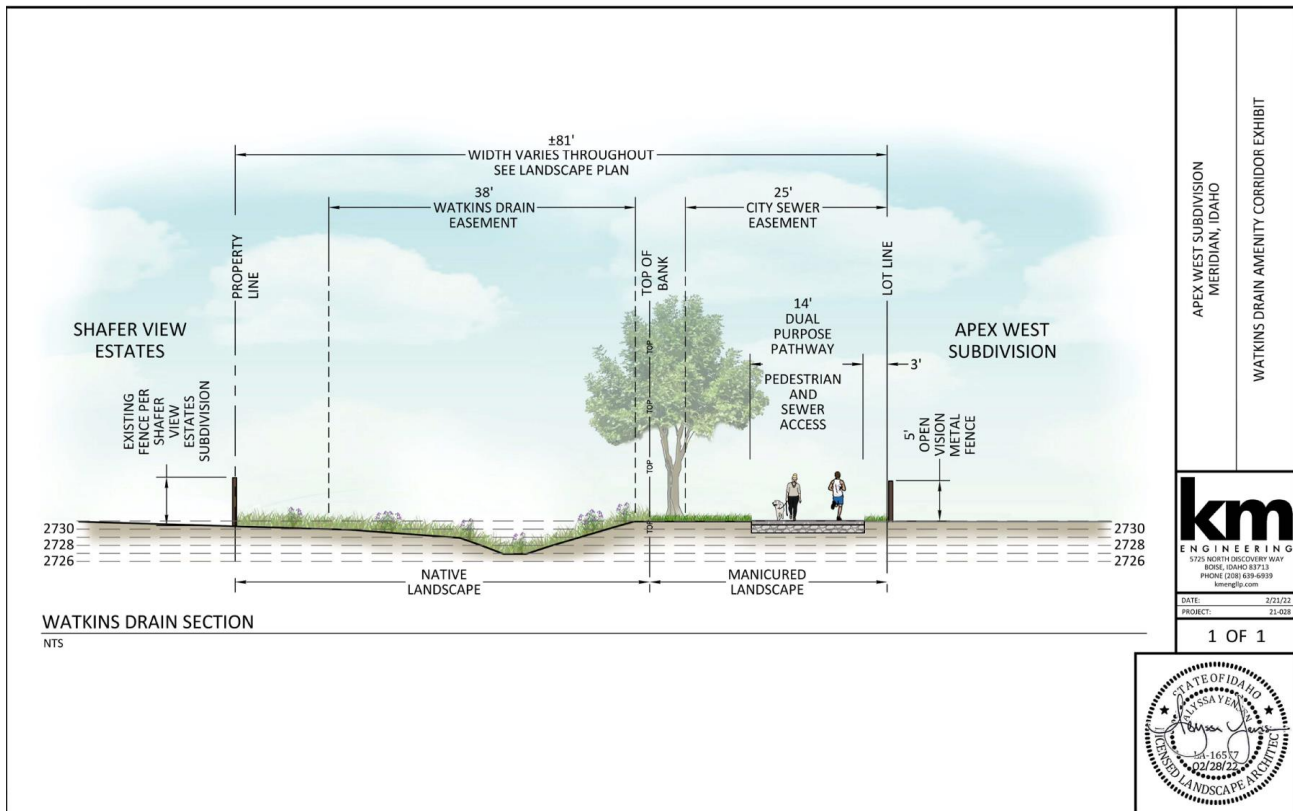
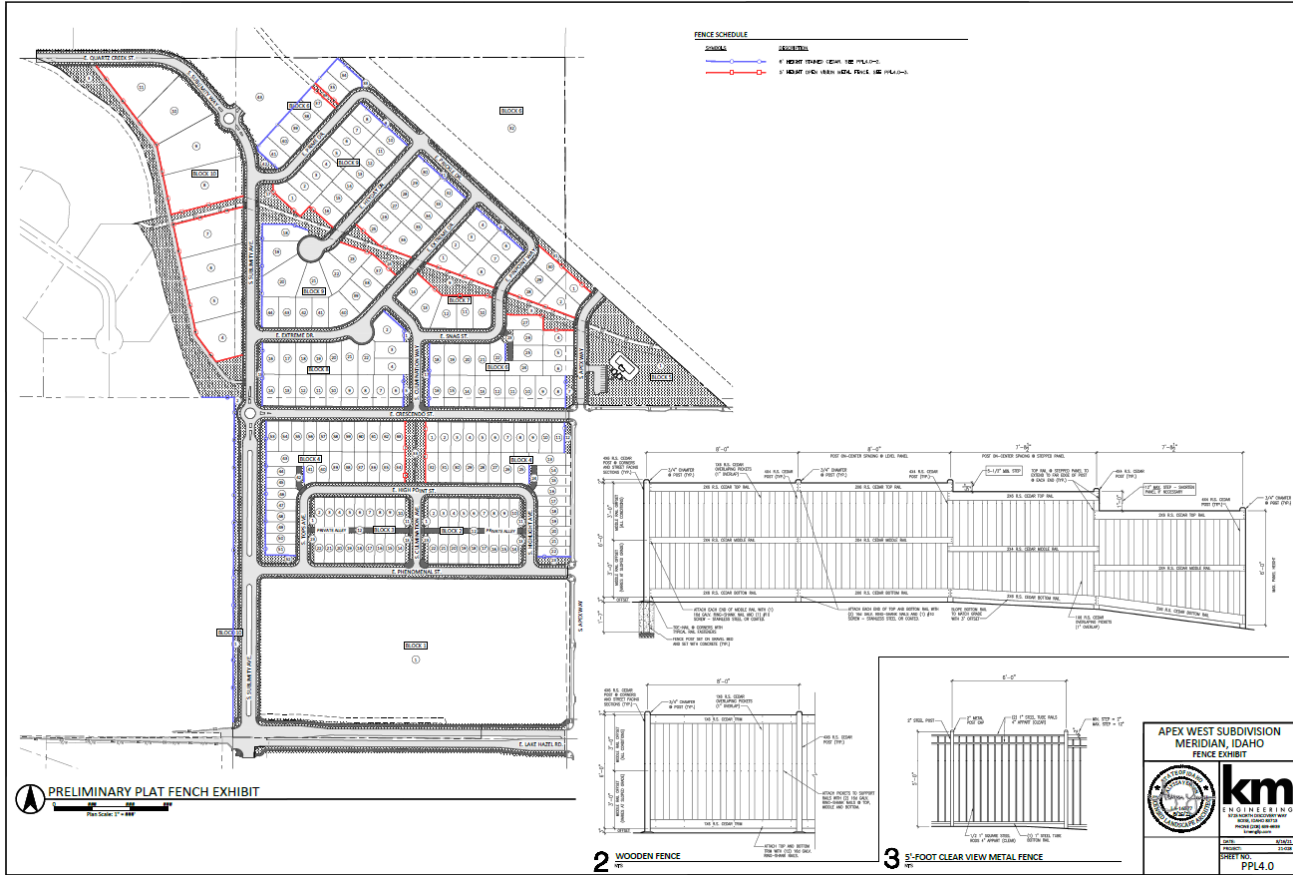
Item #2.



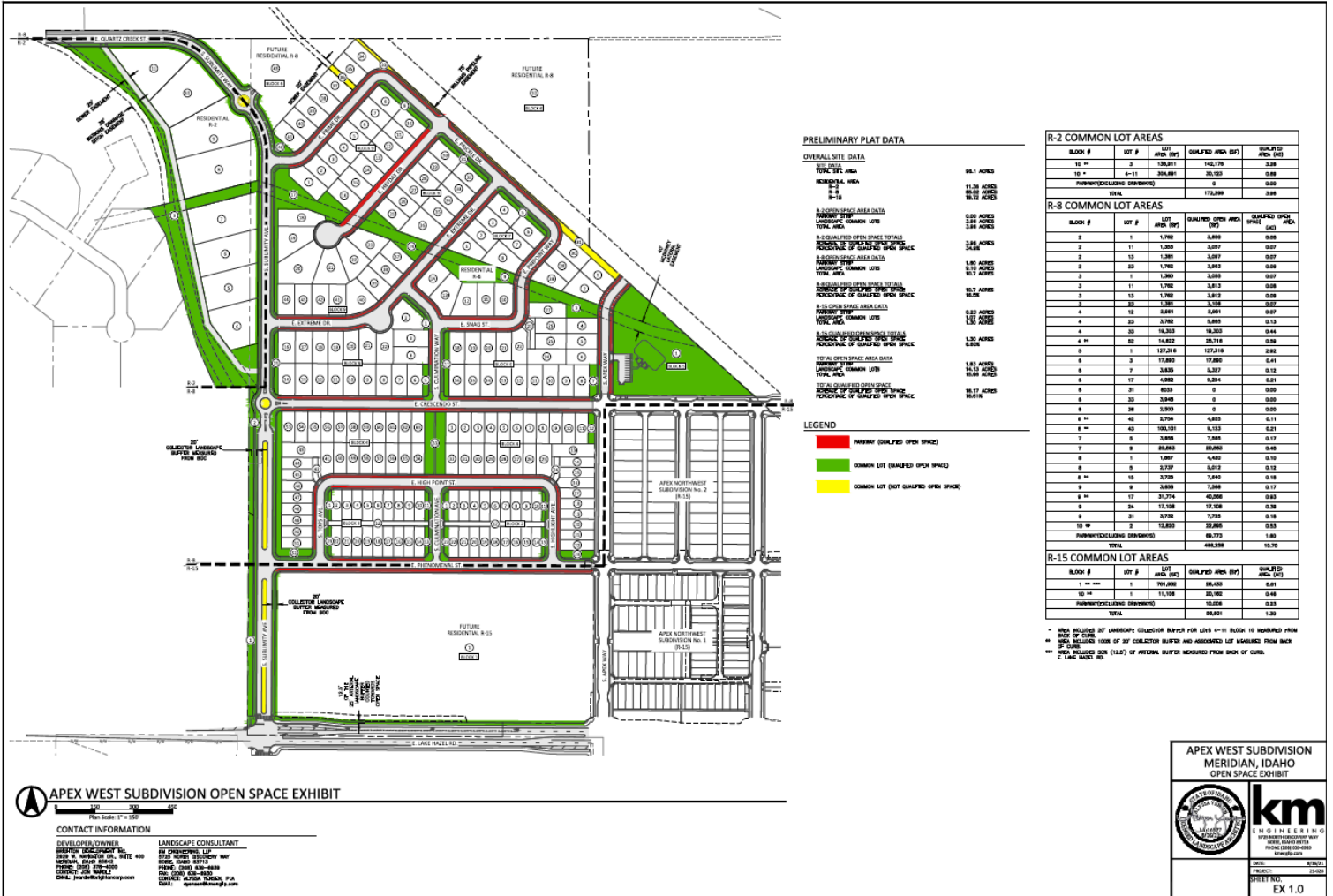
B. Common Driveway Exhibits







D. Open Space Exhibit (dated: 8/16/21)



PRELIMINARY PLAT DATA

OVERALL SITE DATA

| | |
|------------------------------|--------------------|
| NET AREA | 84.1 ACRES |
| TOTAL SITE AREA | 11.36 ACRES |
| RESIDENTIAL AREA | 88.22 ACRES |
| TOTAL COMMON LOT AREA | 16.75 ACRES |

R-2 COMMON LOT AREAS

| | | | | |
|---------------------------------------|--------------|-------------------------|------------------------------------|---------------------------------|
| BLOCK # | LOT # | LOT AREA (SQ FT) | QUALIFIED OPEN AREA (SQ FT) | QUALIFIED OPEN AREA (AC) |
| 10 *A | 2 | 108,811 | 142,770 | 3.28 |
| 10 *B | 4-11 | 304,881 | 30,150 | 0.69 |
| PARAMETER (EXCLUDING OPENWAYS) | | | 0 | 0.00 |
| TOTAL | | | 173,920 | 3.98 |

R-8 COMMON LOT AREAS

| | | | | |
|---------------------------------------|--------------|-------------------------|------------------------------------|---------------------------------|
| BLOCK # | LOT # | LOT AREA (SQ FT) | QUALIFIED OPEN AREA (SQ FT) | QUALIFIED OPEN AREA (AC) |
| 2 | 1 | 1,760 | 3,699 | 0.08 |
| 3 | 11 | 1,363 | 3,057 | 0.07 |
| 3 | 13 | 1,381 | 3,057 | 0.07 |
| 3 | 23 | 1,790 | 3,883 | 0.08 |
| 3 | 1 | 1,260 | 3,055 | 0.07 |
| 3 | 11 | 1,782 | 3,813 | 0.08 |
| 3 | 13 | 1,760 | 3,813 | 0.08 |
| 3 | 23 | 1,790 | 3,883 | 0.08 |
| 4 | 12 | 3,881 | 8,081 | 0.19 |
| 4 | 22 | 3,760 | 7,889 | 0.18 |
| 4 | 30 | 18,303 | 16,303 | 0.44 |
| 4 *A | 22 | 16,822 | 23,710 | 0.54 |
| 4 *B | 1 | 127,216 | 107,716 | 2.45 |
| 6 | 3 | 15,880 | 17,880 | 0.41 |
| 6 | 7 | 3,830 | 4,387 | 0.10 |
| 6 | 17 | 4,982 | 5,284 | 0.12 |
| 6 | 31 | 8,933 | 0 | 0.00 |
| 6 | 33 | 3,940 | 0 | 0.00 |
| 6 | 36 | 3,990 | 0 | 0.00 |
| 6 *A | 42 | 3,734 | 4,822 | 0.11 |
| 6 *B | 43 | 100,101 | 8,133 | 0.17 |
| 7 | 8 | 3,899 | 7,885 | 0.17 |
| 7 | 9 | 30,860 | 30,860 | 0.70 |
| 8 | 1 | 1,987 | 4,482 | 0.10 |
| 8 | 8 | 3,737 | 5,012 | 0.12 |
| 8 *A | 18 | 3,728 | 7,544 | 0.18 |
| 8 *B | 9 | 3,898 | 7,888 | 0.17 |
| 8 *C | 17 | 31,774 | 40,360 | 0.92 |
| 8 | 24 | 15,108 | 15,108 | 0.35 |
| 8 | 31 | 3,732 | 7,785 | 0.18 |
| 10 *A | 2 | 12,880 | 22,880 | 0.52 |
| PARAMETER (EXCLUDING OPENWAYS) | | | 89,773 | 1.99 |
| TOTAL | | | 491,338 | 11.36 |

R-15 COMMON LOT AREAS

| | | | | |
|---------------------------------------|--------------|-------------------------|------------------------------------|---------------------------------|
| BLOCK # | LOT # | LOT AREA (SQ FT) | QUALIFIED OPEN AREA (SQ FT) | QUALIFIED OPEN AREA (AC) |
| 1 *A | 1 | 701,800 | 81,433 | 1.81 |
| 10 *A | 1 | 11,108 | 20,180 | 0.46 |
| PARAMETER (EXCLUDING OPENWAYS) | | | 712,908 | 1.63 |
| TOTAL | | | 81,433 | 1.85 |

LEGEND

- Red: PARKWAY (QUALIFIED OPEN SPACE)
- Green: COMMON LOT (QUALIFIED OPEN SPACE)
- Yellow: COMMON LOT (NOT QUALIFIED OPEN SPACE)

* AREA INCLUDES LANDSCAPE COLLECTOR RAFTER FOR LOTS 4-11 BLOCK 10 HIGHLIGHTED FROM BACK SIDE OF CURB.
 ** AREA INCLUDES 100% OF 30" COLLECTOR RAFTER AND ASSOCIATED LOT HIGHLIGHTED FROM BACK SIDE OF CURB.
 *** AREA INCLUDES 50% (11.87) OF RAFTER RAFTER HIGHLIGHTED FROM BACK OF CURB, C. LAKE HAVEL RD.

APEX WEST SUBDIVISION OPEN SPACE EXHIBIT

CONTACT INFORMATION

DEVELOPER/OWNER
 BROWN DEVELOPMENT, LLC
 1015 W. WASHINGTON ST., SUITE 400
 BOISE, IDAHO 83725
 PHONE: (208) 333-3333
 EMAIL: info@browndevelopment.com

LANDSCAPE CONSULTANT
 B.J. PRINCEPALS, L.P.
 6142 WEST BIRCHWAY NW
 BOISE, IDAHO 83713
 PHONE: (208) 333-3333
 EMAIL: bprincepals@bjprincepals.com

**APEX WEST SUBDIVISION
 MERIDIAN, IDAHO
 OPEN SPACE EXHIBIT**

km
 K. M. KUHN, P.E.
 11887 WEST BIRCHWAY NW
 BOISE, IDAHO 83713
 PHONE: (208) 333-3333
 EMAIL: kkuhn@kmkuhn.com

DATE: 8/16/21
 SHEET NO. EX 1.0

E. Conceptual Building Elevations



VIII. CITY/AGENCY COMMENTS & CONDITIONS

Prior to City Council entering its Findings of Fact, Conclusions of Law, Final Decision, and Order, approval of the subject preliminary plat application, a property boundary adjustment shall be approved, which incorporates Lot 1, Block 5 and the surrounding area into Parcel #S1131417210 or creates a separate developable parcel for that area.

A. PLANNING DIVISION

1. Future development shall comply with the provisions of the existing Development Agreements (i.e. Shafer View Estates – Inst. #2021-102396 and Apex – Inst. #2020-178120), and the preliminary plat, phasing plan, common driveway exhibits, landscape plan and conceptual elevations in Section VII and the conditions of approval listed below.
2. The final plat shall include the following revisions:
 - a. Include a note prohibiting direct lot access to the collector and arterial streets, except for Lots 4-11, Block 10.
 - b. Depict an easement for the 20-foot wide street buffer on the west side of S. Apex Ave. south of E. Crescendo St.
3. The landscape plan submitted with the final plat shall be revised as follows:
 - a. Depict additional landscaping within street buffers as set forth in UDC [11-3B-7C](#). *Note: These standards were recently revised.*
 - b. Depict a 20-foot wide street buffer on the west side of S. Apex Ave. south of E. Crescendo St. with landscaping in accord with the standards listed in UDC [11-3B-7C](#). *Note: These standards were recently revised.*
 - c. All pathways shall be improved per the standards listed in UDC 11-3B-12C.3 and have landscape strips along each side of the pathways and be landscaped per the standards listed in UDC [11-3B-12C](#), which requires a *mix* of trees, shrubs, lawn, and/or other vegetative ground cover. *Pathways are not allowed to have a gravel surface. Landscape strips are required along all pathways, including those in Blocks 6, 7, 9 and 10 – if within an easement that prohibits trees, additional area shall be provided outside of the easement to accommodate the required landscaping.*
 - d. Include calculations in the Project Calculations table that demonstrate compliance with the standards for pathway ([11-3B-12C](#)) landscaping; include required vs. provided number of trees. Landscaping is required along *all* pathways.
 - e. A minimum 5-foot wide pathway shall be included in Lot 36, Block 6.
 - f. Depict a 10-foot wide detached multi-use pathway along the west side of S. Sublimity Ave. as required by the Park's Dept. in accord with the Pathways Master Plan.
4. A 14-foot wide public use easement shall be submitted to the Planning Division for the multi-use pathways within the site that are not within the public right-of-way prior to submittal of the final plat for City Engineer signature in the phase in which they are located.
5. Future development shall be consistent with the minimum dimensional standards listed in UDC Tables [11-2A-4](#) for the R-2 zoning district, [11-2A-6](#) for the R-8 zoning district and [11-2A-7](#) for the R-15 zoning district.
6. Off-street parking is required to be provided for all residential units in accord with the standards listed in [UDC Table 11-3C-6](#) based on the number of bedrooms per unit.

7. All waterways on this site shall be piped as set forth in UDC [11-3A-6B](#) unless otherwise waived by City Council. *The Applicant requests approval of a waiver from City Council to leave the Watkins drain open.*
8. Homes on Lots 4-11, Block 10 shall have side entry garages with a turnaround area so that vehicles aren't backing out onto the collector street in an effort to preserve public safety.
9. If a multi-family development is proposed on Lot 1, Block 1, a conditional use permit application shall be submitted and approved prior to submittal of any building permit applications for that lot. Qualified open space and site amenities shall be provided in accord with UDC standards for such.
10. If single-family homes or townhomes are developed on Lots 32 and 43, Block 6 and/or on Lot 1, Block 1, these lots shall be re-subdivided prior to issuance of any building permits. Qualified open space and site amenities shall be provided in accord with UDC standards for such.
11. Homes on lots that abut collector streets (i.e. E. Quartz Creek St. and S. Sublimity Ave. and S. Apex Way south of of E. Crescendo St.) will be highly visible, the rear and/or side of structures on these lots should incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public street. *Single-story structures are exempt from this requirement.*
12. Submit a detail of the proposed playground equipment with the final plat application.
13. All development within the Williams pipeline easement shall comply with the Williams Pipeline Developers Handbook.
14. Street setbacks for residential units abutting collector streets shall be as approved with ZOA-2021-0003.
15. A Certificate of Zoning Compliance and Design Review applications shall be submitted for the non-residential portions of the development (i.e. changing rooms associated with the swimming pool) and approved prior to submittal of applications for building permits. All non-residential structures shall comply with the design standards listed in the Architectural Standards Manual.
16. Staff's failure to cite specific ordinance provisions or terms of the approved annexation does not relieve the applicant of responsibility for compliance.

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 All sewer manholes must have a 14-foot-wide access road per the City Design Standards.
- 1.2 Ensure no sewer services cross infiltration trenches.
- 1.3 No permanent structures may be within City utility easements including but not limited to trees, bushes, buildings, carports, trash enclosures, fences, infiltration trenches, light poles, etc.
- 1.4 Do not run sewer main in common driveways, services should be run within the common driveway.

- 1.5 Sewer main should be run from the northern portion of the site down South Sublimity Way from the existing sewer main. Main should be kept within the Right of Way whenever possible.
- 1.6 12-inch water main will need to be constructed at the Northwest corner to make the second connection at East Quartz Creek Street.
- 1.7 There is a piece of water main missing at the corner of East Prickle Drive and East Pinpoint Way, this must be included to complete the water loop.
- 1.8 The water main in East Prime Drive needs to be upsized to 12-inch from South Sublimity Way to East Prickle Drive.
- 1.9 The water main in East Prickle Drive needs to be upsized to 12-inch from East Prime Drive to East Heyday Drive.
- 1.10 The water stub in East Heyday Drive to the property line needs to be upsized to 12-inch

2. General Conditions of Approval

- 2.1 Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2.2 Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
- 2.3 The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. **DO NOT RECORD.** Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.
- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
- 2.5 All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.

- 2.6 All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
- 2.7 Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
- 2.8 Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
- 2.9 Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
- 2.10 A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
- 2.11 All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
- 2.12 Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
- 2.13 It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 2.14 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.15 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.16 Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 2.17 The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
- 2.18 The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
- 2.19 At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must

be received and approved prior to the issuance of a certification of occupancy for any structures within the project.

- 2.20 A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
- 2.21 The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 2.22 The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

C. FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=243074&dbid=0&repo=MeridianCity>

Phasing Map:

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=243072&dbid=0&repo=MeridianCity>

D. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=244321&dbid=0&repo=MeridianCity>

E. WEST ADA SCHOOL DISTRICT (WASD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=248416&dbid=0&repo=MeridianCity>

F. COMMUNITY DEVELOPMENT SCHOOL IMPACT ANALYSIS

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=248658&dbid=0&repo=MeridianCity>

G. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=242586&dbid=0&repo=MeridianCity&cr=1>

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=250827&dbid=0&repo=MeridianCity>

H. BOISE PROJECT BOARD OF CONTROL (BPBC)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=243205&dbid=0&repo=MeridianCity>

I. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=243211&dbid=0&repo=MeridianCity>

J. PARK’S DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=251528&dbid=0&repo=MeridianCity>

IX. FINDINGS

A. Preliminary Plat Findings:

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings:

1. The plat is in conformance with the Comprehensive Plan;

The Commission finds that the proposed plat is generally consistent with the adopted Comprehensive Plan in regard to land use, density and collector street layout. (Please see Comprehensive Plan Policies in, Section IV of this report for more information.)

2. Public services are available or can be made available and are adequate to accommodate the proposed development;

The Commission finds that public services will be provided to the subject property with development. (See Exhibit B of the Staff Report for more details from public service providers.)

3. The plat is in conformance with scheduled public improvements in accord with the City’s capital improvement program;

Because City water and sewer and any other utilities will be provided by the development at their own cost, the Commission finds that the subdivision will not require the expenditure of capital improvement funds.

4. There is public financial capability of supporting services for the proposed development;

The Commission finds there is public financial capability of supporting services for the proposed development based upon comments from the public service providers (i.e., Police, Fire, ACHD, etc.). (See Section VIII for more information.)

5. The development will not be detrimental to the public health, safety or general welfare; and,

The Commission is not aware of any health, safety, or environmental problems associated with the platting of this property. ACHD considers road safety issues in their analysis.

6. The development preserves significant natural, scenic or historic features.

The Commission is unaware of any significant natural, scenic or historic features that exist on this site that require preserving.

Seal: It's been moved and seconded to continue Item No. H-2021-0080 to the date of March 3rd, 2022, with modifications. All in favor say aye. Any opposed?

Grove: Nay.

Seal: Got that? Do we need to --

Weatherly: For the record, Commissioner Grove, was that a nay from you? Thank you.

Seal: All right. The continuance passes. All right. Thank you very much for that.

MOTION CARRIED: SIX AYES. ONE NAY.

6. Public Hearing Continued from January 6, 2022 for Apex West Subdivision (H-2021-0087) by Brighton Development, Inc., Located on the North Side of E. Lake Hazel Rd., Approximately 1/4 Mile West of S. Locust Grove Rd.

- A. Request: Preliminary Plat consisting of 208 building lots (207 single-family and 1 multi-family) and 34 common lots on 96.08 acres in the R-2, R-8 and R-15 zoning districts.

Seal: All right. At this point we will move on to public hearing for Apex West Subdivision, H-2021-0087, continued from January 6th, 2022, and we will begin with the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. The next application before you is a request for a preliminary plat. This site consists of 96.08 acres of land. It's zoned R-2, R-8 and R-15 and it's located on the north side of East Lake Hazel Road, approximately a quarter mile west of South Locust Grove Road. This property was annexed with the previous Shafer View Terrace and Apex Developments and is included in their respective development agreements. The Comprehensive Plan future land use map designations for this property -- there is three of them -- are low density residential, medium density residential, and medium high density residential. You can see that here on this map here on your left. The green is low density, the yellow is medium and this is medium high. The proposed preliminary plat is shown on the left. It consists of 208 building lots, 207 single family lots, and one lot for future development of townhomes or multi-family apartments and 34 common lots on 96.08 acres of land in the R-2, R-8 and R-15 zoning districts for Apex West Subdivision. The subdivision is proposed to develop in four phases as shown on the phasing plan on the right there. The proposed plat includes a portion of the parcel to the east depicted on the plat as Lot 1, Block 5, and the surrounding area and that is this area right here that we are talking about. The entire parcel around that must be included in the boundary of the proposed plat or a property boundary adjustment application must be approved to either include that area in the adjacent parcel or to create a separate developable parcel. A portion of the lot cannot be included as it would create an illegal split. Therefore, staff recommends prior to the City Council approval of the subject application a property boundary adjustment application

shall be approved. Three future development areas are depicted on the plat. Lots 32 and 43, Block 6, that's the two triangle ones here at the north end and Lot 1, Block 1, rectangular parcel here at the south end, that are to be resubmitted and/or developed under separate applications in the future. Access is proposed at the northwest corner of the development from Quartz Creek Street, a collector street, from South Meridian Road, from South Sublimity Avenue and South Apex Avenue, both collector streets, via East Lake Hazel Road. Stub streets are proposed to adjacent properties for future extension and interconnectivity. Qualified open space consisting of linear open space, open grassy areas at least 5,000 square feet in area, eight foot wide pathways -- excuse me -- parkways and street buffers along collectors and arterial streets are proposed in excess of UDC standards. Site amenities consisting of a swimming pool with changing facilities and a restroom, two segments of the city's multi-use pathway system, totaling approximately half a mile and a playground, are proposed in excess of UDC standards. The three future development areas will be required to comply with the open space and site amenity standards upon development. The McBirney Lateral crosses this site within a 41 foot wide easement and the Watkins Drain runs along the west side of the site within a 38 foot wide easement, as depicted on the plat. These waterways are proposed to be piped -- excuse me. The Watkins Drain, the applicant is actually requesting to leave open. They submitted that request recently. So, that will require Council approval of a waiver to that section of code to allow it to remain open. And the McBirney is proposed to be piped. Conceptual building elevations in a variety of materials and colors were submitted for future single-family residential detached homes in this development as shown. Homes on lots along collector streets are required to incorporate certain design standards as noted in the staff report, since they will be highly visible. Written testimony has been received from Julie Edwards, a neighbor. She is concerned with the provision of the three common driveways within the development and associated traffic congestion as discussed at the Commission hearing for Apex East. Concern pertaining to parking in relation to the alley access units and the adequacy of such for guests on the adjacent public streets, especially with the common driveways proposed and parking issues associated with those typically. Suggests some of the building lots be eliminated in favor of provision of a guest parking lot in addition to the on-street parking and elimination of the common driveways in favor of larger lots in those areas. School capacity concerns from the proposed development and others in the area. Written testimony was also received from the applicant Josh Beach of Brighton Corporation. They are in agreement with the staff report, except for condition number seven, which requires all waterways on the site to be piped in accord with UDC standards. The applicant, as I mentioned, is requesting Council approval of a waiver to 11-3A-6B to leave the Watkins Drain open as an amenity feature. Staff will stand for any questions.

Seal: Okay. At this time would the applicant like to come forward?

Wardle: Mr. Chair, Commission Members, Mike Wardle, Brighton Corporation at 2929 West Navigator in Meridian. 83642. Sonya's given you the -- the real depth of the information, but I want to just add a little bit of flesh to it to illustrate some of the issues that she talked about and, again, the only real issue that you will see in a few moments relates to just a drain that is not really much of a waterway, but it's part of an amenity area

that we would propose to receive Council approval for. I'm not getting the -- do we have control, Sonya? Okay. As Sonya noted, it's part of the area that was annexed back -- actually by the city action some seven years ago and, then, two years ago we had a larger area before you that rezoned some of the parcels and received preliminary plat approval for the areas at the intersection of Lake Hazel as it's just noted there is A and W, which is Apex Northwest and, then, Apex Southeast opposite that and, then, recent approval of Apex East on the east side of Discovery Park. So, we are talking about, then, just the parcel Apex West. All of this was done, of course, in -- in accordance with the Comprehensive Plan and the underlying zoning as noted here, with the estate lots, the eight estate lots to the northwest corner, being retained as R-2, with R-8 and, then, a parcel in the future in R-15. Some of the details relative to the site. Shafer View, of course, to the west was one of those farm subdivisions where the open space was retained and there has been approval subsequently for the remainder of their properties for a subdivision. So, what we have east of Shafer, of course, is the -- just some of the features. The green diagonal is the Williams Pipeline corridor that will be at -- in the future added as a pathway corridor and fully landscaped, connecting as it actually will to the east and southeast to Discovery Park and, then, where ever it goes to the northwest in the future with adjacent development. The Watkins Drain as noted, there are two segments. We have actually -- we will pipe the area that's along the roadways near the southwest corner of this parcel and you can see where it actually goes through the property currently. All of that will be piped, but, then, when you get to the area where it leaves the roadway section, that portion, as you will see in just a moment, actually becomes part of a common lot, an open space area, and there is actually a -- let me go back for a second. You can -- you can see in the middle of the drawing there is an arrow that says city sewer access multi-use pathway. That -- the sewer is actually in that alignment. It was installed several years ago to serve the Apex Northwest and the southeast subdivisions that are under construction. So, that sewer access will actually be paved as the pathway. Gives the city the access to maintain their sewer system, provides access for pedestrians along a connection that will meet up with a ten foot pathway on the west side of Sublimity Avenue, which is the road coming in from Lake Hazel. Again, you can kind of see this area a little bit more where the green stands out. as Sonya noted, it's just over 96 acres, R-2, R-8 and some R-15, 207 single family lots actually depicted in the project as it's proposed. Forty-six of those are either alley, 36 of them, and, then, ten are rear loaded that I will talk about in just a moment, with three common lots serving nine lots -- as a common drive serving nine lots. We are well aware that there is a lot of concern about those, but they are allowed under city code. We utilize them and have successfully -- successfully utilized them in many of our projects and we minimize to the extent that we can, but occasionally there are some corners that we -- we do that. The Watkins amenity pathway corridor and sewer access is depicted in this open space exhibit. The qualified open space as noted exceeds the city's requirement at just nearly 17 percent of the site, with the amenities being proposed as the community pool. You can see a little tag over on the east side where it depicts that site a little bit more and, then, of course, the playground associated with that. The pathway along Mc Birney and, then, the Watkins as well. Again, just dialing in a little bit more that shows a little bit more of the character of the pathway through the Mc Birney piped corridor. The Williams Pipeline up to the north it shows the future alignment and I would note that the Williams

Pipeline folks are in the process now of starting to upgrade facilities, knowing that development is coming and so they are working over near the intersection and particularly through the -- the park area and the Gem -- Gem Prep School site that's under construction. So, during the course of our development there will be upgrades to the Williams Pipeline and, then, eventually that will be an open space sodded corridor. They won't allow really in the -- in terms of trees or anything, but it will be just a nice 70 foot wide greenway connecting all of the facilities from Discovery Park and, then, that would also provide an access -- it would connect, then, to the -- the McBirney pathway, which, then, connects over to the Watkins pathway. The information that Sonya noted from Ms. Edwards that lives to the north of the Apex project, she had concerns about the alley product and I'm going to jump in a moment and show you what that alley product actually looks like and she had expressed concern about parking and so forth. But the alley loaded lots, they are highlighted in the purple, are 120 foot deep lots and they all have a minimum 20 foot parking pad at the rear. The lots over facing Apex Avenue on the east side of that highlighted in red are 130 feet deep. Those lots -- or those dwellings will actually face the product on the east side of that collector roadway at 130 foot deep. They will also have a minimum rear loaded parking pad and just so that you will see what that is, I'm going to just jump way ahead for a moment. This is a real life example of what we have done in Paramount and in alley loaded product that we have -- in Paramount the lots are 114 feet deep. In comparison in Apex West the alley lots are 120. The rear loaded are 130. The street frontage -- because there are no driveways you have on-street parking available along the frontage of those alley-loaded lots. A 20 foot wide alley is flanked on each side by minimum 20 foot parking pads and if you have two or three -- and you can see a three car garage to the left, but you can see that -- in fact, the next one you have got the big pickup on the right. So, those lots are actually six feet shallower than the smallest lot that we have in our alley loaded product in Apex and I would note that when we did this Paramount project it mirrors what we did -- what we pioneered in the city -- Brighton did at Harris Ranch when we did all of the alley loaded products there that required a minimum 20 foot parking pad, so that you did not have, you know, the opportunity for, as you expressed earlier, the concern of people utilizing their garages for storage and no place to park. That's not the case here. So, I'm going to go back for just a moment and just look at the Watkins Drain. I did some review through the Google Earth street view and couldn't see any water in any of it, so this is exactly -- these shots were taken yesterday. Shafer View Subdivision on the left. Apex on the right. And that corridor -- and you can see the existing city sewer access road that will become the multi-use pathway. That area, then, down to and through the drain will be part of a common lot that will be landscaped and we hope that there is some water that might trickle through there occasionally, certainly during the summer irrigation season there will be some, but it's not a -- really a significantly defined channel throughout most of it. So, again, we will be asking the -- the City Council for a waiver to allow that drain behind those R-2 estate lots to be maintained as an open waterway amenity with that multi-use pathway in the city sewer access. With that we actually concur with staff's recommendation for approval of Apex West with all of the city and agency comments, subject to that one item that we will take to the Council. I would be happy to answer your questions.

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

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: A question to -- my question for you on -- actually, on phasing of the roadway that is to be built as a fire lane through phase one, two, and three, but would, then, be converted to a road into the subdivision in phase four. Is there any possibility of moving the construction of that to an earlier phase or is there a purpose for it being constructed as a roadway in phase four, instead of earlier?

Wardle: Mr. Chairman, Commissioner Grove, I'm going to have to ask my boss, because I'm not really acquainted with that aspect. And, Sonya, I would -- could you bring back up the phasing plan.

J.Wardle: Commissioners, for the record Jon Wardle. 2929 West Navigator. Just to clarify, I may technically be his boss on paper, but that doesn't mean anything, so -- to Commissioner Grove's question, the -- the phasing plan here showing the road in red, Commissioner Grove, we -- we are working on a couple different things that -- part of the reason we -- we can't do it at the very beginning is we do have that Watkins that we do need to tile in the off season, so we -- we aren't conflicting with that, but we also are entering into a CDA with ACHD to continue Lake Hazel as a five lane road through this corridor. So, there is going to be a variety of improvements that need to happen there. The emergency access is beneficial at the very beginning. However, we do have direct access out to Locust Grove and we have two different ways to get to Locust Grove and we have two different ways to get to Lake Hazel in the interim as well. So, it's not -- it's not a complete dead end, we do want to have it there as quickly as possible, but it will be problematic for us to do it at the very first phase of this project.

Grove: Okay. Thank you.

J.Wardle: Thank you.

Seal: Okay. Do we have any other questions? Okay.

Cassinelli: Mr. Chair, this is Bill. Sorry. I was trying to unmute.

Seal: Oh. Go ahead, Commissioner Cassinelli.

Cassinelli: The amenity that you are wanting to make use of the -- of the Watkins Lateral is -- would that be -- is that an additional amenity or is that your third amenity?

J.Wardle: Mr. Chair, to make sure I understood Commissioner Cassinelli's question, he was asking if the Watkins pathway and open space is an additional amenity or if it's tied in with our overall amenity package. It's -- it's part of our entire package with all the pathway systems, you know, that mobility piece of it and pathways. Just to note, these are not the -- the city has a pathway plan and we have worked with Kim Warren about

what that would be and, ultimately, the -- the city designated pathway would be the one that would go through the Williams Pipeline. These are new additional pathways outside of those.

Cassinelli: But the comment there -- and not wanting to pipe that is to keep it as a -- as an amenity feature to leave it open. So, I guess my question is if -- if that were -- if that were piped would that reduce your amenities? Is that -- that drain, keeping it open and making it an amenity, is that one of your -- is that one of the amenities to meet the minimums?

J.Wardle: Mr. Chair, Commissioner Cassinelli, the open space still counts. It's just a question of whether we are tiling it or if we are leaving it open. So, there is really no difference in terms of the amenity. It's still with the open space corridor. We just believe that this part of it, along the Watkins that we are asking to leave it open, has actually an opportunity to be something different than just a tiled piped waterway. So, our preference is to leave it open. If the City Council decides that they prefer that it be tiled, the amenity calculation doesn't change, it's still the same count open space and all of that.

Cassinelli: Okay. Thank you.

Wardle: Thank you.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I have one last question. With the amenities for Apex, is this -- is Apex looked at as an overall project or is Apex West, Apex Northwest, Apex East, like are all of the directions separate or are they tied together in any way in terms of residents in one -- in West are they able to use amenities in another portion of the development?

Wardle: Mr. Chair and Commissioner Grove, important clarification. We appreciate that. No, it's all part of one. Unfortunately, when you do a preliminary plat you have to distinguish it for file purposes and for the county's purposes. So, no, it's all part and parcel and these folks will, in fact, utilize -- it doesn't really show up here, but we have that very strong community core that's taking place at the northwest corner of Lake Hazel and Locust Grove and that will all, again, tie together as part of that complete community. All same covenants, same restrictions, same association fees and requirements. Thank you.

Lorcher: Commissioner Seal?

Seal: Commissioner Lorcher, go ahead..

Lorcher: Mr. Wardle, based on the written testimony from Julie Edwards, she mentioned that the common driveways with development associated for traffic connections as -- as

was here in the hearings for Apex East, were those common driveways approved for Apex East; do you recall?

Wardle: Mr. Chair and Commissioner Lorcher, yes, they were approved. We made one modification when we went to the Council. That northwest corner that had been sited where there were quite a few and it was on a secondary emergency access and so we actually took one or two lots out of that corner, but the others that were part of that project were reviewed and approved by the Council. So, again, we are bringing you something that's allowed by your code. We don't try to overuse it, but there are places that we do and in this case of the 207 -- or 208 lots, there are nine lots that will be on common drives.

Lorcher: Thank you.

Seal: Okay. Anybody else?

Wardle: Thank you very much.

Seal: Thank you very much. Appreciate it. Okay. At this time we will take public testimony. Madam Clerk, has anyone signed up? No one has signed up?

Weatherly: No.

Seal: Okay. Anybody online that would like to hit the raise hand button or anybody in chambers if you would like to come up. No takers? No one online? Okay. Unless the applicant has something more to add or we have additional questions -- okay. Can I get a motion to close the public hearing for Item No. H-2021-0087.

Lorcher: So moved.

Wheeler: Second.

Seal: Okay. It's been moved and seconded to close the public hearing for H -- file number H-2021-0087. All in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: ALL AYES.

Seal: Who would like to jump in there?

Lorcher: Commissioner Seal, I will start.

Seal: Commissioner Lorcher, go ahead.

Lorcher: I'm -- I'm in agreement with Mr. -- is it Beach's comments from Brighton Corporation to pursue a waiver for open space for -- to have the Watkins open. I -- I don't know if I'm unique in this respect, but closing every open waterway in Meridian takes away what the nature of Meridian is like. So, if we keep piping everything in -- one of the

things that founded our city was our irrigation and piping it all in takes that away. So, the more we can leave it open, then, we invite nature into our backyards and our home. So, I'm definitely in support of this. I'm not a fan of the common driveways for the congestion and services, but it was approved in Apex East and according to Mr. Wardle they are fulfilling the city codes.

Seal: Okay. Thank you. Anyone else want to jump in? Commissioner Wheeler, go ahead.

Wheeler: I have a question. Thank you, Mr. Chair. I have a question for staff. Is there any requirements for -- like fencing or anything along that open waterway?

Allen: Chairman, Commissioners, I have asked the applicant to provide some additional information prior to the Council meeting on how public service -- public safety is planned to be preserved with that being open. So, I -- I don't know if they know that now, but I -- I did ask that of the applicant. A little short notice, so they probably haven't had a whole lot of time to ponder that yet maybe.

Wheeler: Okay. Okay. Yeah. I'm -- I'm in agreement here that I like to see that kind of an open waterway and I like kind of the views that will be there at least temporary over to the -- to the east from that section, too, so -- thank you.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I think this ties in well with the other portions of -- of the Apex project. Seeing some of the zoomed out pieces where it -- how it connects with the other plan pieces or under development pieces help -- especially with the -- the open space area on the east side, seeing how that connected with like the -- the Williams Pipeline corridor and I thought everything looks good. It's really easy when applicant agrees with the staff report. I think I would be fine with moving this forward. We don't -- I don't think we need to make a change to the -- the staff requirements on this. We can make an encouragement, but it's not our place to do the waiver. So, I think it would just be an encouragement if we want to go in that direction, but I don't know that we need to condition anything. I could be wrong. Does that sound right? Somebody? Okay.

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli, go ahead.

Cassinelli: Quick question for staff. Sonya, is -- do the lot sizes on the alley loads and the -- I think they are rear loaded product to the east and west of that alley load portion down there, do those all meet the -- I'm assuming they all meet the R-8 lot size requirements?

Allen: Chairman, Commissioner Cassinelli, yes, they do.

Cassinelli: Okay. In my comments I'm not a fan whatsoever of -- of the common driveways. I would love to see them eliminated. I mean I get it. The developer is doing it to maximize their density, all within code and guidelines on the project. I'm just not a fan of it and I'm really shocked that there was not more public input, even though I -- you know, there is not a lot -- a lot of homes down there yet I don't think, so probably not a lot of -- a ton of neighbors, but I'm shocked with a project this size that there is not more -- that there wasn't more input. But all that said, I would be -- I would be okay with -- with moving it forward as is.

Seal: Okay. Commissioner Yearsley, do you have anything?

Yearsley: I actually -- my biggest concern is I -- I think the project is fine and everything. I just -- I mean I just don't like that we just cram as many homes as we can into a subdivision. I understand that, you know, we are trying to keep a price point down and everything, but, man, there we just got small lots and medium-sized homes and I just don't like the look and feel. That being said, it's -- it's my personal preference -- and I'm not going to stand in the way of the project.

Seal: Okay. Yeah. That -- I mean can't say it enough. Common driveways -- I -- I drive through one of your products that has a corner and -- and, you know, three houses on it and when it's trash day it's like Mario Kart. It's -- it's horrible. I mean it's a really -- it's a bad experience in a really upper end -- upper end subdivision, you know, that has space to accommodate better than this does. So, where these are squeezed together more tightly I can't imagine what that's going to be like. That said it meets code. I wish we would do away with them, make them, you know, alternative compliance only or something along those lines, because I have seen another one of your products where you did the circular driveways that were common. Beautiful. Absolutely amazing way to -- you know, out-of-the-box thinking with that. So, that said I will get down off my soapbox and ask somebody for a motion.

Grove: I got it.

Seal: Commissioner Grove, go ahead.

Grove: Mr. Chair, after considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of file number H-2021-0087 as presented in a staff report for the hearing date of February 3rd, 2022, with no modifications, but embrace of the applicant's request to have a waiver for the open waterway for the Watkins Drain.

Seal: Okay. It's been moved and seconded to approve Item No. H-2021-0087 -- oh, do I need -- yeah. Who would like to second that? Sorry.

Wheeler: Second.

Seal: Thank you, Commissioner Wheeler. Now, it has been moved and seconded to approve Item No. H-2021-0087 as presented in the staff report for the hearing date of February 3rd, 2022. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: ALL AYES.

7. Public Hearing Continued from January 20, 2022 for Quartet South Subdivision (H-2021-0088) by Brighton Development, Inc., Located on Parcels S043432586 and S0434325410, at the Northeast Corner of W. Ustick Rd. and N. Black Cat Rd.

- A. Request: Annexation of 67.61 acres of land with the R-8 (48.83 acres) and R-15 (18.78 acres) zoning districts.
- B. Request: Preliminary Plat consisting of 229 single-family residential lots, 2 multi-family lots with 140 townhouse units, and 42 common lots.

Seal: All right. So, we will move on to Quartet South Subdivision, H-2021-0088, which was continued from January 20th, 2022, and we will begin with the staff report.

Cassinelli: Mr. Chair, can I jump in?

Tiefenbach: Greetings, Mr. Chair, Members of the Commission. Alan Tiefenbach, associate planner here with City of Meridian. Okay. This is a proposal for an annexation and rezoning and preliminary plat. The property is not quite 68 acres, zoned RUT, located at the northeast corner of North Black Cat, West Ustick Road intersection. In July of 2020 Quartet Northeast, obviously, to the north and Quartet Southeast were approved north of this property. This subdivision is a continuance of those subdivisions. Future land use map recommends medium density residential, three to eight dwelling units per acre. The applicant proposes to annex a total of -- again, just not quite 68 acres of land. Forty-nine acres on the northern portion of the property are proposed to be rezoned to R-8 to allow 229 single-family homes. The southern 18.7 acres is proposed for R-15. That would be to allow 140 single family attached or multi-family units, although the housing type has not been determined at this time by the applicant. Jamestown Ranch, the court -- I made a little map here. So, Jamestown Ranch, the Quartet Sub -- the Quartet -- sorry -- Quartet Northeast, Quartet Southeast, they are all north. The Klamath Basin, Staten Park and Geddes Subdivisions are to the south and the Birchstone Creek Subdivision is to the west. To the east is unincorporated property that's in the county. This I will be calling the Naomi parcel as I talk about that later. This is -- this is designated for a mixed-use non-residential. Further east here is the wastewater treatment facility. There is some self-storage. It's important to note that here -- this piece of property is currently under review with the Planning Commission -- or, sorry, with ACHD for a new maintenance facility. There are -- let's see. There is presently four accesses to this property off of North Black Cat and those accesses are going to be closed and, then, there will be new accesses. One will occur from West Aspenstone, which is down here, and the other will occur from



AGENDA ITEM

ITEM TOPIC: Public Hearing for Eagle Crossing (H-2021-0104) by Wadsworth Development Group, With the Project Location Encompassing the Five Existing Lots Located at the Southwest Corner of S. Eagle Rd. and E. Ustick Rd.

Application Requires Continuance

A. Request: Modification to the Existing Development Agreement (Inst. #2019-121599) for the purpose of updating the existing concept plan.



PUBLIC HEARING INFORMATION

Staff Contact: Joseph Dodson

Meeting Date: March 22, 2022

Topic: **Public Hearing** for Eagle Crossing (H-2021-0104) by Wadsworth Development Group, With the Project Location Encompassing the Five Existing Lots Located at the Southwest Corner of S. Eagle Rd. and E. Ustick Rd.

- A. Request: Modification to the Existing Development Agreement (Inst. #2019-121599) for the purpose of updating the existing concept plan.
-

Information Resources:

[Click Here for Application Materials](#)

[Click Here to Sign Up to Testify at the City Council Public Hearing](#)



AGENDA ITEM

ITEM TOPIC: Public Hearing for Victory Commons Condominiums (SHP-2022-0002) by BVA Development, Located at 2976 S. Meridian Rd. (Lot 4, Block 1 of Victory Commons Subdivision No 2)

A. Request: Short Plat for 10 commercial condominium units on 2.42 acres of land in the C-G zoning district.



PUBLIC HEARING INFORMATION

Staff Contact: Alan Tiefenbach

Meeting Date: March 22, 2022

Topic: **Public Hearing** for Victory Commons Condominiums (SHP-2022-0002) by BVA Development, Located at 2976 S. Meridian Rd. (Lot 4, Block 1 of Victory Commons Subdivision No 2)

A. Request: Short Plat for 10 commercial condominium units on 2.42 acres of land in the C-G zoning district.

Information Resources:

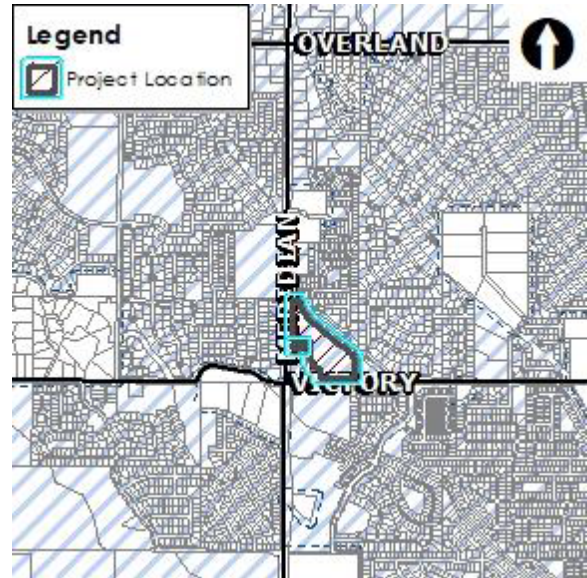
[Click Here for Application Materials](#)

[Click Here to Sign Up to Testify at the City Council Public Hearing](#)

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 3/22/2022
TO: Mayor & City Council
FROM: Alan Tiefenbach, Associate Planner
208-884-5533
SUBJECT: SHP-2022-0002
Victory Commons Condominiums
LOCATION: The site is located at 2976 S. Meridian Rd., in the southwest ¼ of Section 19, T.3N. R.1E.



I. PROJECT DESCRIPTION

Short plat to condominiumize an existing building to create ten (10) units for ownership purposes, by BVA Development.

II. APPLICANT INFORMATION

- A. Applicant:
Jackson Cleverley, BVA Development – 2775 W. Navigator Dr, Meridian, ID 83642
- B. Owner:
BVA Victory Commons Flex No 1 LLC - PO Box 51298, Idaho Falls, Idaho 83405
- C. Representative:
Same as Applicant

III. NOTICING

| | City Council Posting Date |
|---|----------------------------------|
| Legal notice published in newspaper | 3/6/2022 |
| Radius notice mailed to property owners within 500 feet | 3/7/2022 |
| Posted to Next Door | 3/8/2022 |

IV. STAFF ANALYSIS

The subject property contains an existing 29,600 sq. ft. flex building which was approved by Certificate of Zoning Compliance in April of 2020 (A-2020-0007). At the time the CZC was approved, the property was being constructed on a lot that was platted with the Mussell Corner Subdivision.

In June of 2020, the property was replatted as Lot 4, Block 1 of Victory Commons Subdivision (H-2020-0086). In March of 2022, the lot was reconfigured as Lot 4, Block 2 of Victory Commons Subdivision No. 2 (H-2021-0054).

The present proposal is to condominiumize the existing building into 10 units of air space. The individual unit spaces can be seen on Page 2 of the short plat shown in Section VI.A.

Staff has reviewed the proposed short plat for substantial compliance with the criteria set forth in UDC 11-6B-5A.2 and deems the short plat to be in compliance with said requirements.

V. DECISION

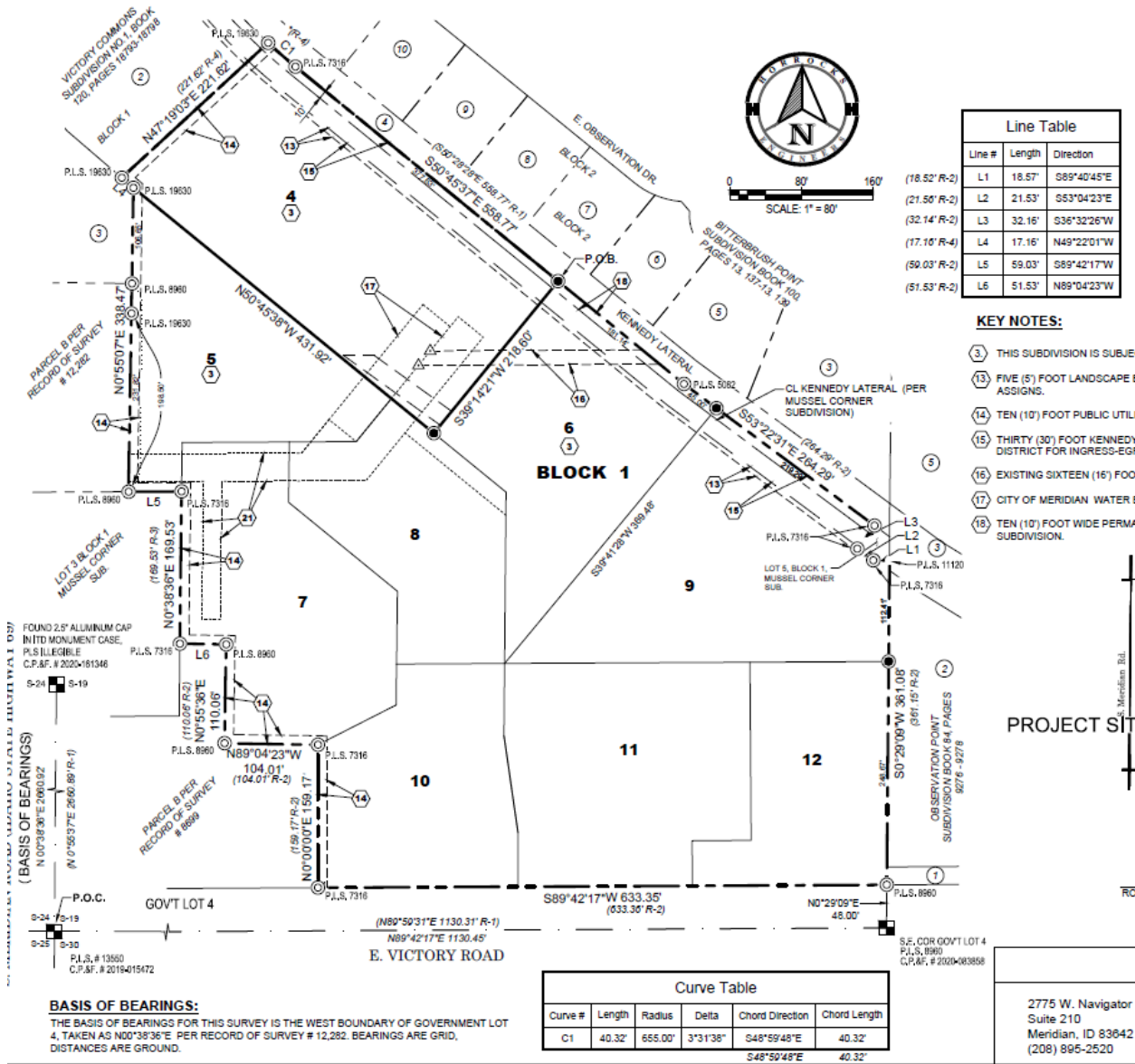
Staff:

Staff recommends approval of the proposed short plat with the conditions noted in Section VII of this report and in accord with the findings in Section VIII.

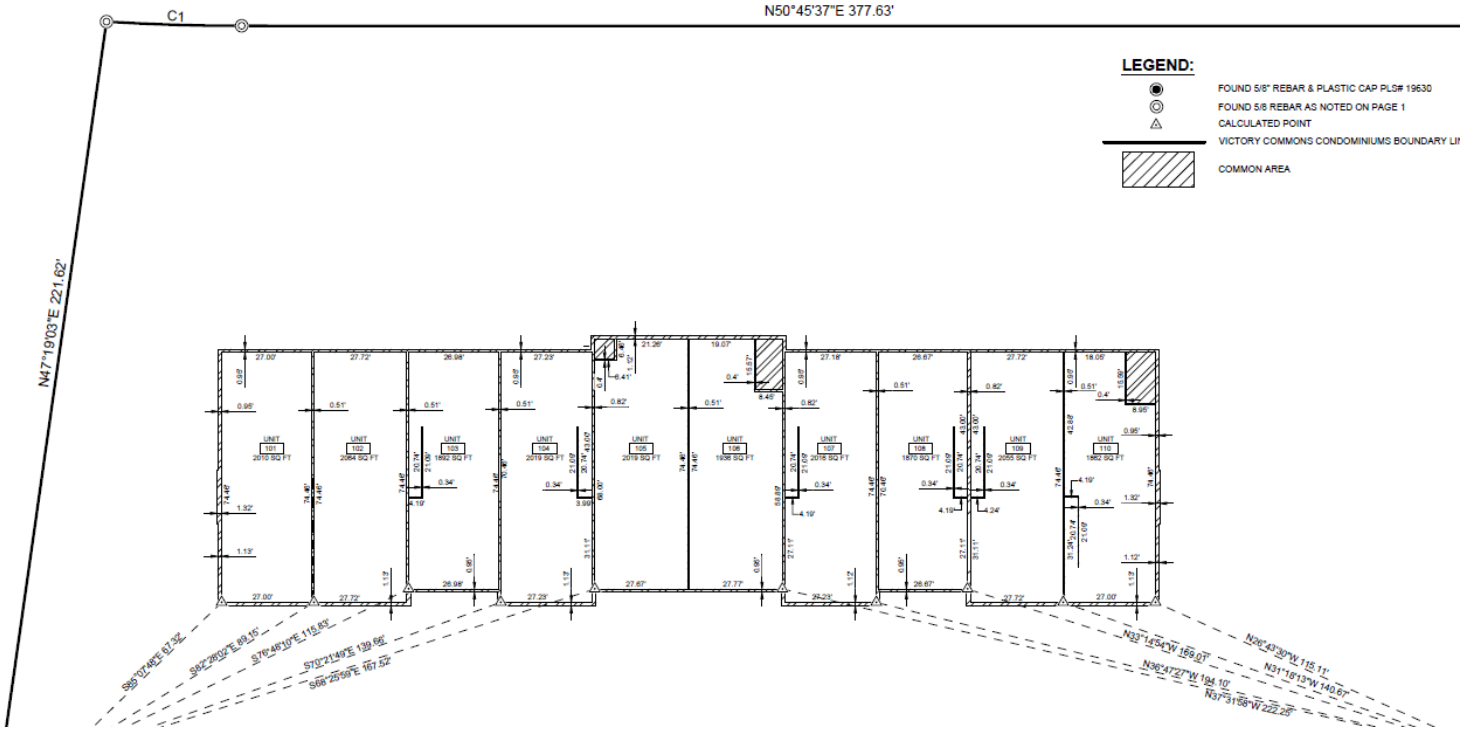
VI. EXHIBITS

A. Short Plat (date: 11/8/2021)

-ZUZ1-



VICTORY COMMONS CONDOMINIUMS



VII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

Site Specific Conditions:

1. All development shall comply with the terms of the approved preliminary plat (H-2019-0150), development agreement (Inst. 2019-119405), final plat (H-2021-0054), certificate of zoning compliance (A-2020-0007) and any future amendments to that agreement as applicable.
2. Prior to submittal for the City Engineer’s signature, have the Certificate of Owners and the accompanying acknowledgement signed and notarized, as well as the signatures of the Ada County Highway District and the Central District Health Department.
3. Staff’s failure to cite specific ordinance provisions or conditions from the previous approvals noted above does not relieve the Applicant of responsibility for compliance.

B. PUBLIC WORKS

(Common) SITE SPECIFIC CONDITIONS:

1. Developer is required to enter into a reimbursement agreement for the installation of one streetlight that was installed on Chinden Boulevard as part of the widening project. The developer is required to sign the reimbursement agreement and pay the installation amount of \$8,465.00 prior to signature of the plat.
2. No changes to public works infrastructure was shown with the application, any public works changes must be reviewed by public works engineering prior to approval or construction.

GENERAL CONDITIONS:

1. Sanitary sewer service to this development is available via extension of existing mains adjacent to the development. The applicant shall install mains to and through this subdivision; applicant shall coordinate main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
2. Water service to this site is available via extension of existing mains adjacent to the development. The applicant shall be responsible to install water mains to and through this development, coordinate main size and routing with Public Works.
3. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
4. Upon installation of the landscaping and prior to inspection by Planning Department staff, the applicant shall provide a written certificate of completion as set forth in UDC 11-3B-14A.
5. A letter of credit or cash surety in the amount of 110% will be required for all incomplete fencing, landscaping, amenities, pressurized irrigation, prior to signature on the final plat.
6. The City of Meridian requires that the owner post with the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the

City. The applicant shall be required to enter into a Development Surety Agreement with the City of Meridian. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

7. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, and water infrastructure for a duration of two years. This surety amount will be verified by a line item final cost invoicing provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
8. In the event that an applicant and/or owner cannot complete non-life, non-safety and non-health improvements, prior to City Engineer signature on the final plat and/or prior to occupancy, a surety agreement may be approved as set forth in UDC 11-5C-3C.
9. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
10. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
11. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
12. Developer shall coordinate mailbox locations with the Meridian Post Office.
13. All grading of the site shall be performed in conformance with MCC 11-1-4B.
14. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
15. The engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
16. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
17. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
18. Street light plan requirements are listed in section 6-7 of the Improvement Standards for Street Lighting (http://www.meridiancity.org/public_works.aspx?id=272). All street lights shall be installed at developer's expense. Final design shall be submitted as part of the development plan set for approval, which must include the location of any existing street lights. The contractor's work and materials shall conform to the ISPWC and the City of Meridian Supplemental Specifications to the ISPWC. Contact the City of Meridian Transportation and Utility Coordinator at 898-5500 for information on the locations of existing street lighting.

- 19. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian’s standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2” x 11” map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to signature of the final plat by the City Engineer.
- 20. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
- 21. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer’s Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
- 22. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact the Central District Health Department for abandonment procedures and inspections.
- 23. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C.1). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to development plan approval.
- 24. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.

VIII. REQUIRED FINDINGS FROM THE UNIFIED DEVELOPMENT CODE

In consideration of a short plat, the decision-making body shall make the following findings:

A. The plat is in conformance with the Comprehensive Plan and is consistent with the Unified Development Code;

The Comprehensive Plan designates the future land use of this property as Commercial. The current zoning district of the site is C-G. Staff finds the proposed short plat complies with the Comprehensive Plan and the dimensional standards in the UDC for the C-N district.

B. Public services are available or can be made available and are adequate to accommodate the proposed development;

Staff finds that public services are adequate to serve the site.

C. The plat is in conformance with scheduled public improvements in accord with the City’s capital improvements program;

Staff finds that the development will not require the expenditure of capital improvement funds. All required utilities are being provided with the development of the property at the developer's expense.

D. There is public financial capability of supporting services for the proposed development;

Staff finds that the development will not require major expenditures for providing supporting services. Sewer, water, utilities and pressurized irrigation already serve the project.

E. The development will not be detrimental to the public health, safety or general welfare; and

Staff finds the proposed short plat to condominiumize the existing structure will not be detrimental to the public health, safety or general welfare.

F. The development preserves significant natural, scenic or historic features.

Staff is not aware of any significant natural, scenic or historic features associated with short platting the structure on this site.



AGENDA ITEM

ITEM TOPIC: Public Hearing for Moberly Rezone (H-2021-0089) by Carl Argon, Located on Parcel R0406010125, South of W. Broadway Ave. Between NW 2nd St. and NW 1st St.
A. Request: Rezone 0.159 acres of land from I-L to O-T to allow a duplex.



PUBLIC HEARING INFORMATION

Staff Contact: Alan Tiefenbach

Meeting Date: March 22, 2022

Topic: **Public Hearing** for Moberly Rezone (H-2021-0089) by Carl Argon, Located on Parcel R0406010125, South of W. Broadway Ave. Between NW 2nd St. and NW 1st St.

A. Request: Rezone 0.159 acres of land from I-L to O-T to allow a duplex.

Information Resources:

[Click Here for Application Materials](#)

[Click Here to Sign Up to Testify at the City Council Public Hearing](#)

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 3/22/2022
 TO: Mayor & City Council
 FROM: Alan Tiefenbach, Associate Planner
 208-884-5533
 SUBJECT: H-2021-0089
 Moberly Rezone
 LOCATION: Parcel R0406010125, located south of W. Broadway Ave., between NW 2nd St and NW 1st St.



I. PROJECT DESCRIPTION

This is a request to rezone 0.16 acres of land from I-L to O-T to allow the construction of a duplex.

II. SUMMARY OF REPORT

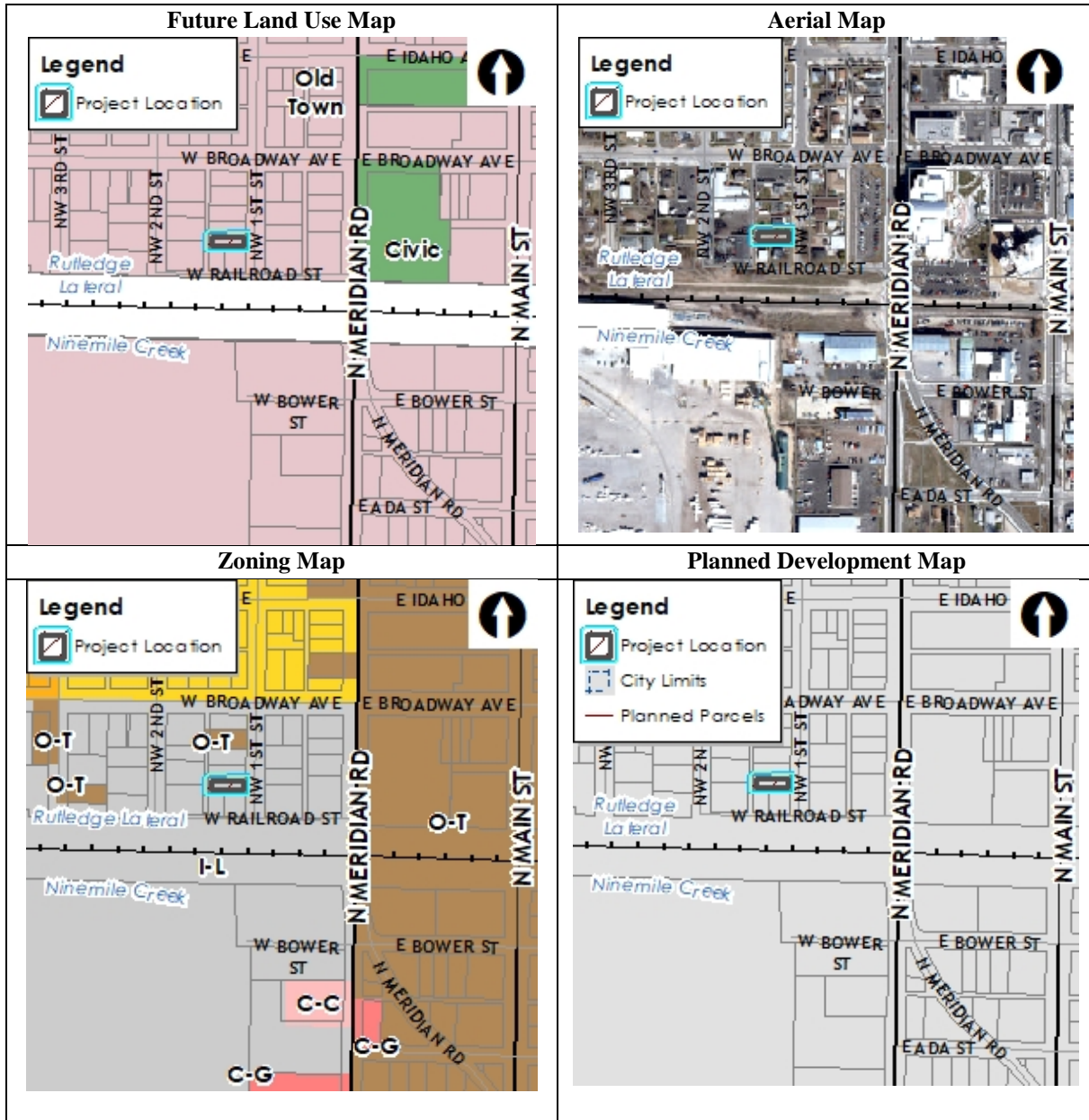
1. Project Summary

| Description | Details | Page |
|---|--|------|
| Acreage | 0.16 acres | |
| Future Land Use Designation | Old Town (O-T) | |
| Existing Land Use(s) | Vacant | |
| Proposed Land Use(s) | One duplex | |
| Lots (# and type; bldg./common) | 1 lot | |
| Phasing Plan (# of phases) | NA | |
| Number of Residential Units (type of units) | 2 | |
| Density | 12 du/ac | |
| Open Space (acres, total [%]/buffer/qualified) | None required | |
| Amenities | NA | |
| Physical Features (waterways, hazards, flood plain, hillside) | No unique physical features | |
| Neighborhood meeting date; # of attendees: | Octboer 19, 2021 – 4 attendees | |
| History (previous approvals) | J.M. Anderson’s Second Addition, platted in 1905 | |

2. Community Metrics

| Description | Details | Page |
|---|---|------|
| Ada County Highway District | No traffic impact study required | |
| <ul style="list-style-type: none"> • Staff report (yes/no) • Requires ACHD Commission Action (yes/no) | No | |
| Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed) | Access will occur from an alley accessed from W. Broadway Ave and W. Railroad St | |
| Stub Street/Interconnectivity/Cross Access | None | |
| Existing Road Network | NW 2 nd St, W. Broadway Ave, W. Railroad St and NW 1 st St. | |
| Existing Arterial Sidewalks / Buffers | No buffers proposed or required | |
| Proposed Road Improvements | No road improvements required, sidewalk will be required along the NW 2 nd St frontage | |
| Distance to nearest City Park (+ size) | Approx. 1/4 mile to Centennial Park | |
| Fire Service | No comments | |
| Police Service | No comments | |
| Wastewater | | |
| <ul style="list-style-type: none"> • Comments | <ul style="list-style-type: none"> • Additional 306 gpd committed to model. Total committed flow to treatment plant is 14.25 MGD. • Currently sewer is from back alleyway to the west. However, City is planning on abandoning the line in the alley and installing a new main in W 1st St. The plan is for this project to start Spring of 2022. If the applicant wishes to connect to sewer in the alleyway before the new sewer is installed they will be required to install a dry line to the east property boundary for easy connection to the new main once built. | |
| Water | | |
| Distance to Water Services | 0 | |
| Pressure Zone | 2 | |
| Water Quality | No concerns | |
| Project Consistent with Water Master Plan | Yes | |
| Impacts/Concerns | A utility plan will need to be submitted, reviewed and approved by PW. | |

3. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Carl Argon – 4515 E. Copper Point Dr. Meridian, ID 83642

B. Owner:

Moberly Holdings, LLC - 4408 W. Saddle Ridge Dr., Nampa, ID 83687

IV. NOTICING

| | Planning & Zoning Posting Date | City Council Posting Date |
|--|---|--------------------------------------|
| Newspaper Notification | 3/6/2022 | |
| Radius notification mailed to properties within 300 feet | 3/7/2022 | |
| Sign Posting | 3/8/2022 | |
| Nextdoor posting | 3/8/2022 | |

V. STAFF ANALYSIS

This is a proposal to rezone from I-L to O-T to allow for the construction of duplex.

The subject property is a vacant lot comprising 0.16-acres which is zoned I-L. Along NW 1st St. (east side of the property) is predominately single family, multifamily and duplexes, nearly all of which is at least 50 years of age (with many dating back to the early 1900s). West of the property is a mixture of industrial uses, a food bank, religious facility and residential, both single family and attached. North of the property is single family attached and multifamily. One of the properties approximately 100 feet to the north is already zoned O-T (631 NW 1st St). Railroad tracks are approximately 200 feet south of the property. An alley borders the property along the west.

1. Rezoning

The applicant proposes to rezone from I-L to O-T to construct a duplex. A duplex is a principally-permitted use in the O-T zoning district and the zoning would be in conformance with the FLUM as described below.

The City may require a development agreement (DA) in conjunction with a rezoning pursuant to Idaho Code section 67-6511A. As this property is already within the City, the infrastructure surrounding the property has already been installed, and all other requirements have been addressed through pertinent regulations, staff comments, and the design review required for the duplex, staff is not recommending a development agreement with this rezoning.

2. Future Land Use Map Designation (<https://www.meridiancity.org/compplan>)

The FLUM recommends the property for Old Town. This designation includes the historic downtown and the true community center. 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.

The purpose of the O-T district is to accommodate and encourage further intensification of the historical city center in accord with the Meridian Comprehensive Plan. The intent of the O-T district is to delineate a centralized activity center and to encourage its renewal, revitalization and growth as the public, quasi-public, cultural, financial and recreational center of the city. Public and quasi- public uses integrated with general business, and medium high to high density residential is encouraged to provide the appropriate mix and intensity of activities necessary to establish a truly urban city center.

The applicant proposes to construct a duplex (2units) on the subject property once the rezone process is concluded. Although the Plan does specifically mention multi-family residential over ground floor retail or office uses, the property is surrounded on three sides by existing one story residential and multifamily with only a small number of industrial or non-residential uses in close

proximity. Although a work / live situation is feasible, because the subject property is on a residential street with no commercial frontage, staff finds the proposed residential use in this area appropriate.

3. Comprehensive Plan Policies (<https://www.meridiancity.org/compplan>):

- Encourage diverse housing options suitable for various income levels, household sizes, and lifestyle preferences. (2.01.01)

This application is for a rezoning from I-L to O-T to allow a duplex on an infill site. This would allow for more diversity in housing.

- Maintain a range of residential land use designations that allow diverse lot sizes, housing types, and densities. (2.01.01C)

A duplex would increase the diversity in lot sizes, housing types and densities.

- Encourage the development of high quality, dense residential and mixed-use areas near in and around Downtown, near employment, large shopping centers, public open spaces and parks, and along major transportation corridors, as shown on the Future Land Use Map. (2.02.01E)

The subject property is an infill site near the downtown core, within a large area which is designated for Old Town zoning by the Comprehensive Plan, near N. Meridian Rd., a principal arterial, and is within walking distance of a large amount of goods, services and jobs.

- Encourage infill development. (3.03.01E.)

The property is vacant property, surrounded by existing residential development on all sides, except for a body repair shop directly to the west. This is an infill development.

- Ensure development is connected to City of Meridian water and sanitary sewer systems and the extension to and through said developments are constructed in conformance with the City of Meridian Water and Sewer System Master Plans in effect at the time of development. (3.03.03A)

This project can be serviced by City of Meridian water and sewer, and all infrastructure will be designed in conformance with City standards.

4. Existing Structures/Site Improvements:

The property is presently vacant.

5. Proposed Use Analysis:

The applicant proposes to rezone from I-L to O-T to construct a duplex. This is a principally-permitted use in the O-T zoning district subject to applicable standards for development in the traditional neighborhood districts.

6. Dimensional Standards (UDC 11-2):

UDC 11-2D-4 requires a minimum height of 35 feet and all buildings should be a minimum of 2-stories. There are no minimum setbacks in the O-T zoning district. The proposed elevations reflect a building that is 2-stories.

7. Access (UDC 11-3A-3, 11-3H-4):

The subject property would be alley-loaded. This brings the building closer to the street and removes garages and driveways from the front view of the home. This is consistent with new urbanist principles in an old town zone district. Access will occur via an alley at the west which connects from W. Broadway to W. Railroad St. At present, there is a dumpster blocking the alley north of the property. This requires access to occur by traveling southbound on NW 2nd St and

then eastbound on W. Railroad St, which is a one-way street. There is presently a fence in the location where the driveway is proposed, but staff did confirm by a site visit that the 16 ft. wide alley to the location of the proposed driveway is adequate. ACHD and Fire have reviewed the proposed access configuration and have not expressed comments or concerns.

8. Parking (*UDC 11-3C*):

The applicant proposes a duplex with two-bedroom units. UDC 11-3C-6 requires 2 parking spaces per dwelling unit with at least one in an enclosed garage, other spaces may be enclosed or a minimum 10-foot by 20-foot parking pad.

The concept site plan reflects two one-car garages with a driveway area of 30 ft. long by 44 ft. wide. In addition, there is plenty of on-street guest parking along NW 1st Street. The parking provided meets the minimum requirements of 11-3C. As required per UDC 11-3C-5, all off street parking areas and driveways into and through a parking area shall be improved with a compacted gravel base, not less than four (4) inches thick, surfaced with asphaltic pavement.

9. Sidewalks (*UDC 11-3A-17*):

There is presently no sidewalk, curb or gutter along NW 1st St. The applicant will be required to install a sidewalk a minimum of 5 ft. in width as required per UDC 11-3A-17.

10. Landscaping (*UDC 11-3B*):

A landscape buffer is not required for a duplex in the O-T zone district. The UDC does not regulate landscaping on residential lots.

11. Fencing (*UDC 11-3A-6, 11-3A-7*):

There is existing fencing along the side and rear property line. The rear fencing would need to be removed to accommodate parking at the alley-loaded structure. Any new or relocated fencing should comply with fencing regulations per UDC 11-3A-7.

12. Utilities (*UDC 11-3A-21*):

Public services are available to accommodate the proposed development.

13. Building Elevations (*UDC 11-3A-19 | Architectural Standards Manual*):

A conceptual elevation was provided with this application. The elevation indicates a structure with pitched roofs, fishscale accents, clapboard siding, shuttered windows and a small ground level patio on each side. As is required by the O-T zoning district, the units are at least two-stories, although the elevations do not indicate whether the minimum required 35' height is met.

Design review is required prior to building permit. The dwelling units will be reviewed against the Architectural Standards Manual (ASM). The ASM for residential requires visually heavier and more massive elements or materials, such as stone or masonry, primarily at the base of buildings, and lighter elements and materials such as siding. Also, the ASM states primary building entries to be clearly defined using any unique combination of architectural elements, materials, or façade modulation meeting other architectural standards in the Manual.

The elevations show a combined front entrance inset for both units with minimal overhang. This project is near the downtown core and is being proposed for Old-Town zoning. A key element of old-town design is walkability in residential areas, bringing houses to the street with narrow setbacks (or build-to's) and offering a sense of community and gathering places through the uses of useable porches. In order to set the precedent for how NW 1st develops in the future, staff recommends a condition of approval that at time of design review submittal the structure shall

include a ground-level covered porch for each unit (individual or combined) of sufficient size to allow covered seating at the front.

VI. DECISION

A. Staff:

Staff recommends approval of the proposed rezoning from I-L to O-T with the conditions noted in Section VII of this report.

B. The Meridian Planning & Zoning Commission heard this item on February 3, 2021. At the public hearing, the Commission moved to approve the subject rezone request.

1. Summary of the Commission public hearing:

- a. In favor: Carl Argon
- b. In opposition: Rebecca Weland, Don Weland and Bogdan Martsenyuk
- c. Commenting: Carl Argon
- d. Written testimony: None
- e. Staff presenting application: Alan Tiefenbach
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. Two-story height of buildings.
- b. Using the alley for access and whether it would impact the food bank.
- c. Desire to keep the neighborhood industrial.

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

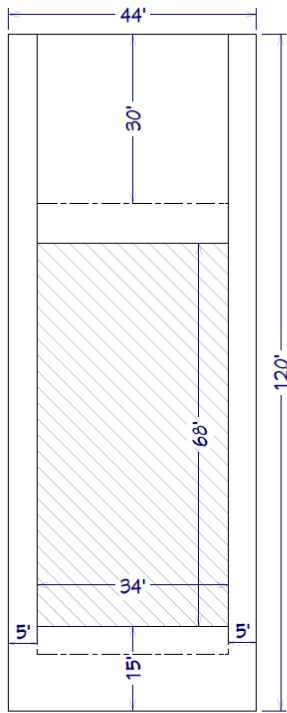
- a. Whether there were other 2-story buildings in the vicinity.
- b. Whether the Plan recommendations of Old Town made sense in this area.
- c. Concerns regarding preservation of buildings and how new buildings could be compatible.

4. Commission change(s) to Staff recommendation:

- a. Commission recommended a condition of approval that architectural design and materials should be generally consistent with neighborhood aesthetics.

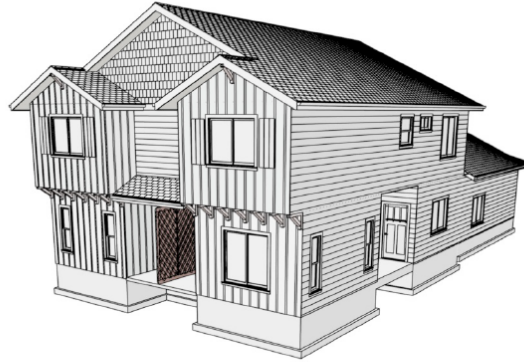
VII. EXHIBITS

1. Building Envelope (NOT APPROVED)



1ST STREET

Site Map
SITE MAP SCALE: 1/4" = 2'



To the best of my knowledge these plans are to comply with owner's and/or builder's specifications and any changes made on them prior to construction shall be done at the owner's expense and responsibility. The contractor shall verify all dimensions and enclosed drawings. RB CONSTRUCTION is not liable for errors or omissions on construction. While every effort has been made in the preparation of this plan to avoid mistakes, the maker can not guarantee against human error. The contractor of the job must check all dimensions and other details prior to construction and be solely responsible thereat.

BUILDING CONTRACTOR/HOME OWNER TO REVIEW AND VERIFY ALL DIMENSIONS, SPECIFICATIONS AND CONNECTIONS BEFORE CONSTRUCTION BEGINS.
ELECTRICAL SYSTEM CODE: SEC. 2501
MECHANICAL SYSTEM CODE: SEC. 2601
PLUMBING SYSTEM CODE: SEC. 2601

2. Rezoning Legal Description (date: 12/9/2021)

Description for
O-T Zone
December 9, 2021

A portion of the in the Northeast 1/4 of the Southeast 1/4 of Section 12, Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho more particularly described as follows:

Commencing at a 5/8" Iron pin marking the centerline intersection of N. Meridian Road and W. Broadway Avenue, from which a 5/8" Iron pin marking the centerline intersection of W. 3rd Street and W. Broadway Avenue, bears North 89°25'49" West, 956.87 feet; thence on the centerline of W. Broadway Avenue, North 89°25'49" West, 323.00 feet to the centerline of NW 1st Street; thence on the centerline of NW 1st Street, South 00°30'09" West, 246.25 feet to the easterly extension of the north boundary line of the South 3/4 of Lot 9, Block 2, J.M. Andersons Second Addition to Meridian, as file in Book 2 of Plats at Page 87, records of Ada County, Idaho and the **REAL POINT OF BEGINNING**;

thence continuing on said centerline, South 00°30'09" West, 43.75 feet to the easterly extension of the south boundary line of Lot 10, Block 2 of said J.M. Andersons Second Addition to Meridian;

thence on said south boundary line and the easterly and westerly extension thereof, North 89°25'49" West, 158.06 feet to the centerline of a public alley;

thence on the centerline of the public alley, North 00°30'09" East, 43.75 feet to the westerly extension of the north boundary line of the South 3/4 of said Lot 9;

thence on said north boundary line and the easterly and westerly extension thereof, South 89°25'49" East, 158.06 feet to the **REAL POINT OF BEGINNING**.

Containing 0.159 acres, more or less.

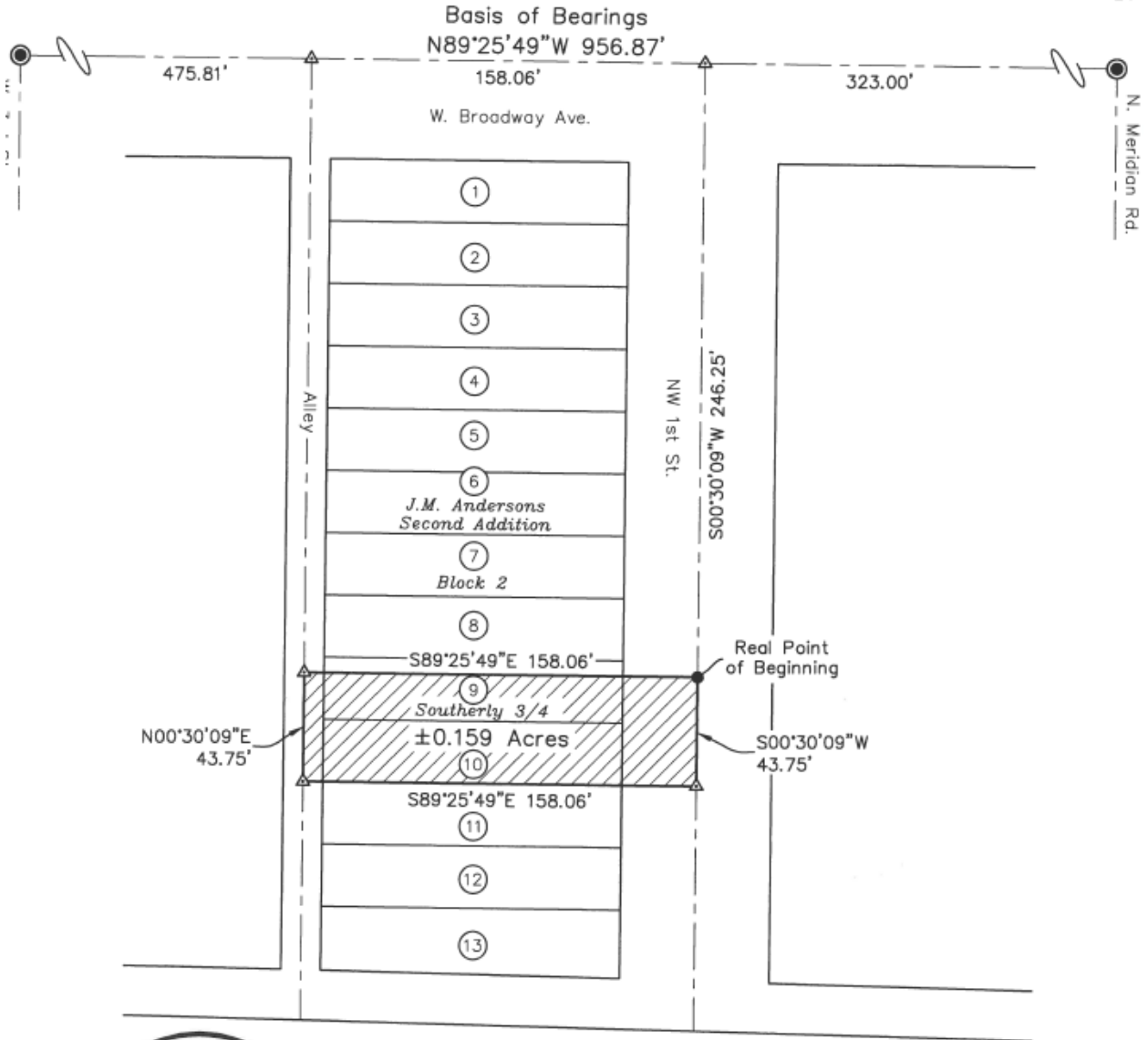
This description was prepared using record data as shown on Record of Survey No. 9863, recorded as Instrument No. 2014-056419, records of Ada County, Idaho and was not verified with a survey on the ground by Idaho Survey Group, LLC.

End of Description.



Item #5.

0 10 30 60 120



Union Pacific Railroad

VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING

Staff Comments:

1. Administrative design review is required prior to building permit for all new attached residential structures containing two (2) or more dwelling units. Elevations should include at least two field materials, accent materials, a heavier accent material around the base of the buildings, covered porches, and overhangs matching the rooflines or porches over the garage doors.
2. The duplex shall include a ground-level covered porch at the front for each unit (individual or combined) of sufficient size to allow covered seating. Conformance will be reviewed at time of design review.
3. **Architectural design and materials shall be generally consistent with neighborhood aesthetics.**
4. All off street parking areas and driveways shall be improved with a compacted gravel base, not less than four (4) inches thick, surfaced with asphaltic pavement, as required per UDC 11-3C-5.
5. Sidewalk should be constructed along NW 1st Street pursuant to UDC 11-3A-17.
6. Staff's failure to cite specific ordinance provisions does not relieve the applicant of responsibility for compliance.
7. The applicant shall construct all proposed fencing and/or any fencing required by the UDC, consistent with the standards as set forth in UDC 11-3A-7 and 11-3A-6B, as applicable.
8. The development shall comply with all provisions of the O-T zoning district as set forth in UDC 11-2D-1.

B. PUBLIC WORKS CONDITIONS:

Site Specific Conditions:

1. There is a sewer main running through the alley on the west side of this parcel that currently serves the area, however, the City will be installing a new line in West 1st Street which will need to be utilized. The applicant can use the current sewer line, but must install a dry line to the east for future connection to the new main once it is built.
2. A utility plan must be provided for review and approval by the City with the building permit application.

General Conditions:

3. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
4. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
5. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in

the development, and if so, how they will continue to be used, or provide record of their abandonment.

- 6. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
- 7. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
- 8. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
- 9. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 10. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 11. Developer shall coordinate mailbox locations with the Meridian Post Office.
- 12. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 13. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.

C. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiantcity.org/WebLink/DocView.aspx?id=250046&dbid=0&repo=MeridianCity>

IX. FINDINGS

A. Rezoning

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 I-L zoning district to the O-T zoning district is consistent with the Comprehensive Plan, if all conditions of approval are met.

2. The map amendment complies with the regulations outlined for the proposed districts, specifically the purpose statement;

Commission finds the proposed zoning map amendment and the request for the development

complies with the regulations outlined in the requested O-T zoning district and is consistent with the purpose statement of the requested traditional neighborhood zoning districts in general.

- 3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;**

As this is an infill site surrounded by predominately residential development, 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.



AGENDA ITEM

ITEM TOPIC: Public Hearing Continued from January 11, 2022 for Heron Village Expansion (H-2021-0027) by Tamara Thompson of The Land Group, Inc., Located at 51, 125 and 185 E. Blue Heron Ln.

A. Request: Annexation of 1.36 acres of land with a R-40 zoning district.

B. Request: Rezone of 4.18 acres of land from C-G and R-8 to R-40.

C. Request: Conditional Use Permit to allow expansion of an existing 108-unit, 5-building multifamily complex to allow an additional 36 units in two new buildings.



PUBLIC HEARING INFORMATION

Staff Contact: Alan Tiefenbach

Meeting Date: March 22, 2022

Topic: **Public Hearing** Continued from January 11, 2022 for Heron Village Expansion (H-2021-0027) by Tamara Thompson of The Land Group, Inc., Located at 51, 125 and 185 E. Blue Heron Ln.

- A. Request: Annexation of 1.36 acres of land with a R-40 zoning district.
 - B. Request: Rezone of 4.18 acres of land from C-G and R-8 to R-40.
 - C. Request: Conditional Use Permit to allow expansion of an existing 108-unit, 5-building multifamily complex to allow an additional 36 units in two new buildings.
-

Information Resources:

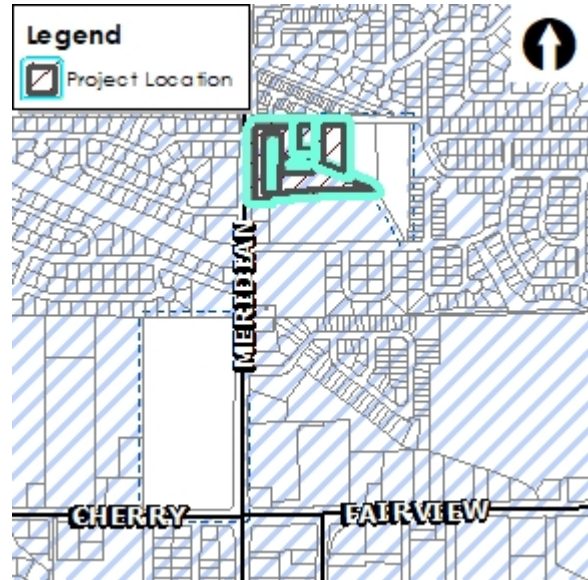
[Click Here for Application Materials](#)

[Click Here to Sign Up to Testify at the City Council Public Hearing](#)

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 10/12/2021
 TO: Mayor & City Council
 FROM: Alan Tiefenbach, Associate Planner
 208-884-5533
 SUBJECT: H-2021-0027
 Heron Village (Phase 2)
 LOCATION: The site is located at 51, 125 and 185 E. Blue Heron Ln, in a portion of Government Lot 6 of Section 6, Township 3 North, Range 1 East.



I. PROJECT DESCRIPTION

This is a proposal for annexation of 1.36 acres of land with the R-40 zoning district, rezoning of 4.18 acres of land from C-G and R-8 to R-40, and a Conditional Use Permit to allow expansion of an existing multifamily complex to allow 36 additional units in two new buildings.

II. SUMMARY OF REPORT

A. Project Summary

| Description | Details | Page |
|--|---|------|
| Acreage | 1.36 acres being annexed, 5.54 acres being rezoned to R-40 | |
| Future Land Use Designation | MU-N | |
| Existing Land Use(s) | Single Family Residential / Rural | |
| Proposed Land Use(s) | Multifamily | |
| Lots (# and type; bldg./common) | Existing development is on 5 lots, one more lot would be annexed. | |
| Phasing Plan (# of phases) | One phase | |
| Number of Residential Units (type of units) | 108 existing, 36 more proposed | |
| Density | 19.6 du/acre (total) | |
| Open Space (acres, total [%]/buffer/qualified) | Existing – 1.58 acres (29%), Usable .96 acres (17%) Proposed – 10,200 sq. ft. req'd, 15,300 sq. ft. proposed | |
| Amenities | Existing amenities include half basketball court, plaza containing benches and trellis, 1,620 sq. ft. clubhouse with exercise room, playground, horseshoe pit, barbeques and picnic tables. | |

| Description | Details | Page |
|---|--|------|
| | Proposed amenities include 70'x100' grassy area, park benches and picnic tables, enclosed bike storage. | |
| Physical Features (waterways, hazards, flood plain, hillside) | None | |
| Neighborhood meeting date; # of attendees: | February 10, 2021 – 7 attendees Staff has received 2 letters and 5 voicemails in opposition to this request. Issues expressed include parking along E. Blue Heron and lack of emergency access. | |
| History (previous approvals) | AZ 01-014, CUP 12-0021, MCU 13-005, CZC 13-038, DES 13-039) | |

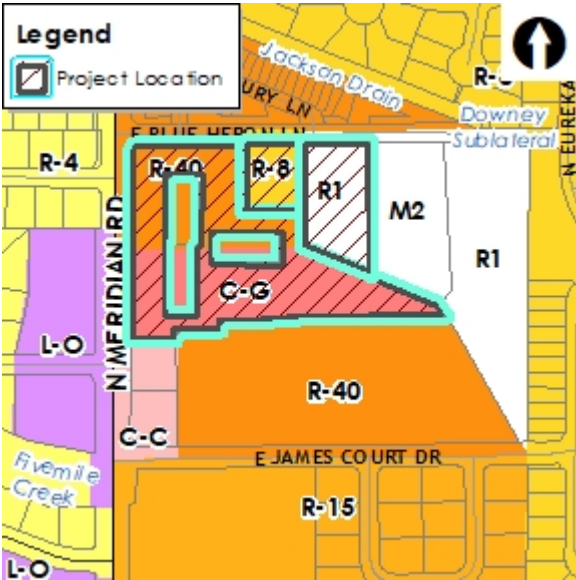
B. Community Metrics

| Description | Details | Page |
|--|--|------|
| Ada County Highway District | | |
| <ul style="list-style-type: none"> Staff report (yes/no) | Yes | |
| <ul style="list-style-type: none"> Requires ACHD Commission Action (yes/no) | No | |
| Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed) Existing Road Network | One existing access from E. Blue Heron Ln (local road), one additional access proposed from E. Blue Heron Ln E. Blue Heron Ln (local road) and N. Meridian Rd (arterial) | |
| Existing Arterial Sidewalks / Buffers | <ul style="list-style-type: none"> Sidewalk already exists along N. Meridian Rd. 5' wide sidewalk is constructed along the portion of Blue Heron Ln of which the existing multifamily development exists The landscape plan indicates this sidewalk will be extended along the frontage of the additional property where the expansions are proposed. | |
| Proposed Road Improvements | Staff is recommending an existing pathway connecting the east terminus of E. Blue Heron to N. Eureka Ave be widened for emergency access only. | |
| Distance to nearest City Park (+ size) | ½ mile to Settler's Park, ¾ mile to 8 th St Park, | |
| Distance to other key services | 0.5 mile +/- to shopping center and commercial services at N. Meridian Rd / E. Fairview Ave intersection. | |
| Fire Service | | |
| <ul style="list-style-type: none"> Distance to Fire Station | 1.8 miles to Fire Station 3 | |
| <ul style="list-style-type: none"> Fire Response Time | < 5 minutes | |
| <ul style="list-style-type: none"> Resource Reliability | 78% | |
| <ul style="list-style-type: none"> Risk Identification | 2 – current resources not adequate to supply service | |
| <ul style="list-style-type: none"> Accessibility | Meets all requirements | |
| <ul style="list-style-type: none"> Special/resource needs | Aerial device will be required | |
| <ul style="list-style-type: none"> Water Supply | 2,250 gpm | |
| <ul style="list-style-type: none"> Other Comments | <ul style="list-style-type: none"> All buildings must be sprinklered. Fire has expressed issues with parking availability and cars parked along W. Blue Heron. Fire has recommended secondary emergency access to N. Eureka Rd. | |
| Police Service | | |
| <ul style="list-style-type: none"> No comments | | |
| West Ada School District | | |

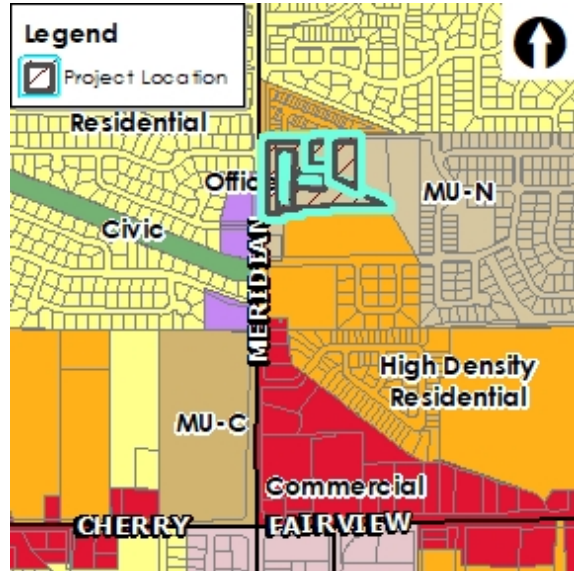
| Description | Details | Page |
|--|--|------|
| <ul style="list-style-type: none"> Distance (elem, ms, hs) | 4.4 elem, 1.7 ms, 2.6 hs | |
| <ul style="list-style-type: none"> # of Students Enrolled | 4 additional school-aged children projected | |
| Wastewater | | |
| <ul style="list-style-type: none"> Distance to Sewer Services | N/A | |
| <ul style="list-style-type: none"> Sewer Shed | Five Mile Trunkshed | |
| <ul style="list-style-type: none"> Estimated Project Sewer ERU's | See application | |
| <ul style="list-style-type: none"> WRRF Declining Balance | 14.16 | |
| <ul style="list-style-type: none"> Project Consistent with WW Master Plan/Facility Plan | Yes | |
| Water | | |
| <ul style="list-style-type: none"> Distance to Water Services | 0 | |
| <ul style="list-style-type: none"> Pressure Zone | 2 | |
| <ul style="list-style-type: none"> Estimated Project Water ERU's | See application | |
| <ul style="list-style-type: none"> Water Quality | No concerns | |
| <ul style="list-style-type: none"> Project Consistent with Water Master Plan | Yes | |
| <ul style="list-style-type: none"> Impacts/Concerns | <ul style="list-style-type: none"> No proposed water infrastructure submitted with this record. Engineering must review any new infrastructure. Connect to existing apartment development to west and to Blue Heron Ln. Existing water services must be abandoned at the main in Blue Heron Ln. Both addresses (125 and 185 E Blue Heron Ln) have a meter to the site. If these meters are not used they need to be abandoned at the main. Provide looping of water line from Blue Heron Rd to existing water line to the west in Heron Village. Provide water stub to east property boundary to facility future looping. Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement. | |

C. Project Area Maps

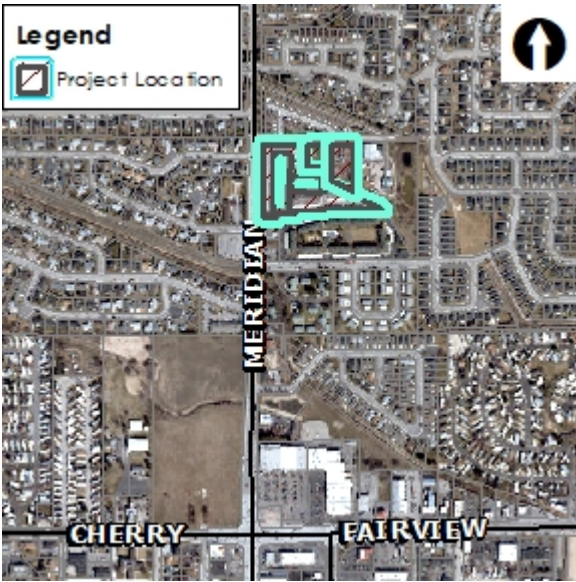
Zoning Map



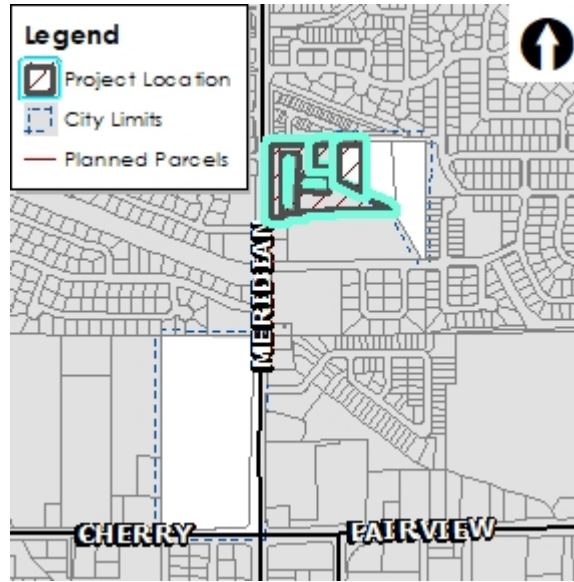
Future Land Use



Aerial Map



Planned Development Map



III. Applicant Information

A. Applicant / Representative:

Tamara Thompson – The Land Group, Inc – 462 E. Shore Dr, Ste. 100, Eagle, ID, 83616

B. Owner:

PPHC Heron Property LLC – 28717 Grumman Dr., Eugene, OR 97402

IV. NOTICING

| | Planning & Zoning Posting Date | City Council Posting Date |
|--|--------------------------------|---------------------------|
| Newspaper Notification | 6/25/2021 | |
| Radius notification mailed to properties within 300 feet | 6/22/2021 | |
| Nextdoor posting | 6/22/2021 | |
| Sign Posting | 9/7/2021 | |

V. STAFF ANALYSIS

Background

The existing Heron Village Apartments consist of 108 units in 5 buildings on 5.5 acres. 0.65 acres are zoned R-8 and were platted with the J. E. Pfof's Subdivision in 1908. The remaining 4.86 acres are zoned R-40 and C-G and were annexed in 2002 as the Ted Williams Annexation. There are several conditions of approval of this annexation regarding road and infrastructure improvements, but no development agreement. A conditional use permit was approved for the multifamily complex in 2013 (CUP 12-021). In 2014 a modification to the conditional use was approved (MCU-13-005) to allow replacement of several of the amenities. A Certificate of Zoning Compliance was approved in April of 2013 (CZC 13-038).

In September of 2020, the applicant requested a pre-application meeting with staff to discuss annexation of an additional 1.36 acres of land to the east of the existing complex (185 E. Blue Heron Ln) to construct 36 more units in two buildings. Because the Heron Village Apartments were on several properties within different zone districts (C-G, R-40 and R-8) and because they were annexing and zoning additional property anyway, Staff recommended to the applicant that it would be preferable to rezone all of the associated properties to R-40.

A. Annexation

The proposed annexation area is contiguous to City annexed property and is within the Area of City Impact Boundary. A legal description and exhibit map for the annexation and rezone area is included in Section VII.

There is not a development agreement with the existing development. As will be discussed below, staff and the applicant have discussed this project with the understanding that what is currently being proposed is a second phase and expansion to the existing development with shared parking, amenities and open space. To ensure this intent is met and the project develops cohesively, staff recommends this be reflected in a development agreement.

B. Future Land Use Map Designation (<https://www.meridiancity.org/compplan>)

The Future Land Use Map designates the subject property for Mixed Use Neighborhood (MU-N). The purpose of this designation is to assign areas where neighborhood-serving uses and dwellings are seamlessly integrated into the urban fabric. The intent is to avoid predominantly single-use developments by incorporating a variety of uses. Land uses in these areas should be primarily residential with supporting non-residential services. Non-residential uses in these areas tend to be smaller scale and provide goods or services that people typically do not travel far for (approximately one mile) and need regularly.

This proposal is to annex a 1.2-acre lot zoned R-1 in the County, and zone it and a 0.65-acre lot to the west (already zoned R-8 in the City) to R-40. The purpose is to proceed with a conditional use for a 36-unit expansion to an existing multifamily development. This application also includes rezoning the portion of the existing multifamily development that is C-G to R-40 so the entire development is in the same zone district. The subject property is between high density residential at north and south, with uses becoming progressively more commercial to very intensive commercial uses at the N. Meridian Rd. E. Fairview Ave intersection. As this project is to allow expansion of the existing multifamily to an infill vacant parcel to the east, staff believes at the regional scale this proposal meets the intent of the Plan.

C. Comprehensive Plan Policies (<https://www.meridiancity.org/compplan>):

- Encourage a variety of housing types that meet the needs, preferences, and financial capabilities of Meridian’s present and future residents. 2.01.02D

The proposed multifamily residential development will contribute to the variety of housing types available within the City.

- Support infill development that does not negatively impact the abutting, existing development. (2.02.02C)

This proposal is to allow infill of an existing vacant parcel on the northeast portion of the subject properties to allow expansion of an existing multifamily development, surrounded by existing multifamily development to the north and south, industrial uses to the east, and religious and single family residential across N. Meridian Rd to the west. Although there could be some incremental impacts associated with additional units, the impacts associated with this development are already primarily established and there would be few or negligible impacts on the single family residential across N. Meridian Rd.

- Encourage the development of high quality, dense residential and mixed-use areas near in and around Downtown, near employment, large shopping centers, public open spaces and parks, and along major transportation corridors, as shown on the Future Land Use Map. (2.02.01E)

This expansion to an existing multifamily development is located along N. Meridian Rd, in close proximity to a variety of commercial uses, including approximately 1/2 mile to a shopping center, along the intensely commercial E. Fairview / N. Meridian Rd. intersection.

- Encourage infill development. (3.03.01E)

The proposed annexation of an additional parcel of land surrounded by existing development to allow expansion of an existing multifamily complex would be considered an infill development.

- Permit new development only where it can be adequately served by critical public facilities and urban services at the time of final approval, and in accord with any adopted levels of service for public facilities and services. (3.03.03F)

Urban services and public facilities are already being provided to the existing multifamily complex. This proposal would allow an additional 36 units in two buildings.

D. Existing Structures/Site Improvements:

There is an existing residence, which was constructed in 1954, and accessory structures on the property that is currently zoned R-8. All structures will be removed with development of the additional 36 units.

E. Proposed Use Analysis:

The request is to annex 1.36 acres with an R-40 zone, and rezone a R-8 zoned parcel as well as the C-G zoned portion of the existing multifamily development to R-40 to clean-up the zoning for the existing development and to allow 36 additional multifamily units. This is allowed by conditional use per UDC 11-2A-8.

F. Specific Use Standards (*UDC 11-4-3*):

The specific use standards for multi-family developments listed in UDC 11-4-3-27 apply to development of this site as follows:

- i. Buildings shall provide a minimum setback of ten (10) feet.

The site plan indicates both buildings meet a minimum setback of at least 10' on all sides.

- ii. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, and transformer and utility vaults shall be located in an area not visible from a public street, or shall be fully screened from view from a public street.

The submitted landscape plan reflects dumpsters in an enclosure and screened by landscaping at the east portion of the property. Details regarding this enclosure and any additional ground or roof mounted mechanical or electrical equipment meeting the requirements of 11-3A-12 and 11-4-27 will be required to be submitted with the Certificate of Zoning Compliance (CZC).

The landscape plan indicates ground-mounted condenser units. One of these groups of condenser units is at the north side of Building F, directly along E. Blue Heron Ln. Although the landscape plan suggests 4' high vinyl fencing screening these unit, staff believes there should be additional mitigation to soften the view from the street. Staff recommends additional shrubs be grouped in this area. It should be noted shrubs are required along the building foundation already per the specific use standards, so this would be in addition to that requirement.

- iii. A minimum of eighty (80) square feet of private, usable open space shall be provided for each unit. This requirement can be satisfied through porches, patios, decks, and/or enclosed yards. Landscaping, entryway and other accessways shall not count toward this requirement.

Floorplans of the units indicating this requirement is met shall be required at the time of CZC.

- iv. Developments with twenty (20) units or more shall provide a property management office, maintenance storage area, central mailbox location, including provisions for parcel mail, and a directory and map of the development at an entrance or convenient location for those entering the development.

All of these requirements have already been provided and shown on the site plan associated with the CZC approved for the existing development.

- v. A minimum of 250 sq. ft. of common open space shall be provided for each unit of between 500 sq. ft. and 1,200 sq. ft in area; 350 sq. ft. of common open space is required for all units greater than 1,200 sq. ft in area.

The applicant has provided an open space exhibit which reflects the required open space for both Phase 1 and Phase 2. 41,870 sq. ft. of open space was required with Phase One whereas 53,000 sq. ft. is provided. 10,200 square feet of qualified open space is required with Phase 2, whereas 15,330 sq. ft. is proposed. The proposal meets the minimum requirements of UDC 11-4-3-27.

- vi. Amenities

The existing development consists of 108 units, and an additional 36 units are proposed. The existing development provides a half basketball court, plaza containing benches and trellis, 1,620 sq. ft. clubhouse with exercise room, playground, horseshoe pit, barbecues and picnic tables. This proposal proposes two additional amenities - an approximately 8,600 sq. ft. open space park and 52 new bicycle storage spaces.

UDC 11-4-3-27-D states “for multifamily developments with more than one hundred (100) units, the decision-making body shall require additional amenities commensurate to the size of the proposed development.” The Planning Commission should decide if the amenities are sufficient for the existing development as well as the proposed expansion.

- vii. All street facing elevations shall have landscaping along their foundation. The landscaped area shall be at least three (3) feet wide. For every three (3) linear feet of foundation, an evergreen shrub having a minimum mature height of twenty-four (24) inches shall be planted.

The landscape plan does show landscaped areas around the foundations of the buildings, although it does not indicate whether this includes shrubs. As mentioned above, staff is recommending additional landscaping around the mechanical equipment visible from E. Blue Heron Ln.

G. Dimensional Standards (UDC 11-2):

Dimensional standards of the R-40 zoning district include 10’ front setbacks, 12’ rear setbacks, 3’ side setbacks, and a maximum building height of 60’. However, as mentioned in the specific use standards above, 10’ setbacks are applied to all multifamily projects (on all sides). The development as proposed meets these setbacks, and the elevations provided indicate a maximum height of approximately 42’ from the highest roof pitch. The proposal meets all the dimensional requirements.

H. Access (UDC 11-3A-3, 11-3H-4):

There is one existing access from E. Blue Heron Ln. (local road) serving the existing 108 units; one additional access is proposed from E. Blue Heron Ln.

Meridian Fire has commented that although the site does provide two points of access, both of these accesses are from E. Blue Heron Ln. with the only way in and out occurring from N. Meridian Rd. Fire; they prefer another point of access that does not solely rely on N. Meridian Rd.

E. Blue Heron Ln. terminates into a pathway at the east end which then connects to N. Eureka Ave. Based on discussion with the applicant, they agreed to widen this pathway to 20 feet wide or as approved by Meridian Fire, and provide bollards on either end to allow secondary fire access.

I. Parking (*UDC 11-3C*):

UDC 11-3C-6 requires 1.5 parking spaces per each one-bedroom dwelling unit and at least 2 parking spaces for 2-3 bedrooms units. At least one parking space for each of these units must be in a covered carport or garage.

As requested by staff, the applicant submitted a site plan which indicates the required and proposed parking for both Phase One (the 108 units) and Phase Two (the 36 additional units).

Phase One was required to provide 204 parking spaces with 102 of them covered spaces. 207 parking spaces are provided, with 195 of them being covered. Phase Two is required to provide 69 parking spaces, with 36 of them covered spaces. 87 spaces are provided, with 71 of them being covered. 6 total bicycle parking spaces are required with this development. The parking exceeds the requirements by 21 parking spaces.

The site plan indicates 17' long parking spaces on the south side of Building F, east side of Building G and surrounding the open space. As required by UDC 11-3C-5, sidewalks are at least 7' in width in these areas to allow for vehicle overhang. The remaining parking spaces are shown to be 19' in length. The applicant should be aware that all off-street parking areas shall be provided with a substantial wheel restraint to prevent cars from encroaching upon abutting private and public property or overhanging beyond the designated parking stall dimensions. Wheel stops are not indicated on the site plan or landscape plan. These should be indicated on the site plan with the CZC.

Meridian Fire, Police and the surrounding residents have commented that parking has been a continuous issue for this development, as residents and guests often park on both sides of E. Blue Heron Dr, making emergency access difficult. One cause of this issue is that many of the garages that are intended to be used to satisfy parking requirements are being used for storage, leading to spill-over in other areas of the development and along the local streets. As 71 parking spaces are proposed to be covered with Phase II, staff recommends these covered spaces be accommodated by carports and not garages, to avoid dedicated covered spaces being used for storage.

Elevations of the carports have not been provided. At the time of CZC, the applicant will need to provide elevations that reflect the accessory structures are compatible with the primary buildings and meet all the minimum dimensional requirements of UDC 11-3C-6. The applicant should also be aware that the site plan indicates striped pedestrian crossing areas across the parking lots. UDC 11-3A-19-4 requires internal pedestrian walkways to be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks.

J. Sidewalks (*UDC 11-3A-17*):

Sidewalk already exists along N. Meridian Rd, which has recently been reconstructed. 5' wide sidewalk is constructed along the portion of Blue Heron Ln. of which the existing multifamily development exists; the landscape plan indicates this sidewalk will be extended along the frontage of the additional property where the expansions are proposed in accord with UDC standards.

K. Landscaping (*UDC 11-3B*):

A 25' wide landscape buffer has already been provided along N. Meridian Rd as required by UDC Table 11-2B-3. W. Blue Heron Lane is classified as a local street and as such does not require a street buffer in the R-40 zoning district. However, a 17' wide landscape buffer was installed along the portion of the property frontage developed with Phase One, and the landscape plan indicates this buffer is proposed to continue along the frontage to the property line with Phase Two. A 12' +/- landscape buffer is proposed along the eastern property line, although a

residential buffer is not a requirement for multifamily in the R-40 zoning district and this property is directly adjacent to an existing meat packing plant.

It does appear there is at least 3' wide landscaping areas along the foundations of both buildings with street facing elevations as required per the specific use standards for multifamily, but the landscape plan does not specifically identify shrubs in this area. As mentioned, staff believes there should be additional landscape screening along the street-facing sides of the condenser unit screen fences along E. Blue Heron Ln. The landscape plan submitted with the Certificate of Zoning Compliance application shall comply with all landscaping requirements and is required to be prepared by a landscape architect, landscape designer, or qualified nurseryman, per UDC 131C-3B.

L. Qualified Open Space (*UDC 11-3G*):

The applicant has provided an open space exhibit which reflects the required open space for both Phase 1 and Phase 2. 41,870 sq. ft. of open space was required with Phase One whereas 53,000 sq. ft. is provided. 10,200 square feet of qualified open space is required with Phase 2, whereas 15,330 sq. ft. is proposed. The open space provided for Phase 2 exceeds the requirements.

M. Qualified Site Amenities (*UDC 11-3G*):

UDC 11-4-3-27 requires 4 amenities from each category for multifamily developments of more than 75 units, but for multifamily developments with more than one hundred (100) units, the decision-making body shall require additional amenities commensurate to the size of the proposed development.

The existing development provides a half basketball court, plaza containing benches and trellis, 1,620 sq. ft. clubhouse with exercise room, playground, horseshoe pit, barbeques and picnic tables. With the proposed expansion the applicant proposes a 50'x 100' sq. ft. open space area and 52 additional enclosed bike storage facilities. The Planning Commission should decide if the amenities are sufficient for the existing development as well as the proposed expansion.

N. Fencing (*UDC 11-3A-6, 11-3A-7*):

The landscape plan reflects perimeter fencing that is to match existing fencing. At the time of the CZC, the applicant shall provide all fencing details on the landscape plan.

O. Utilities (*UDC 11-3A-21*):

There is infrastructure serving the existing development. All development is required to connect to the City water and sewer system unless otherwise approved by the City Engineer in accord with UDC 11-3A-21.

P. Building Elevations (*UDC 11-3A-19 | Architectural Standards Manual*):

Conceptual elevations were submitted with this proposal. The elevations utilize architecture that is consistent with the existing buildings including multiple roof pitches, dormers, canopies and outdoor second and third story railings. Building materials include hardiboard lap siding, hardshake shingle siding, cultured stone columns and asphalt singles. Building elevations will be reviewed against the ASM manual at time of CZC.

VI. DECISION

A. Staff:

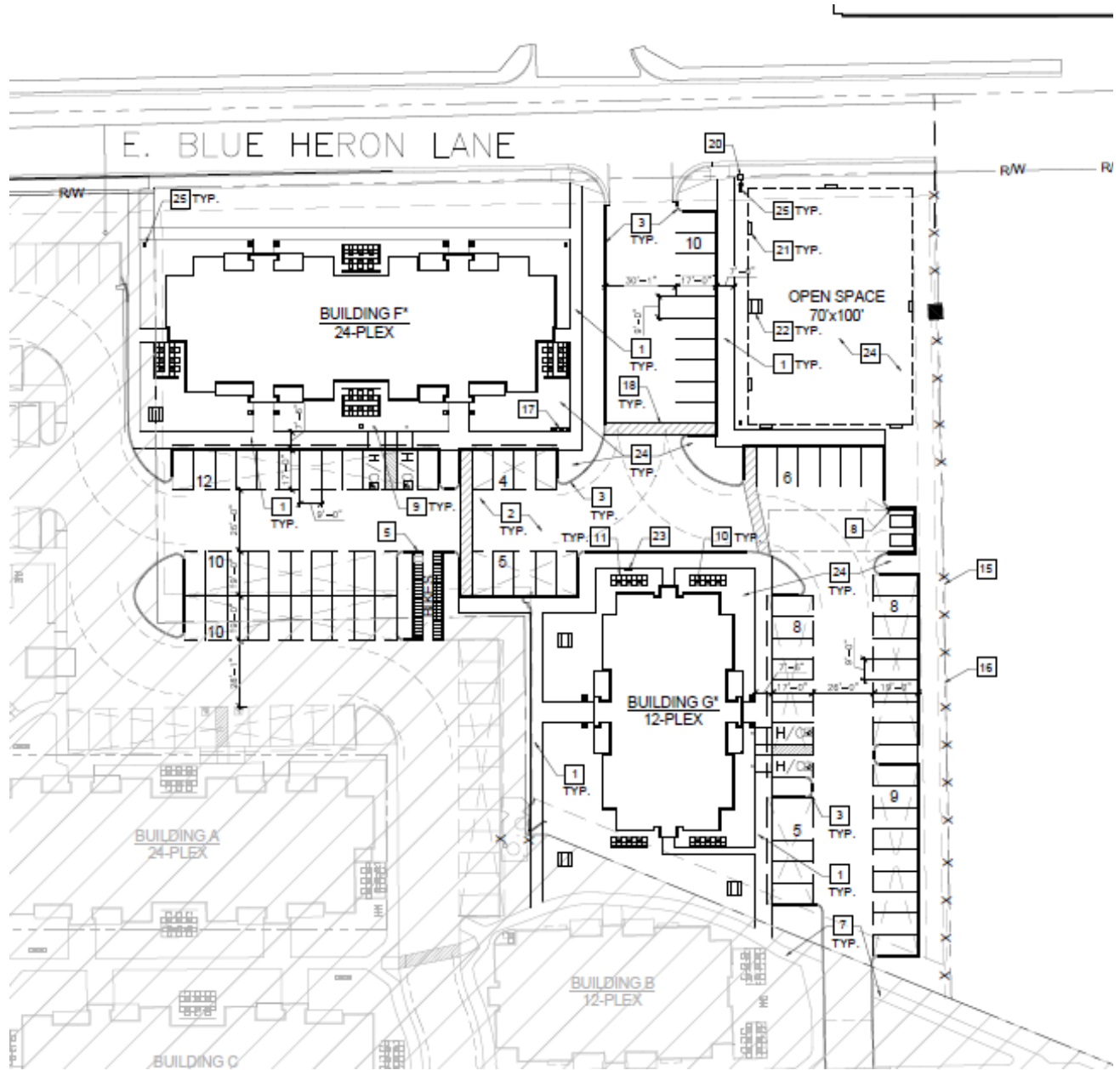
Staff recommends approval of the annexation of 1.36 acres of land with the R-40 zoning district, rezoning of 4.18 acres of land from C-G and R-8 to R-40, and a Conditional Use Permit to allow expansion of an existing multifamily complex to allow 36 additional units in two new buildings

per the provisions and comments included in Section VII in accord with the Findings in Section VIII

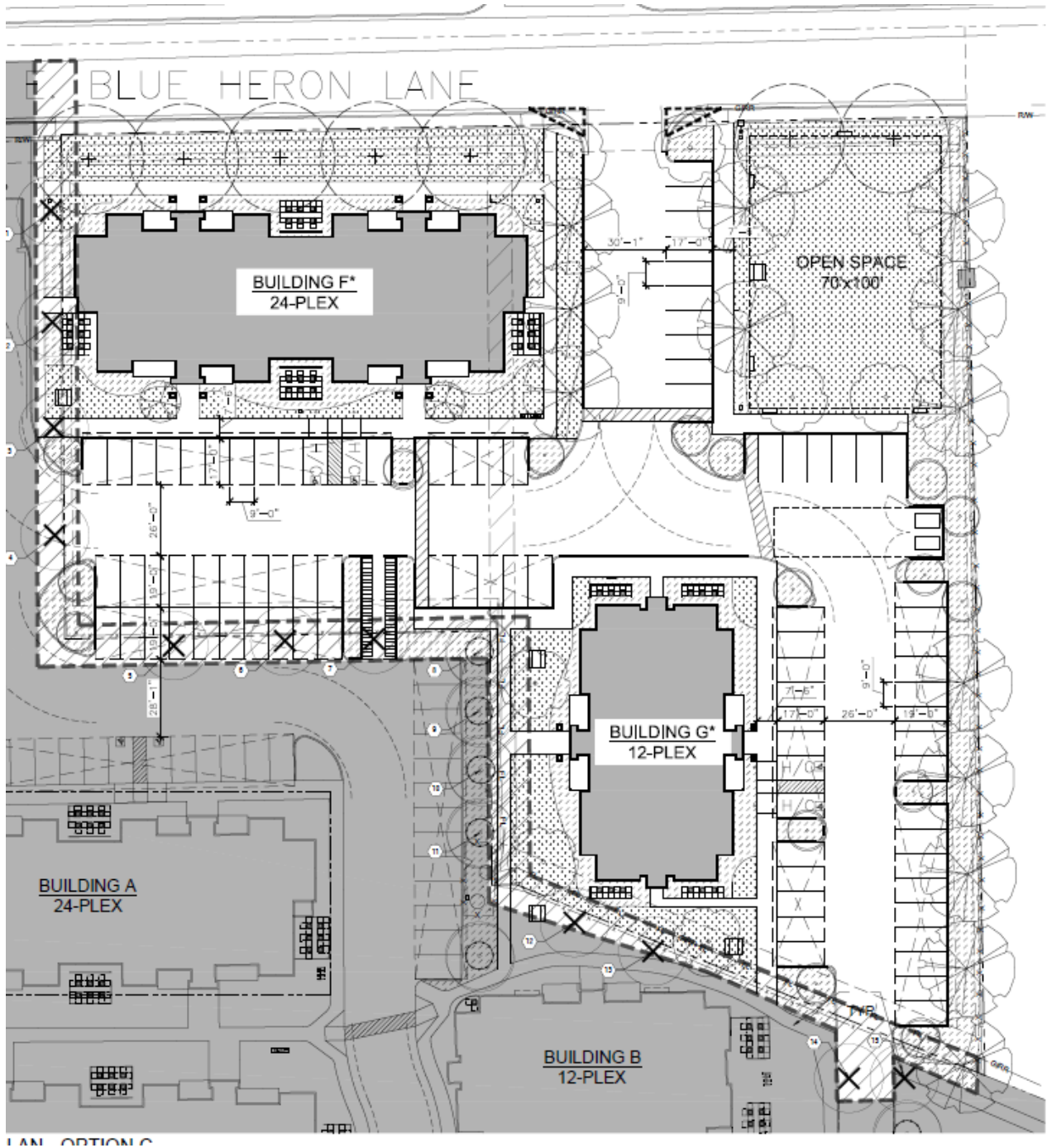
- B. The Meridian Planning & Zoning Commission heard this item on September 16, 2021. At the public hearing, the Commission moved to recommend approval of the subject annexation, zoning and conditional use request.
1. Summary of the Commission public hearing:
 - a. In favor: Tamara Thompson
 - b. In opposition: None
 - c. Commenting: Tamara Thompson
 - d. Written testimony: Staff has received 5 voicemails and three letters in opposition.
 - e. Staff presenting application: Alan Tiefenbach
 - f. Other Staff commenting on application: None
 2. Key issue(s) of public testimony:
 - a. Three citizens testified in opposition. Concerns expressed regarded traffic, parking, emergency access and litter
 3. Key issue(s) of discussion by Commission:
 - a. Commission discussed whether parking could be increased, their understanding that parking is an issue along E. Blue Heron Ln, problems associated with litter, whether the applicant could work with ACHD to limit parking along E. Blue Heron Ln, and whether a parking enforcement company can be utilized.
 4. Commission change(s) to Staff recommendation:
 - a. Prior to City Council, the applicant will have a parking plan that has been addressed with ACHD.
 - b. Prior to City Council, the applicant shall have an agreement in place with the property management company on enforcement of the parking regulations
 - c. The applicant shall add additional trash receptacles.
 - d. Condition 2-C shall be amended that the applicant widen and improve the pathway between E. Blue Heron Ln. and N. Eureka Ave. to 15 feet wide instead of 20-foot wide.

VII. EXHIBITS

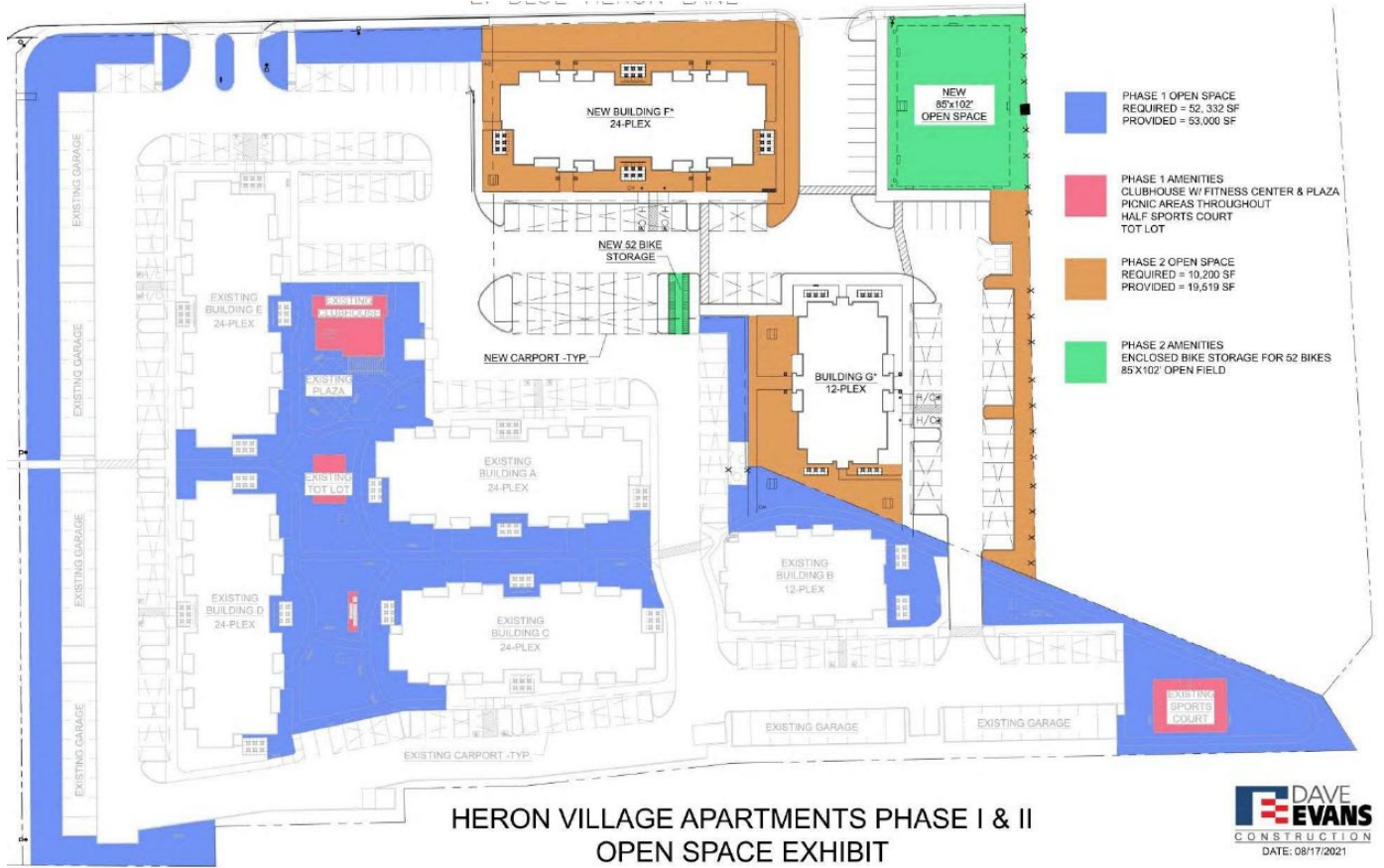
A. Site Plan (date: 3/18/2021)



B. Landscape Plan (date: 4/2/2021)



C. Qualified Open Space Exhibit (date: 8/20/2021)



D. Building Elevations (date: 3/18/2021)



E. Annexation Legal Description

ANNEXATION
BLUE HERON APARTMENTS
PHHC HERON PROPERTY, LLC

An area of land being portions of APN: R7039000005 and APN: R703900300, Ada County records, located in a portion of Government Lot 6 of Section 6, Township 3 North, Range 1 East, Boise Meridian, City of Meridian, Ada County, Idaho, being more particularly described as follows:

COMMENCING at the West One Quarter corner of said Section 6, thence on the east-west mid-section line of said Section 6, North 89° 35' 33" East, 505.66 feet, to the **POINT OF BEGINNING**:

- Thence continuing on said east-west mid-section line, North 89° 35' 33" East, 166.44 feet, to a point, from which the Center West One Sixteenth corner of said Section 6 bears, North 89° 35' 33" East, 418.18 feet;
- Thence leaving said east-west mid-section line, South 00° 21' 57" East, 384.21 feet;
- Thence North 67° 07' 38" West, 185.36 feet;
- Thence South 89° 55' 20" West, 9.00 feet;
- Thence North 00° 20' 55" East, 93.00 feet;
- Thence North 89° 38' 42" East, 9.00 feet;
- Thence North 00° 20' 55" East, 217.94 feet to the **POINT OF BEGINNING**.

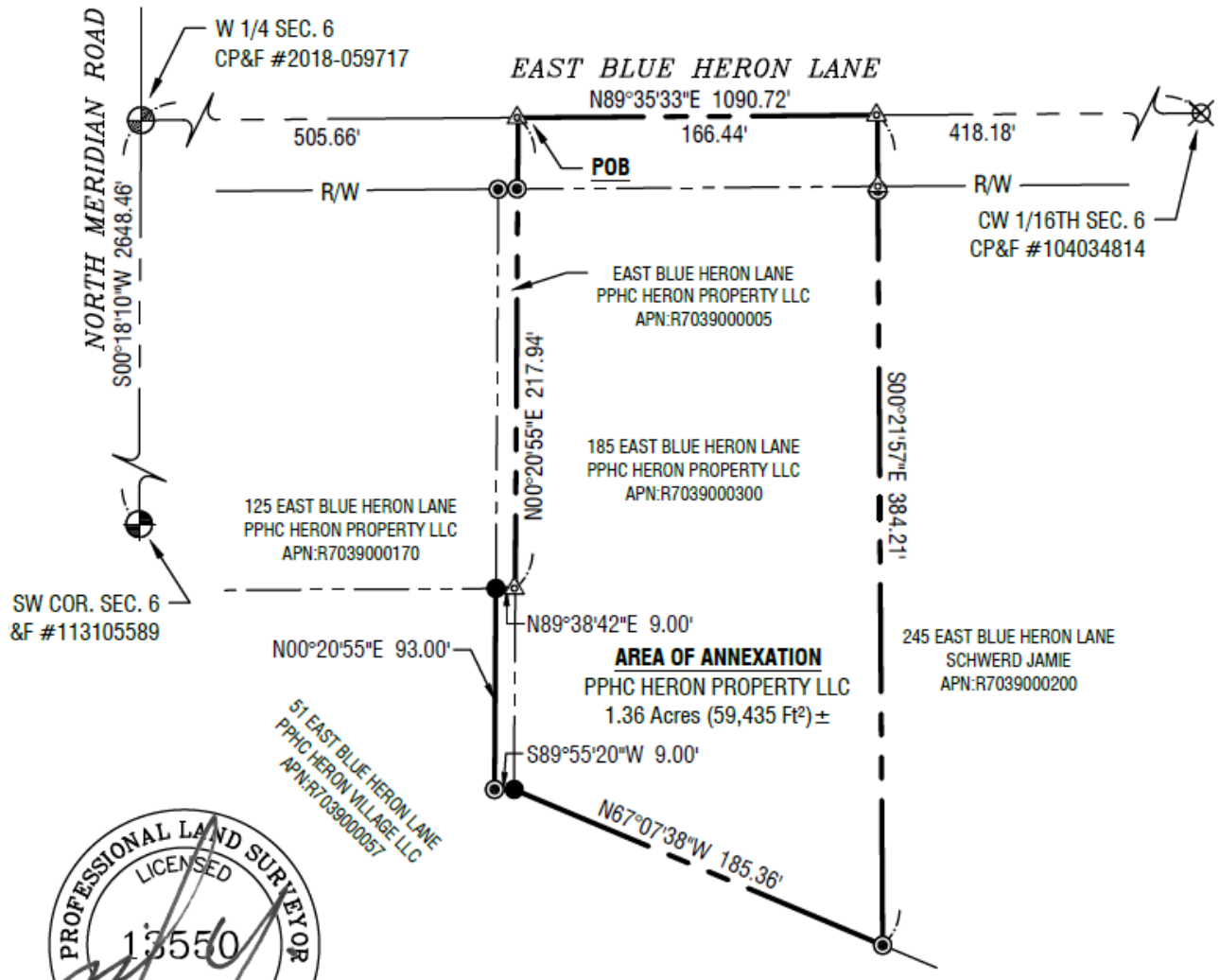
The above described area of land contains 1.36 acres (59,435 Ft²), more or less.

PREPARED BY:
The Land Group, Inc.
Michael Femenia, PLS



Annexation for PPHC Heron Property, LLC

Situate in a Portion of Gov't Lot 6 of Section 6
Township 3 North, Range 1 East, Boise Meridian
City of Meridian, Ada County, Idaho
2021



03/17/2021

F. Rezoning Legal Description

PROJECT NO. 220177

REZONE to R40
BLUE HERON APARTMENTS
PHHC HERON PROPERTY, LLC

An area of land being APN: R7039000005, APN: R7039000300, and APN: R7039000170 AND portions of APN: R7039000090, APN: R7039000080, and APN: R7039000057, Ada County records, located in a portion of Government Lot 6 of Section 6, Township 3 North, Range 1 East, Boise Meridian, City of Meridian, Ada County, Idaho, being more particularly described as follows:

COMMENCING at the West One Quarter corner of said Section 6, thence on the east-west mid-section line of said Section 6, North 89° 35' 33" East, 341.03 feet to the **POINT OF BEGINNING**:

- Thence continuing on said east-west mid-section line, North 89° 35' 33" East, 331.50 feet, to a point, from which the Center West One Sixteenth corner of said Section 6 bears, North 89° 35' 33" East, 418.18 feet;
- Thence leaving said east-west mid-section line, South 00° 21' 57" East, 384.21 feet;
- Thence South 67° 07' 38" East, 192.71 feet;
- Thence South 31° 38' 35" East, 39.83 feet;
- Thence South 89° 33' 08" West, 389.49 feet;
- Thence South 84° 29' 31" West, 129.04 feet;
- Thence South 89° 27' 49" West, 75.47 feet;
- Thence South 00° 32' 11" East, 21.00 feet;
- Thence South 89° 27' 49" West, 118.20 feet;
- Thence South 00° 09' 00" East, 24.79 feet;
- Thence North 88° 59' 16" West, 165.03 feet, to a point on the west line of said Section 6, from which point the Southwest corner of said Section 6 bears, South 00° 18' 10" West, 2100.10 feet;
- Thence on said west section line, North 00° 18' 10" East, 237.50 feet;
- Thence leaving said west section line, North 89° 36' 00" East, 496.84 feet;
- Thence North 00° 20' 55" East, 93.00 feet;
- Thence South 89° 38' 42" West, 155.89 feet;
- Thence North 00° 18' 10" East, 217.78 feet to the **POINT OF BEGINNING**.

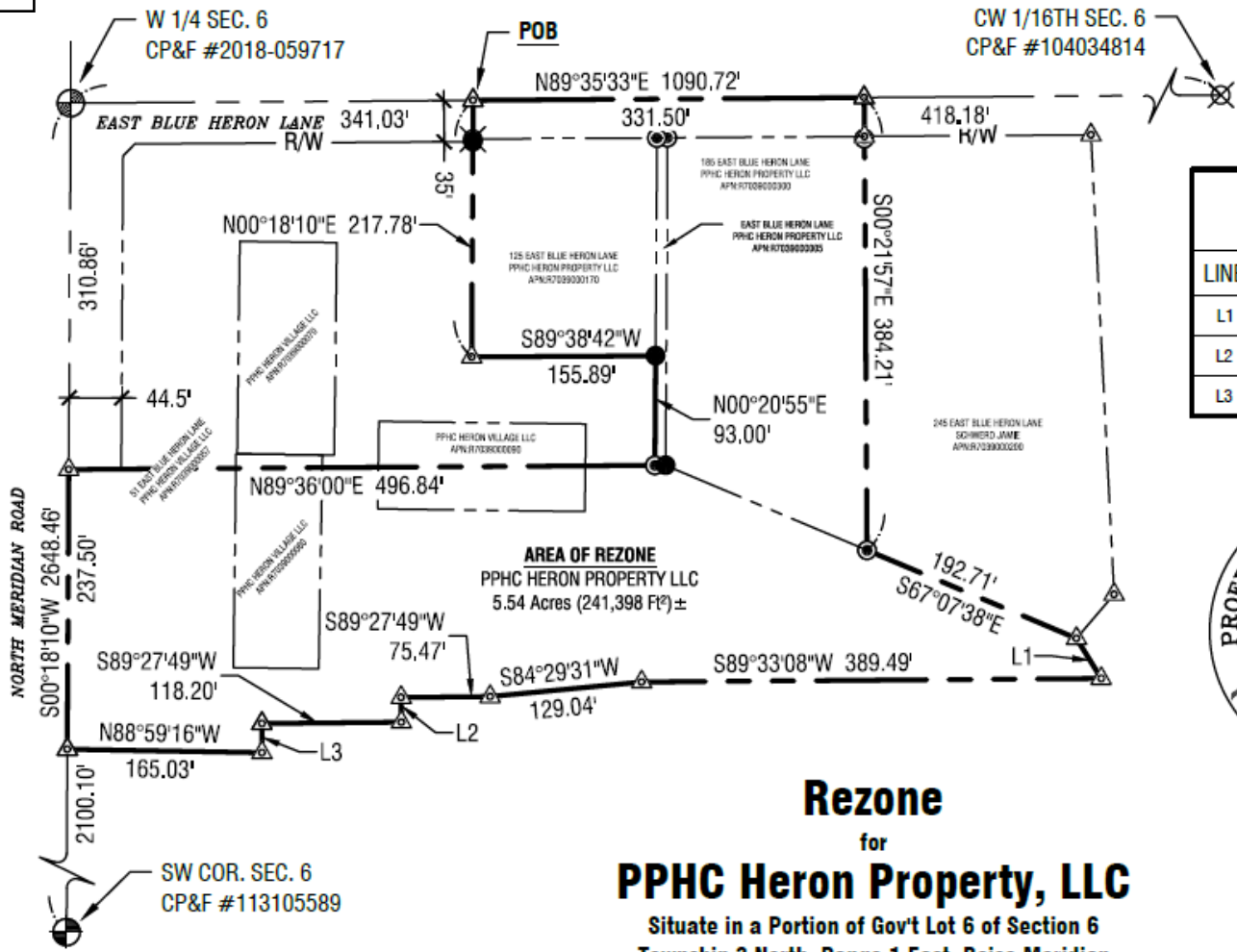
The above described area of land contains 5.54 acres (241,398 Ft²), more or less.

PREPARED BY:
The Land Group, Inc.
Michael Femenia, PLS



05/17/2021

Item #6.



| LINE | BE |
|------|-----|
| L1 | S3' |
| L2 | SOI |
| L3 | SOI |



Rezone
for
PPHC Heron Property, LLC
Situate in a Portion of Gov't Lot 6 of Section 6
Township 3 North, Range 1 East, Boise Meridian
City of Meridian, Ada County, Idaho
2021

1:38 PM

VIII. CITY/AGENCY COMMENTS & CONDITIONS

PLANNING DIVISION

Site Specific Conditions of Approval

1. A Development Agreement (DA) is required as a provision of annexation of this property. Prior to approval of the annexation ordinance, a DA shall be entered into between the City of Meridian, the property owner(s) at the time of annexation ordinance adoption, and the developer.
2. Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council granting the annexation. The DA shall, at minimum, incorporate the following provisions:
 - a. Future development of this site shall be generally consistent with the conceptual site plan, landscape plan, qualified open space exhibit and elevations submitted with the annexation application contained herein.
 - b. Phase One and Two shall share access, parking, amenities and open space.
 - c. The applicant shall widen and improve the pathway between E. Blue Heron Ln. and N. Eureka Ave. to ~~20~~15 feet wide (or as approved by Meridian Fire), capable of supporting an 80,000-pound fire truck with bollards on either end to allow secondary emergency access.
3. **Prior to City Council, the applicant shall have a parking plan that has been addressed with ACHD to address the concerns discussed at the September 16, 2021 Planning Commission meeting.**
4. **Prior to City Council, the applicant shall have an agreement in place with the property management company on enforcement of the parking regulations.**
5. **Additional trash receptacles will be added near E. Blue Heron Dr.**
6. The developer shall comply with the specific use standards for multi-family developments listed in UDC 11-4-3-27.
3. All condenser units on the north side of Building F which are visible from E. Blue Heron Ln. shall have additional landscape screening in addition to 4' high vinyl fencing.
4. Off-street vehicle parking shall be provided on the site in accord with UDC 11-3c-4 for multi-family dwellings. Covered parking shall be provided only by carports.
5. All carports shall be constructed to be compatible with the associated residential buildings i.e. similar building and roof forms, architectural elements and details, and materials and colors to maintain the quality of the architectural character) in accord with the Meridian Architectural Standards Manual.
6. The applicant shall record legally binding documents that state the maintenance and ownership responsibilities for the management of both phase of the development, including, but not limited to, structures, parking, common areas, and other development features. Documentation of compliance with this requirement shall be with submitted with the first Certificate of Zoning Compliance application.
7. All off street parking areas shall be provided with a substantial wheel restraint to prevent cars from encroaching upon abutting private and public property or overhanging beyond the designated parking stall dimensions per UDC 11-3C-5. When a bumper overhangs onto a

sidewalk or landscape area, the parking stall dimensions may be reduced two (2) feet in length if two (2) feet is added to the width of the sidewalk or landscaped area planted in ground cover.

GENERAL CONDITIONS OF APPROVAL

1. Any fencing constructed on the site shall be consistent with the standards as set forth in UDC 11-3A-6, 11-3A-7.
2. Comply with all bulk, use, and development standards of the applicable district listed in UDC Chapter 2 District regulations.
3. Install lighting consistent with the provisions as set forth in UDC 11-3A-11.
4. Construct all off-street parking areas consistent with the standards as set forth in UDC 11-3C-1.
5. Protect any existing trees on the subject property that are greater than four-inch caliper and/or mitigate for the loss of such trees as set forth in UDC 11-3B-10.

IV. FINDINGS

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:

A. ANNEXATION AND REZONE

1. The map amendment complies with the applicable provisions of the comprehensive plan;

This is a proposal for annexation of 1.36 acres of land with a R-40 zoning district, rezoning of 4.18 acres of land from C-G and R-8 to R-40 to allow the expansion of an existing multifamily complex. This complies with the applicable provisions of the comprehensive plan, particularly to provide a diversity in housing opportunities and to encourage infill development.

2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;

Commission finds the proposed map amendment to R-40 generally complies with the purpose statement of the residential districts in that it will contribute to the range of housing opportunities available in the City consistent with the Comprehensive Plan.

3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;

Commission finds with the recommended conditions of approval the proposed R-40 map amendment should not be detrimental to the public health, safety and welfare as the property is surrounded by multifamily to the north and south, industrial in the County to the east, and N. Meridian Rd to the west.

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 that the proposed zoning amendment will not result in any adverse impact upon the delivery of services by any political subdivision providing services to this site.

5. The annexation (as applicable) is in the best interest of city.

Commission finds the proposed annexation and rezone is in the best interest of the City if the property is developed in accord with the provisions in Section VII.

B. CONDITIONAL USE PERMIT:

The Commission and Council shall review the particular facts and circumstances of each proposed conditional use in terms of the following, and may approve a conditional use permit if they shall find evidence presented at the hearing(s)is adequate to establish:

a. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.

Commission finds that if the site is designed in accord with the site plan in Exhibit A and the conditions of approval in Exhibit B, the site will be large enough to accommodate the proposed

use and meet the dimensional and development regulations of the R-40 zoning district and the multi-family specific use standards.

- b. That the proposed use will be harmonious with the Meridian Comprehensive Plan and in accord with the requirements of this Title.**

The proposed multi-family residential use in the R-40 zone meets the objectives of the Comprehensive Plan and UDC.

- c. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.**

This proposal would allow an additional 36 units to be added to an existing 108-unit multifamily development. Most impacts have already been established. The general design, construction, operation and maintenance of the multi-family use will be compatible with other residential and commercial uses in the general neighborhood and with the existing and intended character of the vicinity and will not adversely change the character of the area.

- d. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.**

As this is an addition of 36 units to an existing 108-unit multifamily development, impacts have already been mostly established and Commission finds that the proposed development should not adversely affect other property in the vicinity if the applicant complies with all conditions of approval listed in Exhibit B of this staff report.

- e. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.**

Essential public facilities and services are presently serving the existing development. Sanitary sewer, domestic water and irrigation can be made available to additional property. Please refer to comments prepared by the Public Works Department, Fire Department, Police Department and other agencies.

- f. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.**

This addition will be part of a larger existing multifamily development. The applicant will pay to extend the sanitary sewer and water mains into the site. No additional capital facility costs are expected from the City. The applicant and/or future property owners will be required to pay impact fees.

- g. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.**

Commission finds that the proposed development will not involve uses that will create nuisances that would be detrimental to the general welfare of the surrounding area. Commission recognizes there will be a small increase of traffic and noise with the approval of this development; whenever undeveloped property is developed the amount of traffic generation does increase.

- h. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance.**

Commission finds that the proposed development will not result in the destruction, loss or damage of any natural feature(s) of major importance.

McCarvel: It has been moved and seconded to continue H-2021-0051. All those -- to October 7th. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

4. Public Hearing Continued from July 15, 2021 for Heron Village Expansion (H-2021-0027) by Tamara Thompson of The Land Group, Inc., Located at 51, 125 and 185 E. Blue Heron Ln.

- A. Request: Annexation of 1.36 acres of land with a R-40 zoning district.
- B. Request: Rezone of 4.18 acres of land from C-G and R-8 to R-40.
- C. Request: Conditional Use Permit to allow expansion of an existing 108-unit, 5-building multifamily complex to allow an additional 36 units in two **new buildings**.

McCarvel: Now we will continue from July 15th, H-2021-0027, the Heron Village Expansion and we will begin with the staff report.

Tiefenbach: Good evening, Planning Commissioners. Alan Tiefenbach remotely. Associate planner with the City of Meridian. This is a proposal for an annexation, a rezoning, and a conditional use. The property is located at the southeast intersection of North Meridian Road and East Blue Heron Drive. It consists of -- let me go here -- consists of six properties. So, if you can see it -- well, one, two, three, four, five, six. Five of these properties are already in the city. They have different zonings. R-8, C-G and R-40. There is one property that is to be annexed and that's what you see here that's about 20 acres. It's located roughly a quarter mile north of the East Fairview-North Meridian intersection. A little history on this. The existing Heron Village Apartments consists of 108 units and five buildings. That's what's there now. That's what you can see here. Conditional use was approved for this in 2013. In 2014 there was a modification in regard to changing the amenities. Certificate of zoning compliance was approved in April 2013. In September of 2020 the applicant requested a pre-application meeting to discuss annexation of an additional 1.36 acres. That's, again, what you see here. That's to the east and also to include this to expand by constructing 36 more units in two buildings. Because the existing Heron Village Apartments were on several properties with different zoning districts, again, it would be the C-G here and, then, they are looking at doing this as well -- staff recommended to clean it up and to zone the entire thing to R-40. The Comprehensive Plan recommends this for mixed use neighborhood. This is a copy of what is being proposed. So, there is two buildings. There is one here. There is one here. This is what they are proposing for open space and their parking is here. There is one existing access right now. That's what you see here from Blue Heron Road. They are proposing an additional access here. Meridian Fire has commented that although this site does provide two points of access, both of these accesses are from East Blue Heron Drive with only one way -- one way in and one way out. Not good emergency access. They have talked to the applicant and the discussion involves this east of Blue Heron

Lane there is an existing pathway that's there. The applicant has agreed to widen this pathway to 15 feet wide. If you look in the staff report originally it said 20. So, that's a correction to the staff report. They would be widening -- widening this to 15 feet wide. This would not be primary access, this would only be emergency secondary access. So, there would be bollards there. But that would provide the emergency access that they need. This is a condition of approval of the annexation and the rezoning. Phase one was required to provide 204 parking spaces, with 102 of them -- so, roughly half of them being covered. Two hundred and seven parking spaces are provided, with about 195 of them actually being covered. Phase two is -- this one is required to provide 69 parking spaces. Roughly half of those are covered. In this case 87 parking spaces are required, with 71 of them being covered. Six total bicycle spaces and new bicycle covered parking is required with this development. Basically the -- the parking that's now being proposed would exceed the total requirements of this development by 21 spaces. However, I want to mention Meridian Fire, Police, and the surrounding residents have all commented that parking and traffic is a continuous issue for this development. Residents and guests often park on both sides of East Blue Heron Drive, which makes it very difficult for access. One cause of this -- and probably a primary cause for this is that many of the garages that were required to be covered and were intended to be used to satisfy the parking requirements are now being used as storage. It's very difficult to enforce whether or not they are using their garages as storage, so they are using the garage as the storage and, then, they are parking elsewhere. So, they are losing -- they are losing a lot of those parking spaces to the garage. As 71 of those parking spaces on phase two are required to be covered, staff and fire have talked and we think the best solution to that would be to require only carports for the next phase and not garages, since carports would not really be able to be used for storage, they would be used for parking. So, that would certainly help with the parking situation, as well as to the additional 21 parking spaces that they are providing. Forty-one thousand -- roughly a little less than an acre of open space was required with phase one. That's what you see in blue. That's qualified open space. Fifty-three thousand square foot was provided. With this phase 10,200 square feet is required and 15,330 square feet is proposed. So, a little more than 5,000 square feet of additional office space is provided. It does exceed what's required -- the minimum requirement. Per our code four amenities meets categories required for a multi-family development of more than 75 units. But if there is more than a hundred, it says that the decision making body shall require additional amenities. So, again, 75 or less would be four, but what they have provided thus far is a half basketball court, a plaza containing benches and a trellis, a 1,600 square foot clubhouse with an exercise room, a playground, a horseshoe pit, barbecues and picnic tables and with this proposed expansion they would be looking at 50 times a hundred square foot open space, that's what you see on the northeast corner, and 52 additional enclosed bike storage facilities. Again, though, the Planning Commission should decide if the amenities are sufficient. There are elevations that have been provided. These are basically consistent with the existing complex. As I noted, staff has received comments. We have gotten seven letters and voicemails from adjacent property owners. The issues are almost primarily centered around traffic and access, particularly along East Blue Heron Road and the amount of parking that happens along on that road. As this proposal, though, does meet all the UDC requirements -- in fact, it exceeds them -- staff recommends approval with

conditions. The conditions are in your staff report, but to summarize, one of the conditions is that phase one and two would share access parking, amenities, and open space. There is a requirement that the applicant should widen and improve the pathway between East Blue Heron Road to 15 feet wide as a secondary access. The denser units on the north side, we think that they should be screened better. They show fences and they should have landscaping as well to soften it down and, most importantly, staff is recommending that the -- the requirement for covered parking only be provided by carports and not garages, so that the garages can't be used by storage and that -- that concludes my presentation, unless you have comments or questions.

McCarvel: Okay. Thank you. Would the applicant like to come forward?

Thompson: Good evening. This is Tamara Thompson with The Land Group.

McCarvel: Good evening, Tamara.

Thompson: Great. I never know if you guys can hear me or not, it takes so long to get in. Thank you. I have a PowerPoint, if it's okay if I share my screen.

McCarvel: Go ahead.

Thompson: Let's see here. All right. Are you able to see that?

McCarvel: Yes.

Thompson: Okay. Perfect. All right. So, we will go over quickly -- Alan covered much of it. This is an in-fill project and it is an expansion of an existing multi-family community located at the southeast corner of North Meridian Road and East Blue Heron Lane and this existing facility, multi-family community, was approved in 2013. As Alan showed you, it is a patchwork quilt of zones currently and so these two are the new property, but part of the development is C-G. So, we will be cleaning it all up. There is R-40 to the south and R-40 to the north as well. So, it will just make this whole area R-40. And, then, just to show you the -- the land use. So, this -- this little R-1 area is in the county still, so that's an annexation of 1.36 acres and, then, the rezone is that annexed area, plus the properties that are already in the city. So, the rezone is 5.54 acres, as highlighted here, and I put that here on this one. You can see this little -- those little shapes. So, this proposal is also for a conditional use permit to include 36 additional residential units in two buildings and it does have one additional access onto Blue Heron. ACHD has reviewed and has a staff report. They have approved this access point. The parking, as Alan said -- he went through all the numbers. We are -- we have 21 more parking spaces than required by code and those are all carports. We have -- Alan had that no -- no -- no more garages and we will comply with that and just have those in carports. Some of the areas that -- this is the landscape plan. There will be a sidewalk continuing on. This open space is actually 70 by 100 and a nice little -- kind of park amenity there and to give you some existing photos -- so, this is the -- the existing clubhouse. There is a fitness facility and a kitchen in the clubhouse. This is the outdoor space. There is already a tot lot.

These amenities will be shared. And, then, we have some new amenities coming in, too. Alan gave you an overview already of the elevations. This will go through design review and CZC. And just to give you an overview of the existing amenities, the half court basketball plaza with benches and trellis. Sixteen fifty square feet clubhouse with an exercise room. There is a playground, horseshoe pit, barbecues and picnic tables. And, then, the proposed for phase two, the expansion -- and, again, these are all shared. They will be the same management company. So, that open space park with the sidewalks is 8,600 square feet. Additional park benches, picnic tables and they are including 52 new enclosed bike storage spaces. The secondary access -- I just wanted to point that out to you. So, the -- this is the -- the end of where development is. So, it's definitely an off-site, but there is an existing path there currently. It's a paved path for pedestrians with bollards on each end that connects to North Eureka Drive and to Blue Heron and so this will just be widened along this area. It's already ACHD right of way, so there is nothing to -- to acquire or anything there and it's just widening out the existing pavement and so the -- the way that that current condition reads is a 20 foot -- 20 foot pathway -- or 20 foot emergency access within the right of way or as approved by the Meridian Fire Department and we are just asking for a small change there, that that will be 15 feet or as approved by the Fire Department and ACHD. I think ACHD should be included in there. And that's Condition 2-C. And, then, I will go over quickly with you on the -- on the parking and the parking on the street. The management company, when the Fire Department and Planning brought this up to us at our pre-app meeting, as far as the on-street parking, so the management company conducted a parking audit between February 24th and March 25th, so a full 30 days, and they did this between the hours of 8:00 p.m. and 10:00 p.m. So, each evening for 30 days. And what they did is they took counts of the parking within the community, how many parking stalls were being used, how many were vacant, and, then, how many parking -- how many cars were on the street and what they learned is that on average there were 35.2 parking stalls within the community that were vacant and so roughly 81.8 percent of the -- of the stalls were being occupied, but there were 35 -- a little over the average -- it was a little over 35 parking stalls were vacant and this number increased on the weekends. So, there were four weekends in that audit and that number went up to 38.9 spaces during the weekends that were vacant within the community. On average on Blue Heron there were roughly 24.7 vehicles parked on Blue Heron and when the -- when the residents fill out their applications for -- to live here, they fill in what their -- what their license plate number is, so the management company could cross-reference those to determine who was parking on the street and they did find that on average 70 percent of those cars parked on the street were residents of the Blue Heron community and 30 percent were not. There are other residential -- there is townhouses to the north. Not sure if it's from there, but there are other residential areas. So, they -- so, they took this information and they started educating their -- their -- their residents and they put it in their monthly newsletter that they are encouraging people not to park on the street, but to use the community parking stalls and they are encouraging anyone that's not using their garage to use those. They don't believe that's an issue here, because there are so many extra parking stalls on site. So, in general, they have -- they learned that there is more than enough vacant parking spaces on the property within Heron Village community to park all the vehicles that are on East Blue Heron and so they are educating their tenants and encouraging them not to park on the street. So, we have read the staff report and

we want to thank staff for their thorough review. We agree with staff's analysis and the recommended conditions of approval with that small clarification of 2-C, which relates to that pathway -- the emergency access pathway and we respectfully request your approval tonight. Thank you.

McCarvel: Okay. Any questions for the applicant or staff? All right. Madam Clerk, do we have anyone signed up for public testimony?

Weatherly: Madam Chair, we have a couple people signed up. One is Misti Stelluto from Dave Evans Construction. She's online with us. Misti, go ahead. Sorry, Madam Chair. One technical difficulty here. It's not doing what I asked it to do. Hang on just a moment. Okay. Misti, if you can hear us you should be able to go ahead with your name and address now.

Stelluto: Yes. I was just going to comment with Tamara if there was any questions for both of us, so I'm good to go.

McCarvel: Okay. Thank you, Misti. Do we have anybody else?

Weatherly: No one else indicating a wish to testify, Madam Chair.

McCarvel: Okay. That being said, is there anyone in the room or online that wishes to testify on this application? No one in the room. Do we have anybody online? Oh, go ahead. Ma'am in the front row. Yes. You need -- if you wish to testify, please, come forward. One at a time is fine. And, please, state your name and address for the record.

Rogers: Okay. My name is Sandra --

McCarvel: And you need to pull that -- the microphone right down to you. Sorry.

Rogers: My name is Sandra Rogers and I live at 102 East Waterbury Lane.

McCarvel: Okay.

Rogers: That's a complex of 34 townhomes. Okay? Many of us in there feel the parking spaces that they made in the first complex is very inadequate and a lot of cars and trucks -- sometimes trucks with trailers are parked on East Blue Heron and it's very difficult -- we are a senior park and it's very difficult for people to -- we have to get halfway out into Blue Heron sometimes to see around these vehicles. There is only one way -- as she stated there is only one way in and out and that's to Meridian Road. We have a stop sign when we go out. They don't when they come out of the complex. Our other worry is about emergency vehicles coming in and out. Like I said, we are a senior complex. We frequently have emergency vehicles in there. So, that's a big concern. The other concern is the parking -- not adequate parking. And if you could see the way some of the people park it's just ridiculous. You are supposed to be so many feet back from a driveway. We also have overflow parking for our guests and they park there and unless we see them

actually walk across to the complex we can't do anything about it, because we don't know if they are a visitor or family member or whatever and it's just -- it's just a nightmare the way they park and the other issue we have is trash. Throwing trash out and, of course, not picking it up and so we -- we try to do that when we walk. There is a lot of us in there that walk and try to keep the trash picked up, but many of us are just against this, because it's just not adequate parking places.

McCarvel: Okay.

Rogers: Okay.

McCarvel: Thank you.

Rogers: Uh-huh.

McCarvel: Please state your name and address for the record.

Sorensen: Okay. I'm Belinda Sorensen. I live at 136 East Waterbury Lane. I live in the senior townhomes across the street and listening to the adequate number and that of parking places that are provided right now that are up to code, there are times that -- yesterday I counted 36 cars parked on the street. There are times when -- when they are full at capacity that both sides of the street, clear down past the meat packers on both sides of the streets, are full of cars. I have talked to some of the tenants there. Sometimes there is up to four people living in one unit. There are construction workers that -- that live there, so they have trucks with trailers parked on the street, so when you try to pull out you literally cannot see. Last night I tried to pull in and an emergency vehicle was trying to pull out and I could barely -- we could barely squeeze by each other. That's a big concern. That wasn't even a fire truck. One of the concerns I also have is from Richter, from their first entrance to the street to North Meridian Road, there are times when you -- when you are turning off of North Meridian Road it is so dangerous, because you can't see and there is -- there is -- if they are parked on both sides of the street it's really hard to pull in off of the road, especially when it's snowy and you have to be really careful to make your turn. Sometimes they will park almost to the corner. Perhaps if this goes through maybe you should -- they should consider making it a red zone from Richter from their first entrance to North Meridian Road, so that it's safe to pull in and out. Also the trash is -- it's just unbelievable their trash. They just opened up their car doors and just throw it on the ground everywhere. They -- it's -- it's -- it's just frustrating. The parking especially is frustrating. They park on the sidewalks. They leave abandoned vehicles. They have -- their company comes and parks in our overflow parking and we have had words with them and they have become very angry, used foul language. There has been some scary times. So, we just let them park, because we don't want to be hurt, you know, or -- by them.

McCarvel: Thank you.

Sorenson: Well, thank you.

McCarvel: Anyone else that wishes to testify in the room or online?

Weatherly: Madam Chair, we have one person online Gail Simpson. Excuse me. Gail Simpson. Gail, you should to be able to unmute.

Simpson: Yes. Thank you very much. Can you hear me?

McCarvel: Yes. And you have three minutes. Thank you. Go ahead.

Simpson: Thank you. I appreciate the time. I was going to attend, but I had a medical procedure done, so --

McCarvel: Gail, can you give your full name and address for the record, please?

Simpson: Okay. It's Gail L. Simpson. 93 East Waterbury Lane. I also live in the senior townhomes and I have written a letter about my -- my feedback and input and I thank you for allowing us to Zoom. That's really wonderful. My concern is not only the parking, which has been talked about a lot, which I double all the concerns. I'm one of the ones that live on the side of the road -- actual road. So, I hear a lot of cars coming in and out at night, which is understandable, because people have different work schedules. However, on the weekends in particular there is a lot of partying going on, a lot of thumping, a lot of people out standing by the cars on the road partying and drinking and it's kind of scary, because you just know we have so many people from out of state coming in or just -- safety is a concern for me and, then, when we talk about the number of cars per unit. Do they take into consideration that there is -- I think somebody mentioned two -- more than one person in a unit. Well, if there is four persons in a unit there is four cars and if a person has two cars that just adds up. So, I want to know if that's been taken into consideration and also -- also the visitors of these people. We have overflow parking for our visitors, but if there is a party going on and they are inviting a lot of visitors into their clubhouse, that's additional parking and those people are going to park on the side of the road. So, asking them not to park there where are those people supposed to park? The trash is an issue. A lot of us have pets and they zoom up and down inside our private parking area and I'm not just concerned about our pets, but like Sandy said, a lot of us walk. I, the other day, had to stop somebody and tell them to slow down. Well, they were selling their car and they were test driving it in our little private parking area and I said this is private and they were speeding. So, how are they going to address all those concerns? I think adding additional parking isn't going to solve those -- those issues at all and it is hard to come in and out of our units. I -- I don't think expanding 15 or 20 feet is going to solve the issue of the parking or the emergency services. Thank you.

McCarvel: Thank you, Gail. Anyone else, Madam Clerk?

Weatherly: Not that I -- not that I see, Madam Chair.

McCarvel: Pardon me?

Weatherly: No.

McCarvel: Okay. So, Tamara, would you like to come back -- if there is no more public testimony, so would you like to come back on?

Thompson: Yes, Madam Chair. Tamara Thompson with The Land Group again. The three items that I heard were parking, trash and emergency access. I addressed to two of the three. So, there the -- the emergency access is something that's been satisfied. The Fire has -- has approved that and so has ACHD. As far as the parking, we did submit that parking analysis that was done by the management company and they -- that study -- we submitted that to the city. That study concluded that there was adequate parking on site, that there are empty parking stalls and they are educating the tenants on where to -- where to park. The -- additionally what could happen -- because it is public street and so they can't control what happens on the public street -- is -- is that we could -- we could go back to ACHD and talk to them about some striping and signage there. If the -- if the road is too narrow for parking on two sides I would think that ACHD would -- would take care of that and looking at an aerial it looks like it accommodates parking on both sides, but perhaps that's something we can work with ACHD on and doing some additional signage and some striping. The -- the trash I don't -- I don't know anything about. I do know that this is professionally managed. They do have a management company on this and we can forward that information on to that management company that they need to take a closer look at those -- at those common areas. So, with that the -- the project meets or exceeds city requirements. We have 21 more parking stalls than required by code and we are requesting to add 36 more units to the existing development and we respectfully request your approval and thank you very much.

McCarvel: Okay. Can I get a motion to close the public hearing for item H-2021-0027, Heron Village Expansion?

Seal: I may have some questions for --

McCarvel: You have more questions for -- okay. All right. I thought we were going to get away with it when nobody asked questions before, but apparently I'm wrong. Commissioner Seal.

Seal: Just wanted to ask a couple questions that relate to the parking. I know there is a study done that shows that there is parking there, but if -- if there is adequate parking on one side and not the other that could be the -- why things are lopsided, people using the street instead. You know, if I had to park 30 feet away, instead of a quarter mile away or eighth of a mile away on the other side of the complex, I would choose to park closer for sure. On the CC&Rs that are written in for the folks that have to live here, is there any verbiage in there at all about using the garages for storage instead of parking?

Thompson: Madam Chair, Commissioner Seal, I don't know that that would be a CC&R, but that would be a lease, because these are leased premises and I believe they do have that and they have been talking to them -- they have been doing an audit on those also

to make sure that people are not using those for storage and they are using them for parking.

Seal: What's the enforcement on that?

Thompson: That -- I can't answer that. I'm not sure. I don't know if they -- I can find out for you, but I don't know that for sure.

Seal: Can the management company that's used for that, can -- can that information be given out to the folks that live across the street, so there is a more ready communication line open?

Thompson: Absolutely.

Seal: I guess what I'm driving towards is there -- I mean it's 80 percent full on parking -- again, if I pull into one side of it, I'm not going to drive around all day and try and find a spot, I'm going to go park on the street. So, that to me is the issue. I'm hoping that there is more of a solution to that, but if we are going to rely on the report, then, we can go ahead and close this up.

McCarvel: I did have another -- since you started the question train. Tamara, tell me about -- another concern seems to be the trash and I know that's not -- I mean as part of this new application in front of us is it possible to provide more trash cans throughout, you know, by the parking areas and such that makes it more convenient for people to not just throw their trash in the street?

Thompson: Madam Chair, yes, that would be acceptable and we are adding pet stations with those -- with those trash cans. So, we are -- we are planning on adding those.

McCarvel: Okay. And maybe just a few more throughout the complex in more convenient area -- additional convenient areas. Any other questions for the applicant, so I don't jump the gun again? All right. Could I get a motion to close the public hearing on H-2021-0027?

Seal: So moved.

Grove: Second.

McCarvel: Okay. It has been moved and seconded to close the public hearing on H-2021-0027. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

McCarvel: Thoughts? Concerns? Discussions?

Grove: Madam Chair?

McCarvel: Yes. Commissioner.

Grove: Overall it doesn't look out of line. I think it's good to move forward in my opinion. I would put in here just some of the things that we talked about to encourage the group to go back and seek an ACHD request to limit parking on one side and to encourage the property management to do the parking enforcement a little bit better, as well as put in language to add trash receptacles.

McCarvel: Anyone else?

Yearsley: Madam Chair, I would agree. I think those are very appropriate conditions. However, I prefer the -- to keep that pathway at 20 feet, instead of 15 feet. I know fire code requires 20 feet, so I don't know if I agree with allowing -- or asking them to go down to 15 feet. I would prefer to keep it 20 feet.

McCarvel: Question maybe for staff. And correct me if I'm wrong. Is the request for that because of an easement confinement?

Tiefenbach: Alan Tiefenbach --

McCarvel: Yeah. There we go.

Tiefenbach: Yeah. Alan Tiefenbach, associate planner. Thank you, Madam Chair. My understanding and I would probably defer more to the applicant, but there is a couple of utility poles that are on either side of the pathway that prohibits them from getting it to a full 20 feet wide.

McCarvel: Commissioner Yearsley, does that answer -- do you want to keep it at 20 and have them move poles or --

Yearsley: I'm okay to move poles. You get one time to do it right --

McCarvel: Yeah.

Yearsley: -- and my opinion is let's do it right.

McCarvel: Okay.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: On the 15 feet instead of 20, I think what they are asking for is 15 feet or what is approved by the Meridian Fire Department. So, if the Meridian Fire Department says, no, we need 20, is that acceptable verbiage in there? I agree we get one time to do it right and if they need to move power poles they need to move power poles. But if the Fire

Department says, yes, this will work, this gives us the access they want -- because they -- they are -- they want to have that access for sure.

Yearsley: Well -- and my guess is the 20 foot is because that's what the Fire Department wanted, so --

Tiefenbach: So, if I can --

Yearsley: I'm not going to just kill the deal based on my five feet. But I still would prefer the 20.

McCarvel: Prefer the 20. Go ahead, Alan.

Tiefenbach: My apologies. Not always easy to not interrupt when there is a Zoom meeting going. Yeah. So, originally we did talk about 20 feet. There was a lot of discussions, again, with Joe Bongiorno, who is with Fire, and Joe actually gave me in writing that 15 feet was acceptable. So, I think that they have -- would have to improve it to hold the weight and I think the number is an 8,000 pound fire truck. Bill will probably interrupt me if I'm wrong. But it would be designed for fire access.

McCarvel: Okay.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I mean overall the fact that this is in-fill, I'm -- I'm a little bit torn on this. So, I mean I like to see the in-fill come in. It makes sense to put -- to expand what's already there. It fits well. But I mean I have used that road -- I use Meridian Meat Packers and I have had difficulty getting in and getting down the road and dropping things off there myself. So, I completely understand what people are talking about in that. I would like to see that -- if -- if we try and move this forward for me to be on board -- I mean I would say we would have to have some kind of better enforcement. I don't know how we get better enforcement on them parking in their garages. That's the conundrum that I'm in right now is -- I mean you can educate people all you want, you can do what you want to, but I mean if somebody pulls in, they have a truck and a trailer, they are not going to park in a garage. They don't have anywhere to park, number one. Number two, if they don't want to -- if they want to use their garages for storage right now it seems like they just do it and there is no enforcement to that. So, I don't know how we get around that. It's definitely a problem and it is a safety issue for me. So, unless that can be resolved I just can't see moving forward with this.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: One strategy that both communities can employ for free is if you work with a parking enforcement company through a tow truck company, they can patrol -- the management company can designate stickers on each of the cars, so that you know who belongs to where. The city -- they can also enforce the number of days a car might be parked on the street. What are you allowed three days, two days, to be -- be able to be on a public street; is that right? Is that -- so, there is several companies out there that can help patrol. They can -- the property management can institute a sticker where you know who the residents are and, then, for your community, if you have people that don't belong there, you can have them towed and that becomes a huge financial deterrent, because as soon as the tow truck hooks to a car it's 125 dollars and, then, it's five dollars a mile and if it's late at night it's 50 dollars to get in and if they have to use dollies because it's a four wheel drive that's another 50 bucks. So, you are looking at a 300 dollar fine just to kind of institute parking enforcements. It's a very good deterrent. Usually there is a lot of bad behavior at the beginning and, then, everybody gets it pretty quick. So, these types of services -- there is no cost to your community, there is no cost of the Blue Heron community, because the tow truck company makes up, you know, their costs by the -- by the towing part of it and so that might be one way to at least manage the parking within each of your communities without -- but the property management would be the company that would have to not only enforce it, but to implement it and, you know, keep it -- keep it on track.

McCarvel: Thank you.

Wheeler: Madam Chair. Thank you. No. I like this project and it's an in-fill, it's going to be the -- a better -- higher and better use than what it's currently being used as. When it comes down to the parking side, the fact that there is 21 more parking spaces in here than what was needed by code I think we will be able to help out with the parking issues that are there and hopefully mitigate some of the parking that we see in phase one. I also want to just encourage the applicant, as they have said that they have already wanted to do is talk with ACHD about maybe moving like a no parking area on at least one side of the street or within the distance within that side of the street and that might help out also with some of the visibility that's coming out from the Waterbury and Richter Lanes accessing Blue Heron, but I think this is good. It looks like they have taken care of a lot of the issues that could come up with this kind of a project and I'm with you, Commissioner Seal, I don't know how you would enforce on a -- you know, a private business here on how to -- what they put in their garages and everything like this. That's just a tough -- that's just a tough thing to do and so I think there is ways to maybe mitigate it with -- on the public way -- public right of ways of the streets and with the towing option, as the Commissioner said, so I think that that's -- I think that these are some of their points in the direction that they are going to go with it. I think it would be a good in-fill project for the City of Meridian.

McCarvel: Thank you. Yeah. I think there is analysis and, then, I think there is real life and real life -- you can count those license plates and everything, but the fact of the matter is there is probably people living there or long-term visitors that are parking around there. So, I think, you know, part of the answer is definitely getting ACHD involved in putting up

no parking signs on one side of the street, doing some additional, like we said, striping as far as getting no parking around the entrances and that kind of thing. But, you know, the other option, too, is with the conditional use permit requiring more parking or less units. Throwing that out there as an option.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: I agree with the commissioner who said that this project is fine as long as the existing issues can be resolved before they add more. Right? Can we put in that talking with ACHD, maybe consulting with a private company for parking lot management, be part of their conditional use permit first before they add more on, because adding more is just going to add more of the same.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: Honestly, I wouldn't -- I mean I would like to see this go forward, but at the same time I would like to see these issues resolved or at least a plan to resolve them that has some teeth in it. So, honestly, I wouldn't mind doing a continuance on this to give the applicant more time to put some teeth into it to show us how the lease has been rewritten, to show how they are going to have better enforcement, to show that they have went to ACHD, that they have contacted a parking enforcement company and things like that, then, I would feel much better about it.

Grove: Madam Chair?

McCarvel: Commissioner Grove. Sorry.

Grove: I would have similar thoughts, but I think maybe a different approach, so that we don't necessarily have to hear this again for something that's relatively straightforward. I think we can -- staff might be -- correct me, but put a condition on it for occupancy or something that they have to show that they have talked to ACHD or something to that effect. I don't know -- is that possible?

McCarvel: I don't know if just talking is going to be what we want to have in there for --

Grove: Or put more teeth --

McCarvel: -- to put teeth into it.

Grove: Put more teeth into it, but --

McCarvel: Yeah. Because this is a conditional use permit, it's not going on anywhere

else. This is it, so --

Grove: But they will need to get occupancy before residents can move in; right?

McCarvel: Right. Sure. I get you.

Yearsley: This does need to go to the City Council, because it's an annexation as well.

McCarvel: Oh, it's an annexation --

Yearsley: So, it will have to go to City Council. So, we could have them present that -- make that a condition before City Council.

McCarvel: Thank you.

Tiefenbach: That's what I was going to suggest, Madam Chair. Alan Tiefenbach. This does have to go to Council for approval, so you can make that a condition for them to discuss this with ACHD first.

McCarvel: Yeah. Thank you. It's been a long day. And a long week. Yeah. So, are we at the point of a motion, then, or more discussion?

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: After considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of file number H-2021-0027, as presented in the staff report for the hearing date of September 16th, 2021, with the following modifications: That prior to City Council the applicant has a parking plan that has been addressed with ACHD to address the concerns from tonight. That they have an agreement in place with the property management on enforcement of the parking regulations and that they add additional trash receptacles and show that on the plan and that condition 2-C is amended from 20 feet to 15 feet.

Wheeler: Second.

McCarvel: It has been moved and seconded to approve H-2021-0027 with modifications. All those in favor say aye. Opposed?

Seal: Nay.

McCarvel: Motion carries.

MOTION CARRIED: FIVE AYES. ONE NAY. ONE ABSENT.

(Recess: 7:38 p.m. to 7:47 p.m.)

3. **Public Hearing for Heron Village Expansion (H-2021-0027) by Tamara Thompson of The Land Group, Inc., Located at 51, 125 and 185 E. Blue Heron Ln.**
 - A. Request: Annexation of 1.36 acres of land with a R-40 zoning district.
 - B. Request: Rezone of 4.18 acres of land from C-G and R-8 to R-40.
 - C. Request: Conditional Use Permit to allow expansion of an existing 108-unit, 5-building multifamily complex to allow an additional 36 units in two new buildings.

Simison: Council, we will go ahead and come back from recess. Next item on the agenda is a public hearing for Heron Village Expansion, H-2021-0027, and we will open this public hearing with staff comments.

Tiefenbach: Thank you, Council. Alan Tiefenbach, associate planner, City of Meridian. Okay. This is a -- it's a proposal for an annexation and zoning and a conditional use. The property is located southeast of the intersection of North Meridian Road and East Blue Heron, almost directly across the street and just a little bit up from the subject property that we just talked about. The property consists of six properties. Five of them are in the city and they are zoned C-C, R-40 and R-8. The property be to -- the property to be annexed to which -- let's see here. Is here. It's presently R-1 in the county. The site is located about a quarter mile north of the East Fairview, North Meridian Road intersection. So, the existing Heron Village Apartments consist of 108 units and five buildings. A conditional use was approved for the multi-family complex in 2013 and 2014 there was a modification to allow some replacement of several of the amenities. The whole thing was -- certificate of zoning compliance was issued in 2013. In 2020 the applicant requested a pre-application meeting with staff to discuss the annexation of an additional 1.36 acres of land. So, again, what you see here is what they are proposing to annex. What you can see all here, this is all -- this here is the existing development. They wanted to construct 36 more units in two buildings. Because the Heron Village Apartments are on several properties with different zone districts -- so, one of them's zoned R-8, this one is zoned C-G. Because of that we recommended that if they are going to do all this anyway, we would prefer that they rezone the whole thing to R-40 just to make it cleaner. So, that's part of why you are seeing this rezoning. The Comprehensive Plan recommends this for a mixed use neighborhood. There is one existing access to the property now, which is here. This serves the existing 108 units. There is one additional access which is proposed and that's what you see here. So, the grayed out, obviously, is what's there now. What you see in the darker black is what they are proposing. So, this building here. That building there. Meridian Fire commented that all the site -- although the site does provide two points of access -- again here and here -- they both go to North Meridian Road, which is not preferable. They prefer another point of access that does not solely rely on North Meridian Road. East Blue Heron Lane, which is here, terminates into a

pathway at the end and that connects to North Eureka Road, which is down here to the east. Based on discussions with the applicant, they agreed to widen this pathway to 15 feet or as approved by Meridian Fire and, then, provide bollards on either end for emergency access. The original staff report said 20 feet. We talked to the applicant. There is -- there is some physical constraints with telephone poles and things like that, so they can only get it to 15 feet or as approved by Meridian Fire and they are fine with that. You will see that in the conditions, so that's why the Planning Commission actually reduced it, which is kind of a little bit different of a change. Parking. So, phase one was required to provide 204 parking spaces, with 102 of them being covered. Two hundred and seven parking spaces are provided, with 195 of them being covered. Phase two is required to provide 69 parking spaces, 87 of them are provided, with 71 of them being covered. Six total bicycle spaces are required, but they are actually providing I believe 50 bicycle storage indoor spaces. The parking -- but long story short, the parking exceeds by 21 spaces now over what they are required per the code. Meridian Fire, police, and the surrounding residents have commented the parking has been a continuous issue for this development as residents and guests often have to park on both sides of East Blue Heron Drive, which makes emergency access and everything else very difficult on that street. One cause of this issue -- and the major cause of this issue is that many of the garages that are being intended for parking are actually being used for storage. So, everybody puts their stuff in the garages and, then, they park somewhere else, so you lose all that space. We talked to the -- fire about that and the applicant and our recommendation is to -- is that there is a condition of approval that garages can't be used for the covered parking, it would be carports. It's a lot harder to use carports for storage than garages, so that would at least lead to that issue being somewhat reduced. There are actually some other stuff that the Planning Commission talked about, which I will get into later, that I think is resolved. Open space and amenities. So, 41,800 and -- basically 41,000-ish square feet of open space was required with -- with phase one, whereas 53,000 was provided. Ten thousand two hundred square feet was required with phase two and 15,000 square feet is proposed. So, it exceeds the requirements. Four amenities from each category are required for multi-family developments of more than 75 units, but with multi-family developments of more than a hundred, the decision making body should require what -- should decide whether or not the additional amenities are appropriate for the size of the proposed development. So, again, they are required to have four. What they have got here is a half basketball court, a plaza containing benches and trellises, 1,600 square foot clubhouse with an exercise room, playground, a horseshoe pit, barbecues and picnic tables. With the proposed expansion the applicant proposes a larger open space. What you see here is the open space plan. So, in blue is what was required -- what was required and provided with phase one. What you see in the orangish or yellowish, that's what is being shown in two. And, then, the red is what's being shown for the amenities. There is architecture elevations that were consistent with the existing complex. We have received numerous phone calls and letters about this. Pretty much all of these -- well, there is really two issues. First one was, not surprisingly, parking. People parking up and down Blue Heron Drive. The other one -- there was some discussions about trash -- people throwing trash along the street. There was a lot of discussion about this. Staff's recommendations was that phase one and two have to share access, parking management, and open space in case one -- in case this got

approved and, then, another piece got sold off and suddenly now you have two different apartment complexes. So, we were looking at it as a holistic thing. We wanted to make sure that it continued to stay holistic. There -- we had a recommendation that they would widen and improve the pathway between East Blue Heron and North Eureka to 15 feet versus what was originally 20. We are okay with 15. Fire is okay with 15. We weren't thrilled about the condenser units on the north side of Building F, which are right along East Blue Heron. The way that they were screened with just fencing, we thought that would be kind of hard, so we were recommending it did say additional landscaping there, which they were okay with, and, again, that the covered parking could only be satisfied by carports, not garages. The Planning Commission on 16, there was -- there was quite a bit of discussion about this. Almost all of it was in regard to parking. What the Planning Commission recommended, in addition to staff's recommendations, is that prior to the City Council the applicant will have a parking plan that's been addressed by ACHD. Prior to City Council the applicant will have an agreement with the property management company on enforcement of the parking regulations. That the applicant add additional trash receptacles and, then, again, that the pathway be widened. My understanding -- and I'm sure the applicant would be able to talk about that -- is they have talked to ACHD -- this was new news I got I believe today, that they have talked to ACHD and ACHD is okay with striping all of Blue Heron as no parking to basically eliminate any parking along the road all together. With that that concludes my presentation -- for any questions or for the applicant.

Simison: Thank you, Alan. Council, questions for staff?

Bernt: Mr. Mayor, I have one question.

Simison: Councilman Bernt.

Bernt: Alan, my question is -- is regarding the parking along Blue Heron. Just -- just for clarification, that's not a private roadway; right? That's public.

Tiefenbach: That's public road, sir.

Perreault: Mr. Mayor?

Simison: Sorry, you're -- was that Strader or Perreault?

Perreault: Perreault.

Simison: Council Woman Perreault.

Perreault: Thank you. Alan, am I understanding correctly that there are currently five buildings and there is 108 units in those five buildings?

Tiefenbach: That is correct. So, this -- this is quite a bit larger of a structure than the other buildings size wise? No. These are comparable. We are talking two more

buildings, not one, so --

Perreault: Oh, two more. Okay.

Tiefenbach: Two buildings of 16 units each.

Perreault: Sixteen. Okay. Okay. Thank you.

Tiefenbach: The buildings themselves, both architectural and site plan, are virtually identical to what's there now.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Alan, is this commitment from the highway district to -- striping listed as no parking, did that come as an e-mail from the highway district to you? Is it -- we are hearing this secondhand? I'm just curious where that piece is coming from, because I'm not seeing it in our packet.

Tiefenbach: It just came in today. Chris, I thought that -- I don't know if you can get into the laserfiche. I can't. I'm pretty sure that I forwarded that to the city clerk, if he wants to look and see. I believe that there was some language underneath from ACHD that -- I think I forwarded it to you, Chris, if you can take a look and see if you have it. Give us just a second.

Cavener: Thanks.

Tiefenbach: Again, I can defer to the applicant, but, yes, I believe that there was some language from ACHD there.

Cavener: Thank you. Appreciate it.

Simison: Council, any -- Council Woman Strader.

Strader: Yes. Thanks. Quick one. I just didn't see it handy. How many garages serve as parking spaces from the original development?

Tiefenbach: Let me get back to that. Keeping me on my toes here. Phase One was 204 parking spaces required, with 102 of them required and what was provided with phase one was 195. So, they were required 102, they provide 195. Those are all garages. Then phase two they would be required on 36 of them being covered and they are providing 71 of them being covered, but they can't do garages, they have to do carports.

Strader: I was just hoping that there was a smaller number of garages from the phase one development that they could make up for that number of garages, because clearly

that garage concept is not working.

Tiefenbach: I have actually considered maybe discussing internally with staff and development whether we want to continue with the garage ideas in apartments, because we seem to keep having this problem. It's not in there?

Simison: Council, any additional questions for staff while we look for that issue?

Tiefenbach: He doesn't have it on the laserfiche yet. I got it later in the day. I couldn't remember if I forward it to him. I believe there is language in from ACHD, but I'm pretty sure that the applicant has a copy of that e-mail and they can -- they can share that with you.

Simison: Okay. Seeing no more questions for staff, we will go ahead and turn the time over to the applicant and -- Tamara, if you want to state your name and address for the record, please.

Thompson: Thank you, Mr. Mayor, Members of Council. Tamara Thompson. I'm with The Land Group. We are at 462 East Shore Drive in Eagle. And I have a PowerPoint, if I can share my screen.

Johnson: Tamara, you can do that now.

Thompson: Okay. Can you see that?

Simison: Yes.

Thompson: Excellent. All right. So, this is an in-fill project. Many of my slides are the same as Alan's, so I will just go through them real quickly. The property is located on the east side of Meridian Road between Fairview and Ustick, on the south side of East Blue Heron and East Blue Heron is a public right of way. Get a little zoom in of it. So, these are the two properties that would be -- that are being proposed as phase two and, then, this is phase one. This is a different development to the south that is accessed off of East James Court Drive to the south. So, the existing facility is -- is right here, if you can see my cursor. As Alan showed you, the area is a patchwork quilt of zones. The existing property has both an R-40 zone and a C-G zone and you can see that to the south is R-40, to the north is R-40. So, the expansion area is R-8, which is the City of Meridian already and, then, this R-1, which is in Ada county. So, we are proposing to annex 1.36 acres and that's the R-1 zoned property and, then, rezone and zone that property, plus the R-8 and, then, the C-G. So, that makes 5.54 acres that would be rezoned to -- or zoned to the R-40 and that will clean up that patchwork that you see there. So, the -- you can see this -- I put that on there. So, you could see that shape is this darker line color there. So, there is 36 additional units in two buildings and these buildings are the same. So, Alan mentioned that they were 16 units -- two 16. They are not. This is a 24-plex and a 12-plex. What exists in phase one is four 24-plex and one 12-plex. So, exact same building types from -- from phase one to phase two, we just have one of each of those.

So, 108 units in phase one and these two buildings with the 24-plex and a 12-plex, then, an additional 36 units. So, the grand total is 144. One item that -- that Alan mentioned is all of the covered parking and that is incorrect. The garages are only 54 in phase one and, then, zero in phase two. So, not all of the covered parking are garages in phase one. Let's see here. So, here we are in phase two. Alan mentioned the parking stalls, that we have 21 more parking stalls with this expansion for the overall. So, it will be operated and managed as one complex. So, this is an expansion, not a new facility. So, overall there is 21 more parking stalls than code requires and, then, on the open space the project exceeds that. The requirement for phase one was 52,070 square feet and it provided 68,330 and, then, with phase two it adds an additional 15,300, which is 16,260 square feet more than what code requires. Just wanted to show a few pictures of what the existing facility looks like. There is a clubhouse with the existing facility with phase one. There is a tot lot and open areas with kind of a dog park and, then, you can see here there is a horseshoe pit and this is a photo of one of the interiors of the units. The architecture is consistent with the existing buildings in the community. They are three stories and they are fully sprinkled. And, then, just a summary of the existing amenities and, then, the new proposed amenities. So, some of the items that came up with either the neighborhood meeting or in Planning and Zoning -- so, in the neighborhood meeting the neighbors brought up some of the -- the issues with parking along the public right of way in East Blue Heron and due to those comments the management company did a parking study, an audit, and they did this for a 30 day time period and we have submitted that. Hopefully it's in your packet, but we submitted that prior to Planning and Zoning. So, between the dates of February 24th and March 25th, between 8:00 p.m. and 10:00 p.m., each evening they audited the -- the number of parking that was available within the community and, then, they also counted the number of parking stalls on East Blue Heron and the audit concluded that the Heron Village has more than enough parking spaces to meet the needs of its tenants. So, within that 30 days that 82 percent of parking stalls were occupied. That each evening there were -- in the week days there were 35 parking stalls vacant within the community and that's an average and within that same 30 -- 30 days there were four weekends and on the weekends there were 38 to 39 stalls available. So -- and, then, they counted how many were on Blue Heron and there were an average of 24 vehicles on Blue Heron, 12 on the north and 12 on the south. So, if all 24 of those are part of the community, they -- there would be more than enough parking for them to be in the -- in the community's parking area. The -- the residents in the community when they signed lease agreements they have to report their license plate numbers and the managers did a cross-check on those and what they found is that it was roughly 70 percent of the parking were residents and 30 percent were not residents of Heron Village community. What they have worked on is -- and let me show you this next one. So, to address that they are -- as of November 1st they will be issuing these parking permits. They are little statically -- kind of like when you get your oil changed. It will be a little sticker on your car, so they will be able to -- to track those a little better and they have also been working with a third party on a -- on parking enforcement to drive through the lot a couple of times in an evening and to -- and to -- to keep that up. Also what they have done is they have a newsletter that -- where they have been encouraging everyone not to park on the street, but to park in the community and they have issued addendums to their leases, so anyone that has a current lease they have given them an addendum to

their lease that goes through different parking requirements and some of the items that they have addressed is that a -- the garages are for vehicles only and are not to be used for storage. They are implementing a twice a year where they will look and audit those and go into those garages twice a year to make sure that there aren't storage, but, then, also if they see that they are used for storage they will do something about it then. They are also implementing that vehicles have to be registered and operated -- operable at all times and no recreational vehicles or oversized trucks are allowed and the lease agreement can be terminated within a 30 day notice. And, then, part of the other was trash and they have added this trash receptacle up on the -- on the road. They do have them throughout the site. This -- they have a temporarily one that they have added while this one is on order, but this one will be put up near Blue Heron. Let's see. And, then, I wanted to reiterate that currently this portion of Blue Heron is just a walkway, but it is ACHD right of way. So, the roadway really ends here and -- but ACHD, as you can see with these green lines, has right of way all the way through to North Eureka and to address Fire Department comments that we will be widening that for their vehicles. And, then, to go to ACHD. I received an e-mail from Dawn over at ACHD and I actually -- I submitted that to -- to the city yesterday and to give you a summary, it says that Blue Heron Lane is a 36 foot wide street section and that is measured from back of curb to back of curb. ACHD says it is sufficient to allow on-street parking on both sides of the roadway and to provide the necessary 20 feet of emergency access required by fire code. They said if the applicant is asking for no parking signs, that they would likely deny that request, but they are happy to work closely with the Meridian Police Department or the Fire Department. So, there is three options they said for reducing parking. One would be for ACHD staff to coordinate with the Meridian Police Department and, then, that request would be submitted to ACHD. Or they said that if the Meridian Fire Department requires no parking fire lane signs on either one or both sides of Blue Heron Lane, then -- then ACHD would be happy to coordinate with them. Or the third option for residents, if the residents of every -- or all the property owners along Blue Heron, if they would submit a petition that is signed by 75 percent of the homeowners abutting Blue Heron Lane, but the apartment complex only gets one of those votes, then, they would look at that. So, those are the three options. And so they didn't necessarily say the entire thing would be no parking and, frankly, I would -- I think people are parking on the road, because it's probably more convenient. When they pull in maybe it's closer to where their unit is, because it is -- I mean they have shown with the audit that there is substantial parking for the site. But that's not the issue. That perhaps keeping parking on the south side of Blue Heron would be appropriate and, then, getting rid of the parking on the north side where it's adjacent to the townhouses to the north. So, we have read the staff report and we thank staff for their thorough review. We agree with staff's analysis and recommended conditions of approval and we respectfully request your approval tonight and I will stand for questions and I neglected to tell you I also have representatives from the management company and from the architectural firm if you have questions that I can't answer.

Simison: Thank you, Tamara. Council, any questions?

Hoaglun: Mr. Mayor?

Perreault: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor. Tamara, thank you for the presentation. You noted that there will -- the one unit is 20 -- one building is 24 units and the other building is 12 units. Is that a mix of one, two, three bedrooms? Can you give me a -- kind of a concept of the -- the sizes that are there or maybe just how many bedrooms total per building?

Thompson: Absolutely. Mr. Mayor and Councilman Hoaglund. Let's see. The -- I don't have this blown up right here, but this is where this summary is. There is the bed and bath count. So, I'm going to just give you an overview. So, there are one bedroom, one bath units and -- so, I'm going to give you the total with phase one and phase two. Does that -- is that okay with you? So, the total for phase one and phase two, one bedroom, one bath, there is 30 of those units. Two bedroom, one bath, there is five. Two bedroom, two bath, 85. Three bedroom, two bath, 24. Did I go too fast? Do I need to say it again?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Tamara, yeah, just -- you have a one bedroom, one bath --

Thompson: Thirty.

Hoaglund: A total -- so, that would be a total of 30 on that one.

Thompson: Uh-huh.

Hoaglund: And you get --

Thompson: Two bedroom --

Hoaglund: Yeah. Two bedroom.

Thompson: Two bedroom, one bath.

Hoaglund: So, ten more with two bedroom and, then, a two bedroom, two bath, there were 85 of those.

Thompson: Yeah. But back up to the two bedroom, one bath, there is five.

Simison: And he's counting how many?

Hoaglund: So, that makes --

Thompson: Oh. Okay.

Hoaglund: -- ten bedrooms. So --

Thompson: Okay. Got you. So, then -- yeah. Then -- then two bedroom, two bath, there is 85 of those. And, then, three bedroom, two bath, there is 24.

Hoaglund: Twenty-four. Okay. I'm just trying to get a sense here of what I'm seeing, even in a subdivision, let alone apartment or multi-family unit development, is just more vehicles everywhere, whether it's kids living in apartments or even at home. I know on our screen a neighbor apologized because he had his one son living at home, not married. The daughter and her husband are living there. They are trying to buy a house, but not have any success. They have a three car garage to store everything, park one vehicle in it, three cars in the -- parking in their driveway and one on the street and, then, when someone comes to visit there is another vehicle there, so -- and you just -- same thing occurs with -- with multi-family. So, it's just -- I think -- and, Alan, I could be wrong, you know, our push is to reduce driving and -- and that's why we don't do a one to one. I think this is 1.5 spaces per unit; is that correct, Alan?

Tiefenbach: Based on bedrooms.

Hoaglund: Bedrooms.

Tiefenbach: Between 1.5 to two is whether -- I believe it's on -- three or more bedrooms is where it kicks in. But it's based on the number of bedrooms. It's not just pure 1.5.

Hoaglund: So, I'm just trying to make sure, Tamara, that -- you know, you are -- you are above this city standard, but sometimes I wonder if our city standard is a little too low. So, I'm just trying to -- trying to do some math here and I was a political science major, not a math major, so I'm a little slow at it.

Thompson: Mr. Mayor, Councilman Hoaglund, the parking is over by -- by 21. But, then, also I think that -- that audit that they did for those 30 days really shows that it -- that there is adequate parking as well. That the on-street parking isn't -- isn't happening because there is no parking in the community.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. So, ultimately -- you know, this parking conversation is challenging, because the city doesn't want to try to micromanage the -- the applicants with this, but when we have multiple complaints we -- you know, we do want to try to resolve that before making an approval of this kind. So, some specific questions, then, about the parking study that was done. The 70 percent that lived in the units and the 30 percent that did not, was that just within the complex or -- or did they run their license

plates on the street as well? And, then, is there -- with that information are you going to allow for at least 30 percent of your spots to be accessed by nonpermitted vehicles or what's the ratio going to be with the number of permitted spots or -- or not or is it just a free for all and do you have spots assigned to individual units, so that people aren't parking on the street and they get a spot that's closest to their apartment?

Thompson: All right. Mr. Mayor, Council Woman Perreault, lots of questions there. I might have to have you go back and ask them again. So, just to give you a little summary. So, in phase one there are 207 total parking stalls regardless of covered or garage or surface and they currently have 126 registered vehicles for those parking stalls. So, 207 and, then, 126 are registered for those. The covered parking stalls and the garages are assigned. Then anything that's not covered -- so, let's see, out of the 207 existing, 168 of those are covered. So, doing that math that's roughly 40, 50, somewhere in that range, that are not covered and so those are just for anyone to park in and I can have the management company get on if you would like to dive in a little deeper, but I believe that the second phase will -- will work the same way. The covered parking stalls are assigned and then -- and those are assigned closest to your unit and then -- and, then, the ones that aren't covered will be first come, first serve.

Perreault: Thank you. If I -- if I calculate that correctly in phase one you only have about 19 percent of the spots that are uncovered that could be used for free parking, which doesn't meet that 30 percent estimate -- or, you know, it doesn't match up with what they observed. I don't know if the -- if the applicant and/or the management company are, you know, considering changing how the parking is done in -- more in line with this -- with what they observed through this study, but it makes sense to me that -- to do that, so that that might help eliminate some of the parking along the street as well.

Thompson: So, Mr. Mayor, Council Woman Perreault, I'm confused on the 30 percent. So, when they -- they did cross-reference the -- the license plates to what they had in their files that were parking on the street and they found that 30 percent of those were not registered to the community. Seventy percent of them were and so they had parking within the community, but 30 percent could be -- there is -- there is businesses on that street and there is also townhouses to the north. So, they could be for other areas. Is that -- I guess you lost me with that 30 percent. I'm not tracking that.

Perreault: So, when you -- when you were doing the presentation you didn't specify if the 70-30 was for on the street or if it was within the complex. I assumed it was within the complex.

Thompson: Okay. Sorry. Yeah. The on -- the on-street parking -- of those stall -- of the cars, there were 24 -- an average of 24, 12 on each side, that were parking there in the evenings and 70 percent of those were -- they could attribute to the community -- to the Heron Village and 30 percent were are not in their files.

Perreault: So, if the -- if the city takes the route -- the applicant -- one or the other, however that works out, of eliminating parking from the north side of the street, then, do those 24

now park on the south side or -- there is no longer 12 on the north and 12 on the south. So, help me understand how the -- what's being proposed is actually going to -- I'm still not connecting the dots on how what's proposed is actually going to reduce the on-street parking.

Thompson: The on-street parking will -- could -- could remain for the -- and what -- what I'm proposing is -- is on the south side of the road. I believe the issue was that there was a concern with on-street parking that the road was narrow. So, you still -- you couldn't get the 20 foot roadway -- what is acceptable for fire access. But it's uncomfortable if there is a car going in each direction, which -- I mean Blue Heron is not a through street, it's -- it dead ends. But my understanding of what the issue was is that it's not comfortable for two cars to cross at the same time, one in each direction and so that's what the complaints were about, that -- that when cars are parked on each side it narrows that road down that feels unsafe and so eliminating one side and even if all 24 could fit on the south side, that -- that would be fine. Then it would just leave the pavement section wider, so that two cars could cross -- could pass at the same in the -- in opposite directions at the same time.

Simison: Council, any additional questions for the applicant?

Strader: Mr. Mayor? Liz.

Simison: Council Woman Strader.

Strader: Thank you. I have been on two police ride alongs and coincidentally on each ride along this development was pointed out specifically to me as what we should not do going forward. I will just start with that. I think we are spending -- I have heard anecdotally like in an ordinate amount of resources dealing with the inadequate parking here and so I have a lot of the same concerns as Council Woman Perreault. What is the long-term plan for automobile connectivity here? Can you walk me through ACHD's plans with their master street map and does this applicant control like the property to the east? Is there an intention to connect, so that Blue Heron isn't the only outlet? Like what's the long-term plan?

Thompson: Mr. Mayor, Council -- Council Woman Strader, the -- the master street plan -- and, actually, I could pull up my -- the staff report from ACHD. So, the master street plans don't go into this kind of detail from ACHD, but they currently have this as -- as right of way. My understanding is that when these properties develop, which this -- this -- the owner of this does not own these, nor are they for sale. This is a meatpacking plant here that when these were to redevelop and come into the city, that the improvements with the sidewalk -- that that would connect at that time. But I need to double check that staff report from ACHD to see if they addressed that. They definitely addressed the emergency access being able to come through here, but there is no other -- there is no other outlet other than this through here right on Blue Heron.

Strader: Yeah. I guess that's my concern. I understand they have the right of way, but,

you know, it's tough, but they have a lot of different projects and haven't heard that this would be a priority absent the development of those other properties. I was hoping your applicant controlled them. That would make things a lot easier. So, I mean that's a concern for me is just access in general and putting more people on the same street to access Meridian Road I think is an issue. Talk to me about how you located the parking for this second phase. Were you -- did -- was there an idea of locating the parking closer to the rest of the development to help alleviate the parking issues? And I understand there is like a net contribution of 21 additional parking spaces, just make -- want to make sure I understand the math on that. So, 21 above and beyond what's required. I guess that's not really half of the garage parking spaces of 54 garage covered parking spaces that don't work from phase one. So, just wanted to understand kind of the rationale of how you sized the parking and where you located it for the second phase.

Thompson: Mr. Mayor, Council Woman Strader, my first comment there is staff is speculating on the garages. There was no -- staff didn't go to the site and look in these garages and the management has been very diligent about talking to the tenants and letting them know that storage is not acceptable in them. So, I'm not sure that -- that the comment about the -- the garage is being used for storage is -- is accurate, because that's not what I'm hearing from the management company. As far as the locations of parking on the -- on the new site, they definitely put these as close to -- to the buildings. They have -- you know, so they -- they wrap around the buildings. These are located closer to some of the buildings in phase one and for this 24-plex and, then, because this is a commercial property, definitely use those parking stalls to buffer that commercial property as well. The parking is -- is arranged for convenient access to -- to the units.

Simison: Okay. Council --

Thompson: So --

Simison: I was going to see if we could get to some of the public testimony or if we need to keep going into this at this point in time. Okay.

Bongiorno: Mr. Mayor?

Simison: Where is that --

Bongiorno: That was over here.

Simison: Mr. Bongiorno, can it wait until after we hear from the public?

Bongiorno: Sure.

Simison: Okay. We do have some very pleasant people waiting here. I assumed they are not just here to listen to the conversation. Mr. Clerk?

Johnson: Mr. Mayor, we have one signed in. Cynthia Cisco. Am I pronouncing that

correct? Cynthia?

Simison: Well -- well, is there anybody present that would like to provide testimony at this time? If you would like to come forward at this time and just state your name and address for the record, please.

Sorenson: My name is Valinda Sorenson. I live at 138 East Waterbury Lane across from the apartments. And sorry I'm nervous.

Simison: You will do fine.

Sorenson: I would really like to address the numbers that the -- that they came up with for the parking, the -- the management when they did the survey. It's so unrealistic and we live there, so we deal with it firsthand every day and, in fact, at our last meeting that we had -- we attended -- I attended here and when I went home that night there was 63 cars parked on the street. I went up -- I walked up and down the street and I counted. There was 63. And the area where they are -- they are building -- I'm not quite sure how to tell you on the map, but on -- adjacent to Blue Heron where it's the big rectangle, the big building, right there there is -- it's an open field right now. They are actually parking in the field as well. So, there is not only cars on the street, they are parking on the -- in the field. So, if they are going to build more apartments -- there is already about 63 cars on the street, so is that going to make 120 cars on the street after they build the apartments? And I don't know how they came up with the numbers, but I can go out there any day and count 32 cars on the street and still parking and that includes sometimes parking in the -- in the -- in that open field there. So, you know, it's just very frustrating, you know, the -- to know where they come up with the numbers and I understand that they -- if they did do a survey at 8:00 to 10:00, that doesn't count the weekends when they all have their -- their friends visiting, you know, and I do know from talking to certain people -- because I talk to the tenants sometimes when they come, you know, when they are parked on the street and they -- they get out of their cars, I'm just real friendly, I talk to them and there is more than one family living in one apartment. Sometimes there is four people living in those apartments. That's four cars, not just one. But there is four cars. So, that's just -- something I just really want to address, because it's not realistic, these numbers that they are coming up with, and we live there, we have to deal with it, we deal with the noise. You know, like we said, the trash, you know, they seem to think that our common area is their trash can and putting a container on their side of the street -- yes, thank you for doing that, but they are not going to use it, let's be real here, you know. It's too easy just to throw it, you know, or -- you know. Anyway, I just want to thank you for listening to us and -- and thank you. But if they do open up that access to the -- to the -- to Eureka over there, that small section of the road, it's just going to be more traffic coming through our street. So, the parking issue on the street really does need to be addressed. Thank you for listening to me.

Simison: Thank you.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I have a question for you and I didn't catch your name. I apologize.

Sorenson: My name is Valinda Sorenson. Valinda.

Bernt: Valinda. I appreciate you coming this evening.

Sorenson: Thank you.

Bernt: Just real quick. They are going to put bollards on -- on the end of that street, so you won't have any through traffic. Just -- but that's not what I was going to say. So, my -- my question to you is -- and I have seen this in other areas where I have made comments that haven't been real popular with the developer and -- but it's a real fact that -- I mean there are times during the day where, you know, parking along these streets fluctuate.

Sorenson: Uh-huh.

Bernt: You know, I feel like a lot of times in the morning it's super populated, then, they all go to work and so during the day when you are going through these certain sections are fine, but, then, in the evenings they come back from work and it's really populated again. Is that what you are experiencing with this --

Sorenson: Yes.

Bernt: -- this area?

Sorenson: Yes.

Bernt: Okay.

Sorenson: Yeah. And the -- the noise -- the noise level at night is just -- it's becoming worse and worse.

Bernt: Right.

Sorenson: As -- you know. Of course, the -- and I'm sure it depends on how full the -- the units are, too, you know.

Bernt: I get it.

Sorenson: You know how full they are, too. But I have -- I have lived there now for five -- like five years and the street has been -- we have had them park up -- there is so many cars on the street -- it's the whole entire street, even clear down by the meatpackers.

Bernt: Right.

Sorenson: And the business that's behind the meatpackers, I think it's a -- it's an electric company or something, they have -- they have semi trucks that deliver products all the time. So, when you have got a semi truck coming down the road, cars parked on both sides, it's a narrow street -- you know, I don't care what anybody says, it's a narrow street, it -- it is difficult. It's very difficult. And if you don't -- if you don't do anything, please, mark the red from -- from their entrance to our entrance at -- I think it's Richter there. Mark that red, so that we can pull in and off of North Meridian safely. It is so dangerous pulling in and off of that road, because the cars park so close to North Meridian and they just jam in there, so --

Simison: Thank you.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Ms. Sorenson, a couple questions if you wouldn't mind. Just -- I just want to make sure I understand some things. Where you live on East Waterbury Lane, is that private or is that a public road?

Sorenson: It's a private road. It's the -- we are a senior complex.

Hoaglun: Okay.

Sorenson: And that's another issue. We -- you know, we have -- we live on Social Security and so our income is fixed and our road is private and they drive up -- they drive on our road all the time. We have to pay for that road. It's -- that's not public road. We have to pay for that. And so instead of -- I mean how can they turn around when they get on there, because they have to go somewhere to turn around, they don't want to go to the end, so they just go down our street.

Hoaglun: So, just as an aside then. So, you want to make it a toll road, so you can raise --

Sorenson: Yeah.

Hoaglun: There we go.

Sorenson: There we go.

Hoaglun: We can do that. We will tackle that one next, but -- for right now on the -- on the parking issue, would it help if there was a request for no parking on that north side of Blue Heron along -- that would be your -- your side of the street at least, you know, and we will have Deputy Chief Bongiorno from the Fire Department we will be talking about

the width and access and different things that we --

Sorenson: May I just say that that would help, you know. It would probably solve the trash problem. It would probably solve, you know, the noise issue for a lot of it for us.

Hoaglund: And, Mr. Mayor, if I might -- one more?

Simison: Councilman Hoaglund.

Hoaglund: And in relation to the noise you mentioned, is that like -- is it car stereos or is it just how loud the cars are with their lack of exhaust systems or enhanced exhaust systems or --

Sorenson: It's that. It's the -- you know, just they are talking in the apartments themselves can get very loud, you know, when they -- on weekends and -- and you know, that, too, so --

Hoaglund: Good. Thank you. That was -- that was helpful.

Sorenson: Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Sorry. One more, Valinda, if you don't mind. I appreciate you coming out and --

Sorenson: Sorry. I'm so nervous.

Cavener: -- representing your -- your neighborhood. In the testimony you sent us you indicated that it was kind of your belief that apartment residents are also -- you think using your street and I know because I was in your neighborhood earlier this last week and you got kind of -- when you pull into your neighbor a couple of parking spots. Are you finding that apartment residents are also parking in those spots and on your street or they are just driving through it?

Sorenson: They drive through, plus they do park in our parking places for our guests. That's for our guests and we have had some confrontations when we have asked them to please move and we always ask nicely. We are not -- you know, I mean we are all old there, we don't want any confrontations and we have had some really heated ones where I have had the F word used at me and -- and they just walk away like, you know, you can't tell us what to do, you know.

Cavener: So, Mr. Mayor, follow up if I can.

Simison: Councilman Cavener.

Cavener: Valinda, I think you and your neighbors that have submitted testimony have all been very nice and just you want quality of life in your house. I think the Council is sympathetic to that. That's where my question comes from is I guess my worry is because -- because initially I was supportive of prohibiting parking on Blue Heron. I was actually in favor in both sides, but I worry will that just push those cars into your neighborhood, into your public street and are we creating a unintended future nuisance that you guys are going to be stuck dealing with?

Sorenson: Well, the only thing that we could do, then, is to make arrangements to post -- I mean that they will be towed. It is private property and they will be towed, you know.

Cavener: Thank you.

Simison: Council, any additional questions? Okay. Thank you very much.

Sorenson: Thank you.

Simison: I don't know if there is anybody else who would like to provide testimony on this item from the audience or if there is anybody online you can use the raise your hand feature at the bottom. Oh, we do have someone, Mr. Clerk.

Johnson: Mr. Mayor. Summer, you are able to unmute yourself.

Simison: And, Summer, if you can state your name and address for the record, please.

Hazen: Yes, of course. My name is Summer Hazen and my address is 800 West Main Street, Suite 1410 in Boise, Idaho. 83702. I'm not sure if you can see me or not. I see all your faces, but that's absolutely okay. So, I am actually -- I'm the regional manager for Heron Village. I work for the management company. I wanted to thank Valinda for coming over tonight and sharing her experience. As a management company generally for residents we always speak to ensuring peace, comfort, quiet, enjoyment at all times and we want to ensure that we are elevating that level of customer service and so it's not just within our community, but our neighbors as well, because as apartments are being built more and more and I have been doing this for 14 years now, I know that we ended up sharing our property lines and sometimes we are right next to residential homes. So, we always try and work with the neighbors to the best of our ability, which is -- which is allotted for us. So, I did want to, you know, go back to the parking, because that is such a large concern and, of course, it's -- it's a concern of ours as a management company for the onsite manager and when the residents are reaching out to me if they -- they have a question or concern internally. For the covered spaces, as we had spoken to, there is a total of 127 carports. A hundred and eight of those are automatically assigned to a resident when they move in, giving us an additional 19 spaces that are not assigned to the residents and, then, 13 uncovered spaces throughout the property. So, those are 32 uncovered spaces internally and, then, with the garages of the 54, as of today we have

40 of those that are occupied and those are rentable on a first come, first serve basis. But conversations that we have had currently with ownership and the onsite team is going back to that ratio, how many vehicles are happening per apartment homes and you are correct we are seeing more of a roommate situation depending on the community, but we are open and willing to assign a second space to our three bedrooms, so that as people start to move out of the garages -- and there is only 12 today and, then, we are going to add those additional 12 in -- in phase two, so we can offer a second space, so two are always going to be assigned for the three bedroom, two baths and the garage spaces and earlier Tamara spoke to auditing and we absolutely do an audit on a biannual basis, twice a year. Generally at most we say probably three to five that we come across that are actually fully stuffed full of stuff for storage that we have to go back and speak to those residents. Our current lease agreement that is in place that has been in place since TableRock has managed the asset close to a little over three years now is very detailed. But our lease in general is very detailed. It mentions parking in there almost 30 different times, right, throughout just surface parking, what we allow, what we don't allow and if we do find that anybody is in breach of contract we can issue notification with three days to remedy that; right? You have got three days to ensure that this is addressed or we can terminate. And so it's very rare that we have to reach to that level, because, of course, we do not want to do that, we want to ensure that the residents that live there have a great experience. So, we as a management company are willing to be flexible and change those garages into assigned, if that's going to make it easier. But, again, I also -- the auditor --

Simison: Can you, please, summarize your comments. Your time is --

Hazen: Oh, yes.

Simison: -- is over.

Hazen: Oh, I'm so sorry. I didn't realize I have a time limit. I apologize. So, overall we are willing to be flexible. We can absolutely assign a second parking space. The community manager, she actually lives on site, so she's the one that personally did the audit. She also faces the street, so concerns in regards to noise or complaints she gets some firsthand, because she lives there so she can address it pretty immediately and, then, for the cleanliness we have maintenance on site five days a week. So, they are also going up and down Blue Heron and picking up trash per recent requests from just the neighbors saying that trash is being left out there. So, we are working to make corrections as quickly as we possibly can.

Simison: Okay. Thank you. Council, any questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Summer, appreciate you joining us tonight. I think you can bring a good

perspective for us. With all of the work that you have done to kind of encourage parking on site, how do you account for all the cars that are parking on Blue Heron?

Hazen: So, I do agree with some of the state of they could potentially be some guest parking. We did have a situation that we had some corporate housing with the lineman school, which we are having -- they were budding up students inside there. So, we reached out to the linemen school and requested that they have no more than two vehicles in their apartment homes and if they had anymore that we ask that they carpool back and forth from the school. We also per lease agreement requested that there are no trailers being brought to the property, that we saw some of the linemen going back and forth. So, since, then, we haven't had the trailers from the lineman school and we have limited those parking. We also updated our lease agreement to only allow two vehicles per two bedrooms and, then, three for three bedrooms to help monitor that as people are moving into the community. But, again, going back to the street parking, I think it's just a little bit, as said earlier, was just convenience to some of those front side properties, plus guests that are coming to the community.

Strader: Mr. Mayor?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you, Summer. So, it sounds like you are doing what you can to try to enforce the residents' parking patterns with -- and with the lease agreements, but what do you -- what about the folks that are parking there that -- that don't have lease agreements that you don't have any control? I think I have more concerns about that, because, you know, I guess perhaps it is true that people are parking on the street, because it's closer to their unit than the spot that they can get in -- in the -- in the complex itself. So, maybe just looking at how -- you know, how the -- the covered, uncovered, all the parking spots, where they are being assigned in relationship to the unit the person lives in, but also, you know, that there is -- there is -- it doesn't make sense to me, just human behavior, that people would park on the street if they had a spot close to their unit or they even had an open spot in the complex somewhere. So, to say that there is a whole bunch of open spaces and people are parking on the street, it just doesn't -- I mean only, what, two of the buildings that are in the whole complex are on the Blue Heron Street -- facing the Blue Heron Street, all the rest of the units are not even next to Blue Heron, so why would people be parking there if it was -- do you understand what I'm saying?

Hazen: I do. I absolutely do. And some of it could be like being comfortable parking in a carport space. I do find some people that feel like they have a larger vehicle don't always necessarily want to park under the covered. That's why offering a garage for those larger vehicles might help resolve some of that, plus limiting the amount of vehicles from the lineman school is going to help. We also in addition are, effective November 1st, adding those parking permits. I think that will help us, you know, better regulate the vehicles that are parking throughout the community and also signing a contract with a

courtesy patrol, right, that are going to do security and parking enforcement that can help us push the residents into the community, but we are -- we are within the guidelines of what we are allowed to enforce as a property management. We can -- we can send the notices, we can do the audits, we can educate the residents at time of move in and renewal, but at the end of the day if they go to the street that's where we need the help of the -- the city to either block off that one side to help eliminate those concerns with driving through that -- that way.

Simison: Council, any additional questions? Okay. Thank you very much, Summer. Is there anybody else that would like to provide testimony on this item. Deputy Chief.

Bongiorno: Thank you, Mr. Mayor and Council. Just wanted to give a little history, so we know where all this started. So, this started back -- I got a call one night at 3:00 o'clock in the morning or 1:00 o'clock in the morning, because one of our fire engines got stuck in the back of that apartment complex. They literally had to back all the way out of the entire complex because at the time there was no red curbing, they hadn't painted anything, nothing was marked as fire lanes and so people -- if it looked like a parking place or it looked like they could fit their car in there, they parked there and so we went and met with the, then, management company -- and this was four or five years ago and they -- I actually walked the entire complex and gave them a paper that showed all the fire lanes. So, that's when they went in and they painted all the curving red and once that happened, then, that's when people started parking out on Blue Heron, because they had their temp parking places taken away from them, so -- because they were like parking in front of garage, they were parking everywhere. So, now as far as Blue Heron itself goes, I believe Tamara said that it was 36 feet wide back of curb to back of curb, so that's 35 feet face of curb to face of curb. So, as far as ACHD standards and the fire department standards, you can park on both sides of that road. There is nothing wrong with that. It's not until you get down to 32 feet that we -- that we limit to one side or the other. So, as it sits I have no concerns about parking on it personally, because it's -- it meets code, it meets what the standards are for parking for a 35, 36 foot wide roadway. Be happy -- one hundred percent happy to work with Alan and ACHD and Tamara to figure out -- and the property manager to figure out a parking plan for this -- for Blue Heron. I can see the concerns with parking between Richter and Meridian Road, because that does limit -- once you get up to the intersection your triangle is severely limited, so I can see working with ACHD to block that section off and make it no parking and, then, we can figure out the rest of it from there. But I don't -- I don't want to take away both sides of the street, because I still feel that even working with Tamara -- and she was awesome to give us those 21 extra spaces, I still think there has to be parking out of Blue Heron to allow for the -- the overflow parking, because of visitors, Christmas, Thanksgiving, whatever. I think it's still going to be needed even with what they are doing, so -- but, again, we can -- we can go one side or the other, it doesn't matter, we can leave both sides, we can just limit Richter. I'm happy to work with everybody to make that function whichever works best for everybody.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Hey, Joe, got a question for you. So, what you are saying is you feel comfortable currently how it stands and you are able to drive a fire truck down one -- you know, one side of the road and having another vehicle drive down the other no problems -- with -- with -- with having -- with -- with cars parked on both sides of the road.

Bongiorno: Yeah. Mr. Mayor, Councilman Bernt, yes, totally. We do it every day. Thirty -- thirty-five feet is a standard in this city. Everything new is in that 33 to 36 foot range.

Bernt: Unless it's private, but I --

Bongiorno: Blue Heron is not private.

Bernt: Right.

Bongiorno: Right. Correct.

Strader: Mr. Mayor, I have a question for Tamara.

Simison: If we wanted to wait until we bring her up for final comments. Is there any further public testimony on this item? Okay. Then, Tamara, why don't we go ahead and bring you up for your final comments and you will know you will have questions.

Thompson: Thank you, Mr. Mayor, and I thank Summer for -- for chiming in there, since most of the comments have to do with parking and operations and items that she's more intimately involved in. In the -- my conclusion I was definitely going to reiterate the thought that there is an -- someone that lives on site that is part of the management team and they are happy to share there that number to make sure that all of the adjacent property owners know who to contact and that kind of thing. Also with Blue Heron being a public road, they -- they don't have any jurisdiction on that street as far as to tell people -- you know, they have been encouraging everyone not to park there. They have a monthly newsletter that goes out and -- but they just don't really have any teeth in order to tell them not to park there. I think with -- with Summer's -- with what she mentioned, I think we have addressed everything that was -- was brought up, so I will stand for questions.

Simison: Council Woman Strader.

Strader: Thank you. Thanks a lot, Tamara. So, I wanted to understand the point that Summer made about the garages. So, it sounds like there is 54 of them and typical for a development, you know, it costs a little extra, right, for people to rent those garages. So, it sounded to me like there is 14, if I'm reading that right, that are unoccupied, so you kind of have an unutilized pool of parking. What was the proposal to try to utilize that parking to further alleviate the issue?

Thompson: Mr. Mayor, Council Woman Strader, they are going to reduce the fee across

all of the garages by 50 percent, so -- so, that they can get those full.

Cavener: Mr. Mayor?

Strader: Thanks.

Simison: Councilman Cavener.

Cavener: I didn't want to step on Council Member Strader's toes if she had a follow up. First, Tamara, congrats on your award and recognition from Boise State. That's pretty remarkable.

Bernt: Luke, you beat me to it.

Cavener: Oh. Sorry. Sorry, Treg. I have a -- I guess kind of a real direct question and it is -- I really think that as we have received compelling testimony from the public about Heron Village contributing to directly to the parking problem, both along Blue Heron and it all sounds like a long Richter Lane, which is private. So, I like this project, I like what you are trying to accomplish, but I guess I need to get a good understanding from you as to what you or your builder is planning to do to address this parking solution -- situation. I guess I haven't heard that you recognize that there is a problem and that you want to work towards a solution. What I have heard a lot of is that you don't necessarily really think that this is a problem and I want to make sure that I'm not mishearing you and giving you the opportunity to respond.

Thompson: Thank you, Mr. Mayor, Councilman Cavener. First, thank you for the -- for the congrats. That was super exciting for me. But, secondly, so the -- the parking situation -- yeah, I think I haven't -- I didn't do the -- the audit. I was given the report. So, that's -- that's my extent of the knowledge of the parking and so I think talking to Summer about that is -- is more appropriate, because I'm just reading the report and not the -- you know, I didn't do the -- the study myself and I haven't gone out there, frankly, at 8:00 p.m. or 10:00 p.m. to -- to look at that.

Cavener: So -- Mr. Mayor?

Simison: Councilman Cavener.

Cavener: And, Tamara, I'm only pushing you on this, because -- because I know you well and you're a subject matter expert and so I'm being real frank. I don't find that answer very satisfactory. I think that you are an expert and you can look at this and you have read the testimony, because I know you are a pro, and so when I look at a layout design for this phase, I think it's going to only contribute more to the parking problem and if it's a situation that we disagree, then, that's okay, but I'm telling you right now that I think that you are -- you have a problem already. This project will make it worse and I just want to give you one more opportunity to at least commit to me what you are planning to do to address it and if it's that we don't think there is a problem, that's okay, we are just going

to have to agree to disagree on this one.

Thompson: Okay. Let me grab my -- Mr. Mayor, Councilman Cavener. So, with the current phase one, from what was required to what exists or what was provided was only -- let's see. Actually, that has more, too. So, you are right, I mean as far as The Land Group goes, we do -- we do quite a few of these apartment complexes and we are definitely seeing that with the people are in more of a roommate situation. A lot of that has to do with the supply and demand. There isn't very much supply. We have -- you know, most of these are -- are fully occupied, not just here, but across the entire valley that housing is -- is needed and the less housing there is the more people are living in individual units. There is definitely -- if -- if 21 stalls -- looking at the site plan, we could add more parking if we were able to -- that open space in the northeast corner, would that be something that -- and, obviously, I would need to go to my client and ask them about this, but would that be something -- and I can share my screen again if you want. But, you know, there is -- there is a nice grassy open space there that --

Cavener: Mr. Mayor, if --

Simison: Councilman Cavener.

Cavener: -- Tamara wants to share the site plan or if Alan wants to pull it up again --

Thompson: Yeah. I do have it right here.

Cavener: -- annotate anything if anyone is able to see it. But you look at where you are placing that big building right next to Blue Heron and so it very well may be a case that you have got proper parking, but, you know, again, I guess, Tamara, I think you are an expert, you do this stuff, you know that the -- the tenants are going to park on Blue Heron to access their apartments. So, again, I -- I'm sorry that I'm being a little more direct about this, but I guess I expect more from you when you bring us these types of projects, that you are thoughtful about this, because the stuff that you bring us normally is and I don't know if it's the case that you have advised your client and they are not wanting to change or you haven't had those conversations.

Thompson: No. I think we have had those conversations, but -- I mean it's -- it's over parked by 21 stalls from city code and it does have quite a -- quite a few parking -- having the parking on the street is something we don't have a lot of places and -- and we have heard from the fire chief that having parking on the street is -- is really not -- not an issue. I think it is for the neighbors, but it's not -- not by code. But it's just such a hard thing to -- you know, because we meet city code. Is city code wrong and if it is what -- what should that number be?

Hoaglun: Mr. Mayor?

Simison: Councilman --

Thompson: If it -- if it helps I'm getting a text from my -- from my client right now. They are -- that 24-plex to 16-plex and add more parking. We could also look at, you know, if this open space wants to -- we could -- we could make some of this maybe a little larger or something where we could continue this parking around in this area and add more parking there.

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor. Well, good, I'm glad to hear that, Tamara, because my question was going to be is -- one option would be would you consider taking that 24-plex and making it -- having two twelves, cutting that one in half and going to two twelves with the remainder of that in parking. I am interested in not having parking on the north side of East Blue Heron Lane to help mitigate some of the impacts that the neighbors on that side are having from the apartments. It doesn't solve everything, but it's a step in the right direction. But, then, take that away, there needs -- definitely needs to be additional parking and if there is any chance to do that, that it would have to be reducing the size of the building, so --

Thompson: Mr. Mayor -- and I think that was Hoaglund. I can't see you guys' faces anymore when I share my screen, but, Councilman Hoaglund, the -- so as far as the -- up here on the street -- the first site plan that we had our pre-app, which did not have this building on the street, but -- but staff wants -- you know, they are always trying to push buildings up to the street, so -- so we could not get the parking on the side of that. What's -- you know, might be that people park on the street in front of this one, because that being more convenient at that location. We are -- we have 15,000 -- actually small -- we have more open space with 16,260 square feet of excess open space that -- this is 7,000, so we would still be over the open space where we could look at rearranging some of this and adding some more parking in there, too. I don't know about two twelves, but they definitely said a 16 and a 20 -- I'm sorry -- a 16 and a 12.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, Tamara, are people -- I assume that it's the ground level patios and whatnot. I don't know the -- how these are designed, but is there a problem with putting like a short open fence around the -- on that north side of the street that -- that bumps up to Heron, so the people are -- are deterred from walking straight from the street to their building or would that not be permissible for some reason? It seems to me like we are -- it's -- we are -- it's just getting over complicated and not that -- I want to solve this issue on behalf of our residents, but ultimately as Council we are sitting here trying to help you do that, but it's not really what I feel like we should -- that I want to do. I don't want to solve this problem for you. I want you to solve it and bring it back to us.

Bernt: Mr. Mayor?

Simison: Can we let the applicant reply to that?

Bernt: Oh, yeah. Sorry.

Thompson: Mr. Mayor, Council -- Council Woman Perreault, the -- I would have to look at -- we don't -- we don't do fences along right of ways very often, so I would have to look at what city code is on that. I don't know that off the top of my head. Maybe -- maybe Alan does, but I don't have that off the top of my head. So, what I'm hearing you say is -- is maybe some sort of a low fence or even a -- an open fence that -- that's along here where it would deter people from parking here, because, then, they would have to make their way down the sidewalk to enter at where the vehicular areas are; is that --

Perreault: Correct.

Thompson: -- is that that? We could take a look at that.

Simison: Councilman Bernt.

Bernt: This is my last question of the evening. I promise. And this question is to Captain Stokes. And it's the first time I have ever called you captain on the public record. Congratulations on your promotion. My question -- do you have any concerns with the -- Council Woman Strader mentioned earlier about -- she did some ride alongs and she mentioned that you guys had some issues with this. Just wanted to hear your thoughts.

Stokes: Mr. Mayor, Members of the Council, I don't know specifically with this complex and I didn't know about those ride alongs until now, but we have run into similar situations in other parts of the city. One that's coming to the top of my head is like Centrepoint north of Ustick. That -- those complexes that are behind kind of the Hobby Lobby and that curve around -- and I can see Joe nodding his head -- that curve around there on the north side of Hobby Lobby. That traffic that gets pushed out of those complexes can get pretty congested and our concern from the police department is, you know, a lot of cars really close together and, then, people running between those cars to get to the other side of the street and we can have accidents and those kinds of things and a lot of these complexes have a lot of kids that go out and play on the sidewalk and those kinds of things.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor, I think that we probably need some more time to -- to work on this or allow Tamara to go back to the drawing board and figure some things out. I think we talked -- it's pretty much focusing on the parking. So, what is that solution? Instead of trying to come up with that answer tonight, Tamara, would you be open to coming back here in a few weeks, say the 26th, and show us something that -- that would help alleviate the situation that we have out there and help the neighborhood? And we can see your

schedule now, by the way. Just --

Thompson: Oh. Okay. Good. Then you can see how much I have on there.

Hoaglund: Man.

Thompson: Right?

Hoaglund: So, a couple of weeks --

Thompson: You guys -- you guys stop it. So, yeah. Mr. Mayor, Council, the 26th of October looks -- looks like that would work for my schedule and -- yes. So, definitely open to that. Would love to get a little bit more direction though. As I said before, when we are overparked by city code, what -- what is that number? And we could -- we could go back and do an audit of some of the more recent ones that have been -- have been approved and see -- see where those ended up.

Hoaglund: And, Mr. Mayor, before we get into that, I just want to make sure with staff -- Alan, 26th, are you going to be gone?

Tiefenbach: I'm already here for you on the 26th. So, thank you for stacking them on the same hearing.

Hoaglund: Okay. Well, you can thank our very good city clerk for that. If I might continue. I guess because this is an annexation -- I mean that gives us the leverage. We have got a problem. We have got a situation. Somehow we have to find some solution to it. So, I don't know what that is, other than we don't want to increase the problem that is there and if there is ways we can alleviate that, that is certainly the best of worlds that we could come to. So, anyway, yes, you may be overparked. I have -- according to city code I have some doubts about our -- our, you know, efforts in that area at times with the way things are with -- with home prices, just the economy, people now are doing things and, you know, code often isn't -- isn't nimble. Laws are not nimble to address changing situations. So, somehow for this particular situation at this time what can we do to -- to come up with a solution and, hopefully, you have something in mind by giving -- you know, if we give you a couple weeks to do that, so --

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Yeah. Tamara, I will just add -- I think we heard from -- I think the property manager and I think from you as well that we are in a current environment where you have got kind of roommate situations, so when parking standards were established we weren't in that environment. I think I heard from Summer, too, this is apparently also being used for some workforce housing for students that are doubling or tripling up and so you guys are aware as to what's going on over there and I think, again, we would trust

you to bring back some recommendations that's sympathetic to what the neighbors have had to say and the feedback that you have heard from Council.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Oh, I would just add, you know, the parking is clearly the biggest issue. I did feel like the green space was really tucked away in a far corner and while you are taking a crack at it, if there is a formulation that centralizes that better with some parking, I would really like to see that. Not sure I -- it's a deal killer for me, I just noticed it really felt like it was so far removed in the upper corner. So, while you are looking at your options, if you could look at that.

Simison: Okay.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Mr. Mayor, I would move that we continue the public hearing for Heron Village Expansion, H-2021-0027 to October 26th.

Cavener: Second the motion.

Simison: I have a motion and a second to continue the public hearing until October 26th. Is there any discussion on the motion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Real quick. Sorry. Just one more piece of commentary. Earlier when we were talking with the neighbors I indicated I was over in that neighborhood a couple of days ago. I wasn't over there because of this application, I was out there because it's campaign season. I just wanted to note for the record that I wasn't intentionally coming out to this area to find out any information that was before us tonight.

Simison: Thank you for that. Any further comments on the motion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it and the item is continued.

MOTION CARRIED: ALL AYES.

Thompson: Thank you.

FUTURE MEETING TOPICS

come online further to the west. That will give the road time to get in -- the other things and the market to figure some of these things out and answer the question, so -- but I -- and I agree with the comments made. I think this is great work and you don't lay out a vision and plan -- you have the Ten Mile specific area plan. You start with the vision, you want to implement it, you have modified as you move forward where you saw necessary, but it's better to have a vision than not.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we close the public hearing for The Fields area -- Fields sub area plan, H-2021-0047.

Hoaglun: Second the motion.

Simison: I have a motion and a second to close the public hearing. Is there any discussion? If not, all in favor signify by saying aye? Opposed any? The ayes have it.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Simison: Council Woman Perreault.

Perreault: I move that we approve the Comprehensive Plan text amendment to incorporate The Fields sub area plan for H-2021-0047.

Hoaglun: I will second the motion.

Simison: I have a motion and a second to approve H-2021-0047. Is there any further discussion? If not, Clerk will call the roll.

Roll call: Borton, yea; Cavener, absent; Bernt, yea; Perreault, yea; Hoaglun, yea; Strader, yea.

Simison: All ayes. Motion carries and the item is agreed to.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I was about ready to make a recommendation to hire another consultant to maybe take a look at The Fields district. Good thing you guys made a motion. Just kidding.

3. Public Hearing Continued from October 26, 2021 for Heron Village

Expansion (H-2021-0027) by Tamara Thompson of The Land Group, Inc., Located at 51, 125 and 185 E. Blue Heron Ln.

- A. Request: Annexation of 1.36 acres of land with a R-40 zoning district.
- B. Request: Rezone of 4.18 acres of land from C-G and R-8 to R-40.
- C. Request: Conditional Use Permit to allow expansion of an existing 108-unit, 5-building multifamily complex to allow an additional 36 units in two new buildings.

Simison: With that we will move on to Item 3, which is a public hearing continued from October 26, 2021, for Heron Village Expansion, H-2021-0027, and I will ask Alan to make any additional comments.

Tiefenbach: Good evening, Mayor, Members of the Council. Just a real quick little refresher. If you remember this is a property located at the southeast intersection of North Meridian Road and East Blue Heron Drive, consisting of six properties, several different zonings. They wanted to annex this property into the city. There is an existing apartment complex there now, 108 buildings -- or, sorry, 108 -- 108 units in five buildings. Applicant -- applicant wanted to annex this property to have two new buildings with a total of 36 units. The City Council asked the applicant to continue this for the applicant to look at two things particularly. The first was to see if they could increase parking. The second was a soft suggestion in regard to whether they could better orient the open space. What you see here is on the left, but what you saw -- what you see on the right, what's dotted down on the line is I believe ten new parking spaces. This is the only new information that I have received from the applicant at this point.

Simison: Thank you. Council, any questions for staff?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. Alan, if I remember correctly, not only did we ask them to -- to look at -- to add new parking, we asked them to justify the spaces and why and to look at their own information from the property management company. Did they provide anything in regard to how they decided that ten additional spaces was the amount that was necessary?

Tiefenbach: Again, Council Person, this is all I have received. I'm hoping that the applicant will have a very thorough explanation, but sort of this has been punted into your court now, so I believe -- I hope that Tamara will be able to give you an answer.

Simison: Council, additional questions for staff? Then I will ask the applicant. So, please, come on and provide an update on the information. If you could state your name and

address for the record, Tamara.

Thompson: Absolutely. Good evening, Mr. Mayor, Members of Council. My name is Tamara Thompson. I'm with the Land Group at 462 East Shore Drive in Eagle. With me virtually, not with me in the room, but on the line also should -- should we need to bring them on is Mysti Stelluto with the architectural side and Summer Hazen on the management side. So, thank you for having us again and if I can share my screen I will -- let's see here. All right. So, just a brief overview of this. This is an in-fill project. We are requesting an annexation of 1.36 acres, a rezone of 5.54 acres to R-40 and a CUP to allow expansion of the existing multi-family complex. The previous site plan was this and we did provide another parking -- or another site plan which added these ten parking stalls on the side. We were able to add these ten stalls to the site plan and still exceed the landscaping requirements. Currently phase two provides an additional 28 stalls and phase one had three additional stalls. So, we have 31 extra stalls and to -- to answer the question about the -- the ratios, I did go and do this parking analysis. I'm going to pull -- I have this in the PowerPoint, but I'm just going to open the spreadsheet, so I can kind of highlight different things for you. Did that switch screens for you?

Simison: It did.

Thompson: Okay. Good. So, one thing that I want to show you. So, Heron Village phase one, we have had -- this delta is the parking stalls over what the parking requirement is by city code. So, it provided just three extra stalls with -- at one percent. The previous version that you saw of phase two had an additional 18 with -- that percentage was 26. But when you combine those two together the -- the previous one had a blended rate of eight percent additional parking stalls. With this revised plan we were able to add an additional ten, so now we are at 28 percent, which puts the site at 41 percent over parked per code, but to blend that comes to 11 percent when we put that with phase one. So, that -- that's where Heron Village is with this revised plan and, then, what I did is -- and, you know, I was looking for a little extra direction last time if -- you know, if -- what -- what percent do you think is -- is -- is where it needs to be and Councilman Cavener recommended maybe we should go back and kind of do an audit of other sites that have been approved through -- in the city. So, I went and looked at some of the ones that the Land Group has done and I then just started going through the searchable documents on the City Clerk's website and I was able to put together this spreadsheet of some of the others. So, if we just look at this column of the percents, one of the things I -- there were three that kind of jumped out at me as much higher than others. The others ranged kind of between three and six percent was -- was kind of more in the -- in the median -- the median range is -- is in the three to four percent range. This Heron Village, this is kind of an outlier. It provided a hundred percent extra. That one is behind Trader Joe's and so I'm not familiar with that project. So, I don't know the reasoning behind that. Jump Creek is a four-plex and it's fairly small, so nine extra stalls gave it a 16 percent. I am familiar with Southridge. The Land Group did this one and phase one and two didn't provide any extra parking. Phase three had extra parking at 17 percent, but when you blend these three phases together the entirety of Southridge one, two, and three is at four percent. Let's see here. So, going back to this. The -- the complex or the community also has a

live-in manager. She lives on the property and she -- for this extra time that we had she continued to do audits nightly on site between 8:00 and 11:00 p.m. every night to just see where people were parking and first it was determined that there was some management practices that could be improved. There were 14 garages that were not being utilized, because they -- they were -- you had to pay extra to get a garage. So, that has been revised to where the units that are three -- have three bedrooms, they are given a garage with their unit, so it's not an additional fee. So, those 14 are now all filled and being utilized. Also they have looked at implementing a sticker process, so that they know which -- which cars are supposed to be on the property and that has helped quite a bit and, then, they have assigned covered parking stalls where before it was just anybody could - - could park anywhere. They still are seeing a range of between 30 to 60 empty parking stalls each evening between 8:00 to 11:00 p.m., but they are still seeing between 19 and 24 cars still parking on the street. Not all those cars have their sticker, so it is looking like at least 30 percent are not tenants of this -- of this community. Additionally, we had - - we asked them, once they gave us kind of some -- some more feedback on this, we asked them if they could tell us if there was any type of pattern with where on the property the -- the open sights were -- the open parking stalls were and if I go to this -- this previous one, the -- so, the site currently has this area down here, this kind of triangular area with only one of the smaller buildings, but it has extra parking down here and these are the ones that aren't being utilized as much, people aren't going down there, so this phase two really helped balance the site and square this off. There is still an area, but this -- the -- the tip of this has the amenity with the basketball court, but we do provide more centralized parking and kind of help balance the site, so that this bottom area isn't so far away and that's what they are finding is that this bottom area, these -- oops. Sorry. Like these are the ones that are -- that are vacant and perhaps parking on the street is -- is more convenient. So, we feel like this -- adding phase two is really going to help that situation with balancing the site. As far as centralizing the open space, we did look at that and it -- it felt like the -- once we -- once we figured out this -- the need for the parking to be more centralized that -- that we did leave that open space where it was and -- and brought -- and keep the parking more in the centralized area where -- where it needs -- where it's needed, so -- to alleviate the street parking. So, in conclusion, we are providing more parking stalls than city code. We are higher than the new medium for other communities that are -- have been approved with -- in the City of Meridian. The management is -- has acknowledged some deficiencies in -- in their practices and they are making changes to their policies and encouraging their tenants to park on the property and encouraging them not to park on the street. The -- the issue with parking on the street is that it's legal and if you recall Mr. Bongiorno mentioned last time in our last hearing that -- that he did not have an issue with -- with the parking on the street, that it is not a fire department concern, so that's a little -- it's hard to -- you know, there is no consequences for it and it is legal, so there -- those tenants aren't doing anything wrong. So, the management can encourage, but they can't require. So, if Council would like we are happy to work with ACHD to -- at a minimum put -- work with them to do no parking on the -- if I can go back to a site plan for you to look at. On the north side of Blue Heron and especially to the west of the -- of the two western most access points, that we could work with ACHD on -- on some no parking signs on Blue Heron. We have read the staff report and we thank staff for their thorough review. We did go back and look closely at

the parking and we think we have some -- some good numbers, some -- some -- and we fit within the range of what the City of Meridian has and -- and, frankly, the site is -- it appears per the audits that it is overparked, it just maybe parking is in the wrong -- is too far away from -- from where the current residents are, but once phase two is implemented, then, it really will help balance the site. We agree with staff's recommendations and if you recall from last time we did have a small clarification to condition 2.C and that was the pathway from -- do I have an exhibit of that? Here it is. This little pathway going from Eureka at the end of Blue Heron. This was going to -- a fire department access only and we just wanted to add the words improved -- as approved by Meridian Fire and ACHD, just so if there is any tweaks in there with -- once we get into construction drawings. So, with that we ask for your approval tonight and I will stand for questions.

Simison: Thank you, Tamara. Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. Just a couple of quick questions. What is the ratio of three bedrooms to two bedrooms to one bedrooms? What percentage of the units are each. The three bedroom unit has the same requirement, I believe, as two bedroom in terms of number of parking stalls required, yet you may have additional vehicles. So, you said that the garages are being utilized now by -- or they are being assigned to three bedroom units. Hopefully they are utilizing them and not -- for parking and not storage. But how many three bedroom units are there in relationship to the two bedroom and the -- I'm asking that question, because I appreciate the analysis that you did, but I think the missing piece of the analysis is that some of those complexes may not have any three bedroom units and that does make a difference. So, it's the size of the units that are just as important as -- as -- you know, in that percent -- the ratios that you showed for the amount of parking that's above what is required.

Thompson: Mr. Mayor, Council Woman Perreault, the existing, in phase one, there are 12 three bedroom units and in phase two we are proposing an additional 12, so that would be a total of 24. The way that the parking was currently -- and you are correct, the parking requirement by the city -- my -- I did put that on the top of -- of my parking analysis here that both two and three bedrooms by city code require the two -- just two parking stalls and what the management has changed is that they are assigning three parking stalls to -- to the three bedroom units, two to the two bedroom and one to the one bedroom -- is -- is the way it's being looked at right now and that is different than what it was before. That was one of the management practices that they looked at.

Perreault: Mr. Mayor, follow up?

Simison: Council Woman Perreault.

Perreault: Thank you, Tamara. So, you said that 30 percent of the vehicles parking on

the streets are not residents, meaning 70 percent most likely are. Now that they have the permits and still seeing these vehicles parking on the street, do they have contact information for those vehicles? They, obviously, can track the license plate numbers now that they have them registered to a system. Have they contacted any of these vehicle owners and just asked about why they are parking on the street and if there is some -- something that's causing them to do so, like maybe they have been backed into within the complex and they don't want that to happen, so they are parking -- is there any -- did they go that far as to get that information that -- maybe there is a legitimate reason they are not parking in their assigned location?

Thompson: Mr. Mayor, Council Woman Perreault, I don't know that. I didn't ask that specific question. I do know that they mentioned that some of the vehicles that are on the street are some larger trucks and maybe they don't feel comfortable navigating the site, but I don't know that. We -- if you would like the -- I believe our representative from the management company is on the line that we could -- we could ask that question, but I don't know that one specifically.

Simison: Are you wanting the management company to answer that, Council Woman Perreault?

Perreault: It would be helpful if it's not too inconvenient, yes.

Simison: I don't know -- Tamara, do you know -- it looks like they have raised their hand.

Thompson: That should be Summer Hazen. Do you have a Summer on there?

Simison: Summer, if you can state your name and address for the record. You will need to unmute.

Hazen: There you are. Can you hear me now?

Simison: Yep.

Hazen: I do apologize. This is Summer Hazen. I'm the regional manager overseeing Heron Village. To answer that question, we have started to reach out to some of the residents that are parking on the road. However, not all of them have come in and registered their vehicles with us. If we don't have that information we are not able to contact them. We are finding that some of them are guests. I don't want to say necessarily unauthorized occupants, we haven't been able to -- to confirm that. What Tamara had -- Tamara had shared was -- she is correct, some of them do have some larger vehicles that they are afraid that they are going to hit the pole or some have when they were trying to back into the carport spaces, but to reiterate, too, some of them are also related to our linemen school students where we -- we have limited the amount of parking spaces through the school and I actually asked them to park at the school versus at the community to help limit some of those cars.

Simison: Council, any additional questions for the applicant?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, thanks, Tamara. Appreciate it. I see you looked at the open space and can you provide some commentary on why it wasn't feasible to make it more usable and more centralized?

Thompson: Mr. Mayor, Council Woman Strader, the -- what we looked at was the potential of moving -- like swapping these two, the open space for Building G, and -- and having that more centralized. We did lose some parking stalls when we did that and it -- and we just felt like that having the more centralized parking was -- was more beneficial and, then, this -- up here -- if you see what is next to us, it's a -- it's a meatpacking plant and having -- having the -- the residences right up against that property line didn't seem -- you know, where we would want them -- that we would want that buffer in there for that. We can -- this is an open space so we can activate it, you know, have a -- have a nice fence around it and -- and -- and very much usable, but it was determined that -- that the parking was -- was probably the most important.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I guess let me -- I will probably save my comments toward the end of the meeting, but, yeah, I think you are -- you are coming from a very hard place; right? You are trying to make up for the sins of phase one with your parking. So, you already have that challenge and, then, I look at it like, you know, this phase should stand on its own and it should meet that high bar all on its own for open space. So, I think it's really tough. You know, I -- I get it, but at the same time like should little kids be playing next to the meatpacking plant, too; right? I mean I -- it's here, it's their neighbor and, you know, that's tough. They are just some -- I don't know -- continuing concerns I think for me on this one and the open space is a piece of it. I will just, you know, continue to listen and be open minded.

Simison: Council, any additional questions for the applicant?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: One of the public comments we received was -- was regarding trash and it's something that was -- we received written comment. It was also discussed in the last hearing. Just wondering if the applicant can quickly -- quickly comment -- if the applicant or -- Tamara or Summer could quickly comment on -- if that's something that has also

been changed or discussed or new methods improved?

Hazen: Yes, of course. This is -- this is Summer. So, in regards to that we added a trash can out on the -- on the corner of our property on Blue Heron and we have on-site maintenance staff five days a week and they are now patrolling that road, as well as the community manager picking up any trash that they see that is being left behind.

Simison: Council, any additional questions for the applicant? Okay. Mr. Clerk, do we have anyone signed up to provide testimony on this item?

Johnson: Mr. Mayor, we had no advanced sign up.

Simison: Okay. Is there anybody in the audience who would like to come provide testimony on the additional information that's been provided this evening? And we have nobody in the waiting area online, so we will just be focused on who is in here for now. If you would like to come forward. State your name and address for the record, please.

Sorenson: My name is Valinda Sorenson. I live at 138 East Waterbury Lane, Meridian. Across from the apartments.

Simison: Thank you.

Sorenson: Thank you for letting us come and speak and listen tonight. Thank you, Mayor and Council Members. I'm not understanding really how this next phase is going to help with that -- that parking -- that lower parking that she's talking about. I'm not really quite sure how that -- how that will balance it out, knowing the property myself and walking around there, I don't quite understand how that will help, because the apartment -- the way it's situated it's -- the parking is still not going to be over by where the buildings are at. It does not account for visitors and I do my own survey of cars every day and there is around 30, 32 cars on the street. Most of the cars that -- a lot of the cars that are parking on the street are huge trucks, you know, big trucks and some of them are trucks that have trailers, because the people that live there are working men and they have big trailers that they park on the street behind their trucks. A lot of them are cars. The trash situation -- they did put a trash can out. But, of course, it's only good if people use it. You know, they still just open their car doors and throw their McDonald bags -- trash everywhere. They seem to think our common area -- our common area at the Heron Brook Townhomes is their trash can. So, it would be really nice if you would please -- if you would consider, like mentioned, putting no parking from at least Heron Brook -- on Heron Brook from our first entrance to the -- to North Meridian Road, because that's really dangerous pulling in and out of there. When they are parked so close to the edge of the street you can't -- it's hard to see and it -- and possibly even consider no parking on the north side of the street. Thank you.

Simison: Thank you. Council, any questions?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I wanted to make sure I understood your comment about the no parking on the north side of the street. There is East Waterbury Lane that extends west and, then, you have got North Richter it looks like --

Sorenson: Yes.

Hoaglund: -- and, then, Meridian Road. So, you had mentioned Heron Brook and I wasn't sure where that was in relationship.

Sorenson: Oh. Our town -- our townhomes are right there on East Waterbury. They are senior townhomes right in there and they circle around to -- on Richter there. It kind of makes like a --

Hoaglund: Okay. Okay. Yeah. It's kind of cut off on the screen. So, no parking would extend from East Waterbury Lane on the north side clear to Meridian Road. Would -- that was your request then?

Sorenson: Well, if you would consider that.

Hoaglund: Yeah. Okay.

Sorenson: Thank you.

Simison: Council, any additional questions? Is there anybody else who like to come forward and provide testimony on this item?

Strader: Mr. Mayor?

Simison: Councilman Borton.

Borton: Could I ask a question of Deputy Chief Bongiorno? There is a condition, that 2-C that was referenced on the pathway.

Bongiorno: Yes.

Borton: And it's -- the way it's drafted now it's changed to say 15 feet wide or as approved by Meridian Fire and -- and I don't know why we say 15 feet wide. Why don't we just say as approved by Meridian Fire?

Bongiorno: That would be -- Mr. Mayor, Councilman Borton, that would be fine also. The issue we had was right at the west end of that pathway there is a telephone pole in the way and so that kind of -- that's our narrow narrowest spot. It's larger than 12 feet. So, I think we -- Tamara or somebody went out and measured it and they came up with 15 feet and that's -- that's where that number came from. So, it was just whatever the narrowest

spot was is what that width was going to be through there.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Is it just more helpful for you to have just the language as approved by Meridian Fire?

Bongiorno: That would be fine.

Borton: Okay. All right.

Bongiorno: Mr. Mayor?

Simison: Deputy Chief.

Bongiorno: Thank you. To kind of follow up on the comments that -- that she gave, it just so happens the last time that we talked about this project I drove through there on my way home, it was like 11:30 at night, I think we were here late that night and one hundred percent spot on there was over 30 cars down Blue Heron. The bulk -- there was at least a dozen and they were large trucks parked in the dirt parking lot where this potential project is going. So, after seeing what I saw, the 30 cars plus the ones parked in the dirt parking lot, I'm not very supportive of closing off that no parking between Waterbury and Richter or whatever that street is. One hundred percent agree with the Richter to the intersection. That definitely should be signed no parking fire lane. The road, like we stated last time, is -- is plenty wide. I don't have issues with cars parking on both sides. This is almost -- it's one of those we should probably wait and see if we want to stop the parking on the north side, but I think it should stay as is. That's just my two cents worth. But I am -- I will one hundred percent work with Tamara and ACHD or whoever for that -- the entrance to phase one to the intersection, because they do -- they literally parked right up to the curb of the -- of the curbing -- the curb of the curbing. That's a tough one to say. So, definitely it needs to be signed no parking to -- to make sure that we can make that corner and get around there -- anybody can get around the corner.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Question for Tamara. Is there any consideration made of creating some parking spots that are wider or longer and posting trucks only signs on those, so we can get some -- we haven't had a discussion yet about the vehicles that are parking in what is now the dirt lot, so that's another element that's apparently an issue. So, has -- have you made any consideration or as the -- your client made any consideration of making some accommodations? This is increasingly becoming a problem in every apartment complex, not just this one. I see it all over the place. Especially, not only, you know, wide

trucks, like dualies, but actually people bringing their work trucks to park in their apartment complexes and their trailers.

Thompson: Mr. Mayor, Council Woman Perreault, we -- we did look at that and we could accommodate that. What that does is it brings the overall parking count down, because those would be oversized parking spots, but we could -- we could do that. One of -- and if you recall, Summer told us last time that they have a corporate housing agreement with the lineman college and they have asked for those trucks not to come. They think that the majority of those are from that agreement for -- for those -- those lineman college students staying here and, then, they have -- also management has decided not to renew all of those, so that they are going to -- in July when those leases are up they are not going to renew those. So, that will -- that will help that as well.

Simison: So, Tamara, if you would -- since we have no further testimony and, technically, it's your turn to wrap up, if you want to give any final wrap-up comments we can officially -- at that point and, then, we can continue with any questions from Council if they have them.

Thompson: Great. Yeah. I will just -- I will just wrap up with a couple things. I did want to revisit the open space and that this phase two does stand on its own. The existing in phase one are these. Phase two is this, but it is -- it does have about 30 percent more open space than what's required for phase two, so it does stand alone, but together it works better with -- with having all the amenities. There is -- there is a nice clubhouse and there is -- there is a tot lot, all those kinds of things. So, this is the clubhouse that will be utilized for everybody. It was something that was planned to be an expansion, you know, especially with this one that was down in the bottom, that phase two was always something that was planned. So, this is final -- finishing out that plan and what I meant for the balancing is that currently it's kind of -- you know, it's -- it's -- it's got these jagged edges and it's just kind of more like a triangle, which isn't a very efficient space and having more of a rectangle definitely balances it and putting another 12-plex next to this 12-plex will definitely utilize the parking on this end of the -- of the site better than what it's currently doing. Management has really stepped up. I think they have -- I don't know that they knew that there was such a problem before, but they are -- they are making some -- some big strides, especially with the -- in how they are addressing the parking, how they are addressing the -- the garages. Those are being monitored and looked at closely for making sure they are being parked in and not just utilized for storage units and just seeing if there was anything else I missed here. The -- the trash and having their maintenance crews patrol the -- the -- the right of way, instead of just on the property, and we are open to whatever Council's wishes are on the parking on the streets. Like I said, that -- the parking now is legal, so nobody is doing anything wrong by parking there. That if it's your wish that we work with ACHD, we are more than happy to do that, especially where Mr. Bongiorno mentioned the -- from the main entrance -- from the western entrance to Meridian Road, working with them on that. So, thank you very much and we respectfully request your approval tonight with that one -- one change to -- to 2.A. Thank you.

Simison: Thank you. Councilman Bernt.

Bernt: Mr. Mayor -- you know, I'm going to hold off and wait until the end.

Simison: Well, to break the silence, Council, to -- I appreciate what I have heard that the management company has done -- is considering. The question that I asked Council is can we approve development based upon what they will continue to do or not do or decisions they may or may not make and, yeah, to a certain extent we -- the city we -- after their things are approved you really don't have any input on what -- on what management practices anybody does from a practical standpoint. So, is it fair or appropriate to take those into consideration as you are looking at this? I don't know the answer to that, but it just is -- it's great to hear, but is it sustainable? Is that what's going to make this a successful area is only management practices or business helps or hurt long term?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Just kidding on waiting. That was -- that was a long awkward pause and so I will go ahead and -- and express my -- my point of view. I -- I don't have any issues really with the design of -- I guess this project. I mean it's a good project that -- the only issue that I have is the parking and when you have that many cars parked in the dirt parking lot and you have that many cars parked on the road and you are adding this much density to this -- to this area, I just don't think ten extra parking spots is going to do it and I don't know where it's coming from. I don't know if it's the linemen college, I don't know if it's, you know, extra people that are living inside these units that the -- the property management individual doesn't know about? I honestly don't know and I don't know if anyone has the answers to that -- those questions. All I know is that there are a ton of cars parked in this area with -- and the solution provided is -- is not enough for me to be supportive of this application.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I agree with much of what Councilman -- Council President Bernt said. It seems to me after their analysis that it's not a lack of parking spots, it's not a lack of number of spaces, it's locations and -- so, location and sizes of the spots and when we had this hearing last time it -- it -- we were of the impression that there would not be enough spaces and that's not the issue. So, until the applicant sort of resolves that challenge, it's not the quantity of spaces, which is what we -- we asked them to -- to go resolve it -- resolve the issue and we didn't specifically say what. We didn't say add more spaces, we just said go figure out what the problem is and bring us a solution and it's not solved to my satisfaction yet.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I feel for the applicant, because I think they are -- they are in a tough spot. The -- the issues in phase one I think are a problem and -- but I do look at this like phase two should stand on its own. I don't think that the open space was centralized in a usable way. If I look at the development holistically it doesn't feel like it's connected to the rest of the development. I have, like my other Council Members, continued concerns about the parking, particularly given that this area is being used for overflow parking. I just don't -- I don't think we are there and I -- and I have concerns about traffic as well and schools in general and overcrowding. So, that's a long list of reasons, but for me I think the -- really, the key critical issues boil down to parking -- unfortunately, it doesn't sound like it's solved by adding more spaces necessarily, it's that inadequacy of the location of the rental spaces and, then, the open space just looks like an afterthought to me and I -- I understand you have constraints around the site and -- and that's tough, but it's just -- just tucking it in the corner to me just didn't -- didn't pull it together.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Question for -- for Alan. On the -- on the parking for phase one they met city requirements for parking standards that we have in place; is that correct?

Tiefenbach: Alan Tiefenbach, associate planner. Yes, sir, Mr. Hoaglun, they meet the minimum requirements. They exceed the minimum requirements for parking.

Hoaglun: Okay.

Tiefenbach: Both phases. Because they meet the minimum requirements of everything in the code staff recommends approval.

Hoaglun: Right. And Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. And that's -- that's my dilemma is they are -- they are doing what we ask and doing more than what we ask, but there -- there is an issue and one of the conflicts, too, is open space versus that 12-plex, because I thought, oh, you move that and move the 12-plex, but yet for parking purposes that actually defeats the ability to use where they have identified additional parking. So that -- that's -- that's the dilemma. Well, we want them to solve the parking problem. Okay. Well, we will move here. But we want -- and prefer centralized open space. So, you can't win on -- on that one. I am impressed that they went through the process and looked at garages not being utilized and how they can fix that, which is a reminder of a previous application that talked about garages. Just to put that drop in the mind. The sticker process. There -- there -- there are cars on the street and if they follow through with not having -- renewing the lineman's college that

probably will help and -- but to Council Woman Perreault's point, you know, we see it everywhere and the bringing of trailers and work vehicles to -- to apartment complexes does make it more difficult. It's -- it's -- it is tough. The -- to help push traffic or parking to those underutilized -- that underutilized area I think does require some closing of no -- asking for no -- no parking on -- on the north side of the street. I mean it's a matter of convenience for people. There are the trailers and trucks, but for -- for cars they could park over there, but when you look at the map, if you are in this unit you can't find anything nearby, you don't want to go clear over there. So, park on the street. But I think that's something that we would have to look at. Yeah. This -- this is difficult, though, to deny when -- when -- when they have gone for -- it's standalone here and they have gone above. Does it solve the previous problem? No, it doesn't. But at the same time they complied with our requirements that the city put forth, which I'm kind of setting up the argument down the road that I think we ought to change our standards, I really do, for parking these complexes, but that we can discuss at another time, because we are finding people are messing up in these -- more than just family members probably, but -- and when -- if you are in a three bedroom and you have a couple of kids and you are sharing space and they become teenagers -- because I went through this and you are going through it, Mayor, is all of a sudden there is more vehicles around your house, you know. It's -- it's just the fact that you have teen drivers and you need more space. Yeah. I have difficulty turning it down and I completely understand the reasons why people are looking at not favorably upon this, so -- but it just causes an internal angst with me by -- by -- by -- by doing that for -- for this particular situation, so -- I don't know.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I appreciate Councilman Hoaglund's comments. Tamara, I -- I -- I do appreciate -- and I should have expressed this earlier -- your work and the management's work to try to solve what you can solve. So, thank you very much for that. That makes it better for -- for even the -- the existing phases that are there for everyone. I do have a question, though. Is there any way to incentivize residents to park in the farther away spaces, whether it's a small discount to their rent or something that -- that gives them an incentive to park somewhere that they wouldn't -- that they are avoiding parking because of -- I'm looking at the -- looking at the design of the entire complex it seems like the buildings are fairly evenly spread out. So, it's not as if all the buildings are toward the street and all the parking's on the south side, so I guess I'm not completely understanding why -- you know, why those areas are being avoided, why folks aren't parking there. So, is there -- is there -- is that something that you can talk about with your -- with your client is -- is creating some incentives in some way? Because I'm sitting here thinking a lot of this is solved if we can direct those vehicles that are parking on the street that are residents, you know, in a way that encourages them to park in the -- in the units and, again, back to the Mayor's point, it's nothing the city has any control over and nothing that we can -- nothing that we can enforce and so it's -- it's really up to management to -- to make that commitment.

Thompson: Mr. Mayor, Council Woman Perreault, I think they would be open to looking

at -- at some incentives and just to show -- so, there is one, two, three, four, five buildings on the site and if you kind of draw a line here, there is quite a bit of extra parking that is -- that's really only close to this 12-plex, which is the smallest building on the site, and so adding another 12-plex there is really going to help open this up and it won't be a dead end any longer. Right now it -- it goes down here and it just dead ends to where it really -- it opens this up and it balances the site more. So, that's what I would feel like I didn't explain very well to -- you know, to kind of understand what I mean by that -- that whole balance thing. But I -- I'm sure that the -- the management and our client will be open to -- to incentivizing, you know, different parking and they can still work on -- if you guys know of -- you know, if there is a site on -- or parking a management company or some sort of management of parking that you know it's working really well, perhaps we could even look into that. But -- but I really feel like this not being a dead end any longer and having this open up that it's -- it's -- it's going to get utilized a lot more with another building to activate it as well. I also wanted to mention real quickly that it was mentioned that we had ten extra parking stalls and that's not -- that's not correct. The blended total is 31 extra parking stalls on the site, which is 11 percent -- which is 11 percent over what city code is and is more than what -- kind of the median is for the entire city. The ten extra was just from our last site plan and that last site plan had 18 extra and now we have 28 extra. But phase one had three additional stalls or only one percent. So, we are making the parking situation considerably better with them -- with phase two.

Simison: And, Council, that's -- I guess that's my question for Council -- would the situation be better basically with no changes or is the situation going to be better with these changes? Would Council feel more comfortable if there wasn't 36 units, but 30 with the parking? You know, are there any of those elements that make sense -- what -- what would be the -- what would be the magic parking number if parking is the underlying issue, you know --

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: As I was listening to people I was trying to figure out if it's density, because they have added parking spaces, but if all of that other unit -- instead of like 34 was down to 24 in the 12 unit. You are reducing ten units, but have -- the percentage of parking has actually increased even more, does that help solve the problem? And I don't know, Tamara, if your client would -- you have got an ROI that they expect and all those good things. I agree with you, the opening up of that triangle piece does facilitate flow out to that street that would -- would allow quicker access than being stuck and having to wind your way all the way through like they have to do now. But, again, it's still changing people's behavior and getting them to go there. But that -- that -- that is an option if you want to up -- up it you just reduce the number on one of the -- on the larger unit and maybe you flip that 12 where the open space is and move that open space to the middle, because even though it's a little more unbalanced that way, if you reduce the density on the larger one it still accommodates -- accommodates the parking. So, I don't like designing on the fly, but just -- just looking at options for -- for, you know, housing that is

needed in our area -- apartments are in demand. This was planned to expand all along and I think you have come up with some solutions that might be workable, but we still need to cross that finish line somehow.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Councilman Hoaglun is sort of selling me on his on the fly designing. I think if this came back and the open space was more centralized and you lost some density and, therefore, increased the parking, that -- that might get me there. I would hate to close the door on it completely. But that would be a huge -- a huge rework of this whole thing and I think we have to, you know, vote on what's before us at some point. What's -- I'm not on board right now with this the way it's currently written. I think if you lose the density it can -- it solves some of the management concerns. Like for me the management concerns aren't -- aren't as strong of a mitigant, because I'm just concerned they will sell the property and -- and, then, you know, someone that -- that is a smart business person is going to charge for the garages as they should and we will be in the same spot, so --

Thompson: Mr. Mayor?

Simison: Yes, Tamara.

Thompson: I -- I'm texting with my client to get some feedback and I do think we could do -- go down a little bit on the density and -- and we could look at what that looks like. We haven't done a site plan on that, so we could look at what that looks like with the -- with the centralized open space. So, I know you just need to make a decision at some point, but I think with -- with the feedback that we have had just now that -- that we could go back and do one more site plan for you if we could continue this one more time.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: If Council decides to agree to a request to continue, I would also -- also request the applicant to work on parking spots that are larger and -- and wider and deeper. I don't think -- again, I'm not convinced it's completely a number of spots issue, as much as the larger vehicles not -- and however they want to manage that is totally up to them, but this -- this is not going to be the first time we are going to have -- or the last time we are going to have this conversation about the sizes of vehicles that are parking in apartment complexes.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, just -- I know you know this, but I just want to bring this up. You made a comment earlier about the management standards being a concern on that being continuing and, then, Council Woman Strader just brought that as well. Now, this is an annexation, so I mean you are -- have to create a development agreement for that. You also have a CUP that can also add those conditions for the CUP, you just need to be specific about what it is you want. So, there are some ways that we have with this particular application to ensure some of those continuing practices will remain on this parcel if you hear it again, so -- and I know you knew this, but I just wanted to make sure that that got part of the conversation.

Simison: So, Council, what's your pleasure?

Hoaglund: Mr. Mayor?

Simison: Do you want to ask the applicant anything first before you make a motion?

Hoaglund: Yes. If I might --

Simison: Councilman Hoaglund.

Hoaglund: Tamara, checking with the City Clerk, the earliest that we could get to this would be January 11th. Is that favorable to your calendar to be present and does that give you enough time to prepare what's been requested?

Thompson: Mr. Mayor, Councilman Hoaglund, I'm looking at my calendar right now. So, the -- January 11th, I'm sorry, is that the date you said?

Hoaglund: Yes.

Thompson: That date is wide open on my calendar and I think that date would work great. Thank you.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I would move that we continue the Heron Village Expansion discussion, H-2021-0027, to the time of January 11th, 2022.

Strader: Second the motion.

Simison: I have a motion and a second to continue this item until January 11th, 2022. Is there any discussion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Before we vote I'm wondering if -- if Council decides they would like the applicant to comply with the DA, would we need to discuss that now so that staff can put together conditions before the next meeting?

Simison: Yes, Alan?

Tiefenbach: Alan Tiefenbach, associate planner. Mr. Mayor and Members of the Council, we are talking about just continuing this for them to rework the site plan. I mean this wouldn't be any different than anything else. We wouldn't have to deal with the DA now. If you wanted to add conditions we would just add the conditions of approval and, then, the DA would come in front of you in two weeks.

Perreault: Thank you.

Simison: I have a motion and a second. Is there any further discussion? If not, all in favor signify by saying aye. Opposed nay?

Bernt: Nay.

Simison: We have four ayes, one nay, and the motion to continue is agreed to.

MOTION CARRIED: FOUR AYES. ONE NAY. ONE ABSENT.

Simison: Council, let's go ahead and take a ten minute break. So, we will pick back up at 8:30 with our next two items.

(Recess: 8:20 p.m. to 8:34 p.m.)

4. Public Hearing for Elderberry Estates Subdivision (H-2021-0044 and H-2021-0005) by Angie Cuellar of Mason and Associates, Located at 1332 N. Meridian Rd.

- A. Request: Rezone of 0.66 acres of land with the O-T zoning district.
- B. Request: Short Plat consisting of 4 buildable lots

Simison: All right. Council, will go ahead and come back from recess and we will move on to Item 4 on our agenda, which is a public hearing for Elderberry Estates Subdivision, H-2021-0044. We will open this public hearing with staff comments.

Tiefenbach: Thank you, Mr. Mayor, Members of the Council. Alan Tiefenbach, associate planner, with City of Meridian. This is an application to rezone to OT, Old Town. It's currently zoned C-C and this is to allow the three duplex lots. Originally with the staff report it was to be four. It's been reduced since that time. The property is zoned -- so,



AGENDA ITEM

ITEM TOPIC: Public Hearing for Copper Canary (H-2022-0009) by ALC Architecture, Located at 2590 N. Eagle Rd.

A. Request: Modification to the Existing Development Agreement (Inst. #104129529) to remove the subject property from the agreement and prepare a new development agreement with an updated conceptual development plan, removal of the requirement for conditional use approval of any future uses on the site, and requirement for access to be taken from the north via the future backage road with emergency only access from the south.



PUBLIC HEARING INFORMATION

Staff Contact: Sonya Allen

Meeting Date: March 22, 2022

Topic: **Public Hearing** for Copper Canary (H-2022-0009) by ALC Architecture, Located at 2590 N. Eagle Rd.

- A. Request: Modification to the Existing Development Agreement (Inst. #104129529) to remove the subject property from the agreement and prepare a new development agreement with an updated conceptual development plan, removal of the requirement for conditional use approval of any future uses on the site, and requirement for access to be taken from the north via the future backage road with emergency only access from the south.

Information Resources:

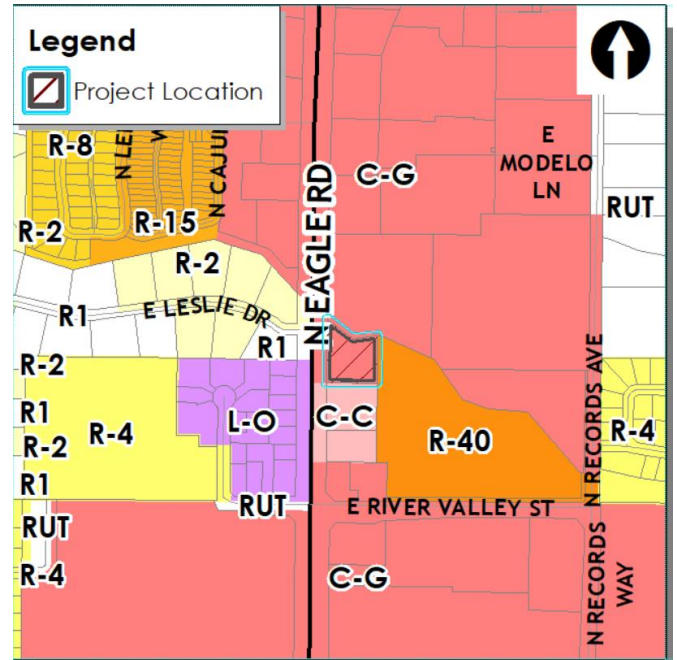
[Click Here for Application Materials](#)

[Click Here to Sign Up to Testify at the City Council Public Hearing](#)

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 3/22/22
TO: Mayor & City Council
FROM: Sonya Allen, Associate Planner
208-884-5533
SUBJECT: H-2022-0009
Copper Canary
LOCATION: 2590 N. Eagle Rd., in the NW 1/4 of Section 4, T.3N., R.1E.



I. PROJECT DESCRIPTION

Modification to the existing development agreement (Inst. #104129529) to remove the subject property from the agreement and prepare a new development agreement with an updated conceptual development plan; removal of the requirement for conditional use approval of any future uses on the site; requirement for access to be taken from the north via the future backage road with emergency only access from the south.

II. SUMMARY OF REPORT

- A. Applicant:
Jeff Likes, ALC Architecture – 1119 E. State St., Ste. 120, Eagle, ID 83616
- B. Owner:
East River Valley Street, LLC – 2832 State St., Carlsbad, CA 92008
- C. Representative:
Same as Applicant

III. NOTICING

| | City Council Posting Date |
|-------------------------------------|----------------------------------|
| Notification published in newspaper | 3/6/2022 |

| | |
|--|----------|
| Notification mailed to property owners within 300 feet | 3/7/2022 |
| Applicant posted public hearing notice on site | 3/4/2022 |
| Nextdoor posting | 3/8/2022 |

IV. STAFF ANALYSIS

The existing Development Agreement (DA) (Inst. #[104129529](#) – Red Feather AZ-03-021) originally encompassed a larger 114.52-acre area that includes Redfeather Estates, a residential development to the east and adjacent commercial properties. The DA requires any future uses of the property to only be approved through the Conditional Use Permit (CUP) process and requires either a public or private backage street generally parallel with Eagle Rd./SH-55 to be incorporated into the design of future site plans. A conceptual master plan demonstrating interconnectivity, transitional uses, access points and other key land planning issues is required prior to any detailed CUP applications being submitted. *See Section VI.A for more information.*

A variance (VAR-08-004) was approved in 2008 for a temporary access via N. Eagle Rd./SH-55 until such time as access can be provided to the site from either the south via a frontage road from the extension of E. River Valley St. or from the north across the South Slough. At such time, the temporary access to Eagle Rd. is required to be removed and the street buffer landscaping adjacent to Eagle Road is required to be completed. *Currently, there is no access to the site from either the north or the south.*

The Applicant requests a modification to the existing DA to remove the subject property from the agreement and prepare a new DA with an updated conceptual development plan; removal of the requirement for conditional use approval of any future uses on the site; and requirement for access to be taken from the north via the future backage road with emergency only access from the south.

A conceptual development plan was submitted as shown in Section VI.C that depicts a reconfigured parking area, extension of the street buffer and pedestrian pathway across the existing driveway from N. Eagle Rd./SH-55, a drive aisle along the east boundary of the site connecting to the north for future access via Eagle Rd./SH-55 and to the south for emergency access only. *Note: A driveway from Eagle Rd./SH-55 is depicted on the concept plan partially on this site and partially on the property to the north that has not been approved; an approved access via Eagle/SH-55 exists approximately 500' to the north of the subject property. The UDC (11-3H-4B.2) does not allow new approaches directly accessing a state highway. The City Council may consider and approve a modification to this standard upon specific recommendation of the Idaho Transportation Department per UDC 11-3H-3. Staff anticipates a request for this access will be part of a future development application on the adjacent property to the north.*

The Applicant proposes new DA provisions, which are included in Section VI.D below. Staff is amenable to the request to remove the requirement for a conceptual master plan to be submitted for the overall area as much of this area has already been developed and/or has entitlements. Staff is also supportive of the removal of the requirement for any future uses to be approved through the CUP process as the UDC ([Table 11-2B-2](#)) governs the allowed uses in the C-G zoning district and a CUP is not required for all uses. **Staff is not in favor of removal of the requirement for a public or private backage street generally parallel with Eagle Rd./SH-55 to be provided as UDC [11-3H-4B.3](#) requires such to provide future connectivity and access to all properties fronting the state highway that lie between the Applicant’s property and the nearest section line road and/or half mile collector road. Although a drive aisle/backage road is depicted on the conceptual site plan,**

it's proposed to dead-end at the southern boundary with an emergency only access to the south. Because access is limited in this area, Staff believes it's important for this backage road to provide through unrestricted public access to the north and the south. The Fire Dept. does not support the backage road being blocked for emergency access only and states the road needs to run through unobstructed for fast access to businesses in this area.

Based on the aforementioned recommendation, Staff recommends the conceptual site plan is revised to depict a backage road along the east boundary of the site with unrestricted access to the south. DA provision #5.1d should be revised to include vehicular access to the south. DA provision #5.1e should be replaced with a requirement for cross-access easements to be granted to the properties to the south and to the north; a recorded copy of the easements should be submitted to the Planning Division with the Certificate of Zoning Compliance application.

V. DECISION

A. Staff:

Staff recommends approval of the modification to the DA with the changes noted in Section V.D as discussed above in Section IV.

VI. EXHIBITS

A. Existing Development Agreement Provisions (Inst. #[104129529](#))

4. **USES PERMITTED BY THIS AGREEMENT:**

4.1 The uses allowed pursuant to this Agreement are only those uses allowed under "City's" Zoning Ordinance codified at Meridian City Code Section 11-7-2 (K) which are herein specified as follows:

Any future uses of the property shall be approved only through the conditional use permit process. Additionally, either a public or private backage street generally parallel with Eagle Road/SH 55 shall be incorporated into the design of the future site plans. A conceptual master plan demonstrating interconnectivity, transitional uses, access points and other key land planning issues is required prior to any detailed CUP applications being submitted on either the Bryson or Schrammeck properties for the C-G zone.

4.2 No change in the uses specified in this Agreement shall be allowed without modification of this Agreement.

5. CONDITIONS GOVERNING DEVELOPMENT OF SUBJECT PROPERTY:

5.A "Owner" shall develop the "Property" in accordance with the following special conditions:

1. Removal of any existing domestic wells and/or septic systems within this project from their domestic service must be accomplished at such time as the "Owners" change the current use of "Property" or otherwise develop the "Property" in accordance with the terms hereof.

2. Any future uses of the property shall be approved only through the conditional use permit process. In addition, there is a requirement that either a public or private backage street generally parallel with Eagle Road/SH 55 shall be incorporated into the design of future site plans. A conceptual master plan demonstrating interconnectivity, transitional uses, access points and other key land planning issues is required prior to any detailed CUP applications being submitted on either the Bryson or Schrammeck properties.

The following Comprehensive Plan policies (from Chapter VI and VII) shall be applicable to these properties:

Transportation Policies Applicable to the Bryson/Schrammeck Annexation:

- "Large development proposals that are likely to generate significant traffic should be assessed for their impact on the transportation system and surrounding land uses. They should be examined for ways to encourage all forms of transportation such as transit, walking, and cycling.
- New development should not rely on cul-de-sacs since they provide poor fire access, walkability, and neighborhood social life. New development and streets should be designed to encourage walking and bicycling.
- In addition to providing for enhanced automobile traffic, Meridian should seek ways to encourage alternative modes of transport. Improvement in and encouraged use of public transit systems is an important first step. Public transit includes bus systems and ridesharing. By fostering such means of high vehicle occupancies, congestion on roadways can be decreased.

- Pathways that encourage use by bicyclists and pedestrians can decrease road congestion and add to the community's quality of life. The proposed off-street and multiple-use pathway systems are depicted in Figures VI-3 and VI-4. New and existing developments should ensure that the guidelines laid out in this plan are adopted.
- Eagle Road is the major north-south arterial in Ada County. The capacity of this arterial should be protected by minimizing the number and location of private driveway access connections to this important roadway. The City should recognize, adopt, and help implement the Eagle Road Access Control Study, prepared by ACHD in 1997."

Mixed Use Development Policies Applicable to the Bryson/Schrammeck Annexation:

- "Where feasible, multi-family residential uses will be encouraged, especially for projects with the potential to serve as employment destination centers and when the project is adjacent to State Highways 20-26, 55 or 69;
- In developments where multiple commercial and/or office buildings are proposed (not residential), the buildings should be arranged to create some form of common, usable area, such as a plaza or green space;
- Where the project is developed adjacent to low or medium density residential uses, a transitional use is encouraged."

3. All irrigation ditches, laterals or canals, exclusive of natural waterways, intersecting, crossing or lying adjacent and contiguous to the parcel shall be tiled per City Ordinance 12-4-13. Plans will need to be approved by the appropriate irrigation/drainage district, or lateral users association, with written confirmation of said approval submitted to the Public Works Department.

B. Legal Description & Exhibit Map for Property Subject to New Development Agreement

EXHIBIT "A"
Legal Description of the Property

A portion of the Southwest quarter of the Northwest quarter of Section 4, Township 3 North, Range 1 East, Boise Meridian, more particularly described as follows:

Commencing at the Northwest corner of the Southwest quarter of the Northwest quarter of Section 4, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho; thence South along the West line of said Section 4, a distance of 433.62 feet to the Real Point of Beginning; thence South 53° 40' East 231.00 feet to a point; thence North 83° 50' East 114.57 feet to a point; thence South 218.05 feet to a point; thence West 300.00 feet to a point on the West line of said Section 4; thence North 342.64 feet to the Point of Beginning.

Excepting a 25 foot strip on the West side for highway right-of-way.

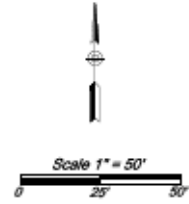
Also Excepting a parcel of land being on the Easterly side of the centerline of State Highway No. 55 (Eagle Road), Project No. NH-F-3271(037) Highway Survey, as shown on the plans thereof now on file in the office of the Idaho Transportation Department, and being a portion of the Southwest quarter of the Northwest quarter of Section 4, Township 3 North, Range 1 East, Boise Meridian, described as follows to-wit:

Commencing at the Northwest corner of the Southwest quarter of the Northwest quarter of Section 4, Township 3 North, Range 1 East, Boise Meridian that bears North 89° 23'47" West 0.34 feet from Station 155+31.73 of said State Highway No. 55 (Eagle Road), Project NH-F-3271(037) Highway Survey; thence South 0° 36'13" West (shown of record to be South) along the West line of said Southwest quarter of the Northwest quarter a distance of 765.43 feet (shown of record to be 776.26 feet) to the Southwest corner of the tract of land as described in that certain Warranty Deed dated January 24, 1975, recorded January 24, 1975, as Instrument No. 912958, records of Ada County, Idaho, said corner being a point in the centerline of said State Highway No. 55, that is coincident with Station 147+66.31 of said Highway Survey and being the Real Place of Beginning; thence South 89° 23'47" East (shown of record to be East) along the South line of said tract of land 70.0 feet to a point in a line parallel with and 70.0 feet Easterly from the centerline and bears South 89° 23'47" East from Station 147+66.31 of said Highway Survey; thence North 0° 36'13" East along said parallel line a distance of 291.05 feet to a point in the Northerly line of said tract of land and being opposite Station 150+57.35 of said Highway Survey; thence North 53° 03'47" West (shown of record to be North 53° 40' West) along said Northerly line 86.89 feet to the Northwest corner of said tract of land, said corner being a point in the West line of said Southwest quarter of the Northwest quarter, said West line being coincident with the centerline of said State Highway No. 55, and said point being coincident with Station 151+08.84 of said Highway Survey; thence South 0° 36'13" West along said West line being coincident with said centerline 342.53 feet to the Real Place of Beginning.

COPPER CANARY LEGAL DESCRIPTION EXHIBIT

PORTION OF THE SW 1/4 OF THE NW 1/4 OF SECTION
4, T.3N., R.1E., BOISE MERIDIAN, CITY OF MERIDIAN,
ADA COUNTY, IDAHO.

FEBRUARY 2022 SCALE: 1" = 35' SHEET 1 OF 1



BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.

EAGLE ROAD

S00° 36' 00"W - 291.11'

S53° 04' 00"E - 144.06'

N84° 26' 08"E - 114.63'

I.N. 2021-155773

S00° 36' 08"W - 218.08'

N89° 23' 52"W - 230.01'



**ACKERMAN
ESTVOLD**

7661 West Riverside Drive, Ste. 102 · Garden City, ID 83714
208.853.6470 · www.ackerman-estvold.com
Minot, ND | Fargo, ND | Williston, ND | Boise, ID

C. Proposed Conceptual Development Plan



CONCEPTUAL SITE PLAN

SCALE: 1/32" = 1'-0"

1

COPPER CANARY SITE WORK
2600 N. EAGLE RD
CONCEPTUAL SITE PLAN
12.13.21
BC- 21111

D. Proposed Development Agreement Provisions

Staff's recommended changes to the proposed provisions are shown in strike-out/underline format.

1. USES PERMITTED BY THIS AGREEMENT: This Agreement shall vest the right to develop the Property in accordance with the terms and conditions of this Agreement.

1.1 The uses allowed pursuant to this Agreement are only those uses allowed as permitted, conditional and/or accessory uses under the UDC.

1.2 No change in the uses specified in this Agreement shall be allowed without modification of this Agreement.

2. CONDITIONS GOVERNING DEVELOPMENT OF SUBJECT PROPERTY:

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

a. Development of the Property shall no longer be subject to the terms of the Development Agreement recorded as Instrument No. 104129529.

b. Development of the Property shall be generally consistent with the conceptual development plan depicted on Exhibit "C", attached hereto, and the provisions contained herein.

c. Owner/Developer shall make application for administrative Design Review. Future development shall comply with the structure and site design standards listed in the Architectural Standards Manual. Strict design review of all four sides of the remodeled existing building is required.

d. The existing direct access to the Property via N. Eagle Rd./SH-55 shall continue until vehicular access to the north across the South Slough and to N. Eagle Rd./SH-55 or to the south to E. River Valley St. is provided. At such time, the temporary access to Eagle Rd./SH-55 shall be removed and the street buffer landscaping adjacent to Eagle Road shall be completed consistent with the UDC standards. *Note: The access via N. Eagle Rd./SH-55 depicted on the conceptual development plan along the northern boundary of this site is not approved with this application.*

e. ~~The drive aisle on the east side of the Property shall terminate at the south boundary of the Property as an emergency vehicle access. Access will be restricted by a gate that will allow for emergency vehicle. The Owner/Developer shall coordinate the design of the gate with the Meridian Fire Department.~~ Cross-access easements shall be granted to the properties to the north and to the south and recorded copies of the easements shall be submitted to the Planning Division with the Certificate of Zoning Compliance application.

f. A Certificate of Zoning Compliance and administrative Design Review applications shall be submitted to and approved by the Planning Division prior to submittal of a building permit application(s).

Item #7.



AGENDA ITEM

ITEM TOPIC: Ordinance No. A-19-1812: An Amended Ordinance (H-2017-0142–Summertown) for Annexation of a Parcel of Land Located in Government Lot 2 of Section 1, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, as Described in Attachment “A” and Annexing Certain Lands and Territory, Situated in Ada County, Idaho, and Adjacent and Contiguous to the Corporate Limits of the City of Meridian as Requested by the City of Meridian; Establishing and Determining the Land Use Zoning Classification of 15.17 Acres of Land from RUT to TN-R (Traditional Neighborhood Residential) Zoning District in the Meridian City Code; Providing that Copies of this Ordinance shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and Providing for a Summary of the Ordinance; and Providing for a Waiver of the Reading Rules; and Providing an Effective Date

CITY OF MERIDIAN ORDINANCE NO. A-19-1812

BY THE CITY COUNCIL:

**BERNT, BORTON, CAVENER,
HOAGLUN, PERRAULT, STRADER**

AN AMENDED ORDINANCE (H-2017-0142– SUMMERTOWN) FOR ANNEXATION OF A PARCEL OF LAND LOCATED IN GOVERNMENT LOT 2 OF SECTION 1, TOWNSHIP 3 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO, AS DESCRIBED IN ATTACHMENT “A” AND ANNEXING CERTAIN LANDS AND TERRITORY, SITUATED IN ADA COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF MERIDIAN AS REQUESTED BY THE CITY OF MERIDIAN; ESTABLISHING AND DETERMINING THE LAND USE ZONING CLASSIFICATION OF 15.17ACRES OF LAND FROM RUT TO TN-R (TRADITIONAL NEIGHBORHOOD RESIDENTIAL) ZONING DISTRICT IN THE MERIDIAN CITY CODE; PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY ASSESSOR, THE ADA COUNTY RECORDER, AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; AND PROVIDING FOR A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR A WAIVER OF THE READING RULES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MERIDIAN, COUNTY OF ADA, STATE OF IDAHO:

SECTION 1. That the following described land as evidenced by attached Legal Description herein incorporated by reference as Exhibit “A” are within the corporate limits of the City of Meridian, Idaho, and that the City of Meridian has received a written request for annexation and re-zoning by the owner of said property, to-wit: *Rudy E. Ward*.

SECTION 2. That the above-described real property is hereby annexed and re-zoned from RUT to the TN-R (Traditional Neighborhood Residential) zoning district in the Meridian City Code.

SECTION 3. That the City has authority pursuant to the laws of the State of Idaho, and the Ordinances of the City of Meridian to annex and zone said property.

SECTION 4. That the City has complied with all the noticing requirements pursuant to the laws of the State of Idaho, and the Ordinances of the City of Meridian to annex and re-zone said property.

SECTION 5. That the City Engineer is hereby directed to alter all use and area maps as well as the official zoning maps, and all official maps depicting the boundaries and the zoning districts of the City of Meridian in accordance with this ordinance.

SECTION 6. All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

Item #8.

MY COMMISSION EXPIRES: _____
CERTIFICATION OF SUMMARY:

William L.M. Nary, City Attorney of the City of Meridian, Idaho, hereby certifies that the summary below is true and complete and upon its publication will provide adequate notice to the public.

William L. M. Nary, City Attorney

SUMMARY OF CITY OF MERIDIAN ORDINANCE NO. A-19-1812

An Amended Ordinance (Summertown H-2017-0142) for annexation of a parcel of land located in Government Lot 2, Section 1, Township 3 North, Range 1 West, Ada County, Idaho, and being more particularly described in the map published herewith; establishing and determining the land use zoning classification of 15.17 acres of land from RUT to the TN-R (Traditional Neighborhood Residential) Zoning District in the Meridian City Code; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing an effective date. A full text of this ordinance is available for inspection at City Hall, City of Meridian, 33 East Broadway Avenue, Meridian, Idaho. This ordinance shall be effective as of the date of publication of this summary.

[Publication to include map as set forth in Exhibit B.]

**REVISED ANNEXATION DESCRIPTION FOR
SUMMERTOWN SUBDIVISION**

A parcel of land located in Government Lot 2 of Section 1, T.3N., R.1W., B.M., Ada County, Idaho more particularly described as follows:

BEGINNING at the N1/4 corner of said Section 1 from which the NE corner of said Section 1 bears South 89°46'48" East, 2,662.21 feet;

thence along the North boundary line of said Section 1 South 89°46'48" East, 637.68 feet;

thence leaving said North boundary line South 00°23'17" West, 338.03 feet;

thence South 89°46'48" East, 26.57 feet;

thence South 00°19'49" East, 595.07 feet to the NW corner of Lot 21, Block 7 of Vallin Courts Subdivision as filed in Book 93 of Plats at Pages 11,208 through 11,212, records of Ada County, Idaho;

thence along the West boundary of said Lot 21 South 00°19'49" East, 56.60 feet to a point on the North boundary line of Lot 8, Block 7 of said Vallin Courts Subdivision;

thence along the North boundary line of said Vallin Courts Subdivision and the westerly extension thereof North 89°48'21" West, 660.00 feet to a point on the North-South centerline of said Section 1;

thence along said North-South centerline North 00°19'50" West, 193.40 feet;

thence leaving said North-South centerline North 89°41'59" West, 20.00 feet to a point on the East boundary line of Crossfield Subdivision No. 2 as filed in Book 98 of Plats at Pages 12,407 and 12,408, records of Ada County, Idaho;

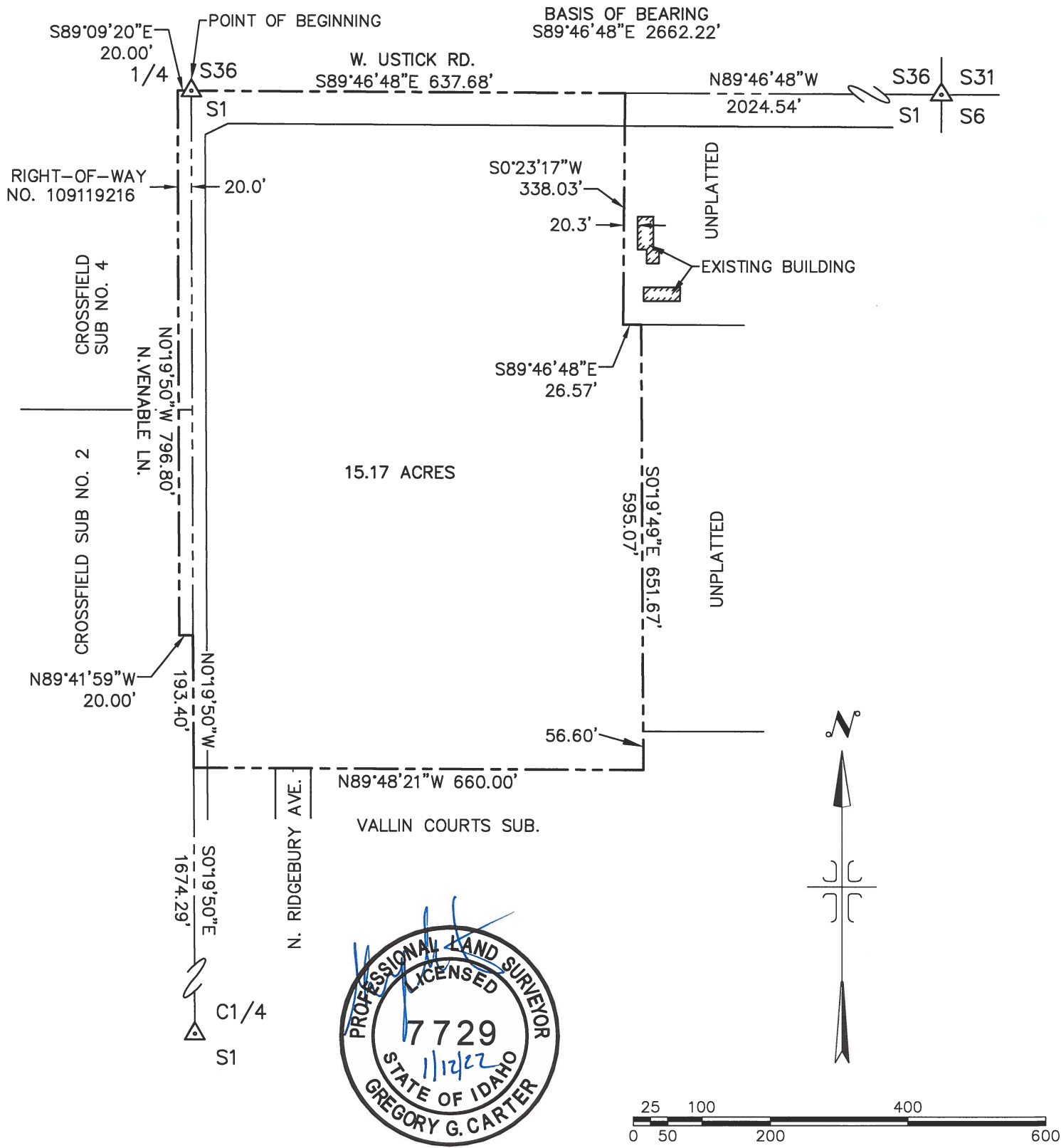
thence along said East boundary line and East boundary line of Crossfield Subdivision No. 4 as filed in Book 104 of Plats at Pages 14,504 through 14,506, records of Ada County, Idaho North 00°19'50" West, 796.80 feet to a point on the North boundary line of line of said Section 1;

thence along said North boundary line South 89°09'20" East, 20.00 feet to the **REAL POINT OF BEGINNING**. Containing 15.17 acres, more or less.



EXHIBIT B

Item #8.



P:\745 Untitled.rdl 17-313.dwg Annexation exhibit.dwg 1/12/2022 12:28:37 PM

IDAHO SURVEY GROUP, LLC
1450 E. WATERTOWER ST.
SUITE 130
MERIDIAN, IDAHO 83642
(208) 846-8570

REVISED ANNEXATION EXHIBIT DRAWING FOR
SUMMERTOWN SUBDIVISION

LOCATED IN THE NW ¼ OF THE NE ¼ OF SECTION 1
T.3N., R.1W., B.M., MERIDIAN, ADA COUNTY, IDAHO

JOB NO.
17-313
SHEET NO.
1
Page 239