



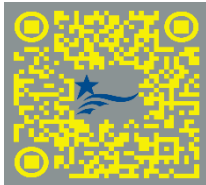
# PLANNING AND ZONING COMMISSION MEETING

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho  
Thursday, June 02, 2022 at 6:00 PM

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## Amended Agenda

Scan the QR Code to sign up in advance to provide testimony.



*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 the project. Then, members of the public are allowed up to 3 minutes each to address Commissioners regarding the application. Any citizen acting as a representative of a Homeowner's Association may be allowed up to 10 minutes to speak on behalf of represented homeowners consenting to yield their time to speak. After all public testimony, the applicant is allowed up to 10 minutes to respond to questions and comments. Commissioners may ask questions throughout the public hearing process. The public hearing is then closed, and no further public comment is heard.*

### VIRTUAL MEETING INSTRUCTIONS

To join the meeting online: <https://us02web.zoom.us/j/89153921862>

Or join by phone: 1-253-215-8782

Webinar ID: 891 5392 1862

### ROLL-CALL ATTENDANCE

- Nate Wheeler       Mandi Stoddard       Patrick Grace
- Nick Grove       Maria Lorcher       Steven Yearsley
- Andrew Seal, Chairperson

### ADOPTION OF AGENDA

#### CONSENT AGENDA [Action Item]

1. [Approve Minutes of the May 18, 2022 Planning and Zoning Commission Meeting](#)
2. [Findings of Fact, Conclusions of Law for Amina's Daycare \(H-2022-0012\) by Godelieve Mulonge, Located at 4175 S. Leaning Tower Ave.](#)
3. [Findings of Fact, Conclusions of Law for Black Rock Coffee \(H-2022-0019\) by Tamara Thompson of The Land Group, Inc., Located at 3300 S. Eagle Rd.](#)

- 4. [Findings of Fact, Conclusions of Law for Peak at Sawtooth Village \(H-2022-0026\) by JGT Architecture, Located at 4752 N. Linder Rd.](#)

**ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]**

**ACTION ITEMS**

- 5. **Public Hearing** for Ten Mile Public Storage (H-2022-0016) by Kimley-Horn and Associates, Inc., Located at at 4065 N. Ten Mile Rd.

*The applicant is requesting a continuance*

A. Request: Annexation consisting of 5.037 acres of land with the I-L zoning district and a request for reduction in width of the required 25ft. residential landscape buffer to allow two self-storage buildings.

- 6. [Public Hearing for Jump Creek South \(H-2022-0006\) by Kent Brown Planning Services, Located at Parcel #S0428449595 at the northwest corner of N. Black Cat Rd. and W. McMillan Rd.](#)

[A. Request: Preliminary Plat consisting of 20 single-family residential lots and 4 common lots on 3.57 acres of land in the R-8 zoning district.](#)

**COMMISSION TRAINING**

- 7. Pathways System Overview
- 8. Planning and Zoning Commission Best Practices

**ADJOURNMENT**



## AGENDA ITEM

**ITEM TOPIC:** Approve Minutes of the May 18, 2022 Planning and Zoning Commission Meeting

**Meridian Planning and Zoning Meeting**

**May 19, 2022.**

Meeting of the Meridian Planning and Zoning Commission of May 19, 2022, was called to order at 6:04 p.m. by Chairman Andrew Seal.

Members Present: Chairman Andrew Seal, Commissioner Steven Yearsley, Commissioner Patrick Grace, Commissioner Nick Grove and Commissioner Maria Lorcher.

Members Absent: Commissioner Nate Wheeler and Commissioner Mandi Stoddard.

Others Present: Chris Johnson, Kurt Starman, Bill Parsons, Sonya Allen, Alan Tiefenbach and Dean Willis.

**ROLL-CALL ATTENDANCE**

_____ Nate Wheeler	___X___ Maria Lorcher
_____ Mandi Stoddard	___X___ Nick Grove
___X___ Steven Yearsley	___X___ Patrick Grace
_____X_____ Andrew Seal - Chairman	

Seal: All right. Good evening. Welcome to the Planning and Zoning Commission meeting for the date of May 19th, 2022. At this time I would like to call the meeting to order. The Commissioners who are present for this evening are at City Hall. We also have staff from the city attorney, clerk's offices, as well as the City Planning Department. For anyone online if you would like to simply watch the meeting we would encourage you to stream this on the city's YouTube channel and you can access that at meridiancity.org/live. With that let's begin with the roll call. Mr. Clerk.

**ADOPTION OF AGENDA**

Seal: Okay. The first item on the agenda -- agenda is the adoption of the agenda. Could I get a motion to adopt the agenda?

Grove: So moved.

Lorcher: Second.

Seal: It's been moved and seconded -- seconded to adopt the agenda. All in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

## **CONSENT AGENDA [Action Item]**

- 1. Approve Minutes of the April 28, 2022 Planning and Zoning Commission Meeting**
- 2. Approve Minutes of the May 5, 2022 Planning and Zoning Commission Meeting**

Seal: Next item on the agenda is the Consent Agenda and we have two items on the Consent Agenda. One is to approve the minutes of the April 28th, 2022, Planning and Zoning Commission meeting. Second is to approve the minutes of the May 5th, 2022, Planning and Zoning Commission meeting. Could I get a motion to accept the Consent Agenda as presented?

Grace: So moved.

Yearsley: Second.

Seal: It's been moved and seconded to accept the Consent Agenda. All in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

## **ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]**

Seal: Okay. So, at this time I would like to explain the public hearing process. We will open each item individually. Begin with the staff report. Staff will report their findings on how they adhere to the Comprehensive Plan and the Unified Development Code. After staff has made their presentation the applicant will come forward to present their case and respond to staff comments. They will 15 minutes -- 15 minutes to do so. After the applicant is finished we will open the floor to public testimony. Each person will be called on only once during the public testimony. The Clerk will call the names individually of those who have signed up on our website and in advance to testify. You will, then, be unmuted in Zoom or you can come to the microphones in chambers. Please state your name and address for the record and you will have three minutes to address the Commission. If you have previously sent pictures or a presentation for the meeting it will be displayed on the screen and the Clerk will run the presentation. If you have established that you are speaking on behalf of a large -- larger group, like an HOA, where others from that group will allow you to speak on their behalf, you will have up to ten minutes. After all of those who have signed up in advance have spoken we will invite any others that may wish to testify. If you wish to speak on the topic you may come forward in Chambers. If you are speaking from Zoom, please -- and you have multiple devices, please, make sure to mute the secondary devices, so we don't get feedback and we can hear you clearly. When you are finished, if the Commission does not have any questions for you, you will return to your seat in Chambers or be muted on Zoom and you will no longer have the ability to speak. And, please, remember we will not call on you a second time.

After all testimony has been heard the applicant will be given another ten minutes to come back and respond. When the applicant is finished responding to questions and concerns we will close the public hearing. The Commissioners will have the opportunity to discuss and, hopefully, be able to find -- or make final decisions or recommendations to City Council as needed.

## **ACTION ITEMS**

### **3. Public Hearing Continued from May 5, 2022 for Amina's Daycare (fka Mulonge Daycare) (H-2022-0012) by Godelieve Mulonge, Located at 4175 S. Leaning Tower Ave.**

- A. Request: A Conditional Use Permit for a group daycare of up to 12 children on 0.145 acres of land in the R-8 zoning district.

Seal: So, at this time I would like to continue file number H-2022-0012 for Amina's Daycare, which was continued from May 5th, and we will begin with the staff report.

Tiefenbach: Greetings, Mr. Chair, Members of the Commission. Alan Tiefenbach. Associate planner with the City of Meridian. Yes, it has been continued a few times due to some issues with posting. This time it has been posted and mailed properly. This is a request for a conditional use permit. The property is .14 acres, zoned R-8, located on the west side of South Locust Grove, which is north of Amity. This is a conditional use permit to allow a group daycare. The property is already permitted to allow what is known as a family daycare. That allows up to six kids. In order to go -- and that could be allowed administratively. But in order to go from six to 12 kids they are required to go through a public meeting, which is the purpose of this this evening. Again, located at 4175 South Leaning Tower. There is already an in-home daycare there that has been there with six children. The applicant wants to expand up to 12. According to the applicant, the daycare will operate from 6:30 to 7:00 p.m. on weekdays. Play time is limited to one hour after 9:00 a.m. and one hour after 1:00 p.m. The applicant has stated that they presently provide and will continue to provide the transportation for the children, although in the instance that there may be people picking up or drop off, the house does have a parking pad, which is approximately 30 feet wide, so that would accommodate an additional car, as well as there is parking spaces that are available along the curb in front of the house if needed. Staff has received quite a few letters initially from adjacent property owners. I think the last one we received was maybe in March. Original issues were talking about parking, traffic, and safety issues. There is some pictures that I took here. Staff visited -- based on the issues that were expressed about the parking and the traffic, staff went out in the middle of the day and -- and looked and at that time all we saw on that whole street was just two cars parked in front of the house. There was one particular citizen that sent staff e-mails that there had been some ongoing issues with code enforcement. There have been some complaints called into PD. Staff contacted the police department. They said there had been one call and I guess it might have been somewhat confrontational, but they did talk to the applicant and it might have been a miscommunication. Since that time the PD said they have gone out there three more

times just to check and they have not seen any other issues with that. With that I don't have any other additional recommendations or requirements. Staff recommends approval.

Seal: All right. Thank you very much. Would the applicant like to come forward?

Johnson: Mr. Chair, he is online and unmuted.

Seal: Okay.

O'Bryant: Greetings. Thank you guys for hearing us. My name is Nick O'Bryant. I'm an attorney and I represent Ms. Godelieve Mulonge.

Seal: If you could give your address for the record, please.

O'Bryant: Absolutely. It's 4106 South Sarteano, Meridian, Idaho. 83642. I'm about five houses down from this. We thank the -- the city and the staff for helping us get through this and through the process and appreciate the work and recommendation and I know my -- my clients here are -- are excited to get this, hopefully, and -- and seek approval. You know, ultimately I think there is no real concerns to address. I -- there were several neighbors that I guess had a change of heart and -- and I think that's -- I would like to thank them for that. Other than that I -- we don't have much more to add. If you have any questions I'm happy to answer them.

Seal: Okay. Thank you. Does anybody have any questions for the applicant or staff? All right. None at this time. Do we have anybody that's signed up to testify on this?

Johnson: Mr. Chair, only the applicant's representative signed up. That's all.

Seal: Okay. It looks like we have one other person on Zoom at this point. If they would like to testify they can raise their hand.

Johnson: And I believe they are with an applicant later in the application.

Seal: Okay. If there is no questions and if the -- does the applicant have anything further to add or --

O'Bryant: Nothing further. Thank you.

Seal: Okay. Thank you.

Grace: Mr. Chairman?

Seal: Go ahead.

Grace: I just have a general question, because I -- we have seen these a number of times and there is a comment in the findings that this is -- these are much needed services. I'm just wondering if staff can expand on that. I mean is there a -- is there a real need for daycare services that it would prompt that -- and maybe you don't know the answer.

Tiefenbach: I'm probably the wrong person, because I don't have any children.

Grace: Yeah.

Tiefenbach: I can tell you that I regularly hear about the cost of daycare, especially in more of an institutional or commercial setting. In-home daycare that's run by people from home providers tends to be much cheaper, tends to serve the surrounding neighborhoods. I might defer to somebody that actually has kids about the need of daycare.

Grace: Yeah. And, I apologize, that might not be a fair question to you. I just -- we have seen these a number of times and I'm just curious to know -- it seems like a lot of residents are going from six to 12 children and I was just curious to know what the -- what the demand is for this and I know Meridian is growing, of course. A lot of children. It would make sense. But I was just looking for some more information. Thank you, Mr. Chairman.

Grove: Mr. Chair?

Seal: Go ahead.

Grove: Commissioner Grace, I could partially answer your question, just based on some of my professional workings in this -- in this regard. Currently throughout the state and more particularly in Meridian we have a -- a significant lack of childcare facilities and childcare options outside of the house. With COVID the -- over the last couple of years the demand has fluctuated somewhat, but the -- the wait list on most childcare facilities is extensive and the -- the cost is more than a mortgage and -- for a newborn in many cases. So, the -- the -- the need is -- is there for childcare to be provided in a multitude of ways, both with these in-home facilities and with the larger facilities as well. We are severely under represented with childcare facilities.

Grace: Mr. Chairman. Thank you. That's good to know. This is a great option for people. So, I appreciate that.

Seal: Okay. Thank you.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.



Lorcher: In regard to staff for the summary of the requests, the play time is limited to one hour between 9:00 a.m. and one hour after 1:00 p.m. Is that a guideline or is that a steadfast rule?

Tiefenbach: Let me double check and see if that was in our conditions of approval. If you think it needs to be and it's not you can certainly add that.

Lorcher: I would be the opposite. Children need to be outside. So, one hour a day and if they are there from -- what are their hours? 7:00 a.m. to say 6:00 p.m. if somebody is working and only to allow the children out for two hours a day, especially in the summer time, seems not the best use of the children's time.

Tiefenbach: I was quite a hyperactive child and I'm sure that would have been a nightmare for my parents. I will double check and see if that was a condition of approval. Give me just a minute.

Lorcher: Thank you.

Seal: Anymore questions? Somebody has to ask a question while Alan is looking.

Johnson: I apologize, Mr. Chair. The applicant does have their hand up. I don't know if they wanted to answer that or if you are still taking -- Mr. O'Bryant, you can go ahead.

O'Bryant: Thank you. I just wanted to point out a couple of things. I live in this neighborhood, too. We did just have a baby in November. I quit my job at a firm and took a few clients and -- and work from home myself, primarily because of the cost of -- of daycare. It is a huge -- huge concern around here. The growth is incredible and -- and there is no shortage of folks that can't get daycare. So, we appreciate that. And, then, on a -- sort of practical side, I don't think anybody in this neighborhood knew these folks ran a daycare until these notices went out. So, that should probably say something. I would have some other thoughts to say in a different setting, but I don't see any problem here and there is a park right in front of my house. Every day during the summer there is 20, 30, 40 kids out there, if not more, and it's wonderful. That's -- that's all I think I have to say on that.

Seal: Thank you very much. Go ahead, Alan.

Tiefenbach: Mr. Chair, Members of the Commission, Alan Tiefenbach. Just to clarify, that's not a condition of approval. That was just a statement in the staff report and was what the applicant said. So, there is no requirement on what time they can -- can or can't be out.

Lorcher: So, they can have the children out for more than two hours a day?

Tiefenbach: There is no requirement as a condition of approval.

Lorcher: Okay. Very good. Thank you.

Seal: Okay. Anybody else? Can I get a motion to close the public testimony?

Lorcher: So moved.

Grove: Second.

Seal: It's been moved and seconded to close the public testimony for File No. H-2022-0012. All in favor say aye. Any opposed? All right. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: If anybody would like to ask anything -- or debate anything else or give a motion on this? It looks fairly straightforward.

Grace: Mr. Chairman, for a motion.

Seal: Commissioner Grace, go ahead.

Grace: I would move that after considering all staff, applicant, and public testimony to recommend approval of the City Council -- to the City Council of File No. H-2022-0012 as presented in the staff report for the hearing date of May 19th, 2022, with no modifications.

Seal: Okay.

Grove: And point of clarification.

Seal: Go ahead.

Grove: This is not -- this is a CUP, so it would not be to City Council --

Yearsley: You would need to approve, not to recommend approval.

Seal: Correct.

Grace: So, Mr. Chairman, I would alter my motion to the extent that I would motion to approve, not to recommend to approve.

Seal: Okay. We still have a second?

Grove: Second.

Yearsley: Second.

Seal: Okay. It has been moved and seconded to approve Item No. H-2022-0012 for Amina's Daycare with no modifications. All those in favor say aye. Any opposed? Okay. Motion carries. Thank you very much.

MOTION CARRIES: FIVE AYES. TWO ABSENT.

**4. Public Hearing for Black Rock Coffee (H-2022-0019) by Tamara Thompson of The Land Group, Inc., Located at 3300 S. Eagle Rd.**

- A. Request: A Conditional Use Permit to allow a drive-through establishment within 300 feet of existing residential.

Seal: All right. At this time I would like to open public hearing H-2022-0019 for Black Rock Coffee.

Tiefenbach: Thank you, Mr. Chair. Again Alan Tiefenbach. This is a request for another conditional use permit. The property is about a little less than an acre. It's zoned C-C. It's located at the southeast corner of South Eagle Road and East Victory, which is in The Shops at Victory Center. The property was annexed in 2008. There were numerous extensions to the preliminary plat until they got the final plat done. The final plat was done in 2016. When the property was annexed one of the conditions -- or excuse me. When the property was annexed alternative compliance was granted. The property is directly next to existing residential. There is a requirement that if you build a commercial use next to residential that you have to supply a 25 foot wide landscape buffer. The alternative compliance was to allow this landscape buffer to be reduced to as little as ten feet and a condition of approval with that was that they had to put in a Verti-Crete wall, which is basically a large concrete sound wall. I only say that because I will probably come back to that. That ship has already sailed. Alternative compliance was already granted, but they -- they don't meet the buffer, but they do have the wall that was required. So, this is a request for a conditional use permit to allow a drive-through establishment. It's within 300 feet of an existing residence and it's within 300 feet of another drive-through facility and that's what the requirements are. If one of those two are met or both you have to go through a conditional use. Again, the property was annexed in 2008. It's one of three commercial lots. A conditional use was approved for the lot on the north. That would be the Rite-Aid. And that was approved to allow a drive-through facility on that Rite-Aid within 300 feet of the residential properties, which are to the east. This would be another drive-through establishment within 300 feet of that and 300 feet of the existing residential. It's a 1,975 square foot Black Rock Coffee Shop. This drive-through establishment, again, is within 300 feet of both. If you look at the site plan here, the site plan shows stacking lanes. That's what you would see here. So, this is the stacking lane. As you probably know, some of these drive-through coffee shops sometimes have a tendency to have traffic parking -- backing out into the street. In this particular case we are a little less concerned about that, because all of this is a parking lot, so if we did have one of those days where there was a lot of people parked waiting to get their coffee it would spill into the parking lot versus into the street. There is also an escape lane. This is required anytime a stacking lane -- stacking lane is longer than a hundred feet. The way that this

works is somebody comes in, they change their mind or somebody calls them, they realize they forget something, they can jump into this escape lane here and get out without having to wait all through the line. There is also a requirement in the specific use standards that the window of the drive-through facility has to be visible from the street. That's for a safety issue. You don't want to have a window on the other side of the building and have no idea what's going on when there is being cash handled. The building -- excuse me. The window in that case would be to the north, so you wouldn't be able to see that when you are coming down Eagle Road south or from the parking lot at the Rite-Aid. There is an outdoor speaker that is shown. It's -- and it's about 200 feet from the existing residence. It's not labeled on here, but if you can see where my pointer is this is where that speaker and that menu board would be. We -- we did have some concerns about that being close to the residential. Because of that we asked the applicant if they would submit to us a decibel study that would sort of demonstrate what kind of sound impacts would be from that speaker board. The applicant did do that decibel study and what it showed is that at 16 feet from the speaker it's about 36 decibels. To -- just to put that into context, 40 is considered a whisper. So, at 16 feet it's about a whisper. The actual adjacent property is 200 feet from that speaker. The property owner of the property to the east directly next door, the house that's closest, submitted a letter to staff and this letter was in support of this development. Basically, the -- the property owner said that this developer has done a very good job working with them and has done everything that they have asked for them to do and that he is confident that this would be fine and he has no issues with it and urges support. Only other comment would be these elevations. Overall they are pretty good. They are franchise type architecture. We do have some requirements in our architectural standards manual that there has to be at least two field materials. This may qualify, but the problem is is that -- and I don't want to get in all the -- to get into the weeds here, but one of those field materials can't be metal. In this case it looks like it is. So, that's something that staff will work out with the applicant. But overall the architecture is good with this. Again, we have received one letter of support. So, the -- the proposal meets all the dimensional standards and it meets the specific use requirements for a drive-through facility. Staff recommends approval with conditions and those conditions included complying with the development agreement on the hours of operation being between 6:00 and 10:00. Specifically at the applicant's request we -- we put it in the conditional use that the -- the hours of operation would comply with the hours of the DA, unless they were modified, and the reason why is the applicant may in the future want to modify those hours through a DA mod and they don't want to have to also come in and modify the conditional use. We also believe that it complies with the -- for the most part the Architectural Standards Manual for the elevations, with probably some tweaks, and the only other thing we commented about in our conditions is that there is a walkway that you can see here. It's striped. On there the way that our code reads it says it has to be brick pavers or some kind of material. It just can't be striped with that. I will stand for any questions and staff is done with their presentation.

Seal: Okay. Thank you very much. Would the applicant --

Starman: Mr. Chairman, may I add a supplemental comment?

Seal: Absolutely.

Starman: So, I just wanted to -- this is really for the record primarily and for the applicant, but in the proposed conditions that are before the Commission tonight is condition -- proposed Condition A-15, which references the development agreement that Alan just described and one provision in that development -- so, the condition essentially says this project that you are considering tonight will be or shall be subject to those approvals that happened previously, including the development agreement. There is a provision in that development agreement that says that the owner-developer is responsible for reimbursing the city for previous expenses to extend sewer and water to this site. We are still doing some research as to whether that has occurred yet or not and so we are not quite prepared to make a definitive statement, but I just wanted to put something on the record that indicates that provision -- that provision in the DA is applicable and if that payment has not -- a reimbursement has not yet occurred that would be a prerequisite before construction could begin on this project. So, I just wanted the opportunity to put that in the record. Thank you, Mr. Chair.

Seal: Thank you. Appreciate that. Okay. Would the applicant like to come forward?

Huber: Mr. Chairman, Members of the Commission, my name is Jeff Huber. My address is 8385 West Emerald Street in Boise and I represent the applicant. We want to thank staff for their report tonight. It was very thorough and we thank them for recommending approval and we are in agreement with all of the conditions as stated in the report. One of the neighbors has come a long ways here tonight. I don't know if they want to testify, but they were late and are not on your sign-up sheet, so you might want to ask if there is someone else that would like to address this.

Seal: Okay. Absolutely.

Huber: I stand for questions.

Seal: Is there any questions for applicant or staff? Commissioner Yearsley?

Yearsley: Mr. Chair. Just -- just want to clarify. I know most coffee shops like to start before 6:00, but you are -- you are okay with starting at 6:00 o'clock then?

Huber: Well, we actually are planning to come back and modify the development agreement to -- so that they start at 5:00.

Yearsley: Okay. That's why I was just curious. Thank you.

Seal: Anybody else have questions? All right. Thank you very much. Appreciate it. Do we have anybody --

Johnson: We do, Mr. Chair. Mr. Aldridge did sign in.

Seal: Good evening, sir. If you could give us your name and address for the record.

Aldridge: Bob Aldridge. I'm at 3300 East Falcon Drive. Depending on how you look at it they are either in my backyard or I'm in their backyard. We have been there since 1985 when life was much more simple. We have worked with this group now over quite a number of years, working on initially the -- just general development and, then, through the Rite-Aid and they have literally bent over backwards to accommodate us and I am thoroughly confident that if any questions come up it will be settled. So, we had some lighting issues from when it was first lit up and they went way out of the way to get those solved. I don't have any problems with noise. As noted, the coffee speakers are pretty low intensity. There is a tall wall in between us. I have got two giant trees there with walnuts that for some reason are able to take over and drop on people's head in the Rite-Aid and also the way this is laid out the traffic is never going to show any lights into our property and plus we are pretty isolated and we have more trees on our property. So, I think it's a good project. It's a good usage. It's a lot lower impact than a lot of things that could be there. So, very much in favor of it.

Seal: Okay. Thank you. Anybody have anything for -- no? All right. Thank you, sir. Appreciate your testimony. Is there anybody else that wants to testify you can raise your hand. If not, does the applicant have anything they would like to add further? Indicating no. All right. Can I get a motion to close the public hearing for Item No. H-2022-0019.

Grove: So moved.

Lorcher: Second.

Seal: It's been moved and seconded into close the public hearing for Item No. H-2022-0019. All in favor say aye. Any opposed? Okay. Motion passes.

**MOTION CARRIED: FIVE AYES. TWO ABSENT.**

Seal: Anybody would like to add more to the discussion or --

Grove: Mr. Chair?

Seal: -- throw a motion out? Go right ahead.

Grove: Pretty simple when the applicant agrees with the staff report and the public testimony with the neighbor most impacted is very supportive. So, I think we should be able to move forward. So, with that, after considering all staff, applicant, and public testimony, I move to approve File No. H-2022-0019 as presented in the staff report for the hearing date of May 19th, 2022, with no modifications.

Yearsley: Second.

Seal: It's been moved and seconded to approve Item No. H-2022-0019, Black Rock Coffee with no modifications. All those in favor say aye. Any opposed? Okay. Motion carries. Thank you very much.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

**5. Public Hearing for Peak at Sawtooth Village (H-2022-0026) by JGT Architecture, Located at 4752 N. Linder Rd.**

- A. Request: A Conditional Use Permit for a drive-through establishment within 300 feet of another drive-through facility, a residential district and existing residences.

Seal: Okay. Next we will open File No. H-2022-0026 for Peak at Sawtooth Village. 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 conditional use permit. This site consists of .93 of an acre of land. It's zoned C-N, located at the southeast corner of North Linder Road in West McMillan Road at 4752 North Linder Road. This property was annexed in 2013 with the requirement of a development agreement and a preliminary plat was approved. A final plat was later approved in 2015 for McLinder Subdivision. The Comprehensive Plan future land use map designation is mixed use neighborhood. A conditional use is proposed for a drive-through establishment within 300 feet of another drive-through facility, which is directly to the south, and a residential district and existing residences, which are kitty-corner to this site to the southeast in the C-N zoning district. A 4,846 square foot building is proposed to be constructed on the site with three tenant spaces. A drive through is proposed on the westerly 2,200 square foot tenant space for a restaurant. The tenant intends for the drive through to be more of a pick up location where customers would order ahead through a mobile app, rather than ordering from a speaker or window. No speaker or menu board is proposed at this time and there are specific use standards in the UDC that pertain to drive-through establishments as follows: Stacking lanes are required to have sufficient capacity to prevent obstruction of driveways, drive aisles and the public right of way by patrons. The stacking lane proposed for the site will accommodate approximately five vehicles, which the applicant believes will be sufficient for their use and business model. Staff is concerned if the stacking lane backs up the drive aisle on the north side of the building may obstruct vehicles trying to enter or exit the parking spaces in that area. Also while the proposed stacking lane may accommodate the proposed user, it may not be able to accommodate future users that may be more intense without obstructing the drive aisle and parking on the north side of the building. Second, the stacking lane is required to be a separate lane from the circulation lanes needed for access and parking, except that stacking lanes may provide access to designated employee parking. The stacking lane for the site is a separate lane from the circulation lanes needed for access and parking on the west side of the building. However, if stacking backs up around the north side of the building it could obstruct parking in that area. There are also a few other standards the site is in compliance with.

Based on staff's analysis the proposed drive through is deemed to be in general compliance with the specific use standards as required. If the Commission does not feel there is adequate stacking area to accommodate vehicles in the drive through without obstructing the drive aisle needed for circulation and parking on the north side of the building, revisions may be required to the site design. The proposed access and parking complies with UDC standards. Conceptual building elevations were submitted as shown that incorporate a mix of materials consisting of horizontal hardboard siding, stone, veneer and glazing. The final design shall be consistent with the design standards listed in the Architectural Standards Manual. Written testimony was received from the applicant. They are in agreement with the staff report conditions of approval. Staff is recommending approval. Staff will stand for any questions.

Seal: Okay. Thank you. Would the applicant like to come forward? Good evening. Your name and address for the record, please.

Bevan: Yes. Tom Bevan. Address 4202 North Marcliffe Avenue, Boise. 83704.

Johnson: Can you pull that microphone towards you. Either one.

Bevan: I will take any questions. I don't really have anything to add to the staff report, but be glad to take questions.

Seal: Anybody have any questions for the applicant? Mr. Grace, go ahead.

Grace: Mr. Chairman. Sir, so the -- it indicated that it was not intended -- well, let me get this right. It was intended that people would use an app to place their orders and, then, are they only going up to the window, then, to -- to just pick up the order?

Bevan: Yes. It's like a pick up location where there -- there is no menu board and there is no speaker. You have the -- by app you order and, then, you go and pick it up and they just hand it out to you.

Grace: How will they know it's ready I guess is --

Bevan: They do it through their smartphone.

Grace: They get notified over the smartphone --

Bevan: Yes.

Grace: -- that it's ready?

Bevan: When it's ready. Yeah. And they get a number and they come by and pick it up.

Grace: Okay. Okay. Thank you, Mr. Chairman.



Seal: Commissioner Yearsley, did you have something?

Yearsley: I just want to -- if you could address -- you know, I'm not quite sure what business this is or -- or if it's an established business. If -- if the use does change, how do we ensure that we have enough stacking or not having issues in the -- in the future with only having five parking spaces? Is there, you know, other conditions or things that we can consider to provide for more stacking if -- if necessary in the future based on staff's comments that they just presented.

Bevan: Well, I guess we could address that. The -- the tenant has signed a ten year lease, so -- so -- but in the future after that -- I don't know. I guess we would have to look at it again.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: In regard to Commissioner Yearsley's comment, so after that tenant leaves would the next business have to get a conditional use permit to address the stacking lane that you are addressing?

Seal: No, they wouldn't have to. I guess I will kind of pile on here a little bit. So, while this is an operation if they wanted to put out -- if they wanted to change the business model let's say, like this isn't working purely online, what would they need to go to through -- and, Sonya, this is kind of a question for you probably more or less. If they did want to put out a -- you know, a menu and a microphone and -- and all that, is there a process they would need to go through or they -- they basically are conditioned to use it as they see fit in that regard?

Allen: Mr. Chair, Commissioners, as is there is no condition prohibiting a menu and speaker. You could certainly include that. That would apply to this user, as well as future users of the drive-through.

Seal: Okay. And that -- I think the reasoning behind this is -- I think the use that you are proposing, at least in my mind, if people are coming -- and -- and there are a lot of services that work like this now, so -- that's how I get my haircuts anymore, so -- they let me know when to come and I go and they cut my hair and I leave. So, it's pretty nice to do that. So, I understand a little bit of the business model that's going on here. That said, if the -- if it does change and I ride to dinner and go to this facility here quite a bit, I can see where if that model changed and people were waiting, if it wraps around it's going to make it really hard for people to not block that -- you know, the private drive that's in there or private drive I guess I should say, you know, as far as traffic goes and -- I mean the other part of it is if you get somebody that's waiting at the window, somebody that's trying to use the escape lane, because there are other businesses in this -- I mean it's not just the one business in the building, there are several businesses. So, if you have somebody parking in the diagonal parking to the west side of the building, you have somebody that's

in the escape lane, you have somebody that's ordering -- or picking up I should say, that's -- you know, I drive a full size truck, so if you got three of those trying to do those maneuvers in there I just don't know that it's going to fit, so --

Bevan: Well, I could say that I talked to the tenant about that, actually, what they do in other locations and they do this same thing in almost all their locations and they haven't changed it. They say it works very well. So, I don't think that this tenant would change it, because it works so well for them in other locations. It's a national chain. The Goose, but -- well, I guess it's more of a regional chain, but -- so, they -- they like the process and it works well and I asked them do you want us to put something in there for a speaker later and he said, no, I don't want any speaker wires or I don't want any pre-planned menu board, wires, or lighting or anything like that. They just don't use them.

Seal: Okay.

Yearsley: Mr. Chair?

Seal: Go ahead.

Yearsley: Would you be amenable if we added the condition to -- you know, that -- to not allow a menu board or a speaker without prior approval?

Bevan: In the condition? Yeah, we could go with that.

Yearsley: Okay.

Seal: Okay. Are there any other questions? No? All right. If you want to have a quick seat we will see if anybody is --

Bevan: Thank you.

Seal: -- anybody is going to testify online or -- I don't think we have anybody in the audience. No? Okay. I will assume there is nothing further to add at this point. So, if somebody would like to give me a motion to close the public hearing.

Grove: Mr. Chair?

Seal: Go right ahead.

Grove: I move to close the public hearing for Peak at Sawtooth Village, File No. H-2022-0026.

Grace: Second.

Yearsley: Second. Oh.

Seal: It's been moved and seconded to close the public hearing for File No. H-2022-0026, Peak at Sawtooth Village. All in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Who would like to go first?

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: I -- I agree with the concerns of staff and I understand -- and I think if -- if -- if this works I think it's a great idea, but I would be amenable to -- or I would like to see that condition to not allow a menu board or a speaker without prior additional conditional use permit or additional approval.

Seal: Okay. I agree with that as well. Commissioner Grace?

Grace: Mr. Chairman, I think that's a great recommendation. I agree with that. I probably still have concerns that there might be stacking and based on the depiction what that would mean for, you know, people parking and -- but I'm willing to allow for what the applicant said about, you know, it's been done before and it's -- it's not a problem. I do -- I do question -- I do worry about potential further future I should say tenants there, so I -- I agree with Commissioner Yearsley. I think that's a great recommendation.

Grove: Mr. Chair?

Seal: Go right ahead.

Grove: I think maybe just to have it on the record for some of the thinking here, though, is with the -- if it does ever come back for an additional CUP to add the speaker board, I think having the applicant at that point in time look at relocating the -- the placement of the -- the pick up window would be an appropriate thing to -- at least can strongly consider and moving it to the south side versus the west side if -- if -- if a speaker board does come in, because it would improve the stacking capacity. I will say one thing that works in the favor of this is, you know, it's overparked a little bit, so that does give some additional leeway in terms of how they could operate, you know, with running orders out and things like that. So, I'm not as concerned if there was not that additional overparking.

Seal: Okay. Anyone else?

Yearsley: Mr. Chair?

Seal: Go right ahead.

Yearsley: After considering all staff, applicant, and public testimony I move to approve File No. H-2022-0026 as presented in the staff report for the hearing date of May 19th, 2022, with the following modifications: That no menu board or speaker may be allowed without prior approval from the city.

Seal: Do I have a second?

Grove: Second.

Seal: Okay. It's been moved and seconded to approve Item No. H-2022-0026 for Peak at Sawtooth Village with the aforementioned modifications. All in favor say aye. Any opposed?

Parsons: Mr. Chair, just a clarification for Sonya and myself.

Seal: All right.

Parsons: I think it was your intent to say come back and get CUP approval, if I'm understanding correctly.

Yearsley: Yes.

Parsons: All right. Thank you.

Yearsley: Absolutely.

Seal: All right. Thank you very much for that. So, none -- none -- none were opposed, so motion -- motion carries. All right. Thanks very much.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

**6. Public Hearing for Bountiful Commons East (H-2022-0015) by KM Engineering, LLP, Located at 5960 and 5984 N. Linder Rd. Recommended Approval of Request B to City Council (request A is only a City Council decision) – Scheduled for June 14, 2022**

- A. Request: Modification to the Existing Development Agreement (Linder Mixed Use - Inst. #2018-052340) to update the conceptual development plan and building elevations.
- B. Request: Combined Preliminary and Final Plat consisting of three (3) building lots on 2.20 acres of land in the C-C zoning district.

Seal: All right. At this time we will open up File No. H-2022-0015, which is Bountiful Commons East, and we will begin with the staff report.

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Allen: Thank you, Mr. Chair, Members of the Commission. The next application before you is a request for a combined preliminary and final plat. There is also a concurrent development agreement modification application that will be heard by the City Council that does not require the Commission action tonight. This site consists of 2.2 acres of land. It's zoned C-C and it's located at 5960 North Linder Road. This property was annexed in 2017 with the requirement of a development agreement. A preliminary and final plat was approved in 2018. A property boundary adjustment was recently approved this year, which established the current configuration of the property. The Comprehensive Plan future land use map designation is mixed use community. As I mentioned earlier, the -- the modification to the existing development agreement is proposed to update the conceptual development plan and remove the conceptual building elevations for Chili's from the agreement and replace them with concept elevations for the proposed single story commercial and office buildings. Changes to the concept plan consists of replacing the 7,000 and 10,000 square foot buildings with a shared outdoor plaza area in between the two buildings as shown on the site plan there on the left with four multi-tenant commercial and office buildings with individual outdoor plazas at the rear of each building and that site plan is shown there on the left as well. Staff is recommending changes to the concept plan that consists of removal of the parking spaces on the west side of the site that back out into the backage road and removal of the parking in between each set of buildings for the provision of common usable area and plaza area as required in the development agreement and the Comprehensive Plan for mixed use designated areas. These changes should be made prior to the City Council hearing per the staff report. Again, this application is not before you for a recommendation tonight and this is purely informational. A combined preliminary and final plat is proposed as shown to resubdivide a portion of Lot 1 and all of Block -- excuse me -- all of Lot 4, Block 1, Bountiful Common Subdivision. The proposed plat consists of three buildable lots on 2.2 acres of land. The preliminary plat is shown on the left and the proposed final plat is shown on the right. The proposed plat consists of three buildable lots on 2.2 acres of land. Access to the subdivision exists via a private driveway and backage road that runs along the west boundary of the site parallel to North Linder Road. This is a copy of their proposed landscape plan for the site. There are no public streets that abut this property. Written testimony has been received from Stephanie Hopkins, KM Engineering, the applicant. They are not in favor of amending the concept plan as recommended by staff. Staff is recommending approval of the combined preliminary and final plat with the conditions in the staff report. Staff will stand for any questions.

Seal: Thank you, Sonya. Would the applicant like to come forward? Good evening. Just need your name and address for the record.

Hopkins: Thank you, Mr. Chair, Members of the Commission. Stephanie Hopkins with KM Engineering. Our address is 5725 North Discovery Way in Boise. 83713. I have a presentation. I don't know if Sonya has it up quite yet. I also have a flash drive if that's easier. Sorry about that.

Allen: No. No. Just a second here. All right. Sorry about that, Stephanie. Get it opened here.

Seal: It's beautiful weather we are having lately.

Hopkins: Okay. Very chilly today.

Seal: It was a little chilly.

Hopkins: Compared to the last couple days.

Seal: Blow all the pollen elsewhere.

Hopkins: I know. Thank you. Okay. So, Sonya did a great job summarizing our request. I won't go over too many of the details she already covered, but this property is south of Linder Village. It's just east of Linder Road and south of Chinden Boulevard. It was originally part of the Bountiful Common Subdivision. This is I think Lots 1 and 4 within that original subdivision and we are going to be calling it Bountiful Commons East. We recently did a property boundary adjustment. Used to be -- the backwards L -- used to be a little corner there, as well it was part of Lot 1 that's now been taken out of the property and so we are proposing to subdivide the remainder into three commercial lots, as Sonya mentioned. We are requesting a couple of changes to staff's recommendation on the development agreement modification. We are proposing to update the development agreement with the new concept plan that we are proposing. This is the original concept plan. Shows a 7,000 square foot building and 10,000 square foot building with central open space or a common open space in the center there, with surface parking lots, and this is our proposed concept plan. So, the -- up in the northwest portion of the site is the -- the lot that was taken out with the property boundary adjustment. So, the remainder will be the three lots that will be in the combined preliminary and final plat and so the concept plan that we are showing now does not have a central open space, but it has four open plazas for each of the multi-tenant buildings that we are proposing. They will be connected with sidewalk throughout the site and will connect ultimately to the drive aisle that's to the east -- or to the west. This is conceptual elevations that we are proposing for the buildings. They are multi-tenant buildings. Don't have users in place quite yet, but the intent really behind updating the development agreement is to have a little bit of flexibility with the concept plan and the elevations that we are proposing, so that we can be flexible for future tenants and make sure that if there is someone that comes in that maybe wants to do a property boundary adjustment to get rid of a lot line or modify the -- the existing concept plans of -- say somebody wants to come in and actually build a building across Lot 7 and Lot 8, they could come in and do an administrative lot -- or property boundary adjustment to get rid of that line and -- and build a building. So, we would really like to have some flexibility with the concept plan that's attached to the development agreement, as well as the elevations that are included in our request. So, this is the combined preliminary and final plat. Three commercial lots taking access from the private drive aisle that goes north-south that was recently constructed and we are going to be installing a 25 foot landscape buffer adjacent to the existing residential homes on the eastern part of the site. That will happen with site development of those two lots. So, as Sonya mentioned, we are requesting to modify a couple of her conditions -- or a couple of conditions that are attached to her recommendation and that is to remove ten

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parking spaces that are on the west boundary of the site adjacent to the private north-south drive aisle. As you can see on our concept plan, we are currently showing ten parking spaces that come right off of that drive aisle and to replace parking areas between Buildings A and B and C and D with plazas, with a public, quasi-public, open space. So, that is so that we can have more flexibility and parking for future tenants. As you are all aware, restaurants and some uses require a lot more parking than other uses and because we don't have users in place for the three lots that we are proposing it would be nice to be able to have some flexibility for future tenants to make sure that we are providing adequate parking for folks, as well as remaining flexible for anyone that might want to come in and modify the site. The requirement for the mixed use community land use, which is the designation that we are in, does require -- I think it's five percent public, quasi-public open space and this property was initially part of a five acre piece that was within -- per the development agreement. This is two -- a little over two acres. It's a smaller site and it's difficult to put open space in a location, so it would really be preferred to have them individually located on each lot to make sure that -- not only for installation, but to make sure that it's easily maintained by those buildings, rather than the entire office complex. It would also be difficult to make sure that a central open space was installed at one time if it was in the center of these four lots. So, that's -- that's the reasoning behind that request. These are the plaza areas that we are proposing. Additionally there is some -- a pretty large chunk of open space that's going to be provided with the Linder Village Subdivision -- or the Linder Village development to the north. It's going to be a public park that has parking and micro paths that kind of go through it, so this -- this is a schematic to show you how that might work. People from the office complex or whatever uses decide to locate here could easily walk up to that open space and -- and hang out there. I think it was probably -- this area is going to be a little bit more of a draw for folks, residents and employees in the area than the -- the complex that we are talking about would be. These are just some photos of the drive aisle to show kind of how it's currently configured and how that might function. So, the Beehive Federal Credit Union is constructed and it's to our west and, then, our property is the undeveloped property on your left. As you can see it's not very busy right now. There is not any vehicles coming or going and there is no one parked on the side of the road. This is an example of how I think that parking off of that drive aisle would function. This -- this is a complex on the right-hand side of your screen that's over off of Eagle Road. It's just north of Chinden Boulevard where there is a Reel Theater and some other stuff over there. They have kind of a similar configuration where they have got a -- Eagle Road is actually a state highway, so it's probably a little more heavily trafficked than Linder Road is, but folks can come in off of the arterial roadway and go into a local collector and, then, come onto a drive aisle where they have diagonal parking in place and I have been in this complex several times and it seems to work pretty well. It actually tends to slow traffic down, so folks know that it's meant to be a place to stop. It's a destination. It's not a thoroughfare. So, with that we -- we think that the addition of these commercial uses will be a benefit to the city. We are excited for this project and really looking forward to continue working with the city on it. I would like to hear your opinions, I guess, on the development agreement modification request, as I know you won't be making a recommendation to City Council, but we are interested to kind of know, you know, what maybe your opinions

are. With that I will stand for any questions. The developer is here tonight, too, if you have any that I can't answer.

Seal: Thank you. Questions for applicant or staff?

Grove: Mr. Chair?

Seal: Go right ahead.

Grove: So, Stephanie, with this change it sounds like the intent is to have it be more office and not have any restaurant retail operations. Is that the intent or --

Hopkins: Mr. Chair, Commissioner Grove, I will probably defer to our client on that. I don't know -- they don't have any users in place that I'm familiar with. The northwest parcel that we separated off of the property boundary adjustment is going to be a dentist, so that is an office -- kind of a professional office use. There will probably be a fair amount of parking needed for that kind of use, as I'm sure they will have several chairs and several appointments at a time. But the other lots I don't know that they have any specific kinds of uses in mind and I think that they can come up and kind of --

Grove: The reason I'm asking is it -- I guess it -- we don't have a -- a say on how that plays out tonight, but just in terms of how we are conceptualizing the -- the use and why we would, you know, be in favor or against not having a more centralized usable space amongst the -- the -- the four uses. I struggle with the general concept that as provided, because it -- it doesn't tie into the larger mixed use of -- of the area when it's very isolated. It's not isolated -- because it's very -- very small. But it -- I just -- you are asking for some feedback and that's -- that would be my feedback is I don't -- I don't personally like how that is integrating currently. I know we don't have a say, but just my -- my two cents.

Hopkins: Commissioner, thank you for your feedback. If I might ask a question.

Seal: Go right ahead.

Hopkins: Would it be preferred or maybe help the situation if there was a pathway leading from our site plan at some point to the -- the open space that's to the north?

Grove: For me it's -- the -- the pathway would definitely help. It's the -- trying to think of good words and it's later in the day for me, but it's just -- it's not tied together. It's four separate entities and not one -- being looked at as one development, essentially. I know it might get built out as four separate things, but it doesn't look like the -- an integrated plan with how they would function together. But, you know, there are -- there are four parts and they are not four parts of a whole.

Hopkins: Thank you for the feedback.



Seal: Yeah. And I mean the -- the feedback I will give is just on the -- the drive aisle really where -- and we have a drive aisle that's coming down -- it looks like the bulb outs and the -- and the trash receptacle is going to kind of impede that. I mean if -- if anything can be done -- and I can see why Sonya put that in there as far as those ten parking spots, the bulb outs, and everything, that looks like it's going to push right into that drive aisle. The more you can keep that open the better it's going to be for everybody, your neighbors, your customers, everybody involved. So, you know, and depending on who you market this for, you know, having open areas, especially in between the buildings, there is -- if you have been to -- down by the Capri Cafe, it's just south of this, they have an open plaza that's in there. It gets used a ton by the businesses that are in there, but, you know, of course, you have, essentially, you know, a -- a dining establishment and a brewery, basically, sharing that space and they do have a nice pathway that goes right into the residential area there, so that's very, very nice to where if you have something like that and you have just a parking lot, kind of difficult to go the other way. So, I don't know if there is a way to, you know, kind of mash this up a little bit, maybe come up with a better solution overall. I think that the -- you know, the small amount of common area off the back is helpful. I mean you can have some patio out there if you do have a restaurant or something along those lines. If you do have a dentist office that's wasted space, so -- I mean I don't -- in my dentist I would prefer to wait outside, but I don't have that option. But, anyway, that's -- I mean the feedback that I can give on it that's -- that's what I'm seeing of it. So, you know, it would be nice to see that drive aisle opened up, the bulb outs taken away, that parking -- you know, sacrificed, substituted. You are overparked, which is great. Thank you very much. It's not often that we are talking about taking parking spaces away. So, high marks for that for sure, but that's -- you know, the way that I look at it -- I mean there is other stuff that's going on here that kind of plays into this where you have, you know, a larger space for a business opportunity and just north of this you have multi-story live-work. So, you know, somebody that, you know, they are making their side hustle their hustle, they are, you know, working -- or living in the multi-story live-work and now they need to expand. Well, here is some place to do that, so -- and they happen to have a nice library up the road, so -- had to say that for the benefit of this guy here, so -- anyway, that's the feedback that I have on it. I mean I -- I think that a -- a connection into the walking path to the common area in the north would be great. I mean the more connected things are the better I -- I think. I don't think it presents any kind of issues as far as, you know, anybody having nefarious behavior in there trying to, you know, do something -- get away or do anything like that. I think it just provides for better accessibility. Anybody else? Sorry, I rambled on long enough.

Grace: Yeah. Mr. Chairman. Stephanie and I -- I'm just kind of going off of what -- what Commissioner Seal said and I have two questions and I apologize if you already went over this and I missed it, but on that north side what -- what's the transition into that park area? I -- I just wasn't catching that.

Hopkins: Mr. Chair, Commissioner Grace, right now I don't believe we are showing any walkway along the drive aisle. So, the transition up to the north would be just for folks to walk along the drive aisle to the -- the pathway that's existing.

Grave: Okay. But there is not a fence or anything, you could walk to it.

Hopkins: Mr. Chair, Commissioner Grace, I don't believe there is a fence and I don't know that our client has plans. No, they are -- they are shaking their heads that they don't have plans.

Grace: Okay. The second question -- I think I know the answer to it, but just to confirm, that -- the language in the -- in the application about the event center, that was the previous version of it and that's no longer happening.

Hopkins: That's correct.

Grace: Okay. Thank you.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: Just real quick. So, I won't belabor it too much, but just looking at -- I -- I'm not a fan of the parking on the drive aisle. I think that it has a potential of causing more problems than it solves. I think having a -- a walking connection, a pedestrian connection, would help this project in the -- in the future to be able to connect to the larger development to the north. You know, it's -- that's a large development going on up there and anything that you could do to, you know, connect the two would -- I would think probably help you have that -- the feel of it just being an extension of what is available to the public up there. So, again, we don't have anything to stipulate here, but just kind of some feedback.

Hopkins: Okay. Thank you.

Yearsley: Mr. Chair?

Seal: Mr. Yearsley, go ahead.

Yearsley: So, I -- I guess I'm a little conflicted, because looking at the building styles that you are looking -- to me it feels more like a strip mall type facility, but, yet, you are -- you are trying to market this more of an office type setting, which I think understanding, you know, what's -- what's on the plan to what's actually being proposed, you know, because if it's more office style I don't know if the -- you know, the open space is going to be utilized nearly as much versus strip mall style, so -- and I guess that's -- that's where I struggle with at this point, trying to make a decision on -- on how best to move forward with this, so --

Hopkins: Mr. -- Mr. Chair, Commissioner Yearsley, I -- I'm looking back at our client as you are talking and I think that they are planning to pursue more of an office use for the buildings. That being said, they don't have users in place -- yeah. Maybe -- thank you.

Yearsley: That would be awesome.

Seal: Yeah. Just let us know who you are -- I mean you are -- you are spending money here, so there has got to be a marketing plan.

Gasser: Trevor Gasser. 74 East 500 South, Suite 200, Bountiful, Utah. 84010. Appreciate you guys listening to our -- our concept plan here and, really, we are looking for more of a professional office, you know. Right now we have a dentist going in to the piece that we parceled off. I see this more as like insurance companies, brokerages, that type of user. So, yes, I do think it is going to be more professional office. There could be some retail component in there, but, you know, I think most retail -- or most retailers like to be right on Linder Road and this is offset a little bit and as far as restaurant use to parking for our development -- or at least for my development, I want to have as much parking as I can. I know right now I -- I probably don't have enough for a restaurant I would say or it would be tight. I'm trying to do four to five stalls per thousand square feet for office tenants. You know, I know dentists are heavy on the parking spaces and so that's why I have just tried to provide as much parking as I can. One thing I -- I did want to -- how do I go back on this? Oh. I wanted to just show you guys what's -- what's just to the south of here. So, there is an office development right here with parking up in front of all of these buildings that you -- you -- I mean it's right on the drive aisle. So, that -- that's where I have kind of kept in with that same. There -- there is -- there is just this office complex and it comes up through here. So, there is no -- no traffic through a residential neighborhood. It is -- there is not a lot of traffic on this development. There is also this -- we have also got a -- a curve in the road here that is kind of like a -- a speed, you know, calmer as well. So, I -- you know, that is my reasoning for putting parking up there. Plus, also, I -- I feel like, you know, tenants -- they -- they like to have parking on -- on all sides of the building where -- where these could be individual clients or tenants and -- and have access -- you know, doors on -- on either side right here and it just gives them a little more exposure and so, you know, I just felt with what -- what had happened to the south, there is -- there is no traffic. I would be happy to put, you know, speed limit signs on there, just to make sure everybody is -- is driving and responsible and -- but that was my reasoning for that. The other reasoning, you know, just -- if I'm going to take out all this parking, that's ten stalls -- another ten stalls, another ten stalls. I'm -- I'm taking out 30 stalls per staff recommendations. I just don't feel like I -- you know, with -- with the park, with all the open space, I would be -- I would be happy to, you know, provide an access way up to the park. I could -- I could provide two, you know, because parking is just so important for the development. There is a 25 foot landscape barrier right here that, you know, we could -- we could maybe do some -- some common plaza space within that, too. I don't know what your thoughts would be. I know we are just kind of bouncing ideas off, but I -- I would kind of like to hear your ideas before I go to City Council.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I can appreciate not wanting to lose 30 spots. That -- you know, that is a lot, especially with what you -- you are wanting to do. I would highly recommend, though, at a minimum looking at those west parking spots. I know, you know, there -- there is examples of other ones here. I think that the uniqueness of this is a little bit different though. You are not coming off of a 90 degree to get into that space at the same as you would where those parcels to the -- to the south that you pointed out. So, that -- it's kind of a blind spot if you are coming south to north. It -- just trying to help you limit future problems. I think having -- using some of that more as, you know, a potential pedestrian connection from what's to the north of you and what's to the south of you, I would much -- I would much rather see that personally, having a -- a pedestrian, you know, pathway of sorts versus the -- the parking on that side.

Gasser: Appreciate your comment, Commissioner. We -- we did provide a pedestrian access way that comes all the way along this side. We were required to have one, you know, on -- on one of the sides and so that was put in. But, no, I -- we will -- we will go back and see what we can do there. I just -- parking is such a big deal. But, anyways, I -- I do appreciate you guys taking a look at it and give me your comments. Any other comments?

Grace: Mr. Chairman, just another -- I don't have a solution for you, but just another comment. I do know that since that access road has connected there to Plaza Shops Drive, I think it's a pretty heavily used alternative now for the high school students coming out of Rocky and going to Winco or doing whatever. So, although it may not be, you know, as busy now, I -- I think it's progressively getting more busy and just another consideration for when you go to City Council. Thanks.

Gasser: Sure.

Seal: Yeah. I was going to say, that's a -- a really good point and I do -- my -- my eye doctor and my chiropractor are just south of this, so --

Gasser: Okay.

Seal: -- I use the -- the -- the buildings in here and I -- and I do appreciate what you are saying about how that is, but within -- I mean to me that's kind of within a complex and at the same time what you just said about, you know, how close it is to the high school and everything, it's not going to take very long before they all figure out, hey, I can get up to Winco through all this. I actually thought that that was blocked off at the -- at the school, but seeing that it's not, that's probably going to be happening -- happening in there. So, you know, again, where it's not designed like the buildings down below are, I -- I think you would be better off to go ahead and remove that parking on the -- on the west side personally and keep that drive aisle a little bit more open. As far as more -- you know, eliminating parking spots for open space, if we knew what was going in there that would be a much easier decision, so -- you know, I mean if it's going to be a lot of, you know, kind of restaurant type things, you know, I mean, obviously, you want to have all the parking you can, but at the same time open areas would help facilitate having customers

inside and outside of your establishment. So, you know, like I said, I -- I mean the -- as far as the drive aisle, that's really not something that we are -- that's not in our purview tonight, but just for the feedback part of it.

Gasser: No. I appreciate that.

Seal: Yeah. I was going to say I think that the -- I think the first provision in there that you guys are a little bit in disagreement about -- I think that that's a good one and we will probably more than likely -- I can't speak for my fellow Commissioners and I actually can't make a motion, which is wonderful, but I think that one will probably stick and the second one -- you know, we can debate that a little bit more.

Gasser: Sure. I mean ten stalls is better than 30. So -- yeah. No. I appreciate you giving me your recommendations.

Seal: Okay. And I have got to tell you if Sonya is saying we can eliminate parking, then, you have done a great job on parking.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: So, after all this discussion remind me what are we voting on tonight.

Seal: We are voting on the preliminary and final plat. We are not the -- the DA modification goes to City Council.

Lorcher: So, the preliminary and final plat is to -- to take out the -- the Chili's and the event center and change it to these four individual buildings and the last discussion was just to remove the parking on the common aisle on the west; is that correct? Or am I missing something?

Seal: You will do a better job at this than I will.

Allen: Chairman, Commissioner, the only application that's before you tonight is the subdivision -- the proposed combined preliminary and final plat and that -- that is just a lot line boundary -- property line thing. It's not a site design. The site design and the site plan is associated with the development agreement modification.

Lorcher: Okay. All right.

Yearsley: Mr. Chair. Just follow up with that, Sonya. So, the site plan modification, is that as part of the DA of agreement that you are asking for and so at that point our -- our motion is if we want to keep those 20 spaces would be we recommend to Council -- I don't -- I'm trying to figure out motion wise what -- you know, what are we -- what are we

trying to say here? Because we are -- we can't say to leave those spaces, but we can say we would recommend maybe to leave them. Is that what we are looking for or --

Allen: Chair, Commissioner Yearsley, your motion should be directly related to the preliminary and final plat. If you choose to provide an unofficial recommendation on the development agreement modification you can do so.

Yearsley: Okay.

Allen: It's not what's before you tonight.

Yearsley: Okay. That's -- that's what I want to make sure --

Allen: Do you have anything else to add feel free.

Seal: So, yes, I will -- go ahead, Kurt.

Starman: I think that's a good description. Really from the city staff perspective we -- we probably should have cued this up a little bit differently in terms of how we agendized it. Really, the discrete item before the Commission side is just the preliminary and final plat and even that is a recommendation to the City Council, not an action item or not for final approval tonight. And, then, really, the way the city's ordinance is structured, the recommendation on the concept plan for the DA comes from the Community Development director and that is made to the Council and the Council makes that decision. So, I think Sonya was quite accurate that, really, you have a discrete action before you, which is a preliminary and final plat. That's a recommendation to the Council. If you have -- I will use Sonya's description. If you have some informal comments that you would like to work into a motion relative to the site plan, I don't think there is any harm in that, but that's not really before you tonight.

Yearsley: Okay.

Seal: So, essentially, we would -- wording such as we would recommend to City Council keeping provision 8-A-1, striking -- you know --

Yearsley: Yes.

Seal: -- those lines. So --

Yearsley: Or we could just close the public hearing and say we recommend leaving the -- the -- the two parking spaces and that, you know, Council --- Council -- or staff -- or Planning and Zoning will actually -- I -- you know, I would imagine express our recommendations based on just our discussion I would assume, so -- yeah. I don't know if we need to do it in the motion or not.

Seal: Okay. Real quick is there anybody signed up to give public testimony? I'm guessing not. Nobody else is in Chambers. So, unless there is anything else to add -- okay. Could I get a motion to close the public hearing for H-2022-0015?

Lorcher: So moved.

Grove: Second.

Seal: It's been moved and seconded to close the public hearing for Item No. H-2022-0015. All in favor, please, say aye. Any opposed? Okay. Motion passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Anymore discussion?

Yearsley: Mr. Chair, I will just say I -- I hadn't expressed my concerns on this. I -- given that this is marketed to be more of a professional office type facility, I don't see an issue with leaving the ten parking spaces in between the two buildings on each side. I do agree that the west parking probably should be eliminated. However, the one on the -- the lower west -- the -- the -- the lower section there, it looks like there is quite a bit of room there that you could potentially back out safely, but -- so -- but I'm -- I'm good either way on that -- that west side.

Seal: Okay. Anybody else?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I was fine with the parking on the west side until you told me it was all high school students running through.

Seal: Well --

Lorcher: So, you know, if people -- if people are backing out and -- especially at that bottom left corner and it is kind of a blind corner and kids are going through for lunch, you know, or whomever, there could be some potential conflicts there. So, I would be in support of eliminating the western parking. But that's not really our -- that's just -- that has nothing really to do with us, so there is my opinion.

Grove: Mr. Chair?

Seal: Go right ahead.

Grove: In terms of what we are recommending approval on, I -- I don't see any issues. You know, ideally I would love to have seen an event center here, just because we need

more event space, especially in -- in this, you know, growing area. I know that that's not always the easiest thing to monetize and -- and can -- can have some unique challenges. I -- I would love to see that, but in -- in lieu of that being, you know, where the applicant is going or wanting to go, I -- I see no -- no issues with the preliminary plat and final plat as presented.

Seal: Okay. Commissioner Grace?

Grace: Mr. Chairman, I would -- I, too, don't have any issues with the parking between the buildings. The -- I'm torn on the parking on the west side. I don't feel as strongly negatively about it, but -- I don't know. Maybe there is something they could do -- make it employee parking or something. I don't know. But based on what we are -- what is before us, yeah, I'm -- I'm in favor of it.

Seal: Okay. You have all spoke, so now somebody gets to make a motion.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: After considering all staff, applicant, and public testimony, I move to recommend approval to City Council of File No. H-2022-0015 as presented in the staff report for the hearing date of May 19th, 2022, with no modifications. However, we would recommend -- or, you know, we do like the idea of leaving the parking in between the two buildings.

Seal: Do I have a second?

Grove: Second.

Seal: It's been moved and seconded to approve Item No. H-2022-0015 with no modifications. All those in favor say aye. Any opposed? Okay. Motion carries. Thank you very much.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: I will take one more motion.

Grace: Mr. Chairman, I move to adjourn.

Yearsley: Second.

Seal: It has been moved and seconded to adjourn. All those in favor? Opposed? All right. Motion passes. Thanks, everyone.

MOTION CARRIED: FIVE AYES. TWO ABSENT.



MEETING ADJOURNED AT 7:24 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

\_\_\_\_\_  
ANDREW SEAL - CHAIRMAN

\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_  
DATE APPROVED

ATTEST:

\_\_\_\_\_  
CHRIS JOHNSON - CITY CLERK



## AGENDA ITEM

**ITEM TOPIC:** Findings of Fact, Conclusions of Law for Amina’s Daycare (H-2022-0012) by Godelieve Mulonge, Located at 4175 S. Leaning Tower Ave.

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



**In the Matter of the Request for Conditional Use Permit for Amina’s Daycare, Located at 4175 S. Leaning Tower Ave in the R-8 Zoning District, by Godelieve Mulonge.**

**Case No(s). H-2022-0012**

**For the Planning & Zoning Commission Hearing Date of: May 19, 2022 (Findings on June 2, 2022)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of May 19, 2022, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of May 19, 2022, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of May 19, 2022, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of May 19, 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 Planning & Zoning Commission takes judicial notice of its Unified Development Code codified at Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Amended Comprehensive Plan of the City of Meridian, which was adopted April 19, 2011, Resolution No. 11-784 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 Chairman of the Commission and City Clerk and then a copy served by the Clerk upon the applicant, the Planning Department, the Public Works Department and any affected party requesting notice.

7. That this approval is subject to the conditions of approval in the attached staff report for the hearing date of May 19, 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 Planning & Zoning Commission'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 conditional use permit is hereby approved in accord with the conditions of approval in the staff report for the hearing date of May 19, 2022, attached as Exhibit A.

#### D. Notice of Applicable Time Limits

##### Notice of Two (2) Year Conditional Use Permit Duration

Please take notice that the conditional use permit, when granted, shall be valid for a maximum period of two (2) years unless otherwise approved by the City in accord with UDC 11-5B-6F.1. During this time, the applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground. For conditional use permits that also require platting, the final plat must be signed by the City Engineer within this two (2) year period in accord with UDC 11-5B-6F.2.

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6F.1, the Director may authorize a single extension of the time to commence the use not to exceed one (1) two (2) year period. Additional time extensions up to two (2) years as determined and approved by the Commission may be granted. With all extensions, the Director or Commission may require the conditional use comply with the current provisions of Meridian City Code Title 11.

#### E. Judicial Review

Pursuant to Idaho Code § 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code § 67-6521(1)(a), an affected person aggrieved by this final decision may, within twenty-eight (28) days after all remedies have been exhausted, including requesting reconsideration of this final decision as provided by Meridian City Code § 1-7-10, seek judicial review of this final decision as provided by chapter 52, title 67, Idaho Code. This notice is provided as a courtesy; the City of Meridian does not admit by this notice that this decision is subject to judicial review under LLUPA.

#### F. Notice of Right to Regulatory Takings Analysis

Pursuant to Idaho Code §§ 67-6521(1)(d) and 67-8003, an owner of private property that is the subject of a final decision may submit a written request with the Meridian City Clerk for a regulatory takings analysis.

#### G. Attached: Staff Report for the hearing date of May 19, 2022

By action of the Planning & Zoning Commission at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

COMMISSIONER ANDREW SEAL, CHAIRMAN VOTED\_\_\_\_\_

COMMISSIONER NICK GROVE, VICE CHAIRMAN VOTED\_\_\_\_\_

COMMISSIONER NATE WHEELER VOTED\_\_\_\_\_

COMMISSIONER STEVEN YEARSLEY VOTED\_\_\_\_\_

COMMISSIONER PATRICK GRACE VOTED\_\_\_\_\_

COMMISSIONER MARIA LORCHER VOTED\_\_\_\_\_

COMMISSIONER MANDI STODDARD VOTED\_\_\_\_\_

\_\_\_\_\_  
Andrew Seal, Chairman

Attest:

\_\_\_\_\_  
Chris Johnson, City Clerk

Copy served upon the Applicant, the Planning and Development Services divisions of the Community Development Department, the Public Works Department and the City Attorney.

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
City Clerk's Office

**STAFF REPORT**  
**COMMUNITY DEVELOPMENT DEPARTMENT**



HEARING DATE: 4/7/2022  
TO: Planning & Zoning Commission  
FROM: Alan Tiefenbach, Associate Planner  
208-884-5533  
SUBJECT: H-2022-0012  
Amina’s Daycare  
LOCATION: 4175 S. Leaning Tower Ave.



**I. PROJECT DESCRIPTION**

Conditional use permit to operate a group daycare for up to 12 children on 0.14 acre of land in the R-8 zoning district.

**II. SUMMARY OF REPORT**

A. Project Summary

Description	Details	Page
Acreage	0.14 acres	
Future Land Use Designation	Medium Density Residential	
Existing Land Use(s)	SFR home	
Proposed Land Use(s)	SFR home with group daycare	
Neighborhood meeting date; # of attendees:	January 20, 2022, no attendees	
History (previous approvals)	AUP A-2020-0064 to allow for family daycare of up to 6 children	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	No	
• Requires ACHD Commission Action (yes/no)	No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	One access from S. Leaning Tower Ave. via. S. Locust Grove Rd.	

C. Project Area Maps

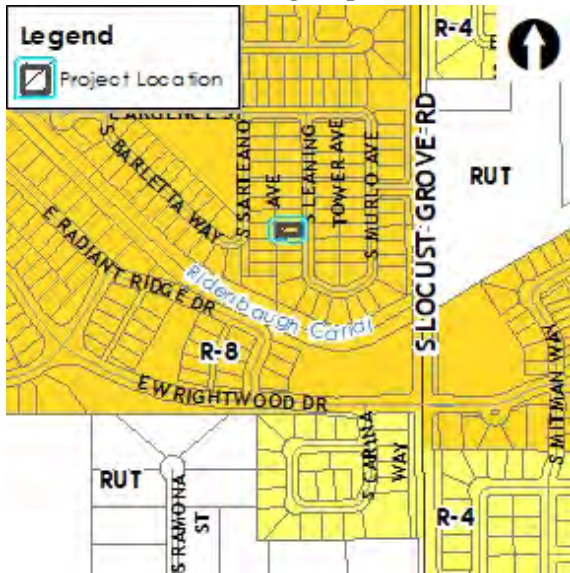
Future Land Use Map



Aerial Map



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant/Owner:

Godelieve Mulonge – 4175 S. Leaning Tower Ave, ID 83642

B. Representative:

Same as Applicant/Owner

**IV. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>
Newspaper notification published	03/22/22
Radius notification mailed to property owners within 300 feet	03/21/22
Public hearing notice sign posted on site	3/28/2022
Nextdoor posting	3/21/2022

**V. STAFF ANALYSIS**

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

MDR (Medium Density Residential) – This designation allows for dwelling units at gross densities of three to eight dwelling units per acre.

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

- “Plan for and encourage services like health care, daycare, grocery stores and recreational areas to be built within walking distance of residential dwellings.” (2.01.01C)

*The existing and proposed daycare expansion is within walking distance of adjacent residential homes.*

C. Existing Structures/Site Improvements:

There is an existing home and associated improvements on this property.

D. Proposed Use Analysis:

The applicant is presently operating under an approved accessory use permit to run a family daycare (6 or less children, AUP 2020-0064). A group daycare (7-12 children) is listed in UDC Table 11-2A-2 as a conditional use in the R-8 zoning district. The applicant states the daycare will operate from 6:30 AM to 7 PM on weekdays with outdoor playtime limited to one hour after 9AM and one hour after 1PM.

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

The specific use standards listed in UDC 11-4-3-9, Daycare Facility, applicable to the proposed use are as follows:

A. General standards for all child daycare and adult care uses, including the classifications of daycare center; daycare, family; and daycare, group:

1. In determining the type of daycare facility, the total number of children at the facility at one time, including the operator's children, is the determining factor.

*The Applicant’s narrative states the plan is to have up to 12 children. The applicant is already operating a family daycare (6 children or less, which is allowed as an accessory use in the R-8 zoning district.), but wants to expand the use to allow up to 12 children.*

2. On site vehicle pick up, parking and turnaround areas shall be provided to ensure safe discharge and pick up of clients.



*The applicant states they presently provide and will continue to provide the transportation for the children. However, the subject house does have a parking pad which is approximately 30 feet wide which could provide an additional parking space for pick up or drop off. Parking spaces are also available along the curb in front of the house if needed.*

*Staff has received several letters from adjacent property owners stating there has been parking, traffic and safety issues from the existing daycare. Staff visited the site in the afternoon on a weekday. At that time, staff only observed two cars in front of the house and no other cars parked on the public street. Pictures have been included as part of the exhibit.*

3. The decision-making body shall specify the maximum number of allowable clients and hours of operation as conditions of approval.

*The Applicant proposes an in-home group daycare for up to 12 children. The applicant proposes to operate between 6:30 AM to 7PM.*

4. The applicant or owner shall provide proof of criminal background checks and fire inspection certificates as required by title 39, chapter 11, Idaho Code. Said proof shall be provided prior to issuance of certificate of occupancy. The applicant or owner shall comply with all State of Idaho and Department of Health and Welfare requirements for daycare facilities.

*This has been listed as a condition of approval.*

5. In residential districts or uses adjoining an adjacent residence, the hours of operation shall be between six o'clock (6:00) A.M. and eleven o'clock (11:00) P.M. This standard may be modified through approval of a conditional use permit.

*As mentioned above, the Applicant presently operates the family daycare between 6:30 AM and 7:00 PM on weekdays and this is not proposed to change.*

6. All outdoor play areas shall be completely enclosed by minimum six foot (6') non-scalable fences to secure against exit/entry by small children and to screen abutting properties.

*The outdoor play area will be in the backyard, which is surrounded by a 6 ft. tall fence.*

7. Outdoor play equipment over six feet (6') high shall not be located in a front yard or within any required yard.

*All outdoor play activities will occur in a fenced backyard.*

8. Outdoor play areas in residential districts adjacent to an existing residence shall not be used after dusk.

*As mentioned, the daycare will operate from 6:30 AM to 7:00 PM. Outdoor play will occur one hour after 9AM and one hour after 1PM.*

F. Dimensional Standards (UDC 11-2):

Not Applicable

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

Access is provided from S. Leaning Tower Ave. via S. Locust Grove Rd. According to the applicant, they generally pick up and deliver the children, although occasionally it would be the individual parent or guardian doing this. According to letters provided by residents, there are

ongoing traffic, parking and safety issues associated with the daycare. As mentioned above, staff did not observe these issues during a site visit.

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

Parking exists on the site in accord with the standards listed in UDC Table 11-3C-6 for a 4-bedroom single-family dwelling. A total of three (3) garage spaces and a 30 ft. x 20 ft. parking pad exist which exceeds UDC standards. On-street parking is also available (see exhibit in Section VII.A). As mentioned above, citizens have commented there are ongoing parking issues associated with the existing daycare.

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

A photo of the existing home on this property is included in Section VIII.C; no additions are proposed with this application.

**VI. DECISION**

A. Staff:

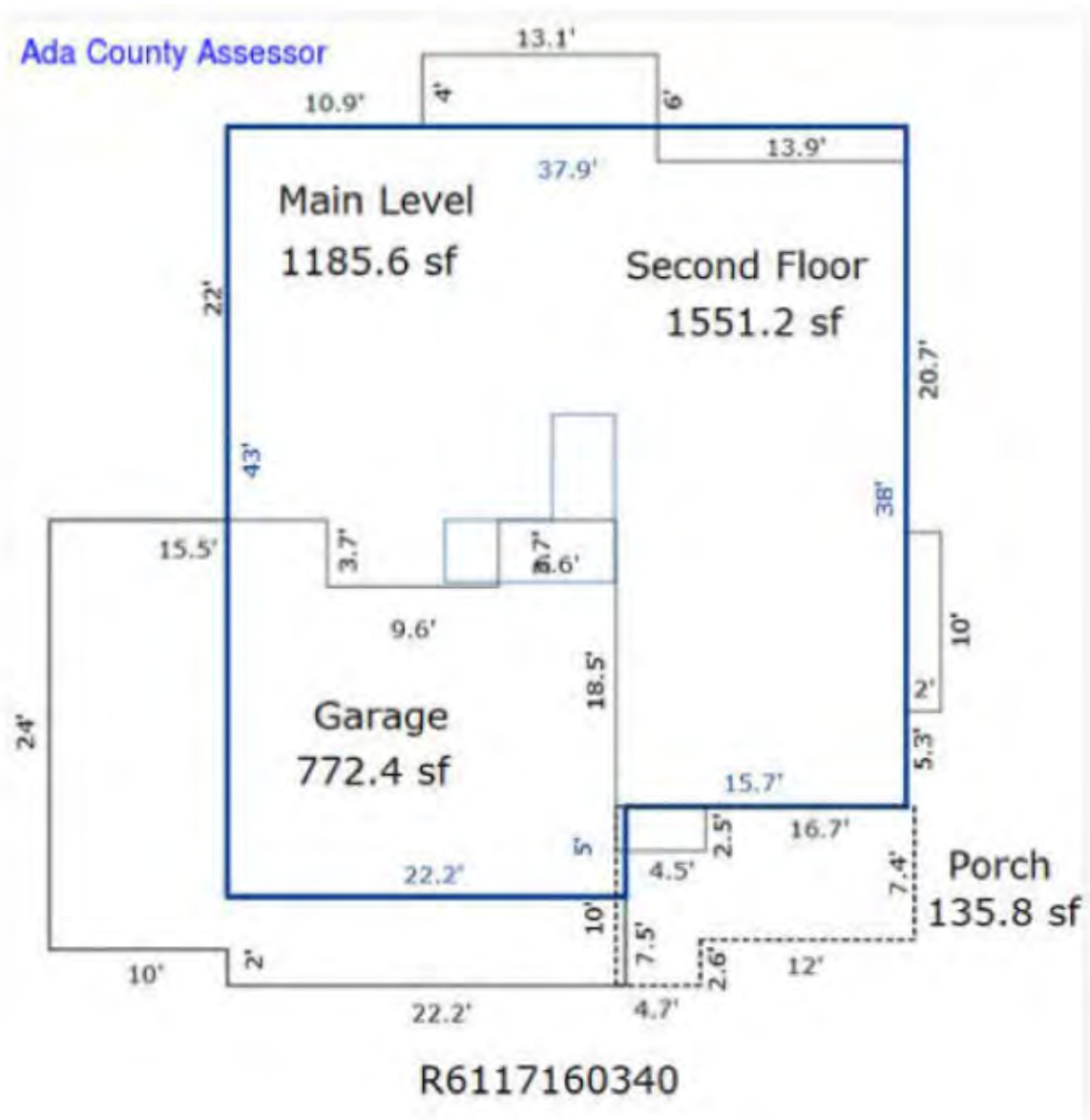
Staff recommends approval of the proposed conditional use permit with the conditions in Section VIII per the Findings in Section IX.

B. The Meridian Planning & Zoning Commission heard this item on May 19, 2022. At the public hearing, the Commission moved to approve the subject conditional use permit request.

- 1. Summary of the Commission public hearing:
  - a. In favor: Nicholas O’Bryant
  - b. In opposition: None
  - c. Commenting: Nicholas O’Bryant
  - 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. None
- 3. Key issue(s) of discussion by Commission:
  - a. None
- 4. Commission change(s) to Staff recommendation:
  - a. None

**VII. EXHIBITS**

A. Site Plan (dated: 2/18/2022)





B. Existing Residence Pictures



## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. Planning

1. The Applicant shall comply with the specific use standards listed in UDC 11-4-3-9 Daycare Facilities, including but not limited to the following:
  - a. All outdoor play areas shall be completely enclosed by minimum six foot (6') non-scalable fences to secure against exit/entry by small children and to screen abutting properties.
  - b. Outdoor play equipment over six feet (6') high shall not be located in a front yard or within any required yard.
  - c. Outdoor play areas in residential districts adjacent to an existing residence shall not be used after dusk.
2. The maximum number of allowable clients at the facility at *one time* shall be limited to twelve (12).
3. The daycare/pre-school shall not operate beyond the hours of 6:30 AM to 7:00 PM on weekdays.
4. The applicant or owner shall provide proof of criminal background checks and fire inspection certificates as required by title 39, chapter 11, Idaho Code prior to issuance of Certificate of Occupancy. The applicant or owner shall comply with all State of Idaho and Department of Health and Welfare requirements for daycare facilities.

### B. Ada County Highway District (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=254157&dbid=0&repo=MeridianCity>

### C. NMID

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=255745&dbid=0&repo=MeridianCity>

## IX. FINDINGS

### A. Conditional Use Permit

The Commission shall base its determination on the conditional use permit request upon the following:

1. 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 the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the R-8 zoning district.*

2. That the proposed use will be harmonious with the Meridian comprehensive plan and in accord with the requirements of this title.

*Commission finds the proposed in-home group daycare will be harmonious with the Comprehensive Plan in that it will provide a much-needed service for area residents within walking distance of homes within the neighborhood.*

3. 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 is a small in-home day-care in which the single-family home is the primary residence of the applicant. Commission finds the operation of the proposed in-home daycare should be compatible with the residential uses in the neighborhood and the existing and intended character of the neighborhood and not adversely affect such.*

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

*If the proposed in-home daycare complies with the condition of approval in Section VII as required, Commission finds the proposed use should not adversely affect other properties in the vicinity.*

5. 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.

*Because the site is within the City's Area of City Impact boundary and has been annexed into the City and these services are already being provided to the existing home, Commission finds the public facilities mentioned will be provided to the proposed use as well.*

6. 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.

*Commission finds the proposed use should not create any additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.*

7. 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.

*The present operation picks up and delivers children, and this will remain the same. There could be occasional onsite pick up / drop off, but there is sufficient parking and staff finds it would not be detrimental to the general welfare.*

8. 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. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

*Commission is unaware of any natural, scenic or historic features in this area; however, finds the proposed use should not result in damage of any such features.*



## AGENDA ITEM

**ITEM TOPIC:** Findings of Fact, Conclusions of Law for Black Rock Coffee (H-2022-0019) by Tamara Thompson of The Land Group, Inc., Located at 3300 S. Eagle Rd.



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



**In the Matter of the Request for Conditional Use Permit for Black Rock Coffee, Located at 3300 S. Eagle Rd in the C-C Zoning District, by Tamara Thompson, the Land Group.**

**Case No(s). H-2022-0019**

**For the Planning & Zoning Commission Hearing Date of: May 19, 2022 (Findings on June 2, 2022)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of May 19, 2022, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of May 19, 2022, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of May 19, 2022, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of May 19, 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 Planning & Zoning Commission takes judicial notice of its Unified Development Code codified at Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Amended Comprehensive Plan of the City of Meridian, which was adopted April 19, 2011, Resolution No. 11-784 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 Chairman of the Commission and City Clerk and then a copy served by the Clerk upon the applicant, the Planning Department, the Public Works Department and any affected party requesting notice.

7. That this approval is subject to the conditions of approval in the attached staff report for the hearing date of May 19, 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 Planning & Zoning Commission'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 conditional use permit is hereby approved in accord with the conditions of approval in the staff report for the hearing date of May 19, 2022, attached as Exhibit A.

#### D. Notice of Applicable Time Limits

##### Notice of Two (2) Year Conditional Use Permit Duration

Please take notice that the conditional use permit, when granted, shall be valid for a maximum period of two (2) years unless otherwise approved by the City in accord with UDC 11-5B-6F.1. During this time, the applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground. For conditional use permits that also require platting, the final plat must be signed by the City Engineer within this two (2) year period in accord with UDC 11-5B-6F.2.

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6F.1, the Director may authorize a single extension of the time to commence the use not to exceed one (1) two (2) year period. Additional time extensions up to two (2) years as determined and approved by the Commission may be granted. With all extensions, the Director or Commission may require the conditional use comply with the current provisions of Meridian City Code Title 11.

#### E. Judicial Review

Pursuant to Idaho Code § 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code § 67-6521(1)(a), an affected person aggrieved by this final decision may, within twenty-eight (28) days after all remedies have been exhausted, including requesting reconsideration of this final decision as provided by Meridian City Code § 1-7-10, seek judicial review of this final decision as provided by chapter 52, title 67, Idaho Code. This notice is provided as a courtesy; the City of Meridian does not admit by this notice that this decision is subject to judicial review under LLUPA.

#### F. Notice of Right to Regulatory Takings Analysis

Pursuant to Idaho Code §§ 67-6521(1)(d) and 67-8003, an owner of private property that is the subject of a final decision may submit a written request with the Meridian City Clerk for a regulatory takings analysis.

#### G. Attached: Staff Report for the hearing date of May 19, 2022

By action of the Planning & Zoning Commission at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

COMMISSIONER ANDREW SEAL, CHAIRMAN VOTED\_\_\_\_\_

COMMISSIONER NICK GROVE, VICE CHAIRMAN VOTED\_\_\_\_\_

COMMISSIONER NATE WHEELER VOTED\_\_\_\_\_

COMMISSIONER STEVEN YEARSLEY VOTED\_\_\_\_\_

COMMISSIONER PATRICK GRACE VOTED\_\_\_\_\_

COMMISSIONER MARIA LORCHER VOTED\_\_\_\_\_

COMMISSIONER MANDI STODDARD VOTED\_\_\_\_\_

\_\_\_\_\_  
Andrew Seal, Chairman

Attest:

\_\_\_\_\_  
Chris Johnson, City Clerk

Copy served upon the Applicant, the Planning and Development Services divisions of the Community Development Department, the Public Works Department and the City Attorney.

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
City Clerk's Office

## STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 5/19/2022  
 TO: Planning & Zoning Commission  
 FROM: Alan Tiefenbach, Associate Planner  
 208-884-5533  
 SUBJECT: H-2022-0019  
 Black Rock Coffee CUP  
 LOCATION: 3300 S. Eagle Rd  
 At the southeast corner of S. Eagle Rd  
 and E. Victory Rd.



### I. PROJECT DESCRIPTION

This is a request for a Conditional Use Permit to allow a drive through establishment within 300 feet of an existing residence and another drive through facility on 0.84 acres in the C-C zoning district.

### II. SUMMARY OF REPORT

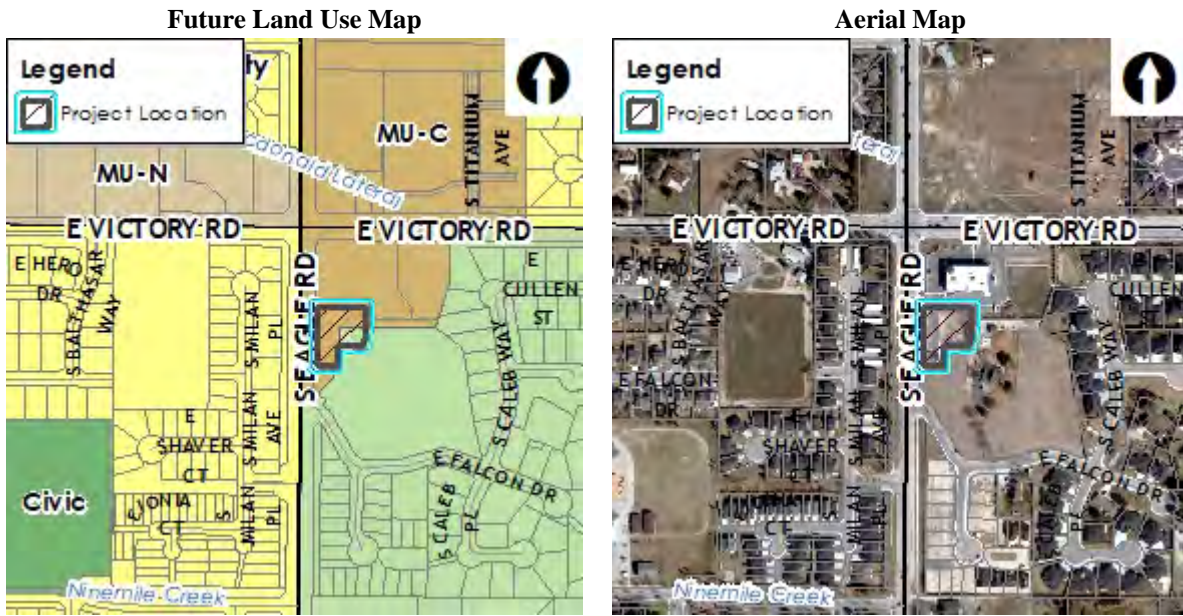
#### A. Project Summary

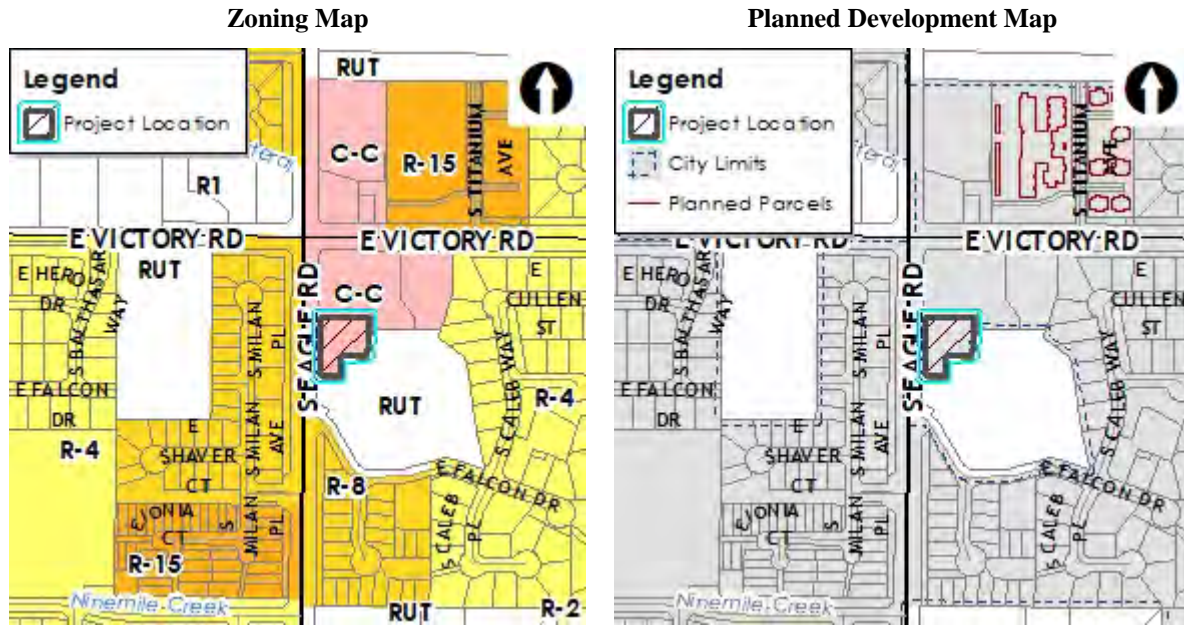
Description	Details	Page
Acreage	0.84 acres	
Future Land Use Designation	Mixed Use Community	
Existing Land Use(s)	Vacant	
Proposed Land Use(s)	Drive through establishment (coffee shop)	
Lots (# and type; bldg./common)	1	
Phasing Plan (# of phases)	1	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	1/26/22 – 4 in attendance	
History (previous approvals)	AZ-008-007, PP-08-006, ALT-08-012, H-2016-0029	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> <li>• Staff report (yes/no)</li> </ul>	No	
<ul style="list-style-type: none"> <li>• Requires ACHD Commission Action (yes/no)</li> </ul>	No	
<ul style="list-style-type: none"> <li>• Traffic Impact Study (yes/no)</li> </ul>	No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	S. Eagle Rd and E. Victory Rd	
Stub Street/Interconnectivity/Cross Access	Cross access is provided with the remainder of the Shops at Victory Center to the north	
Existing Road Network	S. Eagle Rd and E. Victory Rd	
Existing Arterial Sidewalks / Buffers	There are existing 5 ft sidewalks and 25 ft. wide buffers along S. Eagle Rd and E. Victory Rd.	
Proposed Road Improvements	None	
Fire Service		
<ul style="list-style-type: none"> <li>• No comments</li> </ul>		
Police Service		
<ul style="list-style-type: none"> <li>• No comments</li> </ul>		
Wastewater		
<ul style="list-style-type: none"> <li>• Flow is committed</li> <li>• Site is subject to a reimbursement agreement with the City for water and sewer that was installed.</li> </ul>		
Water		
<ul style="list-style-type: none"> <li>• Site is subject to a reimbursement agreement with the City for water and sewer that was installed.</li> </ul>		

C. Project Area Maps





**III. APPLICANT INFORMATION**

**A. Applicant / Representative:**

Tamara Thompson, the Land Group – 462 E. Shore Dr, Ste 110, Eagle, ID 83616

**B. Owner:**

Ken Lenz, WL Victory Crossing, LLC – PO Box 1277, Boise, ID 83701

**IV. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>	<b>City Council Posting Date</b>
Notification published in newspaper	5/3/2022	
Notification mailed to property owners within 500'	4/27/2022	
Applicant posted public hearing notice sign on site	5/9/2022	
Nextdoor posting	4/27/2022	

**V. STAFF ANALYSIS**

This is a proposal for a conditional use to allow a drive through coffee shop within 300 feet of an existing residence and within 300 feet of another drive through establishment.

The property is 0.84 acres in area, is zoned C-C and is one of the three commercial lots comprising the Shops at Victory Development which was annexed in 2008 (AZ-008-007, PP-08-006, DA instr. 111032845). The Development Agreement allows all uses allowed in the C-C zoning district, with hours of operation limited to 6am to 10pm. A conditional use permit was also approved with the annexation to allow a Rite-Aid with a drive through establishment within 300 feet of a residential zone district on Lot 2 (northernmost lot adjacent to the S. Eagle Rd / E. Victory Rd intersection).

Alternative Compliance was approved as part of the annexation to allow a residential buffer with widths as little as 10 feet where 25 feet is required along the south and eastern property line, with a condition that a 6 ft tall verti-crete wall be constructed within the reduced buffer. The final plat for this property was completed in 2016 after four time-extensions were approved (H-2016-0029). The CZC for the Rite Aid was approved in 2015 (A-2015-0061) with construction occurring in 2016.

The present proposal is to allow a 1,975 sq. ft. drive through coffee shop on Lot 1 (southernmost lot). Because the proposed drive-through is within 300 feet of both the existing Rite Aid drive through establishment and an existing residence, a conditional use permit is required per UDC 11-4-3-11.

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

This site is designated as "Mixed Use -Community" on the Comprehensive Plan Future Land Use Map. The purpose of this designation is to allocate areas where community-serving uses and dwellings are seamlessly integrated into the urban fabric. The intent is to integrate a variety of uses, including residential, and to avoid mainly single-use and strip commercial type buildings. Non-residential buildings in these areas tend to be larger than in Mixed Use Neighborhood (MU-N) areas, but not as large as in Mixed Use Regional (MU-R) areas. Goods and services in these areas tend to be of the variety that people will mainly travel by car to, but also walk or bike to (up to three or four miles).

During the annexation of the Shops at Victory development it was determined the C-C zoning and the types of uses allowed would generally conform to this designation. The property is within a small-scale commercial center which presently includes a Rite Aid and one additional commercial lot, adjacent to existing residential on two sides, and across the street (south) of the Inglewood Place Senior Housing Development and another drive through coffee shop (Inglewood Coffee Shop Drive through, CUP H-2021-0073). A drive-through coffee shop and restaurant is a use determined to be appropriate in this zone district as well as the existing Development Agreement, subject to the specific use standards listed in UDC 11-4-3-11 and restaurant specific use standards in UDC 11-4-3-49.

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

Goals, Objectives, & Action Items: Staff finds the following Comprehensive Plan policies to be applicable to this application and apply to the proposed use of this property (staff analysis in italics):

- Encourage infill development. (3.03.01E)

*The Comprehensive Plan defines infill as “development on vacant parcels, or redevelopment of existing parcels to a higher and better use that is surrounded by developed property within the City of Meridian.” The subject property is a vacant lot in an existing commercial center which allows this use, surrounded by existing development on all sides. The property has available water and sewer. This project would be considered infill development.*

- Preserve private property rights and values by enforcing regulations that will prevent and mitigate against incompatible and detrimental neighboring uses. (3.05.01C)

*The conditional use is a process to ensure any impacts associated with a particular use are mitigated. Restaurants and drive-through establishments are principally permitted uses in the C-C zone district.*

*The applicant has proposed outdoor speakers located at the east portion of the site, approximately 200 feet from the existing residence at 3300 E. Falcon Dr. Staff did initially express concerns about this placement and requested the applicant submit information*

*regarding the decibel level that is anticipated from the property line. The applicant submitted information that indicated decibel level would be approximately 36 decibels at 16 feet from the speaker, whereas the speaker is approximately 50 ft. from the property line.*

*The property owner in the adjacent residence to the east submitted a letter in support stating the applicant had been very receptive to all their requests with the initial development, they had installed a verti-crete fence along their property line that was higher quality than would have been required, ensured lighting impacts were mitigated and expressed their faith that the applicant's choice of location was acceptable.*

- Require appropriate building design, and landscaping elements to buffer, screen, beautify, and integrate commercial, multifamily, and parking lots into existing neighborhoods. (5.01.02D)

*A landscape plan has been submitted with this application that appears to meet the requirements of UDC 11-3B. Building design and landscaping will be reviewed as part of the Certificate of Zoning Compliance (CZC) and administrative design review that would follow this proposal if it were approved.*

C. Existing Structures/Site Improvements:

The site is presently vacant. There is an existing Rite Aid on Lot 2 to the north.

D. Proposed Use Analysis:

The proposed use is a drive through coffee kiosk (restaurant) with the hours limited to 6AM to 10PM by the development agreement. This use is allowed by right within the C-C zone district subject to the specific use standards listed in UDC 11-4-3-11 and UDC 11-4-3-49. Because the drive through is within 300 feet of another drive through (Rite Aid) and an existing residential use, conditional use permit approval as required.

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

A "Drive-Through Establishment" is subject to specific use standards as outlined in UDC 11-4-3-11 as follows:

1. All establishments providing drive-through service shall identify the stacking lane, menu and speaker location (if applicable), and window location on the certificate of zoning compliance or the conditional use permit.

*The concept site plan submitted with this application identifies the location of the stacking lane, and window location.*

2. A site plan shall be submitted that demonstrates safe pedestrian and vehicular access and circulation on the site and between adjacent properties. At a minimum the plan shall demonstrate compliance with the following standards:

- a. Stacking lanes shall have sufficient capacity to prevent obstruction of driveways, drive aisles, and the public right-of-way by patrons.

*The concept plan shows the stacking lane is a separate lane from the drive aisles and parking which provides access to the rest of the development. If there was additional or excessive overflow from the drive through lane which does sometimes occur from drive-through establishments at peak times, it would stack into the parking lot to the west, not into S. Eagle. Rd.*



- b. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking, except stacking lanes may provide access to designated employee parking.

*The stacking lane is a separate lane from the circulation lanes at the west needed for access and parking.*

- c. The stacking lane shall not be located within ten (10) feet of any residential district or existing residence.

*The stacking lane is approximately 20 ft. from the nearest residential district and more than 150 ft. from the closest residence.*

- d. Any stacking lane greater than one hundred 100 feet in length shall provide for an escape lane.

*The stacking lane provides an escape lane which parallels the stacking land and allows an exit into the drive aisles for the Rite Aid to the north.*

- e. The site should be designed so that the drive-through is visible from a public street for surveillance purposes.

*The drive-through window is oriented to the north, which allows visibility from S. Eagle Rd.*

- f. The applicant shall provide a six-foot sight obscuring fence where a stacking lane or window location adjoins a residential district or an existing residence.

*There is already a 6 ft. high verti-crete fence installed at the east of the stacking lane where the existing residence is located.*

The drive through establishment is also considered a restaurant. Per the specific use standards in UDC 11-4-3-49, a restaurant is required to provide a minimum of one (1) parking space for every two hundred fifty (250) square feet of gross floor area. As discussed below, adequate parking has been provided.

F. Dimensional Standards (*UDC 11-2*):

Dimensional standards in the Community Business District (C-C) include a 25' landscape buffer adjacent to arterial roads, 10' buffer adjacent to local roads and a maximum building height of 50'. There are no front, side or rear setbacks in this zone district. The proposed drive through facility meets these dimensional standards and the landscape buffers are already existing. Because this use is directly adjacent to residential uses, a 25 ft wide residential buffer is required. As mentioned above, alternative compliance was approved for lesser residential buffer with the annexation.

G. Access (*UDC 11-3A-3*):

The Shops at Victory development was approved with two access points from Eagle

Road and two access points from Victory Road. Each road has one right-in-right-out access and one full access. All accesses and associated road improvements have already been constructed, with two remaining vacant pad sites primed for development.

Access to this development will occur from S. Eagle Rd into an existing parking lot and drive aisle and run along a one-way drive-aisle in a counter-clockwise direction. Cars will enter the site and will either park in a lot or continue along a "u-shaped" 10' wide drive aisle to the coffee kiosk and exit back to the same parking lot / drive aisle. There is also an escape lane paralleling

the stacking lane for cars that have already entered the drive-through aisle. It does appear the drive aisle between the parking and the stacking lane is at least 25 ft. in width as required per UDC 11-3C-5, but this width is not dimensioned on the plans. Staff has added this as a recommended condition of approval.

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

The subject property is within the C-C Zone District. UDC 11-3C-6 requires one off-street vehicle parking space for every 500 square feet of gross floor area in commercial districts. The total building square footage which was depicted on the concept plan with the Shops at Victory annexation was 29,910. Based on this amount, 60 parking stalls would be required. 133 parking stalls have already been constructed, which significantly exceeded the parking requirements.

A drive through coffee establishment is considered a restaurant. Per the specific use standards for a restaurant per UDC 11-4-3-49, parking is based on one (1) parking space per 250 square feet of gross floor area. With a square footage of approximately 1,975 sq. ft. for the kiosk, eight parking spaces are required for this use. The site plan indicates 17 parking spaces on the subject property directly adjacent to the coffee kiosk as well as 2 bicycle spaces.

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

8 ft. wide attached sidewalks exist along S. Eagle Rd and E. Victory Rd. There is an additional 8 ft. wide pedestrian walkway from the S. Eagle Rd sidewalk stubbing to the subject pad. The site plan and landscape plan show the coffee establishment connecting to this walkway. However, the pedestrian walkway shows striping where it crosses the stacking lane. Per the structure and site design standards of 11-3A-19, all internal pedestrian walkways shall be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks.

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

Landscape buffers and a residential buffer were installed with the Shops at Victory Final Plat. This subject development proposes additional parking lot islands and drive aisle landscaping that exceeds the requirements of UDC 11-3B-8.

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

There is an existing 6 ft high verti-crete wall installed along the south and west property line. This was required as a condition of approval with the Shops at Victory development to allow alternative compliance from the required 25 ft. residential buffer width to allow portions of the buffer to be reduced to as little as 10 ft. in width.

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

All utilities for the proposed development are already in place. No additional services are needed.

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

The applicant submitted conceptual elevations with this conditional use application. The elevations show architecture similar to most of the kiosks in this franchise, with materials consisting of brick, prefinished and corrugated metal and several types of stone veneer.

Overall, the proposed architecture is good quality, but additional treatment may be required to completely comply with the Architectural Standards Manual, such as at least two field materials (neither of which should not be metal paneling). Proposed elevations will be reviewed in detail at the time of Certificate of Zoning Compliance (CZC) and Design Review (DES) submittal.

## VI. DECISION

### A. Staff:

Staff recommends approval of the proposed conditional use permit with the conditions in Section VIII per the Findings in Section IX.

### B. The Meridian Planning & Zoning Commission heard this item on May 19, 2022. At the public hearing, the Commission moved to approve the subject conditional use permit request.

#### 1. Summary of the Commission public hearing:

- a. In favor: Jeff Huber, Applicant
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: Bob Aldridge
- e. Staff presenting application: Alan Tiefenbach
- f. Other Staff commenting on application: None

#### 2. Key issue(s) of public testimony:

- a. Bob Aldridge commented that he was the adjacent neighbor, that the developer had “bent over backwards” to address all his issues with the initial development of the center, and that he was confident he would have no concerns with the result.

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

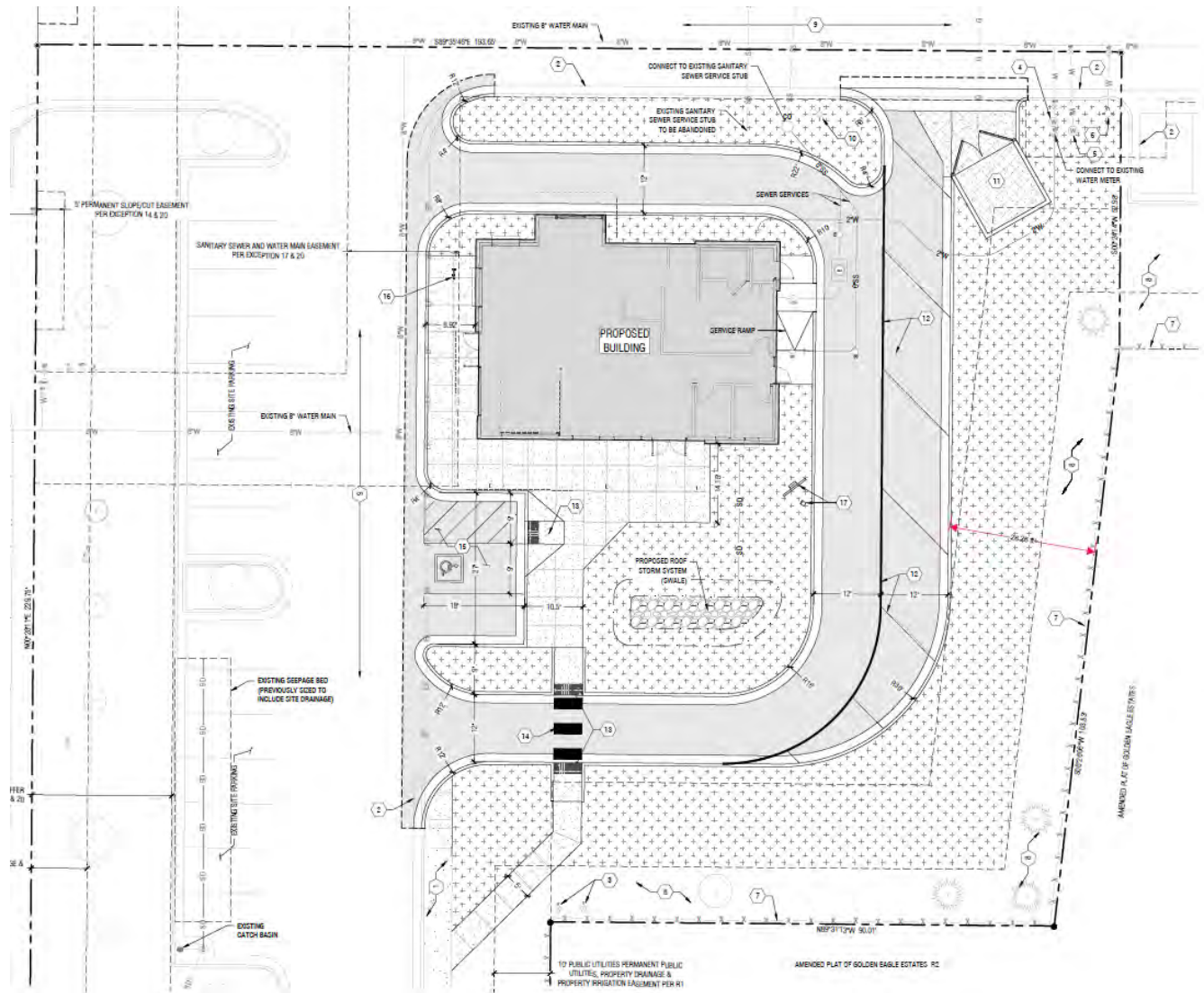
- a. None

#### 4. Commission change(s) to Staff recommendation:

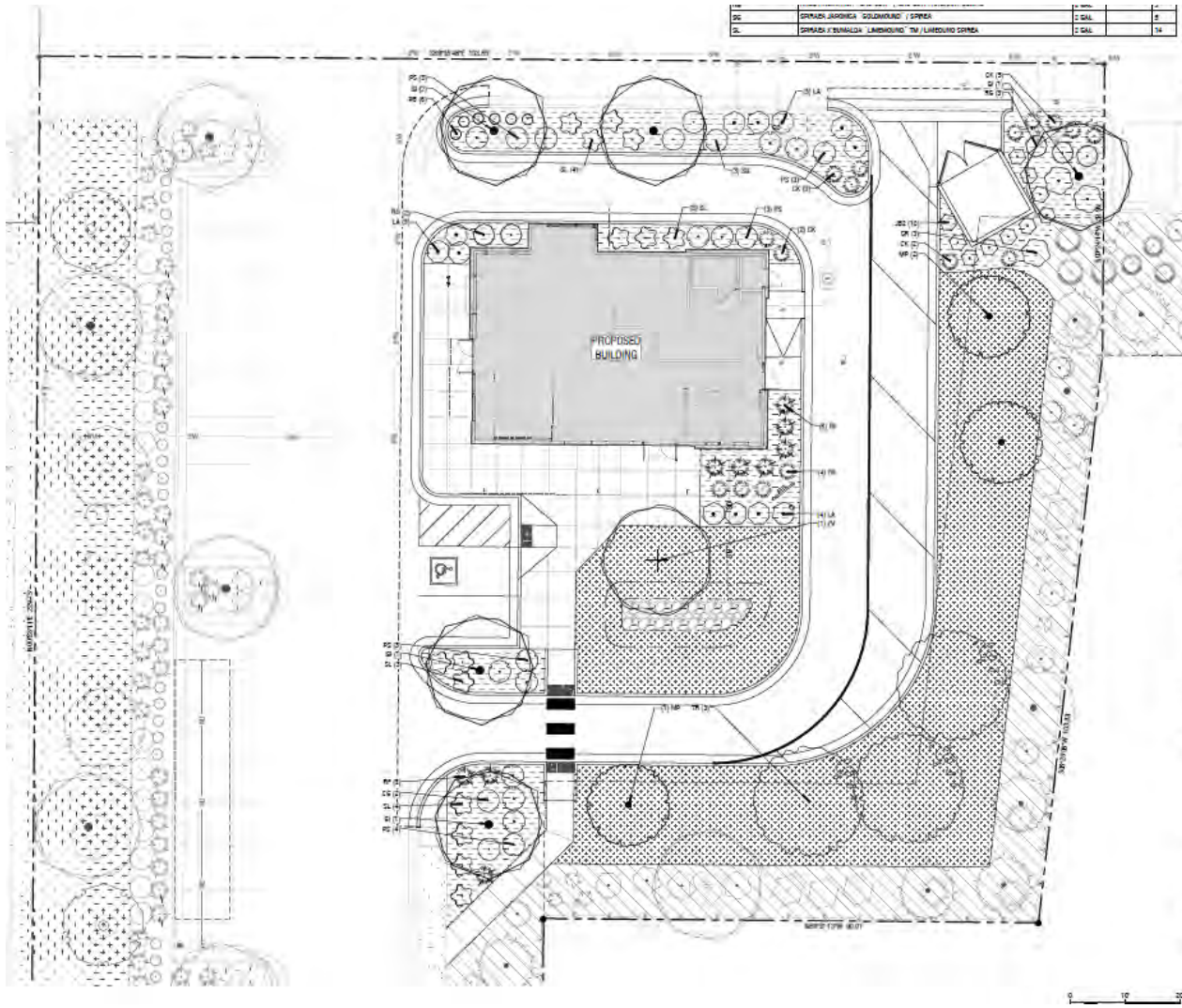
- a. None

### VII. EXHIBITS

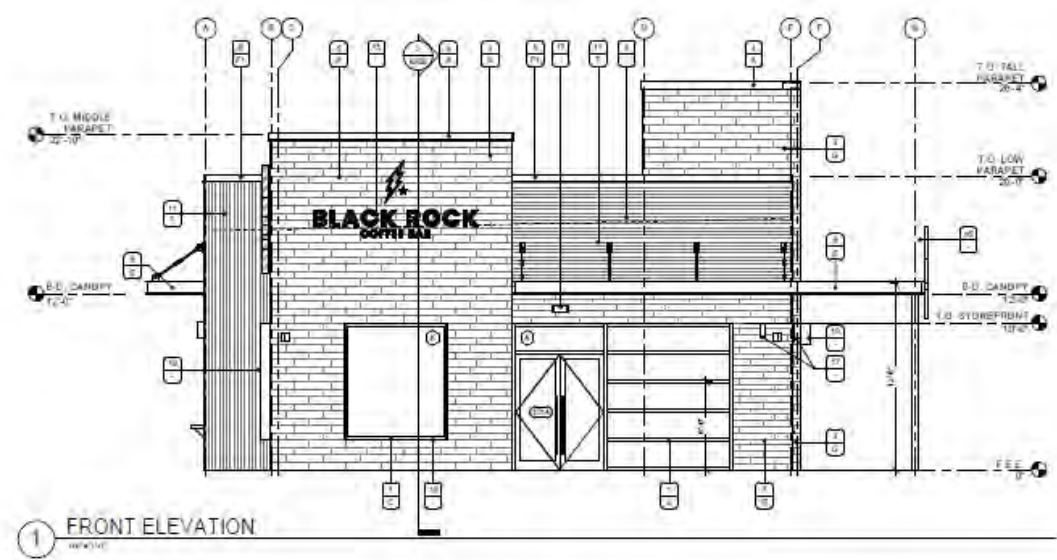
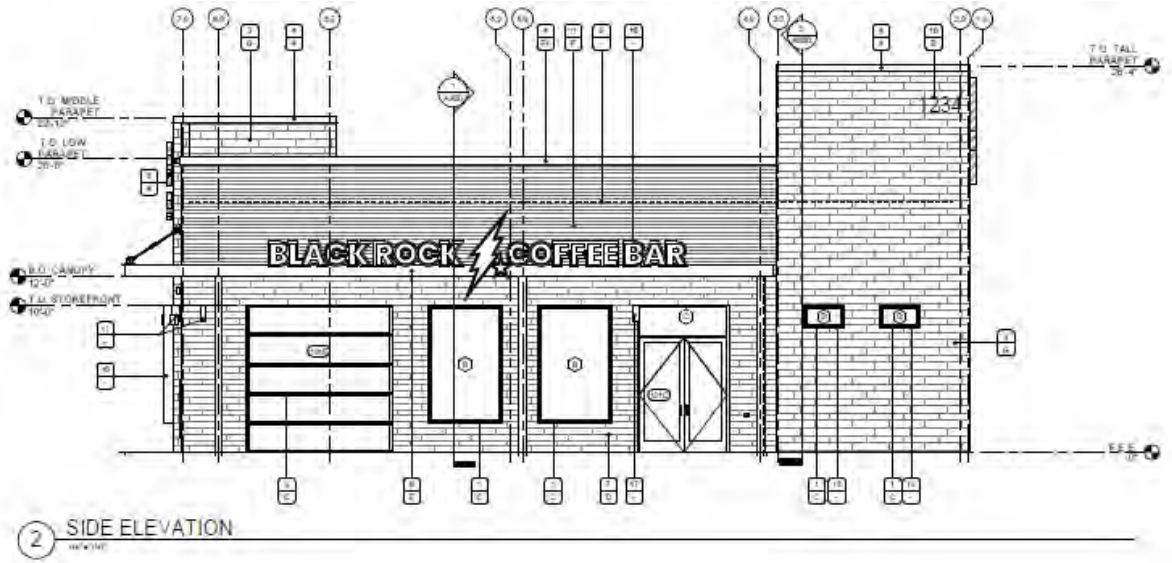
#### A. Site Plan (date: 5/9/2022)



B. Landscape Plan (date: 5/9/2022)



C. Building Elevations (date: 3/4/2022)



## VII. CITY/AGENCY COMMENTS & CONDITIONS

### A. Planning

1. A Certificate of Zoning Compliance and administrative design review application is required to be submitted to the Planning Division and approved prior to submittal of building permit applications. The applicant will either meet all architectural requirements of the Architectural Standards Manual (ASM) or apply for a design exception as part of the CZC submittal.
2. The Applicant shall have a maximum of two (2) years to commence the use as permitted in accord with the conditions of approval listed above. If the use has not begun within two (2) years of approval, a new conditional use permit must be obtained prior to operation or a time extension must be requested in accord with UDC 11-5B-6F.
3. Hours of operation are limited from 6AM to 10PM per the recorded development agreement unless otherwise modified.
4. All drive aisles shall meet the requirements of UDC 11-3C-5.
5. The site plan prepared by the Land Group, dated May 9, 2022, is approved as submitted.
6. The landscape plan prepared by the Land Group, dated May 9, 2022, is approved as submitted.
7. The architectural elevations prepared by HFA Associates LTD, dated March 03, 2022, are generally approved as submitted but additional revisions may be necessary at time of CZC as described in Section V.M.
8. Parking requirements associated with the drive through coffee kiosk shall comply with the commercial parking standards; 1 per 250 square feet of gross floor area.
9. Per the site-specific standards of UDC 11-3A-19-B, all internal pedestrian walkways shall be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks.
10. The Applicant shall comply with all bulk, use, and development standards of the applicable district listed in UDC Chapter 2 District regulations.
11. The Applicant shall comply with the outdoor service and equipment area standards as set forth in UDC 11-3A-12.
12. The Applicant shall comply with the structure and site design standards as set forth in UDC 11-3A-19 and the Architectural Standards Manual.
13. The applicant shall comply with standards and installation for landscaping as set forth in UDC 11-3B-5 and maintenance thereof as set forth in UDC 11-3B-13.
14. The applicant shall comply with the specific use standards for a drive through establishment and a restaurant as set forth in UDC 11-4-3-11 and 11-4-3-49.
15. The project is subject to all current City of Meridian ordinances and previous conditions of approval associated with this site (AZ 08-007, PP-08-006, ALT-08-012, DA Instr. #111032845, FP 2016-0029).

### B. Public Works

1. This site is subject to a reimbursement agreement with the city for the water and sewer mains that were previously installed.

C. Boise Project Board of Control

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=257268&dbid=0&repo=MeridianCity>

D. NMID

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=258432&dbid=0&repo=MeridianCity&r=1>

## VIII. FINDINGS

### A. Conditional Use Permit

The Commission shall base its determination on the conditional use permit request upon the following:

1. 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.

*The site meets all dimensional and development regulations of the C-C zoning district. The site already contains landscape buffers, parking is adequate, and the parking area will be landscaped as required by UDC 11-3B-8. Commission finds the site is large enough to accommodate the proposed use.*

2. That the proposed use will be harmonious with the Meridian Comprehensive Plan and in accord with the requirements of this title.

*Commission finds the proposed drive through coffee kiosk will be harmonious with the Comprehensive Plan per the analysis in Section V of this staff report.*

3. 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.

*The subject site is within a commercially zoned area. Directly north of the property is a Rite Aid, across E. Victory Rd to the north is another drive through coffee establishment, a daycare and senior housing complex is planned, and there are residential uses across S. Eagle Rd. to the west. Although there is an existing single family residential directly adjacent to the property at the south and east, the applicant worked with this property owner during the initial development of the Shops at Victory development, installed a verti-crete fence to mitigate impacts, and the owner of the residential property has written a letter in support of this project. There already existing landscape buffers along S. Eagle Rd., E. Victory Rd, there is a (reduced) residential buffer to the south and east, and internal parking lot landscaping meets the requirements of UDC 11-3B. Architecture will be required to meet the Architectural Design Manual (ASM) at time of Certificate of Zoning Compliance (CZC).*

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

*As discussed above, the proposed use will not adversely affect other property in the vicinity.*

5. 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.

*The proposed use will be served adequately by all public facilities and services.*



6. 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.

*Commission finds the proposed use should not create any additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.*

7. 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.

*This proposal is for a drive through establishment that will operate between 6AM and 10PM in an area zoned for commercial uses, at a minimum of 200 feet from the nearest residence, on a high intensity commercial arterial intersection within an approved commercial development. The proposed facility is appropriate in this location.*

8. 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. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

*Commission is unaware of any natural, scenic, or historic features on this site; thus, Staff finds the proposed use should not result in damage of any such features.*



## AGENDA ITEM

**ITEM TOPIC:** Findings of Fact, Conclusions of Law for Peak at Sawtooth Village (H-2022-0026) by JGT Architecture, Located at 4752 N. Linder Rd.

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



**In the Matter of the Request for Conditional Use Permit for a Drive-Through Establishment within 300-Feet of another Drive-Through Facility, an Existing Residence and Residential District in the C-N Zoning District, Located at 4752 N. Linder Rd., by JGT Architecture.**

**Case No(s). H-2022-0026**

**For the Planning & Zoning Commission Hearing Date of: May 19, 2022 (Findings on June 2, 2022)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of May 19, 2022, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of May 19, 2022, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of May 19, 2022, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of May 19, 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 Planning & Zoning Commission takes judicial notice of its Unified Development Code codified at Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Amended Comprehensive Plan of the City of Meridian, which was adopted April 19, 2011, Resolution No. 11-784 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 Chairman of the Commission and City Clerk and then a copy served by the Clerk upon the applicant, the Planning Department, the Public Works Department and any affected party requesting notice.

7. That this approval is subject to the conditions of approval in the attached staff report for the hearing date of May 19, 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 Planning & Zoning Commission'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 conditional use permit is hereby approved in accord with the conditions of approval in the staff report for the hearing date of May 19, 2022, attached as Exhibit A.

#### D. Notice of Applicable Time Limits

##### Notice of Two (2) Year Conditional Use Permit Duration

Please take notice that the conditional use permit, when granted, shall be valid for a maximum period of two (2) years unless otherwise approved by the City in accord with UDC 11-5B-6F.1. During this time, the applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground. For conditional use permits that also require platting, the final plat must be signed by the City Engineer within this two (2) year period in accord with UDC 11-5B-6F.2.

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6.F.1, the Director may authorize a single extension of the time to commence the use not to exceed one (1) two (2) year period. Additional time extensions up to two (2) years as determined and approved by the Commission may be granted. With all extensions, the Director or Commission may require the conditional use comply with the current provisions of Meridian City Code Title 11.

#### E. Judicial Review

Pursuant to Idaho Code § 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code § 67-6521(1)(a), an affected person aggrieved by this final decision may, within twenty-eight (28) days after all remedies have been exhausted, including requesting reconsideration of this final decision as provided by Meridian City Code § 1-7-10, seek judicial review of this final decision as provided by chapter 52, title 67, Idaho Code. This notice is provided as a courtesy; the City of Meridian does not admit by this notice that this decision is subject to judicial review under LLUPA.

#### F. Notice of Right to Regulatory Takings Analysis

Pursuant to Idaho Code §§ 67-6521(1)(d) and 67-8003, an owner of private property that is the subject of a final decision may submit a written request with the Meridian City Clerk for a regulatory takings analysis.

#### G. Attached: Staff Report for the hearing date of May 19, 2022

By action of the Planning & Zoning Commission at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

COMMISSIONER ANDREW SEAL, CHAIRMAN VOTED\_\_\_\_\_

COMMISSIONER NICK GROVE, VICE CHAIRMAN VOTED\_\_\_\_\_

COMMISSIONER NATE WHEELER VOTED\_\_\_\_\_

COMMISSIONER STEVEN YEARSLEY VOTED\_\_\_\_\_

COMMISSIONER PATRICK GRACE VOTED\_\_\_\_\_

COMMISSIONER MARIA LORCHER VOTED\_\_\_\_\_

COMMISSIONER MANDI STODDARD VOTED\_\_\_\_\_

\_\_\_\_\_  
Andrew Seal, Chairman

Attest:

\_\_\_\_\_  
Chris Johnson, City Clerk

Copy served upon the Applicant, the Planning and Development Services divisions of the Community Development Department, the Public Works Department and the City Attorney.

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
City Clerk's Office



STAFF REPORT

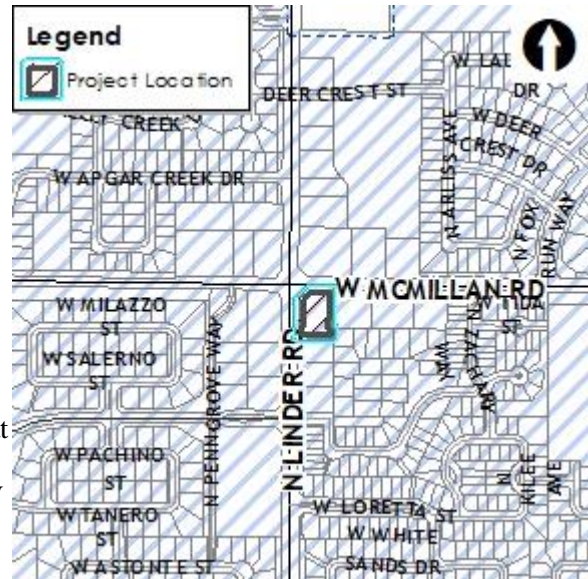
COMMUNITY DEVELOPMENT DEPARTMENT

HEARING DATE: 5/19/2022

TO: Planning & Zoning Commission
FROM: Sonya Allen, Associate Planner
208-884-5533

SUBJECT: H-2022-0026
Peak at Sawtooth Village – CUP

LOCATION: Generally located at the southeast corner of N. Linder Rd. and W. McMillan Rd. at 4752 N. Linder Rd. (Lot 26, Block 1, McLinder Subdivision No. 2), in the NW 1/4 of Section 36, T.4N., R.1W.



I. PROJECT DESCRIPTION

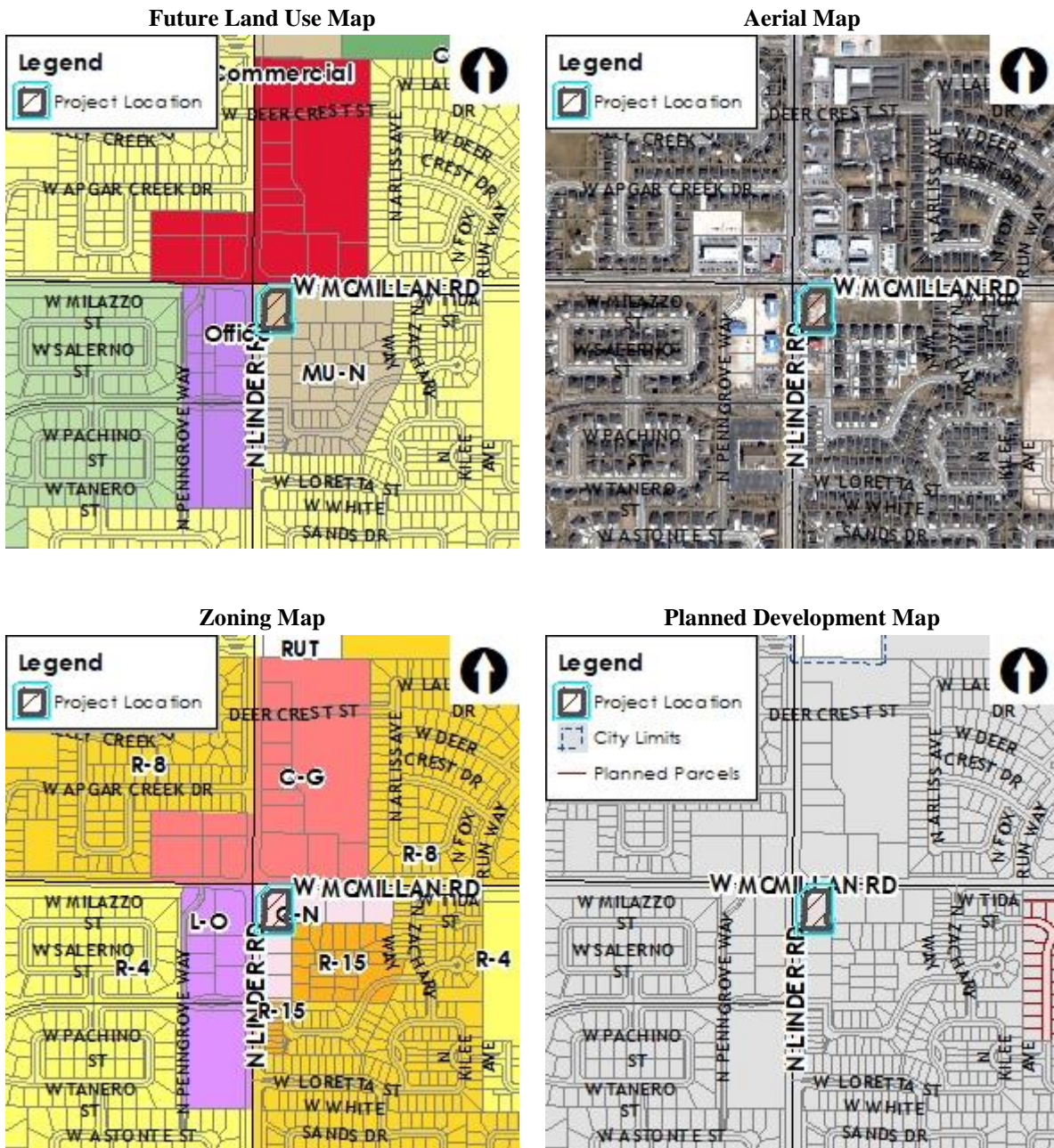
Conditional Use Permit (CUP) for a drive-through establishment within 300 feet of another drive-through facility, a residential district and existing residences on 0.93-acre of land in the C-N zoning district.

II. SUMMARY OF REPORT

A. Project Summary

Table with 3 columns: Description, Details, Page. Rows include Acreage (0.93-acre), Future Land Use Designation (Mixed Use – Neighborhood (MU-N)), Existing Land Use (Vacant/undeveloped land), Proposed Land Use(s) (Restaurant with a drive-through), Current Zoning (Neighborhood Business District (C-N)), Physical Features (The Lemp Canal runs along the northern boundary of this site.), Neighborhood meeting date; # of attendees (4/11/22), History (previous approvals) (AZ-13-010; PP-13-022; CUP-13-010 (McLinder Sub./Sawtooth Village – Development Agreement Inst. #114020372); FP-15-001)

A. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Greg Toolson, JGT Architecture – 1212 12<sup>th</sup> Ave. South, Nampa, ID 83651

B. Owner:

Mary Murphy, Grand Peak, LLC – 3030 Boulder Creek Pl., Meridian, ID 83646

C. Representative:  
Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	5/3/2022
Radius notification mailed to properties within 300 feet	4/27/2022
Site Posting Date	5/9/2022
Next Door posting	4/27/2022

V. STAFF ANALYSIS

The Applicant proposes to construct a 4,846 square foot (s.f.) building with three (3) tenant spaces and a drive-through on the westerly 2,200 s.f. tenant space for a restaurant on a 0.93-acre property in the C-N zoning district. The proposed tenant intends for the drive-through to be more of a pick-up location where customers would order ahead through a mobile app rather than ordering from a speaker or window; no speaker or menu board is proposed at this time.

A restaurant is listed as a principal permitted use in the C-N zoning district per UDC [Table 11-2B-2](#), subject to the specific use standards listed in UDC [11-4-3-49](#). A drive-through requires approval of a conditional use permit when it's within 300-feet of another drive-through facility, an existing residence or a residential district per [11-4-3-11A.1](#). In this case, all three apply; a drive-through exists on the adjacent property to the south and residential uses exist kitty corner to this site to the southeast in the R-15 zoning district.

The proposed use and development plan is in substantial conformance with the provisions in the existing Development Agreement (Inst. #[114020372](#)).

**Specific Use Standards:**

**Drive-Through Establishment:** The proposed drive-through establishment is subject to the specific use standards listed in UDC [11-4-3-11](#), Drive-Through Establishment. All establishments providing drive-through service are required to identify the stacking lane, menu and speaker location (if applicable), and window location on the site plan. The site plan is also required to demonstrate safe pedestrian and vehicular access and circulation on the site and between adjacent properties. At a minimum, the plan is required to demonstrate compliance with the following standards: *Staff's analysis is in italics.*

**1) Stacking lanes have sufficient capacity to prevent obstruction of driveways, drive aisles and the public right-of-way by patrons;**

*The stacking lane will accommodate approximately five (5) vehicles, which the Applicant believes will be sufficient for their use/business model. Staff is concerned if the stacking lane backs up, the drive-aisle on the north side of the building may obstruct vehicles trying to enter or exit the parking spaces in that area. Also, while the proposed stacking lane may*



*accommodate the proposed user, it may not be able to accommodate future users that may be more intense without obstructing the drive aisle and parking on the north side of the building.*

2) The stacking lane shall be a separate lane from the circulation lanes needed for access and parking, except stacking lanes may provide access to designated employee parking.

*The stacking lane is a separate lane from the circulation lanes needed for access and parking on the west side of the building; however, if stacking backs up around the north side of the building it could obstruct parking in that area.*

3) The stacking lane shall not be located within ten (10) feet of any residential district or existing residence;

*The stacking lane is not located within 10' of any residential district or residence.*

4) Any stacking lane greater than one hundred (100) feet in length shall provide for an escape lane; and

*The stacking lane exceeds 100' in length and an escape lane is proposed.*

5) The site should be designed so that the drive-through is visible from a public street for surveillance purposes.

*The drive-through is visible from N. Linder Rd. and W. McMillan Rd., public streets along the west and north boundaries of the site, for surveillance purposes.*

**Based on the above analysis, Staff deems the proposed drive-through in general compliance with the specific use standards as required. If the Commission doesn't feel there is adequate stacking area to accommodate vehicles in the drive-through without obstructing the drive aisle needed for circulation and parking on the north side of the building, revisions may be required to the site design.**

**Restaurant:** The proposed use is also subject to the specific use standards listed in UDC [11-4-3-49](#) Restaurant, which requires at a minimum, one (1) parking space to be provided for every 250 square feet of gross floor area.

**Hours of Operation:** The hours of operation are restricted to 6:00 am to 10:00 pm in the C-N zoning district per UDC [11-2B-3B](#).

**Dimensional Standards:** Future development should be consistent with the dimensional standards listed in UDC Table [11-2B-3](#) for the C-N zoning district.

**Access:** Access is proposed via internal drive aisles in McLinder Subdivision from existing off-site accesses on Linder and McMillan Roads. Direct lot access via N. Linder Rd. and W. McMillan Rd. is not proposed and is prohibited.

**Parking:** As noted above, UDC 11-4-3-49 includes specific parking standards for restaurants of which the site plan demonstrates compliance. A minimum of 19 off-street parking spaces would be required if the entire structure were to be used as a restaurant; a total of 33 spaces are proposed, which exceeds the minimum standard.

A minimum of one (1) bicycle parking space is required to be provided for every 25 vehicle spaces or portion thereof per UDC [11-3C-6G](#); bicycle parking facilities are required to comply with the location and design standards listed in UDC [11-3C-5C](#). A bicycle rack is proposed on the north side of the building which can accommodate two (2) bicycles and complies with these standards.

**Pedestrian Walkways:** Where pathways cross vehicular driving surfaces, they're required to be distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete, or bricks as set forth in UDC [11-3A-19B.4](#). The site/landscape plan submitted with the

**Certificate of Zoning Compliance application should reflect compliance with this standard – the proposed striping of the crosswalk is not allowed and should be revised to comply with this standard.**

**Landscaping:** Street buffer landscaping was installed within the street buffers along N. Linder Rd. and W. McMillan Rd. with the subdivision improvements.

Parking lot landscaping is required to be provided in accord with the standards listed in UDC 11-3B-8C. The plan reflects compliance with these standards.

**Sidewalks:** Sidewalks exist along N. Linder Rd. and W. McMillan Rd. on this site. An attached sidewalk exists along Linder and a detached sidewalk exists along McMillan. The UDC requires detached sidewalks to be constructed along all arterial streets; however, because the sidewalk along Linder was constructed with ACHD’s road widening project and is in good condition, Staff does not recommend it’s removed and reconstructed as a detached sidewalk.

**Waterways:** The Lemp Canal runs along the northern boundary of this site along W. McMillan Rd. and was piped with the subdivision improvements (Inst. #2015-010111). The building is proposed to be located outside of the easement.

**Easements:** There are several existing easements on this lot; see the subdivision plat for more information (i.e. McLinder Subdivision No. 2). **The site/landscape plan should be revised to depict all easements that exist on the site.** Any encroachments within existing easements should be permitted through the easement holder.

**Mechanical Equipment:** All mechanical equipment on the back of the building and outdoor service and equipment should be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets as set forth in UDC [11-3A-12](#).

**Building Elevations:** Conceptual building elevations were submitted as shown in Section VII.C that incorporate a mix of materials consisting of horizontal hardboard siding, stone veneer and glazing. The final design shall be consistent with the design standards listed in the [Architectural Standards Manual](#).

**Certificate of Zoning Compliance & Design Review:** A Certificate of Zoning Compliance and Design Review application is required to be submitted for the proposed use prior to submittal of a building permit application to ensure consistency with the conditions in Section VIII, UDC standards and design standards.

**VI. DECISION**

**A. Staff:**

Staff recommends approval of the proposed conditional use permit with the conditions included in Section VIII per the Findings in Section IX.

**B. The Meridian Planning & Zoning Commission heard this item on May 19, 2022. At the public hearing, the Commission moved to approve the subject CUP request.**

**1. Summary of the Commission public hearing:**

- a. In favor: Tom Bevan, Applicant**
- b. In opposition: None**
- c. Commenting: None**
- d. Written testimony: Mary Murphy, Applicant (in agreement with staff report conditions)**
- e. Staff presenting application: Sonya Allen**
- f. Other Staff commenting on application: None**

## EXHIBIT A

2. Key issue(s) of public testimony:
  - a. None
3. Key issue(s) of discussion by Commission:
  - a. The nature of the proposed use and business model and the adequacy of the stacking lane for the drive-through for this business as well as future businesses in this location.
4. Commission change(s) to Staff recommendation:
  - a. Include a condition that restricts the site from having a menu board and speaker, in an effort to keep traffic in the drive-through to a minimum, without approval from the City through a modification to the CUP..

## VII. EXHIBITS

### A. Proposed Site Plan (dated: 4/12/2022)

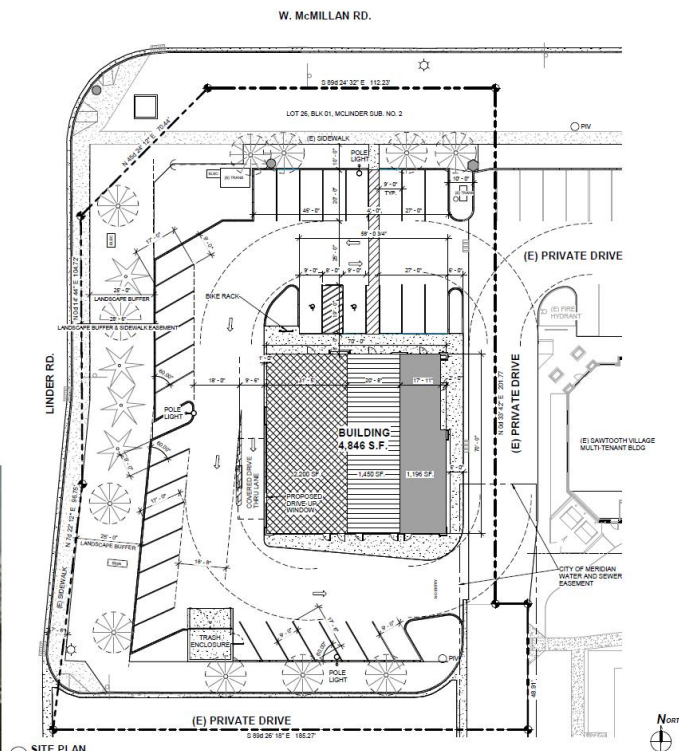
**KEY PLAN**

**VICINITY PLAN**

**MATERIAL LEGEND**


**SITE INFORMATION**

ZONE: C-1N  
 SITE AREA: 40,445 SQ. FT. OR 33 AC  
 LOT 28:  
 BUILDING AREA: 4,846 SQ. FT. (MIN LEVEL: 1/2N OF SITE)  
 BUILDING AREA TOTAL: 4,846 SQ. FT. (UPPER OFFICE LEVEL)  
 BUILDING AREA TOTAL: 5,885 SQ. FT.  
 PARKING SPACES REQUIRED:  
 4,846 SQ. FT. @ 1,320 = 37 STALLS  
 1,039 SQ. FT. @ 1,320 = 8 STALLS  
 PARKING SPACES PROVIDED: 33 STALLS INCLUDING (2) HANDICAP STALLS  
 BIKE SPACES REQUIRED: 1/25 PARKING SPACES = 2  
 BIKE SPACES PROVIDED: 2  
 SETBACKS:  
 0 FT SETBACK ALL SIDES (25'-0" LANDSCAPE BUFFER AT WEST SIDE)  
 ALL STORM WATER DRAINAGE SHALL BE RETAINED ON SITE. WATER SHALL BE DIRECTED TO CATCH BASINS TO SUBSURFACE RETENANCE BASINS.  
 ALL UTILITIES ARE AVAILABLE ON SITE OR IN ADJACENT STREETS. EXHIBENT LOCATIONS - THIS PROJECT HAS EXHIBENTS ON ALL SIDES OF THE PROPERTY BOUNDARIES - REFER TO FINAL PLAN



1 SITE PLAN  
1/18" = 1'-0"

1322 E. DUBLIN ROAD SUITE 100 DUBLIN, OHIO 43017  
 PHONE: (614) 845-2000  
 FAX: (614) 845-2001  
 EMAIL: info@igotarchitecture.com

**NOT FOR CONSTRUCTION**

PEAK AT SAWTOOTH VILLAGE  
 FOR  
 GRAND PEAK, LLC  
 McMILLAN AND LINDER - MERIDIAN, ID

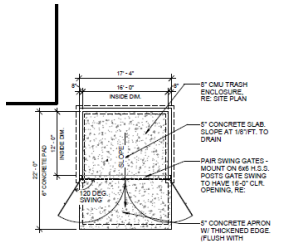
DRAWN BY DATE	JST	4/12/22
CHECKED BY DATE	JST	4/12/22
SCALE	AS SHOWN	

SITE PLAN

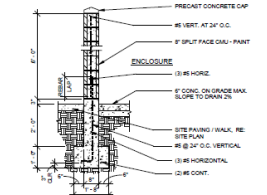
DR-1

SHEET 1 OF 1

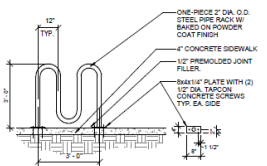
B. Proposed Landscape Plan (dated: 4/12/2022)



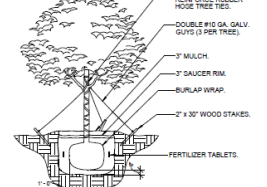
3. TRASH ENCLOSURE PLAN  
1/8" = 1'-0"



4. TRASH ENCLOSURE WALL  
1/2" = 1'-0"



5. BIKE RACK DETAIL  
1/2" = 1'-0"



6. TREE PLANTING  
1/4" = 1'-0"

**LANDSCAPE CALCULATIONS TABLE**

- STREET BUFFER**
  - McMILLAN RD. = ARTERIAL = 25 FT BUFFER REQ.
  - = 48'-0" BUFFER PROVIDED
  - = 12 LINEAL FEET OF FRONTAGE
  - = 3 STREET TREES REQUIRED; 4 STREET TREES EXISTING
  - UNDER RD. = ARTERIAL = 25 FT BUFFER REQ.
  - = 25'-0" BUFFER PROVIDED
  - = 25 LINEAL FEET OF FRONTAGE
  - = 5 STREET TREES REQUIRED; 5 STREET TREES EXISTING
  - STREET BUFFER LANDSCAPING IS ALREADY EXISTING. TREES AND TURF GRASS IS PROVIDED AND SPACED ACROSS THE DEVELOPMENT LOT PER FINAL PLAT APPROVAL.
- SITE SIZE AND OPEN SPACE (PER 11-30-2 OPEN SPACE REQUIREMENTS AND APPLICABLE TO ONLY RESIDENTIAL DEVELOPMENTS)**
  - SIZE: 63,446 S.F. OR 1.4 ACRES
  - LANDSCAPE AREA: 14,522 S.F. (EXISTING) / 36% OF SITE
  - PAVED AREA: 14,142 S.F. (NEW) + 5,084 S.F. EXISTING (INCLUDES EXISTING PAVED DRIVES WITHIN PROPERTY LINE) / 49% OF SITE
  - SIDEWALK AREA: 1,598 S.F. (NEW AROUND BUILDING)

**LANDSCAPE LEGEND**

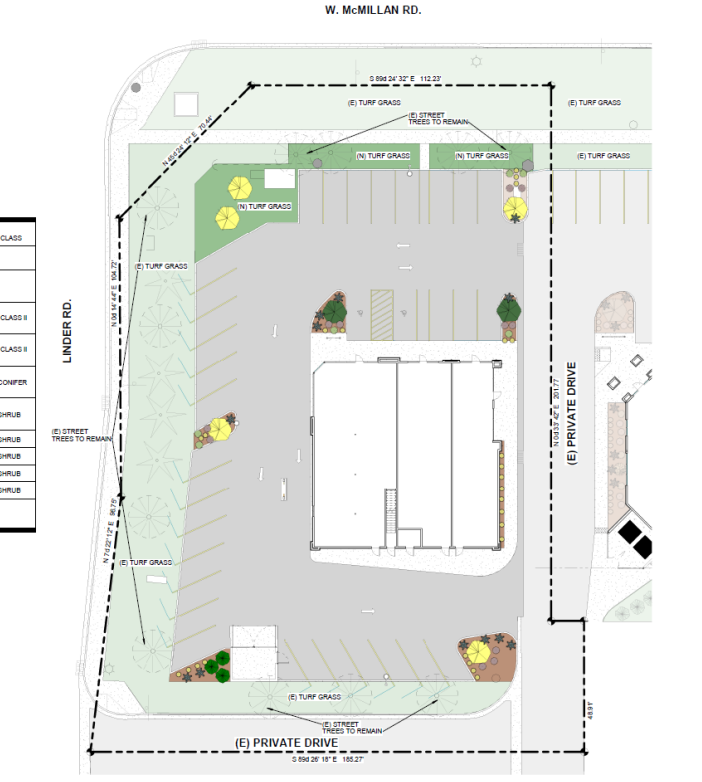
QNTY	COMMON NAME	SCIENTIFIC NAME	SYM	SIZE AT PLANTING	CLASS
	EXISTING TREE				
	EXISTING TREE				
5	SHADE MASTER HONEYLOCUST	<i>Gleditsia triacanthos</i>		2" CALIP. B 30 B	CLASS II
7	COLUMBIAN SERGENT CHERRY	<i>P. sargentii 'tournefortii'</i>		2" CALIP. B 30 B	CLASS II
12	PYRAMIDAL ARBORVITAE	<i>Thuja occidentalis 'pyramidalis'</i>		5 GAL.	CONIFER
7	VICARY GOLDEN PRIVET	<i>Ligustrum viciary</i>		5 GAL.	SHRUB
20	BLUE RUG JUNCER	<i>Juncus horizontalis</i>		2 GAL.	SHRUB
13	BURNING BUSH	<i>Elyonima staba</i>		2 GAL.	SHRUB
19	CRIMSON PYRAMID BARBERY	<i>Berberis thunbergii</i>		2 GAL.	SHRUB
25	KARL FOSTER GRASS	<i>Calamagrostis acutiflora</i>		1 GAL.	SHRUB

NOTES: ALL LANDSCAPE AREAS TO RECEIVE WOOD OR ROCK MULCH OVER LANDSCAPE FABRIC. IRRIGATION TO BE DESIGN BUILT BY LANDSCAPE CONTRACTOR

**TYPICAL TREE AND SHRUB PLANTING NOTES:**

- ALL TREES TO BE BALLED AND BURLAPPED. SEE DETAIL THIS SHEET TREE STAKING.
- 2" MINIMUM OF REGULAR GROUND SOIL TO BE PLACED ON SHRUB PLANTING AREAS.
- PROVIDE AND INSTALL 1/2" x 2" STAKES (BENK) GRADED AT EACH TREE. TIE ALL STAKES WITH COTTON WEBBING OR OTHER APPROVED METHOD.
- PROVIDE AND INSTALL SHOVEL MIX FOR ALL PLANTS. USE 1/2" APPROVED PLANTING MIX AND 1/2" EXISTING SOIL REMOVED FROM PLANTING PITS. DIG ALL PLANT PITS TWICE THE SIZE OF ROOT BALL.
- EXISTING SOIL REMOVED FROM PLANTING PITS. DIG ALL PLANT PITS TWICE THE SIZE OF ROOT BALL.
- FINISH GRADE TOP SOIL TO A UNIFORM AND SMOOTH SURFACE. REMOVE ALL ROCKS AND FOREIGN MATERIAL 1" AND LARGER PRIOR TO LAYING SOIL.
- PROVIDE AND INSTALL ONE APPLICATION OF APPROVED PLANTING TABLETS FOR ALL PLANTS. PROVIDE AND INSTALL ONE INITIAL APPLICATION OF STARTER FERTILIZER FOR SOIL AREAS. ALL FERTILIZERS TO BE APPROVED BY THE OWNER PRIOR TO APPLICATION AND APPLIED AT MANUFACTURERS RECOMMENDED RATE.
- ALL PLANTS AND LAWN SHALL BE GUARANTEED FOR ONE COMPLETE GROWING SEASON AFTER COMPLETION OF CONTRACT AND FINAL ACCEPTANCE.
- NEW LANDSCAPE AREAS TO BE PROVIDED WITH FULLY AUTOMATIC SPRINKLER SYSTEMS.

NOTE: ALL EXISTING TREES TO SHALL BE PROVIDED WITH TEMPORARY FENCING AROUND DRIP LINE FOR PROTECTION DURING CONSTRUCTION



2. LANDSCAPE PLAN  
1/16" = 1'-0"

REVISIONS

NO.	DATE	DESCRIPTION

igt architecture  
1000 W. WASHINGTON ST., SUITE 100  
DENVER, CO 80202 | TEL: (303) 462-8200  
WWW.IGTARCHITECTURE.COM

NOT FOR CONSTRUCTION

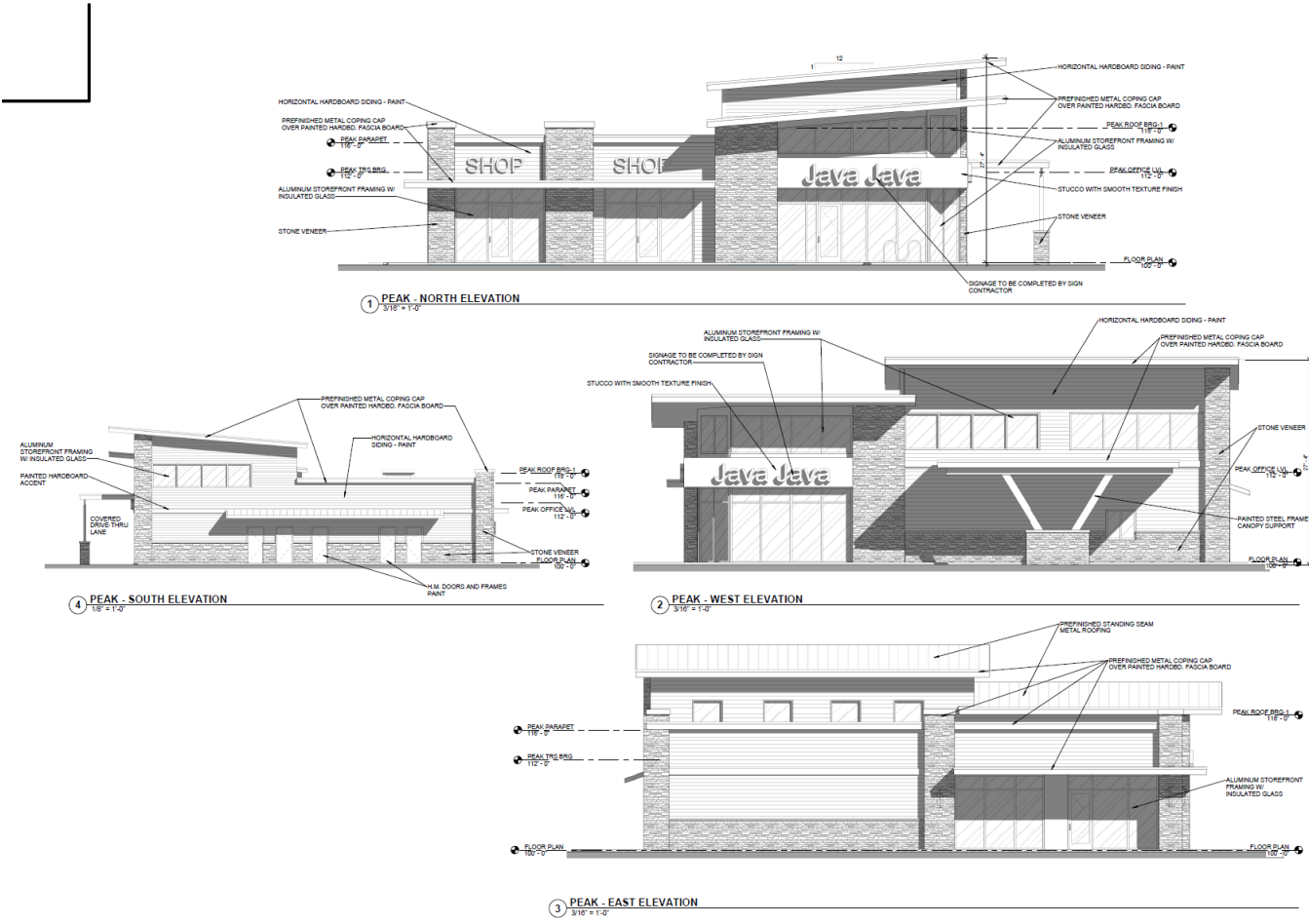
PEAK AT SAWTOOTH VILLAGE  
FOR  
GRAND PEAK, LLC  
MCMILLAN AND LINDER - MERIDIAN, ID

DRAWN BY: DATE: 4/12/22  
CHECKED BY: DATE: 4/12/22  
DATE: 4/12/22

LANDSCAPE PLAN

DR-2  
SHEET 2 OF 3

C. Building Elevations (dated: 4/12/22)



REVISIONS	

**igt architecture**  
 1122 20th Avenue South - Meridian, Idaho 83641  
 Phone: 208.388.8200  
 Email: info@igtarchitecture.com

**NOT FOR CONSTRUCTION**

PEAK AT SAWTOOTH VILLAGE  
 FOR  
 GRAND PEAK, LLC  
 McMILLAN AND LINDER - MERIDIAN, ID

DRAWN BY DATE:	
CHECKED JOB NO.:	
EXTERIOR ELEVATIONS	
DR-3	
SHEET 3 OF 3	

## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING

1. Future development of this site shall comply with the previous conditions of approval and terms of the existing Development Agreement and the conditions contained herein [AZ-13-010; PP-13-022; CUP-13-010 (McLinder Sub./Sawtooth Village – Development Agreement Inst. #[114020372](#)); FP-15-001].
2. The site plan and landscape plan submitted with the Certificate of Zoning Compliance application shall be revised as follows:
  - a. The stacking lane, menu and speaker location(s), and window location shall be depicted in accord with UDC [11-4-3-11B](#).
  - b. All mechanical equipment on the back of the building and outdoor service and equipment areas should be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets as set forth in UDC [11-3A-12](#).
  - c. The pathway from the perimeter sidewalk along W. McMillan Rd. to the main building entrance shall be distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19B.4b.
  - d. Depict all easements that exist on the subject lot per the recorded plat (McLinder Subdivision No. 2). Any encroachments within existing easements should be permitted through the easement holder.
  - e. Depict signage at the southern driveway access on the east side of the site prohibiting entry in that location due to it being a one-way drive aisle and paint an arrow signifying one-way traffic on the drive-aisle.
3. Compliance with the standards listed in UDC [11-4-3-11](#) – Drive-Through Establishment and [11-4-3-49](#) – Restaurant is required.
4. Direct access via N. Linder Rd. and W. McMillan Rd. is prohibited.
5. The business hours of operation are restricted to 6:00 am to 10:00 pm in the C-N zoning district per UDC 11-2B-3B.
6. Install signage on the east side of the site at the entrance to the southern driveway prohibiting access at that location due to it being a one-way drive aisle.
7. A Certificate of Zoning Compliance and Design Review application shall be submitted and approved for the proposed use prior to submittal of a building permit application. The design of the site and structure shall comply with the standards listed in UDC [11-3A-19](#); the design standards listed in the *Architectural Standards Manual* and with the Development Agreement.
8. The conditional use permit is valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the Applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground as set forth in UDC [11-5B-6](#). A time extension may be requested as set forth in UDC 11-5B-6F.
9. A menu board and/or speaker shall not be installed on this site due to the limited capacity of the drive-through lane without prior approval from the City through a modification to the Conditional Use Permit (H-2022-0026).

**B. ADA COUNTY HIGHWAY DISTRICT (ACHD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=259328&dbid=0&repo=MeridianCity>

**C. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=260475&dbid=0&repo=MeridianCity>

**IX. FINDINGS**

Conditional Use (UDC 11-5B-6)

Findings: The commission shall base its determination on the conditional use permit request upon the following:

- 1. 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.

*The Commission finds the site is large enough to accommodate the proposed development and meet all dimensional and development regulations of the C-N zoning district.*

- 2. That the proposed use will be harmonious with the Meridian comprehensive plan and in accord with the requirements of this title.

*The Commission finds the proposed restaurant with a drive-through will be harmonious with the Comprehensive Plan and is consistent with applicable UDC standards with the conditions noted in Section VIII of this report.*

- 3. 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.

*The Commission finds the design, construction, operation and maintenance of the proposed use will be compatible with other uses in the general neighborhood, with the existing and intended character of the vicinity and will not adversely change the essential character of the area.*

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

*The Commission finds the proposed use will not adversely affect other properties in the vicinity if it complies with the conditions in Section VIII of this report.*

- 5. 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.

*The Commission finds the proposed use will be served by essential public facilities and services as required.*

- 6. 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.

*The Commission finds the proposed use will not create additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.*



7. 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.

*The Commission finds the proposed use will not be detrimental to any persons, property or the general welfare by the reasons noted above.*

8. 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. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

*The Commission finds the proposed use will not result in the destruction, loss or damage of any such features.*

9. Additional findings for the alteration or extension of a nonconforming use:

- a. That the proposed nonconforming use does not encourage or set a precedent for additional nonconforming uses within the area; and,

*This finding is not applicable.*

- b. That the proposed nonconforming use is developed to a similar or greater level of conformity with the development standards as set forth in this title as compared to the level of development of the surrounding properties.

*This finding is not applicable.*



## AGENDA ITEM

**ITEM TOPIC:** Public Hearing for Jump Creek South (H-2022-0006) by Kent Brown Planning Services, Located at Parcel #S0428449595 at the northwest corner of N. Black Cat Rd. and W. McMillan Rd.

A. Request: Preliminary Plat consisting of 20 single-family residential lots and 4 common lots on 3.57 acres of land in the R-8 zoning district.



## PUBLIC HEARING INFORMATION

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**Staff Contact:** Alan Tiefenbach

**Meeting Date:** June 2, 2022

**Topic:** **Public Hearing** for Jump Creek South (H-2022-0006) by Kent Brown Planning Services, Located at Parcel #S0428449595 at the northwest corner of N. Black Cat Rd. and W. McMillan Rd.

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**Request:**

Preliminary Plat consisting of 20 single-family residential lots and 4 common lots on 3.57 acres of land in the R-8 zoning district.

**Information Resources:**

[Click Here for Application Materials](#)

[Click Here to Sign Up to Testify at the Planning and Zoning Commission Public Hearing](#)

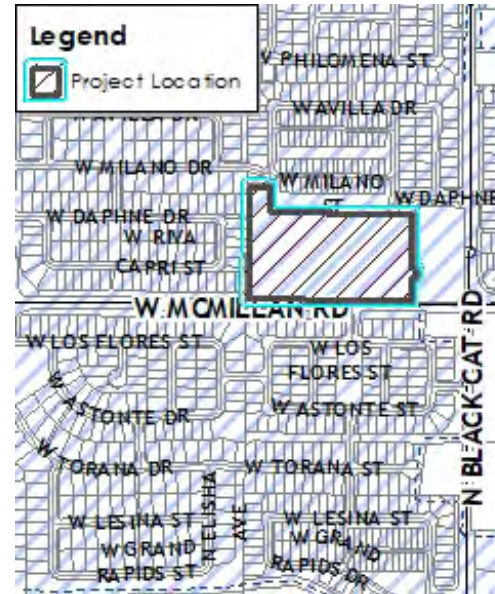
# STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 6/2/2022  
TO: Planning & Zoning Commission  
FROM: Alan Tiefenbach  
208-884-5533

SUBJECT: PP - H-2022-0006  
Jump Creek South Preliminary Plat

LOCATION: The site is located at the northwest corner of W. McMillan Rd. and N. Black Cat Rd. on Parcel S0428449525 in the SE ¼ of the SE ¼ of section 28, Township 4N, Range 1W.



## I. PROJECT DESCRIPTION

Request for a preliminary plat consisting of 20 single-family residential lots and 4 common lots on 3.57 acres of land in the R-8 zoning district, by Kent Brown.

## II. SUMMARY OF REPORT

### A. Project Summary

Description	Details
Acreage	3.57 acres
Future Land Use Designation	Medium Density Residential 3-8 du/acre
Existing Land Use(s)	Vacant
Proposed Land Use(s)	Single Family Residential
Lots (# and type; bldg./common)	20 building lots, and 4 common lots.
Phasing Plan (# of phases)	1 phase
Number of Residential Units (type of units)	20
Density (gross & net)	5.6 du / ac
Open Space (acres, total [%]/buffer/qualified)	Not required for properties less than 5 acres, but 15.73% of open space was provided with the Jump Creek Development Agreement, which governs this property.
Amenities	Numerous amenities are included with the larger Jump Creek development.
Physical Features (waterways, hazards, flood plain, hillside)	The West Tap Lateral traverses a small portion on the southeast
Neighborhood meeting date; # of attendees:	December 21, 2021, no attendees

Description	Details
History (previous approvals)	AZ-14-011, PP-14-013, DA instr. 2014-105206, FP-2022-0004

B. Community Metrics

Description	Details
Ada County Highway District	

<ul style="list-style-type: none"> <li>Staff report (yes/no)</li> </ul>	No
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Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	There are multiple points of access, but primary access occurs via W. Daphne Street from N. Black Cat Rd.
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Stub Street/Interconnectivity/Cross Access	No stubs required.
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Existing Road Network	N. Black Cat Rd and W. McMillian Rd, numerous internal roads.
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Existing Arterial Sidewalks / Buffers	There is an existing 5 ft. wide detached sidewalk and 25 ft. wide buffer along N. Black Cat Rd. A 5 ft. wide sidewalk and buffer along W. McMillian Rd. was approved with the Jump Creek development but is not yet installed along the southern perimeter of the subject property.
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Proposed Road Improvements	Required road improvements have already occurred with Jump Creek No 1 through 6.
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Fire Service	No comments, property will be serviced by Fire Station 7 when completed in 2023.
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Police Service	
<ul style="list-style-type: none"> <li>No comments</li> </ul>	

Wastewater	
<ul style="list-style-type: none"> <li>Flow is committed</li> </ul>	

Water	
<ul style="list-style-type: none"> <li>Distance to Water Services</li> </ul>	0
<ul style="list-style-type: none"> <li>Pressure Zone</li> </ul>	1
<ul style="list-style-type: none"> <li>Water Quality</li> </ul>	No concerns
<ul style="list-style-type: none"> <li>Project Consistent with Water Master Plan</li> </ul>	Yes
<ul style="list-style-type: none"> <li>Comments</li> </ul>	<ul style="list-style-type: none"> <li>Encase water main with steel sleeve when crossing the west Tap Sublaterial piping or open channel.</li> <li>Water main sizes were not provided. All mains were modeled as 8"</li> </ul>

Project Area Maps

Future Land Use Map



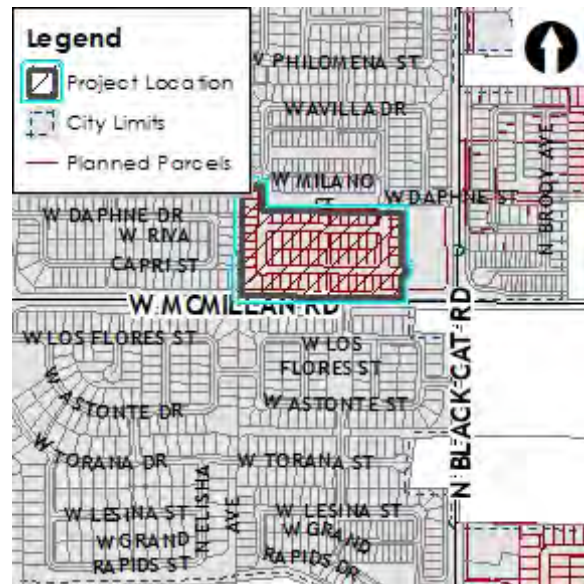
Aerial Map



Zoning Map



Planned Development Map



**III. APPLICANT INFORMATION**

A. Applicant Representative:

Kent Brown – 3161 E. Springwood Dr, Meridian, ID 83642

B. Owner:

Corey Barton, Endurance Holdings – 1977 E. Overland Rd., Meridian, ID 83642

**IV. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>	<b>City Council Posting Date</b>
Newspaper Notification	5/12/2022	
Radius notification mailed to properties within 300 feet	5/13/2022	
Nextdoor posting	5/13/2022	
Sign Posting	5/23/22	

**V. STAFF ANALYSIS**

An annexation, preliminary plat, and development agreement was approved by City Council in November of 2014 for the Jump Creek Subdivision, which included this property (AZ-14-011, PP-14-013, DA instr. 2014-105206). The approved project allowed 318 single family lots and two multifamily lots on 85.9 acres. Six final plats totaling 308 total lots, including seven (7) multi-family lots have been approved by the Council to date.

In May of 2021, the Planning Commission approved a conditional use permit for the first seven fourplexes (Jump Creek North Fourplex CUP, H-2021-0018). During review of the project, it was discovered that Jump Creek No 4., the final plat intended for the fourplexes, was platted as individual lots for each fourplex, whereas the preliminary plat approved one multi-family lot. Further, the applicant intends to subdivide the other multi-family lot approved with the preliminary plat in the same manner, which exceeds the number of lots approved with the original Jump Creek preliminary plat.

Staff discussed this issue with the applicant, and the agreed upon solution was that the applicant would move forward with Phase 6 for 44 single family lots (approved by City Council on May 18, 2022) and Phase 7 for 12 fourplex lots. The remaining 3.57 acres (the subject property, which was initially anticipated as Jump Creek No. 8) will be platted as 20 additional lots as a new preliminary plat. **It is important to note that although the total number of lots is more than was approved with the initial Jump Creek Subdivision, the total number of units (318 single family and 19 fourplexes) and configuration is the same as what was approved.**

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

The property is designated " Medium Density Residential" (MDR) on the future land use map. The MDR designation allows smaller lots for residential purposes within City limits. Uses may include single-family homes at densities of 3 to 8 dwelling units per acre.

The subject property was initially approved for 318 single family lot and 19 fourplexes on 85.9 acres, which is a gross density of 4.59 dwelling units per acre. Although the number of lots will increase by 20, the number of units and density will remain the same. This is consistent with the MDR land use designation.

B. Zoning:

The subject property is zoned R-8. The R-8 zoning district requires a minimum lot size of 4,000 sq. ft. and minimum street frontage of 40 ft. The preliminary plat shows the smallest lot being 5,000 sq. ft. and minimum street frontages of 50 ft.

C. 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 project proposes 20 additional single family units in a development of 318 single family units and 72 fourplex units. This increases the diversity in housing and meets the needs, preferences, and financial capabilities of Meridian's present and future residents.*

- 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 applicant is developing a mixed housing residential development consisting of primarily medium density single- family and multi-family units, consistent with this goal. The multifamily developments are being evaluated with future conditional use permit applications.*

- 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.

*The development provides housing opportunities in close proximity to a proposed Walmart and an existing shopping center at the northeast corner of Chinden Boulevard and Linder Road. Future employment uses are planned a mile east of the proposed subdivision along the west side of N. Ten Mile Road.*

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

*City services were required to be extended to the properties upon development in accord with UDC 11- 3A- 21. Infrastructure was constructed with phases 1, 2, and 3. No additional infrastructure is required with this proposal.*



- 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)

*This proposal was referred to fire and police services as well as WASD. There were no additional comments beyond what were listed with the preliminary plat and final plat.*

- Require open space areas within all residential development. (6.01.01A)

*The development agreement approved with the annexation required 15% total open space, and 15.3% was provided with the total development. The lot size, area and open space configuration included with this preliminary plat matches what was approved with the initial approval.*

- 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)

*The proposed plat depicts 5 ft. wide detached sidewalks on both sides of roads internal to the subdivision. Multiple pedestrian connections were approved throughout the initial Jump Creek development including several connections into the Oaks North project to the east. A 5 ft. wide detached sidewalk and 25 ft. wide buffer has already been constructed along N. Black Cat Rd. A landscape buffer and 5 ft. wide detached sidewalk exists to the west of this subject property; the applicant will be required to complete these improvements as a condition of approval of this preliminary plat.*

D. Existing Structures/Site Improvements:

The property is presently vacant.

E Proposed Use Analysis:

Single-family dwellings are listed as a principal permitted use in the R-8 zoning districts in UDC Table 11-2A-2.

F. Dimensional Standards (*UDC 11-2*):

The preliminary plat and future development is required to comply with the dimensional standards listed in UDC Table 11-2A-6 for the R-8 district. All proposed lots and public streets appear to meet UDC dimensional standards per the submitted preliminary plat. This includes minimum lot size of 4,000 sq. ft., and required street frontages of at least 40 ft. Development of the subdivision is required to comply with the subdivision design and improvement standards listed in UDC 11-6C-3.

UDC 11-6C-3- regulates block lengths for residential subdivisions. Staff has reviewed the submitted plat for conformance with these regulations. The intent of this section of code is to ensure block lengths do not exceed 750 ft, although there is the allowance of an increase in block length to 1,000 feet if a pedestrian connection is provided. No block length exceeds 750 ft.

There is one common driveway serving Lots 30 and 31 of Block 20. This driveway connects to the future fourplexes in Jump Creek Filing 7 and will serve as secondary emergency access. As this would be a driveway and not a street, staff has added a condition that the common driveway shall be gated from the multifamily portion of the site (Filing 7). Such gate shall meet all requirements of Meridian Fire but shall not obstruct pedestrian access.

G. Access (*UDC 11-3A-3*):

All accesses were previously approved with the Jump Creek preliminary plat. ACHD has responded that they had reviewed and approved the Jump Creek Subdivision in 2014 and the site-specific conditions of approval for Jump Creek South apply to this project.

H. 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 attached dwellings based on the number of bedrooms per unit. Future development should comply with these standards.

I. Pathways (*UDC 11-3A-8*):

There is an existing 5' wide detached sidewalk along N. Black Cat Rd, at the eastern perimeter of the subject property as well as a 5 ft. detached sidewalk along W. McMillian Rd west of the subject property. The applicant will be required to complete this sidewalk with this project. Multiple pedestrian connections were approved throughout the initial Jump Creek development including several connections into the Oaks North project to the east. No additional pathways are required or proposed with this plat. All of the pedestrian connections must comply with the standards set forth in UDC 11-3A-8 and UDC 11-3B-12.

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

Five-foot detached sidewalks are proposed along internal streets in accord with the standards listed in UDC 11-3A-17.

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

UDC 11-2A-6 requires a 25 ft. wide buffers along arterial roads (W. McMillian Rd.). This buffer is indicated on the landscape plan. All pathways and micro-pathways meet the requirements of UDC 11-3B including landscape strips of at least 5 ft. in width on either side and one tree per 100 linear feet. A drainage facility is indicated in Lot 15, Block 20; this lot shall be landscaped as required per UDC 11-3B-11.

The landscape plan does not indicate whether there are healthy existing trees meeting the preservation requirements on the property. With the submittal of the final plat the applicant should submit a revised landscape plan that details any mitigation plan outlined by the developer and the City Arborist.

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

The subject property is 3.57 acres, which would exempt it from the common open space requirements of UDC 11-3G. However, this property is included in the Jump Creek Development Agreement which requires 15.73% open space, including numerous drainage lots, 50% of the arterial street buffers, collector street buffers, micropath lots, and passive open space in various sizes. The preliminary plat as proposed matches what was approved with the original Jump Creek Preliminary Plat in regard to lot size, configuration, and open space.

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

During the approval process for the entire Jump Creek Subdivision (which included the subject property), approved amenities included three tot lots, an integrated pathway system, extension of the Meridian Pathway system and 5% additional open space. Most amenities have already been constructed with the previous phases and two additional amenities were required with the conditional use permit that was approved for the first multifamily phase. As this current

preliminary plat is part of the approved Jump Creek development agreement and is proposed with the same design and number of lots as what was approved, additional amenities are required.

N. Waterways (*UDC 11-3A-6*):

The West Tap Sublateral clips the northeastern corner of Lot 31, Block 20. Per UDC, all irrigation ditches, laterals or canals, exclusive of natural waterways and waterways being used as amenities, which intersect, cross or lie within the area being subdivided should be covered.

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

The landscape plan includes a fencing plan. The plan includes 6 ft. high vinyl fencing along the western periphery of the site, along the side of residential lots adjacent to internal roads, and rear of the residential lots adjacent to W. McMillan Rd (but outside of the required landscape buffers). 4 ft. high vinyl fencing is shown along at least one side of common open spaces and both sides of pathways and micro-pathways. The fencing appears to meet the requirements of 11-3A-6 and 11-3A-7.

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

Public services are available to accommodate the proposed development and most utilities have already been installed.

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

Building elevations were submitted and approved with the initial annexation and development agreement. The Applicant submitted the same approved elevations. Per the approved Jump Creek Development Agreement, all homes adjacent to McMillan Road shall incorporate a mix of materials, windows and decorative trim, pop-outs, covered porches and two variations in the roof lines to provide articulation and modulation to the side and rear facades that face the arterial and collector streets.

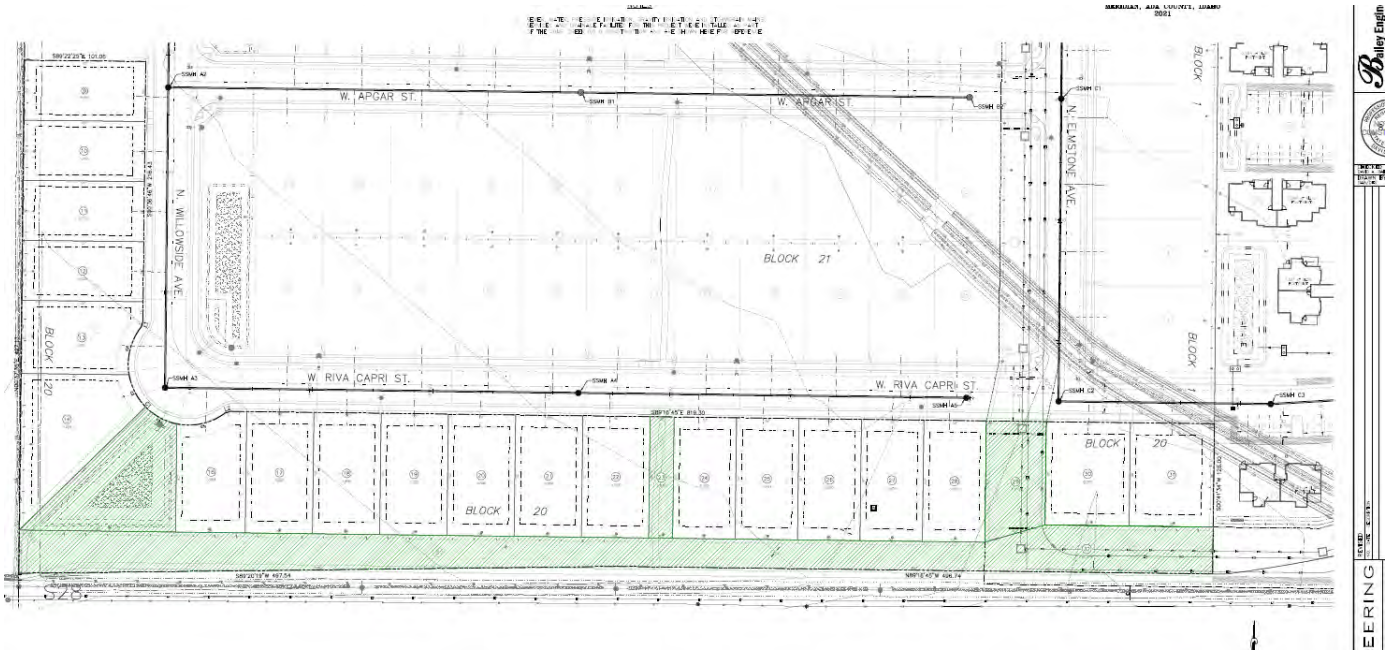
## VI. DECISION

A. Staff:

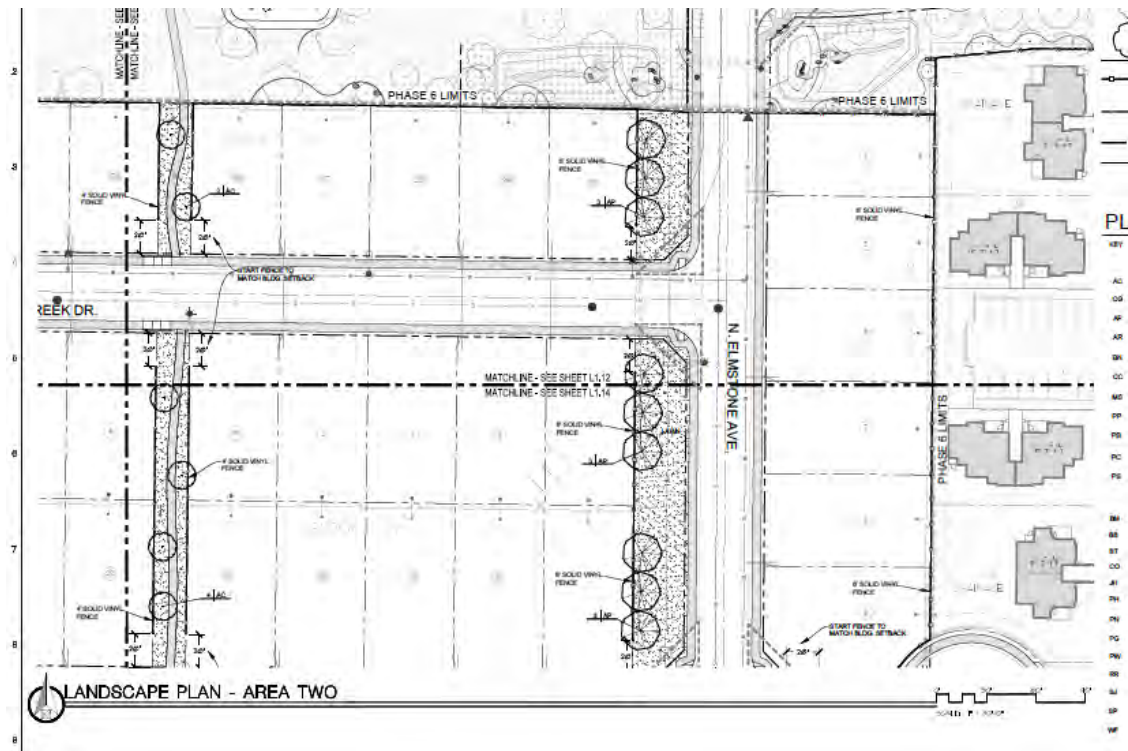
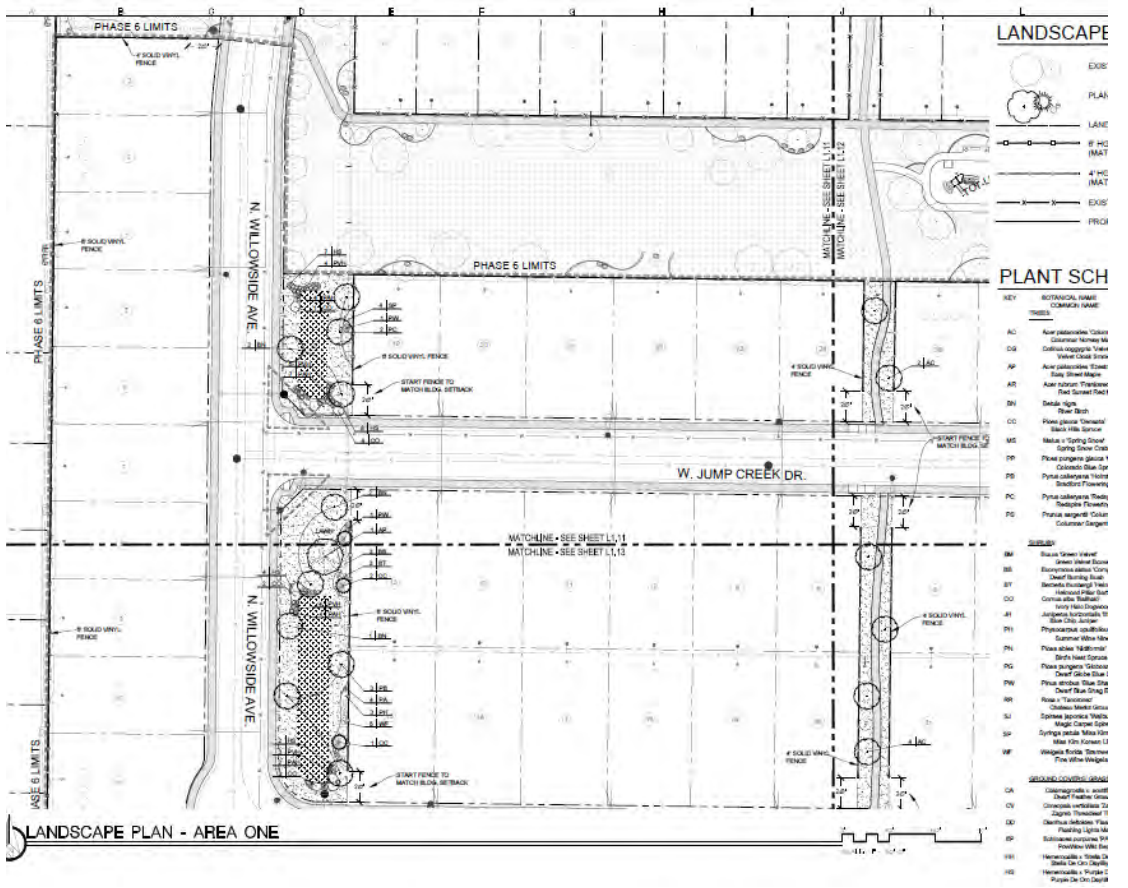
1. Staff recommends approval of the requested preliminary plat with the conditions noted in Section VIII. per the Findings in Section IX.

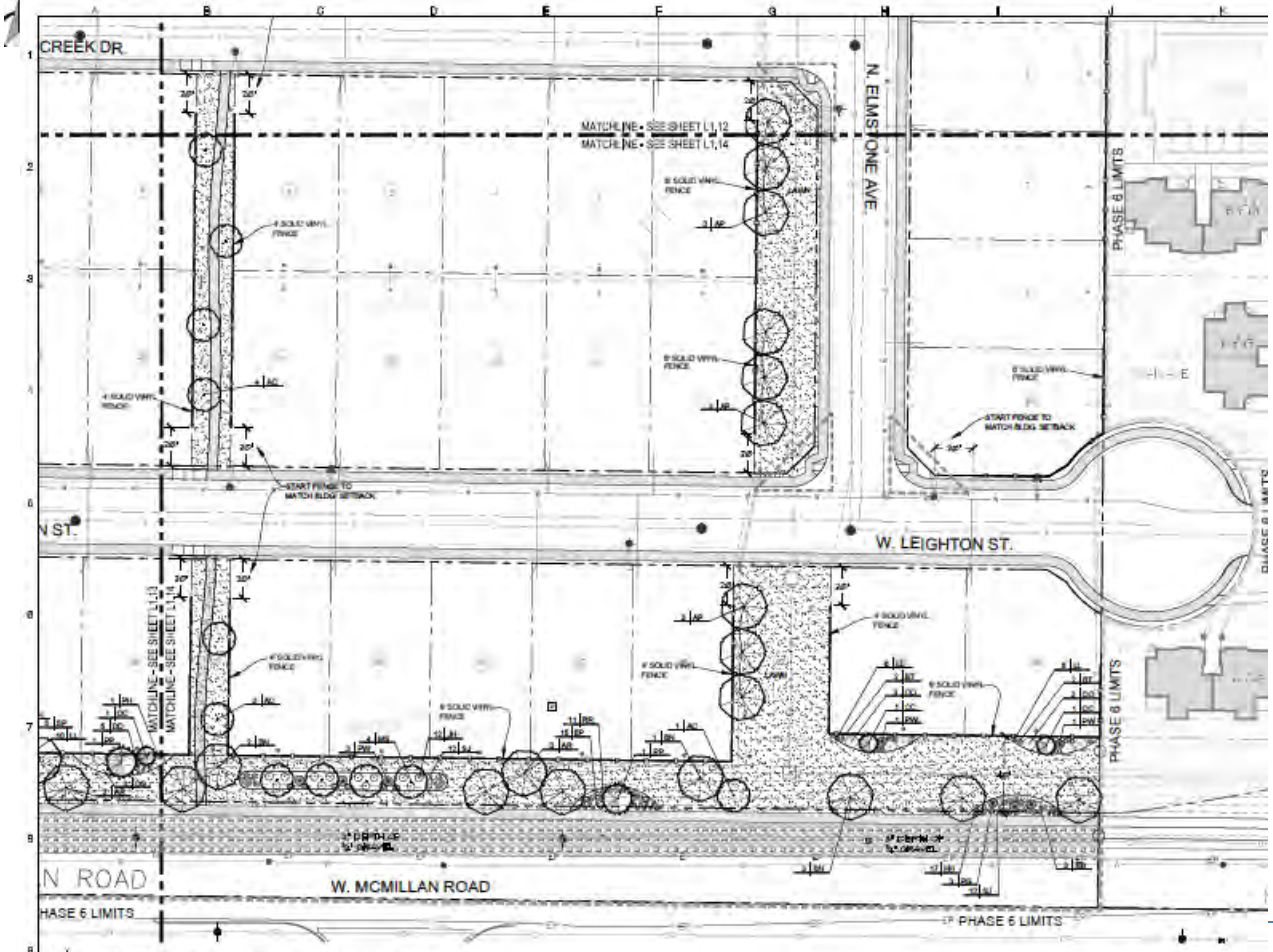
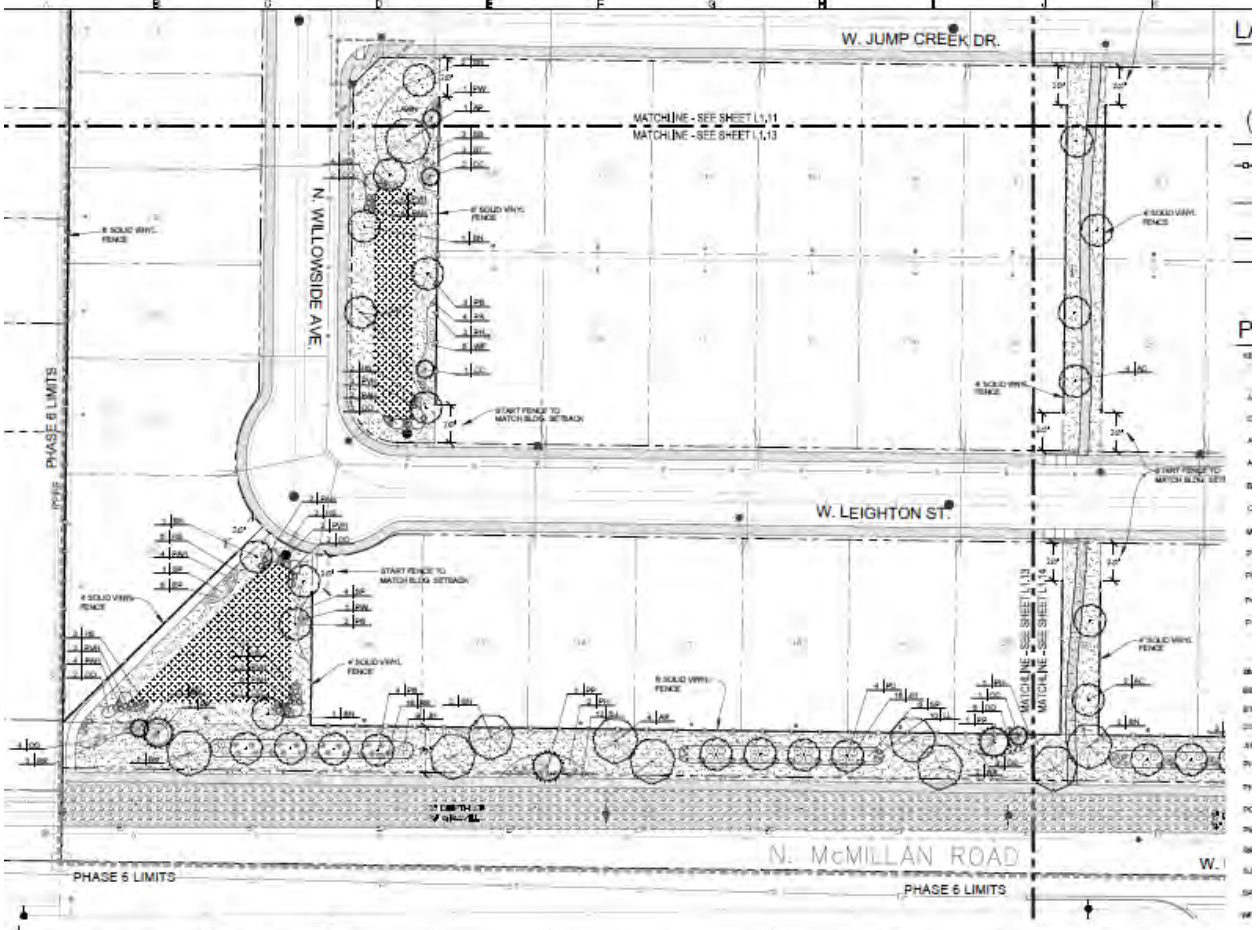


B. "Proposed" Jump Creek South Preliminary Plat (date: 9/24/2021)

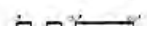


C. Proposed Landscape Plan (Date: November 11/2/2020)





LANDSCAPE PLAN - AREA FOUR



## VIII. AGENCY COMMENTS & CONDITIONS

### A. PLANNING DIVISION

1. The Preliminary Plat included in Section VI, is approved with the following revisions:
  - a. Add date to the plat.
  - b. Revise Preliminary Plat name to read “Jump Creek South Subdivision.
2. The Landscape Plan included in Section VI, dated 11/2/2020, is approved with the addition that the landscape plan shall indicate whether there are healthy existing trees meeting the preservation requirements on the property.
3. Unimproved right of way along W. McMillan Rd shall be improved as required per UDC 11-3B-7C.5
4. The common driveway serving Lots 30 and 31 of Block 20 shall be gated from the multifamily portion of the development (Filing 7). Such gate shall meet all requirements of Meridian Fire but shall not obstruct pedestrian access. A common driveway exhibit meeting the requirements of UDC 11-6C-3-D shall be provided at time of final plat.
5. The applicant is to meet all terms of the approved annexation (AZ-14-011) and development agreement (Instrument #2014-105206) for this development.
6. The applicant shall comply with all provisions of 11-3A-3 with regard to access to streets.
7. The development shall comply with standards and installation for landscaping as set forth in UDC 11-3B-5 and maintenance thereof as set forth in UDC 11-3B-13.
8. All homes adjacent to McMillan Road shall incorporate a mix of materials, windows and decorative trim, pop -outs, covered porches and two variations in the roof lines to provide articulation and modulation to the side and rear facades that face the arterial and collector streets per Development Agreement Instr. 2014-105206.
9. Pathway and adjoining fencings and landscaping shall be constructed consistent with the standards as set forth in UDC 11-3A-7A7, 11-3A-8 and 11-3B-12C.
10. 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.
11. The development shall comply with all subdivision design and improvement standards as set forth in UDC 11-6C-3, including but not limited to driveways, easements, blocks, street buffers, and mailbox placement.
12. Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for single-family attached dwellings based on the number of bedrooms per unit.
13. All ditches shall comply with the provisions for irrigation ditches, laterals, canals and/or drainage courses, as set forth in UDC 11-3A-6 unless waived by City Council.
14. The Applicant shall have a maximum of two (2) years to obtain City Engineer’s signature on a final plat in accord with UDC 11-6B-7.
15. The Applicant shall comply with all conditions of ACHD.



**B. PUBLIC WORKS DEPARTMENT****Site Specific Conditions of Approval**

1. The geotechnical investigative report prepared by SITE Consulting, LLC indicates some very specific construction considerations. The applicant shall be responsible for the adherence of these recommendations to help ensure that groundwater does not become a problem within crawlspaces of homes.
2. Encase water main with steel sleeve when crossing the West Tap Sublateral piping or open channel.
3. Water main sizes were not provided, all mains were modeled at 8' inch diameter.
4. An access roadway to manhole SSMH C3 must meet City standards.

**General Conditions of Approval**

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. 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.
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.
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.
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.

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.
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.
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.
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.
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.
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.
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.
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.
14. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
15. Developer shall coordinate mailbox locations with the Meridian Post Office.
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.
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.
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.

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.
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](http://www.meridiancity.org/public_works.aspx?id=272).
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.
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. ACHD**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=262186&dbid=0&repo=MeridianCity>

**D. DEPARTMENT OF ENVIRONMENTAL QUALITY**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=261512&dbid=0&repo=MeridianCity>

## IX. FINDINGS

### A. PRELIMINARY PLAT (UDC 11-6B-6)

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings: (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

1. The plat is in conformance with the comprehensive plan and is consistent with this unified development code; (Ord. 08-1372, 7-8-2008, eff. 7-8-2008)

*Staff finds the proposed plat is generally in conformance with the UDC if the Applicant complies with the conditions of approval in Section VII.*

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

*Staff finds public services can be made available to the subject property and will be adequate to accommodate the proposed development.*

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

*Staff finds the proposed plat is in substantial conformance with scheduled public improvements in accord with the City's CIP.*

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

*Staff finds there is public financial capability of supporting services for the proposed development.*

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

*Staff finds the proposed development will not be detrimental to the public health, safety or general welfare.*

6. The development preserves significant natural, scenic or historic features. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

*The West Tap Sublateral clips the northeastern portion of the property, but there are no natural features. According to the landscape plan, there are no healthy trees onsite meeting the requirements for preservation.*