



PLANNING AND ZONING COMMISSION MEETING

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho
Thursday, February 01, 2024 at 6:00 PM

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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/81095276712>

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

Webinar ID: 810 9527 6712

ROLL-CALL ATTENDANCE

Maria Lorcher Patrick Grace

Enrique Rivera Jared Smith Andrew Seal, Chairperson

ADOPTION OF AGENDA

CONSENT AGENDA [Action Item]

1. [Approve Minutes of the January 18, 2024 Meeting of the Planning and Zoning Commission Meeting](#)
2. [Findings of Fact, Conclusions of Law for Daily Fit Body \(H-2023-0060\) by Joseph Daily, located at 1600 N Linder Rd.](#)
3. [Findings of Fact, Conclusions of Law for Sulamita Church \(MCU-2023-0008\) by MMGC Sulamita, located at 4973 W. Cherry Ln.](#)

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

ACTION ITEMS

4. **Public Hearing** continued from January 4, 2024 for Farmstone Crossing Subdivision (H-2023-0045) by Bailey Engineering, located at 820 S. Black Cat Rd.

Applicant Requests Continuance

A. Request: Annexation of 33.893 acres of land from RUT to the M-E (Mixed Employment) zoning district.

B. Request: Preliminary Plat consisting of 6 buildable lots on 27.59 acres of land in the proposed M-E (Mixed Employment) zoning district.

5. **Public Hearing** continued from [January 18, 2024 for Pathways \(H-2023-0061\)](#) by [Mussell Construction, Inc., located at 965 E. Ustick Rd.](#)

[Application Materials: https://bit.ly/H-2023-0061](https://bit.ly/H-2023-0061)

[A. Request: Annexation of 1.11 acres of land with an L-O zoning district.](#)

[B. Request: Conditional Use Permit for an education institution that takes access from an arterial street without a safe, separate pedestrian and bikeway access between the neighborhood and the school site.](#)

6. **Public Hearing** for [WaFed \(H-2023-0068\)](#) by [WP5 Meridian, LLC., located at 3423 E. Ustick Rd.](#)

[Application Materials: https://bit.ly/H-2023-0068](https://bit.ly/H-2023-0068)

[A. Request: Conditional Use Permit for a drive-through establishment within 300-feet of another drive through facility and a residential use on 0.76 acre of land in the C-G zoning district.](#)

7. **Public Hearing** for [Stonehill Church \(H-2023-0041\)](#) by [Stonehill Church, located at 799 W. Amity Rd.](#)

[Application Materials: https://bit.ly/H-2023-0041](https://bit.ly/H-2023-0041)

[A. Request: Development Agreement Modification to the exiting Development Agreement \(H-2015-0019, Inst. #2016-007090\) to allow for the development of a church on a portion of the property and removal of that property from the original agreement for inclusion in a new agreement.](#)

[B. Request: Rezone of 13.49 acres of land from R-4 to R-8 zoning district.](#)

[C. Request: Conditional Use Permit for a church on 13.21 acres of land in an R-8 zoning district.](#)

[D. Request: Preliminary Plat consisting of 4 building lots on 65.43 acres of land in the R-4 and R-8 zoning district.](#)

8. **Public Hearing** for [Avani Neighborhood \(H-2023-0049\)](#) by [Conger Group, located at Southeast of Franklin Rd. and Black Cat, North of I-84.](#)

[Application Materials: https://bit.ly/H-2023-0049](https://bit.ly/H-2023-0049)

A. Request: Annexation of 35.086 acres of land from RUT to the R-15 (Medium High Density Residential) zoning district.

B. Request: Preliminary Plat consisting of 256 buildable lots and 25 common lots on 33.71 acres of land in the proposed R-15 zoning district.

ADJOURNMENT

To view upcoming Public Hearing Notices, visit <https://apps.meridiancity.org/phnotices>



AGENDA ITEM

ITEM TOPIC: Approve Minutes of the January 18, 2024 Meeting of the Planning and Zoning Commission Meeting

Meeting of the Meridian Planning and Zoning Commission of January 18, 2024, was called to order at 6:00 p.m. by Chairman Andrew Seal.

Members Present: Commissioner Andrew Seal, Commissioner Maria Lorcher, Commissioner Nathan Wheeler, Commissioner Enrique Rivera, Commissioner Patrick Grace and Commissioner Jared Smith.

Members Absent: And Mandi Stoddard.

Others Present: Tina Lomeli, Kurt Starman, Bill Parsons, Sonya Allen, Linda Ritter and Dean Willis.

ROLL-CALL ATTENDANCE

<input checked="" type="checkbox"/> Nate Wheeler	<input checked="" type="checkbox"/> Maria Lorcher
<input type="checkbox"/> Mandi Stoddard	<input checked="" type="checkbox"/> Patrick Grace
<input checked="" type="checkbox"/> Enrique Rivera	<input checked="" type="checkbox"/> Jared Smith
<input checked="" type="checkbox"/> Andrew Seal - Chairman	

Seal: Good evening, everyone. Welcome to the Planning and Zoning Commission meeting for January 18th, 2024. I had that wrong in my notes. At this time I would like to call the meeting to order. The Commissioners who are present at this evening's meeting are in our at City Hall and on Zoom. We also have staff from the city attorney and clerk's offices, as well as City Planning Department. If you are joining us on Zoom this evening we can see that you are here. You may observe the meeting, however, your ability to be seen on screen and talk will be muted. During the public testimony portion of the meeting you will be unmuted and, then, be able to comment. Please note that we cannot take questions until the public testimony portion. If you have a process question during the meeting, please, e-mail cityclerk@meridiantcity.org and they will reply as quickly as possible. With that we will begin with roll call. Madam Clerk.

Seal: All right. And this evening we have a little bit of business to take care of here. So, every once in a while we have people come in and we have people leave the Commission. This evening we have Commissioner Nate Wheeler. This is his last hearing. We are going to miss his -- his perspective and insight for certain and we hope to -- or wish him many good endeavors down the road. So, hopefully, he will not be a stranger to us and we will see you come in on different applications and different times.

Wheeler: Thank you. Thank you very much. Yeah, I have really enjoyed it very much. I'm not getting off because I don't like this, I'm getting off because there is other things that are -- that are starting to constrict around my other responsibilities and I need to step down from it. All good. Everything's beneficial, all that, but it's been a delight for the last three years and I also want to say a big thanks to the City of Meridian for allowing me to and, then, I know that when I was selected I was at, you know, some

military school and they said, okay, we will let you start a little later, even though we will select you for that position. So, the graciousness of the city, the Commission, the City Council has been really humbling and I have really enjoyed getting to know staff and all the work that you guys put into it for sure and being in the development world I will probably be on that side a little bit more moving forward on that. But, yes, I hope -- I hope -- I wish this the best and I know that the way that you have led as the chairperson I think has been fantastic. You give equal weight to everyone's input and try to stay neutral and encourage here and there. You don't see that usually from people in chairs and I really was appreciative of that -- your leadership on that, so -- and also, of course, counsel very much. Really appreciate on -- keeping me on my right and left limits when we started to stray or to remind us what is before you tonight, Commissioners, is this -- to bring us back around to what's really the matter at hand and thank you so much for all that. So, I'm glad that I just had an opportunity to serve the city in this capacity and I can tell you for sure that it's in good hands.

Seal: Thank you very much. Appreciate the kind words and we do have a certificate from the Mayor. We were going to see if you wanted to chair tonight, just -- you know.

Wheeler: Are you kidding me?

ADOPTION OF AGENDA

Seal: All right. Well, thanks again. And with that we will keep the meeting going. It looks like we got plenty of people in here tonight. So, the first item on the agenda is the adoption of the agenda. For File No. H-2023-0056, Rosalyn Subdivision, that will be open for the sole purpose of continuing -- continuing to a regularly scheduled meeting and it will be opened for that purpose only. So, if there is anybody here tonight to testify for that we will not be taking public testimony. Can I get a motion to adopt the agenda as presented?

Wheeler: So moved.

Grace: Second.

Seal: It's been moved and seconded to adopt the agenda. All in favor, please, say aye. Opposed nay? All right. Thank you very much.

MOTION CARRIED: SIX AYES. ONE ABSENT.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the January 4, 2024 Planning and Zoning Commission Meeting**

Seal: Next item on the agenda is the Consent Agenda. We have one item on the Consent Agenda and that is to approve the minutes of the January 4th, 2024, meeting

of Planning and Zoning Commission. Can I get a motion to accept the Consent Agenda as presented?

Wheeler: So moved.

Grace: Second.

Seal: It's been moved and seconded to adopt the Consent Agenda. All in favor, please, say aye. Opposed nay? Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Seal: At this time I would like to briefly explain the public hearing process. We will open each item individually and begin with the staff report. Staff will report their findings on how the item adheres to our Comprehensive Plan and Unified Development Code. After staff has made their presentation the applicant will come forward to present their case and respond to staff. Comment -- sorry -- respond to staff comments. They will have 15 minutes to do so. After the applicant has 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 in advance to testify. You will need to 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 you will be able to run the presentation. If you need assistance you will just need to ask the Clerk and you will be assisted. If you have established that you are speaking on behalf of a 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 those who have signed up in advance have spoken we will invite any others who may wish to testify. When you are finished if the Commission does not have any questions for you you will be able to return to your seat in Chambers or be muted on Zoom. You will no longer have the ability to speak. Please remember we generally do not call people back up. After all testimony has been heard the applicant will be given another ten minutes to come back and respond. When the applicant has finished responding to questions and concerns, we will close the public hearing and Commissioners will have the opportunity to discuss and, hopefully, be able to make final decisions or recommendations to City Council as needed. Are we all good? Okay. Just wanted to make sure. It's not often that you get up and go somewhere else, so --

ACTION ITEMS

- 2. Public Hearing for Rosalyn Subdivision (H-2023-0056) by Givens Pursley, LLP., located at 200 E. Rosalyn Dr.**

- A. Request: Annexation of a 0.014-acre of land from RUT in Ada County to the R-8 zoning district including the remaining portion of E. Rosalyn Street cul-de-sac right-of-way.
- B. Request: Combined Preliminary/Final Plat consisting of 7 residential building lots and 1 common lot on 0.733 acres in the R-8 zoning district.
- C. Request: Alternative Compliance to deviate from the common driveway standards in the UDC 11-6C-3D1.

Seal: All right. So, at this time I would like to open -- excuse me. Like to open the public hearing for Item No. H-2023-0056, Rosalyn Subdivision, for continuation to March 7th, 2024.

Wheeler: So moved.

Grace: Do you need a motion or --

Wheeler: Do we need an official motion?

Seal: Yeah. Let's do an official motion, so --

Wheeler: I would like to make a motion that we move Rosalyn Subdivision, H-2023-0056, to the date of March 7th, 2024.

Grace: Second.

Seal: It's been moved and seconded to continue File No. H-2023-0056 to the date of March 7th, 2024. All in favor, please, say aye. Opposed nay? That was continued.

MOTION CARRIED: SIX AYES. ONE ABSENT.

3. Public Hearing for Daily Fit Body (H-2023-0060) by Joseph Daily, Daily Fit Body, located at 1600 N. Linder Rd.

- A. Request: Conditional Use Permit to operate an indoor recreation facility (personal training facility) from Units 1, 3 and 5 for a total of 6,283 square feet in an existing 20,203 square-foot industrial building on 1.41 acres of land in the I-L zoning district.

Seal: Next I would like to open the public hearing for Item No. H-2023-0060, Daily Fit Body, and we will begin with the staff report.

Ritter: Good evening. I'm Linda Ritter, associate planner for the city. So, tonight we are here for a conditional use permit request to operate an indoor recreation facility,

which is a personal training facility, from tenant Suites One, Three and Five, for a total of 6,283 square feet in an existing 20,203 square foot industrial building located at 160 North Linder Road and it's on 1.41 acres of land, zoned I-L. So, this business is by appointment only, as it is a one-on-one training and not open to the general public. There may be a maximum of five individuals at any one time working out at this facility. The applicant has been given six parking spaces and an additional six flex spaces to share with the other businesses in the complex. This property has gone through multiple reviews by the city and they include a Comprehensive Plan future land use map amendment to change the future land use designation from mixed use community to industrial and it was annexed into the city in 2021. A property boundary adjustment was also approved for this site in 2022 to combine Lots 8 and 9 of the Heifers Acre Subdivision and, then, this property has also gone through a certificate of zoning compliance and design review in 2022 for the construction of the existing building. There are additional -- even though this is not considered an industrial use, there are other uses that have been reviewed for this site that are -- there is a JV Core Exchange that has gone through review, tenant improvement, and AAA Bait, which is a tackle shop. Sticker Mafia, Legacy Garage and Simply Style. So, on the screen is the site plan for the existing building and the landscape plan that has been approved with the certificate of zoning compliance. These are the elevations for the existing building that was approved with the design review. These are Suites One, Three and Five that the applicant will occupy and these are just aerials and, then, a picture of the existing building. So, this is 116 North Linder. So, at this time I will stand for any questions that the Commission has.

Seal: Thank you very much. Would the applicant like to come forward? Good evening. I need to have your name and address for the record, please.

Daily: My name is Joe Daily. I live in 1729 Trestle Drive in Meridian.

Seal: The floor is yours.

Daily: So, we currently have an existing building at 1756 Cherry Lane that we are using. I needed more space and so we are bringing in equipment -- brand new equipment and assemble it and sell and deliver it. So, part of this is still going to be warehouse space. The other thing that we do -- is my wife -- in the back here, who is the brains of the operation, we train people one on one. We are not like a regular gym where we try to get tons of people in and hope that maybe 50 of them don't show up -- 50 percent of them don't show up, so I can keep taking money. We work with individuals and build relationships. We work on nutrition, as well as mind, body and our physical strengths. We refer to doctors for -- we have a doctor that works closely with us to help people with medical needs and our individual training is usually my wife and I and up to two clients a piece at one time. So, six of us. And most of the time we have one car, so six spots are plenty, so we don't add that much traffic in less than a month.

Seal: All right. Commissioners, do we have any questions for the applicant or staff?

Wheeler: Mr. Chair?

Seal: Go right ahead.

Wheeler: So, Joe -- so, are we -- are you selling them product out of this, too, then? Is that what I'm hearing?

Daily: So, if people order the product here, I put it together for them and they have to pay the company. They pay the company. Somebody sends it to me, I put it together.

Wheeler: Okay. So, it's not like it's -- it's like a distribution side warehouse thing, it's more or less like on a one off or somebody wants to get something?

Daily: Yes.

Wheeler: Okay.

Seal: Anybody else? Questions for staff or the applicant? All right.

Grace: Mr. Chairman?

Seal: Go ahead.

Grace: I got a -- I have a quick question for maybe staff. Sorry. So, if it's -- if it's zoned industrial and it's approved for commercial, does that -- is that just some flexibility, built into that, that -- that that -- that authority to accept that or does that preclude, you know, in the future -- I'm trying to think about potential longer term ramifications of putting in the commercial and it's something that's zoned for industrial and if there is any downside to that, basically.

Ritter: Correct. So, it's a flex building. It was designed as a flex building, which would allow for commercial use to go into that flex building with the approval of a conditional use permit. We understand that we are limited on some of our industrial areas and space. Until there is a change in the code this is allowed.

Grace: Okay. And it sounds like it's been difficult to get agents for this particular --

Ritter: It seems that way.

Grace: Yeah. Okay. Thank you.

Parsons: Mr. Chair, if I can just add a little bit to that -- the conversation and answer the question a little bit differently -- is this use is allowed. It's allowed through a conditional use and if this gentleman were to -- and a conditional use permit runs with the land, so, technically, yes, once it's established if this gentleman's business were to be replaced with a different gym it would be considered the same use and transfer of that CUP

would not have to occur. So, again, it -- the only time the commercial use would cease is if this gentleman vacated the space and a new use went in there. So, that's -- I think that was going to some of your question, too, is that if we approve commercial it's going to be commercial until it changes at some other date.

Grace: Okay. Right. I didn't want the applicant to be adversely affected if for some reason it was -- yeah. Okay. Thanks for that clarification.

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

Lomeli: Yes. There is a Nancy Wilson that signed up online. If she is here. I don't have anybody else on like Zoom. If that person is physically here.

Seal: That was Nancy you said?

Lomeli: Yes.

Seal: Don't see Nancy online. Sorry. Did I misunderstand? I thought she was -- she -- I thought she was online? No?

Lomeli: She signed on the city website on the sign-in sheet.

Seal: Oh.

Lomeli: Nancy Wilson. So, if that person is physically here. Don't show anybody on Zoom.

Seal: Oh. Got you. Sorry. I misunderstood that. Is Nancy here? It does not look like Nancy is here or wants to come up and testify. So, with that are there any other questions from the Commissioners? Okay. Is there anything that you would like to add?

Daily: No. Thank you. Thank you guys for your time.

Seal: All right. Thank you very much. Appreciate it. Okay. And with that I will take a motion to close the public hearing for File No. H-2023-0060 for Daily Fit Body.

Grace: So moved.

Wheeler: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2023-0060. All in favor, please, say aye. Opposed nay? The public hearing is closed.

MOTION CARRIED: SIX AYES. ONE ABSENT.

Seal: Discussion? Motion?

Wheeler: For me this is just kind of a -- oh, excuse me. Mr. Chair?

Seal: Yes, sir. Go ahead.

Wheeler: For me this is just kind of -- this flex space or incubator space, as it's called, just seems to fit right in this area and for me it's kind of a simple one to get behind.

Seal: Yeah. I was going to say, I will add a little bit to that, but the concerns that I had for the space were, you know, kind of parking, but knowing a little bit more about the business, where there is going to be only a few people there at a time, less of a concern on -- the road's pretty improved there. So, people coming in and out -- it's pretty good. And there is a lot of industrial in that area. So, good to have a couple of other little things in there with it in my opinion.

Grace: Yeah. Mr. Chairman, that was going to be my comment. That contributes to the kind of a good diverse mix of uses and it does sound like from the staff report that they have had some, you know, issues getting somebody in there. So, this is something hopefully positive for the area.

Seal: Okay.

Grace: Mr. Chair, I would like to make a motion.

Seal: Okay. Any other Commissioners have any comments before we do that?

Smith: Mr. Chairman, I --

Seal: Go ahead.

Smith: I mean I just echo everything that's been said. Very straightforward. Just one-on-one training. There is no -- no parking concerns or no occupation concerns or anything like that, so --

Seal: Thanks very much. Commissioner Wheeler, go right ahead.

Wheeler: Okay. After considering all staff, applicant and public testimony, I move to approve File No. H-2023-0060 as presented in the staff report for the hearing date of January 18th, 2024, with no modifications.

Grace: Second.

Seal: It has been moved and seconded to approve File No. H-2023-0060 for Daily Fit Body. All in favor, please, say aye. Opposed nay? Passes.

MOTION CARRIED: SIX AYES. ONE ABSENT.

Wheeler: Best of luck, Joe.

**4. Public Hearing for Sulamita Church (MCU-2023-0008) by MMGC
Sulamita, located at 4973 W. Cherry Lane**

- A. Request: Modified Conditional Use Permit (H-2018-0110) to allow one of the existing structures on the site to remain for an additional two (2) years beyond the date of issuance of the Certificate of Occupancy permit in order to continue the operation of a food pantry in the building.

Seal: All right. With that we will -- we would like to open file MCU-2023-0008 for Sulamita Church and we will begin with the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. The next application before you is a request for a conditional use permit modification. This site is located on the west side of North Black Cat Road, just south of West Cherry Lane, in the R-8 zoning district. The existing conditional use permit, approved in 2018, allowed a church to develop on this site and allowed the former dwelling and manufactured home to be used as a job shack while the church was being constructed. This structure, along with the accessory structures on the site, were required to be removed prior to issuance of certificate of occupancy of the church. Since that time the use of the existing structure has changed to a food pantry. The Comprehensive Plan future land use map designation is medium density residential. The church is now nearing completion of construction and the applicant requests the structure is allowed to remain on this site for an additional two years after this certificate of occupancy is issued in order to continue providing food to the area families who rely on the support. During this extended period the applicant plans to pursue fundraising to establish a permanent location for the food pantry. A conditional use permit modification is requested to change the use of the existing structure from a job shack to a food pantry and to extend the time period it can remain on the site for up to two years from the date of issuance of the certificate of occupancy for the church. Because the use provides a needed service for the community and a secondary accessory to the church use, staff is supportive of the applicant's request. A site plan was submitted as shown that depicts the location of the structure housing the food pantry, along with the access driveway via North Black Cat Road and that's where the red arrow is pointing and that connects to the church parking lot and parking for five vehicles is provided. Written testimony was received from the Aleks Yanchuk, the applicant's representative, in agreement with the conditions in the staff report. Staff is recommending approval with the conditions in the report. The applicant is here tonight.

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

Yanchuk: I would like to request -- well, I guess we would like to request that you guys grant us the ability to use --

Seal: Sir, we will need your name and address for the record, please.

Yanchuk: Yes. My name is Aleks Yanchuk and for the record 897 West Creeksbury Street, Meridian.

Seal: Thank you. Go right ahead.

Yanchuk: We are currently using a mobile home for storage of food distribution locally in the community. When there is food that is used -- well, that is being sold at a lot of local stores and several weeks before the food goes bad most of these stores either discount this food or they get rid of it in order to avoid it going bad and in order for the food not to go to waste oftentimes they donate this food to food banks and we were able to get access to a lot of these for the food banks and distribute the food locally to a lot of community -- to a lot of people in our community from this mobile home, which we use as storage and we want to build a permanent location to continue operating as a food bank. However, right now we are very tight on finances as we are nearing completion of our church and we would like to request that we use this building as, essentially, storage for food where we distributed it from and it's not being used for anything else other than that for the next two years as we design plans to either build on this site a new building that we would use for a food bank or maybe, if we get lucky, we will find a better location to build a new building.

Seal: Okay. Thank you very much. Appreciate that. Commissioners, do we have questions for the applicant? Just real quick I just have one. The operational hours, do you have hours of operation that you are going to be using?

Yanchuk: Every Saturday from 10:00 to about 6:00.

Grace: Okay.

Seal: No other questions?

Grace: Mr. Chairman. So, ideally, you think you would like to build a permanent structure right where this one is?

Yanchuk: Eventually. Or in a different location. We are still -- we don't know exactly where or how we would build it. We want to work with our architect on developing that exact design. We like the location. We are interested in potentially building a new building right next to this building and getting rid of it.

Grace: And just follow up. So, I would assume there is going to be plenty of parking for the church and so is it fair to say that there is probably a smaller chance that there would be any kind of stacking or any kind of traffic along the road there and not for

those who are going to the pantry, whereas they would probably be parking in the parking lot; right?

Yanchuk: We have adequate parking for our church and our church does not hold a lot of activities on Saturdays in the building usually at the church facility.

Grace: Yeah. I'm not -- so, I'm not asking so much about parking as I am the potential that there would be any kind of stacking of cars on the -- on the road. What is that --

Yanchuk: There are two entrances to the parking lot as well. One is from Black Cat and one is from Cherry Lane. It's fairly easy to access the parking lot.

Grace: Okay.

Seal: And just an additional question on it and it's -- the way that he explained it, essentially, will this building be used for storing and distribution of the food or is the food basically going to be stored there and, then, transported to the church and, then, you will have the food bank run out of there?

Yanchuk: It's going to be distributed from this location. We are going to have like two or three people that come and they have just put stuff into boxes. So, say if there is like bananas or whatever, they just put them into boxes and, then, people sign up, they call their number, because people come in order, and, then, just here is your box and off you go.

Seal: Okay.

Wheeler: Mr. Chair?

Seal: Go right ahead.

Wheeler: I have a question. Here -- as I'm looking at like the conditions here, does it already have like city water?

Yanchuk: This building was existing way long ago. It is connected to city water right now. I would have to check on the sewer. I'm not a hundred percent certain. Originally before we started construction on the church this building was existing there and was a residence.

Wheeler: Okay. So, I'm just trying to make sure to see if there is -- if there is a -- what kind of hang ups might happen or something and, then, the other thing was on the certificate a zoning compliance, has that been started and working with staff on this already?

Yanchuk: My understanding is following this meeting that's what we are going to be working on, a certificate of zoning and, then, a building permit in order to change the use from residential to --

Wheeler: Okay. So, then, how -- how long -- or maybe this is a question not only for you, Aleks, but also for staff. So, how long do you see this process taking for those conditions to be met, so, then, you can take the stuff out of where it's currently at, your food, and be able to distribute it from this location? About how long of a time frame or -- are we thinking?

Yanchuk: I guess that's contingent on how long it takes to review and, then, you will need a couple of weeks in order for us to get all the documents in order.

Parsons: So, Chairman, Members of the Commission, if I understand correctly, they are already operating that way, we are just trying to bring them into compliance right now, so --

Wheeler: Okay. I thought that --

Parsons: Yeah. See, they will have to -- as part of their approval these are some of the things they will have to do. So, they are just working with the city to meet the requirements and operate legally from there.

Wheeler: Very good. Okay. I was under the impression it was already at a different location. They are looking to move it here. But they are just trying to get in compliance on this.

Parsons: My understanding is they are storing food in there now currently and so we have been working with them in giving them the right -- helping them along the way to get -- to get occupancy, so that they can help the community.

Wheeler: Okay. Thank you.

Yanchuk: Sorry. I misunderstood.

Wheeler: No. No. It's -- I'm the one misunderstanding, so -- okay. Very good.

Seal: Commissioner Grace?

Grace: Just -- just a quick follow up, Aleks. Is the current mobile home -- is that -- is that on a foundation? Is that affixed to the land?

Yanchuk: Yes, it's on a foundation.

Grace: Okay.

Seal: Commissioners, any other questions? Do we have anybody signed up to testify?

Lomeli: Yes. I have a Doug Kruse.

Seal: All right. Take a seat and we let the public testify. Thank you. Who was that again?

Lomeli: We did have a Doug signed up. Doug? No Doug. Mr. Strock would like to testify if he is here.

Seal: Okay. Is there anybody else that would like to come up and testify? Going once? Going twice? Is there anything further the applicant would like to add? No? He has nothing further, so thank you very much. Appreciate your time. And with that I will take a motion to close File No. MCU-2023-0008 for Sulamita Church. Going to get it right.

Grace: To close public testimony; right?

Seal: Yes. Close the public hearing.

Grace: So moved.

Wheeler: Second.

Seal: It's been moved and seconded to close public hearing for File No. MCU-2023-0008. All in favor, please, say aye. Opposed nay? The public hearing is closed.

MOTION CARRIED: SIX AYES. ONE ABSENT.

Seal: Any discussion on this or --

Lorcher: Mr. Chair?

Seal: Go ahead, Commissioner Lorcher.

Lorcher: I live at the corner of Black Cat and Cherry, kind of kitty corner from this church. It's been fascinating to see their building process. It's a beautiful building. The manufactured home, like he had mentioned, has been there forever and there is good access in and out. The Seventh-Day Adventist Church, which is also kind of at the kitty corner of Black Cat and Cherry operates a food pantry on Saturdays I think from 2:00 to 5:00 or 3:00 to 5:00, something like that. So, we do have a little bit of a history of having some food pantries along that corridor. There is ample access on Cherry Lane and Black Cat on Saturdays to move traffic with the lights. I don't see this as being any kind of detriment to the safety of the community and it's a good asset until they can kind of decide to put their food pantry in a permanent location. We are excited to see their church open.

Seal: Thank you, Commissioner Lorcher. Anything else from the Commissioners? I will take a motion if we are ready for that.

Grace: Yeah. Mr. Chairman?

Seal: Go ahead, Commissioner Grace.

Grace: After considering all staff, applicant, and public testimony I move to approve File No. MCU-2023-0008 as presented the staff report for the hearing date of January 18th, 2020.

Seal: Do I have a second?

Wheeler: Second.

Seal: It's been moved and seconded to approve File No. H -- sorry -- MCU-2023-0008. All in favor, please, say aye. Opposed any? Motion passes. Thanks very much.

MOTION CARRIED: SIX AYES. ONE ABSENT.

5. Public Hearing for Pathways (H-2023-0061) by Mussell Construction, Inc., located at 965 E. Ustick Rd.

- A. Request: Annexation of 1.11 acres of land with an L-O zoning district.
- B. Request: Conditional Use Permit for an education institution that takes access from an arterial street without a safe, separate pedestrian and bikeway access between the neighborhood and the school site.

Seal: Good luck and thank you for the service to the community. Appreciate that. With that open File No. H-2023-0061 for Pathways and we will begin with the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. The next applications before you are a request for annexation and zoning and a conditional use permit. This site consists of .9 of an acre of land. It's zoned R-1 in Ada county and is located at 965 East Ustick Road. There has been no previous applications with the city on this property. The Comprehensive Plan future land use map designation is medium density residential. The applicant is requesting annexation of 1.11 acres of land with an L-O zoning district, limited office, in order to redevelop the site with a public education institution use. There is an existing 2,259 square foot single family dwelling on this site, which is proposed to be enlarged to 8,000 square feet and converted to a charter school. As noted, the property is designated medium density residential on the future land use map, which typically only allows residential uses. However, the Comprehensive Plan does allow request for office uses, i.e., L-O zoning at the

discretion of City Council if the property only has frontage on an arterial street or section line road and is two acres or less in size. The property does meet this criteria. Although the requested use is not office, education institutions are an allowed use in the L-O zoning district and staff deems the use as similar in terms of intensity of use and impacts to adjacent properties. City Council should determine if the proposed use and zoning is appropriate for this site. A conditional use permit is also requested for a public education institution that takes access from an arterial street, i.e., Ustick Road without a safe separate pedestrian and bike way access between the neighborhood and the school site as required by the specific use standards for such. The proposed charter school will serve high school aged students and educate students in small groups of one-on-one support sessions, which should be low impact on adjacent residential uses. The applicant states that the school features a very low student-to-teacher ratio and no extracurricular or outdoor activities. Approximately 30 students will be there at any one time, with a maximum capacity of 40 students. Student appointments are normally one to one and a half hour in length and occur twice per week. The hours of operation of the school will be from 8:00 a.m. to 4:00 p.m. year round, closed on Saturdays and Sundays. A site plan was submitted as shown there on the left that depicts the existing structure and expansion area, along with associated parking, driveways and pedestrian walkways. Based on the square footage of the building a minimum of 20 off-street parking spaces are required. Thirty-four are proposed in excess of UDC standards. A driveway is proposed to the abutting property to the east for future connectivity if that property redeveloped with a nonresidential use in the future. A turnaround area -- the hatched area right here, if you can see my pointer, is proposed at the southeast side of the site. So, the difference between the site plans you see here, I should point out, is the site plan has been revised per the staff conditions in the staff report. The landscape plan has not yet been revised. It will be revised prior to the Council hearing. Staff asked for these changes so that cars parked along the west boundary could exit their spaces and go out to Ustick Road without having to go around to the south into the site and turn around and, then, go out. A focus traffic study that includes a public school checklist was submitted to ACHD for the proposed development as required by Idaho State Statute 67-605(1)(9). ACHD has not yet completed their review of this study in the checklist, but should prior to the City Council hearing. And 25 foot wide landscape street buffer is proposed along Ustick Road in accord with UDC standards. A 20 foot wide buffer to residential uses is required in the L-O zoning district. Residential uses abut this site on three sides. A buffer as required is proposed along the south and east boundaries of the site. A reduced buffer width ranging from nine to 11 feet is proposed along the west boundary, with the allowance for vehicles to overhang beyond the parking spaces into the buffer up to two feet. Such requests are allowed to be considered by City Council at a public hearing with notice to surrounding property owners. Fencing exists around the perimeter of the site. However, the applicant proposes to construct a new six foot tall aluminum frame vinyl fence around the perimeter of the site. Conceptual building elevations and a floor plan were submitted for the proposed school building as shown. Final design of the structure is required to comply with the design standards listed in the Architectural Standards Manual. Written testimony has been received from Kent Mussell, applicant. He is in agreement with the staff report conditions of approval. Three letters of support from parents of students

currently enrolled in Pathway school have also been received. Staff is recommending approval with the conditions in the staff report. Staff will stand for any questions. And the applicant is here to testify tonight.

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

Mussell: Good evening. My name is Kent Mussell. I live at 3516 South Bartlett Way, here in Meridian. So, our proposal is -- it involves the transformation of a one acre parcel currently housing a 1970s split level home into an educational space for Pathways in Education. We plan to renovate and expand this building, resulting in a total area of approximately 8,000 square feet. Pathways has an existing campus in Nampa. They are a unique charter school model in that they seek to complement the existing public school choices in the area. That's because they offer alternative education for students who need to catch up on credits. That makes this use more similar to a tutoring center, than to a traditional school. Students complete their work primarily from home and attend the campus twice per week to complete testing and receive individualized education. The aim is for these students to catch up and either return to traditional schools or graduate from Pathways, depending on their individual situation. Pathways often serves students who have fallen behind due to mental health issues, like anxiety, ADHD, or depression. This program is vital for our community, aiding students who require this specific kind of support. As Sonya mentioned, I submitted the three letters of support from parents who have sent their children to the Nampa Pathways. I have a quote on the screen here from one of those letters. This describes one of the student's situations. She was homeschooled by her mother when her father died during COVID. When her mother returned to work she had to switch from homeschooling to public school. The student was grieving the loss of her father and struggling with anxiety and depression and entering public school was not a good fit for that transition. The girl ended up enrolling at Pathways and the letter reports amazing things about the support that she has received there and how that has helped her to thrive. This highlights the need for institutions like Pathways. Our traditional schools need the assistance of programs like this for students who find themselves in similar situations. We are seeking three approvals, annexation into Meridian under the L-O zone, a conditional use permit for Pathways in Education and a reduced landscape buffer along our west boundary due to spatial constraints. This property is in a residential area and is under the medium density residential overlay in Meridian's Comprehensive Plan. So, you might be wondering why we chose to seek an office use for this parcel. In fact, we think that an office use is the only way for this property to be developed consistently with Meridian's Comprehensive Plan. The Comprehensive Plan states the following about our situation: At the discretion of City Council areas with a residential Comprehensive Plan designation may request an office use if the property only has frontage on an arterial street or section line road and is two acres or less in size. We meet both of those criteria. However, I want to add that we found the parcel to be unsuitable for residential development. As a residential development the comp plan -- comp plan seeks three to eight dwelling units per acre. When we first acquired the property we conducted various pre-application meetings with City Planning and

Zoning staff to explore two different residential developments. Any residential development would require mainline water, sewer -- water and sewer extensions from Ustick Road, which would require right-of-way construction and would not be justified unless we were to seek higher densities than are allowed under the Comprehensive Plan. I also want to point out that the use we are proposing is very compatible with the surrounding residential uses. The school's hours are 8:00 to 4:00, Monday through Thursday, but students generally leave the campus by 3:00. There are no extracurricular activities and the students are generally visiting the campus in small numbers. About half of the students are brought to the campus by their parents and there is no bus activity. The majority of the remaining students, about 40 percent, drive themselves and often carpool with other students. We have completed a traffic study and have found the project's impact on traffic to be minimal. There are a number of mitigating factors. As we have just seen, students will generally have left the campus before the evening rush hour. When the first cohort of students arrived during the morning rush they will arrive in small numbers and we have designed the site to keep those cars from having an impact on Ustick. We will restrict the west -- the west boundary spaces as staff only to keep congestion from occurring in that area. That gives the entire 165 foot drive aisle for cars to enter the site before dropping off their kids. Those cars will pull into designated drop-off spaces and then leave. Some students only desire to complete their testing on campus, in which case their appointment will last about 45 minutes or maybe an hour. Other students utilize various degrees of instruction or tutoring, so a student will be on campus anywhere from 45 minutes to one hour and 45 minutes. This naturally staggers site activity, so that we can be sure that vehicle congestion on the site will not become overloaded. On the topic of our landscape buffer, we have designed our site to maximize the landscape buffers, but due to the location of the existing building we need to request a buffer reduction along the west boundary. As you can see on our site plan, the smallest width of landscaping on the left boundary is just over nine feet and this number increases to more than 11 feet on the north side of the property. In October we held a neighborhood meeting to obtain neighborhood feedback. There were five families present and two main issues raised. Our two south neighbors were in support of the project, provided that we install adequate privacy fencing. Our neighbor to the southwest had no objection to the project. The other attendants were concerned about traffic in the area. One of these neighbors resides across Ustick Road and the other resides a few houses away. After discussing different fence options I suggested something like the fence pictured on the screen and we received positive feedback on that plan. So, we have accordingly put that fence into our proposed plans. Thank you for giving me this time and I'm excited about the prospect of bettering our community through this project. I hope you have seen that Pathways in Education is doing important work and that they are a good fit for the area. I'm now going to invite our legal counsel and consultant David Leroy. David Leroy brings a wealth of experience in navigating the intricacies of developments like this. Mr. Leroy is available to address any questions that might arise regarding the legal aspects of our proposal and I will remain available to answer questions also.

Seal: Okay. Sir, we will need your name and address for the record, please.

Leroy: Mr. Chairman, Members of the Commission, Council, Madam Clerk, distinguished staff, I'm David Leroy, Attorney at Law, P.O. Box 193, Boise. Pleased to work with Mussell Construction in this matter. I would make just five brief points and ask for your approval. Number one, as far as I'm able to determine there seem to be no significant legal issues here. Your staff has gone very carefully through and I have tried to cross-check the applicable ordinances and their recommendation of approval with the conditions, so it seems to be fully satisfied and consistent with the Meridian city ordinances. Secondly, it's -- I think if you listen carefully to the description of this particular charter school, a very valuable community asset if it comes to fruition as proposed -- the West Ada School District had to approve the charter for this public school and I think in so doing, as it did, it could envision very precisely and significantly how this kind of school can help reintegrate those who have fallen away from traditional education right back into the system. The school itself is one that the construction company had done in Nampa and the Pathway school there is very successful in terms of targeting these children that need an extra oomph, a little bit of tutoring and the tutoring model that Kent described and bringing them back into the system or allowing them to go forward and get their G.E.D. So, in terms of being a community asset, this is a very useful thing that I think will complement the existing educational structure in Meridian. The third point is that Mussell Construction -- that school under their belt, particularly, is a very can do-will do organization. We have -- they have established a good working relationship with your staff and Ms. Allen and I would expect that to continue as we address the one or two other things that still remain outstanding in terms of presentation to the Council. My fourth point would be -- I believe this to be a very proper evolution of Ustick. The south side is insulated in terms of all of the neighborhoods that face back in there and do not face the road itself. The one or two large pre-existing residences and acreages are on -- between Locust Grove and Meridian Road in this area are eminently appropriate for the office development and this particular site is 1,900 feet east of Locust Grove, about 3,000 feet west of Meridian Road and so will have no impact or problem in terms of turning traffic or other kinds of issues where that five lane roadway, with the fifth lane being the turning lane in the middle, can easily move traffic in and out both directions from and to this particular location. My last point would be that unlike a lot of applications of this nature, there was no significant neighborhood objection or conflict here. Can't describe to you the one neighbor across the street who has a large acreage, who would vigorously prefer not to have any development other than the exigent circumstances there, but in terms of the neighbors that immediately bordered the property we have been very successful in working with them precisely and directly in terms of landscaping and the fencing that will be desirable and significantly your staff has suggested that we stub off of that parking lot the possibility of the next acreage over becoming commercial, as well as it no doubt will be at some point in time. Accordingly, I would suggest that this is a company that is sensitive and eager to work with you, but it is proper evolution of Ustick Road and that the neighborhood is -- generally are more supportive of this particular development than is often the case in these matters. We do still have to work with ACHD, but we expect approval there. We do, as Ms. Allen has said, still need to refine the landscape plan a titch before we appear before the Council, but we would ask you to adopt the staff report and to recommend approval to the Council. Thank you.

Seal: Thank you, sir. Commissioners, do we have any questions for the applicant or staff?

Leroy: Thank you, Mr. Chairman.

Seal: Thank you. Commissioner Grace, go ahead.

Grade: Mr. Chairman. For the applicant, I have a couple, so bear with me if you would. Just -- I heard your -- your -- your comments about the discussion with neighbors over the fencing and which is great. Did you -- I don't know if you -- you mentioned -- were they okay with what you proposed?

Mussell: Yeah. Initially they --

Seal: If you could step forward. Thank you.

Mussell: Initially they had asked if we would put in a CMU wall and that was, you know, a step that would be difficult for us to accommodate and so I proposed the alternative fence. I showed that exact picture that was on -- that's on the slides here and I think the exact phrase I received from the -- from the neighbors was, oh, if you do that we would be fine, so --

Grace: Okay. Thank you. So, I am wondering if you could speak just a little bit to the -- I guess maybe the potential that the school could -- I don't know if phase out is the right word, phrase, but I have -- I have maybe read about or heard about charter schools having a great energy and interests when they are first founded and, then, the potential that they might -- you know, the folks that are involved with children in the school and the students, you know, those students matriculate out and, then, the energy sort of fizzles out and I'm wondering if you have a comment about that. It does seem like a unique type of student, so I'm hoping that might not happen.

Mussell: Can you clarify what -- so, are you -- are you worrying about like the longevity of the institution?

Grace: Yeah.

Mussell: So, we do actually have two representatives from the school here and they might be able to speak better to those -- those worries, but I will say one thing about it. So, the Pathways model for the schools that they have is traditionally to lease their facilities. So, we will -- in addition to being the developer will be the owner of the project indefinitely. So, if something like that were to happen, the zone would be limited office zone and it suits itself well for like a law office or something like that. It would be probably even lower impact than the students.

Grace: Okay. And, then, did the students -- you said that they -- there is the potential they have -- might have some mental health issues and they are -- and they are maybe

trying to find their way back into traditional schooling. Are there any criminal issues with the students?

Mussell: That's something I wouldn't be able to speak to. Really, this -- the model of the school, as I understand it, is to help students who need to get caught up on credits and whatever students would need that kind of support.

Grace: Yeah.

Mussell: But from what I understand there is a misconception about what kind of student that is. It's largely minor issues, like -- like I mentioned, ADHD, depression, anxiety.

Grace: And I -- and I just want you to know I think that's a great -- a very admirable, you know, approach to this and I appreciate that. Just a final question, Mr. Chairman, if I might. So, can people -- can they back out on the -- those that might be parked on the west side of that parking lot? And I understand you said that would be staff, which is -- which is good. Can they back out if the spaces are diagonal? I'm just worried about the potential of people backing up into Ustick Road.

Mussell: We think the staff's recommendation to change into 90 degree parking was a really good recommendation for that exact reason. So, now that wouldn't be an issue with the exact version of stuff.

Grace: Okay. So, I got that wrong. It's actually 90 degree parking?

Mussell: It originally proposed diagonal and, then, staff recommended that we change that.

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

Seal: My questions are going to be more probably centered around selection process and kind of the mechanics of the school itself. So, if there is somebody that can represent that.

Mussell: Leslie is on her way.

Seal: Good evening and we will need your name and address for the record, too, please.

Lehnertz: My name is Leslie Lehnertz and I live in 2118 North Simerly Avenue here in Meridian.

Seal: Okay. I just have questions on my -- I have children that have went to charter schools and -- and just want to know what the selection criteria is and if there -- are there any costs associated with the school or anything along those lines?

Lehnertz: No, we do not have any costs and we don't really have a selection process. So, I'm going to go back and answer your question. We have been going pretty strong since -- for about seven years in Nampa and we are full. We take kids from all walks of life. We have kids who definitely need help, that have fallen behind, but we also have true freshmen that come in who just want to work from home, because of things like -- a lot of anxiety lately. So, anxiety, depression, things like that. But, yeah, we take any kid.

Seal: There is no -- so, when you say you're full, I guess that's when -- like a selection process comes into --

Lehnertz: There is a wait list.

Seal: Have a wait list?

Lehnertz: Yes.

Seal: Okay.

Lehnertz: And for select -- our school in Nampa, Nampa kids get our first -- our first slots and so anybody who is in Nampa gets our first slots there. Here it's going to be the same. So, anybody in Meridian would get first -- first dibs for any of our slots.

Seal: Okay. That answers my questions. Commissioners, anymore questions for the applicant or anyone in general? No? All right. Thank you very much. Appreciate your time.

Lehnertz: Thank you so much.

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

Lomeli: Yes. Steve Swann.

Seal: Good evening, sir. I need your name and address for the record, please.

Swann: Steve and Tawny Swann at 1042 East Ustick Road in Meridian. Mr. Chairman, Planning and Zoning Commissioners, staff, thanks for letting me talk tonight. We were gone on the first meeting. So, this is our first opportunity to speak about this and it looks like we have a lot of people that are really for this in the audience. We live directly across the street from where the school is going to go and contrary to Mr. Leroy's comment about traffic, it's a five lane road and there is a center turn lane. Two times a day, Monday through Friday, we won't be able to make a left-hand turn if there is people in that center lane trying to turn in and out of the school. So, it will stack cars and it will stack people, it will be at best a bigger inconvenience than we already have. You have seen what Ustick traffic looks like for left turns now. It will -- it's just more -- more of that. It looks like there is a lot of concessions in trying to cram a lot into a small space

there. This is the only place in that entire mile that is not going to be residential and I'm wondering -- turning another street into something that's got more commercial impact than it does where we have none now, I question the wisdom of that. It's interesting. I was just reading off of this card. It says a permit for an education institution that takes access from an arterial street without the safe separate pedestrian and bikeway access between the neighborhood and school site -- it looks to me like, you know, there is some -- there is some interesting comments here that, you know, kind of allude to the fact that this site doesn't really fit the proper criteria and Ustick Road -- it's about a 40 mile an hour speed limit there and a lot of people don't do that. It's not a very safe street. It's not a very safe street for anybody and that's the only sidewalk in and out of the school. I would question the safety for the kids with that, too, certainly. See what else I have here to show up for me. You know, I guess in summary I would guess that if anybody lives where we are -- we are right across the street there. We are the road that's setback -- or the house that's setback there. I don't think anybody in this room would trade places with us and find this an acceptable alternative to have across the street from us. It's going to be inconvenient at the very least and it is going to add traffic and it's changing a residential neighborhood into something that I never saw it being attended. We have lived there almost 30 years and use to have horses and colts next door to us and open irrigation ditches and the changes we have seen that are -- are really profound and this is going to be another iteration to that change and I really questioned the wisdom of that. Thank you for your time, Mr. Commissioner.

Seal: Thank you. Appreciate your testimony. Madam Clerk.

Lomeli: Yes. Calvin Tabor.

Seal: Good evening, sir. Just need your name and address first, please.

Tabor: Name is Calvin Tabor. 28277 Country Lane, Caldwell, Idaho. I'm the construction manager for Mussell Construction. I did the work on the Pathway school in Nampa and that was an old grocery store in a strip mall that it didn't seem to impact any traffic at all with -- that used be a grocery store, but it's in a strip mall. There is no -- there is no playground. Kids go there, they get tutored and they leave. So, as far as the traffic goes, it seems to be a very low impact and also, if I believe correctly, the schools are going to have police. I think that -- if I can remember right. Now, I'm not the -- I'm not the top manager of the money, but I think it's like a ten year lease. So, it's not like it's going to be something that goes away. But I have been to that school. I mean I didn't go there, but I saw kids that go there and they seem very devoted to their education, because it is a one-on-one. That's -- I just wanted to say I don't think there is an impact and the long-termness of it -- like this school is full. I don't think it's like a -- it's going to be successful.

Seal: Okay. Thank you very much. Appreciate that. Thank you. Madam Clerk.

Lomeli: We do have a Nancy Wilson that signed up online. I don't know if she's here now for this hearing. I don't see anyone on Zoom.

Seal: Is there a Nancy Wilson? No? Okay. Is that everybody? All right. Is there anybody else in the crowd that would like to come up and testify? Just raise your hand and come up. Seeing nobody. Okay. That's okay. Come on up. That's why we are here to hear from you.

Hajjar: My name is Naomi Hajjar. I live at 940 East Stormy Drive, which is located in the neighborhood directly behind where this is going to go in. I am concerned about the traffic that it's going to cause. On this slide that the builder presented it says 30 to 40 students for each session over three sessions. So, that's about 120 extra people in that little area that would normally just have a residential family in and out and the builder also mentioned that about half of the students are dropped off, so that's, then, twice they are going in and out. So, that is going to have a big impact on an area that is already -- I would agree with the gentleman that spoke earlier -- is seeing a big impact of traffic. I also agree with him that it is a residential area and I have spoken to several of my neighbors in the area and they are concerned as well. So, that's all I have to say. Thank you.

Seal: Thank you very much. Appreciate that. Is there anybody else that would like to come up and testify? All right. Going once. Going twice. Oh, I was going to -- the applicant. I will call you -- I will call you back up regardless. So, come on -- come on up, though. It's your -- it's your turn again.

Mussell: I just wanted to address some of the things that were brought up. I also had noticed that the agenda statements -- you know, the way that it was worded. So, I asked Sonya about that and Sonya helped to clarify. The wording -- I can't remember what it says exactly, but from what I understand the use is a permitted use, unless the -- unless you are missing this feature, that you don't have a dedicated bike and pedestrian access through an adjacent neighborhood and so that's the reason why we need the conditional use permit as this is coming from -- and that's the reason for the wording. So, I just want to kind of like point that out. There is not like a questioning of the adequacy of our proposal. I will say path -- if -- if Pathways has to go somewhere else they are going to be right back here with a very similar application; right? Because they have been approved for this charter from West Ada School District and they need to be open by August and this is the kind of model that they have. I mean they need to be close to where the students are and it's not very likely that we are going to find a site that has this feature of having dedicated pedestrian access through a neighborhood; right? They are traditionally renting -- from like Calvin had mentioned, strip malls is what's -- the kind of thing that they have done in the past. So, one way or two we have got to find a spot for Pathways to go and this seems like a really good area for them to be, given that they are there to serve the students in Meridian. The other -- the other thing that was mentioned was the 30 to 40 students and I want to reiterate that that is the maximum capacity of the school. So, I think Leslie can correct me if I'm wrong, but I -- the anticipated enrollment is 20 students to start and we aren't expecting it to go above 30 in the near term.

Seal: Got a couple more questions. And this -- staff maybe will answer that one. What is the maximum -- maximum occupancy that we can have as far as student enrollment?

Allen: Forty.

Seal: Forty? Okay. Thanks for that clarification on that. Commissioners, do we have any -- Commissioner Grace, go ahead.

Grace: Mr. Chairman. Sorry. So, just to clarify -- because the testimony made me -- made me a little confused on this point. Approximately -- so, the maximum capacity is 40. Approximately 30 students will be there at -- at one time. Does that mean that -- when you said there is 20, there is -- right now there is 20 total students. Is that what your testimony is?

Mussell: May I ask for clarification from Leslie? Do you have these numbers?

Lehnertz: Right now we don't have any students, but how our school runs is we have students that come twice a week, so they have appointments on Mondays and Wednesdays or Tuesdays and Thursdays and they come for approximately -- in this particular location about an hour and a half. So, there isn't that big crossover of traffic when people are leaving and people are coming. So, our hopes -- we are going to have four teachers to begin -- is that we will have 20 students per each session, which would be 60 students a day to start. We would never go over -- I believe 40 students per session. But it will take quite a while for us to even get up to that enrollment. Our maximum capacity of students is between 250 and 300.

Grace: Okay. Okay.

Seal: Now many sessions per day?

Lehnertz: There is three per day. 8:00 to 9:30. 10:00 to 11:30 and, then, 1:00 until about 2:30 or 3:00.

Seal: Go ahead.

Grace: So, Ms. Lehnertz, thank you. And so throughout the day, then, there will be people coming in and leaving at different intervals?

Lehnertz: Yes.

Grace: And no more than 30 -- 20 to 30?

Lehnertz: Well, in the beginning it's going to be really light. I mean we have to build our enrollment. Yes.

Grace: Okay. All right. Thank you for that clarification. I don't think I was appreciating that.

Lehnertz: Absolutely.

Seal: Thank you very much.

Mussell: One thing I wanted to reiterate about that is that the duration of the students on campus is -- it depends on how much they intend to accomplish. So, the bare minimum is that they come and they take their tests and not every student is there to receive instruction and to take their tests. So, there is a -- there is a -- an interval between them. You know, that fastest student who comes gets their testing done in 45 minutes and leaves and, then, the student who comes -- does their testing, sticks around for tutoring for the full session duration and so that's an important consideration also. The students aren't all leaving at exactly the same time.

Seal: Okay. Commissioners, do we have any more questions, concerns?

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler, go ahead.

Wheeler: I have a couple of questions here, Kent. So, if I'm looking at the plans correctly that were submitted, it looks like the -- the access is on the rear of the building; is that correct?

Mussell: That's correct.

Wheeler: And so I'm looking at traffic flow here. So, obviously, it comes in from Ustick, right or left turn in. They are going to come around and, then, this turnaround area -- it looks like it would have to be like a wide turn, pull in, back out and, then, go forward; is that correct? It's not -- it's not going to be big enough for like a circle?

Mussell: That turnaround area is there primarily because it was a recommendation from -- from staff. The -- the actual traffic flow pattern that we anticipate is that the students will -- well, for students who are driving themselves, which is close to 50 percent, are going to come and park and, then, walk into the building. The students who are being dropped off -- but, first, we are talking ten -- ten students per session. They will be dropped off at the front doors in the dedicated drop-off spaces that are there. That turnaround space is there in case the parking lot is at capacity. It just -- it just ensures that nobody's ever trapped in the parking lot, but it's not really anticipated that it's going to be needed on a regular basis.

Wheeler: Okay.

Seal: Anything further? I can see the wheels -- I can see the wheels turning.

Wheeler: Yeah. Yeah. It's just -- it's -- it's -- it's a drop off that's going to be happening to -- where it's not circled through; right? It's going to be a pull in -- it's going to be a Y exit; right? Pull in, pull out, and, then, drive through on that and I'm wondering how that's -- the traffic flow, just vehicular -- I'm just putting that in my head, so --

Mussell: Mr. Mayor. So, we have quite a long drive aisle. It's 165 feet long and this provides for the students to be dropped off and, basically, at the front door. And like I just want to reiterate that it is a small number of students. Approximately ten -- ten cars at this stage and then -- yeah. That's -- that's the way that we have addressed the issue is to provide these dedicated drop-off spaces.

Wheeler: Okay. And, then, it looks like there is about a half an hour break in between the sessions; is that correct?

Mussell: That's what Leslie just -- just told us.

Wheeler: Okay.

Mussell: In the traffic study we -- because originally we had it -- we had just listed the kind of general times as -- as 8:00 to 10:00, 10:00 to noon. And they were concerned about that. So, I brought this to Pathway's attention to ask if they were able to modify their -- their workings and they had said at that time that a 15 minute gap would work and it sounds like that's increasing to 30 minutes based on what Leslie has told us now.

Wheeler: Okay. So, it's not like something's getting done. New ones are starting at the exact same time. There is going to be some space in there timewise to help out with some of the circulation.

Mussell: Exactly. And that -- that actually came from -- like we did receive some requests for clarification from ACHD and that was one of the things they wanted us to clarify in our traffic study.

Wheeler: Thank you.

Seal: Commissioners, any further questions?

Smith: Mr. Chair?

Seal: Go right ahead, Commissioner Smith.

Smith: Yeah. So, I know there was discussion that there is -- there is not pedestrian or bicycle connectivity through the neighborhood, but I do believe there -- I guess a question for staff and, then, a follow-up question for the applicant. I do believe there is pedestrian pathway along Ustick there. Am I right in that understanding?

Mussell: Yeah. There is -- there is a sidewalk on Ustick --

Smith: Okay.

Mussell: -- and a bike lane.

Smith: So, then, follow-up question, I guess, in terms of -- and this might be a question for the Pathways representative, but just curious about composition from students. We have heard about, you know, students driving, dropping off. Is there generally a rough estimate for a number of students that maybe who are close enough to bike or to walk or things like that?

Mussell: Yeah. I had asked this question -- actually just yesterday. The answer I received was that 50 -- about 50 percent of the students are being dropped off. Ten percent are either biking or walking and I just inferred from that may be 40 percent are -- are driving themselves, but they did want to reiterate that it's actually very commonplace amongst students to carpool together.

Smith: Thank you. That's all, Mr. Chair.

Seal: Anything else from our other Commissioners? Anything further from the applicant?

Mussell: Thank you very much.

Seal: All right. Thank you very much. I appreciate it. All right. And with that I will take a motion to close File No. H -- sorry. I will take a motion to close the public hearing for File No. H-2023-0061.

Wheeler: Second -- oh. So moved. Sorry.

Grace: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2023-0061. All in favor, please, say aye. Opposed nay? The public hearing is closed.

MOTION CARRIED: SIX AYES. ONE ABSENT.

Seal: Who wants to go first?

Grace: Um --

Seal: Commissioner Grace, go ahead.

Grace: Mr. Chairman, I will take a shot at putting my thoughts on the record. I guess I'm having a little bit of trouble with this one. First, I should say I do -- I do really applaud the effort to try to provide services to maybe different kinds of students. So, I don't want my comments to be taken any other way than it's a great endeavor I think. I really -- I really do. It's a tight space, so -- and so that's what I'm struggling with. I'm

also struggling a little bit with the fact that there -- the traffic study hasn't been completed and I know that -- I think the -- the indication is that it would be done before City Council, but I -- you know, it would be nice for us to see it and I was thankful for some of the testimony, because I wasn't appreciating the potential. I know that right now there is not a lot of students, but the potential for how many students that could be and how many trips in and out of that area that could be. I know that the L-O designation is allowed, but I suppose it's probably not ideal for something that's medium density. So, I -- you know, I'm not opposed necessarily. I -- the way I feel is I'm just having a hard time, because I do think City Council looks to us to review these and they care what we think and they give some deference to what we think. I'm just having a hard time recommending to them that they should approve this and, again, that is not to say that I'm opposed to it necessarily, I'm just struggling with it and maybe -- maybe the traffic study would help in that regard. So, those are my thoughts off the top.

Seal: I will jump in here. I will kind of be straightforward with it. And, Commissioner Grace, I'm with -- with you a hundred percent. I -- again, I have two children that -- one is attending and one has attended very successfully charter schools. So, I see the need for them. I love the idea behind this where it gives an alternative to students that sometimes really don't have any other alternatives. So, as far as that's concerned I hoped that -- no matter the outcome of this application I hope that we have something like that in our community. That said, I just don't think it fits here to me perfectly -- I mean just -- that's as plain as I can -- as I can state it, so -- I mean the idea is you want to operate at full capacity, but, you know, 250 kids, even over the course of a full day, trying to get in and out of here and making all of that work in such a tight space and traversing the entire thing to get people in and out to drop off, even with the -- you know, the gap in between sessions is -- that's a really hard sell for me. So, I just -- I don't -- I just don't think it's going to work here very well, so -- I also realize -- careful what your wish for, you know, and this is kind of to the folks that are concerned about traffic as well. It doesn't mean you are going to get something in here you like, so -- I mean there is plenty of things that have went in that people have argued and, then, it gets denied and, then, the next thing that comes in they are even more opposed to and it succeeds, so -- I mean it sounds like this -- this parcel is going to develop into something. So, you know, quite possibly not residential. But personally -- and, again, I share the same sentiment, we don't have the -- we don't have the traffic -- traffic study information and everything and, really, all this comes down to in my mind is -- is the traffic going to work? I personally don't think it is, but I'm not a traffic engineer and I don't have a report from ACHD or anybody else to tell me otherwise, so -- I don't know. In the past we have continued items in order to get that piece of information in before it goes to City Council, so we can make a more informed decision. You know, that is one of the options before us tonight. You know. I mean if -- if that's something that people want to entertain, you know, if we start going down the path of recommending denial, we can also recommend a continuance to understand that is an option.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: Does staff know or does the applicant know when the traffic study from ACHD would be available? Are we talking days, weeks, or months?

Seal: Go ahead, Sonya.

Allen: Mr. Chair, Commissioner Lorcher, ACHD does have the study. They are reviewing it right now and they do anticipate having comments back to us prior to the City Council hearing. I do not have a date.

Seal: Okay.

Smith: Mr. Chair?

Seal: Go ahead, Commissioner Smith.

Smith: I think I'm slightly falling on the opposite side of this discussion. Not that I am gung ho for this right out the gate and, then, send this to the City Council, but in the same way that there is maybe some discomfort about recommending it currently, I'm, honestly, a little uncomfortable recommending a denial currently. Just thinking -- kind of doing some math. With this being, you know, in the future land use map is medium density residential -- correct me if I'm wrong, staff, I think doing some mental math, that's somewhere around six to eight houses could be in this area on the -- or dwellings on this acreage, if I'm not misunderstanding something. If we are talking about -- is it eight?

Seal: Three to eight.

Smith: Three to eight. Thank you. So, on the angle of being careful what you wish for, I think that kind of comes both for I think the neighbors, but also for us as a Commission. Like the applicant said, this -- this is going to need to go somewhere and to be frank, when I look at this parcel of land on Ustick on a major road, I don't know that it makes a ton of sense for it to be kind of a lower density object -- or lower density development, near the low end of that three to eight. And I also don't know -- I can't -- again, I'm not saying this isn't necessarily what's before us tonight, but just in context I don't know anywhere else -- and I kind of struggling to think for other areas in -- in Meridian that are necessarily a better location for this. And so, again, I'm not saying that, therefore, we must pass this or we must recommend this to City Council, but I'm just not comfortable denying it based on kind of some -- some general concerns absent traffic studies. So, I personally would probably be most in favor of continuing this -- I don't know if that is to the next meeting or the following one, but that's just kind of where I'm landing at the moment.

Seal: Okay. Thank you. Commissioner Wheeler, do you have something or -- go right ahead.

Wheeler: My biggest thing, as you kind of heard with some of the questioning that had to do with the traffic on this. I was looking at the maximum capacity that something could have, even though it will be starting off a little bit smaller, just like with restaurants, as a kind of build up and everything and I'm just -- I'm just struggling that when it's -- when it's coming together what that traffic is going to look like on that -- on that south end, cars going just in and out and the flow and I'm really glad that there is like a half an hour break, so it's not doubled up with the students coming in and out. It's -- for me it's just the traffic flow is really tough to -- to get behind on my side of things, even though probably only ten vehicles would be in there and you have space for -- it looks like about 35 or so. That's where -- that's where I'm -- it has nothing to do on the educational side and, in fact, that's needed and I -- and I support that and I have encouraged that in other ways. I just -- and when it comes down to traffic on Ustick, just, you know, having a difficult time moving and getting in and out. Welcome to Boise. You know, welcome to Meridian. Welcome to the Treasure Valley. It's just -- we are growing and everything is happening and traffic is just going to get worse. It's just what it is. But for me it's just the internal traffic flow makes it -- makes it tough. Makes it really tough for me to -- to say that this is the best use on -- or a good use on this property.

Smith: Mr. Chair?

Seal: Commissioner Smith, go ahead.

Smith: I have a question for -- I'm not sure if it's for staff -- or staff or counsel necessarily. Is it possible and -- or I guess possible and/or could it be prudent to create more of a limited cap on this, you know, so there is not as much of a concern of down the line this becoming, you know, 40, which is the, you know, legal max capacity right now. Would it be possible to maybe create a specific -- a site specific capacity of 30 -- and I'm not saying necessarily that might -- that's preferable for the applicant, but just spit balling ideas here.

Allen: Mr. Chair, would you like me to address that.

Seal: Absolutely. Because I don't want to.

Allen: Commissioners, Commissioner Smith, yes, this is a conditional use permit. You may place conditions on it and that could include reducing the number of students served by the school.

Seal: Yeah. I will -- I mean, to be honest, I kind of want to comment on that. I would rather see this developed in a place where you could have 500 students or, you know, as many students as you needed to accommodate in the future, instead of trying to fit, you know, a boundary around such a tight space. So, again, I just -- to kind of come back to -- it's a really tight space. There are going to be traffic issues with this, like anything that you put in there. So, I mean if you put a dentist office in there that, you know, is -- is going to have more traffic flow, but, you know, better separation of the traffic, you are still going to have traffic problems, because people are going to want to

take a left turn and go out on Ustick. So, that's -- you know, we can't eliminate people taking left turns, unless you are on Eagle Road, and so -- but, you know, I just -- I really struggle with this internally, because, you know, everything is me, as a resident of Meridian, Idaho, is screaming let them put this thing in here, but, you know, in the role that I have on the Commission I just don't see this fitting here very well. I see -- I see problems developing from it, so -- and that's part of our charge here is to make sure that we are, you know, helping to filter some of that through as it makes its way to City Council. So, personally, I would rather see the traffic report come in from ACHD. I don't know that it's going to make a difference in my opinion, but that's -- that's -- you know, I can't make motions, but if I were to make a motion I would move -- I would want to continue it personally until we have that information available, so -- and I don't -- Bill, if you want to comment on that or I just --

Parsons: Yeah. Mr. Chair, Members of the Commission, I think all the points are valid for the discussion today. You are right, we get -- we get one chance to get it right. Right? Right annexation. There is a couple things to really consider here. One, although a conditional use you have the ability to cap the number of enrollment there, it's going to be very difficult to enforce. So, I would -- I would recommend you steer away from things like that, because I don't want to be counting students out on the street, especially on Ustick with the traffic. So, let's not do that -- it would be my recommendation. Two, we have to realize that subdivisions developed around this and we failed to get adequate stubs streets reached to it. So, now we are left with an existing environment, existing condition, on a roadway. Three, we have a comp plan that allows for this to have some limited commercial uses on it and we have deemed that this is such -- one of those uses. So, you look at all those. The other thing is we have been coordinating with ACHD, yes. We don't have the science behind it to look at the study and analyze it, but I know we have reached out to ACHD to get their comments on it, just to make sure we are on solid ground as we bring forward our recommendation and, again, give the applicant time to move forward through the hearing process. But, essentially, their major concern was traffic stacking out onto Ustick and that's why Sonya and I had recommended that they revise their site plan and reorient that parking, because the angled parking created -- from my opinion a significant impact as to how traffic was going to flow in and out of the site and so seeing the revised site plan I think they have addressed some of the -- some of the concern. Now, we all know parents are going to drop kids off at certain -- you can say you have classes from 8:30 to 9:00 -- or 10:30. Parents are going to drop kids off early and at different times. I can't control it. None of us can truly control that. It's just -- that's how schools operate. We all had children. We all take kids to school. We understand the flow. But, anyways, I just wanted to give you some of that context that what you have here -- it is consistent with the comp plan, as long as Council grants that. Again, everything that we are discussing tonight does recommend Council's approval. So, again, as far as the traffic study, I'm not sure it's going to change your opinion of how this is going to work or not, but certainly it's within your purview to do that.

Rivera: Mr. Chairman?

Seal: Was that Commissioner Smith?

Rivera: It's Commissioner Rivera.

Seal: Oh, Commissioner Rivera. Go ahead. Sorry. You two sound alike.

Rivera: So, I just wanted to -- I concur with Commissioner Smith's comments earlier. With the growth -- and Ustick is just getting more and more traffic. There is more and more commercial on both sides of that as the growth continues. With the comp plan and, then, the future of what's working in here, I'm familiar with this -- with this charter school in Nampa and it's been a blessing out there. I think it would be great here for our city, as opposed to, you know -- like it's -- like what was stated earlier, something else is going to go in there, it's going to still cause that traffic. We don't want to see another carwash going there, too, which -- or anything like that, but I think this is as good as it gets for this. I just -- I support this is where I'm leaning or -- or either continuation or support of this project.

Seal: Okay.

Lorcher: Commissioner Seal?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I like the fact that this is not anywhere near Fairview or Eagle Road. I like the fact that this is equally distant, give or take, between Meridian High School, Owyhee High School and Rocky Mountain High School. I think we are overestimating the time that these kids are going to be spending at this facility. Like Commissioner Rivera said, it's a blessing. It's an alternative school for kids to be able to come in, take a test, get a little tutoring and move on. They are only high school students. We are not talking about little ones. We are not talking about middle schoolers. It really just is an alternative way for them to be able to finish their education in a meaningful way. It's an in-fill project, like you have mentioned in the past they are always challenging and it could be ten times worse for the next applicant to come through. The adjustments they have made for their drive aisles to be able to drop off and pick up, the time they are not doing exact rush hour traffic. Ustick Road is going to be busy, because it's an alternative to Fairview and Chinden or McMillan and no matter what you put here there is going to be additional traffic, whether they are apartment houses or more homes, those people go in three or four times a day with two or three cars. I mean it's all going to be about the same and for this service to be at this point away from Eagle, away from Fairview, away from Overland, you know, right here kind of in the park where things are a little bit more quiet, I think will be a benefit to our community.

Seal: Commissioner Wheeler.

Wheeler: Mr. Chair, so it sounds like it's kind of split or kind of in the middle or teetering who knows where. Would it just -- would -- with what our fellow -- or would my fellow

Commissioners be fine with just doing a motion to continue to wait for the traffic study to come in and just let this marinate?

Grace: Mr. Chairman and Commissioner Wheeler, that -- that's a good segue into what I was going to say, which is, you know, we can continue it. I'm not sure in my -- I'm not opposed to continuing it. So, let me just say that. I'm not opposed to it. I'm not sure it ultimately would change my mind, because this to me is about a fit for that area, but I'm -- I'm willing to -- a lot of good comments were made about what else could go in there. Traffic is going to be increased regardless. You know, one of the things that comes to my mind is -- the reality is is you have got high school auto driving -- car driving each people and there is going to be -- there is going to be traffic. There is -- I know that the expectation may be that a lot of -- a lot of the students might get dropped off, but the reality is they are old enough to drive cars in high school and I think that's what concerns me the most about left turns on Ustick right there, is that they are -- they are not seasoned experienced drivers. So, with that said I'm not opposed to that, Commissioner Wheeler. I am willing to keep an open mind and see what the traffic study has to say and I will just leave it at that, that I'm willing to do that.

Rivera: Commissioner --

Seal: Commissioner Rivera, go ahead.

Rivera: Yeah. I just want to say, too, that I think one of these -- why I also am positive that -- and to answer that is that you take -- is -- is that particular area of Ustick is five -- five lanes, where if it was just like two or -- you know, it's five with the middle, so I think that that -- that's a big plus in getting into this and I think we are going to -- like I agree, I think with the -- with the study, once it's done, that -- I don't know if it's going to change much, but I think that's a good thing having that. That's -- like Commissioner Lorcher said, the location and, then, having Ustick being more -- more wider than other streets that it supports this project.

Smith: Mr. Chair?

Seal: Commissioner Smith, go ahead.

Smith: I think one thing that we can also consider in terms of continuance is giving the applicant just a little bit more time with staff as well. I don't want to put words in Commissioner Wheeler's mouth, but it seemed like your concern might have been the -- one of your -- like larger concerns might have been with that turnaround space and with the flow there. I don't know if there is anything they can do, but potentially giving them an opportunity to coordinate with staff and see if there is something that they can tweak. If not we are asking them -- you know, at least give them some extra time before going to Council. I think there is some additional things there, not just with the traffic study, but it seems like there are -- there are some -- you know, we are kind of split down the middle and it seems like there is -- you know, I don't know if they are -- I don't know if the traffic study itself will change many opinions, but there could be some additional

tweaking or additional consideration on that by giving the applicant another ability to speak to maybe to how things have worked at other locations with similar -- you know, similar concerns about being near residential or being in kind of smaller locations. I think one thing that I'm trying to balance that Commissioner Lorcher spoke to is it's easy to hear, you know, 240 and visualize 240 people spilling out onto Ustick at the same time or even to hear 30 or 20 and try -- and kind of -- that's the image that is conjured and I'm really trying to -- to make myself understand that that's not necessarily what's happening here and I think just give me more time to address that and address those concerns and speak to that is also potentially in -- even if this -- if this does go through make it a better project or if it doesn't, you know, giving the applicant kind of the full opportunity to -- to kind of take the feedback and go back to the drawing board.

Starman: Mr. Chairman, just a couple of thoughts for --

Seal: Absolutely.

Starman: -- the Commission as a whole, I guess, in no particular order. So, one, why I think the Commission -- certainly it's in its right to continue the -- continue the -- reopen the hearing and continue it, consider the ACHD information in particular. The Local Land Use Planning Act specifically contemplates that this Commission will consider traffic -- it can be for public schools, public charter school is included, and it specifically talks about consulting with the local transportation board. So, I think you can definitely check that box in the sense that you have talked about traffic extensively tonight. We have sought input from ACHD, but not yet received it. So, I think we have complied with the letter of the law, but the spirit of the law is that we receive the input from ACHD, so that you can consider that. So, I think you are well within your right to continue the public hearing until you have that information. That's certainly what LUPA contemplates and you don't have that information today. That's thought number one. So, if you want to do that I think, you know, you would reopen the hearing, continue it, and my recommendation was that you put some limitations on, you know, for what purpose it's being continued. Maybe it's just for traffic or traffic plus internal circulate topics or circulation, things of that nature. That would be a thought. My second thought is that -- however is it you may want to invite -- maybe query the applicant to just -- and this is within the Chair's prerogative, you don't have to do this, but I heard the applicant mention that the intent -- or there is a requirement that they had to be operational by August of 2024 is what I think I heard. That seems awfully ambitious, even if you got a green light tonight and, then, subsequently went to Council and, then, had to build a building from scratch, that seems very ambitious. So, I'm guessing time is of the essence for them and they may prefer just to have the Commission thumb up, thumb down and let the Council make its decision. So, you may want to query the applicant to see if they would prefer just to have a yes or no vote and -- for time considerations. That's my second thought for you tonight. I think I will leave it at that and be happy to answer anything else you might have. I wanted to at least put those two things on the table.

Seal: Okay. Thank you. Always appreciate information. For sure, so -- and with that -- and I will basically kind of explain my -- my thought on the information from ACHD, is that is -- I try to act with all the information that we have available, so to me the information is not available, so I -- if the information comes through from ACHD -- and sometimes I really have to grit my teeth when they say that we are good to go, but if they say we are good to go, they own the streets. So, that -- that is -- they are the authority on that. So, that's something that I can appreciate and I can -- after getting that information it's something that, you know, it's easier to act on. Without the information, you know, we are just kind of guessing. You know, my guess is that it probably is going to impact traffic, you know, just because of the -- the way the traffic surges, so -- I mean you got 20 to 40 vehicles at a time that are going to be going at a time in and out. So, that alone tells you that, you know, traffic is going to stack, so -- you know, I mean that said, it's -- you know, I don't know what else can go in here and what the implications are of anything else and that's, you know, for another hearing, but personally I just -- I would -- I would appreciate seeing the ACHD report and having a continuation to do that. But it's not unheard of. We have done it before. We can reopen the public hearing, we can ask the applicant what their preference is, so -- some -- and like counsel alluded to, some people want to move it along, even with a recommendation of no in the essence of timing.

Wheeler: Mr. Chair?

Seal: Go ahead.

Wheeler: Can we go ahead and ask the applicant to come up and --

Seal: Yes.

Wheeler: -- just kind of get some of his input on some of the things we are discussing?

Seal: I will -- I will need a motion to reopen File No. H-2023-0061 for public comment.

Wheeler: Mr. Chair, I would like to make a motion.

Seal: Go ahead.

Wheeler: I would like to reopen the public hearing for File No. H-20230061 for -- for what would it --

Seal: The public hearing.

Wheeler: Just for the public hearing.

Seal: Do I have a second?

Lorcher: I will second.

Seal: Okay. Excuse me. Moved and seconded to reopen the public hearing for File No. H-2023-0061. All in favor, please, say aye. Any opposed? Motion passes.

MOTION CARRIED: SIX AYES. ONE ABSENT.

Seal: Would the applicant like to come back up, please? And I think the question is -- well, first for clarification, when do you need to be operational?

Mussell: So, my understanding -- and I should confirm with Leslie.

Seal: Leslie, do you want to come on up?

Mussell: August is our deadline, but I do want to reiterate -- we built Idaho Arts Charter School in Nampa and we have built Mosaic public school in Caldwell and charter schools are kind of a thing that we have done a lot of and we traditionally do them in about 90 days. This is a tight time frame. That's true. We have a couple of things in our favor on this. One of those things is that -- because this is a public school the plan review needs to be completed by the state and so we are able to complete that in conjunction with our public hearings. That helps us to save some time. Continuing this would make our time constraints a little worse. I would prefer it be continued to the next -- the next public hearing that you guys have. I think that's two weeks from now. Did I get that right? What I would do in that two week time period is I would check with ACHD, because one of the challenges we have had with ACHD is that information they have given us prior to the time that we actually submitted our plans to them was a little bit misleading. They had told us at that time that they would not permit us to have a dedicated ingress and egress here. So, our preference would have been to -- for the vehicles to enter on the west side and to exit on the east side. I think that that is more of a possibility now than when I initially started the conversation with ACHD. So, during that two week period we would provide our site plan and try to get a recommendation on that revision and, then, we could come back here with both ACHD's report and that revised site plan that I think would help to address a lot of the concerns that are being raised.

Seal: Okay. Madam Clerk, how many -- how many applications do we have in the next meeting? Sorry, I don't -- I usually know that, but I haven't looked.

Allen: Mr. Chair?

Seal: Go ahead.

Allen: Can I comment on something while she's looking that up?

Seal: Absolutely.

Allen: So, I did discuss that ingress-egress option with ACHD and they -- they indicated that they were fine with either -- either option. The way it's currently proposed or with an

access on each side of the site. The issue with that planning wise is that it would require a very reduced buffer on the east side. So, if you guys would prefer either option, it might be good to state that.

Seal: Okay. Yeah. And I -- I can't speak for my fellow Commissioners, but in my mind that's -- I mean it's an option that I would like to see. To see what that looks like. I mean it could -- obviously, I think that would help with circulation, but, you know, if we have to make more exceptions to kind of squeeze this in here, then, that might not be favorable either, so -- Commissioner Grace, go ahead.

Grace: Mr. Chairman. Well, I will leave my editorial out. But what -- what is supposed to be -- so, to the east of that -- of this property is other commercial property and there was a -- there was a comment about potentially removing the fence when that gets developed. Is there some sort of shared driveway or ingress or egress that could be put there or --

Allen: Yes. Mr. Chair, Commissioners, the property directly to east is another property just like this one. It's a single family residential. It has no connectivity to the surrounding neighborhood. Just has access from Ustick Road. I did require them to put a cross-access driveway in, as you can see there on the site plan, to the east boundary with a cross-access easement to that property or if and when that property redeveloped with a nonresidential use or interconnectivity. So, it may not, but I can see it being another situation just like this where they might come in requesting an office zoning and use.

Smith: Mr. Chair?

Seal: Go right ahead, Commissioner Smith.

Smith: For just my awareness in terms of the recommendation to Council. If we were to vote -- and it seems like it might be a three-three vote, what are the -- what is the outcome of that? Does it still go to Council with it just being logged as kind of a standstill? Or what does that process look like? Because I'm also thinking if time is of the essence -- and this is a conversation that we have had, you know, I would prefer to kind of get -- do -- do an extra layer of discussion and deliberation on this. But in speaking to kind of what the -- what the applicant's thoughts are, you know, it could be maybe favorable to them also, assuming that we are -- you know, if this goes to Council with it just being three-three and not a clear recommendation, having that conversation about the difference between -- kind of a circular circulation or this kind of existing wide turn and that -- I was thinking about maybe what would be preferable for the applicant and kind of what that process would look like if we just ended up coming kind of at a standstill three-three.

Seal: I will ask the question of you.

Starman: Thank you, Mr. Chairman. So, my initial take on that is -- always reluctant to answer hypotheticals like that until the vote is cast, but a three-three vote does not pass a motion. So, I think there is -- if there is a three-three vote to either recommend approval of the Council or to recommend denial to the Council, a three-three vote will not be sufficient to pass either motion and you are likely going to have to wait until you have a tie breaking vote to take up the item. So, you may not get there tonight. If you end up three-three you may be continuing this regardless, because you probably can't break your tie and a three-three vote does not pass a motion.

Seal: Okay. I was fairly certain that was the answer. I just wanted to hear from you.

Smith: Thank you. Appreciate it.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: Isn't there five of us voting tonight?

Seal: There are six of us.

Lorcher: Are you casting a vote?

Seal: I -- I can cast a vote, so that -- that myth has been dispelled.

Lorcher: Okay.

Seal: There was a -- in previous commissions the idea was like a council where the chair only breaks ties. So, that is not correct. So, chair also votes. I just can't make motions.

Grace: Mr. Chairman, it would be my recommendation to my fellow Commissioners that maybe we -- you know, I know -- I know you can pre -- pre-vote before you vote, but, you know, things could be different in two weeks and if -- if the -- if the applicant is willing -- and I know it's not ideal, you would like to get a decision sooner rather than later. You know, let's get the traffic study and see where we are on that and I hate to say this, but, honestly, you know, you don't know the makeup of the commission in two weeks either and so things could be different. So, yeah. So, at the -- at the -- you know, at the risk of -- of trying to push this along artificially -- if there is more discussion that's great and I'm happy to have it, but it sounds like maybe we are all sort of thinking let's -- let's see where we land and -- when we get the traffic study and maybe there could be some revisions to it that would -- that would change people's mind. That's my thoughts.

Seal: Madam Clerk, did you have the -- do you know how many hearings we have? I'm sorry. How many --

Lomeli: I'm counting four for February 1st.

Seal: Okay. And the reason I asked is because -- try not to stack too many in there, obviously. So, that said, if somebody is comfortable with it and we opened the public hearing in order to ask questions and also to do a continuance, I'm comfortable taking a motion at this point to do so, just to see where we land on the vote.

Smith: Mr. Chair, do we need to close the public hearing first I believe?

Seal: No. We keep it open for a continuance.

Smith: Oh. Oh. Well, I'm happy to --

Starman: So, Mr. Chairman and Commissioners, I guess I have answered the question just since you did. So, if there is a motion -- or one of the Commissioners intends to make a motion to continue it, you have to keep the public hearing open and make that motion and take action, however that vote may resound. If you're not -- if the Commission is not going that direction at that point it would be appropriate to close the hearing and take action tonight.

Seal: Thank you.

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler, go ahead.

Wheeler: I would like to go ahead and make a motion then.

Seal: Feel free.

Wheeler: I move to continue File No. MCU -- no. Sorry.

Seal: One off.

Wheeler: I'm one off. Sorry. I move to continue File No. H-2023-0061 to the hearing date of -- would that be February 1st? Okay. To the hearing date of February 1st for the following reasons: To continue discussion concerning the ACHD traffic report, internal traffic circulation and parking and the implications that would have on landscape and buffers.

Smith: Second.

Seal: Okay. It's been moved and seconded to continue File No. H-2023-0061 to February 1st, 2024. All in favor say aye.

Starman: Mr. Chairman, I think -- I just want to make sure that the Commission understands what the vote is. So, my interpretation of the motion -- and the motion maker can confirm -- is that when you reconvene on the 1st, that public hearing will be limited to those topics that were identified by the maker of the motion and only those topics and when you take public testimony or application testimony it will be limited to those topics. I want to make sure the Commissioners knew what they were going to vote on here.

Seal: Okay. Appreciate that.

Grace: Can I ask a question, Mr. Chair? Does that limit the potential that other matters worth discussing could come up that we wouldn't be able to discuss related to this application?

Starman: Mr. Chairman and Commissioners, based on the motion that was made and if that's the motion that passes that would be my interpretation, is that the -- the public hearing would be continued for a very specific purpose and it's for those two specific purposes. Traffic, meaning Ustick and related facilities and internal circulation. So, if the Commission wants to leave more latitude -- or would like to have more latitude than the first, you certainly can do that also. But I would probably recommend that the maker of the motion and the second consider a little -- maybe a modification if that's your -- if that's your desire.

Grace: Mr. Chairman, I just don't want to preclude the applicant's ability to be flexible. I want us to be as flexible as they need to be in case they make any other modifications that we want to consider and might be, you know, in favor of or -- so, I would maybe just suggest -- I don't know. I don't even know what I would suggest, but that we leave that window open, I guess. I don't know how you say it in a motion, but --

Seal: Yeah. I mean historically what we have done is limit, so that, basically, we are limited in discussion, because we have already kind of hashed everything out. You know, folks that want to come in and -- and talk about anything else, then, generally that's -- that's not on the table to discuss, so -- I mean I think of everything that's been discussed, the -- the concern is, you know, we -- we would like to look at the traffic study. We would like to see what's going to happen with the internal circulation. So, I don't think that this precludes us from discussing anything that, you know, would happen in there as far as if the plan that we see changes to allow, you know, an in and out, not -- and -- sorry -- not an In-N-Out. We don't want one of those in here. Sorry. A different -- a different circulation pattern -- ooh, better watch that one. So, I don't think it would preclude that. So, I mean outside of them, you know, putting a helicopter landing pad on it or something to get students in and out. So, I just -- I think that -- I personally feel comfortable with the motion with the way that it's been presented.

Smith: Mr. Chair?

Seal: Go ahead, Commissioner Smith.

Smith: Just as a second -- I think -- and if Commissioner Wheeler can confirm it, I guess if -- if he wants to speak to this. I believe the motion was also -- on the second half, you know, the circulation and implications -- or something to the effect of the implications on the buffer and landscaping. So, I think that does also give us some flexibility if something arises coming from that change in the circulation pattern that isn't inherently related to traffic, my -- my understanding as a second was that it stems from that change in circulation that's also discussable, as we don't know what the plan is in front of -- that would be --

Seal: And that -- that's my understanding. I think -- Kurt, I will let you comment on that.

Starman: Yeah. Mr. Chairman, Commissioner Smith, I agree with that interpretation, that that's how I understood the motion as well and I think that's the correct description.

Seal: Okay. Thank you. Commissioner Wheeler?

Wheeler: That is the intent.

Seal: Okay. All right. So, we go back to it. We have a motion to continue File No. H-2023-00621 to the date of February 1st, 2024. All in favor, please, say aye. Any opposed? All right. Motion to continue passes. Thank you all very very much for listening to us this evening.

MOTION CARRIED: SIX AYES. ONE ABSENT.

Seal: So, thank you, Commissioners, and for the public input as well, so -- and with that -- oh. Go ahead.

Wheeler: I was going to --

Seal: I was going to say -- I was going to ask you to do the last motion of the evening. Commissioner Wheeler.

Wheeler: Mr. Chair, Commissioners, counsel, staff and Madam Clerk, it's been my pleasure. Move that we adjourn.

Grace: Second.

Seal: It's been moved and seconded that we adjourn. All in favor, please, say aye. Opposed nay? We are adjourned. Thanks, everyone.

MOTION CARRIED: SIX AYES. ONE ABSENT.

MEETING ADJOURNED AT 8:02 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 Daily Fit Body (H-2023-0060) by Joseph Daily, located at 1600 N Linder Rd.

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



In the Matter of the Request for a Conditional Use Permit to Operate an Indoor Recreation Facility (Personal Training Facility) from Suites 1, 3 and 5 (6,283 square-foot) in an Existing 20,203 Square-Foot Flex Building on 1.41 Acres of Land, Located at 160 N. Linder Road in the I-L Zoning District, by Joseph Daily, Daily Fit Body.

Case No(s). H-2023-0060

For the Planning & Zoning Commission Hearing Date of: January 18, 2024 (Findings on February 1, 2024)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of January 18, 2024, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of January 18, 2024, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of January 18, 2024, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of January 18, 2024, 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 January 18, 2024, 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 a conditional use permit is hereby approved in accord with the conditions of approval in the staff report for the hearing date of January 18, 2024, 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 January 18, 2024

By action of the Planning & Zoning Commission at its regular meeting held on the _____ day of _____, 2024.

COMMISSIONER ANDREW SEAL, CHAIRMAN VOTED _____

COMMISSIONER MARIA LORCHER, VICE CHAIRMAN VOTED _____

COMMISSIONER NATE WHEELER VOTED _____

COMMISSIONER JARED SMITH VOTED _____

COMMISSIONER PATRICK GRACE VOTED _____

COMMISSIONER MANDI STODDARD VOTED _____

COMMISSIONER ENRIQUE RIVERA 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

EXHIBIT A

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: January 18, 2024
 TO: Planning & Zoning Commission
 FROM: Linda Ritter, Associate Planner
 208-884-5533
 SUBJECT: H-2023-0060 – Daily Fit Body
 LOCATION: 160 N. Linder Road, Units 1, 3, and 5; a portion of Section 12, Township 3N., Range 1W. (Parcel # R3579000043)



I. PROJECT DESCRIPTION

Conditional Use Permit request to operate an indoor recreation facility (personal training facility) from tenant suites 1, 3, and 5 for a total of 6,283 square-feet in an existing 20,203 square-foot industrial building on 1.41 acres of land in the I-L zoning district.

II. SUMMARY OF REPORT

A. Project Summary

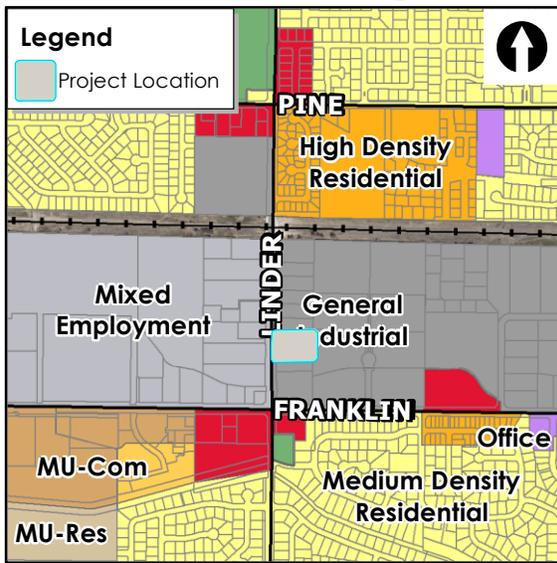
Description	Details	Page
Acreage	1.41-acre property	
Future Land Use Designation	General Industrial	
Existing Land Use	Existing 20,203-square-foot industrial building	
Proposed Land Use(s)	Indoor Recreational Facility located in tenant suites 1, 3, and 5 (personal training facility)	
Current Zoning	I-L	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	November 6, 2023 3	
History (previous approvals)	A-2022-0020; PBA-2022-0010, H-2021-0026 (AZ, CPAM) and DA Inst # 2022-013890	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> • Staff report (yes/no) • Requires ACHD Commission Action (yes/no) 	<p>Yes</p> <p>No</p>	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	One (1) access via N. Linder Road (industrial arterial). All access points are existing and approved from previous approvals (A-2022-0020) for the overall flex building.	
Existing Road Network	Yes	

C. Project Area Maps

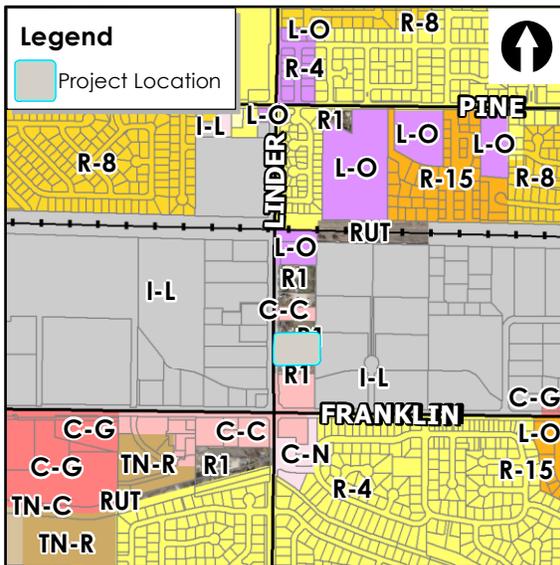
Future Land Use Map



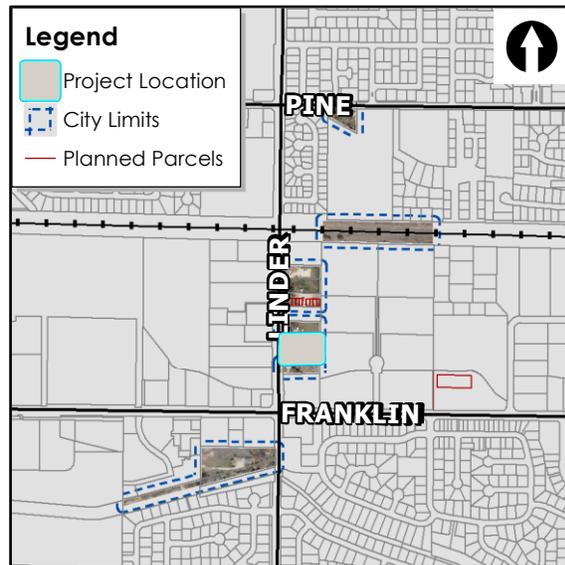
Aerial Map



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant:

Joseph Daily, Daily Fit Body – 899 N. Pasture Avenue, Kuna, Idaho 83634

B. Owner:

Ronald Hatch, 160 N. Linder LLC – 24639 Falcon Lane, Caldwell, ID 83607

C. Agent/Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	01/02/2024
Radius notification mailed to properties within 500 feet	12/29/2023
Public hearing notice sign posted on site	01/04/2024
Nextdoor posting	12/29/2023

V. COMPREHENSIVE PLAN ([HTTPS://WWW.MERIDIANCITY.ORG/COMPPLAN](https://www.meridiancity.org/compplan)):

Land Use:

This property is designated Industrial on the Future Land Use Map (FLUM).

The purpose of the Industrial designation is to allow a range of uses that support industrial and commercial activities. Industrial uses may include warehouses, storage units, light manufacturing, flex, and incidental retail and offices uses. In some cases uses may include processing, manufacturing, warehouses, storage units, and industrial support activities.

The Applicant proposes to develop the site with an indoor recreation facility (i.e. an indoor personal training facility) within a portion of an existing industrial building. The industrial building was approved under an administrative application (A-2022-0020). Per UDC 11-2C-2, indoor recreational facilities are allowed in the I-L zoning district with the approval of a Conditional Use Permit.

In the surrounding area, there is an existing childcare facility located on the property at 444 N. Linder Rd., zoned L-O; a birthing center/women’s healthcare facility located at 270 N. Linder Rd., zoned C-C; vacant/undeveloped land at the northeast corner of Linder/Franklin, zoned C-C; and warehouse/industrial uses on the eastern portion of the site in Creamline Park, zoned I-L. The remainder of the properties on the west side adjacent to N. Linder Road are single-family residential homes zoned R1.

Therefore, Staff finds the proposed use should be an appropriate use in the Industrial designation for the reasons noted above.

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*):

- “Plan for an appropriate mix of land uses that ensures connectivity, livability, and economic

vitality.” (3.06.02)

The proposed use will contribute to the mix of uses in this area and should add to the livability and economic vitality of the community.

- Monitor and adjust the amount and mix of industrial, commercial, and office areas needed to meet the employment needs of the City.” (3.06.01B)

The proposed use will contribute to the mix of uses in this area; however, the desire for industrial and employment uses are diminished. Unfortunately the city has not received a lot of applications for industrial uses and therefore property owners are flex buildings to accept commercial uses in an effort fill their buildings.

- “Preserve the industrial base within designated industrial land use areas by discouraging non-industrial uses and focusing on light manufacturing, distribution, flex-space, and base-employment.” (3.07.01D)

The proposed use is a non-industrial use requesting a CUP to occupy an industrial land use area approved for flex space. Staff does not have any concerns about approving a commercial use for an indoor recreation facility (personal training facility) within the vicinity purposed for industrial uses as this is a flex space building. If approved, this would be the first such use in this building.

- “Protect public health and safety by guiding growth and development away from hazardous areas that pose a threat to people and property.” (4.10.00)

Operation of the proposed use should comply with City ordinances pertaining to noise, lighting, and odor disturbances.

- “Provide, partner, and preserve public and private indoor and outdoor recreation amenities for a diverse range of physical activities.” (5.01.01C)

The proposed indoor recreation facility offers opportunities for recreation through the personal training facility to the public and will contribute to the range of physical activities offered in the City.

VI. UNIFIED DEVELOPMENT CODE ([UDC](#))

The proposed use, an indoor recreation facility, is listed as a conditional use in the I-L (Light Industrial) zoning district per UDC Table [11-2C-2](#). Compliance with the dimensional standards listed in UDC Table [11-2C-3](#) is required and are met because the proposed use is internal to an approved structure.

VII. STAFF ANALYSIS

As discussed above in Section V, the proposed indoor personal training facility is considered an appropriate use and meets the development guidelines listed for the industrial designation. The use is also consistent with the Industrial Development approved in 2021 for Hatch Industrial, which approved uses such as warehouses, storage units, light manufacturing, flex, and incidental retail and office uses in the I-L zoning district. In some cases uses may include processing, manufacturing, warehouses, storage units, and industrial support activities.

This use is proposed to be contained within an existing building, as noted above. The tenant space for the personal training facility will be approximately 6,283 square feet within an existing building with no exterior modifications proposed. The Applicant submitted a site plan showing the tenant space for the Daily Fit Body.

The proposed use is subject to the following Specific Use Standards ([UDC 11-4-3-2](#)) - Arts, Entertainment or Recreation Facility, Indoors and Outdoors: (*Staff analysis in italics*)

A. General Standards:

1. All outdoor recreation areas and structures that are not fully enclosed shall maintain a minimum setback of one hundred feet (100') from any abutting residential districts. The playing areas of golf courses, including golf tees, fairways, and greens, are an exception to this standard. (Ord. 07-1325, 7-10-2007). *No outdoor recreation areas are proposed; all activities will take place within the building.*
 2. No outdoor event or activity center shall be located within fifty feet (50') of any property line and shall operate only between the hours of six o'clock (6:00) A.M. and eleven o'clock (11:00) P.M. *No outdoor events or activities are proposed.*
 3. Accessory uses including, but not limited to, retail, equipment rental, restaurant, and drinking establishments may be allowed if designed to serve patrons of the use only. *Noted.*
 4. Outdoor speaker systems shall comply with section 11-3A-13, "Outdoor Speaker Systems", of this title. *No outdoor speakers are proposed.*
- B. Additional Standards for Swimming Pools: Any outdoor swimming pool shall be completely enclosed within a six foot (6') non-scalable fence that meets the requirements of the building code in accord with title 10, chapter 1, of this code. *Not applicable.*
- C. Additional Standards for Outdoor Stage or Musical Venue: Any use with a capacity of one hundred (100) seats or more or within one thousand feet (1,000') of a residence or a residential district shall be subject to approval of a conditional use permit. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005). *No outdoor stage or musical venue is proposed.*

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

One (1) driveway access is depicted and approved on the overall site plan via N. Linder Road (industrial arterial). ACHD and the City have approved the location of the access driveway with the administrative approvals for the overall industrial building (A-2022-0020).

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

As noted throughout the staff report, the building and other site improvements are existing and include the off-street parking for the entire industrial building. According to the submitted site plan showing the existing site conditions, a total of 25 parking spaces are provided, exceeding UDC standards. Based on the 6 parking spaces provided for this use, a minimum of one (1) bicycle parking space is required to be provided. **Bicycle parking facilities were approved at the time of CZC submittal; the submitted plans depict the bike racks located on the south side of the building.**

The applicant stated the building owner will provide six (6) dedicated parking stalls and six (6) floating stalls for the proposed personal training facility. Staff does not have concerns on the number of parking spaces available for the proposed use.

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

There are existing 7-foot wide attached sidewalks along N. Linder Road that meet UDC standards. Any damaged curb, gutter, or sidewalk is required to be replaced.

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

A 25-foot wide street buffer is required to be provided along N. Linder Road, an industrial arterial. Landscaped was installed per the standards listed in UDC [11-3B-7C](#). Parking lot landscaping is required per the standards listed in UDC [11-3B-8C](#).

All required landscaping has been proposed and approved with previous approvals. Staff's analysis of the approved landscape plan shows compliance with all applicable landscaping code sections.

Outdoor Lighting (UDC [11-3A-11](#)):

All outdoor lighting is required to comply with the standards listed in UDC 11-3A-11C unless otherwise approved through alternative compliance. Light fixtures that have a maximum output of 1,800 lumens or more are required to have an opaque top to prevent up-lighting; the bulb shall not be visible and shall have a full cutoff shield in accord with Figure 1 in UDC 11-3A-11C.

All outdoor lighting was approved with the CZC approval in 2022. However, any future business signage must comply with all standards outlined in UDC 11-3D.

Building Elevations:

The approved building elevations and perspectives were submitted for the flex building as shown in Section IX.D. *As stated throughout this report, these elevations have already been approved through the administrative process and the building is already existing. The submitted elevations are for supplementary purposes only.*

VIII. DECISION

A. Staff:

Staff recommends approval of the proposed Conditional Use Permit per the provisions included in Section IX in accord with the Findings in Section X.

B. The Meridian Planning & Zoning Commission heard this item on January 18, 2024. 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: All
- b. In opposition: None
- c. Commenting: Joe Daily
- d. Written testimony: None
- e. Staff presenting application: Linda Ritter, Associate Planner
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. None

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

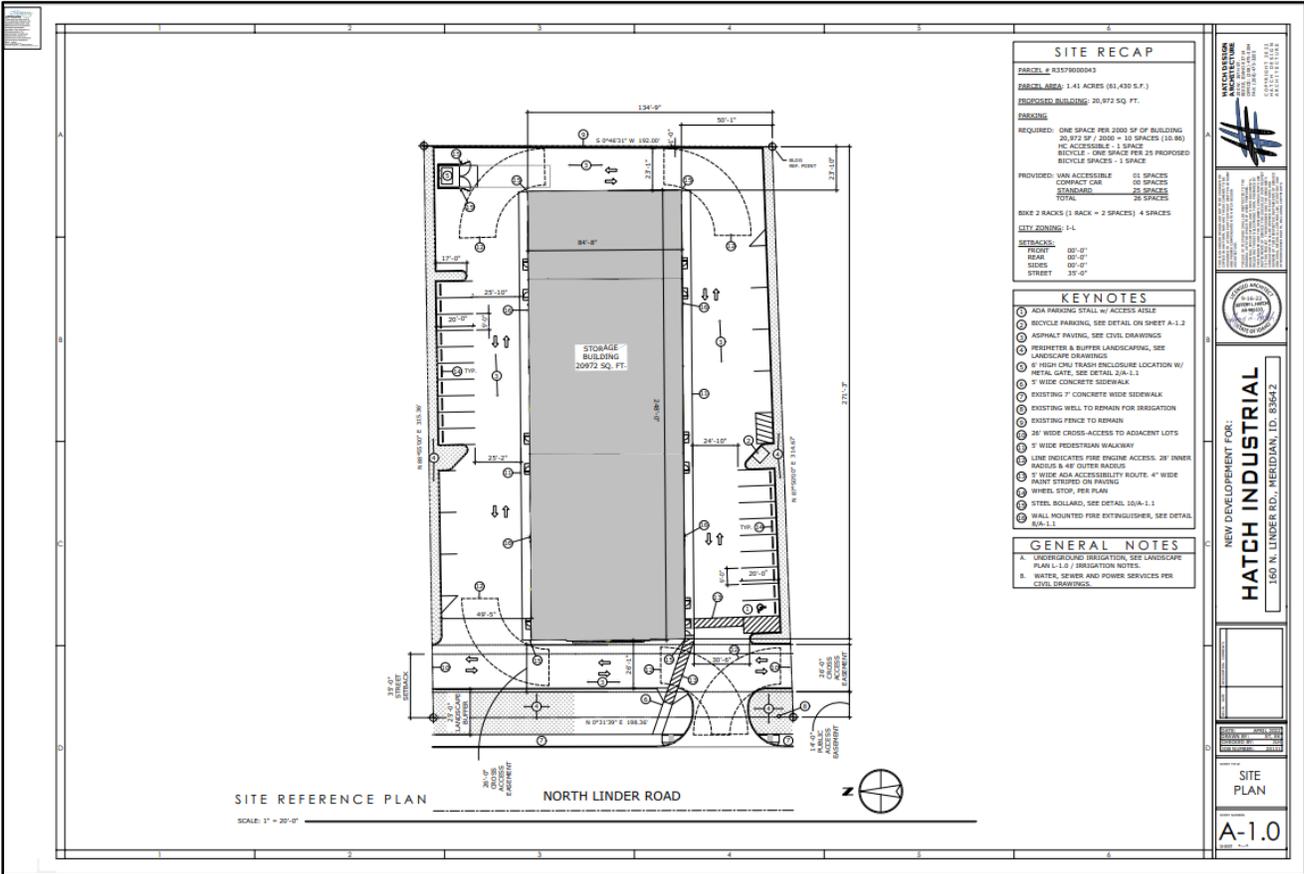
- a. Whether or not the commercial business would continue in the industrial zone if the applicant moved to a new location.

4. Commission change(s) to Staff recommendation:

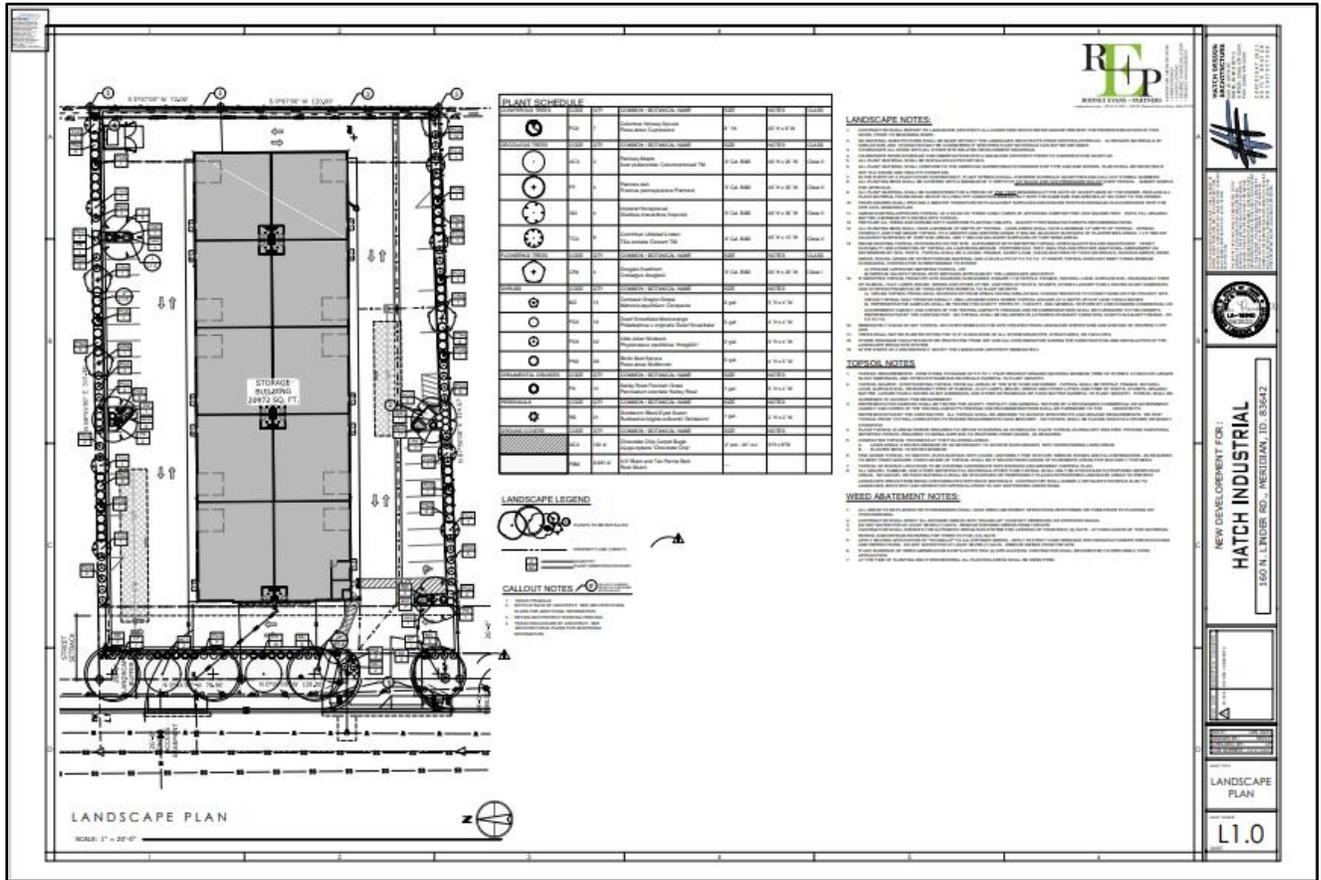
- a. None

IX. EXHIBITS

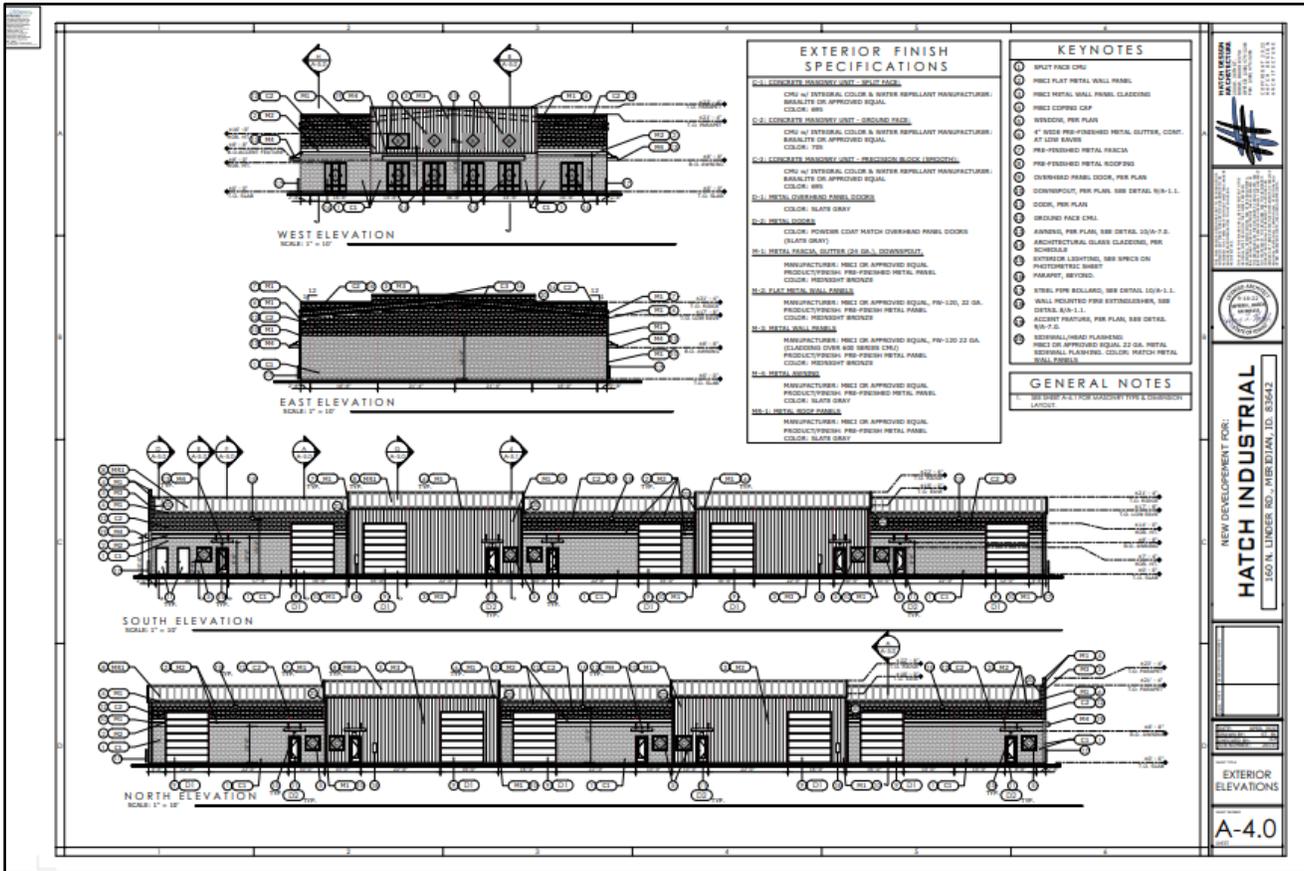
A. Approved Site Plan (dated: 4/18/23)



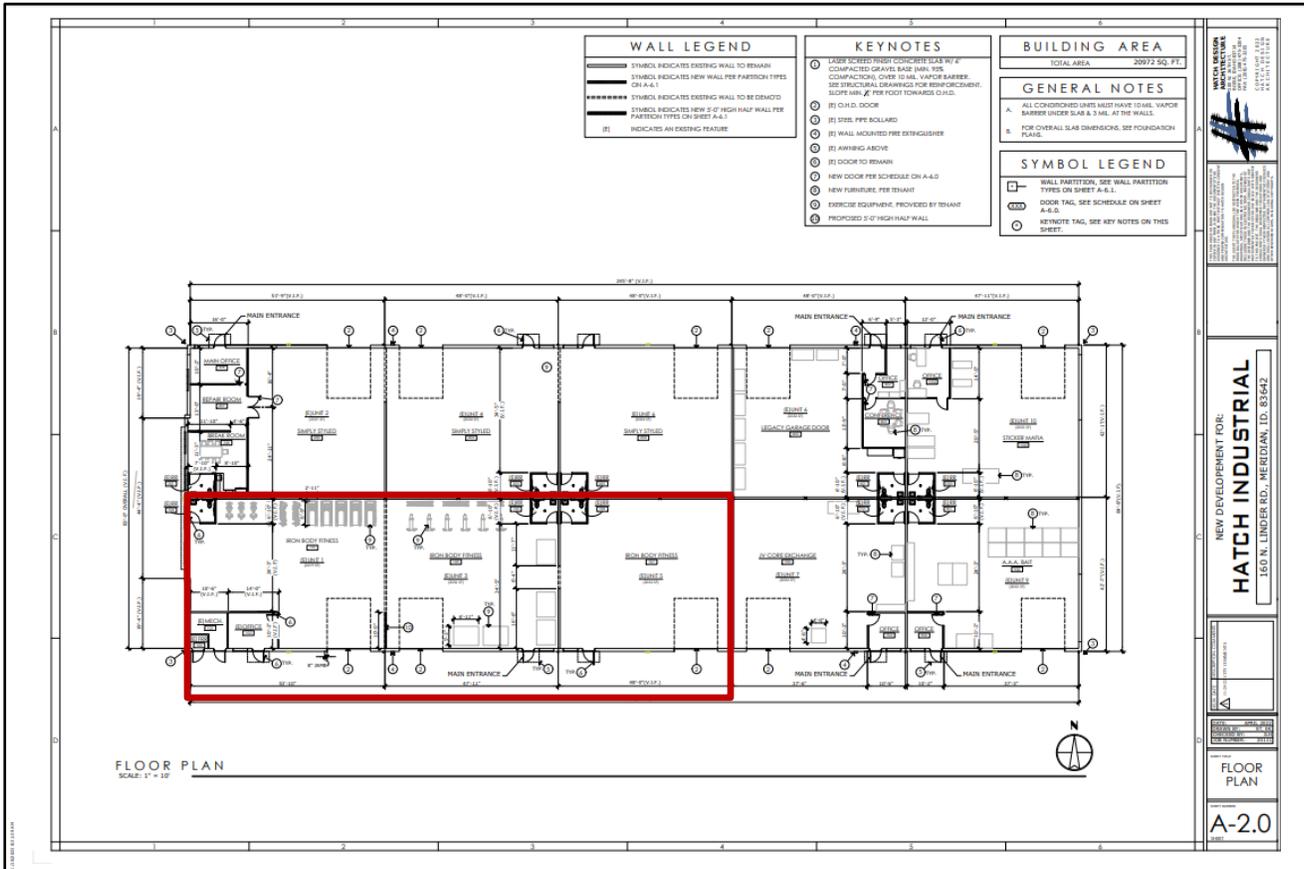
B. Approved Landscape Plan (dated: 9/3/2021)



C. Approved Building Elevations (3/23/23)



D. Proposed Floor Plans (3/23/23)



X. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. The applicant shall comply with the site plan, landscape plan, and building elevations approved with A-2022-0020 and the recorded Development Agreement (DA Inst. #2022-013890).
2. The Applicant shall comply with the specific use standards listed in UDC 11-4-3-2 – Arts, Entertainment or Recreation Facility, Indoors and Outdoors, including but not limited to the following:
 - Accessory uses including, but not limited to, retail, equipment rental, restaurant, and drinking establishments may be allowed if designed to serve patrons of the use only, and not the general public.
 - All outdoor recreation areas and structures that are not fully enclosed shall maintain a minimum setback of one hundred feet (100') from any abutting residential districts. The playing areas of golf courses, including golf tees, fairways, and greens, are an exception to this standard. (Ord. 07-1325, 7-10-2007).
 - No outdoor event or activity center shall be located within fifty feet (50') of any property line and shall operate only between the hours of six o'clock (6:00) A.M. and eleven o'clock (11:00) P.M.
 - Accessory uses including, but not limited to, retail, equipment rental, restaurant, and drinking establishments may be allowed if designed to serve patrons of the use only.
 - Outdoor speaker systems shall comply with section 11-3A-13, "Outdoor Speaker Systems", of this title.
3. The applicant shall not be required to submit a Certificate of Zoning Compliance application to commence the proposed use on this site. Planning staff will review and approve the commencement of the use through the Tenant Improvement and/or Certificate of Occupancy submitted to the Community Development Department. All interior modifications (tenant improvements) associated with the use must receive all required permits and inspections from the Building Division of the Community Development Department prior to operation of the indoor recreation facility.
4. 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.

B. PUBLIC WORKS DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=300477&dbid=0&repo=MeridianCity>

C. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=324857&dbid=0&repo=MeridianCity>

D. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=302777&dbid=0&repo=MeridianCity>

E. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=315353&dbid=0&repo=MeridianCity>

F. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=317401&dbid=0&repo=MeridianCity>

XI. FINDINGS

A. Conditional Use Permit (UDC 11-5B-6E)

The Commission shall base its determination on the Conditional Use Permit requests 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 the dimensional and development regulations of the I-L zoning district for the proposed use. Therefore, Staff 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.

Staff finds the proposed use will be harmonious with the Comprehensive Plan in that it will provide an indoor recreation use which will contribute to the mix of uses desired in the Industrial Comprehensive designation as desired.

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.

Staff finds the design, construction, operation and maintenance of the proposed use with the conditions imposed, should be compatible with other uses in the general vicinity but may moderately change the character of the area due to the limited I-L zoning within the City.

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

Staff finds that if the applicant complies with the conditions outlined in this report, the proposed use will not adversely affect other property in the area.

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.

Staff 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.

Staff 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.

Staff 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).

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



AGENDA ITEM

ITEM TOPIC: Findings of Fact, Conclusions of Law for Sulamita Church (MCU-2023-0008) by MMGC Sulamita, located at 4973 W. Cherry Ln.

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



In the Matter of the Request for Modification to the Existing Conditional Use Permit (H-2018-0110) for Sulamita Church to Allow the Existing Manufactured Home Structure to Remain on the Site for an Additional Two (2) years beyond the Date of Issuance of the Certificate of Occupancy for the Church in Order to Continue the Operation of a Food Pantry in the Structure, Located at 4973 W. Cherry Ln./1435 N. Black Cat Rd., by MMGC Sulamita.

Case No(s). MCU-2023-0008

For the Planning & Zoning Commission Hearing Date of: January 18, 2024 (Findings on February 1, 2024)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of January 18, 2024, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of January 18, 2024, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of January 18, 2024, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of January 18, 2024, 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 January 18, 2024, 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 a modification to the conditional use permit is hereby approved in accord with the conditions of approval in the staff report for the hearing date of January 18, 2024, 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 January 18, 2024

By action of the Planning & Zoning Commission at its regular meeting held on the _____ day of _____, 2024.

COMMISSIONER ANDREW SEAL, CHAIRMAN VOTED_____

COMMISSIONER MARIA LORCHER, VICE CHAIRMAN VOTED_____

COMMISSIONER NATE WHEELER VOTED_____

COMMISSIONER JARED SMITH VOTED_____

COMMISSIONER PATRICK GRACE VOTED_____

COMMISSIONER MANDI MEYERS VOTED_____

COMMISSIONER ENRIQUE RIVERA 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

EXHIBIT A

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



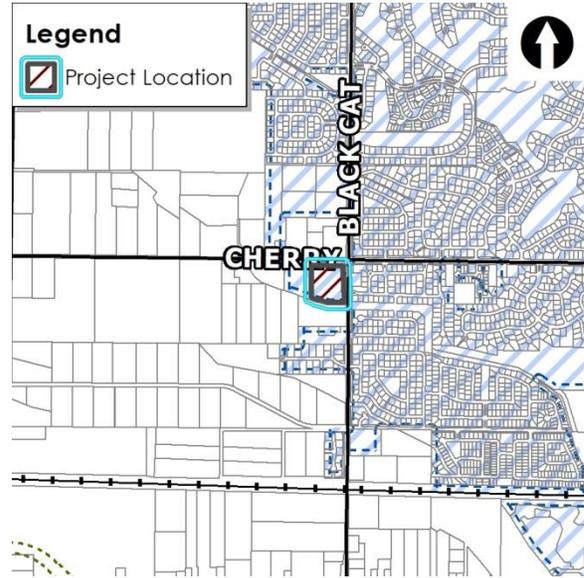
HEARING DATE: January 18, 2024

TO: Planning & Zoning Commission

FROM: Sonya Allen, Associate Planner
208-884-5533

SUBJECT: Sulamita Church – MCU
[MCU-2023-0008](#)

LOCATION: 4973 W. Cherry Ln./1435 N. Black Cat Rd., in the NE 1/4 of Section 9, T.3N., R.1W.



I. PROJECT DESCRIPTION

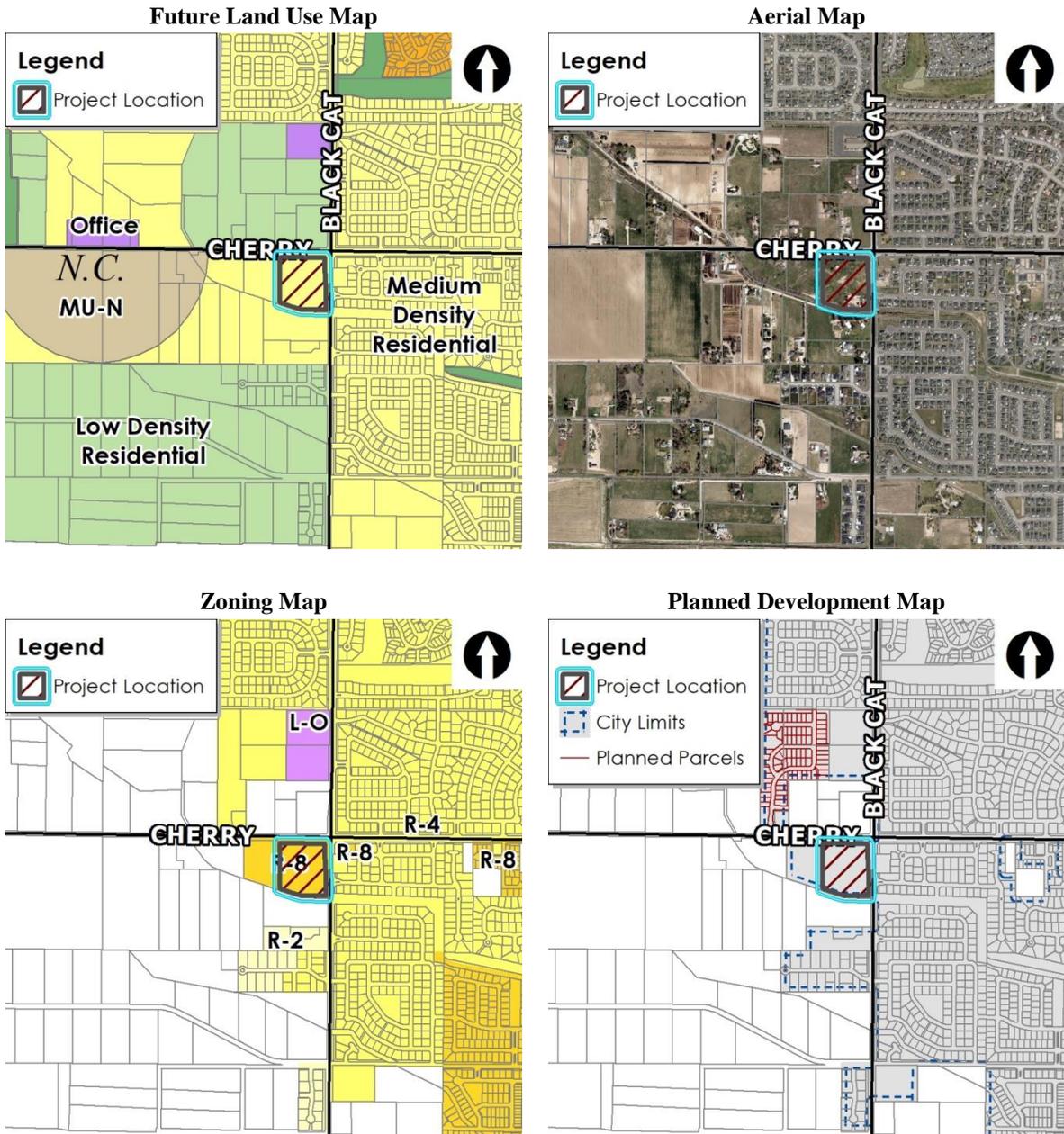
Modification to the existing Conditional Use Permit (H-2018-0110) to allow the existing manufactured home structure to remain on the site for an additional two (2) years beyond the date of issuance of the Certificate of Occupancy for the church in order to continue the operation of a food pantry in the structure.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details
Acreage	8.49
Future Land Use Designation	MDR
Existing Land Use	Food pantry (temporary use)
Proposed Land Use(s)	NA (church is in the development process to the north on the same parcel)
Current Zoning	R-8
Proposed Zoning	NA
Phasing plan (# of phases)	1
Physical Features (waterways, hazards, flood plain, hillside)	Ten Mile Creek runs along south boundary
Neighborhood meeting date; # of attendees	11/22/23
History (previous approvals)	AZ-14-014 (DA # 2015-023708); CUP-14-019 (expired); H-2018-0110 (CUP)

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Aleks Yanchuk, MMGC Sulamita – 4973 W. Cherry Ln., Meridian, ID 83642

B. Owner:

MMGC Sulamita – 4973 W. Cherry Ln., Meridian, ID 83642

C. Agent/Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	1/2/2024
Radius notification mailed to properties within 500 feet	12/29/2024
Public hearing notice sign posted on site	1/4/2024
Nextdoor posting	12/29/2024

V. STAFF ANALYSIS

The existing conditional use permit (CUP) (H-2018-0110) approved a church to develop on this site and allowed the former dwelling/manufactured home, consisting of approximately 2,439 square feet, to be used as a job shack while the church was being constructed. This structure, along with the accessory structures on the site, were required to be removed prior to issuance of the Certificate of Occupancy for the church.

The Applicant states the existing structure has been being used as a food pantry, providing food to over 100 families in the community. The church is now nearing completion of construction and the Applicant requests the structure is allowed to remain on the site for an additional 2-years after the Certificate of Occupancy is issued in order to continue providing food to area families who rely on the support. During this extended period, the Applicant plans to pursue fundraising to establish a permanent location for the food pantry.

The CUP modification is requested to change the use of the existing structure from a job shack to a food pantry; and to extend the time period it can remain on the site for up to two (2) years from the date of issuance of the Certificate of Occupancy for the church. Because the use provides a needed service for the community and is secondary to the church use, it’s considered an accessory use to the approved church use; therefore, Staff is amenable to the request.

The following Comprehensive Plan policy supports the request: “Strengthen public services, programs, and community resources to be responsive to and representative of Meridian's diversity.” (2.05.01G)

A site plan was submitted, included in Section VII, that depicts the location of the structure housing the food pantry along with the access driveway via N. Black Cat Rd., which connects to the church parking lot, and off-street parking for five (5) vehicles.

As conditions of approval of the subject application, Staff recommends the following:

- **The structure should connect to City water and sewer within 30 days of approval of the subject application or prior to issuance of Certificate of Occupancy for the church, whichever occurs first (if not already connected).**
- **A Certificate of Zoning Compliance application is required to be submitted for the change in use of the building from residential to a food pantry associated with the church and for the addition of the parking shown on the site plan.**
- **A building permit application is required to be submitted to change the use from residential to commercial (i.e. food pantry) within 30 days of approval of the subject application.**
- **The address of 1435 N Black Cat Rd. should be placed on the building or on a sign at the driveway entrance to the food pantry for way-finding purposes if not already existing.**

VI. DECISION

A. Staff:

Staff recommends approval of the proposed modification to the existing Conditional Use Permit per the provisions included in Section VIII in accord with the Findings in Section IX.

B. The Meridian Planning & Zoning Commission heard this item on January 18, 2024. At the public hearing, the Commission moved to approve the subject MCU request.

1. Summary of the Commission public hearing:

- a. In favor: Aleks Yanchuk, Applicant's Representative
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: Aleks Yanchuk, Applicant's Representative
- e. Staff presenting application: Sonya Allen
- 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

VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. The applicant shall comply with all previous conditions of approval [AZ-14-014 (DA #[2015-023708](#)); [H-2018-0110](#) (CUP)] associated with this site except as otherwise approved with this application, as follows:
 - a. All existing structures *except* for the manufactured home structure that houses the food pantry shall be removed from the site prior to issuance of Certificate of Occupancy for the church. Said structure is allowed to remain and continue being used as a food pantry for an additional period of up to two (2) years after the date the Certificate of Occupancy for the church is issued. At the end of this period, the structure shall be removed.
 - b. The Applicant shall have connected to City water and sewer service within thirty (30) days of approval of the subject application or prior to issuance of Certificate of Occupancy for the church, whichever occurs first.
 - c. The address (i.e. 1435 N. Black Cat Rd.) shall be clearly depicted on the building or on a sign at the driveway entrance to the food pantry for way-finding purposes if not already existing.
 - d. A Certificate of Zoning Compliance application shall be submitted for the change in use of the building from residential to a food pantry associated with the church and for the addition of the parking shown on the site plan.
 - e. A building permit shall be obtained from the Building Dept. to change the use of the manufactured home from residential to a commercial use (i.e. food pantry). The Applicant shall apply for the permit within 30 days of approval of the subject application.

B. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=317405&dbid=0&repo=MeridianCity>

C. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=315719&dbid=0&repo=MeridianCity>

IX. FINDINGS

A. Conditional Use Permit (UDC 11-5B-6E)

The Commission shall base its determination on the Conditional Use Permit requests 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 proposed 8.49-acre site is large enough to accommodate the church and accessory food pantry and meet all the dimensional standards and development regulations of 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.

The Commission finds the food pantry (as an accessory use to the church) provides a needed service for the community and is harmonious with the Comprehensive Plan if the Applicant complies with the conditions of approval in Section VIII.

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 continued operation of the food pantry associated with the church will be compatible with adjacent residential uses and the intended character of the area and will not adversely affect the same.

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 food pantry associated with the church will not adversely affect other properties in the vicinity if the Applicant complies with the conditions of approval in Section VIII.

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 food pantry associated with the church will continue to be served by the public facilities and services noted.

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 food pantry associated with the church will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community and will benefit 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 food pantry associated with the church will not detrimentally affect any persons, property or the general welfare by the excessive production of traffic or emissions generated from the site.

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 is unaware of any natural, scenic or historic features that exist on this site of major importance that will be destroyed or damaged by the food pantry use. The Commission should rely on any public testimony presented to determine this finding.



AGENDA ITEM

ITEM TOPIC: Public Hearing continued from January 18, 2024 for Pathways (H-2023-0061) by Mussell Construction, Inc., located at 965 E. Ustick Rd.
Application Materials: <https://bit.ly/H-2023-0061>

A. Request: Annexation of 1.11 acres of land with an L-O zoning district.

B. Request: Conditional Use Permit for an education institution that takes access from an arterial street without a safe, separate pedestrian and bikeway access between the neighborhood and the school site.

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

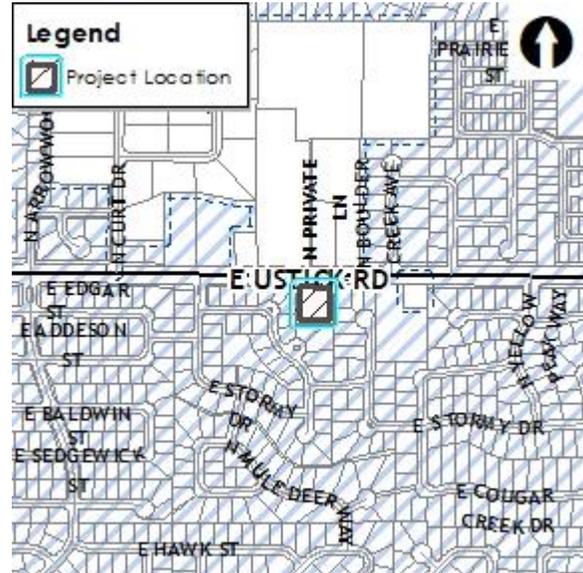
HEARING DATE: February 1, 2024
Continued from January 18, 2024

TO: Planning & Zoning Commission

FROM: Sonya Allen, Associate Planner
208-884-5533

SUBJECT: Pathways – AZ, CUP
[H-2023-0061](#)

LOCATION: 965 E. Ustick Rd., in the NE 1/4 of Section 6, T.3N., R.1E.



Since the Commission hearing, the Applicant has updated the site plan based on feedback provided at the hearing and discussions with City Staff and ACHD to better facilitate traffic flow through the site and provide a safe drop-off area for students with queuing that shouldn't impact traffic on Ustick Rd. (see site plan in Section VIII.B). The traffic study associated with the public school checklist is in the process of being updated and should be submitted to ACHD for review next week.

I. PROJECT DESCRIPTION

Annexation (AZ) of 1.11 acres of land with an L-O zoning district; and Conditional Use Permit (CUP) for a public education institution that takes access from an arterial street without a safe, separate pedestrian and bikeway access between the neighborhood and the school site.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details
Acreage	0.90-acre
Future Land Use Designation	Medium Density Residential (MDR)
Existing Land Use	Single-family residential (SFR)
Proposed Land Use(s)	Public education institution
Current Zoning	R1 in Ada County
Proposed Zoning	Limited Office (L-O)
Phasing Plan	1
Physical Features (waterways, hazards, flood plain, hillside)	None
Neighborhood meeting date	9/6/23
History (previous approvals)	ROS #1070

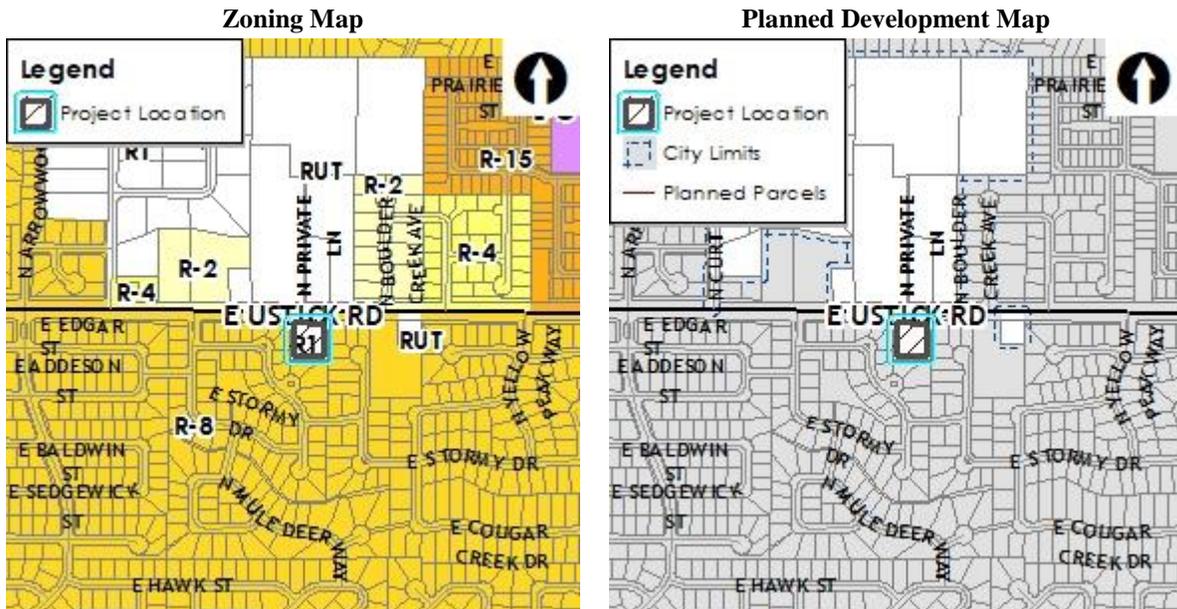
B. Project Area Maps

Future Land Use Map



Aerial Map





III. APPLICANT INFORMATION

A. Applicant:

Kent Mussell, Mussell Construction, Inc. – PO Box 3304, Nampa, ID 83653

B. Owner:

MMW&T, LLC – PO Box 3304, Nampa, ID 83653

C. Representative:

Mike Mussell, MMW&T, LLC – PO Box 3304, Nampa, ID 83653

IV. NOTICING

	Planning & Zoning Notice Dates	City Council Notice Dates
Newspaper Notification	1/2/2024	
Radius notification mailed to properties within 300 feet	12/29/2023	
Site Posting Date	1/5/2024	
Next Door posting	12/29/2023	

V. COMPREHENSIVE PLAN ANALYSIS

Land Use: This property is designated as Medium Density Residential (MDR) on the Future Land Use Map (FLUM) contained in the ([Comprehensive Plan](#)). This designation allows for dwelling units at gross densities of 3 to 8 dwelling units per acre.

Although dwelling units are typically desired in the MDR designation, the Comprehensive Plan does allow requests for office uses (i.e. L-O zoning), at the discretion of City Council, for areas with a Residential FLUM designation if the property only has frontage on an arterial street or section line road and is 2-acres or less in size. In this instance, no ancillary commercial uses are permitted.

The subject property meets the aforementioned criteria. Although the requested use is not office, education institutions are listed as an allowed use in the L-O zoning district and Staff deems the uses similar in terms of intensity of use and impacts to adjacent properties. Therefore, the Applicant requests City Council approval of an education institution use on this property in accord with the Comprehensive Plan.

Transportation: East Ustick Road, which runs along the front/north side of this property, is depicted as a residential arterial street on the Master Street Map (MSM). There are no stub streets from adjacent developments to this property.

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):

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

City water and sewer service is available and can be provided to this property in accord with UDC 11-3A-21.

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

Urban sewer and water infrastructure is available to this property. Curb, gutter and sidewalk has been constructed along E. Ustick Rd. in accord with UDC standards.

- “Ensure development provides safe routes and access to schools, parks, and other community gathering places.” (2.02.01G)

A mostly attached sidewalk exists along the frontage of this property adjacent to E. Ustick Rd., a residential arterial street. There are no pathways to the site from adjacent developments.

- “Maximize public services by prioritizing infill development of vacant and underdeveloped parcels within the City over parcels on the fringe.” (2.02.02)

Annexation and redevelopment of the subject infill parcel will maximize public services.

- “Ensure the location and design of schools are compatible with existing and planned neighborhoods and land uses.” (2.03.01D)

The proposed school should be compatible with adjacent existing residential uses in the vicinity.

VI. STAFF ANALYSIS

A. Annexation & Zoning (AZ):

The Applicant proposes to annex 1.11 acres of land with an L-O zoning district for the development of a public education institution (charter school for high school age students) in West Ada School District. **City Council approval is needed to approve the proposed use and zoning in the MDR FLUM designation as mentioned above in Section V.**

The site is within the Area of City Impact (AOCI) boundary and is contiguous to City annexed land to the south, east and west. A legal description was submitted for the boundary of the annexation area, included in Section VIII.A below.

There is an existing 2,259 square foot (s.f.) single-family dwelling on this site, which is proposed to be enlarged to 8,000 square feet and converted to an education institution. **The existing structure is required to connect to City water and sewer service within 60 days of annexation and disconnect from private service, as set forth in MCC 9-1-4 and 9-4-8.**

A public education institution is listed as a permitted use in the proposed L-O zoning district per UDC [Table 11-2A-2](#), subject to the specific use standards listed in UDC [11-4-3-14](#). The specific use standards require a conditional use permit (CUP) when the education institution takes access from a collector or an arterial street and there is not a safe, separate pedestrian and bikeway access between the neighborhood and the school site. A CUP is requested concurrent with the annexation request (see analysis below).

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. **To ensure this property develops as proposed and required, Staff recommends a DA with the provisions discussed herein and included in Section IX.A.**

B. Conditional Use Permit (CUP):

A CUP is requested for a public education institution that takes access from an arterial street (i.e. E. Ustick Rd.) without a safe, separate pedestrian and bikeway access between the neighborhood and the school site, as required by UDC [11-4-3-14E](#).

The proposed charter school will serve high school age students and educates students in small groups or 1:1 support sessions, which should be low impact on adjacent residential uses. The Applicant states that the school features a very low student-to-teacher ratio and no extracurricular or outdoor activities. *See the Applicant's narrative for more information.*

Dimensional Standards: The proposed development is required to comply with the dimensional standards listed in UDC [Table 11-2B-3](#) for the proposed L-O zoning district.

Specific Use Standards: The proposed use is required to comply with the specific use standards listed in UDC [11-4-3-14F](#), Education Institution, as follows: *Staff's analysis is in italics.*

- A. Accessory uses. Accessory uses including, but not limited to, daycare facilities, community events, community services, social services, curricular and extracurricular activities, meeting facilities for clubs and organizations, and school administration may be allowed.
 1. Community events shall include, but are not limited to, events organized by an association of persons for a social, literary, political, educational or recreational purpose. Community events shall not include retail or other services that are customarily carried on as a business.
 2. Curricular or extracurricular activities at an education institution shall include any

sporting, musical, dramatic, artistic, fundraising or educational activities associated with any group, association, or classroom of said education facilities. Curricular or extracurricular activities shall not include retail or other services of businesses not directly associated with the education facility.

3. When conducted within an existing structure and site modifications are not proposed and/or required allowed accessory uses do not require a certificate of zoning compliance.
 4. Uses not deemed as an accessory use by the Director shall require approval as a principal permitted or conditional use consistent with this title or as a temporary use consistent with [title 3](#), chapter 4 of this Code.
- B. Location criteria for elementary schools. Elementary schools should be located within the center of neighborhoods with access encouraged from local streets. Elementary school locations adjacent to public parks or open space are encouraged. At least thirty (30) percent of the perimeter of an elementary school site should be open to streets or open space areas. *NA*
- C. Location criteria for middle schools and high schools. Middle and high schools may take access off a designated arterial or collector street. *The proposed school for high school age students takes access off an arterial street (E. Ustick Rd.).*
- D. Exemption. An education institution with less than one hundred fifty (150) students or located within the TN-R district may be exempt from the requirements for open space, landscaping, parking and drop off areas. *The Applicant states the school will serve less than 150 students; therefore, it is exempt from the aforementioned standards. On average, approximately 30 students will be there at a time, with a maximum capacity of 40 students. Student appointments are normally 1-1.5 hours in length and occur twice per week.*
- E. Conditional use requirement. A conditional use permit shall be required for any education institution in which any of the following circumstances exist:
1. The education institution is in excess of two hundred fifty thousand (250,000) square feet within a residential district; *The proposed school will only be 8,000 s.f.*
 2. The education institution includes lighted fields adjoining or within a residential district; *No lighted fields are proposed.*
 3. The education institution will generate in excess of one thousand five hundred (1,500) vehicular trips per day; *The proposed school will not generate more than 1,500 vehicle trips per day. Students are responsible for their own transportation; busses will not service the campus. The Applicant anticipates that nearly all students will be dropped off by family and that a minority of students will drive themselves.*
 4. The education institution takes access from a collector or an arterial street and there is not a safe, separate pedestrian and bikeway access between the neighborhood and the school site. *The proposed school takes access from an arterial street (E. Ustick Rd.) and there is not a safe, separate pedestrian and bikeway access between the neighborhood and the school site.*
- F. Portable classrooms (temporary and permanent). The site plan for all education institutions shall include the location of any future portable classrooms (temporary and/or permanent). *No portable classrooms are proposed.*
1. Temporary portables. A temporary portable classroom shall be an accessory use valid

- for a maximum period of four (4) years from the date of issuance of a certificate of occupancy.
- a. Temporary portable classrooms that meet the standards as set forth in subsection (F)(4) of this section shall require a certificate of zoning compliance approval but shall not be subject to design review.
 - b. Temporary portable classrooms that do not meet the standards as set forth in subsection (F)(4) of this section shall require a conditional use permit but shall not be subject to design review.
2. Permanent portables. Prior to the termination of the four-year permit, the applicant may request to convert a temporary portable classroom to a permanent portable classroom.
- a. Permanent portable classrooms that meet the standards as set forth in subsection (F)(4) of this section shall require a certificate of zoning compliance and design review approval.
 - b. Permanent portable classrooms that do not meet the standards as set forth in subsection (F)(4) of this section shall require a conditional use permit and design review approval.
3. Permit termination. Upon termination of the four-year permit, the temporary portable classroom approval shall be null and void and the applicant shall remove the structure immediately.
4. Standards.
- a. The portable classroom shall not be located in the front yard of the principal school structure.
 - b. The portable classroom shall not be located in any required yard.
 - c. The placement of the portable classroom shall not reduce the number of required off street parking spaces.
 - d. The portable structures shall comply with the building code in accord with [title 10](#) of this Code.
 - e. Exterior colors of the portable classrooms shall be compatible with the color of the primary school building.
 - f. The roofing material on the portable classrooms shall be of a finish that emits a minimal amount of glare.
 - g. Where the portable classroom is located within two hundred (200) feet of a street and is visible from such a street, the portable classroom shall be screened from view of the street with a minimum of one (1) evergreen tree per fifteen (15) feet of linear structure. The tree shall be a minimum of six (6) feet in height.
- G. Additional standards for education institution, private. The applicant shall provide written documentation that the facility meets the minimum site area guidelines as established by the Idaho State Department of Education. *Not applicable.*
- H. Additional standards for vocational or trade schools. The applicant shall provide written documentation that the school will have a major curriculum relating to technological industrial research and processes. *Not applicable.*

- I. Parking space requirement. In all commercial and residential districts, education institutions shall provide one (1) parking space for every four hundred (400) square feet of gross floor area. *Based on an 8,000 s.f. building, a minimum of 20 off-street parking spaces are required to be provided; a total of ~~33~~ 30 parking spaces are depicted on the revised site plan, exceeding the minimum standard by ~~13~~ 10 spaces, which should assist in providing additional parking for the 12+/- staff members.*

Based on the number of vehicle spaces provided, a minimum of two (2) bicycle parking spaces should be provided in a bicycle rack that meets the standards listed in UDC [11-3C-5C](#).

Access: There are two (2) existing driveway curb cuts to this site via E. Ustick Rd., an arterial street; no other accesses are available to the site. ~~Only one (1) access~~ Two (2) driveway accesses are proposed via Ustick Rd. with redevelopment for a one-way driveway through ~~of~~ the site as shown on the revised site plan. This design is much preferred over the original design as it provides 400' of queuing for student drop-offs, which shouldn't impact traffic on Ustick Rd. A driveway is proposed to the property to the east for future interconnectivity.

Where access to a local street is not available, the UDC ([11-3A-3A.2](#)) requires the property owner to grant cross-access/ingress-egress to adjoining properties via a recorded easement (this standard is intended to apply primarily to nonresidential properties but may extend to residential properties where the use is anticipated to change to a nonresidential use). This property and the adjacent property to the east only have access to an arterial street (i.e. Ustick Rd.); therefore, an easement should be granted to the property to the east in the location where the driveway is proposed, unless otherwise waived by City Council. **A copy of the recorded easement shall be submitted to the Planning Division with the Certificate of Zoning Compliance application.**

~~The hatched area shown on the plans at the east end of the row of parking on the south side of the building is proposed as a turnaround area.~~

Traffic: A [Focused Traffic Study](#) that includes a public school checklist was submitted to ACHD for the proposed development by TJW Engineering, Inc. as required by Idaho State Statute 67-6519. ACHD has not yet completed their review of this study/checklist but should prior to the City Council meeting.

To avoid traffic conflicts on Ustick Rd. the Applicant should ensure vehicles do not stack on Ustick Rd. waiting to turn into the site or park along Ustick Rd. to pick-up or drop-off students.

~~To better facilitate traffic flow within the site, Staff recommends the angled parking along the west boundary of the site is changed to 90-degree parking, which will allow vehicles to exit the site easier without requiring them to turn around in the constrained area on the southern portion of the site. Seventeen (17) foot long parking spaces may be provided with a 25 foot wide drive aisle and no wheel stops in parking spaces.~~

Sidewalks/Pathways: A 7-foot wide (mostly) attached sidewalk exists along E. Ustick Rd. Detached sidewalks are required along arterial streets per UDC 11-3A-17; however, because the existing sidewalk is in good condition, Staff doesn't recommend it's reconstructed as a detached sidewalk.

~~A 7-foot wide sidewalk is proposed on the south side of the building adjacent to parking that ranges from 5 to 7 feet in width; which accommodates up to 2-feet of overhang by vehicles in the abutting parking spaces. If wheel stops are not provided in parking spaces abutting the 5-foot wide area to prevent vehicle overhang, the sidewalk should be widened to 7 feet in accord with UDC [11-3C-5B.4](#).~~ If the sidewalk is widened to 7 feet, the length of the parking spaces may

be reduced to 17 feet if desired.

A 5-foot wide sidewalk is proposed from the perimeter sidewalk along Ustick Rd. to the main building entrance in accord with UDC 11-3A-19.B.4. A 5' sidewalk ranging from 3' to 7' wide is also proposed along the west side of the building for safe pedestrian access from the parking area to the main building entrance on the north side of the building. ~~The sidewalk should be widened to a minimum of 5 feet in accord with UDC 11-3A-17A.~~

Landscaping: A 25-foot wide street buffer is required along E. Ustick Rd., an arterial street, landscaped per the standards listed in UDC 11-3B-7C. The tree class should be included in the Proposed Plant Material legend and should demonstrate compliance with the required standards (25% of the required trees should be Class II; and 35% of qualifying trees must provide urban canopy at maturity. The landscape plan depicts a buffer with the required number of trees and plantings in accord with UDC standards.

Parking lot landscaping is required in accord with the standards listed in UDC 11-3B-8C. **Class II or III trees are required in perimeter buffers; tree class should be added to the plant legend to demonstrate compliance.** Planter islands are required at the ends of rows of parking to reduce the visual impact of long rows of parked cars and to guide traffic; ~~a planter island should be added at the west end of the row of parking on the south side of the building alongside the sidewalk that complies with the standards in UDC 11-3B-8C.2a.~~

The UDC (Table 11-2B-3) requires a minimum 20-foot wide buffer to residential uses in the L-O zoning district, landscaped per the standards listed in UDC 11-3B-9C. Residential uses abut the site on three sides – to the west, south and east. **The Applicant requests City Council approval of a modified buffer width along the west east property boundary that varies from ~~11 6'8"~~+/-' at its narrowest point to ~~12 8~~+/-' at its widest point with an allowance for up to 2 feet of vehicle overhang within the buffer from adjacent parking spaces.** Such requests are allowed to be considered by City Council at a public hearing with notice to surrounding property owners. The building will not encroach into any of the required buffer areas. The buffer is required to include a mix of evergreen and deciduous trees, shrubs, lawn or other vegetative groundcover – **evergreen trees should be included in the buffer.** Typically, the buffer area should result in a barrier that allows trees to touch within 5 years of planting; however, because a 6-foot tall screen/privacy fence is proposed, the planting requirement may be reduced to a minimum of one (1) tree per 35 linear feet, plus shrubs, lawn, or other vegetative groundcover.

Note: If Council does not approve the reduced buffer width requested along the ~~west east~~ boundary of the site, a 20-foot wide buffer shall be provided as set forth in UDC Table 11-2B-3. Provision of the full buffer width would prohibit the one-way driveway design and would require a redesign of the site; the traffic study and public school checklist would also need to be updated.
Note: ~~This would reduce parking to 22 21 spaces as there wouldn't be adequate room to accommodate parking along the west boundary, which still complies with the parking standards in UDC 11-4-3-141 but likely would not be adequate for the site.~~

Mitigation is required for existing healthy trees 4" caliper and greater that are removed from the site as set forth in UDC 11-3B-10C.5. There are 19 existing healthy trees on the site totaling 405 caliper inches, ~~11 12~~ of which, totaling ~~186 169~~ caliper inches, are proposed to be removed – these require mitigation. The other ~~eight seven~~ (~~8 7~~), totaling ~~249 236~~ caliper inches, are proposed to be preserved and protected on the site – these trees are proposed to be counted toward the mitigation requirement. **Existing trees being retained on the site may count toward required landscaping but do not count toward mitigation requirements; the landscape plan should be revised accordingly. Because it's not feasible to provide 100% mitigation on the site due to size of the site, the Applicant should submit an application for Alternative Compliance to**

UDC 11-3B-10C.5 prior to the City Council hearing.

Fencing: Fencing is required to comply with the standards listed in UDC [11-3A-7](#). Fencing exists around the perimeter of the site; however, the applicant proposes to construct new 6-foot tall aluminum frame vinyl around the perimeter of the site as shown on the site plan. **If/when the abutting property to the east redevelops with a non-residential use, the fence shall be removed between the two properties where the driveway stubs to the property line to enable cross-access between the properties.**

Utilities (UDC [11-3A-21](#)): Connection to City water and sewer services is required in accord with UDC 11-3A-21. **Street lights will be required to be installed with redevelopment of the property in accord with the City’s adopted standards, specifications and ordinances.**

Waterways: There are no existing waterways that cross this site.

Pressurized Irrigation System (UDC [11-3A-15](#)): Underground pressurized irrigation water is required to be provided to the development as set forth in UDC 11-3A-15.

Storm Drainage (UDC [11-3A-18](#)): An adequate storm drainage system is required in all developments in accord with the City’s adopted standards, specifications and ordinances.

Hours of Operation: The hours of operation for the school will be from 8:00 am to 4:00 pm year-round, closed on Saturdays and Sundays. Cohort start times are varied throughout the day and the campus is closed during the times the adjacent homes are most likely to be occupied. The majority of the students are anticipated to leave the campus by 3:00 pm each day. **The L-O zoning district limits business hours of operation from 6:00 am to 10:00 pm.**

Building Elevations: Building elevations and a floor plan were submitted for the proposed school building as shown in Section VIII.D. **Final design of the structure is required to comply with the design standards listed in the [Architectural Standards Manual](#) (ASM). The architectural character of the building should relate to adjacent residential uses. New construction must share at least three similar accent materials, field materials, or other architectural feature of a building within 150-feet of the property in accord with ASM Goal 1.2B.**

Certificate of Zoning Compliance/Design Review: A Certificate of Zoning Compliance (CZC) and Design Review application is required to be submitted to the Planning Division and approved prior to submittal of building permit application(s). **The application materials should be updated as necessary to comply with the conditions contained in Section IX.**

VII. DECISION

A. Staff:

Staff recommends approval of the proposed annexation & zoning and conditional use permit applications with the provisions included in Section IX per the Findings in Section X.

B. The Meridian Planning & Zoning Commission heard these items on January 18, 2024. At the public hearing, the Commission moved to continue the subject AZ and CUP requests to the Feb. 1st Commission hearing.

1. Summary of Commission public hearing:

- a. In favor: Kent Mussell (Applicant); David Leroy, Attorney for the Applicant; Leslie Leonards, Pathways School; Calvin Taper, Construction Manager for Mussell Construction.
- b. In opposition: None
- c. Commenting: Steve Swan and Jennifer Hajjar (neighbors)

- d. Written testimony: Three (3) letters were received from parents of current students at Pathways School – Jennifer Schmerer, Oralia Rios and Cassandra Gonzalez; and a letter in agreement with the staff report conditions was received from Kent Mussell, the Applicant.
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: None
- 2. Key issue(s) of public testimony:
 - a. Neighbor concerns pertaining to impact of traffic generated from the proposed school.
 - b. Opinion that there shouldn't be a negligible effect on traffic based on the traffic produced at an existing Pathways school at another location.
- 3. Key issue(s) of discussion by Commission:
 - a. Reservations about a school in this location with a residential FLUM designation and constrained site area with access via Ustick Rd., a busy arterial street.
 - b. Desire to see the traffic study and receive comments from ACHD before making a recommendation to City Council.
 - c. Supportive of this location for the proposed school.
 - d. Concern pertaining to internal traffic flow within the site.
 - e. The Commission continued the project to the next Commission hearing on Feb. 1st in order to obtain the ACHD report for consideration in a motion, to consider the impacts of a one-way driveway along the east boundary of the site on the buffer to residential use to the east and the internal site circulation.
- 4. Commission change(s) to Staff recommendation:
 - a. None
- 5. Outstanding issue(s) for City Council:
 - a. None

VIII. EXHIBITS

A. Annexation & Zoning Legal Description and Exhibit Map

**LEGAL DESCRIPTION FOR
ANNEXATION OF
965 E USTICK ROAD**

A parcel of land located in the in the Northwest 1/4, of the Northeast 1/4 Section 6, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho and being further described as follows:

BASIS OF BEARING:

The North line of said Northwest 1/4, of the Northeast 1/4, derived from found monuments and taken as S89°47'28"E with the distance between monuments found to be 1324.50 feet.

BEGINNING at a point on the North line of the Northwest 1/4, of the Northeast 1/4 Section 6, Township 3 North, Range 1 East, Boise Meridian from which the from which the East 1/16 corner of said section 6 bears South 85°47'28" East a distance of 493.86 feet.

Thence leaving said North line, South 00°16'42" West, a distance of 252.69 feet;

Thence North 89°42'02" West, a distance of 192.00 feet;

Thence North 00°30'53" East to a point on said North line, a distance of 252.39 feet;

Thence along said North line South 89°47'28" East, a distance of 190.96 feet to the **POINT OF BEGINNING**.

Said Parcel containing 48,356 square feet or 1.11 acres, more or less and is subject to all existing easements and rights-of-ways of record or implied.

END OF DESCRIPTION.

Kenneth H. Cook, P.L.S. 9895
Timberline Surveying
847 Park Centre Way, Suite 3
Nampa, Idaho 83651
(208) 465-5687

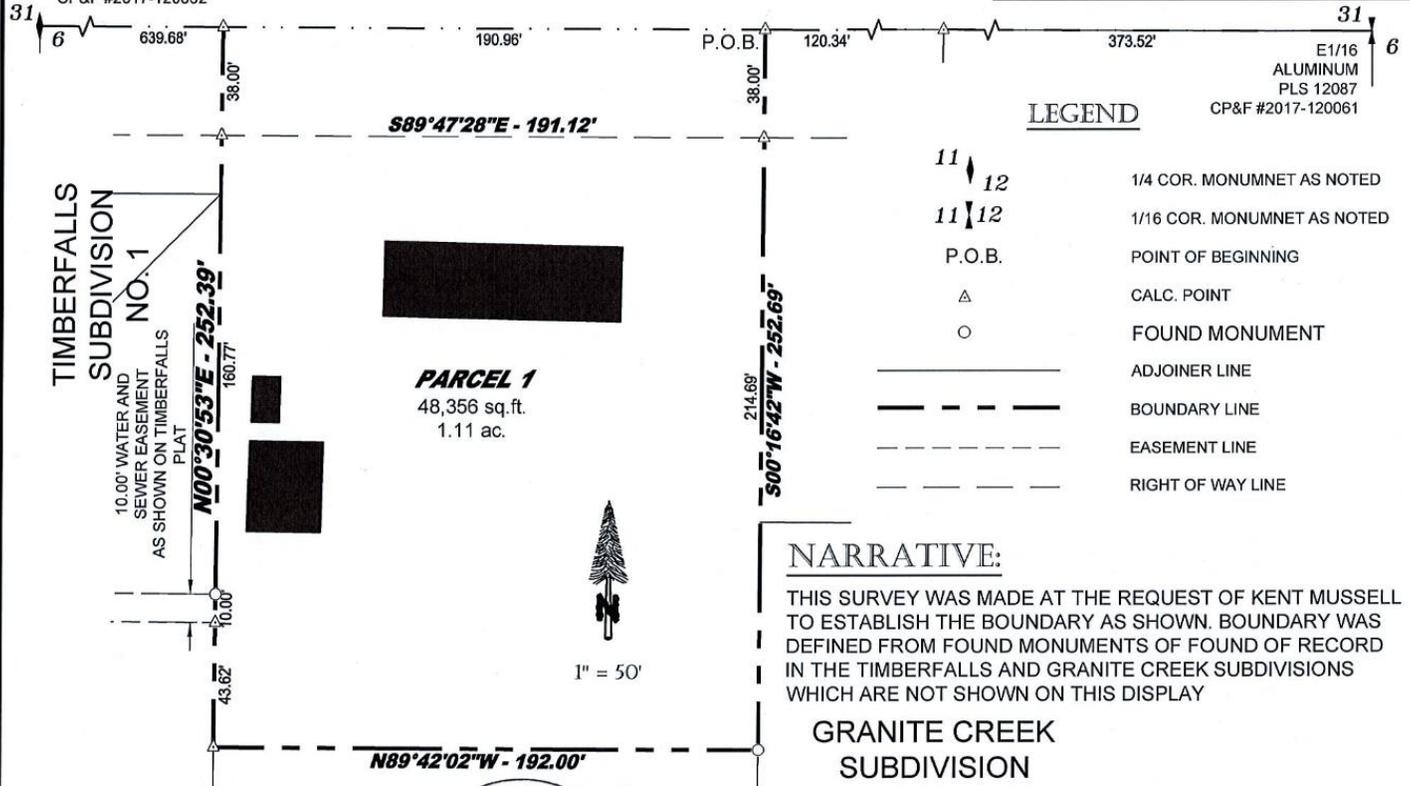


U:\TS-23\ADA\23013 - MUSSELL -USTICK-LOCUST GROVE\survey\LEGALS\23013 - MUSSELL ANNIXATION.rtf

N1/4
BRASS CAP
PLS 12087
CP&F #2017-120062

USTICK ROAD
BASED ON BEARING

A PORTION OF NORTHWEST 1/4 OF THE NORTHEAST
1/4 OF SECTION 6, TOWNSHIP 3 NORTH,
RANGE 1 EAST, B.M., ADA COUNTY, IDAHO



LEGEND

- 11 ↓ 12 1/4 COR. MONUMENT AS NOTED
- 11 | 12 1/16 COR. MONUMENT AS NOTED
- P.O.B. POINT OF BEGINNING
- △ CALC. POINT
- FOUND MONUMENT
- — — — — ADJOINER LINE
- — — — — BOUNDARY LINE
- - - - - EASEMENT LINE
- - - - - RIGHT OF WAY LINE

NARRATIVE:

THIS SURVEY WAS MADE AT THE REQUEST OF KENT MUSSELL TO ESTABLISH THE BOUNDARY AS SHOWN. BOUNDARY WAS DEFINED FROM FOUND MONUMENTS OF FOUND OF RECORD IN THE TIMBERFALLS AND GRANITE CREEK SUBDIVISIONS WHICH ARE NOT SHOWN ON THIS DISPLAY

**GRANITE CREEK
SUBDIVISION**

**TIMBERFALLS
SUBDIVISION
NO. 1**

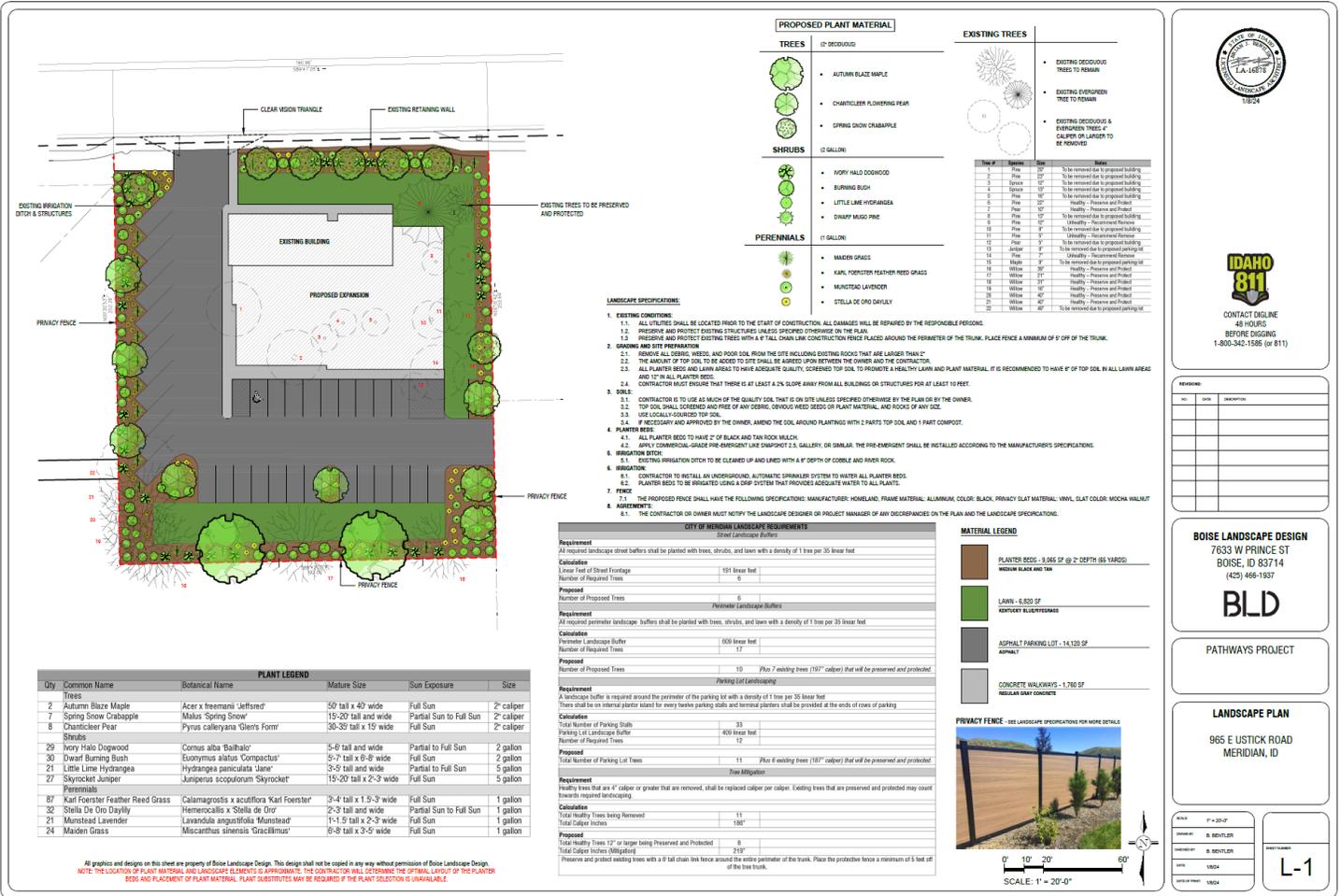


**DISPLAY FOR
ANNEXATION OF
965 E USTICK RD**

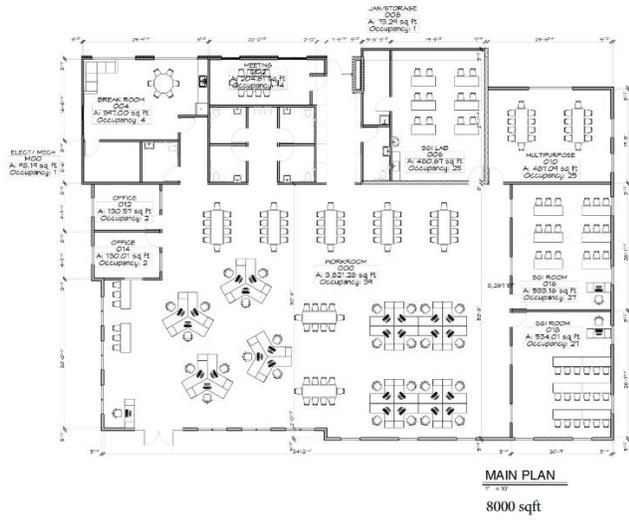


FILE: 23013 - MUSSELL- USTICK 4-6-2023.dwg

C. Landscape Plan (dated: 1/8/24) – NOT APPROVED (needs to be updated consistent with revised site plan)



D. Building Elevations & Floor Plan - *NOT APPROVED*



MERIDIAN PATHWAYS
 PRELIMINARY DESIGN • 10/23/23

NETWORK ARCHITECTS • 2511 K. NEFF ST • BOBE, ID 83702 • PH 208-915-1167 • WWW.NETWORKARCH.COM

IX. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. Annexation & Zoning

A Development Agreement (DA) is required as a provision of annexation of this property. Prior to approval of the annexation ordinance, a DA shall be entered into between the City of Meridian, the property owner(s) at the time of annexation ordinance adoption, and the developer.

Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the date of City Council approval of the Findings of Fact, Conclusions of Law and Decision & Order for the Annexation request. The DA shall, at minimum, incorporate the following provisions:

- a. The existing structure shall connect to City water and sewer service within 60 days of annexation and disconnect from private service, as set forth in MCC [9-1-4](#) and [9-4-8](#).
- b. Future development of this site shall be generally consistent with the site plan, landscape plan and conceptual building elevations included in Section VIII and the provisions contained herein.
- c. Future uses on the site are limited to office or an education institution, ancillary commercial uses are not allowed.
- d. If/when the abutting property to the east redevelops with a non-residential use, the fence shall be removed between the two properties where the driveway stubs to the property line to enable cross-access between the properties.
- e. Vehicles waiting to turn into the site shall not stack on Ustick Rd., nor shall vehicles park along Ustick Rd. to pick-up or drop-off students.

2. Conditional Use Permit

2.1 Compliance with the standards listed in UDC [11-4-3-14](#) – Education Institution, is required.

2.2 Compliance with the dimensional standards listed in UDC [Table 11-2B-3](#) for the L-O zoning district is required, except for any reductions to standards specifically approved with this application.

2.3 The site/landscape plan shall be revised prior to the City Council hearing as follows:

- a. Based on the number of vehicle spaces provided, a minimum of two (2) bicycle parking spaces must be provided in a bicycle rack that meets the standards listed in UDC [11-3C-5C](#).
- b. Revise the calculations on the landscape plan and depict as many trees as is feasible for tree mitigation in accord with the standards listed in UDC [11-3B-10C](#). *Existing trees being retained on the site may count toward required landscaping but do not count toward mitigation requirements. If the required number of mitigation trees cannot be provided on the site, an alternative compliance application shall be submitted prior to the City Council hearing.*
- c. Include the tree class in the Plant Legend on the landscape plan that demonstrates compliance with the standards listed in UDC [11-3B-7C](#) (25% of the required trees in the street buffer should be Class II; and 35% of qualifying trees must provide urban canopy

- at maturity and [11-3B-8C.1b](#) (Class II or III trees are required in perimeter buffers).
- d. ~~Include a planter island at the west end of the row of parking on the south side of the building (alongside the sidewalk) that complies with the standards in UDC [11-3B-8C.2](#).~~
 - e. ~~Either depict wheel stops in the parking spaces on the southeast side of the building abutting the 5 foot wide section of sidewalk to prevent vehicle overhang or widen the sidewalk to 7 feet to accommodate vehicle overhang as set forth in UDC [11-3C-5B.4](#). If 7-foot wide sidewalks are provided to accommodate overhang, the length of the parking spaces may be reduced to 17 feet if desired.~~
 - f. Include evergreen trees within the perimeter buffers to residential uses as set forth in UDC [11-3B-9C.1a](#).
 - g. ~~Widen the sidewalk along the northwest side of the building to a minimum of 5 feet in accord with UDC [11-3A-17A](#).~~
 - h. ~~Change the angled parking along the west boundary of the site to 90-degree parking to facilitate better ingress/egress within the site. Depict 17-foot long spaces, instead of 19-foot long spaces, with no wheel stops within parking spaces.~~
 - i. ~~Depict a buffer along the west boundary of the site ranging from 11' to 12' (as can be accommodated), which allows for up to 2 feet of vehicle overhang within the buffer from adjacent parking spaces. *Wheel stops in parking spaces are not required.*~~
- 2.4 A cross-access/ingress-egress easement shall be granted to the property to the east (Parcel #S1106120867) for access when/if it redevelops with a non-residential use in the future to reduce access points to the arterial street in accord with UDC [11-3A-3A.2](#). A copy of the recorded easement shall be submitted to the Planning Division with the Certificate of Zoning Compliance application.
- 2.5 If approved by City Council, a reduced buffer width ranging from ~~11 6'8" +/-~~ to ~~12 8 +/-'~~, with an allowance for up to 2 feet of vehicle overhang within the buffer from adjacent parking spaces, is allowed along the ~~west~~ east property boundary, landscaped per the standards listed in UDC [11-3B-9C](#). ~~If Council does not approve the reduced buffer width requested, a 20-foot wide buffer shall be provided as set forth in UDC Table 11-2B-3. Note: *This would reduce parking to 22 21 spaces, which still complies with the parking standards in UDC [11-4-3-14I](#) but likely would not be adequate for the site. Provision of the full buffer width would prohibit the one-way driveway design and would require a re-design of the site, which would require the traffic study and public school checklist to be updated.*~~
- 2.6 Business hours of operation shall be limited to the hours between 6:00 am and 10:00 pm as set forth in UDC [11-2B-3B](#).
- 2.7 A Certificate of Zoning Compliance application shall be submitted for the proposed use that complies with all UDC conditions and the provisions contained herein.
- 2.8 A Design Review application shall be submitted for the proposed addition to the existing structure that demonstrates compliance with the design standards listed in the Architectural Standards Manual. New construction must share at least three similar accent materials, field materials, or other architectural feature of a building within 150-feet of the property (ASM Goal 1.2B).
- 2.9 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.

B. PUBLIC WORKS DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=329747&dbid=0&repo=MeridianCity>

C. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=324850&dbid=0&repo=MeridianCity>

D. ADA COUNTY DEVELOPMENT SERVICES

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=328632&dbid=0&repo=MeridianCity>

E. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=317456&dbid=0&repo=MeridianCity>

F. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=315729&dbid=0&repo=MeridianCity>

G. ADA COUNTY HIGHWAY DISTRICT (ACHD)

Comments not yet received

X. FINDINGS

A. Annexation (UDC 11-5B-3E)

Required Findings: Upon recommendation from the commission, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:

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

Staff finds the Applicant's request to annex the subject property with an L-O zoning district for a public education institution is consistent with the Comprehensive Plan as noted in Section V.

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

Staff finds the map amendment and associated development is consistent with the regulations outlined for the district and the purpose statement of the commercial districts in that it provides for the service needs of the community.

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

Staff finds the proposed map amendment should not be detrimental to the public health, safety and welfare as the proposed use should be compatible with adjacent existing residential uses in the vicinity.

4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and

Staff finds City water and sewer service is available to be extended to this development. The provision of a school in this area will assist in providing for the education needs of the community in this area of the City.

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

Staff finds the proposed annexation is in the best interest of the city.

B. 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.

Staff finds the site is large enough to accommodate the proposed use and meet all dimensional and development regulations of the L-O zoning district, except for the reduced buffer to residential uses along the ~~west~~ east boundary of the site requested by the Applicant.

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

Staff finds the proposed use will be harmonious with the Comprehensive Plan and in accord with UDC standards with the exception of the reduced buffer width to residential uses requested along the ~~west~~ east boundary of the site.

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.

Staff finds the design, construction, operation and maintenance of the proposed use should be compatible with adjacent residential uses and with the existing and intended character of the vicinity and will not adversely change the essential character of the area if the Applicant complies with the conditions in Section IX.

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

Staff finds the proposed use will not adversely affect other properties in the vicinity if it complies with the conditions in Section IX 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.

Staff 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.

Staff 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.

Staff 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)

Staff 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 WaFed (H-2023-0068) by WP5 Meridian, LLC., located at 3423 E. Ustick Rd.

Application Materials: <https://bit.ly/H-2023-0068>

A.Request: Conditional Use Permit for a drive-through establishment within 300-feet of another drive through facility and a residential use on 0.76 acre of land in the C-G zoning district.

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

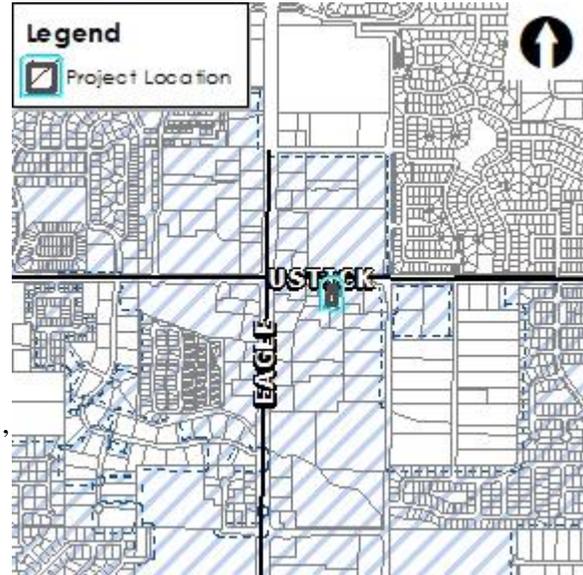
HEARING DATE: 2/1/2024

TO: Planning & Zoning Commission

FROM: Sonya Allen, Associate Planner
208-884-5533

SUBJECT: WaFed – CUP
[H-2023-0068](#)

LOCATION: 3423 E. Ustick Rd. in the NW 1/4 of Section 4, T.3N., R.1E. (Lot 10, Block 1, Southeast Corner Marketplace Subdivision No. 2)



I. PROJECT DESCRIPTION

A Conditional Use Permit (CUP) is requested for a drive-through establishment within 300-feet of another drive-through facility and a residential use and per requirement of the development agreement. The site consists of 0.76-acre of land and is in the C-G zoning district.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	0.76-acre	
Future Land Use Designation	Mixed Use – Regional (MU-R)	
Existing Land Use	Vacant/undeveloped land	
Proposed Land Use(s)	Financial institution with a drive-through	
Current Zoning	General Retail & Service Commercial (C-G)	
Physical Features (waterways, hazards, flood plain, hillside)	NA	
Neighborhood meeting date; # of attendees:	11/14/23	
History (previous approvals)	AZ-03-022 (Kissler Dealy, DA Inst. # 104093292); MI-07-008 (Gateway Marketplace, amended DA Inst. # 108080951)	

- C. Representative:
Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	1/16/2024
Radius notification mailed to properties within 300 feet	1/12/2024
Site Posting Date	1/17/2024
Next Door posting	1/10/2024

V. COMPREHENSIVE PLAN ([HTTPS://WWW.MERIDIANCITY.ORG/COMPPLAN](https://www.meridiancity.org/compplan)):

Land Use:

This property is designated Mixed Use – Regional (MU-R) on the Future Land Use Map (FLUM).

The purpose of this designation is to provide a mix of employment, retail, and residential dwellings and public uses near major arterial intersections. The intent is to integrate a variety of uses together, including residential, and to avoid predominantly single use developments such as a regional retail center with only restaurants and other commercial uses. Developments should be anchored by uses that have a regional draw with the appropriate supporting uses.

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*):

- “Require all new and reconstructed parking lots to provide landscaping in internal islands and along streets.” (2.01.04B)

All parking lot landscaping is required to comply with the standards listed in UDC 11-3B-8C.

- “Permit new development only where urban services can be reasonably provided at the time of final approval and development is contiguous to the City.” (3.01.01F)

City water and sewer service stubs were provided to this lot with development of the subdivision.

- “Plan for a variety of commercial and retail opportunities within the Area of City Impact.” (3.05.01J)

The proposed bank with a drive-through will contribute to the variety of uses and services in this area.

- “Minimize noise, lighting, and odor disturbances from commercial developments to residential dwellings by enforcing city code.” (5.01.01F)

Operation of the proposed use should comply with City ordinances pertaining to noise and lighting.

VI. STAFF ANALYSIS

The Applicant proposes to construct a new 3,100 square foot (s.f.) building with a drive-through for WaFed Bank on a 0.76-acre lot in the C-G zoning district.

A financial institution is listed as a principal permitted use in the C-G zoning district per UDC [Table 11-2B-2](#), subject to the specific use standards listed in UDC [11-4-3-17](#). A drive-through establishment requires approval of a Conditional Use Permit (CUP) 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, there are two (2) other drive-through establishments that exist within 300 feet of the property – ICCU to the west and Culver’s restaurant to the east; and existing residences within 300 feet of the property to the southeast. The existing development agreement also requires CUP approval of all uses on the site (AZ-03-022 Kissler Dealy, DA Inst. #[104093292](#); MI-07-008 Gateway Marketplace, amended DA Inst. #[108080951](#)).

Specific Use Standards: *Staff’s analysis is in italics.*

- **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 proposed site plan depicts the stacking lane and service locations.*

The site plan is required to demonstrate safe pedestrian and vehicular access and circulation on the site and between adjacent properties. *Pedestrian walkways are depicted on the site plan that should provide safe pedestrian connectivity to the south and to the north to the sidewalk along Ustick Rd. Vehicular access and circulation is provided on this site and with adjacent properties that should be safe.*

At a minimum, the plan is required to demonstrate compliance with the following standards:

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

The stacking lane provides sufficient capacity to prevent obstruction of driveways and drive aisles by patrons.

- 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.

- 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

An escape lane is depicted on the site plan.

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

surveillance purposes.

The drive-through is located on the west side of the building and is visible from E. Ustick Rd.

- **Financial Institution:** The proposed use is also subject to the specific use standards listed in UDC [11-4-3-17](#) for financial institutions, as follows:
 - A. The location, access and safety features of all automated teller machines (ATMs) shall be subject to review and approval by the Meridian Police Department, and in accord with the standards set forth in section 11-3A-16 of this title. *The Police Dept. has reviewed and approved the proposed site plan.*
 - B. All ATMs shall be deemed an accessory use to a financial institution.
 - C. All approaches and entrances to ATMs should be highly visible and adequately lit so that people cannot loiter, or enter, without being seen. The addition of security cameras are highly recommended. *One (1) ATM is located in the drive-through on the west side of the building visible from Ustick Rd. and two (2) others are located on the south side of the building visible from the parking lot and adjoining businesses. Wall sconces/lighting are depicted on the south elevation on both sides of the area where the ATM's are located; **lighting should also be provided on the west side of the building in the ATM location. Security cameras should be provided in all ATM locations.***
- **Self-service Uses:** Any unattended, self-service uses, including, but not limited to, laundromats, automatic teller machines (ATMs), vehicle washing facilities, fuel sales facilities, and storage facilities, shall comply with the following requirements. The Meridian Police Chief or designee may approve alternative standards where it is determined that a similar or greater level of security is provided.
 - A. Entrance or view of the self-service facility shall be open to the public street or to adjoining businesses and shall have low impact security lighting. *The ATM located on the west side of the building is visible from Ustick Rd.; the ATM's located on the south side of the building are visible from the driveway along the east boundary of the site that provides access to the development via Ustick Rd. and from internal driveways and adjoining businesses. Wall sconces/lighting are depicted on the elevations on both sides of the area where the ATM's are located on the south side of the building; **lighting should also be provided in the ATM location on the west side of the building.***
 - B. Financial transaction areas shall be oriented to and visible from an area that receives a high volume of traffic, such as a collector or arterial street. *The ATM on the west side of the building is visible from Ustick Rd., an arterial street; the ATM's located on the south side of the building are not visible from a collector or arterial street but will be visible from the driveway along the east side of the property that provides access for the development via Ustick Rd.*
 - C. Landscape shrubbery shall be limited to no more than three (3) feet in height between entrances and financial transaction areas and the public street. ***The Appliance should comply with this standard; modifications to the existing street buffer landscaping along Ustick Rd. may be necessary.***

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

Access: Access is proposed via the north/south driveway along the eastern boundary of the site and other existing driveways within the subdivision; direct access via E. Ustick Rd. is prohibited. A cross-access easement (Inst. #106032444) exists between all lots in the subdivision as noted on the

Southeast Corner Marketplace Subdivision No. 2 plat (note #6).

Parking: Off-street parking is required in accord with the standards listed in UDC [11-3C-6B.1](#), which requires one (1) space for every 500 square feet of gross floor area. Based on 3,100 s.f., a minimum of six (6) spaces are required; a total of 16 spaces are proposed, exceeding the minimum standards by 10 spaces.

A bicycle rack capable of holding at least one (1) bicycle is required 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 bike rack is depicted on the site plan; **a detail should be included on the site plan submitted with the Certificate of Zoning Compliance application that complies with the aforementioned design standards.**

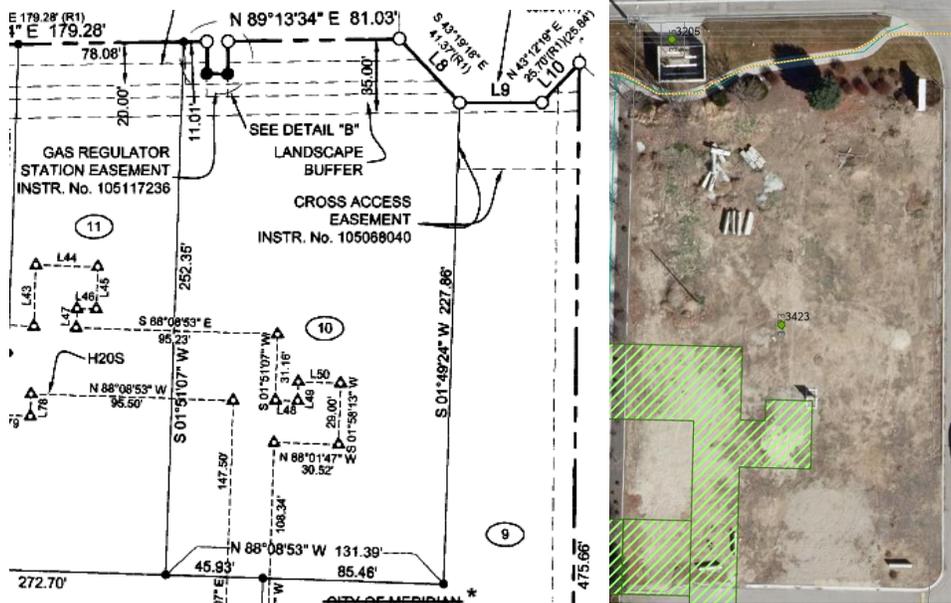
Landscaping: Street buffer landscaping was installed within the street buffer along E. Ustick Rd. with the subdivision improvements as shown below:



Parking lot landscaping is required to be provided in accord with the standards listed in UDC [11-3B-8C](#), except for the perimeter buffer along the west boundary. Because there is an existing buffer with trees that meet UDC standards on the adjacent property to the west, no trees are required within the perimeter buffer on this site. **The tree classification should be included in the Tree Schedule on the landscape plan to ensure compliance with UDC 11-3B-8C.1b. The perimeter buffer along the west boundary of the site in the area adjacent to parking shall be widened to a minimum of 7 feet to allow for vehicle overhang in accord with UDC [11-3C-5B.4](#), unless wheel stops are provided (if wheel stops are provided, the length of the parking spaces must be 19 feet). Staff recommends the walkway in the southern parking area in the planter island is shifted to the east side of the island with all of the landscaping on the west side of the walkway to prevent “cut-throughs” by pedestrians through the landscape area to the walkway.**

Sidewalks: A detached sidewalk exists along the northern perimeter boundary of the site within the street buffer along E. Ustick Rd. A 5-foot wide pedestrian walkway is proposed from the perimeter sidewalk to the main building entrance in accord with UDC [11-3A-19.B.4](#). **The walkway is required to be distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete, or bricks; the site plan should be revised accordingly.**

Easements: There are existing easements on this lot as shown on the Southeast Corner Marketplace Subdivision No. 2 plat, included below; **these easements should be depicted on the site plan to demonstrate the building doesn’t encroach within the easements.**



Mechanical Equipment: All mechanical equipment on the back of the building or on the rooftop and all 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](#).

Trash Enclosure: The proposed location for the trash enclosure is within a City water/sewer easement; therefore, relocation of the enclosure is necessary outside of any and all easements. A receptacle for recycling should be provided within the trash enclosure; a detail should be submitted that demonstrates compliance.

Building Elevations: Conceptual building elevations were submitted as shown in Section VIII.C for a single-story building that incorporates a mix of materials consisting of stucco with stone veneer accents and metal awnings and canopies. **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 IX, UDC standards and design standards.

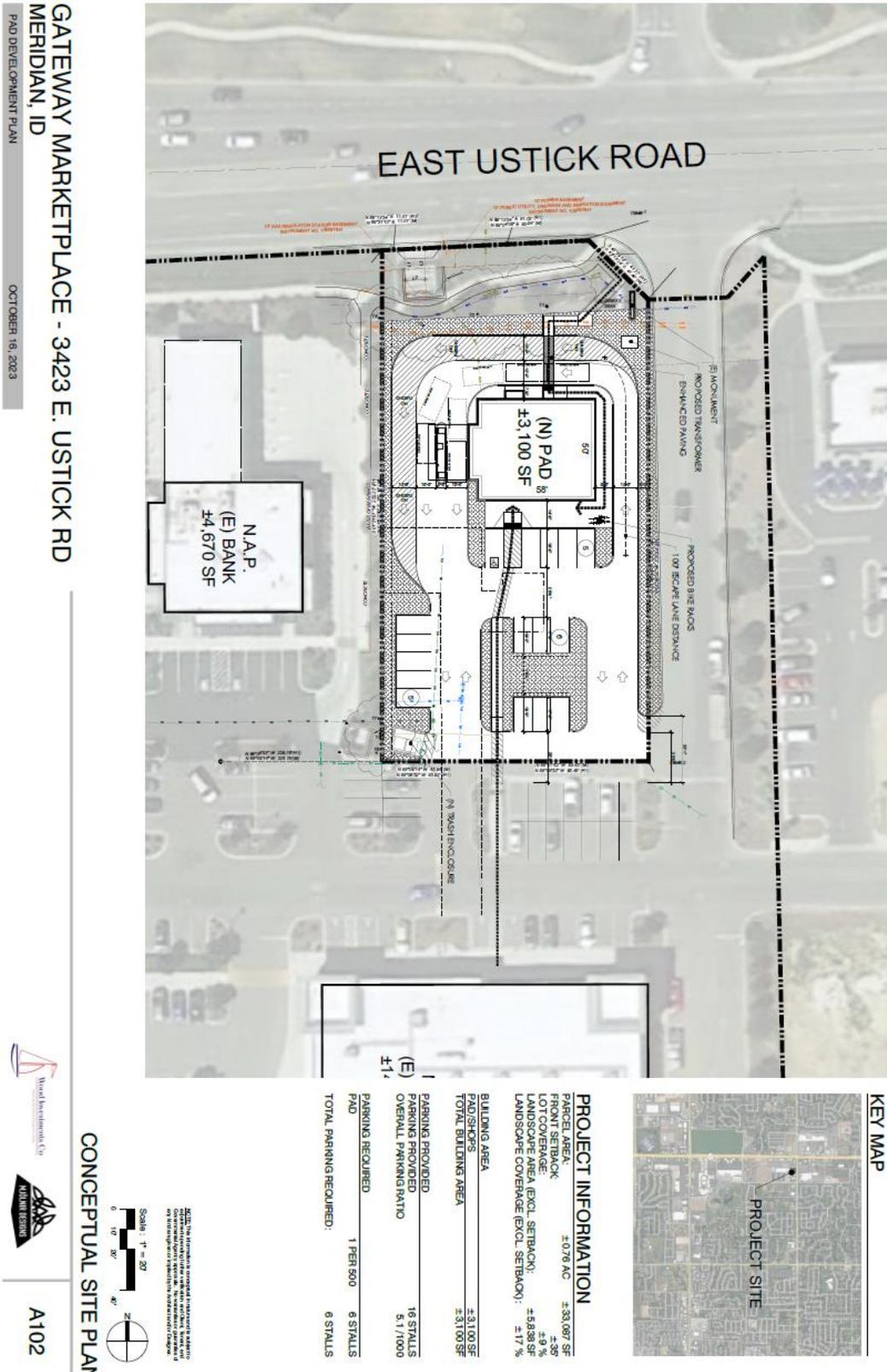
VII. DECISION

A. Staff:

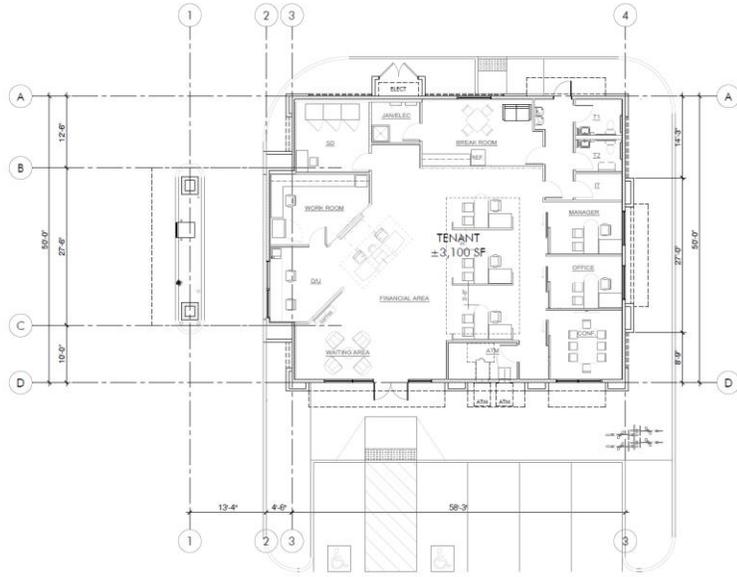
Staff recommends approval of the proposed conditional use permit with the conditions included in Section IX per the Findings in Section X.

VIII. EXHIBITS

A. Proposed Site Plan (dated: 10/16/23)



C. Floor Plan & Building Elevations (dated: 10/16/23)

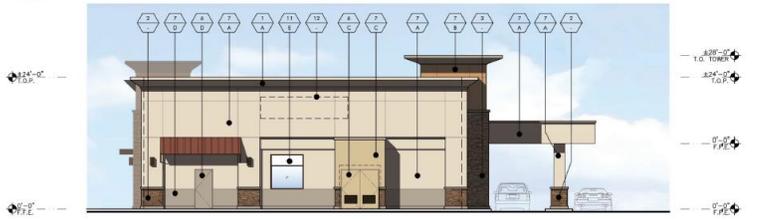


GATEWAY MARKETPLACE - 3423 E. USTICK RD
MERIDIAN, ID
PAD DEVELOPMENT PLAN
OCTOBER 16, 2023

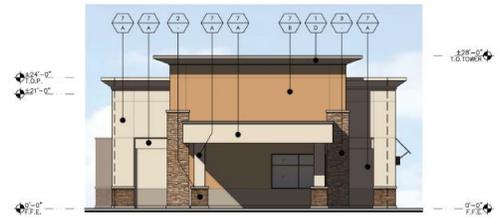
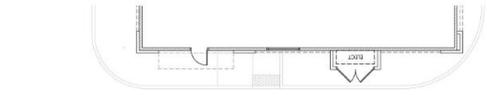
FLOOR PLAN
A201



1 SOUTH ELEVATION - PAD (PROPOSED)
FRONT - FACING EXISTING SHOPS



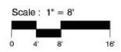
2 NORTH ELEVATION - PAD (PROPOSED)
REAR - FACING USTICK ROAD



3 WEST ELEVATION - PAD (PROPOSED)
SIDE - FACING IDAHO CENTRAL CREDIT UNION



4 EAST ELEVATION - PAD (PROPOSED)
SIDE - FACING CULVERS (ADJACENT PARCEL)

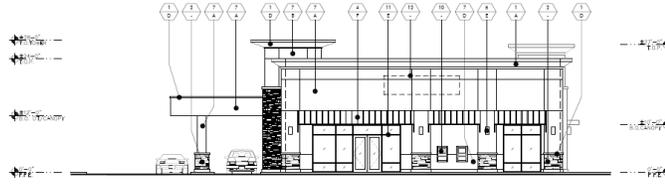


CONCEPTUAL ELEVATIONS - COLOR

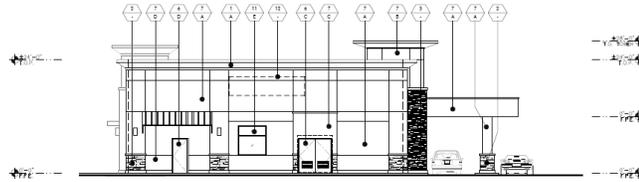
GATEWAY MARKETPLACE - 3423 E. USTICK RD
MERIDIAN, ID
PAD DEVELOPMENT PLAN
OCTOBER 16, 2023



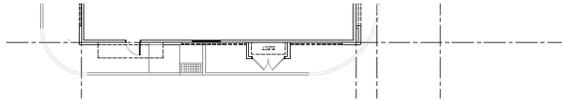
A301C



1 SOUTH ELEVATION - PAD (PROPOSED)
FRONT - FACING EXISTING SHOPS



2 NORTH ELEVATION - PAD (PROPOSED)
REAR - FACING USTICK ROAD



Scale : 1" = 8'

CONCEPTUAL ELEVATIONS

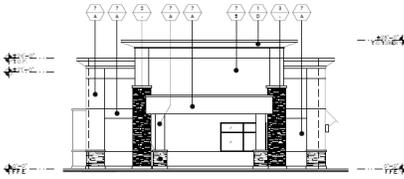
GATEWAY MARKETPLACE - 3423 E. USTICK RD
MERIDIAN, ID



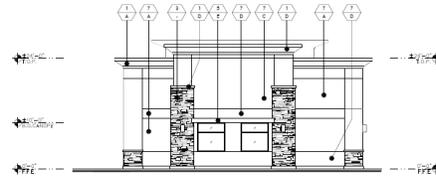
A301

PAD DEVELOPMENT PLAN

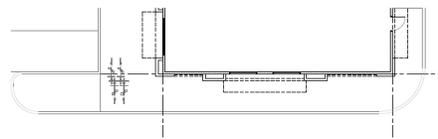
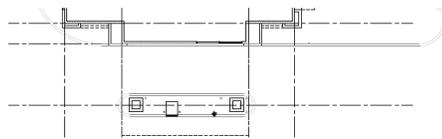
OCTOBER 16, 2023



3 WEST ELEVATION - PAD (PROPOSED)
SIDE - FACING IDAHO CENTRAL CREDIT UNION



4 EAST ELEVATION - PAD (PROPOSED)
SIDE - FACING CULVERS (ADJACENT PARCEL)



MATERIALS

- 1 TRIM - PAINTED
- 2 EL DORADO STONE VENEER LIMESTONE YORK (TO MATCH EXISTING CENTER)
- 3 EL DORADO STONE VENEER STACKED STONE - DRY CREEK (TO MATCH EXISTING CENTER)
- 4 METAL FINISHING - PAINTED
- 5 METAL CANOPY - PAINTED
- 6 METAL DOOR - PAINTED TO MATCH ADJACENT COLOR
- 7 STUCCO - PAINTED
- 8 WALL SCOFFICE (TO MATCH EXISTING CENTER)
- 9 WALL PACK (TO MATCH EXISTING CENTER)
- 10 ATM (BY OTHERS)
- 11 GLAZING w/ ALUMINUM STOREFRONT SYSTEM
- 12 PROPOSED SIGN AREA SIGNING TIED w/ 3/4" PLYWOOD BACKING BEHIND FINAL SIGNAGE BY OTHERS

COLORS

- 1 DES148 ANTIQUE LINEN DUNN EDWARDS
- 2 DES248 RUSTY ORANGE DUNN EDWARDS
- 3 DES157 BISQUE TAN DUNN EDWARDS
- 4 DES112 SUNGLOW TAUPÉ DUNN EDWARDS
- 5 DARK BRONZE
- 6 DES104 'SOUTHWESTERN CLAY' DUNN EDWARDS

Scale : 1" = 8'

CONCEPTUAL ELEVATIONS

GATEWAY MARKETPLACE - 3423 E. USTICK RD
MERIDIAN, ID



A302

PAD DEVELOPMENT PLAN

OCTOBER 16, 2023

IX. 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 Agreements and the conditions contained herein [AZ-03-022 (Kissler Dealy, DA Inst. #[104093292](#)); MI-07-008 (Gateway Marketplace, DA Inst. #[108080951](#))].
2. The site plan and landscape plan submitted with the Certificate of Zoning Compliance application shall be revised as follows:
 - a. All mechanical equipment on the back of the building and outdoor service and equipment areas shall be depicted on the plans and 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](#).
 - b. The pedestrian walkway from the perimeter sidewalk along E. Ustick 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.
 - c. Include the tree classification in the Tree Schedule that demonstrates compliance with the standards in UDC [11-3B-8C.1b](#).
 - d. Include a detail for the bicycle rack that complies with the design standards listed in UDC [11-3C-5C](#).
 - e. Depict the existing easements on this lot as shown on the Southeast Corner Marketplace Subdivision No. 2 plat – no structures shall encroach in any existing easements; relocate the trash enclosure accordingly.
 - f. Landscape shrubbery shall be limited to no more than three (3) feet in height between entrances and financial transaction areas and the public street as set forth in UDC [11-3A-16C](#); modifications to the landscaping in the existing street buffer along Ustick Rd. may be necessary.
 - g. The perimeter buffer along the west boundary of the site in the area adjacent to parking shall be widened to a minimum of 7 feet to allow for vehicle overhang in accord with UDC [11-3C-5B.4](#) unless wheel stops are provided (if wheel stops are provided, the length of the parking spaces shall be 19 feet).
 - h. Shift the walkway in the southern parking area in the planter island to the east side of the island with all of the landscaping on the west side of the walkway to prevent “cut-throughs” by pedestrians through the landscape area to the walkway.
3. Compliance with the standards listed in UDC [11-4-3-11](#) – Drive-Through Establishment, [11-4-3-17](#) – Financial Institution and [11-3A-16](#) Self-service Uses is required.
4. Lighting and security cameras shall be provided in all ATM locations in accord with UDC [11-3A-16A](#) and [11-4-3-17C](#).
5. Direct access E. Ustick Rd. is prohibited.
6. A receptacle for recycling shall be provided within the trash enclosure; include a detail of the trash enclosure that demonstrates compliance.
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 and the design standards listed in the Architectural Standards Manual.

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.

B. PUBLIC WORKS DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=325913&dbid=0&repo=MeridianCity>

C. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=325915&dbid=0&repo=MeridianCity>

D. POLICE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=331451&dbid=0&repo=MeridianCity>

E. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=328631&dbid=0&repo=MeridianCity>

X. 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.

Staff finds the site is large enough to accommodate the proposed development and meet all dimensional and development regulations of the C-G zoning district.

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

Staff finds the proposed financial institution with a drive-through will be harmonious with the Comprehensive Plan and is consistent with applicable UDC standards with the conditions noted in Section IX 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.

Staff 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.

Staff finds the proposed use will not adversely affect other properties in the vicinity if it complies with the conditions in Section IX 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.

Staff 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.

Staff 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.

Staff 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)

Staff 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 Stonehill Church (H-2023-0041) by Stonehill Church, located at 799 W. Amity Rd.

Application Materials: <https://bit.ly/H-2023-0041>

- A. Request: Development Agreement Modification to the exiting Development Agreement (H-2015-0019, Inst. #2016-007090) to allow for the development of a church on a portion of the property and removal of that property from the original agreement for inclusion in a new agreement.
- B. Request: Rezone of 13.49 acres of land from R-4 to R-8 zoning district.
- C. Request: Conditional Use Permit for a church on 13.21 acres of land in an R-8 zoning district.
- D. Request: Preliminary Plat consisting of 4 building lots on 65.43 acres of land in the R-4 and R-8 zoning district.

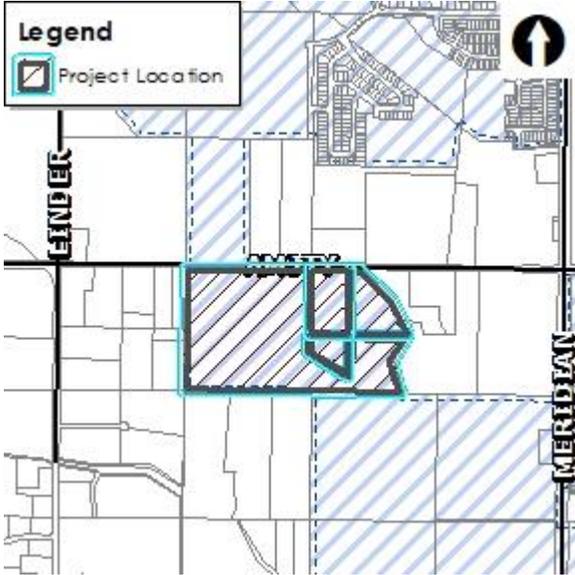
HEARING DATE: February 1, 2024

TO: Planning & Zoning Commission

FROM: Sonya Allen, Associate Planner
208-884-5533

SUBJECT: Stonehill Church – MDA, RZ, PP, CUP
[H-2023-0041](#)

LOCATION: 799 W. Amity Rd., in the north 1/2 of Section 36, T.3N., R.1W.



I. PROJECT DESCRIPTION

Modification to the existing Development Agreement (MDA) ([H-2015-0019](#), Inst. #[2016-007090](#)) to allow for the development of a church on a portion of the property and removal of that property from the original agreement for inclusion in a new agreement; Rezone (RZ) of 13.49-acres of land from the R-4 to the R-8 zoning district; Conditional use permit (CUP) for a church on 13.21-acres of land in an R-8 zoning district; and Preliminary Plat (PP) consisting of 4 building lots on 65.43-acres of land in the R-4 and R-8 zoning districts for Stonehill Crossing Subdivision.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details
Acreage	65.43-acres
Future Land Use Designation	Low Density Residential (LDR)
Existing Land Use	Rural residential, agriculture with 2 existing homes
Proposed Land Use(s)	Commercial (church) – existing residential homes are proposed to remain
Current Zoning	R-4 (Medium Low-density Residential)
Proposed Zoning	R-8 (Medium-density Residential) for the church site (Lot 1, Block 1). <i>The remaining area (Lots 2-3, Block 1 and Lot 1, Block 2) will remain R-4 (Medium Low-density Residential)</i>
Lots (# and type; bldg/common)	4 building lots/0 common lots
Phasing plan (# of phases)	1
Number of Residential Units (type of units)	2 existing single-family detached units that will remain

Density (gross & net)	0.04 units/acre (R-4 residential portion of the property will be resubdivided in the future prior to development)
Open Space (acres, total [%] / buffer / qualified)	NA (residential portion of the property will be resubdivided in the future)
Amenities	NA (residential portion of the property will be resubdivided in the future)
Physical Features (waterways, hazards, flood plain, hillside)	The Calkins Lateral crosses the western portion of this site and the Belle Sub Lateral runs along the southern portion of the east boundary of the site.
Neighborhood meeting date	6/26/23
History (previous approvals)	H-2015-0019 (South Meridian – Kent & Donna Mills Development Agreement Inst. # 2016-007090 , AZ Ordinance # 16-1670); ROS #2914 (1994); ROS #10324 (2015)

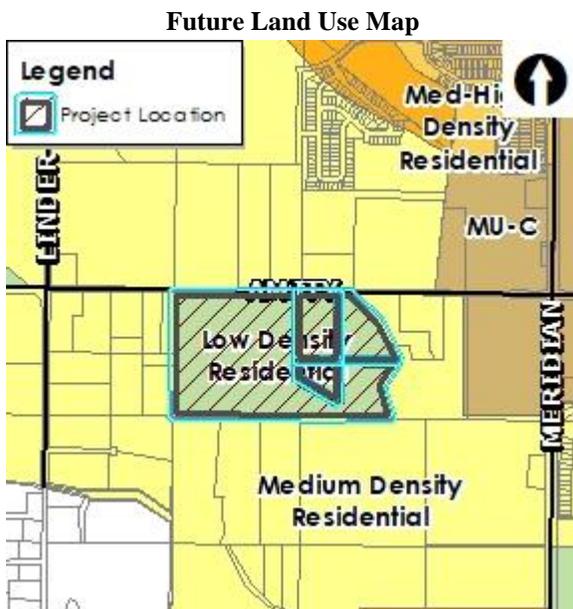
B. Community Metrics

Description	Details
Ada County Highway District	
<ul style="list-style-type: none"> Staff report (yes/no) 	Yes
<ul style="list-style-type: none"> Requires ACHD Commission Action (yes/no) 	No
<ul style="list-style-type: none"> TIS (yes/no) 	No
<ul style="list-style-type: none"> Level of Service (LOS) 	Amity Rd.: Better than “E”
<ul style="list-style-type: none"> Trip Generation (estimate) 	351 additional vehicle trips/day (19 existing); 23 additional vehicle trips/hour in the PM peak hour (2 existing)
<ul style="list-style-type: none"> Existing Conditions 	
<ul style="list-style-type: none"> CIP/IFYWP 	Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP): <ul style="list-style-type: none"> Linder Road is listed in the CIP to be widened to 3-lanes from Amity Road to Lake Hazel Road between 2036 and 2040. The intersection of Linder Road and Amity Road is listed in the CIP to be reconstructed as a dual lane roundabout with a westbound right-turn bypass lane with 4-lanes on the north leg, 4-lanes on the south, 4-lanes on the east, and 4-lanes on the west leg between 2036 and 2040. The intersection of Amity Road/SH-69 is listed in the CIP to be widened to 6-lanes on the north leg, 6-lanes on the south, 7-lanes on the east, and 7-lanes on the west leg and signalized between 2031 and 2035.
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	There are three (3) existing driveways via W. Amity Rd., an arterial street – one for farm access at the west boundary, one for irrigation district access along the Calkins Lateral and one for the existing homes. An emergency only access is proposed via Amity and two accesses are proposed via Oak Briar, the collector street, on Lot 1, Block 1 – one of which will also provide access to the existing residence on Lot 2, Block 1; a temporary access for the existing home is proposed on Lot 1, Block 2. The existing farm access and irrigation district access road are proposed to remain until future resubdivision of the property.
Proposed Road Improvements	<ul style="list-style-type: none"> ACHD is requiring dedication of ROW totaling 50’ from centerline of Amity and pavement widening to 17’ from centerline with a 3’ wide gravel shoulder along the frontage of the property. A roundabout is required at the Amity/Oak Briar intersection.
Fire Service	

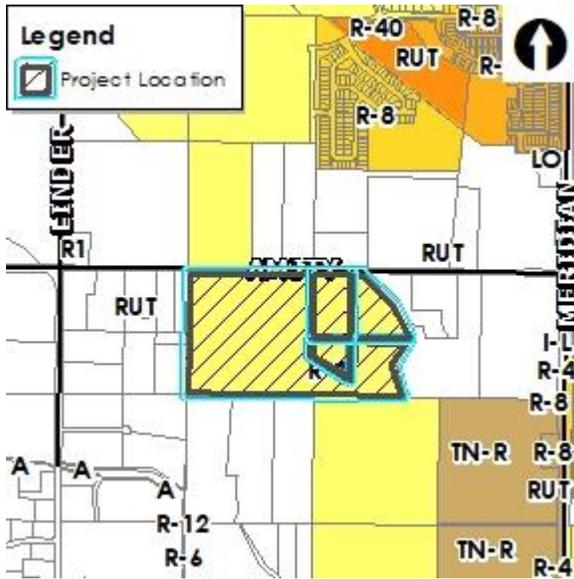
• Distance to Fire Station	2.6 miles from Station #6
• Fire Response Time	Don't have total response times that meet NFPA 1710 standards or current City adopted standards.
• Resource Reliability	84% (does meet targeted goal of 80% or greater)
• Risk Identification	4 (current resources are not adequate)
• Accessibility	Meets all required access, road widths and turnarounds.
• Special/resource needs	Will require an aerial device; can meet this need.
• Water Supply	3,000 gallons per minute for 2 hours
• Other Resources	
Police Service	No comments were received

West Ada School District	No comments received
Wastewater	
• Distance to Sewer Services	
• Sewer Shed	
• Estimated Project Sewer ERU's	See application
• WRRF Declining Balance	14.61 MGD
• Project Consistent with WW Master Plan/Facility Plan	
• Impacts/Concerns	
Water	
• Distance to Services	Available at site
• Pressure Zone	5
• Estimated Project Water ERU's	See application
• Water Quality Concerns	None
• Project Consistent with Water Master Plan	Yes
• Impacts/Concerns	Fire flow modeled at 2,000 GPM. If additional flow is required, contact Public Works.

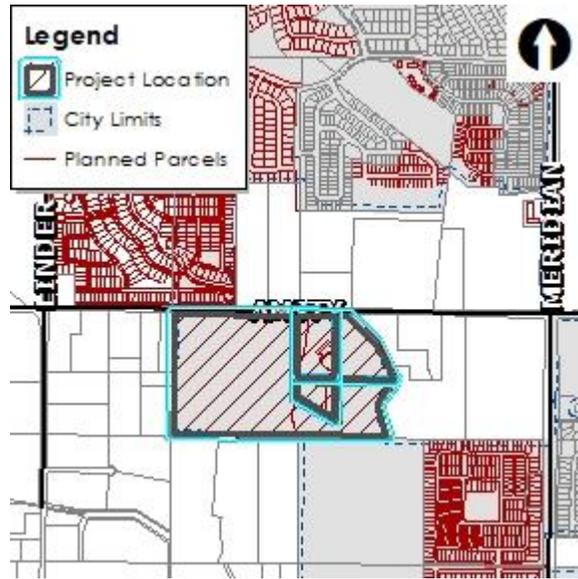
C. Project Maps



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant:

Kason Wedel, Stonehill Church – 1608 N. Meridian Rd., Meridian, ID 83686

B. Owners:

Stonehill Church – 1608 N. Meridian Rd., Meridian, ID 83686

Kent & Donna Mills – 799 W. Amity Rd., Meridian, ID 83642

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper notification published in newspaper	1/16/2024	

Radius notification mailed to property owners within 300 feet	1/12/2024
Public hearing notice sign posted on site	1/12/2024
Nextdoor posting	1/12/2024

V. COMPREHENSIVE PLAN ANALYSIS

LAND USE: This property is designated as Low Density Residential (LDR) on the Future Land Use Map (FLUM) contained in the [Comprehensive Plan](#). This designation allows for the development of single-family homes on large estate lots at gross densities of three dwelling units or less per acre. These areas often transition between existing rural residential and urban properties. Developments need to respect agricultural heritage and resources, recognize view sheds and open spaces, and maintain or improve the overall atmosphere of the area. The use of open spaces, parks, trails, and other appropriate means should enhance the character of the area. Density bonuses may be considered with the provision of additional public amenities such as a park, school, or land dedicated for public services.

TRANSPORTATION: The Master Street Map (MSM) depicts W. Amity Rd. as a residential arterial street along the northern boundary of this site. A north/south residential collector street is depicted on the MSM through this property from Amity Rd. to the southern boundary of the site for future extension to the south. A roundabout is depicted at the Amity Rd./collector street intersection.

ACHD’s Roadways to Bikeways Master Plan (BMP) identifies Amity Rd. as an existing Level 1 facility and future Level 3 facility that will be constructed as part of a future ACHD project. The BMP also identifies Level 1 facilities on the new collector street within the site which should be constructed consistent with the MSM and the BMP.

Transit services are not available to serve this site.

PROPOSED USE: The Applicant’s proposal to develop a church on this site with future single-family residential uses is generally consistent with the LDR FLUM designation, which supports residential zoning in which a church use is allowed as a conditional use and single-family residential densities at 3 or fewer units per acre are allowed. The portion of the site zoned R-4 is proposed to be platted with “mega” lots for future resubdivision prior to development. With future resubdivision, the density of the overall area should be consistent with the density desired of 3 or fewer units per acre in the LDR FLUM designation.

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

The future residential development will contribute to the variety of housing types available within the City for present and future residents.

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

City water and sewer service is available and can be extended by the developer with development in accord with UDC 11-3A-21.

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

The proposed site design of the church includes perimeter landscaping which should assist in screening the use from existing and future residential uses in the vicinity. The future redevelopment of the residential area at densities of three (3) or fewer units per acre should be compatible with adjacent existing and future uses.

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

The proposed church and future single-family residential uses should be compatible with existing and future residential uses in the vicinity which should minimize conflicts and maximize use of land.

- “Integrate the Meridian Pathways Master Plan into the site development review process to ensure planned paths are built out as adjacent land develops.” (3.07.02H)

With future resubdivision of the residential portion of the property, a segment of the City’s multi-use pathway system will be required to be constructed along the Calkins Lateral in accord with the Pathways Master Plan. In the interim, an easement for the pathway should be recorded with the proposed subdivision.

- “Locate smaller-scale, neighborhood-serving commercial and office use clusters so they complement and provide convenient access from nearby residential areas, limiting access to arterial roadways and multimodal corridors.” (3.07.02B)

The proposed church will provide an opportunity for public worship in this portion of the City near existing and future residential uses.

- “Eliminate existing private treatment and septic systems on properties annexed into the City and instead connect users to the City wastewater system; discourage the prolonged use of private treatment septic systems for enclave properties.”

With redevelopment of the site, the existing homes are required to connect to City water and sewer service and the existing septic system and well should be abandoned.

VI. STAFF ANALYSIS

A. DEVELOPMENT AGREEMENT MODIFICATION (MDA)

The subject property is part of a larger area annexed into the City with the South Meridian annexation application in 2015 ([H-2015-0019](#)). As a provision of annexation, a Development Agreement (DA) was required between the City and the property owner (Kent & Donna Mills, DA Inst. #[2016-007090](#)). Among other provisions, the DA requires an amendment to the agreement prior to any future development of the site in order to approve the proposed development plan.

An amendment to the DA is requested for the development of a church on the northeast portion of the property. The amendment proposes to remove the church property on proposed Lot 1, Block 1 from the existing DA in favor of a new DA, which will only govern development of the church property. The remainder of the property, will continue to be governed by the existing DA until such time as the property develops in the future, at which time the agreement will be amended to include a conceptual development plan. A legal description for the property subject to the new DA is included in Section IX.A.

A site plan was submitted, included in Section VIII.E, that shows how the portion of the site subject to the new DA will develop with a church and associated access, parking and drive aisles. Analysis of this plan for compliance with UDC standards is included below under Sections VI.C, D. **Future development of this site (proposed Lot 1, Block 1) should be generally consistent with the proposed site plan, subject to the conditions contained in this report for the preliminary plat and conditional**

use permit as noted below in this section. Staff’s recommended DA provisions are included in Section VIII.A based on the analysis below.

B. REZONE (RZ)

The Applicant proposes to rezone 13.49-acres of land from the R-4 to the R-8 zoning district for the development of a church, consistent with the LDR FLUM designation as discussed above in Section V. A legal description and exhibit map for the rezone area is included in Section VIII.A.

A site plan was submitted, included in Section VIII.E that shows how the rezone area is proposed to develop with a church.

A church is listed as a conditional use in the R-8 zoning district per UDC [Table 11-2A-2](#). Future development is subject to the dimensional standards listed in UDC Table [11-2A-6](#) for the R-8 zoning district.

As noted above, a new DA is proposed for the rezone area.

C. PRELIMINARY PLAT (PP):

The proposed preliminary plat consists of 4 building lots on 65.43-acres of land in the R-4 and R-8 zoning districts for Stonehill Crossing Subdivision. **The subdivision is proposed to develop in one (1) phase if Council approves the request for deferral of certain improvements as noted below. If Council does not approve the requested deferral, the Applicant would like to develop the plat in phases.**

Proposed Use: A church is proposed to develop on Lot 1, Block 1. There are two (2) existing homes that are proposed to remain on Lot 2, Block 1 and Lot 1, Block 2. Lot 3, Block 1 and Lot 1, Block 2 are proposed as “mega” lots to be resubdivided in the future consistent with the density desired in the LDR FLUM designation. **Staff recommends no building permits are allowed to be issued on Lot 3, Block 1; and no building permits except for an accessory structure(s) (if desired) is allowed to be issued on Lot 1, Block 2 until these lots are resubdivided in the future.**

Conceptual Development Plan for Resubdivision: A conceptual development plan was submitted for a possible site layout for the future resubdivision of Lot 3, Block 1 and Lot 1, Block 2, as shown in Section VII.D. Future development is not tied to this plan as a DA modification is not proposed or required with this application. However, requested a development plan be submitted for this area for consideration. Staff offers the following comments on this plan:

- Dead end streets (i.e. Street C) should not be longer than 500’; however, City Council may approve a dead end street up to 750’ in length where an emergency access is proposed or a large waterway exists that prevents or makes impractical the extension or other conditions exists as noted in UDC [11-6C-3B.4](#). Although an emergency access via W. Amity Rd. is proposed and there is a large waterway that exists at the east end of the street, the dead end street exceeds 750’ at 870’ in length.
- Block faces are limited to 750’ in length without an intersecting street or alley, except Council may approve a block face up to 1,200’ where block design is constrained by site conditions such as an abutting arterial street or a large waterway and/or irrigation facility, among other conditions. The block face on the north side of Street C exceeds the minimum block face length allowed and would require approval from City Council as proposed.
- Stub streets should be provided to adjacent parcels for future extension and interconnectivity. A collector street is no longer required at the west end of the site along the southern boundary as the collector street has been moved to the south in alignment with Quartz Creek St. and is no longer needed in this location.

- The Applicant should consult the Irrigation District to see if a pedestrian bridge will be allowed across the Calkins Lateral.
- A local street should be provided between Lots 1 and 2, Block 1 from S. Oak Briar St. to the east end of Lot 2, Block 1, at a minimum, to reduce access points on the collector street and in accord with UDC [11-3A-3A.3](#), which requires all subdivisions to provide local street access to any use that currently takes direct access from an arterial or collector street.
- The Calkins Lateral and the Belle Sub Lateral are required to be piped unless used as a water amenity or linear open space as defined in UDC [11-1A-1](#) per UDC [11-3A-6B](#). The decision-making body may waive this requirement if it finds that the public purpose requiring such will not be served and public safety can be preserved.
- If the Calkins Lateral and the Belle Sub Lateral are approved to be left open and not required to be piped and not improved as a water amenity or linear open space as noted above, fencing will be required to deter access to the laterals for public safety per the standards listed in UDC [11-3A-6C](#).
- Common open space and site amenities will be required in accord with the standards set forth in UDC [11-3G-3](#) and [11-3G-4](#).
- Access to the collector (i.e. S. Oak Briar Way) and arterial streets (i.e. W. Amity Rd.) is limited as set forth in UDC [11-3A-3A](#), unless otherwise waived by City Council.

Existing Structures/Site Improvements: There are two (2) existing homes and associated accessory structures on the property that are proposed to remain on Lot 2, Block 1 and Lot 1, Block 2 as shown on the aerial map below. **The addresses of the existing homes are required to change with development of the subdivision as they will no longer be directly accessed from Amity Rd.**

There are four (4) existing radio towers on the abutting property to the east, depicted as green squares on the map below, whose easements encroach on this site.



Existing Easements: There are two (2) existing radio tower easements, recorded in 1945, depicted on the plat on the east side of Lots 1 and 3, Block 1 for the towers shown on the aerial map above. These easements may limit the placement of underground utilities located within the easements until the towers are removed at an undetermined date in the future. The proposed location of the church building on Lot 1, Block 1 is outside of these easements.

Request for Deferral of Improvements: Because Lot 3, Block 1 and Lot 1, Block 2 are not proposed to develop at this time and are proposed to be resubdivided in the future prior to development, the Applicant requests deferral of certain improvements typically required with the plat, as follows:

- Amity Rd. frontage improvements along Lot 1, Block 2 (i.e. pavement widening, borrow ditch/drainage improvements, 10' wide multi-use pathway, street buffer landscaping and associated overhead and underground utility relocations (see [narrative](#) for more information). **(Note: ACHD will require a formal request for a waiver of policy and written support from the City to defer the road widening and sidewalk until future resubdivision of this lot.)**

Staff is amenable to this request if City Council and ACHD finds it appropriate.

- 10' wide multi-use pathway along the east side of the Calkins Lateral on Lot 1, Block 2.

Staff is amenable to this request as this lot will be resubdivided in the future and the pathway can be constructed with future development. In the interim, the Park's Dept. requests a public pedestrian easement for the future pathway is provided with subdivision of the property.

Dimensional Standards (UDC [11-2](#)): Future development is required to comply with the dimensional standards listed in UDC Tables [11-2A-5](#) for the R-4 zoning district and [11-2A-6](#) for the R-8 zoning district. The proposed lots comply with the minimum dimensional standards. The existing homes and accessory structures on Lot 2, Block 1 and Lot 1, Block 2 appear to comply with the minimum setback standards of the district. **Any structures that do not comply with the minimum setback standards should be removed prior to submittal of the final plat for City Engineer signature.**

Subdivision Design & Improvement Standards: The proposed subdivision is required to comply with the design and improvement standards listed in UDC [11-6C-3](#).

Transportation: There are currently no public streets within the site and no stub streets exist to this site.

Amity Rd. is currently a 2-lane roadway with no curb, gutter or sidewalk abutting the site within 50' of ROW (20-25' from centerline). ACHD is requiring dedication of ROW totaling 50' from the centerline of Amity Rd. abutting the site and widening of the pavement to 17' from centerline plus a 3' wide gravel shoulder adjacent to the entire site.

There are three (3) existing access driveways via Amity Rd. – one at the west boundary for farm access, one for irrigation district access along the Calkins Lateral, and one that provides access to the two (2) existing residences on the site. The residential driveway will be replaced by the new collector street; the other two (2) driveways may remain until Lot 1, Block 2 is resubdivided in the future, unless otherwise required to be removed by ACHD.

A collector street is proposed as depicted on the plat from W. Amity Rd. at the northern boundary of the site extending to the southern boundary of the site in accord with the Master Street Map (MSM). **A temporary cul-de-sac is required to be constructed at the terminus of the collector street at the south boundary with a minimum turning radius of 50' as required by ACHD.**

The MSM also depicts a multi-lane roundabout at the Amity Rd./Oak Briar Way intersection. The Applicant is required to dedicate right-of-way (ROW) for construction of the roundabout consistent with the template shown in the ACHD report. A roundabout exhibit was submitted, included in Section VIII.B, in accord with this template.

Access (UDC [11-3A-3](#)): Three accesses are proposed to the future church on Lot 1, Block 1. Two (2) accesses are proposed via the collector street (S. Oak Briar Way) on Lot 1, Block 1; the northern access is proposed for the church and the southern access is proposed to be a shared access for the church and the existing residence. The other access at the east end of Lot 1, Block 1 via W. Amity Rd. is proposed is for emergency access only.

The UDC (11-3A-3) limits access points to collector and arterial streets to improve safety and to ensure that motorists can safely enter all streets, unless otherwise waived by City Council. Further, the UDC (11-3A-3A.1) requires all subdivisions to provide local street access to any use that currently takes direct access from an arterial or collector street.

Because a subdivision is proposed, Staff recommends a street is constructed from the collector street (Oak Briar) between Lots 1 and 2, Block 1 to provide local street access to the church and the existing residence. A cul-de-sac or ACHD/Fire Dept. approved turnaround should be provided at the end of the street, which should extend to at least the eastern boundary of Lot 2, Block 1 but may extend further depending on the access needs of the church. This street should be extended in the future with resubdivision of Lot 3, Block 1.

Staff recommends bollards are constructed with a chain and a Knox padlock at the emergency access driveway via Amity Rd. to prohibit public access.

Landscaping: A 25-foot wide street buffer is required along W. Amity Rd., an arterial street, measured from *ultimate* back of curb location; and a 20-foot wide street buffer is required along S. Oak Briar Way measured from back of curb. **Landscaping is required to be installed within the buffers in accord with the standards listed in UDC [11-3B-7C.3](#); the proposed landscape plan should be revised to comply with these standards.**

Landscaping should be provided in parkways in accord with the standards listed in UDC [11-3A-17E](#) and [11-3B-7C](#).

There are some existing trees on the site but they appear to be contained within Lots 2, Block 1 and Lot 1, Block where the existing homes are located. A few trees appear to be located in the area where the collector street will be extended, which will not require mitigation.

Common Open Space & Site Amenities (UDC [11-3G-3](#)): Because all of the residential portion of the property except for Lot 2, Block 1 will be resubdivided in the future, Staff recommends the provision of open space and site amenities is deferred until that time.

Pathways: All pathways should be constructed in accord with the standards listed in UDC [11-3A-8](#) and [11-3B-12C](#). A multi-use pathway is depicted on the Pathways Master Plan along the east side of the Calkins Lateral. **A 14-foot wide public access easement should be submitted to the City and depicted on the plat for the multi-use pathway (10' for the pathway + 2' shoulder each side).** If permission can be obtained from the Irrigation District, the pathway may be located with their easement; if not, the pathway shall be located in a separate linear lot outside of the irrigation easement behind the future rear residential lot lines. Construction of the pathway may be deferred until future development of Lot 1, Block 2.

Sidewalks ([11-3A-17](#)): Minimum 5' wide detached sidewalks are required within street buffers along collector and arterial streets per UDC 11-3A-17. However, ACHD policy requires a greater width of 10' along arterial streets; therefore, a 10' wide pathway should be provided as proposed a minimum of 38' from the centerline of Amity abutting the site.

Waterways: The Calkins lateral crosses the western portion of this site within a 56' wide easement (28' on each side of the centerline); and the Belle Sub Lateral runs along the southeast portion of the site within a 50' wide easement (25' on each side of the centerline) as depicted on the plat.

The UDC ([11-3A-6B](#)) requires all irrigation ditches/laterals crossing the site that aren't being improved as a water amenity or linear open space as defined in UDC [11-1A-1](#) to be piped or otherwise covered, unless otherwise waived by City Council. **Because both of the waterways on this site lie on lots (i.e. Lot 3, Block 1 and Lot 1, Block 2) that will be resubdivided in the future prior to development, Staff recommends the piping of these waterways take place upon resubdivision of these lots.**

This property is located in an "area of minimum flood hazard" in flood zone "X" (see FEMA map for more information).

Fencing: All fencing is required to comply with the standards listed in UDC [11-3A-6C](#) and [11-3A-7](#). Fencing is not depicted on the landscape plan.

Utilities (UDC 11-3A-21): Connection to City water and sewer services is required in accord with UDC 11-3A-21. **However, because Lot 3, Block 1 will be resubdivided in the future prior to development, Staff recommends services are not required to be provided to that lot at this time. The existing homes on Lot 2, Block 1 and Lot 1, Block 2 are required to connect to City water and sewer service within 60 days of it becoming available and disconnect from private service, as set forth in MCC [9-1-4](#) and [9-4-8](#).**

Street lighting is required to be installed in accord with the City's adopted standards, specifications and ordinances.

Pressurized Irrigation System (UDC 11-3A-15): Underground pressurized irrigation water is required to be provided to each lot within the subdivision per UDC 11-3A-15. **However, because Lot 3, Block 1 will be resubdivided in the future prior to development, Staff recommends underground pressurized irrigation is not required to be provided to that lot at this time.** Pressurized irrigation should be provided to the existing homes on Lot 2, Block 1 and Lot 1, Block 2.

Storm Drainage (UDC 11-3A-18): An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances. Design and construction shall follow best management practice as adopted by the City as set forth in UDC 11-3A-18. A [Geotechnical Investigation Report](#) was submitted with this application.

D. Conditional Use Permit (CUP)

A CUP is proposed for a 52,000+/- square foot (s.f.) church on 13.21-acres of land in an R-8 zoning district as required by UDC [Table 11-2B-2](#).

Phasing: The church (and associated drive aisles, parking and landscaping) is proposed to develop in two (2) phases as shown on the phasing plan in Section VIII.E. The first phase will consist of approximately 40,000 s.f. and the second phase will consist of approximately 12,000 s.f.

Specific Use Standards: Churches are subject to the specific use standards listed in UDC [11-4-3-6](#), as follows: *"Schools, child daycare services, meeting facilities for clubs and organizations, and other similar uses not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation may be permitted to the extent the activity is otherwise permitted in the district."*

Dimensional Standards: Future development of this site should comply with the dimensional standards of the R-8 zoning district in UDC [Table 11-2A-6](#).

Access: **The extension of the residential collector street (S. Oak Briar Way) shall be completed with development of the subdivision prior to issuance of Certificate of Occupancy for the church.**

Pathway/walkway: A 5' wide pedestrian walkway is proposed as required from the perimeter sidewalk along Amity and Oak Briar to the main building entrance of the church in accord with UDC [11-3A-19B.4](#). **The walkways should be distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete, or bricks.**

Minimum 5' wide walkways should be provided in the parking area for any aisle length that is greater than 150 parking spaces or 200' away from the primary building entrance(s) as set forth in UDC [11-3A-19B.4c](#).

Pedestrian connections with pathways should be provided from the church site to future abutting residential uses to the east and south for interconnectivity.

Sidewalks (UDC [11-3A-17](#)): All sidewalks around buildings are required to be a minimum of 5' in width.

Parking: Off-street parking is required to be provided based on the square footage of the church per the standards set forth in UDC [11-3C-6B.1](#) for commercial districts (i.e. 1 space for every 500 s.f. of gross floor area). Based on a total of 52,000+/- s.f., including the future addition, a minimum of 104 spaces will be required. The Applicant proposes to provide 545+/- spaces with the first phase and 269+/- spaces with the second phase, which *exceeds* the minimum standards by 710+/- spaces.

Parking stalls and drive aisles should comply with the dimensions noted in UDC [Table 11-3C-5](#). Where parking spaces abut a sidewalk or a perimeter landscape buffer, wheel stops should be provided to prevent vehicle overhang *or* the length of the parking space may be reduced 2' if an additional 2' is added to the width of the sidewalk or the perimeter buffer to total 7' as set forth in UDC [11-3C-5B.4](#). **The site plan submitted with the Certificate of Zoning Compliance application should depict dimensions that demonstrate compliance with these standards.**

Landscaping: Parking lot landscaping is required to be provided in accord with the standards listed in UDC [11-3B-8C](#); the landscape plan submitted with the Certificate of Zoning Compliance application should comply with these standards.

Landscaping is required to be provided along all pathways in accord with the standards listed in UDC [11-3B-12C](#).

Outdoor Lighting (UDC [11-3A-11](#)): All outdoor lighting is required to comply with the standards listed in UDC 11-3A-11C. Light fixtures that have a maximum output of 1,800 lumens or more are required to have an opaque top to prevent up-lighting; the bulb shall not be visible and shall have a full cutoff shield in accord with Figure 1 in UDC 11-3A-11C. **Details of the site lighting demonstrating compliance with these standards should be submitted with the Certificate of Zoning Compliance application.**

Outdoor Service & Equipment Areas (UDC [11-3A-12](#)): Outdoor utility meters, HVAC equipment, trash dumpsters, trash compaction and other service functions 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. Safe access and adequate lighting should be provided in these areas. **The site plan submitted with the Certificate of Zoning Compliance application should demonstrate compliance with these standards.**

Building Elevations: Conceptual building elevations of the proposed 2-story church structure are included in Section VIII.G. Building materials consist of a mix of stucco, vertical rough sawn NICHIIHA architectural wall panels and corrugated painted metal panels in horizontal orientation. These elevations have not been reviewed for compliance with the design standards in the Architectural Standards Manual and are not approved with this application. Review will take place with submittal of a design review application with a Certificate of Zoning Compliance application prior to submittal of a building permit application.

Certificate of Zoning Compliance (CZC): A CZC application is required to be submitted and approved for the proposed church prior to submittal of a building permit application.

Design Review: A Design Review application should be submitted concurrently with the CZC application for approval of the design of the proposed structure. Compliance with the design standards in the [Architectural Standards Manual](#) is required.

VII. DECISION

A. Staff:

Staff recommends approval of the proposed DA modification, rezone, preliminary plat and CUP with the provisions in Section IX in accord with the Findings in Section X.

VIII. EXHIBITS

A. Rezone Legal Description and Exhibit Map/Property Subject to New Development Agreement

Description for
R-8 Zone
Stonehill Crossing Subdivision
June 30, 2023

A portion of the North 1/2 of Section 36, Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the North 1/4 corner of said Section 36 from which the Northwest corner of said Section 36 bears North 89°32'29" West, 2,650.91 feet; thence on the north line of said Section 36, South 89°04'30" East, 38.65 feet to the **POINT OF BEGINNING**:

thence continuing, South 89°04'30" East, 478.26 feet;

thence leaving said north line, South 00°55'30" West, 25.00 feet;

thence South 45°31'08" East, 432.13 feet;

thence South 26°33'19" East, 434.46 feet;

thence South 33°50'10" West, 27.62 feet;

thence North 89°04'30" West, 1046.69 feet;

thence North 00°32'48" East, 50.50 feet;

thence 245.16 feet on the arc of a curve to the right, having a radius of 800.00 feet, a central angle of 17°33'29", and a long chord which bears North 09°19'32" East, 244.20 feet;

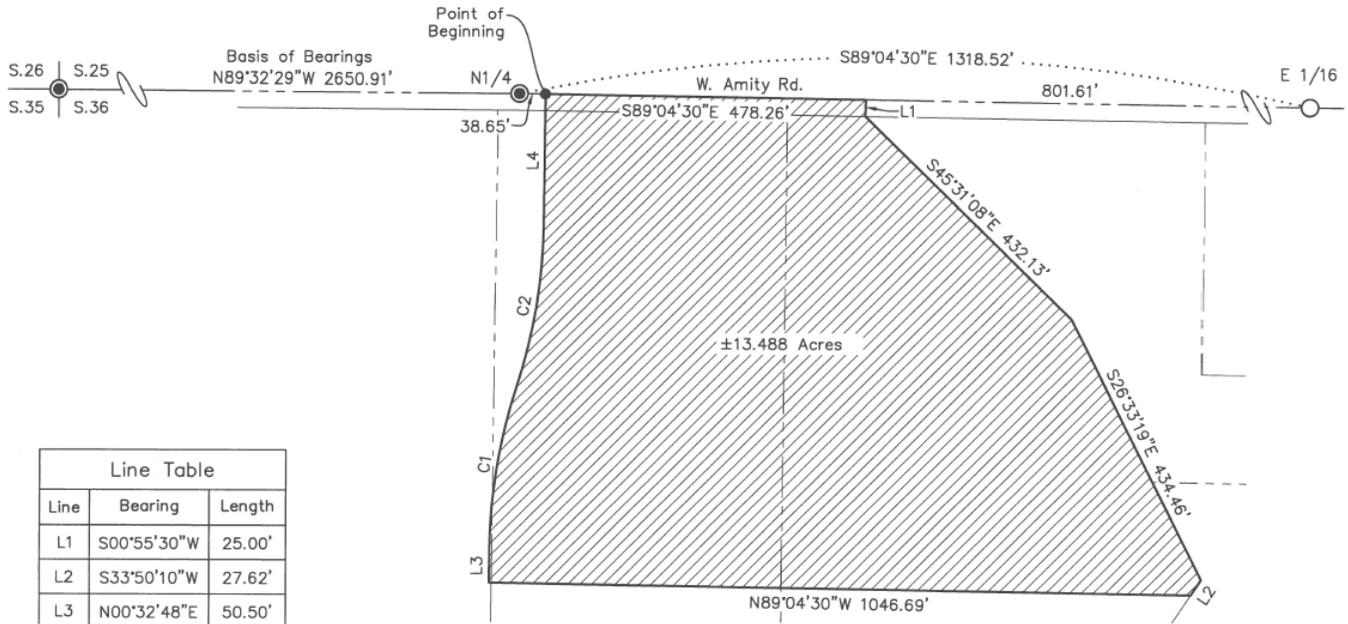
thence 244.85 feet on the arc of a curve to the left, having a radius of 800.00 feet, a central angle of 17°32'10", and a long chord which bears North 09°20'12" East, 243.89 feet;

thence North 00°34'07" East, 198.05 feet to the **POINT OF BEGINNING**.

Containing 13.488 acres, more or less.

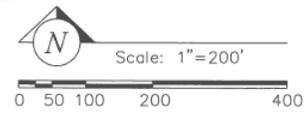
End of Description.





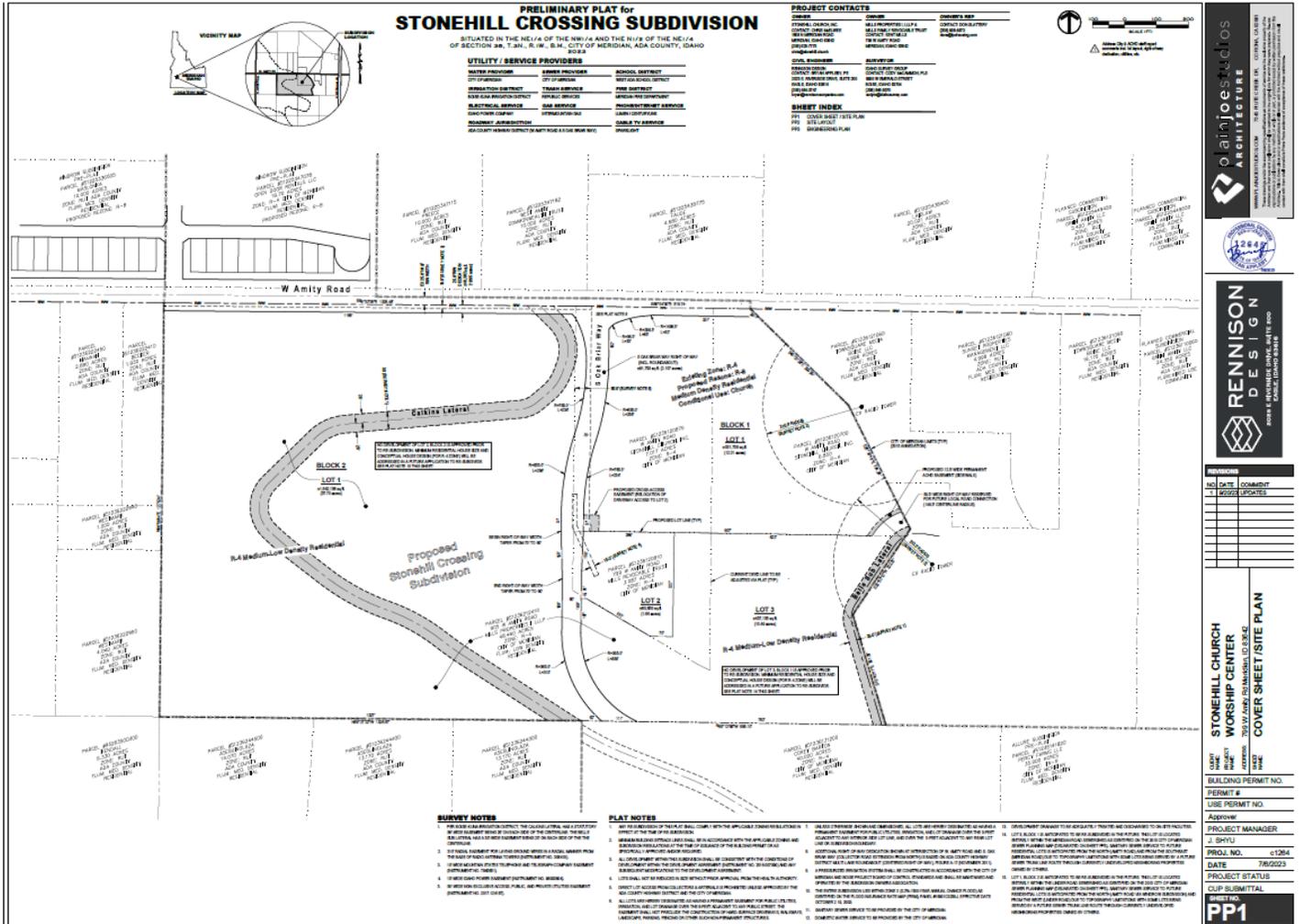
Line Table		
Line	Bearing	Length
L1	S00°55'30\"W	25.00'
L2	S33°50'10\"W	27.62'
L3	N00°32'48\"E	50.50'
L4	N00°34'07\"E	198.05'

Curve Table					
Curve	Length	Radius	Delta	Chord Bearing	Chord Length
C1	245.16'	800.00'	17°33'29\"	N09°19'32\"E	244.20'
C2	244.85'	800.00'	17°32'10\"	N09°20'12\"E	243.89'

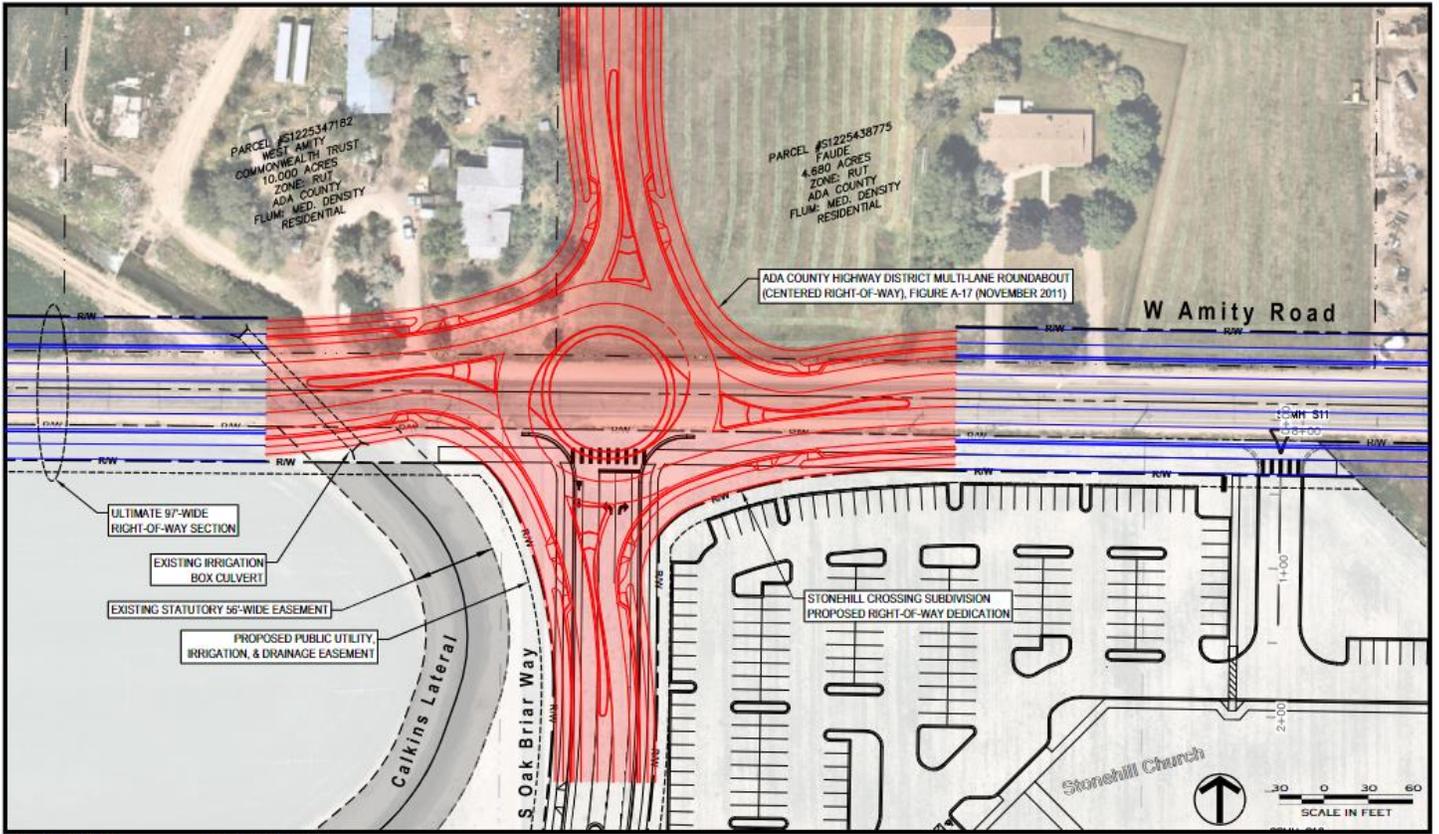


 IDAHO SURVEY GROUP, LLC <small>9955 W. EMERALD ST. BOISE, IDAHO 83704 (208) 646-8570</small>	Exhibit Drawing for R-8 Zone Stonehill Crossing Subdivision <small>A portion of the N1/2 of Section 36, T.3N., R.1W., B.M., City Of Meridian, Ada County, Idaho.</small>	Job No. 22-039
		Sheet No. 1
		Dwg. Date 6/30/2023

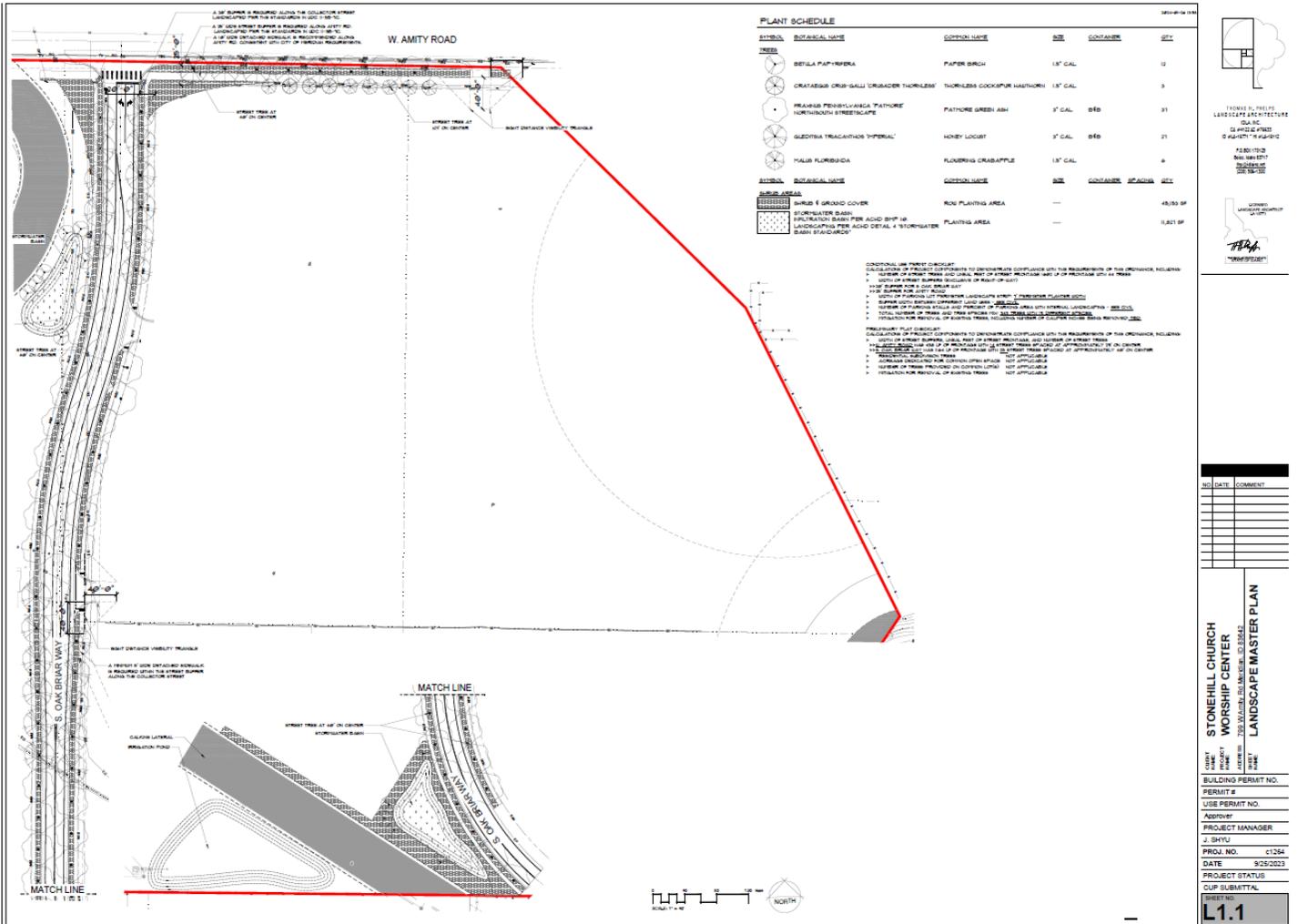
B. Preliminary Plat (dated: 7/6/23) & Roundabout Exhibit



Stonehill Crossing Subdivision
FUTURE ROUNDABOUT PLANNING EXHIBIT



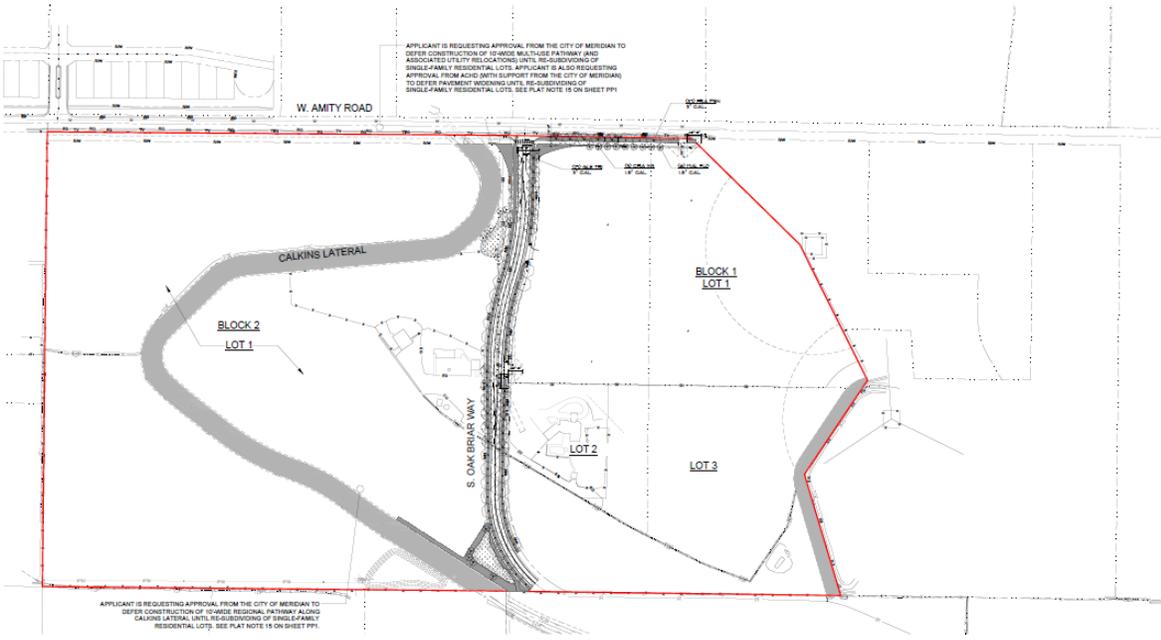
C. Preliminary Plat - Landscape Plan (dated: 9/25/2023)



STONEHILL CROSSING SUBDIVISION



TONY J. PHELPS
LANDSCAPE ARCHITECTURE
204 N. G
OKLAHOMA CITY, OKLAHOMA 73102
PHONE: 405.555.1111
WWW.TJPALPHA.COM



NO.	DATE	COMMENT

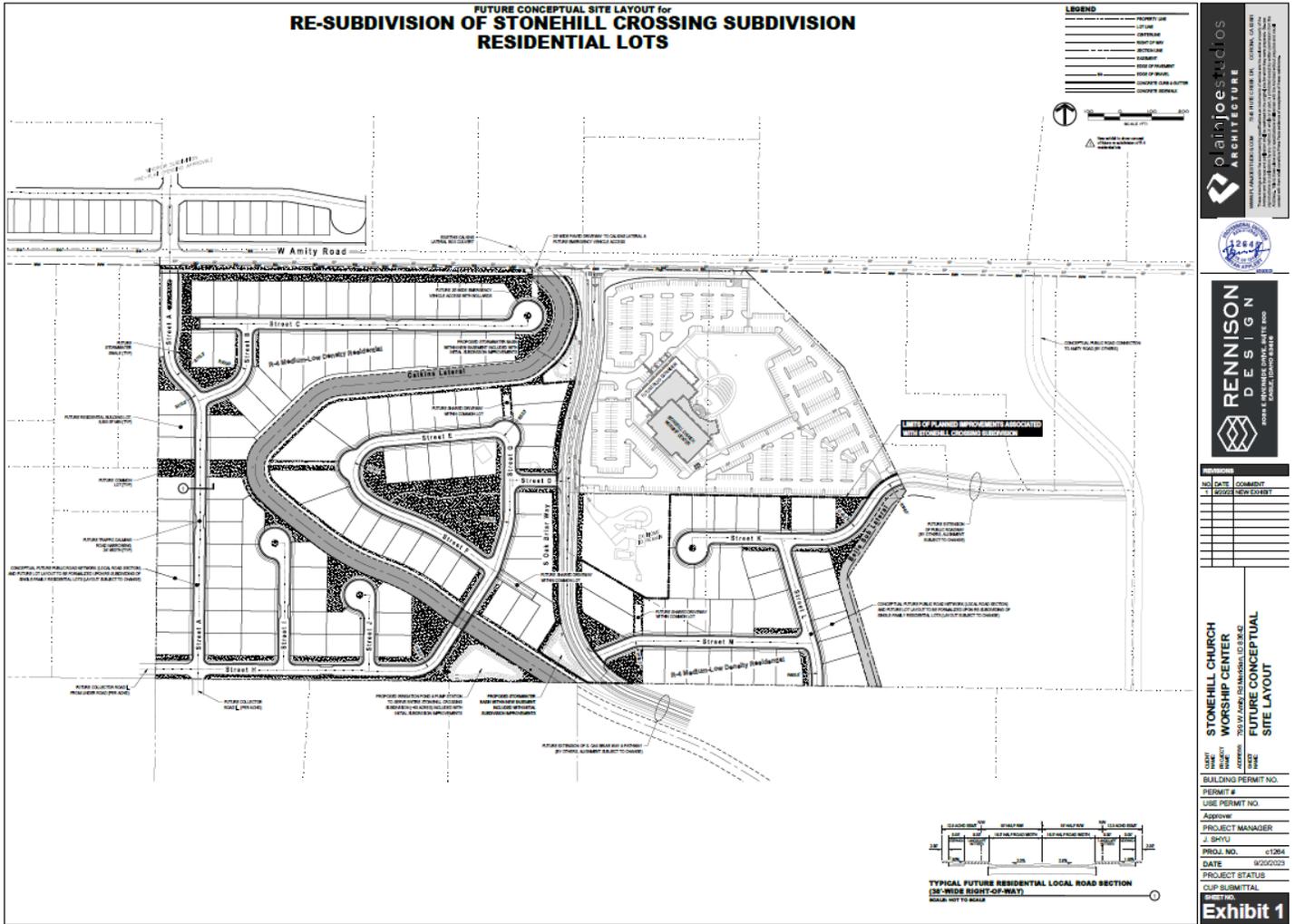
**STONEHILL CHURCH
WORSHIP CENTER
LANDSCAPE MASTER PLAN**

PROJECT NO. 2023-001
DATE: 3/25/2023

BUILDING PERMIT NO. _____
 PERMIT # _____
 USE PERMIT NO. _____
 Approver: _____
 PROJECT MANAGER: _____
 C. SHITO
 PROJ. NO. 11254
 DATE 3/25/2023
 PROJECT STATUS: _____
 CUP SUBMITTAL: _____
 SHEET NO. **L1.2**



D. Conceptual Development Plan for Future Resubdivision of Lot 3, Block 1 & Lot 1, Block 2



olajiojes architects
ARCHITECTURE

1224
STATE OF MISSISSIPPI
REGISTERED ARCHITECTS

RENNISON DESIGN
ARCHITECTURE

1224
STATE OF MISSISSIPPI
REGISTERED ARCHITECTS

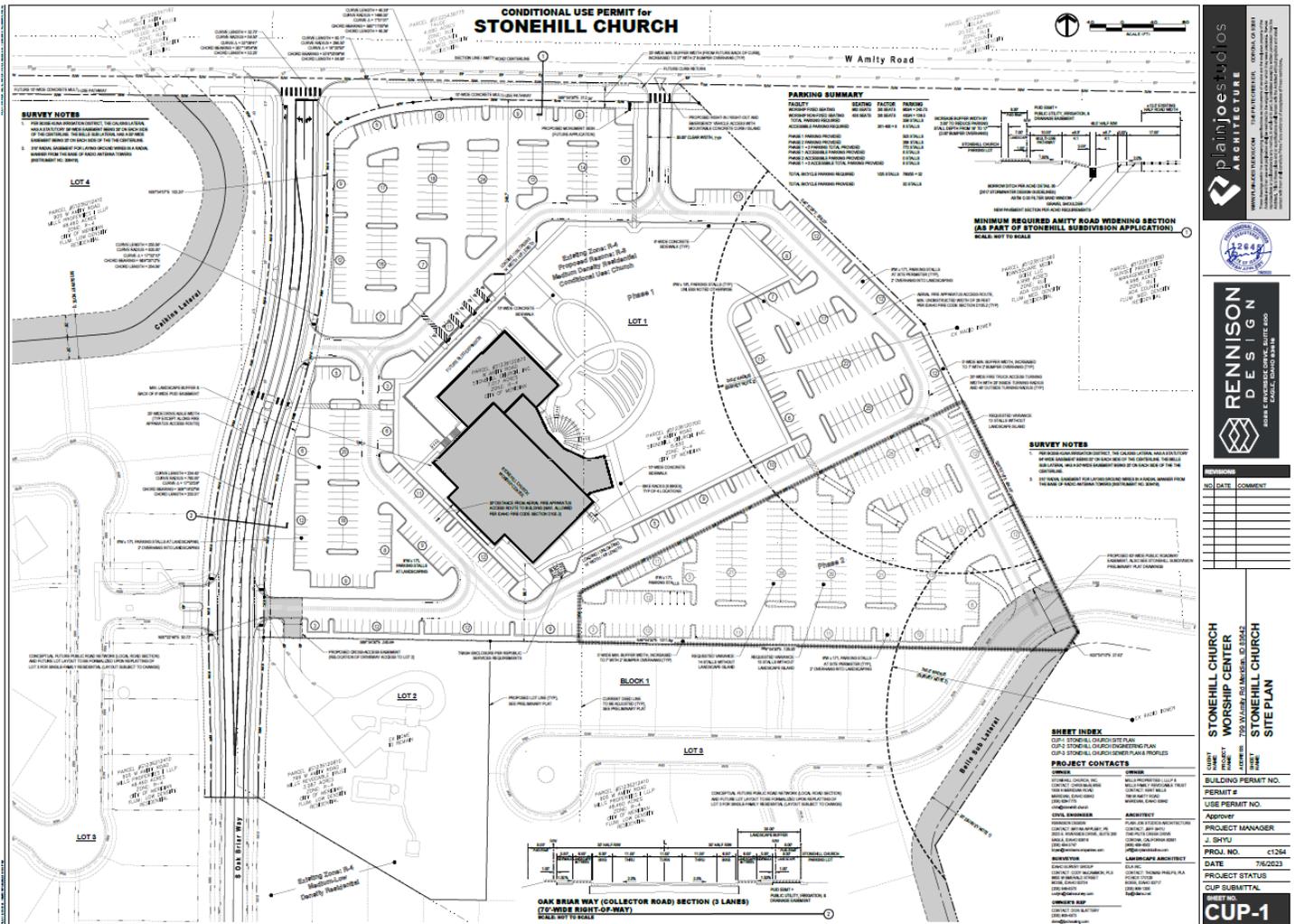
NO.	DATE	COMMITTEE
1	8/20/2023	NEW EDITION

STONEHILL CHURCH WORSHIP CENTER
FUTURE CONCEPTUAL SITE LAYOUT

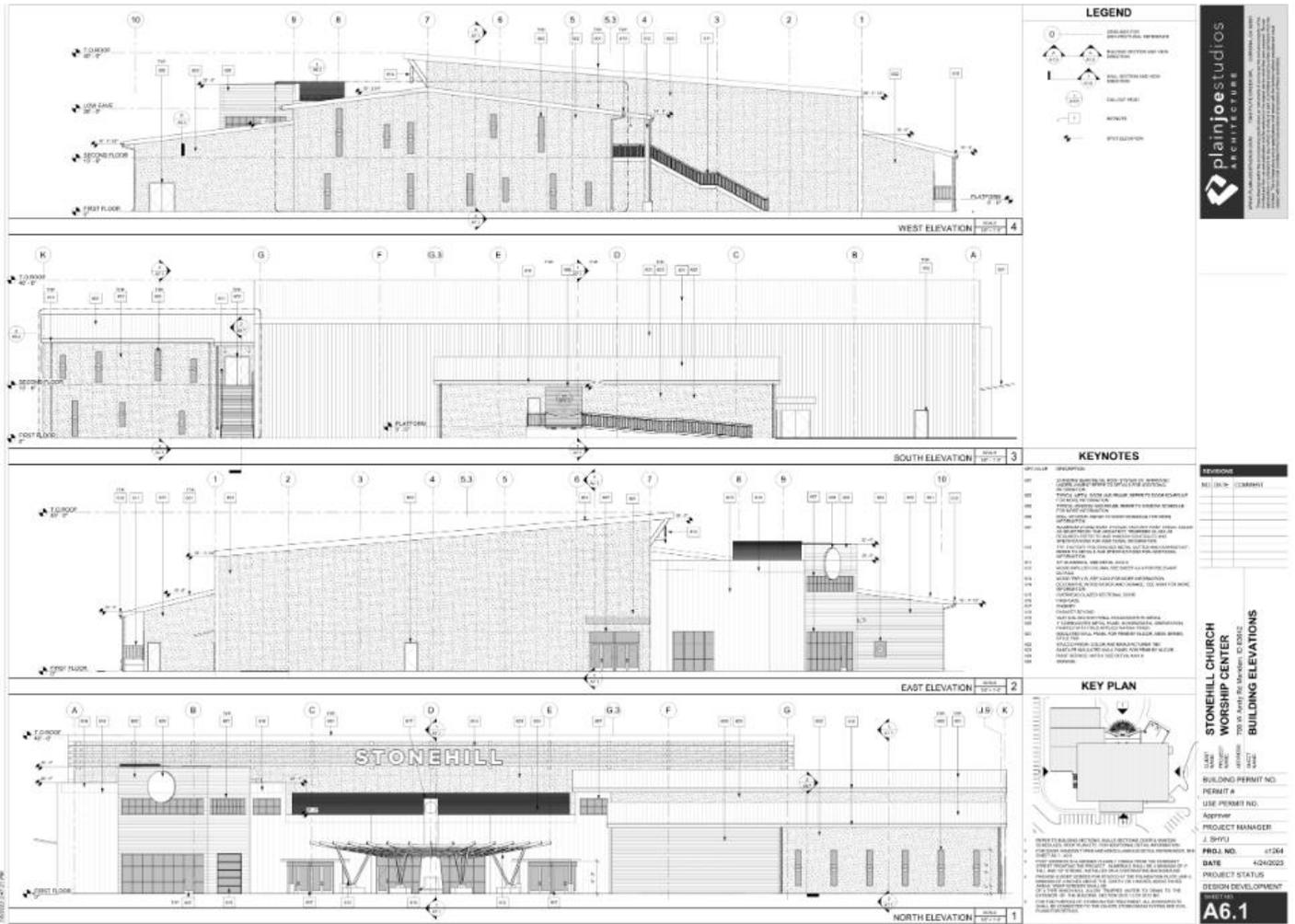
CLIENT: STONEHILL CHURCH WORSHIP CENTER
PROPERTY: 7015 W. AMITY, STONEHILL CROSSING, MS 38684
ADDRESS: 7015 W. AMITY, STONEHILL CROSSING, MS 38684
DATE: 8/20/2023
PROJECT STATUS: CUP SUBMITTAL

Exhibit 1

E. Conditional Use Permit – Site Plan & Phasing Plan (dated: 7/6/2023)



G. Conditional Use Permit – Conceptual Building Elevations (dated: 4/24/23)



IX. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. Development Agreement Modification

- 1.1 The amended DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council approval of the Findings. The DA shall, at minimum, incorporate the following provisions:
- Future development of this site shall be generally consistent with the site plan and conceptual building elevations included in Section VIII and the provisions contained herein that are applicable to Lot 1, Block 1, Stonehill Crossing Subdivision.
 - The future use of this site is limited to a church or place of religious worship and associated accessory uses as allowed by UDC [11-4-3-6](#). Any change to the use shall require a modification to the agreement.
 - The new north/south residential collector street (S. Oak Briar Way) shall be constructed in its entirety prior to issuance of Certificate of Occupancy for the church.
 - The final plat in which the subject property lies shall be recorded prior to issuance of Certificate of Occupancy for the proposed church.

2. Preliminary Plat

- 2.1 The final plat shall include the following revisions:
- Depict a minimum 25-foot wide street buffer along W. Amity Rd., an arterial street, in a common lot or a permanent dedicated buffer easement maintained by the property owner in accord with UDC [11-3B-7C.2a](#). The buffer shall be measured from the ultimate curb location as anticipated by ACHD.
 - Depict a minimum 20-foot wide street buffer along both sides of S. Oak Briar Way, a collector street, measured from back of curb, in a common lot or a permanent dedicated buffer easement maintained by the property owner or homeowner's association in accord with UDC [11-3B-7C.2a](#).
 - Depict a temporary cul-de-sac at the south end of the collector street (S. Oak Briar Way) with a minimum turning radius of 50' as required by ACHD.
 - Graphically depict a 14' wide public pedestrian easement along the Calkins Lateral on Lot 1, Block 2 and include the recorded instrument number of the easement.
 - Include a note stating direct lot access via W. Amity Rd. is prohibited except for the existing driveways on Lot 1, Block 2 for farm and irrigation access and the emergency only access on Lot 1, Block 1 (unless otherwise restricted by ACHD).
 - Include a note stating direct lot access via S. Oak Briar Way is prohibited except for a temporary access for the existing home on Lot 1, Block 2, which shall be removed upon resubdivision of that lot in the future. At that time, access shall be provided from an internal local street if the home remains on a lot in the subdivision. The location of this access (curb cut) shall be depicted on the plat.
 - Depict a local street off S. Oak Briar Way between Lots 1 and 2, Block 1 for local street access to these lots in accord with UDC [11-3A-3](#). This street shall extend at a minimum, to the east boundary of Lot 2, Block 1 and shall be extended with future resubdivision of Lot 3, Block 1 in

the future. A turnaround shall be provided at the end of the street that meets ACHD and Fire Dept. standards.

- h. All sidewalks and parkways shall comply with the standards listed in UDC [11-3A-17](#).
- 2.2 The landscape plan submitted with the final plat shall include the following revisions:
- a. Depict landscaping within the 20' wide street buffer along S. Oak Briar Way; and within the 25-foot wide street buffer along W. Amity Rd. on Lot 1, Block 1 in accord with the standards listed in UDC [11-3B-7C.3](#). *The street buffer along Amity Rd. on Lot 1, Block 2 is deferred until future resubdivision of that lot.*
 - b. Include a calculations table that demonstrates compliance with the aforementioned street buffer requirements, including required vs. provided number of trees, percentages and tree classifications.
 - c. Landscaping shall be depicted in parkways in accord with the standards listed in UDC [11-3A-17E](#).
- 2.3 All existing structures that do not comply with the setbacks of the R-4 zoning district in UDC [Table 11-2A-5](#) shall be removed from the site prior to submittal of the final plat for City Engineer signature.
- 2.4 Comply with the subdivision design and improvement standards listed in UDC [11-6C-3](#).
- 2.5 The existing homes on Lot 2, Block 1 and Lot 1, Block 2 shall connect to City water and sewer service within 60 days of it becoming available and disconnect from private service as set forth in MCC [9-1-4](#) and [9-4-8](#).
- 2.6 The addresses of the existing homes shall change with recordation of the subdivision.
- 2.7 No building permits shall be issued on Lot 3, Block 1 until this lot is resubdivided in the future; and no building permits shall be issued on Lot 1, Block 2 except for accessory structures associated with the primary residence.
- 2.8 A 14-foot wide public access easement shall be submitted to the City and depicted on the plat for the 10' wide multi-use pathway along the east side of the Calkins Lateral (10' for the pathway + 2' shoulder each side). *If permission can be obtained from the Irrigation District, the pathway may be located with their easement; if not, the pathway shall be located in a separate linear lot outside of the irrigation easement behind the future rear residential lot lines.*
- 2.9 Underground pressurized irrigation water shall be provided to Lots 1 and 2, Block 1 and the existing home on Lot 1, Block 2 with development of the subdivision as set forth in UDC [11-3A-15](#); underground pressurized irrigation is *not* required to be provided to Lot 3, Block 1 until resubdivision of this lot occurs in the future.
- 2.10 Connection to City water and sewer services is required for the proposed church on Lot 1, Block 1 and the existing homes on Lot 2, Block 1 and Lot 1, Block 2 in accord with UDC [11-3A-21](#); services are not required to be provided to Lot 3, Block 1 until resubdivision of this lot occurs in the future.
- 2.11 The frontage improvements along Amity Rd. on Lot 1, Block 2 (i.e. pavement widening, borrow ditch/drainage improvements, 10' wide multi-use pathway, street buffer landscaping and associated overhead and underground utility relocations is deferred until resubdivision of this lot in the future. *(Note: ACHD will require a formal request for a waiver of policy and written support from the City to defer the road widening and sidewalk until future resubdivision of this lot.)*
- 2.12 The piping of the Calkins Lateral and the Belle Sub Lateral, which lie on Lot 1, Block 2 and Lot 3, Block 1, respectively, is deferred until resubdivision of these lots in the future.

- 2.13 The two (2) driveways on Lot 1, Block 2 via Amity Rd., used for farm and irrigation access, may remain until resubdivision of this lot in the future unless otherwise required by ACHD to be closed; access will be evaluated at that time.
- 2.14 Construction of the 10' wide multi-use pathway required along the east side of the Calkins Lateral on Lot 1, Block 2 per the Pathways Master Plan is deferred until resubdivision of this lot in the future.
- 2.15 A sign shall be erected at the terminus of the collector stub street (S. Oak Briar Way) that states the street will be extended and widened in the future as required by ACHD.
- 2.16 Approval of a preliminary plat shall become null and void if the applicant fails to obtain the city engineer's signature on the final plat within two (2) years of the approval of the preliminary plat. Upon written request and filing by the applicant prior to the termination of the period, the director may authorize a single extension of time to obtain the city engineer's signature on the final plat not to exceed two (2) years. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the director or City Council may require the preliminary plat, combined preliminary and final plat or short plat to comply with the current provisions of this title.

3. Conditional Use Permit

- 3.1 The site plan and landscape plan submitted with the Certificate of Zoning Compliance application shall be revised as follows:
 - a. All outdoor utility meters, HVAC equipment, trash dumpsters, trash compaction and other service functions shall 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](#). Safe access and adequate lighting should be provided in these areas.
 - b. The pedestrian walkways from the perimeter sidewalks along W. Amity Rd. and S. Oak Briar Way 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 [11-3A-19B.4](#).
 - c. Depict pedestrian pathway connections from the church site to future abutting residential uses to the east and south for interconnectivity; landscaping shall be depicted along all pathways in accord with the standards listed in UDC [11-3B-12C](#).
 - d. Depict minimum 5' wide walkways in parking areas for any aisle length that is greater than 150 parking spaces or 200' away from the primary building entrance(s) in accord with UDC [11-3A-19B.4c](#).
 - e. Depict bollards with a chain and a Knox padlock as required by the Fire Dept. across the emergency access driveway via Amity Rd. on Lot 1, Block 1 to prohibit public access.
 - f. Depict dimensions for parking stalls and drive aisles that comply with the dimensions noted in UDC [Table 11-3C-5](#). Where parking spaces abut a sidewalk or a perimeter landscape buffer, wheel stops should be provided in parking stalls to prevent vehicle overhang; *or*, the length of the parking stalls may be reduced 2' if an additional 2' is added to the width of the sidewalk or the perimeter buffer to total 7' as set forth in UDC [11-3C-5B.4](#).
 - g. Depict landscaping in the parking lot in accord with the standards listed in UDC [11-3B-8C](#).
- 3.2 Compliance with the standards listed in UDC [11-4-3-6](#) Church or Place of Religious Worship is required.

- 3.3 Direct access via W. Amity Road is prohibited except for emergency only access on Lot 1, Block 1 and the existing farm access at the west boundary of the site and the irrigation district access along the Calkins Lateral on Lot 1, Block 2, unless otherwise approved by City Council.
- 3.4 Future development of this site shall comply with the dimensional standards of the R-8 zoning district in UDC [Table 11-2A-6](#).
- 3.5 Details of the lighting proposed on the site shall be submitted that demonstrate compliance with the standards listed in UDC [11-3A-11](#).
- 3.6 A Certificate of Zoning Compliance (CZC) application shall be submitted and approved for the proposed church use and site layout prior to submittal of a building permit application.
- 3.7 A Design Review application shall be submitted concurrently with the CZC application and approved for the proposed structure prior to submittal of a building permit application. The design of the proposed structure shall comply with the standards listed in the Architectural Standards Manual.
- 3.8 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.

B. PUBLIC WORKS DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=316105&dbid=0&repo=MeridianCity>

C. MERIDIAN FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=316107&dbid=0&repo=MeridianCity>

D. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=324861&dbid=0&repo=MeridianCity>

E. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=317458&dbid=0&repo=MeridianCity>

F. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=329876&dbid=0&repo=MeridianCity>

G. PARK'S DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=316108&dbid=0&repo=MeridianCity>

H. BOISE PROJECT BOARD OF CONTROL

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=324823&dbid=0&repo=MeridianCity>

I. ADA COUNTY HIGHWAY DISTRICT (ACHD) – *to be updated based on the revised plat*

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=316109&dbid=0&repo=MeridianCity>

X. FINDINGS

A. Annexation and/or Rezone (UDC 11-5B-3E)

Required Findings: Upon recommendation from the commission, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:

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

Staff finds the Applicant's request to rezone a portion of the subject property to the R-8 zoning district for the development of a church is generally consistent with the Comprehensive Plan per the analysis in Section V.

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

Staff finds the proposed map amendment to the R-8 zoning district will allow the proposed church as a conditional use.

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

Staff finds the proposed map amendment should not be detrimental to the public health, safety and welfare as the proposed church use should be compatible with adjacent existing and future single-family residential homes/uses in the area.

4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and

Staff finds City services are available to be provided to this development and the proposed church use will not impact the school district.

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

This finding is not applicable as the request is for a rezone, not annexation.

B. Conditional Use Permit (UDC 11-5B-6E)

The Commission shall base its determination on the Conditional Use Permit requests 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.

Staff finds Lot 1, Block 1 where the church is proposed will be large enough to accommodate the proposed use and dimensional and development regulations of the R-8 zoning district (see Analysis, Section V for more information).

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

Staff finds that the proposed church use will be harmonious with the Comprehensive Plan as noted in Section V and is allowed as a conditional use in UDC Table 11-2A-2 in the R-8 zoning district.

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.

Staff finds the proposed design of the development, construction, operation and maintenance of the church should be compatible with existing and future residential uses in the general vicinity and that such use should not adversely change the character of the area. The proposed church should provide more options for public worship for area residents in this area of the City.

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

Staff finds that if the applicant complies with the conditions outlined in this report, the proposed use will not adversely affect other property in the area.

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.

Staff finds that essential public services are available to this property and that the use will be adequately served by these facilities. Police and Fire currently provides service to this property.

C. 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 in conformance with the UDC and generally conforms with the Comprehensive Plan.

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

Staff finds public services are currently provided and/or 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 conformance with scheduled public improvements in accord with the City's capital improvement program.

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)

Staff is unaware of any significant natural, scenic or historic features that need to be preserved with this development.



AGENDA ITEM

ITEM TOPIC: Public Hearing for Avani Neighborhood (H-2023-0049) by Conger Group, located at Southeast of Franklin Rd. and Black Cat, North of I-84.

Application Materials: <https://bit.ly/H-2023-0049>

A. Request: Annexation of 35.086 acres of land from RUT to the R-15 (Medium High Density Residential) zoning district.

B. Request: Preliminary Plat consisting of 256 buildable lots and 25 common lots on 33.71 acres of land in the proposed R-15 zoning district.

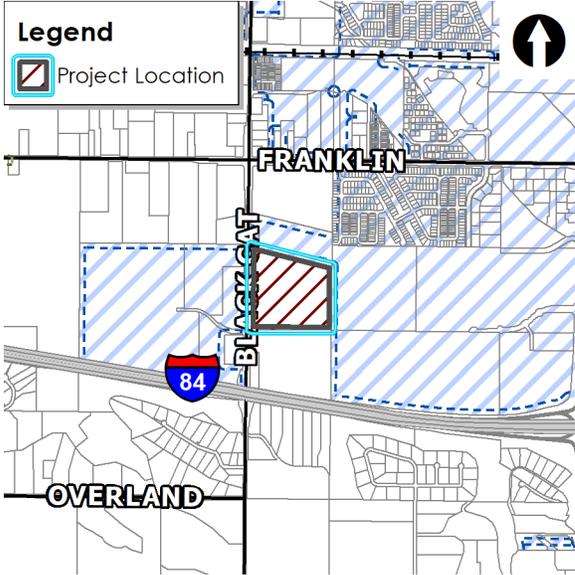
HEARING DATE: February 1, 2024

TO: Planning & Zoning Commission

FROM: Stacy Hersh, Associate Planner
208-884-5533

SUBJECT: Avani Neighborhood AZ, PP
H-2023-0049

LOCATION: Southeast of Franklin Road and Black Cat, North of I-84, in the SW 1/4 of the NW ¼ of Section 15, T.3N., R.1W. (Parcel #S1215233650)



I. PROJECT DESCRIPTION

Annexation of 35.086 acres of land to the R-15 (Medium-high-density residential) zoning district; and Preliminary Plat consisting of 256 building lots and 25 common lots on 33.71-acres of land in the R-15 zoning district for Avani Neighborhood Subdivision.

NOTE: Staff is recommending denial of the project because the applicant’s design (plat and elevations) is inconsistent with the design elements outlined in the TMISAP. The applicant has been made aware of Staff’s concerns and has elected to forego some of Staff’s recommended changes to gain a favorable recommendation. Below provides the basis for Staff’s recommendation; however, the Commission and Council should rely on all relevant information when determining if this project is consistent with the Plan and open to allowing deviations from the design elements as desired by the Applicant.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details
Acreage	33.71 acres (35.086 acres - annexation area)
Future Land Use Designation	Medium-High Density Residential (MHDR) in the Ten Mile Interchange Specific Area Plan (TMISAP)
Existing Land Use	agricultural
Proposed Land Use(s)	SFR detached and attached dwellings
Current Zoning	Rural-Urban Transition (RUT) in Ada County
Proposed Zoning	R-15
Lots (# and type; bldg/common)	256 building/8 common lots
Phasing plan (# of phases)	3 Phases
Number of Residential Units (type of units)	256 residential lots (95 attached units, 161 detached units)
Density (gross & net)	7.60 units/acre (gross)
Open Space (acres, total [%] / buffer / qualified)	6.68 (or 19.8%) qualified

Amenities	Large central park, community pool with changing rooms, fenced play structure, swing set, seating benches, climbing dome, climbing rocks, fenced dog park and (2) pickleball sports courts.
Physical Features (waterways, hazards, flood plain, hillside)	The Rosenlof Drain bisects the northwest corner of the site.

Neighborhood meeting date	7/26/2023
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History (previous approvals)	None
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B. Community Metric

Description	Details
Ada County Highway District	
<ul style="list-style-type: none"> Staff report (yes/no) 	Yes
<ul style="list-style-type: none"> Requires ACHD Commission Action (yes/no) 	No
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	A portion of the collector street (Vantage Point Way) is required to be extended from the west boundary to the east boundary of the site per the Master Street Map.

Proposed Road Improvements	<p>Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):</p> <ul style="list-style-type: none"> Franklin Road is scheduled in the IFYWP to be widened to 5-lanes from McDermott Road to Black Cat Road with the design year in 2026 and the construction date has not been determined. The intersection of Franklin Road and McDermott Road is scheduled in the IFYWP to be reconstructed as a single-lane expandable roundabout. There is no design year or construction year, and this project requires coordination with the Nampa Highway District. <p style="text-align: right;">2 DRAFT Avani Subdivision/ MPP23-0010/ H-2023-0049</p> <hr/> <ul style="list-style-type: none"> Black Cat Road is listed in the CIP to be widened to 5-lanes from Franklin Road to Overland Road between 2036 and 2040. Funding for ITD's portion is not included with this project.
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Fire Service	
• Distance to Fire Station	2.8 miles from Station #2
• Fire Response Time	Falls just outside of the 5-minute response time goal
• Resource Reliability	82% (above the targeted goal of 80%)
• Accessibility	This project meets all required access, road widths, and turnarounds as presented in the preliminary plat. The shared drives shall have an address sign at each entrance, the roadways, common driveways, and alleys shall be maintained 365 days a year for fire, EMS, and police responses.
• Additional Comments/Concerns	See Fire Staff Report in the link provided below under Section IX(C).

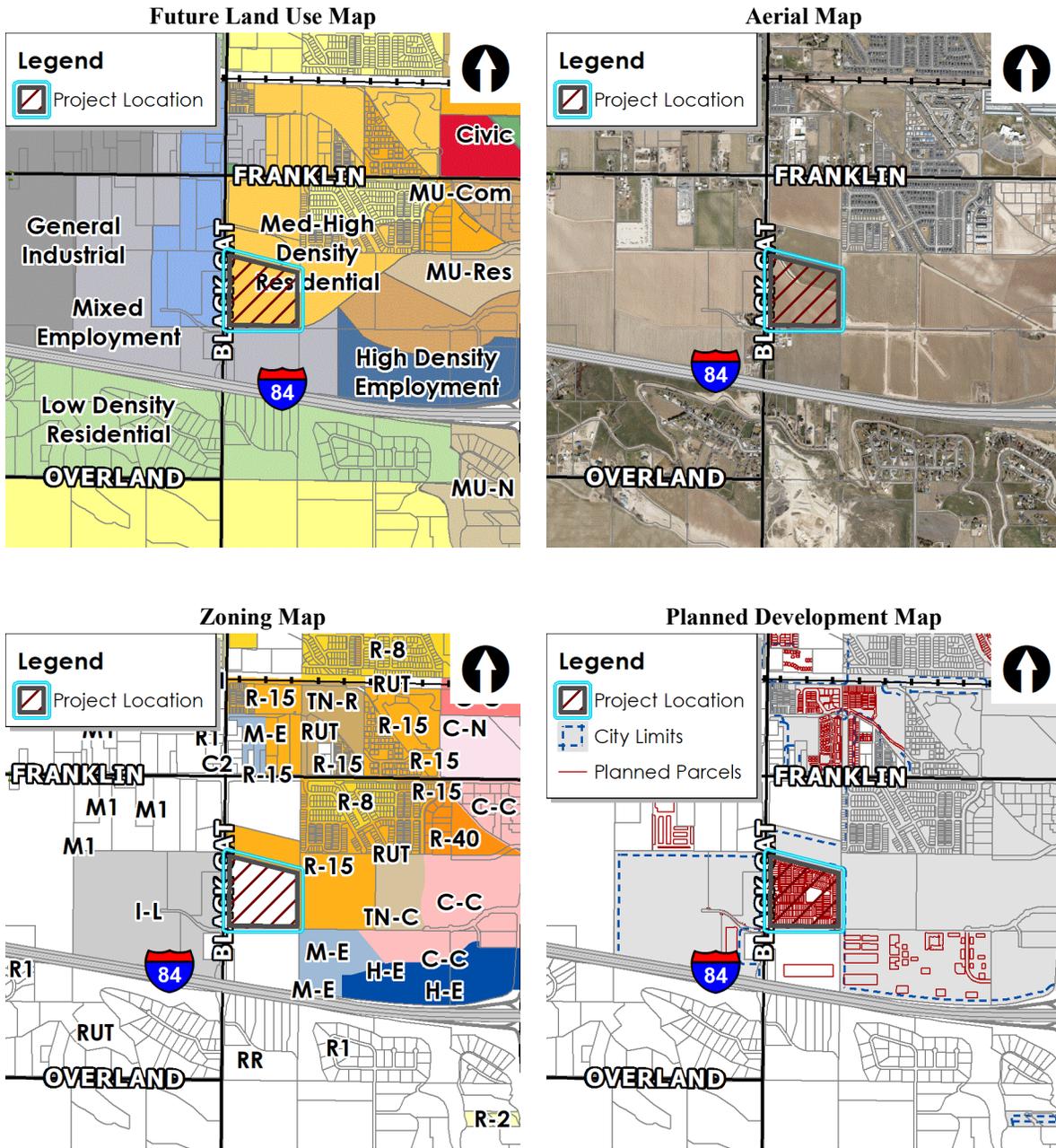
Police Service	
<i>No comments received</i>	
• Distance to Fire Station	
• Fire Response Time	
• Accessibility	

West Ada School District	
<i>No Comments received</i>	
Distance (elem, ms, hs)	
Capacity of Schools	
# of Students Enrolled	
# of students estimated for this development	

Wastewater	
• Wastewater Modeling	<ul style="list-style-type: none"> Must provide to and through to S1215325450 End of the line requires 0.6% slope Flow is committed Sewer/water easement varies depending on sewer depth. Sewer 0-20 ft deep require a 30 ft easement, 20-25 ft a 40 ft easement, and 25-30 ft a 45 ft easement. Adjust easements accordingly. Sewer easement varies depending on sewer depth. Sewer 0-15 ft deep require a 20 ft easement, 16-20 ft a 30 ft easement, and 21-30 ft a 40 ft easement. Adjust easements accordingly. Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement. Ensure no sewer services pass through infiltration trenches.
• Project Consistent with WW Master Plan/Facility Plan	
• Impacts/Concerns	See Public Works Site Specific Conditions under Section IX(B)
Water	

• Distance to Services	Water available at site
• Pressure Zone	2
• Estimated Project Water ERU's	See Application
• Water Quality Concerns	None
• Project Consistent with Water Master Plan	Yes
• Impacts/Concerns	<p>See Public Works' Site-Specific Conditions under Section IX(B)</p> <ul style="list-style-type: none"> • If a well is located on the site it must be abandoned per regulatory requirements and proof of abandonment must be provided to the City. • Each phase of the development will need to be modeled to verify minimum fire flow pressure is maintained. • Development requires two connections for looping. There are two options Option 1: Provide a second connection in zone 2 from either the north or the east Option 2: A second connection to Black Cat Rd. However, this requires a connection from Franklin road through parcel S1216120735 to parcel S1216131200. Additionally, the main in Black Cat Rd along the western boundary must be connected to the rest of the water system in two different places. In other words, the development cannot have two ties to Black Cat Rd if that run of main is a dead end. • There are multiple spots where fittings are located within the gutter. Don't have fittings in the gutter.

C. Project Maps



III. APPLICANT INFORMATION

A. Applicant:

Laren Bailey, Conger Group – 4824 W. Fairview Avenue, Boise, ID 83706

B. Owner:

BLACKCAT1, LLC – P.O. Box 1968, Eagle ID 83616

C. Representative:

Laren Bailey, Conger Group – 4824 W. Fairview Avenue, Boise, ID 83706

IV. NOTICING

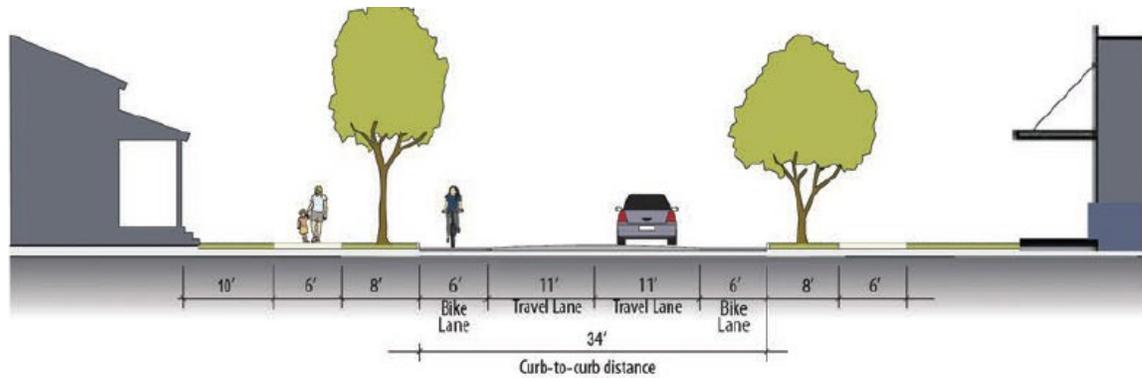
	Planning & Zoning Posting Date	City Council Posting Date
Newspaper notification published in newspaper	1/16/2024	
Radius notification mailed to property owners within 500 feet	1/12/2024	
Public hearing notice sign posted on site	1/18/2024	
Nextdoor posting	1/10/2024	

V. COMPREHENSIVE PLAN ANALYSIS

LAND USE: This property is designated Medium High-Density Residential (MHDR) on the Future Land Use Map (FLUM) and is located within the area known as the Ten Mile Specific Area Plan (TMISAP). MHDR areas are recommended to develop primarily with relatively dense multi-family housing types, such as row houses, townhouses, condominiums, and apartments, not all single-family attached and detached homes as proposed by the applicant. These areas should have a mix of housing types that achieve an overall average density target of 12 dwelling units per acre with densities ranging from 8-15 units per acre. MHDR areas typically are relatively compact areas within a larger neighborhood and generally should be located around and near more intensely developed areas, such as Mixed Use Commercial or Employment areas, in order to provide convenient access to these commercial activity and employment centers for the greatest number of residents.

As noted above, the proposed development incorporates a mix of single-family attached (95) and single-family detached (161) homes, resulting in an overall gross density of 7.59 units per acre inconsistent with the target density desired in the MHDR FLUM designation in the TMISAP. Townhomes should be included in this development to be more consistent with the plan; however, the property to the east has approval to construct a 552-unit multi-family development to offset the need for additional multi-family in the area. Mixed– Employment areas are also entitled or in the development process to the west, south, and southeast so it is conceivable that this development may provide additional housing options for these employment areas.

TRANSPORTATION: ACHD’s Master Street Map (MSM) depicts a new town center collector street across the southern portion of this property from the west to the east boundary eventually connecting to S. Ten Mile Road. The Transportation System Map in the TMISAP lists the functional classification for this street as a collector street and the Street Section Map lists the design classification as a major collector street, which is intended to be constructed consistent with Street Section C as follows:



This street is planned to eventually provide a connection from S. Black Cat Road to S. Ten Mile Road. The applicant is currently collaborating with the property owners directly to the south and east to complete the Collector Street (Vanguard Way) connection to Black Cat. It is the City’s desire to have this street dedicated and constructed before residents occupy the homes in this development.

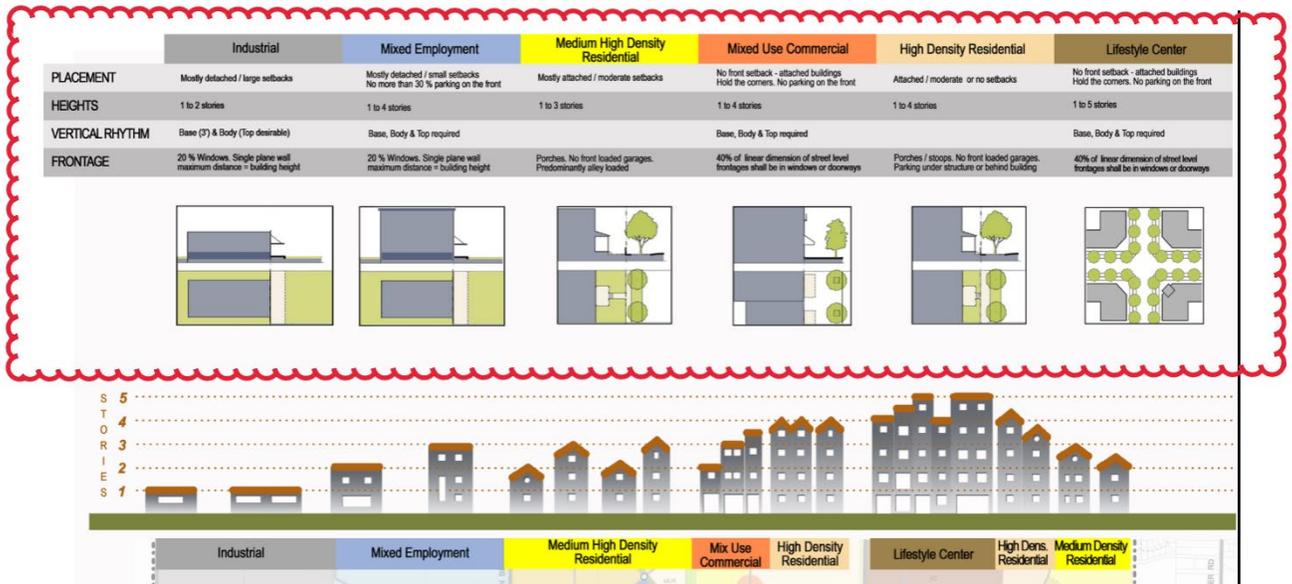
Local streets, alleys, and common drives are proposed internally for access to the proposed residential units. **Staff believes the plat should incorporate more ally-loaded lots however, the Applicant believes there isn’t a market for this type of housing and has elected to limit the number of alley-loaded homes to ten (10) which is inconsistent with the Plan.**

BACKGROUND: Ten Mile Interchange Area was intended to look, feel, and function differently than a typical residential subdivision. It operates as a form-based specific area plan, where the design of the built environment is the primary review element and intended to work in conjunction with the land use and zoning designations. These design elements should not be treated as a checklist; but used to implement the overall vision and support traditional neighborhood design desired by the Plan.

DESIGN ELEMENT: The design element is intended to serve as the basic framework for a project within the Ten Mile Interchange Area and the basis for the development of future design guidelines. They are considered the most important elements to “get right,” there is not flexibility allowed in the modification of design elements. Future development should be consistent with the design elements in the TMISAP for the MHDR FLUM designation as determined by the Application of the Design Elements table (refer to the table below). Staff’s analysis for how the Applicant’s design adheres to the applicable design elements are italicized below.

NOTE: Some of these design elements are not required by the UDC as envisioned by the Plan. Therefore, the applicant requests the Commission and Council allow some deviations to these design elements.

Page . Design Element	Residential				Mixed Use			Employment				Special Areas	
	LDR	MDR	MHDR	HDR	MUR	MUC	LC	LDE	HDE	ME	I	Parks	Civic
3-32. Architecture and Heritage	●	●	●	●	●	●	●	●	●	●	●	●	●
3-33. Street oriented design													
Commercial & mixed use bldgs.					●	●	●						
Residential Buildings	●	●	●	●	●	●	●						
3-34. Buildings to Scale								●					
3-35. Gateways													
3-36 .Neighborhood Design			●	●	●	●							
3-37. Building Form & Character						●	●						
Commercial Activity Centers							●						
Building Facades	●	●	●	●	●	●	●	●	●	●	●	●	●
Building Heights	●	●	●	●	●	●	●	●	●	●	●	●	●
General Limit of 4 stories	●	●	●	●	●	●	●	●		●	●	●	
First Floor Ceiling Heights for Retail					●	●	●						
Up to 6 Stories							●		●				
Base, Body, and Top					●	●	●	●	●	●	●		
Frontage													
Commercial Retail Frontage					●	●	●						
Live /Work Unit Frontage			●	●	●	●	●						
Urban Resid. Frontage in Commercial Districts			●	●	●	●	●						
Neighborhood Residential & Institutional		●	●	●									●
Roofs													
Flat				●	●	●	●	●	●	●	●		●
Pitched	●	●	●	●	●	●	●	●	●	●	●	●	●
3-41. Building Details													
Materials					●	●	●						
Screening of Mechanical Units and Service Areas				●	●	●	●		●			●	●
Awnings						●	●		●				
Canopies						●	●						
3-46. Signs					●	●	●	●	●	●	●		
3-47. Public Art	●	●	●	●	●	●	●	●	●	●	●	●	●



3-33. Street-oriented Design: Useable porches should be a dominant element of residential buildings and should be located along at least 30% of the front façade of the buildings – a higher percentage is recommended as is the location of porches on one or more side facades. When possible, garages should be

loaded from a rear alleyway. Where garages must be accessed from the front, the garages must be located no less than 20' behind the primary façade. Front-loaded 2-car garages that are visible from the primary street must be designed with two (2) separate garage doors.

Out of the 256 single-family units, only 10 are alley-loaded; the others are all front-loaded with living area either at the same plane or behind the garages away from the street. A few of the units have usable porches that might meet the guidelines. No porches are proposed on the side facades. All units have single 2-car garage doors, not separate doors.

3-34. Buildings to Scale: Everything seen and experienced from the sidewalk – building fronts, lighting, open space – should be designed for human interaction at a pedestrian’s perspective. Key elements to consider are the continuity of the building sizes, how the street-level and upper-level architectural detailing is treated, elements that anchor and emphasize pedestrian scale, roof forms, rhythm of windows and doors, and general relationship of buildings to public spaces such as streets, plazas and other open space. Human-scale design is critical to the success of built places for pedestrians. Building entrances should be placed close to the street; ground floor windows, articulated facades, appropriately scaled lighting, awnings and other weather protection should be provided.

The proposed elevations do not meet the design criteria that encourage building entrances to be situated close to the street, primarily due to their garage-dominated nature. Elevations for the alley-loaded units were not submitted with the application, making it difficult for Staff to determine if they comply with these guidelines. Lighting at a pedestrian scale should be provided on the buildings facing the street and internal walkways. A different product type should be provided for the detached and attached units with garages behind the units, and building entrances facing the street with front/side porches.

3-36. Neighborhood Design: All residential neighborhoods in the Ten Mile interchange area should be developed in consideration of traditional neighborhood design principles and concepts, which pertain to mixed housing stock, architecture and design, streetscapes and streets. Front porches and garages accessed from an alley are usually the standard in residential areas; parking for homes is primarily located behind buildings. Streetscape design relates to the street itself and consists of landscaped parkways with trees between curbs and sidewalks, adjacent sidewalks and front yard spaces and provides public space for street trees, street furniture and view corridors. Other aspects of neighborhood design that contribute to a traditional streetscape are connected network of streets, alleys and sidewalks. Roadways and pedestrian ways are interconnected so that access for pedestrians, cyclists and automobile drivers is direct and convenient and allows traffic to be dispersed through a variety of streets and ways. Narrower streets designed with TND characteristics result in slower moving traffic and provide a safer, more pleasant pedestrian environment and encourages interaction among residents.

As previously noted, usable porches that meet the minimum guidelines are not provided for the single-family attached and detached units as desired. Alley-accessed garages and parking are only provided for the 10 detached units; the other 246 single-family units are all accessed from the street with parking in front of the garages facing the street, which is not desired.

Shorter block lengths and narrower streets help build a greater sense of community. As proposed, these lots are narrow and garage dominated which creates more driveways and less tree-lined streets along the primary streets which is contradictory to TND principles. More alley-loaded homes would enhance the streetscape for this development and ground the front porches to the primary street per the Plan.

3-37. Building Form & Character: Building Facades – Buildings should be designed so that their primary facades relate to active public spaces and pedestrian areas. The primary façade of a structure is that frontage of the building that has been designed and detailed so as to represent the building’s most important elevations. The primary façade should always include an entry into the building. Entries should be located so as to provide direct access from adjacent public spaces, primary streets and activity areas. Access from walkways should be uninterrupted by vehicular traffic. Buildings should be located so as to help frame

adjacent public spaces and to provide an architectural backdrop for associated passive and active activities. The space between a building façade and the adjacent walkway should be appropriately landscaped with a combination of lawns, groundcover, shrubs and trees.

Access from walkways to the main living areas is only uninterrupted by vehicular traffic for 10 alley-loaded units, as these units have garages accessed from the alleys. The other single-family attached and detached structures are not designed to have the primary façade relate to active pedestrian areas, public spaces, or primary streets due to the orientation of the garages and building entries. Building entries are not the focal point of the homes and the front-loaded garages limit direct pedestrian access from the street because most of the entries are located behind the garages. As noted above, the 8-foot parkways are also diminished due to this design.

Building Heights: Low-rise buildings of 2-4 stories over much of the area is recommended.

A mix of one-story single-family and two-story single-family attached and detached structures are proposed in general conformance to this guideline. This applicant's preference is to have single-story homes along collector and arterial streets to enhance the streetscape.

- **Pitched Roofs:** A mix of flat and pitched roofs are anticipated in the Ten Mile area based on a wide variety of individual buildings. Pitched roofs should be, where possible, symmetrical hips or gables, with a pitch between 4:12 and 12:12 with an overhang of at least 12 inches and a maximum of 2.5'. Roof brackets and rafter tail treatments are encouraged.

All of the roof pitches proposed fall within the desired pitch range. Corbels are depicted some of the concept elevations; rafter tail treatments are encouraged as well as other design elements as noted in the ASM. Staff cannot verify if there is at least 12 inches of overhang for all of the one-story and two-story homes proposed.

3-47. Public Art: Public art should be incorporated into the design of streetscapes, public buildings, parks, transit, infrastructure, and other public projects in the Ten Mile area. Public art should be meaningful and encourage the free flow of ideas and cultural ideologies. Public art should be integrated into either the architectural design or the design of plazas and public spaces associated with a building and should be easily visible to the public (e.g. visible from the street or publicly accessible open spaces rather than interior courtyards).

Public art is not proposed but could be provided in accord with this guideline. If the applicant desires to include public art as part of the development it would qualify as another amenity (1 point).

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; however, the TMISAP takes precedence over the Comprehensive plan (staff analysis in *italics*):

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

The Applicant is proposing to construct 10-foot wide multi-use pathways along S. Black Cat Road and Vanguard Way (new collector) in accordance with the Meridian Pathways Master Plan Map. Additionally, a 5-foot wide micro path is proposed on the east side of the site, extending in a north-south direction. The following amenities are proposed: community pool and changing rooms, fenced play structure, swing set, seating benches, climbing dome, climbing rocks, fenced dog park, and two (2) pickleball courts, exceeding the requirements outlined in UDC 11-3G-4.

- “Require all new residential neighborhoods to provide complete streets, consistent with the Transportation and Land Use Integration Plan.” (2.02.01C)

The plat illustrates that all internal local streets within this development are depicted as 27-foot wide street sections with curbs and gutters, allowing parking on only one side. “No Parking” signs shall be installed on that designated side of the street. The smaller street sections are encouraged in the TMISAP to promote pedestrian movement and access by enhancing connectivity and promoting walking.

- “Require pedestrian access in all new development to link subdivisions together and promote neighborhood connectivity.” (2.02.01D)

The proposed 10-foot wide pathways and 5-foot wide micro path provide connectivity to the Mixed Employment developments proposed to the south, the proposed multi-family development (Vanguard Village) to the east, and the future medium-high density development to the north.

- “Continue to develop and implement the desired vision in special areas, areas with specific plans, and along key transportation corridors.” (3.03.01A)

The TMISAP is a form-based specific area plan where the design of the built environment is the primary review element. The City’s vision for this area is for all residential to have a Traditional Neighborhood Design. Front porches and alley-loaded garages are the standard and help to create a pedestrian-friendly environment. Streetscapes should relate to the street itself and landscaping with trees between curbs and sidewalks, the adjacent, front yard spaces, and the building frontages. Staff finds that the proposed plat, landscape, and elevations do not align with the City’s vision for this area.

- “Annex lands into the corporate boundaries of the City only when the annexation proposal conforms to the City’s vision and the necessary extension of public services and infrastructure is provided.” (3.03.03)

The Applicant’s design does not align with the Plan; therefore, staff finds it is not in the City’s best interest to annex this property.

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

City water and sewer service is available and can be extended by the developer with development in accord with UDC 11-3A-21.

- “Ensure that new development and subdivisions connect to the pathway system.” (4.04.01A)

The proposed subdivision proposes a 10-foot wide pathway along S. Black Cat Road and Vantage Point Way (new collector) in accordance with the Meridian Pathways Master Plan Map, thereby enhancing connectivity to future developments.

- “Assess and compare response times to adopted standards for identification of additional needed resources.” (4.11.01B)

This project currently falls in an area where emergency personnel don’t have response times that meet NFPA 1710 standards or the current City of Meridian adopted standards. The first due station is Fire Station 2. This fire station is approximately 2.8 miles from the project.

- “Foster a walkable and bikeable community through good site and street design.” (5.01.01A)

The pathways and sidewalks within the development contribute to creating a walkable community. However, the proposed narrower street sections should coincide with shorter block lengths or traffic calming to provide a more compact, diverse, and walkable neighborhood as envisioned by the plan.

ACHD is also requiring shorter block lengths or passive traffic calming.

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

The proposed development will connect to City water and sewer systems with development of the subdivision; services are required to be provided to and through this development in accordance with current City plans.

- “Encourage the integration of public art as an integrated component with new development”. (5.03.01B)

Public art is not proposed with this development as emphasized by the TMISAP. Public Art should be included as a fundamental element in new development projects within the TMISAP. This policy suggests a commitment to fostering a visually enriched and culturally vibrant environment by actively encouraging the inclusion of artistic elements as an integral part of the overall development strategy. Public art could be displayed either at the entrance to the subdivision and/or within the large central park proposed in the development.

VI. STAFF ANALYSIS

A. ANNEXATION (AZ)

The Applicant proposes to annex 35.214 acres of land with an R-15 (Medium-High Density Residential) zoning district which is listed in the Zoning District Compatibility Matrix in the TMISAP as one of the best choices for zoning in the MHDR designation.

A preliminary plat and conceptual building elevations were submitted, included in Section VIII, showing how the property is proposed to be subdivided into 256 building lots and 25 common lots for the development of 10 single-family detached alley-loaded dwellings, 95 single-family attached dwellings & 151 single-family detached dwellings.

The proposed residential use and mix of housing types may be consistent with the MHDR FLUM designation; **however, the proposed density of 7.59 is below the target density of 12 dwelling units per acre. The proposed architectural design does not comply with the TND guidelines in the TMISAP, as discussed above. Development in this area should conform to these guidelines in order to be deemed consistent with the Plan and determine if it is in the City’s best interest to annex this property.**

This property, is surrounded by an existing light industrial development to the west (Black Cat Industrial future residential uses to the north, future multi-family development to the east (Vanguard Village), a future R-15 development to the north (extension of Baraya), and mixed employment (M-E) proposed to the south.

A legal description and exhibit map for the boundary of the property proposed to be annexed is included in Section VIII.A. This property is within the City’s Area of City Impact boundary and within the area governed by the Ten Mile Interchange Specific Area Plan (TMISAP), as discussed above in Section V.

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. **A DA is not necessary based on staff’s recommendation of denial.**

B. PRELIMINARY PLAT (PP):

A preliminary plat is proposed consisting of 256 [95 single-family attached , 10 alley-loaded, and 151 single-family detached units] building lots and 25 landscape, six (6) common driveways, two (2) alleys, and one (1) non-buildable lot on 33.707-acres of land in the R-15 district. Proposed lots range in size

from 2,436 to 5,357 square feet (s.f.) with an average lot size of 3,584 (sf.) The subdivision is proposed to develop in three (3) phases as shown on the preliminary plat in Section VIII.C.

Single-family attached and detached dwellings are listed as a principal permitted use in the R-15 zoning district per UDC [Table 11-2D-2](#). ***The proposed plat appears to comply with the R-15 zoning standards.***

Existing Structures/Site Improvements: There are no existing structures on the property that are proposed to be removed upon development.

Dimensional Standards (UDC [Table 11-2D-6](#)): The proposed plat and subsequent development is required to comply with the dimensional standards listed in UDC Table [11-2D-6](#) for the R-15 zoning district. There is a 2,000 minimum lot size in the R-15 district; each building site is required to be of sufficient size to meet the minimum setbacks for the district.

Access: Access is proposed via the extension of Vantage Point Way, a new collector street, along the southern boundary of the subdivision. Vantage Point Way will extend to the west boundary across Black Cat Road to be extended with the Black Cat Industrial Development (H-2021-0064).

Vantage Point Way should be constructed in accordance with Street Section C (major collector street) in the TMISAP, which requires (2) 11-foot travel lanes, 6-foot bike lanes, 8-foot parkways with streetlights at a pedestrian scale, and minimum 6-foot wide detached sidewalks (see pg. 3-20, 3-22, 3-23). The Applicant proposes a modification of the street section to include 10-foot wide detached sidewalks/pathways in lieu of on-street bike lanes, which is required by ACHD and as set forth in the Meridian Master Pathways Plan.

All streets should be constructed as complete streets as defined in the TMISAP (see pg. 3-19 & 3-20). Prior to submitting the final plat, the Applicant shall coordinate with the property owner to the south and east to construct Vantage Point Way and deed the right-of-way to ACHD. The Applicant should ensure that the intersection of Vantage Point Way and S. Black Road aligns with the entrance of the Black Cat Industrial projects on the west side of S. Black Cat Road.

The Applicant is proposing one (1) curb cut-off of Vantage Point Way, a planned collector street in the TMISAP. In accordance with UDC 11-3A-3 (Access to streets), multiple accesses off an arterial and/or collector roadway shall be restricted. The Applicant has proposed an emergency access only off of Black Cat Road and has included a stub street to the north (Street H) for potential future access. **Staff recommends that the Applicant collaborates with the property owner to the east to consider incorporating a potential stub street on the east side of this site for connectivity to the future Medium-High Density Residential Development, subject to approval by ACHD.**

Common Driveway (UDC [11-6C-3D](#)): Six (6) common driveways are proposed within the development of the site on Lot 42, Block 1, Lot 16, Block 1, Lot 41, Block 2, Lot 33, Block 2, Lot 16, Block, 2, and Lot 23, Block 5. Common driveways are allowed to serve a maximum of four (4) dwelling units; in no case shall more than three (3) dwelling units be located on one (1) side of the driveway. **A total of four (4) dwelling units are proposed on the south side of driveway for Lot 23, Block 5; the final plat and common driveway exhibit shall be revised to depict a maximum of three (3) units on one (1) side of the driveway as required; or, alternative compliance may be requested as set forth in UDC [11-5B-5](#).**

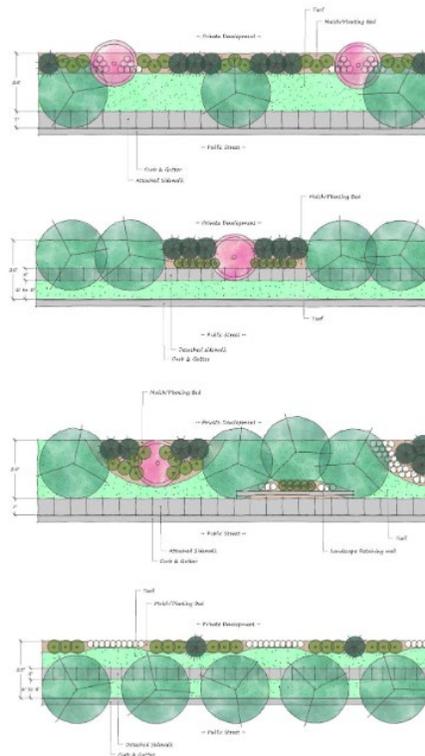
A perpetual ingress/egress easement is required to be filed with the Ada County Recorder for the common driveway, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment. **This may be accomplished through the depiction of the easement on the face of the final plat and an accompanying note. If a separate easement is recorded, a copy should be submitted to the Planning Division with the final plat for City Engineer signature.**

Alleys (UDC [11-6C-3B.5](#)): Two (2) 40-foot wide alleys are proposed for access to the single-family detached dwelling units on lots in Block 3 and Block 4. The Alley should be constructed in accord with the standards listed in UDC [11-6C-3B.5](#). **A detail of the alley should be submitted with the final plat that demonstrates compliance with these standards.**

Parking: All single-family attached and detached dwelling units are proposed to have a 2-car garage with a 2-space parking pad consistent with UDC [Table 11-3C-6](#) for 1- to 4-bedroom units; if any units contain more than 4 bedrooms, an additional two (2) spaces are required with at least one (1) of those being an enclosed space. An additional 150 on-street parking spaces (0.5+ per home) are available for residents and guests as shown on the parking exhibit in Section VIII.I. These spaces are located adjacent to common areas and in front of the detached dwelling units and attached dwelling units. **Staff finds that there is not adequate room in front of the attached units for on-street parking with the width of the lots vs. the driveways. With the narrow 27-foot wide streets proposed internally, which are desired with the *TMISAP*, parking is only allowed on one side of the street.**

Landscaping (UDC [11-3B](#)): A 25-foot wide street buffer is required is required along all arterial streets (i.e. S. Black Cat Road) in residential districts. A 20-foot wide street buffer is required along all collector streets (i.e. Vantage Point Way) a collector street, per UDC [Table 11-2D-7](#), landscaped per the *updated* standards listed in UDC [11-3B-7C](#). **The proposed buffer along the southern half of Black Cat Road appears to be 20-feet in width and should be 25-feet in width. The 20-foot wide buffer along the new collector street (Vanguard Way) appears to meet the requirements of the UDC code; however, there is a lack of a combination of planters (shrubs and rock mulch) within both of the buffers (refer to the figures below).**

FIGURE 1



An 8-foot wide parkway with Class II trees is required along all local streets per UDC [Table 11-2D-6](#), landscaped per the standards listed in UDC [11-3B-7C](#).

All common open space areas are required to be landscaped with one deciduous shade tree for every 5,000 square feet of area and include a variety of trees, shrubs, lawn or other vegetative groundcover per UDC [11-3G-5B.3](#). **The landscape plan appears to comply with this requirement.**

There are several existing trees on the south side of this site that will be removed with development. An existing tree inventory and mitigation plan is not included in Section VIII.H. **Mitigation is required to be provided per the standards listed in UDC [11-3B-10C.5](#); calculations demonstrating compliance should be included on the landscape plan submitted with the final plat application.**

Landscaping is required along all pathways per the standards listed in UDC [11-3B-12C](#).

Common Open Space (UDC [11-3G-3](#)): A minimum of 15% qualified open space is required to be provided within the single-family development per [Table 11-3G-3](#) for the R-15 zoning district. Based on 33.707-acres of land, a minimum of 5.06 acres is required to be provided that complies with the standards listed in UDC [11-3G-3B](#).

The exhibit included in Section VIII.F depicts 19.8% (or 6.68 acres) of common open space for the single-family (detached and attached dwelling units) development consisting of one (1) large common area over 5,000 square feet (s.f.) at 60,785 (s.f.), a micro-path that runs along the entire east side of the site; 8-foot wide landscaped parkways along the residential lots; and 10-foot wide pathways running along S. Black Cat Road and the new collector (vantage Point Way). **The collector street buffers do not count toward qualified open space unless they meet the enhanced buffer requirements noted in UDC [11-3G-3B.3](#), which is interpreted to mean buffer landscape materials consistent with entryway corridors listed in UDC [11-3B-7C.3f](#). Additionally, per UDC [11-3G-3B.3](#), one hundred (100) percent of the landscape buffer along collector streets and fifty (50) percent of the landscape buffer along arterial streets that meet the enhanced buffer requirements that follow may count toward the required common open space.**

In order to qualify, common areas should be landscaped per the updated standards listed in UDC [11-3G-4B.3](#); parkways and street buffers should be landscaped per the standards listed in UDC [11-3A-17E](#) and [11-3B-7C](#) [collector buffers must meet the enhanced buffer requirements (i.e. entryway corridor standards) in order to qualify]; stormwater swales that are incorporated into required landscaped areas should comply with the standards listed in UDC [11-3B-11C](#); and linear open space should be landscaped per the requirements in UDC 11-3B.

Site Amenities (UDC [11-3G-4](#)): A minimum of seven (7) points of site amenities are required based on the area of the single-family residential development. Qualified amenities should include features listed in UDC [Table 11-3G-4](#). A 5,000+ s.f. children's playground with a play structure, swings, climbing rocks, a climbing dome, seating benches, within a safe fenced area, two pickle ball courts, and fenced dog park (9 points) is proposed which meets the minimum standard. The provision of public art, as recommended, will also qualify as an amenity (1 point). **The 10-foot wide regional pathways along Black Cat Road and Vanguard Way consist of approximately 2,500 linear feet. Additionally, the 5-foot micro-pathway running north and south on the east side of the property spans approximately 1,000 linear feet. Combined, the proposed pathways total (4 points).** Required sidewalks adjacent to public right-of-way do not qualify. **Overall, the proposed amenities exceed the minimum standards.**

Pathways: The Pathways Master Plan depicts multi-use pathways on this site along S. Black Cat Road and Vantage Point Way. The pathways shall be constructed in accordance with UDC 33-3A-8 and 11-3B-12. **A 14-foot wide public use easement for all multi-use pathways shall be submitted to the Planning Division prior to submittal for City Engineer's signature on the final plat(s).**

Sidewalks ([11-3A-17](#)): A 5-foot wide detached sidewalks are required along local streets within the development along with 8-foot parkways consistent with ACHD and the TMISAP. **The plans appear**

to comply with this requirement. Additionally, the common driveway located at the southwest corner of the development should incorporate a sidewalk adjacent to the 5-foot landscape buffer connecting to the 10-foot wide pathway along S. Black Cat Road to enhance walkability within the neighborhood.

Fencing ([11-3A-7](#)): Fencing should comply with the standards listed in UDC 11-3A-7. Six-foot tall solid vinyl fencing is proposed around the west, north, east, and south perimeter boundaries of the subdivision and on shared lot lines between building and common lots that are visible from the public street, as shown on the landscape plan. A 5' tall open vision iron fence is proposed around the children's playground area, pool, and dog park. A black chain link fence is proposed around the pickleball courts as shown on the picture in the narrative. **All proposed fencing on the landscape plan appears to comply with the UDC.**

Lighting (UDC [11-3A-11](#)): All proposed lighting shall meet the standards set forth in this title.

Waterways: The Marvin Lateral courses along the north and east boundaries of this site. Nampa Meridian Irrigations District's easement for the Marvin Lateral at this location is a minimum of thirty-five feet (35') total, ten feet (10') left and twenty-five feet (25') right facing downs stream. The Applicant is working with the irrigation district to obtain a license agreement. **Per UDC 11-3A-6, the irrigation lateral intersecting, crossing or lying within the area being developed, shall be piped, or otherwise covered.**

Utilities (UDC [11-3A-21](#)): Connection to City water and sewer services is required in accord with UDC 11-3A-21. Street lighting is required to be installed in accord with the City's adopted standards, specifications and ordinances.

Pressurized Irrigation System (UDC [11-3A-15](#)): Underground pressurized irrigation water is required to be provided to each lot within the subdivision as set forth in UDC 11-3A-15.

Storm Drainage (UDC [11-3A-18](#)): An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances. Design and construction shall follow best management practice as adopted by the City as set forth in UDC 11-3A-18. A [geotechnical report](#) was submitted with this subdivision.

Building Elevations: Conceptual building elevations were submitted for the proposed structures within the development as shown in Section VIII.J. Six (6) elevations were submitted for the 1-story and 2-story attached and detached dwelling units. Building materials consist of mix of board & batten siding, horizontal lap siding with fiber cement panel accents, limited shake, and some stone. An elevation was not submitted for the pool changing rooms/bathrooms.

The proposed elevations are *not* approved and should be revised to incorporate traditional neighborhood design elements as set forth in the TMISAP, as noted above in Section V, and in the Architectural Standards Manual (ASM).

Certificate of Zoning Compliance Review: A CZC application(s) is required to be submitted for the for the pool changing rooms/bathrooms building within the development.

Design Review: A design review application(s) is required to be submitted for all single-family attached structures within the development. **Final design of all structures should comply with the standards for single-family residential design listed in the Architectural Standards Manual (ASM) and the traditional neighborhood design guidelines in the Ten Mile Interchange Specific Area Plan (TMISAP) for the MHDR FLUM designation (see the Application of Design Elements table on pg. 3-49).**

VII. DECISION

A. Staff:

Staff recommends denial of the proposed annexation and preliminary plat as the proposed project does not align the purpose and intent of the TMISAP, as outlined in the analysis in Section V in accordance with the Findings in Section X.

VIII. EXHIBITS

A. Annexation Legal Description and Exhibit Map



Sawtooth Land Surveying, LLC

P: (208) 398-8104 F: (208) 398-8105
2030 S. Washington Ave., Emmett, ID 83617

Avani Annexation Description

BASIS OF BEARING for this description is N. 0°43'00" E., between a brass cap marking the 1/4 corner common to Sections 15 and 16 and an aluminum cap marking the northwest corner of Section 15, T. 3 N., R. 1 W., B.M., Ada County, Idaho.

A parcel of land located in the SW1/4 of the NW1/4 of Section 15, T. 3 N., R. 1 W., B.M., Ada County, Idaho, more particularly described as follows:

BEGINNING at an aluminum cap marking the 1/4 corner common to Sections 15 and 16;

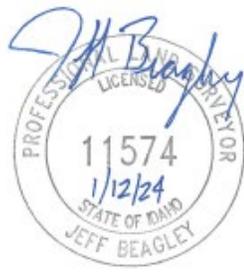
Thence N. 0°43'00" E., coincident with the west line of said SW1/4 of the NW1/4 and the centerline of S. BlackCat Road, 1319.36 feet;

Thence leaving said west line and said centerline, S. 75°42'00" E., 1359.87 feet to the east line of said SW1/4 of the NW1/4;

Thence S. 0°39'50" W., coincident with said east line, 1000.87 feet to the SE corner of said SW1/4 of the NW1/4 (CW1/16 corner);

Thence N. 89°14'42" W., coincident with said south line, 1322.76 feet to the **POINT OF BEGINNING**.

The above described parcel contains 35.214 acres more or less.



P:\2023\1 EMT\123135-AVANI SUBDIVISION PLAT-CMG\Survey\Drawings\Legal Descriptions\123135 Annexation.docx
Page | 1

B. Preliminary Plat Legal Description and Exhibit Map



Sawtooth Land Surveying, LLC

P: (208) 398-8104 F: (208) 398-8105
2030 S. Washington Ave., Emmett, ID 83617

Avani Boundary Description

BASIS OF BEARING for this description is N. 0°43'00" E., between a brass cap marking the 1/4 corner common to Sections 15 and 16 and an aluminum cap marking the northwest corner of Section 15, T. 3 N., R. 1 W., B.M., Ada County, Idaho.

A parcel of land located in the SW1/4 of the NW1/4 of Section 15, T. 3 N., R. 1 W., B.M., Ada County, Idaho, more particularly described as follows:

COMMENCING at an aluminum cap marking the 1/4 corner common to Sections 15 and 16;

Thence S. 89°14'42" E., coincident with the south line of said SW1/4 of the NW1/4, a distance of 50.00 feet to the **POINT OF BEGINNING**;

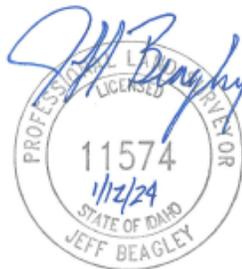
Thence leaving said south line, N. 0°43'00" E., parallel with the west line of said SW1/4 of the NW1/4, a distance of 1307.31 to the northerly property line of the parcel shown on Record of Survey No. 11965 of Ada County records;

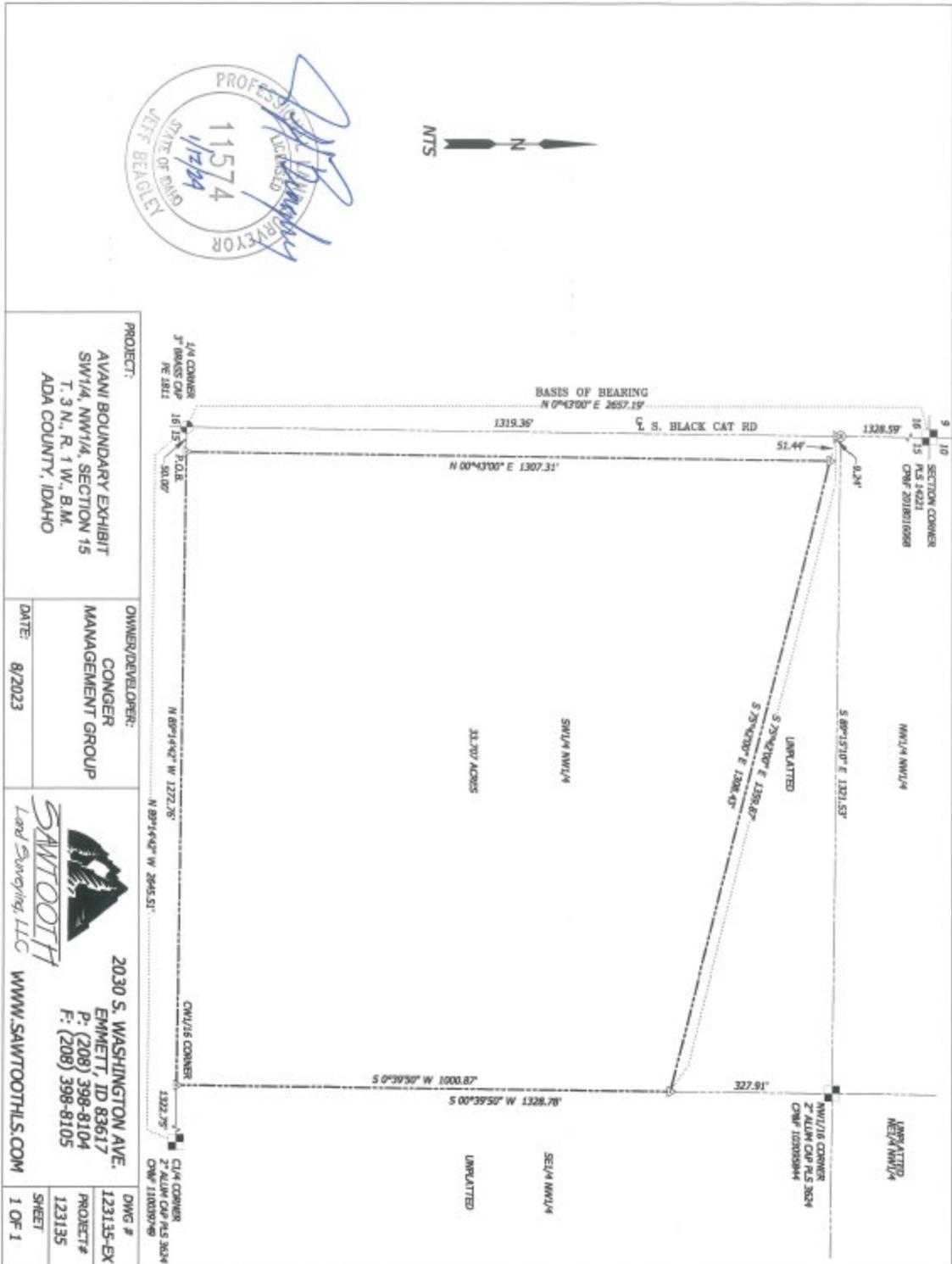
Thence S. 75°42'00" E., coincident with said northerly line, 1308.43 feet to the east line of said SW1/4 of the NW1/4;

Thence S. 0°39'50" W., coincident with said east line, 1000.87 feet to the SE corner of said SW1/4 of the NW1/4 (CW1/16 corner);

Thence N. 89°14'42" W., coincident with said south line, 1272.76 feet to the **POINT OF BEGINNING**.

The above described parcel contains 33.707 acres more or less.





PROFESSIONAL SURVEYOR
 STATE OF IDAHO
 11574
 1/12/24
 JEFF BEAVER



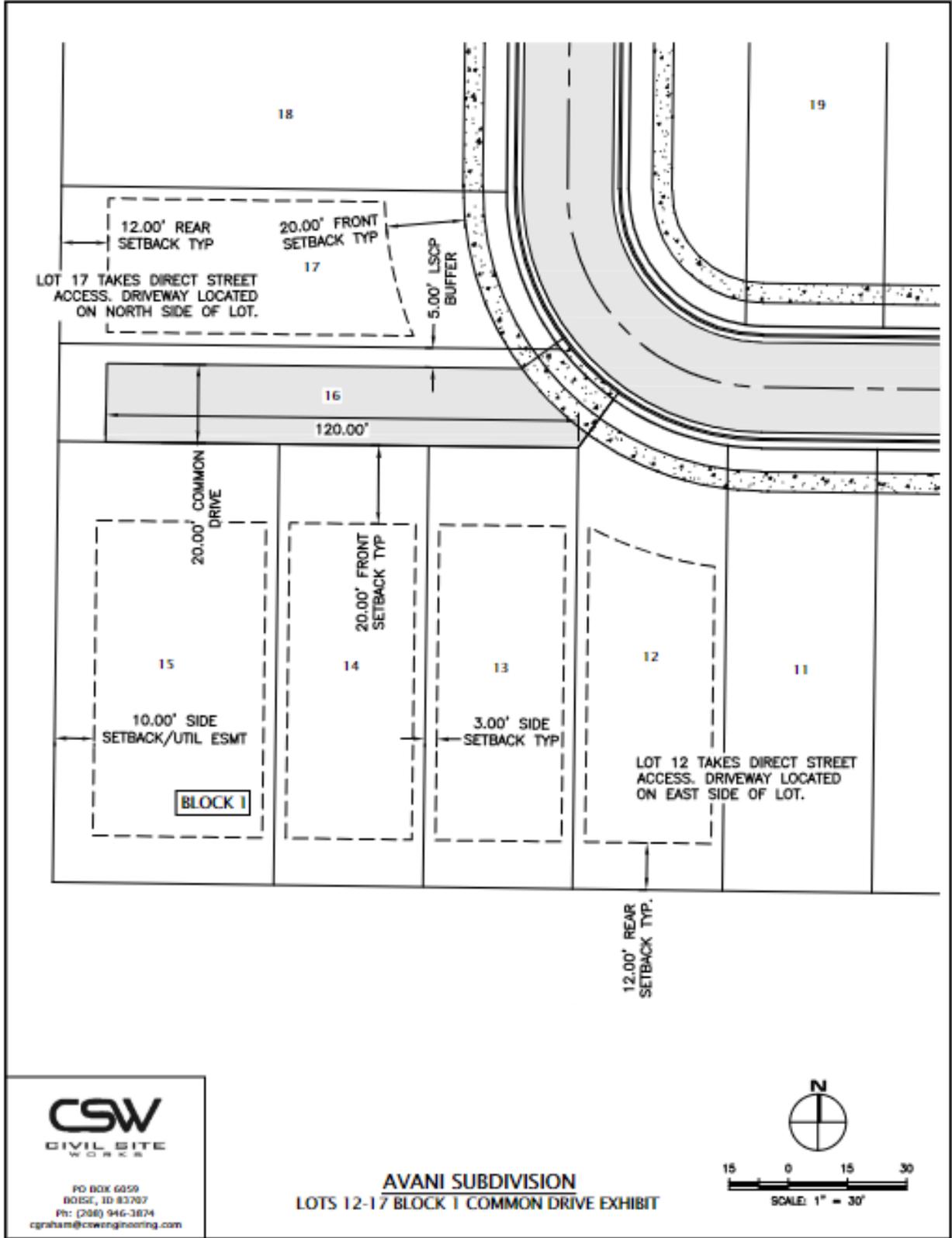
PROJECT:
 AVANI BOUNDARY EXHIBIT
 SW1/4, NW1/4, SECTION 15
 T. 3 N., R. 1 W., B.M.
 ADA COUNTY, IDAHO

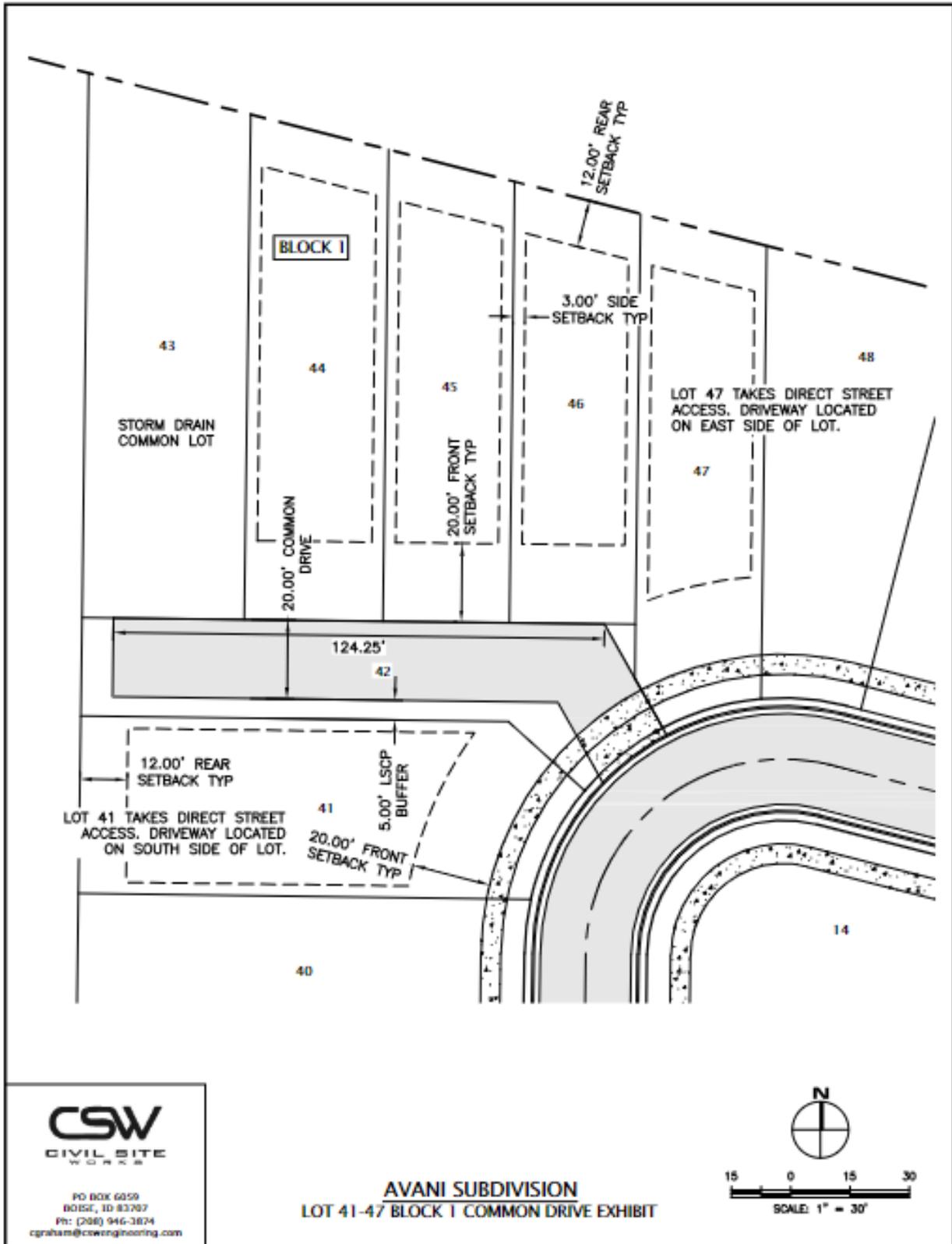
OWNER/DEVELOPER:
 CONGER
 MANAGEMENT GROUP
 DATE: 8/2023

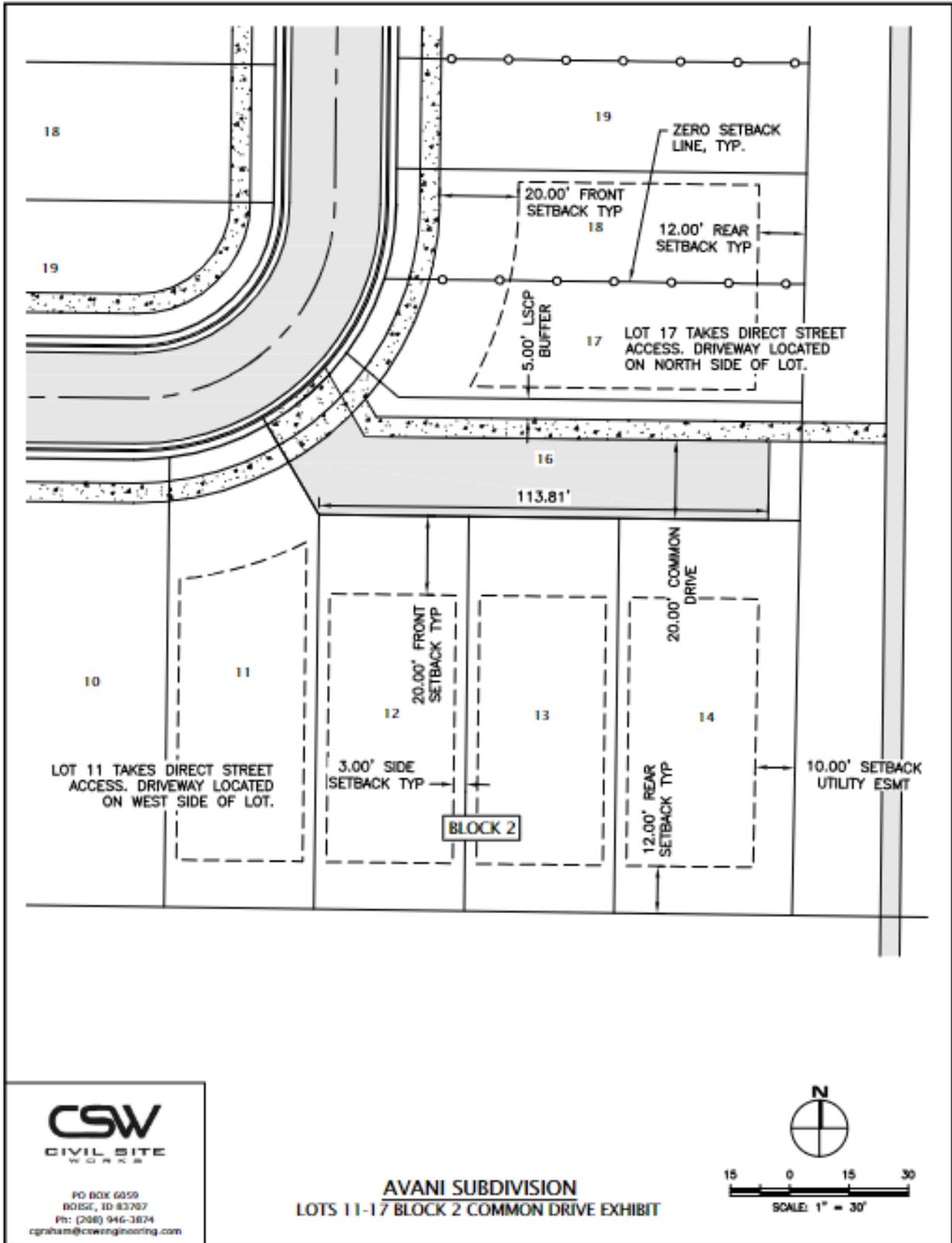

 2030 S. WASHINGTON AVE.
 EMMETT, ID 83617
 P: (208) 398-8104
 F: (208) 398-8105
 WWW.SAWTOOTHLS.COM

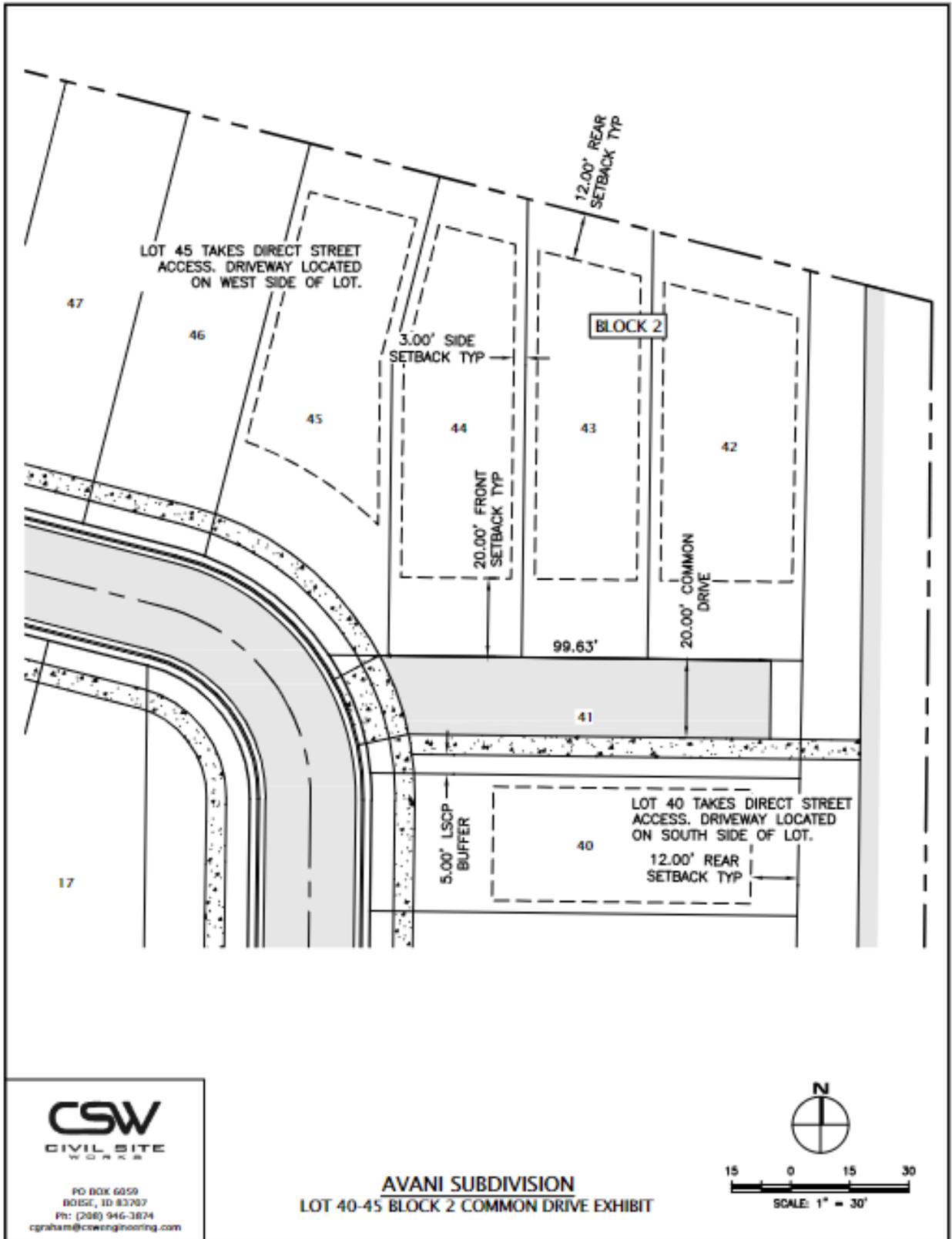
DWG # 123135-EX
 PROJECT# 123135
 SHEET 1 OF 1

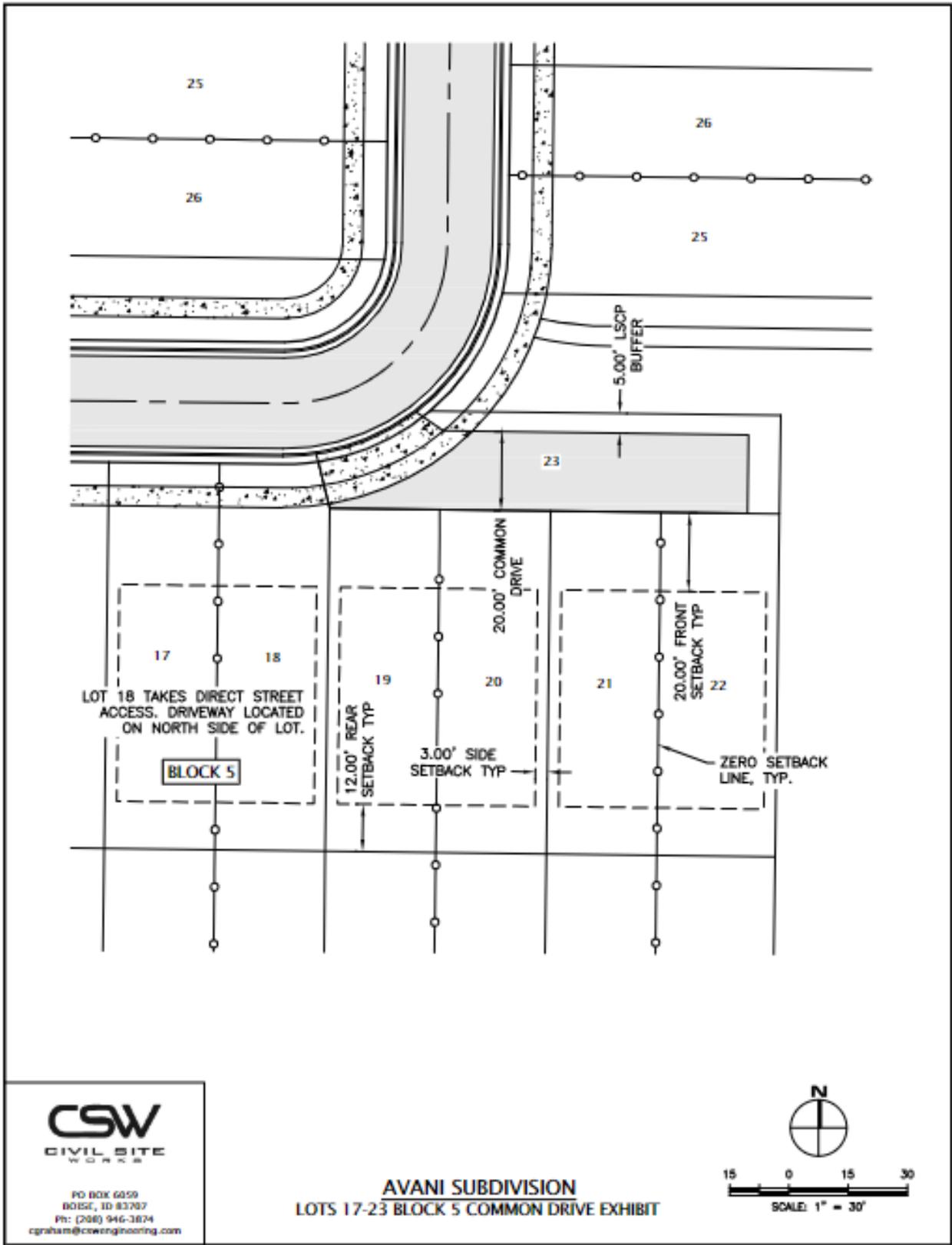
D. Common Drive Exhibit – *NOT APPROVED*







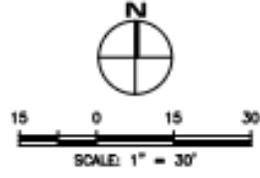




CSW
CIVIL SITE
WORKS

PO BOX 6059
BOISE, ID 83707
Ph: (208) 946-3874
cgraham@cswworking.com

AVANI SUBDIVISION
LOTS 17-23 BLOCK 5 COMMON DRIVE EXHIBIT



E. Landscape Plan – Preliminary Plat (dated: 10/19/2023) – *NOT APPROVED*



AVANI SUBDIVISION
PRELIMINARY PLAT LANDSCAPE PLAN
MERIDIAN, ID

CIVIL ENGINEER
DORRIS GRAMA, P.E.
CWA, SEE BOARD LISTING
1700 S. 10TH
MERIDIAN, ID 83645
(208) 940-1874

DEVELOPER
AEC LLC
1001 S. 10TH
MERIDIAN, ID 83645
(208) 940-1874



F. Common Open Space Exhibit & Calculations



AVANI PLACE

Qualified Open Space Calculations

Project: Avani Neighborhood

Date: 10.19.2023

Block	Lot	Sqft Open Space	Dimensions	Description	Code Section
1	29	61,515		Arterial/Collector Frontage	C,D
1	30	40,674		Arterial/Collector Frontage	C,D
1	61	2,664		End Cap	E
2	1	21,107		Collector Frontage	C
2	15	33,213		Linear Park and Pathway	A,B
2	33	3,276		Pathway	B
2	58	2,114		End Cap	E
3	1	2,350		End Cap	E
3	7	2,350		End Cap	E
3	13	3,077		End Cap	E
3	19	3,912		End Cap	E
4	1	2,350		End Cap	E
4	7	2,350		End Cap	E
4	18	7,021		End Cap	E
5	12	5,251		End Cap	B
5	24	61,500		Main Park	A
5	36	4,128		End Cap	E
5	54	4,258		End Cap	E
5	59	3,112		End Cap	E
6	1	4,407		End Cap	E
6	14	7,566		End Cap	E
7	1	3,878		End Cap	E
7	8	2,609		End Cap	E
7	18	6,120		End Cap	E
Subtotals			Acres	Percent of Total	
Total Sqft		291,415	6.68996786		
Qualified Open Space Ac.		6.69			
Total Project Acres		33.71			
Non-Qualifying Open Space		1.04			
Percent of Qualified Open Space		19.85%			

AVANI PLACE

Arterial and Collector Frontage	123,296	2.83	42.31%
Buffers & Endcaps	69,517	1.60	23.85%
Hillside	0	0.00	0.00%
"Useable"	97,989	2.25	33.63%
	582,217		

Page 1

	Code Section	Description
A	11 3G 3A 2B	Open grassy area of at least 5,000' in area.
B	11 3G 3B 1E	Linear open space area that is at least twenty feet (20') and up to fifty feet (50'), has an access at each end, and is improved and landscaped as set forth in subsection E of this section.
C	11 3G 3B 3	Full Area of Buffer: The full area of the landscape buffer along collector streets may count toward the required common open space.
D	11 3G 3B 3	Percentage of Buffer: Fifty percent (50%) of the landscape buffer along arterial streets may count toward the required common open space.
E	11 3G 3B 4	Parkways Along Collector and Local Residential Streets: Parkways along local residential streets that meet all the following standards may count toward the common open space requirement:

G. Site Amenities

Proposed Amenities:

- **Large Central Park** - The one and a half-acre park will contain the following recreation facilities:
 - **Community Pool and Changing Rooms**
 - **Fenced Play Structure**
 - **Swing Set**
 - **Seating Benches**
 - **Climbing Dome**
 - **Climbing Rocks**
 - **Attractive Landscaping**
 - **Fenced Dog Park**
 - **2 Pickle Ball Sports Courts**



- **Pathways** – The Avani Neighborhood will include the following pedestrian pathways:
 - **5' Wide Pedestrian Pathway on the east side of the project running North and South for approximately 1,000 L.F.**
 - **10' Regional Pathways will be constructed along Black Cat Road and Vantage Point Way for approximately 2,500 L.F.**

Pedestrian pathways within the Avani Place Neighborhood will total over one half mile in length.



H. Pedestrian Connectivity Exhibit



I. Parking Exhibit

PARKING

The Avani Neighborhood will have an additional 150 on-street parking spaces above the 4 per home off-street parking requirement. That will equal over half of an additional parking space per lot.



J. Conceptual Building Elevations – *NOT APPROVED*

Single-Family Attached



AVANI PLACE



Single-Family Detached



AVANTI PLACE



Troon



AVANI PLACE



IX. CITY/AGENCY COMMENTS & CONDITIONS (Based on staff's recommendation for denial there are no conditions of approval from the Planning Division)

A. PUBLIC WORKS

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=313340&dbid=0&repo=MeridianCity&cr=1>

B. FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=313343&dbid=0&repo=MeridianCity>

C. ADA COUNTY DEVELOPMENT SERVICES

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=315460&dbid=0&repo=MeridianCity>

D. POLICE DEPARTMENT

No comments were submitted.

E. PARK'S DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=313341&dbid=0&repo=MeridianCity>

F. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=315577&dbid=0&repo=MeridianCity>

G. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=313402&dbid=0&repo=MeridianCity>

H. WEST ADA SCHOOL DISTRICT (WASD)

No comments were submitted.

I. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=317398&dbid=0&repo=MeridianCity>

J. SCHOOL IMPACT TABLE (COMMUNITY DEVELOPMENT)

No comments were submitted.

K. DEPARTMENT OF ENVIRONMENT QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=314802&dbid=0&repo=MeridianCity>

L. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=322170&dbid=0&repo=MeridianCity>

X. FINDINGS

A. Annexation and/or Rezone (UDC 11-5B-3E)

Required Findings: Upon recommendation from the commission, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;
Staff finds the Applicant's request to annex the subject property with R-15 zoning and develop a mix of single-family attached and detached dwellings falls short of the target density of 12 dwelling units to the acre and lacks specific design elements making it inconsistent with the comprehensive plan.
2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;
Staff finds the map amendment complies with the R-15 district regulations however, the proposed development fails to comply with the purpose statement and found to be inconsistent with the design elements for this area, nor does it achieve a target density of 12 dwelling units to the acre.
3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;
Staff finds the proposed map amendment will not be detrimental to the public health, safety and welfare.
4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and
Staff finds City services are available to be provided to this development.
5. The annexation (as applicable) is in the best interest of city.
Staff finds annexation is not in the best interest of the City because the proposed development lacks specific design elements contained in the comprehensive plan.

B. 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, however the plat lacks specific design elements as noted in Section V. which makes the development inconsistent with the comprehensive plan.
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 plat is in conformance with scheduled public improvements for this area 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 map amendment would not be detrimental to the public health, safety and welfare.
6. The development preserves significant natural, scenic or historic features. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)
Staff is unaware of any significant natural, scenic or historic features that need to be preserved with this development.