



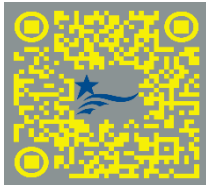
PLANNING AND ZONING COMMISSION MEETING

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho
Thursday, March 21, 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 OPTIONS

Planning and Zoning meetings can also be attended online or by phone.

<https://bit.ly/meridianzoommeeting>

or dial: 1-253-215-8782, Webinar ID: 810 9527 6712

ROLL-CALL ATTENDANCE

Brian Garrett Maria Lorcher Enrique Rivera
 Patrick Grace Matthew Sandoval Jared Smith
 Andrew Seal, Chairperson

ADOPTION OF AGENDA

CONSENT AGENDA [Action Item]

1. [Approve Minutes of the March 07, 2024 Meeting of the Planning and Zoning Commission Meeting](#)
2. [Findings of Fact, Conclusions of Law for Everbrook Academy at Amity \(H-2023-0051\) by Paul Tucci, located at 4845, 4855 and 4867 S. Tavistock Ave.](#)

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

ACTION ITEMS

- 3. [Public Hearing](#) for Taylor Annexation (H-2023-0062) by Robert Taylor, located at 3840 E. Overland Rd.

[Application Materials: https://bit.ly/H-2023-0062](https://bit.ly/H-2023-0062)

[A. Request: Annexation of 1.01 acres of land with an R-2 \(Low-Density Residential\) zoning district for the purpose of connecting to City utilities.](#)

- 4. [Public Hearing](#) for Cityside Storage (H-2023-0058) by Peter Stuhreyer, Designhaus Architecture, LLC., located at 2755 N. Eagle Rd.

[Application Materials: https://bit.ly/H-2023-0058](https://bit.ly/H-2023-0058)

[A. Request: Conditional Use Permit to allow for a 4-story self-storage facility and increase the building square footage from 32,500 to 135,000 on 2.08 acres of land in the C-G zoning district.](#)

[B. Request: Development Agreement Modification to modify the existing Development Agreement to allow a 4-story self-storage facility and increase the building square footage from 32,500 to 135,000 on 2.08 acres of land in the C-G zoning district.](#)

ADJOURNMENT

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



AGENDA ITEM

ITEM TOPIC: Approve Minutes of the March 07, 2024 Meeting of the Planning and Zoning Commission Meeting

Meeting of the Meridian Planning and Zoning Commission of March 7, 2024, was called to order at 6:00 p.m. by Chairman Andrew Seal.

Members Present: Commissioner Andrew Seal, Commissioner Maria Lorcher, Commissioner Enrique Rivera. Commissioner Jared Smith, Commissioner Brian Garrett and Commissioner Matthew Sandoval.

Members Absent: Commissioner Patrick Grace.

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

ROLL-CALL ATTENDANCE

<input checked="" type="checkbox"/> Brian Garrett	<input checked="" type="checkbox"/> Maria Lorcher
<input checked="" type="checkbox"/> Matthew Sandoval	<input 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 and welcome to the Planning and Zoning Commission Meeting for February 15th -- sorry. For March 7th. Had that wrong. 2024. At this time I would like to call the meeting to order. The Commissioners who are present for this evening's meeting are at City Hall. We also have staff from the City Attorney and Clerk's offices, as well as the planning city 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@meridiacity.org they will reply as quickly as possible. With that we will begin with roll call. Madam Clerk.

ADOPTION OF AGENDA

Seal: So, the first item on the agenda is the adoption of the -- of the agenda. Excuse me. We have no modifications. So, with that can I get a motion to adopt the agenda?

Lorcher: So moved.

Rivera: Second.

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

MOTION CARRIED: SIX AYES. ONE ABSENT.

CONSENT AGENDA [Action Item]

1. Approve Minutes of the February 15, 2024 Planning and Zoning Commission Meeting

Seal: Next item on the agenda is the Consent Agenda and we have one item on the Consent Agenda. That is to approve the minutes of the February 15th, 2024, meeting of Planning and Zoning Commission. Can I get a motion to accept the Consent Agenda as presented?

Smith: So moved.

Lorcher: 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: We have no Department Reports this week.

ACTION ITEMS

2. Public Hearing for Everbrook Academy at Amity (H-2023-0051) by Paul Tucci, Oppidan, Inc., located at 4845, 4855 and 4867 S. Tavistock Ave.

- A. Request: Conditional Use Permit for an 11,300 square foot childcare center on 1.509 acres of land in the C-N zoning district.

Seal: So, 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 the 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 comments. They will have 15 minutes to do so. After the applicant is finished we will open the floor to public testimony. Each person will be called on only once during 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 run the presentation with assistance from the clerk if needed. 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 test -- 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 questions for you you will return to your seat in Chambers or be muted on Zoom and no longer have the ability to speak. And 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 is finished responding to questions and concerns we will close the public hearing and the Commissioners will have the opportunity to discuss and hopefully be able to make decisions or recommendations to City Council as needed.

Seal: With that at this time I would like to open the public hearing for Item No. H-2023-0051 for Everbrook Academy at Amity and we will start with the staff report.

Parsons: Thank you, Mr. Chair, Members of the Commission. Good evening. First item on your agenda tonight is the Everbrook Academy as you mentioned. The application before you is a conditional use permit. The site consists of 1.50 acres of land currently zoned C-G in the city limits and the -- it's located -- and there is actually three parcels that were approved with the Hill Century Farm Subdivision in 2020. Applicant will be combining that into one parcel through a property boundary adjustment, but the properties are addressed off a local street called Tavistock. So, there are, again, three addresses associated with this project, but there -- it will be combined into one address and one building on the site. Comprehensive Plan land use designation for this particular property is mixed-use neighborhood and the zoning does align with that designation. As I mentioned to you, the applicant's here to discuss developing the site with a daycare facility that consists of 11,300 square feet and can serve up to 150 children. Access is proposed from Tavistock, which is a local street to the east of this site and there is a commercial drive aisle that runs between the commercial lots that front on Amity that serve those lots and, then, these three lots that are on the south side of that common driveway. On the west boundary is a micro path that was constructed with the residential subdivision and the commercial subdivision in conjunction with one another and the applicant is actually proposing to extend that walkway along the common driveway -- the shared driveway here to provide access from the neighborhood and this future daycare facility, which is consistent with code requirements. Parking. A minimum parking is required for the site. So, the code requires 23 parking stalls and the applicant is proposing 37 parking stalls, which is in excess of UDC standards. Also mentioned to you because this is commercial zoning adjacent to residential R-15 zoning to the -- along the southern boundary, the applicant -- or the developer at the time also installed the required 20 foot wide landscape buffer along the south boundary. So, that was installed with the subdivision and will remain protected during construction on the site. Fencing is required to screen all the play yard areas for the children and it does meet the specific use standards for the daycare facility. The applicant also provided sample building elevations here. You can see that it's a mix of stone accents, EIFS, pitched roofs. Anything the applicant builds on the site will have to comply with the architectural standards manual, but generally speaking these elevations do meet those standards and further refinement will happen at CZC and design review level. Staff is recommending approval with the conditions in the staff report and I have had a chance to look at the public record and there is no public

comment on this application this evening. With that I will conclude my presentation and stand for any questions.

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

Tucci: Mr. Chairman, Members of the Commission, Paul Tucci. I'm with Oppidan. We are in Excelsior, Minnesota. Glad to be in your community. First time here. Been telling people beautiful. Just want to say two things. On the conditions there are two things I do want to correct. We talked about -- we were asked what the approximate population density could be of that building. We said it was about 150. We have the final layouts. It's 156 is the maximum. So, we would like -- I think it is number seven on the conditions where it says 150, if the Commission would indulge us we would like to have that at 156 if possible. And, then, from -- when we saw this I called staff and asked that condition number 13 talks about a two year window for the approval of the CUP for daycare, unless approved. This is a long-term lease and I just would like to understand what's the process, can we have this longer or do we have to come back every year? What -- what is the typical program there? This is a 20 year lease -- a 20 year commitment from this tenant. So, with those two I -- I -- I can answer any questions you have and we are excited to work in your community.

Seal: All right. Thank you very much. Commissioners, do we have any questions for the applicant? All right. Staff, if you want to address that last -- well, actually, both of these.

Parsons: Mr. Chair, Members of the Commission, happy to. So, essentially, staff is amenable to the increase in the number of children for this facility. Again, it's -- the specific use standards for daycare facilities requires us to place a number as a condition, but, really, what drives how many children can be in this space is the building code. So, I think at some point we want to probably look at that and look at our code and see how to better align that with building code, because I would imagine they may get even higher occupancy load if -- if their code analysis comes back and they can have more children. So, again, staff is open to 157. We -- we went off of the number that we got from the applicant, so that -- that should work. No issues there. And, then, as far as the -- the condition number 13 that the applicant brought up, that is two years to commence the use. So, the CUP itself will run with the land. It won't terminate until such time as the use ceases on the property. So, all that language is it says you have two years to build your building, get your -- get your facility up and running or at least a foundation in the ground and, no, he does not have to come back to the city to -- to reapply for that conditional use permit.

Seal: Okay. Thank you very much. Do we have anybody signed up to testify on this application?

Lomeli: Mr. Chair, I have a Ronald Bowman.

Seal: Good evening, Mr. Bowman. We need your name and address for the record, please.

Boman: Okay. Ronald L. Boman. 3532 East Kalinga Lane here in Meridian. Good evening, Chairman and Commission Members. Thank you for the opportunity to provide some feedback. I'm a homeowner in this plus 55 community, which borders the proposed Overbrook Academy. I'm not opposed to the project, but have an observation and suggestion. There are eight homes that are going to share the property line between the school and our homes. Four of the homes are directly behind the building and four of the homes, including mine, will be right behind the parking lot to the south. All eight homes have their master bedrooms facing north. This raises a concern about night lighting. I understand the need for security and ask that dark sky or some similar lighting be required to keep the light contained within the property. Additionally, some timers should be required to shut off all exterior lighting, except for the minimum required for security purposes for their building and doing so will protect the Everbrook Academy and also prevent overbearing light from disturbing the sleep of their senior neighbors. Thank you.

Seal: Okay. Thank you very much. I appreciate the feedback on that. Madam Clerk, anyone else?

Lomeli: Mr. Chair, I have Nickie Murphy.

Murphy: Good evening. My name is Nicolette Murphy. My address is 3524 East Kalinga Lane -- Lane, Meridian. I am on the south side of the Everbrook Academy. I think that's going to be a tremendous asset to our area. We are in dire need of qualified quality daycare. My concern, like my neighbor, is the lighting. I read the application and the outdoor lighting -- lighting provision and it didn't make sense to me, because I'm not technical, but my concern is the overshine into our backyards and into our homes and residences. I would like to request that while we are at a good stage of the building process that dark sky lighting be used with a timer, so that will minimize the overshine and impact to our neighbors. That's all I have. Thank you.

Seal: Thank you very much. Appreciate it. Madam Clerk, anyone else?

Lomeli: No one else.

Seal: Would anybody else like to come up and testify on this application? No? I don't believe we have anybody online. Okay. Would the applicant like to come up?

Tucci: Yes. Thank you, Mr. Commissioner, Members of the Commission. We did hold the neighborhood meeting and we did have one participant and we -- we agree with what they are saying. We will be conscious of the lighting. Typically we use photo cells, so that will help to keep those parking lot lights down and, then, on the back of the building we will work on that. Typically we are usually at one foot candle at the property line. I got to tell you I did not read your code front to back. I can't tell you what your

requirement is, but we typically are used to cut offs at the back and we will work with staff to make sure that we address the neighbors' comment. The last thing we want to do is have lights shining in somebody's window.

Seal: Okay. Thank you very much. And -- I mean just to reiterate from staff the -- the application meets all -- all the code for lighting requirements and everything and that was -- I'm sure that was taken into account, because it is for most parking areas for certain. I mean the good thing about this is the parking area is really only about a third of the -- you know, third of the span here where the building itself where the playground -- playground area and everything -- I mean that -- it only makes sense to have the lights turned off at night, so you are not paying for them.

Parsons: Yeah. Mr. Chair, Members of the Commission, so there is -- so, the applicant is correct and the residents are correct. We require downshielding. So, that will cut down on the light trespass. And there is a certain amount that has to stop at the property line. I think it may be .1 foot candles. I don't know exactly. I don't have the code memorized. But whatever occurs on the site the applicant will have to provide us a photometric plan with their certificate of zoning compliance demonstrating compliance with our ordinance. Staff will analyze the lighting to make sure that it -- it doesn't trespass or impact the adjacent residents.

Seal: Okay. Thank you very much for that. Commissioners, do we have any other further questions? None? Okay. With that I will take a motion to close the public hearing for File No. H-2023-0051 for Everbrook Academy at Amity.

Smith: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2023-0051. All in favor please say aye. Opposed nay? Public hearing is closed.

MOTION CARRIED: SIX AYES. ONE ABSENT.

Seal: For me this is -- I mean it's -- it's needed in the community. It seems like a good layout. They have -- you know, they have overparked. Thank you very much for that. So, that's always -- that's always a consideration, you know, as -- as -- as we do these. It's -- it's -- there just can never be enough parking here, so -- I like the 20 foot buffer that's there. The fact that they integrated the walking paths and everything, I just -- there -- there is a lot to like about this. So, for me it's pretty cut and dry. So, with that any other deliberations or I will take a motion.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher go ahead.

Lorcher: After considering all staff, applicant and public testimony, I move to approve File No. H-2023-0051 as presented in the staff report for the hearing date of March 7th, 2024, with no modifications.

Sandoval: Second.

Seal: It's been moved and seconded to approve File No. H-2023-0051 for Everbrook Academy at Amity. All in favor please say aye. Opposed nay? Motion passes.

Seal: Thank you very much. And thank you for your testimony tonight. I appreciate folks coming in letting us know about that.

Parsons: Mr. Chair, clarification on your motion. I'm sorry.

Seal: Yes.

Parsons: Were you amenable to increasing the number of children on the site to 156? Amending that condition?

Seal: Yeah. Sorry. We forgot to include that.

Parsons: I believe it was Condition No. 7. To 156 or as determined by the building code.

Lorcher: Yes. Do we need me to say it again?

Seal: Sorry, Kurt.

Starman: Yeah. Sorry to be sort of picky, but, yeah, why don't we -- why don't you make a motion again with that modification. That would be clear for the record. Thank you.

Lorcher: After considering all staff, applicant and public testimony, I move to approve File No. H-2023-0051 as presented in the staff report for the hearing date of March 7th, 2024, with the following modification: To increase the capacity to 156 or what the building code requires. Period.

Seal: Is there a second?

Sandoval: Second.

Seal: Okay. To approve File No. H-2023-0051, with the aforementioned modification. All in favor please say aye. Opposed nay? Motion passes. For real.

MOTION CARRIED: SIX AYES. ONE ABSENT.

3. Public Hearing for Keep West Subdivision No. 2 (H-2023-0047) by Jarron Langston, located at 2625 E. Lake Hazel Rd. and 6519 S. Raap Ranch Ln.

- A. Request: Annexation and zoning of 16.25 acres of land from RUT to R-2 (low density residential) zoning district
- B. Request: Preliminary Plat consisting of 22 buildable lots, one existing home and 5 common lots on (16.25 acres of land) in the R-2 zoning district

Seal: All right. With that I would like to open File No. H-2023-0047 for the Keep West Subdivision No. 2. We will begin with the staff report.

Garrett: Mr. Chairman, I will recuse myself from this discussion.

Seal: All right. Thank you, Commissioner. I appreciate it.

Starman: Yeah. I will just mention for the record that Commissioner Garrett is recusing because he owns a home in close proximity to the proposed project. So, he is recusing for that reason.

Seal: Thank you, Kurt. Bill, the floor is yours.

Parsons: Thank you, Mr. Chair. I hope all of these residents aren't here for an R-2 development, because we don't get many R-2 developments. But the next item on your agenda is the Keep West Subdivision. The applications before you -- there is a request for annexation and preliminary plat. The site consists of 16.25 acres of land currently zoned RUT in Ada county and the property is located on the south side of Lake Hazel Road, west of South Eagle Road. In 2013 this property did receive an approval through Ada county for a subdivision -- a two lot subdivision and the applicant is here tonight to, again, further subdivide the two lots that were approved with that plat. You can see here on your screen that the future land use map designation on this property is -- it has two designations. It's low density -- low density -- density and medium density designation and just for the -- the audience and the Commission, in the Comprehensive Plan when there is -- actually it's a dual land use designation on a property, the applicant gets the ability to request which one they want to take advantage of. The more dominant I would say controls, because a comp plan is not parcel specific, it's basically a color on the map and sometimes they don't always line up like a typical zone will. So, in this particular case the applicant has elected to float the -- the lesser of the two -- or at least the less intense of the two land use designations of the LDR designation. So, that's why you see this project tonight coming in with an R-2 zoning request and also at a density of 1.46 dwelling units to the acre, which it falls well below the three or fewer that's allowed in that zone -- in that land use designation. So, again, the -- the plat itself contains 15.76 acres of land. Again, the applicant is proposing an R-2 zone density at 1.46 consistent with that LDR designation as I mentioned. Lot size

range anywhere from 12,000 square feet up to approximately 30,000 square feet. So, the plat before you has 22 new lots and, then, one existing home will stay on the site that's located here in -- in the middle of the -- the project and that's some of the discussion tonight that I will have with you with the extended block lengths and the cul-de-sac lengths, because keeping that home does kind of impact how this is laid out and, of course, the irregular shape of the property doesn't help either. But this really is meant to be an extension of the existing subdivision to the east, which is also called The Keep and that's why we have called it The Keep West and that's the intent of the applicant to do that as well. So, as I mentioned to you there is an existing residence. It's fairly new on the property that will remain. They will need to connect to city utilities within 60 days of it becoming available and, then, also the future homeowner will also have to re-address the property and have to align with whatever street it takes access from. So, the city will handle that with the final plat to make sure that that happens. I will mention to you that all of the lots do meet the R-2 dimensional standards, so no issues there. But in the UDC we do have subdivision standards that the applicant has to comply with and that has to deal with basically dedication of streets, block faces and the length of cul-de-sacs. You can see here in the preliminary plat there is only one stub street that is stubbed to this property. That is from the existing Keep Subdivision to the east and because this property does front an arterial we do not want them to have a primary access to that -- that arterial, because Lake Hazel will be a mobility corridor. The applicant is proposing an emergency access, though, to meet fire department requirements, which is located here in the general location of the existing home. So, that drive will remain. So, just by nature of the -- and there is also an existing irrigation facility that runs along the east boundary and one that runs along the west boundary. So, when you combine all of those impediments on the -- on this particular property it's pretty tough to meet some of those subdivision improvement standards. They took -- the code does give the applicant flexibility however. In this particular case if I were to -- if you can see my cursor here, if I were to measure this block face on the west side of this north-south street segment, that exceeds 750 feet, but since there is an existing pathway -- or proposed pathway that connects to open space and there is additional open space here to the south, that counts as granting the applicant a waiver to exceed 750. So, that one will be over 900 plus feet and that meets -- so, therefore, they are meeting the intent and we can give them that -- grant them that exception. Where it gets a little more difficult is the dead end street or the dead end cul-de-sac. So, this particular cul-de-sac is well over 750 feet and the code is very specific that the Council can grant a waiver up to 750 -- the maximum of 750 feet and this does not meet current code and the applicant has been conditioned to submit a revised plat 15 days prior to City Council to correct that deficiency. Now, certainly as you have the ability if you think that you want to see that change before you move it on to City Council, it's certainly within your purview tonight to ask for the applicant to continue and then -- or you could ask -- you could continue the project and ask for that revision to come before you before you move it on to City Council. Either way I think staff has it covered, but we will leave it up to you in the discussions as you work here with the applicant -- what the applicant intends to do to correct the deficiency. As I mentioned to you access is -- is from a local street, which is consistent with -- with the code. The unique feature -- the applicant's also asking for a City Council waiver to leave -- leave the Farr Lateral open and that's

the one -- the -- the big canal that runs along the west boundary of the site. The development to the west was also granted that same waiver. So, it's -- it's not uncommon for the Farr to stay open. It's a pretty big facility. So, I -- again, it's pretty consistent with other city approvals and, then, we have the Grimmet Lateral along the east boundary and some sections have been covered and some have been left over. In our communication with the applicant they have indicated that the irrigation district would prefer to have it tiled and, then, that whole 40 foot easement would be gravel and I -- we just don't think that's going to be very attractive for this development. So, staff is recommending that the applicant work with the irrigation district to see if we can leave that open and try to minimize the disturbance of that area, so we can keep it more natural. When The Keep Subdivision to the east was developed the gravel road ended up behind -- the maintenance road ended up behind those larger lots. So, I know they have access from one side of that waterway. So, I'm hoping that the irrigation district will allow the applicant to leave that open and keep it more natural and make it look like a creek rather than a gravel ditch. Do have a road -- 44 foot wide gravel road behind somebody's lot, but the applicant has complied with code. They are in common lots, so they have to be owned and maintained by the homeowners association. But, again, we are trying to just improve this for the -- the future residents and those existing out there. Because this is an R-2 development UDC requires a minimum of eight percent open space for this development. The plan before you is proposing 9.1 percent. So, they exceed the minimum requirement of the code and because it's 15 acres in size they have to provide amenity points totaling three points. So, this particular project the applicant is proposing a covered picnic shelter and a pickle ball court, which totals six points. So, they are exceeding the amenity point total by three -- doubling it. So, six points provided, so -- and again as I mentioned to you, I would imagine these residents will have access to the adjacent subdivision's amenities and vice-versa here. So, I'm -- I'm hoping that's the case, because I think it really is a continuation of that. Again, here is the landscape plan. As I mentioned to you complies with -- with UDC standards. Exceeds UDC standards actually. And, then, here is some of the sample elevations here. So, again, single family homes don't require any formal approval from us to design review process. But given the size of the lots and what has currently developed to the east I imagine there will be more of the same. I had a chance to look at the public record before the hearing tonight, noticed that someone -- there was one -- a letter in support of the project from Jeff Lucky. Again he had -- didn't have any concerns with the density. Was actually supportive of the R-2. But his only concern was the extension of the stub street into the adjacent subdivision, because he would like to have -- he doesn't want to connect into that subdivision there to get to the -- wants to leave neighbors from cutting through the subdivision since there is limited access here. I think this Commission is aware that we really encourage interconnectivity between our subdivisions. So, I -- I would certainly hope that we would keep with those stub streets and keep -- and meet the -- the requirements of the code and comp plan. Other than that staff is, again, recommending approval of both the annexation and the plat with the modification to the cul-de-sac and with that I will stand for any questions you may have.

Seal: All right. Thanks, Bill. Would the applicant like to come forward? Good evening, sir. Need your name and address for the record, please.

Lakey: Thank you, Mr. Chairman. Todd Lakey. Borton Lakey Law. Address 141 East Carlton Avenue, Meridian, Idaho. 83642. Thank you, Mr. Chairman, Commissioners. Here on behalf of the applicant Jarron Langston. I will be brief. Bill always does a great job on your staff reports and so I will just kind hit some of the high points. We do appreciate the recommendation of approval. We have our engineer here if you do have any technical questions on our preliminary plat, but as noted in the staff report we comply with the Comprehensive Plan and the zoning ordinance. This is phase two as was described of the Keep Subdivision. That's a really nice subdivision the City of Meridian can really be proud of and we will kind of create that enduring quality and -- and legacy in the area and my clients in this phase two also collaborated with the neighbors and those in that phase and the neighbor -- and the neighborhood to make sure that it was designed and they understand this is a continuation of that phase one and we will keep that same type of quality low density project. As was noted we are requesting an R-2, which is low density. It's the same as other R-2 zoning in the area, but there is also some R-4, R-8, R-5. So, we are creating some variety, but really a lower density variety, higher quality project. As Bill described, it's consistent with our future land use designation. We do get to spread that lower density over the project and, again, that helps us stay consistent with phase one at 1.46 dwelling units per acre and the nine -- over nine percent open space, we are in compliance with the city standards. In addition to the, you know, large lots that individuals have -- kind of their own open space on their lots; right? Twenty-three lots. Sixteen plus acres. There is the existing home that was shown and that home will connect to the city services as noted in the staff report. The three accesses that we have we will be closing those, with the exception of the one emergency access on Lake Hazel and including the 25 foot landscape strip on Lake Hazel and our open space will include pathways, the pickle ball court, sport court, a covered pavilion and the grassy areas. We are -- we do agree with and accept the proposed conditions in the development agreement. I think we would like some flexibility to at least discuss with staff that condition seven dealing with that cul-de-sac on the northern road that runs parallel to Lake Hazel and see if there isn't a potential for an alternate compliance. We understand what the recommended condition is currently. That would be cheaper for us, frankly, to pull that cul-de-sac back, but we do think it's kind of an inferior design in the overall look and design of the project and don't feel that with that 80 degree turn that's close to a 90 turn that might let us recalculate, that it's not detrimental to the public health, safety or welfare. So, with that, Mr. Chairman, we would ask for your approval. Again appreciate staff's work on this and be happy to answer questions if you have them.

Seal: Any questions for the applicant or staff?

Smith: Mr. Chairman?

Seal: Commissioner Smith, go ahead.

Smith: I do have one -- there we go. All right. So, I do have one question just because you expressed some desire for discussing alternate compliance, just to frame some of the other questions I might have. If the two outcomes that I kind of have in my head

tonight are either we continue so you and staff can discuss alternate compliance or we were to perhaps approve the application with that required kind of redesign, would a continuance be preferable to your opinion between the two?

Lakey: Mr. Chairman and Commissioner Smith, I think we would prefer to let you approve it, understanding that that's your recommendation, if that's your recommendation and, then, give us the opportunity to see if we can find some alternate compliance. If we can't, then, you know, it is what it is, but I think we would prefer to have action by the Commission tonight.

Smith: Okay. Thank you.

Lakey: Thank you.

Seal: In that vein do you have a rendering of what that might look like if you were going to need to comply with staff's request or --

Lakey: Mr. Chairman, I -- I have one. It just pulls that cul-de-sac slightly to the east and would require kind of an extended single flag lot drive aisle to that lot that's in the corner. The one that I have -- I don't know if I have a -- I don't have a paper rendering. It's an electronic one.

Seal: Understood. Okay. Just trying to get a better understanding of that just in my hand as we -- as we are taking a look at it here. But that's okay. All right. Thank you very much.

Lakey: Thank you, Mr. Chairman, Commissioners.

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

Lomeli: Mr. Chair, I have a Jeff Lucky online if he would like to speak.

Lucky: Hi. Can you hear me?

Seal: Yes, sir. We will just need your name and address for the record and the floor is yours.

Lucky: Sure. Mr. Chair and Commissioners, my name is Jeff Lucky. I currently live at 4355 South Langdon Street in Meridian. I am a future Keep resident. I would like to thank you for the opportunity to express my concerns and in the interest of time I will just be clear. I have no concern with a developer that's willing to help facilitate your mission and that's to establish a community with diversity in home sizes and incomes that support different levels. Jerron Langston has proven his ability to deliver a low density solution and he is willing to do it again. The only issue I have has to do with the likely traffic flow impact coming from Eagle Road and Discovery Park right through The Keep. Now, I heard you even just a few minutes ago talk about connectivity between

the neighborhoods. I get that. I agree with it. But I do have to ask at what cost. So, let me just drill down and try and be specific here. To my knowledge there is no planned solution for the traffic jam that's going to exist at the intersection of Eagle Road and Bingley, which is the second entrance and exit from The Keep and it's directly across from Skybreak. Can you imagine Eagle Road in each direction being just one lane and one south facing turn into Skybreak. Now, when cars are constantly coming from the freeway going down Eagle Road passing -- excuse me -- the new beautiful intersection that will be in place at Lake Hazel and Eagle, if you transit a couple hundred yards further the road necks down to one lane in each direction. So, now it's almost impossible to get out of The Keep while you have a turn lane going into Skybreak. Then you add Riva Ridge to this equation, which is to the south, which we recall was on last month's docket, a community with increased density, now the situation gets even a little more impossible. So, at this point we are feeling pretty disadvantaged I have to say. But now it gets really challenging when you think about the connectivity between Eagle to Bingley to Wickham into the Brighton community and now directly into the regional park. Why would we facilitate that potential and at what cost? Jarron Langston, the developer, has offered a compromise solution. A pedestrian footbridge and a -- something wide enough to accommodate I guess four wheel off-road vehicles or whatever -- and he will explain that. But it's a viable solution. Last month you kind of took the time at the end of the community meeting at the Riva Ridge docket and explain to us to kind of comfort us that it doesn't always turn out the way we want it to, but the schools don't listen and ACHD has publicly said that the roads will not support the growth pace. But their shortcomings surely shouldn't get in the way of responsible decision making, especially when the consequences are clear. One lane in each direction. People are going to avoid the large streets at the intersection and they are going to cut through The Keep and so that's -- that's a problem. You know, last month's minutes on the docket -- I just read page 23, it says conforming -- the plat is in conformance with scheduled public improvements and concurs with the city's capital improvement program. Staff finds the proposed plat is in conformance with scheduled public improvements. Well, I'm telling you that I don't think there is one. One lane in each direction. And, secondly, the development will not be detrimental to the public health, safety or general welfare. I'm going to go out there a little bit and just disagree with that, because delivery trucks, transit vehicles in the neighborhood do impact safety and welfare of the people and we shouldn't compromise. So, I ask you to pump the brakes a bit and really consider the potential of connectivity through a footbridge. Thank you very much.

Seal: Thank you, Jeff. Appreciate it. Madam Clerk, do we have anybody else?

Lomeli: Mr. Chair, I have Ted Burke. I'm sorry. Jeff Brown marked wanted to testify.

Brown: Mr. Chair, Commissioners, thank you for your time tonight. My name is Jeffrey Brown. I live at 6585 South Pemberley Way in Meridian. It is one of -- it is one address in the current Keep Subdivision. To save time I will say I agree with everything that Jeff Lucky just said in great detail. My specific points are two. Number one the proposed vehicular bridge across the Farr Lateral, I would strongly ask that that be considered to

be a pedestrian bridge and that we need that, because we are currently experiencing some high traffic -- people trying to figure out a way to cut through based on the high volumes on Lake Hazel and Eagle at that intersection and I personally experienced an incident where a car was transitioning from -- was driving west -- westbound on Darcy and made the turn -- almost made the turn to southbound Pemberley Way and the only thing that stopped it was the curb. The car slid. It was a slushy morning, so the person was driving fast. It was not a resident's vehicle. There are many residents on Darcy who have children and they love to play in the street and have friends down the street. The additional traffic is just going to create, in my opinion, a significant danger to those children and to the residents of the community. I have a number of -- there are a number of other residents who are here with me tonight who declined to speak, but they agree and -- and support that position. I also want to thank staff's report on the lateral on the east side of the current subdivision, the smaller one, that it -- to remain open. I think that's a very important part, because one of the attractions to Idaho is the open spaces and the birds and trees and flowers and all that stuff that we get and if we just cap that off and cover it with gravel we lose all of that. So, with that thank you.

Seal: Thank you, sir. Appreciate it. Madam Clerk, next?

Lomeli: Mr. Chair, I have Andrew Williams.

Williams: Can you hear me okay?

Seal: Yep. And poke right into that microphone there.

Williams: Andrew Williams. 2889 East Darcy Drive. Just want to tell a little story. First I want to echo everything Mr. Lucky said. It was flawless. Part of me wants to just say whatever he said and walk back down, but I have got a little story I want to tell. Five years ago my family purchased a home down the street from The Keep in a subdivision called White Bark. It was a beautiful home surrounded mostly by cornfields at the time and we knew one day those cornfields would slowly disappear and ultimately be developed. We were hoping for a park or two, but we took the risk, we made the leap, but little did we know our property was about to be developed from all sides within just two years. Meridian was booming. Along with this rapid development came an extremely heavy flow of automobile traffic through our neighborhood and our once quiet home became dangerous for our children to play in the front yard. After a close call with one of my boys being sideswiped by a construction truck from an adjacent community, we knew the neighborhood was no longer what we desired to be considered safe for our family. That was when we found The Keep. What is a keep? Keeps were built within castles during middle age -- during the Middle Ages and they were used as a refuge of last resort should the rest of the castle fall to enemies. Now, it seems a little extreme, but -- but the name seemed too perfect and with the -- with the rendering we saw of the development this was going to be a small enclosed community with large and spacious lots and it's exactly what we were looking for and my enemy of traffic was to be defeated. I would secure the safety that my family and I desired for my family. I found the victory. So, once again we made the leap, only this time it was calculated and this

time I left no room for error. Or so I thought. The Keep is growing. I can't stop that and I don't wish to. I think The Keep is the premier neighborhood of south Meridian and I'm excited to see it grow, but The Keep needs to stay a keep. We cannot allow additional automobile traffic outside of The Keep as it will surely grow traffic to a level that is unsafe for our children and community we so adamantly desire to protect. I urge the community to approve a pedestrian path in its stead. Please do not break The Keep. Thank you.

Seal: Thank you, sir. Appreciate it. Madam Clerk?

Lomeli: No one else has signed up.

Seal: Anybody else in the audience like to come up and give their words on this? Oh, I have a gentleman coming up already. We will get to you, ma'am. And walk up to the mic. There we go. Name and address, please.

Blau: Danny Blau. 2890 East Wickham Court, Meridian. 83642. So, I apologize for the appearance. I just found out about this and this -- I'm brand new to Idaho and we are the newest residents of The Keep and my wife and my eight year old twins at the time moved here and coming from far away we looked at all the other cities and tried to find exactly what we found on The Keep, somewhere with big lots, somewhere safe, somewhere private and as much as we heard Eagle was the place to be, we fell in love with Meridian. We fell in love with -- with the neighborhood and we made the leap. We had come from a very populated neighborhood. Saw some just not great things in our neighborhood because of the growth and saw some very tragic happen in our old neighborhood regarding a kid on his bike and a speeding teenager. So, ever since then we have really tried to find somewhere safe for our kids and that's where we came to The Keep and we were welcomed with open arms and just -- it's been a great place. Found out what's going on now and really just -- like everyone said -- I have agreed with everything that everyone said here -- love The Keep, love the growth, love what Jarron's doing with The Keep, keeping it very similar to what it already is. Larger lots. It's a great community filled with great people and we would just like to ask if we keep it there and exactly what everyone else has said is that bridge -- we just don't see it necessary to have that traffic coming through that area, just for the amount of safety, the type of kids -- the teenagers that are ripping through that neighborhood trying to get to the park, it's just when they can just head down Lake Hazel and pull in there. We -- like I said we had eight year old twins when we moved in. They are nine. And they -- we let them walk to their friends house. We let them cross the street. But we always say be careful. Be careful. You know. And everyone in The Keep, we all get together, we all know each other, it's like a family in there and we want to keep it that way and so I -- I beg this committee to really consider just some type of cart path, some type of walking path, some type of walking bridge to get over to that area and not let those kind of cars come through. So, appreciate your time

Seal: Thank you, sir. Okay. Madam Clerk -- no. Just asking for people out of the audience. That's right. Ma'am, go ahead and come on up. Just used to asking you before. Good evening.

Newell: Melina Newell. 6751 South Rosings Place, Meridian. 83642. I am also a resident in The Keep. Love the subdivision. Love everything around there. I can just say ditto on what Mr. Lucky said. He's got it down. My concern is you have got Skybreak right across from our subdivision direct through, 300 -- how many lots over there going to be going in. We have two entrances. That's it. And people will cut through there. It will bring that much more traffic and my kids are older, but there are a ton of little kids and, of course, a park. So, yes, we want them to have access, walking through, riding your bike, on a golf cart, whatever it may be. But if we can cut the traffic and cars, which people cut through, that's all we are looking to do. So, that's all I have to say.

Seal: Thank you very much.

Newell: Thank you.

Seal: Is there anybody else in the audience that would like to come up? Going once. Twice. All right. With that would the applicant light to come back forward.

Lakey: Thank you, Mr. Chairman. Again for the record Todd Lakey. Borton Lakey Law. 141 East Carlton Avenue, Meridian, Idaho. 83642. Mr. Chairman, we -- we appreciate our neighbors and their testimony. You don't always see neighbors this supportive of the project developer. So, I think that speaks volumes and -- and they support Mr. Langston's goals and his approach to this project and, of course, we designed that connectivity as part of the city's goals and objectives for connectivity with the streets, but we are very supportive of that proposed compromise if the city would allow us to utilize a pedestrian bridge instead of a full vehicular access that could be used for connectivity and used by things like golf carts to provide that connectivity between individuals in the two projects. And, then, we have the emergency access. So, it's not a secondary access issue for first responders. But with that, Mr. Chairman, again, we would be supportive of that request from our neighbors and ask for your approval. Happy to stand for questions.

Seal: Okay. Commissioners, do we have questions for the applicant or staff? Seeing nothing.

Lorcher: Mr. Chair?

Seal: Go right ahead.

Lorcher: Mr. Chair, I don't know if we can answer this question tonight. So, it's going -- the road that you are -- that is being proposed for connectivity goes over the lateral. So, that's either -- what, Nampa Irrigation or Settlers or whoever irrigation company. It's

very rare that they actually allow any kind of streets to go above them, whether they are pedestrian or regular. Do we know from ACHD is that a requirement to have that street go through? Is that a requirement from ACHD?

Parsons: Mr. Chairman, Members of the Commission, yes, it's going to be a requirement to extend the stub street -- just like we had Apex east to -- which is the property to the west -- stub it here. That's what it was for -- intended for. I did want to at least share with the neighbors a little bit more context than -- about connectivity, because Riva Ridge was here last hearing and adjacent to the park -- the park is surrounded with collective streets all the way around it where the master street map that is adopted by -- which is endorsed by the city, adopted by ACHD, and so this is the local street connections, but there will be -- when these properties come online and develop there will be other roads -- there are roads planned to alleviate traffic and dispersing traffic throughout this area at the mid mile and there will also be a light on Lake Hazel that allows these folks to get out to Lake Hazel through that light using the collector system, too. So, they are not stuck just going out to two access points from their subdivision. So, it's meant to work both ways and help disperse traffic throughout a neighborhood. So, I can't sit here and say are people -- is more traffic going to go through this neighborhood? Probably will. But I think once you look at how the other developments come in and develop around this and you look at this -- the street system that's planned, I -- I don't know if people are going to cut -- jog through all these neighborhoods to get out to go south on Eagle Road when there is going to be a pretty robust collector system in the future to handle and collect all that traffic. But someone will try it as you know. But the way it's designed and looking at my map here, it's -- it's not a straight shot and you are going to have to really weigh driving clear out the neighborhood before you -- you can get to that. So, that's what we try to do, too. We don't want the straight streets going through neighborhoods because that's where you do increase people cutting through, but I think -- I think things are planned and -- and, yes, there are -- there is -- Lake Hazel's going to be built. It's going to be widened and the intersection is going to be widened. There is going to be some congestion in that area until all of those road improvements are done and that's probably the next couple years. So, it will -- it will get a little dicey in that area and a little slower moving.

Lorcher: So, just to reiterate to the -- to the people from The Keep here, the City of Meridian Planning and Zoning, City Council, we know we don't own the roads. It's part of ACHD. It's part of their plan. It's possible that you could petition ACHD to turn it into a pedestrian bridge, but that's not within our ability to be able to make those decisions. So, we can move it on to City Council and you can consult with ACHD to see if that can be adjusted to a pedestrian bridge versus a collector -- or not a collector street, but a connectivity street. My guess is that they have already made their decision and, you know, whether it's for emergency vehicles or safety or whatever the case might be and that -- and when I say safety, I'm -- I'm talking about moving emergency vehicles from one place to another, as opposed to going around the whole thing. In some cases they might have to work their way through. So, I -- I don't -- we are really not in a position here to be able to make a decision about the streets. So, we appreciate you being open to both kinds -- both solutions, whether it's a pedestrian or a connectivity street, but that

would be -- have to be a conversation with ACHD and it really wouldn't affect our decision here on approving or disapproving the annexation recommendation to City Council.

Seal: Okay. Anyone else?

Sandoval: Mr. Chair?

Seal: Go right ahead.

Sandoval: Just a follow up for staff. Is the ACHD requirement to have that open to all traffic or emergency only? Do we know?

Seal: Just basically talking about the -- the bridge over the lateral?

Sandoval: Yes.

Seal: Go ahead, Bill. I think I know the answer, but I will let you answer.

Parsons: You do. Mr. Chair, Members of the Commission, Commissioner Sandoval, it's -- yeah, it's public -- it's open to the public. It's vehicle and pedestrian. So, it's -- it's a public street, so -- it's going to be dedicated right of way. But the residents are correct, the lateral companies do like to limit the number of crossings over their waterways and usually you get one, but you are not going to get any more. They are very particular about that. Certainly -- I mean, again, Council could take this under consideration. I can't speak on what the Council is going to do. If the road was not to be extended there is going to have to be a turn around, it's going to take some redesign down there, too. So, there is a lot of implications to just turning this to a pedestrian bridge. The other thing I wanted to mention, too, is -- I want you residents to enjoy the park, too. I don't want you to have to go out onto Eagle Road and, then, turn onto Lake Hazel just to get to a community park that you pay taxes for and get the benefit of using and this will give you a better access and a safer access to get you to that facility, because it will be something special when it's built out and we want you to have access to those parks as well.

Seal: Thank you. Commissioners, anybody else? Thank you.

Lakey: Thank you, Mr. Chairman, Commissioners.

Seal: If there is no further questions I will take a motion to close the public hearing -- hearing for File No. H-2023-0047.

Smith: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2023-0047. All in favor please say aye. Opposed nay? The public hearing is closed.

MOTION CARRIED: FIVE AYES. ONE RECUSE. ONE ABSENT.

Seal: I will kind of start out with this one. So, I'm -- I always lean more towards I would like all the information before we send something to -- to City Council. With something that's kind of as cut and dry as code, I can see that -- I mean it's -- it's going to have to be taken care of. This is -- this isn't open to interpretation, like -- like a lot of other things are that are out there. We have a community that's in support of it, obviously. You know, I mean there is -- and, again, to reiterate, we have very little, if any, control over the road systems that are there. So, unfortunately, if -- you know, a lot of folks come in here and one of their immediate concerns is -- is the traffic and the roads and if you are coming into Planning and Zoning to voice those concerns we hear you, but ACHD is -- that's the place to have -- you know, the -- the conversations with them, because they own the roads. So, that's unfortunate in a lot of ways, but that's just kind of where we are. So, for me I like -- you know, I -- I like the fact that it's a -- it's -- it's a well-designed piece of land. I mean the parcel itself is -- is very -- you know, I mean to me this -- if it weren't kind of phase two this would just be in-fill. So, that's the way that I look at it. So, it's an extension that's on there. Hopefully we can get something on the -- on the east lateral that will help them to -- you know, help keep that beautified and not just turn it into a large gravel, you know, pit or -- pit or road or -- I mean 40 feet, that's -- that's a lot of gravel. So, hopefully, something can be done about that. But, again, that's really not -- I mean that's something that they are going to have to work with others in order to come up with. So, for me I'm -- you know, I'm happy to support this moving forward to -- to City Council. I don't know that continuing it's going to give us more information as -- as we move forward with it. But I don't make the motions, so more than happy to listen to anything you guys have to say on that.

Smith: Mr. Chair?

Seal: Commissioner Smith, go ahead.

Smith: Yeah. I would -- I would like to -- I mean shortly -- echo -- especially about continuing forward and moving this on to Council, it seems like if there is a change that needs to be made it also doesn't -- doesn't appear to drastically change the -- the layout of the development. So, I don't -- I don't think there is anything that would -- yeah, I'm not -- I don't think I'm going to lose any sleep over, you know, whether this cul-de-sac is shifted a little bit around, you know, the -- the angles are shifted slightly. I think in terms -- you know, when you really think of the safety aspect, my -- my initial read was -- was looking at this kind of long straight-ish path and the speeds that are kind of implied when you have that -- that long interrupted -- long uninterrupted roadway. But I trust staff with their analysis and so, yeah, I -- I think I'm fully supportive of this moving forward to Council as is.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I also agree that the city planners and the developer can work on the cul-de-sac measurement issues and as regard to the -- the connectivity, it would be up to the developer, you know, to talk with the neighbors in The Keep of possibly putting some speed bumps or rumble strips or something else like that in there. That -- that's at their discretion or the -- the ACHD's discretion to be able to slow things down. I know it seems like there is just two lane traffic right now around Lake Hazel and Eagle, but, you know, three or four years from now as our community continues to grow, those will be five lanes minimum, if not greater, and so moving around there, even though it seems like it's congested right now, it will improve. I live in the Highway 16 impact area, I'm in there for the long haul, I know it's going to be three or four years before everything gets built out and things quiet down again without construction equipment, but that's my choice, because I choose to live there. So, it's just part of it. Your subdivision is growing, your community is growing, especially south of the freeway and, unfortunately, there is only so much ACHD can do with the resources they have and prioritizing things and it will happen. So, the most important thing is, you know, if the developer wants to -- between now and City Council go back to ACHD and see if they can put some safety measures in there to kind of slow things down or even propose that it becomes a pedestrian bridge that would be their discretion and, again, it's not really in our -- we are here to approve -- we are here to recommend -- make a recommendation for the subdivision as a whole to City Council and I'm also in support of the design.

Smith: Mr. Chair?

Seal: Commissioner Smith, go ahead.

Smith: Thank you. Just -- Commissioner Lorcher, just spurred a thought to my head also and I just want to make sure it's on record and for anyone in attendance that's interested in those traffic control devices and things like that, I don't know where it is in the process, but to my knowledge I believe ACHD is also revising their standards for traffic control devices, like speed bumps, speed humps, whatever they call them, the different varieties these days and I do believe they are loosening those requirements to be able to offer traffic calming measures to more communities and so I absolutely want to echo and support it. If -- if that is a concern ACHD seems like they are becoming more and more approachable on -- on those specific issues, whether they are willing to -- to help out with putting speed bumps or whatever other device in that is helpful in calming traffic. So, I just wanted to make sure that's hopefully an asset for the community as well.

Seal: Okay. Anything further?

Rivera: Mr. Chair?

Seal: Go ahead.

Rivera: Just the same understanding and I appreciate the -- the information and I also appreciate the residents coming in and -- and testifying and giving their -- their feedback. But, yeah, I am also in agreement with fellow Chair's, fellow Commissioners that I support this to make the recommendation to push it forward to City Council and, you know, look forward to -- you know, it's part of this growth. It just sounds like a really great community and people that live together are great neighbors with each other, so I stand to move it forward as well.

Seal: Okay. Anything to add?

Sandoval: Mr. Chair. So, my only concern with not continuing this is the open space requirements within that one percent. So, it's pretty close, but I think if you pull that cul-de-sac back it's just going to create more of it. So, yeah, I would -- I would be in support of pushing it forward, too.

Seal: Okay. Thank you very much. Before anybody does make -- make a motion here if you want to, I would -- if it so behooves you I should say, you can mention something on the cul-de-sac length as far as -- you know, I mean I don't know if we want to make a recommendation, but, you know, generally wording of, you know, work with staff to provide for, you know, adherence to or something along those lines would -- would be good and, then, you know, we are -- also it isn't within our purview to, you know, ask the applicant to possibly work with ACHD for traffic calming measures or, you know, to provide the -- the bridge to be a pedestrian only. Just if -- if -- if anybody feels that that needs to go on record please make sure to put it in the motion. I will take a motion by the way.

Smith: Mr. Chair?

Seal: Commissioner Smith, go ahead.

Smith: After considering all staff, applicant and public testimony, I move to recommend approval to the City Council of File No. H-2023-0047 as presented in the staff report for the hearing date of March 7th, 2023, with one small modification. As a general requirement for the applicant to work with staff to resolve measurement and placement concerns over that northeast cul-de-sac.

Lorcher: Second.

Seal: Okay. It's been moved and seconded to recommend approval of File No. H-2023-0047 with one modification. All in favor, please, say aye. Opposed nay? Motion passes. Thank you very much.

MOTION CARRIED: FIVE AYES. ONE RECUSE. ONE ABSENT.

4. Public Hearing continued from January 18, 2024 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. With that we will continue Item No. H-2023-0056 for Rosalyn Subdivision and we will begin with the staff report.

Hersh: Good evening, Mr. Chair and Commission Members. The applicant has submitted applications for annexation, combined preliminary/final plat and alternative compliance and staff would like to state that the applicant has officially withdrawn the alternative compliance application. They have revised their plan so it's no longer needed at this time. This site consists of 0.733 acres of land. A small portion of right of way zoned RUT and the larger piece of property is currently zoned R-8 and it is located at 200 East Rosalyn Drive. History on the property is there was a short plat that was approved and a right of way vacation. The comprehensive FLUM designation is low density residential. This property was annexed into the city in 2005 with an R-8 zoning district. The applicant proposes to annex 0.14 of an acre of land with an R-8 zoning district, which includes the remaining portion of East Rosalyn Street cul-de-sac right of way. A legal description exhibit map for the annexation area is included in the application. The property is within the city's area of city impact boundary. The applicant proposes a six lot subdivision for six single family residential detached homes. Since a majority of the property is already annexed and zoned with an R-8 district, staff must analyze the project based on the merits of this governing zoning district. The proposed preliminary plan consists of six building lots, one common lot, with an existing R-8 zoning district -- district. The proposed lots range in size from 4,060 to 5,219 square feet. The subdivision is proposed to develop in one phase. There is an existing home on the property that is proposed to be removed from the site. Any outbuildings located on the site should be removed with development of the property. The proposed plat and subsequent development are required to comply with the dimensional standards listed in the UDC table for the R-8 zoning district and the plat appears to comply with the dimensional standards of this district. Lots taking access from the common -- common drive do not require street frontage. Access is proposed from East Rosalyn Drive, a common drive on Lot 6, Block 1. The interior Lots 3, 4, 5 and 7, Block 1, are proposed to take access via a common drive to East Rosalyn Drive, meeting the street access requirements of the UDC. Common driveways shall serve a maximum of four

dwelling units. In no case shall more than three dwelling units be located on one side of the driveway. The applicant is proposing six dwelling units with four taking access off the common driveway. Three dwelling units are located on one side of the driveway in accordance with the UDC. Off-street parking is required to be provided in accordance with the UDC for single family dwellings based on the number of bedrooms per unit. Staff will confirm compliance with these standards at the time of building permits for each residence. There are no street buffers required along local streets per the UDC table. The applicant has provided a landscape plan, but that is actually not required per the UDC. East Rosalyn Drive is improved with an existing five foot wide sidewalk -- attached sidewalk abutting the site in accordance with the UDC. All fencing is required to comply with the UDC standards. According to the submitting plans the applicant is not proposing fencing for this project at this time and two building -- conceptual building elevations were submitted that demonstrate what future homes in the development would look like. Variations appear to be single story, two-story detached homes with a two car garage are proposed. The submitted elevations depict several different architectural and design styles with field materials of lap siding, different coloring, accent roof profiles, stone and front porches. Written testimony. We have received many letters of public testimony for this application and they are uploaded to the record. Concern center around the proposed number of homes on the lot, the potential increase in traffic and accessibility for emergency access to the private drive to the east. Since then the applicant has revised their plan, so they will not be asking or proposing to take access off the private -- private drive to the east. That's actually part of another subdivision. Staff does recommend approval of the proposed annexation and preliminary plat subject to the conditions in the staff report and this concludes staff's presentation and I stand for any questions.

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

Koeckeritz: Good evening. My name is Elizabeth Koeckeritz. I'm with Givens Pursley. 601 Bannock, Boise, Idaho. I'm here on behalf of the applicant team, which is a husband-wife combo of not professional developers -- actually a veterinarian, Brett and Julie Bingham, and they are the owners of the property. I need to start by first saying thank you to Stacy and Bill. For this being a small in-fill development. There have been a lot of iterations. This has gone back and forth. There has been -- the annexation came up at the last minute that there was a portion that hadn't been annexed yet into the city and so this has just gone around a few times, but I do believe in working with them and really listening to a lot of the neighbors' concerns we have ended up with a really good quality project on this smaller size in-fill lot. Rosalyn Subdivision, as Stacy said, will be a -- well, went way too far. One. It will be a single family community with six single family residential lots on an in-fill. It's really an in-fill lot. It's located within the City of Meridian and the property currently does have that one single family home on it. Wow, this goes quickly. Rosalyn Subdivision is a replat of a portion of the San Gorgonio Subdivision, which was approved by the Meridian City Council in 2020. So, most of the surrounding homes have only been in existence since 2020, 2022, around then. The area here highlighted in yellow is the .01 acres of land that was former ACHD

right of way that had never been vacated when the stub street was ultimately pushed through. So, the owners went through the vacation process with ACHD. They do now own that piece of property, but, then, it was discovered that that piece of property, as well as the rest of the cul-de-sac had never been annexed into the city of Meridian and so that is a large part of the annexation application is really just helping clean up those lot lines and get the small sliver into the city. Here in red you can really see the tiny portion on the top that is part of the Rosalyn Subdivision, as well as the bigger area that's being annexed in. The zoning is -- it is designated medium density residential, except for the small portion of right of way. The main property was annexed in 2005. This -- as I mentioned a lot of it was -- that small portion was not included at that point in time. We are requesting medium density residential zoning. It matches all of the zoning that is around it to the north, to the east, to the south. The only area that is not the R-8 zoning is directly to the west and that is still in unincorporated Ada county. It has not yet been annexed into the city. The lot sizes are between 4,060 square feet and 5,200 square feet, which is really comparable to all of the surrounding lot sizes as well and the home size is proposed to be between about 1,500 and 1,800 square feet. This is an in-fill lot. It's ideally situated for a small housing development. Based on feedback from the neighborhood originally that we proposed seven lots with several of them being townhome style with connected walls between them, as well as there was access going off through another portion of the San Gorgonio -- not sure how you pronounce it -- Subdivision directly to the east. However, due to some questions that came up with the city about what rights were allowed for that access, what weren't, we went back and forth for a while, finally decided it was easier just to not even worry about that. It's currently fenced and it is proposed to remain fenced. There will be no driving through this subdivision to the adjacent properties. This hammerhead style driveway does meet the fire requirements. Additionally, it was mentioned that they were -- one and two-story homes are actually all proposed to be one and a half story homes right now. The preliminary plat, if I can stop on it, it looks very similar to the final plat, because this is a combined. It does qualify for preliminary -- the combined preliminary and final plat process. The dimensions do meet all of the city code standards for the medium density residential R-8 zoning district in the UDC. The application contains all of the requirements for both a preliminary plat and the final plat and it really provides much needed housing in a critical area of Meridian that's easy access to I-84, it's two miles to downtown Meridian and within five miles of the majority of Meridian's employment centers. This is the sort of development that will have smaller sized homes than the last ones that you just saw, but that's by design. The Bingham's have children who they are hoping will be able to move into this sort of neighborhood in the future. There is all the public financial capability to support the project. It will not be a burden on the city. The traffic impacts they are so low that the -- they were not even required to do a traffic impact study with ACHD for a development of this size and it really does help the city attain its housing goals in a very quiet small subdivision. Here you can just sort of see a -- the elevations, the one and a half story homes they are proposing to -- homes that will be designed to complement the surrounding neighborhoods. A Craftsman style home, covered French front porch areas, complementary landscape design. There are smaller more manageable home sizes and it will have attractive landscaping. As an in-fill lot all the public services are available to the property and are able to accommodate the

proposed development. Sewer and water are located within Rosalyn Drive. There is sufficient surface water rights for irrigation. It's within the West Ada School District. Children will attend Sienna Elementary School, Victory Middle School, and Mountain View High School. It is served by the Meridian Fire Department. All other services and utilities are currently available. And with that we are in agreement with all of the conditions of approval and we request a recommendation of approval for the annexation and the combined preliminary and final plat. Stand for questions.

Seal: Okay. Thank you very much. Do we have any questions for the applicant or staff?

Smith: Mr. Chair?

Seal: Commissioner Smith, go ahead.

Smith: Thank you, Mr. Chair. Question for staff. Just understanding that a lot of the surrounding development was somewhat recent, looking at these kind of two dead-end east-west streets, I'm assuming -- are those stubs intended for future development with this currently unannexed property? I'm talking to the -- not within this plat, but to the north and south -- I think it's Amalie Drive and I don't know what the other one is. The north. Blue Lark and Amalie.

Hersh: Mr. Chair, Commissioner Smith, I am actually trying to I guess locate those streets. Is that the one -- I see East Rosalyn Drive.

Smith: Yes. So, if you look at it immediately north and south. So, Blue Lark Court looks like it's to the north and Amalie Drive to the south. They both dead end up against that yellow dotted boundary. I'm just curious if -- I don't know that you know for certain, but based on kind of your expertise or your knowledge of this previous development, do you imagine that those are intended to continue on to the rest of this property and eventual annexation and development?

Hersh: East Blue Lark Court looks like it would go to the property west of it eventually, but isn't a part of this application.

Smith: Okay.

Hersh: And I do see where you are talking about the other drive. Neither one of those are proposed to stub to this property.

Smith: Yeah. I was just asking for context within --

Hersh: Oh.

Smith: -- the broader development. Does that --

Parsons: Mr. Chair, Members of the Commission, yes, those two streets are stub streets that were provided with the Larkspur development and they will serve those Ada county parcels when they come in for annexation and subdivide the property and, then, also I would mention that Rosalyn Drive is also a local street, so you can see here in this -- this aerial it's -- it's unimproved at this time. So, the curb, gutter, sidewalk will be added to that roadway as well when that -- when those properties annex.

Smith: Thank you.

Seal: I just have a quick question on the -- since these are common drives, there is -- like the trash services and mail services and stuff like that -- I know trash service they -- they don't -- there is no requirement that they service common driveways. So, is that something that's going to be addressed? And for the mailboxes can we just make a common -- one common place to have the mailboxes that everybody comes to?

Hersh: Yes, Chairman Seal, I believe that it has been addressed on the final plat. I would have to confirm. Let's pull it up here. I know we have had multiple conversations with trash to date and that they are working on either having them come in here or being able to just pull these trash bins out onto the street. I believe the most recent discussions were that they would do it within this development. As far as the -- as far as the mail, we can certainly look at providing a mail kiosk location if that's not currently on here.

Seal: Okay. Because common drives are -- they are a necessary evil I guess. So, they are -- and this is an interesting layout. I mean it's -- it's very creative for this piece of property. So, kind of creates a little island in there for your -- you know, a really small set of community, but there are issues with common drives, so -- and those are two of the most common where you have, you know, a couple cars and a common drive and a -- and a trash truck, they don't mix. Makes it difficult for everybody.

Hersh: Commissioner, there will be no parking on the Common Drive.

Seal: Okay. And for clarification, what you mean by one -- one and a half story is basically no more than a bonus room upstairs?

Hersh: That is correct.

Seal: Okay. I have heard it a lot and it's had a couple different meanings, so I just wanted to make sure that's where we are at with it. Any other questions? No? All right. Thank you very much. Madam Clerk.

Lomeli: Mr. Chair, I have a Jan Larrea.

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

Larrea: Is that working? There. Jan Larrea. 100 East Rosalyn, Meridian. I am the RUT next to it, the five acres, and it -- the development does not really fit that many houses in that smaller place. There is going to be too many cars and they are going to be parking all up and down the street. I don't have sidewalks or gutters, because I'm not in the county, which I -- I mean the city and I won't be until my kids inherit the property and I have been there since 1975. One of the first ones. And I have seen this go and go and go and it's just -- there is too many. I don't mind them doing something with the property. Three houses would be plenty. They would have a good driveway, good access for fire and everything else, but six is just too many and if you do this you are kind of setting the precedence for me and my children to build 30 houses on my property in the future or the next door across the street. So, it's kind of -- it's just too many. I don't mind people doing with the property what they have, but six is too many and it doesn't fit into the neighborhood and I have cows, so -- and they are going to stink, let me tell you. So, I don't want a bunch of complaining. And that's it. Thank you.

Seal: Thank you very much. Madam Clerk.

Lomeli: Mr. Chair, Paul Pelletier.

Seal: Evening, sir. We need your name and address for the record, please.

Pelletier: Paul Pelletier. 264 East Blue Lark Court. We are on a dead end in the cross-street going out. We have an over amount of cars that are using it and adding that many homes, an average of two cars per home, that's going to put about eight homes and as it is right now people are parking on the street and as far as garbage wise and stuff like that, there is no way they are going to get in there, so it's just too many. Should be probably about three or four. Thank you.

Seal: Thank you very much. Madam Clerk.

Lomeli: Okay. Mr. Chair, Ken Freeze.

Seal: Good evening, sir. I need your name and address.

Freeze: Good evening. My name's Ken Freeze. I live at 195 East Rosalyn and I brought a little presentation for you all.

Seal: All right.

Freeze: And what I'm going to talk about -- and I'm -- I'm speaking for the San Gregorio -- Gregorian -- however you want to pronounce it. I wish they would come up with names that were easy to spell and pronounce, but it is what it is. I do the slides this way. How do I advance? Hit the key? That works. Okay. So, I'm going to talk about why this development needs some changes. First of all, I don't believe that the development is in line with Meridian's own Comprehensive Plan, especially the future land map use map. Too many units in this current R-8 zoning and I will explain why I

feel that way and, again, it's out of character for the -- for the street and the neighborhood. One of the things that was said was that the homes in the area were rather recent. Well, actually, homes in the area go back to -- I think 1972. So, there -- it's a -- some of the homes that have been in the area for quite a while, some of them are a little bit more recent, but on average I would say probably the homes are at least ten to 12 years old in that neighborhood. On the Comprehensive Plan -- I'm sure you are all familiar with, which came about in 2019, as an effective vision and source document for the general public, developers, decision makers. So, you can make reference to utilize to ensure that Meridian is a premier place that we all want to live and that's what I want it to stay. I'm sure that's what you all want to maintain. And, then, we have Idaho Code 67-6511 requires that the zoning district shall be in accordance with the adopted plans. Okay. So, we have a Comprehensive Plan that's been adopted and we have an Idaho Code that says you are supposed to follow it. Mapping future land use is a key component to the Comprehensive Plan. It's right out of the plan. So, that development occurs in the direction and manner most desired by the community. Well, this is what the future land use plan has for this area. Low density. The X there is right in the middle of where this piece of property is. The property to the west, eventually, when it's annexed will be R-2 and the lots directly across the street are essentially R-2 right now. Note that the area outlined in green is already in effect on R-2, which is what I said. Allowing the project to go ahead as planned would just invite developers to come in here and use their R-8 and, basically, really kind of screw up the whole place and it would be a step backwards in the city's own plan. Medium residential. R-8. What does that mean? Well -- and I did a little research and I found out that, you know, most cities for R-8 it's 5,000 square feet for a lot. However, in their wisdom Meridian chose to make it 4,000. But I have it on good authority as to why. The smaller lots may give developers more options in large developments, but the average must still be eight units per acre. So, as we have seen with just the project today, we have got laterals, we have got canals, we have got all sorts of things running all over the place and by giving the developers this -- this 4,000 square foot lot for large projects, mind you, it gives them a lot more versatility. Here is an example of one that was just approved last September. If you look at the fine print down here on area calculations, the smallest lot, a little over 4,000 square feet. However, the average lot size is over 6,000. This is where this was appropriate, the 4,000 lot -- 4,000 square foot lot was appropriate. Oops. However, with six units they are only getting them in here by using the four -- some -- some of the lots will be the 4,000 square foot -- feet. The use of the smaller than 5,000 square foot is I believe an abuse of the intent of the 4,000 foot -- square foot lot size that Meridian Code has set and we -- in this particular case we have four lots that are just a little over 4,000 square feet. Lots of less than 5,000 square feet should not be used in a -- in a development this small when you are talking less than an acre. Again, that -- again, I have it on good authority that the whole purpose of that 4,000 square foot was to give large developments some versatility that's necessary when they are dealing with all sorts of weird shapes, laterals, canals and whatnot. I came across another problem, too, when I was looking at this. I did -- pulled out my calculator did a little math and I found out that what they have for their lots is different than the total amount of square footage in the -- in the area. Now, granted, it's only 21 square feet difference, but it kind of makes me wonder where else are the numbers not quite right in

this proposal. So, the neighborhood is all single family homes. Average lot size is over 5,000 square feet. Homes directly across the street are on lots -- the smallest is just under 12,000 square feet to over -- to over 16,000 square feet. That's the -- that's the lots right directly across the street. Three lots to the east, which is the -- the most recent development. There is three lots there. The smallest one is almost 5,500 square feet. Again, I'm saying that the lots inside this particular development are just smaller than they should be. So, the HOA doesn't have any problems with development of the lot, it's just that six lots -- six homes in this small lot is just too dense for the neighborhood. Not opposed to -- to fewer -- four or fewer single family homes in the lot. Two homes would be great, because that would be right in keeping with the -- with the future land use map, in keeping with the Comprehensive Plan. Fewer homes would fit with the surrounding homes and could actually be a nice addition to the neighborhood. Thank you. Do you have any questions?

Seal: Any questions?

Freeze: Thank you.

Seal: Okay. Madam Clerk.

Lomeli: Mr. Chair, Nick Noslov. Yeah. Sorry.

Seal: Good evening, sir. Need your name and address, please.

Nauslar: Yeah. Good evening, Mr. Chair and Commissioners. My name is Nick Nauslar. I live at 215 East Blue Lark Court in Meridian. I share a fence line on the north part of the proposed property. While I applaud the Bingham's for reducing, you know, the seven duplexes or townhomes that they initially designed for this, it still in my opinion violates the R-8 zoning. If you need eight units per acre you only have .733 acres or if they get this .747 acres, that means at most you could build would be five units. If that's the way it works, I am naive and ignorant how all this works. This is my first planning and zoning meeting. So, if I interpreted that wrong I apologize. And as Ken said, you know, the future zoning is R-2. So, I don't know how much weight that carries in a decision, what the current zoning is versus future zoning, but, obviously, wanted to bring that up. I understand the Bingham's wanting a return on their investment with this property. When we saw them move in and have all their trailers and everything like that and the family, we are like, oh, good, someone is not going to develop that. But, then, we soon found that they were and we get that. There is a need for housing and I one hundred percent respect property rights and people trying to get return on their investment. So, I don't want to impinge on that whatsoever. But like Ken said, five houses would be -- and, you know, the way I interpret the zoning and law would be appropriate. Four would be better. We enjoy our view right now. We have a nice clear view behind us. Less noise. Less cars. Less chance for noisy dogs. But we understand the need for housing in the valley and I think you would have much less resistance if the plan became four houses. And, honestly, if it was five or less I wouldn't feel like I would have much of a leg to stand on for being against it, other than just

personal reasons. So, Mr. Chair and the Commissioners, thank you for the time. I would ask you to reject the current plan and ask them to revise it slightly to be in accordance with current zoning or in future zoning. Thank you.

Seal: Thank you very much. Madam Clerk.

Lomeli: Mr. Chair, no one else has signed up.

Seal: Anybody else like to come up and testify? Going once. Going twice. Would the applicant like to come back up.

Koeckeritz: Elizabeth Koeckeritz. 601 Bannock. Givens Pursley. On behalf of the applicant. As we have discussed this subdivision is in absolute conformity with every single requirement of the R-8 zoning district. We are not asking for any deviations. We are not asking for alternative compliance. This subdivision, quite honestly, it fits what was intended for an R-8 development per the code. If you look at this map right here, all of -- it's difficult to read, but all of those homes in green are on lots that are smaller than 5,000 square feet. This is not out of the ordinary for this area. This is absolutely consistent with how the area has been developing. We think that this is a good development. It's a quality development and it takes really good account of this lot size and provides a really nice in-fill location and with that I believe -- make sure -- we -- I mean I guess we could go over -- we do meet numerous goals of the Comprehensive Plan, including all of the goals about -- I have them written down here -- about in-fill development providing a diversity of housing for individuals. Let's go through these. Maximizing public services by prioritizing in-fill development encouraging diverse housing options. This does provide a nice housing option for people. It is going to be a beautiful and high quality development. The list of support from the Comprehensive Plan -- it really does go on and on and so with that we would just ask for a recommendation of approval.

Seal: Okay. Thank you very much. Commissioners, do we have questions, comments?

Smith: Mr. Chair?

Seal: Commissioner Smith.

Smith: Question for the staff and/or applicant. Just curious, again, for context. Do you know what the density of the development -- developed properties, especially to the north of this, whether that's just Blue Lark itself or kind of that entire meandering segment?

Hersh: Chairman Seal, Commissioner Smith, that is an R-8 development. Everything -- if you look on this map here you can see the red is this property and, then, it is surrounded by the R-8 development.

Smith: Specifically I think -- I think, for example, you are also an R-8 and I think the gross per acre is 6.87 I think I saw. Do we have any rough estimate on what the per acre kind of gross is in -- in that R-8 section to the north?

Hersh: Mr. Chair, Commissioner -- Commissioner Smith, Bill is looking that up at this time. I do not know that off the top of my head. But staff would also like to say and reiterate that density doesn't equal zoning. It is what meets the lot sizes for the zone that the applicant is requesting.

Smith: Mr. Chair?

Seal: Go right ahead.

Smith: While -- while Bill is looking at that up, I just -- for context I'm just kind of thumb in the wind looking at this and it -- it generally doesn't seem to me that this deviates too much in terms of density from this property in the north. I mean if you look to the south and to the east there is some deviation for sure. I'm just trying to get a rough estimate of -- obviously the zoning is what the zoning is, but in terms of just getting a better understanding and -- and better context for myself and for every -- the other -- other Commissioners, that's specifically why I'm asking. It looks -- at first glance that this looks kind of in line to me and so I'm trying to square my visual assessment with what the members of the community are saying is why I asked that.

Hersh: Mr. Chair, Members of the Commission, so the -- all of Larkspur is determined to be 4.75 units an acre.

Smith: And you said that's for all of Larkspur, that entire section?

Hersh: That's north.

Smith: Thank you.

Hersh: You are welcome.

Seal: Yeah. I mean the way I kind of square that in my head -- especially with this picture right here -- is if you move that red box up to encompass this -- you know, the homes that are above it, you have got six to eight homes that are going to be within that square. So, you know, I mean that's -- you know, it's -- it's no more or less than that. I mean the only strange thing to it is really the layout. So, I mean it's -- it's either really creative or it's really crowded. You know, I don't know how to explain it any other way. So, I can -- you know -- and, again, common drives, if -- if you have been listening to these as long as I have been here you know I'm not a big fan of them. So, there is -- there are some that have been done very creatively that are -- that are really a good addition to -- to most -- to the subdivisions they are in, but common drives just seem to cause problems in other places, so -- and that is why I brought up the trash service, because it's kind of an afterthought and, then, all of a sudden, you know, people move

in and have no way to have that serviced or creates a dangerous situation in doing so. But I will get off that soapbox for certain.

Parsons: Mr. Chair?

Seal: Go ahead.

Parsons: I could just tell this gentleman in the audience his math is right. You did it right. The -- the difficulty that we have here is that when Larkspur -- or this R-8 zoning came into place it was a different plan. It's a different vision. At the time that that Comprehensive Plan was in effect it allowed for a developer to request a step up in density and so, yes, you see green on a map that says three or less to the acre, but at the time that they received zoning for this property that developer received an approval from City Council that allowed them to come in with the 4,000 square foot lots with an R-8 zone and so once we annex a property and assign it a zone all staff can do is analyze the project based on the dimensional standards of the current zoning designation, which is R-8, and this particular property checks all the boxes. So, that's really our purview tonight. It's not to discuss density. We all consider and say the density is way out of whack from what it is, but what it is is what it is. It's R-8 zoning. The plat conforms to the dimensional standards and the subdivision ordinance. Therefore, we have to recommend approval.

Seal: Okay. Staff. Not us.

Parsons: I just want to clarify that to the audience. It's -- it's -- we hear you. We understand. We hear your argument, but -- so, don't -- we try to get people away from correlating zoning with the zone with the comp plan, because a few years ago when we changed our zoning code we did have maximum density allowances -- requirements in the code and we -- we removed those to allow some -- developer request different zones, but still develop the property in content -- context of the Comprehensive Plan. So, if this were to come in today -- if this was an annexation today we could not be supporting it, because it did not align with the comp plan. But because we have already had previous actions that have set the zoning in place for this property, again, we have to stay -- we just -- all we can do is regulate it based on zoning -- the current zone, not necessarily what the current comp plan is.

Seal: Okay. Appreciate the explanation on that, Bill. Any other questions? All right. Thank you very much. And with that I will take a motion to close the public hearing for File No. H-2023-0056.

Lorcher: So moved.

Rivera: Second.

Seal: It's been moved -- excuse me. Been moved and seconded to close the public hearing for File No. H-2023-0056 for Rosalyn Subdivision. All in favor say aye. Opposed nay? The public hearing is closed.

MOTION CARRIED: SIX AYES. ONE ABSENT.

Seal: Anybody want to go first?

Smith: Mr. Chair?

Seal: Go right ahead.

Smith: Yeah. Some of the -- the reasoning behind some of the questions that I asked specifically, because -- because of the zoning, because of what the developer is entitled to, I wanted to also make sure that, you know, I -- I can personally understand that -- you know, and -- and see how this can be a good fit for the community as well beyond just the -- the zoning and the -- the legal allowance and that being said, looking at all the numbers and things like that, you know, we can say it's -- the zoning is what the zoning is, but I also am of the personal opinion that I think in a context of this RUT eventually at some point in time being developed, that's what those dead-end streets are likely stubbed to be connected to. With all this kind of development that's happening around it, as far as in-fill projects go, some of it's a little creative I think is the word you said, but I think this is relative to other in-fill developments we have seen in similar circumstances I think this is generally a pretty good development and so I understand some of the -- some of the opposition and I get some of the concerns, but I -- I -- again, comparing this to other -- other developments and other proposals, this seems like it's, you know, a -- a decent fit for the community in terms of the rough density, the -- the rough lot sizes and things like that and, yeah, they -- they have to get a little creative with that common drive and why while I share the same animus necessarily -- I don't know if animus is the right word. I am a little common drive skeptical sometimes, but I think this is well done creatively. I think it's done well. I think that's all I will say.

Seal: Okay. Any other comments?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: In regard to the design, I actually like that two parcels have their drives on Rosalyn Drive and, then, it's a perfect description from Elizabeth as that hammerhead street, which only would service four of them. There is six houses, 12 cars maximum. There is no parking in the streets. The houses are between 1,500 and 1,800 square feet, which would allow a married couple, single -- you know, single people maybe with small children to be in a new starter home, close to the schools, close to downtown. And I like how you made that analogy. If you take that red box and you put it directly north it would be exactly the same six houses. So, I know change is hard and

especially with the owner to the parcel to the west who has the cows and her acreage, as well as the ones that we really can't see on this picture of being R-2, it's actually a good transition and I know that's not what you want to hear, but it does actually fit into the Black Spur Way and the Blue Lark Court of what's already happening there. City Council's the ultimate decision maker, so you will be able to have your voice heard again with your concerns, but as we look at the layout of the houses and how it fits into this in-fill project it is a good design based on what is there and what can be put there for an in-fill project.

Seal: Okay. Anything further? I will take a motion. I would entertain any and all.

Lorcher: Mr. Chair?

Seal: Go right ahead.

Lorcher: After considering staff, applicant and public testimony, I move to recommend approval to City Council of File No. H-2023-0056 as presented in the staff report of the hearing date of March 7th, 2024, with no modifications.

Smith: Second.

Seal: It's been moved and seconded to recommend approval of File No. H-2023-0056 for Rosalyn Subdivision with no modifications. All in favor, please, say aye. Opposed nay? Motion passes. Thank you very much.

MOTION CARRIED: SIX AYES. ONE ABSENT.

Seal: And with that we have no further businesses this evening, so I will take one more motion.

Smith: Mr. Chair?

Seal: Commissioner Smith, go ahead.

Smith: Move to adjourn.

Seal: Do I have a second?

Lorcher: Second.

Seal: It's been moved and seconded to adjourn. All in favor please say aye. Opposed nay? We are adjourned. Thank you all.

MOTION CARRIED: SIX AYES. ONE ABSENT.

MEETING ADJOURNED AT 7:52 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 Everbrook Academy at Amity (H-2023-0051) by Paul Tucci, located at 4845, 4855 and 4867 S. Tavistock Ave.

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



In the Matter of the Request for a Conditional Use Permit for a daycare facility, Located at 4845, 4855, and 4867 S. Tavistock Avenue in the C-N Zoning District, by Paul Tucci, Oppidan, Inc.

Case No(s). H-2023-0051

For the Planning & Zoning Commission Hearing Date of: March 7, 2024 (Findings on March 21, 2024)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of March 7, 2024, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of March 7, 2024, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of March 7, 2024, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of March 7, 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 March 7, 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 March 7, 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 March 7, 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 BRIAN GARRETT VOTED _____

COMMISSIONER JARED SMITH VOTED _____

COMMISSIONER PATRICK GRACE VOTED _____

COMMISSIONER MATTHEW SANDOVAL 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.

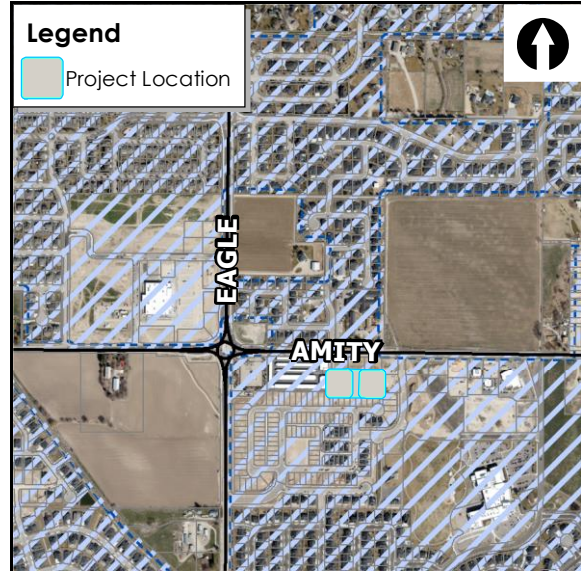
By: _____ Dated: _____
City Clerk's Office



STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

HEARING DATE: March 7, 2024
 TO: Planning & Zoning Commission
 FROM: Linda Ritter, Associate Planner
 208-884-5533
 SUBJECT: H-2023-0051
 Everbrook Academy at Amity – CUP
 LOCATION: 4845, 4855, and 4867 S. Tavistock Avenue, in the NW ¼ of Section 33, Township 3N., Range 1E.



I. PROJECT DESCRIPTION

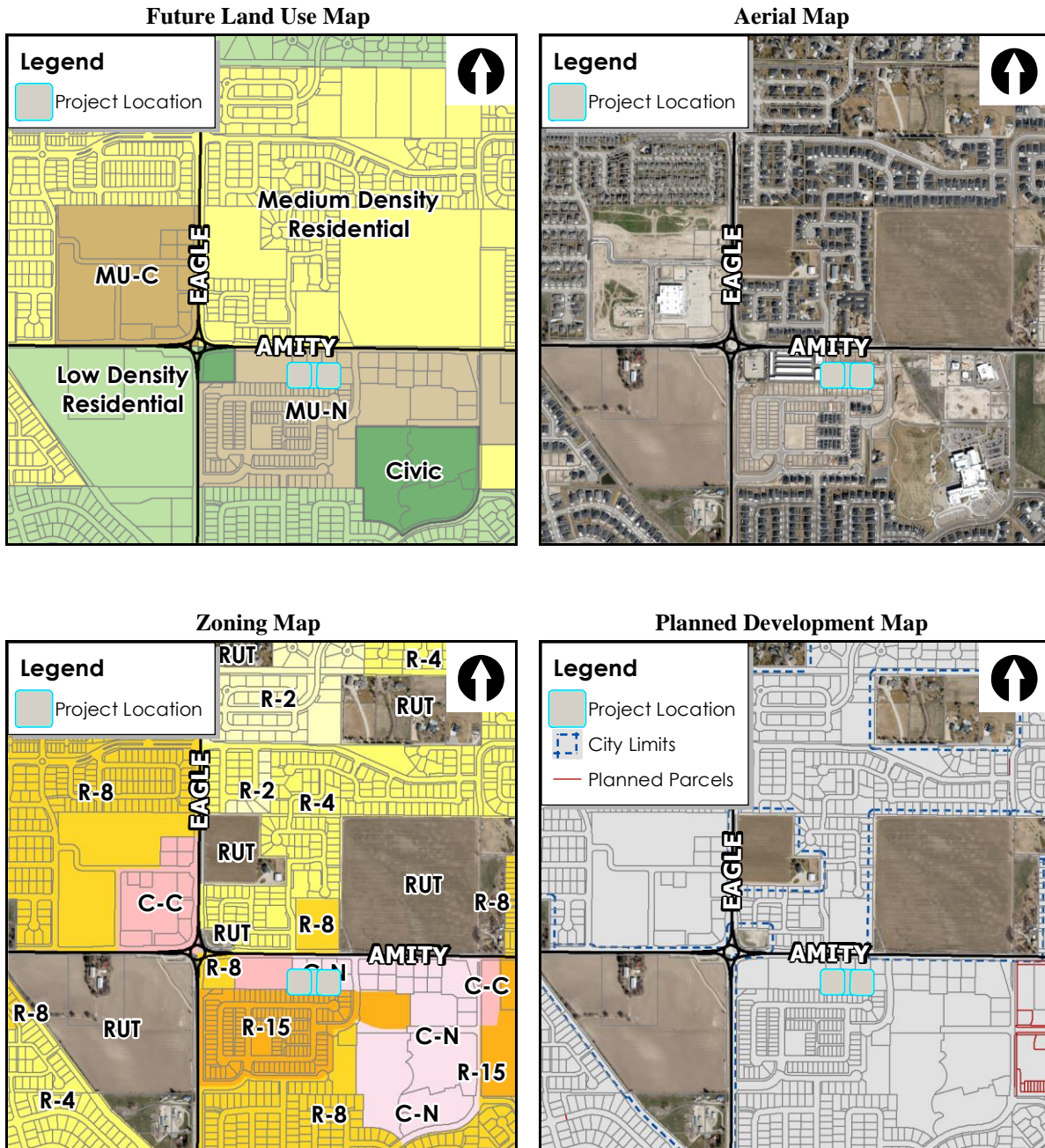
Conditional use permit (CUP) for a daycare center providing childcare for up to 120-150 students in the C-N zoning district.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	1.509-acres	
Future Land Use Designation	Office	
Existing Land Use	Vacant/undeveloped land	
Proposed Land Use(s)	Daycare Center	
Current Zoning	Neighborhood Business District (C-N)	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	07/31/2023	
History (previous approvals)	CPAM-15-001, AZ-15-004 (DA #2015-061375); H-2016-0092 (MDA #2016-119080); H-2018-0087 (CUP for cell tower); H-2018-0127 (MDA - 2nd Addendum to DA #2019-033207); H-2019-0134 (MDA – 3 rd Addendum DA #2020-059662); H-2020-0080 (MDA 4 th Addendum DA 2020-117720); H-2020-0055 Hill’s Century Farm North No.1 Final Plat	

A. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Paul Tucci, Oppidan, Inc. – 400 Water Street, Suite 200, Excelsior, MN 55331

B. Owner:

Watson Land Holdings, LLC – 2929 W. Navigator Drive, Suite 400, Meridian ID 83642

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	2/20/2024
Radius notification mailed to properties within 500 feet	2/16/2024
Site Posting Date	2/16/2024
NextDoor posting	2/26/2024

V. STAFF ANALYSIS

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

Mixed-Use Neighborhood (MU-N): The purpose of this designation is to assign areas where neighborhood-serving uses and dwellings are seamlessly integrated into the urban fabric. The intent is to avoid predominantly single-use developments by incorporating a variety of uses. Land uses in these areas should be primarily residential with supporting non-residential services. Non-residential uses in these areas tend to be smaller scale and provide goods or services that people typically do not travel far for (approximately one mile) and need regularly. Employment opportunities for those living in the neighborhood are encouraged. Connectivity and access between the non-residential and residential land uses is particularly critical in MU-N areas. Tree-lined, narrow streets are encouraged.

*The proposed use of a Daycare Center (more than 12 children) is a community-serving commercial use that fits within the future land use designation of MU-N. The proposed use can serve both the immediate area and the nearby community at large. The proposed location is adjacent to commercial development and existing residences to the south and southeast. Staff finds the proposed use will provide a needed use for the nearby community and offer employment opportunities beyond typical retail jobs. The daycare use is a needed use throughout the City and providing it nearby residential meets many of the City’s desired outcomes for commercial development. **Specific policies are noted and analyzed below but Staff finds the proposed use to be consistent with the future land use designation of Mixed-Use Neighborhood, especially in combination with the existing commercial uses in the Hills Century Farm North and Commercial subdivisions.***

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

- “Encourage and support mixed-use areas that provide the benefits of being able to live, shop, dine, play, and work nearby, thereby reducing vehicle trips, and enhancing overall livability and sustainability” (3.06.02B). *As noted, the subject area is part of a mixed-use designation on our future land use map. Staff finds adding a daycare use in this location introduces a needed community serving use to the immediate area and is located within walking distance of several existing residences. Further, this property will have convenient pedestrian access to the adjacent subdivision to the south, therefore promoting overall sustainability and the benefits of having a supportive commercial use nearby residential.*
- “Encourage the development of supportive commercial near employment areas” (3.06.02C). *The subject daycare is proposed within an existing commercial development and is also directly north of the Hill Farm North No. 2 subdivision and east of the Hill’s Farm Commercial No. 2 subdivision which will include multiple commercial uses. Therefore, the proposed daycare should provide a supportive use to all of the businesses along this E. Amity Road frontage.*

- “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). *See above analysis—Staff finds the proposed location and use to be consistent with this policy.*
- “Require appropriate building design, and landscaping elements to buffer, screen, beautify, and integrate commercial, multifamily, and parking lots into existing neighborhoods.” (5.01.02D). *The location of the subject daycare is proposed within an existing commercial development with drive aisles to the north and access to the site from a private drive off Tavistock Avenue. The Applicant is required to provide a landscape buffer along the private drive to the north and a 20-foot wide landscape buffer will be constructed to the south providing for additional screening between this commercial development and the existing subdivision to the south.*

An 11,300 square foot daycare center is proposed in the C-N zoning district which is designed to accommodate a maximum of 120-150 students and 15-25 employees. A daycare center requires Conditional Use Permit (CUP) in the C-N zoning district as set forth in UDC [Table 11-2B-2](#) and is subject to the specific use standards listed in UDC [11-4-3-9](#).

Specific Use Standards: The proposed use is subject to the specific use standards listed in UDC [11-4-3-9](#) – Daycare Facility, as follows:

- A. General standards for all child daycare and adult care uses, including the classifications of daycare center; daycare, family; and daycare, group.
 1. In determining the type of daycare facility, the total number of children at the facility at one time, including the operator's children, is the determining factor.

The applicant proposes to provide childcare for up to 120-150 children; because the daycare plans to provide care for more than 12 children, it's classified as a daycare center.
 2. On site vehicle pick up, parking and turnaround areas shall be provided to ensure safe discharge and pick up of clients.

On-site vehicle pick-up, parking and turnaround areas are provided. For safety, Staff recommends the row of parking on the east side of the property be restricted to Staff members only and signed accordingly.
 3. The decision-making body shall specify the maximum number of allowable clients and hours of operation as conditions of approval.

The maximum number of allowable clients should be limited to those specified in this application (i.e. 150).
 4. The applicant or owner shall provide proof of criminal background checks and fire inspection certificates as required by title 39, chapter 11, Idaho Code. Said proof shall be provided prior to issuance of certificate of occupancy. The applicant or owner shall comply with all State of Idaho and Department of Health and Welfare requirements for daycare facilities.

The Applicant shall provide this information to the Planning Division as required.
 5. In residential districts or uses adjoining an adjacent residence, the hours of operation shall be between 6:00 a.m. and 11:00 p.m. This standard may be modified through approval of a conditional use permit.

Residential use exists on the property to the south, zoned R-15. The proposed hours of operation are Monday through Friday from 6:00 am to 8:00 pm, which will not exceed

regulated hours.

6. Prior to submittal of an application for an accessory daycare facility in a residential district, the applicant or owner shall hold a neighborhood meeting in accord with subsection 11-5A-4.B of this title. Notice of the neighborhood meeting shall be provided to all property owners of record within one hundred (100) feet of the exterior boundary of the subject property.

Not applicable

The applicant shall not exceed the maximum number of clients as stated in the approved permit or as stated in this title, whichever is more restrictive.

B. Additional standards for daycare facilities that serve children.

1. All outdoor play areas shall be completely enclosed by minimum six-foot non-scalable fences to secure against exit/entry by small children and to screen abutting properties. *The applicant is proposing a 6-foot-tall vinyl fence around the playground area which provides screening and is non-scalable.*
2. Outdoor play equipment over six (6) feet high shall not be located in a front yard or within any required yard.

All playground equipment is located within the rear of the building enclosed by a 6-foot-tall vinyl fence that will screen the playground equipment.

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

The daycare is not located within a residential district but is adjacent to an existing residence. Compliance with these standards is required.

C. Additional standards for family daycare facilities conducted as home occupation accessory uses.

1. In no way shall the family daycare emit lighting, noise, fumes, smoke, dust, odors, vibrations, or electrical interference that can be observed outside the dwelling. A sign may be displayed for advertising the family daycare facility in accord with the standards set forth in subsection 11-3D-8.B of this title.
2. Off-street parking shall be provided as set forth in [section 11-3C-6](#) of this title, in addition to the required off-street parking for the dwelling.

These standards are not applicable.

Based on the above analysis, Staff deems the proposed use to be in compliance with the specific use standards as required *if* the Applicant complies with the conditions of approval in Section VIII.A.

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

Access: Access is proposed on the site plan from S. Tavistock Avenue onto a private drive.

Parking: Off-street parking is required to be provided in accord with the standards listed in UDC 11-3C-6 for non-residential uses which requires one (1) space per 500 square feet of gross floor area. Based on 11,300 s.f., a minimum of 23 spaces are required; a total of 35 spaces are proposed, including two (2) ADA compliant spaces.

A minimum of one (1) bicycle parking space is required to be provided for every 25 vehicle spaces or portion thereof per UDC [11-3C-6G](#); bicycle parking facilities are required to comply with the location and design standards listed in UDC [11-3C-5C](#). ***A bicycle rack capable of holding a minimum of two (2) bicycles has been provided in accordance with this requirement and depicted on the site plan.***

Pedestrian Walkways: A continuous internal pedestrian walkway that is a minimum of 5-feet wide is required to be provided from the perimeter sidewalk to the main building entrance and should be distinguished from vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19B.4. ***The applicant is proposing to match the existing sidewalk along the private drive with a 5-foot wide sidewalk within the landscape buffer along the entire frontage of the property. The sidewalk will facilitate pedestrian connectivity and easy access throughout the development. There is also a 6-foot wide pathway along the entire length of the west side of the property.***

Landscaping: Parking lot landscaping is required to be provided in accord with the standards listed in UDC [11-3B-8C](#) as shown.

A 20-foot wide landscape buffer is required to be provided to adjacent residential uses in the C-N zoning district per UDC [Table 11-2B-3](#); landscaping is required to be installed within the buffer in accord with the standards listed in UDC [11-3B-9C](#). Landscaping shall comply with the requirements in UDC [11-3B](#). A residential use exists to the south of the property requiring the 20-foot landscape buffer.

Street buffer landscape along the private drive is required to be installed.

Landscaping for the pathway on the west side of the property shall be installed per UDC [11-3B-12](#).

The site/landscape plan submitted with the Certificate of Zoning Compliance application should reflect compliance with this standard.

Outdoor Lighting: 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.

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

Building Elevations: Conceptual building elevations were submitted for a single-story building as shown in Section VII.C that incorporate a mix of materials consisting of cultured stone, exterior insulation finishing system (or equivalent), fiber cement siding, precast stone sills and glass with an asphalt shingle roofing.

Final design is required to incorporate some of the same or similar design elements and materials as those in the development agreement and shall comply with the design standards listed in the [Architectural Standards Manual](#).

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

VI. DECISION

A. Staff:

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

B. The Meridian Planning & Zoning Commission heard this item on March 7, 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: Paul Tucci

d. Written testimony: None

e. Staff presenting application: Bill Parsons, Planning Supervisor

f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

a. Lighting from the property which will be reviewed with the Certificate of Zoning Compliance.

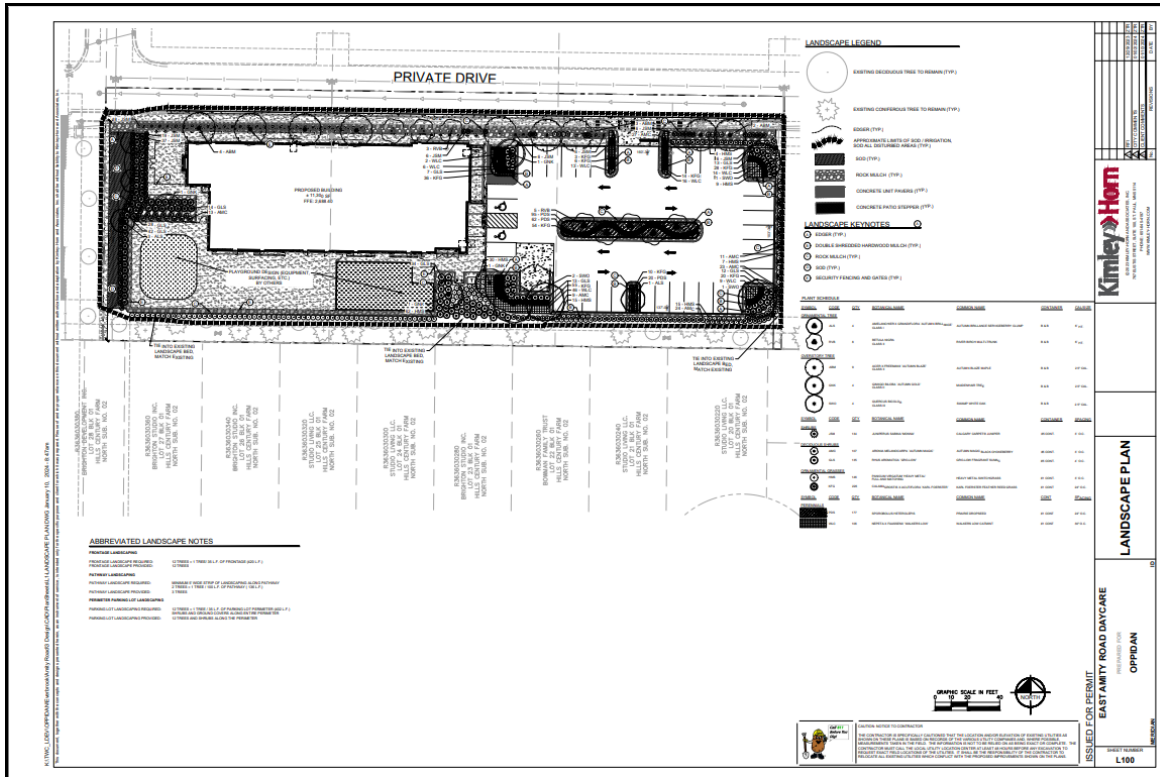
3. Key issue(s) of discussion by Commission:

a. None.

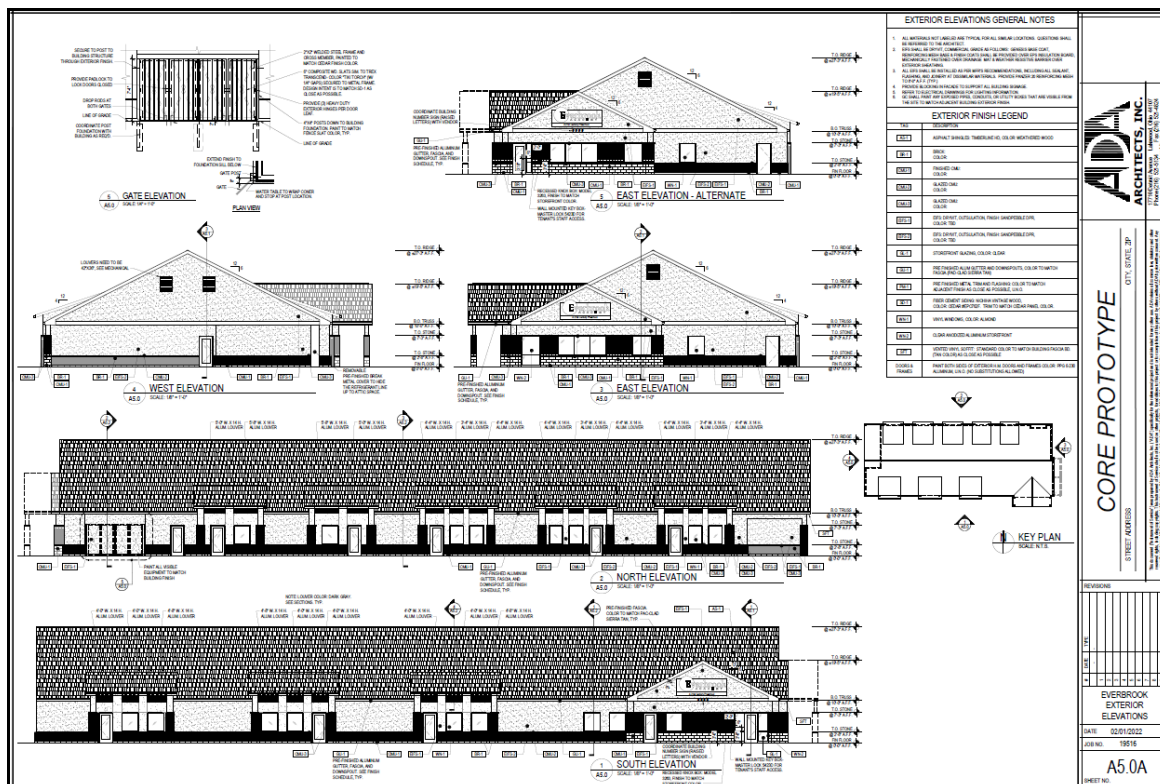
4. Commission change(s) to Staff recommendation:

a. Condition No. 7 modified from 150 allowable clients to 156 or as determined by the building code.

B. Proposed Landscape Plan



C. Building Elevations and Rendering





ADA ARCHITECTS
 1100 S. 10TH ST., SUITE 100
 DENVER, CO 80202
 TEL: 303.733.8888
 WWW.ADAARCHITECTS.COM

BASE PROTOTYPE
 CITY: DENVER
 STATE: COLORADO
 PROJECT NO.: 190116
 SHEET NO.: SK-1

REVISIONS

NO.	DATE	DESCRIPTION

RENDERINGS
 DATE: 06/09/22
 DRAWING NO.: 190116
 SHEET NO.: SK-1

VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING

1. Future development of this site shall comply with the previous conditions of approval and terms of CPAM-15-001, AZ-15-004 (DA #2015-061375); H-2016-0092 (MDA #2016-119080); H-2018-0087 (CUP for cell tower); H-2018-0127 (MDA - 2nd Addendum to DA #2019-033207); H-2019-0134 (MDA – 3rd Addendum DA #2020-059662); H-2020-0080 (MDA 4th Addendum DA 2020-117720); H-2020-0055 Hill’s Century Farm North No.1 Final Plat and the conditions contained herein.
2. The applicant shall receive written approval of the City of Meridian Planning Division that the final property boundary adjustment is in conformance with UDC 11-6B-8 prior to building permit issuance.
3. The fire truck turning radius submitted is not approved. The landscaped island may need to be altered in order to meet the requirements. Revise the site plan to meet the Fire Department requirements.
4. A maximum of five (5) additional trees needs to be added to the landscape planters per UDC 11-3B-8C. Three (3) on the east side of the property and one each in the landscape planters at the entrance to the property.
5. Compliance with the standards listed in UDC 11-4-3-9 – Daycare Facility is required.
6. The applicant or owner shall provide proof of criminal background checks and fire inspection certificates as required by title 39, chapter 11, Idaho Code. **Said proof shall be provided prior to issuance of Certificate of Occupancy.** The applicant or owner shall comply with all State of Idaho and Department of Health and Welfare requirements for daycare facilities.
7. The maximum number of allowable clients shall be 1560 or as determined by the building code. ~~as proposed with this application.~~
8. The business hours of operation shall be limited to the hours between 6:00 am 11:00 pm in accord with UDC 11-2B-3B.
9. Outdoor play equipment over six (6) feet high shall not be located in a front yard or within any required yard in accord with UDC 11-4-3-9B.2.
10. The row of parking on the east side of the building shall be restricted to staff member parking only and signs shall be erected accordingly.
11. Protect the existing landscaping on the site during construction, per UDC 11-3B-10.
12. A Certificate of Zoning Compliance and Design Review application shall be submitted and approved for the proposed use prior to submittal of a building permit application. The design of the site and structure shall comply with the standards listed in UDC 11-3A-19; the design standards listed in the Architectural Standards Manual and with the Development Agreement.
13. 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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=331377&dbid=0&repo=MeridianCity>

C. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=331382&dbid=0&repo=MeridianCity>

D. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=331965&dbid=0&repo=MeridianCity>

E. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=332247&dbid=0&repo=MeridianCity>

F. BOISE PROJECT BOARD OF CONTROL

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=332247&dbid=0&repo=MeridianCity>

IX. FINDINGS

Conditional Use (UDC 11-5B-6)

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

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

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

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

Staff finds the proposed daycare center is harmonious with the Comprehensive Plan and is consistent with applicable UDC standards with the conditions noted in Section VIII of this report.

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

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 VIII of this report.

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

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 Taylor Annexation (H-2023-0062) by Robert Taylor, located at 3840 E. Overland Rd.

Application Materials: <https://bit.ly/H-2023-0062>

A. Request: Annexation of 1.01 acres of land with an R-2 (Low-Density Residential) zoning district for the purpose of connecting to City utilities.

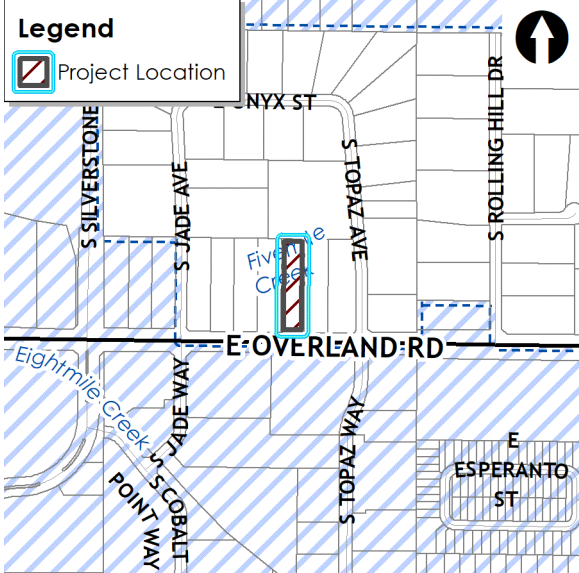
HEARING DATE: March 21, 2024

TO: Planning & Zoning Commission

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

SUBJECT: Taylor Annexation AZ
[H-2023-0062](#)

LOCATION: 3840 E. Overland Road in the Southeast 1/4 of the Southwest 1/4 of Section 16, Township 3N, Range 1E (Parcel #R4626240475)



I. PROJECT DESCRIPTION

Annexation of 1.01 acres of land with an R-2 zoning district for the purpose of complying with the terms outlined in the consent to annex agreement for the existing home that is already connected to City utilities.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	1.01 acres Annexation	
Future Land Use Designation	Mixed Use Regional (MU-R)	
Existing Land Use	No change, continue existing single-family residential use	
Proposed Land Use(s)	Single-Family detached residential	
Current Zoning	Single-Family residential zone (R1) in Ada County	
Proposed Zoning	R-2 (Low Density Residential)	
Lots (# and type; bldg/common)	<u>1 building lot</u>	
Phasing plan (# of phases)	N/A	
Number of Residential Units (type of units)	N/A	
Neighborhood meeting date	08/24/2023	

B. Community Metrics

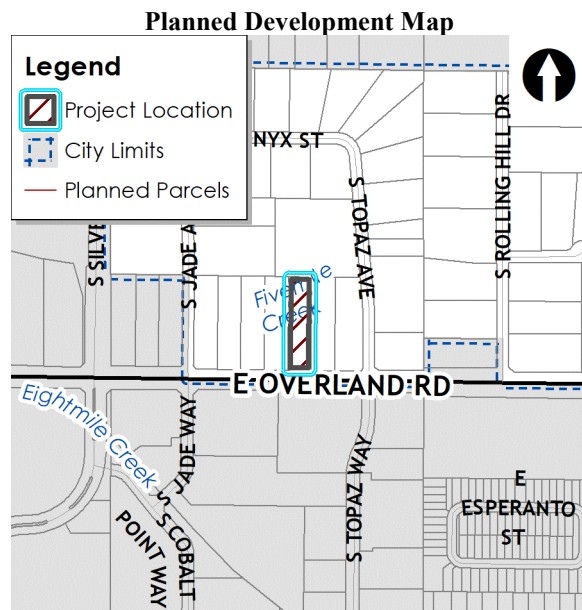
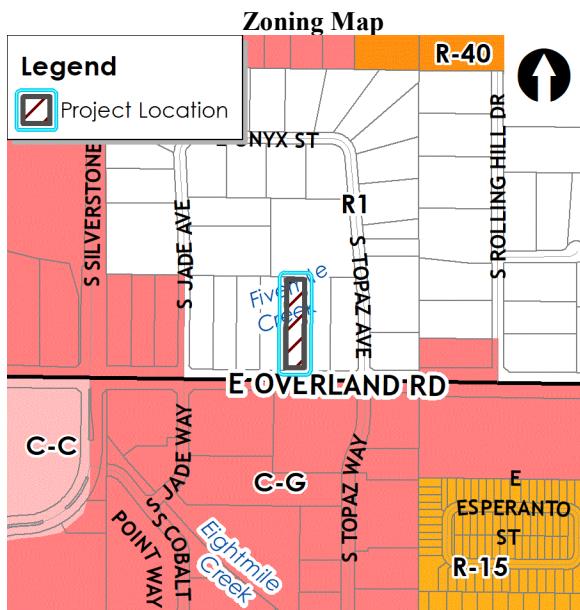
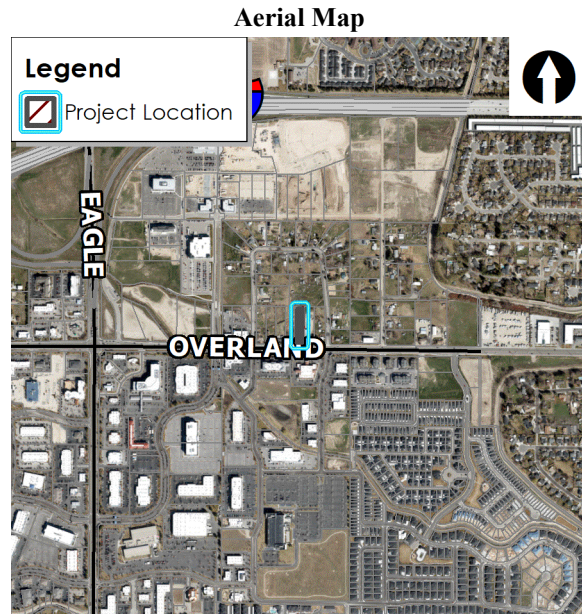
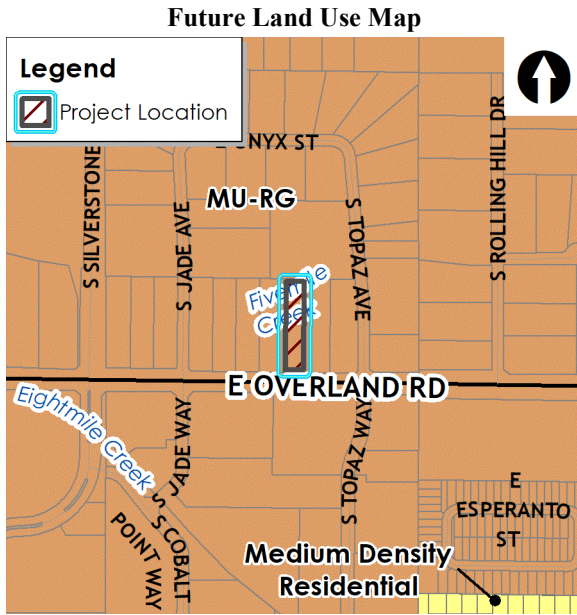
Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> Staff report (yes/no) 	No	
<ul style="list-style-type: none"> Requires ACHD Commission Action (yes/no) 	No	
<ul style="list-style-type: none"> Existing Conditions 	Existing curb, gutter, and sidewalk.	
<ul style="list-style-type: none"> CIP/IFYWP 	<p>PROJECT: South Meridian Improvements B - Overland Rd and Eagle Rd</p> <hr/> <p>Project Description: Widen intersection to 7-lanes on Eagle Rd and 9-lanes on Overland Rd as per the 2020 CIP. Project to be done in coordination with the Idaho Transportation Department.</p> <p>Project Manager: choman - Cody Homan Design Year: 2025 Right-of-Way Year: Future Construction Year: FUT Project #: IN218-04</p>	

Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Overland Road is classified as a principal arterial roadway.	
Proposed Road Improvements	None	
Fire Service	<i>No comments received</i>	
Police Service	<i>No comments received.</i>	

Wastewater		
<ul style="list-style-type: none"> Distance to Sewer Services 	No changes in public sewer infrastructure shown in record. Any changes must be approved by Public Works.	
<ul style="list-style-type: none"> Sewer Shed 		
<ul style="list-style-type: none"> Estimated Project Sewer ERU's 		
<ul style="list-style-type: none"> WRRF Declining Balance 		
<ul style="list-style-type: none"> Project Consistent with WW Master Plan/Facility Plan 	Yes	
<ul style="list-style-type: none"> Impacts/Concerns 	None	
Water		
<ul style="list-style-type: none"> Distance to Services 	Water available at site.	
<ul style="list-style-type: none"> Pressure Zone 	4	
<ul style="list-style-type: none"> Estimated Project Water ERU's 	See application	
<ul style="list-style-type: none"> Water Quality Concerns 	None	

- Project Consistent with Water Master Plan | Yes
- Impacts/Concerns | None

C. Project Maps



III. APPLICANT INFORMATION

A. Applicant:

Robert Taylor, Owner – 3840 E. Overland Road, Meridian, ID 83642

B. Owner:

Robert Taylor, Owner – 3840 E. Overland Road, Meridian, ID 83642

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper notification published in newspaper	2/5/2024	
Radius notification mailed to property owners within 500 feet	3/1/2024	
Public hearing notice sign posted on site	3/10/2024	
Nextdoor posting	3/4/2024	

V. COMPREHENSIVE PLAN ANALYSIS

LAND USE: This property is designated as Mixed Use Regional (MU-R) on the Future Land Use Map (FLUM) contained in the [Comprehensive Plan](#).

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. For example, an employment center should have supporting retail uses; a retail center should have supporting residential uses as well as supportive neighborhood and community services. The standards for the MU-R designation provide an incentive for larger public and quasi-public uses where they provide a meaningful and appropriate mix to the development. The developments are encouraged to be designed consistent with the conceptual MU-R plan depicted.

Due to the presence of an existing home on this property with the intention to maintain its residential use, an R-2 zoning district is requested as a “placeholder” zoning district until the property redevelops in the future. Opting for a zoning district within the Mixed-Use Regional (MU-R) designation would create a non-conforming use. For example, a single-family residential dwelling on an acre is not a permitted use in a commercial zoning district and it fails to meet density requirements for an R-15 or R-40 zoning district, which is not preferred. Prior to re-development, a rezone should be requested and development proposed consistent with the Commercial FLUM designation.

COMPREHENSIVE PLAN POLICIES (<https://www.meridiancity.org/compplan>):

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

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

The Plan aims to integrate mixed-use by incorporating a variety of uses, including residential. Residential uses should comprise a minimum of 10% of the development area, with gross densities

ranging from 6 to 40 units/acre. The current application seeks annexation of the property into the City to comply with the terms outlined in the consent to annex agreement, particularly due to the existing home already connected to City utilities. Specifics regarding the housing types and density will be addressed with future development. Given that the residential would be in a mixed-use center and at a higher density, it would likely lead to diversity in housing satisfying this goal.

- “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 the existing home is already connected to City utilities in accordance with UDC 11-3A-21.

- “Support infill development that does not negatively impact the abutting, existing development. Infill projects in downtown should develop at higher densities, irrespective of existing development.” (2.02.02C)

The proposed development will not likely impact the existing abutting developments to the east, west, and north, as they are all residential uses currently zoned R1 in Ada County.

- “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.”

The existing home has already abandoned the existing septic system and is connected to the City wastewater system.

VI. STAFF ANALYSIS

A. ANNEXATION (AZ)

The Applicant proposes to annex 1.01 acre parcel, including the adjacent right-of-way to the section line of E. Overland Road with an R-2 (Low-Density Residential) zoning district. A legal description and exhibit map for the annexation area is included in Section VIII.A. This property is within the City’s Area of City Impact boundary. The reason for annexation is the water table for the existing well on the single-family residential property failed late last year and the Applicant had to hook-up to City water and sewer service. No new development or redevelopment of the property is proposed at this time and the use will remain residential for the foreseeable future.

The Applicant entered into an agreement with the City for extension of domestic water and sewer service outside Meridian city limits for the subject property (Inst. #2023-037612). This agreement allowed the property to hook up to City water and sanitary sewer service with disconnection from the private well and septic system. A provision of the agreement requires the property owner to apply for annexation of the property into the City as proposed with this application.

Single-family detached dwellings are listed as a principally permitted use in the R-2 zoning district per UDC Table 11-2A-2.

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. **To ensure future development is consistent with the Comprehensive Plan and the land use desired for this property, Staff recommends a Development Agreement as a provision of annexation pursuant to Idaho Code Section 67-6511A, which requires the property to be rezoned and the agreement modified to include a conceptual development plan prior to any change in use and/or development of the property.**

Dimensional Standards (UDC 11-2): The proposed existing house appears to comply with the dimensional standards of the district.

Access: Access to this property is currently from E. Overland Road. With future redevelopment of the property, access via E. Overland Road and interconnectivity with adjacent properties will be evaluated in accordance with the provisions listed in UDC 11-3A-3.

Parking (UDC 11-3C): Off-street parking is required to be provided in accord with the standards listed in [UDC Table 11-3C-6](#) for single-family dwellings based on the number of bedrooms per unit. The existing home does not meet the required number of off-street parking spaces per [UDC Table 11-3C-6](#) for a three (3) bedroom home; four (4) parking spaces are required, at least 2 in an enclosed garage, other spaces may be enclosed or a minimum 10-foot by 20-foot parking pad. The existing home does not have an enclosed two-car garage; however, there is an existing 30-foot by 20-foot driveway.

The existing home is recognized as non-conforming due to the off-street parking requirements in UDC 11-3C-6. Per [UDC 11-1B-4](#), no existing structure containing a nonconforming use may be enlarged, extended, constructed, reconstructed, moved, or structurally altered except through the approval of a conditional use permit. As a result of the non-conformity, the Applicant is required to apply for a Conditional Use Permit for any future expansions on the property or attain compliance by constructing a new two-car garage (see figure below).



Sidewalks (11-3A-17): Overland Road is improved with an existing 7-foot wide attached concrete sidewalk abutting the site in accordance with UDC standards. Staff is not recommending that this sidewalk be replaced with and 7-foot detached sidewalk.

Pathways ([UDC 11-3A-8](#)): The Meridian Pathways Master Plan Map indicates a planned pathway on the north side of the Five Mile Creek to be constructed by the City in the future. **The Applicant should submit a dedicated easement for the pathway to the City. Easements shall be a minimum of 14' wide (10' wide pathway + 2' shoulder on each side).**

Utilities ([UDC 11-3A-21](#)): Connection to City water and sewer services is required in accordance with UDC 11-3A-21. **The Applicant entered into an agreement with the City for extension of domestic water and sewer service outside Meridian city limits for the subject property (Inst. #2023-037612). The Applicant is currently connected to City utilities.**

Fencing ([UDC 11-3A-6](#), [11-3A-7](#)): All fencing is required to comply with the standards listed in UDC 11-3A-7. **The Applicant is not proposing fencing with this application.**

VII. DECISION

A. Staff:

Staff recommends approval of the proposed annexation with the requirement of a Development Agreement per the provisions in Section IX in accord with the Findings in Section X.

VIII. EXHIBITS

A. Annexation Legal Description and Exhibit Map



CENTURION ENGINEERS, INC.
Consulting Engineers, Land Surveyors, Planners
2323 S. Vista Ave Ste 206 Boise, ID 83705
Telephone 208.343.3381 | www.centengr.com

**Annexation & Zone Land Description For:
Robert Taylor**

December 27, 2023

Lot 3, Block 2 of Jewell Subdivision as shown in Book 34 of Plats at Pages 2056 & 2057 records, Ada County, Idaho and adjoining right-of-way. Situate in the Southeast Quarter of the Southwest Quarter of Section 16, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho being more particularly described as follows:

Commencing at the south quarter corner of said Section 16; thence S89°59'45"W, 483.11 feet along the southerly boundary of the southwest quarter of said Section 16 to the **Point of Beginning**;

Thence N00°00'00"E, 439.85 feet along the easterly boundary of said Lot 3 (as extended to the southerly boundary of the southeast quarter of the southwest quarter) to the northeast corner of said Lot 3;

Thence N90°00'00"W, 100 feet along the northerly boundary of said Lot 3 to the northwest corner of said lot 3;

Thence S00°00'00"E, 439.86 feet along the westerly boundary of said Lot 3 (as extended to the southerly boundary of the southeast quarter of the southwest quarter) to a point which bears N89°59'45"E, 749.26 feet from the southwest corner of the southeast quarter of the southwest quarter of said Section 16 and which point also bears S89°59'15"E, 1,332.50 feet from the southwest section corner of said Section 16;

Thence N89°59'45"E, 100.00 feet to the **Point of Beginning**.

Containing 1.01 acres, more or less.

This description was prepared from information of record in the office of the Ada County, recorder. Jewell Subdivision Book 34, Pages 2056 & 2057 and Record of Survey No. 8191. A new land survey was not performed.

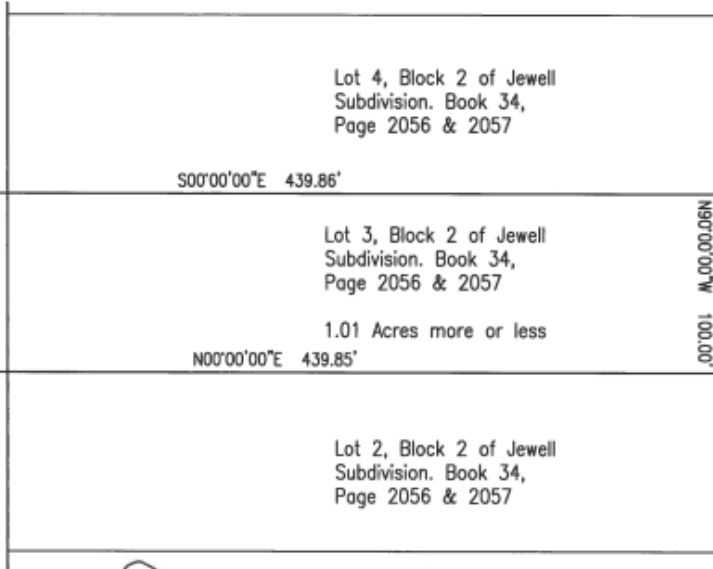
The basis of bearing for this description is said Jewell Subdivision.



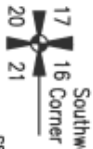
Annexation Description Sketch

Notes

1. This sketch was prepared from information of record in the office of the Ada County, recorder, Jewell Subdivision Book 34, Pages 2056 & 2057, Record of Survey No. 8191. A new land survey was not performed.
2. The basis of bearing for this sketch is said Jewell Subdivision.

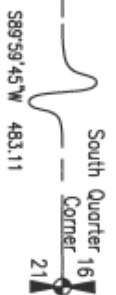


SCALE: 1"=80'



Southwest Section
 17 16 Corner
 20 21
 S89°59'15"E 1,332.50'
 1/16 th Corner
 N89°59'45"E 749.26'

West Overland Road



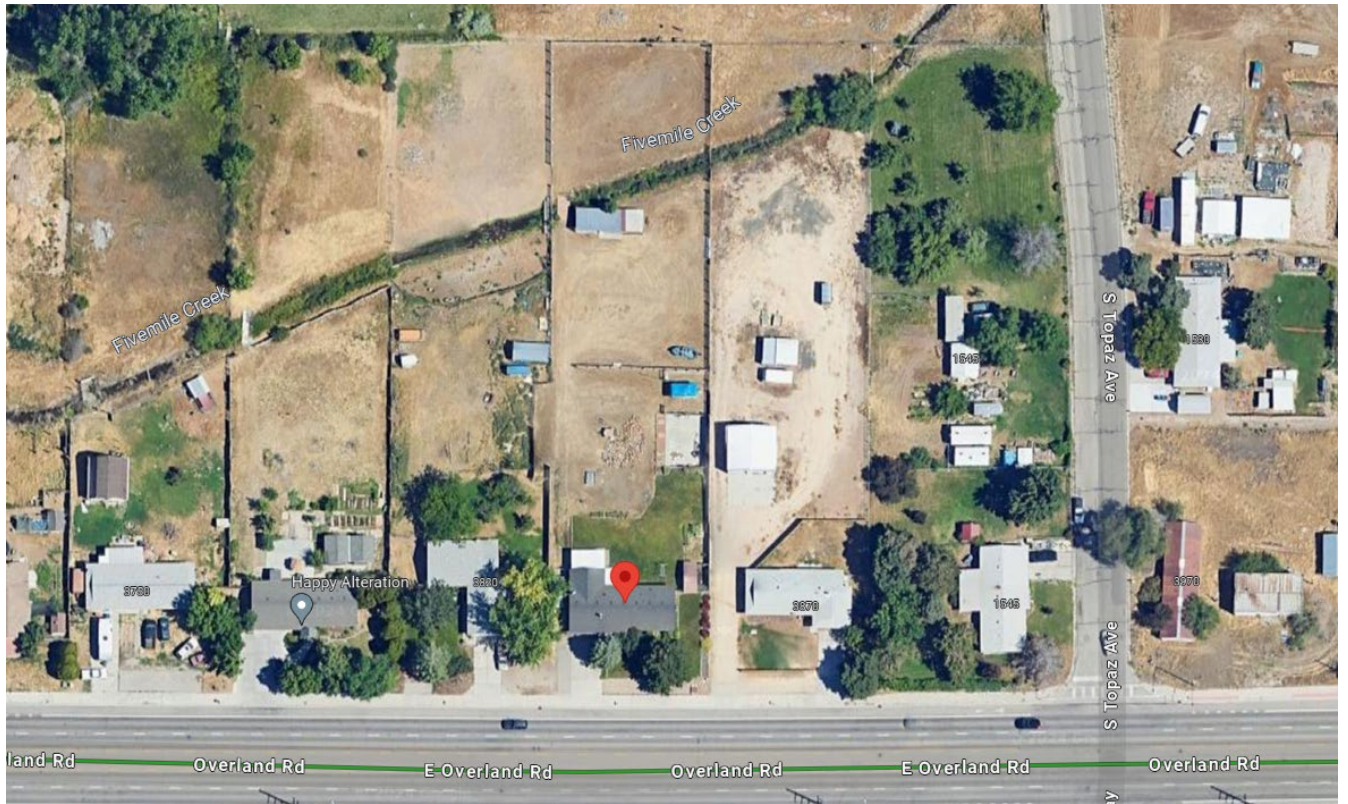
South Quarter 16
 21
 S89°59'45"W 483.11
 Lot 3, Block 2 of Jewell Subdivision as shown in Book 34 of Plats at Pages 2056 & 2057 records, Ada County, Idaho. Situate in the Southeast Quarter of the Southwest Quarter of Section 16, Township 3N, Range 1E., Boise Meridian, Ada County, Idaho



CENTURION ENGINEERS, INC.
 Consulting Engineers, Land Surveyors, Planners
 2323 S. Vista Ave. Ste. 206 | Boise, ID 83705
 208.343.3381 | www.centurionengr.com

Date: December 27, 2023
 Drawn By: D.A. Crawford
 Job Number: TR07

B. Site Map



C. Existing Home



IX. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

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

Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council granting the annexation. The DA shall, at minimum, incorporate the following provisions *IF* City Council determines annexation is in the best interest of the City:

- a. Prior to any change in use or redevelopment of the subject property, a rezone to a commercial and/or a higher density residential zoning district and a modification to this agreement shall be requested to include a conceptual development plan consistent with the Mixed-Use Regional Future Land Use Map (FLUM) designation and guidelines in the Comprehensive Plan.
- b. Future development of this site shall be consistent with the applicable standards in the city of Meridian's Unified Development Code.
- c. As a result of the non-conformity to the existing home due to the off-street parking requirements in UDC 11-3C-6, the Applicant/Owner is required to apply for a Conditional Use Permit for any future expansions on the property or attain compliance by constructing a new two-car garage.
- d. The Applicant shall submit a dedicated easement for the future pathway along the north side of the Fivemile Creek for the length of the property to the City. Easements shall be a minimum of 14' wide (10' wide pathway + 2' shoulder on each side).

B. PUBLIC WORKS

No comments, Applicant has signed the agreement for extension of domestic water and sewer service outside Meridian City Limits (Inst. #2023-037612) and connected to City utilities.

C. PARK'S DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=331534&dbid=0&repo=MeridianCity>

D. ADA COUNTY DEVELOPMENT SERVICES (ACDS)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=332238&dbid=0&repo=MeridianCity&cr=1>

E. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=331968&dbid=0&repo=MeridianCity>

F. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=332554&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 annexation of the subject property with an R-2 zoning district and requirement for the property to redevelop in the future consistent with the Mixed-Use Regional future land use map designation in the Comprehensive Plan is appropriate for this property (see Section V for more information).

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-2 zoning district is consistent with the purpose statement for the residential districts in UDC 11-2B-1, in that it will contribute to the range of housing opportunities available in the City consistent with the Comprehensive Plan.

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

Staff finds the proposed map amendment should not be detrimental to the public health, safety and welfare as the proposed residential use should be compatible with adjacent 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 that the proposed zoning amendment will not result in any adverse impact upon the delivery of services by any political subdivision providing services to this site.

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

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



AGENDA ITEM

ITEM TOPIC: Public Hearing for Cityside Storage (H-2023-0058) by Peter Stuhlreyer, Designhaus Architecture, LLC., located at 2755 N. Eagle Rd.
Application Materials: <https://bit.ly/H-2023-0058>

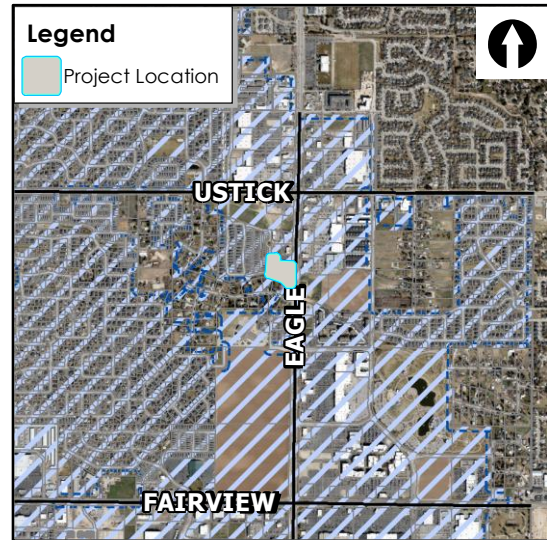
A. Request: Conditional Use Permit to allow for a 4-story self-storage facility and increase the building square footage from 32,500 to 135,000 on 2.08 acres of land in the C-G zoning district.

B. Request: Development Agreement Modification to modify the existing Development Agreement to allow a 4-story self-storage facility and increase the building square footage from 32,500 to 135,000 on 2.08 acres of land in the C-G zoning district.

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: March 21, 2024
 TO: Planning & Zoning Commission
 FROM: Linda Ritter, Associate Planner
 208-884-5533
 SUBJECT: H-2023-0058 Cityside Storage – MDA, CUP
 LOCATION: 2755 N. Eagle Road in the NE ¼ of Section 5, Township 3N., Range 1E.



I. PROJECT DESCRIPTION

Modification to the existing Development Agreements (DA) (Inst. #104107406 amended as Inst. #107044347) to exclude the subject property and parcel #R0945580265, which limits the types of uses and building square footage to 32,500. The new DA would allow one of the properties to develop with a storage facility and increase the building square footage to 135,000 square feet with a building footprint of 32,500; and a Conditional Use Permit for a storage facility, self-service.

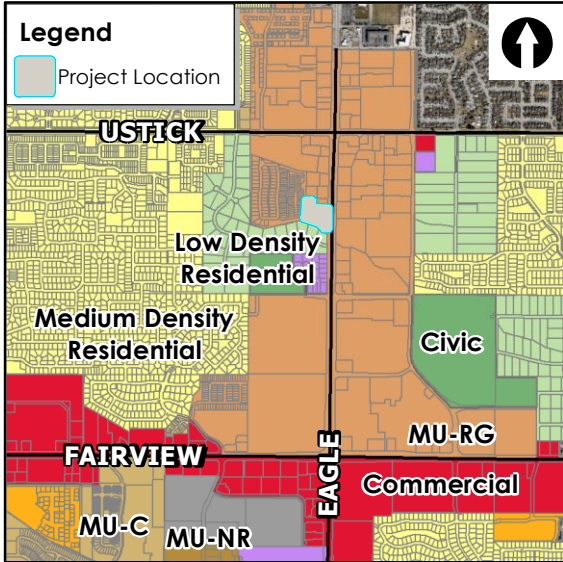
II. SUMMARY OF REPORT

A. Project Summary

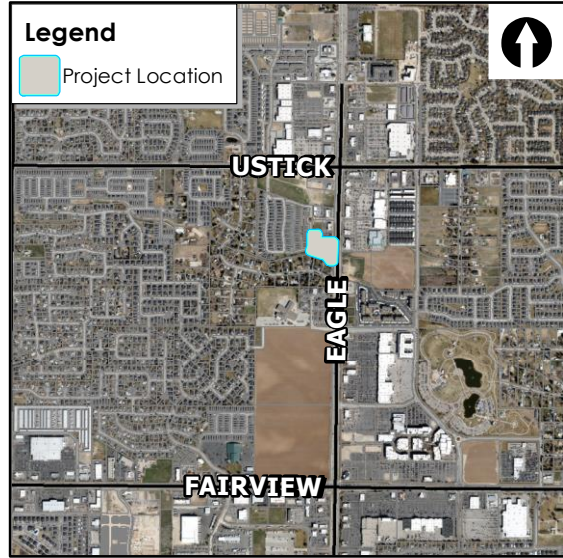
Description	Details
Acreage	2.08 acres
Future Land Use Designation	Mixed-Use Regional (MU-RG)
Existing Land Use	Vacant
Proposed Land Use(s)	Storage Facility, Self-Service
Current Zoning	General Retail & Service Commercial (C-G)
Physical Features (waterways, hazards, flood plain, hillside)	NA
Neighborhood meeting date; # of attendees:	9/26/2023 via Zoom; 0 people attended
History (previous approvals)	AZ 05-057, RZ-05-019, PP-05-019, CUP-05-052, PS-05-002, FP-07-012, and DA Instr. #1040107406 & #107044347; PBA-2022-0021

B. Project Maps

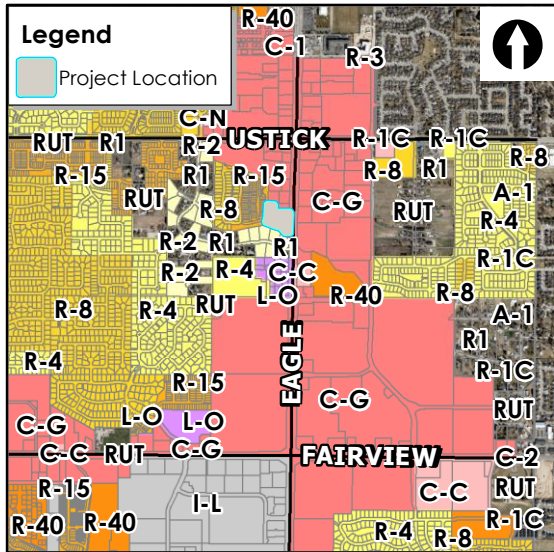
Future Land Use Map



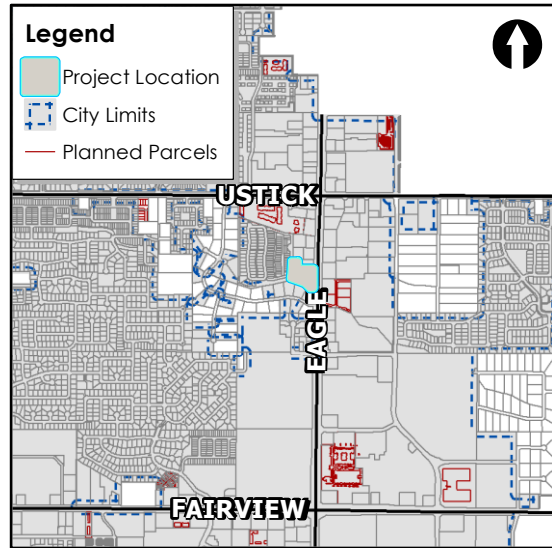
Aerial Map



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant:

Peter Stuhlreyer, Designhaus Architecture, LLC – 3300 Auburn Road, Suite 300, Auburn Hills, MI 48236

B. Owner:

Kent Hosac – 1775 W. State Street, Suite 340, Boise, ID 83702

C. Agent/Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	3/5/2024	
Radius notification mailed to properties within 300 feet	3/1/2024	
Public hearing notice sign posted on site	3/6/2024	
Nextdoor posting	3/4/2024	

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

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

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

This designation provides a mix of employment, retail, and residential dwellings and public uses near major arterial intersections for a full range of commercial uses to serve area residents and visitors. 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. Desired uses may include entertainment uses, major employment centers, clean industry, and other appropriate regional-serving most uses. Sample zoning include: R-15, R-40, TN-C, C-G and M-E.

No changes to the FLUM designation or zoning is proposed with this application.

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

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 extended by the developer of the property proposed to be annexed with development in accord with UDC 11-3A-21.
- “Encourage compatible uses and site design to minimize conflicts and maximize use of land.” (3.07.00)

Storage facilities, self-serviced is an allowed use in the C-G zoning district through an approved conditional use permit. Although the operation of a storage facility could be fairly low impact, the current development agreement does not allow the use. Staff feels the design of the proposed development is not compatible for the following reasons:

- *Excessive Height: The proposed building is set to exceed the height of the tallest building in the immediate area significantly. This excessive height can lead to issues such as visual impact, overshadowing neighboring structures, or altering the character of the area.*
 - *Visual Impact: The disproportionate height of the building may disrupt the visual harmony of the surrounding area. It could potentially create an eyesore or clash with the existing aesthetic.*
 - *Overshadowing: The height of the proposed building might cast shadows over neighboring structures, impacting their natural lighting and potentially their functionality.*
 - *Character of the Area: The proposed development may alter the character of the neighborhood or area. Maintaining compatibility with existing structures is crucial for preserving the overall aesthetics and functionality of the neighborhood.*
- “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)

With development a landscaped street buffer will be required along N. Cajun Lane. There is an existing pathway along the south side of the property in which the applicant is proposing additional buffer for the residential properties to the south in accord with UDC standards.

- “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 be required to connect to City water and sewer systems with development; services are required to be provided to and though this development in accord with current City plans.

- “Require appropriate landscaping, buffers, and noise mitigation with new development along transportation corridors (setback, vegetation, low walls, berms, etc.).” (3.07.01C)

A 25-foot wide street buffer is required to be provided with development along N. Eagle Rd., an arterial street, per UDC Table 11-2B-3, landscaped per the standards in UDC 11-3B-7C. There is an existing landscape buffer along N. Eagle Road. The property owner is proposing an additional ten (10’) feet of landscaping along N. Eagle Road which exceed the required UDC standards.

- “Reduce the number of existing access points onto arterial streets by using methods such as cross-access agreements, access management, and frontage/backage roads, and promoting local and collector street connectivity.” (6.01.02B)

Access to the property is via N. Cajun Lane, a private road. There is no direct access to N. Eagle Road from the property.

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

Curb, gutter and sidewalk was constructed with the road widening project along N. Eagle Rd. Hook-up to City water and sewer service is required with development.

- “Support beautiful and high quality development that reinforces neighborhood character and sustainability.” (5.01.02)

Although the design of the building may be acceptable, the proposed building is set to exceed the height of the tallest building in the immediate area significantly. This excessive height can lead to issues such as visual impact, overshadowing neighboring structures, or altering the character of the area.

- “Support and protect the identity of existing residential neighborhoods.” (5.01.02E)

Staff feels this proposal does not protect the identity of the existing residential neighborhood as the height of the proposed storage facility exceeds the tallest building in the immediate area by a significant margin. This may lead to visual impact, overshadowing neighboring structures, or altering the character of the area. Maintaining compatibility with the existing structures can be crucial for the overall aesthetics and functionality of a neighborhood or area.

VI. STAFF ANALYSIS

The Applicant proposes to develop this site with a four (4) story self-service storage facility containing 777 units and 15 exterior drive up self service storage units in climate controlled structures for a total of 792 units.

The proposed use is subject to the following Specific Use Standards (UDC 11-4-3-34) – Storage Facility, Self-Service: (*Staff analysis in italics*)

- A. Storage units and/or areas shall not be used as dwellings or as a commercial or industrial place of business. The manufacture or sale of any item by a tenant from or at a self-service storage facility is specifically prohibited.
- B. On site auctions of unclaimed items by the storage facility owners shall be allowed as a temporary use in accord with Chapter 3, Article E, "temporary use requirements", of this Title.
- C. The distance between structures shall be a minimum of twenty-five (25) feet.
- D. The storage facility shall be completely fenced, walled, or enclosed and screened from public view. Where abutting a residential district or public road, chain-link shall not be allowed as fencing material.
- E. If abutting a residential district, the facility hours of public operation shall be limited to 6:00 a.m. to 11:00 p.m.
- F. A minimum twenty-five-foot wide landscape buffer shall be provided where the facility abuts a residential use, unless a greater buffer width is otherwise required by this title. Landscaping shall be provided as set forth in subsection 11-3B-9.C of this Title.
- G. If the use is unattended, the standards in accord with [Section 11-3A-16](#), "self-service uses", of this Title shall also apply. *The use will be unattended.*
- H. The facility shall have a second means of access for emergency purposes as determined by the Fire Marshal.

- I. All outdoor storage of material shall be maintained in an orderly manner so as not to create a public nuisance. Materials shall not be stored within the required yards. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.
- J. The site shall not be used as a "vehicle wrecking or junk yard" as herein defined.
- K. For any use requiring the storage of fuel or hazardous material, the use shall be located a minimum of one thousand (1,000) feet from a hospital.

Dimensional Standards (UDC [11-2](#)):

The proposal would meet the dimensional standards for setbacks, landscape buffers, parking and height requirements. However, the existing development agreement does not allow storage facilities as a use without an amendment.

Staff finds the proposed storage facility, self-service if approved at the requested height and square footage would not maintain compatibility with existing structures which is crucial not only for aesthetics but also for the functional integration of the new development into the community.

The proposed height will not be harmonious with adjacent residential and commercial uses and will negatively impact these uses as it may lead to overshadowing of neighboring structures, and alterations to the area's character which are a concern. Therefore staff recommends the building height not exceed 35 feet in height which is consistent with the adjacent structures in the area.

Hours of Operations (UDC [11-2B-3B](#)):

The UDC (11-2B-3B) limits business hours of operation in the C-G zoning district from 6:00 a.m. to 11:00 p.m. when the property abuts a residential use or district; extended hours may be requested through a CUP. These restrictions apply to all business operations occurring outside an enclosed structure, including, but not limited to, customer or client visits, trash compacting, and deliveries. These restrictions do not apply to business operations occurring within an enclosed structure, including, but not limited to, cleaning, bookkeeping, and after hours work by a limited number of employees.

The applicant is proposing to operate the business within the following hours: Monday through Sunday - 6 a.m. to 11 p.m.

Access (UDC [11-3A-3](#), [11-3H-4](#)):

Access to the site is from the existing forty-foot (40') private road N. Cajun Lane via Ustick Road or E. Seville Lane from N. Eagle Road. There is no direct access to the property from N. Eagle Road.

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

A minimum of one (1) off-street parking space is required for every 500 square feet (s.f.) of gross floor area of the office space – parking is not required for the storage structures. Based on 862 s.f., a minimum of one (1) parking space is required. A total of eight (8) parking spaces are proposed, exceeding UDC the minimum standards.

A minimum of one (1) bicycle parking space is required for every 25 vehicle parking spaces per UDC 11-3C-6G. Bases on eight (8) vehicle parking spaces, a minimum of one (1) bicycle parking space is required. A bicycle rack is depicted on the landscape plan.

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

There is an existing detached ten (10) foot sidewalk along N. Eagle Road and an existing five (5) foot sidewalk along N. Cajun Lane. Per the Parks Department, multi-use pathways already exist in this area. No additional pathways are required with this project. Pedestrian lighting along

Eagle Road shall meet the requirements of UDC 11-3H—4C post and luminaire. Historical type lighting per the Meridian city standard specifications, except the height shall be fourteen (14) feet.

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

There is an existing twenty (20) foot landscape buffer with a ten (10) foot detached sidewalk along N. Eagle Road an arterial street. The property owner is proposing an additional ten (10) feet of landscaping along N. Eagle Road which shall be installed per the standards listed in UDC 11-3B-7C.

A 25-foot wide buffer is required to the residential land use to the north as set forth in UDC Table 11-2C-3 and 11-4-3-34F, landscaped per the standards listed in UDC 11-3B-9C.

There is existing landscaping along the multi-use pathway along the southern property boundary which was installed with the previous development per the standards listed in UDC 11-3B-12C.

There are no existing trees on this site other than the landscaping along the pathway which will not be removed and protected during construction.

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

The site plan depicts a faux stucco wall enclosing the property.

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.

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

Water and sewer services were installed with the construction of N. Cortona Way and stubbed to the parcel. Street lights were installed to the east across N. Cortona Way with the construction of N. Cortona Way. No additional street lights are being proposed with this development.

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

There are no waterways on the property. The Finch Lateral is located on the property to the south.

Structure and Design Standards (UDC [11-3A-19](#) | [Architectural Standards Manual](#)):

Conceptual building elevations were submitted for the proposed structure as shown in Section VIII(C). Building materials consist of metal panels and stone pattern tiles. Final design is required to comply with the design standards in the [Architectural Standards Manual](#) (ASM) and the recorded agreement.

DEVELOPMENT AGREEMENT MODIFICATION (MDA)

The Applicant is requesting a modification to the existing Development Agreement [Inst. #107044347 to include storage facility as an allowed use and increase the building square footage to 135,000 square feet with a maximum buiding footprint of 32,500 square feet. This requires City Council action with a recommendation from the Planning Commission on the requested height and square footage.

The existing development agreement only allows uses such as retail, restaurant and office. A storage facility is not considered office nor retail as UDC 11-1A-1 defines retail as follows:

The use of a site that offers merchandise to the public for monetary compensation. The use includes, but is not limited to, convenience stores; food stores; apparel and accessories stores; book, computer, and music stores; electronics and appliances; florists; furniture and home furnishings; general merchandise stores; health and personal care stores; hobby, office supplies, stationery and gift stores; specialty stores; sporting goods; and used merchandise stores.

Therefore, storage facility is not allowed without an amendment to the existing development agreement.

The existing development agreement has a maximum square footage of one single building in the C-G portion of the project that shall not exceed 32,500 square feet. The applicant’s request is almost four (4) times the square footage for the proposed storage facility than allotted to the existing commercial businesses within this subdivision.

Staff recommends the applicant enter into a new development agreement (DA) as there are too many owners subject to the previous agreements. The new DA should also include parcel number R0945580265 along with a revised concept plan and commercial/office building elevations showing future development of this parcel. A provision in the new DA will limit the height of all buildings to a maximum height of thirty-five (35) feet. Fifteen (15) days prior to the City Council hearing, the applicant should provide a revised concept plan, commercial/office building elevations, and a legal description of the property that will be subject to the new DA.

A comparison table was put together showing the square footage of the existing buildings in the area.

Square Footage Comparison Table

Development Name	Address	Square Feet
Cityside Storage	2775 N. Eagle Rd	126,084
Discount Tire	2821 N. Eagle Rd	6,947
Mason Retail Bldg	2847 N. Eagle Rd	5,904
Mason Creek Retail Bldg	2959 N. Eagle Rd	7,682
Duplexes	Bienville Square No. 2 & 3 – R-15	
SFRs	Bienville Square subdivision - R-8	



The comparison table showing the height of existing buildings in the area is a valuable tool for assessing the proposed development's impact on the neighborhood's visual harmony and overall character. A 64% increase in height compared to the tallest building in the immediate area is a significant difference that warrants careful consideration.

Visual impact, overshadowing of neighboring structures, and alterations to the area's character are a concern. Maintaining compatibility with existing structures is crucial not only for aesthetics but also for the functional integration of the new development into the community. The proposed development should enhance rather than detract from the overall quality and character of the area.

Height Comparison Table

Development Name	Address	Height
Cityside Storage	2775 N. Eagle Rd	54.5'
Discount Tire	2821 N. Eagle Rd	26'
Mason Retail Bldg	2847 N. Eagle Rd	30.2'
Mason Creek Retail Bldg	2959 N. Eagle Rd	25.46'
Duplexes	Bienville Square No. 2 & 3 – R-15	24.6'
SFRs	Bienville Square subdivision - R-8	35'

The applicant feels the proposed location will create a better transition with the existing residential areas by moving the mass of the building away from those residential areas and towards Eagle Road

to the east and the existing commercial to the north. The applicant also feels the scale of the building makes the project much more economically feasible since the high cost of the land can be spread across more units. Third, the applicant states the proposed height of 54.5 feet conforms with the existing C-G zoning allowance of 65 feet, which was a significant consideration in the developer's decision to purchase the land.

Although the applicant has put forth several arguments in favor of the proposed location and building scale, emphasizing the transition with existing residential areas, economic feasibility, and adherence to zoning regulations. Staff has concerns regarding the compatibility of the proposed building with the surrounding structures.

The applicant's points about transitioning the mass of the building away from residential areas, optimizing economic feasibility through scale, and conforming to the existing zoning regulations are significant factors. However, it's crucial to consider the visual and architectural harmony within the surrounding context.

The images provided by the applicant and staff suggest that the proposed building may not blend well with the immediate area, particularly in comparison to the existing structures. The suggestion made during the preapplication meeting, recommending a design that aligns better with the development on the east side of Eagle Road where multi-story apartment buildings are prevalent, could be a valid consideration.

Balancing economic feasibility, zoning regulations, and aesthetic integration into the existing environment is often a complex task. It may be beneficial for the applicant to explore design modifications that address the visual compatibility concerns while still meeting their economic objectives and conforming to zoning requirements.

Looking West





Looking East



Existing Development East of the Proposed Project (East Side of Eagle Road)



Based on the information provided above, staff is not in favor of recommending approval of the Development Agreement modification to increase the square footage from 32,500 to 135,000 with a 32,500 building footprint. Staff is in favor of recommending approval of the Development Agreement modification and CUP for a storage facility with a maximum height of 35 feet and building square footage of 32,500.

VII. DECISION

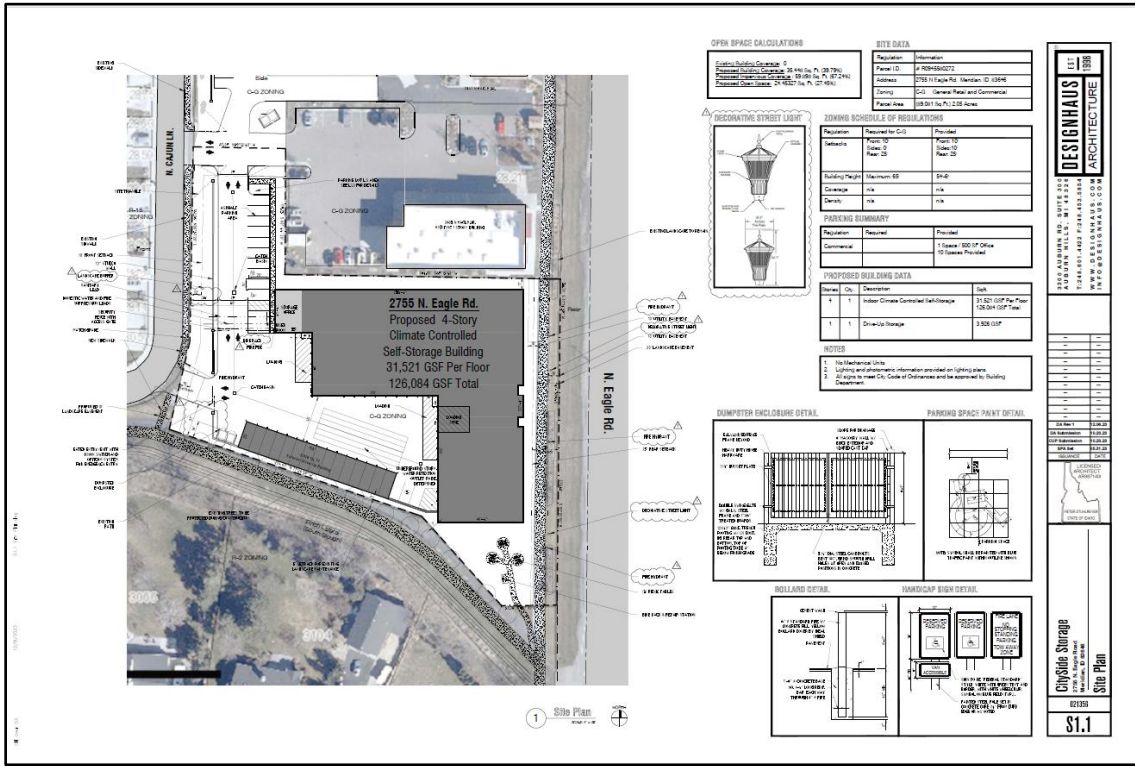
A. Staff:

Approval:

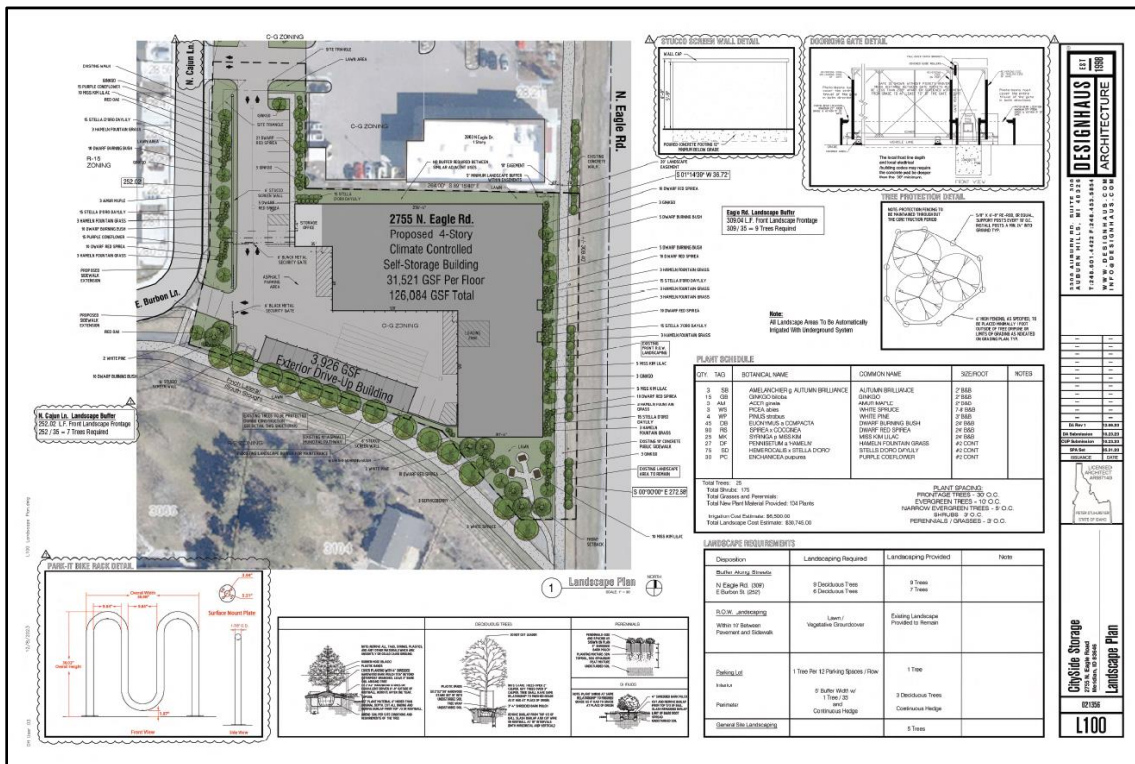
Staff recommends ***approval*** of the proposed modification to the Development Agreement and Conditional Use Permit per the DA provisions and conditions in Sections IX and the Findings in Section X.

VIII. EXHIBITS

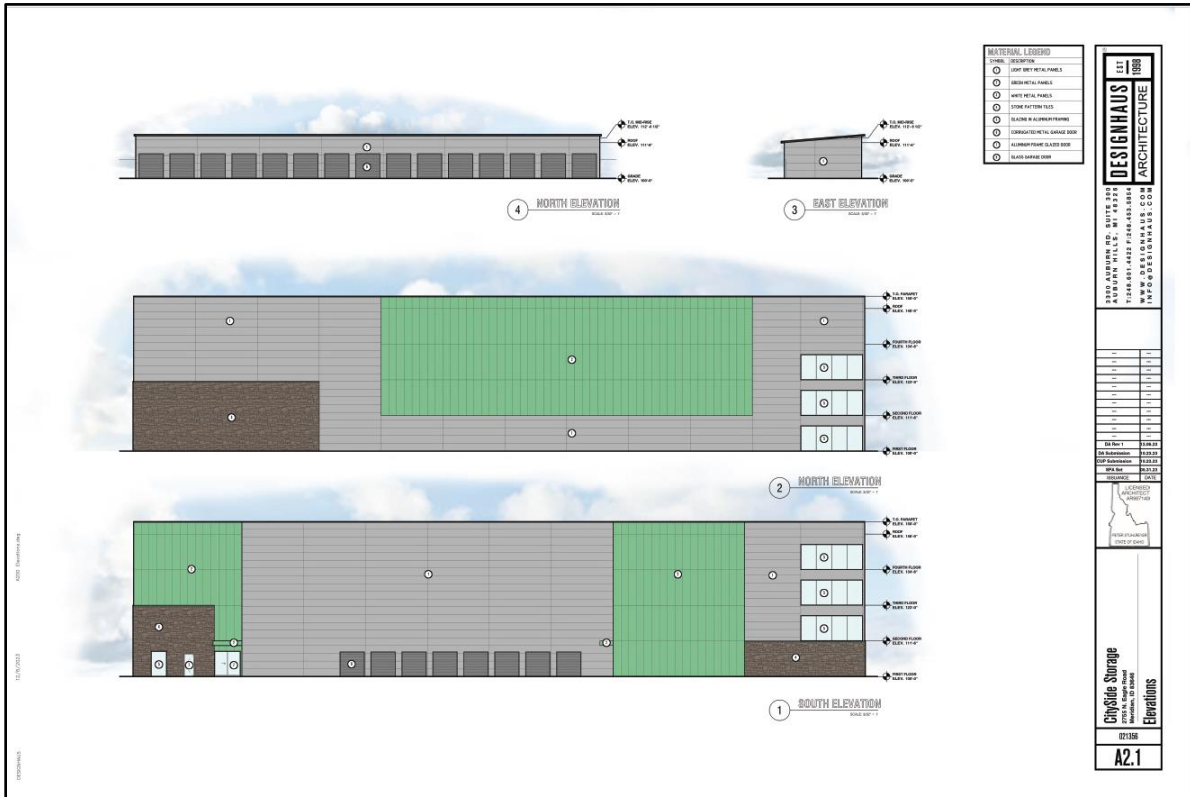
A. Site Plan (12/06/23)

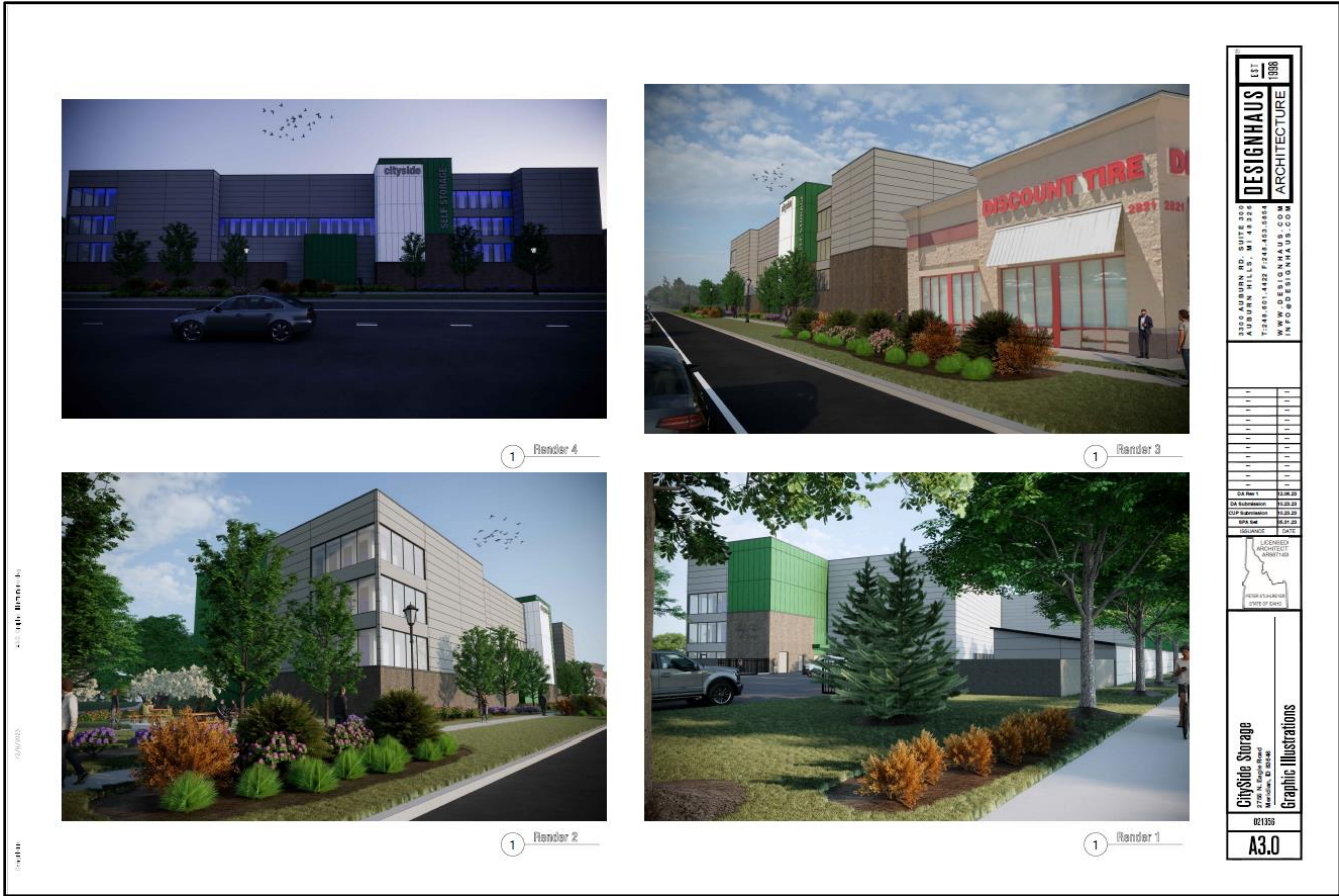


B. Landscape Plan (12/06/23)



C. Building Elevations (12/06/23) (NOT APPROVED)





D. Existing Development Agreement

4. USES PERMITTED BY THIS AGREEMENT:

The uses allowed pursuant to this Agreement are only those uses allowed under City's Zoning Ordinance codified at Meridian Unified Development Code § 11-2A-2 and 11-2B-2 which are herein specified as follows:

Construction and development of up to 54 Single Family Residential lots, 22 Multi Family Residential lots, 14 common lots and up to 7 commercial/office lots (to include up to 65,000 square feet of retail/restaurant/and office uses in the proposed C-G zone) pertinent to AZ-05-057, PP-05-059, RZ-05-019, PS-05-002 and CUP-05-052 applications.

Part of the 28.48 acre site was approved for annexation with a Development Agreement in April, 2004 under the name of Kissler Annexation (file no. AZ 03- 018). The DA, instrument no. 104107406, requires that any future use be approved either through a site specific CUP application or a Planned Development. A concept plan for the overall site was submitted with the application for informational purposes.

4.2 No change in the uses specified in this Agreement shall be allowed without modification of this Agreement.

5. DEVELOPMENT IN CONDITIONAL USE:

Owner/Developer has submitted to City an application for conditional use permit site plan dated February 13, 2006, and shall be required to obtain the City's approval thereof, in accordance to the City's Zoning and Development Ordinance criteria, therein, provided, prior to, and as a condition of, the commencement of construction of any buildings or improvements on the Property that require a conditional use permit. No new buildings are approved for construction under this conceptual CUP/PD application. Except for the single family lots, all future buildings on this site shall require approval of design review at staff level prior to submittal of any Certificate of Zoning Compliance application and/or building permit.

6. CONDITIONS GOVERNING DEVELOPMENT OF SUBJECT PROPERTY:

6.1 Owner/Developer shall develop the Property in accordance with the following special conditions:

1. The site has an existing development agreement instrument No. 104107406. The entire 28.48 acres shall have a new development agreement which shall incorporate the DA from the prior approval of 2003-2004 and include any further restrictions as detailed in this report.
2. That all future uses shall not involve uses, activities, 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.
3. That all future development of the subject property shall be constructed in accordance with City of Meridian ordinances in effect at the time of the development.
4. That the applicant be responsible for all costs associated with the sewer and water service extension.
5. That any existing domestic wells and/or septic systems within this project will have to be removed from their domestic service, per City Ordinance Section 5-7-517, when services are available from the City of Meridian. Wells may be used for non-domestic purposes such as landscape irrigation.
6. That the maximum building footprint square footage of the C-G portion of the project shall not exceed a 20% increase or decrease of 54,000 sq. ft. for a minimum of 43,200 sq. ft. and a maximum of 65,000 sq. ft. That the maximum square footage of one single building in the C-G portion of the project shall not exceed 32,500 square feet, which is approximately ½ of the maximum allowable commercial square feet on this property.
7. That prior to issuance of any certificate of zoning compliance all landscaping shall be constructed along the southern and eastern property boundary and along Eagle Road to the point of connection with adjoining projects. The commercial/office lots should include either a permanent easement or be redesigned to include landscaping in common lots.
8. The applicant has committed a plan to provide a pathway with specific fencing along the southern and western boundaries. The fencing plan shall be constructed as detailed at the public hearing on April 4, 2006.
9. The applicant has shown several elevations for both the alley accessed residential, condominium, and detached single family residential products. The elevations shall be in

substantial conformance to the elevations presented at the April 18, 2006 hearing. These elevations shall have similar modulation and treatments to the elevations presented to council as determined by the Planning Director.

10. The elevations for the commercial/office buildings shall substantially comply with the elevations submitted by the applicant at the April 18, 2006 hearing. Further, the applicant shall coordinate with the developer of Sadie Creek Promenade to create a unified appearance throughout both projects.
11. The applicant shall coordinate with the Meridian Parks Department and Nampa Meridian Irrigation District to define the location of the multi use pathway, bridge maintenance, and landscaping along the Finch Lateral.

E. Applicant's Proposed Modifications to the Development Agreement Language

Provisions with Proposed Changes in Strike-Out/Underline Format:

4 USES PERMITTED BY THIS AGREEMENT:

~~4.1 Construction and development of up to 54 Single Family Residential lots, 22 Multi Family Residential lots, 14 common lots and up to 7 commercial/office lots (to include up to 65,000 square feet of retail/residential/ and office uses in in the proposed C-G zone) pertinent to AZ-05-057, PP-05-059, RZ-05-109, PS-05-002 and CUP-05-052 applications.~~

4.3 [The construction and development of a self-storage facility on Parcel No. R0945580275 \(2755 N. Eagle Road\) with combined building footprints of up to 36,000 square feet and a combined gross building area over multiple stories of up to 135,000 square feet.](#)

Change: We propose to add a new Section 4.3 that specifies the use self-storage use and adds (for our parcel) the combined building footprints (36K sf) and the combined building area (135K sf).

Note: The 3rd Addendum (5/8/14) inadvertently deleted the commercial/office language in Section 4.1 of the 2nd Addendum (2/21/13), so the original commercial/office language technically no longer exists.

6. CONDITIONS GOVERNING DEVELOPMENT OF SUBJECT PROPERTY:

~~6.1.6 That the maximum square footage of the C-G portion of the project shall not exceed a 20% increase or decrease of 54,000 sq. ft. for a minimum of 43,200 sq. ft. and a maximum of 65,000 sq. ft. That the maximum square footage of one single building in the C-G portion of the project shall not exceed 32,500 square feet, which is approximately 1/2 of the maximum allowable commercial square feet on this property.~~

6.1.6 [The maximum square footage for the footprint of a single building within the C-G portion of the project shall not exceed 32,500 square feet. The maximum square footage for the combined footprints of all buildings within the C-G portion of the project shall not exceed 75,000 square feet.](#)

Change: We propose to change the restrictions to limit "building footprints" rather than "building area", with limits of 32.5K sf for a single building and 75K for the entire commercial subdivision.

Note: The 1st Addendum (3/29/07) specifies building area limits of 32.5K sf for a single building and 65K sf for the entire commercial subdivision. The footprints of the existing buildings total 28,247 sf (according to the Ada County Parcel Viewer).

6. CONDITIONS GOVERNING DEVELOPMENT OF SUBJECT PROPERTY:

~~6.1.10 The elevations for the commercial/office buildings shall substantially comply with the elevations submitted by the applicant at the April 18, 2006 hearing. Further, the applicant shall coordinate with the developer of Sadie Creek Promenade to create a unified appearance throughout both projects.~~

6.1.10 The elevations for the proposed buildings on Parcel No. R0945580275 (2755 N. Eagle Road) shall comply with the elevations in the CUP approved concurrently with this 5th Addendum. Elevation requirements for all other commercial/office buildings in the C-G portion of the project shall remain unchanged.

Change: Comply with the new elevations contained in our CUP application rather than the elevations originally submitted on 4/18/06.

Note: The 1st Addendum (3/29/07) specifies compliance with the elevations submitted by the former applicant on 4/18/06.

IX. CITY/AGENCY COMMENTS

A. PLANNING DIVISION

1. Development Agreement Modification

Fifteen (15) days prior to the City Council hearing, the applicant shall provide the revised concept plan that includes parcel R0945580265, commercial/office building elevations and a legal description of the property subject to the new DA.

1.1 The new 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:

- a. Future development of this site shall be generally consistent with the concept plan and conceptual building elevations included in Section VIII and the provisions contained herein.
- b. The future use of this site is limited to the self-service storage facility, office, and retail uses. All buildings shall not exceed thirty-five (35) feet in height.

2. Conditional Use Permit

2.1 The Applicant shall comply with the specific use standards listed in UDC [11-4-3-34](#) – Self-Service Storage Facility.

2.2 Outdoor lighting shall comply with the standards listed in UDC [11-3A-11](#). Lighting details shall be submitted with the Certificate of Zoning Compliance application that demonstrate compliance with these standards.

2.3 Add decorative pedestrian lighting along Eagle Road that meet the requirements of UDC 11-3H—4C post and luminaire.

2.4 Protect the existing landscaping on the site during construction, per UDC [11-3B-10](#).

2.5 The facility hours of public operation shall be limited to 6:00 a.m. to 11:00 p.m. because the property abuts a residential zoning district per UDC 11-4-3-34E.

2.6 A Certificate of Zoning Compliance and Design Review application is required to be submitted to the Planning Division and approved prior to submittal of a building permit application.

2.7 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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=331424&dbid=0&repo=MeridianCity>

C. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=331434&dbid=0&repo=MeridianCity>

D. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=331434&dbid=0&repo=MeridianCity>

E. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=331434&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 use (i.e. storage facility, self-service) and can meet all of the 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 storage facility, self-service if approved at the requested height and square footage would not maintain compatibility with existing structures which is crucial not only for aesthetics but also for the functional integration of the new development into the community.

The proposed height will not be harmonious with adjacent residential and commercial uses and will negatively impact these uses as it may lead to overshadowing of neighboring structures, and alterations to the area's character which are a concern.

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 height exceeds the tallest building in the immediate area by a significant margin, and may lead to overshadowing of neighboring structures, and alterations to the area's

character which are a concern. Maintaining compatibility with the existing structures is crucial for the overall aesthetics and functionality of a neighborhood or 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 storage facility, self-service if approved at the requested height and square footage would not maintain compatibility with existing structures which is crucial not only for aesthetics but also for the functional integration of the new development into the community.

The proposed height will not be harmonious with adjacent residential and commercial uses and will negatively impact these uses as it may lead to overshadowing of neighboring structures, and alterations to the area's character which are a concern.

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 can be served by essential public facilities and services as required; the proposed use (i.e. storage facility, self-service) will not have an impact to the provision of services.

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

Staff finds the proposed use (i.e. storage facility, self-service) 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 (i.e. storage facility, self-service), 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 storage facility, self-service if approved at the requested height and square footage would not maintain compatibility with existing structures which is crucial not only for aesthetics but also for the functional integration of the new development into the community.

The proposed height will not be harmonious with adjacent residential and commercial uses and will negatively impact these uses as it may lead to overshadowing of neighboring structures, and alterations to the area's character which are a concern.

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 (i.e. storage facility, self-service) 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.