



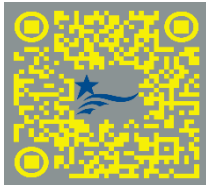
PLANNING AND ZONING COMMISSION MEETING

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho
Thursday, January 05, 2023 at 6:00 PM

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Agenda

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



Public Hearing process: Land use development applications begin with presentation of the project and analysis of the application by Planning Staff. The applicant is then allowed up to 15 minutes to present the project. Then, members of the public are allowed up to 3 minutes each to address Commissioners regarding the application. Any citizen acting as a representative of a Homeowner's Association may be allowed up to 10 minutes to speak on behalf of represented homeowners consenting to yield their time to speak. After all public testimony, the applicant is allowed up to 10 minutes to respond to questions and comments. Commissioners may ask questions throughout the public hearing process. The public hearing is then closed, and no further public comment is heard.

VIRTUAL MEETING INSTRUCTIONS

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

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

Webinar ID: 891 5392 1862

ROLL-CALL ATTENDANCE

Nate Wheeler Mandi Stoddard Patrick Grace

Vacant Maria Lorcher Steven Yearsley

Andrew Seal, Chairperson

ADOPTION OF AGENDA

CONSENT AGENDA [Action Item]

1. [Approve Minutes of the December 15, 2022 Planning & Zoning Meeting](#)
2. [Findings of Fact, Conclusions of Law for KeyBank Meridian Branch \(H-2022-0076\) by HSB Architects + Engineers, located at 3513 W. Chinden Blvd.](#)

3. [Findings of Fact, Conclusions of Law for Guthries Drive-Through \(H-2022-0081\) by Nicolette Womack, Kimley-Horn, located at 1840 W. Chinden Blvd., near the northwest corner of N. Linder Rd. and W. Chinden Blvd.](#)

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

ACTION ITEMS

4. [**Public Hearing** for Dutch Bros Ustick and Eagle \(H-2022-0077\) by Andrew Bowman, Barghausen Consulting Engineers, Inc., located at the four \(4\) lots at the southwest corner of N. Eagle Rd. and E. Ustick Rd. intersection](#)

[Application Materials: https://bit.ly/H-2022-0077](https://bit.ly/H-2022-0077)

[A. Request: Conditional Use Permit for a new 1,154 square foot, dual drive-through Dutch Bros. coffee restaurant on approximately 1.2 acres of land in the C-G zoning district.](#)

[B. Request: Development Agreement Modification to allow the requested drive-through use by updating the overall concept plan of the approved Development Agreement \(Inst. #2019-121599\).](#)

5. [**Public Hearing** for Sagarra \(H-2022-0027\) by Accomplice, located at south side of W. Orchard Park Dr., west of N. Fox Run Way and east of N. Linder Rd.](#)

[Application Materials: https://bit.ly/H-2022-0027](https://bit.ly/H-2022-0027)

[A. Request: Preliminary Plat consisting of 114 building lots and 16 common lots \(including 3 private street lots\) on 17.49 acres in the R-8 and C-C zoning districts, a Planned Unit Development for a residential community containing a mix of single-family detached, single-family attached, townhome and multi-family units with a reduction to the setback requirements in UDC Table 11-2A-6 and an Alternative Compliance to UDC 11-4-3-27B.3, which requires the provision of 80 square foot private usable open space area for each multi-family unit to allow zero \(0\) for studio/flat units and two private streets.](#)

6. [**Public Hearing** for TM Creek Apartments Phase 4 \(H-2022-0080\) by Brighton Development, Inc., generally located South of Franklin Rd. approximately 1/2 mile between Ten Mile Rd. and Linder Rd.](#)

[Application Materials: https://bit.ly/H-2022-0080](https://bit.ly/H-2022-0080)

[Request: Conditional Use Permit for a multi-family development consisting of 64 urban-style multi-family units with a clubhouse and pool on 2.361 acres of land in the C-G zoning district](#)

ADJOURNMENT



AGENDA ITEM

ITEM **TOPIC:** Approve Minutes of the December 15, 2022 Planning & Zoning Meeting

Meeting of the Meridian Planning and Zoning Commission of December 15, 2022, was called to order at 6:07 p.m. by Chairman Andrew Seal.

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

Members Absent: Commissioner Nate Wheeler and Commissioner Mandi Stoddard.

Others Present: Joy Hall, Kurt Starman, Bill Parsons, Stacy Hersh and Dean Willis.

ROLL-CALL ATTENDANCE

_____ Nate Wheeler	___X___ Maria Lorcher
_____ Mandi Stoddard	_____ (Vacant)
__X__ Steven Yearsley	___X___ Patrick Grace
_____ Andrew Seal - Chairman	

Seal: Good evening. Welcome to the Planning and Zoning Commission meeting for December 15th, 2022. At this time I would like to call the meeting to order. The Commissioners who are present at this evening's meeting are at City Hall and on Zoom. We also have staff from the city attorney and clerk's offices, as well as the City Planning Department. If you are joining 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@meridiancity.org and they will reply as quickly as possible. If you simply want to watch the meeting we encourage you to watch this streaming on the city's YouTube channel. You can access that at meridiancity.org/live. With that let's begin with the roll call. Madam Clerk.

ADOPTION OF AGENDA

Seal: Okay. With that the first item on the agenda is the adoption of the agenda. Files No. H-2022-0077 for Dutch Bros Ustick and Eagle, H-2022-0013 for Promenade Cottages Subdivision and H-2022-0073 from Meridian OZ -- OZ Apartments will be open for the sole purpose of continuing to a regularly scheduled meeting. They will only open for that purpose. So, if there is anybody here tonight to testify for those applications we will not be taking testimony on them. Can I get a motion to adopt the agenda as presented?

Grace: Mr. Chairman, so moved.

Lorcher: Second.

Seal: It's been moved and seconded to adopt the agenda. All in favor say aye. Okay. No opposed.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

CONSENT AGENDA [Action Item]

1. Approve Minutes of the December 1, 2022 Planning and Zoning Commission Meeting

Seal: Next item on the agenda is the Consent -- Consent Agenda and we only have one item on the agenda, which is to approve the minutes of the December 1st, 2022, Planning and Zoning Commission meeting. Can I get a motion to accept the Consent Agenda as presented?

Lorcher: So moved.

Grace: Second.

Seal: It's been moved and seconded to adopt the Consent Agenda. All in favor say aye. None opposed, motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Seal: Now I will take a minute here to explain the public hearing process. We will open each item individually and we will begin with the staff report. Staff will report their findings on how the item adheres to our Comprehensive Plan and Unified Development Code. After staff has made their presentation the applicant will come forward to present their case and respond to staff 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 the public testimony. The clerk will call names individually of those who have signed up on our website in advance to testify. You will, then, be unmuted in Zoom or you can come to the microphone in Chambers. You 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. If you have established that you are speaking on behalf of a larger group, like an HOA, where others from that group will allow you to speak on their behalf, you will have up to ten minutes. After all those who have signed up in advance have spoken, we will invite any others who may wish to testify. If you wish to speak on the topic you may come forward in Chambers or if on Zoom press the raise hand button in the Zoom app. Or if you are listening on a phone please press Star 9 and wait for your name to be called. If you are listening on multiple devices, such as a computer and a phone, please, be sure to mute those extra devices, so we do not experience feedback and we can hear you clearly. 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 you will no longer have the ability to speak. And, please, remember we generally do not call you back up a second time. After all testimony has been heard the applicant will be given another ten minutes to come back and respond. When the applicant is finished responding to questions and concerns, we will close the public hearing and the Commissioners will have the opportunity to discuss and hopefully be able to make final decisions and recommend -- recommendations to City Council as needed.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

ACTION ITEMS

- 2. Public Hearing for Dutch Bros Ustick and Eagle (H-2022-0077) by Andrew Bowman, Barghausen Consulting Engineers, Inc., located at the four (4) lots at the southwest corner of N. Eagle Rd. and E. Ustick Rd. intersection**
 - A. Request: Conditional Use Permit for a new 1,154 square foot, dual drive-through Dutch Bros. coffee restaurant on approximately 1.2 acres of land in the C-G zoning district.
 - B. Request: Development Agreement Modification to allow the requested drive-through use by updating the overall concept plan of the approved Development Agreement (Inst. #2019-121599).

Seal: So, at this time I would like to open the public hearing for Item No. H-2022-0077 for a continuance to January 5th to allow for correction of the noticing error.

Lorcher: Mr. Chair? Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I move that application -- or Item No. H-2022-0077 be continued to January 5th.

Grace: Second.

Yearsley: Second.

Seal: It's been moved and seconded to continue Item No. H-2022-0077 to January 5th. All in favor, please, say aye. No opposed. Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

- 3. Public Hearing for Promenade Cottages Subdivision (H-2022-0013) by Steve Arnold, A-Team Consultants, located at 403 E. Fairview Avenue**

- A. Request: Rezone of approximately 0.535 acres of land from the R-8 zone to the C-G zoning district, 0.326 acres of land from the C-G to the R-40 zoning district, and 6.284 acres of land from the R-8 zone to the R-40 zoning district (6.61 acres of R-40 total).
- B. Request: Preliminary Plat consisting of 30 single-family residential lots, 5 multi-family lots, 2 commercial lots and 8 common lots on 7.64 acres of land in the requested R-40 and C-G zoning districts.
- C. Request: Conditional Use Permit for 90 multi-family units on approximately 2.8 acres in the requested R-40 zone.
- D. Request: Conditional Use Permit for proposed ten (10) single-family detached lots within the requested R-40 zoning district.
- E. Request: Conditional Use Permit to allow the continuance of the nonconforming use of a mobile home park for an extended time period in the requested R-40 zone.

Seal: Okay. I would like to open public hearing number H-2022-0013 for Promenade Cottages Subdivision for continuance to January 19th to allow the applicant more time to provide staff with additional documentation.

Grace: Mr. Chairman?

Seal: Go right ahead.

Grace: I move that we continue File No. H-2022-0013 to our January 19, 2023, meeting.

Lorcher: Second.

Seal: It's been moved and seconded to continue Item H-2022-0013 to January 19th. All in favor, please, say aye. None opposed. Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

4. Public Hearing for Meridian OZ Apartments (H-2022-0073) by Realm Venture Group, located at 1475 E. Franklin Rd.

- A. Request: Development Agreement Modification to the existing Development Agreement (Inst.#99121334 AZ-99-005 Cobblestone Village) to remove the subject property from the agreement and enter into a new agreement for the proposed multi-family development.
- B. Request: Conditional Use Permit for a multi-family development consisting of 60 dwelling units on 2.39 acres of land in the R-40

zoning district.

Seal: All right. At this time I would like to open H-2022-0073 for Meridian OZ Apartments for continuation in January 19th to work with staff on revisions to the development plan.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I move that application H-2022-0073 continue to January 19th.

Grace: Second.

Seal: It's been moved and seconded to continue File No. H-2022-0073 to January 19th. All in favor, please, say aye. None opposed. Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

5. Public Hearing for Guthries Drive-Through (H-2022-0081) by Nicolette Womack, Kimley-Horn, located at 1840 W. Chinden Blvd., near the northwest corner of N. Linder Rd. and W. Chinden Blvd.

- A. Request: Conditional Use Permit for a new approximate 2,083 square foot quick serve restaurant with a drive-through located within 300 feet of an existing drive-through.

Seal: Okay. Now for the real stuff. At this time I would like to open File No. H-2022-0081 for Guthries Drive-Through and we will begin with the staff report.

Hersh: Good evening, Mr. Chair and Commissioners. The applicant is here to discuss their project -- or present their project for Guthries Drive-Through, which is a conditional use permit. The site consists of 0.96 -- or 0.69 acres of land, zoned C-C, located at 1840 West Chinden Boulevard. The history on the property -- the most recent is in 2015 the Commission approved a conditional use permit for a Carl's Jr. that has since expired at that location. The Comprehensive Plan FLUM designation is mixed-use community and a restaurant is a principally permitted use in the C-C zoning district. A conditional use permit is required for a drive-through establishment within 300 feet of another drive-through facility, residential district and existing residents. The applicant proposes to construct a 2,083 square foot restaurant with a drive-through for a Guthries, which will contribute to the mix of uses in the area and provide another fast food option to area residents within close proximity to nearby residential development. There are specific use standards in the UDC that apply to both restaurants and drive-through use. Parking is required. Restaurant uses at one space for every 250 square feet of gross floor area. A minimum of eight spaces are required for this particular project and a total of 25 spaces are proposed, exceeding the UDC minimums. Access is provided from the shared driveway to the east proposed -- or from the property to the east proposed from a driveway

along the northern boundary of the site and on the east along west -- or the northern boundary along West Island Green Drive and the private drive, sorry, on the -- located on the east side of the property. Direct access to Chinden Boulevard is prohibited. A drive-through use also requires the applicant to demonstrate safe pedestrian and vehicle access circulation and between adjacent properties. Site -- safe pedestrian access should be provided from the vehicle stacking lanes -- areas around the drive-through on the site. One is required from the perimeter sidewalk along Chinden to the main building entrance. Staff recommends additional pedestrian accesses to the building along the south side of the drive aisle per UDC 11-3A-19B-4 and a striped pedestrian walkway on the northeast of the site directing patrons to the building entrance. Staff recommends signage be installed ahead of each crossing warning drivers to watch out for pedestrians. Staff finds that the parking stalls to the north should be restricted for employee parking only to maximize pedestrian safety. The applicant has submitted a revised -- a revised site plan that demonstrates a better pedestrian circulation from the site plan that differs from staff's. So, staff's is on the left and the applicant's proposed is on the right. Staff supports the changes as proposed by the applicant and staff recommends a modification in addition to the condition in the staff report under Section 7-A, planning, 2-C, to reflect the pedestrian walkway changes. The site plan also shows the stack lane is a separate lane from the drive aisles and parking which provides access to the rest of the development. The proposed site layout places a drive-through -- through that starts at the northeast portion of -- corner of the site of the building and goes all the way around that -- with exits at the northeast corner and west side of the building. Also shows the pickup window on the west side of the proposed restaurant. Street buffer landscaping was -- was installed along Chinden Boulevard with the Chinden and Linder Crossing Subdivision improvements and that must be -- remain and be protected during construction on the site in accordance with UDC 11-3B-10-C3. Conceptual building elevations were submitted for a single story building and that incorporates a mix of materials consisting of EIFS, brick veneer, metal awnings, metal coping, downspouts, windows and metal roofing. The final design of the structure is required to comply with the design standards listed in the Architectural Standards Manual. We had a written a petition signed by numerous neighbors that live within the Spurwing -- or Spurwing Challenge Subdivision. This was included as part of the public record under public comments. The primary concern is with the excess traffic due to another restaurant with a drive-through that will bring to the neighborhood and staff recommendation for this project is approval with the conditions listed in the staff report, with the modification as requested by the applicant, and staff will also need a motion of approval to change the condition in the staff report. Thank you. That concludes the presentation.

Seal: Thank you very much. Would the applicant like to come forward? Good evening, sir. We will just need your name and address for the record and the floor is yours.

Candrian: Awesome. Thank you, Chair and Commissioners. My name is Connor Candrian. 1100 West Idaho Street, Boise, Idaho. Can I see the presentation from this point?

Starman: Madam Chair, could you pause the clock, please.

Candrian: There we go. And am I -- and am I able to control it from here? Oh, got you. Cool. All right. Like I said, thank you Commissioners and Chair for allowing me to present. I'm here to present on behalf of -- behalf of Guthries for the drive-through restaurant CUP. Here is the applicant team. Myself, Lauren Pitcher and Nicolette Womack, all with Kimley-Horn. The timeline for the project. We had a preapp meeting in September. Hosted a neighborhood meeting in October. Submitted application for the CUP in October. And here we are tonight at the P&Z hearing. Here is the vicinity map for the project. As mentioned, this is a 0.96 acre site. It's currently a vacant lot. The future land use map is a mixed use community. The zoning map is zoned as community business. This is the site plan that was submitted with the CUP application and, then, the updated site plan that Stacy had presented on that addresses the conditions set forth. The proposed landscape plan. Conceptual elevations. And just to recap the staff report, mechanical equipment, trash enclosure must be screened. Pedestrian access and materials need to be looked at. Adding additional signage. Existing and proposed landscaping requirements. Adding a bicycle rack. And, then, the business hours restricted to 6:00 a.m. to 11:00 p.m. and no direct access to Chinden. We have reviewed the staff report and are in agreement with all the conditions. Our requested action is for approval of the conditional use permit and that's all I have. Thank you.

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

Grace: Mr. Chairman, I have a question for staff.

Seal: Go ahead, Commissioner Grace.

Grace: You mentioned there was a petition that was available in the packet. I was just having some trouble locating that. Could someone direct me to where I might find --

Seal: It's in the public testimony portion.

Grace: Right. And I was -- I usually can find that, but it's -- am I missing something here or -- I just wanted to take a peek at that petition. Here is the -- yeah. Don't let me hold you up.

Seal: Okay. I was going to say, if there -- if there is a question coming out of it we will -- we will get it here in a little while, so --

Grace: Okay.

Seal: Okay. If there is no questions we will go ahead and have you take a seat and we will open up the public testimony portion. Madam Clerk.

Hall: Yes. And we have several signed up and they had a particular order that they wanted to speak in. So, whoever wanted to speak first, please, come up.

Callison: Thank you, Commission. Can I ask -- this is the first time I have done this. Can I ask questions before I start?

Seal: Yeah. We will need your name and address for the record, please. And then -- you can ask questions, but this isn't a back and forth dialogue, so --

Callison: Understood. It just would change my -- my discussion. First, my name is Ron Callison. My address is 2066 West Three Lakes Drive.

Seal: Please speak into the microphone as well.

Callison: Sorry. Ron Callison. My address is 2066 West Three Lakes Drive and that connects directly to Island Green that -- that connects to the development. I -- I just had one question. I was wondering -- I couldn't find it in any of the materials. Was there any kind of traffic study done around the volume of traffic coming in or out of this particular development and is that available to citizens?

Seal: I was going to say -- I will probably refer to staff, but my -- my answer is going to be that the -- the traffic study that was done for this, because there was a previous CUP that was approved for this area, was probably not required. But that's --

Callison: Okay.

Seal: -- I will -- I will let staff authoritatively respond to that.

Hersh: Chair and Commissioners, there was not a required traffic study for this project.

Seal: Okay.

Callison: Okay. Fair enough. Thank you. So, as I said, my name is Ron Callison. I am one of the members of the Spurwing Challenge Homeowners Association. I'm not the only one that wants to speak. But I am part of that -- that -- that homeowners association and wanted to -- wanted to speak tonight. I'm speaking because I have serious concerns about the traffic safety problem within our neighborhood and I'm opposed to making it even worse by adding yet another high volume restaurant without considering the impact to our specific neighborhood and if I can direct your attention to our neighborhood on the screen, it's outlined in red. Island Green comes out of the -- comes out of the commercial development and connects to West Three Lakes Road where I'm -- where I am -- I am a residence. That -- if I can just describe that to you briefly. That is a 17 -- 17 property neighborhood. There is four houses in the cul-de-sac that are kind of tucked away. There is 13 on -- on Three Lakes Drive specifically. And it's roughly a thousand feet long. It's two and a half football fields long and it is -- the neighbors -- the -- the -- the folks in the -- in the -- in the community have children. They have grandchildren. Some of them have elder parents that all are active in that -- in our particular neighborhood. And what we are seeing -- what we are seeing in our neighborhood is that -- what we would think would be a standard normal, pleasant, you know, one street -- one street neighborhood with no

existing streets coming in from the sides, no existing traffic, we thought it would be a very nice, pleasant neighborhood and -- and it's not and it's not safe and the reason we don't believe it's safe is -- I'm done at three minutes?

Seal: If you could wrap up, please.

Callison: Pardon me?

Seal: If you could wrap up, please. Yes, sir.

Callison: Wow. Okay. So, what's happened is with Chinden and that commercial development, we are the path of least resistance. We are a connector or a collector road where people come -- traveling eastbound come in off Long Lake, come speeding through our neighborhood and are easily in that development without having to stop at any lights. Likewise to get out of the development they come out through our neighborhood. They don't use the other access points. They speed through our neighborhood unimpeded. They go out Long Lake, right-hand turn on Chinden, and they are free to go west and that is the core -- that's the core of our problem. We would like to -- we would like to suggest that you not approve this and we are not against development and we are not necessarily against Guthries, but we are against people getting hurt, potentially killed in our neighborhood with the amount of traffic and the speed of traffic in the neighborhood.

Seal: Okay.

Callison: Thank you.

Seal: Quick -- quick question and, staff, you might be able to help with this. Are those ACHD roads in the subdivision or are those private roads?

Parsons: Mr. Chairman, Members of the Commission, those are dedicated right of ways. They are ACHD roads.

Seal: Okay.

Parsons: Except for the north-south portion of the -- the -- along the west boundary of the Guthries site, that is a private connection to Chinden there. But everything else is -- is a platted street.

Seal: Okay. And I will -- because I would imagine there is going to be several more people that are going to probably come up and -- and speak to the -- speak to traffic, unfortunately, if -- the roads are owned by ACHD and ACHD says that it's okay, that limits us as to having any ability to take action on that. So, unfortunately, ACHD is the -- they are the people that control the roads. That they own that road space and the report that they wrote for us showed that -- indicated that by their standards it's acceptable.

Callison: But that wasn't recent; right? That was when this was started to develop. Could we possibly -- I mean can this committee -- commission make a recommendation that they look at that again because of the increases in volume? Like we are seeing up to 3,000 cars a day go through our neighborhood.

Seal: Understood. And we are all a little frustrated with that, the amount of traffic that we are seeing, but at this point I would say we -- we are likely not able to do that.

Callison: So, you couldn't make a recommendation to ACHD to look into this, we would have to do that?

Seal: Correct.

Callison: Fair enough. Thank you.

Seal: Thank you. Madam Clerk.

Frohnmayr: Thank you. You are going to hear it again.

Seal: Ma'am, we need your name and address.

Frohnmayr: Yes, please. Terri Frohnmayr. 2102 West Three Lakes Drive, Meridian. As stated earlier, our neighborhood in Spurwing Challenge Estates has a real safety issue with the increase in fast moving traffic, utilizing residential -- residential streets as an access to the commercial center and from traffic just cutting through our neighborhood to avoid traffic lights. I was one of the near misses on West Island Green Road utilizing the golf cart crossing. I was nearly T-boned. Shook me up horribly. We have noticed a considerable increase in traffic and speed just over the past two years. Our neighborhood families with children and pets are very concerned with children biking and even walking on the sidewalks. It is a common hot topic discussed by our neighbors. These issues are not manufactured by our neighborhood. During the 2014 entitlement land use process for the Chinden and Linder Crossing, various concerns were identified and memorialized. Number one, regarding West Green Drive, ACHD conditioned the developer to construct traffic calming within the roadway west of the private drive. Per ACHD this was in order to reduce speeding vehicles traveling through the -- traveling through the Spurwing subdivision. Number two. Meridian City Council was concerned about cut-through traffic with the development of the commercial property. Staff was to ensure traffic calming was incorporated into the street design. Number three. The public hearing August 14, 2014. A key issue of discussion by City Council was limiting the location of any fast food restaurant to minimize impact to the adjacent residence. At that time comp plan policy 3.06.15 was applicable and recognized for this 2014 development. The policy stated: Protect existing residential properties from incompatible land use development on adjacent parcels. The 2014 mitigation -- mitigation effort, the traffic calming element has had absolutely no effect on the volume and speed of the vehicles entering our neighborhood. The impact of these -- the issues today has magnified beyond anyone's anticipation back in 2014. As a result, our neighborhood safety is extremely

compromised and our livability and quality of life is diminishing -- diminishing. Retail, industrial -- office and industrial services are an integral part of any community. In my work experience well planned commercial developments were encouraged, promoted and welcomed by communities. However -- and this is a big however -- residential properties had priority. The neighborhoods were protected and the neighborhoods had standing, especially when it came to traffic impact. Our neighborhood wants standing. We live here. These are our homes. So, in closing, I object to the Planning and Zoning Commission approving this conditional use permit. Please allow our neighborhood time to engage with the appropriate authorities to address our issues and find solutions before this permit is approved. The additional high volume traffic generated by the applicant's use will only compound our ongoing safety and livability issues. And I thank you for your consideration.

Seal: Thank you very much. Commissioner Grace, go ahead.

Grace: Chairman, just a quick question. If -- if you know, Terri.

Frohnmayr: Yes.

Grace: Do you -- what represents the -- the largest portion of the cars going through? Is it people cutting through or is it people using those commercial establishments? Again if you know.

Frohnmayr: I don't -- excuse me. I don't know for sure. We have watched and you -- you have plenty of cars cutting through coming south on -- on Linder, taking a quick right and they will -- they will hit the -- hit that private road and, then, connect on Chinden again, just to miss the -- the -- the light. But a lot of them will turn right and head right down our neighborhood. But a lot of people also coming from the west side, they cut in Long Lake Way, drive down our -- our -- our street into the center, whether it's the liquor store, the car wash. We are not opposed to -- to commercial. I was a commercial broker for 35 years and -- but I have never seen anything like this, where the -- the consideration of downstream on these -- these connecting streets -- because that's what I have read, connecting. But the downstream is just -- we are -- we are really getting hammered and I'm really afraid that someone eventually is going to get killed.

Grace: Thank you.

Frohnmayr: You are welcome. Thank you.

Seal: Thank you much. Who would like to come up next? Good evening, sir. We will need your name and address, please.

W.Frohnmayr: Oh, sure thing. I'm William Frohnmayr and I live at 2102 West Three Lakes Drive. Having kind of observed what's going on here, I have -- the rapid growth for the City of Meridian in the past few years clearly -- it was not anticipated when the planning decisions were made relative to the Spurwing Challenge Estates in the Chinden

-- Chinden and Linder Crossing Center in 2012, '13 and '14. In retrospect, connecting a neighborhood local street to a commercial center was a poor decision, which added little value to the commercial center as it already had two access streets. As a result our neighborhood streets, West Three Lakes Drive and West Island Green, now operate as high traffic commercial collector streets and I have also become -- become aware of the -- what we call the shortcut traffic, which is originating in east and west Ada county and Canyon county, who want to avoid two traffic lights. The traffic light at Chinden and Linder and the second one at Chinden and Long Lake Drive -- Long Lake Way. In the afternoon it's amazing. If you go up and sit in the -- in the -- in the commercial center at the number of vehicles traveling from the Eagle area on Linder, who turn off onto -- in Island Green Drive, through the commercial center, and, then, proceed through our neighborhood to rejoin Chinden at Long Lake Way. Many times -- or many of them also turn onto the private street east of the Primary Health clinic to get back on -- on southbound or westbound on Chinden, a move to avoid the traffic light at -- again, it's a move to avoid the traffic light at Chinden and Linder. Clearly those who are not to turn onto the private road have not yet found out that by driving through our neighborhood they could basically avoid both traffic lights. I assume that as -- as the Guthries is approved and you have a thousand more cars per day using the center -- commercial center, a bunch of them are going to come down our way and pretty soon everybody's going to find out the way to avoid the lights is to basically drive through our neighborhood. Now, the Chinden and Linder Crossing Center already has a high level of auto oriented use. Seventy-five percent of the businesses, including Guthries, are included in that 75 percent if -- if Guthries goes through. And before the -- the Guthries conditional use is approved, I guess what we are looking for is that we need to have some corrective action to basically keep from devastating -- their traffic devastating our neighborhood has it already has and I guess we support growth of new commercial businesses, but not when it contributes to the demise of the quality of life, livability, and the safety of our neighborhood Spurwing Challenge Estates. Thank you.

Seal: Thank you, sir. Appreciate it. Any questions from Commissioners? Okay.

W.Frohnmayr: Thanks.

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

Stuart: Good evening my name is Neal Stuart. I live at 2148 West Three Lakes Drive with my wife. We are longtime Meridian residents. In fact, we both attended elementary school just right down the street over here. Trish and I are concerned and you have been hearing that from everyone -- regarding the traffic and the speed and so forth and so we have those same concerns. For us it's more of a personal issue because of grandchildren. Our children come over with our grandchildren. When they do park on the street, just exiting children out of the cars and car seats and so forth is -- is really a concern. So -- and I'm hearing you -- you -- that, you know, the -- the safety issue and the -- and the traffic issue may be -- you know, an Ada County Highway District concern, but, anyway, we are voicing it anyway. So, one thing that I would like to -- to bring up is it's quite interesting is that if you are coming from the west on Chinden and through a

Google Maps -- say you are coming from Costco let's say and you -- you Google Map to go to Primary Health and, then, you would also -- Guthries would be right similar to that, the actual mapping of that takes you left on Long Lake, down West Three Lakes Drive and into Primary Health and, then, most likely will be the same thing going into -- into Guthries versus the three or four minutes longer to go all the way up to the Linder intersection, head -- head north on Linder and, then, take the -- enter on the east side of that -- of the commercial development. Anyway our -- our grandchildren, they are three to 11 years old and whether -- you know, if they are riding, you know, small toys or -- or bikes or whatever, you know, we are concerned with them on the sidewalk and -- and the -- and the lower part of our driveway and that's a big concern for us. As you have heard, our street is being used as more of a thoroughfare, you know, as identified by even through the Google Map mapping of how to get, you know, to -- to the commercial development. As stated earlier, it's affecting our livability and, you know, Teresa and I, my wife, respectfully request that these concerns be heard in making this determination. Thank you.

Seal: Thank you very much. The only one left over there, ma'am. No? Okay.

Hall: I have no one else signed up.

Seal: Okay. It looks like Chris online is raising his hand.

Johnson: Hi, Commissioner Seal. This is Chris Johnson, city clerk. I just sent a message. Youtube is not running, so I just wanted to point that out, so the clerk can get that running for those who may be watching from home. That's all I have. Thank you.

Seal: Thank you, Chris. Appreciate it. Joy, do you want to take a -- should we take a quick break, so we can get that -- okay. We will take about a five minute break here and see if we can get that to work.

(Recess: 6:45 p.m. to 6:49 p.m.)

Seal: All right. We will go ahead and reconvene and since Chris was our -- the last person for public testimony, unless anybody else -- there is nobody new in here. Nobody else online raising their hand, so would the applicant like to come back up? But -- but before you start I will -- I will talk to it a little bit, because the traffic considerations that are here are -- we, as a city, don't always agree with what we get from ACHD, but they do own the roads, they are the authority on it. So, unfortunately, we have to -- if they, being the authority, to tell us that those roads can handle this, we have to abide by that. So, with that I will let the applicant, please, come up and present any additional information that you would like.

Candrian: Yeah. I would just like to add that we do hear the concerns, but as the Commissioners and staff have said, you know, ACHD did not recommend a -- a traffic study for this development, but we hear the concern. I'm a -- I'm a new father, so I -- I feel that, you know, I would be concerned about my -- my kids safety, too, with cut-through

traffic, but, unfortunately, we were not required to do a TIS report from a design perspective on the site. As it pertains to traffic, the access to the east is existing and the access to the west that we are proposing is aligned with the Primary Health access. We felt that this was the -- the best case scenario we could design our accesses to for the site. So, that's all I have.

Seal: Okay. Thank you very much. Can I get a motion to close the public hearing for File No. H-2022-0081?

Grace: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2022-0081. All in favor, please, say aye. None opposed. Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Seal: Who would like to go first?

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, please, go ahead.

Yearsley: So, the only action that we have today is to approve or disapprove the drive-through and that's really our -- our -- our action. The restaurant itself is a principal permitted use. I -- I do understand the homeowners' frustration about traffic. But I don't know -- the way it sounds to me it's not related to this facility and my recommendation would be to reach out to ACHD. I know in our subdivision we have had similar instances where we have had high speed traffic and they have come out and done studies and -- and have identified traffic calming measures to help, you know, try to minimize traffic or slow traffic down. A couple of things that they have done in our subdivision is actually making the -- the roadway a little narrow in spots to have areas where they make -- kind of force traffic to slow down. I would recommend they go this -- that direction. For this application I -- I can't see their requesting denial has basis on the drive-through itself. So, I -- I would stand in favor of the application.

Seal: Thank you, Commissioner Yearsley. Anybody else want to throw out their -- their thoughts?

Grace: Mr. Chairman, yeah, I -- I tend to agree with Commissioner -- what Commissioner Yearsley indicated. I -- as a resident pretty close to that area I'm very sympathetic. I -- I deal with the Rocky Mountain traffic in my -- in my neighborhood and subdivision routinely and the drivers are young and inexperienced. So, I am sympathetic. But I -- I'm also mindful of what is before us and I can't help but think also that I'm -- I'm having a hard time coming up with any other commercial establishment that would be in that location

that might not cause or yield the same results, so -- for the neighborhood. So, that's all I have to say.

Seal: Thank you. Commissioner Lorcher, do you have anything to add?

Lorcher: No.

Seal: Okay. Yeah. Similarly I'm the same place, but sympathize for the situation, but, again, for the most part by the time it gets here, if ACHD has given the report that all is well, that limits what we can do with an application like this. So, especially, where it's a conditional use permit. I mean -- the property is already in the city and -- and has been, so -- I do want to say I do appreciate some things that staff has put in there as far as the recommendations that were made and, then, the applicant's proposal for the -- essentially the pedestrian traffic. So, I live in this area myself. I'm a frequent bike rider, as are my kids. My wife. So, we ride to this area for, you know, recreation and dining. So, it's nice to have that kind of as an element to -- to the building that's there and to the establishments. So, I also do -- ironically, I live in a subdivision where I have just the opposite problem with traffic. So, I live by a golf course and so we have a lot more people going to that golf course and we have a similar problem where we are seeing just the influx of people causing enough of a rise in there that is causing a lot more traffic in our subdivision. So, unfortunately, it exists everywhere. You are not alone in that. And with that I would be more than happy to hear a motion.

Grace: Mr. Chairman, after considering all staff, applicant, and public testimony, I move to approve File No. H-2022-0081 as presented in the staff report, including all staff recommendations for the hearing date of December 15th, 2022.

Lorcher: Second.

Seal: Quick question. Bill, is that enough to cover the condition -- or, Stacy, is that enough to -- enough to -- I'm going to be able to talk eventually. The 8A-2C?

Hersh: We just need you to state a motion that you are accepting -- or approving the revised change that staff recommended.

Grace: Oh. Okay.

Hersh: We can pull up the slide.

Seal: Yeah. The revision was to 8A-2C, if you want to amend your -- your motion.

Grace: So, I'm not -- I guess I'm not following, Mr. Chairman. What's the revision to the motion then?

Seal: It's on the screen. I would read it, but that would be redundant.

Grace: So, you just want me to read this?

Seal: You can or summarize it if you would like.

Parsons: Yeah. Commissioner Grace, you can just say revise the condition A2.C as -- as stated in -- in tonight's presentation and we will make sure it happens.

Grace: Okay. So, Mr. -- Mr. Chairman, I would make the same motion I made -- if I have to make it again I can, but the same motion I made, which also would include recommending a revised condition to Section 8A-2C as is included in the staff report.

Seal: Does the second stand?

Lorcher: Yes.

Seal: Okay. It's been moved and seconded to approve File No. H-2022-0081 with the mentioned modifications. All in favor, please, say aye. All -- all in favor, so motion passes. Thank you very much.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

6. Public Hearing for KeyBank Meridian Branch (H-2022-0076) by HSB Architects + Engineers, located at 3513 W. Chinden Blvd.

- A. Request: Conditional Use Permit for a drive-through establishment within 300 feet of another drive-through establishment, an existing residence and residential zoning district on 1.04 acres of land in the C-G zoning district.

Seal: Okay. All right. And with that we will open the public hearing for Item No. H-2022-0076 for KeyBank Meridian Branch and we will begin with the staff report.

Parsons: Thank you, Mr. Chairman, Members of the Commission. The last item on the agenda this evening is the KeyBank Meridian Branch conditional use permit. The subject property consists of 1.04 acres of land, currently zoned C-G and it's located at 3485 West Chinden Boulevard, which is the Lost Rapids Subdivision. History on this site -- recently City Council just approved a short plat for this property. So, the lot that you see here in this graphic isn't the actual configuration of the property. The applicant will be required to record that short plat and create the lot that this particular development will develop on I should say. So, here -- you can see here on this graphic on the left-hand side you can see where the short plat created two lots. So, KeyBank is going on the left lot -- one of the lots and, then, this is an additional lot that will be created as part of that short plat process and it will come in with a different user at some point in the future. Don't know what that is at this time. Just doing some quick math in my head before the hearing, I think this is the seventh or eighth drive-through on this particular property, just to bring that to your attention. Typically we -- you know, as you know with the pandemic drive-

throughs have become very popular and so this is one of those instances where we are getting quite a few drive-throughs on the site. So, as -- back in 2019, I believe, the Comprehensive Plan designation for this property was changed to commercial to allow for the development of the Costco Lost Rapids property and so, again, this is one of the commercial lots as well. So, the applicant is here tonight -- or at least online tonight to discuss with you developing a 3,400 square foot bank branch on the site, with the associated drive-through. The reason for the drive-through is because, one, this drive-through is located within 300 feet of an existing drive-through and also located within 300 feet of a residential zoning district to the west. So, they are hitting all the right items to require this body to act on this application tonight. I would let you know that this branch will serve the area. So, there is another bank branch that was approved and constructed and operating just to the east of the site as well, but it's, again, a different financial institution. If you had a chance to look at the staff report, you -- you would note that staff did mention that this is required to comply with all UDC standards for drive-through uses, self -- trying to think of -- the ATM. There is an ATM as well, which is self-service uses. That's UDC 11-3A-16. So, visibility needs to be part of that and that would be located on the west side here. One of the interesting things about this particular site is when the short plat was approved recently we did place a condition on the project that access would be from the south and the reason for that -- the reason why we did restrict access, one, Chinden, we don't allow direct lot access to Chinden. But, two, this driveway here is a direct connection to Chinden and we wanted to minimize conflict with residents -- or cars coming off of Chinden and entering the site. So, we had placed that condition to have the shared access come in off the south boundary. Also mention to you as part of the subdivision approval, this development does have cross-access between all the lots within the commercial development. Code does require specific parking standards for this use. The site plan this evening shows 16 parking spaces, which is in excess of the code requirements. Applicant also submitted a concurrent development -- excuse me -- a concurrent design review application with this project. As you know design review applications are reviewed at staff level and -- and approved by the director and so the design that I'm showing you tonight has been approved by staff and so there is no action for you on that this evening. Looking at the public record I did not see that any public testimony was provided on this application. I would mention to you that we did receive written testimony from the architect, the applicant, and I wanted to also let the Commission know that as of 5:00 o'clock this evening I did receive an e-mail from Public Works. There was a condition of approval that I need to have you strike this evening and that would be Public Works site specific condition number four. It refers to reimbursement for the street lights along Chinden. That has already been taken care of or paid by Costco when the development was approved. So, that condition is no longer necessary as part of the project. So, staff is recommending with the conditions in the staff report and with the recommendation that you strike that Public Works condition. With that I will conclude my presentation and stand for any questions you may have.

Seal: Thank you very much, Bill. It looks like the applicant is online. Ben, if you want to go ahead and unmute, the floor is yours.

Gingrich: Good evening. Ben Gingrich. I'm with HSB Architects and Engineers representing KeyBank. My address is 1250 Old River Road, Cleveland, Ohio. I don't have much to add, other than the report that was just given by -- by staff here. Our new bank branch is -- is, obviously, going to serve the community. We have put together a nice design here, which we think really emphasizes, you know, sort of pedestrian scale here with these canopies. We are here tonight to go for conditional use on the drive-through. I would try to differentiate ourselves as a bank branch. We are a little different than, you know, similar drive-through uses of restaurant use. As a bank branch we typically see around, you know, maximum four stacking spaces going into a drive-through. The ATM is the -- is the lane adjacent to the building and that's a 24 hour use there and, then, our auto teller lane is the next lane and that has become really crucial, especially during this sort of pandemic time when people don't want to get out of their car, they want to be able to take care of any kind of bank transactions, speak with a -- a member of staff directly from their car. So, you know, I think that the use is appropriate for this district and appropriate for this parcel here out in front of Costco and with that we -- we responded to all the staff comments. The only thing we were -- we were going to look for alternative compliance on was the east property line. The -- the comment was that we needed a five foot landscape buffer. We are going to request alternative compliance to utilize the same five foot buffer as our -- our neighboring property. It's our -- our -- our civil engineer's belief that that -- that meets the standard. We will file any kind of easement that's required to reciprocally maintain that landscape buffer. So, there would be a five foot buffer between our lot and the next lot and we will apply for that through the alternative compliance path concurrent to the CZC. With that I will -- I think that's all my comments. Pretty straightforward and -- and we are looking for your support this evening. Thank you.

Seal: Thanks very much, Ben. Appreciate it. Since there is nobody else online, sir, would you like to -- there is one person in Chambers. Would you like to testify on this? No? Okay. With that -- oh. I was going to say, Commissioners, do we have any questions for the applicant or staff?

Yearsley: I don't.

Seal: Okay. That's a no. If there is anything further that the applicant would like to add, otherwise, we will close the public testimony portion.

Gingrich: Thank you all of your time this evening.

Seal: All right. Thank you very much. Okay. At this time I will take a motion to close the public hearing for File No. H-2022-0076.

Lorcher: So moved.

Grace: Second.

Seal: It's been moved and seconded to close File No. H-2022-0076. All in favor, please, say aye. None opposed. Public hearing is closed.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Seal: This one seems to be pretty straightforward, but if anybody has any questions, concerns or comments, Please, feel free. Or a motion.

Grace: Mr. Chairman, just a clarification. So, any --

Seal: Commissioner Grace, go ahead.

Grace: -- motion that was -- would be made would be to -- I can't talk either. Any motion would need to include the removal of the fourth Commission condition from Public Works related to the reimbursement agreement; is that accurate?

Seal: Yes. I mean specifically it was strike the site specific condition number four is what I heard.

Grace: Okay.

Lorcher: You can go.

Grace: Mr. Chairman, I will give it a shot then.

Seal: Go right ahead.

Grace: After considering all staff, application, and public testimony, I move to approve File No. H-2022-0076 as presented in the staff report for the hearing date of December 15th, 2022, with the following modification. Striking the fourth site specific condition under the Public Works related to the reimbursement agreement.

Lorcher: Second.

Seal: It's been moved and seconded to approve File No. H-2022-0076 for the KeyBank -- KeyBank Meridian Branch with the modifications noted. All those in favor, please, say aye. None opposed. Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go right ahead.

Lorcher: I move we adjourn.

Seal: Do I have a second?

Yearsley: Second.

Seal: It's been moved and seconded that we adjourn. All in favor, please, say aye. None opposed. We are adjourned. Thank you all very much.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

MEETING ADJOURNED AT 7:08 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 KeyBank Meridian Branch (H-2022-0076) by HSB Architects + Engineers, located at 3513 W. Chinden Blvd.

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



In the Matter of the Request for Conditional Use Permit for a Drive-Through Establishment for a Financial Institution for KeyBank Meridian Branch within 300-Feet of another Drive-Through Establishment, an Existing Residence and Residential Zoning District, on 1.04-Acres of Land in the C-G Zoning District, by HSB Architects + Engineers.

Case No(s). H-2022-0076

For the Planning & Zoning Commission Hearing Date of: December 15, 2022 (Findings on January 5, 2023)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of December 15, 2022, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of December 15, 2022, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of December 15, 2022, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of December 15, 2022, incorporated by reference)

B. Conclusions of Law

1. The City of Meridian shall exercise the powers conferred upon it by the “Local Land Use Planning Act of 1975,” codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. The Meridian Planning & Zoning Commission takes judicial notice of its Unified Development Code codified at Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Amended Comprehensive Plan of the City of Meridian, which was adopted April 19, 2011, Resolution No. 11-784 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this decision, which shall be signed by the Chairman of the Commission and City Clerk and then a copy served by the Clerk

upon the applicant, the Planning Department, the Public Works Department and any affected party requesting notice.

7. That this approval is subject to the conditions of approval in the attached staff report for the hearing date of December 15, 2022, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

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

1. The applicant's request for conditional use permit is hereby approved in accord with the conditions of approval in the staff report for the hearing date of December 15, 2022, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Two (2) Year Conditional Use Permit Duration

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

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

E. Judicial Review

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

F. Notice of Right to Regulatory Takings Analysis

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

G. Attached: Staff Report for the hearing date of December 15, 2022

By action of the Planning & Zoning Commission at its regular meeting held on the _____ day of _____, 2023.

COMMISSIONER ANDREW SEAL, CHAIRMAN VOTED _____

COMMISSIONER MARIA LORCHER, VICE CHAIRMAN VOTED _____

COMMISSIONER NATE WHEELER VOTED _____

COMMISSIONER STEVEN YEARSLEY VOTED _____

COMMISSIONER PATRICK GRACE VOTED _____

COMMISSIONER MANDI STODDARD VOTED _____

Andrew Seal, Chairman

Attest:

Chris Johnson, City Clerk

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

By: _____ Dated: _____
City Clerk's Office

EXHIBIT A



STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

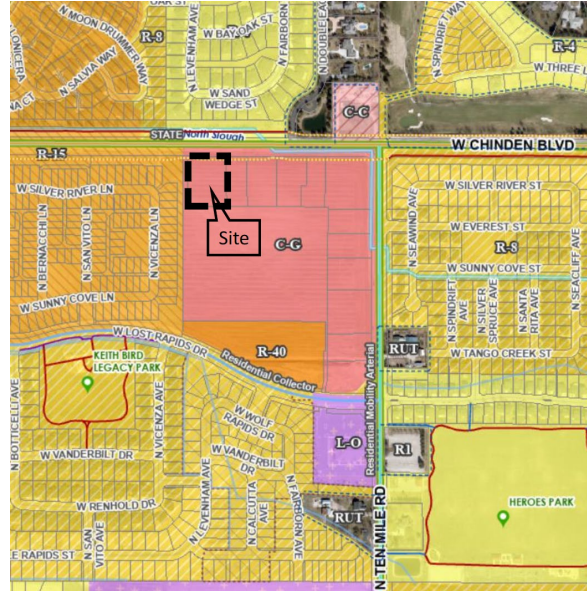
HEARING DATE: 12/15/2022

TO: Planning & Zoning Commission

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

SUBJECT: H-2022-0076
KeyBank Meridian Branch – CUP

LOCATION: 3485 W. Chinden Blvd., in the NW 1/4 of Section 27, T.4N., R.1W.



I. PROJECT DESCRIPTION

Conditional Use Permit for a drive-through establishment for a financial institution within 300-feet of another drive-through establishment, an existing residence and residential zoning district, on 1.04-acres of land in the C-G zoning district.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	1.04-acre	
Future Land Use Designation	Commercial	
Existing Land Use	Vacant/undeveloped land	
Proposed Land Use(s)	Drive-through for a financial institution	
Current Zoning	General Retail & Service Commercial (C-G)	
Physical Features (waterways, hazards, flood plain, hillside)	NA	
Neighborhood meeting date; # of attendees:	9/20/22	
History (previous approvals)	H-2018-0004 (CPAM, AZ, PP, VAR – Lost Rapids); H-2019-0056 (FP – Lost Rapids); Development Agreement (Inst. # 2018-079970 – GFI – Meridian Investments II, LLC); PBA-2022-0015 (Lots 7 & 8, Block 1, Lost Rapids Subdivision); SHP-2022-0014 (Lost Rapids West)	

EXHIBIT A

A. Project Area Maps

Future Land Use Map

Aerial Map

Zoning Map

Planned Development Map

III. APPLICANT INFORMATION

A. Applicant:

Ben Gingrich, HSB Architects + Engineers – 1250 Old River Rd., Ste. 201, Cleveland, OH 44113

EXHIBIT A

B. Owner:

GFI Meridian Investments II, LLC – 74 E. 500 S., Ste. 200, Bountiful, UT 84010

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	11/30/2022
Radius notification mailed to properties within 300 feet	11/13/2022
Site Posting Date	11/23/2022
Next Door posting	11/28/2022

V. STAFF ANALYSIS

Comprehensive Plan:

This property is designated as Commercial on the Future Land Use Map in the Comprehensive Plan. This designation provides for a full range of commercial uses to serve area residents and visitors. Desired uses may include retail, restaurants, personal and professional services, and office uses, as well as appropriate public and quasi-public uses. Sample zoning include: C-N, C-C, and C-G.

The subject property is one of several Commercial designated and C-G zoned properties in Lost Rapids subdivision that is in the development process. The proposed development and use of the site with a financial institution and drive-through is a desired use within the Commercial future lane use map designation in the Comprehensive Plan, as noted above, and with adjacent approved uses in the vicinity. Therefore, Staff finds the proposed project is generally consistent with the Comprehensive Plan as required.

Unified Development Code:

The Applicant proposes to construct a new 3,400 square foot (s.f.) financial institution (KeyBank Meridian Branch) with a drive-through on 1.04 acres of land in the C-G zoning district. The branch will serve the community with banking offices for client consultation, a drive-through ATM and a drive-through auto-teller lane.

Note: The configuration of the property depicted on the maps does not yet reflect the recently approved short plat (SHP-2022-0014) which creates the configuration of the subject property. **The short plat needs to be recorded prior to submittal of a building permit application.**

A financial institution is listed as a principal permitted use in the C-G zoning district per UDC [Table 11-2B-2](#), subject to the specific use standards listed in UDC [11-4-3-17](#). A drive-through requires approval of a conditional use permit when it's within 300-feet of another drive-through facility, an existing residence or a residential district per [11-4-3-11A.1](#). In this case, there is a drive-through establishment [i.e. Dutch

EXHIBIT A

Bros. Coffee (A-2021-0177)] to the east and a residential district (i.e. R-15) and residential uses to the west in Bainbridge Subdivision No. 12 within 300-feet of the subject property; the next two (2) lots to the east of Dutch Bros. also have drive-through uses.

Compliance with the standards listed in UDC [11-3A-16](#) Self-Service Uses for the ATM is required as follows: *(Staff's comments in italics)*

- A. Entrance or view of the self-service facility shall be open to the public street or to adjoining businesses and shall have low impact security lighting. *The entrance and view of the ATM is open to the public street (W. Chinden Blvd.) and the driveway along the west boundary of the site.*
- B. Financial transaction areas shall be oriented to and visible from an area that receives a high volume of traffic, such as a collector or arterial street. *The financial transaction area of the ATM is oriented toward the adjacent driveway along the west boundary of the site and is visible from the public street (W. Chinden Blvd.) along the north boundary of the site.*
- C. Landscape shrubbery shall be limited to no more than three (3) feet in height between entrances and financial transaction areas and the public street. *The reed grass depicted on the landscape plan in the buffer along the west boundary of the site and the falkner boxwood in the buffer along the northern boundary of the site on the west side of the building has a mature height of 4-feet, which is not allowed; the landscape plan should be revised to comply with this standard.*

The proposed use and development plan is in substantial conformance with the provisions in the existing Development Agreement (Inst. # [2018-079970](#)).

Hours of Operation: The branch lobby and auto-teller are open normal business hours Monday thru Saturday; the ATM is operational 27/7. Because the proposed use/property does not abut a residential use or district, a conditional use permit is not required for the ATM.

Specific Use Standards: The proposed use is subject to the specific use standards listed in UDC [11-4-3-11](#) – Drive-Through Establishment and in [11-4-3-17](#) – Financial Institution. *Staff's analysis is in italics.*

Drive-Through Establishment:

All establishments providing drive-through service are required to identify the stacking lane, menu and speaker location (if applicable), and window location on the site plan. *The stacking lane and window location is depicted on the site plan.*

The site plan is also required to demonstrate safe pedestrian and vehicular access and circulation on the site and between adjacent properties. *A safe pedestrian walkway is proposed from the perimeter sidewalk along the southern boundary of the site to the main building entrance in compliance with UDC 11-3A-19B.4a. The sidewalk along the southern boundary of the site continues to the east for pedestrian access between adjacent properties. Vehicular access is proposed from the drive aisle along the southern boundary of the site and safe vehicular circulation within the site is also proposed.*

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

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

The proposed stacking lanes appear to have sufficient capacity to prevent obstruction of drive aisles.

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

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

EXHIBIT A

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

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

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

An escape lane is proposed as shown on the site plan.

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

The drive-through is located on the west side of the building and is visible from W. Chinden Blvd. and from the driveway to/from Chinden along the west side of the property for surveillance purposes.

Financial Institution:

A. The location, access and safety features of all automated teller machines (ATMs) shall be subject to review and approval by the Meridian Police Department, and in accord with the standards set forth in [section 11-3A-16](#) of this title. ***The Applicant should obtain approval from the Police Dept. for the proposed ATM. See above analysis for compliance with the standards in UDC 11-3A-16.***

B. All ATMs shall be deemed an accessory use to a financial institution.

C. All approaches and entrances to ATMs should be highly visible and adequately lit so that people cannot loiter, or enter, without being seen. The addition of security cameras are highly recommended. *The Applicant shall comply with this standard.*

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

Access: Access is proposed via the east/west driveway along the southern boundary of the site; direct lot access via Chinden Blvd. and the north/south driveway along the western boundary of the site is prohibited. A reciprocal cross-access easement exists between all lots in the subdivision as noted on the Lost Rapids subdivision plat.

Parking: Off-street parking is required to be provided in accord with the standards listed in UDC 11-3A-6B.1. Based on a 3,400 square foot structure, a minimum of six (6) spaces are required. A total of 16 spaces are proposed, exceeding UDC standards.

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

The site design requires vehicles that are parked on the east side of the building to exit the site through the drive-through escape lane and vehicles accessing the parking spaces on the south side of the building to travel against traffic leaving the drive-through. Staff is concerned about traffic conflicts within the site that may exist because of the site design, as discussed with the applicant in the pre-application meeting. The Applicant did not share Staff's concerns and proceeded with the proposed site layout.

The Applicant should obtain approval from Republic Services for the location of the trash enclosure prior to submittal of a Certificate of Zoning Compliance application.

EXHIBIT A

Landscaping: Street buffer landscaping was installed within the street buffer along W. Chinden Blvd. with the Lost Rapids subdivision improvements.

Parking lot landscaping is required to be provided in accord with the standards listed in UDC [11-3B-8C](#). **A minimum 5-foot wide perimeter buffer is required along the east boundary of the site per UDC 11-3B-8C.1, landscaped per the standards listed in UDC [11-3B-8C.1b](#).** The buffer on the adjacent property to the east does not meet this requirement; remove from the plan.

Sidewalks: A 10-foot wide multi-use pathway exists within a public use easement in the street buffer on the northern portion of this site along W. Chinden Blvd. A sidewalk exists within the landscape buffers along the western and southern boundaries of the site along internal driveways within Lost Rapids Subdivision. A pedestrian walkway is proposed from the perimeter sidewalk along the southern boundary of the site to the main building entrance in accord with UDC 11-3A-19.B.4. **Where the walkway crosses the vehicular driving surface, it's required to be distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19B.4. The site/landscape plan submitted with the Certificate of Zoning Compliance application should reflect compliance with this standard – the proposed striping on the pathway from the perimeter sidewalk to the main building entrance is not approved.**

The sidewalk on the south and east sides of the building where parking abuts should be widened to 7-feet to allow vehicles to overhang 2-feet (the length of stalls may be reduced to 17-feet); or, wheel stops should be provided within parking spaces to prevent vehicle overhang in accord with UDC 11-3C-5B.3, 4.

Easements: There are existing easements on this lot as shown on the Lost Rapids subdivision plat. The proposed structure shall not encroach within these easements, except as allowed in the UDC.

Mechanical Equipment: All rooftop mechanical equipment shall be screened as viewed from the farthest edge of the adjoining right-of-way. The Applicant states rooftop screens are provided for all HVAC equipment. The Applicant also states no ground level mechanical equipment is proposed.

Building Elevations: Detailed building elevations were submitted as shown in Section VII.C for a single-story building that incorporates a Dryvit outsulation MD system in a variety of finishes, including EIFS, wood panel, red panel and stone, and glazing on the storefront. Aluminum sunshades are proposed over the windows. A flat roof with parapets of varying heights is proposed. The proposed design complies with the design standards listed in the [Architectural Standards Manual](#) and the Design Review application is approved.

Certificate of Zoning Compliance: A Certificate of Zoning Compliance 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 and UDC standards.

VI. DECISION

A. Staff:

Staff recommends approval of the proposed conditional use permit with the conditions included in Section VIII per the Findings in Section IX. The Director approved the Design Review application.

B. The Meridian Planning & Zoning Commission heard this item on December 15, 2022. At the public hearing, the Commission moved to approve the subject CUP request.

I. Summary of the Commission public hearing:

- a. In favor: Ben Gingrich, Applicant
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: Ben Gingrich, Applicant (response to staff report)

EXHIBIT A

- e. Staff presenting application: Bill Parsons
- f. Other Staff commenting on application: None
- 2. Key issue(s) of public testimony:
 - a. None
- 3. Key issue(s) of discussion by Commission:
 - a. None
- 4. Commission change(s) to Staff recommendation:
 - a. Commission struck Public Works site specific condition of approval #4.

VII. EXHIBITS

A. Proposed Site Plan (dated: 4/20/2022)

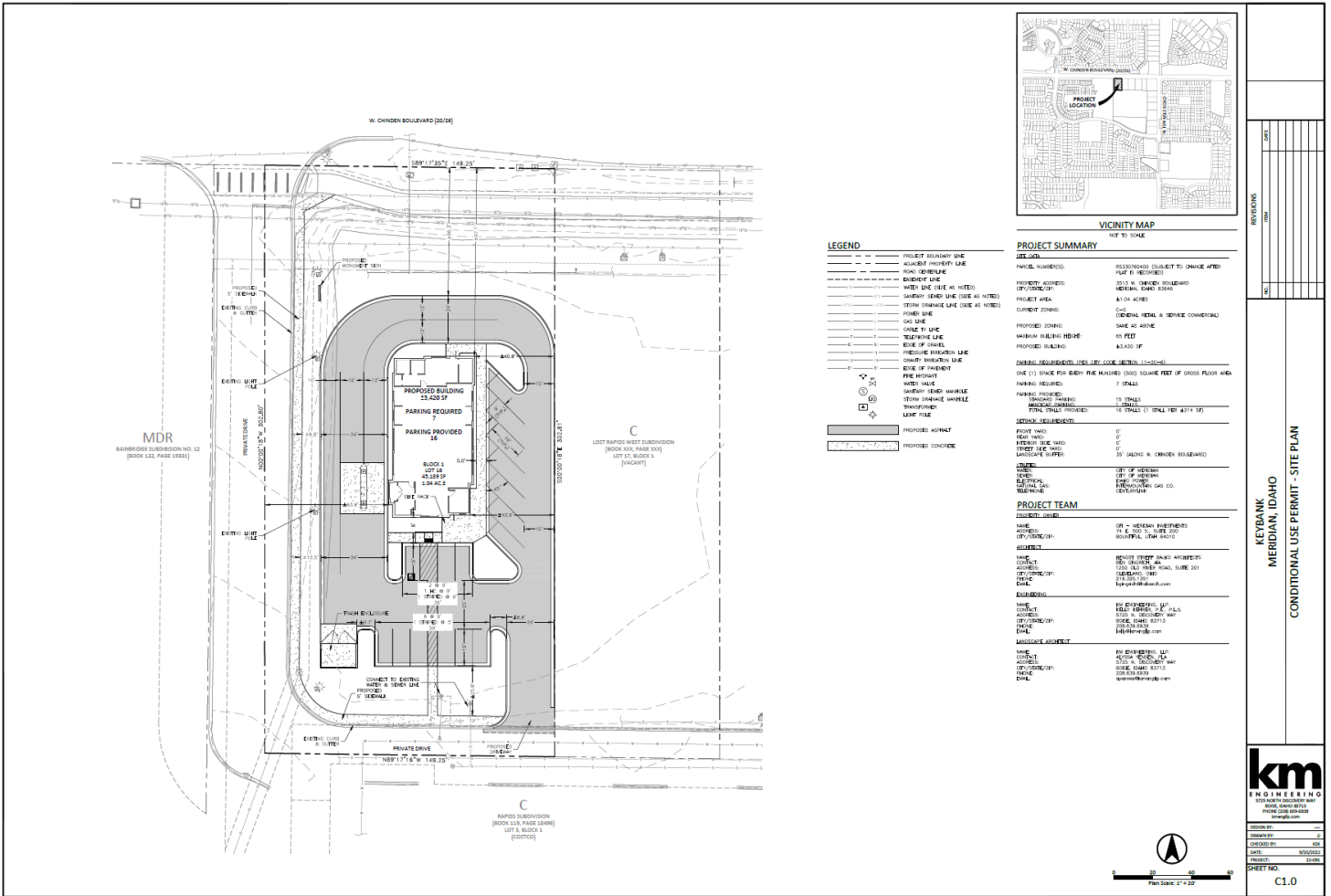


EXHIBIT A

B. Proposed Landscape Plan (dated: 9/20/22)

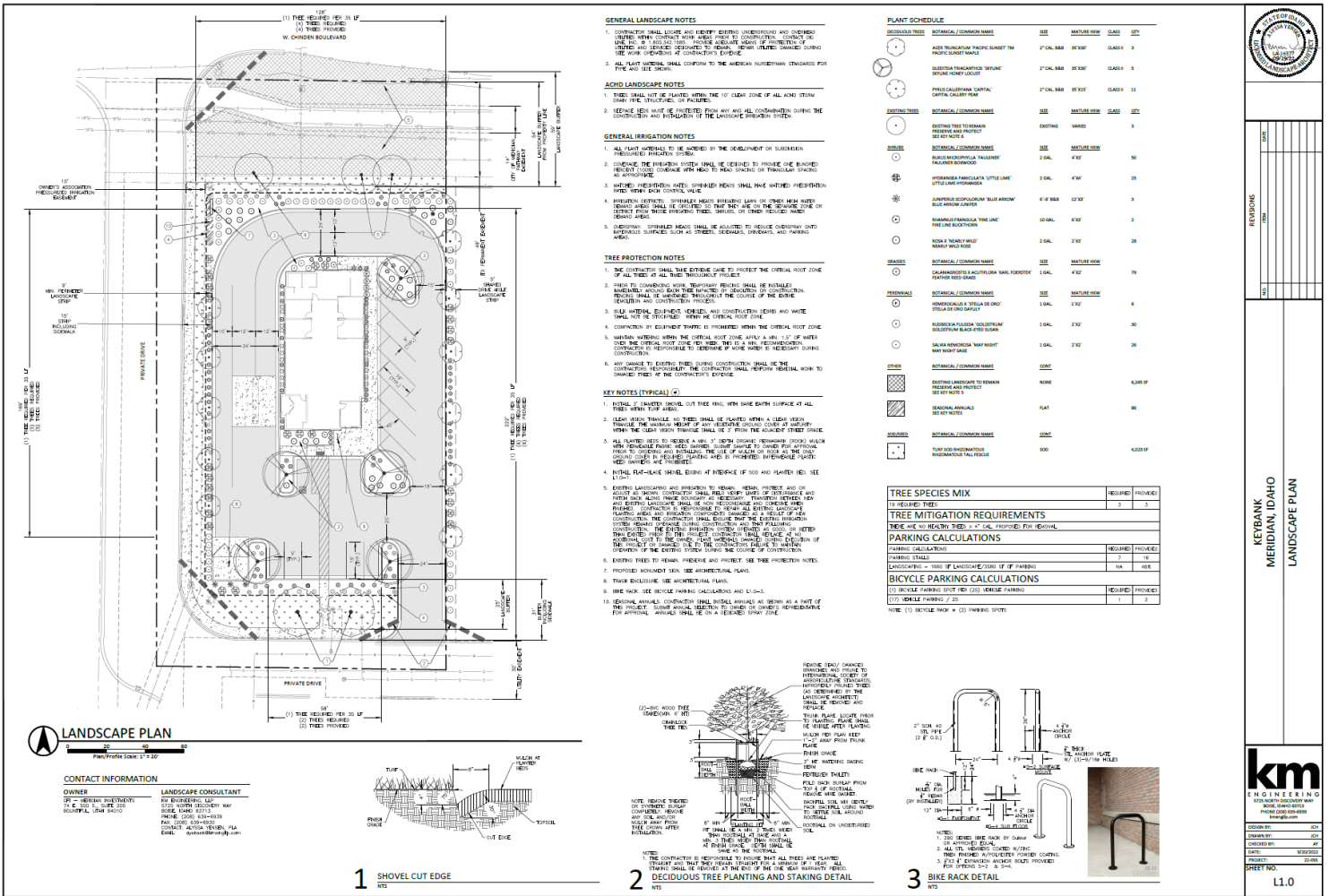
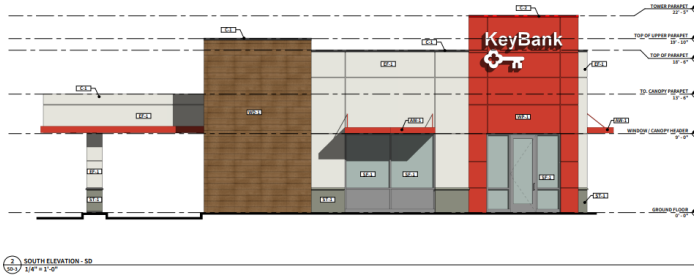


EXHIBIT A

C. Building Elevations



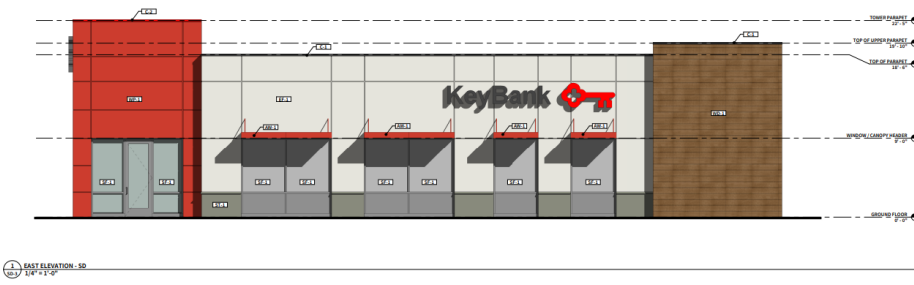
EXTERIOR MATERIALS LEGEND			
TAG	DESCRIPTION	SPECIFICATION	NOTE
AL-1	ALUMINUM SUNSHADE	MAKES PRE-ENGINEERED ALUMINUM SUNSHADE WITH CANTILEVER WALL MOUNTING. SUNSHADE TO RECEIVE LOUVERS AND IF SMOOTH FASCIA PER SPEC MANUAL, PROVIDE CUSTOM KRYNAR "RED" TO MATCH KEYBANK PROVIDED SAMPLE.	SEE SPEC MANUAL FOR DETAILS. SEE WALL SECTION FOR THROUGH-BOLT MOUNTING.
C-1	COPING	PREFINISHED ALUM. COPING IN CLEAR ANOD. FINISH.	
C-2	COPING	PREFINISHED ALUM. COPING MATCHING WP-1 FINISH.	
OF-1	OFFS	DRYVIT OUTSULATION MD SYSTEM WITH HANDED CLEAR COLOR IN SAND PEBBLE FINE FINISH.	
OF-1	STOREFRONT	HANDED TRIPARTITE STOREFRONT SYSTEM WITH 1" CLEAR INSULATED GLAZING AND 1" SPANDREL PANELS WHERE SHOWN. REFER TO WINDOW LEGEND ON A-1 FOR DETAILS. STOREFRONT FINISH TO BE CLEAR.	MAX 0.40 U-VALUE
ST-1	STONE	DRYVIT OUTSULATION MD SYSTEM WITH TERRAZZO FINISH, COLOR ADV EQUEST.	
WD-1	WOOD PANEL	DRYVIT OUTSULATION MD SYSTEM WITH WOODGRAIN FINISH, COLOR TRO.	
WP-1	RED PANEL	DRYVIT OUTSULATION MD SYSTEM WITH REFLECTIVE FINISH IN CUSTOM RED COLOR TO MATCH KEYBANK SAMPLE.	

HSB
ARCHITECTS + ENGINEERS
 1200 OLIVER ROAD, SUITE 1000
 CLEVELAND, OH 44113
 WWW.HSBARCH.COM

NOT FOR CONSTRUCTION

DATE	DESCRIPTION

DRAWN BY: NHB/SG
 JOB NO: 22114



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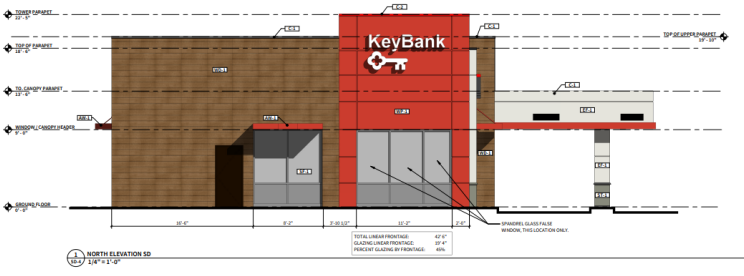
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DATE	DESCRIPTION

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MERIDIAN, ID BRANCH
KEYBANK NATIONAL ASSOCIATION

EXTERIOR ELEVATIONS
SD-3



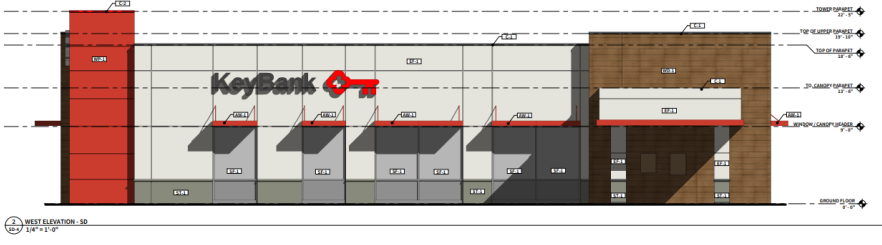
EXTERIOR MATERIALS LEGEND			
TAG	DESCRIPTION	SPECIFICATION	NOTE
AL-1	ALUMINUM SUNSHADE	MAKES PRE-ENGINEERED ALUMINUM SUNSHADE WITH CANTILEVER WALL MOUNTING. SUNSHADE TO RECEIVE LOUVERS AND IF SMOOTH FASCIA PER SPEC MANUAL, PROVIDE CUSTOM KRYNAR "RED" TO MATCH KEYBANK PROVIDED SAMPLE.	SEE SPEC MANUAL FOR DETAILS. SEE WALL SECTION FOR THROUGH-BOLT MOUNTING.
C-1	COPING	PREFINISHED ALUM. COPING IN CLEAR ANOD. FINISH.	
C-2	COPING	PREFINISHED ALUM. COPING MATCHING WP-1 FINISH.	
OF-1	OFFS	DRYVIT OUTSULATION MD SYSTEM WITH HANDED CLEAR COLOR IN SAND PEBBLE FINE FINISH.	
OF-1	STOREFRONT	HANDED TRIPARTITE STOREFRONT SYSTEM WITH 1" CLEAR INSULATED GLAZING AND 1" SPANDREL PANELS WHERE SHOWN. REFER TO WINDOW LEGEND ON A-1 FOR DETAILS. STOREFRONT FINISH TO BE CLEAR.	MAX 0.40 U-VALUE
ST-1	STONE	DRYVIT OUTSULATION MD SYSTEM WITH TERRAZZO FINISH, COLOR ADV EQUEST.	
WD-1	WOOD PANEL	DRYVIT OUTSULATION MD SYSTEM WITH WOODGRAIN FINISH, COLOR TRO.	
WP-1	RED PANEL	DRYVIT OUTSULATION MD SYSTEM WITH REFLECTIVE FINISH IN CUSTOM RED COLOR TO MATCH KEYBANK SAMPLE.	

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MERIDIAN, ID BRANCH
KEYBANK NATIONAL ASSOCIATION

EXTERIOR ELEVATIONS
SD-4

EXHIBIT A



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1254 OLD RIVER ROAD, SUITE 6001
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DATE	DESCRIPTION

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JOB NO: 22114



9 SOUTH-EAST VIEW



10 SOUTHWEST VIEW



11 NORTH-WEST VIEW



12 NORTHEAST VIEW

**MERIDIAN, ID BRANCH
KEYBANK NATIONAL ASSOCIATION**

W. C. CRANDER BLDG.
MERCER, ID

3D VIEWS

SD-5

EXHIBIT A

VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING

1. Future development of this site shall comply with the previous conditions of approval and terms of the existing Development Agreement and the conditions contained herein [[H-2018-0004](#) (CPAM, AZ, PP, VAR – Lost Rapids); Development Agreement (Inst. #[2018-079970](#) – GFI – Meridian Investments II, LLC); [H-2019-0056](#) (FP – Lost Rapids); [SHP-2022-0014](#) (Lost Rapids West)].
2. The site plan and landscape plan submitted with the Certificate of Zoning Compliance application shall be revised as follows:
 - a. All mechanical equipment on the back of the building and outdoor service and equipment areas shall be 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](#). All ground level mechanical equipment shall be screened to the height of the unit as viewed from the property line; and all rooftop mechanical equipment shall be screened as viewed from the farthest edge of the adjoining right-of-way, in accord with the Architectural Standards Manual (#4.3B, #4.3C).
 - b. The pathway from the perimeter sidewalk along the southern boundary of the site to the main building entrance shall be distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete, or bricks as set forth in UDC [11-3A-19B.4b](#).
 - c. Depict all easements that exist on the subject lot per the recorded plat (Lost Rapids Subdivision). Any encroachments within existing easements should be permitted through the easement holder or as allowed by the UDC.
 - d. Depict shrubbery that is no more than three (3) feet in height at maturity between entrances and financial transaction areas and the public street as set forth in UDC [11-3A-16C](#). *The reed grass within the planter along the west boundary of the site and the falkner boxwood in the buffer along the north boundary of the site exceed 3-feet in height at maturity and should be replaced with shrubbery that meets this standard.*
 - e. Provide low-impact security lighting around the self-service facility (i.e. ATM) in accord with UDC [11-3A-16A](#). Depict on plan and submit a detail of the proposed lighting that complies with the standards listed in UDC [11-3A-11](#).
 - f. Widen the sidewalk to 7-feet on the south and east sides of the building where parking abuts to allow vehicles to overhang 2-feet (the length of stalls may be reduced to 17-feet); or, provide wheel stops within parking spaces to prevent vehicle overhang in accord with UDC [11-3C-5B.3, 4](#).
 - g. Depict a minimum 5-foot wide perimeter buffer along the east boundary of the site per UDC [11-3B-8C.1](#), landscaped per the standards listed in UDC [11-3B-8C.1b](#); remove the buffer on the adjacent property from the plan.
3. Compliance with the standards listed in UDC [11-4-3-11](#) – Drive-Through Establishment and [11-4-3-17](#) – Financial Institution.
4. Compliance with the standards listed in [11-3A-16](#) Self-Service Uses (i.e. the ATM) is required.
5. Direct access to W. Chinden Blvd. and the north/south driveway along the west boundary of the

EXHIBIT A

site is prohibited.

6. The previously approved short plat for Lost Rapids West ([SHP-2022-0014](#)) shall be recorded for the proposed configuration of the property prior to submittal of a building permit application for this site.
7. The location, access and safety features of all automated teller machines (ATMs) shall be subject to review and approval by the Meridian Police Department, and in accord with the standards set forth in [section 11-3A-16](#) of this title per UDC [11-4-3-17](#). *Submit documentation of such approval with the Certificate of Zoning Compliance application.*
8. All approaches and entrances to ATMs should be highly visible and adequately lit so that people cannot loiter, or enter, without being seen in accord with UDC [11-4-3-17](#). The addition of security cameras are highly recommended.
9. Design Review has been approved for the design of the proposed structure as shown in Section VII.C. The proposed structure shall be constructed consistent with these elevations in accord with the Architectural Standards Manual; any modifications to the design shall be approved by the Planning Division.
10. A Certificate of Zoning Compliance application shall be submitted and approved for the proposed use prior to submittal of a building permit application.
11. 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

Site Specific Conditions of Approval

1. Ensure no sewer services cross infiltration trenches.
2. Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.). are built within the utility easement.
3. Applicant must abandon the blow-off at the end of the existing 8" water stub. All required connections (meters, fire-lines, hydrants, etc.) must come off this 8" stub.
4. ~~A reimbursement agreement will need to signed with the City and \$8,465.00 paid to the City for the installation of one streetlight at the property along Chinden prior to any form of occupancy.~~

General Conditions of Approval

5. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD.
6. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (UDC 11-3B-6). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point

EXHIBIT A

connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.

7. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
8. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
9. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
10. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
11. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
12. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
13. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
14. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
15. Developer shall coordinate mailbox locations with the Meridian Post Office.
16. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
17. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.

C. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=279718&dbid=0&repo=MeridianCity>

D. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=282603&dbid=0&repo=MeridianCity>

E. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=280536&dbid=0&repo=MeridianCity>

EXHIBIT A

IX. FINDINGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

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

EXHIBIT A

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.

B. Administrative Design Review

In order to grant approval for an administrative design review, the director shall determine that the proposed structural and/or site designs conform to the standards and meet or exceed the intent of the "City of Meridian Architectural Standards Manual".

The Director finds the proposed structure and site design conforms to the standards and meets the intent of the Architectural Standards Manual.



AGENDA ITEM

ITEM TOPIC: Findings of Fact, Conclusions of Law for Guthries Drive-Through (H-2022-0081) by Nicolette Womack, Kimley-Horn, located at 1840 W. Chinden Blvd., near the northwest corner of N. Linder Rd. and W. Chinden Blvd.

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



In the Matter of the Request for a Drive-Through Establishment for Guthries restaurant within 300-feet of another Drive-Through Establishment, and Existing Residence and Residential Zoning District, Located at 1840 W. Chinden Blvd. in the C-C Zoning District, by Kimley-Horn.

Case No(s). H-2022-0081

For the Planning & Zoning Commission Hearing Date of: December 15, 2022 (Findings on January 5, 2023)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of December 15, 2022, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of December 15, 2022, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of December 15, 2022, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of December 15, 2022, incorporated by reference)

B. Conclusions of Law

1. The City of Meridian shall exercise the powers conferred upon it by the “Local Land Use Planning Act of 1975,” codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. The Meridian Planning & Zoning Commission takes judicial notice of its Unified Development Code codified at Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Amended Comprehensive Plan of the City of Meridian, which was adopted April 19, 2011, Resolution No. 11-784 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this decision, which shall be signed by the Chairman of the Commission and City Clerk and then a copy served by the Clerk

upon the applicant, the Planning Department, the Public Works Department and any affected party requesting notice.

7. That this approval is subject to the conditions of approval in the attached staff report for the hearing date of December 15, 2022, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

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

1. The applicant's request for conditional use permit is hereby approved in accord with the conditions of approval in the staff report for the hearing date of December 15, 2022, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Two (2) Year Conditional Use Permit Duration

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

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

E. Judicial Review

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

F. Notice of Right to Regulatory Takings Analysis

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

G. Attached: Staff Report for the hearing date of December 15, 2022

By action of the Planning & Zoning Commission at its regular meeting held on the _____ day of _____, 2023.

COMMISSIONER ANDREW SEAL, CHAIRMAN VOTED _____

COMMISSIONER MARIA LORCHER, VICE CHAIRMAN VOTED _____

COMMISSIONER NATE WHEELER VOTED _____

COMMISSIONER STEVEN YEARSLEY VOTED _____

COMMISSIONER PATRICK GRACE VOTED _____

COMMISSIONER MANDI STODDARD VOTED _____

Andrew Seal, Chairman

Attest:

Chris Johnson, City Clerk

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

By: _____ Dated: _____
City Clerk's Office

EXHIBIT A



STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

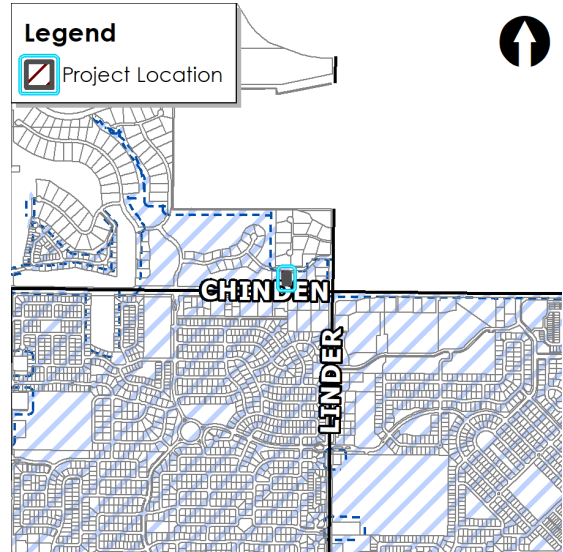
HEARING DATE: 12/15/2022

TO: Planning & Zoning Commission

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

SUBJECT: H-2022-0081
Guthries – CUP

LOCATION: 1840 W. Chinden Blvd, near the northwest corner of N. Linder Road and W. Chinden Blvd. in the SE 1/4 of the SE 1/4 of Section 23, Township 4N, Range 1W.



I. PROJECT DESCRIPTION

Conditional Use Permit (CUP) for a drive-through establishment within 300 feet of another drive-through facility, residential district, and existing residence on 0.969 acres of land in the C-C zoning district.

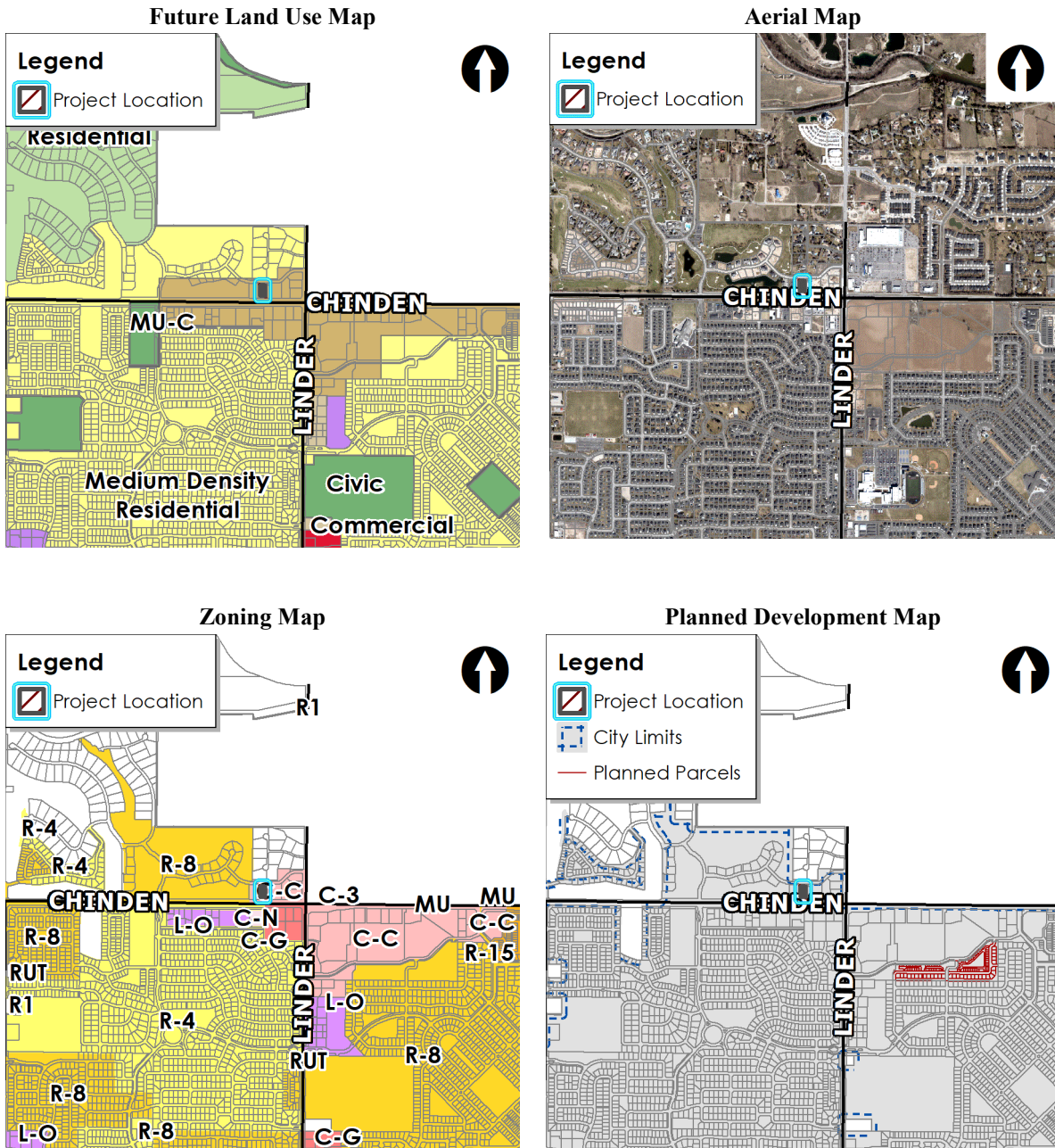
II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	0.969-acre	
Future Land Use Designation	Commercial	
Existing Land Use	Vacant/undeveloped land	
Proposed Land Use(s)	Restaurant with a drive-through	
Current Zoning	Community Business District (C-C)	
Physical Features (waterways, hazards, flood plain, hillside)	NA	
Neighborhood meeting date; # of attendees:	10/3/2022	
History (previous approvals)	PP-14-011 (Chinden and Linder Crossing Subdivision); MDA-14-008 , Development Agreement Instr. # 2014-088001 (Chinden and Linder Crossing Subdivision); FP-14-041 (Chinden and Linder Crossing Subdivision) CUP-15-007 (<i>Carl's Jr expired</i>).	

EXHIBIT A

A. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Nicolette Womack – 950 W. Bannock Street, Suite 1100

B. Owner:

DG Boise Chinden, LLC – 1000 Johnson Ferry Road B250, Marietta, GA 30068

EXHIBIT A

C. Representative:
Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	11/30/2022
Radius notification mailed to properties within 300 feet	11/13/2022
Site Posting Date	12/3/2022
Next Door posting	11/28/2022

V. STAFF ANALYSIS

Comprehensive Plan:

COMMERCIAL LAND USES

This property is designated “Mixed Use – Community” on the Comprehensive Plan Future Land Use Map. The purpose of this designation is to allocate areas where community-serving uses and dwellings are integrated into the urban fabric. The intent is to integrate a variety of uses, including residential, and to avoid mainly single-use and strip commercial-type buildings. Non-residential buildings in these areas tend to be larger than in Mixed Use – Neighborhood areas, but not as large as in Mixed Use – Regional areas. Goods and services in these areas tend to be of the variety that people will mainly travel by car to, but also walk or bike to (up to 3 or 4 miles). Employment opportunities for those living in and around the neighborhood are encouraged.

The site is proposed to develop a drive-through restaurant which will contribute to the mix of uses in this area and provide another fast food option to area residents within close proximity to nearby residential developments. The proposed use will also provide employment opportunities to nearby residents.

Staff finds the following Comprehensive Plan policies to be applicable to this property and apply to the proposed use (staff analysis in *italics*):

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

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

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

City water and sewer service stubs have been provided to this site with the development of the subdivision.

EXHIBIT A

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

The proposed drive-through restaurant will contribute to the variety of uses and fast food options in the northern portion of the City.

- “Require all commercial and industrial businesses to install and maintain landscaping.” (2.01.03B)

Street buffer landscaping was installed with the subdivision along W. Island Green Dr. and N. Linder Rd. on this site in accord with the standards listed in UDC 11-3B-7C. Internal parking lot landscaping is required to be installed in accord with the standards listed in UDC 11-3B-8C.

- “Locate industrial and commercial uses where adequate water supply and water pressure are available for fire protection.” (3.04.02A)

There is adequate water supply and pressure available to the site for fire protection.

For the above-stated reasons, staff believes the proposed use is consistent with the applicable comprehensive plan policies and is appropriate in this location.

SITE DESIGN AND CODE ANALYSIS

The Applicant proposes to construct a 2,083 (s.f.) restaurant with a drive-through for Guthries on a 0.969-acre property in the C-C zoning district.

A restaurant is listed as a principal permitted use in the C-G zoning district per UDC [Table 11-2B-2](#), subject to the specific use standards listed in UDC [11-4-3-49](#). A drive-through requires approval of a conditional use permit when it’s within 300 feet of another drive-through facility, an existing residence or a residential district per [11-4-3-11A.1](#). In this case, one other drive-through establishment exists within 300 feet of the property – Zions Bank (H-2018-0077) on a lot to the east; there are also existing residences and residential districts within 300 feet of the property.

The proposed hours of operation will be Sunday – Thursday from 10:00 am to 9:00 pm, and Friday and Saturday from 10:00 am to 10:00 pm. Business hours of operation within the C-C District shall be limited from 6:00 am to 11:00 pm when the property abuts a residential use or district. The property does not directly abut a residential district; however, it is within 300 feet of existing residential uses (north); therefore, Staff is supportive of the proposed hours of operation.

The proposed use and development plan is in substantial conformance with the provisions in the existing Development Agreement (Inst. #[2014-088001](#)).

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

Drive-Through Establishment: The proposed drive-through establishment is subject to the specific use standards listed in UDC [11-4-3-11](#), Drive-Through Establishment. All establishments providing drive-through service are required to identify the stacking lane, menu and speaker location (if applicable), and window location on the site plan. *A menu board, speaker, and window location are depicted on the site plan at the proposed ordering point.* The site plan is also required to demonstrate safe pedestrian and vehicular access and circulation on the site and between adjacent properties. ***Safe pedestrian access should be provided from the vehicle stacking areas on the south sides of the drive-through and along the northeast side of the site – one is required from the perimeter sidewalk along Chinden to the main building entrance. Staff recommends additional pedestrian accesses to the building along the southeast drive aisle per UDC 11-3A-19B.4 and a striped pedestrian walkway on the northeast side of the site directing patrons to the building entrance (see proposed***

EXHIBIT A

redlines on the site plan). Staff recommends signage be installed ahead of each crossing warning drivers to watch out for pedestrians (west, northeast, south). Staff finds that the parking stalls to the north should be restricted for employee parking only to maximize pedestrian safety. At a minimum, the plan is required to demonstrate compliance with the following standards:

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

The concept plan shows the stacking lane is a separate lane from the drive aisles and parking which provides access to the rest of the development. The proposed site layout places a drive-through that starts at the northeast corner of the building and goes all the way around the building with the exits shown at the northeast corner and west side of the building and also shows the pick-up window on the west side of the proposed restaurant. If there was additional or excessive overflow from the drive-through lane which does sometimes occur from drive-through establishments at peak times, it may stack into the parking lot to the east, north, and then west, not into W. Chinden Boulevard.

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

The stacking lane is a separate lane from the circulation lanes needed for access and parking, however there is a potential for vehicles to stack in the southern drive aisle.

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

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

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

The stacking lane exceeds 100' in length and an escape lane is required. An escape lane is proposed prior to approaching the ordering window on the west and east sides of the building.

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

The drive-through is located on the east west side of the building and is visible from the private drive on the west and from W. Island Green Drive along the north side of the property boundary for surveillance purposes.

Based on the above analysis, Staff deems the proposed drive-through is in compliance with the specific use standards as required.

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

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

Access: Access is provided to this site via W. Island Green Dr., a local street and the private drive located on the west side of the property. A cross-access easement exists between all lots in this subdivision as depicted on the plat for Chinden and Linder Crossing Subdivision. Direct access via W. Chinden Boulevard is prohibited. **At the time of the future Certificate of Zoning Compliance (CZC) application, the applicant should provide written documentation of the recorded cross-access easement.**

Parking: A minimum of one (1) parking space is required to be provided for every 250 square feet of

EXHIBIT A

gross floor area for the proposed restaurant use. A minimum of 8 off-street vehicle parking spaces are required for the 2,083 square foot building; the submitted site plan shows 25 proposed parking spaces exceeding UDC minimums.

Due to the multiple entrances/exits provided on this site for parking and drive-through access, Staff recommends that the Applicant depict striping and visible signage noting the required traffic flow for the site.

A minimum 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](#). *Bicycle parking is not shown on the plans submitted with this application.*

Pedestrian Walkways: A pedestrian walkway is proposed from the sidewalk along the private road to the main building entrance as required by UDC 11-3A-19.B.4. The proposed pedestrian connection is required to be a minimum of five (5) feet in width. **Where pedestrian walkways cross vehicular driving surfaces, they're required to be distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19B.4. The site/landscape plan submitted with the Certificate of Zoning Compliance application should reflect compliance with this standard – the proposed striping of the crosswalk is not allowed and should be revised to comply with this standard.**

Landscaping: Street buffer landscaping was installed within the street buffer along W. Chinden Boulevard with the Chinden and Linder Crossing subdivision improvements and must remain protected during construction on the site in accord with UDC 11-3B-10C3.

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

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 as shown in Section VII.C for a single-story building that incorporates a mix of materials consisting of EIFS, brick veneer, metal awnings, metal coping/downspouts, windows, and metal roofing. The final design of the structure is required to comply with the design standards listed in the Architectural Standards Manual.

No elevations were submitted that show the proposed trash enclosure; this should be corrected with the future CZC submittal and should match the style of the proposed building. The submitted landscape plans do show adequate screening of the trash enclosure.

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

EXHIBIT A

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 December 15, 2022. At the public hearing, the Commission moved to approve the subject Conditional Use Permit request.

1. Summary of the Commission public hearing:

- a. In favor: Connor Candrian, Applicant Architect
 - b. In opposition: Ron Callison, Terri Frohnmayer, William Frohnmayer, Neal Stuart
 - c. Commenting: Connor Candrian
 - d. Written testimony: A petition signed by numerous neighbors that live within the Spurwing/Spurwing Challenge Subdivision.
 - e. Staff presenting application: Stacy Hersh, Associate Planner
 - f. Other Staff commenting on application: Bill Parsons
- #### 2. Key issue(s) of public testimony:
- a. The primary concern is with excess traffic another restaurant with a drive-through will bring to the neighborhood.
- #### 3. Key issue(s) of discussion by Commission:
- a. None
- #### 4. Commission change(s) to Staff recommendation:
- a. Motion to approve Staff's recommended revision to condition A2.C as stated in Staff's presentation as requested by the Applicant.

EXHIBIT A

VII. EXHIBITS

A. Proposed Site Plan (dated: 12/13/2022)

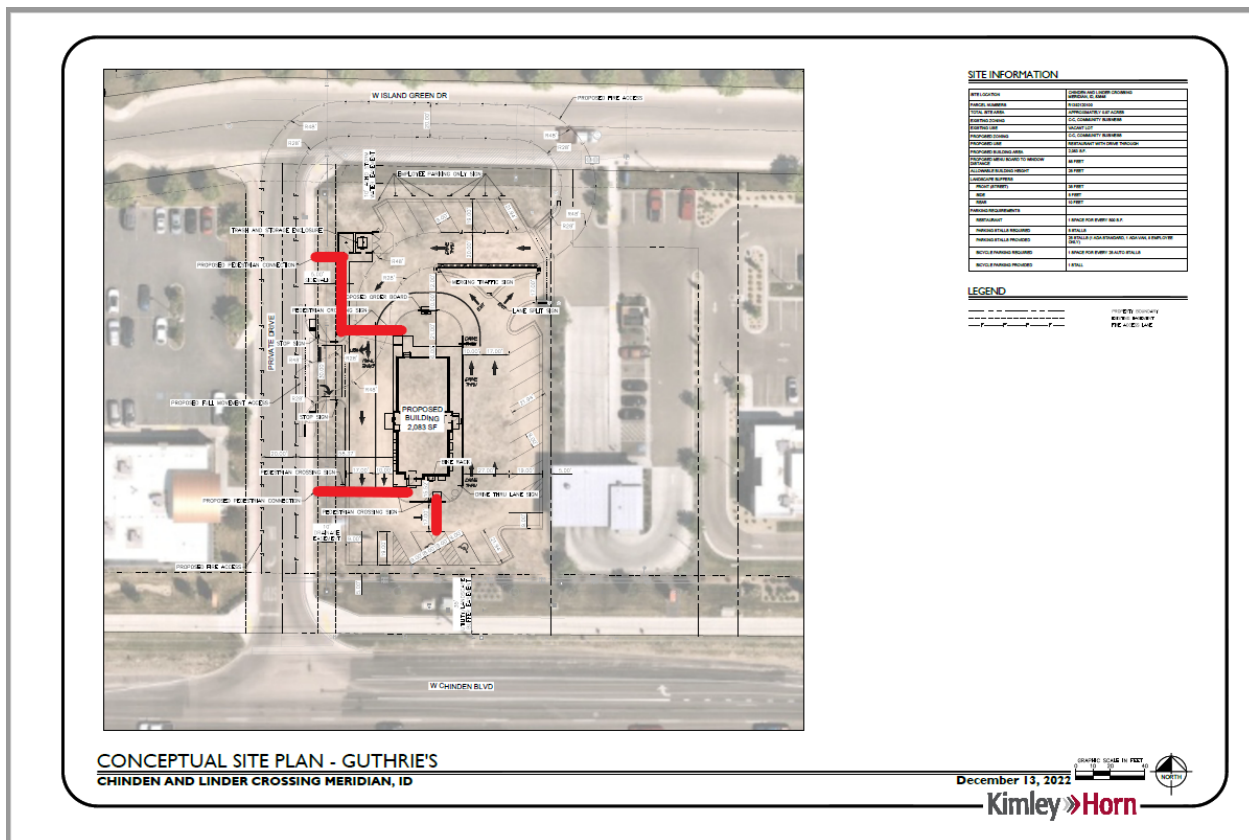


EXHIBIT A

B. Proposed Landscape Plan (dated: 10/18/2022)

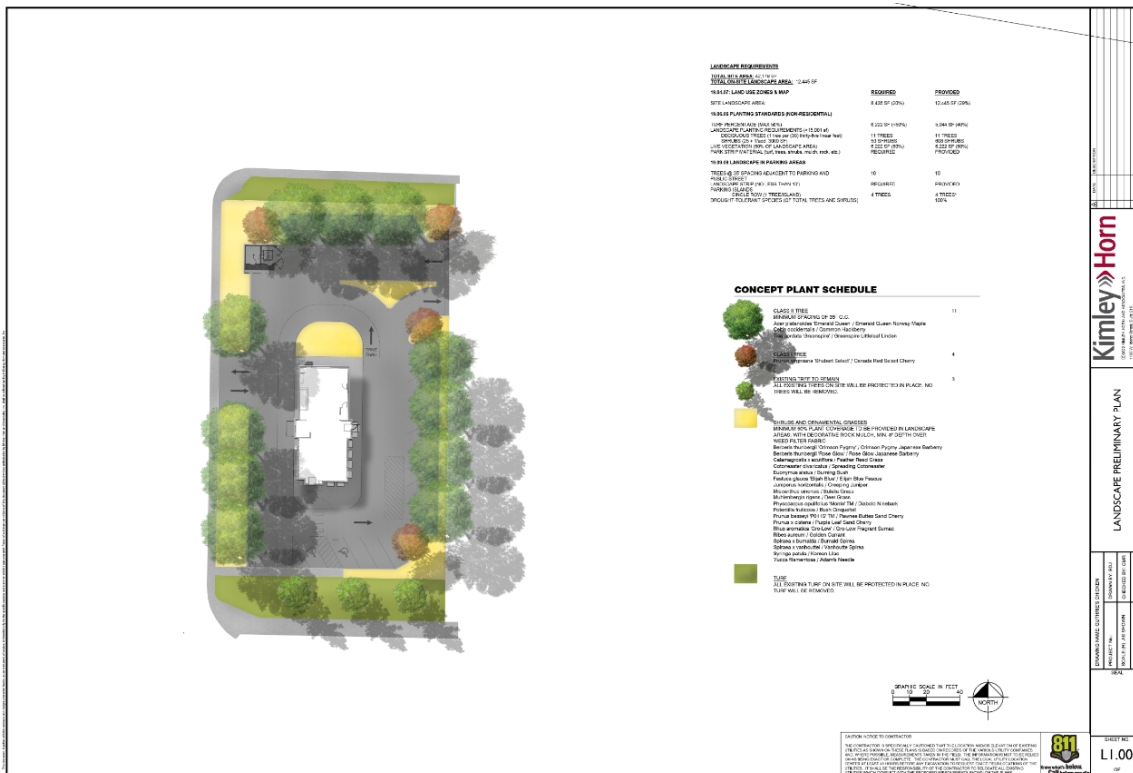
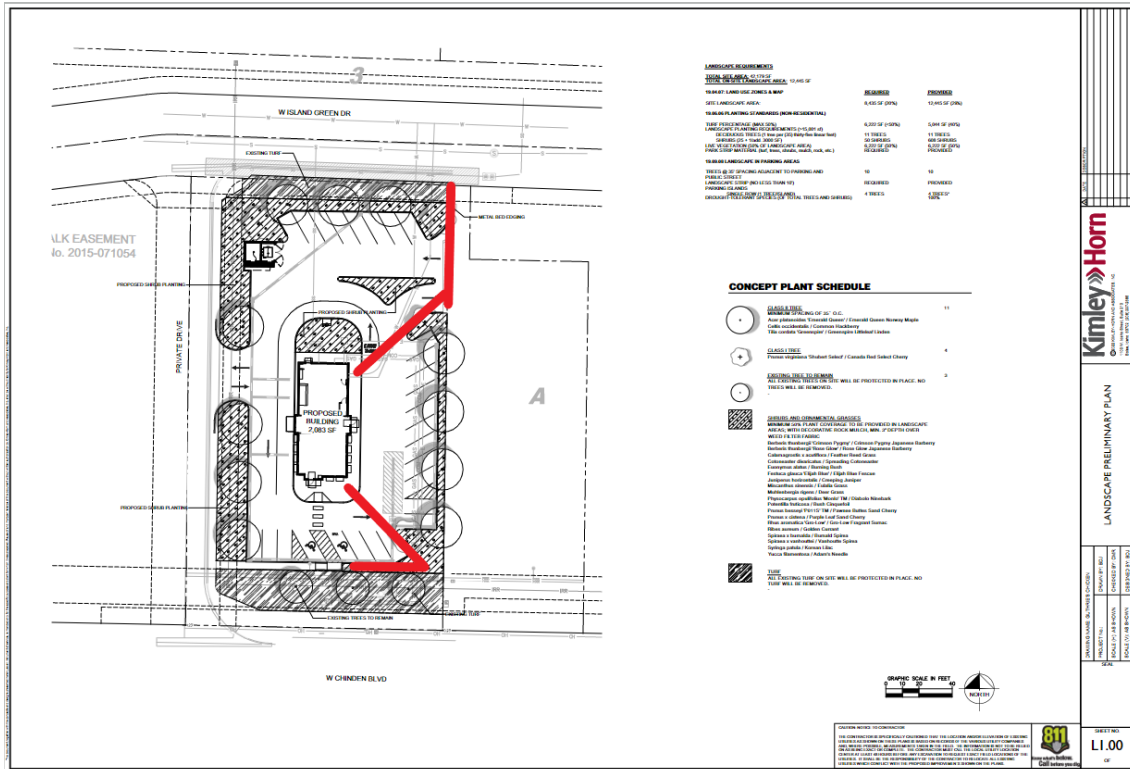


EXHIBIT A

C. Building Elevations

EXTERIOR FINISH SCHEDULE	
CODE	DESCRIPTION
EFS.1	BENJAMIN MOORE MOCHA CREAM CC45B
EFS.2	SHERWIN WILLIAMS 6868 REAL RED 101 C4
EFS.3	SHERWIN WILLIAMS 7021 SIMPLY WHITE 260 C7
EFS.4	SHERWIN WILLIAMS 6079 DIVERSE BEIGE 19B C2
EFS.5	SHERWIN WILLIAMS 9084 COCA WHIP 19B C4
BRK.1	ACME BRICK NORWOOD HERITAGE TEXTURE
MTL.1	DARK BRONZE COPING/FRAME/DOWNSPOUT
MTL.2	ANODIZED CANOPY

*NOT TO SCALE
 **SEE ARCHITECT'S NOTES FOR MATERIALS
 ***SEE ARCHITECT'S NOTES FOR FINISHES
 ****SEE ARCHITECT'S NOTES FOR COORDINATION

ELEVATION NOTES:

1. FINISHES TO BE MAINTAINED FOR ALL CANOPY & SIGNAGE ELEMENTS.
2. COORDINATE SIGNAGE COLOR WITH ALL EXTERIOR MATERIALS.
3. DOWNPOUTS TO BE TYPICAL/STANDARD SHOWN ON CAD.

ELEVATION KEYNOTES:

1. SEE FINISH SCHEDULE FOR ALL CANOPY & SIGNAGE ELEMENTS.
2. SEE FINISH SCHEDULE FOR ALL EXTERIOR MATERIALS.
3. SEE FINISH SCHEDULE FOR ALL EXTERIOR MATERIALS.
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20. SEE FINISH SCHEDULE FOR ALL EXTERIOR MATERIALS.

SEE ELEVATION

SEE ELEVATION

NOT FOR CONSTRUCTION

hendon trucklestein architects, pc

A New Building for: **GUTHRIE'S**

REVISED DESCRIPTION / DATE	
DATE	
BY	
CHECKED	
PROJECT NUMBER	22029.00
DATE	
DESCRIPTION	EXTERIOR ELEVATION

DATE: 11/11/2022

SCALE: A2.1

EXTERIOR FINISH SCHEDULE	
CODE	DESCRIPTION
EFS.1	BENJAMIN MOORE MOCHA CREAM CC45B
EFS.2	SHERWIN WILLIAMS 6868 REAL RED 101 C4
EFS.3	SHERWIN WILLIAMS 7021 SIMPLY WHITE 260 C7
EFS.4	SHERWIN WILLIAMS 6079 DIVERSE BEIGE 19B C2
EFS.5	SHERWIN WILLIAMS 9084 COCA WHIP 19B C4
BRK.1	ACME BRICK NORWOOD HERITAGE TEXTURE
MTL.1	DARK BRONZE COPING/FRAME/DOWNSPOUT
MTL.2	ANODIZED CANOPY

*NOT TO SCALE
 **SEE ARCHITECT'S NOTES FOR MATERIALS
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ELEVATION NOTES:

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2. COORDINATE SIGNAGE COLOR WITH ALL EXTERIOR MATERIALS.
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ELEVATION KEYNOTES:

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20. SEE FINISH SCHEDULE FOR ALL EXTERIOR MATERIALS.

SEE ELEVATION

SEE ELEVATION

NOT FOR CONSTRUCTION

hendon trucklestein architects, pc

A New Building for: **GUTHRIE'S**

REVISED DESCRIPTION / DATE	
DATE	
BY	
CHECKED	
PROJECT NUMBER	22029.00
DATE	
DESCRIPTION	EXTERIOR ELEVATION

DATE: 11/11/2022

SCALE: A2.2

EXHIBIT A

VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING

1. Future development of this site shall comply with the previous conditions of approval and terms of the existing Development Agreement and the conditions contained herein []; [MDA-14-008](#), Development Agreement Instr. #[2014-088001](#) (Chinden and Linder Crossing Subdivision) [PP-14-011](#) (Chinden and Linder Crossing Subdivision); [FP-14-041](#) (Chinden and Linder Crossing Subdivision)].
2. The site plan and landscape plan submitted with the Certificate of Zoning Compliance application shall be revised as follows:
 - a. The stacking lane, menu and speaker location(s), and window location shall be depicted in accord with UDC [11-4-3-11B](#).
 - b. All mechanical equipment on the back of the building and outdoor service and equipment areas should be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets as set forth in UDC [11-3A-12](#).
 - c. The pedestrian walkway from the perimeter sidewalk along ~~Chinden~~ the private drive on the southwest of the site to the main building entrance shall be distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19B.4b.; the two additional ~~required~~ proposed pedestrian walkways to the main building entrance(s) may be striped.
 - d. Depict signage ahead of each pedestrian crossing(s) in the drive-through lane (south and northeast) notifying drivers to watch out for pedestrians.
 - e. Depict signage along the parking stalls to the north restricting the stalls for employee parking only to maximize pedestrian safety.
 - f. Additional signage and parking lot striping is required throughout the site to efficiently and adequately direct patrons to the menu boards and throughout the site with minimal conflict.
 - g. Depict landscaping in the perimeter buffer and within the parking area in accord with the standards listed in UDC [11-3B-8C](#).
 - h. Depict signage ahead of each pedestrian crossing(s) in the drive-through lane (south and northeast) notifying drivers to watch out for pedestrians.
 - i. Depict one bicycle rack as close to the building entrance as possible without obstructing pedestrian walkways, public sidewalks, or building entrance(s) in accord with UDC [11-5-3C-5](#) and UDC [11-3C-6G](#).
3. Compliance with the standards listed in UDC [11-4-3-11](#)– Drive-Through Establishment and [11-4-3-49](#) – Restaurant is required.
4. Street buffer landscaping was installed within the street buffer along W. Chinden Boulevard with the Chinden and Linder Crossing subdivision improvements and must remain protected during construction on the site in accord with UDC 11-3B-10C3.
5. Submit elevation of the trash enclosure that generally matches the proposed building design with the submittal of the CZC and DES application.
6. Business hours of operation within the C-C District shall be limited from 6:00 am to 11:00 pm

EXHIBIT A

when the property abuts a residential use or district

7. Direct access via W. Chinden Boulevard is prohibited. At the time of the future Certificate of Zoning Compliance (CZC) application, the applicant should provide written documentation of the recorded cross-access easement.

A Certificate of Zoning Compliance and Design Review application shall be submitted and approved for the proposed use prior to submittal of a building permit application. The design of the site and structure shall comply with the standards listed in UDC [11-3A-19](#); the design standards listed in the [Architectural Standards Manual](#) and with the Development Agreement.

8. The conditional use permit is valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the Applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground as set forth in UDC [11-5B-6](#). A time extension may be requested as set forth in UDC 11-5B-6F.

B. PUBLIC WORKS

Site Specific Conditions of Approval

1. A future install agreement will be required for the development of this property. This agreement will be for \$14,000.00 for the cost of one streetlight to be installed after the final building out Chinden Blvd.

General Conditions of Approval

1. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (UDC 11-3B-6). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
2. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
3. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
4. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
5. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
6. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
7. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
8. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.

EXHIBIT A

9. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
10. Developer shall coordinate mailbox locations with the Meridian Post Office.
11. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
12. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.

C. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=282199&dbid=0&repo=MeridianCity>

D. NAMPA & MERIDIAN IRRIGATION DISTRICT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=282304&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.

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

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

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

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

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

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

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

EXHIBIT A

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.

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

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

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

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

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

8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

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

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

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

This finding is not applicable.

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

This finding is not applicable.



AGENDA ITEM

ITEM TOPIC: Public Hearing for Dutch Bros Ustick and Eagle (H-2022-0077) by Andrew Bowman, Barghausen Consulting Engineers, Inc., located at the four (4) lots at the southwest corner of N. Eagle Rd. and E. Ustick Rd. intersection

Application Materials: <https://bit.ly/H-2022-0077>

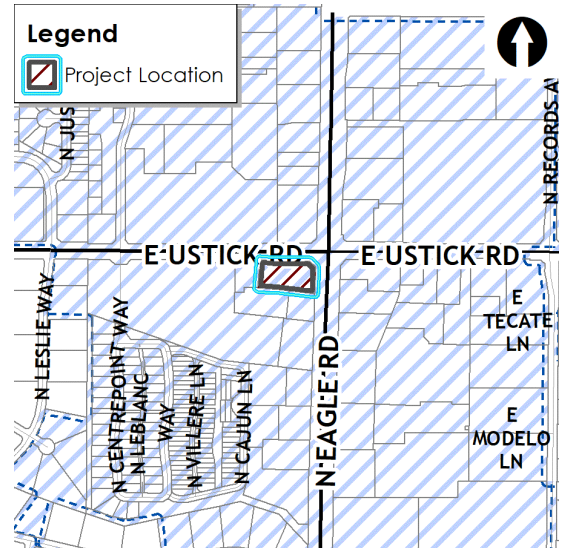
A. Request: Conditional Use Permit for a new 1,154 square foot, dual drive-through Dutch Bros. coffee restaurant on approximately 1.2 acres of land in the C-G zoning district.

B. Request: Development Agreement Modification to allow the requested drive-through use by updating the overall concept plan of the approved Development Agreement (Inst. #2019-121599).

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: Janaury 5, 2023
 TO: Planning & Zoning Commission
 FROM: Stacy Hersh, Associate Planner
 208-884-5533
 SUBJECT: H-2022-0077 – Dutch Bros Ustick & Eagle MDA, CUP
 LOCATION: 3117 E. Ustick Rd., in the NE ¼ of Section 5, Township 3N., Range 1E. (Parcel #R9161790045)



I. PROJECT DESCRIPTION

The Applicant has submitted an application for a modification to the existing Development Agreement (H-2019-0082, Inst. #2019-121599) to update the existing concept plan; and conditional use permit to construct a new 1,154 square foot restaurant with associated drive-through on approximately 1.2 acres of land in the C-G zoning district.

II. SUMMARY OF REPORT

A. Project Summary

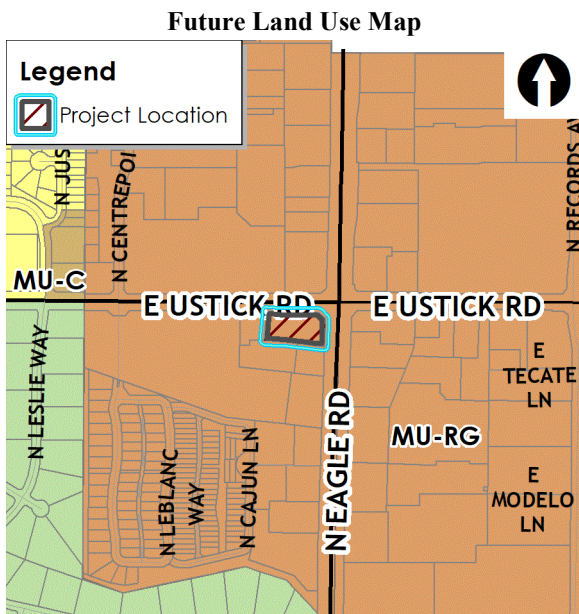
Description	Details	Page
Acreage	3.29-acre property (MDA Agreement); 1.194 (Conditional Use Permit)	
Future Land Use Designation	MU-R (mixed-use regional)	
Existing Land Use	Vacant/undeveloped	
Proposed Land Use(s)	Dutch Bros. Coffee (restaurant with a drive-through)	
Current Zoning	C-G	
Physical Features (waterways, hazards, flood plain, hillside)	The Milk Lateral runs along north and east boundaries of site	
Neighborhood meeting date; # of attendees:	9/27/2022; 4 attendees	

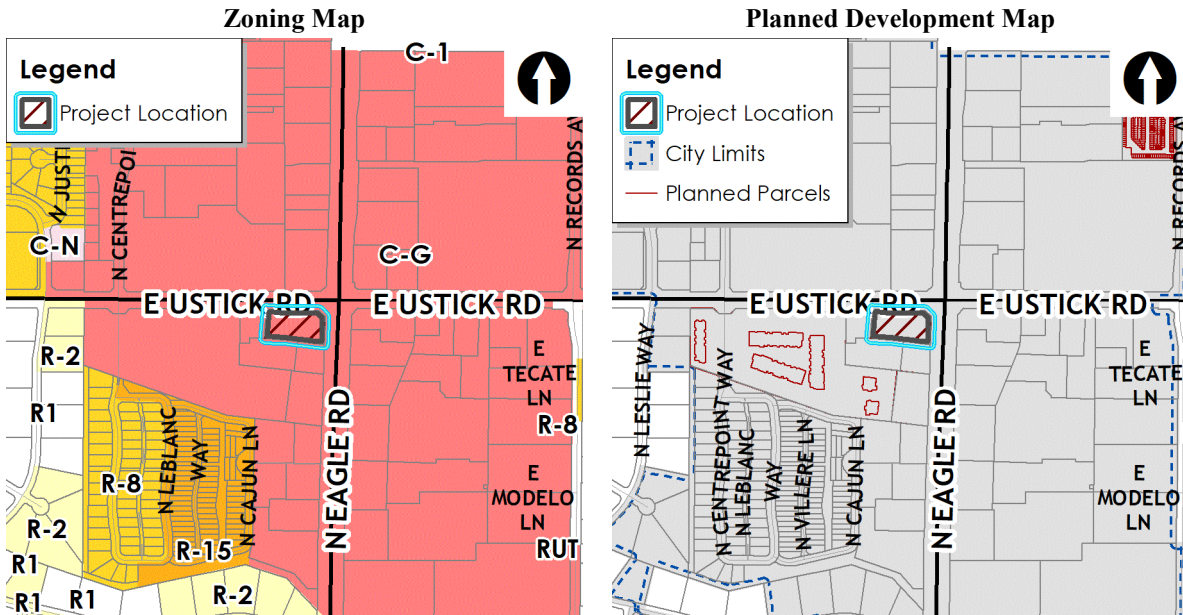
Description	Details	Page
History (previous approvals)	MDA H-2019-0082 (DA#2019-121599); PP H-2020-0104 (Wadsworth Meridian Subdivision) A-2019-0376; A-2021-0010 (site improvements) A-2021-0012 (CZC/DES); PBA-2021-0020 (Property Boundary Adjustment); MDA H-2021-0104 (Denied)	

B. Community Metrics

Description	Details
Ada County Highway District	<i>Not yet received</i>
<ul style="list-style-type: none"> Staff report (yes/no) 	Not yet received
<ul style="list-style-type: none"> Requires ACHD Commission Action (yes/no) 	No
Traffic Impact Study (yes/no)	No
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed) Trip Generation	Access is proposed from E. Bourbon Street via E. Ustick Road. at the west boundary of the site.

C. Project Area Maps





III. APPLICANT INFORMATION

A. Applicant:

Andrew Bowman, Barghausen – 18215 72nd Avenue South, Kent WA 98032

B. Owner:

Leo Betz, Wadsworth Development Group– 166 East 14000, South, Suite 210, Draper, UT 84020

C. Agent/Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	11/30/2022	
Radius notification mailed to properties within 300 feet	11/13/2022	
Public hearing notice sign posted on site	12/28/2022	
Nextdoor posting	11/28/2022	

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

Land Use:

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

The purpose of the MU-R 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.

The subject site is part of a much larger MU-R area along the Eagle Road corridor that includes a mix of residential and commercial uses. Therefore, Staff believes the proposed project is generally consistent with the MU-R 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*):

- “Plan for an appropriate mix of land uses that ensures connectivity, livability, and economic vitality.” (3.06.02)
The proposed use will contribute to the mix of uses in this area that ensure the livability and economic vitality of the community.
- “Encourage and support mixed-use areas that provide the benefits of being able to live, shop, dine, play, and work in close proximity, thereby reducing vehicle trips, and enhancing overall livability and sustainability.” (3.06.02B)
The subject mixed-use area currently contains a number of retail, restaurant, office, and residential uses and will eventually include a multi-family development directly to the west. To the north are a number of big box stores (Kohl’s, Dick’s, and Hobby Lobby) and the new Brickyard vertically integrated development; to the northeast is Lowe’s and various other commercial and restaurant buildings; to the east is Trader Joes’s, multiple restaurants, and the Verraso townhomes; and to the southeast are traditional garden style apartments, restaurant users, and The Village. The proposed Dutch Bros. coffee restaurant will contribute to the mix of uses in this area and provide a drive-through coffee chain option to area residents within close proximity to nearby residential developments. The proposed use will also provide employment opportunities to nearby residents.
- “Require pedestrian circulation plans to ensure safety and convenient access across large commercial and mixed-use developments.” (3.07.02A).
A 10-foot wide pathway is proposed within the buffer along the entire frontage of N. Eagle Rd and was constructed under the approved CZC (A-2021-0010). There is a 5-foot wide detached sidewalk within the landscape buffer to Ustick Road per the conditions of approval in the existing CZC. The sidewalk will connect to the multi-use pathway at the intersection of Ustick and Eagle Road. Minimum 5-foot wide sidewalks will be required adjacent to all commercial buildings within the Wadsworth Meridian Subdivision development and along the main driveways within the site for pedestrian connectivity and easy access within the mixed-use development.
- “Minimize noise, lighting, and odor disturbances from commercial developments to residential dwellings by enforcing city code.” (5.01.01F)
Operation of the proposed use should comply with City ordinances pertaining to noise, lighting, and odor disturbances.

VI. STAFF ANALYSIS

A. PROPERTY HISTORY

In 2019, a DA Modification was approved to remove the subject site from the original DA to enter into a new one specific to this site (H-2019-0082, DA Inst. #2019-121599). Subdivision approval was granted consisting of 5 commercial building lots. Several administrative approvals have been granted on the subject site: A-2019-0376 & A-2021-0010 (CZC for the parking lot, landscaping, and other relevant site

improvements); A-2021-0012 (CZC and Design Review approval of the southwest multi-tenant building); PBA-2021-0020 (boundary adjustment to remove a lot along the north boundary creating 4 buildable lots instead of 5).

In 2022, the City Council held a public hearing to consider the Applicant's request to modify the existing Development Agreement (MDA) (H-2021-0104) for the purpose of updating the concept plan to show two- drive-through uses along the north boundary instead of two larger commercial buildings. The proposed concept plan, ingress, egress, and internal traffic circulation was found to be detrimental to the community. After carefully considering all the testimony received and all the information in the record, the City Council found that the Applicant failed to demonstrate that the Applicant's proposed new plan was superior to the existing one therefore, City Council denied the application which has necessitated the need for the applicant to reapply for another amendment.. T

B. DEVELOPMENT AGREEMENT MODIFICATION (MDA)

The existing concept plan within the approved Development Agreement (DA) (Inst. #2019-121599) depicts four buildings on the subject site (Exhibit VI.A below) with the two closest to the north boundary and Ustick Road being multi-tenant buildings or similarly sized commercial buildings. Since this concept plan was approved the property has changed ownership and according to the new owners, the existing concept plan is not best suited for site development. Therefore, the Applicant is requesting to modify the existing DA for the purpose of updating the concept plan to show a Dutch Bros. Coffee restaurant with drive-through use along the northwest boundary instead of one larger commercial building.

None of the existing provisions contained within the recorded DA preclude additional drive-through uses from occurring on the property—the approved multi-tenant building in the southwest corner of the site is approved with a drive-through. Because of this existing drive-through approval, the request would conceptually allow two (2) drive-throughs within this project. The new drive-through shown on the updated conceptual development plan will need to obtain Conditional Use Permit (CUP) approval prior to submitting for building permits because of the existing drive-through noted. In addition, the proposed concept plan shows a reduction in commercial square footage due to a smaller footprint proposed for the Dutch Bros site.

Access to the development is existing via a drive aisle connection to a shared driveway from E. Ustick Rd. approved with the Centrepointe Mixed-Use MDA(H-2022-0035) along the west boundary of the site and a recorded cross-access easement via N. Centrepoint Way, N. Cajun Ln. and E. Seville Ln. The Applicant is not proposing any revisions to the ingress/egress for the overall site but access to Centrepoint Way to the west is indirect until such time the property to the west develops. Within the site, preliminary analysis shows that there should be ample parking for the four (4) proposed buildings and their uses (three restaurants, one multi-tenant retail building, and one urgent care/clinic) and internal circulation shown on the concept plan should meet all requirements of the UDC.

C. CONDITIONAL USE PERMIT (CUP)

Conditional use permit for a new 1,154 square foot dual drive-through Dutch Bros. coffee restaurant on approximately 1.2 acres of land in the C-G zoning district to allow the requested drive-through use within 300 feet of another drive-through facility.

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

The proposed use is subject to the following standards: *(Staff's analysis/comments in italic text)*

Drive-Through Establishment: The proposed drive-through establishment is subject to the specific use standards listed in UDC [11-4-3-11](#), Drive-Through Establishment. All establishments providing drive-through service are required to identify the stacking lane, menu and speaker location (if applicable), and window location on the site plan. *A menu board location should be depicted on the plans.* The site plan

is also required to demonstrate safe pedestrian and vehicular access and circulation on the site and between adjacent properties. At a minimum, the plan is required to demonstrate compliance with the following standards:

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

The concept plan shows the stacking lane is a separate lane from the drive aisles and parking which provides access to the rest of the development. The proposed site layout places a drive-through that starts at the southwest side of the building and exits at the southeast side of the building facing N. Eagle Road. Approximately 524 feet of stacking space is available behind the drive-through window to provide queuing for up to 26 vehicles. Dutch Bros. coffee has proposed implementing a runner system at the facility that is designed to increase speed and efficiency in servicing the drive-through customers; as well, employees will travel from vehicle to vehicle to greet and take customer orders. The "Runners" will utilize a handheld device to transmit customer orders to the multiple drink stations inside the building. Additionally, "Runners" will charge customers while in line, so by the time they arrive at the service window, they may pick up their order and be on their way. This system decreases wait times while allowing the "Runners" to have a more personal face-to-face interaction with the customers. The drive-through will not include any speaker boxes. All customer orders are taken in person either at the window or with a runner that carries a handheld device to transmit orders to the kitchen. This order process will minimize noise impacts and also decrease the amount of vehicle idling at menu boards that are common at traditional drive-through facilities. If there was additional or excessive overflow from the drive-through lane which does sometimes occur from drive-through establishments at peak times, it would stack into the parking lot from the west, not into N. Cajun Lane or E. Ustick Road.

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

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

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

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

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

The stacking lane exceeds 100' in length and an escape lane is required. An escape lane is proposed prior to approaching the ordering window on the southeast side of the building.

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

The drive-through is located on the south side of the building and is visible from the N. Eagle Road and the drive aisle along the south side of the building for surveillance purposes.

Based on the above analysis, Staff deems the proposed drive-through is in compliance with the specific use standards as required.

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

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

Development of the site shall comply with the dimensional standards of the C-G zoning district in UDC Table [11-2B-3](#). Staff has reviewed the proposed plans and building elevations and they comply with the required standards.

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

Access is proposed on the site plan from E. Bourbon Street, a local street on the west side of the property, and the private road to the south, granted through a Mutual Access Easement – Instrument #106169335. A cross-access easement exists between Wadsworth Meridian Subdivision and the property to the west (parcel # S1105110111) depicted on the recorded plat for Wadsworth Meridian Subdivision. Cars will enter the site from the west and will either park in the lot in front of the drive-through or continue to the east along one of the two 12' drive-through lanes merging to the coffee kiosk and exiting back to the same drive aisle to the south. There is an escape lane provided just south of the coffee kiosk that exists to the same drive aisle to the south. **Direct access via E. Ustick Road is prohibited.**

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

A minimum of one (1) off-street parking space is required per 250 square feet (s.f.) of gross floor area. Based on 1,154 s.f., a minimum of 5 parking spaces are required. A total of 14 parking spaces are proposed, exceeding UDC standards.

A minimum 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](#). *Bicycle parking is shown on the plans submitted with this application.*

Pedestrian Walkways: A pedestrian walkway is proposed from the pation on the east side of the building to the pedestrian pathway along Eagle Road as required by UDC 11-3A-19.B.4.

Per the Development Agreement (Instrument #2019-121599), a 10-foot wide multi-use pathway with a use easement and pedestrian lighting and landscaping shall be installed adjacent to N. Eagle Road/SH-55 as set forth in UDC 11-3H-4C.3 with the site improvements approved with CZC (A-2021-0010).

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

Street buffer: The street buffer along N. Eagle Road and E. Ustick Road are required to be constructed with the improvements for the Wadsworth Meridian Subdivision along with the approved CZC (A-2021-0010) for the common area site improvements. **Per UDC 11-3B-7.C.3, All required landscape buffers along streets shall be designed and planted with a variety of trees, shrubs, lawn, or other vegetative ground cover. Plant materials in conjunction with site design shall elicit design principles including rhythm, repetition, balance, and focal elements. The landscape buffers shown on the landscape plan are sparse, Staff recommends adding more of a mix of shrubs and River Rock Mulch to the northwest corner of the site fronting Ustick and along the north and south of the drive-through lanes.**

Parking lot: Landscaping is required in the parking lot per the standards in UDC 11-3B-8C.1. **The perimeter landscape buffer shall be planted with one Class II or Class III tree per thirty-five (35) linear feet and shrubs, lawn, or other vegetative ground cover. The perimeter landscape buffer next to the drive-through lane on the west side of the site is missing a mix of trees, shrubs, and River Rock mulch on the landscape plan submitted with the CUP.** All other landscaping appears to comply with UDC standards.

With the CZC submittal, the landscape plan should be revised to show the required mix of materials (i.e., trees, shrubs, River Rock Mulch) in the landscape buffer adjacent to Ustick Road, and to the parking lot perimeter landscape buffers to the north, south, and west of the drive-through lanes.

Outdoor Lighting (UDC 11-3A-11):

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

Details of the lighting proposed on the site that demonstrate compliance with the standards listed in UDC 11-3A-11 should be submitted with the Certificate of Zoning Compliance application.

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

Conceptual building elevations were submitted for the proposed structure as shown in Section VII.E. Building materials consist of fiber cement siding, CMU Willamette-Graystone, metal roofing, canopy soffit in natural north-western spruce, and glazing. The elevations appear to generally comply with the standards in the Architectural Standards Manual; however, a detailed review will take place with the administrative Design Review application.

Certificate of Zoning Compliance (UDC [11-5B-1](#)):

A Certificate of Zoning Compliance (CZC) is required to be submitted for the proposed use prior to the submittal of a building permit application to ensure compliance with UDC standards and the conditions listed in Section X.

Administrative Design Review (UDC [11-5B-8](#)):

An application for administrative Design Review is required to be submitted concurrently with the CZC application. The design of the site and structures is required to comply with the standards listed in UDC 11-3A-19 and in the Architectural Standards Manual ([ASM](#)).

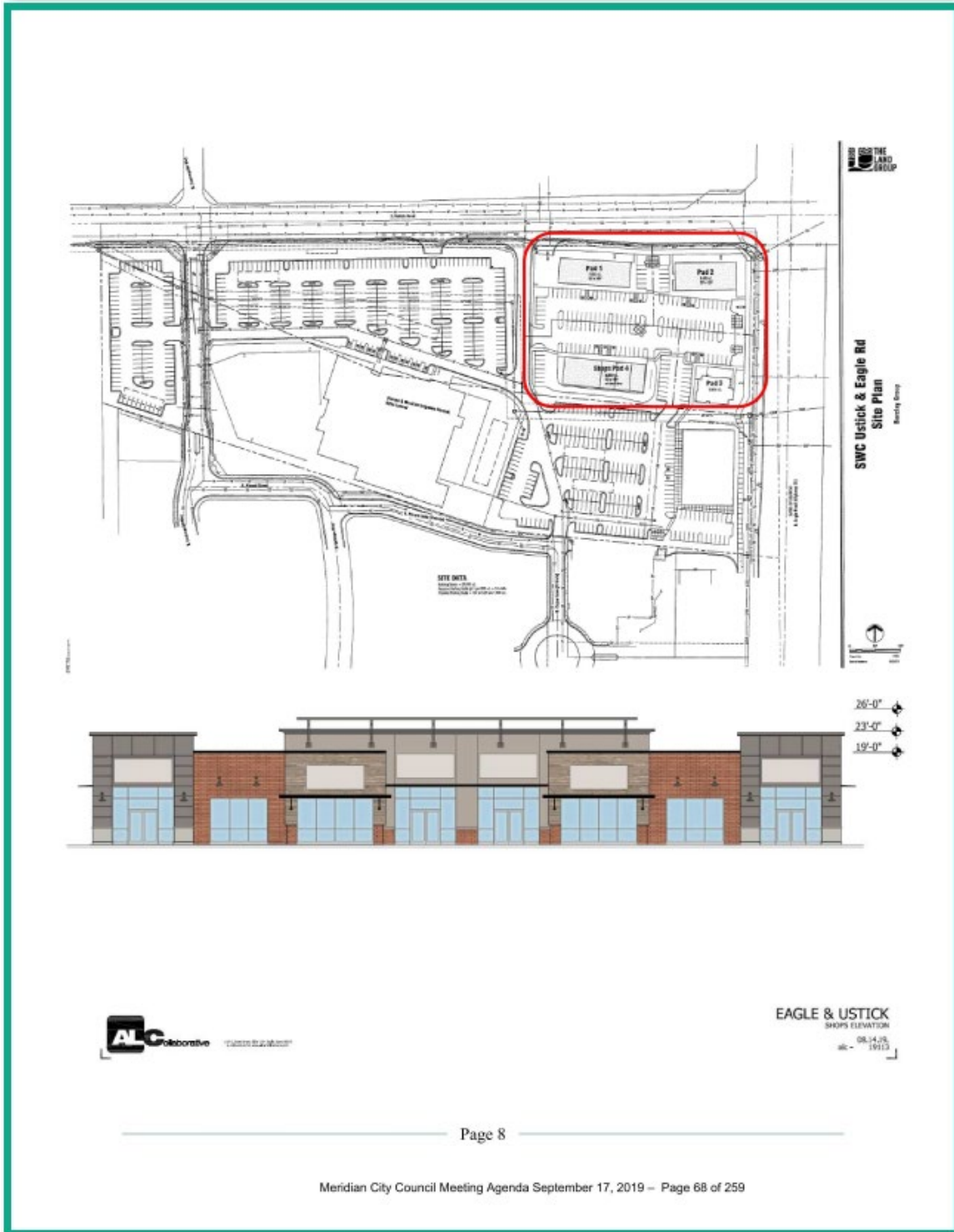
VII. DECISION

A. Staff:

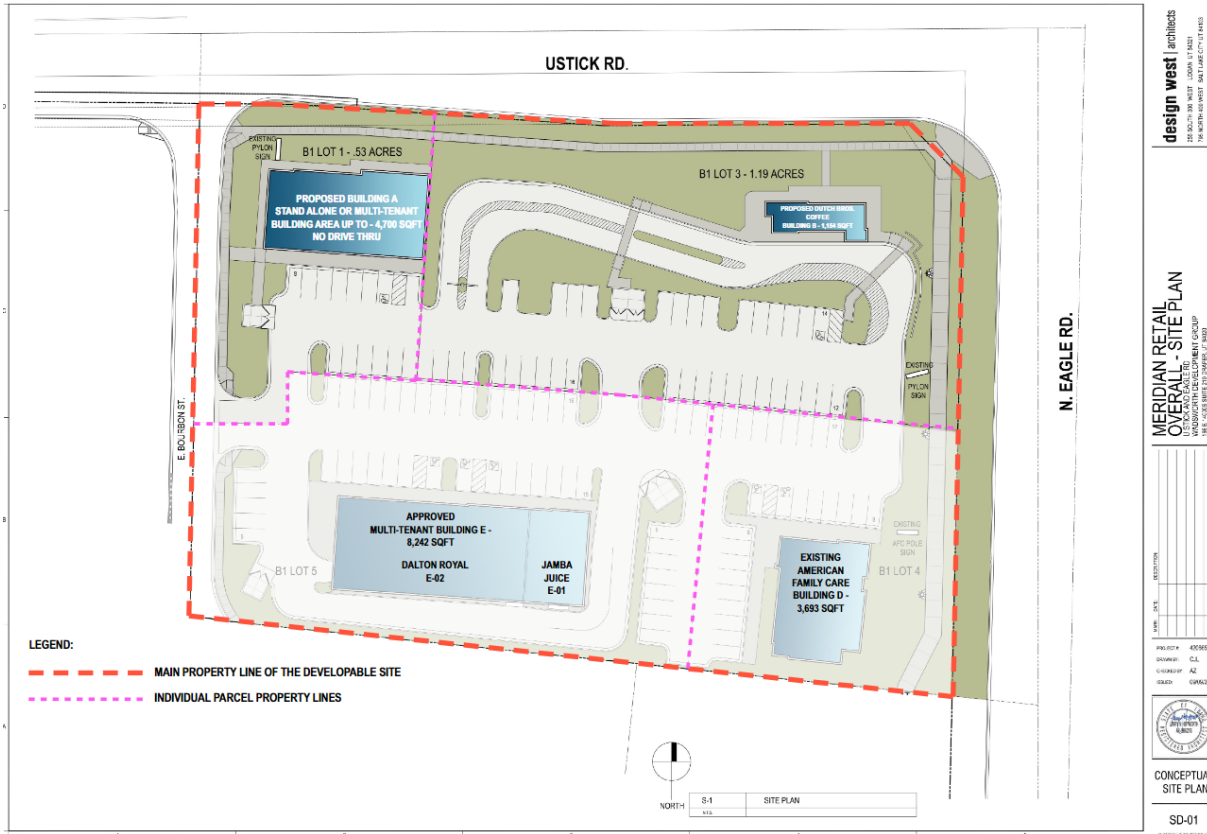
Staff recommends approval of the proposed modification to the existing Development Agreement and Conditional Use Permit per the provisions included in Section IX in accord with the Findings in Section X.

VIII. EXHIBITS

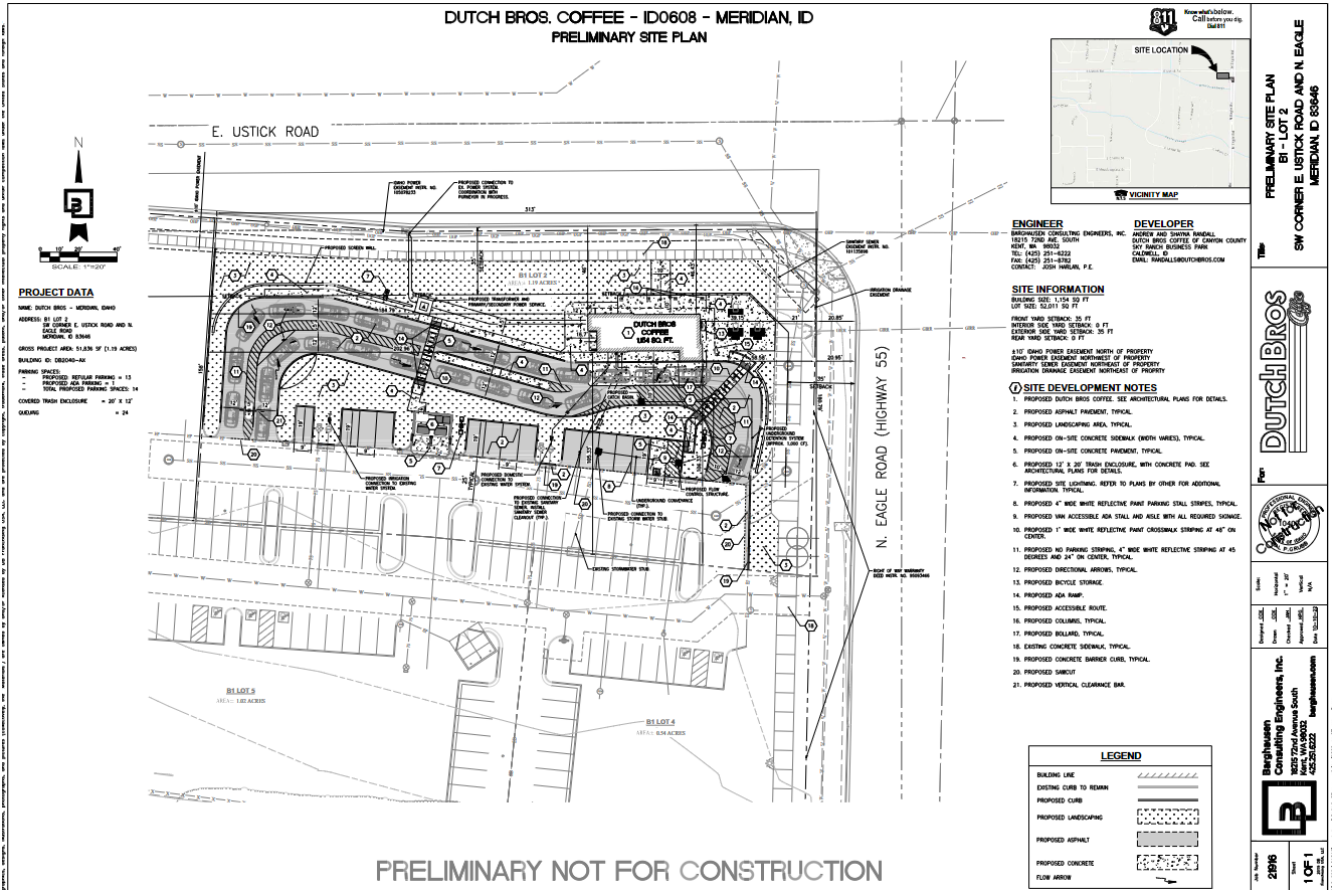
A. Existing Conceptual Development Plan & Building Elevations



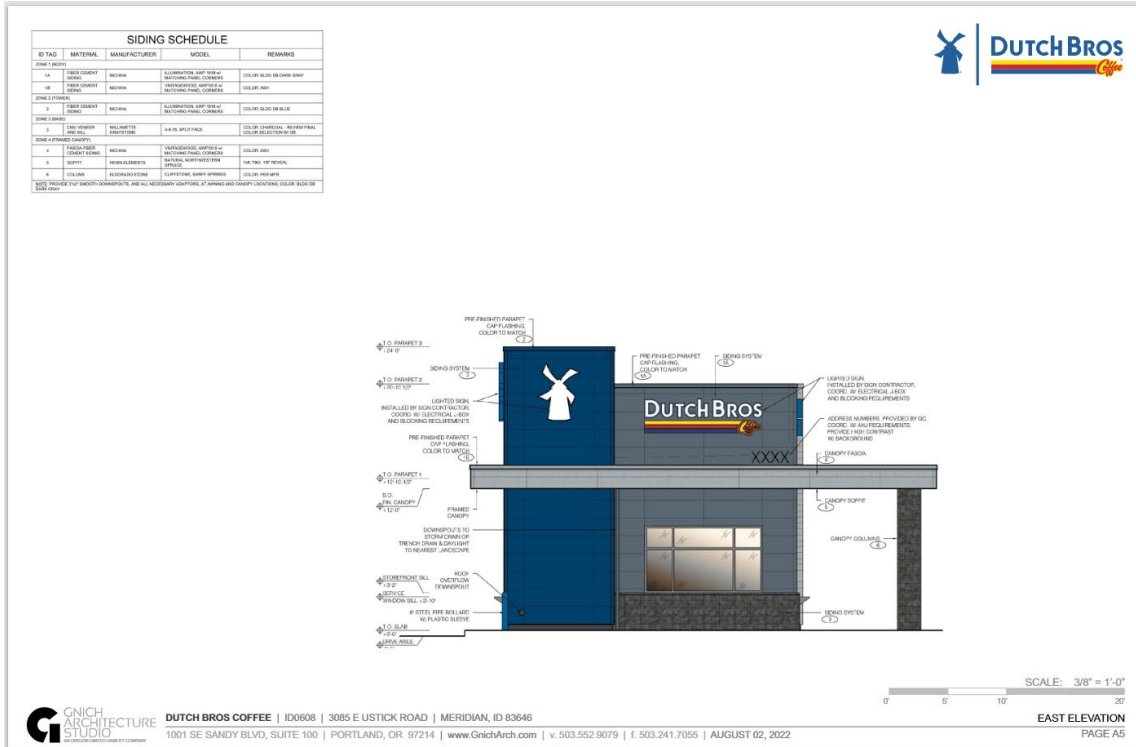
B. Proposed Conceptual Development Plan



C. Proposed Dutch Bros. Coffee Site Plan (date: 10/11/2022)

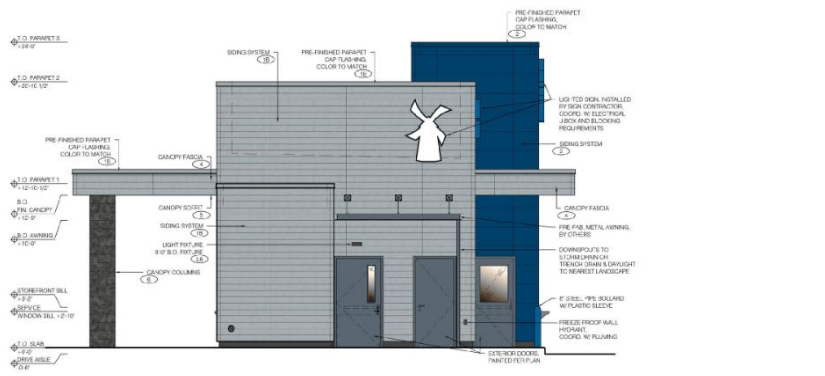


E. Dutch Bros. Coffee Proposed Elevations (Not Approved)



ID TAG	MATERIAL	MANUFACTURER	MODEL	REMARKS
ZONE 1 SIDING				
1A	FIELD COBERT SIDING	MOHAWK	ILLUMINATION AMP 100 W/ 4" NATURAL PANEL CORNER	COLOR: BLUE-38 DARK GRAY
1B	FIELD COBERT SIDING	MOHAWK	ILLUMINATION AMP 100 W/ 4" NATURAL PANEL CORNER	COLOR: ARI
ZONE 2 SIDING				
2	FIELD COBERT SIDING	MOHAWK	ILLUMINATION AMP 100 W/ 4" NATURAL PANEL CORNER	COLOR: BLUE-38 BLUE
ZONE 3 SIDING				
3	ONE-PIECE SIDING	WILLAMETTE SIDINGCO	44 IN. 3/4" FACE	COLOR: CHARCOAL, 40% REF. FINA. COLOR: SELECTION 10-38
ZONE 4 FINISHED CANOPY				
4	FIELD COBERT SIDING	MOHAWK	ILLUMINATION AMP 100 W/ 4" NATURAL PANEL CORNER	COLOR: ARI
5	SOFFIT	REINFORCEMENTS	NATURAL NORTHWESTERN SPRUCE	1/4" PANEL W/ REVEAL
6	COLUMNS	ALUMINUM SYSTEM	CLIPSTONE BARRY SPRINGS	COLOR: PERMIRA

NOTE: FINISH FOR SIDING-CORNERPOSTS, AND ALL NECESSARY ADAPTORS, AT FINISHING AND CANOPY LOCATIONS. COLOR: BLUE-38 DARK GRAY.



SCALE: 3/8" = 1'-0"
0 5 10 20'



DUTCH BROS COFFEE | ID0608 | 3085 E USTICK ROAD | MERIDIAN, ID 83646
1001 SE SANDY BLVD, SUITE 100 | PORTLAND, OR 97214 | www.GnichArch.com | v. 503.552.9079 | f. 503.241.7055 | AUGUST 02, 2022

WEST ELEVATION
PAGE A7

ID TAG	MATERIAL	MANUFACTURER	MODEL	REMARKS
ZONE 1 SIDING				
1A	FIELD COBERT SIDING	MOHAWK	ILLUMINATION AMP 100 W/ 4" NATURAL PANEL CORNER	COLOR: BLUE-38 DARK GRAY
1B	FIELD COBERT SIDING	MOHAWK	ILLUMINATION AMP 100 W/ 4" NATURAL PANEL CORNER	COLOR: ARI
ZONE 2 SIDING				
2	FIELD COBERT SIDING	MOHAWK	ILLUMINATION AMP 100 W/ 4" NATURAL PANEL CORNER	COLOR: BLUE-38 BLUE
ZONE 3 SIDING				
3	ONE-PIECE SIDING	WILLAMETTE SIDINGCO	44 IN. 3/4" FACE	COLOR: CHARCOAL, 40% REF. FINA. COLOR: SELECTION 10-38
ZONE 4 FINISHED CANOPY				
4	FIELD COBERT SIDING	MOHAWK	ILLUMINATION AMP 100 W/ 4" NATURAL PANEL CORNER	COLOR: ARI
5	SOFFIT	REINFORCEMENTS	NATURAL NORTHWESTERN SPRUCE	1/4" PANEL W/ REVEAL
6	COLUMNS	ALUMINUM SYSTEM	CLIPSTONE BARRY SPRINGS	COLOR: PERMIRA

NOTE: FINISH FOR SIDING-CORNERPOSTS, AND ALL NECESSARY ADAPTORS, AT FINISHING AND CANOPY LOCATIONS. COLOR: BLUE-38 DARK GRAY.



SCALE: 3/8" = 1'-0"
0 5 10 20'



DUTCH BROS COFFEE | ID0608 | 3085 E USTICK ROAD | MERIDIAN, ID 83646
1001 SE SANDY BLVD, SUITE 100 | PORTLAND, OR 97214 | www.GnichArch.com | v. 503.552.9079 | f. 503.241.7055 | AUGUST 02, 2022

SOUTH ELEVATION - DRIVE-THRU WINDOW
PAGE A8



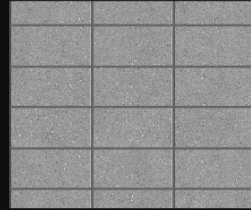
FIBER CEMENT BOARD
 MANUFACTURER: NICHHA
 PROFILE: ILLUMINATION
 COLOR: BLDG DB BLUE



FIBER CEMENT BOARD
 MANUFACTURER: NICHHA
 PROFILE: ILLUMINATION
 COLOR: BLDG DB DARK GRAY



FIBER CEMENT BOARD
 MANUFACTURER: NICHHA
 PROFILE: VINTAGEWOOD
 COLOR: ASH



CMU
 MANUFACTURER: WILLAMETTE-GRAYSTONE
 PROFILE: SLIT FACE
 COLOR: CHARCOAL, OR SIM.



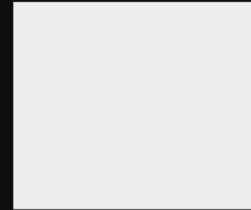
CANOPY SOFFIT
 MANUFACTURER: HEWN
 PROFILE: NW SPRUCE
 NATURAL & SEALED
 COLOR: PER MFR.



WINDOW SYSTEM
 MANUFACTURER: KAWNEER OR SIMILAR
 PROFILE: CLEAR ANODIZED ALUMINUM
 FINISH: CLEAR NO 14 / 17



AWNINGS & DOORS - PAINT
 MANUFACTURER: SHERWIN-WILLIAMS
 COLOR: BLDG DB GRAY DARK



ROOFING MATERIAL
 MANUFACTURER: DURO-LAST
 DL-60 - 60 MIL
 COLOR: WHITE



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MATERIAL BOARD
 PAGE A9

IX. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

Development Agreement Modification:

1. *The amended DA shall be signed by the property owner(s) and returned to the City within six (6) months of City Council granting the subject modification. A certificate of zoning compliance and administrative design review application cannot be submitted until the DA is executed.*

Applicant shall develop the property consistent with the conceptual development plan in Section VIII.B

Conditional Use Permit:

2. The site plan and landscape plan submitted with the Certificate of Zoning Compliance application shall be revised as follows:
 - a. The stacking lane, and menu location(s), and window location shall be depicted in accord with UDC [11-4-3-11B](#).
 - b. All mechanical equipment on the back of the building and outdoor service and equipment areas should be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets as set forth in UDC [11-3A-12](#).
 - c. Additional signage and parking lot striping is required throughout the site to efficiently and adequately direct patrons to the menu boards and throughout the site with minimal conflict.
 - e. Depict landscaping in the landscape buffer along E. Ustick in accord with the standards listed in UDC [11-3B-7C.3](#); landscape buffers along streets shall be designed and planted with a variety of trees, shrubs, lawn, or other vegetative ground cover that elicit design principles including rhythm, repetition, balance, and focal elements. With the CZC submittal, the landscape plan shall be revised to show the required mix of materials (i.e., trees, shrubs, River Rock Mulch) in the landscape buffer adjacent to Ustick Road.
 - f. Depict landscaping in the perimeter buffer along the drive aisles and drive-through lanes in accord with the standards listed in UDC [11-3B-8C](#); the perimeter landscape buffer shall be planted with one Class II or Class III tree per thirty-five (35) linear feet and shrubs, lawn, or other vegetative ground cover. With the CZC submittal, the landscape plan shall be revised to show the required mix of materials (i.e., trees, shrubs, River Rock Mulch) in the parking lot perimeter landscape buffers to the north, south, and west of the drive-through lanes.
 - f. Depict signage ahead of each pedestrian crossing in the drive-through lane notifying drivers to watch out for pedestrians.
3. Compliance with the standards listed in UDC [11-4-3-11](#)– Drive-Through Establishment and standards listed in UDC [11-4-3-49](#)– Restaurant is required.
4. Per the Development Agreement (Instrument #2019-121599), a 10-foot wide multi-use pathway with a use easement and pedestrian lighting and landscaping shall be installed adjacent to N. Eagle Road/SH-55 as set forth in UDC 11-3H-4C.3
5. Submit elevation of the trash enclosure o that generally matched the proposed building design.
6. 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.

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

Site Specific Conditions of Approval

1. Ensure no sewer services cross infiltration trenches.
2. Minimum 14 foot wide paved or gravel road required to existing sewer manholes in the sidewalk adjacent to Eagle Rd.
3. Ensure that trees are not planted in easements for water services.
4. Any unused fire line stubs must be abandoned per City Standards.
5. The existing public water easement does not cover all of the existing water service and water meter. A public water easement will be required over any portion.

General Conditions of Approval

1. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. **DO NOT RECORD.**
2. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (UDC 11-3B-6). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
3. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
4. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
5. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
6. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
7. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
8. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.

9. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
10. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
11. Developer shall coordinate mailbox locations with the Meridian Post Office.
12. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
13. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.

C. FIRE DEPARTMENT

No comments were submitted.

D. POLICE DEPARTMENT

No comments were submitted.

E. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

No comments were submitted.

F. ADA COUNTY HIGHWAY DISTRICT (ACHD)

No comments were submitted.

G. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=282984&dbid=0&repo=MeridianCity>

X. FINDINGS

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

The Commission shall base its determination on the Conditional Use Permit requests upon the following:

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

Staff finds that the subject property is large enough to accommodate the proposed use and dimensional and development regulations of the C-G district (see Analysis, Section VI for more information).

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

Staff finds the proposed restaurant with a drive-through will be harmonious with the is allowed as a Comprehensive Plan and is consistent with applicable UDC standards with the conditions noted in Section VI 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 that if the applicant complies with the conditions outlined in this report, the proposed use will not adversely affect other property in the area.

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

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

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

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

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

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

8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005).

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



AGENDA ITEM

ITEM TOPIC: Public Hearing for Sagarra (H-2022-0027) by Accomplice, located at south side of W. Orchard Park Dr., west of N. Fox Run Way and east of N. Linder Rd.
Application Materials: <https://bit.ly/H-2022-0027>

A. Request: Preliminary Plat consisting of 114 building lots and 16 common lots (including 3 private street lots) on 17.49 acres in the R-8 and C-C zoning districts, a Planned Unit Development for a residential community containing a mix of single-family detached, single-family attached, townhome and multi-family units with a reduction to the setback requirements in UDC Table 11-2A-6 and an Alternative Compliance to UDC 11-4-3-27B.3, which requires the provision of 80 square foot private usable open space area for each multi-family unit to allow zero (0) for studio/flat units and two private streets.

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



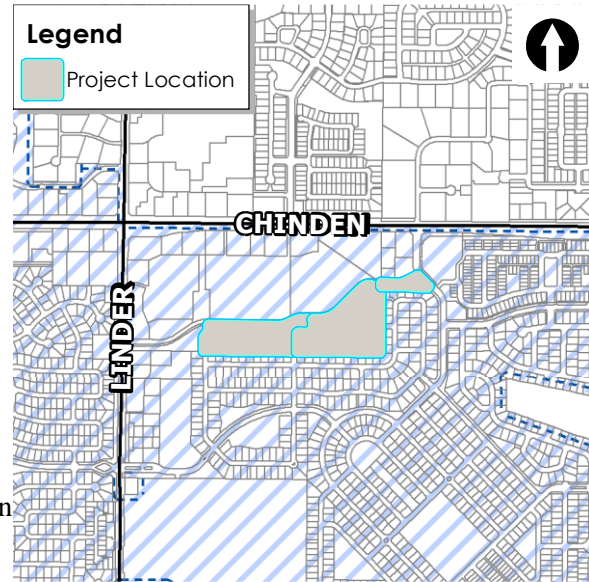
HEARING DATE: January 5, 2023
 DATE: *Continued from: December 1, 2022*

TO: Planning & Zoning Commission

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

SUBJECT: H-2022-0027
 Sagarra – PUD, PP
 (aka Linder Village)

LOCATION: South side of W. Orchard Park Dr., west of N. Fox Run Way, east of N. Linder Rd., in the NW 1/4 and NE 1/4 of Section 25, T.4N., R.1W. (Parcels #R5262501800, R5262502100 & #R6905540100)



I. PROJECT DESCRIPTION

Preliminary plat (PP) consisting of 114 building lots and 16 common lots (including 3 private street lots) on 17.49 acres in the R-8 and C-C zoning districts; and a Planned Unit Development (PUD) for a residential community containing a mix of single-family detached, single-family attached, townhome and multi-family units with a reduction to the setback requirements in UDC Table 11-2A-6.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details
Acreage	17.49-acres
Existing Zoning	R-8 (Medium-Density Residential) & C-C (Community Business)
Future Land Use Designation	Mixed Use – Community (MU-C) & Medium Density Residential (MDR)
Existing Land Use(s)	Vacant/undeveloped land
Proposed Land Use(s)	Single-family residential (attached & detached units) (SFR) & multi-family residential (MFR)
Lots (# and type; bldg./common)	114 buildable lots & 16 common lots (including 3 private street lots)
Phasing Plan (# of phases)	2 phases
Number of Residential Units (type of units)	146 units (32 SFR detached units, 38 SFR attached, 38 townhomes & 38 MFR units)
Density (gross/net)	8.35 (gross)/16.30 (net)
Common Open Space (acres/%)	4.34 acres (24.8%)
Site Amenities	12' wide multi-use pathway along the south & east boundaries of the site, a swimming pool with changing rooms & restrooms, tool

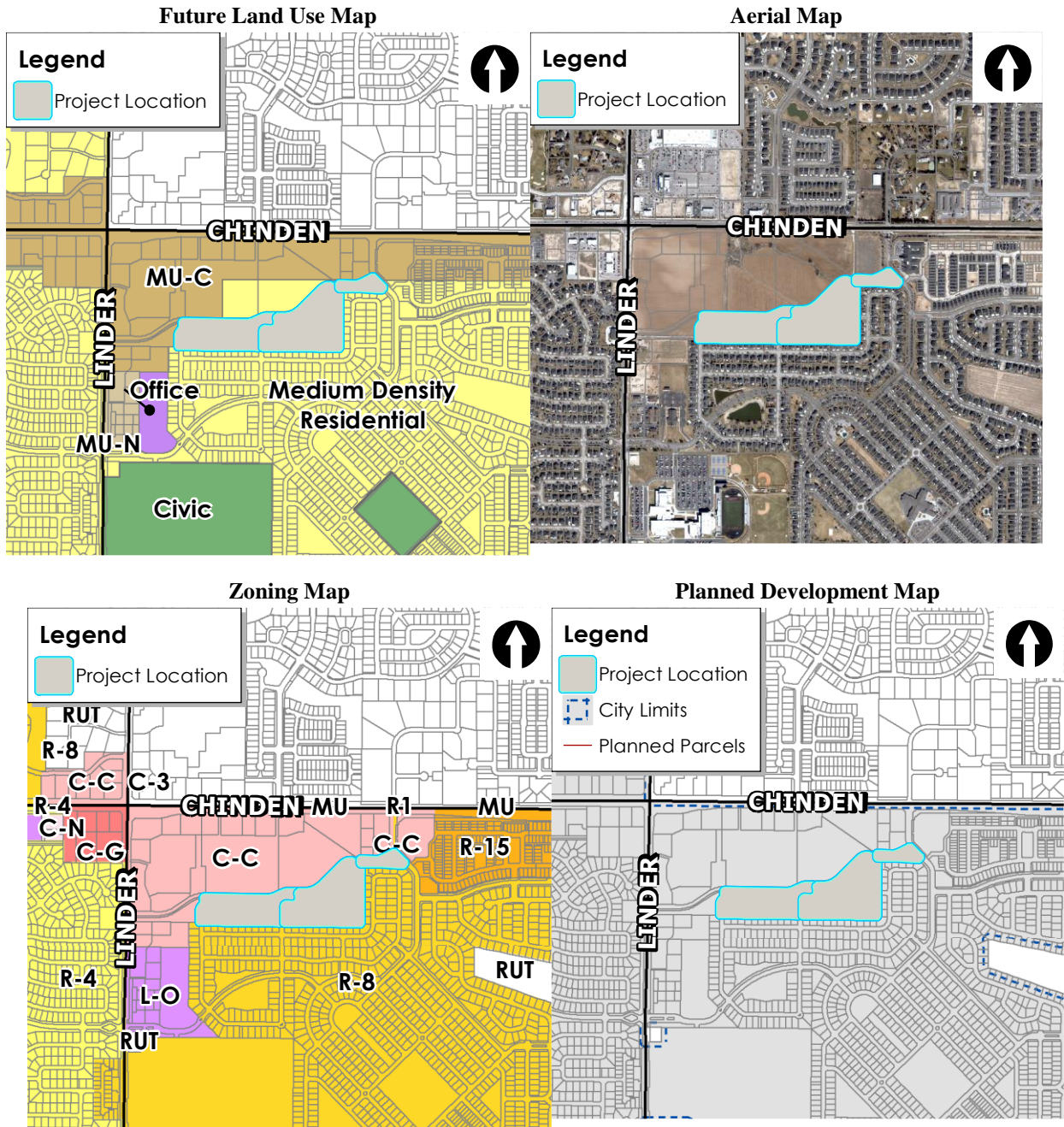
Description	Details
Physical Features (waterways, hazards, flood plain, hillside)	library/community workshop, dog washing stations, outdoor activity complex, fire pits, BBQ area with tables and shade structures The North Slough crosses this property.
Neighborhood meeting date	1/27/22
History (previous approvals)	H-2017-0088 (AZ, PP, VAR) (Development Agreement Inst. # 2019-028376); H-2021-0034 (MDA, Inst. # 2021-102392); FP-2020-0004

B. Community Metrics

Description	Details																																								
Ada County Highway District																																									
<ul style="list-style-type: none"> Staff report (yes/no) Requires ACHD Commission Action (yes/no) 	<p>Yes</p> <p>No</p> <p>A Traffic Impact Study (TIS) was prepared by Kittleson & Associates, Inc. in 2017.</p>																																								
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Access is proposed via the extension of existing local streets, which connect to W. Orchard Park Dr., a collector street; private streets are planned for internal access to some of the units.																																								
Traffic Level of Service	<table border="1"> <thead> <tr> <th>Roadway</th> <th>Frontage</th> <th>Functional Classification</th> <th>PM Peak Hour Traffic Count</th> <th>PM Peak Hour Level of Service</th> </tr> </thead> <tbody> <tr> <td>**SH-20/26 Chinden Boulevard</td> <td>0-feet</td> <td>Expressway</td> <td>1,406</td> <td>N/A</td> </tr> <tr> <td>Linder Road</td> <td>0-feet</td> <td>Principal Arterial</td> <td>924</td> <td>Better than "E"</td> </tr> <tr> <td>Fox Run Way</td> <td>0-feet</td> <td>Collector</td> <td>105</td> <td>Better than "D"</td> </tr> <tr> <td>Orchard Park Drive</td> <td>1,935-feet</td> <td>Collector</td> <td>N/A</td> <td>Better than "D"</td> </tr> <tr> <td>**Arless Ave</td> <td>50-feet</td> <td>Local</td> <td>N/A</td> <td>N/A</td> </tr> <tr> <td>**Bergman Ave</td> <td>960-feet</td> <td>Local</td> <td>N/A</td> <td>N/A</td> </tr> <tr> <td>**Director Street</td> <td>52-feet</td> <td>Local</td> <td>65</td> <td>N/A</td> </tr> </tbody> </table> <p>* Acceptable level of service for a five-lane principal arterial is "E" (1,780 VPH). * Acceptable level of service for a two-lane collector is "D" (425 VPH). ** ACHD does not set level of service thresholds for State Highways or Local Roadways.</p>	Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service	**SH-20/26 Chinden Boulevard	0-feet	Expressway	1,406	N/A	Linder Road	0-feet	Principal Arterial	924	Better than "E"	Fox Run Way	0-feet	Collector	105	Better than "D"	Orchard Park Drive	1,935-feet	Collector	N/A	Better than "D"	**Arless Ave	50-feet	Local	N/A	N/A	**Bergman Ave	960-feet	Local	N/A	N/A	**Director Street	52-feet	Local	65	N/A
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**Bergman Ave	960-feet	Local	N/A	N/A																																					
**Director Street	52-feet	Local	65	N/A																																					
Stub Street/Interconnectivity/Cross Access	N. Arless Ave., W. Director St. and N. Bergman Ave., existing local streets, stub to this site from the south and east and will be extended with development.																																								
Existing Road Network	W. Orchard Park Dr., a collector street, exists between N. Linder Rd., an arterial street, and N. Fox Run Way, a collector street.																																								
Existing Arterial Sidewalks / Buffers	There are no arterial streets that abut this site.																																								
Proposed Road Improvements	<p>Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):</p> <ul style="list-style-type: none"> Linder Road is scheduled in the IFYWP to be widened to 5-lanes and enhanced with pedestrian and bicycle improvements from Chinden Boulevard to State Street in the future. Linder Road is scheduled in the CIP to be widened to 7-lanes from Chinden Boulevard to State Street between 2026 to 2030. Linder Road is scheduled in the IFYWP to receive three bridge replacements over the Boise River, Eureka Canal, and the Phillis Canal in the future. Fox Run Way is scheduled in the IFYWP to receive bicycle corridor improvements from Pine Ave to Temple Drive in the future. Cayuse Creek Drive is scheduled in the IFYWP to receive bikeway signage in 2026. 																																								

Description	Details
West Ada School District <ul style="list-style-type: none"> • Distance (elem, ms, hs) • Capacity of Schools • # of Students Enrolled • Predicted # of students generated from proposed development 	No comments were received from WASD
Police Service	
<ul style="list-style-type: none"> • Distance to Police Station • Police Response Time • Calls for Service • Accessibility • Specialty/resource needs • Crimes • Crashes • Other 	5.6 miles 4:37 minutes in an emergency (meets the goal of 3-5 minutes) 2,465 within a mile of the site between 5/1/20 and 4/30/22 If climate controlled hallways are proposed in multi-family structures, PD requests further discussions with developer on plans for emergency police access. None – MPD can service this development & already serves this area. 330 within a mile of the site between 5/1/20 and 4/30/22 128 within a mile of the site between 5/1/20 and 5/30/22 For more info, see Section VIII.D
Wastewater	
<ul style="list-style-type: none"> • Distance to Sewer Services • Sewer Shed • Estimated Project Sewer ERU's • WRRF Declining Balance • Project Consistent with WW Master Plan/Facility Plan • Impacts/concerns 	See application Yes
Water	
<ul style="list-style-type: none"> • Distance to Water Services • Pressure Zone • Estimated Project Water ERU's • Water Quality Concerns • Project Consistent with Water Master Plan • Impacts/Concerns 	See application Yes

C. Project Area Maps



A. Applicant:

Michael Slavin, Accomplice – 424 E. Thurman Mill St., Garden City, ID 83714

B. Owners:

Joe Huarte, Lynx Investments, LLLP – 198 N. Al Fresco Pl., Boise, ID 83712

C. Representative:

Same as Applicant

III. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Notification published in newspaper	11/16/2022	
Notification mailed to property owners within 300 feet	11/10/2022	
Applicant posted public hearing notice on site	11/2/2022	
Nextdoor posting	11/10/2022	

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

Land Use: The Future Land Use Map (FLUM) contained in the Comprehensive Plan designates the majority of this site as Medium Density Residential (MDR) with some Mixed Use – Community (MU-C) on the west end.

The MDR designation allows for dwelling units at gross densities of three to eight dwelling units per acre. Density bonuses may be considered with the provision of additional public amenities such as a park, school, or land dedicated for public services.

The purpose of the MU-C designation is to allocate areas where community-serving uses and dwellings are seamlessly integrated into the urban fabric. The intent is to integrate a variety of uses, including residential, and to avoid mainly single-use and strip commercial type buildings. Non-residential buildings in these areas have a tendency to be larger than in Mixed Use Neighborhood (MU-N) areas, but not as large as in Mixed Use Regional (MU-R) areas. Goods and services in these areas tend to be of the variety that people will mainly travel by car to, but also walk or bike to (up to three or four miles). Employment opportunities for those living in and around the neighborhood are encouraged. Developments are encouraged to be designed according to the conceptual MU-C plan depicted in Figure 3C.

Transportation: ACHD’s Master Street Map doesn’t depict any collector streets planned across this site. Valley Connect 2.0 identifies a future express bus route on Chinden Blvd. and secondary bus route on Linder Rd. The higher density is supportive of future transit service. A Traffic Impact Study (TIS) was prepared by Kittleson & Associates, Inc. in 2017.

Proposed Development: The Applicant proposes to develop the site with a mix of residential uses consisting of single-family detached and attached homes, townhomes, and multi-family apartments/condos at a gross density of 8.35 units per acre consistent with the density desired in MDR and MU-C designated areas and in the development agreement.

Comprehensive Plan Policies: The following Comprehensive Plan Policies are applicable to this development:

- “Permit new development only where it can be adequately served by critical public facilities and urban services at the time of final approval, and in accord with any adopted levels of service for public facilities and services.” (3.03.03F)
City water and sewer service is available and can be extended by the developer with development in accord with UDC 11-3A-21. Urban services are available to be provided upon development.
- “Encourage compatible uses and site design to minimize conflicts and maximize use of land.” (3.07.00)
The proposed residential development should be compatible with existing adjacent residential uses. The proposed site design, which provides a transition in density and single-family detached homes with a 35-foot wide linear common area between the proposed development and the existing development with single-family detached homes, should minimize conflicts.

- “Encourage and support mixed-use areas that provide the benefits of being able to live, shop, dine, play, and work in close proximity, thereby reducing vehicle trips, and enhancing overall livability and sustainability.” (3.06.02B)

The proposed development will provide housing in close proximity to the MU-C designated area to the north where a mix of uses are planned, which will reduce vehicle trips and enhance overall livability and sustainability.

- “Require pedestrian circulation plans to ensure safety and convenient access across large commercial and mixed-use developments.” (3.07.02A)

The proposed site plan depicts a linear common area with a pedestrian pathway along the south and east perimeter boundaries of the site, which will connect with pedestrian facilities to the north in the mixed-use development.

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

The proposed development will connect to City water and sewer systems; services are required to be provided to and through this development in accord with current City plans.

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

City water and sewer services are available to this site and can be extended by the developer with development in accord with UDC 11-3A-21. The emergency response times for Police and Fire Dept. fall within established response time goals.

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

Safe pathway connections should be provided from the proposed development to the mixed-use development to the north. Usable open space and quality amenities are proposed.

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

The proposed residential development is located in close proximity to employment, shopping, restaurant and civic uses to the north and near US 20-26/Chinden Blvd., a major transportation corridor.

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

Urban infrastructure as noted is required to be provided with development in accord with UDC standards.

In summary, Staff believes the proposed development plan is generally consistent with the vision of the Comprehensive Plan for this area per the analysis above and with the existing development agreement for this site.

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

A. Preliminary Plat:

The proposed preliminary plat is a re-subdivision of Lot 2, Block 2 and Lot 1, Block 3, Linder Village Subdivision and Lot 1, Block 2, Paramount Point Subdivision. The plat consists of 114 building lots and 16 common lots (including 3 lots for private streets) on 17.49 acres of land in the R-8 and C-C zoning districts. *Note: ACHD has provided written consent for the right-of-way for N. Bergman Ave. to be included in the proposed plat.*

The Applicant proposes to develop the project in two (2) phases with the western portion of the site first, followed by the eastern portion of the site, as shown on the phasing plan in Section VII.A.

Existing Structures/Site Improvements:

There is an existing street buffer along W. Orchard Park Dr. on this site consisting of an 8-foot wide parkway and 5-foot wide detached sidewalk with grass on the back side of the sidewalk; street trees are provided within the buffer. The C-C zoned lot (Lot 8, Block 4) was fully landscaped with Paramount Point Subdivision (SHP-2020-0082), the commercial development to the north. North Bergman Ave. has been extended through this site. There are no existing structures on the site. *Note: The Applicant's narrative incorrectly states a 10-foot wide multi-use pathway exists along W. Orchard Park Dr.*

Dimensional Standards:

Development of the proposed lots is required to comply with the dimensional standards listed in UDC Tables [11-2A-6](#) for the R-8 district. A reduction to the setback requirements in UDC Table 11-2A-6 is requested with the PUD request (see below).

The final plat should graphically depict zero (0) lot lines on internal lot lines where single-family attached and townhome structures are proposed (i.e. where structures will span across lot lines).

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

Development of the subdivision is required to comply with the subdivision design and improvement standards listed in UDC 11-6C-3 unless otherwise modified through the proposed PUD.

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

Access is proposed via the extension of two existing local public streets, N. Arliss Ave. and W. Director St., and N. Bergman Ave. Two (2) local public street accesses (i.e. N. Bergman Ave. and N. Arctic Fox Way) are proposed via W. Orchard Park, a collector street. Private streets are planned for internal access off the public streets; an application for such will be submitted with the final plat application. All private streets shall comply with the standards listed in UDC [11-3F-4](#).

The Applicant should work with ACHD and the Fire Dept. on traffic calming measures to slow traffic on Bergman Ave. and W. Bacall St. as noted in the Development Agreement. Details of such should be included with and depicted on the final plat.

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

The Pathways Master Plan doesn't depict any pathways across this site. A 12-foot wide asphalt access road/pathway is proposed within the linear common area along the south and east boundaries of the site in accord with the development agreement.

Several micro-paths are proposed for internal connectivity and access to the sidewalk along Orchard Park Dr. and to the pathway along the south and east boundaries of the site; **micro-paths on private building lots should be depicted in public use easements on the plat.** Internal pedestrian pathways are also proposed within the multi-family portion of the development.

The Applicant plans to propose two (2) crossings across Orchard Park Dr. for connectivity between the proposed residential development and the mixed-use development to the north with one or both being

smartwalks. The first is proposed just south of the library and the second just west of Bergman with the intention of connecting the residential development to a pathway to the east of The Barn and to the west of the live/work units to create an animated north/south pathway bringing life to the live/work units as well as a connection to the promenade connecting The Collection Library plaza, north promenade of The Barn and continuing through the east 13.7 acre proposed mixed use site (see pedestrian connectivity exhibit in Section VII.G). **The Applicant should work with ACHD on the location and design of these crossings.**

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

A detached 5-foot wide sidewalk exists along W. Orchard Park Dr., a collector street, along the northern boundary of the site. Attached sidewalks are proposed along local streets.

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

A street buffer exists along W. Orchard Park Dr., a collector street, that includes an 8-foot wide parkway, detached 5-foot wide sidewalk and landscaping on the back side of the sidewalk with street trees.

Enhanced landscaping should be provided within the buffer in accord with the updated standards listed in UDC [11-3B-7C](#) and additional area added if needed to provide a minimum 20-foot wide buffer. Street buffers are required to be maintained by the property owner or business owners' association.

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

Landscaping is required in common open space areas in accord with the updated standards listed in UDC 11-3G-5B.3, which requires a minimum of one deciduous shade tree for every 5,000 square feet of area with a variety of trees, shrubs, lawn or other vegetative groundcover. **The Landscape Requirements table on the landscape plan and the Site Amenity Plan should be updated to reflect compliance with the updated standard.**

There are no existing trees on the site to be removed or that require mitigation.

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

A minimum of 15% *qualified* open space is required in the R-8 district to be provided within the development per UDC [Table 11-3G-3](#) that meets the quality standards listed in UDC [11-3G-3A.2](#). Based on 16.79 acres, which excludes the 0.70-acre C-C zoned common lot (Lot 8, Block 4), a minimum of 2.52-acres of qualified open space is required. A total of 4.34 acres of open space is depicted on the open space exhibit included in Section VII.C; however, some of these areas (lots-blocks) do not qualify toward the minimum standards as follows:

- 1-1, 1-3 and 2-4 (multi-use pathways 11-3G-3B.3b): The referenced code section pertains to buffers along collector and arterial streets – these common area lots are along the south & east perimeter boundaries and are not street buffers. The correct code section is 11-3G-3B.1e (linear open space), which requires the area to be landscaped per the standards in UDC 11-3B in order to qualify. No trees are allowed within this area due to the irrigation easement that encompasses the area. In order for this area to qualify, an additional 5-feet would need to be provided outside of the easement area for trees and shrubs would also need to be provided in accord with the standards listed in UDC [11-3B-12C](#). This isn't feasible due to an IPCO easement that runs alongside the irrigation easement, which also presumably doesn't allow trees. This area cannot be counted unless otherwise approved through alternative compliance.
- 9-1, 39-5, 26-2, 28-2, 10-5, 11-5, 18-5 and 19-5 (micro-pathway & landscaping): 26-2 doesn't have a minimum width of 20-feet, therefore, it doesn't qualify; 10-5, 11-5, 28-2, 18-5 and 19-5 are all private building lots, which don't qualify – the pathways should be placed in public pedestrian easements and should be a minimum width of 20-feet in order to qualify. (*only 0.071-acre qualifies: 9-1 & 39-5*)
- 1-2, 2-5 and 1-4 (landscape buffer along collector road): the collector street buffer can only be counted if it meets all of the enhanced buffer requirements listed in UDC [11-3G-3B.3](#); otherwise it

does not qualify. A 5-foot wide detached sidewalk was constructed in the buffer – unless this is replaced with a 10-foot wide pathway and enhanced landscaping and amenities are provided per the aforementioned standards, this area cannot be counted.

- 8-4 (landscape common lot greater than 50' x 100' in area): This area is not integrated into the development, therefore, it doesn't qualify.
- 7-2 (micro-path connection): this 0.04-acre area qualifies.
- 3-5 (parking): the parking area does *not* qualify but the tool share/bike station/dog wash does qualify.
- 24-5 (clubhouse/pool/grass play area/parking): this 0.48-acre area qualifies.

The common open space exhibit is *not* approved as submitted and should be revised to comply with the common open space standards prior to the City Council hearing; or an application for alternative compliance to these standards may be submitted if the proposed design includes innovative design features based on “new urbanism”, “neotraditional design”, or other architectural and/or site designs that promote walkable and mixed use neighborhoods (see UDC [11-5B-5](#) for more information).

Site Amenities (UDC [11-3G-4](#)):

A minimum of three (3) points of site amenities are required based on 17.49-acres of development area from the Site Amenities and Point Value [Table 11-3G-4](#). A linear open space area is proposed along the south and east boundaries of the site with a 2,309-foot long multi-use pathway (4 points), which meets the minimum standards. *Other site amenities are proposed within the multi-family development (see analysis in Section V.B below).*

Storm Drainage (UDC [11-3A-18](#)):

An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances. Design and construction is required to follow Best Management Practices as adopted by the City. The Applicant submitted a [Geotechnical Engineering Report](#) for the subdivision. Stormwater integration is required in accord with the standards listed in UDC [11-3B-11C](#).

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

Underground pressurized irrigation water is required to be provided for each and every lot in the subdivision as required in UDC 11-3A-15. This property lies within the Settler's Irrigation District boundary.

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

Utilities are required to be provided to the subdivision as required in UDC [11-3A-21](#). Street lights shall be installed in accord with the City's adopted standards, specifications and ordinances/

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

The North Slough crosses this site and was relocated and piped along the south and east boundaries of the site; the easement for such is depicted on the plat. All waterways on this site shall be piped as set forth in UDC [11-3A-6B.3](#), unless otherwise waived by City Council. This project is not within the floodplain.


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

All fencing is required to comply with the standards listed in UDC 11-3A-7. There is an existing wood fence around the perimeter of the development that is proposed to remain; this fence should be protected during construction.

B. Planned Unit Development (PUD):

A Planned Unit Development (PUD) is proposed for a residential community consisting of a total of 146 dwelling units on 17.5 acres of land in the R-8 zoning district.

A request for a reduction to the setback requirements for the R-8 zoning district in UDC [Table 11-2A-6](#) is included with the PUD application (see table below and full exhibit in Section VII.E). Dimensions listed as *minimum*; however, the typical dimension will be greater. Deviations to the setbacks may be approved with the exception that along the periphery of the development, the applicable setbacks as established by the district shall not be reduced per UDC [11-7-4A.1](#). *Because common lots are proposed around the periphery of the development, deviations from setbacks are allowed for adjacent building lots.*

SETBACK INFORMATION (R-8/FUD REQUEST)							
DIAGRAM COLOR	UNIT TYPE	FRONT PROPOSED	GARAGE PROPOSED	SIDE PROPOSED	STREET SIDE PROPOSED	REAR PROPOSED	NOTES:
	RIBBON TOWNHOMES	0' MIN	0' MIN	5'	0'	0' MIN	0' IS TO BACK OF COMMON LOT WHICH IS 20' FROM BACK OF CURB
	TWO PACK TOWNHOMES	10'	0' MIN	5'	0' MIN	0' MIN	STREET SIDE SETBACK FROM PARALLEL PORTION OF STREET IS TYPICALLY >10'
	MIDDLE THREE TOWNHOMES	8'6"	4' MIN	N/A	10' MIN	4' MIN	
	BOULDER FLATS*	3'6" MIN	N/A	6' MIN	3'6"	6' MIN	
	COURTYARD/HEADWATER CONDOS*	2'	N/A	5'	7'	10'	THERE ARE 5 GARAGE SPACES AT THE HEADWATER CONDO LOCATION W/ 5' SETBACK
	SINGLE FAMILY UNITS	10'	20'	5'	0'	10'	

The uses within the PUD are proposed to be interconnected through a system of local and private streets and pedestrian pathways as desired in UDC [11-7-4A.3](#) (see preliminary plat in Section VII.A and pedestrian connectivity exhibit in Section VII.G).

Buildings are clustered to consolidate small open spaces into larger, more usable areas for common use and enjoyment in accord with UDC [11-7-4A.4](#).

Private Open Space (UDC [11-7-4B](#)): In addition to the common open space and site amenity standards in UDC 11-3G-3, **a minimum of eighty (80) square feet of private, usable open space shall be provided for each residential unit.** This requirement can be satisfied through porches, patios, decks, and enclosed yards. Landscaping, entryway and other accessways do not count toward this requirement.

Residential Use Standards (UDC [11-7-4C](#)): Typically, the UDC does not allow multi-family developments in the R-8 zoning district; however, multi-family dwellings may be allowed in the R-8 district when included in a PUD per UDC Table 11-2A-2, note #2 and UDC 11-7-4C.1. *Single-family detached/attached and townhomes are listed as principal permitted uses in the R-8 district.*

A variety of housing types are proposed, including single-family detached (32 units), single-family attached (38 units), townhome (38 units) and multi-family (38 units) units. The gross density of the proposed development is 8.35 units per acre; the net density is 16.3 units per acre. A density bonus is not requested or approved; dedication of land for public use is not proposed.

If some of the multi-family units are proposed to be condominiumized, a short plat shall be submitted where all buildings are constructed or have received building permits for construction as set forth in UDC [11-6B-5](#)

Specific Use Standards (UDC 11-4-3-27):

The proposed use is subject to the following standards: *(Staff's analysis/comments in italic text)*

11-4-3-27: MULTI-FAMILY DEVELOPMENT:

Site Design:

1. Buildings shall provide a minimum setback of ten feet (10') unless a greater setback is otherwise required by this title and/or [title 10](#) of this Code. Building setbacks shall take into account windows, entrances, porches and patios, and how they impact adjacent properties. *Lesser setbacks are proposed with the PUD (see Section VII.E for more information).*
2. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, and transformer and utility vaults shall be located in an area not visible from a public street, or shall be fully

screened from view from a public street. ***The plans submitted with the Certificate of Zoning Compliance application should demonstrate compliance with this standard.***

3. A minimum of eighty (80) square feet of private, usable open space shall be provided for each unit. This requirement can be satisfied through porches, patios, decks, and/or enclosed yards. Landscaping, entryway and other access ways shall not count toward this requirement. In circumstances where strict adherence to such standard would create inconsistency with the purpose statements of this section, the Director may consider an alternative design proposal through the alternative compliance provisions as set forth in section [11-5B-5](#) of this title. *Compliance with this standard is required.*
4. For the purposes of this section, vehicular circulation areas, parking areas, and private usable open space shall not be considered common open space. ***Some of the parking areas in the multi-family development were included in the common open space calculations and should be removed from the calculations and not be counted.***
5. No recreational vehicles, snowmobiles, boats or other personal recreation vehicles shall be stored on the site unless provided for in a separate, designated and screened area. *The Applicant should comply with this requirement.*
6. The parking shall meet the requirements set forth in [chapter 3](#), "Regulations Applying to All Districts", of this title. *Off-street parking is required to be provided in accord with the standards listed in UDC Table [11-3C-6](#) shown below. ~~Staff recommends the parking exhibit in Section VII.F is revised prior to the City Council hearing to demonstrate compliance with the following standards:~~*

Use And Form	Number Of Bedrooms (Per Unit)	Required Parking Spaces ¹
Dwelling, duplex and dwelling, single-family (detached, attached, townhouse)	1/2	2 per dwelling unit: at least 1 in an enclosed garage, other space may be enclosed or a minimum 10-foot by 20-foot parking pad ²
	3/4	4 per dwelling unit: at least 2 in an enclosed garage, other spaces may be enclosed or a minimum 10-foot by 20-foot parking pad ²
	5+	6 per dwelling unit: at least 3 in an enclosed garage, other spaces may be enclosed or a minimum 10-foot by 20-foot parking pad ²
Dwelling, multifamily ³ (triplex, fourplex, apartments, etc.)	Studio	1 per dwelling unit
	1	1.5 per dwelling unit: at least 1 in a covered carport or garage
	2/3	2 per dwelling unit: at least 1 in a covered carport or garage
	4+	3 per dwelling unit: at least 2 in a covered carport or garage
	Guest spaces	1 per 10 dwelling units

Notes:

¹ The size of the garage or carport required for dwelling units shall be measured by exterior dimensions and shall be at least ten (10) feet by twenty (20) feet for a one-space garage or carport and 20 feet by 20 feet for a two-space garage or carport.
² The parking pad shall be measured from edge of sidewalk or edge of paved travel lane (public street, private street, or alley) where no sidewalk exists. For alley accessed properties the parking pad is not required in front of the garage if the garage is located at the five-foot setback to the rear property line; the required parking pad must be provided along the side of the garage unless equivalent off-street parking, as determined by the Director, is provided in accord with [Section 11-3C-5](#), [Table 11-3C-5](#) of this Article.
³ For condominium projects, the required number of parking spaces shall be determined by the Director based on the proposed development. If the proposed development is similar to a single-family development, such standards shall apply. If the proposed development is similar to a multifamily apartment complex, such standards shall apply.
⁴ The required number of parking spaces for the residential portion of a vertically integrated project shall be in addition to that required for nonresidential uses as listed in subsection B of this section.

~~Staff is unable to determine compliance with the minimum standards until a revised parking exhibit is submitted. The proposed off-street parking complies with and exceeds the minimum standards by 16 spaces; an additional 122 on-street parking spaces are also available (see Section VII.F).~~

7. Developments with twenty (20) units or more shall provide the following:
 - a. A property management office.
 - b. A maintenance storage area.
 - c. A central mailbox location, including provisions for parcel mail, that provide safe pedestrian and/or vehicular access.
 - d. A directory and map of the development at an entrance or convenient location for those entering the development. (Ord. 18-1773, 4-24-2018)

The site amenity plan included in Section VII.D does not depict these items; a revised plan should be submitted with the Certificate of Zoning Compliance application that includes these items.

Common Open Space Design Requirements (UDC [11-4-3-27C](#)):

The total baseline land area of all qualified common open space shall equal or exceed 10% of the gross land area for multi-family developments of 5 acres or more. *The proposed development is exempt from this standard because a single-family development is concurrently proposed, which requires compliance with the minimum open space standards in UDC 11-3G-3 (see above analysis in Section V.A).*

Common open space areas are also required to comply with the standards listed in UDC 11-4-3-27C.2, which state that open space areas must be integrated into the development as a priority and not for the use of land after all other elements of the development have been designed. These areas should have direct pedestrian access, be highly visible, comply with CPTED standards and support a range of leisure and play activities and uses – irregular shaped, disconnected or isolated open spaces do not meet the standard. Open space areas should be accessible and well connected throughout the development (i.e. centrally located, accessible by pathway and visually accessible along collector streets or as a terminal view from a street). Open space areas should promote the health and well-being of its residents and support active and passive uses for recreation, social gathering and relaxation to serve the development. *The proposed common open space meets these standards.*

All multi-family projects over 20 units are required to provide at least one (1) common grassy area of at least 5,000 s.f. in area that's integrated into the site design allowing for general activities by all ages, which may be included in the minimum required open space. The area shall increase proportionately as the number of units increase and shall be commensurate to the size of the development as determined by the decision-making body. *The Applicant proposes one (1) common open space area (Lot 8, Block 4) at the northeast corner of the development consisting of 30,384 s.f. that meets the size requirement but is not integrated into the site design. Although the area is included in the proposed plat, it was developed with and appears to be part of the adjacent commercial development (Paramount Point subdivision). Therefore, Staff recommends a minimum 5,000 square foot common area is proposed that complies with this standard.*

In addition to the baseline open space requirement, a minimum area of outdoor common open space shall be provided as follows:

- a. One hundred fifty (150) square feet for each unit containing five hundred (500) or less square feet of living area. *All multi-family units contain more than 500 square feet (s.f.) of living area.*
- b. Two hundred fifty (250) square feet for each unit containing more than five hundred (500) square feet and up to one thousand two hundred (1,200) square feet of living area. *A total of 38 units contain between 500 and 1,200 s.f. of living area; therefore, a minimum of 9,500 s.f. (or 0.22-acre) of common open space is required.*
- c. Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area. *None of the units contain more than 1,200 s.f. of living area.*

At a minimum, a total of 9,500 s.f. (or 0.22-acre) of qualified outdoor common open space is required to be provided per this standard. This is in addition to the requirements in UDC 11-3G-3C. Overall, a minimum of 2.74-acres of qualified open space is required that complies with the standards in UDC [11-3G-3B](#) and [11-4-3-27C](#). A total of 4.34-acres of qualified open space is depicted on the qualified open space exhibit; however, some of these areas do not qualify as noted in Section V.A above. The open space exhibit should be revised prior to the City Council hearing to only include qualified open space that complies with the aforementioned standards.

Common open space shall be not less than four hundred (400) square feet in area, and shall have a minimum length and width dimension of twenty feet (20'). *The open space exhibit should be revised*

to exclude areas that are not a minimum of 400 s.f. and that don't meet the dimensional width and length standard.

In phased developments, common open space shall be provided in each phase of the development consistent with the requirements for the size and number of dwelling units. **An exhibit shall be submitted demonstrating compliance with this standard for each phase of development prior to the City Council hearing.** *If changes are necessary to the phasing plan to comply with this standard, a revised phasing plan should be submitted.*

Unless otherwise approved through the conditional use process, common open space areas shall not be adjacent to collector or arterial streets unless separated from the street by a berm or constructed barrier at least four feet (4') in height, with breaks in the berm or barrier to allow for pedestrian access. (Ord. 09-1394, 3-3-2009, eff. retroactive to 2-4-2009) *The street buffer along W. Orchard Park Dr., a collector street, was constructed with the previous subdivision (Linder Village) and does not include a berm; the buffer is included in the common open space calculations. Staff recommends the buffer is allowed to count toward the minimum standards if enhanced landscaping is provided per the standards listed in UDC [11-3G-3B.3](#) as recommended.*

Site Development Amenities:

1. All multi-family developments shall provide for quality of life, open space and recreation amenities to meet the particular needs of the residents as follows:
 - a. Quality of life:
 - (1) Clubhouse.
 - (2) Fitness facilities.
 - (3) Enclosed bike storage.
 - (4) Public art such as a statue.
 - (5) Dog park with waste station.
 - (6) Commercial outdoor kitchen.
 - (7) Fitness course.
 - (8) Enclosed storage.
 - b. Open space:
 - (1) Community garden.
 - (2) Ponds or water features.
 - (3) Plaza.
 - (4) Picnic area including tables, benches, landscaping and a structure for shade.
 - c. Recreation:
 - (1) Pool.
 - (2) Walking trails.
 - (3) Children's play structures.
 - (4) Sports courts.
 - d. Multi-modal amenity standards:
 - (1) Bicycle repair station.

- (2) Park and ride lot.
 - (3) Sheltered transit stop
 - (4) Charging stations for electric vehicles
2. The number of amenities shall depend on the size of multi-family development as follows:
 - a. For multi-family developments with less than twenty (20) units, two (2) amenities shall be provided from two (2) separate categories.
 - b. For multi-family development between twenty (20) and seventy-five (75) units, three (3) amenities shall be provided, with one from each category.
 - c. For multi-family development with seventy-five (75) units or more, four (4) amenities shall be provided, with at least one from each category.
 - d. For multi-family developments with more than one hundred (100) units, the decision-making body shall require additional amenities commensurate to the size of the proposed development.
 3. The decision-making body shall be authorized to consider other improvements in addition to those provided under this subsection D, provided that these improvements provide a similar level of amenity. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

A total of 38 multi-family units are proposed; therefore, a minimum of three (3) site amenities are required, one from each category. Proposed site amenities consist of a swimming pool with changing rooms and restrooms; walking trails/pathways; a community workshop building that will allow for bicycle repair, woodworking, etc.; a dog wash station and related amenities for pet care; a BBQ area with tables and a shade structure; a dedicated open space area around the pool area for fire pits; and another dedicated open space area for bike parking, bench seating, tables, moveable planters and string lights, which exceeds the minimum standards.

E. Landscaping Requirements:

1. Development shall meet the minimum landscaping requirements in accord with [chapter 3](#), "Regulations Applying to All Districts", of this title.
2. All street facing elevations shall have landscaping along their foundation. The foundation landscaping shall meet the following minimum standards:
 - a. The landscaped area shall be at least three feet (3') wide.
 - b. For every three (3) linear feet of foundation, an evergreen shrub having a minimum mature height of twenty-four inches (24") shall be planted.
 - c. Ground cover plants shall be planted in the remainder of the landscaped area.

The landscape plan submitted with the Certificate of Zoning Compliance application should depict landscaping in accord with these standards.

- F. Maintenance and Ownership Responsibilities:** All multi-family developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features. ***The Applicant shall comply with this requirement.***

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

Street buffer landscaping is required to be installed with the subdivision plat as noted above in Section V.A.

Landscaping is required to be installed along all pathways in accord with the standards listed in UDC [11-3B-12C](#). The common area lot along the south and east boundaries of the site where a 12-foot wide access

road/multi-use pathway is proposed is encompassed by an irrigation easement that prohibits trees within the easement. **Prior to the City Council hearing, an Alternative Compliance application should be submitted to relocate the trees required in this area to along micro-paths within the development, as proposed; shrubs and other plantings should be provided within this area if allowed by the easement holder in accord with UDC 11-3B-12C.2.**

Landscaping is required in common open space areas in accord with the updated standards listed in UDC 11-3G-5B.3, which requires a minimum of one deciduous shade tree for every 5,000 square feet of area with a variety of trees, shrubs, lawn or other vegetative groundcover. **The Landscape Requirements table on the landscape plan and the Site Amenity Plan should be updated to reflect compliance with the updated standard.**

Fencing: All fencing is required to comply with the standards listed in UDC 11-3A-7. A 5-foot tall fence is proposed around the swimming pool; **the fence is required to comply with the building code requirements for such.**

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

Conceptual building elevations were submitted for the proposed residential structures, included in Section VII.H. A mix of 1-, 2- and 3-story structures are proposed in a variety of construction materials and styles. **To ensure quality of design for an exemplary development, Staff recommends final design of all structures comply with the design standards in the [Architectural Standards Manual](#), unless otherwise approved through a design standard exception.** The Applicant's narrative includes a request for exceptions to design standards #R3.1E and #R3.1F in the Architectural Standards Manual; these exceptions should be included with the Design Review application and are not approved with this application.

A Design Review application is required to be submitted for approval of all structures. A Certificate of Zoning Compliance (CZC) application is required to be submitted for the multi-family structures along with the Design Review application; one (1) CZC may be submitted for the overall multi-family development if desired.

In approving the planned development, the Council may prescribe appropriate conditions, additional conditions, bonds, and safeguards in conformity with this title that:

1. Minimize adverse impact of the use on other property.
2. Control the sequence and timing of the use.
3. Control the duration of the use.
4. Assure that the use and the property in which the use is located is maintained properly.
5. Designate the exact location and nature of the use and the property development.
6. Require the provision for on site or off-site public facilities or services.
7. Require more restrictive standards than those generally required in this title.
8. Require mitigation of adverse impacts of the proposed development upon service delivery by any political subdivision, including school districts, which provides services within the city.

Because like uses (i.e. single-family detached homes) are proposed to existing abutting single-family detached homes in Paramount Subdivision and a transition in housing types and density is proposed along with a 35-foot wide linear common open space area as a separation and buffer, Staff is not recommending any additional conditions to minimize any adverse impacts of the use on adjacent properties.

VI. DECISION

A. Staff:

Staff recommends approval of the requested preliminary plat and planned unit development with the conditions noted in Section VIII, per the Findings in Section IX.

B. The Meridian Planning & Zoning Commission heard these items on December 1, 2022. At the public hearing, the Commission moved to recommend approval of the subject PP and PUD requests.

1. Summary of Commission public hearing:

- a. In favor: Michael Slavin
- b. In opposition: None
- c. Commenting: Doug Jones, Chris Eastman, Sally Reynolds, Julie Duran, Shane Nye and Jennifer Card, Lisa Metcalf, Kelly Carpenter, Justin Carpenter
- d. Written testimony: Michael & Linda Arnold, Leah Balecha, Daniel Briggs, Julie Duran, Matt Mueller, Scott Fuller, and Shane & Julia Duty
- e. Staff presenting application: Bill Parsons
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. Request for denial of the project as currently submitted due to the following reasons: 1) project isn't consistent with the MDR FLUM designation and would be more appropriate in the MHDR designation; 2) the proposed parking isn't sufficient for the proposed development and will result in substantial on-street parking that will contribute to congestion and make traveling through the community difficult; 3) the proposed contemporary modern design of the single-family homes are not harmonious with the design of existing single-family homes in the adjacent Paramount subdivision; 4) on-street parking along Bergman should not be allowed due to the curvature of the street which will not allow two vehicles traveling in opposite directions to easily pass one another if there are cars parked on either side of the road on the curve; and 5) belief that too many residential units are proposed in this area, which will not complement the existing neighborhood and will negatively impact the community's livability.
- b. Increase traffic, density and on-street parking on N. Bergman Ave.

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

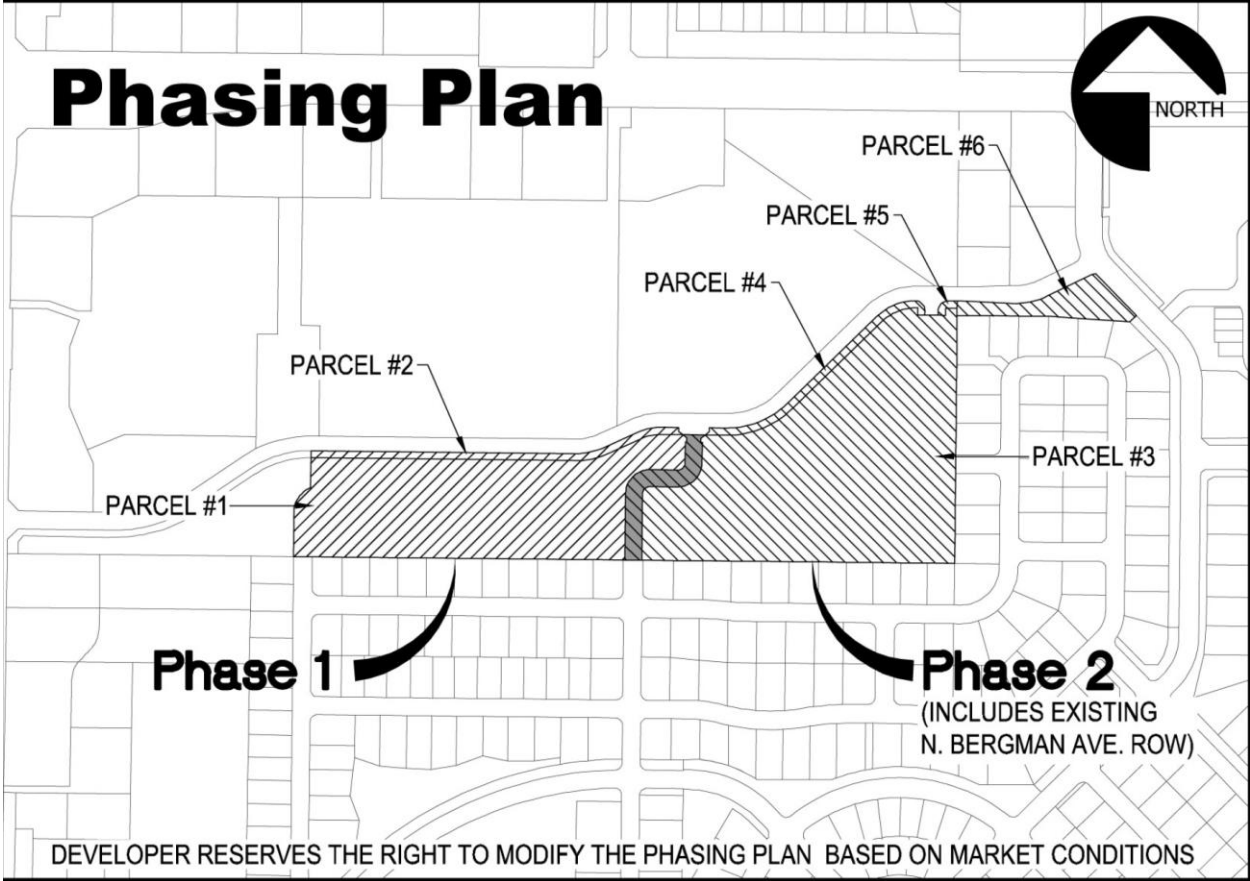
- a. Update the parking plan to ensure the project is adequate parked per UDC standards.
- b. Update open space exhibit to ensure the project meets the open space standards.
- c. Code complaint fencing along the south and east boundary of the proposed development.

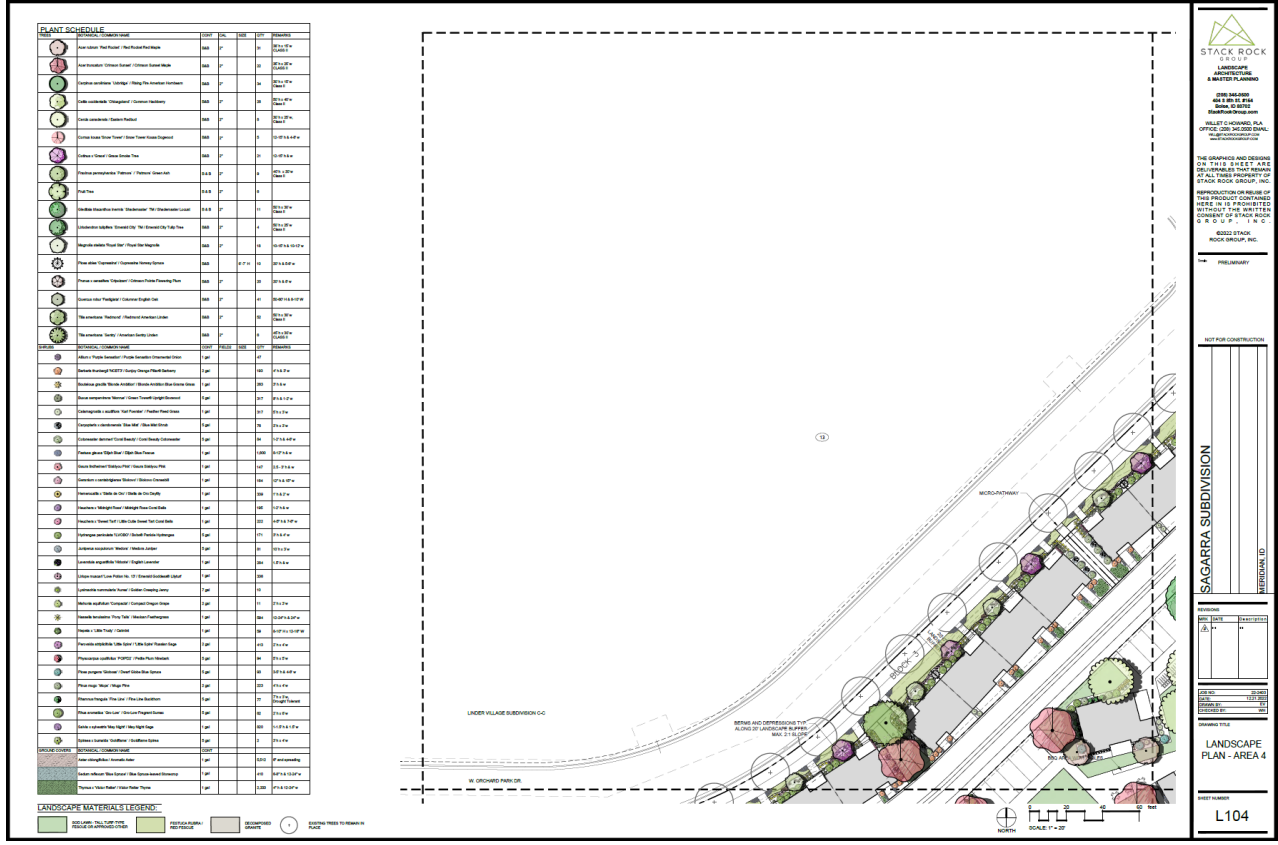
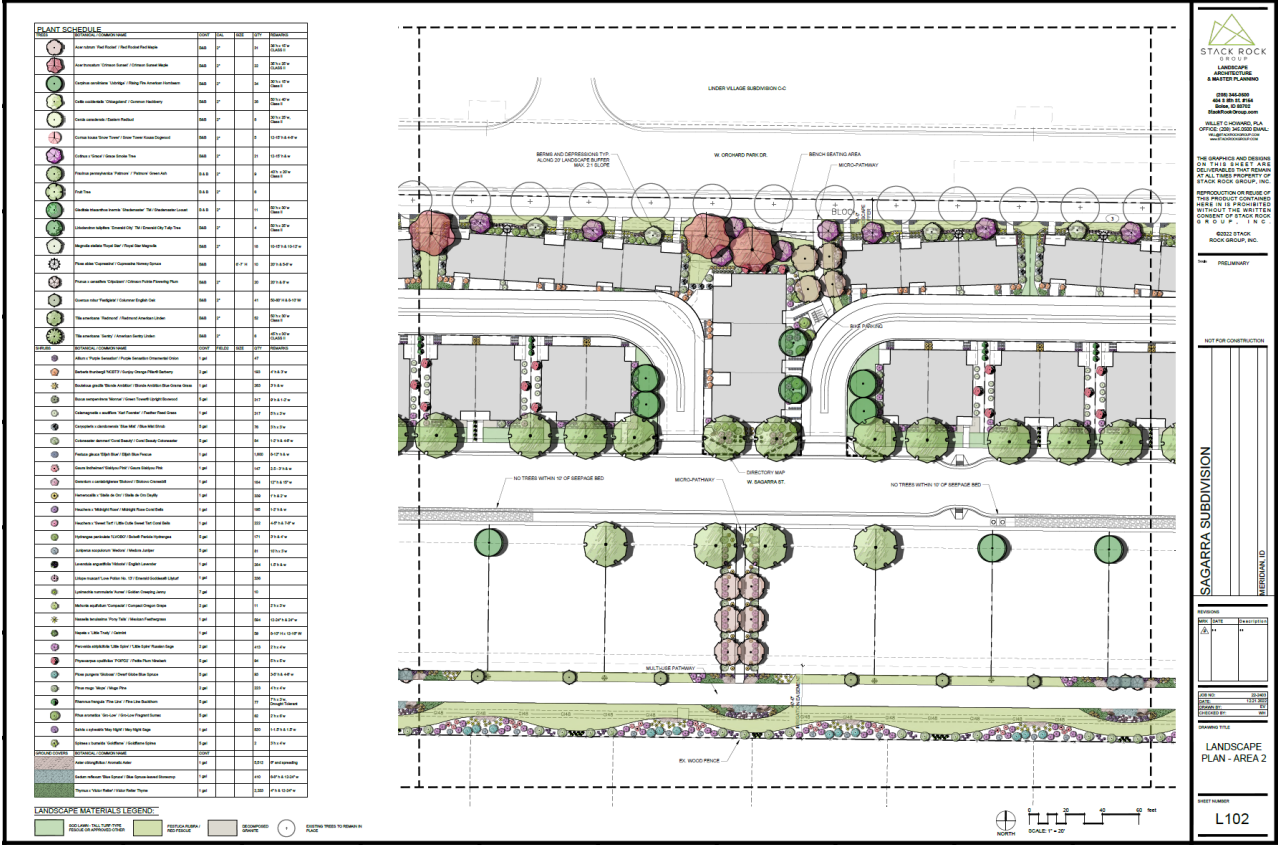
4. Commission change(s) to Staff recommendation:

- a. None

5. Outstanding issue(s) for City Council:

- a. None





PLANT SCHEDULE	SYMBOL	PLANT NAME	SPACING	NOTES
1	[Symbol]	Large Tree - Mature - 18" DBH	15' x 15'	Plant in 15' x 15' grid
2	[Symbol]	Medium Tree - Mature - 12" DBH	10' x 10'	Plant in 10' x 10' grid
3	[Symbol]	Small Tree - Mature - 8" DBH	6' x 6'	Plant in 6' x 6' grid
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STACK ROCK
 LANDSCAPE ARCHITECTURE & MATERIAL PLANNING
 6022 STACK ROCK GROUP, INC.
 1000 BLOSSOM ST. SUITE 100
 WILLET CHOWING, P.L.L.C.
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 WWW.STACKROCK.COM

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SAGARRA SUBDIVISION
 PERSONAL ID

DRAWING TITLE
LANDSCAPE PLAN - AREA 5

SHEET NUMBER
L105

PLANT SCHEDULE	SYMBOL	PLANT NAME	SPACING	NOTES
1	[Symbol]	Large Tree - Mature - 18" DBH	15' x 15'	Plant in 15' x 15' grid
2	[Symbol]	Medium Tree - Mature - 12" DBH	10' x 10'	Plant in 10' x 10' grid
3	[Symbol]	Small Tree - Mature - 8" DBH	6' x 6'	Plant in 6' x 6' grid
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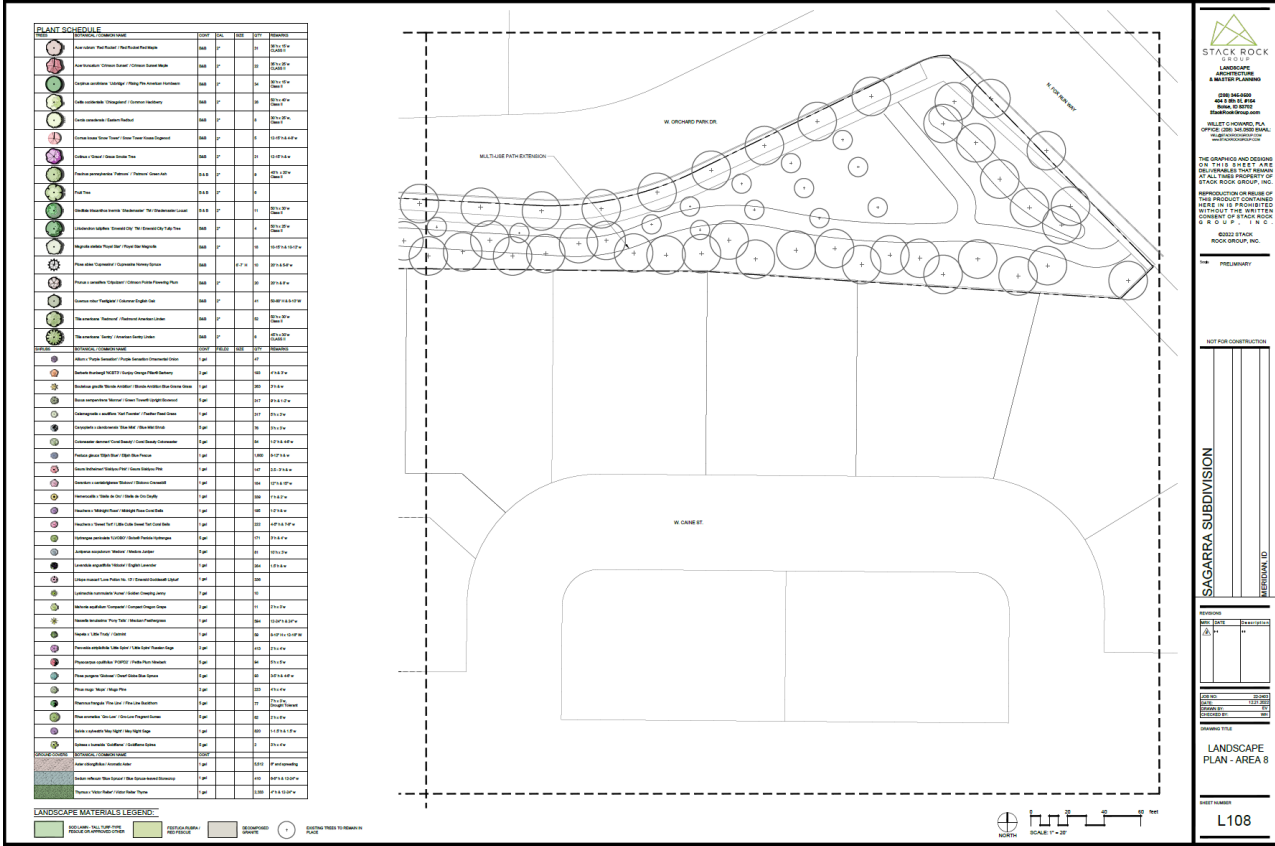
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 PERSONAL ID

DRAWING TITLE
LANDSCAPE PLAN - AREA 6

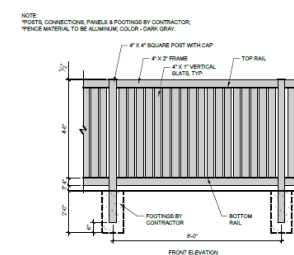
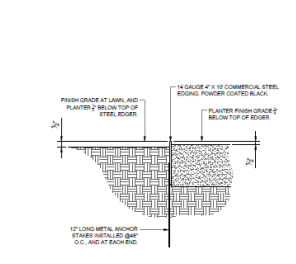
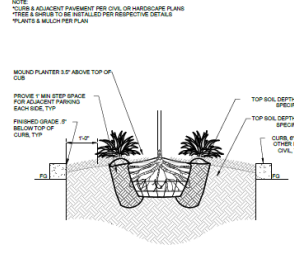
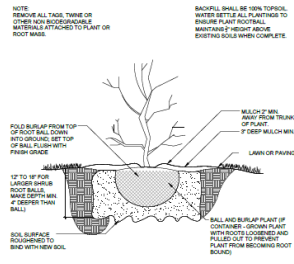
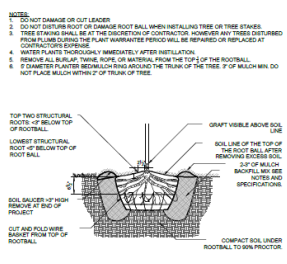
SHEET NUMBER
L106



NO.	DATE	REVISIONS

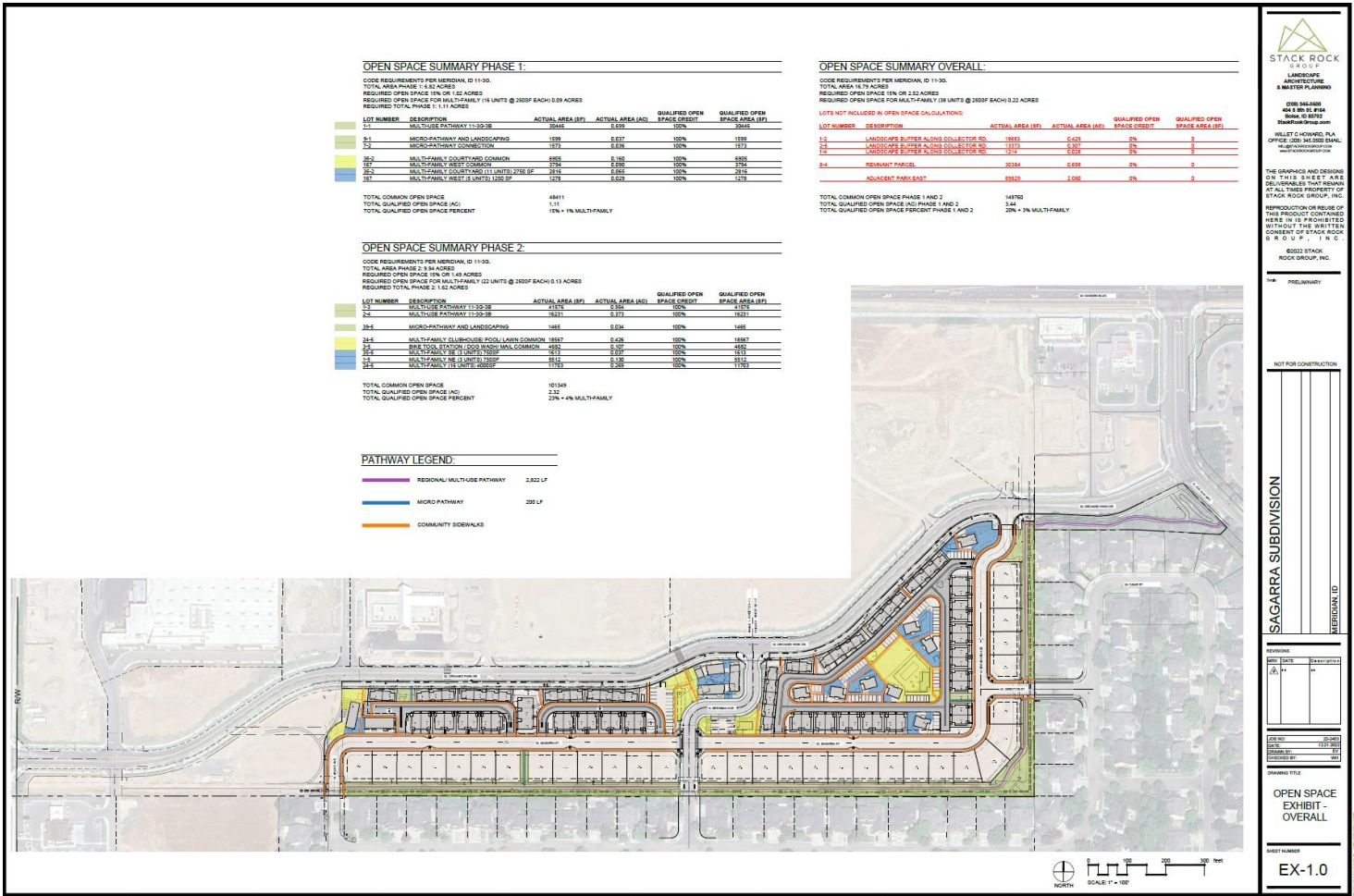
DRAWING TITLE
**LANDSCAPE
DETAILS**

SHEET NUMBER
L150



5 5' POOL FENCE
1/2" x 1/2" 82119-02

C. Common Open Space Exhibit (dated: ~~3/22/2022~~ 12/21/2022) – REVISED



STACK ROCK GROUP
 LANDSCAPE ARCHITECTURE & MASTER PLANNING

600 4th St. Suite 200
 Meridian, ID 83452
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 www.stackrockgroup.com

WILEY E. SCHWAB, P.E.
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SAGARRA SUBDIVISION
 MERIDIAN, ID

DATE:	12/21/2022
SCALE:	1" = 100'
DESIGNED BY:	WES
CHECKED BY:	WES

DRAWING TITLE
OPEN SPACE EXHIBIT - OVERALL

SHEET NUMBER
EX-1.0

OPEN SPACE SUMMARY PHASE 1:

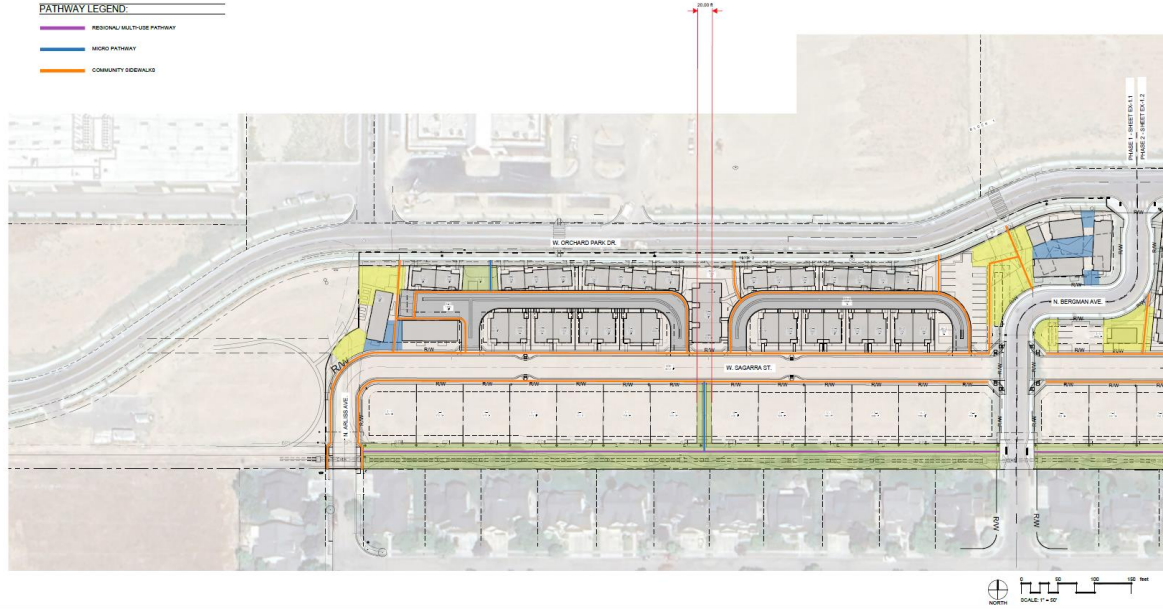
CODE REQUIREMENTS FOR MEDIUM D 11-03
 TOTAL AREA PHASE 1: 4.0 ACRES
 REQUIRED OPEN SPACE 1IN OR 40 ASPIES
 REQUIRED OPEN SPACE FOR MULTIFAMILY 115 UNITS @ 200SF EACH: 551 ASPIES
 REQUIRED TOTAL PHASE 1: 1.11 ACRES

LOT NUMBER	DESCRIPTION	ACTUAL AREA (SF)	ACTUAL AREA (AC)	QUALIFIED OPEN SPACE (SF)	QUALIFIED OPEN SPACE AREA (AC)
11	MULTI-USE PATHWAY 11-30-20	8268	0.19	8268	0.19
12	MICRO-PATHWAY AND LANDSCAPING	1773	0.04	1773	0.04
13	MULTI-FAMILY CONDO/OWN CONDOM	4561	0.10	4561	0.10
14	MULTI-FAMILY CONDO/OWN CONDOM	4561	0.10	4561	0.10
15	MULTI-FAMILY CONDO/OWN CONDOM	4561	0.10	4561	0.10
16	MULTI-FAMILY CONDO/OWN CONDOM	4561	0.10	4561	0.10
17	MULTI-FAMILY CONDO/OWN CONDOM	4561	0.10	4561	0.10

TOTAL COMMON OPEN SPACE: 4561
 TOTAL QUALIFIED OPEN SPACE: 1.11
 TOTAL QUALIFIED OPEN SPACE PERCENT: 15% 1IN MULTIFAMILY

PATHWAY LEGEND:

- REGIONAL/MULTI-USE PATHWAY
- MICRO PATHWAY
- COMMUNITY SIDEWALK



STACK ROCK
 LANDSCAPE ARCHITECTURE

1000 N. W. 10th St.
 Suite 1000
 Ft. Lauderdale, FL 33304
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 Fax: 954.576.1001
 www.stackrock.com

DATE: 08/20/2024
 DRAWN BY: J. B. BROWN
 CHECKED BY: J. B. BROWN
 PROJECT: SAGARRA SUBDIVISION
 SHEET: EX-1.1

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PHASE: PRELIMINARY

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SAGARRA SUBDIVISION

REVISIONS:

NO.	DATE	DESCRIPTION
1	08/20/2024	ISSUED FOR PERMIT

DATE: 08/20/2024
 DRAWN BY: J. B. BROWN
 CHECKED BY: J. B. BROWN
 PROJECT: SAGARRA SUBDIVISION
 SHEET: EX-1.1

DRAWING TITLE: OPEN SPACE EXHIBIT - PHASE 1

SHEET NUMBER: EX-1.1

OPEN SPACE SUMMARY PHASE 2:

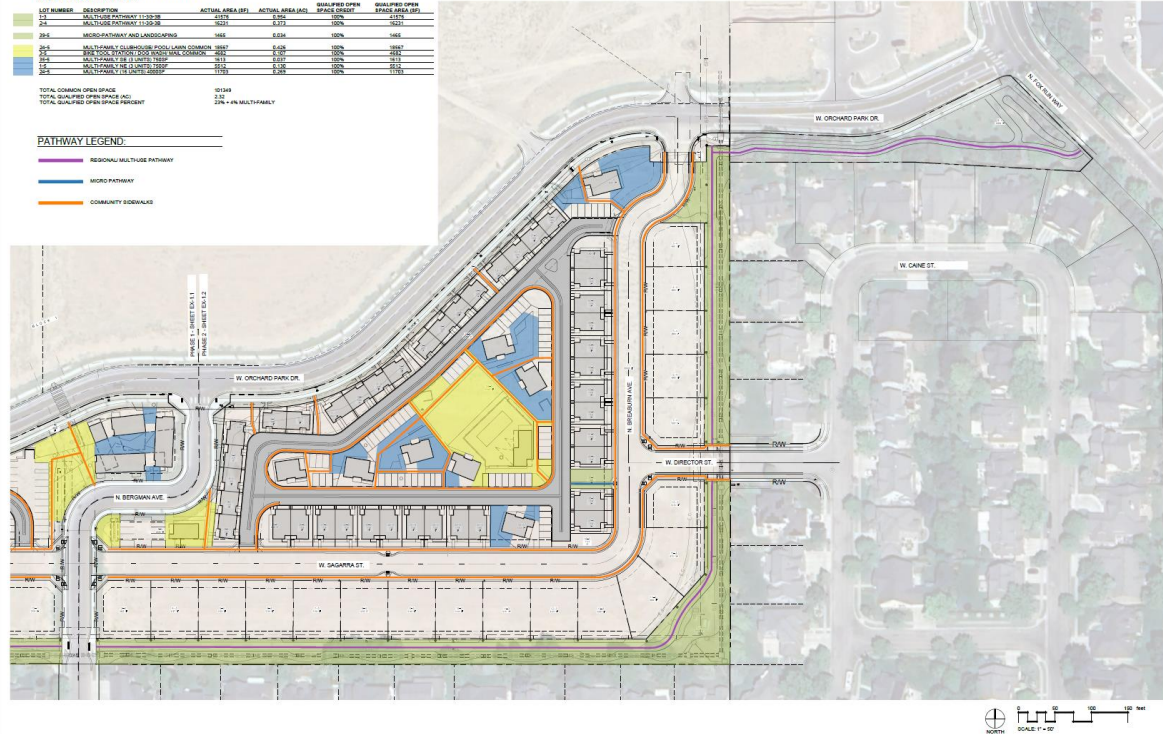
CODE REQUIREMENTS FOR MEDIUM D 11-03
 TOTAL AREA PHASE 2: 3.4 ACRES
 REQUIRED OPEN SPACE 1IN OR 40 ASPIES
 REQUIRED OPEN SPACE FOR MULTIFAMILY 122 UNITS @ 200SF EACH: 610 ASPIES
 REQUIRED TOTAL PHASE 2: 1.0 ACRES

LOT NUMBER	DESCRIPTION	ACTUAL AREA (SF)	ACTUAL AREA (AC)	QUALIFIED OPEN SPACE (SF)	QUALIFIED OPEN SPACE AREA (AC)
11	MULTI-USE PATHWAY 11-30-20	3241	0.07	3241	0.07
12	MULTI-USE PATHWAY 11-30-20	3241	0.07	3241	0.07
13	MICRO-PATHWAY AND LANDSCAPING	166	0.00	166	0.00
14	MULTI-FAMILY CONDO/OWN CONDOM	3847	0.09	3847	0.09
15	MULTI-FAMILY CONDO/OWN CONDOM	3847	0.09	3847	0.09
16	MULTI-FAMILY CONDO/OWN CONDOM	3847	0.09	3847	0.09
17	MULTI-FAMILY CONDO/OWN CONDOM	3847	0.09	3847	0.09

TOTAL COMMON OPEN SPACE: 10193
 TOTAL QUALIFIED OPEN SPACE: 1.0
 TOTAL QUALIFIED OPEN SPACE PERCENT: 15% 1IN MULTIFAMILY

PATHWAY LEGEND:

- REGIONAL/MULTI-USE PATHWAY
- MICRO PATHWAY
- COMMUNITY SIDEWALK



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 LANDSCAPE ARCHITECTURE

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DATE: 08/20/2024
 DRAWN BY: J. B. BROWN
 CHECKED BY: J. B. BROWN
 PROJECT: SAGARRA SUBDIVISION
 SHEET: EX-1.2

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PHASE: PRELIMINARY

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SAGARRA SUBDIVISION

REVISIONS:

NO.	DATE	DESCRIPTION
1	08/20/2024	ISSUED FOR PERMIT

DATE: 08/20/2024
 DRAWN BY: J. B. BROWN
 CHECKED BY: J. B. BROWN
 PROJECT: SAGARRA SUBDIVISION
 SHEET: EX-1.2

DRAWING TITLE: OPEN SPACE EXHIBIT - PHASE 2

SHEET NUMBER: EX-1.2

D. Site Amenity Exhibit

LANDSCAPE REQUIREMENTS

CODE REQUIREMENTS PER MERIDIAN CITY CODE

STREET TREES:
 1 TREE PER 35 LINEAL FEET

STREET NAME	LENGTH	TREES REQUIRED	TREES PROVIDED
W. SALARKA ST. (SOUTH)	132	40	40
W. SALARKA ST. (SOUTH)	100	30	30
W. BRENSMAN AVE (WEST)	357	10	10
W. BRENSMAN AVE (EAST)	257	7	7
N. ARLAND AVE (WEST)	132	4	4
N. ARLAND AVE (EAST)	132	4	4
W. DIRECTOR ST. (SOUTH)	39	1	1
W. DIRECTOR ST. (NORTH)	39	1	1

PARKING LOT:
 1 TREE PER SINGLE PARKING ISLAND/TERRMINAL PLANTER
 *REFER TO PARKING DIAGRAM EXHIBIT FOR PARKING STALL COUNT

PLANTER	TREES REQUIRED	TREES PROVIDED
ISLAND PLANTERS - 34	34	34

PATHWAY LANDSCAPING:
 1 TREE PER 100 LINEAL FEET

PATHWAY	LENGTH (L.F.)	TREES REQUIRED	TREES PROVIDED
BIODE GRASSWAY	132	4	4
MULTIUSE PATHWAY	200	6	6

OPEN SPACE (LANDSCAPE REQUIREMENTS):
 1 TREE PER 100 SQ FT

OPEN SPACE	AREA (SQ. FT.)	TREES REQUIRED	TREES PROVIDED
TOTAL QUALIFIED OPEN SPACE	189,829	19	19

BIODIVERSITY REQUIREMENTS:
 NONE THINER THAN TREES OR TREES REQUIRED MINIMUM 1 DIFFERENT TREE SPECIES

TOTAL NEW TREES ON SITE	NUMBER OF SPECIES REQUIRED	NUMBER OF SPECIES PROVIDED
200	2	19

TREE SELECTION:
 *EXISTING TREES WITHIN COMMON LOT #4 TO REMAIN IN PLACE UNDISTURBED
 *EXISTING TREE CROWN (S) TREES, NOT INCLUDING TREES WITHIN ROW

MINIMUM PLANT SIZE:

PLANT TYPE	MINIMUM SIZE
SHRUBS	2" CALIPER MIN.
TREES	2" CALIPER MIN.
WOODY SHRUBS	2" CAL. MIN.

PLANT SCHEDULE

TREE	BOTANICAL / COMMON NAME	CONT.	QTY.	CLASS	REMARKS
(Symbol)	Acer rubrum 'Red Rocket' / Red Rocket Red Maple	800	2	36" x 10' W Class II	
(Symbol)	Acer rubrum 'Orion Sunset' / Orion Sunset Maple	800	2	36" x 10' W Class II	
(Symbol)	Cedrus occidentalis 'Landscape' / Rising Fire American Hemlock	800	2	36" x 10' W Class II	
(Symbol)	Cedrus occidentalis 'Oncupinus' / Common Hemlock	800	2	36" x 10' W Class II	
(Symbol)	Cedrus canadensis / Eastern Redbud	800	2	36" x 10' W Class II	
(Symbol)	Fraxinus pennsylvanica 'Palmer' / Palmer Green Ash	800	2	36" x 10' W Class II	
(Symbol)	Gebebia macrocarpa 'Shademaster' TM / Shademaster Locust	800	2	36" x 10' W Class II	
(Symbol)	Ulmus americana 'Emerald City' TM / Emerald City Elm Tree	800	2	36" x 10' W Class II	
(Symbol)	Tilia americana 'Sentry' / American Sentry Linden	800	2	36" x 10' W Class II	

LANDSCAPE MATERIALS LEGEND:

- BIO-LAWN: TALL TURF-TYPE PERUSE OR APPROVED OTHER
- PLANTER BED
- UNMANICURED / NO-MOW SPACES
- DEGRADED GRASS

(Symbol) EXISTING TREES TO BE INSTALLED AS PART OF STAKE PLANS

OPEN SPACE SUMMARY:

CODE REQUIREMENTS PER MERIDIAN, ID 11-130
 TOTAL AREA 18,790 ACRES

LOT NUMBER	DESCRIPTION	ACTUAL AREA (SF)	ACTUAL AREA (AC)	QUALIFIED OPEN SPACE CREDIT	QUALIFIED OPEN SPACE AREA (SF)
20	MULTIUSE PATHWAY 11-330-2.3.3	2008	0.05	100%	2008
21	MULTIUSE PATHWAY AND LANDSCAPING	1089	0.03	100%	1089
22	PRIVATE STREET	1283	0.04	0%	0
23	PRIVATE STREET	2643	0.08	0%	0
24	PRIVATE STREET	2130	0.06	0%	0
25	PRIVATE STREET	1324	0.04	100%	1324
26	MULTIUSE PATHWAY 11-330-2.3.3	1173	0.03	100%	1173
27	MULTIUSE PATHWAY 11-330-2.3.3	1021	0.03	100%	1021
28	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1883	0.05	100%	1883
29	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
30	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
31	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
32	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
33	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
34	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
35	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
36	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
37	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
38	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
39	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
40	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
41	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
42	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
43	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
44	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
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73	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
74	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
75	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
76	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
77	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
78	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
79	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
80	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
81	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
82	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
83	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
84	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
85	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
86	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
87	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
88	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
89	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
90	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
91	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
92	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
93	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
94	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
95	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
96	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
97	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
98	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
99	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774
100	LANDSCAPE BUFFER ALONG COLLECTOR RD.	1774	0.05	100%	1774

TOTAL QUALIFIED OPEN SPACE (AC) 287.164
 TOTAL QUALIFIED OPEN SPACE PERCENT 2.4%

STAKE GROUP INFORMATION

STAKE GROUP: SACARRA SUBDIVISION

PROJECT: PUD SITE AMENITY PLAN

DATE: 11/14/2023

SCALE: 1" = 40'

PROJECT NUMBER: L160

E. Proposed Reductions to R-8 Setbacks



Development Setback Diagram

SETBACK INFORMATION (R-8/UD REQUEST)

DIAGRAM COLOR	UNIT TYPE	FRONT PROPOSED	GARAGE PROPOSED	SIDE PROPOSED	STREET SIDE PROPOSED	REAR PROPOSED	NOTES
Green	RIBBON TOWNHOMES	0' MIN	0' MIN	0'	10'	0' MIN	0' IS TO BACK OF COMMON LOT WHICH IS 30' FROM BACK OF CURB
Blue	TWO PACK TOWNHOMES	10'	0' MIN	5'	8' MIN	0' MIN	STREET SIDE SETBACK FROM PARALLEL PORTION OF STREET IS TYPICALLY 10'
Purple	MIDDLE THREE TOWNHOMES	8'0"	4' MIN	N/A	10' MIN	4' MIN	
Red	BOULDER FLATS*	3'0" MIN	N/A	5' MIN	3'6"	6' MIN	
Orange	COURTYARD/HEADWATER CONDOS*	2'	N/A	5'	7'	10'	THERE ARE 5 GARAGE SPACES AT THE HEADWATER CONDO LOCATION W/ 5' SETBACK
Yellow	SINGLE FAMILY UNITS	10'	20'	5'	0'	10'	
Red Circle	CONTROL POINT - PORTION OF BUILDING CLOSEST TO PROPERTY LINE						

NOTE: SETBACKS LISTED ABOVE ARE DEVIATIONS FROM THE MDC R-8 DIMENSIONAL STANDARDS. DIMENSIONS LISTED AS MIN ARE TO ARTICULATE THAT THOUGH THIS IS LISTED AS THE MINIMUM THE TYPICAL DIMENSION WILL BE GREATER THAN THIS

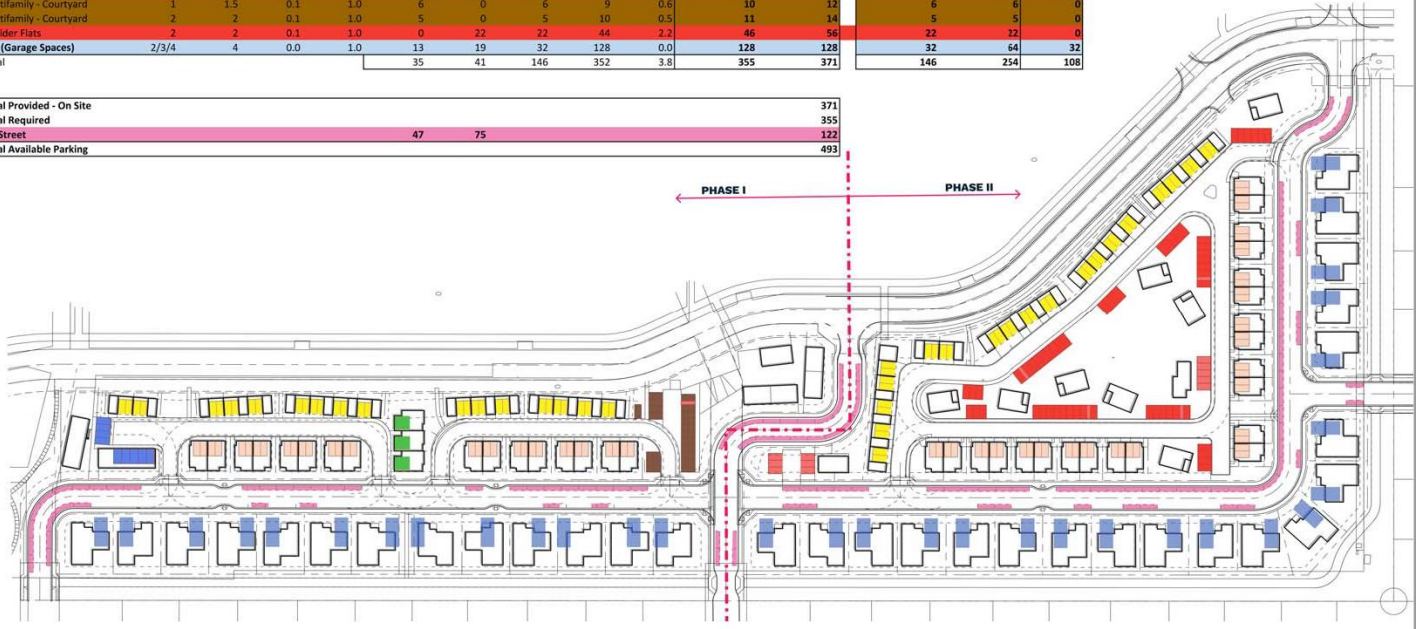
* THE BOULDER FLATS, HEADWATER & COURTYARD CONDOS ARE MULTI-FAMILY UNITS BEING REQUESTED UNDER THE PUD APPLICATION

F. Parking Diagram – REVISED

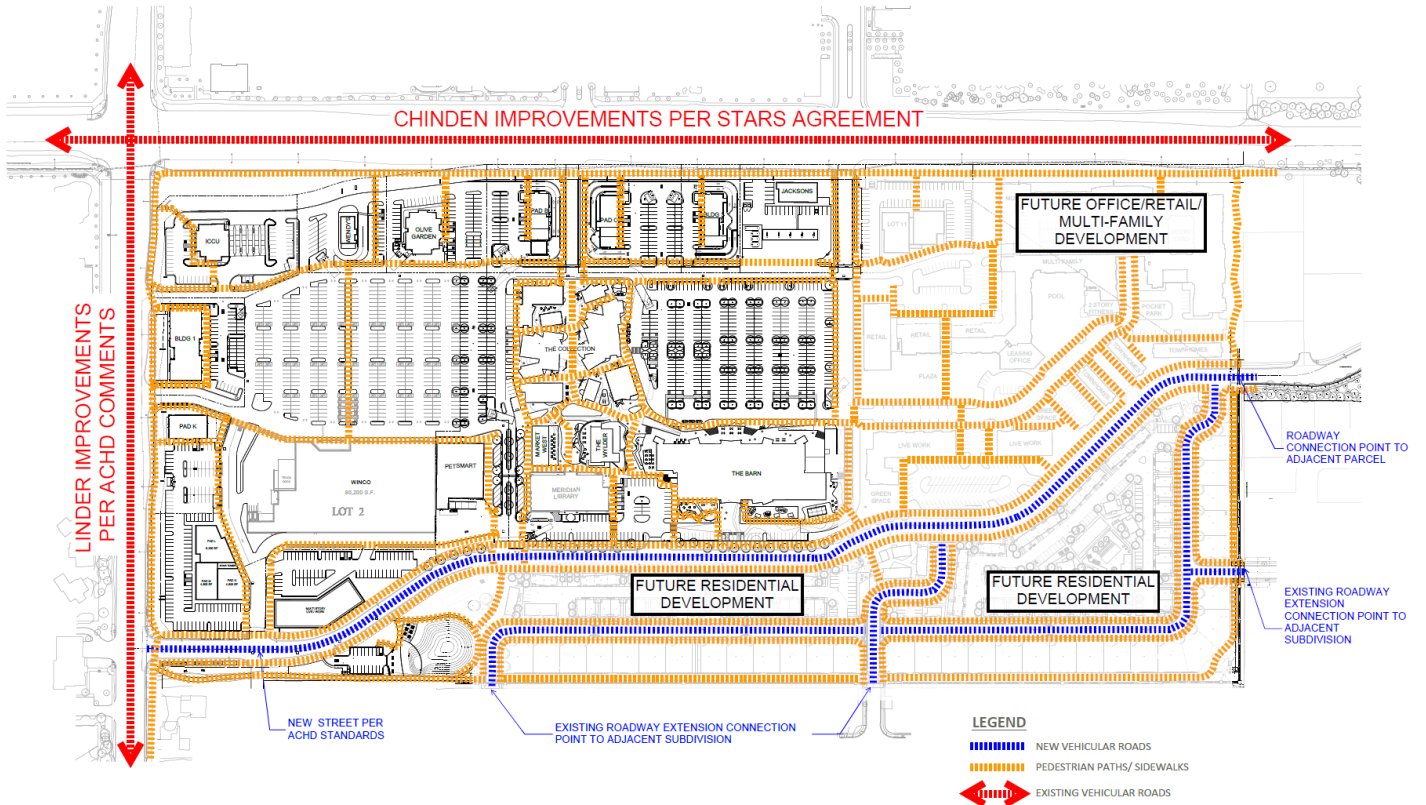
Sagarra | Parking Analysis

Unit Designation	Bed Count	Req'd Parking Factor	Guest Parking Factor	Covered Parking Factor	Phase I (Count)	Phase II (Count)	Total DUs	DU x Factor Required	Guest Required	Total Required	Total Provided On-Site	Total Req'd Covered in Carport or Garage	Total Provided Covered in Carport or Garage	Extra Spaces
Two Pack Townhomes	2	2	0.0	1.0	16	22	38	76	0.0	76	76	38	76	38
Ribbon Townhomes	2	2	0.0	1.0	16	19	35	70	0.0	70	70	35	70	35
Middle Three Townhomes	2	2	0.0	1.0	3	0	3	6	0.0	6	6	3	6	3
Multifamily - Headwater	1	1.5	0.1	1.0	3	0	3	5	0.3	5	5	3	3	0
Multifamily - Headwater	2	2	0.1	1.0	2	0	2	4	0.2	4	4	2	2	0
Multifamily - Courtyard	1	1.5	0.1	1.0	6	0	6	9	0.6	10	12	6	6	0
Multifamily - Courtyard	2	2	0.1	1.0	5	0	5	10	0.5	11	14	5	5	0
Boulder Flats	2	2	0.1	1.0	0	22	22	44	2.2	46	56	22	22	0
SFR (Garage Spaces)	2/3/4	4	0.0	1.0	13	19	32	128	0.0	128	128	32	64	32
Total					35	41	146	352	3.8	355	371	146	254	108

Total Provided - On Site	371
Total Required	355
On Street	122
Total Available Parking	493



G. Vehicular & Pedestrian Circulation Plan



Scale: 1:100

H. Conceptual Building Elevations

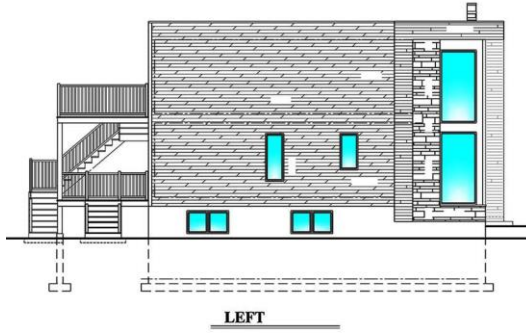
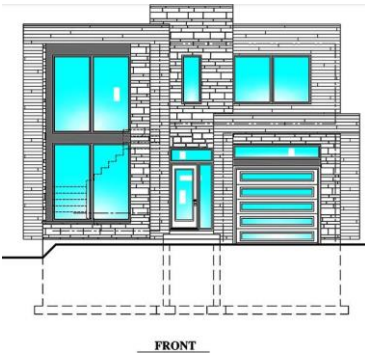


Concept Elevations for Single Family Homes

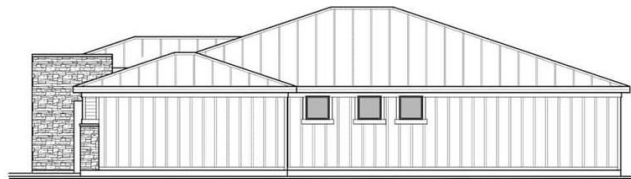
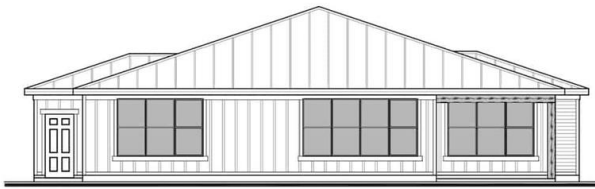
Building "A" Concept:



Building "B" Concept:



Building "C" Concept:



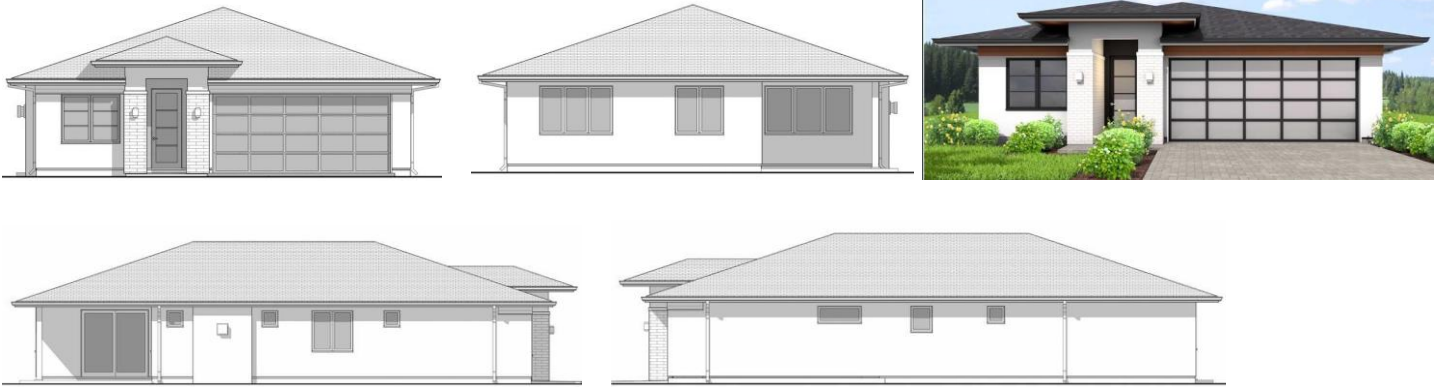
Building "D" Concept:



Building "E" Concept:



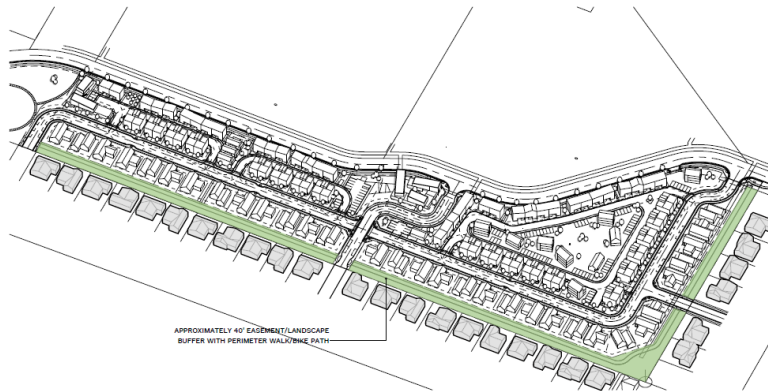
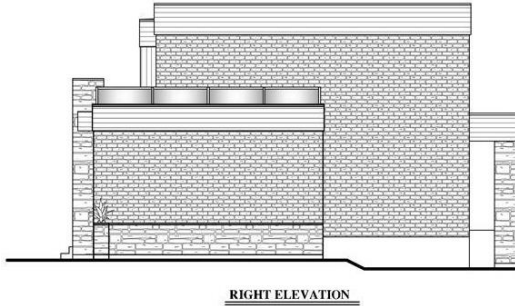
Building "F" Concept:



Building "G" Concept:



Building "H" Concept:



Existing Single Family Residential SCALE: N.T.S.



New Single Family Residential SCALE: N.T.S.

pivot north

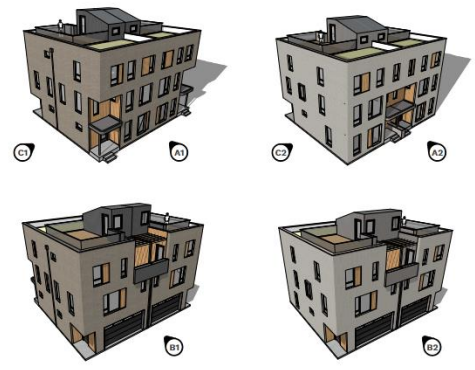
PLANNED UNIT DEVELOPMENT
MICHIGAN, ID

SAGARRA / RESIDENTIAL

SINGLE FAMILY HOMES
SCALE: N.T.S.



Two Pack Townhomes Location Diagram SCALE: N.I.S.



Type 'A' - Two Pack Townhomes SCALE: N.I.S.

Type 'B' - Two Pack Townhomes SCALE: N.I.S.



A1 FRONT ELEVATION



A2 FRONT ELEVATION

Two Pack Townhomes

2 BED UNIT SQUARE FOOTAGE:
 LIVING 47-1500 SF
 PATIOS 47-278 SF
 GARAGE 47-498 SF

NUMBER OF UNITS:
 PHASE I 36 UNITS
 PHASE II 22 UNITS



B1 BACK ELEVATION



C1 SIDE ELEVATION



B2 BACK ELEVATION



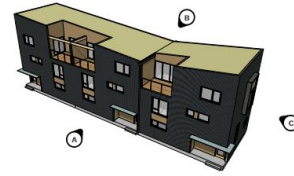
C2 SIDE ELEVATION

Two Pack Townhome Type A - Concept Elevations SCALE: 1/8" = 1'-0"

Two Pack Townhome Type B - Concept Elevations SCALE: 1/8" = 1'-0"



Ribbon Townhomes Location Diagram SCALE: N.E.S.



NOTE:
 THESE ARE PRELIMINARY CONCEPTS FOR DESIGN TOWNHOMES AS WELL AS PRELIMINARY EXTERIOR PAINT AND ONE 2-DOOR FRONT PORCH TOWNHOMES.



A FRONT ELEVATION



B BACK ELEVATION



C SIDE ELEVATION

Ribbon Townhome - Concept Elevations SCALE: 1/8" = 1'-0"

Ribbon Townhomes

2 BED UNIT SQUARE FOOTAGE:

LIVING: 800 SF

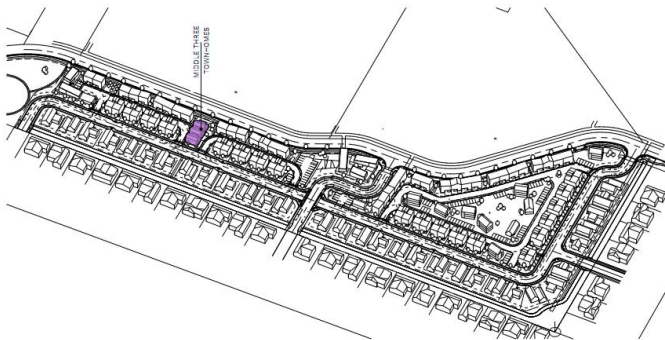
PATIO: 100 SF

GARAGE: 104 SF

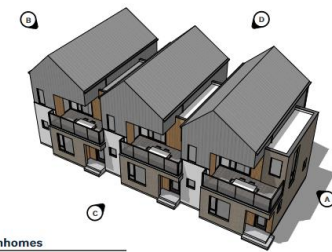
NUMBER OF UNITS:

PHASE I: 76 UNITS

PHASE II: 78 UNITS



Middle Three Townhomes Location Diagram SCALE: N.E.S.



Middle Three Townhomes

2 BED UNIT SQUARE FOOTAGE:

LIVING: 125 SF

PATIO: 50 SF

GARAGE: 100 SF

NUMBER OF UNITS:

PHASE I: 3 UNITS

PHASE II: 0 UNITS



A NORTH ELEVATION



C EAST ELEVATION

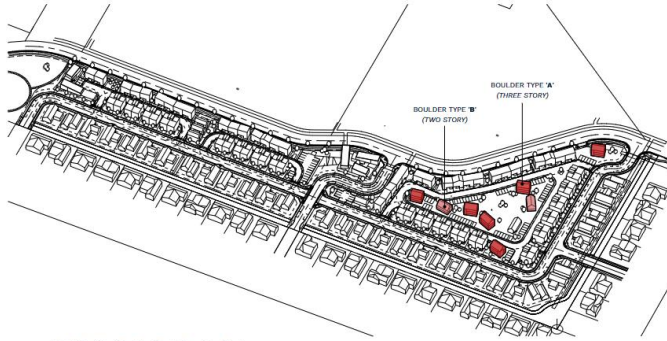


B SOUTH ELEVATION

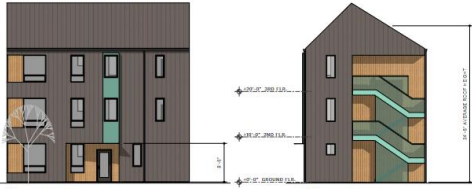


D WEST ELEVATION

Middle Three Townhome - Concept Elevations SCALE: 1/8" = 1'-0"



Multi-Family / Boulder Flats Location Diagram SCALE: N1/S



A1 FRONT ELEVATION

C1 SIDE ELEVATION



B1 BACK ELEVATION

D1 SIDE ELEVATION

Boulder Flats Building Type A - Concept Elevations SCALE: 1/8" = 1'-0"

Boulder Flats

3 BED UNIT SQUARE FOOTAGE:
 LIVING: +7, 800 SF
 PATIOS: +7, 80 SF (GROUND FLR ONLY)

NUMBER OF UNITS:
 PHASE I: 0 UNITS
 PHASE II: 22 UNITS

THERE ARE (2) SIDING COLORS PROPOSED FOR THE TYPE A BUILDINGS: ZINC GREY (SHOWN) AND A DULY RED (NOT SHOWN)



Type 'A' - Boulder Flats SCALE: N1/S

Type 'B' - Boulder Flats SCALE: N1/S



A2 FRONT ELEVATION

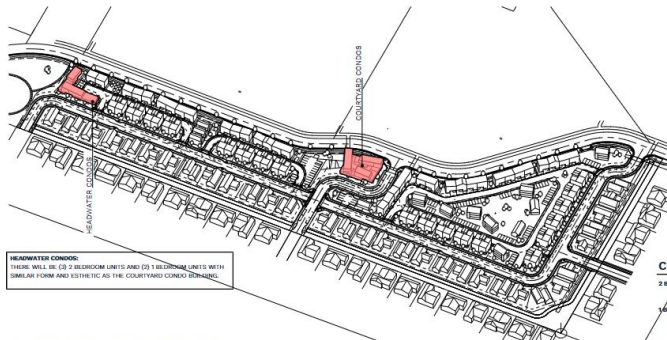
C2 SIDE ELEVATION



B2 BACK ELEVATION

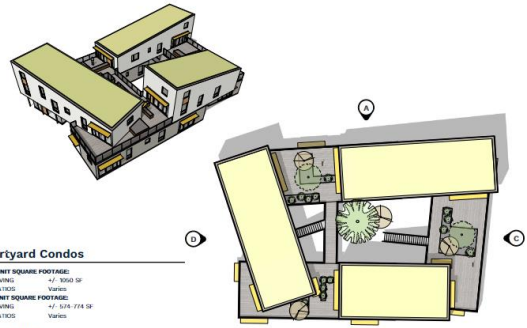
D2 SIDE ELEVATION

Boulder Flats Building Type B - Concept Elevations SCALE: 1/8" = 1'-0"



HEADWATER CONDOS:
 THERE WILL BE (2) 2 BEDROOM UNITS AND (2) 1 BEDROOM UNITS WITH SIMILAR FORM AND ESTHETIC AS THE COURTYARD CONDO DOMINO.

Multi-Family / Phase I Condo Building Locations SCALE: N1/S



Courtyard Condos

3 BED UNIT SQUARE FOOTAGE:
 LIVING: +7, 300 SF
 PATIOS: Varies

1 BED UNIT SQUARE FOOTAGE:
 LIVING: +7, 000 - 774 SF
 PATIOS: Varies

NUMBER OF UNITS:
 PHASE I: 5 (2) BEDROOM UNITS
 6 (2) BEDROOM UNITS (2 WITH LOFT SPACE)
 TOTAL: 11

PHASE II: 0 UNITS

Courtyard Condos - Roof Plan SCALE: 1/8" = 1'-0"



A NORTH ELEVATION



C EAST ELEVATION

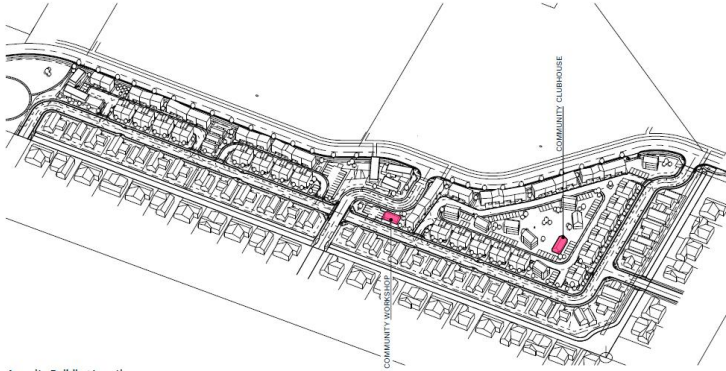


B SOUTH ELEVATION

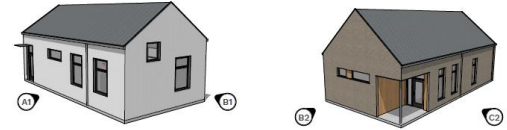
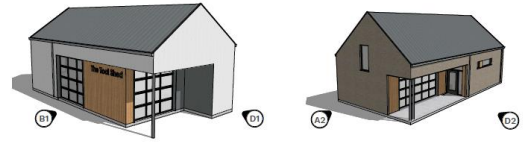


D WEST ELEVATION

Courtyard Condos - Concept Elevations SCALE: 1/8" = 1'-0"



Amenity Building Locations SCALE: N.T.S.



Community Workshop SCALE: N.T.S.

Community Clubhouse SCALE: N.T.S.



A1 NORTH ELEVATION



C1 EAST ELEVATION



A2 NORTH ELEVATION



C2 EAST ELEVATION



B1 SOUTH ELEVATION



D1 WEST ELEVATION



B2 SOUTH ELEVATION



D2 WEST ELEVATION

Community Workshop - Concept Elevations SCALE: 1/8" = 1'-0"

Community Clubhouse - Concept Elevations SCALE: 1/8" = 1'-0"

VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

At least 15 days prior to the City Council hearing, Staff recommends the Applicant complete the following:
(Staff's comments in italics)

- Submit an application for Alternative Compliance to UDC 11-3B-12C, which requires a minimum of one (1) tree per 100 linear feet of pathway, to relocate the trees required in the common lot along the south and east boundaries of the site to along micro-paths within the development as proposed on the landscape plan. *The Irrigation District allowed Class I trees and shrubs to be planted within their easement through an addendum to the license agreement (Inst. #2022-099262); alternative compliance is no longer needed or required.*
- Submit a revised off-street parking exhibit that demonstrates compliance with the minimum standards listed in UDC [Table 11-3C-6](#). *See updated parking calculations in Section VII.F. The proposed parking complies with and exceeds the minimum standards by 16 spaces; an additional 122 on-street parking spaces are also available.*
- Submit a revised qualified open space exhibit that demonstrates compliance with the minimum open space standards in UDC [11-3G-3B](#) and [11-4-3-27C](#). Overall, a minimum of 2.74-acres of qualified open space is required to be provided. Areas that don't meet the minimum qualifications should be removed from the plan. The scale bar depicted on the plan should also be corrected. An application for alternative compliance to these standards may be submitted if the proposed design includes innovative design features based on "new urbanism", "neotraditional design", or other architectural and/or site designs that promote walkable and mixed-use neighborhoods (see UDC 11-5B-5 for more information). *A revised common open space exhibit was submitted, included in Section VII.C, that depicts a total of 3.43 acres of qualified open space, which exceeds the minimum standards by 0.69-acre.*
- In phased developments, common open space shall be provided in each phase of the development consistent with the requirements for the size and number of dwelling units. An exhibit shall be submitted demonstrating compliance with this standard for each phase of development. If changes are necessary to the phasing plan to comply with this standard, a revised phasing plan should be submitted. *The revised common open space exhibit, included in Section VII.C, depicts common open space that demonstrates compliance with UDC standards for each phase of development.*

Preliminary Plat:

1. The final plat shall include the following revisions:
 - a. Graphically depict zero (0) lot lines on internal lot lines where single-family attached and townhome structures are proposed (i.e. where structures will span across lot lines).
 - b. Depict traffic calming measures to slow traffic on Bergman Ave. and W. Bacall St. as allowed by ACHD and the Fire Dept. in accord with the Development Agreement.
 - c. Graphically depict public use easements for the micro-paths that cross private/townhome building lots.
2. The landscape plan submitted with the final plat shall be revised as follows:
 - a. Depict landscaping along all pathways as set forth in UDC [11-3B-12C](#). *A mix of trees, shrubs, lawn and/or other vegetative groundcover is required.*
 - b. Depict additional/enhanced landscaping within the 20-foot wide street buffer along W. Orchard Park Dr. in accord with the updated standards in UDC [11-3B-7C.3](#) and [11-3G-3B.3](#).

- c. Update the Landscape Requirements table to reflect compliance with the updated common open space standards in 11-3G-5B.3, which requires a minimum of one deciduous shade tree for every 5,000 square feet of area with a variety of trees, shrubs, lawn or other vegetative groundcover; shrubs and other plantings shall be depicted on the plan as required.
3. Future development shall comply with the minimum dimensional standards for the R-8 zoning district listed in UDC [Table 11-2A-6](#) or as otherwise approved with the Planned Unit Development.
4. All waterways on this site shall be piped as set forth in UDC [11-3A-6B](#), unless otherwise waived by City Council.
5. A private street application shall be submitted with the final plat application for the proposed private streets within the development. All private streets shall comply with the standards listed in UDC [11-3F-4](#).
6. Approval of a preliminary plat shall become null and void if the applicant fails to obtain the city engineer's signature on the final plat within two (2) years of the approval of the preliminary plat. In the event that the development of the preliminary plat is made in successive phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if signed by the city engineer within successive intervals of two (2) years, may be considered for final approval without resubmission for preliminary plat approval. Upon written request and filing by the applicant prior to the termination of the period in accord with subsections (A) and (B) of this section, the director may authorize a single extension of time to obtain the city engineer's signature on the final plat not to exceed two (2) years. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the director or City Council may require the preliminary plat, combined preliminary and final plat or short plat to comply with the current provisions of this title. If the above timetable is not met and the applicant does not receive a time extension, the property shall be required to go through the platting procedure again (UDC [11-6B-7](#)).

Conditional Use Permit/Planned Unit Development:

7. Compliance with the specific use standards listed in UDC [11-4-3-27](#): Multi-Family Development and the dimensional standards listed in UDC [Table 11-2A-6](#) for the R-8 zoning district is required, unless otherwise approved through the Planned Unit Development (see deviations to setbacks approved in Section VII.E).
8. The site/landscape plans included in Section VII shall be revised as follows:
 - a. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, and transformer and utility vaults shall be located in an area not visible from a public street, or shall be fully screened from view from a public street in accord with UDC [11-4-3-27B.2](#).
 - b. Depict the location of the property management office; maintenance storage area; central mailbox location, including provisions for parcel mail, that provide safe pedestrian and/or vehicular access; and a directory and map of the development at an entrance or convenient location for those entering the development in accord with UDC [11-4-3-27B.7](#).
 - c. Depict landscaping along all the foundation of all street facing elevations in accord with the standards listed in UDC [11-4-3-27E](#).
 - d. Depict shrubs and other plantings adjacent to the pathway along the south and east boundaries of the site in accord with UDC [11-3B-12C](#) as allowed by the Irrigation District within their easement.
 - e. Update the Landscape Requirements table to reflect compliance with the updated common open space standards in 11-3G-5B.3, which requires a minimum of one deciduous shade tree for every

- 5,000 square feet of area with a variety of trees, shrubs, lawn or other vegetative groundcover; shrubs and other plantings shall be depicted on the plan as required.
- f. Depict a minimum 5,000 square foot common grassy area integrated into the site design that allows for general activities by all ages that complies with the standard listed in UDC [11-4-3-27C.3](#).
 - g. Depict landscaping along all pathways per the standards listed in UDC [11-3B-12C](#). *A mix of trees, shrubs, lawn and/or other vegetative ground cover with a minimum of one (1) tree per 100 linear feet of pathway.*
 - h. Provide bicycle parking spaces per the standards listed in UDC 11-3C-6G; bicycle parking facilities shall comply with the standards listed in UDC [11-3C-5C](#). Bike racks should be provided in central locations for each multi-family building and the amenity buildings.
 - i. Provide off-street parking spaces for the development in accord with the standards listed in UDC [Table 11-3C-6](#) and [11-3C-6B.1](#) per the analysis in Section VI.
 - j. At a minimum, depict site amenities consistent with those proposed with the subject application.
 - k. Minimum 7-foot wide sidewalks shall be provided where parking abuts sidewalks if wheel stops aren't proposed to prevent vehicle overhang in accord with UDC 11-3C-5B4; if 7-foot sidewalks are proposed, the length of the stall may be reduced to 17 feet.
 - l. A detail shall be included of the fencing proposed around the swimming pool that complies with building code requirements for such.
9. No recreational vehicles, snowmobiles, boats or other personal recreation vehicles shall be stored on the site unless provided for in a separate, designated and screened area as set forth in UDC 11-4-3-27B.5.
 10. All multi-family developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features as set forth in UDC [11-4-3-27F](#). **A recorded copy of the document shall be submitted prior to issuance of the first Certificate of Occupancy for the development.**
 11. In phased developments, common open space shall be provided in each phase of the development consistent with the requirements for the size and number of dwelling units in accord with UDC [11-4-3-27C.6](#).
 12. A minimum of eighty (80) square feet of private, usable open space shall be provided for each residential unit per UDC [11-7-4B](#). This requirement can be satisfied through porches, patios, decks, and enclosed yards. Landscaping, entryway and other accessways do not count toward this requirement.
 13. The Applicant shall coordinate with ACHD on the location and design of the proposed crosswalks across W. Orchard Park Dr.
 14. If some of the multi-family units are proposed to be condominiumized, a short plat shall be submitted where all buildings are constructed or have received building permits for construction as set forth in UDC [11-6B-5](#).
 15. Future development shall comply with the vehicular and pedestrian circulation plan in Section VII.G.
 16. A Design Review application shall be submitted for *all* structures within the development to ensure quality of design for an exemplary development. All structures shall comply with the design standards in the [Architectural Standards Manual](#) unless otherwise approved through a design standard exception.

17. A Certificate of Zoning Compliance (CZC) application shall be submitted for the multi-family structures concurrent with the Design Review application; one (1) CZC may be submitted for the overall multi-family development if desired.
18. A conditional use permit/planned unit development, when granted, shall be 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. For conditional use permits/planned unit developments that also require platting, the final plat must be signed by the city engineer within this two-year period. Upon written request and filing by the applicant prior to the termination of the period in accord with subsection (F)(1) of this section, the director may authorize a single extension of time to commence the use not to exceed one (1) two-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 this chapter (UDC [11-5B-6F](#)).

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 No permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are to be built within the utility easement. See "WW Comments - Sagarra" for details.
- 1.2 Must provide access path per City requirements to existing manhole located on western end of site (Sheet CE.1) and existing sewer just south of Orchard Park Dr. (left side of Sheet CE.2).
- 1.3 SSMH-4E is outside the easement. Easement needs to be 20' and extend 10' beyond the manhole. Also need access path up to manhole per City requirements.
- 1.4 Do not have sewer services pass through infiltration trenches. This comment was made during the preapp also. There are a few areas that this is occurring. Ensure that this is corrected in future submittals. See "WW Comments - Sagarra" for details.
- 1.5 Sewer services must be installed at 90 degrees to a sewer main or connected to a manhole. See "WW Comments - Sagarra" for details.
- 1.6 Provide 10' separation between sewer main and infiltration trench.
- 1.7 To and through required to parcel R5262501200.
- 1.8 Flow is committed.
- 1.9 There is a gap in the water line along road 4. This needs to connect.
- 1.10 Have callout to remove blow-off valves.
- 1.11 Add valve on existing water line in Bergman Ave for a total of 3 valves on the crossing.
- 1.12 Add valve on existing water line in Road-1 for a total of 2 valves at the tee.
- 1.13 See Change Marks on "Public Utility Plan" pdf for additional details.
- 1.14 Streetlight plan will be required at time of development.

2. General Conditions of Approval

- 2.1 Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-

- grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2.2 Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
 - 2.3 The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.
 - 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (UDC 11-3B-6). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
 - 2.5 All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
 - 2.6 All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
 - 2.7 Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
 - 2.8 Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
 - 2.9 Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
 - 2.10 A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
 - 2.11 All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
 - 2.12 Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.

- 2.13 It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 2.14 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.15 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.16 Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 2.17 The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
- 2.18 The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
- 2.19 At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
- 2.20 A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
- 2.21 The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 2.22 The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

C. FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=277043&dbid=0&repo=MeridianCity>

D. POLICE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=277044&dbid=0&repo=MeridianCity>

E. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=278542&dbid=0&repo=MeridianCity>

F. SETTLER’S IRRIGATION DISTRICT (SID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=277091&dbid=0&repo=MeridianCity>

G. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=278840&dbid=0&repo=MeridianCity>

H. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=282445&dbid=0&repo=MeridianCity>

I. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=276873&dbid=0&repo=MeridianCity>

IX. FINDINGS

A. Preliminary Plat:

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

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

Staff finds that the proposed plat is in substantial compliance with the adopted Comprehensive Plan in regard to land use and transportation. (Please see Comprehensive Plan Policies in, Section IV of this report for more information.)

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

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

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

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

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

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

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

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

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

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

B. Planned Unit Development (UDC 11-7-5)

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 a planned development request, the council shall make the following findings:

- A. The planned unit development demonstrates exceptional high quality in site design through the provision of cohesive, continuous, visually related and functionally linked patterns of development, street and pathway layout, and building design.

Staff finds the proposed development demonstrates an exceptional high quality of design through the provision of integrated cohesive development that is linked together by vehicular and pedestrian connections.

- B. The planned unit development preserves the significant natural, scenic and/or historic features.

Staff is unaware of any significant natural, scenic and/or historic features that exist on this site. If any such features do exist, Staff recommends they be preserved.

- C. The arrangement of uses and/or structures in the development does not cause damage, hazard, or nuisance to persons or property in the vicinity.

Staff finds the proposed arrangement and/or structures in the development does not cause damage, hazard or nuisance to persons or property in the vicinity. The Commission and Council should rely on public testimony to determine this finding.

- D. The internal street, bike and pedestrian circulation system is designed for the efficient and safe flow of vehicles, bicyclists and pedestrians without having a disruptive influence upon the activities and functions contained within the development, nor place an undue burden upon existing transportation and other public services in the surrounding area.

Staff finds the proposed internal vehicular and pedestrian plan will provide a safe flow of vehicles, bicyclists and pedestrians without an undue burden on existing transportation in the surrounding area.

- E. Community facilities, such as a park, recreational, and dedicated open space areas are functionally related and accessible to all dwelling units via pedestrian and/or bicycle pathways.

Staff finds the proposed open space areas are accessible to all residents via proposed pathways.

- F. The proposal complies with the density and use standards requirements in accord with chapter 2, "district regulations", of this title.

Staff finds the proposal complies with the density and use standards of the R-8 zoning district in UDC Table 11-2A-6.

- G. The amenities provided are appropriate in number and scale to the proposed development.

Staff finds the proposed amenities are appropriate for the proposed development.

- H. The planned unit development is in conformance with the comprehensive plan.

Staff finds the proposed PUD is in conformance with the Comprehensive Plan per the analysis in Section IV.



AGENDA ITEM

ITEM TOPIC: Public Hearing for TM Creek Apartments Phase 4 (H-2022-0080) by Brighton Development, Inc., generally located South of Franklin Rd. approximately 1/2 mile between Ten Mile Rd. and Linder Rd.

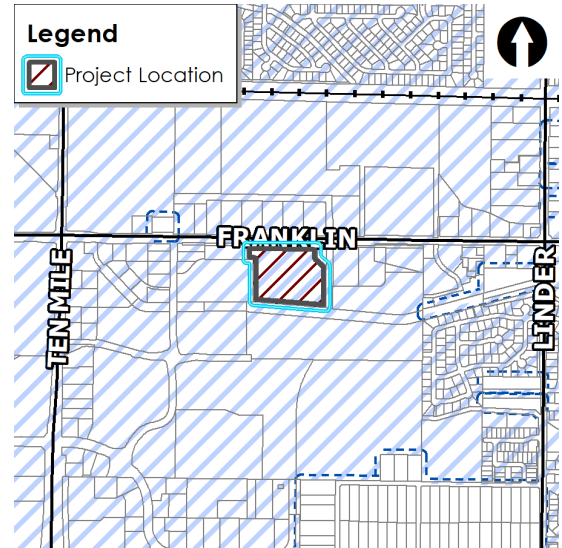
Application Materials: <https://bit.ly/H-2022-0080>

Request: Conditional Use Permit for a multi-family development consisting of 64 urban-style multi-family units with a clubhouse and pool on 2.361 acres of land in the C-G zoning district

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: January 5, 2023
 TO: Planning & Zoning Commission
 FROM: Stacy Hersh, Associate Planner
 208-884-5533
 SUBJECT: H-2022-0080 – TM Creek Apartments
 Phase 4 – CUP, ALT
 LOCATION: South of W. Franklin Rd. and east of S.
 Ten Mile Rd., in the NE ¼ of Section 14,
 Township 3N., Range 1W. (Parcel
 #S1214212630)



I. PROJECT DESCRIPTION

The Applicant has applied for a Conditional Use Permit (CUP) for a multi-family development consisting of 64 urban-style multi-family apartment units with a clubhouse and pool on 2.631-acres of land in the C-G zoning district.

Alternative Compliance (ALT) is requested to the following UDC standards:

- UDC 11-4-3-27B.3, which requires a minimum of 80 square feet of private usable open space to be provided for each dwelling unit.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	11.68-acres (AZ); 2.361-acres (CUP)	
Future Land Use Designation	Mixed Use Commercial (MU-COM)	
Existing Land Use	Vacant/undeveloped land	
Proposed Land Use(s)	Multi-family development (west of S. Benchmark Avenue)	
Current Zoning	General Retail & Service Commercial (C-G) and Traditional Neighborhood Center (TN-C)	
Proposed Zoning	General Retail & Service Commercial (C-G)	

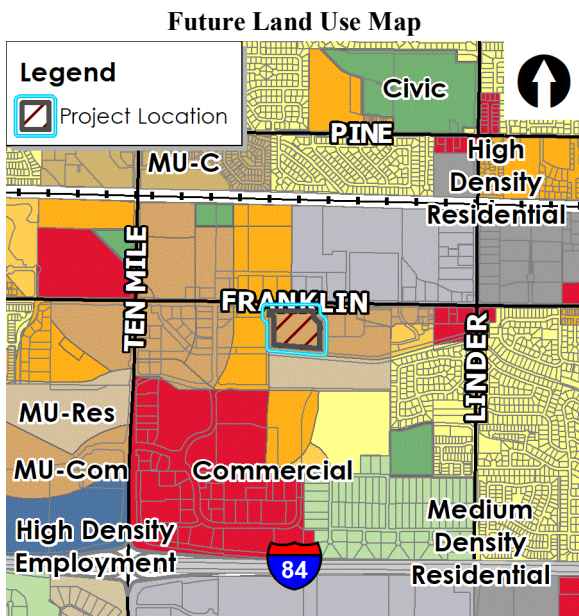
Description	Details	Page
Number of Residential Units (type of units)	64-apartment units (12 studio, 12 1-bedroom, 36 2-bedroom, and 4 3-bedroom.)	
Density (gross & net)	28.6/acre (gross)	
Open Space (acres, total [%] / buffer / qualified)	1.55-acres – this calculation includes the open space calculated with the vertically integrated project to the north.	
Amenities	Clubhouse with fitness facilities, a bike repair room, entertainment/game area, parcel locker system, warming kitchen, pet grooming station, executive offices, golf simulator; outdoor swimming pool, grilling area, sports court (pickleball) and fireside seating.	
Physical Features (waterways, hazards, flood plain, hillside)	The Ten Mile Creek runs off-site along the southern boundary of the site.	
Neighborhood meeting date; # of attendees:	October 12, 2022; no attendees other than Applicant	
History (previous approvals)	H-2015-0017 (DA # 2016-030845)/H-2020-0074 (DA Inst. # 2021-089157); CZC (A-2022-0168)	

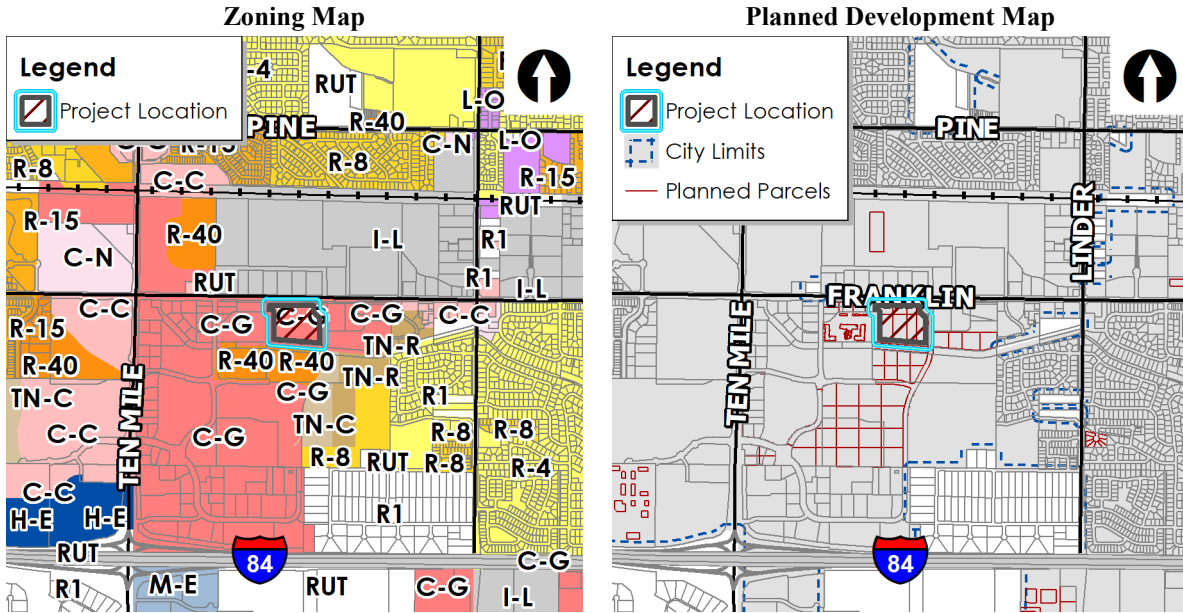
B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> Staff report (yes/no) 	Yes	
<ul style="list-style-type: none"> Requires ACHD Commission Action (yes/no) 	No	
Traffic Impact Study (yes/no)	No	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	One (1) shared driveway access is proposed via S. Benchmark Avenue, a collector street, along the east boundary of the site.	
Police Service	2.6 miles from the Meridian Police Department	
<ul style="list-style-type: none"> Police Response Time 	Expected response time to this area is 3:44 Minutes	
<ul style="list-style-type: none"> Repose Time Goal 	Response time goal for emergencies is within 3-5 minutes.	
<ul style="list-style-type: none"> Accessibility 	UDC 11-4-3-27G requires climate-controlled multi-family developments to provide emergency police access into each building entry point using a multi-technology keypad.	
<ul style="list-style-type: none"> Resource Needs 	The Meridian Police Department can service this development if approved.	
<ul style="list-style-type: none"> Other 	All multi-family units shall be clearly marked with addresses and unit numbers visible day or night for emergency response.	
West Ada School District	<i>No comments received.</i>	
Wastewater		
Distance to Sewer Services	Directly Adjacent	
Estimated Project Sewer ERU's	See Application	

Project Consistent with WW Master Plan/Facility Plan	Yes
Impacts/Concerns	
Water	
Distance to Water Services	Directly adjacent
Estimated Project Water ERU's	See application
Water Quality	None
Project Consistent with Water Master Plan	Yes
Impacts/Concerns	

C. Project Maps





III. APPLICANT INFORMATION

A. Applicant:

Brighton Development, Inc. – 2929 W. Navigator Dr. Ste. 400, Meridian, ID 83642

B. Owner:

SCS TM Creek LLC – 2929 W. Navigator Dr., Meridian, ID 83642

C. Representative:

Josh Beach, Brighton Corporation – 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	12/21/2022	
Radius notification mailed to properties within 300 feet	12/15/2022	
Public hearing notice sign posted on site	12/20/2022	
Nextdoor posting	12/15/2022	

V. COMPREHENSIVE PLAN ([Comprehensive Plan](#) and [TMISAP](#))

Land Use:

The subject property is designated Mixed Use – Commercial (MUC-COM) on the Future Land Use Map (FLUM) in the Comprehensive Plan. Development of the property is governed by the Ten Mile Interchange Specific Area Plan (TMISAP).

The purpose of the MU-COM designation is to encourage the development of a mixture of office, retail, recreational, employment, and other miscellaneous uses, with supporting multi-family or single-family

attached residential uses. While the focus of these areas is on commercial and employment uses, the horizontal and vertical integration of residential uses is essential to securing entitlements. As with all mixed-use areas, this designation requires developments to integrate the three major use categories – residential, commercial and employment. In MU-COM areas, three or more significant uses also tend to be larger scale projects. This designation is intended to provide flexibility and encourage developers to build innovative projects.

Transportation:

The streets in this vicinity (i.e. W. Franklin Rd., S. Ten Mile Rd. and S. Benchmark Ave.) are fully built out with the exception of S. Benchmark Avenue (a new town center collector), which will be completed with this development.

Proposed Use: A multi-family development containing 64 urban-style dwelling units consisting of apartments, clubhouse, pool, and various other site amenities are proposed to develop on the site. A vertically integrated project was approved with a Certificate of Zoning Compliance (A-2022-0168) on the northern boundary of this site.

COMPREHENSIVE PLAN POLICIES:

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

- “Encourage a variety of housing types that meet the needs, preferences, and financial capabilities of Meridian’s present and future residents.” (2.01.02D)
The proposed multi-family apartments will contribute to the variety of housing types and financial capabilities for such in the City as desired.
- “Locate higher density housing near corridors with existing or planned transit, Downtown, and in proximity to employment centers.” (2.01.01H)
The proposed multi-family development is located in close proximity to W. Franklin and S. Ten Mile Roads, mobility arterials, providing access to I-84 and employment center in the area.
- “Avoid the concentration of any one housing type or lot size in any geographical area; provide for diverse housing types throughout the City.” (2.01.01G)
The proposed multi-family apartments will contribute to the mix of housing types available in the City. There is currently a mix of housing types within a mile of this site consisting of single-family, townhomes and multi-family apartments.
- “Encourage compatible uses and site design to minimize conflicts and maximize use of land.” (3.07.00)
The proposed multi-family apartments should be compatible with existing multi-family residential uses and future commercial/retail uses in this area.
- “Ensure development is connected to City of Meridian water and sanitary sewer systems and the extension to and through said developments are constructed in conformance with the City of Meridian Water and Sewer System Master Plans in effect at the time of development.” (3.03.03A)
The proposed development will connect to City water and sewer systems; services are required to be provided to and through this development in accord with current City plans.
- “Encourage and support mixed-use areas that provide the benefits of being able to live, shop, dine, play, and work in close proximity, thereby reducing vehicle trips, and enhancing overall livability and sustainability.” (3.06.02B)

The proposed residential uses will allow folks to live in close proximity to employment, retail and restaurant uses which will reduce vehicle trips and enhance livability.

VI. STAFF ANALYSIS

A. CONDITIONAL USE PERMIT (CUP)

A CUP is proposed for a multi-family development containing (2) 4-story structures with 64 apartment units consisting of (12) studio, (12) 1-bedroom, (36) 2-bedroom, and (3) 3-bedroom units on 2.361-acres of land in the C-G zoning district. The size of each of the unit types proposed is as follows: 656 square feet (s.f.) for studio units; 710 s.f. for 1-bedroom units; 1,094 s.f. for 2-bedroom units; 1,443 s.f. for 3-bedroom units. The gross density of the development is 28.6 units per acre.

A total of 11,151 square feet of non-residential uses are proposed in the 2-story clubhouse and a 1,081 square foot pool house is located south of the clubhouse.

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

The proposed use is subject to the following standards: *(Staff's analysis/comments in italic text)*

11-4-3-27: MULTI-FAMILY DEVELOPMENT:

Site Design:

1. Buildings shall provide a minimum setback of ten feet (10') unless a greater setback is otherwise required by this title and/or [title 10](#) of this Code. Building setbacks shall take into account windows, entrances, porches, and patios, and how they impact adjacent properties. *The proposed site plan complies with this standard.*
2. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, and transformer and utility vaults shall be located in an area not visible from a public street, or shall be fully screened from view from a public street. *The site plan depicts screened trash enclosures; all proposed transformer/utility vaults and other service areas shall comply with this requirement.*
3. A minimum of eighty (80) square feet (s.f.) of private, usable open space shall be provided for each unit. This requirement can be satisfied through porches, patios, decks, and/or enclosed yards. Landscaping, entryway and other access ways shall not count toward this requirement. In circumstances where strict adherence to such standard would create inconsistency with the purpose statements of this section, the Director may consider an alternative design proposal through the alternative compliance provisions as set forth in section [11-5B-5](#) of this title. *Alternative Compliance is requested to provide zero or a lesser amount of private open space than required, as follows: 0 for studio units; 70 s.f. for 1-bedroom units; 70 s.f. for 2-bedroom units; 71 s.f. for 3-bedroom units.*
As an alternative, the Applicant proposes common open space and site amenities above the minimum requirements coupled with innovative new urban design with an emphasis on integrated internal open space, community facilities, and direct access to the Ten Mile Creek regional pathway system. Because the proposed design includes design features consistent with "new urbanism" and promotes walkable and mixed-use neighborhoods with access to the adjacent regional pathway along the Ten Mile Creek and a vast amount of open space, the Director finds the Applicant's proposal to be sufficient and approves the Alternative Compliance request as proposed with the 8-foot wide pathway along the southern boundary of the site.
4. For the purposes of this section, vehicular circulation areas, parking areas, and private usable open space shall not be considered common open space. *Some of the vehicular circulation areas*

and parking areas were included in the common open space calculations, which don't qualify. However, the internal common open space at 1.55-acres complies with the minimum standard.

5. No recreational vehicles, snowmobiles, boats or other personal recreation vehicles shall be stored on the site unless provided for in a separate, designated and screened area. *The Applicant shall comply with this requirement.*
6. The parking shall meet the requirements set forth in [chapter 3](#), "Regulations Applying to All Districts", of this title. *The Applicant is providing twelve (12) parking spaces for the studio units, twelve (12) parking spaces for the 1-bedroom units, forty (40) parking spaces for the 2 to 3-bedroom units, and seven (7) guest parking spaces for a total of 117 parking spaces, which 52 are located in a covered carport or garage. The parking for the multi-family development was analyzed with the Certificate of Zoning Compliance (A-2022-0168) for the vertically integrated portion along the northern boundary of this site.*

Bicycle parking is required per the standards listed in UDC 11-3C-6G and should comply with the standards listed in UDC 11-3C-5C. One bicycle parking space is required for every 25 proposed vehicle parking spaces or portion thereof. Based on 117 spaces, a minimum of 5 spaces are required; a total of 15 spaces are proposed in excess of UDC standards.

7. Developments with twenty (20) units or more shall provide the following:
 - a. A property management office.
 - b. A maintenance storage area.
 - c. A central mailbox location, including provisions for parcel mail, that provide safe pedestrian and/or vehicular access.
 - d. A directory and map of the development at an entrance or convenient location for those entering the development. (Ord. 18-1773, 4-24-2018)

The site plan submitted with the Certificate of Zoning Compliance application should depict the location of these items in accord with this standard.

C. Common Open Space Design Requirements:

1. A minimum area of outdoor common open space shall be provided as follows **NOTE: Project was analyzed with the open space standards in affect at the time of submittal:**
 - a. One hundred fifty (150) square feet for each unit containing five hundred (500) or less square feet of living area. *There are no units containing 500 s.f. or less of living area.*
 - b. Two hundred fifty (250) square feet for each unit containing more than five hundred (500) square feet and up to one thousand two hundred (1,200) square feet of living area. *All of the studio, 1-bedroom, and 2-bedroom units (60 units total) fall within this square footage range; therefore, a minimum of 15,000 square feet or 0.34-acres of common open space is required.*
 - c. Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area. *The (4) three-bedroom units fall within this square footage range; therefore, a minimum of 4,800 square feet or 0.11-acres of common open space is required.*

A total of 19,800 square feet of common open space is required for the multi-family portion of the development. The submitted open space exhibit depicts approximately 1.55 acres of common open space between this development and the vertically integrated portion of the development that was approved administratively with A-2021-0168. To ensure the multi-family portion of the

development meets the minimum open space standards, Staff recommends the Applicant submit a revised open space exhibit that only includes the boundary of the 2.36-acre multi-family development.

2. Common open space shall be not less than four hundred (400) square feet in area, and shall have a minimum length and width dimension of twenty feet (20'). *The common open space areas depicted on the open space exhibit in Section VIII.D meet this requirement.*
3. In phased developments, common open space shall be provided in each phase of the development consistent with the requirements for the size and number of dwelling units. *This project is proposed to develop in one phase.*
4. Unless otherwise approved through the conditional use process, common open space areas shall not be adjacent to collector or arterial streets unless separated from the street by a berm or constructed barrier at least four feet (4') in height, with breaks in the berm or barrier to allow for pedestrian access. (Ord. 09-1394, 3-3-2009, eff. retroactive to 2-4-2009) *The Applicant requests the street buffer along S. Benchmark Ave., a collector street, is allowed to count toward the common open space for the development although it is not separated from the street by a berm or barrier. Without this area, the internal common open space along the creek corridor still meets and exceeds the minimum standards.*

D. Site Development Amenities:

1. All multi-family developments shall provide for quality of life, open space and recreation amenities to meet the particular needs of the residents as follows:
 - a. Quality of life:
 - (1) Clubhouse.
 - (2) Fitness facilities.
 - (3) Enclosed bike storage.
 - (4) Public art such as a statue.
 - b. Open space:
 - (1) Open grassy area of at least fifty by one hundred feet (50 x 100') in size.
 - (2) Community garden.
 - (3) Ponds or water features.
 - (4) Plaza.
 - c. Recreation:
 - (1) Pool.
 - (2) Walking trails.
 - (3) Children's play structures.
 - (4) Sports courts.
2. The number of amenities shall depend on the size of multi-family development as follows:
 - a. For multi-family developments with less than twenty (20) units, two (2) amenities shall be provided from two (2) separate categories.
 - b. For multi-family development between twenty (20) and seventy-five (75) units, three (3) amenities shall be provided, with one from each category.

- c. For multi-family development with seventy-five (75) units or more, four (4) amenities shall be provided, with at least one from each category.
 - d. For multi-family developments with more than one hundred (100) units, the decision-making body shall require additional amenities commensurate to the size of the proposed development.
3. The decision-making body shall be authorized to consider other improvements in addition to those provided under this subsection D, provided that these improvements provide a similar level of amenity. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

Based on 64 proposed units, a minimum of 3 amenities are required.

The following amenities are proposed from each category: a clubhouse with a fitness center, bike repair room, and pet grooming station; swimming pool and year-round spa; open grassy areas at least 50' x 100' in size; fireside seating; grilling area; and sports courts (2 pickleball courts). The Ten Mile Creek multi-use pathway also lies adjacent to the site for residents to use.

E. Landscaping Requirements:

- 1. Development shall meet the minimum landscaping requirements in accord with [chapter 3](#), "Regulations Applying to All Districts", of this title.
- 2. All street facing elevations shall have landscaping along their foundation. The foundation landscaping shall meet the following minimum standards:
 - a. The landscaped area shall be at least three feet (3') wide.
 - b. For every three (3) linear feet of foundation, an evergreen shrub having a minimum mature height of twenty-four inches (24") shall be planted.
 - c. Ground cover plants shall be planted in the remainder of the landscaped area.

The landscape plan depicts landscaping along the street facing elevations adjacent to S. Benchmark Ave. in accord with these standards.

F. Maintenance and Ownership Responsibilities: All multi-family developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features. ***The Applicant shall comply with this requirement.***

Access: One (1) east/west shared driveway is proposed via S. Benchmark Ave. for the development with two (2) accesses off the shared driveway. **Direct access to W. Franklin Road and S. Benchmark Avenue is prohibited**

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

A 20-foot wide street landscape buffer is required along S. Benchmark Ave., a collector street in accord with UDC Table 11-2B-3, 11-3B-7C, and the TMISAP.

Landscaping is required within parking lots in accord with the standards listed in UDC 11-3B-8C. The parking lot landscaping for the multi-family development was analyzed and approved with the Certificate of Zoning Compliance (A-2022-0168) for the vertically integrated project located along the northern boundary for the shared parking on this site.

Landscaping is required to be provided along the pathway adjacent to the southern boundary of the site per the standards listed in UDC [11-3B-12C](#), which require a mix of trees, shrubs, lawn and/or other vegetative groundcover. **Landscaping should be added to the landscape plan in accord with this standard; calculations demonstrating compliance with this standard should also be included in the calculations table.**

Landscaping is required within common open space areas per the standards listed in UDC 11-3G-3E. **Calculations should be included in the calculations table demonstrating compliance with this standard.**

Parking: Off-street vehicle parking is required for the proposed multi-family as set forth in UDC Table [11-3C-6](#) as discussed above.

Pathways: An 8-foot wide pathway is proposed along the southern boundary of the site adjacent to the Ten Mile Creek.

Internal pedestrian walkways are required to be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks per UDC 11-3A-19B.4b.

Fencing: No fencing is depicted on the landscape plan for this development. Any fencing constructed on the site should comply with the standards listed in UDC 11-3A-6 and 11-3A-7.

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

Conceptual building elevations were submitted for the proposed 4-story structures as shown in Section VIII.E. Building materials consist of stucco and bricks in neutral colors. Final design is required to comply with the adopted TM Crossing Design Guidelines.

A Certificate of Zoning Compliance application shall be submitted and compliance with the TM Crossing design guidelines is required as set forth in the DA prior to submittal of building permit applications.

VII. DECISION

A. Staff:

Staff recommends approval of the proposed CUP and the Director has approved the requests for ALT per the provisions included in Section IX in accord with the Findings in Section X.

VIII. EXHIBITS

A. Legal Description & Exhibit Map for Proposed CUP



August 4, 2022
Project No.: 22-051
TM Creek Subdivision No. 7
Conditional Use Permit
Legal Description

Exhibit A

A parcel of land being a portion of the Northeast 1/4 of the Northwest 1/4 and the Northwest 1/4 of the Northeast 1/4 of Section 14, Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho being more particularly described as follows:

Commencing at an aluminum cap marking the North 1/4 corner of said Section 14, which bears S89°09'27"E a distance of 2,658.00 feet from a brass cap marking the Northwest corner of said Section 14, thence following the northerly line of the Northwest 1/4 of said Section 14, N89°09'27"W a distance of 164.65 feet;
Thence leaving said northerly line, S00°50'33"W a distance of 509.63 feet to the **POINT OF BEGINNING**.

Thence S00°35'31"W a distance of 56.82 feet;
Thence S89°24'29"E a distance of 12.00 feet;
Thence S00°35'31"W a distance of 8.00 feet;
Thence S89°24'29"E a distance of 139.78 feet;
Thence 39.14 feet along the arc of a curve to the right, said curve having a radius of 25.00 feet, a delta angle of 89°41'54", a chord bearing of S44°33'32"E and a chord distance of 35.26 feet;
Thence S00°35'28"W a distance of 29.63 feet;
Thence S89°24'29"E a distance of 5.40 feet;
Thence S00°35'31"W a distance of 19.50 feet;
Thence 3.93 feet along the arc of a curve to the right, said curve having a radius of 2.50 feet, a delta angle of 90°00'00", a chord bearing of S44°24'29"E and a chord distance of 3.54 feet;
Thence S00°35'31"W a distance of 39.06 feet;
Thence S04°46'31"W a distance of 29.32 feet;
Thence S85°13'29"E a distance of 86.09 feet;
Thence S89°24'29"E a distance of 33.38 feet;
Thence N00°35'31"E a distance of 5.79 feet;
Thence S89°24'29"E a distance of 76.00 feet;
Thence S00°35'31"W a distance of 1.33 feet;
Thence S89°31'29"E a distance of 48.28 feet;
Thence S00°28'31"W a distance of 15.17 feet;
Thence 20.82 feet along the arc of a curve to the right, said curve having a radius of 230.71 feet, a delta angle of 05°10'11", a chord bearing of S03°19'33"W and a chord distance of 20.81 feet;
Thence S04°52'53"W a distance of 8.24 feet to the northerly line of the Ten Mile Drain 100-foot wide prescriptive easement;
Thence following said northerly line, N85°13'29"W a distance of 802.16 feet;
Thence leaving said northerly line, N00°33'41"E a distance of 84.07 feet;
Thence S89°24'29"E a distance of 24.84 feet;
Thence N00°00'24"E a distance of 48.96 feet;
Thence S89°24'29"E a distance of 188.58 feet;
Thence N00°35'31"E a distance of 63.98 feet;

5725 North Discovery Way • Boise, Idaho 83713 • 208.639.6939 • kmengllp.com

Thence S89°24'29"E a distance of 162.67 feet to the **POINT OF BEGINNING**.

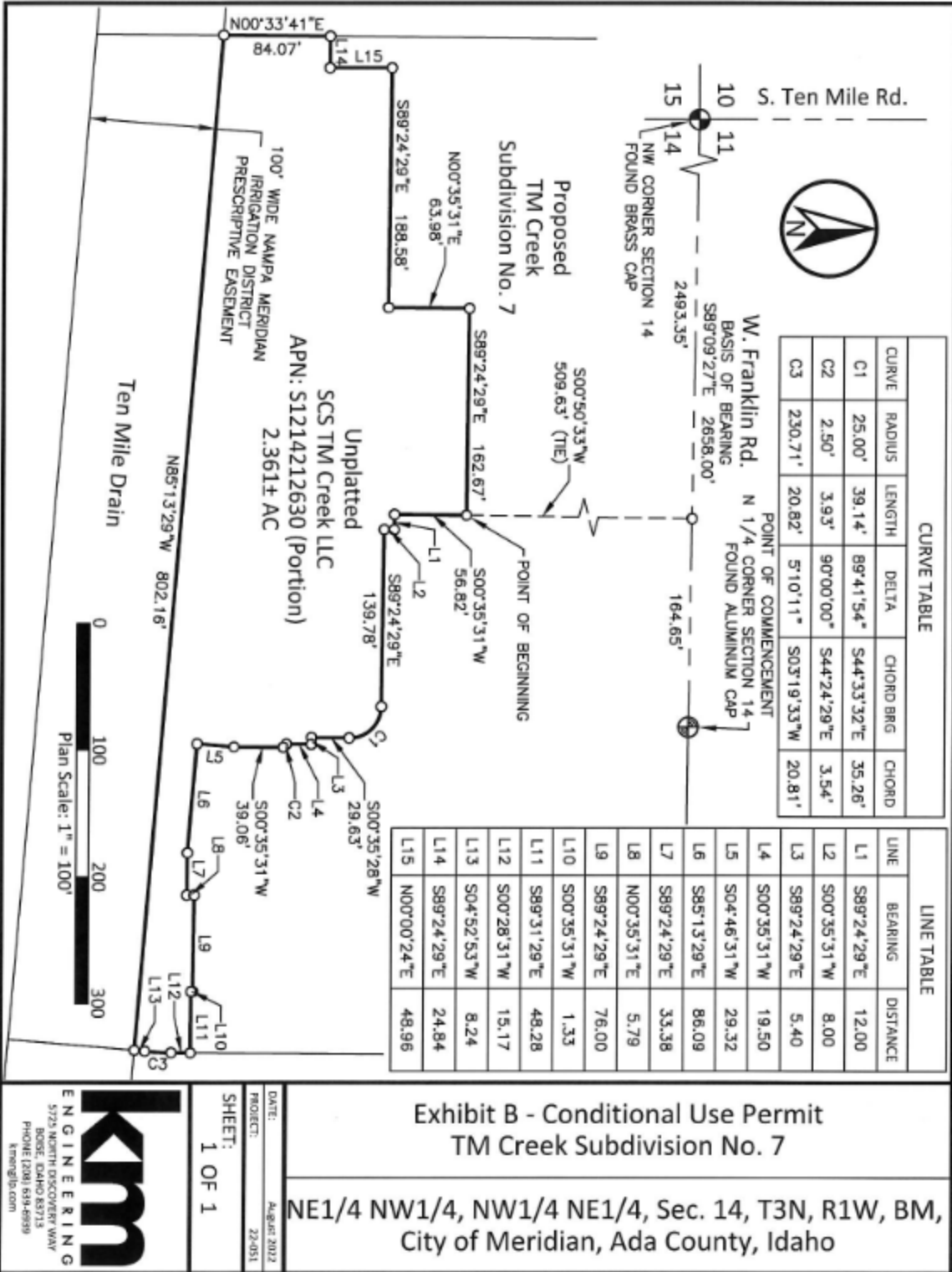
Said parcel contains a total of 2.361 acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

Attached hereto is Exhibit B and by this reference is made a part hereof.



Client
Project Name

PAGE | 2



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG	CHORD
C1	25.00'	39.14'	89°41'54"	S44°33'32"E	35.28'
C2	2.50'	3.93'	90°00'00"	S44°24'29"E	3.54'
C3	230.71'	20.82'	5°10'11"	S03°19'33"W	20.81'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S89°24'29"E	12.00
L2	S00°35'31"W	8.00
L3	S89°24'29"E	5.40
L4	S00°35'31"W	19.50
L5	S04°46'31"W	29.32
L6	S85°13'29"E	86.09
L7	S89°24'29"E	33.38
L8	N00°35'31"E	5.79
L9	S89°24'29"E	76.00
L10	S00°35'31"W	1.33
L11	S89°31'29"E	48.28
L12	S00°28'31"W	15.17
L13	S04°52'53"W	8.24
L14	S89°24'29"E	24.84
L15	N00°00'24"E	48.96

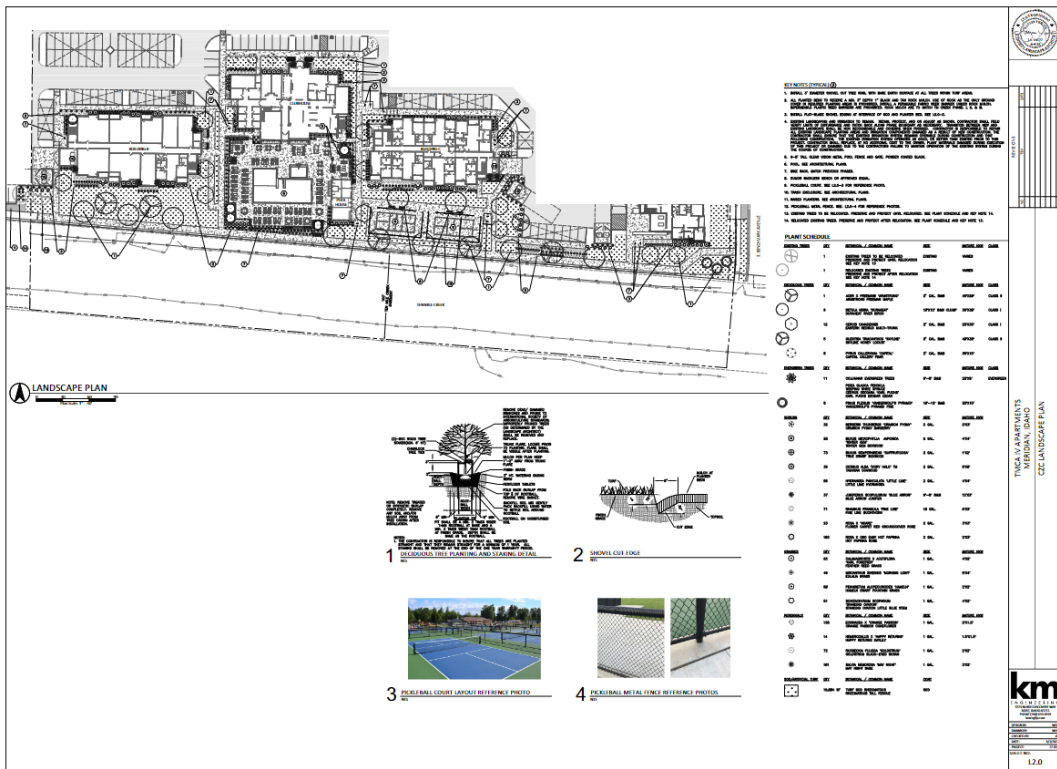
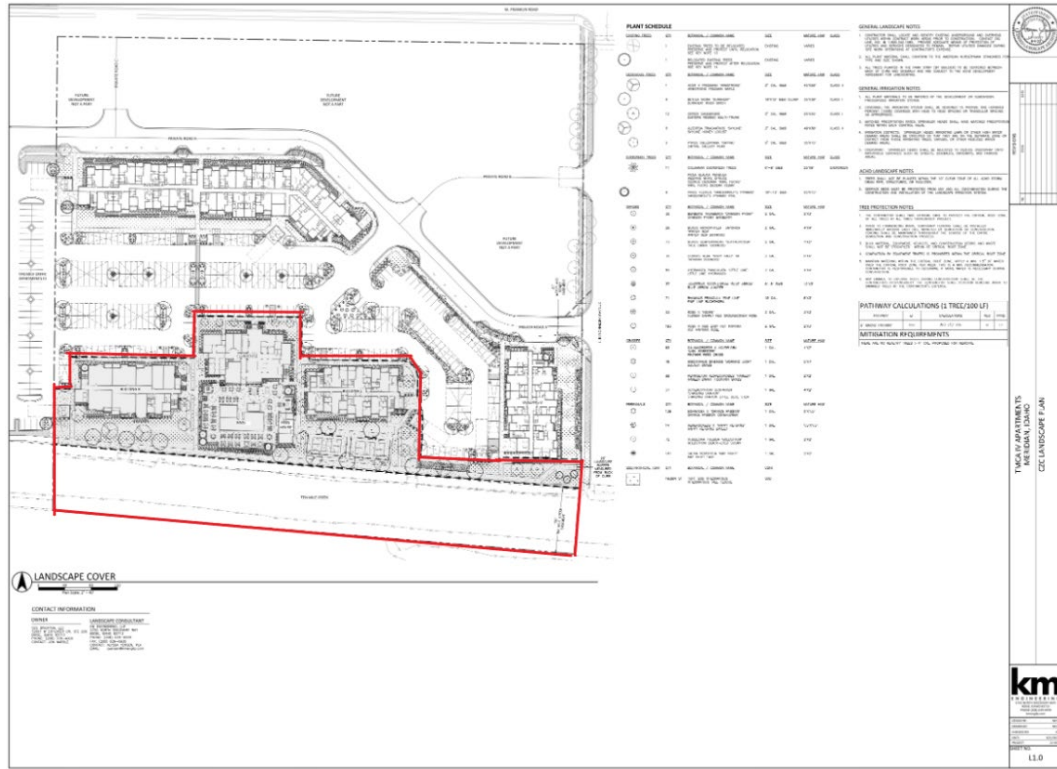
Exhibit B - Conditional Use Permit
TM Creek Subdivision No. 7

NE1/4 NW1/4, NW1/4 NE1/4, Sec. 14, T3N, R1W, BM,
City of Meridian, Ada County, Idaho

DATE: August 2022
PROJECT: 22-051
SHEET: 1 OF 1

km
ENGINEERING
5723 NORTH DOCKERTY WAY
BOISE, IDAHO 83713
PHONE (208) 658-8939
kmer@km.com

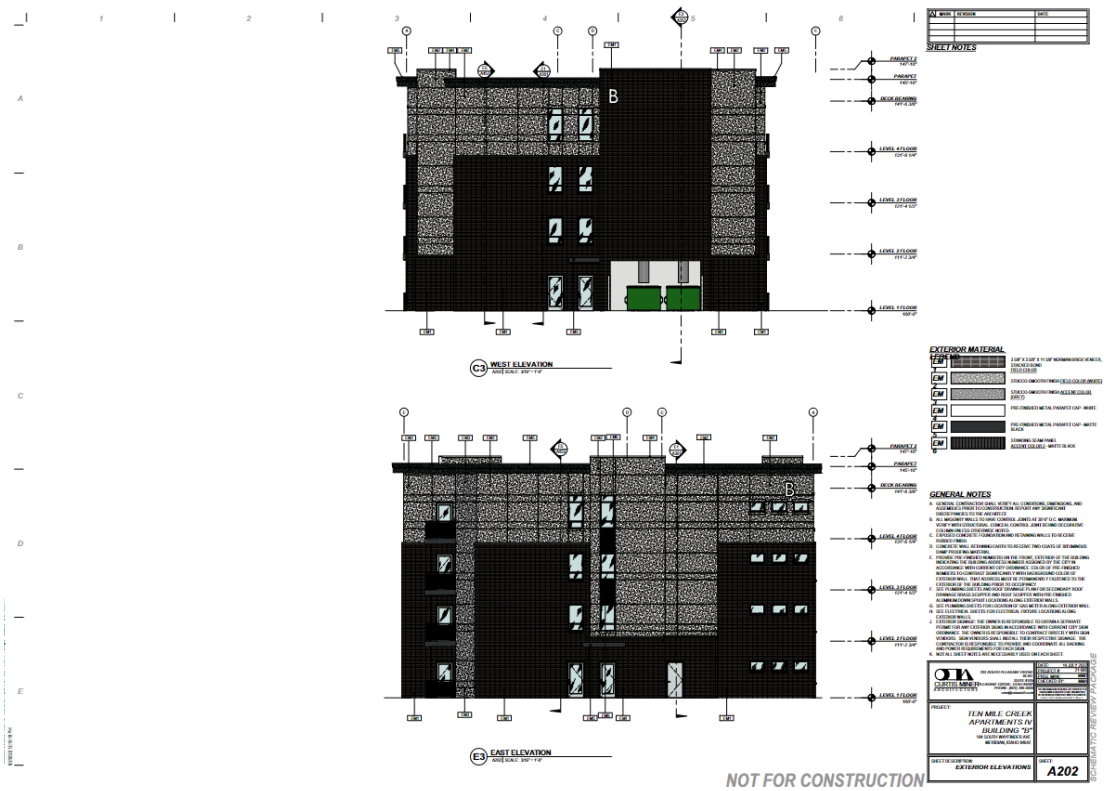
C. Landscape Plan (dated: 8/4/2022)

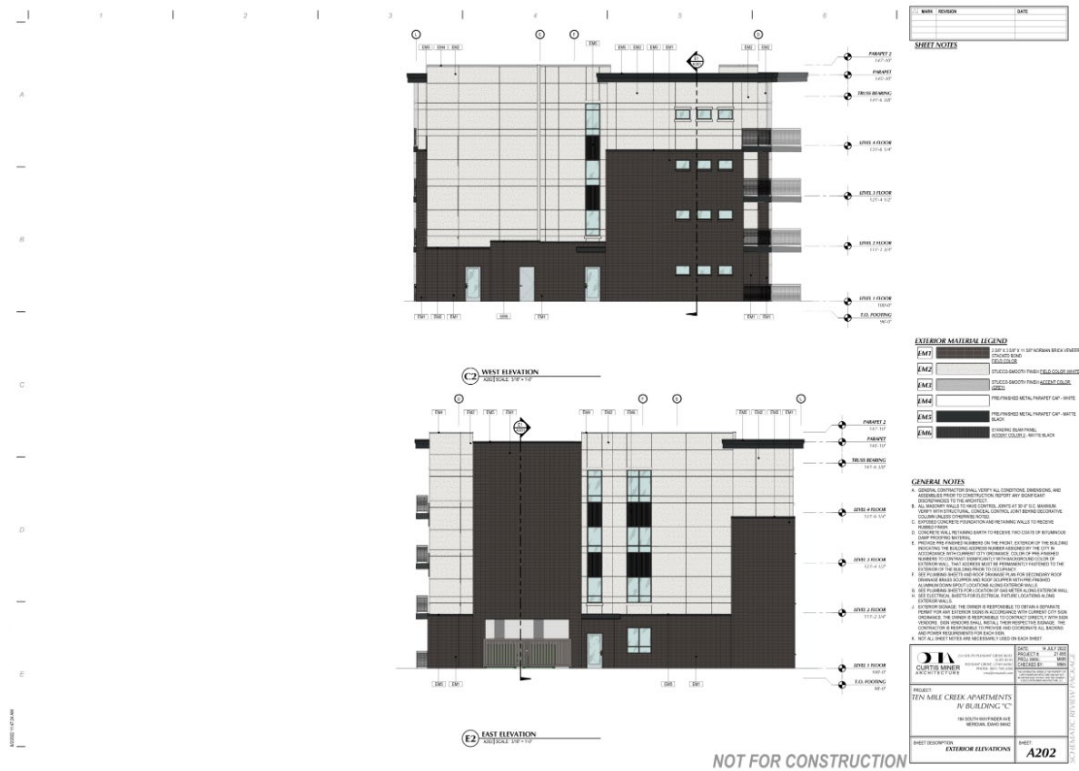
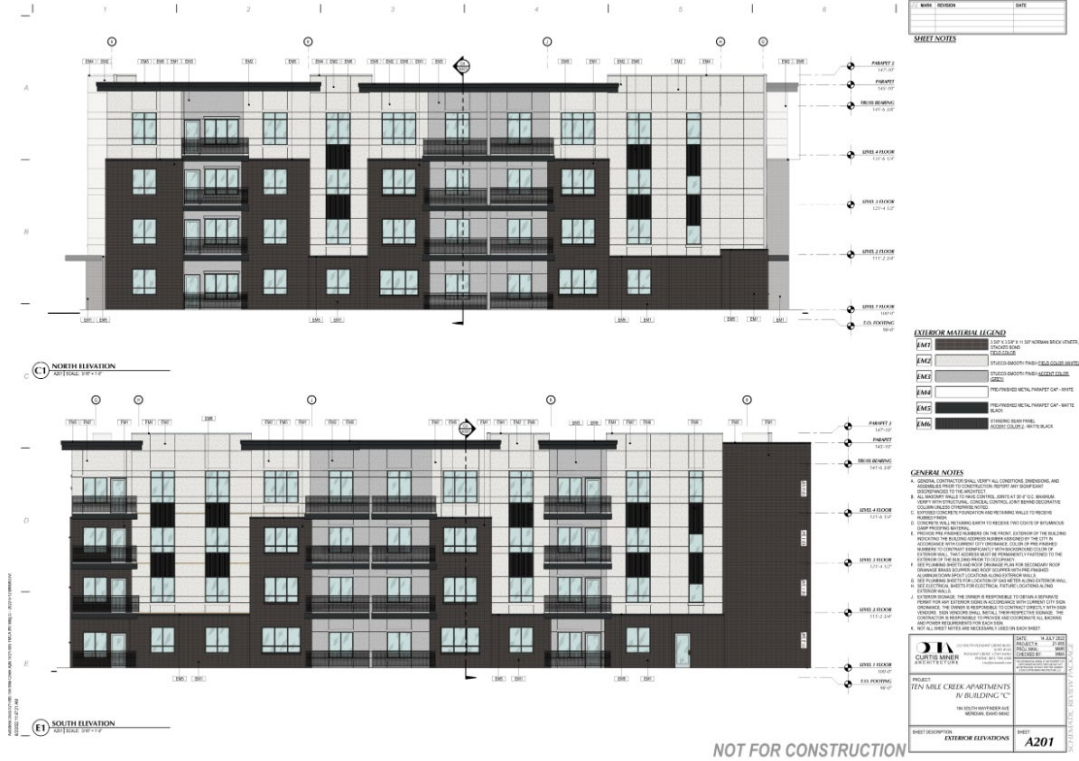


D. Qualified Open Space



E. Conceptual Building Elevations & Renderings for Multi-Family Structures & Clubhouse







REV.	REVISION	DATE

SHEET NOTES

EXTERIOR MATERIAL LEGEND

KEY	DESCRIPTION
EM1	1 1/2" x 1 1/2" x 10' TYP. KUMHO BRICK (EXTERIOR)
EM2	BRICK/SLATE
EM3	2 1/2" x 8" x 16" TYP. KUMHO BRICK (EXTERIOR)
EM4	2 1/2" x 8" x 16" TYP. KUMHO BRICK (EXTERIOR)
EM5	POLYMER BLEND FRAMING CAP - WHITE
EM6	POLYMER BLEND FRAMING CAP - WHITE
EM7	ACCENT COLOR - WHITE/BLACK
EM8	ACCENT COLOR - WHITE/BLACK
EM9	1" x 10" x 10" TYP. KUMHO BRICK (EXTERIOR)

GENERAL NOTES

- A. GENERAL CONTRACTOR SHALL VERIFY ALL CONTRACT DOCUMENTS AND SUBMITTALS TO THE ARCHITECT.
- B. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT AND THE CITY OF DENVER. MATERIALS SHALL BE APPROVED BY THE ARCHITECT AND THE CITY OF DENVER BEFORE INSTALLATION.
- C. EXTERIOR WALLS SHALL BE CONSTRUCTED WITH RETAINING WALLS TO EXISTING FOUNDATION.
- D. CONTRACTOR SHALL BE RESPONSIBLE TO PROVIDE THE COSTS OF BRICKWORK AND PAINTING FOR THE EXTERIOR WALLS.
- E. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF DENVER AND THE STATE OF COLORADO.
- F. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF DENVER AND THE STATE OF COLORADO.
- G. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF DENVER AND THE STATE OF COLORADO.
- H. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF DENVER AND THE STATE OF COLORADO.
- I. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF DENVER AND THE STATE OF COLORADO.
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- S. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF DENVER AND THE STATE OF COLORADO.
- T. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF DENVER AND THE STATE OF COLORADO.
- U. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF DENVER AND THE STATE OF COLORADO.
- V. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF DENVER AND THE STATE OF COLORADO.
- W. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF DENVER AND THE STATE OF COLORADO.
- X. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF DENVER AND THE STATE OF COLORADO.
- Y. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF DENVER AND THE STATE OF COLORADO.
- Z. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF DENVER AND THE STATE OF COLORADO.

	TEN MILE CREEK APARTMENTS PROJECT # 1000000000	DATE: 04/11/2023 PROJECT: TEN MILE CREEK APARTMENTS SHEET: EXTERIOR ELEVATIONS PROJECT NO.: 1000000000
	TEN MILE CREEK APARTMENTS PROJECT # 1000000000	DATE: 04/11/2023 PROJECT: TEN MILE CREEK APARTMENTS SHEET: EXTERIOR ELEVATIONS PROJECT NO.: 1000000000
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PROJECT: TEN MILE CREEK APARTMENTS PROJECT # 1000000000		DATE: 04/11/2023 PROJECT: TEN MILE CREEK APARTMENTS SHEET: EXTERIOR ELEVATIONS PROJECT NO.: 1000000000

NOT FOR CONSTRUCTION

IX. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

Conditional Use Permit:

1. The Applicant shall comply with the provisions in the existing Development Agreement (Inst. 2021-089157) and all other previous conditions of approval.
2. The multi-family development shall have an ongoing obligation to comply with the specific use standards listed in UDC 11-4-3-27.
3. The multi-family development shall record a legally binding document that states the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features as set forth in UDC 11-4-3-27F. **A recorded copy of said document shall be submitted to the Planning Division prior to issuance of the first Certificate of Occupancy for the development.**
4. The site and/or landscape plan submitted with the Certificate of Zoning Compliance shall be revised as follows:
 - a. Depict the locations of the property management office, maintenance storage area, central mailbox location (including provisions for parcel mail, that provide safe pedestrian and/or vehicular access), and a directory and map of the development at an entrance or convenient location for those entering the development in accord with UDC 11-4-3-27B.7.
 - b. All transformer and utility vaults and other service areas shall be located in an area not visible from a public street, or shall be fully screened from view from a public street in accord with UDC 11-4-3-27B.2.
 - c. Depict landscaping along the pathway adjacent to the southern boundary of the site per the standards listed in UDC 11-3B-12C, which require a *mix* of trees, shrubs, lawn and/or other vegetative groundcover.
 - e. The applicant shall submit a revised open space exhibit that only includes the boundary of the 2.36-acre multi-family development that demonstrates compliance with the common open space standards in UDC 11-4-3-27.
7. The Director approved the Applicant's request for Alternative Compliance to the private usable open space standards listed in UDC 11-4-3-27B.3 for each dwelling unit as follows: 0 square feet (s.f.) for studio units; 70 s.f. for 1-bedroom units; 70 s.f. for the 2-bedroom units; and 71 s.f. for the 3-bedroom units. Floor plans with square footages noted for patios and balconies shall be submitted with the Certificate of Zoning Compliance application that demonstrate compliance with the alternative compliance approval.
8. Per the Development Agreement Instrument #2021-089157, the subject property shall be subdivided prior to issuance of any Certificate of Occupancy for the site.
9. An application for Certificate of Zoning Compliance shall be submitted for the proposed project and approved prior to submittal of building permit applications. Compliance with the design guidelines in the Ten Mile Interchange Specific Area Plan and the design standards listed in the Architectural Standards Manual as applicable is required.

B. PUBLIC WORKS

C. SITE SPECIFIC CONDITIONS

D. GENERAL CONDITIONS

1. Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet then alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
2. Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
3. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. **DO NOT RECORD.** Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.
4. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
5. All existing structures that are required to be removed. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
6. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
7. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.

8. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
9. Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
10. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
11. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
12. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
13. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
14. Developer shall coordinate mailbox locations with the Meridian Post Office.
15. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
16. The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
17. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
18. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
19. A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
20. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

C. FIRE DEPARTMENT

No comments at this time.

D. POLICE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=281513&dbid=0&repo=MeridianCity>

E. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)

No comments at this time.

F. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=283314&dbid=0&repo=MeridianCity>

G. COMMUNITY DEVELOPMENT SCHOOL IMPACT TABLE

No comments at this time.

H. WEST ADA SCHOOL DISTRICT (WASD)

No comments at this time.

I. PARK'S DEPARTMENT

No comments at this time.

J. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=282932&dbid=0&repo=MeridianCity&cr=1>

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=281435&dbid=0&repo=MeridianCity>

X. FINDINGS

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

The Commission shall base its determination on the Conditional Use Permit requests upon the following:

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

Staff finds that the subject property is large enough to accommodate the proposed use and dimensional and development regulations of the C-G district (see Analysis, Section V for more information).

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

Staff finds that the proposed use is consistent with the future land use map designations of MU-C and the multi-family residential use is allowed as a conditional use in UDC Table 11-2B-2 in the C-G zoning district.

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

Staff finds the proposed design of the development, construction, operation and maintenance should be compatible with the mix of other uses planned for this area and with the intended character of the area and that such uses will not adversely change the 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 that if the applicant complies with the conditions outlined in this report, the proposed use will not adversely affect other property in the area. The Commission should weigh any public testimony provided to determine if the development will adversely affect other properties in the vicinity.

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

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

B. Alternative Compliance (UDC 11-5B-5):

In order to grant approval of an alternative compliance application, the Director shall determine the following:

1. Strict adherence or application of the requirements is not feasible; OR

The Director finds strict adherence to the standards listed in UDC 11-4-3-27B.3 is feasible.

2. The alternative compliance provides an equal or superior means for meeting the requirements; and

The Director finds the proposed alternative compliance of providing integrated internal open space, a pathway creek amenity and site amenities and common open space in excess of UDC standards coupled with innovative, new-urban design provides a superior means for meeting the requirements in UDC 11-4-3-27B.3.

The Director finds the proposed alternative for parking for studio units provides an equal means for meeting the requirements in UDC Table 11-3C-6.

3. The alternative means will not be materially detrimental to the public welfare or impair the intended uses and character of the surrounding properties.

The Director finds that the proposed alternative means of compliance will not be detrimental to the public welfare or impair the intended use/character of the surrounding properties.