



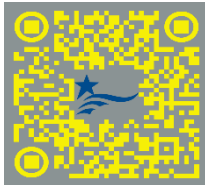
# PLANNING AND ZONING COMMISSION MEETING

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho  
Thursday, March 17, 2022 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/81570078421>

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

Webinar ID: 815 7007 8421

### ROLL-CALL ATTENDANCE

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

### ADOPTION OF AGENDA

#### CONSENT AGENDA [Action Item]

1. [Approve Minutes of the March 3, 2022 Planning and Zoning Commission Meeting](#)
2. [Findings of Fact, Conclusions of Law for Eagle Road Daycare Facility \(H-2022-0007\) by 814 Development, LLC, Located at 3060 S. Eagle Rd.](#)
3. [Findings of Fact, Conclusions of Law for Meridian U-Haul Moving and Storage \(H-2021-0085\) by Gurnoor Kaur of Amerco Real Estate Company, Located on Parcel](#)

R8257510015 and at 1230 and 1270 E. Overland Rd., Near the Northwest Corner of E. Overland Rd. and S. Locust Grove Rd.

4. Findings of Fact, Conclusions of Law for Verona Live/Work (H-2021-0080) by J-U-B Engineers, Inc., Located at 3020 & 3042 W. Milano Dr., Near the Northeast Corner of Ten Mile Rd. and McMillan Rd.

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

#### **ACTION ITEMS**

5. **Public Hearing** for Alamar Subdivision (H-2022-0004) by Noble Rock Development, Inc., Located at 4380 W. Franklin Rd. (Parcel #S1210346603), Near the Northeast Corner of N. Black Cat Rd. and W. Franklin Rd.

#### ***Application Requires Continuance***

A. Request: Annexation and Zoning of approximately 7.23 acres of land with a request for the TN-R (Traditional Neighborhood Residential) zoning district.

B. Request: Preliminary Plat consisting of 42 building lots (22 single-family attached lots and 20 detached single-family lots) and 4 common lots on 4.63 acres in the requested TN-R zoning district.

6. **Public Hearing** Continued from February 17, 2022 for Vanguard Village (H-2021-0081) by Meridian 118, LLC, Generally Located 1/4 Mile South of W. Franklin Rd. and S. Ten Mile Rd.

A. Request: Modification to the Existing Development Agreement (Inst. #110115738) to replace it with a new agreement for the proposed development.

B. Request: Rezone of 7.06 acres from the C-C to the H-E zoning district, 17.38 acres from the C-C and H-E zoning districts to the M-E zoning district, 40.33 acres from the R-40 and C-C and M-E zoning districts to the R-15 zoning district, and 1.10 acres from the H-E to the C-C zoning district.

C. Request: A Preliminary Plat consisting of 8 building lots and 6 common lots on 115.26 acres of land in the R-15, C-C, H-E and M-E zoning districts.

D. Request: A Conditional Use Permit for a multi-family development consisting of 552 dwelling units on 40.33-acres of land in the R-15 zoning district.

7. **Public Hearing** for Faissy's Child Care (H-2022-0002) by Faissy Kwizera, Located at 1322 E. Grand Canyon St., Near the Southwest Corner of E. McMillan Rd. and N. Locust Grove Rd.

A. Request: Conditional Use Permit for conditional use on 0.17 acre of land in the R-4 zoning district to allow group daycare of more than 6 children.

8. **Public Hearing** for Pavilion at Windsong (H-2021-0102) by Kent Brown, Located at the Northwest Corner of W. Ustick Rd. and N. Linder Rd.

A. Request: Rezone of 3.42 acres of the subject property from C-C to R-40.

B. A Preliminary Plat on the entire 4.77-acre property to allow 33 townhouse lots, 2 lots for vertically-integrated buildings containing a total of 12 residential units, and one commercial lot.

C. A Conditional Use Permit to allow townhouses in the R-40 zoning district.

D. A Development Agreement Modification to allow the proposed development

## **ADJOURNMENT**



## AGENDA ITEM

**ITEM TOPIC:** Approve Minutes of the March 3, 2022 Planning and Zoning Commission Meeting



**Meridian Planning and Zoning Meeting**

**March 3, 2022.**

Meeting of the Meridian Planning and Zoning Commission of March 3, 2022, was called to order at 6:00 p.m. by Chairman Andrew Seal.

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

Members Absent: Commissioner Nate Wheeler and Commissioner Patrick Grace.

Others Present: Adrienne Weatherly, Kurt Starman, Bill Parsons, Sonya Alan, Joe Dodson, Alan Tiefenbach and Dean Willis.

**ROLL-CALL ATTENDANCE**

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

Seal: Good evening. Welcome to the Planning and Zoning Commission meeting for March 3rd, 2022. At this time I would like to call the meeting to order. The Commissioners who are present this evening are at City Hall and on Zoom. We also have staff from city attorney and clerk's office, as well as the city planning department. If you are joining us on Zoom this evening we can see that you are here. You may observe the meeting. However, your ability to be seen on screen and talk will be muted. During the public testimony portion of the meeting you will be unmuted and, then, be able to comment. Please, take 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](mailto:cityclerk@meridiancity.org) and they will reply as quick as possible. If you simply want to watch the meeting we encourage you to watch the streaming channel on the city's YouTube channel. You can access it at [meridiancity.org/live](http://meridiancity.org/live). With that let's begin with a roll call. Madam Clerk.

**ADOPTION OF AGENDA**

Seal: At this time we need to -- or the first item on the agenda is the adoption of the agenda. This evening we have Pinedale Sub, H-2022-0001, will be open for the sole purpose of continuing to a regularly scheduled meeting. They will all -- they will open only for that purpose, so if there is anybody here tonight to testify on that particular application we will not be taking testimony on it this evening. We will also move that to the top of the agenda for continuation. So, at this point can I get a motion to adopt the agenda as amended?

Lorcher: So moved.

Grove: Second.

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

MOTION CARRIED: FIVE AYES. TWO ABSENT.

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

#### **1. Approve Minutes of the February 17, 2022 Planning and Zoning Commission Meeting**

Seal: Next item on the agenda is the Consent Agenda. We have one item on the agenda, which is to approve the meeting -- the minutes of the February 17th, 2022, Planning and Zoning Commission meeting. Can I get a motion to accept the Consent Agenda as presented?

Grove: So moved.

Lorcher: Second.

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

MOTION CARRIED: FIVE AYES. TWO ABSENT.

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

Seal: There are no department reports this week and at this point I would like to explain the public hearing process. We will open each item individually and begin with the staff report. Staff will report their findings on how the item adheres to the 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 the -- the names individually of those who have signed up on our website in advance to testify. You will, then, be unmuted on Zoom or you can come to the microphones in chambers. Please state your name and address for the record and, then, you will have three minutes to address the Commission. If you have previously sent pictures or presentation for the meeting it will be displayed on the screen and our clerk will run the presentation. 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 others who may wish to testify. If you wish to speak on the topic you may come

forward in chambers or on Zoom, press raise hand -- press the raise hand button on the Zoom app. If you are only listening on a phone, please, press star nine and wait for your name to be called. If you are listening on multiple devices, such as a computer or phone, please be sure to mute the extra devices, so we do not experience feedback, so 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 will not call on you a second time. After all testimony has been heard the applicant will be given another ten minutes to come back and respond. When the applicant is finished responding to questions and concerns, we will close the public hearing and the Commissioners will have the opportunity to discuss and, hopefully, be able to find -- make a final decision or recommendations to City Council as needed.

## **ACTION ITEMS**

- 5. Public Hearing for Pinedale Subdivision (H-2022-0001) by Pine Project, LLC, Located at 3275 W. Pine Avenue (Parcel #S1210417400)**
  - A. Request: Annexation and Zoning of 1.22 acres of land with a request for the R-15 zoning district.
  - B. Request: A Preliminary Plat for 12 building lots and 2 common lots on 1.22 acres in the requested R-15 zoning district

Seal: So, at this time I would like to open the public hearing for Pinedale Subdivision, H-2022-0001, for continuance. And I think at this point we are looking for a date to continue that to.

Weatherly: Mr. Chair, the 17th of March currently has four hearings on it. The 3rd -- or, sorry, the 7th of April currently has three hearings on it and that date is still open for noticing. So, I will default to staff as well for their opinion.

Seal: Does that work for staff, the 7th probably?

Parsons: The 7th works fine with us.

Seal: Okay. I will take a motion.

Grove: Mr. Chair?

Seal: Go ahead.

Grove: I move to continue file number H-2022-0001, Pinedale Subdivision, to the hearing date of April 7th.

Lorcher: Second.

Seal: It has been moved and seconded to continue the Pinedale Subdivision, H-2022-0001, to the date of April 7th, 2022. All in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

**2. Public Hearing Continued from February 17, 2022 for Meridian U-Haul Moving and Storage (H-2021-0085) by Gurnoor Kaur of Amerco Real Estate Company, Located on Parcel R8257510015 and at 1230 and 1270 E. Overland Rd., Near the Northwest Corner of E. Overland Rd. and S. Locust Grove Rd.**

- A. Request: Conditional Use Permit to allow self-storage, ancillary retail, and warehousing and vehicle and equipment with outdoor display.

Seal: All right. So, now I would like to open -- or continue the public hearing for Meridian U-Haul Moving and Storage, H-2021-0085, which was continued from February 17th, 2022, and we will begin with staff report.

Tiefenbach Greetings, Planning Commission. Alan Tiefenbach, associate planner. Yeah, this was continued due to some sign posting issues. This is a proposal for a conditional use. The site consists of just a little more than six and a half acres. It's zoned C-G. It's located at the northwest corner of East Overland Road and South Locust Grove. So, if you know where the climbing gym is, it's behind the climbing gym next to a church. There is a roofing company there and as well as I believe a daycare. A quick little background on this. Okay. So, this is a request for a conditional use to allow self-storage, vehicle and equipment rentals, with outdoor display and some retail. The property consists of three lots, totaling, again, six and a half acres. It was annexed into the city in 1999 as what was called the Overland Storage Annexation. That development agreement at the time allowed the construction and development of only a mini-storage facility, consisting of eight buildings. It's very specific about that. There was a conditional use permit that was approved for this in 1999. There was a final plat that was recorded, which was called the Pack It Up Subdivision. Although the final plat was recorded, the conditional use for the self storage was never completed. This proposal is also for a conditional use and is to allow self storage, rental, and outdoor display. As I mentioned, the existing development agreement was very specific about what you could do there. Because they wanted to also allow the outdoor equipment rental, they had to do an amendment to the development agreement. Council did approve that development agreement, so that's been done now. This is the next step in that process. So, this is the site plan. I know it's a little tough to -- to make it out, but what they are doing here is eight buildings, ranging in size between a hundred thousand square feet to fourteen thousand square foot. So, if you -- see if I can see my printer here -- or, sorry, my pointer. So, there is building one, two, three, four, five, six, seven, eight. And, then, the outdoor equipment storage would be in this area. There are -- one of the things I want to mention, just go through the site plan real quick, there is a couple of buildings that don't meet the minimum spacing requirements. There is specific use standards for self storage and one

of these say that all the buildings have to be at least 25 feet in separation. That's not met right here and there is another part right here where it's not met and that's not met here. So, the applicant will have to revise this site plan accordingly to meet those requirements. One -- one concern that staff has is on the south side of Overland, directly across the street, is mature existing residential properties. Because of the high visibility of this site and, again, because of those residential uses, staff did have concerns regarding the equipment being scattered abroad on that site. We didn't have issues with the actual U-Haul trucks, but we do know that sometimes these self-storage facilities, the equipment has a tendency to grow and end up all over the place, so one of our conditions of approval is that they would be allowed to have the -- the operable moving -- operable -- operable moving trucks along the front. Obviously, that's where -- where U-Haul wants to be able to see them, but all the trailers and the miscellaneous equipment would have to be screened and there is some specific requirements about how that has to be screened. Also because of the -- the visibility of the site and to -- to screen headlights and to soften down this -- this facility for the -- both people traveling down Overland, as well as a residence to the south, staff recommended that there be a combination of landscaped four foot high undulating berm, meaning kind of changing in height, decorative walls and evergreen shrubs along the entire front of the property. So, it would be a combination of all three of those things. Also we know that they generally like to have that kind of equipment that's being rented lit up. Staff had concerns about the lights being too bright for the people across the street. So, we also recommended that the lights be limited to 12 foot height, so that people aren't looking way up at the top of a bulb and we are recommending that they would be directed away from the residents -- from the existing residences. From my understanding, after talking to the applicant, I do not think that they have any concerns with these conditions of approval. Just a quick brief look at the elevations. The applicant has submitted elevations for a few of the buildings. Not all of the buildings. But these include materials such as cement board, stucco, brick and metal paneling for accents. Overall staff believes as far as self-storage facilities go they did a pretty good job designing the architecture on this. There are some elements that probably need a little bit more tweaking at the time of design review and site -- and CZC. There is some fenestration that may or may not be met. There might be -- they may not have made all their modulation, but, again, this is something that -- that staff will work out with the applicant at the time of CZC and design review. There is a couple of -- a couple of things, though, we did have comments about. Again, we are concerned about the visibility of this development. It's very visible coming down Overland. One of the -- one of our comments was -- I don't know if you can see it here, but they show exposed stairs sticking -- sticking along the side of the building in a couple of different places. It was -- for a few different reasons. First of all for maintenance, because outdoor -- outdoor stairs have to be maintained and if they are exposed to the elements it can end up being more of a problem for maintenance. Besides that, just because of the look of them, staff recommended that these either be removed or they would be screened within stairwells or something like that. My understanding is that the applicant would just do a stairwell or something, so you are not looking at the exposed stairs. The other thing is is that we didn't think that there was a very -- we -- we think there could be some better integration with the orange garage doors, the ones that are visible from Overland. We are not so concerned about the other -- so concerned about the other ones, but we do, again, think

that maybe there could be a little more work to incorporate those garage doors into the rest of the architecture. So, we also made that recommendation. Again, I have -- I have spoke to the applicant yesterday and I believe they are okay with all these conditions of approval. With that staff does recommend approval of this with conditions.

Seal: Okay. At this time would the applicant like to come forward. Good evening. If you could state your name and address for the record.

Jones: My name is Casey Jones. I live at 11701 West Cross Slope Way in Nampa. I would rather live in Meridian, but that's where I live. I just want to say first my gratitude to Alan. It's a -- the length of job. But he put a lot of work into it and I appreciate the staff report. The only things I would say is, you know, on the orange doors, we can definitely do something there. Those aren't operational doors. I don't know if you knew. They are just -- they are -- they are fake doors for display purposes. But, you know, we are screening anyway, so it makes sense for us to modify those. I would say that, you know, typically when -- when you guys think U-Haul you can definitely think the equipment's littered everywhere, but at our corporate stores we do have a lot better structure than like the typical U-Haul dealer that doesn't care and parks it where ever they can. So, we will conform to that. I would ask -- I don't know if it's too late to review the -- the language on only having motor vehicles on the front line. Is that something we can maybe discuss? I don't know. But just having a few trailers just for display purposes would help -- help us just to kind of display our product out there. Otherwise, I'm okay with, you know, screening everything.

Tiefenbach: That would be up to the Planning Commission to make that decision, Mr. Jones.

Jones: Aside from that, did a great, Alan. Thank you.

Seal: Okay. Thank you very much. Anybody have any questions for the applicant or staff? No? Not a one? All right. At this time we will take public testimony. Madam Clerk, do we have anybody signed up?

Weatherly: Mr. Chair, we do not.

Seal: Would anybody in chambers or on Zoom like to testify? Sir, if you would like to come on up. We will need your name and address for the record.

Konzelman: Yes. My name is Brian Konzelman. I live at 1186 East Shepherd Street. From my front office and sitting room I look directly across at the roofing company there. My concern is lighting that comes from the building. Right now there is -- there is a few lights that in the darker hours of winter they do blaze in that room. But what I'm afraid of is -- I don't want any signage that requires me to put up blackout shades on my own. I want to -- right now I look out at the facility where they do the climbing -- climbing wall. It's a pretty building, but it's -- it's not offensive and what I'm afraid of -- in a recent trip to Salt Lake City there is a quite a large U-Haul storage facility on the interstate there and

there is an endless row of these traveling billboards, which I don't fault U-Haul for advertising, but -- and very -- very brightly lit. So, okay, on the interstate that's quite an acceptable thing; right? But in a residential area it doesn't fit in. So, our concern is that to maintain our quality of life and keep our property values good, that these are -- well, I don't know -- well blended into the neighborhood. So, you know, two or three trailers for their advertising I guess you could say that would be okay, but what they end up -- really, these storage facilities, especially U-Haul, they end up -- it does fill up everywhere and so the concern is that they -- they blend in the neighborhood, preserve our property values, and they are aesthetically pleasing.

Seal: Thank you very much.

Konzelman: Thank you.

Seal: Okay. Is there anybody else in chambers that would like to come up and testify? Anybody online?

Weatherly: Mr. Chair, I don't see anybody.

Seal: Okay. At this time would the applicant like to come back up and address anything?

Jones: Yeah. Just as a response, you know, I think everything said is valid. A lot of the properties we have acquired over the last few years they will come with wall packs. We have bought a lot of K-Marts and when we bought them the wall packs were shining onto residential areas behind us and we have replaced them without -- without complaints, just knowing, you know, you don't want to be blasting light in people's property and so I think screening it and making sure that we are not ugly out there and disorganized. I think he has valid concerns and I'm pretty excited that we can actually do all of that.

Seal: Okay. Thank you.

Yearsley: Sir, can you come back?

Seal: Sir, if you want to come back up.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead. So, you had asked -- I just want to clarify. You wanted to be able to allow some trailers up front as well -- to be displayed as well. I'm just trying to figure out what your request is.

Jones: Sure. Yeah. So, typically, on our business plan it's to have 30 percent of our frontline display to be trailers. You know, we -- we can survive without it, but we are going to go forward either way. But just -- just so we can showcase what the customers can and can't get at this facility it would be nice to be able to have that out there.

Yearsley: Okay. Thank you.

Seal: Alan, quick -- a quick question on the -- the lights. I mean as far as the mitigation that you are recommending in there, is that, essentially, going to address the concern of the gentleman that testified, in your opinion?

Tiefenbach: Mr. Chair, Members of the Commission, I think it does. This is actually pretty far above and beyond what we require for lighting.

Seal: Okay.

Tiefenbach: We had exactly the same concerns, which is why we added these. There is a few things. First of all, again, they are -- they are only -- the ones in front can only be 12 feet high if they do any lights in front, which, hopefully, that clears their trucks if they put them there. They would have to be downcast. They would have to be cast away from the residences. So, pointing towards. The other thing is that when they do the certificate of zoning compliance they will also have to give us a photometric plan and when you look at those photometric plans it shows like what the foot candles are and I think it's -- you can't have more than .01 foot candles and you can -- so, there can't be any light spill. I'm pretty -- they are -- they are going to see that there is lights there, but they are not going to be glaring lights and, again, the reason why we asked for them to be low is so that the people aren't looking up. Even if you have lights that are downcast, if they are high enough you are still looking up at these bare bulbs. That's the reason why we asked for them to be low.

Seal: Okay. As far as the -- just listening to the applicant on the -- the trailer portion of it, I mean would you be okay with something like allowing the trailers there if they were covered trailers, you know, something along those lines? Because a lot of those are going to be covered, they are going to have, you know, their logo on them and things like that. I mean to me they are kind of like having the trucks out there with no windshield.

Tiefenbach: Again, it's not a deal killer for us. Our biggest concern is just to see the -- you know, I can't speak to this particular applicant. U-Haul, equipment stores, those kinds of things, tend to have a tendency to get away from you and stuff scattered. It's going to be tough for us to enforce; right? Like 30 percent or five parking spaces, just know that if the Planning Commission does -- is inclined to approve that, which, again, isn't a deal killer, it's going to be hard, if not impossible, for us to actually get out there and enforce it.

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

Parsons: Mr. Chair, Members of the Commission. This is Bill. Just a clarification. The code doesn't prohibit it from doing that, as long as it's outside of the landscape buffer. So, if the applicant wants to allow trailers there -- or you want to allow that that's certainly within your purview and allowed under code. We just want to make sure trailers aren't being parked in the landscape buffer along Overland Road. Historically, though, from --



from my experience with equipment rentals, we have -- we try to have those things stay behind fencing and screens, because we don't want -- because to Alan's point, typically -- I have experienced a U-Haul business up in Moscow, because my daughter is going to school there and I can tell you they have trailers all over the place on their facility. So, I know how many trailers these -- they could end up with on any given site. So, really, the code requires that it just be screened, so you don't -- don't see it or -- it's not as noticeable. But the -- the reason why Alan brought up the trucks in the staff report is because that's -- that's vehicle rental. That's a -- a trailer is not a vehicle -- defined as a vehicle in the code, so it's really two different standards here that we are looking at. One is equipment rental versus vehicle rentals and that's why I -- I believe Alan will lean towards, yes, vehicles can be displayed there, because it's like a car lot; right? Everyone has their cars visible and he was trying to manage the amount of clutter that could occur on the property. So, if the applicant's good with making sure that he doesn't have a bunch of trailers stored blocking drive aisles, that there is fire access for fire department and -- I think from our perspective we should be pretty good with it.

Seal: Okay. Thank you. Anyone else have questions? Concerns? No? All right. At this time can I get a motion to close the public hearing on H-2021-0085 Meridian U-Haul Moving and Storage.

Grove: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to close public hearing for Item No. H-2021-0085. All in favor say aye. Any opposed? Okay. Motion carries.

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

Seal: Who would like to start us off -- or motions are always welcome.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I have worked with U-Haul before, not the corporate store, but a neighborhood store, and having the trailers and some of their dollies exposed in front is important, because they do get a fair amount of walk-in business. But as long as they have one or two you don't necessarily need 30 of them to display whether or not that they have those in stock or not. So, I would support having the 30 percent displayed and it seems that the corporate stores want to be good neighbors and so, obviously, word of mouth and, believe it or not, some people go to specific U-Haul dealerships because of the owners and who they are, not necessarily because it just says U-Haul on it. I used to work with the one over on Cole Road and we had people coming from all over different towns, because they knew that they were a reputable dealer. So, as long -- and the corporate

stores usually hold them to a little higher standard than some of the neighborhood stores. So, I would support displaying some of their other products out in front as well.

Seal: Okay. Anybody else? Mr. Yearsley, go ahead.

Yearsley: Commissioner Chair. I'm kind of torn. I understand wanting to be able to display what you have, but -- but I think it comes back to the city comment of enforcement, you know, and -- and -- and getting too much stuff out front, you know. So, I -- I -- I kind of -- based on that I'm going to lean to leave it the way it is.

Seal: Commissioner Grove, go ahead.

Grove: I was just going to say I don't have very strong opinions on -- one way or the other, so I could go either way. But I -- when I get to that point I rely on staff's expertise and so I'm -- I'm good with going with staff's expertise on this one and keeping it how it is.

Seal: Okay. Commissioner Stoddard, anything to add?

Stoddard: Mr. Chair, I agree that -- because I feel either way as well. I agree with what the staff said.

Seal: Okay.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: After considering all staff, applicant, and public testimony, I move to approve file number H-2021-0085 as presented in the staff report for the hearing date of March 3rd, 2022, with no modifications.

Grove: Second.

Seal: It has been moved and seconded to approve item number H-2020 -- H-2021-0085. For clarity you did say approve; correct?

Yearsley: I did. Approve.

Seal: Since it's a CUP, so -- with no modifications. All those in favor say aye. Any opposed? Okay. Motion carries. Thank you very much.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

**3. Public Hearing for Eagle Road Daycare Facility (H-2022-0007) by 814 Development, LLC, Located at 3060 S. Eagle Rd.**

- A. Request: A Conditional Use Permit for a daycare center providing childcare for up to 216 children in the C-C zoning district.

Seal: Okay. At this time I would like to open the public hearing for item number H-2022-0007, Eagle Road Daycare Facility. We will begin with the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. The next application before you is a request for a conditional use permit. This site consists of 1.15 acres of land. It's zoned C-C, community commercial district, and it's located at 3060 South Eagle Road on the east side of South Eagle Road, just north of East Victory Road. A little history on this property. A modification to the existing development agreement was recently approved by City Council to update the conceptual development plan approved for the site to allow for development of the proposed use and the site layout, but has not yet been recorded. The Comprehensive Plan future land use map designation is mixed use community. A conditional use permit is proposed for a 13,660 square foot day care center in the C-C zoning district to accommodate a maximum of 216 children and 24 staff members. Child care and early education is proposed to be provided for children ages six weeks to six years with after-school programs for children up to age 12. The proposed site plan is consistent with the updated conceptual development plan and uses approved with the recent development agreement modification. The amended development agreement and final plat for Inglewood Subdivision No. 2, within which this site is located, must be recorded prior to submittal of a certificate of zoning compliance application for the proposed use. Daycares are required to comply with the specific use standards listed in the UDC. Access is proposed via a right-in, right-out driveway from South Eagle Road and by an access easement through the adjacent properties to the south and east from Titanium Way from Victory Road. A minimum of 27 parking spaces are required for the size of building proposed. A total of 29 spaces are proposed. Although the proposed parking exceeds the minimum standards by two and the number of staff members on site at any one time will likely fluctuate, staff is concerned that if the facility is at full capacity and up to 24 staff members are on site at any one time, there may not be adequate parking or pick up and drop off area for the proposed use. Therefore, staff recommends a shared use agreement for parking is required with the property to the south. Conceptual building elevations were submitted as shown for a single story building that incorporates a mix of materials consisting of hardie panels, board and batten siding with stone veneer accents and metal roofing. Final design is required to incorporate some of the same or similar design elements and materials as those of the residential portion of the development per the development agreement and shall comply with the design standards listed in the architectural standards manual. Written -- written testimony was received from Samantha Kozlowski, the applicant's representative. They are in agreement with the staff report, except for a few items that I will run through. They can't comply with a few of these conditions due to site constraints associated with the proposed building size. Condition number 4-D, requirement for a minimum five foot wide pedestrian walkway to be provided from the perimeter sidewalk along Eagle Road to the main building entrance, this standard is eligible for a request for alternative compliance through our code. It's not a given that it will be approved, but it is something that the applicant can request should the director be able to make the findings to approve that. Conditions 4-E and 4-F, the

requirement for a 25 foot wide landscaped buffer to be provided adjacent to residential uses and that applies to the north and east boundaries of the site. This standard may be reduced by City Council at a public hearing with notice to surrounding property owners. The mechanism to do that would be for the applicant to request City Council review of the Commission's decision, which would enable them to get before Council for that request should they decide to do that. Then, lastly, they had noted that the outdoor -- excuse me. Condition number nine, requirement for the outdoor play equipment over six feet in height basically can't be located in a front yard or a required -- any required yard. They do have some play equipment that is over six feet in height proposed in the play area between the structure and the street buffer along Eagle Road. How that -- however, that is not considered a required yard area. Required yards are defined as the setback area and in the C-C district there are no required front setbacks. So, they would be okay with having play equipment over six feet in height in the area between the buffer and the building. So, I don't think there is an issue there. Staff is recommending approval of this application with the conditions in the staff report. Staff will stand for any questions.

Seal: Thanks, Sonya.

Allen: And the applicant is here tonight to present their project.

Seal: Okay. Would the applicant like to come forward?

Kozlowski: Hi. My name is Samantha Kozlowski with 814 Development. I'm the development manager working on this project and, Sonya, thank you for your review and the staff report. It was very comprehensive. I think gave a lot of details and great discussion on our project. I know we were able to speak before the meeting. I actually was able to speak with the tenant regarding Item 4-D. So, we will be able to meet that requirement or that condition of approval regarding the five foot wide sidewalk. So, we will be able to extend the sidewalk from Eagle Road connecting to the future business to the south and the business to the east as well. So, just wanted to let you guys know that that would be one condition that we would be able to meet, but we would like to request a potential variance through City Council for the setback along the northern border of our site, just due to the existing parcel size. It's a little bit constricted, so we don't think with our building site we would be able to meet that buffer, but we do think that we would be able to meet the buffer to the east, which is the 12.5, I believe, is what's proposed. We currently have a ten. So, we should be able to meet that, but we would potentially need to seek City Council approval for a variance on the north buffer.

Seal: Thank you.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: I have a couple of questions. So, the site plan you would -- the -- I'm a little concerned with over 200 children dropping off. I'm -- the plan doesn't show how well

circulation is going to be to -- for people to come in and out of here. Is there a way that we have a better site plan to show the overall site and -- and how we are going to get cars in and out of here without causing a traffic jam or can you speak to circulation, if you would.

Kozlowski: Absolutely. So, just kind of some background on the enrollment numbers for this one in general. This floor plan here -- or this building footprint is based off of a prototype floor plan that we use for this tenant all across the nation. So this is just kind of based on maximum enrollment numbers. It's not based on Idaho State Code just yet. So, once we get to the CZC submittal we will have the correct numbers for the state ratio for Idaho. So, that number may be reduced from the 216 students and the 24 staff members. That will just kind of be determined once we get to the CZC submittal. But just kind of -- to speak to our operation of the facility, all of the parents or guardians are required to actually park their car and walk the kids in. So, it's not like they have a drop-off lane or anything of that nature. So, you shouldn't have a lot of cars that are just coming in, dropping off, and zooming out. So, they do actually -- they are actually required to park. So, that kind of helps with the flow of the parking lot a little bit.

Yearsley: So, that speaks to the other question. If we have got 24 staff members and three extra spaces, I mean that's three parking spaces for how many ever parents to get in and out of here. I still see it becoming a big issue of access to this site getting in and out of here. So, can you speak to that. I mean how do you -- how do you park that many kids coming in and out of here?

Kozlowski: Absolutely. So, the way that we like to think of it is it kind of operates like a restaurant. When it opens up in the morning it opens with a couple of staff members on site. The max -- the average -- or the highest drop-off time is usually in the morning. So, the kids will come and get dropped off and as more kids are getting dropped off that's when the staff members kind of -- kind of fluctuate in. And, then, we see the opposite pattern in the afternoon. So, as a lot of the kids are leaving the staff will start to leave as well. So, the numbers do end up kind of balancing each other out. But we will be able to provide the final numbers again with that CZC submittal once we have everything updated per the Idaho state ratios.

Yearsley: Okay. Thank you.

Kozlowski: Uh-huh.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I have a few questions. Mostly similar to Commissioner Yearsley. We had -- I believe you -- you had spoken to us a few months back -- or this was one that we had similar in north Meridian; is that correct?

Kozlowski: Yes, it is.

Grove: And we had parking and other concerns related to that one as well. So, I -- I'm guessing this is not going to be a surprise that it's an issue here as well with the site constraints. So, do we have a shared parking agreement in place with your neighbors?

Kozlowski: It's currently being drafted at this point, so it's not in place or recorded at this point, but we are working with the seller or the master developer for the Inglewood Subdivision to get the shared parking agreement in place. Both shared parking and, then, cross-access as well.

Grove: Okay. And does this facility have a set of vehicles for the facility for transportation of the -- the children to schools or activities that it would have parked on site?

Kozlowski: They do not. Nope. They don't have any kind of bus or anything like that for the school.

Grove: Okay. All right. I think that's my questions for right now.

Seal: I got a couple questions. So, Sonya, for condition nine, essentially, that can stay in there, but it really has no effect; is that correct? Or does that need to be stricken?

Allen: Mr. Chair, that -- that is correct. I will provide a clarification in the findings document to avoid future issues.

Seal: And, then, as far as the site constraints, it sounds like they will be able to comply with 4-D, possibly with 4-F and, then, not at all with 4-E; is that correct?

Kozlowski: That's correct.

Seal: The 4-E is the -- is that the northern site boundary?

Kozlowski: Yes, it is.

Seal: Okay.

Yearsley: Can I ask one more beyond that, Commissioner? So -- so, with the way the condition's written we don't need to change anything with that, because we won't act upon that, that will be a City Council decision to waive that, so -- okay.

Seal: That -- yeah. Good question, Sonya and Bill. So, if we feel strongly on the site constraint pieces of it, I mean in order to get a review at City Council, does that have to be a recommended denial for us or -- I mean because if we approve, but they -- I mean I guess I'm asking logistical questions here -- process questions to figure this part of it out.

Allen: Yeah. Mr. Chair, Commissioners, the applicant is able to request City Council review of the Commission's decision in any matter, whether it's a recommendation -- or, excuse me, a decision of denial or whether it's a certain condition or conditions that are included in the approval. If Commission feels those should be conditions then -- and the applicant has the ability to request Council review of any of those things.

Seal: Okay. Thank you. Do we have any other questions for the applicant? No? Okay. Thank you very much.

Kozlowski: Thank you.

Seal: Okay. At this time we will take public testimony. Do we have anybody signed up?

Weatherly: Mr. Chair, we do not.

Seal: Do not? Anybody online raising a hand at all or --

Weatherly: I don't see anybody.

Seal: Anybody in the chambers want to come up? All right. Last chance. Unless the applicant has anything else to add -- nothing else? Okay. So, at this time I would like to get a motion to close public testimony for H-2022-0007.

Grove: So moved.

Lorcher: Second.

Seal: It's been motioned and seconded to close the public hearing for item number H-2022-0007. All those in favor say aye. Any opposed? Okay. Motion carries.

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

Seal: Who would like to go first? Commissioner Lorcher, go ahead.

Lorcher: It seems like we have had a couple of these over in the past. I think I would feel more comfortable with it -- that we had an official shared parking agreement and cross-access. In order for daycares I think to work in communities such as this, it's important to have that. I do know that when I worked for a tow company -- there is a daycare by the water tower and they did not have any shared parking and if anybody parked in their lot, you know, we ended up towing them. So, being a good neighbor is going to be I think important for not only this location, but for the P&Z. So, I am in support of just seeing possibly an official agreement before we say yes or no.

Seal: Okay. So -- and I was going to say, Sonya, that's -- that is one of the conditions of approval.

Allen: It is, Mr. Chair. So, they cannot move forward without submitting proof of a recorded cross-parking agreement.

Seal: Okay. Commissioner Lorcher, does that solve that for you? Okay. Thank you very much. Anybody else? Commissioner Grove, go ahead.

Grove: I was just going to go ahead with a motion, if --

Yearsley: Can I speak really quick?

Seal: You can, Commissioner Yearsley.

Yearsley: So, I struggle with this one, because we have got two facilities that are high capacity uses in the morning. We have got the Starbucks to the south of this property that's -- that just got approved and, then, we are trying to approve this one as well and I'm trying to resolve, me personally, you know, at 27 spaces, you know, even at a hundred kids, assuming you have two people coming in, you are looking at 50 vehicles in the morning trying to get in and out of here at some point during the day -- during the morning. My -- and, then, you have got Starbucks with people through drive-throughs on this -- I am just -- I -- I can't get around the -- for better words -- the disaster that might could happen and I -- I just -- I don't have a good feeling that we have enough parking here, just because of the use and, you know, with the two uses together we are cramming that spot in the mornings really bad is my concern and I don't know anybody else's thoughts on that or not.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I -- I can see Commissioner Yearsley's point. Having to go to a daycare almost every day that has a large number of students and is in a busy parking lot, the -- the drop-off times and the drop-off congestion is -- in the even the pick up times is not as much of a concern for me, just because unlike -- at like an elementary school they are not all getting there at the same time. It's very staggered over the course of four hours typically. So, that congestion from the parental side is not as high. I think getting the cross -- or the shared use agreement for parking is really going to be beneficial from the staff side and as long as they can offset some of their staff parking needs with the shared use agreement I'm less concerned about it from that perspective. I think overall that -- that area is going to be highly traveled, but I don't see the congestion of the -- of the -- the parents dropping off as -- as -- as big of an issue. I would say that this is a very tight fit. It would make me a lot more comfortable if this lot size was -- was bigger or the building was smaller. I know with this one when we had it at Meridian and McMillan they were unable to change the building size at all. I don't know if rotating the building would change this for this parcel. Overall I'm going to be in favor of it, because we absolutely need more childcare facilities in Meridian. We are running at a very, very, very low number for families and so whatever we can do to bring those in right now is -- is very important to



me and so while I have some less than stellar feelings about how tight it is, I do -- I do feel okay overall moving forward with it.

Yearsley: Thank you.

Seal: Yeah. And I have also concern -- the business to the -- directly to the south of there doing the parking agreement, what is that business? Because Starbucks is on the corner and so is there something in between?

Allen: Mr. Chair, Members of the Commission, there is -- there is no business currently in between the -- the coffee shop and the -- and this business.

Seal: Okay.

Allen: It's a building pad.

Seal: A building pad? Got you. So, something -- something is on -- on its way. There -- there is an owner involved in that, so -- yeah. And I have had some similar concerns. The traffic coming through here is a concern, but I'm -- I'm kind of with Commissioner Grove on that, I'm a little less concerned with that. I mean we are -- we are all battling traffic where ever we go. The streets that are involved here are able to kind of help accommodate this and -- I mean if this were on the other side of the street I can see where it would be a bigger problem, but just where people are coming out of subdivisions and this is going to be a little bit more accessible as far as that goes and, then, dumping onto Eagle Road, I would hope that it would be less of a problem. The biggest issue that I have with it in general is this is the second time that the applicant's come forward with a building of this size that doesn't really fit the lot. So, I think we are starting to see, you know, something repeatable happen here. So, we have kind of got a 13,000 square foot building trying to be squeezed onto something that would be more appropriate for, you know, a 10,000 square foot, for instance. So, I mean if the building size was able to be smaller in this instance, as well as the last time that the applicant was here, there generally wouldn't be any problems. But the inability to change the building size seems -- I -- I think a request to change the building size to fit the lot is -- is in line with what is best for the city. So, the inability to change that building size seems like it's -- that -- that seems unreasonable to me in order to make it fit to the size and standards that are there for -- for Meridian. So, my opinion is that, you know, if -- if they want to have that reviewed by City Council, then, I would personally leave all -- all the stipulations in there that Sonya has in the staff report if we did approve it. And with that does anybody else have anything to add or would like to make a motion?

Grove: Mr. Chair?

Seal: Commissioner Grove.

Grove: Making sure -- this is a CUP, so we are approving and not -- or denying and not recommending; correct?

Seal: That's correct.

Grove: Okay. Just wanted to double check. All right. After considering all staff, applicant, and public testimony, I move to approve file number H-2022-007 -- did I get all the zeros? As presented in the staff report for the hearing date of March 3rd, 2022, with no modifications.

Seal: Do I have a second?

Lorcher: Second.

Seal: Okay. It's moved and seconded to -- moved and seconded to approve Eagle Road Daycare Facility, H-2022-0007, with no modifications. All in favor say aye. Any opposed?

Yearsley: Nay.

Seal: Did you get that, Madam Clerk?

Weatherly: Commissioner Yearsley, for the record that is a nay from you; correct?

Yearsley: It's a nay for me, yes.

Weatherly: Thank you, sir.

Seal: Okay. Motion passes.

MOTION CARRIED: FOUR AYES. ONE NAY. TWO ABSENT.

**4. Public Hearing Continued from February 3, 2022 for Verona Live/Work (H-2021-0080) by J-U-B Engineers, Inc., Located at 3020 & 3042 W. Milano Dr., Near the Northeast Corner of Ten Mile Rd. and McMillan Rd.**

- A. Request: A Conditional Use Permit for 16 vertically integrated residential units within four (4) buildings on 1.75 acres in the L-O zoning district

Seal: All right. At this time I would like to reopen the public hearing for Verona Live-Work, H-2021-0080, and we will begin with the staff report.

Dodson: Thank you, Mr. Chair. This is -- I guess this is officially the second time we have heard this, but it's been continued multiple times. I'm not going to go through the whole project again, but just briefly it is for a conditional use permit for 14 vertically integrated residential units within the L-O zoning district. The 14 units are in three buildings on 1.75 acres. This would be the latest site plan. However, just to be clear again, the lot line is right here. This is shown for reference only. It's a future office building in the L-O zone,

but it's common ownership, so the applicant wanted to show that this is their intent with the remaining area, but it is not part of the application. At the last Commission hearing there was a lot of discussion regarding the proposed use, specifically the integration of the commercial and residential component, as well as parking, marketability, and as well as whether or not they should be for rent or for sale product. The applicant responded by writing a memo, which I hope everybody read, that has some of the specifics regarding all of those discussion points. They did revise the floor plans as well. That's the only change to the plans. The most noticeable change is that they removed any interior access between the commercial and the residential component and, then, for the larger units, which would be for the four on the north end of the site, there used to be a wall here that had a -- essentially two commercial suites and they removed that wall to have one larger suite for each of those four units. So, really, that's -- that's all I have as my presentation tonight. If you have any questions I will be free -- feel free to ask them.

Seal: At this point would the applicant like to come forward? Good evening. Just need your name and address for the record and the floor is yours.

Shrief: Good evening, Chairman, Commissioners. My name is Wendy Shrief, I'm a planner with JUB Engineers and my business address is 2760 Excursion Way in Meridian, Idaho. Thank you for giving us the opportunity to come back here and address some of your concerns. I'm going to go through some of the changes that we have made and I want to answer some of the questions that had come up last week, but we definitely are here for -- to answer any questions and if you -- and we were hoping for approval this evening. We had some questions at the last hearing about parking and this is included in our memo. We are required to have a total of 28 parking stalls on the site. We are including 52 inside that parking lot. There is additional on-street parking. We are not including that in our totals. But, again, we -- we are required to have 28. We will have 52 spots. One of the big issues that came up in the last hearing was how do we ensure that these commercial areas stay commercial areas and that they don't become sort of a bonus room for these live-work spaces. We have removed that door that connects the commercial space to the residential space. So, it is now the insular commercial space and we think it's -- it was a good idea. Thank you. We think it's much less likely that it would become, you know, a teenager's -- but, actually, my -- my kids would love it -- then it would become a spot for a teenager or a den or a bonus room with storage. We think it's much more likely with this being no longer connected physically through that doorway to the living unit, that this retains itself as a commercial space. So, those are really -- those are -- are significant changes -- that is the most significant change, but we are -- we are here for any -- any other questions. We think we have addressed everything in the letter that we put forward for you guys and I want to thank Joe for running through everything with us again and for putting together his -- his memo and his staff report for us this evening. We are here for questions.

Seal: Okay. Thank you.

Shrief: Oh. And I wanted to -- I wanted to actually remind you -- when you go through and, hopefully, you are making your motion for approval this evening, because we had

lost two units from our original rendition we were coming in with 16 proposed units, we lost two units, we are now 14. There are several conditions of approval that -- that have changed. So, Joe has gone through in his memo and included language and how these conditions are going to change or when we lost those two units we have added additional open space, a community gathering area, and his conditions address those -- those changes that will need to be made to -- to those initial conditions in the staff report and a lot of this has to do with the two units that we did lose to make some changes. We also have Dave Yorgason here, who is the developer, if you have any questions for him.

Seal: Okay. And I was going to say -- the first question is you are in agreement with the -- with Joe's addendum and the staff report that he has provided? Okay.

Shrief: Chair, Commissioners, yes, we are. Thank you.

Seal: Thank you. Okay. Anybody have questions for staff or the applicant?

Lorcher: I have one question.

Seal: Commissioner, go right ahead.

Lorcher: For the interior door space -- so, if I'm -- own one of these or rent one of these live-work units, if I have the commercial space and I live upstairs, I have to go around the outside of the building to come into my commercial, I can't access it from the inside; is that correct?

Shrief: Chair, Commissioners, correct. We made that modification. That was a suggestion of the Commission to make that more of a separate commercial space and make it less likely to become an extension of the living area. So, we have room -- so, yes, you -- you would go outside -- you would go outside the front -- to the front or the commercial, go around the building to go into the interior to the living unit.

Lorcher: Would there ever be a circumstance where you would rent out the commercial separately from the apartment or living space above?

Shrief: Potentially that could happen. Yes.

Lorcher: Thank you.

Shrief: And we think that that could possibly be a good thing, depending on market conditions.

Seal: Anyone else?

Shrief: Okay. Thank you.

Seal: All right. At this time we will take public testimony. Do we have anybody signed up?

Weatherly: Mr. Chair, we do not.

Seal: Nobody signed up, nobody waving their hand on Zoom. Anybody in chambers like to come up and testify? Sir, come right on up. Just need your name and address for the record again and it's all yours.

Yorgason: You are welcome. Thank you, Mr. Chairman and Commissioners. My name is Dave Yorgason, the developer of the application and online Zoom, I think he might still be on, is Craig Hammett, he is the builder. He and I are together building this -- this development and -- and I just want to say thank you for giving us a chance to come back and make some changes and some clarifications with regard to the application. I happened to run into a few others in the marketplace and ask the questions -- because I appreciate some of the questions about is this marketable. I don't want it to fail. That's the last thing I want to have is a failure project and so we have done a lot of additional research and market research and we feel very confident that there is an absolute market need and a market demand for this spot. We are grateful, which is not typical, to see no opposition in the room. A lot of times you have opposition to something that might be unique or -- or anything that's residential in my backyard. We worked very closely with the residents in -- in through the process and they were very supportive of -- of the architecture and the design as well and so with that we just asked for approval tonight and to reconfirm what Wendy had said, we agree with Joe's memo of the revised conditions in this recommendation of approval and stand for any questions.

Seal: Thank you, sir. Anybody have questions, anything they would to pose? All right. Thank you very much.

Yorgason: Thank you again.

Grove: Mr. Chair?

Seal: Commissioner Grove.

Yorgason: Oh, sure.

Grove: So, you said you did market research on this and when I -- I'm just curious with the ones that -- because like we said at the -- at the last hearing, this is a different style of live/work than what we traditionally see and where we traditionally see it. Were the other ones that you found -- are they in this neighborhood environment versus a more traditional mixed-use environment?

Yorgason: Mr. Chairman and Commissioner Grove, all Commissioners, I will point to local market research. I could talk about Utah and other places. But I think what's more important is local. I happened to have a conversation today with Eagle's economic

development director and -- Robin. And when I talked to her about a different project, I said, oh, by the way, what's going on in Eagle with live/work and she shared with me two specific examples where there were some remodels of some -- of some buildings and they were adjacent to residential, near office, so a very similar -- not downtown Eagle, but kind of on the semi-fringe of Eagle and they actually are full. They need more -- if there is a demand for them -- there is more of a demand if you will. So, those two examples. And there is a third one that's soon to be under construction that's a little closer to downtown, but it's that kind of a concept. So, there is that -- they are all leased up is the short answer. Boise -- there is one on Hill Road near 36th Street, so that's not downtown, that's maybe far north -- north end, if you will. Here we are on Ten Mile. This is walking distance to restaurants and to Walmart across the street across Ten Mile. So, we actually find this to be actually closer to some of the shopping, some of the others that -- that I have found in the -- in the close proximity of the Treasure Valley. So, I'm very confident that there is -- there is -- not only those are successful, but this is a better fit for where the market need is. Hope that helps.

Grove: Thank you.

Yorgason: You are welcome. You are welcome.

Seal: Anybody else? No? All right. Thank you, sir.

Yorgason: You are welcome. Thanks again.

Seal: Okay. I would ask if the applicant would like to come back up, but the applicant spoke, so -- we are good, so -- can I get a motion to close the public hearing for Verona Live/Work, H-2021-0080?

Lorcher: So moved.

Yearsley: Second.

Seal: It's been moved and seconded to close H-2021-0080. All those in favor say aye. Any opposed? Motion passes. Oh. Hearing is closed. Public hearing -- public hearing is closed. Sorry about that.

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

Seal: So, who would like to jump in? Make a motion? Talk at length?

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I appreciate the -- the work that the applicant's done. I -- I'm still not a huge fan of losing true commercial space and losing some of the -- what I would like to see there. But I don't have any code reason to deny.

Seal: Okay. I will throw my opinion in here. So, I mean at first I was a little leery of this, mainly because the commercial space was really small, the fact that it was rent, instead of own, kind of the idea -- the perception behind it as far as trying to, you know, kind of seeing somebody that was going to -- getting ready to retire and maybe they just needed a place to, you know, age their business out and -- and move into retirement gracefully and things. So, the modifications that have been done, increasing the size of the commercial space, closing it off from the residential -- residential portion of it, to me it makes it -- I mean I have shared this earlier, but to me I think it's -- this is a good place for somebody that's probably more young and up and coming. They are trying to make their side hustle their hustle. They can't afford to purchase in Meridian, so they are looking to rent and get their business started. You know, move down that path. That's -- that's where I see something like this being successful. That said, that's also my biggest concern. So, I think its biggest strength is its biggest weakness, which is true for a lot of things in life, where if you have somebody that's up and coming, they are trying to make their side hustle their hustle and they fail miserably and, then, the next thing you know they are -- you know, they are going to try to take advantage of the situation in order to improve their own situation. So, that's my concern with it. I think the applicant's probably done as much as they can with this application in order to make sure that that's not going to happen. You know, I do agree with Commissioner Grove, there is some other things that we have seen with live/work where the emphasis is really on the work portion of it. The live is more of a convenience where it's reversed on this application, so -- the parking seems -- you know, with the loss of the units, the addition of the parking, the confirmation that we have on-street parking, you know, things like that, I think that the parking situation will probably be handled in its own -- in its own way, you know, and within -- within the specs that we need it to. So, I'm a little less concerned with at this point. I mean it's still not quite my cup of tea, but I understand it and I would be willing to give it a chance in Meridian to see what the outcome is. Anybody else?

Yearsley: I have no comments.

Seal: None? Okay. So, at this point we are looking for motions.

Grove: Mr. Chair?

Seal: Commissioner Grove.

Grove: Sorry. All right. After considering all staff, applicant, and public testimony, I move to approve file number H-2021-0080 as presented at the hearing date of March 3rd, 2022, with no modifications.

Yearsley: Second.

Seal: It has been moved and seconded to approve item number H-2021-0080 with no modifications. All in favor say aye. Any opposed? Motion carries. Thank you.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Yearsley: Mr. Chair, do you mind if we take a quick break?

Seal: Absolutely. We will take a five minute bio break and, then, we will be back.

(Recess: 7:15 p.m. to 7:20 p.m.)

**6. Public Hearing for Aviation Subdivision (H-2021-0096) by Jadon Schneider of Bronze Bow Land, Located at Parcel #S1210325951, near the northeast corner of N. Black Cat Rd. and W. Franklin Rd., north of Compass Charter School**

- A. Request: Preliminary Plat or 48 building lots (37 single family attached lots, 2 detached single-family, and 9 multi-family lots), 8 common lots, and 1 other lot.
- B. Request: Conditional Use Permit for 36 multi-family units on 9 lots on 9.8 acres in the R-15 zoning district.

Seal: All right. We will go ahead and get things going here again and it looks like we are down to the Aviation Subdivision, H-2021-0096 and if we are ready we can go ahead and start with the staff report.

Dodson: Thank you, Mr. Chair. This one will be a bit of a lengthy presentation, but -- I mean I apologize, but it's a small site, complex site, but complex project, so I apologize. The applications before you tonight for Aviation Subdivision are a preliminary plan and a conditional use permit. The site consists of 9.8 acres, currently zoned R-15, located near the northeast corner of Black Cat and Franklin and directly -- well north -- northeast of the Compass Charter School. The map shows ME for the zoning. And I apologize, it's not an old map, it's the -- there was an issue internally that we didn't send out the zoning ordinance to the county when we approved it, so it just hasn't been updated on the maps, but it is R-15 zoning. The site does have history with the city, starting in 2018 where it was actually annexed with the Compass Charter School and they changed the comp plan and the zoning, then, to ME and mixed employment in general. Still wrapping my mind around why, but they did that. 2020 we came in and rezoned it, DA modification, and a comp plan map amendment, again, to change it back to what it was, which was medium high density residential. So, currently, the future land use designation on the site is medium high density residential, which expects residential densities at eight to 12 dwelling units per acre. The plat before you tonight is for 48 building lots, eight common lots and one other lot and a conditional use permit for 36 multi-family units within the R-15 zoning district. The other lot is an irrigation pump house lot, I believe for Nampa-Meridian, which is this little random square in the corner. That's the other lot. The building



lots are delineated as follow: There is six single family attached lots, 31 townhome lots, two detached single-family lots and nine multi-family lots. So, there is an array of residential uses. The total residential unit count, therefore, is 73 currently. The subject 9.8 acres were annexed into the city in 2018 as noted. Well, I will just skip all that. In addition to the medium-high density residential future land use designation that is on the site, it is also within the Ten Mile interchange specific area plan or as planning likes to call it just the Ten Mile plan. It recommends a mix of housing types within this MHDR designation. It specifically notes row houses, townhouses, condominiums, alley loaded homes and apartments. Within this designation and noted within the existing DA residential gross densities should range from eight to 12 units per acre. With the applicant's proposal of 73 units on the subject 9.8 acres the gross density is 7.44, which does not currently meet the minimum density required. This density needs to be increased and can -- as long as it's over 7.5, which would only be one additional unit, we can use the Comprehensive Plan and we can round up to eight and, then, they meet the plan. Staff has a condition of approval that the applicant should revise the plat to include at least one more dwelling unit to meet the minimum density requirement. In general this site is part of a larger area of medium-high density residential that is slowly redeveloping from both the west and the east and development of the subject site is a logical direction for development to occur in terms of both density and the road improvements. However, the transportation element of this area of the Ten Mile plan is important and there are known traffic issues within this area caused by the Compass Charter School, most notably at pick up and drop off times. The congestion associated with the school and this area creates traffic along the entire Black Cat corridor between Franklin and Cherry and significantly impedes the intersections of Aviator and Black Cat and Black Cat and Franklin during the peak times noted. Staff notes that applications for the site to the east are likely forthcoming. Granted they have not been submitted yet, but they are forthcoming or expected to be forthcoming, which would connect Aviator from Black Cat to North San Marco Way within the Entrada Farm Subdivision to the southeast and I will get into that more later. This east-west connection would create the needed secondary access for the -- for fire, as well as provide a different connection to Franklin Road for this entire area. To help mitigate the issue associated with the future expansion of the road network, staff is recommending conditions of approval around the phasing of the project in relation to the extension of West Aviator Street. In addition to the general comp plan, the applicant is expected to meet certain design criteria found within the Ten Mile plan as well. The applicant is in compliance with these criteria, except for the street oriented design outlined on Page 3-33 was in the Ten Mile plan. This criteria discusses that front loaded units should be located no less -- I should say the garages should be located no less than 20 feet behind the primary facade of the residential structure. As noted in the staff report, the existing site constraints of extending the collector street along the south boundary, as well as the hundred foot easement of the Purdam Drain on the site make full compliance with the standard unlikely. Therefore, staff recommends the applicant explore alternate design options to be more consistent with this requirement, while maintaining a gross density of at least eight units per acre or 7.5 to roundup and consistent with an alternate floor plan -- or sorry. An alternate floor plan should be submitted, as well as revised elevations that show compliance with the recorded DA. Because in the DA there is existing floor plans -- conceptual floor plans that are vastly

different than what is proposed. The proposed plat complies with all UDC dimensional standards, road widths, and the proposed single family uses are principally permitted -- permitted within the R-15 zoning district. The applicant is proposing detached sidewalks and parkways throughout the single family portion of the project to help activate the street and provide more compliance with the Ten Mile plan and the street oriented design. The proposed plat meets all the landscape requirements, except for the required 20 foot buffer along the south side of Aviator extension, which would be here. Sorry. However, staff does recommend that the applicant coordinate with the irrigation district to see if trees can be added within the easement area of the Purdam Drain, specifically on the interior side of it. Due to the proposal of two types of residential uses in the same project, meaning single-family and multi-family, the open space requirements vary for each. The single-family area is approximately five acres and the multi-family area is approximately 4.8. Total property size 9.8. So, one of them has to be less; right? Therefore, the minimum amount of qualified open space required to meet our general open space standards, 11-3G-3, for the single family portion of the site is three quarters of an acre or approximately 32,700 square feet. The minimum amount of qualified open space that is needed for the multi-family standards, which are in the specific use standards, 11-4-3-27, is an amount per unit based on the size of the units. This provision -- the -- there is a section in that -- in the specific use standards that requires a minimum ten percent, but the area of multi-family is not over five acres, so that's not required. With the 36 units proposed the minimum amount of qualified open space for the multi-family development is 12,600 square feet. So, in total, the total amount of open space for the project should be at least 45,300 square feet or just over an acre. According to the submitted plans the applicant is proposing three and a half acres of common open space within common lots, of which approximately two and a half acres is qualified open space. Therefore, they are vastly exceeding the minimum amount of open space required. However, this area is actually still not fully accurate, as the Purdam Drain easement area is located on buildable lots and not in the common lot, so there is additional area that could be qualified and it does -- the open space does not include the parkways, which are also a qualifying open space where no driveways exist. So, this shows that the actual open space is even greater than what is currently listed as the two and a half acres. Again, the proposed open space vastly exceeds the minimum requirements. The applicant is required to provide a qualifying amenity worth at least one amenity point for the single-family portion of the site. The submitted plans do not show compliance with this requirement, but staff has included a recommendation of approval -- or sorry -- a condition of approval and a recommendation of approval. I will spoil the ending there. But a condition of approval to include an amenity that counts as one point for the single-family portion of the site. Specific to the multi-family portion of the site the applicant complies with all the requirements, except as follows: There is no property management office or maintenance storage area shown on the plans, which is required for all multi-family developments with 20 units or more. They are required to propose three amenities and they are only showing one, which is the children's play structures, which I appreciate that it's not just one playground, they actually have multiple things. I definitely appreciate that. Lastly, they do not comply with the number of off-street parking spaces required. They meet the minimum for the per unit, but they do not meet the minimum per unit plus the required guest spaces. So, they need to add, I believe it was four spaces total. In response to

that I have included conditions of approval to reduce the bedroom count of some of the units, because they are all two or three bedroom, which requires the same amount, but if they go to one bedroom reduces the requirement. I also am proposing that they revise the plans to add the required spaces in some of the areas noted. So, they have some areas here -- like they can add at least one more here. I believe they can fit a few here as well. In addition to what's within the site, I did not put this in the staff report as a condition, but code allows alternative compliance to allow other areas of parking to count and, in general, all of this north side and the east side of this street where there isn't these drive aisles on-street parking is going to be available, because there is no driveways. So, in short, I do not anticipate parking be a major issue in this development. Now, to the meats and potatoes here. The applicant is required and proposing to extend West Aviator Street along the southern boundary. It is a collector street that currently exists -- I believe it ends right about here with a temporary cul-de-sac here and connects out to West Aviator. That is the only access for the site currently. According to the plat the applicant is showing a small portion of this road extension on a property to the south, which would be right here. I will go to the next -- this is a property that they do not own and they are showing a portion of the extension on that site. That -- that site is not annexed into the City of Meridian. It is not typical of road extensions to utilize area not on the subject property, but it allows the applicant to have more usable land area that is significantly reduced already to the existence of the Purdam Gulch Drain easement. The placement of Aviator extension requires a formal agreement with the adjacent property owner. If the applicant cannot reach an agreement with that property owner, the submitted plat will have to be revised to show Aviator wholly on the subject site. To ensure this occurs prior to development, staff has included a condition of approval that a final plat for this project will not be accepted until an agreement has been formalized and the right-of-way has been dedicated to ACHD for this portion of Aviator Street. Vehicular access for the single family, which I will go back to this, is via construction of a new local street that loops through this site. In addition, access to the multi-family is via two 25 foot wide drive aisle connections to that eastern local street. ACHD has noted Aviator will need to be one foot wider than currently shown, which the applicant has agreed to. There is no secondary access to the site, because Aviator will be a dead-end street after -- dead-end street after its extension with this project. As noted above, the fire department requires a secondary access for each access that has more than 30 units taking access from it. The development to the west, Hensley Station, already has more than that and they have two accesses. So, that's why if they are not sprinklered that would be why. Therefore, as currently designed and proposed, if it was all to be built at the same time every unit would need to be sprinklered. Single-family and multi-family in this. Thus, the construction phasing of the project plays a key role in how staff must address this issue, as all the structures would need to be sprinklered again. Multi-family is already going to be sprinklered because of the International Building Code that they will have to fall under for that. The applicant has stated that their plan is to extend Aviator into the site to the point of no more than 150 feet past the eastern local street. So, instead of all the way to the east boundary, stop it about here so that there is no need for a temporary turnaround. This does comply with the technical requirements of the UDC and fire code, but it is not consistent with our general practice of requiring public streets to be extended to and through sites with the first phase of development or prior to and in timing with the first

buildings being constructed. However, the applicant is continuing to work with ACHD on a plan to construct Aviator as noted, again, with a short -- not all the way to the east, but with the temporary -- with 150 feet of pavement here. This plan to do this has been noted and they would road trust for the remaining portion of Aviator, so it can be extended with any future road project that occurs on the parcel to the east. Staff is supportive of this option, as the road would be a dead-end street and constructing a temporary turnaround would be both wasteful of space and would need to be located on top of the Purdam Drain, which could significantly -- I can't read. Sorry. Which could further hinder the applicant's ability to develop the site due to complications with the irrigation district. In conversations with ACHD they have noted an openness to this option, because they have done it previously. However, they did not include it in their staff report as a specific condition. So, staff has included a condition of approval to include -- or to encompass both potential outcomes for Aviator Street. I will go to my last thing here. So, as noted with the future extension of Aviator, this is the -- the plan for the master street map, which is the colored line here. This is the North San Marco Way and Entrada Farms. Obviously, Aviator stops right about here with the expansion of Compass Charter School. They are proposing to come here. The plan that I have seen as a preliminary plan for the site to the east shows Aviator continuing on and extending along their south boundary and connecting here and that would allow another access to Franklin for both entry and exit for the school, as well as any future residences out here. So, really, this extension of Aviator is very integral to getting it. It's a timing issue as discussed. There was some written testimony on the project, but all of it was concerning piping the Purdam Drain. There was a desire by -- I assume neighbors to keep the drain open and use it as a water amenity. Staff does recommend approval of the project if all the conditions of approval are met and after that I will stand for any questions.

Seal: Thank you very much. At this time would the applicant like to come forward? Good evening. Go ahead and state your name and address for the record and the floor is yours.

Schneider: Jadon Schneider. 412 South 3rd Street, Boise, Idaho. Mr. Chair, Members of the Commission, I just want to thank you for your time tonight and, first off, I just want to thank Joseph so much for all his work on this. We have -- we have gone to four pre-application meetings and Joseph's been diligent to sit through all of them and answer all our questions and help us with all that. So, I -- just as Joseph said, it might be a little longer about my chatting about this project, but I think it's important that you hear a little bit more of the backstory and a little bit of where we have come from and -- and where we are at now with it. Just to start off here, I would like to show you the -- sorry. So, the preliminary platform, basically, just as Joseph was saying, 9.8 acres. One comment that I had from Joseph's report -- or his comments earlier was he had said 73 units. The -- the total units that we have proposed are 75 units on there, which matches the report and the numbers that you said. I added it up really quick. It's 75 units on 9.8 acres, which is -- 75 by 9.8 is about 7.6 units per acre. So, just a point of clarification and Joseph can chat with that later. I just wanted to bring that one up just from that conversation right away. Just to look at the site as it is right now, I wanted to point out the Purdam Gulch Drain and you can see what's going on here. So, the Purdam Gulch Drain runs east-west through the site and it's a -- it's a pretty sizable drain through there. So, two of the

key components that I wanted to bring up for this site specifically -- sorry about this -- is the westerly boundary has an existing stormwater facility that was put in place by Compass Charter School. So, the stormwater facility services the Compass Charter School's current needs and because of this existing stormwater facility the site is further constrained. So, I just have some pictures of the site as it looks at the moment. This would be the area that is currently used by the stormwater facility. Just a shallow swale. They didn't do anything underground for what's going on through here. And, then, you can see that this is the northern end of it, it kind of bulbs out here at the side. I just wanted to point out, again, the Purdam Gulch Drain easement that runs through here. It's a hundred foot wide easement and it's owned and maintained by the Nampa-Meridian Irrigation District, as well as here in the southeast corner of the site there is the Nampa-Meridian Irrigation District pump house lot. So, the pump house lot was created as a part of the Compass Charter School portion. The portion of our subdivision requires that we include it in our subdivision in order to bring it up to code and Nampa-Meridian Irrigation District has -- has been forthcoming with us and has signed an affidavit of legal interest and -- and they are -- they are happy to -- to be a part of this subdivision and work with us on this. So, the irrigation district drain that runs through the site right now -- you can see it's a pretty sizable drain. Again, it's a hundred feet wide. There is a pretty sizable berm on the north side and the south side of it and it's -- it's fairly deep right now. So, it's -- it's not just a -- a lateral that's a user lateral, it's -- it's a full drain and it's a full main vein for Nampa-Meridian Irrigation District and it is important for them to have. So, one of the components of it that Joseph touched on here is the rerouting of the irrigation district drain. So, we have got the approval from the irrigation district and the developer is fronting all the costs that are involved with this and, like I said, it's a sizable drain and it's a 48 inch diameter RCP pipe, which is a reinforced concrete pipe, so it's -- it's not -- it's not just somebody getting out there with their backhoe and doing it, this is a sizeable project that is underway with the Nampa-Meridian Irrigation District and there is a -- there is a large financial investment that's being made by the developer at this time just to get the site up to a point where it can work for this project and the main point that this has come up with is the fact that Nampa-Meridian Irrigation District has been very clear with us that they will not allow us to cross their drain more than one time on this site. Like I had mentioned earlier, Joseph and I had gone through a number of pre-application meetings. We had come to agreement on one specific site that we both quite liked. We sent it to Nampa-Meridian Irrigation District. We were ready to make our pre-application district and the response back was we won't approve or we will not allow you to cross over our easement twice and -- and that is what we had been previously approving. So, it was disappointing and meant that now we had to reroute this drain, go through a vacation of an easement and everything involved with it, but that is how we came to this site, which is now reduced basically to a rectangle with the easterly and northerly boundary as Nampa-Meridian Irrigation District easements. So, just wanted to look at the site and talk about the specifics of a couple of the lots. There are front loaded attached product involved at this site and an eight foot wide landscape buffer that is in front of a detached sidewalk. So, the local road right here has that eight foot wide landscape buffer and detached sidewalk. Some of the elevations that we had sent to Joseph, but further require some modifications just to come up with the Ten Mile specific plan would look something like this. This is an idea where it's a -- it's involving pitched roofs, it's involving

Item 1.

setbacks, and -- and at different sizes and we will continue to work with staff to try to find some elevations that are really appropriate for this site. The standard for this would be a livable space on the ground floor or the first level, with bedroom and bathroom -- or, sorry, a bathroom -- half bath on the first floor, with two bedroom and two -- and a bath on the second story of these units. And, then, just to kind of talk again. So, the street section for the local right -- or the local road has the back of curb and eight foot landscape buffer and, then, the detached sidewalk and, basically, just to give some examples of what we are thinking it would be -- it would -- it can be tastefully done and this is what we would like to be doing. We would like to have lots of greenery and a landscape plan that looks really well for this. And just some ideas of having that detached sidewalk and something that we really like in this type of area. And, then, further to that we have the -- we will call it the alley loaded garage. However, this isn't alley load -- an alley between here. It's a -- it's an ACHD street section. It's just a reduced width -- width section. So, it's not 20 feet wide, I believe it's 28 feet from right-of-way to right-of-way. So, it's not a small tight alleyway back there, it is a full street section. Now, there is no parking specifically on the street section through here, but it is still foreseen to be rear loaded and have front doors opening to this usable open space. So, there is some in Block 2, Lot 8, which is that corridor that connects the loop road and, then, usable open space in that 20 foot landscape buffer along the north side of Aviator there. Just some elevations of things that we -- we have seen, other products and the developer has -- has proven to us that -- that they really like. This is some of that attached product with the front doors opening onto usable open space. Again, the layouts for this would involve a livable first floor and two stories with bedrooms upstairs. So, this one was a three bedroom unit upstairs with two baths upstairs and a half bath downstairs. So, three and a half bath. So, this is a project in Garden City, which we have drawn a lot of ideas from. I have fallen on the word. Sorry there. But, basically, you can see how this attached product here in the middle would look with that common space in the middle. So, what I would refer to here would be the Lot 8 of Block 2, where you have two -- the homes fronting onto an open space and you have a usable area out in the middle that can also be utilized for things like storm water management. This is what it can look like when it's in -- even a tight spot, so it can take -- it can be done very tastefully and not look, you know, like a -- like as if it's a small corridor or walled in on either side, it can -- it can look like a nice thoroughfare for the -- for the pedestrian pathways. The last part of the site here that we want a dimension on was the CUP portion of the site, which is the multi-family here. There is a number of conditions that Joseph mentioned in his staff report that generally we are -- we are all in favor of and -- and the small updates to the -- to the site plan here in order to receive approval for the cup should not be any problem for the developer moving forward. These are proposed right now as four-plexes. As Joseph mentioned we had proposed them all as two bedroom, two bathroom four-plexes. They would follow the two story idea where, basically, you would have your first story entryway with a livable space and, again, a second story bedrooms in order to allow access for each individual unit and instead of having a four-plex stacked with two units on the bottom, two units on the top, and -- and this is just a general idea of what we would be proposing for this site. Lastly, there was a condition -- and I -- Joseph and I chatted about it and I just wanted to bring it up anyways. Basically a condition involved with Aviator that had mentioned that there was going to be the requirement of a detached sidewalk on the south side of Aviator and due

to the site constraints involved with that, the condition was going to -- or I fear will push the unit density even lower. I -- I don't want to talk at nauseam about it. Joseph's made it clear to me that it was a condition that was put in place, because it's written in code, it cannot be variance requested out of it. I would just like to still bring that up that this is something that we struggle with. Everything else in the staff report we can approve and everything else in the staff report we are very happy with. There was just that condition of adding in the detached sidewalk. Compass Charter School, as it stands right now, has a seven foot wide detached sidewalk with a bike lane. So, it is in here as a seven foot wide attached sidewalk and that's what we had proposed. ACHD is okay with it. Again, Joseph's made it clear to us that it was a code issue and it wasn't something along there. The only reason, like I said, that I bring this up specifically is as you can see we are constrained by the fact that they are -- we are currently trying to work with the neighbors here to take some of this portion of their property and the Nampa-Meridian Irrigation District pump house lot. So, our fear is that by extending this seven foot attached sidewalk into a five foot detached sidewalk with a landscape buffer attached to it, would mean that we would have to push the right-of-way -- the northern portion of Aviator to the north, which, would, then, further constrains any of these lots here in Block 3, or the lots here in Block 1 and since we already are very close to being below the -- the minimum density allowed, that was our main concern with it. So, that -- that's all I will say about it here. And, then, with that, just to touch on, again, with what Joseph said about the neighboring parcel, the reason that we went ahead and are including this portion of the neighboring parcel was originally the developer to the south had a proposal in place and he had connection issues and so we had worked out an agreement with them that we would work with them to try to connect Aviator through their parcel, to allow them a future connection, due to the fact that if we came north on our portion of the property it would allow a non -- or it would create a non-conforming connection intersection by ACHD standards. So, the idea was, hey, we will come in with you, we will work together, we will take some portion of your lot. That project has since been removed, the portion to the south. Our project was put into motion when they were put onto the agenda, at which point they had been taken off. Anyways, to the point now there is a new developer that is currently in their due diligence period and is purchasing the land and we have been working with them to get that and Joseph's condition about anything to do with getting -- getting an approval from the developer to the south or the landowner to the south, we feel that is totally justified and -- and we are on our way to -- to getting that and that is our plan. And with that I will stand for any questions.

Seal: Thank you. Anybody have any questions for the applicant or staff? No? Okay. Thank you very much. Madam Clerk, has anybody signed up to testify?

Weatherly: Mr. Chair, we have two people signed up, but neither one indicating a wish to testify. So, Chad Palmer, did you want to speak? Okay. And, Larry, do you want to speak or no? Thank you. That's all I have, Mr. Chair. No worries. Thank you.

Seal: Nobody online?

Weatherly: Not raising their hand, sir.

Seal: Okay. Is there anybody else in chambers that would like to testify, now is your chance or forever hold your peace. No? Was going to say, you get an opportunity to come back up and speak again, but if you have nothing to -- nothing to add, we will go ahead and move on. Do we have any questions to --

Grove: Mr. Chair?

Seal: Go ahead.

Grove: I do have a question. Question for you if you could -- with -- in regards to the Ten Mile area specific plan -- I think I got those letters in the right order. Will the revisions to the -- to the west side of -- will that change the layout? Will those -- will the design aspects of the Ten Mile area specific plan in any way alter just the layout, the concept or anything else with regards to how you have it now?

Schneider: Are you speaking specifically to the lot layout or to individual unit --

Grove: Either way. Just in terms of -- I mean I know that there is certain design aspects. Will -- will that -- will those design aspects change what -- what the product looks like I guess?

Schneider: Sure. I -- I believe that if we are specifically talking about the lot layout themselves, I -- I believe that we have worked with staff and we have found a plan that fits the Ten Mile specific plan as best we can at this time. Again, the plan is strong guidelines. It's not written in code. It's something that we are trying to follow as best we can and so I believe -- maybe it's a question Joseph can follow up with, but I believe a lot layout wise in -- in regards to where individual parcels are located, I do not believe that we will need to make any revisions specifically to meet -- or further meet the Ten Mile specific plan. However, Joseph's made it clear to us about the elevations of individual units and trying to find something that can fit well and that's something that we are fine to work with.

Seal: Any other questions? No?

Dodson: Mr. Chair, I just had a couple comments. To -- to that -- to Mr. Grove's point, I agree with the applicant. I don't anticipate it changing any of the lot lines and I just recounted again and, apparently, I don't know, two months ago I couldn't count at all, because I swear I counted like six or seven times, but they have the 75. So, we are good on the density.

Seal: Eighth time is a charm.

Dodson: Yeah. I -- yeah. I -- yeah. The other comment I wanted to make was regarding the -- the sidewalk issue along Aviator. I completely understand the applicant's perspective. I get it. There is a couple things going on. One, what is currently constructed on the south side of Aviator does not currently meet our code and should not have been



approved. So, doing it again does not make it better and because of that there is -- there is no alternative compliance and it doesn't meet our variance applicability standards to use either of those avenues in order to change what code is saying that it has to be five foot detached. ACHD in their policies allows for seven foot attached, but our code for collector streets does not. Further, I think once we dive into the site plan a little bit more with the applicant, I -- I noted in my staff report the buffer on the north side of Aviator is actually 30 feet wide to the lot lines, not 20, so they have ten feet of room that they could move the road up and that will be the four feet of landscaping from the edge of the back of curb and the five foot detached sidewalk on the south side and that's -- they got their space for that right there. At least doing preliminary math. Granted my track record's not good right now with that, but that I believe will work just fine and that way it avoids them having to go into the -- the pump house lot, because we do not want to deal with that. So, I -- I think we can make that work. I don't see any issues with that. Those are my main comments as of now.

Seal: Okay. Thank you very much.

Dodson: Yep.

Seal: I was going to say, does the applicant -- do they want to come back up? Is there anymore questions or are we ready to close the public hearing?

Lorcher: I have a question for staff.

Seal: Oh. Commissioner Lorcher, go ahead.

Lorcher: So, in regards to the sidewalk, Joe, where there is seven foot along Compass on Aviator and, then, you are requesting -- or requiring the applicant to change it to five foot detached, so if I'm a kid going to -- from school to home or even aesthetically is that going to be weird, where it's kind of connected and all of a sudden the juggernauts to a different whole thing or --

Dodson: I -- I -- I -- Commissioner Lorcher, I understand your point there. This does happen, unfortunately, when certain things get approved or, frankly, it happens most often when ACHD comes back and widens the road and tears things out and, then, all of a sudden you have a segment of attached sidewalk, when it is detached everywhere else along the corridor. They have -- they have to meet certain ADA standards for the curvature of it. They can't just 90 it and go.

Lorcher: Right.

Dodson: So, it will look better than just that. But it is a requirement of code, so I -- there is -- I can't do anything. There is no avenue in order to say, oh, you do that. The only caveat would be, as bossman just reiterated to me, if it's less than 300 feet I believe -- I don't know what the length is there, but if it's less than 300 feet the director can waive the requirement of the detached portion. However, it's not something staff necessarily wants,

because the whole segment is going to be -- all the rest of it is going to be five foot detached. That's what we are going to require with the project to the east. That's what it is on the Entrada Farms, all that. So, to do it here doesn't make a lot of sense if they have the space, because it shouldn't have been done to begin with. So, it's just kind of like where do you draw the line of the -- the non-conformity.

Lorcher: Thank you.

Dodson: You're welcome.

Seal: Anybody else? Okay. Can I get a --

Grove: Mr. Chair?

Seal: Go ahead, Commissioner Grove.

Grove: Just thinking ahead on this. My personal preference on what -- where this might end up going would be to continue this to allow some of those changes to be made to make sure that it lines up. If we were going to do that could we check with the applicant first --

Seal: Sure.

Grove: -- before closing the public hearing, so that we don't have to yo-yo?

Seal: Got you. Yeah. Is there anybody else want to weigh in on that, continuance versus pass tonight? Okay. Sir, come back up. And I -- yeah, I think there is -- there is enough in here -- and I understand that, too, as -- as I read through it to me it was kind of -- there was a lot of things in here that kind of spoke to not quite ready to go through and I mean we have -- we have got to do our due diligence in order to make sure whatever gets passed on to City Council is something that they don't have to throw back our way and -- cause you more time and effort to be spent, so -- and outside of Joe's math, everything is still -- just lines up with that, so --

Schneider: Just to -- just to comment on that, we -- Joseph's comment about the -- the extra space to the north, if -- we can make that five foot detached work and -- and we will be more than willing to work with Joseph before then to continue this application along, as opposed to deferring it to a later date. But that -- that's just our comment at this time.

Seal: Okay. So, I -- I mean I -- I just think there is some things that can be done, especially with the roadway. The property to the -- to the south, that's one of my bigger concerns. I have a child that goes to Compass Charter, so traffic there is a nightmare, so -- it really is. It has significant issues and there is -- even though it's marked no parking, people park along there and everything. So, anytime they have a cakewalk it's pandemonium. So, definitely want to make sure that we get that portion of the road right, you know, for now and into the future. So, just think there is some things that could probably be worked

on and determined to -- you know, at a later date that will kind of firm this whole thing up and, you know, make the application a little bit more firm.

Schneider: As Joseph's staff report mentions, we are required to have that approval of the agreement with the neighboring parcel to the south prior to the City Council meeting and if that is a concern it -- I would -- I would argue that it's been met with the fact that we can't actually take it to Council until we have in writing an agreement that is -- that is agreed upon by both parties. Is there -- is there any other condition or any other worries that I could speak to at this time?

Seal: Commissioner Grove?

Grove: I think for me the road aspect, making sure that that agreement is in place and ready to go, the sidewalk is able to be integrated the way that it's required to be integrated and that, you know, the -- the piece coming in was the numbers piece and making sure that worked out and my concern was that there might be some -- if there was any change to meet the ten area -- Ten Mile area specific plan, if it had any changes, I wanted to make sure that that was in place prior to approval or denial -- or recommended approval or denial, so that it was a complete -- completed project that was fully recommended or fully denied to move forward and so that's -- that's why I was wanting to know if you were -- if we get to a point where we can't make that decision tonight, if -- if we cannot do that, if -- if you would be open to continuing or if you are asking us to -- if it gets to that point to deny, rather than continue, or where -- where you are at with that. So, it's more about where you are at in terms of that process.

Schneider: Obviously we -- we would much rather continue, as opposed to getting a denial -- or a recommendation of denial. So, we would be open to continuing in that regard and, like I said, I think that Joseph's made it clear that it seems like we can make something work, especially about the landscape buffer, but I completely understand, if you need more time we can work with that. Thank you.

Seal: Okay. So -- yeah. And I just -- I mean before we move to -- I mean it sounds like a continuance is kind of like where -- where we are moving, but I think --

Grove: Mr. Chair?

Seal: Yeah. Go ahead.

Grove: I think we could close the public hearing and have that discussion and, then, if a continuance is needed, then, open it back up for that sole purpose.

Seal: Okay. That's fine with me. So, can I get a motion to --

Grove: Mr. Chair?

Seal: Go ahead.

Grove: I move to close the public hearing for file number H-2021-0096.

Seal: So, a second?

Yearsley: Second.

Seal: It's been moved and seconded to close the public hearing for H-2021-0096. All those in favor? Any opposed? Okay. Motion carries. The public hearing is closed.

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

Seal: Joe, if you don't mind, I kind of want to go through -- I have kind of got mixed feelings on this. I mean as I initially read through it it just seemed like there was a lot of loose ends, a lot of things that were going on. It seems like we have tied up some of those loose ends tonight, so I just kind of want to go back through some of the conditions that were written in there, just to see what's -- we, obviously, have the -- the road. I mean -- and that's a big one. It would be nice to see that one done up, but if it's -- if there is a condition of approval in there already, it has to be buttoned up before it gets to Council, in my mind --

Dodson: Mr. Chair, yes, there is -- there is actually two different conditions. There is one regarding the dedication of the right-of-way and all that before final plat, but, then, there is also the agreement with the property owner that I did state that should be presented to me or planning staff in general before the Council meeting, yes.

Seal: Okay.

Dodson: And that's to your point exactly, that it -- that's such a big piece of it, that if that's not done, then, we got to kind of -- we got to go backwards anyways, so I understand your point there, if that's worth a continuance, but I do have that buttoned up and I would agree with you prior to the meeting I think it felt like death by a thousand cuts kind of thing, at least towards a continuance, but now we have cleared some of that up, which is great. I love that. It seems less imperative to me than it did.

Seal: Okay. So, I mean we have got the -- essentially the density requirements are good. Does that also reconcile the parking requirements that were in there?

Dodson: The parking was only for the multi-family, so it does not reconcile those, no.

Seal: Okay.

Dodson: Because I assume they are not going to add multi-family units, they just -- the space isn't there. But the single family was where I was looking, but they are good.

Seal: Okay. So, essentially, we have got the -- yep. We got hung up on that. So, I forgot to ask the questions about the property management and off -- off-street parking. And,

then, the condition that needs to have sprinklers in it throughout. So, generally speaking, with -- I mean, essentially, unless they want to stick to 30 units, they are going to have to have sprinklers in everything. That -- I mean is what it comes down to and that's generally what the fire department does, so --

Dodson: Right. Not necessarily. So, again, that -- it depends on the phasing.

Seal: Okay.

Dodson: And this is where they are working with the property owner to the south, as well as the property owner to the east, to try and set this up appropriately, so they don't have to do that. Obviously, development takes time. This isn't a final plat, et cetera. If they build the road 150 feet east of this local street it does not require a cul-de-sac; right? Or a temporary turnaround or anything. This remaining area would be road trusted. ACHD will take care of that. This application would have to get submitted and approved and, then, once that gets extended they -- they -- by that time they could have started the multi-family, which has to be sprinklered anyways. They are good to go on all that. They can construct the local road. They can do all of the site work. If that is all done and, then, this road gets extended or is dedicated and under construction, then, fire would not require these to be sprinklered. So, again, they are not phasing the project, there is no need, but the construction phasing will probably end up being that way and that's what the applicant and I have discussed and that's to avoid that. Now, if it comes down to the wire and they need to get these units done, I'm sure that that's just going to be what they do and they sprinkle them and move on.

Seal: Okay.

Dodson: But there -- I do have a condition about that already. So, that -- and that is something that's, frankly, not entirely pertinent to the public hearing and whether it's done now or later, it -- we got it taken care of. It's going to be a later issue.

Seal: Okay. And you do have a -- one of the conditions of approval is the property management office that in order to meet that that they need to have that and the amenities they are going to have to meet in order to move on as well.

Dodson: Correct. Yeah. All those things. The property management office and the maintenance area I would like to see before Council, but the amenities stuff and all that, I assume they can fix that really quickly.

Seal: Okay.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: So, in regard to the Aviation Street and ACHD making those improvements, what kind of attention can we get from ACHD? Is it something that's going to be pushed back, like Black Cat, until 2031 or is that something that they would do sooner than later?

Dodson: Commissioner Lorcher, if the applicant road trusts, which is basically just put up the money for it, as soon as it gets constructed or begins construction on the property to the east, ACHD will do it. They will do the work. It's not a CIP project, so there is no waiting around for public funds or anything, it will already be trusted in and ready to go.

Lorcher: Okay. Thank you.

Seal: Okay. I feel a lot better about the project. I think there is, you know, a few things that could be done, but I don't think there is anything -- I'm not seeing anything that's making me pause, you know, think that this is going to get to City Council and, then, they are going to, you know, try and remand it back to us to take a look at. So, I -- I sympathize for you on this piece of property. This was going to be the greatest soccer field ever, which is why the drainage goes out -- you know, all the different things about it. So, you know, the way this is having to be built, you know, I -- part of me looks at this as in-fill, just because of where it's at and how it has to be constructed, the way that the -- the ditch has to be rerouted and everything. I agree it would be nice to keep that open, but I just don't see that that's a possibility. If you have to reroute it I don't know that there is a way to do that efficiently without piping it, that would make the users of that irrigation water happy long term anyway. So, you know, I do like a lot of -- that you have a lot of different products in here. There is a lot going on. I like the road -- the way that the road comes in and goes around provides, you know, ample circulation for -- for this. So, I don't know. I -- I mean at this point I don't see anything that -- I'm not seeing anything that Joe hasn't already taken care of as far as the staff report that I wouldn't be able to support. Commissioner Grove, go ahead.

Grove: Mr. Chair. I would agree. I had some concerns. They have been largely addressed or at least addressed within the conditional -- conditions of approval. I think the site constraints are going to make this rather difficult to do a whole lot else with it. I think that it fits and, you know, having the Ten Mile area specific plan to help guide some of the design gives it another piece to, you know, integrate with what's there. So, I'm on board. I think there is some work to be done before City Council, but it all seems doable and it's -- it's not something that should really stop or slow down the process at this point.

Seal: Okay. Anybody else?

Yearsley: I have no concerns.

Seal: Okay. At this point I'm looking for a motion.

Dodson: Mr. Chair, just real quick. Since I can count tonight, I would say with any motion that I recommend striking condition 12-A, because that's the unit one.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: Okay. All right. After considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of file number H-2021-0096 as presented in a staff report for the hearing date of March 3rd, 2022, with the following modification: That Condition 12-A be stricken.

Seal: Okay. Do I have a second?

Lorcher: Second.

Seal: It's been moved and seconded to recommend approval of Item No. H-2021-0096 with aforementioned modifications. All in favor? Any opposed? Motion -- motion carries. Gosh, I almost said that wrong. I'm reading -- reading ahead.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Grove: I have a question for staff real quick. Is that okay?

Seal: I don't know.

Grove: Do we need to do another motion, because there was a CUP also, on that or does that get --

Dodson: No. That's all part of the same deal when it -- when it's all together like that you are good.

Grove: Cool.

Seal: All right. Thank you very much. At this point I'm looking for one final motion.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley.

Yearsley: I move we adjourn.

Seal: Do I have a second?

Stoddard: I second.

Seal: It's been moved and seconded that we adjourn. All in favor say aye. Any opposed? Motion carries. Thank you all very much.

MEETING ADJOURNED AT 8:11 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 Eagle Road Daycare Facility (H-2022-0007) by 814 Development, LLC, Located at 3060 S. Eagle Rd.

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



**In the Matter of the Request for Conditional Use Permit for a Daycare Center Providing Childcare for up to 216 Children in the C-C Zoning District for Eagle Road Daycare Facility, Located at 3060 S. Eagle Rd., by 814 Development, LLC.**

**Case No(s). H-2022-0007**

**For the Planning & Zoning Commission Hearing Date of: March 3, 2022 (Findings on March 17, 2022)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of March 3, 2022, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of March 3, 2022, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of March 3, 2022, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of March 3, 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 March 3, 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 March 3, 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. Notice of Final Action and Right to Regulatory Takings Analysis

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

#### F. Attached: Staff report for the hearing date of March 3, 2022

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

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

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

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

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

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

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

\_\_\_\_\_  
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

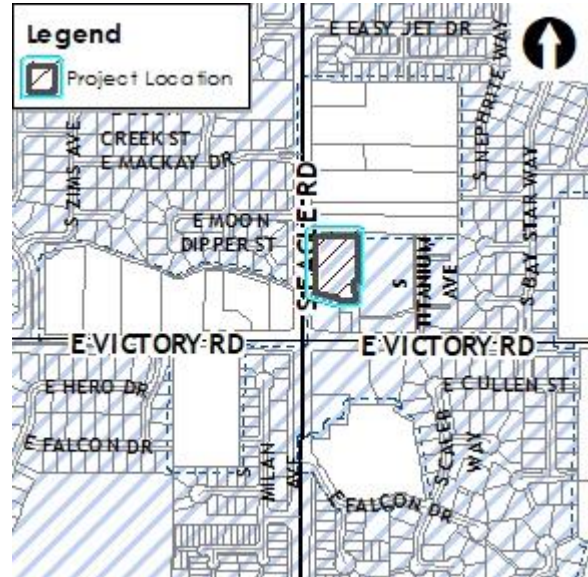
HEARING DATE: 3/3/2022

TO: Planning & Zoning Commission

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

SUBJECT: H-2022-0007  
Eagle Road Daycare Facility – CUP

LOCATION: 3060 S. Eagle Rd., in the SW ¼ of Section 21, Township 3N., Range 1E.



#### I. PROJECT DESCRIPTION

Conditional use permit (CUP) for a daycare center providing childcare for up to 216 children in the C-C zoning district.

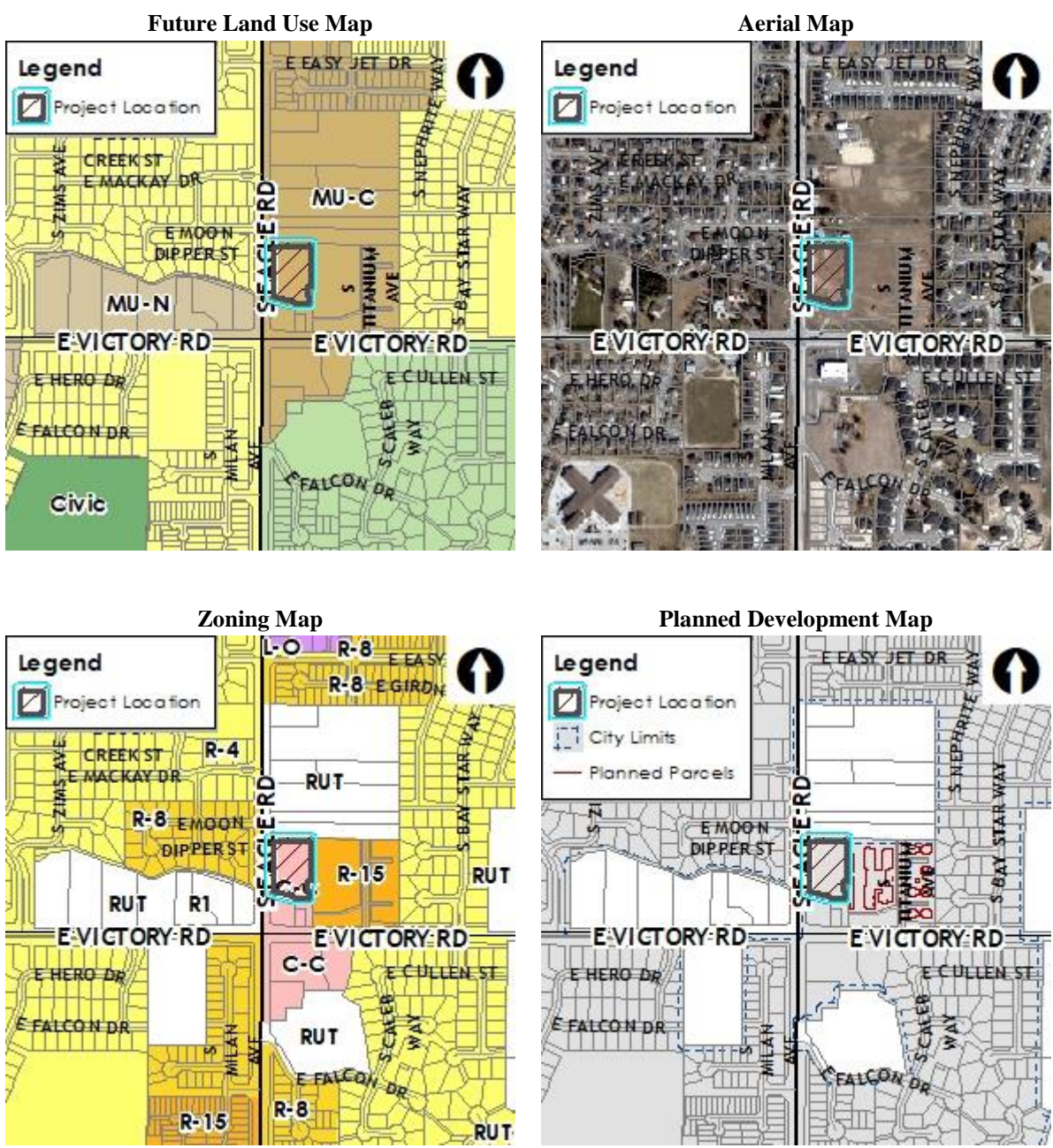
#### II. SUMMARY OF REPORT

##### A. Project Summary

Description	Details	Page
Acreage	1.15-acres (future Lot 3)	
Future Land Use Designation	Mixed Use – Community (MU-C)	
Existing Land Use	Vacant/undeveloped land	
Proposed Land Use(s)	Daycare center	
Current Zoning	Community Business District (C-C)	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	12/9/21	
History (previous approvals)	<a href="#">H-2019-0090</a> (Inglewood Place Sub. AZ, PP – Development Agreement Inst. # <a href="#">2019-124424</a> ); FP-2021-0037 (Inglewood Sub. 2); <a href="#">H-2021-0095</a> (DA modification – in process)	

# EXHIBIT A

## A. Project Area Maps



### III. APPLICANT INFORMATION

#### A. Applicant:

Samantha Kozlowski, 814 Development, LLC – 1695 Twelve Mile Road, Ste. 100, Berkley, MI 48072

#### B. Owner:

James Petersen, SEC 098, LLC – 197 W. 4869 S., Salt Lake City, UT 84107



# EXHIBIT A

C. Representative:  
Same as Applicant

## IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	2/15/2022
Radius notification mailed to properties within 300 feet	2/14/2022
Site Posting Date	2/21/2022
Next Door posting	2/14/2022

## V. STAFF ANALYSIS

A 13,660 square foot daycare center is proposed in the C-C zoning district which is designed to accommodate a maximum of 216 children and 24 staff members. A daycare center requires Conditional Use Permit (CUP) in the C-C zoning district as set forth in UDC [Table 11-2B-2](#) and is subject to the specific use standards listed in UDC [11-4-3-9](#).

Childcare and early education is proposed to be provided for children age 6 weeks to 6 years with after-school programs for children up to age 12; see [application](#) for more information on the proposed curriculum.

A modification to the existing Development Agreement (DA) was recently approved by City Council to update the conceptual development plan approved for the site to allow for development of the proposed use and the site layout ([H-2021-0095](#)) but has not yet been recorded. The proposed site plan is consistent with the updated conceptual development plan and uses approved with that application. **The amended DA and final plat for Inglewood Subdivision No. 2, within which this site is located, must be recorded prior to submittal of a Certificate of Zoning Compliance application for the proposed use.**

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

- A. General standards for all child daycare and adult care uses, including the classifications of daycare center; daycare, family; and daycare, group.
  1. In determining the type of daycare facility, the total number of children at the facility at one time, including the operator's children, is the determining factor. *The applicant proposes to provide childcare for up to 216 children; because the daycare plans to provide care for more than 12 children, it's classified as a daycare center.*
  2. On site vehicle pick up, parking and turnaround areas shall be provided to ensure safe discharge and pick up of clients. *On-site vehicle pick-up, parking and turnaround areas are provided; however, there is a driveway going through the parking area that will serve as a backage road to Eagle Rd. and will provide access to properties to the north and south. For safety, Staff recommends the row of parking on the east side of the*

## EXHIBIT A

*driveway is restricted to Staff members only and signed accordingly.*

3. The decision-making body shall specify the maximum number of allowable clients and hours of operation as conditions of approval. *The maximum number of allowable clients should be limited to those specified in this application (i.e. 216).*
4. The applicant or owner shall provide proof of criminal background checks and fire inspection certificates as required by title 39, chapter 11, Idaho Code. Said proof shall be provided prior to issuance of certificate of occupancy. The applicant or owner shall comply with all State of Idaho and Department of Health and Welfare requirements for daycare facilities. *The Applicant shall provide this information to the Planning Division as required.*
5. In residential districts or uses adjoining an adjacent residence, the hours of operation shall be between 6:00 a.m. and 11:00 p.m. This standard may be modified through approval of a conditional use permit. *A residential use exists on the abutting property to the north, zoned RUT in Ada County, and residential uses are planned on the abutting property to the east, zoned R-15. However, the proposed hours of operation are Monday through Friday from 6:00 am to 6:30 pm, which will not exceed those hours.*
6. Prior to submittal of an application for an accessory daycare facility in a residential district, the applicant or owner shall hold a neighborhood meeting in accord with subsection 11-5A-4.B of this title. Notice of the neighborhood meeting shall be provided to all property owners of record within one hundred (100) feet of the exterior boundary of the subject property. *Not applicable*

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

**B. Additional standards for daycare facilities that serve children.**

1. All outdoor play areas shall be completely enclosed by minimum six-foot non-scalable fences to secure against exit/entry by small children and to screen abutting properties. *A 4- to 6-foot tall steel fence is proposed, which does not meet this standard; the fence should be non-scalable, a minimum of 6-feet tall and provide screening of the play area.*
2. Outdoor play equipment over six (6) feet high shall not be located in a front yard or within any required yard.
3. Outdoor play areas in residential districts adjacent to an existing residence shall not be used after dusk.

*Compliance with these standards is required.*

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

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

*These standards are not applicable.*



## EXHIBIT A

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

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

**Access:** A right-in/right-out driveway access is proposed via S. Eagle Rd. at the southwest corner of this site as shown on the site/landscape plans consistent with that approved with the subdivision. Access is also available via an access easement depicted on the plat through the adjacent properties to the south and east via S. Titanium Ave., a local street off E. Victory Rd.

**An access easement is required to be provided to the property to the north (Parcel No. S1121336276) in alignment with the north/south driveway on this site; a copy of the recorded easement shall be submitted to the Planning Division with the Certificate of Zoning Compliance application for the subject property. Alternatively, the easement could be depicted on the Inglewood Subdivision No. 2 plat and recorded.**

**Parking:** Off-street parking is required to be provided in accord with the standards listed in UDC 11-3C-6 for non-residential uses which requires one (1) space per 500 square feet of gross floor area. Based on 13,600 s.f., a minimum of 27 spaces are required; a total of 29 spaces are proposed, including two (2) ADA compliant spaces.

**Although the proposed parking exceeds the minimum standards by two (2) and the number of staff members on-site at any one time will likely fluctuate, Staff is concerned that *if* the facility is at full capacity and up to 24 staff members are on-site at any one time there may not be adequate parking or pick-up/drop-off area for the proposed use. Therefore, Staff recommends a shared use agreement for parking is required with the property to the south in accord with the standards listed in UDC [11-3C-7](#). A recorded copy of the agreement should be submitted prior to issuance of a Certificate of Occupancy for the site. *Note: If the Commission finds the parking is inadequate or if the Applicant is not in favor of a shared parking agreement, the number of children cared for during the day could be reduced, which would also reduce the number of staff members that would need to be on-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](#). **A bicycle rack capable of holding a minimum of one (1) bicycle should be provided in accord with this requirement and depicted on the site plan. A detail of the bicycle rack should be submitted with the Certificate of Zoning Compliance application that demonstrates compliance with the standards in UDC 11-3C-5C.**

**Pedestrian Walkways:** A continuous internal pedestrian walkway that is a minimum of 5-feet wide is required to be provided from the perimeter sidewalk to the main building entrance and should be distinguished from vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19B.4. **The site plan submitted with the Certificate of Zoning Compliance application should reflect compliance with this standard. An internal walkway should also be provided to the residential care facility to the east for interconnectivity with adjacent uses as desired in Mixed Use – Community designated areas. *Note: The narrative submitted with the DA modification application (H-2021-0095) states walkways would be provided from the daycare to the senior living facility as part of the plan is for the children to visit (performances, arts, crafts, etc.) the seniors.***

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

# EXHIBIT A

A 25-foot wide landscape buffer is required to be provided to adjacent residential uses in the C-C zoning district per UDC [Table 11-2B-3](#); landscaping is required to be installed within the buffer in accord with the standards listed in UDC [11-3B-9C](#). A residential use exists to the north and a residential care facility has been approved to the east. Per this requirement, a 12.5’ wide buffer to total 25 feet should be provided along the eastern boundary of the site measured from the back of the adjacent garages; and a 25-foot wide buffer should be provided along the northern property boundary adjacent to the residential use to the north. For the northern buffer, provide trees and shrubs within the southern 10 feet of the buffer as no plantings other than grass are allowed within the northern 15-foot due to an ingress-egress easement (Inst. #7907119) that runs along the northern boundary of the site that benefits the adjacent property to the north. **The site/landscape plan submitted with the Certificate of Zoning Compliance application should reflect compliance with this standard.**

*A reduction to the buffer width required on C-C zoned property adjacent to residential uses may be approved by City Council at a public hearing with notice to surrounding property owners as set forth in UDC 11-3B-9C.2. A reduction to the buffer width shall not affect building setbacks; all structures shall be set back from the property line a minimum of the buffer width required in the district.*

Street buffer landscaping along S. Eagle Rd. is required to be installed with the Phase 2 subdivision improvements.

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

**Building Elevations:** Conceptual building elevations were submitted for a single-story building as shown in Section VII.C that incorporate a mix of materials consisting of hardie panel board and batten siding with stone veneer accents and metal roofing.

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

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

## VI. DECISION

### A. Staff:

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

### B. The Meridian Planning & Zoning Commission heard this item on March 3, 2022. At the public hearing, the Commission moved to approve the subject CUP request.

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

- a. In favor: Samantha Kozlowski, Applicant’s Representative
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: Samantha Kozlowski, Applicant’s Representative
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: None

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

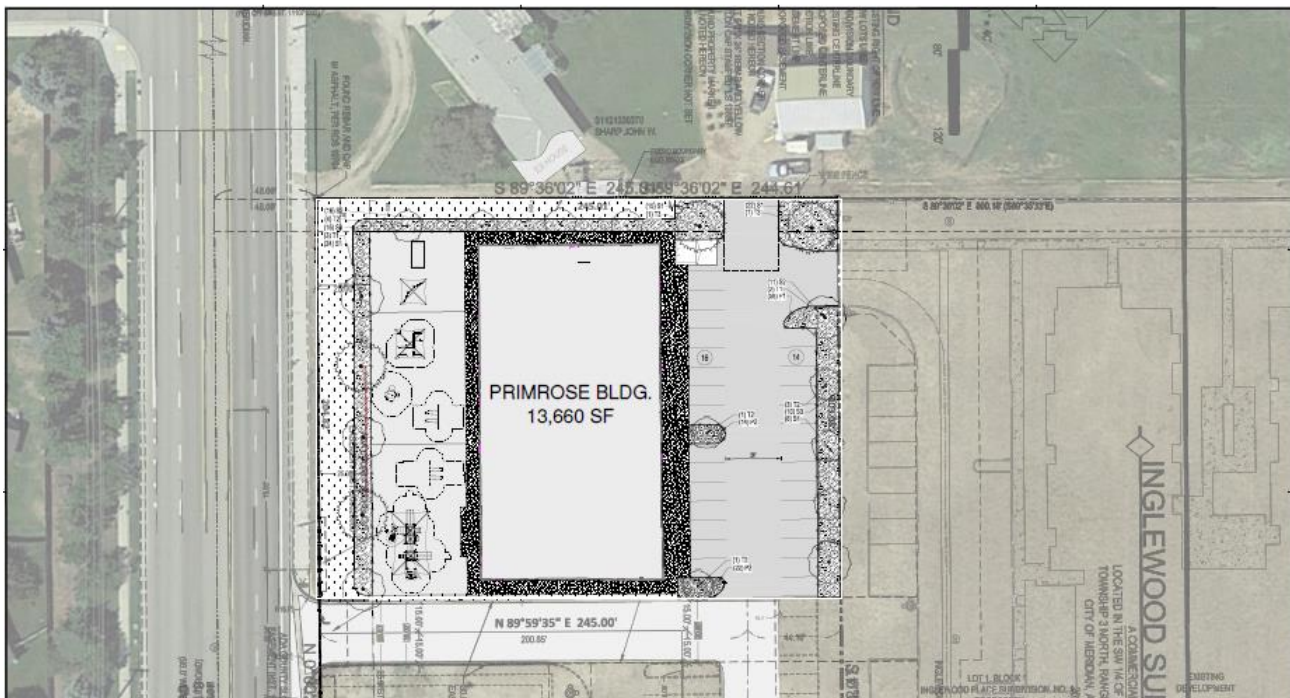
## EXHIBIT A


- a. The Applicant stated they can comply with condition #4d to provide a walkway from the perimeter sidewalk to the main building entrance and should be able to comply with #4e which requires a 25' wide buffer to the residential use to the east, but will likely need to request a reduced buffer width to the residential use to the north from City Council.
3. Key issue(s) of discussion by Commission:
  - a. Concern that this site may not be large enough to accommodate the proposed use in regard to meeting the minimum UDC standards pertaining to buffers to residential uses and adequate parking based on the number of staff members and clients on-site at any one time.
4. Commission change(s) to Staff recommendation:
  - a. None



# EXHIBIT A

## B. Proposed Landscape Plan





**CODE REQUIREMENTS**

**VEGETATION**

1. VEGEATION CONCERN: REQUIRED LANDSCAPE AREAS SHALL BE AT LEAST 70% COVERED WITH VEGETATION AT MATURITY. WITH MULCH UNDER AND AROUND THE PLANTS.
2. WATER CONSERVING DESIGN
3. LAWN AND TURF AREAS SHALL NOT COMPRE MORE THAN 10% (10%) PERCENT OF THE TOTAL LANDSCAPE AREAS AND SHALL CONSIST OF WATER CONSERVING GRASSES INCLUDING, BUT NOT LIMITED TO, BUFFALO GRASS, BLUE GRASS, COMPACT TURTLE CREEK GRASS, AND/OR HYDRANGEA TALL GRASS.
4. 1,500 SFS = 1,500 SF WATER CONSERVING DESIGN

**PARKING**

1. REQUIREMENT PROVIDE A TREEWOOD BUFFER LANDSCAPE BUFFER ADJACENT TO PARKING, LOADING, OR OTHER HARD USE AREAS INCLUDING CONCRETS, VEHICLE SALES AREAS, TRUCK PARKING AREAS, BUS PARKING AREAS, AND VEHICLE STORAGE AREAS.
2. REQUIREMENT TO BE BIRD FRIENDLY ON BUFFER REQUIREMENTS SECTION.
3. WITHIN THE PARKING LOT, EACH INTERIOR PARKING SPACE THAT SERVES A SINGLE ROW OF PARKING SPACES SHALL BE UNCOVERED WITH AT LEAST ONE TREE AND COVERED WITH APPROPRIATE LOW VEGETATION.
4. REQUIREMENT BASED ON LOT 1 + 2 TREES

**PLANT SCHEDULE**

STREET TREES	QTY	BOTANICAL / COMMON NAME	SIZE
T1	5	GLABER DISCOIDUS TREE	7' CAL
T2	5	GLABER DISCOIDUS TREE	7' CAL
T3	4	GLABER DISCOIDUS TREE	7' CAL

SHRUBS	QTY	BOTANICAL / COMMON NAME	SIZE
S1	26	PERENNIAL 1	2' GAL
S2	26	PERENNIAL 2	2' GAL
S3	27	SHRUB 1	2' GAL
S4	26	SHRUB 2	2' GAL

GROUND COVER	QTY	BOTANICAL / COMMON NAME
GC1	1,500 SF	DOUBLE SHREDED HARDWOOD MULCH
GC2	1,500 SF	PINE FIDDLE CRICKET TOLERANT SEED MIX TURF

**PROPERTY INFORMATION**

THIS DOCUMENT IS THE PROPERTY OF I & B GROUP, INC. AND MAY NOT BE REPRODUCED, COPIED OR DUPLICATED WITHOUT PRIOR WRITTEN CONSENT.

**PROJECT:** MERIDIAN (S) ID CHILD CARE CENTER

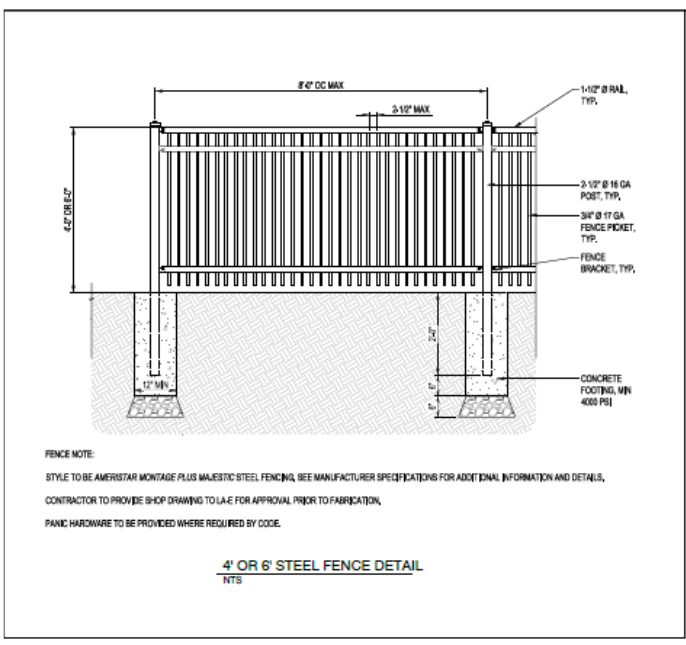
**MERIDIAN (S) ID:** 10

**DATE:** 08/15/2023

**SCALE:** 1" = 10'

**TITLE:** SITE PLAN CONCEPT

**SHEET:** 1







## 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 (DA) (Inglewood Place Sub. AZ, PP [H-2019-0090](#) – DA Inst. #[2019-124424](#)); [FP-2021-0037](#) (Inglewood Sub. 2); [H-2021-0095](#) (amended DA – in process) and the conditions contained herein.
2. The amended development agreement shall be recorded prior to submittal of an application for Certificate of Zoning Compliance for the proposed use (H-2021-0095).
3. The final plat that includes the subject property shall be recorded prior to submittal of a Certificate of Zoning Compliance application for this site (FP-2021-0037 Inglewood Subdivision No. 2).
4. The site plan and landscape plan submitted with the Certificate of Zoning Compliance application shall be revised as follows:
  - a. All outdoor play areas shall be completely enclosed by minimum six-foot non-scalable fences to secure against exit/entry by small children and to screen abutting properties in accord with UDC 11-4-3-9B.1; depict fencing accordingly. *Note: The proposed wrought iron fence does not meet this standard.*
  - 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. Depict the location of the bicycle rack and a detail of the bicycle rack that demonstrates compliance with the design standards in UDC [11-3C-5C](#).
  - d. Depict a continuous internal pedestrian walkway that is a minimum 5-feet in width from the perimeter sidewalk along Eagle Rd. to the main building entrance in accord with UDC 11-3A-19B.4; and to the residential care facility to the east and to the future commercial uses to the south for interconnectivity with adjacent uses as desired in Mixed Use – Community designated areas. Where the pathway crosses vehicular driving surfaces, it shall be distinguished through the use of pavers, colored or scored concrete, or bricks as set forth in UDC [11-3A-19B.4](#).
  - e. Depict a minimum 12.5-foot wide buffer along the eastern property line to total 25-feet, measured from the back of the garages on the adjacent residential property, in accord with UDC Table 11-2B-3, which requires a 25-foot wide buffer on C-C zoned property adjacent to a residential use and/or district. Depict landscaping in accord with the standards listed in UDC [11-3B-9C](#).
  - f. Depict a minimum 25-foot wide buffer along the northern property line adjacent to the residential property as set forth in UDC Table 11-2B-3 for the C-C district, unless a reduced width is approved by City Council at a public hearing with notice to surrounding property owners. Depict landscaping within the southern 10 feet of the buffer in accord with the standards listed in UDC [11-3B-9C](#); no trees/shrubs or plantings other than grass shall be planted within the northern 15-feet as there's an access easement that runs along the northern boundary of the site that benefits the adjacent property to the north.
5. Compliance with the standards listed in UDC [11-4-3-9](#) – Daycare Facility is required.
6. The applicant or owner shall provide proof of criminal background checks and fire inspection

## EXHIBIT A

certificates as required by title 39, chapter 11, Idaho Code. **Said proof shall be provided prior to issuance of Certificate of Occupancy.** The applicant or owner shall comply with all State of Idaho and Department of Health and Welfare requirements for daycare facilities.

7. The maximum number of allowable clients shall be 216 as proposed with this application.
8. The business hours of operation shall be limited to the hours between 6:00 am 11:00 pm in accord with UDC 11-2B-3B.
9. Outdoor play equipment over six (6) feet high shall not be located in a front yard or within any required yard in accord with UDC 11-4-3-9B.2. Although play equipment over 6-feet in height may be provided, because there isn't a required setback (i.e. yard) in the front, this requirement is not an issue.
10. The driveway access via S. Eagle Rd. is restricted to a right-in/right-out access per the Development Agreement.
11. An access easement shall be provided to the property to the north (Parcel No. S1121336276) in alignment with the north/south driveway on this site; a copy of the recorded easement shall be submitted to the Planning Division with the Certificate of Zoning Compliance application for the subject property. Alternatively, the easement could be depicted on the subdivision plat and recorded.
12. The row of parking on the east side of the north/south driveway shall be restricted to staff member parking only and signs shall be erected accordingly.
13. A shared use agreement for parking shall be required with the property to the south in accord with the standards listed in UDC 11-3C-7. **A recorded copy of the agreement shall be submitted prior to issuance of a Certificate of Occupancy for the site.**
14. 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. *The Development Agreement requires some of the same design elements to be incorporated in the commercial portion of the development as in the residential portion.*
15. 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

1. Streetlights for Inglewood Subdivision No 2 must be installed and operational, with approved record drawings submitted, prior to any form of occupancy of this building.
2. No Public Works water or sewer main infrastructure is proposed, if any changes to City utilities is needed, Public Works Engineering must review and approve that work prior to construction.
3. Fire flow was modeled at 1500 gpm, contact Public Works Engineering if more than 1500 gpm is required.



## EXHIBIT A

### C. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=252119&dbid=0&repo=MeridianCity>

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=253133&dbid=0&repo=MeridianCity>

## IX. FINDINGS

### Conditional Use (UDC 11-5B-6)

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

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

*The Commission finds the site is large enough to accommodate the proposed development and meet all dimensional and development regulations of the C-C zoning district if the Applicant complies with the conditions in Section VIII.*

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

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

*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.

## EXHIBIT A

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

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

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

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

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

*This finding is not applicable.*

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

*This finding is not applicable.*



## AGENDA ITEM

**ITEM TOPIC:** Findings of Fact, Conclusions of Law for Meridian U-Haul Moving and Storage (H-2021-0085) by Gurnoor Kaur of Amerco Real Estate Company, Located on Parcel R8257510015 and at 1230 and 1270 E. Overland Rd., Near the Northwest Corner of E. Overland Rd. and S. Locust Grove Rd.

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



**In the Matter of the Request for Conditional Use Permit for Meridian U-Haul Moving and Storage, Located at 1230 and 1270 E. Overland Rd. and Parcel # R8257510015 in the C-G Zoning District, by Gurnoor Kaur, Amerco Real Estate.**

**Case No(s). H-2021-0085**

**For the Planning & Zoning Commission Hearing Date of: March 3, 2022 (Findings on March 17, 2022)**

**A. Findings of Fact**

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

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

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

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

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

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

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

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

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

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

Attest:

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

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

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

# EXHIBIT A

## STAFF REPORT

### COMMUNITY DEVELOPMENT DEPARTMENT



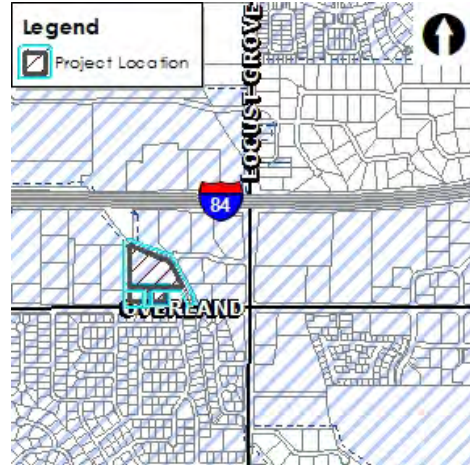
HEARING DATE: 2/17/2022

TO: Planning & Zoning Commission

FROM: Alan Tiefenbach, Associate Planner

SUBJECT: H-2021-0085  
Meridian U-Haul Moving and Storage

LOCATION: 1230 and 1270 E. Overland Rd. and Parcel # R8257510015, at the northwest corner of E. Overland Rd and S. Locust Grove Rd.



### I. PROJECT DESCRIPTION

Request for a Conditional Use Permit to allow self-storage, vehicle and equipment rentals with outdoor display, and ancillary retail on 6.86 acres in the C-G zoning district, by Gurnoor Kaur, Amerco Real Estate Company. A Development Agreement Modification regarding this development was approved by the City Council on February 3, 2022.

### II. SUMMARY OF REPORT

#### A. Project Summary

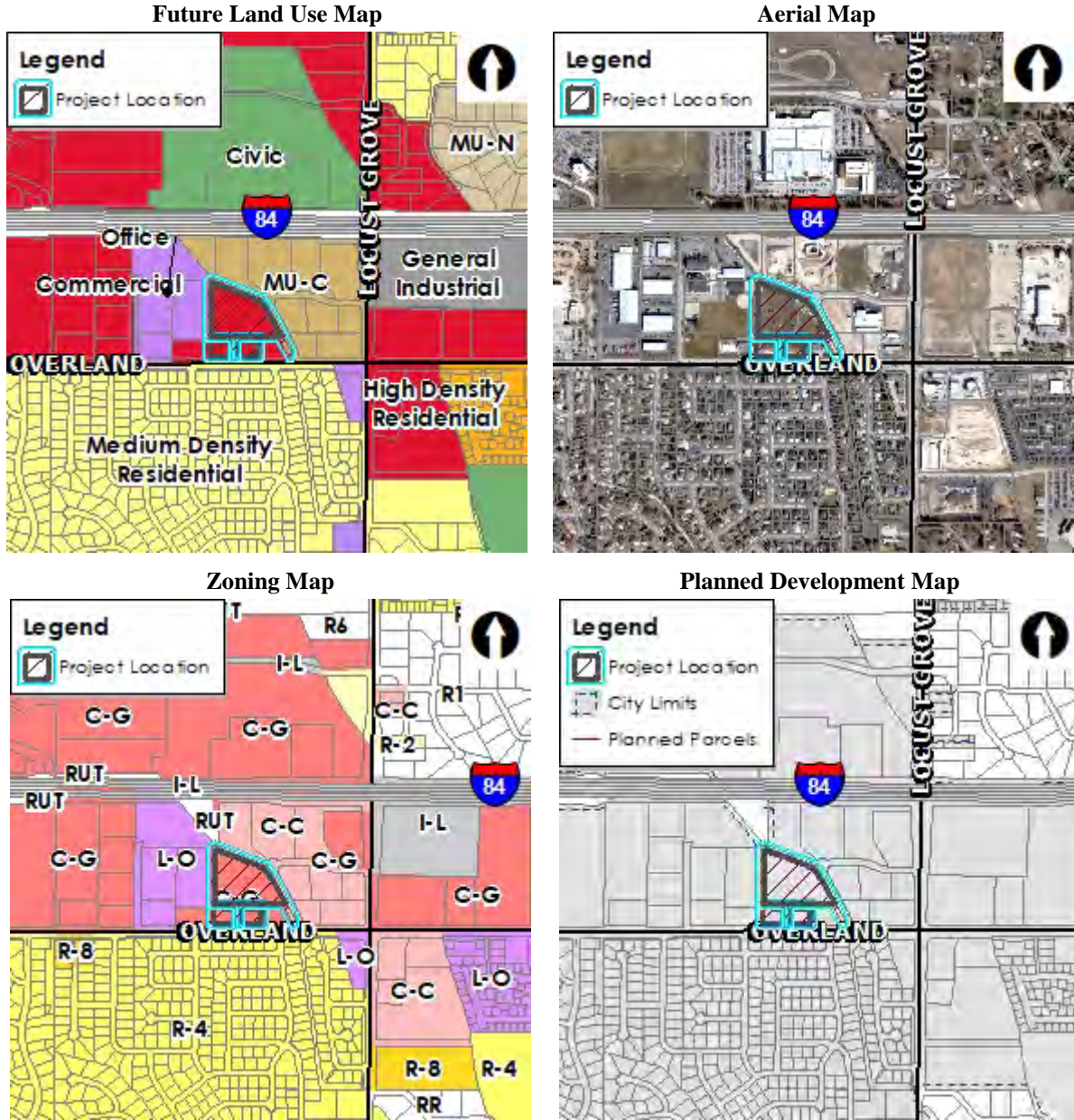
Description	Details	Page
Acreage	6.86	
Future Land Use Designation	Commercial	
Existing Land Use(s)	Vacant	
Proposed Land Use(s)	Self-Storage, Equipment and Vehicle Rental with Outdoor Display, Ancillary Retail	
Lots (# and type; bldg./common)	3 existing lots	
Physical Features (waterways, hazards, flood plain, hillside)	Nine Mile Creek is just off the property to the east.	
Neighborhood meeting date; # of attendees:	October 13, 2021; No attendees	
History (previous approvals)	Annexation AZ-99-018, DA Instr. # 100029704, Preliminary Plat PP-99-015, FP-00-005, CUP 99-033, MDA H-2021-0101	



B. Community Metrics

Description	Details	Page
<b>Ada County Highway District</b>		
<ul style="list-style-type: none"> <li>Staff report (yes/no)</li> </ul>	No	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	There is existing access from E. Overland Dr; site plan shows an additional access from S. Labrador Wy	
Stub Street/Interconnectivity/Cross Access	A cross access easement exists with the property at 1322 E. Overland Rd	
Existing Road Network	E. Overland Rd and S. Labrador Wy	
Existing Arterial Sidewalks / Buffers	There are existing 5 ft. sidewalks along E. Overland Rd. and S. Labrador Wy.	
Proposed Road Improvements	None	
<b>Fire Service</b>		
<ul style="list-style-type: none"> <li>No comments</li> </ul>		
<b>Police Service</b>		
<ul style="list-style-type: none"> <li>No comments</li> </ul>		
<b>Wastewater Comments</b>		
	<ul style="list-style-type: none"> <li>No comments</li> </ul>	
<b>Water</b>		
<ul style="list-style-type: none"> <li>Distance to Water Services</li> </ul>	0	
<ul style="list-style-type: none"> <li>Pressure Zone</li> </ul>	4	
<ul style="list-style-type: none"> <li>Water Quality</li> </ul>	No concerns	
<ul style="list-style-type: none"> <li>Project Consistent with Water Master Plan</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>Impacts/Concerns</li> </ul>	<ul style="list-style-type: none"> <li>There are no utilities shown in this record. Public Works will need to review and approve the utility plan.</li> <li>There are no changes to the water infrastructure in this record.</li> <li>There are existing water stubs along the southern property line that either needs to be used or abandoned.</li> <li>A utility plan needs to be reviewed and approved by Public Works.</li> </ul>	

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant / Representative:

Gurnoor Kaur, Amerco Real Estate – 2727 N. Central Ave, Ste 500, Phoenix, AZ, 85004

B. Owner:

Adler AB Owner I, LLC – 8665 W. Emerald St. Ste 200, Boise, ID, 83704

**IV. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>	<b>City Council Posting Date</b>
Notification published in newspaper	1/18/2022	
Notification mailed to property owners within 300'	1/14/2022	
Applicant posted public hearing notice sign on site	1/28/2022	
Nextdoor posting	1/14/2022	

**V. STAFF ANALYSIS**

This is a proposal for a conditional use to allow self-storage, rental and outdoor display of vehicles and equipment, and ancillary retail to allow a U-Haul business. The project includes 8 buildings ranging in size between 117,000 sq. ft. to 1,400 sq. ft. with an outdoor rental display area directly along E. Overland at the south perimeter of the property. A development agreement modification was approved by City Council on February 8, 2022.

The property consists of three lots totaling 6.86 acres. It was annexed into the City in 1999 as the Overland Storage Annexation (AZ-99-018, DA Instr. # 100029704, Preliminary Plat PP-99-015). The development agreement allows the construction, development and use of only a ministorage facility consisting of eight buildings of various sizes and one caretaker unit pursuant a conditional use permit. A Conditional Use Permit (CUP-99-033) was approved for this use in October of 1999 and a final plat was recorded in 2002 (Pack it Up Subdivision, FP-00-005). The approved self-storage facility was never developed.

Staff and the applicant have had numerous discussions regarding the location of a new facility, and due to the location, surrounding uses, and C-G zoning this particular location was selected. However, in addition to self-storage, as is typical for a U-Haul facility, the applicant intends to display U-Haul trucks and equipment for rental. A conditional use permit is required for these uses in the C-G zone district. As the existing development agreement is very specific to allowed uses, the applicant has recently received City Council approval on a development agreement modification to allow the outdoor display and ancillary retail, however the amended DA has not been approved and recorded.

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

Commercial – This designation will provide 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.

*The subject site is zoned General Retail and Service Commercial District (C-G). This allows a broad range of commercial uses. The property is bordered by a daycare to the east, roofing business and contractor’s yard to the west, climbing gym, church and industrial business to the north. There is existing single family residential across E. Overland Rd to the south (Sportsman Pointe Subdivision).*

*The description of commercial in the comprehensive plan does not specifically mention storage or equipment rental. However, the property is already zoned C-G which allows self-storage, and vehicle and equipment rental by conditional use subject to specific use standards. The retail component is a principally permitted use and is not subject to any specific use standards.*

## B. Zoning

The property is already zoned C-G, which allows self-storage, and equipment and vehicle rental by conditional use subject to the specific use standards as listed below.

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

- “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 services are available and will be extended by the developer to the proposed lots upon development of the site in accord with UDC 11-3A-21.*

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

*Landscape buffers and parking lot landscaping is required to be provided with development of this property in accord with UDC 11-3B. As mentioned in the specific use standards section below, staff is also recommending additional perimeter treatment along E. Overland Rd.*

- Maintain integrity of neighborhoods to preserve values and ambiance of areas (3.05.02).

*If the applicant complies with the design guidelines outlined in the ASM, conditions of approval listed in this staff report, UDC design standards and specific use standards, staff is of the opinion the proposed use should maintain the integrity of the neighborhood.*

- Require appropriate landscape and buffers along transportation corridors (setback, vegetation, low walls, berms, etc.) (3.06.02F).

*The subject property abuts E. Overland Rd. (arterial) and S. Labrador Wy (local). The UDC requires a minimum 25 ft. landscape buffer along arterial roads and 10 ft wide landscape buffer along local roads. The landscape plan reflects a 30 ft. wide buffer along E. Overland Rd. and 40 ft. wide buffer along S. Labrador Wy. The landscape plan also indicates a 40 ft. buffer adjacent to the C-C-zoned properties at the north and 10 ft. wide buffer to the L-O zoned properties to the west.*

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

*This is an area of Meridian characterized by industrial and commercial uses and residential across E. Overland Rd. Self-storage and equipment rental, sales, and service is allowed by conditional use in this location.*

- Ensure development provides safe routes and access to schools, parks and other community gathering places (3.07.02N).

*Seven-foot wide attached sidewalks currently exist along E. Overland Rd. and S. Labrador Wy. in accord with UDC 11-3A-17.*

## D. Existing Structures/Site Improvements:

The property is presently vacant.

## E. Proposed Use Analysis:

The proposed uses are defined as “storage facility, self-service”, “equipment rental, sales, and service”, and “vehicle rental” in the Unified Development Code (UDC). These uses are allowed by conditional use in the C-G zoning district per UDC Table 11-2C-2. These uses are also governed by the specific use standards listed in UDC 11-4-3-15, 11-4-3-38 and 11-4-3-34. The retail use is principally permitted use and is not subject to any specific use standards.



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

UDC 11-4-3 lists the specific use standards for self-service storage facilities, vehicle sales and rental, and equipment rental, sales and service. Standards for self-service facilities include storage units not being used as dwelling units, distance between structures being 25 ft., facility being completed fenced, walled or enclosed and screened from public view, and secondary emergency access. Specific use standards for equipment rental, sales and service require repair activities to occur within an enclosed structure, and outdoor display areas are prohibited in the required landscape buffer. In addition, the standards for vehicle rental states inoperable or dismantled motor vehicles shall be stored behind a closed vision fence, wall, or screen or within an enclosed structure and shall not be visible from any street.

Storage units will not be used as dwellings, and secondary access will occur on S. Labrador Wy. All repair of equipment will occur at a different location, or within the office. All storage is enclosed within one of the storage buildings.

**There are several buildings that do not appear to meet the minimum spacing requirement of 25 ft. This includes between the northeast corner of Building C and southwest corner of Building G, between Buildings G and H, and possibly between the northwest corner of Building A and the southern side of Building C. The site plan will need to be revised accordingly.**

In addition, due to the high visibility of the site and the residential uses directly across E. Overland Rd to the south, staff has concerns regarding trailers and other associated moving equipment being littered throughout the site. Although staff believes display of operable moving vehicles is acceptable along the southern property line, as a condition of approval, staff recommends all trailers and other moving equipment be stored behind a closed vision fence, wall, or screen or within an enclosed structure and not be visible from any street. Screening fences or walls should be designed to be consistent with building architecture in accord with UDC 11-4-3-33 and details of these walls, fence or screen shall be submitted at time of CZC.

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

The C-G zoning district requires a 25 ft. landscape buffer from arterial roads, 10 ft. buffer from local roads, and allows building heights of up to 65 ft. The landscape plan reflects a 30 ft. wide buffer along E. Overland Rd. and 40 ft. wide buffer along S. Labrador Wy. The landscape plan also indicates a 40 ft. buffer adjacent to the C-C-zoned properties at the north and 10 ft. wide buffer to the L-O zoned properties to the west. The building elevations indicate the highest building is approximately 39 ft. in height. More detailed review will occur at the time of the Certificate of Zoning Compliance (CZC).

The property is comprised of three different lots, and it appears the proposed buildings straddle internal lot lines. As a condition of approval, the applicant will be required to complete a parcel boundary adjustment to merge all lots into one property.

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

The Pack It Up Subdivision Plat allows access via a shared drive from E. Overland Rd and there is a second access proposed at the end of a “knuckle” on S. Labrador Wy. The site plan reflects these two accesses. Meridian Fire supports this configuration, and staff has not received comments from ACHD.

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

UDC 11-3C-6 states in all commercial districts self-service storage facilities shall only require parking based on the gross floor area of the office space. With the office and retail area being

shown at 3,000 sq. ft., 6 parking spaces are required, whereas the site plan shows at least 26 parking spaces along the south perimeter and 10 more directly adjacent to the office.

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

No pathways are shown on the master pathways plan for this site or provided with this development.

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

There are already 7 ft. wide attached sidewalks along E. Overland Rd. and S. Labrador Wy.

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

As mentioned above, the landscape plan reflects a 30 ft. wide buffer along E. Overland Rd. and 40 ft. wide buffer along S. Labrador Wy. The landscape plan also indicates a 40 ft. buffer adjacent to the C-C-zoned properties at the north and 10 ft. wide buffer to the L-O zoned properties to the west. This exceeds the landscape buffer requirements of UDC-11-3B. It does appear that the parking spaces shown along the southern perimeter exceed 12 spaces without a landscape planter of at least 50 sq. ft. and planting area of no less than 5 ft. in dimension per UDC 11-3B-8-C-2.

The subject property is located directly on E. Overland Rd. in a very visible location with established residential directly across E. Overland Rd to the south (Sportsman Pointe Subdivision). Accordingly, staff believes this development should reflect high quality design. Staff also has concerns regarding the impacts to adjacent residences associated with the headlights from moving trucks during early morning picks-ups as well as security lighting for moving equipment. **As a condition of approval, staff recommends a combination of a landscaped 4 ft. high undulating berm, decorative walls and evergreen shrubs along the entire front perimeter of the property. Staff also recommends all pole lighting along the front of the property be limited to 12 ft. in height and directed to the north, away from adjacent residences.**

**The site plan indicates a concrete irrigation structure along the southern property line. Per UDC 11-3B-5-J, if any utility easement precludes required trees, the width of the required buffer shall be increased five feet to accommodate the required trees.**

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

As mentioned in the specific use standards above, UDC 11-4-3-34 requires outdoor storage of equipment (other than operable vehicles) to be incorporated into the overall design of buildings and site landscaping so that the visual impacts of these functions are fully contained and screened from view of adjacent nonindustrial properties and/or public streets by a solid fence and/or wall with a minimum height of six (6) feet. Such fence and/or wall shall be constructed of complementary or of similar design and materials of the primary structure.

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

The Pack It Up Subdivision Plat and provided site plan shows a 40 ft. wide sewer easement along the north and east property lines which presently contains a sewer main, as well as irrigation easements. The applicant should coordinate with public works to ensure a service road is maintained within this area. The plat also reflects a 20 ft. wide sewer easement bisecting the property through the middle as well as east – west at the southern portion of the property. The site plan reflects buildings encroaching into these easements. As a condition of approval, the applicant shall vacate or relocate these easements as approved by Public Works. If these easements are not recorded under separate instrument numbers, vacation through a public hearing at City Council is required.

As mentioned in the landscaping section, if the irrigation easement along the southern property line precludes required trees, the width of the required landscape buffer shall be increased 5 feet to accommodate the required trees in accord with UDC 11-3B-7.

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

The applicant has submitted building elevations for all 7 buildings. The elevations include materials such as cement board, stucco, brick and metal paneling for accents.

Overall, staff does believe the combination of materials, colors, canopies, columns and fenestration results in a storage facility that is of higher quality. However, staff believes there could be some elements that do not meet the requirements of the Architectural Standards Manual (ASM). ASM 3.1B requires buildings to have horizontal modulation every 30 feet or 50 feet, depending on whether the building is greater than or less than 150 feet in length. Based on the site plan, staff is unsure all sides of the buildings visible from a public street meet modulations requirements. Also, ASM 3.2A requires for at least 30% of applicable façades use any combination of concrete, masonry, stone, or unique variation of color, texture, or material, at least 10-inches in height, around the base of the building. Staff is also unable to ascertain if this is satisfied. Complete design review will occur at time of Certificate of Zoning Compliance.

Due to the high visibility of this project from E. Overland Rd. and the existing residences at the south, staff believes there should be additional design considerations. Staff has concerns with the exposed stairs on the south side of Building A both for visual impacts and potential maintenance issues with these stairs being exposed. Staff recommends either the stairs be removed from southern and eastern locations visible from E. Overland Rd., or screened in a stairwell or similar architectural element comprised of materials consistent with the exterior field materials of the building. Also, staff recommends the roll up doors on the south and east sides of Building A and south side of Building be better integrated into the building design through use of color, architectural detailing, overhangs, door frame treatments, etc. Also, the applicant has only submitted elevations for Buildings A & B. Full elevations of all four sides of all eight buildings will be required at time of certificate of zoning compliance and design review.

## VI. DECISION

A. Staff:

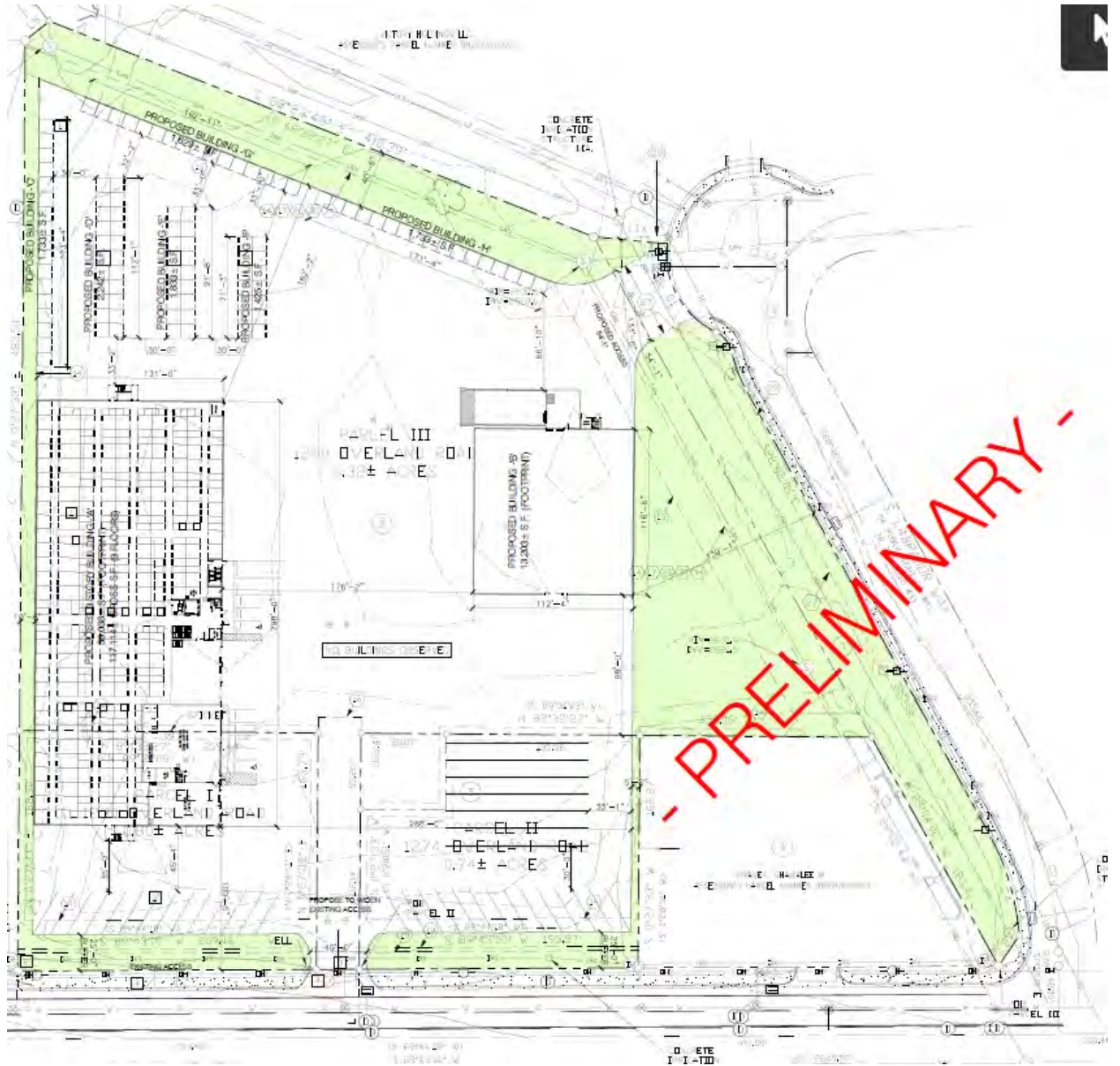
Staff recommends approval of the conditional use permit with the conditions noted in Section VIII. per the Findings in Section IX.

- B. The Meridian Planning & Zoning Commission heard this item on March 3, 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: Casey Jones
    - b. In opposition: None
    - c. Commenting: Casey Jones
    - d. Written testimony: None
    - e. Staff presenting application: Alan Tiefenbach
    - f. Other Staff commenting on application: None
  2. Key issue(s) of public testimony:
    - a. One citizen voiced concerns in regard to lighting and signage.
  3. Key issue(s) of discussion by Commission:
    - a. Commission discussed whether or not they were amenable to allowing outdoor display of equipment besides operable vehicles.
  4. Commission change(s) to Staff recommendation:
    - a. None

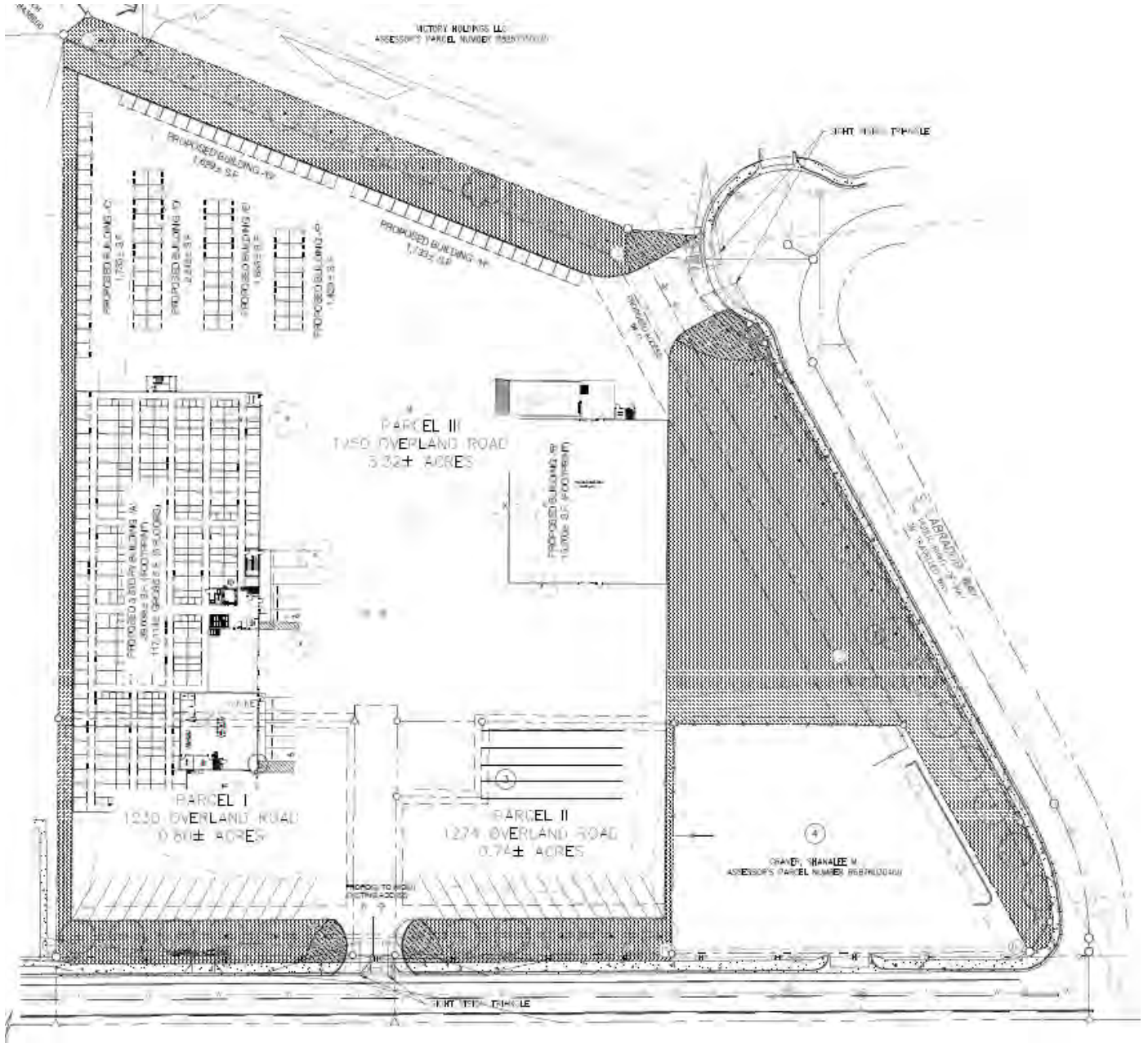


### VII. EXHIBITS

#### A. Site Plan (date: 8/12/2021)



B. Landscape Plan (date: 8/12/2021)





C. Building Elevations (date: 6/1/2021)



1.230-1.230 E. Overland Rd. Meridian, IL 61042



EAST ELEVATION: BUILDING A  
Scale: 1" = 25'



SOUTH ELEVATION: BUILDING A  
Scale: 1" = 25'



NORTH ELEVATION: BUILDING A  
Scale: 1" = 25'



WEST ELEVATION: BUILDING A  
Scale: 1" = 25'



**SOUTH ELEVATION: BUILDING B**  
Scale: 1" = 20'



**EAST ELEVATION: BUILDING B**  
Scale: 1" = 20'



**NORTH ELEVATION: BUILDING B**  
Scale: 1" = 20'



**WEST ELEVATION: BUILDING B**  
Scale: 1" = 20'

## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING CONDITIONS

1. A Certificate of Zoning Compliance and administrative design review application is required to be submitted to the Planning Division and approved prior to submittal of building permit applications. The applicant will either meet all architectural requirements of the Architectural Standards Manual (ASM) or apply for a design exception as part of the CZC submittal. A CZC and DES application shall not be submitted until the amended DA is executed as approved with H-2021-0101.
2. The Applicant shall have a maximum of two (2) years to commence the use as permitted in accord with the conditions of approval listed above. If the use has not begun within two (2) years of approval, a new conditional use permit must be obtained prior to operation or a time extension.
3. The site plan prepared by AMERCO Real Estate, dated August 12 2021, is approved as submitted, with the revision that all buildings shall maintain at least 25 ft. of separation per UDC 11-4-3-34.
4. The landscape plan prepared by Kimley Horn, dated November 12, 2021, is approved as submitted, with the revisions that in addition to the required landscape buffer per UDC 11-2B-3, a combination of a landscaped 4 ft. high undulating berm, decorative walls and evergreen shrubs shall be installed along the entire front perimeter of the property. Details of all walls and / or screen fencing shall be submitted at time of Certificate of Zoning Compliance / Design Review.
5. Outdoor storage of materials, equipment, inventory, and/or supplies shall be incorporated into the overall design of buildings and site landscaping so that the visual impacts of these functions are fully contained and screened from view of adjacent properties, the railway corridor, and public streets by a solid fence or wall with a minimum height of six (6) feet. Such fence and/or wall shall be constructed of complementary or of similar design and materials of the primary structure as required by UDC 11-3A-14.
6. Per UDC 11-3B-7, where the required street landscape buffer is encumbered by easements or other restrictions, the buffer area shall include a minimum five-foot wide area for planting shrubs and trees.
7. The elevations prepared by A&M Associates on December 3, 2021 shall be modified as follows:
  - a. All stairs that are visible from E. Overland Rd. shall be within the building or screened in a stairwell or similar architectural element comprised of materials consistent with the exterior field materials of the building.
  - b. Roll up doors that are visible from E. Overland Rd. shall be integrated into the building design through use of color, architectural detailing, overhangs, door frame treatments, etc.
8. Elevations for all four sides of all buildings shall be required at time of CZC and DES. Elevations should be architecturally consistent with the approved elevations for Buildings A & B.
9. Operable moving vehicles may be displayed along the south perimeter of the site, outside of the required landscape buffer. All trailers and other moving equipment shall be stored behind a closed vision fence, wall, or screen or within an enclosed structure and not be visible from any street. Screening fences or walls must be designed to be consistent with building architecture.

10. All pole lighting along the E. Overland frontage of the property shall be limited to 12 ft. in height and directed to the north, away from adjacent residences.
11. If any structures encroach into platted easements, the applicant shall submit a vacation application for review and approval prior to the issuance of a building permit.
12. The development shall comply with the specific use standards listed in UDC 11-4-3-15 for equipment rental sales and service, UDC 11-4-3-34 for storage facility, self-service and UDC 11-4-3-38 vehicle sales or rental and service.
13. The project is subject to all current City of Meridian ordinances and previous conditions of approval associated with this site (AZ-99-018, Preliminary Plat PP-99-015, FP-00-005, CUP 99-033, MDA H-2021-0101)

## B. PUBLIC WORKS CONDITIONS

### Site Specific Conditions of Approval

1. A public utility plan must be submitted for review and approval prior to any construction of utilities.
2. There are existing water service stubs along the southern property boundary that must be utilized or abandoned.
3. A site geotechnical should be provided for review with the first building permit application.
4. No permanent structures can impede on a new or existing utility easement including but not limited to trees, shrubs, fences, buildings, carports, trash enclosures, infiltration trenches, etc.

### General Conditions of Approval

1. Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
2. Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
3. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. 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.
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. 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. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
10. 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.
11. 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.
12. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
13. Developer shall coordinate mailbox locations with the Meridian Post Office.
14. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
15. The 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.
16. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.



17. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
18. A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at [http://www.meridiancity.org/public\\_works.aspx?id=272](http://www.meridiancity.org/public_works.aspx?id=272).
19. 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. NAMPA MERIDIAN IRRIGATION DISTRICT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=250047&dbid=0&repo=MeridianCity>

D. ACHD

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=250801&dbid=0&repo=MeridianCity>

E. DEPARTMENT OF ENVIRONMENTAL QUALITY

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=249448&dbid=0&repo=MeridianCity>

## IX. FINDINGS

### A. CONDITIONAL USE PERMIT (UDC 11-5B-6)

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

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

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

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

*As analyzed in the Comprehensive Plan section above, Commission finds this proposed will be harmonious with the Comprehensive Plan per the analysis in Section V of this staff report.*

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



*The subject site is within an industrial and commercially zoned area. Single family residential exists to the south across E. Overland Rd. Commission finds the proposed use should not change the character nature 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 should not adversely affect other properties in the vicinity.*

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

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

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

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

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

*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.*

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

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



## AGENDA ITEM

**ITEM TOPIC:** Findings of Fact, Conclusions of Law for Verona Live/Work (H-2021-0080) by J-U-B Engineers, Inc., Located at 3020 & 3042 W. Milano Dr., Near the Northeast Corner of Ten Mile Rd. and McMillan Rd.

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



**In the Matter of the Request for Conditional Use Permit for 14 vertically integrated residential units within three (3) buildings on 1.75 acres in the L-O zoning district, located at 3020 and 3042 W. Milano Drive, by JUB Engineers, Inc.**

**Case No(s). H-2021-0080**

**For the Planning & Zoning Commission Hearing Date of: March 3, 2022 (Findings on March 17, 2022)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of March 3, 2022, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of March 3, 2022, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of March 3, 2022, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of March 3, 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 March 3, 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 a Conditional Use Permit is hereby approved in accord with the conditions of approval in the staff report for the hearing date of March 3, 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 March 3, 2022.

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

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

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

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

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

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

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

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

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

Attest:

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

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

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

EXHIBIT A

STAFF REPORT  
COMMUNITY DEVELOPMENT DEPARTMENT



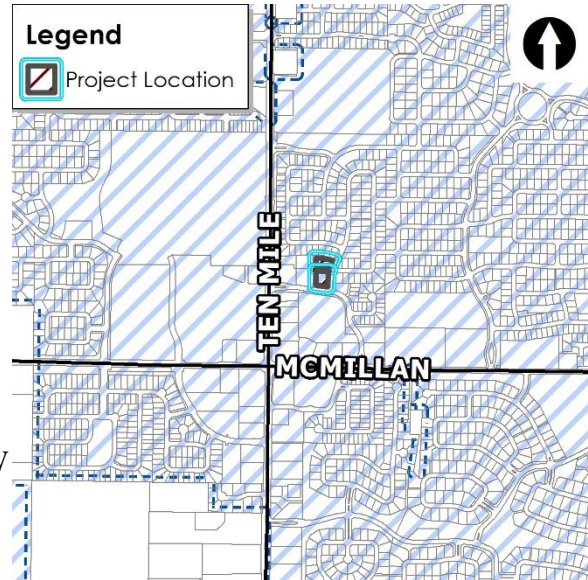
HEARING DATE: ~~December 16, 2021~~  
 DATE: March 3, 2022

TO: Planning & Zoning Commission

FROM: Joe Dodson, Associate Planner  
 208-884-5533

SUBJECT: H-2021-0080  
 Verona Live/Work – CUP

LOCATION: 3020 & 3042 W. Milano Drive, near the northeast corner of Ten Mile Road and McMillan Road, in the SW 1/4 of the SW 1/4 of Section 26, Township 4N, Range 1W.



I. PROJECT DESCRIPTION

Conditional Use Permit for ~~16~~ 14 vertically integrated residential units within ~~four (4)~~ three (3) buildings on 1.75 acres in the L-O zoning district.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	1.75 acres	
Future Land Use Designation	Office	
Existing Land Use(s)	Vacant	
Proposed Land Use(s)	Vertically Integrated Residential Project	
Neighborhood meeting date; # of attendees:	September 9, 2021; at least four (4) attendees	
History (previous approvals)	Verona Subdivision (AZ-03-005); Verona Subdivision No. 3 Rezone (RZ-05-006); Verona Subdivision No. 3 FP (FP-05-046); DA Mod (MI-08-006, DA Inst. #108101152).	

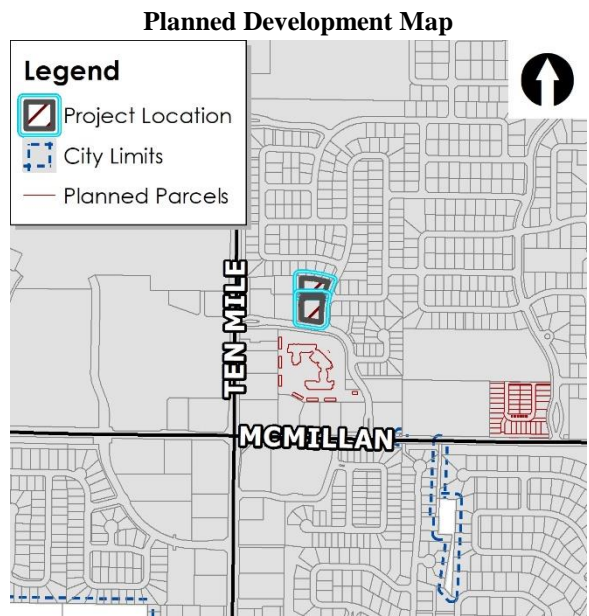
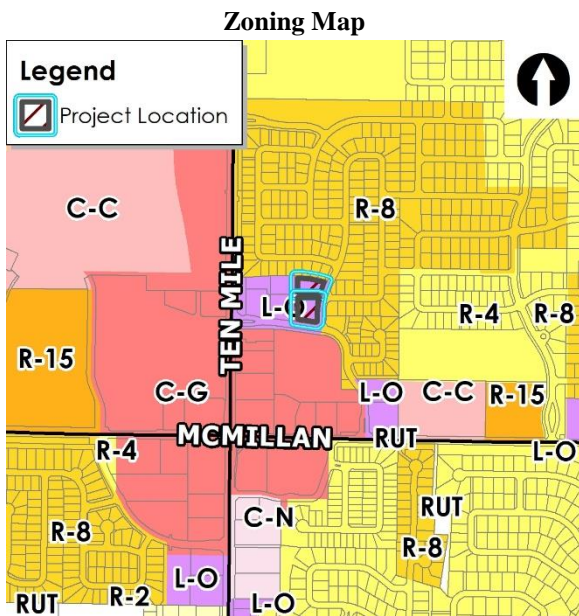
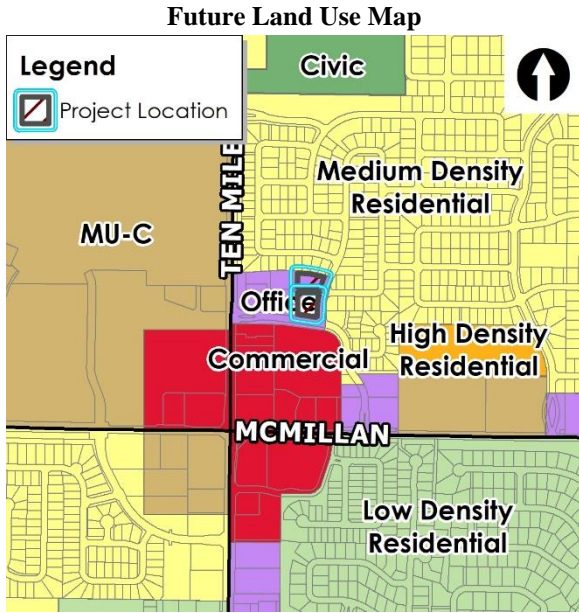
B. Community Metrics

Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	Not at time of report publication	
• Requires ACHD Commission Action (yes/no)	No	



Description	Details	Page
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	One (1) drive aisle access point to N. Cortona Way along the east boundary is proposed through an existing curb cut. This drive aisle is shown to continue west through adjacent sites and connect to an existing commercial drive aisle that has an access point to W. Milano Drive.	
Existing Road Network	Public road network is existing adjacent to site (W. Milano Drive and N. Cortona Way); drive aisle network for unit access is not existing.	

C. Project Area Maps





**III. APPLICANT INFORMATION**

A. Applicant:

Wendy Shrief, JUB Engineers, Inc. – 250 S. Beechwood Avenue, Suite 201, Boise, ID 83709

B. Owner:

Primeland Investment Group LLC – 1140 S. Allante Avenue, Boise, ID 83709

C. Representative:

Same as Applicant

**IV. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>	
Newspaper Notification	11/30/2021	
Radius notification mailed to properties within 300 feet	12/2/2021	
Site Posting Date	12/2/2021	
NextDoor posting	12/6/2021	

**V. COMPREHENSIVE PLAN** (*Comp. Plan*)

This property is designated Office on the Future Land Use Map (FLUM) in the Comprehensive Plan.

This designation is meant to provide opportunities for low-impact business areas. These uses would include professional offices, technology and resource centers; ancillary commercial uses may be considered (particularly within research and development centers or technological parks). Sample zoning include L-O.

The property was annexed and zoned in 2003 to the R-8 zoning district. In 2005, a rezone application was approved to change the zoning to the current L-O zoning district. Consistent with this rezone, a final plat was approved for six (6) office lots as part of Verona Subdivision No. 3. In 2008 applications were submitted to allow for the potential of including a church on these lots and was tied to a modified DA (MI-08-006). The DA from 2008 is the relevant agreement for this site but did not have a concept plan for these lots. In lieu of a concept plan, the DA references specific limitations to the allowed commercial area and included a provision that a minimum of three (3) office buildings in this office development. This provision has been satisfied with the existing development of three (3) office buildings. In addition, specific elevations were included as part of the DA that the current proposal generally complies with. Staff notes, despite no Development Agreement Modification being required, the relevant DA contemplates all commercial uses within the subject office lots.

Instead of solely commercial uses, the Applicant proposes to develop the site with 16 vertically integrated residential (UDC 11-4-3-41) units across four (4) buildings on two vacant parcels in the L-O zoning district. Two buildings are proposed on each parcel with each parcel also having off-street parking lots in addition to the two-car garages proposed for each unit. Vertically integrated residential projects incorporate commercial spaces and residential uses within one structure and most often include commercial space on the first floor and residential on the floor or floors above. In this project, the Applicant is proposing a small commercial space at the front of the building on the first floor with the proposed residential portion of the units being both behind and above the commercial space. Therefore, the Applicant is proposing a two-story concept for these vertically

integrated buildings with the vehicular access for each unit proposed to be from the rear via a two-car garage for each unit.

Vertically integrated residential projects are defined as follows in UDC 11-1A-1: **“The use of a multi-story structure for residential and nonresidential uses where the different uses are planned as a unified, complementary whole and functionally integrated to share vehicular and pedestrian access and parking.”** This use is a conditional use within the L-O zoning district because they incorporate a residential component within a zoning district primarily intended for office uses. However, code allows for this type of use, as noted, through a conditional process with the assumption that appropriate commercial and residential uses can be located within this district and type of development area when appropriately designed. As part of that analysis, adjacent uses should also be taken into account. To the west of the subject sites sit two vacant L-O parcels; further to the west and abutting Ten Mile Road are two office buildings. Because of common ownership of the land, the Applicant is showing an office building directly to the west on the vacant office lot along the north boundary but this building is not part of the proposal and is shown only for reference.

To the east and north of the subject sites are detached single-family residential that are part of the Verona Subdivision. To the south is approximately 10 acres of C-G zoned property that includes a number of commercial properties under development. The existing use is on the hard corner of McMillan and Ten Mile and is a fuel service station and convenience store. Directly to the south and across W. Milano, the largest commercial parcel has approvals for a 164 unit 55 and older multi-family development. Staff anticipates future residents of that site could utilize some of the future services provided within the commercial spaces of the proposed vertically integrated buildings.

Because the proposed use is adjacent to a mixture of existing and planned uses (residential, office, commercial, etc.), Staff finds it should be an appropriate use in this Office FLUM designation for the reasons noted above. **However, Staff does have concerns over the overall viability of the proposed commercial component of these units based on the proposed floor plans and the relatively small area of commercial proposed in each unit. While reviewing this project, Staff recommends Commission determine whether the proposal meets the intent of Vertically Integrated and if the proposed design is desired in the City and in this specific geographic area. Further analysis for the proposed use is below in the Comprehensive Plan policy analysis as well as in Section VII.**

The following goals and policies in the Comprehensive Plan are applicable to the proposed development:

- “Plan for an appropriate mix of land uses that ensures connectivity, livability, and economic vitality.” (3.06.02)

*The proposed use will contribute to the mix of uses in this area and should add to the livability and economic vitality of the community by providing the opportunity for residents to live and work in close proximity to the same physical space.*

- “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 site is not part of or directly adjacent to a mixed-use area but is adjacent to a number of commercial and residential uses. Therefore, this area can largely function as a mixed-use area and the inclusion of vertically integrated structures, when properly designed, only furthers that element of this area. The proposed use would allow neighborhood serving commercial uses in close proximity to residential neighbors to the*

*east and north thereby reducing vehicle trips and enhancing livability of the area.*

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

*The proposed vertically integrated residential project is shown with a residential design in order to better blend with the existing neighborhood to the north and east. The Applicant intentionally proposed this building design but Staff finds this design may impede the commercial viability of the commercial spaces for anyone besides the residential tenant. This can work but it is not a guarantee every residential tenant will also want a commercial space. Therefore, with the current design and in these instances, the commercial space may sit empty and never activate the commercial areas as intended with a vertically integrated use. Some of the expected and allowed uses allowed in these structures are as follows: arts, entertainment or recreation facility; artist studio; daycare facility; drinking establishment; education institution; financial institution; healthcare or social assistance; industry, craftsman; laundromat; personal or professional service; restaurant; and retail. With the proposed size of the commercial suites, Staff anticipates a number of these uses would not be viable. Further analysis and recommendations are in subsequent sections below.*

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

*As discussed above, the proposed use and design of these buildings should provide for smaller-scale, neighborhood serving commercial and office uses. Staff finds, if properly designed, the proposed use would provide convenient access from adjacent residential areas and capture some vehicle trips that would otherwise utilize the arterial roadways.*

- “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 vertically integrated residential project would be a new housing type within this area of the City. In fact, Staff is not aware of this type of use within at least a mile of this property in all directions. The addition of a new housing type in this area helps provide for a diversity in housing for different income levels and housing preferences.*

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

The proposed use, vertically integrated residential project, is listed as a conditional use in the L-O (Limited Office) zoning district per UDC Table [11-2B-2](#). Compliance with the dimensional standards listed in UDC Table [11-2B-3](#) for the L-O district is required and are met per the submitted plans except for the drive aisles proposed to access the garages for each unit.

*The submitted site plan shows the drive aisles adjacent to the garages as 20 feet wide which does not comply with UDC 11-3C-5 standards for two-way drive aisles. A two-way drive aisle, applicable throughout the site, requires a minimum width of 25 feet. The Applicant should revise the plans to show compliance with this standard at the time of Certificate of Zoning Compliance (CZC) submittal.*

## VII. STAFF ANALYSIS

As discussed above in Section V, the proposed vertically integrated residential project is considered an appropriate use and meets the development guidelines listed for the Office designation if properly designed.

*Staff has noted concerns with the proposed floor plan and elevations of the building in regards to the use and long-term viability of the commercial component to this project. According to the Applicant, the commercial spaces of the units will be leased with the residential units therefore, removing the potential of a non-resident utilizing the commercial suite and somewhat minimizing some of the concerns of the long-term viability of the space. In consideration of this information, it is logical the Applicant would propose a relatively small commercial space for each unit (approximately 165 square feet). The submitted conceptual floor plans would indicate the commercial suite in each unit being equal to a home office instead of a standalone commercial space—this design is not specifically prohibited or discussed in the specific use standards for this use or its definition.*

*However, the proposed unit design is what creates concern and Staff finds it does not fully meet the noted definition of Vertically Integrated as currently proposed. The submitted floor plan shows a relatively small commercial suite that has minimal storage space for inventory, no separate room for meetings, and no outdoor patio space to help activate the commercial frontage. Staff is concerned this small space could be rented out as a separate residential unit without the City being the wiser OR would become an office for the residence and not serve the nearby neighborhood as intended with the commercial component of vertically integrated residential projects. The proposed size of the commercial spaces in each unit will likely not support many of the allowed uses noted in the specific use standards for this use. This furthers Staff's concern that these units may become standalone residential, which is not an allowed use in the L-O zoning district.*

*In addition to the units facing the adjacent public streets, the Applicant is proposing two units to the interior of the site that has even less visibility and presents more challenges to having a viable commercial component. Because of the location of this building, Staff is recommending these units are removed in lieu of additional parking and some open space for future residents and commercial patrons. An inclusion of open space for this development presents a more livable project and allows further opportunity for a shared space between the commercial and residential components of the project.*

*Staff is aware the subject project is not proposed in an urban environment and a vertically integrated project more consistent with downtown Meridian would not fit with the existing neighborhood character. **Commission should determine if the proposed vertically integrated project, despite meeting minimum code requirements, meets the intent of the proposed use.***

*In order to help with some of the concerns noted, Staff is recommending the following revisions to the plans: 1) expand the commercial area of the units to potentially encompass the entire first level; 2) remove the first exterior door to help delineate the commercial and residential areas of the units by creating two exterior facing doors; one for the residential, and one for the commercial suite; and 3) remove the two (2) units that frame the hard corner of W. Milano Drive and N. Cortona Way to incorporate a shared plaza space similar to what exists in the commercial area on the south side of McMillan in Bridgetower Crossing. With the addition of outdoor patio space/shared patio space the commercial component of this development would help activate some of the commercial spaces. Additional and more specific recommendations can be found under the elevation analysis below and in the conditions of approval in Section X.A.*

The proposed use is subject to the following Specific Use Standards (UDC [11-4-3-41](#)) – Vertically Integrated Residential Project: *(Staff analysis in italics)*

- A. A vertically integrated residential project shall be a structure that contains at least two (2) stories. *Submitted plans show compliance by proposing two-story units.*
- B. A minimum of twenty-five (25) percent of the gross floor area of a vertically integrated project shall be residential dwelling units, including outdoor patio space on the same floor as a residential unit. *Submitted plans show compliance with this standard by proposing vastly more residential floor area than commercial. In addition, the conceptual floor plans depict private patios on the first floor of each unit complying with the second portion of this standard.*
- C. The minimum building footprint for a detached vertically integrated residential project shall be two thousand four hundred (2,400) square feet. *The smallest of the four (4) buildings is proposed as approximately 3,600 square feet. Therefore, all of the proposed buildings comply with this standard.*
- D. The allowed nonresidential uses in a vertically integrated project include: arts, entertainment or recreation facility; artist studio; civic, social or fraternal organizations; daycare facility; drinking establishment; education institution; financial institution; healthcare or social assistance; industry, craftsman; laundromat; nursing or residential care facility; personal or professional service; public or quasi-public use; restaurant; retail; or other uses that may be considered through the conditional use permit process. *Noted and the Applicant shall comply with this specific use standard. As noted above, the proposed floor plans depict approximately 165 sq. ft. of commercial space, Staff has concerns that the proposed commercial space may not be large enough to accommodate many of the allowed uses noted above.*
- E. None of the required parking shall be located in the front of the structure. *According to the submitted plans, the required parking for each residential unit and the commercial spaces is located behind or adjacent to the structures. Staff finds the proposed design complies with this standard.*

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

One (1) driveway access is depicted on the overall site plan and connects to N. Cortona Way along the east boundary of the site – the only direct access to a public street for the project. The submitted plans also show the main drive aisle that bisects the project and lies across the shared property line to continue west to connect to an existing drive aisle utilized for the two office buildings along Ten Mile – this drive aisle connects to W. Milano Drive approximately 190 feet west of the subject sites. The additional office building shown on the submitted site plan is not part of this project and would likely only require administrative applications in order to be constructed.

The site plan shows multiple drive aisles off of the main east-west drive aisle for access to the proposed vertically integrated units and the two-car garages. Staff anticipates the two access points shown on the site plans would be needed for safest and most efficient flow of traffic for this proposed project despite the future office building to the west not being a part of this project. Because of this, Staff is recommending a condition of approval to construct the northern portion of this drive aisle with this project to ensure adequate traffic flow for the site regardless of the timing of development of the office site shown west of the subject sites.

Staff does not have concern with the proposed access for the project with Staff's recommended timing of the east-west drive aisle construction and previous mentioned recommended condition to widen the drive aisles to meet code requirements.

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

UDC Table 11-3C-6 requires the following off-street parking spaces for the proposed use of vertically integrated residential project: one (1) space per residential unit and the standard parking ratio for



nonresidential uses (1 space per 500 square feet of gross floor area). Based on 16 residential units, a minimum of 16 spaces should be provided. As noted, each unit is proposed with a two-car garage that exceeds our dimensional standards and therefore exceeds code requirements. Each commercial space is less than 500 square feet requiring one additional space per unit—according to the submitted plans, 20 additional parking spaces are proposed on the subject site. Based on the submitted plans, the proposed parking exceeds UDC requirements and Staff has no concern with the parking proposed for the site.

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

There are existing 5-foot wide attached sidewalks along the adjacent public streets, W. Milano Drive and N. Cortona Way and meets UDC standards for these areas. Any damaged curb, gutter or sidewalk is required to be replaced if damaged during construction.

*The submitted plans do not show any additional sidewalk connections from the front of the buildings to the existing sidewalks, as required in UDC 11-3A-19. Staff finds this to be a missed opportunity to activate the building frontage with the adjacent streets for the commercial suites. Therefore, consistent with Staff’s additional recommendations to add a separate commercial door on the front façade of each unit, Staff is recommending additional 5-foot wide sidewalks are constructed from the front of the units facing public streets (14 of the 16 units). Because of the overall design of the units abutting each other in a mirrored format, Staff is acceptable to shared connections to the attached sidewalks so long as each unit entrance has a sidewalk connection to the shared connection. Please see exhibit below for an example:*



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

A 10-foot wide street buffer is required to be provided along N. Cortona Way to the east, a local street, and a 20-foot wide street buffer is required along W. Milano Drive, a collector street, landscaped per the standards listed in UDC [11-3B-7C](#). Parking lot landscaping is required per the

standards listed in UDC [11-3B-8C](#). A 20-foot landscape use buffer to the existing single-family residential to the north is also required.

*All required street buffers are existing and comply with code requirements. The submitted landscape plan depicts the required 20-foot wide use buffer along the north property boundary but does not show the required number of trees. According to the aerial imagery, there appears to be existing and mature trees in this buffer but this is not depicted on the plans. The existing landscape conditions should be added to the plans with the future CZC submittal.*

*The required parking lot landscaping appears to be compliance with UDC requirements except for the area adjacent to the parking lot along the west boundary on the south parcel. D. This should also be revised with the future CZC submittal.*

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

According to the submitted landscape plan, it is unclear if any fencing is proposed with this project. Code does not require perimeter fencing but there is existing fencing along the north property boundary that belongs to those homes within the Verona Subdivision. If any additional fencing is proposed in the future, a detail of the proposed fencing should be included on the landscape plans with the CZC application that demonstrates compliance with the standards in UDC 11-3A-7.

**Building Elevations:**

The conceptual building elevations submitted with the application depict two-story units with two-car garages that are attached via internal breezeways. Overall, the elevations depict farmhouse style architecture with the addition of lighter stone accents and larger windows along the first floor commercial façade. Administrative Design Review was not submitted concurrently with this application so one will be required with the future CZC submittal. Furthermore, Staff will analyze the proposed elevations for compliance with the Architectural Standards Manual (ASM) at the time of Design Review submittal.

*Upon initial review of the conceptual elevations, they appear to meet the required standards of the ASM. However, as stated throughout this report, Staff has concerns with how the commercial suite is delineated from the residential portion of the building. Staff finds the proposed building façade where the main entrance is located makes it difficult to determine where the residential and commercial lay. In the last pre-application meeting, Staff discussed this issue with the Applicant and requested they look into providing different treatment to the first floor façade in question in order to more clearly delineate the commercial and residential uses of the building in order to help activate the commercial component.*

*In the spirit of this request and consistent with Staff's other recommended revisions to the building design, Staff is also proposing the future Design Review elevations to include a more traditional commercial storefront for each commercial space by providing more window area, if possible, a different field material on the first floor façades overall, and to include the dedicated commercial entry door noted on the front facing façade, as recommended in previous sections of this report. With these revisions, Staff believes not only the elevations are improved but the overall project is also improved by providing a better avenue to activate the commercial aspect of the proposed project.*

**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 submittal of a building permit application to ensure compliance with UDC standards and the conditions listed in Section X.

## VIII. DECISION

### A. Staff:

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

### B. The Meridian Planning & Zoning Commission heard this item on February 3, 2022 and March 3, 2022. At the March 3, 2022 public hearing, the Commission moved to approve the subject Conditional Use Permit request.

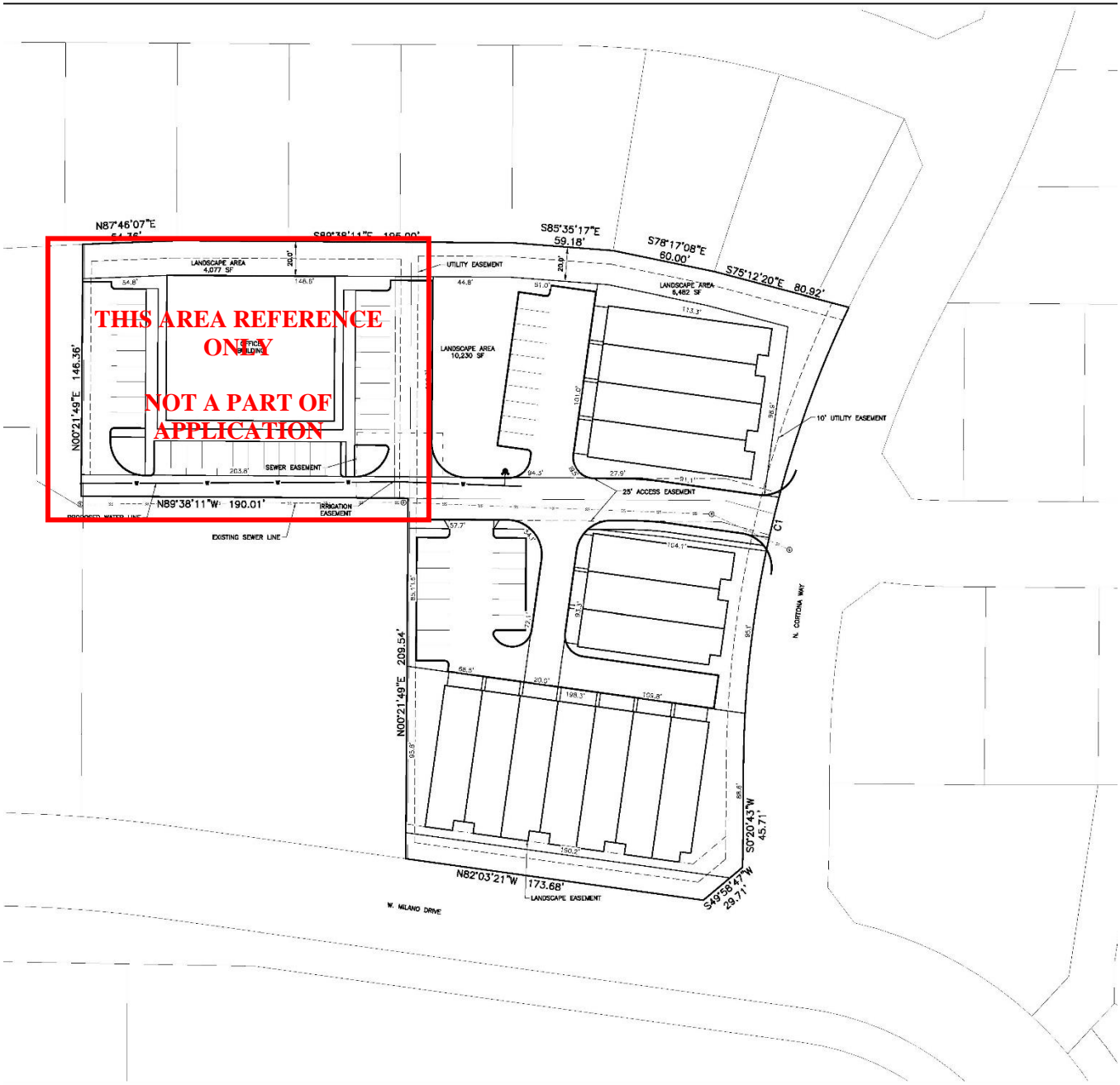
#### 1. Summary of the Commission public hearing:

- a. In favor: Wendy Shrief, Applicant Representative; Dave Yorgason, Project Developer.
  - b. In opposition: None
  - c. Commenting: Wendy Shrief; Dave Yorgason;
  - d. Written testimony: Two (2) pieces of public testimony submitted – concerns with: proposed design being residential veiled as vertically integrated to meet code requirements; increase of traffic by adding additional residential units and commercial space; desire for lots to be constructed with L-O approved uses only.
  - e. Staff presenting application: Joseph Dodson, Associate Planner.
  - f. Other Staff commenting on application: None
- #### 2. Key issue(s) of public testimony:
- a. None
- #### 3. Key issue(s) of discussion by Commission:
- a. Are units intended to be for-rent or for-sale units – Commission originally discussed preference for ownership opportunities instead of rentals;
  - b. Concern over the amount of parking proposed as garages could become storage areas instead of used for parking;
  - c. Size of proposed commercial space in relation to residential portion of project;
  - d. Function of proposed commercial units with the neighborhood as well as internal to the site;
  - e. Is the proposed type of vertically integrated marketable in this location;
  - f. Appreciation of the Applicant’s revisions to the site plan, floor plans, and elevations to help mitigate concerns surrounding the viability of the commercial spaces in the project.
- #### 4. Commission change(s) to Staff recommendation:
- a. No modifications proposed outside of Staff’s Memo dated February 18, 2022.



**IX. EXHIBITS**

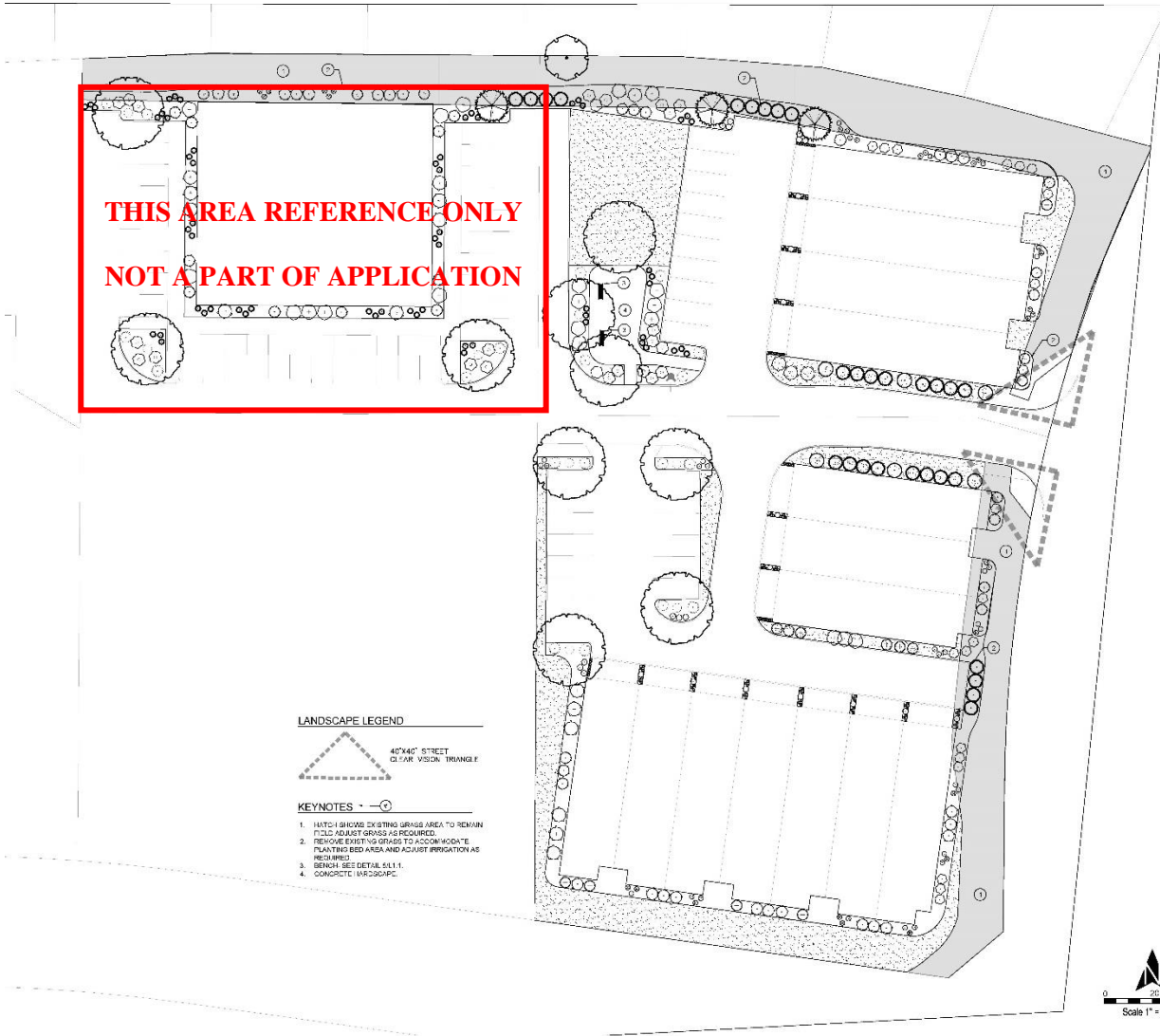
**A. Site Plan (date: January 2022 10/6/2021) (NOT APPROVED)**



# VERONA LIVE WORK I



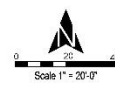
B. Landscape Plan (date: 9/30/2020 January 2022)



Verona Live Work 1  
 Meridian  
 Idaho

City of Meridian  
 Landscape Plan

Project Name	2016
Drawn by	MC
Checked by	CA
Date	1-10-22
Sheet No.	L1.0



Item 4.

104

C. Conceptual First-Floor Plans (dated: February 2022)

**UNIT - A**  
 22' 1" WIDE BY 8' 11" DEEP  
 1865 SQ. FEET - RESIDENTIAL LIVING AREA  
 393 SQ. FEET - COMMON AREA  
 521 SQ. FEET - GARAGE

**UNIT - B**  
 22' 1" WIDE BY 8' 11" DEEP  
 1877 SQ. FEET - RESIDENTIAL LIVING AREA  
 393 SQ. FEET - COMMON AREA  
 521 SQ. FEET - GARAGE

**UNIT - C**  
 22' 1" WIDE BY 8' 11" DEEP  
 1865 SQ. FEET - RESIDENTIAL LIVING AREA  
 393 SQ. FEET - COMMON AREA  
 521 SQ. FEET - GARAGE

**FLOOR PLAN - MAIN LEVEL**  
 1/4" = 1' 0"

LIVE-WORK

LOT BLOCK

**PRELIMINARY**

NOT FOR CONSTRUCTION PURPOSES

**LOT BLOCK**

**ENCOMPASS DESIGN**  
 ARCHITECTURE & INTERIORS  
 10000 W. CENTURY BLVD. SUITE 100  
 LOS ANGELES, CA 90047

**HAMMETT • HOMES**

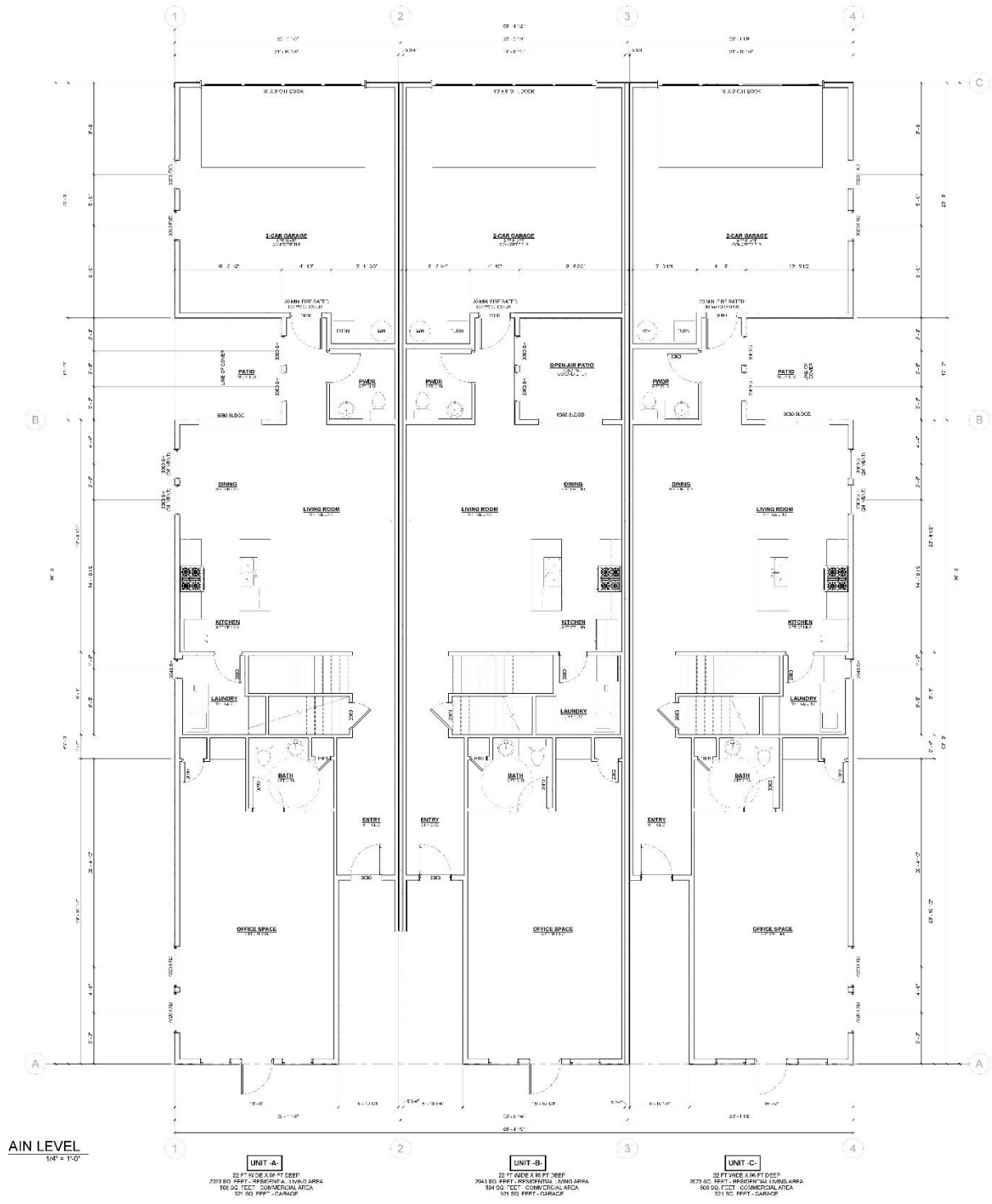
SCALE: 1/4" = 1' 0"

JOB NO.: 210488

PLAT DATE:  
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FLOOR PLAN - MAIN LEVEL  
**A2.0**

Page 14



LIVEWORK - B

NOT FOR CONSTRUCTION PURPOSES

LOT BLOCK

**ENCOMPASS DESIGN**  
ARCHITECTS & ENGINEERS, P.C.  
11111 RIVERSIDE DRIVE, SUITE 100, RICHMOND, VA 23136

**HAMMETT • HOMES**

SCALE 1/4" = 1'-0"

JOB # 210408

PLT DATE 2/9/2022 1:53:32 PM

FLOOR PLAN - MAIN LEVEL

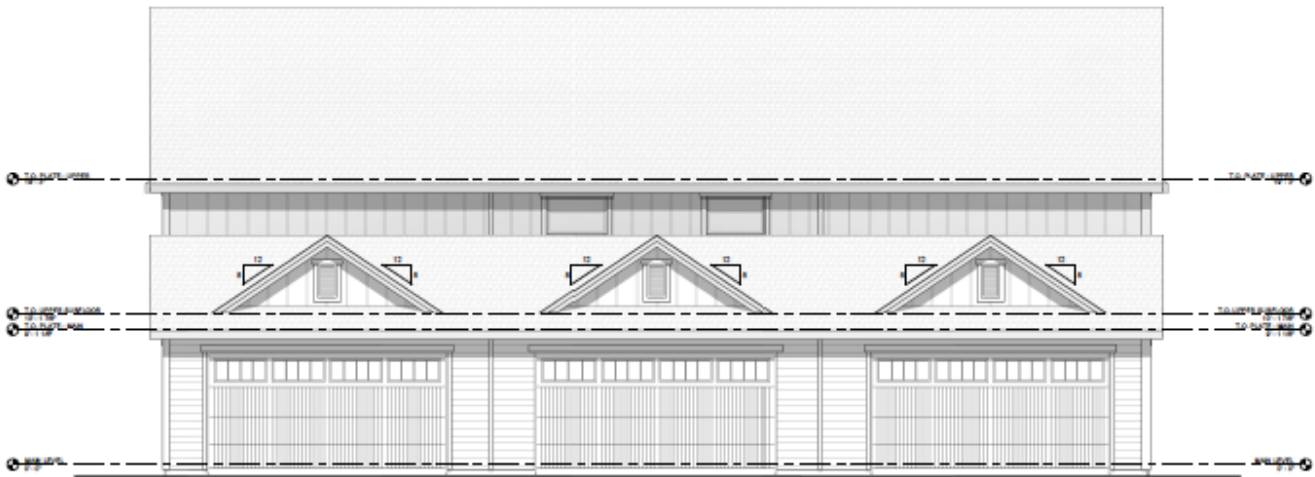
**A2.0**



D. Conceptual Elevations (**NOT APPROVED**) (dated: January 2022)



① — FRONT ELEVATION  
1/17/22



② — REAR ELEVATION  
1/17/22



## X. CITY/AGENCY COMMENTS & CONDITIONS

### A. Planning

1. The Applicant shall substantially comply with the revised and approved site plan, landscape plan, and ~~generally~~ comply with the conceptual building elevations and floor plans approved in this report as depicted in Section IX and revised per Section X.A.
2. The Applicant shall comply with the specific use standards listed in UDC 11-4-3-41 for the proposed Vertically Integrated Residential Project.
3. Hours of operation for any future commercial in the commercial suites shall be limited to 6:00 AM to 10:00PM, per UDC 11-2B-3B for the L-O zoning district when it abuts a residential use or district.
4. Prior to building permit submittal, the Applicant shall obtain Certificate of Zoning Compliance (CZC) and Administrative Design Review (DES) approval from the Planning Department.
5. The site plan(s) shall be revised as follows prior to submitting for Certificate of Zoning Compliance approval the Planning and Zoning Commission hearing:
  - a. All drive aisles shall be a minimum of 25 feet wide, per UDC 11-3C-5 standards.
  - b. For the facades facing W. Milano Drive and N. Cortona Way, depict additional 5-foot wide sidewalks connecting from these building entrances to the existing sidewalks along the public streets, similar to what is shown in the submitted color site plan image.
  - ~~c. Remove the two units framing the corner of W. Milano Drive and N. Cortona and add a shared plaza space with outdoor seating and shade structures.~~
  - ~~d. Remove the two units not along the adjacent streets in lieu of additional parking and some usable common open space for the development.~~
  - e. Move the northern four (4) units approximately three (3) feet to the north to accommodate an extension of 5-foot wide sidewalk and 5 feet of landscaping along the south side of this building from Cortona Way to the plaza area in the interior of the site.
6. The landscape plan(s) submitted with the Certificate of Zoning Compliance application shall depict the following revisions:
  - a. Depict all existing landscaping on the subject sites to ensure compliance with UDC standards.
  - b. Depict at least 5 feet of landscaping and the required number of trees along the west project boundary and adjacent to the proposed parking lot on the south parcel (3042 W. Milano Drive).
  - c. Depict the additional 5-foot wide sidewalks as noted above.
  - ~~d. Depict the shared plaza as noted above with appropriate landscaping elements.~~
- ~~7. The conceptual building elevations and renderings shall be revised as follows prior to the Planning and Zoning Commission hearing:~~
  - ~~a. The first floor façade facing and visible from the adjacent public streets (W. Milano Drive and N. Cortona Way) shall depict a different field material and color than the second floor façade.~~

- ~~b. The first floor façade facing adjacent public streets shall depict a dedicated commercial entry door made of glass to help delineate the commercial suite of the project—this does not mean the overall size of the window front shown on the conceptual elevations should be reduced.~~
8. ~~Prior to the Planning and Zoning Commission hearing, the conceptual floor plans shall be revised as follows:~~
- a. ~~Expand the commercial areas of at least some of the units to help the viability of the commercial component of this project.~~
- b. ~~Remove the first exterior door to help delineate the commercial and residential areas of the units by creating two exterior facing doors; one for the residential, and one for the commercial suite.~~
9. The east-west drive aisle depicted on the site plan(s) that connects from N. Cortona Way, to the existing north-south drive aisle on parcels R9010670065 & R9010670015 shall be constructed with the first phase of this project to ensure adequate traffic flow for the site.
10. Protect the existing landscaping on the site during construction, per UDC 11-3B-10.
11. The conditional use approval shall become null and void unless otherwise approved by the City if the applicant fails to 1) commence the use, satisfy the requirements, acquire building permits and commence construction within two years as set forth in UDC 11-5B-6F.1; or 2) obtain approval of a time extension as set forth in UDC 11-5B-6F.4.
- B. Ada County Highway District (ACHD)  
*No staff report has been submitted at this time.*  
*A Traffic Impact Study (TIS) was not required for this project.*
- C. West Ada School District (WASD)  
<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=244897&dbid=0&repo=MeridianCity>
- D. Department of Environmental Quality (DEQ)  
<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=244941&dbid=0&repo=MeridianCity>

## XI. FINDINGS

### A. Conditional Use Permit

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

- 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.  
*With Staff's recommended revisions, the site meets all the dimensional and development regulations of the L-O zoning district and the proposed use of Vertically Integrated Residential Project. Therefore, Commission finds the site is large enough to accommodate the proposed use.*
- 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 use will be harmonious with the Comprehensive Plan per the analysis and applicable policies noted in Section V 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 with the conditions imposed, should be compatible with other uses in the general vicinity and shouldn't 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.

*If the proposed use complies with the conditions of approval in Section X as required, Commission finds the proposed use should not adversely affect other properties in the vicinity.*

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

*Commission finds the proposed use will be serviced adequately by all of the essential public facilities and services listed.*

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

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

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

*Commission finds the proposed use should not involve activities that would be detrimental to any persons, property or the general welfare.*

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

*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.*



## AGENDA ITEM

**ITEM TOPIC:** Public Hearing for Alamar Subdivision (H-2022-0004) by Noble Rock Development, Inc., Located at 4380 W. Franklin Rd. (Parcel #S1210346603), Near the Northeast Corner of N. Black Cat Rd. and W. Franklin Rd.

*Application Requires Continuance*

A. Request: Annexation and Zoning of approximately 7.23 acres of land with a request for the TN-R (Traditional Neighborhood Residential) zoning district.

B. Request: Preliminary Plat consisting of 42 building lots (22 single-family attached lots and 20 detached single-family lots) and 4 common lots on 4.63 acres in the requested TN-R zoning district.



## PUBLIC HEARING INFORMATION

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**Staff Contact:** Joseph Dodson

**Meeting Date:** March 17, 2022

**Topic:** **Public Hearing** for Alamar Subdivision (H-2022-0004) by Noble Rock Development, Inc., Located at 4380 W. Franklin Rd. (Parcel #S1210346603), Near the Northeast Corner of N. Black Cat Rd. and W. Franklin Rd.

- A. Request: Annexation and Zoning of approximately 7.23 acres of land with a request for the TN-R (Traditional Neighborhood Residential) zoning district.
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- 

**Information Resources:**

[Click Here for Application Materials](#)

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



## AGENDA ITEM

**ITEM TOPIC:** Public Hearing Continued from February 17, 2022 for Vanguard Village (H-2021-0081) by Meridian 118, LLC, Generally Located 1/4 Mile South of W. Franklin Rd. and S. Ten Mile Rd.

A. Request: Modification to the Existing Development Agreement (Inst. #110115738) to replace it with a new agreement for the proposed development.

B. Request: Rezone of 7.06 acres from the C-C to the H-E zoning district, 17.38 acres from the C-C and H-E zoning districts to the M-E zoning district, 40.33 acres from the R-40 and C-C and M-E zoning districts to the R-15 zoning district, and 1.10 acres from the H-E to the C-C zoning district.

C. Request: A Preliminary Plat consisting of 8 building lots and 6 common lots on 115.26 acres of land in the R-15, C-C, H-E and M-E zoning districts.

D. Request: A Conditional Use Permit for a multi-family development consisting of 552 dwelling units on 40.33-acres of land in the R-15 zoning district.



## PUBLIC HEARING INFORMATION

---

**Staff Contact:** Sonya Allen

**Meeting Date:** March 17, 2022

**Topic:** **Public Hearing** Continued from February 17, 2022 for Vanguard Village (H-2021-0081) by Meridian 118, LLC, Generally Located 1/4 Mile South of W. Franklin Rd. and S. Ten Mile Rd.

- A. Request: Modification to the Existing Development Agreement (Inst. #110115738) to replace it with a new agreement for the proposed development.
  - B. Request: Rezone of 7.06 acres from the C-C to the H-E zoning district, 17.38 acres from the C-C and H-E zoning districts to the M-E zoning district, 40.33 acres from the R-40 and C-C and M-E zoning districts to the R-15 zoning district, and 1.10 acres from the H-E to the C-C zoning district.
  - C. Request: A Preliminary Plat consisting of 8 building lots and 6 common lots on 115.26 acres of land in the R-15, C-C, H-E and M-E zoning districts.
  - D. Request: A Conditional Use Permit for a multi-family development consisting of 552 dwelling units on 40.33-acres of land in the R-15 zoning district.
- 

### Information Resources:

[Click Here for Application Materials](#)

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

# STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: March 17, 2022  
 DATE: *Continued from: February 17, 2022*

TO: Planning & Zoning Commission

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

SUBJECT: H-2021-0081  
 Vanguard Village – MDA, RZ, PP, CUP

LOCATION: Generally located 1/4 mile south of W. Franklin Rd. and S. Ten Mile Rd., in the middle of Section 15, T.3N. R.1W.



## I. PROJECT DESCRIPTION

The Applicant has submitted an application for the following:

- Modification to the existing Development Agreement (Inst. #110115738) to replace it with a new agreement for the proposed development;
- Rezone of 7.06-acres from the C-C to the H-E zoning district; 17.38-acres from the C-C & H-E zoning districts to the M-E zoning district; and 40.33-acres from the R-40, C-C and M-E zoning districts to the R-15 zoning district; and 1.10-acres from the H-E to the C-C zoning district;
- Preliminary Plat consisting of 8 building lots & 6 common lots on 115.26-acres of land in the R-15, C-C, H-E and M-E zoning districts for Vanguard Village subdivision; and,
- Conditional Use Permit for a multi-family development consisting of 552 dwelling units on 40.33-acres of land in the R-15 zoning district for Vanguard Crossing.

## II. SUMMARY OF REPORT

### A. Project Summary

Description	Details	Page
Acreage	115.21 acres overall	
Existing/Proposed Zoning	R-40, M-E, C-C and H-E (existing)/H-E, M-E, C-C and R-15 (proposed)	
Future Land Use Designation	Mixed Use – Commercial (MU-COM); Medium High-Density Residential (MHDR); Mixed Employment (ME); High Density Employment (HDE)	

Description	Details	Page
Existing Land Use(s)	Vacant/agricultural land	
Proposed Land Use(s)	Multi-family residential, vertically integrated residential, light industrial, commercial/retail, research and development and other uses.	
Lots (# and type; bldg./common)	8 buildable lots/6 common lots	
Phasing Plan (# of phases)	4 phases (plat); 2 phases (multi-family development)	
Number of Residential Units (type of units)	552 multi-family apartment units	
Physical Features (waterways, hazards, flood plain, hillside)	The Williams gas pipeline bisects this site	
Neighborhood meeting date; # of attendees:	8/17/21	
History (previous approvals)	AZ-09-008 Meridian Crossing (Ord. #10-1467; DA Inst. #110115738); ROS #7623 (Inst. #106170019 2006)	

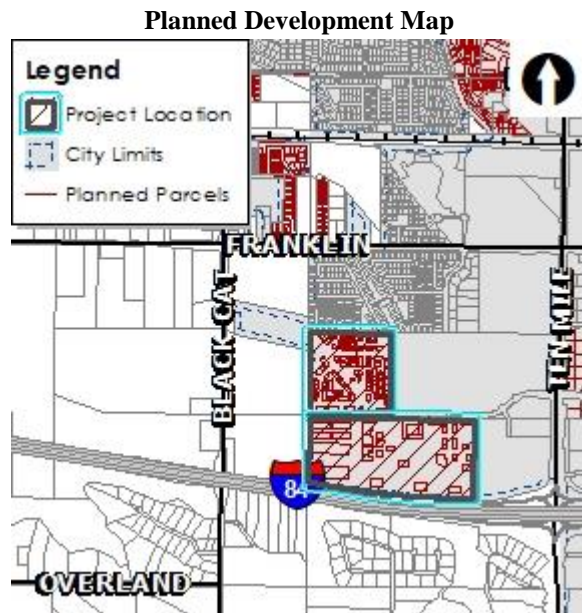
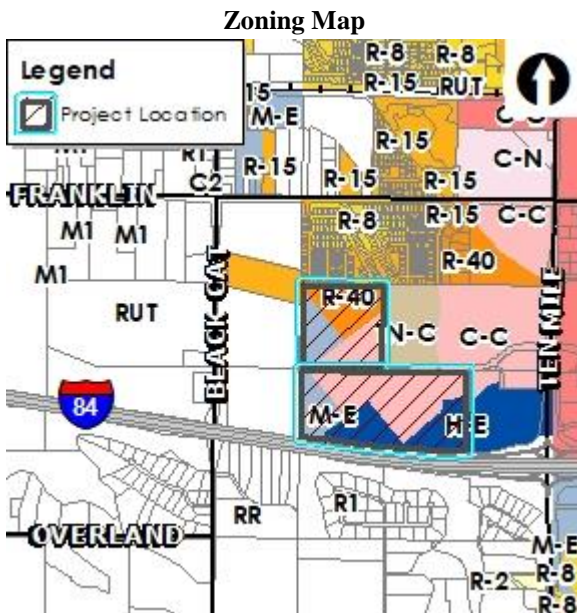
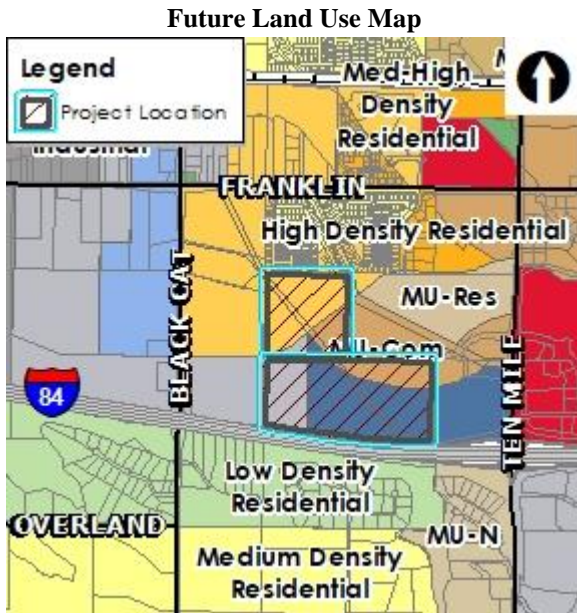
B. Community Metrics

Description	Details	Pg
Ada County Highway District		
<ul style="list-style-type: none"> <li>Staff report (yes/no)</li> <li>Requires ACHD Commission Action (yes/no)</li> </ul>	<p>Yes</p> <p>No</p> <p>A Traffic Impact Study (TIS) was submitted.</p>	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)		
Traffic Level of Service		
Stub Street/Interconnectivity/Cross Access		
Existing Road Network		
Existing Arterial Sidewalks / Buffers		
Proposed Road Improvements		
Fire Service		
<ul style="list-style-type: none"> <li>Distance to Fire Station</li> <li>Fire Response Time</li> <li>Resource Reliability</li> <li>Risk Identification</li> <li>Accessibility</li> <li>Special/resource needs</li> <li>Water Supply</li> </ul>	<p>2 miles</p> <p>Falls within 5:00 minute response time area - nearest station is Fire Station #2 – <i>can</i> meet response time goals</p> <p>85% - does meet the target goal of 80% or greater</p> <p>4 – current resources would <i>not</i> be adequate to supply service (risk factors include fire-fighting in multi-story buildings &amp; a large gathering of people in a single location)</p> <p>Project meets all required access, road widths and turnaround.</p> <p>Project will require an aerial device; can meet this need in the required timeframe if a truck company is required.</p> <p>Varies as there are multiple size buildings in which some will require fire sprinkler systems.</p>	

Description	Details	Pg																																										
<ul style="list-style-type: none"> <li>Other Resources</li> </ul>																																												
West Ada School District																																												
<ul style="list-style-type: none"> <li>Capacity of Schools</li> </ul>																																												
<ul style="list-style-type: none"> <li># of Students Enrolled</li> </ul>	<table border="1"> <thead> <tr> <th></th> <th>Enrollment</th> <th>Capacity</th> <th>Approved prelim plat parcels per attendance area</th> <th>Approved MF units per attendance area</th> <th>Projected Students from Approved Dev.</th> </tr> </thead> <tbody> <tr> <td>Chaparral Elementary</td> <td>552</td> <td>700</td> <td>730</td> <td>1549</td> <td>209</td> </tr> <tr> <td>Meridian Middle School</td> <td>1070</td> <td>1250</td> <td>800</td> <td>1798</td> <td>136</td> </tr> <tr> <td>Meridian High School</td> <td>1759</td> <td>2075</td> <td>3343</td> <td>2300</td> <td>527</td> </tr> <tr> <td colspan="6"><u>School of Choice Options</u></td> </tr> <tr> <td>Chief Joseph Elementary -Arts</td> <td>498</td> <td>700</td> <td>N/A</td> <td>N/A</td> <td></td> </tr> <tr> <td>Barbara Morgan STEM Academy</td> <td>414</td> <td>500</td> <td>N/A</td> <td>N/A</td> <td></td> </tr> </tbody> </table>		Enrollment	Capacity	Approved prelim plat parcels per attendance area	Approved MF units per attendance area	Projected Students from Approved Dev.	Chaparral Elementary	552	700	730	1549	209	Meridian Middle School	1070	1250	800	1798	136	Meridian High School	1759	2075	3343	2300	527	<u>School of Choice Options</u>						Chief Joseph Elementary -Arts	498	700	N/A	N/A		Barbara Morgan STEM Academy	414	500	N/A	N/A		
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<ul style="list-style-type: none"> <li>Predicted # of students generated from proposed development</li> </ul>	83																																											
Wastewater																																												
<ul style="list-style-type: none"> <li>Distance to Sewer Services</li> </ul>																																												
<ul style="list-style-type: none"> <li>Sewer Shed</li> </ul>																																												
<ul style="list-style-type: none"> <li>Estimated Project Sewer ERU's</li> </ul>																																												
<ul style="list-style-type: none"> <li>WRRF Declining Balance</li> </ul>																																												
<ul style="list-style-type: none"> <li>Project Consistent with WW Master Plan/Facility Plan</li> </ul>																																												
<ul style="list-style-type: none"> <li>Impacts/concerns</li> </ul>	<ul style="list-style-type: none"> <li>Flow is committed</li> <li>See Public Works Site Specific Conditions in Section VII.B</li> </ul>																																											
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<ul style="list-style-type: none"> <li>Distance to Water Services</li> </ul>	Directly adjacent																																											
<ul style="list-style-type: none"> <li>Pressure Zone</li> </ul>	2																																											
<ul style="list-style-type: none"> <li>Estimated Project Water ERU's</li> </ul>	See application																																											
<ul style="list-style-type: none"> <li>Water Quality Concerns</li> </ul>	None																																											
<ul style="list-style-type: none"> <li>Project Consistent with Water Master Plan</li> </ul>	Yes																																											
<ul style="list-style-type: none"> <li>Impacts/Concerns</li> </ul>	<ul style="list-style-type: none"> <li>Complete plans for water must be reviewed by Engineering before final plat approval of any phase, the plans provided are not adequate for a full review.</li> <li>See Public Works Site Specific Conditions in Section VII.B</li> </ul>																																											



C. Project Area Maps



A. Applicant:

Airalea Newman, Insight Investment Partners – 3005 W. Horizon Ridge Parkway, Ste. 141, Henderson, NV 89052

B. Owners:

James Zeiter, Meridian 118, LLC – 3005 W. Horizon Ridge Parkway, Ste. 141, Henderson, NV 89052

C. Representative:

JoAnn Butler, Butler Spink, LLP – 967 E. Parkcenter Blvd., Ste. 313, Boise, ID 83706

III. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Notification published in newspaper	2/1/2022	
Notification mailed to property owners within 300 feet	2/1/2022	
Applicant posted public hearing notice on site	2/5/2022	
Nextdoor posting	1/31/2022	

IV. COMPREHENSIVE PLAN ANALYSIS ([Comprehensive Plan](#) and [Ten Mile Interchange Specific Area Plan](#))

**Land Use:** The Future Land Use Map (FLUM) contained in the Comprehensive Plan designates the northern 28.5+/- acres of this site as Medium-High Density Residential (MHDR); the northeast 21+/- acres as Mixed Use – Commercial (MU-COM); the southwest 20.5+/- acres as Mixed Employment (ME); and the southeast 45.5+/- acres as High-Density Employment (HDE). There is also a school site designated on the FLUM in this general area. This site is within the area governed by the Ten Mile Interchange Specific Area Plan ([TMISAP](#)).

A school site is not included in the proposed development plan. The school district states they don't currently own a site in this area and don't have any prospects of land to purchase in this area at this time; if a developer desires to donate a site in this area, the school district would consider it.

**MHDR:** MHDR designated areas should include a mix of relatively dense multi-family housing types such as row houses, townhouses, condominiums and apartment buildings and complexes with a density ranging from 8-15 units per acre with a target density of 12 units per acre. These areas should be located around or near more intensively developed areas such as Mixed Use – Commercial or Employment areas in order to provide convenient access to these activity and employment centers to the greatest number of residents.

A mix of multi-family residential housing types consisting of townhomes, flats and garden style apartments is proposed to develop on the northern 40 acres of the development area which is designated as MHDR, ME, HDE and MU-COM on the FLUM. A gross density of 13.63 units/acre is proposed, which falls within the desired density range in the MHDR designated area. Because the existing ME, HDR and MU-COM designations abutting the MHDR designation on this site consist of less than 50% of the site, the Applicant proposes the MHDR designation apply to the entire 40-acre portion of the site as allowed in the Comprehensive Plan (see pg. 3-9). The proposed R-15 zoning encompasses approximately 12 more acres than is currently designated MHDR on the FLUM and 23+/- acres more than currently zoned R-40. *See Pg. 3-6 in the TMISAP for more information on the MHDR designation.*

The proposed multi-family development is located in close proximity (directly to the north and west) to MU-COM, ME and HDE designated land which is proposed to and anticipated to develop with higher intensity commercial and employment uses. The proposed residential uses will provide housing options in close proximity to these uses with convenient pedestrian access between them,

which should reduce traffic in the area. This development will provide a transition between the higher intensity uses and existing single-family homes to the north in Baraya Subdivision.

**ME:** The purpose of ME designated areas is to encourage a diversity of compatible land uses that may include a mixture of office, research and specialized employment areas, light industrial including manufacturing and assembly, and other miscellaneous uses. These areas generally do not include retail and consumer service uses serving the wider community. However, a small amount of retail and service establishments, primarily serving employees and users of the ME areas or nearby industrial areas, are allowed. ME areas should provide a variety of flexible sites for small, local or start-up businesses, as well as sites for large national or regional enterprises. ME areas should be designed to encourage multimodal travel and convenient circulation to supporting uses located within the area. It's anticipated that buildings will range in height from 1-4 stories, have total floor areas of 10,000-1,000,000 square feet, and that FAR will exceed .75.

The ME designated area is intended to develop with a mix of flex uses of approximately 410,000 s.f., which may include office, light industrial and other uses, ~~along with a 410,000 s.f. research and development component such as distribution and light manufacturing.~~ Building heights will range from 2 1 to 4 stories. This area is located at the southwest corner of the development and abuts Mixed Employment designated land to the west and I-84 to the south and will have access to a collector street as desired. Medium-high density residential uses are proposed to the north and high-density employment and commercial uses are proposed to the east with this application. The proposed M-E zoning encompasses approximately 8 more acres than is currently designated ME on the FLUM and 4 acres more than currently zoned M-E. *See Pg. 3-11 in the TMISAP for more information on the ME designation.*

**MU-COM:** The purpose of MU-COM designated areas 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. This designation requires developments to integrate the three major use categories – residential, commercial and employment. Traditional neighborhood design concepts with a strong pedestrian-oriented focus are essential. Development within these areas exhibit quality building and site design and an attractive pedestrian environment with a strong street character.

The MU-COM designated area is proposed to develop with a mix of uses including a vertically integrated residential project and commercial/retail uses. The proposed C-C zoning is located along the northern portion of the east parcel abutting the Mixed Use – Commercial designated property to the north at the entry to the development with access to a non-residential collector street as desired. High-density employment uses are proposed to the south and mixed employment uses are proposed to the west with this application. The proposed C-C zoning is approximately 3 acres fewer than is currently designated MU-COM on the FLUM and is 30+/- acres less than currently zoned C-C. *See Pg. 3-9 in the TMISAP for more information on the MU-COM designation.*

**HDE:** HDE designated areas are recommended as predominantly office, research and specialized employment areas and generally do not include retail and consumer service uses serving the wider community. Limited retail and service establishments primarily serving employees and users of the HDE areas are encouraged. HDE areas should provide a variety of flexible sites for small, local or startup businesses, as well as sites for large national or regional enterprises. They should be designed to encourage multimodal travel and convenient circulation to supporting services located within the area. Whenever possible, HDE areas should provide restaurants, lodging and other services in support of the employment uses. High Density Employment areas should be designed as compact urban centers rather than lower density suburban-style development. Buildings are anticipated to range in height from 1-6 stories, have total floor areas of 10,000-1,000,000 square feet with a FAR exceeding

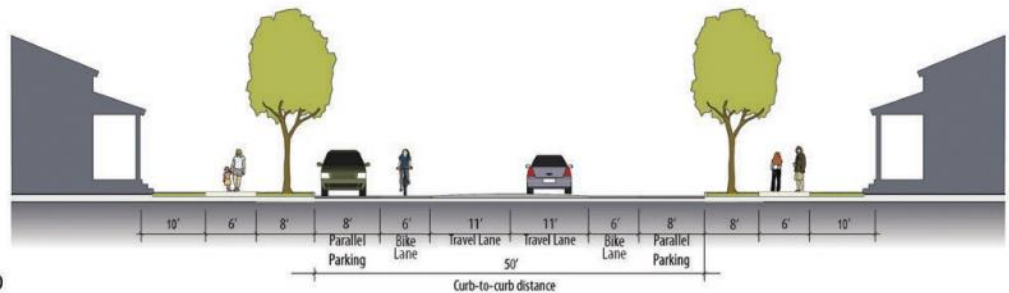
1.0. Designs that promote open space and parks are strongly encouraged. Structured parking is also allowed.

This area is intended to develop with non-residential uses such as a corporate campus, business and professional office space, research and development, and limited retail and service uses (approximately 380,000 square feet). The proposed H-E zoning is approximately 20+/- acres fewer than is currently designated HE on the FLUM but is only 1.6+/- acres more than currently zoned H-E. See Pg. 3-11 in the TMISAP for more information on the HDE designation.

Overall, the development area associated with the MHDR designation has increased 23+/- acres with R-15 zoning, the ME designated area has increased 4+/- acres with M-E zoning, the MU-C area is 3+/- acres less with C-C zoning, and the HDE area is 20+/- acres less with H-E zoning. Because the FLUM is a guide and not parcel-specific, adjacent abutting designations, when appropriate and approved as part of a public hearing with a land development application, may be used with some exceptions (see pg. 3-9 Comprehensive Plan for more information). All of the changes fall within the guidance provided; therefore, Staff is in general support of the proposed development and zoning.

**Transportation:** The Transportation System Map in the TMISAP depicts collector streets through this site that connect to S. Black Cat Rd., W. Franklin Rd. and S. Ten Mile Rd., adjacent arterial streets. The collector street network depicted on the proposed development plan is generally consistent with the Transportation System Map (see pg. 3-18 in the TMISAP).

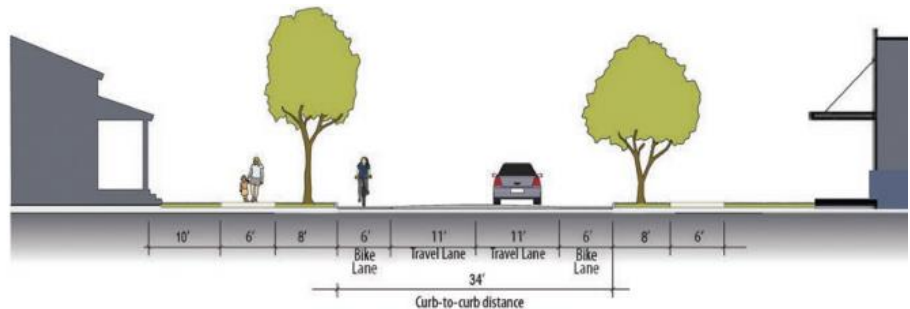
The Street Section Map depicts Street Section D (residential collector) as being appropriate to serve the local access needs of residential, live/work, and commercial activities within a residential neighborhood or mixed-use residential area.



Street Section D

The collector streets (i.e. Coral Reef Way & Sunset Point Way) in the multi-family portion of the development in the northern 40 acres of the development should be constructed in accord with this street section. Streetlights should be placed in the dry utilities corridor on either side of the street.

The Street Section Map depicts Street Section C (major collector) as being appropriate to provide access from adjacent arterial streets (i.e. Black Cat, Franklin & Ten Mile Roads) into the employment area. Streetlights should be located in the tree lawn area and should be of a pedestrian scale.



Street Section C



The collector streets (i.e. Vanguard Way & Umbria Hills) in the commercial mixed-use area in the southern portion of the development should be constructed in accord with this street section with the following exceptions as required by ACHD: (3) travel lanes instead of (2); and 10-foot wide detached sidewalks/pathways instead of 6-foot wide detached sidewalks in lieu of on-street bike lanes. On-street parking is allowed along Vanguard Way between the Williams pipeline easement and the eastern boundary of the site as proposed.

**Design:** The TMISAP emphasizes the quality of the built environment and includes recommendations on the location, scale, form, height and design quality of public and private buildings in the form of building placement, orientation, and massing; types and design treatments for building frontages; as well as recommendations for the incorporation of art in public and private projects.

The design elements in the Plan are intended to serve as the basic framework on any given project within the Ten Mile Area. The primary components that the design elements address include: architecture and cultural heritage; building placement whereby build-to lines are identified; heights and step backs; the definition of a base, body and top; and frontage types.

**The proposed development should be designed in the accord with the TMISAP (see pgs. 3-31 thru 3-51). See the Application of the Design Elements table on pg. 3-49 to determine specific design element requirements according to the associated FLUM designation. Future development applications should include the applicable design elements.**

**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.*

- “Encourage diverse housing options suitable for various income levels, household sizes, and lifestyle preferences.” (2.01.01)  
*The proposed multi-family development will include a mix of apartments, flats and townhome-style units with choices between 1-, 2- and 3-bedroom units. A variety of amenities are proposed for different preferences.*

- “With new subdivision plats, require the design and construction of pathways 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)  
*Several multi-use pathway segments are proposed within this development for interconnectivity between the residential and commercial and employment portions of the development and open space and site amenity areas.*

- “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 project provides high quality, dense residential units that complement and provide a transition between the commercial and employment areas to the south and the*

*single-family residential to the north and is located along I-84, a major transportation corridor.*

- “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 provide housing options in close proximity to employment, shopping, dining and other commercial uses which should reduce vehicle trips and enhance livability and sustainability of the area.*

- “Encourage the development of supportive commercial near employment areas.” (3.06.02C)

*The proposed commercial and retail uses should provide supportive uses for the proposed employment area.*

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

*A pedestrian circulation plan is included in Section VII.C.3 for the southern portion of the development and in Section VIII.D for the northern portion of the development which provides safe pedestrian connectivity throughout the 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 though 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 Dept. and Fire Dept. meets the established goals.*

- “Where feasible, encourage large transmission and pipeline utility corridors to function as transitional buffers, parkland, pathways, and gathering places within and adjacent to their right-of-way.” (3.07.01E)

*The Williams pipeline crosses this site; within the easement, a landscaped common area with a meandering multi-use pathway and seating areas are proposed.*

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

*A 50-foot wide landscaped street buffer is required to be provided along the southern boundary of the site adjacent to I-84; **Staff recommends a berm is included in the buffer.***

- “Encourage the integration of public art as an integrated component with new development.” (5.03.01B)

*Public art is proposed along the multi-use pathway in the center of the project, which will take the form of sculptures that create points of interest along the pathways and speak to the nexus of the region’s heritage and its future.*

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

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

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

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

### A. Development Agreement Modification (MDA):

The existing Development Agreement (DA) was approved with the annexation of the property in 2009 (Meridian Crossing AZ-09-008; Inst. #[110115738](#)); the provisions of such and the approved conceptual development plan and sample building elevations are included below in Section VII.A.

The Applicant proposes a modification to the DA to amend and restate the DA with a termination of the existing DA. All property governed by the original DA will be governed by the amended and restated DA.

A new conceptual development plan is included in Section VII.A.3 for the proposed development and new recommended provisions for the agreement are included in Section VIII.A.1 based on the analysis of the project below and applicable UDC and TMISAP provisions. Some of the existing DA provisions that are still applicable are also recommended to be included in the amended and restated DA.

### B. Rezone (RZ):

A rezone is requested of 7.06-acres from the C-C to the H-E zoning district; 17.38-acres from the C-C & H-E zoning districts to the M-E zoning district; and 40.33-acres from the R-40, C-C and M-E zoning districts to the R-15 zoning district; and 1.10-acres from the H-E to the C-C zoning district as shown on the zoning map exhibit in Section VII.B. A conceptual development plan and elevations are included in Section VII.A.3 and A.4 that shows how the site is anticipated to develop.

All of these zoning districts currently exist on the site except for the R-15 district which is proposed to replace the R-40 district. The rezone proposes to reconfigure the boundaries of these zoning districts into more developable areas consistent with the proposed road layout and concept plan. The existing zoning consists of 27 acres of H-E, 25 acres of M-E, 16.83 acres of R-40 and 48 acres of C-C zoning. The rezone will result in 28.6 acres of H-E (an increase of 1.6 acres), 29.07 acres of M-E (an increase of 4.07 acres), 40.33 acres of R-15 (an increase of 23.5 acres of residential) and 17.27 acres of C-C (a decrease of 30.73 acres) zoning overall.

The proposed R-15 zoning is located on the northern 40 acres of the site, which abuts Baraya Subdivision and R-15 zoned single-family residential properties. Medium-high density residential uses are planned to the west and the property to the east is designated Mixed Use – Commercial. Mixed employment and commercial uses are proposed to the south with this application. A multi-family development containing 552 dwelling units at a gross density of 13.63 units/acre is proposed to develop in the R-15 zone. This development will provide a transition between mixed employment uses to the south and lower density single-family homes to the north. The residences proposed for this site will allow people to live and work in the nearby existing and planned commercial and employment areas in the vicinity, thus reducing traffic on area roads by allowing employees to walk or bike to work, shopping and services. *Note: The existing R-40 and C-C*



*zoning districts allow a multi-family development with a conditional use permit; however, Staff requested the Applicant rezone the overall area to a zone (i.e. R-15) that better represents the land use.*

The proposed C-C zoning is located along the northern portion of the east parcel abutting the Mixed Use – Commercial designated property to the north at the entry to the development with access to a non-residential collector street as desired. High-density employment uses are proposed to the south and mixed employment uses are proposed to the west with this application. Allowed uses in the C-C district should be larger scale and broader mix of retail, office, and service uses. This area is proposed to develop with a mix of uses including a vertically integrated residential project and commercial/retail uses.

The proposed M-E zoning is located at the southwest corner of the development and abuts Mixed Employment designated land to the west and I-84 to the south and will have access to a collector street as desired. Medium-high density residential uses are proposed to the north and high-density employment and commercial uses are proposed to the east with this application. Allowed uses in the M-E district consist of offices, medical centers, research and development facilities, and light industrial uses with ancillary support services. This area is intended to develop with flex uses of approximately 410,000 s.f., which may include office, light industrial and other uses, ~~along with a 410,000 s.f. research and development component such as distribution and light manufacturing.~~

The proposed H-E zoning is located along the southeast portion of the site adjacent to I-84, in close proximity to Ten Mile interchange, as desired. Mixed employment uses are proposed to the west and commercial uses to the north with this application; I-84 borders the site on the south. Allowed uses in the H-E district consist of corporate headquarters, office complexes, research and development facilities and complementary services such as conference centers and hospitality uses with limited retail. This area is intended for non-residential uses such as a corporate campus, business and professional office space, research and development, and limited retail and service uses (approximately 380,000 square feet).

**Proposed Use Analysis:**

A variety of uses are proposed including a multi-family development, a vertically integrated residential project, retail, office, flex space, light industrial, research and development, and other uses; see UDC Tables [11-2A-2](#) and [11-2B-2](#) for allowed uses in the applicable zoning districts. Compliance with the dimensional standards listed in UDC Table [11-2A-7](#) and [11-2B-3](#) is required, as applicable.

The proposed zoning and uses are generally consistent with the associated FLUM designations as discussed above in Section IV.

**C. Preliminary Plat (PP):**

The proposed preliminary plat consists of 8 building lots & 6 common lots on 115.26-acres of land in the R-15, C-C, H-E and M-E zoning districts for Vanguard Village subdivision. The subdivision is proposed to develop in four (4) final plat phases as shown on the phasing plan in Section VI.C1. The multi-family development on the north end of the site zoned R-15 is proposed to develop first with the M-E second, the H-E third and the C-C zoned area last.

**The Applicant requests they are allowed to apply for building permits in the multi-family portion of the development prior to recordation of the final plat. The following condition is proposed, “Prior to applying for building permits, the following minimum items shall be completed: street signs are to be in place, the installation of sanitary sewer and water systems (with the water system being fully activated), a compacted road base capable of supporting an 80,000 lb. fire truck shall be approved by design engineer, with written**

confirmation of such approval submitted to the Meridian Building Department.” Staff is *not* in favor of allowing a Certificate of Zoning Compliance & Design Review applications to be submitted and building permits issued prior to recordation of the final plat as the necessary infrastructure for development, including roads, should be in place first and lots established for development. Therefore, Staff is not supportive of the request. **The Applicant may submit a design review application(s) to finalize building design prior to recordation of the final plat.**

**Existing Structures/Site Improvements:**

There are no existing structures remaining on this site.

**Dimensional Standards:**

Development of the proposed lots is required to comply with the dimensional standards of the R-15 zoning district in UDC Table [11-2A-7](#) and the C-C, M-E and H-E zoning districts in UDC Table [11-2B-3](#), as applicable. A minimum building setback of 10-feet is required in the multi-family portion of the development unless a greater setback is otherwise required, per UDC 11-4-3-27B.1. Separation between buildings should comply with Building code.

A reduced building setback from 20- to 14-feet is requested for the multi-family structures proposed along Sunset Point Way and Coral Reef. However, a recent code amendment (ZOA-2021-0003) allows a reduction of the collector street setback to be granted for homes that front on a collector street when on-street and required off-street parking is provided (UDC Table 11-2A-7); the required 20-foot landscape buffer easement is measured from back of curb and the dwelling setback shall not be less than 10-feet from the back of sidewalk along the collector street. **Staff recommends the street sections for Sunset Point Way and Coral Reef are constructed consistent with Street Section D in the TMISAP (see pg. 3-21), which requires 11-foot travel lanes, 6-foot bike lanes, 8-foot parallel parking, 8-foot parkways and 6-foot wide detached sidewalks. The 20-foot wide street buffer may be placed in an easement rather than a common lot in accord with UDC 11-3B-7C.2a. The building setback must be at least 10-feet from the back of sidewalk, which achieves the ultimate setback desired.** This accomplishes the street-oriented design desired in urban environments for a more walkable neighborhood and creates a more consistent edge to the public space in accord with the TMISAP.

**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. The proposed subdivision appears to comply with these standards.

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

Access is proposed to be provided from the northern boundary of the site from W. Franklin Rd. via S. Sunset Point Way and S. Baraya Way and from the east from S. Ten Mile Rd. via the extension of Vanguard Way. Coral Reef Way, Sunset Point Way, Umbria Hills and Vanguard Way are all designed as collector streets in accord with the Master Street Map and the Transportation System Map in the TMISAP. Stub streets are proposed to adjacent properties for future extension.

**Streets:** Sunset Point Way and Coral Reef Way should be constructed in accord with Street Section D (residential collector street) in the TMISAP, which requires (2) 11-foot travel lanes, 6-foot bike lanes, 8-foot parallel parking, 8-foot parkways and minimum 6-foot wide detached sidewalks (see pg. 3-21 and 3-23). Streetlights should be placed in the dry utilities’ corridor on either side of the street. **The plat should be revised consistent with Street Section D.**

Vanguard Way and Umbria Hills should be constructed in accord with Street Section C (major collector street) in the TMISAP, which requires (2) 11-foot travel lanes, 6-foot bike lanes, 8-foot

parkways with streetlights at a pedestrian scale and minimum 6-foot wide detached sidewalks (see pg. 3-20, 3-22, 3-23). The Applicant proposes a modification of the street section with (3) 11-foot travel lanes, on-street parking between the Williams pipeline and the eastern boundary of the site, 8-foot wide parkways and 10-foot wide detached sidewalks/pathways in lieu of bike lanes, which is required by ACHD. Staff is supportive of this change.

All streets should be constructed as complete streets as defined in the TMISAP (see pg. 3-19 & 3-20).

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

Ten (10) foot wide multi-use pathway are proposed on the site in accord with the Pathways Master Plan. One segment follows the Williams pipeline easement diagonally across this site; another segment runs along the southern boundary within the street buffer along I-84. The Park's Dept. has requested a pathway connection be provided between the Purdam Drain pathway and the pathway within the pipeline easement (see Section VIII.G). **A 14-foot wide public use easement for all multi-use pathways shall be submitted to the Planning Division prior to submittal for City Engineer signature on the final plat(s).** *If the pathway will be located entirely within the right-of-way, a public pedestrian easement is not needed.*

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

The UDC requires minimum 5-foot wide sidewalks to be provided adjacent to all streets with detached sidewalks along collector streets and attached or detached sidewalks along local streets. **However, the guidelines in the TMISAP for the collector street sections (i.e. C and D) depict 6-foot wide sidewalks, which should be provided within the development at a minimum.**

**Sidewalks, walkways and pathways should include dedicated crosswalks at the intersection with all streets within commercial activity centers with changes in color, markings, materials, texture and/or surface to distinguish them from the surrounding pavement as set forth in the TMISAP (see pg. 3-28, Crosswalks).**

**Pedestrian Circulation:** A pedestrian circulation plan is included in Section VII.C.3 that depicts all sidewalks and pedestrian pathways planned throughout the site in accord with the TMISAP for mixed use areas.

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

Parkways are recommended along all streets within the development in accord with the TMISAP, planted with street trees and landscaping per the standards in UDC 11-3B-7C.

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

Street buffers are required to be provided as set forth in UDC [Table 11-2A-7](#). A minimum 10-foot wide street buffer is required along all local streets (i.e. Vantage Point Way, Vanguard Trail) in commercial districts. A 20-foot wide street buffer is required along all collector streets (i.e. Vanguard Way, Umbria Hills, Coral Reef Way and Sunset Point Way) – the buffer may be placed in an easement rather than a common lot in accord with UDC 11-3B-7C.2a; the building setback must be at least 10-feet from the back of sidewalk in the R-15 district as set forth in UDC [Table 11-2A-7](#). A minimum 50-foot wide street buffer is required along I-84, landscaped per the standards listed in UDC [11-3B-7C.3](#), which requires a variety of trees, shrubs, lawn or other vegetative groundcover (see updated code for specifics). **A 20-foot wide street buffer, instead of a 10-foot wide buffer, is required along Umbria Hills, a collector street. One (1) additional tree should be added within the street buffer along Umbria Hills (east) per the minimum standard.**

Landscaping is required within parkways per the standards listed in UDC [11-3A-17](#) and [11-3B-7C](#). **Class II trees shall be provided in parkways in accord with UDC 11-3A-17E; Class III**

**trees may be considered if the parkways are widened to 10 feet – revise the landscape plan accordingly.**

Landscaping is required along all pathways per the standards in UDC [11-3B-12C](#). A 5' wide landscape strip is required on both sides of the pathway planted with a *mix* of trees, shrubs, lawn and/or other vegetative ground cover. **If trees are not allowed within the pipeline easement, an additional 5-feet should be added to the common area outside of the easement to allow for trees; or, alternative compliance may be requested to the planting requirement.**

Mitigation is required for all existing trees 4" caliper or greater that are removed from the site in accord with the standards in UDC 11-3B-10C.5. Mitigation calculations are depicted on the landscape plan in accord with UDC standards (i.e. 185 trees at 2.5 caliper inches each for a total of 462.5 caliper inches). **The location of mitigation trees shall be depicted on a revised landscape plan submitted with the final plat application.**

**Storm Drainage:**

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

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

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

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

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

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

The Marvin Lateral runs along the west boundary of the site and the Purdam Drain crosses near the northeast corner of the site. **If an easement for either of these waterways lies on this site, the easement(s) shall be clearly depicted on the plat.** All waterways on this site shall be piped as set forth in UDC [11-3A-6B](#) unless otherwise waived by City Council.

**Williams Pipeline:** The Williams pipeline crosses this site diagonally within a 75-foot wide easement (Inst. #390283, #8018289, #8103052, and #8048122). **Development within the easement should comply with the Williams Developers' Handbook.**

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

All fencing is required to comply with the standards listed in UDC 11-3A-7. No fencing is proposed on the landscape plan.

**D. Conditional Use Permit (CUP):**

A Conditional Use Permit is proposed for a multi-family development (i.e. Vanguard Crossing) consisting of 552 dwelling units with a mix of 3-story apartments and 2-story flats and townhome-style buildings ranging from 758 to 1,693 square feet (s.f.) on 40.33-acres of land in the R-15 zoning district. A 9,368 square foot single-story clubhouse is proposed with amenities along with two (2) other amenity buildings.

Nine (9) garden-style apartment buildings containing a total of 216 units and 51 flats and townhome-style buildings are proposed containing a total of 336 units with a mix of 1-, 2- and 3-bedroom units. See site plan and associated exhibits in Section VII.D.

**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. *As noted above in Section V.C, if the required street buffers along the collector streets are placed in easements rather than common lots, setbacks can be reduced to 10-feet measured from back of sidewalk with streets constructed per Street Section D in the TMISAP.*
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. *The floor plans all depict at least 80 s.f. of private usable open space (i.e. patios or balconies) for each unit except for Buildings 3, 5 and 6 – Unit C's – the Applicant states these units will all have 84 s.f. patios on-grade. **Floor plans for each unit should be submitted with the Certificate of Zoning Compliance application that demonstrate compliance with this standard.***
4. For the purposes of this section, vehicular circulation areas, parking areas, and private usable open space shall not be considered common open space. *These areas were not included in the common open space calculations for the site (see common open space exhibit in Section VII.D.5).*
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. *The proposed parking meets and exceeds UDC standards (see parking analysis below).*
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)

*A leasing office, storage area, and a mail & parcel center are depicted on the clubhouse floor plan. The location of the directory and map of the development shall be noted on the site plan submitted with the Certificate of Zoning Compliance application.*

C. Common Open Space Design Requirements:

1. The total baseline land area of all qualified common open space shall equal or exceed ten (10) percent of the gross land area for multi-family developments of five (5) acres or more. *Based 40.33 acres of land, a minimum of 4.03 acres of common open space should be provided. A total of 8.99 acres is proposed in accord with this standard.*
2. All common open space shall meet the following standards:
  - a. The development plan shall demonstrate that the open space has been integrated into the development as a priority and not for the use of land after all other elements of the development have been designed. Open space areas that has been given priority in the development design have:
    - (1) Direct pedestrian access;
    - (2) High visibility;
    - (3) Comply with Crime Prevention through Environmental Design (CTED) standards; and
    - (4) Support a range of leisure and play activities and uses.

Irregular shaped, disconnected or isolated open spaces shall not meet this standard.

*Although there are some irregular shaped areas, they are all directly accessible by pedestrians with high visibility; the majority of the areas are in compliance with these standards and the overall common open space is twice that required.*
  - b. Open space shall be accessible and well connected throughout the development. This quality can be shown with open spaces that are centrally located within the development, accessible by pathway and visually accessible along collector streets or as a terminal view from a street. *Proposed open space meets this standard.*
  - c. The open space promotes the health and well-being of its residents. Open space shall support active and passive uses for recreation, social gathering and relaxation to serve the development. *Proposed open space meets this standard.*
3. All multi-family projects over twenty (20) units shall provide at least one (1) common grassy area integrated into the site design allowing for general activities by all ages. This area may be included in the minimum required open space total. Projects that provide safe access to adjacent public parks or parks under a common HOA, without crossing an arterial roadway, are exempt from this standard.
  - a. Minimum size of common grassy area shall be at least five thousand (5,000) square feet in area. This area shall increase proportionately as the number of units increase and shall be commensurate to the size of the multi-family development as determined by the decision-making body. Where this area cannot be increased due to site constraints, it may be included elsewhere in the development. *Several common grassy areas are proposed in accord with this standard, which Staff believes is proportionate for the proposed development.*
  - b. Alternative compliance is available for these standards, if a project has a unique targeted demographic; utilizes other place-making design elements in Old-Town or



mixed-use future land use designations with collectively integrated and shared open space areas. *Alternative compliance is not needed; the project meets the required standards.*

4. 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 units contain more than 500 square feet 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. *352 units contain between 500 and 1,200 square feet of living area.*
  - c. Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area. *104 units exceed 1,200 square feet of living area.*

*A total of 151,000 s.f. (or 3.47 acres) of outdoor common open space is required to be provided per this standard and a minimum of 4.03 acres is required to be provided per the standard listed above in 11-4-3-27C.1 for a total of 7.5 acres overall. A total of 391,590 s.f. (or 8.99 acres) is proposed in excess of the minimum requirement as shown on the exhibit in Section VII.D.5.*

5. 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 (20) feet. *All of the common open space areas depicted on the open space exhibit in Section VII.F meet this requirement.*
6. 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 two phases; common open space is proposed in each phase in accord with UDC standards for the size and number of dwelling units.*
7. 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 (4) feet in height, with breaks in the berm or barrier to allow for pedestrian access. *The common open space exhibit in Section VII.F includes common open space along collector streets; however, the minimum standards for open space are met internal to the development. **A berm or a constructed barrier at least 4 feet in height with breaks in the berm or barrier to allow for pedestrian access should be provided within the collector street buffer along Vanguard Way.***

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.



- (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.

*Based on 552-units, a minimum of 4 amenities are required. Amenities are proposed as follows: a clubhouse with a swimming pool, hot tub and cabanas; an outdoor kitchen and dining area; fitness lounge, lawn games and firepit lounge; pickleball court; children's play area; dog parks; a smaller swimming pool, picnic shelter and fire pit lounge; art; pedestrian walkways; 10-foot wide sidewalks along the collector street (Vanguard); and an amenity area with a BBQ lounge (see Exhibit 6 in Section VI.D below). Amenities are provided from all of the required categories.*

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)

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 on all street-facing elevations 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 provided with the subdivision improvements as noted above in Section V.B.

**Landscaping is required to be provided along all pathways per the standards listed in UDC [11-3B-12C](#), which requires a minimum 5-foot wide landscape strip along each side of the pathway planted with a mix of trees, shrubs, lawn, and/or other vegetative ground cover; a minimum of one (1) tree per 100 linear feet of pathway is required.**

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

**Staff recommends a minimum of one (1) tree be provided for every 8,000 square feet of common open space.**

**Parking:** Off-street vehicle parking is required for the proposed multi-family dwellings as set forth in UDC Table [11-3C-6](#). Based on 222 1-bedroom units and 330 2- and 3-bedroom units, a minimum of 993 off-street spaces are required with 552 of those being in a covered carport or garage. Off-street parking is required for the clubhouse and amenity building as set forth in UDC 11-3C-6B.1 for non-residential uses; based on 9,368 s.f. for the clubhouse and 1,800 s.f. for each of the amenity buildings, a minimum of 26 spaces are required.

Between the residential units, clubhouse and two amenity buildings, a minimum of 1,019 off-street parking spaces are required with 552 of those being in a covered carport or garage. A total of 1,054 off-street parking spaces are proposed with 665 of those being covered spaces (470 garages/195 carports) in excess of UDC standards. Based on 1,054 parking spaces proposed, a minimum of 42 bicycle parking spaces are required to be provided; a total of 48 spaces are proposed. Bicycle parking facilities should comply with the standards in UDC [11-3C-5C](#). **Bike racks should be provided in central locations for each building and for the clubhouse.**

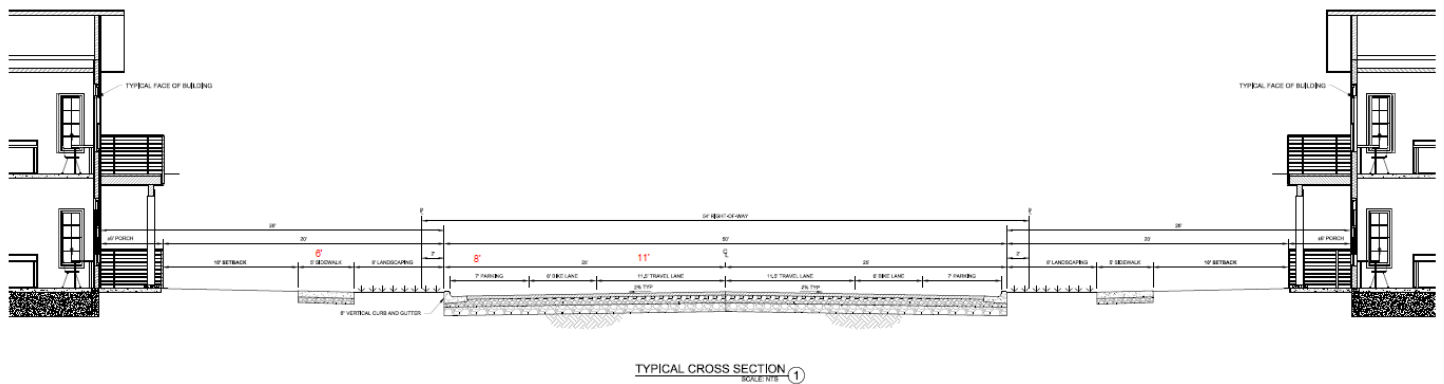
The Applicant’s narrative states an additional 94 off-site on-street parking spaces will be provided for guests, which totals 129 additional spaced beyond those required. However, ACHD is requesting some turn lanes be provided which will reduce this number.

**Private Streets:** The Fire Dept. has requested private streets are provided for addressing purposes of the multi-family units. All private streets should comply with the standards listed in UDC [11-3F-4](#). **The Applicant shall submit a private street application concurrent with the final plat application.**

**Fencing:** No fencing is depicted on the landscape plan for this development. All fencing should comply with the standards listed in UDC [11-3A-7](#) if proposed.

**Building Elevations** (UDC [11-3A-19](#) | [Architectural Standards Manual \(ASM\)](#) | [TMISAP](#)): Conceptual building elevations were submitted for the proposed apartment, flat and townhome-style multi-family and clubhouse buildings as shown in Section VII.D.7. Building materials consist of vertical and horizontal hardie plank siding in grey, green and wood colors with cedar posts and beams and asphalt shingles.

**Per the TMISAP for MHDR designated areas, the design of residential buildings should incorporate street-oriented and human-scale design** and be located as close to the property line as possible to create a consistent edge to the public space and make streets more friendly and walkable. The closest the structures are allowed to be per UDC [Table 11-2A-7](#) is 10-feet from the back of sidewalk as proposed in the cross-section below with the collector street buffer placed in an easement.



**Structures should incorporate traditional neighborhood design. Front porches with parking behind the buildings are desired. Streetscapes with landscaped parkways with trees between curbs and sidewalks, street furniture and view corridors are key.** Primary facades should include an entry into the building; entries should be located so as to provide direct access from adjacent public spaces, streets and activity areas as proposed. **Where primary facades face a designated public space and another faces a parking area designed to serve that structure such as proposed, both facades should be designed and detailed as primary facades and both should have prominent usable entries.**

**The space between a building façade and the adjacent sidewalk should be landscaped with a combination of lawns, groundcover, shrubs and trees.** Mostly attached low-rise buildings of 1-3 stories are recommended as proposed. ~~Buildings should be designed with clearly delineated bases, bodies and tops (see pg. 3-39).~~

~~Landscaped buffers should be provided between the proposed development and the existing single-family development to the north.~~ **Ground floor elevations should be 18 to 24 inches above sidewalk grade with individual units opening directly onto adjacent rights-of-way**

**with stoop frontage.** Pitched roofs should be symmetrical hips or gables with a pitch between 4:12 and 12:12 and have an overhang of at least 12 inches. **Public art in a high quality of design should also be provided in shared spaces and incorporated into the design of streetscapes.**

**The proposed conceptual elevations are *not* approved. Final design must comply with the design standards in the Architectural Standards Manual (ASM) and the design guidelines in the TMISAP for the MHDR designation (see the matrix for Application of the Design Elements on pg. 3-49). A Certificate of Zoning Compliance and Design Review application is required to be submitted for approval of the site and building design prior to submittal of building permit applications.**

**VI. DECISION**

A. Staff:

Staff recommends approval of the requested DA modification, rezone, preliminary plat and conditional use permit per the provisions noted in Section VIII, per the Findings in Section IX.

**VII. EXHIBITS**

**A. Development Agreement (DA) Modification**

**1. Existing DA provisions (Planning Dept. only):**

**5. CONDITIONS GOVERNING DEVELOPMENT OF SUBJECT PROPERTY:**

5.1. Developer/Owner shall develop the Property in accordance with conditions identified in Exhibit B of the staff report for the hearing date of December 8, 2009, which Exhibit B of the staff report is a portion of **Exhibit B** attached to this Agreement.

**EXHIBIT B: AGENCY & DEPARTMENT COMMENTS**

On September 24, 2009, Planning Staff held an agency comments meeting. The agencies and departments present include: Meridian Fire Department, Meridian Public Works Department, Meridian Parks Department, and Sanitary Service Company. Staff has included all comments and recommended actions in the attached Exhibit B.

**1. PLANNING DEPARTMENT**

1.1 The legal description and exhibit map for the area contained in the proposed annexation submitted with the application (stamped on August 26, 2009, by Michael Marks, PLS) shows the property within the existing corporate boundary of the City of Meridian (see Exhibit C).

1.2 A Development Agreement (DA) will be required as part of the annexation of this property. Prior to the annexation ordinance approval, a DA shall be entered into between the City of Meridian, the property owner(s) at the time of annexation ordinance adoption, and the developer. The Applicant shall contact the City Attorney’s Office within one year of Council approval to initiate this process. Currently, a fee of \$303.00 shall be paid by the applicant to the City Attorney’s office prior to commencement of the DA. The DA shall, at minimum, incorporate the following provisions:

- a. An encroachment permit is required for any improvements proposed within the pipeline easement. A copy of the executed encroachment agreement shall be submitted to the City prior to issuance of any Certificate of Zoning Compliance for this site. Uses such as daycares, schools, hospitals, assisted living facilities, etc. where occupants are not able to leave the area quickly in case of an emergency, are discouraged in the vicinity of the pipeline.
- b. Street buffer landscaping, internal parking lot landscaping, landscape buffers to adjoining residential uses, and mitigation for existing trees 4-inch caliper and larger that are removed from the site, will be required with development of this site and shall be installed in accordance with City of Meridian ordinances in effect at the time of development.
- c. Development of this site shall be consistent with the concept site plan shown in Exhibit A.2 and the concept pictures shown in Exhibit A.3. Further, future development shall be consistent with the vision of the Ten Mile Specific Area Plan, the Design Manual, and City of Meridian ordinances in effect at the time of development.
- d. Development in the R-40 district shall be consistent with the overall density and development standards contained in the Ten Mile Interchange Specific Area Plan for Medium High Density Residential (MHDR) designated areas.
- e. Development in the C-C district shall be consistent with the development standards contained in the Ten Mile Interchange Specific Area Plan for Mixed Use Commercial (MUC) designated areas. Uses within the C-C district shall be comprised of a *mix* of uses (i.e. office, retail, recreational, employment, and other uses, including residential uses) as defined in the Ten Mile Interchange Specific Area Plan.
- f. A 10-foot wide segment(s) of the City's multi-use regional pathway system shall be constructed on the site in accordance with the Master Pathways Plan in the general locations noted on the plan included in Exhibit A.4; exact location of the pathways shall be determined by the Planning Department and Parks Department at the time of development. Said pathway shall be primarily located within the pipeline easement and provide connectivity to the planned pathway in Baraya Subdivision at the northwest corner of the site. Pathway stubs shall be provided at the west boundary further to the south and to the east boundary on the north end of the site for connectivity with future segments of the pathway.
- g. The applicant shall submit a Certificate of Zoning Compliance application to the Planning Department for approval of all future uses on the site to ensure compliance with the Unified Development Code, Ten Mile Interchange Specific Area Plan, Comprehensive Plan, Design Manual, and provisions of the development agreement contained herein, prior to issuance of building permits for any structure(s) within this site.

Link to complete Development Agreement (Inst. #110115738):

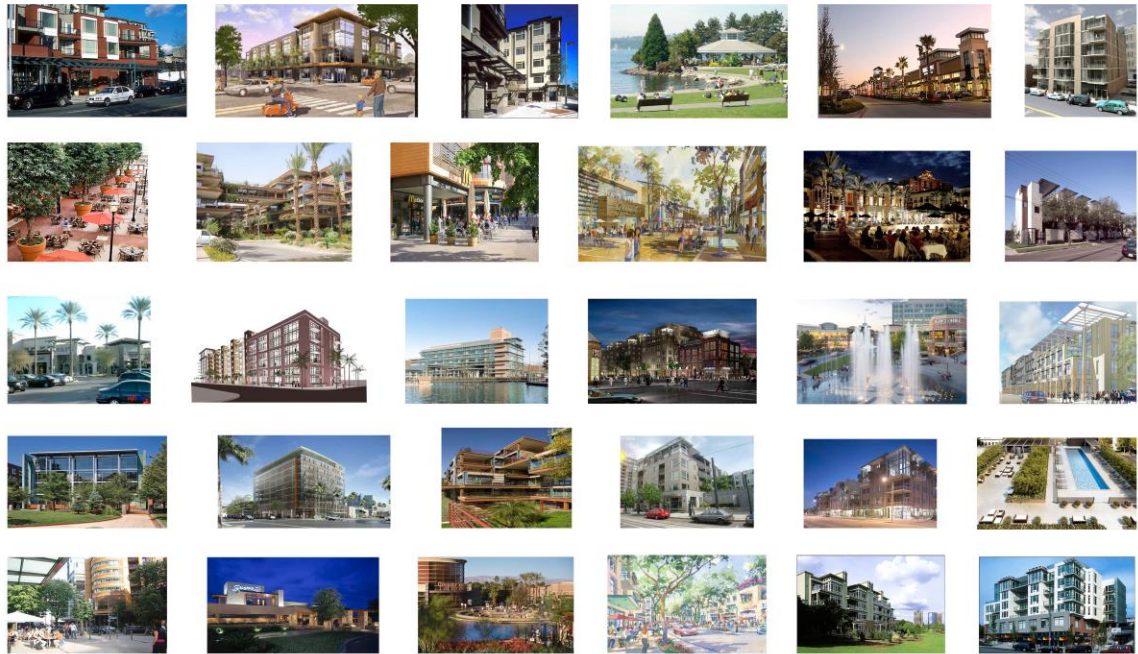
<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=76898&dbid=0&repo=MeridianCity>



## 2. Existing Approved Conceptual Development Plan & Elevations:



jma Design 3110 Conception Court Suite Las Vegas, NV 89144 702.721.2222 **MERIDIAN** CONCEPT SITE PLAN NORTH SCALE 1" = 100'-0"



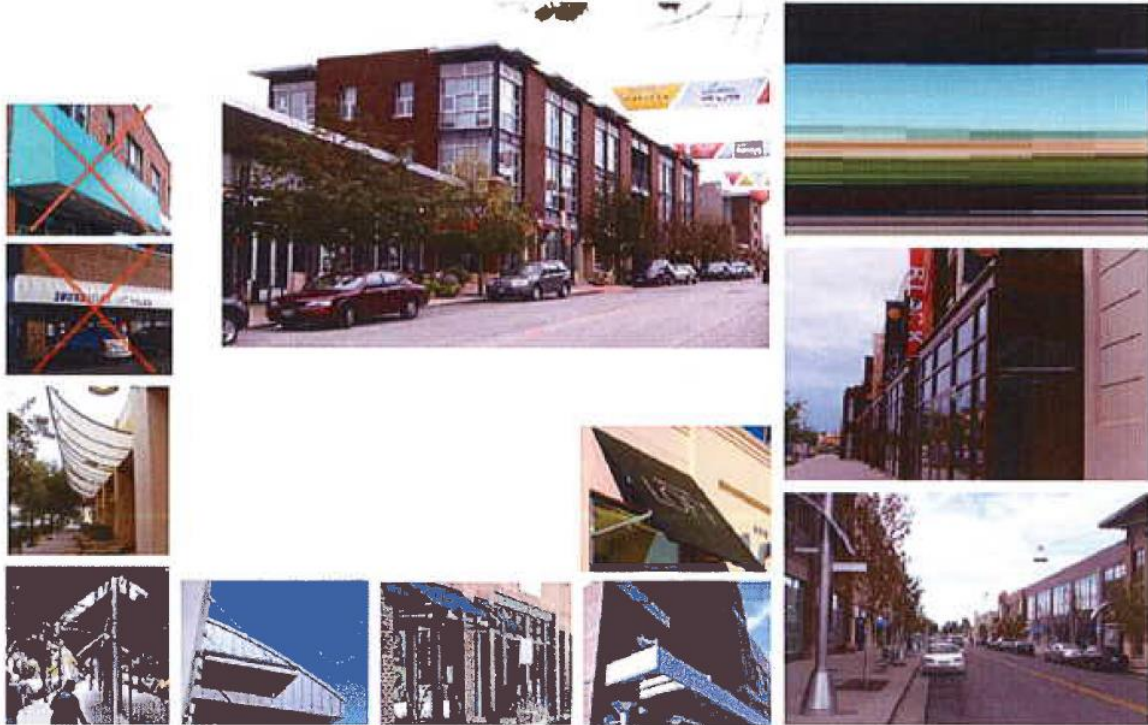
jma **MERIDIAN** CONCEPT PICTURES

### 3. Proposed Conceptual Development Plan





#### 4. Proposed Conceptual Building Elevations/Design

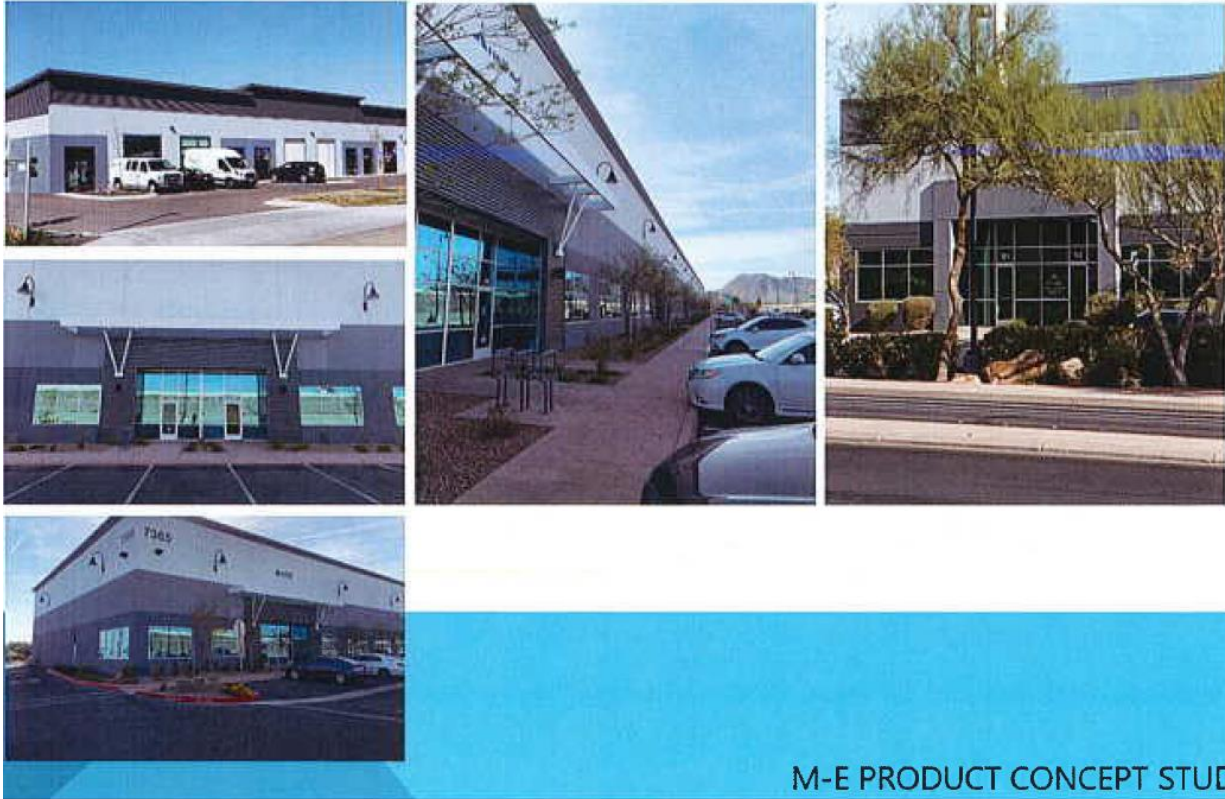


Examples of Mixed Use Commercial/Retail in the C-C Zone



Examples of Vertically Integrated Residential Design





M-E PRODUCT CONCEPT STUDY

**Examples of Mixed Employment Design**



H-E PRODUCT CONCEPT STUDY

**Examples of High Density Employment Design**







Project No: 190580  
Date: December 15, 2021  
Page 1 of 1

**MERIDIAN 118  
H-E ZONING**

A parcel of land located in portions of the NE1/4 of the SW1/4, and the NW1/4 of the SE1/4, of Section 15, Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, being more particularly described as follows:

**COMMENCING** at the Center East 1/16 Corner of said Section, from which the Center 1/4 Corner of said Section bears N.89°14'39"W., 1321.43 feet; thence along the east boundary of said NW1/4 of the SE1/4,

- A) S.00°33'33"W., 419.50 feet; thence,
- B) S.88°20'35"W., 422.37 feet; thence,
- C) S.06°13'49"W., 104.18 feet to the **POINT OF BEGINNING**; thence continuing,
  - 1) S.06°13'49"W., 46.04 feet to the beginning of a tangent curve; thence,
  - 2) Southwesterly along said curve to the right, having a radius of 125.00 feet, an arc length of 96.48 feet, through a central angle of 44°13'28" and a long chord which bears S.28°20'33"W., 94.11 feet; thence tangent from said curve,
  - 3) S.50°27'17"W., 698.92 feet; thence,
  - 4) N.39°32'45"W., 589.58 feet; thence,
  - 5) N.66°06'05"E., 97.09 feet to the beginning of a tangent curve; thence,
  - 6) Northeasterly along said curve to the right, having a radius of 1000.00 feet, an arc length of 430.30 feet, through a central angle of 24°39'16" and a long chord which bears N.78°25'43"E., 426.99 feet; thence tangent from said curve,
  - 7) S.89°14'39"E., 456.97 feet to the **POINT OF BEGINNING**.

**CONTAINING:** 7.06 acres, more or less.

\*Bearings and distances are based on the record zoning descriptions included in the Development Agreement recorded as Instrument No. 110115738, Official Records of Ada County, Idaho.

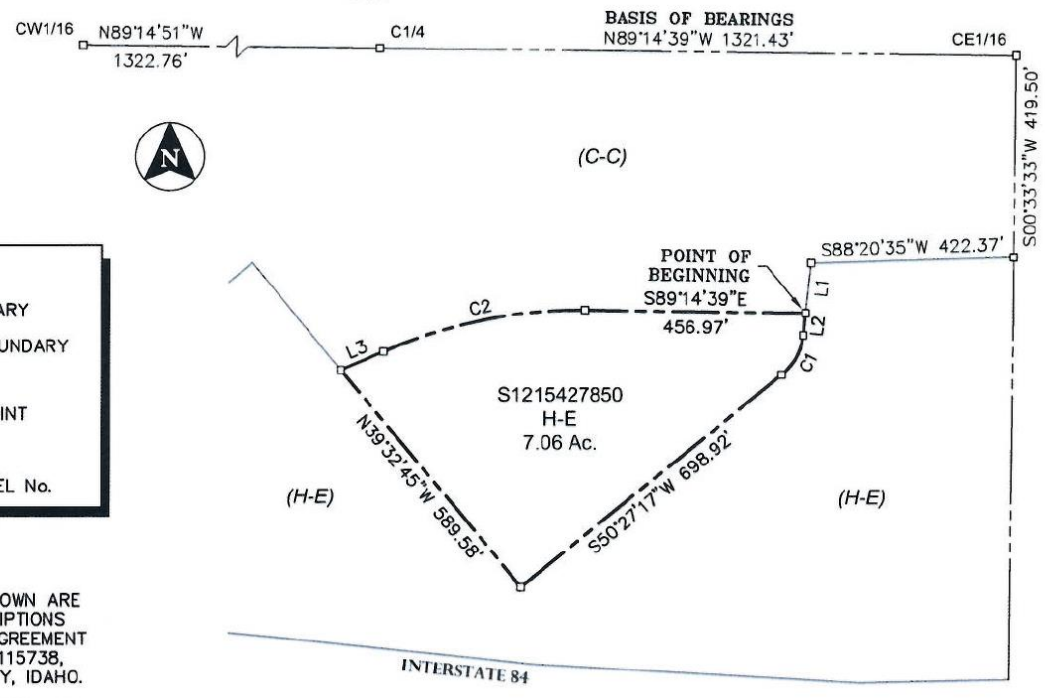


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### EXHIBIT SKETCH - H-E ZONING

LOCATED IN PORTIONS OF THE NE1/4 OF THE SW1/4 AND THE NW1/4 OF THE SE1/4 OF SECTION 15, TOWNSHIP 3 NORTH, RANGE 1 WEST  
BOISE MERIDIAN, CITY OF MERIDIAN, ADA COUNTY, IDAHO  
2021

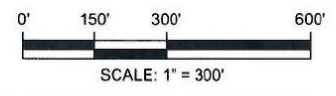
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S06°13'49"W	104.18'
L2	S06°13'49"W	46.04'
L3	N66°06'05"E	97.09'



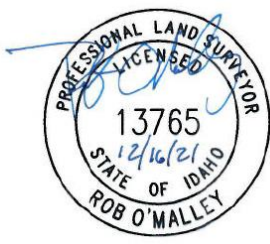
LEGEND	
	NEW ZONE BOUNDARY
	EXISTING ZONE BOUNDARY
	SECTION LINE
	RECORD ANGLE POINT
(C-C)	EXISTING ZONING
S1215427850	ASSESSOR'S PARCEL No.

#### NOTES

- ALL BEARINGS AND DISTANCES SHOWN ARE BASED ON RECORD ZONING DESCRIPTIONS INCLUDED IN THE DEVELOPMENT AGREEMENT RECORDED AS INSTRUMENT No.110115738, OFFICIAL RECORDS OF ADA COUNTY, IDAHO.
- THE PARCEL SHOWN WILL BE REZONED FROM C-C TO H-E.



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	125.00'	96.48'	44°13'28"	S28°20'33"W	94.11'
C2	1000.00'	430.30'	24°39'16"	N78°25'43"E	426.99'



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E-FILE: 190580-V-XB\_ZONING\_H-E DATE: 12/15/2021 JOB: 190580



Project No: 190580  
Date: December 15, 2021  
Page 1 of 2

**MERIDIAN 118  
M-E ZONING**

A parcel of land located in portions of the NE1/4 of the SW1/4 and the NW1/4 of the SE1/4, of Section 15, Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, being more particularly described as follows:

**COMMENCING** at the Center 1/4 Corner of said Section 15, from which the Center East 1/16 Corner of said Section bears S.89°14'39"E., a distance of 1321.43 feet; thence, along the north line of said NE1/4 of the SW1/4,

- A) N.89°14'51"W., 291.63 feet to the **POINT OF BEGINNING.**; thence,
  - 1) S.39°31'08"E., 747.95 feet to the beginning of non-tangent curve; thence,
  - 2) Southwesterly along said curve to the left, having a radius of 1000.00 feet, an arc length of 185.66 feet, through a central angle of 10°38'16" and a long chord which bears S.71°25'13"W., 185.40 feet; thence tangent from said curve,
  - 3) S.66°06'05"W., 231.67 feet to the beginning of a non-tangent curve; thence,
  - 4) Southwesterly along said curve to the right, having a radius of 750.00 feet, an arc length of 322.73 feet, through a central angle of 24°39'16" and a long chord which bears S.78°25'43"W., 320.24 feet; thence tangent from said curve,
  - 5) N.89°14'39"W., 51.86 feet; thence,
  - 6) S.00°45'21"W., 393.83 feet to the north right-of-way of Interstate Highway 84; thence along said right-of-way,
  - 7) N.81°24'57"W., 352.28 feet; thence,
  - 8) N.85°23'09"W., 21.65 feet; thence departing said north right-of-way,
  - 9) N.09°28'05"E., 86.37 feet to the beginning of a tangent curve, thence,
  - 10) Northeasterly along said curve to the right, having a radius of 150.00 feet, an arc length of 107.30 feet, through a central angle of 40°59'02" and a long chord which bears N.29°57'36"E., 105.02 feet; thence tangent from said curve,





Project No: 190580  
Date: December 15, 2021  
Page 2 of 2

- 11) N.50°27'07"E., 357.09 feet; thence,
- 12) N.39°32'45"W., 918.69 feet to beginning of a tangent curve; thence,
- 13) Northwesterly along said curve to the right, having a radius of 150.00 feet, an arc length of 39.04 feet, through a central angle of 14°54'48" and a long chord which bears N.32°05'21"W., 38.93 feet to the north boundary of said NE1/4 of the SW1/4, from which point the Center West 1/16 Corner of said Section bears N.89°14'51"W., a distance of 115.16 feet; thence,
- 14) S.89°14'51"E., 915.97 feet to the **POINT OF BEGINNING.**

**CONTAINING:** 17.38 acres, more or less.

\*Bearings and distances are based on the record zoning descriptions included in the Development Agreement recorded as Instrument No. 110115738, Official Records of Ada County, Idaho.

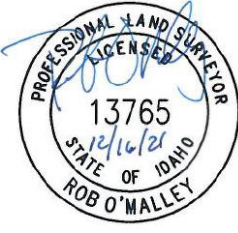
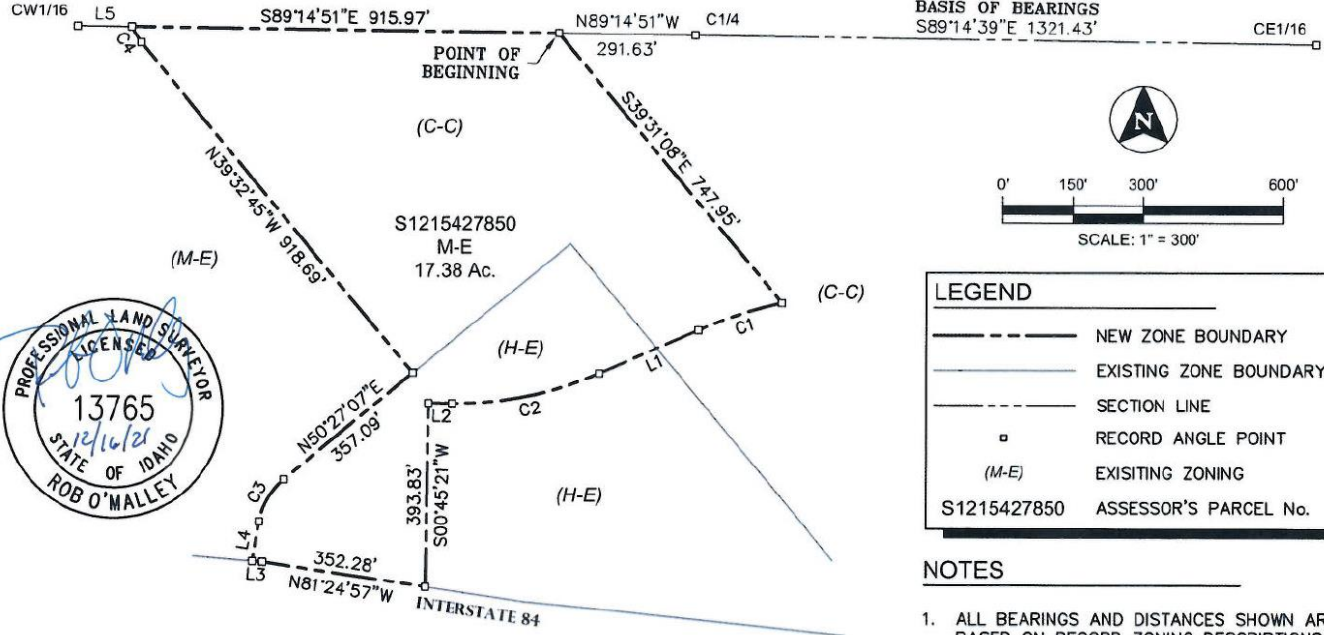




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**EXHIBIT SKETCH - M-E ZONING**

LOCATED IN PORTIONS OF THE NE1/4 OF THE SW1/4 AND THE NW1/4 OF THE SE1/4 OF SECTION 15, TOWNSHIP 3 NORTH, RANGE 1 WEST  
BOISE MERIDIAN, CITY OF MERIDIAN, ADA COUNTY, IDAHO  
2021



**LEGEND**

- NEW ZONE BOUNDARY
- EXISTING ZONE BOUNDARY
- ... SECTION LINE
- RECORD ANGLE POINT
- (M-E) EXISTING ZONING
- S1215427850 ASSESSOR'S PARCEL No.

- NOTES**
- ALL BEARINGS AND DISTANCES SHOWN ARE BASED ON RECORD ZONING DESCRIPTIONS INCLUDED IN THE DEVELOPMENT AGREEMENT RECORDED AS INSTRUMENT No.110115738, OFFICIAL RECORDS OF ADA COUNTY, IDAHO.
  - THE PARCEL SHOWN WILL BE REZONED FROM C-C AND H-E TO M-E.

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	S66°06'05"W	231.67'
L2	N89°14'39"W	51.86'
L3	N85°23'09"W	21.65'
L4	N09°28'05"E	86.37'
L5	N89°14'51"W	115.16'

**CURVE TABLE**

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	1000.00'	185.66'	10°38'16"	S71°25'13"W	185.40'
C2	750.00'	322.73'	24°39'16"	S78°25'43"W	320.24'
C3	150.00'	107.30'	40°59'02"	N29°57'36"E	105.02'
C4	150.00'	39.04'	14°54'48"	N32°05'21"W	38.93'

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E-FILE: 190580-VXB\_ZONING\_M-E      DATE: 12/15/2021      JOB: 190580



Project No: 190580  
Date: December 15, 2021  
Page 1 of 1

**MERIDIAN 118  
R-15 ZONING**

A parcel of land being all of the SE1/4 of the NW1/4, of Section 15, Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, being more particularly described as follows:

**BEGINNING** at the Center 1/4 Corner of said Section 15, from which the Center East 1/16 corner of said Section bears S.89°14'39"E., a distance of 1321.43 feet; thence along the south boundary of said SE1/4 of the NW1/4,

- 1) N.89°14'51"W. 1322.76 feet to the Center West 1/16 Corner of said Section; thence along the west boundary of said SE1/4 of the NW1/4,
- 2) N.00°39'49"E. 1328.76 feet to Northwest 1/16 Corner of said Section, thence along the north boundary of said SE1/4 of the NW1/4,
- 3) S.89°15'14"E. 1321.52 feet to the Center North 1/16 Corner of said Section, thence along the east boundary of said SE1/4 of the NW1/4,
- 4) S.00°36'37"W. 1328.91 feet to the **POINT OF BEGINNING.**

**CONTAINING:** 40.33 acres, more or less.

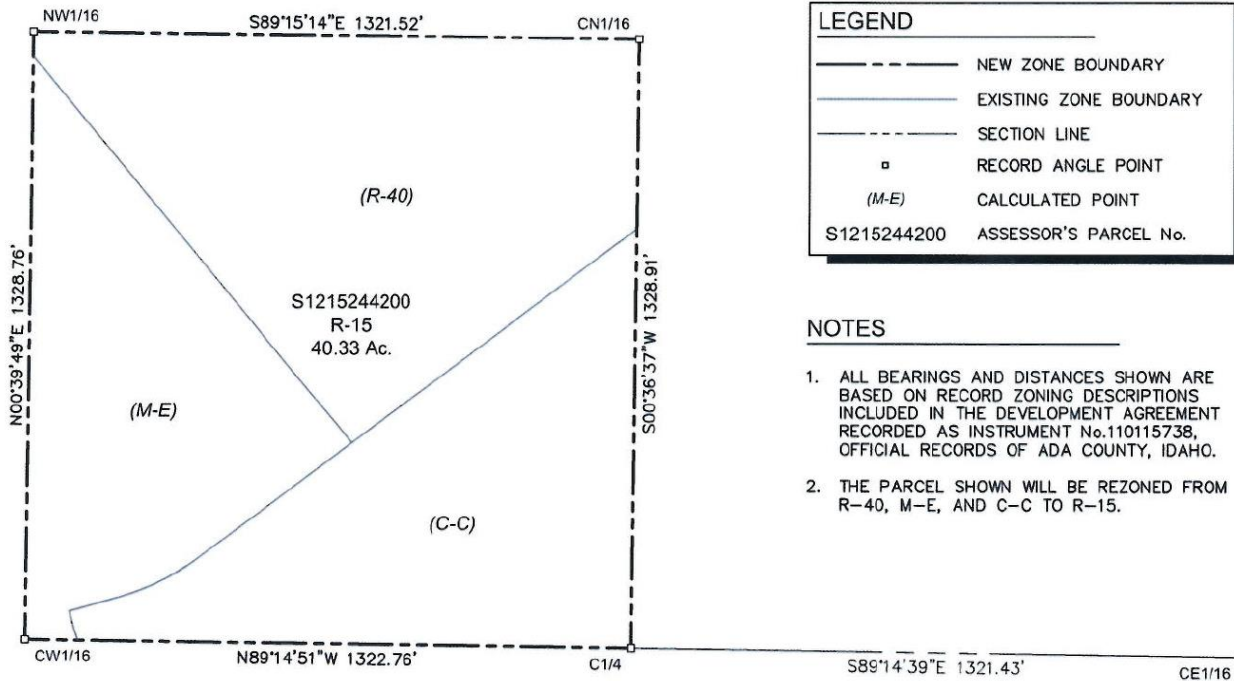
\*Bearings and distances are based on the record zoning descriptions included in the Development Agreement recorded as Instrument No. 110115738, Official Records of Ada County, Idaho.



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### EXHIBIT SKETCH - R-15 ZONING

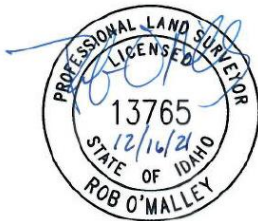
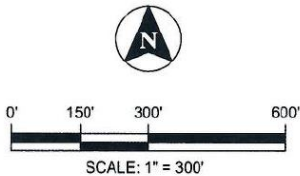
ALL OF THE SE1/4 OF THE NW1/4 OF SECTION 15, TOWNSHIP 3 NORTH, RANGE 1 WEST  
BOISE MERIDIAN, CITY OF MERIDIAN, ADA COUNTY, IDAHO  
2021



LEGEND	
	NEW ZONE BOUNDARY
	EXISTING ZONE BOUNDARY
	SECTION LINE
	RECORD ANGLE POINT
<i>(M-E)</i>	CALCULATED POINT
S1215244200	ASSESSOR'S PARCEL No.

#### NOTES

1. ALL BEARINGS AND DISTANCES SHOWN ARE BASED ON RECORD ZONING DESCRIPTIONS INCLUDED IN THE DEVELOPMENT AGREEMENT RECORDED AS INSTRUMENT No. 110115738, OFFICIAL RECORDS OF ADA COUNTY, IDAHO.
2. THE PARCEL SHOWN WILL BE REZONED FROM R-40, M-E, AND C-C TO R-15.



**T-O ENGINEERS**  
 332 N. BROADMORE WAY  
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 PHONE: (208) 442-6300 WWW.TO-ENGINEERS.COM  
 E-FILE: 190580-VXB\_ZONING\_R-15 DATE: 12/13/2021 JOB: 190580



Project No: 190580  
Date: December 16, 2021  
Page 1 of 1

**MERIDIAN 118  
C-C ZONING**

A parcel of land located in a portion of the NW1/4 of the SE1/4 of Section 15, Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, being more particularly described as follows:

**BEGINNING** at The Center East 1/16 Corner of said Section 15, from which the Center 1/4 Corner of said Section bears N.89°14'39"W., 1321.43 feet; thence, along the east boundary of said NW1/4 of the SE1/4,

- A) S.00°33'33"W., 419.50 feet to the **POINT OF BEGINNING**; thence continuing along said east boundary,
  - 1) S.00°33'33"W., 121.49 feet; thence leaving said east boundary,
  - 2) N.89°14'39"W., 432.35 feet; thence,
  - 3) N.06°13'49"E., 104.18 feet; thence,
  - 4) N.88°20'35"E., 422.37 feet to the **POINT OF BEGINNING**.

**CONTAINING:** 1.10 acres, more or less.

\*Bearings and distances are based on the record zoning descriptions included in the Development Agreement recorded as Instrument No. 110115738, Official Records of Ada County, Idaho.

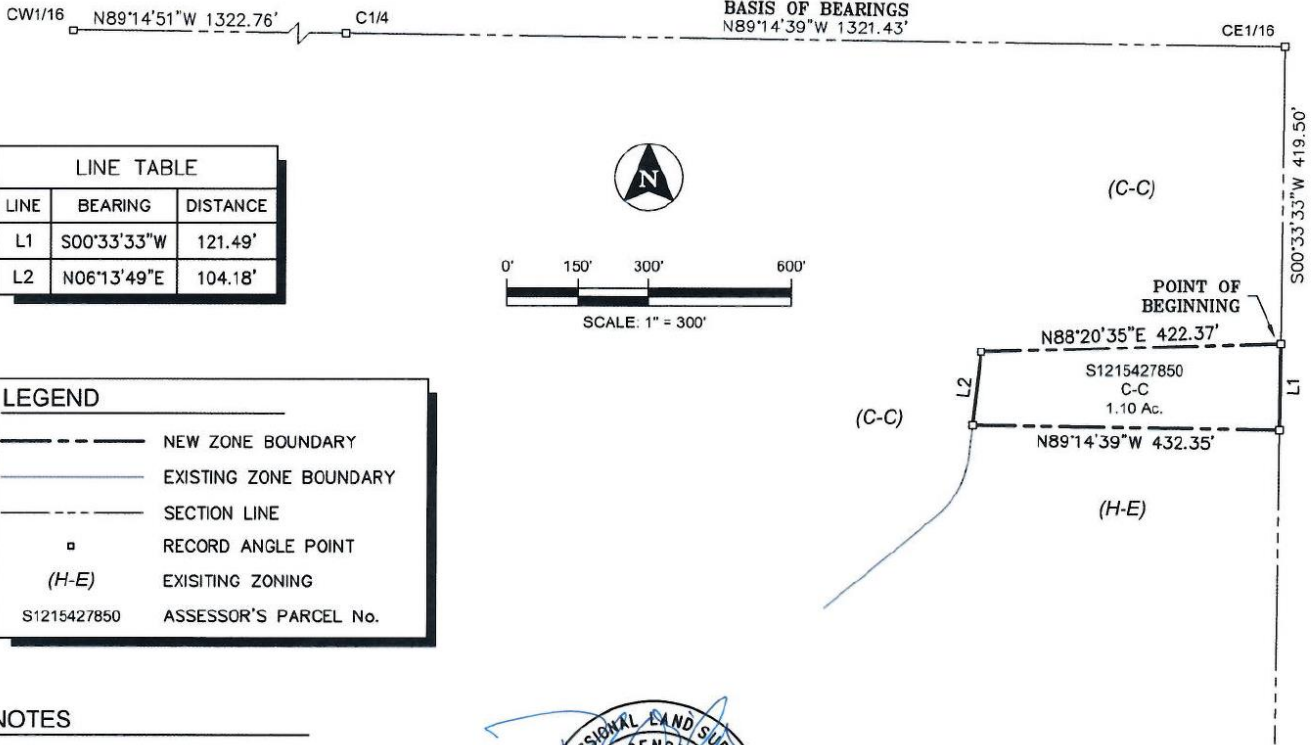




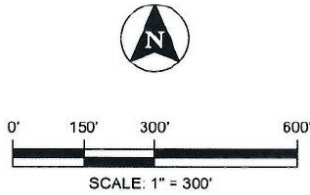
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### EXHIBIT SKETCH - C-C ZONING

LOCATED IN A PORTION OF THE NW1/4 OF THE SE1/4 OF SECTION 15, TOWNSHIP 3 NORTH, RANGE 1 WEST  
BOISE MERIDIAN, CITY OF MERIDIAN, ADA COUNTY, IDAHO  
2021



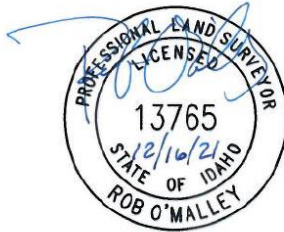
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°33'33"W	121.49'
L2	N06°13'49"E	104.18'



LEGEND	
	NEW ZONE BOUNDARY
	EXISTING ZONE BOUNDARY
	SECTION LINE
	RECORD ANGLE POINT
<i>(H-E)</i>	EXISTING ZONING
S1215427850	ASSESSOR'S PARCEL No.

#### NOTES

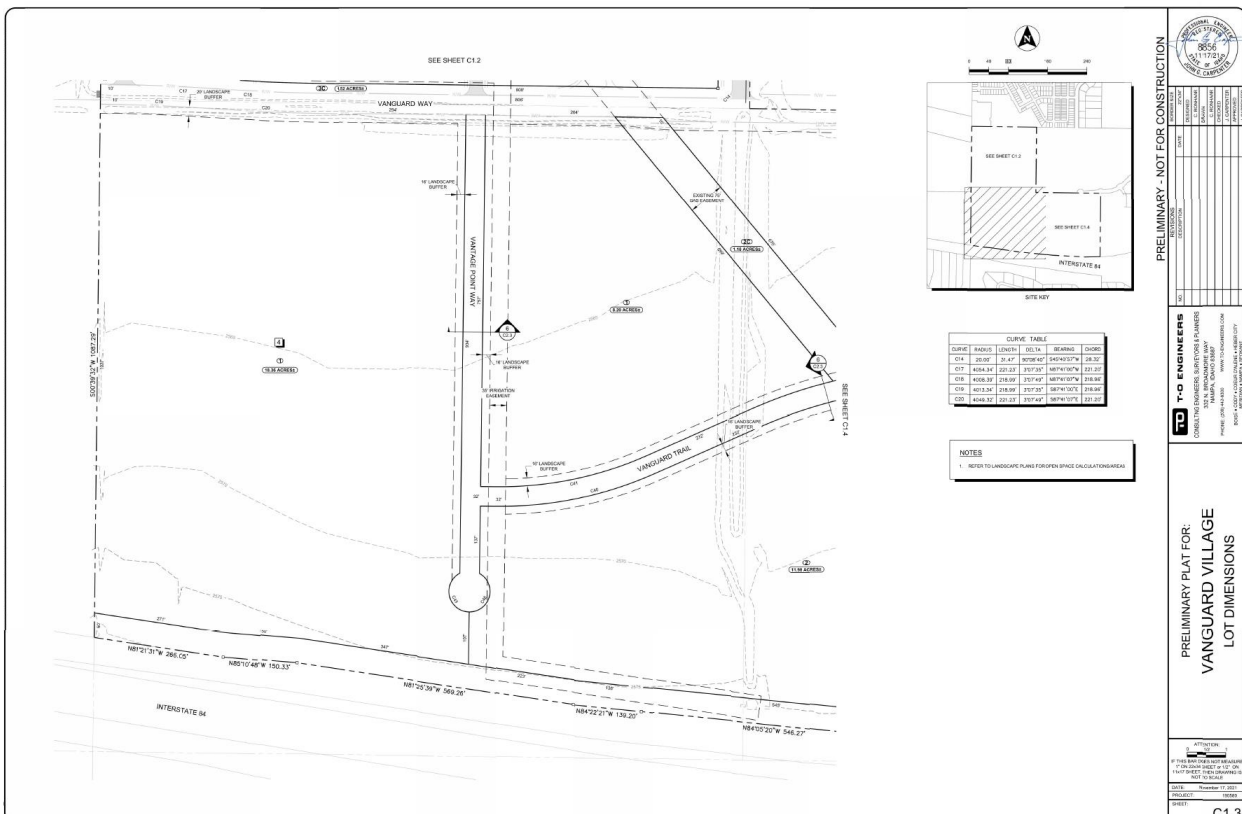
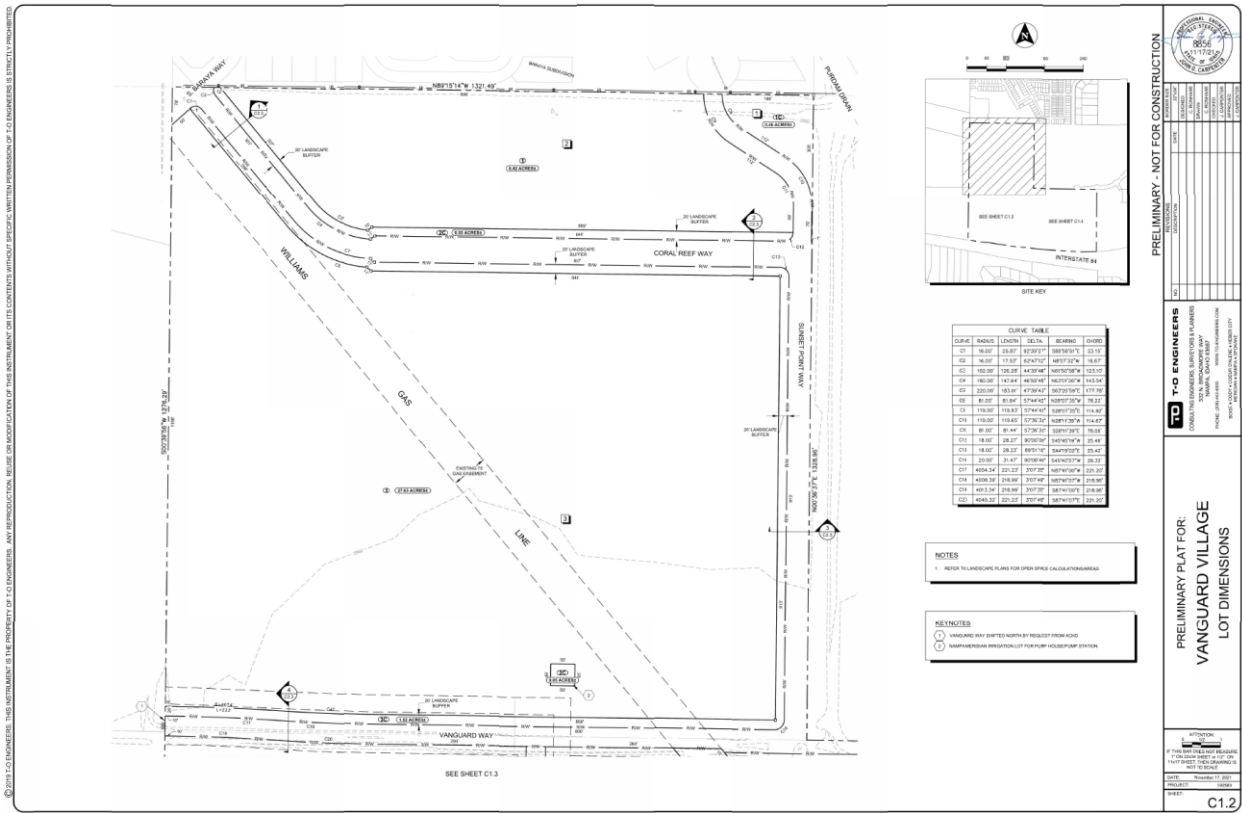
1. ALL BEARINGS AND DISTANCES SHOWN ARE BASED ON RECORD ZONING DESCRIPTIONS INCLUDED IN THE DEVELOPMENT AGREEMENT RECORDED AS INSTRUMENT No.110115738, OFFICIAL RECORDS OF ADA COUNTY, IDAHO.
2. THE PARCEL SHOWN WILL BE REZONED FROM H-E TO C-C.

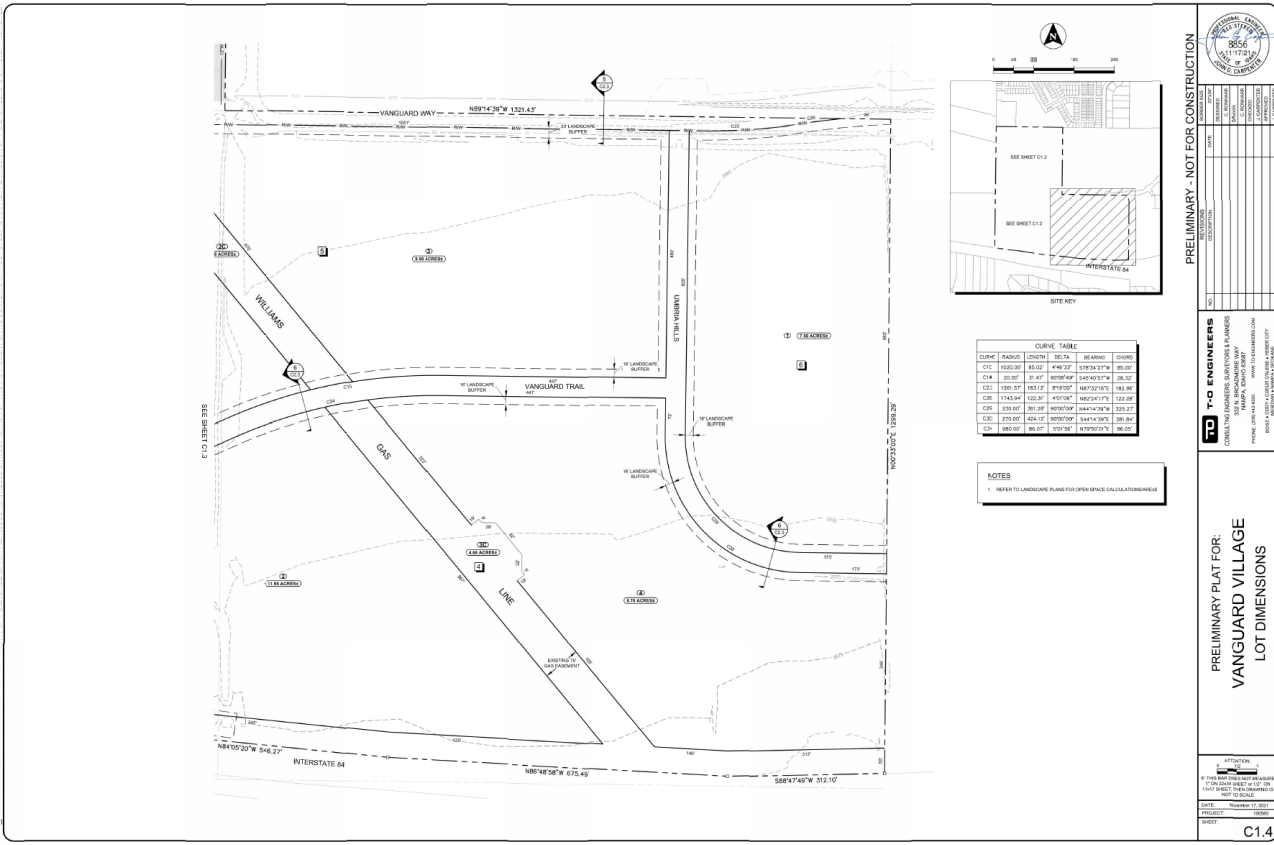


**T-O ENGINEERS**  
 332 N. BROADMORE WAY  
 NAMPA, IDAHO 83687  
 PHONE: (208) 442-6300 WWW.TO-ENGINEERS.COM  
 E-FILE: 190580-V-XB ZONING C-C DATE: 12/15/2021 JOB: 190580







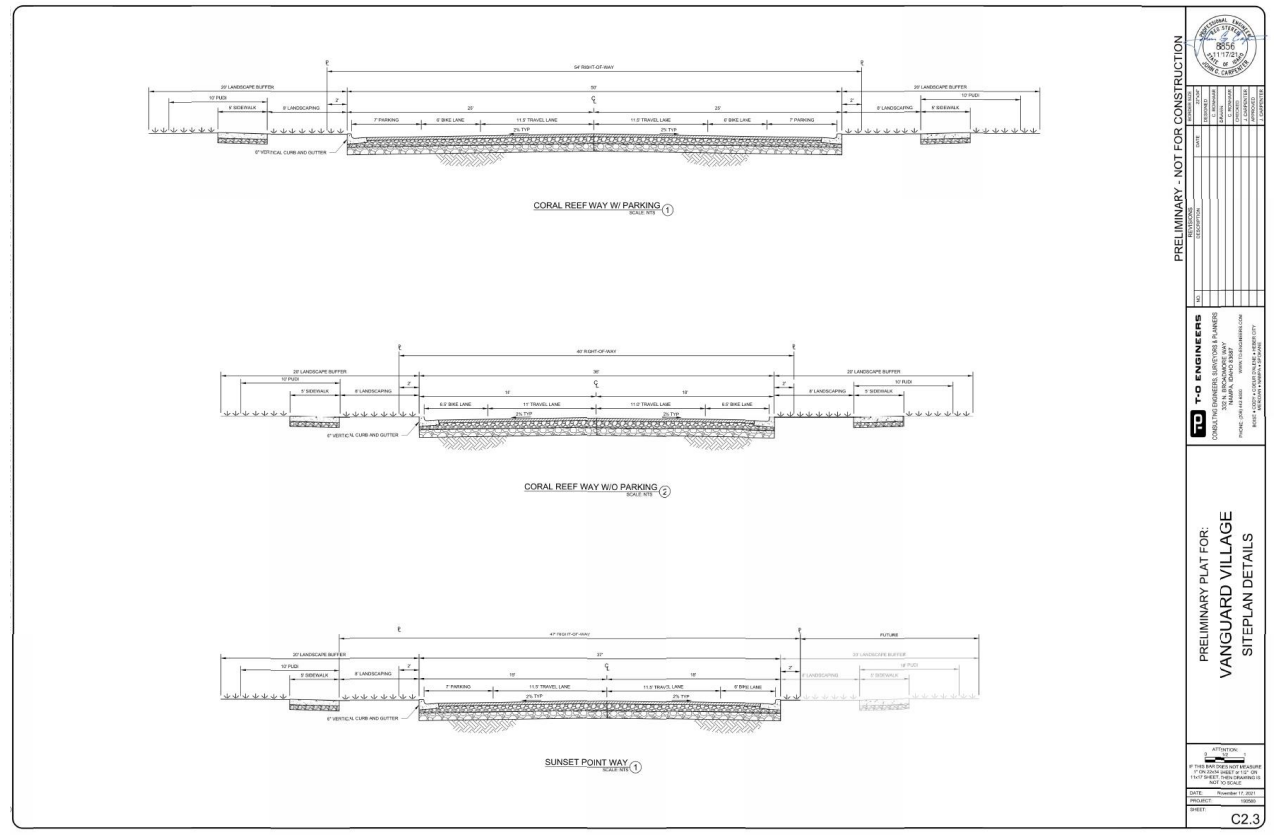


PRELIMINARY - NOT FOR CONSTRUCTION

PRELIMINARY PLAT FOR:  
**VANGUARD VILLAGE**  
LOT DIMENSIONS

**T.O. ENGINEERS, INC.**  
 CIVIL ENGINEERS, SURVEYORS & PLANNERS  
 13800 N. WINDY HILLWAY  
 SUITE 200, BOCA RATON, FLORIDA 33433  
 PHONE: 561.994.1888 FAX: 561.994.1889  
 WWW.TOENGINEERS.COM  
 DESIGN PROFESSIONAL SEAL NO. 8856

DATE: November 17, 2021  
SHEET: C1.4

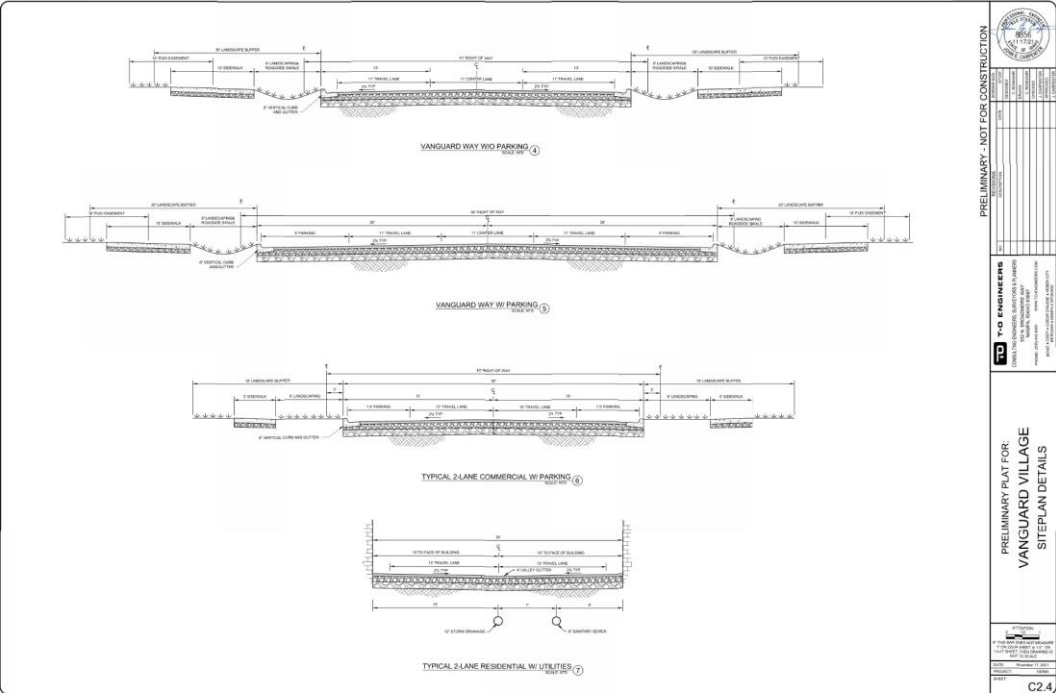


PRELIMINARY - NOT FOR CONSTRUCTION

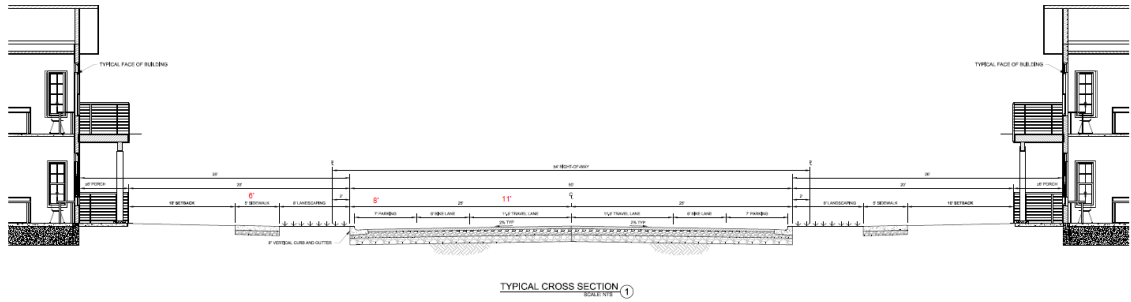
PRELIMINARY PLAT FOR:  
**VANGUARD VILLAGE**  
SITEPLAN DETAILS

**T.O. ENGINEERS, INC.**  
 CIVIL ENGINEERS, SURVEYORS & PLANNERS  
 13800 N. WINDY HILLWAY  
 SUITE 200, BOCA RATON, FLORIDA 33433  
 PHONE: 561.994.1888 FAX: 561.994.1889  
 WWW.TOENGINEERS.COM  
 DESIGN PROFESSIONAL SEAL NO. 8856

DATE: November 17, 2021  
SHEET: C2.3

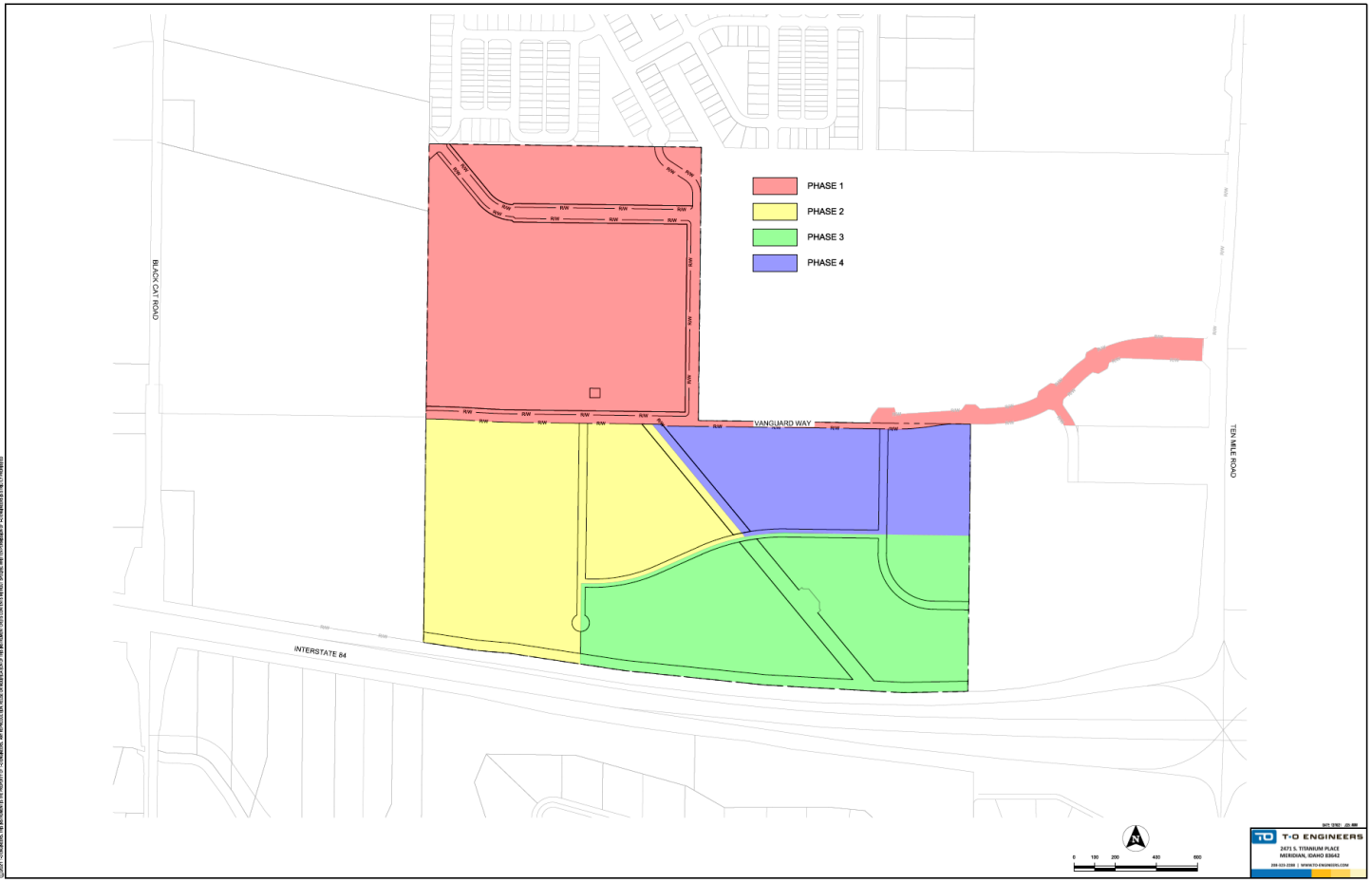


Updated:



0 10 20 30

T-G ENGINEERS  
301 S. TIDWELL PLACE  
MERRIDAN, IDAHO 83442  
PHONE: 208.333.8888  
WWW.T-GENGINEERS.COM



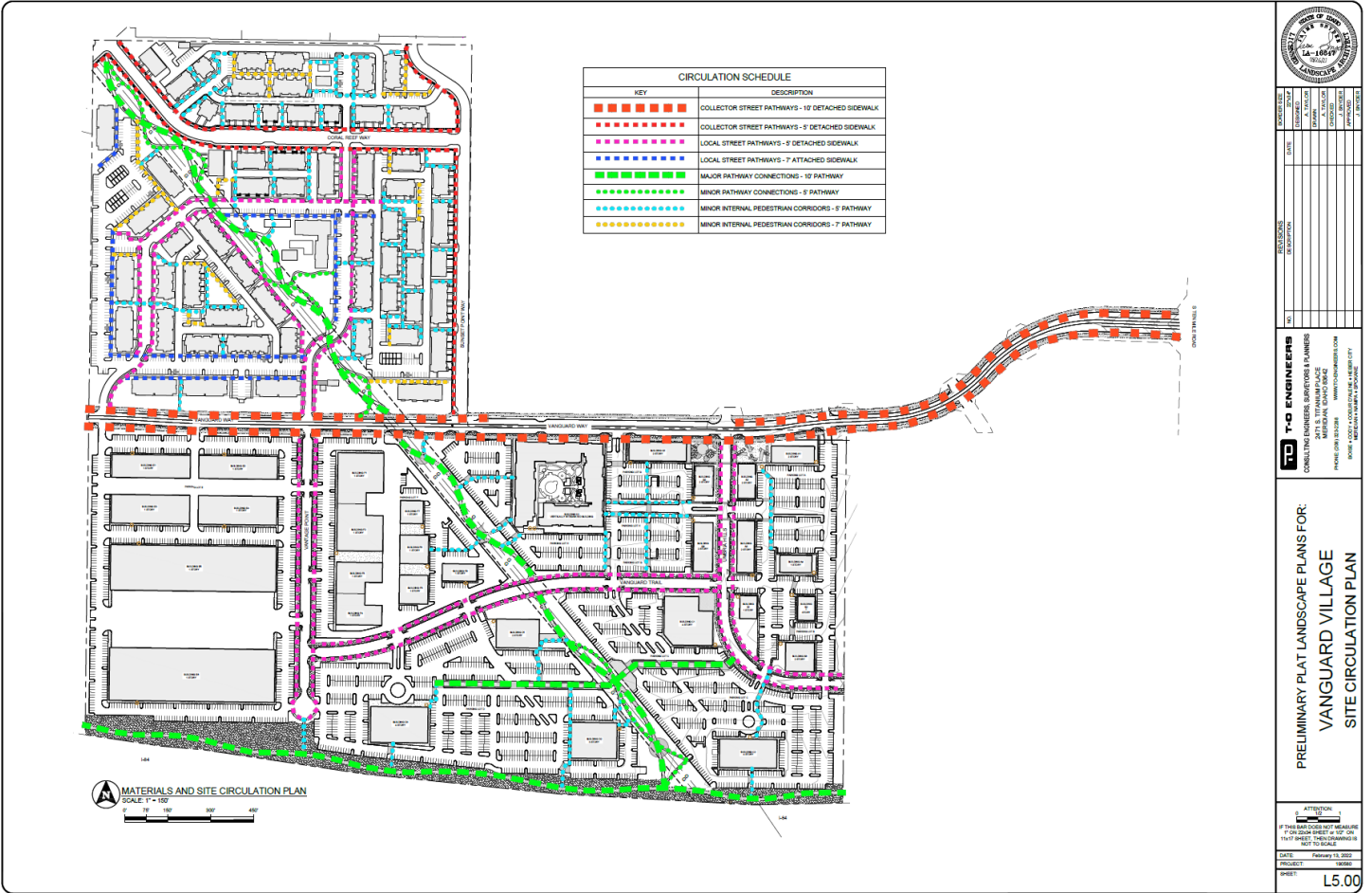






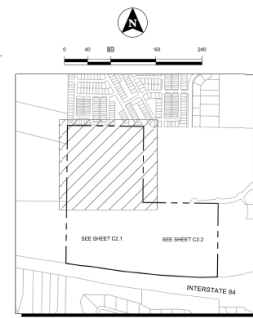
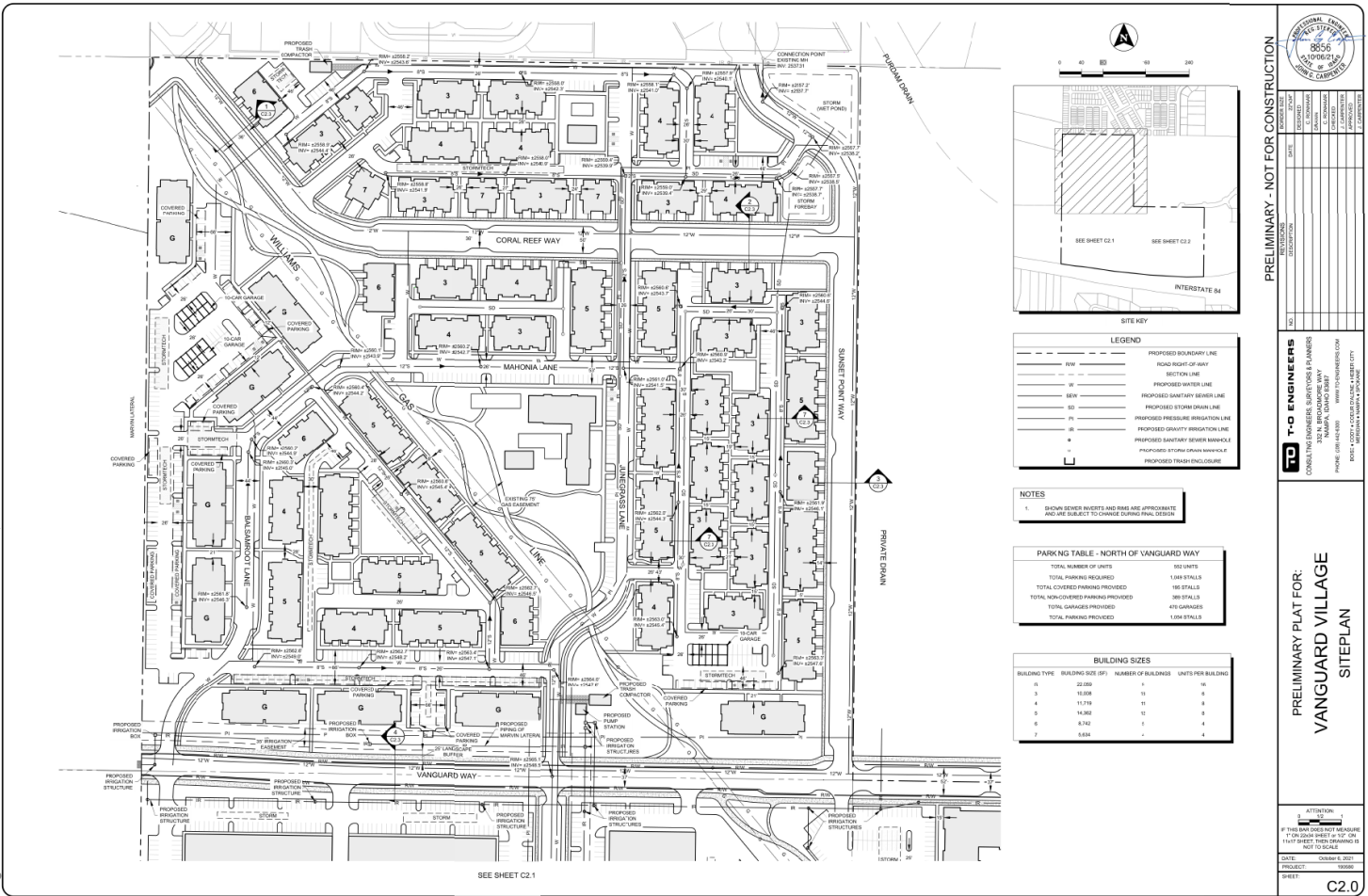


### 3. Circulation Plan0



**D. Conditional Use Permit**

**1. Site Plan (dated: 10/6/21)**



**LEGEND**

- PROPOSED BOUNDARY LINE
- ROAD RIGHT-OF-WAY
- SECTION LINE
- PROPOSED WATER LINE
- SEW
- PROPOSED SANITARY BENDER LINE
- SD
- PROPOSED STORM DRAIN LINE
- PR
- PROPOSED PRESSURE IRRIGATION LINE
- PR
- PROPOSED GRAVITY IRRIGATION LINE
- S
- PROPOSED SANITARY BENDER MANHOLE
- PROPOSED STORM DRAIN MANHOLE
- PROPOSED TRAMP ENCLASURE

**NOTES**

1. SEWAGE SERVICE INVERTS AND RISE ARE APPROXIMATE AND ARE SUBJECT TO CHANGE DURING FINAL DESIGN.

**PARKING TABLE - NORTH OF VANGUARD WAY**

TOTAL NUMBER OF UNITS	150 UNITS
TOTAL PARKING REQUIRED	1,848 STALLS
TOTAL COVERED PARKING PROVIDED	180 STALLS
TOTAL UNCOVERED PARKING PROVIDED	280 STALLS
TOTAL GARAGES PROVIDED	470 GARAGES
TOTAL PARKING PROVIDED	1,030 STALLS

**BUILDING SIZES**

BUILDING TYPE	BUILDING SIZE (SF)	NUMBER OF BUILDINGS	UNITS PER BUILDING
0	22,000	5	10
3	18,000	10	6
4	11,710	10	6
5	14,300	10	6
6	8,742	1	4
7	9,800	-	4

**PRELIMINARY - NOT FOR CONSTRUCTION**  
 DATE: 10/6/21  
 DRAWN BY: [REDACTED]  
 CHECKED BY: [REDACTED]  
 PROJECT: 200808  
 SHEET: C2.0

**T-O ENGINEERS**  
 CONSULTING ENGINEERS, SURVEYORS & ARCHITECTS  
 332 N. BRADSHAW WAY  
 SUITE 100  
 DENVER, CO 80202  
 PHONE: (303) 733-1100  
 FAX: (303) 733-1101  
 WWW.T-OENGINEERS.COM  
 REG. NO. 000144 - COLORADO  
 REG. NO. 000144 - ILLINOIS  
 REG. NO. 000144 - MISSOURI  
 REG. NO. 000144 - NEBRASKA  
 REG. NO. 000144 - NORTH CAROLINA  
 REG. NO. 000144 - SOUTH CAROLINA  
 REG. NO. 000144 - TEXAS  
 REG. NO. 000144 - VIRGINIA  
 REG. NO. 000144 - WISCONSIN

**PRELIMINARY PLAT FOR:**  
**VANGUARD VILLAGE**  
**SITE PLAN**

DATE: October 6, 2021  
 PROJECT: 200808  
 SHEET: C2.0

## 2. Phasing Plan

# LDK THE VANGUARD CROSSING MERIDIAN, IDAHO

**PHASING LEGEND:**

PHASE I



PHASE 2



**BUILDING TYPE LEGEND:**

GA	- GARDEN APARTMENTS	9 TOTAL
CLUB HOUSE	- CLUBHOUSE	1 TOTAL
AME	- AMENITIES BUILDING	2 TOTAL
TH#3	- TOWN HOME BUILDING #3	18 TOTAL
TH#4	- TOWN HOME BUILDING #4	11 TOTAL
TH#5	- TOWN HOME BUILDING #5	13 TOTAL
TH#6	- TOWN HOME BUILDING #6	03 TOTAL
TH#7	- TOWN HOME BUILDING #7	04 TOTAL



### PROJECT DATA FOR VANGUARD CROSSING

BUILDINGS AND UNIT TYPES	UNIT SQUARE FOOTAGE	PRIVATE OPEN SPACE	GARDEN APARTMENTS	TH - BUILDING #3	TH - BUILDING #4	TH - BUILDING #5	TH - BUILDING #6	TH - BUILDING #7	TOTAL
TOTAL # OF BUILDINGS OVERALL			9	18	11	13	5	4	60
TOTAL # OF UNITS PER BUILDING			24	6	8	8	4	4	552
<b>PHASE I - # OF BUILDINGS</b>			9	12	6	13	4	0	44
UNIT TYPE - 1 BED - FLAT	758 SF	80 SF	12	0	0	0	0	0	108
UNIT TYPE - 2 BED - FLAT	1055 SF	80 SF	12	0	0	0	0	0	108
UNIT TYPE - A UNIT - TH FLAT	868 SF	84 SF	0	2	2	2	0	2	62
UNIT TYPE - B UNIT - TH FLAT	1198 SF	91 SF	0	2	2	2	0	2	62
UNIT TYPE - C UNIT - TH 2 STORY	1693 SF	84 SF	0	2	0	4	4	0	92
UNIT TYPE - D UNIT - TH FLAT	850 SF	102 SF	0	0	2	0	0	0	12
UNIT TYPE - E UNIT - TH FLAT	1345 SF	91 SF	0	0	2	0	0	0	12
<i>does not include garages</i>									
CLUB HOUSE - 1 STORY	9368 SF								
(1) AMENITY BUILDING - 1 STORY	1800 SF								
<b>TOTAL</b>									456
<b>PHASE II - # OF BUILDINGS</b>			0	6	5	0	1	4	16
UNIT TYPE - A UNIT - TH FLAT	868 SF	84 SF	0	2	2	2	0	2	30
UNIT TYPE - B UNIT - TH FLAT	1198 SF	91 SF	0	2	2	2	0	2	30
UNIT TYPE - C UNIT - TH 2 STORY	1693 SF	84 SF	0	2	0	4	4	0	16
UNIT TYPE - D UNIT - TH FLAT	850 SF	102 SF	0	0	2	0	0	0	10
UNIT TYPE - E UNIT - TH FLAT	1345 SF	91 SF	0	0	2	0	0	0	10
<i>does not include garages</i>									
(1) AMENITY BUILDING - 1 STORY	1800 SF								
<b>TOTAL</b>									96

\* ALL APARTMENTS ARE 3 STORY  
\* ALL TH OR TOWN HOMES ARE 2 STORY

### 3. Parking Calculations

	Total Units	1 bed	Parking 1.5/unit	non-covered	covered				2-3 bed	Parking 2/unit	non-covered		covered		total non-covered	total covered
Garden Style	24	12	18	6	12				12	24	12		12		18	24
Building 3	6	2	3	1	2				4	8	4		4		5	6
Building 4	8	4	6	2	4				4	8	4		4		6	8
Building 5	8	2	3	1	2				6	12	6		6		7	8
Building 6	4	0	0	0	0				4	8	4		4		4	4
Building 7	4	2	3	1	2				2	4	2		2		3	4
<b>PHASE 1</b>	<b>Building type</b>	<b>No. of bldgs</b>	<b>Total Units</b>	<b>Required Non-Covered</b>	<b>Required Covered</b>	<b>Required Guest Parking</b>	<b>Required ADA Stalls</b>	<b>Required Bike Parking</b>	<b>Provided non-covered</b>	<b>Provided Garages</b>	<b>Provided Carports</b>	<b>Provided Covered</b>	<b>Provided ADA stalls</b>	<b>Provided Bike Parking</b>		
	Garden	9	216	162	216											
	3	12	72	60	72											
	4	6	48	36	48											
	5	13	104	91	104											
	6	4	16	16	16											
			456													
TOTAL PHASE 1				365	456	45.6	17	35	313	362	195	557	18	40		
	Phase 1	3.4	over													
<b>PHASE 2</b>	<b>Building type</b>	<b>No. of bldgs</b>	<b>Total Units</b>	<b>Required Non-Covered</b>	<b>Required Covered</b>	<b>Required Guest Parking</b>	<b>Required ADA Stalls</b>	<b>Required Bike Parking</b>	<b>Provided non-covered</b>	<b>Provided Garages</b>	<b>Provided Carports</b>	<b>Provided Covered</b>	<b>Provided ADA stalls</b>	<b>Provided Bike Parking</b>		
	3	6	36	30	36											
	4	5	40	30	40											
	6	1	4	4	4											
	7	4	16	12	16											
			96													
TOTAL PHASE 2				76	96	9.6	3	7	76	108	0	108	4	8		
	Phase 2	2.4	over													



### 4. Landscape Plan (dated: November 2021)

#### SECTION 05 | TREE SPECIES MIX



**TREES**  
 TOTAL NUMBER OF PROPOSED TREES = 970  
 NUMBER OF STREET TREES = 157 REQ (157 PROPOSED)  
 LINEAL FEET OF STREET FRONTAGE = 5,496 SF

**TREE MITIGATION**  
 ALL EXISTING TREES REMOVED TO BE MITIGATED AT 1:1 RATIO  
 NO EXISTING TREES ON SITE FOR REQUIRING MITIGATION

**PROPOSED TREE SPECIES MIX**

**CONIFER - 94 Trees**  
 PINUS FLEXILIS 100%

**CLASS I - 557 Trees**  
 AMELINCHIER X GRANDIFLORA 'AUTUMN BRILLIANCE' 75%  
 MALUS 'SNOW DRIFT' 25%

**CLASS II - 162 Trees**  
 BETULA NIGRA 'HERITAGE' 60%  
 ACER RUBRUM 40%

**CLASS III - 157 Trees**  
 GYMNOCLADUS DIOICA 60%  
 LIRIODENDRON TULIPIFERA 40%

#### SECTION 05 | TREE SPECIES MIX & ADDITIONAL DETAILS

CLASS I



**Amelanchier x grandiflora 'Autumn Brilliance'**  
 Serviceberry  
 Height: 15-25'  
 Spread: 15-25'  
 Water: Medium  
 Maintenance: Low

CLASS II



**Betula nigra 'Heritage'**  
 River Birch  
 Height: 35-50'  
 Spread: 30-40'  
 Water: Medium  
 Maintenance: Low

CLASS III



**Gymnocladus dioica**  
 Kentucky Coffee Tree  
 Height: 50-60'  
 Spread: 35-45'  
 Water: Medium  
 Maintenance: Low

CONIFERS



**Pinus flexilis**  
 Limber Pine  
 Height: 40-60'  
 Spread: 25-40'  
 Water: Medium  
 Maintenance: Low

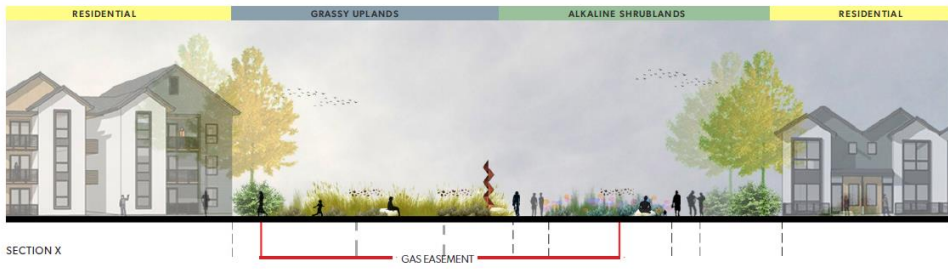


**Acer rubrum**  
 Red Maple  
 Height: 35-45'  
 Spread: 25-35'  
 Water: Medium  
 Maintenance: Low



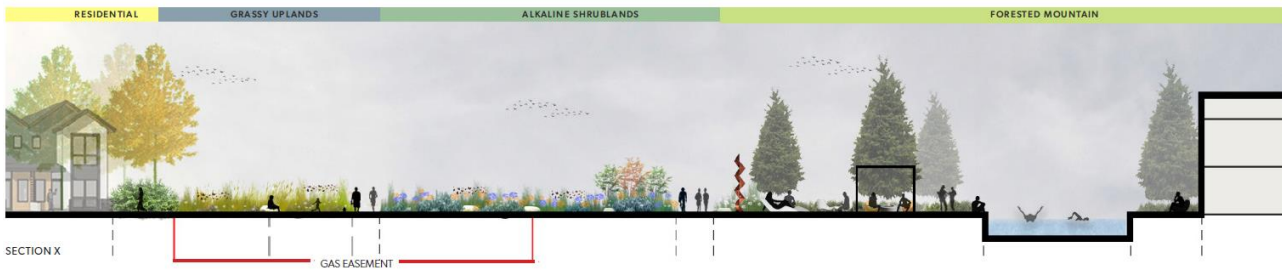
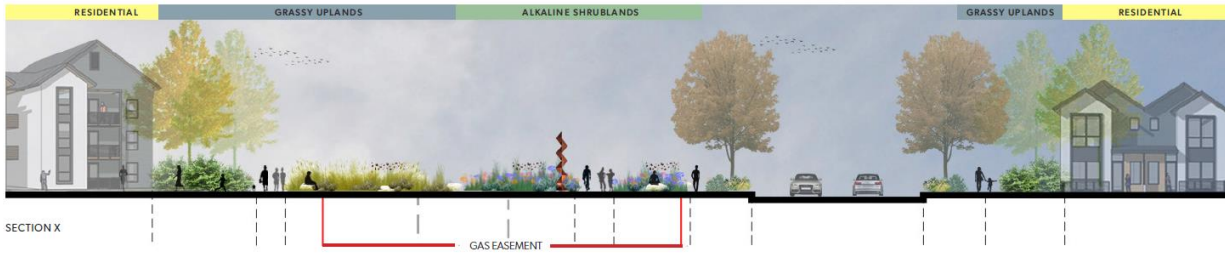
**Liriodendron tulipifera**  
 Tulip Tree  
 Height: 50-80'  
 Spread: 35-45'  
 Water: Medium  
 Maintenance: Low

SECTION 07 | PLANTING ZONES



- FORESTED MOUNTAIN
- ALKALINE SHRUBLANDS
- GRASSY UPLANDS
- TREASURE VALLEY

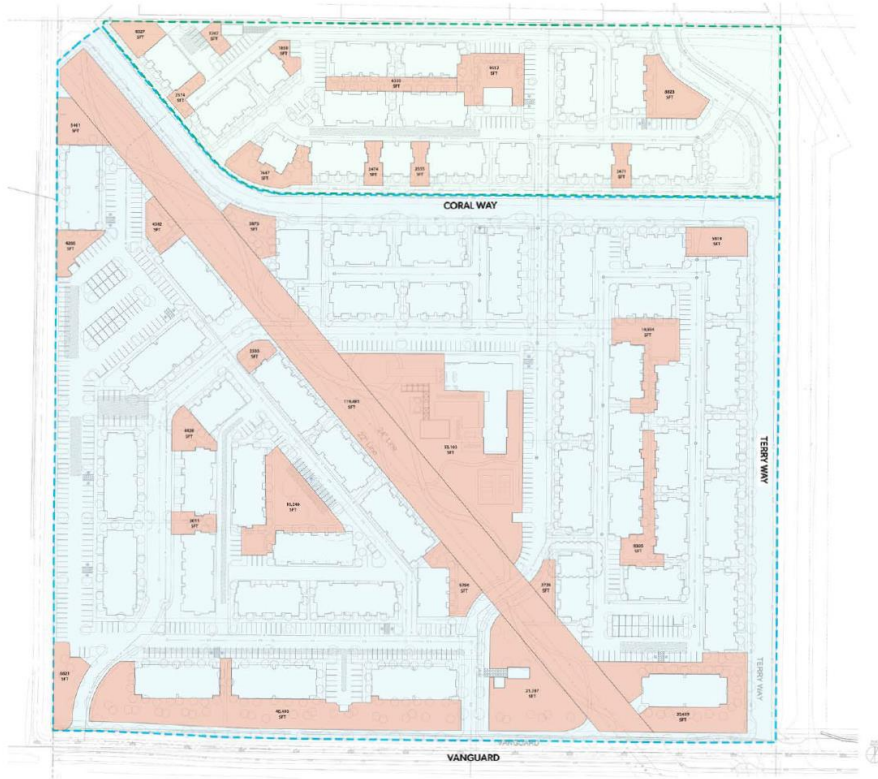
NOTE: Building elevations shown on these sections are for reference only and are not in scale. Please see architecture section for proposed building plans, elevations and sections.





### 5. Qualified Open Space

SECTION 03 | OPEN SPACE DIAGRAM



- PHASE 1
- PHASE 2
- QUALIFIED OPEN SPACE

**QUALIFIED OPEN SPACE CALCULATION**  
 MIN. AREA= 400 SF, MIN. DIMENSION = 20 FT. (PER UDC 11-4-3-27C)

TOTAL SITE AREA = 1,726,873 SF

**PHASE 1**  
 UNITS BETWEEN 500 SF & 1200 SF:  
 352 UNITS (X 250 SF REQ. OPEN SPACE) = 88,000SF  
 UNITS GREATER THAN 1200 SF:  
 104 UNITS (X 350SF REQ. OPEN SPACE) = 36,400SF

TOTAL REQ. OPEN SPACE = 124,400SF  
 TOTAL OPEN SPACE PROVIDED = 3,41,576 SF

**PHASE 2**  
 UNITS BETWEEN 500 SF & 1200 SF:  
 70 UNITS (X 250SF REQ. OPEN SPACE) = 17,500SF

UNITS GREATER THAN 1200 SF:  
 26 UNITS (X 350SF REQ. OPEN SPACE) = 9,100SF  
 TOTAL REQ. OPEN SPACE = 26,600SF  
 TOTAL OPEN SPACE PROVIDED = 50,014 SF

**\*NOTE:**  
 FOR PRIVATE OPEN SPACE CALCULATION SEE ARCHITECTURAL PROJECT DATA

# 6. Site Amenities

## SECTION 02 | ILLUSTRATIVE LANDSCAPE PLAN



### SITE AMENITIES

1. COMMON CENTRAL AMENITY AREA WITH NATIVE GRASSES, MULTIPURPOSE TRAILS, SOCIAL GATHERING NODES AND SEATING (\*LOCATED ATOP GAS EASEMENT. NO TREES OR FOUNDATIONS PERMITTED)
  2. CLUB HOUSE AMENITY - SWIMMING POOL, HOT TUB, CABANAS AND PRIVACY FENCES
  3. OUTDOOR KITCHEN & DINING
  4. FITNESS LOUNGE
  5. LAWN GAMES & FIREPIT LOUNGE
  6. PICKLE BALL COURT
  7. CHILDREN PLAY AREA
  8. DOG PARKS
  9. RESIDENTIAL AMENITY AREAS WITH SWIMMING POOL, PICNIC SHELTER AND FIRE PIT LOUNGE
  10. ART & STORMWATER FACILITIES
  11. PUMP BUILDING
  12. RESIDENTIAL AMENITY AREA WITH PLAY AREA AND BBQ LOUNGE
  13. 60'-0" SETBACK (25' STREET SCAPE PLANTING +35' IRRIGATION EASEMENT)
  14. 5'-0" MIN PARKING LOT PERIMETER LANDSCAPE STRIP
  15. BUFFER PLANTING AT DIFFERENT LAND USES
  16. COVERED PARKING
  17. ADA PARKING
  18. 20' STREET BUFFER
  19. 5' RESIDENTIAL BUFFER
  20. TRASH LOCATIONS (TYP. SEE L-8 & ARCHITECTURE SHEETS FOR TRASH ENCLOSURE DETAILS)
  21. SITE TRIANGLE
- (BP) BICYCLE PARKING (SEE PARKING CALCULATION ON CIVIL SHEETS)

\*NOTE: THERE ARE CURRENTLY NO EXISTING BUILDINGS, STRUCTURES, PLANTING AREAS, LIGHT POLES, POWER POLES, WALLS, FENCES, BERMS, PARKING AND LOADING AREAS, VEHICULAR DRIVES, TRASH AREAS, SIDEWALKS, PATHWAYS, STORMWATER DETENTION AREAS, SIGNS, STREET FURNITURE OR OTHER MAN-MADE ELEMENTS ON SITE.

### Building Elevations (dated: September 27, 2021)

Link to complete plan set, including floor plans:

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=252430&dbid=0&repo=MeridianCity>

### GARDEN STYLE APARTMENT ELEVATIONS.

**FRONT ELEVATION**  
1/8" = 1'-0"

**BACK ELEVATION**  
1/8" = 1'-0"

**SIDE ELEVATION**  
1/8" = 1'-0"

- 1 VERTICAL HARDIE PLANK SIDING - GREY
- 2 HORIZONTAL HARDIE PLANK SIDING - GREEN
- 3 HORIZONTAL HARDIE PLANK SIDING - WOOD
- 4 HARDIE PLANK SOFFIT MATERIAL
- 5 CEDAR POSTS & BEAMS
- 6 ASPHALT SHINGLES

LDX 27 SEPTEMBER 2021 **A201**

### BUILDING 3 ELEVATIONS.

**FRONT ELEVATION**  
1/8" = 1'-0"

**BACK ELEVATION**  
1/8" = 1'-0"

**SIDE ELEVATION**  
1/8" = 1'-0"

- 1 VERTICAL HARDIE PLANK SIDING - GREY
- 2 HORIZONTAL HARDIE PLANK SIDING - GREEN
- 3 HORIZONTAL HARDIE PLANK SIDING - WOOD
- 4 HARDIE PLANK SOFFIT MATERIAL
- 5 CEDAR POSTS & BEAMS
- 6 ASPHALT SHINGLES

LDX 27 SEPTEMBER 2021 **A301**

### BUILDING 4 ELEVATIONS.

FRONT ELEVATION  
1/8" = 1'-0"

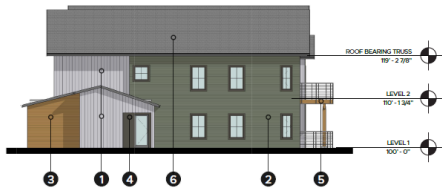


- 1 VERTICAL HARDIE PLANK SIDING - GREY
- 2 HORIZONTAL HARDIE PLANK SIDING - GREEN
- 3 HORIZONTAL HARDIE PLANK SIDING - WOOD
- 4 HARDIE PLANK SOFFIT MATERIAL
- 5 CEDAR POSTS & BEAMS
- 6 ASPHALT SHINGLES

BACK ELEVATION  
1/8" = 1'-0"



SIDE ELEVATION  
1/8" = 1'-0"



LDX THE VANGUARD PROJECT  
27 SEPTEMBER 2021

A401

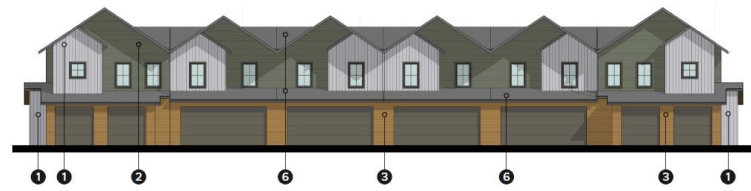
### BUILDING 5 ELEVATIONS.

FRONT ELEVATION  
1/8" = 1'-0"

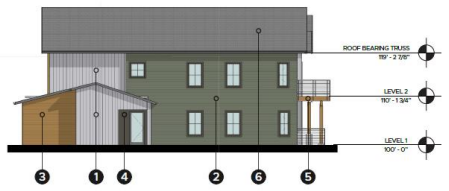


- 1 VERTICAL HARDIE PLANK SIDING - GREY
- 2 HORIZONTAL HARDIE PLANK SIDING - GREEN
- 3 HORIZONTAL HARDIE PLANK SIDING - WOOD
- 4 HARDIE PLANK SOFFIT MATERIAL
- 5 CEDAR POSTS & BEAMS
- 6 ASPHALT SHINGLES

BACK ELEVATION  
1/8" = 1'-0"



SIDE ELEVATION  
1/8" = 1'-0"



LDX THE VANGUARD PROJECT  
27 SEPTEMBER 2021

A501



### BUILDING 6 ELEVATIONS.

- 1 VERTICAL HARDIE PLANK SIDING - GREY
- 2 HORIZONTAL HARDIE PLANK SIDING - GREEN
- 3 HORIZONTAL HARDIE PLANK SIDING - WOOD
- 4 HARDIE PLANK SOFFIT MATERIAL
- 5 CEDAR POSTS & BEAMS
- 6 ASPHALT SHINGLES

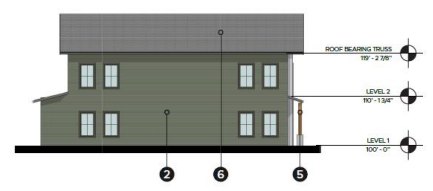
FRONT ELEVATION  
1/8" = 1'-0"



BACK ELEVATION  
1/8" = 1'-0"



SIDE ELEVATION  
1/8" = 1'-0"



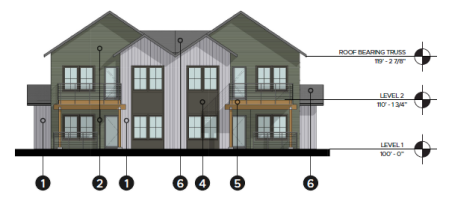
LDK THE VANGUARD PROJECT  
27 SEPTEMBER 2021

A601

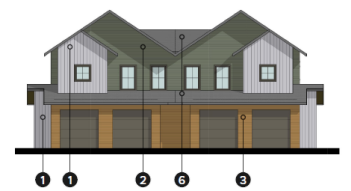
### BUILDING 7 ELEVATIONS.

- 1 VERTICAL HARDIE PLANK SIDING - GREY
- 2 HORIZONTAL HARDIE PLANK SIDING - GREEN
- 3 HORIZONTAL HARDIE PLANK SIDING - WOOD
- 4 HARDIE PLANK SOFFIT MATERIAL
- 5 CEDAR POSTS & BEAMS
- 6 ASPHALT SHINGLES

FRONT ELEVATION  
1/8" = 1'-0"



BACK ELEVATION  
1/8" = 1'-0"

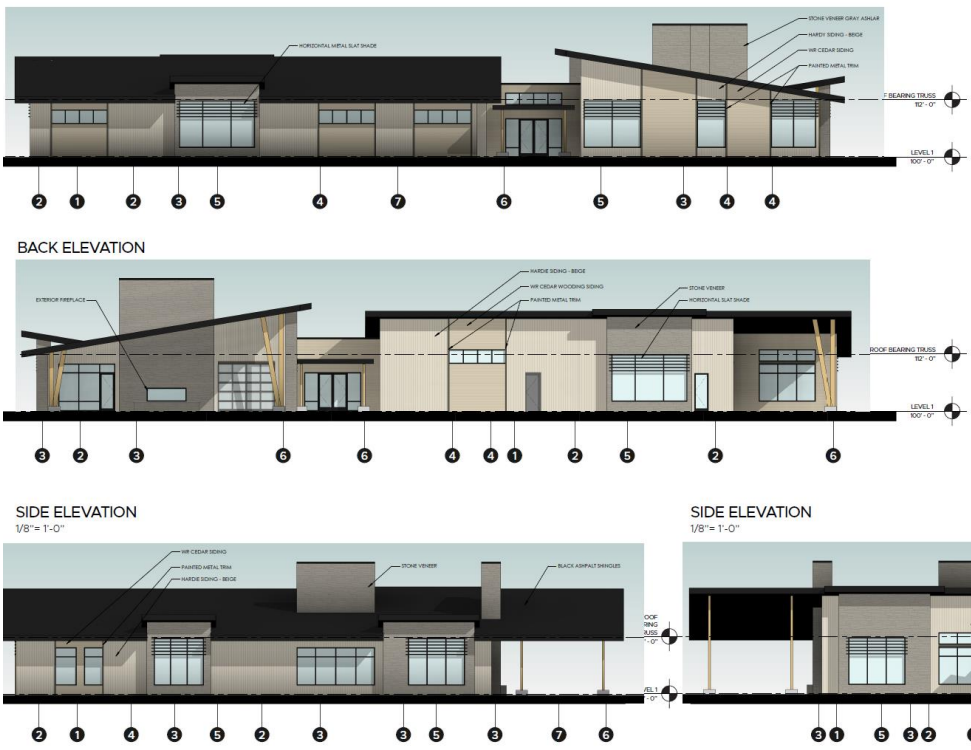


SIDE ELEVATION  
1/8" = 1'-0"



LDK THE VANGUARD PROJECT  
27 SEPTEMBER 2021

A701



# CLUBHOUSE ELEVATIONS.

- 1 VERTICAL HARDIE PLANK SIDING - WOOD
- 2 VERTICAL HARDIE PLANK SIDING - BEIGE
- 3 STONE VENEER
- 4 PAINTED METAL TRIM
- 5 HORIZONTAL SLAT SHADE
- 6 CEDAR POSTS & BEAMS
- 7 STANDING SEAM ROOFING

# CLUBHOUSE. FRONT ENTRY

LDK THE VISIONED PROJECT 27 SEPTEMBER 2021

A801



LDK THE VISIONED PROJECT 27 SEPTEMBER 2021

A802





## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING DIVISION

#### 1. Development Agreement Modification:

- 1.1 The existing Development Agreement (DA) shall be terminated and a new amended and re-stated DA is required as a provision of the proposed modification which shall at a minimum, incorporate the following provisions:
  - a. Development of the subject property shall be generally consistent with the site plan, qualified open space exhibit, site amenity exhibit, pedestrian circulation plan, preliminary plat, phasing plan, landscape plan and conceptual building elevations submitted with the applications contained herein.
  - b. All future development, site design and building design shall comply with the guidelines in the Ten Mile Interchange Specific Area Plan and the standards in the Architectural Standards Manual, as applicable.
  - c. An encroachment permit is required for any improvements proposed within the Williams pipeline easement. A copy of the executed encroachment agreement shall be submitted to the City prior to issuance of any Certificate of Zoning Compliance for this site. Uses such as daycares, schools, hospitals, assisted living facilities, etc. where occupants are not able to leave the area quickly in case of an emergency, are discouraged in the vicinity of the pipeline. All development within the Williams pipeline easement shall comply with the Williams Developers' Handbook.
  - d. The street sections for Sunset Point Way and Coral Reef Way shall be constructed in accord with Street Section D (residential collector street) in the TMISAP, which requires 11-foot travel lanes, 6-foot bike lanes, 8-foot parallel parking, 8-foot parkways and minimum 6-foot wide detached sidewalks (see pg. 3-21 and 3-23).
  - e. The street sections for Vanguard Way and Umbria Hills shall be constructed in accord with Street Section C (major collector street) in the TMISAP with a modification that allows (3) 11-foot travel lanes, on-street parking between the Williams pipeline and the eastern boundary of the site, 8-foot parkways and detached 10-foot wide sidewalks/pathways in lieu of on-street bike lanes as required by ACHD. Streetlights are required at a pedestrian scale (see pg. 3-20, 3-22, 3-23).
  - f. Sidewalks, walkways and pathways shall include dedicated crosswalks at the intersection with all streets within commercial activity centers with changes in color, markings, materials, texture and/or surface to distinguish them from the surrounding pavement as set forth in the TMISAP (see pg. 3-28, Crosswalks).
  - g. Development in the R-15 district shall be consistent with the development guidelines contained in the Ten Mile Interchange Specific Area Plan (TMISAP) for Medium High Density Residential (MHDR) designated areas.
  - h. Development in the C-C district shall be consistent with the development guidelines contained in the Ten Mile Interchange Specific Area Plan (TMISAP) for Mixed Use Commercial (MU-COM) designated areas.
  - i. Development in the M-E district shall be consistent with the development guidelines contained in the Ten Mile Interchange Specific Area Plan (TMISAP) for Mixed Employment (ME) designated areas.

- j. Development in the H-E district shall be consistent with the development guidelines contained in the Ten Mile Interchange Specific Area Plan (TMISAP) for High-Density Employment (HDE) designated areas.
- k. Public art in a high quality of design shall be provided in shared spaces and incorporated into the design of streetscapes as set forth in the TMISAP (see pg. 3-47).
- l. Design elements shall be provided within the overall development as required in the Application of the Design Elements matrix on pg. 3-49 of the TMISAP.
- m. The subject property shall be subdivided prior to submittal of any Certificate of Zoning Compliance application(s) and/or building permit application(s). The Applicant may submit a design review application(s) to finalize building design prior to recordation of the final plat(s).
- n. The applicant shall submit a Certificate of Zoning Compliance and Design Review application to the Planning Division for approval of all future uses on the site to ensure compliance with the Unified Development Code, Ten Mile Interchange Specific Area Plan, Comprehensive Plan, Architectural Standards Manual, and provisions of the development agreement contained herein, prior to issuance of building permits for any structure(s) within this site.

## 2. Preliminary Plat:

2.1 Future development of the proposed lots is required to comply with the dimensional standards of the R-15 zoning district in UDC [Table 11-2A-7](#) and the C-C, M-E and H-E zoning districts in UDC [Table 11-2B-3](#), as applicable. A minimum building setback of 10-feet is required in the multi-family portion of the development unless a greater setback is otherwise required, per UDC 11-4-3-27B.1. The 20-foot wide collector street buffer may be placed in an easement rather than a common lot in accord with UDC [11-3B-7C.2a](#). Separation between buildings shall comply with Building code.

2.2 The final plat shall include the following revisions:

- a. Depict the easements for the Marvin Lateral and/or the Purdam Drain on the plat if they encroach on this site.
- b. Include a note prohibiting direct access via the collector streets other than the access points approved by the City and ACHD with this application.
- c. Depict street sections for Sunset Point Way and Coral Reef Way consistent with Street Section D in the TMISAP (see pg. 3-21).
- d. Depict street sections for Vanguard Way and Umbria Hills consistent with Street Section C in the TMISAP with a modification that allows (3) 11-foot travel lanes, on-street parking between the Williams pipeline and the eastern boundary of the site, 8-foot parkways and detached 10-foot wide sidewalks/pathways in lieu of on-street bike lanes as required by ACHD. Streetlights are required at a pedestrian scale (see pg. 3-20, 3-22, 3-23).
- e. Depict required street landscape buffers in common lots or on permanent dedicated buffer easements, maintained by the property owner, homeowner's association or business owners' association, as applicable, as set forth in UDC 11-3B-7C.2. *A reduction of the collector street setback may be granted for homes that front on a collector street when certain conditions exist as noted in UDC Table 11-2A-7, note #1.*

2.3 The landscape plan submitted with the final plat shall be revised as follows:

- a. Depict one (1) additional tree within the street buffer along Umbria Hills (east) per the minimum standard listed in UDC [11-3B-7C.3b](#).
  - b. Widen the street buffer along Umbria Hills to 20-feet as required for a collector street in UDC Table 11-2B-3.
  - c. Depict landscaping within required street buffers in accord with the recently amended standards listed in UDC [11-3B-7C](#).
  - d. Landscaping is required within parkways per the standards listed in UDC 11-3A-17 and 11-3B-7C. Class II trees shall be provided in parkways in accord with UDC 11-3A-17E; Class III trees may be considered if the parkways are widened to 10 feet.
  - e. Sidewalks, walkways and pathways should include dedicated crosswalks at the intersection with all streets within commercial activity centers with changes in color, markings, materials, texture and/or surface to distinguish them from the surrounding pavement as set forth in the TMISAP (see pg. 3-28, Crosswalks).
  - f. Depict minimum 6-foot wide detached sidewalks along all streets in accord with the street sections (i.e. C and D) in the TMISAP.
  - g. Depict a berm in the street buffer along I-84 in accord with the TMISAP for street buffers along transportation corridors (3.07.01C).
  - h. Mitigation trees shall be depicted on the plan (185 trees at 2.5 caliper inches each for a total of 462.5 caliper inches).
  - i. If trees are not allowed within the pipeline easement, an additional 5-feet should be added to the common area outside of the easement to allow for trees; or, alternative compliance may be requested to the planting requirement for pathways and open space.
- 2.4 All streets shall be constructed as complete streets as defined in the TMISAP (see pg. 3-19 & 3-20).
- 2.5 All waterways on this site shall be piped as set forth in UDC [11-3A-6B](#) unless otherwise waived by City Council.
- 2.6 A 14-foot wide public use easement for the multi-use pathways within this site shall be submitted to the Planning Division prior to submittal for City Engineer signature on the final plat(s).
- 2.7 A private street application shall be submitted with the final plat application for the multi-family development as required by the Fire Dept. All private streets shall comply with the standards listed in UDC [11-3F-4](#).

### **3. Conditional Use Permit:**

- 3.1 Comply with the specific use standards listed in UDC 11-4-3-27 for multi-family developments, including but not limited to the following: (revise the site plan and/or landscape plan accordingly)
- 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 as set forth in UDC [11-4-3-27B.2](#).
  - b. A minimum of eighty (80) square feet of private, usable open space shall be provided for each unit as set forth in UDC [11-4-3-27B.3](#). This requirement can be satisfied through



porches, patios, decks, and/or enclosed yards. Floor plans shall be submitted for all units that demonstrate compliance with this standard.

- c. Depict the location of the property management office, maintenance storage area, and central mailbox location (including provisions for parcel mail) on the site plan that provides safe pedestrian and/or vehicular access and the location of the directory & map of the development at an entrance or convenient location for those entering the development as set forth in UDC [11-4-3-27B.7](#).
  - d. Depict a berm or a constructed barrier at least 4 feet in height with breaks in the berm or barrier to allow for pedestrian access within the street buffer along the north side of Vanguard Way in accord with UDC [11-4-3-27C](#).
  - e. All street facing elevations shall have landscaping along their foundation that meets the minimum standards listed in UDC [11-4-3-27E.2](#).
  - f. 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 said documents shall be submitted prior to issuance of the first Certificate of Occupancy for the development.\
- 3.2 Include a detail for the bicycle parking facilities that complies with the standards in UDC [11-3C-5C](#). Bicycle racks should be depicted in central locations for each building and for the clubhouse.
  - 3.3 Depict landscaping along all pathways per the standards listed in UDC [11-3B-12C](#), which requires a minimum 5-foot wide landscape strip along each side of the pathway planted with a mix of trees, shrubs, lawn, and/or other vegetative ground cover; a minimum of one (1) tree per 100 linear feet of pathway is required.
  - 3.4 Parking lot landscaping is required to be provided per the standards listed in UDC 11-3B-8C.
  - 3.5 A minimum of one (1) tree shall be provided for every 8,000 square feet of common open space.
  - 3.6 The space between building façades and adjacent sidewalks should be landscaped with a combination of lawns, groundcover, shrubs and trees as set forth in the TMISAP.
  - ~~3.7 A landscaped buffer should be provided between the proposed development and the existing single family development to the north as set forth in the TMISAP.~~
  - 3.8 Include a 10-foot wide pathway connection between the pathway along the Purdam Drain and the pathway within the pipeline easement.
  - 3.9 If trees are not allowed within the pipeline easement, an additional 5-feet should be added to the common area outside of the easement to allow for trees; or, alternative compliance may be requested to the planting requirement for pathways and open space.
  - 3.10 All structures shall comply with the design standards in the Architectural Standards Manual (ASM) and the design guidelines in the TMISAP for the MHDR designation (see the matrix for Application of the Design Elements on pg. 3-49).
  - 3.11 A Certificate of Zoning Compliance and Design Review application is required to be submitted for approval of the site and building design prior to submittal of building permit applications.

## B. PUBLIC WORKS

### 1. Site Specific Conditions of Approval

- ~~1.1. Applicant shall be required to re-rout the existing water and sewer mains into the proposed roadway extensions of E. Oakcrest Dr. and N. Dixie Ave.~~
- 1.2. The geotechnical investigative report prepared by GeoTek, Inc indicates some very specific construction considerations. The applicant shall be responsible for the adherence of these recommendations.
- 1.3. All mains outside of right-of-way require a 20-foot-wide easement at minimum. For sewer mains of depths 15 feet – 30 feet require a 30-foot-wide easement.
- 1.4. No permanent structures shall be within the footprint of a City utility easement including but not limited to buildings, carports, fences, infiltration trenches, trees, shrubs, light poles, etc. Based off the currently landscape plan, some trees will be in conflict with easements.
- 1.5. The angle of sewer main into and out of manholes must be a 90-degree minimum. Where the proposed sewer main connects to the existing 36-inch sewer main, this requirement is not met.
- 1.6. All water main north of Vanguard way should be 8-inch diameter.
- 1.7. A water main extension is required to the northwest corner of the development for future connection to the west.
- 1.8. Water main in West Navigator should be 12-inch diameter from the east boundary to the west boundary.
- 1.9. A 12-inch diameter water main shall be extended to the west property boundary on the south side for future connection.
- 1.10. It is unclear by the provided plans how buildings will be served and how fire protection will be provided. An additional water loop around the buildings might be required to provide fire flow. A complete water plan will be required to be submitted and reviewed by Public Works Engineering before any final plat is approved.

### 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-foot wide for a single utility, or 30-foot wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of



- the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.
- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
  - 2.5 All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
  - 2.6 All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
  - 2.7 Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
  - 2.8 Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
  - 2.9 Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
  - 2.10 A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat for the phase which is being developed.
  - 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](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 on the phase which is being developed. 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=252151&dbid=0&repo=MeridianCity>

**B. MERIDIAN POLICE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=251147&dbid=0&repo=MeridianCity> - *The Police Dept. requests further discussions with the Developer on plans for emergency police access into each building entry point using a multi-technology keypad.*

**C. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=249959&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=250049&dbid=0&repo=MeridianCity>

**E. WEST ADA SCHOOL DISTRICT (WASD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=252295&dbid=0&repo=MeridianCity>

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=252296&dbid=0&repo=MeridianCity>

**F. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=252341&dbid=0&repo=MeridianCity>

**G. PARK'S DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=252519&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=255286&dbid=0&repo=MeridianCity&cr=1>

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

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

1. The map amendment complies with the applicable provisions of the comprehensive plan;  
*Staff finds the proposed zoning map amendment and subsequent development is generally consistent with the Comprehensive Plan.*
2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;  
*Staff finds the proposed map amendment will allow for the development of a mix of residential, commercial/retail, light industrial and employment uses which will provide for the retail and service needs of the community consistent with the purpose statement of the commercial districts in accord with the Comprehensive Plan.*
3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;  
*Staff finds the proposed zoning map amendment should not be detrimental to the public health, safety and welfare.*
4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and

*Staff finds the proposed zoning map amendment will not result in an adverse impact on the delivery of services by any political subdivision providing public services within the City.*

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

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

#### **B. Preliminary Plat Findings (11-6B-6)**

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

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 V 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 Exhibit B of the Staff Report for more details from public service providers.)*

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

*Because City water and sewer and any other utilities will be provided by the development at their own cost, 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.*

#### **C. Conditional Use Permit Findings (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 R-15 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 as a multi-family development is generally consistent with the future land use map designations for this property and is allowed as a conditional use in UDC Table 11-2A-2 in the R-15 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 and Council 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.*



## AGENDA ITEM

**ITEM TOPIC:** Public Hearing for Faissy's Child Care (H-2022-0002) by Faissy Kwizera, Located at 1322 E. Grand Canyon St., Near the Southwest Corner of E. McMillan Rd. and N. Locust Grove Rd.

A. Request: Conditional Use Permit for conditional use on 0.17 acre of land in the R-4 zoning district to allow group daycare of more than 6 children.





# PUBLIC HEARING INFORMATION

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**Staff Contact:** Alan Tiefenbach

**Meeting Date:** March 17, 2022

**Topic:** **Public Hearing** for Faissy's Child Care (H-2022-0002) by Faissy Kwizera, Located at 1322 E. Grand Canyon St., Near the Southwest Corner of E. McMillan Rd. and N. Locust Grove Rd.

- A. Request: Conditional Use Permit for conditional use on 0.17 acre of land in the R-4 zoning district to allow group daycare of more than 6 children.
- 

## **Information Resources:**

[Click Here for Application Materials](#)

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

# STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 3/17/2020

TO: Planning & Zoning Commission

FROM: Alan Tiefenbach, Associate Planner  
208-884-5533

SUBJECT: H-2022-0002  
Faissy's Daycare

LOCATION: 1322 E Grand Canyon St, Meridian



## I. PROJECT DESCRIPTION

Conditional use permit for a group daycare for 7 to 12 children on 0.17 acres of land in the R-4 zoning district.

## II. SUMMARY OF REPORT

### A. Project Summary

Description	Details	Page
Acreage	0.17	
Future Land Use Designation	Medium Density Residential	
Existing Land Use(s)	SFR home	
Proposed Land Use(s)	SFR home with group daycare	
Neighborhood meeting date; # of attendees:	December, 27 2021, no attendees	
History (previous approvals)	AUP-2021-0002	

### B. Community Metrics

Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	No	
• Requires ACHD Commission Action (yes/no)	No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	One access via E. Grand Canyon St., local street	

C. Project Area Maps

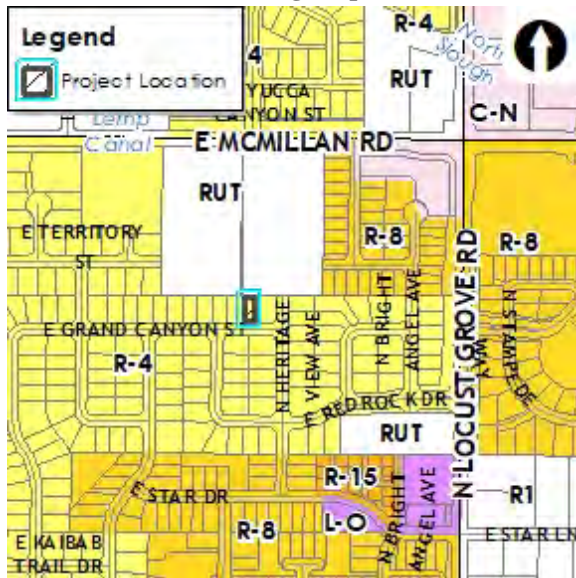
Future Land Use Map



Aerial Map



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant/Owner:

Faissy Kwizera – 1322 E Grand Canyon St., Meridian, ID 83646

B. Representative:

Same as Applicant/Owner

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper notification published	02/25/2022	
Radius notification mailed to property owners within 300 feet	02/28/2022	
Public hearing notice sign posted on site	3/7/2022	
Nextdoor posting	02/28/2022	

V. STAFF ANALYSIS

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

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

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

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

*The existing and proposed daycare expansion is within walking distance of adjacent residential homes. The owner is currently operating a daycare and watching up to six (6) children.*

C. Existing Structures/Site Improvements:

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

D. Proposed Use Analysis:

A group daycare (for 7-12 children) is listed in UDC Table 11-2A-2 as a conditional use in the R-4 zoning district. The applicant states the daycare will operate from 7AM to 7PM on weekdays with outdoor playtime limited to one hour after 9AM and one hour after 1PM.

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

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

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

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

*The Applicant’s narrative states the plan is to have up to 12 children. The applicant is already operating a family daycare (6 children or less), but because they recently had a baby this brings them from a family daycare to a group daycare. (A family daycare is allowed as an accessory use in the R-4 zoning district.)*

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

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

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

*The Applicant proposes a group daycare for up to 12 children, with 7 children being the anticipated number. The applicant proposes to operate between 7AM to 7PM.*

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

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

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

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

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

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

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

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

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

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

F. Dimensional Standards (UDC 11-2):

Not Applicable

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

Access is provided via E. Grand Canyon St, a local road. The applicant has stated they presently pick up and deliver all clients, and this will continue.

H. Parking (UDC 11-3C):

Parking exists on the site in accord with the standards listed in UDC Table 11-3C-6 for a 4-bedroom single-family dwelling. A total of 2 garage spaces and a 30 ft. wide parking pad outside the garage can accommodate 5 spaces exists on the site. On-street parking is also available (see exhibit in Section VII.A).



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

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

**VI. DECISION**

A. Staff:

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

**VII. EXHIBITS**

A. Site Plan (dated: 3/7/2022)





B. Building Elevation



## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. Planning

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

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=252183&dbid=0&repo=MeridianCity>

### C. NMID

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=252435&dbid=0&repo=MeridianCity>

## IX. FINDINGS

### A. Conditional Use Permit

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

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

*Staff finds the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the R-4 zoning district.*
2. That the proposed use will be harmonious with the Meridian comprehensive plan and in accord with the requirements of this title.
 

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

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

*Staff finds the operation of the proposed daycare/pre-school should be compatible with the residential uses in the neighborhood and the existing and intended character of the neighborhood and not adversely affect such.*

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

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

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

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

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

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

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

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

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

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



## AGENDA ITEM

**ITEM TOPIC:** Public Hearing for Pavilion at Windsong (H-2021-0102) by Kent Brown, Located at the Northwest Corner of W. Ustick Rd. and N. Linder Rd.

- A. Request: Rezone of 3.42 acres of the subject property from C-C to R-40.
- B. A Preliminary Plat on the entire 4.77-acre property to allow 33 townhouse lots, 2 lots for vertically-integrated buildings containing a total of 12 residential units, and one commercial lot.
- C. A Conditional Use Permit to allow townhouses in the R-40 zoning district.
- D. A Development Agreement Modification to allow the proposed development



# PUBLIC HEARING INFORMATION

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**Staff Contact:** Alan Tiefenbach

**Meeting Date:** March 17, 2022

**Topic:** **Public Hearing** for Pavilion at Windsong (H-2021-0102) by Kent Brown, Located at the Northwest Corner of W. Ustick Rd. and N. Linder Rd.

- A. Request: Rezone of 3.42 acres of the subject property from C-C to R-40.
  - B. A Preliminary Plat on the entire 4.77-acre property to allow 33 townhouse lots, 2 lots for vertically-integrated buildings containing a total of 12 residential units, and one commercial lot.
  - C. A Conditional Use Permit to allow townhouses in the R-40 zoning district.
  - D. A Development Agreement Modification to allow the proposed development
- 

**Information Resources:**

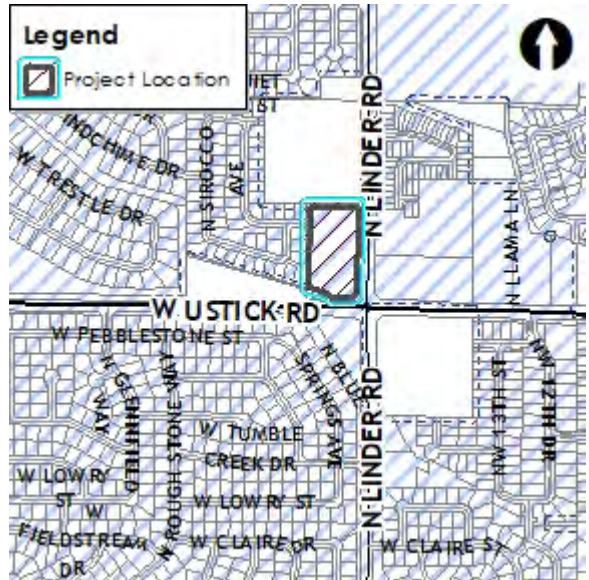
[Click Here for Application Materials](#)

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

# STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 3/17/2022  
 TO: Planning & Zoning Commission  
 FROM: Alan Tiefenbach, Associate Planner  
 208-884-5533  
 SUBJECT: H-2021-0102  
 Pavilion at Windsong  
 LOCATION: 1680 W. Ustick Rd.



## I. PROJECT DESCRIPTION

The applicant proposes the following:

- Rezone of 3.42 acres of land from the CC zone to R-40 zone;
- Preliminary Plat on the entire 4.77-acre property to allow 33 residential lots, 2 lots for 2 vertically-integrated buildings containing 12 residential units, and one commercial lot;
- Conditional Use Permit to allow townhouses in R-40 zoning district; and,
- Development Agreement Modification to enter into a new DA to allow the proposed development.

*Note: The Applicant is also applying for private streets in a portion of the project. This application is reviewed and approved by the Director, Commission action is not required. Analysis of the private street design is provided below in section V.*

## II. SUMMARY OF REPORT

### A. Project Summary

Description	Details	Page
Acreage	4.77 acres	
Future Land Use Designation	Mixed Use Community	
Existing Land Use(s)	Vacant	
Proposed Land Use(s)	Multifamily, Vertically Integrated Residential Project, Commercial	
Lots (# and type; bldg./common)	33 residential lots, 2 lots for 2 vertically-integrated buildings, 1 commercial lot, 10 common lots	
Phasing Plan (# of phases)	One	



Description	Details	Page
Number of Residential Units (type of units)	33 townhouses, 12 vertically-integrated units.	
Density (gross & net)	9.4 du/acre	
Open Space (acres, total [%]/buffer/qualified)	16.1% (0.77 ac)	
Amenities	Neighborhood Park, 10 ft. wide regional pathway	
Physical Features (waterways, hazards, flood plain, hillside)	Five-mile creek floodway is at the southwest corner of the property to the south and west (but not on the property). Creason Lateral traverses a small portion of the site at the southwest corner. The lateral has already been piped in this area	
Neighborhood meeting date; # of attendees:	November 29, 2021 6 – neighbors opposed W. Crosswind St. being connected.	
History (previous approvals)	AZ-09-005, DA Inst # 11031366, Buyrite Apartments (H-2018-0096); MDA H-2019-0092 (not recorded), CUP H-2019-0094	

### B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> <li>Staff report (yes/no)</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>Requires ACHD Commission Action (yes/no)</li> </ul>	No	
<ul style="list-style-type: none"> <li>Traffic Impact Study (yes/no)</li> </ul>	No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Access will occur from N. Linder Rd (arterial), W. Crosswind St (local) and N. Wafting Ln (northern stub).	
Traffic Level of Service	Better than "E"	
Stub Street/Interconnectivity/Cross Access	A northern stub is provided (N. Wafting Ln)	
Existing Road Network	W. Ustick Rd., N. Linder Rd., W. Crosswind St.	
Existing Arterial Sidewalks / Buffers	N. Linder Rd. and W. Ustick Rd. have 7 ft. wide sidewalk.	
Proposed Road Improvements	Both W. Ustick Rd and N. Linder Rd are fully improved, although the applicant will be required to install 25 ft. wide landscape buffers.	
Distance to nearest City Park (+ size)	1/5 mile to Settlers Park	
Fire Service		
<ul style="list-style-type: none"> <li>Distance to Fire Station</li> </ul>	1.6 miles from Station 2	
<ul style="list-style-type: none"> <li>Fire Response Time</li> </ul>	< 5 minutes	
<ul style="list-style-type: none"> <li>Resource Reliability</li> </ul>	> 80%	
<ul style="list-style-type: none"> <li>Risk Identification</li> </ul>	2	
<ul style="list-style-type: none"> <li>Accessibility</li> </ul>	Acceptable	
<ul style="list-style-type: none"> <li>Special/resource needs</li> </ul>	Aerial device will be needed	
<ul style="list-style-type: none"> <li>Water Supply</li> </ul>	1,000 gpm per hour	
<ul style="list-style-type: none"> <li>Other Resources</li> </ul>		
Police Service		
	No comments	
Wastewater		
<ul style="list-style-type: none"> <li>Comments</li> </ul>	<ul style="list-style-type: none"> <li>Flow is committed</li> </ul>	

Description	Details	Page
	<ul style="list-style-type: none"> <li>• Sewer must have at a minimum 3' of cover over top of the pipe. This is not met at manhole SSMH A6.</li> <li>• Water and sewer in parallel require a 30' easement. 24' road does not provide adequate space.</li> <li>• Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement.</li> <li>• Ensure no sewer services pass through infiltration trenches.</li> </ul>	
Water		
<ul style="list-style-type: none"> <li>• Distance to Water Services</li> </ul>	0	
<ul style="list-style-type: none"> <li>• Pressure Zone</li> </ul>	2	
<ul style="list-style-type: none"> <li>• Water Quality</li> </ul>	No concerns	
<ul style="list-style-type: none"> <li>• Project Consistent with Water Master Plan</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>• Impacts/Concerns</li> </ul>	<ul style="list-style-type: none"> <li>• Eliminate the deadend water main in W Wind Gust Ln by ending the water main at N Twister Ln and then running water services to the remaining units off of W Wind Gust Ln.</li> <li>• Eliminate the deadend water main in W Whirl Wind Ln by ending the water main at N Quall Ln and then running water services to the remaining units off of W Whirl Wind Ln.</li> <li>• Eliminate the water main in the “drive through” within the CC zoning.</li> <li>• Eliminate the water main that is cutting through Building B</li> <li>• Connect water to the existing stub off Linder Road.</li> </ul>	
Grocery Store	1.5 mile +/- to grocery store and other goods and services.	



**III. APPLICANT INFORMATION**

A. Applicant / Representative:

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

B. Owner:

Rama Group LLC – 1548 W. Cayuse Creek Cr, Ste 100, Meridian, ID 83646

**IV. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>	<b>City Council Posting Date</b>
Notification published in newspaper	3/1/2022	
Notification mailed to property owners within 300'	3/28/2022	
Applicant posted public hearing notice sign on site	3/7/2022	
Nextdoor posting	2/28/2022	

**V. STAFF ANALYSIS**

The subject property is 4.77 acres and is presently zoned C-C. The property was annexed into the City and zoned to C-C in 2009 (Inst. #110031366, JJA Land, AZ-09-005). At the time of annexation approval, specific details for how the site was to develop were not provided. The recorded development agreement requires those details to be provided when the property is subdivided.

In 2019, the property was proposed for a Development Agreement Modification and conditional use to allow a mix of uses including multi-family, a self-service storage facility, office and retail uses. During the October 1, 2019 City Council meeting, there were concerns discussed with the multi-family component in regard to transition in density, height of buildings (3 stories), overcrowding of schools, traffic, and desire for more neighborhood serving uses to be provided in the area. The Planning Commission did approve the self-storage use but strongly recommended retail uses at the northeast corner of the site. Council approved the development agreement modification only for the self-storage and commercial uses, and prohibited multifamily on the site. The development agreement modification was never recorded and no construction has occurred on the property.

This proposal is to rezone 3.42 acres of the subject property from CC to R-40, and a preliminary plat for 33 townhouse lots, 2 lots for 2 vertically-integrated buildings with 6 residential units each (commercial and residential), 1 commercial lot, and 10 common lots. A conditional use is also required for townhouses in the R-40 zoning district. As mentioned above, because specific details regarding development were not provided with the annexation, a development agreement modification is required for any development of the site. This proposal also includes a request for private streets because some of the units front on a mew.



#### A. Development Agreement Modification

The existing Development Agreement (DA) (Inst. #110031366, JJA Land, AZ-09-005) was approved in 2009. At the time of annexation approval, specific details for how the site was to develop were not provided. The recorded development agreement requires those details when the property is subdivided. The terms of the existing DA are included below in Section VI.B. A legal description and exhibit map subject to the new DA are included below in Section VI.A.

The Applicant desires to enter into a new DA to allow a development consisting of 33 townhouses on 33 lots, 2 vertically-integrated buildings on two lots (12 residential units total), and one 18,236 sq. ft. commercial lot with a 2,000 sq. ft. +/- building. The applicant has submitted a preliminary plat, conceptual site plan, landscape plan and building elevations for all proposed buildings. These will be included as part of the new development agreement.

#### B. Zoning

The property is presently zoned C-C. The applicant proposes to rezone approximately 3.42 acres at the north and west to R-40 to allow townhomes. Townhomes are allowed in the R-40 zoning district by conditional use. The applicant proposes to retain the remaining 1.28 acres +/- as C-C to construct two 9,200 sq. ft. vertically-integrated buildings, each with 6 residential units as well as commercial uses. The applicant also proposes an approximately 2,000 sq. ft. commercial building at the southwest corner of W. Crosswinds St. and N. Linder Rd. Both of the uses are principally permitted in the C-C zoning district.

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

The FLUM designates the property for Mixed Use Community. The purpose of this designation is to allocate areas where community-serving uses and dwellings are seamlessly integrated into the urban fabric. The intent is to integrate a variety of uses, including residential, and to avoid mainly single-use and strip commercial type buildings. Employment opportunities for those living in and around the neighborhood are encouraged.

The Comprehensive Plan describes components of what would be considered mixed use. Elements pertinent to this proposal include:

- *At least three types of land uses;*
- *Higher density residential development is encouraged when there is a potential for an employment center;*
- *Mixed Use areas typically being developed under a master or conceptual plan; during an annexation or rezone request, a development agreement;*
- *Transitional uses and/or landscaped buffering between commercial and existing low- or medium-density residential development;*
- *Being centered around spaces that are well-designed public and quasi-public centers of activity. Spaces should be activated and incorporate permanent design elements and amenities that foster a wide variety of interests ranging from leisure to play. These areas should be thoughtfully integrated into the development and further placemaking opportunities considered; and,*
- *All mixed-use projects being accessible to adjacent neighborhoods by both vehicles and pedestrians. Pedestrian circulation should be convenient and interconnect different land*

*use types. Vehicle connectivity should not rely on arterial streets for neighborhood access.*

In addition, the Plan discusses the following additional pertinent requirements for mixed use community:

- *Residential uses should comprise a minimum of 20% of the development area at gross densities ranging from 6 to 15 units/acre;*
- *Vertically integrated structures are encouraged;*
- *Unless a structure contains a mix of both residential and office, or residential and commercial land uses, maximum building size should be limited to a 30,000 square-foot building footprint. For community grocery stores, the maximum building size should be limited to a 60,000 square-foot building footprint;*

The applicant submitted a conceptual plan as part of this application. The application reflects three types of uses, with the majority of the residential portion of the development clustered around a central open space. Two of the buildings (Buildings G & H) are proposed as vertically-integrated structures. More than 20% of the development area is proposed as residential at a gross density of 9.4 du/acre, A 2,000 sq. ft. commercial building with a drive through establishment is also proposed (shown as a pad site). The development is connected to adjacent neighbors through sidewalks, green spaces and the Five Mile Pathway.

Staff supports the inclusion of vertically integrated projects into this development. This is a unique style of housing, is characteristic of a mixed-use development, and would provide employment opportunities for those living in and around the neighborhood. However, staff believes the vertically-integrated structures would be more appropriate on the north side of W. Crosswind St. where Buildings A and B are presently shown. This would better integrate with the commercial pad and reduce the impact of traffic in the townhome portion of this development.

Staff does have concerns that the vertically integrated buildings could build out in the future as merely townhouses with no commercial component, resulting in this development being only a residential development with a drive-through establishment. As the property is presently zoned C-C, staff is also concerned about the loss of additional commercially-viable property. **As a condition of approval, staff recommends a requirement that at time of building permit, the ground floors of all vertically-integrated buildings meet occupancy class requirements for commercial structures.**

The concept plans show a townhouse row indicated as “Building D” along the western property line as close as 30 feet from existing residences. Staff does have concerns with the impact of a “wall effect” of these townhomes on the Windsong No 2 Subdivision. **As a condition of approval, staff recommends Building D be broken into at least two groups of buildings, with the break occurring approximately in the vicinity of Lot 19, Block 3 of the Windsong Subdivision No 2.**

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

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

*This development proposes 33 townhouses and 12 residential units within vertically-integrated buildings. This would increase the housing diversity 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)

*This development proposes townhouses and vertically-integrated residential units within an area comprised of a large amount of single family detached to the south, east and west, a commercial center directly across N. Linder Rd to the east (Sawtooth Landing) and a newly developing mixed density residential development at the southeast corner of N. Linder Rd and W. Ustick Rd (Lennon Pointe).*

- Establish and maintain levels of service for public facilities and services, including water, sewer, police, transportation, schools, fire, and parks (3.02.01G).

*All public utilities are available for this project site due to existing facilities abutting the site. This project also lies within the Fire Department response time goal of 5 minutes. Linder and Ustick Roads are currently built at their ultimate anticipated widths directly abutting the site.*

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

*As will be discussed below, sidewalks are included on both sides of the public roads (W. Crosswind Street and the northern stub) but only sections of the private roads include sidewalk. Staff does not object because the development is aligned around a central open space and other green spaces in such a manner that all portions of the development and surrounding neighborhoods can be accessed by foot with a minimum of walking in the private streets. The applicant is also providing a 10 ft. wide pathway connecting to the Five-Mile Pathway.*

- Encourage infill development. (3.03.01E)

*The subject property is located on an arterial intersection, and is surrounded by the City of Meridian to the east, west and south. Land uses in the area include detached single-family, multifamily (Lennon Point Community to the southeast) and multiple office buildings directly across N. Linder Rd to the east (Sawtooth Landing). This would be considered an infill development.*

- 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)

*As this development is comprised of three different uses, including vertically integrated residential buildings, it would be considered a mixed-use development. Numerous commercial uses are within a mile of the property.*

E. Existing Structures/Site Improvements:

The property is currently vacant.

F. Proposed Use Analysis:

Townhouses are allowed by conditional use in the R-40 zoning district and vertically-integrated structures are a principally-permitted use in the C-C zoning district. Although it has not been determined what type of future use would occur on the commercial lot at the southwest corner of W. Crosswinds St and N. Linder Rd, the concept plan suggests a drive through establishment. If this drive-through is proposed in the future, it will require the approval a conditional use permit.

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

UDC 11-4-3-41 requires vertically integrated residential projects to be at least two stories, with at least 25% of the gross floor area being residential. None of the required parking is to be located in the front of the structure. The minimum footprint is 2,400 sq. ft., and the specific use standards lists the types of uses that are allowed.

The site plan and building elevations reflect two 9,200 sq ft. +/- three-story vertically-integrated buildings fronting W. Ustick Rd. and N. Linder Rd, with parking provided within the development, not in front of the buildings.

As mentioned above, staff believes the vertically-integrated buildings would be more appropriate on the north side of W. Crosswind St. versus located at the southwest portion, directly on the intersection. This would allow the mixed-use buildings to provide a better transition between commercial and residential uses, promote better walkability with the residential to the west, and minimize traffic in the townhome area.

Also, based on the building elevations submitted, staff is unsure what is being proposed is “vertically integrated residential buildings” as much as additional townhouses or a “work / live” arrangement that could remain entirely residential. As a condition of approval, staff recommends a requirement that at time of building permit, the ground floors of vertically-integrated buildings meet occupancy class requirements for commercial structures.

The concept plan suggests a drive through establishment. As it will be within 300 feet of a residential zone district, a drive through establishment in this location will need approval through a conditional use permit per UDC 11-4-3-11.

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

The R-40 zoning district requires a minimum lot size of 1,000 sq. ft., 25 ft. wide landscape buffers along arterial roads (W. Ustick Rd. and N. Linder Rd.) a 10 ft. street setback from local streets (W. Crosswinds St.), internal side setbacks of 3 ft. rear setback of 12 ft. and allows building heights of up to 60 ft. The C-C zoning district has the same landscape buffer requirement and limits building heights to 50 ft. Staff notes it does not appear the 10 ft. landscape buffer requirement is met along W. Crosswind St in the location of the commercial pad.

In the area proposed for R-40, the preliminary plat indicates lot sizes of at least 1,600 sq. ft., all setbacks are satisfied, the buffer is shown on the landscape plan, and the heights of the townhouses do not exceed 35 ft. The building elevations of the vertically-integrated buildings appear to be within the 50 ft. height limitation, although it is not specified on the elevations. Design will be assessed in detail at time of design review or certificate of zoning compliance.

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

The subject property is located at the northwest corner of N. Linder Rd and W. Ustick Rd., both arterials. There is an existing local road, W. Crosswind St., which serves the adjacent Windsong Subdivision to the west and presently stubs to the subject property.

The sections of N. Linder Road and W. Ustick Rd abutting the subject property are improved with 5- travel lanes, curb, gutter, and 7- foot wide attached concrete sidewalk. Both presently operate at a Level of Service “E”, which is considered acceptable. W. Ustick Road is scheduled to be widened to 5- lanes from Ten Mile Road to Linder Road in 2024. Design for widening N. Linder Rd. to 5-lanes from Cherry Road to Ustick Road is planned for 2025, although a

construction year is not in the IFYWP at this point. ACHD has noted this development is estimated to generate 341 vehicle trips per day.

This development would include closing an existing access on N. Linder Rd and creating a new access from W. Ustick Rd. approximately 250 ft. to the north. This would occur by extending W. Crosswind St. across the subject property to N. Linder Rd. Although ACHD typically discourages new local streets from intersecting arterials, ACHD supports the connection noting it would provide additional access for emergency services and circulation for the site and existing subdivisions located north and west of the site. There is also a northern stub proposed to the property at the north, which is not presently in the City.

Except for W. Crosswinds St, which would be a local street built to the typical 33-foot wide local street section, all the remaining roads in this development are proposed to be private roads. The preliminary plat reflects the private roads south of W. Crosswind St. meet the 24 ft. minimum required width. Required findings for private roads are discussed in the findings in Section IX.

On the north side of W. Crosswind St., the plat indicates a private alley (east-west) and N. Puff Ln (north-south). Neither of these roadways meet minimum requirements. Alleys need to connect on both ends to serve as fire lanes, whereas the alley that is shown north of Buildings A & B dead-ends to the east. Also, N. Puff Ln is shown to be 23 ft. in width whereas 24' ft is the minimum. The applicant should revise this portion of the plat to meet the requirements of UDC 11-6C. This could be done by widening the alley and N. Puff Ln to at least 24 ft. in width, or converting the "alley" to a common drive and removing units to comply with the maximum allowed number of units allowed per UDC 11-6C-3-D (4 total, with no more than 3 on one side).

**The applicant should note if Buildings A&B were converted to vertically-integrated residential projects fronting along W. Crosswind St., the alley could be redesigned as a 25-foot wide commercial drive aisle as long as it met the requirements of UDC 11-3C-5.** This would increase the commercial uses desired in the area. If the applicant is amenable to this request, staff would recommend that the concept plan be modified prior to the City Council hearing.

**NOTE: If additional Vertically Integrated Residential is proposed at the north, it will require the applicant to submit revised legal description to reduce the proposed R-40 zoned area because vertically-integrated residential projects are a conditional use in this zone.**

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

For townhouses of 2 bedrooms or less, 2 parking spaces are required, at least 1 in an enclosed garage. For townhouses of 3-4 bedrooms, 4 per dwelling unit is required, with two of them being in an enclosed garage. Parking for vertically integrated residential units ranges from 1 to 4 parking spaces depending on the number of bedrooms (not required to be covered) in addition to one space for every five hundred (500) square feet of gross floor area for the commercial portion.

The site plan and elevations reflect all townhouse units are wide enough to have 2-car garages, and most have a pad in the front that meets minimum dimensional requirements for 2 cars (20 ft. by 20 ft.). Buildings A and B on the north side of W. Crosswind St. do not have pads that meet the minimum requirement to be counted as parking and therefore should be no more than 2-bedrooms each. There are 8 additional parking spaces shown on either side of the central open space to account for guest parking.

The commercial lot indicates a building of approximately 2,000 sq. ft., which would require 4 parking spaces; 11 parking spaces are provided at the west and south sides of the building. The 12 vertically-integrated units would require at least 12 parking spaces if all residential units were one bedroom, but the commercial spaces will also require parking spaces based on the amount of gross floor area dedicated to commercial. The elevations show all vertically-integrated units

contain a two-car garage with 14 additional parking spaces provided directly adjacent to an across from the buildings. A shared-parking agreement between the commercial use and the vertically-integrated buildings should be submitted at time of Certificate of Zoning Compliance (CZC). Parking will be reviewed in detail at time of certificate of zoning compliance or building permit.

K. Pathways (UDC 11-3A-8):

There are 7 ft. wide attached sidewalks existing along N. Linder Rd. and W. Ustick Rd. The Five Mile Pathway parallels the creek at the west terminating at the subject property. This proposal includes 10 ft. wide pathways along both N. Linder Rd and W. Ustick Rd., connecting to the existing Five Mile Pathway.

Staff supports providing multiuse pathways but finds the configuration as proposed redundant and unnecessary. At the east along N. Linder Rd., the plans propose a 10 ft. wide pathway directly adjacent to the existing 7 ft. wide sidewalk. Similarly, the applicant proposes to provide a 10 ft. wide pathway slightly offset from the existing sidewalk on W. Ustick Rd. **In order to reduce impervious surfacing, unnecessary construction and increase landscaping, staff believes it is unnecessary to provide the additional pathway along N. Linder Rd and that the existing 7 ft. wide attached sidewalk should remain. The sidewalk along W. Ustick Rd should be widened to 10 ft. wide, the pathway shown directly south of Building H should be eliminated, and the connection between the existing Five Mile Creek Pathway and the W. Ustick Road Pathway should be shifted further to the west (this has been red-marked on the concept plan shown in Exhibit IX). Also, staff has concerns with the multiple walkways connecting Buildings G and H to the pathways. For less conflict points, staff recommends the plans be revised to include only one walkway connection to the pathways from each building.**

L. Sidewalks (UDC 11-3A-17):

This proposal includes private streets within this development except for W. Crosswind St (collector) and what is shown as an alley at the northern perimeter of the property. UDC 11-3F-4 does not require sidewalks along private street streets in residential areas. Although the concept plan shows only portions of the private streets contain 4 ft. wide sidewalks, the development is clustered in such a way that pedestrian access is possible throughout the development by either pathways, sidewalks or across green space without the need to walk in the street.

5 ft. wide sidewalks are provided along both sides of W. Crosswind St., and the stub street to the north. As discussed in the pathways section above, 10 ft. wide multi-use pathways are being provided along W. Ustick Rd. and N. Linder Rd.

M. Parkways (UDC 11-3A-17):

No parkways are proposed with this development.

N. Landscaping (UDC 11-3B):

A 25- foot wide street buffer is required adjacent to N. Linder Road and W. Ustick Road. Buffers are required to be landscaped per the standards listed in UDC 11- 3B- 7C. UDC 11-3B-7 requires all residential subdivision street buffers to be on a common lot, maintained by a homeowners' association. Pathways are required to be landscaped with a landscape strip a minimum of five (5) feet wide along each side of the pathway. It does appear landscape buffers of at least 25 ft. in width are provided along both arterials although they are not dimensioned. However, it does not appear either landscape buffer meets the minimum landscaping standards of at least one tree per every 35 ft. as there are long sections of arterial buffer without trees. It is also ambiguous regarding whether a common lot(s) has been included for the entire length of both landscape buffers, particularly along the N. Linder Rd frontage.

**The concept plan as submitted indicates an alley or private drive directly abutting the residentially-zoned parcel to the north. To provide buffering and a softer transition, staff recommends a 5 ft. wide landscape buffer in this area, landscaped as required by UDC 11-3B-8.**

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

As the property is less than 5 acres in size, it is exempt from required qualified open space. However, the applicant has provided an open space exhibit, and the plat indicates 16% of qualified open space is provided. This includes a 9,500 sq. ft. central open space with a gazebo, although it appears some of what is shown as “qualified open space” does not meet the minimum dimensional requirements, such as parking spaces included into the exhibit.

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

As mentioned above, the property is less than 5 acres in size so it is exempt from the qualified open space requirements. Townhouses (each unit on an individual lot) are considered single family residential, so the multifamily amenity requirements do not apply. However, an approximately 9,500 sq. ft. central open space is provided with a gazebo. As one of the objectives of the Mixed-Use Community designation is for open spaces to be centered around spaces that are well-designed public and quasi-public centers of activity, at time of CZC or plat public accessibility should be specified in the CC&Rs, maintenance agreement or property owner’s association agreement.

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

The Creason Lateral traverses a small portion of the site at the southwest corner. The lateral has already been piped in this area, and it is within a common lot on the Plat.

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

Public utilities will be provided from the Windsong Subdivision to the east. A public utilities plan was submitted with this development. The Applicant is required to provide a pressurized irrigation system for the development in accord with 11-3A-15.

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

Building elevations has been submitted with this application. The elevations show townhouses comprised of materials consisting of rock, cement board and hardie board, lap siding, with pitched roofs, exposed timber frame and trellis features, with stone bases. Windows are included on many of the garage doors. The elevations demonstrate significant fenestration and modulation as well as a variety of roofline variation. Most buildings also include first floor covered porches and second story decks.

Staff finds the elevations as proposed demonstrate high quality design, but the elevations of the vertically-integrated structures reflect a townhouse design rather than a commercial business. **If the Planning Commission and City Council believe it important for vertically integrated buildings to include at least some portion of commercial use, as already mentioned, staff recommends a condition that at time of building permit, the ground floors of all vertically-integrated units meet occupancy class requirements for commercial structures.**

**VI. DECISION**

A. Staff:

Staff recommends approval of the requested rezone, preliminary plat, development agreement modification and conditional use permit with the provisions as noted in Section VII.A per the findings in Section IX of this staff report.



**VII. EXHIBITS**

A. Rezone Legal Description and Exhibit

**Legal Description**  
**PAW Subdivision Property Rezone – R-40**

A parcel located in the SE ¼ of the SE ¼ of Section 35, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

**Commencing** at a Brass Cap monument marking the southeast corner of said SE ¼ of the SE ¼, from which a 5/8 inch rebar marking the southwest corner of the SE ¼ of said Section 35 bears N 89°14'45" W a distance of 2643.35 feet;

Thence N 89°14'45" W along the southerly boundary of said SE ¼ of the SE ¼ a distance of 244.80 feet to the **POINT OF BEGINNING**;

Thence continuing N 89°14'45" W along the southerly boundary of said SE ¼ of the SE ¼ a distance of 145.20 feet to a point;

Thence leaving said southerly boundary N 0°15'19" E along the easterly boundary and the extension thereof of Windsong Subdivision No. 2 as shown in Book 100 of Plats on Pages 13022 thru 13024, records of Ada County, Idaho, a distance of 657.59 feet to a 5/8 inch rebar marking the northeast corner of said Windsong Subdivision No. 2;

Thence leaving said easterly boundary S 89°31'02" E a distance of 389.94 feet to a point on the easterly boundary of said SE ¼ of the SE ¼;

Thence S 0°15'04" W along said easterly boundary a distance of 125.00 feet to a point;

Thence leaving said boundary N 89°31'02" W a distance of 231.94 feet to a point;

Thence S 0°28'58" W a distance of 121.50 feet to a point;

Thence S 89°31'02" E a distance of 47.21 feet to a point of curvature;

Thence a distance of 42.30 feet along the arc of a 27.00 foot radius curve right, said curve having a central angle of 89°46'05" and a long chord bearing S 44°37'59" E a distance of 38.11 feet to a point of tangency;

Thence S 0°15'04" W a distance of 223.18 feet to a point;

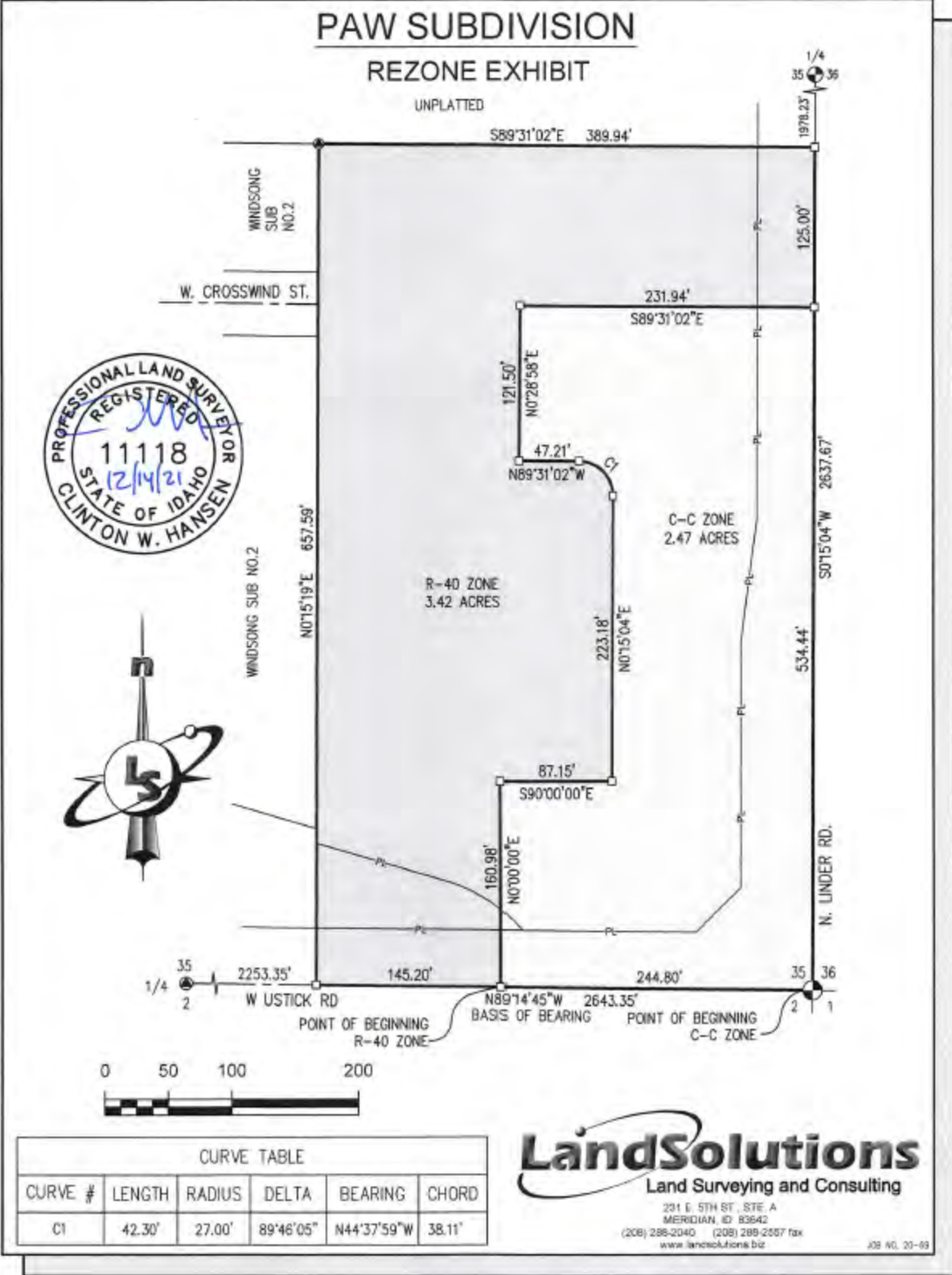
Thence N 90°00'00" W a distance of 87.15 feet to a point;

Thence S 0°00'00" W a distance of 160.98 feet to the **POINT OF BEGINNING**.

This parcel contains 3.42 acres and is subject to any easements existing or in use.

Clinton W. Hansen, PLS  
Land Solutions, PC  
December 14, 2021





B. Preliminary Plat Legal Description (date: 9/23/2021)

**Legal Description**  
**PAW Subdivision**

A parcel located in the SE ¼ of the SE ¼ of Section 35, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

**Commencing** at a Brass Cap monument marking the southeast corner of said SE ¼ of the SE ¼, from which a 5/8 inch rebar marking the southwest corner of the SE ¼ of said Section 35 bears N 89°14'45" W a distance of 2643.35 feet;

Thence along the southerly boundary of said SE ¼ of the SE ¼ N 89°14'45" W a distance of 390.00 feet to a point;

Thence leaving said southerly boundary N 0°15'19" E a distance of 45.00 feet to a point on the northerly right-of-way of W. Ustick Road and the **POINT OF BEGINNING**;

Thence continuing N 0°15'19" E along the easterly boundary and the extension thereof of Windsong Subdivision No. 2 as shown in Book 100 of Plats on Pages 13022 thru 13024, records of Ada County, Idaho, a distance of 612.60 feet to a 5/8 inch rebar marking the northeast corner of said Windsong Subdivision No. 2;

Thence leaving said easterly boundary S 89°31'02" E a distance of 344.93 feet to a point on the westerly right-of-way of N. Linder Road;

Thence along said westerly right-of-way the following described courses:

Thence S 0°15'04" W along a line being 45.00 feet westerly of and parallel to the easterly boundary of said SE ¼ of the SE ¼ a distance of 291.46 feet to a point;

Thence S 7°22'34" W a distance of 96.75 feet to a point;

Thence S 0°15'04" W along a line being 57.00 feet westerly of and parallel to the easterly boundary of said SE ¼ of the SE ¼ a distance of 191.66 feet to a point;

Thence S 45°30'09" W a distance of 49.28 feet to a point on the northerly right-of-way of W. Ustick Road;

Thence along said northerly right-of-way, being 45.00 feet northerly of and parallel to the southerly boundary of said SE ¼ of the SE ¼, N 89°14'45" W a distance of 297.99 feet to the **POINT OF BEGINNING**.

This parcel contains 4.77 acres and is subject to any easements existing or in use.

Clinton W. Hansen, PLS  
Land Solutions, PC  
September 23, 2021



C. Existing Development Agreement

**5. CONDITIONS GOVERNING DEVELOPMENT OF SUBJECT PROPERTY:**

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

1. Future construction and development of the site shall comply with the standards listed in UDC 11-3A-19 and the objectives and guidelines of the Meridian Design Manual in effect at the time of development.
2. Certificate of Zoning Compliance, Design Review and Alternative Compliance applications are required if the applicant proposes a change of use for the existing single family home to a non-residential use.
3. One (1) Certificate of Zoning Compliance (CZC) may be issued for the portion of the property that is located south of the right-in/right-out access point to Linder Road provided the existing home is removed. Additional CZC's shall not be issued until a concept plan is submitted and approved for the subject property. A concept plan shall be reviewed with a future



preliminary plat application. The following requirements shall apply to the development of the parcel:

- a. coordinate, design and construct the extension of W. Crossroad Street (public street) to Linder Road and stub a public street to the undeveloped parcel to the north (#S0435449905) with ACHD and the City of Meridian.
  - b. provide a 5' public access/recreational easement in favor of the City of Meridian measured from the back edge of 7-foot wide attached sidewalk starting at the western edge of the existing access on Ustick Road and continuing to the east property line.
  - c. depict a 25-foot wide landscape easement along Ustick Road and Linder Road.
4. At the time of development for either portion (north or south) of the property, the applicant shall construct a 10-foot wide multi-use pathway beginning on the western edge of the existing access to Ustick Road, proceeding north/northwest connecting to the existing service road on ACHD's drainage site located at the western boundary. An easement shall be provided for public access to and maintenance of the pathways; contained within an easement agreement or noted on the plat. The City will not assume maintenance of the pathway until it connects from one major arterial road to another, unless otherwise agreed to by the Parks & Recreation Department.
  5. The applicant shall be responsible for obtaining a Floodplain Development Permit and secure approval prior to any construction beginning on the site.
  6. Development of the subject property shall comply with the C-C standards listed in UDC 11-2B-3 and the allowed uses in Table 11-2B-2.
  7. All future development of the subject property shall comply with City of Meridian ordinances in effect at the time of development.
  8. The applicant shall be responsible for all costs associated with sewer and water service installation.
  9. The applicant shall construct a 5-foot pathway within the subject property providing interconnectivity to the 10-foot pathway planned for the property along Ustick Road. The applicant shall provide a pedestrian circulation plan for review and approval by the Planning Department with the submission of a concept plan or the first CZC application.

D. Preliminary Plat (date: 9/22/2021)





E. Concept Plan – Remarked (date: 12/20/2021)









G. Building Elevations: 12/20/2021)



FRONT ELEVATION  
1/8" = 1'-0"



REAR ELEVATION  
1/8" = 1'-0"



LEFT ELEVATION  
1/8" = 1'-0"



RIGHT ELEVATION  
1/8" = 1'-0"





**BUILDING 'C'**



**BUILDING 'D'**





Vertically Integrated Building Facing Linder Rd



**BUILDING 'G'**

Vertically Integrated building facing Ustick.



**BUILDING 'H'**



## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING DIVISION

#### Site Specific Conditions of Approval

1. Prior to approval of the rezoning ordinance, a new DA shall be entered into between the City of Meridian, the property owner(s) at the time of rezone ordinance adoption, and the developer.  
The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council granting the rezoning and DA modification. The DA shall, at minimum, incorporate the following provisions:
  - a. Future development of the site shall be generally consistent with the conceptual site plan, landscape plan, and elevations submitted with the rezone application contained herein.
  - b. At time of building permit, floor plans shall be submitted that indicate the ground floors of all units shown as vertically integrated structures meet occupancy class requirements for commercial structures.
  - c. Buildings on the north side of W. Crosswind St. shall be vertically-integrated buildings. Buildings G and H at the southeast corner of the site may be vertically integrated structures OR townhouses.
  - d. At time of CZC or plat, public accessibility for the central open space shall be specified in the CC&Rs, maintenance agreement or property owner's association agreement.
  - e. At the time of CZC or plat, an executed shared-parking agreement between the commercial lots and the vertically integrated structures shall be submitted.
  - f. Building D along the western property line shall be broken into at least two groups of buildings, with the break occurring approximately in the vicinity of Lot 19, Block 3 of the Windsong Subdivision No 2.
2. All private streets shall meet the requirements of UDC 11-3F-4.
3. All common lots, streets and alleys shall meet the requirements of UDC 11-6C-3.
4. There should be a consistent architectural theme throughout the development. Administrative design review will be required for all new attached residential structures containing two (2) or more dwelling units. Design review and certificate of zoning compliance will be required for any commercial buildings or vertically-integrated buildings.

5. The Director has approved a request for private streets as required per UDC 11-3F-4.
6. The preliminary plat, dated 9/22/2021, shall be revised as follows:
  - a. Per UDC 11-3B-7, all arterial street buffers shall be on a common lot or on a permanent dedicated buffer, maintained by the property owner or business owners' association.
  - b. Residential street buffers shall be on a common lot, maintained by a homeowners' association.
  - c. The development table shall be updated to indicate 2 vertically integrated residential lots, verses 12.
  - d. Parking spaces shall be subtracted out of all areas indicated as useable open space.
7. The landscape shall be revised as follows:
  - a. The additional pathway along the south perimeter shall be removed, and the sidewalk along W. Ustick Rd shall be widened to a 10 ft. wide pathway along the property line, with a 10 ft. wide connection to the Five Mile Creek Pathway at the west perimeter of the site.
  - b. The pathway shown along N. Linder Rd shall be revised to include only the existing 7 ft. wide sidewalk.
  - c. There shall be no more than one walkway per building connecting to the pathways and sidewalks along W. Ustick Rd. and N. Linder Rd.
  - d. A landscape buffer of at least 5 ft. in width, meeting the planting requirements of UDC 11-3B-9, shall be required along the northern property line or as otherwise required by UDC 11-3B.
8. The developer shall comply with the specific use standards for vertically-integrated projects as listed in UDC 11-4-3-41.
9. A conditional use permit shall be required for the drive through establishment shown on the commercial lot.
10. Off-street vehicle parking shall be provided on the site in accord with UDC 11-3C-4 for townhouses, commercial buildings and vertically integrated projects.
11. Direct access to N. Linder Rd. and W. Ustick Rd. is prohibited. All existing curb cuts shall be replaced with curb, gutter and sidewalk.

#### GENERAL CONDITIONS OF APPROVAL

1. The Applicant shall have a maximum of two (2) years to commence the use as permitted in accord with the conditions of approval listed above. If the use has not begun within two (2) years of approval, a new conditional use permit must be obtained prior to operation or a time extension must be requested in accord with UDC 11-5B-6F.
2. The preliminary plat approval shall become null and void if the applicant fails to either: 1) obtain the City Engineer signature on a final plat within two years of the date of the approved findings; or 2) obtain approval of a time extension as set forth in UDC 11-6B-7.
3. Any fencing constructed on the site shall be consistent with the standards as set forth in UDC 11-3A-6, 11-3A-7.
4. Comply with all bulk, use, and development standards of the applicable district listed in UDC Chapter 2 District regulations.
5. Install lighting consistent with the provisions as set forth in UDC 11-3A-

4. Construct all off-street parking areas consistent with the standards as set forth in UDC 11-3C-1.
5. Protect any existing trees on the subject property that are greater than four-inch caliper and/or mitigate for the loss of such trees as set forth in UDC 11-3B-10.

## **B. PUBLIC WORKS DEPARTMENT**

### **Site Specific Conditions of Approval**

1. Easements for combined water / sewer mains outside of right-of-way must be a minimum of 30-foot-wide with the minimum separation between mains; additional width may be required if minimum distance is not maintained.
2. No permanent structures can be placed within a City easement including but not limited to buildings, carports, overhangs / eaves, trees, bushes, light poles, infiltration trenches, trash enclosures, etc.

### **General Conditions of Approval**

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

UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.

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

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

**C. MERIDIAN FIRE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=250947&dbid=0&repo=MeridianCity>

**D. ACHD**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=253599&dbid=0&repo=MeridianCity>

**E. WEST ADA SCHOOL DISTRICT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=255718&dbid=0&repo=MeridianCity>

**F. NMID**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=251526&dbid=0&repo=MeridianCity>

**G. DEPARTMENT OF ENVIRONMENTAL QUALITY**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=251853&dbid=0&repo=MeridianCity>



**IX. FINDINGS**

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

**A. ZONING**

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

*This is a proposal for rezoning of 3.42 acres of subject property from CC to R-40 to allow townhouses. This complies with the applicable provisions of the comprehensive plan, particularly to provide a diversity in housing opportunities and to encourage infill development.*

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

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

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

*Staff finds with the recommended conditions of approval the proposed R-40 map amendment should not be detrimental to the public health, safety and welfare as the property is on an arterial intersection, sufficient buffering and parking is provided, and the property is surrounded by single family attached, multifamily, and commercial uses.*

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

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

**5. The map amendment (as applicable) is in the best interest of city.**

Staff finds the proposed rezoning is in the best interest of the City if the property is developed in accord with the provisions in Section VII.

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

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

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

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

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

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

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

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

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

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

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

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

*There is an existing floodplain and Five Mile Creek at the southwest portion of the property. These features are shown to be preserved in a common lot.*

**C. CONDITIONAL USE**

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

**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 if the site is designed in accord with the site plan and landscape plan shown in the exhibits and the conditions of approval, the site will be large enough to accommodate the proposed use and meet the dimensional and development regulations of the R-40 zoning district for townhouses.*

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

*As described in the staff report, the proposed multi-family residential use in the R-40 zone meets the objectives of the Comprehensive Plan and UDC.*

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

*This proposal would allow 33 townhouses on an arterial intersection, surrounded by multi-family detached and attached, commercial and multifamily uses. Sufficient buffering and landscaping has been provided, there is satisfactory parking, and the elevations reflect high quality design.*

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

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

*As mentioned above, staff finds the proposed townhouses will not adversely affect other property in the vicinity.*

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

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

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 applicant will pay to extend the sanitary sewer and water mains into the site. No additional capital facility costs are expected from the City. The applicant and/or future property owners will be required to pay impact fees.*

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

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.**

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

**D. PRIVATE STREETS (UDC 11-3F-5):**

In order to approve the application, the Director shall find the following:

- 1. 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.**

*No additional capital facility costs are expected from the City. The applicant and/or future property owners will be required to pay impact fees.*

- 2. The design of the private street meets the requirements of this article;**

*The private streets meet the design requirements of not connecting to an arterial street, allowing sufficient maneuvering for emergency vehicles, not serving more than 50 units and meeting the minimum width of 24 feet.*

- 3. Granting approval of the private street would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity**

*As these are private streets internally contained within this development connected to adjacent properties by public streets, there is adequate parking provided and Meridian Fire and Police have not expressed objections, the Director finds approval of the private street would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity.*

- C. The use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan.**

*As listed above in the Comprehensive Plan analysis, the Director finds the use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan.*

- D. The proposed residential development (if applicable) is a mew or gated development.**

*The majority of the townhouses are clustered around a mew with their entrances facing the open space. This would be considered a mew development.*