



# PLANNING AND ZONING COMMISSION MEETING

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho  
Thursday, June 03, 2021 at 6:00 PM

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## Agenda

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*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

Limited seating is available at City Hall. Consider joining the meeting virtually:

<https://us02web.zoom.us/j/85451171490>

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

Webinar ID: 854 5117 1490

### ROLL-CALL ATTENDANCE

- Nate Wheeler       Andrew Seal       Bill Cassinelli
- Nick Grove       Maria Lorcher       Steven Yearsley
- Rhonda McCarvel, Chairperson

### ADOPTION OF AGENDA

#### CONSENT AGENDA [Action Item]

1. [Approve Minutes of the May 20, 2021 Planning and Zoning Commission Meeting](#)
2. [Findings of Fact, Conclusions of Law for Gem Prep South \(H-2021-0020\) by Paradigm Design, Located Approximately 1/8 of a Mile East of S. Locust Grove Rd., on the South Side of E. Lake Hazel Rd.](#)

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

**COMMUNITY ITEMS [ACTION ITEMS]**

- 3. [Resolution No. PZ-21-03: A Resolution of the Planning and Zoning Commission for the City of Meridian, Idaho, Validating Conformity of the Second Amendment to the Meridian Revitalization Plan with the City of Meridian’s Comprehensive Plan](#)

**ACTION ITEMS**

- 4. [Public Hearing for Topgolf \(H-2021-0033\) by Arco/Murray, Located at 948 S. Silverstone Way](#)

***Application Requires Continuance***

[A. Request: Conditional Use Permit for an outdoor recreation facility on 11.56 acres of land in a C-G zoning district to include extended hours of operation from 8:00 a.m. to 2:00 a.m., seven days a week, abutting a residential zoning district.](#)

- 5. [Public Hearing for Woodcrest Townhomes \(H-2021-0015\) by Blaine A. Womer Civil Engineering, Located at 1789 N. Hickory Way](#)

***Applicant is Requesting Continuance***

[A. Request: Amendment to the Comprehensive Plan Future Land Use Map to change the future land use designation on 2+/- acres of land from the Commercial to the Medium High-Density Residential designation.](#)

[B. Request: Rezone of 2.10 acres of land from the L-O \(Limited Office\) to the R-15 \(Medium High-Density Residential\) zoning district.](#)

- 6. [Public Hearing for Meridian Middle School Cafeteria Addition \(H-2021-0032\) by Lombard Conrad Architects, Located at 1507 W. 8th St.](#)

[A. Request: Conditional Use Permit request for an approximate 7,525 square-foot addition to the existing Meridian Middle School cafeteria.](#)

- 7. [Public Hearing for Popeyes Drive-Through \(H-2021-0030\) by Erik Wylie of JRW Construction, LLC, Located at 6343 N. Linder Rd.](#)

[A. Request: Conditional Use Permit for a drive-through establishment within 300-feet of an existing drive-through on 1.0 acres of land in the C-G zoning district.](#)

- 8. [Public Hearing for Gramercy Commons \(H-2021-0023\) by Intermountain Pacific, LLC, Located at 1873, 1925, and 2069 S. Wells Ave.](#)

[A. Request: Conditional Use Permit for a multi-family development consisting of 164 age-restricted units within a multi-story building with a multi-story parking garage on 5.24 acres of land in the C-G zoning district.](#)

**ADJOURNMENT**



## AGENDA ITEM

**ITEM TOPIC:** Approve Minutes of the May 20, 2021 Planning and Zoning Commission Meeting

**Meridian Planning and Zoning Meeting**

**May 20, 2021.**

Meeting of the Meridian Planning and Zoning Commission of May 20, 2021, was called to order at 6:00 p.m. by Vice-Chairman Andrew Seal.

Members Present: Commissioner Andrew Seal, Commissioner Bill Cassinelli, Commissioner Maria Lorcher, Commissioner Nathan Wheeler and Commissioner Steven Yearsley.

Members Absent: Commissioner Rhonda McCarvel and Commissioner Nick Grove.

Others Present: Adrienne Weatherly, Ted Baird, Sonya Allen, Joe Dodson and Dean Willis.

**ROLL-CALL ATTENDANCE**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Nathan Wheeler  | <input checked="" type="checkbox"/> Maria Lorcher   |
| <input checked="" type="checkbox"/> Andrew Seal     | <input type="checkbox"/> Nick Grove                 |
| <input checked="" type="checkbox"/> Steven Yearsley | <input checked="" type="checkbox"/> Bill Cassinelli |
| <input type="checkbox"/> Rhonda McCarvel - Chairman |   |

Seal: Good evening. Welcome to the Planning and Zoning Commission meeting for May 20th, 2021. At this time I would like to call the meeting to order. The Commissioners who are present for this evening's meeting are at City Hall and on Zoom. We also have staff from the City Attorney and Clerk's offices, as well as the city Planning Department. If you are joining us on Zoom this evening we can see that you are here. You may observe the meeting. However, your ability to be seen on screen and talk will be muted. During the public testimony portion of the meeting you will be unmuted and, then, be able to comment. Please note that we cannot take questions until the public testimony portion. If you have a process question during the meeting, please, e-mail [cityclerk@meridiantcity.org](mailto:cityclerk@meridiantcity.org) and they will be able to reply as quickly as possible. If you simply want to watch the meeting, we encourage you to watch the streaming on the city's YouTube channel. You can access it at [meridiantcity.org/live](http://meridiantcity.org/live). With that let's begin with the roll call. Madam Clerk.

**ADOPTION OF AGENDA**

Seal: All right. First item on the agenda is the adoption of the agenda. Can I get a motion to adopt the agenda?

Yearsley: So moved.

Lorcher: Second.

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

MOTION CARRIED: FIVE AYES. TWO ABSENT.

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

- 1. Approve Minutes of the May 6, 2021 Planning and Zoning Commission Meeting**
- 2. Findings of Fact, Conclusions of Law for Jump Creek North Four-Plex (H-2021-0018) by Kent Brown Planning Services, Located at the Northwest Corner of N. Black Cat Rd. and W. Gondola Dr.**
- 3. Findings of Fact, Conclusions of Law for Mountain America Credit Union Drive-Through (H-2021-0019) by Mountain America Credit Union, Located on the West Side of N. Ten Mile Road, Approximately 750 Feet South of Chinden Blvd.**
- 4. Findings of Fact, Conclusions of Law for The Oasis (H-2021-0004) by Brian Tsai of Balboa Ventures, Located at 3185 E. Ustick Rd.**
- 5. Findings of Fact, Conclusions of Law for The Vault (H-2021-0017) by Joshua Evarts, Located at 140 E. Idaho Ave.**

Seal: Next item on the agenda is the Consent Agenda. We have multiple items on the Consent Agenda. We have the approval of the minutes from our May 6th, 2021, Planning and Zoning meeting, Findings of Fact and Conclusion of Law for the Gem Creek North Fourplex, H-2021-0018; Mountain America Credit Union Drive-Through, H-2021-0019 and The Oasis, H-2020-0004. Oh. And The Vault, H-2021-0017. Can I get a motion to accept the Consent Agenda as presented?

Wheeler: So moved.

Yearsley: Second.

Seal: It has 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: At this time I would like to briefly explain the public hearing process. We will open each item individually and begin with the staff report. Staff will report their findings on how the item adheres to our Comprehensive Plan and Unified Development Code. After

staff has made their presentation the applicant will come forward to present their case and respond to staff 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 names individually of those who have signed up on our website in advance to testify. You will, then, be unmuted in Zoom or you can come to the microphone in chambers. You will need to state your name and address for the record and you will have three minutes to address the Commission. If you have previously sent pictures or a presentation for the meeting it will be displayed on the screen and our Clerk will run the presentation. If we establish 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 in advance have spoken we will invite any others who wish -- may wish to testify. If you wish to speak on the topic you may come forward in chambers or if on Zoom press the raise hand button in the Zoom app. Or if you are listening on a phone, please, press star nine and wait for your name to be called. If you are listening on multiple devices, a computer and a phone, for example, please, be sure to mute those extra devices, so we do not experience feedback and we can hear you clearly. When you are finished, if the Commission does not have questions for you, you will return to your seat in chambers or be muted on Zoom and you will no longer have the ability to speak and, please, remember we will not call on you a second time. After all testimony has been heard by the applicant -- 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 Commissioners will have the opportunity to discuss and, hopefully, be able to make a final decision or recommendations to City Council as needed.

## **ACTION ITEMS**

- 6. Public Hearing for Prevail North Subdivision (H-2021-0021) by Schultz Development, LLC, Located at 5150 S. Meridian Rd.**
  - A. Request: Annexation and Zoning of 5.63 acres of land with an R-8 zoning district.
  - B. Request: A Preliminary Plat consisting of 19 single-family residential lots and 4 common lots on 5.25 acres of land.

Seal: At this time I would like to open the public hearing for Prevail North Subdivision, H-2021-0021. We will begin with the staff report.

Dodson: Thank you, Mr. Chair. Can everybody hear me all right?

Seal: We can, Joe. Go ahead.

Dodson: Perfect. Thank you, guys. As noted, the first item on the Action Items for tonight is Prevail North Subdivision. It is a request for annexation and zoning and a preliminary plat. The site consists of 5.6 acres of land, currently zoned C-2 in the county and is

located at 5150 South Meridian, which is approximately a quarter mile south of Amity. I will go ahead and share my screen now. To the north is R-4 zoning and an undeveloped city property. There is also -- it's kind of a weird triangle shape that you can kind of see. It's actually a county dispatch tower, which is also north of the subject site. To the east is R-8 zoning and undeveloped land. To the south is R-8 zoning and the Prevail Subdivision, which was approved under the Percy name a couple of years ago. To the west is Meridian Road and further west of that is RUT or some additional R-4 zoning. There is no history with the city on this property until now. The future land use designation out here is medium density residential, which allows three to eight dwelling units per acre. This map here -- I don't know if I have presented it to Commission before, but I use it for Council, but I just wanted to give you guys a bigger overview of the site and what's around it and any improvements that might be there. Currently there aren't any, except for the Amity and -- I believe that's Locust Grove intersection in 2023. As noted, the subject site is 5.63 acres that's being annexed, but the plat is 5.25 acres. It's between multiple parcels -- parcels that are already annexed into the city and the site -- the north is a city-owned property reserved for a future well site and only -- that site currently only has access to Meridian Road. To the south is the 113 lot Prevail Subdivision, which was approved in 2019. It is zoned R-8 and has a future access to Meridian Road via a collector street, which will be constructed along the boundary here. That is both -- that would be this phase -- or I should say Prevail North and the regular Prevail. That would be their only access out to Meridian Road, other than an emergency access. The applicant for this application is the same as that for Prevail, making Prevail North a continuation of that subdivision. Consistent with the future land use designation of medium density residential, the applicant is proposing a density of 3.3 -- .4 acres -- sorry -- 3.4 units per acre. Because this is an extension of the Prevail Subdivision, the applicant is aligning the proposed lots of this phase, Prevail North, with those of the lots to the south to ensure compatible -- compatibility in lot sizes. Furthermore, due to the constraints of the site being deep, but relatively narrow, and having a waterway along the north boundary, the applicant is only proposing homes along the south side of the site. The proposed use is detached single family, with an average lot size of 6,677 square feet and a minimum lot size of 5,362 square feet. The use is permitted within the R-8 zoning district by right. The project is proposed as one phase, but will, essentially, be phase three of the Prevail Subdivision to the south. The revised plat is proposed as 18 building lots and three common lots on 5.25 acres and appears to meet all UDC dimensional standards for the requested zoning district. The applicant has submitted conceptual elevations of the proposed detached single family. Detached single family does not require design review, but the elevations depict a majority of two story homes with two -- two car garages and varying home styles that are noted as traditional, craftsmen, and contemporary. The elevations depict differing layouts of the same field materials of lap siding and stone and varying roof profiles, which overall offer an array of potential home facades. The subject site contains a large section of the Carlson Lateral, which you can see here, and this. The site plan shown before you now has the original position, which would be all this topography here, and, then, the new location here. The proposed location. It is an irrigation lateral that is maintained by the Boise Project Board of Control. The applicant is proposing to both reroute and pipe this lateral consistent with desires of the city engineer for the purpose of benefiting both this applicant and the city-owned property

bordering the site on the north. On further discussions with Boise Project Board of Control and in coordination with Public Works, the applicant is proposing to pipe the entire segment of the lateral on both properties from Meridian Road, which would be the culvert here, almost all the way to the eastern property boundary. Piping this lateral will allow for more buildable area of the subject site and will help fix some of the topography issues for the city-owned property to the north and allow for easier maintenance by Boise Project Board of Control. Staff supports the piping of this irrigation lateral and the proposed plan complies with city code. The proposed public streets are proposed as 33 foot street sections with attached and detached five foot sidewalks, allowing for on-street parking where no driveways exist, including the entire north side of the new east-west street, minus the bulb out, which is right in the center. Attached sidewalks are proposed along the new street, except for along the north where a detached sidewalk and parkway is proposed. Access is proposed via extension of Keyport Avenue, which is currently stubbed to the southern property boundary in Prevail No. 2. The submitted plans show Keyport extending into the site and, then, heading both east and west as shown as Liberator Street and ends in permanent cul-de-sacs at both ends of the site, which is in alignment with ACHD policy. Liberator Street is approximately 908 feet in length from the center of the western cul-de-sac to the east property line. Although the length of the street from east to west is greater than 750 feet in length when you measure it that way, South Keyport intersects this street approximately halfway, which breaks up the block length so there are no code issues with the proposed block length. In addition, UDC 11-6-C3, which is our subdivision design standards, notes that a dead end street cannot be greater than 500 feet in length with an intersecting street or by requesting Council waiver. Because South Keyport Avenue intersects Liberator Street as shown, neither the west, nor the east cul-de-sac is greater than 500 feet when measured from the nearest edge of right of way as code notes. It is -- therefore, it does not require any waiver by Council. It is admittedly an unusual road design, but staff does consider it to be the most efficient design for livability and access when considering the site constraints of the irrigation facility along the -- almost the entire northern boundary and the overall topography throughout the site. Furthermore, there are no homes fronting along the north side of the proposal of the street, which -- which further mitigates any staff concern regarding the length on the north side of the proposed street. The applicant is also proposing two sub streets to the adjacent properties, one to the north property out of the west cul-de-sac, and one to the east out of the east cul-de-sac. The original plat proposed both of these stub streets in the east quarter, which was basically one here and, then, a stub street to the east. But following conversations with Public Works the applicant moved the stub street that is proposed to the north to be out of the west cul-de-sac, which would help with future plans for the city well site and also help mitigate some of the topography issues, because there is a lot of topography on the city site in this quadrant over here. Staff supports the overall road layout and the stub street locations as proposed on the revised preliminary plat. Though there is potential for topography to complicate the future road -- future road extension to the east, staff highly recommends maintaining the stub street to the east for added future connectivity through the Brighton parcel. This recommendation is based both in code and from recommendations of the Meridian Fire Department for better neighborhood connectivity and emergency response access when properties to the southeast develop and, frankly, even as the city property develops to the

north. With a revised landscape plan received following publication of the staff report, their proposed landscaping complies with all UDC requirements and, therefore, staff will strike some of the conditions of approval noted in the staff report following the hearing tonight. This includes landscaping within the common open space lot within the proposed parkway and the landscaping along Meridian Road. Along Meridian Road the applicant is required to construct a ten foot multi-use pathway within the street buffer and construct noise abatement, which requires a berm combination that is at least ten feet in height and -- ten feet in height above the centerline elevation of Meridian Road. The proposed landscape plan shows the multi-use pathway, adequate landscaping, and the required berm allowing noise abatement, therefore complying with all of the code requirements. As noted, the subject site is greater than five acres in size, requiring at least ten percent qualified open space and one amenity. The applicant is continuing the segment of the multi-use pathway as noted and that is going to be within the landscape buffer along Meridian Road and qualifies as a required amenity. Because this plat would be an extension of the already approved Prevail to the south, the applicant has indicated these future residents will be able to use the other amenities and open space within that subdivision. The closest amenity to this phase is an open site with a playground that is south of Keyport Avenue, which for reference this is Keyport and, then, you have the micro path and, then, you have the tot lot with more open space. That is the closest amenity to the proposed subdivision. The minimum amount of qualified open space that should be provided is .53 acres based on the plat size of 5.25 acres. For the revised landscape plan, the numbers discussed within the staff report are not accurate. The applicant is proposing approximately 1.15 acres of overall open space, which is approximately 22 percent, but .74 acres of that area is actually qualifying open space, which is approximately 14 percent. The change that occurred is this fencing along the irrigation. So, now per code and the irrigation district we need to fence off the irrigation easement, which makes that area nonqualifying. That -- that's why the numbers do not match and I will make those adjustments in my staff report following the Commission hearing. Despite being less than previously throughout the proposed -- previously thought -- the proposed open space still exceeds the minimum requirements and staff is still in support of the proposed open space and open space landscaping. There was no written testimony and I made this slide for you guys, just to have a quick little overview. Staff does recommend approval of the requested project with the conditions of approval noted in the staff report. After that I will stand for any questions you may have. Thank you.

Seal: Thank you, Joe. Would the applicant like to come forward.

Schultz: Good evening, Commissioners.

Seal: Go ahead and state your name and address for the record.

Schultz: Matt Schultz. 8421 South Ten Mile. Glad to be here instead of on a Zoom meeting. Kind of flipped a coin and decided to come down and be social. So, good to be here after all that time. It's been a while. So, yeah, this is an interesting -- interesting piece of property. It's a little sliver of property north of the Prevail Subdivision, which we

are -- we just recorded phase one and we are getting ready to pave phase two pretty soon and it's moving right along and got the berm -- not quite landscaped, but built along Meridian Road and we originally looked at this piece a couple of years ago, because it was pretty obvious why not buy it when it was for sale and, to be honest with you, it didn't make sense given the -- the constrained geometry, the topography. There is about 20 feet of fall from the -- from the north in -- down to the lower end of Prevail, so it drops about ten feet from the city property down to the Prevail North and another ten feet down to Prevail. So, if you can picture there is a third dimension in here as well -- as well as the extensive piping and single loaded lots on one side of the road. It didn't make much sense. Well, about six months ago it was still for sale and we thought, well, maybe it makes sense now with things escalated as they have and what that does is, obviously, it's -- it's a positive enterprise we think right now to move forward on it, but also lets us control -- I was a little bit scared of who was going to build in there potentially if it would have sold in that year that we didn't buy it and who was going to build there and if I would have to come down and protest them and if they were going to do something quirky or whatever, but this kind of solves that problem as well. We know what's going to go there. It fits in and it's going to be in our HOA and we are going to share the -- the PI system and just -- just be one big happy subdivision and kind of clean up what is kind of an odd challenge piece and really clean up that property in line with the city property. We will put in the full fence. We are going to pipe the whole length in exchange for shifting a little bit of that easement onto the city property. We are going to put it right on the property line, the pipe itself. Boise Project Board of Control wants 25 feet either side, flat and graveled, and that's why that fence moved 25 feet into ours and I just sent the Public Works an e-mail tonight that we would like to deed them that extra 25 feet that -- that's shown as that -- that tan area there to the city, because we have no use out of it and if they could park on it or drive on it. It's just an option, you know. Don't have to, but they could, you know. So, that tan area there could -- could be usable by the city later, because it's on the other side of our fence that we don't care about anymore. So, it fits because we have made it fit. We have got the proper bermage, which is an extension along Meridian Road. ITD actually -- the right of way pops out an extra 20 feet from the south end of Prevail to the north, because there used to be a slope down to the fields and they had the right of way out there to catch the slope. Well, we ended up filling it up 15 feet and putting a berm and taking away the need for the extra right away, but ITD wasn't giving it back. In fact, our sidewalk have to wow out, you know, an extra 20 feet to stay out of that right of way. But we are going to landscape the whole thing all the way to the borrow ditch and so in front of this Prevail North there is actually going to be 30 -- I just looked at it tonight and it's not accurately shown. It's actually more I think that's shown here even. I think it's like an extra 30 feet in front of it. So, it will be 55 feet of buffer from our fence of grass and shrubs and trees, 30 feet within the right of way that we don't think ever will be taken away and, then, 25 feet behind it with the ten foot pathway. So, we think it works. Appreciate Joseph's very thorough staff report. We have worked with staff, we have worked with ACHD to get these details finalized for you tonight from what we submitted and we think this reflects a -- an accurate representation of what we are going to build. It's tight, there is a lot of fill, there is a lot of piping, but as an engineer -- or an ex-engineer it's -- it's just good to clean these things up instead of having this awkward little sliver piece that people think they can put a mini storage on it, because that's what it got approved for originally.

So, they can still keep thinking that, but it's access challenged, because you can't get access to it from Meridian Road any longer and so we have provided that down on the south end of Prevail and that road is now in. We are getting ready to put in a turn bay out in the median to -- to make it a left-in only and a right-in, right-out down there at that intersection, so -- and there is that emergency access you can see in phase two going out to Meridian Road just south of the site. That provides a secondary access until Brighton's world continues to develop to the east and connect over to Locust Grove and Lake Hazel and all that. It's the only access you -- we are the first people in and have the only access at the mid mile right now. So, with that I will stand for any questions and I don't think we have anybody protesting us tonight. So, hopefully it goes pretty quick. Thanks.

Seal: Thank you. Are there any questions for the applicant or staff?

Cassinelli: Mr. Chair, this is Bill. I don't know if you can hear me and if I have got a bunch of background noise or not.

Seal: Go ahead, Bill.

Cassinelli: Matt, what -- what's the fence material that's on top of the berm?

Schultz: It's just -- it's a -- it's a Simtech -- about three times the cost of vinyl. It is plasticky, but it's a -- it's a -- it's filled -- it's filled with foam and it has some -- some noise reduction capability, but the berm that we have that that sits on provides a lot of noise reduction as well. But it's a Simtech composite fence is what it is.

Cassinelli: Okay. So, it does -- it's got a lot more sound than -- sound deadening than a -- than a vinyl fence or something?

Schultz: It does. In fact, I was out there before we built the berm and it's quite loud off Meridian Road, as you can imagine.

Cassinelli: Yeah.

Schultz: When the berm and the fence went in -- I mean, obviously, you could still hear that -- that white noise, but it's -- it was a huge reduction on site in terms of blocking that noise.

Cassinelli: Thank you.

Schultz: Yeah.

Seal: Commissioner Lorcher.

Lorcher: The only question I had was if the lateral -- irrigation lateral is going to be behind your fence why did you discuss to pipe it in?

Schultz: Good question. It's very large and it's on the -- on the top of a hill above us, so every once in a while if it's large and not on top of a hill we will ask for a waiver to not pip it, you just have to leave the easement. In this case it kind of meanders across our site in its existing condition and we wanted to straighten it out, so we could actually -- you could kind of see it in the contours there and we want to straighten it out so we could actually get our road in and some other things. So, in order to do that and to make it safe. It's 48 inches. It's quite large and quite expensive, but it's -- it needs to be done up on top of that hill.

Lorcher: Thank you.

Seal: Any other questions? Okay. At this time we will take public testimony. Madam Clerk, do we have anybody signed up?

Weatherly: Mr. Chair, we do not.

Seal: Anybody on Zoom would like to raise their hand or anybody in chambers would like to come forward? Okay. Seeing none, would the applicant like to come back and close or are we good? Okay. Good -- good move. At this time can I get a motion to close the public hearing for Item No. H-2021-0021, Prevail North Subdivision.

Lorcher: Motion.

Yearsley: Second.

Seal: It's been moved and seconded to close the public hearing on Item No. H-2021-0021. All those in favor say aye. Any opposed? Okay. Motion carries.

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

Seal: Okay. Who wants to start us off?

Cassinelli: Mr. Chair, this is Bill.

Seal: Go ahead, Commissioner Cassinelli.

Cassinelli: Thank you. I have got a question and then -- well, I will do my comments first and, then, a question. Comments are I would say perfect -- perfect -- perfect application of a fill that are always difficult to do and, you know, I -- I couldn't have asked for it done better. Like the applicant was saying, we could have had a mini storage or something else that would have brought a lot of opposition to it, but I think this is the perfect use of -- of that little sliver. So, I'm definitely in favor of the project. I do have a -- I do have a question maybe towards staff and that is in a situation where the lateral is piped and the road -- the stub street to the north that would eventually go over that, is there -- is there an additional cost to putting in that road over a piped lateral, unlike a -- I mean if it's open it has to be bridged, which would be a cost to somebody down the road to finish that stub

street. But in this situation are there any kind of issues with putting in a street over a piped lateral?

Dodson: Commissioner Cassinelli, Members of the Commission, I honestly do not know the answer to that. You should ask Matt, he probably would know better than me. My assumption is there might be some kind of additional cost, but that will be incurred by the city and, frankly, the city's getting a deal out of how much piping this applicant is doing already. So, it's -- not to mention that site -- the city site is not going to get developed for probably quite some time. At least five years from what I understand. So, all those costs would be incurred at a later date. But I -- I assume there will be some additional cost on the standard road over no irrigation lateral.

Cassinelli: Okay. Thank you.

Dodson: You are welcome, sir.

Yearsley: Mr. Chair?

Seal: Go ahead.

Yearsley: So, for -- just to help you answer your question, Bill, more than likely they are going to have an appropriate cover over that pipe, so they wouldn't have any issue building a road over that pipe for the future stub out to this city's property. So, I don't see that being an issue. I have to echo Commissioner Cassinelli's comments. When I first looked at the property it looked kind of weird, you know, the way it was laid out, but as you put it with the rest of the subdivision it actually fits really well. So, I think they have done a great job with this and how -- and making that -- not a weird, but just a different size lot to fit in that space and so I think they have done a great job and I don't see any issues with it.

Wheeler: Mr. Chair?

Seal: Go ahead, Commissioner Wheeler.

Wheeler: Joe, I have got a question for -- for staff here. I'm just trying to make sure that the piping is -- is -- the whole canal is being put underground clear from Meridian Road and back underneath the -- or toward the property line of this and moving forward; is that right?

Dodson: Is that Commissioner Wheeler?

Wheeler: Yes.

Dodson: Got you. Thank you. Good to meet you virtually, sir. It -- my understanding is that that is true, because there are some irrigation facilities over here already and that's where it's going to end and, then, they are going to pipe it all the way to the culvert in

Meridian Road. It -- right now you can see it kind of goes along this road anyways, this route when it bends down to the thing, so it's -- it's going to go to there. That's where we have -- the city and say Public Works and the applicant decided that's the best place for it.

Wheeler: Okay. Thank you.

Dodson: You are welcome.

Seal: Would anybody like to take a stab at a motion on this?

Yearsley: Mr. Chairman?

Seal: Commissioner Yearsley.

Yearsley: After considering all staff, applicant, and public testimony, I move to recommend approval to City Council of file number H-2021-0021 as presented in the staff report for the hearing date of May 20th, 2019 -- or 2021 with no modification.

Wheeler: I second.

Seal: It's been moved and seconded to approve Item No. H-2021-0021 with no modifications. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

**7. Public Hearing for Gem Prep South (H-2021-0020) by Paradigm Design, Located Approximately 1/8 of a Mile East of S. Locust Grove Rd., on the South Side of E. Lake Hazel Rd.**

- A. Request: Conditional Use Permit for an educational institution on 5.95 acres of land in the C-C zoning district that proposes direct access via a collector street and where there is not a safe, separate pedestrian and bikeway access between the neighborhood and the school site.

Seal: Okay. Now, we will open the public hearing for Item No. H-2021-0020, Gem Prep South. We will begin with the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. The next application before you tonight is a request for a conditional use permit. This site consists of 5.95 acres of land. It's zoned C-C and is located approximately an eighth of a mile east of the South Locust Grove and East Lake Hazel Road intersection on the south side of Lake Hazel. The Comprehensive Plan future land use map designation is mixed use community. A conditional use permit is requested for an education institution in the C-C zoning district that proposes direct access via collector street and where there is not as safe, separate

pedestrian and bike way access between the neighborhood and the school site. Specifically the specific use standards for education institutions require conditional use permit in those instances. A kindergarten through 12th grade college preparatory charter school is proposed. Future residential neighborhood are planned to the north and south. A 77 acres city park, Discovery Park, is located directly to the east. The school is open to public streets on all sides and access is proposed via adjacent local and collector streets on the west and southeast boundaries. No access is proposed via Lake Hazel, an arterial street, along the north boundary. Striped crosswalks, signage, and school zone flashing signage, along with a crossing guard, is proposed for the safety of students walking and biking to the school. If you can see my cursor there, there are the crossing sections here. The parent pick up area is located on the north side of the building. The bus pick up and drop off area is located on the south side of the building, which will prevent vehicle conflicts. A minimum of 113 off-street parking spaces are required to be provided. A total of 118 spaces are proposed in excess of the minimum UDC standards. A ten foot wide multi-use pathway is proposed along the northern boundary of the site along Lake Hazel Road. The Williams natural gas pipeline bisects this site within a 75 foot wide easement. Conceptual building elevations were submitted as shown, consisting of a two story, 45,110 square foot structure that incorporates various colors of horizontal lap siding and metal panels and various trim colors. Final design is required to comply with the design standards in the architectural standards manual. Written testimony has been received from the applicant Bill Hadlock. He is in agreement with the conditions of approval in the staff report. Staff will stand for any questions.

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

Hadlock: Yes. Hello.

Seal: Hi, Bill. Go ahead and state your name and address for the record and you can go from there.

Hadlock: Okay. Sure. This is Bill Hadlock with Paradigm Design and my address is -- it's down in Phoenix, Arizona, 4250 Drinkwater Boulevard. So, yeah, I just -- it was a great presentation by Sonya and I appreciate all the help she has been and all the staff at the city. We have been working very closely for quite some time with ACHD, the city, but -- but also more importantly Brighton, who is doing the Apex development around the subdivision, and I guess with that what I would like to do is turn this over to -- we have the principal of the school that just kind of wanted to give you a little presentation. I think, Sonya, do we had that presentation? It's a little quick PowerPoint. Just to kind of go over Gem -- Gem schools for those that are not familiar with -- with them, if that would be okay. I think I sent that in.

Allen: Yes. Mr. Hadlock, you have the ability to share your screen and share your presentation on your end.

Hadlock: Oh. Oh. Okay. Let me -- boy, I thought you guys were going to share it. I apologize for -- for that. One second here, please.

Allen: If you are not able to get to it right away I can share it for you, I just -- you won't be able to control it on your end. So, if you can get to quickly, that's great. If not let me know.

Hadlock: Okay. I think I can get to it fairly quickly. So, let me -- all right. Oh. It seems to be -- okay. Yeah. Here it is. Right here. Okay. Can you see my screen now?

Seal: Yes, we can.

Hadlock: Okay. Great. So, let me introduce Stacey Walker. Stacey, are you -- are you on? She's the principal of the school.

Seal: Stacey, if you just want to give us your name and address and you can go ahead and speak. Thank you.

Walker: Thank you for sharing that for me. Good evening, Commissioners. Can you hear me okay?

Seal: Yes, we can. Thank you.

Walker: Okay. Perfect. So, my name is Stacey Walker and I will be the principal of Gem Prep Meridian South and so I was just going to share a couple minutes as an overview of our Gem schools. Currently I'm working in our online school and have -- was the founding principal of our Nampa location. So, I'm excited to move into our third Gem Prep school. Who we are. We are a free K through 12 charter school and our focus is college prep and our goal is to serve all students interested in a rigorous college prep program. So, our mission is to prepare students for success in college by providing a high quality personalized, relevant and rigorous education through exceptional teaching, innovative uses of technology, and partnerships with families. So, we have multiple schools and are a charter management organization and so our first goal was Gem Prep Online, which is currently K through 12 and is statewide and, then, we opened our first brick and mortar school, which was Gem Prep Pocatello, just kindergarten and first grade, and has grown to be K through ten and, then, followed by Nampa, Meridian and, then, we have Gem Prep Meridian North opening this August and, then, we are proposing the Gem Prep Meridian South opening following August of 2022, with both of those opening K through five, but, then, growing to be K through 12. Our school size overall will be about 582 students when we are fully grown. Our seventh grade is about 90 students and ninth through 12th grade is 120. So, our goal is to mimic the demographics of the West Ada School District and really promote all of the diversity in the district to go to our Gem Prep Meridian South location. Our elementary will be K through six, but we will be opening K five and focusing on that college prep model starting at the beginning by offering a full day kindergarten paid for by our school for all of the scholars that join us. We will focus on a student rotation model and providing excellent instruction for all of our students and as well as building on holistic competencies that will help them with success in college. Our secondary is our seventh through 12th grade. Bill, do you mind moving to the -- perfect. Thank you. And we have three types of classes that we begin offering in our

secondary model and we do in-person instruction, which is typical school instruction, but we also do something called a send and receive, where we can actually leverage some of our Gem Prep teachers to teach at some of our other Gem Prep schools across the state and, then, we also use some fully online learning and we do this to offer higher level classes for our students, high school level classes for our middle schoolers, and, then, dual credit classes for our high school students. So, our secondary model -- we continue to focus it on that graduate profile. We do create two graduation tracks for our students and so our goal is by the time they are in their sophomore year that they are choosing whether or not they want to receive their associate's degree or have at least 18 plus college credits. So, we believe that college really prepares our students to have success by getting that start in high school and it saves a lot of money for families and for students, but it also helps prepare them for all the independence that they will need to have in college. The other aspects that make us unique is that we will be a K through 12 school all on one campus and we have seen that our families really enjoy that. They enjoy having consistent messaging, having relationships and options for leadership for our older students to our younger students and now that I am a part of our online school with our K through 12, it's -- it's great to see the students grow through our school and we are celebrating graduation next week and are just really excited, the accomplishments that our graduating class has. We have almost 40 graduates with our online school this year and the average dual credits that they have is 26 dual credits. So, we are just really proud of the accomplishments and excited that our brick and mortar will be following suit with 12th graders soon. The following slide will -- is a proposed campus overview and so I know you guys just saw this a little bit closer, but this is in a screen of -- of looking at it from an aerial view as well. So, thank you for giving me a little time to share a little bit about Gem Prep and who we are and the Gem Prep Meridian South location.

Hadlock: Yeah. Thank you. So, yeah, that's -- that's kind of the presentation that we wanted to do. You know, again, we have been working with Sonya and the staff over time and we have looked at the conditions on the report and we are -- you know, we are very excited to move forward with the project. So, I don't really have a whole lot more to present. But, you know, obviously, here for any questions.

Seal: Okay. Thank you, Bill and Stacey. Are there any questions for the applicant or staff?

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley.

Yearsley: So, are they not proposing any potential crossing across Lake Hazel or is that not -- had they decided not to do any of that or what's the plan for that? And I guess, Bill, if you want to answer that question.

Hadlock: Sure. Sure. I just pull the site plan up. So, right now, no, we don't have that plan. We have been working with Brighton and the new roundabout that's looking to go up there, so there will be that connectivity as that project moves forward, but -- but as of

right now, no, we are totally planning our crosswalks and -- and crossing guards and everything to the south where the main development is going to be as it moves forward and the development of reconstruction I should say of Lake Hazel happens, then, I'm sure those -- those plans and considerations will have to be made.

Yearsley: Okay. So, I also just assume, Bill, that most of the students are coming from not the local area, but just more of the surrounding area, so they will be picked up and dropped off by parents; correct?

Hadlock: Yeah. I think, you know, a good portion of them. Some of them are bused in. Some will be dropped off. But I mean, you know, the reason we really like this partnership with Brighton to come in and develop with these residential subdivisions is -- is, obviously, they hope to pull people in from within the subdivision. But, yeah, you are still going to get a lot of, you know, vehicular traffic, people dropping and picking up and as well as the bus traffic.

Yearsley: Okay. Thank you.

Lorcher: Mr. Chair?

Cassinelli: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: What is the precedent in the City of Meridian to have properties over the Williams natural gas line? Is that pretty prevalent in the city? Is that -- or would staff know?

Seal: More a question for -- for -- for Sonya or Bill or --

Hadlock: Yeah. Sure. Sure. So, we are working with the Williams pipeline -- as a matter of fact, we did this exact same thing on Compass, we did the whole -- we are the group that developed the Compass Charter School up there on -- of Black Cat and we had to deal with the same thing, going over this -- I believe it's the same pipeline, but it was actually the Williams pipeline and all. So, yeah, we have actually done it ourselves with -- on a school project and we are -- we are coordinating with them right now. We are in the process of -- they are in review of our drawings and we are working on our development agreement -- easement, I guess if you will, to do our construction. So, yeah, this is something that -- that is allowed and we have done in the past.

Lorcher: Thank you.

Cassinelli: Mr. Chair?

Seal: Go ahead, Commissioner Cassinelli.

Cassinelli: Yeah. This is kind of a follow on to Commissioner Yearsley's question. Bill, can you kind of go over the -- the pick up and drop off situation there? Maybe you can get a screen up there to -- of that area and kind of --

Hadlock: Sure.

Cassinelli: -- and I guess how many cars, you know, will that -- will that fit and that kind of thing? And so I'm just thinking as far as the access in and out on that.

Hadlock: Sure. So -- I don't know if -- can someone open up the site plan? I don't have that in front of me. Maybe the report that Sonya had.

Seal: Can you bring that up, Sonya?

Allen: Yes.

Seal: Thank you.

Hadlock: So, we have really got this broken into two pods and one of the things we really like about doing this is we don't like our bus traffic and our, you know, vehicular traffic to commingle, so down in the lower left-hand corner you will see there is the -- is where the bus -- buses will come in -- right there and to stage along the sidewalk. I believe there is four buses that will drop students off and, then, pick them up. That back area there as well is a parking area for the staff. So, that's what that is right there. And, then, up along -- coming on of the other -- up on the north -- across the north pod, if you will, it's a double lane stacking, which, then, up in the corner will be -- I don't have control, but I call it in the -- just before it -- they make the swing down and turn in front of the school -- yeah, go down a little bit -- a little bit further down. Yeah. Right there. There will be a controller that will take it from a two lane down to a one lane to bring in single lane of drop and pick for students and, then, they -- the north lane there would be the bypass. So, once you have either dropped or picked up you can go around them. So, obviously, it's administered during drop off and pick up times. The queuing lengths are -- I don't remember off the top of my head, but I want to say they are like 1,500 feet. So, we can get a lot of cars in there and, you know, we have -- we have presented all that with ACHD to make sure that we are not providing any sort of backups onto the public roads. So, does that answer your question?

Cassinelli: It did. Thank you. And, then, I -- on that one road that -- where -- where the driveway comes in there is a -- there is a bend there in that road. Was that an issue -- was that a current concern of ACHD as far as visibility there with -- with people coming back out and especially making a left-hand turn?

Hadlock: Are you talking about on the north pod or the car traffic?

Cassinelli: Correct. Yes.

Hadlock: Yes. No. We have not heard any of that from ACHD. No, they -- no. The -- we have actually been working on this for some time with Brighton and as part of their overall development they are putting those driveways in, so I know through their whole process of getting these roads approved the horizontal deflection of the roadways and the driveways and all have gone through, you know, substantial amount of review and design with -- between their group and -- and ACHD. So, I have not heard anything, no.

Cassinelli: So, there were no concerns there on that traffic on that corner, that being a blind corner or anything?

Hadlock: No. No. There were no -- we got our clear vision triangles up in there, so people can see, but, no, there were not.

Cassinelli: Okay. Thank you.

Seal: Quick question on the buses. Will they be kept on site or is that something you contract with like Brown Bus Company or something along those lines?

Hadlock: Right. I'm pretty sure it's -- it's contracted. Josh is with Gem. Josh, are you on right now? I don't want to speak out of turn. I don't believe they are being kept on -- but I don't want to speak out of turn there, so -- Josh might have to raise his hand. He's part of our group. He is the development officer for Gem.

Seal: We are moving you over, Josh. You want to go ahead and unmute and state your name and address for the record and go ahead and tell us what --

Femreite: Josh Femreite. 40 Ramsay Court in Pullman, Washington. 99163. So, yeah, the -- the buses, they could be on or off. We do contract with Brown Bus and we have a combo of both types of contracts with them. If we have room to safely store them out of the way we would allow them to store on site. Otherwise, they have storage in their bus -- bus lot for the bus storage.

Seal: Okay. Thank you. Are there any other questions for the applicant or staff?

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler, go ahead.

Wheeler: I have a question about the parking area that's on the -- I believe it's the north side, right where the -- the -- it would be the student or the parent parking or the loop would be for the drop off. It looks like there is 30 parking spaces in there; is that correct?

Hadlock: Yeah. It could be. First, the north pod, that -- that sits in the -- right due north of the school?

Wheeler: Yes.

Hadlock: Yes.

Wheeler: And there is only one in and out of there; is that correct? Out of that 30 parking spaces?

Hadlock: Well -- oh, you are talking about the angled piece?

Wheeler: Yes. The angled piece there, yes.

Hadlock: Okay. Got it. There is. Correct. Yeah. That's -- that's correct.

Wheeler: Is there -- was there any concern with ACHD on that with the access or is there any issue with maybe just putting a right-out on the -- on the -- at the side that's the closest to the entrance and exit?

Hadlock: No, we didn't -- we did not have any concern with ACHD on that, but that we -- that we know of. We talked a lot about that -- that -- that pod in particular is going to be more of a staff parking. So, you know, overflow. There is some in the back there I had mentioned by the buses, but the remainder of the staff will be up in that -- kind of the corner. So, they will be kind of, you know, coming in and out at times when the parents are not coming in or leaving, you know, dropping and picking. So, I don't -- I don't see any concerns with that. So, I think that should function -- function fine.

Wheeler: Thank you.

Hadlock: Thank you.

Seal: Any further questions? Okay. At this time we will take public testimony. Madam Clerk, anybody signed up?

Weatherly: Mr. Chair, no one is signed in.

Seal: Okay. If anybody on Zoom would like to raise their hand or if anybody in chambers would like to come forward or raise your hand so you can come forward. It looks like we have Mr. Wardle on here.

Weatherly: Mr. Wardle, one moment, please.

Seal: Jon, if you want to go ahead and unmute and give us your name and address for the record.

Wardle: Commissioner Seal, Thank you. Can you hear me?

Seal: Yes, sir. Go ahead.

Wardle: Great. Commissioner Seal and other Commissioners, my name is Jon Wardle. My business address is 2929 West Navigator Drive in Meridian, Idaho. 83642. I just wanted to echo the comments that Bill has made tonight and we also are supportive of this project. We feel like it is -- it's very good for the community. I did want to state that the project has been reviewed by ACHD, they have analyzed the entrance points into this and looked as well at the locations where cars will be coming in, staging, stacking, that type of thing. We have also looked and worked with them on crossings -- safe crossings. I don't know that the -- this exhibit exactly shows all those which have been finalized, but ACHD has been very much in those details. One of the items I wanted just to comment on was Commissioner Yearsley asking about the crossing of Lake Hazel. On the site plan here you will see that there is a -- on the east side of what's called Bloomerang -- and Bloomerang is the road that goes across Lake Hazel to Lavender Heights -- there shows a wider ped ramp there and that is intended to connect to the north. It will be -- I don't know if the striping on that -- I would assume it would be striped as well, because it will be received on the north side as well, but that is in process. Brighton has been working with ACHD on a cooperative development agreement. We actually have nearly approved plans for the roundabout and Lake Hazel to this intersection and, then, a quarter mile to the other intersection and, then, an eighth mile north on Locust Grove, an eighth mile south on Locust Grove. So, these improvements will be done this year still. We were intending to start now, but the ACHD project moved up on Amity and Eagle Road and as soon as that opens up and, then, we would commence these improvements, so that the roadways would all be complete well ahead of the school being finished, which I believe is fall or late summer of next year. So, there has been a lot of back and forth with the highway district as it relates with -- to the roads here, access to the school pedestrian wise, and also the configuration of Lake Hazel and the other improvements that will occur out there. So, ultimately, it will be an urban road with the appropriate pedestrian crossings and we feel like this is a really good plan -- site plan and location for Gem Prep and we are excited for them to be part of the community.

Seal: Okay. Thank you very much. Anybody else that would like to come up and testify, if anybody would like to raise their hand on Zoom. Don't see anybody in chambers here. All right. At this time can I get a motion to close the public hearing for Gem Prep South, H-2021-0020?

Yearsley: So moved.

Lorcher: I will second.

Seal: It's been moved and seconded to close the public hearing on Item No. H-2021-0020, Gem Prep South. All those in favor say aye. Any opposed? Motion carries.

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

Seal: Okay. Who would like to kick us off here?

Lorcher: Mr. Chair?

Cassinelli: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: The design seems like it's very manageable. It's -- when -- it's new to an area that hasn't been developed yet. I know on some of the other projects that we have seen, you know, crosswalks and crossing guards will be required for safety of the kids, but once the -- if there is subdivisions or other businesses that are going to be developed around it, it's going to come. So, I don't have any concerns with their safety plan of moving the kids, especially since the school seems to be more internal of the -- the parcel, as opposed to the edge and because this is not a boundary school, it's a charter school, most of the kids will probably be driven, as opposed to bused.

Seal: Commissioner Cassinelli, I think you wanted to chime in earlier. Go ahead. Bill, are you still there?

Cassinelli: Yeah. Can you hear me?

Seal: Yeah. Go ahead.

Cassinelli: Okay. Sorry. Yeah. I'm very supportive of charter schools in general, as some of you may know. The design of this -- I think it's -- it fits well. My concern was the traffic, particularly during drop off and pick up times in the morning, in the afternoon, and that corner, but, you know, it sounds like from testimony from the applicant, ACHD has looked at it and feel that there is -- you know, that the flow will be there. So, that would be my only concern. Otherwise, you know, it's a great fit and we are always talking about the overcrowding in schools. It's always an issue. So, anytime they can find a home for another 500 plus students it's a good thing.

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler, go ahead.

Wheeler: I, too, am in support of this and I like the -- I like charter schools. I like seeing them come into the community. I like this plan a lot. It seems to have good flow. There is a lot of the lanes that will be queuing during the times for both pick ups and for drop offs. My only concern is that -- that access there that you could have at one time 30 vehicles exiting out the same exit and all taking that right-hand turn and coming out. It would be nice to see maybe a thought of maybe having just a right-out only towards the south end of that -- or to what would be the southeast section of that just for safety if that lane -- if that exit ever got blocked in some way -- in some fashion, if there was an accident or something happened there, but if it meets ACHD's requirements, then, that's good, but that's just something to think about.

Seal: Thank you. Commissioner Yearsley?

Yearsley: I -- I echo everybody else's. I think it's a good design, good layout, and I'm supportive of the project.

Seal: I'm right there with you, so I won't belabor the point. I think it looks like a good project. Always welcoming schools coming in and I mean the flow seems to work for me. I actually kind of like the parking lot off to the side. My son goes to Compass. They don't have that there. It would be -- and some of the parking gets a little strange there sometimes during pick up and drop off, so the parking lot outside of that flow seems to work a little better. In my mind anyway, as I'm envisioning it. If there is nothing else at this time I would like to get a motion.

Lorcher: I will give it a go.

Seal: Commissioner Lorcher, go ahead.

Lorcher: After considering all staff, applicant, and public testimony, I move to approve file H-2021-0020 as presented in the staff report for the hearing date of May 20th, 2021, with no modifications.

Seal: It's been -- oh. Do I have a second?

Yearsley: Second.

Seal: Now it's been moved and seconded to approve Item H-2021-0020 for Gem Prep South, with no modifications. All those in favor say aye. Any opposed? Motion carries. Thank you.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

**8. Public Hearing for The 10 at Meridian (H-2021-0025) by J-U-B Engineers, Inc., Located at 75 S. Ten Mile Rd.**

- A. Request: Annexation of 40.30 acres of land with R-40 (13.04-acres) and C-C (27.25-acres) zoning districts.

Seal: All right. So, now we will open Item No. H-2021-0025, The 10 at Meridian. 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 annexation and zoning. This site consists of 40.3 acres of land. It's zoned RUT in Ada county and is located at 75 South Ten Mile Road at the southwest corner of West Franklin Road and South Ten Mile Road. The Comprehensive Plan future land use map designation is mixed use commercial in the Ten Mile Interchange Specific Area Plan. The applicant proposes to annex 40.3 acres of land with R-40, which is 13.04 acres and C-C zoning, which consists of 27.25 acres, consistent with the Comprehensive Plan. I have the site up there. A conceptual development plan was submitted as shown

that proposes a mix of offices, a financial establishment, retail pads, a grocery store, the vertically integrated residential, drive-through restaurants and multi-family residential, in accord with the associated mixed use commercial, high density residential, and mixed use residential future land use map designations for the property. A phasing plan was not submitted. However, the applicant states that three story flats and townhome style multi-family residential and clubhouse would develop in the first phase, along with the associated infrastructure. The four story high density multi-family would follow with the commercial last as tenants will commit. Access is proposed as shown on the concept development plan. ACHD supports the following accesses. Access A, full access. Access B, right-in, right-out only. Access C, right-out only. And Access D, right-in, right-out only. And Cobalt with a right-in, right-out, left-in only. Staff recommends access is restricted through the development agreement as supported by Ada County Highway District. Cobalt Drive is proposed to be extended to the west from Ten Mile Road. The eastern portion lies entirely on the subject property and includes a crossing across the Kennedy Lateral and stubs to the south to be extended entirely on the adjacent property to the south and to the west. The applicant requests Council approval of a waiver to UDC 11-3A-6B3 for portions of the Kennedy Lateral, which bisect this site to remain open and not be piped. Written testimony has been received from Cody Black, representing the property owner immediately to the south. He objects to the western portion of Cobalt Drive being located entirely on their property, leaving them responsible for its construction. He requests Cobalt be located entirely north of their property on the subject property. Wendy Shrief, JUB, the applicant, submitted written testimony. They are in agreement with the staff report provisions as included in the staff report. Staff is recommending approval with the requirement of a development agreement.

Seal: Thank you, Sonya. Would the applicant like to come forward -- applicants as they come forward.

Shrief: I'm Wendy Shrief and I'm a planner with JUB Engineers. My business address is 2760 West Excursion Lane in Meridian, Idaho. 83642. And it's so nice to be here in person and it's so nice to not have masks. It's a huge difference from six, nine months ago.

Seal: Absolutely.

Shrief: This is great. First I want to thank Sonya. She's been a really big part of helping to steer this project and making sure that we are really meeting the intent of the Comprehensive Plan for this area and the Ten Mile Interchange Specific Plan. So, Sonya has been integral. Bill helped a lot, but Sonya really helped a ton. They have been a huge resource and really have helped this project. We have got a team here tonight. I'm just going to talk a little bit about the Comprehensive Plan and, then, we have our architect is here and, then, we also have someone who is going to follow up with the conditions and talk a little bit about Cobalt. Hethe is here. So, we are requesting -- it's a pretty straightforward application tonight. We are just requesting annexation and zoning. We have 40 acres. We -- I think perfectly match up with what your Comprehensive Plan shows for the area. We have -- Sonya, if we can get the Comprehensive Plan up. Or

can I do it with the mouse? Get my PowerPoint? Let's see. So, I think this -- this shows the future land use map. We can go ahead and use this. The majority of this property has been designated for mixed use commercial. That's the 22 acres in the northeast of the property and in the southwest we have 11 acres designated for high density residential. So, this really dovetails with what we are showing. We have -- on the other side of the canal where we have our mixed use commercial we are showing different types of retail, commercial, and I think it will be a really -- potentially office space. A really great mixed use where we have a lot of pedestrian connections. Our architect is going to show you that later. But I think we have really really met the intent of what you want to see in this area where it's a true mixed use area. We are showing -- where your Comprehensive Plan shows high density residential, we are showing -- that's where we are going to have several different types of multi-family housing in that area, which I think also meets the intent of this plan. So, I'm going to have Lane get up. He is our architect and he is going to walk you through the concept plan, but I -- I think we really do meet the Comprehensive Plan and Sonya really kind of put our feet to the fire, we have gone through a couple of iterations and really reworked this plan with staff to make sure we meet what the city wants from this area, so -- thank you. Team member number two is going to be up.

Seal: Thank you. Come up and state your name and address for the record.

Borges: Good evening, Mr. Chairman, Members of the Commission. My name is Lane Borges. I'm representing Elk Ventures. My address 11500 Armor Court in Gold River, California. Happy and excited to be here tonight to present this project to you, which I think is an important one for the City of Meridian. The project as we are proposing has been heavily influenced by both the comp plan and the Ten Mile Specific Plan, with the particular goal to create a dynamic place in which people can live, work, shop and play, with an emphasis on managing pedestrian, bike and vehicular circulation. If I can -- let's see. I guess just click on this. Okay. The overall site plan consists of approximately 559 units of residential housing, horizontally and vertically integrated mixed use with four different kinds of housing stock. In addition, we have around the perimeter along Franklin Road -- see if I can get my cursor here to show you. Along Franklin and Ten Mile is approximately 150,000 square feet of single and multi-story office, retail, commercial and recreational uses that will support the residential components of the project, as well as the neighboring community. While we currently are unable to make any firm commitments to our commercial tenants because of the fact that we are still in the approval process, we are actively working and have active interest with grocery store, drugstore, coffee house, dental office, a bank and a couple of restaurants and we are hopeful that as we work our way through the approval process we will be able to make firm commitments with each of those and bring them and additional commercial tenants to the project when we begin construction. The commercial side, obviously, is a little different than the residential side. The residential side you build them and they will come and on the commercial side in today's economy it's kind of the other way around. They have to come first and, then, we build to suit their -- their particular needs. The project consists, as Sonya mentioned just briefly earlier, of five access points, two on Franklin, two on Ten Mile and one on Cobalt and we worked fairly extensively with both ACHD and

with the staff to workout some of the issues with all of the access points and with Cobalt Drive itself. The alignment of Cobalt Drive was a little bit of a challenge, because to the east we have an existing connection point on Ten Mile Road at the intersection and to the west the road -- which would typically occur, you know, splitting a property line, which would be the convention, isn't possible, because there is actually a development directly to the west of our property and if we were to build Cobalt Drive straddling the property line it would terminate into somebody's parking lot. So, we worked with ACHD to come up with a proposed alignment, which does have to, basically, connect to the south of our property line and what we -- what we attempted to do -- we looked at an option of curving the road south from Ten Mile along our property and, then, dipping it again in order to clear the boundary and make the proper connection, but the multiple curves in the road over a fairly short distance really wasn't a suitable engineering design for smooth and proper traffic flow. So, the next thing we took a look at was what's an equitable solution in terms of overall cost sharing and what we have is effectively about 37 percent of Cobalt Drive -- the square footage of it occurs on -- within our property, 63 percent on the property to the south. You might ask, well, why is there a differential there, why isn't it 50/50. We looked at it actually from more than just a square footage standpoint, we looked at it from what's the actual cost to construct, because we have some extenuating costs on the west side where we make the connection, the road has to be brought up, because the existing grade is significantly below Ten Mile and the fact that we have to build basically a bridge structure there in order to bring Cobalt Drive over the canal. That brings that portion of the roadway's construction cost basically into -- at a similar basis as the remaining portion that would eventually be built on the south side. So, in order to help promote the goal that we were trying to achieve of meeting the needs of the specific plan -- if I can get back to -- let's see now how do I -- there we go. Oops. This wheel is very sensitive. Okay. So, one of the elements of the plan that we tried to incorporate was the concept in the specific plan of kind of complete streets and when you look at the parameters and you look at the intent of a complete street in the specific plan, it's to help manage the circulation of vehicles, of bicycles, of pedestrians and although the concepts of the complete street were really dictated in the specific plan more for public roadways and public streets, we have kind of adopted them within our project, which is a series of basically private roadways, but we have duplicated the concept, so what you see in red here represents what we call our complete streets or our major roadways. We kind of call them like little mini main streets and so we have one that runs north-south and we have one that runs east-west and, then, we have the smaller connectors that provide access from those out to Franklin and Ten Mile. Each of those roadways is consistent with the design guidelines in the specific plan and that they provide for two way traffic. They provide for designated and separated bike lanes. They provide for parallel parking, as opposed to perpendicular parking. They provide for street trees along both sides of those roadways. So, what we are trying to emulate is the concept for a standard that was developed for public streets onto our private roadway system in order to create the effect that the specific plan envisions within our development itself. The other -- one of the other elements that's important in this specific plan is pedestrian connectivity and it might be a little hard to see from this, but, basically, all of the yellow lines on there represent pedestrian circulation in our project. So, the goal here is to, obviously, encourage people to move from the residential side to the recreational area, which is in the middle of the

project or to the commercial side. So, there is kind of a spider web network of pedestrian activity that will occur within the site to help promote connectivity from the commercial elements to the residential elements. I want to walk you just quickly through, because I know we don't have unlimited time here, some of the residential elements of the project, since we are able to fairly clearly define them at this point. The area highlighted here is our high density housing portion, three, four story buildings. These are the design images of the proposed architecture of those. You can see there is a variation in architectural elements and vocabulary, a term that we use. Varying materials. Massing and articulation to try to break down these fairly large buildings into something that's architecturally interesting. The second portion that's highlighted in this side is part of our -- what we call flats. These are three story residential buildings that are internally loaded so it's kind of like going into in a hotel or something like that where you access your apartment from a corridor inside. These have parking at the ground level, we call tuck under parking, and they face the street. So, this is a good depiction where you can see we have three buildings, which we designate A to the north and two to the south and one of our little mini main streets that passes in between those. So, this is a blow up just to give you an idea of how the idea of this complete street works. You can see that we have vehicular traffic. Just above that we have bike lanes. We have parallel parking. We have street trees and wide sidewalks. We, then, have landscape buffers and we have residential units that interface closely with the street. Each unit, although it is internal loaded, also has secondary access from the street through a small patio or a porch. So, these have connectivity directly from the public space, as well as internally. And, then, all of the parking is accessed from the rear of the building, which is also the parking area for the commercial components of the project. So, these are some architectural elevations of the three story flat buildings. Again, a lot of variation in design elements and materials, colors, and textures. This is the backside. Shows some of the parking garages. And, then, across the street is, basically, the same concept, just a slightly different shaped building. A linear, as opposed to an L-shaped. Same architectural style used on the flats buildings. Some of the outdoor public spaces. The last residential element that I will show you tonight are our townhomes. These are three story attached units that are three bedrooms with a garage. Again, the same concept along the street frontage. Their access is from the front or from the garage and this is the proposed architectural design. Backside of the townhomes. And, then, the last element I will share tonight is our recreation center. Our clubhouse that's kind of the hub for all of the residents here on the project. This building has a lot of the conventional amenities that you would see in a clubhouse gymnasium. A lot of interior meeting spaces, lounge areas, fitness center, a childcare center, a cafe. But in addition we also have on the second level an extensive work center, a co-working area where people who are now working from home don't necessarily have to spend all their working time doing it from their living room or their bedroom. We have private workspaces and group spaces on the second level. Probably about 5,000 square feet of that available for the residents of the community to use. We, of course, have an outdoor pool area, fire pits, pergolas, outdoor lounge seating, a children's pool separated from an adult's pool and that will wrap up my portion. I'm going to turn it over to Hethe Clark, who will speak for a little -- a little bit about the conditions of approval.

Seal: Okay. Hethe, you have about a minute.

Clark: So I better go fast.

Seal: Name and address real quick and use your best warranty talk.

Clark: I will do my best. Hethe Clark. 251 East Front Street in Boise, representing the applicant. Just briefly, you know, this property is squarely within the city's future plans for development. We are proposing high density mixed use at two principal arterials. It's the perfect location and you can see that Lane and the rest of the group has done a lot of work to make sure that this is appropriate for the city. It's putting high density housing, office, commercial right where we want it. This is the part where I usually stand up here and I show you guys a slide with my red lines of the conditions of approval and all the things that I want to have changed and tonight I don't have that slide, because we are in perfect agreement with the staff report. We are not asking for any changes there. The only point that I would raise that I think is probably going to come up tonight is this question of Cobalt and I would just make three points on that. First, the layout of Cobalt is consistent with the Ten Mile Interchange Specific Area Plan. In fact, it's consistent with the development agreement on the property to the south of our -- of our property. It's also consistent with ACHD's master street map. ACHD reviewed that layout and you will see in their action that they approved it. But beyond that it's fair. And Lane really hit that for you. The portion that is going to be built on our part of the property is going to require much more cost and expense. So, we are not just looking at this from, hey, the die is cast, we are looking at it from a -- from a fairness perspective and that's the reason that it was proposed the way it was. So, with that we would be happy to answer any questions.

Seal: Okay. Thank you. Are there any questions for applicant or staff? Commissioner Yearsley, go ahead.

Yearsley: Mr. Chair. On the townhome facilities, were those with -- is that just -- you know, are they apartments on multiple floors or is the townhome encompassing all three floors?

Borges: The townhome encompasses all three floors. On the ground level is the parking garage -- the garage and a office or bedroom. The second level is the living area, the kitchen, and the dining area and, then, the top level is two additional bedrooms.

Yearsley: Okay. But the other -- the other facilities were one room per floor type situation; is that correct?

Borges: Yes. The other buildings are -- the flats as we call them is -- they are three stories, there is multiple units, but they are on a single level within that floor. They don't extend up or down from -- from that level that they are on.

Yearsley: And, then, the -- the large multi -- like the four -- or the four story apartments --

Borges: Yes.

Yearsley: -- they actually also will share that one common -- what do you call it? The -- geez, I lost it. The clubhouse.

Borges: Yeah. Yes. All the units will share that. That's an approximately 19,000 square foot facility. So, it's fairly substantial facility in order to support the needs of all the residents and the project.

Yearsley: Yeah. It seems pretty large. But given the number of homes it will fill up fast I would imagine. Thank you.

Seal: Quick question for you. Is there any access to the roof or is there plans to put any access to the roof -- roof gardens, roof --

Borges: At this point that's something we have not discussed, no.

Seal: Okay.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: In regard to Cobalt, looking at a map and knowing that Cobalt also extends to the east, I don't know if the applicant can address this, but is -- there is already a streetlight at Vanguard, but it would probably be too close to put a light so that you can continue across. Does it meet together or is it more like this where it's kind of staggered?

Clark: Mr. Chair, Commissioner Lorcher, I think that this map might illustrate your question. You know, at Cobalt we have the -- we have the -- obviously, the obligation to make those match up and so we expect that in the future that there may be some access control there that it would be right-in, right-out, left-in, but it does -- our -- our alignment matches up with Cobalt across the street at Ten Mile. Is that what your question was pointed to?

Lorcher: Thank you.

Seal: More questions? Okay. Thank you very much. At this time we will take public testimony. Madam Clerk?

Weatherly: Mr. Chair, first we have online Cody Black.

Seal: And, Cody, if you want to go ahead and unmute yourself, state your name and address for the record.

Black: My name is Cody Black. My address is 3432 West Bay Oak Street. And let me get my screen on here. Sorry. Can you guys see my screen?

Seal: I cannot.

Black: I think I'm getting closer.

Seal: We can see you now.

Black: Okay. I'm having a hard time sharing my screen here.

Weatherly: Cody, we can help you on this end. Give us just a minute.

Black: Okay. Thank you. I'm sorry, I haven't done this before. I thought it would just start once I went -- sorry, I don't know why I can't get this to go over.

Seal: That's okay. I think we are going to try and load it up on this end.

Weatherly: Cody, we had three slides from you; is that correct?

Black: Yeah. That will do just fine. I think the Ten Mile interchange site plan is fine, too. I had a couple other, but I think that will be fine to illustrate our concerns. So, I represent the southern property and our main concern is Cobalt. We are worried about -- I guess can you guys see the Ten Mile Interchange Plan or should I wait?

Seal: I would wait just a minute.

Black: Okay. Oh. Okay. Great.

Seal: There we go.

Black: Okay. Awesome. Thank you. Sorry. So, I think this probably looks familiar to everybody. So, these purple lines here are the collector roads that are -- that were stopped for the Ten Mile Interchange Plan and I work for the people who own this property right below. The thin grey lines are the parcel boundaries. So, we -- we have got concerns, I guess, with how much burden our property has as far as building the infrastructure for this Ten Mile Interchange Area. Cobalt, the way it's drawn with the Ten Mile plan, was originally designed to go through this northern parcel and like the applicant mentioned, the subdivision to the west of their development has made it so that Cobalt can't carry through. We understand that you can't have a road going straight into a parking lot. With that in mind, though, I think we would see it being more fair if there was some sort of accommodation for this road at least carrying further west on their property before it comes down and accommodating the burden that we already have with the other road systems that we are required to put in. If you go down to number two, please. Maybe I can do it. Slide two. Oh, thank you. So, here is kind of a map of all the different properties that are around here in the northern tenant, Meridian, and, then, all this white

is ours. We kind of -- I whited out some of the stuff we have, because it's conceptual. But these orange roads are all the collectors that are starting to be designed and going through a review and this big red one here is Vanguard, which connects to Ten Mile. So, we already have a lot of east-west connections here through our property and with Cobalt being mostly on our property we are just worried about the increased burden and also with it not being really in line with the Comprehensive Plan. We -- we would like it to be considered for denial and rejected until we could have it more accommodating for both parties. I also wanted to comment on the different maps that I have seen during this application process. I think there was two different maps. One map showed Cobalt struggling and last we spoke with ACHD regarding the matter that's the map that they see -- they had seen. They -- they hadn't seen the one with Cobalt just stubbing right it into our property and so I don't know for sure if they have reviewed the new map with Cobalt being solely on ours once it comes down from Ten Mile and that's -- I mean that's our main thing, I think following more of what the City of Meridian has as far as the Comprehensive Plan also benefits us, because Cobalt right now, the way it's designed, we only get the benefit of one side of the road as far as our development and it being pushed all the way down on our property line that's kind of -- what's happened here on Snow Canyon with Corey Barton in that roundabout that was supposed to be more north, everything's just slowly being pushed onto our property from each area and it's creating an increased burden for us. That's all.

Seal: Okay. Thank you. Does anybody have any questions for Mr. Black?

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli, go ahead.

Cassinelli: Yeah. Do you know why that roundabout was pushed so far south?

Black: Are you asking me?

Cassinelli: Yeah. Yeah. Or whoever has -- I guess whoever -- Brian, maybe you -- you know more, but -- on this, but if staff -- whoever may have an answer.

Black: From what I understand, if I can answer, Corey Barton had submitted for approval for that neighborhood and, then, the City of Meridian came up with the Comprehensive Plan and so there is kind of a timing issue I think with -- he got approved for it and, then, the City of Meridian designed their Comprehensive Plan and didn't include that in, at least that's how it's been explained to me.

Allen: Mr. Chair?

Seal: Sonya, go ahead.

Allen: If I may. So, to back up a little bit, the -- the collector streets shown on the master street map are conceptual, they are not a specific location, so there is one shown in this

conceptual location. If it were to go exactly as shown on the master street map it would stub into the Baraya Subdivision that he mentioned. There is a buildable lot that it would run directly into. So, the alignment of Cobalt needs to shift to the south. The question is is where. So, again, the -- the concept plan that was approved with the Janicek property, which is the property to the south that Cody's representing, did include a map that showed a conceptual location -- actually on the adjacent property, but there was a letter associated with that approval that was from our deputy planning director at the time that said that the location of this east-west collector street would be determined at the time a development application was submitted. So, that's where we are at tonight. It is under the Commission's purview whether -- where that lies. The other side of it is -- the eastern side of this street is entirely located on this property. So, it makes some sense, you know, for the -- the property -- or the western portion of it to be on the adjacent property, but it could also be located on the -- on the property line, so -- thank you.

Seal: Mr. Black, the Cobalt Drive is -- is that a road that your -- your -- the people that you represent, is that something that they are going to use for access to their business?

Black: It wasn't in the plan to, no. We weren't developing or designing our site plan based on Cobalt coming through our property at all.

Seal: Right. But knowing that it's going to be there will it be used?

Black: No. It still won't be. It doesn't really work -- fit with how we have designed and if we were further along I would have shown more of our site plan, but it's too preliminary I think to share. But it doesn't serve very much purpose or any purpose for us at all. It actually causes a little bit of issue I think with what our planners have told us for traffic and what we can do with the frontage along Ten Mile here. We are worried about who is going to be interested in it -- in putting stuff right on the front with a collector road so close to all that, especially with Vanguard being just -- just south of it.

Seal: Okay. Thank you. Is there anymore questions? All right. Thank you very much.

Weatherly: Mr. Chair, next in house we have Larry. No? Okay.

Seal: All right. If there is anybody else out there that would like to come up, please, raise your hand on Zoom or raise your hand in chambers. Okay. If the applicant would like to come back up and have closing remarks.

Clark: Members of the Commission, Hethe Clark. 251 East Front Street. So, it sounds like we are down to the one issue and, again, I would just reiterate that this location -- and as Sonya mentioned is in conformance with all of the planning, including all the maps that show Cobalt extending through, including on the Ten Mile Interchange Specific Area Plan. That is part of the planning for this area roadway network is for Cobalt to continue on through there. ACHD has reviewed and approved this map. The -- if you look at the ACHD action it specifically states that Cobalt would stub to the property to the south, not that it would straddle the line. So, ACHD is very clear on what the proposal is and has

approved it and, again, I would just emphasize the fairness question. This -- the remaining portion of Cobalt is flat ground, straight up road development, whereas the portion that we are going to be developing, that eastern more than a third, is going to require a box culvert, grading, fill, raising the elevation, all of that. So, we think what we have proposed is fair and so as we move forward we would ask for your recommendation of approval, including on the request to allow the Kennedy Lateral to remain open in -- in locations. That's something that Council has to approve, but I think that would be part of the recommendation tonight and, then, if there is a question about this -- the location of Cobalt, I think I would just ask the Commission to include that in the recommendation, but we think that what we have proposed is -- is something that's fair. With that I'm happy to answer any follow-up.

Seal: I will -- yeah, I will start with a question, just -- I mean if Planning and Zoning or Council would recommend more of a 50/50, is that something that you guys are prepared to accommodate?

Clark: Commissioner Seal, you know, we are, obviously, happy to continue the conversation. If there is, you know, a compelling reason to adjust that, you know, we are happy to consider that. As we said, we think that this is -- is a -- is a fair accommodation, but if the Planning and Zoning Commission disagrees, you know, we would ask you to include that in the recommendation and we will keep working on it between now and -- and the Commission -- or the City Council meeting.

Seal: Any questions?

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli, go ahead..

Cassinelli: Yeah. This is -- I don't know if Hethe can answer this or the applicant. I wanted to talk a little bit -- get a little bit more idea -- a better idea, I guess, of some of the commercial that's going in. We talked mainly about the residential portion and, then, Cobalt, but I would like to get -- he did mention there is talks with the grocery store and a drugstore, but I would like to get a little bit more idea of what the overall plan is, what -- you know, maybe some of the descriptions of the buildings, elevation -- heights of some of the buildings and how they are going to front Franklin and Ten Mile and that sort of thing.

Borges: Well, we have some information available, obviously, until we actually secure particular tenants, especially major anchors for some of the buildings. We don't have specific buildings already designed. The office buildings that are proposed currently located along Franklin are two story buildings. The retail buildings -- the smaller retail buildings that are along both Franklin and Ten Mile are single story buildings. The larger box buildings we expect from a massing perspective to be somewhere between one and two stories in appearance, but we have not yet developed specific elevations, although the architecture of the commercial buildings will clearly be reflective of the architecture

that you see in the residential buildings. So, same times -- so, the same type of detailing, same types of scale, same type of massing. We want everything to be compatible architecturally throughout the entire project.

Cassinelli: If I may ask another question, Mr. Chair?

Seal: Go ahead, Commissioner Cassinelli.

Cassinelli: Are there any other -- you have got the clubhouse for the residential, but what other kind of open space areas do you have? I don't -- can you touch some of that? And even within some of the commercial.

Borges: Yeah. Between some of the commercial buildings we have patios for either -- depending upon the ultimate use of the building, whether it's office or whether it's retail or commercial, for outdoor dining, we have widened -- like, for example, at our mixed use buildings where we have retail or service commercial on the first floor, we have like 18 to 20 foot sidewalks there. So, each of those buildings has the ability to have outdoor dining patios and still provide adequate circulation along the roadways. All of the residential buildings have common areas that are scattered throughout the project. The high density buildings usually have small patios and barbecue areas usually at each end of the building. So, throughout the project there are small areas that are interspersed. We do meet the requirements for the open space in terms of the large 50 by 100 square foot recreational spaces and those are all located over in the vicinity of the clubhouse and community center. But, otherwise, spaces are scattered throughout the project and they will, obviously, be developed in more detail as specific tenants and building designs get prepared as part of our design review applications moving forward.

Cassinelli: Thank you.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: Is it relevant that we know what's happening on the south and why Mr. Black is objecting to the road? I mean he said it doesn't fit into the plan of what he was doing, but is the burden a financial burden or a physical burden? Is it because they feel -- Mr. Black feels that they have to be responsible for the road, as opposed to The 10? I guess I'm unclear of what the objection is to have access between these parcels compared to the Comprehensive Plan when The Ten Mile Interchange you are going to have mixed use development anyway; right?

Seal: Right. But I think the -- the financial burden of building that road and should it be completely on the southern property falls -- that portion of the road falls upon the -- the owner of that property when it -- when it becomes developed I guess.

Clark: Mr. Chair -- and maybe something to point to that and -- and circling back to your comment about 50/50, I think the way my -- I think the way I would prefer to have responded to that is the 50/50 really should be looked at in terms of overall costs, not linear feet, and we think that we have proposed something that is very close to 50/50 in terms of the overall cost. So, if that helps in terms of kind of evaluating and weighing those burdens. Again, we have the box culvert, we have the grade that needs to be increased, we have all the -- all the heavy lifting on the 37 percent that's on our side.

Lorcher: But your southern neighbor disagrees; is that right?

Clark: It sounds like he does. Yes.

Seal: All right. Thank you.

Yearsley: Mr. Chair, I have a question for Sonya. So, they are just asking for annexation and zoning. They still have to come back for a preliminary plat approval for what they are ultimately wanting to do; is that correct?

Allen: Chairman, Commissioner -- Commissioner Yearsley, that is correct. They have to come back with a subdivision application.

Yearsley: Okay. So, we get a chance to review what they are proposing. At this point what they are proposing is just conceptual.

Allen: Yes, it is.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: To -- to add on to Commissioner Yearsley, what we are voting on tonight is annexation, not really conceptual design; is that right? Based on your comment?

Seal: Annexation and zoning.

Lorcher: Okay.

Allen: But, Chairman and Commissioners, the -- the concept plan is associated with that annexation and it will be included in a development agreement. And since this is a topic of discussion and an issue, I would recommend that you nail down where that road is going to go.

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli, go ahead.

Cassinelli: Maybe before we close the -- the public hearing -- Sonya, what -- historically speaking when a -- when a road -- when this is an issue -- and I don't know if you -- if there is something you can pull up top of mind, but how is something like this typically dealt with in the -- in the city where -- you know, where a road is -- I mean is it usually split 50/50? Is it -- you know, in terms of cost, in terms of where the road lies? Because, you know, I mean half it on -- on one? I mean ideally if they can run it right down the middle of the property line, but that's -- that's -- we don't live in that world on this. What -- you know, historically what's your experience with -- with situations like this?

Allen: Chairman, Commissioner Cassinelli, typically -- it depends on the location and the situation and whether the road is needed for access to the property. Typically it is -- if it's needed for access it's typically put on the property line and the first one in does half plus 12 on the street.

Cassinelli: When you say half -- half plus 12 --

Allen: Half of the street plus another additional 12 feet.

Cassinelli: Okay.

Seal: More questions?

Yearsley: I just -- Sonya, will you bring up that slide that they -- Mr. Black brought up that showed his development as well -- kind of showed the overall roadway?

Allen: Yes. When I can find it. Just a moment.

Yearsley: If you -- if you look at this -- this drawing here, he's showing that road being half on their property and half on his, but you end up having two separate jogs in the roadway. I have to -- you know, the -- the -- the applicant is asking for -- you know, that they have to put in a box culvert and thinking that that's fair for their half of the road. I'm not quite sure. Box culverts aren't that expensive, in particular with -- you know, building a quarter mile of road. I don't know what the exact breakdown would be on the two. My looking at it is I think as a roadway having one swoop come in and, then, having a straight shot and not having a second jog for me personally looks a little bit better and having it all on the property to the south, so --

Allen: Mr. Chair, if I may. The applicant just pointed out a section in the ACHD report that said that they were in agreement with the proposed alignment of Cobalt, if that makes a difference to you. That is in the public record and the ACHD report.

Seal: Was that referring -- and I will chime in here. Is that -- which -- which -- which image are they -- which image are they using when they do that? Because one of their images shows that completely to the south and one of them shows it dissected and right down the middle, so --

Allen: That's a good point. I assume that they were going off of the concept plan submitted by the applicant. I'm not sure the reason for the discrepancy in the plan that they submitted back with the access. I can't explain that.

Seal: Okay. Because that has me somewhat confused, to be perfectly honest.

Allen: The recommendation, though, is -- should be based on this -- the plan that was submitted by the applicant.

Seal: Okay. Hethe, go ahead.

Clark: Thank you, Mr. Chair. And I will just point to page ten of the ACHD action. You know, it says that the applicant is proposed to extend Cobalt Drive from the existing approach on Ten Mile Road that aligns with Cobalt Drive on the east side of Ten Mile Road into the site to stub to the site south property line and, then, ACHD approved that proposal. So, ACHD is looking at the correct map and approved it with a stub to the south property line not straddling, not sharing.

Seal: Okay. So, I will play Devil's advocate a little bit here. So, they -- basically they want one -- one side to connect to the other side and where the jog goes in is completely up in the air.

Clark: Commissioner Seal, they have reviewed the layout that we have proposed and indicated that that is -- complies with the master street map and the Ten Mile Interchange Specific Area Plan. So, they reviewed our specific layout and approved it. They didn't -- there were no hypotheticals about where it could go left or right. They reviewed our -- our proposal and approved it.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I'm curious to know if the property to the south had submitted their proposal would ACHD approve it as well, because they didn't see any -- you know, point, counterpoint of where it should be. Do you know what I mean? Like they -- they saw yours, which was -- they are like, okay, this looks great, but did they know of any object -- they probably didn't know any of the objections of the property to the south of the time when they said this looks fine; correct?

Clark: Commissioner Seal, Commissioner Lorcher, I don't know what -- whether they looked at anything on the south, but, to be clear, the -- the way that this has essentially always worked is that ACHD only has an application that's in front of them and they rule only on that application that's in front of them. This application is there first. As you heard from the neighbor to the south, they don't have a design.

Lorcher: Okay.

Clark: So, that's very much like the property to the west of ours having the parking lot there that blocks Cobalt going there, that -- you know, we have to react to their site design. You know, we are -- we have proposed a design that is consistent with all of the mapping and, as I said, proposes an equitable split of the costs and so they reacted to that, they approved it, they said it's consistent with the master street map and the Ten Mile Interchange Specific Area Plan, which is a big mouthful and we got to come up with a better acronym.

Lorcher: Thank you.

Seal: Commissioner Wheeler, go ahead.

Wheeler: Thank you, Mr. Chair. Sonya, I have a question. I think in -- when you were giving the staff report you mentioned that the road Cobalt Drive has to move south in order for an alignment with the development over to the west. Did I hear that right?

Allen: Chairman, Commissioner Wheeler, at the southwest corner of this property, if the road was -- if Cobalt was to be entirely on this property it would stub into Baraya Subdivision into a buildable lot at the west boundary, so that would not work. At some point it has to go down --

Wheeler: Okay. And --

Allen: -- south.

Wheeler: -- and how far down are we going to -- to get to -- Commissioner Yearsley's point, is it going to have to make two in order to align with -- with it?

Allen: I'm not an engineer, I don't know.

Seal: Go ahead, Commissioner Yearsley.

Yearsley: If you look at the plan on the deal it shows that this plan showed it as half on the line, so you would end up having two jogs. If you put it all on his south property it wouldn't have a separate jog is what I was referring to.

Wheeler: Thank you, Commissioner Yearsley, that's what I was seeing, too, is that this looks like that -- what we are seeing here shows that it's shared equally between the two parcels, is that how I'm seeing that one?

Yearsley: Yeah. And this is Cody Black's --

Wheeler: Drawing?

Yearsley: -- drawing that he provided.

Allen: The problem with -- I can't tell from this drawing, but it appears that it would stub into that residential property to me --

Wheeler: Okay. Thank you, Sonya.

Allen: -- and not work.

Seal: Any further questions? All right. With that can we get a motion to close the public hearing for Item No. H-2021-0025, The 10 at Meridian?

Wheeler: So moved.

Cassinelli: Second.

Seal: It's been moved and seconded to close the public hearing on Item No. H-2021-0025 for The 10 at Meridian. All those in favor say aye. Any opposed? Okay. Motion carries.

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

Seal: Would anybody like to -- I guess I haven't said too much, so I will lead off a little bit here. So, you know, it's the great debate. I -- I understand how it seems equitable when you have the property that has more cost to it. That said, the neighbor to the south didn't pick your lot, you did, and that's basically where you are at. That said, I find it hard to believe that they are going to build something in there that never uses Cobalt Road. So, I think, you know, them having to provide for the build out of that road is -- is more than fair. To me the only thing -- as far as the rest of it, I really like it. I like the way that it's laid out. I like the way that they have provided for foot traffic. There is -- there is a lot -- in my mind, especially on the corner that it's on, they have proposed extremely high capacity residential in there and we have nobody here to dispute that, which is probably the first time ever I have heard of that in Meridian, to be perfectly honest. So, there is a lot of good things that are going on in here. The only thing that really is -- you know, that we are really discussing here is that Cobalt Drive. So, you know, obviously, I'm not going to make a motion tonight. I think if we do move this along to City Council that we should have something in there that provides, you know, some thought as to what is truly equitable for that portion of the drive, whether it needs to be 50/50 -- I mean in looking at it I think that the road could slide a little bit further. You might have to give up a little bit of parking in order to move the buildings around a little bit to accommodate that. You know, obviously, I'm -- I'm talking, you know, as somebody that doesn't have to spend any money to make it show like that on a map, but at the same time, you know, we are still in kind of the conceptual planning portion of it, so -- and with that I will let the rest of Planning and Zoning Council to -- or Commission discuss what they would like to see in it.

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler, go ahead.

Wheeler: For me the -- I like the layout, too. I think it's really well thought out. You have transitional zones, good uses, on the transitions there throughout. I like the way that -- I do like the lateral staying exposed there, it makes it a little more of a green area. Also you got a pathway that's going around there. That's good. Good bike lane usage. Parallel parking. Just a lot of space in between. My -- my only thought is when it comes down to the Cobalt Drive, I'm more concerned with it lining up with the adjacent property and stubby in without having a couple little moves in there and I know that there is an expense definitely to get over that lateral, but to what the -- what chairman said here, you know, that's that lot and that's the issue that comes with it is just that expense to get over that lateral. So, yeah, I just -- I see that as a good -- a good use of everything. I'm one that likes to see roundabouts in some of these internal things, but -- but that's me on that.

Seal: Anybody else want to jump in here?

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli, go ahead.

Cassinelli: Yeah. I -- on Cobalt -- well, let's go back to the -- everything else I like about it. So, I'm in favor of the project. What -- if -- we didn't have any other people speaking out against this, other than the property owner to the south and what -- what -- you know, what -- what scares me about -- about this whole thing is Franklin and Ten Mile in that area is already a disaster. We can -- I will just thank ACHD for the lack of vision on -- on those roads and making them like everything else when the density at this corner was coming the way it was coming. So, it's -- but it is what it is. Overall the project is -- looks like a neat project. My added -- my thoughts on Cobalt Drive -- first of all, I like the other -- I like having less straightaway and another jog. I'm not a -- I'm not an engineer in that -- in that standpoint, but to me it seems like it would work for some traffic calming and, you know, the longer straighter road you get the faster people tend to drive on it. So, I like that -- the aspect if that -- you know, if that's workable to have jogs, which may help to solve some of this. The other comment I have, Mr. Chair, kind of -- it goes a little bit of what you have. I think if the -- I think if -- if the attorney representing the applicant here -- I think if the shoe were on the other foot they would have a -- a real different view of -- of what's equitable. I like -- and would be in favor of what Sonya pointed out as far as, you know, the first one is usually half plus 12 and I don't know, you know, if we can take that all the way to the edge of their western boundary or not, but they are the first ones in and -- and I think the road is -- to that point is -- is their responsibility at this point. So, I would be in favor of -- of going half plus 12 on it. I -- you know, I would -- again, I would like to see another jog, but if it's straight in my mind I think, you know, I would want to see us condition for -- for that half plus 12 to the western boundary.

Seal: Okay. Thanks, Bill. I had a quick question just on the open waterway segment of this. Just for comparison, how -- how much of the waterways are left open on the east property there of Ten Mile? I know there is actually a considerable amount over there,

but does it compare to this? And are we looking at -- I mean conceptually we are looking at the same kind of layout.

Allen: Chairman, Commissioners, as far as I know Brighton is the developer of the property east of Ten Mile and as far as I know they are planning to pipe it all.

Seal: Oh. I thought they were keeping some of that open.

Allen: I could be mistaken, but I don't believe so.

Seal: Okay.

Yearsley: I think -- I think the lateral to the -- to the north of this one is the one they were leaving open as part of their -- there is -- because there is another lateral to the northeast of this one that they left open as part of their initial design, I believe.

Lorcher: So far it looks open.

Yearsley: Yeah.

Lorcher: There is a few bridges over some of those laterals.

Yearsley: Yeah.

Allen: It is open along -- near the intersection I know.

Seal: Okay. Just trying to get a sense of -- I mean because there is a considerable amount of this that seems to be left open and so I just wanted to make sure that that's going to fit in -- blend in with what -- what else we have going on around there. I mean not that you want everything to look the same, but some of the look and feel of it is good, especially if it transfers -- you know, I kind of come back to that little path that we have through -- from Ten Mile to Linder, kind of wish all the paths would look like that, and it's an open waterway. It's beautiful, so -- just want to make sure that we have got something like that going on in here.

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler, go ahead.

Wheeler: Is there going to be a requirement for fencing along that lateral? I'm being assumptive here, Sonya, or -- do you know?

Allen: Yes. Chairman, Commissioner Wheeler, there will be requirement for fencing in accord with UDC standards.

Wheeler: Thank you.

Yearsley: Mr. Chairman?

Seal: Commissioner Yearsley, go ahead.

Yearsley: You know, I like the overall look and the layout. My -- my personal feeling is I think it's a little heavy on the -- the multi-family housing and not enough retail. I would like to see a little bit more retail. Maybe those apartments to the north to be retail situation, but -- but the overall look I think is looking fine. I actually like the way that Cobalt Drive looks now. I understand Commissioner Cassinelli's thought about having a second jog for traffic calming, but -- you know, which can be done, so -- I don't know. I don't -- I don't know if I have preference one way or the other.

Seal: Okay. At some point in time we have got to make a motion on this. So, we kind -- well, do we have some consensus on the Cobalt Drive portion of this? I mean we -- essentially, we need to make a recommendation to City Council as to what our thoughts are on it. So, I'm -- I'm a little bit torn on it. I mean I -- I like the way it flows, the way that it looks right there on the picture. That said I understand, you know, what seems equitable to the property owner to the south compared to the property owner or the applicant to the north -- so, I'm not quite sure where to land on that. But, luckily, I don't have to make the motion, so --

Cassinelli: Mr. -- Mr. Chair?

Seal: Commissioner Cassinelli, go ahead.

Cassinelli: Commissioner Yearsley brought up a great point. I like -- I like what he said about a little bit heavy on -- on the multi-family and I don't know -- just a thought for -- for him. If they knocked down maybe two of the three buildings to three story instead of four story, but on the -- on the -- on Cobalt can we -- I know sometimes there is -- there is not a lot of teeth to this, but is there a way that we can condition it to where it -- that they can only move forward on this when those two landowners are in agreement? And maybe either legal or staff can answer that.

Seal: Go -- go right ahead.

Baird: A theme of the presentation tonight is you -- you have to act on what's in front of you. You have this application. You don't have the application on the property to the south. You can't -- you can't force them to agree. You have to tell this applicant what you would like to see in your condition of approval.

Seal: Yeah. I tend to agree with that. That's -- I mean, essentially, we got to let Council know what we want to see with this. So, do we want to leave it as is in the application? Do we want them to, you know, extend that jog out, so it's literally, you know, half plus 12 or half or do we want to -- you know, do something completely different, so -- I mean those are, essentially, the three things that we can recommend up to City Council that I can see in front of us, so --

Lorcher: Mr. Chair?

Seal: Go ahead, Commissioner Lorcher.

Lorcher: Could we have something with the modification to say further review of Cobalt Drive to have an equitable space and cost between applicant and southern neighbor? Because that just --

Seal: Yes. But I think the dispute is -- for right now is what is equitable between the two neighbors. So, that's what we have to figure out. What do you think is equitable and from that -- and put that in the form of a motion and that's -- that's the task at hand.

Yearsley: Yeah. And -- and that's what -- like I said, that -- you know, I'm willing to make a motion, but I will make the motion that we leave it as is. So, the other motion would be to split Cobalt Drive -- you know, the centerline of the road be on the property line until it hits the end of their property and, then, jugs onto the other property would be the other motion, so -- I think those are kind of the two motions that we have in front of us.

Wheeler: Mr. Chair, if I -- if I'm tracking correctly, it's -- also there is two conditions that we want to put on. One was a required DA, if I remember correctly, and then --

Yearsley: That's already --

Seal: That's already --

Wheeler: That's already there. And, then, the one that the applicant was requesting was -- was stating that Kennedy Lateral to remain open. I think that was the other one.

Seal: Right. And that's for Council to decide, but if you have any recommendations on that that does need to go into the motion as well. I personally -- on the lateral being open I'm -- especially if it's fenced and made into, you know, something usable, walkable, I -- I actually prefer that personally, so --

Wheeler: I agree.

Seal: Nobody from the irrigation district is here to throw things at me, but that's just my preference.

Yearsley: So, Mr. Chair, I'm going to throw this out here.

Seal: Feel free.

Yearsley: After considering all staff, applicant, and public testimony, I move to recommend approval to City Council of File No. H-2021-0026 as presented in the staff report for the hearing date of May 20th, 2021, with no modifications.

Seal: Do I have a second?

Wheeler: I will second.

Seal: It has been moved and seconded to approve Item No. H-2021-0025, The 10 at Meridian.

Yearsley: We may want to do roll call.

Seal: Yeah. With no modifications. All those in favor say aye. Opposed?

Cassinelli: Nay.

Seal: So, for the record that was Commissioner Cassinelli as the nay.

Cassinelli: That is correct.

Seal: All right. Motion carries.

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

Seal: Thank you very much. Okay. Can I get one more motion?

Yearsley: Mr. Chair, I move we adjourn.

Wheeler: Second.

Cassinelli: I will second that.

Seal: All right. It has been moved and seconded to adjourn. All those in favor say aye. Any opposed? All right. Motion carries. Thank you all very much.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

MEETING ADJOURNED AT 8:08 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

\_\_\_\_\_  
ANDREW SEAL - VICE-CHAIRMAN  
ATTEST:

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

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



## AGENDA ITEM

**ITEM TOPIC:** Findings of Fact, Conclusions of Law for Gem Prep South (H-2021-0020) by Paradigm Design, Located Approximately 1/8 of a Mile East of S. Locust Grove Rd., on the South Side of E. Lake Hazel Rd.

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



**In the Matter of the Request for Conditional use Permit for an Education Institution on 5.95-Acres of Land in the C-C Zoning District that Proposes Direct Access via a Collector Street and where there is not a Safe, Separate Pedestrian and Bikeway Access between the Neighborhood and the School Site for Gem Prep South, Located approximately 1/8 mile East of the S. Locust Grove/E. Lake Hazel Rd. Intersection on the South Side of E. Lake Hazel Rd., by Paradigm Design.**

**Case No(s). H-2021-0020**

**For the Planning & Zoning Commission Hearing Date of: May 20, 2021 (Findings on June 3, 2021)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of May 20, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of May 20, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of May 20, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of May 20, 2021, incorporated by reference)

**B. Conclusions of Law**

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

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

7. That this approval is subject to the conditions of approval in the attached staff report for the hearing date of May 20, 2021, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

#### C. Decision and Order

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

1. The applicant's request for conditional use permit is hereby approved in accord with the conditions of approval in the staff report for the hearing date of May 20, 2021, 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 May 20, 2021

By action of the Planning & Zoning Commission at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

COMMISSIONER RHONDA MCCARVEL, CHAIRMAN VOTED \_\_\_\_\_

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

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

COMMISSIONER WILLIAM CASSINELLI VOTED \_\_\_\_\_

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

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

\_\_\_\_\_  
Rhonda McCarvel, 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

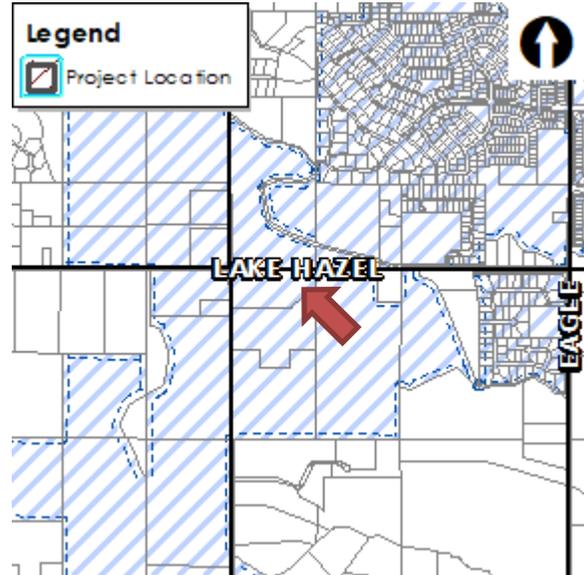
### COMMUNITY DEVELOPMENT DEPARTMENT

HEARING DATE: 5/20/2021

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

SUBJECT: H-2021-0020  
Gem Prep South – CUP

LOCATION: Approximately 1/8 of a mile east of S. Locust Grove Rd. on the south side of E. Lake Hazel Rd., in the NW ¼ of Section 5, Township 2N., Range 1E.



#### I. PROJECT DESCRIPTION

Conditional use permit for an education institution on 5.95 acres of land in the C-C zoning district that proposes direct access via a collector street and where there is not a safe, separate pedestrian and bikeway access between the neighborhood and the school site.

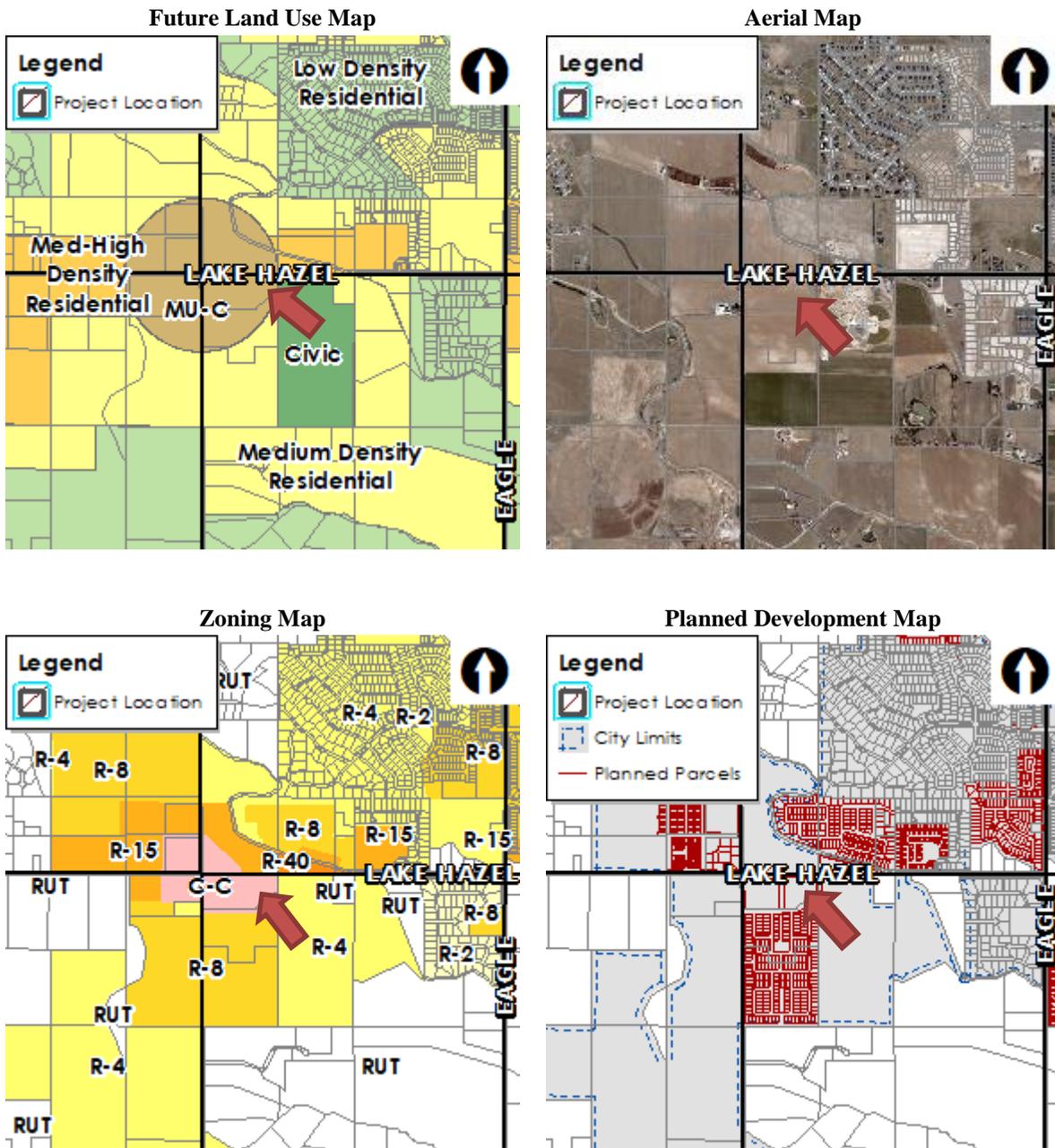
#### II. SUMMARY OF REPORT

##### A. Project Summary

Description	Details	Page
Acreage	5.95-acres	
Future Land Use Designation	Mixed Use – Community (MU-C)	
Existing Land Use	Vacant/undeveloped agricultural land	
Proposed Land Use(s)	Public education institution (K-12 charter school)	
Current Zoning	Community Business District (C-C)	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	1/21/21; 1 attendee other than the Applicant	
History (previous approvals)	H-2020-0066 (Apex MDA Inst. #2020-178120), RZ); H-2020-0057 (PP – Apex Southeast); FP-2020-0013 (Apex Southeast No. 1)	

# EXHIBIT A

## A. Project Area Maps



### III. APPLICANT INFORMATION

#### A. Applicant:

Elias Felix, Paradigm Design – 4250 N. Drinkwater Blvd., Ste. 120, Scottsdale, AZ 85251

#### B. Owner:

Robert Phillips, Gem Innovation Schools – 2750 E. Gala St., Meridian, ID 83642

# EXHIBIT A

C. Representative:  
Same as Applicant

## IV. NOTICING

	<b>Planning &amp; Zoning Posting Date</b>
Newspaper Notification	4/30/2021
Radius notification mailed to properties within 300 feet	4/27/2021
Site Posting Date	5/6/2021
Next Door posting	4/27/2021

## V. STAFF ANALYSIS

The proposed conditional use permit is required for an education institution on 5.95-acres of land in the C-C zoning district, per UDC Table 11-2B-3; and because the site takes access from a collector street and there is not a safe, separate pedestrian and bikeway access between the neighborhood and the school site, per UDC 11-4-3-14E.4.

This land is designated on the Future Land Use Map (FLUM) in the Comprehensive Plan as part of a larger Mixed Use – Community (MU-C) designated area. The proposed school will provide a community-serving public use in this neighborhood as desired in mixed use developments.

A kindergarten through twelfth grade college preparatory charter school is proposed. The proposed 2-story structure will consist of a total of 45,110 square feet. Hard top and recreational play fields are proposed. The site is surrounded by public streets – an arterial street (i.e. E. Lake Hazel Rd.) along the north boundary, a collector street (i.e. S. Tower St./S. Vertex Way) along the southeast boundaries; and a local street (i.e. S. Peak Ave.) along the west boundary. The use is anticipated to generate 1,156 vehicle trips per day on weekdays when school is in session per the Applicant’s narrative submitted with the application; the ACHD report states 590 vehicle trips per day are estimated based on the Traffic Impact Study (TIS).

Idaho Code [SS 67-6519(3)] requires a [school site checklist](#) to be submitted, which is included in the public record for this project.

*Note: The existing Development Agreement allows the C-C zoned portions of this development to obtain building permits prior to subdivision of the property.*

**Specific Use Standards:** The proposed use is subject to the specific use standards listed in UDC [11-4-3-14](#), Education Institution. Accessory uses are allowed as stated.

Elementary schools should be located within the center of neighborhoods; they’re encouraged to be adjacent to public parks or open space; and at least 30% of the perimeter of the site should be open to streets or open space areas with access encouraged from local streets. Middle and high schools may take access off a designated arterial or collector street.

The proposed school includes elementary as well as middle and high school grades. It is located at the north end of the Apex Southeast development adjacent to E. Lake Hazel Rd., an arterial street. Future residential uses are also planned to the north and northwest of this site. Discovery Park, a 77-acre public park, is located directly to the east. The school site is open to public streets on all sides and

## EXHIBIT A

access is proposed via local and collector streets; no access is proposed via the arterial street. Staff deems this to be in substantial compliance with the aforementioned standards.

Access to the school site from the future residential neighborhood to the south is proposed at the intersection of E. Tower St. and S. Peak Way with striped cross-walks, signage and school zone flashing signage in accord with the [school site checklist](#) recommendations. A crossing guard will be required for students that are walking and biking to school.

Staff has reviewed the other applicable specific use standards and finds the proposed use and site design to be in substantial compliance with these standards.

**Williams Pipeline:** The Williams natural gas pipeline bisects this site and is located within a 75-foot wide easement. All development within the easement is required to comply with the [Williams Developer's Handbook](#).

**Access:** Access is proposed via one access from S. Peak Ave., a local street along the west boundary; one access via S. Vertex Way, a collector street along the east boundary; and one access via S. Tower St., a collector street along the south boundary of the site. Direct access via E. Lake Hazel Rd. is not proposed and is prohibited.

The parent pick-up area is located on the north side of the building; the bus pick-up/drop-off is located on the south side of the building, which will prevent vehicle conflicts.

**Parking:** A minimum of one (1) off-street parking space is required to be provided for every 400 square feet of gross floor area for education institution uses per UDC 11-4-3-14I. Based on 45,110 square feet, a minimum of 113 off-street parking spaces are required. A total of 118 spaces are proposed in excess of the minimum UDC standards.

A minimum one (1) bicycle parking space is required to be provided for every 25 vehicle spaces or portion thereof per UDC [11-3C-6G](#); bicycle parking facilities are required to comply with the location and design standards listed in UDC [11-3C-5C](#). A minimum of five (5) bicycle spaces are required to be provided; eight (8) spaces are proposed in excess of UDC standards.

**Pedestrian Walkways:** A 10-foot wide multi-use pathway is proposed along the north property boundary of the site in accord with the Pathways Master Plan; a 14-foot wide public use easement is required for the pathway unless the pathway will be located within the adjacent right-of-way.

**The 5-foot wide sidewalks proposed adjacent to parking should either be widened two feet (2') to seven feet (7') to allow for vehicle overhang (the length of the stall may be decreased 2' in this instance) or wheel stops should be provided in the adjacent parking stalls to prevent vehicle overhang in accord with UDC 11-3C-5B.**

**Landscaping:** Parking lot landscaping is required to be provided in accord with the standards listed in UDC 11-3B-8C. Landscaping is depicted on the landscape plan in Section VII.B in planter islands within the parking area as required; **a tree should be added at the east end of the row of parking on the north side of the building where none is proposed.**

Street buffer landscaping and walkways are required with the subdivision improvements for Apex Southeast Subdivision No. 1; **however, if this site develops first, it will be responsible to construct and install these improvements.**

**Landscaping is required along the multi-use pathway along E. Lake Hazel Rd. per the standards listed in UDC [11-3B-12C](#) and should be depicted on the landscape plan.**

**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

## EXHIBIT A

properties and public streets as set forth in UDC [11-3A-12](#).

**Fencing:** All fencing is required to comply with the standards listed in UDC 11-3A-7. Chainlink fencing is depicted on the landscape plan around the play area adjacent to S. Vertex Way. **Because this site is located adjacent to a collector street, Staff recommends a fencing material of higher quality such as wrought iron is provided.**

**Building Elevations:** Conceptual building elevations were submitted as shown in Section VII.C that incorporate various colors of horizontal lap siding and metal panels in various trim colors. **These elevations have *not* been reviewed for compliance with design standards and therefore, are *not* approved; final design shall be consistent with the design standards listed in the [Architectural Standards Manual](#).**

**The trash enclosure should be constructed with similar materials and colors to match the building.**

**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 VII, UDC standards and design standards.

### VI. DECISION

#### A. Staff:

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

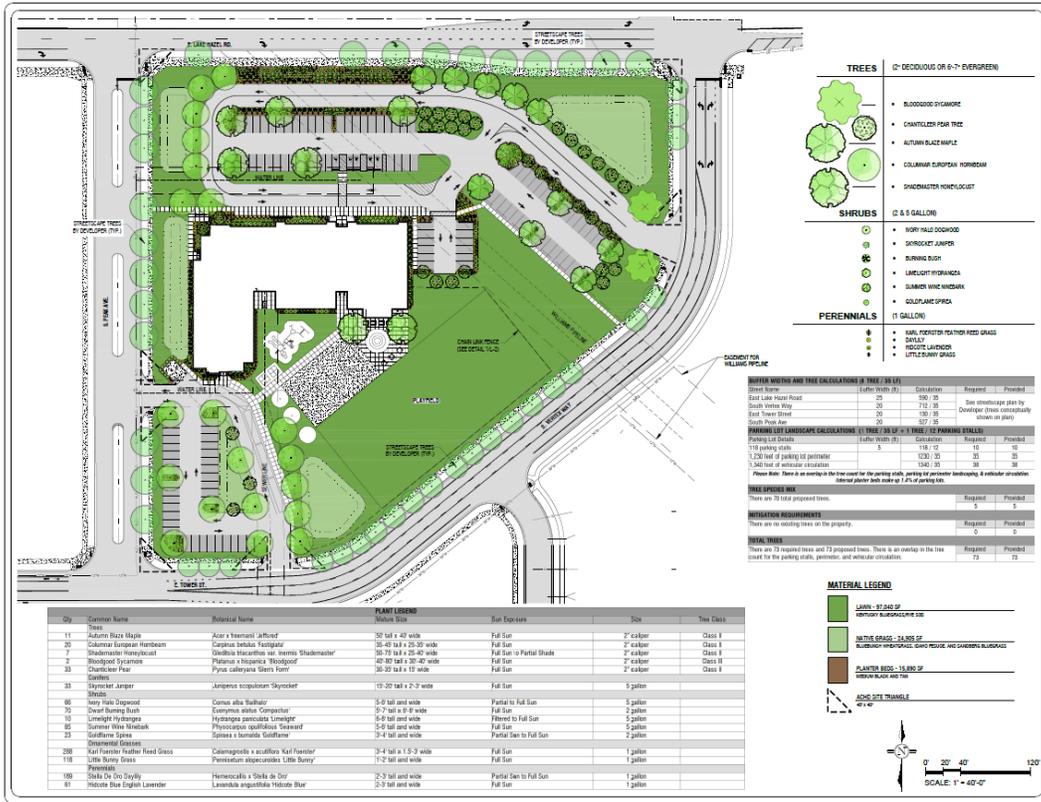
#### B. The Meridian Planning & Zoning Commission heard these items on June 20, 2021. At the public hearing, the Commission moved to approve the subject CUP request.

1. Summary of Commission public hearing:
  - a. In favor: Bill Hadlock, Stacey Walker
  - b. In opposition: None
  - c. Commenting: None
  - d. Written testimony: None
  - e. Staff presenting application: Sonya Allen
  - f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
  - a. None
3. Key issue(s) of discussion by Commission:
  - a. Traffic and access to the site during drop-off and pick-up times.
4. Commission change(s) to Staff recommendation:
  - a. None
5. Outstanding issue(s) for City Council:
  - a. None



# EXHIBIT A

## B. Proposed Landscape Plan (dated: 3/5/2021)



**BoumaU A**  
3033 Orchard Vista Dr., Suite 309  
Grand Rapids, MI 49546  
616-882-6100  
BoumaUSA.com

**811**  
CONTACT ONLINE  
48 HOURS  
BEFORE DIGGING  
1-800-542-1500 (or 811)

**CUTTING EDGE LANDSCAPE**  
5407 ALLWORTH STREET  
BOISE, ID 83714  
(208) 378-4568  
cuttingedge@landscapes.com

**SOUTH GEM INNOVATION SCHOOL**

**PRELIMINARY LANDSCAPE PLAN**  
NOT FOR CONSTRUCTION  
MERIDIAN, ID 83642

**CONTACT ONLINE**  
48 HOURS  
BEFORE DIGGING  
1-800-542-1500 (or 811)

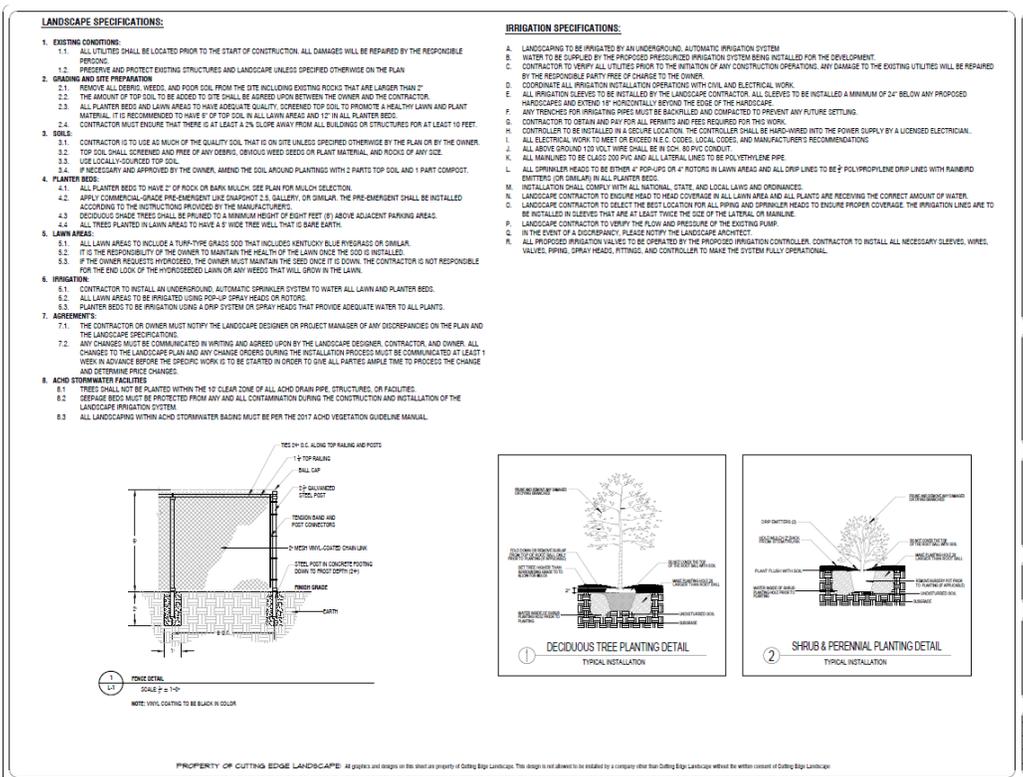
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**SOUTH GEM INNOVATION SCHOOL**

**PRELIMINARY IRRIGATION & LANDSCAPE SPECS**  
NOT FOR CONSTRUCTION  
MERIDIAN, ID 83642

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BEFORE DIGGING  
1-800-542-1500 (or 811)



## EXHIBIT A

### VIII. CITY/AGENCY COMMENTS & CONDITIONS

#### A. PLANNING

1. Future development of this site shall comply with the terms of the existing Development Agreement, preliminary plat and final plat conditions of approval [H-2020-0066 (Apex RZ MDA Inst. #2020-178120); H-2020-0057 (PP – Apex Southeast); FP-2020-0013 (Apex Southeast No. 1) and the conditions contained herein.
2. The site/landscape plan submitted with the Certificate of Zoning Compliance application shall be revised as follows:
  - a. Add a tree at the east end of the row of parking on the north side of the building in accord with UDC 11-3B-8C.2d.
  - 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 landscaping adjacent to the multi-use pathway along E. Lake Hazel Rd. per the standards listed in UDC 11-3B-12C.
  - d. The 5-foot wide sidewalks proposed adjacent to parking shall either be widened two feet (2') to seven feet (7') to allow for vehicle overhang (the length of the stall may be decreased 2' in this instance) or wheel stops should be provided in the adjacent parking stalls to prevent vehicle overhang in accord with UDC 11-3C-5B.
  - e. Change the fencing type around the play area adjacent to S. Vertex Way from chainlink to wrought iron.
  - f. Depict all cross-walks to the school site as included in the school site checklist.
3. Direct access via E. Lake Hazel Rd. is prohibited.
4. Compliance with the standards listed in UDC [11-4-3-14](#) Education Institution is required.
5. Parking for the overall site shall be provided in accord with the standards listed in UDC [11-4-3-14I](#) for education institutions.
6. All development within the easement is required to comply with the [Williams Developer's Handbook](#).
7. If this site develops prior to construction and installation of the street buffer improvements associated with Apex Southeast Subdivision No. 1, these improvements are required to be installed with this development.
8. A Certificate of Zoning Compliance and Design Review application shall be submitted and approved for the proposed use prior to submittal of a building permit application. The design of the site and structure shall comply with the standards listed in UDC [11-3A-19](#) and the design standards listed in the [Architectural Standards Manual](#).
9. The conditional use permit is valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the Applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground as set forth in UDC [11-5B-6](#). A time extension may be requested as set forth in UDC 11-5B-6F.

## EXHIBIT A

### B. PUBLIC WORKS

1. The proposed water main extension from S Peak Avenue must be an 8'' main. Connect the fire line, water meter service line, and fire hydrant from the 8'' main extension.
2. Any changes to public water or sewer infrastructure must be reviewed and approved by Public Works.
3. Water and sewer must be provided to and through this project to adjacent properties per City Design Standards.
4. A streetlight plan is required to be submitted with the building permit application. Streetlights shall be installed and operational prior to occupancy.

### C. POLICE DEPARTMENT

Best practice safety suggestions:

- Electronic (Audio/Video) entry into main entrance at the main exterior door and/or the entry door just inside the vestibule.
- Removal of sliding window at secretary's office in vestibule to reduce the easy of accessibility into the secure area of the school.
- Built in blind in classroom door windows.
- Recommend 3M ballistic and shatterproof laminate for main entry door and other exterior entry points.
- Proper numbering per IOSSS recommendations in exterior windows of each classroom.
- Classroom numbers projecting double-sided wall signage above classroom doors (examples attached).
- Hanging signage in hallways T-intersections etc. providing information and ease of movement by first responders throughout interior of the school.

### D. BOISE PROJECT BOARD OF CONTROL

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=227459&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=229210&dbid=0&repo=MeridianCity>

### F. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=228019&dbid=0&repo=MeridianCity>

### G. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=228002&dbid=0&repo=MeridianCity>

## EXHIBIT A

### IX. FINDINGS

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

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

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

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

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

*Staff finds the proposed K-12 education institution will be harmonious with the Comprehensive Plan and is consistent with applicable UDC standards with the conditions noted in Section VIII of this report.*

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

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

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

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

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

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

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

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

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

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

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

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

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

## EXHIBIT A

- 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:** Resolution No. PZ-21-03: A Resolution of the Planning and Zoning Commission for the City of Meridian, Idaho, Validating Conformity of the Second Amendment to the Meridian Revitalization Plan with the City of Meridian's Comprehensive Plan

**City Council Members:**

Treg Bernt  
Joe Borton  
Luke Cavener

Brad Hoaglund  
Jessica Perreault  
Liz Strader

May 28, 2021

### MEMORANDUM

**TO:** Meridian Planning & Zoning Commission

**CC:** David Miles, Chief of Staff  
Cameron Arial, Community Development Director  
Caleb Hood, Planning Division Manager

**FROM:** Victoria Cleary, Economic Development Administrator  
Brian McClure, Comprehensive Associate Planner

**RE:** Second Amendment to the Meridian Revitalization Plan Urban Renewal Project

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**[Click Here](#) for Second Amendment to Meridian Revitalization Plan Documents Folder**

This memo is intended to provide Comprehensive Plan related analysis for the Second Amendment to the Meridian Revitalization Plan Urban Renewal Project. The amendment as proposed includes two distinct de-annexations for the areas described as the Northern Gateway and the Idaho Block. Both of these areas are proposed to be removed from the original 2002 downtown Urban Renewal District. Approval of a resolution acknowledging compliance of this amendment with the City of Meridian Comprehensive Plan is a necessary pre-cursor to Meridian City Council action on the de-annexation.

Ultimately, the purpose of this de-annexation will lead to the designated areas being annexed into other Urban Renewal Districts (Districts). With the original District set to sunset in 2026, these other Districts will provide greater opportunities for continued redevelopment that are otherwise impossible within the lifespan of the existing District. The next steps after de-annexation will include annexing the Idaho Block into the existing Union District, and the creation of a proposed Northern Gateway District. Both of these distinct Districts will allow for continued public-private and public-public partnerships in an area of town with both infrastructure deficiencies and also unique opportunities. The Planning and Zoning Commission and City Council will have discretion to act on the future Union District Plan Amendment and the new Northern Gateway District Plan before they are implemented. Concurrent approval of

next steps was deemed to be inappropriate due to the timing of work associated with partner agencies and with ongoing Urban Renewal legislation.

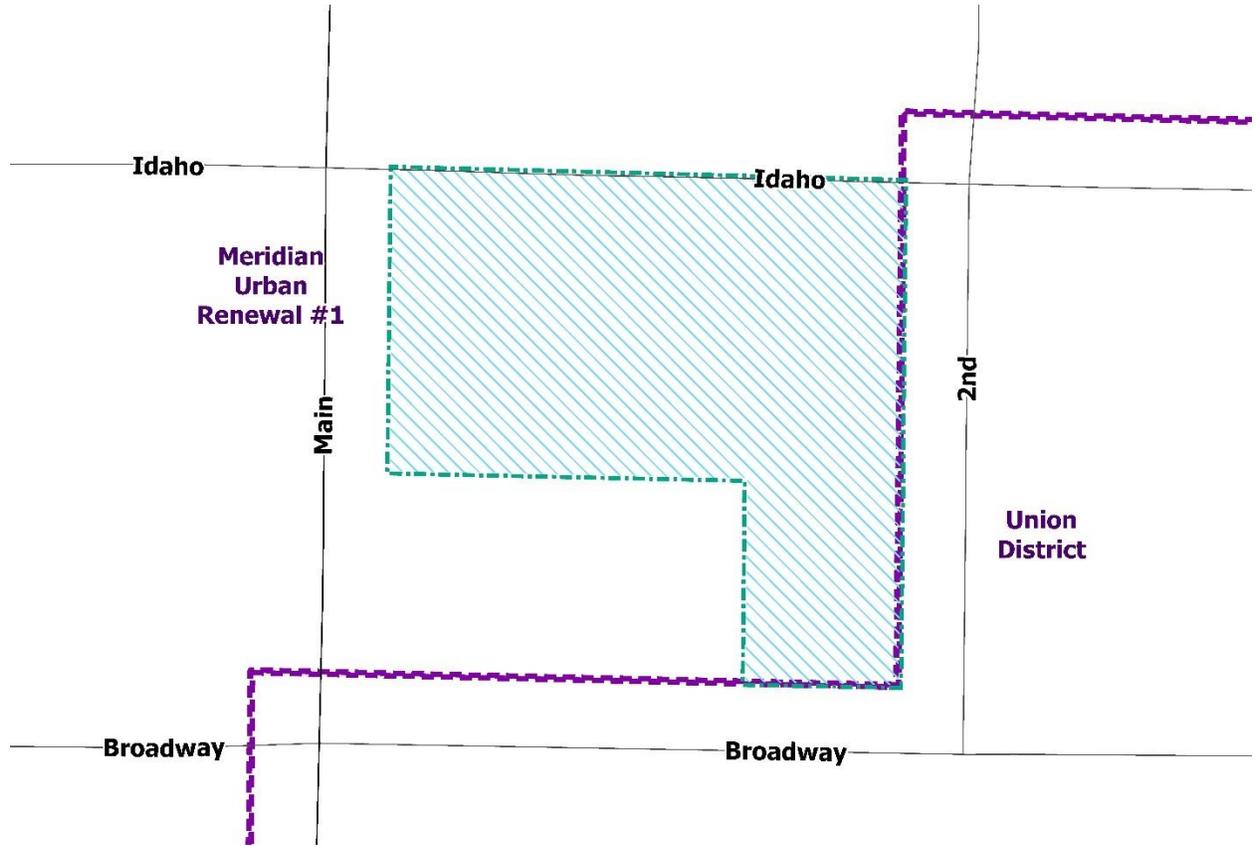
**Recommendation**

Since there are no new urban renewal area plans, proposed developments, use changes, or zoning changes associated with this Second Amendment, it maintains consistency with the City of Meridian Comprehensive Plan. Community Development staff recommends that the Planning and Zoning Commission approve the resolution confirming compliance of this amendment with the City’s Comprehensive Plan. Following is a summary of the de-annexations by area.

**Summary of De-annexations:**

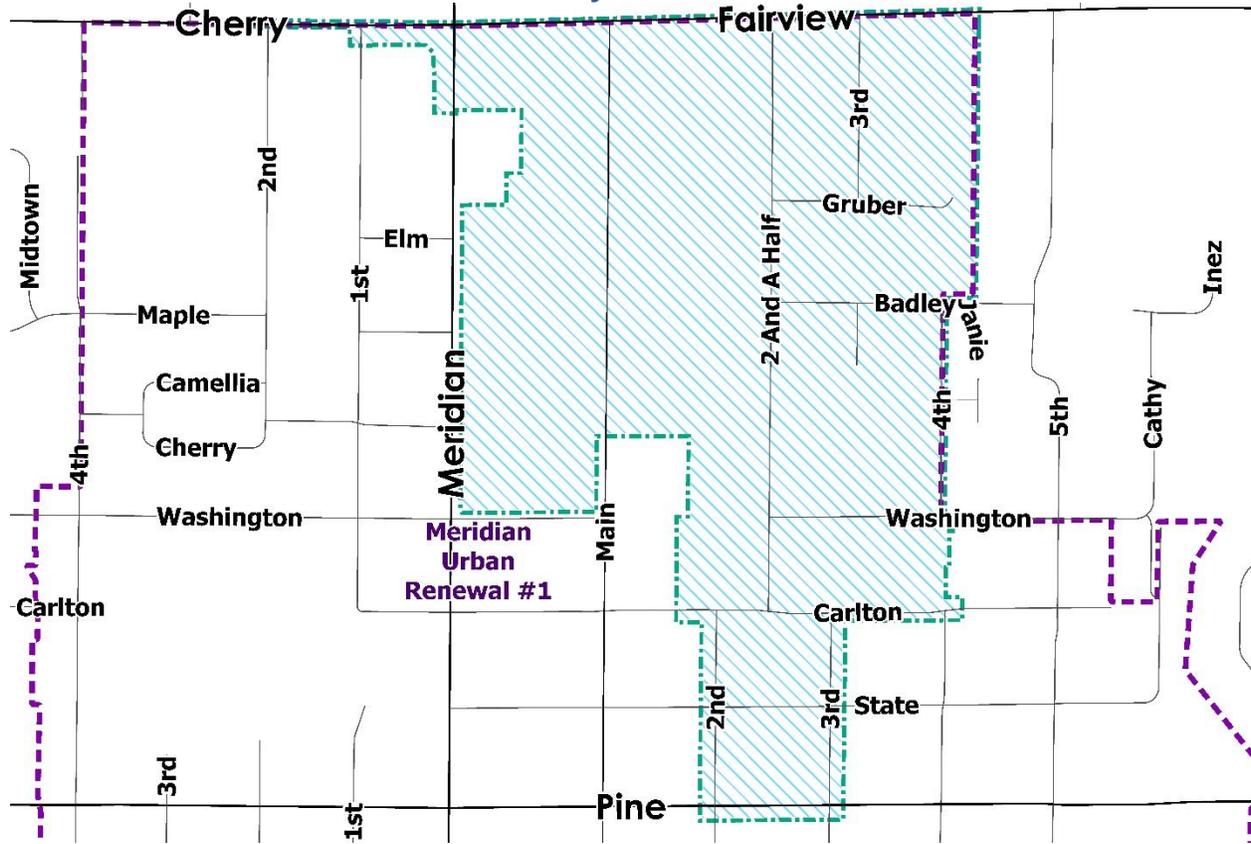
<b>District Name</b>	<b>Size (appx.)</b>	<b>Current Zoning</b>	<b>Description</b>
<b>Idaho Block</b>	1.5 Acres	O-T	De-annex intending to transfer to existing Union District
<b>Northern Gateway</b>	77.1 Acres	O-T, R-8, R-15, R-40, L-O, C-C, C-G, RUT	De-annex intending to incorporate into a new Northern Gateway District, which will also include land not previously within a URD.

### Attachment A: Idaho Block De-annexation



**Note:** Area designated by the dash-dot-dash line and angled hatch (teal) is to be de-annexed. The single dash-dash line (purple), represents the boundaries of existing Union District.

### Attachment B: Northern Gateway De-annexation



**Note:** Area designated by the dash-dot-dash line and angled hatch (teal) is to be de-annexed. The single dash-dash line (purple), represents the boundaries of existing Meridian Revitalization District.

**RESOLUTION PZ-21-03****CITY OF MERIDIAN****BY THE PLANNING AND  
ZONING COMMISSION****A RESOLUTION OF THE PLANNING AND ZONING COMMISSION  
FOR THE CITY OF MERIDIAN, IDAHO, VALIDATING CONFORMITY OF THE  
SECOND AMENDMENT TO THE MERIDIAN REVITALIZATION PLAN WITH THE  
CITY OF MERIDIAN'S COMPREHENSIVE PLAN**

WHEREAS, the Urban Renewal Agency of the City of Meridian (the "City"), Idaho, also known as Meridian Development Corporation, the duly constituted and authorized urban renewal agency of the City of Meridian, Idaho (hereinafter "MDC") has submitted the proposed Second Amendment to the Meridian Revitalization Plan (the "Second Amendment") to the City;

WHEREAS, the proposed Second Amendment seeks to de-annex two (2) areas as depicted in the Second Amendment and set forth in certain Exhibits 1 and 2 attached hereto. The first area is generally referred to as the "Northern Gateway Area." The purpose of the de-annexation of the Northern Gateway Area would be to allow the inclusion of these properties into a proposed Northern Gateway Urban Renewal District. The second area is generally referred to as the "Idaho Block." The purpose of the de-annexation of the Idaho Block would be to allow the inclusion of this block into a proposed amendment to the existing Union District Project Area.

WHEREAS, the Mayor and Meridian City Council referred the Second Amendment to the City Planning and Zoning Commission for review and recommendations concerning the conformity of said Second Amendment with the City's Comprehensive Plan, as amended (the "Comprehensive Plan"); and

WHEREAS, on June 3, 2021, the City Planning and Zoning Commission met to consider whether the Second Amendment conforms with the Comprehensive Plan as required by Idaho Code § 50-2008(b); and

WHEREAS, the City Planning and Zoning Commission has reviewed said Second Amendment in view of the Comprehensive Plan; and

WHEREAS, the City Planning and Zoning Commission has determined that the Second Amendment is in all respects in conformity with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION FOR THE CITY OF MERIDIAN, IDAHO:

Section 1. That the Second Amendment, submitted by MDC and referred to this Commission by the Mayor and City Council for review, is in all respects in conformity with the City’s Comprehensive Plan.

Section 2. That the City Clerk is hereby authorized and directed to provide the Mayor and Meridian City Council with a signed copy of this Resolution relating to said Second Amendment.

Section 3. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

**ADOPTED** by the Planning and Zoning Commission of the City of Meridian, Idaho, this 3rd day of June 2021.

<p><b>APPROVED:</b></p>  <hr/> <p>Chair, Planning and Zoning Commission</p>	<p><b>ATTEST:</b></p>  <hr/> <p>City Clerk</p>
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EXHIBIT 1  
Northern Gateway Area

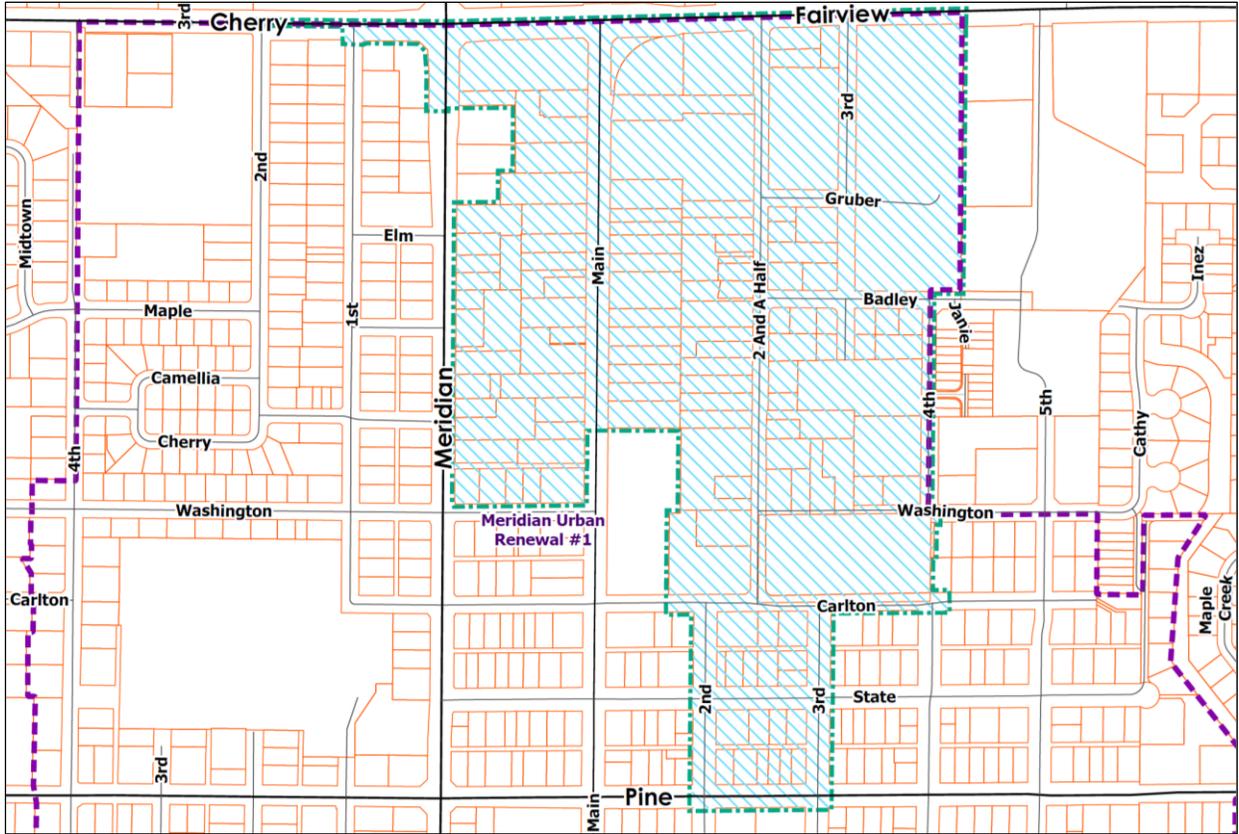
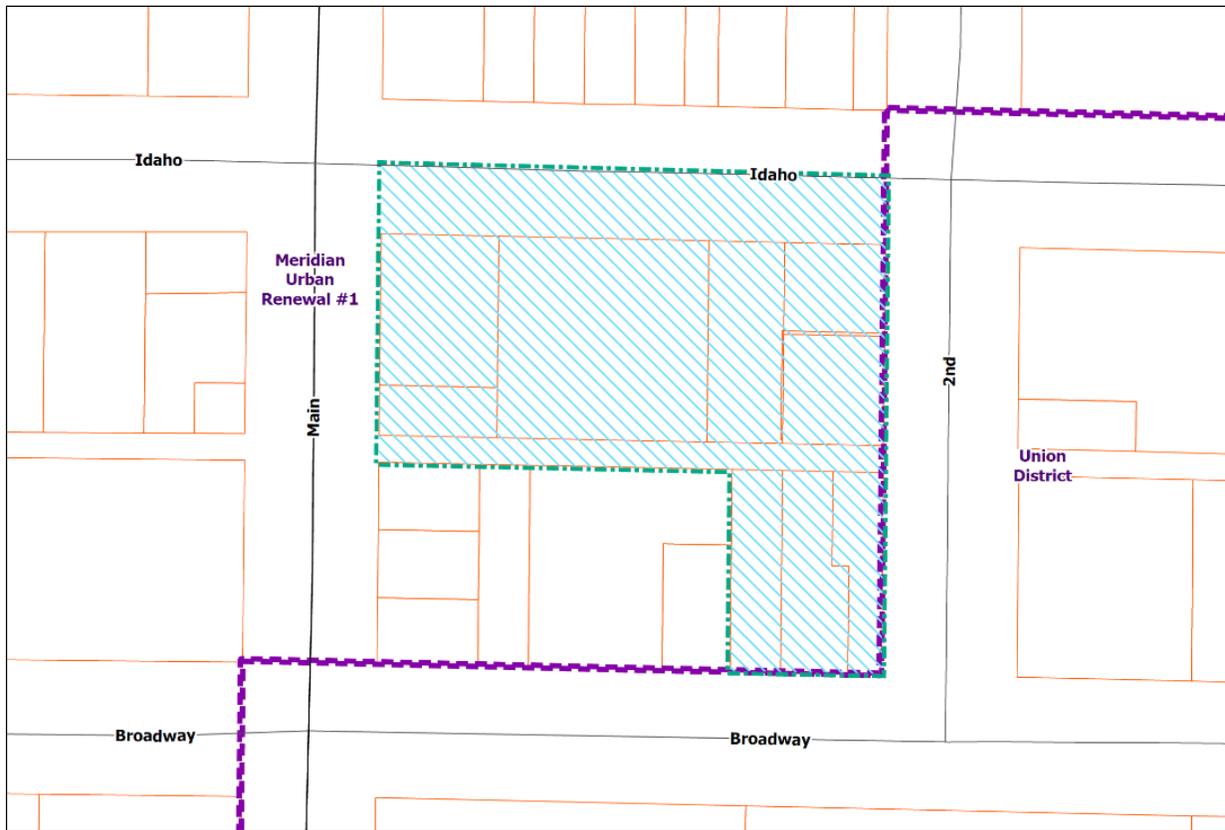


EXHIBIT 2  
Idaho Block



**SECOND AMENDMENT TO THE  
 MERIDIAN REVITALIZATION PLAN  
 URBAN RENEWAL PROJECT  
 MERIDIAN URBAN RENEWAL AGENCY  
 (also known as the Meridian Development Corporation)**

**CITY OF MERIDIAN, IDAHO**

**Ordinance No. 02-987  
 Adopted December 3, 2002  
 Effective December \_\_\_\_\_ 2002, publication**

**First Amendment to the Plan  
 Ordinance No. 20-1881  
 Adopted June 9, 2020  
 Effective June 19, 2020, publication**

**Second Amendment to the Plan  
 Ordinance No. \_\_\_\_\_  
 Adopted \_\_\_\_\_, 2021  
 Effective \_\_\_\_\_, 2021, publication**

## BACKGROUND

This Second Amendment (“Second Amendment”) to the Meridian Revitalization Plan Urban Renewal Project (the “Plan”) amends the Plan for the following purposes: (1) to deannex approximately [77] acres (including right-of-way) generally bounded by Meridian Road on the west and E. Fairview Avenue on the north. The eastern boundary extends south along what would be E. 4<sup>th</sup> Street if extended, over to 3<sup>rd</sup> Street. The southern boundary extends to E. Pine Avenue between E. 3<sup>rd</sup> Street and E. 2<sup>nd</sup> Street, and then travels up E. 2<sup>nd</sup> Street and over E. Washington Avenue to connect back to Meridian Road. This deannexation is from the plan area/revenue allocation area created by the Plan commonly referred to as the “Downtown District Project Area,” adopted by Meridian City Council Ordinance No. 02-987, on December 3, 2002, as amended by the First Amendment to the Plan in 2020, which deannexed approximately 16 acres from the Downtown District Project Area, as adopted by Meridian City Council Ordinance No. 20-1881, on June 9, 2020 (the “First Amendment”) ; and (2) to deannex approximately [1.46] acres (including right-of-way) from the Downtown District Project Area, as amended by the First Amendment, and generally bounded by E. Idaho Avenue on the north, E. 2<sup>nd</sup> Street on the east, a portion of Broadway Avenue on the south, and E. Main Street on the west. The scope of this Second Amendment is limited to addressing the deannexation of certain parcels from the Downtown District Project Area, as amended by the First Amendment. It is important to note this Second Amendment to the Plan does not extend the Plan’s duration. The Plan terminates on December 31, 2026; however, revenue allocation proceeds will be received in 2027 pursuant to Idaho Code § 50-2905(7).

As a result of this second deannexation, in 2021 through the remaining years of the Plan, the Urban Renewal Agency of the City of Meridian, Idaho, also known as the Meridian Development Corporation (the “MDC”) will cease receiving an allocation of revenues from the deannexed parcels. The increment value of the parcels deannexed from the Downtown District Project Area pursuant to this Second Amendment shall be included in the net taxable value of the taxing district when calculating the subsequent property tax levies pursuant to section 63-803, Idaho Code. The increment value shall also be included in subsequent notification of taxable value for each taxing district pursuant to section 63-1312, Idaho Code, and subsequent certification of actual and adjusted market values for each school district pursuant to section 63-315, Idaho Code. The Ada County Assessor’s Office maintains the value information, including the increment value, if any, included on the new construction roll for new construction associated with the deannexed parcels.

House Bill 606, effective July 1, 2016, amended the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the “Act”) firmly establishing “[f]or plans adopted or modified prior to July 1, 2016, and for subsequent modifications of those urban renewal plans, the value of the base assessment roll of property within the revenue allocation area shall be determined as if the modification had not occurred.” Idaho Code § 50-2903(4). Though the provisions of Idaho Code § 50-2903A do not apply to the Plan, a plan amendment or modification to accommodate a de-annexation in the revenue allocation area boundary is a specifically identified exception to a base reset. Idaho Code § 50-2903A(1)(a)(iii). This highlights the legislative support for these types of amendments.

**AMENDMENTS TO THE PLAN**

1. Definitions. Capitalized terms not otherwise defined herein shall have the respective meanings ascribed to such terms in the Plan, as amended by the First Amendment to the Plan.

2. The following defined terms are amended throughout the Plan, as amended by the First Amendment to the Plan, as follows:

(a) Delete “Amended Project Area” and replace with “Second Amended Project Area” except where specifically referenced in this Second Amendment.

(b) Delete references to “Attachment 5” and replace with “Attachment 5, as supplemented by Attachments 5A and 5B” except where specifically referenced in this Second Amendment.

3. Amendment to List of Attachments. The List of Attachments on page vi of the Plan, as amended by the First Amendment to the Plan, is further amended by deleting the list of attachments and replacing it as follows:

Attachment 1	Legal Description of the Project Area and Revenue Allocation Area Boundaries
Attachment 1A	Legal Description of the Boundary of the Deannexed Area
Attachment 1B	Legal Description of the Boundaries of the 2021 Deannexed Areas
Attachment 2	Project Area-Revenue Allocation Area Boundary Map
Attachment 2A	Boundary Map of the Deannexed Area
Attachment 2B	Boundary Maps of the 2021 Deannexed Areas
Attachment 3	Properties Which May be Acquired by the Agency
Attachment 4	Map Depicting Expected Land Uses and Current Zoning Within the Second Amended Project Area
Attachment 5	Economic Feasibility Study, Meridian Urban Renewal Area
Attachment 5A	Supplement to the Economic Feasibility Study: Financial Analysis Related to the 2020 Deannexation
Attachment 5B	Second Supplement to the Economic Feasibility Study: Financial Analysis Related to the 2021 Deannexation

4. Amendment to Section 100 of the Plan, as amended by the First Amendment to the Plan. Section 100, as amended by the First Amendment to the Plan, is amended by deleting the list of attachments and replacing it as follows:

Legal Description of the Project Area and Revenue Allocation Area Boundaries (Attachment 1);

Legal Description of the Boundary of the Deannexed Area (Attachment 1A);

Legal Description of the Boundaries of the 2021 Deannexed Areas (Attachment 1B);

Project Area-Revenue Allocation Area Boundary Map (Attachment 2);

Boundary Map of the Deannexed Area (Attachment 2A);

Boundary Maps of the 2021 Deannexed Areas (Attachment 2B);

Properties Which May be Acquired by the Agency (Attachment 3);

Map Depicting Expected Land Uses and Current Zoning Within the Second Amended Project Area (Attachment 4);

Economic Feasibility Study, Meridian Urban Renewal Area (Attachment 5);

Supplement to the Economic Feasibility Study: Financial Analysis Related to the 2020 Deannexation (Attachment 5A);

Second Supplement to the Economic Feasibility Study: Financial Analysis Related to the 2021 Deannexation (Attachment 5B).

5 Amendment to Section 102.1 of the Plan, as amended by the First Amendment to the Plan.

(a) Section 102.1 entitled “CONFORMANCE WITH STATE OF IDAHO URBAN RENEWAL LAW OF 1965, AS AMENDED” is amended by adding new paragraphs to the end of the language added by the First Amendment to the Plan as follows:

Subsequent to the First Amendment, in 2021, the Agency and City reviewed two additional areas for deannexation from the original Project Area, as amended by the First Amendment, as follows: approximately [77] acres (including right-of-way) generally bounded by Meridian Road on the west and E. Fairview Avenue on the north. The eastern boundary extends south along what would be E. 4<sup>th</sup> Street if extended, over to 3<sup>rd</sup> Street. The southern boundary extends to E. Pine Avenue between E. 3<sup>rd</sup> Street and E. 2<sup>nd</sup> Street, and then travels up E. 2<sup>nd</sup> Street and over E. Washington Avenue to connect back to Meridian Road; and approximately [1.46] acres (including right-of-way) generally bounded by E. Idaho Avenue on the north, E. 2<sup>nd</sup> Street on the east, a portion of Broadway Avenue on the south, and E. Main Street on the west.

This Second Amendment to the Plan (the “Second Amendment”) deannexes certain parcels from the original Project Area, as amended by the First Amendment, resulting in a “Second Amended Project Area” as further described and shown in Attachments 1, 1A, 1B, 2, 2A, and 2B.

This Second Amendment was prepared and submitted to MDC for its review and approval. MDC approved the Second Amendment by the adoption of Resolution No. 21-023 on May 12, 2021 and submitted the Second Amendment to the City Council with its recommendation for adoption.

In accordance with the Law, this Second Amendment was submitted to the Planning and Zoning Commission of the City of Meridian. After consideration of the Second Amendment, the Commission filed a Resolution dated \_\_\_\_\_, 2021, with the City Council stating that the Second Amendment is in conformity with the Comprehensive Plan for the City of Meridian, adopted on December 17, 2019, by Resolution No. 19-2179.

Pursuant to the Law, the City Council, having published due notice thereof, held a public hearing on the Second Amendment. Notice of the hearing was duly published in a newspaper having general circulation in the City. The City Council adopted the Second Amendment on \_\_\_\_\_, 2021, pursuant to Ordinance No. \_\_\_\_\_.

6. Amendment to Section 200 of the Plan, as amended by the First Amendment to the Plan.

(a) Section 200, as amended by the First Amendment to the Plan, entitled “DESCRIPTION OF THE AMENDED PROJECT AREA” is deleted and replaced as follows:

**DESCRIPTION OF THE SECOND AMENDED PROJECT AREA**

The boundaries of the Project Area and of the Revenue Allocation Area are described in Attachment 1, which is attached hereto and incorporated herein by reference, and are shown on the Project Area and Revenue Allocation Area Boundary Map, attached hereto as Attachment 2 and incorporated herein by reference. The Project Area includes several parcels of property which are located outside the geographical boundaries of the City but within the City’s impact area. MDC has an existing agreement with Ada County related to such parcels. The First Amendment and the Second Amendment have no impact on that agreement.

Pursuant to the First Amendment, the boundaries of the deannexed area are described in the Legal Description of the Boundary of the Deannexed Area in Attachment 1A and are shown on the Boundary Map of the Deannexed Area in Attachment 2A.

Pursuant to the Second Amendment, the boundaries of the deannexed areas are described in the Legal Description of the Boundaries of the 2021 Deannexed Areas in Attachment 1B and are shown on the Boundary Maps of the 2021 Deannexed Areas in Attachment 2B.

The attachments referenced above are attached hereto and are incorporated herein by reference.

7. Amendment to Section 302 of the Plan, as amended by the First Amendment to the Plan.

(a) Section 302, as amended by the First Amendment to the Plan, is further amended by deleting the first sentence of the second paragraph and replacing it as follows:

The Second Amended Project Area includes the area as described in Section 200.

8. Amendment to Section 504 of the Plan, as amended by the First Amendment to the Plan.

(a) Section 504, as amended by the First Amendment to the Plan, is further amended by deleting the second sentence of the first paragraph and replacing it as follows: Revenue allocation financing authority for the deannexed parcels pursuant to the First Amendment was terminated effective January 1, 2020, and revenue allocation financing authority for the deannexed parcels pursuant to the Second Amendment will be terminated effective January 1, 2021.

(b) Section 504, as amended by the First Amendment to the Plan, is further amended by deleting the last sentence of the fourth paragraph and replacing it as follows: No modifications to the analysis set forth in Attachment 5 have been made as a result of the First Amendment or the Second Amendment. The estimated financial impact to the MDC as a result of the deannexation of certain underdeveloped parcels from the original Project Area pursuant to the First Amendment is set forth in Attachment 5A. The estimated financial impact to the MDC as a result of the 2021 deannexation of certain parcels from the Amended Project Area pursuant to the Second Amendment is set forth in Attachment 5B.

9. Amendment to Section 504.1 of the Plan, as amended by the First Amendment to the Plan.

(a) Section 504.1, as amended by the First Amendment to the Plan, is further amended by deleting the last sentence at the end of the paragraph and replacing it as follows: No modifications to the Study have been made as a result of the First Amendment or this Second Amendment; however, Attachment 5A includes the estimated financial impact to the MDC

prepared by Kushlan | Associates and SMR Development, LLC as a result of the first deannexation of certain underdeveloped parcels from the original Project Area pursuant to the First Amendment, and Attachment 5B includes the estimated financial impact to the MDC prepared by Kushlan | Associates as a result of the second deannexation of certain parcels from the original Project Area, as amended by the First Amendment, pursuant to the Second Amendment.

10. Amendment to Section 504.3 of the Plan, as amended by the First Amendment to the Plan.

(a) Section 504.3, as amended by the First Amendment to the Plan, is further amended by deleting the sentence at the end of the paragraph and replacing it as follows: The deannexation of parcels from the original Project Area pursuant to the First Amendment and the Second Amendment does not substantively change this analysis. As a result of the deannexations, the base assessment roll value will decrease.

11. Amendment to Section 504.4 of the Plan, as amended by the First Amendment to the Plan.

(a) Section 504.4, as amended by the First Amendment to the Plan, is further amended by deleting the sentence at the end of the second paragraph and replacing it as follows: The deannexation of parcels from the original Project Area pursuant to the First Amendment reduced the amount of revenue generated by revenue allocation as set forth in Attachment 5A. The deannexation of parcels from the original Project Area pursuant to this Second Amendment is estimated to reduce the amount of revenue generated by revenue allocation as set forth in Attachment 5B.

(b) Section 504.4, as amended by the First Amendment to the Plan, is further amended by adding a new sentence at the end of the third paragraph as follows: Attachment 5B includes the estimated financial impact to the MDC as a result of the second deannexation of certain parcels from the original Project Area, as amended by the First Amendment to the Plan. Based on the findings set forth in Attachment 5B, the conclusion is the second deannexation of certain parcels from the original Project Area, as amended by the First Amendment to the Plan, does not materially reduce revenue allocation and the Project continues to be feasible.

12. Amendment to Section 800 of the Plan, as amended by the First Amendment to the Plan.

(a) Section 800, as amended by the First Amendment to the Plan, is further amended by adding a new sentence at the end of the first paragraph as follows: The deannexation of parcels from the original Project Area, as amended by the First Amendment, pursuant to this Second Amendment has no impact on the duration of this Plan.

13. Amendment to Plan, as amended by the First Amendment to the Plan, to add new Attachment 1B. The Plan, as amended by the First Amendment to the Plan, is further amended to add new Attachment 1B entitled “Legal Description of the Boundaries of the 2021 Deannexed Areas,” attached hereto.

14. Amendment to Plan, as amended by the First Amendment to the Plan, to add new Attachment 2B. The Plan, as amended by the First Amendment to the Plan, is further amended to add new Attachment 2B entitled “Boundary Maps of the 2021 Deannexed Areas,” attached hereto.

15. Amendment to Plan, as amended by the First Amendment to the Plan, to add new Attachment 5B. The Plan, as amended by the First Amendment to the Plan, is further amended to add new Attachment 5B entitled “Second Supplement to the Economic Feasibility Study: Financial Analysis Related to the 2021 Deannexation,” attached hereto.

16. Downtown District Plan, as amended by the First Amendment to the Plan, Remains in Effect. Except as expressly modified in this Second Amendment, the Plan and the Attachments thereto, as amended by the First Amendment to the Plan, remain in full force and effect.

Attachment 1B  
Legal Description of the Boundaries of the 2021 Deannexed Areas

[Legal Description of Remaining Deannexed Areas  
To Be Inserted Upon Completion]

**URBAN RENEWAL DISTRICT BOUNDARY DESCRIPTION  
FOR  
MERIDIAN DEVELOPMENT CORPORATION**

**IDAHO BLOCK**

A description for Urban Renewal District purposes located in the NW 1/4 of the SW 1/4 of Section 7, Township 3 North, Range 1 East, Boise Meridian, and being a part of Block 4 of the amended plat of the *TOWNSITE OF MERIDIAN* as found in Book 1 of plats at Page 30 in the office of the Recorder, Ada County, Idaho, more particularly described as follows:

Commencing at a 5/8 inch diameter iron pin marking the intersection of N Main Street and E Idaho Avenue, from which a brass cap monument marking the intersection of NE 2nd Street and E Idaho Avenue bears S 88°43'59" E a distance of 380.05 feet;

Thence S 88°43'59" E along the centerline of said E Idaho Avenue a distance of 40.00 feet to the POINT OF BEGINNING;

Thence continuing S 88°43'59" E a distance of 300.04 feet to a point on an extension of the easterly boundary of said Block 4;

Thence leaving said centerline S 0°31'47" W a distance of 40.00 feet to a point marking the northeasterly corner of said Block 4;

Thence continuing S 0°31'47" W along said easterly boundary a distance of 256.13 feet to a point marking the southeasterly corner of said Block 4;

Thence N 88°44'00" W along the southerly boundary of said Block 4 a distance of 90.05 feet to a point marking the southwesterly corner of Lot 8 of said Block 4;

Thence leaving said southerly boundary N 0°32'12" E along the westerly boundary of said Lot 8 a distance of 120.07 feet to a point marking the northwesterly corner of said Lot 8;

Thence N 88°43'59" W along the northerly boundary of Lots 1 – 7 of said Block 4 a distance of 210.08 feet to a point on the westerly boundary of said Block 4, said point being the northwesterly corner of Lot 1 of said Block 4;

Thence N 0°33'09" E along said westerly boundary a distance of 136.07 feet to a point marking the northwesterly corner of said Block 4;

Thence continuing N 0°33'09" E on an extension of said westerly boundary a distance of 40.00 feet to the POINT OF BEGINNING.

This parcel contains approximately 1.461 acres.

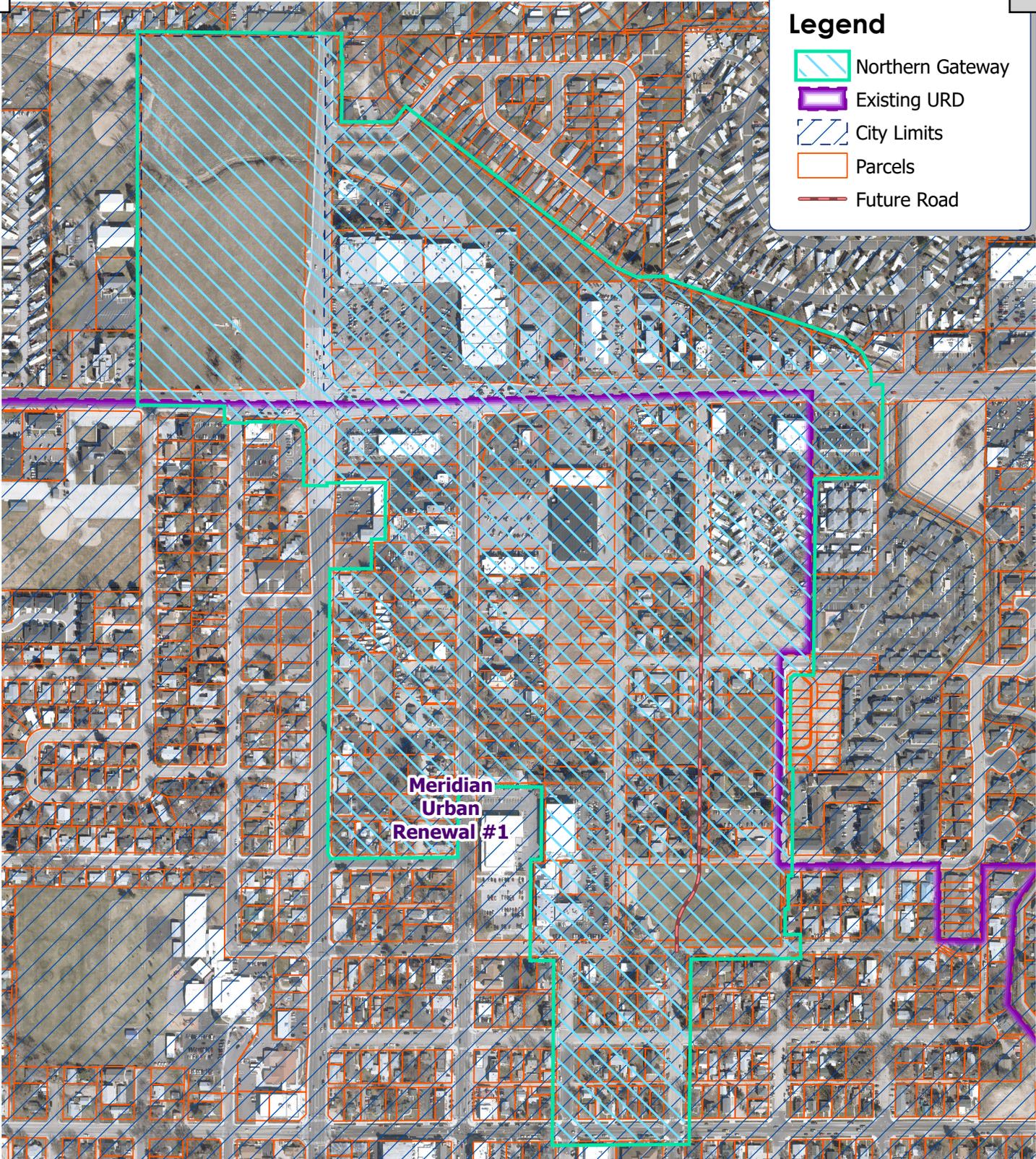
NOTE: This description was prepared using record information including Record of Surveys, Subdivision Plats and Deeds acquired from the Ada County Recorder's office. No field survey has been performed.

Prepared by: Kyle A. Koomler, PLS  
Civil Survey Consultants, Incorporated  
May 26, 2021



Attachment 2B  
Boundary Maps of the 2021 Deannexed Areas

[To Be Inserted Upon Completion]  
[Non-Surveyed Maps Attached]



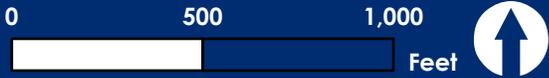
**Legend**

-  Northern Gateway
-  Existing URD
-  City Limits
-  Parcels
-  Future Road

**Meridian  
Urban  
Renewal #1**

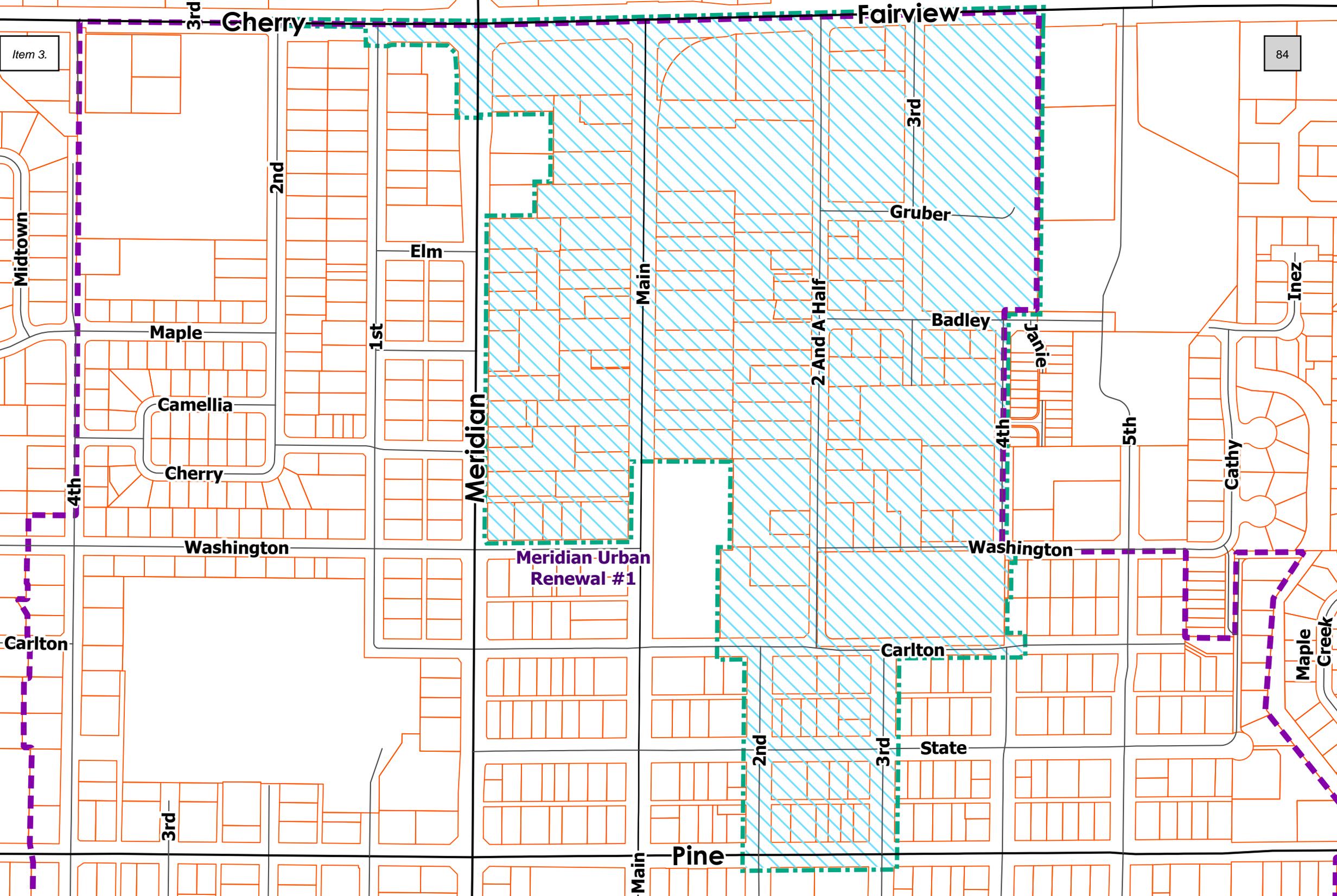
# Northern Gateway

Print Date: 4/27/2021 | User: bmcclure



The information shown on this map is compiled from various sources and is subject to constant revision. The City of Meridian makes no warranty or guarantee as to the content, accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map.





Cherry

Fairview

Item 3.

84

Midtown

2nd

3rd

Elm

Main

Gruber

Maple

1st

Badley

Camellia

Meridian

2-And-A-Half

Janie

Cherry

4th

5th

Washington

Meridian Urban Renewal #1

Washington

Cathy

Carlton

Carlton

Maple Creek

3rd

2nd

3rd

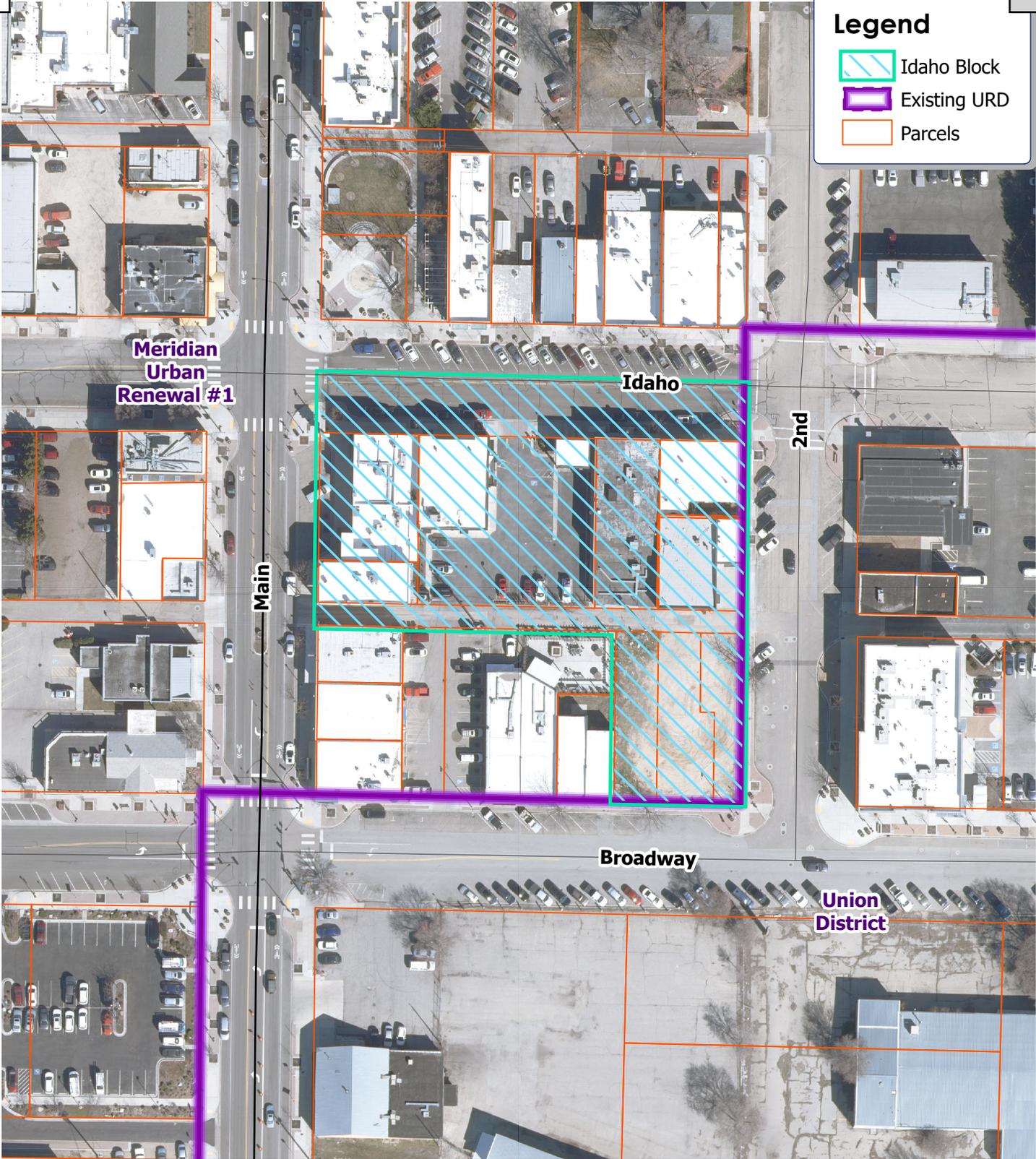
State

Main

Pine

**Legend**

-  Idaho Block
-  Existing URD
-  Parcels



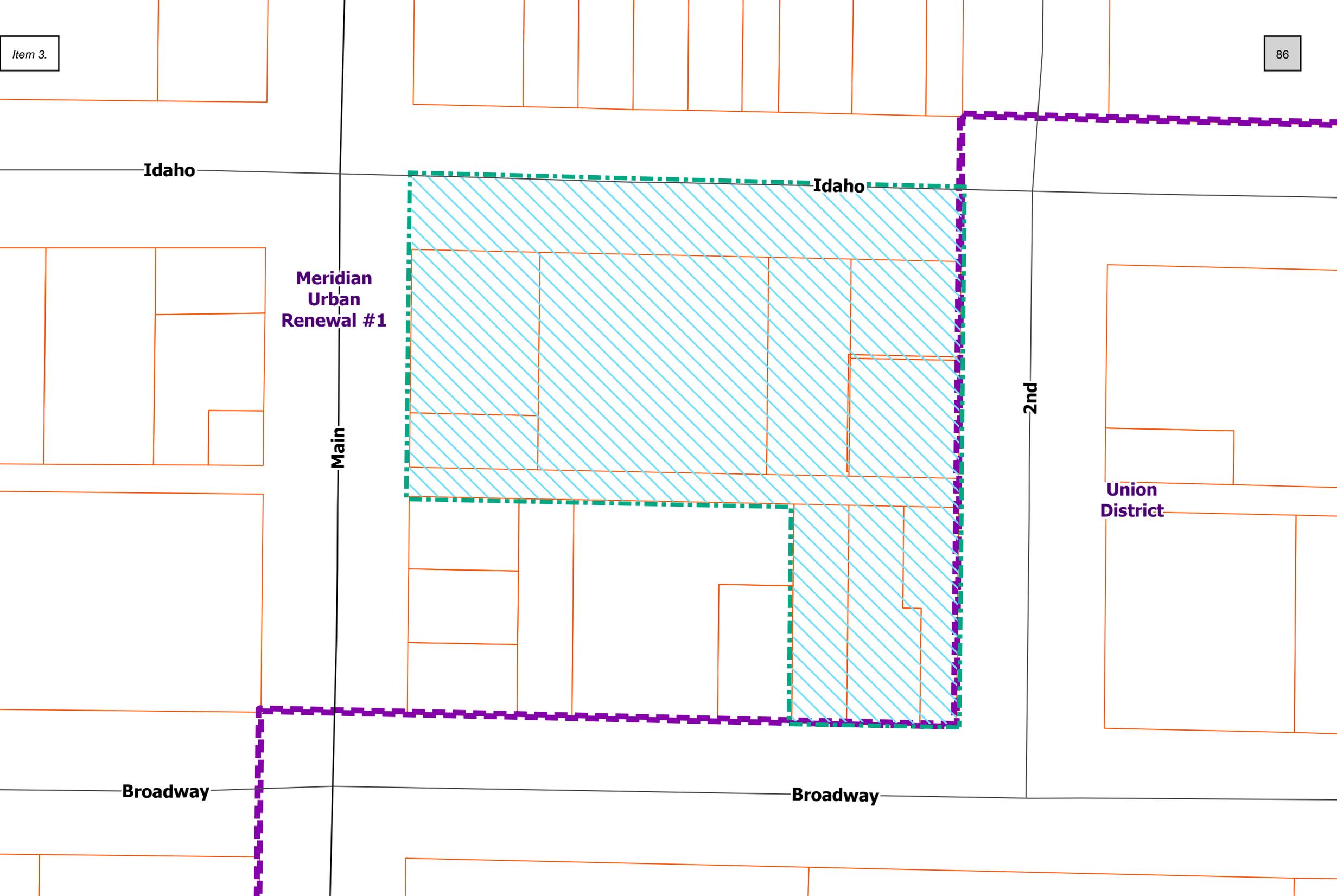
# Idaho Block

Print Date: 4/30/2021 | User: bmclure



The information shown on this map is compiled from various sources and is subject to constant revision. The City of Meridian makes no warranty or guarantee as to the content, accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map.





Idaho

Idaho

Meridian  
Urban  
Renewal #1

Main

2nd

Union  
District

Broadway

Broadway



Attachment 5B  
Second Supplement to the Economic Feasibility Study:  
Financial Analysis Related to the 2021 Deannexation

4851-4344-7734, v. 3

## Attachment 5B

Memo to: Meridian Development Corporation Board of Commissioners  
Ashley Squyres, MDC Administrator  
Meghan Conrad, Counsel

From: Phil Kushlan, Principal, Kushlan | Associates

Subject: Fiscal Impact of de-annexation

Date: April 28, 2021

We have been retained to analyze the fiscal impact of removing two distinct geographic areas from the existing Meridian Revitalization Plan Urban Renewal Project Area, also referred to as the Downtown District. The first area is generally bounded by Meridian Road on the west and E. Fairview Avenue on the north. The eastern boundary extends south along what would be E. 4<sup>th</sup> Street if extended, over to 3<sup>rd</sup> Street. The southern boundary extends to E. Pine Avenue between E. 3<sup>rd</sup> Street and E. 2<sup>nd</sup> Street, and then travels up E. 2<sup>nd</sup> Street and over E. Washington Avenue to connect back to Meridian Road. This area is generally referred to as the “Northern Gateway Area.” The purpose of the de-annexation of the Northern Gateway Area would be to allow the inclusion of these properties into a proposed Northern Gateway Urban Renewal District.

The second area is generally bounded by E. Idaho Avenue on the north, E. 2<sup>nd</sup> Street on the east, a portion of Broadway Avenue on the south, and E. Main Street on the west. This area is generally referred to as the “Idaho Block.” The purpose of the de-annexation of the Idaho Block would be to allow the inclusion of this block into a proposed amendment to the existing Union District Project Area.

Removing taxable properties from a revenue allocation area, as suggested here, would release the incremental value of those tax parcels back to the general property tax rolls thus eliminating the revenue currently generated by the existing district from those properties. In making a decision on the de-annexation question one must understand the fiscal impact upon the existing Downtown District in the context of that District’s ongoing financial obligations. Our study has done that.

In our analysis of the Northern Gateway Area, we reviewed each of the 133 tax parcels that are currently within the boundaries of the existing Downtown District that are to be deannexed. In each case we segregated the base value from the incremental value and calculated the revenue generated by each factor. From that analysis, we demonstrated that the 133 parcels generated a total of \$379,648 in property taxes in 2020, the latest year for which we have certified values and tax yields. Of that amount \$162,121 was generated from the Base Assessed Value and

allocated to the various taxing entities levying property taxes within the Downtown District. The Incremental Values on those properties generated \$217,526 in 2020, which was allocated to the Urban Renewal Agency of the City of Meridian, Idaho, also known as the Meridian Development Corporation (MDC). This latter number is the estimated amount of foregone revenue that the Downtown District will experience annually through the de-annexation of these tax parcels, from calendar year 2022, through calendar year 2027, the termination year of the Downtown District.

In our analysis of the Idaho Block we reviewed ten (10) tax parcels in a similar manner as the process described above. Those parcels produced a total of \$28,434 in property tax payments in 2020. Of that amount \$15,371 was generated from the Base Assessed Value and thus allocated to the taxing entities. The remainder (\$13,063) was allocated to MDC and represents the annual foregone amount upon deannexation of these parcels from the Downtown District.

The MDC Annual Financial Statements indicated that the incremental revenue generated by the Downtown District in 2020 was \$1,610,499. A reduction of \$217,526 from the Northern Gateway Area would be a 13.5% reduction in annual revenue. A reduction of \$13,063 from the Idaho Block would be a 0.81% reduction in annual revenue. In addition, we reviewed the Financial Statements for FY 2014, 2015, 2016, 2017, 2018 and 2019. See attached spreadsheet for details. In each of those fiscal years the fiscal results of MDC activities reflected significant Fund Balances. The audited Fund Balance for FY 2020 was \$3,750,449. If the \$217,526 and \$13,063 reductions had been in place in 2020, the Agency would have experienced a 14.32% reduction (\$230, 589) in annual revenue for the Downtown District. The Debt Service commitments for the District are relatively small when compared to its overall fiscal strength. The 2020 Debt Service Principal amount was \$115,520 and the Interest amount was \$8,097.

The Agency's 2021 Budget reflected a conservative approach to revenue, appropriating only \$1,600,000 in current property tax revenue. Undefined "Special Project" funding was set at \$1,179,598 in the 2021 Budget and \$1,700,000 was assigned to the Nine-Mile Floodplain project. The Staff and Commission should use their discretion in weighing the importance of the current program funding levels versus the importance of including these parcels in a new Revenue Allocation Area. It appears as though there is sufficient capacity in the fiscal program of the Downtown District to accommodate this loss of revenue should the MDC and City Council choose to do so.

MDC Audited Funds	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Beginning Fund Balance	\$ 790,596	\$ 728,099	\$ 619,459	\$ 928,551	\$ 1,463,391	\$ 2,035,561	\$ 2,601,567
Downtown District Revenue Allocation Income	\$ 693,754	\$ 847,571	\$ 887,546	\$ 1,075,786	\$ 1,392,019	\$ 1,499,374	\$ 1,610,499
Other Available Income	\$ 11,078	\$ 629	\$ 8,021	\$ 46,856	\$ 40,326	\$ 792,265	\$ 193,450
Total Available Current Income	\$ 704,832	\$ 848,200	\$ 895,567	\$ 1,122,642	\$ 1,432,345	\$ 2,291,639	\$ 1,803,949
Total Available Resources	\$ 1,495,428	\$ 1,576,299	\$ 1,515,026	\$ 2,051,193	\$ 2,895,736	\$ 4,327,200	\$ 4,405,516
Office and Operating Expenses	\$ 403,727	\$ 498,748	\$ 283,447	\$ 263,808	\$ 557,755	\$ 838,079	\$ 332,165
Professional Services	\$ 189,596	\$ 177,119	\$ 170,758	\$ 180,198	\$ 177,586	\$ 188,087	\$ 186,657
Public Education and Marketing	\$ 19,793	\$ 24,951	\$ 6,338	\$ 19,671	\$ 1,215	\$ 8,563	\$ 12,628
Debt Service							
Principal	\$ 99,213	\$ 95,269	\$ 99,145	\$ 103,527	\$ 107,685	\$ 111,519	\$ 115,520
Interst	\$ 36,019	\$ 29,565	\$ 25,687	\$ 20,598	\$ 15,934	\$ 12,100	\$ 8,097
Capital Outlay	\$ 18,981	\$ 131,188	\$ 1,100	\$ -	\$ -	\$ 567,285	\$ -
Total Expenditures	\$ 767,329	\$ 956,840	\$ 586,475	\$ 587,802	\$ 860,175	\$ 1,725,633	\$ 655,067
Ending Fund Balance	\$ 728,099	\$ 619,459	\$ 928,551	\$ 1,463,391	\$ 2,035,561	\$ 2,601,567	\$ 3,750,449

De-annexation Revenue Reduction in Dollars	\$ 230,589
Total Revenue Impact of De-annexation %	6.15%
Net after De-annexation Reduction	\$ 3,519,860



## AGENDA ITEM

**ITEM TOPIC:** Public Hearing for Topgolf (H-2021-0033) by Arco/Murray, Located at 948 S. Silverstone Way  
*Application Requires Continuance*

A. Request: Conditional Use Permit for an outdoor recreation facility on 11.56 acres of land in a C-G zoning district to include extended hours of operation from 8:00 a.m. to 2:00 a.m., seven days a week, abutting a residential zoning district.



# PUBLIC HEARING INFORMATION

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**Staff Contact:** Sonya Allen

**Meeting Date:** June 3, 2021

**Topic:** **Public Hearing** for Topgolf (H-2021-0033) by Arco/Murray, Located at 948 S. Silverstone Way

- A. Request: Conditional Use Permit for an outdoor recreation facility on 11.56 acres of land in a C-G zoning district to include extended hours of operation from 8:00 a.m. to 2:00 a.m., seven days a week, abutting a residential zoning district.
- 

## **Information Resources:**

[Click Here for Application Materials](#)

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

**Adrienne Weatherly**

---

**From:** Sonya Allen  
**Sent:** Wednesday, May 26, 2021 4:31 PM  
**To:** Straits, Paul; Adrienne Weatherly; Charlene Way; Chris Johnson  
**Cc:** Uebelhor, Eric; Bill Parsons; Ted Baird  
**Subject:** Topgolf CUP - Request for Hearing Continuance

Thanks Paul.

Note: The reason for the request is that the site wasn't posted with a public hearing notice sign within the time frame required by UDC 11-5A-6D.

---

**From:** Straits, Paul <pstraits@arcomurray.com>  
**Sent:** Wednesday, May 26, 2021 1:29 PM  
**To:** Sonya Allen <sallen@meridiacity.org>  
**Cc:** Uebelhor, Eric <euebelhor@arcomurray.com>  
**Subject:** TG Boise | Request for CUP Hearing Continuance

**External Sender - Please use caution with links or attachments.**

---

Hi Sonya,

We are scheduled for a hearing with the planning commission on June 3<sup>rd</sup> for the CUP we are pursuing for our Topgolf project. At this time, we would like to request a continuance to move our hearing to the next available meeting time on Thursday, June 17<sup>th</sup>.

Please let me know if this is acceptable and I will make arrangements accordingly. I appreciate your continued help.

**Paul Straits**

Project Developer

**ARCO/Murray**

331-775-4118 | [vCard](#)

[www.arcomurray.com](http://www.arcomurray.com)



## AGENDA ITEM

**ITEM TOPIC:** Public Hearing for Woodcrest Townhomes (H-2021-0015) by Blaine A. Womer Civil Engineering, Located at 1789 N. Hickory Way  
*Applicant is Requesting Continuance*

A. Request: Amendment to the Comprehensive Plan Future Land Use Map to change the future land use designation on 2+/- acres of land from the Commercial to the Medium High-Density Residential designation.

B. Request: Rezone of 2.10 acres of land from the L-O (Limited Office) to the R-15 (Medium High-Density Residential) zoning district.



# PUBLIC HEARING INFORMATION

---

**Staff Contact:** Sonya Allen

**Meeting Date:** June 3, 2021

**Topic:** **Public Hearing** for Woodcrest Townhomes (H-2021-0015) by Blaine A. Womer  
Civil Engineering, Located at 1789 N. Hickory Way

- A. Request: Amendment to the Comprehensive Plan Future Land Use Map to change the future land use designation on 2+/- acres of land from the Commercial to the Medium High-Density Residential designation.
  - B. Request: Rezone of 2.10 acres of land from the L-O (Limited Office) to the R-15 (Medium High-Density Residential) zoning district.
- 

## Information Resources:

[Click Here for Application Materials](#)

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

## Adrienne Weatherly

---

**From:** Sonya Allen  
**Sent:** Tuesday, May 25, 2021 3:52 PM  
**To:** Adrienne Weatherly; Charlene Way; Chris Johnson  
**Cc:** Bill Parsons; andrew@bawce.com; Don Newell; Matt Drown; Blaine Womer  
**Subject:** FW: Woodcrest Townhomes - Request for Continuance to 7/1

The Applicant requests this project is continued to the July 1<sup>st</sup> Commission hearing.

---

**From:** andrew@bawce.com <andrew@bawce.com>  
**Sent:** Tuesday, May 25, 2021 3:09 PM  
**To:** Sonya Allen <sallen@meridiancity.org>  
**Cc:** Don Newell <ashton.homes@hotmail.com>; Matt Drown <mdrown42@msn.com>; Blaine Womer <blaine@bawce.com>  
**Subject:** Woodcrest Townhomes Continuance

**External Sender - Please use caution with links or attachments.**

---

Sonya,

Please let this email serve as our continuance notice for the Woodcrest Townhomes Project (21TMP-005588). The reason for the continuance is we want to make sure our site design and supplemental documents are supportive of staff and addressed the concerns we discussed. In order to do so, the timeline to get these documents to staff for review and current date for the public hearing is to tight. We would like more time to make these revisions and make sure they are done correctly.

Please let me know if you need anything else.

Thank you,

Andrew Newell, PE  
 Blaine A. Womer Civil Engineering  
 4355 W. Emerald Street, Suite 145  
 Boise, ID 83706  
 (208) 593-7555

All reports and plans including electronic media prepared by the engineer as an Instrument of Service shall remain property of the engineer. The Client under a non-exclusive license may reproduce the file for current and future use but reuse without specific approval will be at the Client’s risk. The Client agrees, to the fullest extent of the law, to indemnify and hold harmless the engineer from all claims arising from use, reuse or modification of the file by the Client or any person or entity that acquire or obtain these documents through the owner. The engineer shall provide the owner electronic files and printed form of the instruments of service on completion of the project.



## AGENDA ITEM

**ITEM TOPIC:** Public Hearing for Meridian Middle School Cafeteria Addition (H-2021-0032) by Lombard Conrad Architects, Located at 1507 W. 8th St.

A. Request: Conditional Use Permit request for an approximate 7,525 square-foot addition to the existing Meridian Middle School cafeteria.



# PUBLIC HEARING INFORMATION

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**Staff Contact:** Alan Tiefenbach

**Meeting Date:** June 3, 2021

**Topic:** **Public Hearing** for Meridian Middle School Cafeteria Addition (H-2021-0032) by Lombard Conrad Architects, Located at 1507 W. 8th St.

A. Request: Conditional Use Permit request for an approximate 7,525 square-foot addition to the existing Meridian Middle School cafeteria.

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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](#)

# STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



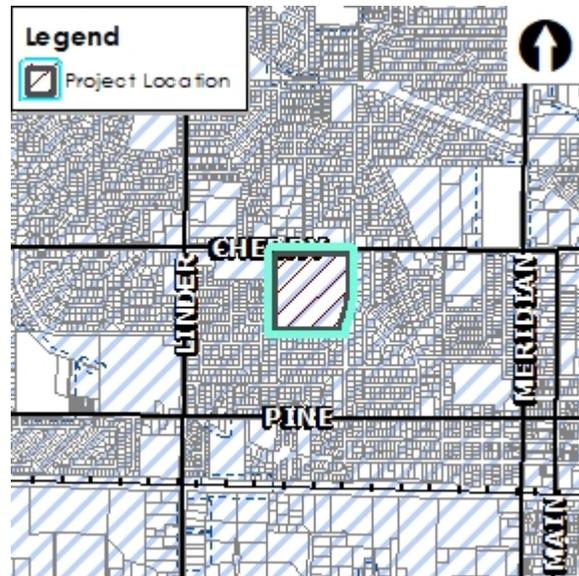
HEARING DATE: 6/3/2021

TO: Planning & Zoning Commission

FROM: Alan Tiefenbach  
208-884-5533  
Bruce Freckleton, Development Services Manager  
208-887-2211

SUBJECT: CUP H-2021-0032  
Meridian Middle School Cafeteria

LOCATION: The site is located at 1507 NW 8th St, in Section 12, Township 3N, Range 1W.



## I. PROJECT DESCRIPTION

Conditional Use Permit to allow 7,525 sq. ft. addition expansion to the Meridian Middle School. The school is located near the southeast corner of N. Linder Rd and W. Cherry Lane, is on a 36.9-acre lot and is zoned R-4.

The Meridian Middle School campus consists of 7 existing building totaling 185,789 sq. ft with construction of the first building beginning in 1969. In February of this year, a representative of the school met with staff to discuss a 7,525 sq. ft. addition to the cafeteria building. The proposed addition would connect the cafeteria building to the auditorium and main classroom building by a new vestibule. Proposed improvements include additional cafeteria seating space, a new kitchen, an IT room, renovations to the choir room and restroom remodels. During the pre-application meeting, staff informed the applicant that public education institutions are allowed in the R-4 zone district by conditional use. Staff did not find any record of previous conditional uses approved for the property. Because of this, a conditional use is required to address the as-built conditions as well as any additional additions or expansions.

## II. SUMMARY OF REPORT

### A. Project Summary

Description	Details	Page
Acreage	36.91	
Future Land Use Designation	Civic	
Existing Land Use(s)	Civic (Educational Institution)	
Proposed Land Use(s)	Cafeteria expansion	
Lots (# and type; bldg./common)	1 Lot, 7 buildings	

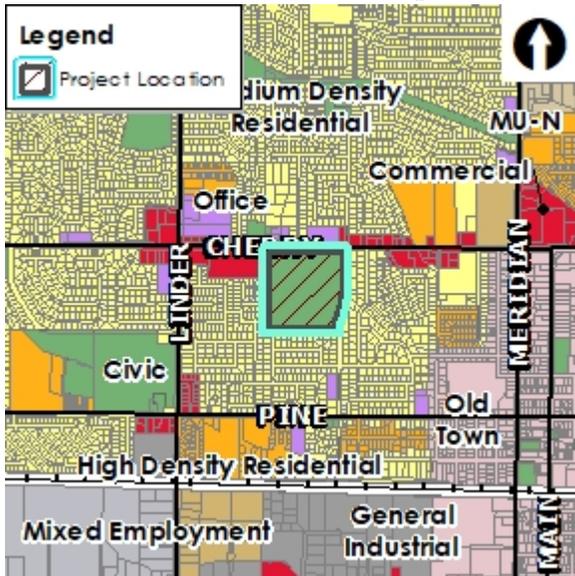
Description	Details	Page
Neighborhood meeting date; # of attendees:	April 13, 2021, 2 attendees	
Physical Features (waterways, hazards, flood plain, hillside)	No known physical features or floodplains	
History (previous approvals)	CZC (A-2017-0104) to allow new student drop off area at the southwest portion of the site.	

B. Community Metrics

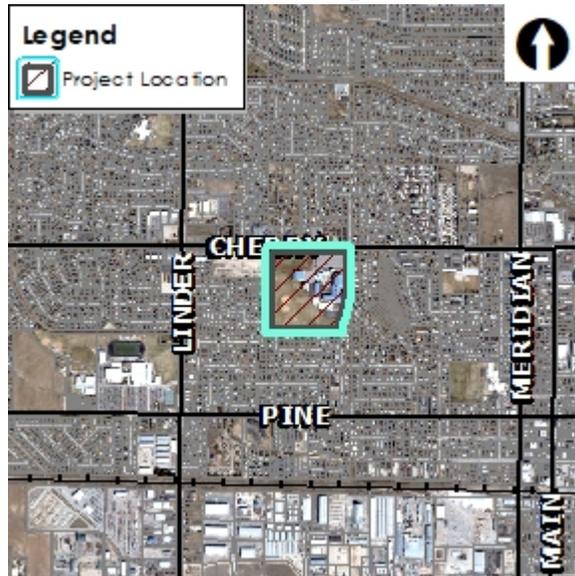
Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> <li>Staff report (yes/no)</li> <li>Requires ACHD Commission Action (yes/no)</li> </ul>	No No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	W. Cherry Lane (arterial) and NW 8 <sup>th</sup> St (Collector)	
Existing Road Network	W. Cherry Lane (arterial) and NW 8 <sup>th</sup> St (Collector)	
Existing Arterial Sidewalks / Buffers	There is at least a 50' wide buffer of turf along W. Cherry Lane. There is no landscape buffer along NW 8 <sup>th</sup> St; it is all parking.	
Proposed Road Improvements	There is existing sidewalk along both property frontages. No improvements are required.	
Distance to nearest City Park (+ size)	The school contains a large outdoor recreation field, and is also within a mile from 8 <sup>th</sup> St Park, Generations Park, and Centennial Park.	
Fire Service	No comments	
Police Service	No comments	
Wastewater	Public Works commented that it appears there is an existing light pole in a sewer easement. Public Works requests the applicant move the manhole in the parking lot to the east and rededicate an easement which moves the light pole out of the easement. PW added the applicant should ensure 20' easements for water and 30' easements for sewer.	
<ul style="list-style-type: none"> <li>Distance to Sewer Services</li> </ul>	There is existing sewer service and no changes are required as a result of this request.	
Water	There is existing water service and no changes are required as a result of this request.	

C. Project Area Maps

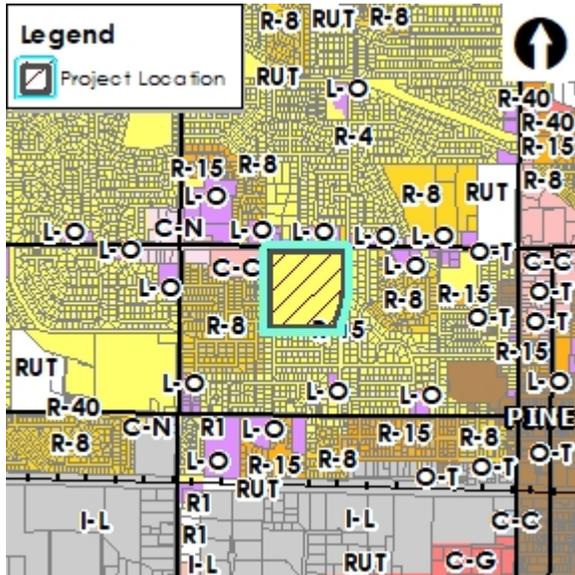
Future Land Use Map



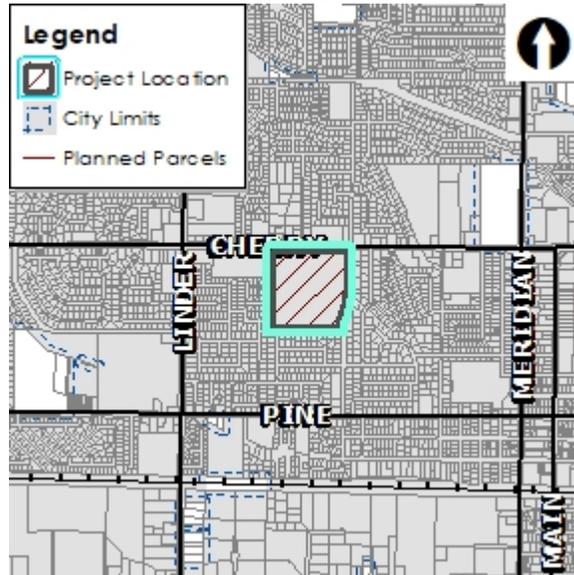
Aerial Map



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant / Representative:

Priya Raman, Lombard Conrad Architects – 472 W. Washington St, Boise, ID 83702

B. Owner:

Joe Yochum, West Ada School District – 1303 E. Central Dr, Meridian, ID 83642

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	5/14/2021	
Radius notification mailed to properties within 500 feet	5/11/2021	
Sign Posting	5/11/2021	
Nextdoor posting	5/12/2021	

V. STAFF ANALYSIS

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

The Future Land Use Map recommends this area for civic uses. The purpose of this designation is to preserve and protect existing and planned municipal, state, and federal lands for area residents and visitors. This category includes public lands, law enforcement facilities, post offices, fire stations, cemeteries, public utility sites, public parks, **public schools**, and other government owned sites within the Area of City Impact. The proposal to expand the existing school is consistent with the goals of the Plan.

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

- 2.03.01B Support construction of multi-use facilities that can be used by both schools and the community.

*The existing campus contains two gymnasiums, an auditorium, numerous classrooms, a cafeteria, and a large sports field which includes a football field, baseball diamond, tennis courts and a running track. The school has been integrated into and used by the community for decades.*

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

*In general, a school is a community use that can be very compatible with a residential neighborhood. The more the school is integrated into the neighborhood, the more of a benefit to the community and the safer for the students. The existing school campus has been in this neighborhood for 50 years, is established in the community, provides a community benefit and this proposal would result in a very small addition to the campus.*

- Continue to explore partnerships with alternative providers, such as schools, to increase level of service. (4.01.01C).

*The City has been working with West Ada School District regarding improvements to the school to increase level of service for the school and the community.*

C. Existing Structures/Site Improvements:

There are seven existing buildings comprising a total of 185,789 sq. ft. This includes two gymnasiums, a cafeteria building, an auditorium and main class room building, 2 more classroom buildings to the south and a shop building. This proposal would allow a 7,525 sq. ft. expansion to connect the cafeteria building to the main class room building (reducing the number of separate buildings to six).

D. Proposed Use Analysis:

This proposal includes an existing 185,789 middle school campus. This is considered an educational use and is allowed by conditional use in the R-4 zone district, subject to the specific use standards below.

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

UDC 11-4-3-14. (Education Institutions) requires schools to be located within the center of neighborhoods with access encouraged from local streets. Middle and high schools may take access off a designated arterial or collector street. At least thirty percent (30%) of the perimeter of an elementary school site should be open to streets or open space areas.

Meridian Middle School is located in the center of an established neighborhood and has been in this location since 1969. There is one existing point of access from W. Cherry Lane (an arterial) and four existing points of access from NW 8<sup>th</sup> St. No changes to access are proposed with this very small expansion. More than 50% of the northern frontage of the property along W. Cherry Lane is a playfield being open to the street, with the remainder of the frontages along W. Cherry Lane and W. 8<sup>th</sup> Street is parking and access.

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

Dimensional standards in the R-4 Zone District include a minimum property size of 8,000 sq. ft. setbacks of 25' from the street, 15' from the rear, and 5' from the side. Building height is limited to 35'.

The property is approximately 37 acres. The existing and proposed buildings meet all required setbacks. The 50' high existing gymnasium exceeds the maximum height, but the proposed addition is shown at a maximum height of 26', well within the height maximum.

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

As mentioned above, there is one existing point of access from W. Cherry Lane (an arterial) and four existing points of access from NW 8<sup>th</sup> St. No changes to access are proposed with this small expansion. ACHD responded that a traffic impact study was not required as there were no additional students proposed with this application.

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

UDC 11-4-3-14 requires one (1) space for every four hundred (400) square feet of gross floor area in all residential or commercial districts. There are seven existing buildings to a total of 185,789 sq. ft. This proposal would connect the cafeteria building to the existing main classroom building with an approximately 7,525 sq. ft. addition, bringing the total gross floor area to 193,314 sq. ft. Based on the parking requirements, 483 parking spaces are required whereas 318 parking spaces are required. Staff understands the largest majority of users of this facility are students who would not be driving to the school; they would either walk or bike, be dropped off, or arrive via bus. Staff also understands the purpose of this conditional use is to allow an addition

to connect two buildings with additional cafeteria seating space, new restrooms, new kitchen, and IT room; it is not intended to facilitate the enrollment of additional students.

However, being community-serving uses, educational facilities are used for a range of purposes including events in the auditorium or sports activities. There is a large parking area at the north side of the property (approximately 122,000 sq. ft. +/-). Based on the site plans submitted by the applicant, only 1/3 of this parking area (on the south side) is striped. With the upgrade and additions being undertaken, staff believes this is an opportunity to stripe the parking lot accordingly. Staff recommends as a condition of approval that the parking lot be restriped to provide the required parking for this facility.

UDC 11-3C-6-G requires 1 bicycle parking space for every 25 vehicle spaces. 15 bicycle spaces are required, 50 are provided.

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

There are numerous pathways existing throughout the campus, this proposal does not include nor require any additional pathways.

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

There are existing sidewalks of at least 6' wide along both frontages of the property. There are existing pedestrian connections throughout the campus.

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

A landscape plan was submitted that indicates 2 trees with a total of 18" caliper inches will be removed. The landscape plan shows 7 trees will be planted to a total of 19 caliper inches, satisfying the tree mitigation requirements of UDC 11-3B-10. Per UDC 11-3B-2, because this proposal is for an addition of less than 25%, no additional landscaping is required.

A 25' landscape buffer would be required along W. Cherry Lane and a 20' buffer would be required along NW 8th St. There is at least a 50' wide buffer of turf along W. Cherry Lane although it does not meet the tree requirements. There is no landscape buffer along NW 8th St; it is all parking. As mentioned above, due to the small scale of this addition, no additional landscaping is required. However, expansions could be cumulative over time, thus future expansions may trigger compliance with current landscape standards even if each expansion is less than 25%.

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

There are no waterways indicated on site.

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

There is existing chain link fencing along the majority of the property boundary. No additional fencing has been proposed with this small addition.

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

All utilities are presently installed. Public Works commented that it appears there is an existing light pole in a sewer easement. Public Works requested the applicant move a manhole in the parking lot to the east and rededicate the easement to move the light pole out of the easement.

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

The existing school is comprised of two different shades of grey CMU, fiber cement, blue metal paneling and blue standing seam roofs. The building form of the addition matches and ties in with

the existing buildings by mimicking the roof canopies, parapet styles, columns and storefront glazed windows of the existing buildings.

The eastern elevation of the new addition includes the blue standing seam roof incorporated by the majority of the campus buildings, blue painted steel columns, and more than half of the building face of the addition is storefront windows. The northern elevation of the addition is 40 feet long, which is only 10% of entire northern frontage, and is more than 300 feet from W. Cherry Ln. According to the applicant, windows were not included at this portion of the addition because this is where the IT room will be and security is paramount. The first elevation submitted of the northern addition was a blank wall. After discussions with staff, the applicant agreed to add pilasters on this side to mimic the pilasters along the remaining northern building frontages. Given the very small scale of the addition, that it is consistent with the rest of the northern elevation, and the distance from the right-of-way, staff agrees with the applicant that requiring additional architectural features does not justify the expense and may not be consistent with what is existing.

The applicant has submitted for a certificate of zoning compliance and design review concurrently with this conditional use permit.

## **VI. DECISION**

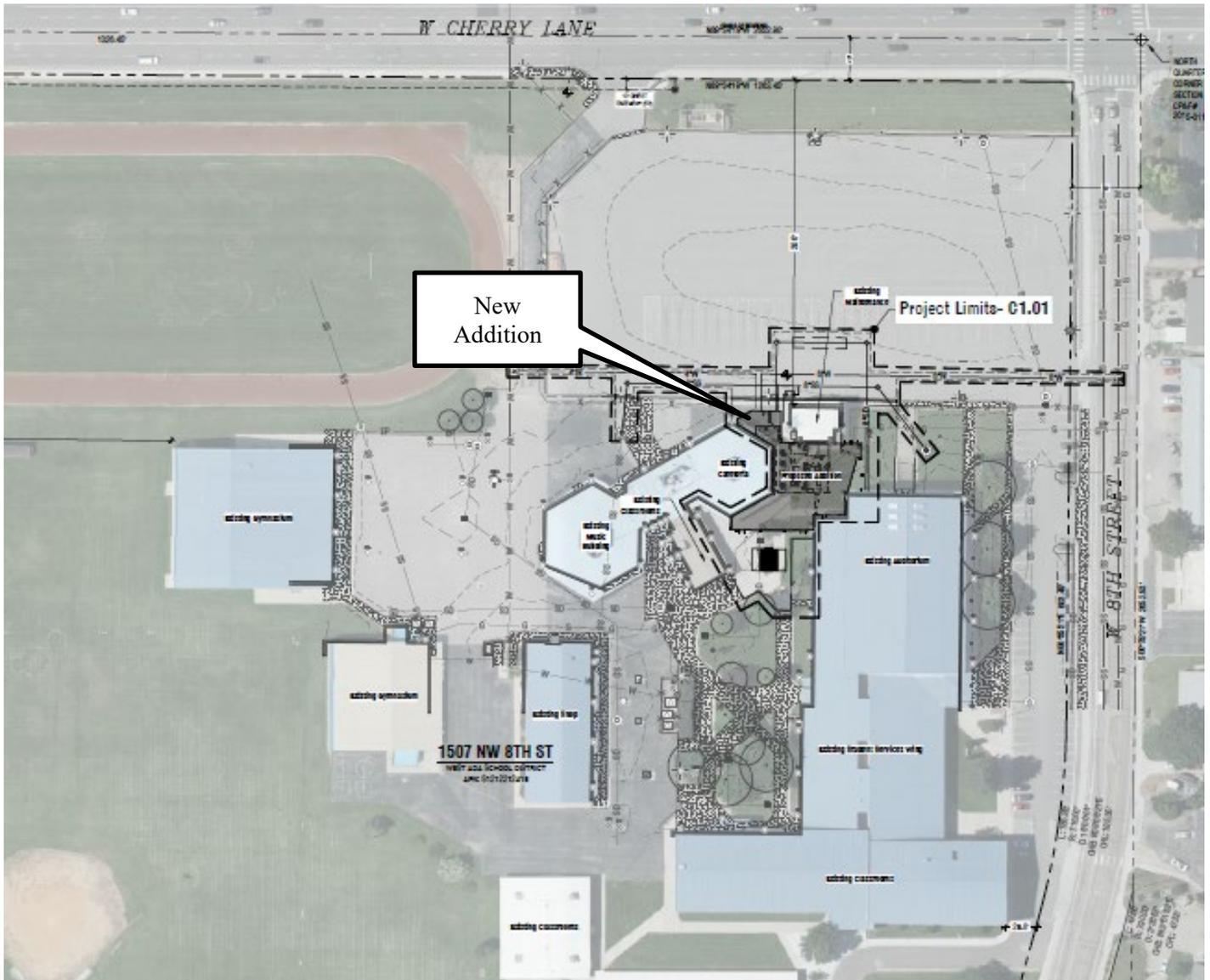
- A. Staff: Staff recommends approval of the proposed conditional use permit with the conditions in Section VIII per the Findings in Section IX.

**VII. EXHIBITS**

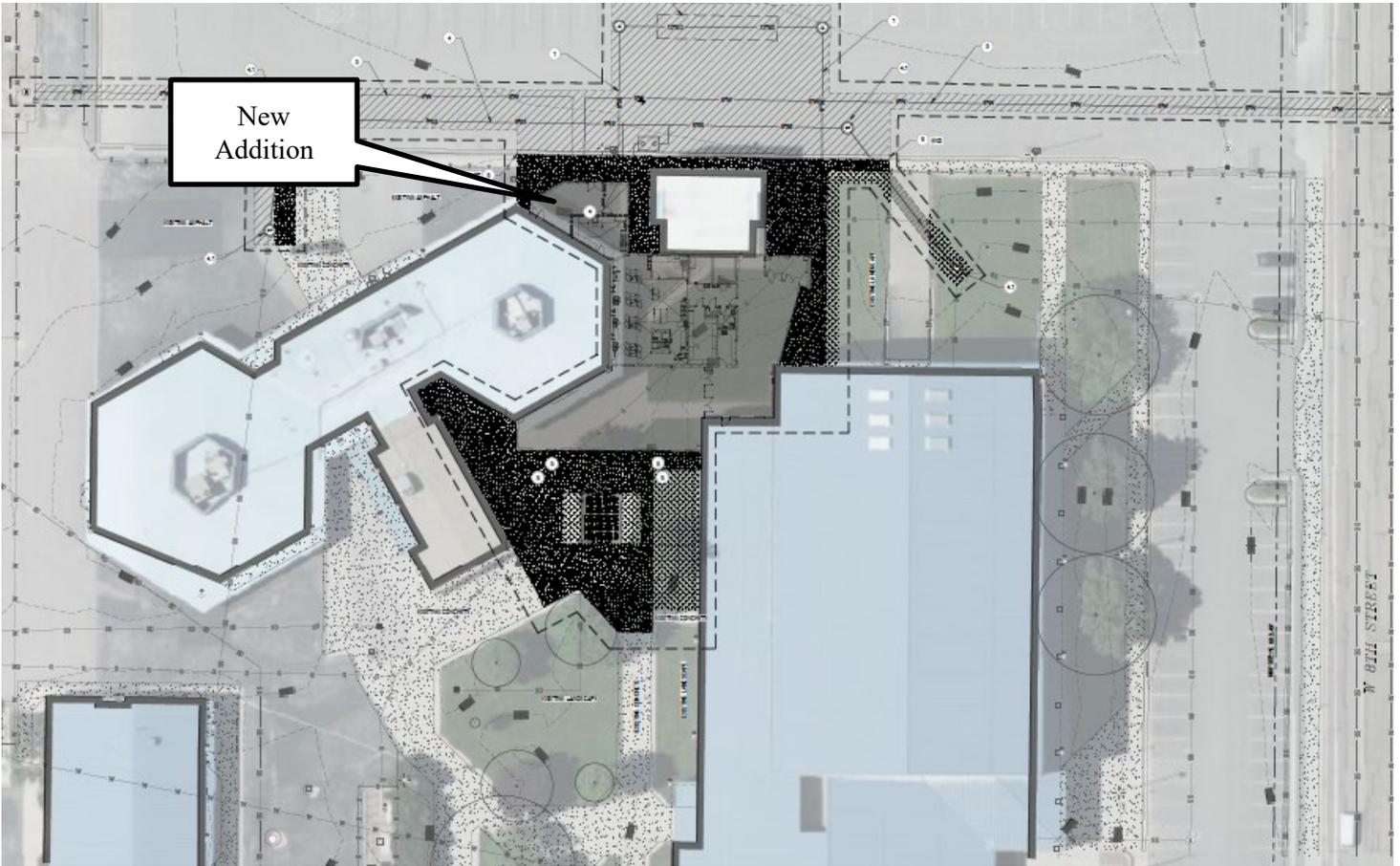
**A. Building Site Plan (date: 3/22/21)**



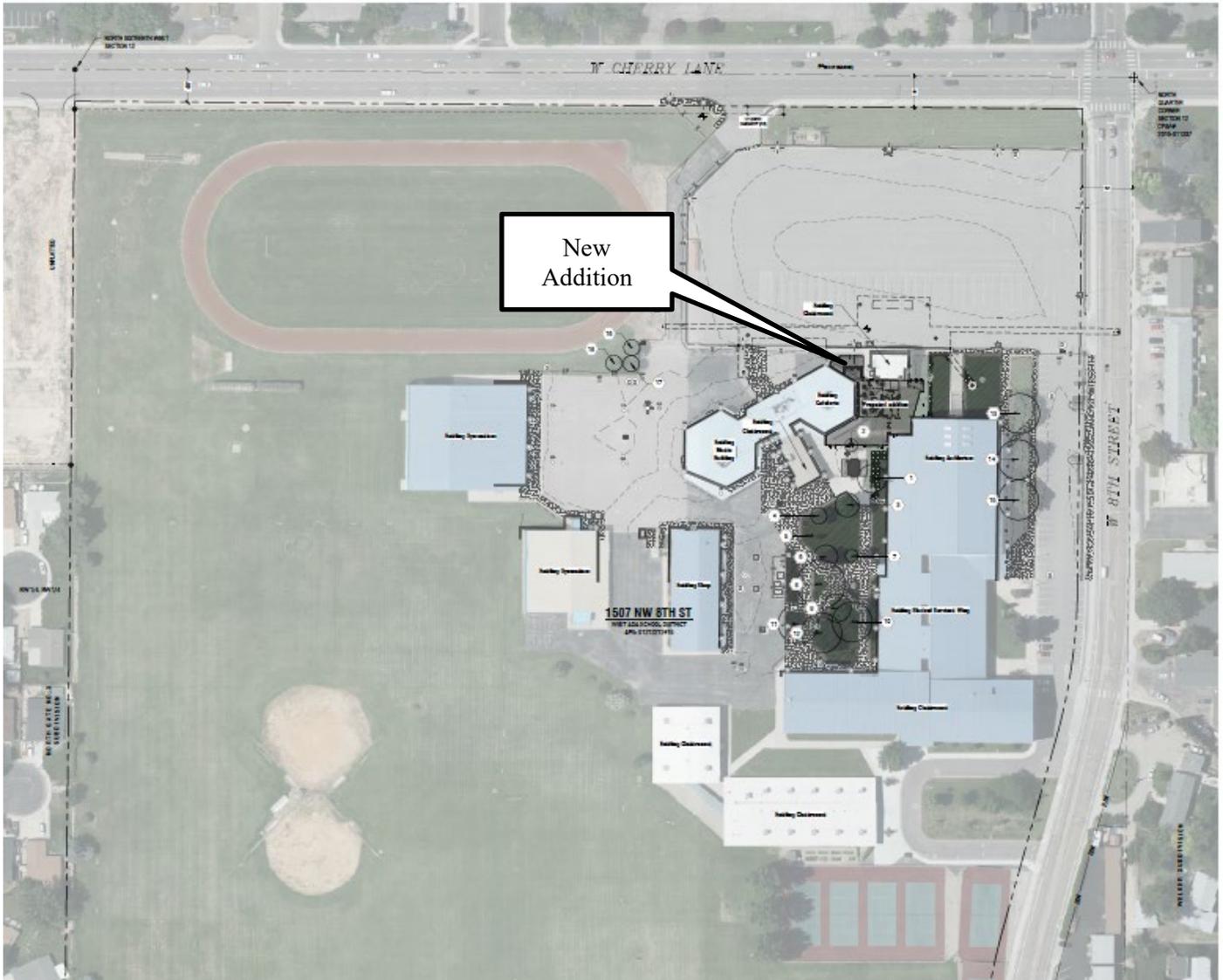
B. Overall Site Plan (date: 4/22/2021)



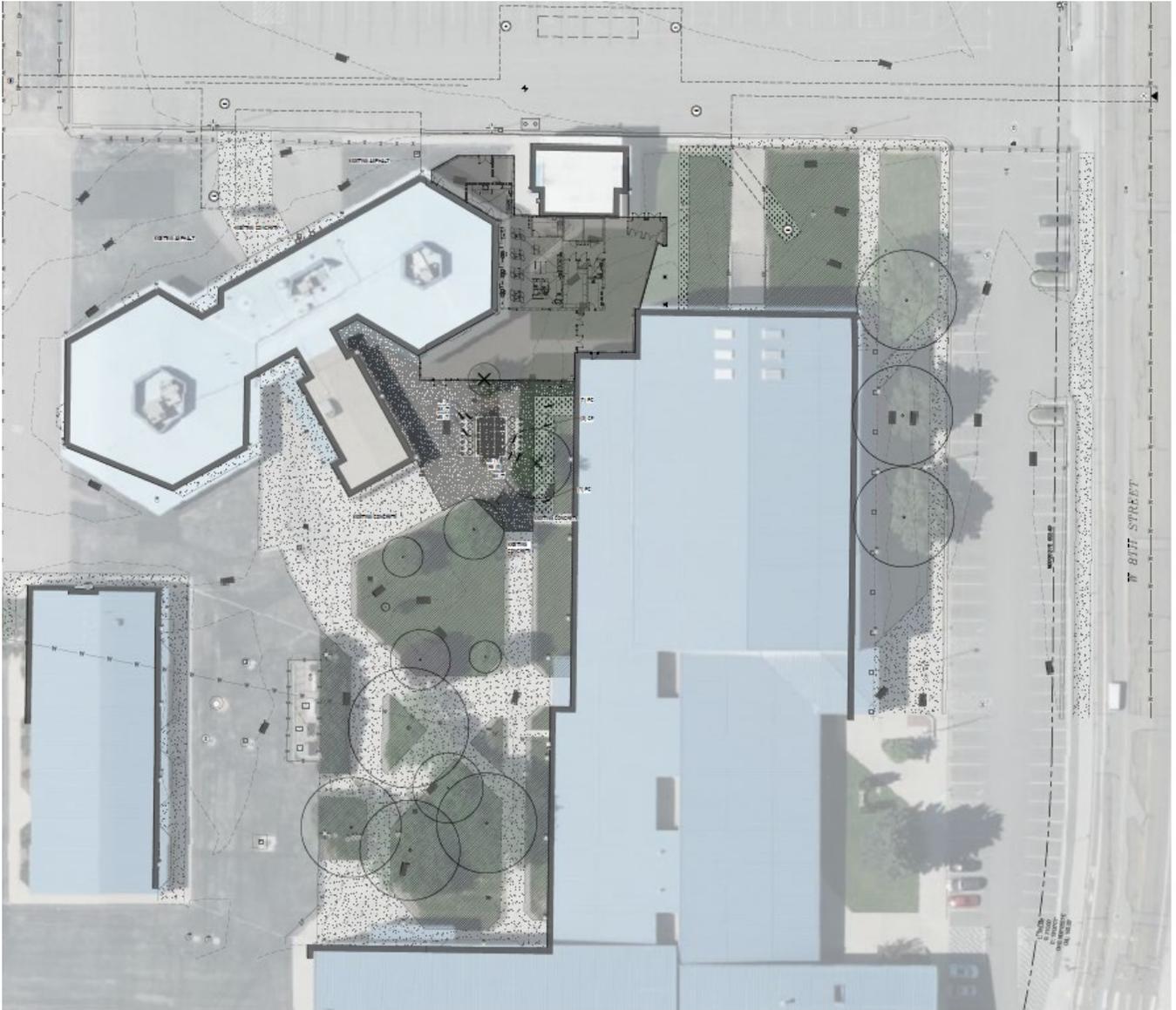
C. Site Plan Closeup (date: 4/22/2021)



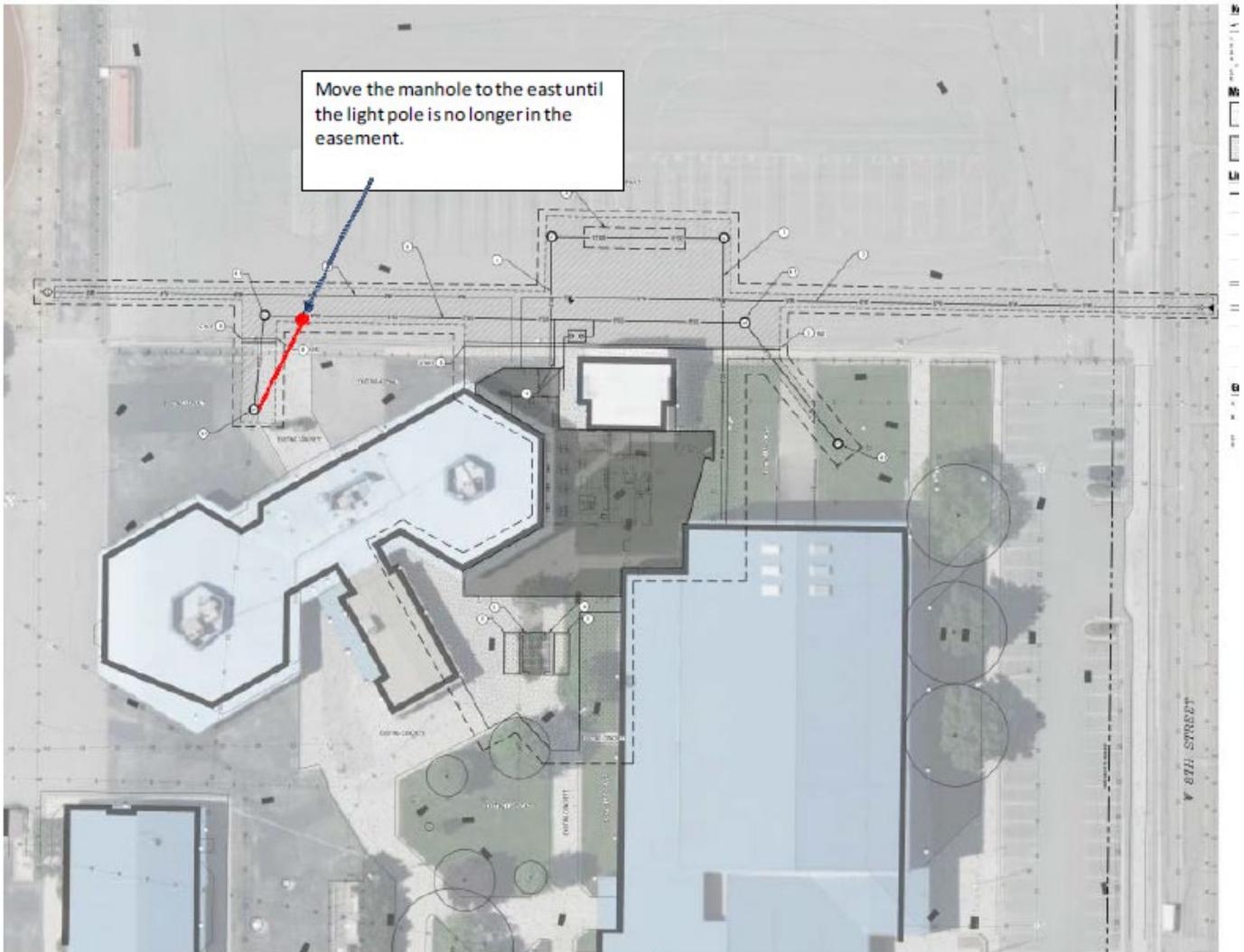
D. Proposed Landscape Plan (date 4/22/2021:)



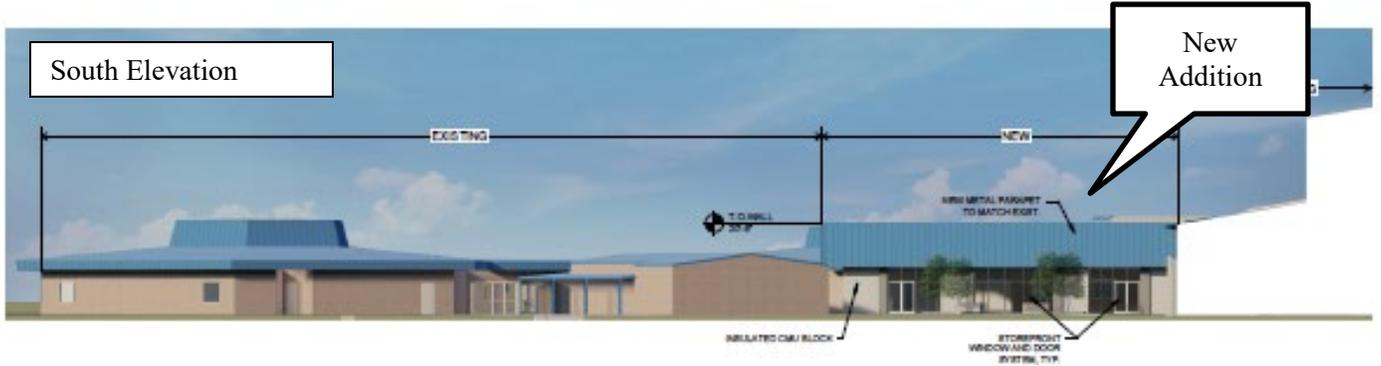
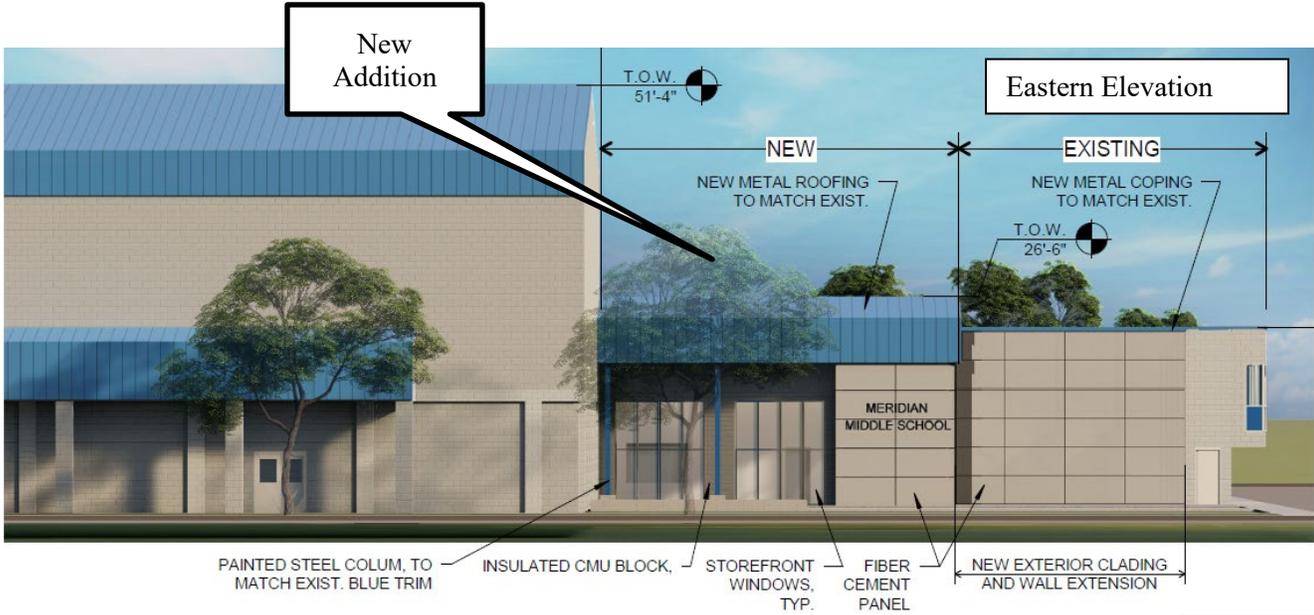
E. Enlarged Landscape Plan (date 4/22/2021:)



F. Site Plan Showing Public Works Comments (date: 5/11/2021)



G. Proposed Elevations (date: 5/20/21)



## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING

1. The Applicant shall have a maximum of two (2) years to commence the use as permitted in accord with the conditions of approval. 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. A Certificate of Zoning Compliance and Design Review application shall be submitted and approved for the proposed use prior to submittal of a building permit application. The design of the site and structure shall comply with the standards listed in UDC 11-3A-19 and the design standards listed in the Architectural Standards Manual.
3. The applicant shall relocate the manhole in the parking lot to the east in order to rededicate and easement which moves the existing light pole out of the easement.
4. The applicant shall re-stripe the northern parking lot to meet parking requirements.
5. Applicant shall comply with all specific use standards required Educational Institution, UDC 11-4-3-14.
6. All existing landscaping on-site shall be protected during construction; if any is damaged or removed, it must be replaced prior to obtaining certificate of occupancy.
7. Upon completion of the landscape installation, a written Certificate of Completion shall be submitted to the Planning Division verifying all landscape improvements are in substantial compliance with the approved landscape plan as set forth in UDC 11-3B-14.

### B. PUBLIC WORKS

1. Move the proposed manhole at the northwest side of the site east until the easement does not interfere with the existing streetlight. No permanent structures can be within a City utility easement.

## 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.

*The site meets all dimensional and development regulations of the R-4 zoning district. The campus is already existing, and the site already contains landscaping. As this proposal is only to allow a 7,525 sq. ft. addition, staff finds the site is large enough to accommodate the proposed use. However, staff believes the existing parking area is large enough that it is possible to stripe the required parking.*

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 education institution in the R-4 zoning district is a desired use and has been established in this location for nearly 50 years. The Comprehensive Plan recommends this property for civic uses.*

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 Meridian Middle School has been in this location since the early 1970's, is surrounded by an established single-family neighborhood and this proposal is for a very small addition. The subject property is compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity.*

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

*Any potential impacts associated with Meridian Middle School have long been established, the current proposal would have negligible additional impacts.*

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.

*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.

*Staff finds that the proposed development does not involve activities that will create nuisances that would be detrimental to the general welfare of the surrounding area as any potential impacts have already been established and this is a very small addition to an existing campus.*

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 on this site; thus, Staff finds the proposed use should not result in damage of any such features.*



## AGENDA ITEM

**ITEM TOPIC:** Public Hearing for Popeyes Drive-Through (H-2021-0030) by Erik Wylie of JRW Construction, LLC, Located at 6343 N. Linder Rd.

A. Request: Conditional Use Permit for a drive-through establishment within 300-feet of an existing drive-through on 1.0 acres of land in the C-G zoning district.



# PUBLIC HEARING INFORMATION

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**Staff Contact:** Joseph Dodson

**Meeting Date:** June 3, 2021

**Topic:** **Public Hearing** for Popeyes Drive-Through (H-2021-0030) by Erik Wylie of JRW Construction, LLC, Located at 6343 N. Linder Rd.

- A. Request: Conditional Use Permit for a drive-through establishment within 300-feet of an existing drive-through on 1.0 acres of land in the C-G 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](#)



# STAFF REPORT

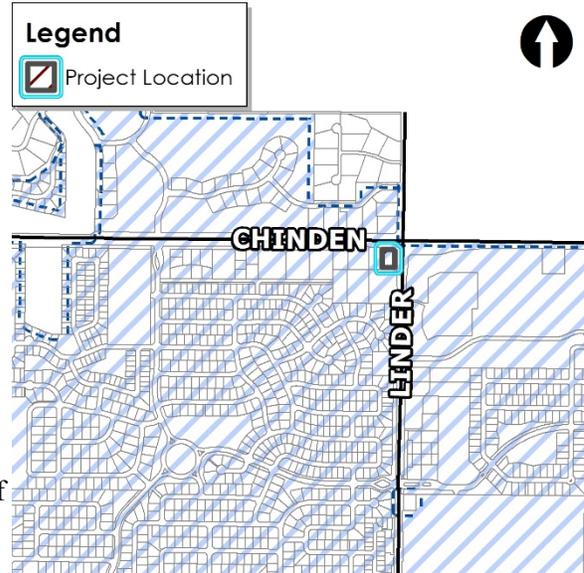
## COMMUNITY DEVELOPMENT DEPARTMENT

HEARING DATE: 6/3/2021

TO: Planning & Zoning Commission  
FROM: Joseph Dodson, Associate Planner  
208-884-5533

SUBJECT: H-2021-0030  
Popeye’s Drive-Through – CUP

LOCATION: The site is located at 6343 N. Linder Road, the southwest corner of W. Chinden Boulevard/Hwy. 20/26 and N. Linder Road, in the NE ¼ of the NE ¼ of Section 26, Township 4N., Range 1W.



### I. PROJECT DESCRIPTION

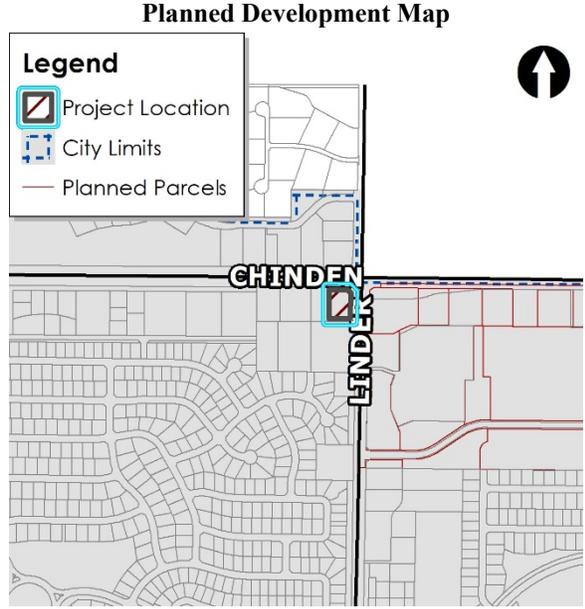
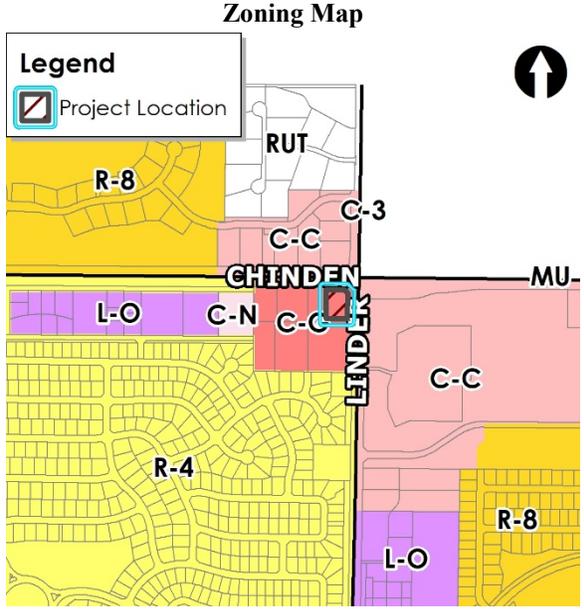
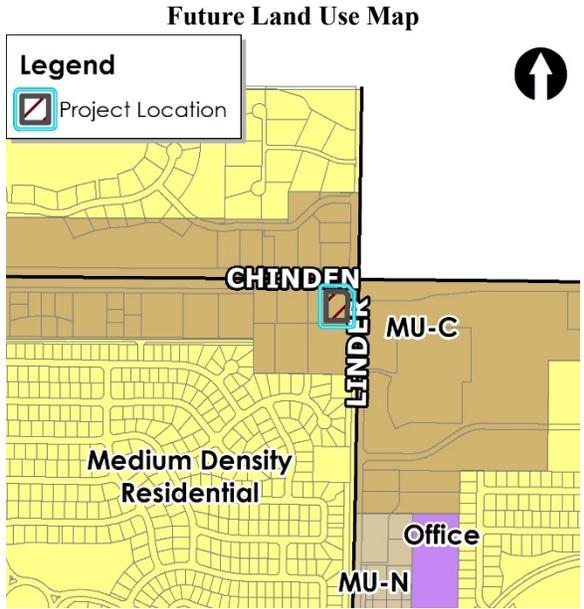
Conditional Use Permit for a drive-through establishment within 300-feet of an existing drive-through on 1.0 acres of land in the C-G zoning district with concurrent Administrative Design Review for the proposed building elevations.

### II. SUMMARY OF REPORT

#### A. Project Summary

Description	Details	Page
Acreage	1.0-acre	
Future Land Use Designation	Mixed-Use Community	
Existing Land Use	Vacant/undeveloped	
Proposed Land Use(s)	Restaurant with a dual drive-through	
Current Zoning	General Retail and Service Commercial District (C-G)	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	April 5, 2021; no attendees (One phone call after meeting, see application materials online)	
History (previous approvals)	AZ-06-006; PP-13-031; FP-14-020; MDA-13-019 (DA Inst. #114014784).	

A. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Same as Owner

B. Owner:

Erik Wylie, JRW Construction, LLC – 1676 N. Clarendon Way, Eagle, ID 83616

C. Representative:  
Same as Owner

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	5/14/2021
Radius notification mailed to properties within 500 feet	5/11/2021
Site Posting Date	5/21/2021
Next Door posting	5/12/2021

V. STAFF ANALYSIS

The proposed drive-through is for a 2,325 square foot Popeyes Louisiana Kitchen restaurant that is within 300-feet of a separate drive-through to the south, which requires Conditional Use Permit approval (CUP) per UDC Table 11-2B-2 and the specific use standards, UDC 11-4-3-11. The submitted site plan shows a rectangular building situated relatively centered on the site with angled parking along the east and north boundaries. The site plan shows one-way drive aisles around the building that connects to a two-way drive aisle in the northwest corner of the site; this two-way drive aisle is off-site but the adjacent property shares the same ownership. The Applicant anticipates the north drive aisle to be the main point of access to the drive-through.

The subject site is located within the Mixed-use Community (MU-C) future land use which contemplates a multitude of uses, residential, commercial, and otherwise. Due to the size of the site, this singular site cannot be expected to contain three distinct uses as discussed within the mixed-use sections of the Meridian Comprehensive Plan. Instead, those uses within the nearby radius should also be contemplated for compliance with this future land use. Staff finds the proposed use and the surrounding uses, both existing and planned, comply with the MU-C future land use designation.

**Specific Use Standards:** The proposed drive-through establishment is subject to the specific use standards listed in UDC 11-4-3-11, Drive-Through Establishment. A site plan is required to be submitted that demonstrates safe pedestrian and vehicular access and circulation on the site and between adjacent properties. At a minimum, the plan is required to demonstrate compliance with the following standards:

***In general, Staff does not support the proposed site design and is recommending revisions for the Commission to consider; Staff’s analysis of the specific use standards and any recommendations are in italics.***

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

*The proposed site layout places a dual ordering drive-through along the south of the site and the pick-up window on the east side of the building. With this site design the proposed drive-through has a minimal stacking lane due to the overall site and building being relatively small.*

*Furthermore, the site design is made for traffic to flow in a circular pattern around the building utilizing a portion of the drive aisle adjacent to the west side of the building as the stacking lane. Furthermore, the proposed site design with the anticipation of the extended north drive aisle as*

*the main entry point requires patrons who intend to park and utilize the dining room to go through the site along the west boundary, use the shared drive aisle along the south boundary to head east, and finally enter the site again to use the parking spaces. As proposed by the Applicant, Staff can envision patrons double stacking to order faster and block the one-way drive along the west boundary and effectively restricting patrons from using the parking spaces along the east boundary. Staff also envisions patrons blocking and/or utilizing the north drive aisle and obstructing both this anticipated exit and entry for the site with as few as seven (7) cars stacked along the west of the building (approximately 140' from the ordering window to the north drive aisle).*

***Therefore, Staff recommends multiple changes to the site design: 1) one drive-through instead of two should be utilized; 2) the ordering and pick-up areas be flipped on the site to have the pick-up window on the west side of the building and the menu boards located near the north/east side of the site; and 3) flip the parking from the east side of the site to the west side of the site. These changes will allow for adequate stacking with less potential of obstructing the existing drive aisle along the south boundary of the site and allow customers who want to utilize the dining room better access to parking which would be on the west side of the building instead of the east. Further analysis is below in the **Access and Parking** sections of this report.***

***In addition, Staff does not agree with the Applicant that the northern drive aisle would be utilized as the main access point to the site and instead Staff believes the existing drive aisle along the south of the site will be utilized more for the drive-through component of the business. Because the site is designed to function as a one-way loop, the Applicant should provide more than adequate signage to ensure patrons utilize the traffic flow correctly.***

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

*Per the submitted site plan, the stacking lane(s) are along the west side of the site and are separated from the west drive aisle by striping despite having two drive-through menu boards/speakers. With two proposed drive-through speakers, Staff does not find the proposed separation to be sufficient. In fact, and as noted above, Staff believes patrons would utilize the drive west drive aisle as the second stacking lane and completely obstructing this drive aisle and site exit. Staff's recommended changes above would help alleviate this issue by removing the dual drive-through speaker and placing the singular one along the north/east side of the site adjacent to the one-way drive aisle that is eight feet wider than the west drive aisle. Further analysis is below in the Access section of this report.*

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

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

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

*The stacking lane exceeds 100' in length but utilizes some of the one-way drive aisle as the stacking area so it is difficult to discern where the stacking lane starts. However, there is also no need for a designated escape lane because the site design does not close off the menu board and patrons can exit the drive-through by utilizing the drive aisle. The adjacent drive aisle is wide enough to function as the escape lane so Staff has no concern with the Applicant complying with this standard with the recommended changes noted above that allow for patrons to exit directly west through the new drive aisle along the north boundary or to the south adjacent to the pick-up window on the west side of the site should they decide they no longer wish to order.*

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

*The proposed drive-through is located along the south and east side of the site and is visible from Linder Road. With Staff's recommended changes, the menu boards would be located along the north side of the property with the pick-up window on the west side of the building and less visible than currently proposed. After discussions with Meridian Police, they are more concerned with the site circulation than they are regarding the pick-up window being less visible on the west side of the building. Locating the pick-up window on the west side of the building still allows it to be visible from Chinden Boulevard and from within the commercial subdivision.*

**Staff's specific recommendations can be found in Section VIII.A2 & A3.**

The proposed use of a Restaurant is subject to an additional specific use standard listed in UDC 11-4-3-49 and notes that the minimum amount of parking shall be one (1) space for every 250 square feet of gross floor area. *Based on the proposed building size of 2,325 square feet noted on the submitted site plan, a minimum of nine (9) parking spaces are required. The proposed site plan shows 19 parking spaces, exceeding UDC minimums. At the time of the future Certificate of Zoning Compliance (CZC) application, the data table on the site plan should be corrected to reflect the correct minimum standards of a restaurant use instead of the general commercial ratio.*

**Access:** Access to the site is shown via two drive aisles: one along the south boundary which is currently existing, and; one abutting the site in the northwest corner that is proposed to be constructed with this project. The new proposed drive aisle would traverse an undeveloped lot and connect to a drive aisle that serves existing commercial buildings along Chinden (including an additional drive-through). This drive aisle is the proposed main entry point to the site, according to the Applicant.

The south drive aisle is existing and traverses through the entire commercial subdivision with an access to a private drive aisle intended to be an auxiliary ingress/egress point for the properties in this area. Because the south drive aisle does not have any parking that directly accesses this drive aisle and has access to an auxiliary ingress/egress point, Staff believes this drive aisle will be far more utilized than the new north drive aisle that starts much closer to the Chinden ingress/egress and is essentially a parking lot instead of a drive aisle.

Therefore, with the potential access points and the concerns introduced above, Staff has recommended revisions to the site plan to help mitigate the concerns and increase the efficiency and safety of the site design.

*First, Staff recommends the drive-through contain only one (1) ordering speaker to help mitigate double stacking issues. Secondly, Staff recommends mirroring the site to have the menu board on either the east or north sides of the site therefore moving the pick-up window to the west side of the building. Staff does not know if the entire site needs to be flipped placing the main entrance facing south; this would not be preferred as the more architectural elevations would be facing internal rather than towards the adjacent busy roads. However, Staff assumes the internal portions of the building can be flipped to move the pick-up window to the west side of the building and maintain the patio space and building entry facing north along the entryway corridor. With these changes, the entire building can be shifted south and remove the need for any vehicle use area along the south side of the building. Additional landscaping or other features could be utilized in this area. Furthermore, the building shift to the south allows for the menu board to be placed near the north side or northeast corner of the building further away from the patio area—Staff envisions there would be adequate room along the north of the building site to include additional landscaping to screen and mitigate the additional noise generated by vehicles ordering while patrons utilize the patio space.*

*In short, shifting the site south and flipping the location of the ordering and pick-up windows*

*opens up the site and allows for easier and more logical ingress and egress to the drive-through by allowing vehicles to enter the site in the southeast corner, stack along the east and northeast sides of the building, pick-up their order along the west side of the building, and then immediately exit via the southbound one-way drive aisle to the shared drive aisle along the south boundary. Staff's recommended site design is based on the assumption that more traffic will utilize the drive aisle along the south boundary than the proposed drive aisle in the northwest corner.*

**Parking:** A minimum of one (1) parking space is required to be provided for every 250 square feet of gross floor area for the proposed restaurant use. *The proposed building is shown as 2,325 square feet requiring a minimum of 9 (rounded down from 9.3) parking spaces; the submitted site plan shows 19 proposed parking spaces exceeding UDC minimums.*

*Consistent with Staff recommendations above, Staff recommends flipping the parking from the east side of the site to the west side of the site and face them south to further mitigate conflicts of stacking and parking. By placing the angled parking on the west side and facing them south instead of north, combined with Staff's previous recommendations of flipping the order and pick-up areas, the building can be shifted east by approximately the width of the proposed 20' drive aisle and the angled parking stalls. Therefore, the east drive aisle and south entrance could be used solely for ordering and stacking at the new location of the menu boards along the north end of the site. With the angled parking along the west side of the building, the one-way drive aisle must be at least 13 feet wide per UDC 11-3C-4 but Staff feels it should largely mirror what is currently proposed on the east side (approximately 20 feet wide) to allow for the drive aisle to function as the escape plan as discussed above. Furthermore, the flip of the site allows the escape lane and the drive-thru exit to pick-up their order and immediately exit to the south without impeding as many parking spaces. The Applicant could then designate the parking along the north drive aisle as employee parking to meet the drive-through establishment specific use standard that states employee parking may be impeded by stacking lanes (the new order and stacking location along the east and north sides of the building could impede the parking along the north boundary).*

*As noted, to make all of this work all of Staff's recommendations should be utilized including the requirement of clear and visible signage noting the required traffic flow for the site.*

The existing Development Agreement requires cross-access through all of the commercial parcels within the Knight Hill Center Subdivision. Staff does not have a copy of said cross-access agreement but with other applications, the Applicant has shown compliance with this requirement. *Staff does not have concerns with the Applicant complying with the existing requirement.*

A minimum one (1) bicycle parking space is required to be provided for every 25 vehicle spaces or portion thereof per UDC [11-3C-6G](#); bicycle parking facilities are required to comply with the location and design standards listed in UDC [11-3C-5C](#). *Bicycle parking is shown on the submitted plans in compliance with code.*

**Pedestrian Walkways:** A striped pedestrian walkway is depicted on the site plan from the proposed building to the multi-use pathway along W. Chinden Blvd. as required by UDC 11-3A-19B.4a. It also appears there is a sidewalk proposed near the south boundary of the site as a connection to the sidewalk along Linder Rd. However, it is not clear by the submitted plans where the sidewalk is and appears to run into the proposed trash enclosure location. *Staff's recommended changes would allow the trash enclosure to be pushed further north enough to allow for an unobstructed sidewalk along the south boundary of the site. Because it is unclear if the Applicant is proposing a sidewalk along the south boundary, Staff recommends the Applicant make it clearly visible where the pedestrian facilities are when revising the site plan; this allows the Applicant to match what is existing along the south side of the drive aisle along the south boundary of the site. In addition, this pedestrian walkway to Linder has to traverse a drive aisle and should be distinguished from the driving surface. The Applicant should also make it clear where a pedestrian connection to the Linder sidewalk is*

*proposed.*

*Furthermore, subsection B of this code section requires that the pedestrian walkway be distinguished from the driving surface by being constructed with pavers, brick, or scored/colored concrete. The proposed site plan appears to only show striping which does not comply with this code section. The Applicant should show compliance with this code section with a future CZC submittal.*

**Landscaping:** Parking lot landscaping is required to be provided in accord with the standards listed in UDC 11-3B-8C. Landscaping is depicted on the landscape plan in Section VII.B.

A minimum 5-foot wide landscape buffer is required to be provided along the perimeter of the parking or other vehicular use areas as set forth in UDC 11-3B-8C.1. *The proposed parking spaces align the perimeter of the site which allows the Applicant to utilize the existing street buffer landscaping as the required landscaping. Staff agrees with this design to maximize the site design. This code requirement is also applicable along the west boundary of the site where a 12-foot wide one-way drive is proposed heading south. The submitted plans do not show any perimeter landscaping along this boundary. Because the adjacent property is owned by the same property owner and the western drive aisle is intended to always function as a one-way drive aisle, Staff is amenable to placing the required 5-feet of landscaping on that property instead. **With the CZC submittal, the landscape plan should be revised to show the required 5-foot wide landscape buffer adjacent to the drive west drive aisle.***

Street buffer landscaping, including sidewalks/multi-use pathway, along N. Linder Rd. and W. Chinden Blvd. were installed with development of the overall subdivision. The submitted landscape plans show the buffers remaining as it currently exists except for the new pedestrian connection to the multi-use pathway along Chinden. *Proposed buffer landscaping complies with UDC requirements.*

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

**Building Elevations:** The Applicant applied for Design Review concurrently with this CUP application and therefore provided building elevations to be reviewed. The building elevations were submitted as shown in Section VII.C and incorporate two main field materials, fiber cement siding and stone. The siding and stone are two contrasting colors (coal-like color and white, respectively) which adds to the overall modern design of the building. On the east and west elevations, the number of proposed windows can act as either an accent material or a third field material. The lack of modulation along the north and south elevations are of concern to Staff. In order to meet the modulation requirements for these two façades, a column of stone at least 6 inches in depth should be added to each façade, matching the overall aesthetic by placing them as evenly as possible on each façade.

The detached drive-through canopy is shown with the same two field materials (fiber cement siding and stone) as the main building and meets all of the applicable design standards outlined in the Architectural Standards Manual.

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

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

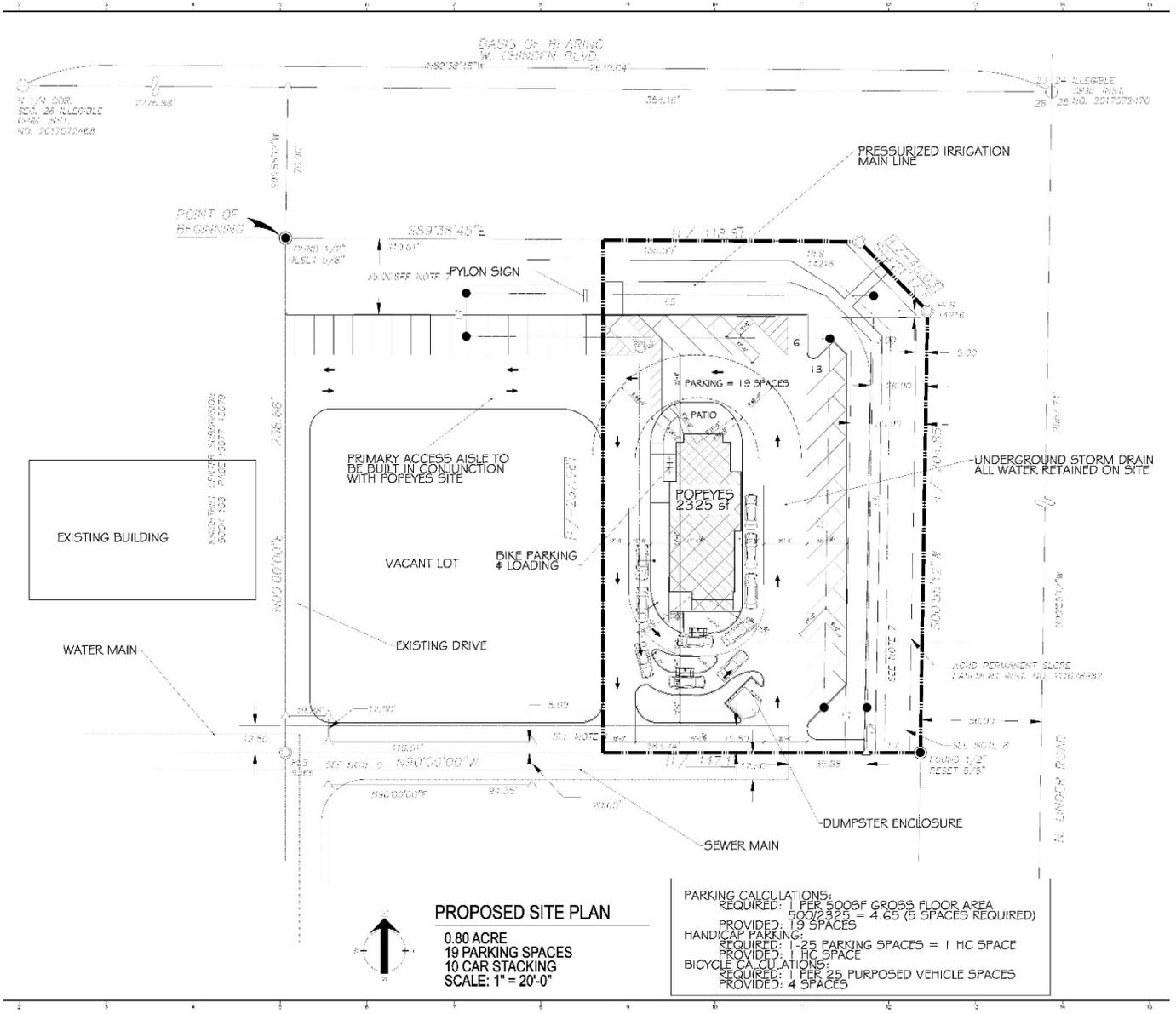
**VI. DECISION**

A. Staff:

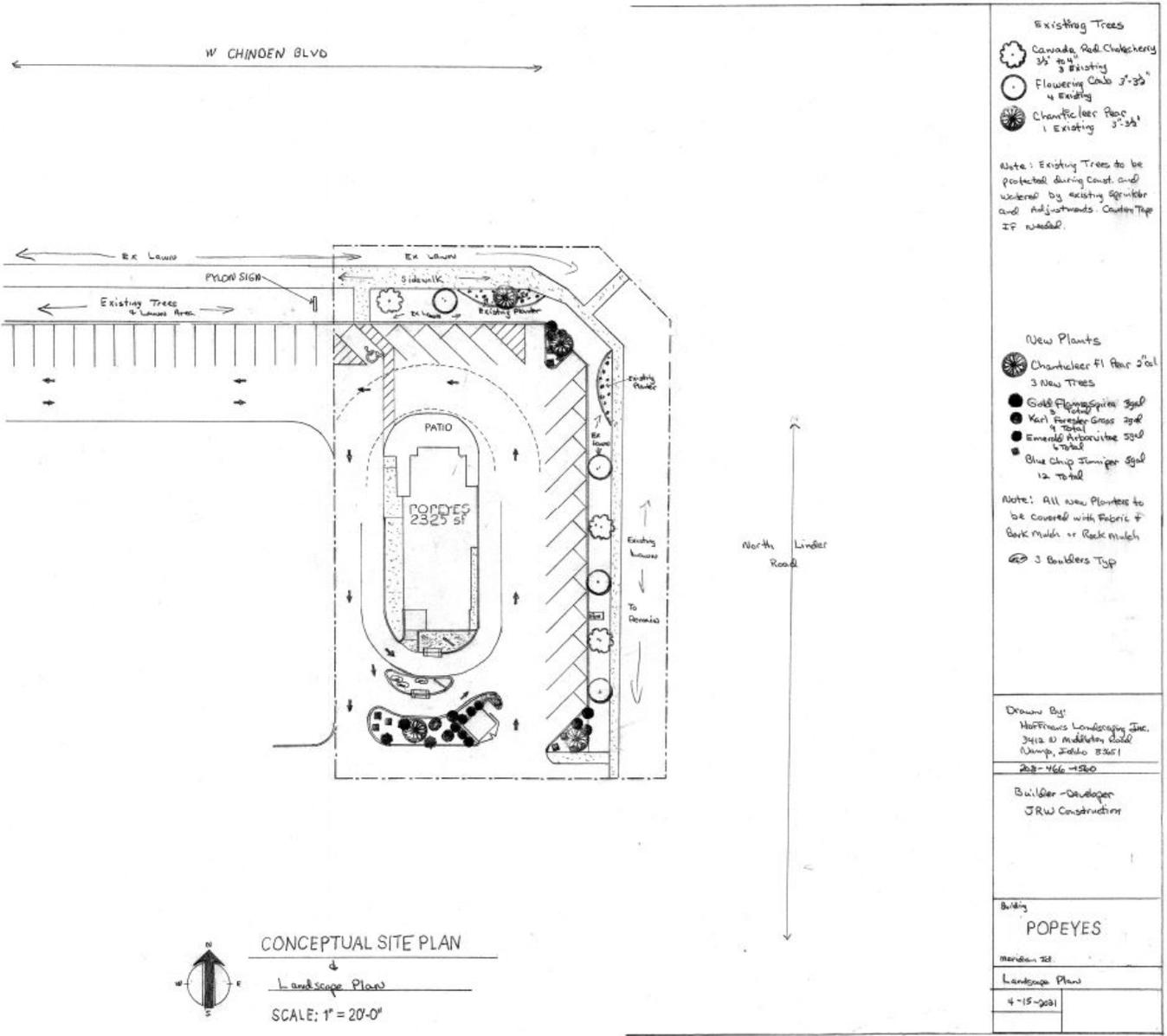
Staff recommends approval of the proposed conditional use permit with the conditions included in Section VIII per the Findings in Section IX. The Director has approved the administrative design review request with conditions.

### VII. EXHIBITS

#### A. Proposed Site Plan (dated: 4/15/2021) NOT APPROVED



B. Proposed Landscape Plan (dated: 4/15/2021) NOT APPROVED







## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING

1. Future development of this site shall comply with the existing Development Agreement ([DA Inst. #114014784](#)), and associated conditions of approval (AZ-06-006; PP-13-031; FP-14-020; MDA-13-019).
2. The Conditional Use Permit for the proposed Drive-Through Establishment is hereby approved with the following conditions of approval:
  - a. No more than one (1) menu board/order speaker shall be permitted;
  - b. The site shall be redesigned per the specific revisions noted below in VIII.A3 and A4 below.
  - c. The west drive-aisle shall be no less than 20 feet in width (not including the drive-through lane) and the east drive aisle shall be no less than 12 feet in width.
  - d. The parking spaces along the north boundary shall be restricted to employee parking only.
  - e. Additional signage is required throughout the site to efficiently and adequately direct patrons to the menu boards and throughout the site with minimal conflict.
  - f. The proposed off-site east-west drive aisle along Chinden Blvd. shown on the adjacent property (Parcel #R4995350100) shall be constructed prior to receiving Certificate of Occupancy, as proposed;
  - g. Prior to receiving Certificate of Occupancy on the proposed building, a Property Boundary Adjustment shall be obtained by the Applicant to reflect the new location of the west property line, as shown on the submitted plans.
3. The site plan submitted with the future Certificate of Zoning Compliance application shall be revised as follows:
  - a. Depict the pick-up window on the west side of the building and the menu board/order speaker along the north/northeast side of the building;
  - b. Depict the north facing angled parking to be on the west side of the site instead of the east side of the site and angle them southbound;
  - c. Shift the proposed building to the east and to the south to allow for better utilization of the site along the north drive aisle with the option to incorporate more landscaping for screening;
  - d. Designate the parking along the north boundary of the site as employee-only parking and move the handicap space to the new parking along the west boundary to place it closer to the building entrance;
  - e. Depict pedestrian facilities along the south boundary of the site to match what is on the south side of this shared drive aisle; depict these pedestrian walkways and their connections clearly on revised site plans;
  - f. Per UDC 11-3A-19B.4b, depict pedestrian walkways across driving surfaces to be constructed with bricks, pavers, and/or colored or scored concrete to clearly delineate the driving surface from the pedestrian walkway.

4. The landscape plan submitted with the future Certificate of Zoning Compliance application shall be revised as follows:
  - a. Show compliance with UDC 11-3B-8C by constructing the required 5 feet of perimeter landscaping along the west boundary adjacent to the revised angled parking location.
5. The elevations submitted with the Administrative Design Review (DES) application are approved with the following revisions:
  - a. Ensure the east and west elevations have qualifying modulation per standard 3.1A & 3.1B in the [Architectural Standards Manual](#). It is unclear based on the site plan whether the portions of the wall with the brick façade have the qualifying modulation. Any revisions to the elevations are required with the submittal of the certificate of zoning compliance application.
6. Submit elevations of the trash enclosure that generally matches the proposed building design.
7. Comply with the standards listed in UDC [11-4-3-11](#) – Drive-Through Establishment is required.
8. Comply with the standards listed in UDC [11-4-3-49](#) – Restaurant.
9. A Certificate of Zoning Compliance application shall be submitted and approved for the proposed use prior to submittal of a building permit application.
10. 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. There are no utilities shown with the plans submitted. Any changes to public water or sewer infrastructure must be reviewed by Public Works prior to approval.

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=229161&dbid=0&repo=MeridianCity>

#### **D. CENTRAL DISTRICT HEALTH (CDH)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=228244&dbid=0&repo=MeridianCity>

### **IX. FINDINGS**

Conditional Use (UDC 11-5B-6)

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

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

*Staff finds the site is large enough to accommodate the proposed development and meet all dimensional and development regulations of the C-G zoning district if Staff's recommendations of approval are met.*

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

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

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

*With the conditions of approval in Section VIII, Staff finds the design, construction, operation and maintenance of the proposed use will be compatible with other uses in the general neighborhood, with the existing and intended character of the vicinity and will not adversely change the essential character of the area.*

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

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

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

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

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

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

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

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

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

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



## AGENDA ITEM

**ITEM TOPIC:** Public Hearing for Gramercy Commons (H-2021-0023) by Intermountain Pacific, LLC, Located at 1873, 1925, and 2069 S. Wells Ave.

A. Request: Conditional Use Permit for a multi-family development consisting of 164 age-restricted units within a multi-story building with a multi-story parking garage on 5.24 acres of land in the C-G zoning district.



# PUBLIC HEARING INFORMATION

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**Staff Contact:** Joseph Dodson

**Meeting Date:** June 3, 2021

**Topic:** **Public Hearing** for Gramercy Commons (H-2021-0023) by Intermountain Pacific, LLC, Located at 1873, 1925, and 2069 S. Wells Ave.

- A. Request: Conditional Use Permit for a multi-family development consisting of 164 age-restricted units within a multi-story building with a multi-story parking garage on 5.24 acres of land in the C-G 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



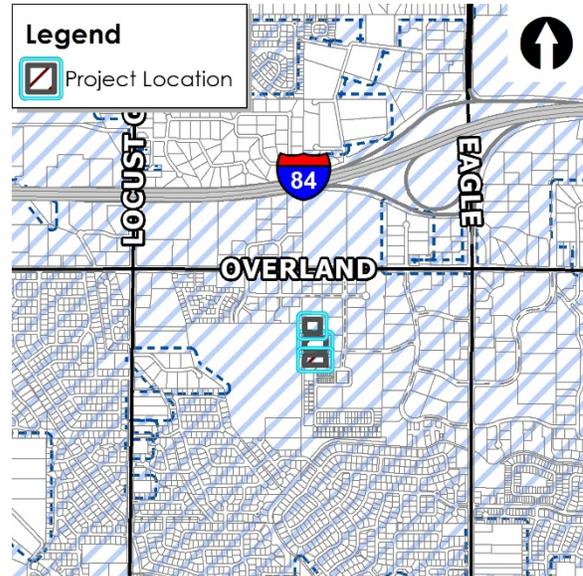
HEARING DATE: June 3, 2021

TO: Planning & Zoning Commission

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

SUBJECT: H-2010-0023  
Gramercy Commons CUP

LOCATION: The site is located at 1873, 1925, and 2069 S. Wells Avenue, in the NW ¼ of the NE ¼ of Section 20, Township 3N., Range 1E.



## I. PROJECT DESCRIPTION

Conditional Use Permit request for a multi-family development consisting of 164 age-restricted units within a multi-story building wrapped around a multi-story parking garage on 5.24 acres of land in the C-G zoning district, by Intermountain Pacific, LLC.

*Applicant has received City Council approval of a concurrent Development Agreement Modification (H-2021-0022) to conceptually develop an age-restricted multi-family development specific to the terms of the amended development agreement not yet recorded. The purpose of this application is to ensure compliance with the specific use standards in UDC 11-4-3-27.*

## II. SUMMARY OF REPORT

### A. Project Summary

Description	Details	Page
Acres	6.9 acres overall (C-G zoning district) – proposed development is occurring on 5.24 of the 6.9 acres.	
Future Land Use Designation	Mixed Use Regional	
Existing Land Use(s)	Vacant	
Proposed Land Use(s)	Multi-Family Residential and future Commercial	
Lots (# and type; bldg./common)	3 existing commercial building lots – property boundary adjustment to consolidate lots will be required	
Phasing Plan (# of phases)	Proposed as one phase for the residential. Unknown timeline for future commercial.	
Number of Residential Units (type of units)	164 multi-family units – proposed as age-restricted, 55 years and older.	
Density (gross & net)	Gross – 31.3 du/ac.; Net – 46.3 du/ac.	

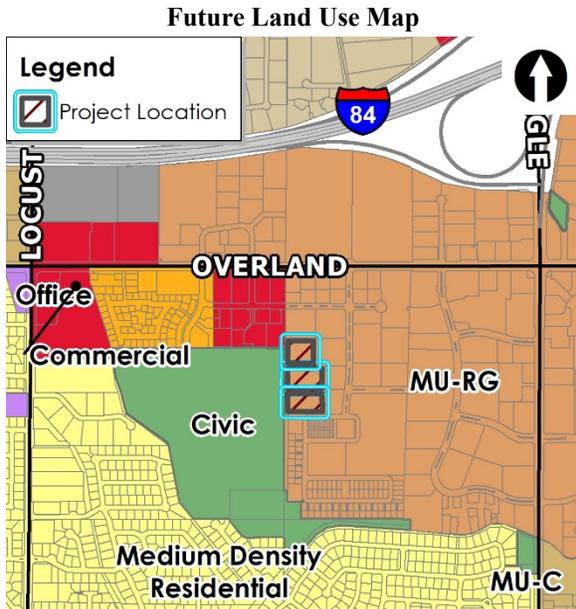
Description	Details	Page
Open Space (acres, total [%]/buffer/qualified)	55,120 square feet of qualified open space proposed – 42,000 square feet of qualified common open space proposed (approximately 18% overall). 13,120 square feet of private open space proposed.	
Amenities	At a minimum, five (5) amenities are proposed – Plaza with public art and picnic tables, courtyard with BBQs & firepits, sports court, community garden, and an additional courtyard that includes a swimming pool, grilling areas, lounges, and outdoor games. Further Staff analysis is below in Section V.	
Physical Features (waterways, hazards, flood plain, hillside)	N/A	
Neighborhood meeting date; # of attendees:	March 11, 2021 – <b>no attendees</b>	
History (previous approvals)	Part of Gramercy Subdivision (Kenai Subdivision) – AZ-06-007, DA Inst. 106141056; PP-06-019; FP-06-048; and H-2021-0022 (MDA).	

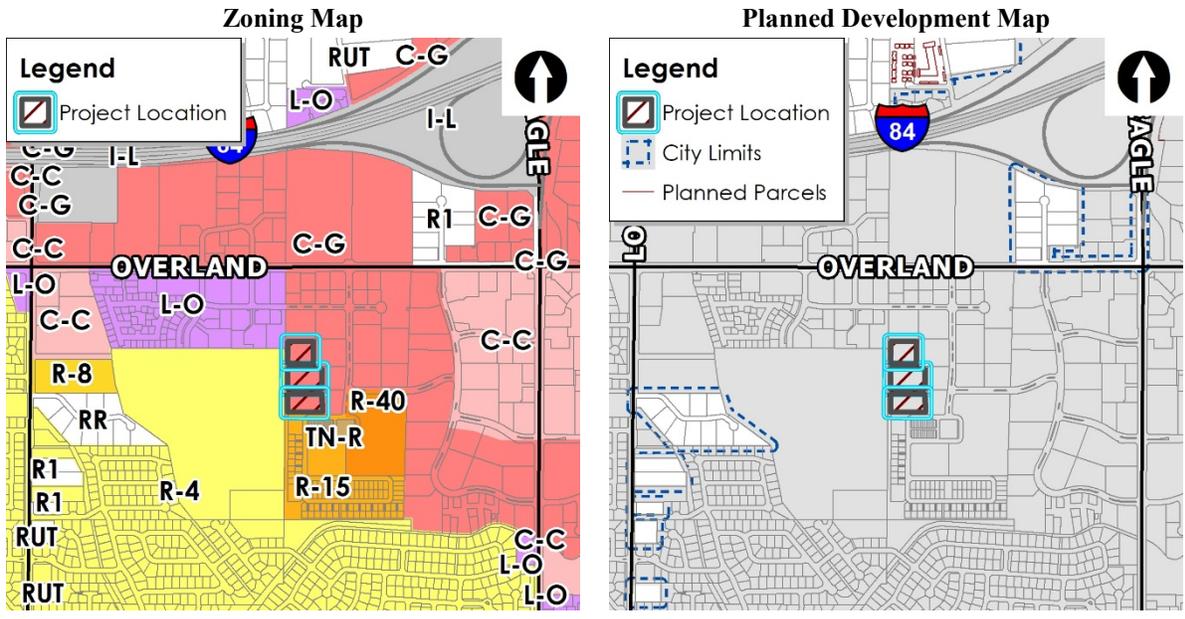
**B. Community Metrics**

Description	Details	Page
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 (simple response letter) <b>No TIS required</b></p> <p>No</p>	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Access is proposed via driveway connections to existing drive aisles – two along the east boundary, and one along the north boundary.	
Stub Street/Interconnectivity/Cross Access	Interconnectivity is proposed through the aforementioned drive aisles that connect to S. Wells Avenue, a local commercial street.	
Existing Road Network	S. Wells Avenue and E. Goldstone Street are existing public roads near the project site. Project does not take direct access to either public road but utilizes existing drive aisles.	
Existing Arterial Sidewalks / Buffers	Not adjacent to any arterials. Closest arterial is Overland Road to the north and has existing arterial sidewalks and landscape buffers. Eagle Road is nearly ½ mile to the east and is also improved with buffers and arterial sidewalks.	
Proposed Road Improvements	No public road improvements are proposed or required, according to ACHD.	
Distance to nearest City Park (+ size)	Gordon Harris Park - 9 acres in size and approximately 800 feet south of subject site. Gramercy Subdivision also has a 0.8 acre park that is approximately 250 feet to the southeast. It is presumed future residents of this project would be able to utilize this shared area but Applicant should confirm.	
Fire Service		
<ul style="list-style-type: none"> <li>• Distance to Fire Station</li> <li>• Fire Response Time</li> <li>• Concerns</li> </ul>	<p>Approximately 0.9 miles from Fire Station #4</p> <p>This project lies within the Meridian Fire response time goal of 5 minutes.</p> <p><b>The fire department has no concerns with proposed development and/or location of proposed development.</b></p>	
Police Service		

Description	Details	Page
	No comments	
West Ada School District		
	No comments submitted.	
Wastewater		
• Distance to Sewer Services	Adjacent	
• Sewer Shed	Five Mile Trunkshed	
• Estimated Project Sewer ERU's	See application	
• WRRF Declining Balance	14.14	
• Project Consistent with WW Master Plan/Facility Plan	Yes	
• Impacts/Concerns	<ul style="list-style-type: none"> <li>• Additional 17,011 gpd committed to model</li> <li>• There is a sewer main at the north end of the property in addition to a service line at the south. Whichever one is not used needs to be abandoned at the main per City requirements.</li> </ul>	
Water		
• Distance to Services	Directly adjacent	
• Pressure Zone	4	
• Estimated Project Water ERU's	See application	
• Water Quality Concerns	None	
• Project Consistent with Water Master Plan	Yes	
• Impacts/Concerns	<ul style="list-style-type: none"> <li>• There is an existing 8" water main stub at both the north and south boundaries that either needs to be used or abandoned.</li> </ul>	

C. Project Maps





**III. APPLICANT INFORMATION**

A. Applicant:

Mike Chidester, Intermountain Pacific, LLC – 2541 E. Gala Street, Meridian, ID 83642

B. Owners:

St. Luke’s Regional Medical Center, LTD.; The Dagney Group, LLC, and; Elton Family Fund 1, LLC

C. Representative:

Same as Applicant

**IV. NOTICING**

	Planning & Zoning Posting Date
Newspaper Notification	5/14/2021
Radius notification mailed to properties within 500 feet	5/11/2021
Public hearing notice sign posted on site	5/19/2021
Nextdoor posting	5/12/2021

**V. STAFF ANALYSIS**

A. **COMPREHENSIVE PLAN** (<https://www.meridiancity.org/complan>):

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

**Land Use:**

The MU-R designation is used to provide for a mix of employment, retail, and residential dwellings and public uses near major arterial intersections. The intent is to integrate a variety of uses together, including residential, and to avoid predominantly single use developments such as a regional retail center

with only restaurants and other commercial uses. Developments should be anchored by uses that have a regional draw with the appropriate supporting uses. For example, an employment center should have supporting retail uses; a retail center should have supporting residential uses as well as supportive neighborhood and community services. The standards for the MU-R designation provide an incentive for larger public and quasi-public uses where they provide a meaningful and appropriate mix to the development.

The proposed development plan depicts a singular, multi-level, age-restricted (three and four stories in height) multi-family apartment complex that is wrapped around a parking structure—the parking structure is proposed to contain a majority of the required parking spaces. Around the proposed building the new development plan depicts a drive aisle that circles the entire structure and includes two areas of surface level parking located on the east and north sides of the proposed building that contain the remaining required parking. The drive aisle that circles the building is intended to be for Fire and EMS but Staff is unaware if the drive aisle will be closed to resident traffic as well. In addition to the building, the new development plan depicts multiple areas of open space and amenities located along each side of the building to include: a pool and other amenities within a south courtyard; an entry plaza along the east side of the building; fire-pits and lounging areas along the west, and; a community garden and pickleball court along the north side of the building. All of the open space and amenity areas appear to be connected with sidewalks and easily accessible by future residents. More specific analysis is below in the Specific Use Standard review, see Section “B” below.

***In general, the proposed use of multi-family development is listed as an allowed use within the MU-R designated areas. In addition to what is proposed within the subject sites, the MU-R designation requires looking beyond the site boundaries to integrate and enhance other uses nearby. Staff finds proposing an apartment complex in this area of the City in close proximity to commercial development, child care/charter school, and established regional pedestrian facilities complies with the MU-R future land use designation.***

*More specific comprehensive plan policy analysis is below.*

**Transportation:**

Access is proposed via three (3) drive aisle connections: one to the north connecting to an existing drive aisle and commercial property and two to the east to connect to S. Wells Avenue. The drive aisle to the north does not currently exist but the two drive aisles to the east abut the east property line.

According to ACHD, the proposed development will not generate enough peak hour vehicle trips to require a Traffic Impact Study despite the number of units being greater than 100. Staff verified with ACHD that the estimated trip generation of the development does not change whether the units are proposed as age-restricted or not. In addition, ACHD has noted that all adjacent public roads are over-built and are capable of handling additional vehicle trips without issue. Because of these reasons provided by ACHD, Staff is supportive of the proposed development in regards to its transportation impact and has no recommendations or proposed changes regarding this element of the project.

**Furthermore, Staff finds it necessary to discuss in a slightly more detail the proposed parking element of the project as this design is new to the City of Meridian. As noted, the project is proposed as a “wrapped” concept where the vast majority of the parking is contained in a multi-level parking structure located in the center of the site with the apartment units wrapped around the structure. This design is affectionately known as a “Texas Donut” and allows for a smaller building footprint and more efficient utilization of the development site. Staff recommends the Commission look at the Applicant’s narrative to see a more illustrative example of this concept and the standard alternative of surface parking.**

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

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

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

*The proposed age- restricted, multi-family dwellings would be a new use in this area of the City and the Gramercy Commons development overall. In addition, there are nearly double the number of 1-bedroom units proposed as 2-bedroom units (108 to 56) which offers future residents rental opportunities at a lower price than apartments in other areas of the City.*

- “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 and can be extended by the developer with development in accord with UDC 11-3A-21.*

- “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)

*Traditional three-story, garden-style apartments are currently under construction throughout the City which makes the proposed wrapped concept even more interesting and desired. The proposed residential is also a different type of residential dwelling than the single-family that exists directly south; this area of Gramercy could therefore contain multi-generational housing opportunities in close proximity to one another and desirable commercial uses.*

- “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 by continuing existing stubs where available.*

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

*The subject site is already annexed and in a widely developed area. However, the subject sites are undeveloped and have been vacant for more than a decade as commercial only properties. It is one of the last areas of the Gramercy development to be developed and the Applicant believes constructing high-end senior housing in this area will jumpstart the remaining commercial properties directly adjacent.*

- “Require collectors consistent with the ACHD Master Street Map (MSM), generally at/near the mid-mile location within the Area of City Impact.” (6.01.03B)

*The proposed development will connect to S. Wells Avenue, a commercial local street that connects directly to W. Overland, an arterial street. S. Wells has other local streets that bisect it and connect to a commercial collector, S. Bonito Way, further to the east. Overall, Staff and ACHD agree that the public road system nearby is easily capable of handling the minimal additional traffic generated by the proposed development.*

**In reviewing development applications, the following items will be considered in all Mixed-Use areas, per the Comprehensive Plan (pg. 3-13):** (*Staff’s analysis in italics*)

- “A mixed-use project should include at least three types of land uses. Exceptions may be granted for smaller sites on a case-by-case basis. This land use is not intended for high density residential development alone.”

*The proposed development is in fact high-density residential. However, the Applicant is reserving an area of approximately 1.5 acres along the north boundary of the site for future commercial use(s). However, Staff does not find it necessary to require at least three land uses on the subject site due to its relatively small size (6.8 acres) in relation to the much larger mixed-use area overall that contains multiple types of uses in relatively close proximity including general commercial, office, retail, education institutions and single-family residential. Therefore, Staff finds the proposed development meets this goal.*
- “Where appropriate, higher density and/or multi-family residential development is encouraged for projects with the potential to serve as employment destination centers and when the project is adjacent to US 20/26, SH-55, SH-16 or SH-69.”

*The Applicant is proposing multi-family residential at a gross density of 31 units/acre which falls within the high density residential range were the project to be located in that designation. In addition, the subject parcels have easy access to a number of employment and commercial destinations within a half-mile of the site. Despite losing 5 acres of commercial zoning, Staff finds the proposed development to be appropriate in this location.*
- “Mixed Use areas are typically developed under a master or conceptual plan; during an annexation or rezone request, a development agreement will typically be required for developments with a Mixed-Use designation.”

*An overall development plan was approved for this area in 2006 that incorporated multiple types of commercial uses as well as residential uses. The subject parcels were originally slated for commercial development but have been sitting vacant for more than a decade. Therefore, the Applicant requested a DA Modification to allow these parcels to develop in accord with the proposed development plan and with the proposed use of age-restricted multi-family. The Applicant was successful in this request and thus the subject parcels are allowed to be developed with additional multi-family units.*
- “The site plan should depict a transitional use and/or landscaped buffering between commercial and existing low- or medium-density residential development.”

*The proposed plan depicts an emergency drive aisle, landscaping, and existing landscaping with a multi-use pathway between the proposed structure and the existing residential to the south. Overall, the proposed site plan depicts buffering to all adjacent uses via a drive aisle and landscaping.*
- “Supportive and proportional public and/or quasi-public spaces and places including but not limited to parks, plazas, outdoor gathering areas, open space, libraries, and schools are expected; outdoor seating areas at restaurants do not count.”

*The proposed development is directly adjacent to a childcare facility and nearby both a charter school and a shared park within the Gramercy development. Furthermore, the Applicant is constructing two connections to a segment of regional pathway that connects to a public park within a quarter mile of the subject sites. The Applicant is also proposing a plaza along the east side of the building that is intended to be shared with the rest of the Gramercy development; this is a major reason why the Applicant insisted on remaining part of the existing Gramercy DA instead of entering into a new DA.*
- “All mixed-use projects should be directly accessible to neighborhoods within the section by both vehicles and pedestrians.”

*The proposed development will be directly accessible to adjacent neighborhoods through extension of sidewalks from the existing network into the site, including the regional multi-use pathway system.*

*Staff believes the proposed site design offers adequate integration and accessibility to nearby neighborhoods.*

**In reviewing development applications, the following items will be considered in MU-R areas, per the Comprehensive Plan:**

- “Developments should comply with the general guidelines for development in all Mixed-Use areas.”  
*See analysis above.*
- “Residential uses should comprise a minimum of 10% of the development area at gross densities ranging from 6 to 40 units/acre.”  
*The proposed development meets this policy by providing a majority of the subject sites as residential (overall, the Gramercy development contains more than 10% as residential uses) and with a gross density of approximately 31 units/acre.*
- “There is neither a minimum nor maximum imposed on non-retail commercial uses such as office, clean industry, or entertainment uses.”  
*No commercial uses are proposed with this specific project but a plethora of non-retail commercial uses are within walking distance of the proposed development.*
- “Retail commercial uses should comprise a maximum of 50% of the development area.”  
*Staff is unaware of the specific percentage of retail commercial uses within Gramercy overall but by a simple site visit one can see a majority of this area is developed as commercial.*

**Based on the analysis above, Staff finds the proposed plan is generally consistent with the vision of the Comprehensive Plan for this area in regard to land use, density and transportation.**

**B. UNIFIED DEVELOPMENT CODE (UDC) ANALYSIS**

**Conditional Use Permit (CUP) – Multi-family Development (UDC 11-4-3-27) Specific Use Standards:**

The proposed multi-family development consists of 164 age-restricted units within a multi-story building that is wrapped around a four story parking structure. The proposed use of multi-family residential is subject to conditional use permit approval by the Planning and Zoning Commission within the existing C-G zoning district and subject to specific use standards outlined in UDC 11-4-3-27 and below:

**11-4-3-27 – Multi-Family Development:**

**A. Purpose:**

1. To create multi-family housing that is safe and convenient and that enhances the quality of life of its residents.
2. To create quality buildings and designs for multi-family development that enhance the visual character of the community.
3. To create building and site design in multi-family development that is sensitive to and well integrated with the surrounding neighborhood.
4. To create open space areas that contribute to the aesthetics of the community, provide an attractive setting for buildings, and provide safe, interesting outdoor spaces for residents.

*As discussed in the Comprehensive Plan analysis section above, Staff finds the proposed multi-family development meets and/or exceeds all of the purpose statements listed.*

**B. 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. *Proposed project/site design complies with this requirement.*
2. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, and transformer and utility vaults shall be located in an area not visible from a public street, or shall be fully screened from view from a public street. *The site plan depicts screened trash disposal areas that may only be visible from the north drive aisle; all proposed transformer/utility vaults shall also comply with this requirement.*
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 accessways 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. *According to the submitted open space exhibit, the apartments are proposed with the minimum required 80 square feet of private open space in the form of private patios and decks for each unit.*
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.*
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. *Applicant shall comply with this requirement.*
6. The parking shall meet the requirements set forth in *chapter 3, "Regulations Applying to All Districts"*, of this title.

***Based on the number of bedrooms per unit (108 one-bedroom units and 56 two-bedroom units), a minimum of 274 parking spaces should be provided with at least 164 of those spaces covered or within a garage. The Applicant has proposed a total of 291 parking spaces overall with 220 within the proposed parking garage and the remaining 71 spaces as surface parking along the perimeter drive aisles on the east and north boundaries of the site. The Applicant provided additional guest parking at the ratio of one (1) space for every 10 units, consistent with code changes that have not yet been approved. Therefore, the proposed parking is in excess of both current code requirements and future code requirements.***

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)

*It is not entirely clear on the submitted plans where these items are contained on-site—where it is not clear, the Applicant shall comply with these requirements at the time of CZC submittal.*

***The site plan submitted with the Certificate of Zoning Compliance application shall depict these items.***

### C. Common Open Space Design Requirements:

1. 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.
  - 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.
  - c. Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area.

*Each unit is between 500 and 1,200 square feet of living area. Therefore, 250 square feet of common open space is required per unit in accord with the requirements above.*

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

*Proposed open space submitted as meeting this requirement has been reviewed. All area labeled as qualified common open space on the open space exhibit complies with this requirement. The Applicant has proposed 42,000 square feet of qualified common open space while needing to provide a minimum of 41,000 square feet; the proposed open space exceeds the minimum requirements.*

*The proposed open space consists of those areas outlined on the open space exhibit: a plaza along the east side of the building; a pool and pool deck with assorted amenities on the south side of the building; a terrace with firepits, BBQs, and seating areas along the west side; and a pickleball court and community garden along the north side of the building. All of these areas have been verified to meet or exceed the required quality and amount of common open space.*

***Overall, the submitted open space meets the specific use standards and Staff finds the proposed open space is adequate for the proposed development, especially in combination with the array of proposed amenities. Furthermore, the subject sites are within a quarter mile of a City park, in close proximity to a plaza/park within Gramercy, and directly adjacent to a regional pathway. All of these factors present more than adequate open space and recreational opportunities for future residents.***

3. In phased developments, common open space shall be provided in each phase of the development consistent with the requirements for the size and number of dwelling units. *The proposed development is to be developed in one (1) phase, according to the Applicant.*
4. Unless otherwise approved through the conditional use process, common open space areas shall not be adjacent to collector or arterial streets unless separated from the street by a berm or constructed barrier at least four feet (4') in height, with breaks in the berm or barrier to allow for pedestrian access. (Ord. 09-1394, 3-3-2009, eff. retroactive to 2-4-2009). *No common open space or any part of the site abuts a collector street. Therefore, this standard is not applicable to this project.*

### D. Site Development Amenities:

1. All multi-family developments shall provide for quality of life, open space and recreation amenities to meet the particular needs of the residents as follows:
  - a. Quality of life:
    - (1) Clubhouse.
    - (2) Fitness facilities.
    - (3) Enclosed bike storage.
    - (4) Public art such as a statue.

- b. Open space:
    - (1) Open grassy area of at least fifty by one hundred feet (50 x 100') in size.
    - (2) Community garden.
    - (3) Ponds or water features.
    - (4) Plaza.
  - c. Recreation:
    - (1) Pool.
    - (2) Walking trails.
    - (3) Children's play structures.
    - (4) Sports courts.
2. The number of amenities shall depend on the size of multi-family development as follows:
- a. For multi-family developments with less than twenty (20) units, two (2) amenities shall be provided from two (2) separate categories.
  - b. For multi-family development between twenty (20) and seventy-five (75) units, three (3) amenities shall be provided, with one from each category.
  - c. For multi-family development with seventy-five (75) units or more, four (4) amenities shall be provided, with at least one from each category.
  - d. For multi-family developments with more than one hundred (100) units, the decision-making body shall require additional amenities commensurate to the size of the proposed development.
3. The decision-making body shall be authorized to consider other improvements in addition to those provided under this subsection D, provided that these improvements provide a similar level of amenity. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

***Based on 164 proposed units, the number of amenities required shall be determined by the decision-making body, the Planning and Zoning Commission. According to the submitted plans, the Applicant has proposed approximately 6 qualifying amenities, at least one from each category as required by code.***

***The Applicant has proposed the following amenities: a swimming pool, a plaza with public art, a sports court (pickleball court), a community garden, and multiple seating areas with BBQs and firepits.***

***Staff finds the proposed amenities to be adequate in serving the proposed age-restricted multi-family development.***

#### **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 submitted landscape plan appears to meet the specific use standard landscape requirements. However, these standards will be further verified at the time of CZC submittal (see Exhibit VII.B).*

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

The proposed development is required to comply with the dimensional standards listed in UDC Table 11-2B-3 for the C-G zoning district and those within the specific use standards for Multi-family Development discussed above (UDC 11-4-3-27). *As noted above, the submitted plans show compliance with all dimensional and specific use standards, including but not limited to, building height, setbacks, accesses, and parking count.*

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

Access was discussed within the transportation section of the comprehensive plan analysis section earlier in the report. Please review that section as well as the Community Metrics section at the beginning of the report for the access and transportation facts of the proposed development.

**Road Improvements:**

The Applicant is not required to construct any improvements to the adjacent or nearby public roads as ACHD has stated these roadways are currently overbuilt in terms of vehicular capacity.

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

All proposed sidewalks are adjacent to the multi-family residential building and shown to connect throughout the site as at least 5-feet, as required. There is also a segment of regional multi-use pathway abutting the south property boundary that the Applicant is showing two connections to on the submitted plans.

*Despite UDC 11-3A-19B.4 being applicable to nonresidential uses, Staff is recommending the pedestrian crossings from the multi-family building to the multi-use pathway across the emergency drive aisle is clearly delineated from the driving surface by being constructed with either brick, pavers, stamped concrete, or similar. These crossings should be clearly shown on future CZC plans. This point was discussed at the Council hearing for the DA Modification and there is an approved DA provision that requires these connections be constructed in these ways. Staff will verify compliance with a future CZC submittal.*

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

Because there are no public streets adjacent to the site, there are no requirements for landscape street buffers. However, there are vehicle use areas proposed surrounding the site, the drive aisle that circumvents the entire structure. Per UDC 11-3B-8, at least 5-feet of landscaping is required along the perimeter of vehicle use areas (i.e. drive aisles).

*The submitted landscape plan depicts an area of landscaping along the perimeter of the circumventing drive aisle except for along the east property boundary. It appears there is enough area for the required landscaping but it is not shown on the submitted plans. Furthermore, this landscape strip is also required to be vegetated with trees located no more than 35 linear feet apart throughout the buffer—trees may also be grouped together where necessary and visually appealing. **At the time of CZC submittal, the Applicant should correct the landscape plans to show compliance with both of these requirements.***

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

All fencing constructed on the site is required to comply with the standards listed in UDC 11-3A-7.

*No fencing appears to be proposed; any future fencing shall comply with UDC 11-3A-7.*

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

An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances. Design and construction shall follow best management practice as adopted by the City as set forth in UDC 11-3A-18. Storm drainage will be proposed with a future Certificate of Zoning Compliance application and shall be constructed to City and ACHD design criteria.

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

Conceptual building elevations were submitted for the apartment complex but no formal Design Review was submitted. Staff notes that the submitted elevations do not meet all of the required design criteria for multi-family development. **All multi-family development requires Administrative Design Review prior to obtaining building permits so, at the time of that submittal Staff will analyze conformance with the Architectural Standards Manual. An application for Certificate of Zoning Compliance is also required to be submitted along with Design Review for this entire development.**

**VI. DECISION****A. Staff:**

Staff recommends approval of the of the requested Conditional Use Permit per the conditions of approval included in Section VIII in accord with the Findings in Section IX.

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VII. EXHIBITS

A. Site Plan (dated: 3/23/2021)

SECTION 03 | SITE PLAN

Gamery Commons | Meridan, ID | Conditional Use Permit Application | 03-23-2021

PROJECT DATA  
 Current & Proposed Zone: C-G

PARKING  
 Required:  
 2 Bedroom (2/unit): 112  
 1 Bedroom (1.5/unit): 162  
 Guest Parking (future Requirement): 16  
 Total Parking Required: 290

Provided:  
 Garage (standard): 212  
 Garage (accessible): 8  
 Surface (standard): 68  
 Surface (accessible): 3  
 Total Parking Provided: 291

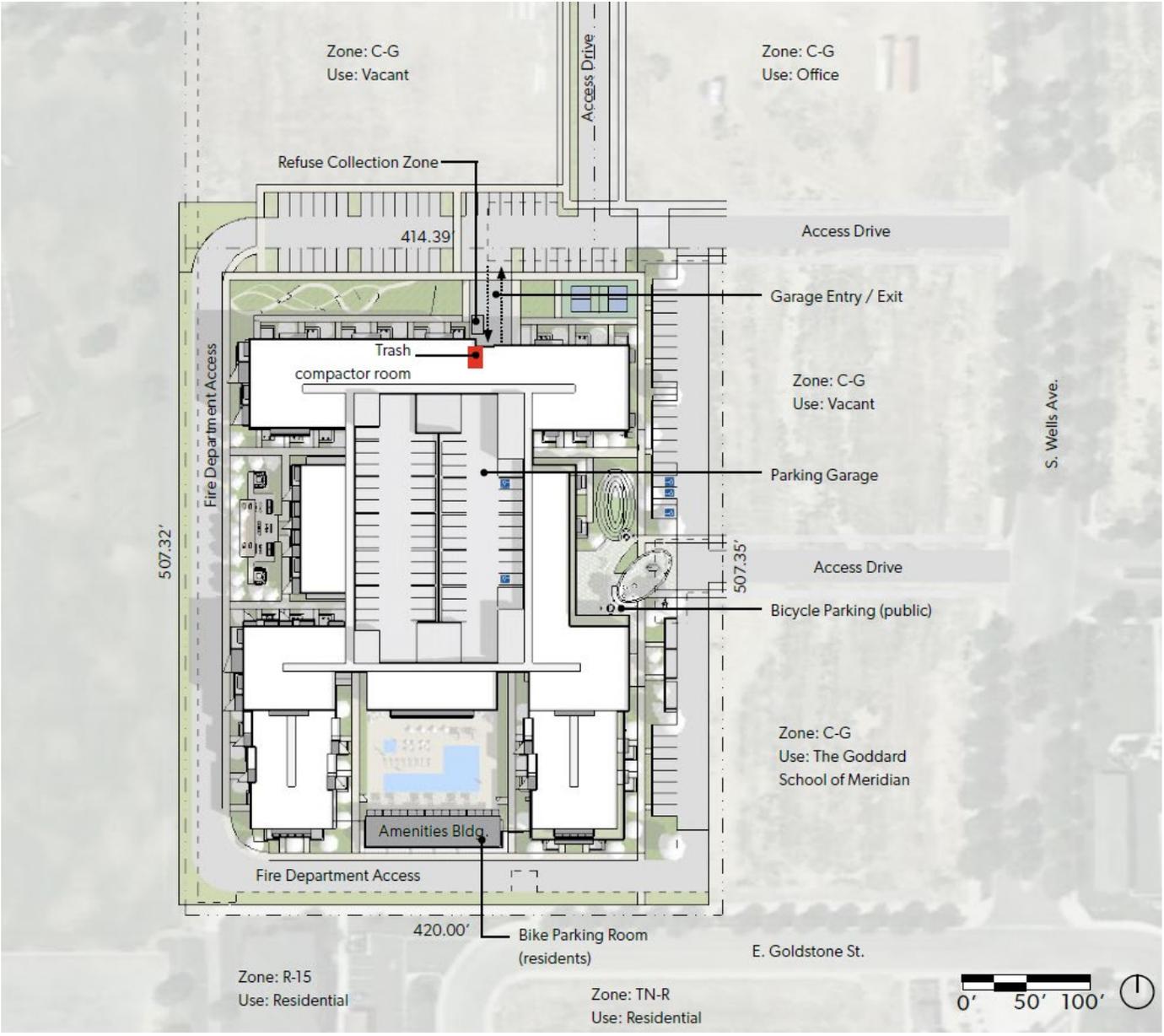
Bicycle Parking:  
 Required: 12  
 Provided: 12  
 (Additional secure bike parking to be provided, size TBD.)

Building Size: 175,087 sq ft  
 Garage Size: 112,516 sq ft  
 Total Gross Building Area: 287,603 sq ft

Lot Size: 211,702 sq ft

GGLO 6

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### B. Landscape Plan (dated: 3/23/2021)

#### SECTION 07 | LANDSCAPE PLAN



**PROJECT INFORMATION**

There are no existing natural features, existing buildings, or existing trees with trunks greater than 4 inches on the site.

Street Trees: see Tree Species Mix

Street Buffers: n/a

Parking lot perimeter landscape strip: 10'

Buffer width between different land uses: 10'

Number of parking stalls and percent of parking area with internal landscaping: 71 surface stalls located along internal circulation routes, no more than 12 stalls between landscaping

Total number of trees and tree species mix: 94 (see Tree Species Mix)

- 1 Entry Plaza
- 2 South Courtyard
- 3 Sunset Terrace
- 4 Community Garden
- 5 Recreation Court
- 6 Garage Entry & Service Court
- 7 Fire Department Access
- 8 8' x 10' Residential Patio Typ.
- 9 Pedestrian Connection to Gordon Harris Park
- 10 Pedestrian Connection to existing residential

SECTION 08 | TREE SPECIES MIX

CLASS I



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



**Malus 'snow drift'**  
Flowering Crabapple  
Height: 15-20'  
Spread: 15-20'  
Water: Medium  
Maintenance: Medium

CLASS II



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



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

CLASS III



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

**TREE TOTALS**

Amelanchier = 60  
Malus = 2  
Kentucky Coffee = 1  
River Birch = 22  
Red Maple = 9  
770 L.F. of Street Frontage  
No existing trees on site

### C. Open Space Exhibit (dated: 3/23/2021)

#### SECTION 09 | EXTERIOR AMENITY SPACES



#### EXTERIOR AMENITIES

Required:		
Common Open Space	41,000 sq ft	
Private Open Space	13,120 sq ft	
<b>Total</b>	<b>54,120 sq ft</b>	
Provided:		
Common Open Space	42,000 sq ft	
Private Open Space (private patios & balconies)	13,120 sq ft	
<b>Total</b>	<b>55,120 sq ft</b>	

#### EXTERIOR AMENITY SPACES

- 1 Entry Plaza**  
9,000 sq ft
- 2 South Courtyard**  
13,000 sq ft
- 3 Sunset Terrace**  
9,000 sq ft
- 4 Community Garden**  
7,500 sq ft
- 5 Recreation Court**  
3,500 sq ft

### D. Building Perspective and Conceptual Building Elevations (NOT APPROVED)



SECTION 06 | PERSPECTIVE VIEWS



SECTION 06 | PERSPECTIVE VIEWS



SECTION 04 | ELEVATIONS



EAST ELEVATION



SOUTH ELEVATION

SECTION 04 | ELEVATIONS



WEST ELEVATION



NORTH ELEVATION

## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING DIVISION

#### Conditional Use Permit (CUP):

1. The Applicant shall adhere to all previous conditions of approval associated with this site (AZ-06-007, DA Inst. 106141056; PP-06-019; FP-06-048; and H-2021-0022, DA Inst. # unknown at this time).
2. **With the future Certificate of Zoning Compliance submittal, the Applicant shall submit a revised site plan with the following revisions:**
  - a. Depict the pedestrian crossings to the multi-use pathway along the south property boundary to be constructed with bricks, pavers, colored or stamped concrete or similar to clearly delineate the pedestrian walkway.
  - b. Clearly depict/label compliance with the Multi-family Development Specific Use Standards (UDC 11-4-3-27), specifically subsection B.7:
    1. A property management office.
    2. A maintenance storage area.
    3. A central mailbox location (including provisions for parcel mail) that provide safe pedestrian and/or vehicular access.
    4. A directory and map of the development at an entrance or convenient location for those entering the development. (Ord. 18-1773, 4-24-2018)
3. **With the future Certificate of Zoning Compliance submittal, the Applicant shall submit a revised landscape plan with the following revisions:**
  - a. Depict the required parking lot landscaping along the east boundary adjacent to the drive aisle and east property line;
  - b. Throughout all of the perimeter landscaping, depict the required vegetation and trees per UDC 11-3B-8.
4. The Applicant shall obtain Administrative Design Review and Certificate of Zoning Compliance approvals for the multi-family residential building prior to submittal for any building permits for the residential portion of the development.
5. Future building elevations of the multi-family development shall incorporate similar design elements and finish materials seen throughout the Gramercy development to ensure an integrated and cohesive design.
6. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2B-3 for the C-G zoning district.
7. Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for multi-family dwellings based on the number of bedrooms per unit.
8. The Applicant shall comply with all ACHD conditions of approval.
9. Provide a pressurized irrigation system consistent with the standards as set forth in UDC 11-3A-15, UDC 11-3B-6 and MCC 9-1-28.
10. Upon completion of the landscape installation, a written Certificate of Completion shall be submitted to the Planning Division verifying all landscape improvements are in substantial compliance with the approved landscape plan as set forth in UDC 11-3B-14.

11. The Applicant has a continual obligation to maintain compliance with the Multi-family Development Specific Use Standards outlined within this report and in UDC 11-4-3-27.
12. Prior to issuance of Certificate of Occupancy on any building, the Applicant shall provide proof of the required maintenance agreement to the Planning Division in accord with UDC 11-4-3-27 – all multifamily 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.
13. 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. PUBLIC WORKS**

### **1. Site Specific Conditions of Approval**

- 1.1 No Permanent structures (buildings, carports, trash receptacle walls, fences, infiltration trenches, lightpoles, etc.) can be built within the utility easement.
- 1.2 There is a sewer main at the north end of the property in addition to a service line at the south. Whichever one is not used needs to be abandoned at the main per City requirements.
- 1.3 There is an existing 8” water main stub at both the north and south boundaries that either needs to be used or abandoned.

### **2. General Conditions of Approval**

- 2.1 Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2.2 Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
- 2.3 The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian’s standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2” x 11” map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. **DO NOT RECORD.** Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.
- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 12-13-8.3). 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 existing domestic well system within this project shall be removed from domestic service per City Ordinance Section 9-1-4 and 9 4 8 contact the City of Meridian Engineering Department at (208)898-5500 for inspections of disconnection of services. Wells may be used for non-domestic purposes such as landscape irrigation if approved by Idaho Department of Water Resources Contact Robert B. Whitney at (208)334-2190.
- 2.8 Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
- 2.9 Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
- 2.10 A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
- 2.11 All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
- 2.12 Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
- 2.13 It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 2.14 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.15 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.16 All grading of the site shall be performed in conformance with MCC 11-12-3H.
- 2.17 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.
- 2.18 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.
- 2.19 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.

- 2.20 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.
- 2.21 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).
- 2.22 The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 2.23 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 (NMID)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=228987&dbid=0&repo=MeridianCity>

**D. CENTRAL DISTRICT HEALTH DEPARTMENT (CDHD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=228246&dbid=0&repo=MeridianCity>

**E. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=228702&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=228605&dbid=0&repo=MeridianCity>

**IX. FINDINGS**

**A. Conditional Use Permit Findings ([UDC 11-5B-6E](#)):**

**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.**

*If all conditions of approval are met, Staff finds the submitted site plan shows compliance with all dimensional and development regulations in the C-G zoning district in which it resides.*

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

*Staff finds the proposed use of multi-family residential is harmonious with the comprehensive plan designation of Mixed-Use Regional and the requirements of this title when included in the overall MU-R designation analysis.*

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.**

*Despite the proposed use being different than the residential uses directly to the south, Staff finds the design, construction, and proposed operation and maintenance will be compatible with other uses in the general neighborhood and should not adversely change the essential character of the same area, so long as the Applicant constructs the proposed building as proposed.*

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

*Staff finds the proposed use, if it complies with all conditions of approval imposed, 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.**

*Staff finds the proposed use will be served adequately by essential public facilities and services because all services are readily available.*

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.**

*All public facilities and services are readily available for the subject site so Staff finds that the proposed use will not be detrimental to the economic welfare of the community or create excessive additional costs for public facilities and services.*

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.**

*Although traffic is sure to increase in the vicinity with the addition of more residential units, all major roadways adjacent to the site are already at their full width and the development has multiple avenues of accessing the arterial network to the north or to the east. Therefore, Staff finds the proposed use will not 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).**

*Staff is unaware of any natural, scenic, or historic features within the development area, therefore, Staff finds the proposed use should not result in damage of any such features.*