



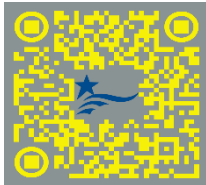
# PLANNING AND ZONING COMMISSION MEETING

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho  
Thursday, March 18, 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/87413163729>

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

Webinar ID: 874 1316 3729

### ROLL-CALL ATTENDANCE

- Lisa Holland                       Steven Yearsley                       Andrew Seal
- Nick Grove                               Maria Lorcher                       Bill Cassinelli
- Rhonda McCarvel, Chairperson

### ADOPTION OF AGENDA

#### CONSENT AGENDA [Action Item]

1. [Approve Minutes of the March 4, 2021 Planning and Zoning Commission Meeting](#)
2. [Findings of Fact, Conclusions of Law for Kiddie Academy \(H-2021-0003\) by neUdesign Architecture, LLC, Located at 3335 E. Victory Rd.](#)

3. [Findings of Fact, Conclusions of Law for Lost Rapids Drive-Through \(H-2021-0001\) by Lost Rapids Development, LLC, Located on the West Side of N. Ten Mile Rd., North of W. Lost Rapids Dr.](#)

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

#### **ACTION ITEMS**

4. [\*\*Public Hearing\*\* for Sadie Creek Drive-Through \(H-2021-0006\) by The Land Group, Generally Located South of E. Ustick Rd. on the West Side of N. Eagle Rd.](#)
  - A. [Request: Conditional Use Permit for a drive-through establishment within 300-feet of another drive-through establishment on 1.18 acres of land in the C-G zoning district.](#)
5. [\*\*Public Hearing\*\* Continued from January 21, 2021 for TM Center \(H-2020-0074\) by SCS Brighton, et al., Located East of S. Ten Mile Rd. and South of W. Franklin Rd.](#)
  - A. [Request: A Preliminary Plat consisting of 83 buildable lots and 2 common lots on 132.42 acres of land in the R-40 and C-G zoning districts.](#)
6. [\*\*Public Hearing\*\* for Ten Mile Crossing \(H-2020-0074\) by SCS Brighton, et al., Located east of S. Ten Mile Rd. and south of W. Franklin Rd.](#)
  - A. [Request: A Development Agreement Modification to terminate all existing agreements in the Ten Mile Crossing development area in favor of one master agreement to govern future development of the overall area. The proposal includes a request for adoption of project-specific design guidelines to supersede those in the Ten Mile Interchange Specific Area Plan \(TMISAP\), which include deviations from certain goals and guidelines including decreased floor area ratios, different street and streetscape designs, landscape and architectural design elements and site development standards, including an increase in height of up to 100-feet to allow for 6-story buildings \[i.e. TM Crossing – AZ-12-005 \(Inst. #114002254, 1st Addendum #2016-062220, 2nd Addendum #2017-051907, TMC Expansion #2019-011700\); TM Creek/TM Creek East – AZ-13-015/H-2015-0018 \(Inst. #114045759, 1st Addendum #2016-073497, 2nd Addendum #2017-113747\); Ten Mile Center – AZ-14-001 \(Inst. #2014-065514\); Calnon Properties – H-2015-0017 \(Inst. 2016-030845\); and Bainbridge Franklin – H-2018-0057 \(Inst. #2019-077071\)\].](#)
  - B. [Request: A Rezone of 40.98 acres from the R-40 and C-C zoning districts to the C-G zoning district, 3.9-acres from the TN-C and C-G zoning districts to the R-40 zoning district, 0.65 acres from the R-8 and TN-C zoning districts to the C-G zoning district, and 0.53 acres from the TN-C zoning district to the C-G zoning district.](#)
7. [\*\*Public Hearing\*\* for The Oasis \(H-2021-0004\) by Brian Tsai of Balboa Ventures, Located at 3185 E. Ustick Rd.](#)
  - A. [Request: Conditional Use Permit request for an approximate 7,000 square foot drinking establishment, music venue, and nightclub on a portion of 3.26 acres of land in the C-G zoning district.](#)

8. **Public Hearing** for Skybreak Neighborhood (H-2020-0127) by Laren Bailey of Conger Group, Located at 3487 E. Adler Hoff Ln. and 7020 S. Eagle Rd.

A. Request: Annexation of 80.46 acres of land with an R-8 and R-15 zoning districts.

B. Request: A Preliminary Plat consisting of 329 building lots, 40 common lots and 14 other lots (i.e. 12 common driveway lots, 1 private street lot and 1 lot for the existing home) on 79.69 acres of land in the R-8 and R-15 zoning districts.

**ADJOURNMENT**



## AGENDA ITEM

**ITEM TOPIC:** Approve Minutes of the March 4, 2021 Planning and Zoning Commission Meeting

**Meridian Planning and Zoning Meeting**

**March 4, 2021.**

Meeting of the Meridian Planning and Zoning Commission of March 4, 2021, was called to order at 6:00 p.m. by Vice-Chairman Andrew Seal.

Members Present: Commissioner Andrew Seal, Commissioner Lisa Holland, Commissioner Nick Grove, Commissioner Maria Lorcher and Commissioner Steven Yearsley.

Members Absent: Chairman Rhonda McCarvel and Commissioner Bill Cassinelli.

Others Present: Adrienne Weatherly, Andrea Pogue, Bill Parsons, Sonya Allen, Joe Dodson and Dean Willis.

**ROLL-CALL ATTENDANCE**

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

Seal: Good evening and welcome to the Planning and Zoning Commission meeting for March 4th, 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 this 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 process questions during the meeting please e-mail the city clerk at meridiancity.org and they will 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 that at meridiancity.org/live. Madam Clerk, we will begin with roll call.

Weatherly: Commissioner Yearsley, I believe you are on mute. I will come back. Commissioner Yearsley is present, but he is currently on mute. Absent are Commissioners Cassinelli and McCarvel.

Seal: Do we want to give Commissioner Yearsley a minute to chime in? We are going to wait just a minute so we can get Commissioner Yearsley audible.

Weatherly: Commissioner Yearsley, are you present? Commissioner Yearsley, can you hear us? Commissioner Yearsley, we cannot hear you.

Holland: Mr. Chair, one suggestion for Commissioner Yearsley. Sometimes when I have had trouble with my audio -- if you go down to where it says mute in the bottom left corner and click the up arrow you can switch to phone audio, if that's not working for you, and, then, we will give you a call in number instead.

Seal: Thank you.

Weatherly: Andrea, just want to do a quick legal check. Without Commissioner Yearsley we do have four Commissioners still, which is technically half plus one. Are we okay to proceed with quorum?

Pogue: Yes. That's a quorum. We don't -- he's here; right? We just can't hear him or see him? We don't know if he can hear or see us.

Weatherly: Correct.

Yearsley: So, who is the vice-chair?

Pogue: There we go. Was that him?

Weatherly: Yes.

Pogue: Okay. I think we can get started, because we do have a quorum.

Seal: Okay.

Weatherly: And we have now established Commissioner Yearsley is present. Thank you.

### **ADOPTION OF AGENDA**

Seal: Very good. Okay. First item on the agenda is adoption of the agenda. Could I get a motion to adopt the agenda?

Holland: Mr. Chair, so moved.

Grove: Second.

Seal: It has been moved and seconded to adopt -- it has 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 February 18, 2021 Planning and Zoning Commission Meeting**

Seal: Next item on the agenda -- agenda is the Consent Agenda. We have one item on the Consent Agenda, which is approval of the minutes for the February 18th, 2021, Planning and Zoning meeting. Could I get a motion to accept the Consent -- Consent Agenda as presented?

Holland: Mr. Chair, so moved.

Grove: 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: Okay. 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 has finished we will open the floor to public testimony. Each person will -- will be called on only once during the public testimony. The clerk will call the names individually and those who have signed up on our website in advanced testify. You will, then, be unmuted in Zoom or you can come to the microphones in chamber. Please state your name and address for the record. 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 you have established that you are speaking on behalf of a larger group, like an HOA, where others from your group will allow you to speak on their behalf, you will have up to ten minutes to speak. After all those who have signed up in advance have spoken we will invite any others who may wish to testify. If you wish to speak on the topic you may come forward in chambers or if on Zoom press raise hand button in the Zoom app or if you are only listening on a phone please press star nine and wait for your name to be called. If you are listening on multiple devices, 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 no longer have the ability to speak and please -- and please remember we will not call on you a second time. After all testimony has been heard, the applicant will be given another ten minutes to come back and respond. When the applicant has finished responding to questions and concerns we will close the public hearing and the Commissioners will have the opportunity

to discuss and hopefully be able to make a final decision or recommendation to City Council as needed.

## **ACTION ITEMS**

### **2. Public Hearing for Lost Rapids Drive-Through (H-2021-0001) by Lost Rapids Development, LLC, Located on the West Side of N. Ten Mile Rd., North of W. Lost Rapids Dr.**

- A. Request: A Conditional Use Permit for a drive-through establishment within 300 feet of a residential use and zoning district on 1.61 acres of land in the C-G zoning district.

Seal: At this time I would like to open the public hearing item for Lost Rapids Drive Through, H-2021-0001. We will begin with the staff report.

Allen: Thank you, Mr. Chair. I seem to be having a little bit of trouble sharing my screen. Can you see my presentation?

Seal: Yes, we can, Sonya.

Allen: You can? Okay. All right. I will go ahead then. I am not seeing it on my end for some reason. So, I'm not sure how to advance my slides. I'm not sure what's going on.

Seal: We do see the Lost Rapids --

Allen: Sorry about that.

Seal: We see Item No. 2, Lost Rapids Drive Through CUP. So, it is up there.

Allen: Are you looking at my hearing outline or are you looking at the PowerPoint presentation?

Seal: It is the PowerPoint presentation.

Allen: Okay.

Dodson: Sonya, I can run it if you would like, if that's easier for you.

Allen: I would like that. Thanks, Joe. I'm not real sure what's going on, but that would be great. All right. This is a conditional use permit for Lost Rapids Drive Through. This site consists of 1.61 acres of land. It's zoned C-G and is located on the west side of North Ten Mile Road north of West Lost Rapids Drive. Yes.

Dodson: You have to quit sharing your screen first. Thank you.



Allen: Okay. Should I go ahead, Joe?

Dodson: There you go.

Allen: Okay. If you would do me a favor to advance the slides I would sure appreciate it.

Seal: Joe, I'm not seeing the presentation. That's interesting.

Dodson: Correct. That's correct.

Allen: Yeah. I'm not either for some reason. All righty. Everybody see it now?

Seal: Yes.

Allen: Okay. Alrighty. So, again, this site consists of 1.61 acres of land. It's zoned C-G and is located on the west side of North Ten Mile Road north of West Lost Rapids Drive. Adjacent land use and zoning. To the north and south is vacant undeveloped land, zoned C-G. To the west is a drive aisle and Costco and future multi-family residential, zoned C-G and R-40. And to the east is Ten Mile Road and across Ten Mile are single family residential properties zoned R-8. This property was annexed back in 2018 as part of the Lost Rapids project. The Comprehensive Plan future land use map designation is commercial. A conditional use permit is requested for a drive-through establishment within 300 feet of a residential zoning district on 1.61 acres of land in the C-G zoning district. The residential zoning district that constitutes the conditional use requirement is located to the southwest of this site where Lost Rapids Apartments are approved and in the development process. There are also residential uses and zoning to the east, as I mentioned, across Ten Mile, but because the uses are separated by an arterial street, a conditional use permit is not required for that reason. There are specific use standards in the UDC that apply to drive-through establishments. Staff has reviewed these standards and finds the following: At approximately 259 feet in length the stacking lane for the drive-through has sufficient capacity to prevent obstruction of driveways and drive aisles by patrons. The stacking lane is a separate lane from the circulation lanes needed for access and parking. The stacking -- the stacking lane isn't within ten feet of any residential district or residence. An escape lane is provided, because the stack -- stacking lane is greater than one hundred feet in length and the drive-through window is visible from Ten Mile Road and an adjacent internal driveway for surveillance purposes. Joe, can you go to the landscape plan, please. Thank you. Access is proposed via a north-south driveway along the west boundary of the site from West Lost Rapids Drive to the south and a driveway via Ten Mile Road exists along the northern boundary of this site. Direct access via Ten Mile Road is prohibited. Parking is proposed in excess of UDC -- UDC standards. A minimum of 23 spaces are required. Seventy-seven are proposed. This lot does have a shared parking agreement with the two lots to the south, which are currently undeveloped. Staff is recommending a pedestrian walkway, a minimum of five feet in width, is provided to the sidewalk in front of the building from the sidewalk proposed along the west boundary of this site, as shown on the landscape plan, and along the north boundary of the site between the sidewalk along Ten Mile Road and the sidewalk along

the west boundary of the site for safe pedestrian access. Next slide, please. Conceptual building elevations were submitted as shown that incorporate a mix of materials consisting of wood siding on the top portion and stone veneer on the lower portion of the building, with glass store fronts and a combination of flat and pitched roof lines. Final design is required to be consistent with the design standards listed in the Architectural Standards Manual. Written testimony has been received from Derek Gasser. BFG Development is the applicant. He is requesting to not be required to provide a sidewalk along the west and north boundaries of the site, consistent with the pedestrian circulation plan approved with the development agreement. Next slide, please. So, this -- this is a copy of the pedestrian connections that were approved as part of the pedestrian plan in the development agreement. It does not show a pedestrian sidewalk along the west or north boundaries of this site. That is an added condition of approval that staff recommends as a provision of the requested conditional use permit. Staff is recommending approval with the conditions in the staff report. Staff -- staff will stand for any questions.

Seal: Thank you. Is there any questions for the Commissioners for staff?

Holland: Mr. Chair?

Seal: Commissioner Holland.

Holland: Their request of waiver on the sidewalk, is there some sort of a site plan design that they are -- they are wanting to waive that for? We can certainly ask the applicant, too. I just wasn't sure if they expressed why they would like to waive the sidewalk.

Allen: Yeah. I would defer to the applicant on their request --

Holland: Sounds good.

Allen: -- Commissioner Holland. Thank you.

Holland: Thanks, Sonya.

Seal: Are there any other questions? Okay. Would the applicant like to come forward?

Gasser: Good evening.

Seal: Please state your name and address for the record and you will have 15 minutes.

Gasser: Good evening and thank you. Derek Gasser. 74 East 500 South, Suite 200, Bountiful, Utah. 84010. Thank you, Commissioner. Thank you, Sonya, for your time and your help on this. As Sonya went through that, you know, we -- we have agreed to -- we feel like we have got a great product here that's been consistent with what we originally had looked at in 2018 when we came through with our initial zoning. We feel like that's going to add benefit to the community, to the established shopping center, and to the

patrons who are in the area. With regards to staff comments, we have -- we will -- we were adding additional landscape screening to the landscape plan. Sonya had called out in her staff notes to have additional screening where the drive through goes through. So, we have made those adjustments. We have submitted those to Sonya and we will include those with the CZC. We also agree with the recommendation for a bicycle rack and have a new site plan that shows that bicycle rack on the property, which will be submitted with the CZC as well. With regard to the sidewalk on the west side of the pad and on the north side, we refer -- go back to what the approved pedestrian connectivity map showed when we did the initial zoning April of 2018. I don't know if -- Joe, if you can pull that up. One back. So, this is what we came through in April of 2018, which shows along all of the perimeters the pedestrian walkway and, then, there is a connection to Costco in those two areas and, then, we also have that pedestrian walkway that goes around along the east side of the drive aisle coming in off of Lost Rapids. Joe, can you go one forward. So, in addition to that what we are proposing is on Ten Mile, the only public road that this fronts, that we would have a pedestrian walkway from Ten Mile, the public road, into the site. In addition to that, we -- we have no cross-parking with Costco. So, in our agreement with Costco as we went through, for reasons we don't want Costco patrons parking in our pad sites and vice-versa, Costco didn't want pad users parking in their site, so we don't have -- we are hoping to not have people park in Costco and, then, walk over to the site. The intent is that that would all be separate. We feel when we look at this on the screen on the left we feel like this provides a safe mode of pedestrian access to the site. The safest way by not having to cross any drive aisles -- excuse me -- by staying along the perimeter on Lost Rapids going up Ten Mile and, then, coming in. I'm trying to think. I think that's -- maybe it would be best just to ask for any questions and, then, I can comment -- comment on any questions.

Seal: Okay. Thank you very much. Commissioners, are there any questions for the applicant? All right. Hearing, then, none, at this time we will take public testimony. Madam Clerk, do we have anybody signed up?

Weatherly: Mr. Chair, we do not.

Seal: Okay. If anybody in the audience would like to testify you can raise your hand and come on up or anybody on Zoom please raise your hand and we will try and recognize you and bring you over so you can speak. Don't see anybody raising their hand. Nobody in chambers is raising their hand. So, if the applicant would like to come back up if you have anything further to say. Commissioners, if you have any other questions you would like to ask.

Gasser: Yes, Commissioner. You know, one last item that we would comment on as we went through this we were basing this off of that approved connection -- pathway connection from 2018 and as we made our site as we went through the preliminary application process and working with staff, we did not anticipate or provide space for a sidewalk along the north side. We are fairly constrained. Currently we have a five foot landscape buffer and we don't have the ability to shift the building to the south to provide that sidewalk there. I guess that's, you know, the only other thing we would add in that.

We -- we don't feel like it's needed. When we look at who is coming into the building we really feel like people are driving to the location and we feel like if they are coming off of the public roads we have great access coming straight off of Ten Mile right into the site. Any other questions?

Holland: Mr. Chair?

Seal: Commissioner Holland.

Holland: In the landscaping buffer that you have proposed on the west and north boundary in lieu of the sidewalk, are there any breaks in the landscaping? If someone was to be walking let's say from the Costco parking lot over through to your site or would they have to access pretty much through that drive aisle walking it?

Gasser: Commissioner Seal and Commissioner, I believe, you know, we have room to do breaks in there. I'm looking at the -- the plan that we have now and I would have to look and see what's been called out on the bushes that are going in there to meet the requirement, but I can't imagine there wouldn't be a way for us to create natural breaks within that landscape barrier.

Holland: I'm sure we will -- we will deliberate on that. And, Mr. Chair, if I can follow up. I'm sure we will deliberate about the sidewalk, but I would say in my opinion if we didn't have a sidewalk I would at least want to see some designated crossing points across those landscape buffers, so that way pedestrians could still access the site without having to drag through, you know, crushed -- crushed rock or bark or whatever kind of landscaping material is there. I know a lot of people will just jump over it anyway, but it's better to prevent that when we can and have easy connectivity for pedestrians, because they will walk over from Costco if they get their groceries there and, then, they decide to come over for a sandwich or whatever it is after they are done shopping.

Seal: Thank you, Commissioner Holland. And I do have a question. Joe, can you back up one slide. I just -- in looking at this I understand where this is a pedestrian connection path here, but I don't think in any way, shape or form this shows that there are no sidewalks anywhere else. So, hopefully, that was not the inference that was -- was going on here. I mean, otherwise, the subdivision to the left would have no sidewalks.

Gasser: When you -- Commissioner Seal, when you say no sidewalks -- so, we have the sidewalk going along -- and I apologize. When we brought this in -- so, this does not show any of the interior site work for the apartment project. There are sidewalks within that community. As far as sidewalks between the uses, there is the sidewalk on the north end that comes all the way around and, then, that east side as well as of the apartments. And did I misunderstand that or is that --

Seal: No. I just -- I'm just hoping that the -- that it's understood that, you know, what's shown in red for pedestrian connections is not the only sidewalks that are supposed to be there and around.

Gasser: And we anticipate, Commissioner Seal, as we go forward on -- on each of the pads that each of those pads will have a connection from the public roadway into the pad as well.

Seal: Understood. Okay. Thank you. Okay. If there is no additional questions can I get a motion to close the public hearing for Lost Rapids Drive Through, H-2021-0001.

Holland: So moved.

Grove: Second.

Seal: It's been moved and seconded to close the public hearing for Lost Rapids Drive, H-2021-0001. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Okay. Who wants to start us out?

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I guess I don't have super strong opinions on this in terms of the -- the sidewalks. I understand both sides of why the staff would want it, but also how the applicant has described the -- the noncross-access agreement with Costco, essentially, where they aren't wanting a bunch of pedestrian crossing. So, I would be inclined to agree with the applicant as long as we had something in there about what Commissioner Holland was alluding to with a natural break on that west side for the center sidewalk.

Holland: Mr. Chair?

Seal: Commissioner Holland, go ahead.

Holland: You know, when possible I like seeing sidewalks, too. I can see why staff made that recommendation. Where they are a little bit site constrained with their layout I don't have a big challenge with the way that their -- their lot is laid out with the way that building is going to interface and the drive through. I think that that's fine. I would say at a minimum they need to have some sort of break in the landscaping on the west and the north boundaries and it could just be something where they have a couple of those paver stones for people to walk on to get through whatever it is. I don't think they necessarily have to be ADA compliant or anything like that if we did that. But I would be interested to hear what the other Commissioners' thoughts are on whether or not we allow them to waive that sidewalk.

Seal: Commissioner Yearsley or Commissioner Lorcher?

Yearsley: Mr. Chairman, I -- I agree with both Commissioner Grove and Commissioner Holland. I -- yeah. I agree with both of them on the removal of the sidewalk, as long as we have access.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I don't have a problem with there not being a sidewalk. It's going to be mostly parking lot where there will be plenty of space for people to walk safely.

Seal: Okay. Thank you. My only comment on this is I -- the sidewalks to me, if we allow that to happen here, then, we are going to be missing it along the entire stretch, so -- and I do go to this Costco and I know that people do walk up from Lost Rapids on there and I have seen them walking in the road, not on the sidewalk already. So, that's -- that's my only concern with this, is that the interpretation is going to be that, you know, since there is already a walking path diagram out there that nobody has to supply sidewalks in here for this. So, my question would probably be to staff on that as far as what do we have in place to ensure that when sidewalk is more appropriate that we can enforce something to put that in.

Allen: Chairman, Commissioners, the UDC only requires sidewalks adjacent to public streets. The driveway along the west side and along the north side of the property are not public streets. There will be a lot of pedestrian traffic I anticipate from Lost Rapids Drive to the south. Lost Rapids Apartments is kitty-corner southwest of this site that's currently in the application process. There is a sidewalk that is required along the east boundary of the apartment complex, which is the west side of the north-south drive aisle. But there is nothing on the east side. None of those lots are developed yet. This is the first lot that's coming in. There is a pedestrian connection from Lost Rapids along the east side of the multi-family development and, then, it goes up to the Costco site. But nothing to the east.

Seal: And, Sonya, there is no other pedestrian crossways on Ten Mile from Lost Rapids to -- up to Chinden; correct?

Allen: I'm sorry, I'm not understanding your question. There is a -- there is a sidewalk along the west side of Ten Mile to Chinden.

Seal: Right. But there is no like a -- pedestrian crosswalks or anything. I know there is one through there somewhere, but I think it's south of Lost -- of Lost Rapids. Just trying to make sure that we are not going to short side somebody that's coming across Ten Mile on a bike or, you know, walking or something like that from one of the subdivisions to the -- to the east.

Allen: Yeah. The pedestrian circulation plan is as shown.

Seal: Okay. Thank you. Anymore discussion or would somebody like to take a stab at a motion here?

Holland: Mr. Chair, I'm still struggling a little bit with the sidewalk, because the way that it's set up the sidewalk that's on the west boundary coming up, it will end right where this lot begins and so you will have a lot of people taking that -- walking crossing over that drive aisle to get into this on pedestrian or bikes and so I do worry a little bit about the safety of that in the long run. Sonya, will there be a sidewalk or anything that divides this specific pad site from the pad sites to the south of it?

Allen: Chairman, Commissioner Holland, no, there will not be.

Holland: Sonya, do they have room on their site plan that they could put one on the south side?

Allen: Chairman, Commissioner Holland, not really. They -- they made a modification to the site plan to shift the trash enclosure. You can see it at the southeast corner of the site, basically just a little bit off the property line, enable to -- in order to enable the trash service to pull in and service the dumpster and not have conflicts with the drive through lane. So, we have scooped that as far as we could to the south.

Holland: And I'm worried, too, that if we require them to do sidewalk they don't have enough room to do that right now without getting rid of completely all of the landscaping.

Allen: Yeah. I -- I'm not real sure why the applicant doesn't want to do it on the west side. They originally showed that on the landscape plan. Joe, if you will scroll up a couple slides. It appeared to have enough room. You can see it there. But -- but the one along the north boundary only has five feet for landscaping. So, adding a -- you would either need to remove the landscaping and put in a pathway or a walkway. It is a code requirement next to vehicular driving surfaces that they have a perimeter buffer, that -- that could be waived through alternative compliance, but, really, the -- it would just require the site to shift or remove a parking stall or so and the -- part of the patio area if it was -- if a walkway was put in along the north.

Holland: So, a follow-up question. Could we require a pathway on the western boundary and, then, just ask for breaks in landscaping on the northern boundary? Would that be a fair compromise?

Allen: You can. I'm not sure you want to promote pedestrians walking through the drive aisle to access the site that way though.

Holland: Sure.

Allen: You know, there is a pedestrian connection near the southeast corner from the sidewalk along Ten Mile that would come in to this building, but other than that there is

not one that's going to be put in until further to the north for the pedestrian circulation plan for the site from Ten Mile.

Holland: Would it make staff feel better if we recommended at least a minimum of doing a sidewalk just on the western boundary and, then, left the northern boundary as a landscape berm or buffer?

Allen: I think anything helps. You know, it's -- it's a safety issue is the basis for staff's recommendation, but it's -- it's under your purview with the conditional use permit.

Holland: Mr. Chair?

Seal: Commissioner Holland, go ahead.

Holland: I will throw out a motion and see if it sticks.

Seal: Thank you.

Holland: After considering all staff, applicant, and public testimony, I move to approve file number H-2021-0001, as presented in the staff report for the hearing date of March 4th, 2021, with the following modifications: That they would be required to construct the sidewalk on the western boundary, but that they would be allowed to maintain having the landscape buffer instead of sidewalk on the northern boundary.

Seal: Is there a second?

Yearsley: I will second.

Seal: Okay. It is moved and seconded to approve item number H-2021-0001 with the modifications. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

**3. Public Hearing for Kiddie Academy (H-2021-0003) by neUdesign Architecture, LLC, Located at 3335 E. Victory Rd.**

- A. Request: A Conditional Use Permit to construct a new 8,436 square-foot, single-story daycare facility on approximately 1 acre of land on Lot 3 of The Shops at Victory plat in the C-C zoning district.

Seal: Okay. Next item. I would like to open the public hearing for item number H-2021-0003 for Kiddie Academy.

Dodson: Thank you, Mr. Chair. Give me a couple of seconds here to get the presentation up.



Seal: Thank, Joe.

Dodson: Thank you. Before I start I do want to note on the outline when I was writing it I forgot to change the possible motions. There is a CUP request, so if you make a motion to approve or deny, not recommend, since you are the acting body. Just to let Commission know.

Seal: Understood. Thank you for the clarification.

Dodson: First item by me before you tonight is the Kiddie Academy conditional use permit. The site is located at 3335 East Victory Road, which is near the southeast corner of Victory and Eagle Roads. It is approximately one acre of land and currently zoned C-C as noted in the central picture here. To the north is C-C and R-15 zoning with future multi-family that is approved there and undeveloped commercial land. To the east is R-4 zoning and existing single family residential. To the south is a large RUT parcel that is a county residential parcel and to the west is C-C zoning and Rite-Aid existing commercial property. The applicant is requesting a conditional use permit for a new 7,926 square foot single story daycare facility. The applicant has noted a maximum child capacity of 158 children and no more than 21 staff members on the property at peak hours. Staff has recommended a condition of approval to limit the number of children served to this number of 158. The applicant did not apply for a design review with this application, but have provided staff with conceptual elevations as seen. These elevation show adequate facade modulation, a number of field materials, and appropriate scale and finish materials for the proposed use. Prior to obtaining building permits the applicant will be required to obtain certificate of zoning compliance and administrative design review approval. Access into the site is proposed via driveway connections from Victory and Eagle as seen here, here, and two driveway accesses on Eagle, which are existing. In addition to the access points, the parking abutting Victory is also existing. Following initial review by staff the applicant revised the site plan to provide a better circulation plan and better circulation pattern. The revised site plan shows 30 total parking stalls, of which 18 are new, and additional parking on the north side of the building to the west -- and to the west. Between these western spaces the applicant is constructing a drop-off and pick-up area here. This drive aisle is shown as a one way drive aisle for parents that goes from the south to the north adjacent to the west facing center. The applicant has proposed a one way drive aisle in this direction with the anticipation of a majority of the future children coming from subdivisions to the south, because it has an easier access from those existing subdivisions and the adjacent, as noted in the other picture, the existing driveway connections along Eagle. Staff finds that the site plan provides adequate safety and circulation to meet the required specific use standards. In addition to the future building itself, the applicant is also proposing three outdoor play areas noted on the plan with the three colors. These play areas are shown to be fenced for safety and the fencing is supposed to be six foot nonscalable, which is being proposed and meets code. The subject property has an existing sidewalk connection to the subdivision directly to the east and this sidewalk connection will also be maintained with this new use. Maintaining this pedestrian connection makes this a truly walkable commercial use and offers adjacent

parents and extremely safe access to the daycare. Staff does recommend approval of the requested CUP application and I will stand for any questions.

Seal: Thank you. Are there any questions that the Commissioners have for staff? Okay. Seeing none, would the applicant like to come forward. Good evening. Please state your name and address for the record.

Bidwell: Thank you, Mr. Chairman and Commissioners. And thank you, Joe. I'm Amanda Bidwell with neUdesign --

Seal: Get just a little bit closer to the microphone.

Bidwell: Amanda Bidwell with neUdesign Architecture. 725 East 2nd Street in Meridian, Idaho. So, I'm here on behalf of Kiddie Academy today. As you can see on the screen -- yeah -- we have proposed some preliminary elevations that kind of tie in with the existing Rite-Aid that's over there, using some stucco and complimentary awnings. Go to the next slide. The buildings located next to the Rite-Aid off of Eagle and Victory on an existing pad site -- Joe has already talked about the access points from Eagle and Victory and we have adequate access to our building. If you can go to the next slide. So, as mentioned it's on about an acre parcel. The building is roughly 7,950 square feet and we are proposing three separate play areas to add variety for different ages of children on the site and, then, we are also offering 30 parking stalls on the site and there is a pedestrian connection currently shown on the site plan to the east. Staff has recommended we also provide one out to Victory Road, continuing that same sidewalk to the north, and we agree with that, so we will provide that in the CZC application. Next slide, please. One of the most important parts of the circulation on our site is that drop-off and pick-up lane. Vijay, the owner, has experienced in his other daycare facilities that he has an average of a maximum of four parents dropping off at any one time. So, with that drive aisle and the provided parking stalls we have plenty of space to prevent queuing out onto either Victory or Eagle with our site circulation. Next slide. So, the landscaping is shown all around the building. It does meet code there. And another feature that we have is a fence surrounding the building. That's for -- you will see on the next slide there are doors exiting from each classroom and that they exit out inside the fence to direct children around to the back and just promote safety that way. The floor plan has a variety of classrooms. We are requesting a maximum of 158 children. There will be an average of 15 employees on staff with 21 during peak hours in the middle of the day and we are proposing operating hours between 6:30 a.m. and 6:00 o'clock p.m. Next slide. So, just a closer look at our elevations. Like I said, stucco and awnings to tie into the Rite-Aid with some of our own materials as well to give it a unique look. So, with that I will stand for any questions.

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

Holland: Mr. Chair?

Seal: Was that Commissioner Holland?

Holland: I know that we are just reviewing the -- the site plan here and the conditional use request. I'm just curious about the staff-to-kids ratio. I believe the state has a requirement of six to one. Is the applicant planning to meet that state requirement?

Bidwell: Yes, we are.

Lorcher: Mr. Chairman?

Seal: Go ahead, Commissioner Lorcher.

Lorcher: You mentioned that Kiddie Academy has other locations. Are they here in the Treasure Valley?

Bidwell: No. They are in Portland and Vancouver.

Lorcher: And how long have they been established?

Bidwell: I don't know that information off the top my head, but I know my client has had his facilities well established for the last several years.

Lorcher: Okay. Thank you.

Dodson: Mr. Chair?

Seal: Go ahead, Joe.

Dodson: I did forget to mention that the -- in addition to the parking provided on site, the applicant and this property does have cross-access and cross-parking agreements with the Rite-Aid and the future third commercial lot south of Rite-Aid as well. So, they will have opportunities to park beyond the 30 and beyond the site.

Seal: Okay. Thank you. Anymore questions from the Commissioners? Okay. At this time we will take public testimony. Madam Clerk, do we have anybody signed up?

Weatherly: Mr. Chair, we didn't have anybody signed up. There was one person online that raised their hand, but subsequently lowered their hand. There they are again. Vijay, one moment.

Llavarasan: Hi. Thank you. I just wanted to answer that one question that came up. We have been operating for the past four years and during our fifth year of operation --

Seal: Sorry, sir. Can you go ahead and state your name and address for the record.

Llavarasan: Sure. This is Vijay Llavarasan and my address is 2219 Northwest Sierra Way, Camas, Washington.

Seal: Okay. Thank you. Go ahead.

Llavarasan: Yeah. My wife and I we have been operating a childcare center for the past four years and that's -- just wanted to make sure -- I think a question came up for how long we have been operating. So, just wanted to share that information, that it's for the past four years and, then, Kiddie Academy itself is a nationwide system and they have been for 35 years -- operating for 35 years.

Seal: Okay. Thank you very much. Any questions for the applicant?

Lorcher: Mr. Chair?

Seal: Go ahead, Commissioner Lorcher.

Lorcher: So, to the gentleman that was on the telephone, so this is more of a franchise concept, as opposed to grassroots starting new?

Llavarasan: Yes, ma'am, it is a franchise, but each location is independently owned and operated. So, it would be me and my wife that will be fully owning and operating it.

Lorcher: Okay. Thank you.

Seal: Okay. Do we have anybody else that would like to come up? Anybody online? No? Would the applicant like to come up and close?

Bidwell: Thank you. We think this is a really great opportunity for the surrounding neighborhoods to have a daycare facility located very close to them, so we are excited about this project and I'm here for any additional questions.

Seal: Are there any further questions from the Commission? All right. Hearing none, at this time can I get a motion to close the public hearing for item number H-2021-0003, Kiddie Academy.

Grove: So moved.

Yearsley: Second.

Seal: Okay. It has been moved and seconded to close the public hearing on item number H-2021-0003. All those in favor say aye. Any opposed? Motion carries.

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

Seal: All right, Commissioners. Who wants to lead off?

Grove: Mr. Chair?

Seal: Commissioner Grove.

Grove: I don't see any issues that jump out at me. Definitely need additional daycare, childcare facilities in the area and this would be a good addition.

Seal: All right. Thank you. Anybody else? Shy bunch this evening.

Holland: Mr. Chair?

Seal: Commissioner Holland.

Holland: I don't see any concerns, so since nobody else was jumping up, I will just make a motion and see if it goes somewhere. After considering all staff, applicant, and public testimony, I move to approve file number H-2021-0003 as presented in the staff report for the hearing date of March 4th, 2021, with no modifications.

Grove: Second.

Seal: It has been moved and seconded to approve item number H-2021-0003 for Kiddie Academy with no modifications. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

**4. Public Hearing Continued from February 18, 2021 for Foxcroft Subdivision (H-2020-0113) by Gem State Planning, LLC, Located Directly West of Ten Mile Road, on Both Sides of the Proposed Pine Avenue Extension and East of the Ten Mile Creek**

- A. Request: Annexation of 23 acres of land with a request for the R-8 zoning district.
- B. Request: A Preliminary Plat consisting of 85 building lots and 31 common lots on 35.7 acres of land in the proposed R-8 zoning district and existing R-15 zoning district.
- C. Request: A Conditional Use Permit for a multi-family development consisting of a total of 216 residential units on 12.74 acres in the existing R-15 zoning district.

Seal: All right. Are we ready for the next one? Okay. At this time I would like to open the public hearing for item number H-2020-0113, which has been continued from February 18th, for Foxcroft Subdivision. We will begin with the staff report.

Dodson: Thank you, Mr. Chair. Now we are on to the fun ones. As noted, this is for the Foxcroft Subdivision. This project consists of multiple properties totaling 35.7 acres of

land, which is -- the majority of it is currently zoned RUT, but 12.7 acres of it are already zoned R-15 from an older approval. The site is located directly west of Ten Mile Road and is on both sides of the proposed Pine Avenue extension and it is east of the Ten Mile Creek, which abuts the property entirely on its west boundary. This project is surrounds --

Grove: Mr. Chair?

Seal: Go ahead, Commissioner.

Grove: Joe, did you want to switch slides before --

Seal: Yeah. We are not seeing the slides on Zoom. Sorry. I could see them in chambers.

Dodson: Interesting. That is odd.

Seal: There it is. Thank you.

Dodson: Thanks, Commissioner Grove. So, as noted, this is 37 -- 35 and a half acres, 12 of which are already zoned R-15, located west of Ten Mile and on both sides of the proposed Pine extension and all the Ten Mile Creek borders it on the west boundary entirely. In addition, it surrounds the Mile High Pines Subdivision, which is the -- I guess the white area shown here -- has not yet done their rezone, but they have garnered approval from City Council. To the north is R-4 and R-8 zoning with detached single family, as well as to civic uses, Chaparral Elementary School and Fuller Park. To the east is Ten Mile Road as noted and across that is C-C. That's not right. No. C-C and RUT zoning as I noted, which will be the future Mile High Pines, which is R-15 zoning, as well as some C-G zoning. To the south is the railroad property and south of that is C-G zoning with some self storage. To the west is the Ten Mile Creek and further west of that is R-8 zoning and existing detached single family homes. As noted, the R-15 piece already -- is obviously zoned. It received approval and annexation in 2005. However, the development agreement and use and plat were never signed and never -- I guess fully issued. Therefore, the property did receive zoning however, but no development agreement, no concept plan, and no plat are currently approved or relevant on that site. It does have two future land use designations on the site, medium density residential and mixed use community. The formal requests for this are threefold. An annexation and zoning of 23 acres of land, with a request for R-8 zoning designation. A preliminary plat consisting of 85 building lots and 31 common lots on 35.7 acres of land in the proposed R-8 zoning and the existing R-15 zoning and a conditional use permit for multi-family development consisting of a total of 216 units on the 12.74 acre site in the existing R-8 -- R-15 zoning district. The total unit count between both areas of the project is 291 units, 75 single family, and 216 apartment units. The proposed uses as noted are multi-family and single family residential. The single family is proposed as mostly detached single family, but there are also some attached single family duplexes and alley loaded single family. I will let the applicant speak to a little bit more about where those are located. The project is proposed with a gross density of 8.17 dwelling units per acre, which according

to the provisions within the Comprehensive Plan is rounded down to eight dwelling units per acre, meeting the Comprehensive Plan designation of medium density residential, which allows three to eight dwelling units per acre. Again, this does fall at the maximum allowed within the medium density residential. The majority of this project contains medium density -- or the medium density residential designation, but there is an area in the southwest portion of the site that contains the mixed use community designation. Mile High Pines, as noted, already approved earlier this year just to the south and east of this project and contains -- they are entirely mixed use community and they also have the mixed use community elements within their site plan by having commercial along Ten Mile and some additional multi-family that are half single family -- or, sorry, half single story and half two story. In addition, the existing commercial to the east should be taken into account when discussing the overall area of mixed use community. I lost my place. Sorry. Future land use designations are not parcel specific and, therefore, when a project contains more than one designation applicants have the opportunity to float designations and a proposed project that may fit with both or only one of the designations. In this case the applicant has not chosen to include any commercial uses with the subject property and, instead, has proposed a project that is entirely residential corresponding with the medium density residential designation. Despite intentionally not proposing a project consistent with the MUC designation, the applicant understands that some integration of uses and incorporating adequate transition between users is still important. Thus the applicant and that of the project to the east, Mile High Pines, have worked together to allow cross-access between the projects located on the south side of Pine Avenue, so both vehicles and pedestrians can have easier access to the commercial approved on the west side of Ten Mile and that would be right here. As well as an emergency access here that more than likely I would walk through, because it's only going to be bollards, so that's another pedestrian connection. Much of -- much of staff's analysis within the staff report regarding the apartments was based on the transition between these units and the existing two story single family homes to the north. Following publication of the staff report, the applicant provided additional information and exhibit to show that the third floor of the three story buildings will only be approximately four feet higher than the second story of the adjacent single family homes. My other discussion and analysis regarding the density and the MUC designation were somewhat misplaced and should not remain in the staff report. Following review of this information staff is recommending that some of the conditions of approval and DA provisions be changed or removed in line with the provided staff memo submitted on Monday, March 1st. With the latest information provided to staff, staff finds the proposed project complies with the Comprehensive Plan. To dive into this exhibit a little bit more quickly, you can see the elevations of the existing and the proposed. There is a presumed approximate four feet of fill and/or foundation for the apartments and, then, you have the first, second, third floor, which as you can see not that much higher than the adjacent second story, which I was concerned with initially. It will also be more than 80 feet away from the abutting adjacent homes to the north. So, line of sight is going to be very difficult to see into their yards, which is preferred and I can understand that perspective, which is why I initially had them being reduced to two stories. As noted in my memo, Commission does have an -- well, with the CUP process Commission does have the authority to limit any part of the multi-family as well. The applicant submitted conceptual renderings for the proposed apartments and some photo

examples of the proposed single family homes. The submitted multi-family elevations show traditional walk-up garden style apartment buildings. The buildings appear to have at least three field materials of stucco, lap siding, and stone and they incorporate adequate roof plain variation. The -- the buildings do appear to share an identical color palette, which is not -- which does not meet the ASM, the Architectural Standards Manual. Multi-family and attached single family homes require design review prior to obtaining building permit approval. So, at that point staff will ensure compliance with the ASM. Here is some examples of the attached duplexes, the alley loaded, and, then, the standard home lots, the detached single family. Let's go back to this one. As shown on the master street map, the applicant is proposing to construct and extend Pine Avenue as a 36 foot wide collector street from Ten Mile Road to the Ten Mile Creek and construct a vehicle bridge over the creek. Mile High Pines is also required to construct their portion of the south side of the Pine extension to their western boundary. So, to be more clear, this applicant will construct half the roadway and this section on the full roadway segment of Pine here and construct the pedestrian -- or the vehicle bridge across the creek. All projects are required to construct this public road extension with the first phase of development to help with community infrastructure and overall site circulation -- or really road circulation through this area of the city. The multi-family portion of the site is proposed with two driveway access points to Pine, both being full access points. One here and one here. ACHD has approved these access points despite the eastern driveway not meeting their offset requirements for a full access and needing a 25 percent modification to their policy to be approved. Moving this access further west would significantly change how the triangle shaped R-15 piece could be developed, which aided in ACHD's determination to allow this access as proposed. In addition, it lines up with the access within Mile High Pines to the south. All of the streets within the single family portion of the site are proposed as public local streets at width of 33 feet wide, which allow on-street parking where no driveways exist. There is also a short segment of roadway in the south area of the site located here and labeled as alley on the site. It's not actually an alley, it is considered a minor local urban street. I might be mixing the words up. Minor urban local. To service five of the alley loaded homes along Pine. This road is a reduced street section of 24 feet and does not require sidewalks. There are plenty of other sidewalks adjacent to this area that serve these units, as well as the open space surrounding it. The revised preliminary plat shows 75 single family building lots and nine multi-family building lots, with 41 common lots, totaling 125. Of the 75 single family lots, three are proposed to contain homes that are to remain and be part of the new subdivision, two in the south and one in the north along Pine, which you can guess are three larger parcels here. All proposed building lots appear to meet UDC dimensional standards on the revised plat. The applicant proposes to construct the project in three phases, starting with the south -- southwest you could say and, then, move to the northwest and, then, finish with the multi-family project in phase three. The cul-de-sac in the south of the site is approximately 720 feet in length and it connects to an emergency access within the Mile High Pines project as noted. This length of cul-de-sac and/or dead-end street, according to code, is beyond the 500 feet allowed and require City Council approval to be longer than 500 feet. The single family homes are required to show compliance with the parking standards at the time of individual lot development, but as noted the local streets are wide enough to accommodate on-street parking. Based on



the number of bedrooms the minimum parking required for the multi-family is 411 spaces. The revised site plan shows 440 exceeding code requirements by 29 spaces and amounting to slightly over two spaces per unit, which is my understanding an industry standard for multi-family development. Staff believes the revised site plan with additional parking spaces provides adequate parking without producing a waste of land area. A minimum of ten percent qualified open space is required to meet UDC standards in the 11-3G-3 section. In addition, the applicant is required to meet the multi-family development common and private open space standards for the specific use standards for multi-family development. Combine the required -- required amount of minimum qualifying open space that should be provided is 4.81 acres. The applicant's revised open space exhibit shows a total of 7.3 acres of qualifying open space. The applicant is proposing 5.7 of this area to meet the minimum ten percent and it actually amounts to approximately 16 percent. The qualified open space consists of the required street buffers, a little area along Ten Mile, but mostly the ones adjacent to Pine, the Ten Mile Creek area, which is allowed to remain natural per code, and other open space areas throughout the site as noted in the darker green on the shown exhibit. This area exceeds the minimum UDC requirement. The remaining 1.6 acres, approximately, meets the common open space standards for the multi-family development and consists of the clubhouse, pool, with some -- that doesn't make sense. Consists of a clubhouse and pool and other open space areas that meet the required dimensional standards of 20 by 20. The single family portion of the site requires one amenity per code and the proposed multi-use pathway meets this requirement. The multi-family development proposes over one hundred units, so the decision making body shall require additional amenities above the minimum four noted within code. The applicant is proposing five qualifying amenities. A clubhouse, a swimming pool, fitness facilities, pedestrian and bicycle paths and open space that is at least 5,000 square feet in size. Because of the number of units staff is not in full support of the proposed five amenities can adequately serve the apartment units. The applicant and I have discussed additional possibilities and I assume that they will be discussing that with Commission tonight as well. A ten foot wide multi-use pathway is required and proposed along the property's western, northern and southern boundaries per the master pathways plan. The submitted plans show compliance with this master plan. Staff originally required that all pathways be constructed with the first phase of development, but with the Pine Avenue extension and the detached sidewalks along its -- its entire length, plus the first phase segment of pathway along the south and west boundaries, staff now finds that the pathway should be constructed along with each phase. So, to say that another way, their phasing plan already shows them starting here and, then, moving in a clockwise pattern. They will already be constructing the southern multi-use pathway and the western one, which will connect to the detached sidewalks along Pine, as well as an existing multi-use pathway segment here and, then, be able to get to Fuller Park and the school. With this they can get out to Ten Mile and the existing sidewalk there. So, there is not necessarily a need with phase one to have the multi-use pathway segment here or even this segment here, because there will be adequate ability to get to the adjacent open space and school with phase one and the Pine Street extension. The submitted memo outlines this revision as well. Overall this applicant is proposing to construct approximately 4,500 linear feet, which is .85 miles of pathway with this development and does not include the detached sidewalks along Pine Avenue. This

is an abnormally high number for one project to construct, so staff is very appreciative of the proposed pathways that are required, as well as those that are not required, but being proposed. The new pathways constructed in this development would offer multiple avenues for residents in the vicinity to safely get to Fuller Park and Chaparral Elementary. Staff is in full support of the proposed pathway plan for the subject development. This application did receive some public testimony prior to the hearing. As of this afternoon there were six pieces of testimony discussing disapproval of the project. The main issues outlined in those were regarding the extension of Pine and not wanting it to be extended. The density of the proposed project -- project and the safety of pedestrians going to and from Fuller Park and crossing the new extension of Pine or the existing area of Pine in the western subdivisions. Staff does recommend approval of the subject applications with the conditions contained in the staff report, as well as the DA provisions, but with the revisions noted in my memo dated Monday, March 1st, and after that I will stand for any questions.

Seal: Thanks, Joe. Are there any questions the Commissioners have for staff?

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: Joe, question for you, because I know it's going to be brought up and you have already mentioned it in the written testimony from the public, but can you speak to the connection for Pine and how that is aligned within the master street map?

Dodson: Absolutely, Commissioner Grove, Members of the Commission. On the master street map -- I don't know if it's -- I can't see it in these. Pine is shown as a future collector roadway, meaning it's supposed to help local streets of subdivisions get to the arterials, which would be Black Cat to the west and Ten Mile to the east. This was always going to be extended, it's always been part of the plan. Collector roadways are usually constructed by applicants and not ACHD, which is why this applicant, as well as the Mile High Pines applicant are required to construct it with these applications. They will be also constructing the bridge over the Ten Mile Creek, which is, obviously, one of the more expensive pieces -- pieces of the project for this required access. It will -- Pine will be extended from the west all the way to Ten Mile between the two projects. Should line up on -- on the section line between the south and the north and should align with the existing stub to the west. Does that answer your question, Commissioner Grove?

Grove: It does. And I guess a follow-up question, because it was brought up in the testimony, but could you speak to the -- I guess signalized lights on the east, but how -- I think a lot of the concerns were how it affects the nonsignalized intersection to the west, but since that's not part of this project how -- how this is addressed or not able to be addressed with this project.

Dodson: Great question, Commissioner Grove. So, yes, as noted the Black Cat and Pine intersection is an off-site thing and generally speaking very rarely does the city

require off-site improvements. This would be one of those cases where we are not going to require that. It's not just the city, but also ACHD noting that there are not yet enough vehicle trips at that intersection to trigger a signal. That doesn't mean that Black Cat is not going to be widened, which it is slated to be widened in the coming years, thankfully, from Franklin all the way to Cherry. Whether that includes a signal I am not aware of that. I am -- from what I have seen I have not known of a signal to be placed at Pine and Black Cat. However, with this extension the majority of people in the subdivisions that are to the west, if they need to get to the freeway likely they are going west to Black Cat and, then, down to Franklin, back out to Ten Mile. Now those trips would be heading directly east and not utilizing the Pine and Black Cat intersection, which should help alleviate some of that traffic. I can't speak to the traffic associated with the school site south of where all of this is at, but that's also why ACHD is planning to widen Black Cat hopefully sooner than later. My understanding is within the next five year work plan that they are including the widening of that road. But this extension should alleviate some of the issue, because people would logically go east to get to Ten Mile, rather than heading west and going around the subdivisions.

Grove: Thank you.

Dodson: You're welcome.

Seal: Any other questions for our staff?

Lorcher: Commissioner?

Seal: Go ahead. Commissioner Lorcher.

Lorcher: So, the -- ACHD signed off on it, even though all these homes are going in with the extended traffic that's going to be on Ten Mile?

Dodson: Commissioner Lorcher, that is correct. Yes. ACHD very much wants this extension to help alleviate some of the traffic issues further to the west off of Black Cat.

Lorcher: Off of Black Cat. Okay. Thank you.

Dodson: Yes, ma'am.

Seal: Any other questions? Okay. Would the applicant like to come forward? Go ahead and state your -- state your name and address for the record, please. You have 15 minutes.

Suggs: My name is Jane Suggs with Gem State Planning and I'm here representing Foxcroft Subdivision. Is it okay if I do this without my mask?

Seal: I think you are okay.

Suggs: It fogs my glasses up. And, then, Joe, do I just press down if I want to get -- or do I tell you? Okay. And I will move over here and --

Seal: Just make sure you are speaking into the microphone, so we can --

Suggs: Got it.

Seal: -- get everything recorded correctly. Thank you.

Suggs: Again, Jane Suggs, Gem State Planning. 9839 Cablecar Street. Representing Foxcroft Subdivision. Happy Idaho Day. Today's the day. We really appreciate working with the staff. We updated our plans. I want to very much thank Joe Dodson, who was very helpful. Bill Parsons. Bruce Freckleton. Joe B -- because I can't always pronounce his name. The fire marshal. And others. We are very happy to say that we agree with all the conditions of approval and those are the ones that are outlined in the March 1st memo. Right now Foxcroft is an in-fill community that is approvable as conditioned. So, everybody can breathe. We talked about this -- Joe talked about this a little bit. I'm going to tell you a little bit more about Foxcroft, but while I do keep in mind that with the approval of the Foxcroft as we proposed, this developer, single handedly, will construct the vehicular bridge over Ten Mile Creek and we are going to finally provide that much needed connection. That is something that ACHD has been wanting to happen. We are also going to make the connection on Pine Avenue and this is unusual that we are doing this in the first phase. Typically you would do this type of construction throughout and have it completed after you have completed your project, because there is a lot of cost involved in that. This is a little bit of a different thing to do this all during phase one, but I believe Mile High Pines also had a condition to do their work on Pine -- Pine Avenue at phase one. So, we are going to work together and make sure that when we get started you will have a connection, not only the bridge, but -- well, of course, it will take a while to build it, but curb, gutter, and sidewalk along Pine Avenue, which I think will be a wonderful connection for the folks who live in that area. I also want to put this project a little bit in -- since it's an in-fill project and put it in context. You can -- you can see -- I don't know if you -- if this works. Oh, there we can. Oh. So, here we are. This is the R-15. This is the Mile High Pines project and this is our project north and south of Pine. There has been a lot of activity south of this project at the Ten Mile interchange as you know and you will recall that the Mile High Pines development did include over 28,000 square feet of commercial property. That's how they finally got approved. The Foxcroft community can certainly support that commercial with rooftops and the pedestrian access that you will see. We have a lot of that. We believe that Foxcroft is a really great transition and it's between this commercial area that you see in this part of Meridian. Again, a little squirrely here, but -- there we go. All the commercial here and this is a nice transition with single family and multi-family housing. It also is adjacent, as Joe mentioned, to Fuller Park and Chaparral Elementary School. Schools and parks. That's where you want to put houses. That's where you want to put people. A lot of them. Foxcroft apartments are already annexed, as Joe mentioned, and zoned for high density residential. The apartments will offer a 3,000 square foot clubhouse with community room, fitness rooms, and a kitchenette, plus a swimming pool and I'm going to show you a couple of renderings

that for -- some of these were in your package. It shows you some of the apartments and the pool and other views of the apartments. Now, we have -- we are asking for a conditional use permit for that. We did not do design review on this particular application. So, we will be coming back for design review, as Joe mentioned. We will be looking at our palette of colors. So, this plan shows the different types of lots. This is a color-coded map showing the different housing types. The blue lots -- the grayish blue lots -- and they are the larger lots -- are the existing homes that are out on this Pine Avenue, which, really, is just a dirt road right now, it's not even a dedicated right of way at all. They will remain as part of the plat. The peach colored lots, the ones south of Pine, are single family detached homes. They will face Pine and they will have garages in the back and this makes for a really nice streetscape as you are going down Pine and that's one of those homes. Again, there are some yellow lots on the north side. These are the two unit townhomes that Joe had mentioned. I will show you what they look like. And these are two story townhomes. There you go. And the tan lots are the ones that are just standard single family detached homes and there is an example of one of those. Even though we are within walking distance of Fuller Park -- and Fuller Park -- if you haven't been out there it's incredible. Twenty-three acres, picnic shelters, restrooms, playgrounds, three baseball fields, volleyball court and there is even a pond to go fishing. We also want to have a couple of intimate spaces within the subdivision of Foxcroft for our residents to recreate and gather. So, here is something showing those amenities. You will see the gazebo, Pergola Park. You see a circle around the clubhouse and fitness facilities. In the apartment complex, the playground area, and, of course, we have community pathways around the entire project. Here is a picture of our -- I call it Pergola Park, because that's a cute pergola. Opportunity for people to gather in that location in the north part of the project. And, then, we have the playground that's in the south part. Again, they are -- the playground equipment and larger over in Fuller Park, but sometimes you got little ones and you just want to be able to walk across the street and this provides that opportunity with some seating around the park, so the kids can play. Again, a little more intimate setting for just the residents of that neighborhood. We do have extensive connectivity within the project. We are constructing, as Joe mentioned, several regional pathways. The ones on the north boundary, the pathway along Ten Mile Creek, and along the south boundary, which is next to the railroad track. This is in addition to all those yellow marked up sidewalks that you see throughout the project and, unfortunately, we didn't show, because every one of those apartment buildings also has sidewalks in front of it, too. So, there is lots of ways for residents to move around in a pedestrian way. Now, the way I look at it with the connections that we have here, you can get your steps in. We also appreciate the fact that we do have a path -- there is a pathway that runs along the Mile High Pines, along their west border, that we can access and get into the commercial areas pretty easily to support them in a pedestrian way, which is very nice. And, of course, we also have the easy access up to the school and to the park. I can stand for questions. But first let me say how much I appreciate, again, the staff working with us on these conditions. We are in agreement with all the conditions and we very respectfully request your recommendation of approval to City Council for the annexation and rezone, the preliminary plat, and the CUP for the apartments as conditioned in the March 1st memo and I will stand for some questions.

Seal: Thank you. Do we have any questions for the applicant?

Grove: Mr. Chair?

Seal: Go ahead, Commissioner Grove.

Grove: Yes. I have a question on the southern parcels. Are -- and how the access to those lots will work. Are those indicated as driveways? I was a little -- I couldn't really tell what those were intended as.

Suggs: Yeah. Thanks. Those are on the very bottom of the property. I mean against the railroad track. Those are shared common lots that are -- well, excuse me. They are single family homes that have a common driveway, so because we have such an odd shaped lot there, there wasn't any way to really get a street to wrap around, so they will access to the cul-de-sac and you will see several of those were there -- the lots on the very southern border will take their access to a common driveway and you will see that as they are shared there. So, those are single family, they are not multiple family lots, and they are pretty good size lots. They just have to share that common driveway and they are -- they are popular all over town when you have these odd shapes and that's a little bit about why we have to design this way and why we design for residential is because of the odd shape of this property. Does that help? Is that what you are talking about, Commissioner?

Grove: It is. Thank you. And if I can get one other question. Is there future plans for the three existing residential lots to be developed in the future or are those intended to stay as is in perpetuity?

Suggs: Well, it's hard to say. They are going to be part of the plat. They will be zoned R-8. We were asked by the staff to take a look at how the two on the south side, since they are larger, how they might redevelop and we wanted to make sure that there would be a possibility of doing that by making sure that we didn't landlock them and -- do you have that, Joe? Do you want me to see if I can -- I think I have it down here on -- way down. There it is. We did develop a little sketch. Now, this is not going to be property that we own after the property is finished, so it will belong to the people who actually sold the property to the developer and so this was just showing that those two homes could redevelop their property in the future, meet the zoning code. It is a condition of approval that we expect that they will build something similar to this. Again, we won't be in control of those, but we do think that really what the city wants to know is that we weren't setting up these guys to have an issue if they chose to redevelop. Again, we can't even tell these -- this drawing saves the homes and we don't know if they won't even do that. So, right now they are planning on living there. So, that -- and we have planned to provide the access that they need to get to the public streets. So, they will be larger lots -- and I think we used to do this back when we were doing other developments that had -- next to RUT, those five acre lots, sometimes we had to come up with a -- kind of a conceptual plan for doing future development. We really couldn't hold it to -- hold that -- someone to that, but we did want to know that the city wasn't letting someone approve something that

would keep that property from developing. So, I think that's really what this is all about, just to give a concept of that.

Grove: Thank you.

Seal: Any other questions for the applicant? I have one myself, actually. On the -- and you can just leave this up. Where the driveway is for that kind of southwest -- the bigger property, is there a reason that -- that Lot 11 isn't slid to the left to kind of close that off, instead of having a driveway in between two houses there?

Suggs: Because that's where the owner wanted to be able to access. So, that's Mr. Johnson, who has that southern larger lot, and he needed to have that access at a certain location, so that he could access his garage and get through his property and so we ended up having a driveway there and we added a lot there, because you can add a lot there and somebody can live there. It would force 12 -- we would love to develop that as well, but it wasn't large enough and didn't have the right configuration to put a house on it.

Seal: Okay. Thank you. Any other questions? Okay. Let's go ahead and open it up for public testimony. Madam Clerk, do we have anybody signed up? I'm guessing we do.

Weatherly: We had two people sign up, none of which indicated a wish to testify however.

Seal: Okay. If anybody in chambers would like to speak on this you can raise your hand, have you come up. Oh, we have got somebody online.

Weatherly: Jane, one moment, please. Jane, you should have the ability to unmute yourself and speak when you are ready to provide your name and address.

Byam: Okay. Are you looking for Jane Byam?

Weatherly: Yes. That's correct.

Byam: I got disconnected there for a minute, so -- I am -- my name is Jane Byam and I live at 6050 El Gato Lane, Meridian, Idaho.

Seal: Okay. Thank you. Go ahead.

Byam: Should I use my camera or not? I'm -- I have got that capability or you just want to hear me.

Seal: That's up to you. We don't have to -- we don't have to see you, we can just hear you if that's okay.

Byam: So, I would like to start my remarks with asking a question about the future land use map and current zoning on that northeast parcel where the apartments are going.

Several residents in -- in our neighborhood were involved in paying attention to participating in surveys and things when it came to the future land use map and protection of our neighborhood and the rural atmosphere that we have here and on the future land use map that parcel is designated as medium density, just like the other two parcels that are currently RUT within the county designation. I recognize that in 2005 that north -- northeast parcel was annexed into the city and zoned at the time R-15, but could you, please, explain to me why on the future land use map the city designated the use as being medium density, not high density?

Seal: Joe -- Joe, do you want to take a stab at that?

Dodson: I can, but usually we let the public testimony go first.

Seal: Okay. I was going to say if you --

Dodson: If she has another comment we can hear that and, then, if nobody else wants to answer, then, I will gladly answer that.

Byam: Okay. So, should I continue with my -- with my other remarks --

Seal: Yes.

Byam: -- and, then, we will come back to that? Okay. Thank you. So, being on El Gato, which is, essentially, directly across from Pine, we -- we have seen increased traffic on our quiet agricultural street over the past few years. When the school was being proposed, the Aviator Charter School was being proposed to the city, originally that property there was going to be high density, but when the school was approved that was changed to mixed -- mixed employment, I believe, and I know that a parcel of that property is now going back to high density. At the time a traffic study was done by Charter -- or by Compass Charter and said that at peak times there were only 200 cars coming down Black Cat. Well, anybody who lives on our street can tell you that there is certainly more than 200 cars going down Black Cat and so traffic is a concern at the time that school lets out and starts in the morning. People can't get out onto Black Cat because of traffic stopping to turn into the school. Having Pine extended, which we -- you know, everyone knew that it was eventual. Having Pine extended is going to cause even more problems there. I recognize the gentleman earlier said that most people will head west to Ten Mile if they are wanting to go to the freeway, but if anybody that's going to live in these homes or in the apartments have children that are going to be going to the charter school, they are going to be heading west and it's going to make that intersection there at Pine and Black Cat or El Gato and Black Cat that much more difficult and so that is a major concern for me and -- and I believe other people have expressed that in writing to the city. Another concern for me is that in the Comprehensive Plan it does make allowance for keeping areas of rural homes and agricultural properties and as time goes on and just really in just the last few years we are seeing more and more farmland becoming high density or medium density subdivisions. So, I am concerned about the fact that the applicant is requesting -- or going with the maximum density for the medium density area, rather than



giving -- giving those homes a little bit larger lots and leading to, you know, less congestion when it comes to people. We are seeing that rural atmosphere that used to exist here in Meridian disappearing very quickly. The Comprehensive Plan states housing introduction -- introduction communities for housing should be available for all income groups, with a diverse mix, including rural, modular, townhomes, apartments workforce housing, large lot subdivisions and single family homes. We are -- we are seeing a lot of cookie cutter homes crammed into small spaces with, you know, like ten feet or less in between homes and so the rural atmosphere is disappearing very quickly. Residential land uses, the purpose of this designation is to provide for a variety of housing. There is several things in the Comprehensive Plan that emphasize the need for maintaining some of that rural atmosphere and --

Seal: Ma'am, you will need to wrap up --

Byam: Okay.

Seal: -- your three minutes is up.

Byam: Okay. So, I -- I just wanted to -- wanted to express my concern for increased traffic coming to the intersection of Pine and Black Cat, which when it's -- when traffic is backed up on Black Cat there is the potential of people come -- going down El Gato, instead of waiting to get to the traffic light at Franklin and that causes a hazard on our street and so that -- that's a major concern for us is that increased traffic with Pine going through, especially if it's not going to be a controlled intersection. So, those -- that -- those are all the comments I have. Thank you.

Seal: Thank you, ma'am. Okay. Do we have anybody else that wishes to testify? Joe, do you want to go ahead and explain the zoning slash -- because it does get a little bit confusing in there.

Dodson: Yes, sir. Like I said last time, we are going to have to start an education series for Meridian on zoning versus comp plan. I will let the applicant speak to some of the other comments that she made, but as long -- for the Comprehensive Plan conversation, the -- as I noted in my presentation, the future land use designations are not parcel specific, unless -- unless the parcel only has one designation on it. However, when we work with projects we take in -- you know, and you are subdividing, now all these parcel lines are moving and you got to take into account all of the different designations on there to some degree, as I did in my analysis. But, then, again, you don't have to adhere to both or all three or four they are having. For example, there is properties off Overland that have half of the property is -- shows commercial and half of the property is residential. You are not going to develop the site as both more than likely, you will choose one. In this case there was mixed use community and also medium density residential and they are opting to go with the medium density residential designation and that can fit with the Comprehensive Plan. With the density that's the bigger conversation. They are meeting the density for the overall project, which is how we look at gross density. The medium density residential is, again, three to eight dwelling units per acre. The density is not tied

to the zoning. R-15 zoning does not equal 15 dwelling units per acre as it used to. It did prior to the new comp plan 2018, formally approved late last year. It used to mean so many dwelling units per acre maximum. That is not true anymore. It is only -- density is always tied to the future land use now, which is in this case three to eight dwelling units per acre. The R-15 zoning -- or any zoning that they request, it has more to do with the dimensional standards and the allowed uses within that zone. They could have requested R-40, which does not mean 40 units per acre, it just means that there is no minimum lot size. That's a higher height limit. That's pretty much the only differences. R-15 has a minimum lot size of 2,000 square feet and a maximum height I believe of 45 or 50 feet, roughly. So, there is -- that's the biggest difference between the comp plan and the zoning. But they are meeting their density per the Comprehensive Plan and if you have more questions regarding that you can review my staff report and I did more in-depth analysis than that. I hope that answered your question, ma'am.

Seal Thank you, Joe. Appreciate that. Would the applicant -- excuse me. Would the applicant like to come forward and close.

Suggs: Thank you again -- thank you, again, Commissioners and Mr. Seal. I do want to respond to a couple of the questions from Ms. Byam on El Gato Lane. If you know where that is, that's on the other side of Black Cat. So, that's about a half mile away. So, just kind of to show where it is. But I understand her concern, because that seemed to be the concern of many of the people who live -- who live on Pine Avenue on the west side of Ten Mile Creek and how they have kind of enjoyed living in -- on a dead end and so their traffic really is just the people that live there and the construction guys, who are building all those nice houses that are right there now, so -- so, yes, there -- I think there is some concern about the Black Cat and Pine, but we are imagining what it could be and I do think that one of the things that the neighbors likely will do when the projects are all completed and the traffic is all done -- and that could be several years from now -- is keep in touch with ACHD, because as a person who is in my neighborhood association in the east end of Boise, we spent a lot of time with ACHD asking them to do studies on some of our streets, especially our cut-through streets. So, we want to make sure that, you know, everyone has a safe access. That is not something this particular project can do. We are pretty far removed from that, but I do recommend that Ms. Byam -- Byam and her neighbors kind of keep in touch with ACHD, because there may be a need for additional studies when the project is completed. I mean we are just imagining it's going to be a lot worse, so -- and I do agree with Joe, there are some people now that are going to want to go east and this is the way to do that, instead of going out to Black Cat down Franklin and coming back -- to Black Cat and down to Franklin. I do -- I think I need to address the fact that I do think the Comprehensive Plan -- and this is one of the things that makes the Comprehensive Plan interesting for some of us. It does say things about maintaining rural lots, but we are in a very highly urbanized area right here. We are very -- we are on Ten Mile Road, which has access to the freeway, which is being improved -- of course it's already been improved with five lanes, curb, gutter, sidewalk, which is nice and bike lanes and we are close to the school and we are close to a park and, again, these are the places where you want to put in the lots that serve the most people. So, we want to get people closer to these recreation opportunities and to the schools, so that kids can walk and I --

I have spent some time talking to a property manager that manages apartments of this size and even larger and she talked a little bit about the fact that in this location where you are near a school, she said I will almost guarantee you you are going to have a lot of young children with single parents, because they have to go to work and they want to be a place where the kids can get to school without having to be bused or -- so, you will see a lot of that. She was really very specific about it, so -- but, again, just to -- just to share that I believe we are in a very -- more urban area of Meridian and we think that reserving -- setting aside land for rural, we do have the natural Ten Mile Creek, we have the pathways, we are leaving that as natural as possible and, again, we are close to a park that's open space. And I think we have a really good mix of homes. I think Jane mentioned that she thought that there should be a mix of homes and I think we do, we have the attached single family, we have the alley loaded or rear loaded single family and we have the standard single family and we have multi-family apartments and that's all within like our 35 acres. So, we think that that's a really nice mix of opportunities for people who want to live near Fuller Park, near Ten Mile, you have got lots of choices. So, I will stand for other questions if there is some more questions from the Commissioners. Again, I very respectfully request -- because we have done such good work with the staff, we are -- we are ready to get approved, move on to City Council as conditioned and -- and there are quite a few conditions and there are things we have to do, so -- but we appreciate the staff understanding how this will flow and we are doing all the extra things we can to make sure that we provide a really good opportunity for the city.

Seal: Okay. Thank you. Are there any other --

Holland: Mr. Chair?

Seal: Commissioner Holland, go ahead.

Holland: Hi, Jane. I have a one follow-up question. So, I'm sorry I missed -- if I missed this, but Lots 29 through 31 that are up on that northern section of it there where Aleppo comes in, there is Lot No. 28 to the north of it, is that the drive aisle access for those three lots?

Suggs: You are talking about along the north --

Holland: I was having a hard time understanding just from looking --

Suggs: You are here; right? You are talking these? Can you see my screen?

Holland: Sorry. Let me flip back --

Suggs: Oh, to the south.

Holland: So, down farther -- farther to the south. Right above where Pine comes through.

Suggs: Where Pine --

Holland: So, in that northern quadrant right above where Pine is.

Suggs: Okay.

Holland: As you are coming into that loop there is kind of that yellow --

Suggs: Oh, yeah.

Holland: -- triangular --

Suggs: Oh. Yeah. Yeah.

Holland: Those three lots there.

Suggs: Yes. That's a driveway to service the -- yeah. That's a driveway. They will actually be front-loaded, those three larger lot -- those three -- and that's a funny shaped lot for a driveway. But yes. I'm going to see if I can point to that. So, yes, there will be a fence along Pine at this location. These will not the -- face the street. This will be a fence and they will be front loaded and this is the driveway right here. That makes -- is that -- I think that's what you're talking about. Right?

Holland: Yeah. It was just trying to figure out how those lots had access, if it was off of -- I was hoping it wasn't off of Pine, I was hoping it was off that drive aisle there.

Suggs: Yes. It is off the drive aisle. And similarly on the north side of that same little loop you see a couple of houses with a -- with a driveway that they are accessed off of, too, and just below that is a pathway that carries you through. So, there is an opportunity. And, then, not shown very well, but along the boundary between the apartments and the single family in that north part, there is a pathway that runs all the way from the regional pathway on the north all the way down to Pine Street. So, there is a nice connectivity there, too. But you -- you have -- you have caught onto the fact that, yes, we have a couple -- so we have these lots that have common driveways and they are not accessing Pine, because that's a collector and we have the front-on housing, but they are not going to have their accesses, so that's the -- south of Pine. Those vehicles will be accessed from the south and they will not be connect -- driveway connections to Pine. We are trying to eliminate that -- that -- those turning movements.

Holland: So, one more follow-up question just to confirm. So, that drive aisle -- that lot that connects over to the east there, is that a drive aisle that -- it's going to be open between the apartments and that residential for people to go between?

Suggs: The -- the lot will be and that particular -- the one on the south that you mentioned -- oh. Okay. Keep on going. Are you doing that, Joe? Okay. I'm trying to get to a plat.

Seal: Yeah. I was going to say, you had it there. That --

Suggs: Okay. Well, that -- you can see -- yes. On the three that -- that kind of backup to Pine, there will be a fence. So, people will not be walking there, because it's a driveway. On the north where there are two lots that -- that -- there are two lots that service -- you see there is one that's landscaped, that will be an opening in the fence, so people can cross over. Right there. And the -- and the gray area is going to be the drive aisle. So, we are trying to make sure that people aren't walking down somebody's driveway. So, there will be a fence along the pathway that runs between the multi-family and the single family. Is that -- I think that's what you are asking; right, Lisa?

Holland: Yeah. That makes sense. And thanks, Jane. I appreciate you clarifying.

Seal: Okay. Are there any other questions? I have one question that I would like to pose. So, the attached single family that's there, I think they are the ally-loaded ones, they do have a driveway or is that not correct? Do all of them have a driveway?

Suggs: They each have a driveway and they are not attached, they are actually detached single families.

Seal: Okay. Oh. Okay.

Suggs: So, yeah. And they each have a driveway, two car garage in the back, and they will have a little bit of a -- about a 20 foot apron that you have to -- have to park there, too. So, yeah, those are detached. Because you are getting the driveway in the back, those houses are all 36 foot wide lots, I think, and they are 26 foot wide houses. So, they are just wide enough to put a garage in the back, but since you don't have the garage up front they are really cute, because -- I mean I would prefer one if I could find one that I could afford.

Seal: Okay.

Suggs: I like the alley load look. I mean I guess it's -- it just makes for a really nice streetscape. You can't tell on this -- and we didn't blow it up enough for you to see, but we went in and had to change this -- we had to actually drop a lot. We had 13 and now we have 12, I think, and we -- because a couple of lots we had made less than 4,000 square feet, which is your requirement for that R-8 zone, and so we dropped a lot there, which was -- you know, we don't like to do that, but we did, and so now when you come out your front door towards Pine you will go a little -- kind of -- you will have connecting sidewalks -- two at a time and they will come out. So, you won't have a sidewalk every 20 feet, you will have one sidewalk every like 40 feet, so -- and it's really cute. I think we have done that in a couple of other projects, too, and we really like the look of the fact that, you know, you can get to the homes, but you don't have all those little sidewalks coming along Pine. Our landscape architect is really good at doing the connections.

Seal: All right. Thank you.

Suggs: Thank you.

Seal: Do we have any other questions? Commissioner Grove.

Grove: Mr. Chair, I have a question real quick.

Seal: Go ahead.

Grove: Jane, for the amenities for the apartment section, is there a play structure of any kind or is it primarily the clubhouse, fitness center, pool, for the amenities there?

Suggs: That is what we are planning right now is the clubhouse with amenities in the clubhouse and the pool and, of course, all the walking areas. We do have some green spaces. A couple of those are being used as drainage facilities, but we do have some just open areas. So, if you want to throw a frisbee you can. So, I guess in some of the areas like -- oh, gosh, I can't seem to find this very well. There we go. There is some just open areas here and here. This is a drainage area, but you could still probably have -- have some recreation in it if you just wanted to run around a little bit. Again, we were -- we were not putting in a lot of recreation, because we are so close to Fuller Park. I mean you can actually just -- I mean it's a stone's throw. You can walk down the pathway and get to Fuller Park and you are right there with all of those amenities. So, we had not been -- we have done what we were asked to do for the number of units, as Joe mentioned, that -- we had talked about a few others, but at this point we have not proposed any additional amenities over and above what were required by the code.

Grove: Would a tot lot fit in any of those open green spaces in that R-15 section?

Suggs: We could probably make something fit. We did talk -- I did talk to Joe a little bit about maybe some of these areas -- what we find are people with dogs and we might need to turn one of these little areas here -- which we think this would be a -- probably a good space for it -- into a dog park. I think that's something Joe said that he's finding that in apartment complexes people have dogs and, of course, we have a pathway -- again, taking -- you can walk your dogs on the path. But we could do that. I have found from talking to the other property management person that I have been dealing with, it -- either that or maybe at one of these locations near this -- a regional pathway along the north side we could put in a bicycle air pump and you can hang tools with it. You have to be kind of careful so they don't walk away, but there is a way that you can do that. I think I have seen those at some places along pathways in Boise. I haven't seen them along the regional pathways. So, we might choose to do that. We think that because we are close enough and with bike lanes to the Ten Mile interchange and all of that, maybe if you are willing and we are willing to put in maybe a bicycle station along the regional pathway along the north that would be adjacent to the -- the apartments we think it would be well used. Does that sound good, Commissioner? Add a bike station?

Grove: I'm just kind of going off of the comment that you made earlier in your initial presentation about the tot lot for the alley-loaded project and seeing the difference between the alley-loaded project on the south and, then, the R-15 in terms of how that's described.

Suggs: Okay. I'm not -- I didn't quite follow that. Tell me -- say that again another way.

Grove: You said how nice it is for that little playground area for people to walk across and be able to have that without having to go somewhere else and so just curious if that applied to the -- how that applied or did not apply to the R-15 section.

Suggs: Possibly. We just think that we have enough amenities there with the swimming pool, the plaza that's around the pool, and the areas that are inside the clubhouse and with all the other open spaces we feel like that's sufficient amenities.

Grove: Thank you.

Suggs: I'm not -- I'm not offering that up right away. I'm just thinking there are other things that -- instead of another tot lot there that might be more usable, like the bicycle station than a tot lot, since things are closer. And, then, it's -- again, one is on the other side of Pine, which is a collector and one is directly accessible to the -- to the playground at Fuller Park without crossing a street.

Seal: Okay. Do we have any other questions? Nobody come off mute. All right. Can I get a motion to close the public hearing for item number H-2020-0113, Foxcroft Subdivision.

Lorcher: I will motion that.

Holland: Second.

Seal: Okay. It's been moved and seconded to close the public hearing on item number H-2020-0113. All those in favor say aye. Any opposed? Motion carries.

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

Seal: All right. Who wants to start out?

Lorcher: Chairman, I will start out.

Seal: Go ahead, Commissioner Lorcher.

Lorcher: My primary residence is at Black Cat and Cherry, so I'm very familiar with this and I did have a house on Parkside Creek, which I was on for a park back in the way back days when it was a dirt path and farmland all over the place and the pond was little and it's gotten a lot bigger and it's beautiful. It's wonderful that the City of Meridian has taken over Fuller Park. They have done great things with their amenities and it was only a matter of time before developers come in to be able to take advantage of some of these green spaces that we already have in our community and build houses around them. I empathize with the homeowners on El Gato. I also have a small farm off of McDermott and Ustick and I do use El Gato to get through to Pine and if Pine kept going through I

would probably do that to avoid Cherry Lane or Franklin. So, those traffic concerns are real and it's going to happen, but it's not necessarily the developer's fault, it's -- as our community grows we all look for different ways to get to where we need to go. It sounds like this particular developer is doing everything that the city is asking them to do. They are following the rules, they are following the code, even though some of our old timers really kind of lament about losing some of our farm space, it is part of -- of what's happening. So, you know, they have addressed the concerns of the city. They are following the rules and it would be a great place to live to be able to access that park.

Seal: Okay. Thank you. Anyone else? Commissioner Holland, you are off mute I see.

Holland: I don't know that I was ready to talk either, but -- I mean is it exactly what I would draw on a map if I had this site plan, maybe not. But I don't know that I have any huge opposition to it. I think that -- I appreciate the pathways. I appreciate that they did provide a little bit more green space than required and they have worked closely with staff. I think that the roadway issue with Pine, even though it might seem like you are going to get more traffic on Pine going through, it could actually alleviate some of the issues that we are having at Black Cat and Pine, because people will be able to head towards the east to get Ten Mile to get towards the freeway. I -- I'm very familiar with this area, too, and I know that -- I know that that can be a really busy road, but I think this could potentially help offload some of those traffic challenges. So, I don't know that it will be necessarily used as a speedway to go through, but I think it could potentially help with some of those challenges in the future. That's all I got for now.

Seal: Okay. Thanks.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I would echo what's been said so far, especially with Commissioner Holland, and this might not be the exact layout that I would have gone with if I were, you know, thinking about it, but I don't have any strong objections other than I would like to see some additional amenity, you know, tot lot or something for the R-15 section. I do really like the amount of pathways that are in this project. It is very similar to the -- the project to the southeast of the pathway that it had and I think having all of those pathways between the two developments is going to be a big benefit for this -- this new development that's coming in and I think that -- that Pine needs to open up. It's going to create better access for everybody and it should help alleviate some of the pressure that is, you know, over on Pine and Black Cat and it's also one of those things where we don't get some of the improvements on Black Cat, you know, until 2031, until there is more rooftops that necessitate it to be bumped up sooner and so that's, you know, chicken and egg situation with some of the development for improvements on roads. So, I'm -- I'm mostly in favor of this project.



Seal: Okay. Thank you. And I will just chime in here. I don't have any major reservations about it either. I do -- having the driveway through to two properties there, that -- I see that becoming an issue when things try to redevelop on those lots or even an issue as having that a drive -- drive aisle between the two lots. So, I think it's going to limit that -- what they can there and how they can do things there or pose problems in the future. I do agree that, you know, some kind of tot lot or play structure up in that multi-family is to me going to be a little bit more relevant than -- than where it's at down south. Not that I would like to see that one go way, but an additional one, you know, play structure something like that just to let kids run around. Even, you know, kind of rock structures or something like that. Something for kids to play on and -- would be great to see there. But, yeah, I do like the pathways and all that, the way that they have constructed that, incorporated the creek into it and everything is very nice. So, I think it's going to be nice if it gets approved. Commissioner Yearsley?

Yearsley: Yeah. I wanted to -- I -- I think for most parts it's a fairly good layout. I do echo the idea of having an additional amenity for the R-15. You know, I -- in all my years I have been on the Commission I have never heard anyone come in and say I have got too many amenities in my subdivision. Typically everything is underbuilt, overutilized. In our subdivision that we have, the same thing, it's just -- you never have enough and so I think it is warranted for another amenity within the tot lot -- or in the R-15 area. The rest of it looks reasonable and makes more sense and so I would be in favor of that with that -- with that addition.

Seal: Okay. Do we have any other commentary or would somebody like to make a go at a motion here? Anybody?

Holland: I could probably take a stab. I was trying to let somebody else do it this time though.

Grove: I was getting my notes. I can -- I can do it if you would like.

Holland: Go for it, Commissioner Grove. I will let you do it.

Grove: Okay.

Seal: Commissioner Grove.

Grove: All right. Let's see. Make sure I got the right number. All right. Oh, no, I don't.

Dodson: Mr. Chair?

Seal: Go ahead, Joe.

Dodson: Just real quick, Commissioner Grove. On this one, because there was a staff memo following the staff report, just be sure to include any recommendation that it also

includes those revisions within the memo, dated March 1st. In addition to those in the staff report. Just so we cover all of our bases.

Grove: I can't find the right piece of paper, so I'm just going to take a wild stab at this.

Yearsley: I can take a stab at it.

Grove: You want to do it? Thanks.

Yearsley: Yes.

Grove: Thanks.

Yearsley: So, Mr. Chairman, after considering all staff, applicant and public testimony, I move to recommend --

Seal: Commissioner Yearsley, I can't -- we are having trouble hearing you.

Yearsley: Sorry. I'm looking on -- talking into one computer and looking at the screen on the other.

Seal: Understood.

Yearsley: After considering all staff, applicant, and public testimony, I move to recommend approval to City Council of file number H-2020-0113 as presented for the hearing date of March 4th, 2021, with the following modifications: That we add the -- to include the revisions in the staff memo dated March 1st, 2021, and that in the R-15 area an additional amenity, such as a tot lot, shall be included into that phase.

Grove: Second.

Seal: Okay. It's been moved and seconded to recommend approval of item number H-2020-0113, Foxcroft Subdivision, with the aforementioned modifications. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

- 5. Public Hearing for Movado Mixed Use (H-2020-0123) by FlexSpace, LLC, Located on the South Side of E. Overland Rd. Between S. Eagle Road and S. Cloverdale Rd.**
  - A. Request: Conditional Use Permit for a multi-family development consisting of 66 attached units (56 units on 4225 E. Overland and 10 units on Parcel S1121121011) on 6.8 acres of land in the C-G zoning district

- B. Request: A Development Agreement Modification to modify the concept plan approved with the existing agreements (Inst. #2017-12608 & #2018-012456) to include a mix of multi-family and commercial uses on the remaining 6.8 acres of the Movado development.

Seal: All right. Commissioners, then, does anybody need a quick break before we move on to our last item or -- speak now. No? Power through? Okay. I will take the silence as power through. Okay. At this time I would like to open the public hearing for item number H-2020-0123 for Movado Mixed Use and we will begin with the staff report.

Dodson: Thank you, Mr. Chair. Before I get started I did want to note that the applicant did respond to my staff report yesterday, I believe. Today's Thursday. So, I think it was yesterday. I do agree with their recommended revisions to my staff report. I just want to note that some of the recommendations I made -- how do I put this? I don't have an economics commercial background, so some of them might have been ill informed. So, after meeting with the applicant and, then, getting their specific outline and response, I do agree with what they are requesting within that memo. With that I do think that any motion tonight should include a recommendation to revise some of the staff report analysis in order to accommodate some of that conversation, too.

Seal: Okay. Thank you.

Dodson: So, as noted next and last project for the night is Movado Mixed Use. The site consists of 6.8 acres of land, currently zoned C-G and is located on two parcels. One -- the western parcel is 4225 East Overland and, then, it has the adjacent parcel to the east as noted here. Parcel on the west. Parcel to the east. It is along the eastern edge of the city limits on the south side of Overland Road east of Eagle and roughly half a mile or so west of Cloverdale. To the north is RUT zoning and county single family residential. To the east is city of Boise, which -- with some undeveloped land, but it is approved for mini storage from my understanding. To the south is R-15 zoning and detached single family and to the west is C-G zoning with approved and currently under construction multi-family. There is an extensive history on the site all the way back to 2016 with the Movado Estates and it was, then, modified and rezoned with the Movado Greens and Silverstone Apartments, which are the apartments to the west and, then, in 2019 a different MDA and modification to the approved conditional use permit for those apartments were applied for, but, then, later withdrawn following the Commission meeting and those comments at that point. There are two existing development agreements from 2017 and 2018 that are relevant. The MDA request before you tonight -- or with City Council doesn't include many changes to those provisions as they are still applicable. The Comprehensive Plan designation on the site is mixed use regional as noted in the picture to the left. The applications before you are for a conditional use permit for multi-family development consisting of 66 attached units, 56 on the west parcel and ten on the east near the southeast corner of the site within this C-G zoning district and it is -- includes a development agreement modification to modify the concept plan approved with the existing agreements to include a mix of multi-family and commercial uses. The DA mod

is requested for the purpose of including a new development plan for this area of the Movado Greens development, to consist of both commercial and residential, instead of just commercial. The existing DA includes a concept plan for this area from 2017 when the property received DA modification approval to change the number and layout of the apartment units along Overland, now known as the Silverstone Apartments, and is currently under construction. The existing concept plan depicts a number of office, retail and commercial buildings. The applicant believes the existing concept plan for this area of this agreement is not feasible. The applicant states that the separation from Eagle and Overland intersection by the residential is too far and is too far to accommodate the approximate 56,000 square feet of commercial space shown on the existing concept plan. Therefore, the applicant is proposing a new concept plan depicting three commercial pad sites and 66 multi-family dwellings in the form of townhome style dwellings. Those being eight-plexes. Staff supports this change to this area of the Movado Greens development. The commercial area is now proposed at approximately 27,500 square feet across three buildings and is shown along Overland to increase its visibility and viability being a commercial use along a busy arterial. In the western half of the site it is separated from 56 of the multi-family units by a shared drive aisle that is the access to the public street network for both of these proposed uses and it connects to the drive aisle in the Silverstone Apartments to the west. In the eastern half of the site the applicant also shows a commercial building, a larger one, along Overland with the remaining area of the parking lot -- or remaining area of the lot as parking until you get down to the very southeast corner where you have ten more of the multi-family townhome style units. The applicant presented a thorough case for this area of the mixed use regional designation to lack true viability as a premier location for 56,000 square feet of commercial uses due to its location being more than a half mile from the Eagle-Overland intersection and the central hub of the mixed use regional designation. Some commercial should remain on these parcels. Absolutely. But staff agrees with the applicant that the proposed amount with the incorporation of multi-family is adequate to meet the mixed use regional mixed use policies. Access is proposed via driveways that connect to South Movado Way, the existing collector street that bisects the project. The driveway within the northwest section of the project will connect to the driveway stub from Silverstone as noted. This driveway acts as the border, as well as the integration between the commercial and the multi-family development. South of this driveway are the drive aisles for the 60 -- 56 of the multi-family townhomes with their required parking. The southeast portion of this area right here specifically -- sorry, I lost my place. Sorry. It contains a segment of the drive aisle that is over 150 feet in length, which would require a fire turnaround. Because of this staff recommends that segment -- this segment just be reduced by a few parking spaces in order to reduce this area to being less than 150 feet. Overall residential portion of the site proposes 139 parking stalls, which exceed the 132, which would be required, which is two per unit, approximately. The east side of the development proposes an additional commercial building, as well as ten more family multi-family units with driveway access to Movado Way in alignment with the rest of the site, as well as the existing local street here. The submitted site plan shows more than the minimum parking required and drive aisles that meet UDC and fire department requirements for the commercial portion of the site. The proposed dwellings at the very southeast corner of the project are placed with minimal room to spare surrounding the buildings, but do appear to show compliance with

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the dimensional standards. According to ACHD the proposed driveway connections closest to Overland meet their offset policies because they are 220 feet from the intersection. However, they -- the two northern most driveways will not meet offset requirements for full accesses should the Overland or Movado intersection ever be signalized, which it is planned to be eventually. I do not have a date on that, but usually, as noted with the previous application, usually takes rooftops in order to warrant a signal. In this case these accesses would be limited to right-in and right-out and the applicant is aware of this potential for the reduced level of access for the northern most driveways. The proposed site plan appears to show compliance with all UDC requirements in both the commercial and residential, except for the area of the drive aisle as noted. The multi-family development is required to provide common and private open space based on the specific use standards, which is the size of the bedrooms. The applicant's -- or size of the units I should say. The applicant's open space shows only -- incorporates only 56 units on the western parcel and they show approximately 135 square feet of private open space per unit, exceeding the 80 square foot minimum. Prior to the Council meeting the applicant should show the other ten units on the eastern parcel on the -- and with the revised open space exhibit. The common on open space is to be shared between all 66 units and the submitted site plan shows 19,561 square feet of common open space being provided, which exceeds the minimum requirement of 16 and a half thousand. The open space exhibit does not show an area of land on the east parcel, which is approximately 2,000 square feet, and can be seen here, which would also be qualifying. The noted revised exhibit should also show this area. The proposed open space consists of a buffer between the multi-family residential and the existing residential to the south which is here. A MEW between two of the eight-plex units, a plaza along Movado Way that contains the proposed amenities and other small areas of open space that meet the minimum dimensional standards. Despite the proposed open space exceeding the minimum required by code, the only area large enough for a more active open space is the green space south of the plaza, which is approximately 3,000 square feet in area. The additional seating area proposed by the applicant and shown on their revised site plan should provide an additional area for the commercial users to sit and relax. Furthermore, the developer -- the developer of the subject parcels is the same as those for the rest of Movado Estates and Movado Greens directly south of the development. It can be assumed that these residents will have the opportunity to utilize the existing pedestrian network to access the larger open spaces within those developments based on -- well, with that the applicant should -- I hope they can -- clarify whether or not that will be occurring with this development when they present tonight. Based on the 66 proposed units, a minimum of three amenities are required. The applicant has proposed three meeting the minimum code requirements. The applicant has proposed an enclosed bike storage, a plaza, and a coffee kiosk. The applicant submitted conceptual elevations of the eight-plex units and since the staff report publication has submitted conceptual elevations for the units on the east parcel. All the elevations show two story structures of varying roof profiles along the roof lines and mostly lap siding exteriors. Staff will analyze the elevations for further compliance with the architectural standards manual at the time of design review submittal, which is required for multi-family development, as well as certificate of zoning compliance. Furthermore, staff has recommended a condition of approval that the same design elements are incorporated in the -- well, between the

commercial and multi-family development to ensure integration and congruency and design. Future commercial buildings also require design review, which is, again, when staff will be able to analyze those further. The elevation in the bottom right here is the proposed coffee kiosk that's in the shared plaza for the multi-family and, then, the one on the left is more of the four-plex or six-plex style that would be on the east parcel. As of 4:00 p.m. six pieces -- well, 4:30 there was seven pieces of testimony were submitted in disapproval of the project. The main concerns were dealing with the increase of traffic at the Overland and Movado intersection with the approval of additional units and, then, there being no signal proposed and overall issues with the addition of more residential units, instead of commercial, which is tied to the MDA request and the CUP. After that I will stand for any questions.

Seal: All right. Thanks, Joe. Do we have any questions for staff? Hearing none, would the applicant like to come forward, please. Or is the applicant online?

Clark: Hi, everyone. Can you hear me? Hethe Clark.

Seal: Yeah. Go ahead and state your name and address for the record and you have got your 15 minutes.

Clark: You bet. Hethe Clark. 251 East Front Street in Boise, representing the applicant, and I'm going to get my screen share up here. The applicant being the Conger Group. This is an application that helps get a very successful mixed use project over the finish line. I think that's the way that I would -- I would characterize this and in addition to that I think something else that's very important about this one is that it helps add another kind of housing type in the City of Meridian. So, as you might know, Movado has been a very successful project. It's on about a hundred acres off Overland Road and what we are talking about is this commercial area, this kind of the last piece to develop. It's 6.8 acres and it's in -- like I say, it's been slow to develop so far. This group as a result decided -- decided to revisit those plans and come up with a proposal that honors the larger project and provides an additional housing type and we believe allow this commercial to get underway. So, let's talk a little bit about the proposal. Joe's shown it to you on your screen before. Under this proposal a portion of the area that was previously designated as commercial would be converted to multi-family, but I want to be clear when we say multi-family what it is exactly that's being proposed. So, this is not your typical stack apartments, three plus stories of multi-family. We are -- what we are talking about here is for rent townhomes and we are also talking about a developer that made a commitment early on that they would only be limited to two stories in order to allow it to be very consistent with the properties to the south. So, what I -- what I personally really liked about this is that -- is this townhouse rentals piece of it. It's unique in the market and it's the -- you know, a little personal bit. That's exactly what I lived in during my three years of law school was -- was a townhome rental. This still preserves 27,500 square feet of commercial on Overland Road. So, the commercial will still be there, but we think it's in an amount and in a configuration and with a footprint that this kind of second tier market will actually find attractive. Again, these are not normal apartments. They are townhome -- townhouse rentals with a commitment to two stories. As Joe mentioned they are fully

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parked with carports and guest parking that's accessible. The project -- so, if we kind of think of it as the commercial area and the multi-family area, there are amenities for both that are proposed. We have the small plaza that Joe showed you that's in the commercial area and I will show you another picture of that here in a minute and in the multi-family area there is going to be a barbecue and a picnic area and, then, a coffee bistro cafe and sitting area that I have shown here on the screen and, then, as well as a bicycle barn for residents. Now, that coffee bistro cafe area -- so, this is going to be single ownership. So, this isn't going to be a matter of an HOA being dependent on volunteers to operate the thing or trying to find the third party, this is going to be an amenity that the owner is going to be providing for the residents. So, it will have -- what we expect is that it will have a keycard system and, then, facilities on the inside that will allow people to come get a cup of coffee or come get some quick service and, then, move on with their day. In terms of agency review, focus on ACHD I think in light of some of the comments that we have seen this week from the neighbors. I want to be really clear that with the change that we have proposed from the 56,000 square feet of commercial to 27,566 multi-family units, this reduces the anticipated daily trips by 330 from the original approval. So, with the original approval no light was required at Overland and Movado. ACHD since, in connection with this application, has indicated that no TI -- or traffic impact study is required, again, because the impacts are lower than what was originally approved and studied. And, then, I would just state that we are in agreement with all of the other agency conditions that have been submitted. So, as Joe mentioned, the staff report was issued late last week. We had an opportunity to review it and, then, immediately wanted to chat with staff about it and the reason for that was because we believe that some of the conditions were just not justified by code. We were able to have a very good discussion about the staff report with -- with Joe and with Bill Parsons and, again, as always we appreciated the time that they spent with us. As a result of those discussions, the common ground that we have landed on was that we would, per staff's suggestion, one thing that we would do is to add a raised paved connection between the multi-family area and the commercial area here. That's going to be part of the overall traffic calming. We are going to -- we will have speed bumps on the west side here as well to try to just make sure that people aren't going through that at too high a speed. We also think that the parking on the south side of the commercial will also aid in -- in that traffic calming. And, then, in addition to that what we decided -- and this has been proposed and -- and staff is in agreement with -- would be that there would be a plaza area in -- that would be added here. We have room to do it. We have about 35 feet of a landscape buffer and so what we would have is a seating area that's surrounded by a buffer of trees, you know, there would be benches there and that would be a nice way of connecting these commercial areas. With that I will start to wrap up. I just want to emphasize a few things. You know, one, you know, the -- the commercial hasn't gotten -- gotten traction today and we think that this reconfiguration is going to help get it underway. We also -- you know, I think something that's really important about this is that Movado has four housing types in it already and this adds a fifth housing type. So, that's important from the perspective of the Comprehensive Plan that looks for a wide variety of housing types and it's pretty unusual that you would get actually five different housing types within one larger development with estate lots, single tenant -- single family detached, single family attached, apartments and now townhomes and, then, also I just want to emphasize that

with the modifications that we have proposed here traffic production is actually less than the original entitlement. So, less than what is actually approved already for this site and I wanted to put this up last. So, this reflects the letter that Joe mentioned from earlier this week and these are the modifications to the conditions of approval in the staff report that we suggest and that staff is in agreement with. So, the first would be deletion of condition 1-A, Roman I, and that was a condition that required elimination of one of the commercial lots and replacement with a two story commercial structure and, then, we would also request deletion of condition 1-A, Roman II, which required removal of parking on the northern drive aisle and, then, this last one goes to one of the points that was just made kind of in passing by Joe, but I think it helps explain some context. So, just to the east of this site there is self storage that's been approved and so one of the thoughts that we had was -- the staff had indicated a -- kind of a menu of proposed -- or allowed uses for the east commercial building and our suggestion is that we add flex space to that. The flex space use has been a -- I would say a highly successful thing in the -- in the City of Meridian and we think that that -- given that there is -- there is self storage just on the other side, it would make for a good transition if there was a flex space user that was interested. So, with that I would be happy to answer any questions and, otherwise, we would ask for your recommendation of approval on the DA modification and approval on the conditional use permit.

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

Holland: Mr. Chair?

Seal: Commissioner Holland, go ahead.

Holland: Hi, Hethe, how are you?

Clark: I'm great, Lisa. Thanks.

Holland: Hey, I -- I always have challenges whenever commercial gets reduced in size and I know we -- we have had conversations -- yeah. I'm just curious, how -- how did you try to market that commercial originally and -- I was just curious if, you know, if you had conversations with economic development staff at Meridian and if they tried to assist you with any of those things.

Clark: Mr. Chair, Commissioner Holland, thanks for the question and, yeah, that was -- that was one that I had on my notes that we will be answering a question about reduction in commercial from Commissioner Holland and so we -- we -- I appreciate the question. This has been on the market for the better part of five years. Mark Bottles has been trying to get the thing sold. We have worked with -- with private consultants on this to try to come up with some different alternatives and, you know, one of the issues there with -- that we have with the existing layout is that a lot of that 56,000 is set back from -- from Overland and it's -- and, then, the other point that I'm just being reminded of is that it's second tier -- it's a second tier office location. So, what we need to be looking for is a



user that's looking for something like a 7,000 square foot single story building that's the kind of thing that they can afford in a -- in a second tier location such as this. We think that that is what's going to be more likely to be successful. But, again, we have been marketing it for five years with -- with -- you know, obviously, Mark Bottles is the best -- if not the best, he is one of the best.

Holland: Just a follow-up question. Did you guys consider doing maybe more flex space instead of doing the office style product?

Clark: I don't know that we have decided -- thought about doing more. The -- the -- as we look at the -- at this space -- let me speak to this a little bit more philosophically and, then, I will dive into the flex space piece of it. You know, the -- the applicant here, Conger Group, we have -- there is a lot of investment that's been made in the overall project in everything that's gone on in the -- I think nine phases behind it and hundreds of lots and we want to make sure that this front area is developed in a way that it protects all the investment that's been made and so, you know, we think that a carefully selected user, you know, with these two 7,000 foot pads on the west makes the most sense there. I don't think you would be looking for a flex space user in -- in either of those, but the building on the other side, that's got -- I think it's 13,000 square feet in it, that's a -- that's a more likely candidate for the flex space. So, that's why we suggested that that condition of approval be modified just for the -- the parcel on the east.

Holland: Okay. I'm always a fan of mixed use developments, I think they can work really well, so I'm not necessarily going to challenge you too hard, but I -- it's always tough to me when we have a master planned community that comes in and there is a promise of a certain amount of commercial and I know that in the valley in general we only have so much land designated for commercial, especially on the comp plan, so when we look at any sort of reduction it's always challenging to me, because we -- we don't get the ability to make it up later. We won't be able to remove houses later to add more commercial pads. And so even though it may not be a prime corner for, you know, a Walgreens or a large retail kind of user, it's always tough for me when I see commercial disappear when it's something that was part of a master plan. So, that's just a comment. I figured I would make that now and I appreciate the dialogue and the conversation. Thanks, Hethe.

Clark: And thanks, Commissioner Holland, and maybe just one thing that I would say is just that it was not for lack of trying, you know, that there has -- there has been work to try to make that work. The configuration just doesn't make sense for this location and the kind of second tier user that we would be looking for and I also -- just keep in mind that what kind of competition you have got just, you know, a half mile to the west. You know, we are talking about the Silverstone development and, then, we are also going to be having the -- what, the Eagle View Commons there that will be coming in the future, the VBA project. So, you know, we -- we think that what we are proposing here is -- is an appropriate niche that would actually, you know, after five years allow that commercial to get going.

Holland: Thanks, Hethe.

Clark: Yeah.

Seal: Okay. Do we have any other questions? I will throw one out there for myself here. Can you dive into the coffee kiosk a little bit more and exactly what that's going to be. Is that going to be like a branch of an existing coffee vendor out there or is it going to be more like a break room style coffee situation?

Clark: Thanks, Mr. Chair. That's a good question and I may not have done a good job of explaining it. So, the -- the idea here -- and it's unique. You know, I have not seen this proposed before. But what we are talking about here is a self service type of a system where the -- the owner would be replenishing, but folks would be coming in with their keycard and keypad and, then, be taking advantage of the -- of those facilities. You know, and a couple other things it will -- it will have -- and what I like about it, too, is -- here is this picture of it up again. It will have Wi-Fi in the seating area and, you know, one thing that we are finding is -- in kind of the post-COVID era is what do you do with club houses and like these enclosed facilities and we are finding that the market is really liking these kind of open space type uses and so with the -- we think with the Wi-Fi in the seating area and, then, this security that allows people to come in and do the self serve, that we think it will be a cool amenity.

Seal: Okay. Thank you. Any questions from the other Commissioners? All right. Seeing none, at this time we will open it up to take public testimony.

Weatherly: Mr. Chair, we have several people signed in, the first of which is online, that's Christy Decker. Christy, give me just a moment, please. Christy, go ahead and unmute yourself and state your name and address for the record when you are ready.

Decker: Hi. My name is Christy Decker. My address is 4235 East Silverking Lane.

Seal: Okay. Thank you. You have three minutes. Go ahead.

Decker: I have a few questions. I'm a little concerned about the requirements for the -- I guess the coffee bistro, et cetera. I saw it as a last ditch effort to just meet the requirements. I don't see that serving the neighborhood at all if you are relying on an outside entity to maintain it. I don't know if it would be utilized enough to make it worthwhile for -- from a business perspective, if you are asking a business to come in. The other thing regarding the traffic study, I am very disappointed, because the last traffic study they did supposedly was in 2020 and they did it on a weekend, if I recall correctly, or Friday -- either that or a Friday early morning. I passed a guy and I said, oh, what are you doing. Oh, we are doing a traffic study. And I looked at my watch, you know, at 8:00 o'clock in the morning and the development is not even completed. So, I don't know how it can be okay for it not to be done, because the kind of development -- I'm part of Movado -- that that development is still not completely built out and, then, they are going to start across the way from us, too, and that's not even built out either. So, I don't know if somebody can explain to me the justification of not having a traffic study when they want more development to come in, when the existing is not even done. And, then, finally, my

concern and most of my neighbors about the only one egress out of South Movado Way. It sounds like everything is going to filter out onto that main drive and everybody and the developer is saying, oh, well, it was designed for all that and my concern is that -- I don't think so and without a valid traffic study how could they say that's okay. That's it. Thank you.

Seal: Okay. Thank you. Any questions? No. Okay. Who is up next?

Weatherly: It's Kevin Johnson, Mr. Chair. Kevin, one moment, please.

Johnson: Hi. Can you hear me?

Seal: Yeah. Go ahead and state your name and address for the record and you will have three minutes.

Johnson: Kevin Johnson. 4171 East Divide Pass Street, Movado Subdivision. So, this is the second time that we have done this. I have been -- I have lived here for two years. The last time the application was withdrawn. I think we had about 30 -- 30 plus people in that room. Most of them commented against the -- the additional apartments, because, again, it wasn't zoned for that and so just -- these are my observations, the stuff and the research that I have done. The application is a little -- a little suspicious to me. Okay. Flex Space, LLC, was possibly started in 2018 and it's either out of Washington or Oregon. Not sure. Maybe both. The other thing is if you look at their address it's basically a flex space -- I mean it's a rented desk and phone number off Fairview and that's a company called Red Barrel Real Estate out of Woodstock, Georgia. And, then, what professional company puts on an application a gmail address? They are going to spend millions of dollars and they are using gmail. Okay. So, here is -- here is my question for everybody. And, obviously, it's rhetorical. How many rental properties are enough? Right? We are talking about rental properties. And as noted there are 112 rental properties directly to the west of this particular proposal. Directly to the west. Now, if you go south 700 meters, right, and in line of sight, you can see both sides. Depending on where you are standing you can see the apartments. There are 144 apartments in the Harper Ridge apartment complex. Okay. So, right now -- I'm doing the math. That's 256 apartments, rentals, in -- in -- at least apartments, right, on top of like was stated, there are multiple types of homes. Those different types of homes are -- there are duplex -- duplexes in Movado. There is all kinds of other rental property. So, what we have done is we have built out a -- a highly -- just a large area that has just a ton of rentals. Now I want to highlight something. I did a little research on that and if you go to realtor.com and there is an article and it's those things that drive down the value of your home. Now, I might sound like David Letterman, but, thankfully, there only nine and I'm -- I'm going to do eight. So, no top ten. Hospitals drag down the value of a home 3.2 percent. Shooting ranges 3.7. Powerplants 5.3. Funeral Homes 6.5. Cemeteries 12.3. Homeless shelters 12.7. High renter concentration 13.8. So -- so, think about that. Taking 13.8 percent of my home value away because we need to figure out how to accommodate commercial and -- and some more rentals and only worse than high rental concentration are strip clubs. This is realtor.com. It's not a fly-by-night site. It is a well known site and you can

look it up. But on top of that just so you guys know, I have been in Meridian -- on the southside of Meridian for 18 years. I am five miles away. And the reason why I did it was because I love this area. You have great quality of life. I, myself, for -- with my wife probably the first 15 years of my life we were in rentals, so I'm very thankful for them. I have nothing against them. What I do have a problem with is -- is the -- the ability to reduce the value of my home and -- and -- okay. There is going to be a lot of folks that complain about traffic. Traffic is the least of our problems. It's already nuts. It's already --

Seal: Sir? Sir? You will need to wrap up here pretty quick. Your three minutes is -- is up.

Johnson: Thank you. Traffic has already been horrible. In fact, Chief Lavey last -- the last time said it's horrible and that was his comment and now that -- that proposal was withdrawn after all of our neighbors got together and we got together in like -- I just -- I'm against it and I want to thank you guys and thank you so much for listening to me and I'm not ranting at you, I'm ranting with you.

Seal: Okay. Thank you.

Weatherly: Mr. Chair, next we will have Clarence Orton. Clarence, one moment, please. Clarence, feel free to unmute and state your name and address for the record when you are ready.

Orton: Thank you. Can you hear me now?

Seal: Yes, we can. Go ahead, Clarence. State your name and address for the record.

Orton: My name is Clarence Orton. 4090 East Le Coultre Street, Meridian, Idaho. I live in the estates in Movado. I do agree with everything Kevin Johnson stated there concerning the last applicant. I did submit a statement earlier today with regards to the traffic that in our last public hearings was on another proposal that -- as he stated the Police Department at that time said it was already miserable and, like I said, the Movado development of the estates and the greens haven't been completed and -- and, in fact, the -- the greens over there is going to be a lot higher density to be dumping onto the Movado Drive. So, the traffic light is a definite -- definitely a big concern. There is already people that are traveling through the estates to get over into Silverstone to get to a traffic light over there, because they don't want to go out Movado -- Movado Drive. The other question I had is one quickly for staff. They were talking about a right-in and a right-out and I was wondering where exactly the right-in and the right-out was. I may have missed that. And while he's thinking about that, in the last project you considered for Meridian with -- with the development over there, there were a lot of amenities, but there wasn't any amenities for a children's play deal and this project doesn't have one either and so I wonder if they don't plan on children living there or whether they just don't want to put up a children's playground or they want them all to be funneled into the greens or over into the Movado Estates, their playgrounds over there. So, I guess I have a question with

regards to that, why there is no children playground with these -- with these town -- or rentals. And I would go back to the question about what we were talking about, a right-in and a right-out. The exit from this project onto Movado is fairly close to the intersection with Overland and where -- where a light should be. So, where is the right-in and right-out that he was talking about?

Seal: Okay. Is that everything, sir? We will try and address that question.

Orton: Thank you very much.

Seal: Thank you.

Weatherly: Mr. Chair, we are moving to our folks that are joining us here in chambers. I have a couple of questionable desires to wish to testify, so I'm going to go to the yeses and, then, if you do choose to testify we will just have you raise your hand. So, first would be James Preuss. James Preuss. That's okay.

Seal: Go ahead and state your name and address for the record. Please speak right into the microphone there.

Preuss: My name is Jim Preuss and I live at 4297 East Vacheron Street in Movado Greens.

Seal: Okay. Thank you.

Preuss: I -- we have already gone over some of my concerns. Of course, my major concern is the effect that all these rental units are going to have on our property values and I would like to point out that we have playgrounds throughout the Movado development, the residential part, and there are not secured, they are maintained by the HOAs of the areas that they are in and I didn't see any playgrounds for children in the apartment complexes in their development plan. They have been very vague about allowing us any insight into what they want to do. They have had meetings in which they made promises unkept. I think the closest they came to element one of their comment -- promises was withdrawing their last application and all they have done is basically reduced the number of rental units. They are calling them different type of rental units, but, nonetheless, they are rental units, which would put in front of -- on the north side of our development 178 rental units if they get this. Now, nobody had said how many adults that's going to equate to and I'm not in that research or how many children those adults are going to bring with them. All of that is going to have an impact on the rest of the development and our development is doing very well. I have seen since I moved in -- I'm one of the first in Movado Greens, the estates in the back are going from somewhere around 400,000 up over almost to 700,000 in value. Who knows what all these rental units are going to have on that value. Therefore, I'm against it for that purpose and, of course, as everybody's pointed out, the traffic is already bad enough coming in and out of Movado, because there is only the one major large access coming out to Overland. The only other way out of the development is through two story houses and narrow streets

into the Silverstone development -- commercial development. I will take a hint from the time and hope that some of our comments can be listened to. Thank you.

Seal: Thank you, sir. Appreciate it.

Weatherly: Mr. Chair, next we have Joann Gormley.

Seal: Good evening, Joann. Go ahead and step up and speak -- speak right into the microphone and -- yeah. Just give us your name and address.

Gormley: Joann Gormley. I live at 4372 East Vacheron and I back right up to what's happening. I was one of the first houses there and when we bought we knew it was commercial. We were fine with that. And now all these changes want to happen. We lived in our other house for over 50 years. So, it's quite a change for us. And the problem I have -- two of them. One, if you put a two story building anywhere close to the fence our yard is ten feet, so you are basically living in our yard and the other thing is the traffic. If you have commercial you have people kind of coming and going all day. When you have that many families they are all leaving at once or coming home at one. So, I am very much against this. Thank you.

Seal: Thank you. Appreciate it.

Weatherly: Mr. Chair, next is Dee Dee Toschi. Toschi.

Seal: Good evening, ma'am. Go ahead and step up and give us your name and address and speak right into the microphone, please.

Toschi: My name is Dee Dee Toschi. I live at 1970 South Gedalio Lane in Meridian and when I first purchased my house I did a very qualified search and I very much liked it that it was going to be commercial and not apartments of any kind and I was very disappointed when I found out that it's been changed. As I understood, when Dave Evans came in, which I appreciated them, they were very honest, and I thought it was settled and now I found out, no, you can have townhouses, which is like apartments and my property is now going to be devalued. Also I'm concerned with the kids coming to the play areas that we have and it is maintained by our HOAs and you are going to have kids running up and down, up and down that busy thoroughfare. There was no Cloverdale exit made, which I think was ridiculous, because there is all that other Movado -- hundreds of homes going in and they are going to all funnel out into Movado and I'm against it. I really did a qualified study to find out a house that I would live in forever and now this. Very disappointed. Thank you.

Seal: Thank you.

Weatherly: Mr. Chair, that's all I have with definitive desires to speak.

Seal: Okay. If there is anybody else that would like to come up and testify. Sir, go ahead and come on up. Please state your name and address for the record and speak right into the microphone.

Nye: My name is Walter Nye. I live at -- my wife and I live at 4300 East Vacheron in the Greens of Movado and mine's kind of short and sweet. I'm not here to complain about the devaluation of property, although that's always a consideration, but when we decided to purchase our home we looked all over and decided on this location and the first question that I have asked when we bought was what's going to be built behind us, as was a lot of the other residents when they purchased their home and we were told light commercial, which I wasn't against, and it just seems like there has been a switcheroo here on development plans and I'm very much against the project, because we were not told upfront what was going to go in there at a later time. So, I'm against the project. Thank you.

Seal: Thank you, sir. Anybody else like to come up? Ma'am, go ahead and come on up. Name and address and speak right into the mic, please.

Gottesman: Sandi Gottesman. 4061 East Esperanto Street, which is right off Vacheron where a lot of those guys are living. I wasn't planning on speaking, but as I was really looking at all the inlets and stuff, the Google map here, coming out -- this is a traffic thing. Coming out on Vacheron we, of course, turn left to get to Overland. Lots more traffic just -- and they haven't even developed on the east side of Movado Way. I mean it's being prepared for building on. So, there is that issue. I went to the meeting -- I want to say it was last fall where the developer-purchaser guy was talking about the light commercial and I said, yeah, that would be good. I don't want anymore of these apartments encroaching our nice elegant little Movado Way with our neighborhood sign in. But as I look here -- I don't know where they break in the fence to even get to that east parcel, the skinny one. Would they come around the Movado Subdivision sign? Because that's even more traffic if they come in and cross Vacheron and I believe Vacheron is going to go all the way across, which is just a nightmare. So -- but, again, the property value -- I just bought a year ago and I'm loving watching the property values climb every 30 days up nine percent, and I guarantee you if you have these other townhomes or more rentals like that it does decrease the value, which is very upsetting and I was so pleased last fall when the guy had said -- the developer said it was going to be light commercial. Thanks for your time.

Seal: Thank you. Appreciate it. Ma'am, if you would like to come up. Good evening. Go ahead and state your name and address and, please, speak right into the microphone.

Quick: My name is Jane Quick. I live at 4312 East Vacheron and if you build these new apartments or townhomes right smack behind me will be the parking garage, which I don't want noise at night coming and going parking and working on cars and people yelling and all that sort of thing and the traffic will be unreal if you put in more apartments. It's already pretty difficult even in the middle of the day and there is no -- you know, there is no plan for a traffic -- traffic light any longer. They did do a study I guess early on when they

wanted to put all apartments in there and I would be very dissatisfied with the concept. Thank you very much.

Seal: Thank you very much. Do we have anybody else that would like to come up? Good evening, sir. Go ahead and state your name and address for the record.

Bromley: Dave Bromley. 4291 East Blueberry Lane. I'm right across the fence to the south of Vacheron and these people. You can see by the color of our hair there is a lot of us who are a little older than some that would probably be in those apartments. I learned a term when I moved into that subdivision. I'm in the Village. Gated community. I heard a term forever home and a couple of neighbors said, yep, we moved here because this is going to be our forever home. We don't never want to have to move. We don't want to have to pack it all up, we will just give it onto our kids or whatever, and it doesn't sound like it's going to be a forever home if we got that much traffic and -- which is mainly what you are going to have from the apartments, townhomes, whatever they are. So, it was mentioned earlier that the chief of police was at the last -- the final meeting of the -- of the one last year and if I remember him correctly he said he drives through that area every day and it was -- it was leaning, yeah, well, maybe we ought to approve it, maybe we ought to not. After he gave his little talk it was almost instantly -- and I think it may have been unanimous that they disapproved it, because he said people tend to drive where ever is the easiest way they can go. Well, all we have is Movado Drive -- Movado Boulevard, whatever it's called. We can get out the backside of the Village through the gate and we end up having to go around to Silverstone light out there on Overland or we can go on down Movado and we can go through the estates and, then, we can go on into the Southerland Farm and go through their streets and get out to Eagle on -- I can't remember what the cross-street is there. About halfway down, though, just passed the fire station and, otherwise, we don't have any way to get in and out, except Overland really, going out Movado onto Overland and I lived in Kuna for, I don't know, 20 years and I know all the -- the way the highway was -- stoplights were put in and, basically, everybody out in Kuna had the same story, how many people do you have to kill at this intersection before you put in a stoplight and over the years more people got killed, more people, more -- they ended up putting this up. But down the road a mile they ended up finally putting in a stoplight, because it's dangerous and when you are trying to get in and out of Overland -- onto Overland -- if you are going right, well, right turn is -- you know, works, unless you have people coming out of those other two subdivisions and they are trying to get out and you end up with a line of traffic in there. Of course that happens first thing in the morning when people go to work. It happens late in the day when people are coming home. But you -- unless you are coming from Eagle direction and turning right into Movado or if you are leaving out Movado and turning right and going down Overland, that's the only reasonably safe ways to get in and out of our subdivision. If you are turning -- trying to turn and go across two lanes of traffic, going in or out, plus the center lane where, you know, oftentimes there is people waiting there to turn in and out.

Seal: Okay. So, you need to wrap up real quick. Your three minutes is up.



Bromley: Which you're getting yourself killed. We don't want to get ourselves killed. We moved there because it's our forever homes and we want to live a reasonably peaceful rest of our life. Thank you.

Seal: Thanks, sir. Ma'am, go ahead and come on up. Go ahead and state your name and address for the record, please.

J.Nye: Hi. My name Jan Nye and I live at 4300 East Vacheron and we have lived there a year and I was excited to move in there and was told it was going to be commercial -- light commercial and I'm in favor of a little coffee shop, but self serve -- I mean not self serve, but go in there where you could bring in a couple of neighbors go in and have a sit down cup of coffee or whatever would be perfect and as the -- as the apartments go for around this way and they come up Vacheron, well, since they are almost all done on one side and over there, the traffic coming up Vacheron is like a freeway at 5:00 o'clock, 4:30, 8:00 o'clock, plus you have got the workers and they just fly by and, fortunately, I don't have any small children, but I have a little dog that once in a while runs out and they are just going way too fast and there is no other way for these people to get up, other than go down Vacheron and, then, go out to hit the streets. So, the traffic is -- in a year it's like tripled just going up our street and I live -- right now the -- there is an apartment complex and the light there shines right into my bedroom and it's down further, so if they are building directly behind me it will absolutely light up the back of my house so -- with their lights. So, I just wanted to say I'm not in favor of it. I'm in favor of some commercial in the front that we -- the subdivision could enjoy. We could go down there maybe for a pizza or something like that, but for more apartments I'm not in favor of it. Thank you.

Seal: Thank you. Okay. Do we have anybody else who would like to come up? Good evening. Go ahead and state your name and address for the record.

McConaughey: My name is Glenda McConaughey and I Live at 4309 East Vacheron Street and that is in The Greens there as well. So, first of all, I will speak as a grandma. I love to take my kids to the playgrounds in our development. Not hardly used at all. We are usually the only ones in the playground or if there is other kids, great, but, you know, what are all the children going to do -- the families -- they need playgrounds. Very important. So, they are going to come over to ours. I mean it just seems that way to me. Yeah. No big playgrounds in the area, other than in another development over on the other side of Cloverdale down a ways, so -- the Peppermint area, so that -- that's a -- the big concern. And, then, of course, all the other things have been mentioned. But, then, there is also -- a lot of people in the community love to walk and they have got wonderful walking paths in there. So, we can just have really pleasant walks. You pass a few people along the way, you know, say hi, it's really pleasant. You can ride your bike. You don't have any problems the better bikers being in the way -- nothing. Just really nice walking paths. We love that. So, just the concern is people in the apartments are going to need to get out. They are going to need to -- you know, there is walking paths nearby in our neighborhoods, so, hey, you know, if I was in an apartment I would take advantage of that and so that's a concern and that's all that I have. Just -- and agree with all the other people that have shared. So, thank you.

Seal: Thank you. Appreciate it. Okay. Do we have anybody else that would like to come up? Sir, you -- I was going to say, you have already had your three minutes. We can't have you come back up. If she would like to come up and comment she is more than welcome. Ma'am, go ahead and state your name and address for the record and --

P.Preuss: Patricia Preuss. 4297 East Vacheron, Movado -- Movado Road and we had the same question when we bought. It was supposed to be light commercial behind us and that's why we bought. We wanted to stay there. We are older. We don't want to keep having to move and it has been getting a lot more cars coming through and it's not right that our yards are low and they are going to be building two stories, which are going to be looking in and they are not that far away and we were told it was supposed to be commercial -- light commercial over there and the people that have had meetings, they say one thing and, then, next time it's another thing and we are not -- they don't give us a straight answer. It was supposed to be light commercial and there is already apartment buildings there down the street. They are building all the way down on the west and there is plenty -- plenty throughout Meridian and down to the apartments and there is property across Overland from us that's for sale. So, then, who knows if it's going to be more apartments over there. We don't want the apartments in there. That's our opinion. Thank you.

Seal: Thank you, ma'am. Appreciate it. Would anybody else like to come up? Come on up. Go ahead and state your name and address for the record.

McClay: Martha McClay. I live at 4286 East Silverking Lane in Meridian. And I think an up-to-date traffic study seems in order in this situation. I think it actually indicates what's really going on with the traffic in that particular area with Movado Way and Overland and we haven't lived in our residence for very long, just a couple of months, but it does seem really unfair that people who thought that it was going to be light commercial behind their homes are now looking at a two story rental unit that's going to really change their daily lives in a very dramatic way. So, those are my comments. I do not support the plan as it exists now.

Seal: Thank you very much. Anybody else like to come up? I think we have just about covered everyone, I believe. Do we have anybody else online? I don't see any hands up. Okay. All right. Seeing none, would the applicant like to come back and address some of the concerns.

Dodson: Mr. Chair?

Seal: Oh, go ahead, Joe.

Dodson: Can I address the -- one of the questions that was directed towards staff and then -- regarding the right-in, right-out?

Seal: Absolutely. Thank you.

Dodson: Sure. Sorry. The right-in, right-out is not the Movado and Overland intersection, just to be clear. I was referring to the driveway connections here for the multi-family and the commercial, because they are so close to the intersection. If this is signalized these will be limited to right-in, right-out and, then, that's just that and I -- in the public testimony and, then, tonight I have heard a lot of comments about light commercial. I don't really know what that's from. C-G is the least restrictive commercial zoning we have and so there is quite a few things that are allowed in that use and it doesn't always necessarily mean a light commercial use. So, I do want to be clear on that, that what could go here as currently proposed is not a light commercial use. It could be a more intensive commercial use. But I -- I understand your concerns.

Seal: Thanks, Joe. Hethe, do you want to go ahead?

Clark: Thank you, Mr. Chair. Hethe Clark. Again for the record 251 East Front Street in Boise. I think that I want to -- I wasn't going to address this, but I think there has been a little bit of -- call it confusion about who is this applicant and how they are related to the apartment application from late 2019. So, to answer Mr. Johnson's question about who is Flex Space, LLC, if you Google search Idaho Secretary and search businesses you can find the -- a lookup tool there. Flex Space, LLC, is an entity that I formed for the Conger Group in 2017 and has an address on Fairview Avenue. It's done -- you guys on the Planning and Zoning Commission know we are here all the time, we do projects throughout the valley. It's a quality developer, not a fly-by-night operation, and certainly not hiding and so the difference between Flex Space, LLC, Conger Group, is that this is our application and this -- and we did not bring the application in 2019 and 2020. That was Zach Evans, the construction -- excuse me -- construction group and there are very significant differences between what was proposed then and what's being proposed now. So, as we follow the timeline, you know, this was approved back in 2016, there was a full traffic impact study that was done at that time. A traffic impact study is done based on methodology that analyzes the entirety of the build out of the project with all of the uses that are proposed and approved. It also has a growth factor built into it, so it identifies what the impacts are going to be at the end of build out. So, that was done in 2016 and 2017 there was a slight modification to the project. It reduced the trips, so ACHD did not require an updated traffic impact study at that time, because that outside impact had been reduced. They identified the -- the required improvements at that time in 2016. This pulled back those impacts, so there is no reason to do another traffic impact study. The Zach Evans project was going to take out all of the commercial, the -- all of that 6.8 acres of commercial and it was going to add three story stacked apartments. It was going to add trips and so in that instance there would have had to have been an updated study, they would have looked at things like in the timing for the light, for example, at Overland. That application was recommended for approval, but it was ultimately withdrawn. That's a different group and they had a different application. This group has an application that preserves the commercial and instead of stacked three story apartments, what we are doing is -- is townhomes that are limited to two stories and to be clear those two story townhomes are separated by 20 feet, so a bigger setback than what's on the south and all of the parking is on the other side of the structures. So, that will provide for additional noise buffering. But the point I'm trying to get to with all of this is to say that no traffic

impact study was required with this one, because it was yet another reduction on the outside impacts that were associated with the original approval of this project. Again, this -- this is not an add on in terms of units to the original approval. This is a reduction on the number of units from the original approval. You know, in terms of other things that I would mention with regard to the amenities, you know, we refer to it as a coffee bistro. We are looking at that as a -- as a really unique thing. It's a self-contained project or a -- call it application that the owner of that -- of the apartment projects would be able to administer. Really, it's much like a community center with open space. So, I don't think we should get wrapped up around what exactly is proposed in it. It is going to be something that's going to be operated by the owner. You know, the question came up a few times about amenities for children. This is a project that is not anticipated to be marketed to that family that would be looking for tot lots. All of these various components of the development have the number of amenities to be able to stand alone. We don't think that a tot lot is marketable or works in this location, but if it's the recommendation of the committee -- and we have talked about -- and we have talked about this before with other applications, we think of far more appropriate use would be climbing boulders. We think that that type of outdoor play area makes a lot more sense and gets better usage, if that's the recommendation of the Planning and Zoning Commission. We think that what we have proposed here more than adequately satisfies code and certainly it meets what we believe is the market for these townhome units. You know, I think with that I will leave it and, you know, if there is any follow up I would be happy to hang on here.

Seal: Okay. Thank you, Commissioners, do we have any questions -- further questions for the applicant?

Grove: Mr. Chair?

Seal: Ma'am, you have -- yeah. I was going to say, you already had your three minutes. Ma'am, you have already had your three minutes. You will not be asked to come up again. Thank you. Commissioners, do we have any further questions for the applicant?

Grove: Mr. Chair?

Seal: Go ahead, Commissioner Grove.

Grove: Hethe, question for you, kind of in terms of the overall development of this area. Are any of the neighboring developments -- are they age restricted?

Clark: Mr. Chair, Commissioner Grove, no, it's -- it's -- I would say The Village is targeted, but certainly not age restricted.

Grove: Okay. Thank you.

Seal: Any other questions from the other Commissioners? The only question I have on this right here is I have -- is this portion of the Movado project the only portion that you have been involved in or have you been involved in the other pieces of the development?

Clark: Mr. Chair, if you are asking me personally, this is the first one I have been involved in. But Flex Space, Conger Group, has been involved in the other -- the other phases as well.

Seal: Does that include the property directly to the south?

Clerk: Yes. Yeah. Mr. Chair, the answer to that is yes.

Seal: Okay. Thank you. Okay. I got to get on with the rest of my job here. So, if there is no further questions from the Commissioners, can I get a motion to close the public hearing for Movado Mixed Use, H-2020-0123?

Yearsley: So moved.

Seal: Could I get a second?

Grove: Second.

Seal: It's been moved and seconded to close the public hearing on item number H-2020-0123, Movado Mixed Use. All those in favor say aye. Any opposed? All right. Motion carries.

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

Seal: Who would like to start this off? Don't everybody rush in at once here. Commissioner Holland, I see you are off mute.

Holland: Oh, I keep forgetting to mute myself after I say aye. I made some of my comments directly to Hethe earlier. I always have a challenge when you have got a master plan that shows something that doesn't end up staying that something. I know that was a concern of some of the people who testified tonight, too. If this was the first time I was seeing it it might be a different story, but it's always hard for me when someone comes back and changes the plan, especially when they are reducing commercial. So, I do have some heartburn about it. I appreciate some of the features that they have. I appreciate that it's not standard four-plexes, that they do have a couple seating areas and kind of -- they are -- they are willing to work with staff on doing a plaza space. I'm not opposed necessarily to mixed use projects, but where these townhome units are two story and they backup to the single family homes, there might be some challenges there with transition, too, and I don't know exactly how to condition that or how to help them. You know, maybe it's a requirement that they have to do a single story townhome product on that, or a duplex style product on that southern side backing up to those residential houses, maybe that would be a good compromise. I'm not really sure exactly what to recommend there, but I have some heartburn on it, so I will pause for now and I want to hear what the other Commissioners have to say.

Seal: Okay. Who wants to go next?

Yearsley: Commissioner Seal?

Seal: Commissioner Yearsley, go ahead.

Yearsley: You know, when I look at these, one of the things that I do my judgment on is the amount of public testimony on this and, you know, understanding their concerns, especially when they were told it was going to be one way and, then, it's going to go back to another, you know, for me I -- I struggle like Commissioner Holland, I -- I think this corner is going to be busy enough and at this point I don't know if I could support the conditional use permit for the apartments.

Seal: Okay. I will -- I will throw my two cents in here, so -- it might be five cents tonight. But just -- there is a lot of focus around the lack of a traffic impact study and things like that and, unfortunately, that's something that the City of Meridian does not have control over, so -- we have input into it, but if we are told that a traffic study isn't going to be recommended, then, there is literally nothing we can do about it, so -- I mean we can't stop that. That's something that we can't stop the process as a result of. The other thing that brought -- was brought up a couple times was how many rentals are enough. I mean if you look at the entire City of Meridian, the answer seems to be it will never stop, so -- I mean I know that there is a lot of rentals that are visible from everywhere. My question is how many of those are vacant. So, you know, I live in Meridian, too. I'm not opposed to seeing them come up. I definitely would not want one in my backyard, but at the same time if we have to ask how many are enough -- how many are vacant. If none are vacant, then, we don't have enough, unfortunately. That's the downside to the values of our house increasing by, you know, a hundred percent in the last seven years. So, you know, I very much enjoy that as well. So, I'm -- as a person living in Meridian as well I'm willing to help swallow some of that pill, as bitter as it may be sometimes. So, that said, I also agree with the other Commissioners in what they said, especially with the question that I asked as far as them being involved in the development to the south. I'm sure part of them developing that was knowing -- or, you know, relying on what that property to the north was going to be. So, knowing they had a hand in that and, then, now they are trying to switch that, I just -- I can't agree with that. I mean I appreciate the fact that they are trying to keep the commercial property on Overland and I think that's something that will probably, you know, have to stick in order to get through Planning and Zoning into -- into City Council in any way, shape, or form, just because as a city we are trying to grow up and we need more places, we need more commercial businesses, we need more places of employment to exist. That's about all I have for my comments on this. So, I will let my other Commissioners get back to it. Commissioner Lorcher?

Grove: Mr. Chair?

Seal: Oh. Commissioner Grove, go ahead.

Grove: Commissioner Lorcher, you can go ahead.

Lorcher: I don't have anything else to add. I -- I support what Commissioner Holland said and Commissioner Seal. It's very difficult when you have open space and the developer has an idea, but if it doesn't work, then, they are going to a plan B and I think there is always a risk of moving into an area where there is undeveloped area around you. There is no legal precedent, I don't think, for you as a homeowner to say -- you can dictate what happens to the piece of dirt that's in front of, you know, five or ten years down the road. But I also appreciate that you moved into a neighborhood that you thought was going to stay residential with light commercial and, then, all of a sudden it turns into apartments and maybe the developer -- like I don't know who mentioned it -- could consider a different product closer to the homeowners and, then, have the apartments be a little bit further out to kind of dilute some of the -- having those high density right in their backyard, but this is development in Meridian where you have open space and in-fill and the developer is trying to make a product that they can sell and, unfortunately, the one that they had proposed didn't work and now they are trying something else, but it doesn't fit into the neighborhood --

Seal: Commissioner Lorcher, we missed just the last couple words you said there, but --

Lorcher: I don't have anything else to add.

Seal: Thank you. Okay. Commissioner Grove, do you want to go ahead and jump in?

Grove: Sure. Thanks, Mr. Chair. I have a lot of conflicting thoughts probably on this a little bit, which is probably not that uncommon for my opinions on most things here. I -- I agree with the applicant in the sense that I don't think a tot lot fits on this project just because of its proximity to the type of structures that they are presenting. I have some issues with the general layout of this, however, and I don't feel -- it feels like it's mixed use in the sense that there is two different product pieces, but it's not integrated, in my opinion, and is lacking in taking on the spirit of what we would want in a mixed use setting to be able to tie the residential and the commercial aspects a little bit more. It feels like you are just really trying to get two things butted up next to each other, versus finding ways to integrate them and make it into a more cohesive community and I think if that were more of the case the neighbors that have testified tonight might feel like, you know, it's being tied into their development. I would like to -- I think Commissioner Lorcher summed up some of my feelings on the pain points that people have when moving into a place that is not completely developed. You can be promised a lot of things, but until a shovel hits the dirt, you know, you are not guaranteed anything essentially and it's frustrating, you know, especially when you have seen, you know, the plans and everything, what it's supposed to be, but until it's built you don't -- there is no guarantee that it's going to look and feel exactly how you have been promised, unless you own that land, but that means that I do think that there is a way that this can be developed in a way that creates a little bit more cohesion between what is wanted from flex from the developer and from the neighbors and from the city standpoint of having a mixed use. I don't think that, you know, having a heavy commercial use makes sense here, you know, with the corner that -- of Silverstone that's already there and what's going in across Overland with

the Eagle Landing, I think that the market has probably changed considerably from when this originally went forward and I think there is a middle ground, I don't know that we are there yet, and I would want to see a different approach to this.

Holland: Mr. Chair?

Seal: Commissioner Holland, go ahead.

Holland: The only other comment I would make is I agree that whenever there is, you know, dirt next to your house that it could become almost anything. In this specific case it's a little bit unique, because they -- they did already go through an entitlement process and had a development agreement in place. So, there was some sort of concept plan that was approved by the city that they -- they are still held to currently. Even if we approve the conditional use permit tonight they still have to go to Council to release them from that development agreement and form a new one. So, just wanted to make that note, too. Our conditional use permit is really just around the multi-family project. That's -- that's what we are deciding on this, whether that fits the Comprehensive Plan and this specific development project. So, that's kind of where we are -- where we are set at and I'm -- I'm leaning towards where Commissioner Yearsley is, is I have a hard time approving the conditional use permit for the apartments as it's shown here. I -- could this work potentially? Sure. Is it the best fit and the best possible layout for the City of Meridian and what we are trying to strive for, you know, excellence when we are looking at projects? I don't know that it's the perfect layout. I think it could use some more work. So, I'm leaning towards the nay as well. I know that this developer has a number of great successful products. I think we are all kind of in the same boat where it just doesn't check all the boxes for us right now.

Seal: Would anybody else like to chime in or take -- take a shot at a motion here or --

Holland: Mr. Chair, could I ask one question for staff?

Seal: Absolutely. Go ahead.

Holland: If we were to say no to their conditional use permit request, would they be able to come back forward to us with another site plan in the future or does it put the time clock on them of a year?

Dodson: Good question.

Parsons: Joe, I can take that if you want.

Dodson: Thank you, sir.

Parsons: You're welcome. So, Mr. Chairman, Members of the Commission, as you stated, they still have to go -- they still have another shot in front of City Council. So, they are going -- going before them, because it is concurrent applications. So, this is moving



up to them with that DA motivation. So, they have the option to plead their case to Council and potentially overturn your decision if that's what you choose to do. If they came back with something substantially different than that year time frame wouldn't -- wouldn't apply. They just couldn't come back with the same application that's before you tonight, the same layout. So, there is still some flexibility there under the requirements of the code.

Holland: Thanks, Bill. And I believe that we are not really a -- we can certainly make a recommendation on the development agreement, but we are not a deciding factor on the development, so --

Parsons: Correct. You are not the decision making body on that, but you hit it right on the head, Commissioner Holland, that your -- your job is to state whether or not this meets the code and if it's consistent with the Comprehensive Plan. So, that's still your purview this evening.

Holland: Thank you, Bill.

Seal: All right. Thanks, Bill. Appreciate that. Still willing to entertain a motion at this point, unless we want to have more discussion on it. I would help you with a motion, but I can't tonight, so --

Holland: I can make a motion. I was waiting for Commissioner Yearsley or Commissioner Grove --

Yearsley: I was just stepping up, so -- Mr. Chair, after considering all staff, applicant and public testimony, I move to deny file number H-2020-0123 as presented in the hearing date of March 4th, 2021, for -- we don't feel like it fits the Comprehensive Plan. Not liking how the apartments are so close to the residential and it just doesn't fit for the area.

Seal: Is there a second?

Holland: I will second that.

Seal: Okay. It has been moved and seconded to recommend denial of item number H-2020-0123, Movado Mixed Use, for the aforementioned reasons. All those in favor say aye. Any opposed? Okay. Motion carries. Motion for denial.

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

Seal: Okay. That was the last one on our record there, so I'm always ready to entertain that last motion.

Holland: Mr. Chair, I move we adjourn the Planning and Zoning Commission hearing for the date of March 4th, 2021.

Grove: Second.

Lorcher: I second.

Seal: Okay. It's been moved and seconded to adjourn. All in favor say aye. Any opposed? All right. Motion carries. Thank you, everyone.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

MEETING ADJOURNED AT 9:36 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

\_\_\_\_\_  
ANDREW SEAL - VICE-CHAIRMAN

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

ATTEST:

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



## AGENDA ITEM

**ITEM TOPIC:** Findings of Fact, Conclusions of Law for Kiddie Academy (H-2021-0003) by neUdesign Architecture, LLC, Located at 3335 E. Victory Rd.

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



**In the Matter of the Request for Conditional Use Permit for a Daycare Facility (UDC 11-4-3-9) for Kiddie Academy, Located at 3335 E. Victory Road in the C-C Zoning District, by neUdesign Architecture.**

**Case No(s). H-2021-0004**

**For the Planning & Zoning Commission Hearing Date of: March 4, 2021 (Findings on March 18, 2021)**

**A. Findings of Fact**

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

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

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

COMMISSIONER NICK GROVE VOTED\_\_\_\_\_

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

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

Attest:

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

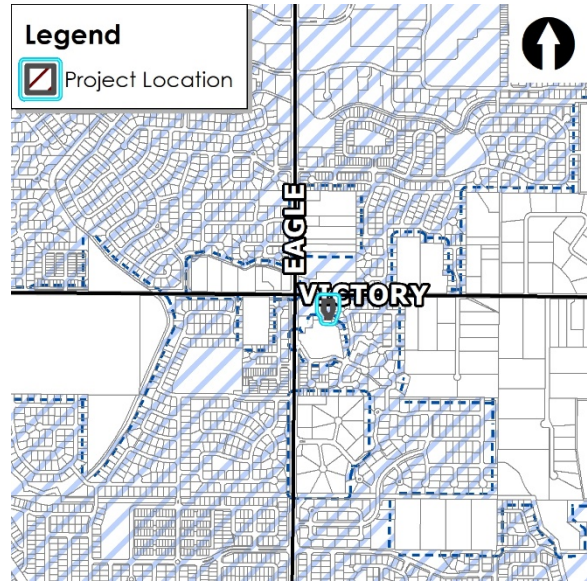
Copy served upon the Applicant, the Planning and Development Services divisions of the Community Development Department, the Public Works Department and the City Attorney.

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

**STAFF REPORT**  
**COMMUNITY DEVELOPMENT DEPARTMENT**



HEARING DATE: 3/4/2021  
TO: Planning & Zoning Commission  
FROM: Joe Dodson, Associate Planner  
208-884-5533  
SUBJECT: H-2021-0003  
The Kiddie Academy  
LOCATION: 3335 E. Victory Road



**I. PROJECT DESCRIPTION**

The Applicant, neUdesign Architecture, requests Conditional Use Permit approval to construct a new 7,926 square foot, single-story daycare facility on approximately 1 acre of land on Lot 3 of The Shops at Victory plat in the C-C zoning district.

**II. SUMMARY OF REPORT**

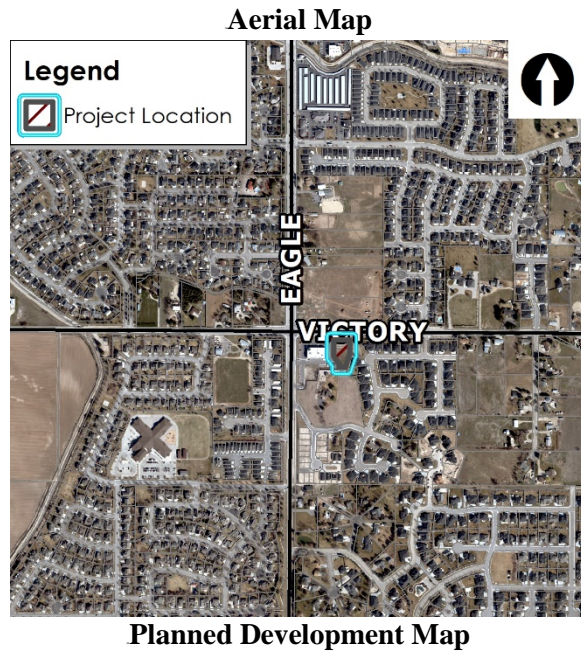
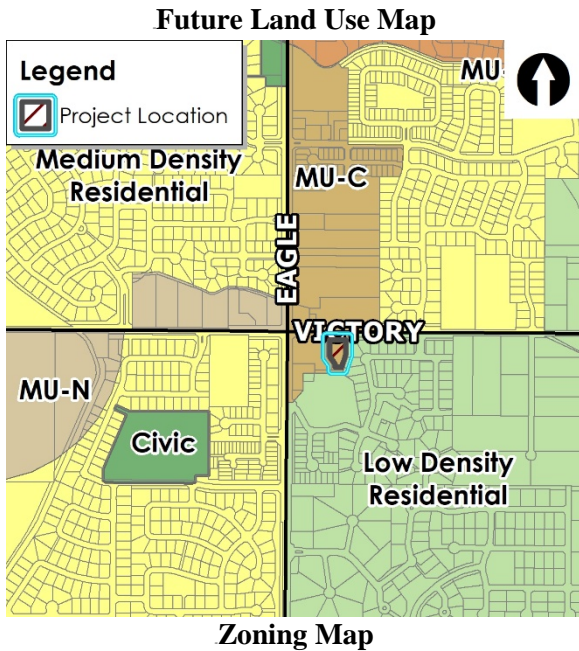
A. Project Summary

Description	Details	Page
Acreage	1.06 acres	
Future Land Use Designation	Mixed-use Community	
Existing Land Use(s)	Vacant	
Proposed Land Use(s)	Commercial – Daycare Center	
Lots (# and type; bldg./common)	One (1) building lot	
Phasing Plan (# of phases)	One (1) phase	
Neighborhood meeting date; # of attendees:	December 21, 2020; no attendees	
History (previous approvals)	AZ-08-007; PP-08-006; CUP-08-011; ALT-08-012; A-2015-0061 and DA instrument #111032845. DA restricts hours of operation on this property from 6am-10pm.	

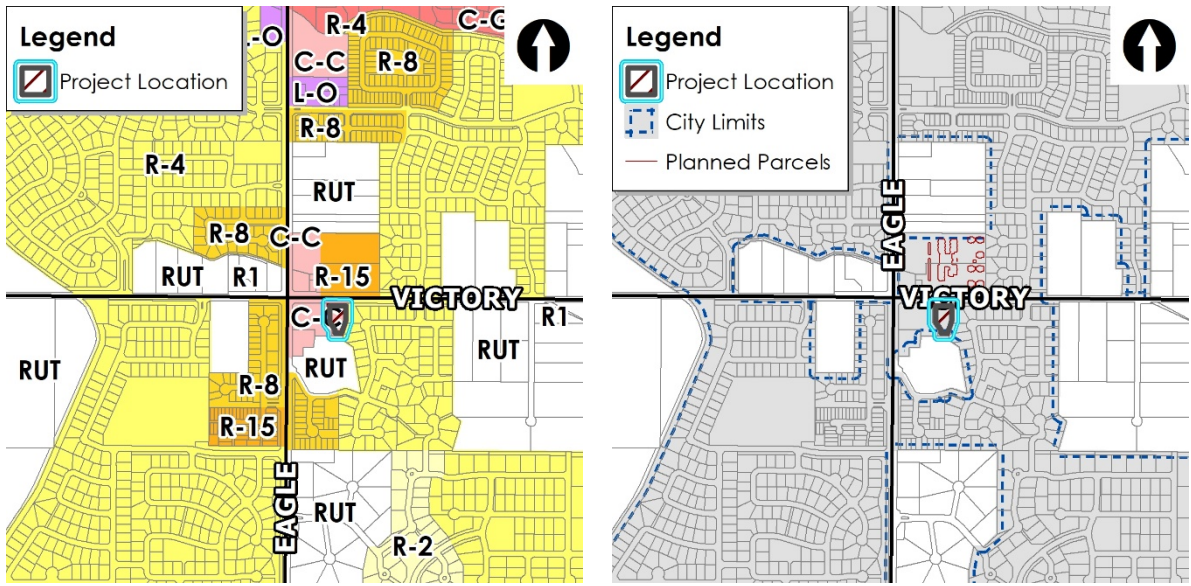
B. Community Metrics

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 – Staff letter No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Access to Victory Road via an existing driveway connection near the northeast corner of the site. No other road improvements are proposed or required.	
Stub Street/Interconnectivity/Cross Access	Cross-access to adjacent parcels is already in place with the existing Development Agreement	
Existing Road Network	Yes	
Fire Service		
<ul style="list-style-type: none"> <li>• Distance to Fire Station</li> <li>• Fire Response Time</li> </ul>	0.6 miles from Fire Station #4 Within 5-minute response time goal	

C. Project Area Maps







**III. APPLICANT INFORMATION**

A. Applicant:

Amanda Bidwell, neUdesign Architecture – 725 E. 2<sup>nd</sup> Street, Meridian, ID 83642

B. Owner:

Jason White, WL Victory Crossing, LLC – 8385 W. Emerald Street, Boise, ID 83704

C. Representative:

Same as Applicant

**IV. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>	<b>City Council Posting Date</b>
Newspaper Notification	2/12/2021	
Radius notification mailed to properties within 500 feet	2/9/2021	
Site Posting Date	2/22/2021	
NextDoor posting	2/9/2021	

**V. STAFF ANALYSIS**

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

The future land use designation for this property is Mixed-use Community – The purpose of this designation is to allocate areas where community-serving uses and dwellings are seamlessly integrated into the urban fabric. The intent is to integrate a variety of uses, including residential, and to avoid mainly single-use and strip commercial type buildings. Non-residential buildings in these areas have a tendency to be larger than in Mixed Use Neighborhood (MU-N) areas, but not as large as in Mixed Use Regional (MU-R) areas. Goods and services in these areas tend to be of the variety that people will mainly travel by car to, but also walk or bike to (up to three or four

miles). Employment opportunities for those living in and around the neighborhood are encouraged.

*The proposed use of a Daycare Center (more than 12 children) is a community-serving use that fits within this future land use designation as it can serve both the immediate area but also the nearby community at-large. When analyzing projects within this designation, the other uses provided nearby and within the same designation area should also be taken into account.*

*Of this mixed-use area, a majority of it has not yet redeveloped from county residential uses. The commercial subdivision that the subject site is a part of contains a Rite-aid and one additional commercial lot that is not yet developed. This MU-C designation also exists across Victory Road where a higher density multi-family development has been approved and is currently under review for their administrative approvals. With the existing residential to the east and south of this development and the possibility for more commercial uses further north along Eagle and within this future land use designation, Staff finds the proposed use to be consistent with the MU-C future land use designation.*

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

- “Encourage and support mixed-use areas that provide the benefits of being able to live, shop, dine, play, and work in close proximity, thereby reducing vehicle trips, and enhancing overall livability and sustainability” (3.06.02B). *Adding a daycare use in this location introduces an additional use to immediate area. In addition, this property has direct pedestrian access to the adjacent subdivision to the east, therefore promoting overall sustainability and the benefits of having a supportive commercial use nearby residential.*
- “Encourage the development of supportive commercial near employment areas” (3.06.02C). *The proposed daycare is not near an employment center but is part of a smaller commercial subdivision. Furthermore, the remaining undeveloped Mixed-use area north of the subject site could also contain employment opportunities making the location of this daycare to those future employers equally important.*
- “Locate smaller-scale, neighborhood-serving commercial and office use clusters so they complement and provide convenient access from nearby residential areas, limiting access to arterial roadways and multimodal corridors.” (3.07.02B). *Despite the subject property being within a mixed-use community designation, this area of MU-C is relatively small in size and is separated from the rest of this designation by an arterial street, Victory Road. This separation makes it more feasible for smaller-scale commercial like that of the proposed daycare. In addition, this property has direct pedestrian access to the subdivision to its east providing convenient pedestrian access to the adjacent residential development.*
- “Require appropriate building design, and landscaping elements to buffer, screen, beautify, and integrate commercial, multifamily, and parking lots into existing neighborhoods.” (5.01.02D). *With the proposed landscaping and landscape buffer, and easy pedestrian access, the proposed use should be both buffered and integrated into the existing neighborhoods.*

C. Existing Structures/Site Improvements:

The subject site has some partial improvements from its original approvals in 2005 including an access to Victory Road, parking spaces adjacent to the street, and existing cross-access and cross-parking agreements. There are no other existing structures on this site.

D. Proposed Use Analysis:

A Daycare Center (more than 12 children) is listed in UDC Table 11-2A-2 as a conditional use in the C-C zoning district. *See narrative included in the application for more specific details on the proposed use from the Applicant's perspective.*

E. Specific Use Standards (UDC [11-4-3](#)):

A. General standards for all child daycare and adult care uses, including the classifications of daycare center; daycare, family; and daycare, group:

1. In determining the type of daycare facility, the total number of children at the facility at one time, including the operator's children, is the determining factor. *The Applicant's narrative states the maximum number of children at the facility is 158 children. The building will have multiple rooms for different age groups. In addition, a maximum of 21 staff members will be employed here during peak hours throughout the day.*
2. On site vehicle pick up, parking and turnaround areas shall be provided to ensure safe discharge and pick up of clients.

*The Applicant has revised their site plan to meet this requirement. The revised site plan shows additional parking on the north side of the building and to the west of the building. Between these western parking spaces and the building is the discharge area for children. This drive aisle is shown as a one-way pick-up/drop-off area for parents that goes from the south to the north adjacent to the west facing daycare center. The Applicant has proposed the one-way drive aisle in this direction with the anticipation of a majority of the future children coming from subdivisions to the south of the property and the shared access along Eagle Road, shared with the proposed development, via an approved cross access agreement.*

*The parking area specifically for this lot is proposing 30 parking stalls, of which 18 will be brand new to the site. However, the subject property has a shared access and parking agreement with the rest of the Shops at Victory commercial subdivision, noted on the approved plat. The adjacent drive aisles appear to be 25 feet wide, meeting code requirements for a two-way drive aisle; the Applicant will be required to show compliance with the parking lot standards at the time of Certificate of Zoning Compliance submittal.*

*With the proposed parking and the revised layout showing a true pick-up/drop-off area, Staff finds the proposed use and site design will provide for safe discharge and pick up of children at this business and is enough for the proposed use and submitted maximum capacity of 158 children.*

3. The decision making body shall specify the maximum number of allowable clients and hours of operation as conditions of approval. *Staff recommends a maximum of 158 allowable clients at any one time unless the maximum occupancy is limited further by fire or building code; Staff has written a condition of approval commensurate with this recommendation.*
4. The applicant or owner shall provide proof of criminal background checks and fire inspection certificates as required by title 39, chapter 11, Idaho Code. Said proof shall be provided prior to issuance of certificate of occupancy. The applicant or owner shall comply with all State of Idaho and Department of Health and Welfare requirements for daycare facilities. *The Applicant has agreed to comply with this requirement in their narrative.*
5. In residential districts or uses adjoining an adjacent residence, the hours of operation shall be between six o'clock (6:00) A.M. and eleven o'clock (11:00) P.M. This standard may be modified through approval of a conditional use permit. *The subject property has limited hours of operation of 6am to 10pm due to a provision of the existing Development Agreement. The*

*Applicant has stated in their narrative that they intend to operate within these hours and is not seeking to change this DA provision. Staff has included a condition of approval related to the proposed business hours.*

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

NA

B. Additional standards for daycare facilities that serve children:

1. All outdoor play areas shall be completely enclosed by minimum six foot (6') non-scalable fences to secure against exit/entry by small children and to screen abutting properties. *The submitted landscape plans show a 6' tall steel tube fence proposed along perimeter of the play areas.*
2. Outdoor play equipment over six feet (6') high shall not be located in a front yard or within any required yard. *The play equipment being proposed is not known at this time; Applicant will comply with this requirement if any equipment is ever proposed.*
3. Outdoor play areas in residential districts adjacent to an existing residence shall not be used after dusk. *Not applicable, C-C zoning district.*

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

The daycare center will be in a new building that requires Certificate of Zoning Compliance (CZC) and Design Review approval prior to building permit submittal. All UDC dimensional standards appear to be met with the submitted site plan but the Applicant shall comply with the required dimensional standards at the time of CZC submittal.

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

Direct lot access is provided via a driveway connection to E. Victory road, an existing arterial street. Further cross-access is provided to the west through the rest of the commercial subdivision which provides an additional arterial access to S. Eagle Road.

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

The proposed building is shown as 7,926 square feet, requiring a minimum of 16 parking stalls. 30 parking stalls are proposed to meet this requirement in addition to having an existing cross-parking agreement with the adjacent commercial lots to the west. All parking and parking lot landscaping meet UDC standards.

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

There is an existing five-foot (5) sidewalk that traverses the site from the Astoria Subdivision to the east. There is also existing attached sidewalk along E. Victory road. A portion of the sidewalk traversing the site is proposed to be removed to accommodate the new daycare facility but is shown as connecting to the required sidewalk surrounding the entire building and will provide access to the parking around the building.

UDC requires that new commercial buildings provide 5-foot wide sidewalks from all public entrances to the arterial sidewalks. The submitted plans do not show this connection and the most logical and feasible place for this to occur is by continuing the sidewalk within the existing landscape buffer along the east boundary. Staff is recommending the site plan and landscape plan

are corrected at the time of CZC submittal to show this sidewalk connecting to the existing sidewalk along Victory Road.

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

The project requires a 25-foot landscape buffer to adjacent residential uses and is already in place with previous approvals. This landscape buffer is shown to remain on the submitted landscape plans. All other landscaping proposed is for the parking lot landscaping and appears to meet UDC standards.

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

There is existing 6-foot vinyl fencing along the property boundary that the Applicant is showing to retain and protect. The Applicant is proposing new 6-foot tall steel tube fencing to enclose the play areas as discussed in the specific use standards section above. The existing and proposed fencing meets UDC standards.

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

All new non-residential buildings require Administrative Design Review (DES) approval prior to submitting for building permit. The Applicant has submitted conceptual elevations including color elevations. The submitted elevations appear to meet architectural standards by providing varying roof heights, two different field materials, building modulation, and accent materials providing fenestration for the building. The building is shown with stucco and wood field materials providing for earth tones and differing transitions between the proposed building modulation. Staff will analyze the elevations in more detail with the future required DES submittal.

## 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.

B. The Meridian Planning & Zoning Commission heard this item on March 4, 2021. At the public hearing, the Commission moved to approve the subject Conditional Use Permit request.

1. Summary of the Commission public hearing:

- a. In favor: Amanda Bidwell, Applicant Representative
- b. In opposition: None
- c. Commenting: Amanda Bidwell; Vijay Llavarasan, Applicant
- d. Written testimony: None
- e. Staff presenting application: Joseph Dodson, Associate Planner
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. None

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

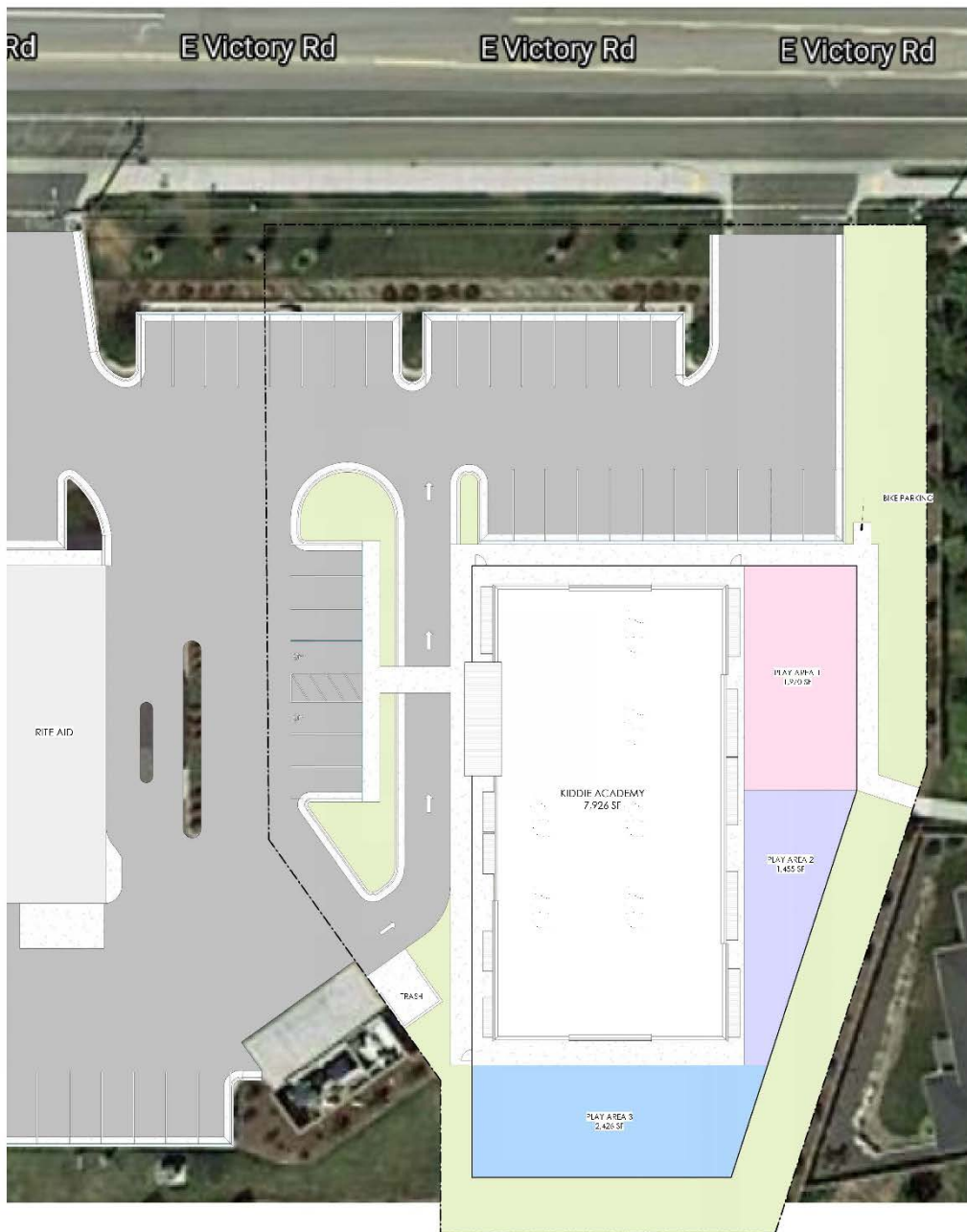
- a. Other locations where this Applicant is operating daycares:
- b. Kids to staff ratio – Applicant stated they will abide by the State regulations.

4. Commission change(s) to Staff recommendation:

- a. None

### VII. EXHIBITS

#### A. Site Plan (date: 2/17/2021)



1 SITE PLAN - NEW  
1/2" = 1'-0"



neUdesign  
ARCHITECTURE  
725 E 2nd St  
Meridian, ID 83642  
208.894.2924

CONSULTANT

THIS DOCUMENT IS THE PROPERTY OF  
neUdesign ARCHITECTURE. IT IS TO BE  
USED ONLY FOR THE PROJECT AND  
DATE SPECIFIED HEREON.

CLIENT:  
VIJAY ILAVARASAN  
KIDDIE ACADEMY  
3335 E VICTORY RD, MERIDIAN, ID 83642

PROFESSIONAL SEAL

**NOT FOR PERMIT**

ID	DESCRIPTION	DATE
C	CLIENT REVIEW	06.17.21
D	CONTRACT SIGNATURE	11.21
F	CLIENT REVIEW	11.16.20
B	CLIENT REVIEW	11.16.20
A	CLIENT REVIEW	11.12.20

SITE PLAN

A-101

JOB NUMBER:  
DRAWN BY: 20110  
ALS



C. Conceptual Building Elevations (date: 2/18/2021)

**1 NORTH ELEVATION - COLORED**  
 128'-0" (FINISH FLOOR)  
 118'-0" (1st FLOOR)  
 111'-0" (2nd FLOOR)  
 104'-0" (FINISH FLOOR)

**2 SOUTH ELEVATION - COLORED**  
 128'-0" (FINISH FLOOR)  
 118'-0" (1st FLOOR)  
 111'-0" (2nd FLOOR)  
 104'-0" (FINISH FLOOR)

**3 WEST ELEVATION - COLORED**  
 128'-0" (FINISH FLOOR)  
 118'-0" (1st FLOOR)  
 111'-0" (2nd FLOOR)  
 104'-0" (FINISH FLOOR)

**4 EAST ELEVATION - COLORED**  
 128'-0" (FINISH FLOOR)  
 118'-0" (1st FLOOR)  
 111'-0" (2nd FLOOR)  
 104'-0" (FINISH FLOOR)

**Material Swatches:**  
 STONE  
 BRICK - LIGHT TONE  
 BRICK - DARK TONE  
 WOOD GRAIN

**Legend:**  
 COLORED ELEVATIONS  
 A-212

**Client:** VIJAY ILAVARASAN  
**Project:** KIDDIE ACADEMY  
 3335 E VICTORY RD, AMHERST, NJ 08842

**Professional Seal:** NOT FOR PERMIT

**Architect:** neu design ARCHITECTURE  
 201 841 2024  
 201 841 2024  
 CONSULTING

**Scale:** 1/8" = 1'-0"

**Date:** 2/18/2021

**Sheet:** A-212



## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. Planning

1. The Applicant shall comply with all existing conditions of approval and Development Agreement provisions (AZ-08-007; PP-08-006; CUP-08-011; ALT-08-012; A-2015-0061 and DA instrument #111032845)
2. The Applicant shall comply with the specific use standards listed in UDC 11-4-3-9 for Daycare Facilities.
3. The maximum number of allowable clients (children) at the facility at *one time* shall be limited to one hundred and fifty-eight (158) unless building/fire code limits this further; the more restrictive number shall apply.
4. The daycare/pre-school shall operate between the hours of 6:00 am and 10:00 pm per the recorded development agreement.
5. The Applicant or owner shall provide proof of criminal background checks and fire inspection certificates as required by title 39, chapter 11, Idaho Code prior to issuance of Certificate of Occupancy. The applicant or owner shall comply with all State of Idaho and Department of Health and Welfare requirements for daycare facilities.
6. The site plan and landscape plan shall be revised prior to submittal for Certificate of Zoning Compliance to show the continuation of sidewalk from the building to the existing sidewalk along Victory Road in accord with UDC 11-3A-19B.4.
7. Prior to building permit submittal, the Applicant shall obtain Certificate of Zoning Compliance and Administrative Design Review approval from the Planning Department.
8. 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.
9. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2B-3 for the C-C zoning district.
10. Comply with the outdoor service and equipment area standards as set forth in UDC 11-3A-12.
11. 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.
12. 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. Central District Health (CDH)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=221698&dbid=0&repo=MeridianCity>

### C. Department of Environmental Quality (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=221993&dbid=0&repo=MeridianCity>

D. Nampa & Meridian Irrigation District (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222751&dbid=0&repo=MeridianCity>

E. Ada County Highway District (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=220295&dbid=0&repo=MeridianCity>

## IX. FINDINGS

### A. Conditional Use Permit

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

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

*The site appears to meet all the dimensional and development regulations in the C-C zoning district for the proposed use and will be verified upon CZC submittal; therefore, Commission finds the site is large enough to accommodate the proposed use.*

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

*Commission finds the proposed daycare center will be harmonious with the Comprehensive Plan in that it will provide a much needed service for area residents with easy access to and from the site.*

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

*Commission finds the operation of the proposed daycare should be compatible with the residential and commercial uses in the close vicinity and the existing and intended character of this mixed-use area.*

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

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

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

*Because the site is already annexed into the City and these services are already being provided to the surrounding buildings, Commission finds the proposed use will be served adequately by all public facilities and services.*

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

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

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

*Although traffic may increase slightly in this area due to the proposed use and clients dropping off and picking up children, the proposed use and effects were planned for with the design of the discharge area; therefore, Commission finds the proposed daycare should not be detrimental to the general welfare.*

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

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



## AGENDA ITEM

**ITEM TOPIC:** Findings of Fact, Conclusions of Law for Lost Rapids Drive-Through (H-2021-0001) by Lost Rapids Development, LLC, Located on the West Side of N. Ten Mile Rd., North of W. Lost Rapids Dr.

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



**In the Matter of the Request for Conditional Use Permit for a Drive-Through Establishment within Three Hundred (300) Feet of a Residential Zoning District for Lost Rapids Drive-Through, Located on 1.61-Acres of Land in the C-G Zoning District, by Lost Rapids Development, Inc.**

**Case No(s). H-2021-0001**

**For the Planning & Zoning Commission Hearing Date of: March 4, 2021 (Findings on March 18, 2021)**

**A. Findings of Fact**

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

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

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

COMMISSIONER NICK GROVE 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

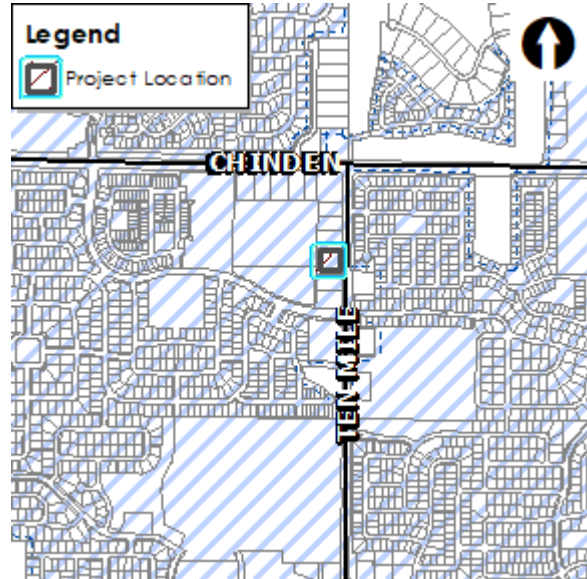
HEARING DATE: 3/4/2021

TO: Planning & Zoning Commission

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

SUBJECT: H-2021-0001  
Lost Rapids Drive-Through – CUP

LOCATION: W. side of N. Ten Mile Rd., north of W. Lost Rapids Dr. (Lot 13, Block 1, Lost Rapids Subdivision – Parcel #R5330761300), in the NE ¼ of Section 27, Township 4N., Range 1W.



#### I. PROJECT DESCRIPTION

Conditional use permit for a drive-through establishment within 300-feet of a residential zoning district on 1.61-acres of land in the C-G zoning district.

#### II. SUMMARY OF REPORT

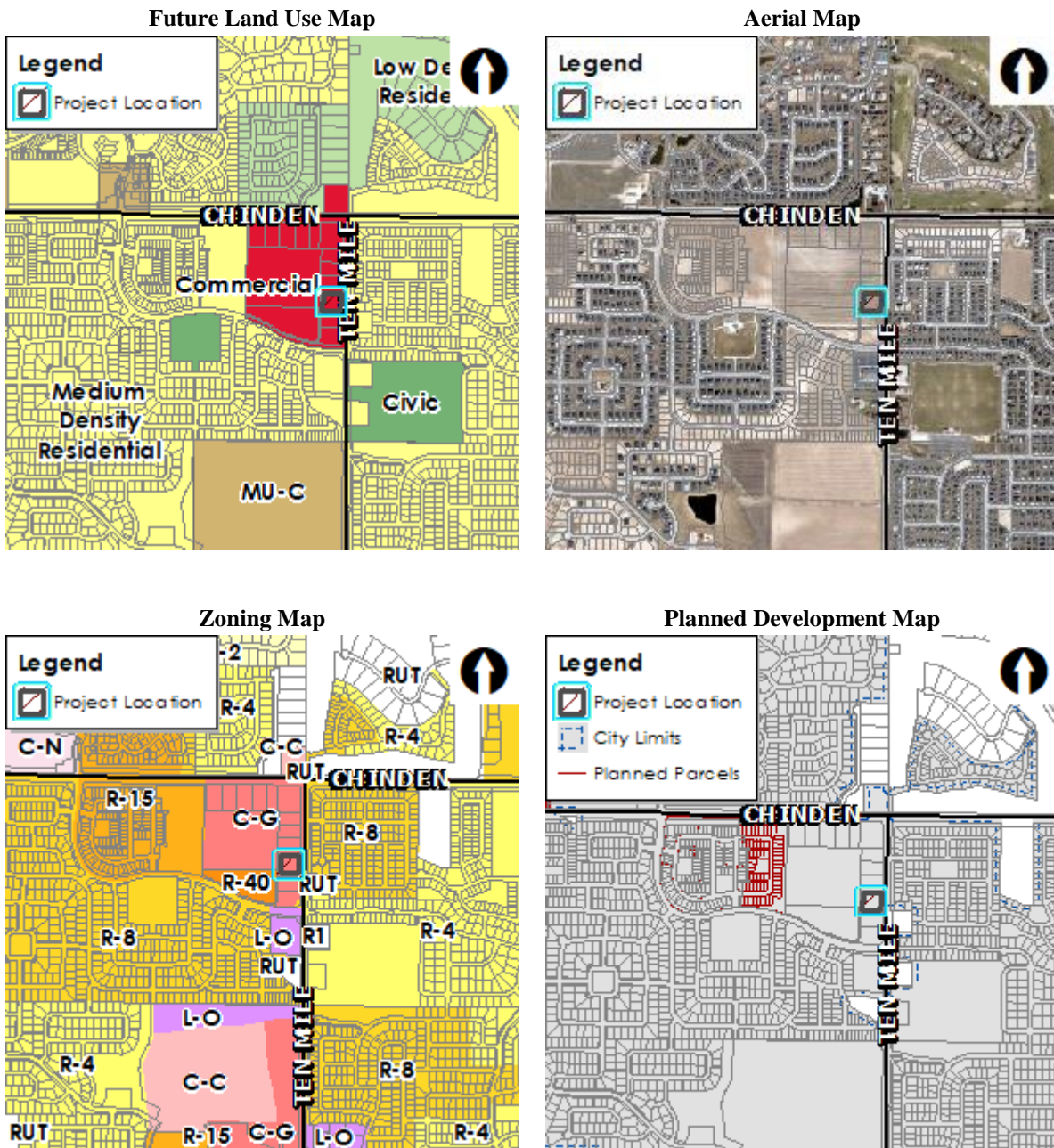
##### A. Project Summary

Description	Details	Page
Acreage	1.61-acres	
Future Land Use Designation	Commercial	
Existing Land Use	Vacant/undeveloped	
Proposed Land Use(s)	Restaurant with a drive-through in a multi-tenant building	
Current Zoning	General Retail and Service Commercial District (C-G)	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	11/24/20; 2 attendees	
History (previous approvals)	H-2018-0004 (DA # <a href="#">2018-079970</a> , Lost Rapids - GFI Meridian Investments II, LLC); FP-2020-0045	



# EXHIBIT A

## A. Project Area Maps



### III. APPLICANT INFORMATION

#### A. Applicant:

Lost Rapids Development, Inc. – 74 East 500 South, Ste. 200, Bountiful, UT 84010

#### B. Owner:

Lost Rapids Development, LLC – 74 East 500 South, Ste. 200, Bountiful, UT 84010

# EXHIBIT A

### C. Representative:

Derek Gasser, Lost Rapids Development, LLC – 74 East 500 South, Ste. 200, Bountiful, UT 84010

### IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	2/12/2021
Radius notification mailed to properties within 300 feet	2/9/2021
Site Posting Date	2/23/2021
Next Door posting	2/9/2021

### V. STAFF ANALYSIS

The proposed drive-through is within 300-feet of a residential zoning district, which requires Conditional Use Permit approval (CUP) per UDC Table 11-2B-2. The residential zoning district that constitutes the CUP requirement is located to the southwest of this site where Lost Rapids Apartments are approved and in the development process. *There are also residential uses and zoning to the east across N. Ten Mile Rd. but because the uses are separated by an arterial street, these are not a factor in the CUP requirement per UDC [11-4-3-11A](#).*

**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: *Staff’s analysis is in italics.*

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

*At 259’ +/- from the drive-through window to the nearest drive-aisle that serves the row of parking in front of the building, Staff believes the stacking lane has sufficient capacity to serve the use without obstructing driveways and drive aisles by patrons.*

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

*Although the stacking lane isn’t a separate lane from the driveway that provides access to the site and access to parking, more than 13 vehicles would have to be waiting in the stacking lane before it would block access to the parking area (based on 259’/20’), which the Applicant doesn’t believe will be an issue due to the types of restaurants being considered for this tenant space.*

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

## EXHIBIT A

*The stacking lane exceeds 100' in length and an escape lane is proposed.*

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

*The drive-through is visible from N. Ten Mile Rd., a public street along the east boundary of the site, for surveillance purposes.*

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

The proposed restaurant is subject to the specific use standards listed in UDC [11-4-3-49](#) Restaurant, which requires at a minimum, one (1) parking space to be provided for every 250 square feet of gross floor area. Upon any change of use for an existing building or tenant space, a detailed parking plan is required to be submitted that identifies the available parking for the overall site that complies with UDC standards.

**Access:** One driveway access is proposed to the site via the north/south driveway along the west boundary of the site from W. Lost Rapids Dr. from the south; a driveway access exists via N. Ten Mile Rd. on the adjacent property to the north. A reciprocal cross-access easement exists for lots in this subdivision as noted on the Lost Rapids subdivision plat (note #12) and in the Declaration of Easements, Covenants, Conditions and Restrictions (Inst. 2020-071547).

**Parking:** A minimum of one (1) parking space is required to be provided for every 250 square feet of gross floor area for restaurant uses; a minimum of one (1) parking space is required for every 500 square feet of gross floor area for other non-residential commercial uses in the multi-tenant building. A 9,392 square foot (s.f.) multi-tenant building is proposed with 2,596 s.f. proposed for the restaurant tenant. Based on the requirement, a minimum of 23 spaces are required; a total of 77 spaces are proposed in excess of UDC standards.

The recorded Declaration of Easements, Covenants, Conditions and Restrictions for this development establish cross-parking easements for lots in certain groups within the development (Inst. 2020-071547, Amended Inst. #2020-171404). This lot (Lot 13) is grouped with Lots 14 and 15 to the south and shares a perpetual, non-exclusive cross-parking easement with those lots.

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 shall be depicted on the site plan submitted with the Certificate of Zoning Compliance application in accord with the aforementioned standards.**

**Pedestrian Walkways:** A pedestrian walkway is depicted on the site plan from the perimeter sidewalk along N. Ten Mile Rd. to the main building entrance as required by UDC 11-3A-19B.4a. **Where pedestrian walkways cross vehicular driving surfaces, the walkways are required to be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19B.4. The site plan submitted with the Certificate of Zoning Compliance application should reflect compliance with this standard.**

**Staff recommends a pedestrian walkway, minimum 5-feet in width, is provided to the sidewalk in front of the building from the sidewalk along the west boundary of the site; and along the north boundary of the site between the sidewalk along Ten Mile Rd. and the sidewalk along the west boundary of the site for safe pedestrian access. The walkways should be distinguished from the vehicular driving surface as noted above.**

**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

## EXHIBIT A

within the parking area as required. 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. This requirement may be reduced or waived at the determination of the Director where there is a shared driveway and/or recorded cross-parking agreement and easement with an adjacent property. Because there is a recorded shared access and cross-parking agreement between this property and the property to the south (Lot 12), the Director waives the requirement for a buffer along the southern boundary of this site. This will allow the trash enclosure to be located as close as possible to the southern property line and should reduce conflicts between trash trucks servicing the dumpster and vehicles entering the drive-through if service occurs during business hours of the drive-through. The striped drive-through lane should also assist in directing drive-through traffic outside of the area needed to service the dumpster. A hammerhead turnaround is depicted on the site plan that has been approved by Republic Services.

Street buffer landscaping, including a sidewalk, along N. Ten Mile Rd. was installed with development of the subdivision. **Because the drive-through lane and back of the building (with mechanical equipment) will be highly visible from N. Ten Mile Rd., Staff recommends additional landscaping (i.e. coniferous trees/bushes) is provided within the street buffer along to screen this area and these functions while preserving a clear view of the drive-thru window for surveillance purposes.**

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

**Building Elevations:** Conceptual building elevations were submitted as shown in Section VII.C that incorporate a mix of materials consisting of wood siding on the top portion and stone veneer on the lower portion of the building with glass store-fronts and a combination of flat and pitched rooflines. **Final design shall be consistent with the design standards listed in the [Architectural Standards Manual](#).**

The trash enclosure is proposed to be constructed of split-face CMU in a color 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 this item on March 4, 2021. At the public hearing, the Commission moved to approve the subject CUP request.

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

- a. In favor: Derek Gasser, DFG Development
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: Derek Gasser, DFG Development
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: None

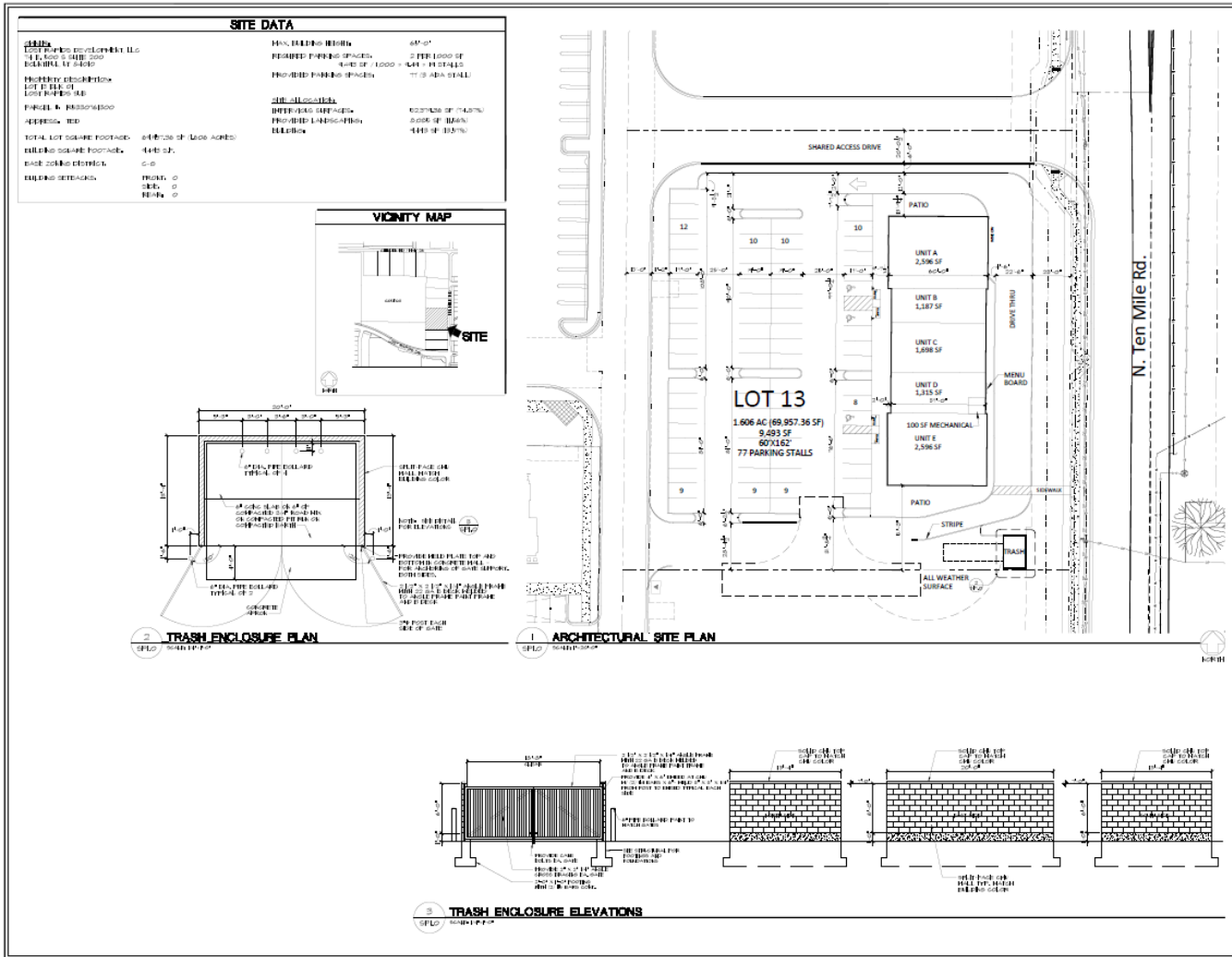
## EXHIBIT A

2. Key issue(s) of public testimony:
  - a. The Applicant requested the condition requiring pedestrian walkways along the west and north property boundaries be waived based on the pedestrian circulation plan included in the Development Agreement which did not include walkways in these locations.
3. Key issue(s) of discussion by Commission:
  - a. Consideration of the Applicant's request for removal of pedestrian walkways.
4. Commission change(s) to Staff recommendation:
  - a. The Commission required the pedestrian walkway along the west boundary of the site but did not require the walkway along the north boundary of the site.

# EXHIBIT A

## VII. EXHIBITS

### A. Proposed Site Plan (dated: 2/25/2021)



**IN PROGRESS**  
NOT FOR CONSTRUCTION

**LOST RAPIDS ARCHITECTS, P.C.**  
Architects and Interior Design Firm  
1100 S. BRIDGES  
BOZEMAN, MONTANA 59717  
(406) 376-2762

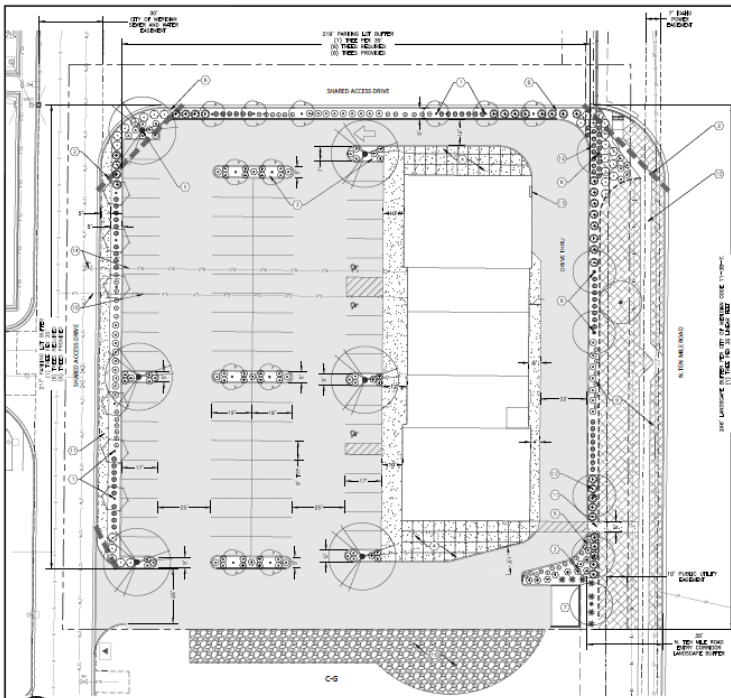
**A NEW MULTI-TENANT BUILDING FOR  
LOST RAPIDS DEVELOPMENT, LLC**  
MERIDIAN, IDAHO

**DATE:** 2/25/2021  
**BY:** [Signature]  
**REV:** [Signature]

**SPLD**

# EXHIBIT A

## B. Proposed Landscape Plan (dated: 2/26/2021)



### LANDSCAPE PLAN

Site Scale 1" = 30'

#### CONTACT INFORMATION

**OWNER**  
 LANDSCAPE CONSULTANT  
 11 EAST 700 SOUTH, 100, SUITE 100, MERIDIAN, IDAHO 83645  
 PHONE (208) 674-3333 FAX (208) 674-3334  
 EMAIL: info@landscapemk.com

**LANDSCAPE CONSULTANT**  
 11 EAST 700 SOUTH, 100, SUITE 100, MERIDIAN, IDAHO 83645  
 PHONE (208) 674-3333 FAX (208) 674-3334  
 EMAIL: info@landscapemk.com

#### PROJECT CALCULATIONS

##### STREET BUFFERS

TYPE	LINE	REQUIRED	PROPOSED
FRONT	30'	30'	30'
REAR	30'	30'	30'

##### STREET TREES (1 PER 35 LF)

TYPE	LINE	REQUIRED	PROPOSED
FRONT	700'	20	20
REAR	700'	20	20

##### PARKING BUFFERS

TYPE	LINE	REQUIRED	PROPOSED
FRONT	0'	0'	0'
REAR	0'	0'	0'

##### PARKING COUNTS

CALCULATION	REQUIRED	PROPOSED
2000 SQ FT / 350 SQ FT = 5.71	18	27
1000 SQ FT / 350 SQ FT = 2.86	18	18

##### BUFFER WIDTHS BETWEEN USES

TYPE	LINE	REQUIRED	PROPOSED
FRONT	30'	30'	30'
REAR	30'	30'	30'

##### TREE SPECIES MIX

TYPE	LINE	REQUIRED	PROPOSED
FRONT	30'	30'	30'
REAR	30'	30'	30'

##### MITIGATION REQUIREMENTS

SEE AEC AND HAZARD TIES - 1" OF 1/4" PROPOSED FOR BOUNDARY

#### KEY NOTES (TYPICAL)

1. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MERIDIAN STANDARD SPECIFICATIONS FOR LANDSCAPE PLANTING.
2. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MERIDIAN STANDARD SPECIFICATIONS FOR LANDSCAPE PLANTING.
3. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MERIDIAN STANDARD SPECIFICATIONS FOR LANDSCAPE PLANTING.
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#### AS-CO LANDSCAPE NOTES

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#### GENERAL LANDSCAPE NOTES

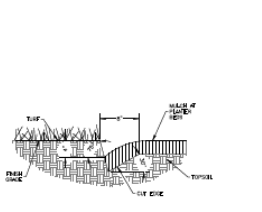
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#### GENERAL IRRIGATION NOTES

1. ALL IRRIGATION SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MERIDIAN STANDARD SPECIFICATIONS FOR LANDSCAPE PLANTING.
2. ALL IRRIGATION SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MERIDIAN STANDARD SPECIFICATIONS FOR LANDSCAPE PLANTING.
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#### TREE PROTECTION NOTES

1. ALL TREE PROTECTION SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MERIDIAN STANDARD SPECIFICATIONS FOR LANDSCAPE PLANTING.
2. ALL TREE PROTECTION SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MERIDIAN STANDARD SPECIFICATIONS FOR LANDSCAPE PLANTING.
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#### PLANT SCHEDULE

SPECIES	QUANTITY	SIZE	CLASS	PRICE
... (various tree species) ...	...	...	...	...



NO.	REVISION

LOST RAPIDS SUBDIVISION LOT 13  
 MERIDIAN, IDAHO  
 LANDSCAPE PLAN



# EXHIBIT A

## C. Conceptual Building Elevations





## EXHIBIT A

### VIII. CITY/AGENCY COMMENTS & CONDITIONS

#### A. PLANNING

1. Future development of this site shall comply with the existing Development Agreement (Inst. #[2018-079970](#), Lost Rapids - GFI Meridian Investments II, LLC) and associated conditions of approval (H-2018-0004; FP-2020-0045).
2. The site plan and landscape plan submitted with the Certificate of Zoning Compliance application shall be revised as follows:
  - a. The stacking lane, menu and speaker location(s), and window location shall be depicted in accord with UDC [11-4-3-11B](#).
  - b. Depict bicycle parking as set forth in UDC [11-3C-6G](#) in accord with the location and design standards listed in UDC [11-3C-5C](#).
  - c. Where pedestrian walkways cross vehicular driving surfaces, the walkways shall be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks as set forth in UDC [11-3A-19B.4](#).
  - d. 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](#).
  - e. Include additional landscaping (i.e. coniferous trees/bushes) within the street buffer along N. Ten Mile Rd. to screen the back side of the building and mechanical equipment while preserving a clear view of the drive-thru window for surveillance purposes.
  - f. Depict a minimum 5-foot wide walkway from the sidewalk along the west boundary of the site to the sidewalk in front of the building; ~~and along the north boundary of the site between the sidewalk along Ten Mile Rd. and the sidewalk along the west boundary of the site.~~ The walkway shall be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks as set forth in UDC [11-3A-19B.4](#).
3. Compliance with the standards listed in UDC [11-4-3-11](#) – Drive-Through Establishment is required.
4. Compliance with the standards listed in UDC [11-4-3-49](#) – Restaurant is required.
5. 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](#).
6. 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. CENTRAL DISTRICT HEALTH DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222769&dbid=0&repo=MeridianCity>

## EXHIBIT A

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223051&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222667&dbid=0&repo=MeridianCity>

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222166&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222736&dbid=0&repo=MeridianCity>

## IX. FINDINGS

Conditional Use (UDC 11-5B-6)

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

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

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

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

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

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

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

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

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

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

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

## EXHIBIT A

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

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

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

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

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

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

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

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

*This finding is not applicable.*

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

*This finding is not applicable.*



## AGENDA ITEM

**ITEM TOPIC:** Public Hearing for Sadie Creek Drive-Through (H-2021-0006) by The Land Group, Generally Located South of E. Ustick Rd. on the West Side of N. Eagle Rd.

A. Request: Conditional Use Permit for a drive-through establishment within 300-feet of another drive-through establishment on 1.18 acres of land in the C-G zoning district.



# PUBLIC HEARING INFORMATION

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**Staff Contact:** Sonya Allen

**Meeting Date:** March 18, 2021

**Topic:** **Public Hearing** for Sadie Creek Drive-Through (H-2021-0006) by The Land Group, Generally located south of E. Ustick Rd. on the west side of N. Eagle Rd.

- A. Request: Conditional Use Permit for a drive-through establishment within 300-feet of another drive-through establishment on 1.18 acres of land in the C-G zoning district.
- 

## **Information Resources:**

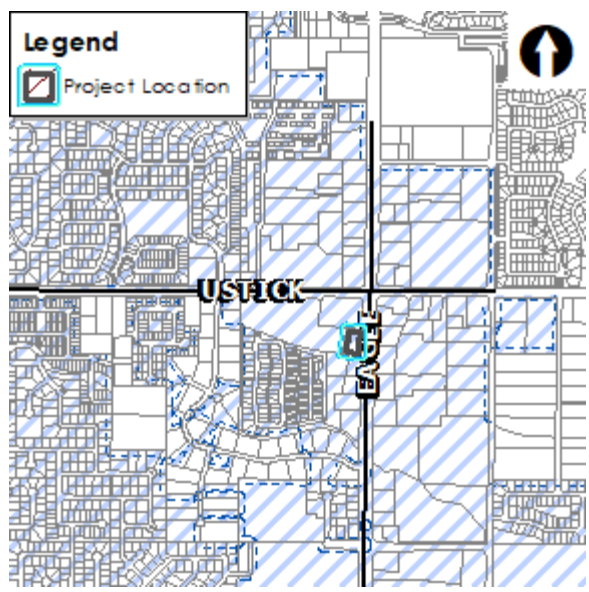
[Click Here for Application Materials](#)

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



**STAFF REPORT**  
**COMMUNITY DEVELOPMENT DEPARTMENT**

HEARING DATE: 3/18/2021  
TO: Planning & Zoning Commission  
FROM: Sonya Allen, Associate Planner  
208-884-5533  
SUBJECT: H-2021-0006  
Sadie Creek Drive-Through – CUP  
LOCATION: South of E. Ustick Rd. on the west side of N. Eagle Rd., in the NE ¼ of Section 5, Township 3N., Range 1E.



**I. PROJECT DESCRIPTION**

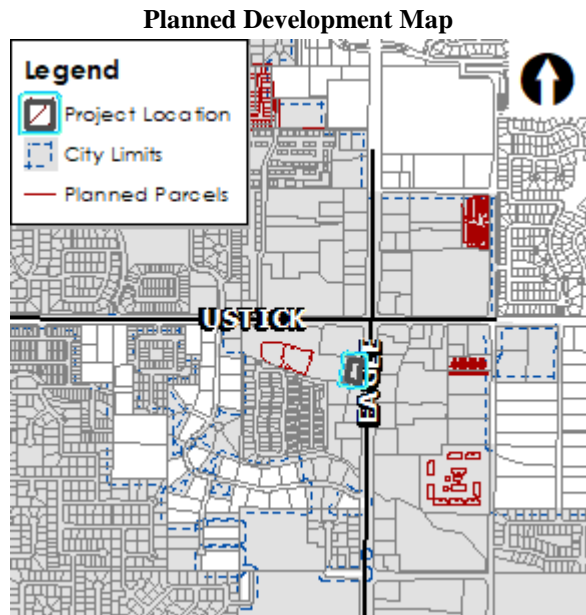
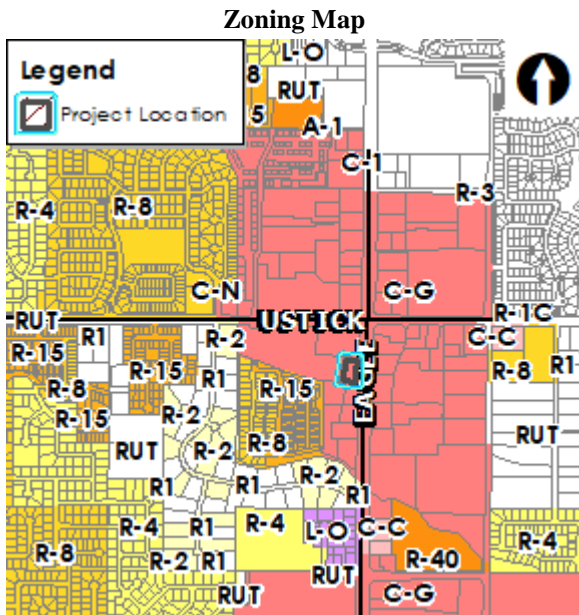
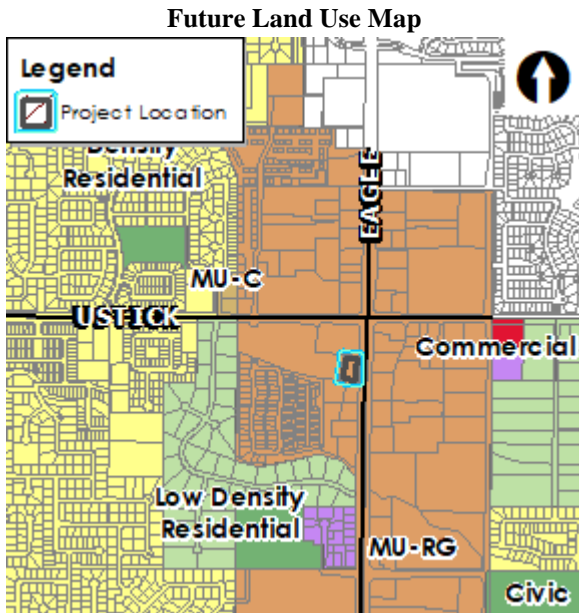
Conditional use permit for a drive-through establishment within 300-feet of another drive-through establishment on 1.18-acres of land in the C-G zoning district.

**II. SUMMARY OF REPORT**

A. Project Summary

Description	Details	Page
Acreage	1.18-acres	
Future Land Use Designation	Mixed Use – Regional (MU-R)	
Existing Land Use	Vacant/undeveloped land	
Proposed Land Use(s)	Restaurant (coffee shop) with a drive-through in a multi-tenant building	
Current Zoning	General Retail and Service Commercial District (C-G)	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	1/11/21; 3 attendees other than the Applicant	
History (previous approvals)	A-2018-0361 (ROS #11747, Parcel F); AZ-05-052 (DA #108008770, Sadie Creek Commons); H-2018-0121 (Villasport MDA, Inst. #2019-060877 – excludes property from previous DA)	

A. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Tamara Thompson, The Land Group, Inc. – 462 E. Shore Drive, Ste. 100, Eagle, ID 83616

B. Owner:

Sam Ryan, Sadie Creek Commons, LLC – 10789 W. Twain Ave., Ste. 200, Las Vegas, NV 89135

C. Representative:  
Same as Applicant

**IV. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>
Newspaper Notification	2/26/2021
Radius notification mailed to properties within 300 feet	2/23/2021
Site Posting Date	3/4/2021
Next Door posting	2/25/2021

**V. STAFF ANALYSIS**

The proposed drive-through is for a 2,250 square foot coffee shop (classified as a restaurant) within 300-feet of another drive-through establishment, which requires Conditional Use Permit approval (CUP) per UDC Table 11-2B-2. The other drive-through establishment (Jimmy John’s) that constitutes the CUP requirement is located directly to the south of this site.

**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: *Staff’s analysis is in italics.*

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

*At over 400’ from the drive-through window to the nearest drive-aisle that provides access to the parking area, the stacking lane should have sufficient capacity to serve the use without obstructing driveways and drive aisles by patrons. The stacking lane will hold approximately 21 vehicles.*

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.

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

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

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

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

*The stacking lane exceeds 100’ in length and an escape lane is proposed.*

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

*The drive-through is visible from N. Eagle Rd./SH-55, a public street along the east boundary of*



*the site, for surveillance purposes.*

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

The proposed restaurant is subject to the specific use standards listed in UDC [11-4-3-49](#) Restaurant, which requires at a minimum, one (1) parking space to be provided for every 250 square feet of gross floor area. Upon any change of use for an existing building or tenant space, a detailed parking plan is required to be submitted that identifies the available parking for the overall site that complies with UDC standards.

**Access:** Access is provided to this site from the west via N. Cajun Ln. and E. Picard Ln., both private streets, across the Villasport property to the west and via E. Ustick Rd., an arterial street, from the north. **A cross-access/ingress-egress easement is needed across the adjacent properties to the west and north (Parcels #S1105110111 and S1105110030) for access to this site. A copy of the recorded easements should be submitted with the Certificate of Zoning Compliance application for this project. Both access driveways should be constructed with development of this site along with all of the frontage improvements along E. Ustick Rd. and N. Eagle Rd./SH-55 in accord with the Development Agreement. All off-site driveways and site improvements should be depicted on the plans.**

**Parking:** A minimum of one (1) parking space is required to be provided for every 250 square feet of gross floor area for restaurant uses; a minimum of one (1) parking space is required for every 500 square feet of gross floor area for other non-residential commercial uses in the multi-tenant building. The restaurant space is proposed to consist of 2,250 square feet while the remainder of the multi-tenant building is proposed to consist of 5,304 square feet. Based on the requirement, a minimum of nine (9) spaces are required for the restaurant (i.e. coffee shop) and 10 spaces are required for the remainder of the multi-tenant building. A total of 32 spaces are proposed in *excess* of UDC standards on the west and south sides of the building. **To ensure adequate parking is provided in the event other tenant spaces are occupied by restaurants, Staff recommends a condition of approval requiring parking to comply with the more restrictive standards for restaurants listed in UDC 11-4-3-49.**

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 one (1) bicycle space is required to be provided; two (2) spaces are proposed in *excess* of UDC standards.

**Pedestrian Walkways:** A 10-foot wide multi-use pathway with a public use easement and pedestrian lighting is required within the street buffer along S. Eagle Rd./SH-55 in accord with the standards listed in UDC [11-3H-4C](#). This pathway is required to be constructed with the first phase of development per the Development Agreement, which will be this phase unless the Villasport property to the west develops first.

A pedestrian walkway is depicted on the site plan from the perimeter sidewalk along N. Eagle Rd. to the main building entrance as required by UDC 11-3A-19B.4a. **Where pedestrian walkways cross vehicular driving surfaces, the walkways are required to be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19B.4. The site plan submitted with the Certificate of Zoning Compliance application should reflect compliance with this standard.**

**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 minimum 5-foot wide perimeter landscape buffer is required to be provided adjacent to parking, loading or other paved vehicular use areas as set**

**forth in UDC 11-3B-8C.1; landscaping should be provided adjacent to the drive-through lane along the north boundary of the site in accord with this requirement. The easement for the relocated Milk Lateral should be depicted on the plan to ensure no trees are placed within the easement.**

The landscape plan depicts the pathway and improvements east of the pathway along N. Eagle Rd./SH-55 as “not a part” to be constructed with the Villasport project. The Development Agreement requires all of the frontage improvements (i.e. street buffers, sidewalks, pedestrian lighting, etc.) on this site and the Villasport site to the west along N. Eagle Rd./SH-55 and E. Ustick Rd. to be installed with the first phase of development. **It was anticipated that Villasport would be the first phase of development; however, if this project ends up being the first phase, it’s responsible for these improvements, including those off-site – the plans should be revised to include these improvements.**

**Because the drive-through lane and back of the building (with mechanical equipment) will be highly visible from N. Eagle Rd./SH-55, Staff recommends additional landscaping (i.e. coniferous trees/bushes) is provided within the street buffer to screen this area and these functions while preserving a clear view of the drive-thru window for surveillance purposes.**

**Landscaping is required along each side of pathways per the standards listed in UDC [11-3B-12C](#); landscaping shall be provided adjacent to the multi-use pathway within the street buffer along N. Eagle Rd./SH-55 in accord with these standards.**

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

**Building Elevations:** Conceptual building elevations were submitted as shown in Section VII.C that incorporate a mix of materials consisting of PAC clad formed metal wall panels in slate gray with metal flashing and trim in light gray, a mix of white and onyx colored brick and with a glass store-front and a flat roof. **These elevations 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.

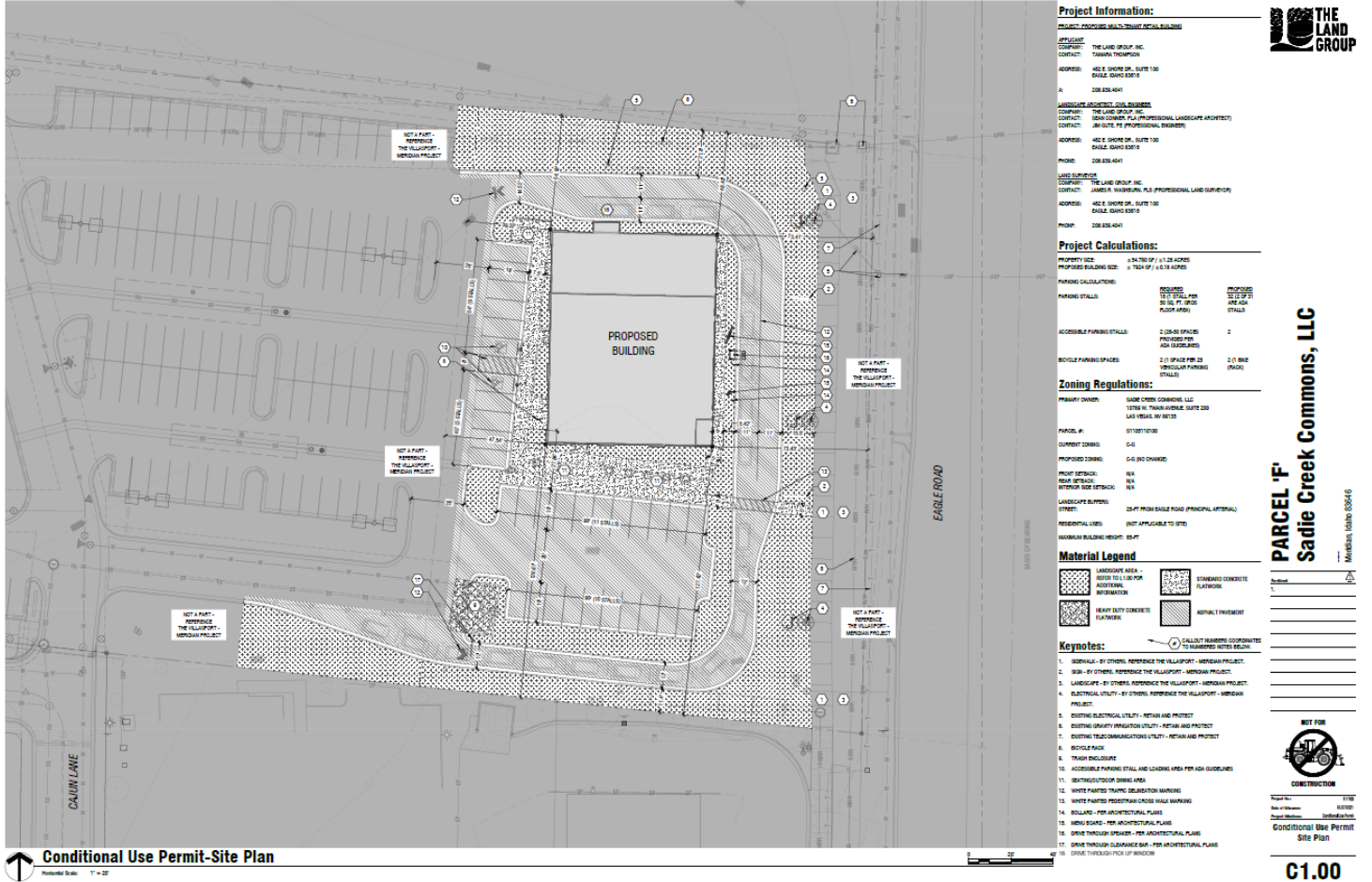
## VI. DECISION

### A. Staff:

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

# VII. EXHIBITS

## A. Proposed Site Plan (dated: 1/27/2021)



**Project Information:**  
 PROJECT: PROPOSED MULTI-TENANT OFFICE BUILDING  
 APPLICANT: THE LAND GROUP, INC.  
 CONTACT: TABARA THOMPSON  
 ADDRESS: 4612 SHORE DR., SUITE 100  
 CHALLE, GA 30028  
 A: 228.826.4541  
 LANDSCAPE ARCHITECT: DONA BISHOP  
 CONTACT: DONA BISHOP, P.L.A. PROFESSIONAL LANDSCAPE ARCHITECT  
 391 GATE 78 PROFESSIONAL BUSINESS  
 ADDRESS: 4612 SHORE DR., SUITE 100  
 CHALLE, GA 30028  
 PHONE: 228.826.4541  
 LAND SURVEYOR:  
 CONTACT: THE LAND GROUP, INC.  
 CONTACT: JAMES A. HARRINGTON, P.L.S. PROFESSIONAL LAND SURVEYOR  
 ADDRESS: 4612 SHORE DR., SUITE 100  
 CHALLE, GA 30028  
 PHONE: 228.826.4541

**Project Calculations:**  
 PROPERTY SIZE: 0.3476 ACRES  
 PROPOSED BUILDING SIZE: 4,782 SQ. FT. / 6.13 ACRES  
 PARKING CALCULATIONS:  
 REQUIRED: 18 STALLS PER 100 SQ. FT. OF FLOOR AREA  
 PROPOSED: 18 STALLS PER 100 SQ. FT. OF FLOOR AREA  
 ACCESSIBLE PARKING STALLS: 2 (25% OF SPACES PROVIDED PER ADA GUIDELINES) 2  
 BICYCLE PARKING SPACES: 2 (1 SPACE PER 25 VEHICLES/PARKING STALLS) 2 (1 BIKE STALL) (ADA)

**Zoning Regulations:**  
 PRIMARY ZONING: BUREAU COMMONS, LLC  
 TOTAL BUREAU COMMONS, LLC  
 10700 W. TRINIDAD AVENUE, SUITE 200  
 LAS VEGAS, NV 89135  
 PARCEL # : 817087100  
 CURRENT ZONING: D-6  
 PROPOSED ZONING: D-6 (NO CHANGE)  
 FRONT SETBACK: N/A  
 REAR SETBACK: N/A  
 INTERIOR SIDE SETBACK: N/A  
 LANDSCAPE BUFFER: 25 FT FROM BUILDING ROAD (MINIMUM LATERAL)  
 RESIDENTIAL USES: (NOT APPLICABLE TO SITE)  
 MAXIMUM BUILDING HEIGHT: 35 FT

**Material Legend**  
 LANDSCAPE AREA - REFER TO LOR FOR ADDITIONAL INFORMATION  
 ESTIMATED CONCRETE FOOTPRINT  
 HEAVY DUTY CONCRETE CURB/PARKING  
 ASPHALT PAVEMENT

**Keynotes:**  
 1. SIGNALL - BY OTHERS, REFERENCE THE VILLASPORT - MERIDIAN PROJECT.  
 2. SIGN - BY OTHERS, REFERENCE THE VILLASPORT - MERIDIAN PROJECT.  
 3. LANDSCAPE - BY OTHERS, REFERENCE THE VILLASPORT - MERIDIAN PROJECT.  
 4. ELECTRICAL UTILITY - BY OTHERS, REFERENCE THE VILLASPORT - MERIDIAN PROJECT.  
 5. DISTINGUISH ELECTRICAL UTILITY - RETAIN AND PROTECT  
 6. DISTINGUISH SANITARY WASTEWATER UTILITY - RETAIN AND PROTECT  
 7. DISTINGUISH TELECOMMUNICATIONS UTILITY - RETAIN AND PROTECT  
 8. BICYCLE PARKING  
 9. TRASH ENCLOSURE  
 10. ACCESSIBLE PARKING STALL AND LOADING AREA PER ADA GUIDELINES  
 11. SEATING/OUTDOOR DINING AREA  
 12. WHITE PAINTED TRAFFIC DELINEATION MARKING  
 13. WHITE PAINTED PROHIBITION/CROSS WALK MARKING  
 14. BOLLARD - PER ARCHITECTURAL PLANS  
 15. IRONAL BOARD - PER ARCHITECTURAL PLANS  
 16. DRIVE THROUGH OPERATOR - PER ARCHITECTURAL PLANS  
 17. DRIVE THROUGH CLEARANCE SIGN - PER ARCHITECTURAL PLANS  
 18. DRIVE THROUGH PICK UP WINDOW

**NOT FOR CONSTRUCTION**

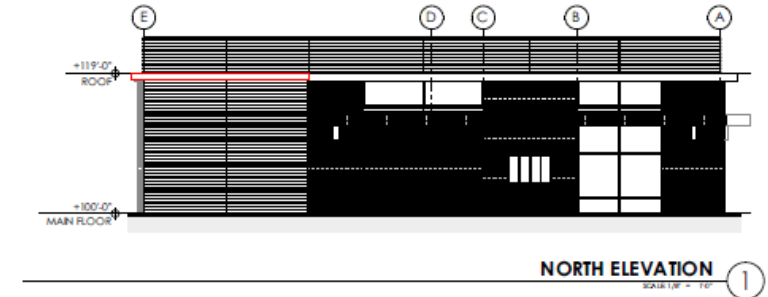
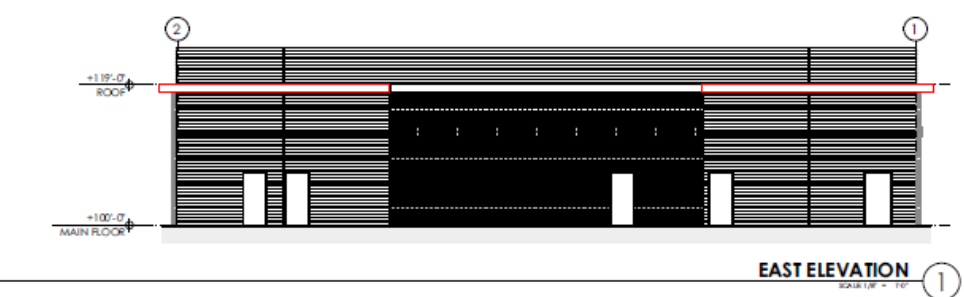
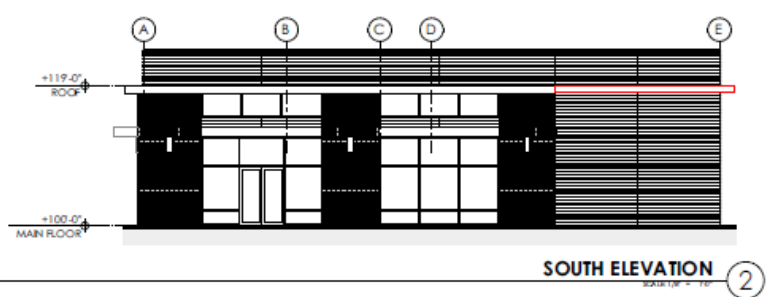
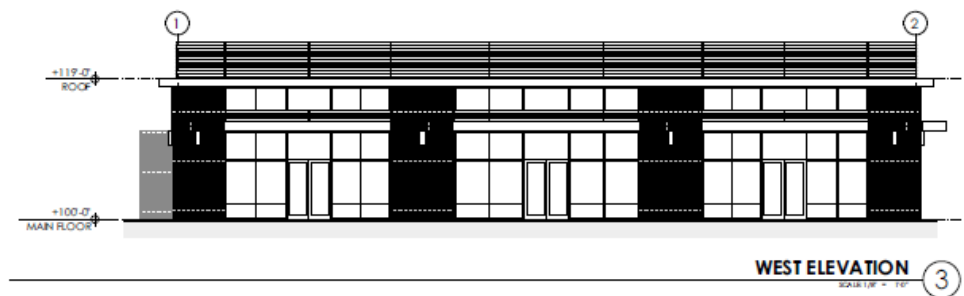
**Parcel 'F'**  
 Sadie Creek Commons, LLC  
 MERIDIAN, TEXAS 75046

**Conditional Use Permit Site Plan**

**C1.00**



C. Conceptual Building Elevations & Perspectives (dated: 1/19/21 & 2/11/21) & Floor Plan (dated: 1/19/21) **NOT APPROVED**



**KEYED/REFERENCE NOTES:**  
 1. SEE \_\_\_\_\_ FOR \_\_\_\_\_

- ELEVATION GENERAL NOTES**
- A. REFER TO FLOOR PLAN FOR EXTERIOR HOLLOW METAL AND ALUMINUM FINISHES.
  - B. REFER TO FINISH SPECIFICATIONS FOR ADDITIONAL SURFACE CALLOUTS, MATERIAL CALLOUTS, MATERIAL TRANSITIONS AND DETAILS.
  - C. REFER TO MECHANICAL DRAWINGS FOR RADIANT LOCATIONS AND OTHER MECHANICAL WORK AT 88 NETWORK HUB DRUG.
  - D. REFER TO ARCHITECTURAL DETAILS FOR RADIANT FLOOR SYSTEMS, WINDOW DETAILS, DRINKING FOUNTAIN DETAILS, SIGNAGE AND OTHER MECHANICAL AND FINISHING WORK.

DESIGN PLANNING & SUSTAINABILITY  
**S|U > ARCH.**  
 SLICHTER | URRIN > ARCHITECTURE, INC.  
 415 S. 13TH ST., BOISE IDAHO 83702 208.638.1679

PROJECT: 2021-001  
 REMOVE EXISTING FINISH  
 (RUC/W/ST/LOGG)

**DOCUMENTS PHASE**  
 Print Date: January 19, 2021

SADDIE CREEK COMMONS LLC  
 PARCEL 7 NORTH EAGLE ROAD, MERIDIAN, IDAHO 83446  
**MULTI-TENANT RETAIL BUILDING**



Issue Date	Drawn By	Issue Date	Checked By

Page of No. #P/n

**BUILDING ELEVATIONS**

**A3.11**



DESIGN PLANNING & SUSTAINABILITY  
**SJU>ARCH.**  
ARCHITECTURE | INTERIOR DESIGN | LANDSCAPE ARCHITECTURE  
400 S. 15TH ST. | BOZEMAN, MONTANA 59710 | 406.553.1979

PROJECT: STAMP AREA  
REVISION: BRICKS AND  
MATERIALS SPECIFICATIONS

DOCUMENTS PHASE  
Print Date: February 11, 2021

SADIE CREEK COMMONS LLC  
3030 NORTH CAJON ROAD, MERIDIAN, IDAHO 83646

**MULTI-TENANT RETAIL BUILDING**

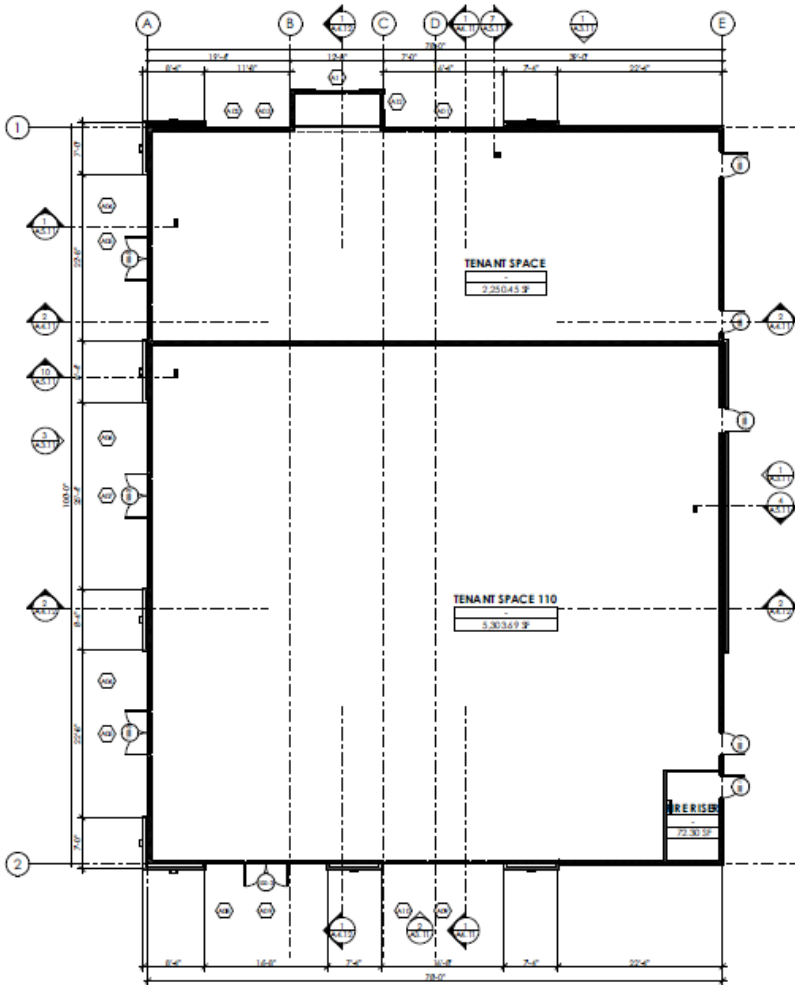
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Project No: #P1n

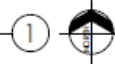
PERSPECTIVES

A3.12

NOTE: SEE STAMP AREAS  
REMOVE THESE BEFORE PRINTING  
UNLESS IN THE CLOUD OPTION



GROUND FLOOR PLAN



**KEYED/REFERENCE NOTES:**

1.00. TO BE MATCHED TO OTHER NOTES

**FLOOR PLAN GENERAL NOTES**

- A. UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE TO FINISH CEILING FOR OFFICIAL WALLS/CEILING OVER EXISTING PARTITION WALLS.
- B. UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE TO THE FACE OF FINISHED MASONRY FOR CHASE AND COLUMN WALLS.
- C. FOR FLOOR FINISH, REFER TO THE ARCHITECTURAL SCHEDULES, SHEET A1.01 AND FLOOR FINISH PLAN, SHEET A1.11.
- D. UNLESS NOTED OTHERWISE, ALL OFFICIAL WALLS/CEILING OVER EXISTING PARTITION WALLS SHALL MAINTAIN 2" CLEARANCE BETWEEN ALL DOOR AND WINDOW JAMBS.
- E. FOR GLASS CURTAIN WALLS AND GLASS PARTITIONS, REFER TO THE ARCHITECTURAL DIVISION TO SECTION 05100 VERTICAL GLASS CURTAIN WALLS, UNLESS OTHERWISE NOTED ON THE WORKER NOTATIONS AND INDICATED HEIGHTS ON THE WORKER NOTATIONS.
- F. ALL WINDOW/CURTAIN WALLS SHALL BE SUBJECT TO THE DESIGNER'S LOCATION.
- G. FINISHES SHALL INCLUDE FINISHES INFORMATION AND SEE SECTION 05000 ARCHITECTURAL.
- H. FINISHES SHALL ALSO BE SUBJECT TO FINISHES INFORMATION, ACCESSIBLE AND FINISHES BY CONNECTION REQUIREMENTS.
- I. SEE ARCHITECTURAL FLOOR PLAN FOR ADDITIONAL WALL TYPES.
- J. FOR GLASS CURTAIN WALLS AND WINDOW CURTAIN WALLS, CONFORM TO THE 2015 IBC SPECIFICATIONS TO SECTION 05100 VERTICAL GLASS CURTAIN WALLS.
- K. FOR NEW WALL CONSTRUCTION, FLOOR CEILING, AND ALL OTHER CONSTRUCTION, REFER TO THE UNIFORM BUILDING CODES (UBC) AND IBC.
- L. ALL NEW FLOORING SHALL BE FINISHED WITH FINISHES INFORMATION, CONFORMANCE WITH THE UNIFORM BUILDING CODES (UBC) AND IBC.

**FLOOR PLAN LEGEND**

- WALL TYPE: REFER TO SHEET A1.01 THROUGH A1.11
- TRAIL AND SIGN ACCESS: REFER TO SHEET 05000
- DOORS: REFER TO SHEET 05000
- REPARTITION: REFER TO SHEET 05000 AND WINDOW PARTITIONING SHEET A1.01 & A1.02
- WALL TYPE: REFER TO SHEET A1.01
- F.O.S. FINISH OF SURFACE
- T.S. / J.A.S. FACE BOARD - UNLESS OTHERWISE NOTED - UNLESS OTHERWISE NOTED TO BE
- TO FACE OF WALL
- TO CENTERLINE
- TO CENTERLINE
- REFER TO SHEET A1.01 THROUGH A1.11



DESIGN PLANNING + SUSTAINABILITY  
**S|U > ARCH.**  
 SLUCHTER | URSCH | ARCHITECTURE, INC.  
 405 S. 10TH ST. BOISE, IDAHO 83702 208.558.9779

PROJ: SADDIE CREEK  
 BOISE ARCHITECTURAL CENTER  
 (AUGUST 2019)

DOCUMENTS PHASE  
 Print Date: January 19, 2021

SADDIE CREEK COMMONS LLC  
 PARCEL 17 NORTH EAGLE ROAD, MERIDIAN, IDAHO 83446  
**MULTI-TENANT RETAIL BUILDING**

Issue Date:	1/19/21	Issue By:	MS
Drawn By:	MS	Checked By:	MS
Project No.:	2019-001	Sheet No.:	A2.11

FLOOR PLAN  
**A2.11**

## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING

1. Future development of this site shall comply with the terms of the existing Development Agreement (Inst. #[2019-060877](#), Villasport MDA H-2018-0121) and the conditions contained herein.
2. The site plan and landscape plan submitted with the Certificate of Zoning Compliance application shall be revised as follows:
  - a. The stacking lane, menu and speaker location(s), and window location shall be depicted in accord with UDC [11-4-3-11B](#).
  - b. Where pedestrian walkways cross vehicular driving surfaces, the walkways shall be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks as set forth in UDC [11-3A-19B.4](#).
  - c. 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](#).
  - d. Include additional landscaping (i.e. coniferous trees/bushes) within the street buffer along N. Eagle Rd./SH-55 to screen the back side of the building and mechanical equipment while preserving a clear view of the drive-thru window for surveillance purposes.
  - e. Depict off-site improvements required by the Development Agreement, including a 35-foot wide street buffer along N. Eagle Rd./SH-55, an entryway corridor, and a 25-foot wide street buffer is required along E. Ustick Rd., landscaped per the standards listed in UDC [11-3B-7C](#) per UDC Table 11-2B-3. A 10-foot wide multi-use pathway is required within a public use easement and pedestrian lighting and landscaping is required to be provided within the street buffer along N. Eagle Rd./SH-55 in accordance with the standards listed in UDC [11-3H-4C.3](#) and [11-3B-12C](#).
  - f. A minimum 5-foot wide perimeter landscape buffer is required to be provided adjacent to parking, loading or other paved vehicular use areas as set forth in UDC 11-3B-8C.1; landscaping shall be provided adjacent to the drive-through lane along the north boundary of the site in accord with this requirement.
  - g. Graphically depict the easement for the Milk Lateral along the north and east boundaries of the site; no trees should be placed within the easement.
  - h. Depict both access driveways to this site via E. Ustick Rd. and E. Picard Ln./N. Cajun Ln.
3. Direct access via N. Eagle Rd./SH-55 is prohibited.
4. A recorded cross-access/ingress-egress easement shall be obtained across the adjacent properties to the west and north (Parcel #S1105110111 and #S1105110030) for access to this site; a copy of the easements shall be submitted to the Planning Division with the Certificate of Zoning Compliance application.
5. The driveway accesses from the north via E. Ustick Rd. and from the west via E. Picard Ln./N. Cajun Ln. shall be constructed with development of this site or with the development of the Villasport site to the west, whichever occurs first.
6. All of the frontage improvements (i.e. street buffers, sidewalks, pedestrian lighting, etc.) on



this site along E. Ustick Rd. and N. Eagle Rd./SH-55 shall be installed with the first phase of development as set forth in the Development Agreement (Villasport – Inst. #2019-060877). *If the Villasport site to the west develops prior to this site, these improvements will be required with that development.*

- 7. Compliance with the standards listed in UDC 11-4-3-11 – Drive-Through Establishment is required.
- 8. Compliance with the standards listed in UDC 11-4-3-49 – Restaurant is required.
- 9. Parking for the overall site shall be provided in accord with the standards listed in UDC 11-4-3-49 for restaurants.
- 10. 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.
- 11. The conditional use permit is valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the Applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground as set forth in UDC 11-5B-6. A time extension may be requested as set forth in UDC 11-5B-6F.

**B. MERIDIAN FIRE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222991&dbid=0&repo=MeridianCity>

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

Staff Report:  
<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223257&dbid=0&repo=MeridianCity>

TIS:  
<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222928&dbid=0&repo=MeridianCity>

**D. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223265&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.*

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 (coffee shop) with a drive-through will be harmonious with the Comprehensive Plan and is consistent with applicable UDC standards with the conditions noted in Section VIII of this report.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*This finding is not applicable.*

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

*This finding is not applicable.*



## AGENDA ITEM

**ITEM TOPIC:** Public Hearing Continued from January 21, 2021 for TM Center (H-2020-0074) by SCS Brighton, et al., Located East of S. Ten Mile Rd. and South of W. Franklin Rd.  
A. Request: A Preliminary Plat consisting of 83 buildable lots and 2 common lots on 132.42 acres of land in the R-40 and C-G zoning districts.



# PUBLIC HEARING INFORMATION

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**Staff Contact:** Sonya Allen

**Meeting Date:** March 18, 2021

**Topic:** **Public Hearing** Continued from January 21, 2021 for TM Center (H-2020-0074) by SCS Brighton, et al., Located East of S. Ten Mile Rd. and South of W. Franklin Rd.  
A. Request: A Preliminary Plat consisting of 83 buildable lots and 2 common lots on 132.42 acres of land in the R-40 and C-G zoning districts.

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## Information Resources:

[Click Here for Application Materials](#)

[Click Here to Sign Up to Testify at the City Council Public Hearing](#)

# STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



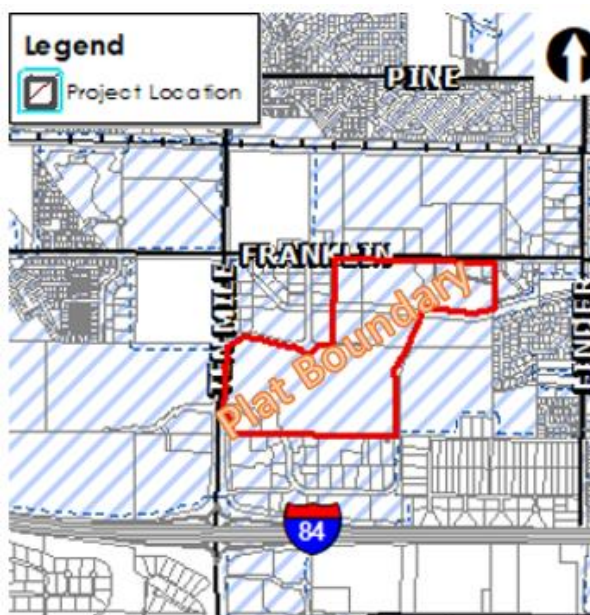
HEARING DATE: March 18, 2021

TO: Planning & Zoning Commission

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

SUBJECT: H-2020-0074  
TM Center - PP  
Ten Mile Crossing – MDA, RZ

LOCATION: East of S. Ten Mile Rd. & south of W. Franklin Rd., in the north half of Section 14, Township 3N., Range 1W.



## I. PROJECT DESCRIPTION

Preliminary Plat consisting of 83 buildable lots and 2 common lots on 132.42 acres of land in the R-40 and C-G zoning districts;

Rezone of 40.98-acres from the R-40 and C-C zoning districts to the C-G zoning district; 3.9-acres from the TN-C and C-G zoning districts to R-40 zoning district; 0.65-acre from the R-8 and TN-C zoning districts to the C-G zoning district; and 0.53-acre from the TN-C zoning district to the C-G zoning district; and,

Development Agreement modification to terminate all existing agreements in the Ten Mile Crossing development area in favor of one master agreement to govern future development of the overall area. The proposal includes a request for adoption of project-specific design guidelines to supersede those in the Ten Mile Interchange Specific Area Plan (TMISAP), which include deviations from certain goals and guidelines including decreased floor area ratios, different street and streetscape designs, landscape and architectural design elements and site development standards, including an increase in height in the C-G zoning district of up to 100-feet to allow for 6-story buildings [i.e. TM Crossing – AZ-12-005 (Inst. 114002254, 1st Addendum #2016-062220, 2nd Addendum #2017-051907, TMC Expansion #2019-011700); TM Creek/TM Creek East – AZ-13-015/H-2015-0018 (Inst. #114045759, 1st Addendum #2016-073497, 2nd Addendum #2017-113747); Ten Mile Center – AZ-14-001 (Inst. #2014-065514); Calnon Properties – H-2015-0017 (Inst. 2016-030845); and Bainbridge Franklin – H-2018-0057 (Inst. #2019-077071)].

**II. SUMMARY OF REPORT**

**A. Project Summary**

<b>Description</b>	<b>Details</b>	<b>Page</b>
Acreage	307.72 DA boundary; 132.42 plat boundary; 46.06 rezone area	
Future Land Use Designations	Mixed Use – Residential (MU-R), Medium Density Residential (MDR), Medium High-Density Residential (MHDR), High Density Residential (HDR), Mixed Use – Commercial (MU-C) and Commercial in the TMISAP	
Existing Land Uses	Agricultural, commercial, restaurant, carwash, personal and professional service, office, healthcare, multi-family residential	
Proposed Land Use(s)	Commercial, office and high density residential	
Current Zoning	Mostly C-G with some R-8, R-40, TN-C, TN-R and C-C	
Proposed Zoning	R-40 and C-G	
Lots (# and type; bldg./common)	83 building (74 commercial, 9 high-density residential)/2 common	
Phasing plan (# of phases)	6 (conceptually, based on market demand)	
Number of Residential Units (type of units)	TBD	
Density (gross & net)	TBD	
Open Space (acres, total [%] / buffer / qualified)	TBD with future residential development	
Amenities	TBD with future residential development	
Physical Features (waterways, hazards, flood plain, hillside)	The Ten Mile Creek, Purdam Gulch Drain, Von Lateral and Kennedy Lateral cross this site	

Neighborhood meeting date; # of attendees:	September 23, 2020; 4 attendees	
History (previous approvals)	TM Crossing – AZ-12-005 (Inst. 114002254, 1st Addendum #2016-062220, 2nd Addendum #2017-051907, TMC Expansion #2019-011700); TM Creek/TM Creek East – AZ-13-015/H-2015-0018 (Inst. #114045759, 1st Addendum #2016-073497, 2nd Addendum #2017-113747); Ten Mile Center – AZ-14-001 (Inst. #2014-065514); Calnon Properties – H-2015-0017 (Inst. 2016-030845); and Bainbridge Franklin – H-2018-0057 (Inst. #2019-077071)]	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	Yes	
• Requires ACHD Commission Action (yes/no)	No A full Traffic Impact Study (TIS) was not required.	
• Existing Conditions	Abutting roadways (Ten Mile & Franklin Rds.) are fully improved; Wayfinder with detached sidewalks exists between Franklin and Vanguard; Cobalt with detached sidewalk on the north side of the road exists from Wayfinder to the east boundary of TM Creek East Apartments	
• CIP/IFYWP	<ul style="list-style-type: none"> <li>Linder Road is scheduled in the IFYWP to be widened to 5-lanes from Franklin Road to Pine Avenue in 2020. The project includes Bridge #1120.</li> <li>Linder Road is scheduled in the IFYWP to be widened to 5-lanes from Overland Road to Franklin Road and will include a new 4-lane I-84 overpass.</li> <li>The intersection of Linder Road and Franklin Road is listed in the CIP to be widened to 6-lanes on the north leg, 6-lanes on the south, 7-lanes east, and 7-lanes on the west leg, and signalized between 2021 and 2025.</li> </ul>	

Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	One collector street access (S. New Market Ave.) and two (2) driveway accesses are proposed via Franklin Rd.	
Traffic Level of Service Stub	Better than “D” – Franklin & Ten Mile Roads (acceptable LOS is “E”) Cobalt Dr. is proposed to stub to the east for future extension.	
Street/Interconnectivity/ Cross Access		
Existing Road Network	Ten Mile and Franklin Roads exist along the west and north boundaries of this site; Wayfinder exists from Franklin Rd. to Vanguard; Cobalt extends from Ten Mile Rd. to midway between Wayfinder and New Market/Benchmark.	
Existing Arterial Sidewalks / Buffers	A detached sidewalk exists along Franklin, some buffers; an existing asphalt pathway exists along Ten Mile, some buffers	
Proposed Road Improvements	No improvements are proposed to adjacent roadways (Ten Mile & Franklin)	
Fire Service		
• Distance to Fire Station	1.7 miles – Fire Station #2	
• Fire Response Time	Falls within 5-minute response time	

• Resource Reliability	76% for Fire Station #2 – does <i>not</i> meet the target goal of 80% or greater	
• Risk Identification	Risk factor of 4 – current resources would <i>not</i> be adequate to supply service to this project (see comments in Section VIII.C)	
• Accessibility	Project meets all required access, road widths and turnarounds	
• Special/resource needs	An aerial device is required; the closest truck company is 6 minutes travel time (under ideal conditions) – Fire Dept. can meet this need in the required timeframe if required.	
• Water Supply	Requires 1,500 gallons per minute for 2 hours; may be less if building is fully sprinklered, which all are proposed to be	
• Other Resources	NA	

Police Service

• Distance to Police Station	4 miles	
• Police Response Time	3.5 minutes	
• Calls for Service	577 within a mile of site (3/1/2019 – 2/29/2020)	
• Accessibility	No concerns with the proposed access	
• Specialty/resource needs	No additional resources are required at this time; the PD already services the area	
• Crimes	67 within a mile of site (3/1/2019 – 2/29/2020)	
• Crashes	25 within a mile of site (3/1/2019 – 2/29/2020)	

West Ada School District

Joint School District No. 2 (dba West Ada School District) has experienced significant and sustained growth in student enrollment during the last ten years. Many of our schools throughout the district are operating at or above capacity. Based on U.S. census data, we can predict that these homes, when completed, will house **380 (= # homes x 0.8 per census data) school aged children**. Approval of the **TM Center** will affect enrollments at the following schools in West Ada District:

	<u>Enrollment</u>	<u>Capacity</u>	<u>Miles</u> <small>(Dev. to School)</small>
Peregrine Elementary	526	650	1.9
Meridian Middle School	1285	1250	2.7
Meridian High School	2126	2400	1.5

Due to the abundant amount of growth in the area, West Ada is actively building new schools, and boundaries are always changing. These future students could potentially attend Owyhee High School.

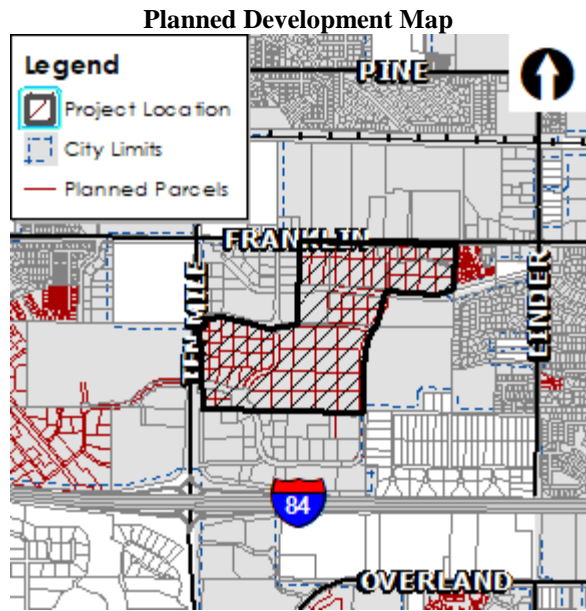
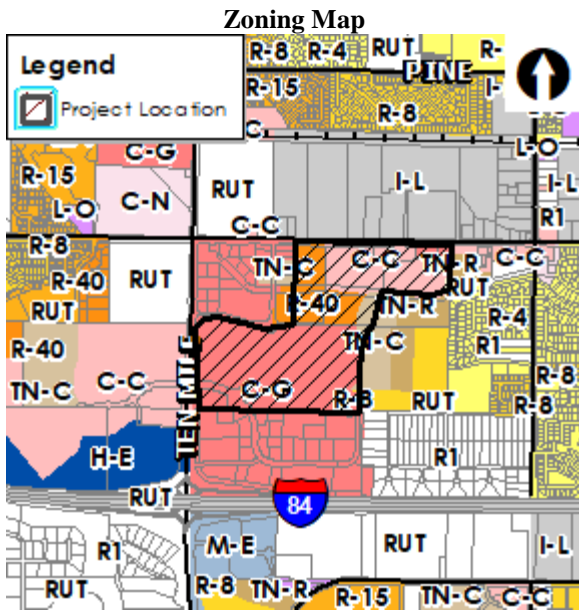
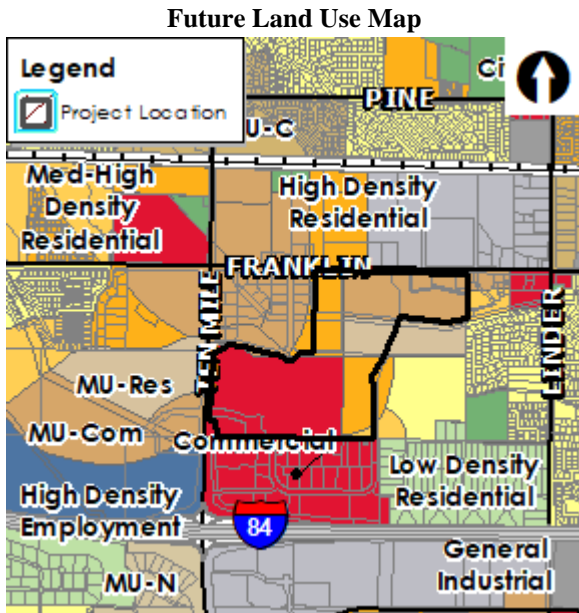


Wastewater		
• Distance to Sewer Services	Directly adjacent	
• Sewer Shed	South Black Cat Trunk shed	
• Estimated Project Sewer ERU's	See application	
• WRRF Declining Balance	13.96	
• Project Consistent with WW Master Plan/Facility Plan	Yes	
• Impacts/Concerns	The current sewer configuration submitted with this application, depicts at intersection of Colbalt and New Market Avenue, flow being enabled to go in either the north or the west direction. This needs to be corrected so flow only goes in one direction. Based on conversations with applicant 8" sewer line on Cobalt will not connect to manhole at intersection.	

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Water		
• Distance to Water Services	Directly adjacent	
• Pressure Zone	2	
• Estimated Project Water ERU's	See application	
• Water Quality Concerns	This development will result in a long dead-end water main which may result in poor water quality. Connecting to the south will eliminate this dead-end and correct this problem.	
• Project Consistent with Water Master Plan	Yes	
• Impacts/Concerns	<ul style="list-style-type: none"> <li>• To alleviate the water quality issues, this development must extend the proposed 12" water main south to connect into the existing water main in S New Market Ave (TM Crossing No 4).</li> <li>• Make sure to tie into the existing 12" water stub in Vanguard (between lots 6 &amp; 25, block 1)</li> </ul>	

C. Project Maps (Preliminary Plat Boundary)



III. APPLICANT INFORMATION

A. Applicant:

Michael Wardle, Brighton Development – 2929 W. Navigator Dr. #400, Meridian, ID 83642

B. Owners:

SCS Brighton, LLC – 2929 W. Navigator Dr. #400, Meridian, ID 83642

SCS Brighton II, LLC – 2929 W. Navigator Dr., #400, Meridian, ID 83642

- DWT Investments, LLC – 2929 W. Navigator Dr., #400, Meridian, ID 83642
- SCS Investments, Inc. – 2929 W. Navigator Dr., #400, Meridian, ID 83642
- SCS Investments, LLC – 2929 W. Navigator Dr., #400, Meridian, ID 83642
- SCS TM Creek, LLC – 2929 W. Navigator Dr., #400, Meridian, ID 83642
- Brighton Land Holdings, LLC – 2929 W. Navigator Dr., #400, Meridian, ID 83642

C. Representative:  
 Same as Applicant

**IV. NOTICING**

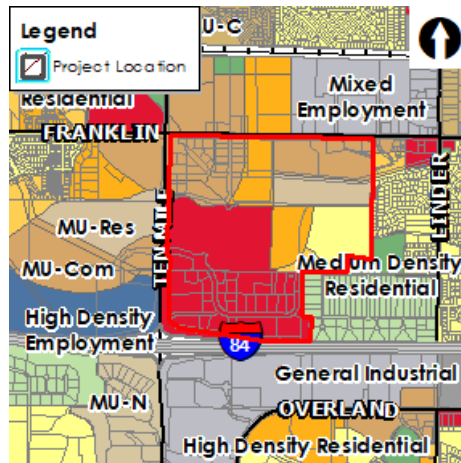
	<b>Planning &amp; Zoning Posting Date</b>	<b>City Council Posting Date</b>
Newspaper notification published in newspaper	2/26/2021	
Radius notification mailed to property owners within 300 feet	2/23/2021	
Public hearing notice sign posted on site	3/4/2021	
Nextdoor posting	2/25/2021	

**V. COMPREHENSIVE PLAN ANALYSIS**

*No changes are proposed to the Future Land Use Map (FLUM) or text of the Comprehensive Plan or the Ten Mile Interchange Specific Area Plan (TMISAP).*

**LAND USE:**

Approximately half of the property subject to the proposed new Development Agreement (DA) is designated on the Future Land Use Map in the [Comprehensive Plan](#) as Commercial with some Medium Density Residential (MDR), Medium High Density Residential (MHDR), High Density Residential (HDR), Mixed Use Residential (MU-RES) and Mixed Use Commercial (MU-COM) [see pg. 111 (D-1), Appendix D]. Development of this area is governed by the Ten Mile Interchange Specific Area Plan ([TMISAP](#)) and existing DA’s. *See pages 3-5 thru 3-9 in the TMISAP for more information on these specific land use designations.*



Since the adoption of the TMISAP in 2007, there have been substantial changes to the FLUM in this area. In 2012, an amendment to the map was approved for TM Crossing (CPAM-12-001) that changed 30.5-acres of land from Lifestyle Center (LC), 8.5-acres from Medium High Density Residential (MHDR) and 40-acres from High Density Employment (HDE) to Commercial with C-G zoning to accommodate a range of uses including office/professional, hospitality and large & small retailers. A market analysis provided by the Applicant at the time deemed another lifestyle center in addition to The Village at Meridian wasn't feasible in such close proximity. Although future development wouldn't be held to the mixed-use guidelines of the Plan, future development was required to comply with the design goals of the Plan through the DA to ensure consistency with the Plan and the overall area. This area has developed with several multi-story professional office and medical office buildings and is still in the development process. *Note: The Commercial land use designation is a FLUM designation in the Comprehensive Plan but not in the TMISAP; therefore, there are no specific design guidelines in the Plan for this designation.*

In 2015, an amendment to the FLUM was approved for Calnon (H-2015-0017) that changed the FLUM designation on 40.06-acres from Medium High Density Residential (MHDR) & High Density Residential (HDR) to Mixed Use Commercial (MU-COM) and 15.49-acres from Medium Density Residential (MDR), MHDR and High Density Residential (HDR) to Mixed Use Residential (MU-RES). In the absence of a development plan, a conceptual use plan was approved with the DA for retail, office and service commercial uses within the MU-COM area and office/medium high-density residential uses in the MU-RES area to ensure a mix of uses is provided in this area consistent with the underlying FLUM designations. No development has occurred yet in this area.

Most recently in 2019 with the new Comprehensive Plan (Res. #19-2179), the FLUM designation on approximately 62 acres of land on the western half of the Ten Mile Center (aka Treasure Valley Investments) property was changed from Lifestyle Center (LC) to Commercial based on the finding in the previous market analysis that another lifestyle center couldn't be supported in such close proximity to The Village. No development has occurred yet in this area.

Conceptual development/use/roadway alignment plans were previously approved with DA's for the land proposed to be governed by one overall new DA that currently govern future development of these areas.

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#### TRANSPORTATION:

No road improvements are planned adjacent to this site as Ten Mile Rd. is fully improved with 5-travel lanes, curb, gutter and a 7' wide attached temporary asphalt pathway; and Franklin Rd. is fully improved with 5-travel lanes with curb, gutter and 5-foot wide attached sidewalk abutting the site. A traffic signal exists at the S. Vanguard Way/S. Ten Mile Rd. intersection and a signal has been installed through the poles at the W. Franklin Rd./S. Wayfinder Way intersection – ACHD will hang the mast arms when warranted. Conduit was also installed at the New Market Ave. (Benchmark)/Franklin Rd. intersection with the Franklin Road widening project to accommodate installation of a future signal which is required to be constructed through the signal poles and luminaires prior to signature on the final plat. When ACHD determines it's warranted in the future, the District will complete installation of the signal and put it into operation.

Construction plans for the extension of S. Wayfinder Ave. between the two roundabouts within the proposed plat were approved by ACHD on May 26, 2020 outside of the subdivision process and the street and detached sidewalks have been constructed. **The plans were approved by the City Land Development Division for consistency with City standards pertaining to extension of water & sanitary sewer main lines and street lights but were *not* reviewed or approved by the Planning**

**Division and do not comply with the design guidelines for that street section (i.e. “E”) as designated on the Street Section Map in the Plan and as required in the existing DA for Ten Mile Center (see Street Design below for more information).**

Construction plans for the extension of W. Cobalt Ave. from the Wayfinder roundabout to the east edge of the Ten Mile Creek East Apartment project (midway between Wayfinder and New Market/Benchmark) were approved by ACHD with that project *also* outside of the subdivision process and the street and detached sidewalk on the north side has been constructed. **These plans were also not reviewed or approved by the Planning Division and don’t comply with the street section [i.e. “E” (or “D”)] desired in the TMISAP for the east/west collector street connection between Wayfinder and New Market/Benchmark, albeit further to the south (see Street Design below for more information).**

Approval of S. New Market Ave./Benchmark from Franklin to the south boundary of the site is requested with the proposed preliminary plat. **The existing DA for Ten Mile Center requires streets to be constructed consistent with the applicable street section (i.e. “D”) as shown on the Street Section Map in the TMISAP (see Street Design below for more information).**

**Street Network (3-17):** The Transportation System Map (TSM) included in the [TMISAP](#) (pg. 3-18, shown below) depicts collector streets through this site connecting to existing and future collector streets to the north and south. These street locations coincide with the town center collector streets depicted on the [Master Street Map](#) (MSM). Roundabouts are also depicted on the TSM at the Cobalt/Wayfinder and Vanguard/Wayfinder intersections, which have been constructed.



Two (2) north/south collector streets (S. Wayfinder Way and S. New Market Ave./Benchmark) are depicted on the plat in locations consistent with the TSM and the MSM; Wayfinder was recently constructed. An east/west collector street is not proposed along the southern boundary of the site because a local street (W. Navigator Dr.) was constructed further to the south with development of the adjacent TM Crossing subdivision, which was deemed to meet the intent of the Map and provide the desired east/west connection. An east/west collector street (W. Cobalt Dr.) is proposed and partially constructed through the middle of this site for a connection between Ten Mile and New Market/Benchmark that is not depicted on the TSM or the MSM, which provides more needed connectivity in this area.

**Access Control (3-17):** In order to move traffic efficiently through the Ten Mile Area and optimize performance of streets, direct access via arterial streets is prohibited except for collector street connections. Access to arterial streets should occur via the collector road system. Wayfinder, Cobalt, Vanguard and New Market/Benchmark are all collector streets that provide access via the abutting arterial streets (Ten Mile & Franklin).

**Two (2) driveway accesses via Franklin Rd. are depicted on the plat – one to the east and one to the west of New Market/Benchmark on Lot 4, Block 3 and Lot 4, Block 4. The conceptual**

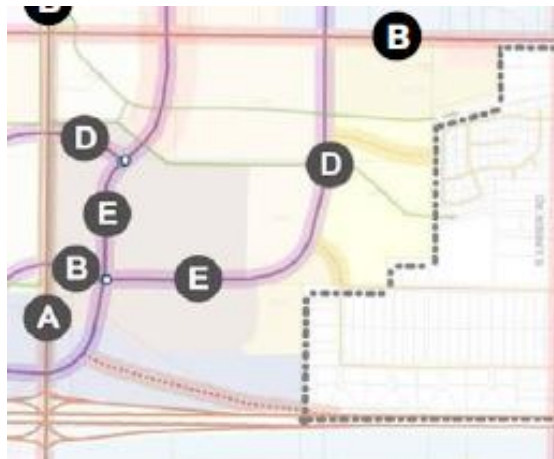
development plan included in the DA for the Bainbridge Franklin property depicts the eastern driveway access via Franklin; however, the Applicant states this property is no longer planned to develop in that manner. ACHD has *not* approved either of these accesses and is requiring a traffic analysis be submitted to demonstrate additional driveways are necessary to serve the site. The UDC's (11-3A-3) intention is to improve safety by combining and/or limiting access points to arterial streets to ensure motorists can safely enter all streets. **City Council should determine if a waiver to the standards in UDC 11-3A-3 is appropriate for the proposed driveway accesses in the absence of a conceptual development plan for this area.** These accesses are prohibited unless specifically approved by the City and ACHD.

**Complete Streets (3-19):** Streets should be designed to serve all users – motorists, bus riders, bicyclists, and pedestrians, including people with disabilities. Bicycling and walking facilities should be incorporated into all streets unless exceptional circumstances exist such as roads where bicyclists or pedestrians are prohibited by law, where the costs are excessive, or where there is clearly no need. **The following are features that should be considered as a starting point for each street: sidewalks, bike lanes, wide shoulders, crosswalks, refuge medians, bus pullouts, special bus lanes, raised crosswalks, audible pedestrian signals, sidewalk bulb-outs, street furnishings and on-street parking.**

The street sections depicted on the plat, some of which have already been constructed, incorporate detached sidewalks/pathways, planter strips and bike lanes along all streets; however, many of the other desired elements are not being provided which are integral to the Ten Mile area and the multi-modal options envisioned by the Plan. A VRT bus stop exists at the northwest corner of Vanguard/Wayfinder; other bus stops are anticipated within the development. **The Applicant should address at the public hearing (or in writing prior to the hearing) what other design features are planned for internal public streets within this development.**

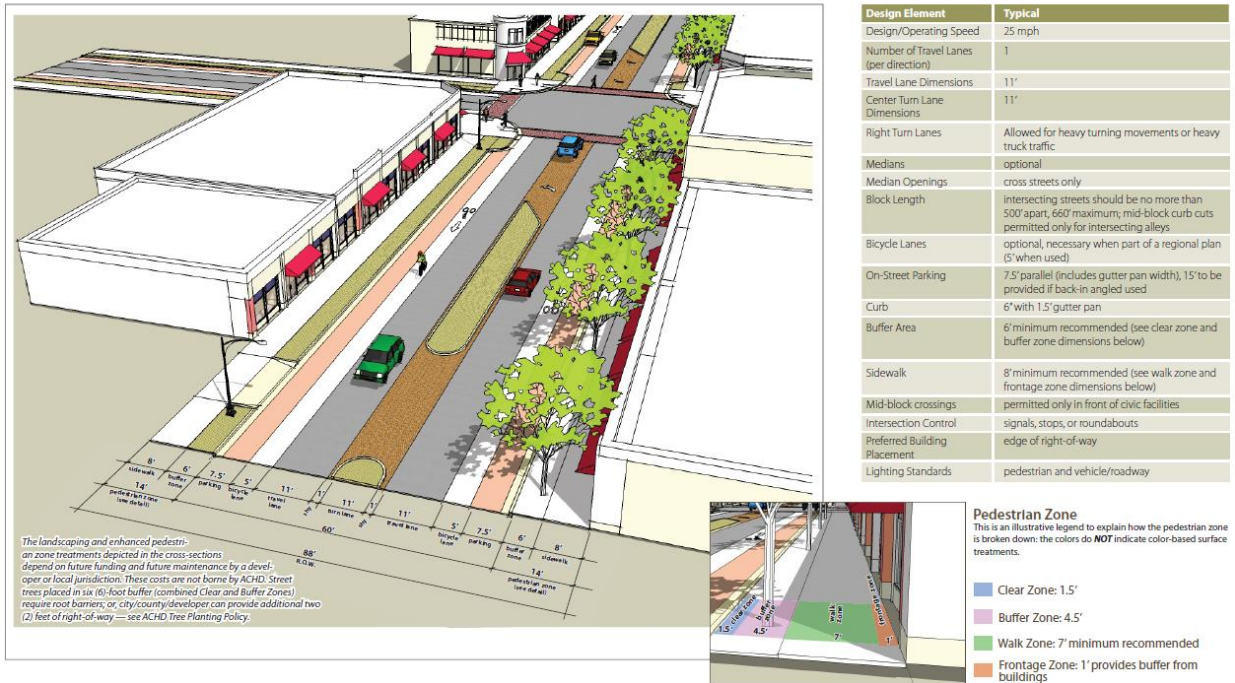
**Street Design (3-20):** The TMISAP includes several street section types for specific uses and conditions based on projected vehicular and pedestrian usage, desired parking conditions, specific physical conditions, public emergency access, and streetscape character. Streets within the Ten Mile area should be designed and sized to optimize pedestrian comfort and to facilitate slow-moving traffic. It's desirable that lanes on streets be 11 feet in width with the exception of those lanes closest to the intersections with Franklin and Ten Mile Roads which can increase to 12 feet from the point of the intersection with the arterial street to the point of the intersection with another street or access point.

The Street Section Map (SSM) contained in the [TMISAP](#) (pg. 3-22, shown below) depicts specific street section classifications for each of the streets shown on the TSM based on the criteria noted above for the area. These classifications have both a functional and a design-related classification to balance the design considerations for pedestrians and motorists.



The Master Street Map (MSM) guides the right-of-way (ROW) acquisition, collector street requirements and specific roadway features required through development. The MSM designates the collector streets within this site as town center collectors, which are recommended to have (2) travel lanes with a center turn lane, bicycle lanes and on-street parallel parking (if appropriate) within a 60-foot wide street section, a 6-foot wide buffer zone and an 8-foot wide sidewalk within 88 feet of right-of-way (see ACHD’s [Livable Street Design Guide](#) pg. 21, shown below). **The ACHD report states the previously approved street section for Wayfinder & the proposed street section for New Market/Benchmark meet District policy and are consistent with the TMISAP and Town Center Collector street typology as proposed without on-street parking and is approved. However, these street sections are not consistent with the applicable street sections in the TMISAP in that they don’t have on-street parking and have reduced pedestrian walkways and/or buffers.**

**2.6 STREET DESIGN: TOWN CENTER COLLECTOR**

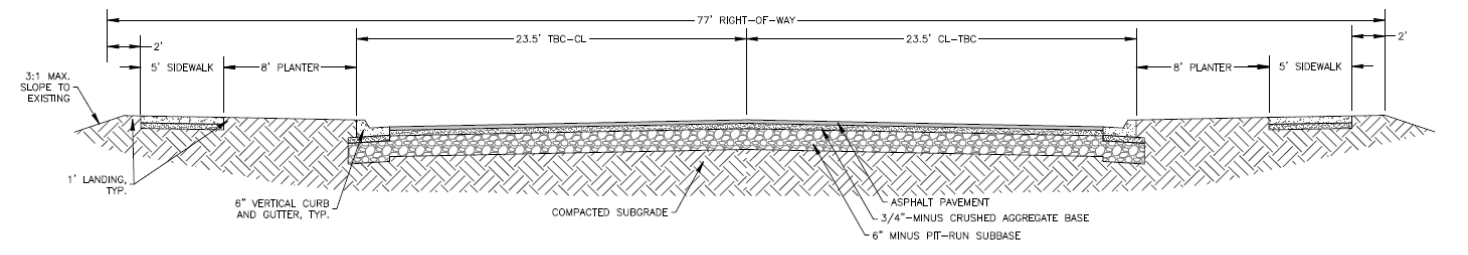
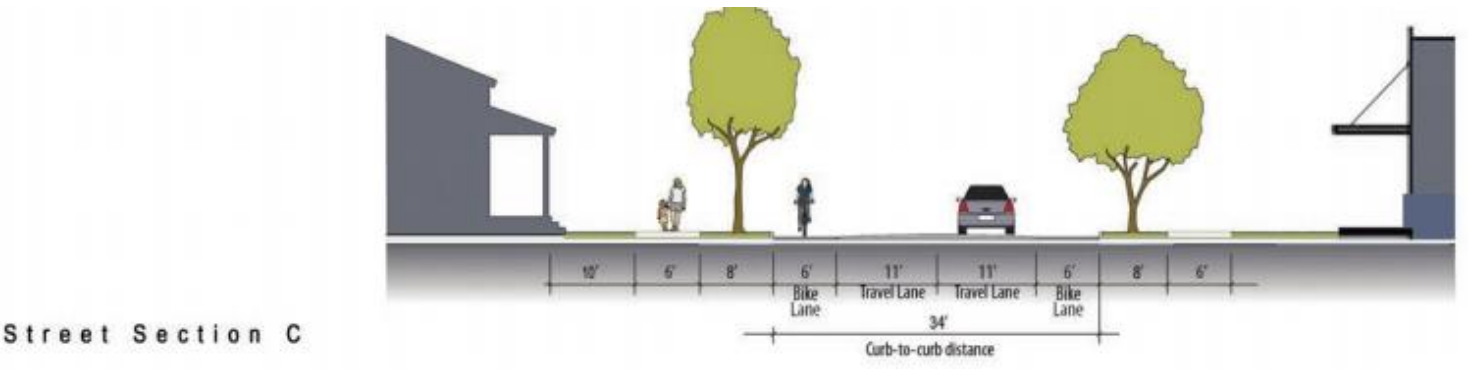
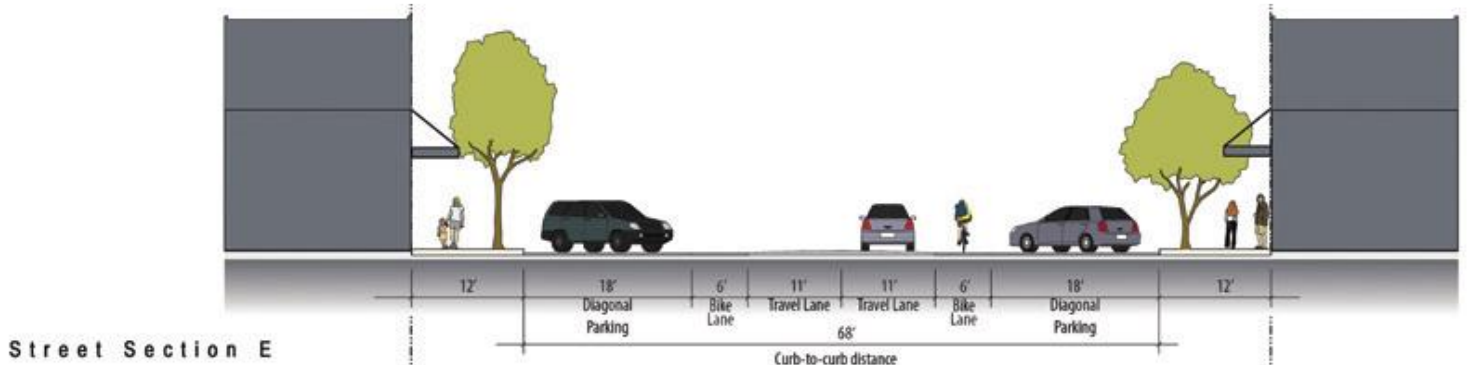


The western north/south collector street, proposed as S. Wayfinder Ave., designated as “E” (minor collector street), extends from a future signalized intersection at W. Franklin Road to the south to Vanguard. The portion north of Cobalt was approved with TM Creek subdivision. **Per the Map and as required by the existing DA for Ten Mile Center, this street should have been constructed per the guidelines for Street Section E shown below with two (2) travel lanes, bike lanes, diagonal parking and 12’ sidewalks with trees in wells (see pgs. 3-21 & 3-23 in the TMISAP). However, the street section approved by ACHD and constructed is a standard street section with (2) travel lanes, a center turn lane, bike lanes, 8-foot wide planter strips, a 5-foot wide detached sidewalk on the west side and an 8-foot wide pathway on the east side with no on-street parking, similar to that of major collector street (i.e. Street Section C, shown below) (see street section from the proposed plat and detail from the proposed design guidelines below). Because of the changes to the FLUM in this area from LC to Commercial and this street providing access to the employment uses to the south, which will likely result in a higher traffic volumes, Staff is in general support of the design as constructed. Minor collector streets in the Plan differ from the MSM’s town center collector street in that they don’t have a center turn lane and have diagonal instead of parallel parking.**

Minor collector streets serve as the primary retail streets and are pedestrian-oriented and defined by street-level storefronts. Buildings are built to 12-foot wide sidewalks with street trees in wells and

pedestrian-scale lighting. A 5-foot wide dry-utilities corridor should be provided along both sides of the street curb; both wet utilities may be located in the street; and streetlights should be placed in the dry utilities corridor on either side of the street.

Major collector streets provide access from adjacent arterial streets into the employment areas. Buildings on these streets are set back from the street as some distance generally behind a detached sidewalk. The sidewalk may be widened in some cases to extend to the front of commercial retail or higher density residential buildings.





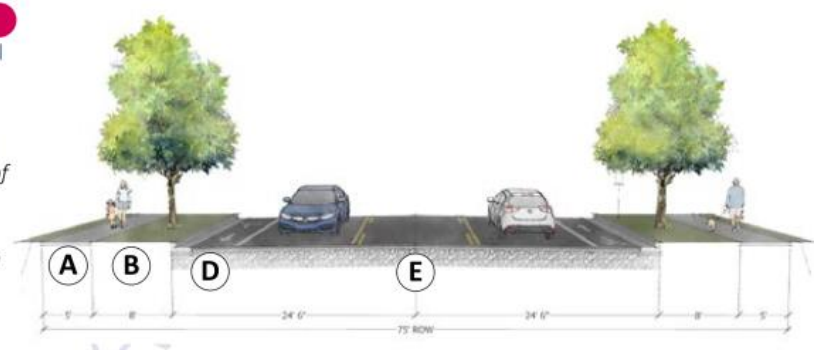
### Typical Street Sections

Typology

Label	Physical Characteristics
<b>A</b>	Sidewalk: 5' to 8'
<b>B</b>	Tree Lawn: 8' to 10'
<b>C</b>	Tree Grate
<b>D</b>	Bicycle Lane
<b>E</b>	Two-Way Left Turn Lane
<b>F</b>	Center Landscaped Median
<b>G</b>	Parallel Parking

**Figure 7.3**  
 Typical Commercial Street Section, Two-Lane + Turn Lane + Bike Lanes

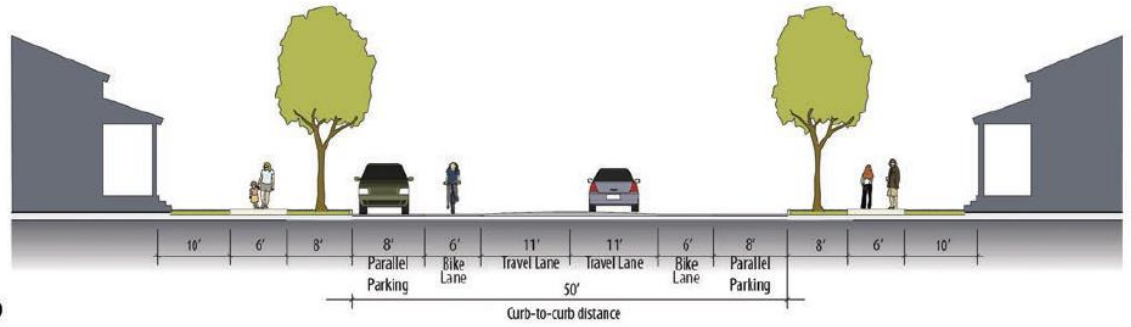
- **Navigator**, east of Vanguard
- **Cobalt**
- **New Market**
- **Wayfinder**, south of Tenmile Creek to Vanguard



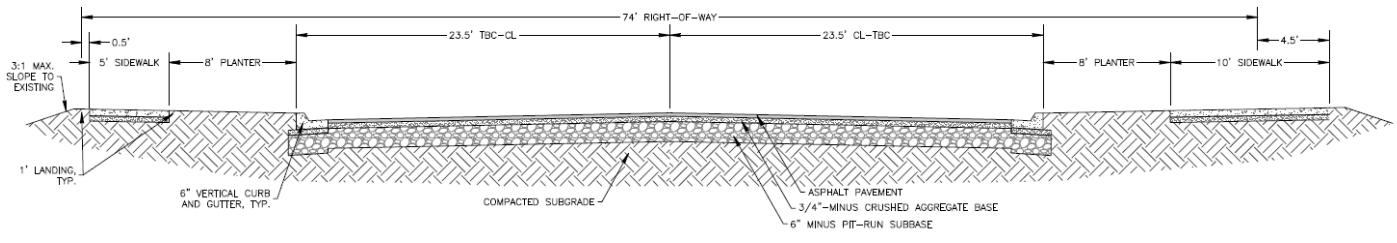
The eastern north/south collector street proposed as S. New Market Ave./Benchmark Ave., designated as “D” (residential collector street), will extend from Franklin Rd. to the south boundary of the site and connect to Navigator Dr. in the TM Crossing project. **This street should be constructed in accord with the guidelines for Street Section D shown below with two (2) travel lanes, bike lanes, parallel on-street parking (if allowed by ACHD), 8’ tree-lined parkways and detached sidewalks per the TMISAP and as required by the existing DA’s for Ten Mile Center and Calnon (see pgs. 3-21 & 3-23 in the TMISAP).**

The street section from the proposed plat and a detail from the proposed design guidelines shown below differ from a residential collector street in that there is a center turn lane, wider travel lanes and no on-street parking. ACHD has approved the proposed design; however, Staff does *not* support the proposed design as it’s not consistent with the TMISAP and the existing DA’s and therefore, recommends revisions consistent with Street Section D below with on-street parking. ACHD will have to review and approve revised street sections if changes are required to the proposed design – although on-street parking is desired and recommended, ACHD will need to review and determine if it’s safe to provide. *Staff discussed the discrepancies between the proposed plat and the town center collector in the MSM and Street Section D with ACHD and was told that although the Livable Street Design Guide allows for parking on a collector street it isn’t always appropriate in all locations – because we don’t know the end users for lots adjacent to these streets (a conceptual development plan or use plan wasn’t submitted) it’s difficult to determine if on-street parking will be appropriate. Residential collector streets in the Plan differ from the MSM’s town center collector street in that they don’t have a center turn lane and have a wider buffer zone.*

Residential collector streets serve the local access needs of residential, live/work, and commercial activities within a residential neighborhood or mixed-use residential area. Buildings on these streets should have limited setbacks behind the sidewalk and a tree lawn should be provided. On-street parking is allowed. A 5-foot dry utilities corridor should be provided along both sides of the street curb; both wet utilities may be located in the street; and streetlights should be placed in the dry utilities corridor on either side of the street.



Street Section D



STREET SECTION: S. NEW MARKET AVE.

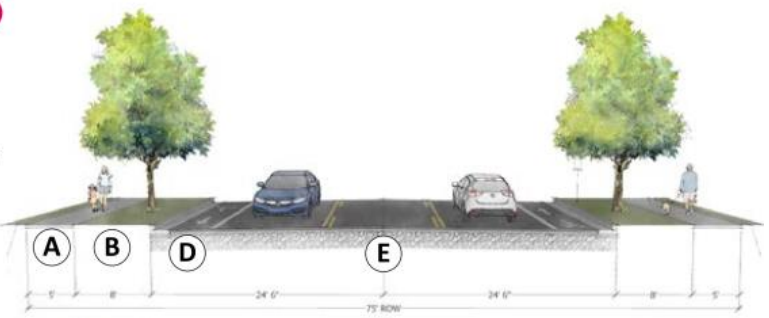
Typical Street Sections

Typology

Label	Physical Characteristics
(A)	Sidewalk: 5' to 8'
(B)	Tree Lawn: 8' to 10'
(C)	Tree Grate
(D)	Bicycle Lane
(E)	Two-Way Left Turn Lane
(F)	Center Landscaped Median
(G)	Parallel Parking

Figure 7.3 Typical Commercial Street Section, Two-Lane + Turn Lane + Bike Lanes

- Navigator, east of Vanguard
- Cobalt
- New Market
- Wayfinder, south of Tennile Creek to Vanguard

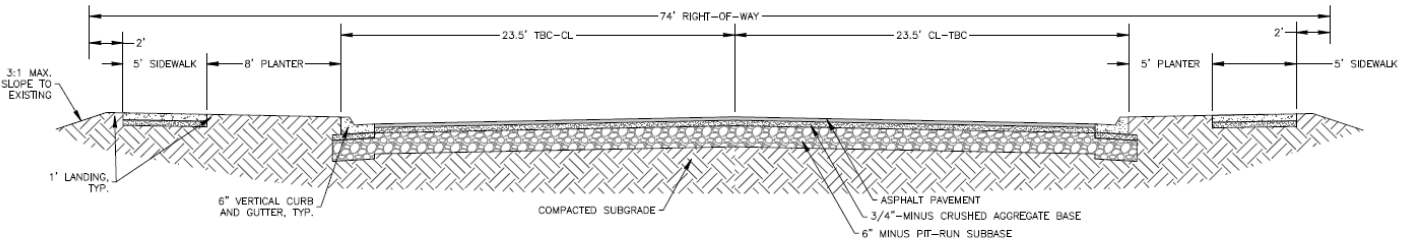
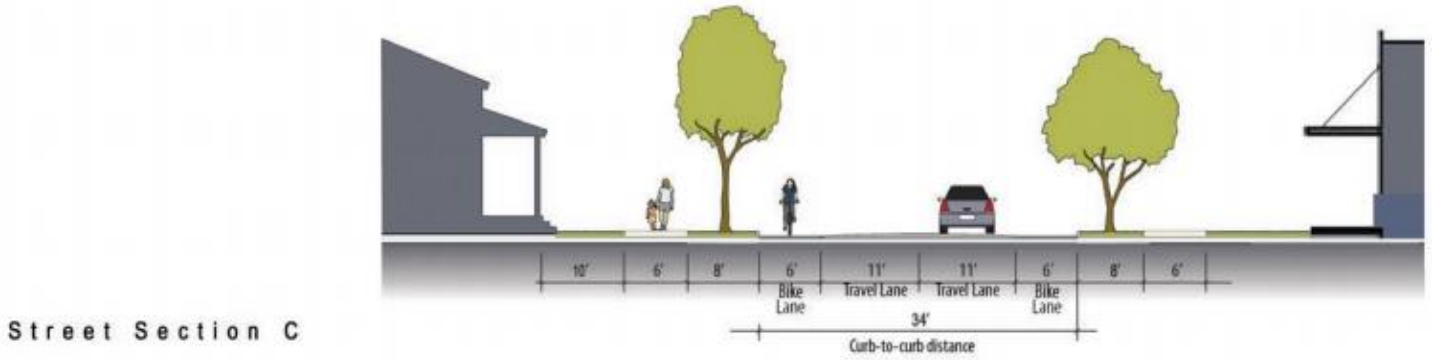


Neither the SSM shown above, nor the MSM, depicts an east/west collector where W. Cobalt Dr. is proposed to extend between Wayfinder and New Market although it does depict such further to the south in alignment with the access via Ten Mile Rd. along the southern boundary of this site which was actually constructed further to the south (i.e. Navigator Dr.) as discussed above. This southern section is designated as a minor collector street (“E”) on the Street Section Map in the TMISAP and as a town center collector on the MSM. The portion of Cobalt west of Wayfinder is designated as a residential collector street (Street Section D) but was approved to be constructed as a major collector street closely aligning with Street Section C due to residential uses not being planned at that time in that area – since that time, the development plan changed and multi-family residential uses have been constructed along the north side of the street, east of S. Innovation Ln.

The extension of Cobalt will provide a connection from Ten Mile between Wayfinder and New Market/Benchmark, which Staff believes provides much needed connectivity in this area. Residential

uses exist and are planned on the north side of this street between Wayfinder and New Market/Benchmark with future commercial uses likely on the south side. The section of this street east of TM Creek East Apartments has not yet been constructed but the design has been approved by ACHD with the subject plat. Staff is amenable to the proposed design consistent with that constructed to the west.

Street Section C, the street section from the plat and a detail from the proposed design guidelines are shown below. The western portion of Cobalt in front of the TM Creek East apartments project was previously approved as part of ACHD’s action on that project and has been constructed.



STREET SECTION: W. COBALT DR.

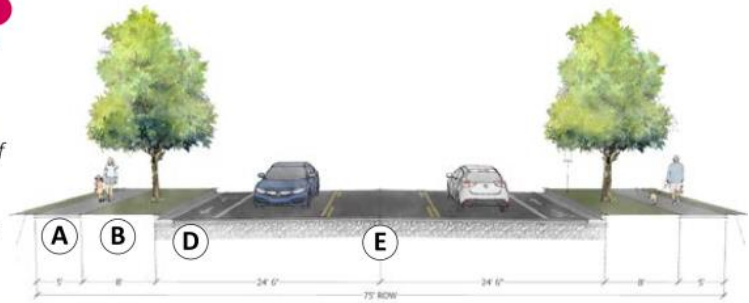
**Typical Street Sections**

Typology

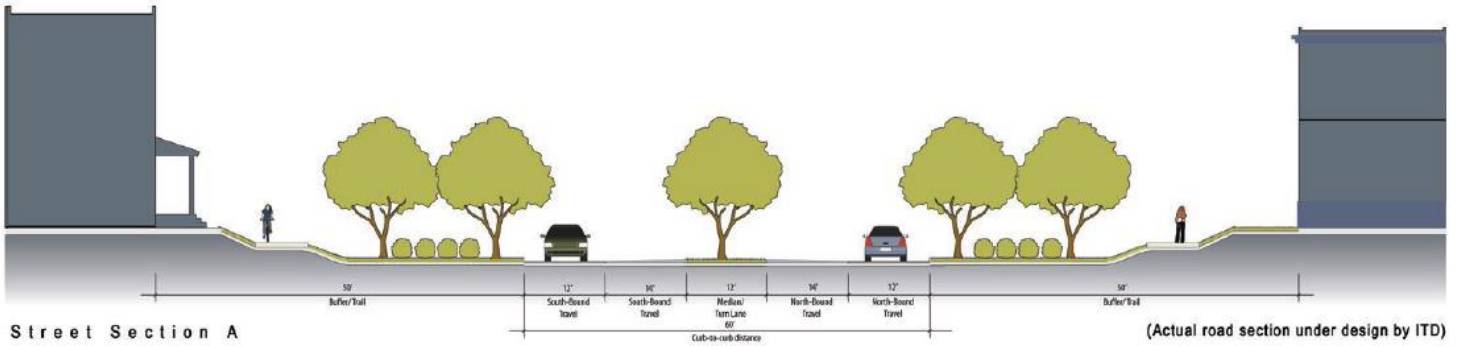
Label	Physical Characteristics
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**Figure 7.3**  
Typical Commercial Street Section, Two-Lane + Turn Lane + Bike Lanes

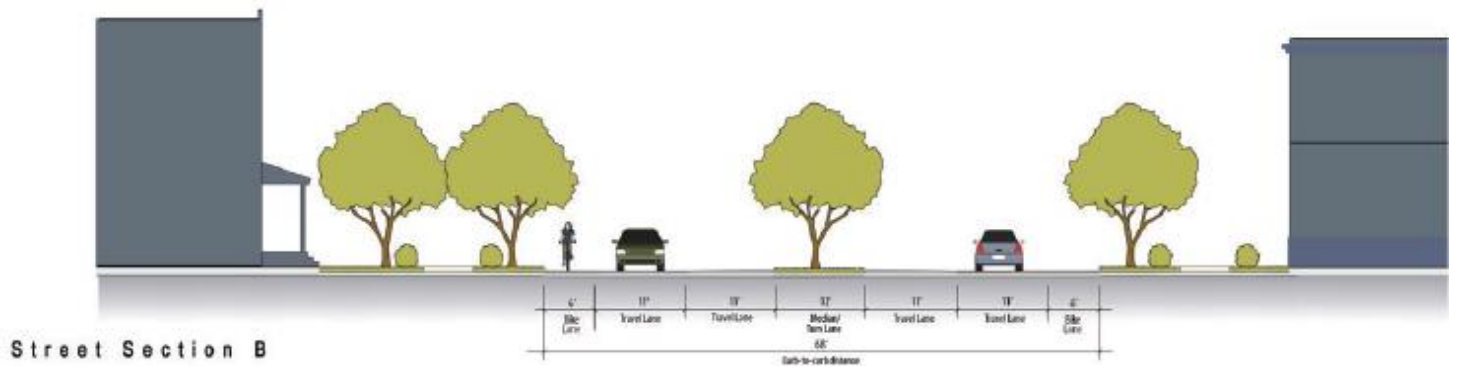
- **Navigator**, east of Vanguard
- **Cobalt**
- **New Market**
- **Wayfinder**, south of Tenmile Creek to Vanguard



South Ten Mile Rd., an existing arterial street along the west boundary of the site, is designated as a modified 4-lane parkway (“A”) on the Street Section Map. **Buildings should address the street but be set back some distance from the roadway to provide security to the pedestrians and bikes and a wide tree lawn and detached trail should be provided as shown on Street Section A below. Streetlights should be located in the tree lawn area and should be of a pedestrian scale. Dry utilities should be located back of the curb in the dry utilities corridor.**



West Franklin Rd., an existing arterial street along the north boundary of the site, is designated as a typical 4-lane parkway (“B”) on the Street Section Map. **Buildings should address the street but be set back some distance from the roadway edge to provide for a tree lawn and detached sidewalk to provide security to the pedestrian as shown on Street Section B below. Streetlights should be located in the tree lawn area and be of a pedestrian scale. Dry utilities should be located back of the curb in the dry utilities corridor.**



**Streetscape (3-25):** All streets should include street trees within the right-of-way. The proposed development incorporates tree-lined streets with detached sidewalks throughout consistent with the Plan.

**Public Art (3-47):** Public art with a high quality of design should be incorporated into the design of streetscapes. No public art is proposed. **Staff recommends public art is provided in the streetscape and within the development in accord with the guidelines in the TMISAP.**

**Public transit (3-25) –** Commercial and employment activity centers need access by multiple modes of transportation and should be pedestrian and transit friendly. Public transit is also important component of

residential developments as it effectively decreases parking needs by reducing the number of cars needed for residents.

Transit stops should be designed with shelters for weather protection to patrons; the design of such should be coordinated between the City, VRT and ACHD ensuring architectural consistency with the general theme of the activity center. Transit locations should include pedestrian amenities such as landscaping, pedestrian and landscape lighting, benches and trash receptacles consistent with the design and location of the shelter.

Valley Regional Transit (VRT) currently has an intermediate stop at Ten Mile Crossing in its Boise-Nampa service. As the project's employment and residential population grows and more of the internal street systems are completed, the opportunity for expanded transit service will also grow. A bus stop has been provided at the northwest corner of the Vanguard/Wayfinder roundabout in Ten Mile Crossing; more bus stops are anticipated as the businesses and residential population in this area increases. In April 2020, the VRT Board approved a new fixed-route connecting The Village at Meridian and Ten Mile Crossing, which is anticipated to begin service in early 2021. **The Applicant's narrative states they will continue to work with VRT on additional bus stop locations in future phases of development as the public transportation system expands. These plans should be shared with the City with each subsequent final plat phase.**

#### DESIGN:

Development of the area governed by the Plan is required to incorporate design guidelines consistent with those in the Plan as outlined in the Application of the Design Elements table (3-49). These guidelines apply to Architecture and Heritage (3-32), Street Oriented Design (3-33), Buildings to Scale (3-34), Gateways (3-35), Neighborhood Design (3-36), Building Form & Character (3-37), Building Details (3-41), Signs (3-46) and Public Art (3-47).

The Applicant proposes alternate [design guidelines](#) with this application to supersede those in the Plan. These guidelines are proposed to govern site design and development; landscape and hardscape; architectural design for commercial, mixed-use and multi-family residential structures; signage; and streets and pathways. A text amendment is not proposed to the Plan to exclude this area from the design guidelines in the Plan as recommended by Staff. *See Analysis below in Section VI for more information.*

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

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

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

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

*Pathways are proposed throughout the development along at least one side of internal public streets as shown on the pathways plan in Section VIII.F. A pathway is planned with future development to the school site to the east for connectivity and a safe route to the school. A multi-use pathway is*

*proposed within the Ten Mile Creek corridor as an amenity in accord with the Pathways Master Plan.*

- “Improve and protect creeks and other natural waterways throughout commercial, industrial and residential areas.” (4.05.01D)

*The Ten Mile creek runs east/west through this site and is proposed to be improved as an amenity corridor with a multi-use pathway.*

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

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

- “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)

*Collector streets are proposed consistent with the MSM.*

- “Provide pathways, crosswalks, traffic signals and other improvements that encourage safe, physical activity for pedestrians and bicyclists.” (5.01.01B)

*Pathways are proposed within the development per the pathways plan in Section VIII.F. Crosswalks, audible pedestrian signals and other improvements to encourage safety should be considered and provided as appropriate for pedestrians and bicyclists.*

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

*Urban sewer and water infrastructure and curb, gutter and sidewalks is required to be provided with development as proposed.*

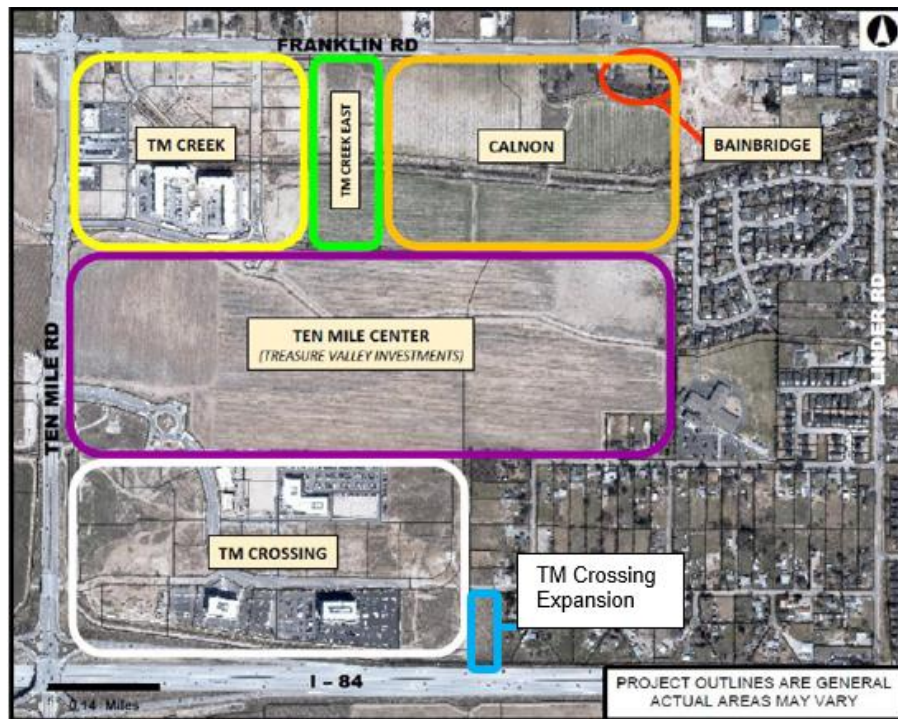
## VI. STAFF ANALYSIS

### A. DEVELOPMENT AGREEMENT MODIFICATION (MDA)

A modification is proposed to terminate all existing Development Agreements (DA’s) in the Ten Mile Crossing development area in favor of one new master agreement to govern future development of the overall area. The existing DA’s proposed to be replaced by the new agreement are as follows (links to the agreements are included):

- TM Crossing – AZ-12-005 (Inst. #[114002254](#)), 1st Addendum H-2016-0054 (Inst. #[2016-062220](#)), 2nd Addendum H-2017-0027 (Inst. #[2017-051907](#));
- TM Crossing Expansion – H-2018-0122 (Inst. #[2019-011700](#));
- TM Creek/TM Creek East – AZ-13-015 (Inst. #[114045759](#)), 1st Addendum TM Creek East H-2015-0018 (Inst. #[2016-037777](#)), TM Creek Addendum H-2016-0067 (Inst. #[2016-073497](#)), TM Creek 2nd Addendum H-2017-0124 #[2017-113747](#));
- Ten Mile Center (aka Treasure Valley Investments) – AZ-14-001 (Inst. #[2014-065514](#));
- Calnon Properties – H-2015-0017 (Inst. [2016-030845](#)); and,
- Bainbridge Franklin – H-2018-0057 (Inst. #[2019-077071](#))

The map below depicts the locations and land area governed by these agreements.



These agreements include a variety of provisions for development, including standard UDC requirements and provisions specific to each development – some of which have already been complied with, and conceptual development plans demonstrating how the property was proposed to develop – future development is required to generally comply with those plans. All of these developments were required to comply with the various guidelines and design elements in the TMISAP.

Staff has reviewed these agreements and included pertinent provisions from them in the new DA; many of the standard UDC requirements have been removed along with provisions that have already been complied with (see recommended DA provisions in Section IX.A.1). Provisions for development of the overall Ten Mile Crossing area governed by this DA are included as well as specific provisions for each annexation area; a map is included that depicts the boundaries of these areas.

The proposed DA modification also includes a request for adoption of project-specific *design guidelines* through the DA to supersede those in the *Ten Mile Interchange Specific Area Plan* (TMISAP) for the overall Ten Mile Crossing development area referred to as the Ten Mile Crossing Design (TMCD) District. These guidelines would be the governing design and development guide for this area and would not apply to any land not included in the Ten Mile Crossing project area.

As stated in the Introduction, the purpose of the design guidelines is as follows: to encourage flexibility, innovation and creativity in Ten Mile Crossing’s overall design and development that respond to market demand and site specific conditions while enhancing the economic viability and quality of Ten Mile Crossing and the City of Meridian; allow for innovative design solutions that create visually pleasing and cohesive patterns of development; provide for the implantation and balance of a variety of uses within the development including viable mixed-use projects; identify and define standards for uses that may offuc in each of the land use categories; create functionally integrated development that allows for a more efficient and cost effective provision of public services; provide for the public health, safety, enjoyment, convenience and general welfare, and provide efficient and effective administrative processes.

The proposal establishes an administrative framework for the development process for this area and includes the creation of an in-house design review board (“TMCDR Board”) and internal design review process prior to application submittals to the City for Certificate of Zoning Compliance (CZC) and Design Review (DR) approval. This Board would forward its decisions to the City for their consideration of all project applications. Staff would review these applications and the decision of the Board; applications found in compliance with the proposed design guidelines would only be subject to CZC approval but not DR approval. Staff would issue Findings of Fact, Conclusions of Law (FFCL) and Conditions of Approval of their decision, which would be appealable pursuant to the provisions in UDC 11-5A. *Note: FFCL are not issued for administrative actions, only Commission and Council actions.*

The Applicant’s narrative states the two major distinctions between the proposed design guidelines and those in the Plan are the floor area ratios (FAR’s) and street standards (see analysis below) – the remainder of the proposed guidelines detail, define and clarify the standards proposed to unify, guide and govern the development of this area. *See below for more information on requested deviations from the Plan.*

As a provision of the new DA, the Applicant also requests approval of an increase in building height to 100-feet in the C-G zoning district to allow for 6-story buildings in this area (see analysis below).

#### **Requested Deviations from the TMISAP:**

- **Floor Area Ratio (FAR):** Floor area ratios (FAR’s) are defined in the TMISAP as the gross floor area of all buildings on a lot divided by the lot area. FAR’s are used as a means for measuring the intensity of a use and are a comparison between the land the building occupies and the floor area in square foot of the space. The minimum FAR’s desired in the Plan are based on the FLUM designation and range from 0.75 in MU-RES to 1.00-1.25 in MU-COM designated areas – because the Commercial designation is not included in the TMISAP, there are no minimum FAR guidelines for that designation.

In the proposed design guidelines, maximum FAR’s are encouraged to the extent possible for the use and building height but a minimum FAR is not specified. This will result in decreased FAR’s for this area from what was envisioned in the Plan.

***Because the FAR goals have been somewhat unrealistic to achieve thus far, Staff agrees a change is appropriate; however, City Council should determine if eliminating the minimum FAR goals entirely is appropriate for this area and is in the best interest of the City.***

- **Street and Streetscape Design:** As noted above in Section V, the street sections already approved by ACHD and constructed (i.e. Wayfinder) and proposed (i.e. New Market/Benchmark and Cobalt) are *not* consistent with the guidelines in the TMISAP for those street section.

*Traditional neighborhood design concepts with a strong pedestrian-oriented focus are desired in the Ten Mile Area to assist in creating a lively and active street presence with stores and residences fronting on adjacent streets. The portion of Wayfinder north of the Ten Mile Creek does have on-street parking in the planned town center area. Pedestrian pathways are proposed along collector streets, the Ten Mile Creek and the Kennedy Lateral as shown in Section VIII.F throughout the development consistent with the Pathways Master Plan for pedestrian walkability and connectivity. The proposed street design with reduced walkway widths, no on-street parking and wider travel lanes will not promote as much of a pedestrian friendly environment as intended for this area as traffic will be flowing faster with the proposed design.*

*On-street parking was desired for this area based on the original FLUM designations and uses and site design anticipated for this area based on projected vehicular and pedestrian usage, desired parking, physical conditions and streetscape character. Several changes to the FLUM have been approved since the adoption of the TMISAP as noted above but no changes have been made to the*



*Street Section Map or the street sections in the Plan. Collectively, these changes – especially the change from lifestyle center to commercial and C-G zoning – will result in more intense commercial development than envisioned and will substantially change the intended character of this area.*

*In the commercial areas along Wayfinder and Cobalt, Staff agrees it's more appropriate (and safer) not to have on-street parking. However, in the residential and mixed-use designated areas along New Market/Benchmark, Staff is of the opinion on-street parking is still appropriate although it's difficult to determine in the absence of a development plan for that area since the type of street sections desired are largely based on the types of uses adjacent to the streets. Refer to Section V Street Design above for Staff's recommendation on streets and streetscape designs.*

***Staff is not supportive of the Applicant's proposal for different design guidelines to apply to this development to supersede those in the Plan through the DA as the whole intent of the goals and guidelines in the Plan is to have a unified design for the overall area governed by the Plan.***

*Because the Applicant requests street sections, streetscape designs and FAR's that differ from those outlined in the Plan and doesn't want to be held to the architectural design guidelines and other guidelines in the governing plan, Staff suggested applying for an amendment to the TMISAP to exclude this area from the Plan. Without an amendment to the Plan, this area is governed by the Plan and can't be superseded by another Plan. The Applicant was not in favor of this option.*

*Another suggestion was to only include certain exceptions to the design guidelines in the Plan through the DA that differ from the Plan and for the Applicant to use the proposed design guidelines internally to ensure consistent design within their development. Since they state the only substantive changes to the Plan are to the street sections, streetscapes and FAR this was Staff's preferred option. The Applicant was not in favor of this option either.*

*As stated above, Staff is of the opinion the design guidelines in the Plan cannot be replaced with another set of design guidelines without an amendment to the Plan allowing this and referencing the other guidelines; or an amendment excluding this area from the Plan. Otherwise, the guidelines in the Plan apply to this area as well as the other areas within the overall Ten Mile Area which ensure unity in the overall Ten Mile Area.*

*Rather than recommending denial of the Applicant's request, Staff recommends approval of an alternative as previously suggested to only include the exceptions to the guidelines in the Plan in the DA. If the guidelines proposed by the Applicant are truly in line with the existing guidelines as stated, notwithstanding the exceptions, this seems to be the simpler option and one that doesn't conflict with the current Plan. Note: Staff has not compared the established design guidelines in the Plan to those proposed by the Applicant to verify they align, notwithstanding the exceptions requested. Staff requested the Applicant include the differences between the two sets of guidelines in their application for transparency in what was actually being requested (i.e. how they differed) but they did not do so.*

***If Council is in favor of the proposed design guidelines, Staff recommends an application is submitted to amend the TMISAP to allow this area to be excepted from the existing Plan or for a reference to be included to these design guidelines for this area.***

**Requested deviation from the dimensional standard for maximum building height listed in UDC Table 11-2B-3 for the C-G zoning district:**

- The maximum building height allowed in the C-G zoning district is 65-feet. Additional height not to exceed 20% of the maximum height allowed in the district may be approved by the Director through the alternative compliance procedures set forth in UDC 11-5B-5 – additional height shall be allowed

when the development provides 10% of the building square feet in open space, courtyards, patios, or other usable outdoor space available for the employees and/or patrons of the structure, excluding required setbacks and landscape buffers per UDC 11-2B-3A.3d. Additional height exceeding 20% of the maximum height allowed in the district or when additional height is requested without providing the required open space in accord with UDC 11-2B-3A.3d requires approval through a conditional use permit, per UDC 11-2B-3A.3e.

*Because the TMISAP encourages taller buildings and greater FAR's and the UDC standards hinder this goal, Staff is supportive of allowing an increase in the maximum building height up to 100-feet in the C-G zoning district through the new DA without further application.*

## B. REZONE (RZ)

The Applicant requests a rezone of 40.98-acres from the R-40 and C-C zoning districts to the C-G zoning district; 3.9-acres from the TN-C and C-G zoning districts to the R-40 zoning district; 0.65-acre from the R-8 and TN-C zoning districts to the C-G zoning district; and 0.53-acre from the TN-C zoning district to the C-G zoning district. A conceptual development plan was *not* submitted with this application for the areas proposed to be rezoned as is typical for such requests.

The smaller areas proposed to be rezoned to C-G will “clean-up” the zoning in this area where it’s irregular and doesn’t follow parcel lines and/or proposed streets.

The area proposed to be rezoned to R-40 south of the Ten Mile Creek will be an extension of the R-40 zoning that exists to the west and will allow for the development of additional multi-family residential uses with conditional use permit approval. The proposed zoning and use is consistent with the underlying Mixed Use Residential (MU-RES) FLUM designation; the target density for this designation is 8 to 12 dwelling units per acre. The FLUM designation of the abutting property to the west is High-Density Residential (HDR) which also allows for multi-family residential uses at a target density of 16-25 dwelling units per acre. FLUM designations are not parcel specific and an adjacent abutting designation, when appropriate and approved as part of a public hearing with a land development application, may be used. Because the HDR designation allows for a higher density, Staff recommends this designation apply to future development of this property since the density will likely be higher than 12 units per acre if apartments are developed on the site similar to those to the west (i.e. TM Creek East Apartments). Future development of this property is currently governed by the existing DA’s for Ten Mile Center and Calnon referenced above; conceptual development plans were not approved for these projects other than a conceptual street layout for the Ten Mile Center property. **In the absence of a conceptual development plan, to ensure a mix of uses from each major use category (i.e. commercial, residential, employment) are provided as set forth in the TMISAP in accord with the provisions of the annexation, Staff recommends a conceptual use plan (i.e. bubble plan) is submitted and included in the new DA that demonstrates compliance with the existing DA provisions. Note: An existing and future development map is included in the proposed design guidelines on pg. 6 that could be further defined to accomplish this.**

The larger area to be rezoned to C-G between W. Franklin Rd. and the Ten Mile Creek is designated on the FLUM as mostly Mixed-Use Commercial (MU-COM) with approximately a quarter of the area on the west end as High Density Residential (HDR). As noted above, because the FLUM is not parcel specific and allows for abutting designations to govern, Staff recommends the abutting MU-COM designation to the east apply and govern future development of the western portion of this site. The proposed C-G zoning district is listed as an appropriate zoning choice in the Zoning District Compatibility Matrix in the TMISAP for the MU-COM designation. The MU-COM designation allows for a variety of uses including: commercial, vertically integrated residential, live-work, employment, entertainment, office, and multi-family. Allowed uses in the C-G district are listed in UDC Table [11-2B-2](#). Future development of this property is currently governed by the existing Development Agreements

for TM Creek East and Calnon referenced above; conceptual development plans were not approved for these projects. **In the absence of a conceptual development plan, to ensure a mix of uses from each major use category (i.e. commercial, residential, employment) are provided as set forth in the TMISAP in accord with the provisions of the annexation, Staff recommends a conceptual use plan (i.e. bubble plan) is submitted and included in the new DA that demonstrates compliance with the existing DA provisions.**

### C. PRELIMINARY PLAT (PP)

The proposed preliminary plat consists of 83 [74 commercial and 9 high-density residential (Lots 16-24, Block 3)] buildable lots and 2 common lots on 132.42 acres of land in the R-40 and C-G zoning districts.

The plat is conceptually proposed to develop in six phases. Phase 1 consisting of multi-family apartments in TM Creek East on Lot 16, Block 3 is currently under construction and almost completed; no development has occurred on the remainder of the site. Phase 2 commenced last year with the completion of Wayfinder from Vanguard to Cobalt between the existing roundabouts. The development of Phases 3-6 may vary in area and sequence based on product need and market demand.

The proposed common lots will contain the Ten Mile Creek corridor which includes a 10-foot wide segment of the City's multi-use pathway system on one side and the Nampa and Meridian Irrigation District's (NMID) maintenance road on the other side (Lot 15, Block 3); and the relocated Von Lateral, which will be deeded to NMID (Lot 1, Block 4).

#### **Existing Structures/Site Improvements:**

There are no existing structures on this site. West Cobalt Dr. has been extended from the roundabout at Wayfinder to the east boundary of the TM Creek East apartments project and S. Wayfinder Ave. has been extended between the roundabouts at W. Cobalt Dr. and S. Vanguard Way but the design of these streets was not approved with a subdivision plat and are *not* consistent with the street sections designated on the Street Section Map in the TMISAP however, they do comply with ACHD standards. South Vanguard Way from Ten Mile Rd. and the roundabout at the southwest corner of the site was approved and constructed with the TM Crossing development to the south.

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

The proposed subdivision and subsequent development is required to comply with the minimum dimensional standards listed in UDC Tables [11-2A-8](#) (R-40), [11-2B-3](#) (C-G) and [11-2D-5](#) (TN-C), as applicable. Staff has reviewed the proposed plat and it complies with these standards.

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

Previous projects (i.e. TM Crossing and TM Creek subdivisions) in this area established accesses via S. Ten Mile Rd. (i.e. Cobalt and Vanguard) and W. Franklin Rd. (Wayfinder) and collector streets consistent with the TSM in the TMISAP and the MSM. A new street access via W. Franklin Rd. and collector street (New Market/Benchmark) is proposed with this plat to the east of Wayfinder consistent with the TSM and the MSM, which will align with the segment of New Market/Benchmark to be constructed to the south in TM Crossing Subdivision.

**As mentioned above, S. Wayfinder Ave. between the two roundabouts at Cobalt and Vanguard was constructed last year outside of the subdivision process. Although the proposed access points and road alignments are consistent with the TSM and the MSM, the street sections constructed for Wayfinder between the roundabouts and the proposed New Market/Benchmark are *not* consistent with the Street Section Map in the TMISAP as discussed in Sections V and VI.A above. Staff recommends New Market/Benchmark is constructed with on-street parking (if deemed safe and acceptable to ACHD) consistent with Street Section D in the Plan.**

Two (2) driveway accesses are depicted on the plat via W. Franklin Rd. on Lot 4, Block 3 and Lot 4, Block 4. The access on Lot 4, Block 4 was previously conceptually approved with the Bainbridge

Franklin annexation by the City (DA provision #1.1.1i) and ACHD (Site Specific condition #B.1) as a temporary full access which may be restricted to a right-in/right-out at any time as determined by ACHD – other than this access, all other access via Franklin on the Bainbridge Franklin site was prohibited. **Per the guidelines in the TMISAP for Street Section B (pg. 3-22) and access control (pg. 3-17), access should be restricted to collector streets. The (UDC 11-3A-3) also limits access points to arterial streets. City Council approval of the proposed driveway access on Lot 4, Block 3 is required; ACHD has required a traffic analysis to be submitted for these accesses to demonstrate that additional driveways are necessary to service the site. Both the City and ACHD have to approve these accesses in order for access to be granted and driveways constructed.**

**A cross-access/ingress-egress easement is required to be granted via a note on the plat between all non-residential lots and to the parcel to the east [#R8580480020 (now #R8580500100), Twelve Oaks) per requirement of the existing DA for Bainbridge Franklin in accord with UDC 11-3A-3A.2. A note should also be placed on the plat that direct lot access via S. Ten Mile Rd. and W. Franklin Rd. and the internal collector streets is prohibited unless otherwise approved by the City and ACHD.**

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

The Pathways Master Plan (PMP) depicts segments of the City’s multi-use pathway system on this site as follows: on-street within the street buffer along Ten Mile Rd., along the Ten Mile Creek corridor and along New Market Ave. Multi-use pathways are required to be 10-foot wide within a 14-foot wide public pedestrian easement with landscaping on either side per the standards listed in UDC 11-3B-12C.

A pathways plan was submitted by the Applicant, included in Section VIII.F that depicts 8- to 10-foot wide pathways throughout this site and the adjacent properties owned by the same developer consistent with the PMP totaling 3.5 miles of pathways. These pathways connect to the City’s multi-use pathways and provide a pedestrian connection to the school site to the east. **Pathways and associated landscaping should be depicted on a revised landscape plan submitted with the final plat(s) in accord with UDC standards and the Pathways Master Plan as recommended by the Park’s Dept.**

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

The UDC (11-3A-17) requires minimum 5-foot wide detached sidewalks along all collector and arterial streets. In the Ten Mile area, the design guidelines call for wider sidewalks ranging from 6 to 12 feet depending on the street section classification. Because 5-foot wide detached sidewalks have already been provided in many areas within the site, Staff is amenable to continuing this minimum width with 8- to 10-foot wide pathways provided in locations consistent with the pathway plan in Section VIII.F.

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

Parkways should be provided as shown on the applicable street sections in the TMISAP for the street classification as noted above in Section V. Landscaping shall be provided in the parkways consistent with the standards listed in UDC 11-3B-7C.

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

A 35-foot wide street buffer is required along S. Ten Mile Rd., an entryway corridor; a 25-foot wide street buffer is required along W. Franklin Rd., an arterial street; and 20-foot wide street buffers are required along collector streets, landscaped per the standards listed in UDC 11-3B-7C. The design guidelines in the TMISAP also require landscape buffers based on the street classification and the applicable street section. **Staff recommends minimum street buffers are provided in accord with UDC standards, except for along S. Ten Mile Rd., classified as Street Section A in the TMISAP, which requires a 50-foot wide street buffer so that pedestrian walkways and buildings are setback a safe distance from the street.**

**Qualified Open Space & Site Amenities** (*UDC 11-3G*):

Common open space and site amenities are required to be provided in residential developments in residential districts of five acres or more in size per the standards listed in UDC 11-3G-3. Although a portion of this site is planned to develop with residential uses in the future, no development is proposed with this application. **Future development should comply with the standards in UDC 11-3G-3, as applicable.**

As mentioned above, 3.5 miles of pathways are proposed in the area shown on the pathways plan in Section VIII.C as an amenity for this development.

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

No fencing is depicted on the landscape plan. All fencing constructed on the site is required to comply with the standards listed in UDC 11-3A-6 and 11-3A-7.

**Waterways:** The Kennedy Lateral and the Ten Mile Creek run east/west across this site and the Von Lateral runs across the northeast corner of the site.

The Ten Mile Creek lies within a 100-foot wide easement in Lot 15, Block 3 and is a natural waterway; as such, it should remain as a natural amenity and not be piped or otherwise covered and be improved with the development and protected during construction in accord with UDC 11-3A-6. A maintenance road exists for NMID on the north side of the creek and a multi-use pathway is planned on the south side of the creek.

The Kennedy Lateral lies within a 55-foot wide easement and is required to be piped unless left open and improved as a water amenity or linear open space.

The Von Lateral lies within a 40-foot wide easement and is proposed to be relocated along Franklin Rd. in Lot 1, Block 4 and deeded to NMID.

**Floodplain:** A portion of this site along the Ten Mile Creek is located within the Meridian Floodplain Overlay District. Prior to any development occurring with the Overlay District, the Applicant is required to submit, and the City shall review and approve, a floodplain development application which includes the necessary analysis and documents under MCC Title 10, Chapter 6, including hydraulic and hydrologic analysis.

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

Connection to City water and sewer services is required in accord with UDC 11-3A-21. Street lighting is required to be installed in accord with the City's adopted standards, specifications and ordinances and the TMISAP. *See Section VIII.B below for Public Works comments/conditions.*

**Pressurized Irrigation System** (*UDC 11-3A-15*):

An underground pressurized irrigation (PI) system is required to be provided for each lot within the development as set forth as set forth in UDC 11-3A-15.

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

An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances. Design and construction shall follow best management practice as adopted by the City as set forth in UDC 11-3A-18.

**Building Elevations** (*UDC 11-3A-19 | Architectural Standards Manual*) (*TMISAP*)

The Applicant submitted pictures/renderings of 14 existing and approved buildings at TM Crossing: commercial, office, retail and residential structures including multi-story office buildings; single-story commercial structures (medical, hospice, gym, restaurant and food service, retail, auto service); and the first two multi-family projects (see Section VIII.G).

**The design of future buildings in this development shall incorporate design elements that are generally consistent with those in the "typical" elevations shown in Section VIII.G. Final design of**

**structures in this development is required to comply with the design guidelines in the TMISAP and the design standards listed in the Architectural Standards Manual, notwithstanding the exceptions approved with this application and included in the DA.**

## **VII. DECISION**

### **A. Staff:**

Staff recommends approval of the requested modification to replace all existing Development Agreements with a new agreement for the overall Ten Mile Crossing development per the provisions in Section IX.A.1; approval of the proposed rezone in accord with the Findings in Section X; and approval of the proposed preliminary plat per the conditions included in Section IX in accord with the Findings in Section X.

## VIII. EXHIBITS

### A. Legal Description of Property Subject to New Development Agreement



October 9, 2020  
 Ten Mile Crossing Sub-Area  
 Project No. 19-105  
 Legal Description

#### Exhibit A

A parcel of land situated in a portion of Section 14, Township 3 North, Range 1 West, B.M., City of Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at the northwest corner of said Section 14, which bears N89°09'27"W from the north 1/4 corner of said Section 14, thence following the northerly line of said Section 14, S89°09'27"E a distance of 74.46 feet; Thence leaving said northerly line, S00°50'33"W a distance of 72.00 feet to the southerly right-of-way line of W. Franklin Rd. and the subdivision boundary of TM Creek Subdivision No. 2 and being the **POINT OF BEGINNING**.

Thence following said southerly right-of-way line and said subdivision boundary, the following twelve courses:

1. S89°09'27"E a distance of 176.45 feet;
2. S00°50'33"W a distance of 10.00 feet;
3. S89°09'27"E a distance of 70.00 feet;
4. N00°50'33"E a distance of 10.00 feet;
5. S89°09'27"E a distance of 44.37 feet;
6. N88°23'22"E a distance of 9.64 feet;
7. S00°50'33"W a distance of 7.41 feet;
8. S89°09'27"E a distance of 61.72 feet;
9. S84°34'43"E a distance of 113.53 feet;
10. S88°42'21"E a distance of 128.76 feet;
11. N84°21'40"E a distance of 94.58 feet;
12. N87°36'44"E a distance of 180.08 feet to the subdivision boundary of TM Creek Subdivision No. 4;

Thence leaving said subdivision boundary of TM Creek Subdivision No. 2 and following said southerly right-of-way line and said subdivision boundary of TM Creek Subdivision No. 4 the following four courses:

1. S83°19'54"E a distance of 144.49 feet;
2. S89°06'53"E a distance of 158.24 feet;
3. N00°35'03"E a distance of 12.05 feet;
4. S89°09'27"E a distance of 75.09 feet;

Thence leaving said southerly right-of-way line and following said subdivision boundary the following two courses;

1. S00°34'31"W a distance of 18.00 feet;
2. S89°09'27"E a distance of 249.00 feet;

Thence leaving said subdivision boundary, S89°09'27"E a distance of 1,079.97 feet;

Thence S89°13'12"E a distance of 467.21 feet;

Thence N00°11'53"E a distance of 1.93 feet;

Thence 19.44 feet along the arc of a circular curve to the left, said curve having a radius of 60.00 feet, a delta angle of 18°33'54", a chord bearing of N09°05'04"W and a chord distance of 19.36 feet to the said southerly right-of-way line;

Thence following said southerly right-of-way line the following three courses;

1. S89°13'12"E a distance of 322.98 feet;
2. N00°34'27"E a distance of 20.00 feet;
3. S89°13'12"E a distance of 542.00 feet to the easterly line of the Northwest 1/4 of the Northeast 1/4 of said Section 14;

Thence following said easterly line, S00°34'27"W a distance of 1,280.50 feet to the southeast corner of said Northwest 1/4 of the Northeast 1/4 (northeast corner of the Southwest 1/4 of the Northeast 1/4) ;

Thence leaving said easterly line of the Northwest 1/4 of the Northeast 1/4 and following the easterly line of said Southwest 1/4 of the Northeast 1/4, S00°34'20"W a distance of 1,038.11 feet;

Thence leaving said easterly line, N89°12'39"W a distance of 450.00 feet;

Thence S00°34'20"W a distance of 290.40 feet to the southerly line of said Southwest 1/4 of the Northeast 1/4;

Thence following said southerly line, N89°12'39"W a distance of 879.80 feet to the center of said Section 14 (northwest corner of Primrose Subdivision);

Thence leaving said southerly line and following the easterly line of the Southwest 1/4 of said Section 14 (westerly line of said Primrose Subdivision), S00°35'29"W a distance of 887.73 feet to the northwest corner of the "Public Use Area" lot on said Primrose Subdivision;

Thence leaving said easterly line (westerly line of said Primrose Subdivision) and following the northerly line of said "Public Use Area" lot, S89°11'48"E a distance of 165.98 feet to the northeast corner of said lot;

Thence leaving said northerly line and following the easterly line of said lot, S00°32'58"W a distance of 440.52 feet to the southeast corner of said lot;

Thence leaving said easterly line and following said southerly line, N89°19'00"W a distance of 166.30 feet to the southwest corner of said lot on the easterly line of said Southwest 1/4 of said Section 14;

Thence leaving said southerly line and following said easterly line (also the subdivision boundary of TM Crossing Subdivision No. 4), S00°35'29"W a distance of 15.90 feet to the northerly right-of-way line of Interstate 84;

Thence following the northerly right-of-way line and said subdivision boundary, N89°34'11"W a distance of 396.68 feet to the subdivision boundary of TM Crossing Subdivision No. 2;

Thence leaving said subdivision boundary of TM Crossing Subdivision No. 4 and following said northerly right-of-way line and said subdivision boundary of TM Crossing Subdivision No. 2 the following eight courses:

1. N89°34'11"W a distance of 104.61 feet;
2. N81°01'41"W a distance of 83.12 feet;
3. N85°34'09"W a distance of 670.00 feet;
4. N04°25'51"E a distance of 25.00 feet;
5. N85°34'09"W a distance of 110.00 feet;
6. S04°25'51"W a distance of 15.00 feet;
7. N81°29'01"W a distance of 421.07 feet;
8. N82°36'30"W a distance of 185.91 feet to the subdivision boundary of TM Crossing Subdivision No. 3;



Thence leaving said subdivision boundary of TM Crossing No. 2 and following said northerly right-of-way line and said Subdivision Boundary of TM Crossing Subdivision No. 3 the following four courses:

1. N82°36'30"W a distance of 394.87 feet;
2. N73°55'09"W a distance of 104.00 feet;
3. N46°58'42"W a distance of 166.76 feet;
4. N12°05'53"W a distance of 92.20 feet to the easterly right-of-way line of S. Ten Mile Rd.;

Thence leaving said northerly right-of-way line, and following said easterly right-of-way line and said subdivision boundary, N01°31'49"W a distance of 71.15 feet to the subdivision boundary of TM Crossing Subdivision;

Thence leaving said subdivision boundary of TM Crossing Subdivision No. 3 and following said easterly right-of-way line and said subdivision boundary of TM Crossing Subdivision the following three courses:

1. N01°31'49"W a distance of 396.89 feet;
2. N89°42'58"W a distance of 4.00 feet;
3. N00°30'02"E a distance of 456.76 feet;

Thence leaving said subdivision boundary and following said easterly right-of-way line the following six courses:

1. S89°11'30"E a distance of 35.18 feet;
2. N00°31'34"E a distance of 236.38 feet;
3. N89°26'27"W a distance of 46.03 feet;
4. N00°33'33"E a distance of 1,068.27 feet;
5. S89°26'27"E a distance of 12.95 feet;
6. N03°39'37"E a distance of 39.28 feet to the subdivision boundary of TM Creek Subdivision No. 1;

Thence following said easterly right-of-way line and said subdivision boundary the following twelve courses:

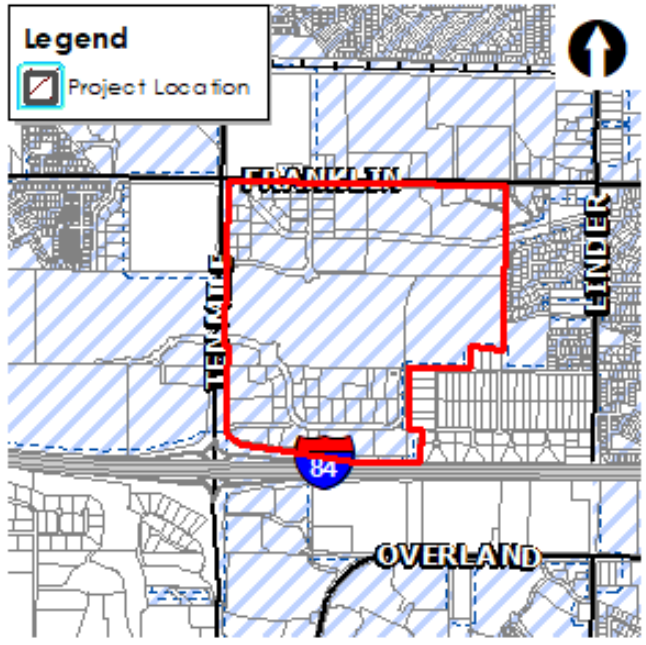
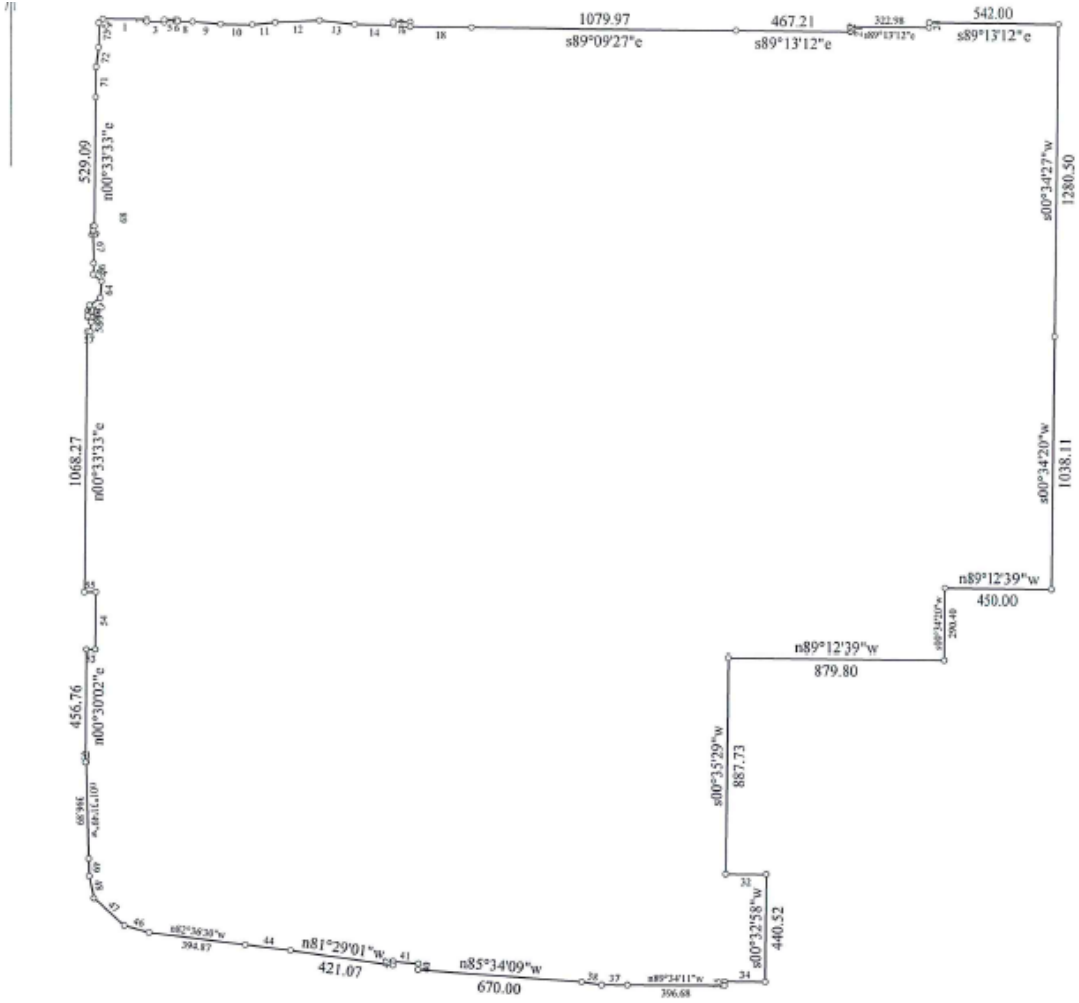
1. N03°39'37"E a distance of 20.72 feet;
2. N86°20'23"W a distance of 16.21 feet;
3. N00°33'51"E a distance of 4.41 feet;
4. N10°47'07"E a distance of 43.38 feet;
5. N53°31'44"E a distance of 54.14 feet;
6. N03°31'44"E a distance of 66.88 feet;
7. N49°26'27"W a distance of 43.98 feet;
8. N03°39'37"E a distance of 45.01 feet;
9. N01°43'37"W a distance of 132.83 feet;
10. 19.74 feet along the arc of a circular curve to the left, said curve having a radius of 7,272.00 feet, a delta angle of 00°09'20", a chord bearing on N02°55'55"E and a chord distance of 19.74 feet;
11. N89°41'52"E a distance of 4.35 feet;
12. N00°33'33"E a distance of 529.09 feet to the subdivision boundary of TM Creek Subdivision No. 2;

Thence leaving said subdivision boundary of TM Creek Subdivision No. 1 and following said easterly right-of-way line and said subdivision boundary of TM Creek Subdivision No. 2 the following four courses:

1. N00°33'33"E a distance of 123.31 feet;
2. N07°37'31"E a distance of 80.50 feet;
3. N00°33'20"E a distance of 100.00 feet;
4. N45°09'55"E a distance of 23.06 feet to the **POINT OF BEGINNING**.

Said description contains a total of 307.72 acres, more or less.





B. Rezone Legal Descriptions & Exhibit Maps



9233 WEST STATE STREET | BOISE, ID 83714 | 208.639.6939 | FAX 208.639.6930

October 21, 2020  
Project No. 19-105

**Exhibit A  
Legal Description for  
Rezone to C-G (North)  
TM Center Subdivision**

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

**Commencing** at a found brass cap marking the Northwest corner of said Section 14, thence following the northerly line of the Northwest 1/4 of said Section 14, S89°09'27"E a distance of 1,577.99 feet to the **POINT OF BEGINNING**.

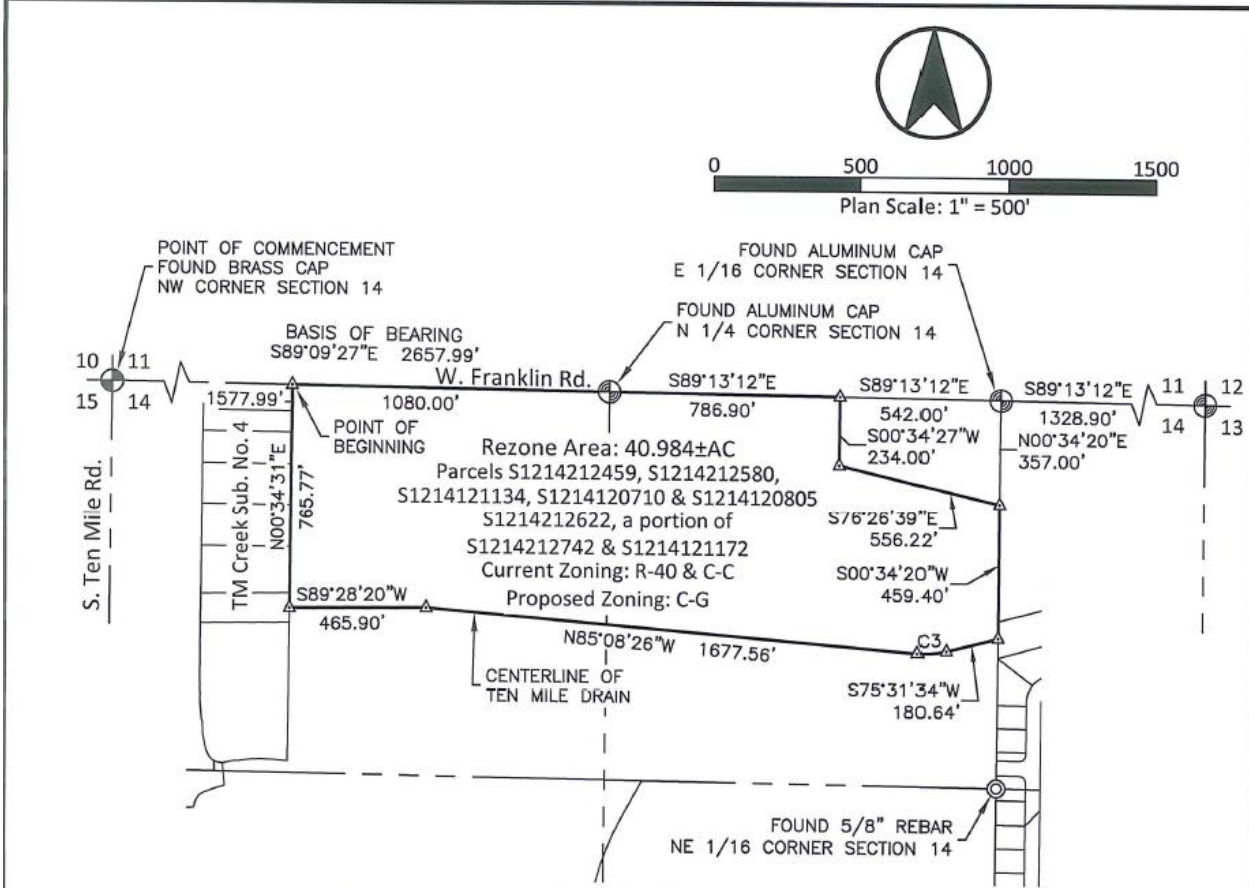
Thence S89°09'27"E a distance of 1,080.00 feet to a found aluminum cap marking the North 1/4 corner of said Section 14;  
Thence leaving said northerly line and following the northerly line of the Northeast 1/4 of said Section 14, S89°13'12"E a distance of 786.90 feet to a point;  
Thence leaving said northerly line, S00°34'27"W a distance of 234.00 feet to a point;  
Thence S76°26'39"E a distance of 556.22 feet to a point on the easterly line of said Northwest 1/4 of the Northeast 1/4 of Section 14;  
Thence following said easterly line, S00°34'20"W a distance of 459.40 feet to a point on the centerline of Ten Mile Drain;  
Thence leaving said easterly line and following the centerline of Ten Mile Drain, S75°31'34"W a distance of 180.64 feet to a point;  
Thence 96.67 feet along the arc of a circular curve to the right, said curve having a radius of 286.50 feet, a delta angle of 19°20'00", a chord bearing of S85°11'34"W and a chord distance of 96.22 feet to a point;  
Thence N85°08'26"W a distance of 1,677.56 feet to a point;  
Thence S89°28'20"W a distance of 455.90 feet to a point on the easterly boundary of TM Creek Subdivision No.4 (Book 117 of Plats, Pages 17944-17947, records of Ada County, Idaho);  
Thence leaving said centerline and following the easterly boundary of said TM Creek Subdivision No.4, N00°34'31"E a distance of 765.77 feet to the **POINT OF BEGINNING**.

Said parcel contains a total of 40.984 acres, more or less.

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



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**Exhibit B - Rezone to C-G (North)**  
**TM Center Subdivision**

A Portion of the NE 1/4 of the NW 1/4 and a Portion of the NW 1/4 of the NE 1/4 of Section 14, T.3N., R.1W, B.M., Meridian, Ada County, ID

DATE:	October 2020
PROJECT:	19-105
SHEET:	1 OF 1

**km**  
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9233 WEST STATE STREET  
 BOISE, IDAHO 83714  
 PHONE (208) 639-6939  
 FAX (208) 639-6930

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG	CHORD
C3	286.50'	96.67'	19°20'00"	S85°11'34"W	96.22'



9233 WEST STATE STREET | BOISE, ID 83714 | 208.639.6939 | FAX 208.639.6930

February 16, 2021  
Project No. 19-105

**Exhibit A  
Legal Description for  
Rezone to R-40  
TM Center Subdivision**

A parcel of land situated in a portion of the East 1/2 of the Northwest 1/4 and a portion of the West 1/2 of the Northeast 1/4 of Section 14, Township 3 North, Range 1 West, B.M., City of Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at a found brass cap marking the Northwest corner of said Section 14, thence following the northerly line of the Northwest 1/4 of said Section 14, S89°09'27"E a distance of 2,657.99 feet to a found aluminum cap marking the North 1/4 corner of said Section 14;  
Thence leaving said northerly line and following the easterly line of the Northwest 1/4 of said Section 14, S00°35'31"W a distance of 797.76 feet to a point on the centerline of Ten Mile Drain;  
Thence leaving said easterly line and following said centerline, S85°08'26"E a distance of 81.87 feet to the **POINT OF BEGINNING**.

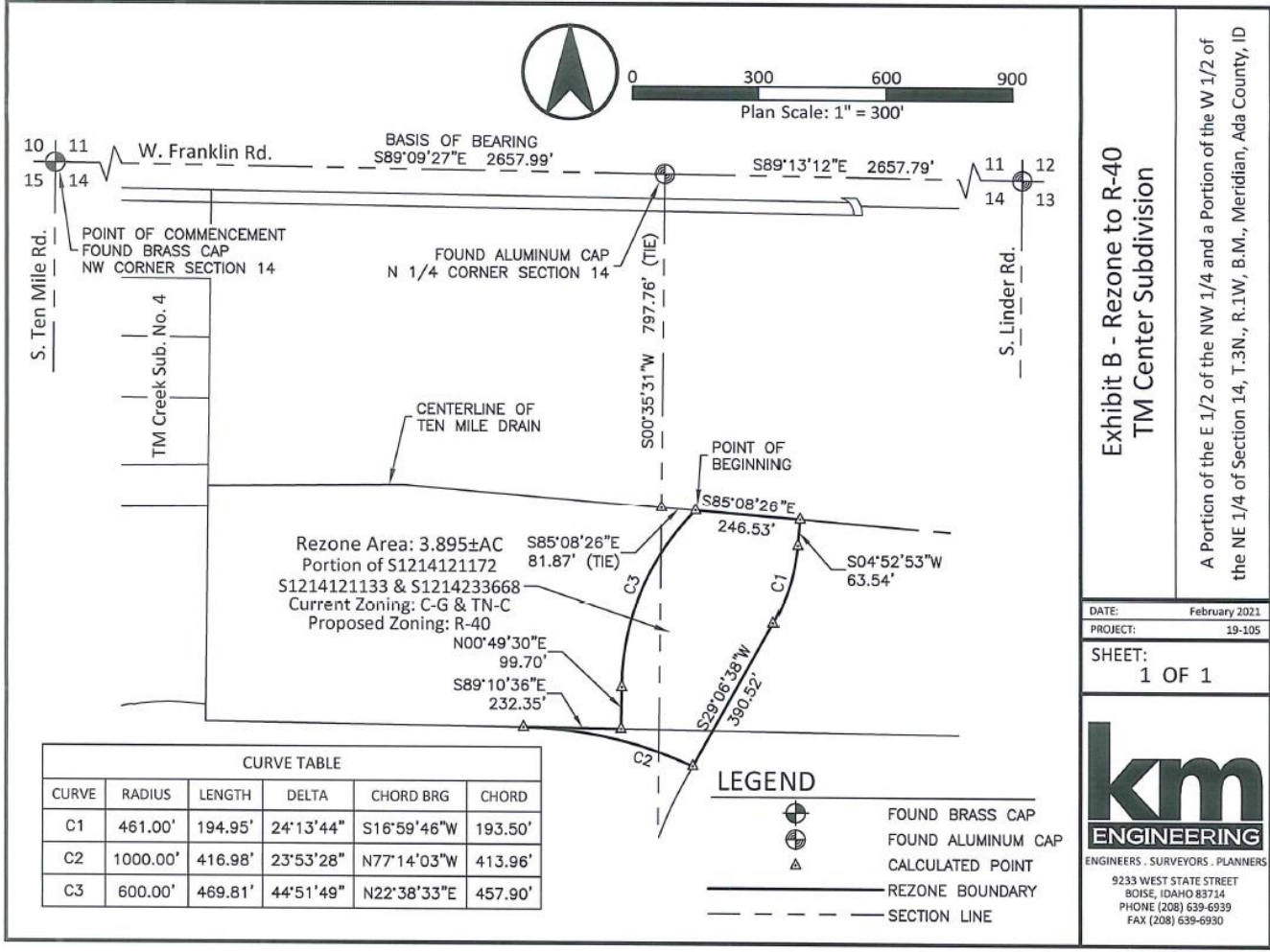
Thence following said centerline, S85°08'26"E a distance of 246.53 feet;  
Thence leaving said centerline, S04°52'53"W a distance of 63.54 feet;  
Thence 194.95 feet along the arc of a circular curve to the right, said curve having a radius of 461.00 feet, a delta angle of 24°13'44", a chord bearing of S16°59'46"W and a chord distance of 193.50 feet;  
Thence S29°06'38"W a distance of 390.52 feet;  
Thence 416.98 feet along the arc of a circular curve to the left, said curve having a radius of 1,000.00 feet, a delta angle of 23°53'28", a chord bearing of N77°14'03"W and a chord distance of 413.96 feet to the southerly line of said East 1/2 of the Northwest 1/4;  
Thence following said southerly line, S89°10'36"E a distance of 232.35 feet;  
Thence leaving said southerly line, N0°49'30"E a distance of 99.70 feet;  
Thence 469.81 feet along the arc of a circular curve to the right, said curve having a radius of 600.00 feet, a delta angle of 44°51'49", a chord bearing of N22°38'33"E and a chord distance of 457.90 feet to the **POINT OF BEGINNING**.

The above-described rezone parcel description contains a total of 3.895 acres, more or less.

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



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CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG	CHORD
C1	461.00'	194.95'	24°13'44"	S16°59'46"W	193.50'
C2	1000.00'	416.98'	23°53'28"	N77°14'03"W	413.96'
C3	600.00'	469.81'	44°51'49"	N22°38'33"E	457.90'

**Exhibit B - Rezone to R-40  
TM Center Subdivision**

A Portion of the E 1/2 of the NW 1/4 and a Portion of the W 1/2 of the NE 1/4 of Section 14, T.3N., R.1W, B.M., Meridian, Ada County, ID

DATE: February 2021  
PROJECT: 19-105

SHEET:  
1 OF 1

**km**  
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9233 WEST STATE STREET  
BOISE, IDAHO 83714  
PHONE (208) 639-6939  
FAX (208) 639-6930



9233 WEST STATE STREET | BOISE, ID 83714 | 208.639.6939 | FAX 208.639.6930

February 16, 2021  
Project No. 19-105

**Exhibit A**  
**Legal Description for**  
**Rezone to C-G (South)**  
**TM Center Subdivision**

A parcel of land situated in a portion of the South 1/2 of the Northwest 1/4 and a portion of the Southwest 1/4 of the Northeast 1/4 of Section 14, Township 3 North, Range 1 West, B.M., City of Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at a found aluminum cap marking the center of said Section 14, which bears S89°11'30"E a distance of 2,656.47 feet from a found aluminum cap marking the West 1/4 corner of said Section 14; Thence following the southerly line of said South 1/2 of the Northwest 1/4, N89°11'30"W a distance of 48.56 feet to **POINT OF BEGINNING 1.**

Thence following said southerly line, N89°11'30"W a distance of 50.18 feet;  
Thence leaving said southerly line, N0°48'30"E a distance of 172.47 feet;  
Thence 131.03 feet along the arc of a circular curve to the left, said curve having a radius of 200.00 feet, a delta angle of 37°32'15", a chord bearing of N17°57'36"W and a chord distance of 128.70 feet;  
Thence N36°43'42"W a distance of 53.27 feet;  
Thence 57.88 feet along the arc of a circular curve to the left, said curve having a radius of 300.00 feet, a delta angle of 11°03'15", a chord bearing of N47°44'41"E and a chord distance of 57.79 feet;  
Thence 141.85 feet along the arc of a compound curve to the left, said curve having a radius of 500.00 feet, a delta angle of 16°15'16", a chord bearing of N34°05'26"E and a chord distance of 141.37 feet to a point hereinafter referred to as POINT "A";  
Thence S00°18'58"W a distance of 494.23 feet to **POINT OF BEGINNING 1.**

The above-described rezone parcel description contains a total of 0.654 acres, more or less.

**TOGETHER WITH**

Commencing at a point previously referred to as POINT "A", Thence N00°18'58"E a distance of 262.00 feet;  
Thence 271.76 feet along the arc of a circular curve to the right, said curve having a radius of 926.00 feet, a delta angle of 16°48'54", a chord bearing of N08°43'25"E and a chord distance of 270.79 feet to **POINT OF BEGINNING 2.**

Thence 128.39 feet along the arc of a circular curve to the left, said curve having a radius of 500.00 feet, a delta angle of 14°42'45", a chord bearing of N19°19'30"W and a chord distance of 128.04 feet;  
Thence 144.04 feet along the arc of a reverse curve to the right, said curve having a radius of 300.00 feet, a delta angle of 27°30'34", a chord bearing of N12°55'37"W and a chord distance of 142.66 feet;  
Thence N0°49'30"E a distance of 17.95 feet;  
Thence 182.49 feet along the arc of a circular curve to the right, said curve having a radius of 1,000.00 feet, a delta angle of 10°27'20", a chord bearing of S70°30'59"E and a chord distance of 182.23 feet;  
Thence S29°06'38"W a distance of 44.98 feet;

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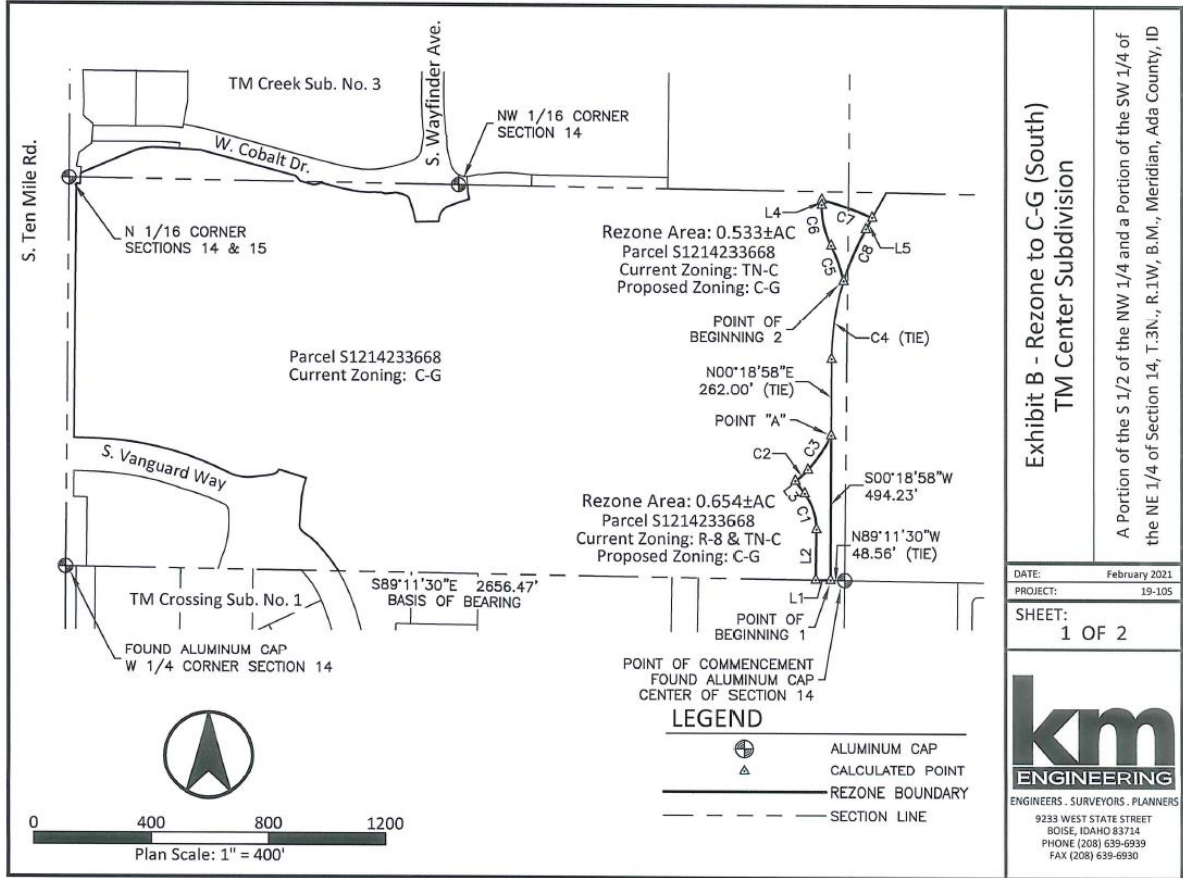
Thence 193.61 feet along the arc of a circular curve to the left, said curve having a radius of 926.00 feet, a delta angle of 11°58'46", a chord bearing of S23°07'15"W and a chord distance of 193.25 feet to **POINT OF BEGINNING 2.**

The above-described rezone parcel description contains a total of 0.533 acres, more or less.

The total rezone description contains a total of 1.187 acres, more or less.

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





**Exhibit B - Rezone to C-G (South)**  
**TM Center Subdivision**

A Portion of the S 1/2 of the NW 1/4 and a Portion of the SW 1/4 of the NE 1/4 of Section 14, T.3N., R.1W, B.M., Meridian, Ada County, ID

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG	CHORD
C1	200.00'	131.03'	37°32'15"	N17°57'36"W	128.70'
C2	300.00'	57.88'	11°03'15"	N47°44'41"E	57.79'
C3	500.00'	141.85'	16°15'16"	N34°05'26"E	141.37'
C4	926.00'	271.76'	16°48'54"	N8°43'25"E	270.79'
C5	500.00'	128.39'	14°42'45"	N19°19'30"W	128.04'
C6	300.00'	144.04'	27°30'34"	N12°55'37"W	142.66'
C7	1000.00'	182.49'	10°27'20"	S70°30'59"E	182.23'
C8	926.00'	193.61'	11°58'46"	S23°07'15"W	193.25'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N89°11'30"W	50.18
L2	N0°48'30"E	172.47
L3	N36°43'42"W	53.27
L4	N0°49'30"E	17.95
L5	S29°06'38"W	44.98

**Exhibit B - Rezone to C-G (South)**  
**TM Center Subdivision**

A Portion of the S 1/2 of the NW 1/4 and a Portion of the SW 1/4 of the NE 1/4 of Section 14, T.3N., R.1W, B.M., Meridian, Ada County, ID

DATE: February 2021  
PROJECT: 19-105  
SHEET: 2 OF 2

**km ENGINEERING**  
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FAX (208) 639-6930

Item 5.

155

### C. Preliminary Plat (date: 5/29/2020) and Conceptual Phasing Plan

**TM CENTER SUBDIVISION PRELIMINARY PLAT**  
A PARCEL OF LAND BEING A PORTION OF THE NORTHWEST 1/4 AND A PORTION OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 1 WEST, BOISE MERIDIAN, CITY OF MERIDIAN, ADA COUNTY, IDAHO, 2020

**PRELIMINARY PLAT DATA**

COMMERICAL AREA (C-C)	RESIDENTIAL AREA (R-40)
PLAT NO. 172-180	PLAT NO. 172-180
COMMERICAL AREA (C-C)	RESIDENTIAL AREA (R-40)
PLAT NO. 172-180	PLAT NO. 172-180
COMMERICAL AREA (C-C)	RESIDENTIAL AREA (R-40)
PLAT NO. 172-180	PLAT NO. 172-180
COMMERICAL AREA (C-C)	RESIDENTIAL AREA (R-40)
PLAT NO. 172-180	PLAT NO. 172-180
COMMERICAL AREA (C-C)	RESIDENTIAL AREA (R-40)
PLAT NO. 172-180	PLAT NO. 172-180
COMMERICAL AREA (C-C)	RESIDENTIAL AREA (R-40)

VICINITY MAP: 1"=1,000'  

INDEX OF DRAWINGS

SHEET NO.	SHEET TITLE
PP1.0	COVER SHEET
PP1.1	EXISTING CONDITIONS
PP1.2	EXISTING CONDITIONS
PP1.3	LAYOUT PLAN
PP1.4	LAYOUT PLAN
PP1.5	CONCEPTUAL ENGINEERING PLAN
PP1.6	CONCEPTUAL ENGINEERING PLAN
L1.0	LANDSCAPE CONCEPT SHEET
L2.0	LANDSCAPE PLAN

LEGEND

- BOUNDARY LINE
- OFFICE PROPERTY LINE
- LOT LINE
- SECTION LINE
- LOT NUMBER

SURVEY CONTROL NOTES

- ALL SURVEY DATA IS BASED ON THE BEST AVAILABLE RECORD AND FIELD SURVEY DATA.

TM CENTER SUBDIVISION  
MERIDIAN, IDAHO  
COVER SHEET

**km**  
INDUSTRIAL ENGINEERING

DESIGNED BY: [Signature]  
CHECKED BY: [Signature]  
DATE: 2020.05.29  
PROJECT NO: PP1.0

**LEGEND**

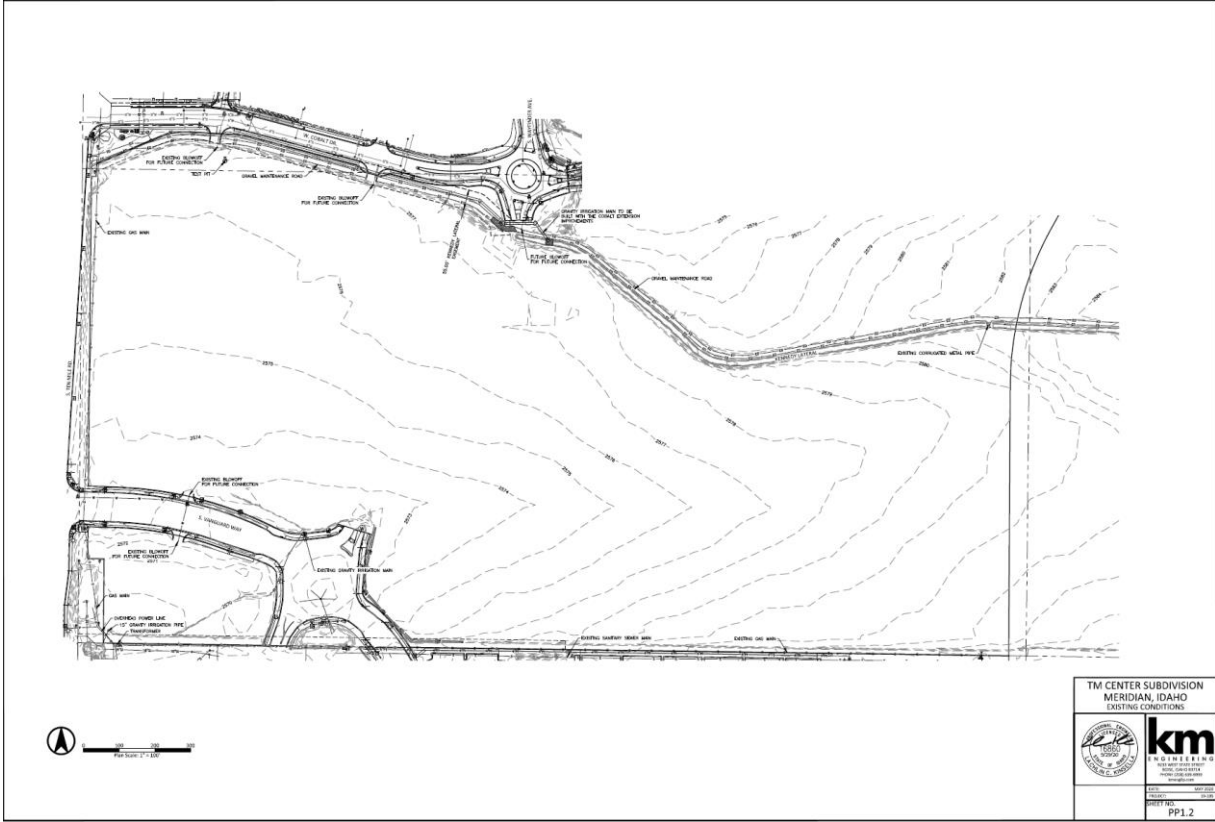
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- PROPOSED STREET LANE
- PROPOSED SIDEWALK LANE
- PROPOSED PARKING LANE
- PROPOSED BIKEWAY
- PROPOSED BIKEWAY
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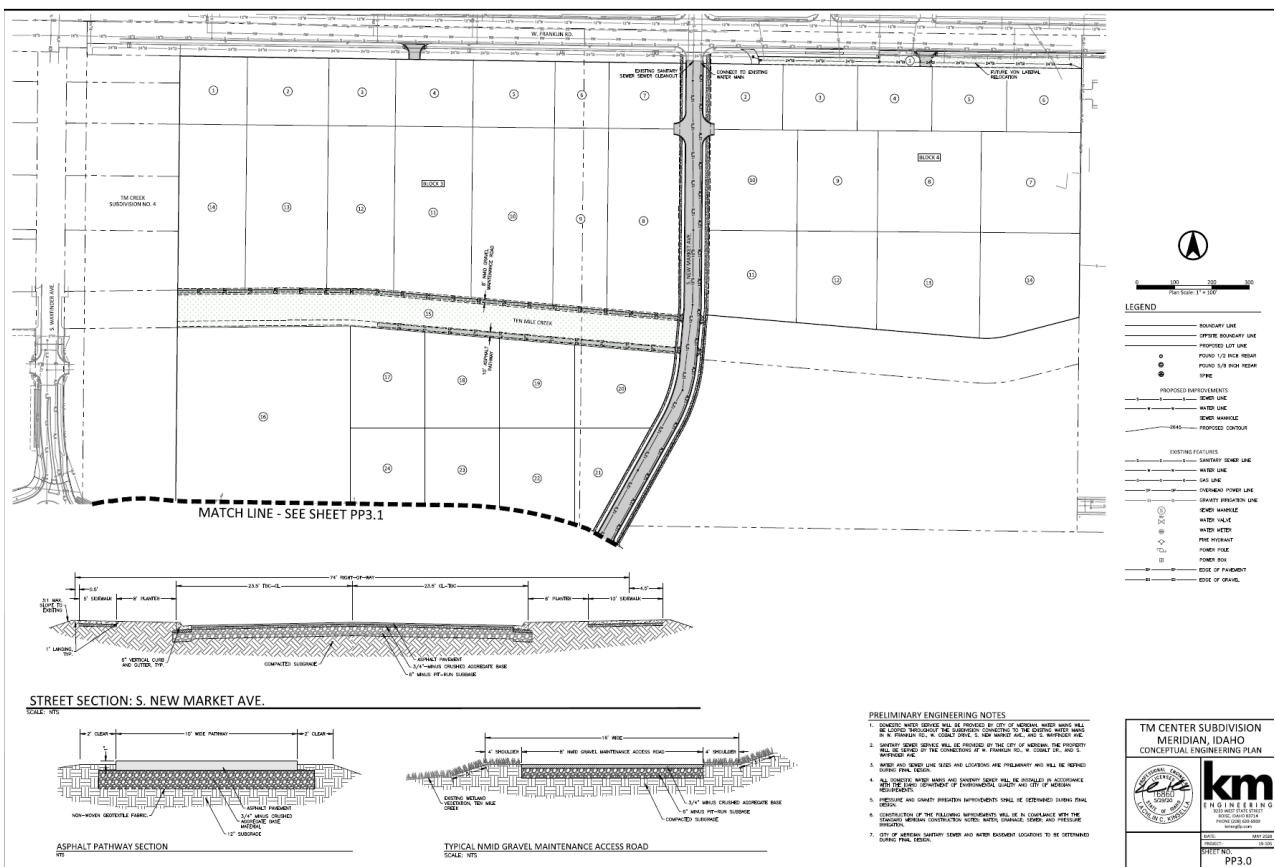
TM CENTER SUBDIVISION  
MERIDIAN, IDAHO  
EXISTING CONDITIONS

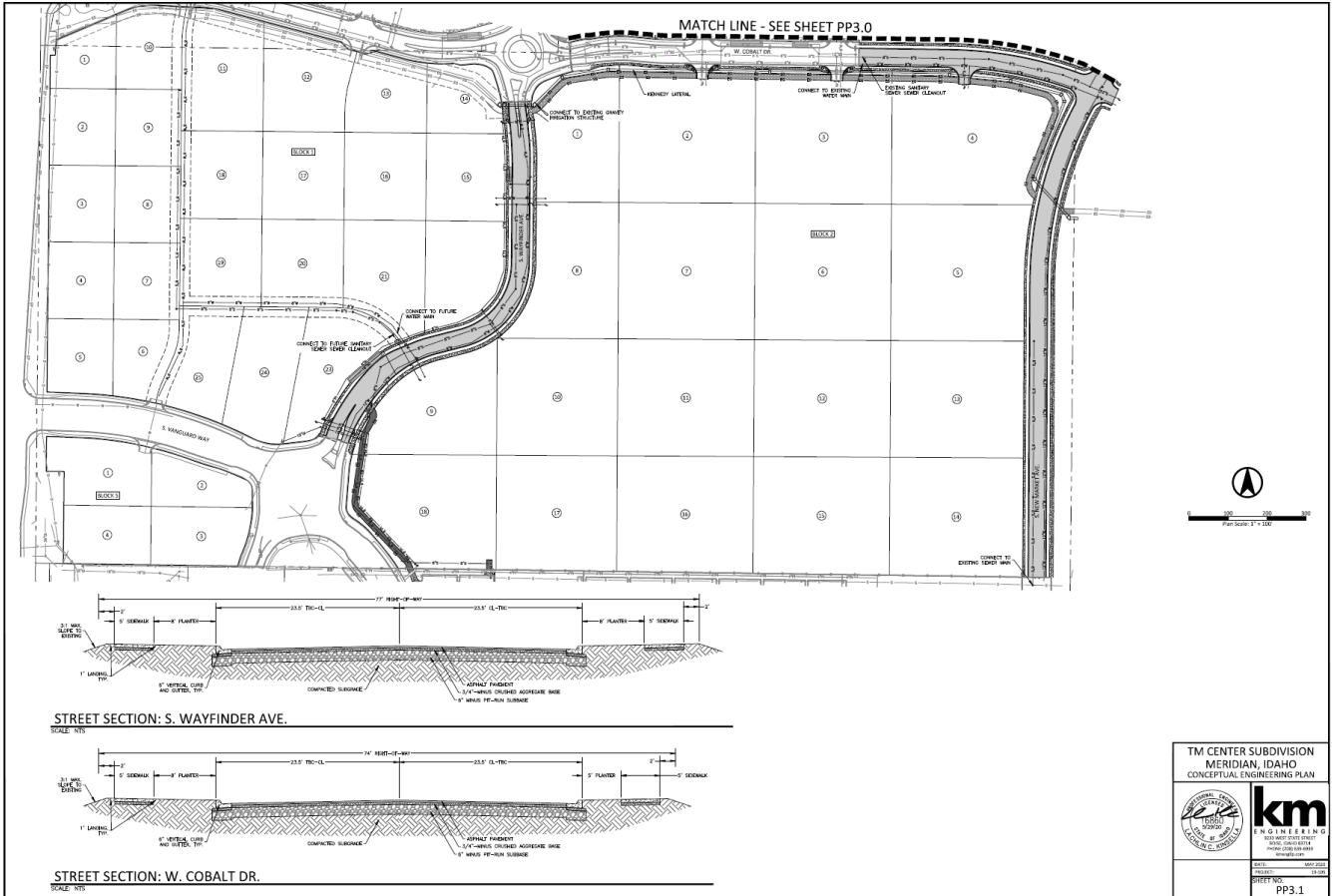
**km**  
INDUSTRIAL ENGINEERING

DESIGNED BY: [Signature]  
CHECKED BY: [Signature]  
DATE: 2020.05.29  
PROJECT NO: PP1.1

Page 39



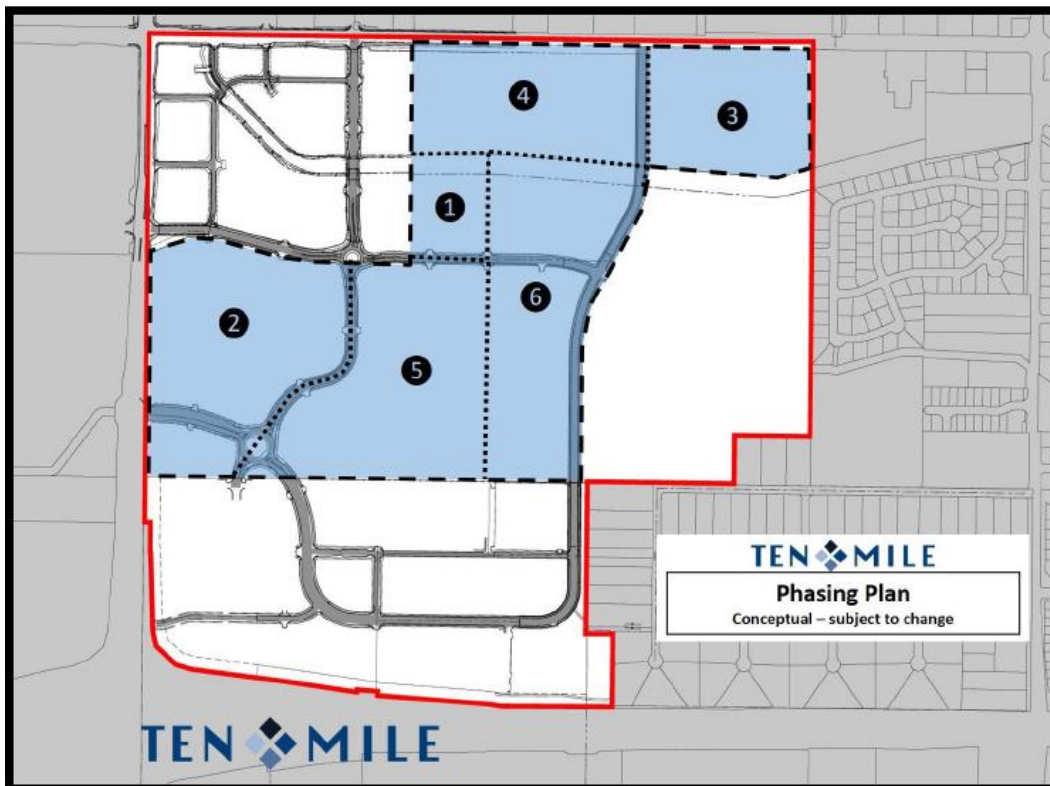




TM CENTER SUBDIVISION  
MERIDIAN, IDAHO  
CONCEPTUAL ENGINEERING PLAN

**km**  
KIRK M. SKIDMORE  
PROFESSIONAL ENGINEER  
NO. 14218  
STATE OF IDAHO  
01/12/2016

PROJECT: TM CENTER SUBDIVISION  
SHEET NO. PP3.1





E. Roadways – Completed and Future

100% COMPLETE

- Vanguard (*primary entrance*)
- Navigator (*east/west collector/local*)
- Wayfinder (*north/south collector*)

75% COMPLETE

- Cobalt (*east/west collector*)

15% COMPLETE

- Benchmark (*north/south collector connection to Franklin*)





F. Pathway Plan



**Multi-Purpose Pathways**

G. Conceptual Building Elevations/Perspectives



**BRIGHTON BUILDING (complete)**



**PAYLOCITY BUILDING (complete)**

TM CENTER SUBDIVISION  
BUILDING ELEVATION TYPICALS

TM CENTER SUBDIVISION  
BUILDING ELEVATION TYPICALS



**AMERIBEN PHASE II (under constr)**

TM CENTER SUBDIVISION  
BUILDING ELEVATION TYPICALS



**SALTZER MEDICAL (under constr)**

TM CENTER SUBDIVISION  
BUILDING ELEVATION TYPICALS



**LASALLE BUILDING (under constr)**

TM CENTER SUBDIVISION  
BUILDING ELEVATION TYPICALS



**EXISTING SINGLE-STORY SHOPS**

TM CENTER SUBDIVISION  
BUILDING ELEVATION TYPICALS



**EXISTING SINGLE-STORY MEDICAL**

TM CENTER SUBDIVISION  
BUILDING ELEVATION TYPICALS



**EXISTING CARWASH**

TM CENTER SUBDIVISION  
BUILDING ELEVATION TYPICALS



**EXISTING RESTAURANT/SHOPS (front)**

TM CENTER SUBDIVISION  
BUILDING ELEVATION TYPICALS



**EXISTING RESTAURANT/SHOPS (rear)**

TM CENTER SUBDIVISION  
BUILDING ELEVATION TYPICALS

1



**EXISTING AUTO SERVICE**

TM CENTER SUBDIVISION  
BUILDING ELEVATION TYPICALS

1



**THE LOFTS at TEN MILE (complete)**

TM CENTER SUBDIVISION  
BUILDING ELEVATION TYPICALS



**THE LOFTS at TEN MILE (garages)**

TM CENTER SUBDIVISION  
BUILDING ELEVATION TYPICALS



**THE FLATS at TEN MILE (under constr)**

TM CENTER SUBDIVISION  
BUILDING ELEVATION TYPICALS

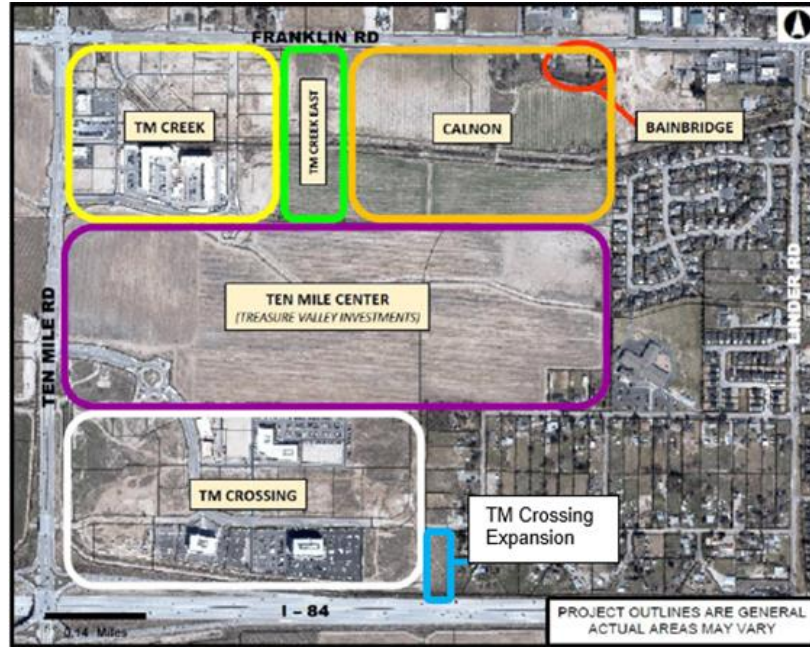
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IX. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

A conceptual use plan (i.e. bubble plan) shall be submitted at least 10 days prior to the City Council hearing, to be included in the development agreement, that demonstrates consistency with the mix of uses from each major use category (i.e. commercial, residential, employment) for the overall area governed by the DA as set forth in the TMISAP and the provisions of Development Agreements associated with previous annexations.

- 1. A new Development Agreement shall replace all existing agreements in the Ten Mile Area as referenced above in Section VI.A, and shall include the following provisions:



a. Provisions applicable to entire development:

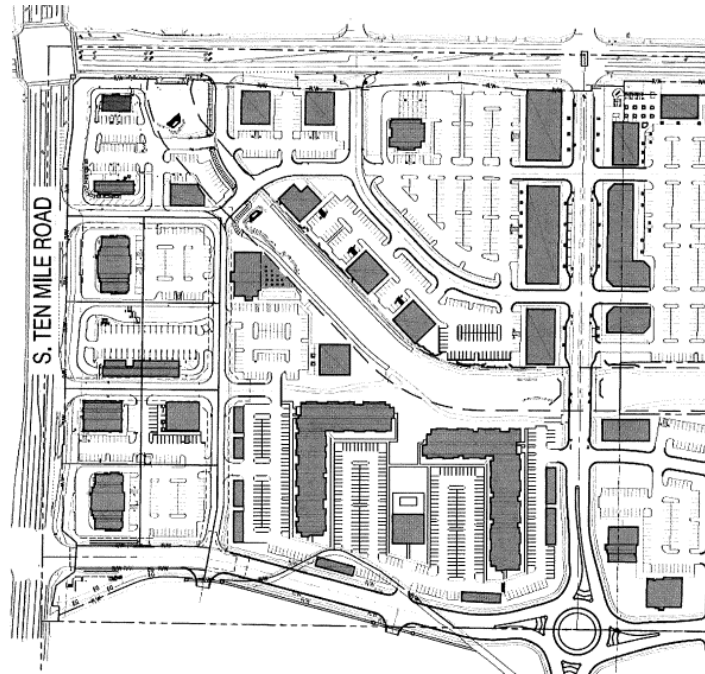
- (1) Future development shall be consistent with the guidelines for development in the Ten Mile Interchange Specific Area Plan (TMISAP) pertaining to land use, transportation and design; UDC standards; and design standards in the Architectural Standards Manual, except for the deviations specified in this agreement.
- (2) Public art shall be incorporated at the entries of the site to create a sense of arrival and as appropriate throughout the overall development. Public art should contribute to the character and identity of the City and should be incorporated in the design of streetscapes, plazas, public spaces associated with buildings, etc. Art should be easily visible to the public (e.g. on the exterior of buildings rather than in lobbies, or visible from the street or publicly accessible open spaces rather than interior courtyards), in accord with the TMISAP.
- (3) Building height in the C-G zoning district for structures in the area governed by this agreement is allowed to extend up to a maximum of 100-feet without further application.
- (4) Direct lot access via S. Ten Mile Rd. and W. Franklin Rd., arterial streets; and W. Cobalt Dr., S. Wayfinder Ave., S. Vanguard Way and S. Benchmark Ave., collector streets, is prohibited in accord with UDC 11-3A-3 and the TMISAP unless otherwise approved by the City and ACHD in conjunction with a detailed development plan and/or subdivision. *City Council approved waivers to UDC 11-3A-3 for direct access via S. Ten Mile Rd., W.*

*Franklin Rd., S. Wayfinder Ave. and W. Cobalt Dr. as shown on the preliminary plat and concept plan for TM Creek subdivision ([AZ-13-015](#); [PP-13-030](#)).*

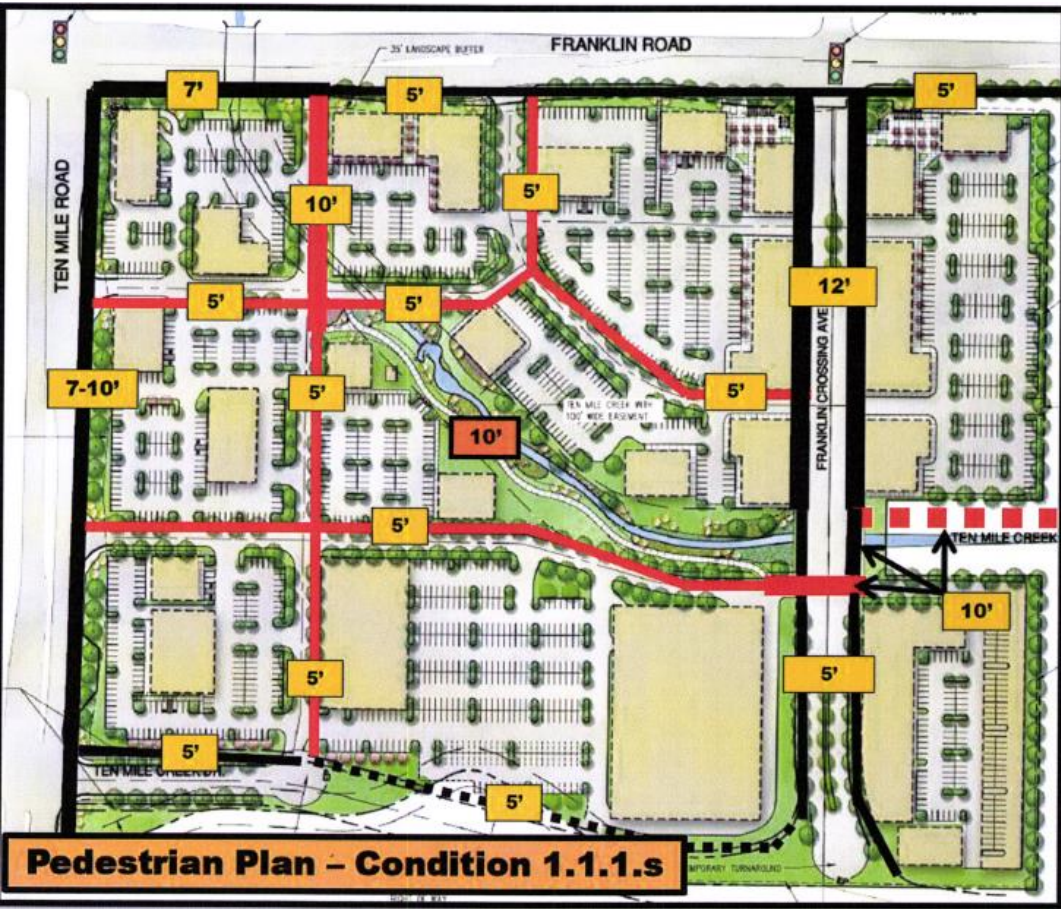
- (5) The design of future buildings in this development shall incorporate design elements that are generally consistent with those in the “typical” elevations shown in Section VIII.G.
- (6) The developer shall continue to work with Valley Regional Transit (VRT) to determine the nature and timing of public transit services needed in this area. With each final plat development phase, an update should be provided to the City.

Shelters should be placed at transit stops for weather protection to patrons; the design of such should be coordinated between the City, VRT and ACHD ensuring architectural consistency with the general theme of the activity center. Transit locations should include pedestrian amenities such as landscaping, pedestrian and landscape lighting, benches and trash receptacles consistent with the design and location of the shelter.

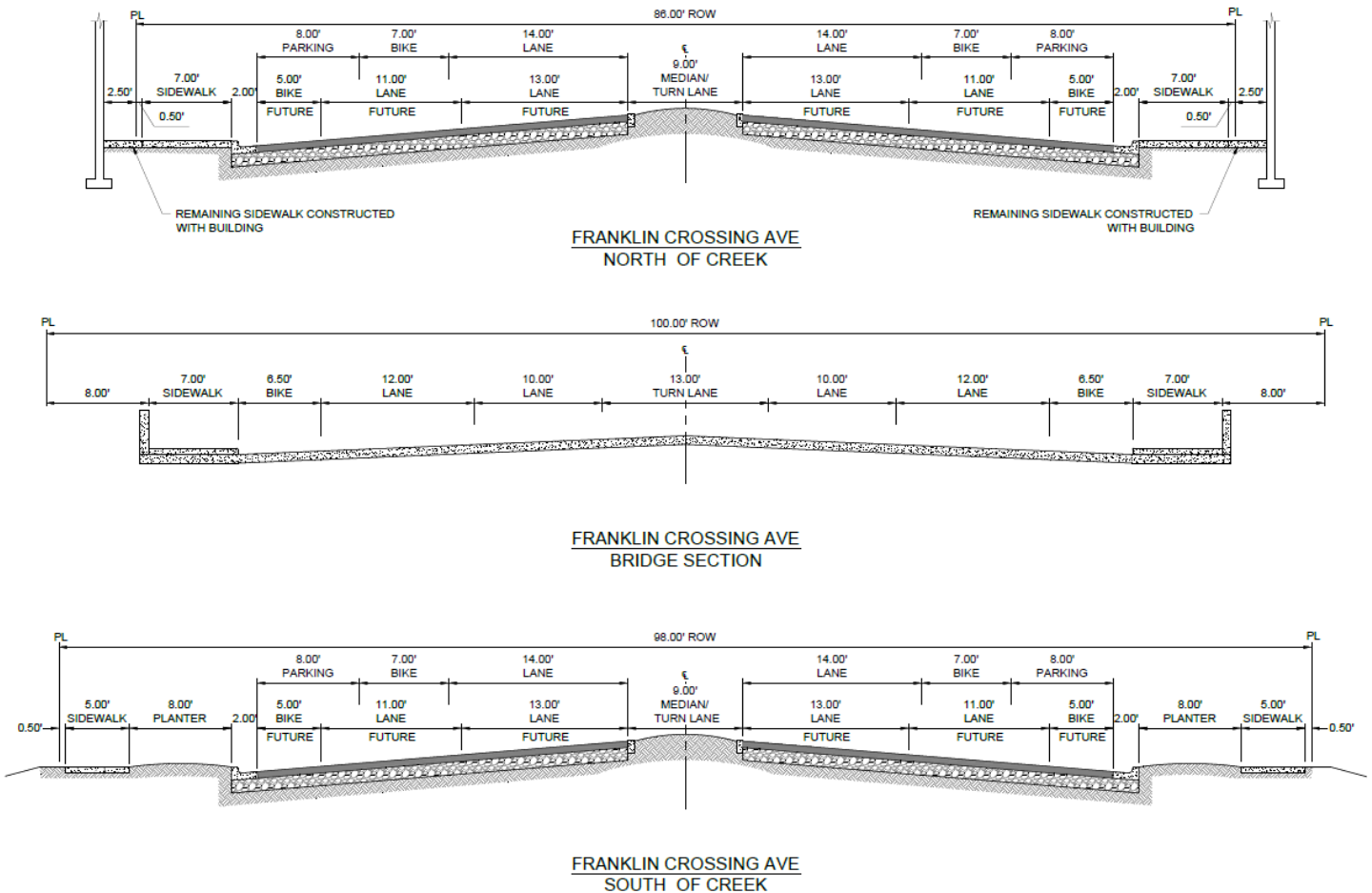
- (7) Prior to the City Engineer’s signature on the first final plat for TM Center, the developer shall submit a surety to the City of Meridian for the cost of a Welcome to Meridian sign to be placed off-site at the intersection of S. Ten Mile Rd. and S. Vanguard Way. The sign shall be constructed prior to issuance of the first Certificate of Occupancy in the first phase of TM Center subdivision.
  - (8) A portion of this site along the Ten Mile Creek is located within the Meridian Floodplain Overlay District. Prior to any development occurring within the Overlay District, the Applicant is required to submit, and the City shall review and approve, a floodplain development application which includes the necessary analysis and documents under MCC Title 10, Chapter 6, including hydraulic and hydrologic analysis.
  - (9) Street lights at a pedestrian scale shall be installed within the tree lawn area along W. Franklin Rd. as set forth in the TMISAP.
- b. TM Crossing Expansion site ([H-2018-0122](#), Parcel #R7192800752):
- (1) If at some point in the future the adjacent homes to the north and east of the site redevelop commercially and the 25-foot wide right-of-way depicted on the Primrose subdivision plat on the adjacent property to the north (Lot 7, Block 3) is dedicated, a public street connection may be required at that time.
  - (2) A pedestrian connection shall be provided from the residential neighborhood (i.e. Primrose Subdivision) to the commercial development to the west on the TM Crossing Expansion site ([H-2018-0122](#)) in accord with UDC 11-3B-9C.3. The location of the pedestrian connection may be within the right-of-way adjacent to the north property boundary.
- c. TM Creek site ([AZ-13-015](#), [H-2017-0124](#)):
- (1) Future development of this site shall be generally consistent with the conceptual site plan shown below and shall develop with a mix of office, commercial and residential uses as proposed.



- (2) Street lights at a pedestrian scale shall be installed within the tree lawn area along S. Ten Mile Rd. and W. Cobalt Dr. as set forth in the TMISAP.
- (3) Pedestrian-scale lighting shall be installed along S. Wayfinder Ave. as set forth in the TMISAP.
- (4) All structures within the TN-C zone adjacent to S. Wayfinder Ave. north of the Ten Mile Creek shall be a minimum of two stories in height in accord with UDC 11-2D-5 and the design elements contained in the TMISAP.
- (5) Buildings along S. Wayfinder Ave. north of the creek should be built to the sidewalk with street trees in wells and street-level store fronts, in accord with the TMISAP.
- (6) A crosswalk shall be provided across S. Wayfinder Ave. where the multi-use pathway along the Ten Mile Creek crosses the street.
- (7) For streets & block fronts where commercial uses and pedestrian activity are most desired north of the Ten Mile Creek, it is recommended that sidewalks be lined with shops, restaurants, offices and galleries and that buildings be designed with multiple sidewalk entries where feasible, generously-scaled display and transom windows, pedestrian-scales signs and banners, and awnings or canopies for sun shading.
- (8) A pedestrian crossing over the Ten Mile Creek shall be provided as part of the creek amenity if approval can be obtained from Nampa & Meridian Irrigation District.
- (9) Sidewalks shall be provided internally along one side of all major drive aisles for pedestrian connectivity within the development in accord with the Internal Pedestrian Plan shown below.



(10) South Wayfinder Ave. shall initially be constructed in accord with the street sections shown below. Future reconfiguration of S. Wayfinder Ave. may occur if warranted by ACHD, in accord with the street section shown below.



d. TM Creek East ([H-2015-0018](#)):

- (1) The site shall develop with multi-family residential uses and shall obtain conditional use permit approval prior to development. The overall average density target should be at least 16-25 dwelling units per gross acre. Design and orientation of buildings should be pedestrian oriented with special streetscape improvements to create rich and enjoyable public spaces. A strong physical relationship between the commercial and residential components to adjacent employment or transit centers is critical.”
- (2) The subject property shall be subdivided prior to issuance of any building permits for the site.

e. Ten Mile Center (aka Treasure Valley Investments) ([AZ-14-001](#)):

- (1) The property shall be subdivided prior to submittal of the first Certificate of Zoning Compliance application.
- (2) The property shall be developed in a manner that provides a transition in uses to adjacent residential properties.
- (3) Most buildings along S. Ten Mile Rd. should address the street by being built to the street buffer with windows overlooking the pathway to provide security to the pedestrians and bikes on the pathway as set forth in the TMISAP.



- (4) A pedestrian connection shall be made to the adjacent school site to the east (i.e. Peregrine Elementary School).
  - (5) The portions of the property zoned TN-C and TN-R shall be developed in a manner that incorporates traditional neighborhood design concepts as set forth in the TMISAP.
  - (6) Only residential uses shall be developed within the R-8 zone. In addition to other allowed uses, a minimum of 75 residential units shall be developed within the TN-R zone, and a minimum of 300 residential units shall be developed within the C-G and/or TN-C zones combined.
  - (7) The Kennedy Lateral and all other waterways on the site shall be piped or otherwise covered in accord with UDC 11-3A-6, unless waived by City Council.
  - (8) Based on the 2020 Sewer Master Plan Update, the subject property lies within two sewer boundaries. The Kennedy Lateral is the sewer shed boundary. Sanitary sewer services to this development is are being proposed via main extensions from the Black Cat Trunk and Ten Mile Diversion Trunk of mains located near the Purdam Drain within the southwest portion of the subject property and main extensions from Franklin Road. Owner/Developer shall install mains to and through the development, coordinate main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service. Minimum cover over sewer mains is three feet; if cover from top of pipe to sub-grade is less than three feet then alternative materials shall be used in conformance with City of Meridian Public Works Department standard specifications.
  - (9) Water service to the subject property will be via extension of mains in Ten Mile Road along the alignment of the future east-west collector. Owner/Developer shall be responsible to install water mains to and through the property at the time of development and to coordinate main sizes and routing with City of Meridian Public Works Department.
  - (10) Future construction of streets within this site shall be consistent with the applicable street section as shown on the Street Section Map contained in the Ten Mile Interchange Specific Area Plan (TMISAP) (pgs. 3-20 and 3-21) with the exception of the east/west collector street (W. Cobalt Dr.) from Ten Mile Road at the northwest corner of the site which shall be constructed as a major collector street in accord with Street Section C.
- f. Calnon ([H-2015-0017](#)):
- (1) Prior to any development occurring on the subject property, the applicant shall modify the development agreement to include a more detailed conceptual development plan for the site that is consistent with the MU-C and MU-R land use designations. A mix of uses from each major use category (i.e. commercial, residential, employment) shall be provided as set forth in the Ten Mile Interchange Specific Area Plan (TMISAP). No more than 30% of the ground level development within the MU-C designation shall be used for residences. No more than 40% of the land area within the MU-R area shall be utilized for non-residential uses.
  - (2) The subject property shall be subdivided prior to issuance of any building permits for the site.
  - (3) Provide a minimum of 218 residential dwelling units on the site of varying types (i.e. multi-family, single-family, townhouse, duplex, and/or vertically integrated). *Note: The number of units provided may be greater than 218 units without a limit on the maximum number of units.*
  - (4) A 10-foot wide multi-use pathway shall be constructed on this site along the north side of the Ten Mile Creek and to the property to the south. The pathway shall be constructed in

accord with the Pathways Master Plan and UDC 11-3A-8. Landscaping on either side of the pathway is required in accord with the standards listed in 11-3B-12C.

- (5) The stub street that exists to this property at the east boundary of the site, W. Cobalt Street, from Whitestone Estate Subdivision shall be extended with development.
- (6) The Vaughn Lateral shall be piped on the site where it is currently open if approval can be obtained from Nampa & Meridian Irrigation District (NMID) as it is owned in-fee by NMID.
- (7) Sidewalks shall be provided internally along one side of all major drive aisles for pedestrian connectivity within the development.
- (8) This property borders a domestic water pressure zone boundary, and therefore with development, the applicant shall be required to install a pressure reducing station vault and conduits for power and telemetry cabling in the vicinity of their southeasterly connection in W. Cobalt Street. The installation of the pressure reducing appurtenances shall be the responsibility of the Meridian Public Works Department. Applicant shall coordinate the vault and conduit design criteria with the Meridian Public Works Department as part of the development plan review process.
- (9) The City of Meridian currently owns and operates a sanitary sewer lift station near the west end of W. Cobalt Street. With the development of the subject property, the applicant shall be required to extend a sanitary sewer main from W. Franklin Road through the property to the lift station location and facilitate the abandonment of the lift station.

g. Bainbridge Franklin ([H-2018-0057](#)):

- (1) A cross-access/ingress-egress easement(s) shall be granted to the property to the east (parcel # R8580500100) in accord with UDC 11-3A-3. With the first certificate of zoning compliance application, the applicant shall provide a recorded cross access easement that grants access to the Twelve Oaks property.

2. The final plat(s) shall include the following revisions:

- a. Change the street name of S. New Market Ave. to S. Benchmark Ave. consistent with the Street Name Review approval.
- b. Include a note that prohibits direct lot access via W. Franklin Rd. and N. Ten Mile Rd., arterial streets; and S. Wayfinder Ave., S. Benchmark Ave., W. Cobalt Dr. and S. Vanguard Way, collector streets, unless otherwise approved by the City and ACHD.
- c. A 5-foot dry-utilities corridor should be provided along both sides of the street curb along S. Wayfinder Ave., W. Cobalt Dr. and S. New Market Ave./Benchmark Ave. Both wet utilities may be located in the street. Streetlights should be placed in the dry utilities corridor on either side of the street. Streetlights of a pedestrian-scale shall be provided along Wayfinder and Cobalt; pedestrian-scale lighting is not required along New Market/Benchmark if it will serve as a residential collector with on-street parking – otherwise, pedestrian lighting is required.
- d. South New Market Ave./Benchmark Ave. shall be constructed with two (2) travel lanes, bike lanes, parallel parking (if allowed by ACHD), 8-foot wide parkways and detached sidewalks/pathways consistent with Street Section D in the TMISAP, the development agreement, Pathways Master Plan and pathway plan for the site. *The first 200' of south of Franklin Rd. on New Market is not allowed to have on-street parking per the ACHD report to allow for right and left turn lanes.*

- e. Streetlights at a pedestrian scale shall be located in the tree lawn area (i.e. in right-of-way between curb and sidewalk) along S. Ten Mile Rd. in accord with the TMISAP for Street Section A (see pg. 3-22). Dry utilities should be located back of the curb in the dry utilities corridor.
  - f. Streetlights at a pedestrian scale shall be located in the tree lawn area (i.e. in right-of-way between curb and sidewalk) along W. Franklin Rd. and Vanguard Way in accord with the TMISAP for Street Section B (see pg. 3-22). Dry utilities should be located back of the curb in the dry utilities corridor.
  - g. Depict a minimum 50-foot wide street buffer along S. Ten Mile Rd., an entryway corridor, measured from the back of curb, in a common lot or on a permanent dedicated buffer, maintained by the property owner or business owners' association in accord with UDC 11-3B-7C.2 and Street Section A in the TMISAP.
  - h. Depict a minimum 25-foot wide street buffer along W. Franklin Rd., an arterial street, measured from the back of curb, in a common lot in the R-40 zone and in a common lot or on a permanent dedicated buffer in the C-G zone, maintained by the property owner or business owners' association in accord with UDC 11-3B-7C.2.
  - i. Depict a minimum 20-foot wide street buffer along W. Cobalt Dr., S. Wayfinder Ave., S. New Market Ave./Benchmark Ave., and S. Vanguard Way, collector streets, measured from the back of curb, in a common lot in the R-40 zone and in a common lot or on a permanent dedicated buffer in the C-G zone, maintained by the property owner or business owners' association in accord with UDC 11-3B-7C.2.
  - j. A cross-access/ingress-egress easement shall be granted via a note on the plat or a separate recorded agreement between all non-residential lots in accord with UDC 11-3A-3A.2.
  - k. A cross-access/ingress-egress easement shall be granted via a note on the plat or a separate recorded agreement to the parcel to the east (#R8580500100, Villas at Twelve Oaks) in accord with UDC 11-3A-3A.2.
  - l. Remove the two (2) driveway accesses depicted on the plat via Franklin Rd. on Lot 4, Block 3 and Lot 4, Block 4 to the east and west of New Market/Benchmark unless specifically approved by City Council through a waiver to UDC 11-3A-3, which limits access to arterial streets, *and* by ACHD.
  - m. If New Market has not yet been constructed to stub to the site's south property boundary by the time the proposed section is constructed, depict a temporary turnaround easement and construct a temporary cul-de-sac that meets the dimensional standards of a standard cul-de-sac at the terminus of New Market on this site per ACHD and Fire Dept. standards.
3. The landscape plan submitted with the final plat shall include the following revisions:
- a. Detached pathways, 8- to 10-foot wide, shall be depicted in accord with the pathway plan in Section VIII.F and with the City's Pathways Master Plan as required by the Park's Department in Section IX.E. *At a minimum, 10-foot wide pathways shall be provided along S. Ten Mile Rd., the east side of S. New Market Ave. and along the Ten Mile Creek in accord with the Pathways Master Plan; 8-foot wide pathways may be provided in other locations.*
  - b. Depict a minimum 5-foot wide detached sidewalk along the west side of S. New Market Ave./Benchmark Ave. where 8- to 10-foot wide pathways are not proposed on the pathway plan, with 8-foot wide parkways within a minimum 20-foot wide landscaped buffer in accord with the TMISAP for Street Section D (see pg. 3-21).

- c. Depict a minimum 20-foot wide street buffer, landscaped per the standards listed in UDC 11-3B-7C, along each side of W. Cobalt Dr., a collector street; and a detached 8- to 10-foot wide pathway on the south side of the street consistent with the pathway plan.
  - d. Depict minimum 20-foot wide street buffers, landscaped per the standards listed in UDC 11-3B-7C, along S. Wayfinder Ave. and S. Vanguard Way, both collector streets.
  - e. Depict a 50-foot wide buffer area with detached 10-foot wide pathway along S. Ten Mile Rd., consistent with that shown for Street Section A in the TMISAP; depict landscaping in accord with the standards listed in UDC 11-3B-12C for pathways and 11-3B-7C for street buffers.
  - f. Depict a minimum 25-foot wide buffer with a minimum 5-foot wide detached sidewalk along W. Franklin Rd., landscaped per the standards listed in UDC 11-3B-7C.
  - g. Depict streetlights at a pedestrian scale in the tree lawn area along S. Ten Mile Rd. in accord with the TMISAP for Street Section A (see pg. 3-22).
  - h. Depict streetlights at a pedestrian scale in the tree lawn areas along W. Franklin Rd. and S. Vanguard Way in accord with the TMISAP for Street Section B (see pg. 3-22).
  - i. Depict streetlights at a pedestrian scale in the tree lawn areas along W. Cobalt Dr. and S. Wayfinder Ave; if New Market/Benchmark is not constructed as a residential collector street with on-street parking, streetlights at a pedestrian scale shall also be provided along this street.
  - j. Include mitigation information on the plan for all trees on the site that are proposed to be removed that require mitigation in accord with the standards listed in UDC 11-3B-10C.5. Contact Matt Perkins, City Arborist, to schedule an appointment for an inspection to determine mitigation requirements.
4. In accord with the TMISAP for “complete streets,” the following are features that shall be considered as a starting point for each street: sidewalks, bike lanes, wide shoulders, crosswalks, refuge medians, bus pullouts, special bus lanes, raised crosswalks, audible pedestrian signals, sidewalk bulb-outs, street furnishings and on-street parking. **The Applicant shall address at the public hearing (or in writing prior to the hearing) what additional design features are planned for internal public streets within this development aside from those proposed.**
  5. All future development shall comply with the minimum dimensional standards listed in UDC Tables [11-2A-6](#) (R-8), [11-2A-8](#) (R-40), [11-2B-3](#) (C-G), [11-2D-5](#) (TN-C) and [11-2D-6](#), as applicable.
  6. A 14-foot wide public pedestrian easement shall be submitted to the Planning Division for all of the multi-use pathways within the site that area not located in the right-of-way prior to signature on the final plat by the City Engineer.
  7. Streetlights shall be placed in the dry utilities corridor on either side of W. Cobalt Dr., S. Wayfinder Ave. and S. New Market Ave./Benchmark Ave.
  8. Development of the plat shall occur generally consistent with the phasing plan in Section VIII.C.

## B. PUBLIC WORKS

### 1. Site Specific Conditions of Approval

- 1.1 The current sewer configuration submitted with this application, depicts at intersection of Cobalt and New Market Avenue, flow being enabled to go in either the north or the west direction. This needs to be corrected so flow only goes in one direction. Based on conversations with applicant 8" sewer line on Cobalt will not connect to manhole at intersection.

- 1.2 To alleviate the water quality issues, this development must extend the proposed 12" water main south to connect into the existing water main in S New Market Ave (TM Crossing No 4).
  - 1.3 Tie into the existing 12" water stub in Vanguard (between lots 6 & 25, block 1)
- 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.

**C. FIRE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=191391&dbid=0&repo=MeridianCity>

**D. POLICE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=191282&dbid=0&repo=MeridianCity>

**E. PARK'S DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=192685&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223592&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223468&dbid=0&repo=MeridianCity>

**H. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=191393&dbid=0&repo=MeridianCity>

**I. WEST ADA SCHOOL DISTRICT (WASD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=192801&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223625&dbid=0&repo=MeridianCity>

Questions from City Staff and ACHD response:

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222896&dbid=0&repo=MeridianCity>

ACHD confirmation that a Traffic Impact Study (TIS) was not required for this project.

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222887&dbid=0&repo=MeridianCity>

**X. FINDINGS**

**A. REZONE (UDC 11-5B-3E)**

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

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

*Staff finds the rezone of the subject site to the C-G and R-40 zoning districts is consistent with the associated MU-COM and HDR FLUM designations in the Comprehensive Plan for the subject property proposed to be rezoned.*

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

*Staff finds the proposed map amendment to C-G will assist in providing for the retail and service needs of the community while the map amendment to R-40 will assist in providing for a range of housing opportunities consistent with the Comprehensive Plan in accord with the purpose statements for the districts.*

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

*Staff finds that the proposed rezone should not be detrimental to the public health, safety, or welfare. Staff recommends the Commission and Council consider any oral or written testimony that may be provided when determining this finding.*

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

*Staff finds that the proposed rezone will not result in any adverse impact upon the delivery of services by any political subdivision providing services to this site.*

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

*Because this application is for a rezone and not an annexation, this finding is not applicable.*

#### **B. PRELIMINARY PLAT (UDC 11-6B-6)**

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings: (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

1. The plat is in conformance with the comprehensive plan and is consistent with this unified development code; (Ord. 08-1372, 7-8-2008, eff. 7-8-2008)

*Staff finds the proposed plat is generally in conformance with the UDC and the guidelines in the Comprehensive Plan and TMISAP if the Applicant complies with the Development Agreement provisions, conditions of approval in Section IX and ACHD conditions.*

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

*Staff finds public services can be made available to the subject property and will be adequate to accommodate the proposed development.*

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

*Staff finds the proposed plat is in substantial conformance with scheduled public improvements in accord with the City's CIP.*

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

*Staff finds there is public financial capability of supporting services for the proposed development.*

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

*Staff finds the proposed development will not be detrimental to the public health, safety or general welfare.*



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

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



## AGENDA ITEM

**ITEM TOPIC:** Public Hearing for Ten Mile Crossing (H-2020-0074) by SCS Brighton, et al., Located east of S. Ten Mile Rd. and south of W. Franklin Rd.

A. Request: A Development Agreement Modification to terminate all existing agreements in the Ten Mile Crossing development area in favor of one master agreement to govern future development of the overall area. The proposal includes a request for adoption of project-specific design guidelines to supersede those in the Ten Mile Interchange Specific Area Plan (TMISAP), which include deviations from certain goals and guidelines including decreased floor area ratios, different street and streetscape designs, landscape and architectural design elements and site development standards, including an increase in height of up to 100-feet to allow for 6-story buildings [i.e. TM Crossing – AZ-12-005 (Inst. #114002254, 1st Addendum #2016-062220, 2nd Addendum #2017-051907, TMC Expansion #2019-011700); TM Creek/TM Creek East – AZ-13-015/H-2015-0018 (Inst. #114045759, 1st Addendum #2016-073497, 2nd Addendum #2017-113747); Ten Mile Center – AZ-14-001 (Inst. #2014-065514); Calnon Properties – H-2015-0017 (Inst. 2016-030845); and Bainbridge Franklin – H-2018-0057 (Inst. #2019-077071)].

B. Request: A Rezone of 40.98 acres from the R-40 and C-C zoning districts to the C-G zoning district, 3.9-acres from the TN-C and C-G zoning districts to the R-40 zoning district, 0.65 acres from the R-8 and TN-C zoning districts to the C-G zoning district, and 0.53 acres from the TN-C zoning district to the C-G zoning district.



## PUBLIC HEARING INFORMATION

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**Staff Contact:** Sonya Allen

**Meeting Date:** March 18, 2021

**Topic:** **Public Hearing** for Ten Mile Crossing (H-2020-0074) by SCS Brighton, et al.,  
Located east of S. Ten Mile Rd. and south of W. Franklin Rd.

- A. Request: A Development Agreement Modification to terminate all existing agreements in the Ten Mile Crossing development area in favor of one master agreement to govern future development of the overall area. The proposal includes a request for adoption of project-specific design guidelines to supersede those in the Ten Mile Interchange Specific Area Plan (TMISAP), which include deviations from certain goals and guidelines including decreased floor area ratios, different street and streetscape designs, landscape and architectural design elements and site development standards, including an increase in height of up to 100-feet to allow for 6-story buildings [i.e. TM Crossing – AZ-12-005 (Inst. #114002254, 1st Addendum #2016-062220, 2nd Addendum #2017-051907, TMC Expansion #2019-011700); TM Creek/TM Creek East – AZ-13-015/H-2015-0018 (Inst. #114045759, 1st Addendum #2016-073497, 2nd Addendum #2017-113747); Ten Mile Center – AZ-14-001 (Inst. #2014-065514); Calnon Properties – H-2015-0017 (Inst. 2016-030845); and Bainbridge Franklin – H-2018-0057 (Inst. #2019-077071)].
- B. Request: A Rezone of 40.98 acres from the R-40 and C-C zoning districts to the C-G zoning district, 3.9-acres from the TN-C and C-G zoning districts to the R-40 zoning district, 0.65 acres from the R-8 and TN-C zoning districts to the C-G zoning district, and 0.53 acres from the TN-C zoning district to 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



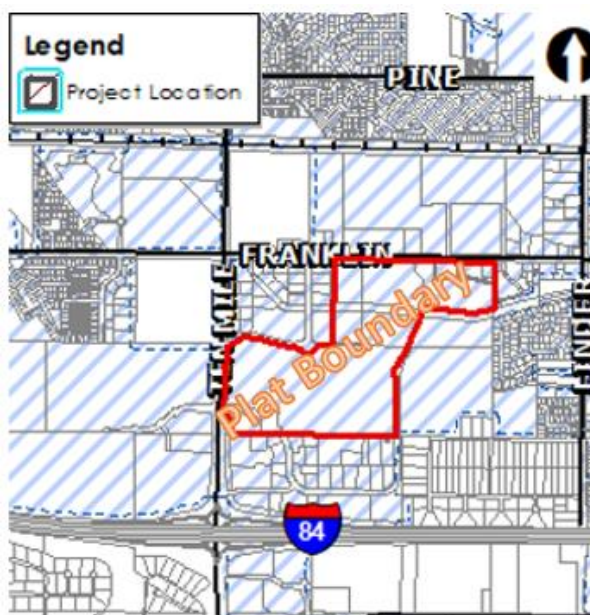
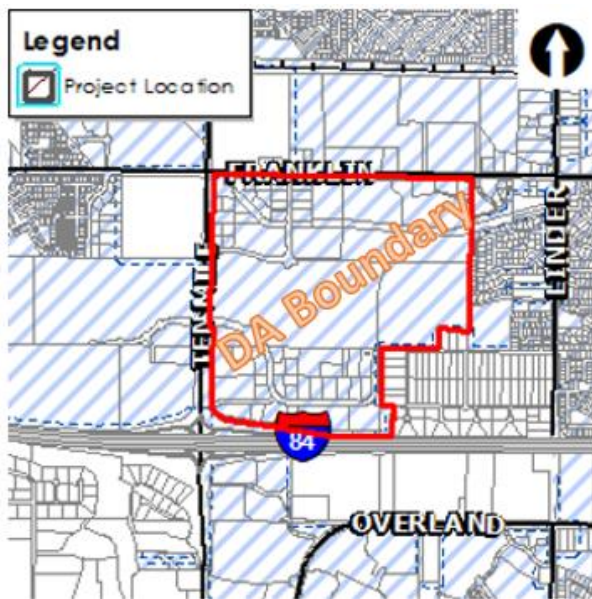
HEARING DATE: March 18, 2021

TO: Planning & Zoning Commission

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

SUBJECT: H-2020-0074  
TM Center - PP  
Ten Mile Crossing – MDA, RZ

LOCATION: East of S. Ten Mile Rd. & south of W. Franklin Rd., in the north half of Section 14, Township 3N., Range 1W.



## I. PROJECT DESCRIPTION

Preliminary Plat consisting of 83 buildable lots and 2 common lots on 132.42 acres of land in the R-40 and C-G zoning districts;

Rezone of 40.98-acres from the R-40 and C-C zoning districts to the C-G zoning district; 3.9-acres from the TN-C and C-G zoning districts to R-40 zoning district; 0.65-acre from the R-8 and TN-C zoning districts to the C-G zoning district; and 0.53-acre from the TN-C zoning district to the C-G zoning district; and,

Development Agreement modification to terminate all existing agreements in the Ten Mile Crossing development area in favor of one master agreement to govern future development of the overall area. The proposal includes a request for adoption of project-specific design guidelines to supersede those in the Ten Mile Interchange Specific Area Plan (TMISAP), which include deviations from certain goals and guidelines including decreased floor area ratios, different street and streetscape designs, landscape and architectural design elements and site development standards, including an increase in height in the C-G zoning district of up to 100-feet to allow for 6-story buildings [i.e. TM Crossing – AZ-12-005 (Inst. 114002254, 1st Addendum #2016-062220, 2nd Addendum #2017-051907, TMC Expansion #2019-011700); TM Creek/TM Creek East – AZ-13-015/H-2015-0018 (Inst. #114045759, 1st Addendum #2016-073497, 2nd Addendum #2017-113747); Ten Mile Center – AZ-14-001 (Inst. #2014-065514); Calnon Properties – H-2015-0017 (Inst. 2016-030845); and Bainbridge Franklin – H-2018-0057 (Inst. #2019-077071)].

**II. SUMMARY OF REPORT**

**A. Project Summary**

<b>Description</b>	<b>Details</b>	<b>Page</b>
Acreage	307.72 DA boundary; 132.42 plat boundary; 46.06 rezone area	
Future Land Use Designations	Mixed Use – Residential (MU-R), Medium Density Residential (MDR), Medium High-Density Residential (MHDR), High Density Residential (HDR), Mixed Use – Commercial (MU-C) and Commercial in the TMISAP	
Existing Land Uses	Agricultural, commercial, restaurant, carwash, personal and professional service, office, healthcare, multi-family residential	
Proposed Land Use(s)	Commercial, office and high density residential	
Current Zoning	Mostly C-G with some R-8, R-40, TN-C, TN-R and C-C	
Proposed Zoning	R-40 and C-G	
Lots (# and type; bldg./common)	83 building (74 commercial, 9 high-density residential)/2 common	
Phasing plan (# of phases)	6 (conceptually, based on market demand)	
Number of Residential Units (type of units)	TBD	
Density (gross & net)	TBD	
Open Space (acres, total [%] / buffer / qualified)	TBD with future residential development	
Amenities	TBD with future residential development	
Physical Features (waterways, hazards, flood plain, hillside)	The Ten Mile Creek, Purdam Gulch Drain, Von Lateral and Kennedy Lateral cross this site	

Neighborhood meeting date; # of attendees:	September 23, 2020; 4 attendees
History (previous approvals)	TM Crossing – AZ-12-005 (Inst. 114002254, 1st Addendum #2016-062220, 2nd Addendum #2017-051907, TMC Expansion #2019-011700); TM Creek/TM Creek East – AZ-13-015/H-2015-0018 (Inst. #114045759, 1st Addendum #2016-073497, 2nd Addendum #2017-113747); Ten Mile Center – AZ-14-001 (Inst. #2014-065514); Calnon Properties – H-2015-0017 (Inst. 2016-030845); and Bainbridge Franklin – H-2018-0057 (Inst. #2019-077071)]

B. Community Metrics

Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	Yes	
• Requires ACHD Commission Action (yes/no)	No A full Traffic Impact Study (TIS) was not required.	
• Existing Conditions	Abutting roadways (Ten Mile & Franklin Rds.) are fully improved; Wayfinder with detached sidewalks exists between Franklin and Vanguard; Cobalt with detached sidewalk on the north side of the road exists from Wayfinder to the east boundary of TM Creek East Apartments	
• CIP/IFYWP	<ul style="list-style-type: none"> <li>Linder Road is scheduled in the IFYWP to be widened to 5-lanes from Franklin Road to Pine Avenue in 2020. The project includes Bridge #1120.</li> <li>Linder Road is scheduled in the IFYWP to be widened to 5-lanes from Overland Road to Franklin Road and will include a new 4-lane I-84 overpass.</li> <li>The intersection of Linder Road and Franklin Road is listed in the CIP to be widened to 6-lanes on the north leg, 6-lanes on the south, 7-lanes east, and 7-lanes on the west leg, and signalized between 2021 and 2025.</li> </ul>	

Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	One collector street access (S. New Market Ave.) and two (2) driveway accesses are proposed via Franklin Rd.	
Traffic Level of Service Stub	Better than “D” – Franklin & Ten Mile Roads (acceptable LOS is “E”) Cobalt Dr. is proposed to stub to the east for future extension.	
Street/Interconnectivity/ Cross Access		
Existing Road Network	Ten Mile and Franklin Roads exist along the west and north boundaries of this site; Wayfinder exists from Franklin Rd. to Vanguard; Cobalt extends from Ten Mile Rd. to midway between Wayfinder and New Market/Benchmark.	
Existing Arterial Sidewalks / Buffers	A detached sidewalk exists along Franklin, some buffers; an existing asphalt pathway exists along Ten Mile, some buffers	
Proposed Road Improvements	No improvements are proposed to adjacent roadways (Ten Mile & Franklin)	
Fire Service		
• Distance to Fire Station	1.7 miles – Fire Station #2	
• Fire Response Time	Falls within 5-minute response time	

• Resource Reliability	76% for Fire Station #2 – does <i>not</i> meet the target goal of 80% or greater	
• Risk Identification	Risk factor of 4 – current resources would <i>not</i> be adequate to supply service to this project (see comments in Section VIII.C)	
• Accessibility	Project meets all required access, road widths and turnarounds	
• Special/resource needs	An aerial device is required; the closest truck company is 6 minutes travel time (under ideal conditions) – Fire Dept. can meet this need in the required timeframe if required.	
• Water Supply	Requires 1,500 gallons per minute for 2 hours; may be less if building is fully sprinklered, which all are proposed to be	
• Other Resources	NA	

Police Service

• Distance to Police Station	4 miles	
• Police Response Time	3.5 minutes	
• Calls for Service	577 within a mile of site (3/1/2019 – 2/29/2020)	
• Accessibility	No concerns with the proposed access	
• Specialty/resource needs	No additional resources are required at this time; the PD already services the area	
• Crimes	67 within a mile of site (3/1/2019 – 2/29/2020)	
• Crashes	25 within a mile of site (3/1/2019 – 2/29/2020)	

West Ada School District

Joint School District No. 2 (dba West Ada School District) has experienced significant and sustained growth in student enrollment during the last ten years. Many of our schools throughout the district are operating at or above capacity. Based on U.S. census data, we can predict that these homes, when completed, will house **380 (= # homes x 0.8 per census data) school aged children**. Approval of the **TM Center** will affect enrollments at the following schools in West Ada District:

	<u>Enrollment</u>	<u>Capacity</u>	<u>Miles</u> <small>(Dev. to School)</small>
Peregrine Elementary	526	650	1.9
Meridian Middle School	1285	1250	2.7
Meridian High School	2126	2400	1.5

Due to the abundant amount of growth in the area, West Ada is actively building new schools, and boundaries are always changing. These future students could potentially attend Owyhee High School.

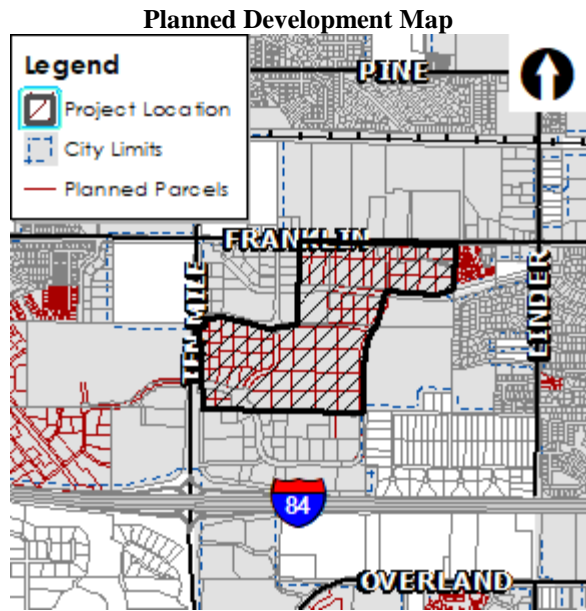
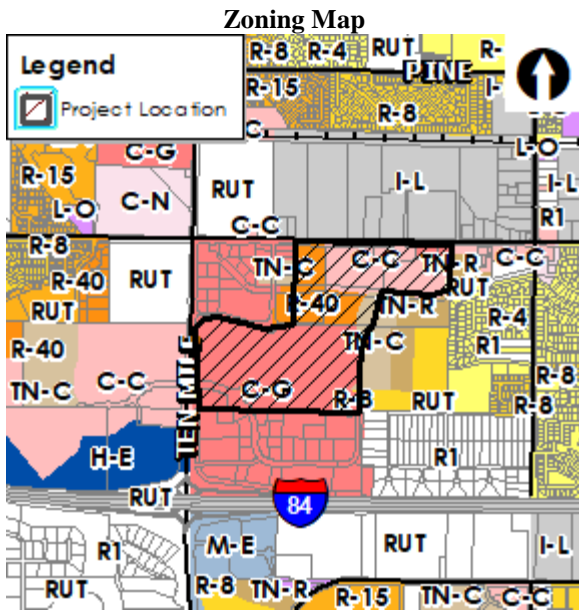
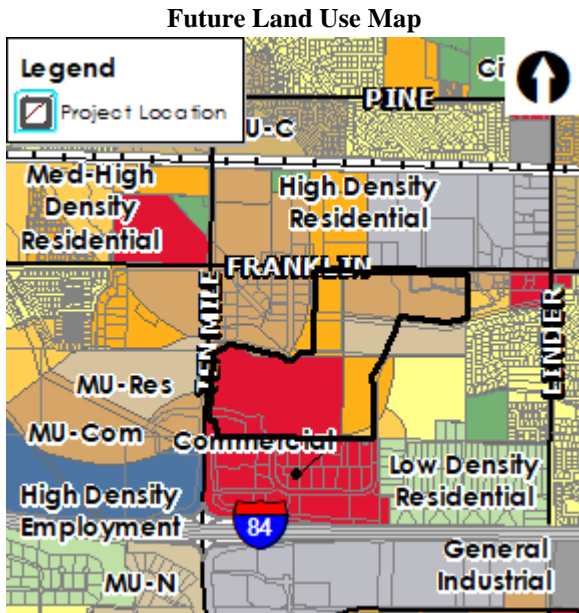
Wastewater		
• Distance to Sewer Services	Directly adjacent	
• Sewer Shed	South Black Cat Trunk shed	
• Estimated Project Sewer ERU's	See application	
• WRRF Declining Balance	13.96	
• Project Consistent with WW Master Plan/Facility Plan	Yes	
• Impacts/Concerns	The current sewer configuration submitted with this application, depicts at intersection of Colbalt and New Market Avenue, flow being enabled to go in either the north or the west direction. This needs to be corrected so flow only goes in one direction. Based on conversations with applicant 8" sewer line on Cobalt will not connect to manhole at intersection.	

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Water		
• Distance to Water Services	Directly adjacent	
• Pressure Zone	2	
• Estimated Project Water ERU's	See application	
• Water Quality Concerns	This development will result in a long dead-end water main which may result in poor water quality. Connecting to the south will eliminate this dead-end and correct this problem.	
• Project Consistent with Water Master Plan	Yes	
• Impacts/Concerns	<ul style="list-style-type: none"> <li>• To alleviate the water quality issues, this development must extend the proposed 12" water main south to connect into the existing water main in S New Market Ave (TM Crossing No 4).</li> <li>• Make sure to tie into the existing 12" water stub in Vanguard (between lots 6 &amp; 25, block 1)</li> </ul>	



C. Project Maps (Preliminary Plat Boundary)



III. APPLICANT INFORMATION

A. Applicant:

Michael Wardle, Brighton Development – 2929 W. Navigator Dr. #400, Meridian, ID 83642

B. Owners:

SCS Brighton, LLC – 2929 W. Navigator Dr. #400, Meridian, ID 83642

SCS Brighton II, LLC – 2929 W. Navigator Dr., #400, Meridian, ID 83642

- DWT Investments, LLC – 2929 W. Navigator Dr., #400, Meridian, ID 83642
- SCS Investments, Inc. – 2929 W. Navigator Dr., #400, Meridian, ID 83642
- SCS Investments, LLC – 2929 W. Navigator Dr., #400, Meridian, ID 83642
- SCS TM Creek, LLC – 2929 W. Navigator Dr., #400, Meridian, ID 83642
- Brighton Land Holdings, LLC – 2929 W. Navigator Dr., #400, Meridian, ID 83642

C. Representative:  
 Same as Applicant

**IV. NOTICING**

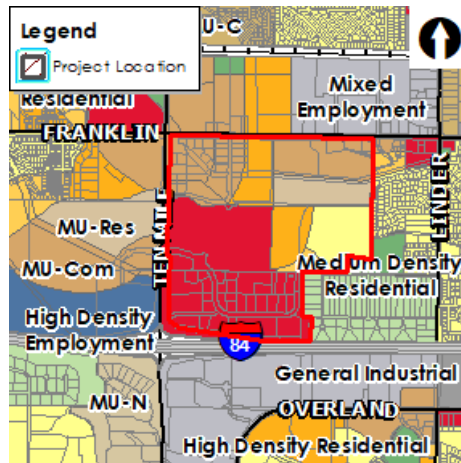
	<b>Planning &amp; Zoning Posting Date</b>	<b>City Council Posting Date</b>
Newspaper notification published in newspaper	2/26/2021	
Radius notification mailed to property owners within 300 feet	2/23/2021	
Public hearing notice sign posted on site	3/4/2021	
Nextdoor posting	2/25/2021	

**V. COMPREHENSIVE PLAN ANALYSIS**

*No changes are proposed to the Future Land Use Map (FLUM) or text of the Comprehensive Plan or the Ten Mile Interchange Specific Area Plan (TMISAP).*

**LAND USE:**

Approximately half of the property subject to the proposed new Development Agreement (DA) is designated on the Future Land Use Map in the [Comprehensive Plan](#) as Commercial with some Medium Density Residential (MDR), Medium High Density Residential (MHDR), High Density Residential (HDR), Mixed Use Residential (MU-RES) and Mixed Use Commercial (MU-COM) [see pg. 111 (D-1), Appendix D]. Development of this area is governed by the Ten Mile Interchange Specific Area Plan ([TMISAP](#)) and existing DA's. See pages 3-5 thru 3-9 in the *TMISAP* for more information on these specific land use designations.



Since the adoption of the TMISAP in 2007, there have been substantial changes to the FLUM in this area. In 2012, an amendment to the map was approved for TM Crossing (CPAM-12-001) that changed 30.5-acres of land from Lifestyle Center (LC), 8.5-acres from Medium High Density Residential (MHDR) and 40-acres from High Density Employment (HDE) to Commercial with C-G zoning to accommodate a range of uses including office/professional, hospitality and large & small retailers. A market analysis provided by the Applicant at the time deemed another lifestyle center in addition to The Village at Meridian wasn't feasible in such close proximity. Although future development wouldn't be held to the mixed-use guidelines of the Plan, future development was required to comply with the design goals of the Plan through the DA to ensure consistency with the Plan and the overall area. This area has developed with several multi-story professional office and medical office buildings and is still in the development process. *Note: The Commercial land use designation is a FLUM designation in the Comprehensive Plan but not in the TMISAP; therefore, there are no specific design guidelines in the Plan for this designation.*

In 2015, an amendment to the FLUM was approved for Calnon (H-2015-0017) that changed the FLUM designation on 40.06-acres from Medium High Density Residential (MHDR) & High Density Residential (HDR) to Mixed Use Commercial (MU-COM) and 15.49-acres from Medium Density Residential (MDR), MHDR and High Density Residential (HDR) to Mixed Use Residential (MU-RES). In the absence of a development plan, a conceptual use plan was approved with the DA for retail, office and service commercial uses within the MU-COM area and office/medium high-density residential uses in the MU-RES area to ensure a mix of uses is provided in this area consistent with the underlying FLUM designations. No development has occurred yet in this area.

Most recently in 2019 with the new Comprehensive Plan (Res. #19-2179), the FLUM designation on approximately 62 acres of land on the western half of the Ten Mile Center (aka Treasure Valley Investments) property was changed from Lifestyle Center (LC) to Commercial based on the finding in the previous market analysis that another lifestyle center couldn't be supported in such close proximity to The Village. No development has occurred yet in this area.

Conceptual development/use/roadway alignment plans were previously approved with DA's for the land proposed to be governed by one overall new DA that currently govern future development of these areas.

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#### TRANSPORTATION:

No road improvements are planned adjacent to this site as Ten Mile Rd. is fully improved with 5-travel lanes, curb, gutter and a 7' wide attached temporary asphalt pathway; and Franklin Rd. is fully improved with 5-travel lanes with curb, gutter and 5-foot wide attached sidewalk abutting the site. A traffic signal exists at the S. Vanguard Way/S. Ten Mile Rd. intersection and a signal has been installed through the poles at the W. Franklin Rd./S. Wayfinder Way intersection – ACHD will hang the mast arms when warranted. Conduit was also installed at the New Market Ave. (Benchmark)/Franklin Rd. intersection with the Franklin Road widening project to accommodate installation of a future signal which is required to be constructed through the signal poles and luminaires prior to signature on the final plat. When ACHD determines it's warranted in the future, the District will complete installation of the signal and put it into operation.

Construction plans for the extension of S. Wayfinder Ave. between the two roundabouts within the proposed plat were approved by ACHD on May 26, 2020 outside of the subdivision process and the street and detached sidewalks have been constructed. **The plans were approved by the City Land Development Division for consistency with City standards pertaining to extension of water & sanitary sewer main lines and street lights but were *not* reviewed or approved by the Planning**

**Division and do not comply with the design guidelines for that street section (i.e. “E”) as designated on the Street Section Map in the Plan and as required in the existing DA for Ten Mile Center (see Street Design below for more information).**

Construction plans for the extension of W. Cobalt Ave. from the Wayfinder roundabout to the east edge of the Ten Mile Creek East Apartment project (midway between Wayfinder and New Market/Benchmark) were approved by ACHD with that project *also* outside of the subdivision process and the street and detached sidewalk on the north side has been constructed. **These plans were also not reviewed or approved by the Planning Division and don’t comply with the street section [i.e. “E” (or “D”)] desired in the TMISAP for the east/west collector street connection between Wayfinder and New Market/Benchmark, albeit further to the south (see Street Design below for more information).**

Approval of S. New Market Ave./Benchmark from Franklin to the south boundary of the site is requested with the proposed preliminary plat. **The existing DA for Ten Mile Center requires streets to be constructed consistent with the applicable street section (i.e. “D”) as shown on the Street Section Map in the TMISAP (see Street Design below for more information).**

**Street Network (3-17):** The Transportation System Map (TSM) included in the [TMISAP](#) (pg. 3-18, shown below) depicts collector streets through this site connecting to existing and future collector streets to the north and south. These street locations coincide with the town center collector streets depicted on the [Master Street Map](#) (MSM). Roundabouts are also depicted on the TSM at the Cobalt/Wayfinder and Vanguard/Wayfinder intersections, which have been constructed.



Two (2) north/south collector streets (S. Wayfinder Way and S. New Market Ave./Benchmark) are depicted on the plat in locations consistent with the TSM and the MSM; Wayfinder was recently constructed. An east/west collector street is not proposed along the southern boundary of the site because a local street (W. Navigator Dr.) was constructed further to the south with development of the adjacent TM Crossing subdivision, which was deemed to meet the intent of the Map and provide the desired east/west connection. An east/west collector street (W. Cobalt Dr.) is proposed and partially constructed through the middle of this site for a connection between Ten Mile and New Market/Benchmark that is not depicted on the TSM or the MSM, which provides more needed connectivity in this area.

**Access Control (3-17):** In order to move traffic efficiently through the Ten Mile Area and optimize performance of streets, direct access via arterial streets is prohibited except for collector street connections. Access to arterial streets should occur via the collector road system. Wayfinder, Cobalt, Vanguard and New Market/Benchmark are all collector streets that provide access via the abutting arterial streets (Ten Mile & Franklin).

**Two (2) driveway accesses via Franklin Rd. are depicted on the plat – one to the east and one to the west of New Market/Benchmark on Lot 4, Block 3 and Lot 4, Block 4. The conceptual**

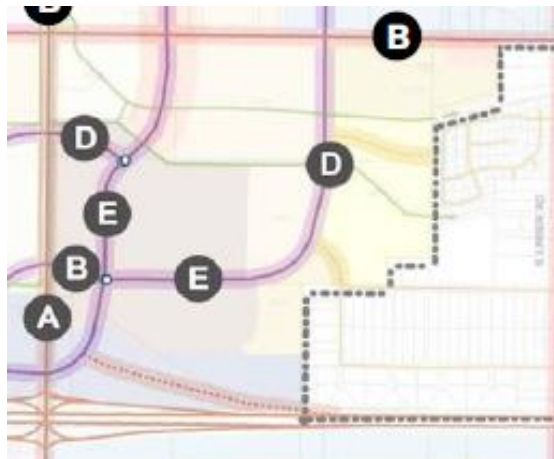
development plan included in the DA for the Bainbridge Franklin property depicts the eastern driveway access via Franklin; however, the Applicant states this property is no longer planned to develop in that manner. ACHD has *not* approved either of these accesses and is requiring a traffic analysis be submitted to demonstrate additional driveways are necessary to serve the site. The UDC's (11-3A-3) intention is to improve safety by combining and/or limiting access points to arterial streets to ensure motorists can safely enter all streets. **City Council should determine if a waiver to the standards in UDC 11-3A-3 is appropriate for the proposed driveway accesses in the absence of a conceptual development plan for this area.** These accesses are prohibited unless specifically approved by the City and ACHD.

**Complete Streets (3-19):** Streets should be designed to serve all users – motorists, bus riders, bicyclists, and pedestrians, including people with disabilities. Bicycling and walking facilities should be incorporated into all streets unless exceptional circumstances exist such as roads where bicyclists or pedestrians are prohibited by law, where the costs are excessive, or where there is clearly no need. **The following are features that should be considered as a starting point for each street: sidewalks, bike lanes, wide shoulders, crosswalks, refuge medians, bus pullouts, special bus lanes, raised crosswalks, audible pedestrian signals, sidewalk bulb-outs, street furnishings and on-street parking.**

The street sections depicted on the plat, some of which have already been constructed, incorporate detached sidewalks/pathways, planter strips and bike lanes along all streets; however, many of the other desired elements are not being provided which are integral to the Ten Mile area and the multi-modal options envisioned by the Plan. A VRT bus stop exists at the northwest corner of Vanguard/Wayfinder; other bus stops are anticipated within the development. **The Applicant should address at the public hearing (or in writing prior to the hearing) what other design features are planned for internal public streets within this development.**

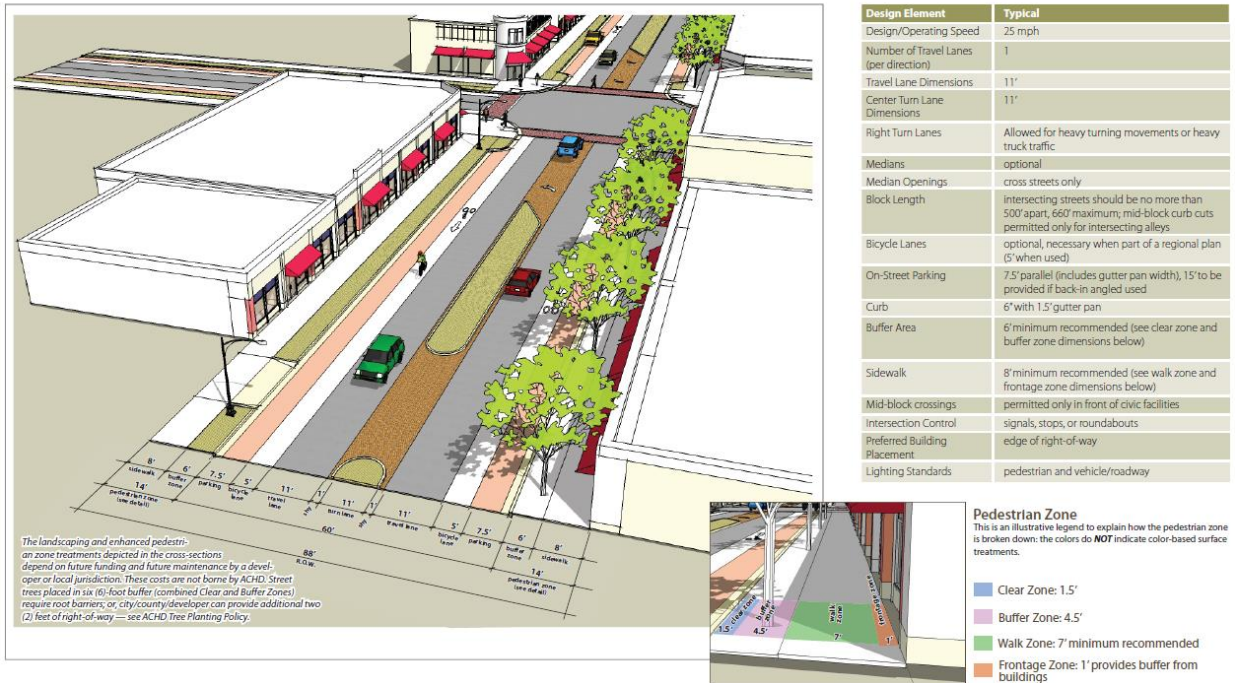
**Street Design (3-20):** The TMISAP includes several street section types for specific uses and conditions based on projected vehicular and pedestrian usage, desired parking conditions, specific physical conditions, public emergency access, and streetscape character. Streets within the Ten Mile area should be designed and sized to optimize pedestrian comfort and to facilitate slow-moving traffic. It's desirable that lanes on streets be 11 feet in width with the exception of those lanes closest to the intersections with Franklin and Ten Mile Roads which can increase to 12 feet from the point of the intersection with the arterial street to the point of the intersection with another street or access point.

The Street Section Map (SSM) contained in the [TMISAP](#) (pg. 3-22, shown below) depicts specific street section classifications for each of the streets shown on the TSM based on the criteria noted above for the area. These classifications have both a functional and a design-related classification to balance the design considerations for pedestrians and motorists.



The Master Street Map (MSM) guides the right-of-way (ROW) acquisition, collector street requirements and specific roadway features required through development. The MSM designates the collector streets within this site as town center collectors, which are recommended to have (2) travel lanes with a center turn lane, bicycle lanes and on-street parallel parking (if appropriate) within a 60-foot wide street section, a 6-foot wide buffer zone and an 8-foot wide sidewalk within 88 feet of right-of-way (see ACHD’s [Livable Street Design Guide](#) pg. 21, shown below). **The ACHD report states the previously approved street section for Wayfinder & the proposed street section for New Market/Benchmark meet District policy and are consistent with the TMISAP and Town Center Collector street typology as proposed without on-street parking and is approved. However, these street sections are not consistent with the applicable street sections in the TMISAP in that they don’t have on-street parking and have reduced pedestrian walkways and/or buffers.**

**2.6 STREET DESIGN: TOWN CENTER COLLECTOR**

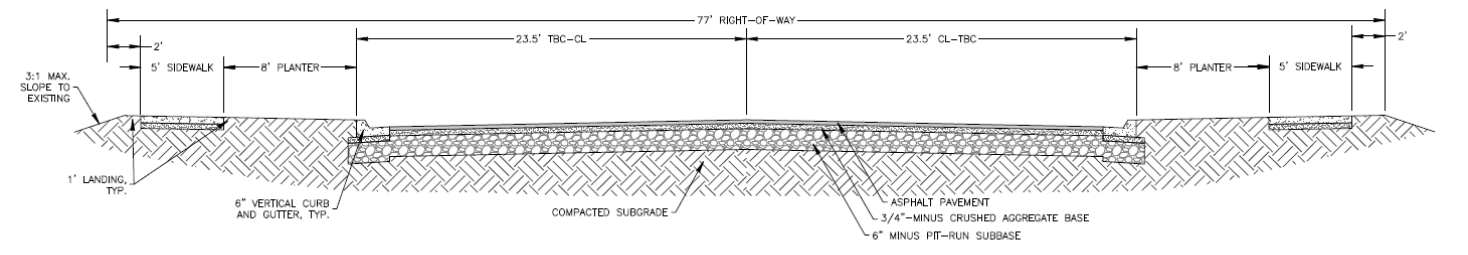
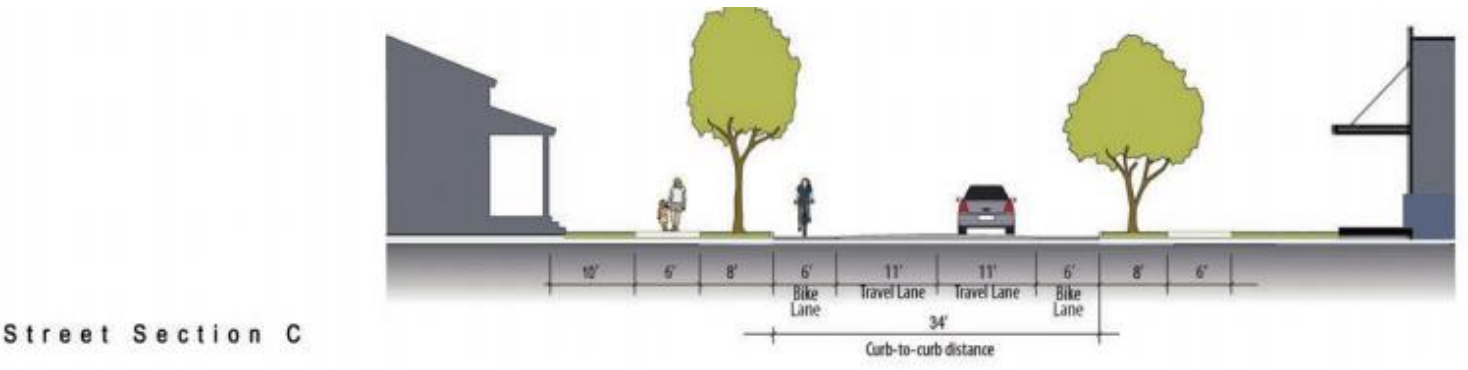
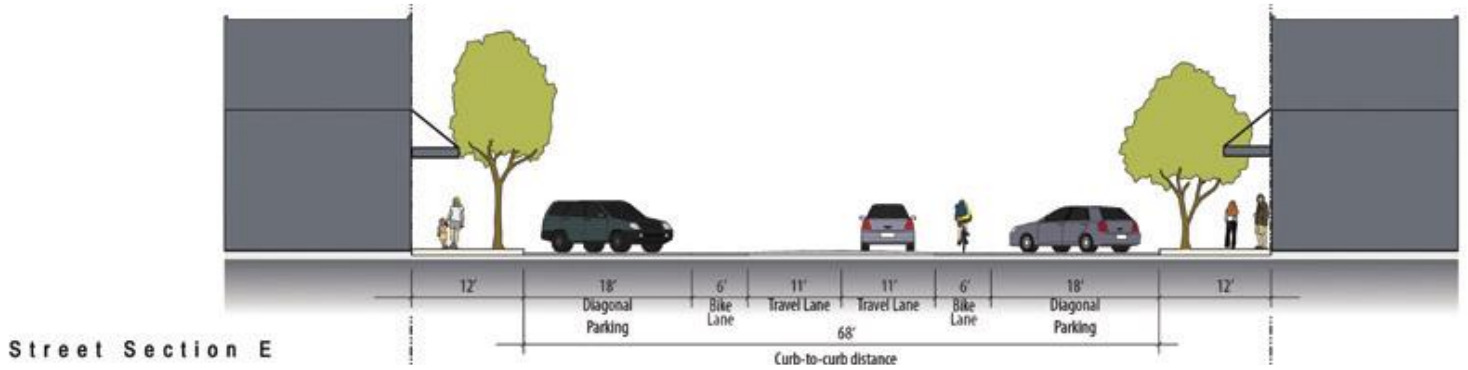


The western north/south collector street, proposed as S. Wayfinder Ave., designated as “E” (minor collector street), extends from a future signalized intersection at W. Franklin Road to the south to Vanguard. The portion north of Cobalt was approved with TM Creek subdivision. **Per the Map and as required by the existing DA for Ten Mile Center, this street should have been constructed per the guidelines for Street Section E shown below with two (2) travel lanes, bike lanes, diagonal parking and 12’ sidewalks with trees in wells (see pgs. 3-21 & 3-23 in the TMISAP). However, the street section approved by ACHD and constructed is a standard street section with (2) travel lanes, a center turn lane, bike lanes, 8-foot wide planter strips, a 5-foot wide detached sidewalk on the west side and an 8-foot wide pathway on the east side with no on-street parking, similar to that of major collector street (i.e. Street Section C, shown below) (see street section from the proposed plat and detail from the proposed design guidelines below). Because of the changes to the FLUM in this area from LC to Commercial and this street providing access to the employment uses to the south, which will likely result in a higher traffic volumes, Staff is in general support of the design as constructed. Minor collector streets in the Plan differ from the MSM’s town center collector street in that they don’t have a center turn lane and have diagonal instead of parallel parking.**

Minor collector streets serve as the primary retail streets and are pedestrian-oriented and defined by street-level storefronts. Buildings are built to 12-foot wide sidewalks with street trees in wells and

pedestrian-scale lighting. A 5-foot wide dry-utilities corridor should be provided along both sides of the street curb; both wet utilities may be located in the street; and streetlights should be placed in the dry utilities corridor on either side of the street.

Major collector streets provide access from adjacent arterial streets into the employment areas. Buildings on these streets are set back from the street as some distance generally behind a detached sidewalk. The sidewalk may be widened in some cases to extend to the front of commercial retail or higher density residential buildings.



**STREET SECTION: S. WAYFINDER AVE.**  
SCALE: NTS

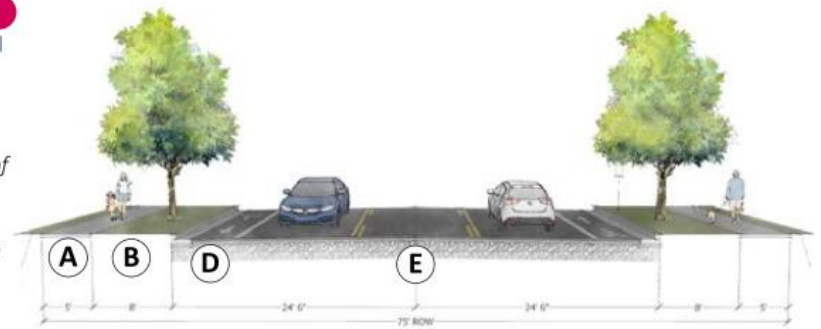
### Typical Street Sections

Typology

Label	Physical Characteristics
<b>A</b>	Sidewalk: 5' to 8'
<b>B</b>	Tree Lawn: 8' to 10'
<b>C</b>	Tree Grate
<b>D</b>	Bicycle Lane
<b>E</b>	Two-Way Left Turn Lane
<b>F</b>	Center Landscaped Median
<b>G</b>	Parallel Parking

**Figure 7.3**  
 Typical Commercial Street Section, Two-Lane + Turn Lane + Bike Lanes

- **Navigator**, east of Vanguard
- **Cobalt**
- **New Market**
- **Wayfinder**, south of Tenmile Creek to Vanguard

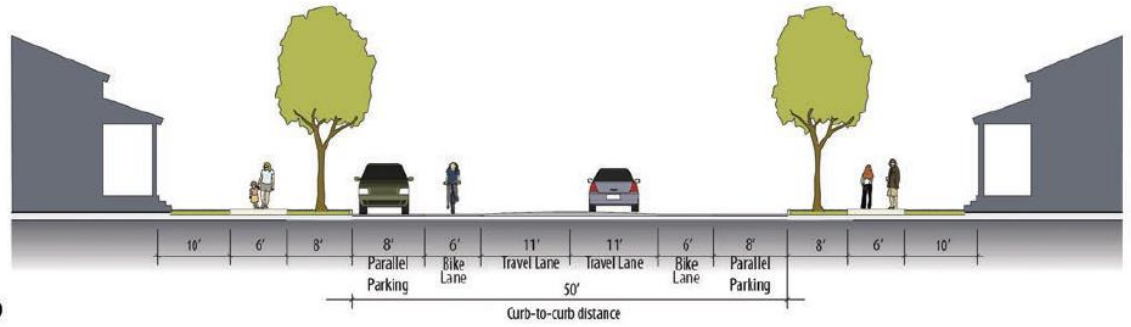


The eastern north/south collector street proposed as S. New Market Ave./Benchmark Ave., designated as “D” (residential collector street), will extend from Franklin Rd. to the south boundary of the site and connect to Navigator Dr. in the TM Crossing project. **This street should be constructed in accord with the guidelines for Street Section D shown below with two (2) travel lanes, bike lanes, parallel on-street parking (if allowed by ACHD), 8’ tree-lined parkways and detached sidewalks per the TMISAP and as required by the existing DA’s for Ten Mile Center and Calnon (see pgs. 3-21 & 3-23 in the TMISAP).**

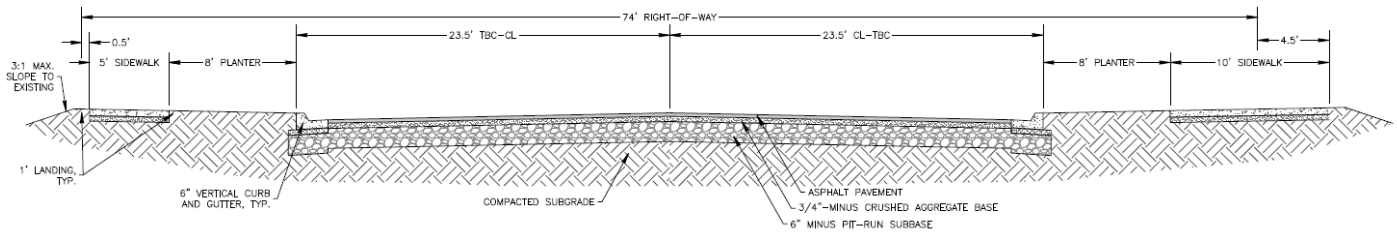
The street section from the proposed plat and a detail from the proposed design guidelines shown below differ from a residential collector street in that there is a center turn lane, wider travel lanes and no on-street parking. ACHD has approved the proposed design; however, Staff does *not* support the proposed design as it’s not consistent with the TMISAP and the existing DA’s and therefore, recommends revisions consistent with Street Section D below with on-street parking. ACHD will have to review and approve revised street sections if changes are required to the proposed design – although on-street parking is desired and recommended, ACHD will need to review and determine if it’s safe to provide. *Staff discussed the discrepancies between the proposed plat and the town center collector in the MSM and Street Section D with ACHD and was told that although the Livable Street Design Guide allows for parking on a collector street it isn’t always appropriate in all locations – because we don’t know the end users for lots adjacent to these streets (a conceptual development plan or use plan wasn’t submitted) it’s difficult to determine if on-street parking will be appropriate. Residential collector streets in the Plan differ from the MSM’s town center collector street in that they don’t have a center turn lane and have a wider buffer zone.*

Residential collector streets serve the local access needs of residential, live/work, and commercial activities within a residential neighborhood or mixed-use residential area. Buildings on these streets should have limited setbacks behind the sidewalk and a tree lawn should be provided. On-street parking is allowed. A 5-foot dry utilities corridor should be provided along both sides of the street curb; both wet utilities may be located in the street; and streetlights should be placed in the dry utilities corridor on either side of the street.





Street Section D



STREET SECTION: S. NEW MARKET AVE.

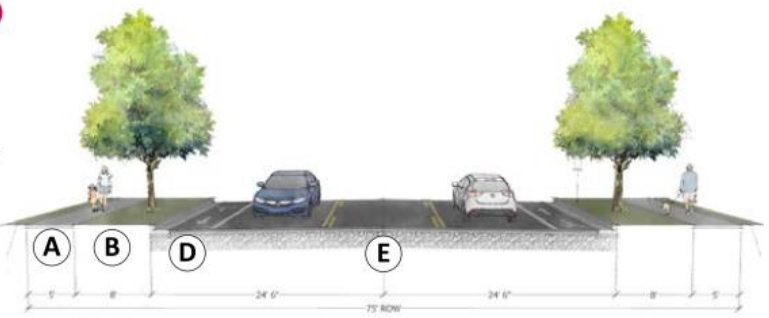
Typical Street Sections

Typology

Label	Physical Characteristics
(A)	Sidewalk: 5' to 8'
(B)	Tree Lawn: 8' to 10'
(C)	Tree Grate
(D)	Bicycle Lane
(E)	Two-Way Left Turn Lane
(F)	Center Landscaped Median
(G)	Parallel Parking

Figure 7.3 Typical Commercial Street Section, Two-Lane + Turn Lane + Bike Lanes

- Navigator, east of Vanguard
- Cobalt
- New Market
- Wayfinder, south of Tennile Creek to Vanguard

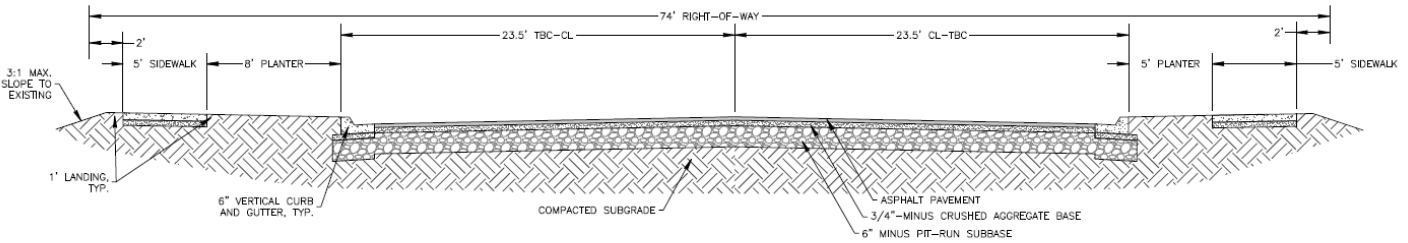
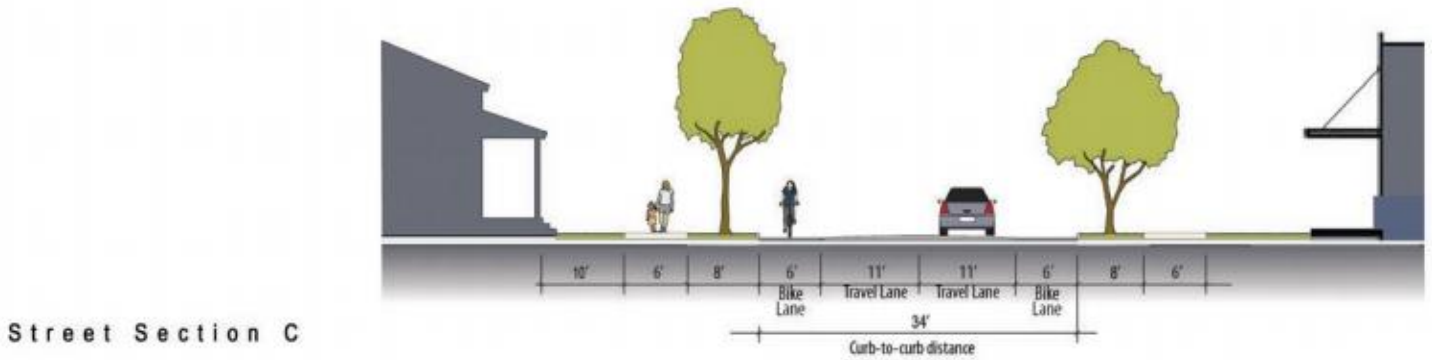


Neither the SSM shown above, nor the MSM, depicts an east/west collector where W. Cobalt Dr. is proposed to extend between Wayfinder and New Market although it does depict such further to the south in alignment with the access via Ten Mile Rd. along the southern boundary of this site which was actually constructed further to the south (i.e. Navigator Dr.) as discussed above. This southern section is designated as a minor collector street (“E”) on the Street Section Map in the TMISAP and as a town center collector on the MSM. The portion of Cobalt west of Wayfinder is designated as a residential collector street (Street Section D) but was approved to be constructed as a major collector street closely aligning with Street Section C due to residential uses not being planned at that time in that area – since that time, the development plan changed and multi-family residential uses have been constructed along the north side of the street, east of S. Innovation Ln.

The extension of Cobalt will provide a connection from Ten Mile between Wayfinder and New Market/Benchmark, which Staff believes provides much needed connectivity in this area. Residential

uses exist and are planned on the north side of this street between Wayfinder and New Market/Benchmark with future commercial uses likely on the south side. The section of this street east of TM Creek East Apartments has not yet been constructed but the design has been approved by ACHD with the subject plat. Staff is amenable to the proposed design consistent with that constructed to the west.

Street Section C, the street section from the plat and a detail from the proposed design guidelines are shown below. The western portion of Cobalt in front of the TM Creek East apartments project was previously approved as part of ACHD’s action on that project and has been constructed.



STREET SECTION: W. COBALT DR.

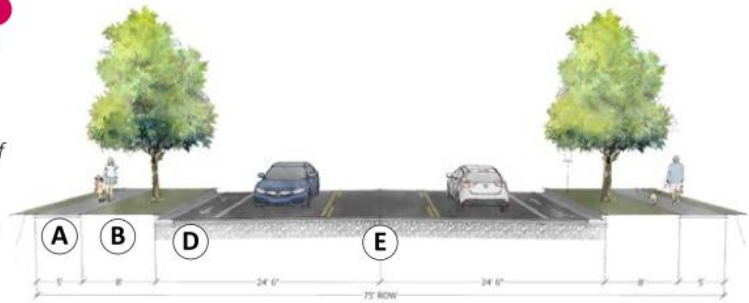
**Typical Street Sections**

Typology

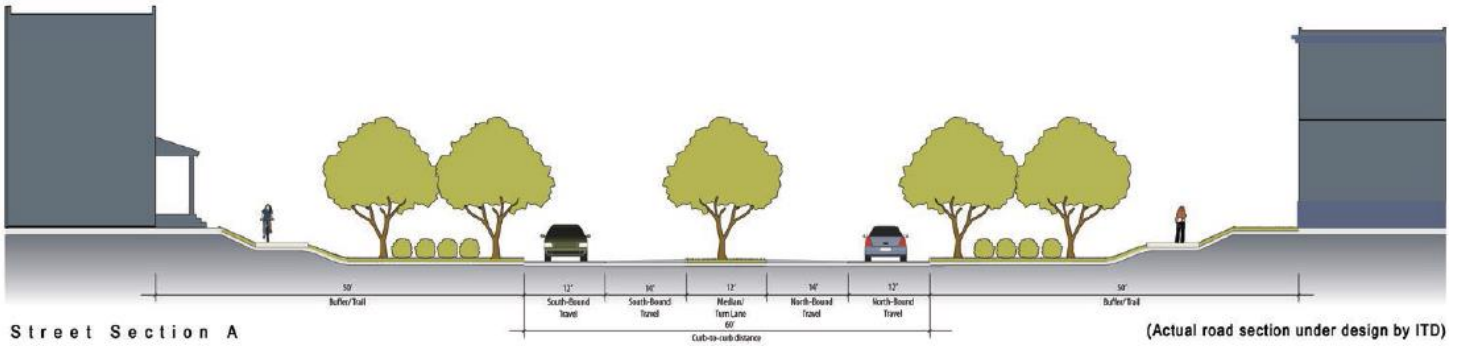
Label	Physical Characteristics
(A)	Sidewalk: 5' to 8'
(B)	Tree Lawn: 8' to 10'
(C)	Tree Grate
(D)	Bicycle Lane
(E)	Two-Way Left Turn Lane
(F)	Center Landscaped Median
(G)	Parallel Parking

**Figure 7.3**  
Typical Commercial Street Section, Two-Lane + Turn Lane + Bike Lanes

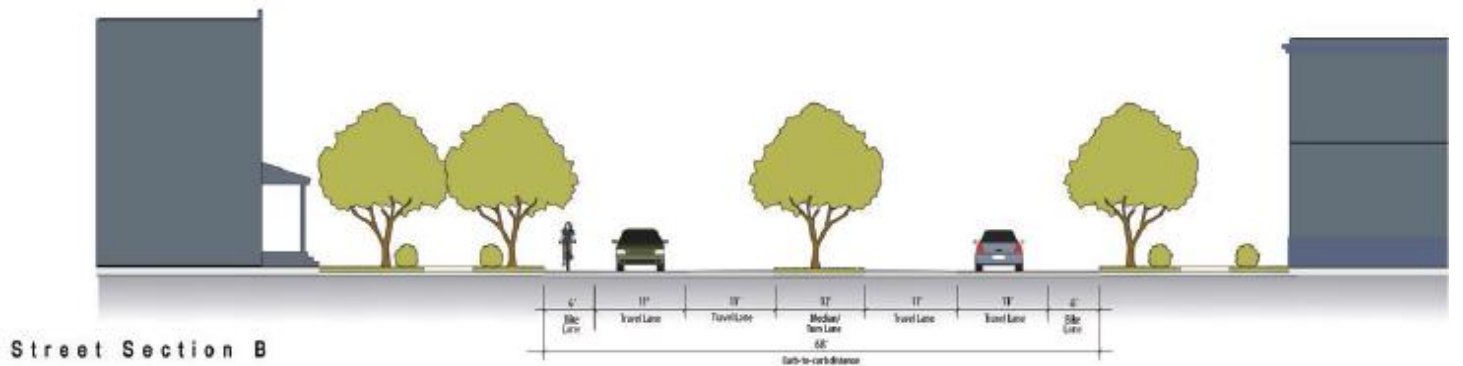
- **Navigator**, east of Vanguard
- **Cobalt**
- **New Market**
- **Wayfinder**, south of Tenmile Creek to Vanguard



South Ten Mile Rd., an existing arterial street along the west boundary of the site, is designated as a modified 4-lane parkway (“A”) on the Street Section Map. **Buildings should address the street but be set back some distance from the roadway to provide security to the pedestrians and bikes and a wide tree lawn and detached trail should be provided as shown on Street Section A below. Streetlights should be located in the tree lawn area and should be of a pedestrian scale. Dry utilities should be located back of the curb in the dry utilities corridor.**



West Franklin Rd., an existing arterial street along the north boundary of the site, is designated as a typical 4-lane parkway (“B”) on the Street Section Map. **Buildings should address the street but be set back some distance from the roadway edge to provide for a tree lawn and detached sidewalk to provide security to the pedestrian as shown on Street Section B below. Streetlights should be located in the tree lawn area and be of a pedestrian scale. Dry utilities should be located back of the curb in the dry utilities corridor.**



**Streetscape (3-25):** All streets should include street trees within the right-of-way. The proposed development incorporates tree-lined streets with detached sidewalks throughout consistent with the Plan.

**Public Art (3-47):** Public art with a high quality of design should be incorporated into the design of streetscapes. No public art is proposed. **Staff recommends public art is provided in the streetscape and within the development in accord with the guidelines in the TMISAP.**

**Public transit (3-25) –** Commercial and employment activity centers need access by multiple modes of transportation and should be pedestrian and transit friendly. Public transit is also important component of

residential developments as it effectively decreases parking needs by reducing the number of cars needed for residents.

Transit stops should be designed with shelters for weather protection to patrons; the design of such should be coordinated between the City, VRT and ACHD ensuring architectural consistency with the general theme of the activity center. Transit locations should include pedestrian amenities such as landscaping, pedestrian and landscape lighting, benches and trash receptacles consistent with the design and location of the shelter.

Valley Regional Transit (VRT) currently has an intermediate stop at Ten Mile Crossing in its Boise-Nampa service. As the project's employment and residential population grows and more of the internal street systems are completed, the opportunity for expanded transit service will also grow. A bus stop has been provided at the northwest corner of the Vanguard/Wayfinder roundabout in Ten Mile Crossing; more bus stops are anticipated as the businesses and residential population in this area increases. In April 2020, the VRT Board approved a new fixed-route connecting The Village at Meridian and Ten Mile Crossing, which is anticipated to begin service in early 2021. **The Applicant's narrative states they will continue to work with VRT on additional bus stop locations in future phases of development as the public transportation system expands. These plans should be shared with the City with each subsequent final plat phase.**

#### DESIGN:

Development of the area governed by the Plan is required to incorporate design guidelines consistent with those in the Plan as outlined in the Application of the Design Elements table (3-49). These guidelines apply to Architecture and Heritage (3-32), Street Oriented Design (3-33), Buildings to Scale (3-34), Gateways (3-35), Neighborhood Design (3-36), Building Form & Character (3-37), Building Details (3-41), Signs (3-46) and Public Art (3-47).

The Applicant proposes alternate [design guidelines](#) with this application to supersede those in the Plan. These guidelines are proposed to govern site design and development; landscape and hardscape; architectural design for commercial, mixed-use and multi-family residential structures; signage; and streets and pathways. A text amendment is not proposed to the Plan to exclude this area from the design guidelines in the Plan as recommended by Staff. *See Analysis below in Section VI for more information.*

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

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

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

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

*Pathways are proposed throughout the development along at least one side of internal public streets as shown on the pathways plan in Section VIII.F. A pathway is planned with future development to the school site to the east for connectivity and a safe route to the school. A multi-use pathway is*

*proposed within the Ten Mile Creek corridor as an amenity in accord with the Pathways Master Plan.*

- “Improve and protect creeks and other natural waterways throughout commercial, industrial and residential areas.” (4.05.01D)

*The Ten Mile creek runs east/west through this site and is proposed to be improved as an amenity corridor with a multi-use pathway.*

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

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

- “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)

*Collector streets are proposed consistent with the MSM.*

- “Provide pathways, crosswalks, traffic signals and other improvements that encourage safe, physical activity for pedestrians and bicyclists.” (5.01.01B)

*Pathways are proposed within the development per the pathways plan in Section VIII.F. Crosswalks, audible pedestrian signals and other improvements to encourage safety should be considered and provided as appropriate for pedestrians and bicyclists.*

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

*Urban sewer and water infrastructure and curb, gutter and sidewalks is required to be provided with development as proposed.*

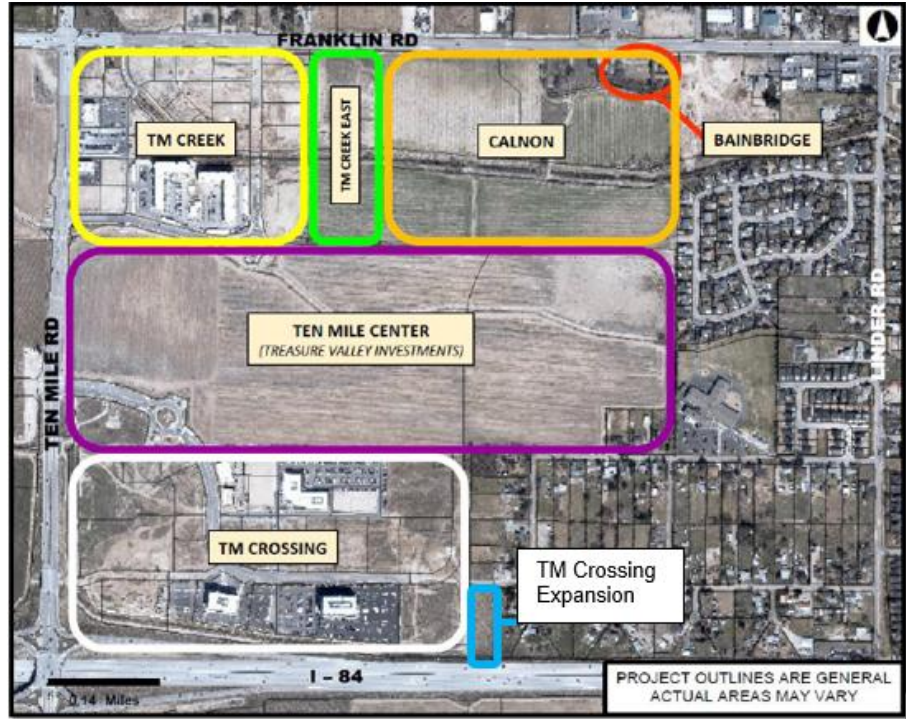
## VI. STAFF ANALYSIS

### A. DEVELOPMENT AGREEMENT MODIFICATION (MDA)

A modification is proposed to terminate all existing Development Agreements (DA’s) in the Ten Mile Crossing development area in favor of one new master agreement to govern future development of the overall area. The existing DA’s proposed to be replaced by the new agreement are as follows (links to the agreements are included):

- TM Crossing – AZ-12-005 (Inst. #[114002254](#)), 1st Addendum H-2016-0054 (Inst. #[2016-062220](#)), 2nd Addendum H-2017-0027 (Inst. #[2017-051907](#));
- TM Crossing Expansion – H-2018-0122 (Inst. #[2019-011700](#));
- TM Creek/TM Creek East – AZ-13-015 (Inst. #[114045759](#)), 1st Addendum TM Creek East H-2015-0018 (Inst. #[2016-037777](#)), TM Creek Addendum H-2016-0067 (Inst. #[2016-073497](#)), TM Creek 2nd Addendum H-2017-0124 #[2017-113747](#));
- Ten Mile Center (aka Treasure Valley Investments) – AZ-14-001 (Inst. #[2014-065514](#));
- Calnon Properties – H-2015-0017 (Inst. [2016-030845](#)); and,
- Bainbridge Franklin – H-2018-0057 (Inst. #[2019-077071](#))

The map below depicts the locations and land area governed by these agreements.



These agreements include a variety of provisions for development, including standard UDC requirements and provisions specific to each development – some of which have already been complied with, and conceptual development plans demonstrating how the property was proposed to develop – future development is required to generally comply with those plans. All of these developments were required to comply with the various guidelines and design elements in the TMISAP.

Staff has reviewed these agreements and included pertinent provisions from them in the new DA; many of the standard UDC requirements have been removed along with provisions that have already been complied with (see recommended DA provisions in Section IX.A.1). Provisions for development of the overall Ten Mile Crossing area governed by this DA are included as well as specific provisions for each annexation area; a map is included that depicts the boundaries of these areas.

The proposed DA modification also includes a request for adoption of project-specific *design guidelines* through the DA to supersede those in the *Ten Mile Interchange Specific Area Plan* (TMISAP) for the overall Ten Mile Crossing development area referred to as the Ten Mile Crossing Design (TMCD) District. These guidelines would be the governing design and development guide for this area and would not apply to any land not included in the Ten Mile Crossing project area.

As stated in the Introduction, the purpose of the design guidelines is as follows: to encourage flexibility, innovation and creativity in Ten Mile Crossing’s overall design and development that respond to market demand and site specific conditions while enhancing the economic viability and quality of Ten Mile Crossing and the City of Meridian; allow for innovative design solutions that create visually pleasing and cohesive patterns of development; provide for the implantation and balance of a variety of uses within the development including viable mixed-use projects; identify and define standards for uses that may offuc in each of the land use categories; create functionally integrated development that allows for a more efficient and cost effective provision of public services; provide for the public health, safety, enjoyment, convenience and general welfare, and provide efficient and effective administrative processes.

The proposal establishes an administrative framework for the development process for this area and includes the creation of an in-house design review board (“TMCDR Board”) and internal design review process prior to application submittals to the City for Certificate of Zoning Compliance (CZC) and Design Review (DR) approval. This Board would forward its decisions to the City for their consideration of all project applications. Staff would review these applications and the decision of the Board; applications found in compliance with the proposed design guidelines would only be subject to CZC approval but not DR approval. Staff would issue Findings of Fact, Conclusions of Law (FFCL) and Conditions of Approval of their decision, which would be appealable pursuant to the provisions in UDC 11-5A. *Note: FFCL are not issued for administrative actions, only Commission and Council actions.*

The Applicant’s narrative states the two major distinctions between the proposed design guidelines and those in the Plan are the floor area ratios (FAR’s) and street standards (see analysis below) – the remainder of the proposed guidelines detail, define and clarify the standards proposed to unify, guide and govern the development of this area. *See below for more information on requested deviations from the Plan.*

As a provision of the new DA, the Applicant also requests approval of an increase in building height to 100-feet in the C-G zoning district to allow for 6-story buildings in this area (see analysis below).

#### **Requested Deviations from the TMISAP:**

- **Floor Area Ratio (FAR):** Floor area ratios (FAR’s) are defined in the TMISAP as the gross floor area of all buildings on a lot divided by the lot area. FAR’s are used as a means for measuring the intensity of a use and are a comparison between the land the building occupies and the floor area in square foot of the space. The minimum FAR’s desired in the Plan are based on the FLUM designation and range from 0.75 in MU-RES to 1.00-1.25 in MU-COM designated areas – because the Commercial designation is not included in the TMISAP, there are no minimum FAR guidelines for that designation.

In the proposed design guidelines, maximum FAR’s are encouraged to the extent possible for the use and building height but a minimum FAR is not specified. This will result in decreased FAR’s for this area from what was envisioned in the Plan.

***Because the FAR goals have been somewhat unrealistic to achieve thus far, Staff agrees a change is appropriate; however, City Council should determine if eliminating the minimum FAR goals entirely is appropriate for this area and is in the best interest of the City.***

- **Street and Streetscape Design:** As noted above in Section V, the street sections already approved by ACHD and constructed (i.e. Wayfinder) and proposed (i.e. New Market/Benchmark and Cobalt) are *not* consistent with the guidelines in the TMISAP for those street section.

*Traditional neighborhood design concepts with a strong pedestrian-oriented focus are desired in the Ten Mile Area to assist in creating a lively and active street presence with stores and residences fronting on adjacent streets. The portion of Wayfinder north of the Ten Mile Creek does have on-street parking in the planned town center area. Pedestrian pathways are proposed along collector streets, the Ten Mile Creek and the Kennedy Lateral as shown in Section VIII.F throughout the development consistent with the Pathways Master Plan for pedestrian walkability and connectivity. The proposed street design with reduced walkway widths, no on-street parking and wider travel lanes will not promote as much of a pedestrian friendly environment as intended for this area as traffic will be flowing faster with the proposed design.*

*On-street parking was desired for this area based on the original FLUM designations and uses and site design anticipated for this area based on projected vehicular and pedestrian usage, desired parking, physical conditions and streetscape character. Several changes to the FLUM have been approved since the adoption of the TMISAP as noted above but no changes have been made to the*

*Street Section Map or the street sections in the Plan. Collectively, these changes – especially the change from lifestyle center to commercial and C-G zoning – will result in more intense commercial development than envisioned and will substantially change the intended character of this area.*

*In the commercial areas along Wayfinder and Cobalt, Staff agrees it's more appropriate (and safer) not to have on-street parking. However, in the residential and mixed-use designated areas along New Market/Benchmark, Staff is of the opinion on-street parking is still appropriate although it's difficult to determine in the absence of a development plan for that area since the type of street sections desired are largely based on the types of uses adjacent to the streets. Refer to Section V Street Design above for Staff's recommendation on streets and streetscape designs.*

***Staff is not supportive of the Applicant's proposal for different design guidelines to apply to this development to supersede those in the Plan through the DA as the whole intent of the goals and guidelines in the Plan is to have a unified design for the overall area governed by the Plan.***

*Because the Applicant requests street sections, streetscape designs and FAR's that differ from those outlined in the Plan and doesn't want to be held to the architectural design guidelines and other guidelines in the governing plan, Staff suggested applying for an amendment to the TMISAP to exclude this area from the Plan. Without an amendment to the Plan, this area is governed by the Plan and can't be superseded by another Plan. The Applicant was not in favor of this option.*

*Another suggestion was to only include certain exceptions to the design guidelines in the Plan through the DA that differ from the Plan and for the Applicant to use the proposed design guidelines internally to ensure consistent design within their development. Since they state the only substantive changes to the Plan are to the street sections, streetscapes and FAR this was Staff's preferred option. The Applicant was not in favor of this option either.*

*As stated above, Staff is of the opinion the design guidelines in the Plan cannot be replaced with another set of design guidelines without an amendment to the Plan allowing this and referencing the other guidelines; or an amendment excluding this area from the Plan. Otherwise, the guidelines in the Plan apply to this area as well as the other areas within the overall Ten Mile Area which ensure unity in the overall Ten Mile Area.*

*Rather than recommending denial of the Applicant's request, Staff recommends approval of an alternative as previously suggested to only include the exceptions to the guidelines in the Plan in the DA. If the guidelines proposed by the Applicant are truly in line with the existing guidelines as stated, notwithstanding the exceptions, this seems to be the simpler option and one that doesn't conflict with the current Plan. Note: Staff has not compared the established design guidelines in the Plan to those proposed by the Applicant to verify they align, notwithstanding the exceptions requested. Staff requested the Applicant include the differences between the two sets of guidelines in their application for transparency in what was actually being requested (i.e. how they differed) but they did not do so.*

***If Council is in favor of the proposed design guidelines, Staff recommends an application is submitted to amend the TMISAP to allow this area to be excepted from the existing Plan or for a reference to be included to these design guidelines for this area.***

**Requested deviation from the dimensional standard for maximum building height listed in UDC Table 11-2B-3 for the C-G zoning district:**

- The maximum building height allowed in the C-G zoning district is 65-feet. Additional height not to exceed 20% of the maximum height allowed in the district may be approved by the Director through the alternative compliance procedures set forth in UDC 11-5B-5 – additional height shall be allowed



when the development provides 10% of the building square feet in open space, courtyards, patios, or other usable outdoor space available for the employees and/or patrons of the structure, excluding required setbacks and landscape buffers per UDC 11-2B-3A.3d. Additional height exceeding 20% of the maximum height allowed in the district or when additional height is requested without providing the required open space in accord with UDC 11-2B-3A.3d requires approval through a conditional use permit, per UDC 11-2B-3A.3e.

*Because the TMISAP encourages taller buildings and greater FAR's and the UDC standards hinder this goal, Staff is supportive of allowing an increase in the maximum building height up to 100-feet in the C-G zoning district through the new DA without further application.*

## B. REZONE (RZ)

The Applicant requests a rezone of 40.98-acres from the R-40 and C-C zoning districts to the C-G zoning district; 3.9-acres from the TN-C and C-G zoning districts to the R-40 zoning district; 0.65-acre from the R-8 and TN-C zoning districts to the C-G zoning district; and 0.53-acre from the TN-C zoning district to the C-G zoning district. A conceptual development plan was *not* submitted with this application for the areas proposed to be rezoned as is typical for such requests.

The smaller areas proposed to be rezoned to C-G will “clean-up” the zoning in this area where it’s irregular and doesn’t follow parcel lines and/or proposed streets.

The area proposed to be rezoned to R-40 south of the Ten Mile Creek will be an extension of the R-40 zoning that exists to the west and will allow for the development of additional multi-family residential uses with conditional use permit approval. The proposed zoning and use is consistent with the underlying Mixed Use Residential (MU-RES) FLUM designation; the target density for this designation is 8 to 12 dwelling units per acre. The FLUM designation of the abutting property to the west is High-Density Residential (HDR) which also allows for multi-family residential uses at a target density of 16-25 dwelling units per acre. FLUM designations are not parcel specific and an adjacent abutting designation, when appropriate and approved as part of a public hearing with a land development application, may be used. Because the HDR designation allows for a higher density, Staff recommends this designation apply to future development of this property since the density will likely be higher than 12 units per acre if apartments are developed on the site similar to those to the west (i.e. TM Creek East Apartments). Future development of this property is currently governed by the existing DA’s for Ten Mile Center and Calnon referenced above; conceptual development plans were not approved for these projects other than a conceptual street layout for the Ten Mile Center property. **In the absence of a conceptual development plan, to ensure a mix of uses from each major use category (i.e. commercial, residential, employment) are provided as set forth in the TMISAP in accord with the provisions of the annexation, Staff recommends a conceptual use plan (i.e. bubble plan) is submitted and included in the new DA that demonstrates compliance with the existing DA provisions. Note: An existing and future development map is included in the proposed design guidelines on pg. 6 that could be further defined to accomplish this.**

The larger area to be rezoned to C-G between W. Franklin Rd. and the Ten Mile Creek is designated on the FLUM as mostly Mixed-Use Commercial (MU-COM) with approximately a quarter of the area on the west end as High Density Residential (HDR). As noted above, because the FLUM is not parcel specific and allows for abutting designations to govern, Staff recommends the abutting MU-COM designation to the east apply and govern future development of the western portion of this site. The proposed C-G zoning district is listed as an appropriate zoning choice in the Zoning District Compatibility Matrix in the TMISAP for the MU-COM designation. The MU-COM designation allows for a variety of uses including: commercial, vertically integrated residential, live-work, employment, entertainment, office, and multi-family. Allowed uses in the C-G district are listed in UDC Table [11-2B-2](#). Future development of this property is currently governed by the existing Development Agreements

for TM Creek East and Calnon referenced above; conceptual development plans were not approved for these projects. **In the absence of a conceptual development plan, to ensure a mix of uses from each major use category (i.e. commercial, residential, employment) are provided as set forth in the TMISAP in accord with the provisions of the annexation, Staff recommends a conceptual use plan (i.e. bubble plan) is submitted and included in the new DA that demonstrates compliance with the existing DA provisions.**

### C. PRELIMINARY PLAT (PP)

The proposed preliminary plat consists of 83 [74 commercial and 9 high-density residential (Lots 16-24, Block 3)] buildable lots and 2 common lots on 132.42 acres of land in the R-40 and C-G zoning districts.

The plat is conceptually proposed to develop in six phases. Phase 1 consisting of multi-family apartments in TM Creek East on Lot 16, Block 3 is currently under construction and almost completed; no development has occurred on the remainder of the site. Phase 2 commenced last year with the completion of Wayfinder from Vanguard to Cobalt between the existing roundabouts. The development of Phases 3-6 may vary in area and sequence based on product need and market demand.

The proposed common lots will contain the Ten Mile Creek corridor which includes a 10-foot wide segment of the City's multi-use pathway system on one side and the Nampa and Meridian Irrigation District's (NMID) maintenance road on the other side (Lot 15, Block 3); and the relocated Von Lateral, which will be deeded to NMID (Lot 1, Block 4).

#### **Existing Structures/Site Improvements:**

There are no existing structures on this site. West Cobalt Dr. has been extended from the roundabout at Wayfinder to the east boundary of the TM Creek East apartments project and S. Wayfinder Ave. has been extended between the roundabouts at W. Cobalt Dr. and S. Vanguard Way but the design of these streets was not approved with a subdivision plat and are *not* consistent with the street sections designated on the Street Section Map in the TMISAP however, they do comply with ACHD standards. South Vanguard Way from Ten Mile Rd. and the roundabout at the southwest corner of the site was approved and constructed with the TM Crossing development to the south.

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

The proposed subdivision and subsequent development is required to comply with the minimum dimensional standards listed in UDC Tables [11-2A-8](#) (R-40), [11-2B-3](#) (C-G) and [11-2D-5](#) (TN-C), as applicable. Staff has reviewed the proposed plat and it complies with these standards.

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

Previous projects (i.e. TM Crossing and TM Creek subdivisions) in this area established accesses via S. Ten Mile Rd. (i.e. Cobalt and Vanguard) and W. Franklin Rd. (Wayfinder) and collector streets consistent with the TSM in the TMISAP and the MSM. A new street access via W. Franklin Rd. and collector street (New Market/Benchmark) is proposed with this plat to the east of Wayfinder consistent with the TSM and the MSM, which will align with the segment of New Market/Benchmark to be constructed to the south in TM Crossing Subdivision.

**As mentioned above, S. Wayfinder Ave. between the two roundabouts at Cobalt and Vanguard was constructed last year outside of the subdivision process. Although the proposed access points and road alignments are consistent with the TSM and the MSM, the street sections constructed for Wayfinder between the roundabouts and the proposed New Market/Benchmark are *not* consistent with the Street Section Map in the TMISAP as discussed in Sections V and VI.A above. Staff recommends New Market/Benchmark is constructed with on-street parking (if deemed safe and acceptable to ACHD) consistent with Street Section D in the Plan.**

Two (2) driveway accesses are depicted on the plat via W. Franklin Rd. on Lot 4, Block 3 and Lot 4, Block 4. The access on Lot 4, Block 4 was previously conceptually approved with the Bainbridge

Franklin annexation by the City (DA provision #1.1.1i) and ACHD (Site Specific condition #B.1) as a temporary full access which may be restricted to a right-in/right-out at any time as determined by ACHD – other than this access, all other access via Franklin on the Bainbridge Franklin site was prohibited. **Per the guidelines in the TMISAP for Street Section B (pg. 3-22) and access control (pg. 3-17), access should be restricted to collector streets. The (UDC 11-3A-3) also limits access points to arterial streets. City Council approval of the proposed driveway access on Lot 4, Block 3 is required; ACHD has required a traffic analysis to be submitted for these accesses to demonstrate that additional driveways are necessary to service the site. Both the City and ACHD have to approve these accesses in order for access to be granted and driveways constructed.**

**A cross-access/ingress-egress easement is required to be granted via a note on the plat between all non-residential lots and to the parcel to the east [#R8580480020 (now #R8580500100), Twelve Oaks) per requirement of the existing DA for Bainbridge Franklin in accord with UDC 11-3A-3A.2. A note should also be placed on the plat that direct lot access via S. Ten Mile Rd. and W. Franklin Rd. and the internal collector streets is prohibited unless otherwise approved by the City and ACHD.**

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

The Pathways Master Plan (PMP) depicts segments of the City’s multi-use pathway system on this site as follows: on-street within the street buffer along Ten Mile Rd., along the Ten Mile Creek corridor and along New Market Ave. Multi-use pathways are required to be 10-foot wide within a 14-foot wide public pedestrian easement with landscaping on either side per the standards listed in UDC 11-3B-12C.

A pathways plan was submitted by the Applicant, included in Section VIII.F that depicts 8- to 10-foot wide pathways throughout this site and the adjacent properties owned by the same developer consistent with the PMP totaling 3.5 miles of pathways. These pathways connect to the City’s multi-use pathways and provide a pedestrian connection to the school site to the east. **Pathways and associated landscaping should be depicted on a revised landscape plan submitted with the final plat(s) in accord with UDC standards and the Pathways Master Plan as recommended by the Park’s Dept.**

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

The UDC (11-3A-17) requires minimum 5-foot wide detached sidewalks along all collector and arterial streets. In the Ten Mile area, the design guidelines call for wider sidewalks ranging from 6 to 12 feet depending on the street section classification. Because 5-foot wide detached sidewalks have already been provided in many areas within the site, Staff is amenable to continuing this minimum width with 8- to 10-foot wide pathways provided in locations consistent with the pathway plan in Section VIII.F.

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

Parkways should be provided as shown on the applicable street sections in the TMISAP for the street classification as noted above in Section V. Landscaping shall be provided in the parkways consistent with the standards listed in UDC 11-3B-7C.

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

A 35-foot wide street buffer is required along S. Ten Mile Rd., an entryway corridor; a 25-foot wide street buffer is required along W. Franklin Rd., an arterial street; and 20-foot wide street buffers are required along collector streets, landscaped per the standards listed in UDC 11-3B-7C. The design guidelines in the TMISAP also require landscape buffers based on the street classification and the applicable street section. **Staff recommends minimum street buffers are provided in accord with UDC standards, except for along S. Ten Mile Rd., classified as Street Section A in the TMISAP, which requires a 50-foot wide street buffer so that pedestrian walkways and buildings are setback a safe distance from the street.**

**Qualified Open Space & Site Amenities** (*UDC 11-3G*):

Common open space and site amenities are required to be provided in residential developments in residential districts of five acres or more in size per the standards listed in UDC 11-3G-3. Although a portion of this site is planned to develop with residential uses in the future, no development is proposed with this application. **Future development should comply with the standards in UDC 11-3G-3, as applicable.**

As mentioned above, 3.5 miles of pathways are proposed in the area shown on the pathways plan in Section VIII.C as an amenity for this development.

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

No fencing is depicted on the landscape plan. All fencing constructed on the site is required to comply with the standards listed in UDC 11-3A-6 and 11-3A-7.

**Waterways:** The Kennedy Lateral and the Ten Mile Creek run east/west across this site and the Von Lateral runs across the northeast corner of the site.

The Ten Mile Creek lies within a 100-foot wide easement in Lot 15, Block 3 and is a natural waterway; as such, it should remain as a natural amenity and not be piped or otherwise covered and be improved with the development and protected during construction in accord with UDC 11-3A-6. A maintenance road exists for NMID on the north side of the creek and a multi-use pathway is planned on the south side of the creek.

The Kennedy Lateral lies within a 55-foot wide easement and is required to be piped unless left open and improved as a water amenity or linear open space.

The Von Lateral lies within a 40-foot wide easement and is proposed to be relocated along Franklin Rd. in Lot 1, Block 4 and deeded to NMID.

**Floodplain:** A portion of this site along the Ten Mile Creek is located within the Meridian Floodplain Overlay District. Prior to any development occurring with the Overlay District, the Applicant is required to submit, and the City shall review and approve, a floodplain development application which includes the necessary analysis and documents under MCC Title 10, Chapter 6, including hydraulic and hydrologic analysis.

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

Connection to City water and sewer services is required in accord with UDC 11-3A-21. Street lighting is required to be installed in accord with the City's adopted standards, specifications and ordinances and the TMISAP. *See Section VIII.B below for Public Works comments/conditions.*

**Pressurized Irrigation System** (*UDC 11-3A-15*):

An underground pressurized irrigation (PI) system is required to be provided for each lot within the development as set forth as set forth in UDC 11-3A-15.

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

An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances. Design and construction shall follow best management practice as adopted by the City as set forth in UDC 11-3A-18.

**Building Elevations** (*UDC 11-3A-19 | Architectural Standards Manual*) (*TMISAP*)

The Applicant submitted pictures/renderings of 14 existing and approved buildings at TM Crossing: commercial, office, retail and residential structures including multi-story office buildings; single-story commercial structures (medical, hospice, gym, restaurant and food service, retail, auto service); and the first two multi-family projects (see Section VIII.G).

**The design of future buildings in this development shall incorporate design elements that are generally consistent with those in the "typical" elevations shown in Section VIII.G. Final design of**

**structures in this development is required to comply with the design guidelines in the TMISAP and the design standards listed in the Architectural Standards Manual, notwithstanding the exceptions approved with this application and included in the DA.**

## **VII. DECISION**

### **A. Staff:**

Staff recommends approval of the requested modification to replace all existing Development Agreements with a new agreement for the overall Ten Mile Crossing development per the provisions in Section IX.A.1; approval of the proposed rezone in accord with the Findings in Section X; and approval of the proposed preliminary plat per the conditions included in Section IX in accord with the Findings in Section X.

## VIII. EXHIBITS

### A. Legal Description of Property Subject to New Development Agreement



October 9, 2020  
 Ten Mile Crossing Sub-Area  
 Project No. 19-105  
 Legal Description

#### Exhibit A

A parcel of land situated in a portion of Section 14, Township 3 North, Range 1 West, B.M., City of Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at the northwest corner of said Section 14, which bears N89°09'27"W from the north 1/4 corner of said Section 14, thence following the northerly line of said Section 14, S89°09'27"E a distance of 74.46 feet; Thence leaving said northerly line, S00°50'33"W a distance of 72.00 feet to the southerly right-of-way line of W. Franklin Rd. and the subdivision boundary of TM Creek Subdivision No. 2 and being the **POINT OF BEGINNING**.

Thence following said southerly right-of-way line and said subdivision boundary, the following twelve courses:

1. S89°09'27"E a distance of 176.45 feet;
2. S00°50'33"W a distance of 10.00 feet;
3. S89°09'27"E a distance of 70.00 feet;
4. N00°50'33"E a distance of 10.00 feet;
5. S89°09'27"E a distance of 44.37 feet;
6. N88°23'22"E a distance of 9.64 feet;
7. S00°50'33"W a distance of 7.41 feet;
8. S89°09'27"E a distance of 61.72 feet;
9. S84°34'43"E a distance of 113.53 feet;
10. S88°42'21"E a distance of 128.76 feet;
11. N84°21'40"E a distance of 94.58 feet;
12. N87°36'44"E a distance of 180.08 feet to the subdivision boundary of TM Creek Subdivision No. 4;

Thence leaving said subdivision boundary of TM Creek Subdivision No. 2 and following said southerly right-of-way line and said subdivision boundary of TM Creek Subdivision No. 4 the following four courses:

1. S83°19'54"E a distance of 144.49 feet;
2. S89°06'53"E a distance of 158.24 feet;
3. N00°35'03"E a distance of 12.05 feet;
4. S89°09'27"E a distance of 75.09 feet;

Thence leaving said southerly right-of-way line and following said subdivision boundary the following two courses;

1. S00°34'31"W a distance of 18.00 feet;
2. S89°09'27"E a distance of 249.00 feet;

Thence leaving said subdivision boundary, S89°09'27"E a distance of 1,079.97 feet;

Thence S89°13'12"E a distance of 467.21 feet;

Thence N00°11'53"E a distance of 1.93 feet;

Thence 19.44 feet along the arc of a circular curve to the left, said curve having a radius of 60.00 feet, a delta angle of 18°33'54", a chord bearing of N09°05'04"W and a chord distance of 19.36 feet to the said southerly right-of-way line;

Thence following said southerly right-of-way line the following three courses;

1. S89°13'12"E a distance of 322.98 feet;
2. N00°34'27"E a distance of 20.00 feet;
3. S89°13'12"E a distance of 542.00 feet to the easterly line of the Northwest 1/4 of the Northeast 1/4 of said Section 14;

Thence following said easterly line, S00°34'27"W a distance of 1,280.50 feet to the southeast corner of said Northwest 1/4 of the Northeast 1/4 (northeast corner of the Southwest 1/4 of the Northeast 1/4) ;

Thence leaving said easterly line of the Northwest 1/4 of the Northeast 1/4 and following the easterly line of said Southwest 1/4 of the Northeast 1/4, S00°34'20"W a distance of 1,038.11 feet;

Thence leaving said easterly line, N89°12'39"W a distance of 450.00 feet;

Thence S00°34'20"W a distance of 290.40 feet to the southerly line of said Southwest 1/4 of the Northeast 1/4;

Thence following said southerly line, N89°12'39"W a distance of 879.80 feet to the center of said Section 14 (northwest corner of Primrose Subdivision);

Thence leaving said southerly line and following the easterly line of the Southwest 1/4 of said Section 14 (westerly line of said Primrose Subdivision), S00°35'29"W a distance of 887.73 feet to the northwest corner of the "Public Use Area" lot on said Primrose Subdivision;

Thence leaving said easterly line (westerly line of said Primrose Subdivision) and following the northerly line of said "Public Use Area" lot, S89°11'48"E a distance of 165.98 feet to the northeast corner of said lot;

Thence leaving said northerly line and following the easterly line of said lot, S00°32'58"W a distance of 440.52 feet to the southeast corner of said lot;

Thence leaving said easterly line and following said southerly line, N89°19'00"W a distance of 166.30 feet to the southwest corner of said lot on the easterly line of said Southwest 1/4 of said Section 14;

Thence leaving said southerly line and following said easterly line (also the subdivision boundary of TM Crossing Subdivision No. 4), S00°35'29"W a distance of 15.90 feet to the northerly right-of-way line of Interstate 84;

Thence following the northerly right-of-way line and said subdivision boundary, N89°34'11"W a distance of 396.68 feet to the subdivision boundary of TM Crossing Subdivision No. 2;

Thence leaving said subdivision boundary of TM Crossing Subdivision No. 4 and following said northerly right-of-way line and said subdivision boundary of TM Crossing Subdivision No. 2 the following eight courses:

1. N89°34'11"W a distance of 104.61 feet;
2. N81°01'41"W a distance of 83.12 feet;
3. N85°34'09"W a distance of 670.00 feet;
4. N04°25'51"E a distance of 25.00 feet;
5. N85°34'09"W a distance of 110.00 feet;
6. S04°25'51"W a distance of 15.00 feet;
7. N81°29'01"W a distance of 421.07 feet;
8. N82°36'30"W a distance of 185.91 feet to the subdivision boundary of TM Crossing Subdivision No. 3;

Thence leaving said subdivision boundary of TM Crossing No. 2 and following said northerly right-of-way line and said Subdivision Boundary of TM Crossing Subdivision No. 3 the following four courses:

1. N82°36'30"W a distance of 394.87 feet;
2. N73°55'09"W a distance of 104.00 feet;
3. N46°58'42"W a distance of 166.76 feet;
4. N12°05'53"W a distance of 92.20 feet to the easterly right-of-way line of S. Ten Mile Rd.;

Thence leaving said northerly right-of-way line, and following said easterly right-of-way line and said subdivision boundary, N01°31'49"W a distance of 71.15 feet to the subdivision boundary of TM Crossing Subdivision;

Thence leaving said subdivision boundary of TM Crossing Subdivision No. 3 and following said easterly right-of-way line and said subdivision boundary of TM Crossing Subdivision the following three courses:

1. N01°31'49"W a distance of 396.89 feet;
2. N89°42'58"W a distance of 4.00 feet;
3. N00°30'02"E a distance of 456.76 feet;

Thence leaving said subdivision boundary and following said easterly right-of-way line the following six courses:

1. S89°11'30"E a distance of 35.18 feet;
2. N00°31'34"E a distance of 236.38 feet;
3. N89°26'27"W a distance of 46.03 feet;
4. N00°33'33"E a distance of 1,068.27 feet;
5. S89°26'27"E a distance of 12.95 feet;
6. N03°39'37"E a distance of 39.28 feet to the subdivision boundary of TM Creek Subdivision No. 1;

Thence following said easterly right-of-way line and said subdivision boundary the following twelve courses:

1. N03°39'37"E a distance of 20.72 feet;
2. N86°20'23"W a distance of 16.21 feet;
3. N00°33'51"E a distance of 4.41 feet;
4. N10°47'07"E a distance of 43.38 feet;
5. N53°31'44"E a distance of 54.14 feet;
6. N03°31'44"E a distance of 66.88 feet;
7. N49°26'27"W a distance of 43.98 feet;
8. N03°39'37"E a distance of 45.01 feet;
9. N01°43'37"W a distance of 132.83 feet;
10. 19.74 feet along the arc of a circular curve to the left, said curve having a radius of 7,272.00 feet, a delta angle of 00°09'20", a chord bearing on N02°55'55"E and a chord distance of 19.74 feet;
11. N89°41'52"E a distance of 4.35 feet;
12. N00°33'33"E a distance of 529.09 feet to the subdivision boundary of TM Creek Subdivision No. 2;

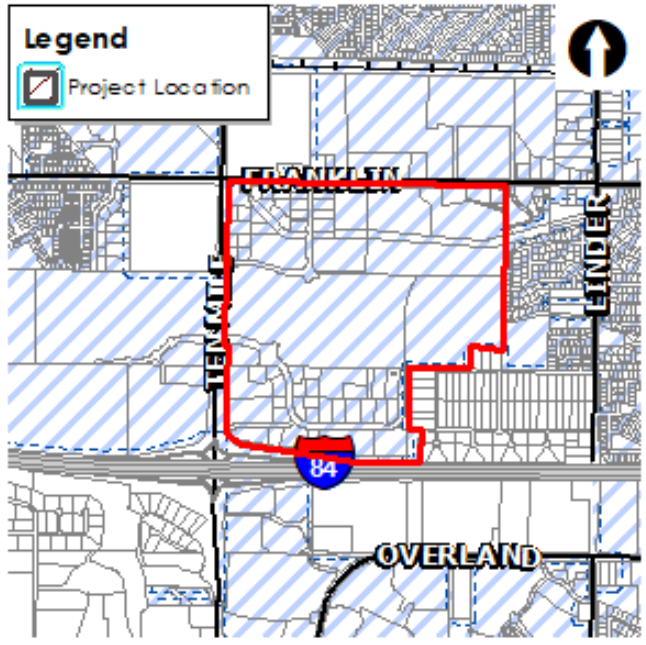
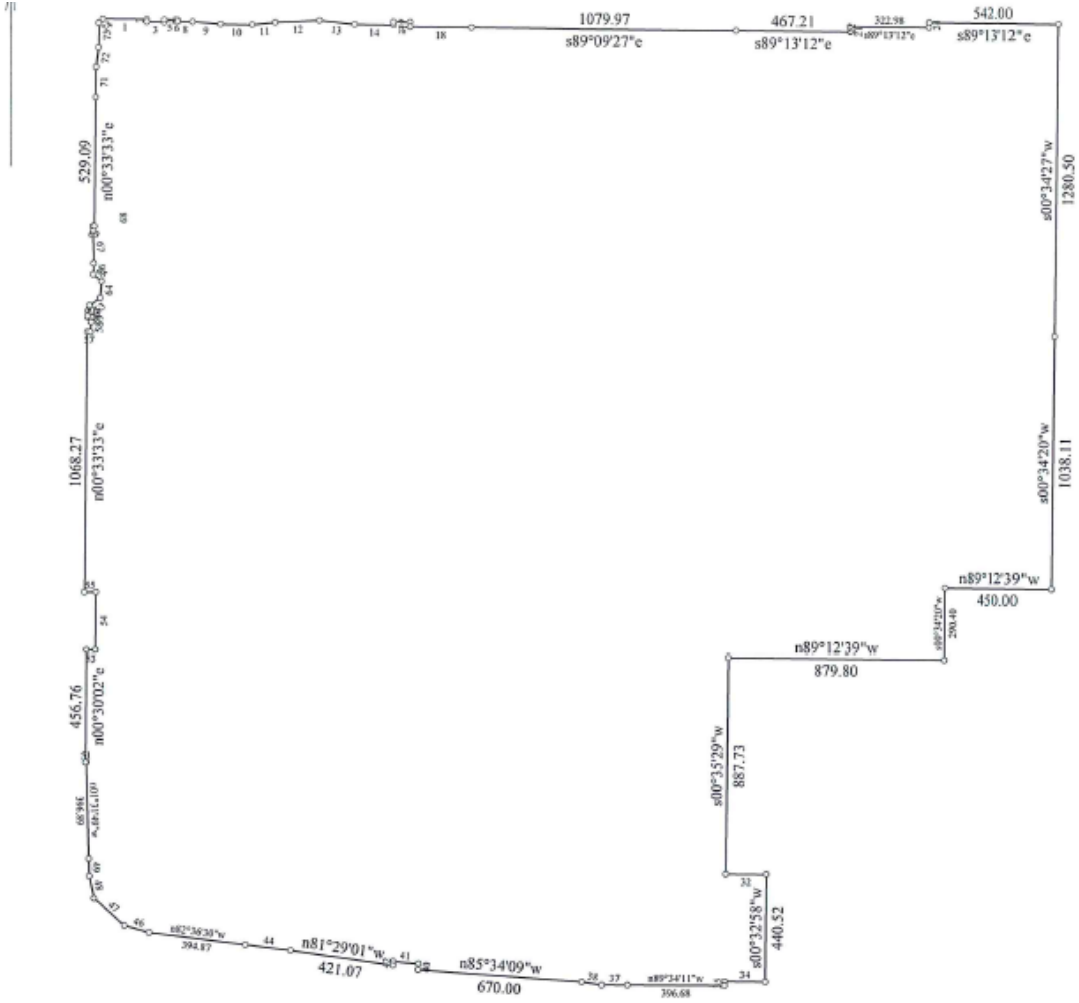


Thence leaving said subdivision boundary of TM Creek Subdivision No. 1 and following said easterly right-of-way line and said subdivision boundary of TM Creek Subdivision No. 2 the following four courses:

1. N00°33'33"E a distance of 123.31 feet;
2. N07°37'31"E a distance of 80.50 feet;
3. N00°33'20"E a distance of 100.00 feet;
4. N45°09'55"E a distance of 23.06 feet to the **POINT OF BEGINNING**.

Said description contains a total of 307.72 acres, more or less.





B. Rezone Legal Descriptions & Exhibit Maps



9233 WEST STATE STREET | BOISE, ID 83714 | 208.639.6939 | FAX 208.639.6930

October 21, 2020  
Project No. 19-105

**Exhibit A  
Legal Description for  
Rezone to C-G (North)  
TM Center Subdivision**

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

**Commencing** at a found brass cap marking the Northwest corner of said Section 14, thence following the northerly line of the Northwest 1/4 of said Section 14, S89°09'27"E a distance of 1,577.99 feet to the **POINT OF BEGINNING**.

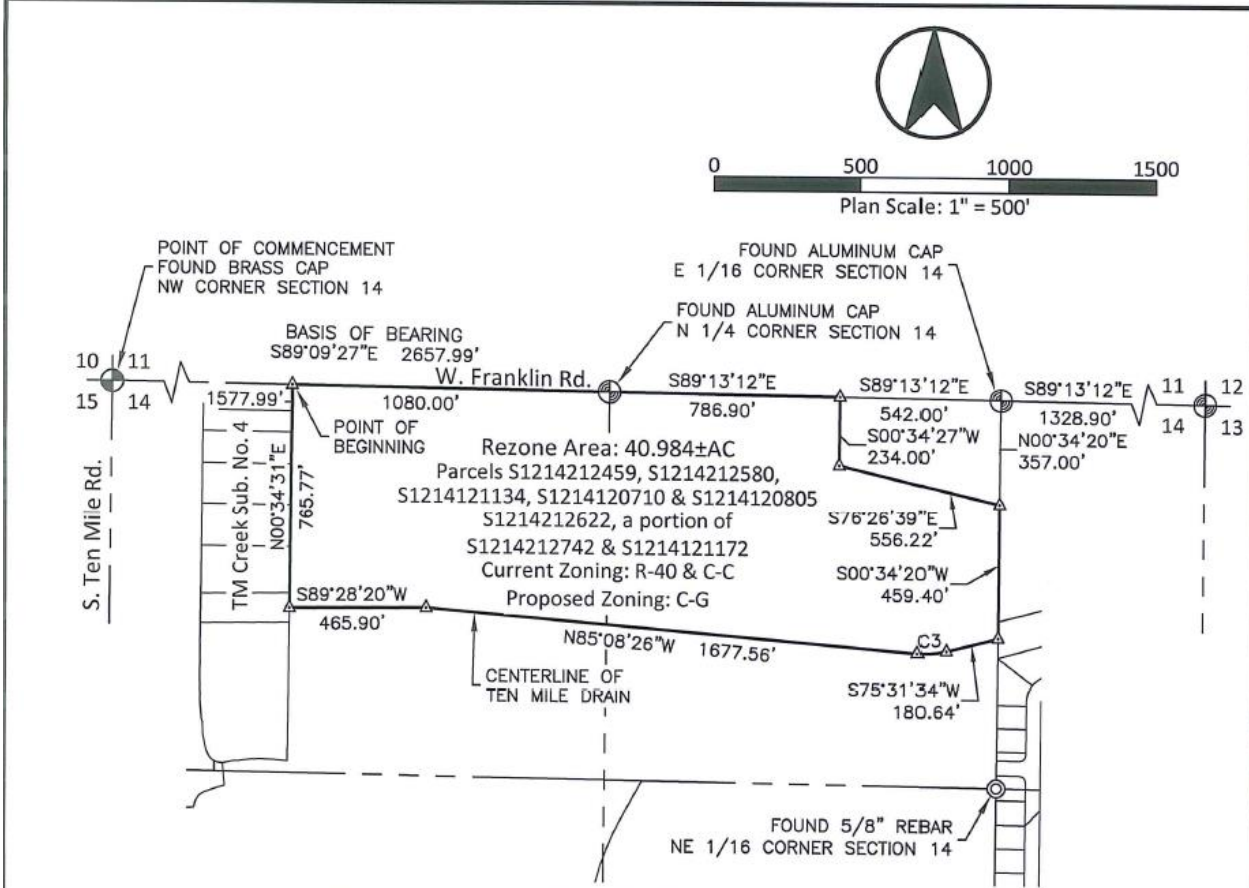
Thence S89°09'27"E a distance of 1,080.00 feet to a found aluminum cap marking the North 1/4 corner of said Section 14;  
Thence leaving said northerly line and following the northerly line of the Northeast 1/4 of said Section 14, S89°13'12"E a distance of 786.90 feet to a point;  
Thence leaving said northerly line, S00°34'27"W a distance of 234.00 feet to a point;  
Thence S76°26'39"E a distance of 556.22 feet to a point on the easterly line of said Northwest 1/4 of the Northeast 1/4 of Section 14;  
Thence following said easterly line, S00°34'20"W a distance of 459.40 feet to a point on the centerline of Ten Mile Drain;  
Thence leaving said easterly line and following the centerline of Ten Mile Drain, S75°31'34"W a distance of 180.64 feet to a point;  
Thence 96.67 feet along the arc of a circular curve to the right, said curve having a radius of 286.50 feet, a delta angle of 19°20'00", a chord bearing of S85°11'34"W and a chord distance of 96.22 feet to a point;  
Thence N85°08'26"W a distance of 1,677.56 feet to a point;  
Thence S89°28'20"W a distance of 455.90 feet to a point on the easterly boundary of TM Creek Subdivision No.4 (Book 117 of Plats, Pages 17944-17947, records of Ada County, Idaho);  
Thence leaving said centerline and following the easterly boundary of said TM Creek Subdivision No.4, N00°34'31"E a distance of 765.77 feet to the **POINT OF BEGINNING**.

Said parcel contains a total of 40.984 acres, more or less.

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



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**Exhibit B - Rezone to C-G (North)**  
**TM Center Subdivision**

A Portion of the NE 1/4 of the NW 1/4 and a Portion of the NW 1/4 of the NE 1/4 of Section 14, T.3N., R.1W, B.M., Meridian, Ada County, ID

DATE: October 2020  
 PROJECT: 19-105

SHEET: 1 OF 1



9233 WEST STATE STREET  
 BOISE, IDAHO 83714  
 PHONE (208) 639-6939  
 FAX (208) 639-6930

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG	CHORD
C3	286.50'	96.67'	19°20'00"	S85°11'34"W	96.22'



9233 WEST STATE STREET | BOISE, ID 83714 | 208.639.6939 | FAX 208.639.6930

February 16, 2021  
Project No. 19-105

**Exhibit A  
Legal Description for  
Rezone to R-40  
TM Center Subdivision**

A parcel of land situated in a portion of the East 1/2 of the Northwest 1/4 and a portion of the West 1/2 of the Northeast 1/4 of Section 14, Township 3 North, Range 1 West, B.M., City of Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at a found brass cap marking the Northwest corner of said Section 14, thence following the northerly line of the Northwest 1/4 of said Section 14, S89°09'27"E a distance of 2,657.99 feet to a found aluminum cap marking the North 1/4 corner of said Section 14;  
Thence leaving said northerly line and following the easterly line of the Northwest 1/4 of said Section 14, S00°35'31"W a distance of 797.76 feet to a point on the centerline of Ten Mile Drain;  
Thence leaving said easterly line and following said centerline, S85°08'26"E a distance of 81.87 feet to the **POINT OF BEGINNING**.

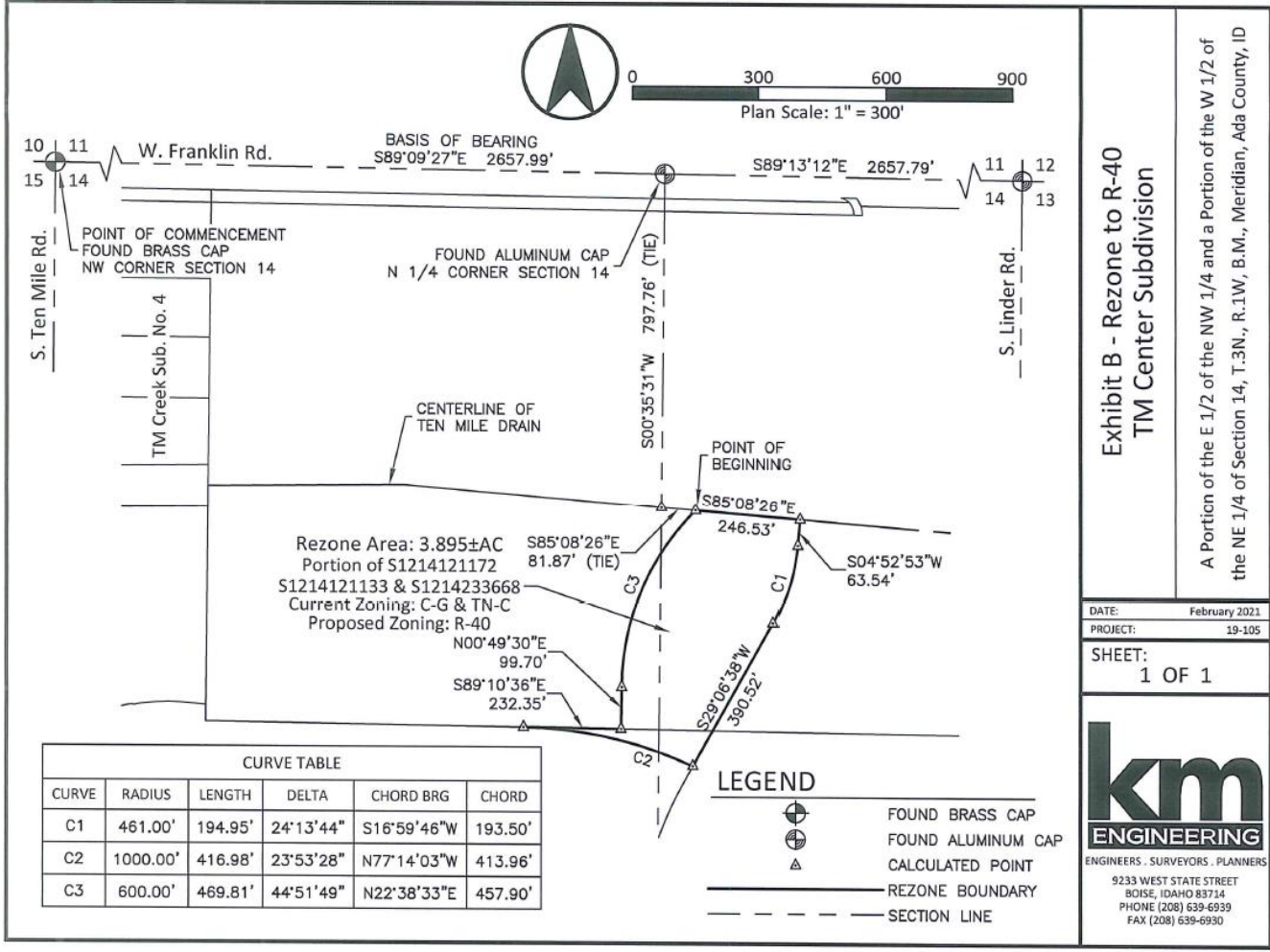
Thence following said centerline, S85°08'26"E a distance of 246.53 feet;  
Thence leaving said centerline, S04°52'53"W a distance of 63.54 feet;  
Thence 194.95 feet along the arc of a circular curve to the right, said curve having a radius of 461.00 feet, a delta angle of 24°13'44", a chord bearing of S16°59'46"W and a chord distance of 193.50 feet;  
Thence S29°06'38"W a distance of 390.52 feet;  
Thence 416.98 feet along the arc of a circular curve to the left, said curve having a radius of 1,000.00 feet, a delta angle of 23°53'28", a chord bearing of N77°14'03"W and a chord distance of 413.96 feet to the southerly line of said East 1/2 of the Northwest 1/4;  
Thence following said southerly line, S89°10'36"E a distance of 232.35 feet;  
Thence leaving said southerly line, N0°49'30"E a distance of 99.70 feet;  
Thence 469.81 feet along the arc of a circular curve to the right, said curve having a radius of 600.00 feet, a delta angle of 44°51'49", a chord bearing of N22°38'33"E and a chord distance of 457.90 feet to the **POINT OF BEGINNING**.

The above-described rezone parcel description contains a total of 3.895 acres, more or less.

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



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CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG	CHORD
C1	461.00'	194.95'	24°13'44"	S16°59'46"W	193.50'
C2	1000.00'	416.98'	23°53'28"	N77°14'03"W	413.96'
C3	600.00'	469.81'	44°51'49"	N22°38'33"E	457.90'

**Exhibit B - Rezone to R-40  
TM Center Subdivision**

A Portion of the E 1/2 of the NW 1/4 and a Portion of the W 1/2 of the NE 1/4 of Section 14, T.3N., R.1W, B.M., Meridian, Ada County, ID

DATE: February 2021  
PROJECT: 19-105

SHEET:  
1 OF 1

**km**  
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FAX (208) 639-6930



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February 16, 2021  
Project No. 19-105

**Exhibit A**  
**Legal Description for**  
**Rezone to C-G (South)**  
**TM Center Subdivision**

A parcel of land situated in a portion of the South 1/2 of the Northwest 1/4 and a portion of the Southwest 1/4 of the Northeast 1/4 of Section 14, Township 3 North, Range 1 West, B.M., City of Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at a found aluminum cap marking the center of said Section 14, which bears S89°11'30"E a distance of 2,656.47 feet from a found aluminum cap marking the West 1/4 corner of said Section 14; Thence following the southerly line of said South 1/2 of the Northwest 1/4, N89°11'30"W a distance of 48.56 feet to **POINT OF BEGINNING 1.**

Thence following said southerly line, N89°11'30"W a distance of 50.18 feet;  
Thence leaving said southerly line, N0°48'30"E a distance of 172.47 feet;  
Thence 131.03 feet along the arc of a circular curve to the left, said curve having a radius of 200.00 feet, a delta angle of 37°32'15", a chord bearing of N17°57'36"W and a chord distance of 128.70 feet;  
Thence N36°43'42"W a distance of 53.27 feet;  
Thence 57.88 feet along the arc of a circular curve to the left, said curve having a radius of 300.00 feet, a delta angle of 11°03'15", a chord bearing of N47°44'41"E and a chord distance of 57.79 feet;  
Thence 141.85 feet along the arc of a compound curve to the left, said curve having a radius of 500.00 feet, a delta angle of 16°15'16", a chord bearing of N34°05'26"E and a chord distance of 141.37 feet to a point hereinafter referred to as POINT "A";  
Thence S00°18'58"W a distance of 494.23 feet to **POINT OF BEGINNING 1.**

The above-described rezone parcel description contains a total of 0.654 acres, more or less.

**TOGETHER WITH**

Commencing at a point previously referred to as POINT "A", Thence N00°18'58"E a distance of 262.00 feet;  
Thence 271.76 feet along the arc of a circular curve to the right, said curve having a radius of 926.00 feet, a delta angle of 16°48'54", a chord bearing of N08°43'25"E and a chord distance of 270.79 feet to **POINT OF BEGINNING 2.**

Thence 128.39 feet along the arc of a circular curve to the left, said curve having a radius of 500.00 feet, a delta angle of 14°42'45", a chord bearing of N19°19'30"W and a chord distance of 128.04 feet;  
Thence 144.04 feet along the arc of a reverse curve to the right, said curve having a radius of 300.00 feet, a delta angle of 27°30'34", a chord bearing of N12°55'37"W and a chord distance of 142.66 feet;  
Thence N0°49'30"E a distance of 17.95 feet;  
Thence 182.49 feet along the arc of a circular curve to the right, said curve having a radius of 1,000.00 feet, a delta angle of 10°27'20", a chord bearing of S70°30'59"E and a chord distance of 182.23 feet;  
Thence S29°06'38"W a distance of 44.98 feet;

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Thence 193.61 feet along the arc of a circular curve to the left, said curve having a radius of 926.00 feet, a delta angle of 11°58'46", a chord bearing of S23°07'15"W and a chord distance of 193.25 feet to **POINT OF BEGINNING 2.**

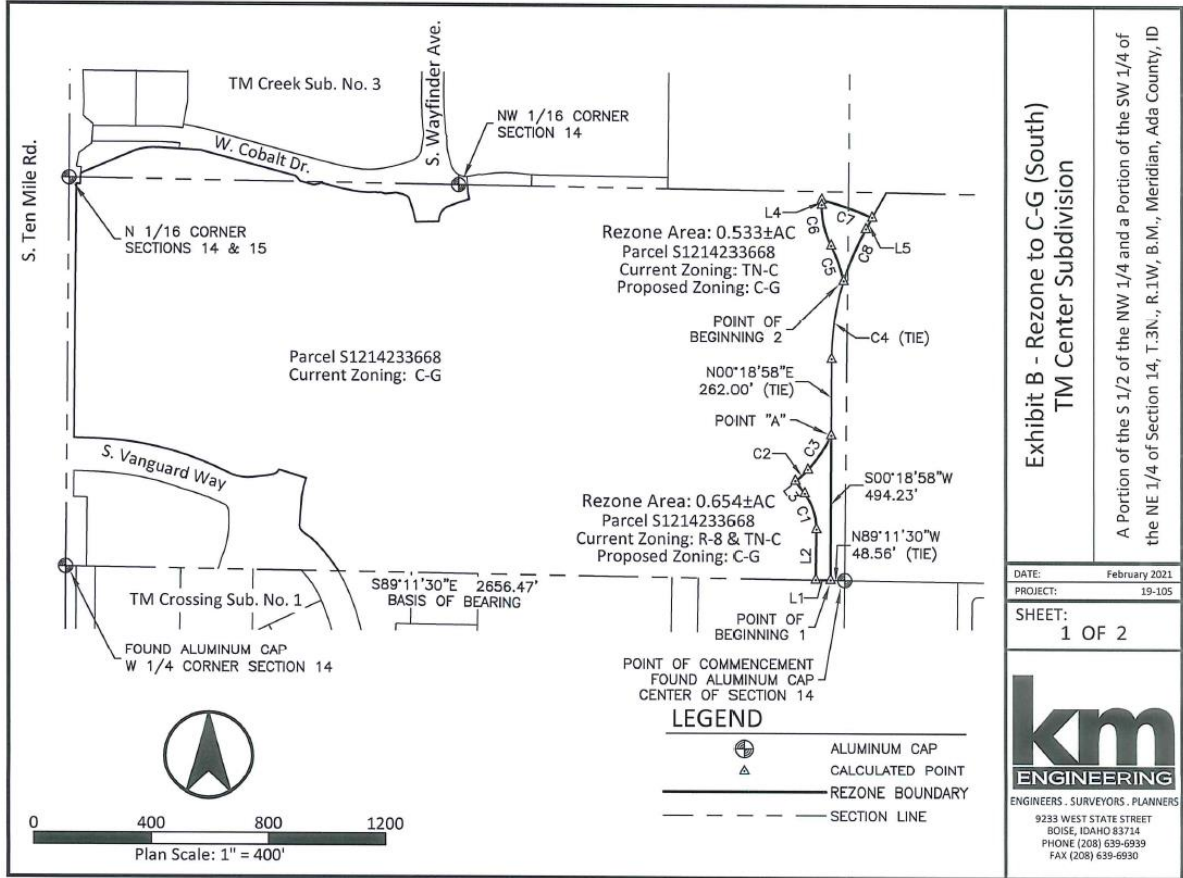
The above-described rezone parcel description contains a total of 0.533 acres, more or less.

The total rezone description contains a total of 1.187 acres, more or less.

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







**Exhibit B - Rezone to C-G (South)**  
**TM Center Subdivision**

A Portion of the S 1/2 of the NW 1/4 and a Portion of the SW 1/4 of the NE 1/4 of Section 14, T.3N., R.1W, B.M., Meridian, Ada County, ID

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG	CHORD
C1	200.00'	131.03'	37°32'15"	N17°57'36"W	128.70'
C2	300.00'	57.88'	11°03'15"	N47°44'41"E	57.79'
C3	500.00'	141.85'	16°15'16"	N34°05'26"E	141.37'
C4	926.00'	271.76'	16°48'54"	N8°43'25"E	270.79'
C5	500.00'	128.39'	14°42'45"	N19°19'30"W	128.04'
C6	300.00'	144.04'	27°30'34"	N12°55'37"W	142.66'
C7	1000.00'	182.49'	10°27'20"	S70°30'59"E	182.23'
C8	926.00'	193.61'	11°58'46"	S23°07'15"W	193.25'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N89°11'30"W	50.18
L2	N0°48'30"E	172.47
L3	N36°43'42"W	53.27
L4	N0°49'30"E	17.95
L5	S29°06'38"W	44.98

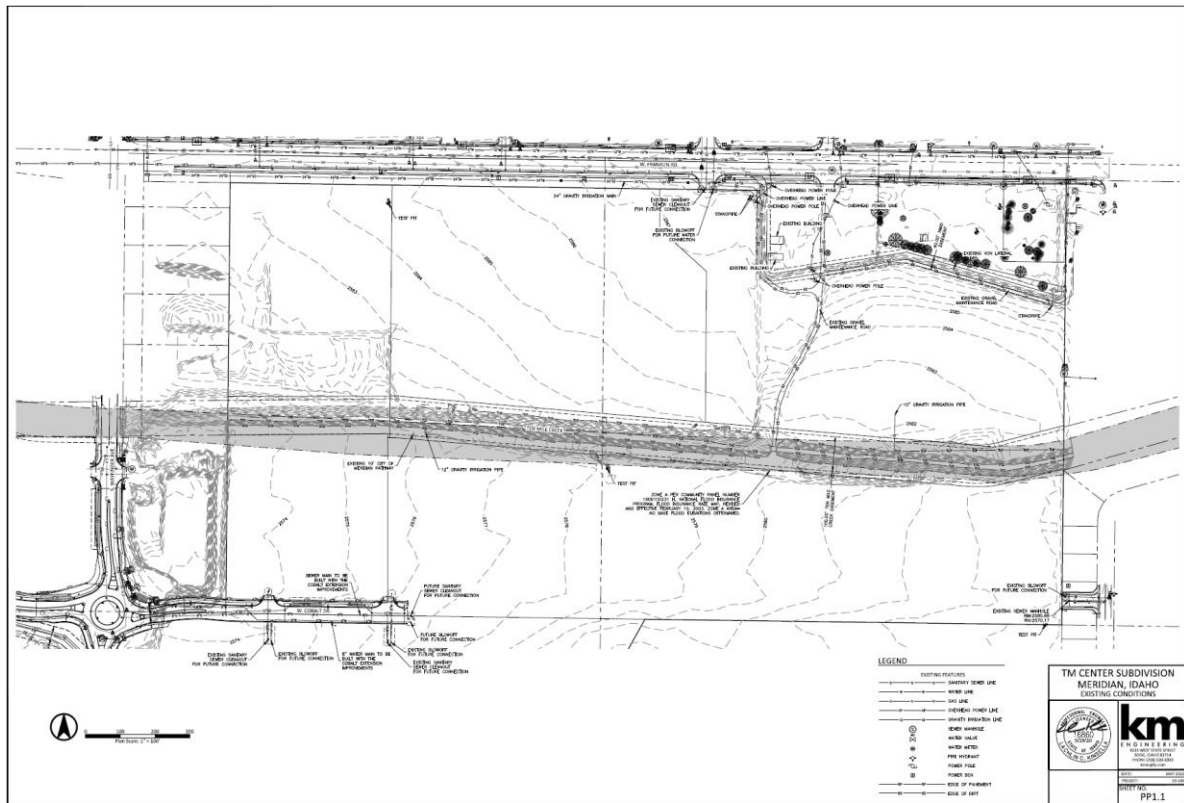
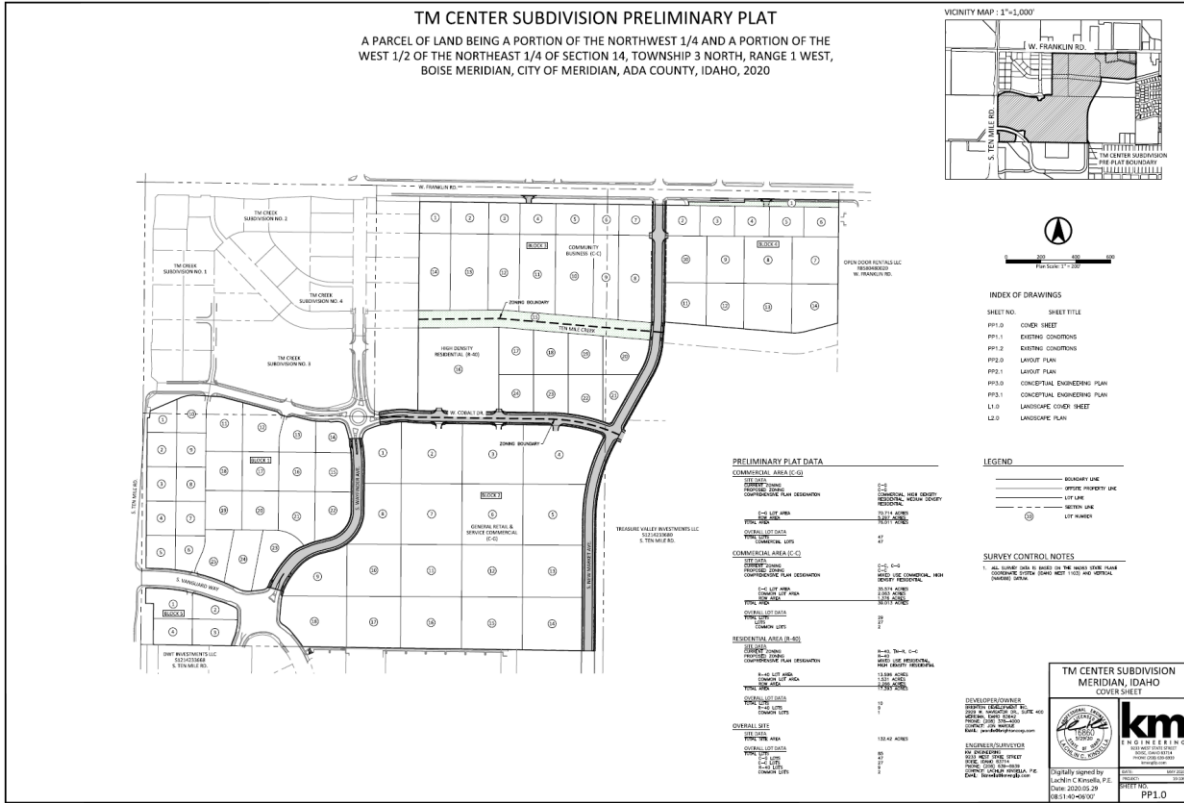
**Exhibit B - Rezone to C-G (South)**  
**TM Center Subdivision**

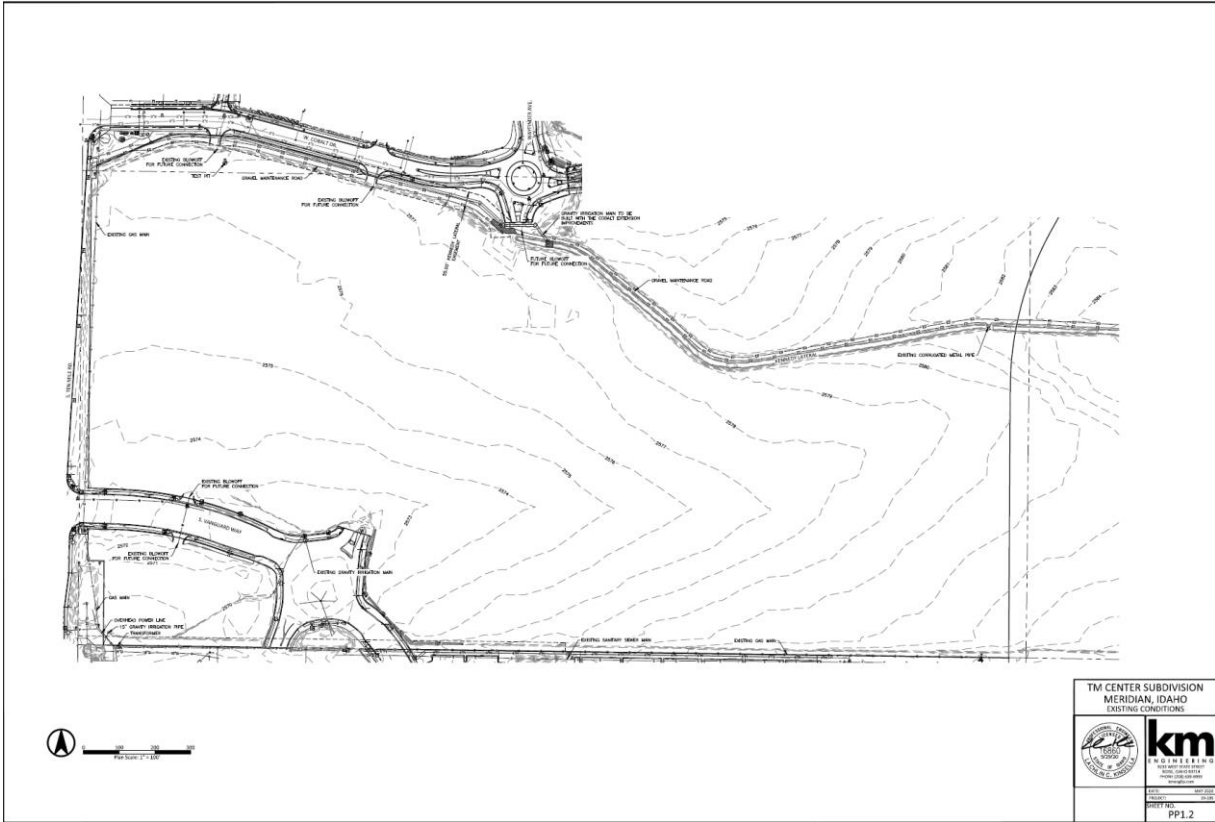
A Portion of the S 1/2 of the NW 1/4 and a Portion of the SW 1/4 of the NE 1/4 of Section 14, T.3N., R.1W, B.M., Meridian, Ada County, ID

DATE: February 2021  
PROJECT: 19-105  
SHEET: 2 OF 2

**km ENGINEERING**  
ENGINEERS · SURVEYORS · PLANNERS  
9233 WEST STATE STREET  
BOISE, IDAHO 83714  
PHONE (208) 639-6939  
FAX (208) 639-6930

### C. Preliminary Plat (date: 5/29/2020) and Conceptual Phasing Plan



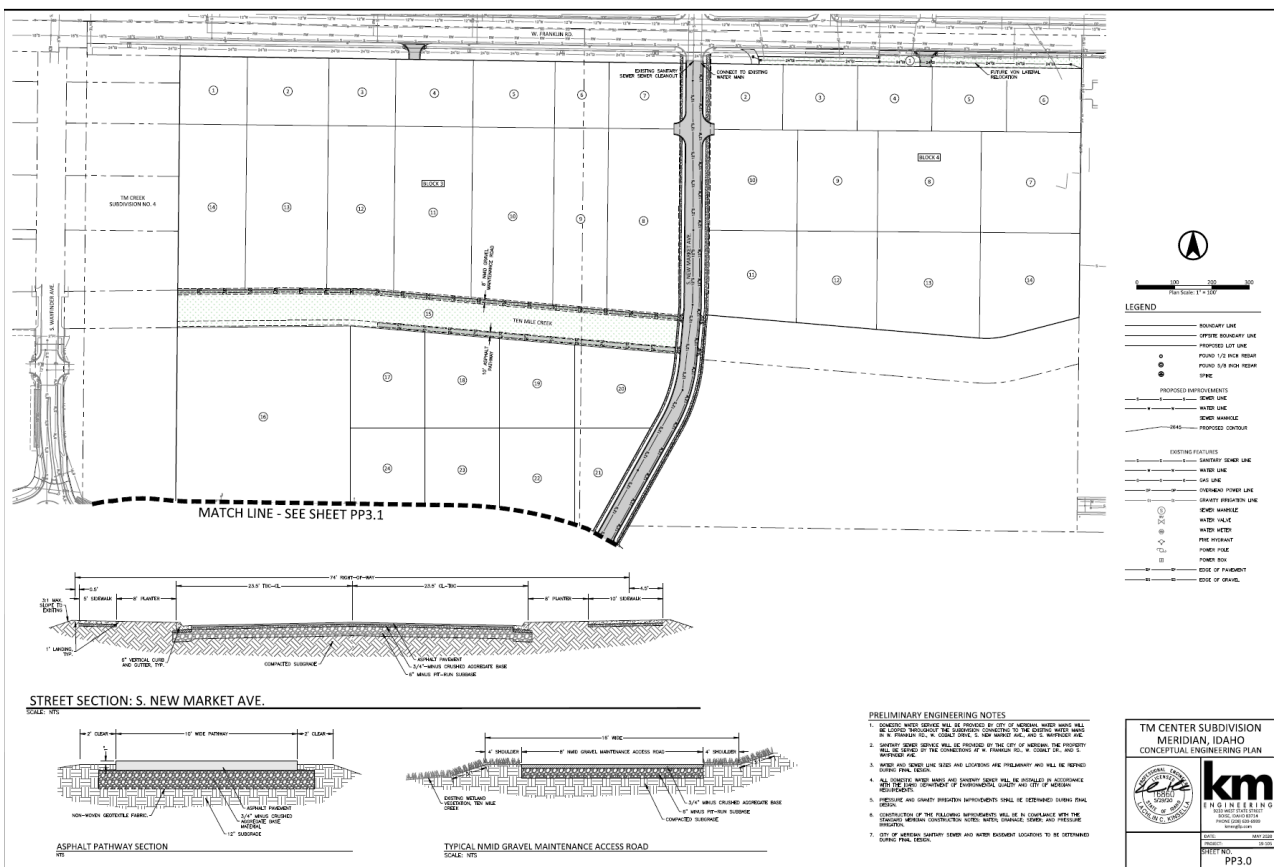
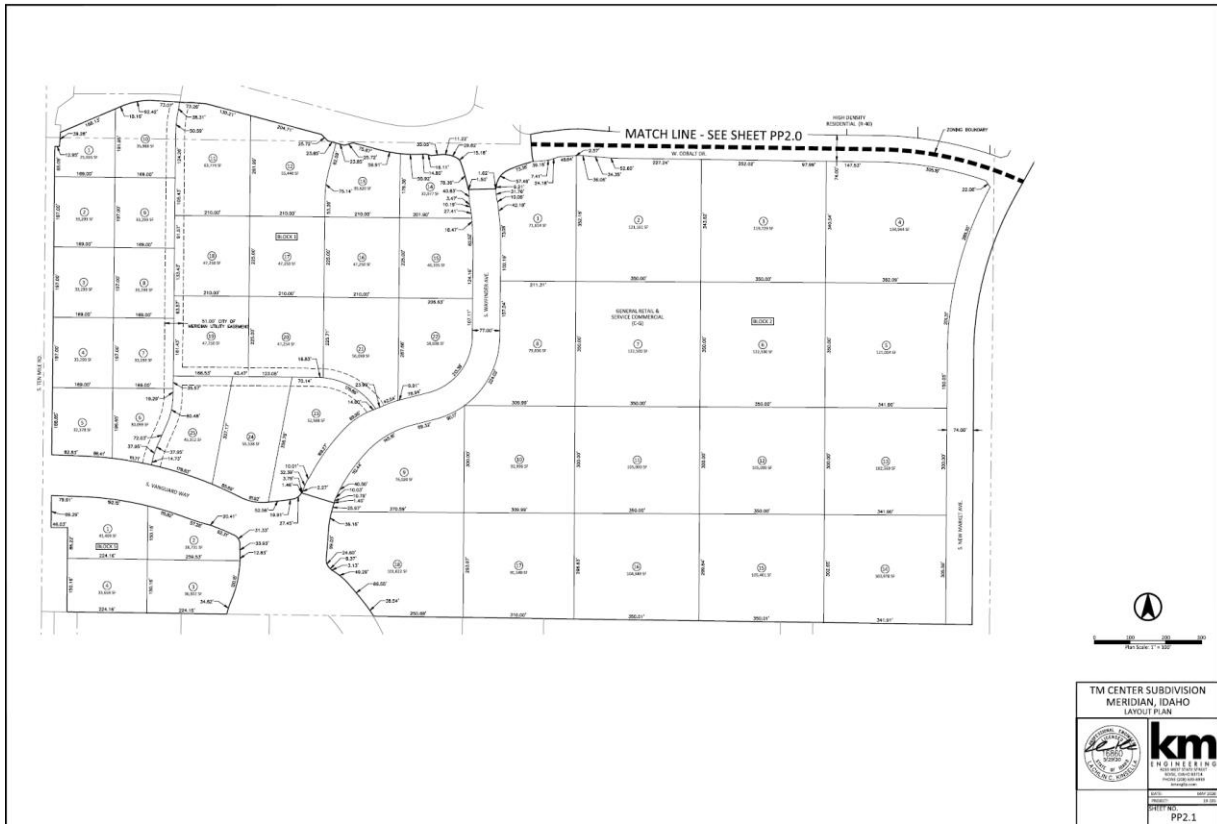


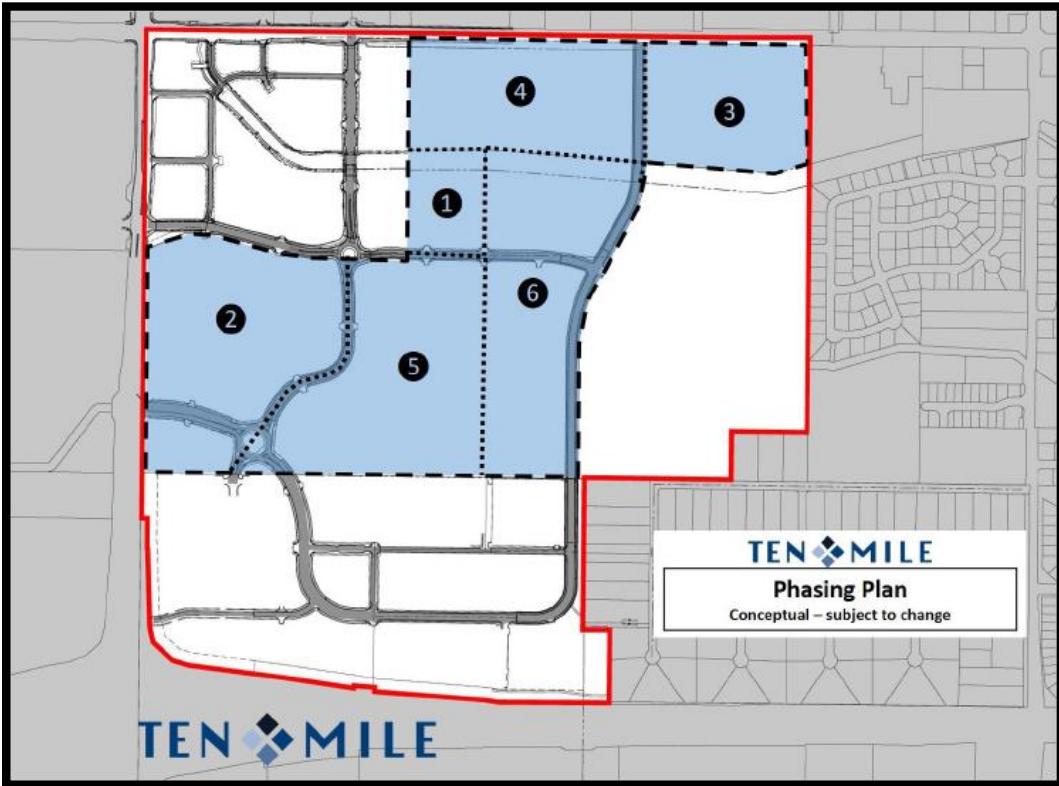
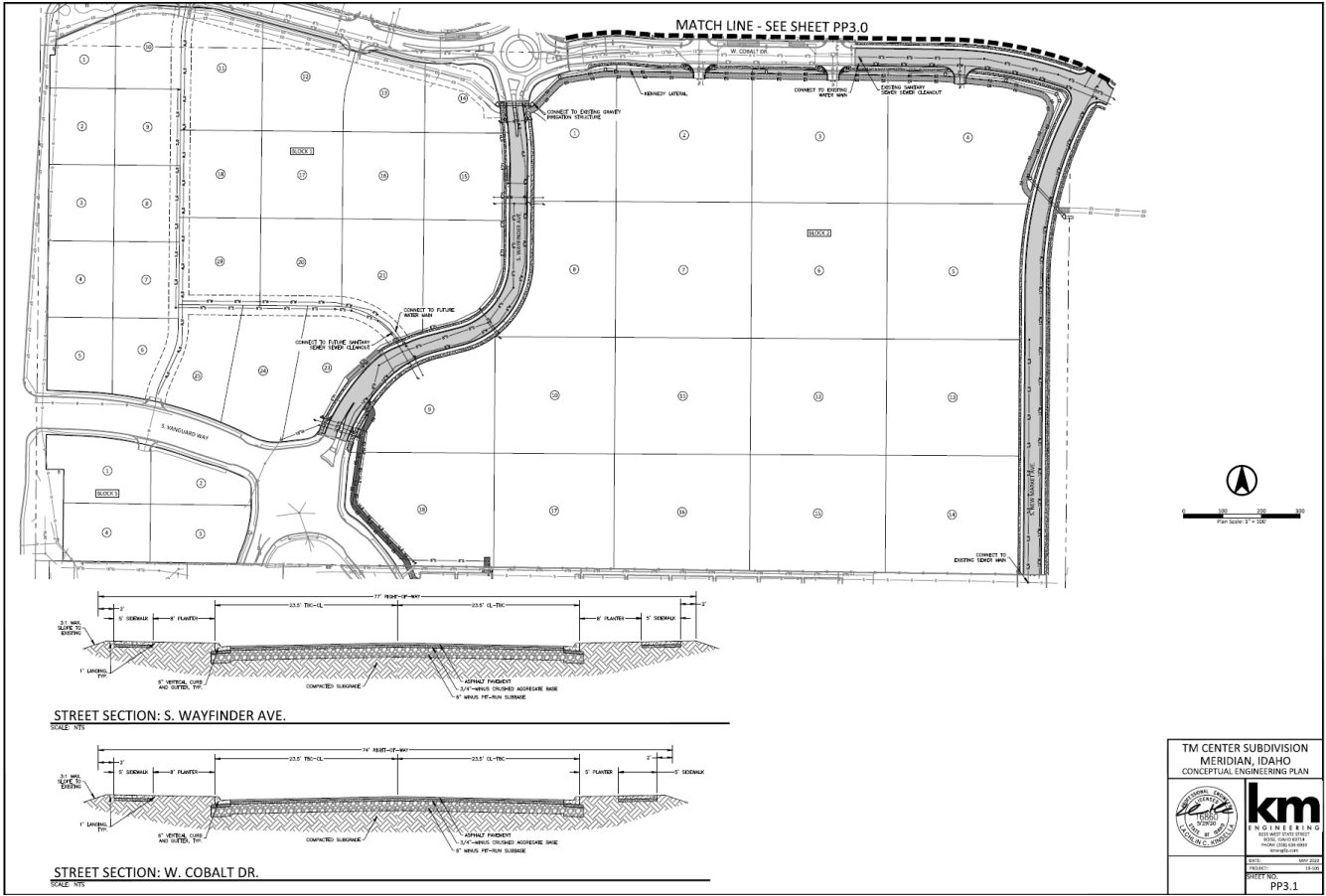
- PRELIMINARY PLAT NOTES**
1. DEVELOPMENT IN THIS SUBDIVISION SHALL COMPLY TO THE APPLICABLE ZONING REGULATIONS OF THE CITY OF MERIDIAN IN EFFECT AT THE TIME OF RECORDING OF A PLAT AND SHALL BE SUBJECT TO THE APPLICABLE SUBDIVISION PLAT ACT.
  2. ANY RE-DESIGNATION OF THIS PLAT SHALL COMPLY WITH THE MOST RECENTLY APPROVED SUBDIVISION ZONINGS OF THE CITY OF MERIDIAN.
  3. PROPERTY OWNER HAS BEEN PROVIDED WITH MAPS AND METERS PREVIOUS TO CONSTRUCTION WITH EACH CODE DESIGNATION. COMMUNITY BUSINESS (C-C), HIGH DENSITY RESIDENTIAL (H-40) AND GENERAL RETAIL & SERVICE COMMERCIAL (G-C) ARE DESIGNATED AS SUCH.
  4. THIS DEVELOPMENT PREPARED UNDER CODE BOOKS TO ALLOW OWNER TO MAKE ANY CHANGES TO DEVELOPMENT. DEVELOPMENT FROM THIS PLAT SHALL BE SUBJECT TO THE APPLICABLE ZONING REGULATIONS OF THE CITY OF MERIDIAN. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MERIDIAN. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MERIDIAN. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MERIDIAN.
  5. ACQUISITION OF ANY APPLICABLE ZONING, MUNICIPALITY POLICY OR ORDINANCE THEREOF.
  6. ACQUISITION OF ANY APPLICABLE ZONING, MUNICIPALITY POLICY OR ORDINANCE THEREOF.
  7. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MERIDIAN. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MERIDIAN. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MERIDIAN.

TM CENTER SUBDIVISION  
MERIDIAN, IDAHO  
LAYOUT PLAN

**km**  
ENGINEERING

SHEET NO. PP2.0





D. Landscape Plan (date: 5/28/2020)

**LANDSCAPE SITE PLAN**

**GENERAL LANDSCAPE NOTES**

1. CONTRACTOR SHALL VERIFY ALL TREE PLANTING SPECIFICATIONS AND CONDITIONS WITH THE LANDSCAPE ARCHITECT BEFORE BEGINNING ANY WORK.
2. ALL PLANTING SHALL BE ACCORDING TO THE PLANTING SCHEDULE AND THE MITIGATION REQUIREMENTS TABLE.
3. THE CONTRACTOR SHALL MAINTAIN THE EXISTING AND REMAINING TREES AND SHALL PROTECT THEM FROM DAMAGE.
4. THE CONTRACTOR SHALL MAINTAIN THE EXISTING AND REMAINING TREES AND SHALL PROTECT THEM FROM DAMAGE.

**GENERAL OBLIGATION NOTES**

1. ALL PLANTING SHALL BE ACCORDING TO THE PLANTING SCHEDULE AND THE MITIGATION REQUIREMENTS TABLE.
2. THE CONTRACTOR SHALL MAINTAIN THE EXISTING AND REMAINING TREES AND SHALL PROTECT THEM FROM DAMAGE.
3. THE CONTRACTOR SHALL MAINTAIN THE EXISTING AND REMAINING TREES AND SHALL PROTECT THEM FROM DAMAGE.

**ALPHABETIC LANDSCAPE NOTES**

1. SEE SCHEDULE FOR PLANTING SCHEDULE.
2. SEE MITIGATION REQUIREMENTS TABLE FOR MITIGATION REQUIREMENTS.

**PLANT SCHEDULE**

SYMBOL	PLANT	SIZE	QUANTITY	DATE
1	ANDROMEDA	6-8"	1	2020
2	ANDROMEDA	6-8"	1	2020
3	ANDROMEDA	6-8"	1	2020
4	ANDROMEDA	6-8"	1	2020
5	ANDROMEDA	6-8"	1	2020
6	ANDROMEDA	6-8"	1	2020
7	ANDROMEDA	6-8"	1	2020
8	ANDROMEDA	6-8"	1	2020
9	ANDROMEDA	6-8"	1	2020
10	ANDROMEDA	6-8"	1	2020
11	ANDROMEDA	6-8"	1	2020
12	ANDROMEDA	6-8"	1	2020
13	ANDROMEDA	6-8"	1	2020
14	ANDROMEDA	6-8"	1	2020
15	ANDROMEDA	6-8"	1	2020
16	ANDROMEDA	6-8"	1	2020
17	ANDROMEDA	6-8"	1	2020
18	ANDROMEDA	6-8"	1	2020
19	ANDROMEDA	6-8"	1	2020
20	ANDROMEDA	6-8"	1	2020
21	ANDROMEDA	6-8"	1	2020
22	ANDROMEDA	6-8"	1	2020
23	ANDROMEDA	6-8"	1	2020
24	ANDROMEDA	6-8"	1	2020
25	ANDROMEDA	6-8"	1	2020
26	ANDROMEDA	6-8"	1	2020
27	ANDROMEDA	6-8"	1	2020
28	ANDROMEDA	6-8"	1	2020
29	ANDROMEDA	6-8"	1	2020
30	ANDROMEDA	6-8"	1	2020
31	ANDROMEDA	6-8"	1	2020
32	ANDROMEDA	6-8"	1	2020
33	ANDROMEDA	6-8"	1	2020
34	ANDROMEDA	6-8"	1	2020

**STREET TREE CALCULATIONS (TREE/35 LF)**

STREET NAME	LENGTH (LF)	TREES REQUIRED	TREES PLANTED
W Franklin Rd	100	3	3
W Conant Dr	100	3	3
W Doyon Dr	100	3	3
W Egan Dr	100	3	3
W Egan Dr	100	3	3
W Conant Dr	100	3	3
W Conant Dr	100	3	3

**TOTAL TREES**

MITIGATION REQUIREMENTS	TOTAL TREES
SEE SCHEDULE FOR PLANTING SCHEDULE	300
SEE MITIGATION REQUIREMENTS TABLE FOR MITIGATION REQUIREMENTS	300

**PLANTING DETAIL #1**

**PLANTING DETAIL #2**

**PLANTING DETAIL #3**

**GENERAL NOTES**

1. SEE SCHEDULE FOR PLANTING SCHEDULE.
2. SEE MITIGATION REQUIREMENTS TABLE FOR MITIGATION REQUIREMENTS.

**MITIGATION REQUIREMENTS**

SEE SCHEDULE FOR PLANTING SCHEDULE AND MITIGATION REQUIREMENTS TABLE FOR MITIGATION REQUIREMENTS.

E. Roadways – Completed and Future

100% COMPLETE

- Vanguard (primary entrance)
- Navigator (east/west collector/local)
- Wayfinder (north/south collector)

75% COMPLETE

- Cobalt (east/west collector)

15% COMPLETE

- Benchmark (north/south collector connection to Franklin)



F. Pathway Plan



**Multi-Purpose Pathways**

G. Conceptual Building Elevations/Perspectives



**BRIGHTON BUILDING (complete)**



**PAYLOCITY BUILDING (complete)**

TM CENTER SUBDIVISION  
BUILDING ELEVATION TYPICALS

TM CENTER SUBDIVISION  
BUILDING ELEVATION TYPICALS





**AMERIBEN PHASE II (under constr)**

TM CENTER SUBDIVISION  
BUILDING ELEVATION TYPICALS

3



**SALTZER MEDICAL (under constr)**

TM CENTER SUBDIVISION  
BUILDING ELEVATION TYPICALS



**LASALLE BUILDING (under constr)**

TM CENTER SUBDIVISION  
BUILDING ELEVATION TYPICALS

5



**EXISTING SINGLE-STORY SHOPS**

TM CENTER SUBDIVISION  
BUILDING ELEVATION TYPICALS



**EXISTING SINGLE-STORY MEDICAL**

TM CENTER SUBDIVISION  
BUILDING ELEVATION TYPICALS



**EXISTING CARWASH**

TM CENTER SUBDIVISION  
BUILDING ELEVATION TYPICALS

8



**EXISTING RESTAURANT/SHOPS (front)**

TM CENTER SUBDIVISION  
BUILDING ELEVATION TYPICALS



**EXISTING RESTAURANT/SHOPS (rear)**

TM CENTER SUBDIVISION  
BUILDING ELEVATION TYPICALS

1



**EXISTING AUTO SERVICE**

TM CENTER SUBDIVISION  
BUILDING ELEVATION TYPICALS

1



**THE LOFTS at TEN MILE (complete)**

TM CENTER SUBDIVISION  
BUILDING ELEVATION TYPICALS



**THE LOFTS at TEN MILE (garages)**

TM CENTER SUBDIVISION  
BUILDING ELEVATION TYPICALS



**THE FLATS at TEN MILE (under constr)**

TM CENTER SUBDIVISION  
BUILDING ELEVATION TYPICALS

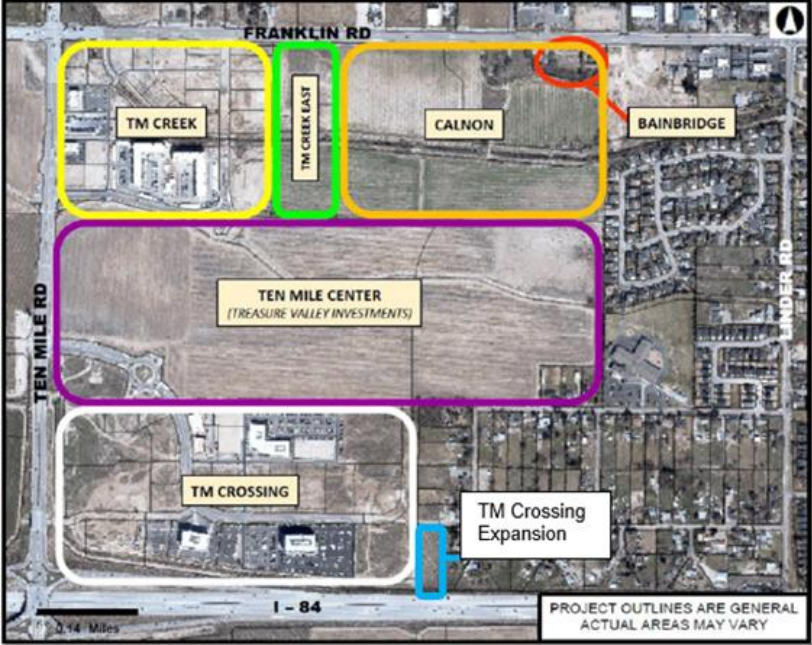
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IX. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

A conceptual use plan (i.e. bubble plan) shall be submitted at least 10 days prior to the City Council hearing, to be included in the development agreement, that demonstrates consistency with the mix of uses from each major use category (i.e. commercial, residential, employment) for the overall area governed by the DA as set forth in the TMISAP and the provisions of Development Agreements associated with previous annexations.

- 1. A new Development Agreement shall replace all existing agreements in the Ten Mile Area as referenced above in Section VI.A, and shall include the following provisions:



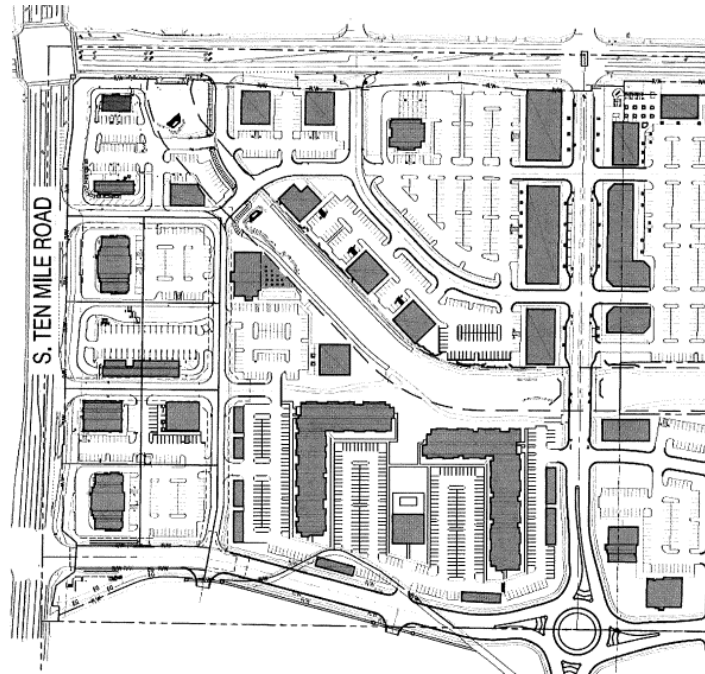
- a. Provisions applicable to entire development:
  - (1) Future development shall be consistent with the guidelines for development in the Ten Mile Interchange Specific Area Plan (TMISAP) pertaining to land use, transportation and design; UDC standards; and design standards in the Architectural Standards Manual, except for the deviations specified in this agreement.
  - (2) Public art shall be incorporated at the entries of the site to create a sense of arrival and as appropriate throughout the overall development. Public art should contribute to the character and identity of the City and should be incorporated in the design of streetscapes, plazas, public spaces associated with buildings, etc. Art should be easily visible to the public (e.g. on the exterior of buildings rather than in lobbies, or visible from the street or publicly accessible open spaces rather than interior courtyards), in accord with the TMISAP.
  - (3) Building height in the C-G zoning district for structures in the area governed by this agreement is allowed to extend up to a maximum of 100-feet without further application.
  - (4) Direct lot access via S. Ten Mile Rd. and W. Franklin Rd., arterial streets; and W. Cobalt Dr., S. Wayfinder Ave., S. Vanguard Way and S. Benchmark Ave., collector streets, is prohibited in accord with UDC 11-3A-3 and the TMISAP unless otherwise approved by the City and ACHD in conjunction with a detailed development plan and/or subdivision. *City Council approved waivers to UDC 11-3A-3 for direct access via S. Ten Mile Rd., W.*

*Franklin Rd., S. Wayfinder Ave. and W. Cobalt Dr. as shown on the preliminary plat and concept plan for TM Creek subdivision ([AZ-13-015](#); [PP-13-030](#)).*

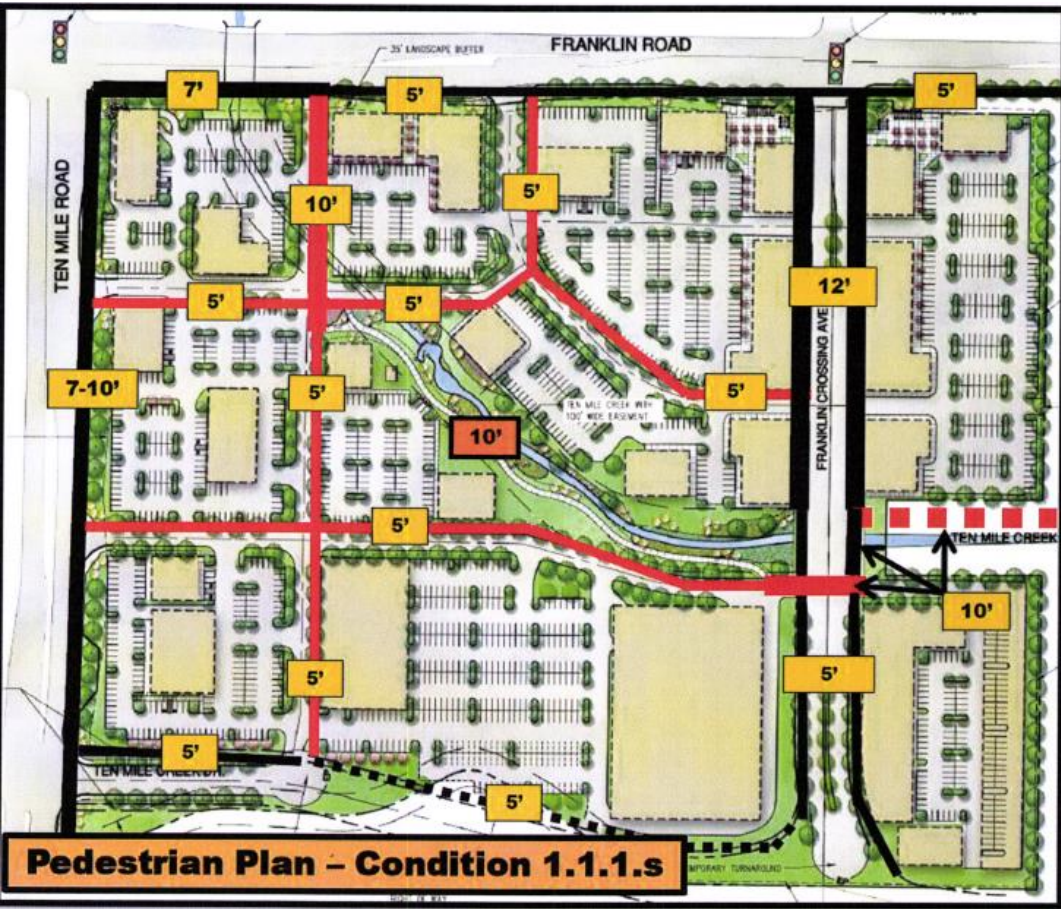
- (5) The design of future buildings in this development shall incorporate design elements that are generally consistent with those in the “typical” elevations shown in Section VIII.G.
- (6) The developer shall continue to work with Valley Regional Transit (VRT) to determine the nature and timing of public transit services needed in this area. With each final plat development phase, an update should be provided to the City.

Shelters should be placed at transit stops for weather protection to patrons; the design of such should be coordinated between the City, VRT and ACHD ensuring architectural consistency with the general theme of the activity center. Transit locations should include pedestrian amenities such as landscaping, pedestrian and landscape lighting, benches and trash receptacles consistent with the design and location of the shelter.

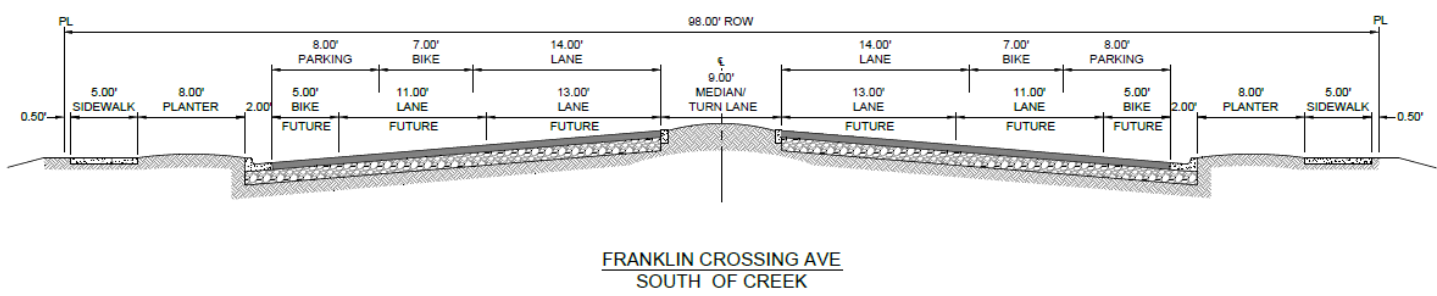
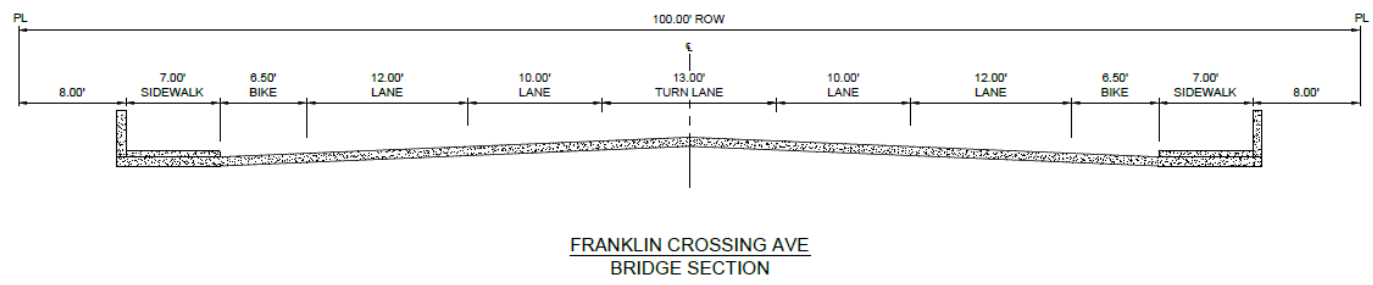
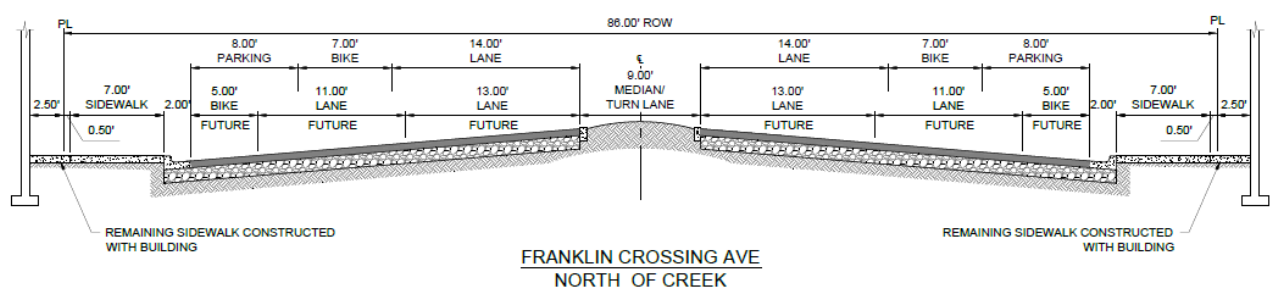
- (7) Prior to the City Engineer’s signature on the first final plat for TM Center, the developer shall submit a surety to the City of Meridian for the cost of a Welcome to Meridian sign to be placed off-site at the intersection of S. Ten Mile Rd. and S. Vanguard Way. The sign shall be constructed prior to issuance of the first Certificate of Occupancy in the first phase of TM Center subdivision.
  - (8) A portion of this site along the Ten Mile Creek is located within the Meridian Floodplain Overlay District. Prior to any development occurring within the Overlay District, the Applicant is required to submit, and the City shall review and approve, a floodplain development application which includes the necessary analysis and documents under MCC Title 10, Chapter 6, including hydraulic and hydrologic analysis.
  - (9) Street lights at a pedestrian scale shall be installed within the tree lawn area along W. Franklin Rd. as set forth in the TMISAP.
- b. TM Crossing Expansion site ([H-2018-0122](#), Parcel #R7192800752):
- (1) If at some point in the future the adjacent homes to the north and east of the site redevelop commercially and the 25-foot wide right-of-way depicted on the Primrose subdivision plat on the adjacent property to the north (Lot 7, Block 3) is dedicated, a public street connection may be required at that time.
  - (2) A pedestrian connection shall be provided from the residential neighborhood (i.e. Primrose Subdivision) to the commercial development to the west on the TM Crossing Expansion site ([H-2018-0122](#)) in accord with UDC 11-3B-9C.3. The location of the pedestrian connection may be within the right-of-way adjacent to the north property boundary.
- c. TM Creek site ([AZ-13-015](#), [H-2017-0124](#)):
- (1) Future development of this site shall be generally consistent with the conceptual site plan shown below and shall develop with a mix of office, commercial and residential uses as proposed.



- (2) Street lights at a pedestrian scale shall be installed within the tree lawn area along S. Ten Mile Rd. and W. Cobalt Dr. as set forth in the TMISAP.
- (3) Pedestrian-scale lighting shall be installed along S. Wayfinder Ave. as set forth in the TMISAP.
- (4) All structures within the TN-C zone adjacent to S. Wayfinder Ave. north of the Ten Mile Creek shall be a minimum of two stories in height in accord with UDC 11-2D-5 and the design elements contained in the TMISAP.
- (5) Buildings along S. Wayfinder Ave. north of the creek should be built to the sidewalk with street trees in wells and street-level store fronts, in accord with the TMISAP.
- (6) A crosswalk shall be provided across S. Wayfinder Ave. where the multi-use pathway along the Ten Mile Creek crosses the street.
- (7) For streets & block fronts where commercial uses and pedestrian activity are most desired north of the Ten Mile Creek, it is recommended that sidewalks be lined with shops, restaurants, offices and galleries and that buildings be designed with multiple sidewalk entries where feasible, generously-scaled display and transom windows, pedestrian-scales signs and banners, and awnings or canopies for sun shading.
- (8) A pedestrian crossing over the Ten Mile Creek shall be provided as part of the creek amenity if approval can be obtained from Nampa & Meridian Irrigation District.
- (9) Sidewalks shall be provided internally along one side of all major drive aisles for pedestrian connectivity within the development in accord with the Internal Pedestrian Plan shown below.



(10) South Wayfinder Ave. shall initially be constructed in accord with the street sections shown below. Future reconfiguration of S. Wayfinder Ave. may occur if warranted by ACHD, in accord with the street section shown below.



d. TM Creek East ([H-2015-0018](#)):

- (1) The site shall develop with multi-family residential uses and shall obtain conditional use permit approval prior to development. The overall average density target should be at least 16-25 dwelling units per gross acre. Design and orientation of buildings should be pedestrian oriented with special streetscape improvements to create rich and enjoyable public spaces. A strong physical relationship between the commercial and residential components to adjacent employment or transit centers is critical.”
- (2) The subject property shall be subdivided prior to issuance of any building permits for the site.

e. Ten Mile Center (aka Treasure Valley Investments) ([AZ-14-001](#)):

- (1) The property shall be subdivided prior to submittal of the first Certificate of Zoning Compliance application.
- (2) The property shall be developed in a manner that provides a transition in uses to adjacent residential properties.
- (3) Most buildings along S. Ten Mile Rd. should address the street by being built to the street buffer with windows overlooking the pathway to provide security to the pedestrians and bikes on the pathway as set forth in the TMISAP.

- (4) A pedestrian connection shall be made to the adjacent school site to the east (i.e. Peregrine Elementary School).
  - (5) The portions of the property zoned TN-C and TN-R shall be developed in a manner that incorporates traditional neighborhood design concepts as set forth in the TMISAP.
  - (6) Only residential uses shall be developed within the R-8 zone. In addition to other allowed uses, a minimum of 75 residential units shall be developed within the TN-R zone, and a minimum of 300 residential units shall be developed within the C-G and/or TN-C zones combined.
  - (7) The Kennedy Lateral and all other waterways on the site shall be piped or otherwise covered in accord with UDC 11-3A-6, unless waived by City Council.
  - (8) Based on the 2020 Sewer Master Plan Update, the subject property lies within two sewer boundaries. The Kennedy Lateral is the sewer shed boundary. Sanitary sewer services to this development is are being proposed via main extensions from the Black Cat Trunk and Ten Mile Diversion Trunk of mains located near the Purdam Drain within the southwest portion of the subject property and main extensions from Franklin Road. Owner/Developer shall install mains to and through the development, coordinate main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service. Minimum cover over sewer mains is three feet; if cover from top of pipe to sub-grade is less than three feet then alternative materials shall be used in conformance with City of Meridian Public Works Department standard specifications.
  - (9) Water service to the subject property will be via extension of mains in Ten Mile Road along the alignment of the future east-west collector. Owner/Developer shall be responsible to install water mains to and through the property at the time of development and to coordinate main sizes and routing with City of Meridian Public Works Department.
  - (10) Future construction of streets within this site shall be consistent with the applicable street section as shown on the Street Section Map contained in the Ten Mile Interchange Specific Area Plan (TMISAP) (pgs. 3-20 and 3-21) with the exception of the east/west collector street (W. Cobalt Dr.) from Ten Mile Road at the northwest corner of the site which shall be constructed as a major collector street in accord with Street Section C.
- f. Calnon ([H-2015-0017](#)):
- (1) Prior to any development occurring on the subject property, the applicant shall modify the development agreement to include a more detailed conceptual development plan for the site that is consistent with the MU-C and MU-R land use designations. A mix of uses from each major use category (i.e. commercial, residential, employment) shall be provided as set forth in the Ten Mile Interchange Specific Area Plan (TMISAP). No more than 30% of the ground level development within the MU-C designation shall be used for residences. No more than 40% of the land area within the MU-R area shall be utilized for non-residential uses.
  - (2) The subject property shall be subdivided prior to issuance of any building permits for the site.
  - (3) Provide a minimum of 218 residential dwelling units on the site of varying types (i.e. multi-family, single-family, townhouse, duplex, and/or vertically integrated). *Note: The number of units provided may be greater than 218 units without a limit on the maximum number of units.*
  - (4) A 10-foot wide multi-use pathway shall be constructed on this site along the north side of the Ten Mile Creek and to the property to the south. The pathway shall be constructed in



accord with the Pathways Master Plan and UDC 11-3A-8. Landscaping on either side of the pathway is required in accord with the standards listed in 11-3B-12C.

- (5) The stub street that exists to this property at the east boundary of the site, W. Cobalt Street, from Whitestone Estate Subdivision shall be extended with development.
- (6) The Vaughn Lateral shall be piped on the site where it is currently open if approval can be obtained from Nampa & Meridian Irrigation District (NMID) as it is owned in-fee by NMID.
- (7) Sidewalks shall be provided internally along one side of all major drive aisles for pedestrian connectivity within the development.
- (8) This property borders a domestic water pressure zone boundary, and therefore with development, the applicant shall be required to install a pressure reducing station vault and conduits for power and telemetry cabling in the vicinity of their southeasterly connection in W. Cobalt Street. The installation of the pressure reducing appurtenances shall be the responsibility of the Meridian Public Works Department. Applicant shall coordinate the vault and conduit design criteria with the Meridian Public Works Department as part of the development plan review process.
- (9) The City of Meridian currently owns and operates a sanitary sewer lift station near the west end of W. Cobalt Street. With the development of the subject property, the applicant shall be required to extend a sanitary sewer main from W. Franklin Road through the property to the lift station location and facilitate the abandonment of the lift station.

g. Bainbridge Franklin ([H-2018-0057](#)):

- (1) A cross-access/ingress-egress easement(s) shall be granted to the property to the east (parcel # R8580500100) in accord with UDC 11-3A-3. With the first certificate of zoning compliance application, the applicant shall provide a recorded cross access easement that grants access to the Twelve Oaks property.

2. The final plat(s) shall include the following revisions:

- a. Change the street name of S. New Market Ave. to S. Benchmark Ave. consistent with the Street Name Review approval.
- b. Include a note that prohibits direct lot access via W. Franklin Rd. and N. Ten Mile Rd., arterial streets; and S. Wayfinder Ave., S. Benchmark Ave., W. Cobalt Dr. and S. Vanguard Way, collector streets, unless otherwise approved by the City and ACHD.
- c. A 5-foot dry-utilities corridor should be provided along both sides of the street curb along S. Wayfinder Ave., W. Cobalt Dr. and S. New Market Ave./Benchmark Ave. Both wet utilities may be located in the street. Streetlights should be placed in the dry utilities corridor on either side of the street. Streetlights of a pedestrian-scale shall be provided along Wayfinder and Cobalt; pedestrian-scale lighting is not required along New Market/Benchmark if it will serve as a residential collector with on-street parking – otherwise, pedestrian lighting is required.
- d. South New Market Ave./Benchmark Ave. shall be constructed with two (2) travel lanes, bike lanes, parallel parking (if allowed by ACHD), 8-foot wide parkways and detached sidewalks/pathways consistent with Street Section D in the TMISAP, the development agreement, Pathways Master Plan and pathway plan for the site. *The first 200' of south of Franklin Rd. on New Market is not allowed to have on-street parking per the ACHD report to allow for right and left turn lanes.*

- e. Streetlights at a pedestrian scale shall be located in the tree lawn area (i.e. in right-of-way between curb and sidewalk) along S. Ten Mile Rd. in accord with the TMISAP for Street Section A (see pg. 3-22). Dry utilities should be located back of the curb in the dry utilities corridor.
  - f. Streetlights at a pedestrian scale shall be located in the tree lawn area (i.e. in right-of-way between curb and sidewalk) along W. Franklin Rd. and Vanguard Way in accord with the TMISAP for Street Section B (see pg. 3-22). Dry utilities should be located back of the curb in the dry utilities corridor.
  - g. Depict a minimum 50-foot wide street buffer along S. Ten Mile Rd., an entryway corridor, measured from the back of curb, in a common lot or on a permanent dedicated buffer, maintained by the property owner or business owners' association in accord with UDC 11-3B-7C.2 and Street Section A in the TMISAP.
  - h. Depict a minimum 25-foot wide street buffer along W. Franklin Rd., an arterial street, measured from the back of curb, in a common lot in the R-40 zone and in a common lot or on a permanent dedicated buffer in the C-G zone, maintained by the property owner or business owners' association in accord with UDC 11-3B-7C.2.
  - i. Depict a minimum 20-foot wide street buffer along W. Cobalt Dr., S. Wayfinder Ave., S. New Market Ave./Benchmark Ave., and S. Vanguard Way, collector streets, measured from the back of curb, in a common lot in the R-40 zone and in a common lot or on a permanent dedicated buffer in the C-G zone, maintained by the property owner or business owners' association in accord with UDC 11-3B-7C.2.
  - j. A cross-access/ingress-egress easement shall be granted via a note on the plat or a separate recorded agreement between all non-residential lots in accord with UDC 11-3A-3A.2.
  - k. A cross-access/ingress-egress easement shall be granted via a note on the plat or a separate recorded agreement to the parcel to the east (#R8580500100, Villas at Twelve Oaks) in accord with UDC 11-3A-3A.2.
  - l. Remove the two (2) driveway accesses depicted on the plat via Franklin Rd. on Lot 4, Block 3 and Lot 4, Block 4 to the east and west of New Market/Benchmark unless specifically approved by City Council through a waiver to UDC 11-3A-3, which limits access to arterial streets, *and* by ACHD.
  - m. If New Market has not yet been constructed to stub to the site's south property boundary by the time the proposed section is constructed, depict a temporary turnaround easement and construct a temporary cul-de-sac that meets the dimensional standards of a standard cul-de-sac at the terminus of New Market on this site per ACHD and Fire Dept. standards.
3. The landscape plan submitted with the final plat shall include the following revisions:
- a. Detached pathways, 8- to 10-foot wide, shall be depicted in accord with the pathway plan in Section VIII.F and with the City's Pathways Master Plan as required by the Park's Department in Section IX.E. *At a minimum, 10-foot wide pathways shall be provided along S. Ten Mile Rd., the east side of S. New Market Ave. and along the Ten Mile Creek in accord with the Pathways Master Plan; 8-foot wide pathways may be provided in other locations.*
  - b. Depict a minimum 5-foot wide detached sidewalk along the west side of S. New Market Ave./Benchmark Ave. where 8- to 10-foot wide pathways are not proposed on the pathway plan, with 8-foot wide parkways within a minimum 20-foot wide landscaped buffer in accord with the TMISAP for Street Section D (see pg. 3-21).

- c. Depict a minimum 20-foot wide street buffer, landscaped per the standards listed in UDC 11-3B-7C, along each side of W. Cobalt Dr., a collector street; and a detached 8- to 10-foot wide pathway on the south side of the street consistent with the pathway plan.
  - d. Depict minimum 20-foot wide street buffers, landscaped per the standards listed in UDC 11-3B-7C, along S. Wayfinder Ave. and S. Vanguard Way, both collector streets.
  - e. Depict a 50-foot wide buffer area with detached 10-foot wide pathway along S. Ten Mile Rd., consistent with that shown for Street Section A in the TMISAP; depict landscaping in accord with the standards listed in UDC 11-3B-12C for pathways and 11-3B-7C for street buffers.
  - f. Depict a minimum 25-foot wide buffer with a minimum 5-foot wide detached sidewalk along W. Franklin Rd., landscaped per the standards listed in UDC 11-3B-7C.
  - g. Depict streetlights at a pedestrian scale in the tree lawn area along S. Ten Mile Rd. in accord with the TMISAP for Street Section A (see pg. 3-22).
  - h. Depict streetlights at a pedestrian scale in the tree lawn areas along W. Franklin Rd. and S. Vanguard Way in accord with the TMISAP for Street Section B (see pg. 3-22).
  - i. Depict streetlights at a pedestrian scale in the tree lawn areas along W. Cobalt Dr. and S. Wayfinder Ave; if New Market/Benchmark is not constructed as a residential collector street with on-street parking, streetlights at a pedestrian scale shall also be provided along this street.
  - j. Include mitigation information on the plan for all trees on the site that are proposed to be removed that require mitigation in accord with the standards listed in UDC 11-3B-10C.5. Contact Matt Perkins, City Arborist, to schedule an appointment for an inspection to determine mitigation requirements.
4. In accord with the TMISAP for “complete streets,” the following are features that shall be considered as a starting point for each street: sidewalks, bike lanes, wide shoulders, crosswalks, refuge medians, bus pullouts, special bus lanes, raised crosswalks, audible pedestrian signals, sidewalk bulb-outs, street furnishings and on-street parking. **The Applicant shall address at the public hearing (or in writing prior to the hearing) what additional design features are planned for internal public streets within this development aside from those proposed.**
  5. All future development shall comply with the minimum dimensional standards listed in UDC Tables [11-2A-6](#) (R-8), [11-2A-8](#) (R-40), [11-2B-3](#) (C-G), [11-2D-5](#) (TN-C) and [11-2D-6](#), as applicable.
  6. A 14-foot wide public pedestrian easement shall be submitted to the Planning Division for all of the multi-use pathways within the site that area not located in the right-of-way prior to signature on the final plat by the City Engineer.
  7. Streetlights shall be placed in the dry utilities corridor on either side of W. Cobalt Dr., S. Wayfinder Ave. and S. New Market Ave./Benchmark Ave.
  8. Development of the plat shall occur generally consistent with the phasing plan in Section VIII.C.

## B. PUBLIC WORKS

### 1. Site Specific Conditions of Approval

- 1.1 The current sewer configuration submitted with this application, depicts at intersection of Cobalt and New Market Avenue, flow being enabled to go in either the north or the west direction. This needs to be corrected so flow only goes in one direction. Based on conversations with applicant 8" sewer line on Cobalt will not connect to manhole at intersection.

- 1.2 To alleviate the water quality issues, this development must extend the proposed 12" water main south to connect into the existing water main in S New Market Ave (TM Crossing No 4).
- 1.3 Tie into the existing 12" water stub in Vanguard (between lots 6 & 25, block 1)

## **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.

**C. FIRE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=191391&dbid=0&repo=MeridianCity>

**D. POLICE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=191282&dbid=0&repo=MeridianCity>

**E. PARK'S DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=192685&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223592&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223468&dbid=0&repo=MeridianCity>

**H. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=191393&dbid=0&repo=MeridianCity>

**I. WEST ADA SCHOOL DISTRICT (WASD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=192801&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223625&dbid=0&repo=MeridianCity>

Questions from City Staff and ACHD response:

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222896&dbid=0&repo=MeridianCity>

ACHD confirmation that a Traffic Impact Study (TIS) was not required for this project.

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222887&dbid=0&repo=MeridianCity>

**X. FINDINGS**

**A. REZONE (UDC 11-5B-3E)**

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

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

*Staff finds the rezone of the subject site to the C-G and R-40 zoning districts is consistent with the associated MU-COM and HDR FLUM designations in the Comprehensive Plan for the subject property proposed to be rezoned.*

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

*Staff finds the proposed map amendment to C-G will assist in providing for the retail and service needs of the community while the map amendment to R-40 will assist in providing for a range of housing opportunities consistent with the Comprehensive Plan in accord with the purpose statements for the districts.*

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

*Staff finds that the proposed rezone should not be detrimental to the public health, safety, or welfare. Staff recommends the Commission and Council consider any oral or written testimony that may be provided when determining this finding.*

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

*Staff finds that the proposed rezone will not result in any adverse impact upon the delivery of services by any political subdivision providing services to this site.*

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

*Because this application is for a rezone and not an annexation, this finding is not applicable.*

#### **B. PRELIMINARY PLAT (UDC 11-6B-6)**

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings: (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

1. The plat is in conformance with the comprehensive plan and is consistent with this unified development code; (Ord. 08-1372, 7-8-2008, eff. 7-8-2008)

*Staff finds the proposed plat is generally in conformance with the UDC and the guidelines in the Comprehensive Plan and TMISAP if the Applicant complies with the Development Agreement provisions, conditions of approval in Section IX and ACHD conditions.*

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

*Staff finds public services can be made available to the subject property and will be adequate to accommodate the proposed development.*

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

*Staff finds the proposed plat is in substantial conformance with scheduled public improvements in accord with the City's CIP.*

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

*Staff finds there is public financial capability of supporting services for the proposed development.*

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

*Staff finds the proposed development will not be detrimental to the public health, safety or general welfare.*

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

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





## AGENDA ITEM

**ITEM TOPIC:** Public Hearing for The Oasis (H-2021-0004) by Brian Tsai of Balboa Ventures, Located at 3185 E. Ustick Rd.

A. Request: Conditional Use Permit request for an approximate 7,000 square foot drinking establishment, music venue, and nightclub on a portion of 3.26 acres of land in the C-G zoning district.



# PUBLIC HEARING INFORMATION

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**Staff Contact:** Joseph Dodson

**Meeting Date:** March 18, 2021

**Topic:** **Public Hearing** for The Oasis (H-2021-0004) by Brian Tsai of Balboa Ventures,  
Located at 3185 E. Ustick Rd.

- A. Request: Conditional Use Permit request for an approximate 7,000 square foot drinking establishment, music venue, and nightclub on a portion of 3.26 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



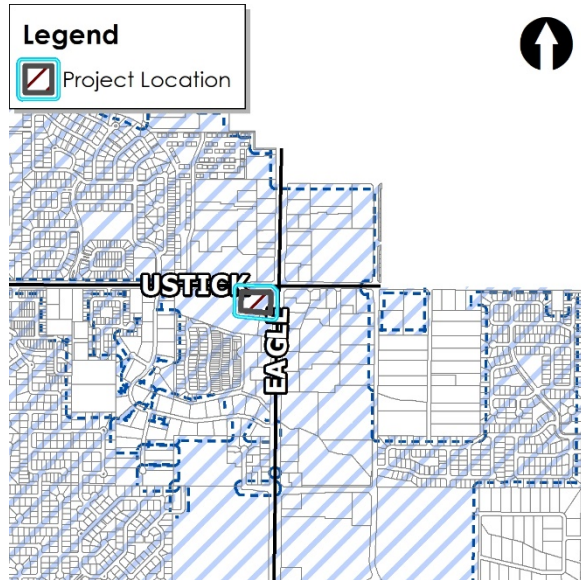
HEARING DATE: 3/18/2021

TO: Planning & Zoning Commission

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

SUBJECT: H-2021-0004  
The Oasis

LOCATION: The site is located on a portion of 3185 E. Ustick Road, at the southwest corner of N. Eagle Road and E. Ustick Road, in the NE ¼ of the NE ¼ of Section 5, Township 3N., Range 1E.



## I. PROJECT DESCRIPTION

Conditional Use Permit request for an approximate 7,000 square foot drinking establishment, music venue, and nightclub on a portion of 3.26 acres of land in the C-G zoning district, by Brian Tsai, Balboa Ventures.

## II. SUMMARY OF REPORT

### A. Project Summary

Description	Details	Page
Acreage	Portion of 3.29 (C-G zoning district)	
Future Land Use Designation	Mixed Use Regional	
Existing Land Use(s)	Vacant but being developed	
Proposed Land Use(s)	Commercial	
Lots (# and type; bldg./common)	On 1 of 5 building lots	
Physical Features (waterways, hazards, flood plain, hillside)	Milk Lateral runs along southern boundary of property; easement being respected and verified in CZC approvals.	
Neighborhood meeting date; # of attendees:	January 14, 2021 – 15 attendees	
History (previous approvals)	H-2019-0082 (DA Modification to remove the subject site from an existing DA and enter into a new one specific to this site; DA Inst. #2019-121599); H-2020-0104 (Pre-plat approval to subdivide property into 5 lots); A-2019-0376 & A-2021-0010 (CZC for parking lot, landscaping, and other relevant site improvements); A-2021-0012 (CZC and Design Review approval of the building proposed to house requested business).	

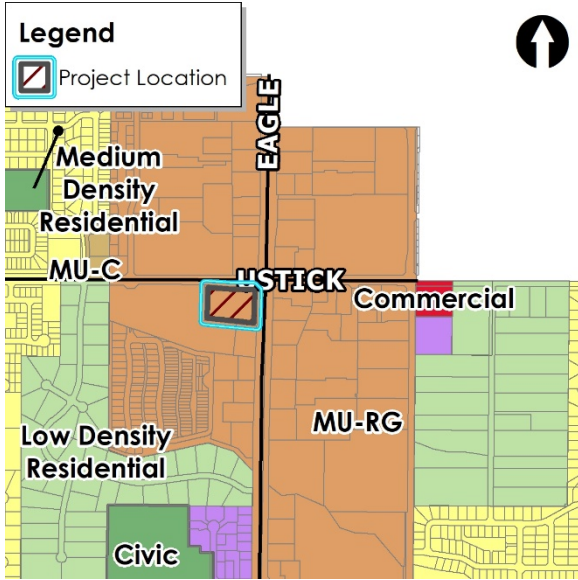
Description	Details	Page
Public Testimony	<b>Due to the controversial nature of this project, there has been a number of written and verbal testimony both for and against this project. Please go <a href="#">here</a> to review this public testimony.</b>	

B. Community Metrics

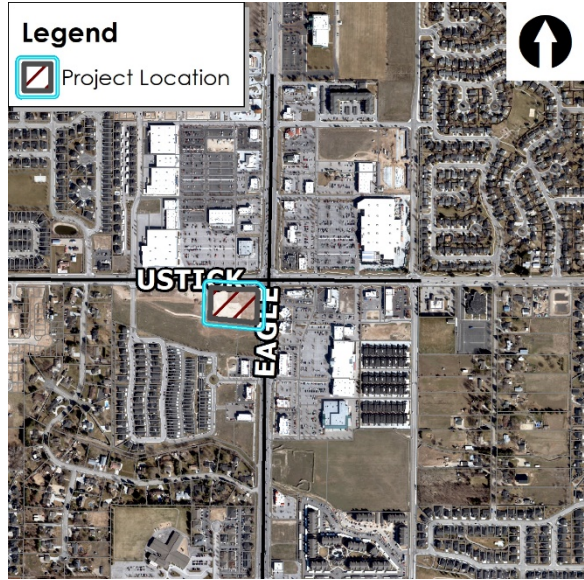
Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> <li>Staff report (yes/no)</li> <li>Requires ACHD Commission Action (yes/no)</li> </ul>	<p>Yes; Comply with letter noting review that occurred with urgent care CZC (A-2020-0163).</p> <p>No</p>	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Access is proposed via a proposed shared driveway into the development from E. Ustick Rd. No direct access is proposed or allowed to E. Ustick Rd. or N. Eagle Rd.	
Stub Street/Interconnectivity/Cross Access	Subject site has existing cross-access agreements in place for sites within the original 3 acre parcel. Staff is unaware of any cross-access agreements with adjacent sites to the west and south (Villasport approvals).	
Existing Road Network	Internal drive aisles and adjacent drive aisles are currently under construction.	
Existing Arterial Sidewalks / Buffers	The required sidewalks and landscaping are currently under construction commensurate with the approved CZC plans (A-2019-0376).	
Proposed Road Improvements	Applicant is not required to perform any road improvements because Ustick and Eagle are at their full-build out at this time.	
<b>Fire Service</b>		
<ul style="list-style-type: none"> <li>Distance to Fire Station</li> <li>Fire Response Time</li> <li>Resource Reliability</li> <li>Risk Identification</li> <li>Accessibility</li> </ul>	<p>1.2 miles from Fire Station #3</p> <p>This project lies within the Meridian Fire response time goal of 5 minutes.</p> <p>Fire Station #3 reliability currently 80%</p> <p>Risk Factor 3 – commercial</p> <p>Proposed project meets all Fire required access, road widths, and turnarounds.</p>	
<b>Police Service</b>		
<ul style="list-style-type: none"> <li>Distance to Station</li> <li>Response Time</li> <li>Call Data</li> </ul>	<p>3.5 miles from Meridian Police Department</p> <p>Approximately 3.5 minute response time to an emergency.</p> <p>Between 2/1/2019 - 1/31/2021, the Meridian Police Department responded to 2,967 calls for service within a mile of the proposed development. The crime count on the calls for service was 251.</p> <p>Between 2/1/2019 - 1/31/2021, the Meridian Police Department responded to 198 crashes within a mile of the proposed development. See attached documents for details.</p>	
<ul style="list-style-type: none"> <li>Additional Concerns</li> </ul>	Following any approvals, Police will want to meet with Applicant on expectations of Police.	

C. Project Area Maps

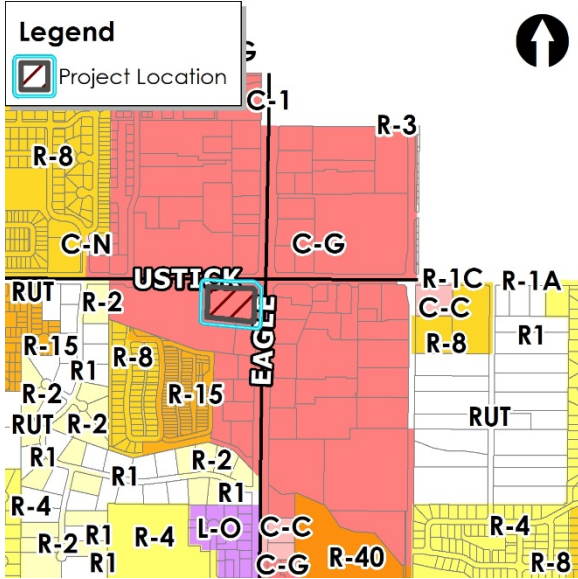
Future Land Use Map



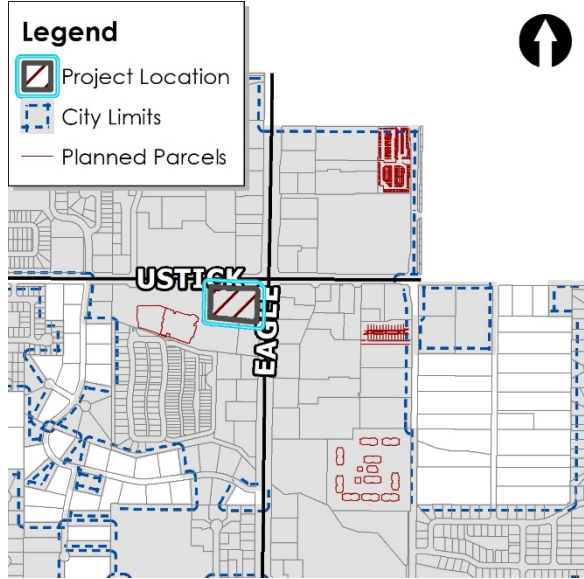
Aerial Map



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant:

Brian Tsai, Balboa Ventures – PO Box 109204, Boise, ID 83719

B. Owner:

Nate Ballard, Wadsworth Development – 166 E. 14000 South, Ste. 210, Draper, UT 84020

C. Representative:  
N/A

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	2/26/2021	
Radius notification mailed to properties within 500 feet	2/23/2021	
Site Posting	3/7/2021	
Nextdoor posting	2/25/2021	

V. STAFF ANALYSIS

**The subject property was annexed in 2003 as part of a larger annexation area (AZ-03-018). There was a Development Agreement (DA) associated with this annexation which was modified in 2019 to remove this property from that DA (H-2019-0082) and enter into a new one serving just this site (DA Inst. #2019-121599). The land owner received approval to subdivide the property for future ownership purposes.**

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

Mixed Use Regional (MU-R) – In general, the purpose of mixed-use designations is to provide for a combination of compatible land uses within a close geographic area that allows for easily accessible and convenient services for residents and workers. The intent is to promote developments that offer functional and physical integration of land uses, to create and enhance neighborhood sense of place, and to allow developers a greater degree of design and use flexibility.

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

*The subject site is located at the southwest corner of the intersection of E. Ustick Road (an arterial street) and N. Eagle Road/SH 55. Staff and the Applicant understand the importance of providing more commercial uses in this area, especially on an undeveloped corner. To the east and across Eagle Road are two large commercial centers; to the north is an additional commercial center. These surrounding areas provide a plethora of commercial uses that are used at a regional level. Directly to the west of the subject site is intended to be a high-end indoor gym (Villasport) and further to the south of the site is existing residential and some community serving commercial. As these lots get developed over time, Staff believes that they will continue to add to the City’s commercial base and will likely be a higher benefit to users of the future Villasport and residents to the southwest of this site. The proposed business of a nightclub and music venue offers a new commercial use not only to this area of Meridian but to Meridian as a whole. Staff is of the opinion that despite being on a relatively small site, the proposed use would have regional pull for patrons. Therefore, this project, in conjunction with the approved uses to the west, should satisfy the comprehensive plan and mixed-use policies.*

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

Some applicable Comprehensive Plan policies are cited below with Staff analysis in italics.

“Require appropriate building design, and landscaping elements to buffer, screen, beautify, and integrate commercial, multifamily, and parking lots into existing neighborhoods.” (5.01.02D). *There is no neighborhood directly adjacent to the subject site but the closest home is approximately 330 feet from the southern property line. Future commercial buildings and parking lots will separate this project from existing residential to the southwest. However, with the recently approved CZC and Design Review approval for this multi-tenant building, the approved landscaping meets all code requirements and helps to beautify the property while offering an appropriate visual landscape buffer to the closest neighborhood to the southwest. Likely, the subject site will not be directly viewable from the nearest residential neighborhood once other properties redevelop in the near future. The parking is located on the interior of the overall property which will be largely screened by buildings and helps screen the parking lot from adjacent properties, usually one of the most noise inducing elements of a commercial site.*

*The approved building that is to hold the proposed use is constructed with a modern and urban design that should integrate with the overall design of the other properties and with those adjacent to the site. However, according to the Applicant, the real buffering of the proposed use comes from within the building where there is proposed soundproofing materials, techniques, and technologies. When it comes to screening and buffering any incompatibilities of the proposed use, Staff finds the proposed landscaping and internal building materials to be sufficient in integrating the use into the existing and planned development.*

“Diversify Meridian's economic base to establish and maintain a self-sustaining, full-service economy.” (2.06.01). *Meridian does not have a business of the kind being proposed within this application. The Applicant appropriately described within their narrative the lack of entertainment, art, and music activities available within the City. The Applicant discusses this as a major need for the City. Staff can see the proposed use as adding to the economic base of the City because it would be a new type of use and offer a commercial use in the hours after 10pm, which is not a normal occurrence within the City.*

“Require pedestrian circulation plans to ensure safety and convenient access across large commercial and mixed-use developments.” (3.07.02A). *Pedestrian connectivity to this site is not one of the major issues for this proposed use. Where feasible, each building site will have pedestrian connections to one another and will have connections to the sidewalks along the adjacent major roadways on the north and east sides of the overall site. So long as these connections are required with each CZC review, Staff believes the subject site will have adequate pedestrian circulation especially due to the relatively small size of the overall commercial development. In addition, as future commercial sites to the south develop and additional pedestrian connections are introduced to the area, future patrons of this nightclub would have ample places to recreate before and after participating in this use and get to and from different uses safely.*

“Determine and respond to the community's art and cultural facility needs.” (5.03.01E). *The City is not working in collaboration with the Applicant so the context of this policy is not precisely what is called for within the comprehensive plan. However, a private business can add art and cultural facilities just as easily as the City. According to the Applicant, a nightclub/indoor recreation facility/drinking establishment can and should add to the community's art and culture. It is the Applicant's intent to increase the availability of a music venue for Meridian residents to have more opportunity to share in music as art and potentially bring new cultural experiences to Meridian through this business and venue.*

“Enhance crime prevention awareness through the education of neighborhood watch groups, multi-family property management companies, homeowners' associations, and other organizations.” (4.11.02F). *The Applicant has been eager to work with the Meridian Police Department in order to help mitigate any future negative impacts of the proposed use. The Police cannot give an “approval” of the proposed project but they are working with the Applicant and have had conversations with the Applicant. MPD has shown interest in educating the Applicant on any and all crime prevention techniques here in Meridian.*

“Support efforts to evaluate and plan for future transportation services such as public transit, on-demand services, autonomous and shared vehicles.” (6.01.04A). *Again, the City is not partnering with the Applicant in pursuit of this policy but the Applicant has discussed thoroughly the applicability of ride-sharing for patrons of their proposed business. The Applicant noted that in most markets an average of 40% of the patrons for a business like this utilize ride-shares like Uber and Lyft in order to offset parking or having to drive at all. Staff cannot confirm these statistics but with the lack of public transportation within the City and the overall car dominant landscape we live in here in Meridian, it is unlikely that the 40% usage would occur for those attending The Oasis. There should be no doubt this service would be utilized but not at a level that Staff can overlook the parking and traffic issues presented by the proposed use.*

***Staff finds this development to be generally consistent and in alignment with the Comprehensive Plan as noted above.***

C. Existing Structures/Site Improvements:

The subject site is currently having its basic improvements completed (grading, drainage, water & sewer, and parking lot) but generally is a vacant parcel. Recent site visits also show a foundation of one of the approved buildings within the site (nearest Eagle and in the southeast corner of the subject site). All road improvements along Ustick and Eagle Roads are existing. With the approved CZC, the building, utilities, and drainage will be completed regardless of the proposed use being approved or denied.

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

The submitted conceptual elevations are those approved with the recent CZC and Design Review approvals. The approved commercial building complies with the UDC and the Architectural Standards Manual. The elevations show modern architecture with glazed glass storefronts, awnings, vertical trellis, and varying wall modulation on all sides of the building. In addition, the elevations show brick, polymer, and rustic corrugated metal panels as finish materials. As noted, these elevations have already been approved by Staff at an administrative level.

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

The building proposed to contain the proposed use has recently received CZC approval and meets all dimensional standards for setbacks, parking, building height, and access. The proposed use of a music venue falls under the Indoor Recreation Facility specific use standards (UDC 11-4-3-2) and if one is to be located within 1,000 feet of an existing residence a Conditional Use Permit is required; part of the Applicant’s CUP request is to satisfy this requirement. In addition, one of the proposed uses is for a Drinking Establishment and is also subject to specific use standards (UDC 11-4-3-10); the required dimensional standards noted within this code section are being met with the CUP request.

F. Proposed Use Analysis:

The administratively approved building, Eagle View Retail Center, will be approximately 8,300 square feet in size with two tenant suites. The Oasis is proposed in the larger suite at an



approximate size of 7,000 square feet. The uses allowed on the subject site are those listed in UDC Table 11-2B-2 for the C-G zoning district. The proposed business is a combination of a nightclub and music venue which falls under Drinking Establishment and Indoor Recreation Facility uses within the development code, respectively. The indoor recreation facility use is a principally permitted use within the C-G zoning district unless it incorporates a music venue and is located within 1,000 feet of an existing residence which then requires a conditional use permit; this is the case with the proposed use of the music venue because the building is approximately 330 feet from the nearest residence. A drinking establishment is a conditional use within the C-G zoning district. Therefore, the Applicant is requesting conditional use permit approval for these two uses to reside within one building and one business, The Oasis. **Staff recommends the Commission review the Applicant's narrative to gain further insight into how the business is intended to operate in terms of soundproofing techniques, security, business operations, and alcohol consumption. Staff's use analysis is not exhaustive as the Applicant's narrative details more of their proposals than is necessary to discuss within this staff report.**

*According to the Applicant, The Oasis is meant to be a premier music venue and nightclub that offers entertainment and a nightlife for those in Meridian, much like other prominent cities. The Applicant also understands the negative stigmas surrounding a "nightclub" and provided a detailed response to this within their narrative. Staff agrees with some of the points made by the Applicant but must analyze the proposed uses against development code.*

*As noted, the approved building and proposed uses meet all required dimensional standards as they are not directly adjacent to a residential district (approximately 330 feet from the closest residential district) and meet all building and landscaping setbacks. It is anticipated that directly south of the approved building there will be additional landscaping, a larger parking lot, and a drive aisle. This parking lot and landscaping received preliminary approval with the Villasport applications and a user is currently in process on this site that would make these improvements more tangible. This parking lot and landscaping would abut the drive aisle that extends from N. Cajun Lane to the south and continues north adjacent to this subject site and connects to Ustick, the main access to this commercial development. This drive aisle is currently being constructed with the site improvements for Eagle Commons as a whole to ensure there is more than one way to get to the entrance of the site. Further discussion on this is in the Access section below, V.G.*

*With the proposed uses of a music venue and nightclub, capacity and hours of operation are integral factors in determining the compatibility of the uses with neighboring and planned development. The Applicant proposes hours of operation for The Oasis as 4:00PM to 1:00AM on the weekdays and 4:00PM to 2:00AM on the weekends. It is unclear what specific days the Applicant is referring to as "the weekends;" Staff is recommending for future analysis, discussion, and conditions of approval purposes that this is in reference to Friday and Saturday nights only. The Villasport site was approved to remain open until 12:00AM, midnight which would cover a majority of the same operating hours proposed with this application. Both proposed uses, Villasport and The Oasis, are likely to drastically increase activity on this currently vacant corner. However, the Villasport approvals are set to expire soon unless that Applicant applies for a time extension. This calls into question how this corner will look in the coming years and it is not feasible for Staff to speculate too far as there could be many unknowns. Staff must analyze this project based on the current situation known which includes the Villasport development.*

*The Oasis is further away from the existing residential than Villasport but this does not mean any negative impacts are automatically alleviated. Therefore, Staff recommends weekday (Sunday thru Thursday) hours for The Oasis be limited to 4:00PM to 12:00AM. These hours of operation for the weekdays match the closing time of Villasport making it more compatible with that use and nearby residential development. The opening time is of less concern to Staff because these*

*types of businesses do not generally have peak hours of operation earlier in the evening. It can be assumed that the 4:00PM start time is likely more associated with private events like that of weddings than it is associated with the nightclub or concert uses. In addition, the hours of operation are only applicable to use of the site by those other than employees; ancillary indoor business activities are allowed beyond these hours for employees, as outlined in UDC 11-2B-3B.*

*Staff recommends the weekend (Friday & Saturday) hours are also limited to help with being compatible to nearby residential. These hours should be limited to 4:00PM to 1:00AM, a reduction in one hour of operation from the Applicant's request and one more hour than the weekdays.*

*The Applicant's original narrative estimated a capacity of approximately 1,000 patrons for the 7,000 square foot tenant suite. After receiving a conceptual floor plan, preliminary discussions with Fire plan reviewers discussed a maximum capacity closer to 700 persons; the exact number for maximum building occupancy cannot be known until architectural plans are submitted with building permit submittal at a later date. However, through the CUP process, capacity can be limited further. Because of the issues outlined in this staff report, Staff recommends capacity be limited to no more than 500 persons to include employees. Employees will likely take up parking spaces for the entire hours of operation so they should be included in the maximum capacity. The Applicant and Staff have discussed this number and there is preliminary agreement on this condition. Staff arrived at this number because it is the same ratio as the minimum parking ratio for the proposed use, a 1:4 ratio. 500 persons and 125 parking spaces equate to one (1) space for every four (4) people; drastically improved from one (1) space for every 6 or 7 people with a capacity over 700. Further analysis on the parking is below in section V.H.*

*IF the Applicant can adhere to the recommended conditions of approval noted below, Staff finds the proposed use is compatible with adjacent uses in that it should be mitigated appropriately. **Commission may determine further mitigation is needed through this CUP process.***

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

Main access to and for this development will be via a shared driveway connection to Ustick Road limited to a right-in/right-out access—the land owner is currently constructing this shared driveway access for their development because this site is developing before the Villasport project. There are no public streets as part of this commercial development and therefore no stub streets are proposed. Instead, there are private drive-aisles as are standard for commercial developments. The Applicant has an existing cross-access agreement with the adjacent commercial properties (Inst. #106169335) but **this agreement does not include a cross-parking agreement.**

*As previously discussed above, the subject site abuts a drive aisle that connects to Ustick and is the main access to this commercial development. This commercial drive aisle will be a continuation of N. Cajun Lane, a private street, from the south but in fact will not be a named street. This off-site drive aisle is currently being constructed with the site improvements for Eagle Commons as a whole because Cajun Lane connects to Seville Lane and is an access point to Eagle Road. Constructing this connection ensures there is more than one way to access the site entrance other than from Ustick. The Eagle Road access is an existing access that is off-site and limited to a right-in/right-out only access. Because the overall site, Eagle Commons, has received preliminary plat approval to subdivided the property, cross-access and cross-parking between the five proposed lots is required. In the recorded Covenant, Conditions, and Restrictions (Inst. #2020-075457) this cross-access is discussed and dictated for each lot and future user.*

*In addition to the shared drive aisle that abuts the property to the west, The Villasport site improvements and recorded cross-access agreement will include an additional Ustick Road*

access point further west, N. Centrepont Way. These access points to the arterial are long approved for the site. Staff finds there is adequate and safe access to the site at full build-out and with only the most adjacent Ustick access in conjunction with the drive aisle connection to Cajun Lane and then out to Eagle Road. However, to help mitigate any residential cut-through traffic this Applicant and land owner should work with the Villasport Applicant to construct a driveway through their site in-line with where they plan to construct one in the future. This driveway would provide a more direct means of accessing Centrepont Way and the existing traffic signal at that intersection without having to use the roads adjacent to the residential subdivision further to the south.

Staff also agrees that at peak hours of business (after 8pm) access to the site should be improved as adjacent traffic levels on Ustick and Eagle should be much less than at 5 or 6pm. This is due to the fact there are not many businesses open beyond 9pm within Meridian that draw the kind of customers that can be assumed for the proposed business. However, once the Villasport project is constructed this may change and traffic along Ustick will likely increase in the hours between 8pm and midnight due to their approved operating hours as noted.

ACHD is the leading agency on access points for the City of Meridian and because peak traffic times should not be drastically affected by the proposed use on any access point, ACHD did not require a Traffic Impact Study for this application. Even with the assumed capacity of 1,000 persons in the initial submittal this was not required and restricting the capacity to 500 persons should help with the traffic concerns of this type of use. Further analysis regarding access should be addressed to ACHD.

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

Minimum off-street parking is required to be provided in accord with the specific use standards listed in UDC 11-4-3-49 for a restaurant use at the ratio of one (1) space per 250 square feet of gross floor area because the Applicant has noted the business will be serving food. If food was not being served, the minimum code required parking ratio would be one (1) space per 500 square feet of gross floor area. In order to meet UDC minimum requirements for the approximate suite size of 7,000 square feet, a total of 28 parking spaces should be provided.

With the approved CZC and the additional spaces on the site specific site plan, 102 parking spaces are proposed on-site and would likely be used because there is an existing cross-access and cross-parking agreement in place for the site. Both the land owner and Applicant understand the entire site will likely be used for parking for the proposed business. The approved plans do not show any parking along the future northern commercial lots and the land owner has guaranteed that those spaces will be built prior to this use commencing. Staff recommends a condition of approval commensurate with these conversations and assurances. Staff finds this condition and assurance incredibly important to the project because those additional spaces could amount to the 125 total spaces previously mentioned—depending on how the parking is configured on the north side of the site, there is physical room for approximately a maximum of 37 additional parking spaces at the required 9 feet of width and including four landscape planters in line with code requirements. Again, this is a maximum but does show additional parking spaces will be provided on site beyond what is currently being shown.

With 30 additional spaces, a total of 132 spaces would be provided throughout the entire site, exceeding the UDC minimums by approximately 450%. However, not just this use can be analyzed on site because only two other users are currently known and there is potential for additional commercial buildings along the north side of the site. The two other uses currently known are an Urgent Care Facility and Jamba Juice. Jamba Juice is intended to share the same building as The Oasis and would be located in the 1,200 square foot suite to its east, requiring five (5) spaces at a minimum. The urgent care facility will be closed by 5pm and requires only 7

*spaces per UDC; these hours of operation for the urgent care facility should not affect The Oasis and are a preferred set of hours when adjacent to a use such as a nightclub and/or music venue that has peak operating hours later in the evening and night.*

*As noted, other future uses on the undeveloped north half of the site are not currently known. Preliminary discussions with the land owners have yielded assumptions that those future uses are likely office uses with a potential for an additional drive-thru but nothing concrete is currently known by Staff. With the potential of additional traffic and parking spaces being utilized during the operating hours of The Oasis once future uses come online, Staff recommends the Applicant and land owner obtain a cross-parking agreement with the adjacent properties to the south and to the west to increase the amount of available parking for the proposed use. In addition, a minimum of 125 total parking spaces shall be constructed within Eagle Commons to obtain a parking to patron ratio of 1:4 in accord with previous approvals.*

*IF these conditions can be met, Staff finds the proposed uses of the property should minimize the impact to the adjacent residential neighborhood.*

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

Minimum 5-foot wide sidewalks are required adjacent to all commercial buildings as outlined in UDC 11-3A-17. The building containing the proposed use has been approved with approximate 8-foot wide sidewalks on the north and west side of the building. These areas of the site are where patrons would congregate as the south and east side of the building contain a drive-thru. The subject building is not directly adjacent to any public streets and was therefore not required to directly connect to those sidewalks. However, the building will have easy access to proposed sidewalks along the drive aisle to the west of the subject site which is being constructed by this land owner because this site is being developed prior to the Villasport site.

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

A 5-foot wide landscape buffer is required adjacent to the drive-through along the southern property line. This landscape strip has been reviewed and approved with the existing CZC and complies with code requirements. Furthermore, as the commercial site to the south develops in the future, additional landscaping will be provided to screen the building and any future use from the residences to the southwest.

## VI. DECISION

A. Staff:

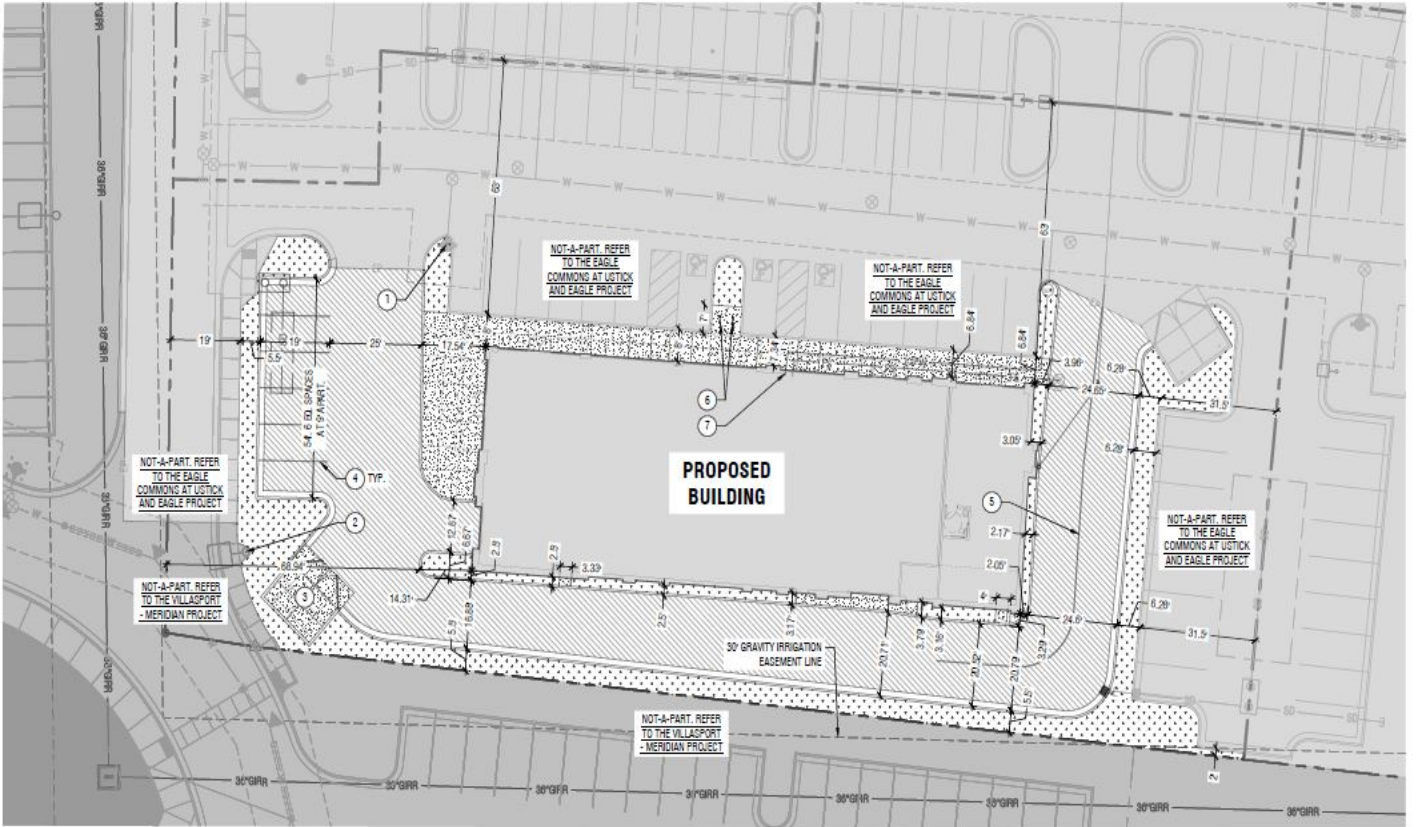
Staff recommends approval of the requested conditional use permit application per the conditions of approval in Section VIII and the Findings in Section IX of this staff report.

B. Commission:

Enter Summary of Commission Decision.



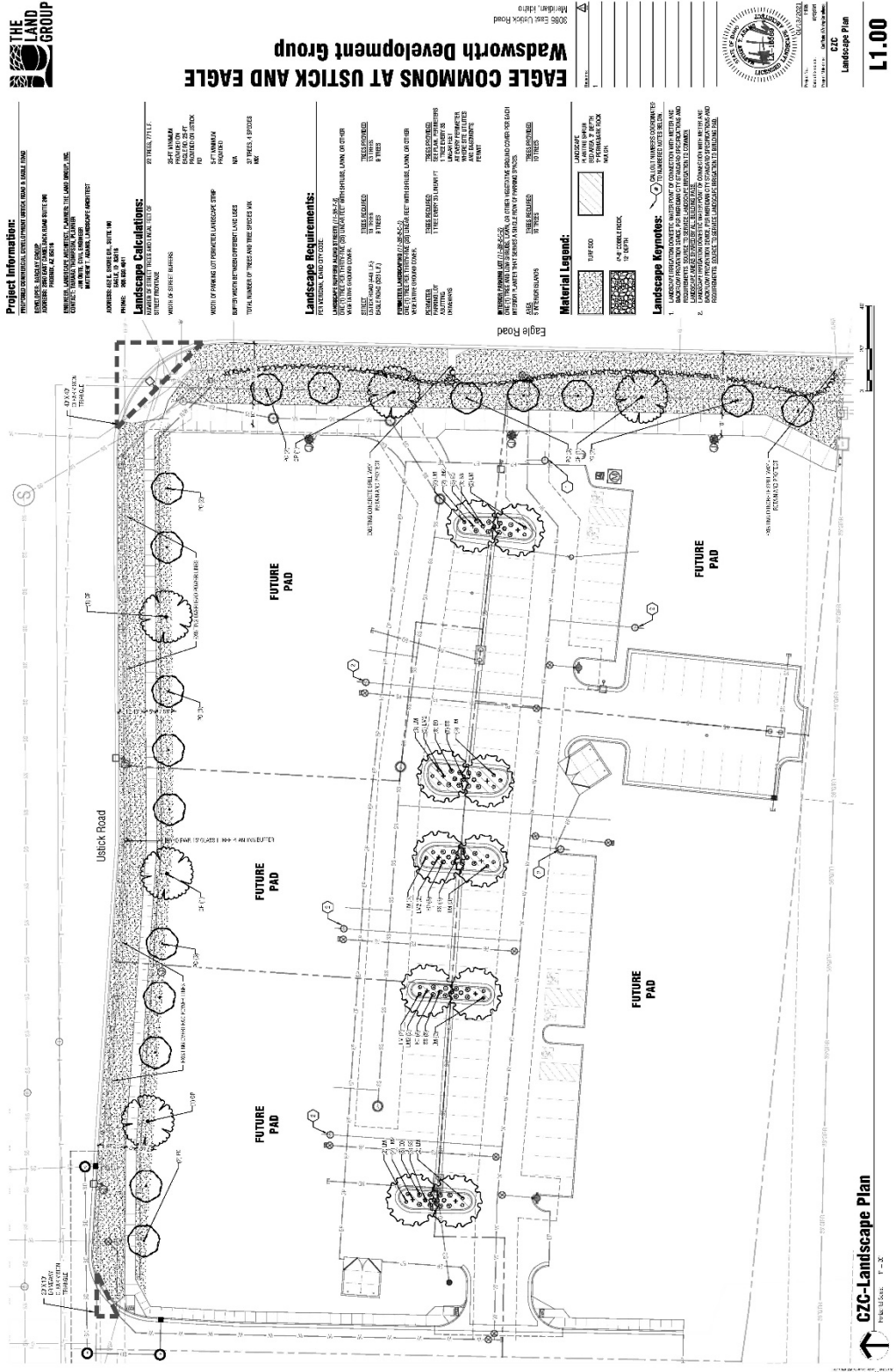
B. Site Specific Site Plan (date: 2/26/2021) Approved under A-2021-0012



**CZC-Site Plan**  
Horizontal Scale: 1" = 20'



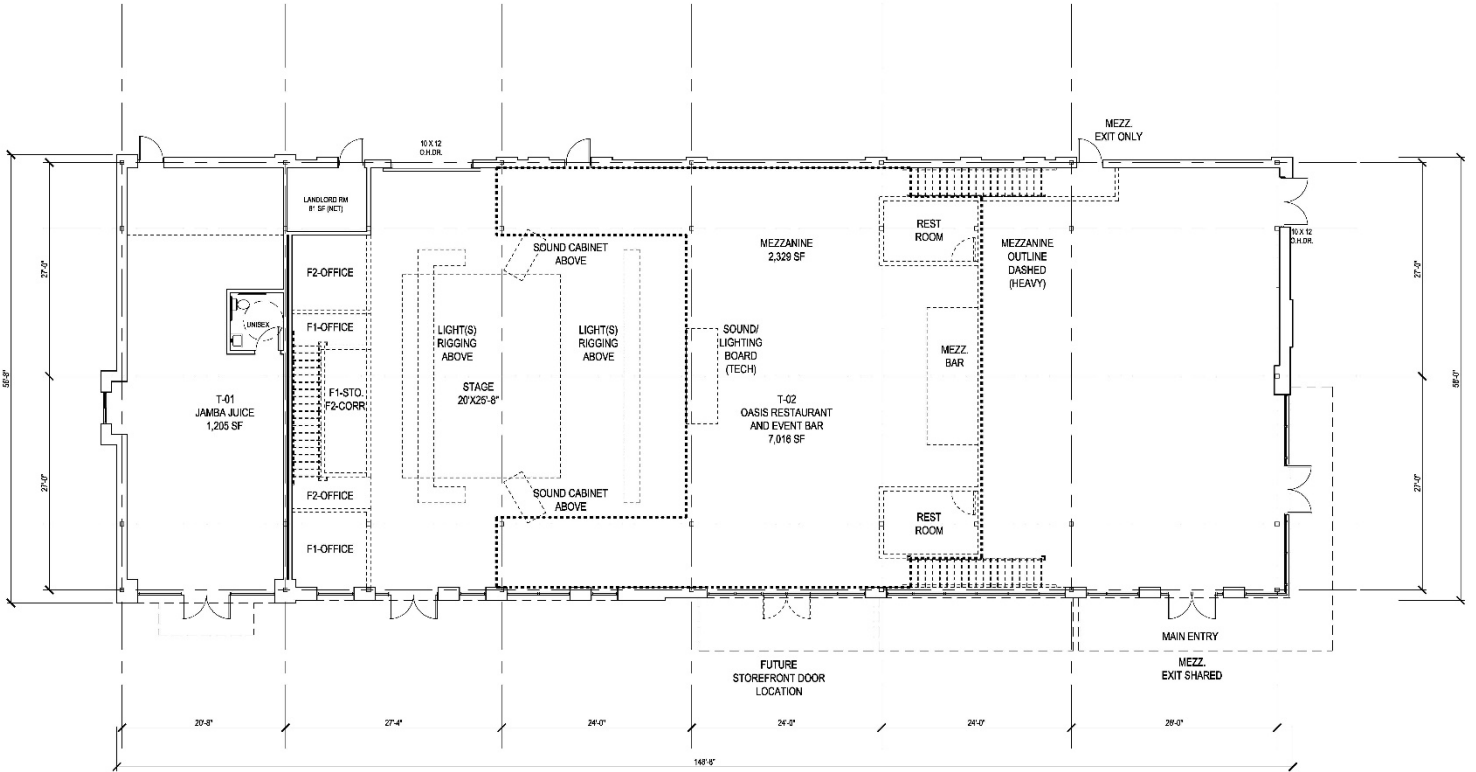
C. Landscape Plans (date: 01/13/2021 & 2/26/2021)







### D. Conceptual Floor Plan



E. Approved Building Elevations (date: 2/05/2021)



**design west architects**  
100 SOUTH WILSON  
SALT LAKE CITY, UT 84115

**WADSWORTH - OASIS / JAMBA JUICE**  
MERIDIAN, ID  
3000 S 2500 CENTER ROAD  
WADSWORTH DEVELOPMENT GROUP

DATE:	DATE:
NO.:	NO.:
BY:	BY:
SCALE:	SCALE:

3D VIEW FROM THE NORTHEAST

**A - VIEW 01**



**design west architects**  
100 SOUTH WILSON  
SALT LAKE CITY, UT 84115

**WADSWORTH - OASIS / JAMBA JUICE**  
MERIDIAN, ID  
3000 S 2500 CENTER ROAD  
WADSWORTH DEVELOPMENT GROUP

DATE:	DATE:
NO.:	NO.:
BY:	BY:
SCALE:	SCALE:

3D VIEW FROM THE NORTHWEST

**A - VIEW 02**

## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING DIVISION

1. The Applicant and/or assigns has the ongoing obligation to comply with the existing Development Agreement (Inst. #2019-121599) and all current City of Meridian ordinances and previous conditions of approval associated with this site: H-2019-0082, H-2020-0104, A-2019-0376, A-2021-0010, and A-2021-0012.
2. The Applicant shall have an ongoing obligation to comply with the specific use standards for a Drinking Establishment (UDC 11-4-3-10) and Indoor Recreation Facility (UDC 11-4-3-2).
3. The Conditional Use Permit is approved with the following conditions:
  - a. The proposed business shall have operating hours as set forth: Sunday through Thursday, 4:00PM to 12:00AM and; Friday and Saturday, 4:00PM to 1:00AM.
  - b. The maximum number of patrons and employees allowed at any one time shall not exceed five-hundred (500) persons.
  - c. A minimum of 125 parking spaces shall be provided on the overall Eagle Commons site prior to commencement of the proposed uses.
  - d. The Applicant and/or land owner shall obtain a cross-parking agreement with the adjacent sites prior to commencement of the proposed uses (Parcels S1105110111 and/or S1105110120).
  - e. Prior to obtaining Certificate of Occupancy for the building, the drive aisle connection from Ustick Road to N. Cajun Lane shall be constructed.
4. To establish the new uses, the Applicant shall apply for a Certificate of Zoning Compliance-Change of Use prior to commencing the proposed uses—with this submittal the Applicant shall provide the cross-parking plan with adjacent sites as well as their plan to incentivize patrons to use ride-sharing services to get to the site during events.
5. The Applicant and land owner shall work with adjacent land owners to construct a driveway connection to the west commensurate with the Villasport approvals and site layout to have more direct access to N. Centrepoint Way.
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. The Applicant shall comply with all previous ACHD conditions of approval.
8. 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. POLICE DEPARTMENT (MPD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223212&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223054&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223661&dbid=0&repo=MeridianCity>

**E. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222985&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 and compliance with the required specific use standards (UDC 11-4-3-2 & 11-4-3-10)*
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 uses are, with Staff's conditions of approval, is harmonious with the comprehensive plan designation of Mixed-Use Regional and the requirements of this title.*
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 nearby to the southwest, Staff finds the design, construction, and proposed operation and maintenance will be more compatible with other uses in the general vicinity and should not adversely change the essential character of the same area, so long as the Applicant complies with the conditions of approval and maintains all required landscape buffers.*
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 the proposed business, all major roadways adjacent to the site are already at their full width and the peak operating hours should be later than peak traffic hours. In addition, if the Applicant complies with all conditions of approval, 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.*



## AGENDA ITEM

**ITEM TOPIC:** Public Hearing for Skybreak Neighborhood (H-2020-0127) by Laren Bailey of Conger Group, Located at 3487 E. Adler Hoff Ln. and 7020 S. Eagle Rd.

A. Request: Annexation of 80.46 acres of land with an R-8 and R-15 zoning districts.

B. Request: A Preliminary Plat consisting of 329 building lots, 40 common lots and 14 other lots (i.e. 12 common driveway lots, 1 private street lot and 1 lot for the existing home) on 79.69 acres of land in the R-8 and R-15 zoning districts.



# PUBLIC HEARING INFORMATION

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**Staff Contact:** Alan Tiefenbach

**Meeting Date:** March 18, 2021

**Topic:** **Public Hearing** for Skybreak Neighborhood (H-2020-0127) by Laren Bailey of Conger Group, Located at 3487 E. Adler Hoff Ln. and 7020 S. Eagle Rd.

- A. Request: Annexation of 80.46 acres of land with an R-8 and R-15 zoning districts.
- B. Request: A Preliminary Plat consisting of 329 building lots, 40 common lots and 14 other lots (i.e. 12 common driveway lots, 1 private street lot and 1 lot for the existing home) on 79.69 acres of land in the R-8 and R-15 zoning districts.

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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



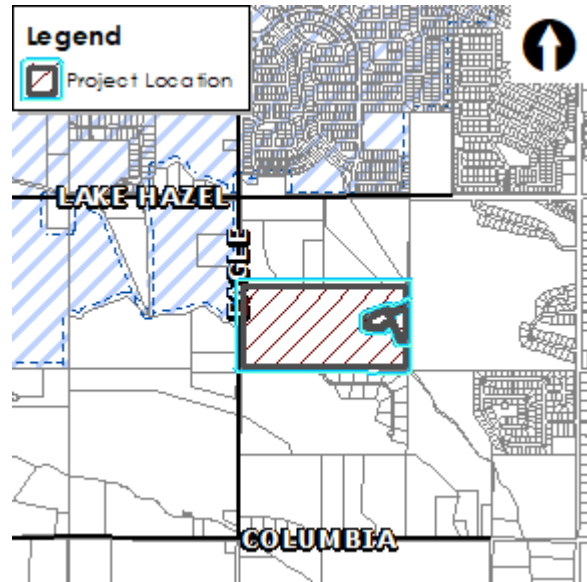
HEARING DATE: 3/18/2021

TO: Planning & Zoning Commission

FROM: Alan Tiefenbach, Associate Planner  
208-884-5533

SUBJECT: H-2020-0127  
Skybreak Subdivision

LOCATION: 7020 S. Eagle Rd. & 3487 E. Adler Hof Ln., in the south 1/2 of the NW 1/4 of Section 4, T.2N., R.1E. (Parcels # S1404244250 & S1404233650)



### I. PROJECT DESCRIPTION

The Applicant has submitted the following applications:

- Annexation of 80.46 acres of land with an R-8 and R-15 zoning district;
- Preliminary plat consisting of 328 building lots, 40 common lots and 14 other lots (i.e. 12 common driveway lots, one (1) private street lot and one (1) lot for the existing home).
- Private streets in the gated portion of the development serving 112 residential units with two (2) gates; and,
- Alternative Compliance to UDC 11-3F-4A.6, which prohibits common driveways off private streets, to allow such in three (3) locations within the gated area of the subdivision and UDC 11-3F-4A.b which limits all proposed gated developments to 50 units.

*The applicant submitted a previous proposal in June of 2020 (H-2020-0079). This proposal consisted of 353 building lots, all of it single family detached. This proposal was scheduled for the October 15, 2020 Planning Commission meeting. Following staff's report to the Commission recommending denial, the applicant withdrew the application, and resubmitted the present one in January of 2021. This proposal is virtually the same except for 24 less lots, slightly enlarged open space in several areas, and 30 single family attached units in the northwest corner of the project.*



## II. SUMMARY OF REPORT

### A. Project Summary

Description	Details	Page
Acreage	80.46	
Existing/Proposed Zoning	RUT in Ada County (existing), R-8 and R-15 proposed	
Future Land Use Designation	Low Density Residential (LDR) & Medium Density Residential (MDR)	
Existing Land Use(s)	Single-family residential/agricultural	
Proposed Land Use(s)	Single-family residential (SFR)	
Lots (# and type; bldg./common)	328 SFR buildable lots/40 common lots/14 other lots (i.e. 12 common driveway lots, 1 private street lot & 1 lot for the existing home)	
Phasing Plan (# of phases)	9 phases	
Number of Residential Units (type of units)	30 attached SFR homes 298 detached SFR homes (one is existing)	
Density	4.1 units/acre (gross)	
Open Space (acres, total [%]/buffer/qualified)	14.99 acres (or 18.8%) qualified open space	
Amenities	(2) dog parks; ¾ acre park with play structure, climbing rocks, a shade structure and benches; entry park, 1-acre sports park, passive open spaces and pathways	
Physical Features (waterways, hazards, flood plain, hillside)	The Farr Lateral crosses the southwest corner of this site; hillside/topography within southern rim area.	
Neighborhood meeting date; # of attendees:	5/27/20; 14 attendees, December 16, 2020; 9 attendees	
History (previous approvals)	Property boundary adjustment (Record of Survey #12358, Eisenman 2020), previous proposal similar to this one was withdrawn just prior to Planning Commission due to staff recommendation of denial. (H-2020-0079)	

### B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> <li>Staff report (yes/no)</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>Requires ACHD Commission Action (yes/no)</li> </ul>	No	
Traffic Impact Study (yes/no)	Yes	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	One (1) public street access (Street A) is proposed via S. Eagle Rd., an arterial street. <i>Eagle Rd. is currently improved with 2 travel lanes and no curb, gutter or sidewalk.</i>	
Traffic Level of Service	Eagle Rd. – Better than “E” (acceptable level of service)	
Stub Street/Interconnectivity/Cross Access	Stub streets are proposed to adjacent properties for future extension and interconnectivity as depicted on the plat. Southern stub streets only have emergency access. The area in the NEC of the proposed development (Phase 8)	

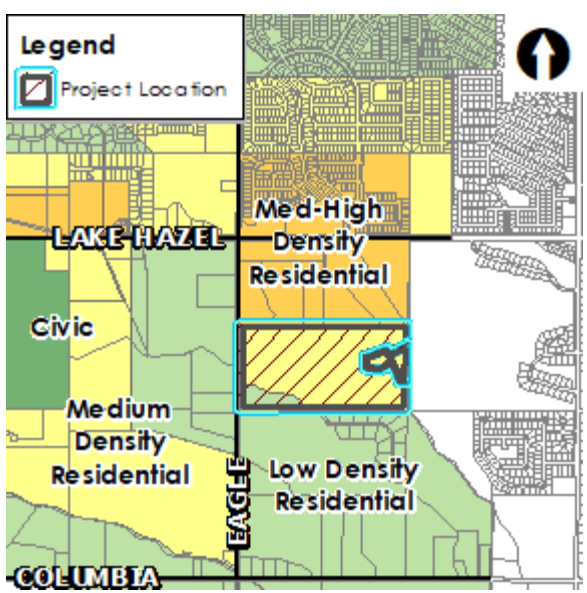
Description	Details	Page
Existing Road Network	cannot develop until Pura Vida extends a public street; Phase 9 of the development currently does not have the right to access the private lane and cannot develop until a public street is extended to the proposed development There is an existing private street (E. Adler Hof Ln.) that provides access from S. Eagle Rd. to the existing homes on this site. This roadway should terminate with development of the site as proposed.	
Existing Arterial Sidewalks / Buffers	None	
Proposed Road Improvements	<p><b>Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):</b></p> <ul style="list-style-type: none"> <li>• Lake Hazel Road is scheduled in the IFYWP to be widened to 5-lanes from Eagle Road to Cloverdale Road in 2024.</li> <li>• Eagle Road is scheduled in the IFYWP to be widened to 5-lanes from Lake Hazel Road to Amity Road in 2023.</li> <li>• The intersection of Lake Hazel Road and Eagle Road is scheduled in the IFYWP to be widened to 6-lanes on the north leg, 5-lanes on the south, 7-lanes east, and 6-lanes on the west leg, and reconstructed/signalized in 2023.</li> <li>• Lake Hazel Road is listed in the 2016 CIP to be widened to 5-lanes from Locust Grove Road to Eagle Road between 2026 and 2030.</li> <li>• The intersection of Lake Hazel Road and Locust Grove Road is listed in the 2016 CIP to be widened to 3-lanes on the north leg, 2-lanes on the south, 2-lanes east, and 3-lanes on the west leg, and signalized between 2026 and 2030.</li> </ul>	
Fire Service		
<ul style="list-style-type: none"> <li>• Distance to Fire Station</li> </ul>	2.9 miles (Fire Station #4) Fire has expressed concerns with only one point of access from S. Eagle Rd. Fire would <i>prefer</i> a second access to the north to E. Lake Hazel Rd.	
<ul style="list-style-type: none"> <li>• Fire Response Time</li> </ul>	Fire has also expressed concerns with the private gates causing additional delays. <i>Most</i> (3/4+/-) of this development falls outside of the 5 minute response time goal from Fire Station #4.	
<ul style="list-style-type: none"> <li>• Resource Reliability</li> </ul>	Current reliability is 77% from Station #4 – does <i>not</i> meet targeted goal of 80% or greater	
<ul style="list-style-type: none"> <li>• Risk Identification</li> </ul>	2 – current resources would <i>not</i> be adequate to supply service. A wildfire safety plan is required.	
<ul style="list-style-type: none"> <li>• Accessibility</li> </ul>	Project meets all required access, road widths and turnaround.	
<ul style="list-style-type: none"> <li>• Special/resource needs</li> </ul>	Project will not require an aerial device; can meet this need in the required timeframe if a truck company is required (fire station is 5.9 miles away).	
<ul style="list-style-type: none"> <li>• Water Supply</li> </ul>	Requires 1,000 gallons per minute for one hour, may be less if buildings are fully sprinklered.	
<ul style="list-style-type: none"> <li>• Other</li> </ul>	In the event of a hazmat event, there will need to be mutual aid required for the development. In the event of a structure fire, an additional truck company will be required – this will require additional time delays as a second truck company is not available in the City.	
Police Service		
<ul style="list-style-type: none"> <li>• Distance to Police Station</li> </ul>	5.5 miles	
<ul style="list-style-type: none"> <li>• Police Response Time</li> </ul>	There is no call data in this area because the proposed development is at the edge of City limits.	
<ul style="list-style-type: none"> <li>• Calls for Service</li> </ul>	7 (within a mile of site – between 2/1/19 and 1/31/20)	
<ul style="list-style-type: none"> <li>• % of calls for service split by priority</li> </ul>	See Section IX.D	
<ul style="list-style-type: none"> <li>• Accessibility</li> </ul>	No concerns	

Description	Details	Page																
<ul style="list-style-type: none"> <li>Specialty/resource needs</li> </ul>	None at this time																	
<ul style="list-style-type: none"> <li>Crimes</li> </ul>	1 (within a mile of site – between 2/1/19 and 1/31/20)																	
<ul style="list-style-type: none"> <li>Crashes</li> </ul>	9 (within a mile of site – between 2/1/19 and 1/31/20)																	
<ul style="list-style-type: none"> <li>Other</li> </ul>	Although located near the edge of City limits, service can be provided if this development is approved.																	
West Ada School District																		
<ul style="list-style-type: none"> <li>Distance (elem, ms, hs)</li> </ul>	<table border="1"> <thead> <tr> <th></th> <th>Enrollment</th> <th>Capacity</th> <th>Miles Dev. to School</th> </tr> </thead> <tbody> <tr> <td><b>**Silver Sage Elementary**</b></td> <td>230</td> <td>425</td> <td>5.1 miles</td> </tr> <tr> <td>Lake Hazel Middle School</td> <td>928</td> <td>1000</td> <td>2.4 miles</td> </tr> <tr> <td>Mountain View High School</td> <td>2302</td> <td>2175</td> <td>4.8 miles</td> </tr> </tbody> </table>		Enrollment	Capacity	Miles Dev. to School	<b>**Silver Sage Elementary**</b>	230	425	5.1 miles	Lake Hazel Middle School	928	1000	2.4 miles	Mountain View High School	2302	2175	4.8 miles	
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Mountain View High School	2302	2175	4.8 miles															
<ul style="list-style-type: none"> <li>Capacity of Schools</li> </ul>																		
<ul style="list-style-type: none"> <li># of Students Enrolled</li> </ul>	<p>**Enrollment at Hillsdale Elementary is currently capped. Students in this development will be attending Silver Sage Elementary until a new school is built to eliminate overcrowding at Hillsdale Elementary. **</p>																	
<ul style="list-style-type: none"> <li>Predicted # of students generated from proposed development</li> </ul>	247 +/-																	
Wastewater																		
<ul style="list-style-type: none"> <li>Distance to Sewer Services</li> </ul>	Sewer will be available with the development of Keep Subdivision on the West side of Eagle Road.																	
<ul style="list-style-type: none"> <li>Sewer Shed</li> </ul>	South Black Cat Trunk Shed																	
<ul style="list-style-type: none"> <li>Estimated Project Sewer ERU's</li> </ul>	See Application																	
<ul style="list-style-type: none"> <li>WRRF Declining Balance</li> </ul>	14.08																	
<ul style="list-style-type: none"> <li>Project Consistent with WW Master Plan/Facility Plan</li> </ul>	Yes																	
<ul style="list-style-type: none"> <li>Impacts/Concerns</li> </ul>	<p>Water and sewer mains should not be in common driveways. Concerns have been expressed regarding the width of the private streets and that the required 30' easements may overlap onto private properties, rendering these areas unbuildable.</p> <p>The City is applying the following requirements for Common Driveways.</p> <ul style="list-style-type: none"> <li>Three or less lots – services from main in adjacent road</li> <li>Four or more lots – Sewer in common drive. Sewer will be private and will be the responsibility of the HOA to maintain. Manhole needed in the common drive at the property boundary with “Private” on the lid.</li> </ul>																	
Water																		
<ul style="list-style-type: none"> <li>Distance to Water Services</li> </ul>	Directly adjacent																	
<ul style="list-style-type: none"> <li>Pressure Zone</li> </ul>	5																	
<ul style="list-style-type: none"> <li>Estimated Project Water ERU's</li> </ul>	See application																	

• Water Quality	No concerns
• Project Consistent with Water Master Plan	Yes
• Impacts/Concerns	<ul style="list-style-type: none"> <li>• Common drives that have both water and sewer mains will require a 30' easement</li> <li>• As currently designed, most phases do not meet minimum fire flow pressure. There are multiple options to meet fire flow including upsizing some water mains to 12" and a secondary connections.</li> <li>• Coordinate with PW Engineering on main sizes, connection at the SW corner and connection at the NE corner.</li> </ul>

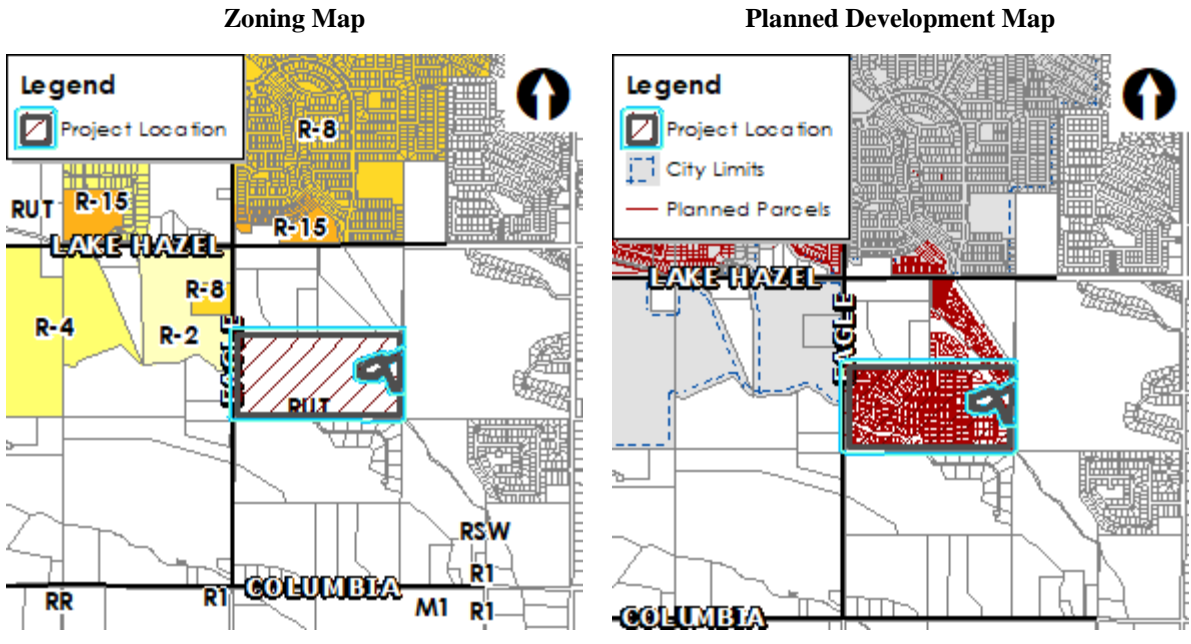
C. Project Area Maps

Future Land Use Map



Aerial Map





**III. APPLICANT INFORMATION**

**A. Applicant:**

Conger Group – 4824 W. Fairview Ave., Boise, ID 83706

**B. Owner:**

Peter and Dana Eisenman – 3487 E. Adler Hof Ln., Meridian, ID 83642

**C. Representative:**

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

**IV. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>	<b>City Council Posting Date</b>
Notification published in newspaper	2/26/2021	
Notification mailed to property owners within 300 feet	2/23/2021	
Applicant posted public hearing notice on site	3/5/2021	
Nextdoor posting	2/25/2021	

## V. STAFF ANALYSIS

### A. Future Land Use Map Designation

The Future Land Use Map (FLUM) contained in the Comprehensive Plan designates the 6 +/- acres at the southwest corner of the site, south of the Farr Lateral, as Low Density Residential (LDR) and the remaining 74 +/- acres as Medium Density Residential (MDR). A City Park is designated in the general area at the southwest corner of the site.

Per the Comprehensive Plan, the LDR designation allows for the development of single-family homes on large and estate lots at gross densities of 3 dwelling units or less per acre. These areas often transition between existing rural residential and urban properties. Developments need to respect agricultural heritage and resources, recognize view sheds and open spaces, and maintain or improve the overall atmosphere of the area. The use of open spaces, parks, trails and other appropriate means should enhance the character of the area. *Density bonuses may be considered with the provision of additional public amenities such as a park, school, or land dedicated for public services.*

The MDR designation allows for dwelling units at gross densities of 3 to 8 dwelling units per acre. *Density bonuses may be considered with the provision of additional public amenities such as a park, school, or land dedicated for public services.*

The Applicant proposes to develop this site with 328 single-family residential homes at an overall gross density of 4.1 dwelling units per acre (An additional lot will contain the existing house). A total of 23 units are proposed within the 6 +/- acre LDR designated area for a gross density of 3.8 units per acre in that area, which *exceeds* the density desired of 3 or fewer units per acre. Smaller lots, instead of the large or estate lots as desired in LDR designated areas, are proposed along with open space areas along the southern boundary and along the northern boundary adjacent to the Farr Lateral. There are several larger one-half acre lots proposed at the southeast directly abutting the adjacent residences in Vantage Point Subdivision. However, the rectangular lots are oriented as such that the abutting lot lines are half or less than the width of the neighboring residential lots, so there are several lots abutting one neighboring lot. The applicant proposes to limit the height of the houses in this area to one story to help protect view sheds.

The units proposed in the MDR designated area meet a gross density of 4.1 units per acre in that area, which is consistent with that desired in MDR designated areas of 3 to 8 units per acre. A City park is not proposed, but the Park's Department has determined a City park is not needed in this area.

### B. Comprehensive Plan Analysis (COMPREHENSIVE PLAN)

The following Comprehensive Plan Policies are applicable to this development:

- “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 applicant is proposing 328 lots, with 30 of the lots containing single family attached at the northwest portion of the site. The remainder of the 299 lots are intended for single family detached units.*

*The applicant’s narrative references housing types such as large rim lot houses, two story golf course houses, large lot homes, 255 single story homes and the attached single-family product. The single family attached product does contribute to the variety of housing types in the overall area. However, the remaining single family detached houses contribute to a diversity of housing styles, but not particularly the variety of housing types intended by the Comprehensive Plan for all needs, preferences and financial capabilities.*

- “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.*

*Currently, this development can be served by the Fire Department. However, most of the development is outside of response time goals, does not meet resource reliability goals, and has risk factors including a steep hill with a potential for wildfire if the hillside isn't maintained (see the Fire Department's comment in Section VII below). Additionally, with the main access and secondary access both from Eagle Rd., if access is blocked from the north via Eagle Rd. it may delay emergency services by having to travel 3.5+/- miles around the square mile to access the site, potentially creating a life safety issue. If the applicant is able to secure legal secondary access to the north this would alleviate concerns but this would be contingent upon whether those properties develop, and staff might recommend only some number of lots being developed until that occurs. The Southern Meridian Fire Station adjacent to Discovery Park is anticipated for construction in 2023; if this occurs, there will be significantly improved fire service to the subject property. The annexation is currently in process and scheduled for a public hearing.*

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

*The subject property abuts Pura Vida Ridge Ranch to the northeast, the Boise Ranch Golf Course to the east, and Vantage Pointe Subdivision to the south.*

*This development proposes R-8 zoning and lot sizes of approximately 5,000 sq. ft. to 6,000 sq. ft. adjacent to Pura Vida Ridge Ranch, whereas Pura Vida Ranch includes lot sizes of comparable sizes and the same R-8 zoning. To the southwest (Phase 9), the development proposes lot sizes of approximately 6,000 – 6,500 sq. ft. whereas the adjacent Vantage Pointe Subdivision is comprised of lots one-acre in size and greater (although there are four lots proposed with this development directly abutting the south area and are ½ acre to ¾ acre in size).*

*The development does include private roads and common open space as a buffer of between 80 feet and 120 feet between the smaller lots of the subject property and the one acre lots to the south in Vantage Point. The development also proposes one story homes in this area. An abutting neighbor has submitted written testimony stating the buffer as proposed and the lot sizes are not appropriate transitions in this area. It is staff's opinion the lots should be at least one-acre in this area and have property line lengths that better orient to adjacent off-site properties. The Planning Commission and City Council should assess whether there is an appropriate transition in this area.*

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

*The proposed single-family attached homes at the northwest are generally compatible as they directly abut S. Eagle Road and there are no adjacent homes directly to the north. The single family detached homes are generally compatible with existing rural residential homes as they are all residential in nature. However, with the exception of the larger lots and open space on the south boundary, the proposed plat depicts smaller lots (i.e. 4,448-4,950 s.f.) than those of the lots in the abutting Vantage Pointe Subdivision. The Commission and Council should determine if the applicant has provided an adequate transition.*

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

*The Pathways Plan depicts a segment of the City’s multi-use pathway system along the eastern boundary of the site; a 10-foot wide multi-use pathway is proposed in accord with the Plan on the northern portion of the development but transitions to a 5-foot wide pathway to the south and does not stub to the south for future extension as shown on the Plan. However, the Park’s Dept. has indicated they are supportive of the proposed design. This pathway will eventually provide a connection to Discovery Park to the west and Hillside Elementary and the YMCA to the north. There is also a 10’ multi-use pathway proposed adjacent to the Farr Lateral, as is shown on the pathways plan. These pathways will be valuable amenities to the project. A golf cart pathway is shown as Lot 41 on Block 5, which terminates at the Boise Ranch Golf Course.*

*Proposed site amenities consist of children’s play equipment/structures, a picnic shelter, pathways, two dog parks and additional open space of at least 20,000 square feet above the minimum UDC requirements, which are located along the northern and southern boundaries of the site and are not centrally located. Although much of the open space meets the minimum dimensional requirements of the UDC (i.e. at least 20’ in width and 50’ in length with an access on each end) a significant portion of what is proposed as qualified open space consists of street buffers and end caps with parkways. Also, it is important to note that the applicant’s narrative contains a pedestrian connectivity exhibit which shows narrow private roads with no sidewalks and common drives as “pedestrian connections” which staff believes is somewhat misleading. However, the private street standards do not require them. Additionally, staff believes the entire development should contain public streets which would require the 5-foot sidewalks per City code. The Commission and Council should determine if the pedestrian circulation plan is adequate for the proposed development with the inclusion of the private system.*

- “Evaluate open space and amenity requirement and criteria for consistency with community needs and values.” (2.02.01B)

*Because the average lot size proposed in the development is only 6,280 square feet, Staff is of the opinion the end caps could be re-oriented/consolidated with other larger common lots to increase the usable open space within the development. This was discussed during the pre-application meetings with the applicant and they are of the opinion the open space as proposed exceeds UDC standards and is designed to meet the needs of the development.*

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

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

- “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 property abuts portions of the city limits at the northwest and northeast corner, but the majority of the property perimeter is surrounded by unincorporated Ada County. The proposed project is located near the fringe of the City and does not meet the definition of an infill development.*

- “Encourage the incorporation of creek corridors as amenities in development design.” (4.05.02C)

*The Ten Mile Creek crosses the northeast corner of the site; a common area is proposed for the creek area and a multi-use pathway is proposed along the creek in accord with the Pathways Master Plan.*



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

*City sewer and water infrastructure and curb, gutter and sidewalks are required to be provided with the public road portion of this development. The cross sections provided for the private road portion do not depict sidewalks. The applicant contends that the private streets provide an intimate setting for the residents and narrower streets decrease traffic speeds which do not warrant the additional improvements. It is important to note that the director has not approved the private street application, thus the plat should be redesigned to incorporate public streets for the entire development.*

- “Slow the outward progression of the City's limits by discouraging fringe area development; encourage development of vacant or underutilized parcels currently within City limits.” (4.05.03B)

*The proposed project is in the City's “fringe” area; therefore, development in this area is not encouraged as are vacant/underutilized parcels currently within City limits. However, the City has recently approved several developments (Pura Vida and Poïema) north of the proposed development making this property more desirable to develop.*

- “Evaluate comprehensive impacts of growth and consider City Master Plans and Strategic Plans in all land use decisions (e.g., traffic impacts, school enrollment, and parks).” (3.01.01A)

*Eagle Rd. is currently a 2-lane roadway with no curb, gutter or sidewalks; no improvements are planned in the CIP/IFYWP to the segment of Eagle Rd. abutting this site. The Lake Hazel/Eagle Road intersection north of the site is planned to be reconstructed and signalized in 2023. The ACHD report states that the TIS estimates this development to generate an additional 3,343 trips per day resulting in an acceptable level of service (i.e. better than “E”).*

*WASD estimates this development will house approximately 247 school aged children – enrollment at Hillsdale Elementary is currently capped so students in this development would attend Silver Sage, which is currently under capacity; enrollment at Lake Hazel Middle School and Mountain View High School would be over capacity at build-out of this development according to the Community Development's school impact review included in Section VII.*

*Water and sewer are being extended consistent with the City's master plan as noted above.*

*Discovery Park, a 77+/- acre City Park, is located approximately a mile away from this site to the west on Lake Hazel Rd., which should be adequate to serve this development.*

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

*Two types of housing are proposed – single family detached and 30 single family attached units - which will provide diversity in housing, and the density in the MDR designated area falls within the desired range. The density proposed in the LDR designated area at the southwest corner of the site is above the 3 units or fewer per acre desired in that area. However, the Comprehensive Plan states future land use designations are not parcel specific. An adjacent, abutting designation, when appropriate and approved as part of a public hearing with a land development application, may be used. A designation may not must not be used on a parcel not directly abutting the designation, and may not apply to more than 50% of the land being developed. The predominate land use designation is MDR and the applicant has the ability to design the project to meet density perimeters of the MDR designations provided other goals of the Comprehensive Plan are being met.*

*As discussed below, R-15 zoning is proposed at the less dense eastern portion of the site to allow the option of private streets without sidewalks., Staff has concerns with the private streets, specifically the long-term maintenance and interconnectivity with surrounding developments. If these roadways are not constructed to ACHD standards, the likelihood of ACHD accepting these streets in the future is slim. Also, staff finds that although most of the open space meets the minimum dimensions, not all of it is quality open space (please see the qualified open space section below). The Fire Department has noted concerns with the access and serviceability of this project ahead of the fire station being constructed next to Discovery Park. Finally, public services are proposed to be extended near the fringe of the City rather than to vacant/underdeveloped infill parcels as desired. For these reasons, Staff is of the opinion the proposed annexation may not be the best interest of the City at this time.*

#### C. Annexation & Zoning:

Portions of the annexation area are contiguous to a portion of the current City limits boundary and within the City's Area of City Impact at the east boundary. Most of the surrounding properties are still within unincorporated Ada County. A legal description and exhibit map for the annexation area is included in Section VI.A.

The proposed annexation area consists of two (2) tax parcels containing a total of 80.46 acres of land designated as LDR and MDR on the FLUM and contains land to the section line of S. Eagle Rd. The Applicant proposes to annex the two (2) parcels, zone the western 43.85 acres with an R-8 zoning district, and the eastern 36.60-acre portion with a R-15 zoning district.

The R-8 zoning district allows lots as small as 4,000 sq. ft. with a minimum street frontage of 40'. The western 43.85 acres of the plat proposed for R-8 zoning reflects lots that meet this minimum lot and frontages requirements.

**The R-15 zoning district allows lots as small as 2,000 sq. ft. and has no requirement for a minimum street frontage. This zoning is typically reserved for higher densities, including single family attached, townhomes and multifamily. It is important to note that with the previous application, staff informed the applicant that the private streets that are proposed with a significant portion of this development were not allowed under the R-8 zoning that was originally proposed for the entire development. The provisions for private streets apply only to properties that do not have frontage on a public street or where frontage is not required per UDC 11-3F-2. The applicant has subsequently revised their application to propose R-15 zoning merely for the purpose of being eligible for private streets whereas all other dimensional standards would comply with the requirements of the R-8 zone. Staff believes the development should incorporate public streets within the entire development and zone the property in accord with the more appropriate R-8 zone (Please see the access section below for more discussion regarding the private streets). In previous discussions with the applicant, staff has suggested the applicant either rezone to PUD, or initiate a code change in regard to requirements for private streets. The applicant has chosen to move forward with a request to rezone to R-15.**

#### D. Existing Structures/Site Improvements:

There are two (2) existing homes and outbuildings on this site – the 5,892 square foot home constructed in 2002 at the east end of the site is planned to remain on a lot (Lot 64, Block 5) in the proposed subdivision; the home and accessory structures on the west end of the site are planned to be removed with development. These homes are accessed via a private lane (E. Adler Hof Ln.) from S. Eagle Rd. If annexed, the home proposed to remain is required to hook-up to City water and sewer service and change their address.

E. Proposed Use Analysis:

Single-family attached and detached dwellings are listed in UDC Table 11-2A-2 as a principal permitted use in the R-8 and R-15 zoning districts. The proposed use, with two housing types, is mostly consistent with the purpose statement of the residential district in that a range of housing opportunities and a variety of dwelling types would be provided consistent with the Comprehensive Plan and UDC 11-2A-1 and 11-6A-1. However, proposing to rezone a portion of the property to the R-15 zone when R-8 zone would suffice merely for the reason of being eligible for private streets is not consistent with the purpose statement of UDC 11-3F-1. While this isn't an uncommon practice, this section states that "it is not the intent to approve private streets for single-family, duplex and/or townhouse developments other than those that create a common mew through the site design or that propose a limited gated residential development" as no single family attached are in this area and no common mews are proposed. Further, a limited gated community as specified in the UDC is 50 or fewer homes. As noted below, the applicant is proposing that 112 homes utilize the proposed private street in an area that doesn't have an established street network and limited access. Therefore, the director has denied the private street application (see below for analysis).

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

The proposed preliminary plat consists of 328 building lots, 40 common lots, and 14 other lots (i.e. common driveway lots, 1 private street lot and 1 lot for the existing home) on 80.46 acres of land.

Development is subject to the dimensional standards listed in 11-2A-6 and 11-2A-7 for the R-8 and R-15 zoning districts. Lots in the western portion proposed for R-8 meet the minimum lot size of 4,000 sq. ft. with a 40' lot frontage. Although the lots in the 36.6-acre eastern portion proposed for R-15 meet the dimensional standards of that zone district (minimum lot size of 2,000 sq. ft. and no minimum frontage requirement) as presently proposed, they would also meet the minimum requirements of the R-8 zoning district.

Subdivision Design and Improvement Standards (*UDC 11-6C-3*)

Development of the subdivision is required to comply with the subdivision design and improvement standards listed in UDC 11-6C-3, including but not limited to streets, common driveways and block face.

Block length is required to comply with the standards listed in UDC 11-6C-3F. Block faces should not exceed 750' in length without an intersecting street or alley unless a pedestrian connection is provided, then the block face may be extended up to 1,000' in length. The City Council may approve a block face up to 1,200' in length where block design is constrained by certain site conditions as specified in UDC 11-6C-3F.3b. **The face of Block 9 on the north side of the Farr Lateral is 1,000'+/- and does not contain a pathway or intersecting street or alley. This is also true of the section of Block 5 that is south of private street A of more than 850 feet. Council approval would be needed, or the plat would need to be revised to comply with the standard.**

At the northeast corner of the site, a street ending in a cul-de-sac is proposed which will likely exceed the maximum 500' length allowed in UDC 11-6C-3B.4 depending on how the property to the north develops. Staff had recommended an internal street access to this portion of the development rather than the sole access being provided via a stub street from the north. The applicant has responded due to the topography in this area, they cannot provide the recommended internal access. However, just to the north of this cul-de-sac, the plat shows a golf cart path in this general area.

Twelve (12) common driveways are proposed; such driveways should be constructed in accord with the standards listed in UDC 11-6C-3D. A perpetual ingress/egress easement shall be filed with the Ada County Recorder, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment. An exhibit should be submitted with the final plat application that depicts the setbacks, fencing, building envelope, and orientation of the lots and structures accessed via the common

driveway; if a property abuts a common driveway but has the required minimum street frontage and is taking access via the public street, the driveway should be depicted on the opposite side of the shared property line from the common driveway. Address signage should be provided at the public street for homes accessed via common driveways for emergency wayfinding purposes. Where two (2) common driveways are proposed that adjoin, bollards (or other barrier approved by the Fire Dept.) should be placed at the common lot line to prevent a through connection between streets.

The applicant has submitted a phasing plan. The phasing plan shows nine phases, with the first phase occurring directly adjacent to S. Eagle Rd at the proposed public street. Number of lots being built out vary between 59 at the first phase, to 23 at the last phase. Phase 8 and Phase 9 are both disconnected from the rest of the subdivision, although staff does believe an access could be constructed across the Farr Lateral between Phase 1 or 2 and Phase 9.

**UDC 11-3F-4 prohibits common driveways off of private streets whereas this proposal includes three common driveways served by private streets. The applicant has requested alternative compliance from this standard.**

G. Access (UDC 11-3A-3)

The existing roadways in this area are rural in nature. Eagle Rd. is currently improved with 2 travel lanes and no curb, gutter or sidewalk. Improvements and a signal are planned for the Lake Hazel/Eagle Rd. intersection in 2023. Lake Hazel is planned to be widened to 5-lanes between Eagle and Cloverdale Roads in 2024; and to 5-lanes from Locust Grove to Eagle Roads between 2026 and 2030; no improvements are planned to Eagle Rd. south of Lake Hazel abutting the site. The applicant will be required to construct 5-foot-wide sidewalk on S. Eagle Rd abutting the site.

One (1) public street, Street A, is proposed for access via S. Eagle Rd. as a collector street to the intersection of Street C, also a public street. Three (3) stub streets are proposed at the north, and two (2) stub street are proposed at the south boundaries of the site for future extension in accord with UDC 11-3A-3. One of these southern stubs is a secondary emergency access to E. Vantage Pointe Ln. to be constructed with the first phase of development. There is also a cul-de-sac at the extreme northeast serving 15 additional lots, which is intended to connect to a public road through the recently approved Pura Vida Ridge Ranch. This area is shown as Phase 8 and does not connect to the rest of the Skybreak Subdivision, except for the connected pathway system.

There are two southern roads shown to connect from the subject property to E. Vantage Pointe Lane to the south. E. Vantage Point Lane is a private road, and the applicant has only demonstrated the legal right to use this road for emergency access (Inst. #2020-063349); public access is not allowed. This is adequate for emergency access to occur from the cul-de-sac shown at the end of the public street shown as Street J. However, this application also shows an additional 23 lots being served from a double cul-de-sac shown as Phase 9. **The applicant has not demonstrated they have primary legal access to these lots via E. Vantage Pointe Lane. The applicant has responded that they intend to eventually obtain this access and will build out this later phase when it is obtained, but staff is concerned with an application which proposes annexing and zoning 23 lots into the City without proof of access. The applicant should construct a roadway across the Farr Lateral to provide access to the portion of the development for better integration.**

**The Fire Department has noted in a letter dated February 16, 2021 that they are concerned with a large subdivision with only one access out to S. Eagle Rd. Two of the three northern stubs go to properties within unincorporated Ada County which are not proposed for development at this time. The third northern stub only serves Phase 8 which does not connect to the rest of the subdivision. If access from the north via Eagle Rd. is blocked, in the event of an emergency, emergency vehicles would have to travel an additional 3.5+/- miles around the square mile to access the site creating a potential life safety**

issue due to a delayed response time. Staff has recommended the applicant pursue a northern access to allow access from this subdivision via the public road in the Pura Vida Subdivision and to E. Lake Hazel Rd, but the applicant has responded that due to topography this is not feasible, although the applicant has managed to configure a golf cart path to the golf course at the north. In addition, the Fire Department has mentioned the majority of the subdivision is outside of the 5-minute response area, and the nearest station (Station 4) has a low reliability rating. This would improve if and when the southwestern fire station adjacent to Discovery Park is constructed in 2023. The applicant has submitted a phasing plan which shows each phase has at least two accesses for emergency service, but as mentioned, except for Phase 8 at the northeast corner, all the other phases rely on only S. Eagle Rd for access. Staff is aware that access will improve in this area over time however, it is contingent on other properties developing in the area to provide the necessary road network.

A combination of public and private streets are proposed for access within the development – public streets are proposed on the west and private streets serving 112 lots are proposed on the east end of the subdivision. Three (3) common driveways are proposed for access off private streets (see analysis below).

**The applicant has provided sections of the private streets with this plat application (see Section VI). Although the plat does not indicate exactly which private street cross sections are proposed in which area, the street sections show private streets as narrow as 27', none of which include sidewalks. Since the time of the pre-application meetings, staff has responded that staff does not support this many lots being served by private streets. This is because this results in streets that would pass the maintenance costs on to the homeowners through the HOA, as ACHD would not accept these roads in the future if there were financial constraints. Staff has requested the developer state the reason for requesting private streets other than the additional costs to build them to the standard template, and the only responses staff has received thus far is that there is a demographic of senior home buyers that prefer the security a gated community can provide and that the gates and private streets will provide a more intimate setting. Staff agrees that there are probably buyers that would prefer gated communities and private streets, but still does not understand why narrow private streets are preferable to streets built to standard templates and containing landscaping and sidewalk. As noted above, staff finds the proposal is not a limited gated community, exceeds more than 50 homes. Therefore, the plat should be resigned to incorporate public streets for the entire development. As noted below the applicant has requested alternative compliance (ALT) to allow 112 homes as proposed. The director has denied the applicant's ALT request.**

## **ALTERNATIVE COMPLIANCE**

The applicant proposes 112 gated lots, and 3 common driveways off a private street. UDC 11-3F-4 states a proposed (gated) development shall have no more than 50 dwelling units, and no common driveways shall be allowed off of a private street. However, 11-3F-4 also allows the director to approve, or recommend approval of alternative design or construction standards when the applicant can demonstrate that the proposed overall design meets or exceeds the intent of the required standards of this article and shall not be detrimental to the public health, safety, and welfare.

Requests for alternative compliance are allowed only when one (1) or more of the following conditions exist:

- a. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical;
- b. The site involves space limitations or an unusually shaped lot;
- c. Safety considerations make alternative compliance desirable;
- d. Other regulatory agencies or departments having jurisdiction are requiring design standards that conflict with the requirements of this article;

- e. The proposed design includes innovative design features based on "new urbanism", "neotraditional design", or other architectural and/or site designs that promote walkable and mixed use neighborhoods;
- f. Additional environmental quality improvements would result from the alternative compliance.

In order to grant approval for an alternative compliance application, the Director shall determine the following:

1. Strict adherence or application of the requirements are not feasible; or
2. The alternative compliance provides an equal or superior means for meeting the requirements; and
3. The alternative means will not be materially detrimental to the public welfare or impair the intended uses and character of surrounding properties.

*The applicant's alternative compliance letter mentions there is a demographic of senior home buyers that prefer the security a gated community can provide and that the gates and private streets will provide a more intimate setting. Staff agrees that there is probably a demographic that would prefer gated communities, but this is not a condition required for alternative compliance. The Director finds the applicant has not demonstrated the need for a private versus public streets as noted above.*

*The plat indicates private street sections with no sidewalks and minimal landscaping, whereas ACHD templates require 5' sidewalks and landscaping. Also, the applicant proposes alternative compliance to allow three common driveways from the private streets, whereas this is not allowed by UDC 11-3F-4-6. Staff does not understand how what is being proposed is an equal or superior means to meeting requirements. Providing narrow private streets with no sidewalks, minimal landscaping, and common driveways from these private streets is not an innovative design features that promotes walkable neighborhoods.*

*Finally, as was already mentioned, gating the community will also slow response times when there are already fire access concerns, which would be materially detrimental to the public welfare.*

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

Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for single-family detached dwellings based on the number of bedrooms per unit. A parking plan is included in Section VIII.J that depicts a total of 334 on-street parking spaces along public and private streets; parking along private streets must be approved by the Fire Marshall.

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

The Pathways Master Plan (PMP) depicts a north/south segment of the City's multi-use pathway system along the east side of the subject property and along the south side of the Farr Lateral at the southwest corner of the site. The Applicant has worked with the Park's Dept. pathway coordinator on the design proposed along the east boundary; the pathway along the south side of the Farr Lateral is consistent with the PMP. The pathways are required to be placed in a 14-foot wide public pedestrian easement or a note should be added to the plat which allows public access in the common lots intended for pathways.

Ten-foot (10') wide segments of the City's multi-use pathway are proposed within the street buffer along Eagle Rd., along the south side of the Farr Lateral, along the Ten Mile Creek and the northern portion of the east boundary of the site and a golf cart path. Other pathway connections are also proposed for pedestrian interconnectivity and access to common areas within the development. A pathway connection is proposed between the pathway on the eastern portion of the site to the sidewalks along internal public streets on the west end of the site. A total of 5,167 linear feet of pathways are proposed in this development (see exhibit in Section VI). All pathways are required to be constructed in accord with the standards listed in UDC 11-3A-8 and landscaped per the standards in UDC 11-3B-12C.

Where pathways are proposed in common driveways (i.e. Lot 25, Block 9) they should be located in separate common lots with landscaping on either side in accord with UDC 11-3B-12C.

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

A 10' pathway is proposed along S. Eagle Rd. with a combination of detached and attached sidewalks along the internal public streets. No sidewalks are required or proposed along private streets except for along private Streets K & S where a detached sidewalk is proposed for a pedestrian connection between the pathway on the east end of the site to the sidewalk along public Street I on the west end of the site.

K. Parkways (UDC 11-3A-17):

Eight-foot wide parkways with detached sidewalks are proposed along the entry street (Street A) and in a few other areas; sidewalks are mostly attached with no parkways in this development. All parkways are required to be constructed in accord with the standards listed in UDC 11-3A-17 and landscaped in accord with the standards listed in UDC 11-3B-7C.

L. Landscaping (UDC 11-3B):

A 25-foot wide street buffer is required adjacent to S. Eagle Rd., an arterial street; a 20-foot wide street buffer is required along Street A where it is designated as a collector street (i.e. from Eagle Rd. to the intersection of Street C), landscaped per the standards listed in UDC 11-3B-7C. A 50' foot +/- wide buffer is proposed along Eagle Rd. and a 30-foot wide buffer is proposed along the collector street (Street A) landscaped with grass and deciduous and evergreen trees and shrubs in excess of the minimum standards.

Parkways are required to be landscaped in accord with the standards listed in UDC 11-3B-7C. Landscaping is proposed within parkways; calculations should be included in the Landscape Calculations table that demonstrate compliance with UDC standards.

Landscaping is required along all pathways in accord with the standards listed in UDC 11-3B-12C.

Landscaping is proposed along pathways; calculations should be included in the Landscape Calculations table that demonstrate compliance with UDC standards.

Common open space is required to be landscaped in accord with the standards listed in UDC 11-3G-3E.

Landscaping is depicted in common areas in excess of UDC standards except along the Farr Lateral and Lot 46, Block 5 (the ridge lot with the trail).

There are existing trees on the site within proposed building lots that are proposed to be removed that may require mitigation. The Applicant should coordinate with Matt Perkins, the City Arborist, to determine mitigation requirements per the standards listed in UDC 11-3B-10C.5.

M. Qualified Open Space (UDC 11-3G):

A minimum of 10% qualified open space meeting the standards listed in UDC 11-3G-3B is required. Based on the area of the proposed plat (80+/- acres), a minimum of 8 acres of qualified open space should be provided.

The Applicant landscape plan notes the development provides 14.99 acres (or 18.4%) of qualified open space. This open space consists of parks, street buffers, linear open space, parkways and common areas greater than 50' x 100' in area, including the slope area on the east end of the site (see qualified open space exhibit in Section VI). Although the open space complies with the minimum UDC standards in regard to dimensions,

some of the open space area being credited consists of unusable arterial/collector street buffers and end caps with parkways, the easement for the Farr Lateral, and areas that aren't centrally located for easy access. It is staff's opinion that the applicant has the opportunity to reconfigure the plat to consolidate additional open space to make it more accessible and useable.

UDC 11-3G-3-E requires that at a minimum, common open space areas shall include one (1) deciduous shade tree per eight thousand (8,000) square feet and lawn, either seed or sod. There are areas being credited on the applicant's open space exhibit as qualified open space, such as land within the Farr Lateral easement, and all the challenging and steeply sloping land in Lot 45, Block 5 at the east that do not meet the minimum landscape requirements. In addition, the pathway shown along Lot 45, Block 5 would need to be landscaped with one tree per 100 linear feet of pathway as required per UDC 11-3B-3-12 in order to be credited for qualified open space.

N. Qualified Site Amenities (UDC 11-3G):

Based on the area of the proposed plat (80+/- acres), a *minimum* of four (4) qualified site amenities are required to be provided per the standards listed in UDC 11-3G-3C.

Proposed site amenities consist of children's play equipment/structures, a picnic shelter/shade structure, pathways, two dog parks and additional open space of at least 20,000 square feet above the minimum UDC requirements. Dog owner facilities are required to be improved with a dog washing station with a drain to sanitary sewer system and trash receptacles and bags for dog waste disposal; or fencing to enclose a minimum 0.75 acre of open space for an off-leash dog park and trash receptacles and bags for dog waste disposal per UDC 11-3G-3C.h. Although the proposed amenities meet the minimum standards, they are primarily located along the northern and southern boundaries of the site or in the gated portion of the development and are not centrally located (see details in Section VII.D), which Staff is of the opinion is not ideal. Staff would prefer the open space be reconfigured to allow more useable open space and amenities toward the center of the development. Further, UDC 11-3G-3D.3 requires common open space and site amenities to be located in areas of high visibility to avoid hidden areas and corners, dark areas, unusable space and reduce the opportunity for crime. Staff does believe the sports park, playground and pathways are adequate amenities, but as mentioned above, believes more useable open space and centrally located amenities should be incorporated into this project.

O. Storm Drainage (UDC 11-3A-18):

An adequate storm drainage system is required in accord with the City's adopted standards, specifications and ordinances. Design and construction is required to follow Best Management Practice as adopted by the City.

P. Irrigation (UDC 11-3A-15)

An underground pressurized irrigation system is required to be provided with development to each lot within the subdivision in accord with the standards listed in UDC 11-3A-15. Irrigation water is provided from the New York Irrigation District.

Q. Waterways (UDC 11-3A-6):

The Farr Lateral runs across the southwest corner of this site within a common lot (Lot 51, Block 9) and Ten Mile Creek runs along the northeast corner of the site. The Applicant proposes to leave these waterways open and improve them as linear open space with a 10-foot wide multi-use pathway. However, if these waterways are intended to be improved and credited as linear open spaces, they should be accessible and usable, and



landscaped in accordance with UDC 11-3B-12 and UDC 11-3G-3-E, including one tree per 100 pathway feet and one tree per 8,000 square feet of open area, as well as vegetated with seed or sod.

R. Fencing (UDC 11-3A-7):

All fencing is required to comply with the standards listed in UDC 11-3A-6C and 11-3A-7.

Six-foot tall open vision vinyl slat top fencing is proposed along connection pathways and the Farr Lateral, 4-foot tall open vision wrought iron fencing is proposed adjacent to the dog parks and 6-foot tall vinyl fencing is proposed along street buffers and the perimeter of the subdivision as shown on the landscape plan. UDC 11-3A-6C.3 requires open laterals to be fenced with an open vision fence at least 6-foot in height and having an 11-gauge, 2-inch mesh or other construction equivalent in ability to deter access to the lateral. Staff recommends open fencing is installed between the lateral and the pathway to preserve public safety.

S. Building Elevations (UDC 11-3A-19 / Architectural Standards Manual):

The Applicant submitted sample photo elevations of the types of homes planned to be constructed in this development which are included in Section VI. Homes depicted are predominantly single-story, some with a bonus room, with a few that are 2-stories in height proposed on the east end of the development on or near the rim. All but 44 of the homes are proposed to be restricted to single-story with the option of a bonus room; the larger lots on the east end of the development are not restricted to single-story homes (see exhibit in Section VII.J). Building materials consist of a mix of finish materials (i.e. horizontal and vertical siding and stucco) with stone/brick veneer accents.

## VI. DECISION

A. Staff:

Staff recommends DENIAL of the requested annexation and preliminary plat based on the Findings in section IX. and the Director has denied the private street and alternative compliance based on the Findings in section IX.

**VII. EXHIBITS**

**A. Annexation Legal Description & Exhibit Map (date 1/20/21)**



Sawtooth Land Surveying, LLC

P: (208) 398-8104 F: (208) 398-8105  
2030 S. Washington Ave., Emmett, ID 83617

**Skybreak Annexation Legal Description**

**BASIS OF BEARINGS** is S. 0°12'52" W. between a found aluminum cap marking the W1/4 corner and a found aluminum cap marking the NW corner of Section 4, T. 2 N., R. 1 E., B.M., Ada County, Idaho.

A parcel of land located in the S1/2 of the NW1/4 of Section 4 Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

**COMMENCING** at an aluminum cap marking the NW corner of said Section 4;

Thence S. 0°12'52" W., coincident with the west line of said NW1/4 and the centerline of S. Eagle Road, 1352.07 feet to an aluminum cap PLS 13550, marking the N1/16 corner of said Section 4 and the **POINT OF BEGINNING**;

Thence S. 89°52'22" E., coincident with the north line of said S1/2 of the NW1/4, a distance of 1321.03 feet to a 5/8" rebar/cap PLS 645, marking the NW1/16 corner of said Section 4;

Thence N. 89°56'41" E., coincident with said north line, 1321.10 feet to a 5/8" rebar/cap PLS 4347, marking the CN1/16 corner of said Section 4;

Thence S. 00°37'07" W., coincident with the east line of said NW1/4, a distance of 1333.72 feet to a 3/4" rebar/cap PLS 645, marking the C1/4 corner of said Section 4;

Thence N. 89°48'12" W., coincident with the south line of said Section 4, a distance of 2632.71 feet to an illegible aluminum cap, marking the W1/4 of said Section 4;

Thence N. 00°12'52" E., coincident with said west line, 1326.27 feet to the **POINT OF BEGINNING**.

The above described parcel contains 80.461 acres more or less.





## B. Rezoning Legal Description and Exhibit Map (date: 1/20/21)



Sawtooth Land Surveying, LLC  
 P: (208) 398-8104 F: (208) 398-8105  
 2030 E. Washington Ave., Brimeth, ID 83617



### Skybreak R-8 Zoning Description

**BASIS OF BEARINGS** is S. 0°12'52" W. between a found aluminum cap marking the W1/4 corner and a found aluminum cap marking the NW corner of Section 4, T. 2 N., R. 1 E., B.M., Ada County, Idaho.

A parcel of land located in the S1/2 of the NW1/4 of Section 4 Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

**COMMENCING** at an aluminum cap marking the NW corner of said Section 4;

Thence S. 0°12'52" W., coincident with the west line of said NW1/4, a distance of 1352.07 feet to an aluminum cap PLS 13550, marking the N1/16 corner of said Section 4 and the **POINT OF BEGINNING**;

Thence S. 89°52'22" E., coincident with the north line of said S1/2 of the NW1/4, a distance of 1321.03 feet to a 5/8" rebar/cap PLS 645, marking the NW1/16 corner of said Section 4;

Thence N. 89°56'41" E., coincident with said north line, 261.79 feet;

Thence S. 00°12'52" W., parallel with said west line, 137.56 feet;

Thence N. 89°47'08" W., 5.43 feet;

Thence S. 00°12'52" W., parallel with said west line, 454.70 feet;

Thence N. 89°41'23" W., 73.73 feet;

Thence N. 71°55'29" W., 35.46 feet;

Thence N. 89°44'25" W., 157.79 feet;

Thence S. 00°12'52" W., parallel with said west line, 146.02 feet;

Thence S. 89°47'08" E., 22.31 feet;

Thence S. 00°12'52" W., parallel with said west line, 601.95 feet to the south line of said NW1/4;

Thence N. 89°48'12" W., coincident with said south line, 1334.42 feet to an illegible aluminum cap, marking the W1/4 of said Section 4;

Thence N. 00°12'52" E., coincident with said west line, 1326.27 feet to the **POINT OF BEGINNING**.

The above described parcel contains 43.858 acres more or less.





Sawtooth Land Surveying, LLC  
P: (208) 398-8104 F: (208) 398-8105  
2030 S. Washington Ave., Emmett, ID 83617



### Skybreak R-15 Zoning Description

**BASIS OF BEARINGS** is S. 0°12'52" W. between a found aluminum cap marking the W1/4 corner and a found aluminum cap marking the NW corner of Section 4, T. 2 N., R. 1 E., B.M., Ada County, Idaho.

A parcel of land located in the S1/2 of the NW1/4 of Section 4 Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

**COMMENCING** at an aluminum cap marking the NW corner of said Section 4;

Thence S. 0°12'52" W., coincident with the west line of said NW1/4, a distance of 1352.07 feet to an aluminum cap PLS 13550, marking the N1/16 corner of said Section 4;

Thence S. 89°52'22" E., coincident with the north line of said S1/2 of the NW1/4, a distance of 1321.03 feet to a 5/8" rebar/cap PLS 645, marking the NW1/16 corner of said Section 4;

Thence N. 89°56'41" E., coincident with said north line, 261.79 feet to the **POINT OF BEGINNING**;

Thence continuing N. 89°56'41" E., coincident with said north line, 1059.31 feet to a 5/8" rebar/cap PLS 4347, marking the CN1/16 corner of said Section 4;

Thence S. 00°37'07" W., coincident with the east line of said Section 4, a distance of 1333.72 feet to a 3/4" rebar/cap PLS 645, marking the C1/4 corner of said Section 4;

Thence N. 89°48'12" W., coincident with the south line of said NW1/4, a distance of 1289.29 feet;

Thence N. 00°12'52" E., parallel with said west line, 601.95 feet;

Thence N. 89°47'08" W., 22.31 feet;

Thence N. 00°12'52" E., parallel with said west line, 146.02 feet;

Thence S. 89°44'25" E., 157.79 feet;

Thence S. 71°55'29" E., 35.46 feet;

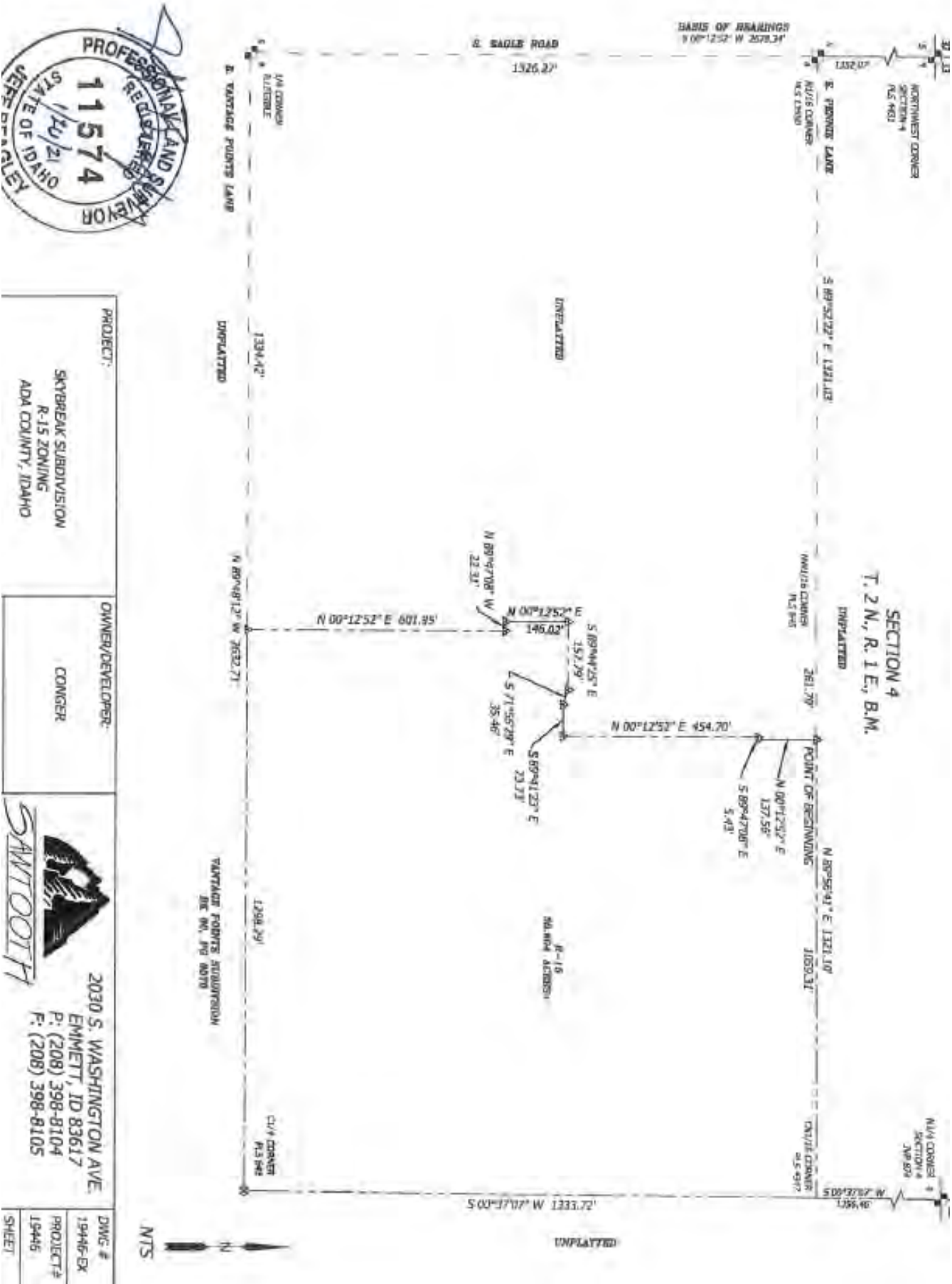
Thence S. 89°41'23" E., 73.73 feet;

Thence N. 00°12'52" E., parallel with said west line, 454.70 feet;

Thence S. 89°47'08" E., 5.43 feet;

Thence N. 00°12'52" E., parallel with said west line, 137.56 feet to the **POINT OF BEGINNING**.

The above described parcel contains 36.604 acres more or less.



**PROJECT:**  
 SKYBREAK SUBDIVISION  
 R-15 ZONING  
 ADA COUNTY, IDAHO

**OWNER/DEVELOPER:**  
 CONGER

**SAVTOOTH**

2030 S. WASHINGTON AVE.  
 EMMETT, ID 83617  
 P: (208) 398-8104  
 F: (208) 398-8105

**DWG. #**  
 1946-BX

**PROJECT #**  
 1946

**SHEET**



C. Preliminary Plat (date: 12/11/2020)



D. Landscape Plan (date: 12/11/2020)





**E. Gated versus Non Gated (date: 2/11/2020)**

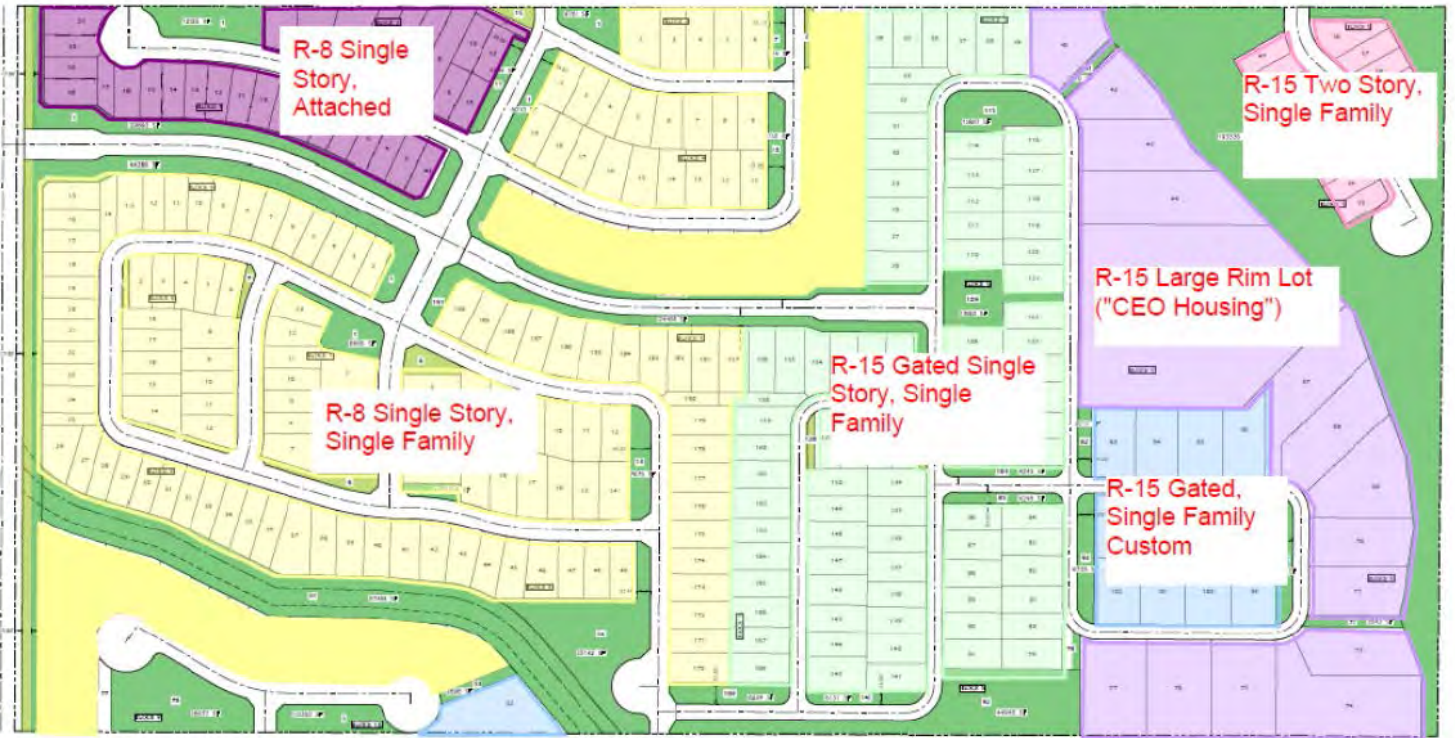
All streets shown in gated portion are private streets



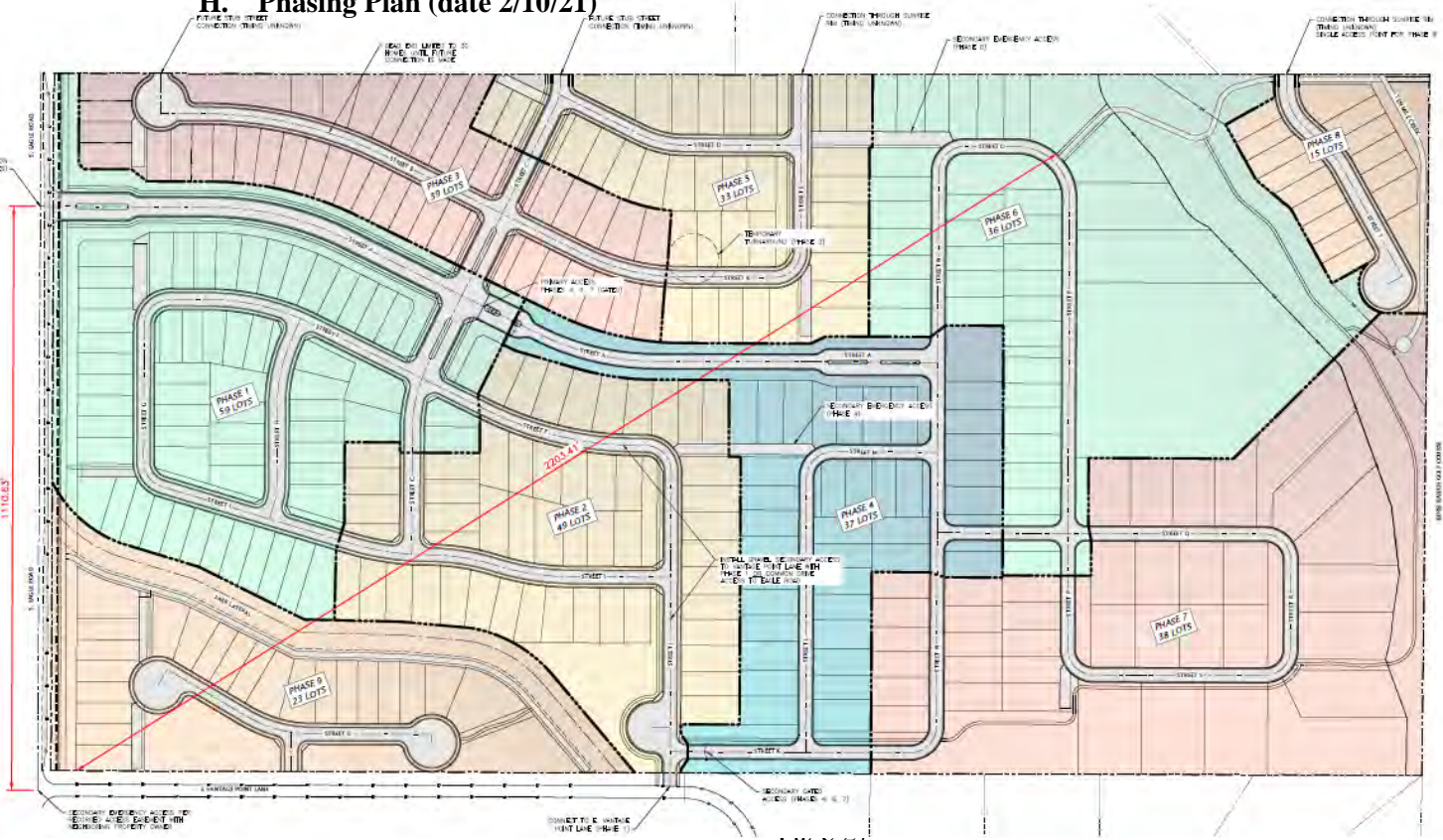
**F. Open Space Exhibit (date: 12/30/2020)**



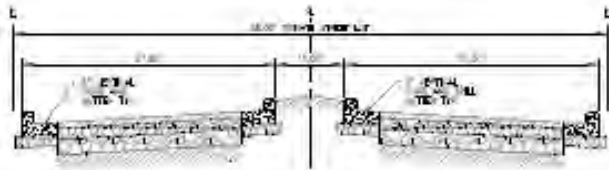
### G. Zoning Exhibit (date: 12/10/2020)



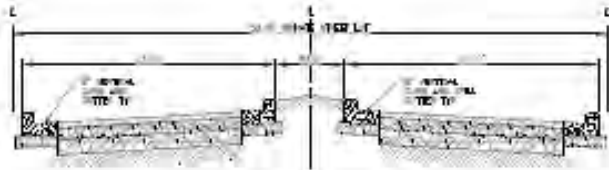
### H. Phasing Plan (date 2/10/21)



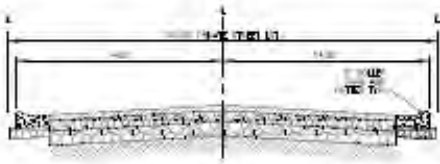
### I. Proposed Private Street Sections



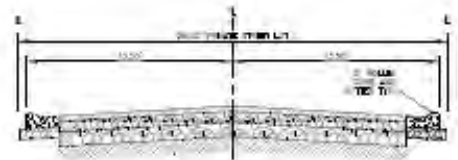
**PRIVATE STREET SECTION AT GATEHOUSE** 2  
SCALE: NOT TO SCALE PPS.0



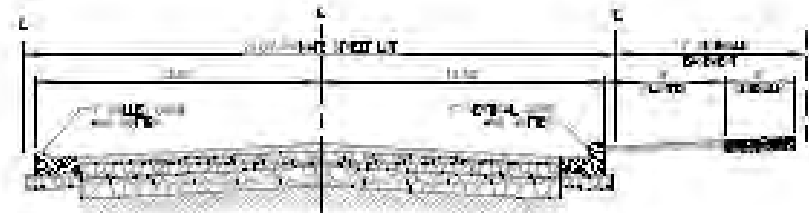
**PRIVATE STREET SECTION WITH MEDIAN ISLAND** 3  
SCALE: NOT TO SCALE PPS.0



**28' PRIVATE STREET (STREET A)** 9  
SCALE: NOT TO SCALE PPS.0



**27' PRIVATE STREET (STREETS L, M, N, O, P, Q, R)** 10  
SCALE: NOT TO SCALE PPS.0



**27' PRIVATE STREET W/ DETACHED WALK ONE SIDE (STREETS K AND S)** 11  
SCALE: NOT TO SCALE PPS.0

**J. Phasing Description (date: 12/10/21)**

**PROJECTED PROJECT TIMELINE**

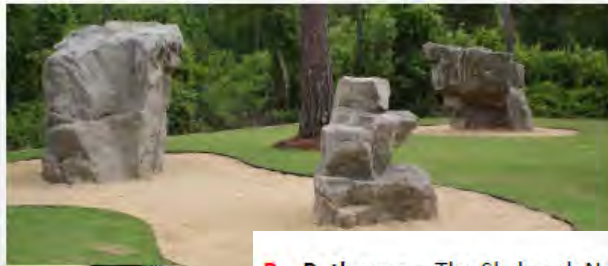
Milestone	Date
<b>2021 -</b>	
▪ City Council Approval (est.)	April 2021
▪ Eagle Road – Amity to Victory Road Widening to 5 Lanes	2021
<b>2022 -</b>	
▪ 20 Homes Occupied (1 <sup>st</sup> home available April 2022)	August 2022
<b>2023 -</b>	
▪ Lake Hazel Road and Eagle Road Intersection Construction	2023
▪ Eagle Road – Victory to Amity Road Widening to 5 Lanes	2023
▪ Fire Station #8 – Completed and Staffed	December 2023
▪ 50 Homes Occupied	September 2023
<b>2024 -</b>	
▪ Lake Hazel Road – Eagle to Cloverdale Road Widening to 5 Lanes	2024
▪ 100 Homes Occupied	June 2024
<b>2025 -</b>	
▪ 150 Homes Occupied	June 2025
<b>2026 -</b>	
▪ 200 Homes Occupied	June 2026
<b>2027 -</b>	
▪ 250 Homes Occupied	June 2027
<b>2028 -</b>	
▪ 300 Homes Occupied	June 2028
<b>2029 -</b>	
▪ Completion	December 2029

**K. Proposed Amenities (date: 2/10/21 – please refer to Narrative for more details)**



**A. Large 3/4-Acre, Tot Park (Block 9, Lot 52) –** The 35,142 Sqft Skybreak Neighborhood park will contain the following recreation facilities:

- **Play Structure**
- **Seating Benches**
- **Shade Structure**
- **Climbing Rocks**
- **Large Grass play area**
- **Attractive Landscaping**
- **Playground fencing for safety**



**B. Pathways –** The Skybreak Neighborhood will include the following pedestrian pathways:

- **10' Wide Regional Pathway Along Eagle Road – 1,326 LF**
- **10' Wide Regional Pathway Along the Farr Lateral – 1,120 LF**
- **10' Wide Regional Pathway Along Ten Mile Creek - 526 LF**
- **10' Wide Golf Cart Path - 760 LF**
- **Natural Path – 1,435 LF**

Pedestrian pathways within the Skybreak Neighborhood will total nearly one mile in length.

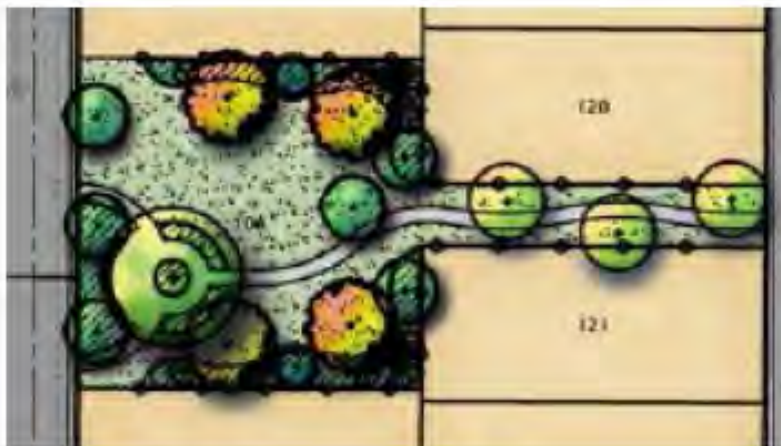
C. Dog Parks (Block 2, Lot 1 and Block 5, Lot 121) - The Skybreak Neighborhood park will contain two (2) 1/4 Ac small dog, dog parks that will include the following:

- Open Vision Fencing
- Dual Gate System
- Seating Areas
- Attractive Landscaping



D. Entry Park (Block 5, Lot 114) – The main Collector Roadway will terminate in an attractively landscaped open space that will provide for an aesthetically appealing entry statement that will convey a sense of arrival.

- Specimen Tree Plantings
- Seating Areas
- Attractive Landscaping
- Pathway



E. Open Sports Park (Block 5, Lot 97) – This park will include:

- Large 1-acre open sports area
- Pathway Connection
- Seating Areas
- Attractive Landscaping

**F. Landscaped Passive Open Spaces – Located throughout the Neighborhood:**

- Attractive Landscaping
- Buffering of side yards
- Premier Signage and Entry Monuments



**H. Pedestrian Connection Exhibit**



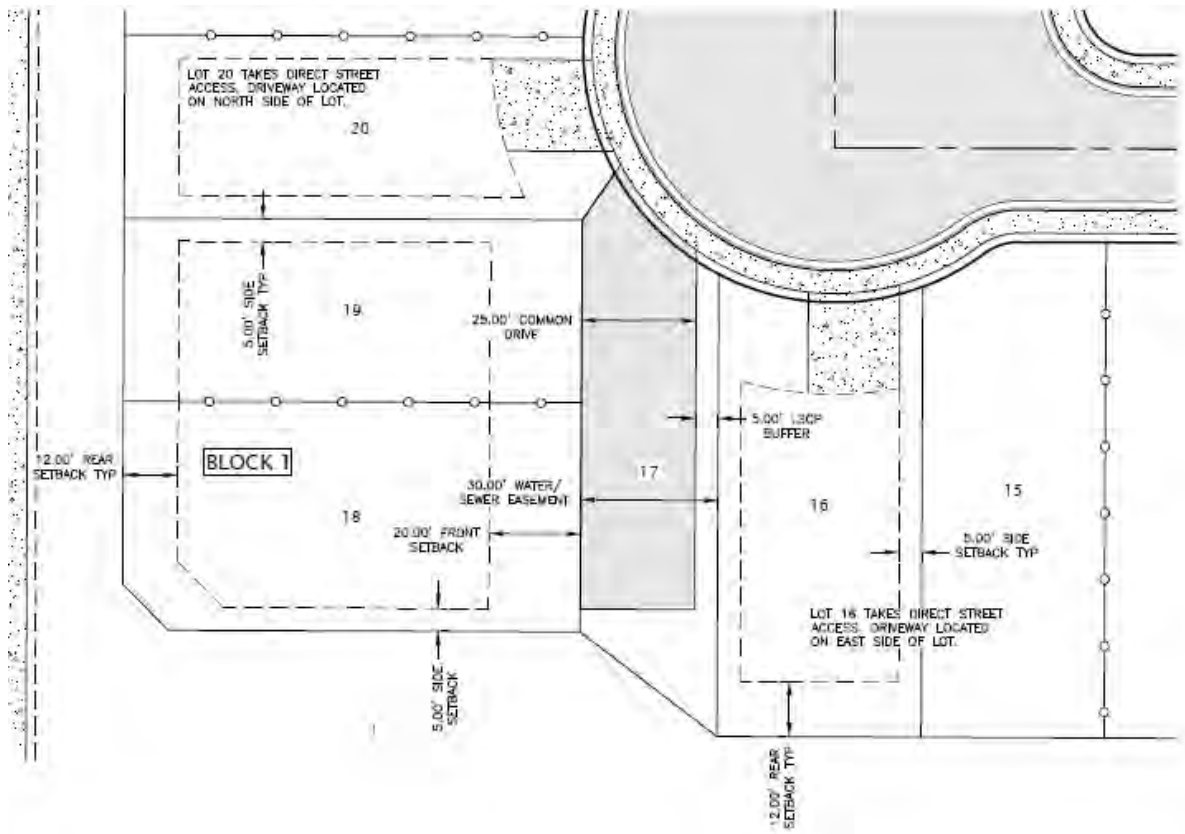
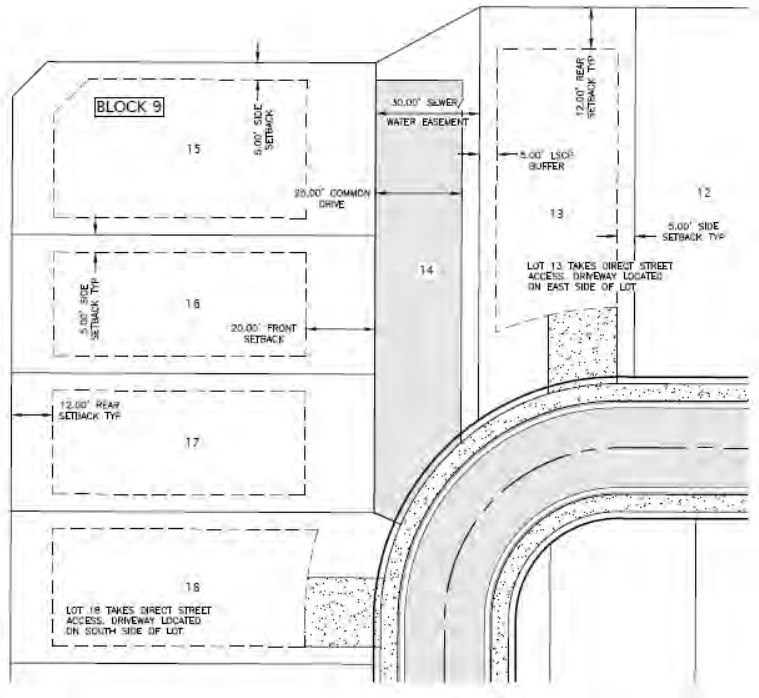
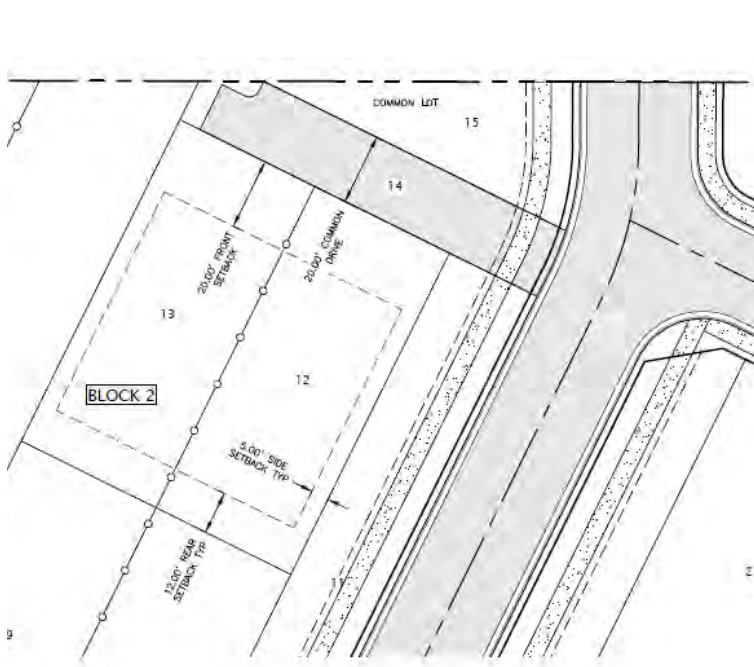
### L. Parking Plan

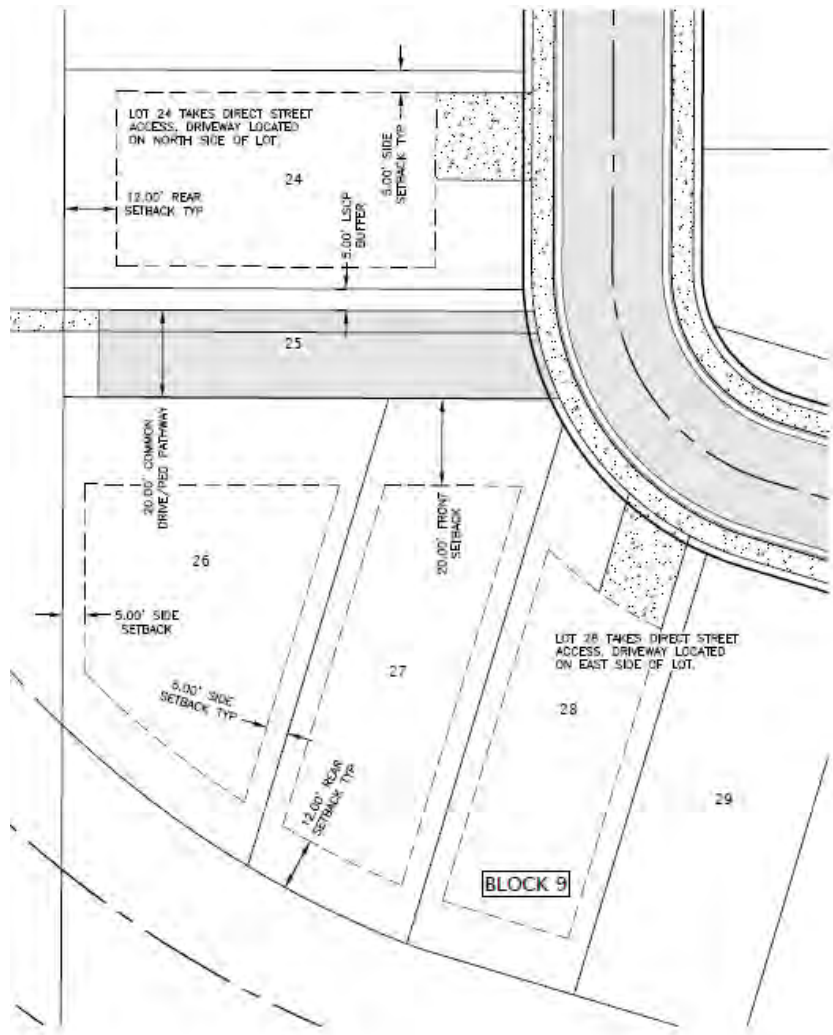
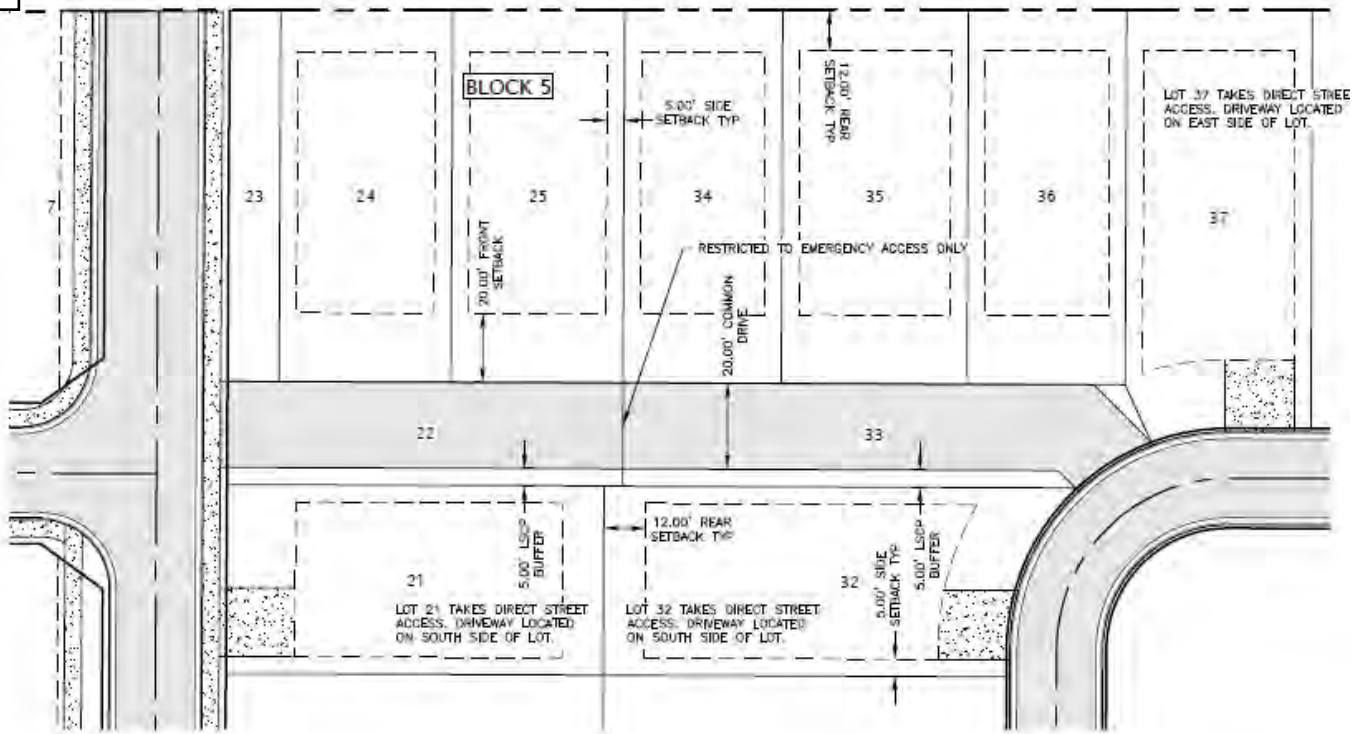


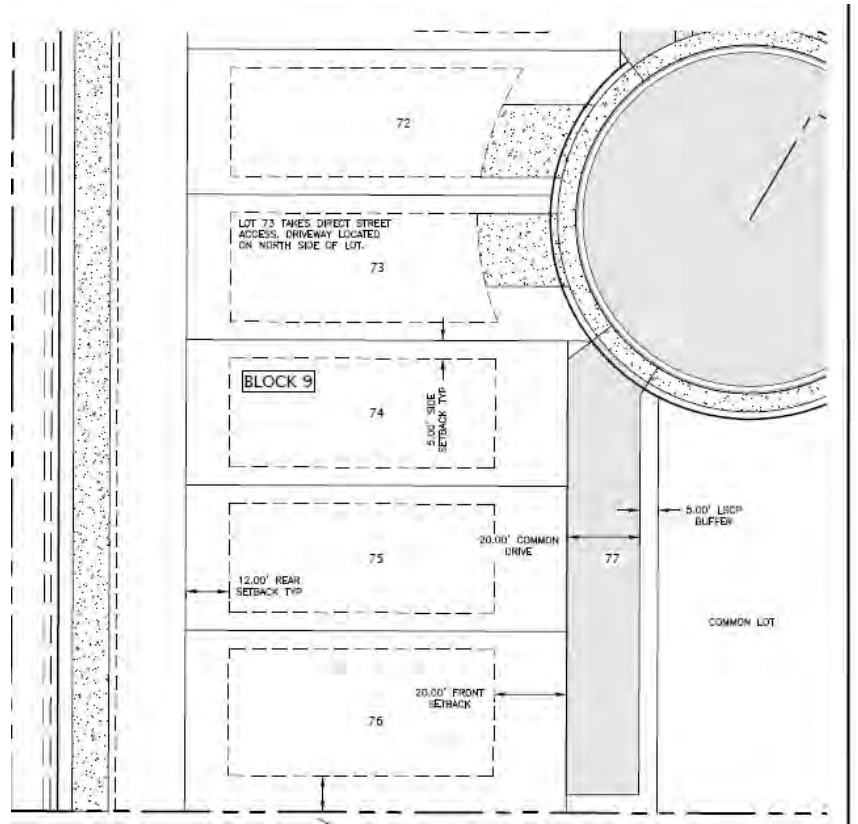
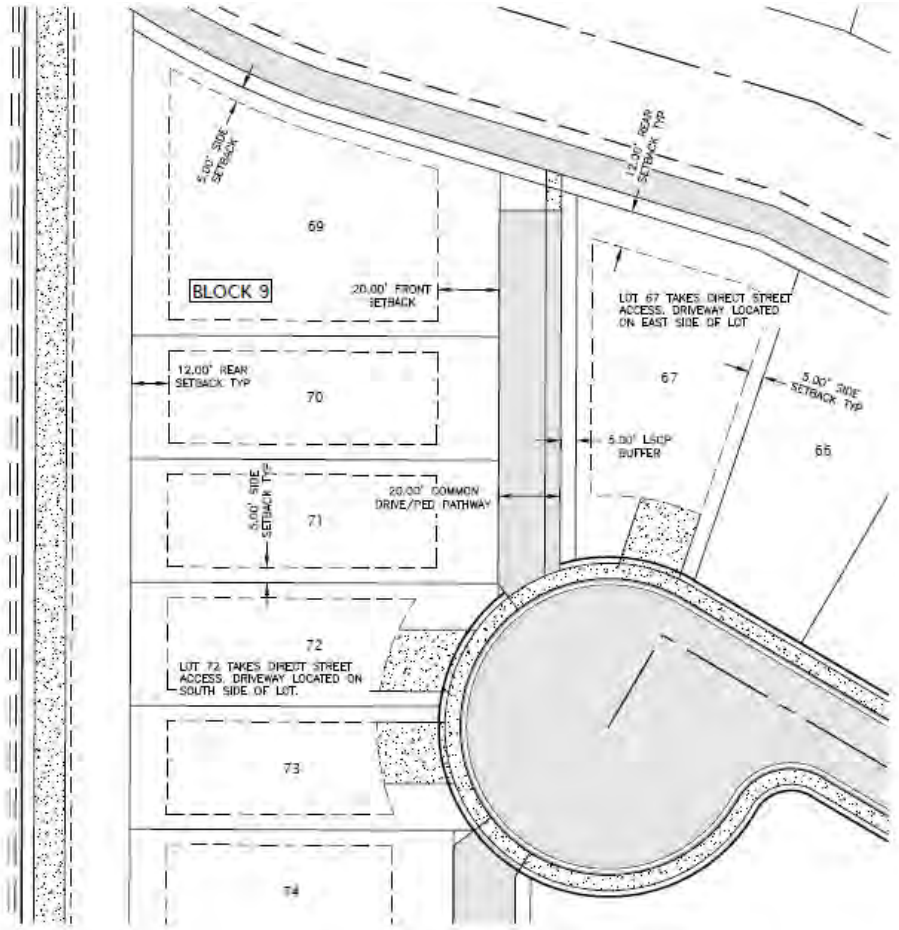
— On-Street Parking  
334 Spaces

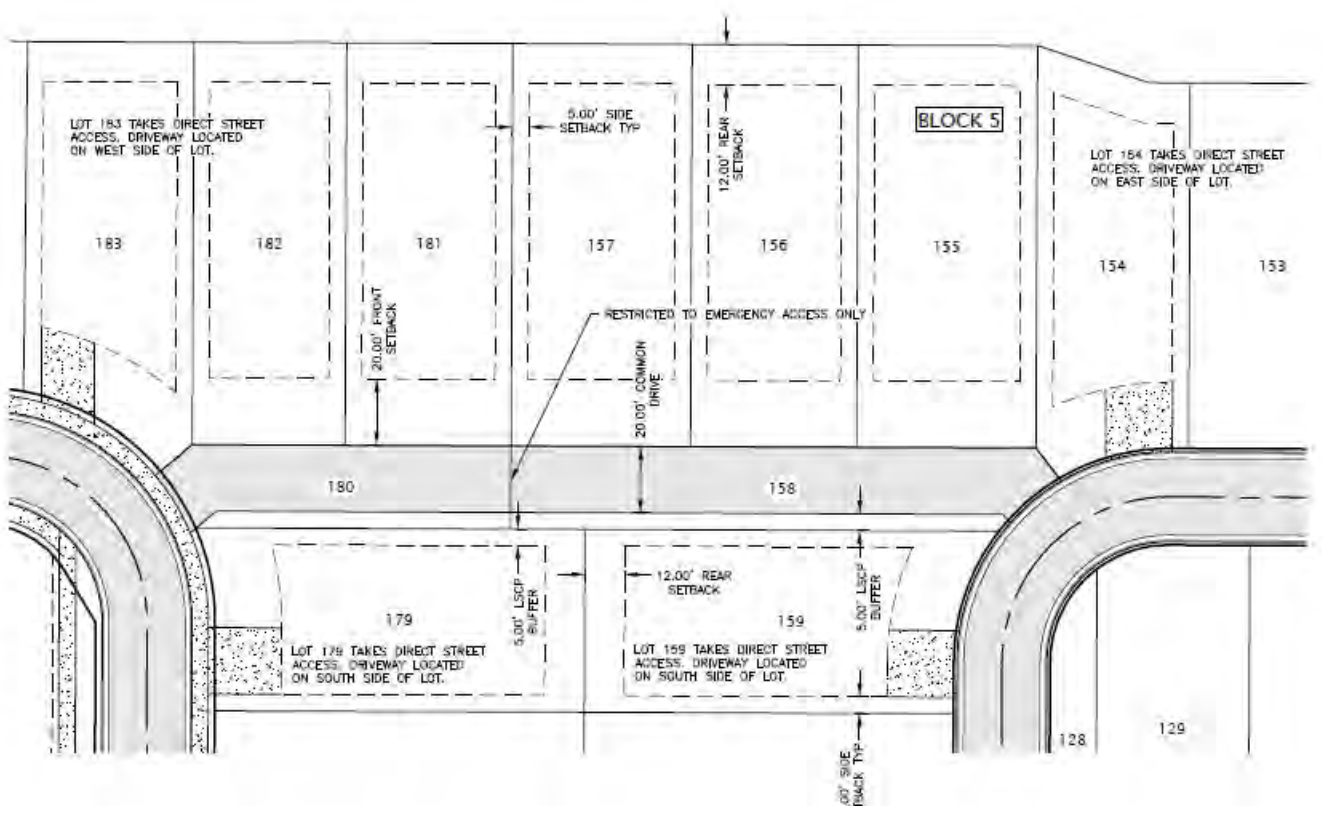
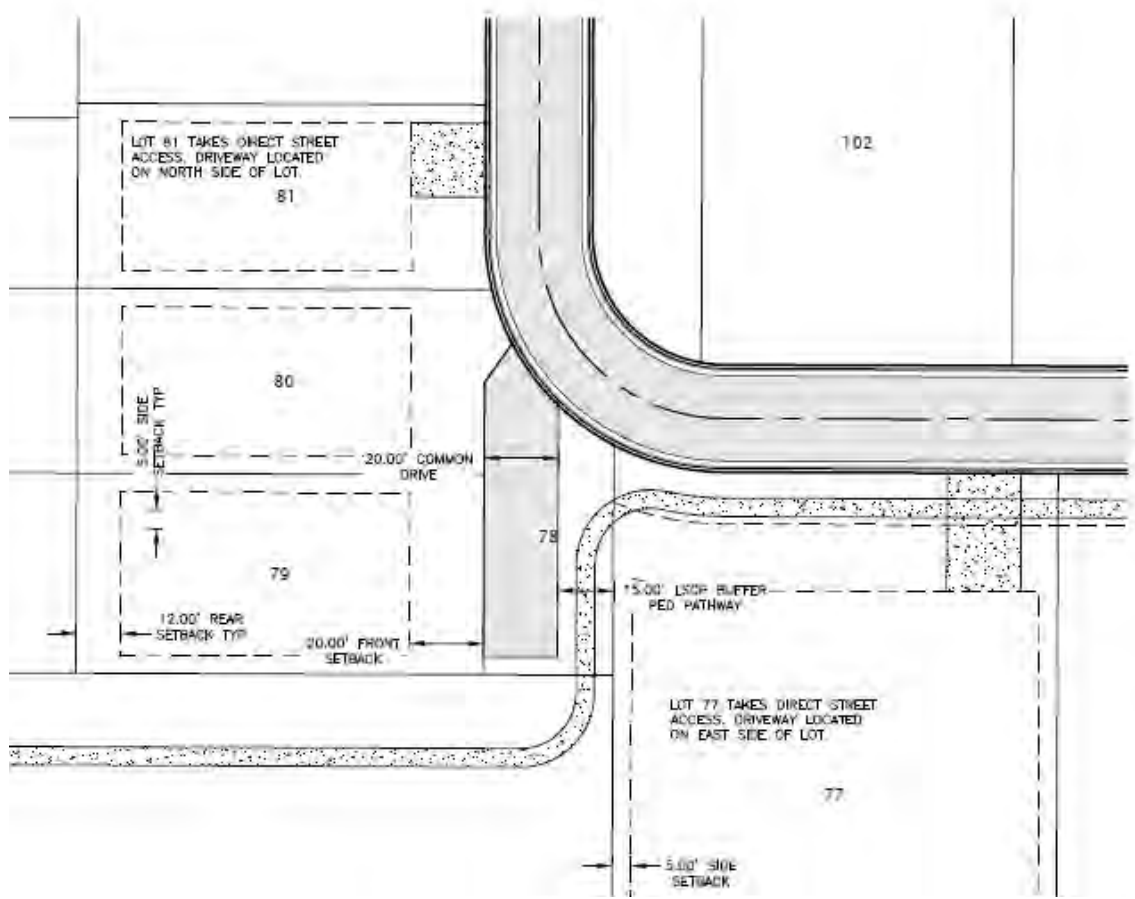


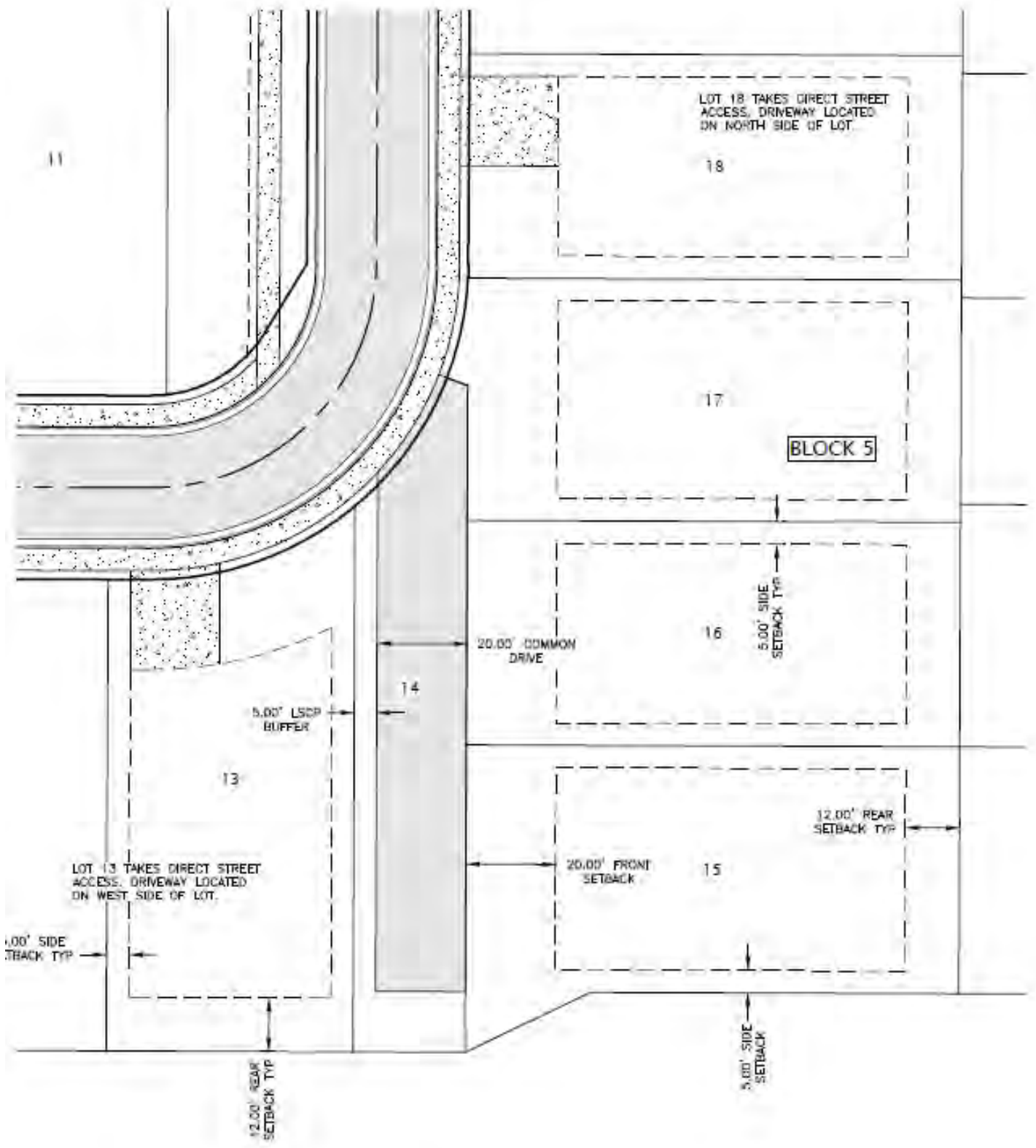
### M. Common Driveway Exhibits











N. Building Elevations (date: 12/10/21)



Existing Home to remain (above)



Existing Home to remain (above)



RIDGEVIEW



AVONDALE



SCOTT SPAVE



TEMPE



KIERLAND 'A'



KIERLAND 'B'



**VIII. CITY/AGENCY COMMENTS****A. PLANNING DIVISION**

*No conditions of approval are included due to Staff's recommendation of denial.*

**B. PUBLIC WORKS**

*No conditions of approval are included due to Staff's recommendation of denial.*

**C. FIRE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223367&dbid=0&repo=MeridianCity>

**D. POLICE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222919&dbid=0&repo=MeridianCity>

**E. PARK'S DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=214368&dbid=0&repo=MeridianCity&cr=1>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=193035&dbid=0&repo=MeridianCity>

**G. ADA COUNTY DEVELOPMENT SERVICES**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222788&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=219402&dbid=0&repo=MeridianCity>

**I. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=193631&dbid=0&repo=MeridianCity>

**J. CENTRAL DISTRICT HEALTH DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=219402&dbid=0&repo=MeridianCity>

**K. WEST ADA SCHOOL DISTRICT (WASD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=203469&dbid=0&repo=MeridianCity>

**L. COMMUNITY DEVELOPMENT SCHOOL IMPACT REVIEW:**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=203755&dbid=0&repo=MeridianCity>

**M. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222984&dbid=0&repo=MeridianCity>

## N. BOISE PROJECT BOARD OF CONTROL

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222907&dbid=0&repo=MeridianCity>

## IX. FINDINGS

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

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

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

*Staff finds the proposed map amendment to R-8 is consistent with the Comprehensive Plan density recommendations of 3-8 dwelling units per acre for the majority of the site except for the southern portion adjacent to the Vantage Pointe Subdivision where there is an inadequate transition in lot sizes. Staff finds zoning the property to the R-15 district for purpose of allowing private streets is not suitable for providing the necessary infrastructure. As mentioned in Section V above, the 30 attached dwelling units would contribute to more diversity of houses, but the remaining 299 would not. The development does exceed what is required in regard to amenities, however staff finds some of the open space is not the useable open space as anticipated by the Plan and believes better orientation and consolidation of open space could occur. The property is near the fringe of the City only adjacent to the City limits in a select few places; this development would not be considered infill. The proposed private streets serving a significant portion of the site would not meet the intent of the Plan in regard to requiring urban infrastructure be provided for all new developments, including sidewalks.*

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

*Staff finds the lack of variety in housing types (i.e. all single-family detached homes except for 30 attached) and lack of diversity in lot sizes is not consistent with the purpose statement of the residential districts, which states a range of housing opportunities should be provided consistent with the Comprehensive Plan.*

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

*Staff finds the proposed zoning map amendment could be detrimental to the public health, safety and welfare. The significant portion of the development proposed for private streets may pass the maintenance costs on to homeowners through the HOA, and because private streets are proposed with inadequate templates, ACHD would not accept these roads in the future if there were financial constraints. Also, the Fire District has voiced concerns with service to this development until the southern fire station is constructed, has concerns with all but Phase 8 having S. Eagle Rd as the sole point of access, and does not prefer the proposed number of lots being served by gates.*

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

*Both West Ada County School District and the Community Development School Impact Review indicate this proposal would increase the number of students on schools that are already over capacity.*

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

*Staff finds the proposed annexation is not in the best interest of the City at this time as it is located near the fringe of the City and may not maximize existing public services. Further, Staff finds the design of the proposed development plan is not consistent with the Comprehensive Plan as discussed above in Section V.*

**B. Preliminary Plat (UDC 11-6B-6):**

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

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

*Staff finds that the proposed plat is not in substantial conformance with the adopted Comprehensive Plan in regard to maximizing public services by prioritizing infill development over parcels on the fringe, provision of a variety of housing types, density in the LDR designated area, transitional densities, adequate provision of services (Fire Dept.), usable open space, and construction of infrastructure without sidewalks, etc. (Please see Comprehensive Plan Policies in, Section V of this report for more information.)*

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

*Staff finds that public services are available and can be extended to accommodate the proposed development although services would be maximized by development of infill or underdeveloped parcels already in the City instead of on the fringe as is the subject property (See Exhibit B of the Staff Report for more details from public service providers.)*

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

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

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

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

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

*Staff is not aware of any health, safety, or environmental problems associated with the platting of this property. Public testimony has been submitted from adjacent residents to the south on 1-acre lots stating there is not an adequate transition in lot sizes or zoning to their properties/subdivision. ACHD considers road safety issues in their analysis.*

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

*Staff finds the proposed development preserves the natural topography/hillside along the eastern boundary of the site. Staff is unaware of any other significant natural, scenic or historic features that exist on this site that require preserving.*

**C. Private Streets (UDC 11-3F-5):**

In order to approve the application, the Director shall find the following:

**A. The design of the private street meets the requirements of this article;**

*The private streets meet the design requirements of not connecting to an arterial street, allowing sufficient maneuvering for emergency vehicles, and meeting the minimum width of 27 feet. However, the proposal exceeds the limitation of no more than 50 units being served by a gated development, and three common driveways are proposed whereas UDE 1103F-4-5 states common driveways cannot be allowed on private streets.*

**B. Granting approval of the private street would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity**

*The Director has safety concerns in regard to whether there could be pedestrian safety issues with residents using private streets with no sidewalks and believes, at the minimum, there should be sidewalks on at least one side, or pathways that connect to all residential lots in the gated area. The Fire Department has commented they do not prefer 112 gated lots.*

**C. The use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan.**

Proposing private streets with no sidewalks does not Comprehensve Plan policies such as requiring new residential neighborhoods to provide complete streets, developing a connected, comfortable, and comprehensive network of multi-purpose pathways, ensuring safe routes and access, encouraging safe, physical activity for pedestrians and bicyclists, and fostering a walkable and bikeable community and providing necessary infrastructure.

**D. The proposed residential development (if applicable) is a mew or gated development.**

The proposed development is a gated development, but exceeds the provisions of UDC 11-3F-4.b which limits gated developments to no more than 50 dwelling units.