



PLANNING AND ZONING COMMISSION MEETING

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho
Thursday, April 07, 2022 at 6:00 PM

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Agenda

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



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

VIRTUAL MEETING INSTRUCTIONS

To join the meeting online: <https://us02web.zoom.us/j/82425862522>

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

Webinar ID: 824 2586 2522

ROLL-CALL ATTENDANCE

Nate Wheeler Mandi Stoddard Patrick Grace

Nick Grove Maria Lorcher Steven Yearsley

Andrew Seal, Chairperson

ADOPTION OF AGENDA

CONSENT AGENDA [Action Item]

1. [Approve Minutes of the March 17, 2022 Planning and Zoning Commission Meeting](#)
2. [Findings of Fact, Conclusions of Law for Faissy's Child Care \(H-2022-0002\) by Faissy Kwizera, Located at 1322 E. Grand Canyon St., Near the Southwest Corner of E. McMillan Rd. and N. Locust Grove Rd.](#)

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

ACTION ITEMS

- 3. **Public Hearing** for Amina’s Daycare (fka Mulonge Daycare) (H-2022-0012) by Godelieve Mulonge, Located at 4175 S. Leaning Tower Ave.

Application Requires Continuance

 - A. Request: A Conditional Use Permit for a group daycare of up to 12 children on 0.145 acres of land in the R-8 zoning district.

- 4. **Public Hearing** Continued from March 17, 2022 for Pavilion at Windsong (H-2021-0102) by Kent Brown, Located at the Northwest Corner of W. Ustick Rd. and N. Linder Rd.
 - A. Request: Rezone of 3.42 acres of the subject property from C-C to R-40.
 - B. A Preliminary Plat on the entire 4.77-acre property to allow 33 townhouse lots, 2 lots for vertically-integrated buildings containing a total of 12 residential units, and one commercial lot.
 - C. A Conditional Use Permit to allow townhouses in the R-40 zoning district.
 - D. A Development Agreement Modification to allow the proposed development

- 5. **Public Hearing** for Oaks North Rezone (H-2022-0010) by Toll Southwest, LLC, Generally Located Northwest of 5151 N. Rustic Oak Way
 - A. Request: Rezone of 12.02 acres of land from the R-4 to the R-8 zoning district for the purpose of recouping five (5) building lots in a future final plat phase of the Oaks North Subdivision.

- 6. **Public Hearing** Continued from March 3, 2022 for Pinedale Subdivision (H-2022-0001) by Pine Project, LLC, Located at 3275 W. Pine Avenue (Parcel #S1210417400)
 - A. Request: Annexation and Zoning of 1.22 acres of land with a request for the R-15 zoning district.
 - B. Request: A Preliminary Plat for 12 building lots and 2 common lots on 1.22 acres in the requested R-15 zoning district.

- 7. **Public Hearing** for Summertown Subdivision (H-2022-0005) by Summertown, LLC, Located at 3104 N. Venable, at the Southeast Corner of N. Venable Ln. and W. Ustick Rd.
 - A. Request: Preliminary Plat consisting of 23 residential building lots (9 single-family lots and 14 multi-family lots) and 3 common lots on approximately 13.8 acres of land in the TN-R zoning district (Traditional Neighborhood Residential).

- 8. **Public Hearing** for Records Apartments (H-2022-0008) by Brighton Development, Inc., Located at on the Northeast Corner of N. Records Way and E. Fairview Ave.

A. Request: Conditional Use Permit for a multi-family development consisting of 472 dwelling units in two (2) 5-story buildings on 10-acres of land in the C-G zoning district.

ADJOURNMENT



AGENDA ITEM

ITEM TOPIC: Approve Minutes of the March 17, 2022 Planning and Zoning Commission Meeting

Meridian Planning and Zoning Meeting

March 17, 2022.

Meeting of the Meridian Planning and Zoning Commission of March 17, 2022, was called to order at 6:00 p.m. by Chairman Andrew Seal.

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

Members Absent: Commissioner Nick Grove.

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

ROLL-CALL ATTENDANCE

<input checked="" type="checkbox"/> Nate Wheeler	<input checked="" type="checkbox"/> Maria Lorcher
<input checked="" type="checkbox"/> Mandi Stoddard	<input type="checkbox"/> Nick Grove
<input checked="" type="checkbox"/> Steven Yearsley	<input checked="" type="checkbox"/> Patrick Grace
<input checked="" type="checkbox"/> Andrew Seal - Chairman	

Seal: Good evening. Welcome to Planning and Zoning Commission meeting for the date of March 17th, 2022. At this time I would like to call the meeting to order. The Commissioners who are present for this evening meet -- this evening's meeting are at City Hall and on Zoom. We also have staff from the city attorney and clerk's offices, as well as the City Planning Department. If you are joining us on Zoom this evening we can see that you are here. You may observe the meeting. However, your ability to be seen on screen and talk will be muted. During the public testimony portion of the meeting you will be unmuted and, then, be able to comment. Please note that we cannot take questions until the public testimony portion. If you have a process question during the meeting, please, e-mail cityclerk@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. With that let's begin with roll call. Madam Clerk. Oh. I got ahead of her.

ADOPTION OF AGENDA

Seal: Okay. And Commissioner Yearsley may show up? Okay. We will -- we will bring him in when that happens. Okay. So, the first item on the agenda is the adoption of the agenda. H-2021-0102 and H-2022-0004, which is the -- I will get the names here in case anybody wants them. That is going to be the Alamar Subdivision, as well as the Pavilion at Windsong. They will be opened for continuance only. So, if anybody is here to testify on those we will not be taking public testimony for those this evening. Alamar and -- and

Windsong. So, as a result we will also be bringing Windsong up to the number two in the -- in the agenda. With that can I get a motion to adopt the agenda?

Lorcher: So moved.

Wheeler: Second.

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

MOTION CARRIED: FIVE AYES. TWO ABSENT.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the March 3, 2022 Planning and Zoning Commission Meeting**
- 2. Findings of Fact, Conclusions of Law for Eagle Road Daycare Facility (H-2022-0007) by 814 Development, LLC, Located at 3060 S. Eagle Rd.**
- 3. Findings of Fact, Conclusions of Law for Meridian U-Haul Moving and Storage (H-2021-0085) by Gurnoor Kaur of Amerco Real Estate Company, Located on Parcel R8257510015 and at 1230 and 1270 E. Overland Rd., Near the Northwest Corner of E. Overland Rd. and S. Locust Grove Rd.**
- 4. Findings of Fact, Conclusions of Law for Verona Live/Work (H-2021-0080) by J-U-B Engineers, Inc., Located at 3020 & 3042 W. Milano Dr., Near the Northeast Corner of Ten Mile Rd. and McMillan Rd.**

Seal: Next is the Consent Agenda.

Weatherly: Mr. Chair?

Seal: Yes.

Weatherly: Pardon me. For the record I just wanted to note Commissioner Yearsley has joined us.

Seal: Okay. There he is. The next item on the agenda is the Consent Agenda. We have four items on the agenda. We need to approve the meeting minutes from the February 3rd Planning and Zoning Commission meeting, Finding of Facts, Conclusion of Law for Eagle Road Daycare Facility. Finding Facts and Conclusions of Law from Meridian U-Haul Moving and Storage, H-2021-0085. Finding of Facts, Conclusions of Law for Verona Live/Work, H-2021-0080. Actually, I got the -- approve the minutes of the last meeting,

which was February 17th. No. It was March 3rd. Sorry. My cut and paste didn't work. Okay. Can I get a motion to accept the Consent -- Consent Agenda as presented?

Lorcher: So moved.

Wheeler: Second.

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

MOTION CARRIED: SIX AYES. ONE ABSENT.

Seal: Okay. Now, 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 the Comprehensive Plan and Unified Development Code. After staff has made their presentation the applicant will come forward to present their case and respond to staff comments. They will have 15 minutes to do so. After the applicant has finished we will open the floor to public testimony. Each person will be called on only once during the public testimony. The clerk will call the names individually of those who have signed up on the website in advance to testify. You will then -- you will then be unmuted in Zoom or you can come to the microphones in chambers. Please state your name and address for the record and you will have three minutes to address the Commission. If you have previously sent pictures or a presentation for the meeting it will be displayed on the screen and our clerk will run the presentation or you can run it right up here. If you have -- if you have -- it will be. Okay. If you have established that you are speaking on behalf of a larger group, like an HOA, where others from that group will allow you to speak on their behalf, you will have up to ten minutes. After all of 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 you are on Zoom, please, press the 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, such as -- such as a computer and a phone, please, be sure to mute the extra devices, so we do not experience feedback and we can hear you clearly. When you are finished, if the Commission does not have questions for you, you will return to your seat in chambers or be muted on Zoom and you will no longer have the ability to speak and, please, remember we will not call on you a second time. After all testimony has been heard, the applicant will be given another ten minutes to come back to respond. When the applicant is finished responding to the questions and concerns we will close the public hearing and Commissioners will have the opportunity to discuss and hopefully be able to make a final -- make final decisions or recommendations to City Council as needed.

ACTION ITEMS

- 5. Public Hearing for Alamar Subdivision (H-2022-0004) by Noble Rock Development, Inc., Located at 4380 W. Franklin Rd. (Parcel**

#S1210346603), Near the Northeast Corner of N. Black Cat Rd. and W. Franklin Rd.

- A. Request: Annexation and Zoning of approximately 7.23 acres of land with a request for the TN-R (Traditional Neighborhood Residential) zoning district.
- B. Request: Preliminary Plat consisting of 42 building lots (22 single-family attached lots and 20 detached single-family lots) and 4 common lots on 4.63 acres in the requested TN-R zoning district.

Seal: So, at this time I would like to open public hearing for Item No. H-2022-0004, Alamar Subdivision, for continuance.

Wheeler: So moved.

Seal: We just had --

Wheeler: Do we go with it or --

Seal: We are just going with it.

Wheeler: Okay.

Seal: I'm opening it for --

Wheeler: Opening it up for --

Seal: -- continuance. And, Madam Clerk, I believe we are going for the date of the 21st of April for this one.

Weatherly: Mr. Chair, just for your information at this time there are three hearings on the 21st.

Seal: Okay. Sounds like a good fit. So, I will take a motion at this time. Nick's not here, so you guys get to jump in.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead. I make a motion that we continue file number H-2022-0004 to the hearing date of April 21st, 2021.

Lorcher: So moved.

Wheeler: Second.

Weatherly: Mr. Chair? Excuse me.

Seal: Go ahead.

Weatherly: Commissioner Yearsley, did you intend to say 2022?

Yearsley: Yes.

Weatherly: Thank you.

Seal: If I said '21, my apologies.

Weatherly: That's okay.

Seal: Okay. It's been moved and seconded to continue file number H-2022-0004 for Alamar Subdivision to the date of April 21st, 2022. All in favor say aye. Any opposed? Okay. The motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

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

- A. Request: Rezone of 3.42 acres of the subject property from C-C to R-40.
- B. A Preliminary Plat on the entire 4.77-acre property to allow 33 townhouse lots, 2 lots for vertically-integrated buildings containing a total of 12 residential units, and one commercial lot.
- C. A Conditional Use Permit to allow townhouses in the R-40 zoning district.
- D. A Development Agreement Modification to allow the proposed development

Seal: Now, I would like to open File No. H-2021-0102, Pavilion at Windsong, for continuance, and I believe they would like the next available date, which is April 7th. Is that -- I don't know how many things are on that one.

Weatherly: Mr. Chair, there are currently four hearings scheduled for April 7th.

Seal: Okay. So, this would be the fifth one.

Weatherly: Correct.

Seal: So -- and nothing else can notice in that time, so that's probably it. Okay.

Weatherly: That's correct.

Seal: So, can I get a motion on continuance for H-2021-0102 to the date of 4/7/2022?

Lorcher: Mr. Chair?

Seal: Go ahead, Commissioner Lorcher.

Lorcher: Motion that Pavilion at Windsong, Item No. H-2020 -- H-2021-0102 for a continuance on April 7th, 2022.

Wheeler: Second.

Seal: It's been moved and seconded to continue File No. H-2021-0102, Pavilion at Windsong, to the date of April 7, 2022. All in favor say aye. Any opposed?

MOTION CARRIED: SIX AYES. ONE ABSENT.

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

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

Seal: Okay. Now, we have all heard me talk long enough. I would like to open -- or I would like to continue the public hearing for Item No. H-2021-0081, Vanguard Village, and we will begin with the staff report.

Item 1.

Allen: Thank you, Mr. Chair, Members of the Commission. The application before you tonight is a request for a rezone, a preliminary plat, and a conditional use permit. A development agreement modification is also proposed, but it does not require action from the Commission tonight, only City Council. This site consists of 115.26 acres of land. It's zoned C-C, H-E, M-E and R-40 and is generally located a quarter mile south of West Franklin Road and South Ten Mile Road. This property was annexed back in 2010 with a development agreement that included a conceptual development plan for the overall property that consisted of a mix of high density residential, commercial, mixed employment and high density employment uses. The Comprehensive Plan future land use designation is shown there on the left map. It's mixed use commercial, medium high density residential, mixed employment and high density employment. A modification is requested to the existing development agreement to replace it with a new agreement for the proposed development. The original agreement included a conceptual development plan as shown that depicts a mix of uses consisting of flex office, condos, and townhomes, ground level retail with residential and offices above, research and development, restaurants, offices, parking structures, an amphitheater and park areas with lakes. The proposed concept plan also depicts a mix of uses, including a multi-family development with garden style apartments and townhome style units on the north portion of the development at a gross density of 13.63 units per acre. Flex uses of approximately 410,000 square feet, which may include office, light industrial and other uses, such as distribution and light manufacturing and that is on the southwest portion of the development there. Vertically integrated residential commercial retail uses -- and that is on the -- this area right here and nonresidential uses, such as corporate campus, business and professional office space, research and development and limited retail and service uses of approximately 380,000 square feet and that is this area along the southern boundary of the property. Conceptual elevations were submitted for these uses and this is the four story vertically integrated residential and retail office that I mentioned and, then, this is the mixed employment at the southwest corner. The C-C product along the northern portion of the west half of the development. Mixed use commercial and high density employment along the southern boundary on the east end. The applicant is proposing a rezone of 7.06 acres of land from the C-C to the H-E zoning district, 17.38 acres from the C-C and H-E zoning districts to the M-E district and 40.33 acres from the R-40, C-C and M-E zoning districts to the R-15 zoning district and 1.1 acres from the H-E to the C-C zoning district. All of these zoning districts currently exist on this site, except for the R-15 district, which is proposed to replace the R-40 district on the northern portion of the property right here, which staff does believe will provide a better transition to the existing single family dwellings to the north. This rezone proposes to reconfigure the boundaries of these zoning districts into more developable areas consistent with the proposed road layout and concept plan. A preliminary plat is proposed as shown consisting of eight building lots and six common lots on 115.26 acres of land in the R-15, C-C, H-E and M-E zoning districts for Vanguard Village Subdivision. This subdivision is proposed to develop in five phases. Further revised phasing plan shown on the right. The first phase of the multi-family development on the north end of the site, zoned R-15, is proposed to develop first with the M-E zone portion second. The second phase of the multi-family development third, the H-E zoned portion fourth and the C-C zoned portion last. Access is proposed to be provided from the northern boundary of this site from West

Franklin Road via South Sunset Point Way and South Baraya Way and from the east from South Ten Mile Road via the extension of Vanguard Way. Coral Reef Way, Sunset Point Way, Umbria Hills and Vanguard Way are all designed as collector streets in accord with the master street map and the transportation system map in the Ten Mile plan. Stub streets are proposed to adjacent properties for future extension. Due to the unacceptable level of service projected at the Baraya Way and Franklin Road intersection and the cut-through traffic projected on Baraya Way and Sunset Point Way north of the site, ACHD is restricting development to the first phase with 136 multi-family units or a combination of commercial and residential development that generates approximately 75 p.m. peak hour trips until alternative access is available to Umbria Hills Way, Franklin Road, or Black Cat Road or wait to extend Sunset Point Way into the site and Coral Reef Way to connect Baraya Way until there is an alternative access available to Umbria Hills Way, Franklin Road or Black Cat Road. The development is restricted to the first phase that generates 3,000 trips in this scenario or approximately 366 multi-family units in the M-E zone, which -- until alternative access is available to the site. Ten foot wide multi-use pathways are proposed on the site in accord with the pathways map -- excuse me -- master plan. This is just a map real quick showing how the proposed development integrates with the existing Baraya Subdivision and the street layout to the north. This is the landscape plan. Then back to the pathways. One of the multi-use pathway segments follow the Williams Pipeline easement diagonally across the site and that is the -- the green area right here. Another segment runs along the southern boundary within the street buffer along I-84. The Parks Department has requested a pathway connection be provided between the pipeline pathway and the nearby sidewalk along Coral Reef Way. A pedestrian circulation plan is proposed as shown that depicts all sidewalks and pedestrian pathways planned throughout the site in accord with the Ten Mile plan for mixed use areas. A conditional use permit is proposed for a multi-family development consisting of 552 dwelling units with a mix of three story apartments and two story flats and townhome style buildings, ranging from 758 to 1,693 square feet on 40.33 acres of land in the R-15 zoning district. A 9,368 square foot single story clubhouse is proposed with amenities, along with two other amenity buildings. Nine garden style apartment buildings containing a total of 216 units and 51 flats and townhome style buildings are proposed containing a total of 336 units with a mix of one, two and three bedroom units. Common open space and site amenities are proposed in accord with UDC standards. A total of 7.5 acres of common open space is required. A total of 8.99 acres is proposed. A minimum of four amenities are required. Amenities from all the required categories are proposed as follows: A clubhouse with a swimming pool, hot tub, and cabanas. An outdoor kitchen and dining area. Fitness lounge. Lawn games and a fire -- fire pit lounge. Pickleball court. Children's play area. Dog parks. Smaller swimming pool. Picnic shelter and fire pit lounge. Art. Pedestrian walkways. Ten foot wide sidewalks along the collector street Vanguard and an amenity area with a barbecue lounge. Conceptual building elevations were submitted for the proposed apartment, flat, and townhome style units and the clubhouse building. So, I will just go through those real quick. These are the garden style apartments. These are the townhomes. More townhomes. And this is the clubhouse. Updated building materials consist of vertical and horizontal Hardie plank siding in light gray, green, and wood colors. Stucco in dark gray and off white colors and vertical western red cedar siding with cedar posts and beams and asphalt shingles. These

elevations are not approved. Final design is required to comply with the design guidelines in the Ten Mile plan and the design standards in the Architectural Standards Manual. Written testimony was received from the applicant. They submitted comments in response to the staff report, which staff responded to. The applicant found the response acceptable and noted that after tonight's hearing a few clarifications may be needed, but nothing of significance. No other testimony has been submitted on this application. Staff is recommending approval with the amended development agreement provisions and conditions in the staff report. Staff will stand for any questions.

Seal: Thank you, Sonya. At this time would the applicant like to come forward. Go ahead. And if you want to lift the microphones up and state your name and address for the record.

Butler: I will just wait until the presentation comes up. Great. Thank you. So, good evening to the Commission. Sonya has done such a great job that I hope I don't bore you here. JoAnn Butler. 967 East Parkcenter Boulevard representing the applicant. With me tonight on Zoom our Jim Zeiter and Airalea Newman for the applicant. Denton Kelley and his colleagues for LDK Ventures is here, along with their attorney Deb Nelson and Deb is going to take the floor in just a few minutes to address the Commission in connection with the north 40 that Sonya just mentioned, the conditional use request. John Carpenter from TO Engineers is here to answer any technical questions. We did really appreciate working with staff going through the staff report. We also appreciated that the Commission deferred this last month for a month. We had just gotten the ACHD report and we needed to review that and that -- that allowed us to address that report and adjust our phasing to minimize any kind of traffic impact. We will be making significant improvements to the road system, especially in the first phase with the development of Vanguard Way all the way from Ten Mile to the west boundary of the property and our phasing ensures that the land development is not built in advance of the transportation system. By the way, the applicant is working with the property owner immediately north and to the east of this property to jointly develop Vanguard Way. If I can just -- I'm not sure exactly how to move -- they don't seem to -- okay. As Sonya mentioned, this property was annexed and zoned in 2009, 2010 was when the development agreement was recorded. The concept plan proposed was consistent with the Ten Mile plan objective to ensure that Meridian in this area of town didn't close down at the end of the work day, with a wide diversity of housing types and mix of residential, commercial, and employment opportunities. In 2010 the Ten Mile interchange was not actually finished and the east side of Ten Mile was completely a gleam in somebody's eye. In 2020 -- in 2010 the city recognized that these unusual zoning boundaries would change as the street system was modified when we came through with a conceptual plan like we are today. Those streets have been modified and the city recognized that the land use and the zoning boundaries would again be modified accordingly. Thanks, Sonya. If you could -- one more. Other way. Okay. No. Thank you. Okay. So, with this slide we are showing both the -- the streets and the land use boundaries actually have been modified and the -- the zoning is actually the same as it was in 2020 with the boundaries modified to be much less fragmented and to flow with the overall circulation plan. You have got the R-15 -- we actually were approved with an R-40, as Sonya mentioned, but the development

agreement required us to only develop accord -- in accord with R-15 standards. So, rather than do it that way we said let's just go with R-15, it makes it clearer for everybody to understand. Next. So, on this phase we are showing the overall site plan and the phasing. As Sonya went over we have got -- phase one will include all of Vanguard Way coming from Ten Mile going west and 366 units within the first phase of the multi-family. Although it's not shown on here, there will be a secondary access going north. You will require us to extend a water line up that way and we will be putting a road over there so there will be secondary access going to the north. Next, Sonya. Thanks. Or maybe I should -- okay. There is the overall landscape plan. As Sonya mentioned, the remarkable line that cuts through project Vanguard is the Williams or Northwest Pipeline. The landscape pathways, the open space, the fitness areas planned for this -- for this pipeline easement assist the applicant meet the Ten Mile plan goal of connecting land uses through the pathways, through the sidewalks, through the open spaces. The goals of the master pathway plan is also addressed with this concept plan, both with the Northwest Pipeline pathway, but also along I-84. The master pathways plan calls for the Meridian pathway loop to continue in that area and that will be continued as well -- as well. So, both those pathway components provide walkable routes for the project Vanguard internally, but also to -- for our neighbors to the north, to the west and also to the east as we head towards Ten Mile. I'm not going to go -- oh, yes. Street sections. The only thing I'm going to say about street sections is that staff and ACHD staff and John worked really hard to get street sections in place that both governmental agencies, ACHD and Meridian, found acceptable. Slides -- this slide and the next several slides show the design elements and the land uses. I'm not going to go into any detail there. I'm going to -- these are all the design elements and the details for the -- the development south of Vanguard Way. So, with that I'm going to turn the podium over to Deb Nelson to describe the area north of Vanguard Way and, then, she and I and our team will be available for any questions.

Nelson: Good evening, Chairman, Members of the Commission. Deborah Nelson. 601 West Bannock Street. As JoAnn mentioned, I'm going to focus in on the conditional use permit. I get to show you some pretty pictures of buildings and amenities. That's the fun part. So, Vanguard Crossing is the residential community that's within this larger mixed use area. We appreciate staff's support of the -- of the use as proposed and we are in agreement with their conditions. I guess -- excuse me. We will stay on that one for a minute. It includes this range of -- of housing types with one and two bedrooms in the apartments, one, two and three bedroom flats and townhome style and buildings that are arranged with four to eight units creating quite the variety. There will be only 366 of these in the first phase to comply with the phasing plan provided by ACHD. We will also have extensive open space taking full advantage of the pipeline that runs through that JoAnn and staff have mentioned and we will have pathways throughout, as well as extensive amenities. As Sonya mentioned four amenities are required. We have over 18 here. Just want to briefly show the layout of the heights that you can see. Most of the buildings here are two story townhome style buildings, with the three story apartments on the southwest and south, providing a great transition from the R-8 residential to the north and the mixed employment to the south. Again just -- here just to show you a little variety of the townhome type -- building types that are dispersed throughout. Sonya showed you

our elevations. I just want to highlight -- there is a variety of colors and materials, with architectural variation in the facades and the building roof heights. The interiors of the units will have a high end modern finish, with stainless steel appliances and kitchen islands and other finishes that you would expect from a nicer residential product. Similarly, the apartment buildings have complementary colors and materials, architectural variation in the facades, varying roof peak heights and well defined and welcoming patios and balconies. The clubhouse presents a striking look in the central amenity space with classic materials, including Ashlar stone at the chimneys, a dramatic three foot overhanging eaves with cedar post support and large windows. Roll up glass doors face the pool and the amenity area, bringing the outside in. The clubhouse is going to serve as the community center for residents to provide opportunities for gathering, for meeting, using the remote workspaces, the fitness center, outdoor barbecues, indoor and outdoor lounges with fireplaces and extensive recreation areas. Turning now to the site plan and the amenity features. You can see here the central amenity area with its location within the larger site plan. The central amenity area has that clubhouse I just described. A pool, pickleball courts, play structure, pathways, picnic and barbecue areas and a game lawn. You can see that here in this rendering as well. The central spine amenity provides the multi-use pathways, extensive landscaping, and gathering nodes and seating throughout the development and the amenities are dispersed. So, you have got amenity areas in each area, not just in the large central amenity area. Up here in the northwest we have additional landscaped pathways and one of the dog parks. In the northeast we have a second pool and pool house. In the southwest we have another play structure and the barbeque area. In the southeast a second dog park. You have the extensive network of pathways that provides recreation opportunities for not only our residents, but the adjoining neighborhoods as well and provides safe pedestrian and bike commuting opportunities to connect residential areas with the employment areas. Here is just some concept images of some of our amenities. Then I just have a couple of design standards to address with you. This development is within and designed in accordance with the Ten Mile plan. We have just a couple of areas that we ask for flexibility within your detailed design standards for buildings. As you know, our buildings are going to be subject to a design review process that will follow this, but this is our opportunity to ask the city decision makers for guidance on that towards staff to provide them some direction on just a couple of areas where we plan to seek some changes from the standards. The first area involves the roof pitch for certain architectural features. The Ten Mile plan provides as a general guidance that these roof pitches fall within a range of 4-12 to 12-12. The vast majority of our buildings do that. We ask for two exceptions to be recognized. One is for our amenity buildings and this includes the clubhouse and the two smaller amenity buildings that are purposely designed with a lower pitch roof. This 2-12 pitch and that striking three foot overhang, to create an attractive and unique element that is set apart from the remainder of the residential community and really identifies it as this distinct gathering place. The clubhouse is a modern interpretation of the shed roof style, which is seen on barns and traditional farmhouses that are part of the history of Meridian. So, it's an intentional and important gesture to make this clubhouse this marquee architectural statement within the development, bringing in that history with also a nod to the new. The townhome garage roof has a similar slope with a 3-12 pitch also proportional and looking to that shed style. It not only creates dimensional interest, but it's also very functional in

this location as we have tried to show you here with this lower left image, because it allows the larger windows and lower sills. If it's steeper you block that opportunity for the second story to have that room for that feature. The second design standard we ask for some direction on involves the Ten Mile plan's guidance to provide front stoops that face public streets at 18 to 24 inches above grade. This creates a problem for ADA compliance, for accessibility to the front entrances of these residences. We also note that you have many places in the Ten Mile plan that promotes human scale accessibility, bringing the front entries closer to the sidewalk and really creating that feel of a pedestrian friendly environment. We feel that the design that we are proposing accomplishes that. We also appreciate the idea -- the architectural idea in this design element with promoting that, you know, elevated stoop. It's really to create a dramatic feel to the entrance and we feel like we accomplish that through having our adjacent patio railings that really frame off that entrance and the balconies that cover it that also frame in that door. You have got places in your Ten Mile plan, again, that talk about the importance of having -- where you have homes that front streets that are accessible by garages and parking in the back that you really give both facades fair treatment and usable entries and that's exactly what we are trying to do. In the rear you access through the garage and in the front you have this main entry and we would like it to not just be decorative, but to truly be a usable entry that meets the building code for ADA compliance and the Fair Housing Act for accessibility. So, with -- with those requests I will stand for questions with the team.

Seal: Okay. Thank you. At this point do we have questions for the applicant or staff?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: For staff. The pathway that goes along I-84, it shows it on this parcel. Is the idea that that is going to kind of continue as development goes between Ten Mile and Black Cat?

Allen: Mr. Chair, Council Woman Lorcher, yes, that is the intent.

Lorcher: Thank you.

Yearsley: Mr. Chairman?

Seal: Commissioner Yearsley, go ahead.

Yearsley: Can you go back to the slide that you had two and three stories? It went through pretty fast and I wanted to make sure I understood which ones were two and three story.

Nelson: Commissioner Yearsley, this one?

Yearsley: Yeah. I was -- I was kind of making sure that we didn't have the three story up against the residential to the north, so thank you.

Seal: Commissioner Grave, go ahead.

Grace: Thank you, Mr. Chair. I'm not sure who this question is for. Maybe the applicant. But do you -- and forgive me if this is an obvious question that -- that -- that doesn't need to be an issue for me. Do you happen to know how deep that 24 inch pipeline is?

Nelson: Chairman, Commissioner Grace, I don't, but we have our engineering team with us.

Grace: Yeah.

Nelson: They probably have the -- six feet? Six feet.

Grace: Okay. And I assume that's probably some federal regulation that it has to be a certain depth. But I only ask the question, because it looks like it's in a -- it's in that pathway common area and, obviously, that's an item that would be very important to keep safe and I'm wondering if -- six feet sounds sufficient to me, but I'm wondering if there is any comment you might have about the ability, potential likelihood, or anything that it could get damaged, that people would be digging in that area or anything like that, because, again, it is a common area.

Nelson: Chairman, Commissioner Grace, we will certainly comply with all the city standards for depth and for separation between the water and the sewer.

Grace: Thank you.

Seal: Couple questions I have got here. So, I will just start out with the -- the first one and you mentioned a secondary access to the north. Can you add a little flavor to that? I just want to make sure we are talking about something that's going to be like an emergency access, not regular access here, or like a cut through.

Nelson: Chairman, that's correct. We will only provide emergency access at this time until as authorized by ACHD and incorporated as conditions here until there is alternate access up to -- to Franklin or to Black Cat. So, at this time it will only be bollarded emergency access to the north.

Seal: Okay. And this one between you and Sonya -- Sonya, I have heard a lot of different numbers thrown out. We have got 136 -- limited to 136 units, 550 -- 552 total units. But you said you would be limited to 366 units. So, what are we limited to by ACHD?

Nelson: Chairman, I could jump in and, then, Sonya can -- can answer as well. I think, Sonya, you mistakenly did say 136. So, we were correcting that in our presentation to say 366, which is the number that ACHD has authorized there.

Allen: Sorry. Thank you. I was reading the options straight out of the ACHD report. One of the options was for the 136 and the other was for the 336, so --

Nelson: Three sixty-six.

Allen: Excuse me. Yes. Whatever. It's in your hearing outline.

Seal: Okay. Okay. Yeah. I just --

Allen: Or you can reference the ACHD report. It's -- it's site specific condition number one.

Seal: Got you.

Allen: They left the applicant some options to comply.

Seal: Okay. Thank you. Third question is on the -- the variation of the roof pitch and the front porch elevation. Is that something that's going to be, essentially, handled by City Council as part of the CZC or --

Allen: Chairman, Members of the Commission, that is part of the design review process. There is design guidelines in the Ten Mile Interchange Specific Area Plan that are subject to buildings within this area, as well as the Architectural Standards Manual design guidelines. The applicant is requesting that Commission -- Council approve a -- an alternative roof pitch for certain buildings out there and they would like that memorialized in the development agreement or direction given to staff on preference. Or if that's amenable to them.

Seal: Thank you. Does anybody else have questions?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: For staff. In regard to the roof pitch request in the Ten Mile interchange building plans have any waivers or alternatives already been approved or would this be the first?

Allen: Mr. Chair, Commissioner -- Commission -- Commissioner Lorcher. Excuse me. Are you -- are you referring to this development or just in general? In the Ten Mile area?

Lorcher: Right. Have we done waivers before?

Allen: I'm unsure, to be honest with you. There is -- there is no real waiver in the Ten Mile plan. They are design guidelines. They are not standards.

Lorcher: Okay. So, guidelines.

Allen: So, where -- I believe the Ten Mile plan says where at all possible or -- or something to that effect, that all -- all roof pitches should be between those pitches specified.

Lorcher: Okay.

Seal: Other questions? Comments? All right. Thank you very much.

Nelson: Thank you.

Seal: All right. At this time we will take public -- public testimony. Madam Clerk, do we have anybody signed up?

Weatherly: Mr. Chair, we do. The first of which is Garrett Scott, who is online. Garrett, you should have the ability to unmute yourself.

Scott: Hi. I'm just here as part of the Vanguard team to answer any questions if necessary. Thank you.

Seal: Can you give us your name and address for the record, please?

Scott: Yes. I apologize. Garrett Scott. And my address is 507 18th Street in Cody, Wyoming.

Seal: Okay. Thank you. Does anybody have any questions for Mr. Scott? Okay. Thank you, sir.

Weatherly: Mr. Chair, next is TJ Winger also online. TJ, you should be able to unmute yourself.

Winger: Can you hear me?

Weatherly: Yes, sir.

Seal: Yes, we can. Go ahead and give us your name and address for the record and --

Winger: Thank you. TJ Winger. 800 West Main, Boise, Idaho. Part of the architecture team on the project. Just wanted to say thank you for your time and give a brief mention on the roof slope and the ADA requirements. We have probably got 5,000 units in design right now in various scales of projects and sizes and done quite an extensive amount of studying these project types similar to you guys. In trying to make these projects successful we often see that the amenity portion of the project is something that's set apart and different, identifiable and adds excitement to the project and with this particular request for the roof slopes we feel that that's -- that's the intent and the goal there is to make a sense of place within the community that access the -- the gathering place. It's identifiable by children. It's identified -- identifiable by the neighbors and surrounding community users. So, we -- we do think that that's an exciting element that could really

strengthen the project as a whole and give that sense of place within the community. Regarding the ADA requirements, we are helping other clients that have this problem in lawsuits currently, because they -- they check a box rather than following through in depth study of ADA, ICC, FHA requirements for their projects and so knowing that, we just wanted to bring that to the attention of the city, so that we could have this discussion to make sure we are designing projects that are in accordance with the ICC and FHA. The stoops are very nice. We love that. It creates that front porch feel. Neighborhood streets. It activates the streets. Really gives a sense of place and scale and so we tried to accommodate that in the design with the railings at the front porch, the coverings of the front porch, so that all of the elements and concepts behind the stoop are in place. The only item that is missing is the steps so that we can make those ADA compliant. But you will notice on the design that every -- every front door is covered, every front door has a porch and every front door has the elements that are desired from what a stoop brings, but we just are -- are asking for consideration on the steps that come along with that and thank you for your time. Thank you. Does anybody have any questions? Okay.

Weatherly: Mr. Chair, that's all that I have indicating a wish to testify.

Seal: Would anybody in chambers like to come up and testify? If so would you raise your hand. No one? Anybody online? Do we have anybody raising hand online?

Weatherly: Not at this time, Mr. Chair.

Seal: Okay. With that would the applicant like to come back up?

Yearsley: Mr. Chair?

Seal: Oh.

Yearsley: Before we --

Seal: Commissioner Yearsley, go ahead.

Yearsley: Can I just ask if there is anybody from Williams Pipeline in the audience today? Most times they usually have someone come in for these type of deals, so I wasn't sure if anybody was here. Sounds like no. Thank you.

Seal: All right. If the applicant would like to come back.

Nelson: Mr. Chairman, Members of the Commission, thank you for your consideration of this project. I know there was a lot of materials in the record. We appreciate your careful review of it. Especially appreciate Sonya and her team, because I know she did a ton of work on this and through that effort we have really been able to come to a project that I think we can be proud of and hopefully you can, too. We -- we have been coordinating -- Commissioner Yearsley, to your question just then, we have been coordinating extensively with the Williams Pipeline folks, as we will continue to do with the service

providers here and just a little bit of reminder for context, this is a -- a rezone and change to an existing approved development here and the uses that are being proposed with this development are all cumulatively less intense than what is already approved here. So, we think for all the reasons that JoAnn laid out so well in her presentation, you have got increased connectivity and ability to take advantage of the pipeline here and the roads and so we think it's going to be a great opportunity to improve upon what you guys have already approved in the past. So, we thank you for your consideration. We ask for your support and your approval. We do ask for your comments to staff if you are so inclined on the design standards we addressed and -- but we are in support of the staff report and the conditions of approval. Thank you very much.

Yearsley: Madam Chair or --

Seal: Commissioner Yearsley, go ahead.

Yearsley: Sorry.

Seal: I'm -- I'm not Rhonda.

Yearsley: I know I have been so used to Rhonda, so -- just -- just with that with the Williams Pipeline. Have you been in contact with them regarding the landscaping? Have they had a chance to review that and are okay with the landscaping?

Nelson: Chairman, Commissioner Yearsley, yes, they are in -- in support of the landscaping, which, as you may note, doesn't include trees within their easement area.

Yearsley: Yeah. I noticed it was pretty intense with the landscaping, so I wanted to make sure that they had a chance to review that. So, thank you.

Seal: I have a quick question on the -- it seemed like there was two different options given by ACHD, one with 156 units, the other with 366 units. The one with 156 sounds like they were trying -- they -- that included more commercial development at the time. Can you speak to that?

Nelson: I may need to grab the staff report to look at the exact language, but, chairman, the short answer is that the -- that ACHD was trying to provide options that would have the same impact in productivity of -- of traffic specifically to keep our trip generation within the 3,000 trips that Vanguard Way, as a single access for the first phase, could support and so they provided options that would accomplish that and the option that we have selected to move forward with the phasing that we have proposed includes 366 units of the multi-family and the mixed employment area to our south, so that you get a combination of the -- of the mixed use elements here.

Seal: Okay. Thank you.

Yearsley: And then with that --

Seal: Commissioner Yearsley, go ahead.

Yearsley: They are planning to do a signal at that intersection, too; correct? At Ten Mile and Vanguard Way?

Nelson: Chairman, Commissioner Yearsley, yes.

Yearsley: Okay.

Lorcher: Chairman?

Seal: Commissioner Lorcher.

Lorcher: Isn't there already a light there? At Vanguard?

Nelson: Chairman, Commissioners, we will be adding the extension and turn lanes associated with the Vanguard improvements at that light. Improving the signal that's there.

Lorcher: Okay.

Seal: Anybody else? All right. Thank you very much.

Nelson: Thank you. Okay. At this time can I get a motion to close the public hearing for Item No. H-2021-0081?

Wheeler: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to close the public hearing for Item No. H-2021-0081. All in favor, please, say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

Seal: Who would like to comment first?

Wheeler: Mr. Chair?

Seal: Go right -- go right ahead.

Wheeler: Yes. I have -- I personally like this plan, mainly because there is -- I think there is a lot of features, too, but one of them is that they are -- when they went from an R-40 to an R-15 use on this, I'm liking to see more properties not carry as much density on them. I like the street -- I like the -- the landscaping plan that's here. I like the extra amenities that are there. The pickleball courts. I have a good friend that's a pickleball

player. He's going to be excited about that, more and more of that in the area. I think we have seen plans before or concepts before that have -- that have carried much greater density than these and so that's nice to see and when it's speaking to the pitch -- the pitch on the roof and the ADA compliance on not having the steps on there, I'm in support of -- of both of that from what they have put forward. It makes sense to go ahead and have a flat access up to the front onto the ground level floors -- or, excuse me, to the ground level apartment -- apartments and the pitch on the roof I'm -- I'm -- maybe I'm missing something here on what the big to do about having a certain rise and pitch on the roof and things, but to me being within those kind of standards or within those guidelines I'm not seeing -- I'm not seeing a bigger issue here, so --

Seal: Thank you. Anyone else?

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: I actually like the revised phasing on this and to try to minimize the amount of access to Franklin. My initial look at this was very concerning that they would have a lot of cut-through traffic through that residential area. So, I like the -- the updated phasing regarding that. I also -- when I initially looked at the staff report I was concerned that they had had more three stories in that area as well. So, I like the fact that they have -- they have staggered that and had more of the two stories. So, it gives me a little bit more -- better level of comfort where that's going in, so -- and I -- with the -- with the roof pitch variation, where it's only a small portion of the structures that's the smaller pitch, I think that's very appropriate to do that, to kind of give it a different feel or a different look. And the -- requiring the 18 to 24, I'm -- I'm sure they could make it work with the ADA compliance, but I don't know if that to me is a big issue either, so I -- I would be okay with both of those variations.

Seal: Okay. Thank you. Any other comments? I will jump in here a little bit and say I really really like this product. I like the way that it's -- it's got good spacing, it integrates well. I think the R-15 over the R-40 is going to transition a lot better. The -- the -- the pathways and the ride ability, walkability, run ability of it, especially if you kind of live/work in that area where you can do just about anything you want in that area is -- I find that to be very nice for sure. So, as far as the variation on the roof pitch, I'm kind of in the same camp as others that have spoken so far, so I don't mind that, especially since it is a central amenity. It's designed to be different. It's designed to look different. You know, as long as that doesn't get us too far out of the Ten Mile plan I think that that's acceptable as, you know, essentially, a one off in the -- in the place as a central structure. The front porch elevations, I -- I will leave that up to staff. I mean, obviously, we want to be ADA compliant, so if there is something in -- if there is something in the Ten Mile plan that makes that, you know, nonattainable then, obviously, that's something that we will want to take a look at within the guidelines of it. Having a zero threshold on there, if -- if that's kind of where they are going with it, I have some reservations about that, just because when we get snow and we get rain and if that sinks in a little bit towards the front door you got a great

big icy puddle there. So, hopefully, that's not where we are going with it. But I wouldn't think that that would be the case. One of the concerns I have here is just with the three stories on the west side of the property, just talking about transitions and how we are going to transition to the property that gets developed to the west of that when it develops. I think maybe pulling those three stories inward and putting the two stories on the west side would help to transition better when that happens, instead of forcing somebody to come up with something that's going to help transition into a three story wall, you know, right at their border, I think that maybe moving those three stories in would be helpful for sure. As far as the phasing plan, I share Commissioner -- Commissioner Yearsley's sentiments on that. I would actually like to see less of the residential develop and more of the commercial develop. I know there is a gold rush on to buy houses here, but the thing that we need more than a place to go is a place to go to, meaning that, you know, we have got plenty of people here that need a place to work. So, it would be nice to see more emphasis on the work portion, less than the -- the live portion. But I do like that they are going to develop together.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher.

Lorcher: Since we are voting tonight on the development agreement modification -- well, it has no action required from commission. A rezone, a preliminary plat, and a conditional use permit, in regard to the front porch elevations and the roof pitch, is that part of our -- our motion or -- or we are not -- we are not really voting on that, we are voting on the rezone, plat and conditional use permit; correct?

Seal: That's correct. But like Sonya had said earlier, that's part of the Ten Mile plan, so it's part of the design standards.

Lorcher: So, when we make a motion we need to address the variations of the roof pitch and the front porch elevations or no?

Seal: Well, Sonya, you can speak to this, but my understanding is it's already in the -- it's already in --

Lorcher: The staff report.

Seal: -- the staff report or the applicant's response to the staff report and your response to them as far as where we stand on it. Is that correct?

Sonya: Chairman, that's pretty much correct. It is part of the development agreement modification that is acted on by City Council, which is not before you. However, you are free to make any recommendations to Council you wish with the application.

Seal: Anyone else?

Yearsley: Mr. Chairman?

Seal: Commissioner Yearsley.

Yearsley: After considering all staff, applicant, and public testimony, I move to recommend approval to City Council of file number H-2021-0081 as presented in the staff report for the hearing date of March 17th, 2022, with the following recommendations: That the requested design standard changes be approved.

Wheeler: Second.

Seal: It's been moved and seconded to approve Item No. H-2021-0081, Vanguard Village, with the aforementioned modifications. All in favor, please, say aye. Any opposed? Motion carries. Thank you.

MOTION CARRIED: SIX AYES. ONE ABSENT.

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

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

Seal: All right. So, at this time I would like to open the public hearing for Item No. H-2022-0002, Faissy's Child Care. Hopefully I said that name right. And we will begin with the staff report.

Tiefenbach: Thank you, Mr. Chair, Members of the Commission. Hopefully I also say this one right. Okay. This is a proposal for a conditional use -- Alan Tiefenbach, associate planner with the City of Meridian. Sorry. The site consists of just about .17 acres of land. It's zoned R-4. It's located at 1322 East Grand Canyon Street, which is southwest of East McMillan and North Locust Grove Road. The property -- so, the history of this property is that in 2021 there was an accessory use permit that was issued to this property to allow a family daycare. A family daycare is categorized as a daycare of six children and less -- or six children and less. Since that time the applicant has had another child and because the applicant has had another child and several of the children that they are watching are actually not part of their family, this kicks them up to being what is called a group daycare, which is more than six, less than 12. Because of that a conditional use permit is required. My understanding from talking to the applicant is that that is the only change to what is presently occurring there. They don't plan on at this point having anymore children, except the one that they had. The -- the way that it works right now, they pick up and deliver the children. So, although they don't typically have people coming there, of course once in a while I'm sure that happens, but the -- the -- the -- the usual operation is that they pick up the children and they bring their children home. It

operates from 7:00 a.m. to 7:00 p.m. They said that the play time is limited to one hour after 9:00 a.m. and one hour after 1:00 p.m. in a fenced backyard and there is an additional parking space in front of the house and several along the curb if they needed to for pick up and delivery. We did receive two letters this week in opposition. The concerns expressed include traffic, whether or not there are going to be safety issues parking. There was also a comment about the CC&Rs from the HOA and whether or not this kind of business would be allowed in the subdivision. If -- if that gets too far to that discussion I will defer to Kurt, our city attorney, but in general we don't get involved in the civil matters between an HOA and the applicant, they are just requesting to us whether or not the city would allow them to do this use. With that I would stand for any questions or if the applicant is online and wants to speak further.

Seal: At this time would the applicant like to come forward?

Tiefenbach: The applicant may be online.

Weatherly: Sorry, Mr. Chair. Faissy, you should have the ability to mute yourself.

Kwizera: Yeah, we hear?

Weatherly: Yes, we can hear you.

Seal: Please state your name and address for the record and the floor is yours.

Kwizera: This is Eric and I'm the husband of Faissy and the address is 1322 East Grand Canyon Street, Meridian, Idaho. 83646.

Seal: Okay. Go ahead and tell us about your project, please.

Kwizera: So, our project like -- yeah, like -- like what -- like what you said. I think he mentioned everything that we wrote in there and for people whose concerning about the parking and traffic, most of the kids we get it from ICC -- ICCP, it means most of the parents -- we have to pick up the kids and normally we just go and pick up the kids with our own cars, so I do the driving or my wife does the driving. So, with the traffic it won't be a problem for parking, because we are using our own car and if a parent wants to pick up the kid we -- they can just use our driveway to pick up and drop off. Yeah. So, honestly, we did have same like license of 12 in Boise and we were like on Moonridge Place in -- in the south. We never had any problem with that, because kids don't make -- they usually play in our background and we limit -- like he mentioned, we usually limit an hour and we tried our best -- we always do our best to keeping the neighbors -- like to be keeping quiet as possible for the neighbors, so that won't be a problem and as in CC&Rs, like actually HOA, I asked them and they say as long as we don't put a sign or we don't -- we don't -- we don't mess up the traffic, we don't cause any jam anywhere, it shouldn't be a problem, or if we tend to have that kind of traffic problem, then -- then they would have to talk to us. So, I believe it won't be a problem on that. Yeah. As my wife is saying, most of those people they are -- they don't have cars and so for them to drive

-- and that's why they are getting help from their health and welfare, for the ICCP to help them pay for the child care and we -- we do provide the -- the transportation.

Seal: Okay. Thank you. Do you have anything else to -- to add?

Kwizera: Yes. Like my wife, she just said, yeah, if we -- if we get an approval we really appreciate it, because that's the only thing she does, that we do -- we have been doing that for six years and we haven't faced any kind of problem and for those who are concerned with -- like the issue that they mentioned, the letter, that won't be a problem. They won't even know anything about -- like we have anybody in the house. They won't know, because it's programmed, we have enough play -- play inside for them and if it goes one hour to play outside it won't be a problem, there is -- there is somebody there to watch so they don't make noise. Thank you so much.

Seal: Thank you. Do we have any questions for the applicant? Commissioner Wheeler, go ahead.

Wheeler: Hello. Eric, this is Commissioner Wheeler. How are you doing?

Kwizera: I'm doing good, sir,

Wheeler: Good. I just have just some kind of quick clarifying questions, because I just wanted to make sure that I'm understanding it here correctly. So, you guys already have a daycare license that you have been using for six years; is that right?

Kwizera: So, yeah, we -- okay. We -- we lived in Boise. We were in Boise and we were doing -- we -- we were doing a license of 12 with the city of Boise and because of the house had like most of the bedroom upstairs and -- and my wife she -- she wasn't -- like she wasn't able to keep going up and down to check on the kids and at that time when she got pregnant we decided to sell, so we can move to Meridian and we found a good house here that we love and we -- we are doing the license of 12 and once we got here they told us like we have to do six for now and we did apply for six. Right now we have -- we have six that we were approved and we have been doing for the 12 for the last -- we started since 2016.

Wheeler: Okay. All right. And so -- and, then, from what I also understood that it is your -- your wife being pregnant that is moving you into this new category and why you have to come through for a conditional use permit; is that what I understand?

Kwizera: Yes. So, whenever -- whenever we -- because they -- they -- if they give us a license of 12. I'm sorry. A license of six and my wife being pregnant that means that we cannot go -- and now she already have a baby anyway. She had a baby in December now. She had a baby in December. We have a couple months old baby here and this will really help moving. So, whenever we have -- we have another kid it means that we cannot watch the six kids there now, because it becomes seven we can't -- we are not allowed to watch according to -- to the license that we have we are only approved to

watch six and if we -- if we watch more than that it's -- it's illegal. We can't do that. We have to have six with ours. So, her having this baby it pushes the limit. That means we have to take some of my kids -- I have to take them to my -- to -- to my dad's house -- to grandpa, so we don't watch -- so we don't -- we don't mess up the numbers.

Wheeler: Okay. And then -- and, then, one last question. Are you -- are you looking to try to add more children to watch, like, you know, eight, nine, ten, start moving that up more?

Kwizera: So, that is -- if it's -- if it's possible. If not, but we still like that, because the reason -- the reason why we say that is -- let's say -- let's say she gets again, pregnant we going to need it again. We going to need it again to come back and ask for that and that's the reason why we need -- we need that room. We need that more room if it's possible we get those kids. So, I don't know how I can --

Wheeler: Okay. That's -- yeah, that's -- that's fine for my -- for my understanding on it. And, then, I was also reading some of the documents here and it sounds like you drive and go pick up the children and bring them back to the house. Is that how I understand it?

Kwizera: Yes. I do drive most -- most of the parents don't drive, so I do drive or my wife will drive. I will go pick up the kid and -- and -- and -- and they drop and bring them inside and there is only one -- one of the things that she comes and drop in that -- Dora and, then, she will pick her up and she usually use our driveway, because we park inside.

Wheeler: Very good. And, then, on a personal note, how is your baby doing? Doing well?

Kwizera: She's doing good, but we are still trying to get some sleep and that. But other than that she's doing -- she's good. She's doing fantastic.

Wheeler: Very good.

Kwizera; There is no problem. Yeah.

Wheeler: Very good. Well, congratulations and thank you for answering my questions.

Kwizera: Thank you.

Grace: Mr. Chairman?

Seal: Go ahead, Commissioner Grace.

Grace: Good evening, Eric. This is Commissioner Grace. I just have a quick question about your transportation. Do you pick up all the children at the same time or -- and/or bring them home at the same time or do you do that in multiple trips?

Kwizera: So, like -- that's a good one. So, like picking them up I will go and pick them up, because they live different places; right? So, I will go and pick them up and, then, come in and some parents will get home earlier than another one, so I will go drop off that one and -- and, then, come drop off the other one later and so we usually just do that in the -- in my -- because I have one that has more space, I usually just get in the garage and put them in there in the car seat and then -- and take off. So, it depends of the days, the schedule. Sometimes the parents might get earlier before the other one, so I will have to go drop off one and, then, come and drop off the other.

Grace: Okay. Thank you.

Kwizera: Thank you, sir.

Seal: Anybody else? All right. So, at this time, if there is no further questions for the applicant or staff, we would like to take public testimony. Is there anybody signed up?

Weatherly: Mr. Chair, we have a couple people signed in. The first is Louis P.

Seal: Good evening, sir. Just give us your name and address for the record and the floor is yours.

Pifher: Chairman Seal, Members of the committee. Good evening. For the record my name is Louis Pifher. I reside at 4562 North Heritage View Avenue, Meridian, Idaho. 83646. And I stand opposed to the applicant's request for a conditional use permit to operate a child care facility at 1322 East Grand Canyon in Havasu Creek Subdivision. I live two houses from this property and have lived in my residence since 2000 -- June of 2004. On the closing of the purchase of my home I received and agreed to the declaration of Conditions and Restrictions of Havasu Creek Subdivision, recorded on 8/26 of 2003, as have all current and future owners. Article 3, Section 1, states: Each lot shall be used for residential purposes. As used herein residential shall mean the use of the dwelling unit on the lot for living accommodations not for more than two unrelated persons, excluding guests of the principle occupant, which guests may reside therein on a temporary basis. Residential is not intended, nor shall the same be construed to include the use of the lot for the occupation of a shelter home for persons unrelated to each other or unrelated to the owner or occupant. Article 3, Section 7, states: Commercial use prohibited. Unless specifically admitted in a supplemental declaration, no lot shall be used at anytime for commercial or business activity, provided, however, that the declarant -- declarant or other persons authorized by the declarant may use lot for development and sales activity related to subject property. Any owner shall be permitted to rent the -- rent the owner's lot and improvements thereon for residential purposes, provided the use is limited to Section 3.1 herein and, otherwise, in compliance with this declaration. Any lease allowing occupancy or residency of the lot or use of any portion of the lot within the subject property shall be subject in all respects to this declaration. I am unaware of any attempts to amend the CC&R's of Havasu Creek Subdivision to allow for this exception. Also in the application it is stated that the neighborhood -- a neighborhood informational meeting was noticed and held on December 27th, 2021, with no attendees. I can tell you

I live two doors away and we did not receive any notice of this meeting and as I am -- as far as I'm aware there has never been an application for a daycare center at that site in Meridian. They declared that they had a license to do this in Boise, but this is not Boise. This is Meridian. I thank you for your consideration on this matter.

Seal: Thank you. Does anybody have any questions? All right. Thank you, sir.

Pifher: Thank you.

Seal: Madam Clerk?

Weatherly: Mr. Chair, Siegfried Sendig.

Seal: Good evening, sir.

Sendig: Chairman and Commissioners.

Seal: If you could state your name and address for the record.

Sendig: My name is Ziegfried Sendig and I live at 44 -- 4499 North Heritage Wood Way in Meridian, Idaho. Just around the corner from where the applicants are. I know I have a three minute limit and I definitely will abide by that. I don't know if somebody left a thing here or -- it was here. Probably all of us have kids. I have got a lot of grandkids and -- I don't know, is this on or -- something's changed. Okay. So, we all love kids. We love kids. I love my grandkids. When I hear something like this -- this is awesome. But as pointed out, somebody moving an existing business into our environment, they knew what they were facing. If they are trying to bend the rules and trying to squeeze in, I'm sorry, I have lived here for 16 -- over 16 years and I love the neighborhood and I love the things that people that are riding their bicycles at 11:00 o'clock at night, it's just such a wonderful community -- community. You know, I mean I voted three times for the previous mayor and so I just love this area. We have got voted twice, I think, for the best city in the country to raise kids in. But we have rules and regulations what makes us so good and trying to bend them -- I don't think it's a good thing to change from R-4 to something else. Now there is six. Well, maybe some other kids might come on along besides that aren't their own. Well, then, we have to bend the rules again. Not to take too much of my time. I will like to finish reading what I wrote. I request that any daycare in the Havasu Creek Subdivision be denied, including the request at 1322 East Grand Canyon Street in Meridian in the Havasu Creek Subdivision. The Havasu Creek Subdivision is 19 years old. I bought my house over 16 years ago. I knew my subdivision had CC&Rs in place that I have lived by all these years. Our CC&Rs do not allow zoning changes simply for the reason that zoning changes could be exploited for many reasons and diminish the quality of life that we have been able to experience over these years. Sorry. I'm a little bit dry. Our street traffic has already been recently increased. We are now through traffic for two recently added subdivisions off McMillan Road. East Red Rock Road is the main entrance for our subdivision off Locust Grove and is a major township road, as is McMillan Road. East Star Road, which is only four houses away from East Red Rock Road, which

our -- which is our main access to Locust Grove, is now reduced to a one way road. Now, a year and a half ago in this chamber I witnessed the thing is that that road cannot handle the traffic. The existing --

Seal: That's -- that's your time, sir.

Sendig: Oh.

Seal: If you -- if you want to go ahead and finish up I will listen.

Sendig: Yeah. And the -- the HOA guide thing has contradicted me. Well, he's now wrong, because the thing is that is a one way road with cars parked on both sides, five subdivisions -- that is the two new ones, ours, Raspberry Crossing, Heritage Common, Copper Basin and the Bernie Glen Subdivision, because when I talk -- I turn off McMillan -- Meridian Road I ended up behind a resident who pulled out of his driveway and I followed him down to my house, but the thing is before that he turned off on East -- East Star Road to access Locust Grove. So, five subdivisions are squeezing through our subdivision onto Locust Grove. We just can't have it. I mean, please, I'm pleading with you guys, please consider the things what we have. We don't want to lose anymore. We know the things -- the overcrowdedness that's coming to our area. We love growth, but at the same time we don't want to feel like rats in a cage. Please consider that.

Seal: Okay. Thank you, sir. Madam Chair?

Weatherly: Mr. Chair, that's all I have -- that's all I have signed up. But thank you for that.

Seal: Thank you. If anybody else in Chambers would like to come up and testify or anybody online, please, press the raise hand button. No takers? All right. If the applicant would like to come forward again, I would give you ten minutes to speak.

Grace: Mr. Chairman, is it possible at this point to ask a question of one of the gentlemen who spoke?

Seal: Absolutely. If they would like to come back up.

Grace: Louis -- I think that's your first name. Just because you maybe live a little closer I had a quick question for you. Do you have any specific concerns, whether it's safety or noise or traffic or -- I -- I don't know that I heard you indicate any specific concerns you have about the potential for more --

Pifher: Well, the most specific concern I have, as a past homeowners association president, everybody wants to make an exception to the rule. The person that moves in two doors down that decided to run a muffler shop out of his garage. The person that was four doors down that decided he was going to run a meth lab out of his house. All of these things I -- I wouldn't expect you to -- them to come here and ask you for an exception, but we, as residents, are expected -- when I moved in, like I said, and

everybody else that's moved in and the people that are here applying for this, moved in less than six months ago, they had those set of covenants given to them. They had an opportunity to find a subdivision or to find a location that would allow the -- the daycare center in their-- in their subdivision. We have a daycare center less than one mile away on Star Lane that is zoned for that. Ours is not zoned for that. They are asking for an exception. It is not -- I didn't come here asking for an exception, I came here to ask you not to put an exception. This also does not -- the thing they didn't mention is it also puts more school buses into the neighborhood, because these are exceptional kids and they have to be bused from the house. So, they stop in front of the house to pick up and as a school board member I don't mind that, you know, coming into the neighborhood to get it, but to increase -- if it's my -- if it's my student, if it's your student, that's fine. But if you are bringing in six or seven students that are going to be bused from your location, then, I kind of have a -- start to have a little problem about it. Thank you.

Grace: Thank you.

Seal: Commissioner Wheeler, go ahead.

Wheeler: Mr. Chair, I would like to ask him some more questions, too, since he's posted here. Hello. It's Louis; is that right?

Pifher: Yes.

Wheeler: Louis. So -- so, the -- the school bus situation that you just brought up here, so you are saying that there was already a stop that was there?

Pifher: No.

Wheeler: Okay. So, there is an additional stop that's made.

Pifher: Correct.

Wheeler: Okay. So, from my understanding of -- I have had three kids all gone through the Meridian School District. School bus routes just change based upon density of population of kids that are in there; right?

Pifher: Correct.

Wheeler: Okay.

Pifher: And there are school bus stops at the front of the neighborhood, but exceptional kids are bused on special -- special buses and they are picked up and dropped off at their home.

Wheeler: Okay. So, what you are saying is you don't like the extra special bus that swings by their house to pick up the kids?

Pifher: I'm just saying it does create more traffic in the neighborhood --

Wheeler: Okay.

Pifher: -- in the front of their house. Even if they are going to pick up all of these children and bringing them home, they are not making the trips to the school.

Wheeler: By exceptional kids you mean kids with special needs, is that what you are getting at?

Pifher: Kids with special needs.

Wheeler: Okay. So, my question is that somebody that's a city -- you know, resident of Meridian, as you are, too; right? We want to take care of our neighborhood and everything like this -- where do we draw the line, then, on where we start to say it's okay for a bus to come through with special needs or not?

Pifher: I have no qualms about the bus coming through. I have qualms about the exception to the rule that the daycare enter is allowed where it's not supposed to be.

Wheeler: No, I -- I head that, but you also brought up the issue of the school bus and that's why I wanted to address that.

Pifher: Well, I only brought up the issue of the school bus to say that there is more traffic in front of that house.

Wheeler: Okay. But if there was a neighbor that moved into the subdivision that also had a special needs kid and they needed to have a bus that was a swing by there, too --

Pifher: That would be perfect. And it is perfectly fine to have the kids picked up that they have there on a special needs bus. Yes. I am all for busing. That takes more traffic off of the highways that we have.

Wheeler: And that's what's happening here.

Pifher: Yes.

Wheeler: Okay. That's all I -- that's all I needed to know. Thank you.

Seal: Thanks, sir.

Pifher: Thank you.

Seal: Okay. Anybody else? No.

Kwizera: It's Eric. I have a question -- I have something to say about that. Is that okay?

Seal: Yeah. Absolutely. I was going to have you go ahead and come back up and -- and speak again if you would.

Kwizera: Yes. Mr. Louis, the school bus that you see, my son has -- my son is the -- is the disabled -- he got diagnosis with something called HO something and the bus comes there to pick up my son. His name is Isaiah. He goes to Discovery Elementary. So, we have -- with that I feel -- I'm very sorry if we offended you somehow, but that's not how -- we give -- we give to kids, but we don't choose how they come, you know, and that's our kid. So, that really hurts our feelings and -- but, again, we appreciate -- we really apologize for that concern. But that bus does not pick up anybody for -- for a daycare. You can -- you can go and ask Discovery Elementary, that's where our son goes to school. So, we have -- we have -- anybody that gets pick -- the bus that comes to our house for our son, it's not for anybody else. Discovery Elementary knows and so they can -- it's -- it's like -- it's a way of training for him to get in the bus and feel like he's going to school, because we try -- that's our -- I don't know what I can add and so I -- I really apologize for that. That does not create any traffic and in that bus goes down there, but if that -- that stop was added for our kid -- for our son. Thank you. But he -- he mentioned that the letter. The letter was sent to everybody. Before I send the letter about the meeting I did send it and, then, I gave them more than ten days -- for at least ten days for that letter before -- when I send the letter I give them ten more days and, then, I send them on the letter I -- I left in the -- if anybody won't be able to attend I will be hosting a Zoom meeting. I put my -- I put my -- my e-mail there. If anybody want to join via Zoom, e-mail me or call me, I will give you the link. Nobody showed up.

Seal: Okay.

Kwizera: That's all I can say.

Seal: Okay. If that's all they have to add, are there any other questions for the applicant or staff? No? Okay. Thank you, sir. I appreciate it. And at this time I would like to get a motion to close the public hearing.

Lorcher: So moved.

Wheeler: Second.

Seal: It's been moved and seconded to close the public hearing for Item No. H-2022-0002. All in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I have a question for staff. So, if -- if they still only had six children and because she had a baby now there is seven -- if she had six children would they even need a conditional use permit? Are they allowed to run a family daycare without any other additional licensing in the City of Meridian?

Tiefenbach: Mr. Chair, Members of the Planning Commission, they would be able to do it under an administer -- accessory use permit, which is administrative and would not go to a public hearing. It's really them having a baby that triggered this.

Lorcher: Right. So, did they already have the --

Tiefenbach: Correct. They already had an accessory use permit to run the business. It was having the baby that made them CU.

Lorcher: They already had the accessory use permit.

Tiefenbach: That is correct. For six children.

Lorcher: And I didn't hear how -- they have the baby and they have their son. Of the two children -- there are just two for them? Are you still --

Tiefenbach: I didn't catch how many were there -- theirs. I'm sorry.

Lorcher: Okay.

Parsons: So, Mr. Chair, Members of the Commission, if I could just expand upon the rules a little bit more and so clear up the confusion tonight. So, the way the code is written is you can watch up to six children or more -- or six or fewer in your home and that includes your own. So, for example, if -- if you had four of your own kids and you applied for an AUP, the city could only allow you to watch two more for a total of six. In this particular case they are probably -- they have two children, they are probably watching -- they probably had more than that, they probably had five and they added this second child and it put them to seven. So, I want to make it clear on the record, too, that a daycare group is not a daycare center. It's not a commercial business. That's not what we are here discussing tonight. What we are discussing is allowing him to use his home for a community service for residents that live in the area and allow -- his home -- his occupancy of his home remains a residence and that's how the building code treats it as well. So, all we are doing this evening is -- your purview this evening is how many children are you willing to allow him to watch out of his home. That's really what the purpose of the conditional use is tonight. We are not a party to those CC&Rs. We can't enforce CC&Rs, that's something that's going to have to be taken -- taken up out of consideration from this body here. Right now before you is whether or not you want to allow this gentleman to expand his day -- in-home daycare from six to -- to seven or allow him to go to 12. Again, that's within your purview. You can -- in this process you can allow him to watch up to 12 based on the public testimony. That -- that's your purview this evening, is

whether or not 12, eight, nine, ten, 11 -- or between seven and 12 is appropriate for him to use his home.

Seal: Okay. Thank you, Bill.

Grace: Mr. Chairman?

Seal: Go ahead.

Grace: Question for staff. If -- if the application is denied and the family has had a child, what would be the -- what's -- what's the enforcement mechanism if they are in violation of their current zoning I guess.

Tiefenbach: Members of the Commission, it would be a zoning complaint. Zoning enforcement. How do -- how do we enforce that? It's -- it's whack a mole. We would go out and they would have a code -- code compliance officer investigate to see if there were more than six children there. If this was denied, then, they would have to tell one of the families of the children that they were watching that they could only have six.

Grace: Thank you.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: For staff. Did the family say that they were really only looking for seven or did they want to increase it to 12?

Tiefenbach: I would leave that to Eric. My understanding is this whole thing is being triggered because they had another kid.

Lorcher: Correct. So, do they want to expand their business to 12 or they just want to accommodate the seven, because they had the baby?

Tiefenbach: I would have to defer that to Eric. If you wanted to limit this to the number that they are now representing.

Parsons: Mr. Chairman, I believe he testified he would like to go up to 12. I remember hearing that in his public testimony.

Seal: I agree.

Lorcher: Because he said if they choose to have another child he doesn't want to go through this again.

Seal: Anyone else want to chime in?

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler, go ahead.

Wheeler: I -- I think it's actually very considerate that they are even coming before the body personally. So, a lot of these -- there is a lot of people that just watch an extra two kids here and there, kind of push up to this, kind of do like a quasi-home daycare thing and don't even get licensed through the state for these things. My wife ran a home daycare thing and -- for several years and it's just -- it's nice to see people being this genuine in this process here and to -- to realize that they are even coming forward saying, hey, we have another kid and that's the only reason why they are coming forward at this juncture, that just shows -- to me that shows, you know, good ethics and wanting to be a good citizen. I -- I'm hesitant and this isn't saying anything bad or rude, but I don't want to get involved with family planning decisions based upon permitting for businesses. So, with all that being said, after considering all staff, applicant, and public testimony, I move to recommend approval for the City Council to file number H-2022-0002, as presented in the staff report for the hearing date of March 17th, 2022, with no modifications.

Yearsley: Second.

Lorcher: Second.

Seal: Okay. It's been moved and seconded to close the public hearing -- or sorry. It's been moved and seconded to approve Item No. H-2022-0002, with no modifications. All in favor please say aye. Any opposed? Oh.

Starman: Maybe before can I ask --

Seal: Go ahead.

Starman: I just want to ask staff a quick question. Does this require a recommendation to the Council or is this an action item for the Commission?

Seal: This is approval.

Tiefenbach: This is approval. Conditional use.

Starman: So, the maker of the motion is okay with that? I think -- I think we -- maybe I missed -- I thought he said recommendation. Are we okay with approval?

Seal: Sorry, I didn't catch that. I think that's correct. So, this is for approval.

Yearsley: Yeah.

Wheeler: Correct. You're right, it does say recommendation here, instead of approval. Do I need to re-speak the --

Starman: As long as the maker of the motion and the second is okay with that clarification were fine. But I just wanted to make sure it's approval, not recommendation.

Wheeler: Okay. I move for approval on that -- recommend approval -- excuse me. Then I move that we approve --

Lorcher: And the second --

Wheeler: -- file number.

Lorcher: Second.

Seal: Second stands? Okay.

Parsons: Mr. Chair, clarification.

Seal: Go ahead, Bill.

Parsons: Part of the daycare requirements for group -- you have to state the number of children you want them to -- to watch. So, I would encourage you to include that as part of the motion as well.

Wheeler: Rewind.

Parsons: Thank you.

Wheeler: Okay. Let me rewind and re-run this again. Okay. After considering all staff, applicant, and public testimony, I move to approve File No. H-2022-0002 as presented in the staff report for the hearing date of March 17th, 2022, for a daycare license up to 12 children.

Yearsley: Second.

Seal: It's been moved and seconded -- moved and seconded to approve Item No. H-2022-0002 with the aforementioned modifications. All in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: I move we adjourn.

Seal: Do I have a second?

Grace: I will second that.

Seal: It's been moved -- it's been motioned and seconded to adjourn. All those in favor say aye. Any opposed? Motion carries. Thank you all.

MOTION CARRIED: SIX AYES. ONE ABSENT.

MEETING ADJOURNED AT 7:39 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

ANDREW SEAL - CHAIRMAN

_____|_____|_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK



AGENDA ITEM

ITEM TOPIC: Findings of Fact, Conclusions of Law for Faissy's Child Care (H-2022-0002) by Faissy Kwizera, Located at 1322 E. Grand Canyon St., Near the Southwest Corner of E. McMillan Rd. and N. Locust Grove Rd.

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



In the Matter of the Request for Conditional Use Permit to Allow Group Daycare, Located at 1322 E Grand Canyon St in the R-4 Zoning District, by Faissy Kwizera.

Case No(s). H-2022-0002

For the Planning & Zoning Commission Hearing Date of: March 17, 2022 (Findings on April 7, 2022)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of March 17, 2022, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of March 17, 2022, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of March 17, 2022, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of March 17, 2022, incorporated by reference)

B. Conclusions of Law

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

7. That this approval is subject to the conditions of approval in the attached staff report for the hearing date of March 17, 2022, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

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

1. The applicant's request for conditional use permit is hereby approved in accord with the conditions of approval in the staff report for the hearing date of March 17, 2022, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Two (2) Year Conditional Use Permit Duration

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

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

E. Judicial Review

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

F. Notice of Right to Regulatory Takings Analysis

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

G. Attached: Staff Report for the hearing date of March 17, 2022

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

COMMISSIONER ANDREW SEAL, CHAIRMAN VOTED_____

COMMISSIONER NICK GROVE, VICE CHAIRMAN VOTED_____

COMMISSIONER NATE WHEELER VOTED_____

COMMISSIONER STEVEN YEARSLEY VOTED_____

COMMISSIONER PATRICK GRACE VOTED_____

COMMISSIONER MARIA LORCHER VOTED_____

COMMISSIONER MANDI STODDARD VOTED_____

Andrew Seal, Chairman

Attest:

Chris Johnson, City Clerk

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

By: _____ Dated: _____
City Clerk's Office

EXHIBIT A

STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 3/17/2022

TO: Planning & Zoning Commission

FROM: Alan Tiefenbach, Associate Planner
208-884-5533

SUBJECT: H-2022-0002
Faissy's Daycare

LOCATION: 1322 E Grand Canyon St, Meridian



I. PROJECT DESCRIPTION

Conditional use permit for a group daycare for 7 to 12 children on 0.17 acres of land in the R-4 zoning district.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	0.17	
Future Land Use Designation	Medium Density Residential	
Existing Land Use(s)	SFR home	
Proposed Land Use(s)	SFR home with group daycare	
Neighborhood meeting date; # of attendees:	December, 27 2021, no attendees	
History (previous approvals)	AUP-2021-0002	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	No	
• Requires ACHD Commission Action (yes/no)	No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	One access via E. Grand Canyon St., local street	

C. Project Area Maps

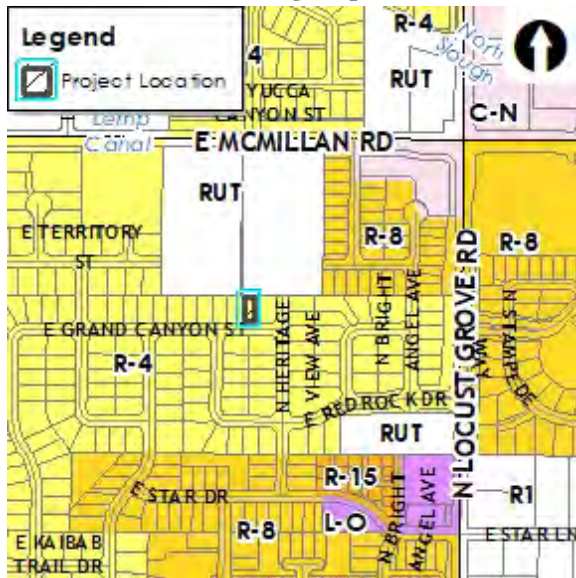
Future Land Use Map



Aerial Map



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant/Owner:

Faissy Kwizera – 1322 E Grand Canyon St., Meridian, ID 83646

B. Representative:

Same as Applicant/Owner

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper notification published	02/25/2022	
Radius notification mailed to property owners within 300 feet	02/28/2022	
Public hearing notice sign posted on site	3/7/2022	
Nextdoor posting	02/28/2022	

V. STAFF ANALYSIS

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

MDR (Medium Density Residential) – This designation allows for dwelling units at gross densities of three to eight dwelling units per acre.

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

- “Plan for and encourage services like health care, daycare, grocery stores and recreational areas to be built within walking distance of residential dwellings.” (2.01.01C)

The existing and proposed daycare expansion is within walking distance of adjacent residential homes. The owner is currently operating a daycare and watching up to six (6) children.

C. Existing Structures/Site Improvements:

There is an existing home and associated improvements on this property.

D. Proposed Use Analysis:

A group daycare (for 7-12 children) is listed in UDC Table 11-2A-2 as a conditional use in the R-4 zoning district. The applicant states the daycare will operate from 7AM to 7PM on weekdays with outdoor playtime limited to one hour after 9AM and one hour after 1PM.

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

The specific use standards listed in UDC 11-4-3-9, Daycare Facility, applicable to the proposed use are as follows:

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

1. In determining the type of daycare facility, the total number of children at the facility at one time, including the operator's children, is the determining factor.

The Applicant’s narrative states the plan is to have up to 12 children. The applicant is already operating a family daycare (6 children or less), but because they recently had a baby this brings them from a family daycare to a group daycare. (A family daycare is allowed as an accessory use in the R-4 zoning district.)

2. On site vehicle pick up, parking and turnaround areas shall be provided to ensure safe discharge and pick up of clients.

The applicant states they presently provide and will continue to provide the transportation for the children. However, the subject house does have a parking pad which is approximately 30 feet wide which could provide an additional parking space for pick up or drop off. Parking spaces are also available along the curb in front of the house if needed.

3. The decision-making body shall specify the maximum number of allowable clients and hours of operation as conditions of approval.

The Applicant proposes a group daycare for up to 12 children, with 7 children being the anticipated number. The applicant proposes to operate between 7AM to 7PM.

4. The applicant or owner shall provide proof of criminal background checks and fire inspection certificates as required by title 39, chapter 11, Idaho Code. Said proof shall be provided prior to issuance of certificate of occupancy. The applicant or owner shall comply with all State of Idaho and Department of Health and Welfare requirements for daycare facilities.

This has been listed as a condition of approval.

5. In residential districts or uses adjoining an adjacent residence, the hours of operation shall be between six o'clock (6:00) A.M. and eleven o'clock (11:00) P.M. This standard may be modified through approval of a conditional use permit.

As mentioned above, the Applicant presently operates the family daycare 7AM and 7PM on weekdays and this is not proposed to change.

6. All outdoor play areas shall be completely enclosed by minimum six foot (6') non-scalable fences to secure against exit/entry by small children and to screen abutting properties.

The outdoor play area will be in the backyard, which is surrounded by a 6 ft. tall fence.

7. Outdoor play equipment over six feet (6') high shall not be located in a front yard or within any required yard.

All outdoor play activities will occur in a fenced backyard.

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

As mentioned, the daycare will operate from 7AM to 7PM. Outdoor play will occur one hour after 9AM and one hour after 1PM.

F. Dimensional Standards (UDC 11-2):

Not Applicable

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

Access is provided via E. Grand Canyon St, a local road. The applicant has stated they presently pick up and deliver all clients, and this will continue.

H. Parking (UDC 11-3C):

Parking exists on the site in accord with the standards listed in UDC Table 11-3C-6 for a 4-bedroom single-family dwelling. A total of 2 garage spaces and a 30 ft. wide parking pad outside the garage can accommodate 5 spaces exists on the site. On-street parking is also available (see exhibit in Section VII.A).

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

A photo of the existing home on this property is included in Section VIII.C; no additions are proposed with this application.

VI. DECISION

A. Staff:

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

B. The Meridian Planning & Zoning Commission heard this item on March 17, 2022. At the public hearing, the Commission moved to approve the subject conditional use permit request.

1. Summary of the Commission public hearing:

- a. In favor: Eric ayizuru
- b. In opposition: Louis Pifher and Siegfried Sendig
- c. Commenting: Eric ayizuru
- d. Written testimony: Dedigamage Perera and Roger Letsom wrote letters in opposition.
- e. Staff presenting application: Alan Tiefenbach
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. Concerns were discussed including traffic, parking, a commercial use occurring in a residential zone, safety and prohibitions on businesses per the CC&Rs.

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

- a. None

4. Commission change(s) to Staff recommendation:

- a. None

VII. EXHIBITS

A. Site Plan (dated: 3/7/2022)



B. Building Elevation



VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. Planning

1. The Applicant shall comply with the specific use standards listed in UDC 11-4-3-9 Daycare Facilities, including but not limited to the following:
 - a. All outdoor play areas shall be completely enclosed by minimum six foot (6') non-scalable fences to secure against exit/entry by small children and to screen abutting properties.
 - b. Outdoor play equipment over six feet (6') high shall not be located in a front yard or within any required yard.
 - c. Outdoor play areas in residential districts adjacent to an existing residence shall not be used after dusk.
2. The maximum number of allowable clients at the facility at *one time* shall be limited to twelve (12).
3. The daycare/pre-school shall not operate beyond the hours of 7:00 am to 7:00 pm on weekdays.
4. The applicant or owner shall provide proof of criminal background checks and fire inspection certificates as required by title 39, chapter 11, Idaho Code prior to issuance of Certificate of Occupancy. The applicant or owner shall comply with all State of Idaho and Department of Health and Welfare requirements for daycare facilities.

B. Ada County Highway District (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=252183&dbid=0&repo=MeridianCity>

C. NMID

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=252435&dbid=0&repo=MeridianCity>

IX. FINDINGS

A. Conditional Use Permit

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

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

The Commission finds the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the R-4 zoning district.

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

The Commission finds the proposed group daycare will be harmonious with the Comprehensive Plan in that it will provide a much-needed service for area residents within walking distance of homes within the neighborhood.

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

The Commission finds the operation of the proposed daycare/pre-school should be compatible with the residential uses in the neighborhood and the existing and intended character of the neighborhood and not adversely affect such.

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

If the proposed daycare/pre-school complies with the condition of approval in Section VII as required, The 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 within the City's Area of City Impact boundary and has been annexed into the City and these services are already being provided to the existing home, The Commission finds the public facilities mentioned will be provided to the proposed use as well.

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

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

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

The present operation picks up and delivers children, and this will remain the same. There could be occasional onsite pick up / drop off, but there is sufficient parking and the Commission finds it would not be detrimental to the general welfare.

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

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



AGENDA ITEM

ITEM TOPIC: Public Hearing for Amina's Daycare (fka Mulonge Daycare) (H-2022-0012) by Godelieve Mulonge, Located at 4175 S. Leaning Tower Ave.

Application Requires Continuance

A. Request: A Conditional Use Permit for a group daycare of up to 12 children on 0.145 acres of land in the R-8 zoning district.



PUBLIC HEARING INFORMATION

Staff Contact: Alan Tiefenbach

Meeting Date: April 7, 2022

Topic: **Public Hearing** for Amina's Daycare (fka Mulonge Daycare) (H-2022-0012) by Godelieve Mulonge, Located at 4175 S. Leaning Tower Ave.

A. Request: A Conditional Use Permit for a group daycare of up to 12 children on 0.145 acres of land in the R-8 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: 4/7/2022
 TO: Planning & Zoning Commission
 FROM: Alan Tiefenbach, Associate Planner
 208-884-5533
 SUBJECT: H-2022-0012
 Amina’s Daycare
 LOCATION: 4175 S. Leaning Tower Ave.



I. PROJECT DESCRIPTION

Conditional use permit to operate a group daycare for up to 12 children on 0.14 acre of land in the R-8 zoning district.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	0.14 acres	
Future Land Use Designation	Medium Density Residential	
Existing Land Use(s)	SFR home	
Proposed Land Use(s)	SFR home with group daycare	
Neighborhood meeting date; # of attendees:	January 20, 2022, no attendees	
History (previous approvals)	AUP A-2020-0064 to allow for family daycare of up to 6 children	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	No	
• Requires ACHD Commission Action (yes/no)	No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	One access from S. Leaning Tower Ave. via. S. Locust Grove Rd.	

C. Project Area Maps

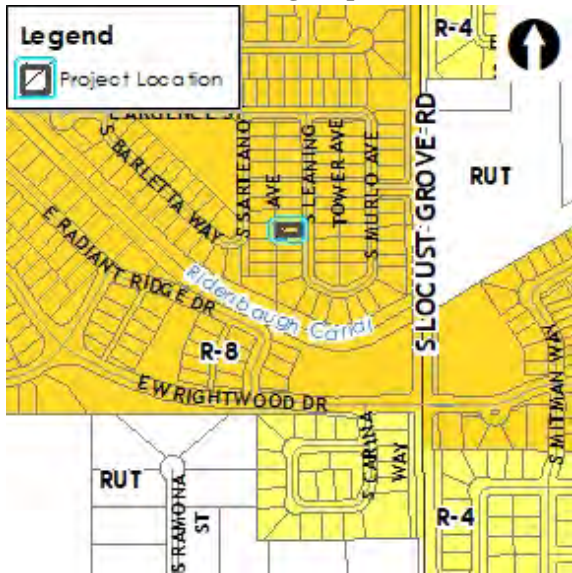
Future Land Use Map



Aerial Map



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant/Owner:

Godelieve Mulonge – 4175 S. Leaning Tower Ave, ID 83642

B. Representative:

Same as Applicant/Owner

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper notification published	03/22/22
Radius notification mailed to property owners within 300 feet	03/21/22
Public hearing notice sign posted on site	3/28/2022
Nextdoor posting	3/21/2022

V. STAFF ANALYSIS

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

MDR (Medium Density Residential) – This designation allows for dwelling units at gross densities of three to eight dwelling units per acre.

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

- “Plan for and encourage services like health care, daycare, grocery stores and recreational areas to be built within walking distance of residential dwellings.” (2.01.01C)

The existing and proposed daycare expansion is within walking distance of adjacent residential homes.

C. Existing Structures/Site Improvements:

There is an existing home and associated improvements on this property.

D. Proposed Use Analysis:

The applicant is presently operating under an approved accessory use permit to run a family daycare (6 or less children, AUP 2020-0064). A group daycare (7-12 children) is listed in UDC Table 11-2A-2 as a conditional use in the R-8 zoning district. The applicant states the daycare will operate from 6:30 AM to 7 PM on weekdays with outdoor playtime limited to one hour after 9AM and one hour after 1PM.

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

The specific use standards listed in UDC 11-4-3-9, Daycare Facility, applicable to the proposed use are as follows:

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

1. In determining the type of daycare facility, the total number of children at the facility at one time, including the operator's children, is the determining factor.

The Applicant’s narrative states the plan is to have up to 12 children. The applicant is already operating a family daycare (6 children or less, which is allowed as an accessory use in the R-8 zoning district.), but wants to expand the use to allow up to 12 children.

2. On site vehicle pick up, parking and turnaround areas shall be provided to ensure safe discharge and pick up of clients.

The applicant states they presently provide and will continue to provide the transportation for the children. However, the subject house does have a parking pad which is approximately 30 feet wide which could provide an additional parking space for pick up or drop off. Parking spaces are also available along the curb in front of the house if needed.

Staff has received several letters from adjacent property owners stating there has been parking, traffic and safety issues from the existing daycare. Staff visited the site in the afternoon on a weekday. At that time, staff only observed two cars in front of the house and no other cars parked on the public street. Pictures have been included as part of the exhibit.

3. The decision-making body shall specify the maximum number of allowable clients and hours of operation as conditions of approval.

The Applicant proposes an in-home group daycare for up to 12 children. The applicant proposes to operate between 6:30 AM to 7PM.

4. The applicant or owner shall provide proof of criminal background checks and fire inspection certificates as required by title 39, chapter 11, Idaho Code. Said proof shall be provided prior to issuance of certificate of occupancy. The applicant or owner shall comply with all State of Idaho and Department of Health and Welfare requirements for daycare facilities.

This has been listed as a condition of approval.

5. In residential districts or uses adjoining an adjacent residence, the hours of operation shall be between six o'clock (6:00) A.M. and eleven o'clock (11:00) P.M. This standard may be modified through approval of a conditional use permit.

As mentioned above, the Applicant presently operates the family daycare between 6:30 AM and 7:00 PM on weekdays and this is not proposed to change.

6. All outdoor play areas shall be completely enclosed by minimum six foot (6') non-scalable fences to secure against exit/entry by small children and to screen abutting properties.

The outdoor play area will be in the backyard, which is surrounded by a 6 ft. tall fence.

7. Outdoor play equipment over six feet (6') high shall not be located in a front yard or within any required yard.

All outdoor play activities will occur in a fenced backyard.

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

As mentioned, the daycare will operate from 6:30 AM to 7:00 PM. Outdoor play will occur one hour after 9AM and one hour after 1PM.

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

Not Applicable

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

Access is provided from S. Leaning Tower Ave. via S. Locust Grove Rd. According to the applicant, they generally pick up and deliver the children, although occasionally it would be the individual parent or guardian doing this. According to letters provided by residents, there are

ongoing traffic, parking and safety issues associated with the daycare. As mentioned above, staff did not observe these issues during a site visit.

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

Parking exists on the site in accord with the standards listed in UDC Table 11-3C-6 for a 4-bedroom single-family dwelling. A total of three (3) garage spaces and a 30 ft. x 20 ft. parking pad exist which exceeds UDC standards. On-street parking is also available (see exhibit in Section VII.A). As mentioned above, citizens have commented there are ongoing parking issues associated with the existing daycare.

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

A photo of the existing home on this property is included in Section VIII.C; no additions are proposed with this application.

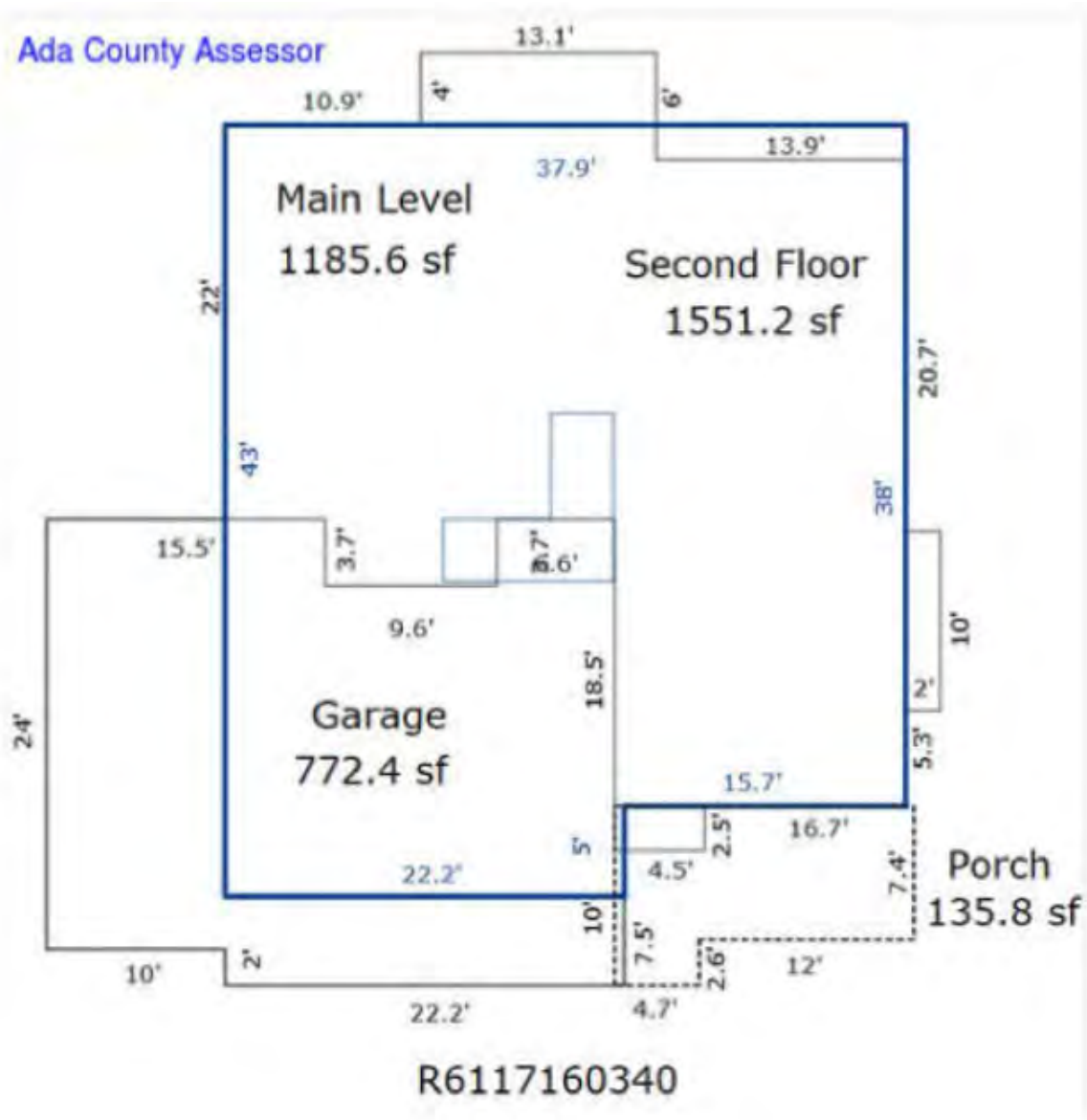
VI. DECISION

A. Staff:

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

VII. EXHIBITS

A. Site Plan (dated: 2/18/2022)





B. Existing Residence Pictures



VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. Planning

1. The Applicant shall comply with the specific use standards listed in UDC 11-4-3-9 Daycare Facilities, including but not limited to the following:
 - a. All outdoor play areas shall be completely enclosed by minimum six foot (6') non-scalable fences to secure against exit/entry by small children and to screen abutting properties.
 - b. Outdoor play equipment over six feet (6') high shall not be located in a front yard or within any required yard.
 - c. Outdoor play areas in residential districts adjacent to an existing residence shall not be used after dusk.
2. The maximum number of allowable clients at the facility at *one time* shall be limited to twelve (12).
3. The daycare/pre-school shall not operate beyond the hours of 6:30 AM to 7:00 PM on weekdays.
4. The applicant or owner shall provide proof of criminal background checks and fire inspection certificates as required by title 39, chapter 11, Idaho Code prior to issuance of Certificate of Occupancy. The applicant or owner shall comply with all State of Idaho and Department of Health and Welfare requirements for daycare facilities.

B. Ada County Highway District (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=254157&dbid=0&repo=MeridianCity>

C. NMID

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=255745&dbid=0&repo=MeridianCity>

IX. FINDINGS

A. Conditional Use Permit

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

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

Staff finds the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the R-8 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 in-home group daycare will be harmonious with the Comprehensive Plan in that it will provide a much-needed service for area residents within walking distance of homes within the neighborhood.

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

This is a small in-home day-care in which the single-family home is the primary residence of the applicant. Staff finds the operation of the proposed in-home daycare should be compatible with the residential uses in the neighborhood and the existing and intended character of the neighborhood and not adversely affect such.

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

If the proposed in-home daycare complies with the condition of approval in Section VII as required, Staff finds the proposed use should not adversely affect other properties in the vicinity.

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

Because the site is within the City's Area of City Impact boundary and has been annexed into the City and these services are already being provided to the existing home, Staff finds the public facilities mentioned will be provided to the proposed use as well.

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

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

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

The present operation picks up and delivers children, and this will remain the same. There could be occasional onsite pick up / drop off, but there is sufficient parking and staff finds it would not be detrimental to the general welfare.

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

Staff is unaware of any natural, scenic or historic features in this area; however, finds the proposed use should not result in damage of any such features.



AGENDA ITEM

ITEM TOPIC: Public Hearing Continued from March 17, 2022 for Pavilion at Windsong (H-2021-0102) by Kent Brown, Located at the Northwest Corner of W. Ustick Rd. and N. Linder Rd.

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

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

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

D. A Development Agreement Modification to allow the proposed development



PUBLIC HEARING INFORMATION

Staff Contact: Alan Tiefenbach

Meeting Date: April 5, 2022

Topic: **Public Hearing** Continued from March 17, 2022 for Pavilion at Windsong (H-2021-0102) by Kent Brown, Located at the Northwest Corner of W. Ustick Rd. and N. Linder Rd.

- A. Request: Rezone of 3.42 acres of the subject property from C-C to R-40.
 - B. A Preliminary Plat on the entire 4.77-acre property to allow 33 townhouse lots, 2 lots for vertically-integrated buildings containing a total of 12 residential units, and one commercial lot.
 - C. A Conditional Use Permit to allow townhouses in the R-40 zoning district.
 - D. A Development Agreement Modification to allow the proposed development
-

Information Resources:

[Click Here for Application Materials](#)

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

Description	Details	Page
Number of Residential Units (type of units)	33 townhouses, 12 vertically-integrated units.	
Density (gross & net)	9.4 du/acre	
Open Space (acres, total [%]/buffer/qualified)	16.1% (0.77 ac)	
Amenities	Neighborhood Park, 10 ft. wide regional pathway	
Physical Features (waterways, hazards, flood plain, hillside)	Five-mile creek floodway is at the southwest corner of the property to the south and west (but not on the property). Creason Lateral traverses a small portion of the site at the southwest corner. The lateral has already been piped in this area	
Neighborhood meeting date; # of attendees:	November 29, 2021 6 – neighbors opposed W. Crosswind St. being connected.	
History (previous approvals)	AZ-09-005, DA Inst # 11031366, Buyrite Apartments (H-2018-0096); MDA H-2019-0092 (not recorded), CUP H-2019-0094	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> Staff report (yes/no) 	Yes	
<ul style="list-style-type: none"> Requires ACHD Commission Action (yes/no) 	No	
<ul style="list-style-type: none"> Traffic Impact Study (yes/no) 	No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Access will occur from N. Linder Rd (arterial), W. Crosswind St (local) and N. Wafting Ln (northern stub).	
Traffic Level of Service	Better than "E"	
Stub Street/Interconnectivity/Cross Access	A northern stub is provided (N. Wafting Ln)	
Existing Road Network	W. Ustick Rd., N. Linder Rd., W. Crosswind St.	
Existing Arterial Sidewalks / Buffers	N. Linder Rd. and W. Ustick Rd. have 7 ft. wide sidewalk.	
Proposed Road Improvements	Both W. Ustick Rd and N. Linder Rd are fully improved, although the applicant will be required to install 25 ft. wide landscape buffers.	
Distance to nearest City Park (+ size)	1/5 mile to Settlers Park	
Fire Service		
<ul style="list-style-type: none"> Distance to Fire Station 	1.6 miles from Station 2	
<ul style="list-style-type: none"> Fire Response Time 	< 5 minutes	
<ul style="list-style-type: none"> Resource Reliability 	> 80%	
<ul style="list-style-type: none"> Risk Identification 	2	
<ul style="list-style-type: none"> Accessibility 	Acceptable	
<ul style="list-style-type: none"> Special/resource needs 	Aerial device will be needed	
<ul style="list-style-type: none"> Water Supply 	1,000 gpm per hour	
<ul style="list-style-type: none"> Other Resources 		
Police Service		
	No comments	
Wastewater		
<ul style="list-style-type: none"> Comments 	<ul style="list-style-type: none"> Flow is committed 	

Description	Details	Page
	<ul style="list-style-type: none"> • Sewer must have at a minimum 3' of cover over top of the pipe. This is not met at manhole SSMH A6. • Water and sewer in parallel require a 30' easement. 24' road does not provide adequate space. • Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement. • Ensure no sewer services pass through infiltration trenches. 	
Water		
<ul style="list-style-type: none"> • Distance to Water Services 	0	
<ul style="list-style-type: none"> • Pressure Zone 	2	
<ul style="list-style-type: none"> • Water Quality 	No concerns	
<ul style="list-style-type: none"> • Project Consistent with Water Master Plan 	Yes	
<ul style="list-style-type: none"> • Impacts/Concerns 	<ul style="list-style-type: none"> • Eliminate the deadend water main in W Wind Gust Ln by ending the water main at N Twister Ln and then running water services to the remaining units off of W Wind Gust Ln. • Eliminate the deadend water main in W Whirl Wind Ln by ending the water main at N Quall Ln and then running water services to the remaining units off of W Whirl Wind Ln. • Eliminate the water main in the “drive through” within the CC zoning. • Eliminate the water main that is cutting through Building B • Connect water to the existing stub off Linder Road. 	
Grocery Store	1.5 mile +/- to grocery store and other goods and services.	

III. APPLICANT INFORMATION

A. Applicant / Representative:

Kent Brown – 3161 E. Springwood Dr, Meridian, ID 83642

B. Owner:

Rama Group LLC – 1548 W. Cayuse Creek Cr, Ste 100, Meridian, ID 83646

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Notification published in newspaper	3/1/2022	
Notification mailed to property owners within 300'	3/28/2022	
Applicant posted public hearing notice sign on site	3/7/2022	
Nextdoor posting	2/28/2022	

V. STAFF ANALYSIS

The subject property is 4.77 acres and is presently zoned C-C. The property was annexed into the City and zoned to C-C in 2009 (Inst. #110031366, JJA Land, AZ-09-005). At the time of annexation approval, specific details for how the site was to develop were not provided. The recorded development agreement requires those details to be provided when the property is subdivided.

In 2019, the property was proposed for a Development Agreement Modification and conditional use to allow a mix of uses including multi-family, a self-service storage facility, office and retail uses. During the October 1, 2019 City Council meeting, there were concerns discussed with the multi-family component in regard to transition in density, height of buildings (3 stories), overcrowding of schools, traffic, and desire for more neighborhood serving uses to be provided in the area. The Planning Commission did approve the self-storage use but strongly recommended retail uses at the northeast corner of the site. Council approved the development agreement modification only for the self-storage and commercial uses, and prohibited multifamily on the site. The development agreement modification was never recorded and no construction has occurred on the property.

This proposal is to rezone 3.42 acres of the subject property from CC to R-40, and a preliminary plat for 33 townhouse lots, 2 lots for 2 vertically-integrated buildings with 6 residential units each (commercial and residential), 1 commercial lot, and 10 common lots. A conditional use is also required for townhouses in the R-40 zoning district. As mentioned above, because specific details regarding development were not provided with the annexation, a development agreement modification is required for any development of the site. This proposal also includes a request for private streets because some of the units front on a mew.

A. Development Agreement Modification

The existing Development Agreement (DA) (Inst. #110031366, JJA Land, AZ-09-005) was approved in 2009. At the time of annexation approval, specific details for how the site was to develop were not provided. The recorded development agreement requires those details when the property is subdivided. The terms of the existing DA are included below in Section VI.B. A legal description and exhibit map subject to the new DA are included below in Section VI.A.

The Applicant desires to enter into a new DA to allow a development consisting of 33 townhouses on 33 lots, 2 vertically-integrated buildings on two lots (12 residential units total), and one 18,236 sq. ft. commercial lot with a 2,000 sq. ft. +/- building. The applicant has submitted a preliminary plat, conceptual site plan, landscape plan and building elevations for all proposed buildings. These will be included as part of the new development agreement.

B. Zoning

The property is presently zoned C-C. The applicant proposes to rezone approximately 3.42 acres at the north and west to R-40 to allow townhomes. Townhomes are allowed in the R-40 zoning district by conditional use. The applicant proposes to retain the remaining 1.28 acres +/- as C-C to construct two 9,200 sq. ft. vertically-integrated buildings, each with 6 residential units as well as commercial uses. The applicant also proposes an approximately 2,000 sq. ft. commercial building at the southwest corner of W. Crosswinds St. and N. Linder Rd. Both of the uses are principally permitted in the C-C zoning district.

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

The FLUM designates the property for Mixed Use Community. The purpose of this designation is to allocate areas where community-serving uses and dwellings are seamlessly integrated into the urban fabric. The intent is to integrate a variety of uses, including residential, and to avoid mainly single-use and strip commercial type buildings. Employment opportunities for those living in and around the neighborhood are encouraged.

The Comprehensive Plan describes components of what would be considered mixed use. Elements pertinent to this proposal include:

- *At least three types of land uses;*
- *Higher density residential development is encouraged when there is a potential for an employment center;*
- *Mixed Use areas typically being developed under a master or conceptual plan; during an annexation or rezone request, a development agreement;*
- *Transitional uses and/or landscaped buffering between commercial and existing low- or medium-density residential development;*
- *Being centered around spaces that are well-designed public and quasi-public centers of activity. Spaces should be activated and incorporate permanent design elements and amenities that foster a wide variety of interests ranging from leisure to play. These areas should be thoughtfully integrated into the development and further placemaking opportunities considered; and,*
- *All mixed-use projects being accessible to adjacent neighborhoods by both vehicles and pedestrians. Pedestrian circulation should be convenient and interconnect different land*

use types. Vehicle connectivity should not rely on arterial streets for neighborhood access.

In addition, the Plan discusses the following additional pertinent requirements for mixed use community:

- *Residential uses should comprise a minimum of 20% of the development area at gross densities ranging from 6 to 15 units/acre;*
- *Vertically integrated structures are encouraged;*
- *Unless a structure contains a mix of both residential and office, or residential and commercial land uses, maximum building size should be limited to a 30,000 square-foot building footprint. For community grocery stores, the maximum building size should be limited to a 60,000 square-foot building footprint;*

The applicant submitted a conceptual plan as part of this application. The application reflects three types of uses, with the majority of the residential portion of the development clustered around a central open space. Two of the buildings (Buildings G & H) are proposed as vertically-integrated structures. More than 20% of the development area is proposed as residential at a gross density of 9.4 du/acre, A 2,000 sq. ft. commercial building with a drive through establishment is also proposed (shown as a pad site). The development is connected to adjacent neighbors through sidewalks, green spaces and the Five Mile Pathway.

Staff supports the inclusion of vertically integrated projects into this development. This is a unique style of housing, is characteristic of a mixed-use development, and would provide employment opportunities for those living in and around the neighborhood. However, staff believes the vertically-integrated structures would be more appropriate on the north side of W. Crosswind St. where Buildings A and B are presently shown. This would better integrate with the commercial pad and reduce the impact of traffic in the townhome portion of this development.

Staff does have concerns that the vertically integrated buildings could build out in the future as merely townhouses with no commercial component, resulting in this development being only a residential development with a drive-through establishment. As the property is presently zoned C-C, staff is also concerned about the loss of additional commercially-viable property. **As a condition of approval, staff recommends a requirement that at time of building permit, the ground floors of all vertically-integrated buildings meet occupancy class requirements for commercial structures.**

The concept plans show a townhouse row indicated as “Building D” along the western property line as close as 30 feet from existing residences. Staff does have concerns with the impact of a “wall effect” of these townhomes on the Windsong No 2 Subdivision. **As a condition of approval, staff recommends Building D be broken into at least two groups of buildings, with the break occurring approximately in the vicinity of Lot 19, Block 3 of the Windsong Subdivision No 2.**

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

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

This development proposes 33 townhouses and 12 residential units within vertically-integrated buildings. This would increase the housing diversity in the area.

- Avoid the concentration of any one housing type or lot size in any geographical area; provide for diverse housing types throughout the City. (2.01.01G)

This development proposes townhouses and vertically-integrated residential units within an area comprised of a large amount of single family detached to the south, east and west, a commercial center directly across N. Linder Rd to the east (Sawtooth Landing) and a newly developing mixed density residential development at the southeast corner of N. Linder Rd and W. Ustick Rd (Lennon Pointe).

- Establish and maintain levels of service for public facilities and services, including water, sewer, police, transportation, schools, fire, and parks (3.02.01G).

All public utilities are available for this project site due to existing facilities abutting the site. This project also lies within the Fire Department response time goal of 5 minutes. Linder and Ustick Roads are currently built at their ultimate anticipated widths directly abutting the site.

- Require pedestrian access in all new development to link subdivisions together and promote neighborhood connectivity (2.02.01D).

As will be discussed below, sidewalks are included on both sides of the public roads (W. Crosswind Street and the northern stub) but only sections of the private roads include sidewalk. Staff does not object because the development is aligned around a central open space and other green spaces in such a manner that all portions of the development and surrounding neighborhoods can be accessed by foot with a minimum of walking in the private streets. The applicant is also providing a 10 ft. wide pathway connecting to the Five-Mile Pathway.

- Encourage infill development. (3.03.01E)

The subject property is located on an arterial intersection, and is surrounded by the City of Meridian to the east, west and south. Land uses in the area include detached single-family, multifamily (Lennon Point Community to the southeast) and multiple office buildings directly across N. Linder Rd to the east (Sawtooth Landing). This would be considered an infill development.

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

As this development is comprised of three different uses, including vertically integrated residential buildings, it would be considered a mixed-use development. Numerous commercial uses are within a mile of the property.

E. Existing Structures/Site Improvements:

The property is currently vacant.

F. Proposed Use Analysis:

Townhouses are allowed by conditional use in the R-40 zoning district and vertically-integrated structures are a principally-permitted use in the C-C zoning district. Although it has not been determined what type of future use would occur on the commercial lot at the southwest corner of W. Crosswinds St and N. Linder Rd, the concept plan suggests a drive through establishment. If this drive-through is proposed in the future, it will require the approval a conditional use permit.

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

UDC 11-4-3-41 requires vertically integrated residential projects to be at least two stories, with at least 25% of the gross floor area being residential. None of the required parking is to be located in the front of the structure. The minimum footprint is 2,400 sq. ft., and the specific use standards lists the types of uses that are allowed.

The site plan and building elevations reflect two 9,200 sq ft. +/- three-story vertically-integrated buildings fronting W. Ustick Rd. and N. Linder Rd, with parking provided within the development, not in front of the buildings.

As mentioned above, staff believes the vertically-integrated buildings would be more appropriate on the north side of W. Crosswind St. versus located at the southwest portion, directly on the intersection. This would allow the mixed-use buildings to provide a better transition between commercial and residential uses, promote better walkability with the residential to the west, and minimize traffic in the townhome area.

Also, based on the building elevations submitted, staff is unsure what is being proposed is “vertically integrated residential buildings” as much as additional townhouses or a “work / live” arrangement that could remain entirely residential. As a condition of approval, staff recommends a requirement that at time of building permit, the ground floors of vertically-integrated buildings meet occupancy class requirements for commercial structures.

The concept plan suggests a drive through establishment. As it will be within 300 feet of a residential zone district, a drive through establishment in this location will need approval through a conditional use permit per UDC 11-4-3-11.

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

The R-40 zoning district requires a minimum lot size of 1,000 sq. ft., 25 ft. wide landscape buffers along arterial roads (W. Ustick Rd. and N. Linder Rd.) a 10 ft. street setback from local streets (W. Crosswinds St.), internal side setbacks of 3 ft. rear setback of 12 ft. and allows building heights of up to 60 ft. The C-C zoning district has the same landscape buffer requirement and limits building heights to 50 ft. Staff notes it does not appear the 10 ft. landscape buffer requirement is met along W. Crosswind St in the location of the commercial pad.

In the area proposed for R-40, the preliminary plat indicates lot sizes of at least 1,600 sq. ft., all setbacks are satisfied, the buffer is shown on the landscape plan, and the heights of the townhouses do not exceed 35 ft. The building elevations of the vertically-integrated buildings appear to be within the 50 ft. height limitation, although it is not specified on the elevations. Design will be assessed in detail at time of design review or certificate of zoning compliance.

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

The subject property is located at the northwest corner of N. Linder Rd and W. Ustick Rd., both arterials. There is an existing local road, W. Crosswind St., which serves the adjacent Windsong Subdivision to the west and presently stubs to the subject property.

The sections of N. Linder Road and W. Ustick Rd abutting the subject property are improved with 5- travel lanes, curb, gutter, and 7- foot wide attached concrete sidewalk. Both presently operate at a Level of Service “E”, which is considered acceptable. W. Ustick Road is scheduled to be widened to 5- lanes from Ten Mile Road to Linder Road in 2024. Design for widening N. Linder Rd. to 5-lanes from Cherry Road to Ustick Road is planned for 2025, although a

construction year is not in the IFYWP at this point. ACHD has noted this development is estimated to generate 341 vehicle trips per day.

This development would include closing an existing access on N. Linder Rd and creating a new access from W. Ustick Rd. approximately 250 ft. to the north. This would occur by extending W. Crosswind St. across the subject property to N. Linder Rd. Although ACHD typically discourages new local streets from intersecting arterials, ACHD supports the connection noting it would provide additional access for emergency services and circulation for the site and existing subdivisions located north and west of the site. There is also a northern stub proposed to the property at the north, which is not presently in the City.

Except for W. Crosswinds St, which would be a local street built to the typical 33-foot wide local street section, all the remaining roads in this development are proposed to be private roads. The preliminary plat reflects the private roads south of W. Crosswind St. meet the 24 ft. minimum required width. Required findings for private roads are discussed in the findings in Section IX.

On the north side of W. Crosswind St., the plat indicates a private alley (east-west) and N. Puff Ln (north-south). Neither of these roadways meet minimum requirements. Alleys need to connect on both ends to serve as fire lanes, whereas the alley that is shown north of Buildings A & B dead-ends to the east. Also, N. Puff Ln is shown to be 23 ft. in width whereas 24' ft is the minimum. The applicant should revise this portion of the plat to meet the requirements of UDC 11-6C. This could be done by widening the alley and N. Puff Ln to at least 24 ft. in width, or converting the "alley" to a common drive and removing units to comply with the maximum allowed number of units allowed per UDC 11-6C-3-D (4 total, with no more than 3 on one side).

The applicant should note if Buildings A&B were converted to vertically-integrated residential projects fronting along W. Crosswind St., the alley could be redesigned as a 25-foot wide commercial drive aisle as long as it met the requirements of UDC 11-3C-5. This would increase the commercial uses desired in the area. If the applicant is amenable to this request, staff would recommend that the concept plan be modified prior to the City Council hearing.

NOTE: If additional Vertically Integrated Residential is proposed at the north, it will require the applicant to submit revised legal description to reduce the proposed R-40 zoned area because vertically-integrated residential projects are a conditional use in this zone.

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

For townhouses of 2 bedrooms or less, 2 parking spaces are required, at least 1 in an enclosed garage. For townhouses of 3-4 bedrooms, 4 per dwelling unit is required, with two of them being in an enclosed garage. Parking for vertically integrated residential units ranges from 1 to 4 parking spaces depending on the number of bedrooms (not required to be covered) in addition to one space for every five hundred (500) square feet of gross floor area for the commercial portion.

The site plan and elevations reflect all townhouse units are wide enough to have 2-car garages, and most have a pad in the front that meets minimum dimensional requirements for 2 cars (20 ft. by 20 ft.). Buildings A and B on the north side of W. Crosswind St. do not have pads that meet the minimum requirement to be counted as parking and therefore should be no more than 2-bedrooms each. There are 8 additional parking spaces shown on either side of the central open space to account for guest parking.

The commercial lot indicates a building of approximately 2,000 sq. ft., which would require 4 parking spaces; 11 parking spaces are provided at the west and south sides of the building. The 12 vertically-integrated units would require at least 12 parking spaces if all residential units were one bedroom, but the commercial spaces will also require parking spaces based on the amount of gross floor area dedicated to commercial. The elevations show all vertically-integrated units

contain a two-car garage with 14 additional parking spaces provided directly adjacent to an across from the buildings. A shared-parking agreement between the commercial use and the vertically-integrated buildings should be submitted at time of Certificate of Zoning Compliance (CZC). Parking will be reviewed in detail at time of certificate of zoning compliance or building permit.

K. Pathways (UDC 11-3A-8):

There are 7 ft. wide attached sidewalks existing along N. Linder Rd. and W. Ustick Rd. The Five Mile Pathway parallels the creek at the west terminating at the subject property. This proposal includes 10 ft. wide pathways along both N. Linder Rd and W. Ustick Rd., connecting to the existing Five Mile Pathway.

Staff supports providing multiuse pathways but finds the configuration as proposed redundant and unnecessary. At the east along N. Linder Rd., the plans propose a 10 ft. wide pathway directly adjacent to the existing 7 ft. wide sidewalk. Similarly, the applicant proposes to provide a 10 ft. wide pathway slightly offset from the existing sidewalk on W. Ustick Rd. **In order to reduce impervious surfacing, unnecessary construction and increase landscaping, staff believes it is unnecessary to provide the additional pathway along N. Linder Rd and that the existing 7 ft. wide attached sidewalk should remain. The sidewalk along W. Ustick Rd should be widened to 10 ft. wide, the pathway shown directly south of Building H should be eliminated, and the connection between the existing Five Mile Creek Pathway and the W. Ustick Road Pathway should be shifted further to the west (this has been red-marked on the concept plan shown in Exhibit IX). Also, staff has concerns with the multiple walkways connecting Buildings G and H to the pathways. For less conflict points, staff recommends the plans be revised to include only one walkway connection to the pathways from each building.**

L. Sidewalks (UDC 11-3A-17):

This proposal includes private streets within this development except for W. Crosswind St (collector) and what is shown as an alley at the northern perimeter of the property. UDC 11-3F-4 does not require sidewalks along private street streets in residential areas. Although the concept plan shows only portions of the private streets contain 4 ft. wide sidewalks, the development is clustered in such a way that pedestrian access is possible throughout the development by either pathways, sidewalks or across green space without the need to walk in the street.

5 ft. wide sidewalks are provided along both sides of W. Crosswind St., and the stub street to the north. As discussed in the pathways section above, 10 ft. wide multi-use pathways are being provided along W. Ustick Rd. and N. Linder Rd.

M. Parkways (UDC 11-3A-17):

No parkways are proposed with this development.

N. Landscaping (UDC 11-3B):

A 25- foot wide street buffer is required adjacent to N. Linder Road and W. Ustick Road. Buffers are required to be landscaped per the standards listed in UDC 11- 3B- 7C. UDC 11-3B-7 requires all residential subdivision street buffers to be on a common lot, maintained by a homeowners' association. Pathways are required to be landscaped with a landscape strip a minimum of five (5) feet wide along each side of the pathway. It does appear landscape buffers of at least 25 ft. in width are provided along both arterials although they are not dimensioned. However, it does not appear either landscape buffer meets the minimum landscaping standards of at least one tree per every 35 ft. as there are long sections of arterial buffer without trees. It is also ambiguous regarding whether a common lot(s) has been included for the entire length of both landscape buffers, particularly along the N. Linder Rd frontage.

The concept plan as submitted indicates an alley or private drive directly abutting the residentially-zoned parcel to the north. To provide buffering and a softer transition, staff recommends a 5 ft. wide landscape buffer in this area, landscaped as required by UDC 11-3B-8.

O. Qualified Open Space (*UDC 11-3G*):

As the property is less than 5 acres in size, it is exempt from required qualified open space. However, the applicant has provided an open space exhibit, and the plat indicates 16% of qualified open space is provided. This includes a 9,500 sq. ft. central open space with a gazebo, although it appears some of what is shown as “qualified open space” does not meet the minimum dimensional requirements, such as parking spaces included into the exhibit.

P. Qualified Site Amenities (*UDC 11-3G*):

As mentioned above, the property is less than 5 acres in size so it is exempt from the qualified open space requirements. Townhouses (each unit on an individual lot) are considered single family residential, so the multifamily amenity requirements do not apply. However, an approximately 9,500 sq. ft. central open space is provided with a gazebo. As one of the objectives of the Mixed-Use Community designation is for open spaces to be centered around spaces that are well-designed public and quasi-public centers of activity, at time of CZC or plat public accessibility should be specified in the CC&Rs, maintenance agreement or property owner’s association agreement.

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

The Creason Lateral traverses a small portion of the site at the southwest corner. The lateral has already been piped in this area, and it is within a common lot on the Plat.

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

Public utilities will be provided from the Windsong Subdivision to the east. A public utilities plan was submitted with this development. The Applicant is required to provide a pressurized irrigation system for the development in accord with 11-3A-15.

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

Building elevations has been submitted with this application. The elevations show townhouses comprised of materials consisting of rock, cement board and hardie board, lap siding, with pitched roofs, exposed timber frame and trellis features, with stone bases. Windows are included on many of the garage doors. The elevations demonstrate significant fenestration and modulation as well as a variety of roofline variation. Most buildings also include first floor covered porches and second story decks.

Staff finds the elevations as proposed demonstrate high quality design, but the elevations of the vertically-integrated structures reflect a townhouse design rather than a commercial business. **If the Planning Commission and City Council believe it important for vertically integrated buildings to include at least some portion of commercial use, as already mentioned, staff recommends a condition that at time of building permit, the ground floors of all vertically-integrated units meet occupancy class requirements for commercial structures.**

VI. DECISION

A. Staff:

Staff recommends approval of the requested rezone, preliminary plat, development agreement modification and conditional use permit with the provisions as noted in Section VII.A per the findings in Section IX of this staff report.

VII. EXHIBITS

A. Rezone Legal Description and Exhibit

Legal Description
PAW Subdivision Property Rezone – R-40

A parcel located in the SE ¼ of the SE ¼ of Section 35, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at a Brass Cap monument marking the southeast corner of said SE ¼ of the SE ¼, from which a 5/8 inch rebar marking the southwest corner of the SE ¼ of said Section 35 bears N 89°14'45" W a distance of 2643.35 feet;

Thence N 89°14'45" W along the southerly boundary of said SE ¼ of the SE ¼ a distance of 244.80 feet to the **POINT OF BEGINNING**;

Thence continuing N 89°14'45" W along the southerly boundary of said SE ¼ of the SE ¼ a distance of 145.20 feet to a point;

Thence leaving said southerly boundary N 0°15'19" E along the easterly boundary and the extension thereof of Windsong Subdivision No. 2 as shown in Book 100 of Plats on Pages 13022 thru 13024, records of Ada County, Idaho, a distance of 657.59 feet to a 5/8 inch rebar marking the northeast corner of said Windsong Subdivision No. 2;

Thence leaving said easterly boundary S 89°31'02" E a distance of 389.94 feet to a point on the easterly boundary of said SE ¼ of the SE ¼;

Thence S 0°15'04" W along said easterly boundary a distance of 125.00 feet to a point;

Thence leaving said boundary N 89°31'02" W a distance of 231.94 feet to a point;

Thence S 0°28'58" W a distance of 121.50 feet to a point;

Thence S 89°31'02" E a distance of 47.21 feet to a point of curvature;

Thence a distance of 42.30 feet along the arc of a 27.00 foot radius curve right, said curve having a central angle of 89°46'05" and a long chord bearing S 44°37'59" E a distance of 38.11 feet to a point of tangency;

Thence S 0°15'04" W a distance of 223.18 feet to a point;

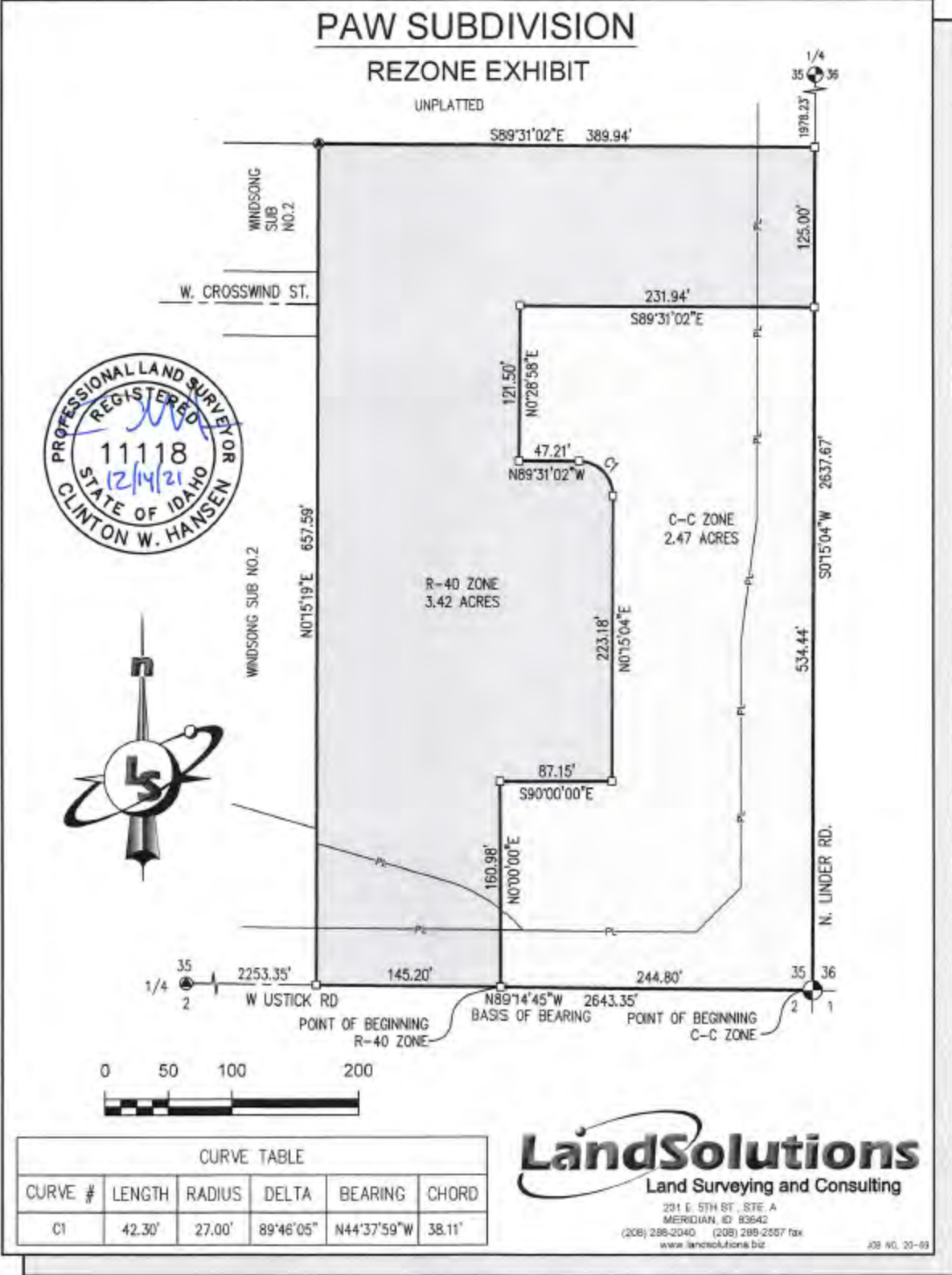
Thence N 90°00'00" W a distance of 87.15 feet to a point;

Thence S 0°00'00" W a distance of 160.98 feet to the **POINT OF BEGINNING**.

This parcel contains 3.42 acres and is subject to any easements existing or in use.

Clinton W. Hansen, PLS.
Land Solutions, PC
December 14, 2021





B. Preliminary Plat Legal Description (date: 9/23/2021)

Legal Description
PAW Subdivision

A parcel located in the SE ¼ of the SE ¼ of Section 35, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at a Brass Cap monument marking the southeast corner of said SE ¼ of the SE ¼, from which a 5/8 inch rebar marking the southwest corner of the SE ¼ of said Section 35 bears N 89°14'45" W a distance of 2643.35 feet;

Thence along the southerly boundary of said SE ¼ of the SE ¼ N 89°14'45" W a distance of 390.00 feet to a point;

Thence leaving said southerly boundary N 0°15'19" E a distance of 45.00 feet to a point on the northerly right-of-way of W. Ustick Road and the **POINT OF BEGINNING**;

Thence continuing N 0°15'19" E along the easterly boundary and the extension thereof of Windsong Subdivision No. 2 as shown in Book 100 of Plats on Pages 13022 thru 13024, records of Ada County, Idaho, a distance of 612.60 feet to a 5/8 inch rebar marking the northeast corner of said Windsong Subdivision No. 2;

Thence leaving said easterly boundary S 89°31'02" E a distance of 344.93 feet to a point on the westerly right-of-way of N. Linder Road;

Thence along said westerly right-of-way the following described courses:

Thence S 0°15'04" W along a line being 45.00 feet westerly of and parallel to the easterly boundary of said SE ¼ of the SE ¼ a distance of 291.46 feet to a point;

Thence S 7°22'34" W a distance of 96.75 feet to a point;

Thence S 0°15'04" W along a line being 57.00 feet westerly of and parallel to the easterly boundary of said SE ¼ of the SE ¼ a distance of 191.66 feet to a point;

Thence S 45°30'09" W a distance of 49.28 feet to a point on the northerly right-of-way of W. Ustick Road;

Thence along said northerly right-of-way, being 45.00 feet northerly of and parallel to the southerly boundary of said SE ¼ of the SE ¼, N 89°14'45" W a distance of 297.99 feet to the **POINT OF BEGINNING**.

This parcel contains 4.77 acres and is subject to any easements existing or in use.

Clinton W. Hansen, PLS
Land Solutions, PC
September 23, 2021



C. Existing Development Agreement

5. CONDITIONS GOVERNING DEVELOPMENT OF SUBJECT PROPERTY:

- 5.1. Owner/Developer shall develop the Property in accordance with the following special conditions:
1. Future construction and development of the site shall comply with the standards listed in UDC 11-3A-19 and the objectives and guidelines of the Meridian Design Manual in effect at the time of development.
 2. Certificate of Zoning Compliance, Design Review and Alternative Compliance applications are required if the applicant proposes a change of use for the existing single family home to a non-residential use.
 3. One (1) Certificate of Zoning Compliance (CZC) may be issued for the portion of the property that is located south of the right-in/right-out access point to Linder Road provided the existing home is removed. Additional CZC's shall not be issued until a concept plan is submitted and approved for the subject property. A concept plan shall be reviewed with a future

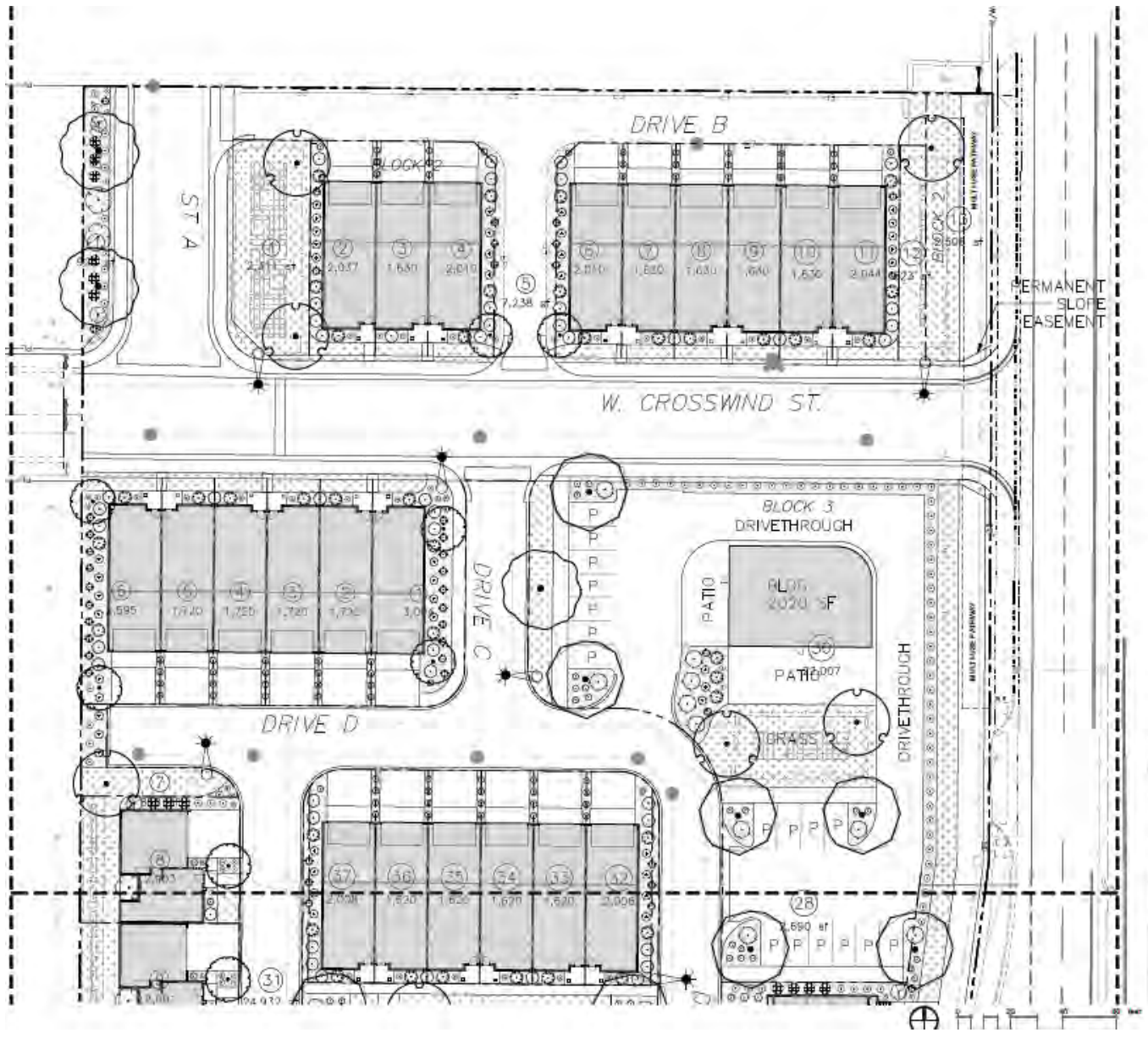
preliminary plat application. The following requirements shall apply to the development of the parcel:

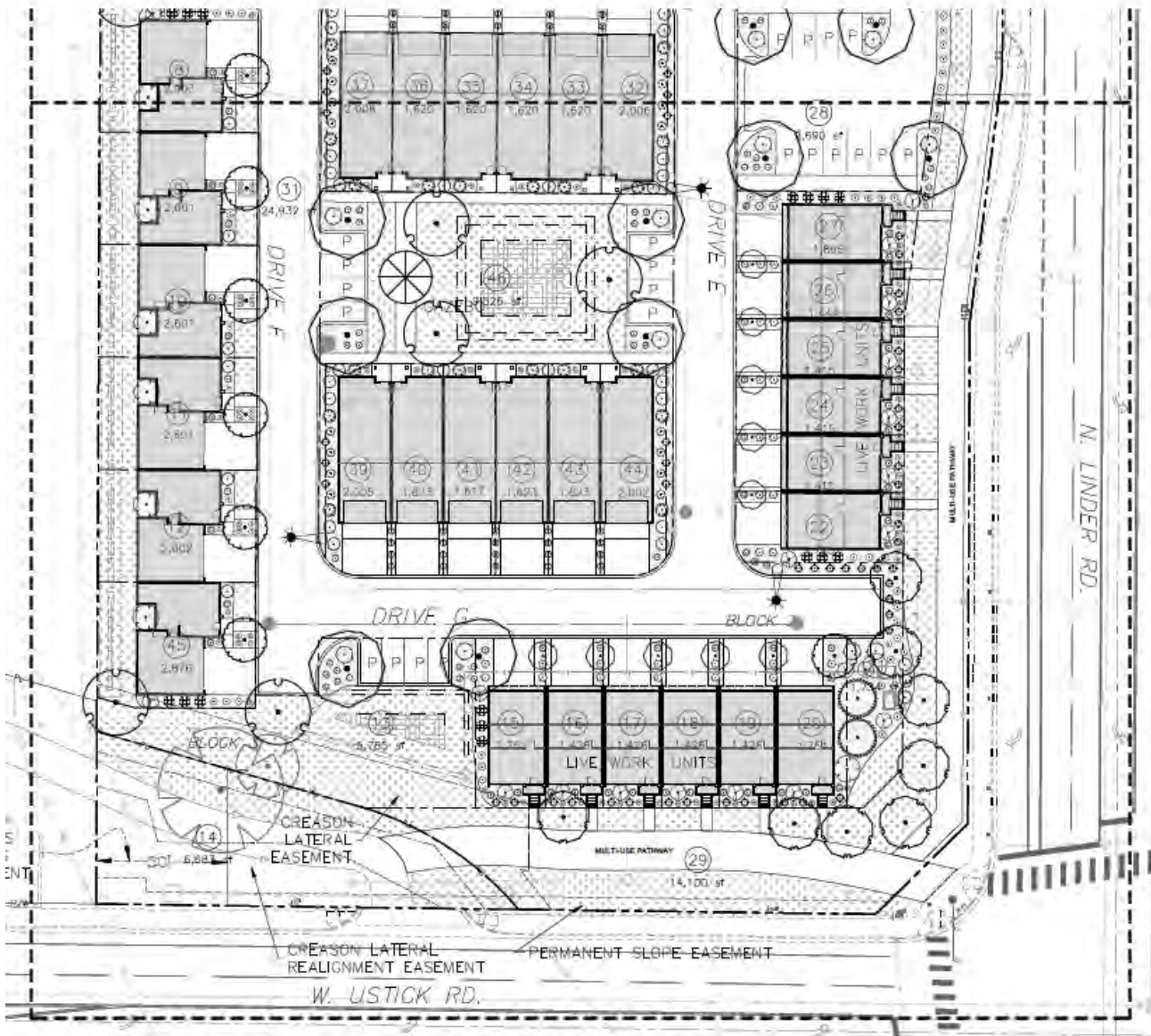
- a. coordinate, design and construct the extension of W. Crossroad Street (public street) to Linder Road and stub a public street to the undeveloped parcel to the north (#S0435449905) with ACHD and the City of Meridian.
 - b. provide a 5' public access/recreational easement in favor of the City of Meridian measured from the back edge of 7-foot wide attached sidewalk starting at the western edge of the existing access on Ustick Road and continuing to the east property line.
 - c. depict a 25-foot wide landscape easement along Ustick Road and Linder Road.
4. At the time of development for either portion (north or south) of the property, the applicant shall construct a 10-foot wide multi-use pathway beginning on the western edge of the existing access to Ustick Road, proceeding north/northwest connecting to the existing service road on ACHD's drainage site located at the western boundary. An easement shall be provided for public access to and maintenance of the pathways; contained within an easement agreement or noted on the plat. The City will not assume maintenance of the pathway until it connects from one major arterial road to another, unless otherwise agreed to by the Parks & Recreation Department.
 5. The applicant shall be responsible for obtaining a Floodplain Development Permit and secure approval prior to any construction beginning on the site.
 6. Development of the subject property shall comply with the C-C standards listed in UDC 11-2B-3 and the allowed uses in Table 11-2B-2.
 7. All future development of the subject property shall comply with City of Meridian ordinances in effect at the time of development.
 8. The applicant shall be responsible for all costs associated with sewer and water service installation.
 9. The applicant shall construct a 5-foot pathway within the subject property providing interconnectivity to the 10-foot pathway planned for the property along Ustick Road. The applicant shall provide a pedestrian circulation plan for review and approval by the Planning Department with the submission of a concept plan or the first CZC application.

E. Concept Plan – Remarked (date: 12/20/2021)



F. Landscape Plan (date: 9/9/2021)





G. Building Elevations: 12/20/2021)



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



REAR ELEVATION
1/8" = 1'-0"



LEFT ELEVATION
1/8" = 1'-0"



RIGHT ELEVATION
1/8" = 1'-0"



Vertically Integrated Building Facing Linder Rd



BUILDING 'G'

Vertically Integrated building facing Ustick.



BUILDING 'H'

VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

Site Specific Conditions of Approval

1. Prior to approval of the rezoning ordinance, a new DA shall be entered into between the City of Meridian, the property owner(s) at the time of rezone ordinance adoption, and the developer.
The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council granting the rezoning and DA modification. The DA shall, at minimum, incorporate the following provisions:
 - a. Future development of the site shall be generally consistent with the conceptual site plan, landscape plan, and elevations submitted with the rezone application contained herein.
 - b. At time of building permit, floor plans shall be submitted that indicate the ground floors of all units shown as vertically integrated structures meet occupancy class requirements for commercial structures.
 - c. Buildings on the north side of W. Crosswind St. shall be vertically-integrated buildings. Buildings G and H at the southeast corner of the site may be vertically integrated structures OR townhouses.
 - d. At time of CZC or plat, public accessibility for the central open space shall be specified in the CC&Rs, maintenance agreement or property owner's association agreement.
 - e. At the time of CZC or plat, an executed shared-parking agreement between the commercial lots and the vertically integrated structures shall be submitted.
 - f. Building D along the western property line shall be broken into at least two groups of buildings, with the break occurring approximately in the vicinity of Lot 19, Block 3 of the Windsong Subdivision No 2.
2. All private streets shall meet the requirements of UDC 11-3F-4.
3. All common lots, streets and alleys shall meet the requirements of UDC 11-6C-3.
4. There should be a consistent architectural theme throughout the development. Administrative design review will be required for all new attached residential structures containing two (2) or more dwelling units. Design review and certificate of zoning compliance will be required for any commercial buildings or vertically-integrated buildings.

5. The Director has approved a request for private streets as required per UDC 11-3F-4.
6. The preliminary plat, dated 9/22/2021, shall be revised as follows:
 - a. Per UDC 11-3B-7, all arterial street buffers shall be on a common lot or on a permanent dedicated buffer, maintained by the property owner or business owners' association.
 - b. Residential street buffers shall be on a common lot, maintained by a homeowners' association.
 - c. The development table shall be updated to indicate 2 vertically integrated residential lots, verses 12.
 - d. Parking spaces shall be subtracted out of all areas indicated as useable open space.
7. The landscape shall be revised as follows:
 - a. The additional pathway along the south perimeter shall be removed, and the sidewalk along W. Ustick Rd shall be widened to a 10 ft. wide pathway along the property line, with a 10 ft. wide connection to the Five Mile Creek Pathway at the west perimeter of the site.
 - b. The pathway shown along N. Linder Rd shall be revised to include only the existing 7 ft. wide sidewalk.
 - c. There shall be no more than one walkway per building connecting to the pathways and sidewalks along W. Ustick Rd. and N. Linder Rd.
 - d. A landscape buffer of at least 5 ft. in width, meeting the planting requirements of UDC 11-3B-9, shall be required along the northern property line or as otherwise required by UDC 11-3B.
8. The developer shall comply with the specific use standards for vertically-integrated projects as listed in UDC 11-4-3-41.
9. A conditional use permit shall be required for the drive through establishment shown on the commercial lot.
10. Off-street vehicle parking shall be provided on the site in accord with UDC 11-3C-4 for townhouses, commercial buildings and vertically integrated projects.
11. Direct access to N. Linder Rd. and W. Ustick Rd. is prohibited. All existing curb cuts shall be replaced with curb, gutter and sidewalk.

GENERAL CONDITIONS OF APPROVAL

1. The Applicant shall have a maximum of two (2) years to commence the use as permitted in accord with the conditions of approval listed above. If the use has not begun within two (2) years of approval, a new conditional use permit must be obtained prior to operation or a time extension must be requested in accord with UDC 11-5B-6F.
2. The preliminary plat approval shall become null and void if the applicant fails to either: 1) obtain the City Engineer signature on a final plat within two years of the date of the approved findings; or 2) obtain approval of a time extension as set forth in UDC 11-6B-7.
3. Any fencing constructed on the site shall be consistent with the standards as set forth in UDC 11-3A-6, 11-3A-7.
4. Comply with all bulk, use, and development standards of the applicable district listed in UDC Chapter 2 District regulations.
5. Install lighting consistent with the provisions as set forth in UDC 11-3A-

4. Construct all off-street parking areas consistent with the standards as set forth in UDC 11-3C-1.
5. Protect any existing trees on the subject property that are greater than four-inch caliper and/or mitigate for the loss of such trees as set forth in UDC 11-3B-10.

B. PUBLIC WORKS DEPARTMENT

Site Specific Conditions of Approval

1. Easements for combined water / sewer mains outside of right-of-way must be a minimum of 30-foot-wide with the minimum separation between mains; additional width may be required if minimum distance is not maintained.
2. No permanent structures can be placed within a City easement including but not limited to buildings, carports, overhangs / eaves, trees, bushes, light poles, infiltration trenches, trash enclosures, etc.

General Conditions of Approval

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

UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.

7. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
8. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
9. Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
10. A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
11. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
12. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
13. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
14. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
15. Developer shall coordinate mailbox locations with the Meridian Post Office.
16. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
17. The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
18. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.

19. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
20. A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
21. The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
22. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

C. MERIDIAN FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=250947&dbid=0&repo=MeridianCity>

D. ACHD

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=253599&dbid=0&repo=MeridianCity>

E. WEST ADA SCHOOL DISTRICT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=255718&dbid=0&repo=MeridianCity>

F. NMID

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=251526&dbid=0&repo=MeridianCity>

G. DEPARTMENT OF ENVIRONMENTAL QUALITY

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=251853&dbid=0&repo=MeridianCity>

IX. FINDINGS

Required Findings: Upon recommendation from the commission, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:

A. ZONING

1. The map amendment complies with the applicable provisions of the comprehensive plan;

This is a proposal for rezoning of 3.42 acres of subject property from CC to R-40 to allow townhouses. This complies with the applicable provisions of the comprehensive plan, particularly to provide a diversity in housing opportunities and to encourage infill development.

2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;

Staff finds the proposed map amendment to R-40 and the development generally complies with the purpose statement of the residential districts in that it will contribute to the range of housing opportunities available in the City consistent with the Comprehensive Plan.

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

Staff finds with the recommended conditions of approval the proposed R-40 map amendment should not be detrimental to the public health, safety and welfare as the property is on an arterial intersection, sufficient buffering and parking is provided, and the property is surrounded by single family attached, multifamily, and commercial uses.

4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and

Staff finds that the proposed zoning amendment will not result in any adverse impact upon the delivery of services by any political subdivision providing services to this site.

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

Staff finds the proposed rezoning is in the best interest of the City if the property is developed in accord with the provisions in Section VII.

B. PRELIMINARY PLAT

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings: (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

1. The plat is in conformance with the comprehensive plan and is consistent with this unified development code; (Ord. 08-1372, 7-8-2008, eff. 7-8-2008).

Staff finds the proposed plat is generally in conformance with the UDC if the Applicant complies with the conditions of approval in Section VII.

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

Staff finds public services can be made available to the subject property and will be adequate to accommodate the proposed development.

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

Staff finds the proposed plat is in substantial conformance with scheduled public improvements in accord with the City's CIP.

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

Staff finds there is public financial capability of supporting services for the proposed development.

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

Staff finds the proposed development will not be detrimental to the public health, safety or general welfare.

6. The development preserves significant natural, scenic or historic features. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

There is an existing floodplain and Five Mile Creek at the southwest portion of the property. These features are shown to be preserved in a common lot.

C. CONDITIONAL USE

The Commission and Council shall review the particular facts and circumstances of each proposed conditional use in terms of the following, and may approve a conditional use permit if they shall find evidence presented at the hearing(s) is adequate to establish:

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

Staff finds that if the site is designed in accord with the site plan and landscape plan shown in the exhibits and the conditions of approval, the site will be large enough to accommodate the proposed use and meet the dimensional and development regulations of the R-40 zoning district for townhouses.

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

As described in the staff report, the proposed multi-family residential use in the R-40 zone meets the objectives of the Comprehensive Plan and UDC.

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

This proposal would allow 33 townhouses on an arterial intersection, surrounded by multi-family detached and attached, commercial and multifamily uses. Sufficient buffering and landscaping has been provided, there is satisfactory parking, and the elevations reflect high quality design.

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

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

As mentioned above, staff finds the proposed townhouses will not adversely affect other property in the vicinity.

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

Essential public facilities and services are presently serving the existing development. Sanitary sewer, domestic water and irrigation can be made available to additional property. Please refer to comments prepared by the Public Works Department, Fire Department, Police Department and other agencies.

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

The applicant will pay to extend the sanitary sewer and water mains into the site. No additional capital facility costs are expected from the City. The applicant and/or future property owners will be required to pay impact fees.

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

Staff finds that the proposed development will not involve uses that will create nuisances that would be detrimental to the general welfare of the surrounding area. Staff recognizes there will be a small increase of traffic and noise with the approval of this development; whenever undeveloped property is developed the amount of traffic generation does increase

- 8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance.**

Staff finds that the proposed development will not result in the destruction, loss or damage of any natural feature(s) of major importance.

D. PRIVATE STREETS (UDC 11-3F-5):

In order to approve the application, the Director shall find the following:

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

No additional capital facility costs are expected from the City. The applicant and/or future property owners will be required to pay impact fees.

- 2. The design of the private street meets the requirements of this article;**

The private streets meet the design requirements of not connecting to an arterial street, allowing sufficient maneuvering for emergency vehicles, not serving more than 50 units and meeting the minimum width of 24 feet.

- 3. Granting approval of the private street would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity**

As these are private streets internally contained within this development connected to adjacent properties by public streets, there is adequate parking provided and Meridian Fire and Police have not expressed objections, the Director finds approval of the private street would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity.

- C. The use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan.**

As listed above in the Comprehensive Plan analysis, the Director finds the use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan.

- D. The proposed residential development (if applicable) is a mew or gated development.**

The majority of the townhouses are clustered around a mew with their entrances facing the open space. This would be considered a mew development.



AGENDA ITEM

ITEM TOPIC: Public Hearing for Oaks North Rezone (H-2022-0010) by Toll Southwest, LLC, Generally Located Northwest of 5151 N. Rustic Oak Way

A. Request: Rezone of 12.02 acres of land from the R-4 to the R-8 zoning district for the purpose of recouping five (5) building lots in a future final plat phase of the Oaks North Subdivision.



PUBLIC HEARING INFORMATION

Staff Contact: Joseph Dodson

Meeting Date: April 7, 2022

Topic: **Public Hearing** for Oaks North Rezone (H-2022-0010) by Toll Southwest, LLC,
Generally Located Northwest of 5151 N. Rustic Oak Way

- A. Request: Rezone of 12.02 acres of land from the R-4 to the R-8 zoning district for the purpose of recouping five (5) building lots in a future final plat phase of the Oaks North Subdivision.
-

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



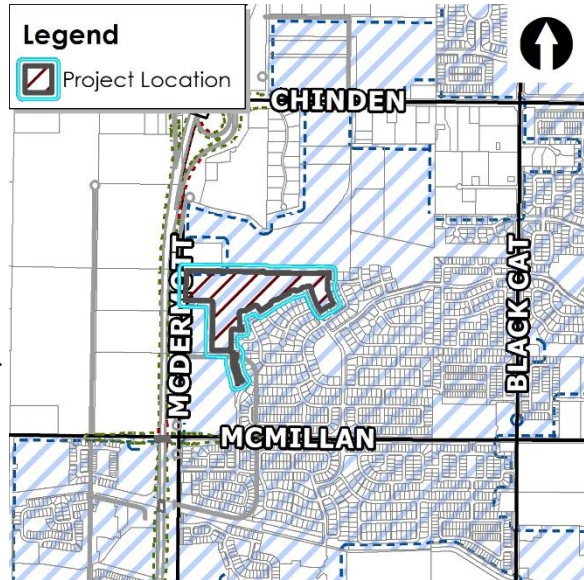
HEARING DATE: 4/7/2022

TO: Planning & Zoning Commission

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

SUBJECT: H-2022-0010
Oaks North Rezone

LOCATION: The site is generally located northwest of 5151 N. Rustic Oak Way, in the NW ¼ of the SW ¼ of Section 28, Township 4N., Range 1W.



I. PROJECT DESCRIPTION

Request for a Rezone of 12.02 acres of land from the R-4 to the R-8 zoning district for the purpose of recouping five (5) building lots in a future final plat phase of the Oaks North Subdivision, by Toll Southwest, LLC.

II. SUMMARY OF REPORT

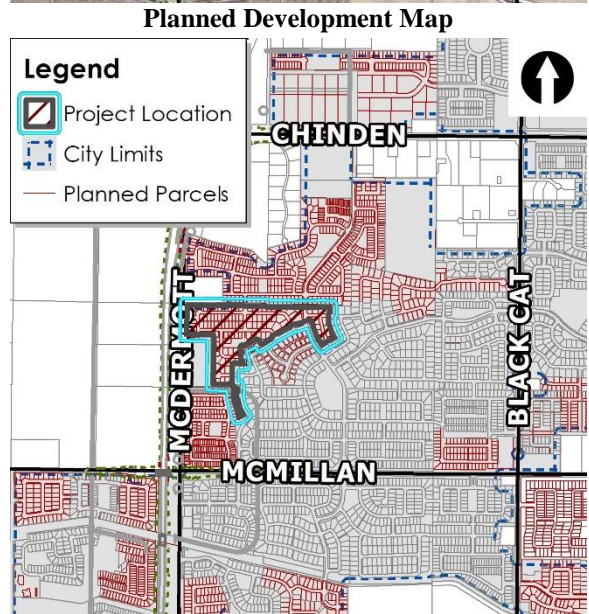
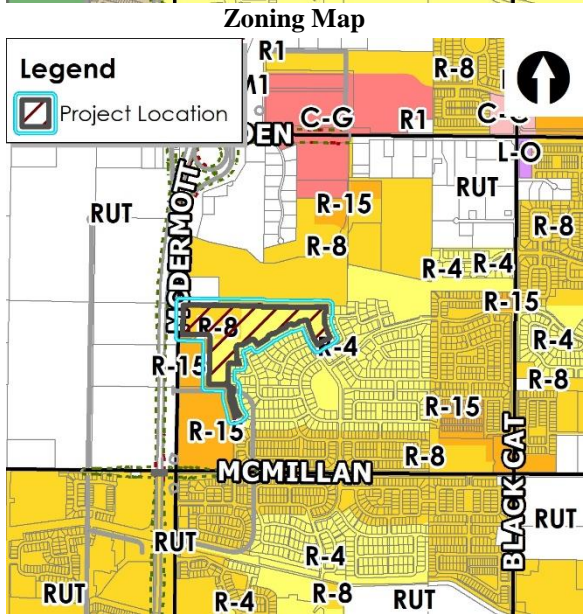
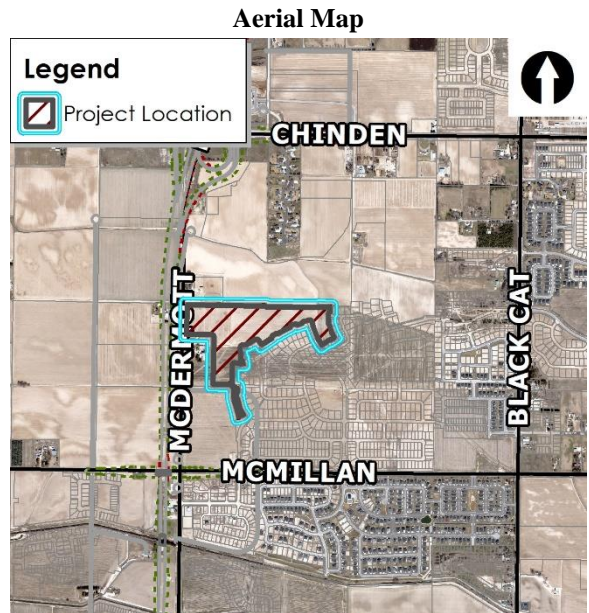
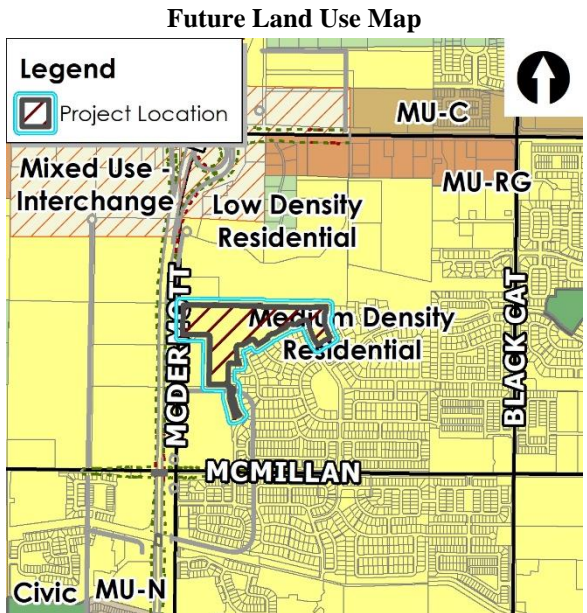
A. Project Summary

Description	Details	Page
Acreage	RZ – 12.02 acres; Current Property Size – 37.5 acres	
Future Land Use Designation	Medium Density Residential	
Existing Land Use(s)	Vacant	
Proposed Land Use(s)	Detached Single-family Residential	
Lots (# and type; bldg./common)	83 future residential building lots; unknown number of common lots	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	January 20, 2022 – number of attendees unknown	
History (previous approvals)	RZ-13-008; PP-13-013 (DA Inst. #114030972).	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> • Staff report (yes/no) • Requires ACHD Commission Action (yes/no) 	<p>No</p> <p>No</p>	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Access is proposed via local streets that are either planned or currently under construction. No changes to the previously approved road layout are proposed.	
Stub Street/Interconnectivity/Cross Access	There is no proposal to change the previously approved road layout, including stub streets. See attached concept plan in Exhibit VII.B.	
Existing Arterial Sidewalks / Buffers	Portion of required buffer along McDermott Road to the west (west boundary of Oaks North No. 10) is already approved – future final plat for this phase will be required to complete this buffer.	
Proposed Road Improvements	None required to any adjacent arterial or collector streets because of previous improvements and road dedications.	
Fire Service		
	No Comments	
Police Service		
<ul style="list-style-type: none"> • Concerns 	Area can be serviced per letter from Police Department (Exhibit VIII.!!)	

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Kristen McNeill, Givens Pursley, LLP – 601 W. Bannock Street, Boise, ID 83702

B. Owner:

Adam Capell, Toll Southwest, LLC – 3103 W. Sheryl Drive, Ste. 100, Meridian, ID 83642

C. Representative:

Jeff Bowers, Givens Pursley, LLP – 601 W. Bannock Street, Boise, ID 83702

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	3/22/2022	
Radius notification mailed to properties within 500 feet	3/21/2022	
Site Posting	3/28/2022	
Nextdoor posting	3/21/2022	

V. STAFF ANALYSIS

A. Rezone

The subject application is for a Rezone that contemplates approximately 12 acres of land, currently zoned R-4. The Applicant is requesting to rezone this area from the R-4 zoning district to the R-8 zoning district for the purpose of including five (5) additional building lots that were lost over the course of the previous 11 final plat phases of the Oaks North Subdivision. Staff has confirmed the addition of five (5) building lots within this phase will keep the project consistent with the approved preliminary plat from 2014. Because of this, there is no need for a new preliminary plat to be submitted—city code allows for later phases of a project to include lots lost with previous phases so long as the total number of lots approved with the preliminary plat is not increased. In short, the future phase 12 final plat is sufficient to memorialize the addition of lots within the Oaks North Subdivision. However, adding these additional lots within the existing R-4 zoning district is not possible as the minimum dimensional standards requirements could not be met. Therefore, the applicant has requested the rezone to the R-8 zoning district.

In addition, the applicant has stated within their narrative that the request to rezone 12 acres to the R-8 zoning district along a portion of the Oaks North northern boundary is also in better alignment with the existing R-8 zoning to the north (Prescott Ridge Subdivision) while providing for additional variation of lot sizes within this area of the Oaks North Subdivision. Staff supports the requested rezone for the purposes noted.

Outside of the Rezone application and the zoning implications, it is important to analyze other changes that would occur because of the rezone and increase in density of this phase. First, the Applicant is not proposing to change any of the previously approved road network. The proposed local streets and the stub streets along the north boundary are shown in the same locations as before. Secondly, the Applicant is proposing to increase the open space in this phase of the development to meet the latest open space requirements for the R-8 zoning district. According to their revised concept plan and narrative, the Applicant is showing over 180,000 square feet of common open space for phase 12 which accounts for approximately 15% of the gross area. This complies with the minimum open space requirements now required by UDC 11-3G-3. This helps maintain a livable neighborhood and assists in the project meeting current purpose statements outlined within the new open space regulations. However, some of the open space areas shown on the concept plan may be better suited in larger and condensed areas; Staff will work with the Applicant between the timing of this Rezone application and the future final plat submittal to make any necessary adjustments to the location of the open space as allowed under the subdivision ordinance. In general, the locations shown on the new concept plan do appear to comply with code.

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

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

Staff finds the proposed Rezone to the R-8 zoning district and anticipation of 83 additional lots is compliant with the future land use designation of MDR. Because the existing preliminary plat and Rezone request comply with the future land use designation, Staff does not have additional comprehensive plan analysis on the future land use of the subject area and this project.

The City may require a development agreement (DA) in conjunction with a rezone application pursuant to Idaho Code section 67-6511A. **Staff is not recommending a new DA or a modification to the existing DA because the subject property is still subject to the terms of the the existing recorded development agreement (DA Inst. #114030972).**

C. Existing Structures/Site Improvements:

Site improvements are currently in progress or planned per the existing final plat approvals and the future phase 12 final plat.

D. Proposed Use Analysis:

The proposed use of detached single-family residential is a principally permitted use within the requested R-8 zoning district, per UDC Table 11-2A-2. The proposed use is also consistent with the existing preliminary plat (PP-13-013).

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

The new concept plan for phase 12 of the Oaks North Subdivision does not show lot sizes. Staff will analyze the future final plat for compliance with the minimum dimensional standards of the requested R-8 zoning district, per UDC Table 11-2A-6.

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

The Applicant has submitted conceptual elevations for the future single-family homes. After analysis of these conceptual elevations, Staff finds these elevations to be consistent with the approved conceptual elevations in the DA (DA Inst. #114030972). Due to the number of conceptual elevations submitted, please refer to the public record to view these elevations.

VI. DECISION

A. Staff:

Staff recommends approval of the requested rezone 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.

C. City Council:

To be heard at future date.

VII. EXHIBITS

A. Rezone Legal Description and Exhibit Map

Legal Description
Proposed City of Meridian Rezone
The Oaks North Subdivision

A parcel located in the N ½ of the SW ¼ of Section 28, Township 4 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at a Brass Cap monument marking the southwest corner of said Section 28, from which an Aluminum Cap monument marking the southeast corner of the SW ¼ (S ¼ corner) of said Section bears S 89°16'58" E a distance of 2635.25 feet;

Thence N 1°00'42" E along the west boundary of the SW ¼ of Section 28 a distance of 2630.85 feet to an Aluminum Cap monument marking the northwest corner of the SW ¼ (W ¼ corner) of said Section 28;

Thence along the north boundary of said SW ¼ S 89°21'17" E a distance of 971.05 feet the **POINT OF BEGINNING**;

Thence continuing S 89°21'17" E along said north boundary a distance of 340.07 feet to the northwest corner of the NE ¼ of the SW ¼ of said Section 28;

Thence along the west boundary of said NE ¼ of the SW ¼ S 0°52'12" W a distance of 16.99 feet to a point;

Thence leaving said boundary S 89°14'34" E a distance of 596.07 feet to a point;

Thence S 0°45'26" W a distance of 146.93 feet to a point of curvature;

Thence a distance of 189.18 feet along the arc of a 600.00 foot radius curve left, said curve having a central angle of 18°03'57" and a long chord bearing S 8°16'32" E a distance of 188.40 feet to a point on the centerline of W. Burnt Sage Drive;

Thence along said centerline the following courses and distances:

Thence S 72°41'29" W a distance of 157.31 feet to point of curvature;

Thence a distance of 275.35 feet along the arc of a 1000.00 foot radius curve left, said curve having a central angle of 15°46'36" and a long chord bearing S 64°48'11" W a distance of 274.49 feet to a point of tangency;

Thence S 56°54'53" W a distance of 368.06 feet to a point;

Thence leaving said centerline N 33°05'07" W a distance of 144.00 feet to an angle point on the northerly boundary of the Oaks North Subdivision No. 8, as shown in Book 121 of Plats on Pages 18996 through 18999, records of Ada County, Idaho;

Thence along said subdivision boundary the following courses and distances:

Thence S 56°54'53" W a distance of 90.00 feet to a point;



Thence S 63°40'51" W a distance of 73.86 feet to a point;

Thence S 83°00'24" W a distance of 70.71 feet to the northeasterly corner of said The Oaks North Subdivision No. 8;

Thence leaving said boundary N 6°38'19" W a distance of 137.94 feet to a point;

Thence N 0°38'42" E a distance of 135.00 feet to a point;

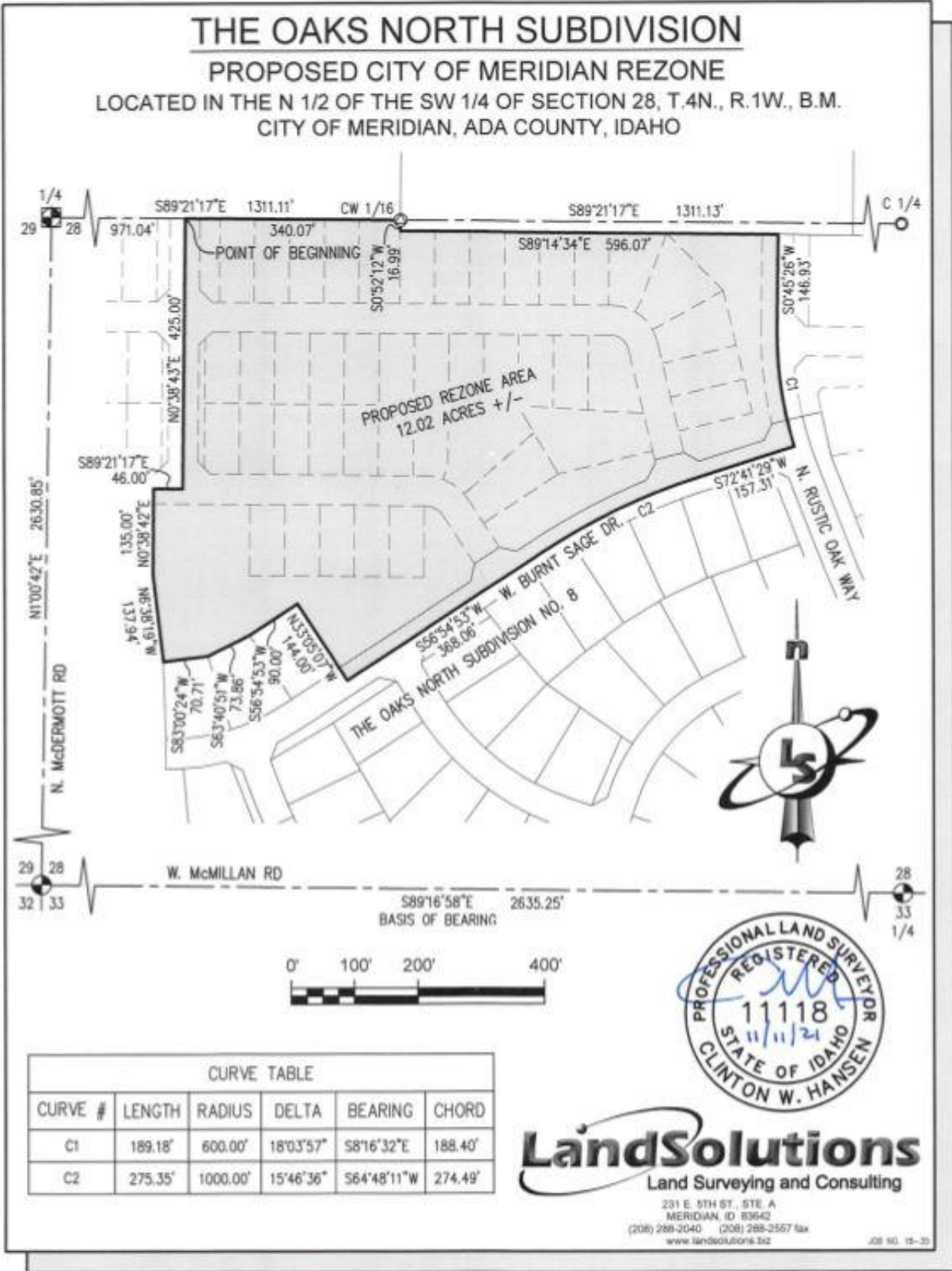
Thence S 89°21'17" E a distance of 46.00 feet to a point;

Thence N 0°38'43" E a distance of 425.00 feet to the **POINT OF BEGINNING.**

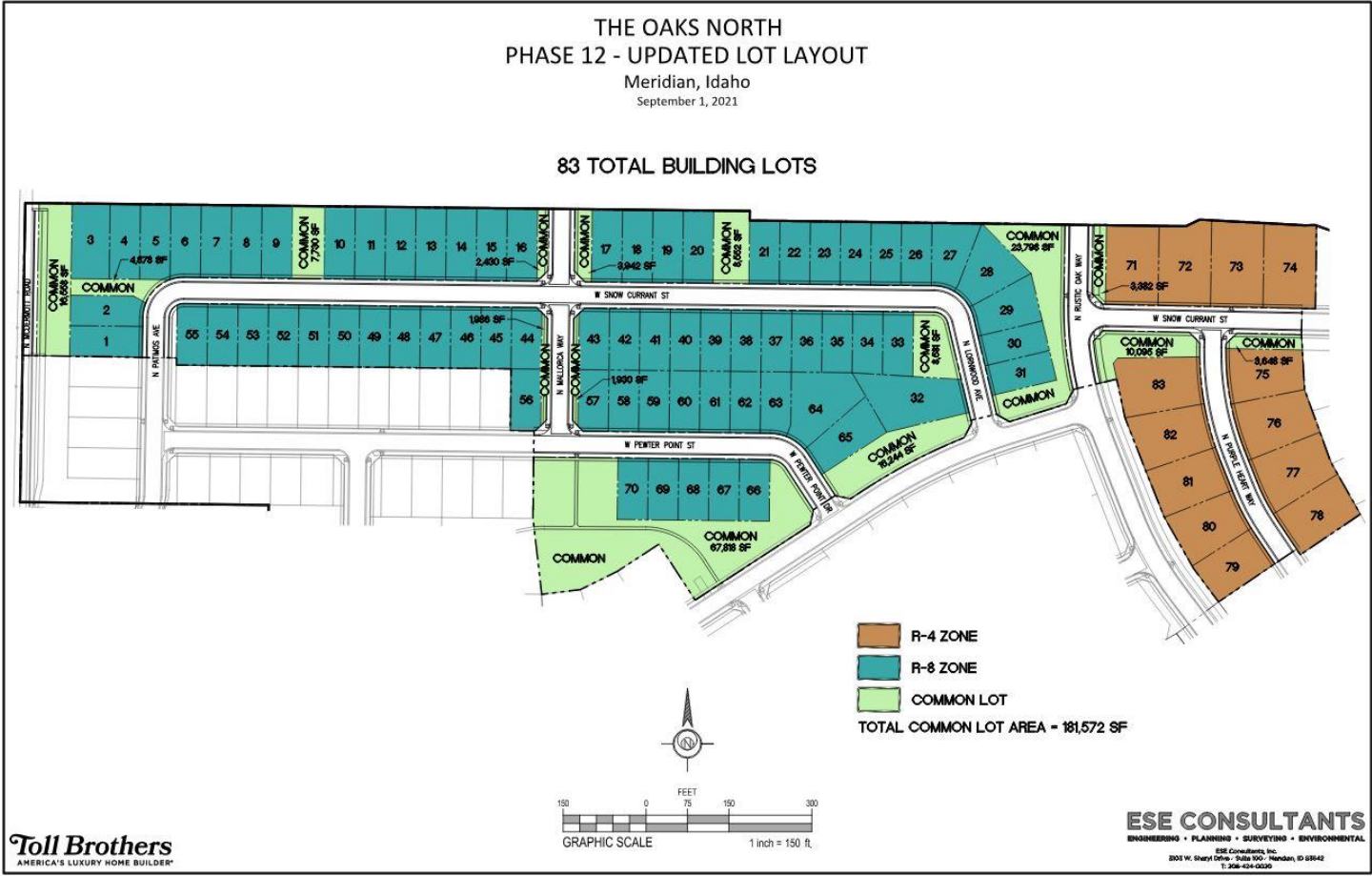
This parcel contains 12.02 acres more or less.

Clinton W. Hansen, PLS
Land Solutions, PC
November 11, 2021





B. New Concept Plan for applicable area (Illustrative Purposes Only)



VIII. CITY/AGENCY COMMENTS

A. PLANNING DIVISION

1. Comply with all previous conditions of approval associated with the site (RZ-13-008; PP-13-013 (DA Inst. #114030972).
2. With the final plat application associated with this phase, the Applicant should provide a minimum of 15% qualified common open space as proposed.
3. The final plat must comply with the dimensional standards for the R-8 zoning district as outlined in UDC Table 11-2A-6.

B. PUBLIC WORKS

General Comments

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

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

C. NAMPA MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=256297&dbid=0&repo=MeridianCity>

D. MERIDIAN POLICE DEPARTMENT (MPD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=255100&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 zoning map amendment to rezone the property with the R-8 zoning district and site design is consistent with the Comprehensive Plan and previous approvals.

2. The map amendment complies with the regulations outlined for the proposed districts, specifically the purpose statement;

Staff finds the proposed zoning map amendment and the requested development complies with the regulations outlined in the requested R-8 zoning district and is consistent with the purpose statement of the requested zone.

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

Staff finds the proposed zoning map amendment should not be detrimental to the public health, safety and welfare, especially if all conditions of approval are met.

4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and

Staff finds the proposed zoning map amendment will not result in an adverse impact on the delivery of services by any political subdivision providing public services within the City.

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

N/A. Property is already annexed into the City and subject to an existing development agreement.



AGENDA ITEM

ITEM TOPIC: Public Hearing Continued from March 3, 2022 for Pinedale Subdivision (H-2022-0001) by Pine Project, LLC, Located at 3275 W. Pine Avenue (Parcel #S1210417400)

A. Request: Annexation and Zoning of 1.22 acres of land with a request for the R-15 zoning district.

B. Request: A Preliminary Plat for 12 building lots and 2 common lots on 1.22 acres in the requested R-15 zoning district.



PUBLIC HEARING INFORMATION

Staff Contact: Joseph Dodson

Meeting Date: April 7, 2022

Topic: **Public Hearing** Continued from March 3, 2022 for Pinedale Subdivision (H-2022-0001) by Pine Project, LLC, Located at 3275 W. Pine Avenue (Parcel #S1210417400)

- A. Request: Annexation and Zoning of 1.22 acres of land with a request for the R-15 zoning district.
- B. Request: A Preliminary Plat for 12 building lots and 2 common lots on 1.22 acres in the requested R-15 zoning district.

Information Resources:

[Click Here for Application Materials](#)

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



City Council Members:

Treg Bernt
Joe Borton
Luke Cavener

Brad Hoaglun
Jessica Perreault
Liz Strader

MARCH 24, 2022

MEMORANDUM

TO: Planning and Zoning Commission

CC: Bruce Hessing, Pine Project LLC and
Antonio Conti, Ackerman-Estvlod.

FROM: Joseph Dodson, Associate Planner

RE: Pinedale Subdivision (H-2022-0001)

Dear Commissioners,

The Pinedale Subdivision AZ, PP application was continued to the April 7, 2022 Commission hearing from the March 3, 2022 hearing for the purpose of allowing the Applicant and Staff to work through some final details of the submitted plat.

Since the publication of the staff report and the March 3rd hearing, the Applicant has submitted a revised preliminary plat that contemplates nine (9) detached single-family building lots and a slight revision to the required cul-de-sac design—the cul-de-sac is now shown to terminate in a more linear terminus from the existing stub street instead of bending towards the south property boundary. The revision includes a reduction of one (1) building lot from what Staff analyzed within the staff report. Further, the revised plat now depicts the Tenmile Creek irrigation easement along the entire east boundary as Staff previously requested which further encumbers the buildable area of the property.

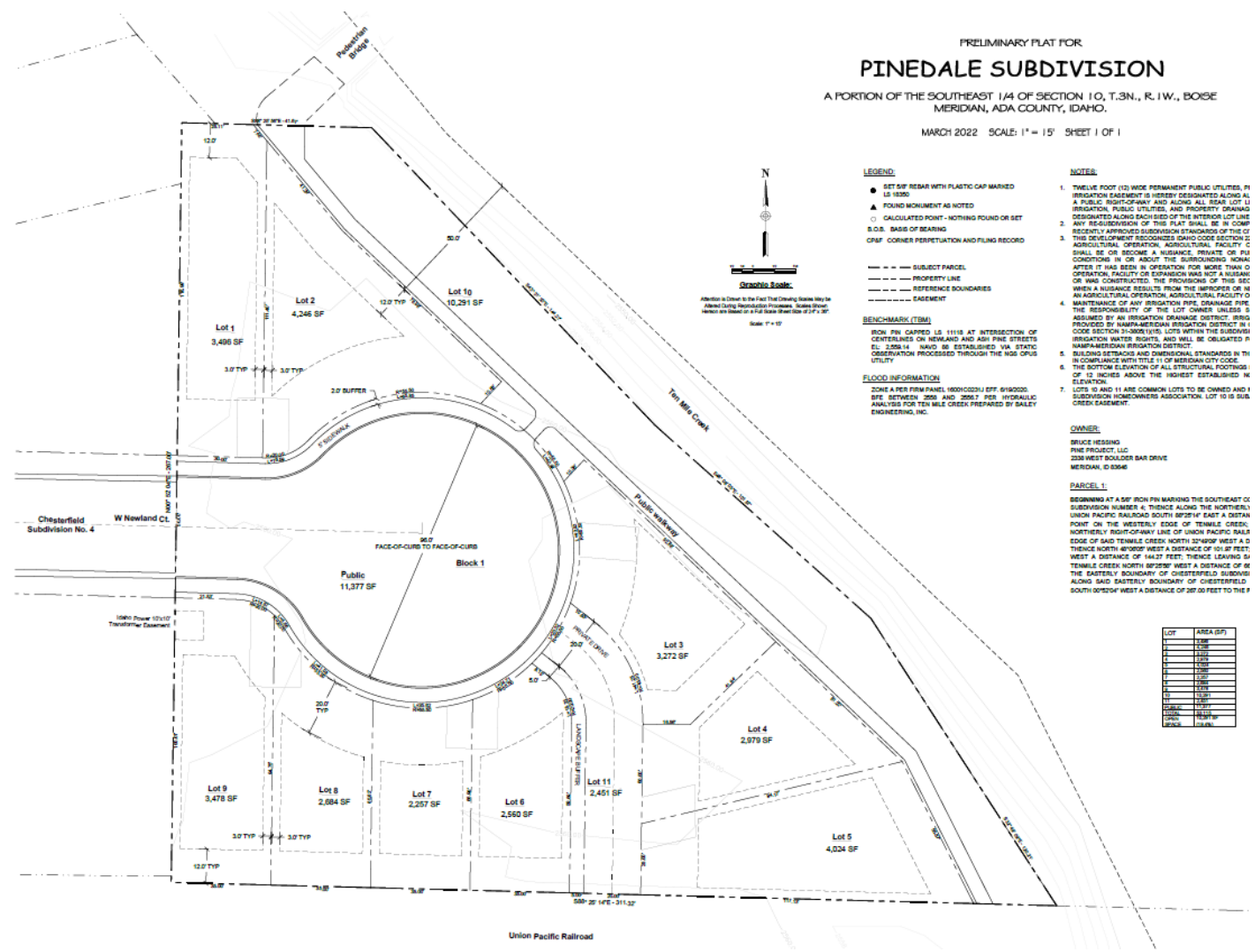
Staff is recommending changes to the conditions of approval noted within the staff report following the revisions made t. Below are Staff's recommended changes to those conditions:

- Strike Condition VIII.A.3a.
- Modify Condition VIII.A.3b – Lot 4 3 shall take access from the cul-de-sac and not from the common drive in accord with UDC 11-6C-3.
- Strike Condition VIII.A.3c.
- Add Condition VIII.A.3d – Show the required five (5) feet of landscaping along the west boundary of Lot 3 and show it to be part of the Lot 11 common lot to comply with UDC 11-6C-3.

- Strike Condition VIII.A.4b.
- Strike Condition VIII.A.4c.
- Add Condition VIII.A.4d – Prior to the City Council hearing, the Applicant should contact NMID to determine if any trees may be located along the western edge of the irrigation easement to allow for trees along the proposed pathway within Lot 10.

Attachments:

- Revised Preliminary Plat



PRELIMINARY PLAT FOR
PINEDALE SUBDIVISION
 A PORTION OF THE SOUTHEAST 1/4 OF SECTION 10, T.3N., R.1W., BOISE
 MERIDIAN, ADA COUNTY, IDAHO.
 MARCH 2022 SCALE: 1" = 15' SHEET 1 OF 1

LEGEND:

- SET 5/8" REBAR WITH PLASTIC CAP MARKED LS 1000
- ▲ FOUND MONUMENT AS NOTED
- CALCULATED POINT - NOTHING FOUND OR SET S.O.S. BASIS OF BEARING
- CRMP CORNER PERPETUATION AND FILING RECORD
- SUBJECT PARCEL
- - - PROPERTY LINE
- - - REFERENCE BOUNDARIES
- - - EASEMENT

BENCHMARK (TBM)
 IRON PIN CAPPED LS 11118 AT INTERSECTION OF CENTERLINES ON NEWLAND AND ASH PINE STREETS E.C. 2308.14. NAD83 ESTABLISHED VIA STATIC OBSERVATION PROCESSED THROUGH THE NGS OPUS UTILITY.

FLOOD INFORMATION
 ZONE A PER FIRM PANEL 160010031J EFF. 6/19/2020. SEE 2308.14. NAD83 ESTABLISHED VIA STATIC OBSERVATION PROCESSED THROUGH THE NGS OPUS UTILITY.

NOTES:

- TWELVE FOOT (12) WIDE PERMANENT PUBLIC UTILITIES, PI IRRIGATION EASEMENT IS HEREBY DESIGNATED ALONG A PUBLIC RIGHT-OF-WAY AND ALONG ALL REAR LOT 11 IRRIGATION, PUBLIC UTILITIES, AND PROPERTY DRAINS DESIGNATED ALONG EACH SIDE OF THE INTERIOR LOT LINE AND RESUBDIVISION OF THIS PLAT SHALL BE IN COMPLIANCE WITH THE DESIGN STANDARDS OF THE CITY OF BOISE, IDAHO.
- RECENTLY APPROVED SUBDIVISION STANDARDS OF THE CITY OF BOISE, IDAHO, SHALL BE IN COMPLIANCE WITH THE DESIGN STANDARDS OF THE CITY OF BOISE, IDAHO, FOR ALL DEVELOPMENT, AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR OTHER USES.
- THIS DEVELOPMENT RECOGNIZES SHADE CODE SECTION 2 AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR OTHER USES. THE SUBDIVISION SHALL BE IN COMPLIANCE WITH THE DESIGN STANDARDS OF THE CITY OF BOISE, IDAHO, FOR ALL DEVELOPMENT, AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR OTHER USES.
- IF A NUISANCE RESULTS FROM THE IMPROPER OR ABUSE OF AN AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR OTHER USES, THE RESPONSIBILITY OF THE LOT OWNER UNLESS SHOWN OTHERWISE BY AN IRRIGATION DRAINAGE DISTRICT, SHALL BE THE RESPONSIBILITY OF THE LOT OWNER UNLESS SHOWN OTHERWISE BY AN IRRIGATION DRAINAGE DISTRICT, SHALL BE THE RESPONSIBILITY OF THE LOT OWNER UNLESS SHOWN OTHERWISE BY AN IRRIGATION DRAINAGE DISTRICT, SHALL BE THE RESPONSIBILITY OF THE LOT OWNER UNLESS SHOWN OTHERWISE BY AN IRRIGATION DRAINAGE DISTRICT.
- THE BOTTOM ELEVATION OF ALL STRUCTURAL FOOTINGS OF 12 INCHES ABOVE THE HIGHEST ESTABLISHED IN ELEVATION.
- LOTS 9 AND 11 ARE COMMON LOTS TO BE OWNED AND I SUBDIVISION HOMEOWNERS ASSOCIATION. LOT 10 IS IRRIGATION EASEMENT.

OWNER:
 BRUCE HESSING
 PINE PROJECT LLC
 2338 WEST BOLDER BAR DRIVE
 MERIDIAN, ID 83846

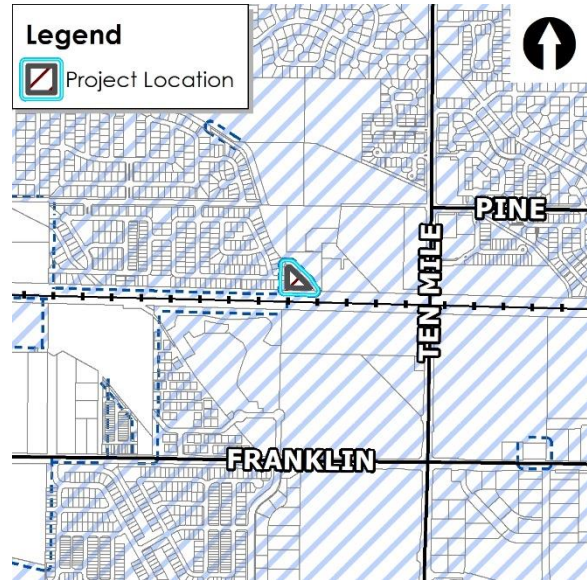
PARCEL 1:
 BEGINNING AT A 5/8" IRON PIN MARKING THE SOUTHEAST CORNER OF SECTION NUMBER 10, THENCE ALONG THE NORTHERLY UNION PACIFIC RAILROAD SOUTH 82°52'14" EAST A DISTANCE POINT ON THE WESTERLY EDGE OF TEN MILE CREEK, NORTHWEST CORNER OF SECTION 10, THENCE NORTH 32°49'00" WEST A DISTANCE OF 10.37 FEET, THENCE NORTH 82°52'14" WEST A DISTANCE OF 144.37 FEET, THENCE LEAVING SAID TEN MILE CREEK NORTH 82°52'14" WEST A DISTANCE OF 56 FEET, THENCE NORTH 82°52'14" WEST A DISTANCE OF 10.37 FEET, THENCE ALONG SAID EASTERLY BOUNDARY OF CHESTERFIELD SUBDIVISION SOUTH 82°52'14" WEST A DISTANCE OF 287.50 FEET TO THE

STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 3/3/2022
 TO: Planning & Zoning Commission
 FROM: Joe Dodson, Associate Planner
 208-884-5533
 SUBJECT: H-2022-0001
 Pinedale Subdivision

LOCATION: The site is located at 3275 W. Pine Avenue (Parcel #S1210417400), at the east terminus of W. Newland Street in the Chesterfield Subdivision, in the NW 1/4 of the SE 1/4 of Section 10, Township 3N, Range 1W.



I. PROJECT DESCRIPTION

Annexation and Zoning of 1.22 acres of land with a request for the R-15 zoning district and a Preliminary Plat for 12 building lots and 2 common lots on 1.22 acres in the requested R-15 zoning district, by Pine Project, LLC.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	1.22 acres	
Future Land Use Designation	Mixed-Use Community (6-15 du/ac)	
Existing Land Use(s)	County Residential	
Proposed Land Use(s)	Detached Single-family Residential	
Lots (# and type; bldg./common)	12 total lots – 10 residential building lots; 2 common lots	
Phasing Plan (# of phases)	1 phase	
Number of Residential Units	10 single-family units	
Density	Gross – 9.83; Net – 12.1	
Open Space (acres, total [%]/buffer/qualified)	Approximately 8,000 square feet of open space (approximately 15%)	
Amenity	Seating area; micro-path connection to future multi-use pathway at north end of property	
Neighborhood meeting date; # of attendees:	November 5, 2021 – 1 attendee	

Description	Details	Page
History (previous approvals)	No application history with the City	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> Staff report (yes/no) 	Yes	
<ul style="list-style-type: none"> Requires ACHD Commission Action (yes/no) 	No	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Access is proposed via extension of the existing stub street, Newland Street; it is proposed to be extended into the site as a cul-de-sac.	
Stub Street/Interconnectivity/Cross Access	No opportunity for further public street extension; Newland Street will terminate within the site.	
Existing Road Network	No	
Proposed Road Improvements	The Applicant is only required to extend Newland Street into the site. No other road improvements are proposed or required.	
Fire Service		
<ul style="list-style-type: none"> Distance to Fire Station 	2.8 miles from Fire Station #2.	
<ul style="list-style-type: none"> Fire Response Time 	The project currently lies <i>outside</i> of the Meridian Fire response time goal of 5 minutes. Once Pine Avenue is constructed over the Tenmile Creek, the project will lie <i>within</i> the response time goal window.	
<ul style="list-style-type: none"> Resource Reliability 	Fire Station #2 reliability is 85% (above the goal of 80%)	
<ul style="list-style-type: none"> Risk Identification 	Risk Factor 2 – Residential with hazards (Tenmile Creek along east boundary)	
<ul style="list-style-type: none"> Accessibility 	Proposed project meets all required road widths, and turnaround dimensions. Cul-de-sac is required to be signed “No Parking,” per Fire Department regulations.	
Police Service		
	No report – see online record for any comments from MPD.	
Wastewater		
<ul style="list-style-type: none"> Distance to Sewer Services 	0'	
<ul style="list-style-type: none"> Project Consistent with WW Master Plan/Facility Plan 	Yes	
<ul style="list-style-type: none"> WRRF Declining Balance 	14.26	
<ul style="list-style-type: none"> Impacts/Concerns 	<ul style="list-style-type: none"> Flow is committed See Public Works Site Specific Conditions 	

Description	Details	Page
	<ul style="list-style-type: none">• Additional 510 gpd flow was committed to model	
Water		
<ul style="list-style-type: none">• Distance to Services	0'	
<ul style="list-style-type: none">• Pressure Zone	2	
<ul style="list-style-type: none">• Project Consistent with Water Master Plan	Yes	
<ul style="list-style-type: none">• Water Quality Concerns	None	
<ul style="list-style-type: none">• Impacts/Concerns	See site specific conditions in Section VIII.B	

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	2/15/2022	
Radius notification mailed to properties within 500 feet	2/14/2022	
Site Posting	2/21/2022	
Nextdoor posting	2/15/2022	

V. STAFF ANALYSIS

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

Mixed-Use Community (MU-C) – The purpose of this designation is to allocate areas where community-serving uses and dwellings are seamlessly integrated into the urban fabric (residential dwellings are allowed at a gross density of 6-15 du/ac). 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 subject 1.2 acres is designated as mixed-use community but is part of a larger, 30-acre mixed-use designated area to the east that is west of Ten Mile and south of the future Pine Avenue extension (more MU-C acreage exists on the east side of Ten Mile as well). However, this site is physically separated from this MU-C area by the Tenmile Creek that abuts the east boundary of the subject site with only a future pedestrian connection available for any connectivity between this site and the MU-C parcels to the east. Because of the physical separation and the lack of connectivity to the east, Staff believes this project and site is more consistent with the existing subdivision to the west, Chesterfield Subdivision, than it is with any mixed-use project to the east (Foxcroft or Mile High Pines). Chesterfield and all of the residential to the west and northwest of this site is in the Medium Density Residential (MDR) future land use designation and contemplates residential development in the density range of 3-8 du/ac such as the proposed Pinedale Subdivision. Because of these facts, Staff finds it appropriate to analyze the subject project against the MDR designation instead of the MU-C designation by floating that designation to this site, as allowed per the Comprehensive Plan.

Since the original project description was published, the Applicant and Staff have worked together to revise the plat and remove two (2) lots so the total building lots proposed with this plat is now ten (10). Ten lots on 1.22 acres of land has a gross density of 8.19 du/ac, at the maximum allowed within the MDR designation. Therefore, the Applicant is proposing a project consistent with both the MU-C and the adjacent MDR future land use designations. Due to the site being at the end of an existing stub street, the only vehicular connection is via extension of the stub street (Newland Street) into the property which is required to terminate within the site as a full cul-de-sac, requiring a large portion of the site to be reserved for right-of-way and reduces the buildable area of the project. Because the buildable area is greatly reduced by the required cul-de-sac, the Applicant is proposing lot sizes smaller than those within Chesterfield to the west which requires the R-15 zoning district; the adjacent Chesterfield homes are within the R-8 zoning district.

Original discussions with the Applicant contemplated 15 building lots on the subject site but the Applicant submitted the preliminary plat with 12 lots after Staff voiced concerns over the proposed density, lot sizes, and overall livability of the project. Other discussions occurred following submittal of the subject applications and the Applicant reduced the number of building lots to 10. This allows the project to comply with the MDR designation by rounding 8.19 du/ac down to the allowed 8 du/ac. However, due to the requested zoning and proposed density not matching Chesterfield to the west, Commission and Council should determine if a further reduction in density is necessary. If the Commission or Council desires less density, Staff would recommend Lot 1 be removed in lieu of additional usable open space along the west boundary and to allow the lots to shift west around the cul-de-sac and remove a driveway connection to the cul-de-sac, reducing the amount of concrete and asphalt at the end of this street.

An additional recommendation made by Staff that the Applicant has shown on the latest preliminary plat is to include some shared driveways in the project. Staff did not recommend multiple common drives as one is already proposed. Instead, Staff is recommending as many lots as possible utilize shared driveways on their shared property line to further eliminate driveway connections to the cul-de-sac. This recommendation would likely require at least some of the homes to have a side-loaded garage instead of a front loaded garage; Staff notes for the benefit of the Applicant that if a parking pad is required to meet minimum off-street parking standards, a minimum 20-foot by 20-foot parking pad may be required and would need to be measured in front of the garage even if it is side-loaded. The Applicant should ensure their desired home design is viable with this recommendation. Specific setback analysis would be analyzed with future building permit applications.

Furthermore, the subject site is surrounded by existing City zoning in all directions with existing development to the south, west, and northwest and entitlements on the land to the east and northeast. Therefore, Staff believes annexing this land into the City to remove this small county enclave is in the best interest of the City so long as the Applicant adheres to Staff's recommended DA provisions and conditions of approval.

Staff finds the proposed project to be generally consistent with the Comprehensive Plan, as discussed above. Specific Comprehensive Plan policies are discussed and analyzed below.

The City may require a development agreement (DA) in conjunction with an annexation and rezone pursuant to Idaho Code section 67-6511A. *In order to ensure the site develops as proposed with this application, Staff recommends a new DA that encompasses the land proposed to be rezoned and annexed with the provisions included in Section VIII.A1. The DA is required to be signed by the property owner(s)/developer and returned to the City within 6 months of the Council granting the rezone and annexation approval. A final plat will not be accepted until the new DA is executed and the AZ ordinance is approved by City Council.*

NOTE: Upon application submittal and initial review, there was miscommunication between Staff and the Applicant and the Applicant was required to revise the Annexation boundary to include area that is already annexed into the City (within the railroad right-of-way). There is no need to rezone this area in conjunction with this annexation so Staff is recommending the Applicant submit a revised Annexation and Zoning legal description and exhibit map that encompasses only the area not currently annexed and matches the plat boundary.

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

The applicable Comprehensive Plan policies are cited below with Staff analysis in italics. Staff is not analyzing the project against any mixed-use policies but is instead analyzing the project against general policies as the project is being reviewed with the MDR designation.

“Avoid the concentration of any one housing type or lot size in any geographical area; provide for diverse housing types throughout the City” (2.01.01G). *The proposed project offers a density most consistent with the projects to the east, however the submitted plat does not match the lot size and density of the Chesterfield Subdivision adjacent to the west. The subject site is encumbered by the requirement to construct a cul-de-sac entirely on this relatively small site so matching the lot sizes and the same look of Chesterfield would be difficult to attain. The impediments on this site allow the Applicant to propose a smaller building lot which subsequently allows a smaller home to be constructed than what exists in the surrounding area; this should add to the housing diversity in this area.*

“Establish and maintain levels of service for public facilities and services, including water, sewer, police, transportation, schools, fire, and parks” (3.02.01G). *All public utilities are available for this project site due to the existing stub street on its west boundary. Road improvements currently under construction (i.e. Pine bridge over the Tenmile Creek) will place this project within the Fire Department response time goal and Fire has approved the accesses for the proposed plat. West Ada School District has not sent a letter regarding this application but with a relative low number of homes a large number of school aged children is not anticipated to be generated by this development. Furthermore, Chaparral Elementary is within walking distance of this development should any elementary aged children live within this site.*

Staff finds that the existing and planned development of the immediate area create appropriate conditions for levels of service to and for this proposed project.

“Preserve, protect, and provide open space for recreation, conservation, and aesthetics” (4.05.01F). *Because the property is less than 5 acres, the Applicant is not required to provide any qualified common open space. However, the Applicant is showing a connection to a future multi-use pathway at the north boundary and has chosen to include an open space plaza area near this connection point for future residents to enjoy. This area is tucked away behind the building lots so all adjacent fencing will need to be open vision or semi-private fencing. Staff anticipates this area being utilized as a quiet oasis due to its location. Staff is not aware if this site and future building lots will be part of the Chesterfield HOA for residents to access the amenities and open space within that project. However, Fuller Park is approximately ½ mile to the north of the subject property which offers acres of open space and amenities within walking distance.*

“Require pedestrian access in all new development to link subdivisions together and promote neighborhood connectivity.” (2.02.01D). *Proposed project is extending the attached sidewalks along Newland Street and is proposing a micro-path connection to the north boundary to connect to a multi-use pathway segment from the Foxcroft Subdivision on the east side of the Tenmile Creek. Furthermore, the Applicant is preserving a potential connection point to the railroad corridor should the City ever decide to construct a regional pathway south of the site. All of these pedestrian facilities allow this small site as well as the existing development to the west to have multiple links together and promotes neighborhood connectivity.*

“Ensure that new development within existing residential neighborhoods is cohesive and complementary in design and construction.” (2.02.02F). *As discussed, the Applicant is proposing lot sizes smaller than the adjacent Chesterfield Subdivision to the west largely because of the requirement to terminate Newland Street within the site as cul-de-sac. The proposed lots directly abutting the existing homes do not match in lot size but they are abutting 1:1 in terms of lot to lot so the existing residents should not feel as though there is slightly higher density directly to their east. Furthermore, because the property is at the end of an existing street and it will terminate on the subject site, Staff anticipates the project will feel cohesive in its livability despite not matching lot sizes and density of Chesterfield. Should Commission determine a further reduction in lot count is necessary, Staff recommends one of the lots taking access from the cul-de-sac be*

removed in lieu of additional usable open space and help remove the number of driveway connections to the cul-de-sac.

“Require new development to establish street connections to existing local roads and collectors as well as to underdeveloped adjacent properties.” (6.01.02C). *The Applicant is required to and is proposing to extend Newland Street into the site by constructing a cul-de-sac wholly on this property, terminating Newland Street. This is the only access point into the site and connects this project directly to the abutting Chesterfield Subdivision that has access up to Pine Avenue, a residential collector street that will be extended from west to east over the Tenmile Creek to Ten Mile Road.*

Staff finds this development to be generally consistent with the Comprehensive Plan.

C. Existing Structures/Site Improvements:

According to GIS imagery, there appears to be an existing residential structure and an out-building on the subject site. Any and all structures and debris are proposed to be removed upon development of this project. Furthermore, the existing access for this site is via vehicular bridge over the Tenmile Creek at the very north property boundary that connects to a private drive that is essentially Pine Avenue. This access will be closed upon development and the vehicular bridge should provide access for a regional pathway Foxcroft subdivision is constructing to the east.

D. Proposed Use Analysis:

The proposed use is detached single-family residential with an average lot size of 3,363 square feet and a minimum lot size of 3,099 square feet, based on the latest submitted plat (Exhibit VII.B). This use is a permitted use in the requested R-15 zoning district per UDC Table 11-2A-2 and all lots meet the minimum lot size requirement of 2,000 square feet. The Applicant has not noted if this is a phased project, however Staff anticipates it to develop as one phase due to the size of the proposed project.

As discussed in the Comprehensive Plan analysis, the proposed use is the same as the existing detached single-family to the west in Chesterfield Subdivision but is proposed with smaller lots and subsequently smaller homes. According to the Applicant, the goal is to construct smaller homes at a lower price point to add more affordable options to the area and market.

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

The residential lots appear to meet all UDC dimensional standards per the submitted plat. In addition, all subdivision developments are also required to comply with Subdivision Design and Improvement Standards (UDC 11-6C-3). *The proposed preliminary plat and submitted plans appear to meet all UDC requirements except for the number of lots taking access from a common drive. Per UDC 11-6C-3D, no more than three (3) lots can take access from the same side of a common drive and the proposed plat depicts four (4) lots taking access (Lots 4-7) from the common drive because of Staff’s recommendation to have shared driveways where possible. The Applicant will be required to show Lot 4 taking access from the cul-de-sac instead of showing it shared with Lot 5 and on the common drive.*

The common drive is shown as 20 feet wide and is less than 150 feet in length meeting Fire turnaround and UDC requirements. Furthermore, the Applicant is showing a 6-foot wide sidewalk attached to the common drive from the proposed attached sidewalk around the cul-de-sac to the southern boundary to assist the Parks Department in reserving a pedestrian facility through the site in the event the City constructs a regional pathway system within the railroad corridor to the south of the property. This 6-foot area appears to be shown as a sidewalk on the latest plat but is shown as landscaping on the landscape plan (this landscape plan does not match

the latest plat). The Applicant should clarify what the intended purpose of this area is in order to comply with UDC 11-6C-3D.5 as well as the Parks Department condition of approval. The landscape plans should be revised to comport to the revised preliminary plat prior to the City Council hearing.

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

The Applicant submitted conceptual building elevations for the proposed detached single-family homes. Note that detached single-family homes do not require Design Review approval therefore Staff does not review these for compliance with any architectural standards.

However, the submitted elevations depict a number of different architectural and design styles with all of the elevations depicting two-story homes with two-car garages. The elevations depict varying field materials of lap siding, brick, fiber cement board and stucco with differing accent materials, roof profiles, and overall varying home styles. Staff finds the conceptual elevations should be adhered to closely in order to offer an array of potential home designs for this small subdivision.

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

Access is proposed via extension of W. Newland Street (an existing residential local street) into the site and is proposed to terminate within the site as a full cul-de-sac. ACHD has approved the proposed access with the additional condition that the radius be widened to 50 feet instead of 49 feet as currently shown. Further, according to the latest plat, four (4) lots are shown to take access from a 20-foot wide common drive in the southeast corner of the site. As discussed above, the Applicant will be required to revise the plat to show Lot 4 taking access from the cul-de-sac instead of the common drive to comply with code unless Alternative Compliance is requested and approved.

The existing access across Tenmile Creek and up to the private segment of Pine Avenue will be closed upon development of the site.

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 dwellings based on the number of bedrooms per unit. Staff will confirm compliance with these standards at the time of building permit submittal for each residence. In addition, it is important to note that no parking is allowed along the perimeter of the proposed cul-de-sac nor on the proposed common drive. So, there is no opportunity for any on-street parking within this subdivision because it includes a cul-de-sac as its public access.

One of the reasons behind Staff's recommendation to reduce the number of lots proposed in this development is based in the lack of available on-street parking within the site due to the only public street access being a cul-de-sac. In response, the Applicant removed two lots, as previously noted. An additional solution to this potential issue would be to require the Applicant to provide an area of off-street parking in lieu of one of the building lots for guest parking. Staff is not specifically recommending this but is calling this out as an option should Commission or Council find it necessary. However, should this be a requirement, additional lot shifting will likely be needed to accommodate for 19-foot deep parking stalls and a 25-foot wide two-way drive aisle for access.

Staff also recommends the inclusion of shared driveways in order to promote side-loaded garages and further help with the potential off-street parking issue. This type of design can force longer driveways that go deeper into each site which allows for more off-street parking. This design also creates an opportunity for the living area of each home to be moved closer to the street as the

living setback is 10 feet while the garage setback is 20 feet; this allows for more buildable area than is shown on the submitted plat (i.e. specifically for Lots 3, 4, and 9). Staff is recommending a specific DA provision to require a number of shared driveways and to help mitigate this potential issue. However, Staff notes the building lots may not be wide enough to accommodate the required parking pad for side-loaded garages. The Applicant should work to mitigate these issues and revise the plat accordingly.

I. Sidewalks/Pathways (UDC 11-3A-17; UDC 11-3A-8):

A 5-foot wide attached sidewalk is proposed along the Newland Street cul-de-sac, consistent with UDC and ACHD requirements. In addition, the Applicant is proposing a 5-foot wide micro-path on the north side of the cul-de-sac for the purpose of providing a connection to the future multi-use pathway approved with Foxcroft Subdivision on the east side of the adjacent Tenmile Creek. The proposed sidewalks meet UDC 11-3A-17 and ACHD standards. The micro-path lot does not meet UDC 11-3A-8 standards—this lot is shown as ten (10) feet wide but code requires a minimum of a 15-foot wide common lot for increased visibility and to allow 5-feet of landscaping on both sides of the micro-path. The Applicant should revise the plat to show compliance with this standard and show the required number of trees adjacent to the path in accord with UDC 11-3B-12.

J. Landscaping (UDC 11-3B):

The required landscaping regulated by code within the proposed development is the common open space and micro-path areas around the north and eastern perimeters. The submitted landscape plans shows landscaping in these areas as proposed but does not match the latest plat. The Applicant should update the landscape plan prior to the City Council hearing.

The Applicant is proposing the micro-path lot as 10-foot wide instead of the required 15-foot minimum but is currently shown with two trees abutting the path, exceeding code due to its length being approximately 100 feet (trees are required at the ratio of 1/100 linear feet, per UDC 11-3B-12). Furthermore, this micro-path lot opens up to a common open space area shown with a seating area, grass, and a few trees for shade. This landscaping shows compliance with code requirements for the number of trees and other vegetative ground cover for common open space.

The Applicant may be required to modify the plat and landscape plan to accommodate the required Tenmile Creek easement and satisfy UDC 11-3A-6 to include the irrigation easement within a minimum 20-foot wide common lot. This common lot would be required to be vegetated per UDC standards as well as meet the irrigation districts standards but the creek itself may be left natural because it is listed as a natural waterway within the UDC.

K. Qualified Open Space and Amenities (UDC 11-3G):

The proposed preliminary plat area is approximately 1.22 acres in size in size which does not require a minimum amount of open space nor an amenity, per UDC 11-3G-3. The Applicant is proposing a common open space area that is approximately 2,500 square feet in size to include a seating area and a micro-path connection to the north boundary for future connectivity to a regional pathway segment.

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

All fencing is required to comply with the standards listed in UDC 11-3A-7 and 11-3A-6. Fencing is proposed as shown on the landscape plan and does not meet UDC standards.

6-foot tall wood fencing is proposed through the site despite being adjacent to common open space areas that are tucked away and adjacent to an open waterway, the Tenmile Creek. With the final plat submittal, the Applicant should revise the landscape plan to show open-vision fencing

or semi-private open vision fencing along the rear property lines of Lots 1-7 and the side property lines abutting the micro-path lot for Lots 1 & 2. In addition, the Applicant should clarify if any fencing is proposed along the Tenmile Creek and coordinate with Nampa Meridian Irrigation District on where they would like any fencing located within their easement.

Furthermore, the landscape plan appears to show solid fencing along the east property line of Lot 8, abutting the proposed common drive. According to UDC 11-6C-3D.5, if solid fencing is proposed abutting a common drive, at least 5-feet of landscaping is required between the common drive and the buildable lot. The latest preliminary plat does not appear to comply with this but the landscape plan does show landscaping. So, the Applicant should clarify which plan is accurate AND revise the landscape plan to show the proposed fencing type. According to the document provided by the Parks Department, the required pedestrian easement for a future connection from the south boundary to the north boundary of the subject site can overlap the common drive and essentially utilize the common drive as the pathway. This would allow for the required 5 feet of landscaping on the west side of the common drive adjacent to Lot 8 to allow for solid fencing.

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

The subject site directly abuts the Tenmile Creek along its entire eastern boundary. According to Nampa Meridian Irrigation District (NMID), the easement width for this facility is 50 feet on either side of the centerline of the “drain.” The submitted plat doesn’t appear to depict the required 50-foot easement. Staff is concerned that this may severely limit the viability of the buildable lots along the creek (Lots 2-7, Block 1). Furthermore, UDC 11-3A-6 requires a minimum 20-foot wide common lot if more than 10 feet of an irrigation easement encumbers the buildable lots. Under this code section the applicant can ask that the easement be placed on the buildable lot rather than in a common lot. However, the width of the easement may impact buildable area of the lots if the irrigation district will not allow any structures to encroach in the easement. Prior to the Commission hearing, the applicant should graphically depict the easement on the plat and contact NMID to determine if any encroachment would be allowed in the easement. If encroachments are allowed, staff recommends the applicant provide an exhibit that demonstrates how homes on these lots would comply with NMID requirements.

VI. DECISION

A. Staff:

Staff recommends approval of the requested annexation and preliminary plat applications with the requirement of a Development Agreement if the recommended revisions in Section VII of this report are adhered to per the Findings in Section IX of this staff report.

B. Commission:

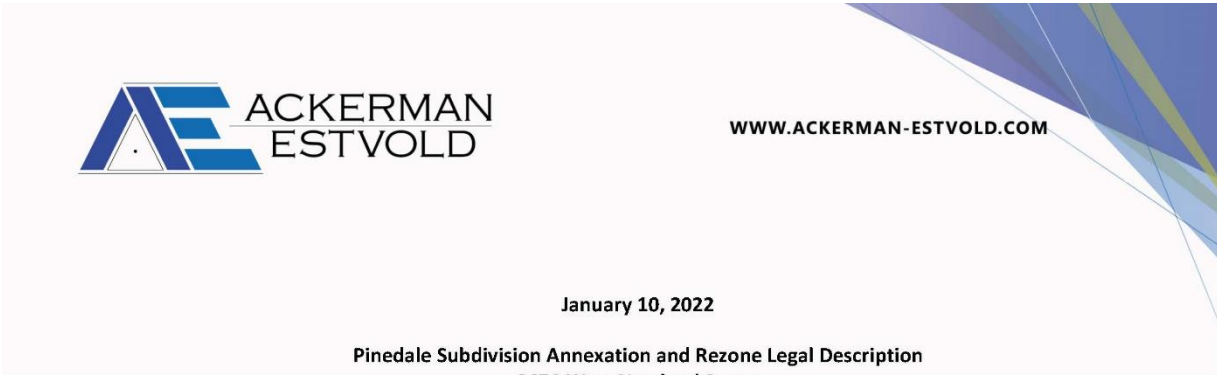
Enter Summary of Commission Decision.

C. City Council:

To be heard at future date.

VII. EXHIBITS

A. Annexation and Zoning Legal Description and Exhibit Map (NOT APPROVED)



A parcel of land being a portion of the SE ¼ of Section 10, T. 3N, R.1W, Boise-Meridian, Ada Couty, Idaho, more particularly described as follows:

BEGINNING at a 5/8" iron pin marking the southeast corner of Chesterfield Subdivision Number 4; thence along a line perpendicular to the Union Pacific Railroad centerline South 01°34'46" West a distance of 100.00 feet to a point on said centerline; thence along said centerline South 88°25'14" East a distance of 311.32 feet; thence leaving said centerline along a line perpendicular to said centerline North 01°34'46" East a distance of 100.00 feet to a point on the westerly edge of Tenmile Creek; thence along said westerly edge of Tenmile Creek North 32°49'09" West a distance of 120.21 feet; thence North 48°06'05" West a distance of 101.97 feet; thence North 43°31'33" West a distance of 144.27 feet; thence leaving said westerly edge of Tenmile Creek North 88°25'56" West a distance of 66.78 feet to a point on the easterly boundary of Chesterfield Subdivision Number 4; thence along said easterly boundary of Chesterfield Subdivision Number 4 South 00°52'04" West a distance of 267.00 feet to the **POINT OF BEGINNING**.

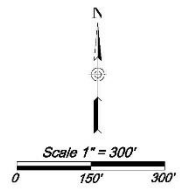
The above described parcel contains 1.93 acres, more or less.



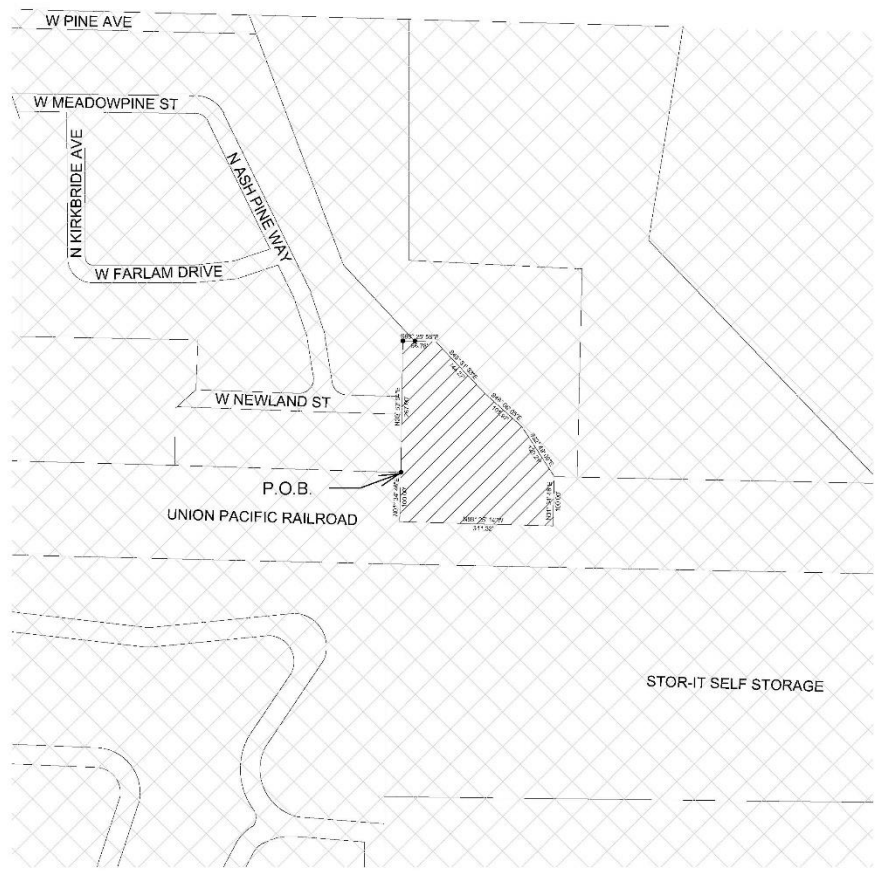
<p>HEADQUARTERS 1907 17TH ST SE MINOT, ND 58701 701.837.8737</p>	<p>4165 30TH AVE S SUITE 100 FARGO, ND 58104 701.551.1250</p>	<p>3210 27TH ST W SUITE 200 WILLISTON, ND 58801 701.577.4127</p>	<p>7661 W RIVERSIDE DR SUITE 102 GARDEN CITY, ID 83714 208.853.6470</p>
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ANNEXATION EXHIBIT B

PORTION OF THE SE 1/4 OF SECTION 10,
1.3N., 1R1.W., BOISE MERIDIAN, CITY OF
MERIDIAN, ADA COUNTY, IDAHO.



BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.



- FOUND MONUMENT
- B.O.B. BASIS OF BEARING
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- ▭ CITY OF MERIDIAN
- ▨ AREA TO BE ANNEXED

JOB No: R21228

**ACKERMAN
ESTVOLD**
7661 West Riverside Drive, Ste. 102 - Garden City, ID 83714
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WWW.ACKERMAN-ESTVOLD.COM

January 10, 2022

Pinedale Subdivision Legal Description
3679 West Newland Street
Meridian, ID 83642

A parcel of land being a portion of the SE ¼ of Section 10, T. 3N, R.1W, Boise-Meridian, Ada Couty, Idaho, more particularly described as follows:

BEGINNING at a 5/8" iron pin marking the southeast corner of Chesterfield Subdivision Number 4; thence along the northerly right-of-way line of Union Pacific Railroad South 88°25'14" East a distance of 311.32 feet to a point on the westerly edge of Tenmile Creek; thence leaving said northerly right-of-way line of Union Pacific Railroad on the westerly edge of said Tenmile Creek North 32°49'09" West a distance of 120.21 feet; thence North 48°06'05" West a distance of 101.97 feet; thence North 43°31'33" West a distance of 144.27 feet; thence leaving said westerly edge of Tenmile Creek North 88°25'56" West a distance of 66.78 feet to a point on the easterly boundary of Chesterfield Subdivision Number 4; thence along said easterly boundary of Chesterfield Subdivision Number 4 South 00°52'04" West a distance of 267.00 feet to the **POINT OF BEGINNING.**

The above described parcel contains 1.22 acres, more or less.



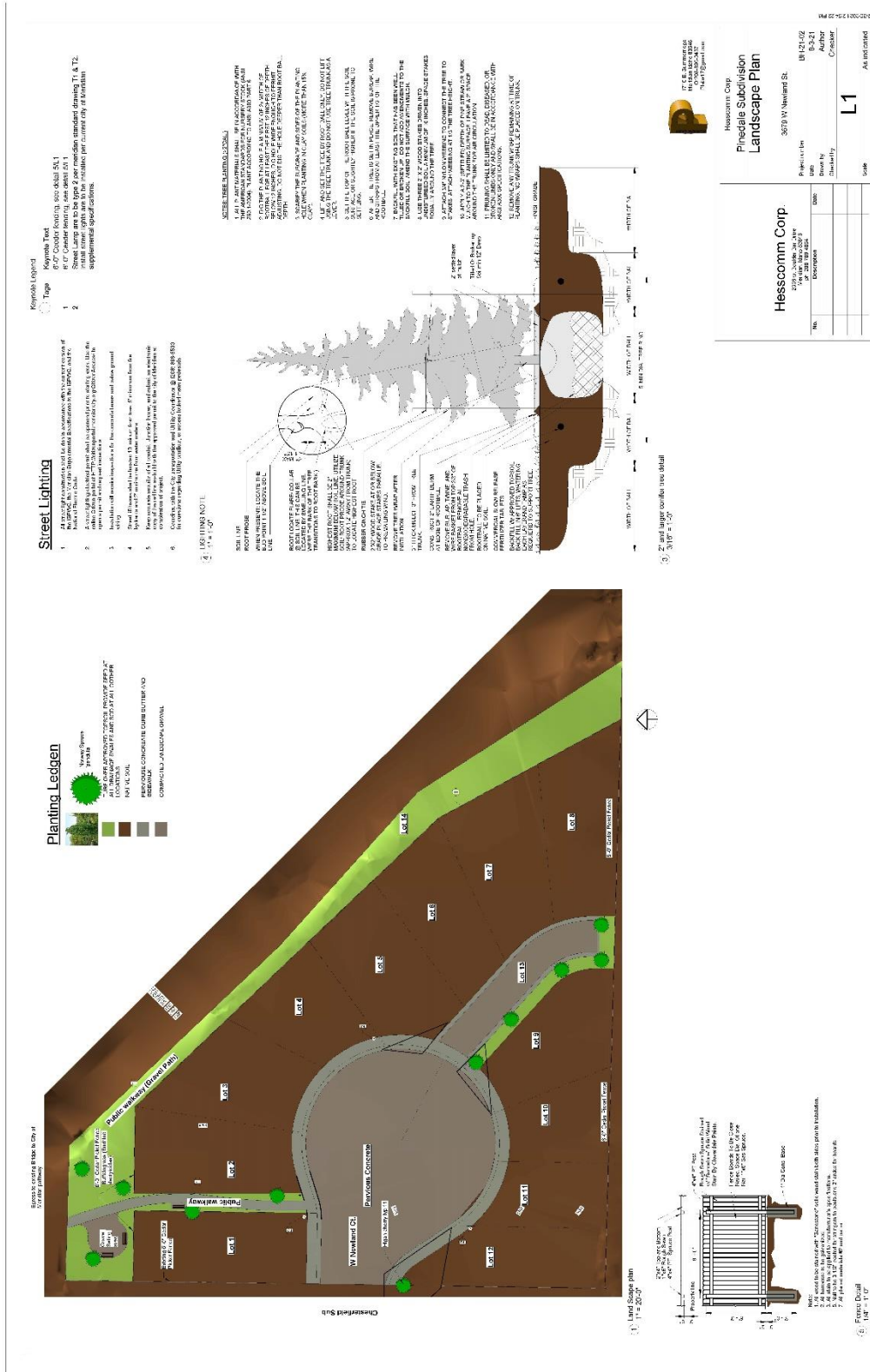
HEADQUARTERS
1907 17TH ST SE
MINOT, ND 58701
701.837.8737

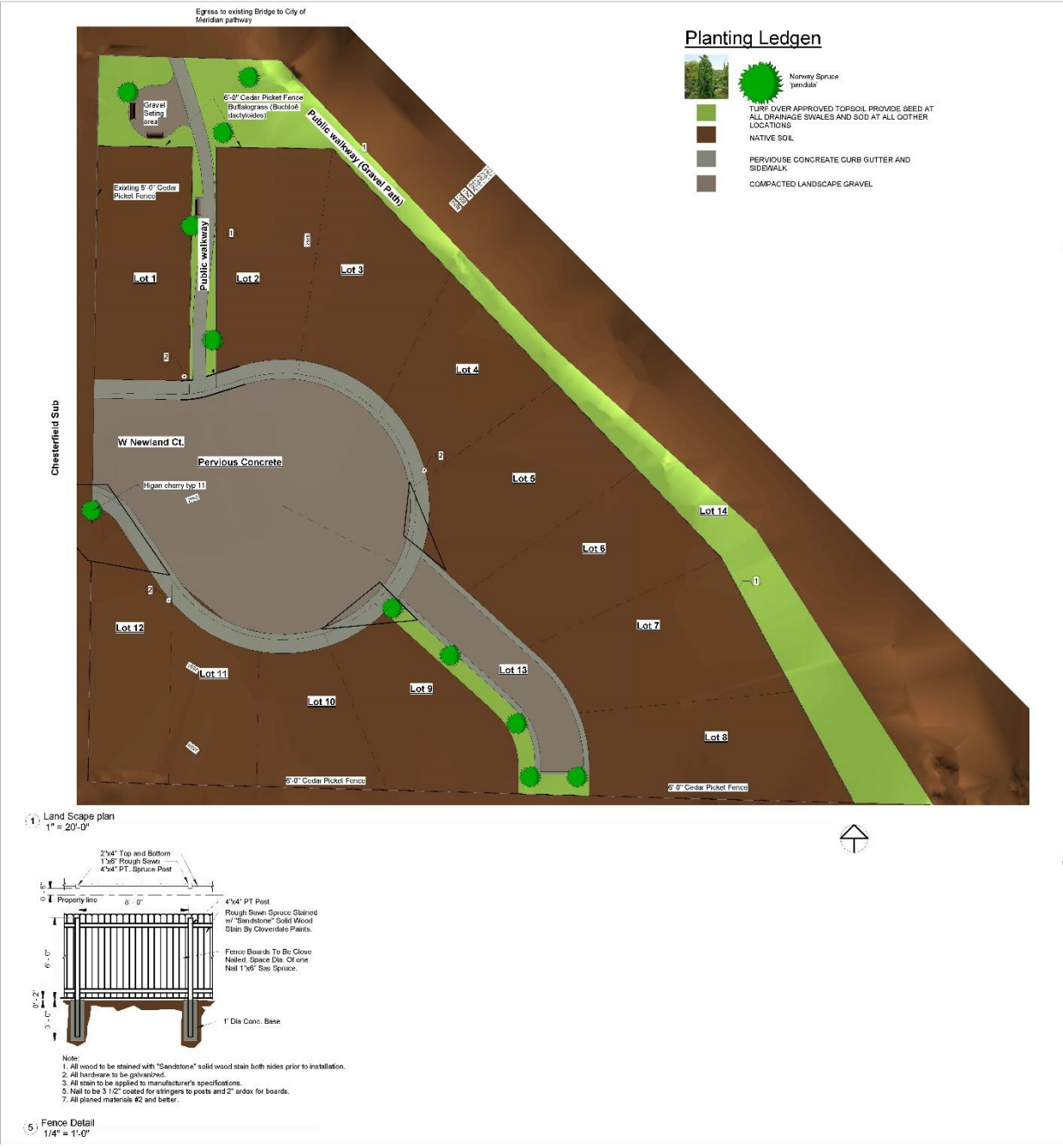
4165 30TH AVE S
SUITE 100
FARGO, ND 58104
701.551.1250

3210 27TH ST W
SUITE 200
WILLISTON, ND 58801
701.577.4127

7661 W RIVERSIDE DR
SUITE 102
GARDEN CITY, ID 83714
208.853.6470

C. Landscape Plans (date: 8/3/2021)





D. Conceptual Building Elevations







VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

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

Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council granting the annexation; **Applicant shall provide a revised Annexation and Zoning legal description and Exhibit Map to exclude the railroad right-of-way area.** The DA shall, at minimum, incorporate the following provisions:

- a. Future development of this site shall be substantially consistent with the approved plat, landscape plan, and conceptual building elevations included in Section VII and the provisions contained herein and shall be obligated to install and maintain the open space and amenity as proposed on the approved plans.
 - b. The Applicant shall include shared driveways to help remove the number of driveways proposed, especially for those lots taking direct access from the cul-de-sac, W. Newland Court.
2. Prior to the City Council hearing, the Applicant shall provide revised Annexation and Zoning legal description and Exhibit Map to exclude the railroad right-of-way area.
 3. The preliminary plat included in Section VII.B, dated February 21, 2022, shall be revised as follows prior to the City Council hearing, except as noted:
 - a. Show the entrance to the open space lot (Lot 12) containing the micro-path lot to be at least 15 feet wide, per UDC 11-3A-8 standards.
 - b. Lot 4 shall take access from the cul-de-sac and not from the common drive in accord with UDC 11-6C-3.
 - c. Prior to the Commission hearing, the applicant should graphically depict the Tenmile Creek easement on the plat and contact NMID to determine if any encroachment would be allowed in the easement. IF encroachments are allowed, staff recommends the applicant provide an exhibit that demonstrates how homes on these lots would comply with NMID requirements.
 4. The landscape plan included in Section VII.C, dated August 3, 2021, shall be revised as follows prior to submitting for Final Plat approval:
 - a. Revise the plan to match the latest preliminary plat.
 - b. Lot 12, Block 1 shall be a minimum of 15-feet wide and landscaped in accord with UDC 11-3B-12.
 - c. If solid fencing is proposed on the east property line of Lot 8, show the required 5 feet of landscaping between the property line and the common drive (Lot 11) in accord with UDC 11-6C-3D.

5. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2A-7 for the R-15 zoning district.
6. Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for single-family dwellings based on the number of bedrooms per unit.
7. The Applicant shall comply with all ACHD conditions of approval.
8. Provide a pressurized irrigation system consistent with the standards as set forth in UDC 11-3A-15, UDC 11-3B-6 and MCC 9-1-28.
9. 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.
10. The preliminary plat approval shall become null and void if the applicant fails to either: 1) obtain the City Engineer signature on a final plat within two years of the date of the approved findings; or 2) obtain approval of a time extension as set forth in UDC 11-6B-7.

B. PUBLIC WORKS

Site Specific Conditions of Approval

1. Water main alignment may need to be adjusted to enable perpendicular service lines to appropriate locations- specifically at the edge of right-of-way at the entrance to the private drive.
2. No sewer utilities provided in Record. Public sewer infrastructure must be reviewed and approved by public works.
3. Sewer main shall not run-down private driveways that serve 4 or fewer lots. For lots 6, 7, and 8, run sewer service in the driveway only.
4. Ensure no sewer services pass through infiltration trenches.
5. A portion of this development is in the Floodplain Overlay District and floodplain development permit is required for land development. This property is in a FEMA "A" Zone without Base Flood Elevations. A hydraulic analysis has been completed for Foxcroft Subdivision. Applicant will need to compare base flood elevations for existing conditions in this analysis to the existing conditions survey on 3725 W Pine. This should form the basis for a Letter of Map Amendment (LOMA) application to remove the entire property from the floodplain. The quicker LOMA process is started the better, otherwise we will need floodplain permits and elevation certificates for any development in the current flood zone. If fill this property is not eligible for a LOMA, fill may be added for a FEMA LOMR-F application. In this case, floodplain permits and elevation certificates will be required for each structure in this zone.
6. As noted in the Geotechnical Engineering Report prepared by Atlas Materials Testing & Inspection, there are shallow cemented soils across the site. Particular attention needs to be focused on ensuring that all residences constructed with crawl spaces should be designed in a manner that will inhibit water in crawl spaces. This may include the installation of foundation drains, and the installation of rain gutters and roof drains that will carry storm water at least 10-feet away from all residences. Foundation drains are not allowed to drain into the sanitary sewer system, nor the trench backfill for the sewer and/or water service lines.

General Conditions of Approval

1. Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet then alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
2. Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
3. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-foot wide for a single utility, or 30-foot wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. **DO NOT RECORD.** Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.
4. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
5. All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
6. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
7. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
8. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
9. Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.

10. A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
11. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
12. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
13. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
14. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
15. Developer shall coordinate mailbox locations with the Meridian Post Office.
16. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
17. The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
18. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
19. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
20. A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-7 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.
21. The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
22. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the

Community Development Department website. Please contact Land Development Service for more information at 887-2211.

C. FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=251084&dbid=0&repo=MeridianCity>

D. PARKS DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=251081&dbid=0&repo=MeridianCity>

E. ADA COUNTY DEVELOPMENT SERVICES

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=251841&dbid=0&repo=MeridianCity>

F. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=251854&dbid=0&repo=MeridianCity>

G. NAMPA/MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=252550&dbid=0&repo=MeridianCity>

H. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=252743&dbid=0&repo=MeridianCity>

IX. FINDINGS

A. Annexation and Zoning (UDC 11-5B-3E)

Required Findings: Upon recommendation from the commission, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;

Staff finds the proposed zoning map amendment to annex the property into the City of Meridian with the R-8 zoning district and Rezone a portion of the project from R-4 to the R-8 zoning district with the proposed preliminary plat and site design is consistent with the Comprehensive Plan, if all conditions of approval are met.

2. The map amendment complies with the regulations outlined for the proposed districts, specifically the purpose statement;

Staff finds the proposed zoning map amendment and the request for the development complies with the regulations outlined in the requested R-8 zoning district and is consistent with the purpose statement of the requested zone.

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

Staff finds the proposed zoning map amendment should not be detrimental to the public health, safety and welfare.

- 4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and**

Staff finds the proposed zoning map amendment will not result in an adverse impact on the delivery of services by any political subdivision providing public services within the City.

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

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

B. Preliminary Plat Findings:

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

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

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

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

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

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

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

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

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

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

Staff is not aware of any health, safety, or environmental problems associated with the platting of this property. ACHD considers road safety issues in their analysis and has offered their support of the proposed development with the proposed road layout in mind.

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

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



AGENDA ITEM

ITEM TOPIC: Public Hearing for Summertown Subdivision (H-2022-0005) by Summertown, LLC, Located at 3104 N. Venable, at the Southeast Corner of N. Venable Ln. and W. Ustick Rd.
A. Request: Preliminary Plat consisting of 23 residential building lots (9 single-family lots and 14 multi-family lots) and 3 common lots on approximately 13.8 acres of land in the TN-R zoning district (Traditional Neighborhood Residential).



PUBLIC HEARING INFORMATION

Staff Contact: Joseph Dodson

Meeting Date: April 7, 2022

Topic: **Public Hearing** for Summertown Subdivision (H-2022-0005) by Summertown, LLC, Located at 3104 N. Venable, at the Southeast Corner of N. Venable Ln. and W. Ustick Rd.

- A. Request: Preliminary Plat consisting of 23 residential building lots (9 single-family lots and 14 multi-family lots) and 3 common lots on approximately 13.8 acres of land in the TN-R zoning district (Traditional Neighborhood Residential).

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



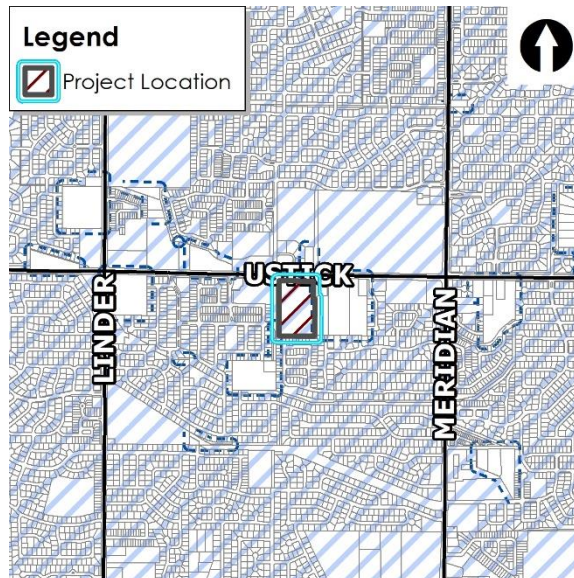
HEARING DATE: April 7, 2022

TO: Planning & Zoning Commission

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

SUBJECT: H-2022-0005
Summertown Subdivision

LOCATION: Site is located at 3104 N. Venable, at the southeast corner of N. Venable Lane and W. Ustick Road, In the NW 1/4 of the NE 1/4 of Section 1, Township 3N, Range 1 W.



I. PROJECT DESCRIPTION

Preliminary Plat consisting of 23 residential building lots (9 single-family lots and 14 multi-family lots) and 3 common lots on approximately 13.8 acres of land in the TN-R zoning district (Traditional Neighborhood Residential), by Summertown, LLC.

Note: Additional request for Private Streets through the multi-family portion of the project requiring only administrative approval—private street request made for addressing purposes and requested by City departments.

II. SUMMARY OF REPORT

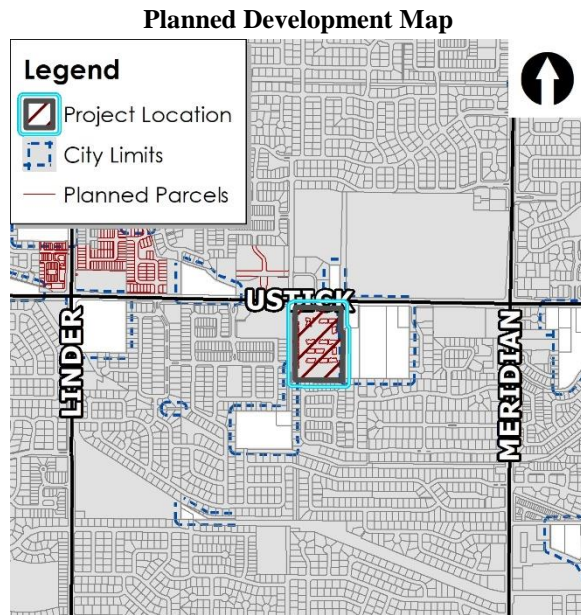
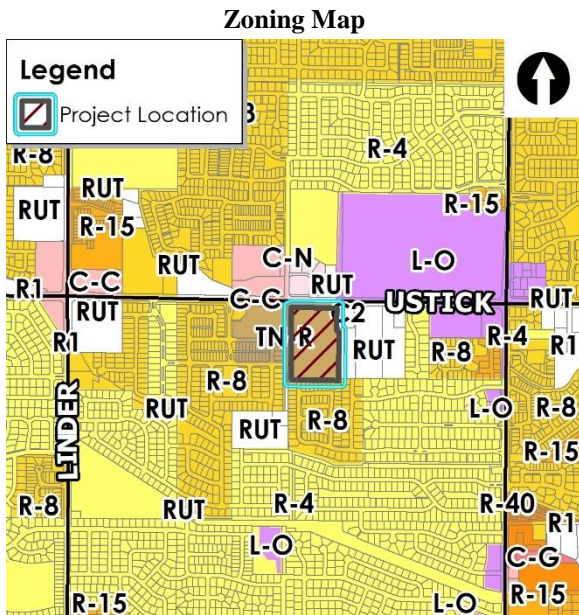
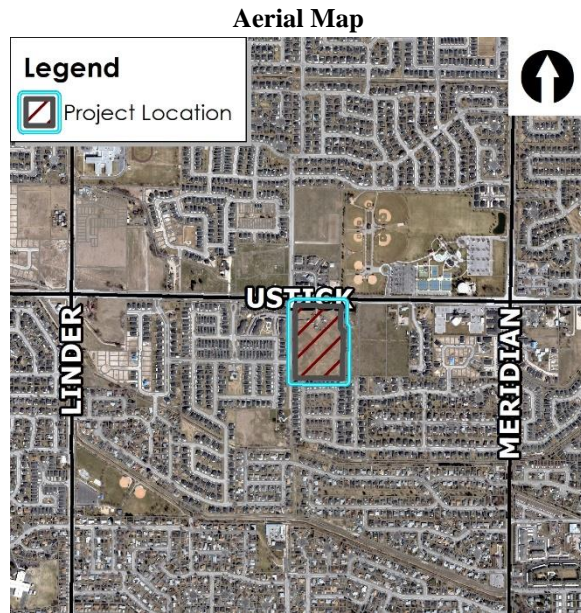
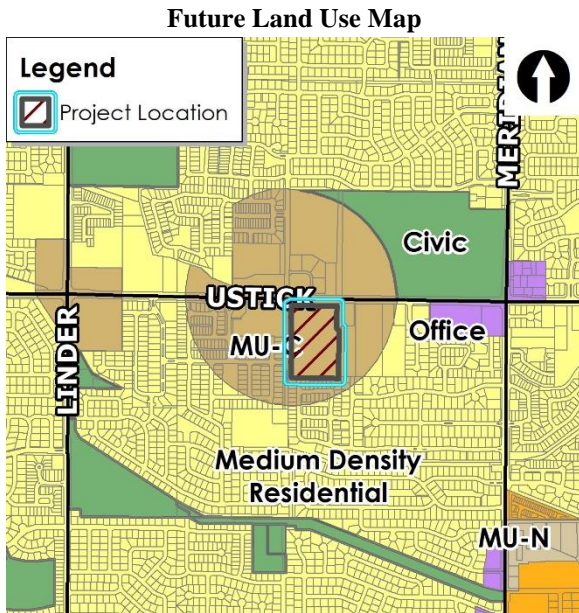
A. Project Summary

Description	Details	Page
Acreage	13.8 acres	
Future Land Use Designation	Mixed-Use Community (6-15 du/ac)	
Existing Land Use(s)	Multi-family Residential under construction	
Proposed Land Use(s)	Multi-family Residential and Detached Single-Family Residential	
Lots (# and type; bldg./common)	23 residential building lots (9 detached single-family and 14 multi-family) and 3 common lots	
Neighborhood meeting date	December 16, 2021	
History (previous approvals)	H-2017-0142 (AZ, DA Inst. #2019-015427); A-2019-0118 (CZC & DES); A-2021-0025 (CZC & DES renewal).	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> Staff report (yes/no) 	No (Previously reviewed under the CZC and Design Review applications from 2019.	
<ul style="list-style-type: none"> Requires ACHD Commission Action (yes/no) 	No	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	<p>Access is via extension of N. Venable Lane, a collector street that connects to W. Ustick Road at the northwest corner of the property.</p> <p>Access to the multi-family portion of the project is via a drive aisle connection to N. Venable and two private street connections to a new local street near the south end of the site, shown as W. Wrangler Street.</p> <p>W. Wrangler street is the access for the proposed nine (9) single-family residential lots along the south boundary.</p>	
Stub Street/Interconnectivity/Cross Access	<p>Applicant is stubbing N. Ridgebury Avenue to the south boundary to connect to the existing Ridgebury Avenue.</p> <p>W. Wrangler Street is proposed to connect to the terminus of N. Venable near the southwest corner of the site.</p>	
Existing Road Network	<p>N. Venable is currently a substandard road section that provides access to homes and apartments to its west and one large county parcel further to the south.</p> <p>N. Ridgebury Avenue is stubbed to the southern property boundary through the Vallin Courts Subdivision.</p>	
Proposed Road Improvements	Applicant is required to construct Venable as a complete street section.	
Distance to nearest City Park (+ size)	Settlers Park (55.44 acres) – adjacent to the northeast corner of the site on the north side of Ustick Road.	
Fire Service		
<ul style="list-style-type: none"> Distance to Fire Station 	1.7 miles from Station #3	
<ul style="list-style-type: none"> Fire Response Time 	Falls within the 5-minute response time goal area	
<ul style="list-style-type: none"> Resource Reliability 	80% (at the goal of 80%)	
<ul style="list-style-type: none"> Accessibility 	Project meets all required access, road widths, and turnaround requirements as presented.	
<ul style="list-style-type: none"> Additional Comments/Concerns 	Project can be serviced by the Meridian Fire Department	
Police Service		
<ul style="list-style-type: none"> Distance to Station 	Approximately 3.8 miles from Meridian Police Headquarters	
<ul style="list-style-type: none"> Response Time 	Approximately 3 minute response time to an emergency.	
<ul style="list-style-type: none"> Call Data 	<p>Between 1/1/2020- 12/31/2021, the Meridian Police Department responded to 4,545 calls for service within a mile of the proposed development. The crime count on the calls for service was 440.</p> <p>Between 1/1/2020- 12/31/2021, the Meridian Police Department responded to 66 crashes within a mile of the proposed development.</p>	
<ul style="list-style-type: none"> Additional Concerns 	None	

C. Project Maps



III. APPLICANT INFORMATION

A. Applicant:

Kent Brown, Kent Brown Planning – 3161 E. Springwood Drive, Meridian, ID 83642

B. Owner:

Shannon Robnett, Summertown, LLC – 3277 E. Louse Drive, Ste. 375, Meridian, ID 83642

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	3/22/2022	
Radius notification mailed to properties within 500 feet	3/21/2022	
Public hearing notice sign posted on site	3/23/2022	
Nextdoor posting	3/21/2022	

V. STAFF ANALYSIS

A. COMPREHENSIVE PLAN/DEVELOPMENT AGREEMENT

The subject 13.7 acres were annexed into the City of Meridian in 2019 with the Summertown annexation (H-2017-0142) with the Traditional Neighborhood Residential (TN-R) zoning district which allows multi-family residential projects as a principally permitted use. Therefore, the Applicant was only required to obtain administrative approvals (Certificate of Zoning Compliance and Design Review) to begin construction on the multi-family portion of the project. However, the Applicant also included a small single-family component to the project along the south boundary in order to comply with TN-R requirements of including two different housing types within the project. Because of the inclusion of the single-family lots and a desire to place each multi-family building on its own lot, the Applicant has an existing Development Agreement provision to subdivide the property prior to release of the first Certificate of Occupancy. Therefore, the Applicant is submitting the subject preliminary plat application to meet the existing conditions of approval and create nine (9) single-family lots along the south boundary.

The Applicant received Certificate of Zoning Compliance (CZC) and Administrative Design Review (DES) approval in 2019 and subsequently in 2021 to establish the use of the multi-family residential component of the project and be allowed to submit for building permits. With these administrative approvals, the City and ACHD reviewed the required public street network (Venable and Wrangler). Staff cannot locate the final ACHD staff report from May 2019 but has the draft copy which likely did not change. Within this report and consistent with the staff report and approvals at the time of annexation, the Applicant is required to construct Venable as two different street sections. According to the submitted plat, this does not appear to be shown correctly. **Further analysis is below in subsequent sections however, all of the requirements for construction of Venable are already required within the DA (Inst. # 2019-015427). Furthermore, the expected development of the subject site is already outlined and conditioned via the previous approvals and existing DA; many of the previous requirements will be reiterated in this report and checked for compliance at the time of final plat submittal.**

The subject site is part of a larger Mixed-Use Community (MU-C) future land use area. As noted above, this project was analyzed against the Comprehensive Plan at the time of annexation in 2019. At that time, Staff concluded the project was compliant with the Comprehensive Plan. The submitted preliminary plat is consistent with the MU-C designation and the concept plan included in the recorded Development Agreement (Inst. #2019-015427).

B. PRELIMINARY PLAT (PP)

The proposed preliminary plat consists of 23 residential building lots (9 single-family lots and 14 multi-family lots) and 3 common lots on approximately 13.8 acres of land in the TN-R zoning district. The

minimum lot size proposed is 5,100 square feet for the single-family lots and 18,988 square feet for the multi-family lots.

Existing Structures/Site Improvements:

There are no existing structures on this site but building permits have been issued for construction of the multi-family buildings.

Dimensional Standards (UDC 11-2):

The proposed subdivision and subsequent development are required to comply with the minimum dimensional standards listed in UDC Table 11-2D-7 for the TN-R zoning district. The TN-R zoning district does not have a minimum lot size nor street frontage requirement. The proposed single-family residential along the south boundary and the bisecting public local street (W. Wrangler) act as a transition and buffer between the existing R-8 single-family residential south of the subject site (Vallin Courts Subdivision). Staff has reviewed the proposed plat and it complies with all zoning standards.

Access (UDC 11-3A-3):

Access to the project site is via extension of N. Venable Lane, a collector street, from W. Ustick Road to nearly the south boundary. Access to the multi-family portion of the project is via a drive aisle connection to N. Venable in alignment with an existing multi-family drive aisle on the west side of Venable (Crossfield Apartments) and two private street connections to a new local street near the south end of the site, shown as W. Wrangler Street. W. Wrangler street is also the access for the proposed nine (9) single-family residential lots along the south boundary. W. Wrangler is shown to be constructed with 5-foot detached sidewalks and a 33-foot wide street section and stubbed to the east property boundary for future connectivity. This complies with City code and ACHD requirements, as approved with previous applications.

Upon analysis of the submitted plat, it appears N. Venable Lane is being shown as a 29-foot collector street section for its entire length, from Ustick south to Wrangler Street connection point at the southwest corner of the project. Previous approvals allow Venable to be constructed with this reduced collector street section for a majority of its length but not in its entirety. According to ACHD, Venable should be constructed as 36-foot wide collector street section from Ustick and 245 feet south to the northern drive aisle connection across from the existing drive aisle connection to Venable for the Crossfield Apartments. It is unclear on the submitted plat if this condition of approval is being shown accurately. The Applicant should revise the plat to meet this condition of approval or provide written documentation that ACHD has approved a reduced street section for this area of the project.

In addition to the public streets required with the subject preliminary plat, the Applicant is also requesting private street approval for the internal drive aisles at the request of the Meridian Fire Department and our Addressing Department to allow for more specific addressing within the development. The ability to give buildings addresses from internal streets rather than all buildings having a Venable address makes it easier and safer for emergency services. Private Streets must comply with the applicability and minimum standards in UDC 11-3F-2 and 11-3F-4, respectively.

Staff finds the previously approved project complies with the private street applicability standards as it is not a single-family development and all of the units front on or access green space rather than the street. Further, the drive aisles (private streets) are shown to be 26 feet wide with sidewalks adjacent to a majority of the parking stalls. UDC 11-3F-4 requires private streets to be a minimum of 24 feet wide and sidewalks are not required. Therefore, the Applicant complies with the minimum dimensional standards outlined in the UDC. In addition, the private street must be within a single platted common lot or constructed on a perpetual ingress/egress easement. According to the submitted plat, the private street is not within a common lot and is noted as being within an easement. However, this easement is not clearly depicted on the plat and a plat note has not been included noting its purpose. These items should be corrected with the final plat submittal. If these conditions of approval are met, Staff finds the

proposed Private Streets comply with the required findings outlined in UDC 11-3F-5, as noted in Section IX of this staff report.

Pathways (UDC 11-3A-8):

The Pathways Master Plan shows a pathway along the east side of the required Venable extension. The Parks Department has not submitted comments on this project but Planning has had multiple discussions with the pathways coordinator and the City does wish to comply with the master pathways plan for this segment in order to have a regional pathway connection from Ustick south to pathway along the Creason Lateral approximately a quarter mile south of the Summertown project boundary. According to the submitted plat and landscape plans, a 5-foot wide detached sidewalk is shown on the east side of Venable instead of a 10-foot multi-use pathway.

*In addition to the 5-foot detached sidewalk along Venable, the Applicant is showing 4-foot wide sidewalk on the west side of the internal private street that runs north-south within the multi-family portion of the project (shown as N. Ridgebury Lane). Ridgebury Lane is shown with sidewalks on both sides of the private street but is not required by code, as noted in the previous section. In addition, the Applicant has some room within the building lot itself to adjust the property line and building setback to Venable because the TN-R zoning district allows a reduced setback when the units are alley-loaded—these multi-family units take vehicular access via Ridgebury Lane, an alley in its functionality, and main pedestrian access along Venable. **During pre-application meetings, Staff presented this issue and recommended the Applicant remove the western sidewalk along Ridgebury Lane and make minor building lot adjustments to construct the required multi-use pathway along the east side of Venable. Per the submitted plat, the Applicant did not make these revisions. In order to comply with the Pathways Master Plan, Staff is including conditions of approval consistent with these recommendations.***

*Furthermore, this multi-use pathway segment is shown to continue south through an adjacent County parcel (S1201214713) in the future. In order to allow for this to occur, a logical termination of the multi-use segment on the east side of Venable should occur so that a safe crossing location is attainable. The logical location for this would be at the northeast corner of Venable and Wrangler Street so it can be constructed at the southwest corner of this intersection should the county parcel redevelop in the future. Staff notes, the existing county residence takes access via Venable and will continue to do so until such time the property redevelops. After reviewing the existing conditions of the county parcel and the existing stub streets to its property, Staff anticipates this existing access being removed and becoming an area of open space and the multi-use pathway segment. Therefore, setting up the correct locations of the multi-use pathway stubs with this project to the county parcel is significantly important. Staff **recommends the Applicant** construct a segment of the City's multi-use pathway within Lot 1, Block 2.*

Sidewalks (UDC 11-3A-17):

Detached sidewalks are proposed along the internal local streets (W. Wrangler and the Ridgebury Lane extension) and along N. Venable, the collector street along the west boundary. There is existing 5-foot wide sidewalk along the west side of Venable that was constructed with other projects. According to the submitted plat and landscape plans, the Applicant is proposing a minimum of 8-foot wide sidewalks along all public streets. In addition, the Applicant is showing 4-foot and 5-foot wide attached sidewalks along the private streets within the multi-family area of the project. All proposed sidewalks meet UDC standards. However, the sidewalk along the east side of N. Venable should be constructed as a 10-foot multi-use pathway, as discussed in the section above.

Parkways (UDC 11-3A-17):

8-foot wide parkways with street trees are shown along both sides of the proposed local streets (W. Wrangler and N. Ridgebury). **All parkways within the site adjacent to detached sidewalks shall be landscaped per the standards listed in UDC 11-3B-7C.** According to the submitted landscape plan, there appears to be the correct number of trees but the table does not accurately describe the parkway along W. Wrangler and instead labels it as perimeter landscaping. With the future final plat application,

the Applicant should correct this and list this parkway within the landscape table and show the correct number trees.

Landscaping (UDC 11-3B):

The TN-R zoning district requires a landscape buffer to arterial, collector, and local streets. According to UDC Table 11-2D-6 a 25-foot wide arterial buffer is required along W. Ustick Road (measured from back of curb); a 13-foot buffer along Venable (a collector); and a minimum 8-foot wide parkway adjacent to all local streets (W. Wrangler Street and N. Ridgebury Avenue) with all buffers required to be landscaped per the standards in UDC Table 11-3B-7C. The landscaping has been previously approved through the annexation and administrative approvals, as noted. According to the submitted landscape plans, the required street buffer widths have been met along all public streets adjacent to the site.

The purpose of review for this plat is to ensure the landscaping is maintained through appropriate means via the plat. In most cases, the required street buffers for residential developments are contained within common lots but because the project has received previous approvals prior to platting (including building permit approval), the locations of the buildings have already been set and a common lot is not appropriate any longer. Instead, the UDC allows the required street buffers to be placed within landscape easements noted on the preliminary plat. Therefore, Staff is including a condition of approval to depict the required landscape buffer easements on the plat at the time of final plat submittal. The caveat to this is along W. Wrangler Street and N. Ridgebury Avenue—there is no need to depict a common nor a landscape easement over the 8-foot parkways along these local streets.

There is existing landscaping and detached sidewalk along Ustick Road and the Summertown property line does not extend all the way to the back of curb, where the required buffer is to be measured from per the UDC. Thus, the entire 25-foot buffer is not required to be solely on this property but the Applicant should do the following for clarity: 1. Note on the plat that the remaining buffer area is within ACHD right-of-way along Ustick consistent with the UDC, and; 2. Depict and label the full buffer width on the landscape plans. Including these two items will create transparency on both sets of plans moving forward to plat recordation. Further, the Applicant should enter into a license agreement with ACHD to landscape the right-of-way area consistent with City code.

All common lot and parking landscaping were reviewed and approved with the CZC and Design Review applications (A-2021-0025). The Applicant is required to comply with all previous approvals so Staff is not including any additional conditions for this matter.

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

The minimum amount of qualified open space and amenities were analyzed and approved with the previous approvals. According to those approvals, the Applicant is including 3.11 acres of qualified open space (approximately 135,000 square feet) that is to be shared by both the multi-family and single-family residents. This amount of open space exceeds the minimum UDC requirements.

Staff notes the existing approvals do not account for the parkways along W. Wrangler and the Ridgebury Avenue stub. So, the amount of qualified open space is in fact higher than previously noted—with the final plat submittal, the applicant should revise the open space calculations and include these parkways.

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

All fencing constructed on the site is required to comply with the standards listed in UDC 11-3A-6 and 11-2D-6 (TN-R standards). According to the submitted landscape plan, all proposed fencing meets UDC requirements. Staff will further verify code compliance at the time of final plat submittal and inspection.

Off-Street Parking (UDC 11-3C-6):

The number of off-street parking spaces required for the multi-family portion of the project was analyzed and approved with previous approvals. According to these approvals, the Applicant is proposing 384 parking stalls with 198 of these being covered. The proposed parking meets the minimum required by

code. Single-family residential is required to provide off-street parking based on the number of bedrooms per home; Staff will verify compliance with the UDC at the time of building permit submittal for each lot.

Staff notes that the north side of W. Wrangler Street will allow on-street parking along its entire north side with the exception of the two private street connections due to it being constructed as a 33-foot wide local street. This on-street parking will likely be utilized as overflow parking for the multi-family residents.

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

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

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

Building elevations were previously approved with the Design Review in 2019 and subsequently in 2021. Staff will include exhibits of the approved elevations during the public hearing but is not including them within this staff report as they can be accessed through multiple avenues. The Applicant has not submitted any conceptual elevations of the single-family homes but Staff notes that single-family residential homes do not require design review approval. However, the future single-family homes should be designed to complement the multi-family units that are part of this development.

VI. DECISION

A. Staff:

Staff recommends approval of the proposed Preliminary Plat per the provisions included in Section VIII in accord with the Findings in Section IX and has approved the Private Street request per the Findings in Section IX.

VII. EXHIBITS

A. Preliminary Plat Legal Description

**DESCRIPTION FOR
SUMMERTOWN SUBDIVISION**

A parcel of land located in Government Lot 2 of Section 1, T.3N., R.1W., B.M., Ada County, Idaho more particularly described as follows:

Commencing at the N1/4 corner of said Section 1 from which the NE corner of said Section 1 bears South 89°46'48" East, 2,662.21 feet;

thence along the North boundary line of said Section 1 South 89°46'48" East, 20.00 feet;

thence leaving said North boundary line South 00°19'50" East, 63.94 feet to a point on the South right-of-way line of W. Ustick Road, said point also being the **REAL POINT OF BEGINNING**;

thence along said South right-of-way line for the following two courses and distances:

thence North 64°44'15" East, 37.04 feet;

thence South 89°46'48" East, 583.48 feet;

thence leaving said South right-of-way line South 00°23'17" West, 290.03 feet;

thence South 89°46'48" East, 26.57 feet;

thence South 00°19'49" East, 595.07 feet to the NW corner of Lot 21, Block 7 of Vallin Courts Subdivision as filed in Book 93 of Plats at Pages 11,208 through 11,212, records of Ada County, Idaho;

thence along the exterior boundary line of said Vallin Courts Subdivision the following 2 courses and distances:

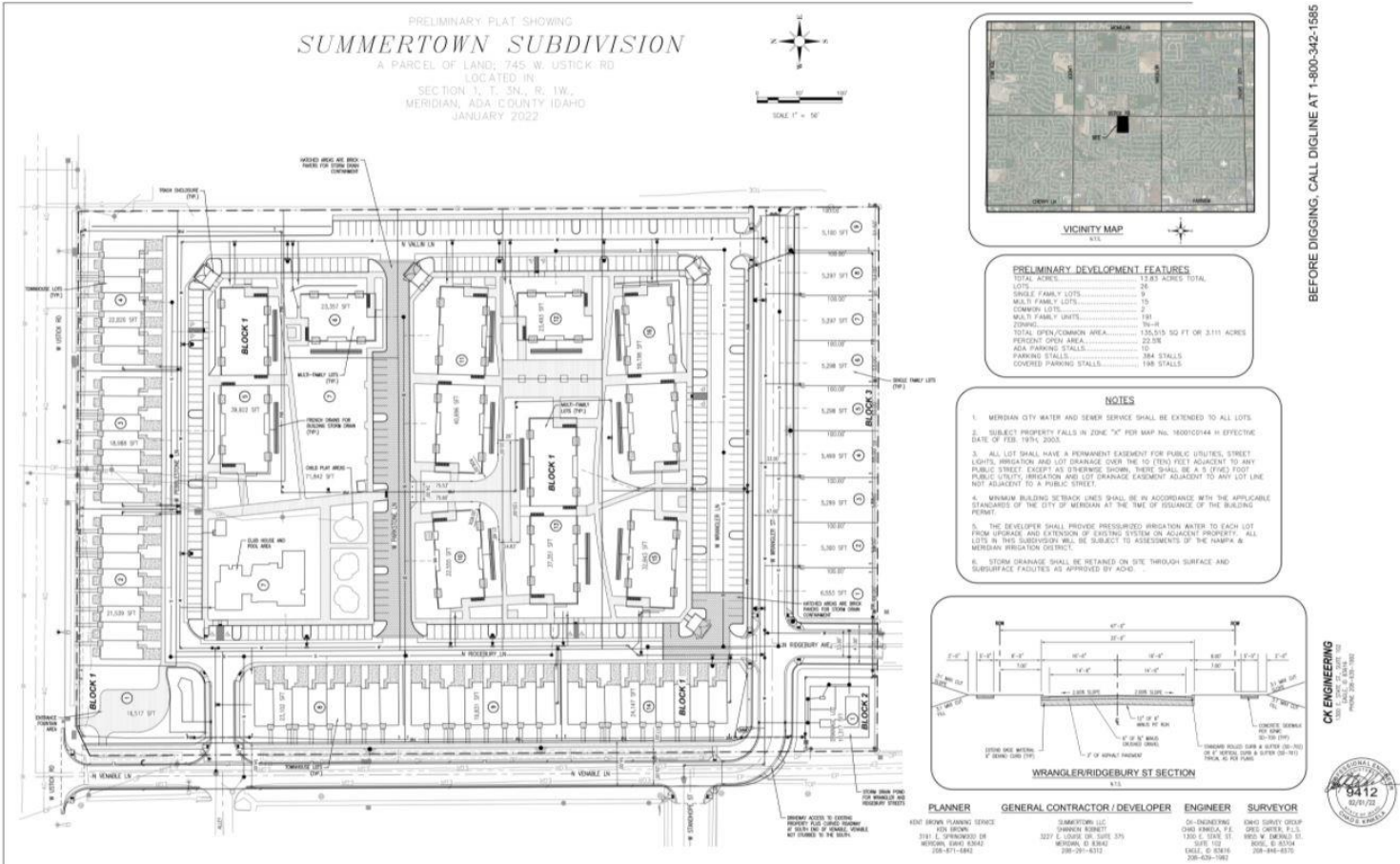
thence South 00°19'49" East, 56.60 feet;

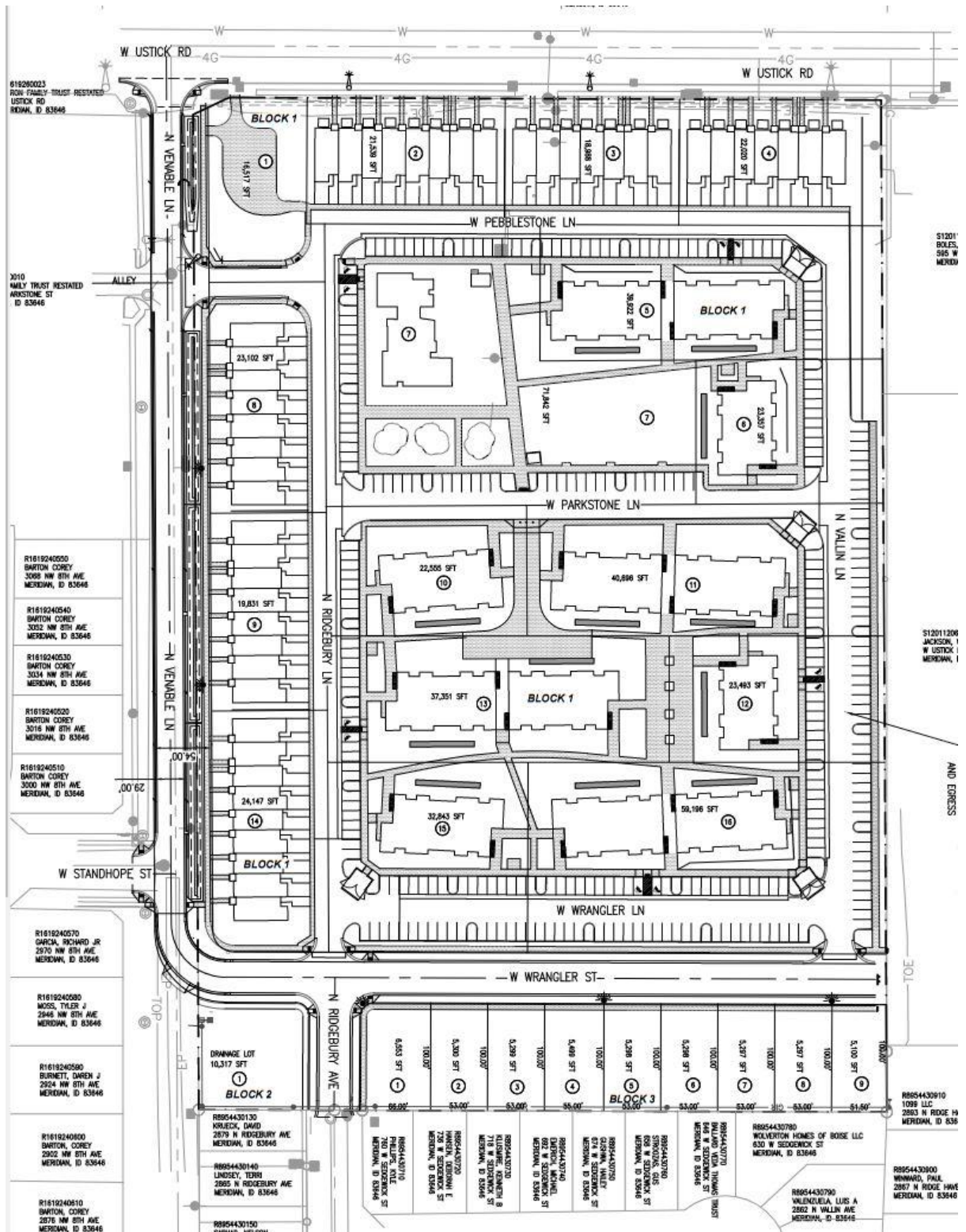
thence North 89°48'21" West, 640.00 feet to the NW corner of Lot 1, Block 3 of said Vallin Courts Subdivision;

thence along the East right-of-way line of N. Venable Ln. North 00°19'50" West, 926.06 feet the **REAL POINT OF BEGINNING**. Containing 13.67 acres, more or less.



B. Preliminary Plat (dated: January 2022)





Item 7.

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C. Landscape Plan (date: 12/27/2021)

SUMMERTOWN SUBDIVISION
 A PARCEL OF LAND: 745 W. USTICK RD
 LOCATED IN
 SECTION 1, T. 3N., R. 1W.,
 MERIDIAN, ADA COUNTY IDAHO
 DECEMBER 2017

VICINITY MAP

DEVELOPER 745 W. USTICK ROAD SANDY HOBBS 3014 N. VENABLE STREET MAY, SAND 8387 208-254-1988	ENGINEER DR. ENGINEERING DND DESIGN, P.C. 1300 E. ONE ST SUITE 202 BOISE, ID 83702 208-438-1982	ARCHITECT PROF. NORA ANDRETTA, PLLC NORA ANDRETTA ARCHITECTS 1011 N. 3000 STREET BOISE, ID 83702	LANDSCAPE ARCHITECT SOUTH LANSING ARCHITECTURE 2344 NORTH 2002 S. 1600 AVENUE BOISE, ID 83705 208-462-1994
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CITY REQUIREMENTS

- * ROADWAY LANDSCAPE BUFFERS:
 USTICK ROAD (ARTERIAL)
 25' STREET BUFFER
 4'-6" FEET OF STREET BUFFER
 STREET TREES = 1/25' = 11 TREES REQUIRED
 17 TREES PROPOSED
- EAST PROPERTY - 754 FEET:
 154' FEET OF PERIMETER LANDSCAPING
 STREET TREES = 1/25' = 23 TREES REQUIRED
 23 TREES PROPOSED
- N. VENABLE LANE (LOCAL)
 8' PARKWAY STREET BUFFER
 161' FEET OF STREET BUFFER
 STREET TREES = 1/25' = 22 TREES REQUIRED
 22 TREES PROPOSED
- SOUTH PROPERTY:
 621' FEET OF PERIMETER LANDSCAPING
 STREET TREES = 1/25' = 25 TREES REQUIRED
 25 TREES PROPOSED
- * PARKING LOT INTERNAL LANDSCAPING:
 43 INTERNAL PARKING (ISLAND OR END OF ROW PLANTERS
 (1 TREE EACH WITH 50% OF PERIMETER LANDSCAPE AREA)
 43 TREES REQUIRED - 43 TREES PROPOSED
- * PATHWAY LANDSCAPING:
 3,363 FEET OF INTERNAL PATHWAYS
 STREET TREES = 1/100' = 34 TREES REQUIRED
 34 TREES PROPOSED
- * FOUNDATION LANDSCAPING:
 997 FEET OF STREET FACING FOUNDATION WALLS
 EVERGREEN SHRUBS = 1/3' = 333 SHRUBS REQUIRED
 333 SHRUBS PROPOSED
- * ACRES OF DEDICATED COMMON OPEN SPACE:
 APPROXIMATE TOTAL ACREAGE: 5.26 ACRES
- * ACRES OF DEDICATED QUALIFIED OPEN SPACE:
 APPROXIMATE TOTAL ACREAGE: 2.54 ACRES
- * COMMON AREA PROPOSED NUMBER OF TREES:
 APPROXIMATELY 284578 SF (1 TREE/1000 SF COMMON OPEN SPACE)
 44 REQUIRED, 163 PROPOSED
- * MITIGATION FOR REMOVAL OF EXISTING TREES:
 ALL EXISTING TREES ON THE SITE ARE IN POOR HEALTH OR NUISANCE
 TREES - NO MITIGATION NECESSARY - COORDINATE WITH THE CITY
 FORESTER IN THE FIELD BEFORE ANY EXISTING TREES ARE DAMAGED.
- * AMENITIES PROVIDED:
 CLUBHOUSE FUTURE POOL DOG RUNS
 PLAY AREAS ENTRY WATER FEATURE PLAZA
 SEATING AREAS COVERED BIKE RACKS GROUP SEATING

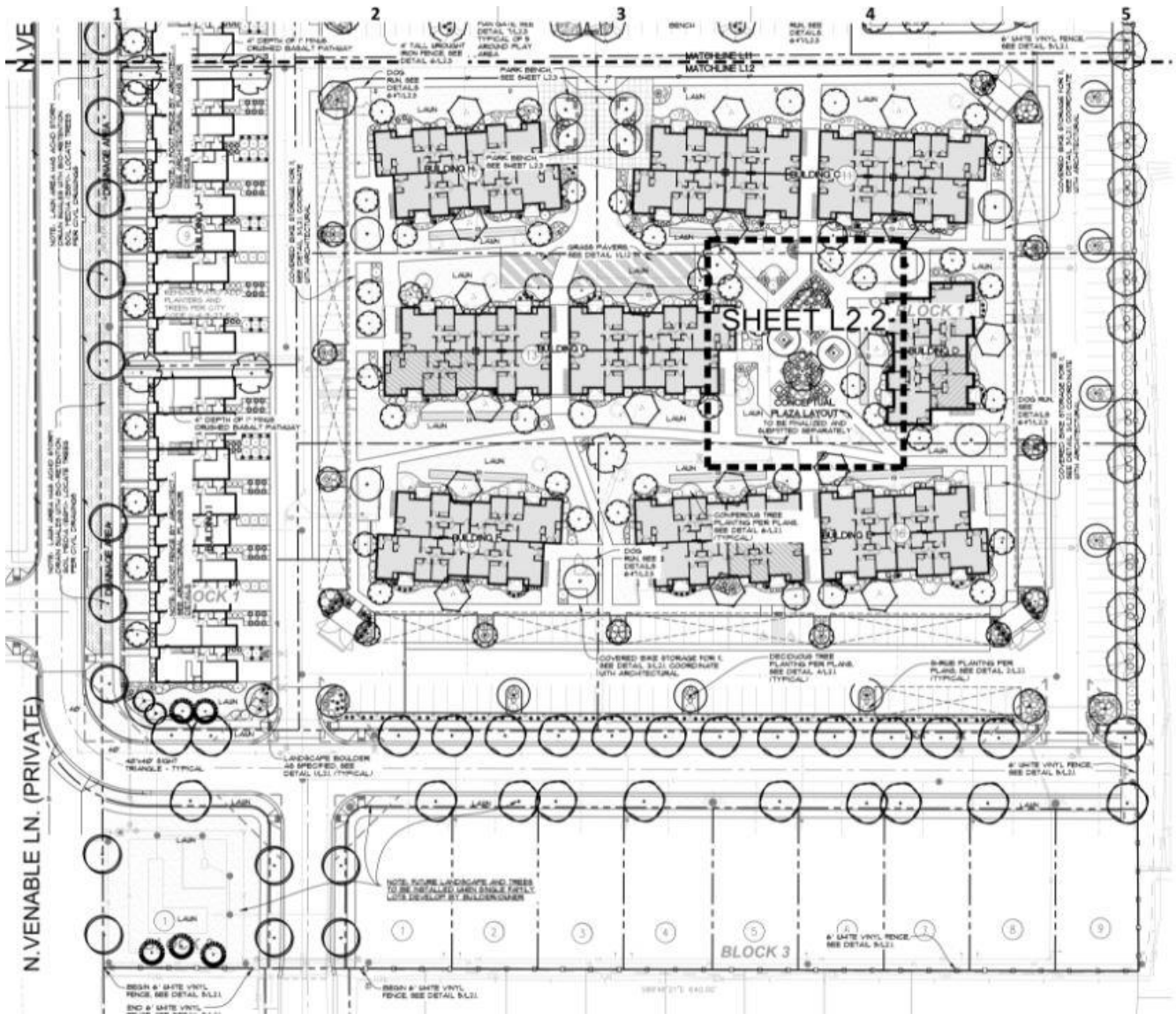
MASTER SITE PLAN
 SCALE: 1"=20'-0"

SITE DEVELOPMENT FEATURES

PROPERTY SIZE	3.83 ACRES TOTAL
ZONING	TR-4R
FULLY FAMILY UNITS	0
DENSITY	3.83 DU/AC
PERCENT OPEN AREA	37%
BICYCLE PARKING	1 COVERED BIKE CORRAL

SEE SHEET L1.1-L1.2 FOR DETAILED LANDSCAPE PLAN, SEE SHEET L2.1 & L2.3 FOR LANDSCAPE PLANTING SCHEDULE, NOTES AND DETAILS. SEE SHEET L2.2 FOR SPECIFIC AREA ENLARGEMENTS.

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VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

Preliminary Plat (PP):

1. The Applicant shall adhere to all previous conditions of approval associated with this site: H-2017-0142 (AZ, DA Inst. #2019-015427); A-2019-0118 (CZC & DES); A-2021-0025 (CZC & DES renewal).
2. The applicant shall comply the minimum dimensional standards listed in UDC Table 11-2D-6 for the Traditional Neighborhood Residential (TN-R) zoning district and those listed in the specific use standards for multi-family development, UDC 11-4-3-27.
3. The Applicant shall comply with all ACHD conditions of approval—depict N. Venable Lane as 36-foot wide collector street section from Ustick and 245 feet south to the northern drive aisle connection or show proof that ACHD has approved a reduced street section for this area of the public street.
4. Future development shall comply with UDC 11-3A-7 and UDC 11-2D-6 for any future fencing constructed within the development.
5. Future development shall comply with the Private Street standards, UDC 11-3F-4.
6. If not already submitted to the Planning Division, the Applicant shall record a maintenance agreement for the multi-family development that states the maintenance and the ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features, in accord with UDC 11-4-3-27 and submit said document to the Planning Division prior to the release of the first Certificate of Occupancy.
7. With the final plat submittal, the applicant shall submit a revised open space exhibit that includes the parkways as part of the open space calculations.
8. The preliminary plat approval shall become null and void if the applicant fails to either: 1) obtain the City Engineer signature on a final plat within two years of the date of the approved findings; or 2) obtain approval of a time extension as set forth in UDC 11-6B-7.
9. 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.
10. Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for multi-family dwellings based on the number of bedrooms per unit.
11. The submitted preliminary plat, dated January 2022, shall be revised as follows prior to Final Plat submittal:
 - a. Depict the required landscape buffers along Ustick and Venable via a landscape easement—ensure minimum width of 25 feet along Ustick is noted despite not being on property (measured from back of curb).
 - b. Add a plat note referencing the required license agreement with ACHD for the portion of the landscape buffer in the public right-of-way, per UDC 11-3B-7C.5.b.
 - c. Construct a 10-foot wide multi-use pathway on the east side of N. Venable Lane and within Lot 1, Block 2 consistent with the Pathways Master Plan.
 - d. Remove the sidewalk on the west side of N. Ridgebury Lane (east side of Lots 8, 9, & 14, Block 1) to move the units east to accommodate the multi-use pathway on the east side of N. Venable.

- e. Depict the private streets within a singular common lot or clearly depict the private street easement on the plat, in accord with UDC 11-3F-4A.
 - f. Add a plat note stating “No direct lot access is permitted to W. Ustick Road or N. Venable Lane.”
12. The submitted landscape plan, dated December 27, 2021, shall be revised prior to final plat submittal:
- a. Revise the landscape plans consistent with the preliminary plat revisions noted above in condition VIII.A.8.
 - b. Add data to the landscape plans showing compliance with UDC 11-3B-7C for the proposed parkways.
 - c. Clearly depict the required street buffers along W. Ustick Road and N. Venable Lane.
13. Placeholder for additional conditions if needed.

B. PUBLIC WORKS

Site Specific Conditions of Approval

1. A streetlight plan will need to be included in the final plat application.

Standard Conditions of Approval

1. Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet then alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
2. Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
3. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian’s standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2” x 11” map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. **DO NOT RECORD.** Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.
4. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.

5. All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
6. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
7. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
8. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
9. Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
10. A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
11. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
12. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
13. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
14. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
15. Developer shall coordinate mailbox locations with the Meridian Post Office.
16. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
17. The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
18. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
19. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.

20. A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
21. The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
22. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

C. FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=252899&dbid=0&repo=MeridianCity>

D. POLICE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=252855&dbid=0&repo=MeridianCity>

E. NAMPA MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=255744&dbid=0&repo=MeridianCity&cr=1>

F. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=254219&dbid=0&repo=MeridianCity>

G. ADA COUNTY HIGHWAY DISTRICT (ACHD)

No comments sent for this application – ACHD approved the subject project with previous applications.

IX. FINDINGS

A. Preliminary Plat Findings

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, with Staff's recommendations, is in substantial compliance with the adopted Comprehensive Plan and previous approvals.

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

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

3. The plat is in conformance with scheduled public improvements in accord with the City's capital

improvement program;

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

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

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

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

Staff is not aware of any health, safety, or environmental problems associated with the platting of this property. ACHD considers road safety issues in their analysis and has approved the proposed road layout and connections to adjacent parcels.

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

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

B. Private Street Required Findings

In order to approve the application, the director shall find the following:

1. The design of the private street meets the requirements of this article;

Staff finds that the submitted site plan shows compliance with all dimensional and development regulations in the TN-R zoning district in which it resides except for those noted and required to be revised.

2. Granting approval of the private street would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity; and

Staff finds the proposed use of multi-family residential, in conjunction with the other residential housing types proposed, is in accord with the comprehensive plan designation of Medium-High Density Residential within the Ten Mile Plan and the requirements of this title.

3. The use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan.

Staff finds the design, construction, and proposed operation and maintenance will be compatible with other uses in the general neighborhood and should not adversely change the essential character of the same area, if all conditions of approval are met.

4. The proposed residential development (if applicable) is a new or gated development.

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



AGENDA ITEM

ITEM TOPIC: Public Hearing for Records Apartments (H-2022-0008) by Brighton Development, Inc., Located at on the Northeast Corner of N. Records Way and E. Fairview Ave.
A. Request: Conditional Use Permit for a multi-family development consisting of 472 dwelling units in two (2) 5-story buildings on 10-acres of land in the C-G zoning district.



PUBLIC HEARING INFORMATION

Staff Contact: Sonya Allen

Meeting Date: April 7, 2022

Topic: **Public Hearing** for Records Apartments (H-2022-0008) by Brighton Development, Inc., Located at on the Northeast Corner of N. Records Way and E. Fairview Ave.
A. Request: Conditional Use Permit for a multi-family development consisting of 472 dwelling units in two (2) 5-story buildings on 10-acres of land in the C-G zoning district.

Information Resources:

[Click Here for Application Materials](#)

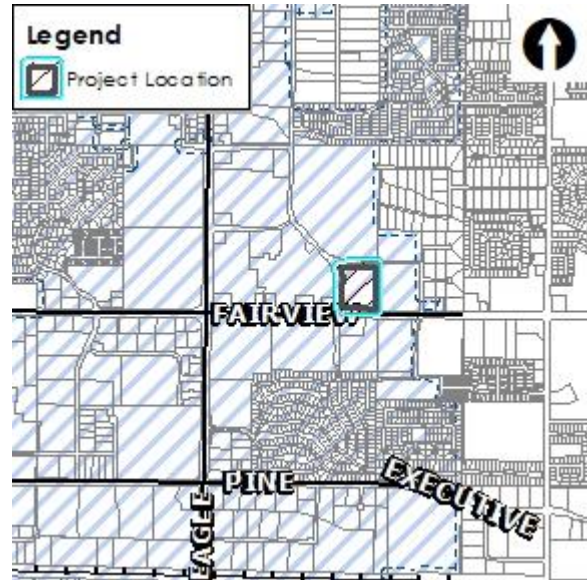
[Click Here to Sign Up to Testify at the Planning and Zoning Commission Public Hearing](#)

STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: April 7, 2022
TO: Planning & Zoning Commission
FROM: Sonya Allen, Associate Planner
208-884-5533
SUBJECT: H-2022-0008 – Records Apartments

LOCATION: Northeast corner of N. Records Way and E. Fairview Ave., in the SW 1/4 of Section 4, T.3N., R.1E (Parcel #S1104347005)



I. PROJECT DESCRIPTION

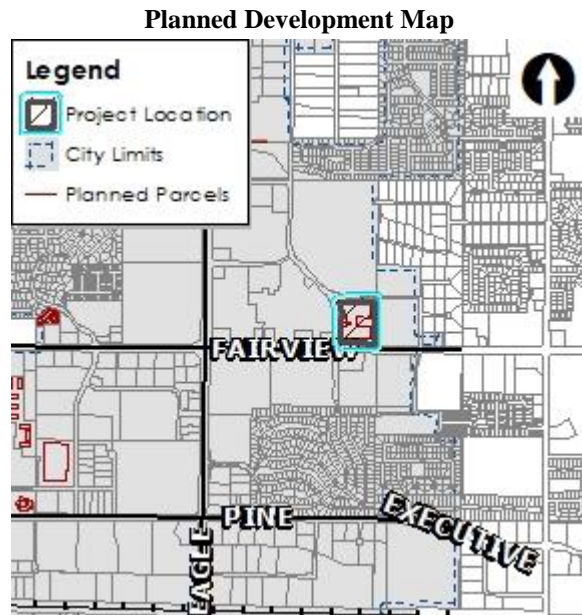
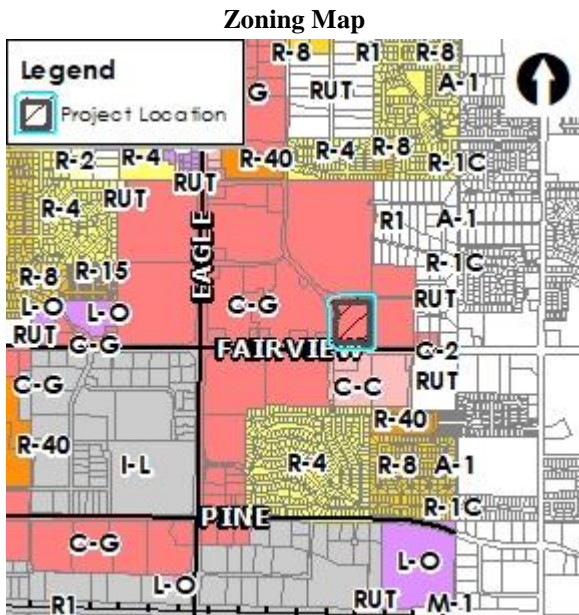
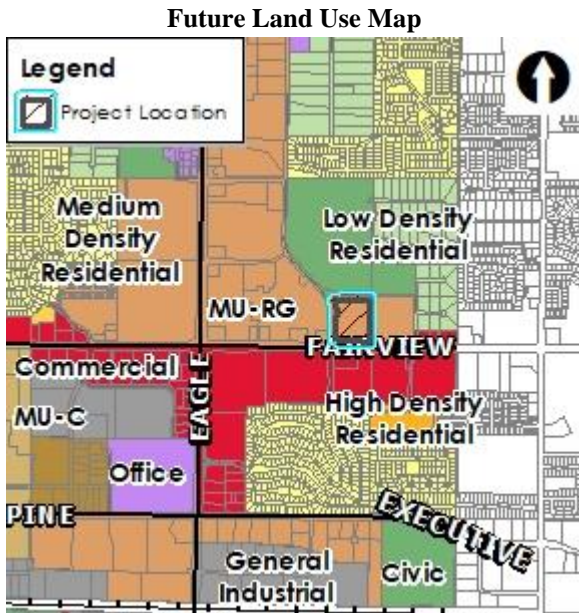
Conditional use permit for a multi-family development consisting of 472 apartment units in two (2) 5-story buildings on 9.95-acres of land in the C-G (General Retail and Service Commercial) zoning district. Alternative Compliance (ALT) is also requested to UDC 11-4-3-27B.3, which requires a minimum of 80 square feet of private usable open space to be provided for each dwelling unit.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details
Acreage	9.95-acres
Future Land Use Designation	Mixed Use – Regional (MU-R)
Existing Land Use	Vacant/undeveloped land
Proposed Land Use(s)	Multi-family development
Current Zoning	General Retail & Service Commercial (C-G)
Proposed Zoning	NA
Number of Residential Units (type of units)	472 units (apartments)
Density (gross)	47.4 units/acre
Phases (#)	2
Physical Features (waterways, hazards, flood plain, hillside)	None
History (previous approvals)	AZ-07-012 (DA Inst. # 109009630)

B. Project Maps



III. APPLICANT INFORMATION

A. Applicant:

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

B. Owner:

DWT Investments, LLC – 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642

C. Representative:

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

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	3/22/2022
Radius notification mailed to properties within 300 feet	3/21/2022
Public hearing notice sign posted on site	3/25/2022
Nextdoor posting	3/21/2022

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

Future Land Use Map Designation:

The subject property is designated Mixed Use – Regional (MU-R) on the Future Land Use Map (FLUM) in the Comprehensive Plan.

The purpose of the MU-R designation is to provide a mix of employment, retail, and residential dwellings and public uses near major arterial intersections. The intent is to integrate a variety of uses together, including residential, and to avoid predominantly single use developments such as a regional retail center with only restaurants and other commercial uses. Developments should be anchored by uses that have a regional draw with the appropriate supporting uses. For example, an employment center should have supporting retail uses; a retail center should have supporting residential uses as well as supportive neighborhood and community services.

Proposed Use: A multi-family development containing 472 apartment units in one (1) 5-story building with associated parking and landscaping is proposed to develop on this 9.95-acre site in the C-G zoning district.

COMPREHENSIVE PLAN POLICIES AND ANALYSIS:

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

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

Although the proposed development only includes one use (i.e. residential), the larger MU-R designated area and surrounding area includes commercial (i.e. retail, restaurant, entertainment, etc.) and civic (i.e. Kleiner City Park) uses as well as other residential dwelling types.

At the pre-application meeting, Staff did request the Applicant provide some services for the proposed residential uses (i.e. a daycare, coffee shop, vertically integrated, etc.) on this site but the Applicant declined asserting that a mix of uses already exists in this area to serve the future residents. Staff somewhat agrees although is of the opinion it would be better to have some of these uses integrated with the proposed development on this site – however, Staff is not including a condition for the Applicant to do so. If Commission feels this should be required, a condition should be added accordingly.

- “Where appropriate, higher density and/or multi-family residential development is encouraged for projects with the potential to serve as employment destination centers and when the project is adjacent to US 20/26, SH-55, SH-16 or SH-69.”

The proposed multi-family high density development will provide housing options in close proximity to nearby commercial/employment uses located along SH-55.

- “Mixed Use areas are typically developed under a master or conceptual plan; during an annexation or rezone request, a development agreement will typically be required for developments with a Mixed-Use designation.”

A Development Agreement (DA) exists for this property that includes a conceptual development plan; however, future development of this site was not tied to that plan. A multi-family development is noted in the Table of Proposed Uses included in the DA as an appropriate use to develop within the boundary of the DA with a detailed site plan subject to the conditions of the DA.

- “In developments where multiple commercial and/or office buildings are proposed, the buildings should be arranged to create some form of common, usable area, such as a plaza or green space.”

Commercial and/or office buildings are not proposed as part of this development.

- “The site plan should depict a transitional use and/or landscaped buffering between commercial and existing low- or medium-density residential development.”

There are no low- or medium-density residential developments abutting this site.

- “Community-serving facilities such as hospitals, clinics, churches, schools, parks, daycares, civic buildings, or public safety facilities are expected in larger mixed-use developments.”

No such uses are proposed in this development; however, Kleiner City Park and a Senior Center exist across the street to the north, which provide community-serving facilities.

- “Supportive and proportional public and/or quasi-public spaces and places including but not limited to parks, plazas, outdoor gathering areas, open space, libraries, and schools are expected; outdoor seating areas at restaurants do not count.”

No such uses are proposed in this development; however, Kleiner City Park and a Senior Center exist across the street to the north that provides public outdoor gathering areas and open space.

- “Mixed use areas should be centered around spaces that are well-designed public and quasi-public centers of activity. Spaces should be activated and incorporate permanent design elements and amenities that foster a wide variety of interests ranging from leisure to play. These areas should be thoughtfully integrated into the development and further placemaking opportunities considered.”

As noted above, the proposed development lies just to the south of Kleiner City Park, which includes a senior center. The proposed development plan doesn't include any public/quasi-public uses but does include private open space and amenities for residents of the development. The adjacent Village at Meridian development to the west includes a large public gathering area with a fountain and seating and amenities.

- “All mixed-use projects should be directly accessible to neighborhoods within the section by both vehicles and pedestrians.”

*The Village at Meridian is directly accessible from adjacent neighborhoods by public streets and pedestrian pathways. **Staff recommends the Applicant work with ACHD's Planning and Projects group to see if a pedestrian crossing can be provided to the north at the Record/Longwing intersection for pedestrian safety.***

- “Alleys and roadways should be used to transition from dissimilar land uses, and between residential densities and housing types.”

Roadways separate the proposed residential development from the commercial development to the west and the City park to the north; a shared driveway separates this site from the vehicle sales use to the east.

- “Because of the parcel configuration within Old Town, development is not subject to the Mixed-Use standards listed herein.”

The subject property is not located in Old Town; therefore, this item is not applicable.

In reviewing development applications, the following items will be considered in MU-R areas, per the Comprehensive Plan (pgs. 3-16 thru 3-17):

- Development should generally comply with the general guidelines for development in all Mixed-Use areas.

Staff’s analysis on the proposed project’s compliance with the general guidelines is included above.

- Residential uses should comprise a minimum of 10% of the development area at gross densities ranging from 6 to 40 units/acre. There is neither a minimum nor maximum imposed on non-retail commercial uses such as office, clean industry, or entertainment uses.

*The proposed residential uses contribute to the minimum 10% required in the overall development and is the sole use proposed with this development application. **The proposed gross density is 47.4 units/acre, which exceeds the maximum desired. The density should be reduced to a maximum of 40 units/acre.***

- Retail commercial uses should comprise a maximum of 50% of the development area.

No retail uses are proposed with this development application.

Where the development proposes public and quasi-public uses to support the development, the developer may be eligible for additional area for retail development (beyond the allowed 50%), based on the ratios below:

- For land that is designated for a public use, such as a library or school, the developer is eligible for a 2:1 bonus. That is to say, if there is a one-acre library site planned and dedicated, the project would be eligible for two additional acres of retail development.
- For active open space or passive recreation areas, such as a park, tot-lot, or playfield, the developer is eligible for a 2:1 bonus. That is to say, if the park is 10 acres in area, the site would be eligible for 20 additional acres of retail development.
- For plazas that are integrated into a retail project, the developer would be eligible for a 6:1 bonus. Such plazas should provide a focal point (such as a fountain, statue, and water feature), seating areas, and some weather protection. That would mean that by providing a half-acre plaza, the developer would be eligible for three additional acres of retail development.

This guideline is not applicable as no public/quasi-public uses are proposed with this application.

Based on the analysis above, if the number of units are reduced to a maximum gross density of 40 units per acre (or below), Staff is of the opinion the proposed high-density urban-style residential development is generally consistent with the MU-R designation in the Comprehensive Plan and with the general mixed use guidelines in that it contributes to the mix of uses desired; provides living opportunities within close proximity to employment, retail, restaurant and entertainment uses, which should reduce vehicle trips on area streets; and is located near a major arterial intersection (i.e. E. Fairview Ave. and N. Eagle Rd./SH-55).

VI. STAFF ANALYSIS

CONDITIONAL USE PERMIT (CUP)

A CUP is proposed for a multi-family development containing one (1) 65-foot tall 5-story structure with podium parking on the first floor and 472 apartment units above consisting of (84) studio, (208) 1-bedroom,

(168) 2-bedroom and (12) 3-bedroom units on 9.95-acres of land in the C-G zoning district. The size of each of the unit type is as follows: 586 square feet (s.f.) for studio units; 680 s.f. for 1-bedroom units; 934 s.f. for 2-bedroom units; and 1,242 s.f. for 3-bedroom units. The gross density of the development is 47.4 units per acre. A 9,624 s.f. clubhouse with amenities is also proposed.

The project is proposed to be constructed in two (2) phases; the northern portion of the building and the clubhouse with the first phase and the southern portion of the building with the second phase. The north & south building will be joined together by the clubhouse.

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

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

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

B. Site Design:

1. Buildings shall provide a minimum setback of ten feet (10') unless a greater setback is otherwise required by this title and/or [title 10](#) of this Code. Building setbacks shall take into account windows, entrances, porches and patios, and how they impact adjacent properties. *The proposed site plan complies with this standard.*
2. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, and transformer and utility vaults shall be located in an area not visible from a public street, or shall be fully screened from view from a public street. ***The site/landscape plan submitted with the Certificate of Zoning Compliance application should depict all such areas and reflect compliance with this standard.***
3. A minimum of eighty (80) square feet (s.f.) of private, usable open space shall be provided for each unit. This requirement can be satisfied through porches, patios, decks, and/or enclosed yards. Landscaping, entryway and other access ways shall not count toward this requirement. In circumstances where strict adherence to such standard would create inconsistency with the purpose statements of this section, the Director may consider an alternative design proposal through the alternative compliance provisions as set forth in section [11-5B-5](#) of this title. *Alternative Compliance is requested to provide zero or a lesser amount of private open space than required, as follows: 0 for studio units; 57-82 s.f. for 1-bedroom units; and 60 s.f. for 3-bedroom units – 89 s.f. is proposed for 2-bedroom units, which exceeds UDC standards.*

As justification for the request, the Applicant proposes what they feel are extraordinary site amenities, coupled with innovative new urban design with an emphasis on integrated, internal open space and facilities. The Director agrees with the Applicant's assertions and finds the proposed alternative means of compliance demonstrates an equal means of meeting the intent and purpose of the regulation per the Findings in Section IX below.

4. For the purposes of this section, vehicular circulation areas, parking areas, and private usable open space shall not be considered common open space. *These areas were not included in the common open space calculations on the qualified open space exhibit in Section VIII.C.*
5. No recreational vehicles, snowmobiles, boats or other personal recreation vehicles shall be stored on the site unless provided for in a separate, designated and screened area. *The Applicant shall comply with this requirement.*
6. The parking shall meet the requirements set forth in [chapter 3](#), "Regulations Applying to All Districts", of this title. *Based on the minimum standards listed in UDC [11-3C-6](#), off-street parking is required as follows: a minimum of 84 parking spaces are required for the studio units; a minimum of 312 spaces are required for the 1-bedroom units with at least 208 of those in a covered carport or garage; a minimum of 360 spaces are required for the 2- and 3-bedroom units with at least 180 of those in a covered carport or garage; a minimum of 47 guest spaces; and a minimum of 19 spaces*

for the clubhouse for a total of 822 spaces with at least 388 of those in a covered carport or garage. A total of 815 spaces are proposed with 477 of those covered, which is seven (7) fewer than the minimum required. If the number of units are reduced to a maximum of 40 units per acre (gross) as recommended, this will reduce the number of required parking spaces which should then meet UDC standards. If the Commission approves the proposed density (47.4 units/acre), a minimum of seven (7) additional spaces shall be provided on this site and depicted on a revised site/landscape plan submitted prior to the Commission's action on this application; or, the number of 2- or 3-bedroom units could be reduced to reduce the parking requirement.

Bicycle parking is required per the standards listed in UDC 11-3C-6G and should comply with the standards listed in UDC 11-3C-5C. Based on the minimum number of vehicle parking spaces required (i.e. 822), a minimum of 32 spaces are required; a total of 30 spaces are proposed, which is two (2) fewer than the minimum required. A minimum of two (2) additional bicycle parking spaces shall be provided on this site and depicted on a revised site/landscape plan submitted prior to the Commission's action on this application. Note: A reduction in the number of dwelling units (and subsequently the number of required parking stalls) as recommended may result in the proposed bicycle parking meeting UDC standards.

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

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

- C. Common Open Space Design Requirements (UDC [11-4-3-27C](#)): The total baseline land area of all qualified common open space shall equal or exceed ten (10) percent of the gross land area for multi-family developments of five (5) acres or more. Based on 9.95 acres of land, a minimum of 1-acre of common open space is required to be provided.

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

- a. One hundred fifty (150) square feet for each unit containing five hundred (500) or less square feet of living area. *There are no units containing 500 s.f. or less of living area.*
- b. Two hundred fifty (250) square feet for each unit containing more than five hundred (500) square feet and up to one thousand two hundred (1,200) square feet of living area. *460 units fall within this range; therefore, a minimum of 115,000 square feet (or 2.64-acres) of common open space is required for these units.*
- c. Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area. *12 units fall within this range; therefore, a minimum of 4,200 s.f. (or 0.10-acre) of common open space is required for these units.*

Per this standard, a total of 2.74 acres of common open space is required. Combined with the 1 acre noted above for the baseline requirement, a *minimum* of 3.74 acres of common open space is required that complies with the standards listed in UDC [11-4-3-27C](#). *Note: Because this site is directly adjacent to Kleiner City Park to the north and has safe pedestrian access without crossing*

an arterial street, this project is exempt from the additional open space requirements in UDC 11-4-3-27C.3.

The open space exhibit in Section VIII.C depicts a total of 2.75 acres (or 27.7%) of common open space for the development consisting of four (4) internal amenity spaces, the clubhouse and swimming pool area, street buffers along Records (a collector street) and Fairview (an arterial street), and buffer along the southern portion of the east boundary of the site. Per UDC 11-4-3-27C.5, common open space areas shall not be less than 400 square feet in area, and shall have a minimum length and width dimension of 20 feet. **The buffer along the southern portion of the east boundary of the site and the southern portion of the street buffer along N. Records Way is below 20 feet in width and does not meet this standard.** Per UDC 11-4-3-27C.7, unless otherwise approved through the conditional use process, common open space areas shall not be adjacent to collector or arterial streets unless separated from the street by a berm or constructed barrier at least four feet (4') in height, with breaks in the berm or barrier to allow for pedestrian access. **The buffers along Records and Fairview are not separated from the street by a berm and do not meet this standard. Staff recommends a revised open space exhibit is submitted that provides a minimum of 3.74 acres of qualified open space meeting the minimum standards noted above and in UDC 11-4-3-27C prior to the Commission acting on this application.** *The reduction in the number of units as recommended may result in extra area for common open space to be provided meeting the minimum standards.*

In phased developments, common open space shall be provided in each phase of the development consistent with the requirements for the size and number of dwelling units. *The phasing plan complies with this requirement.*

- D. Site Development Amenities: All multi-family developments shall provide for quality of life, open space, recreation and multi-modal amenities to meet the particular needs of the residents as noted in UDC [11-4-3-27D](#). The number of amenities shall depend on the size of the multi-family development based on the number of units.

For multi-family developments with 75 units or more, four (4) amenities shall be provided with at least one (1) from each category. For developments with more than 100 units such as this, the decision-making body shall require additional amenities commensurate to the size of the proposed development.

The following amenities are proposed: 1) a clubhouse with indoor amenities including a pet spa and fitness facility, and an outdoor kitchen/grilling area, which count toward the quality of life category; 2) plazas with picnic areas with tables, benches and shade structures, which count toward the open space category; 3) a swimming pool; snookball, cornhole and table tennis games; and multi-use pathways along Records and Fairview, which count toward the recreation category; and 4) electric vehicle (EV) charging stations, which count toward the multi-modal category. Other amenities are proposed as noted in the Applicant's [narrative](#). Off-site amenities also exist in Kleiner City Park directly adjacent to this site to the north within walking distance that consist of a pedestrian circulation system, splash pad, play structures, basketball court and bocce ball court. *Staff finds the proposed amenities meet and exceed the minimum standards.*

- E. Landscaping Requirements: Development shall meet the minimum landscaping requirements in accord with [chapter 3](#), "Regulations Applying to All Districts", of this title. Additionally, all street facing elevations shall have landscaping along their foundation that complies with the standards listed in UDC [11-4-3-27E.2](#). ***The landscape plan submitted with the Certificate of Zoning Compliance application should depict landscaping along the street facing elevations adjacent to N. Records Way and E. Fairview Ave. in accord with these standards.***
- F. Maintenance and Ownership Responsibilities: All multi-family developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the

development, including, but not limited to, structures, parking, common areas, and other development features. ***The Applicant shall comply with this requirement; a copy of such shall be submitted to the Planning Division prior to issuance of the first Certificate of Occupancy within the development.***

Access: Access is proposed from N. Records Way, a collector street, at the west boundary of the site; and from an existing driveway via E. Elden Gray St., a local street, along the east boundary of the site. **If one doesn't already exist, a cross-access easement shall be granted to the adjacent property to the east (CarMax) for use of the portion of the driveway that lies on this site. A recorded copy of the easement shall be submitted with the first Certificate of Zoning Compliance application.**

Where access to a local street is available, the UDC ([11-3A-3A.1](#)) requires the site circulation to be to be reconfigured to take access from such local street. This standard applies unless otherwise waived by City Council. Therefore, the access via N. Records Ave. is not allowed and shall be removed from the site/landscape plan. The Applicant may request City Council approval of a waiver of this provision as allowed in UDC 11-3A-3 through submittal of an application for City Council Review of the Commission's decision on this matter. *Note: ACHD has approved this access with the requirement of a right-turn lane.*

Road Improvements (CIP/IFYWP): Fairview Ave. is listed in the CIP to be widened to 7-lanes from Eagle Rd./SH-55 to Cloverdale Rd. between 2036 and 2040. No new roads are proposed or required with this application.

Traffic Impact Study (TIS): ACHD deems the estimated trips from this development is less than what was estimated previously for this parcel with the 2- to 3-story office and residential land uses conceptually proposed with the TIS for The Village at Meridian in 2011. For this reason, only a turn lane analysis was required. Based on this analysis, a northbound dedicated right turn lane on Records Way is recommended at the site access; no additional turn lanes are recommended at the access on Elden Gray Street. ACHD is supportive of the access provided a turn lane is constructed as recommended.

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

Landscaped street buffers are required to be provided as follows: a 35-foot wide street buffer is required along E. Fairview Ave., an entryway corridor; a 20-foot wide buffer is required along N. Records Way, a collector street; and a 10-foot wide buffer is required along E. Elden Gray St., a local street, per UDC Table 11-2B-3 and landscaped per the standards listed in UDC [11-3B-7C.3](#). **Some portions of the buffers along Records and Fairview are below the required widths and should be revised. All buffers are required to be planted with a variety of trees, shrubs, lawn or other vegetative groundcover and designed to elicit design principles including rhythm, repetition, balance and focal elements per the recently updated specifications; the landscape plan shall be revised accordingly.**

Landscaping is required within parking lots in accord with the standards listed in UDC 11-3B-8C. **The three (3) "diamond" planter islands between the north & south portions of the building do not meet the standards in UDC 11-3B-8C.2, which require planters to contain a minimum of 50 square feet and run the length of the parking space; the site/landscape plan should be revised accordingly. Where bumpers overhang perimeter landscaping in parking areas, the parking stall dimensions may be reduced 2' in length if 2' is added to the width of the landscaped area planted in groundcover; otherwise, wheel stops should be provided to prevent vehicle overhang. The perimeter buffers/parking along the south and east boundaries of the site should be revised to comply with this standard.**

Landscaping is required to be provided along all pathways per the standards listed in UDC [11-3B-12C](#), which require a *mix* of trees, shrubs, lawn and/or other vegetative groundcover. **Shrubs should be added to the landscape plan in accord with this standard where none are depicted.**

Pathways: The Pathways Master Plan depicts 10-foot wide multi-use pathways along E. Fairview Ave. and N. Records Way providing pedestrian connections to Kleiner City Park; pathways are proposed in accord with the Plan. **A 14-foot wide public pedestrian easement is required to be submitted to the Planning Division prior to or concurrent with the Certificate of Zoning Compliance application as**

recommended by the Park's Dept. If the pathway is partially located within the public right-of-way, provide sufficient easement width beyond that boundary to cover the 10' sidewalk plus 2'.

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

Sidewalk: The UDC (11-3A-17) requires minimum 5-foot wide detached sidewalks along all collector and arterial streets; and attached sidewalks (or detached) along local streets. Because the Pathways Master Plan depicts pathways along Fairview Ave. and Records Way, a 10-foot wide sidewalk is proposed in those areas instead; a detached sidewalk is proposed along Eldon Gray St.; and an attached sidewalk is proposed along the driveway along the east boundary of the site.

The minimum width of parkways planted with Class II trees is 8-feet; the planter width may be reduced to 6-feet if there are root barriers that meet the standards in UDC [11-3A-17E](#). The site/landscape plans shall be revised accordingly.

Fencing: Any fencing constructed on the site should comply with the standards listed in UDC 11-3A-7. A decorative fence barrier is depicted on the landscape plan along E. Fairview Ave. and N. Records Way.

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

Conceptual building elevations were submitted for the proposed 5-story structure as shown in Section VIII.D. Final design is required to comply with the design standards in the Architectural Standards Manual.

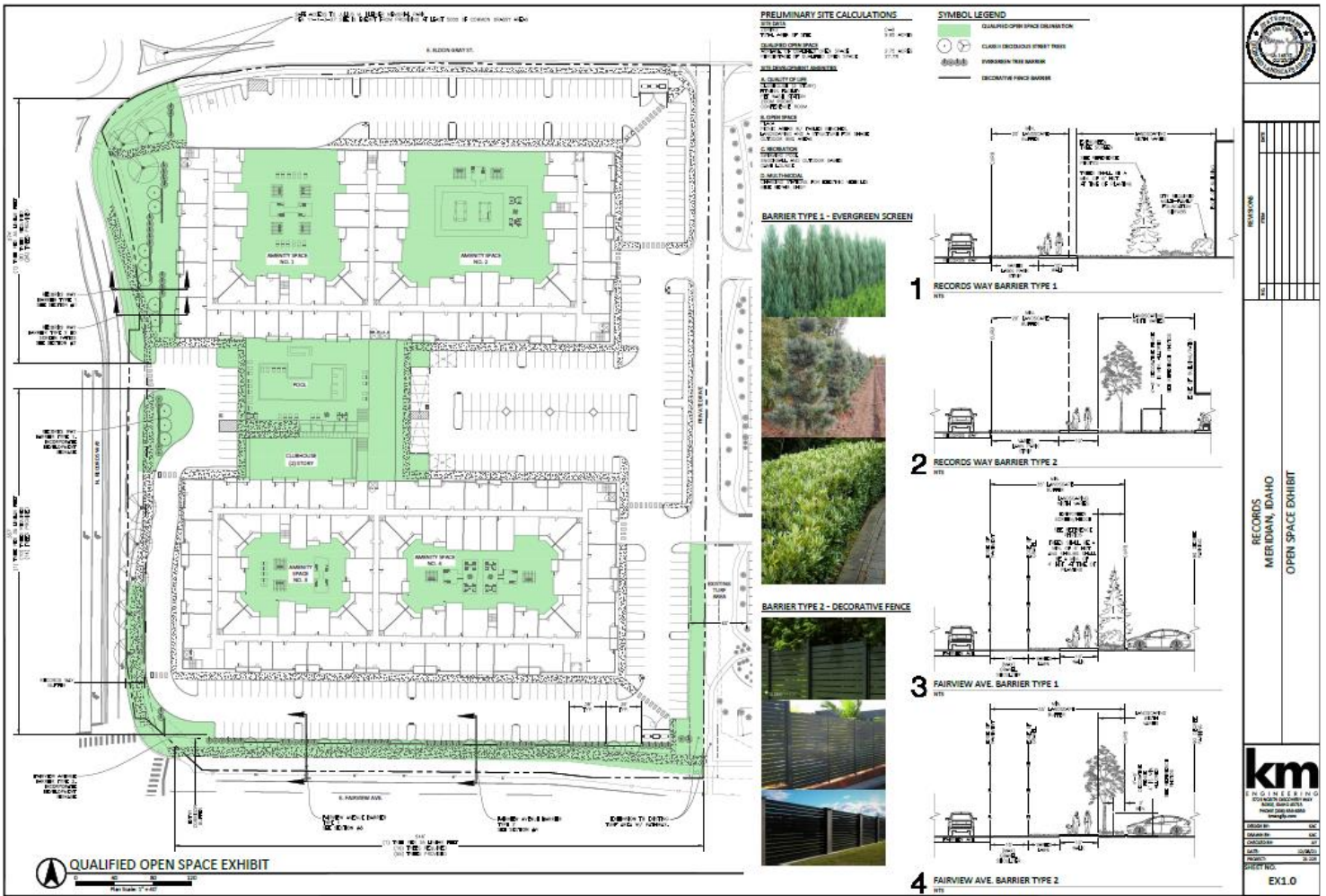
A Certificate of Zoning Compliance and Design Review application shall be submitted and approved prior to submittal of building permit applications.

VII. DECISION

A. Staff:

Staff recommends approval of the proposed CUP with the conditions noted in Section IX per the Findings in Section X. However, prior to the Commission's action on this application, Staff recommends the number of dwelling units is reduced to achieve an overall maximum gross density of 40 units per acre; a revised open space exhibit is submitted that complies with the minimum open space standards in UDC 11-4-3-27C (currently, a minimum of 3.74 acres of qualified open space meeting the minimum standards discussed above in Section VI is required but will change if fewer units are provided as recommended); and a revised site/landscape plan is submitted that complies with the minimum parking standards listed in UDC 11-3C-6 for vehicles and bicycles (currently, a minimum of seven (7) additional vehicle spaces and two (2) additional bicycle parking spaces are required but will change if fewer units are provided as recommended). The Director has approved the request for ALT per the provisions included in Section IX in accord with the Findings in Section X.

C. Qualified Open Space (dated: 12/8/21, stamped on 1/25/22) **NOT APPROVED**



D. Building Renderings for Multi-Family Structures & Clubhouse (dated: 1/20/22)



PRELIMINARY CONCEPTS
 MERIDIAN MULTIFAMILY | BRIGHTON/BALL VENTURES
 20 JANUARY 2022



PRELIMINARY CONCEPTS
 MERIDIAN MULTIFAMILY | BRIGHTON/BALL VENTURES
 20 JANUARY 2022



PRELIMINARY CONCEPTS
 MERIDIAN MULTIFAMILY | BRIGHTON/BALL VENTURES
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PRELIMINARY CONCEPTS
MEDICAN MULTIFAMILY | BRIGHTON / BALL VENTURES
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20 JANUARY 2022



IX. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

Conditional Use Permit:

1. The Applicant shall comply with the provisions in the existing Development Agreement (David Kleiner Property of Meridian Town Center AZ-07-012, Inst. #[109009630](#)) and all other previous conditions of approval.
2. A maximum gross density of 40 dwelling units per acre shall be provided in this development.
3. The multi-family development shall have an ongoing obligation to comply with the specific use standards listed in UDC 11-4-3-27, including but not limited to the following:
 - a. No recreational vehicles, snowmobiles, boats or other personal recreation vehicles shall be stored on the site unless provided for in a separate, designated and screened area.
 - b. The multi-family development shall record a legally binding document that states the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features as set forth in UDC 11-4-3-27F. **A recorded copy of said document shall be submitted to the Planning Division prior to issuance of the first Certificate of Occupancy for the development.**
4. The site and/or landscape plan submitted with the Certificate of Zoning Compliance shall be revised as follows:
 - a. Depict the locations of the property management office, maintenance storage area, central mailbox location (including provisions for parcel mail, that provide safe pedestrian and/or vehicular access), and a directory and map of the development at an entrance or convenient location for those entering the development in accord with UDC 11-4-3-27B.7.
 - b. Depict landscaping along the foundations of all street facing elevations as set forth in UDC [11-4-3-27E.2](#).
 - c. Depict a minimum 35-foot wide street buffer along E. Fairview Ave., an entryway corridor; a minimum 20-foot wide buffer along N. Records Way, a collector street; and a minimum 10-foot wide buffer along E. Elden Gray St., a local street, per UDC Table 11-2B-3.
 - d. Within street buffers, depict a *variety* of trees, shrubs, lawn or other vegetative groundcover designed to elicit design principles including rhythm, repetition, balance and focal elements per the recently updated specifications set forth in UDC [11-3B-7C.3](#).
 - e. Remove the three (3) “diamond” planter islands between the north & south portions of the building and replace them with planter islands that comply with the standards in UDC [11-3B-8C.2](#).
 - f. Shrubs shall be added to the landscape strips along pathways where none currently exist in order to contribute to the *mix* of landscaping required by UDC [11-3B-12C.2](#).
 - g. Where bumpers overhang perimeter landscaping in parking areas, the parking stall dimensions may be reduced 2’ in length if 2’ is added to the width of the landscaped area planted in groundcover; otherwise, wheel stops shall be provided to prevent vehicle overhang. The perimeter buffers/parking along the south and east boundaries of the site should be revised to comply with this standard.

- h. Internal pedestrian walkways are required to be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks per UDC 11-3A-19B.4b.
 - i. Depict off-street vehicle parking and bicycle parking spaces in accord with the standards listed in UDC [11-3C-6](#) (i.e. currently, a minimum of 822 off-street vehicle parking spaces are required with at least 388 of those in a covered carport or garage for the multi-family units, guest and clubhouse; and a minimum of 30 bicycle parking spaces are required depending on how many vehicle parking spaces are provided – these numbers will change if fewer units are provided as recommended).
 - j. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, and transformer and utility vaults shall be depicted on the site plan and shall not be located in an area not visible from a public street, or shall be fully screened from view from a public street as set forth in UDC 11-4-3-27B.2.
 - k. Remove the access driveway via N. Records Way in accord with UDC 11-3A-3A.1, unless otherwise waived by City Council.
 - l. The minimum width of parkways planted with Class II trees is 8-feet; the planter width may be reduced to 6-feet if there are root barriers that meet the standards in UDC 11-3A-17E.
 - m. Depict common open space that complies with the dimensional standards in UDC 11-4-3-27 (i.e. shall not be less than 400 square feet in area and shall have a minimum length and width dimension of 20 feet).
4. A cross-access easement shall be granted to the adjacent property to the east (CarMax – Parcel #S1104438755) for use of the portion of the driveway that lies on this site; a recorded copy of the easement shall be submitted with the first Certificate of Zoning Compliance application. *If an easement already exists, submit a copy of the recorded easement.*
 5. The Director approved the Applicant's request for Alternative Compliance to the private usable open space standards listed in UDC 11-4-3-27B.3 for each dwelling unit as follows: zero (0) s.f. for studio units; 57-82 s.f. for 1-bedroom units; and 60 s.f. for the 3-bedroom units. **Floor plans with square footages noted for patios and balconies shall be submitted with the Certificate of Zoning Compliance application that demonstrate compliance with the alternative compliance approval.**
 6. Submit a 14-foot wide public pedestrian easement for the 10-foot wide pathways required along the southern and western boundaries of the site in accord with Park's Department [requirements](#) prior to or with the Certificate of Zoning Compliance application. *If partially located within the public right-of-way, provide sufficient easement width beyond that boundary to cover the 10' sidewalk plus 2'.*
 7. The Applicant should work with ACHD's Planning and Projects group to see if a pedestrian crossing can be provided to the north across N. Records Way at the Record/Longwing intersection for pedestrian safety between the residential and commercial development, as well as the City Park.
 8. An application for Certificate of Zoning Compliance and Design Review shall be submitted for the proposed project and approved prior to submittal of building permit applications. Compliance with the design standards listed in the Architectural Standards Manual is required.

B. PUBLIC WORKS

Site Specific Conditions of Approval

1. A geotechnical report was not included with this application. A geotechnical report is required to be submitted and reviewed with the first final plat application.

2. 20-foot-wide utility easements are required for all water and sewer mains outside right-of-way. Easements must be centered over mains.
3. No permanent structures including but not limited to trees, bushes, carports, buildings, trash enclosures, fences, infiltration trenches, light poles, etc. may be placed within a utility easement.
4. Fire flow was modeled at 1500 gpm. If more than 1500 gpm is required, contact Public Works.
5. Proposed wastewater flow is 47,000 gpd greater than the master plan. Capacity is available at this time, but there is no guarantee that additional capacity will be available at the time of application submittal.
6. Ensure no sewer services cross infiltration trenches.

General Conditions of Approval

7. Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet then alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
8. 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.
9. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. **DO NOT RECORD.**
10. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
11. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
12. 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.
13. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.

14. 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.
15. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
16. 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.
17. 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.
18. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
19. Developer shall coordinate mailbox locations with the Meridian Post Office.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

C. FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=253274&dbid=0&repo=MeridianCity&cr=1>

D. POLICE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=253287&dbid=0&repo=MeridianCity>

E. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=254097&dbid=0&repo=MeridianCity>

F. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=255743&dbid=0&repo=MeridianCity>

G. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=254218&dbid=0&repo=MeridianCity>

H. COMMUNITY DEVELOPMENT SCHOOL IMPACT TABLE

Not yet received.

I. WEST ADA SCHOOL DISTRICT (WASD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=255717&dbid=0&repo=MeridianCity&cr=1>

J. PARK'S DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=253285&dbid=0&repo=MeridianCity>

K. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=255187&dbid=0&repo=MeridianCity>

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

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

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

Staff finds with the number of units proposed, the site does not appear to be large enough to accommodate the proposed use and dimensional and development regulations of the district. If the number of dwelling units are reduced as recommended, which will in turn reduce the amount of common open space and off-street vehicle and bicycle parking requirements and allow adequate room for the street buffers and common areas to be widened where needed to meet the minimum standards, the site should be large enough to accommodate the proposed use and meet the dimensional and development regulations of the district (see Analysis, Section VI for more information).

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

Staff finds that the proposed use is consistent with uses desired in the MU-R designation but that the density should be reduced to a maximum of 40 units per acre (gross) to be consistent with the density guidelines for the MU-R designation (i.e. 6-40 units per acre). The multi-family residential use is allowed as a conditional use in UDC Table 11-2B-2 in the C-G zoning district.

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

Staff finds the proposed design of the development, construction, operation and maintenance should be compatible with the mix of other uses in this area and with the intended character of the area and that such uses will not adversely change the character of the area.

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

Staff finds that if the applicant complies with the conditions outlined in this report, the proposed use will not adversely affect other property in the area. The Commission should weigh any public testimony provided to determine if the development will adversely affect other properties in the vicinity.

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

Staff finds that essential public services are available to this property and that the use will be adequately served by these facilities.

B. Alternative Compliance (UDC 11-5B-5):

In order to grant approval of an alternative compliance application, the Director shall determine the following:

1. Strict adherence or application of the requirements is not feasible; OR

The Director finds strict adherence to the standards pertaining to private usable open space listed in UDC 11-4-3-27B.3 is feasible.

2. The alternative compliance provides an equal or superior means for meeting the requirements; and

The Director finds the proposed alternative compliance of providing extraordinary site amenities, coupled with innovative new urban design with an emphasis on integrated, internal open space and facilities provides an equal means for meeting the requirement.

3. The alternative means will not be materially detrimental to the public welfare or impair the intended uses and character of the surrounding properties.

The Director finds that the proposed alternative means of compliance will not be detrimental to the public welfare or impair the intended use/character of the surrounding properties.