



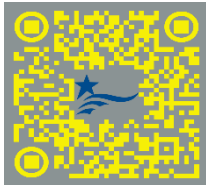
PLANNING AND ZONING COMMISSION MEETING

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho
Thursday, January 18, 2024 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/81095276712>

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

Webinar ID: 810 9527 6712

ROLL-CALL ATTENDANCE

Nate Wheeler Maria Lorcher Patrick Grace

Enrique Rivera Mandi Meyers Jared Smith

Andrew Seal, Chairperson

ADOPTION OF AGENDA

CONSENT AGENDA [Action Item]

1. [Approve Minutes of the January 4, 2024 Planning and Zoning Commission Meeting.](#)

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

ACTION ITEMS

2. **Public Hearing** for Rosalyn Subdivision (H-2023-0056) by Givens Pursley, LLP., located at 200 E. Rosalyn Dr.

Applicant Requests Continuance

- A. Request: Annexation of a 0.014-acre of land from RUT in Ada County to the R-8 zoning district including the remaining portion of E. Rosalyn Street cul-de-sac right-of-way.
- B. Request: Combined Preliminary/Final Plat consisting of 7 residential building lots and 1 common lot on 0.733 acres in the R-8 zoning district.
- C. Request: Alternative Compliance to deviate from the common driveway standards in the UDC 11-6C-3D1.

3. **Public Hearing** for Daily Fit Body (H-2023-0060) by Joseph Daily, Daily Fit Body, located at 1600 N. Linder Rd.

Application Materials: <https://bit.ly/H-2023-0060>

- A. Request: [Conditional Use Permit to operate an indoor recreation facility \(personal training facility\) from Units 1, 3 and 5 for a total of 6,283 square-feet in an existing 20,203 square-foot industrial building on 1.41 acres of land in the I-L zoning district.](#)

4. **Public Hearing** for Sulamita Church (MCU-2023-0008) by MMGC Sulamita, located at 4973 W. Cherry Lane

Application Materials: <https://bit.ly/MCU-2023-0008>

- A. Request: [Modified Conditional Use Permit \(H-2018-0110\) to allow one of the existing structures on the site to remain for an additional two \(2\) years beyond the date of issuance of the Certificate of Occupancy permit in order to continue the operation of a food pantry in the building.](#)

5. **Public Hearing** for Pathways (H-2023-0061) by Mussell Construction, Inc., located at 965 E. Ustick Rd.

Application Materials: <https://bit.ly/H-2023-0061>

- A. Request: Annexation of 1.11 acres of land with an L-O zoning district.
- B. Request: [Conditional Use Permit for an education institution that takes access from an arterial street without a safe, separate pedestrian and bikeway access between the neighborhood and the school site.](#)

ADJOURNMENT

To view upcoming Public Hearing Notices, visit <https://apps.meridiancity.org/phnotices>



AGENDA ITEM

ITEM TOPIC: Approve Minutes of the January 4, 2024 Planning and Zoning Commission Meeting.

Meeting of the Meridian Planning and Zoning Commission of January 4, 2024, was called to order at 6:00 p.m. by Chairman Andrew Seal.

Members Present: Commissioner Andrew Seal, Commissioner Maria Lorcher, Commissioner Patrick Grace, Commissioner Nathan Wheeler and Commission Enrique Rivera.

Members Absent: Commissioner Jared Smith and Commissioner Mandi Stoddard.

Others Present: Tina Lomeli, Kurt Starman, Bill Parsons and Dean Willis.

ROLL-CALL ATTENDANCE

<u> X </u> Nate Wheeler	<u> X </u> Maria Lorcher
<u> </u> Mandi Stoddard	<u> X </u> Patrick Grace
<u> X </u> Enrique Rivera	<u> </u> Jared Smith
<u> X </u> Andrew Seal - Chairman	

Seal: All right. Good evening. Welcome to the Planning and Zoning Commission meeting for January 4th, 2024. At this time I will call the meeting to order. Commissioners who are present for this evening's meeting are at City Hall and on Zoom. We also have staff from the city attorney and clerk's offices, as well as the city planning department. If you are joining us on Zoom this evening we can see that you are here. You may observe the meeting. However, your ability to be seen on screen and talk will be muted. During the public testimony portion of the meeting you will be unmuted and, then, be able to comment. Please note that we cannot take questions until the public testimony portion. If you have a question during the meeting, please e-mail cityclerk@meridiantcity.org and they will reply as quickly as possible. If you want to simply watch the meeting we encourage you to do so on the city's YouTube channel. You can access that at meridiantcity.org/live. With that let's begin with roll call. Madam Clerk.

ADOPTION OF AGENDA

Seal: All right. So, the first item on the -- excuse me. The first item on the agenda is the adoption of the agenda. File H-2023-0045 for Farmstone Crossing Subdivision will be opened for the sole purpose of continuing to a regularly scheduled meeting. So, it will be opened for that purpose alone. So, if there is anybody here tonight to testify for that particular application we will not be taking public testimony this evening. Can I get a motion to adopt the agenda?

Rivera: I make a motion to accept the agenda.

Wheeler: Second.

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

MOTION CARRIED: FIVE AYES. TWO ABSENT.

CONSENT AGENDA [Action Item]

1. Approve Minutes of the December 7, 2023 Planning and Zoning Commission Meeting

Seal: Next item on -- on the agenda is the Consent Agenda and we have one item on the Consent Agenda, which is to approve the minutes of the December 7th, 2023, Planning and Zoning Commission meeting. Can I get a motion to accept the consent -- Consent Agenda as presented?

Wheeler: I move that we approve the minutes of the December 7th, 2003, Planning and Zoning Commission meeting minutes.

Rivera: I will second.

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

MOTION CARRIED: FIVE AYES. TWO ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Seal: All right. So, at this time I would like to briefly explain the public hearing process. We will open each item individually and begin with the staff report. Staff will report their findings on how the item adheres to our Comprehensive Plan and Unified Development Code. After staff has made their presentation the applicant will come forward to present their case and respond to staff comments. They will have 15 minutes to do so. After the applicant has finished we will open the floor to public testimony. Each person will be called on only once during the public testimony. The Clerk will call the names individually of those who have signed up on our website in advance to testify. Excuse me. You will, then, be unmuted in Zoom or you can come to the microphones in Chambers. You will need to state your name and address for the record and you will have three minutes to address the Commission. If you have previously sent pictures or a presentation for the meeting, it will be displayed on screen. You will be able to run the presentation. If you have established that you are speaking on behalf of a larger group, like an HOA, where others from that group will allow you to speak on their behalf, you will have up to ten minutes. After all of those who have signed in advance have spoken we will invite any others who may wish to testify. If you wish to speak on the topic you may come forward in Chambers or if on Zoom press the raise hand button on the Zoom app. If you are listening on a phone please press star nine and wait for your name to be called. If you are listening on multiple devices, such as a computer and a phone, for

example, 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 no longer have the ability to speak and, please, remember we generally do not call folks back up a second time. After all testimony has been heard the applicant will be given another ten minutes to come back and respond. When the applicant has finished responding to questions and concerns, we will close the public hearing the Commissioners will have the opportunity to discuss and hopefully be able to make final recommendations or decisions to City Council as needed.

ACTION ITEMS

2. Public Hearing continued from December 7, 2023 for Farmstone Crossing Subdivision (H-2023-0045) by Bailey Engineering, located at 820 S. Black Cat Rd.

- A. Request: Annexation of 33.893 acres of land from RUT to the M-E (Mixed Employment) zoning district.
- B. Request: Preliminary Plat consisting of 6 buildable lots on 27.59 acres of land in the proposed M-E (Mixed Employment) zoning district.

Seal: So, at this time I would like to open the public hearing for Farmstone Crossing Subdivision, File No. H-2023-0045, for a continuance to the date of February 1st, 2024.

Wheeler: So moved.

Rivera: Second.

Seal: It's been moved and seconded to continue File No. H-2023-0045, for Farmstorm Crossing Subdivision, to the date of February 1st, 2024. All in favor, please, say aye. Opposed nay? And that is continued.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

3. Public Hearing for Kleiner Adjacent Subdivision (H-2023-0059) by Brighton Development, Inc., located at Northeast corner of N. Records Way and E. Fairview Ave.

- A. Request: Combined Preliminary/Final Plat consisting of two (2) building lots on 9.88 acres of land in the C-G zoning district.

Seal: We'd like to open up the public hearing for Item No. H-2023-0059 for the Kleiner Adjacent Subdivision and we will begin with the staff report.

Parsons: Thank you, Mr. Chair, Members of the Commission. Feels like it's been about three months since I have seen all of you, but Happy New Year to all of you.

Seal: Thank you, too.

Parsons: Hopefully it will be a brief meeting tonight. So I'm here this evening presented -- presenting the Kleiner Adjacent Subdivision on behalf of Sonya this evening and so the application before you tonight is a -- what we call a combined preliminary/final plat. The property consists of 9.88 acres of land. It's currently zoned C-G in the city limits and is located at 1730 North Records Way, which is at the northeast corner of Records and Fairview Avenue. In 2022 the city did approve a conditional use permit for this site to develop 472 multi-family units on that property. The applicant has received approval of a time extension, so that CUP is still valid and tonight all they are proposing to do here is take the one lot and subdivide it into two buildable lots. Main reason for that -- when we met with the applicant -- so just a little bit of a background here. The multi-family project is still going to move forward, but as far as for financial reasons they are required to subdivide the property to start construction of the site and so, really, this is just more of a formality than anything. They have a legal parcel and they have the right to develop now under that conditional use permit. So, again, it's just adding one lot to two lots. You can see here a little -- it's cut off a little bit, but the -- there is an access on the west boundary here from Records. That's a right-in, right-out only that was approved by ACHD with a CUP permit and, then, there is also a shared driveway with the car dealership CarMax to the east that they will have access to and share with that adjacent property. Staff has required that they provide us evidence of that cross-access agreement prior to construction. More than likely they probably did that with their CU or their CZC, but, again, sometimes these conditions just carry over from the previous approvals. The required landscape buffers were all evaluated with a conditional use permit as well. We had a chance in this particular staff report -- we didn't note, though, because of ACHD's requirement for the right-hand turn lane and their requirements for their frontage improvements along Fairview, that their buffers along Fairview will be less than the 35 feet required by code. So, the applicant has agreed to submit their alternative compliance requests prior to the City Council hearing and they have been conditioned to do that as well. And that will give Council that the ability to act on that request as well. So, we did receive written confirmation from the applicant that they are in agreement with all conditions in the staff report, including the request for the additional application prior to City Council. With that staff is recommending approval and I will stand for any questions you may have.

Seal: Thank you very much, Bill. Would the applicant might come forward?

Wardle: Mr. Chair, for the record Jon Wardle with Brighton. 2929 West Navigator, Suite 400, Meridian, Idaho. 83642. If I could be made a participant and, then, Bill, can I share my screen? Panelist. That's what it is. Thank you.

Seal: Careful or you will be running the technology here.

Wardle: I have had a lot of technology today. So, let's see how I go with this one. Earlier was a little iffy. All right. Commissioners, good evening. Happy New Year to you. I will be fairly brief on this. The opening statement is we do agree with the conditions which are in the staff report. As Bill indicated, this project has a little bit of history. Some of you may have been here when it was previously reviewed for the CUP, but for your information there was a CUP approved back in 2022 for -- and approved the 472 residences here and site plan approval. We did get a CZC DR approval for the project in 2022 as well in September. Upon that approval, then, we submitted for building permits, which have been reviewed. I believe they are ready to issue, with the exception of us paying for the fees. We -- on the timeline here -- and so -- let me just back up. So, we have gone through the CUP, which is approved. The design review has also been approved and building permits have been applied for and have gone through the process of review as well. So, what are we doing tonight? We are requesting a two lot subdivision. I can show you here we have Lot 1 in yellow, Lot 2 in blue. As you may appreciate financing has become a little tricky. Construction costs are still high and with the financing package on this specifically our lender has asked that because the project will be phased we will be building the south building on the blue parcel first. We will be doing all the site improvements at the same time, but the first building, which is on the south -- let me go back here -- will be built first. But the lender requires that it be on its parcel, because there is a future phase. And so we met with staff. The only way that we could do that was to do a preliminary/final plat, which is before you tonight. As I mentioned we will be doing all the site improvements on the project at the same time, but we will only be constructing the south building and the amenity building -- everything that's shown here in blue. At a later date we will come back and build phase two of the project. This one's a little cleaner, if that's a better exhibit for you, pulling those phase lines off. Again, we are moving forward with the project, but this came up really kind of back in late October, so we met with staff about what the process was. We held a pre-application meeting. We did a neighborhood meeting and we are here before you. It really is a -- it's a lending requirement. We could move forward today with the project, but because of that financing requirement we are -- we need to plat it. So, once, that is done -- and that's why we are doing a preliminary/final where we can do no more than four lots under a preliminary/final plat. We are -- we concur with the staff recommendation and we are asking for your affirmative recommendation to the City Council of this preliminary/final plat and I will stand for any questions you might have.

Seal: Commissioners?

Wheeler: Mr. Chair?

Seal: Yeah. Go ahead.

Wheeler: So, Jon, on the -- the amenities, those are going to be done during phase one or does that include the pool, too?

Wardle: It does. Let me go back here. You probably don't see my mouse, but everything that is in blue, I -- the amenity building is an L-shaped building. There is a swimming pool there and, then, there is a little rectangle box up here and that's a pool house, outdoor restrooms, things like that. So, that is all done with phase one. So, the amenities for the entire project are done at the -- at the start of the project. When we do phase two, phase two actually connects directly to that amenity building. There is breezeways that allow tenants in phase two to access directly in the amenities without going outside and so they -- we have to do it in the phase one first to make that happen, but, yes, we wanted to get the amenities in at the very beginning. We will also be doing all of the site improvements, which include the parking lots and landscape buffers on the entire project at the very beginning, so that all will be done, so when we do phase two it is parking structure and, then, four levels of apartments above that.

Wheeler: Okay. And is this a -- this is a four over two or --

Wardle: It is a four over one.

Wheeler: Over one. Okay.

Wardle: Four stories. One -- one level of parking and, then, there is some surface parking as well, but four stories of apartments above.

Wheeler: And you are going to put in the asphalt parking in as part of the phase one even on -- even on the second phase?

Wardle: We are. We have some access requirements. We do have two access points that come over to the shared driveway between us and -- maybe I can go to -- this shows a little bit better. We -- this is the -- there is a shared access between us and CarMax.

Wheeler: Okay.

Wardle: And so we have an access here and we have an access here and, then, we have an access over on Records, but we are going to be installing all of the surface parking and all of the landscaping at the very beginning of the project and, then, we will come back and do phase two, which would be the second building at some point in the future.

Wheeler: Okay. Yeah. I don't envy development now with all the requirements and -- all of the construction costs, but also the lending requirements, too, so --

Wardle: Part of the reason for doing that is we -- we have both sewer and water, they go through the entire site. Storm drainage as well. The reason for paving at once -- if we don't pave it and City of Meridian requires that there be a mountable surface of the sewer and water lines and so it's in the parking lots anyways, so we just want to do it all at once.

Wheeler: Is that going to negatively affect later, though, for like your lay down areas and the heaviest machinery going through there and you will have to resurface it later, too?

Wardle: It's possible, but we should be able to do all of our construction in that lay down area in the parking that's not needed for the other residents.

Wheeler: Okay. So --

Wardle: It will be a tight sight. If you saw what we did at the Bri project to the north of The Village, it -- it is complicated, but it can be done.

Wheeler: Okay.

Wardle: Thank you.

Wheeler: Thank you. And, then, I had one question for staff if that's okay.

Seal: Go ahead.

Wheeler: You said that the 35 foot buffer had to be less because of some access requirements; is that correct?

Parsons: Frontage improvements.

Wheeler: Frontage improvements. Okay. Okay.

Parsons: Yeah. They have to put a right-hand turn lane in, I believe.

Wheeler: Oh. Got you. Okay.

Wardle: If I can maybe clarify that just a little bit -- add a little bit of color to it. The -- we requested alternative compliance for Records already. So, there was an alternative compliance request that we did because of this. ACHD came back last minute, asked for that right turn coming off Records into the site and so that's already been approved. What really came up in the staff report this time was the question along Fairview. There is a couple of things there. As you know Fairview at the moment at this location does not have a curb. We are building out -- we are actually improving their storm drainage. Because it is what their -- their rural section, which doesn't have a curb, they do a sand window and so we actually are grassing down to the edge of the sand window, but ACHD doesn't -- doesn't allow us to grass on the other side of the sand window adjacent to the asphalt. If there was a curb line it would all be grass and you wouldn't notice that. So, the alternative requirement -- or the alternative request in this moment is -- because we have that gravel there, it's -- which is within the 35 foot landscape buffer, we have to ask for that requirement -- or that alternative compliance. So, we do have it, but the ACHD hasn't determined what their final build out is, where the curb line

exactly will go, so we are putting the sand window in and we just cannot put grass on the south side of that sand window. So, that's what really we are talking about. There is probably about maybe two feet of extra gravel that falls within the landscape buffer.

Wheeler: Okay.

Wardle: But the other alternative compliance request on Records has already been approved by staff after the conditional use permit was done.

Wheeler: Perfect. Okay. Thank you. And, then, one other question for staff here. We didn't have to worry about like an extra DA or modifying that with the parcel split here. It's approved and we don't have to do anything like that; right? Is that correct?

Parsons: Yeah. Mr. Chairman, Members of the Commission, there is a DA on -- put in place and it's going to run with the land and stay with this property. So, whoever buys one parcel or both parcels or if it stays under one ownership, it's all going to be -- it's going to stay intact. And that's what's unique about this particular project and that's what we talked with the -- the applicant about, too, is we want to make sure whatever we do on this, because there are two -- two different sides and two different buildings, they will -- they will have the necessary paperwork in place to make sure that there is -- drainage is -- is shared between both properties and parking and amenities are all being shared, but for the overall development, just not -- so each building won't be independent of one another, they will still be tied together through either CC&Rs or however they deem best to set that up for any -- for either themselves or any future owners going forward.

Wheeler: Perfect. Okay. Thank you.

Seal: Quick question. The private drive between this property and the CarMax, does have access to Fairview Avenue?

Wardle: Mr. Chair, it does not. It was -- it's never been approved for an access directly to Fairview. So, it's an access between our two properties and we can get out to Elden Gray, but we also both have accesses out to the other side. I think CarMax -- I don't know exactly how that -- they are using that. It clearly would be an access for us, because if you are coming in to our project coming south on Records you are going to go around the roundabout, head east on Elden Gray and come in or if you are coming in off Fairview you can do a right-hand end, so -- but the access is -- we do have an easement -- a cross-access easement on that with them. So, that's already been established. And part of the reason that I asked that question is knowing that the northern units are going to be last to develop, is there something you can do to help during the construction phase of the first phase that will help kind of keep the construction traffic off of, you know, the -- the main roads there? You are going to have to come in Records for, you know, quite a bit of this I would imagine, but trying to keep it off of the road that runs east-west to the north of the property -- I mean is there anything that can be -- and I know that's -- that's a tough tricky question to ask, but I know that

that's going to be a concern, especially for the folks that live, you know, a little bit more north up the road there, so --

Wardle: So, there is two -- Mr. Chair, there is -- there is two items at play here. One is additional access to an arterial roadway. Fairview is a no go. And we actually had to ask -- as part of our conditional use permit we had to go to Council, you acted on the conditional use permit, you approved it, we had to go to Council to actually get this right-in, right-out approved on Records.

Seal: Okay.

Wardle: And so you have this access between us and CarMax is a shared access. For all intents and purposes will act as a primary access and I think we would assume that most, if not all of our construction traffic will come in off of Elden Gray into this. I can assure you we do not want our large construction vehicles circling the parking lot to the south and coming back up and so that's -- that's really where we will, we will be off Elden Gray into that shared access between us and CarMax.

Seal: Okay.

Grace: Mr. Chairman?

Seal: Okay. That's just -- yeah. I just have a couple of -- to me it's concerning, because there is -- there is already a lot going on. The Village is a place -- there is a lot of youth that gather there. There is a lot of kids that are there that are going to be coming in from all over the place. So, I just -- my concern is just kind of the safety of them and, you know, that being less impactful on the residents that are already there, because this is going to -- I mean this is -- construction is probably going to go on for quite a while, so just throwing out some ideas, you know, to kind of help -- help us all be good neighbors.

Wardle: Mr. Chair, I do know that there are -- there are phases of construction. There are moments when it's super heavy. Candidly when concrete is being poured, something like this where we have a parking structure, there -- there is a fair amount of activity, those activity moments tend to be off peak. I can't guarantee that they will, but I know that when we did the parking structure for Bri that was done overnight and that was poured at times where it made sense for them. Will that be -- can I guarantee that? No. But I do know that as well from an efficiency perspective that our subcontractors like to bring on as much material as possible at one time, so they can operate with that. We panelized a lot of our other projects. So, those wall structures are coming in and they are able to put a lot of those up fairly quickly. So there are ways from a construction perspective. But I can't tell you that there will not be an impact, because, candidly, there will. At least we are not selling hamburgers.

Seal: True. Very true. I have had to make my way out of that area. So, I -- so far I have not had one of the hamburgers, so -- but very good point.

Wardle: The lines aren't quite as bad in Utah or Vegas. So, you --

Seal: That's right. Yeah. Okay. Commissioner Grace, do you have a question?

Grace: Yeah. Thanks, Mr. Chairman. Sorry, I didn't mean to interrupt you earlier. But a couple of questions if I could, Jon. Just to touch on -- I want to make sure I understood this correctly, the parking structure. I think -- I think I know what you were saying, but, essentially, what I wanted to know is during phase -- after phase one is done and prior to phase two being completed there will be adequate parking for phase one residents; right? I thought I heard you say the structure was under -- under the north -- the north building or is it under both?

Wardle: Mr. Chair -- I will answer that question first. Each building, the south and the north, each have parking structures.

Grace: Perfect.

Wardle: And, then, there is surface parking. We actually -- you can kind of see it -- the amenity -- or the blue area here provides more parking and would be finished right up against the -- the sidewalk on the north building. So, yes, there -- there is sufficient parking for phase one as a standalone, as we do all the site work, even if we exclude north of phase two, so that there won't be -- we meet the parking requirements. So, then, when we open phase two we can use -- everybody can use all the surface parking without restriction.

Grace: Yeah. You meet them independently, which is what I was driving at. The next question is do you have -- do you ever know -- is there going to be any kind of a crosswalk across Records more -- I guess more north than that Fairview intersection? I started seeing a lot of residents might be heading -- heading west there to partake of all the amenities over at The Village and I'm just wondering what do -- if you know what -- what that might look like?

Wardle: Mr. Chair, Commissioner Grace, see if I can do this. The locations to get across Records will be here down at Fairview at the roundabout. There won't be any pedestrian access at that location. There is actually a raised curb through there and it just -- it doesn't make sense to go across. There will also be an access to the park here. I will note as well that we are building a ten foot sidewalk along Fairview and along the frontage of Records. So, there is good connectivity up to Kleiner Park. But, yes, the only -- the only access points will be just south of the roundabout and just north of Fairview and there won't be -- sometimes you see this, Commissioner Grace, that there is a pedestrian ramp kind of directing pedestrians a certain direction. There will not be a pedestrian ramp that would allow a -- that really points somebody that way. It doesn't mean, again, we can't -- we can't fix or stop every moment. People will try to run across there. It will happen. But we are not providing any, you know, a curb cut or anything that will go across that medium that's raised.

Grace: Yeah. Is the one just south in the roundabout, is that crosswalk present right now or would that be added?

Wardle: The crosswalk is present. The sidewalk on our side along Records is not in. I'm trying to remember, Bill, maybe if you could look at the map. I don't know if there is a sidewalk on Elden Gray on our side or not. So, I kind of feel like there is some sort of sidewalk along that corner across to get up to the park. I would have to look at it on a different map here really quick and I can answer that in rebuttal if I need to.

Grace: No. I was really more just curious than anything else, Jon. Okay. Thanks for that. I appreciate that.

Wardle: Commissioners, I'm just looking at it right now. There actually is a sidewalk on that part of the roundabout. It's just a short section that meets -- so, there -- let me just clear this off and I will just resketch it here. Because the sidewalk exists here -- so, you can -- if you are coming from The Village across, you can get there and you can get here today. But there is no other sidewalk that exists that would allow you to go really any farther than Elden Gray or really any farther on Records. But we will be building that out completely on both directions. I just wanted to note that we are building a ten foot kind of regional pathway on Fairview and on Records and, then, a standard five foot sidewalk on Elden Gray.

Grace: Okay. I appreciate that. Just -- last question. Did you get any -- did you get any public comments when you had your neighborhood meeting?

Wardle: We have not had any public comment. I believe there is a few individuals that are here that perhaps were at previous hearings with us, but, no, Commissioner Grace, this is a -- it's a platting process, but it's -- you know, the conditional use permit as previously approved is still the same.

Grace: Okay. Yeah. And I didn't see any in the -- in the materials either, but -- but I looked at them online, so -- okay. Thanks, Jon. I appreciate it.

Wardle: Thank you very much.

Seal: Commissioners, anything else?

Wheeler: Mr. Chair?

Seal: Go ahead.

Wheeler: Jon, yeah, I do remember that. That was my only concern was the pedestrian traffic; right? And I'm sure it's a concern of yours -- yours on it, too, and I do remember some other mitigation things about maybe putting signs on there and saying like, hey, no -- no -- no public pathway or no crossway or no pedestrian walkway there

in order to work -- you know. And having arrows -- whatever the case is in order to help mitigate people try the actual place traffic, you know, right there.

Wardle: Commissioner -- Mr. Chair, Commissioner Wheeler, yes, doing that on our side where we can control the signage is a very easy thing to do for public safety.

Seal: Anything else, Commissioners? All right. Thank you very much.

Wardle: Thank you very much. Do we have anybody signed up?

Lomeli: Yes. Thank you, Chairperson Seal. We have Larry Vanover in attendance.

Seal: Good evening, sir. We will need your name and address for the record, please.

Vanover: I'm Larry Vanover and my address is 3420 -- 3420 West Montrose Lane in Meridian. 83646. I'm a retired city engineer -- or I'm sorry -- traffic engineer for the state of Idaho and I'm now on the board of the Meridian Senior Center and I know that he said that the pedestrians won't be able to cross and they have to go either way, but they are not going to stop and as it is now when we leave at 4:30 we can't go around the roundabout, because the traffic is coming for two blocks beyond the roundabout and if the roundabout is too close to the -- to the intersection and a lot of people are going past the used car lot has tried to cut off the intersection and it's not working and if -- is this going to be two lanes in north or just one lane north? Because we are -- right-in and right-out is a lot of traffic that's going to come around the roundabout to go back to -- to Fairview Avenue, so -- and I'm representing the senior center, because Toni was -- was not able to be here with her husband --

Seal: Okay.

Vanover: -- as he is, so thank you very much.

Seal: Thank you. I appreciate your testimony and we have all had to drive in that area and it's -- it's very busy as it was meant to be, but that's also, you know, not necessarily what some of the folks that have lived there for a long time want to see. So, appreciate -- appreciate your -- your comments. Anybody else?

Lomeli: Yes. Scott Dykstra.

Dykstra: Good evening, everybody. Scott Dykstra. 4260 East Venture Circle, Meridian, Idaho. 83646. So, I was here last time. This little development -- when you look at all of these plats and all of this information that you have on the screen in front of you, we are just off the edge of your map and your plat. So, I'm -- I'm here representing Venture Subdivision, which is the access point where all of the traffic is going to be. So, it's just fascinating every -- every time Brighton brings this development up they talk about Elden Gray and the traffic on Elden Gray and Elden Gray stops and they never address Venture, which is where all of that traffic off of Elden Gray has to go and

Venture Drive is a very small, narrow road. Used to have Bright Bank -- Hillcrest Bank right in front of it and there is 14 houses back there and so we are going to push all of this traffic back over to Venture still, we had an opportunity back when this was first proposed to take that road between the development and CarMax and bring that road out to Fairview and collect everything there and you could have created a right turn onto that road between CarMax and this development, a right turn in, a right turn out off of Fairview Avenue, you could have completed Fairview Avenue with a curb and gutter and I know this all goes back to Ada County Highway District, which is part of the challenge you guys have. Okay. Everyone -- we didn't go to the public meeting, because we weren't notified. We are outside of that 300 foot zone. So, nobody tells us anything until we see your sign go up and then we show up and say what are they doing tonight? Okay? So, they should have changed it so you have a right-in, right-out off of Fairview. That would have taken the traffic off of Records. As it is right now they are going to come up Records turn right to get into this development. As they leave they are going to come out onto Records and be forced to turn right -- turn right on Elden Gray, catch up with everybody else coming out on the east side of the property and come down to Venture, my street, with 14 houses and end up getting piled up on Venture trying to get out onto Fairview again. Okay? So, just be aware when you look at a plat there is a world outside of that plat and I'm here to represent that world tonight. Okay? I would -- I would suggest that you look at that zone along there -- look at CarMax, what they have done with that, and talk to Ada County Highway District about putting in a nice entry for the City of Meridian and making it something presentable. Thank you.

Seal: Thank you. Appreciate it. Okay. Anybody else? Anybody raising their hand online?

Lomeli: Yes. There is a Sean MJ raising his hand.

Seal: Well, bring him in. Thanks, Sean. Can you hear us?

Thompson: I sure can. Can you hear me?

Seal: Yes, we can. If you will give us your name and address and you can then address the Commission.

Thompson: Yeah. My name is Sean Thompson. I live at 1519 Venture Place, Meridian, Idaho. 83646.

Seal: Go ahead, sir.

Thompson: So, to start with, one of the issues I have had with a lot of the developments going up in The Village is that the road there is only 36 feet wide. Venture Street is 39 feet wide and you are going to be forcing a lot of traffic that's already detrimental to our little subdivision and also unsafe, because when people are traveling down Elden Gray they are flying at 40, 50, 60 miles an hour thinking that's a

little thoroughfare that they can race their little cars and we have had a ton of people driving down that road with cars parked on both sides and you can barely get through that street. So, what I'm afraid of is that this development is going to come in, which I wasn't even told about, I just saw the sign as well and, then, you are going to be having -- you can't even get two cars through there if two cars are parked on either side and CarMax will leave -- went to their development sessions -- they weren't supposed to park any of their trucks on Elden Gray because they said that wasn't going to be any parking. But there is trucks parked there all the time, dumping cars off, they are sitting there for the next time they have to dump cars off or whatever and it is really difficult to get down that street when there is a lot of traffic. If you have an event at The Village there is two lanes of cars down that street, you can barely get through, so my -- my concern is -- is that we have already got safety issues on that street as it is and, then, you are going to put in a 500 unit -- and I'm -- obviously it has been approved, but I'm kind of late to the party, but, honestly, at least widen that road to 39 feet, so that at least if you are going to allow people to park on that street when you have no parking signs and people do it anyway, that they would at least have enough room to get through there and that's going to happen with -- you have got this development, there is going to be visitors and they are going to park on the street and we are not going to have a very small window to drive through there to get out and it's already become very tough to get through that roundabout at 4:00 o'clock in the morning -- or 4:00 or 5:00 o'clock, because, like Scott said, it's all backed up -- I saw it during Christmas backed up all the way to almost -- almost to Ustick. We were just like blown away going how do we get home, so -- and we ended up having to turn around, get on Ustick, go up to Cloverdale and come back on Fairview and drive into the subdivision. So, I know that none of these things were addressed, because they are still a problem. They can put bumper curbs down the middle of our street to solve a problem that should have never been there in the first place. So, that's my concern. And that's my comments and I wanted them on the record, because I don't think anyone cares about this stuff.

Seal: Thank you, Sean. Appreciate the testimony. And, for the record, I was one of the people that were probably in that line coming off of Ustick.

Thompson: Yeah.

Seal: Around Christmas.

Thompson: It's very dangerous the way people are driving there. Thank you.

Seal: Thank you. There is nobody else online. Is there anybody else in the audience that would like to testify? All right. Would the applicant like to come back up?

Wardle: Mr. Chair, for the record Jon Wardle with Brighton. 2929 West Navigator, Suite 400, Meridian, Idaho. 83642. Just wanted to acknowledge that The Village had a transportation plan that had been reviewed and adopted a long time ago and these things are -- while we are here in 2024, improvements are continuing to occur. We are not deaf to those, but at the same time we do have a roadway agency that does review

these things. Going to Fairview is not an option. If it was that would be great. But it's -- it's not an option. Records is a collector roadway and it has been intended to take traffic and provide an alternative to Eagle Road as well and getting access into The Village, Venture and Elden Gray, they are existing public roads as well and I do know that they are both local streets. If there is a parking problem with those that might be an opportunity for the neighbors and ourselves all talked to ACHD about no parking signs, if they are not existing today, or if they do exist today and people are parking there, then, that's a Meridian city enforcement element as well. We are working within one what is there, trying to make improvements. I don't disagree that people will do things to try to simplify their life without thinking about the impact on other people. That goes for all of us. We are going to try to be good neighbors. We -- we intend to continue to add to the value of -- of The Village, which has a great asset there, which is a regional park, which does bring a lot of people there. It is a natural draw, as well as The Village as well and bringing people to live there was a goal of the city's. So, again, not deaf to the comments made tonight, but we have discussed these with the highway district and we have worked with them to come up with solutions and this is -- these are the solutions. So I stand for any questions you might have or follow up that you might have based on the project, but as I mentioned before we do request your affirmation and forwarding this to the Council for their review as well.

Seal: Commissioners, anything further? Commissioner Grace. Commissioner Lorcher?

Lorcher: No, thank you.

Seal: Okay. I -- this one is a tough one for me, so I kind of think of The Village -- you know, I'm old enough to have been a mall rat when I was young and visited the mall area in Boise when I was younger and soon grew up to avoid it like the plague. So, fortunately or unfortunately, this area is kind of becoming the same way where there is enough other alternatives for folks to go elsewhere except for those that live there, which is, you know, fortunate or unfortunate, depending on how you look at it. So, I -- I know several people that live right in the area that are extremely happy with what they have there, because they have access to everything that they would want to. You know, movies, shops, you know, haircuts, stylists, hamburgers and, you know, a fantastic park with -- with a lot of activities. So, for some people that moved in and they have their, you know, one acre lot or something that's right next to that, probably not the lifestyle that they wanted, but that is the growth of the city and where it's going, so -- and, again, in my mind this is kind of the mall of the modern day where it's built to and meant to be populated and busy. That's basically the whole idea behind it, so, you know, we have -- we have spent a lot of time on the applications for this and a lot of -- a lot of testimony, a lot of late nights already, so I don't want to rehash too much, so -- you stole my thunder a little bit on the code enforcement. I mean if those -- if that street truly is something that's supposed to be no parking, then, code enforcement is the way to go. I mean there is -- you can call city code enforcement, you can call police officers, you know, there is only so much that they are going to be able to do about it, but if they are constantly vigilant with that, then, eventually people will stop doing it. You know, you

can't get people to quit running across the road and so, you know, you know, what to say for those folks, other than, you know, I have read Darwin's works, too. So it takes -- it takes all kinds, so, that's -- that's just going to be part of it. I think it's a wise decision to not have anything that's going to cross Records. I mean it makes sense from a make-your-life-easier standpoint to get from the development over into The Village, but at the same time that would take something that's already extremely busy and congested and, you know, further congested for everybody around there, so -- I mean, you know, folks are just going to have to learn to walk a little bit further on that one. And, then, you know, as far as the entrance into Fairview, really, that's -- I mean it's like the applicant said I mean I wish, you know, we as the Commission or city staff or anybody else can wave a magic wand and get ACHD to change their mind. They won't. So, this is one of the sticking points of this application for sure, because it is that and we have deliberated about it endlessly. I think -- you know, I think most of us would rather see that open to Fairview one way or the other. So, what it eliminates all the problems? No. Would it alleviate some of the problems? Yes. But, again, ACHD as a -- they own the roads, so there is -- there is a lot that ACHD does that I don't personally -- you know, I personally don't agree with, so -- and they make some applications like this even harder than they need to be, but they own the roads. So, I would definitely recommend that if you have an avenue of ACHD to let them know. I mean just like this hearing they have mechanisms for the public to reach out. So, I mean I would imagine everybody in that -- in the subdivision that you are in would be more than willing to sign something, call somebody, take some kind of action that may or not -- may or may not be helpful in the long run. So, any of that feedback is always helpful, so -- I have had several people -- individuals come in here and change my mind. So, I recommend that do whatever you can do for your subdivision, for your community that you feel helpful please do that. With that I will quit rambling and let somebody make a motion on this. Oh. Wait a minute. Yep. You are right. I was going to say almost got out -- to turn the -- I'm getting rusty at this, so -- does the applicant have anything further for us?

Wardle: I do not.

Okay. Didn't know if you want to rebut my rebut.

Thompson: No.

Seal: Good. All right. Well, thank you very much. Appreciate the time tonight. With that I will take a motion to close the public hearing for File No. H-2023-0059.

Rivera: So moved.

Wheeler: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2023-0059. All in favor, please, say aye. Opposed same? The public hearing is closed.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Does anybody have anything further that they would like to add?

Grace: Mr. Chairman, yeah, I think you said it well. A lot of -- some of the sentiments I had. The one thing I would say that hopefully might be some consolation to the folks in the Venture Subdivision is I'm hoping that folks might use that roundabout as a better way to get back on to Fairview, particularly anybody who comes out of the new -- out of this new multi-family on Elden Gray and even if you come out on Records it's a quick -- it's a quick, you know, 180 on that roundabout to go west on Fairview -- or on Fairview and if you are going to go north you just keep going on Records. I am hoping that there is not a lot of people who want to come out on Ventura and go left to go east on Fairview at busy moments, because that could be a long wait. So, again, I -- I sympathize like you, you know, especially for homes that predate what -- what's called -- what's been put in this area, but I hope they see some relief in that in that fashion. So, that's all I wanted to say, Mr. Chairman. Thank you.

Seal: Commissioner Lorcher, anything to add?

Lorcher: No, not really. Everything has been said.

Simison: Okay. Thank you much. All right. With that I will I will take a motion.

Wheeler: Yeah. Mr. Chair?

Seal: Go right ahead.

Wheeler: Yeah. I wish we were a one stop shop where we could take care of all the road, jurisdictions, everything like that, because it -- because we do seem to hear more of those -- of those things and the conditions when they call up with the plats and stuff, but, unfortunately, you know, we have our limits on what we can do and so there is other bodies there and do give you're a voice, because ACHD does have it. Have as its traffic plan during this construction site and they -- they have a tendency that -- or at least they -- whether they listen or do that or not, at least it's been said. So that's good. And with that I would like to make a motion for approval. After considering all staff, application, public testimony and move to recommend approval of the City Council -- to the City Council of File No. H-2023-0059 as presented in the staff report for the hearing date of January 4th, 2004, with no modifications.

Seal: Two thousand and when?

Wheeler: 2024. 2024. Sorry. Went back a decade -- or a couple.

Grace: Mr. Chairman, I will second that.

Seal: It's been moved and seconded to recommend approval of File No. H-2023-0059 as presented in the staff report. All in favor say aye. Opposed nay? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: All right. Thank you, everyone. And with that I will take one more motion.

Rivera: Mr. Chair, I will make a motion to adjourn the meeting.

Wheeler: Second.

Seal: It's been moved and seconded to adjourn the meeting. All in favor, please, say aye. All right. We are adjourned. Thanks, everyone.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

MEETING ADJOURNED AT 6:53 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

ANDREW SEAL - CHAIRMAN

_____|_____|_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK



AGENDA ITEM

ITEM TOPIC: Public Hearing for Daily Fit Body (H-2023-0060) by Joseph Daily, Daily Fit Body, located at 1600 N. Linder Rd.

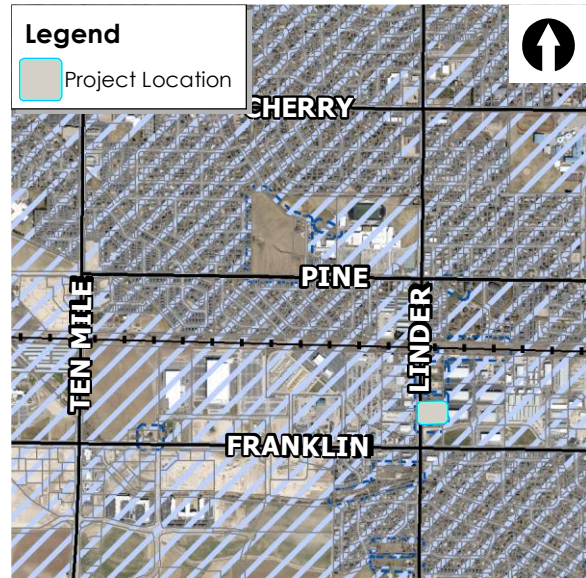
Application Materials: <https://bit.ly/H-2023-0060>

A. Request: Conditional Use Permit to operate an indoor recreation facility (personal training facility) from Units 1, 3 and 5 for a total of 6,283 square-feet in an existing 20,203 square-foot industrial building on 1.41 acres of land in the I-L zoning district.

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: January 18, 2024
 TO: Planning & Zoning Commission
 FROM: Linda Ritter, Associate Planner
 208-884-5533
 SUBJECT: H-2023-0060 – Daily Fit Body
 LOCATION: 160 N. Linder Road, Units 1, 3, and 5; a portion of Section 12, Township 3N., Range 1W. (Parcel # R3579000043)



I. PROJECT DESCRIPTION

Conditional Use Permit request to operate an indoor recreation facility (personal training facility) from tenant suites 1, 3, and 5 for a total of 6,283 square-feet in an existing 20,203 square-foot industrial building on 1.41 acres of land in the I-L zoning district.

II. SUMMARY OF REPORT

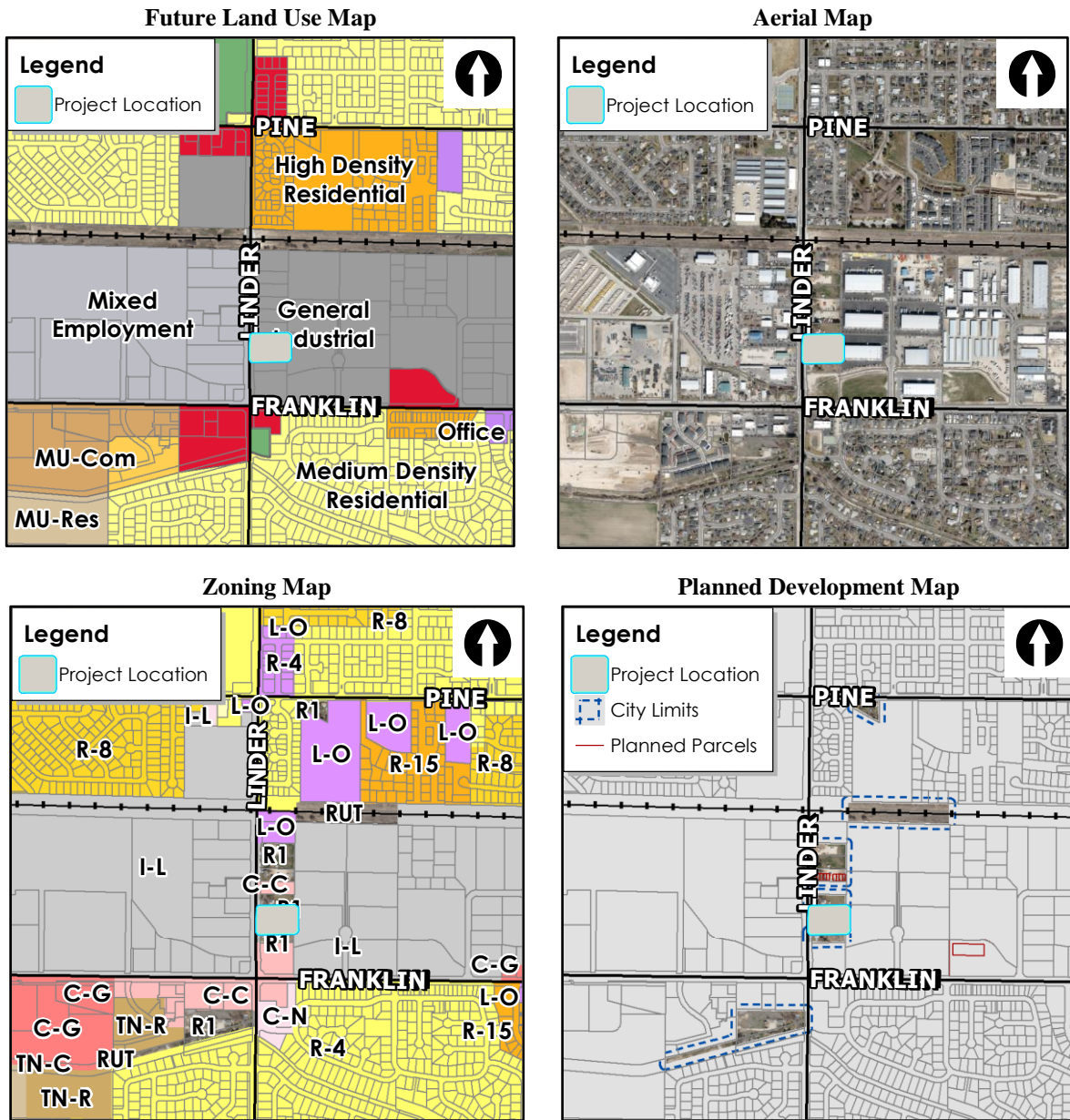
A. Project Summary

Description	Details	Page
Acreage	1.41-acre property	
Future Land Use Designation	General Industrial	
Existing Land Use	Existing 20,203-square-foot industrial building	
Proposed Land Use(s)	Indoor Recreational Facility located in tenant suites 1, 3, and 5 (personal training facility)	
Current Zoning	I-L	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	November 6, 2023 3	
History (previous approvals)	A-2022-0020; PBA-2022-0010, H-2021-0026 (AZ, CPAM) and DA Inst # 2022-013890	

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>Yes</p> <p>No</p>	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	One (1) access via N. Linder Road (industrial arterial). All access points are existing and approved from previous approvals (A-2022-0020) for the overall flex building.	
Existing Road Network	Yes	

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Joseph Daily, Daily Fit Body – 899 N. Pasture Avenue, Kuna, Idaho 83634

B. Owner:

Ronald Hatch, 160 N. Linder LLC – 24639 Falcon Lane, Caldwell, ID 83607

C. Agent/Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	01/02/2024
Radius notification mailed to properties within 500 feet	12/29/2023
Public hearing notice sign posted on site	01/04/2024
Nextdoor posting	12/29/2023

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

Land Use:

This property is designated Industrial on the Future Land Use Map (FLUM).

The purpose of the Industrial designation is to allow a range of uses that support industrial and commercial activities. Industrial uses may include warehouses, storage units, light manufacturing, flex, and incidental retail and offices uses. In some cases uses may include processing, manufacturing, warehouses, storage units, and industrial support activities.

The Applicant proposes to develop the site with an indoor recreation facility (i.e. an indoor personal training facility) within a portion of an existing industrial building. The industrial building was approved under an administrative application (A-2022-0020). Per UDC 11-2C-2, indoor recreational facilities are allowed in the I-L zoning district with the approval of a Conditional Use Permit.

In the surrounding area, there is an existing childcare facility located on the property at 444 N. Linder Rd., zoned L-O; a birthing center/women’s healthcare facility located at 270 N. Linder Rd., zoned C-C; vacant/undeveloped land at the northeast corner of Linder/Franklin, zoned C-C; and warehouse/industrial uses on the eastern portion of the site in Creamline Park, zoned I-L. The remainder of the properties on the west side adjacent to N. Linder Road are single-family residential homes zoned R1.

Therefore, Staff finds the proposed use should be an appropriate use in the Industrial designation for the reasons noted above.

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

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

- “Plan for an appropriate mix of land uses that ensures connectivity, livability, and economic

vitality.” (3.06.02)

The proposed use will contribute to the mix of uses in this area and should add to the livability and economic vitality of the community.

- Monitor and adjust the amount and mix of industrial, commercial, and office areas needed to meet the employment needs of the City.” (3.06.01B)

The proposed use will contribute to the mix of uses in this area; however, the desire for industrial and employment uses are diminished. Unfortunately the city has not received a lot of applications for industrial uses and therefore property owners are flex buildings to accept commercial uses in an effort fill their buildings.

- “Preserve the industrial base within designated industrial land use areas by discouraging non-industrial uses and focusing on light manufacturing, distribution, flex-space, and base-employment.” (3.07.01D)

The proposed use is a non-industrial use requesting a CUP to occupy an industrial land use area approved for flex space. Staff does not have any concerns about approving a commercial use for an indoor recreation facility (personal training facility) within the vicinity purposed for industrial uses as this is a flex space building. If approved, this would be the first such use in this building.

- “Protect public health and safety by guiding growth and development away from hazardous areas that pose a threat to people and property.” (4.10.00)

Operation of the proposed use should comply with City ordinances pertaining to noise, lighting, and odor disturbances.

- “Provide, partner, and preserve public and private indoor and outdoor recreation amenities for a diverse range of physical activities.” (5.01.01C)

The proposed indoor recreation facility offers opportunities for recreation through the personal training facility to the public and will contribute to the range of physical activities offered in the City.

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

The proposed use, an indoor recreation facility, is listed as a conditional use in the I-L (Light Industrial) zoning district per UDC Table [11-2C-2](#). Compliance with the dimensional standards listed in UDC Table [11-2C-3](#) is required and are met because the proposed use is internal to an approved structure.

VII. STAFF ANALYSIS

As discussed above in Section V, the proposed indoor personal training facility is considered an appropriate use and meets the development guidelines listed for the industrial designation. The use is also consistent with the Industrial Development approved in 2021 for Hatch Industrial, which approved uses such as warehouses, storage units, light manufacturing, flex, and incidental retail and office uses in the I-L zoning district. In some cases uses may include processing, manufacturing, warehouses, storage units, and industrial support activities.

This use is proposed to be contained within an existing building, as noted above. The tenant space for the personal training facility will be approximately 6,283 square feet within an existing building with no exterior modifications proposed. The Applicant submitted a site plan showing the tenant space for the Daily Fit Body.

The proposed use is subject to the following Specific Use Standards ([UDC 11-4-3-2](#)) - Arts, Entertainment or Recreation Facility, Indoors and Outdoors: (*Staff analysis in italics*)

A. General Standards:

1. All outdoor recreation areas and structures that are not fully enclosed shall maintain a minimum setback of one hundred feet (100') from any abutting residential districts. The playing areas of golf courses, including golf tees, fairways, and greens, are an exception to this standard. (Ord. 07-1325, 7-10-2007). *No outdoor recreation areas are proposed; all activities will take place within the building.*
 2. No outdoor event or activity center shall be located within fifty feet (50') of any property line and shall operate only between the hours of six o'clock (6:00) A.M. and eleven o'clock (11:00) P.M. *No outdoor events or activities are proposed.*
 3. Accessory uses including, but not limited to, retail, equipment rental, restaurant, and drinking establishments may be allowed if designed to serve patrons of the use only. *Noted.*
 4. Outdoor speaker systems shall comply with section 11-3A-13, "Outdoor Speaker Systems", of this title. *No outdoor speakers are proposed.*
- B. Additional Standards for Swimming Pools: Any outdoor swimming pool shall be completely enclosed within a six foot (6') non-scalable fence that meets the requirements of the building code in accord with title 10, chapter 1, of this code. *Not applicable.*
- C. Additional Standards for Outdoor Stage or Musical Venue: Any use with a capacity of one hundred (100) seats or more or within one thousand feet (1,000') of a residence or a residential district shall be subject to approval of a conditional use permit. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005). *No outdoor stage or musical venue is proposed.*

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

One (1) driveway access is depicted and approved on the overall site plan via N. Linder Road (industrial arterial). ACHD and the City have approved the location of the access driveway with the administrative approvals for the overall industrial building (A-2022-0020).

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

As noted throughout the staff report, the building and other site improvements are existing and include the off-street parking for the entire industrial building. According to the submitted site plan showing the existing site conditions, a total of 25 parking spaces are provided, exceeding UDC standards. Based on the 6 parking spaces provided for this use, a minimum of one (1) bicycle parking space is required to be provided. **Bicycle parking facilities were approved at the time of CZC submittal; the submitted plans depict the bike racks located on the south side of the building.**

Because the applicant stated the building owner will provide six (6) dedicated parking stalls and six (6) floating stalls for the proposed personal training facility, staff does not have concerns on the number of parking spaces available for the proposed use.

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

There are existing 7-foot wide attached sidewalks along N. Linder Road that meet UDC standards. Any damaged curb, gutter, or sidewalk is required to be replaced.

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

A 25-foot wide street buffer is required to be provided along N. Linder Road, an industrial arterial. Landscaped was installed per the standards listed in UDC [11-3B-7C](#). Parking lot landscaping is required per the standards listed in UDC [11-3B-8C](#).

All required landscaping has been proposed and approved with previous approvals. Staff's analysis of the approved landscape plan shows compliance with all applicable landscaping code sections.

Outdoor Lighting (UDC [11-3A-11](#)):

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

All outdoor lighting was approved with the CZC approval in 2022. However, any future business signage must comply with all standards outlined in UDC 11-3D.

Building Elevations:

The approved building elevations and perspectives were submitted for the flex building as shown in Section IX.D. *As stated throughout this report, these elevations have already been approved through the administrative process and the building is already existing. The submitted elevations are for supplementary purposes only.*

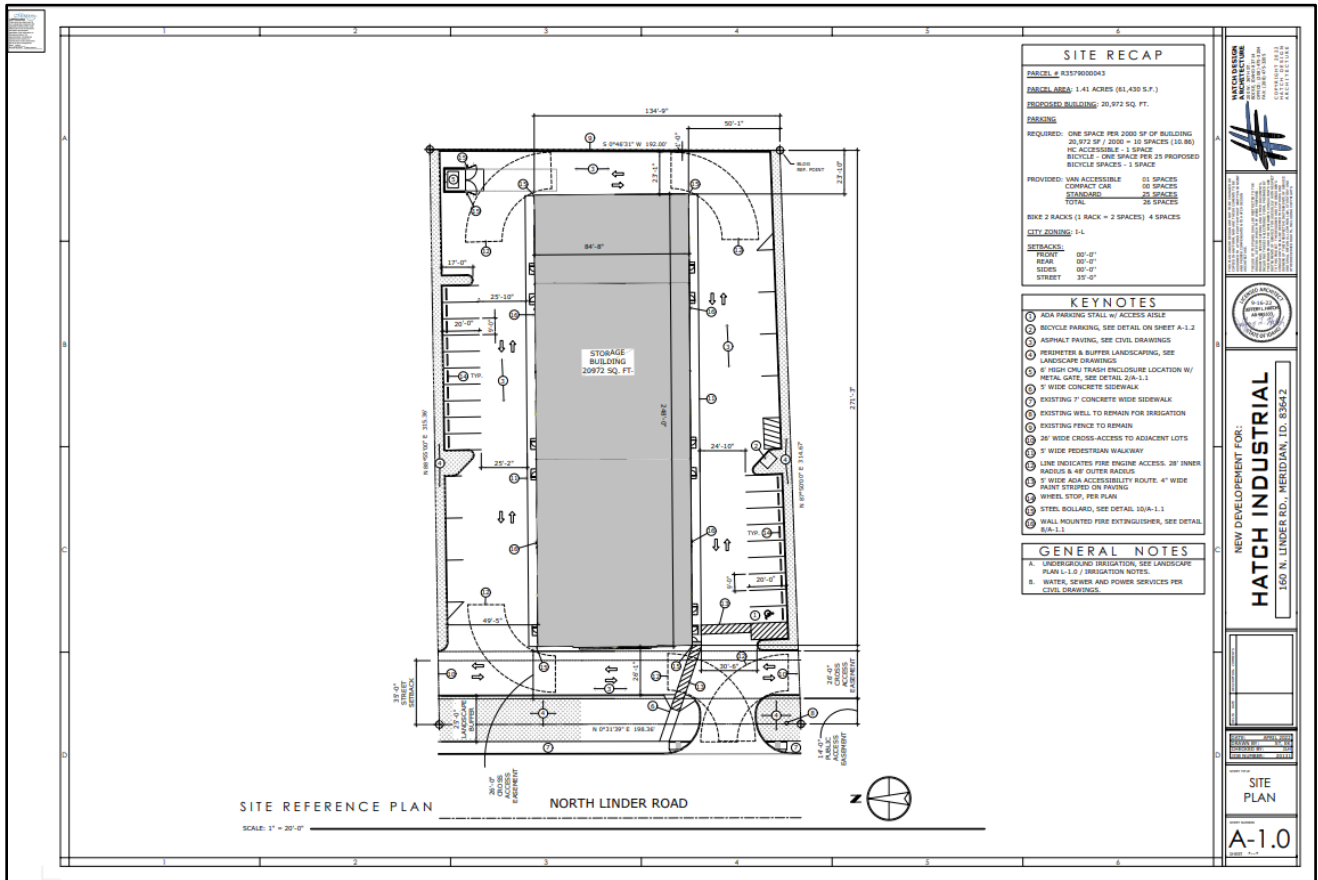
VIII. DECISION

A. Staff:

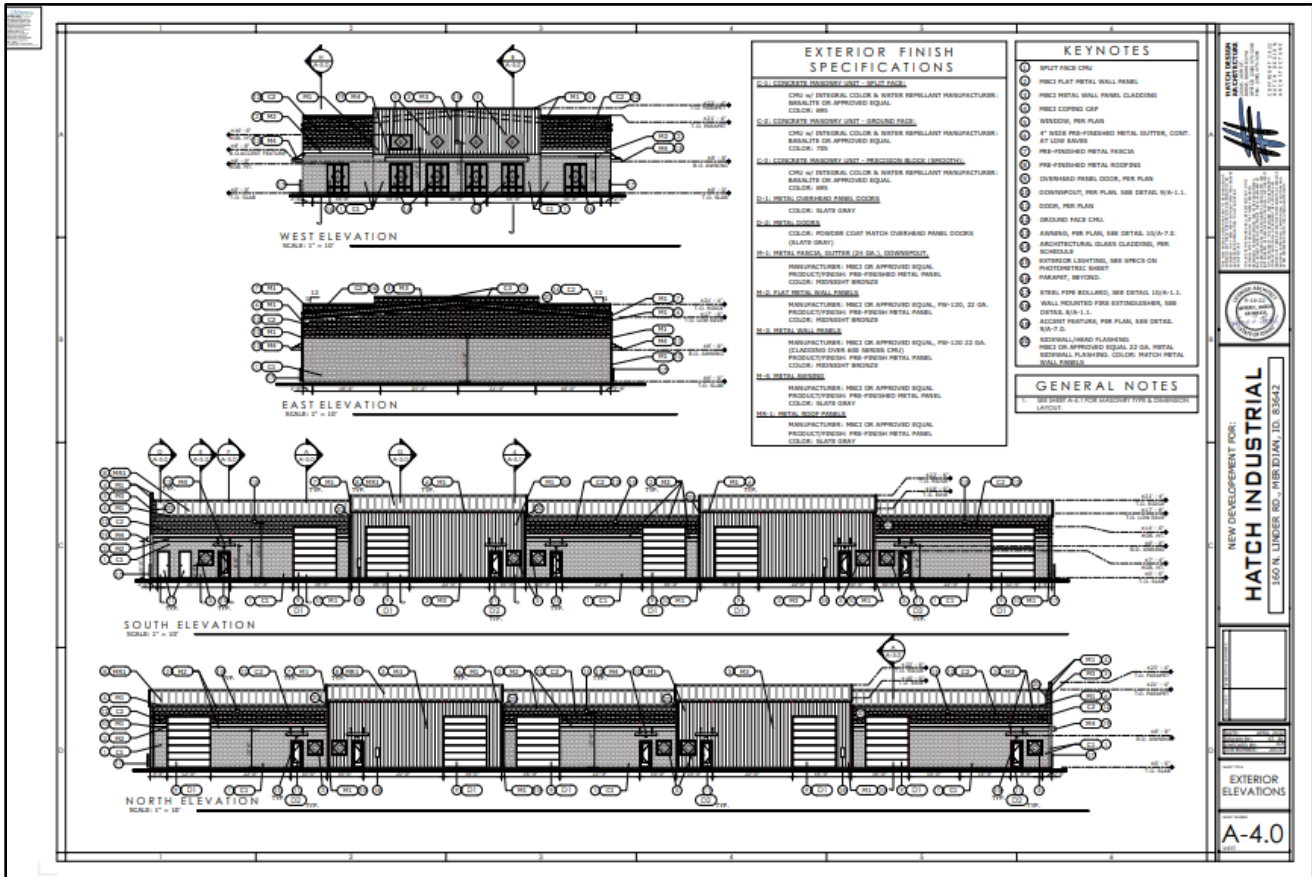
Staff recommends approval of the proposed Conditional Use Permit per the provisions included in Section IX in accord with the Findings in Section X.

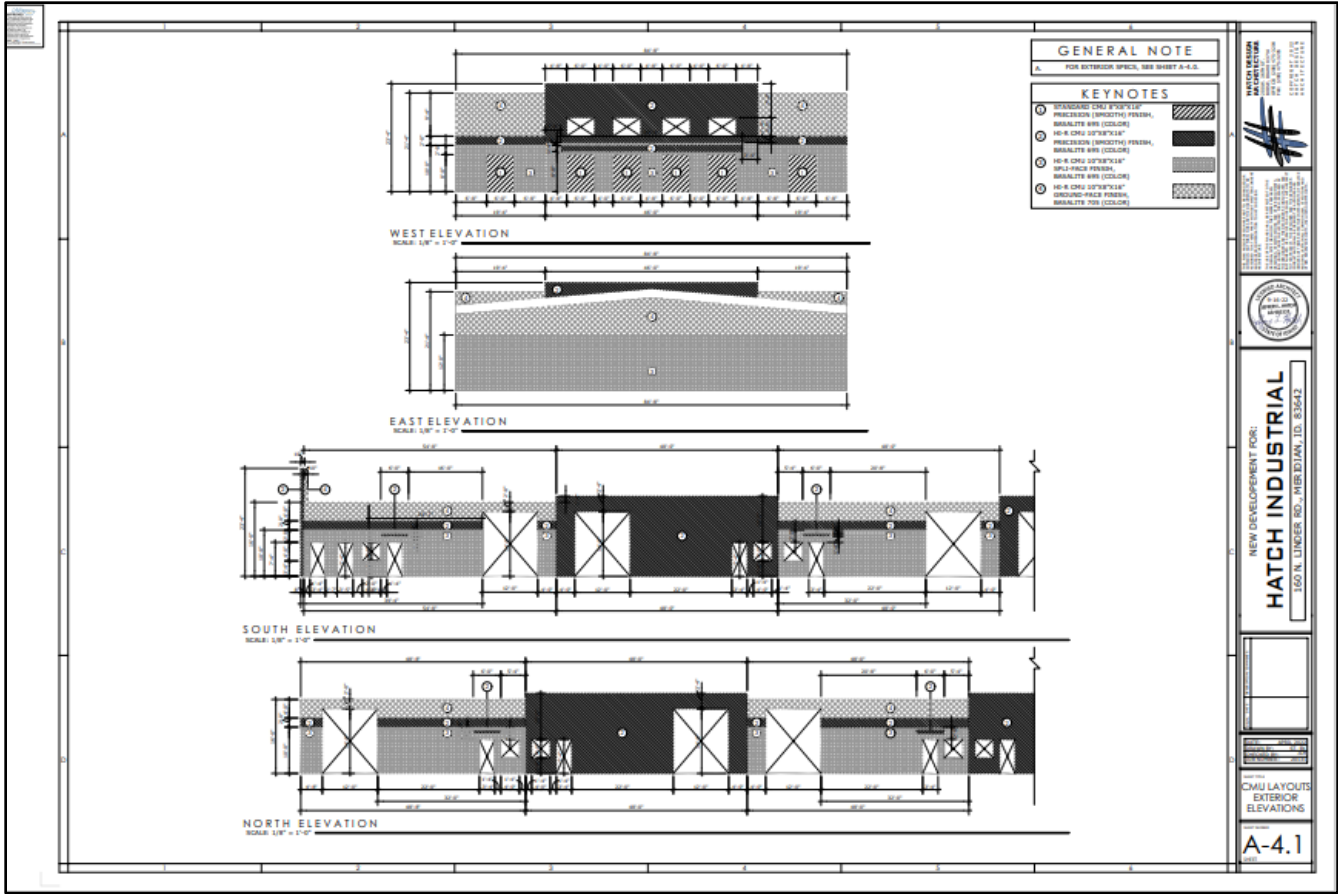
IX. EXHIBITS

A. Approved Site Plan (dated: 4/18/23)

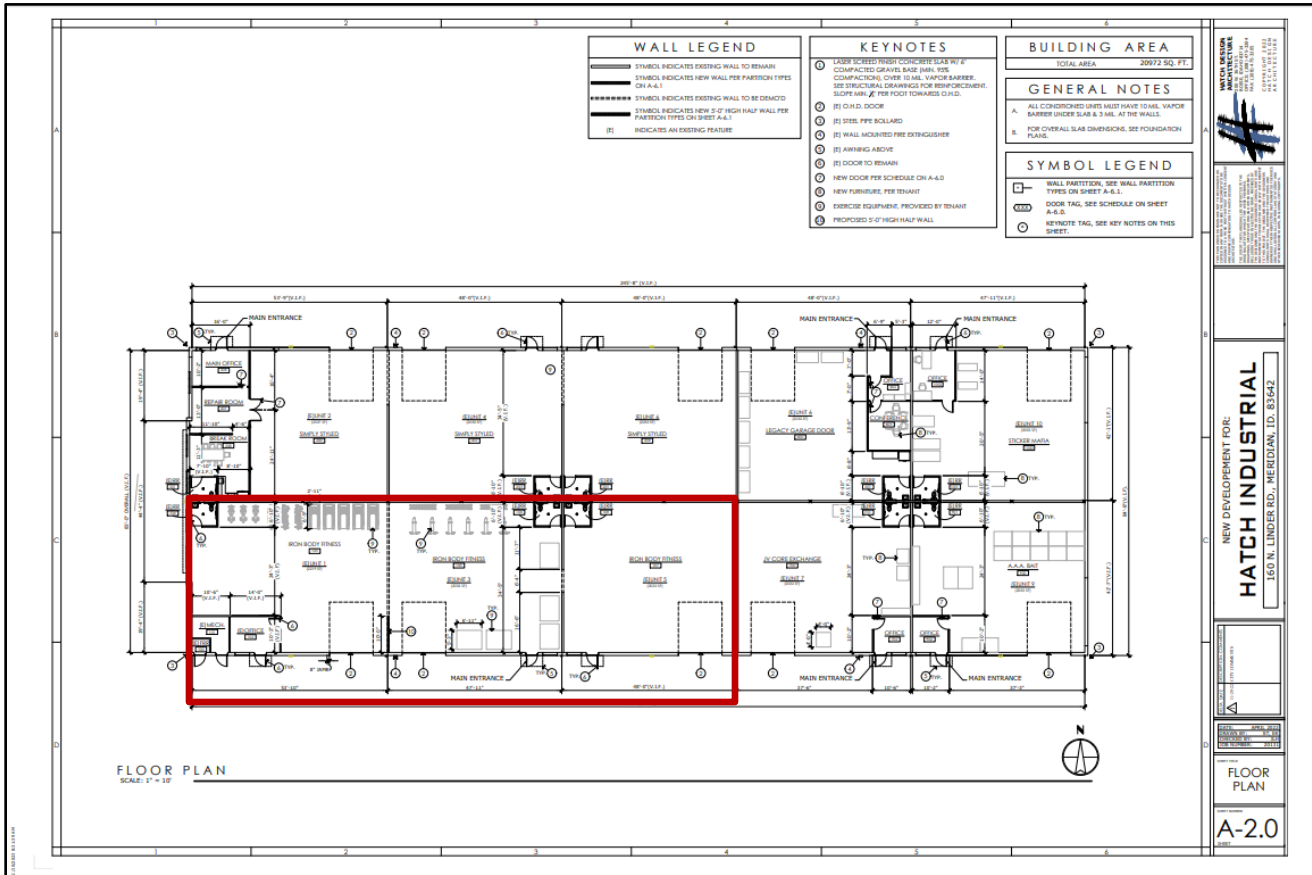


C. Approved Building Elevations (3/23/23)





D. Proposed Floor Plans (3/23/23)



X. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. The applicant shall comply with the site plan, landscape plan, and building elevations approved with A-2022-0020 and the recorded Development Agreement (DA Inst. #2022-013890).
2. The Applicant shall comply with the specific use standards listed in UDC 11-4-3-2 – Arts, Entertainment or Recreation Facility, Indoors and Outdoors, including but not limited to the following:
 - Accessory uses including, but not limited to, retail, equipment rental, restaurant, and drinking establishments may be allowed if designed to serve patrons of the use only, and not the general public.
 - All outdoor recreation areas and structures that are not fully enclosed shall maintain a minimum setback of one hundred feet (100') from any abutting residential districts. The playing areas of golf courses, including golf tees, fairways, and greens, are an exception to this standard. (Ord. 07-1325, 7-10-2007).
 - No outdoor event or activity center shall be located within fifty feet (50') of any property line and shall operate only between the hours of six o'clock (6:00) A.M. and eleven o'clock (11:00) P.M.
 - Accessory uses including, but not limited to, retail, equipment rental, restaurant, and drinking establishments may be allowed if designed to serve patrons of the use only.
 - Outdoor speaker systems shall comply with section 11-3A-13, "Outdoor Speaker Systems", of this title.
3. The applicant shall not be required to submit a Certificate of Zoning Compliance application to commence the proposed use on this site. Planning staff will review and approve the commencement of the use through the Tenant Improvement and/or Certificate of Occupancy submitted to the Community Development Department. All interior modifications (tenant improvements) associated with the use must receive all required permits and inspections from the Building Division of the Community Development Department prior to operation of the indoor recreation facility.
4. The conditional use permit is valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the Applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground as set forth in UDC [11-5B-6](#). A time extension may be requested as set forth in UDC 11-5B-6F.

B. PUBLIC WORKS DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=300477&dbid=0&repo=MeridianCity>

C. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=324857&dbid=0&repo=MeridianCity>

D. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=302777&dbid=0&repo=MeridianCity>

E. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=315353&dbid=0&repo=MeridianCity>

F. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=317401&dbid=0&repo=MeridianCity>

XI. 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.

The site meets all the dimensional and development regulations of the I-L zoning district for the proposed use. Therefore, Staff finds the site is large enough to accommodate the proposed use.

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

Staff finds the proposed use will be harmonious with the Comprehensive Plan in that it will provide an indoor recreation use which will contribute to the mix of uses desired in the Industrial Comprehensive designation as desired.

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

Staff finds the design, construction, operation and maintenance of the proposed use with the conditions imposed, should be compatible with other uses in the general vicinity but may moderately change the character of the area due to the limited I-L zoning within the City.

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

Staff finds that if the applicant complies with the conditions outlined in this report, the proposed use will not adversely affect other property in the area.

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

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

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

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

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

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

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

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



AGENDA ITEM

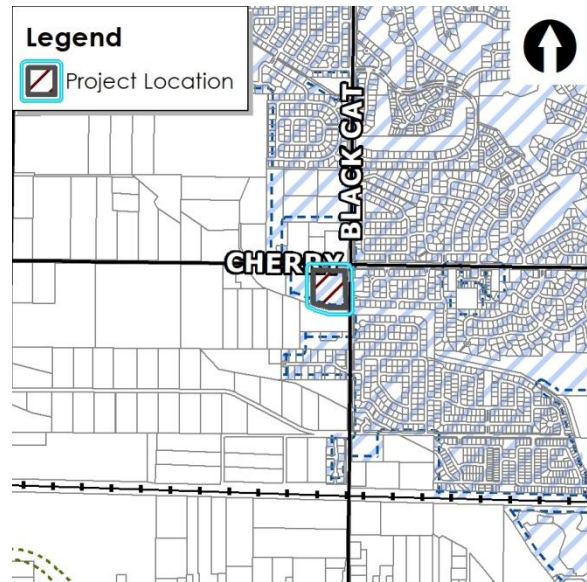
ITEM TOPIC: Public Hearing for Sulamita Church (MCU-2023-0008) by MMGC Sulamita, located at 4973 W. Cherry Lane
Application Materials: <https://bit.ly/MCU-2023-0008>

A. Request: Modified Conditional Use Permit (H-2018-0110) to allow one of the existing structures on the site to remain for an additional two (2) years beyond the date of issuance of the Certificate of Occupancy permit in order to continue the operation of a food pantry in the building.

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: January 18, 2024
 TO: Planning & Zoning Commission
 FROM: Sonya Allen, Associate Planner
 208-884-5533
 SUBJECT: Sulamita Church – MCU
[MCU-2023-0008](#)
 LOCATION: 4973 W. Cherry Ln./1435 N. Black Cat Rd., in the NE 1/4 of Section 9, T.3N., R.1W.



I. PROJECT DESCRIPTION

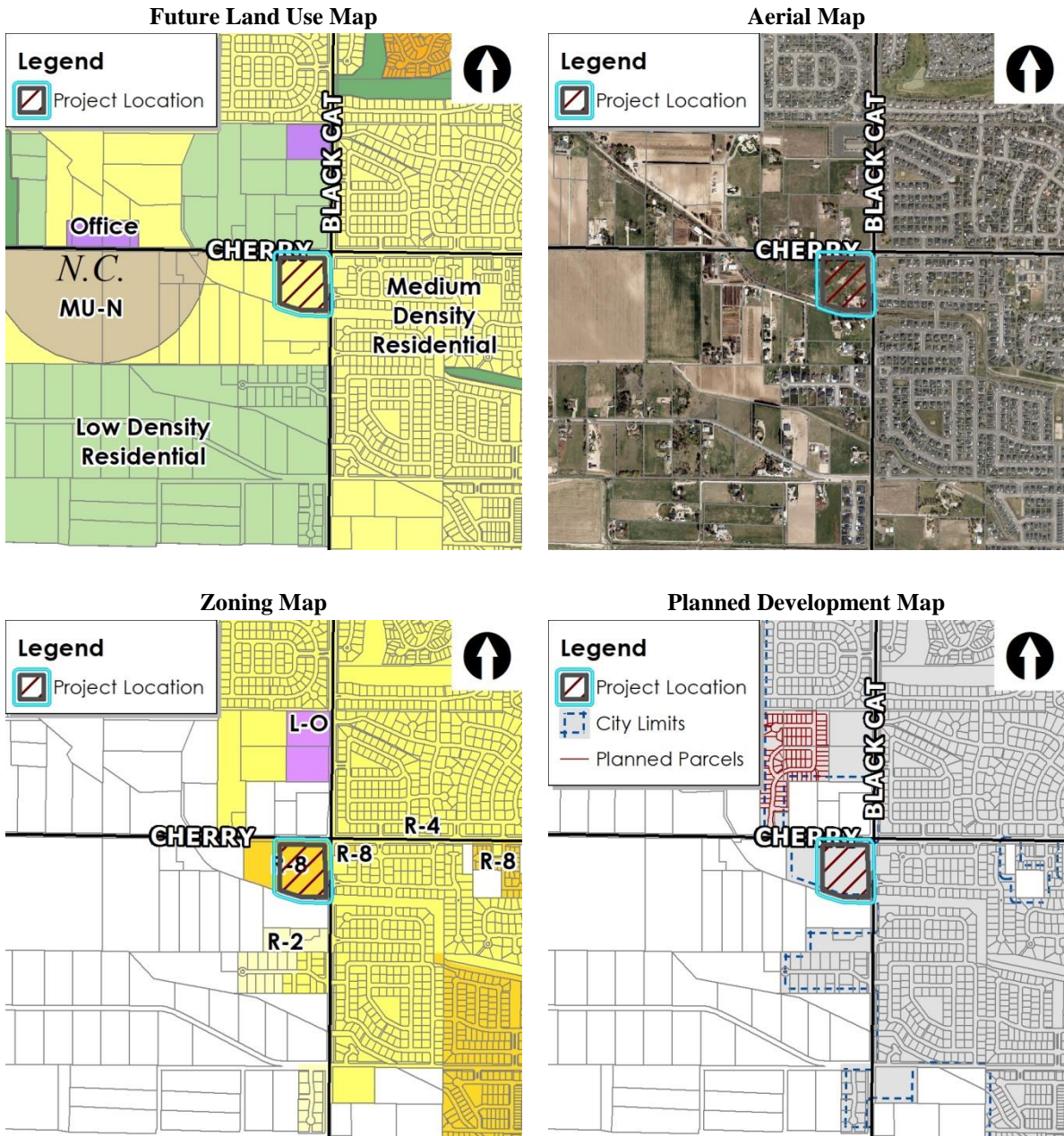
Modification to the existing Conditional Use Permit (H-2018-0110) to allow the existing manufactured home structure to remain on the site for an additional two (2) years beyond the date of issuance of the Certificate of Occupancy for the church in order to continue the operation of a food pantry in the structure.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details
Acreage	8.49
Future Land Use Designation	MDR
Existing Land Use	Food pantry (temporary use)
Proposed Land Use(s)	NA (church is in the development process to the north on the same parcel)
Current Zoning	R-8
Proposed Zoning	NA
Phasing plan (# of phases)	1
Physical Features (waterways, hazards, flood plain, hillside)	Ten Mile Creek runs along south boundary
Neighborhood meeting date; # of attendees	11/22/23
History (previous approvals)	AZ-14-014 (DA # 2015-023708); CUP-14-019 (expired); H-2018-0110 (CUP)

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Aleks Yanchuk, MMGC Sulamita – 4973 W. Cherry Ln., Meridian, ID 83642

B. Owner:

MMGC Sulamita – 4973 W. Cherry Ln., Meridian, ID 83642

C. Agent/Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	1/2/2024
Radius notification mailed to properties within 500 feet	12/29/2024
Public hearing notice sign posted on site	1/4/2024
Nextdoor posting	12/29/2024

V. STAFF ANALYSIS

The existing conditional use permit (CUP) (H-2018-0110) approved a church to develop on this site and allowed the former dwelling/manufactured home, consisting of approximately 2,439 square feet, to be used as a job shack while the church was being constructed. This structure, along with the accessory structures on the site, were required to be removed prior to issuance of the Certificate of Occupancy for the church.

The Applicant states the existing structure has been being used as a food pantry, providing food to over 100 families in the community. The church is now nearing completion of construction and the Applicant requests the structure is allowed to remain on the site for an additional 2-years after the Certificate of Occupancy is issued in order to continue providing food to area families who rely on the support. During this extended period, the Applicant plans to pursue fundraising to establish a permanent location for the food pantry.

The CUP modification is requested to change the use of the existing structure from a job shack to a food pantry; and to extend the time period it can remain on the site for up to two (2) years from the date of issuance of the Certificate of Occupancy for the church. Because the use provides a needed service for the community and is secondary to the church use, it’s considered an accessory use to the approved church use; therefore, Staff is amenable to the request.

The following Comprehensive Plan policy supports the request: “Strengthen public services, programs, and community resources to be responsive to and representative of Meridian's diversity.” (2.05.01G)

A site plan was submitted, included in Section VII, that depicts the location of the structure housing the food pantry along with the access driveway via N. Black Cat Rd., which connects to the church parking lot, and off-street parking for five (5) vehicles.

As conditions of approval of the subject application, Staff recommends the following:

- **The structure should connect to City water and sewer within 30 days of approval of the subject application or prior to issuance of Certificate of Occupancy for the church, whichever occurs first (if not already connected).**
- **A Certificate of Zoning Compliance application is required to be submitted for the change in use of the building from residential to a food pantry associated with the church and for the addition of the parking shown on the site plan.**
- **A building permit application is required to be submitted to change the use from residential to commercial (i.e. food pantry) within 30 days of approval of the subject application.**
- **The address of 1435 N Black Cat Rd. should be placed on the building or on a sign at the driveway entrance to the food pantry for way-finding purposes if not already existing.**

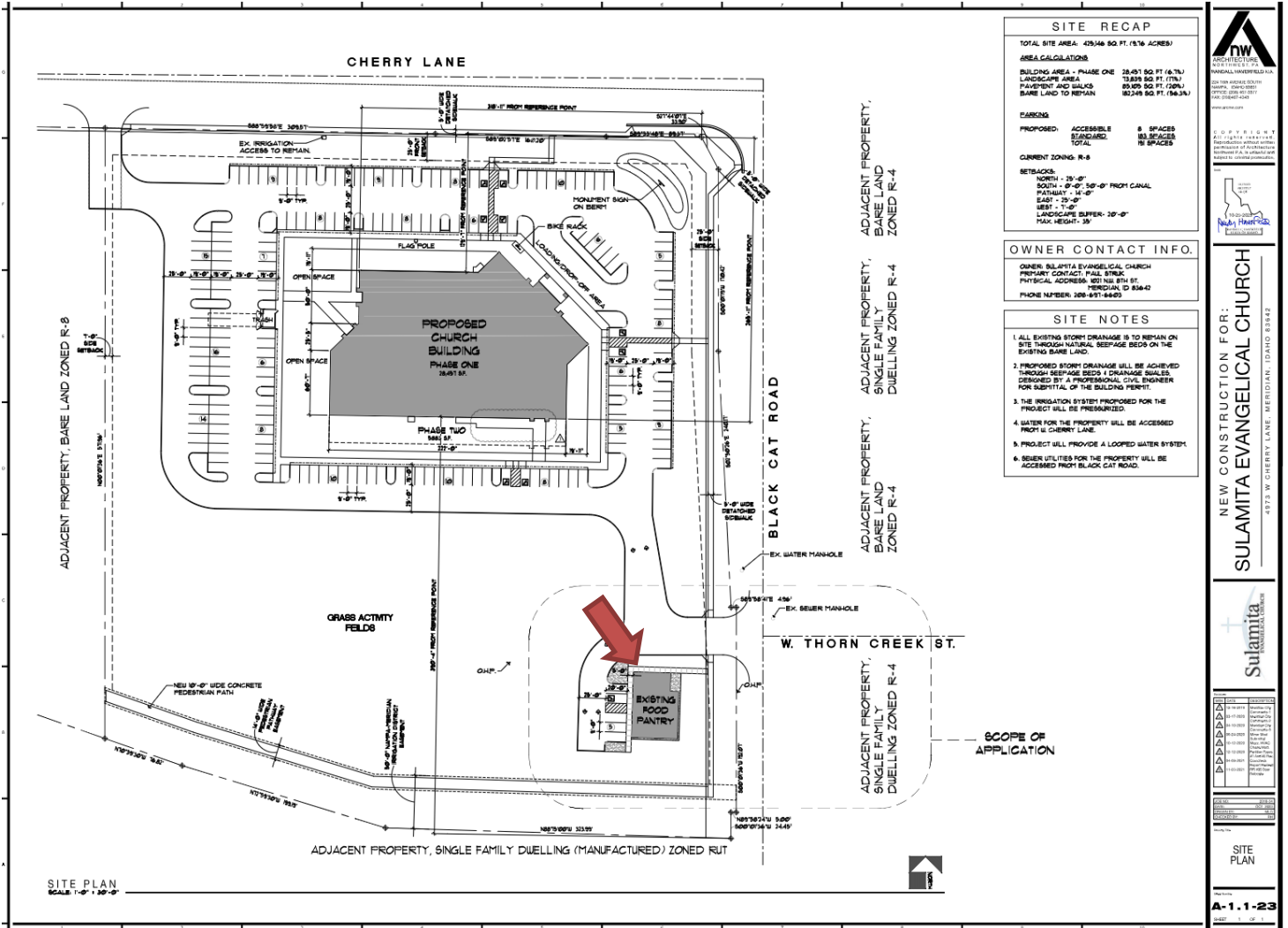
VI. DECISION

A. Staff:

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

VII. EXHIBITS

A. Site Plan & Photo



VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. The applicant shall comply with all previous conditions of approval [AZ-14-014 (DA #[2015-023708](#)); [H-2018-0110](#) (CUP)] associated with this site except as otherwise approved with this application, as follows:
 - a. All existing structures *except* for the manufactured home structure that houses the food pantry shall be removed from the site prior to issuance of Certificate of Occupancy for the church. Said structure is allowed to remain and continue being used as a food pantry for an additional period of up to two (2) years after the date the Certificate of Occupancy for the church is issued. At the end of this period, the structure shall be removed.
 - b. The Applicant shall have connected to City water and sewer service within thirty (30) days of approval of the subject application or prior to issuance of Certificate of Occupancy for the church, whichever occurs first.
 - c. The address (i.e. 1435 N Black Cat Rd.) shall be clearly depicted on the building or on a sign at the driveway entrance to the food pantry for way-finding purposes if not already existing.
 - d. A Certificate of Zoning Compliance application shall be submitted for the change in use of the building from residential to a food pantry associated with the church and for the addition of the parking shown on the site plan.
 - e. A building permit shall be obtained from the Building Dept. to change the use of the manufactured home from residential to a commercial use (i.e. food pantry). The Applicant shall apply for the permit within 30 days of approval of the subject application.

B. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=317405&dbid=0&repo=MeridianCity>

C. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=315719&dbid=0&repo=MeridianCity>

IX. 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 the proposed 8.49-acre site is large enough to accommodate the church and accessory food pantry and meet all the dimensional standards and development regulations of 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 food pantry (as an accessory use to the church) provides a needed service for the community and is harmonious with the Comprehensive Plan if the Applicant complies with the conditions of approval in Section VIII.

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 continued operation of the food pantry associated with the church will be compatible with adjacent residential uses and the intended character of the area and will not adversely affect the same.

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

Staff finds the food pantry associated with the church will not adversely affect other properties in the vicinity if the Applicant complies with the conditions of approval in Section VIII.

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

Staff finds the food pantry associated with the church will continue to be served by the public facilities and services noted.

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 food pantry associated with the church will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community and will benefit the community.

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

Staff finds the food pantry associated with the church will not detrimentally affect any persons, property or the general welfare by the excessive production of traffic or emissions generated from the site.

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 that exist on this site of major importance that will be destroyed or damaged by the food pantry use. The Commission should rely on any public testimony presented to determine this finding.



AGENDA ITEM

ITEM TOPIC: Public Hearing for Pathways (H-2023-0061) by Mussell Construction, Inc., located at 965 E. Ustick Rd.

Application Materials: <https://bit.ly/H-2023-0061>

A. Request: Annexation of 1.11 acres of land with an L-O zoning district.

B. Request: Conditional Use Permit for an education institution that takes access from an arterial street without a safe, separate pedestrian and bikeway access between the neighborhood and the school site.



STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

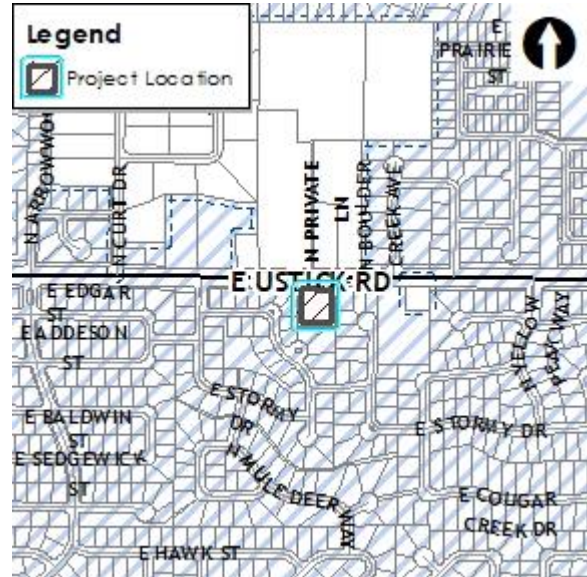
HEARING DATE: January 18, 2023

TO: Planning & Zoning Commission

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

SUBJECT: Pathways – AZ, CUP
[H-2023-0061](#)

LOCATION: 965 E. Ustick Rd., in the NE 1/4 of Section 6, T.3N., R.1E.



I. PROJECT DESCRIPTION

Annexation (AZ) of 1.11 acres of land with an L-O zoning district; and Conditional Use Permit (CUP) for a public education institution that takes access from an arterial street without a safe, separate pedestrian and bikeway access between the neighborhood and the school site.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details
Acreage	0.90-acre
Future Land Use Designation	Medium Density Residential (MDR)
Existing Land Use	Single-family residential (SFR)
Proposed Land Use(s)	Public education institution
Current Zoning	R1 in Ada County
Proposed Zoning	Limited Office (L-O)
Phasing Plan	1
Physical Features (waterways, hazards, flood plain, hillside)	None
Neighborhood meeting date	9/6/23
History (previous approvals)	ROS #1070

B. Project Area Maps

Future Land Use Map



Aerial Map



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant:

Kent Mussell, Mussell Construction, Inc. – PO Box 3304, Nampa, ID 83653

B. Owner:

MMW&T, LLC – PO Box 3304, Nampa, ID 83653

C. Representative:

Mike Mussell, MMW&T, LLC – PO Box 3304, Nampa, ID 83653

IV. NOTICING

	Planning & Zoning Notice Dates	City Council Notice Dates
Newspaper Notification	1/2/2024	
Radius notification mailed to properties within 300 feet	12/29/2023	
Site Posting Date	1/5/2024	
Next Door posting	12/29/2023	

V. COMPREHENSIVE PLAN ANALYSIS

Land Use: This property is designated as Medium Density Residential (MDR) on the Future Land Use Map (FLUM) contained in the [\(Comprehensive Plan\)](#). This designation allows for dwelling units at gross densities of 3 to 8 dwelling units per acre.

Although dwelling units are typically desired in the MDR designation, the Comprehensive Plan does allow requests for office uses (i.e. L-O zoning), at the discretion of City Council, for areas with a Residential FLUM designation if the property only has frontage on an arterial street or section line road and is 2-acres or less in size. In this instance, no ancillary commercial uses are permitted.

The subject property meets the aforementioned criteria. Although the requested use is not office, education institutions are listed as an allowed use in the L-O zoning district and Staff deems the uses similar in terms of intensity of use and impacts to adjacent properties. Therefore, the Applicant requests City Council approval of an education institution use on this property in accord with the Comprehensive Plan.

Transportation: East Ustick Road, which runs along the front/north side of this property, is depicted as a residential arterial street on the Master Street Map (MSM). There are no stub streets from adjacent developments to this property.

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

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

City water and sewer service is available and can be provided to this property in accord with UDC 11-3A-21.

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

Urban sewer and water infrastructure is available to this property. Curb, gutter and sidewalk has been constructed along E. Ustick Rd. in accord with UDC standards.

- “Ensure development provides safe routes and access to schools, parks, and other community gathering places.” (2.02.01G)

A mostly attached sidewalk exists along the frontage of this property adjacent to E. Ustick Rd., a residential arterial street. There are no pathways to the site from adjacent developments.

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

Annexation and redevelopment of the subject infill parcel will maximize public services.

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

The proposed school should be compatible with adjacent existing residential uses in the vicinity.

VI. STAFF ANALYSIS

A. Annexation & Zoning (AZ):

The Applicant proposes to annex 1.11 acres of land with an L-O zoning district for the development of a public education institution (charter school for high school age students) in West Ada School District. **City Council approval is needed to approve the proposed use and zoning in the MDR FLUM designation as mentioned above in Section V.**

The site is within the Area of City Impact (AOCI) boundary and is contiguous to City annexed land to the south, east and west. A legal description was submitted for the boundary of the annexation area, included in Section VIII.A below.

There is an existing 2,259 square foot (s.f.) single-family dwelling on this site, which is proposed to be enlarged to 8,000 square feet and converted to an education institution. **The existing structure is required to connect to City water and sewer service within 60 days of annexation and disconnect from private service, as set forth in MCC 9-1-4 and 9-4-8.**

A public education institution is listed as a permitted use in the proposed L-O zoning district per UDC [Table 11-2A-2](#), subject to the specific use standards listed in UDC [11-4-3-14](#). The specific use standards require a conditional use permit (CUP) when the education institution takes access from a collector or an arterial street and there is not a safe, separate pedestrian and bikeway access between the neighborhood and the school site. A CUP is requested concurrent with the annexation request (see analysis below).

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. **To ensure this property develops as proposed and required, Staff recommends a DA with the provisions discussed herein and included in Section IX.A.**

B. Conditional Use Permit (CUP):

A CUP is requested for a public education institution that takes access from an arterial street (i.e. E. Ustick Rd.) without a safe, separate pedestrian and bikeway access between the neighborhood and the school site, as required by UDC [11-4-3-14E](#).

The proposed charter school will serve high school age students and educates students in small groups or 1:1 support sessions, which should be low impact on adjacent residential uses. The Applicant states that the school features a very low student-to-teacher ratio and no extracurricular or outdoor activities.

Dimensional Standards: The proposed development is required to comply with the dimensional standards listed in UDC [Table 11-2B-3](#) for the proposed L-O zoning district.

Specific Use Standards: The proposed use is required to comply with the specific use standards listed in UDC [11-4-3-14F](#), Education Institution, as follows: *Staff's analysis is in italics.*

- A. Accessory uses. Accessory uses including, but not limited to, daycare facilities, community events, community services, social services, curricular and extracurricular activities, meeting facilities for clubs and organizations, and school administration may be allowed.
 - 1. Community events shall include, but are not limited to, events organized by an association of persons for a social, literary, political, educational or recreational purpose. Community events shall not include retail or other services that are customarily carried on as a business.
 - 2. Curricular or extracurricular activities at an education institution shall include any sporting, musical, dramatic, artistic, fundraising or educational activities associated with any group, association, or classroom of said education facilities. Curricular or extracurricular activities shall not include retail or other services of businesses not directly associated with the education facility.
 - 3. When conducted within an existing structure and site modifications are not proposed and/or required allowed accessory uses do not require a certificate of zoning compliance.
 - 4. Uses not deemed as an accessory use by the Director shall require approval as a principal permitted or conditional use consistent with this title or as a temporary use consistent with [title 3](#), chapter 4 of this Code.
- B. Location criteria for elementary schools. Elementary schools should be located within the center of neighborhoods with access encouraged from local streets. Elementary school locations adjacent to public parks or open space are encouraged. At least thirty (30) percent of the perimeter of an elementary school site should be open to streets or open space areas. *NA*
- C. Location criteria for middle schools and high schools. Middle and high schools may take access off a designated arterial or collector street. *The proposed school for high school age students takes access off an arterial street (E. Ustick Rd.).*
- D. Exemption. An education institution with less than one hundred fifty (150) students or located within the TN-R district may be exempt from the requirements for open space, landscaping, parking and drop off areas. *The Applicant states the school will serve less than 150 students; therefore, it is exempt from the aforementioned standards. On average, approximately 30 students will be there at a time, with a maximum capacity of 40 students. Student appointments are normally 1-1.5 hours in length and occur twice per week.*
- E. Conditional use requirement. A conditional use permit shall be required for any education institution in which any of the following circumstances exist:
 - 1. The education institution is in excess of two hundred fifty thousand (250,000) square feet within a residential district; *The proposed school will only be 8,000 s.f.*
 - 2. The education institution includes lighted fields adjoining or within a residential district; *No lighted fields are proposed.*

3. The education institution will generate in excess of one thousand five hundred (1,500) vehicular trips per day; *The proposed school will not generate more than 1,500 vehicle trips per day. Students are responsible for their own transportation; busses will not service the campus. The Applicant anticipates that nearly all students will be dropped off by family and that a minority of students will drive themselves.*
 4. The education institution takes access from a collector or an arterial street and there is not a safe, separate pedestrian and bikeway access between the neighborhood and the school site. *The proposed school takes access from an arterial street (E. Ustick Rd.) and there is not a safe, separate pedestrian and bikeway access between the neighborhood and the school site.*
- F. Portable classrooms (temporary and permanent). The site plan for all education institutions shall include the location of any future portable classrooms (temporary and/or permanent). *No portable classrooms are proposed.*
1. Temporary portables. A temporary portable classroom shall be an accessory use valid for a maximum period of four (4) years from the date of issuance of a certificate of occupancy.
 - a. Temporary portable classrooms that meet the standards as set forth in subsection (F)(4) of this section shall require a certificate of zoning compliance approval but shall not be subject to design review.
 - b. Temporary portable classrooms that do not meet the standards as set forth in subsection (F)(4) of this section shall require a conditional use permit but shall not be subject to design review.
 2. Permanent portables. Prior to the termination of the four-year permit, the applicant may request to convert a temporary portable classroom to a permanent portable classroom.
 - a. Permanent portable classrooms that meet the standards as set forth in subsection (F)(4) of this section shall require a certificate of zoning compliance and design review approval.
 - b. Permanent portable classrooms that do not meet the standards as set forth in subsection (F)(4) of this section shall require a conditional use permit and design review approval.
 3. Permit termination. Upon termination of the four-year permit, the temporary portable classroom approval shall be null and void and the applicant shall remove the structure immediately.
 4. Standards.
 - a. The portable classroom shall not be located in the front yard of the principal school structure.
 - b. The portable classroom shall not be located in any required yard.
 - c. The placement of the portable classroom shall not reduce the number of required off street parking spaces.
 - d. The portable structures shall comply with the building code in accord with [title 10](#) of this Code.
 - e. Exterior colors of the portable classrooms shall be compatible with the color of

the primary school building.

- f. The roofing material on the portable classrooms shall be of a finish that emits a minimal amount of glare.
 - g. Where the portable classroom is located within two hundred (200) feet of a street and is visible from such a street, the portable classroom shall be screened from view of the street with a minimum of one (1) evergreen tree per fifteen (15) feet of linear structure. The tree shall be a minimum of six (6) feet in height.
- G. Additional standards for education institution, private. The applicant shall provide written documentation that the facility meets the minimum site area guidelines as established by the Idaho State Department of Education. *Not applicable.*
- H. Additional standards for vocational or trade schools. The applicant shall provide written documentation that the school will have a major curriculum relating to technological industrial research and processes. *Not applicable.*
- I. Parking space requirement. In all commercial and residential districts, education institutions shall provide one (1) parking space for every four hundred (400) square feet of gross floor area. *Based on an 8,000 s.f. building, a minimum of 20 off-street parking spaces are required to be provided; a total of 33 parking spaces are depicted on the site plan, exceeding the minimum standard by 13 spaces, which should assist in providing additional parking for the 12+/- staff members.*

Based on the number of vehicle spaces provided, a minimum of two (2) bicycle parking spaces should be provided in a bicycle rack that meets the standards listed in UDC [11-3C-5C](#).

Access: There are two (2) existing driveway curb cuts to this site via E. Ustick Rd., an arterial street; no other accesses are available to the site. Only one (1) access driveway is proposed with redevelopment of the site as shown on the site plan. A driveway is proposed to the property to the east for future interconnectivity.

Where access to a local street is not available, the UDC ([11-3A-3A.2](#)) requires the property owner to grant cross-access/ingress-egress to adjoining properties via a recorded easement. This property and the adjacent property to the east only have access to an arterial street (i.e. Ustick Rd.); therefore, an easement should be granted to the property to the east in the location where the driveway is proposed, unless otherwise waived by City Council. **A copy of the recorded easement shall be submitted to the Planning Division with the Certificate of Zoning Compliance application.**

The hatched area shown on the plans at the east end of the row of parking on the south side of the building is proposed as a turnaround area.

Traffic: A [Focused Traffic Study](#) that includes a public school checklist was submitted to ACHD for the proposed development by TJW Engineering, Inc. as required by Idaho State Statute 67-6519. ACHD has not yet completed their review of this study/checklist but should prior to the City Council meeting.

To avoid traffic conflicts on Ustick Rd. the Applicant should ensure vehicles do not stack on Ustick Rd. waiting to turn into the site or park along Ustick Rd. to pick-up or drop-off students.

To better facilitate traffic flow within the site, Staff recommends the angled parking along the west boundary of the site is changed to 90-degree parking, which will allow vehicles to exit the site easier without requiring them to turn around in the constrained area on the

southern portion of the site. *Seventeen (17) foot long parking spaces may be provided with a 25-foot wide drive aisle and no wheel stops in parking spaces.*

Sidewalks/Pathways: A 7-foot wide (mostly) attached sidewalk exists along E. Ustick Rd. Detached sidewalks are required along arterial streets per UDC 11-3A-17; however, because the existing sidewalk is in good condition, Staff doesn't recommend it's reconstructed as a detached sidewalk.

A sidewalk is proposed on the south side of the building adjacent to parking that ranges from 5 to 7 feet in width. **If wheel stops are not provided in parking spaces abutting the 5-foot wide area to prevent vehicle overhang, the sidewalk should be widened to 7 feet in accord with UDC [11-3C-5B.4](#).** If the sidewalk is widened to 7 feet, the length of the parking spaces may be reduced to 17 feet if desired.

A 5-foot wide sidewalk is proposed from the perimeter sidewalk along Ustick Rd. to the main building entrance in accord with UDC 11-3A-19.B.4. A sidewalk ranging from 3' to 7' wide is also proposed along the west side of the building for safe pedestrian access to the main building entrance on the north side of the building. **The sidewalk should be widened to a minimum of 5 feet in accord with UDC [11-3A-17A](#).**

Landscaping: A 25-foot wide street buffer is required along E. Ustick Rd., an arterial street, landscaped per the standards listed in UDC [11-3B-7C](#). The tree class should be included in the Proposed Plant Material legend and should demonstrate compliance with the required standards (25% of the required trees should be Class II; and 35% of qualifying trees must provide urban canopy at maturity. The landscape plan depicts a buffer with the required number of trees and plantings in accord with UDC standards.

Parking lot landscaping is required in accord with the standards listed in UDC [11-3B-8C](#). **Class II or III trees are required in perimeter buffers; tree class should be added to the plant legend to demonstrate compliance.** Planter islands are required at the ends of rows of parking to reduce the visual impact of long rows of parked cars and to guide traffic; **a planter island should be added at the west end of the row of parking on the south side of the building alongside the sidewalk that complies with the standards in UDC 11-3B-8C.2a.**

The UDC ([Table 11-2B-3](#)) requires a minimum 20-foot wide buffer to residential uses in the L-O zoning district, landscaped per the standards listed in UDC [11-3B-9C](#). Residential uses abut the site on three sides – to the west, south and east. **The Applicant requests City Council approval of a modified buffer width along the west property boundary that varies from 11+/-' at its narrowest point to 12+/-' with an allowance for up to 2-feet of vehicle overhang within the buffer from adjacent parking spaces. Such requests are allowed to be considered by City Council at a public hearing with notice to surrounding property owners.** The building will not encroach into any of the required buffer areas. The buffer is required to include a mix of evergreen and deciduous trees, shrubs, lawn or other vegetative groundcover – **evergreen trees should be included in the buffer.** Typically, the buffer area should result in a barrier that allows trees to touch within 5 years of planting; however, because a 6-foot tall screen/privacy fence is proposed, the planting requirement may be reduced to a minimum of one (1) tree per 35 linear feet, plus shrubs, lawn, or other vegetative groundcover.

Note: If Council does not approve the reduced buffer width requested along the west boundary of the site, a 20-foot wide buffer shall be provided as set forth in UDC Table 11-2B-3. Note: This would reduce parking to 22 spaces as there wouldn't be adequate room to accommodate parking along the west boundary, which still complies with the parking standards in UDC 11-4-3-14I but likely would not be adequate for the site.

Mitigation is required for existing healthy trees 4" caliper and greater that are removed from the

site as set forth in UDC [11-3B-10C.5](#). There are 19 existing healthy trees on the site totaling 405 caliper inches, 11 of which, totaling 186 caliper inches, are proposed to be removed – these require mitigation. The other eight (8), totaling 219 caliper inches, are proposed to be preserved and protected on the site – these trees are proposed to be counted toward the mitigation requirement. **Existing trees being retained on the site may count toward required landscaping but do not count toward mitigation requirements; the landscape plan should be revised accordingly.**

Fencing: Fencing is required to comply with the standards listed in UDC [11-3A-7](#). Fencing exists around the perimeter of the site; however, the applicant proposes to construct new 6-foot tall aluminum frame vinyl around the perimeter of the site as shown on the site plan. **If/when the abutting property to the east redevelops with a non-residential use, the fence shall be removed between the two properties where the driveway stubs to the property line to enable cross-access between the properties.**

Utilities (UDC [11-3A-21](#)): Connection to City water and sewer services is required in accord with UDC 11-3A-21. **Street lights will be required to be installed with redevelopment of the property in accord with the City’s adopted standards, specifications and ordinances.**

Waterways: There are no existing waterways that cross this site.

Pressurized Irrigation System (UDC [11-3A-15](#)): Underground pressurized irrigation water is required to be provided to the development as set forth in UDC 11-3A-15.

Storm Drainage (UDC [11-3A-18](#)): An adequate storm drainage system is required in all developments in accord with the City’s adopted standards, specifications and ordinances.

Hours of Operation: The hours of operation for the school will be from 8:00 am to 4:00 pm year-round, closed on Saturdays and Sundays. Cohort start times are varied throughout the day and the campus is closed during the times the adjacent homes are most likely to be occupied. The majority of the students are anticipated to leave the campus by 3:00 pm each day. **The L-O zoning district limits business hours of operation from 6:00 am to 10:00 pm.**

Building Elevations: Building elevations and a floor plan were submitted for the proposed school building as shown in Section VIII.D. **Final design of the structure is required to comply with the design standards listed in the [Architectural Standards Manual](#) (ASM). The architectural character of the building should relate to adjacent residential uses. New construction must share at least three similar accent materials, field materials, or other architectural feature of a building within 150-feet of the property in accord with ASM Goal 1.2B.**

Certificate of Zoning Compliance/Design Review: A Certificate of Zoning Compliance (CZC) and Design Review application is required to be submitted to the Planning Division and approved prior to submittal of building permit application(s). **The application materials should be updated as necessary to comply with the conditions contained in Section IX.**

VII. DECISION

A. Staff:

Staff recommends approval of the proposed annexation & zoning and conditional use permit applications with the provisions included in Section IX per the Findings in Section X.

VIII. EXHIBITS

A. Annexation & Zoning Legal Description and Exhibit Map

**LEGAL DESCRIPTION FOR
ANNEXATION OF
965 E USTICK ROAD**

A parcel of land located in the in the Northwest 1/4, of the Northeast 1/4 Section 6, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho and being further described as follows:

BASIS OF BEARING:

The North line of said Northwest 1/4, of the Northeast 1/4, derived from found monuments and taken as S89°47'28"E with the distance between monuments found to be 1324.50 feet.

BEGINNING at a point on the North line of the Northwest 1/4, of the Northeast 1/4 Section 6, Township 3 North, Range 1 East, Boise Meridian from which the from which the East 1/16 corner of said section 6 bears South 85°47'28" East a distance of 493.86 feet.

Thence leaving said North line, South 00°16'42" West, a distance of 252.69 feet;

Thence North 89°42'02" West, a distance of 192.00 feet;

Thence North 00°30'53" East to a point on said North line, a distance of 252.39 feet;

Thence along said North line South 89°47'28" East, a distance of 190.96 feet to the **POINT OF BEGINNING**.

Said Parcel containing 48,356 square feet or 1.11 acres, more or less and is subject to all existing easements and rights-of-ways of record or implied.

END OF DESCRIPTION.

Kenneth H. Cook, P.L.S. 9895
Timberline Surveying
847 Park Centre Way, Suite 3
Nampa, Idaho 83651
(208) 465-5687

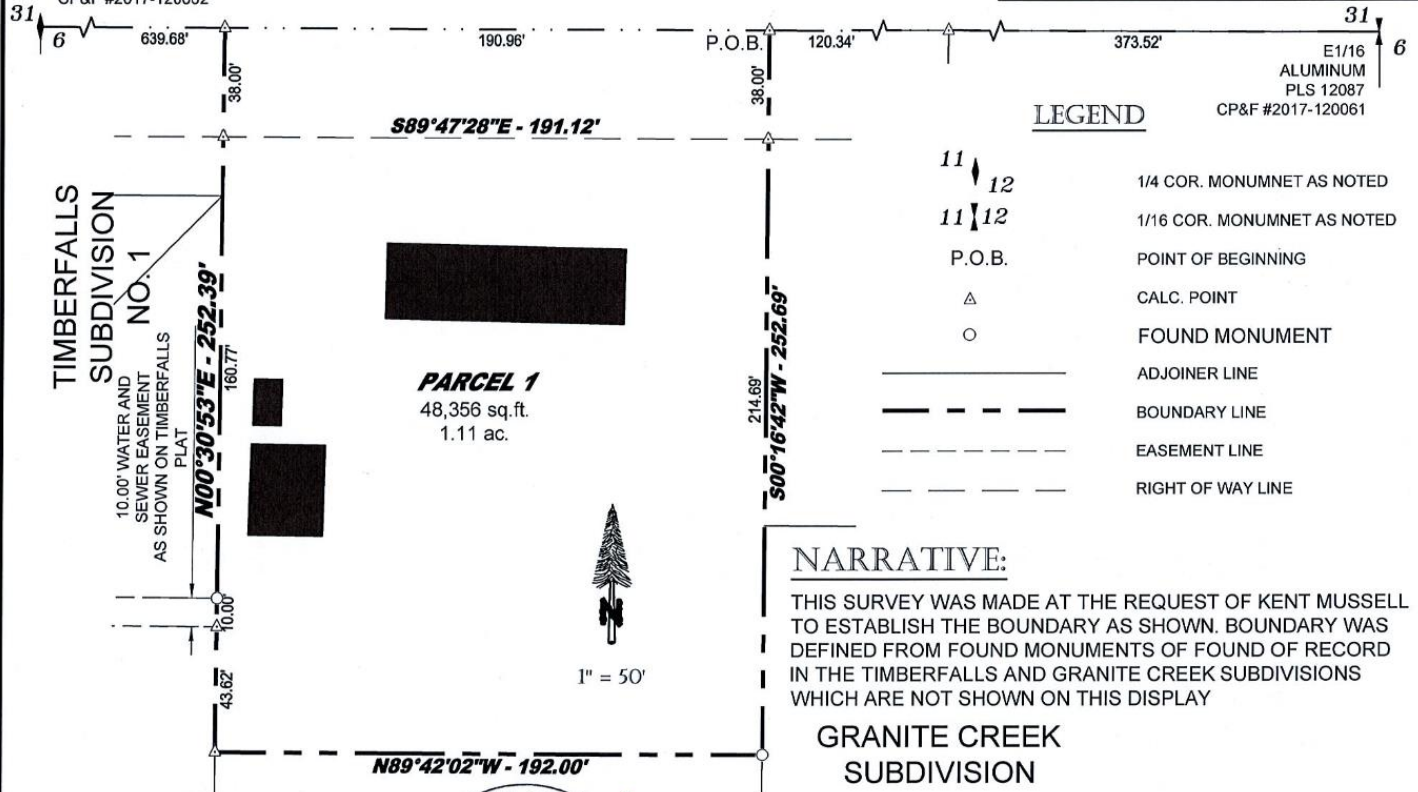


U:\TS-23\ADA\23013 - MUSSELL -USTICK-LOCUST GROVE\survey\LEGALS\23013 - MUSSELL ANNIXATION.rtf

N1/4
BRASS CAP
PLS 12087
CP&F #2017-120062

USTICK ROAD
BASED ON BEARING

A PORTION OF NORTHWEST 1/4 OF THE NORTHEAST
1/4 OF SECTION 6, TOWNSHIP 3 NORTH,
RANGE 1 EAST, B.M., ADA COUNTY, IDAHO



LEGEND

- 11 12 1/4 COR. MONUMENT AS NOTED
- 11 12 1/16 COR. MONUMENT AS NOTED
- P.O.B. POINT OF BEGINNING
- △ CALC. POINT
- FOUND MONUMENT
- ADJOINER LINE
- BOUNDARY LINE
- EASEMENT LINE
- RIGHT OF WAY LINE

NARRATIVE:

THIS SURVEY WAS MADE AT THE REQUEST OF KENT MUSSELL TO ESTABLISH THE BOUNDARY AS SHOWN. BOUNDARY WAS DEFINED FROM FOUND MONUMENTS OF FOUND OF RECORD IN THE TIMBERFALLS AND GRANITE CREEK SUBDIVISIONS WHICH ARE NOT SHOWN ON THIS DISPLAY

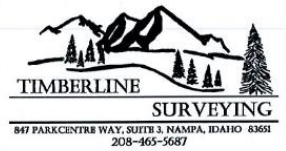
**GRANITE CREEK
SUBDIVISION**

**TIMBERFALLS
SUBDIVISION
NO. 1**

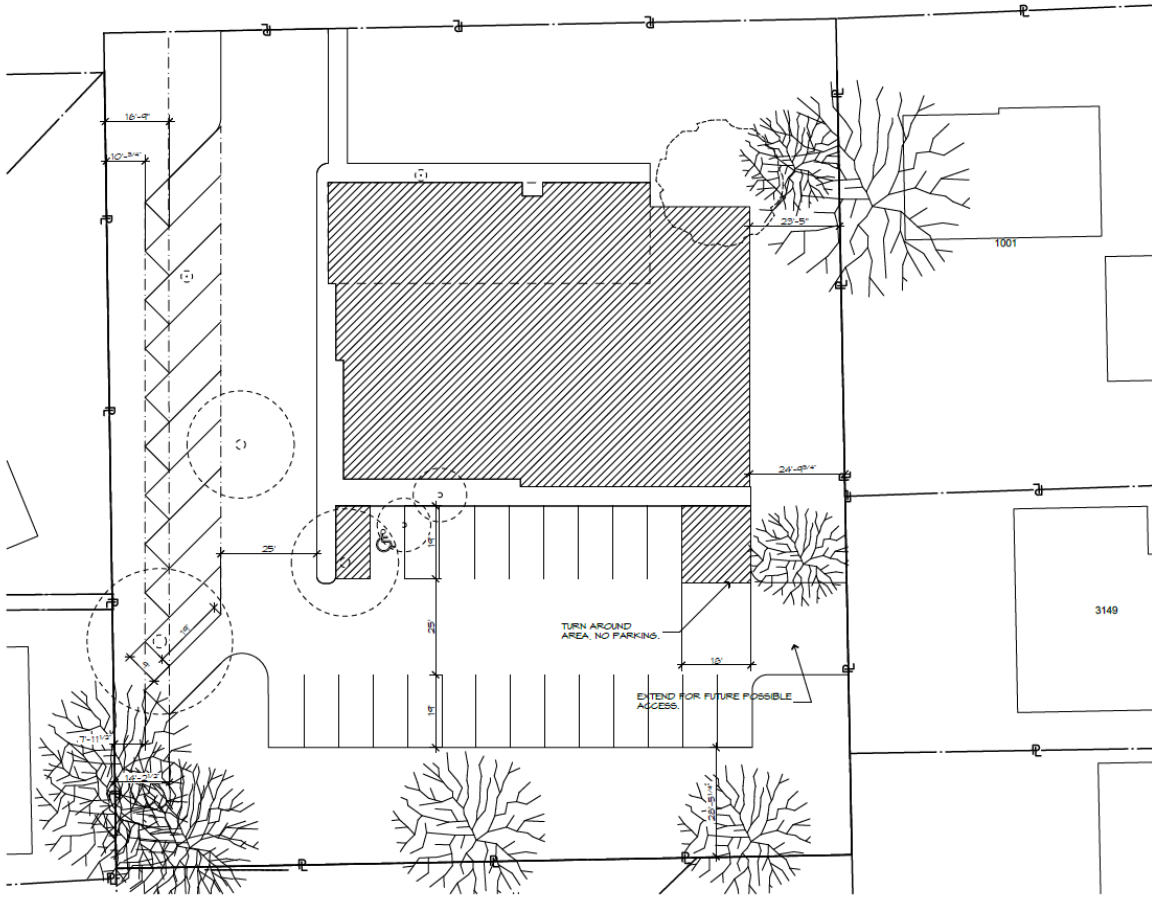


**DISPLAY FOR
ANNEXATION OF
965 E USTICK RD**

FILE: 23013 - MUSSELL- USTICK 4-6-2023.dwg



B. Proposed Site Plan (dated: 1/8/24) – NOT APPROVED



SITE PLAN

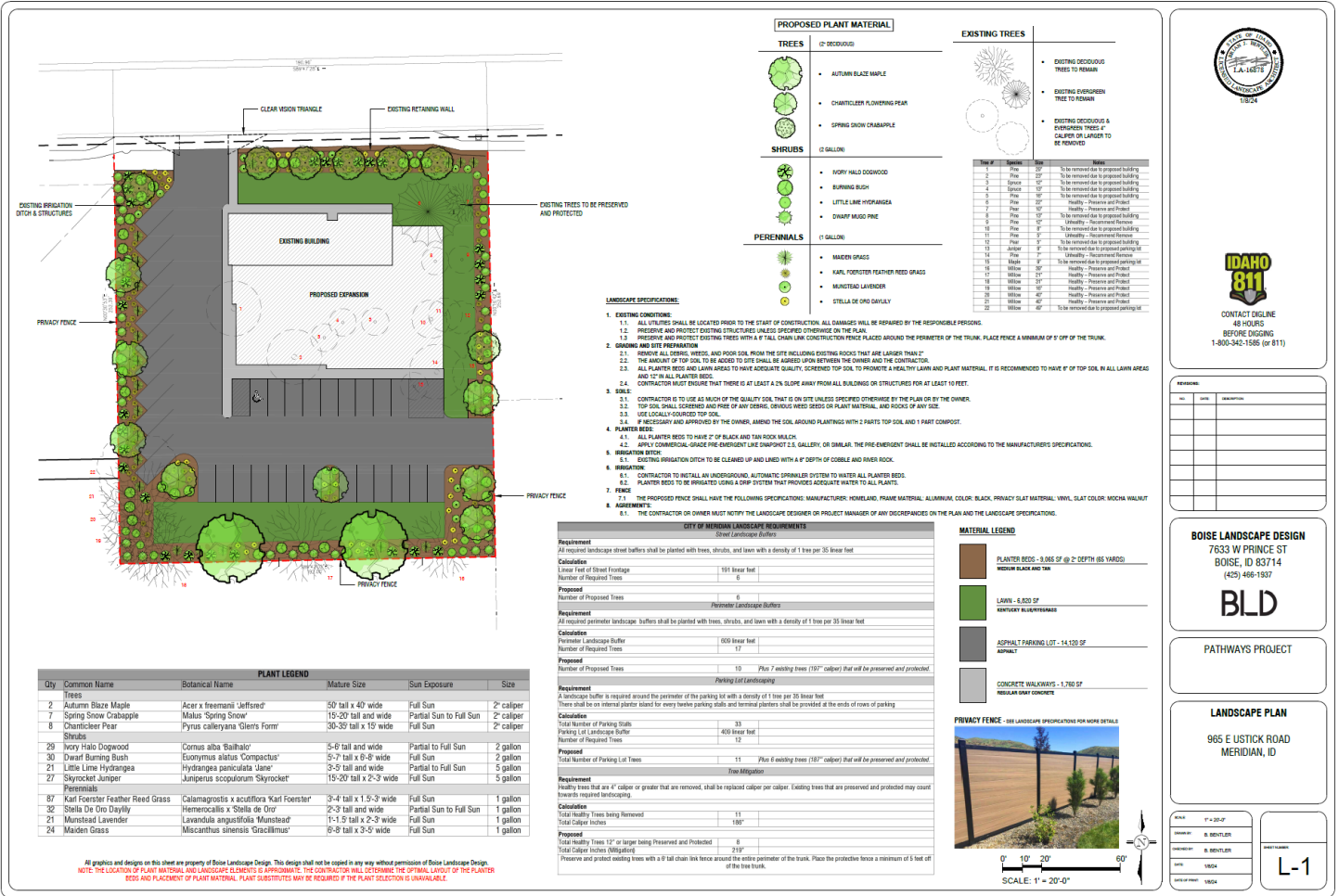
1" = 30'

PATHWAYS MERIDIAN
COMPOSITE DESIGN #1 • 1/8/24

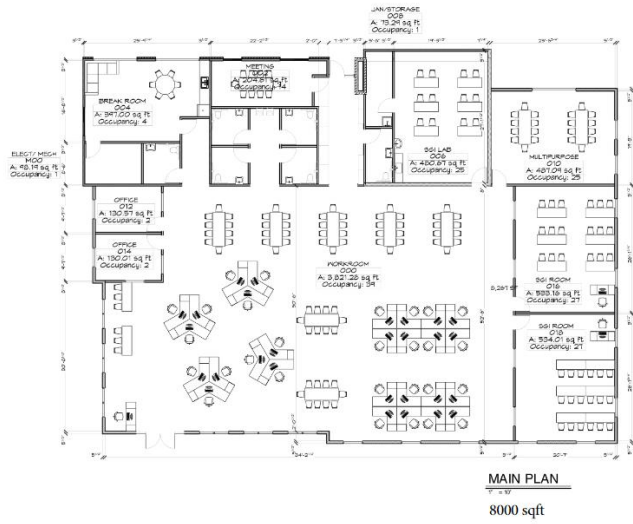
NETWORK ARCHITECTS • PO BOX 2005 • 311 E. LAKE ST. • McCALL, ID 83659 • PH 208-634-3343 • FAX 208-634-6319

SHEET 1

C. Landscape Plan (dated: 1/8/24) – NOT APPROVED



D. Building Elevations & Floor Plan - *NOT APPROVED*



MERIDIAN PATHWAYS
 PRELIMINARY DESIGN • 10/23/23

NETWORK ARCHITECTS • 2511 K. NEFF ST • BOBE, ID 83102 • PH 208-915-1161 • WWW.NETWORKARCH.COM

IX. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. Annexation & Zoning

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, the property owner(s) 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 date of City Council approval of the Findings of Fact, Conclusions of Law and Decision & Order for the Annexation request. The DA shall, at minimum, incorporate the following provisions:

- a. The existing structure shall connect to City water and sewer service within 60 days of annexation and disconnect from private service, as set forth in MCC [9-1-4](#) and [9-4-8](#).
- b. Future development of this site shall be generally consistent with the site plan, landscape plan and conceptual building elevations included in Section VIII and the provisions contained herein.
- b. Future uses on the site are limited to office or an education institution, ancillary commercial uses are not allowed.
- c. If/when the abutting property to the east redevelops with a non-residential use, the fence shall be removed between the two properties where the driveway stubs to the property line to enable cross-access between the properties.
- d. Vehicles waiting to turn into the site shall not stack on Ustick Rd., nor shall vehicles park along Ustick Rd. to pick-up or drop-off students.

2. Conditional Use Permit

- 2.1 Compliance with the standards listed in UDC [11-4-3-14](#) – Education Institution, is required.
- 2.2 Compliance with the dimensional standards listed in UDC [Table 11-2B-3](#) for the L-O zoning district is required.
- 2.3 The site/landscape plan shall be revised prior to the City Council hearing as follows:
 - a. Based on the number of vehicle spaces provided, a minimum of two (2) bicycle parking spaces must be provided in a bicycle rack that meets the standards listed in UDC [11-3C-5C](#).
 - b. Revise the calculations on the landscape plan for tree mitigation in accord with the standards listed in UDC [11-3B-10C](#). *Existing trees being retained on the site may count toward required landscaping but do not count toward mitigation requirements.*
 - c. Include the tree class in the Plant Legend on the landscape plan that demonstrates compliance with the standards listed in UDC [11-3B-7C](#) (25% of the required trees in the street buffer should be Class II; and 35% of qualifying trees must provide urban canopy at maturity and [11-3B-8C.1b](#) (Class II or III trees are required in perimeter buffers).
 - d. Include a planter island at the west end of the row of parking on the south side of the building (alongside the sidewalk) that complies with the standards in UDC [11-3B-8C.2](#).

- e. Either depict wheel stops in the parking spaces on the southeast side of the building abutting the 5-foot wide section of sidewalk to prevent vehicle overhang *or* widen the sidewalk to 7 feet to accommodate vehicle overhang as set forth in UDC [11-3C-5B.4](#). *If 7-foot wide sidewalks are provided to accommodate overhang, the length of the parking spaces may be reduced to 17 feet if desired.*
 - f. Include evergreen trees within the perimeter buffers to residential uses as set forth in UDC [11-3B-9C.1a](#).
 - g. Widen the sidewalk along the northwest side of the building to a minimum of 5 feet in accord with UDC 11-3A-17A.
 - h. Change the angled parking along the west boundary of the site to 90-degree parking to facilitate better ingress/egress within the site. Depict 17-foot long spaces, instead of 19-foot long spaces, with no wheel stops within parking spaces.
 - i. Depict a buffer along the west boundary of the site ranging from 11' to 12' (as can be accommodated), which allows for up to 2-feet of vehicle overhang within the buffer from adjacent parking spaces. *Wheel stops in parking spaces are not required.*
- 2.4 A cross-access/ingress-egress easement shall be granted to the property to the east (Parcel #S1106120867) for access when/if it redevelops with a non-residential use in the future to reduce access points to the arterial street in accord with UDC [11-3A-3A.2](#). A copy of the recorded easement shall be submitted to the Planning Division with the Certificate of Zoning Compliance application.
- 2.5 If approved by City Council, a reduced buffer width ranging from 11' to 12', with an allowance for up to 2-feet of vehicle overhang within the buffer from adjacent parking spaces, is allowed along the west property boundary, landscaped per the standards listed in UDC [11-3B-9C](#). *If Council does not approve the reduced buffer width requested, a 20-foot wide buffer shall be provided as set forth in UDC Table 11-2B-3. Note: This would reduce parking to 22 spaces, which still complies with the parking standards in UDC 11-4-3-14I but likely would not be adequate for the site.*
- 2.6 Business hours of operation shall be limited to the hours between 6:00 am and 10:00 pm as set forth in UDC [11-2B-3B](#).
- 2.7 A Certificate of Zoning Compliance application shall be submitted for the proposed use that complies with all UDC conditions and the provisions contained herein.
- 2.8 A Design Review application shall be submitted for the proposed addition to the existing structure that demonstrates compliance with the design standards listed in the Architectural Standards Manual. New construction must share at least three similar accent materials, field materials, or other architectural feature of a building within 150-feet of the property (ASM Goal 1.2B).
- 2.9 The conditional use permit is valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the Applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground as set forth in UDC [11-5B-6](#). A time extension may be requested as set forth in UDC 11-5B-6F.

B. PUBLIC WORKS DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=329747&dbid=0&repo=MeridianCity>

C. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=324850&dbid=0&repo=MeridianCity>

D. ADA COUNTY DEVELOPMENT SERVICES

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=328632&dbid=0&repo=MeridianCity>

E. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=317456&dbid=0&repo=MeridianCity>

F. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=315729&dbid=0&repo=MeridianCity>

G. ADA COUNTY HIGHWAY DISTRICT (ACHD)

Comments not yet received

X. FINDINGS

A. Annexation (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 Applicant's request to annex the subject property with an L-O zoning district for a public education institution is consistent with the Comprehensive Plan as noted in Section V.

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

Staff finds the map amendment and associated development is consistent with the regulations outlined for the district and the purpose statement of the commercial districts in that it provides for the service needs of the community.

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

Staff finds the proposed map amendment should not be detrimental to the public health, safety and welfare as the proposed use should be compatible with adjacent existing residential uses in the vicinity.

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 City water and sewer service is available to be extended to this development. The provision of a school in this area will assist in providing for the education needs of the community in this area of the City.

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

Staff finds the proposed annexation is in the best interest of the city.

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

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

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

Staff finds the site is large enough to accommodate the proposed use and meet all dimensional and development regulations of the L-O zoning district, except for the reduced buffer to residential uses along the west boundary of the site requested by the Applicant.

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

Staff finds the proposed use will be harmonious with the Comprehensive Plan and in accord with UDC standards with the exception of the reduced buffer width to residential uses requested along the west boundary of the site.

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

Staff finds the design, construction, operation and maintenance of the proposed use should be compatible with adjacent residential uses and with the existing and intended character of the vicinity and will not adversely change the essential character of the area if the Applicant complies with the conditions in Section IX.

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

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

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

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

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

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

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

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

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

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

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

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

This finding is not applicable.

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

This finding is not applicable.