



CITY COUNCIL REGULAR MEETING

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho
Tuesday, November 09, 2021 at 6:00 PM

All materials presented at public meetings become property of the City of Meridian. Anyone desiring accommodation for disabilities should contact the City Clerk's Office at 208-888-4433 at least 48 hours prior to the public meeting.

Agenda

VIRTUAL MEETING INSTRUCTIONS

To join the meeting online: <https://us02web.zoom.us/j/85393701579>

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

Webinar ID: 853 9370 1579

ROLL CALL ATTENDANCE

___ Jessica Perreault

___ Joe Borton

___ Brad Hoaglund

___ Treg Bernt

___ Liz Strader

___ Luke Cavener

___ Mayor Robert E. Simison

PLEDGE OF ALLEGIANCE

COMMUNITY INVOCATION

ADOPTION OF AGENDA

PUBLIC FORUM – Future Meeting Topics

The public are invited to sign up in advance of the meeting at www.meridiancity.org/forum to address elected officials regarding topics of general interest or concern of public matters. Comments specific to active land use/development applications are not permitted during this time. By law, no decisions can be made on topics presented at Public Forum. However, City Council may request the topic be added to a future meeting agenda for further discussion or action. The Mayor may also direct staff to provide followup assistance regarding the matter.

PROCLAMATIONS [Action Item]

1. Family Court Awareness Month

ACTION ITEMS

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 their project. Members of the public are then allowed up to 3 minutes each

to address City Council regarding the application. Citizens acting as a representative of a Homeowner's Association may be allowed up to 10 minutes to speak on behalf of represented homeowners who have consented to yielding their time. After all public testimony, the applicant is allowed up to 10 minutes to respond to questions and comments. City Council members may ask questions throughout the public hearing process. The public hearing is then closed, and no further public comment is heard. City Council may move to continue the application to a future meeting or approve or deny the application. The Mayor is not a member of the City Council and pursuant to Idaho Code does not vote on public hearing items unless to break a tie vote.

- [2.](#) Request for Reconsideration of City Council's Decision of Wells Street Assisted Living/Andorra Subdivision (H-2021-0024) by Jamie Koenig of Babcock Design, Located at 675, 715 and 955 S. Wells St.
- [3.](#) **Public Hearing** for Proposed Winter/Spring 2022 Fee Schedule of the Meridian Parks and Recreation Department
- [4.](#) Resolution No. 21-2296: A Resolution Adopting New Fees of the Meridian Parks and Recreation Department; Authorizing the Meridian Parks and Recreation Department to Collect Such Fees; and Providing an Effective Date
- [5.](#) **Public Hearing** for Settlers Square (H-2021-0072) by Brighton Development, Inc., Located on the Northwest Corner of W. Ustick Rd. and N. Venable Ave., Adjacent to the Mid-Mile Mark Between Linder Rd. and Meridian Rd.
 - A. Request: Modification to the Existing Development Agreement (Inst. #2016-097989) for the purpose of entering into a new agreement to incorporate a new concept plan consisting of commercial and residential uses.
- [6.](#) **Public Hearing** for Intermountain Wood Products Expansion (H-2021-0042) by Kent Brown Planning Services, Located at 255, 335, 381, and 385 S. Locust Grove Rd. and 300 and 330 S. Adkins Way
 - A. Request: To expand existing wood products business located at 220, 300 and 330 S. Adkins Way by
 - B. Annexing 255 and 335 S. Locust Grove Rd. with the I-L zoning district.
 - C. Modification of the Medimont Development Agreement for the purpose of creating a new development agreement for the subject properties and removing the requirement for an internal landscape buffer.
 - D. A Future Land Use Map Amendment to designate 355 and 255 S. Locust Grove from Mixed-Use Community to Industrial, and 385 and 381 S. Locust Grove from Mixed-Use Community to Commercial

ORDINANCES [Action Item]

- [7.](#) Ordinance No. 21-1953: An Ordinance (H-2021-0036 Briar Ridge Subdivision Rezone) for Rezone of a Parcel of Land Located in the Southeast $\frac{1}{4}$ Of The Northeast $\frac{1}{4}$ and the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 36, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho; Establishing and Determining the Land Use Zoning Classification of 40.992 Acres of Land from R-4

(Medium Low Density Residential) Zoning District to TN-R (Traditional Neighborhood Residential) Zoning District in the Meridian City Code; Providing that Copies of this Ordinance Shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and Providing for a Summary of the Ordinance; and Providing for a Waiver of the Reading Rules; and Providing an Effective Date

FUTURE MEETING TOPICS

ADJOURNMENT



AGENDA ITEM

ITEM **TOPIC:** Family Court Awareness Month



The Office of the Mayor

PROCLAMATION

- WHEREAS,** the mission at One Mom's Battle (OMB) and the Family Court Awareness Month Committee (FCAMC) is to increase awareness on the importance of a family court system that prioritizes child safety and acts in the best interest of children, and;
- WHEREAS,** FCAMC works to increase awareness on the importance of education and training on domestic violence, childhood trauma and post separation abuse for all professionals working within the family court system, and;
- WHEREAS,** the judges and other family court professionals are educated by the FCAMC on the empirical data and research that is currently available including research such as The Adverse Childhood Experiences (ACE) Study (CDC-Kaiser Permanente), The Saunders Study (Us Department of Justice), and The Meier Study, and;
- WHEREAS,** the FCAMC is fueled by the desire for awareness and change in the family court system while honoring the children in the United States who have been murdered by a parent after a custody court rejected the other parent's plea for protection.
- THEREFORE,** I, Mayor Robert E. Simison, hereby proclaim November 2021 as

Family Court Awareness Month

in the City of Meridian and urge our residents to learn ways to prioritize child safety and act in the best interest of children.

Dated this 3rd day of November, 2021

A blue ink signature of Robert E. Simison, written over a horizontal line.

Robert E. Simison, Mayor



Treg Bernt, Council President
Brad Hoaglund, City Council Vice-President
Liz Strader, City Council
Joe Borton, City Council
Jessica Perreault, City Council
Luke Cavener, City Council



AGENDA ITEM

ITEM TOPIC: Request for Reconsideration of City Council's Decision of Wells Street Assisted Living/Andorra Subdivision (H-2021-0024) by Jamie Koenig of Babcock Design, Located at 675, 715 and 955 S. Wells St.

GIVENS PURSLEY LLP

Attorneys and Counselors at Law

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Gary G. Allen
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Christopher J. Beeson
Jason J. Blakley
Clint R. Bolinder
Jeff W. Bower
Preston N. Carter
Jeremy C. Chou
Michael C. Creamer
Amber N. Dina
Bradley J. Dixon
Thomas E. Dvorak
Debora Kristensen Grasham
Donald Z. Gray
Brian J. Holleran
Kersti H. Kennedy

Elizabeth A. Koeckeritz
Neal A. Koskella
Michael P. Lawrence
Franklin G. Lee
David R. Lombardi
Lars E. Lundberg
Kimberly D. Maloney
Kenneth R. McClure
Kelly Greene McConnell
Alex P. McLaughlin
Melodie A. McQuade
Christopher H. Meyer
L. Edward Miller
Judson B. Montgomery
Deborah E. Nelson
W. Hugh O'Riordan, LL.M.

Samuel F. Parry
Randall A. Peterman
Blake W. Ringer
Michael O. Roe
Cameron D. Warr
Robert B. White
Michael V. Woodhouse

William C. Cole (Of Counsel)

Kenneth L. Pursley (1940-2015)
James A. McClure (1924-2011)
Raymond D. Givens (1917-2008)

October 25, 2021

Via email: cityclerk@meridiancity.org
Mayor Simison and Meridian City Council
c/o City Clerk
33 East Broadway Avenue
Meridian, Idaho 83642

RE: Request for Reconsideration in Case No. H-2021-0024, Wells Assisted Living and Andorra Subdivision

Dear Mayor Simison and City Councilmembers:

This firm represents the applicant, Iterra Homes (“**Iterra**”), in Case No. H-2021-0024, a request for annexation, zoning and preliminary plat approval for Wells Assisted Living and Andorra Subdivision. For the reasons described in this letter, we respectfully request that you reconsider your denial and approve the application. This request for reconsideration is submitted pursuant to UDC § 1-7-10 and Idaho Code § 67-6535.

Iterra applied for annexation of 17.5 acres of land with TN-R zoning; a preliminary plat with 61 residential lots on the northern portion (11.79 acres); and a 91 unit nursing and residential care facility and commercial building on the southern portion (collectively, the “**Development**”). Staff recommended approval of the Development and, on June 15, 2021, the Meridian Planning and Zoning Commission unanimously recommended approval. City Council reviewed the Development on August 17, 2021. At the conclusion of that meeting, Council moved to continue the hearing for one month for Iterra to consider certain feedback from Council. After the second hearing on September 14, 2021, Council denied the application.

In its Findings of Fact and Conclusions of Law (the “**Findings**”), adopted on October 12, 2021, Council found that the proposed development 1) was incompatible with the surrounding neighborhood, 2) would result in additional traffic that would be detrimental to the surrounding neighborhood, 3) would result in additional on-street parking that will be detrimental to the surrounding neighborhood, and 4) was not in the best interest of the City. We respectfully assert

October 25, 2021

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that these Findings do not reflect the submitted facts and applicable standards and ask you to reconsider this decision.

1. The Development Is Compatible With The Surrounding Neighborhood.

This infill residential and mixed use development provides an ideal transition between the more intense commercial and office uses to the east and south, and the larger single family residences to the north and west. The north portion of the property is designated Medium Density Residential on the Future Land Use Map (FLUM), which recommends 3-8 units per acre. Iterra has proposed 4.7 units per acre, which is on the low end of the density the City has planned for this location.

As discussed by Mayor Simison in his final remarks, this development provides for the orderly development of Meridian, and the Development's "integration is spot on accurate." Residential abuts residential; commercial abuts commercial. The Development achieves the City's comprehensive planning goals by prioritizing infill development (2.02.02, 3.03.01E) in an area where public services are readily available (3.03.03) in a safe, attractive and well-maintained neighborhood that has ample open space and generous amenities (2.02.01).

The Development is also designed to seamlessly fit into the neighborhood and to minimize its impact on the Woodbridge neighborhood to the west. Iterra proposes 5 foot side setbacks between the homes (for a total of 10 feet between homes), although only 3 feet is required in the TN-R zone. These side yard setbacks more closely match those of the Woodbridge neighborhood to the west where side yard setbacks are 5-6 feet for a total of 10-12 feet between homes. In addition, as requested by Council, Iterra increased the rear yard setback of the homes abutting Woodbridge to 17 feet. Iterra also staggered this rear setback between 17 and 27 feet to avoid the appearance of a solid wall of homes to the neighborhood to the west.

2. Additional Traffic And Parking Impacts Are Minimized on Surrounding Neighborhoods.

Any development on the property will generate increased traffic to the neighborhood. The traffic generated by this project is less than other more intense residential or commercial uses contemplated by the comprehensive plan for this location.

At the request of Council, Iterra moved access to the Development to S. Wells Street, which encourages traffic to turn away from the Woodbridge neighborhood and lessens the traffic impacts within that neighborhood.

Iterra initially asked for and received alternative compliance from the Director to provide 32 of the required 244 parking spaces for the homes (4 per residence) on internal private street bulb-outs. After receiving Council feedback at the first meeting, Iterra deepened the length of the lots so that every home has a 2-car garage plus room for two cars to park in the driveway, and alternative compliance was no longer necessary. With these changes, the proposed development

October 25, 2021

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meets the parking requirements in City Code and also provides 21 spaces of overflow parking on internal private streets.

Iterra also requested approval from ACHD to install “no parking” signs on E. Magic View Drive and S. Wells Street, the two public streets fronting the Development, but this request was denied.

Iterra has taken every step necessary to minimize traffic and parking concerns while still developing a quality residential neighborhood, consistent with the City’s comprehensive plan. Iterra incorporated all parking and traffic recommendations from Council and, as demonstrated in the steps they have taken, parking and traffic impacts to the surrounding neighborhoods from this infill development are minimized.

3. Annexation Is In The Best Interest of Meridian.

The Development (i) complies with Meridian’s comprehensive plan; (ii) complies with the regulations for the proposed TN-R zone; (iii) is not materially detrimental to public health, safety and welfare and, rather, adds a much needed memory care facility and residences to the area; (iv) does not result in an adverse impact upon the delivery of services – police and fire have confirmed that the Development is within their response times; and (v) is in the best interest of the City.

During the first public hearing, Council provided feedback to Iterra to consider in order to gain approval. The feedback was memorialized in a letter dated September 7, 2021 (the “**Feedback Letter**”) and included the following:

1. Committing to a 55+ age-restricted community by reducing the footprint of the homes, deed restricting the homes, and/or limiting the houses to one story;
2. Providing larger rear setbacks to the existing properties in the Snorting Bull Subdivision (Woodbridge) to the west;
3. Removing the access from E. Magic View Drive by providing another access to South Wells Street; and
4. Moving the pool to a location further away from the homes.

Based on the Feedback Letter and as mentioned above, Iterra increased the rear setback abutting development to the west; moved the access from E. Magic View Drive to S. Wells Street; and moved the pool to a location further away from the homes. To lessen the impact on the Woodbridge neighborhood, Iterra eliminated second floors on the back portion of the houses by agreeing that no second floor would be closer than 27 feet to the rear property line, and by staggering the rear setback of the homes between 17 and 27 feet.

As noted by the City Attorney, it is not legal to require a property to be age restricted. Nonetheless, Iterra will market the homes as a 55-plus community. This Development will be

October 25, 2021

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marketed to a more affluent demographic who prefer the larger home sizes and extra bedrooms on the second floor where they can be used as hobby and guest rooms. Given the gated community, the smaller yards, and the types of amenities offered within the Development, Iterra's experience in other communities is that these homes will be most desirable to an older demographic. Iterra also welcomes families to the community, should they choose it.

Iterra agrees with those Councilmembers at the public hearings who voiced their opposition to deed restrictions - in 20 to 30 years or more this housing type may be most desirable to families. A deed restriction will limit the accessibility of homes to any future changing demographics within Meridian.

Iterra is proposing a quality residential development in an area designated Medium Density Residential on the FLUM, and a medical facility and office building in an area designated Mixed-Use on the FLUM. This small infill project transitions the larger single family residential development on the north and west with the more intense commercial uses on the south and east. To the extent possible, all traffic and parking impacts are minimized and are less than could be developed in this location consistent with the FLUM. The Development's impact on the Woodbridge neighborhood is also minimized with increased home setbacks and relocated access.

For these reasons, the Development is in the best interests of Meridian and we respectfully ask you to reconsider the denial. Specifically, upon reconsideration, Iterra requests the Council to:

- (1) Approve the annexation and zoning as recommended by City Planning Staff and the Planning and Zoning Commission; and
- (2) Approve the preliminary plat as recommended by City Planning Staff and the Meridian Planning and Zoning Commission; and
- (3) Approve the conditional use permit for the assisted living and memory care facility, as recommended the Planning and Zoning Commission.

In the alternative, Iterra requests the Council to provide specific feedback for changes to this Development in order to gain approval.

Thank you for your consideration of this request.

October 25, 2021

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Sincerely,

A handwritten signature in blue ink, appearing to read "Deborah E. Nelson".

Deborah E. Nelson

A handwritten signature in blue ink, appearing to read "Elizabeth A. Koeckeritz".

Elizabeth A. Koeckeritz

cc. Bill Nary, City Attorney's Office at bnary@meridiancity.org
Community Development Department at planning@meridiancity.org



AGENDA ITEM

ITEM TOPIC: Public Hearing for Proposed Winter/Spring 2022 Fee Schedule of the Meridian Parks and Recreation Department

CITY OF MERIDIAN

RESOLUTION NO. _____

BY THE CITY COUNCIL:

BERNT, BORTON, CAVENER,
HOAGLUN, PERREAULT, STRADER

A RESOLUTION ADOPTING NEW FEES OF THE MERIDIAN PARKS AND RECREATION DEPARTMENT; AUTHORIZING THE MERIDIAN PARKS AND RECREATION DEPARTMENT TO COLLECT SUCH FEES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, following publication of notice in the *Meridian Press* on October 17, 2021 and October 24, 2021, according to the requirements of Idaho Code section 63-1311A, on November 9, 2021 the City Council of the City of Meridian held a hearing on the adoption of proposed new fees of the Meridian Parks and Recreation Department, as set forth in *Exhibit A* hereto; and

WHEREAS, following such hearing, the City Council, by formal motion, did approve said proposed new fees of the Meridian Parks and Recreation Department;

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MERIDIAN, IDAHO:

Section 1. That the 2022 Winter/Spring Fee Schedule of the Meridian Parks and Recreation Department, as set forth in *Exhibit A* hereto, is hereby adopted.

Section 2. That the fees adopted for the 2022 Winter/Spring Activity Guide shall remain in effect as to those classes until such classes are concluded, at which point the fees set forth in *Exhibit A* hereto shall supersede any and all fees for the enumerated services previously adopted.

Section 3. That the Meridian Parks and Recreation Department is hereby authorized to implement and carry out the collection of said fees.

Section 4. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

ADOPTED by the City Council of the City of Meridian, Idaho, this ____ day of Nov. 2021.

APPROVED by the Mayor of the City of Meridian, Idaho, this ____ day of Nov. 2021.

APPROVED:

Robert Simison, Mayor

ATTEST:

Chris Johnson, City Clerk

CITY OF MERIDIAN NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to the ordinances of the City of Meridian and the laws of the State of Idaho, that the City Council of the City of Meridian will hold a public hearing at **6:00 p.m. on Tuesday, November 9, 2021**, at Meridian City Hall, 33 East Broadway Avenue, Meridian, Idaho, regarding proposed new and amended fees as set forth below. Further information is available at the Parks & Recreation Department at Meridian City Hall, 33 East Broadway Avenue, Meridian, Idaho. Any and all interested persons shall be heard at the public hearing. Written testimony is welcome; written materials should be submitted to the City Clerk. All testimony and materials presented shall become property of the City of Meridian. For auditory, visual, or language accommodations, please contact the City Clerk's Office at (208) 888-4433 at least 48 hours prior to the public hearing. Proposed new or amended fees:

EXHIBIT A

<u>2022 Winter/Spring Activity Guide Class Fees:</u>	
Rec 1 Cheer	\$35.00
Rec 2 Cheer	\$35.00
Rec 3 Cheer	\$40.00
All Star 1.1 Cheer	\$50.00
All Star 2.2 Cheer	\$50.00
Tumble & Twist (Mommy & Me)	\$30.00
Tumble & Twist (Independent)	\$35.00
Tumbling (Beginning)	\$35.00
Tumbling (Intermediate)	\$40.00
Capoeira	\$35.00
Touch the Sky – Public Tree Climb	\$30.00
Kendo – Japanese Fencing	\$35.00 - \$70.00
Introduction to the sport of Fencing	\$120.00
Amazing Athletes	\$72.00
Martial Arts for all Ages	\$40.00
Little Pallets Art Classes	\$20.00 - \$60.00
Introduction to Rock Climbing	\$200.00
Bigfoot's Cartooning, Anime, & Comics	\$15.00
CPR Class	\$50.00
Yoga – All Levels	\$50.00
Yoga – Gentle Yoga	\$50.00
Yoga – Unlimited Yoga	\$70.00
Somatic Yoga & Gentle Stretch	\$50.00
Yin & Restorative Yoga	\$12.00
Jazzercise	\$59.00
Elite Fitness	\$80.00
Pickleball 101	\$80.00

Line Dancing – Beginner	\$24.00 - \$30.00
Line Dancing – Improver	\$24.00 - \$30.00
Line Dancing – Intermediate	\$24.00 - \$30.00
Line Dancing – Option days	\$105.00
Intermediate 2-step	\$40.00 - \$50.00
West Coast Swing	\$40.00 - \$50.00
Intro to Dance	\$40.00 - \$50.00
Digital Photography 101	\$75.00
Advanced Photo Techniques	\$75.00
Winter Break Kids Camp	\$185.00

Spring Softball League	\$566.04
Fall Softball League	\$424.53
Girl's Fastpitch Softball Tournament Fee	\$495.28

DATED this ____ day of _____, 2021.

Chris Johnson, CITY CLERK

PUBLISH on Oct 17 and Oct 24

2022 Winter/Spring Activity Guide Class Fees:	Current	Proposed	% increase
Rec 1 Cheer	\$30.00 - \$35.00	\$35.00	0%
Rec 2 Cheer	\$30.00 - \$35.00	\$35.00	0%
Rec 3 Cheer	\$35.00 - \$40.00	\$40.00	0%
Youth 1.1 Cheer	\$45.00 - \$50.00	\$50.00	0%
Junior 2.2 Cheer	\$45.00 - \$50.00	\$50.00	0%
Tumble & Twist (Mommy & Me)	\$25.00 - \$30.00	\$30.00	0%
Tumble & Twist (Independent)	\$30.00 - \$35.00	\$35.00	0%
Tumbling (Beginning)	\$30.00 - \$35.00	\$35.00	0%
Tumbling (Intermediate)	\$35.00 - \$40.00	\$40.00	0%
Capoeira	\$30.00 - \$35.00	\$35.00	0%
Touch the Sky - Public tree climb	NEW CLASS	\$30.00	0%
Kendo – Japanese Fencing	\$35.00 - \$70.00	\$35.00 - \$70.00	0%
Introduction to the sport of Fencing	\$100.00	\$120.00	20%
Amazing Athletes	\$64.00	\$72.00	12.50%
Martial Arts for all Ages	\$40.00	\$40.00	0%
Little Pallets Art Classes	\$15.00 - \$80.00	\$20.00 - \$60.00	33%
Introduction to Rock Climbing	\$200.00	\$200.00	0%
Bigfoot's Cartooning, Anime & Comics	NEW CLASS	\$15.00	
CPR Class	\$50.00	\$50.00	0%
Yoga – All Levels	\$42.00	\$50.00	19%
Yoga – Gentle Yoga	\$42.00	\$50.00	19%
Somatic Yoga & Gentle Stretch	\$42.00	\$50.00	29%
Unlimited Yoga	\$54.00	\$70.00	19%
Yin & Restorative Yoga	\$10.00	\$12.00	20%
Jazzercise	\$45.00 - \$60.00	\$59.00	0%
Pickleball 101	\$80.00	\$80.00	0%
Line Dancing – Beginner	\$24.00 - \$30.00	\$24.00 - \$30.00	0%
Line Dancing – Improver	\$24.00 - \$30.00	\$24.00 - \$30.00	0%
Line Dancing – Intermediate	\$24.00 - \$30.00	\$24.00 - \$30.00	0%
Line Dancing – Option days	\$66.00	\$105.00	59%
Intermediate 2-step	\$40.00 - \$50.00	\$40.00 - \$50.00	0%
West Coast Swing	\$40.00 - \$50.00	\$40.00 - \$50.00	0%
Intro to Dance	\$40.00 - \$50.00	\$40.00 - \$50.00	0%
North African Dance Fitness	\$40.00		
Digital Photography 101	\$70.00	\$75.00	7%
Advanced Photo Techniques	\$70.00	\$75.00	7%
Spring Softball League	\$500.00	\$566.04	20%
Fall Softball League	\$375.00	\$424.43	20%
Girls Fastpitch Softball Tournament Fee	\$425.00	\$495.28	23.53%

2021 Fall Activity Guide Class Fees:	Current
Dazzle & Dance Classes	\$30.00 - \$35.00
Rec 1 Cheer	\$30.00 - \$35.00
Rec 2 Cheer	\$30.00 - \$35.00
Rec 3 Cheer	\$35.00 - \$40.00
Intermediate Rec Cheer	\$35.00 - \$40.00
Youth 1.1 Cheer	\$45.00 - \$50.00
Junior 2.2 Cheer	\$45.00 - \$50.00
Tumble & Twist (Mommy & Me)	\$25.00 - \$30.00
Tumble & Twist (Independent)	\$30.00 - \$35.00
Tumbling (Beginning)	\$30.00 - \$35.00
Tumbling (Intermediate)	\$35.00 - \$40.00
Capoeira	\$30.00 - \$35.00
Touch the Sky - Public tree climb	NEW CLASS
Kendo – Japanese Fencing	\$35.00 - \$70.00
Introduction to the sport of Fencing	\$100.00
Amazing Athletes	\$64.00
Martial Arts for all Ages	\$40.00
Time Travel Camp	\$85.00
Mystery Investigators Camp	\$85.00
Space Camp	\$85.00
Rain Forest Adventure Camp	\$85.00
Little Pallets Art Classes	\$15.00 - \$80.00
Zumbini	\$120.00
Introduction to Rock Climbing	\$200.00
CPR Class	\$50.00
Vj's Elite Basketball Training	\$100.00
Yoga – All Levels	\$42.00
Yoga – Gentle Yoga	\$42.00
Yoga – Beyond the Basics	\$42.00
Yoga – Unlimited Yoga	\$54.00
Somatic Yoga & Gentle Stretch	\$42.00
Yin & Restorative Yoga	\$10.00
Jazzercise	\$45.00 - \$60.00
Pickeball 101	\$80.00
Line Dancing – Beginner	\$24.00 - \$30.00
Line Dancing – Improver	\$24.00 - \$30.00
Line Dancing – Intermediate	\$24.00 - \$30.00
Line Dancing – Option days	\$66.00
Intermediate 2-step	\$40.00 - \$50.00
West Coast Swing	\$40.00 - \$50.00
Intro to Dance	\$40.00 - \$50.00

North African Dance Fitness	\$40.00
Digital Photography 101	\$70.00
Advanced Photo Techniques	\$70.00
Half Day Whitewater Rafting	\$60.00
Full Day Whitewater Rafting	\$105.00
McCall Lake Cruise	\$40.00

Item #3.

New

30

120

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AGENDA ITEM

ITEM TOPIC: Resolution No. 21-2296: A Resolution Adopting New Fees of the Meridian Parks and Recreation Department; Authorizing the Meridian Parks and Recreation Department to Collect Such Fees; and Providing an Effective Date

CITY OF MERIDIAN

RESOLUTION NO. 21-2296

BY THE CITY COUNCIL:

BERNT, BORTON, CAVENER,
HOAGLUN, PERREAULT, STRADER

A RESOLUTION ADOPTING NEW FEES OF THE MERIDIAN PARKS AND RECREATION DEPARTMENT; AUTHORIZING THE MERIDIAN PARKS AND RECREATION DEPARTMENT TO COLLECT SUCH FEES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, following publication of notice in the *Meridian Press* on October 17, 2021 and October 24, 2021, according to the requirements of Idaho Code section 63-1311A, on November 9, 2021 the City Council of the City of Meridian held a hearing on the adoption of proposed new fees of the Meridian Parks and Recreation Department, as set forth in *Exhibit A* hereto; and

WHEREAS, following such hearing, the City Council, by formal motion, did approve said proposed new fees of the Meridian Parks and Recreation Department;

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MERIDIAN, IDAHO:

Section 1. That the 2022 Winter/Spring Fee Schedule of the Meridian Parks and Recreation Department, as set forth in *Exhibit A* hereto, is hereby adopted.

Section 2. That the fees adopted for the 2022 Winter/Spring Activity Guide shall remain in effect as to those classes until such classes are concluded, at which point the fees set forth in *Exhibit A* hereto shall supersede any and all fees for the enumerated services previously adopted.

Section 3. That the Meridian Parks and Recreation Department is hereby authorized to implement and carry out the collection of said fees.

Section 4. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

ADOPTED by the City Council of the City of Meridian, Idaho, this ____ day of Nov. 2021.

APPROVED by the Mayor of the City of Meridian, Idaho, this ____ day of Nov. 2021.

APPROVED:

Robert Simison, Mayor

ATTEST:

Chris Johnson, City Clerk

CITY OF MERIDIAN NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to the ordinances of the City of Meridian and the laws of the State of Idaho, that the City Council of the City of Meridian will hold a public hearing at **6:00 p.m. on Tuesday, November 9, 2021**, at Meridian City Hall, 33 East Broadway Avenue, Meridian, Idaho, regarding proposed new and amended fees as set forth below. Further information is available at the Parks & Recreation Department at Meridian City Hall, 33 East Broadway Avenue, Meridian, Idaho. Any and all interested persons shall be heard at the public hearing. Written testimony is welcome; written materials should be submitted to the City Clerk. All testimony and materials presented shall become property of the City of Meridian. For auditory, visual, or language accommodations, please contact the City Clerk's Office at (208) 888-4433 at least 48 hours prior to the public hearing. Proposed new or amended fees:

EXHIBIT A

<u>2022 Winter/Spring Activity Guide Class Fees:</u>	
Rec 1 Cheer	\$35.00
Rec 2 Cheer	\$35.00
Rec 3 Cheer	\$40.00
All Star 1.1 Cheer	\$50.00
All Star 2.2 Cheer	\$50.00
Tumble & Twist (Mommy & Me)	\$30.00
Tumble & Twist (Independent)	\$35.00
Tumbling (Beginning)	\$35.00
Tumbling (Intermediate)	\$40.00
Capoeira	\$35.00
Touch the Sky – Public Tree Climb	\$30.00
Kendo – Japanese Fencing	\$35.00 - \$70.00
Introduction to the sport of Fencing	\$120.00
Amazing Athletes	\$72.00
Martial Arts for all Ages	\$40.00
Little Pallets Art Classes	\$20.00 - \$60.00
Introduction to Rock Climbing	\$200.00
Bigfoot's Cartooning, Anime, & Comics	\$15.00
CPR Class	\$50.00
Yoga – All Levels	\$50.00
Yoga – Gentle Yoga	\$50.00
Yoga – Unlimited Yoga	\$70.00
Somatic Yoga & Gentle Stretch	\$50.00
Yin & Restorative Yoga	\$12.00
Jazzercise	\$59.00
Elite Fitness	\$80.00
Pickleball 101	\$80.00

Line Dancing – Beginner	\$24.00 - \$30.00
Line Dancing – Improver	\$24.00 - \$30.00
Line Dancing – Intermediate	\$24.00 - \$30.00
Line Dancing – Option days	\$105.00
Intermediate 2-step	\$40.00 - \$50.00
West Coast Swing	\$40.00 - \$50.00
Intro to Dance	\$40.00 - \$50.00
Digital Photography 101	\$75.00
Advanced Photo Techniques	\$75.00
Winter Break Kids Camp	\$185.00

Spring Softball League	\$566.04
Fall Softball League	\$424.53
Girl's Fastpitch Softball Tournament Fee	\$495.28

DATED this ____ day of _____, 2021.

Chris Johnson, CITY CLERK

PUBLISH on Oct 17 and Oct 24

2022 Winter/Spring Activity Guide Class Fees:	Current	Proposed	% increase
Rec 1 Cheer	\$30.00 - \$35.00	\$35.00	0%
Rec 2 Cheer	\$30.00 - \$35.00	\$35.00	0%
Rec 3 Cheer	\$35.00 - \$40.00	\$40.00	0%
Youth 1.1 Cheer	\$45.00 - \$50.00	\$50.00	0%
Junior 2.2 Cheer	\$45.00 - \$50.00	\$50.00	0%
Tumble & Twist (Mommy & Me)	\$25.00 - \$30.00	\$30.00	0%
Tumble & Twist (Independent)	\$30.00 - \$35.00	\$35.00	0%
Tumbling (Beginning)	\$30.00 - \$35.00	\$35.00	0%
Tumbling (Intermediate)	\$35.00 - \$40.00	\$40.00	0%
Capoeira	\$30.00 - \$35.00	\$35.00	0%
Touch the Sky - Public tree climb	NEW CLASS	\$30.00	0%
Kendo – Japanese Fencing	\$35.00 - \$70.00	\$35.00 - \$70.00	0%
Introduction to the sport of Fencing	\$100.00	\$120.00	20%
Amazing Athletes	\$64.00	\$72.00	12.50%
Martial Arts for all Ages	\$40.00	\$40.00	0%
Little Pallets Art Classes	\$15.00 - \$80.00	\$20.00 - \$60.00	33%
Introduction to Rock Climbing	\$200.00	\$200.00	0%
Bigfoot's Cartooning, Anime & Comics	NEW CLASS	\$15.00	
CPR Class	\$50.00	\$50.00	0%
Yoga – All Levels	\$42.00	\$50.00	19%
Yoga – Gentle Yoga	\$42.00	\$50.00	19%
Somatic Yoga & Gentle Stretch	\$42.00	\$50.00	29%
Unlimited Yoga	\$54.00	\$70.00	19%
Yin & Restorative Yoga	\$10.00	\$12.00	20%
Jazzercise	\$45.00 - \$60.00	\$59.00	0%
Pickleball 101	\$80.00	\$80.00	0%
Line Dancing – Beginner	\$24.00 - \$30.00	\$24.00 - \$30.00	0%
Line Dancing – Improver	\$24.00 - \$30.00	\$24.00 - \$30.00	0%
Line Dancing – Intermediate	\$24.00 - \$30.00	\$24.00 - \$30.00	0%
Line Dancing – Option days	\$66.00	\$105.00	59%
Intermediate 2-step	\$40.00 - \$50.00	\$40.00 - \$50.00	0%
West Coast Swing	\$40.00 - \$50.00	\$40.00 - \$50.00	0%
Intro to Dance	\$40.00 - \$50.00	\$40.00 - \$50.00	0%
North African Dance Fitness	\$40.00		
Digital Photography 101	\$70.00	\$75.00	7%
Advanced Photo Techniques	\$70.00	\$75.00	7%
Spring Softball League	\$500.00	\$566.04	20%
Fall Softball League	\$375.00	\$424.43	20%
Girls Fastpitch Softball Tournament Fee	\$425.00	\$495.28	23.53%

2021 Fall Activity Guide Class Fees:	Current
Dazzle & Dance Classes	\$30.00 - \$35.00
Rec 1 Cheer	\$30.00 - \$35.00
Rec 2 Cheer	\$30.00 - \$35.00
Rec 3 Cheer	\$35.00 - \$40.00
Intermediate Rec Cheer	\$35.00 - \$40.00
Youth 1.1 Cheer	\$45.00 - \$50.00
Junior 2.2 Cheer	\$45.00 - \$50.00
Tumble & Twist (Mommy & Me)	\$25.00 - \$30.00
Tumble & Twist (Independent)	\$30.00 - \$35.00
Tumbling (Beginning)	\$30.00 - \$35.00
Tumbling (Intermediate)	\$35.00 - \$40.00
Capoeira	\$30.00 - \$35.00
Touch the Sky - Public tree climb	NEW CLASS
Kendo – Japanese Fencing	\$35.00 - \$70.00
Introduction to the sport of Fencing	\$100.00
Amazing Athletes	\$64.00
Martial Arts for all Ages	\$40.00
Time Travel Camp	\$85.00
Mystery Investigators Camp	\$85.00
Space Camp	\$85.00
Rain Forest Adventure Camp	\$85.00
Little Pallets Art Classes	\$15.00 - \$80.00
Zumbini	\$120.00
Introduction to Rock Climbing	\$200.00
CPR Class	\$50.00
Vj's Elite Basketball Training	\$100.00
Yoga – All Levels	\$42.00
Yoga – Gentle Yoga	\$42.00
Yoga – Beyond the Basics	\$42.00
Yoga – Unlimited Yoga	\$54.00
Somatic Yoga & Gentle Stretch	\$42.00
Yin & Restorative Yoga	\$10.00
Jazzercise	\$45.00 - \$60.00
Pickeball 101	\$80.00
Line Dancing – Beginner	\$24.00 - \$30.00
Line Dancing – Improver	\$24.00 - \$30.00
Line Dancing – Intermediate	\$24.00 - \$30.00
Line Dancing – Option days	\$66.00
Intermediate 2-step	\$40.00 - \$50.00
West Coast Swing	\$40.00 - \$50.00
Intro to Dance	\$40.00 - \$50.00

North African Dance Fitness	\$40.00
Digital Photography 101	\$70.00
Advanced Photo Techniques	\$70.00
Half Day Whitewater Rafting	\$60.00
Full Day Whitewater Rafting	\$105.00
McCall Lake Cruise	\$40.00

Item #4.

New

30

120

72



AGENDA ITEM

ITEM TOPIC: Public Hearing for Settlers Square (H-2021-0072) by Brighton Development, Inc., Located on the Northwest Corner of W. Ustick Rd. and N. Venable Ave., Adjacent to the Mid-Mile Mark Between Linder Rd. and Meridian Rd.

A. Request: Modification to the Existing Development Agreement (Inst. #2016-097989) for the purpose of entering into a new agreement to incorporate a new concept plan consisting of commercial and residential uses.



PUBLIC HEARING INFORMATION

Staff Contact: Joseph Dodson

Meeting Date: November 9, 2021

Topic: **Public Hearing** for Settlers Square (H-2021-0072) by Brighton Development, Inc., Located on the Northwest Corner of W. Ustick Rd. and N. Venable Ave., Adjacent to the Mid-Mile Mark Between Linder Rd. and Meridian Rd.

- A. Request: Modification to the Existing Development Agreement (Inst. #2016-097989) for the purpose of entering into a new agreement to incorporate a new concept plan consisting of commercial and residential uses.

Information Resources:

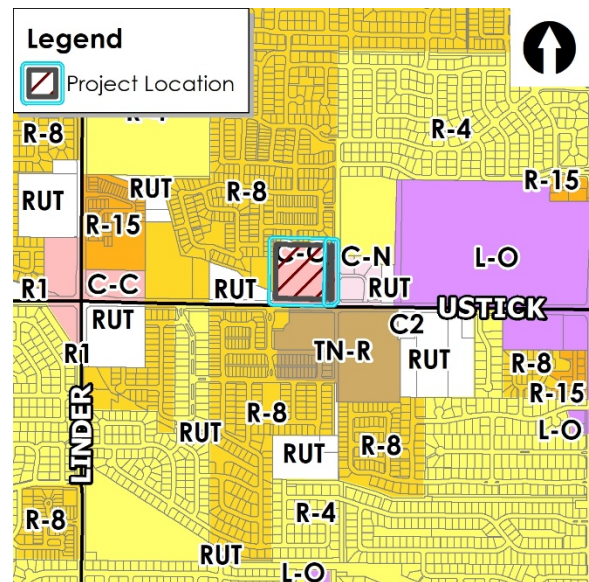
[Click Here for Application Materials](#)

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

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 11/9/2021
 TO: Mayor & City Council
 FROM: Joseph Dodson, Associate Planner
 208-884-5533
 SUBJECT: H-2021-0072
 Settlers Square MDA
 LOCATION: The site is located on the northwest corner of W. Ustick Road and N. Venable Avenue, adjacent to the mid-mile mark between Linder Road and Meridian Road, in the SE ¼ of the SW ¼ of Section 36, Township 4N., Range 1W.



I. PROJECT DESCRIPTION

Modification to the existing Development Agreement (Inst. #2016-097989) for the purpose of replacing the previous agreement with a new one to incorporate a new concept plan consisting of commercial and residential uses.

II. SUMMARY OF REPORT

A. Applicant:

Joshua Beach, Brighton Development, Inc. – 2929 W. Navigator Drive, Suite 400, Meridian, ID 83642

B. Owner:

Brighton Development, Inc. – 11650 S. State Street, Draper, UT 84020

C. Representative:

Same as Applicant

III. STAFF ANALYSIS

The existing Development Agreement (DA) for the subject property requires the entire site to be developed with commercial and office uses and incorporates two private roads through the development; one north-south road and one east-west. In 2016, Council approved a DA Modification for this site to change the internal roads from public roads to private streets. There are existing DA provisions regarding the desired placement of buildings along Ustick and the desired integration of pedestrian facilities throughout the site for safe pedestrian circulation that Staff finds imperative to keep within the DA to assist in compliance with mixed-use policies and the desired site design.

The Applicant proposes to replace the existing DA with a new one for the purpose of incorporating a new conceptual development plan. A multi-family development is proposed to develop on the north half of the site consisting of approximately 60 apartment units, according to the submitted concept plan. Per the submitted plan and conceptual elevations, the apartment units are proposed as townhome style units in the form of two-story 3-plexes and 4-plexes with each unit having a front-loaded garage and parking pad. In addition, the submitted conceptual development plan depicts the east-west street shown on the existing concept plan as remaining but appears to be a public road—this east-west road connects to Venable on the east boundary as the main access point for the site and also provides future connectivity to the west should the adjacent property redevelop in the future. In addition, the public street stubbed to the north property boundary is shown as terminating within the site as part of the multi-family drive aisles instead of continuing through the site which concerns Staff (further analysis is below). Therefore, no connection to Ustick is proposed either via public street or commercial drive aisle with the new conceptual development plan. Furthermore, a rezone application has not been submitted so the proposed multi-family use in the existing C-C zoning district will require conditional use permit (CUP) approval. Staff would analyze specific development criteria and specific use standards at the time of the CUP submittal.

Off-street parking would be required per the standards listed in UDC Table [11-3C-6](#) for multi-family developments. Qualified open space would also be required, per the standards listed in UDC [11-4-3-27C](#). Compliance with the specific use standards listed in UDC [11-4-3-27](#) for multi-family developments is required and would be reviewed with the CUP application. Adjustments may be necessary to the concept plan to comply with these standards and any ACHD required revisions.

The subject site is part of a Mixed-Use Community (MU-C) future land use area—this designation calls for a mix of residential and commercial land uses that are thoughtfully integrated. One of the reasons the Applicant has stated for requesting this DA Modification is the subject site has sat vacant in its current configuration and entitlements for over a decade. Within this MU-C area, detached single-family, apartments, office/retail, and Civic uses are existing and planned (future land use designations are not parcel specific so an area of the baseball fields in Settlers Park are within this MU-C area). There is existing multi-family directly south of the subject site on the south side of Ustick; additional multi-family is approved at the southeast corner of the Venable and Ustick intersection. Directly to the east is a relatively small office park with five (5) buildings and is the only commercial component in this MU-C area. **Because of the multi-family development on the south side of Ustick, this may be the only area that could develop with neighborhood serving commercial uses. During the review of the Summertown project (SEC of Venable and Ustick), staff did forego recommending a commercial component as part of that project because this property was already zoned for commercial and Staff was in favor of preserving this property for future commercial uses.**

Although the proposed development would be a new type of residential in this area (townhome style instead of traditional garden style walk-up apartments), the submitted concept plan lacks many of the design concepts shown and outlined in the comprehensive plan for mixed-use areas. In general, the future commercial area is being reduced while increasing the residential area and its impact in this area of the City with little to no neighborhood serving commercial uses. At a minimum, the following mixed-use policies are not met with the proposed plan whereas the existing one does comply:

- Mixed use areas should be centered around spaces that are well-designed public and quasi-public centers of activity. Spaces should be activated and incorporate permanent design elements and amenities that foster a wide variety of interests ranging from leisure to play. These areas should be thoughtfully integrated into the development and further placemaking opportunities considered. *Staff does not find the proposed concept plan meets this policy as no integration of the residential and commercial areas are shown; no placemaking or*

thoughtful integration of the mix of uses is present in the proposed concept plan especially when compared to the existing commercial concept plan.

- Supportive and proportional public and/or quasi-public spaces and places including but not limited to parks, plazas, outdoor gathering areas, open space, libraries, and schools that comprise a minimum of 5% of the development area are required. Outdoor seating areas at restaurants do not count towards this requirement. ***Based on the submitted concept plan, there are not enough details to show compliance with this plan. The proposed multi-family residential area appears to be isolated and no shared areas are shown, as noted in this policy.***
- All mixed use projects should be accessible to adjacent neighborhoods by both vehicles and pedestrians. Pedestrian circulation should be convenient and interconnect different land use types. Vehicle connectivity should not rely on arterial streets for neighborhood access. ***Although the proposed concept plan does not require arterial streets for neighborhood access, the plan would force residents from the north to drive through the multi-family development to get to the commercial which could force them to utilize Venable for ease of access, further reducing accessibility for this mixed use area. Furthermore, there are minimal pedestrian facilities shown on the proposed plan to connect the existing residential and the proposed residential to the commercial along Ustick; it appears the intent is for residents to use the multi-family drive aisles which does not provide adequate pedestrian safety.***
- A mixed use project should include at least three types of land uses. Exceptions may be granted for smaller sites on a case-by-case basis. This land use is not intended for high density residential development alone. ***As noted, not each mixed-use project is intended to provide at least three types of land uses. However, with the existing and approved development in this MU-C area, a vast majority of the area will be medium and high-density residential which is not a desired outcome. Staff finds reducing the last remaining area of undeveloped commercial area to incorporate more residential is in direct contradiction to this policy.***

Overall, Staff is concerned the proposed plan is more residentially focused, lacks integration with the commercial area, and does not comply with the mixed-use policies in the comprehensive plan. For the reasons and concerns noted, Staff is not supportive of the proposed DA modification and has recommended denial of the request.

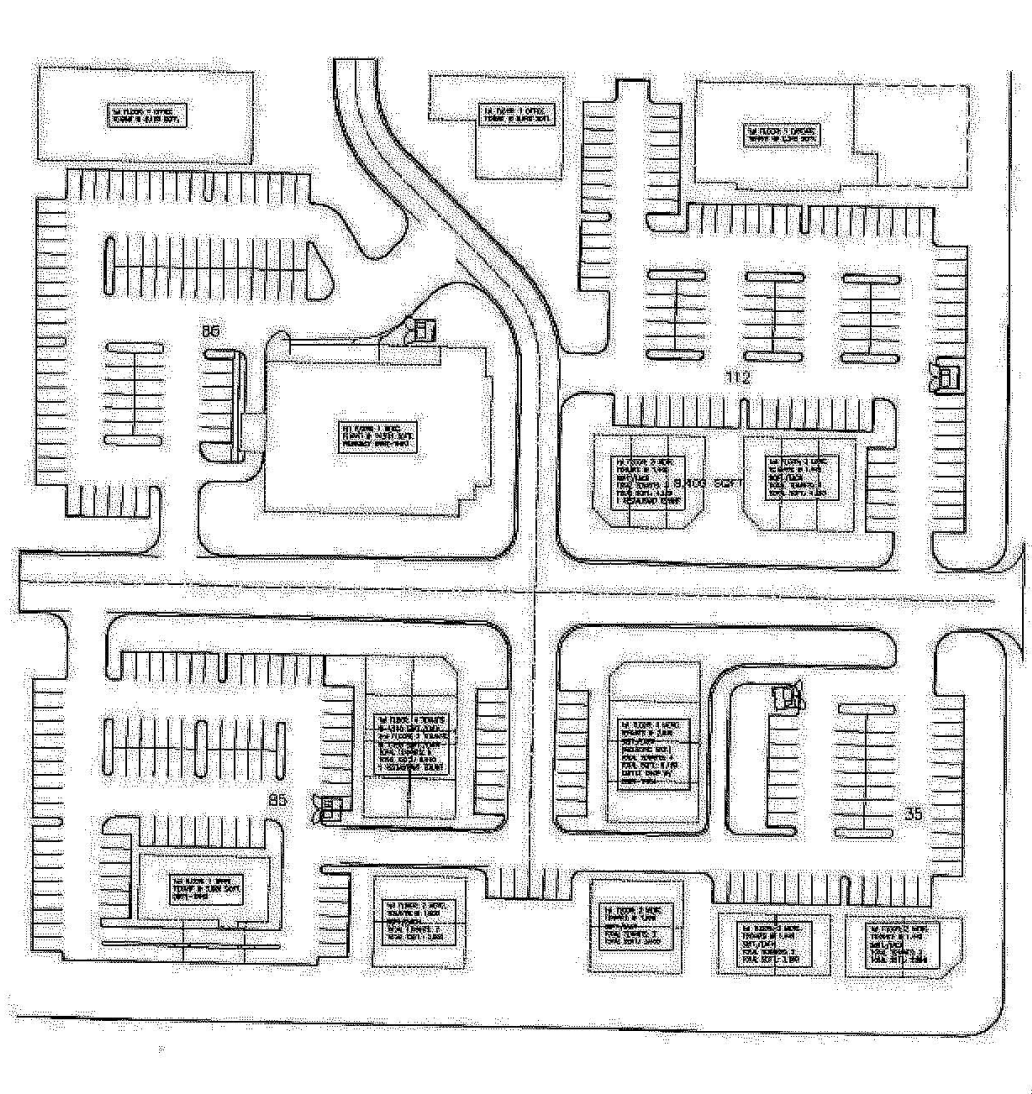
IV. DECISION

A. Staff:

Staff recommends denial of the modification to the DA as proposed by the Applicant and finds the existing concept plan and DA provisions are better suited to address development of the subject property.

V. EXHIBITS

A. Existing Approved Conceptual Development Plans (dated: October 2016)

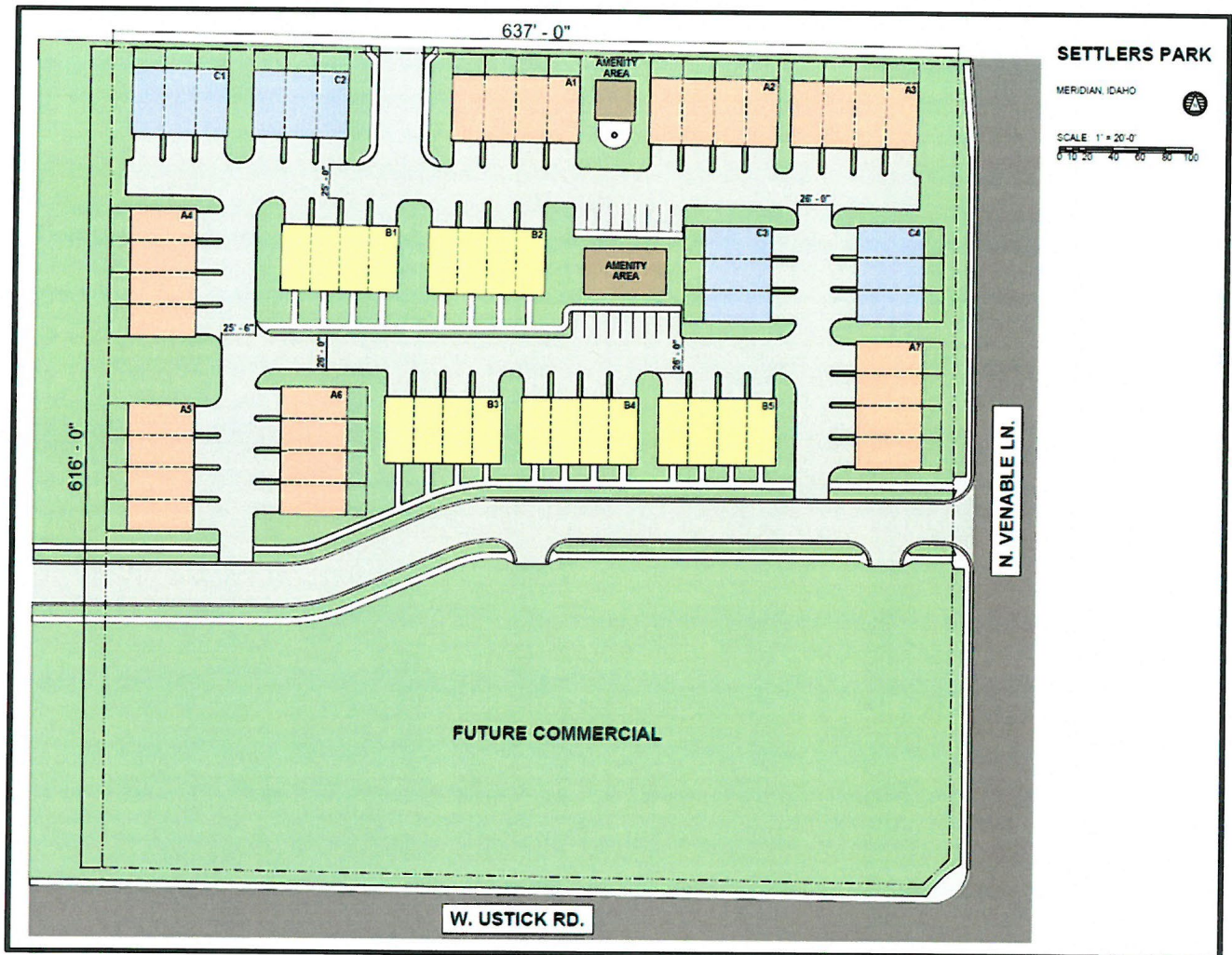


B. Proposed Conceptual Development Plan and Elevations (dated: 9/20/2021)

September 20, 2021

Page 4

EXHIBIT B
Conceptual Site Plan



September 20, 2021
Page 3

EXHIBIT A
Conceptual Architectural Elevations



C. Legal Description for Property Subject to Development Agreement

Legal Description:

Parcel I:

The South 660 feet of the East one-half of the East one-half of the Southwest quarter of Section 36, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho.

Except the East 29 feet.

Further Except:

A parcel of land located in the East half of the East half of the Southwest quarter of Section 36, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at an iron pin marking the Southwest corner of Section 36, Township 4 North, Range 1 West, Boise Meridian; thence, along the South section line of said Section 36, also being the center line of Ustick Road South 88°44'00" East 2662.19 feet to an iron pin marking the South quarter corner of said Section 36; thence, leaving said South section line, and along the North-South center quarter section line of said Section 36 North 0°26'40" East 25.00 feet to a point on the North right-of-way line of said Ustick Road, also being the Real Point of Beginning; thence, leaving said North right-of-way line, and continuing along said North-South center quarter section line North 0°26'40" East 639.49 feet to a point; thence, leaving said North-South center quarter section line North 88°50'42" West 84.71 feet to an iron pin; thence South 1°31'09" West 639.26 feet to an iron pin on the said North right-of-way line; thence along said North right-of-way line South 88°44'00" East 96.71 feet to the Real Point of Beginning.

Further Excepting:

A parcel of land disclosed in Warranty Deed to Ada County Highway District recorded April 9, 2010 as Instrument No. 110032208, records of Ada County, Idaho.

Parcel II:

A parcel of land located in the East half of the East half of the Southwest quarter of Section 36, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at an iron pin marking the Southwest corner of Section 36, Township 4 North, Range 1 West, Boise Meridian; thence along the South section line of said Section 36, also being the center line of Ustick Road South 88°44'00" East, 2662.19 feet to an iron pin marking the South quarter corner of said Section 36; thence leaving said South section line, and along the North-South center quarter section line of said Section 36 North 0°26'40" East, 25.00 feet to a point on the North right-of-way line of said Ustick Road, also being the Real Point of Beginning; thence leaving said North right-of-way line, and continuing along said North-South center quarter section line North 0°26'40" East, 639.49 feet to a point; thence leaving said North-South center quarter section line North 88°50'42" West, 84.71 feet to an iron pin; thence South 1°31'09" West, 639.26 feet to an iron pin on the said North right-of-way line; thence along said North right-of-way line South 88°44'00" East, 96.71 feet to the Real Point of Beginning.

Except:

A parcel of land disclosed in Warranty Deed to Ada County Highway District recorded April 9, 2010 as Instrument No. 110032208, records of Ada County, Idaho.



AGENDA ITEM

ITEM TOPIC: Public Hearing for Intermountain Wood Products Expansion (H-2021-0042) by Kent Brown Planning Services, Located at 255, 335, 381, and 385 S. Locust Grove Rd. and 300 and 330 S. Adkins Way

A. Request: To expand existing wood products business located at 220, 300 and 330 S. Adkins Way by

B. Annexing 255 and 335 S. Locust Grove Rd. with the I-L zoning district.

C. Modification of the Medimont Development Agreement for the purpose of creating a new development agreement for the subject properties and removing the requirement for an internal landscape buffer.

D. A Future Land Use Map Amendment to designate 355 and 255 S. Locust Grove from Mixed-Use Community to Industrial, and 385 and 381 S. Locust Grove from Mixed-Use Community to Commercial



PUBLIC HEARING INFORMATION

Staff Contact: Alan Tiefenbach

Meeting Date: November 9, 2021

Topic: **Public Hearing** for Intermountain Wood Products Expansion (H-2021-0042) by Kent Brown Planning Services, Located at 255, 335, 381, and 385 S. Locust Grove Rd. and 300 and 330 S. Adkins Way

- A. Request: To expand existing wood products business located at 220, 300 and 330 S. Adkins Way by
 - a. Annexing 255 and 335 S. Locust Grove Rd. with the I-L zoning district.
 - b. Modification of the Medimont Development Agreement for the purpose of creating a new development agreement for the subject properties and removing the requirement for an internal landscape buffer.
 - c. A Future Land Use Map Amendment to designate 355 and 255 S. Locust Grove from Mixed-Use Community to Industrial, and 385 and 381 S. Locust Grove from Mixed-Use Community to Commercial

Information Resources:

[Click Here for Application Materials](#)

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

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



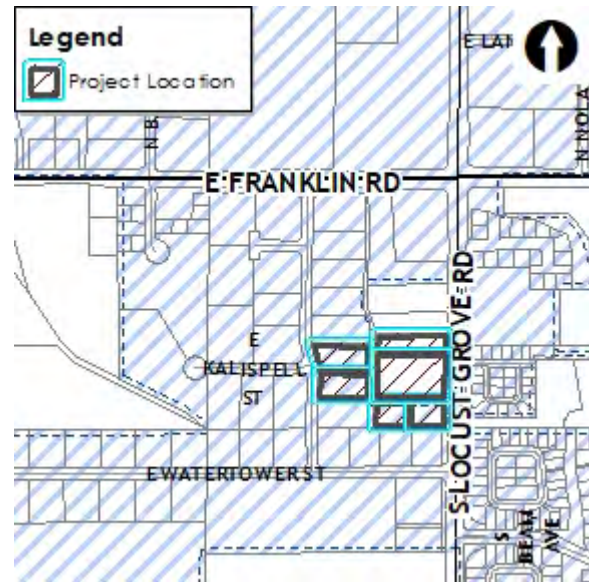
HEARING DATE: November 9, 2021

TO: Mayor & City Council

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

SUBJECT: H-2021-0042
Intermountain Wood Products Expansion

LOCATION: The properties are located at 255, 335, 381, and 385 S. Locust Grove Rd, and 220, 300 and 330 S. Adkins Way, in the NE ¼ of the NE ¼ of Section 18, Township 3N, Range 1E.



I. PROJECT DESCRIPTION

This is a request to expand an existing wood products business by annexing 3.1 acres of property with the I-L zoning district, and modifying the Medimont Development Agreement to create a new development agreement to remove a requirement for an internal landscape buffer. This application includes requests for two Comprehensive Plan Map Amendments. The first amendment is to change the designation of the properties to be annexed from mixed use community to industrial to allow zoning to I-L for the warehouse. The second map amendment involves the two properties to the south at 381 and 385 S. Locust Grove Rd (not part of the development) being designated from mixed use community to commercial to make them more consistent with the FLUM designations of surrounding properties to the south and west.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	3.1 acres	
Future Land Use Designation	Mixed Use Community	
Existing Land Use(s)	Vacant	
Proposed Land Use(s)	Industrial (distribution and warehousing for wood products)	
Lots (# and type; bldg./common)	6 existing lots	
Phasing Plan (# of phases)	N/A	

Description	Details	Page
Number of Residential Units (type of units)	N/A	
Density (gross & net)	N/A	
Physical Features (waterways, hazards, flood plain, hillside)	No known unique physical features.	
Neighborhood meeting date; # of attendees:	June 3, 2021, 3 attendees	
History (previous approvals)	<p>The three lots containing the existing business were annexed in 1996 (DA Inst. #97072405) and platted as the Medimont Subdivision No. 2. (FP 99-010). A conditional use was approved for a wholesale building materials building in 2001 (CUP 01-035) and the CZC was approved in 2003 (CZC 03-007). The two parcels proposed to be annexed and zoned to I-L to allow for expansion of the existing business (255 and 335 S. Locust Grove Rd) are presently un-platted.</p> <p>The two additional lots proposed for a Comprehensive Plan Map Amendment (385 and 381 S. Locust Grove Rd) were annexed in 1999, and CZCs were issued for or the existing daycare in 2012 and 2017 (CZC 12-064, CZC A-2017-0191, MDA 09-002). Although these lots are being included as part of the Comprehensive Plan Map Amendment with this application, they are otherwise not part of the development.</p>	

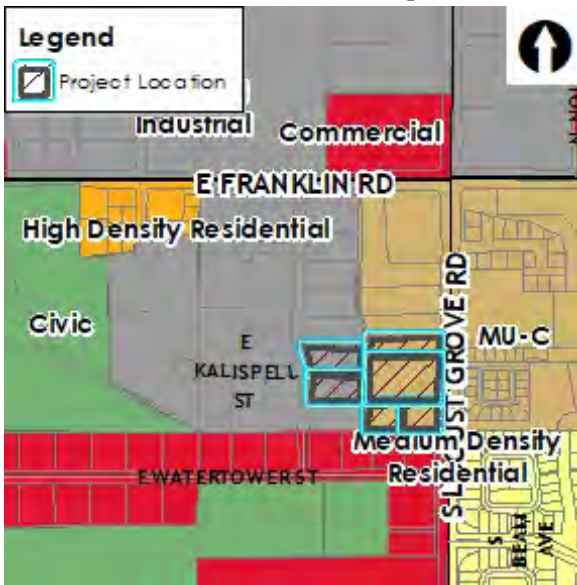
B. Community Metrics

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)	Access presently occurs from S. Locust Grove Rd (arterial) and S. Adkins Way (Local)	
Traffic Level of Service	Better than "E"	
Stub Street/Interconnectivity/Cross Access	Site plan only shows internal access to the west.	
Existing Road Network	S. Locust Grove Rd and S. Adkins Way	
Existing Arterial Sidewalks / Buffers	7' sidewalk already exists along S., Locust Grove Rd.	
Proposed Road Improvements	No improvements required	
Fire Service	No comments submitted	
Police Service	No comments submitted	
Wastewater		
<ul style="list-style-type: none"> Distance to Sewer Services Sewer Shed Estimated Project Sewer ERU's WRRF Declining Balance 	<p>NA</p> <p>Five Mile Trunkshed</p> <p>See Application</p> <p>14.18</p>	

Description	Details	Page
<ul style="list-style-type: none"> Project Consistent with WW Master Plan/Facility Plan 	Yes	
<ul style="list-style-type: none"> Comments 	<ul style="list-style-type: none"> Flow is committed Sewer is available from Locust Grove Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement. Ensure no sewer services pass through infiltration trenches. If existing sewer main into the site is not used it must be abandoned at the manhole. 	
Water		
<ul style="list-style-type: none"> Distance to Water Services 	0	
<ul style="list-style-type: none"> Pressure Zone 	3	
<ul style="list-style-type: none"> Estimated Project Water ERU's 	See application	
<ul style="list-style-type: none"> Water Quality 	No concerns	
<ul style="list-style-type: none"> Project Consistent with Water Master Plan 	Yes	
<ul style="list-style-type: none"> Impacts/Concerns 	<ul style="list-style-type: none"> Any changes to public infrastructure must be approved by Public Works. If the existing water main stub is not used it needs to be abandoned at the main in Locust Grove. Water main will require a 20' utility easement. Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement. Any well that will no longer be used must be abandoned according to IDWR requirements. 	

C. Project Area Maps

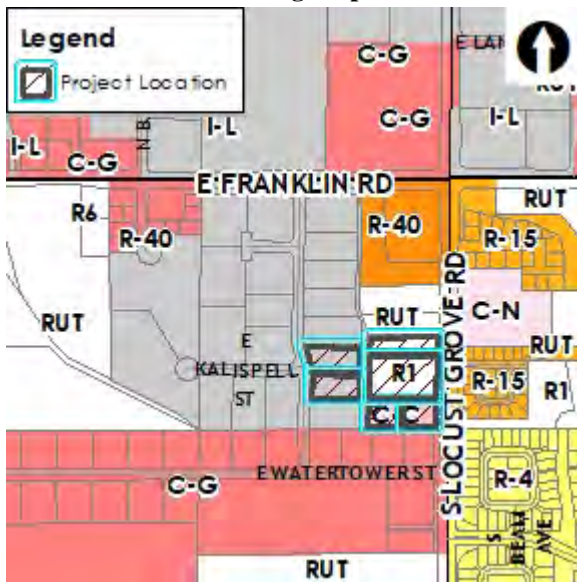
Future Land Use Map



Aerial Map



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant / Representative:

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

B. Owner:

Banks Group, LC – PO Box 65970, Salt Lake City, UT, 84165

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	9/17/2021	
Radius notification mailed to properties within 300 feet	9/15/2021	
Sign Posting	9/17/2021	
Nextdoor posting	9/16/2021	

V. STAFF ANALYSIS

Background

The applicant proposes to annex 3.1 acres of property (the subject property) at 255 and 335 S. Locust Grove Rd. in order to construct a 59,300 sq. ft. +/- warehouse for their existing wood wholesale distribution business. The existing business is to the west of the subject properties at 300 and 330 S. Adkins Way. This request also includes a request for a development agreement modification and comprehensive plan map amendments.

The existing wholesale and distribution business was constructed in 2003 and is within the Medimont Subdivision (annexed in 1996). The Medimont DA has a requirement for a 20' planting strip along the eastern boundary of the plat area (intended as a residential buffer). This puts the required planting strip between the existing business and the properties intended for annexation and expansion. Accordingly, the applicant proposes a DA modification to remove the requirement for the planting strip in this area.

This application also includes a request for two comprehensive plan map amendments. The first amendment is to change the designation of the 3.1 acres of property to be annexed from mixed use community to industrial to allow zoning to I-L for the warehouse. The second map amendment involves the two properties to the south (1.32 acres total) at 381 and 385 S. Locust Grove Rd (already zoned C-C but not part of the existing business or expansion). Until recently this was the location of the Tree House Learning Center daycare. These properties are also designated for mixed use community but are directly adjacent to industrial designation to the west and commercial designation to the south along W. Watertower St. and S. Locust Grove Rd. At the pre-application meeting, staff informed the applicant that it was not preferable to pursue a land use map amendment that would leave a small enclave of mixed-use community designation and encouraged the applicant to work with the adjacent property owners to amend the map to commercial with the same application. There will still be approximately 7.2 acres of property remaining along this side of S. Locust Grove Rd designated for MU-C, staff is unsure how viable the remainder of this property will be for mixed use community development, particularly the two residential properties directly north of the subject property.

Annexation

The proposed annexation area is contiguous to City annexed property and is within the Area of City Impact Boundary. To ensure the site develops as proposed by the applicant, staff is recommending a new development agreement as part of the annexation approval. The applicant has provided a new legal description of the property boundary subject to the new DA (see Exhibit VIII below).

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

Comprehensive Plan Map Amendments

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

To the east of the subject property across S. Locust Grove Rd is single family attached (Bellabrook Subdivision) and a religious institution. There are commercial and office uses to the south, and directly adjacent to the west is a 27-acre industrial park. Adjacent to the north are two existing single-family residences, and north of those is a 2.4-acre property zoned R-40 with an existing development agreement for up to 95 multifamily units (Cobblestone Village AZ 99-005).

Given the existing development in the vicinity, the size of the remaining undeveloped properties, and that UDC 11-3A-3 requires site circulation to occur from a local street (S. Adkins Way) rather than an arterial (S. Locust Grove), staff does not believe the subject properties have the accessibility and are viable for the integrated, walkable, synergistic development oriented around open space that is anticipated by the Plan for mixed use community. Staff does believe a plan amendment is appropriate to allow a change to industrial designation for the subject properties and commercial designation for the properties to the south.

However, staff does have reservations with how the proposed development will interact with the remaining properties to the north which would still be designated for Mixed Use Community. The two properties directly north of the subject property are still in the County, the two properties north of those are within the City and zoned R-15. Staff has concerns with whether the proposed warehouse will limit future redevelopment in this area. Staff has not received any correspondence from the owners of either of those properties.

B. Development Agreement Modification

The existing Intermountain Wood Products buildings are within the Medimont Development Agreement, which was approved in 1997 (Inst. 97072405). Provision 4d requires a permanent 20-foot-wide landscaped planning strip along the east boundary landscaped with 6-8-foot-high scotch pines at a maximum distance of 15 ft. each. This was required to provide a screen for the adjacent residential properties, two of which are now proposed for the warehouse expansion. This proposal would create a new development agreement for the subject properties and would remove this requirement.

At the time the Medimont No. 2 Final Plat was approved a common lot (Lot 2 Block 2) was platted along the eastern perimeter of the subdivision for the purpose of this landscape screen. This common lot was owned and maintained by the Stonebridge Owners Association. In February of 2021 the portions of the common lot between the existing business and the parcels to be annexed were deeded to the applicant.

As the intent of the landscape strip was to buffer the adjacent residential properties from the industrial development, and the properties to be annexed are no longer proposed for residential, staff supports elimination of the DA requirement in this area. However, Lot 2, Block 2 (the common lot) was split improperly. This results in two common lots – a common lot strip north of

the subject properties, and a common lot strip south of the subject properties. Also, an unbuildable common lot is now being converted to a buildable lot for a warehouse. This makes the applicant ineligible for a parcel boundary adjustment and a short plat is necessary to legitimize the subdivision. This will require cooperation with the Stonebridge Owners Association that owns the remainder of the common lot. All the trees that were within this portion of the buffer have been removed, which should be addressed. This is discussed in the landscaping section.

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

- “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)

The subject property is surrounded by the City limits to the south, east and west. City water and sewer service is available and can be extended by the developer of the property proposed to be annexed with development in accord with UDC 11-3A-21.

- “Require all new development to create a site design compatible with surrounding uses through buffering, screening, transitional densities, and other best site design practices.” (3.07.01A)

The proposed industrial use will be required to provide a landscaped buffer along property lines adjacent to residential uses (i.e. to the north) with development per UDC Table 11-2C-3. No outdoor storage is proposed with this development.

- “Encourage compatible uses and site design to minimize conflicts and maximize use of land.” (3.07.00)

Staff does have concerns regarding the present concept plan as will be discussed in the dimensional standards section below. Staff has red-marked on the concept plan that this plan should not be approved and future development should comply with all pertinent regulations and the Architectural Standards Manual.

In regard to the proposed use, with appropriate design the proposed warehouse should be compatible with the existing industrial uses to the west and the commercial uses to the south. The required buffer to residential land uses to the north should minimize conflicts between land uses. However, staff does have concerns regarding how industrial development on the subject property could affect future development potential for the properties to the north, which will still have the Plan designation of mixed-use community.

- “Support infill development that does not negatively impact the abutting, existing development. Infill projects in downtown should develop at higher densities, irrespective of existing development.” (2.02.02C)

The proposed infill industrial development should not negatively impact abutting uses as other industrial uses exist to the west, commercial to the south, and a landscaped buffer is required along the north property boundaries to residential uses which should minimize conflicts. As noted in the Architecture Section below, the building architecture as submitted should not be approved and the warehouse should meet all standards of the ASM at time of Certificate of Zoning Compliance (CZC).

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

(3.03.03A)

The proposed development will be required to connect to City water and sewer systems with development.

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

Curb, gutter and sidewalk has already been constructed along S. Locust Grove Rd and S. Adkins Wy, and in their staff report dated September 13, 2021 ACHD noted no additional road improvements were necessary. Hook-up to City water and sewer service is required with development.

- Reduce the number of existing access points onto arterial streets by using methods such as cross access agreements, access management, and frontage/backage roads, and promoting local and collector street connectivity. (6.01.02B)

The concept plan indicates primary access, including for trucks, occurring directly from S. Locust Grove, an arterial. Also, staff has recommended to the applicant that cross access be provided to the properties to the north and south, although the concept plan does not reflect this. Staff has addressed this in the conditions of approval. Existing Structures/Site Improvements:

D. Proposed Use Analysis:

The applicant requests to annex and zone to I-L to allow a warehouse. This is an allowed use per UDC 11-2C-2.

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

There are specific use standards for a warehouse use per UDC 11-4-3-42. This includes a limitation on square footage of office and retail, and outdoor activity areas not being located within 300 feet of an adjacent residence or residential district. The 4,800 sq. ft. office area is well under the 25% limitation on office uses, but the concept plan reflects an outdoor loading area as close as 100 feet from the adjacent residential property to the north. At the time of the certificate of zoning compliance (CZC), the applicant will need to either move the loading bay to conform to the regulation or fully enclose the loading bay.

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

The I-L zoning district requires a 35 ft. street setback. A 25 ft. wide landscape buffer is required along S. Locust Grove Rd., which is the same width required for landscape buffers on any side bordered by residential. Building height is limited to 50 ft. The site plan as submitted does suggest the landscape buffer along S. Locust Grove Rd. is met, but the width of the residential buffer to the north does not meet UDC standards.

The site and design standards of UDC 11-3A-19 state that for properties greater than two (2) acres in size, no more than fifty (50) percent of the total off street parking area for the site shall be located between building facades and abutting streets. The concept site plan as submitted shows the entirety of the parking between the building and S. Locust Grove Rd.

UDC 11-3A-19 also requires an applicant to extend or improve streets, drive aisles, cross access easements or similar vehicular and pedestrian connections provided from adjacent properties. The concept plan as submitted does not provide access to the properties to the north and the south. As a condition of approval of the development agreement, staff is recommending cross access to these adjacent properties.

Staff does have concerns with the concept site plan as submitted because of the comments listed above. Staff has additional concerns regarding the size and visibility of the proposed warehouse as would be viewed from S. Locust Grove Rd., and is unsure the building as shown would meet all the requirements of the Architectural Standards Manual (ASM). Although staff is overall supportive of annexation of the property for the purpose of the expansion, staff believes additional revisions need to be made to the site plan in order to be consistent with the regulations. Staff is not supportive of the concept plan as submitted.

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

The existing business presently takes access from two driveways off of S. Adkins Way, a local commercial street. The two properties to be annexed are currently both rural residential, each with a driveway access from S. Locust Grove Rd.

S. Locust Grove Road is classified as an arterial roadway and is improved with 5-travel lanes, bike lanes, vertical curb, gutter, and 7-foot wide sidewalk abutting the site. The concept plan as submitted shows access for this site occurring via a 40 ft. driveway directly from S. Locust Grove Rd. The applicant has mentioned employee, customer and truck access could occur at this driveway. ACHD has noted this proposal complies with all ACHD requirements. The Council can grant a waiver to allow the access, but staff prefers the applicant develop the site plan with internal circulation and send trucks through S. Adkins Way as previously discussed at the pre-application meetings.

Staff has concerns with access occurring from S. Locust Grove Rd. UDC 11-3A-3 states where access to a local street is available, the applicant shall reconfigure the site circulation plan to take access from such local street. Also, where access to a local street is not available, the property owner shall be required to grant cross-access/ingress-egress and extend or improve streets, drive aisles, cross access easements or similar vehicular and pedestrian connections provided to adjacent properties.

During the March 2021 Pre-Application meeting, it was mentioned to the applicant that the site plan as submitted should be revised to remove primary access from S. Locust Grove, access should be provided to the properties to the north and south, and it would be preferable for truck access to occur via the existing driveway from S. Adkins Way. The concept plan as submitted does not reflect any of these access points. As a condition of approval, staff recommends the access from S. Locust Grove Rd be closed, and the site plan be revised to indicate access from the north, south and west.

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

UDC 11-3C-6 requires one space for every 2,000 sq. ft. of gross floor area for industrial uses (warehouse). Based on a 53,350 sq. ft. warehouse and 4,800 sq. ft. of office space this amounts to 27 parking spaces required whereas 44 are provided. However, as mentioned above in the dimensional standards section above, the parking configuration as shown on the site plan does not comply with UDC 11-3A-19 in that all parking area is located between building facades and abutting streets.

11-3C-5 requires all off street parking areas to be provided with a substantial wheel restraint to prevent cars from encroaching upon abutting private and public property or overhanging beyond the designated parking stall dimensions. When a bumper overhangs onto a sidewalk or landscape area, the parking stall dimensions may be reduced two (2) feet in length if two (2) feet is added to the width of the sidewalk or landscaped area planted in ground cover. The concept plan does not appear to meet either of these requirements.

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

8 ft. wide sidewalk exists along S. Locust Grove Rd. and sidewalk of at least 5 ft. exists along S. Adkins Way. ACHD has submitted a staff report and does not request any additional sidewalk improvements.

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

UDC Table 11-2C-3 requires a 25 ft. wide landscape buffer along arterial roads (S. Locust Grove Rd), 10 ft. wide buffer along local road (S. Adkins Way), and 25 ft. wide landscape buffers when sharing a property line with a residential use. There are also landscaping requirements (UDC 11-3B-8C) for parking lots, including not more than 12 parking spaces in a row without at least a 50 sq. ft. planter islands and a 5 ft. wide perimeter buffer adjacent to parking, loading or other vehicular use areas.

A landscape buffers meeting the minimum dimensions will be required along S. Locust Grove Rd. There is an existing landscape buffer along S. Adkins Way and the parking lot appears to meet minimum requirements. The residential landscape buffer to the north of the site does not appear to meet the minimum width of at least 25 ft. The properties to the south (381 and 385 S. Locust Grove Rd) are not part of the current development and are subject to a separate development agreement.

As mentioned in the DA modification section above, the existing Medimont Development Agreement has a requirement for a permanent 20 ft. wide planting strip along the eastern boundary of the subdivision, planted with 6-8 ft. high pines at no less than 15 ft. apart. When staff initially did the site visit for the pre-application meeting, staff discovered all trees that had been in this required planting strip between the existing business and the properties to be annexed had been cut down. Staff mentioned to the applicant these trees were a requirement of the final plat and DA and could not be removed without a DA modification. Staff requested the applicant account for all trees that had removed, and the applicant responded 11 trees had been removed in this area ranging in diameter from 11.5 in. to 20 in. to a total of 169 inches. As these trees were a requirement of the DA, staff recommends a condition that the applicant shall coordinate with the City Arborist to ensure an additional 169 caliper inches of trees meeting the minimum 6-foot height requirement be planted on the property in excess of other minimum landscaping requirements.

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

There are no waterways known to traverse the property. There is an ACHD detention pond on another property approximately 500 feet to the north.

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

The existing business has chain link fencing along the sides and rear of the facility. The properties to be annexed currently have, 3-strand wire, chain link and open split rail fencing. The concept site plan does indicate some of the existing fencing along the side property lines will remain. At time of CZC, the applicant will be required to submit a landscape plan that reflects all fencing meets the provisions of UDC 11-3A-7. This includes screening of any outdoor storage as required by UDC 11-3A-14.

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

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

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

Conceptual elevations have been provided with this submittal. The elevations do not meet the minimum requirements of the ASM. This includes nearly the entirety of the building materials being metal siding, lack of accents of at least 30% along the base of the building, façade sections longer than 50 ft. without modulation, rooflines longer than 50 ft. without roofline or parapet variations, and possibly not meeting the 30% fenestration requirement or fenestration alternatives. Staff recommends the conceptual elevations not be approved. Also, due to visibility of this property from S. Locust Grove Rd and that it is surrounded on three sides by commercial and residential development, staff recommends a DA provision that requires architecture comply with the commercial, not industrial standards.

VI. DECISION

A. Staff:

Staff recommends approval of the proposed amendment to the Future Land Use Map, DA modification and Annexation with the requirement of a Development Agreement per the provisions in Section IX in accord with the Findings in Section X.

B. The Meridian Planning & Zoning Commission heard this item on October 7, 2021. At the public hearing, the Commission moved to recommend approval of the subject annexation, map amendment and development agreement modification request.

1. Summary of the Commission public hearing:

- a. In favor: Kent Brown
- b. In opposition: None
- c. Commenting: Kent Brown.
- d. Written testimony: A letter was received from Camy Donahue at 336 S. Truss Lane. She voiced concerns with decrease in property values, traffic, particularly for trucks, lighting, and landscaping.
- e. Staff presenting application: Alan Tiefenbach
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. None

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

- a. Commission discussed traffic, particularly the proposed access from S. Locust Grove Rd.

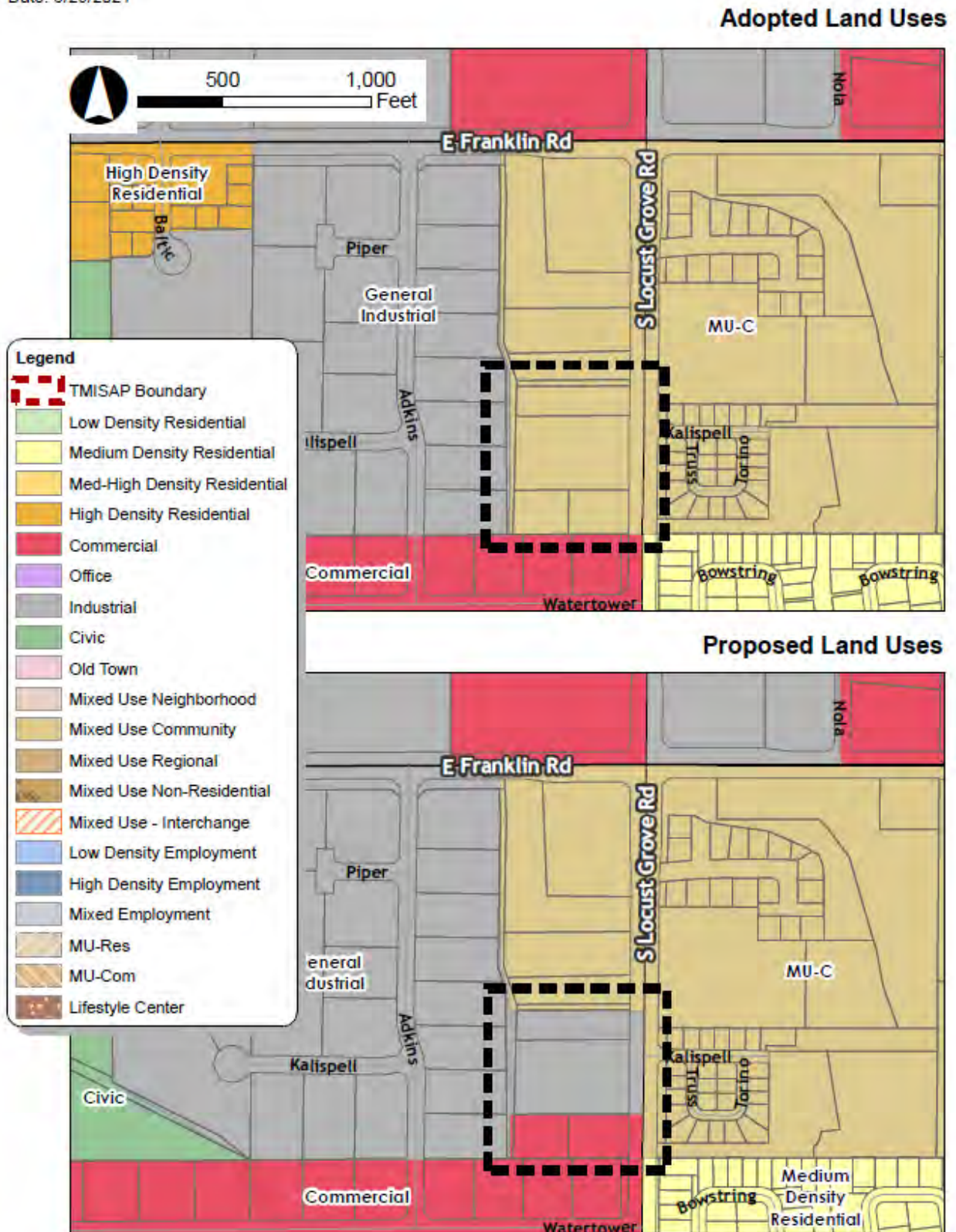
4. Commission change(s) to Staff recommendation:

- a. Commission noted the updated site plan that was presented at the meeting should be approved with a revision showing a northern cross access to the property at 255 S. Locust Grove Rd.
- b. Commission recommended approval with staff's recommendations and the additional recommendation that Council approve the S. Locust Grove Rd access.

VII. EXHIBITS

A. Future Land Use Map – Adopted & Proposed Land Uses

Date: 6/29/2021



B. Annexation Exhibit (date: June 8, 2021)

ANNEXATION DESCRIPTION

A parcel of land described as Parcel 1 in Warranty Deed, Inst. No. 2020-012834, and all that certain Parcel described in Warranty Deed, Inst. No. 2019-121778, located in the Northeast 1/4 of the Northeast 1/4 of Section 18, Township 3 North, Range 1 East, Boise Meridian, City of Meridian, Ada County, ID, more particularly described as follows;

COMMENCING at the Northeast Corner of said Section 18, from which the East 1/4 Corner common to said Section 18 and Section 17, bears, South 00°00'39" West, (which is the basis of bearing for this description), for a distance of 2658.72 feet; thence along the common line of said Sections 18 and 17, South 00°00'00" East, for a distance of 828.49 feet, from which the North 1/16th corner common to Sections 18 and 17 bears South 00°00'00" East, for a distance of 501.09 feet; thence North 89°11'30" East, for a distance of 48.01 feet to the westerly right-of-way line of South Locust Grove Road as shown on Record of Survey No. 7075, Ada County Records, the **POINT OF BEGINNING**;

Thence South 00°00'00" East along said westerly right-of-way line of South Locust Grove Road, for a distance of 352.11 feet to the northerly boundary line of that certain Parcel shown on Record of Survey No. 10859, Ada County Records;

Thence along said northerly boundary line, South 89°08'55" West (formerly South 89°11'30" West), for a distance of 387.80 feet to the easterly boundary line of Medimont Subdivision, as recorded in Book 75, at Page 7794, Ada County Records;

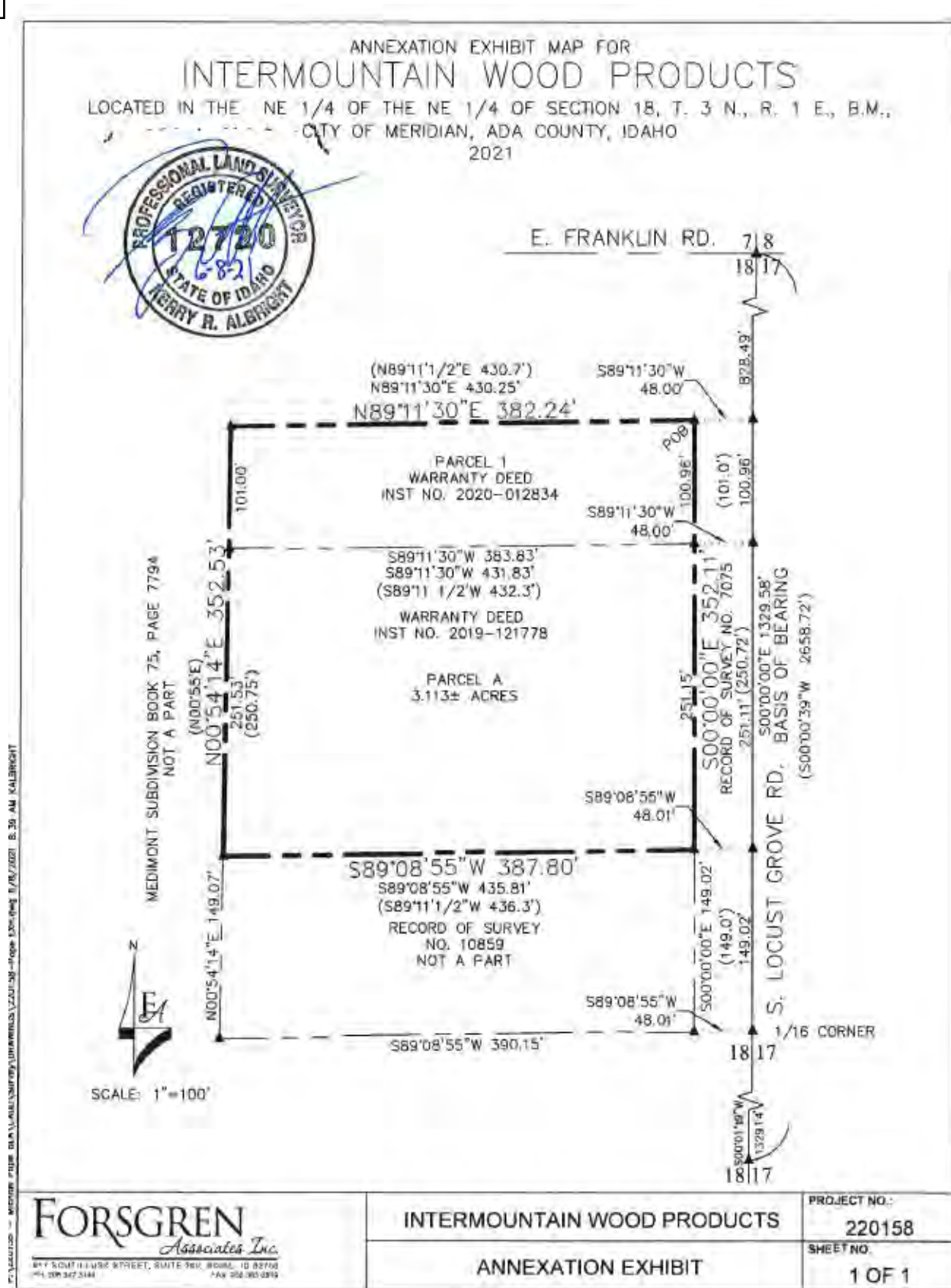
Thence along said easterly boundary line, North 00°54'14" East (formerly North 00°55" East), for a distance of 352.53 feet;

Thence North 89°11'30" East, for a distance of 382.24 feet to the **POINT OF BEGINNING**.

The above-described Parcel contains 3.113 acres, more or less.

Subject to easements of record and not of record.





C. DA Modification Legal Description and Exhibit (date: August 5, 2021)

TOTAL BOUNDARY DESCRIPTION

A portion of Lot 2, Block 2 of Medimont Subdivision No.1, as recorded in Book 75, at Page 7794, Ada County Records, all of Lots 7, 8, and 9, Block 2 of Medimont Subdivision No.2, as recorded in Book 79, at Page 8453, Ada County Records, a portion of that certain parcel described as Parcel 1 in Warranty Deed, Inst. No. 2020-012834, and a portion of that certain Parcel described in Warranty Deed, Inst. No. 2019-121778, all of which is located in the Northeast 1/4 of the Northeast 1/4 of Section 18, Township 3 North, Range 1 East, Boise Meridian, Ada County, ID, more particularly described as follows;

COMMENCING at the Northeast Corner of Section 18; thence along the common line of Sections 18 and 17, which is coincident with the centerline of South Locust Grove Road, South 00°30'17" West, for a distance of 829.00 feet, from which a 5/8" rebar with a plastic cap, stamped "CSC PLS 5082," marking the North 1/16th corner common to Sections 18 and 17 bears, South 00°30'17" West, for a distance of 500.62 feet;

Thence, South 89°46'00" West, for a distance of 48.00 feet to the westerly right of way line of South Locust Grove Road, as depicted on Record of Survey No. 7075, the **POINT OF BEGINNING**;

Thence, along said right of way line, South 00°30'17" West, for a distance of 351.68 feet to its intersection with the northerly boundary line of that certain Parcel shown on Record of Survey No. 10859, Ada County Records;

Thence along said northerly boundary line South 89°39'34" West (formerly South 89°11'30" West), for a distance of 388.00 feet to the easterly boundary line of Lot 2, Block 2 of Medimont Subdivision, as recorded in Book 75, at Page 7794, Ada County Records, which bears North 01°25'43" East, for a distance of 1.00 feet from a found 5/8" rebar with a plastic cap, stamped "ISG PLS 7729," reference monument;

Thence along said easterly boundary line, South 01°25'43" West, for a distance of 0.44 feet to its intersection with the easterly prolongation of the southerly boundary line of Lot 9, Block 2, of Medimont Subdivision No.2, which bears North 01°25'43" East, for a distance of 0.56 feet from the aforementioned reference monument;

Thence North 89°01'17" West, along the southerly boundary line of said Lot 9, Block 2 and the easterly prolongation thereof, for a distance of 302.23 feet to a found 1/2" rebar with a plastic cap, stamped "GA LEE, PLS 3260," marking the southwest corner of Lot 9, Block 2, which is coincident with the easterly right of way line of South Adkins Way;

Continued on Page 2

Total Boundary Description Page 2

Thence along the westerly boundary line of Lots 9 through 7, the following courses and distances:

North 00°58'43" East. For a distance of 118.88 feet to a found 1/2" rebar with a plastic cap, stamped, "GA LEE, PLS 3260," marking the beginning of a tangent curve to the left;

124.55 feet along the arc of said curve, having a radius of 329.00 feet, a central angle of 21°41'29", and a chord, which bears, North 09°52'01" West, for a distance of 123.81 feet to a found 1/2" rebar with a plastic cap, stamped "GA LEE, PLS 3260," marking the beginning of a reverse curve;

102.60 feet along the arc of said curve, having a 271.00 foot radius, a central angle of 21°41'29", and a chord which bears, North 09°52'01" West, for a distance of 101.99 feet to a found 1/2" rebar with no cap;

North 00°58'43" East, for a distance of 106.36 feet to a found 1/2" rebar with a plastic cap, stamped "GA LEE, PLS 3260," marking the northwest corner of said Lot 7, Block 2;

Thence, leaving said westerly boundary line, South 89°01'17" East, for a distance 320.13 feet along the northerly boundary line of said Lot 7 and the easterly prolongation thereof to a set 5/8" rebar with a plastic cap, "PLS 12720;" on the easterly boundary line of Lot 2, Block 2 of Medimont Subdivision;

Thence South 19°08'17" East, a distance of 79.97 feet along said easterly boundary line of Lot 2, Block 2, which bears, North 01°25'43" East, for a distance of 5.00 feet from a found 1/2" rebar with a plastic cap, stamped "GA LEE, PLS 3260, witness corner;

Thence South 01°25'43" West, for a distance of 18.96 feet to the northwest corner of that Parcel described in Warranty Deed, Inst. No. 2020-012834;

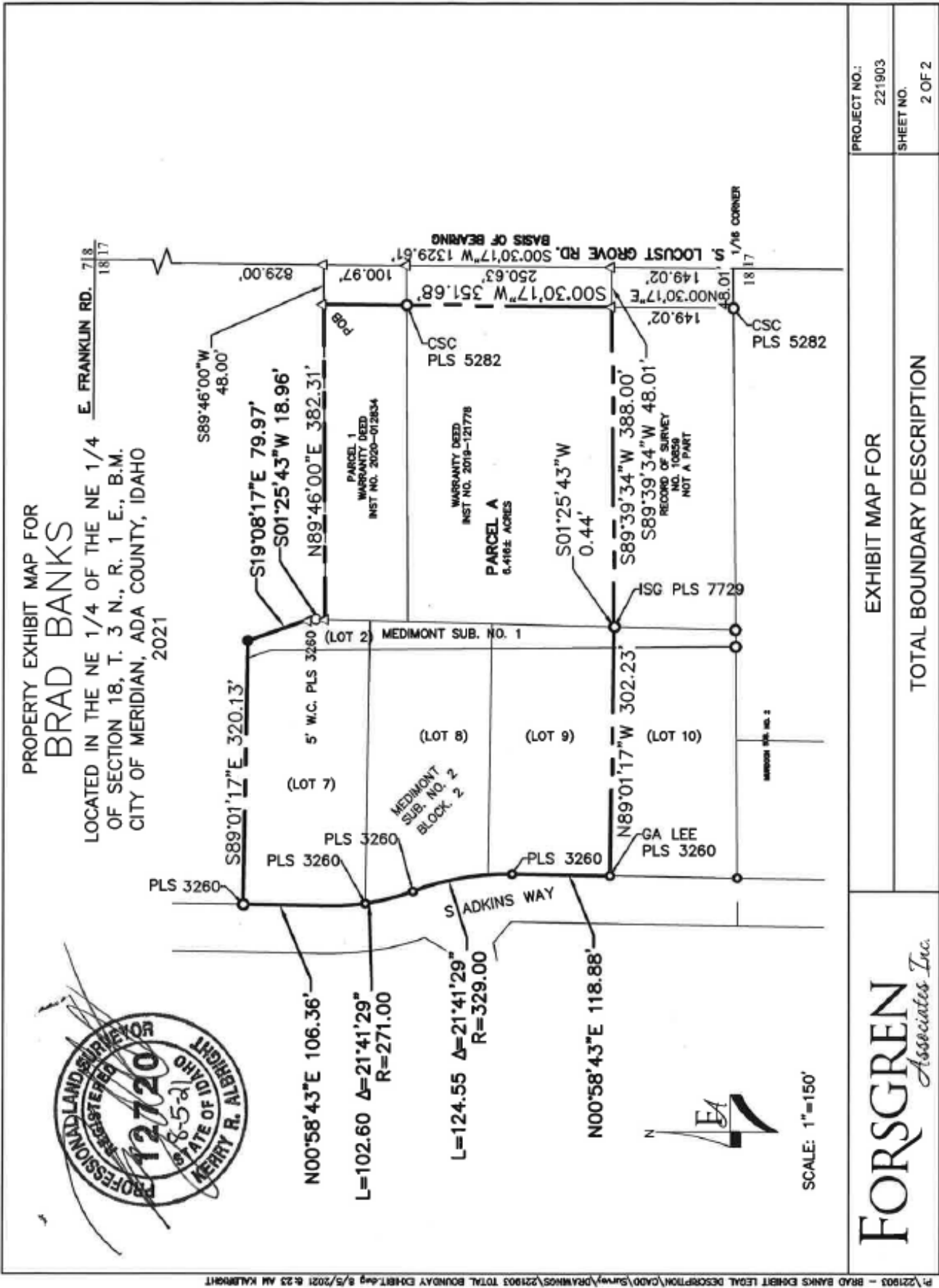
Thence North 89°46'00" East, a distance of 382.31 feet along the northerly boundary line of said Parcel to the **POINT OF BEGINNING**.

Containing 6.416 acres, more or less.

Subject to valid easements or reservations.

END OF DESCRIPTION.





E. Building Elevations (date: 1/12/2021) **NOT APPROVED**





VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

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

The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council granting the annexation. The DA shall, at minimum, incorporate the following provisions:

- a. Future development on the site shall comply with the non-residential design standards for commercial districts in the Architectural Standards Manual and the design standards listed in UDC 11-3A-19
- b. The S. Locust Grove Rd. access shall be used for emergency access only, unless waived by City Council in accord with UDC 11-3A-3.
- c. Cross-access easements shall be granted to the abutting property to the north (Parcel # S1118110071) and south (Parcels # R0879824125 and R0879824130); a copy of the recorded easement shall be submitted to the Planning Division with the Certificate of Zoning Compliance application for this site.
- d. The applicant shall coordinate with the City Arborist on a mitigation plan to ensure an additional 169 caliper inches of trees removed from the property meet the standards set forth in UDC 11-3B-10.
- e. Prior to Certificate of Occupancy, the applicant shall complete a short plat to merge Parcel # S1118110105 and # S1118110130 as well as the portion of Lot 2, Block of the Medimont Subdivision that was deeded to the applicant.
- f. The applicant shall comply with the warehouse specific use standards set forth in UDC 11-4-3-42. The proposed outdoor loading area shall not be located closer than 300 feet from the adjacent residential property to the north or fully enclosed.
- g. A 25-foot wide landscape buffer shall be constructed on the northern boundary to residential land use as required per UDC Table 11-2C-3, landscaped per the standards listed in UDC 11-3B-9C, unless otherwise reduced by City Council.

B. PUBLIC WORKS CONDITIONS

SITE SPECIFIC CONDITIONS:

1. Ensure sewer services do not cross infiltration trenches.
2. Ensure no permanent structures (trees, bushes, fences, buildings, car ports, trash enclosures, infiltration trenches, light poles, etc.) are built within a City utility easement.
3. Unused water or sewer service stubs or mains must be abandoned in accordance with current City standards.

GENERAL CONDITIONS:

1. Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet then alternate materials shall

be used in conformance of City of Meridian Public Works Departments Standard Specifications.

2. Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
3. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD.
4. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
5. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
6. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
7. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
8. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
9. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
10. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
11. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.

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

C. IDAHO TRANSPORTATION DISTRICT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=234988&dbid=0&repo=MeridianCity>

D. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=237340&dbid=0&repo=MeridianCity>

E. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=237150&dbid=0&repo=MeridianCity>

IX. FINDINGS

A. Comprehensive Plan Map Amendment

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 amendment to the Comprehensive Plan, the Council shall make the following findings:

1. The proposed amendment is consistent with the other elements of the Comprehensive Plan.

Commission finds the proposed amendment from Mixed-Use Community to 3.1 acres of Industrial for 225 and 335 S. Locust Grove Rd. and 1.32 acres of Commercial for 381 and 385 S. Locust Grove Rd. is compatible with adjacent industrial uses in the area and is consistent with the goals and policies in the Comprehensive Plan as noted in Section V.

2. The proposed amendment provides an improved guide to future growth and development of the city.

As the adjacent development pattern is industrial to the west and commercial to the south, Commission finds that the proposal to change the FLUM designation from Mixed Use – Community to Industrial and Commercial will provide an improved guide to future growth and development in this area and will be compatible with adjacent industrial uses.

3. The proposed amendment is internally consistent with the Goals, Objectives and Policies of the Comprehensive Plan.

Commission finds that the proposed amendment is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan as noted in Section V.

4. The proposed amendment is consistent with the Unified Development Code.

Commission finds that the proposed amendment is consistent with the Unified Development Code.

5. The amendment will be compatible with existing and planned surrounding land uses.

If Commission's recommendations are followed regarding design and compliance with UDC standards, Commission finds the proposed amendments to Industrial and Commercial will be compatible with other existing industrial and commercial uses in the area.

6. The proposed amendment will not burden existing and planned service capabilities.

Commission finds that the proposed amendment will not burden existing and planned service capabilities in this portion of the city. Sewer and water services are available to be extended to this site.

7. The proposed map amendment (as applicable) provides a logical juxtaposition of uses that allows sufficient area to mitigate any anticipated impact associated with the development of the area.

Commission finds the proposed map amendment provides a logical juxtaposition of uses and sufficient area to mitigate any development impacts to adjacent properties.

8. The proposed amendment is in the best interest of the City of Meridian.

For the reasons stated in Section V and the subject findings above, Commission finds that the proposed amendment is in the best interest of the City.

B. Annexation and/or Rezone (UDC 11-5B-3E)

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

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

The Applicant is proposing to annex the subject property with I-L zoning and develop industrial uses on the property. Although the FLUM presently designates the areas for mixed use community, for the reasons listed in the Comprehensive Plan Map Amendment section above staff finds industrial use is appropriate in this area and supports a plan map amendment.

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

Commission finds the proposed map amendment to I-L generally complies with the purpose statement of the I-L district in that it will encourage industrial uses that are clean, quiet and free of hazardous or objectionable elements and that are operated entirely or almost entirely within enclosed structures and is accessible to an arterial street (i.e. S. Locust Grove Rd.).

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

Commission finds the proposed map amendment should not be detrimental to the public health, safety and welfare as the proposed industrial use should be conducted entirely within a structure.

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

Commission finds City services are available to be provided to this development.

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

Commission finds the proposed annexation is in the best interest of the City, if the applicant enters into a new development agreement and adheres to the DA provisions above.

parking. So, I think you allowing us to have that month to not only work with the applicant on coming up with some sort of shared parking in the area, providing some mailbox locations that both -- all parties can agree to and, then, also seeing if we can work on this access issue and try to determine where -- because as I look at this graphic it looks like a portion of this driveway is actually going in their backyard because of that easement and it sounds like that's something they don't want. So, is there an opportunity to look at that or maybe push some of these units back and correct some of the -- the wrongs that have been done under the previous approvals. You know, back in 2007 when this was approved for assisted living and it was -- the property was under one ownership and now that you see what's happened over time when you consolidate property, but you don't develop it and, then, that person goes ahead and sells each individual piece off and, then, the city -- and we are here at the hearing talking about what previous owners committed to doing and now we can't solve that problem unless we add people to the table. So, I think that the appropriate step, in my opinion, would be to continue to -- it sounds like you are and, then, give us some time to -- to work back, work on this and, then, see what your recommendation is at that point. But, you are right, your purview tonight is really just the rezone. Council will be taking action on that short plat.

Seal: Thank you, Bill. Appreciate that. So, really, we want to narrow this down to, essentially, parking issues and the mailbox relocation as far as the continuance. So, with that -- it looks like the 4th would be the date that we would want to shoot for with it, so -- Commissioner Cassinelli.

Cassinelli: I'm going to move to continue file numbers H-2021-0044 and 0005 to the hearing date of November 4th, 2021, and have the applicants work with both the neighbors there at 1414 and the CPA to the south and with staff to try and come up with a parking solution there that's going to work, especially for the existing property owners. Return on the 4th with -- with the three -- three plats and, then, also work on the mailbox configuration.

Lorcher: Second.

Seal: Okay. It's been moved and seconded into continue item number -- or items number H-2021-0044 and H-2021-0005 with -- with the modifications listed -- or noted. Spoken. All in favor say aye. Any opposed? Okay. Motion continued.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

9. Public Hearing for Intermountain Wood Products Expansion (H-2021-0042) by Kent Brown Planning Services, Located at 255, 335, 381, and 385 S. Locust Grove Rd. and 300 and 330 S. Adkins Way

A. Request: To expand existing wood products business located at 220, 300 and 330 S. Adkins Way by

a. Annexing 255 and 335 S. Locust Grove Rd. with the I-L zoning

- district.
- b. Modification of the Medimont Development Agreement for the purpose of creating a new development agreement for the subject properties and removing the requirement for an internal landscape buffer.
 - c. A Future Land Use Map Amendment to designate 355 and 255 S. Locust Grove from Mixed-Use Community to Industrial, and 385 and 381 S. Locust Grove from Mixed-Use Community to Commercial

Seal: All right. It's coming up on 8:00 o'clock. Does -- would anybody like to take a quick bio break or do we want to go ahead and drive through the next one? Okay. All right. Next one up is Intermountain Wood Products Expansion, H-2021-0042, and we will start with the staff report.

Tiefenbach: Commission, Alan Tiefenbach, associate planner. It's a little complicated, so I'm going to try to run through all this piece by piece. This is a proposal for an annexation of three acres with the I-L zoning district, a modification to an existing DA to create a new DA and two future land use map amendments. So, the property is six -- the subject property is actually six different properties. These are located near the East Franklin Road, South Locust Grove intersection. Two of these properties, which are here, are already zoned I-L. Two properties over here are currently R-1, which you can see here, in the county and, then, there is two more properties to the south here that are zoned C-C and it's important to mention -- I'm going to say this a few times that these properties zoned C-C are not -- are only part of this application in regard to the comp plan amendment, they are not part of this development and they are actually not owned by this applicant. So, the three lots -- I'm going to run on to the next -- the three lots contain an existing business, which is here, Intermountain Wood Products, like a wood manufacturing and distribution type company. These were annexed in 1996 and platted under what was called the Medimont Subdivision No. 2. There was a conditional use that was approved for this wholesaling business materials and in 2001 there was a CZC that was approved. The two parcels to be proposed to be annexed, which are here, again, are -- these would be to allow for expansion of this existing business and, again, these are presently unplatted. So, what you see here is to show the existing business, the properties that are going to be annexed and this is showing what the plan recommendations are and I will talk more about that. This is the proposed concept plan. I'm going to run through the summary of the request again, because it's a little complicated. So, the first thing is to annex the two properties into the city with the I-L zoning to construct a 59,300 square foot warehouse. That's what you see here and that, again, would be these properties here. The second proposal would be to remove a DA requirement for -- that requires a 20 foot wide landscape planting strip along the east boundary and I will talk more about that later and kind of show you that and, then, there is three future land use map amendments. The first one would be to -- or sorry. Two future land use map amendments. The first one would be to change the designation here from mixed use community to I-L. All of this is also recommended as I-L and I will go

through that. The second amendment would be to redesignate these right now, which are designated for mixed use commercial -- or, sorry, mixed use community to commercial. So, this is the -- this is a demonstration of what the DA requirement for the landscape buffer is. If you see this long sliver of land here, when this property was planted under the Medimont Subdivision, the Medimont Subdivision -- the extent of the subdivision is basically to the east here and when this subdivision was approved there was a DA requirement that said that there needed to be a landscape buffer to the east and the reason why is it at one time all of this was residential. The -- if you look at the -- if you look at the map here, that landscape buffer basically runs right through the middle here where they have their parking. So, in order for them to be able to do the development they want to do they would have to remove that landscape buffer requirement. Let me run through this. Okay. So, I'm going to talk first about the land use, then, I will talk about the buffer and, then, I will talk -- or, yeah, I will talk about the land use first, the DA mod and, then, I will talk about the future land use map designation. Okay. So, again, this -- this area is presently designated for mixed use commercial under the future land use map. To the east of the subject property across Locust Grove here is single family attached and detached, which is the Bellabrook Subdivision, and there is also a religious institution, which is here. There are commercial and office uses to the south. Actually, right here is what was known as the Learning Tree Daycare. I'm not sure if they are still in business. And directly adjacent to the west is a large industrial park, including the applicant's development, which is here. Adjacent to the north here is two existing single family residences. This strange L-shaped property right now is entitled R-40 for 90 multi-family units, although probably not at this point are going to happen with that many and the reason why is since that time this has now become an ACHD drainage pond. So, nothing's happening there other than drainage. Given the existing development in this vicinity as it is now, the size of the remaining undeveloped parcels -- and the UDC requires circulation to occur from a local street and not directly from an arterial if there is an option to take access from a local street, staff does not believe these have the accessibility and are viable for the integrated, walkable, synergistic development that's anticipated by the plan for mixed use community. Again, we are only talking about these properties here and this one that's already zoned R -- or sorry. This one here that's already zoned R-40, which now that they have R-4 zoning -- R-40, I would be surprised if anybody would ask to go back from something that would allow multi-family. Staff does believe a plan amendment is appropriate to allow a change to the industrial designation for the subject properties -- and a little bit about the one to the south. The -- the -- well, I will come back to that. We -- we do have reservations, though, and I will say this, about how this proposed development would interface with these -- rest of these lots. These are two existing residential lots. These are recommended for mixed use community. These would be basically the last remaining lots that are right now in the county and recommend for mixed use community. So, we don't know -- you know, we are a little concerned about how this would impact that. That said, we still do think that what they are proposing to do makes sense. Okay. Here is the DA modification. Again, the -- the existing businesses within the Medimont DA -- or the whole subdivision is basically over here. The DA requires a permanent 20 foot wide landscape planting strip. That's what you see in this long thing here. This was required to provide a screen for what was these adjacent properties over here. This proposal would create a new development agreement. So, it

come out of the Medimont development agreement, it would create a new development agreement for some new requirements, which I have listed as conditions of approval, but what is driving this is to remove that requirement for this landscape screen, so that you can build across it. At one point this buffer was in a common lot and it was owned by the Stonebridge Owners Association. In February of 2021 the portions of this common lot, basically starting from this property line down to this property line, were sold off and deeded to this applicant. However, this was done improperly. There wasn't really a subdivision plat to legitimize this, it was just done. Also when the staff went out on a site visit for the pre-ap there were pretty thick trees there along the whole buffer. All of the trees adjacent to this lot have -- were removed, sitting basically in the middle of the lot. Staff requested, because this was a DA requirement, these trees in this location, staff requested that the applicant account for all the trees that have been removed and the applicant responded that 11 trees had been removed with a total caliper of about 169 inches and as I -- was mentioned in the conditions of approval, one of our requirements is because these trees were required and were removed, we are recommending that in addition to the required landscaping that has to happen per the code, that there would be an additional 169 inches of trees somewhere planted out on this site to make up for what was removed. The last thing I want to talk about real quickly is the land use map amendments. Again, one of the things that the applicant is proposing to do is to go from mixed-use community, which is here, to industrial -- industrial, which is here. There are two more little pieces of property here and this is the Learning Tree Daycare, which I'm not sure is still in business. Our concern was that if these were redesignated to industrial we would have this little island here of these two residential parcels of mixed use community, which really didn't make sense. We suggested the applicant work with the adjacent property owner and see if they would be amenable to having them designated to commercial, because all the properties to the south are commercial. So, it would make more sense to have this designated commercial if the Planning Commission were inclined to go this way, than to have a little island of mixed use community here. Does that make sense? Other than that, those two bottom parcels have no part to do with this development, other than just to clean up the land use map. Okay. In the staff report staff noted that although -- although we supported the use, we said, yeah, we overall support what they want to do here in this warehouse and we overall support the changing of the designation of the comp plan, we had issues with the site plan. What you see on the left was the site plan that you saw in the staff report. What you see on the right is the concept plan that we got today. So, the issues that we had in the staff report were access. There was direct access according to South Locust Grove. Our code says that when there is -- when there is access off an arterial and there is also the possibility of having access off of a lesser street, whether it's a collector or a local, that the property should be designed to take access off of that lesser street and not off of an arterial. The other thing is that we have a code that says that you are -- especially when you are on a -- when you are on an arterial you are supposed to provide cross-access to all properties, meaning they were supposed to provide access to the north and the south. So, that was our first issue was the access issues, taking direct access off of South Locust Grove, especially for the big trucks that you would see and, secondly, that there wasn't cross-access provided to the north and the south. The other issue was a pretty small issue that could be fixed that this residential buffer wasn't wide enough. This loading bay here -- and there is a requirement

that the loading bays have to be at least 300 feet from residential properties, which is here, which it's not here. All of the parking right now in this particular plan, the one you saw, all of the parking is located between the building and the street and our code says that when -- when a property is more than two acres, no more than 50 percent of the parking can be in the front of the building and the street, basically to try to keep from having a sea of parking as you are driving down the road. And, then, the last thing was that we weren't sure that the building met the modulation requirements or elevations -- you have to have walls inset or outset. Looking at the elevations and looking at the site plan we weren't super clear on that, so our recommendation to you in the staff report was that although we recommended approval on the overall idea, we did -- we wanted to make clear that -- that we did not support the concept plan as it was. Since that time, meaning today, there is a new concept plan that has been submitted. All of staff's issues have been resolved, except they are still taking access from South Locust Grove and this particular cross-access has not been provided. If you look all of the parking has now been distributed here. They have moved the parking -- or excuse me -- the loading bay down here. You can see how the building demonstrates that they have modulation. One thing they are missing is there is supposed to be a five foot perimeter drive aisle buffer here. Easy enough for them to fix. Other than that, staff would support this concept plan as it is and I will talk about this when we get to the conditions of approval, but where we are at with this is that we would support this concept plan, but the Planning Commission should make a recommendation -- the Council has the ability to waive this requirement to close this access and they also have the ability to waive whether or not they have to provide the cross-access to the north. We look to the Planning Commission to make a recommendation about whether they think this access should be closed and whether access to the north would be provided. I have included that in my updated recommendation and I will read that when I finish, because I know there is a lot to remember here. The last thing is the architecture. The first version that we saw at the pre-app was a large metal corrugated building and we said no way. The next version that we saw is what you saw on the top and we think it got closer, but it still doesn't meet a lot of the architectural standards manual. It didn't look like it's modulated. There wasn't a band of materials at the bottom. There wasn't more than one field material and particularly what we were concerned about is that we have a requirement that -- that you can't have a lot of metal paneling on the building. If you have metal as a predominant material you have to have at least two other field materials. So, it wasn't meaning that -- I don't want to get all caught in the weeds on that, but, basically, said we have an issue with these elevations. We are not going to -- we recommend, again, the use, the comp plan change, the modification to the DA, but we want to be clear, we don't support these elevations and, then, today we got the one on the bottom, which we think is -- is much better. It's a big improvement over what we have seen. We are still not sure -- we haven't seen all of the elevations and had time to assess them, because we just saw this today. We think this is significantly better. Our recommendation with that -- and, again, I will talk about it in a second here -- is just that we continue to work with the applicant on the elevations. Really most of the time what you are going to see and what the Council is going to see is going to be very conceptual elevations anyway, because this is stuff that we work out at the time of the certificate of zoning compliance. But -- but we had enough issues with the first elevations that we wanted to make it very clear that we were not

supporting those. So, here is staff's recommendations. Staff recommends that the PC recommend approval of the annexation, the zoning to I-L, the DA modification to remove this property from the Medimont development agreement and have a new development agreement with the conditions that we listed, in addition to removing that requirement for the buffer and that we recommend approval on the changes, which would be to the future land use map designations, which would be all of it mixed use community going to light industrial or, sorry, industrial for the subject property and commercial to the two properties to the south and the two changes that we are making to the recommendation that you got on the staff report is that we are making -- recommending approval to the site plan with the changes that the PC should discuss whether primary access should be allowed at South Locust Grove and that the PC should discuss whether cross-access should occur to the north and, again, in continuing -- in regard to the elevations, we think they have made huge strides, so we think we can work it out with them in regard to the way the elevations will work. With that that concludes my presentation and I will answer any questions.

Seal: Okay. At this point I would like to ask the applicant to come forward.

Brown: For the record, Kent Brown, 3161 East Springwood. I actually live less than a mile from this site. I drive by it all the time. Like Commissioner Grove, I guess like the other site that we just recently talked about. So, when the industrial subdivision was done and those single family houses -- or single family houses sitting on acreage were there, Locust Grove didn't go through, it just went up another half a mile and dead ended and there was no connections to go any further. It tied into another rural subdivision that is on the east side of Locust Grove and so it was pretty rural and the -- from the record when that went in, obviously, the neighbors showed up and said, hey, they are going to be doing a big industrial use over here and we are concerned and so they asked for that buffer to be there. The conditions of approval in the DA say that they are to buffer along their easterly boundary where there is residential. So, technically, we wouldn't have to do a DA, because if we become industrial, then, we are not and we propose that we would like to be under a development agreement, so that you can make sure that we are doing everything correctly on the entire site. You -- you had a development agreement that really didn't do anything else to the existing uses. Intermountain Woods is a wholesaler that they sell flooring and stuff to wholesale contractors that are doing installations. It's not private. All of the interaction with the customers is off of Adkins at the existing. It will remain that way. This facility is just to provide them with more storage. There will be employees that will be assigned to that building and there will be some paperwork and so forth. Recently doing the Amazon building and a few other things here in the -- in Meridian, things are becoming more automated, so they might have less and less employees. I think Commissioner Cassinelli was the only one that was here when we did the subdivision to the south, which is the two parcels that we are talking about changing the comp plan designation on. That site plan shows landscaping in the front, 25 feet, then, has a drive aisle and parking and a flex space building that will have three units facing the street and, then, on the backside they will have garage doors. That plat I will show you in just a minute. It's here and, then, there is a daycare, it's still located there. But when that daycare goes away, then, there will be a flex building back there. Because

when that was approved they were required to have a landscape buffer along their boundary to the residential and so the -- they haven't installed it yet, but they have a requirement for that. The property to the south also has a cross-access easement with this piece of property and kind of comes in the middle of the site. I'm sure we can work with the owner and maybe move it a little closer to the front, but we could even -- I'm sure work with them in the middle. I know that Mr. Belville that owns that property, probably doesn't really care where the cross-access is. As you look at this property and the properties to the north of us -- if I can blow it up -- the concern about our cross-access with our neighbor to the north, we have one of those deeded ones like the last one that you saw with our neighbor. There you go, Alan. Yes. So -- Ann Witherell owns the -- the little tiny sliver, the little strip that you can see there. Yes, Alan. And that's a cross-access easement between these two properties. The reason I picked this drawing is that it shows the existing house that's on the industrial site here and, then, her house sits to the north. Currently there is a dirt driveway that kind of aligns with the LDS church that is to the east on the other side. That dirt driveway goes back and, then, went to both houses. We have removed all the buildings on this site. When we -- prior to removing the bushes, the trees, we removed the houses. So they are gone. We do have that cross-access that is an existing agreement. But we can also provide one at a location and kind of work that out with staff as to where we put it. We are not opposed to putting it and I understand the purpose of it is that you are going to have limited access points and ACHD -- we tried to move it further north where we have our cross-access with our neighbor and ACHD said, no, you need it -- needed to move it in alignment with Kalispell, which is that neighborhood -- Bellabrook. So, the Kalispell -- so, our entrance lines up with that and that's what ACHD had asked us to do. Those existing improvements were there. We have tried to address the concerns. We got the staff report sometime Monday from Planning and when we became aware of the concern about where the loading dock was, the architect got busy and -- and tried to address those concerns and that's why we have a new site plan at this late hour. They have been in this site for -- since -- as Alan kind of alluded to, they did their zoning certificate back in 2001. So, 20 -- 20 years they have been in the site. They have become very successful and subcontractors like to use them and they are -- they are very busy. Intermountain Woods has a number of sites. This is the only one in the Treasure Valley. They have one in -- in Idaho Falls and they have many others scattered about. But this is the one that they have here. If you look from my vicinity map -- if we can make that go -- yeah. Where the Murdock Sub is, that -- that's existing commercial zoning and commercial in the comp plan. On the south side, Watertower and that location, is where the police station is located at. It's in the commercial zone. So, when we were talking in our pre-app meeting Brian is the one that brought up -- he said we want to try to preserve any industrial that we can get and so that made us feel encouraged, specifically when this is a business that's been successful and has been here in Meridian for quite some time. To help you just understand, the trucks that are to come and unload in that location at the west side of this new warehouse and those are the only people that will be using that driveway or entrance onto Locust Grove. The customers are all coming and they are receiving all of their delivery -- all of their products up on Adkins. So, they will cross their site and take things from this warehouse and the other two warehouses and fill the customer's orders. They have a whole series of hardwoods and different kinds of things. Kind of a fun place to go. Look at what's

available. So, I will stand for any questions that you might have.
Lorcher: Mr. Chairman?

Seal: Commissioner Lorcher, go ahead.

Lorcher: Do you represent the Belville Subdivision or do you represent the Intermountain Wood Products?

Brown: So, I did the Belville Subdivision for Brent Belville and -- back in 2018. We recorded that. Split that property. So, I understand the site very well. Because I live a mile away and because I did the Bellville site, I was willing to take this on and have enjoyed working with the Banks Group and find them to be a great company and a great people to work with. So that's -- yes.

Lorcher: Okay. Thank you.

Brown: I didn't go twist Brent's arm to do the comp plan amendment, but I told him that -- and he told me -- he says if you say I'm supposed to do it, then, I will do it. If it doesn't hurt -- hurt what I'm doing and it doesn't. He has C-C zoning, which is allowed in -- obviously in the comp plan designation.

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli, go ahead.

Cassinelli: If the access to Locust Grove were to go away would that -- we also have that to come back -- would all the truck access have to come in through Adkins?

Brown: Yes, it would.

Cassinelli: And -- and what's the -- what's the objection on that?

Brown: They can coordinate having the trucks. It's in a great location in the fact of, you know, where -- where are your exits off of the freeway and they can stack trucks up off site and, then, have them come in, unload. They have to do that, because they only have so much unloading that they can do. It would maybe make it a little more congested between their two warehouses to drive to the back, but overall that access -- I mean I would have to have an emergency access over there someplace anyway to make the fire department happy, because we are going to be beyond any distance and they didn't want to be around that building. I think by us limiting that it's not a customer access, I think that that really reduces -- and that's why the highway district didn't have a problem with it either.

Cassinelli: How could you stop -- if I'm -- if I'm a customer I might come in that way, as opposed to on Watertower coming in off of -- coming in off of Franklin to go up Adkins or something like that. I mean it's -- how are you going to -- how are they going to discourage

customers from -- from coming in that way and driving around to the front?

Brown: Yeah. I guess -- I did a cabinet shop off of Franklin Road and they had an access in the back where they -- they brought deliveries. That's not where the customers go. I mean is there occasionally going to be one? Maybe -- maybe someone would. I know of all the ways in and out of there, because I live close to there. Locust Grove is busy, but it is, you know, not -- I mean it's a 9:00 to 5:00 type of scenario when the -- when the people are going to be there dropping off and -- and when customers are there. It's the access that they know. That's where they go to do business with this company.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: With the Locust Grove access would you be willing to sign it as right-in, right-out and also make it no truck access?

Brown: Well, the truck access is what we are looking to have. That's --

Grove: I understand.

Brown: Yeah. We --

Grove: But in lieu of -- in lieu of closing the access altogether. So, the staff report is -- the staff recommendation is to close that Locust Grove access. So, in lieu of losing the access all together --

Brown: There is no reason to have the access if you don't have truck access, so --

Lorcher: Mr. Chairman?

Seal: Commissioner Lorcher, go ahead.

Lorcher: Watertower Street is a secret special way that residents get through from Locust Grove to Meridian Road, so there is a -- there is a fair amount of resident traffic coming through. I would -- I would support the big trucks coming off of Locust Grove, especially if they are truly 18 wheelers, to be able to navigate going around Watertower and, then, to Adkins, doing those turns with -- with their -- the way they are connected with the tractor and trailer would be challenging for some of those drivers. It would be safer to have them come off Locust Grove than they would the smaller streets, just because of the turn radius of the 18 wheelers and maybe accommodating, you know, right-in, right-out, so that they are only making right-hand turns and the time to take a left that could be something that can be discussed. But I disagree with removing access to Locust Grove with big trucks. They need the room to be able to maneuver.

Seal: Well, no -- I was going to say I'm going to chime in on this one a little bit here. But -- I mean right now they -- they come through an industrial park and the roads are

supposed to be accommodating for that and everything that they have is being delivered off of those roads right now. So, this is supposed to provide more access. So, I don't -- I guess I don't see the -- I don't see that big of an issue with it. Especially with them removing the -- all the trees and everything in between, they can make that more accommodating all together for sure. The Locust Grove piece of it is -- it's interesting. I understand why you want that. But at the same time you are expanding a business that hasn't currently done any business off of it. So, that's interesting.

Brown: The developer is here if you want to ask him some questions, too.

Seal: Absolutely. If you would like to take the --

Banks: Brad Banks. 1940 Southwest Temple, Salt Lake City. The purpose of this larger -- larger building, as we refer to it, as central purchasing. I send my truck to the northwest and it will bring in a load of plywood and I will unload it in this warehouse. Another truck will bring in a load of pine from the Pacific Northwest. Another load -- truck will bring in a load of oak from the east and, then, those trucks will take out partial orders and leave and go to another distribution center in Salt Lake or Spokane or Idaho Falls. Small portions of that material will go over to this Boise -- or Meridian distribution center to address the needs of the Meridian customers. So, this building will not be used for customer activity, other than internal customers. It will be a central purchasing warehouse. What does Amazon -- Amazon call their collection center? Anyway, it's a -- it's a distribution hub. It's a distribution hub for my ten other distribution centers, Meridian being one of them. So, those trucks would come in with a full load of product A and leave with a full load of product A, B and C going to other locations. And, then, at the same time serving this Meridian location, which, then, local cabinet shops and flooring contractors would come into the Meridian location to get their material. There would be nothing in this larger distribution hub that would service any customer, other than our internal customers in the different locations. So, that's what the value of the Locust Grove access is. To bring that in through Adkins Way and trying to bring it down through here would just congest the Meridian customer base and the Meridian activity at the expense of the local population.

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli, go ahead.

Cassinelli: So, this is -- this is really more independent, if you will, of the existing -- the existing business.

Banks: Correct.

Cassinelli: Okay. So, customers -- I mean it -- it's virtually stand alone, except for a little product that will make its way over --

Banks: To the -- or the Meridian distribution center.

Cassinelli: Okay.

Banks: In this Meridian distribution center the building on the north is hardwood flooring. It would serve all of the hardwood flooring contractors in -- in this geographical area. The building to the south is industrial wood products, which services all the cabinet shops in this area and, then, both those products would be fed from the bigger distribution center here on the east that would feed them. No customer would be coming to or getting any product out of the larger distribution -- distribution building.

Seal: What time would you be accepting shipments into that new building?

Banks: Please repeat the question.

Seal: What are the times you would be accepting shipments into that building? What time would the trucks be in and out of there?

Banks: It's an 8:00 to 5:00 business.

Seal: So, there wouldn't be anything -- they wouldn't open up something to allow shipping at night or anything along those lines?

Banks: No. We are not very good looking, so we need lots of beauty sleep.

Seal: You and I both.

Cassinelli: Is -- the intent is to only to have one loading dock?

Banks: That one loading dock you see is for van trucks that need to be loaded out of the tailgate. So, a forklift would go into and bring material out of and to the side of it. We would unload flatbed trucks that would come into the building that are not required to load from the tailgate.

Cassinelli: Okay. So, you would have forklift activity out there?

Banks: Correct.

Seal: Okay. Any more questions for the applicant or staff? All right. Okay. At this time we will take public testimony.

Brown: I wanted to make one other comment. ACHD was very specific in -- in how they, you know, looked at this and they -- they had similar concerns. I would say that they looked at it -- I mean we have three drive approaches and two drive approaches and a cross-access that are out there that they put in when they widened the road. They widened the road when J-Build went in, which is where the school facility and ICOM are at now and they punched the overpass over and so they completed the improvements along Locust Grove at that time and so they provided drive approaches for each one of these properties and this northern portion of this site had that shared driveway with -- with

-- and Witherell that's the property owner to the north of us. She's our only person that showed up to our neighborhood meeting and every single one of these properties in the last three years have had for sale signs on them. They have been approached by multi-family developers to buy all of them, which is not what staff would want to see in a mixed use. I have heard those words come out of your -- your mouths that that's not what you are looking for. We -- we don't expect that. I think I was on the Planning and Zoning Commission in Meridian when the R-40 went in and they had apartments and I think the developer knew that ACHD was going to need a storm drain pond and by getting it approved he got a little higher value. But there has been a number of people that have looked at that and it's tough to make it -- make it work and so access is -- is a big issue. We are not opposed to providing a cross-access north-south and working with our neighbors to do that. Thanks.

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

Weatherly: Mr. Chair, we have no one signed in.

Seal: Okay. It looks like we have one person that would like come on up. Yep. If you can state your name and address for the record and just grab one of those microphones and speak right into it, please.

Witherell: Okay. I am the infamous Ann Witherell. I live at 215 South Locust Grove Road. I'm the neighbor to the north. I was going to just sit and say nothing, but you have got my attention now with the access to the north. That cuts right across my driveway. That's the only way I have in and out. So, that -- that does have me concerned. And the only other thing that I would care to address would be the -- lots of shades on his -- on his lights, because that's shining right into our bedroom windows. But so far they have been excellent neighbors and they have worked with us on just about any little thing that's come up, including the peach tree they left me. It's delicious. And it's in my freezer and lots of little things and the -- that's in the other freezer. So, they are that kind of neighbor and I think that -- that they will be quite willing to work with me on any little thing that comes up. That's about all I had to say, is I -- what is this about a northern access that the fire trucks are going to come and -- because I live there with my -- in my home with my daughter, son-in-law and two special need kids, because of the rent situation. I can't move until they -- when they do I do intend to. But that's not for the foreseeable future, as you can tell by the housing situation and they can't afford to move, so I will be there for as long as I'm there and that's what I can say and if you are worried about the turnarounds, please, take a look and see what is there now, because I assure you there is plenty of room and I have seen it. So, anyway, that's all I got to say. Thank you.

Seal: Thank you. Alan, go ahead.

Tiefenbach: I just wanted to mention -- I'm sure you already know this, but out of respect for the neighbor we are not proposing that they put access into their property, we are just proposing that they provide an easement, so if that lot in ten years redevelops, then, they will have access. So, we would not force access onto your lot. We would just give them

the legal -- give the legal right for someone eventually when that redevelops and in regard to the lights they would have to downcast them and shield, they can't have light spill on the adjacent property. So, we would be very -- very cognizant of that.

Seal: Thank you. Sir, go ahead. Come on up and give us your name and address for the record.

Rand: My name is Gil Rand. I'm the architect on the project. My address is 962 West 800 North, Orem, Utah. There has been a lot of discussion about the right-in and right-out and originally we had it designed that way. If you look at the drawing up there we had it designed so that a truck coming southbound could come right-in and, then, go around the building and the dock, but, unfortunately, that's facing the wrong way. But, then, the trucks would continue on out and they have a right-out. So, not being able to have the dock facing the neighbor means now I have to change the directions of the traffic and it makes the -- the getting into and out of the property very difficult, because you have to make a U-turn coming in if you are coming south and, then, if you are going out you have to make a U-turn onto the -- onto Locust Road. So, we can put a whole bunch of trees and a fence on that north property line, which blocks the view of a dock that might be exposed. If we could just change the dock location, then, we can resolve or -- and at least take care of an issue of a right-in and right-out with the trucks and make it actually flow very well that way. That's how originally we had it designed and that was kind of my own project. The other -- another common idea I do want you to be aware of is that this lot is very -- has a -- quite a slope to it going out to Locust, going down, and so our intent here is that we would drop the property probably about four feet below the property -- the adjacent property to the west and so we will have a ramp that comes down to it. So, the ramp can be used to get back and forth between the properties, but having a lot of truck traffic going through that could be a little more difficult to deal with that, but if that's what we have to do we will figure out a way to make it work. Thank you.

Seal: Thank you. Okay. Is there anybody else signed up or would like to testify? All right. So, with that would the applicant like to come back up to close? Nothing further? Okay.

Grove: Mr. Chair, I have a question for the applicant.

Seal: Okay. Commissioner Grove, go ahead.

Grove: Sorry, Kent. Having been over there quite a bit, the -- north and south of the building are highly visible driving on Locust Grove. I see where you have the east facing front of the building having modulation. Do you have modulation on the north and south sides as well?

Brown: That's -- that's what they are going to work with staff to do.

Grove: Okay.

Brown: And if I understand, we have to do a zoning -- zoning certificate and we also have to do design review. So, there is -- if -- if you understand the process -- Alan kind of beat us up the first time you saw a drawing. Well, years ago when you would have a pre-app you kind of come in with a napkin sketch and now Alan's getting a little more fussy that he wants a finished product when he might tell us just to throw it all away. We -- we came in with something better than a sketch like that, but, yes, we are trying to do everything and under -- just understanding the rules and making those changes. Our architect and owner are willing to do that to make -- make that happen.

Grove: Thank you.

Seal: All right. Any other questions? All right. Thank you, sir. Appreciate it.

Brown: Thanks.

Seal: Can I get a motion to close the public hearing?

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli.

Cassinelli: I move we close the public hearing of file number H-2021-0042.

Lorcher: Second.

Seal: It's been moved and seconded to close the public hearing for file number H-2021-0042. All in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli, go ahead.

Cassinelli: I have got a question for staff on those two commercial -- is it one or two to the south that we are looking at? Two parcels.

Tiefenbach: Two.

Cassinelli: How are those accessed right now? Well, I guess right now there is a driveway coming off a Locust Grove.

Tiefenbach: I do not believe -- let me -- let me look at that. I can give you an accurate answer.

Cassinelli: Are we -- are we going to landlock those two?

Tiefenbach: Give me a second. Let me find it.

Seal: I was going to say when I looked at it earlier that comes off of Locust Grove, so -- I think they do have cross-access to get to the other commercial though.

Tiefenbach: I'm pulling up the GIS. Still working on it here.

Cassinelli: What I'm seeing right now is they do pull -- they pull access off Locust Grove. That's going to have to go away.

Tiefenbach: I think you removed the zip drive. That's why I couldn't find it. All right. Let's run through this. Let's see. Here is the plat. It looks like there is an access easement to the north. It looks like there is an access easement to South Locust Grove here.

Cassinelli: Will ACHD continue to allow that access onto the Locust Grove?

Tiefenbach: ACHD isn't going to tell them they have to close this or assess that access until the time comes that they are proposing to develop something. This is off site. So, they are not going to tell somebody else next door to close their access.

Cassinelli: No. I know. But I just want to -- I mean I want to make sure that when we get there that we are not trying to shove a round peg into a square hole three years from now.

Tiefenbach: Yeah. So, ACHD's position on this -- because I actually asked them specifically about the truck traffic and they said it meets all requirements. That was their statement.

Seal: Well, I understand what you are saying, but I think that the cross-access agreement that they have here with the property to the south, they also have the ability to come out on the arterial to the south, as well as the shared access that they are going to be provided with Intermountain Woodwork here.

Cassinelli: So, is there going to be -- is -- does that, then, have cross-access -- cross-access to that parcel -- that -- that commercial that we are looking at? Will that -- that will have -- that already has cross-access into the subject property --

Tiefenbach: Yes, sir.

Cassinelli: -- to the north? Okay.

Tiefenbach: Correct.

Cassinelli: And will they have it to the south?

Tiefenbach: This property one into there. I do not know if this adjacent lot here has an

access easement.

Cassinelli: Okay. I'm just concerned that -- I have a feeling that, you know, three years from now when that gets developed, ACHD is going to try and -- and close off that access.

Tiefenbach: I do not have the Murdock Subdivision No. 2 plat with me. I don't know if Kent can answer that. It sounds like Kent can answer that.

Seal: Come on up to the microphone then. Put this all on record here.

Brown: Kent Brown. 3161 East Springwood. So, when the Belville Subdivision was done, the condition was the same as what you are trying to place on us is that you had an access to the south and an access to the north. So, there is already an existing access to the Murdock stuff that's to the south, from the Belville. The highway district looked at this project with being fully built out with the flex buildings and so they granted that access that was already existing. It was one of the first pieces of property -- it was the annexation path for the Snorting Bull Subdivision or Woodbridge, whichever you want to call it, and -- so, it was probably the oldest thing annexed there, but that access has always been there on the Belville property.

Cassinelli: Okay.

Brown: And so it's not to go away. It wouldn't be affected by our development.

Cassinelli: And part of the -- part of the application that we are seeing, though, is to -- is to change that and I want to make sure that we don't -- you know, that we don't --

Brown: The only -- only thing that we are changing is the Comprehensive Plan that called it out for mixed use community. That's the only part that the -- the reason that Belville is even involved was so that there was consistency. They asked us to do it to clean up the map and not leave something that's mixed use community with an industrial in the middle of it and it made sense, because everything to the south of that was commercial Comprehensive Plan. So, that cleans up the map. That's -- that's why that was done.

Cassinelli: Okay.

Seal: All right. Thank you. Okay. Anybody else have questions? Comments?

Cassinelli: I have got another question for staff. The current mixed use community, the maximum building size there is 30,000 square feet it looks like; is that correct?

Tiefenbach: Correct.

Cassinelli: So, is that the main reason to go to the industrial, because of the building size?

Tiefenbach: Well, mixed use community doesn't allow industrial. We wouldn't be able to

rezone it to industrial off the mixed -- if the comp plan designation wasn't changed.
Cassinelli: So, that's not even an allowable use?

Tiefenbach: No. It's not an allowable use.

Cassinelli: Okay. Just wanted to get that straight. As long as I'm -- my microphone is on here and I'm talking -- I think it fits there. I -- I would prefer to see the access to Locust Grove go away in agreement with staff. But given the fact that this is -- it's really a standalone business. It's -- I mean it could, essentially, go in under a whole different business name it's so separate from -- kind of the retail side or the contractor side -- that I think it's -- I think it's necessary and it's only going to be -- it's going to be employees coming in and out and, you know, at 8:00 in the morning and leaving at 5:00 and, I don't know, four or five trucks a day. I mean I don't know what the -- what the number would be, but -- so, I don't think it's going to be a huge impediment to traffic, Locust Grove. I think it's going to be a minimal impact. So, I would be in favor of keeping -- keeping that. I do -- you know, I'm -- staff's going to work with them on the building design. I would definitely want to see the cross-access easement to the north and definitely lots of trees going in there. They are a wood company. They want trees anyway.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: Initially I was against the Locust Grove access. The -- the explanations given tonight I don't have that reservation. I think that kind of as Commissioner Cassinelli mentioned, it's a great way of looking at this. One question I might have for staff would be -- would -- if we are looking at it kind of through that lens a little bit, is there any reason that we would want to have a cross-access agreement with the -- the two properties that -- that Intermountain has in terms of going east to west, in case those were at any point, you know, 20 years from now separated into two separate businesses?

Tiefenbach: Are you referring to right where I have got -- I don't think I'm sharing. Hang on a second. Are you referring to right here?

Grove: Correct.

Tiefenbach: Well, this hasn't been platted, so I don't believe that there is an access agreement here, but, absolutely, that -- that -- if -- yes.

Grove: Okay. Just in case, you know, they did separate, it -- they are connected now, but I mean it did -- it does look like it could at some point. So, just so that --

Tiefenbach: A hundred percent.

Grove: -- it doesn't -- it doesn't hurt anything it doesn't look like, so I would be happy -- happier with that. I'm in favor of adding industrial. This is a great place to do it. I think

they are going to find even if we don't put in the right-in, right-out, that that's going to be pretty much what has to happen most of the time driving on that stretch of road, just from a logistic standpoint, even if we don't enforce it that way. I mean that's -- trying to get in and out of that area sometimes is hard enough going right-in or right-out, so I would prefer it to be marked that way, but it's not a deal breaker for me if we don't have that there.

Tiefenbach: That would be something we would require anyway with the certificate of zoning compliance, but duly noted. I will make sure that that is done. I don't think they are going to have an issue with providing an access to themselves.

Seal: Question for staff on the -- the dock placement, how far out of compliance was it when the dock was on the other side?

Tiefenbach: It was -- I think it was about a hundred feet. It says it has to be at least 300 feet from an adjacent residential property. The original version was up in here. I measured it to be give or take about a hundred feet. So, they had to move it another 200 feet or they had to totally enclose it and this is the option that they chose.

Seal: Is that something they can apply for alternative compliance for?

Tiefenbach: I do not believe so, because that is a site and design standard. That's code and I don't think that can be waived. I'm looking at Bill, because he is the code meister. Code Yoda.

Parsons: Yeah. Mr. Chair, Members of the Commission, yeah, that's a specific use standard for warehousing. So, there is no mechanism to waive that requirement for code. You know, I was looking at Alan's staff report and I got a little bit of a concern when the gentleman said they are going to offload trailers with forklifts, because the code says outdoor activity needs to be 300 feet. So, they can't just load trucks on that driveway and unload there. They are going to have to maintain unloading as close as possible to that loading dock as possible and not park along that north boundary and offload trucks there. They are just going to -- they are not going to meet -- the requirements of code. So, when we -- we work with them on their certificate of zoning compliance, we are going to be very specific on that and they need to provide us details on how they plan on doing -- using their outdoor activity area, because now they are opening it up even with the -- the other site farther to the -- on the east boundary with sharing the two properties. So, it does get a little tricky here for us, unfortunately.

Seal: Okay. Thank you. Do we have anymore comments? Suggestions? Anything along those lines? A motion. Always entertained.

Grove: Mr. Chair?

Seal: Commissioner Grove.

Grover: I will take a shot at it. All right. After considering all staff, applicant, and public

testimony, I move to recommend approval to the City Council of file number H-2021-0042 as presented in the staff report for the hearing date of October 7th, 2021, with the following modifications. Sorry if I get this wrong, but I'm going to try. That cross-access -- cross-access easements be required for the north, west and south portions of the site. That the access to Locust Grove is maintained and that the renderings -- or the -- the layout that was presented by the applicant in tonight's presentation is recorded as the drawings for which to proceed.

Seal: Is there a second?

Cassinelli: If I could make one little add to the --

Grove: The drawings that we saw tonight, since they were different from what was in our packets.

Cassinelli: Could we just add in there -- I think they are going to work on it. I think Alan said he would, but the lighting, that they work out --

Grove: In which -- in which sense?

Cassinelli: To direct the lighting away from the residential.

Grove: I think that's already part of -- that's part of code.

Cassinelli: It's code.

Grove: We don't have to do anything.

Cassinelli: Then I will second that.

Seal: Okay. It's been moved and seconded to approve item number H-2021-0042, Intermountain Wood Products. All in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Seal: All right. We will go ahead and take a five minute break.

(Recess: 8:44 p.m. to 8:50 p.m.)

10. Public Hearing for Southridge Apartments Phase 3 (H-2021-0055) by The Land Group, Inc., Generally Located South of W. Overland Rd. and East of S. Ten Mile Rd.

- A. Request: Conditional Use Permit for a multi-family development consisting of 164 units on 9.07 acres of land in the R-15 zoning district.



AGENDA ITEM

ITEM TOPIC: Ordinance No. 21-1953: An Ordinance (H-2021-0036 Briar Ridge Subdivision Rezone) for Rezone of a Parcel of Land Located in the Southeast $\frac{1}{4}$ Of The Northeast $\frac{1}{4}$ and the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 36, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho; Establishing and Determining the Land Use Zoning Classification of 40.992 Acres of Land from R-4 (Medium Low Density Residential) Zoning District to TN-R (Traditional Neighborhood Residential) Zoning District in the Meridian City Code; Providing that Copies of this Ordinance Shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and Providing for a Summary of the Ordinance; and Providing for a Waiver of the Reading Rules; and Providing an Effective Date

CITY OF MERIDIAN ORDINANCE NO. 21-1953

BY THE CITY COUNCIL:

**BERNT, BORTON, CAVENER,
HOAGLUN, PERREAULT, STRADER**

AN ORDINANCE (H-2021-0036 BRIAR RIDGE SUBDIVISION REZONE) FOR REZONE OF A PARCEL OF LAND LOCATED IN THE SOUTHEAST ¼ OF THE NORTHEAST ¼ AND THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 36, TOWNSHIP 3 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO; ESTABLISHING AND DETERMINING THE LAND USE ZONING CLASSIFICATION OF 40.992 ACRES OF LAND FROM R-4 (MEDIUM LOW DENSITY RESIDENTIAL) ZONING DISTRICT TO TN-R (TRADITIONAL NEIGHBORHOOD RESIDENTIAL) ZONING DISTRICT IN THE MERIDIAN CITY CODE; PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY ASSESSOR, THE ADA COUNTY RECORDER, AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; AND PROVIDING FOR A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR A WAIVER OF THE READING RULES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MERIDIAN, COUNTY OF ADA, STATE OF IDAHO:

SECTION 1. That the following described land as evidenced by attached Legal Description herein incorporated by reference as Exhibit “A” is within the corporate limits of the City of Meridian, Idaho, and that the City of Meridian has received a written request for re-zoning by the owner of said property, to-wit: *Endurance Holdings, LLC*.

SECTION 2. That the above-described real property is hereby re-zoned from R-4 (Medium Low Density Residential) Zoning District to TN-R (Traditional Neighborhood Residential) Zoning District in the Meridian City Code.

SECTION 3. That the City has authority pursuant to the laws of the State of Idaho, and the Ordinances of the City of Meridian zone said property.

SECTION 4. That the City has complied with all the noticing requirements pursuant to the laws of the State of Idaho, and the Ordinances of the City of Meridian to re-zone said property.

SECTION 5. That the City Engineer is hereby directed to alter all use and area maps as well as the official zoning maps, and all official maps depicting the boundaries and the zoning districts of the City of Meridian in accordance with this ordinance.

SECTION 6. All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

SECTION 7. This ordinance shall be in full force and effect from and after its passage, approval and publication, according to law.

SECTION 8. The Clerk of the City of Meridian shall, within ten (10) days following the effective date of this ordinance, duly file a certified copy of this ordinance and a map prepared in a draftsman manner, including the lands herein rezoned, with the following officials of the County of Ada, State of Idaho, to-wit: the Recorder, Auditor, Treasurer and Assessor and shall also file simultaneously a certified copy of this ordinance and map with the State Tax Commission of the State of Idaho.

SECTION 9. That pursuant to the affirmative vote of one-half (1/2) plus one (1) of the Members of the full Council, the rule requiring two (2) separate readings by title and one (1) reading in full be, and the same is hereby, dispensed with, and accordingly, this Ordinance shall be in full force and effect upon its passage, approval and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERIDIAN, IDAHO, this ____ day of _____ 2021.

APPROVED BY THE MAYOR OF THE CITY OF MERIDIAN, IDAHO, this ____ day of _____, 2021.

MAYOR ROBERT E. SIMISON

ATTEST:

CHRIS JOHNSON, CITY CLERK

STATE OF IDAHO,)
) ss:
County of Ada)

On this ____ day of _____, 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared **ROBERT E. SIMISON** and **CHRIS JOHNSON** known to me to be the Mayor and City Clerk, respectively, of the City of Meridian, Idaho, and who executed the within instrument, and acknowledged to me that the City of Meridian executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)

Notary Public for Idaho
Residing At: _____
My Commission Expires: _____

CERTIFICATION OF SUMMARY:

William L.M. Nary, City Attorney of the City of Meridian, Idaho, hereby certifies that the summary below is true and complete and upon its publication will provide adequate notice to the public.

William L. M. Nary, City Attorney

SUMMARY OF CITY OF MERIDIAN ORDINANCE NO. 21-1953

An ordinance (H-2021-0036 – Briar Ridge Subdivision Rezone) for the rezone of a parcel of land as defined in the map published herewith; establishing and determining the land use zoning classification from R-4 (Medium Low Density Residential) Zoning District to TN-R (Traditional Neighborhood Residential) Zoning District in the Meridian City Code; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing an effective date. A full text of this ordinance is available for inspection at City Hall, City of Meridian, 33 East Broadway Avenue, Meridian, Idaho. This ordinance shall be effective as of the date of publication of this summary.
[Publication to include map as set forth in Exhibit B.]

EXHIBIT A

A. Rezone Legal Descriptions

**DESCRIPTION FOR
TN-R ZONE
BRIAR RIDGE SUBDIVISION**

A parcel of land located in the Southeast 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Southeast 1/4 of Section 36, T.3N., R.1W., B.M., City of Meridian, Ada County, Idaho being more particularly described as follows:

Commencing at the Southeast corner of Section 36 from which the East 1/4 corner of said Section 36 bears North 00°05'08" West, 2669.88 feet; thence North 00°05'08" West, 1334.94 feet to the South 1/16 corner of said Section 36 and the **REAL POINT OF BEGINNING**;

thence North 89°12'25" West, 1,322.74 feet to the Southeast 1/16 corner of said Section 36;

thence North 00°10'51" East, 1,331.37 feet to the Center-East 1/16 corner of Section 36;

thence on the West boundary line of the Southeast 1/4 of the Northeast 1/4 of said Section 36, North 00°34'27" East, 20.00 feet;

thence on a line parallel with and 20.00 feet North from the South boundary line of the Southeast 1/4 of the Northeast 1/4 of said Section 36, South 89°21'32" East, 1,317.53 feet to the centerline of State Highway No. 69, as shown on the right-of-way plans for Federal Aid Project No. STP-3782(101) on file in the office of the Idaho Transportation Department;

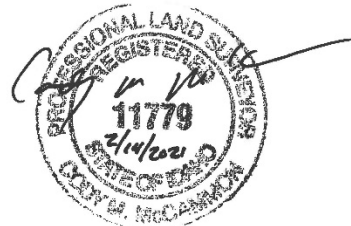
thence on said centerline the following two (2) courses and distances:

378.93 feet along the arc of a curve to the left having a radius of 57,295.78 feet, a central angle of 00°22'44" and a long chord which bears South 00°06'14" West, 378.93 feet;

South 00°05'08" East, 976.00 feet to the **REAL POINT OF BEGINNING**.

Containing 40.992 acres, more or less.

End of Description.



Briar Ridge Subdivision - H-2021-0036

EXHIBIT B

