



PLANNING AND ZONING COMMISSION MEETING

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho
Thursday, July 01, 2021 at 6:00 PM

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Agenda

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



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

VIRTUAL MEETING INSTRUCTIONS

To join the meeting online: <https://us02web.zoom.us/j/86868138292>

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

Webinar ID: 868 6813 8292

ROLL-CALL ATTENDANCE

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

ADOPTION OF AGENDA

CONSENT AGENDA [Action Item]

1. [Approve Minutes of the June 17, 2021 Planning and Zoning Commission Meeting](#)
2. [Findings of Fact, Conclusions of Law for Popeyes Drive-Through \(H-2021-0030\) by Erik Wylie of JRW Construction, LLC, Located at 6343 N. Linder Rd.](#)
3. [Findings of Fact, Conclusions of Law for Topgolf \(H-2021-0033\) by Arco/Murray, Located at 948 S. Silverstone Way](#)

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

ACTION ITEMS

4. **Public Hearing** for [Orchard Park Pad C Drive-Through \(H-2021-0039\)](#) by [Mandi Brozo of CSHQA, Located at 1245 W. Chinden Blvd.](#)
 - A. Request: [Conditional Use Permit for a dual drive-through for a multi-tenant establishment within 300 feet of an existing drive-through on 1.47 acres of land in the C-C zoning district.](#)
5. **Public Hearing** for [DaVinci Park Drive-Through \(H-2021-0037\)](#) by [NeuDesign Architecture, Located at 4744 N. Park Crossing Ave.](#)
 - A. Request: [Conditional Use Permit for a drive-through establishment for a coffee kiosk within 300 feet of an existing residence and residential district on 1.19 acres of land in the C-N zoning district.](#)
6. **Public Hearing** for [TM Creek Apartments Phase 3 \(H-2021-0035\)](#) by [Brighton Corporation, Generally Located South of W. Franklin Rd. and East of S. Ten Mile Rd.](#)
 - A. Request: [Rezone of 5.58 acres of land from the TN-C to the C-G zoning district.](#)
 - B. Request: [A Conditional Use Permit for a multi-family development consisting of 238 apartment units \(including 2 live/work units\) on 7.83 acres of land in the C-G zoning district.](#)
7. **Public Hearing** Continued from June 3, 2021 for [Woodcrest Townhomes \(H-2021-0015\)](#) by [Blaine A. Womer Civil Engineering, Located at 1789 N. Hickory Way](#)
 - A. Request: [Amendment to the Comprehensive Plan Future Land Use Map to change the future land use designation on 2+/- acres of land from the Commercial to the Medium High-Density Residential designation.](#)
 - B. Request: [Rezone of 2.10 acres of land from the L-O \(Limited Office\) to the R-15 \(Medium High-Density Residential\) zoning district.](#)

ADJOURNMENT



AGENDA ITEM

ITEM TOPIC: Approve Minutes of the June 17, 2021 Planning and Zoning Commission Meeting

Meridian Planning and Zoning Meeting

June 17, 2021.

Meeting of the Meridian Planning and Zoning Commission of June 17, 2021, was called to order at 6:00 p.m. by Chairman Rhonda McCarvel.

Members Present: Chairman Rhonda McCarvel, Commissioner Andrew Seal, Commissioner Nick Grove, Commissioner Maria Lorcher and Commissioner Nate Wheeler.

Members Absent: Commissioner Bill Cassinelli and Commissioner Steven Yearsley.

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

ROLL-CALL ATTENDANCE

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

McCarvel: Good evening and welcome to the Planning and Zoning Commission for June 17th, 2021. The Commissioners who are present this evening are at City Hall. Period. We also have staff from the City Attorney and Clerk's Offices, as well as city Planning Department. If you are joining us on Zoom this evening we can see that you are here. You may observe the meeting. However, your ability to be seen on screen and talk will be muted. During the public testimony portion of the meeting you will be unmuted and, then, be able to comment. Please note that we cannot take questions until the public testimony portion. If you have a process question during the meeting, please, e-mail cityclerk@meridiacity.org and they will be able to help you as soon as possible. If you simply want to watch the meeting this evening, we encourage you to watch the streaming on the city's YouTube channel. You can access it on meridiacity.org/live and with that let's begin with roll call.

ADOPTION OF AGENDA

McCarvel: Thank you. First item on the agenda is the adoption of the agenda. Could I get a motion -- and we have everything on the agenda as presented. Could I get a motion to adopt the agenda?

Seal: So moved.

Grove: Second.

McCarvel: It has been moved and seconded to adopt the agenda. All in favor say aye. Opposed? Motion carries.

MOTION CARRIED: SIX AYES. TWO ABSENT.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the June 3, 2021 Planning and Zoning Commission Meeting**
- 2. Findings of Fact, Conclusions of Law for Gramercy Commons (H-2021-0023) by Intermountain Pacific, LLC, Located at 1873, 1925, and 2069 S. Wells Ave.**
- 3. Findings of Fact, Conclusions of Law for Meridian Middle School Cafeteria Addition (H-2021-0032) by Lombard Conrad Architects, Located at 1507 W. 8th St.**

McCarvel: The Consent Agenda this evening, we have approve the minutes for the June 3rd, 2021, Planning and Zoning Commission and Findings of Fact, Conclusions of Law for Gramercy Commons, H-2021-2023 and Findings of Fact, Conclusions of Law for Meridian Middle School Cafeteria Addition, H-2021-0032. Could I get a motion to accept the Consent Agenda?

Seal: So moved.

Grove: Second.

McCarvel: It has been moved and seconded to accept the Consent Agenda. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

McCarvel: And so at this time we will briefly explain the public hearing process. We will open each item individually and, then, begin with the staff report. Staff will report their findings in how the item adheres to our Comprehensive Plan and Unified Development Code. After staff has made their presentation the applicant will come forward and be present and -- to present their case and respond to staff comments. They will have 15 minutes to do so. After the applicant has finished we will open the floor to public testimony. Each person will be called on only once during public testimony. The Clerk will call the names individually of those who have signed up on our website in advance to testify. You will, then, be unmuted. Please state your name and address for the record. You will have three minutes to address the Commission. If you have previously sent pictures or a presentation for the meeting, it will be displayed on the screen and our Clerk

will run the presentation. All those who have signed up in advance, once -- after all of those who have signed up in advance have spoken we will invite others who may wish to testify. If you wish to speak on a topic you may press the raise hand button on the Zoom app or if you are listening on the phone, please, press star nine and wait for your name to be called. If you are listening on multiple devices, a computer and a phone, for example, please, be sure to mute those extra devices so we do not experience feedback and can hear you clearly. When you are finished, if the Commission does not have questions for you, you will be muted and no longer have the ability to speak. Please remember we will not call on you a second time. After all testimony has been heard, the applicant will be given another ten minutes to come back and respond. When the applicant has finished responding to questions and concerns, we will close the public hearing and the Commissioners will have the opportunity to discuss and, hopefully, be able to make a final decision or recommendation to City Council as needed.

ACTION ITEMS

4. Public Hearing Continued from June 3, 2021 for Topgolf (H-2021-0033) by Arco/Murray, Located at 948 S. Silverstone Way

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

McCarvel: At this time we will -- the first item on the Action Items is continuing the public hearing for H-2021-0033, Topgolf, and we will begin with the staff report.

Allen: Thank you, Madam Chair. Give me just a moment here to get the presentation up. The first application before you tonight is a request for a conditional use permit. This site consists of 11.56 acres of land. It's zoned C-G. Located at 948 South Silverstone Way. The Comprehensive Plan future land use map designation is mixed use regional. A conditional use permit for an outdoor entertainment recreation facility with a nonpermanent outdoor stage and music venue on 11.56 acres of land in a C-G zoning district, to include extended hours of operation from 8:00 a.m. to 2:00 a.m., seven days a week, abutting a residential zoning district. Although the subject property abuts a residential zoning district to the east, the residential homes have been removed by the -- by the developer for future expansion of the mixed use development to the west, Rackham Subdivision. Therefore, the extension on the hours of operation will not adversely affect abutting residential uses as there are none. In fact, the closest residence is approximately 918 feet to the south of the driving range. As you can see from the map here, you can see the site. All of these properties to the east that are selected have been cleared of residential homes. So, this is now vacant property that will eventually be part of this commercial development. If you can see my pointer here, this is the nearest residential lot to the site. The outdoor stage is proposed to be located in the patio space and that is the area here with the star on it, which will seat 71 people and will be fully enclosed by an eight foot tall fence. During the summer months the stage is anticipated

to be used about once a week in the afternoons until the venue closes. Performances will be limited to small musical acts and no additional sound equipment will be used for any performances. All music will be channeled through the building's integrated sound system. If an extension of the hours of operation is approved, the use is still subject to the city's noise ordinance. Access is proposed from East Talons View Lane, a private street along the southern boundary of the site from, Silverstone Way, a collector street, from Overland Road. East Talons View Lane ends approximately 200 feet west of the east property line and is not proposed to be extended at this time. There is a public street, South Rolling Hill Drive, just off site from the subject property to the east that is constructed as a local rural street, with 24 feet of pavement, and does not have curb, gutter, sidewalk or streetlights. That -- I will just go back to this. That shows the street a little better. This north-south street is what we are talking about here, Rolling Hill, and that comes out to Overland Road on the south end. It provides access to the remaining homes in Rolling Hill Subdivision and dead ends in a cul-de-sac at the north end. Because South Rolling Hill Drive currently serves residences and is not improved to urban standards, i.e., there is no sidewalk, curb, gutter or streetlights, it has a narrow pavement width, staff recommends access be prohibited to the Topgolf site via South Rolling Hill Drive, until such time as improvements are made that are deemed appropriate by ACHD and the city. All vehicular access, including construction access, should be taken by the private street, Street A, from South Silverstone Way until such time. Parking is proposed in excess of UDC standards. A minimum of 74 spaces are required. A total of 275 spaces are proposed. Conceptual building elevations were submitted as shown for the proposed structure. Building materials consist of EFIS and metal in a variety of colors, glazing, and composite paneling. Final design is required to comply with the design standards in the architectural standards manual. Written testimony has been received from Amy Wattles and Michael Bowers. They are both against any access to the site from Rolling Hill Drive. Again there is no access proposed to the site from Rolling Hill Drive and the staff report does prohibit access until improvements are made to the street Rolling Hill that are acceptable by the city and ACHD. So, that's a non-issue. Written testimony was also received from Paul Straits, Arco/Murray. He is the applicant and he is in agreement with the conditions in the staff report. Staff will stand for any questions.

McCarvel: We will go ahead and move on to the applicant. If they would like to come forward.

Allen: They are on the phone.

McCarvel: On Zoom?

Allen: Yes.

Straits: I'm Paul Straits with Acro/Murray.

McCarvel: Please state -- name and address for the record and the floor is yours.

Straits: My name is Paul Straits and I'm at 3201 North Seminary Avenue, No. 211, in Chicago, Illinois. 60657. And so, as I said, I'm Paul Straits, I'm with Arco/Murray and we are a Topgolf partner in development in general contracting and on behalf of Topgolf I would like to thank you all for the opportunity to discuss this project with you tonight and express how excited we are to be entering Boise -- in the Boise market here in Meridian. Honestly, Boise is one of the top most requested markets that Topgolf gets from all of its fans, so we are glad to finally be here and we are excited to share this with you. A little bit of background. Topgolf started in the UK and -- oh, I apologize. Am I able to share my -- my -- my screen with you?

McCarvel: Yes. Our clerk will fix it here for you. There you go.

Straits: Got it. Okay. Apologize.

McCarvel: Okay. Paul, we can see your screen.

Straits: Wonderful. Thanks for that confirmation. So, Topgolf started in the UK back in 2000 with a simple idea of being able to track your golf ball with an implanted microchip and/or 20 years later it has become a go to for families and friends to socialize around an active outdoor game all year round. Topgolf technology allows technology -- in the way that it's constructed it allows the game to be played all year long, rain or shine, and so anytime you have a craving to hit some balls, Topgolf is going to be open for you. It's self driven, as you know, and there are various different games that you can play beyond just hitting balls to the target to keep kids and everybody entertained all day. So, Topgolf provides -- prides itself, excuse me, on being -- on establishing itself with a -- as a local in the community with many community forward -- forward initiatives, such as free access to high school golf teams during the day, themed spirit nights for families, discounts and specials for military heroes and partnerships with -- with charities, like Make -- Make A Wish, Hope of Honor and more. Economically Topgolf is also excited to bring 200 -- approximately 200 positions to Meridian once the venue is open and about 150 construction jobs while the venue is being constructed. Beyond that it expects to bring about a hundred -- up to a hundred million in economic output over the first ten years of the venue being open in Meridian as well. Been ranked as one of the top workplaces nationally and it is a -- an absolute magnet for other businesses in the area. So, we are excited to be a part of this BVA development here. As you -- as you saw earlier, the site plan looks like this. We have parking for up to 275 vehicles and the building here is comprised of the -- the back of house area and the dining and bar area here. A patio space to the front and, then, along this curve we have all of the -- what will be called the tee line, all of the golf bays. Out here, obviously, is the outfield with all of the targets that you aim for, as well as a couple of screens out in the outfield that shows some Topgolf specific imagery and are angled directly towards the building and are not particularly visible from -- from anywhere else outside of the outfield. Additionally, we have a lighting system that is integrated into the building itself and shines only into the outfield from the building. There is no outfield lighting that -- that lights up from beyond the building, which we will take a look at in a second, as well as the sound system was mentioned to be only from the building itself. So, it's fully integrated. Any bands or musical artists that come

in and have their small concerts on the patio are channeled through the building and that is all designed to be contained within the building itself. Also saw this a little bit earlier and this shows a little bit about what these net poles look like. They have been designed to withstand various degrees of wind and can be taken down in the event of emergency. If ever winds get too heavy, as well as being designed to be as transparent as possible, so they are really not going to be as noticeable as a -- as a -- as a big white net that you would expect. Here is a quick look at the floor plan. Probably a little too small to tell, but, as I said, this is your bar and dining area. Back of house areas with kitchen and, then, the tee line here with some VIP bays at the end. Second level similar. Back of house, office spaces, and tee line there. As I mentioned, this lighting system is very specific and has been honed over the years of the Topgolf development and we always strive to meet every condition that the community puts forward and the lighting is designed specifically to each -- each venue to reduce the glare and the spill off of the site. This image here shows how large these LED lights are. There are about four or five of them at this venue. So, it would not be -- we don't -- like I said, we are not using metal halide lights out in the outfield like it would be -- like a high school football field. It's very specific and channeled just to see as far as you need to. Similarly, here is a map of what the noise looks like coming from the venue. Again, very concentrated just to this area and beyond the net poles is -- is really not at all discernible. No -- no more so than -- than typical city -- city sounds. And, of course, we always comply with local ordinances and requirements and the sound levels are always able to be controlled at all times by -- by venue management. Then beyond that, alcohol safety is a big -- a big thing for Topgolf. The -- the associates are all trained to deal with any customers that have overserved themselves and are trained to refuse service to anyone that has been and they also provide plenty of security services during the peak times as well. So, everything is -- is controlled very -- very closely and -- and everyone is trained to be very -- very attentive to all of the hitting bays and anybody that's been served. So, that's a quick rundown of the Topgolf concept and project that we are excited to bring here to Meridian. At this point I think Sonya has covered much of the specifics here. We are looking to have our business hours extended to 2:00 a.m. That's typical for all Topgolf and allows a variety of different customers to visit throughout the day and really keep the entertainment going and give a place for -- for community members to come and -- and have that act of socializing, you know, later at night versus going to a nightclub or -- or the like. And as well as the -- you know, the noise ordinance and all of those things, we are, again, butting up to a residential district, but those will all be rezoned here in the future with BVA developments to add to their -- their subdivision development here. So, we expect to not be in anyone's way in any way, shape, or form. So, I appreciate the time today and I would love to entertain any questions that you may have.

McCarvel: Do -- do we have any questions for staff or the applicant at this time?

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: Just real quick. The light pattern in there is -- it seems like it's directed towards the freeway. Is that something that staff took a look at or is that something that -- I mean I know they have a system that's supposed to mitigate that, but it seems like it's kind of pointing right at the freeway.

Straits: Yeah. So, the -- the -- the lights are mounted on this curved tee line and shine out into this -- into the outfield here, but, really, as you can tell from that map they are only -- they are angled down towards the -- towards the ground and are only lighting up about this far into the outfield. So, the lights -- obviously, you will see them from the freeway, but they are designed specifically for this venue and any venue that is along a roadway to reduce glare and, again, focus down towards the ground versus anywhere else.

Seal: Okay. Thank you.

McCarvel: Our westbound traffic shouldn't have issue.

Seal: I hope not.

McCarvel: Yeah. I'm -- I'm asking, I'm not --

Straits: Oh, yeah. No. No. Excuse me. No. Westbound traffic will have no issue. Again, the lights, of course, will be visible, you will see that the venue is lit up, but it is not shining anywhere outside of the venue.

McCarvel: Any other questions? Okay. At this time, then, we will take public testimony. Madam Clerk, do we have anybody signed up to testify on this application?

Weatherly: Madam Chair, we have a couple people signed in. Lynette Adsitt.

McCarvel: If -- you will -- you will need to come to the microphone to -- yeah. You can certainly ask questions. You can -- but you need to come to the microphone. And state your name and address for the record.

Adsitt: Hi. I am Lynette Adsitt. Live at 1360 South Topaz Avenue. I did have a couple questions. They mentioned that the music is only going to be once a week. Is that for how long? I mean that's, obviously, probably going to change. Have an answer on that. And also what is the capacity. How many people?

McCarvel: We will let the applicant address questions. Is that all you have?

Adsitt: For now.

McCarvel: Well, you can't come back, so --

Adsitt: I think so. I did have a question -- well, on the noise ordinance. So, what -- can you enlighten me on what -- is it 10:00 o'clock at night?

McCarvel: We will let staff address that in a minute, too.

Adsitt: And does that mean -- does that mean the music's got to stop?

McCarvel: She will address it after you are done. Yeah. So, you have three minutes to ask or say whatever you want to say. That's it? Okay.

Weatherly: Madam Chair, the same with Donna McDonald. You had a question mark, too.

McCarvel: All right.

Weatherly: Madam Chair, that's all we had signed in.

McCarvel: Okay. If that's everybody that signed in, is there anybody else in the room or on Zoom that would -- that did not sign in that would like to testify on this application? Certainly. Some forward. State your name and address for the record, please.

Blowers: My name is Michael Blowers. I live at 1285 South Rolling Hill. I don't want to misquote anything. I do find it a little insulting that -- that it's an irrelevant issue that Rolling Hill is not part of this plan. I think -- hopefully everyone here is aware that the development -- the future use is that Rolling Hill will connect to the development, which will, obviously, then, connect to Topgolf and it becomes extremely relevant for us, because we will be dealing with 2:00 a.m. liquor license traffic coming in front of our house, along with, you know, reduced easement -- well, the easement will be taken over. So, I mean as close as 30 feet to our front door to aim traffic. That's very relevant to me and the other people on Rolling Hill. So, I would like to know -- I mean I'm glad Topgolf is coming. I will probably be their number one customer and I'm excited for it, but what I'm hoping for is some answers as to why can we not make Rolling Hill an emergency access only. Are there any other solutions available for this? Is there anything that we can do to mitigate speed? I don't know if anyone's been on Rolling Hill Drive. It's a third of a mile straightaway with zero mitigation and while it may not be relevant right now, it is going to become an issue in the future when it does connect and I have lived there a year and I have seen people going in excess of 60 miles an hour down our street, especially people who are not aware of -- they are just not thinking. They -- they don't necessarily have, you know, ill intentions or anything. I mean speed signs aren't, obviously, going to fix this, but I mean safety has already been mentioned once. It's, obviously, an issue for us, as well as noise. Is there any alternative? This is a question for anyone. An alternative for, you know, wasting city resources calling for speed traps every single day, because I guarantee that's going to happen. We have already had to do it with the development that BVA has put forth. We have all made several calls, both to the contractor and everything, and -- I mean just some other things to think about. It's -- I know personally I'm raising four cows and it's an agriculture -- there is a goat farm across the way. I mean trailers pulling in and out all the time. It's a very odd entrance. I know people don't seem to think that it will be used, but if you are coming east to west on Overland I can't imagine

that you wouldn't use Rolling Hill Drive quite a bit to access Topgolf once it's available. So, thank you.

McCarvel: And go ahead and start -- but I will have Sonya chime in on this, but my understanding is -- I don't think it meant to be insulting, I think it meant to be that Rolling Hill Drive will not be part of this until it is improved at such time -- I mean they wouldn't use it as anything -- even construction traffic while it's in the current state. I will let Sonya address your questions.

Allen: Thank you, Chairman, Commissioners. Yes, it's -- it's not a hard -- or it's not an access or construction access for this development. However, when the property to the east comes in for development, then, that is the time when this discussion should take place. More so. Sir, we can't testify from the -- from the audience, but it's -- it's not a part of this application, so it's not something that we can deal with or condition with this application. It will be with the next application. So, please be a part of that process. In response, if I could real quick, Madam Chair, to the hours of -- or the -- excuse me. The hours of the noise ordinance -- the city's noise ordinance.

McCarvel: Yeah.

Allen: That is between the hours of 6:00 a.m. and 11:00 p.m. and there are certain specifications within that ordinance that they have to comply with, just as -- as any business or any residence within the city. So, it's not necessarily that they have to stop their music at 11:00, but it can't cause a disturbance as defined.

Weatherly: Madam Chair, we have one person online. A Tonn Petersen.

McCarvel: Okay.

Petersen: Yeah. Hi. Thank you, Madam Commissioner. Tonn Petersen with BVA Development at 2775 West Navigator Drive in Meridian, Idaho. Just wanted to express our support, of course, from BVA and, actually, Sonya really just -- I raised my hand virtually and, then, Sonya really just addressed what I had intended to -- to testify. As far as Eagleview Landing, phase two, which is the -- the houses -- the 13 most northern houses that were previously part of Rolling Hill Avenue, those have been purchased and, then, demolished by BVA and phase two will be coming through on a separate application for annexation and rezone and as part of that process right now we are conducting the traffic study, which, of course, will be submitted and -- to ACHD and -- and the ingress and egress issues that were raised by the -- the gentleman there, those -- those are all being worked through ACHD now and we will be -- we will be happy to bring that application in to the city I think within -- well, certainly within 30 days. So, I had raised my hand to provide that commentary and we are certainly in support of Topgolf's application here today.

McCarvel: Thank you. Any other question -- or anybody else wish to testify on this application?

Seal: Madam Chair, just a quick question for the applicant that he's talking about, when that's noticed that will be noticed directly on Rolling Hill Drive? Okay. Thank you.

McCarvel: With that would the applicant like to come back and address the questions that have been raised -- or back -- or on Zoom.

Straits: Yep. Yeah. Thank you for all of the questions and comments. In terms of the music venue stage on the patio, the intention is that it would be used likely once a week, maybe a couple times more than that when the weather is good, but I would like to point out that the -- the patio area has seating for roughly 70 people and there is no intention to increase that. So, the -- so, you know, that's sort of just to give you an example, that this patio area and the -- the stage will be very small and will host very small acts that will not be creating very large scenes and very large performance and, again, all of that music is -- is channeled through the -- through the building system itself, which is designed to be very contained within the property, so you are not going to have anybody -- any of these crazy rockers bringing in any sort of amps or anything of their own. It will be very contained no matter -- no matter what's playing. So, I think -- I don't remember there being any other questions and Sonya answered the noise ordinance and that is something that, obviously, we will take very seriously, as Topgolf does at all of their venues, any -- any reports and complaints are handled as -- as is needed and, you know, the music will continue beyond that 11:00 o'clock hour and being next to the freeway and fairly -- fairly far away from -- from anything else at this point I anticipate that it will be fairly agreeable for everybody when the time comes.

McCarvel: Thank you.

Straits: And I really appreciate your time and for allowing me to discuss this project with you and, as I said, we are very excited to be a part of the community and looking forward to working with you all very soon.

McCarvel: Paul, I think we had another question -- one of the questions brought up was about capacity. I know you mentioned it for the patio, but if you could expand on the capacities a little bit.

Straits: Sure. The capacity at this point is -- there are 16 hitting bays and we anticipate there being six people at each bay and so we have yet to have a full set of architectural drawings done for this -- let me do my quick math. Likely about 500 people.

McCarvel: Okay. And that's at the golfing tees, not in the restaurant, bar, patio areas; right?

Straits: No. That's all. I did math for -- for all of that. So, that would be 360 at the tees.

McCarvel: Okay. Any other questions for the applicant or staff from the Commission? Okay. So, then, at this time could I get a motion to close the public hearing for item H-2021-0033?

Seal: So moved.

Grove: Second.

McCarvel: It has been moved and seconded to close the public hearing for H-2021-0033. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

McCarvel: Who would like to open the comments on this one? Who is going to be there --

Seal: Madam Chair?

McCarvel: Yeah. Go ahead, Commissioner Seal.

Seal: Just looking at the plan and the concept and everything I really like it. It's tucked in -- you know, in a place that's probably a good place for it. A good placement of it anyway. A little concerned on the lighting part of it. I mean even though the lights aren't going to be shining out to the freeway, they are still visible, so it's probably more like a ballpark where you can see the lights, but they are not impacting any of the drive -- your driving conditions. The -- I mean it seems like it's going to be a good venue. I have been to a Topgolf before and they are -- it's -- it's pretty good entertainment for sure. I know there is a lot of people that golf in our community. To be able to do activities year around would probably be something that would be good for our community. You know, again, it seems like it's in a place that's going to be good as far as not interrupting or, you know, displacing anything that's -- already hasn't been displaced. As far as the Rolling Hill Drive, it's -- that's -- I understand that it's going to be brought up in a separate meeting, but it is -- you know, understand that that is a -- that is a road that's controlled by ACHD. So, make sure to go to their hearings on it, so you can get more information on it, because they -- unfortunately, the City of Meridian doesn't control the roads, ACHD does. So, we have to operate with them in partnership in order to make sure that the roads are designed in such a way to handle the traffic that's going to be going on them and by the time it gets to us it's -- they have often spoken, unfortunately, so -- but, again, as far as this application goes, I think it's going to be a good addition to our community. I think there is a lot of people that definitely want to go there. I will be one of them, if it does come in and it goes to fruition. Other than that I have no other comments.

McCarvel: Okay. Commissioner Wheeler, you had your --

Wheeler: Yes. Thank you. Thank you, Madam Chair. I have a question for staff. If we can go to that one slide that -- I think you said that it was 900 feet from the Topgolf to that corner. I think that's what you said the distance was on that.

Allen: It's almost a thousand. It's just a little under.

Wheeler: Okay. And it was to that --

Allen: To -- oh.

Wheeler: Somehow I can't see that. Okay.

Allen: So, from this point right here is the nearest residence to -- right up around in here.

Wheeler: Okay. What about the -- the residential houses off of Onyx that's just due south of that site? Yes. Are those --

Allen: It's about the same distance.

Wheeler: Okay. And are those also occupied by -- have those been demolished or anything like that or --

Allen: No, they are residential homes.

Wheeler: Okay. Okay. My only -- my only concern is the 2:00 a.m. time frame, especially next to where there is some rural residents and we could -- we could make a -- Paul, are you still there? Or is this the time not to bring that in? Oh, sorry. Okay. So, we could -- we could still do something along the line of approving this, but limiting the hours; correct? Is that correct, Madam Chair?

McCarvel: We can make that recommendation -- well, it's a CUP, so that would be the -- yeah. But I mean regardless of their hours they would still have to abide by the noise ordinance regardless of how long they are open.

Wheeler: Okay. I'm just thinking more than, though, just the proximity to other rural and -- like one of the gentlemen here mentioned that there is -- he has got some cattle and there is a goat farm and things of that nature, just the -- just the noise coming up or just the activity there until through 2:00 a.m., so -- those are just my only thoughts. But I'm also -- I'm also really concerned more about the fact that I live only a mile away from this site and that means that I'm probably going to be able to get there after dinner and spend a lot of hours there and I'm probably going to get your platinum membership and, then, I probably will get a better golf score, but I am just a little bit concerned on those aspects of it.

McCarvel: Any other question from the Commission? Commissioner Grove?

Grove: I'm not as concerned with the time aspect. I personally live a lot closer than 918 feet to the nearest 2:00 a.m. place and I don't see issues with it. I think that they have a good reputation of being able to handle the layout and should be able to adhere to what they have proposed. I don't see anything in this that negates or necessitates changes. So, I'm in favor of moving forward with this.

McCarvel: Okay.

Grove: If anybody else doesn't mind, I will just go and make a motion. Is that okay? All right. After considering all staff, applicant, and public testimony, I move to approve file number H-2021-0033 as presented in the staff report for the hearing date of June 17th, 2021, with no modifications.

Seal: Second.

McCarvel: It has been moved and seconded to approve H-2021-0033. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

5. Public Hearing Continued from June 3, 2021 for Popeyes Drive-Through (H-2021-0030) by Erik Wylie of JRW Construction, LLC, Located at 6343 N. Linder Rd.

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

McCarvel: Next item on the agenda -- we will continue with H-2021-0030, continued from June 3rd of 2021, Popeye's Drive-Through, and we will begin with the staff report.

Dodson: Sorry. Give me a second to pull everything up, please. There we go. All right. Thank you. The application before you is for a Popeye's drive-through. It is for a conditional use permit request. The site consists of one acre of land currently zoned C-G. It's located at 6343 North Linder, which is the southwest corner of Chinden and Linder. There is existing C-C zoning to the north and east. A commercial development already exists to the north and the Winco exists to the east, not yet open. Very close from my understanding, but -- the whole Orchard Park, also known as Linder Village project, is under construction to the east. C-G zoning is to the south and the west and there is already existing buildings there, except for the lot directly to the west, which is under the same ownership as this property, but has not yet developed. The proposed drive through is for a 2,325 square foot Popeye's Louisiana Kitchen Restaurant. It is within 300 feet of a separate drive-through, which is to the south. Therefore, requiring the conditional use permit. It is also subject to the specific use standards 11-4-3-11 -- or dash four dash three dash 11. The subject site is located within the mixed use community future land use, which contemplates generally at least three land uses for every project. However, with a site that's only one acre in size it's generally not feasible. Mixed use community also discusses looking beyond the site and within the whole mixed use community area in order to meet many of the policies as it is a mixed use designation. So, when you look to the south, the west, across Chinden and Linder, there is plenty of uses within the area that are both existing and planned and with the proposed use of another restaurant staff does find that it meets the mixed use community future land use designation. Originally

the site plan on the left was proposed. Staff had some recommendations to change that and we did not initially support that. Therefore, the applicant requested continuance so that we could discuss the revisions that was recommended and since, then, the applicant has revised the site plan as per the memo that was addressed to the Commission late last week. The site plan has been revised as seen on the right. With the revisions made staff does support the site plan and finds that the project and proposed drive-through meet the specific use standards. In general, the -- the site plan was basically flipped north-south and east-west to make it as simple as possible, still keeping the double drive through and minimizing some of the conflicts that were shown on the original site plan. Largely the original site plan contemplated the north drive aisle, which is here, basically, and they will be constructing across the shared ownership lot here. It contemplated this being as the main. Staff finds that the southern one will likely be more utilized and, therefore, people will come in from the south and, then, around and utilize both this here as an escape lane and to the south as they pick up their food and getting it out, as noted here. Like I said, essentially, the site was just flipped east-west and north-south. There have been no written testimony for this and staff does recommend approval of the subject CUP and I will stand for any questions.

McCarvel: Okay. At this time would the applicant like to make their presentation?

Wylie: My name is Eric Wylie. I live at 3584 South Bear Claw Avenue in Meridian. Madam Chair, Members of the Commission, thank you for meeting with us tonight. We are excited to bring this CUP project before you. We think it's a good fit for the land. Good use of that hard corner at Chinden and Linder. Not much I can say that Joe didn't say already. We met with staff after our original plan and changed it to meet their conditions. One thing I would like to add is that the lot is currently one acre. The plan is shown at .8 acres. So, given your approval we will do a lot line adjustment to make it that .8 acres and I stand for any questions.

McCarvel: Okay. Any questions for staff or the applicant? Okay. Thank you. Madam Clerk, do we have anybody signed up to testify on this application?

Weatherly: Madam Chair, we do not.

McCarvel: With that being said, is there anybody in the room or on Zoom that has not signed in that would like to testify? And I'm assuming, then, you have no more comments. Okay. Therefore, could I get a motion to close the public hearing on H-2021-0030?

Wheeler: So moved.

Seal: Second.

McCarvel: It has been moved and seconded to close the public hearing on H-2021-0030. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

McCarvel: We get a straightforward one and I think -- since they have worked with staff and made the adjustments to better flow I think this is pretty straightforward and -- unless anybody has any other comments or objections, we would stand for a motion.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: After considering all staff, applicant, and public testimony, I move to approve file number H-2021-0030 as presented in the staff report for the hearing date of June 17th, 2021, with no modifications.

Grove: It has been moved and seconded to approve H-2021-0030. All those in favor say aye. Opposed? Motion carries. Congratulations.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

6. Public Hearing for ACHD Ustick Maintenance Facility (H-2021-0029) by Engineering Solutions, LLP, Located at 3764 W. Ustick Rd.

- A. Request: Annexation and Zoning of 30.27 acres of land with a request for the I-L zoning district for the purpose of constructing an Ada County Highway District (ACHD) maintenance facility on 23.7 acres.

McCarvel: And now we get to open one. We will open -- find out which one we are going to open here. Item No. H-2021-0029, ACHD Ustick Maintenance Facility, and we will begin with the staff report.

Dodson: Thank you, Madam Chair. This item before you tonight is for an annexation and zoning tied to the development plan. The site consists of 23.7 acres of land, currently zoned RUT, located at 3764 West Ustick Road, which as you can see is approximately a half mile west Ten Mile on the north side of Ustick. To the north is the Five Mile Creek and north of that and, more importantly, is the wastewater recovery facility, city owned, and is I-L zone. To the east is a segment of Nine Mile Creek, which -- let me go ahead and just show you that one. To the east is Nine Mile Creek, as well as a C-C zone -- or C-N zoned property, which is actually a city owned property, and is a future well and water site -- water tank site. South -- to the south is Ustick Road and, then, obviously, the existing R-4 and single family detached residential. To the west is RUT and county agriculture residential. The Comprehensive Plan designates this property as mixed use nonresidential. I would like to note out of the gate that the request for annexation and zoning is with the I-L zoning district. It is for 30.27 acres, but as noted, this other site is only 23.7. The applicant is doing the city of favor and annexing the irrigation area of the Nine Mile and Five Mile Creek, so that we do not have county enclaves in those areas. So, we do appreciate that. The proposed use for this ACHD maintenance facility falls under the public utility major within our development code. The project is proposed over

multiple phases from this year through 2028 and includes a number of different elements of the site, that just to be general, include a -- decant wash out area, broom shed, salt shed, truck washing scales, admin building, sleep building, and covered and uncovered storage areas. Since the publication of the staff report the applicant has provided staff an updated phasing plan, consistent with the analysis within the staff report and discussions between staff and the applicant. The major changes were moving the decant and washout area, which is noted here. It was originally within the floodplain. Moved it out of the floodplain, which is appreciated as well, and there is an existing home on site that was going to be used as a temporary office. That is no longer the case. No longer the plan. Before I get into the site plan in more detail, I did want to talk about the future land use designation, because it's very important for this site. Mixed use nonresidential is the future land use. The purpose of this designation is to designate areas where new residential -- nonresidential. Sorry. Yeah. New residential dwellings will not be permitted, as residential users are not compatible with the planned or existing uses in the area. Specifically for this site this mixed use nonresidential areas adjacent to the city's wastewater recovery facility as noted, which is a heavy industrial use and should be buffered from residential. Appropriate uses in this designation would include employment centers, professional offices, flex buildings, warehousing, industry, storage facilities and retail and other appropriate nonresidential uses. The proposed use of this maintenance facility falls into these nonresidential uses that are noted and are ideal for this future land use designation, because it will act as a buffer between the existing residential lot on the south side of Ustick and the wastewater recovery facility. The applicant is proposing to install solid fencing and the required landscape buffers adjacent to Ustick and the existing county residents directly to the west, in addition to a new public collector street segment. If the property to the west develops in the future as a nonresidential use, which is called for on the future land use map, that also includes that property. The buffer proposed for this application along the west boundary should act as an adequate transition between the uses. Despite the problem with noise associated -- associated with a maintenance facility such as this, adequate landscaping and separation from existing residences by Ustick Road, as well as the landscape buffers, they do offer appropriate separation and should mitigate the noise from trucks and machinery. In addition to the project itself, the hours of operation are an important factor in determining if it fits in this location. The applicant has stated the plan uses -- or planned hours of operation are Monday through Friday, 7:00 a.m. to 5:30, like a normal site. There will likely be occasional late nights during emergency situations. During the summer the applicant has also stated that chip seal operations require some weekend hours, but should be within the normal daytime operating hours as well. Staff, nor the applicant -- applicant can foresee emergency situations, so it is not feasible to mitigate every possibility associated with this use. Due to the likely minimal late night operation staff believes the proposed development agreement provisions and screening methods will be sufficient in mitigating any noxious consequences of the proposed use. Therefore, staff finds the proposed maintenance facility to be generally consistent with the comp plan. There is an existing county residence on the property as noted. The applicant -- and that is no longer occupied. The applicant has noted that it is going to be sold and removed from the site, instead of being used as a temporary office. Therefore, the existing driveway access to Ustick will be closed. The proposed use is a permitted use within the requested I-L zoning district, but

it's also subject to specific use standards. Staff's analysis finds that the proposal is consistent with the specific use standards, as well as the dimensional standards of the I-L zoning district, except for one element and that is the street setback for I-L zoning districts to roadways. It's 35 feet. The admin building shown in the southwest corner is shown at the 25 foot setback, so they will have to shift that east ten feet. Part of the screening methods used for this project is fencing. The applicant is proposing fencing -- eight foot tall chain link fence -- chain link fencing along the north and east boundaries, with two feet of barbed wire above that along -- and this fencing is also proposed to be coated in a colored and rubberized material. Along the west and south property boundaries the applicant is proposing an eight foot tall Trex fence, which is a solid fence. The proposed Trex fencing is being strategically proposed to offer the most screening and buffering to the existing residences to the south and to the west, for that matter. Eight foot tall fencing is allowed within the I-L zoning district and per the height definition of fencing, barbed wire is not included in the height measurement and is also allowed within the I-L zoning district. Access is proposed via construction of a new collector street that aligns the Naomi Avenue to the south, which is this here. The applicant is proposing to construct that as a three lane 52 foot wide street section within 74 feet of right of way, with five foot detached sidewalk on the east side, which is their site of Naomi. When the property to the west redevelops they will be expected and required to complete the street with sidewalk on their side. The submitted plan show this new road to terminate about halfway into the site and terminate in a temporary hammerhead type turnaround. ACHD has offered their approval of the proposed Naomi Avenue extension and termination on the north side of Ustick Road. Off of Naomi Avenue the applicant is proposing two driveway accesses for access into the facility and they both will be gated. Staff supports the proposed access and road improvements, which do include a deceleration lane along Ustick. Lastly, utilities for this site should be discussed. Sewer services are not currently available to the site. Therefore, the applicant is also requesting a Council waiver to delay connection to city sewer. Water is readily available. It is not entirely clear at what point utilities will be available or needed for this site, but due to the phasing and lack of sewer availability at this time, the applicant has not submitted any utility plans at this time. For future development the applicant will be required to submit these plans and continue coordinating with the city to connect to public utilities, including water, for irrigation purposes for the required landscape buffers. The applicant is having ongoing discussions with the city engineer to make a decision and come to an agreement on the best path forward for the sewer needs and timeline of this project. This is expected to be resolved prior to the City Council hearing. Staff is -- and -- staff is less worried about handling it right now, because there is the expectation this will be handled prior to City Council. The applicant and myself, we have had discussions with the city engineer, we just haven't quite made the final decision on what the alternatives will be at this time. Also within the staff report I already have DA provisions that will help the city maintain our -- I guess you could say power in the utility -- providing utility to the site. Therefore, staff does recommend approval of the requested annexation and zoning and the proposed use and I will stand for any questions.

McCarvel: At this time would the applicant to come forward.

McKay: Thank you, Madam Chair, Members of the Commission. I'm Becky McKay with Engineering Solutions. Business address 1029 North Rosario in Meridian. I'm here this evening representing Ada County Highway District and the application that's before you. Joe, do you want to cue up my --

McCarvel: It's up on our screens and it's up on --

McKay: Oh. Nobody turned it on? Okay. That's cool. I can go ahead. As Joe indicated, Ada County Highway District has purchased this particular piece of property. It's approximately 20.75 acres in size. When we did pre-app with the city, as Joe indicated, there were a couple of enclaves, which encompassed the Five Mile Creek to the north and Nine Mile Creek, which had not been annexed into the city, so they asked us to do the city a favor, include that in this annexation request and within our exhibits and legal description. So, that's why what you see before you is 30.27 acres. The primary use for this particular project will be for an ACHD maintenance facility. They will have administrative office, fleet maintenance, parts and weld shop, broom drainage, trucks storage buildings, salt and sand shed. Truck scales, truck wash building, decant area, fuel tanks, which will be above ground, covered storage, magnesium tanks and employee parking and, then, some open material storage at the site. Their plans for this particular site are eight phases, starting in 2021 and going until 2028. We have submitted to your staff a phasing plan, so the staff could look and see what those phases would look like. One of the key things that the district wanted to do was, obviously, start establishing that perimeter landscaping along Ustick Road, which is a minor arterial and get that vegetation growing and -- and meet all the requirements for adequate arterial buffering. North is your Meridian wastewater treatment plant. This particular piece of property is within the influence area where you have the wastewater treatment overlay zone, so no residential uses or any uses that may have problems coexisting with your wastewater treatment plant are allowed. So, ACHD looked at this particular site and said, you know, this -- this, obviously, is a good area for this type of use. The city has purchased the land just to the east of us. There will be a future water tank and well on that property and, then, in this particular area we have a mixture of uses, single family. Wilkins Ranch, and Dakota Ridge are to the south. I did both those subdivisions a long time ago. They are on the south side of Ustick outside of that radius. McNelis Sub is to the east of us. I did that one. That has a mixture of retail and it has a C-store and a variety of uses that can coexist. There is mini storage in the area. So, this is kind of a hodgepodge area, but north of Ustick everything needs to be compatible with that wastewater treatment plant. We did have a neighborhood meeting on this particular property. We had three people in attendance. All three of them were glad that this site's being utilized for this type of use. No one was opposed to the project. Primary concerns were landscaping and as far as adequate buffering and, then, they wanted to know when Ustick would be improved and widened. Here is the overall phasing plan that we provided to the staff. Kind of shows you what the site looks like. Obviously, we wanted to make sure that we oriented the building next to Ustick Road, consistent with your Comprehensive Plan and your commercial design guidelines, where it says, you know, put your -- put your buildings up next to the arterials, internalize your parking or -- and the uses that are more intensive are, obviously, further north into the site, closer to the treatment plant. There are two

existing maintenance facilities that Ada County Highway District has in the valley right now. One is, obviously, down on Garden -- at Garden City on Adams. The other one is over at Cloverdale Road and -- what is it -- Emerald and so there is a definite need in this valley for something out in the western portion in the Meridian area with the -- with the rapid growth, to provide adequate services and maintenance for ACHD facilities. As -- so, there is an aerial. You can see the wastewater treatment plant is, obviously, the predominant use. This kind of shows you -- it's turned on its side, so -- so north is to the left. You can see that we kind of did a colored site plan. That was to give the Commission and the staff kind of a better idea of this conceptual plan and I want to emphasize that this is a conceptual plan only for the benefit of this annexation. Obviously, the highway district will hire an architect who will, then, obviously, come in, do the actual design of the structures and this site plan is, obviously, subject to change, but we wanted to give the Commission an idea of what it would look like, so you can see that we kind of have an L storage structure, the administration building, and, then, the parts and shop are kind of along that Ustick corridor. We have two approaches. The highway district will build Naomi, which is a collector roadway to the north. It will terminate eventually. It will go on to the west serving the adjoining property. Right now the adjoining property on the west side is a residence. An elderly woman lives there. The district has talked to her, has talked to her son about the -- the use here. That property cannot develop as residential, it would have to be some type of a compatible light industrial or commercial use also if it were to redevelop in the future. Since that residential use does exist we were required by staff to provide a 25 foot landscaped buffer adjacent to Naomi and adjacent to that property to provide adequate buffering. One of the things that we did with this particular site is everything in here as far as parking is concerned is a pull through to minimize the backup beepers. This site, obviously, will operate, you know, kind of standard hours, starting around 7:00, 7:30 in the morning until 5:30. However, during the winter months the crews do the snow and maintenance of our roadway network. During the snowy season can be called out in the middle of the night to come and get these -- the -- the trucks, the plows, the -- the salt and -- and sand trucks and take them out and do their maintenance purposes. Also as Joe indicated, in the summer months the chip seal crews may be out on the weekends getting things done. One of the things that was brought up to us was your pathway committee indicated that they had retained TO Engineers to design a pedestrian multi-use pathway along Five Mile Creek. So, we did get a CAD file from the city's consultant. We did incorporate it into this site. The staff report indicates that ACHD will construct the ten foot wide multi-use pathway adjacent to Five Mile Creek, but it would only be for their frontage and there was some discussion in there about -- they would also construct the bridge. That is not the case. The bridge is off site. That's part of the city parks department project for making connection to the multi-use pathway that we designed and constructed in McNelis Subdivision and, then, connecting to this multi-use pathway. We would have some type of more -- we talked to the pathway committee about installing some trees and fescue, because we don't want to have like a manicured type five foot buffer adjacent to that multi-use pathway. We would have a chain link. It would be coated and colored, so it doesn't look -- you know, so I guess steel looking like chain link does and, then, for the district's safety of their -- of their equipment and the public safety, that fence would be eight feet and, then, it would have like a barbed wire top. We did provide some picture of some Trex fencing that would be built along the

western edge and, then, would be built along Ustick. We utilized that fencing to buffer the site, but, however, since these -- some of these buildings -- buildings will be under the commercial design guidelines, we don't want -- if the building looks aesthetically great we don't want it, obviously, fenced off and not visible to -- to that Ustick corridor. This -- this, like I said, is the phasing plan. You can see the district's going to kind of take steps as they go along, as their budget allows, to start developing this site. We broke it down into different sections, so they will be storing some materials on the northern boundary in 2021 and, then, you see they -- on 2022 they come in and they established that landscape buffer. They will be -- they are going to widen Ustick. They will put a 300 foot turn lane and, then, build the Naomi collector. Naomi to the south is also a collector. When I did those subdivisions there is an elementary school. So, it is anticipated that that will be a signalized intersection. ACHD will signalize that intersection. There are two approaches to Naomi. They have no direct lot access to Ustick. Those will be gated. We have enough room where we have inset the gates a significant amount, so that a semi truck or a large truck could pull in and they wouldn't block any traffic in Naomi when it finally connects and goes onward to the west. You can see they will have a decant center. They have -- as these different -- these colors change, those represent what they are going to be building, so they will have above ground fuel tanks. We are in a flood way, in a floodplain, so we did locate any of the uses that would conflict with the floodplain or the floodway, they will be required to, obviously, get a floodplain permit from the City of Meridian and meet all the FEMA requirements. So, this -- oops. This kind of shows you what the finished site looks like. One of the things that I wanted to address was the utilities. Right now there is a 12 inch water main in Ustick Road. In meeting with your staff they have indicated that there is adequate water supply to provide fire flow to this site. Right now this is in the North Black Cat sewer trunk shed and that Black Cat sewer is in a subdivision approximately 2,600 feet to the northeast. So, one of the -- the alternatives that we talked to the Public Works Department about -- I did chat with Warren Stewart about was the possibility -- there is sewer right down in Ustick at the intersection -- where is my pointer? There is sewer down in Ustick here, but there is not enough depth to sewer this property. So, one of the options that we have used -- that's the Ten Mile Trunk, so it goes over to the east to Ten Mile and, then, into the plant. One of the alternatives that we have used in other instances where we have encountered this situation -- if, by chance, the highway district phasing accelerates and they need to build that administrative building or build the shop, they need -- obviously, need central sewer and restrooms. We put in what we call a grinder pump with a small wet well. Falls under the plumbing code. And, then, we build a small pressure line and it runs back to the nearest manhole. That would just be an interim alternative way of sewerage back into Meridian, then, when that trunk becomes available, then, we will be able to make connection to it. So, we are going to try to work out some of the details with Warren. Obviously, we don't have any civil engineering plans on the site at this time, since this is conceptual in nature only. This is the existing home that's on the property. Initially when we submitted application they were going to use it as a temporary interim administrative building. That plan has since kind of gone by the wayside. It's difficult to convert single family into commercial use where you have got to meet ADA and bring it up to the commercial codes. So, my understanding is they will be selling the home and it will be moved off of the site. You can see the Ustick corridor currently. It's just two lanes. There

is no curb, gutter, or sidewalk. We will be installing a 35 foot landscape buffer -- or a 25 foot landscape buffer. The buildings will be set back 35 feet north and, then, a detached walk and, then, widening and a turn lane. This is -- this is a view to the west. The property -- the majority of it's in agricultural production. There is a small house -- or the home they are on a small little bit that -- with lawn and trees. This is the eastern boundary, the common boundary with the City of Meridian's property that they intend to put a water tank and a well. So, we feel that -- that this is a compatible use. It's consistent with your Comprehensive Plan. It's a public use. Will benefit the community of Meridian and ACHD is committed, like I said, with an eight year plan to start developing this site as their budget allows. This is the Trex fencing that -- that we talked about using aesthetically and be very pleasing, be compatible with that adjoining residence to the west and we would use it if -- in between buildings to, obviously, secure the site and to create a visual barrier. Here is the -- kind of architectural color coded fencing. They come in different colors, browns, greens. The greens I like better, because they kind of blend in with landscaping. The district is here this evening. I have three representatives, Heather, Lloyd and Jennifer, that if the Commission has any specific questions to ask of them they are here to answer those.

McCarvel: Any questions for staff or the applicant at this time?

Wheeler: Madam Chair?

McCarvel: Commissioner Wheeler.

Wheeler: Thank you for your presentation. I have one question. If we can go back to the slide we were talking about the phasing. If I saw that correctly, it looked like the decel lane off the road is not to happen until -- not scheduled to be phased in until 2024?

McKay: I think the rebuild of Ustick is scheduled for 2024 from Ten Mile to Linder.

Wheeler: Okay.

McKay: So, they would be making those improvements at -- instead of going in and just doing an interim improvement and scabbing onto the existing payment, they would be going in and doing a rebuild in 2024.

Wheeler: Okay. And, then, I'm also looking at the phasing on this. If we go back to phase one it looks like it's just going to be lightly used up to that point.

McKay: Yes.

Wheeler: It's just got a gravel area there that's --

McKay: Quarter -- some three-quarter piles that they may use out in the Meridian area.

Wheeler: Okay. And, then, if we go to phase two -- I'm just trying to make sure -- so, you -- I hope we can kind of put the pieces together. I'm just concerned that all of a sudden you are going to have larger trucks that are going to be blocking up a two way -- two lane country road that doesn't have a decel lane to get out of the way and, then, you are going to have problems with passing or even entering and stuff like that. So, with that being phased in for another three years after the site's developed and ready to use, that's just the -- that's kind of the concern here.

McKay: Madam Chair, Commissioner Wheeler, the -- the district in this phasing has always indicated to me that this is their best guess and so, obviously, when -- when they start utilizing the site where they are going to need a lot -- generate a considerable amount of truck traffic, that's, obviously, going to have to coincide with some improvements out there. I can have Lloyd -- Lloyd, do you want to address that?

Carnegie: Hello. Commission. Lloyd Carnegie. Maintenance manager of ACHD. Do I need to give my address?

McCarvel: Yes.

Carnegie: 3775 Adams Street, Garden City. 83714. So, the phasing strategy is the first couple phases is just kind of development of the site. We won't be basing our operations out of that site at first, because we still have to phase in equipment, manpower, and that will be -- will be housing out of Cloverdale shop until this site's developed enough that we have to start moving our operations to that, which would be once the Ustick Road has been developed and the lane and the intersection.

Wheeler: Okay. Thank you.

Seal: Madam Chair, while -- while he is up there --

McCarvel: Yes, Commissioner Seal. Come on back.

Seal: I was -- I was going to say, it was mentioned 2024. Just right from the ACHD report on this project it says 2026 to 2030 is when that road will be developed.

Carnegie: In the integrated five year plan --

Seal: And I -- and I live in this mess that is Ustick and Black Cat, so --

Carnegie: I believe that we are looking to accelerate it in our integrated five year work plan, which I believe is going to be going before our Commission, so our hopes is to get that accelerated, so that it would be designed in '22, with right of way in '23 and construction in '24.

Seal: Okay. Thank you. And I have -- share the similar -- and, again, I live right in this area, so I -- my son takes the bus on here. He doesn't actually go to Ponderosa, but I

can tell you that it is -- it's -- it's a mess. I mean -- but when you get buses and trucks and everything else in there it's -- it becomes kind of a nightmare. So, just a question for staff is is there -- can we condition it in any shape -- way, shape, or form that --

Dodson: Madam Chair?

Seal: Because I'm concerned we have -- you know, we have heavy trucks that are going to be competing with buses and everything and -- I mean the section that you are building in Naomi is actually wider than Ustick is right now, so that's -- to me that's a huge concern.

Dodson: Madam Chair, Members of the Commission, Commissioner Seal, that -- you can recommend an additional condition or DA provision that limits -- I would say their -- I guess their initial build out when they can start utilizing the site. I will say that within the DA provisions already I do have that they will construct the multi-use pathway segment on the north, the detached sidewalks along Ustick and Naomi, the five foot micro path on the west side and the landscape buffers with the first phase. So, there is the expectation and a requirement for them to construction those improvements and buffering with the first phase. But I did not say that they couldn't do the gravel and paved open storage until the road was widened. So, if you -- Commission can recommend that, obviously, the applicant could, can, then ask Council to remove it or they may keep it, but Commission has the power to recommend an additional provision, yes.

Seal: Okay. Thank you.

McCarvel: I guess if that's the direction we are going do you want to have a little more conversation about phasing and how -- the traffic in the initial phase?

Seal: Yeah. Absolutely. I mean at what phase do you see large trucks coming in and operating in that area? I mean as far as -- and -- and -- yeah. And, again, the concern is just the competition of traffic there. It's already really crazy. I mean it's -- it's just the -- the road is a parking lot at certain times of the day. Most roads in our area are, but more -- you know, more so in this -- this particular area and with you sharing that, you know, the arterial street Naomi with -- you know, across the street, getting that signalized and getting that improved would definitely be something that I would want to see before any -- before we have competing traffic, especially with heavy trucks.

Carnegie: We take that account. Definitely. We wouldn't want our trucks having to try to get onto Ustick without that signalized intersection, because it would just be very difficult and unsafe. I believe our initial plan, if all goes well, is phase four is when we would start basing some operations out there, once we actually have the drainage shed, our broom shed where equipment actually can be stored, materials could be stored and that's also in line with when Ustick hopefully will be widened in that intersection.

Seal: Okay. Thank you. Appreciate that.

McCarvel: Okay.

Carnegie: Is that --

Seal: We want to make sure you get your steps in tonight, so --

McCarvel: Any other questions for staff?

Grove: Madam Chair, I don't know who would answer this, but was there consideration on using that Trex fencing along the northern boundary adjacent to the pathway?

Dodson: Commissioner Grove -- or Becky.

McKay: Madam Chair, Becky McKay. We have to have non-sight obscuring fencing next to the pathway for safety purposes, so we have visibility on the multi-use pathway. So, that's why they didn't want it.

McCarvel: Commissioner Wheeler?

Wheeler: Thank you, Madam Chair. Another question here for staff. On the decel lane does it always have to be paved? Is that something that's a requirement on that?

Dodson: That might be more of a question for ACHD, sir, but --

Wheeler: Okay. I was curious what you might see.

Dodson: In general we -- it has to be able to hold -- usually a fire truck is what it's always rated, so we would want it paved, yes. It's not something we would say, yeah, we are going to throw gravel on the shoulder and watch the trucks tip over. It might be fun to watch, but not very fun to clean up.

Wheeler: Well, obviously, that's not what I'm wanting, but it's about to that level, so --

Dodson: Yes, sir. No, it should be paved, yes. And graded correctly.

Wheeler: Okay. And, then, how -- I have a question for the applicant here. How high is that Trex fencing or the paneling going to be that's on the south side of the property?

McKay: Madam Chair, Commissioner Wheeler, it's eight feet.

Wheeler: Okay.

McKay: That's -- that's the -- the tallest fence you can have in an industrial zone.

Wheeler: Okay. Thank you.

McCarvel: Okay. I do have a question for you, Becky. I'm almost sure of the answer, but I just want to double check. You said there -- this is -- it could be revised after you

get the architects going, but the plan, obviously, would still be to have the buildings up by Ustick and the usage -- the storage usage in the back, obviously.

McKay: Yes. Madam Chair, we spent -- I spent multiple -- multiple months with the district going back and forth touring their -- their existing sites and, then, giving them my recommendations based on the fact that -- that the city likes to have those buildings oriented up toward this -- towards the arterials, so -- so, I don't -- I don't see that changing. They bought off on that as, yes, that makes sense to us. We want to have a -- our administrative building look good. We want the Ustick corridor to -- to be attractive, so, yeah, they bought into that. So, I don't -- I don't see that changing. It would just kind of be -- you know, the internal things might shift a little bit. But this -- this represented all of the uses they intend for the site.

McCarvel: Thanks. I just wanted to clear that on the record. Thanks.

Dodson: Madam Chair?

McCarvel: Yeah. Joe.

Dodson: Just to clarify that even further, the -- I did require in the DA that the -- because it's an I-L zone, have to go through design review for any non-residential uses; right? I required that they have the -- meet the commercial standards, rather than the industrial, which will help with that on Ustick, which the applicant -- they are fine with that.

McCarvel: Okay.

Seal: Madam Chair?

McCarvel: Yeah. Commissioner Seal.

Seal: Quick question for staff. The -- the pathway they are constructing, it does need a bridge. Is there an indication from parks when that bridge will be put in. Are they going to do it at the same time or will that be coordinated?

Dodson: Commissioner Seal, Members of the Commission, I have not been told their timing on that, but my -- my assumption is that because we will have this little segment missing that they will want to do that as quickly as possible, because it will create a nice loop from Ustick all the way around the property through the McNelis Subdivision to get up to Ten Mile. So, my assumption is that they will want to do that as soon as possible, as soon as this segment is in. But I have not been told specifics, no.

Seal: Okay. Thank you.

McKay: And, Madam Chair, Commissioner Seal, when -- when the district installs Naomi with the detached sidewalks here -- so, we will have detached walks along Ustick, detached walks along Naomi, then, I also included in our 25 foot buffer a five foot path --

micro path that runs down and connects to that ten foot multi-use pathway. So, we will, obviously -- when that is signalized, then, people south of Ustick can get safely to the multi-use pathway via the signalized intersection.

McCarvel: Okay. Thank you. Any other questions for staff or the applicant? Okay. Madam Clerk, do we have anybody signed in to testify on this application?

Weatherly: Madam Chair, we do not.

McCarvel: That being said, is there anybody who does wish to testify, please, raise your hand. With that, does the applicant have any further comment? Okay. Can I get a motion to close the public hearing on H-2021-0029?

Seal: So moved.

Lorcher: Second.

McCarvel: It has been moved and seconded to closed the public hearing on H-2021-0029. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I will start out. I have already thrown my concerns out there. I do think we should provision this somehow to make sure that we are not getting truck traffic before the road is widened. It sounds like they want to accelerate that schedule, which I am more than happy to hear reported here, because it definitely means that -- that that region is -- that area road is -- is tough. So, I think we should probably provision something in there to make sure that -- make sure that the phase four coincides with the road widening. I am extremely happy that they are doing what they are doing with the pathways there. As somebody that rides that path three times a week, as I go to work and back, can tell you that that is an amazing addition, especially when that gets signalized, because there is no safe way to cross Ustick there. You have a -- it's a beautiful path that dead ends on one of the unsafest stretches of road imaginable. I'm less concerned about the noise and operation of it. I think enough people will understand -- and even if there is a little bit generated there, I think enough people -- myself included -- will understand, you know, what having that presence there means, you know, when we get inclement weather or snow -- we have another Snowmageddon, our road is going to be taken care of first. So, that's a very nice thing, considering that we were kind of in one of those little squeeze alleys where I don't think anybody liked to drive that road, so very good to know that that's -- that's there and, you know, the maintenance is going to be there and the growth of the city is going to be -- you know, help with services like this that are going to be readily available within -- within the areas that are having explosive growth right now. That is

about all I have. Like said, I'm -- I'm happy to see this come in, so my only -- only hesitation on it is just needing the road to be widened before we really get some heavy truck traffic in there.

McCarvel: I would -- I would tend to agree with that and I do want to mention -- I do appreciate the comment on the thought that went into making this more of a pull through, so you don't have the backing up. As much beeping. So, yeah, I think it's a great use for the space in this area and a nice transition with the office areas at the front. Any other thoughts? Commissioner Grove.

Grove: I don't see any issues with how it's been presented and the discussion that we have had so far. I think having that -- getting the landscaping there and kind of making, you know, something like this looks nice from the street as much as possible is great, but this is a good use of that space, especially if -- if you have toured the -- the wastewater treatment plant you don't want to be downwind of that too much, so I applaud you for taking that on. But this is a good use of that space.

Wheeler: Madam Chair?

McCarvel: Commissioner Wheeler.

Wheeler: Yes, I think this is a great use of this space here. I like the way that it all has the drive aisles moving forward, keeping things moving in a good direction and it does help out -- one of our Commissioners commutes here with this road there, so -- no, just kidding with that. But I do like the fact that there is not a lot of the backup and I like the way that it's phased, too. But, still, there is going to have to -- the way that I'm kind of seeing this even on the phasing side is there is still going to be larger vehicles that are going to have to come by that's going to -- that are going to have to, you know, grade, excavate, move, pave, things of this nature still on a two lane road and I just think it's good to get them off of the main flow before, you know, something happens and I know that they can, you know, patch up the street if they need to or make it -- you know, seam it into the next extension on it, but that would be some sort of discussion or talk about how to have a decel lane there, either before, you know, operations open or during even the -- some of the more major construction side of things and I don't know exactly how to phase -- or phrase that in a motion on this of what we have the parameters to do. Staff, do you have any input on that or --

Dodson: I'm thinking. I might be able to give you something. One thing Commissioners could use is you can just recommend that we work with the applicant on some verbiage, as well as, you know, applicable to the city as what we can and can't enforce. That's really the key point there is we are able to condition something, but how do we really enforce it when it comes to the improvements. They -- we don't do grading permits here, so for them to grade the site and move dirt around and start that, they are -- they can do that. There is nothing to stop them. Which, obviously, you get a grader out there, you are already going to have a truck -- going to have a big truck out there. So, I understand your concern. My point is just that it would have to be associated with something that

triggers a permit where, then, we can look at it, which I already have some discussion of that in my staff report within the provisions for when they have to do the first certificate of zoning compliance, which would be first site improvements, quote, unquote, which would be paving, that's an improvement. Anytime they are going to pave the site is going to trigger a certificate of zoning compliance, which, then, now the city has the ability to condition things or check that previous conditions have been met. So, the verbiage could -- could be worked out. I would say -- I would ask that you just leave it a little open for staff to have our ability to work with the applicant, as well as other staff to figure that out.

Wheeler: Sure. Okay.

McCarvel: Commissioner Lorcher?

Lorcher: I live in that area as well, Madam Chair, and we -- we actually have property at Ustick and McDermott. There is hundreds of large trucks going by Ustick every day between Owyhee High School, all the subdivisions that are going out on McDermott and McMillan, and ACHD is putting a traffic light in at Black Cat and Ustick. They are getting ready to put turn lanes in at Ustick and McDermott for anticipation of traffic for the high school. So, the fact that there are already big trucks enjoying their Jake brakes all day long up and down Ustick and those of us who work and live over there are very used to that and you just -- it's just a work around, you know, for Commissioner Seal and his family, you just kind of figure it out. I don't have a problem with the phasing in of the trucks. ACHD is not going to bring their traffic in until they are ready to do so. But to -- to expect that there is no big truck traffic on Ustick right now is -- it's there. It's already here and -- and it's -- and, then, I -- and, then, 2022 is when ITD is going to be starting Highway 16, so there will be more. So, this is just going to be part of this part of the community for the next eight years really. So, they know the roads better than anyone and how to move their equipment around and I -- I have no problem with how this is being presented, without any modifications. But I will support whatever you feel that you want to do.

Wheeler: Okay. Thank you.

McCarvel: Commissioner Seal.

Seal: There has been several times that we have had people submit applications and we have had to say if only the roads were better. So, now that we have ACHD submitting an application, I want to make sure that the roads are better before this goes in, because they are the deciding body on this. So, that's -- personally that's why I would like to provision something in there to make sure that their phase four hinges on the widening of Ustick Road. That's -- that's my personal opinion on it. So, I'm -- you know, I'm having to wear two hats today. As a commissioner -- you know, I mean I'm looking at this, I'm excited about it, there is a lot of things that are that are great about it. I also share the concerns about traffic, but living in the area I also have to wear that hat, too, having kids running around in the area, I have to wear that hat, too. So, there is a lot of really good things about it, but I just definitely want to make sure that the -- you know, the phase four

construction of this. I don't want to slow it down. I just want to make sure that the road's improvement piece of this hinges on their -- the phase -- phase four completion hinges on the widening of Ustick Road.

McCarvel: Yeah. I think you make the recommendation on the phase four. I think the -- the turnout -- I don't know. The decel lane, you know, while they are doing those first couple of phases I don't think it's going to be utilized -- the facility is not going to be utilized until they get to phase four. I mean in it's --

Seal: Absolutely.

McCarvel: -- work capacity, so --

Seal: And Commissioner Lorcher is right, I mean there -- there is -- there is trucks that -- I mean there is no getting away from construction any -- anywhere that we go, so I just -- again, we have the deciding body that can widen that road -- committing to widening the road. So, I just want to make sure that we -- we do that.

McCarvel: Yeah. Because how much are you still widening in --

Seal: Let's take that opportunity. Yeah. Because we have this discussion at every meeting, the traffic or the roads, so --

Wheeler: Madam Chair?

McCarvel: Commissioner Wheeler.

Wheeler: Commissioner Seal, what do you think about something along the lines of not just conditional on phase four, because sometimes those parts that go into it can change, because this is just a comp, right, and just kind of a target area. Maybe before operations start there or maybe it's being used or C of O -- I mean I don't know how you -- what -- what would be the trigger on this, but, you know, something like what staff was saying, something that could -- where they would also be able to work with the applicant and be able to have some latitude, too. Maybe buy a permit -- a certain permit or something.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: Question more for Joe, you know, just in -- and you are right, this is a proposed plan that we have here, so I mean -- and that's what I was looking at is, basically, the proposed phase four completion is how I had it written, but what is the trigger for phase four that we would recognize that -- that when that comes to the city staff that this is phase four, this is when the road needs to be widened, is it widened, is it not. And I -- I struggle with that wording for a motion myself.

Dodson: Understood. Yes, sir. Commissioner Seal, Commissioners, they are going to trigger a CZC before phase four anyways because of the landscaping. At that point we would -- we could verify whether or not they have widened the road, but if you -- we will -- staff, as well as the city, we want the landscaping to be installed as close to the front of this as possible, so that the vegetation is at least close to maturity and growing by the time the actual use of the site gets done. I don't necessarily want to delay that, but I see your points. I do. You could add a condition in there that says, you know, they can't get their first CZC until the road has widened, but, again, that slows all of it down. So, I don't know if you necessarily want to do that. But my understanding is that they really won't be utilizing much of the site until 2024 because of the signal already, so I don't know if we are allowed to do actual timing, but, again, timing changes, so I don't know if putting a year on it is probably not a good idea. You could just say per the phasing they are not allowed to obtain a CZC for any building until the road is widened, because the phasing is showing that with the right turn lane they will also have additional buildings, which will require and be part of the CZC.

Seal: Is there something that triggers when that phase is complete or is it basically there is something in there that says, yes, you can start, but there is nothing in there that really says it's complete?

Dodson: The completeness part would be they are going to have to pull some kind of building permits for these.

Seal: Okay.

Dodson: So, whenever -- it won't be CO, because none of them have occupancy. They are just storage things. But there will be building permits and with -- to which we have to sign off.

Seal: Okay. And I think that's -- I don't want to delay anything, but I definitely want to hinge this on there, you know, somehow and I mean everybody is here, I think everybody -- I don't want to belabor the point, but I just want to make sure that we get the right verbiage in there. So, I think what I would propose is on their proposed phase four completion, that, you know, to include every -- the agency's heavy truck traffic will be dependent on widening the Ustick Road and signalizing. I mean I think that's probably enough to -- I think everybody will understand the intent.

Dodson: I think so. I think that's safe. I think that's what -- frankly, I think that's what ACHD is planning on doing anyways, so -- understood.

Seal: Okay. Thank you.

McCarvel: Commissioner Seal.

Seal: Okay. Madam Chair, after considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of file number H-2021-0029 as

presented in the staff report for the hearing date of June 17th, 2021, with the following modifications: That the proposed -- proposed phase four completion to allow the agency's heavy truck traffic will be dependent upon widening Ustick Road and signaling Naomi Avenue.

Wheeler: Second.

McCarvel: It has been moved and seconded to recommend approval for H-2021-0029 with modifications. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED FIVE AYES. TWO ABSENT.

McCarvel: One more motion, please.

Wheeler: I move we adjourn.

Seal: Second.

McCarvel: It has been moved and seconded to adjourn the June 17th meeting Planning and Zoning Meeting. All those in favor say aye.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

MEETING ADJOURNED AT 7:44 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

RHONDA MCCARVEL - CHAIRMAN

_____|_____|_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK



AGENDA ITEM

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

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



In the Matter of the Request for Conditional Use Permit for a drive-through establishment within 300-feet of an existing drive-through on 1.0 acres of land in the C-G zoning district for Popeyes Drive-Through, Located at 6343 N. Linder Road, by JRW Construction, LLC.

Case No(s). H-2021-0030

For the Planning & Zoning Commission Hearing Date of: June 17, 2021 (Findings on July 1, 2021)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of June 17, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of June 17, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of June 17, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of June 17, 2021, incorporated by reference)

B. Conclusions of Law

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

CITY OF MERIDIAN FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION & ORDER
CASE NO(S). H-2021-0030 – Popeyes Drive-Through CUP

7. That this approval is subject to the conditions of approval in the attached staff report for the hearing date of June 17, 2021, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

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

1. The applicant's request for Conditional Use Permit is hereby approved in accord with the conditions of approval in the staff report for the hearing date of June 17, 2021, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Two (2) Year Conditional Use Permit Duration

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

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

E. Notice of Final Action and Right to Regulatory Takings Analysis

1. **Please take notice** that this is a final action of the governing body of the City of Meridian. When applicable and pursuant to Idaho Code § 67-6521, any affected person being a person who has an interest in real property which may be adversely affected by the final action of the governing board may within twenty-eight (28) days after the date of this decision and order seek a judicial review as provided by Chapter 52, Title 67, Idaho Code.

F. Attached: Staff report for the hearing date of June 17, 2021

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

COMMISSIONER RHONDA MCCARVEL, CHAIRMAN VOTED _____

COMMISSIONER ANDREW SEAL, VICE CHAIRMAN VOTED _____

COMMISSIONER NATE WHEELER VOTED _____

COMMISSIONER STEVEN YEARSLEY VOTED _____

COMMISSIONER WILLIAM CASSINELLI VOTED _____

COMMISSIONER NICK GROVE VOTED _____

COMMISSIONER MARIA LORCHER VOTED _____

Rhonda McCarvel, Chairman

Attest:

Chris Johnson, City Clerk

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

By: _____ Dated: _____
City Clerk's Office



STAFF REPORT

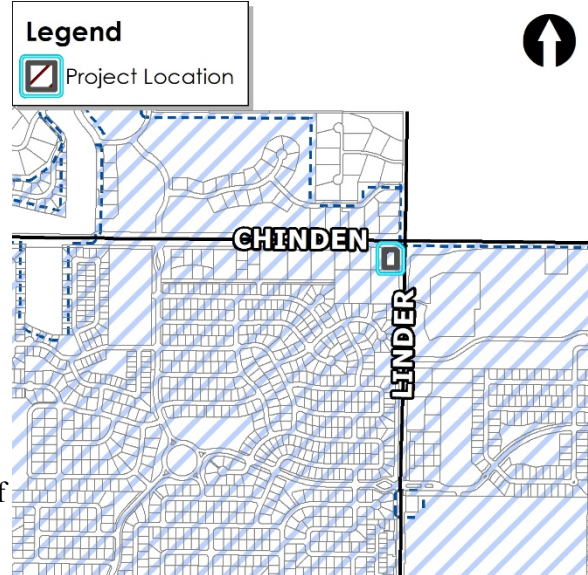
COMMUNITY DEVELOPMENT DEPARTMENT

HEARING DATE: ~~6/3/2021~~ 6/17/2021

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

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

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



I. PROJECT DESCRIPTION

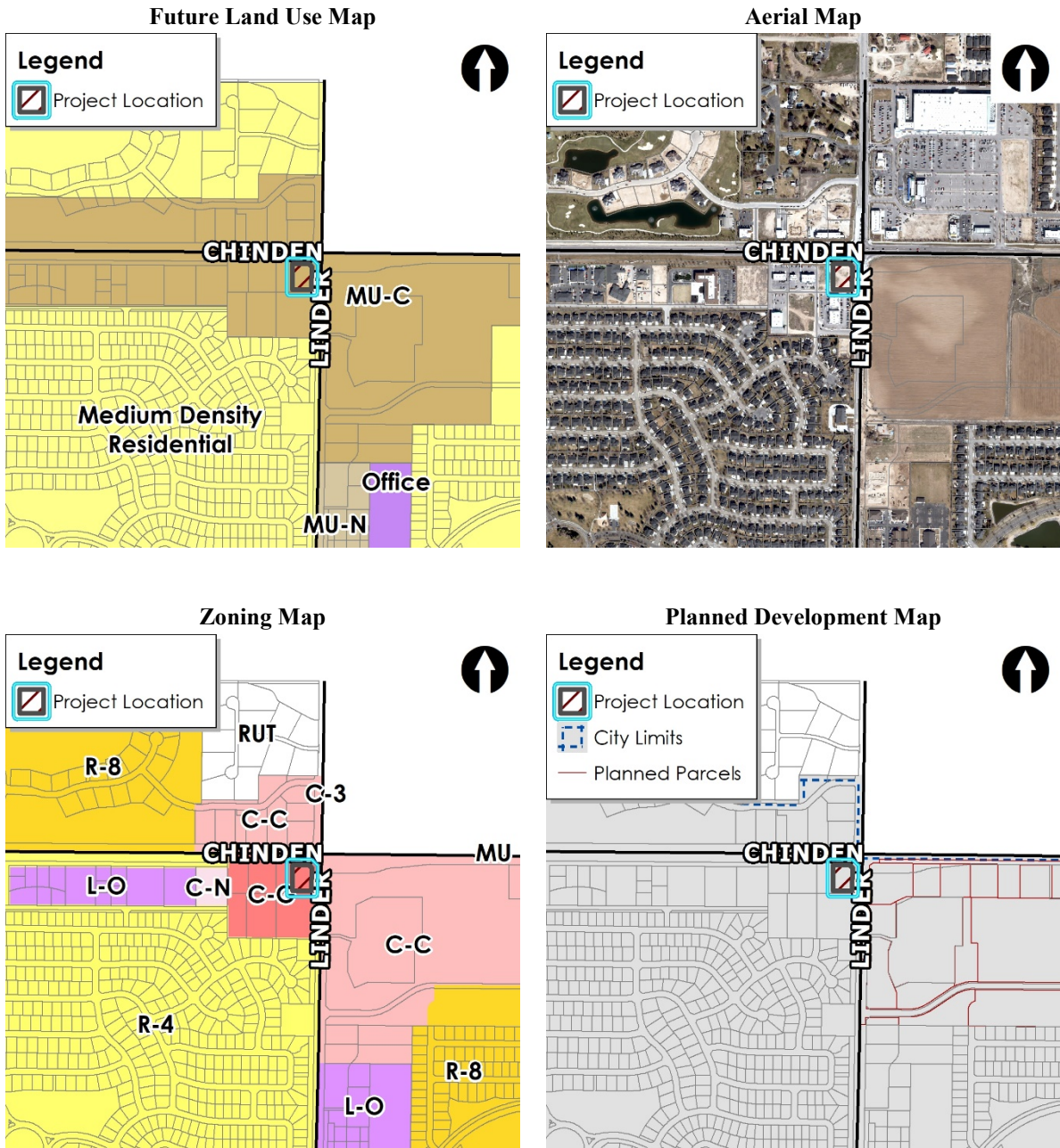
Conditional Use Permit for a drive-through establishment within 300-feet of an existing drive-through on 1.0 acres of land in the C-G zoning district with concurrent Administrative Design Review for the proposed building elevations.

II. SUMMARY OF REPORT

A. Project Summary

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

A. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Same as Owner

B. Owner:

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

C. Representative:
Same as Owner

IV. NOTICING

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

V. STAFF ANALYSIS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

proposed.

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

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

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

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

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

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

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

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

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

VI. DECISION

A. Staff:

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

B. The Meridian Planning & Zoning Commission heard this item on June 17, 2021. At the public hearing, the Commission moved to approve the subject Conditional Use Permit request.

1. Summary of the Commission public hearing:

- a. In favor: Erik Wylie, Applicant
- b. In opposition: None
- c. Commenting: Erik Wylie.
- d. Written testimony: None
- e. Staff presenting application: Joseph Dodson, Associate Planner.
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. None

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

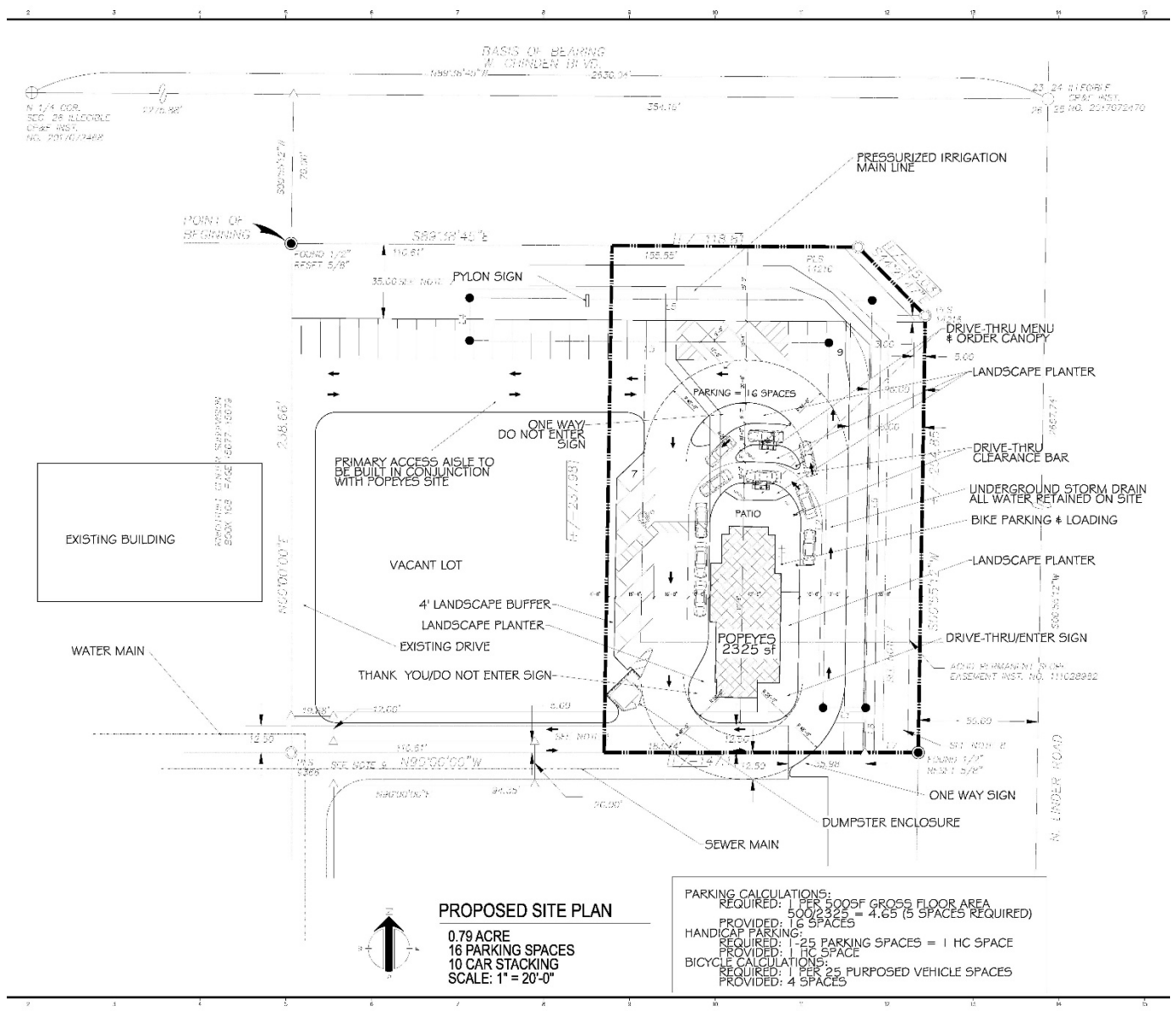
- a. None

4. Commission change(s) to Staff recommendation:

- a. Agreement with Staff's memorandum and recommended changes based on revised site plan (see revised conditions in Section VIII below).

VII. EXHIBITS

A. Proposed Revised Site Plan (dated: 4/15/2021 6/07/2021) NOT APPROVED



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

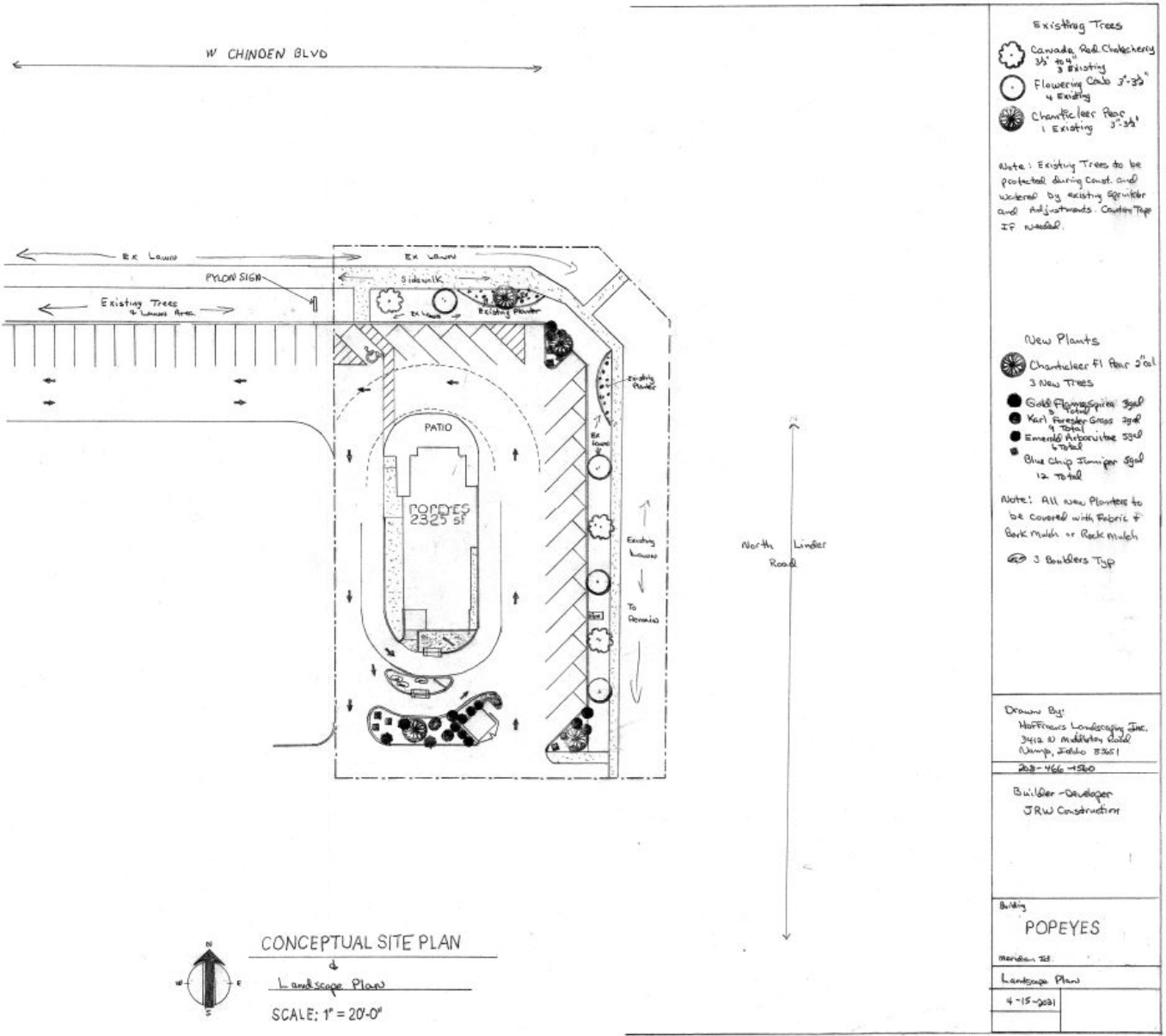


EXHIBIT A

C. Proposed Building Elevations and Color Rendering

DRIVE THRU SPECIFICATIONS

1. DRIVE THRU LANE WIDTH: 12'-0" MINIMUM
2. DRIVE THRU LANE CLEARANCE: 14'-0" MINIMUM
3. DRIVE THRU LANE CURB: 18" MAXIMUM
4. DRIVE THRU LANE PAVEMENT: 4" MINIMUM
5. DRIVE THRU LANE LIGHTING: 15' SPACING
6. DRIVE THRU LANE SIGNAGE: 12' MINIMUM
7. DRIVE THRU LANE FENCING: 42" MAXIMUM
8. DRIVE THRU LANE BARRIERS: 42" MAXIMUM
9. DRIVE THRU LANE GRASS: 12" MAXIMUM
10. DRIVE THRU LANE TREES: 12" MAXIMUM
11. DRIVE THRU LANE LANDSCAPE: 12" MAXIMUM
12. DRIVE THRU LANE UTILITIES: 12" MAXIMUM
13. DRIVE THRU LANE EROSION CONTROL: 12" MAXIMUM
14. DRIVE THRU LANE SECURITY: 12" MAXIMUM
15. DRIVE THRU LANE SAFETY: 12" MAXIMUM
16. DRIVE THRU LANE ACCESSIBILITY: 12" MAXIMUM
17. DRIVE THRU LANE SUSTAINABILITY: 12" MAXIMUM
18. DRIVE THRU LANE AESTHETICS: 12" MAXIMUM
19. DRIVE THRU LANE FUNCTIONALITY: 12" MAXIMUM
20. DRIVE THRU LANE FLEXIBILITY: 12" MAXIMUM
21. DRIVE THRU LANE DURABILITY: 12" MAXIMUM
22. DRIVE THRU LANE MAINTENANCE: 12" MAXIMUM
23. DRIVE THRU LANE OPERATIONALITY: 12" MAXIMUM
24. DRIVE THRU LANE COMPLIANCE: 12" MAXIMUM
25. DRIVE THRU LANE INNOVATION: 12" MAXIMUM
26. DRIVE THRU LANE EFFICIENCY: 12" MAXIMUM
27. DRIVE THRU LANE EFFECTIVENESS: 12" MAXIMUM
28. DRIVE THRU LANE RELIABILITY: 12" MAXIMUM
29. DRIVE THRU LANE SAFETY: 12" MAXIMUM
30. DRIVE THRU LANE SECURITY: 12" MAXIMUM

Specifications:

1. GENERAL: SEE ARCHITECTURAL SPECIFICATIONS FOR GENERAL NOTES AND CONDITIONS.
2. MATERIALS: ALL MATERIALS SHALL BE OF THE HIGHEST QUALITY AND SHALL BE SUBJECT TO APPROVAL BY THE ARCHITECT.
3. FINISHES: ALL FINISHES SHALL BE AS SHOWN ON THE DRAWINGS AND SHALL BE SUBJECT TO APPROVAL BY THE ARCHITECT.
4. PAINTS: ALL PAINTS SHALL BE OF THE HIGHEST QUALITY AND SHALL BE SUBJECT TO APPROVAL BY THE ARCHITECT.
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Jeffrey Parker architects

POPEYES

Exterior Elevations

A3.1

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Refer to Master Finish Schedule for Sign Manufacturers and Specifications

Refer to Master Finish Schedule for Shutter Manufacturers

Refer to Master Finish Schedule for Exterior Finishes

Refer to Master Light Fixture Schedule for Exterior Light Fixture Specifications

Item	Description	Quantity	Unit	Notes
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Jeffrey Parker architects

POPEYES

Exterior Elevations

A3.0



VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING

1. Future development of this site shall comply with the existing Development Agreement ([DA Inst. #114014784](#)), and associated conditions of approval (AZ-06-006; PP-13-031; FP-14-020; MDA-13-019).
2. The Conditional Use Permit for the proposed Drive-Through Establishment is hereby approved with the following conditions of approval:
 - a. ~~No more than one (1) menu board/order speaker shall be permitted;~~
 - b. The site shall be redesigned per the specific revisions noted below in VIII.A3 and A4 below.
 - c. The west drive-aisle shall be no less than ~~20~~ 15 feet in width (not including the drive-through lane) and the east drive aisle shall be no less than 12 feet in width.
 - d. The parking spaces along the north boundary shall be ~~restricted to~~ shown as employee parking only on the revised site plan.
 - e. Additional signage is required throughout the site to efficiently and adequately direct patrons to the menu boards and throughout the site with minimal conflict.
 - f. The proposed off-site east-west drive aisle along Chinden Blvd. shown on the adjacent property (Parcel #R4995350100) shall be constructed prior to receiving Certificate of Occupancy, as proposed;
 - g. Prior to receiving Certificate of Occupancy on the proposed building, a Property Boundary Adjustment shall be obtained by the Applicant to reflect the new location of the west property line, as shown on the submitted plans.
3. The site plan submitted with the future Certificate of Zoning Compliance application shall be revised as follows:
 - a. ~~Depict the pick up window on the west side of the building and the menu board/order speaker along the north/northeast side of the building;~~
 - b. ~~Depict the north facing angled parking to be on the west side of the site instead of the east side of the site and angle them southbound;~~
 - c. ~~Shift the proposed building to the east and to the south to allow for better utilization of the site along the north drive aisle with the option to incorporate more landscaping for screening;~~
 - d. ~~Designate the parking along the north boundary of the site as employee only parking and move the handicap space to the new parking along the west boundary to place it closer to the building entrance;~~
 - e. ~~Depict pedestrian facilities along the south boundary of the site to match what is on the south side of this shared drive aisle; depict these pedestrian walkways and their connections clearly on revised site plans;~~
 - f. Per UDC 11-3A-19B.4b, depict pedestrian walkways across driving surfaces to be constructed with bricks, pavers, and/or colored or scored concrete to clearly delineate the driving surface from the pedestrian walkway.

4. The landscape plan submitted with the future Certificate of Zoning Compliance application shall be revised as follows:
 - a. Show compliance with UDC 11-3B-8C by constructing the required 5 feet of perimeter landscaping along the west boundary adjacent to the revised angled parking location; this shall be constructed with this application regardless of the property line location because there is common ownership between the two properties.
5. The elevations submitted with the Administrative Design Review (DES) application are approved with the following revisions:
 - a. Ensure the east and west elevations have qualifying modulation per standard 3.1A & 3.1B in the *Architectural Standards Manual*. It is unclear based on the site plan whether the portions of the wall with the brick façade have the qualifying modulation. Any revisions to the elevations are required with the submittal of the certificate of zoning compliance application.
6. Submit elevations of the trash enclosure that generally matches the proposed building design.
7. Comply with the standards listed in UDC [11-4-3-11](#) – Drive-Through Establishment is required.
8. Comply with the standards listed in UDC [11-4-3-49](#) – Restaurant.
9. A Certificate of Zoning Compliance application shall be submitted and approved for the proposed use prior to submittal of a building permit application.
10. The conditional use permit is valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the Applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground as set forth in UDC [11-5B-6](#). A time extension may be requested as set forth in UDC 11-5B-6F.

B. PUBLIC WORKS

1. There are no utilities shown with the plans submitted. Any changes to public water or sewer infrastructure must be reviewed by Public Works prior to approval.

C. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

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

D. CENTRAL DISTRICT HEALTH (CDH)

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

IX. FINDINGS

Conditional Use (UDC 11-5B-6)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



AGENDA ITEM

ITEM TOPIC: Findings of Fact, Conclusions of Law for Topgolf (H-2021-0033) by Arco/Murray, Located at 948 S. Silverstone Way

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



In the Matter of the Request for Conditional Use Permit for an Outdoor Entertainment/Recreation Facility with a Non-Permanent Outdoor Stage/Music Venue on 11.56-Acres of Land in a C-G Zoning District to Include Extended Hours of Operation from 8:00 am to 2:00 am, Seven Days a Week, Abutting a Residential Zoning District, by Arco/Murray.

Case No(s). H-2021-0033

For the Planning & Zoning Commission Hearing Date of: June 17, 2021 (Findings on July 1, 2021)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of June 17, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of June 17, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of June 17, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of June 17, 2021, incorporated by reference)

B. Conclusions of Law

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

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

7. That this approval is subject to the conditions of approval in the attached staff report for the hearing date of June 17, 2021, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

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

1. The applicant's request for conditional use permit is hereby approved in accord with the conditions of approval in the staff report for the hearing date of June 17, 2021, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Two (2) Year Conditional Use Permit Duration

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

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

E. Notice of Final Action and Right to Regulatory Takings Analysis

1. **Please take notice** that this is a final action of the governing body of the City of Meridian. When applicable and pursuant to Idaho Code § 67-6521, any affected person being a person who has an interest in real property which may be adversely affected by the final action of the governing board may within twenty-eight (28) days after the date of this decision and order seek a judicial review as provided by Chapter 52, Title 67, Idaho Code.

F. Attached: Staff report for the hearing date of June 17, 2021

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

COMMISSIONER RHONDA MCCARVEL, CHAIRMAN VOTED _____

COMMISSIONER ANDREW SEAL, VICE CHAIRMAN VOTED _____

COMMISSIONER NATE WHEELER VOTED _____

COMMISSIONER STEVEN YEARSLEY VOTED _____

COMMISSIONER WILLIAM CASSINELLI VOTED _____

COMMISSIONER NICK GROVE VOTED _____

COMMISSIONER MARIA LORCHER VOTED _____

Rhonda McCarvel, Chairman

Attest:

Chris Johnson, City Clerk

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

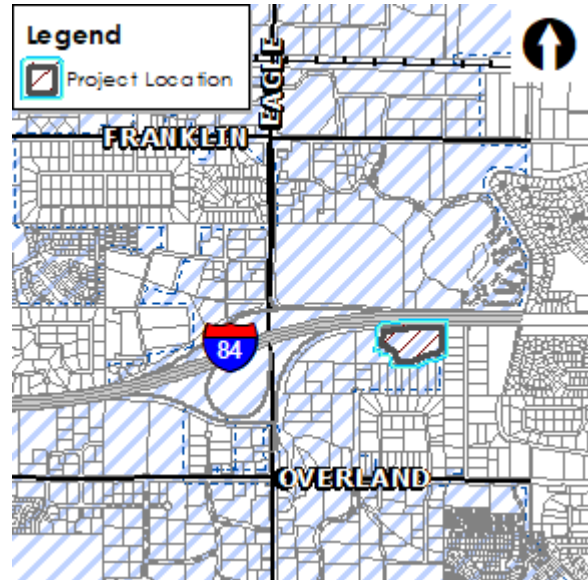
By: _____ Dated: _____
City Clerk's Office

EXHIBIT A

STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: June 17, 2021
 DATE: Continued from: 6/3/2021
 TO: Planning & Zoning Commission
 FROM: Sonya Allen, Associate Planner
 208-884-5533
 Bruce Freckleton, Development Services Manager
 208-887-2211
 SUBJECT: H-2021-0033
 Topgolf
 LOCATION: 948 S. Silverstone Way
 SW ¼ of Section 16, T. 3N., R.1E.



I. PROJECT DESCRIPTION

Conditional use permit for an outdoor entertainment/recreation facility with a non-permanent outdoor stage/music venue on 11.56-acres of land in a C-G zoning district to include extended hours of operation from 8:00 am to 2:00 am, seven days a week, abutting a residential zoning district.

II. SUMMARY OF REPORT

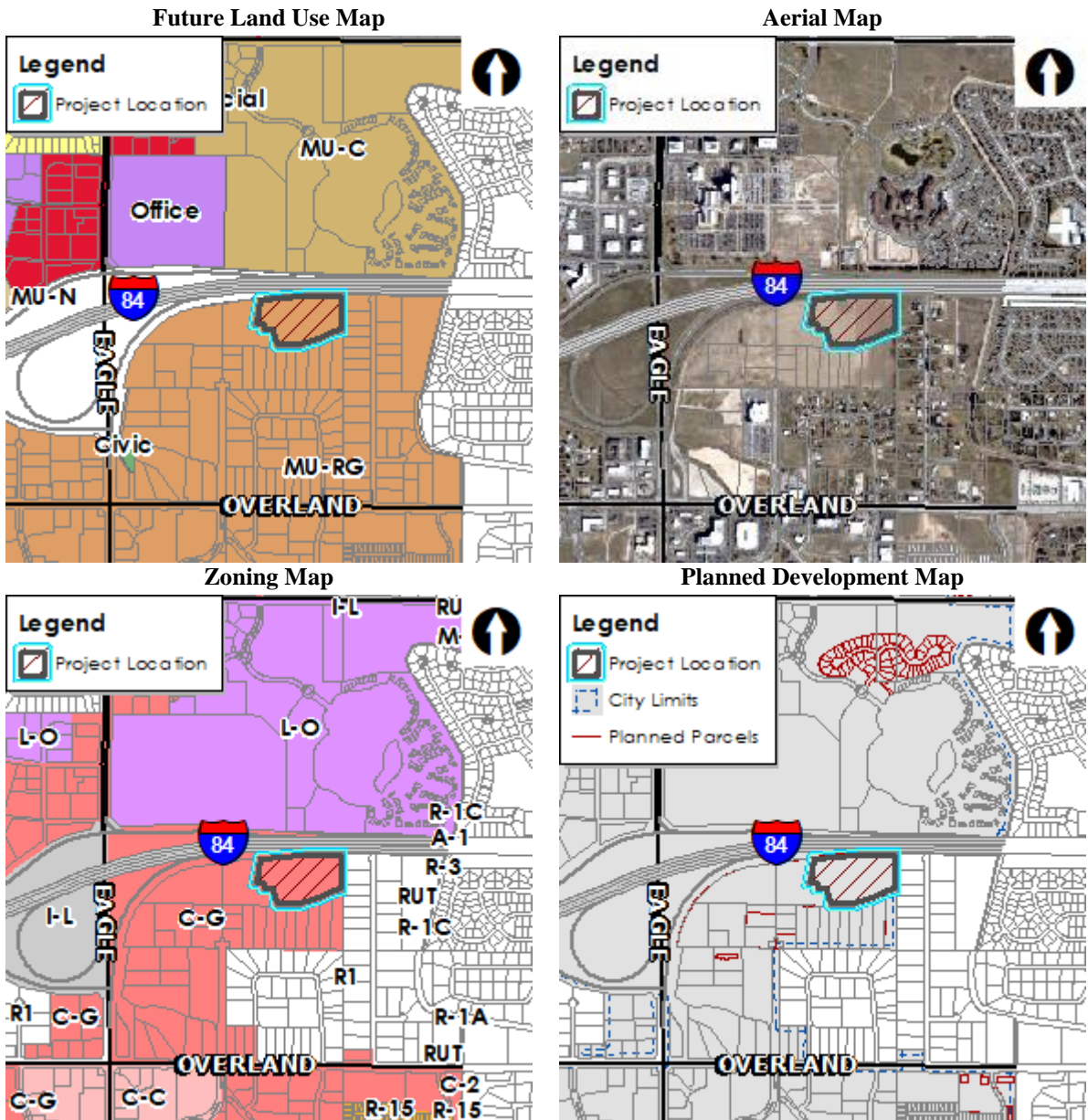
A. Project Summary

Description	Details	Page
Acreage	11.56-acres	
Future Land Use Designation	Mixed Use – Regional (MU-R)	
Existing Land Use(s)	Vacant/undeveloped land	
Proposed Land Use(s)	Outdoor entertainment/recreation facility	
Neighborhood meeting date; # of attendees:	March 30, 2021; one (1) attendee (neighbor)	
History (previous approvals)	H-2018-0126 (PP); H-2019-0005 (MDA Inst. #2019-0037825); H-2019-0081 (MDA Inst. #2019-088365); H-2019-0128 (FP) – Rackham Subdivision (recorded)	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> Staff report (yes/no) 	Yes - letter stating no improvements are required to adjacent streets; a traffic impact fee is required to be paid.	
<ul style="list-style-type: none"> Requires ACHD Commission Action (yes/no) 	No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	E. Overland Rd./Silverstone Way (existing)	
Existing Road Network	Yes	

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Paul Straits, Arco/Murray – 113 N. May St., Chicago, IL 60607

B. Owner:

Tonn Peterson, BVA Development, LLC – 2775 W. Navigator Dr., Ste. 220, Meridian, ID 83642

C. Representative:

Tanner Micheli, Topgolf International, Inc. – 8750 N. Central Expy, Ste. 1200, Dallas, TX 75231

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	5/14/2021	
Radius notification mailed to properties within 300 feet	5/11/2021	
Site Posting Date	6/3/2021	
NextDoor posting	5/12/2021	

V. COMPREHENSIVE PLAN (*Comp. Plan*)

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

The purpose of the MU-R designation is to provide a mix of employment, retail, and residential dwellings and public uses near major arterial intersections. The intent is to integrate a variety of uses together, including residential, and to avoid predominantly single use developments such as a regional retail center with only restaurants and other commercial uses. Developments should be anchored by uses that have a regional draw with the appropriate supporting uses. The developments are encouraged to be designed consistent with the conceptual MU-R plan depicted in Figure 3D (pg. 3-17).

The Applicant proposes to develop an entertainment complex (i.e. Topgolf) on the site consisting of a multi-level golf driving range with a full-service restaurant and bar. The site is located in close proximity to a major intersection at S. Eagle Rd. and E. Overland Rd. and near the Eagle Rd./I-84 interchange. This use will have a regional draw and will have supportive uses in the vicinity consistent with the MU-R designation.

The following goals and policies in the Comprehensive Plan are supported by the proposed development:

- “Plan for an appropriate mix of land uses that ensures connectivity, livability, and economic vitality.” (3.06.02)
The proposed use will contribute to the mix of uses in this area that ensure livability and economic vitality of the community.
- “Encourage and support mixed-use areas that provide the benefits of being able to live, shop, dine, play, and work in close proximity, thereby reducing vehicle trips, and enhancing overall livability and sustainability.” (3.06.02B)

The subject mixed-use area currently contains office uses and will eventually include other commercial and residential uses. The proposed entertainment center will offer opportunities for play and recreation in close proximity to employment and residential uses as desired.

- “Require pedestrian circulation plans to ensure safety and convenient access across large commercial and mixed-use developments.” (3.07.02A).

An 8-foot wide pathway is proposed within the buffer along the entire frontage of I-84 and along main driveways within the site for pedestrian connectivity and easy access within the mixed-use development.

- “Minimize noise, lighting, and odor disturbances from commercial developments to residential dwellings by enforcing city code.” (5.01.01F)

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

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

The proposed use, an outdoor entertainment/recreation facility with a non-permanent outdoor stage/music venue, is listed as a conditional use in the C-G (General Retail and Service Commercial) zoning district per UDC Table [11-2B-2](#). Extended hours of operation are proposed from 8:00 am to 2:00 am, seven days a week, abutting a residential zoning district, which also requires conditional use approval per UDC [11-2B-3B](#).

VII. STAFF ANALYSIS

The proposed use is consistent with the MU-R FLUM designation in the Comprehensive Plan as discussed above in Section V. The proposed development is generally consistent with the conceptual development plan included in the Development Agreement (Inst. #2019-037825 & #2019-088365) for this site and complies with the conditions governing development of the subject property in the agreement.

The CUP is required for the outdoor stage/music venue that is proposed as a non-permanent component of the outdoor entertainment/recreation facility, which is a principal permitted use in the C-G zoning district. Although the subject property abuts a residential zoning district to the east, the residential homes have been removed by the developer who recently acquired these lots for future expansion of the mixed-use development to the west (i.e. Rackham Subdivision). Therefore, the extension on the hours of operation will not adversely affect abutting residential uses as there are none. In fact, the closest residence is approximately 918’ to the south of the driving range.

The outdoor stage is proposed to be located in the patio space which will seat 71 people and will be fully enclosed by an 8’ tall fence. During the summer months the stage is anticipated to be used about once a week in the afternoons until the venue closes. Performances will be limited to small musical acts and no additional sound equipment will be used for any performances – all music will be channeled through the building’s integrated sound system.

The proposed use is subject to the following UDC standards:

Specific Use Standards ([UDC 11-4-3-2](#)) - Arts, Entertainment or Recreation Facility, Indoors and Outdoors: (*Staff analysis in italics*)

A. General Standards:

1. All outdoor recreation areas and structures that are not fully enclosed shall maintain a minimum setback of one hundred feet (100’) from any abutting residential districts. The playing

areas of golf courses, including golf tees, fairways, and greens, are an exception to this standard. (Ord. 07-1325, 7-10-2007). *The outfield and targets for the proposed golf entertainment facility are located within 100' of the shared property line with a County residential district (R1) to the east. However, as noted above, the homes on the adjacent lots have been removed and this area will be redeveloped and included in the subject mixed-use development. Further, this area could be deemed to qualify as the playing area/driving range of a golf course, which is exempt from this standard.*

2. No outdoor event or activity center shall be located within fifty feet (50') of any property line and shall operate only between the hours of six o'clock (6:00) A.M. and eleven o'clock (11:00) P.M. *The activity center (i.e. outfield and targets) is not within 50' of any property line. The Applicant is requesting an extension of the hours of operation from 8:00 am to 2:00 am, 7 days a week with the CUP application as allowed by UDC 11-2B-3B. See Hours of Operation below for analysis.*

3. Accessory uses including, but not limited to, retail, equipment rental, restaurant, and drinking establishments may be allowed if designed to serve patrons of the use only. *Accessory uses consisting of a restaurant, bar, golf lessons and golf academies for kids should serve patrons of the use only.*

4. Outdoor speaker systems shall comply with section 11-3A-13, "Outdoor Speaker Systems", of this title. *Applicant shall comply with this and all relevant code sections upon approval.*

B. Additional Standards for Swimming Pools: Any outdoor swimming pool shall be completely enclosed within a six foot (6') non-scalable fence that meets the requirements of the building code in accord with title 10, chapter 1, of this code. *A swimming pool is not proposed with this project.*

C. Additional Standards for Outdoor Stage or Musical Venue: Any use with a capacity of one hundred (100) seats or more or within one thousand feet (1,000') of a residence or a residential district shall be subject to approval of a conditional use permit. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005). *The outdoor stage area is proposed to be located in the patio space which is enclosed by an 8' tall fence and will provide seating for 71 people. This area is more than 1,000' from a residence but is within 1,000' of a residential district which no longer has any homes. A CUP is requested as required for the outdoor stage/music venue.*

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

Development of the site shall comply with the dimensional standards of the C-G zoning district in UDC Table [11-2B-3](#). Staff has reviewed the proposed plans and building elevations and they comply with the required standards.

Hours of Operation (UDC [11-2B-3B](#)):

Business hours of operation in the C-G district are limited from 6:00 am to 11:00 pm when the property abuts a residential use or district; extended hours may be requested through a CUP per UDC 11-2B-3B. Additionally, the specific use standards associated with the use limit the hours of operation from 6:00 am to 11:00 pm per UDC 11-4-3-2A.2.

A CUP is requested for extended hours of operation from 8:00 am to 2:00 am abutting a residential district. As discussed above, although the subject property abuts a residential zoning district to the east, the residential homes have been removed by the developer. Therefore, Staff believes the extended hours shouldn't affect any nearby residences. Additionally, the closest residence from the driving range is approximately 918' away to the south. For these reasons, Staff is supportive of the request.

If extension of the hours of operation beyond 11:00 pm are approved, the use is subject to the City's noise ordinance (MCC [6-3-6](#)) which states noise may not create a public

disturbance as defined, between the hours of 11:00 pm and 6:00 am or at any time so as to unreasonably disturb or interfere with the peace, comfort or enjoyment of others.

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

Access is proposed on the site plan from E. Talons View Ln., a private street along the southern boundary of the site, from S. Silverstone Way, a collector street, from E. Overland Rd., an arterial street to the south. No access is proposed or allowed via I-84. Two points of access are available for emergency access that meet Fire Dept. requirements – one via S. Rackham Way and one via S. Silverstone Way.

E. Talons View Ln. ends approximately 200' west of the east property line and is not proposed to extend to the east at this time. There is a public street, S. Rolling Hills Drive, just off-site from the subject parcel to the east. Rolling Hills Drive is constructed as a local, rural street with 24' of pavement and does not have curb, gutter, sidewalk or streetlights. It provides access to the remaining homes in Rolling Hills Subdivision and dead-ends in a cul-de-sac at the north end.

Because S. Rolling Hills Drive currently serves residences and is not improved to urban standards (i.e. – no sidewalk, curb, gutter or streetlights and has a narrow pavement width), Staff recommends access be prohibited to the Topgolf site via S. Rolling Hills Dr. until such time as improvements are made that are deemed appropriate by ACHD and the City. All vehicular access, including construction access, should be taken via the private street (Street A) from S. Silverstone Way until such time. See public record for [comments](#) from neighbors.

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

A minimum of one (1) off-street parking space is required per 500 square feet (s.f.) of gross floor area. Based on 36,771 s.f., a minimum of 74 parking spaces are required. A total of 275 parking spaces are proposed, exceeding UDC standards.

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

Street buffer: The street buffer along I-84 was required to be constructed with the improvements for Rackham Subdivision. No other public streets abut this site.

Buffer to residential uses: There are no residential uses abutting this site. The former residential homes to the east have been removed.

Parking lot: Landscaping is required in the parking lot per the standards in UDC 11-3B-8C. **No linear grouping of parking spaces may exceed 12 in a row without an internal planter island per UDC 11-3B-8C.2b; the row of parking directly south of the green space on the east end exceeds 12 spaces – the site/landscape plans should be revised to comply.** All other landscaping appears to comply with UDC standards.

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

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

Details of the lighting proposed on the site that demonstrate compliance with the standards listed in UDC 11-3A-11 should be submitted with the Certificate of Zoning Compliance application.

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

No fencing is depicted on the site/landscape plan. Fencing is depicted on the elevations to the north and south sides of the storefront. Eight-foot tall cedar fencing is proposed to fully enclose the patio area. All fencing should be depicted on the plans submitted with the Certificate of Zoning Compliance application and comply with the standards in UDC 11-3A-7.

Net poles with a polyester barrier netting system ranging from 70' to 156' in height are proposed around the perimeter of the driving range to contain golf balls. This barrier does not meet the definition of a fence in UDC 11-1A-1 and therefore is not subject to the fencing standards in UDC 11-3A-7.

Building Elevations:

Conceptual building elevations were submitted for the proposed structure as shown in Section IX.C. Building materials consist of EIFS and metal in a variety of colors, glazing and composite paneling. The elevations appear to generally comply with the standards in the Architectural Standards Manual; however, a detailed review will take place with the administrative Design Review application.

Certificate of Zoning Compliance (UDC [11-5B-1](#)):

A Certificate of Zoning Compliance (CZC) is required to be submitted for the proposed use prior to submittal of a building permit application to ensure compliance with UDC standards and the conditions listed in Section X.

Administrative Design Review (UDC [11-5B-8](#)):

An application for administrative Design Review is required to be submitted concurrent with the CZC application. The design of the site and structures is required to comply with the standards listed in UDC 11-3A-19 and in the Architectural Standards Manual ([ASM](#)).

VIII. DECISION

A. Staff:

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

B. The Meridian Planning & Zoning Commission heard this item on June 17, 2021. At the public hearing, the Commission moved to approve the subject CUP request.

1. Summary of the Commission public hearing:

- a. In favor: Paul Straits, Arco Murray; Tonn Peterson, BVA Development**
- b. In opposition: None**
- c. Commenting: Lynette Adsitt; Michael Blowers**
- d. Written testimony: Amy Wattles; Michael Blowers; Paul Straits, Arco Murray**
- e. Staff presenting application: Sonya Allen**
- f. Other Staff commenting on application: None**

2. Key issue(s) of public testimony:

- a. Against any access to the site from Rolling Hills Dr.;**
- b. Concern pertaining to future traffic and related safety issues on Rolling Hills Dr. from the commercial development.**

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

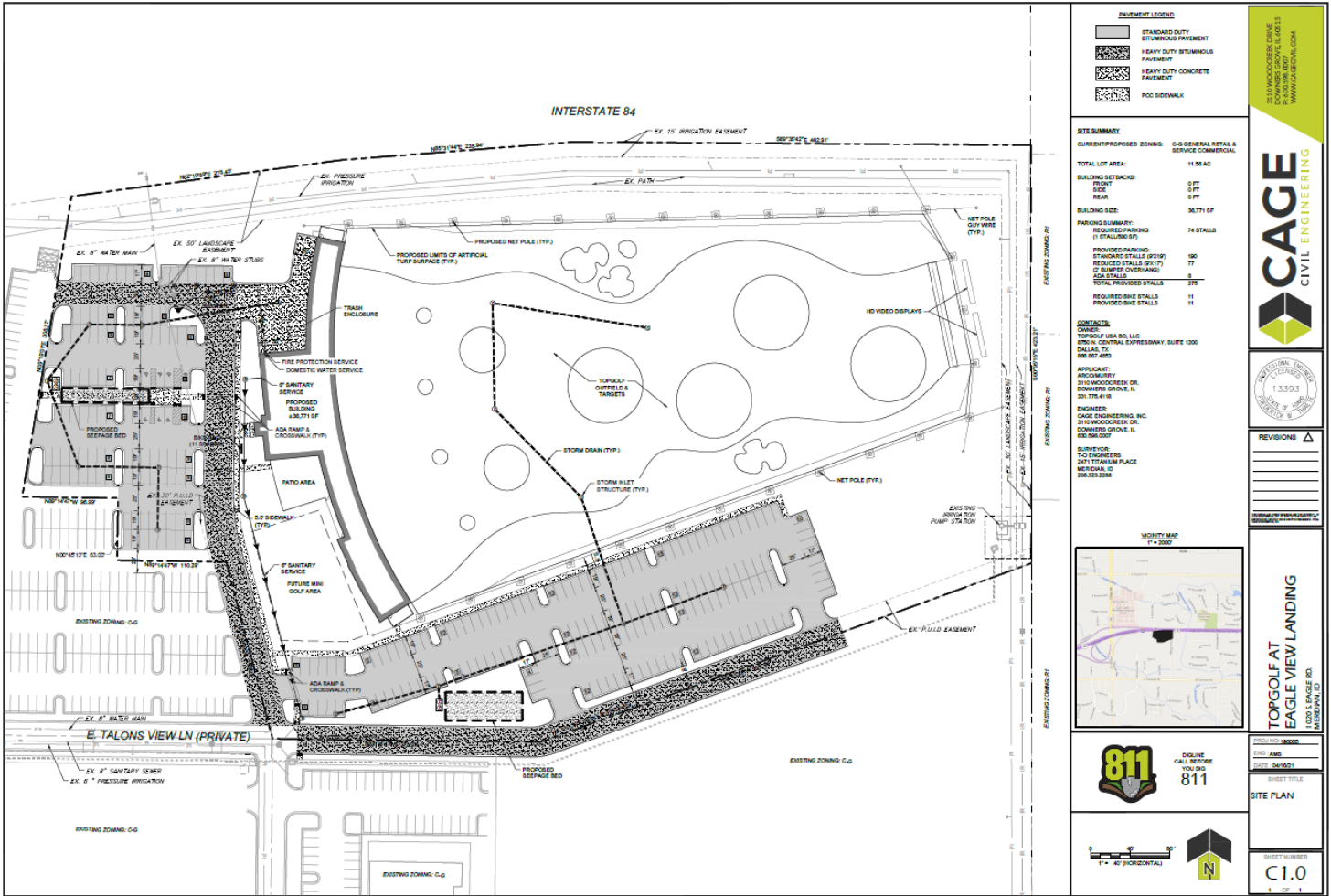
- a. Proposed hours of operation;**
- b. The proximity of nearest residences in relation to the proposed use.**

4. Commission change(s) to Staff recommendation:

- a. None**

IX. EXHIBITS

A. Site Plan (date: 4/16/2021)



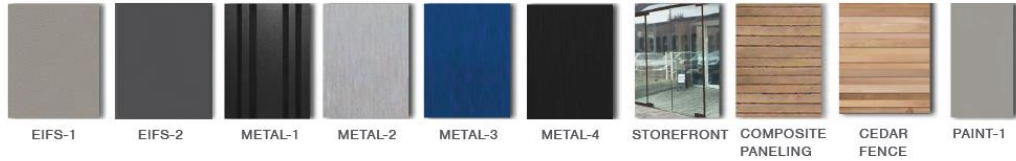
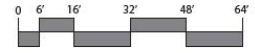
C. Elevations (dated: 4/22/21)



Front Elevation

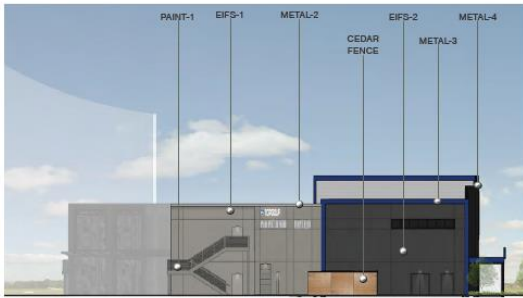


Rear Elevation

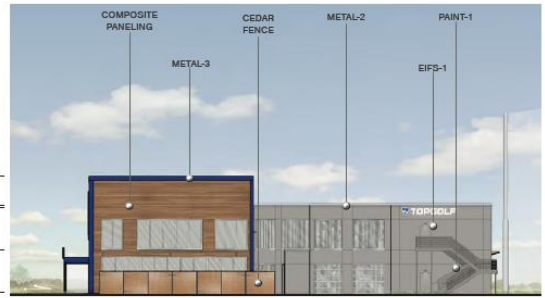


Exterior Elevations

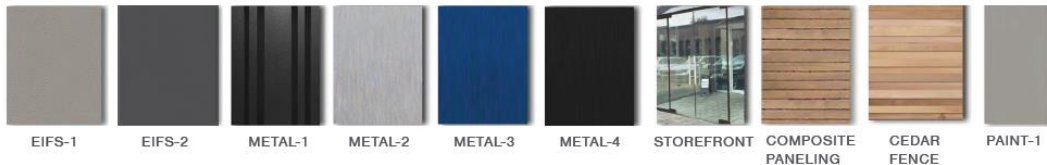
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Left Elevation



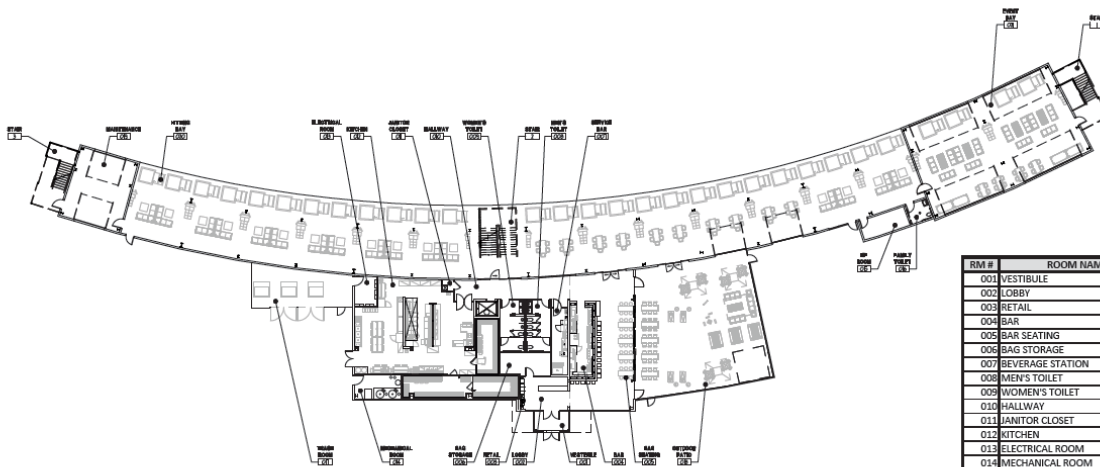
Right Elevation



Exterior Elevations

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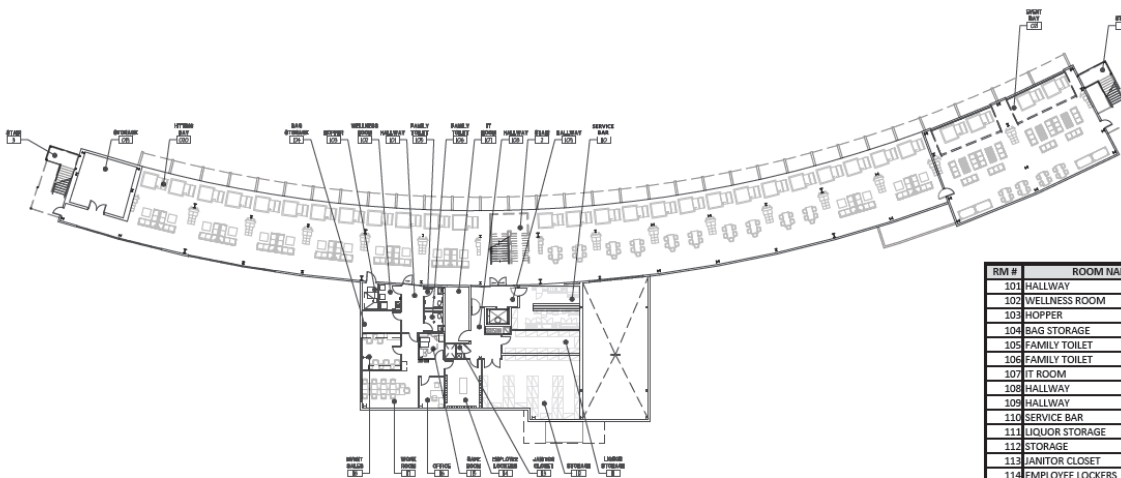
RM #	ROOM NAME	AREA (SQ. FT.)
001	VESTIBULE	100 SQ. FT.
002	LOBBY	140 SQ. FT.
003	RETAIL	90 SQ. FT.
004	BAR	635 SQ. FT.
005	BAR SEATING	635 SQ. FT.
006	BAG STORAGE	170 SQ. FT.
007	BEVERAGE STATION	155 SQ. FT.
008	MEN'S TOILET	180 SQ. FT.
009	WOMEN'S TOILET	180 SQ. FT.
010	HALLWAY	355 SQ. FT.
011	JANITOR CLOSET	15 SQ. FT.
012	KITCHEN	1465 SQ. FT.
013	ELECTRICAL ROOM	95 SQ. FT.
014	MECHANICAL ROOM	160 SQ. FT.
015	IT ROOM	135 SQ. FT.
016	FAMILY TOILET	65 SQ. FT.
017	TRASH ROOM	NOT INCLUDED - 555 SQ. FT.
018	OUTDOOR PATIO	2395 SQ. FT.
019	MAINTENANCE	630 SQ. FT.
020	HITTING BAY	2645 SQ. FT.
021	HITTING BAY SEATING	5186 SQ. FT.
021	EVENT BAY	2275 SQ. FT.
GROUND LEVEL		
NET USEABLE FLOOR AREA		17,706 SQ. FT.

GROSS FLOOR AREA
19,691 TOTAL SQUARE FEET
AT GROUND LEVEL



Floor Plan - Ground Level

Boise, ID | Planning and Zoning | April 22, 2021 | Page 3



RM #	ROOM NAME	AREA (SQ. FT.)
101	HALLWAY	140 SQ. FT.
102	WELLNESS ROOM	70 SQ. FT.
103	HOPPER	60 SQ. FT.
104	BAG STORAGE	115 SQ. FT.
105	FAMILY TOILET	50 SQ. FT.
106	FAMILY TOILET	50 SQ. FT.
107	IT ROOM	185 SQ. FT.
108	HALLWAY	160 SQ. FT.
109	HALLWAY	130 SQ. FT.
110	SERVICE BAR	385 SQ. FT.
111	LIQUOR STORAGE	240 SQ. FT.
112	STORAGE	780 SQ. FT.
113	JANITOR CLOSET	15 SQ. FT.
114	EMPLOYEE LOCKERS	245 SQ. FT.
115	SAFE ROOM	85 SQ. FT.
116	OFFICE	105 SQ. FT.
117	WORK ROOM	435 SQ. FT.
118	EVENT SALES	190 SQ. FT.
119	STORAGE	400 SQ. FT.
120	HITTING BAY	2645 SQ. FT.
120	HITTING BAY SEATING	5186 SQ. FT.
121	EVENT BAY	2275 SQ. FT.
UPPER LEVEL		
NET USEABLE FLOOR AREA		13,946 SQ. FT.

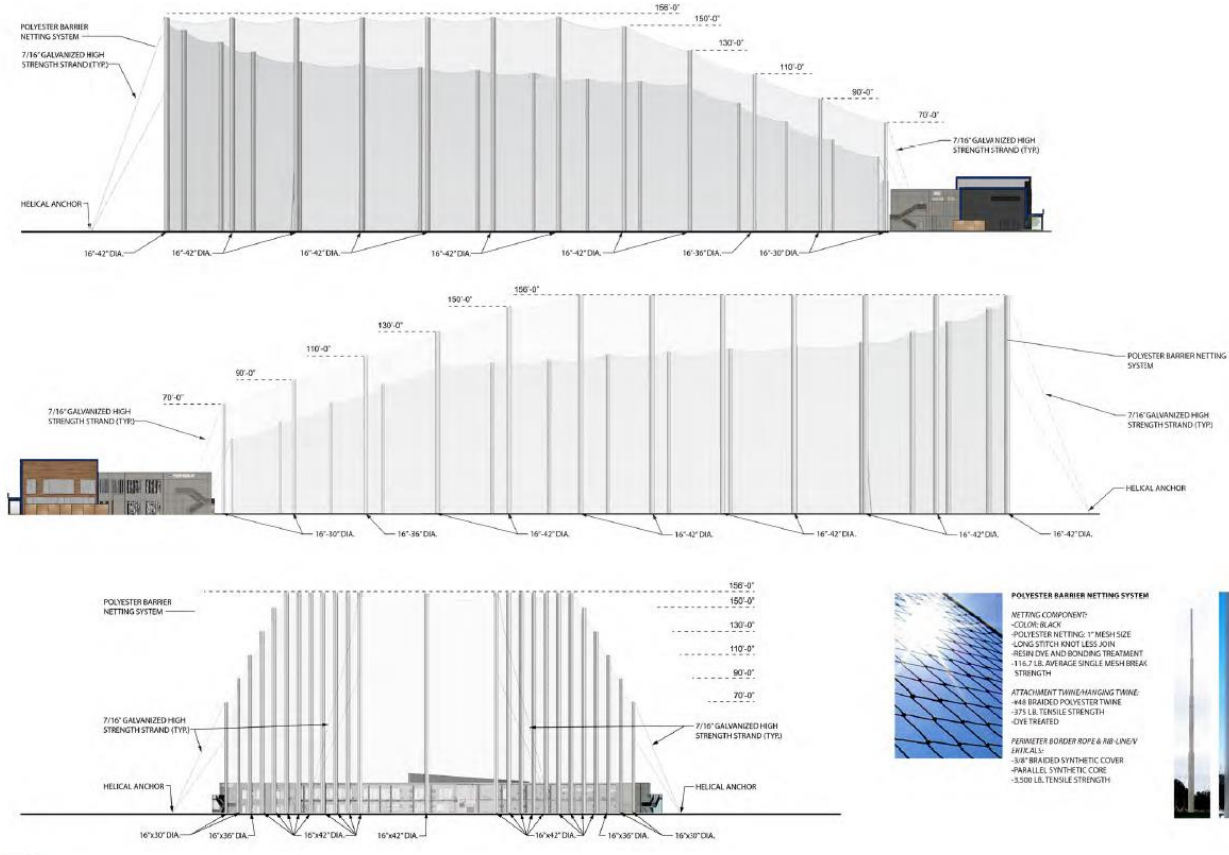
GROSS FLOOR AREA
17,080 TOTAL SQUARE FEET
AT UPPER LEVEL



Floor Plan - Upper Level

Boise, ID | Planning and Zoning | April 22, 2021 | Page 4





POLYESTER BARRIER NETTING SYSTEM

NETTING COMPONENT:
 - COLOR: BLACK
 - POLYESTER NETTING: 3" MESH SIZE
 - LONG STITCH KNOT LESS JOIN
 - RESIN DYE AND BONDING TREATMENT
 - 316.7 LB. AVERAGE SINGLE MESH BREAK STRENGTH

ATTACHMENT TWINE/HANGING TWINE:
 - #46 BRAIDED POLYESTER TWINE
 - 375 LB. TENSILE STRENGTH
 - ONE TRAFFIC

PERIMETER BORDER ROPE & NW LINE/V SPARKS:
 - 3/8" BRAIDED SYNTHETIC COVER
 - PARALLEL SYNTHETIC CORE
 - 3500 LB. TENSILE STRENGTH



Net Pole - Elevations



X. CITY/AGENCY COMMENTS & CONDITIONS

A. Planning

1. The Applicant shall comply with the specific use standards listed in UDC 11-4-3-2 – Arts, Entertainment or Recreation Facility, Indoors and Outdoors, including but not limited to the following:
 - a. Accessory uses including, but not limited to, retail, equipment rental, restaurant, and drinking establishments may be allowed if designed to serve patrons of the use only, and not the general public.
 - b. Any outdoor speaker systems shall comply with section [11-3A-13](#), "Outdoor Speaker Systems."
2. Any outdoor event shall only operate between the hours of eight o'clock (8:00) A.M. and two o'clock (2:00) A.M. as approved with the subject conditional use permit.
3. Outdoor lighting shall comply with the standards listed in UDC [11-3A-11](#). Lighting details shall be submitted with the Certificate of Zoning Compliance application that demonstrate compliance with these standards.
4. The site/landscape plan submitted with the Certificate of Zoning Compliance shall be revised as follows:
 - a. The row of parking directly south of the green space on the east end exceeds 12 spaces in a row without an internal planter island; revise to comply with UDC 11-3B-8C.2b.
 - b. All proposed fencing shall be depicted on the plans and shall comply with the standards listed in UDC [11-3A-7](#).
5. Access via S. Rolling Hills Dr. shall be prohibited to the site until such time as improvements are made that are deemed appropriate by ACHD and the City for public access to the Rackham mixed-use development. All access, including construction access, shall be taken via the private street (Street A) from S. Silverstone Way until such time.
6. Compliance with the City's noise ordinance (MCC [6-3-6](#)), which states noise may not create a public disturbance as defined, between the hours of 11:00 pm and 6:00 am or at any time so as to unreasonably disturb or interfere with the peace, comfort or enjoyment of others, is required.
7. A Certificate of Zoning Compliance and administrative Design Review application is required to be submitted to the Planning Division and approved prior to submittal of a building permit application.

B. Ada County Highway District (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=228116&dbid=0&repo=MeridianCity>

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=229305&dbid=0&repo=MeridianCity>

A Traffic Impact Study (TIS) was not required with this application as it was already included in the TIS for Silverstone (Eagle View Landing) Subdivision.

C. Nampa & Meridian Irrigation District (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=229759&dbid=0&repo=MeridianCity>

D. Boise Project Board of Control (BPBC)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=228670&dbid=0&repo=MeridianCity>

E. Police Department (PD)

The Police Dept. has no comments at this time.

F. Meridian Fire Department (MFD)

The Fire Dept. has no access or fire flow issues with this development. The building will need a plan review by the Building Department.

XI. FINDINGS

A. Conditional Use Permit

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

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

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

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

The Commission finds the proposed use will be harmonious with the Comprehensive Plan in that it will provide an entertainment use which will contribute to the mix of uses desired in the MU-R designation.

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

The Commission finds the design, construction, operation and maintenance of the proposed use with the conditions imposed, should be compatible with the other commercial and residential uses existing and proposed in this area and will not adversely change the essential character of the area.

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

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

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

The Commission finds the proposed use will be serviced adequately by all of the essential public facilities and services listed.

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

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

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

Although traffic will increase in this area due to the proposed use, it should not be excessive and the estimated traffic counts on adjacent roadways have been determined by ACHD to be acceptable. Noise will also increase but the closest residence is over 850' away to the south which should mitigate any adverse impacts of the noise associated with the use. There shouldn't be any smoke, fumes, glare or odors associated with the use. Therefore, the Commission finds the proposed use should not be detrimental to any persons, property, or the general welfare.

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

The Commission finds the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance.



AGENDA ITEM

ITEM TOPIC: Public Hearing for Orchard Park Pad C Drive-Through (H-2021-0039) by Mandi Brozo of CSHQA, Located at 1245 W. Chinden Blvd.

A. Request: Conditional Use Permit for a dual drive-through for a multi-tenant establishment within 300 feet of an existing drive-through on 1.47 acres of land in the C-C zoning district.



PUBLIC HEARING INFORMATION

Staff Contact: Joseph Dodson

Meeting Date: July 1, 2021

Topic: **Public Hearing** for Orchard Park Pad C Drive-Through (H-2021-0039) by Mandi Brozo of CSHQA, Located at 1245 W. Chinden Blvd.

- A. Request: Conditional Use Permit for a dual drive-through for a multi-tenant establishment within 300 feet of an existing drive-through on 1.47 acres of land in the C-C zoning district.
-

Information Resources:

[Click Here for Application Materials](#)

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



STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT

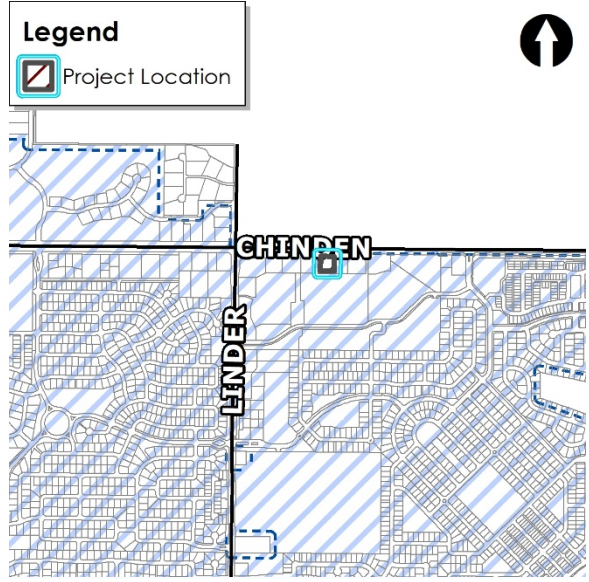
HEARING DATE: 7/1/2021

TO: Planning & Zoning Commission

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

SUBJECT: H-2021-0039
Orchard Park Pad C Drive-Through – CUP

LOCATION: The site is located at 1245 W. Chinden Boulevard, approximately ¼ mile east of Linder Road (Lot 8, Block 1, Linder Village Subdivision), in the NW ¼ of the NW ¼ of Section 25, Township 4N., Range 1W.



I. PROJECT DESCRIPTION

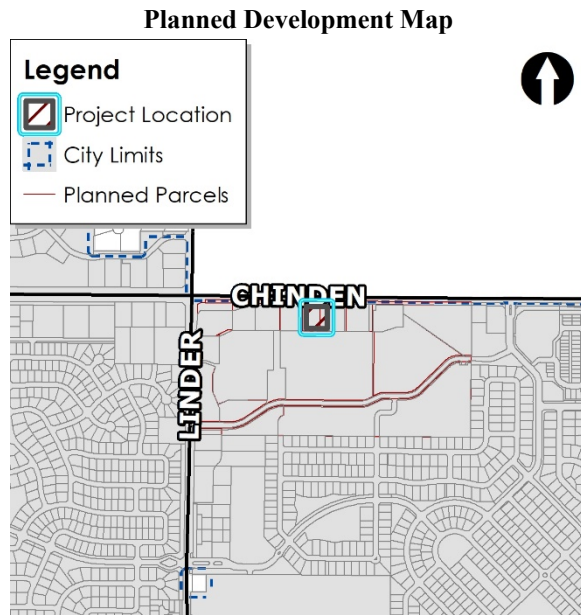
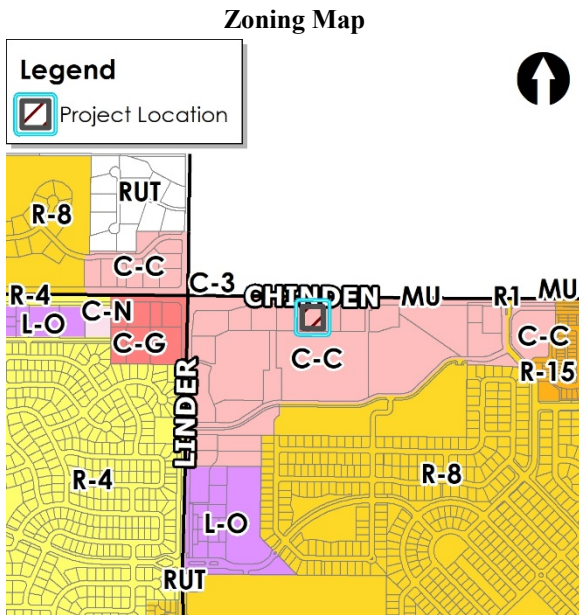
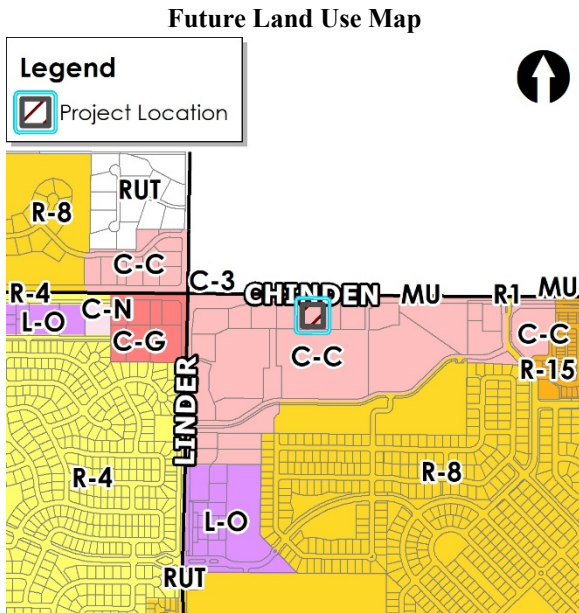
Conditional Use Permit for a dual drive-through for a multi-tenant establishment within 300-feet of an existing drive-through on 1.47 acres of land in the C-C zoning district.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	1.47 acres	
Future Land Use Designation	Mixed-Use Community	
Existing Land Use	Vacant/undeveloped	
Proposed Land Use(s)	Multi-tenant building with two crossing drive-throughs	
Current Zoning	Community Business District (C-C)	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	May 3, 2021; 2 attendees	
History (previous approvals)	H-2017-0088 (AZ, CPAM, PP, VAR); FP-2020-0004; and H-2021-0034 (MDA, currently in process)	

A. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Mandie Brozo, CSHQA – 200 Broad Street, Boise, ID 83702

B. Owner:

High Desert Development Linder Village LLC – 2537 W State Street, Ste. 110, Boise, ID 83702

C. Representative:
Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	6/11/2021
Radius notification mailed to properties within 500 feet	6/8/2021
Site Posting Date	6/18/2021
Next Door posting	6/8/2021

V. STAFF ANALYSIS

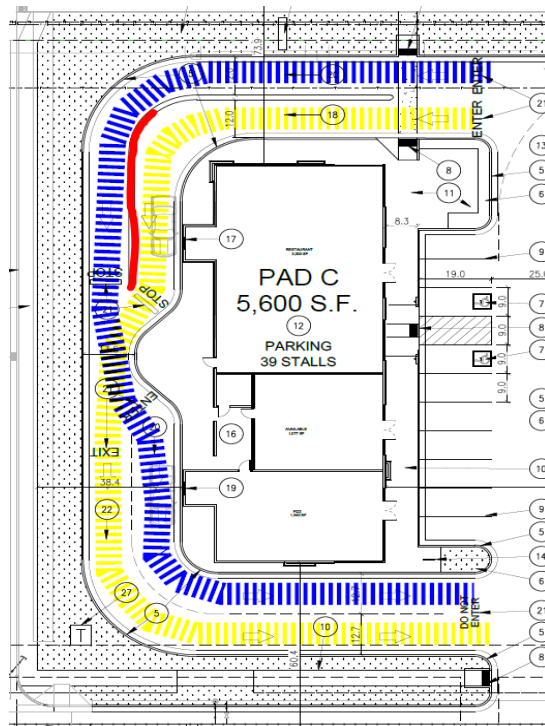
The proposed drive-through is for dual drive-throughs serving a multi-tenant building (three tenants) that is proposed as approximately 5,600 square feet. The submitted site plan shows both the northern most and the southernmost tenants as those utilizing a drive-through with the central tenant being a standard commercial tenant. These drive-throughs are within 300-feet of a separate multi-tenant building and drive-through to the west of this site and across the adjacent drive aisle. In addition, a nearly identical building as the one proposed in this application has already been approved at the administrative level via Certificate of Zoning Compliance (CZC) and Design Review (DES) and is located to the east of this site. These buildings and drive-throughs are also within 300 feet of one another and share a portion of its parking facilities between the two buildings. Therefore, Conditional Use Permit approval (CUP) per UDC Table 11-2B-2 is required due to its proximity to the other drive-throughs. Furthermore, this use is also subject to specific use standards, UDC 11-4-3-11, which are further analyzed below.

The submitted site plan shows a rectangular building situated to the west portion of the buildable site area and is proposed with 36 new parking spaces—the shared parking area between the two multi-tenant buildings will have at least 74 parking spaces; code requires a minimum of 44 spaces. The site plan shows two two-way drive aisles to the east of the building with parking adjacent to both drive aisles. These drive aisles connect to the east-west drive aisle closest to Chinden Boulevard that is the entrance to the proposed drive-throughs. Because the drive-throughs serve two separate tenants, the traffic patterns for each cross over one another midway through the site along the west side of the building.

The Applicant provided a circulation plan that shows the intended traffic patterns and Staff agrees with the proposal but with some minor recommended revisions. The submitted plan shows Tenant “A,” the north tenant, as utilizing the yellow path which includes the southern drive-through at the north side of the building. Once a customer orders along the north side of the building they continue to the west side of the building and pick-up their order. They then stop at the determined drive-through crossing and go from being the inside lane to the outside lane to exit the drive-through at the south end of the site. After this crossing point, the yellow lane (the outside lane) becomes the escape lane which is required for the length of the drive-through lanes. Tenant “B” utilizes the blue path according to the submitted site/circulation plan and essentially follows the opposite path of Tenant A. For Tenant B, the entrance along the north side of the building is the stacking lane and order position. Once customers for this tenant order and then stack at the determined crossing point, they would cross

from the outside lane to the inside lane to pick-up their order. After pick-up, customers would continue south to turn east around the south side of the building and exit the drive-through.

The proposed drive-through design is uncommon and complex with the added crossing point. Staff finds that with adequate signage and striping the proposed drive-through can work. Therefore, Staff is recommending not only striping on the pavement but also signage at the entrances and along the drive-through lanes to ensure customers know which business they are in line for. The proposed signage and striping should be submitted with the future CZC and DES applications for the building should it receive CUP approval for the drive-throughs. In addition, the north half of the proposed drive-throughs show a curbing of some kind that separates the two lanes. Staff understands the purpose of this but finds that a portion of it should be removed to allow for customers to use the outside lane as an escape lane earlier in the drive-through. See area noted below in red:



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

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

In general, Staff supports the proposed site design; Staff's analysis of the specific use standards and any recommendations are in italics.

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

Per the submitted site plan, no public right-of-way has direct access to the site so there is no possibility for stacking to impede public ROW. The stacking lanes for each drive-through vary in length but both entrances are at the north end of the site and begin at the west end of the northernmost east-west drive aisle. Based on an exhibit (Exhibit VII.C) provided by the Applicant, the two ordering locations appear to be approximately 65 feet into the drive-through lanes. This should allow for 3-4 cars stacking prior to getting to the menu boards; if more cars stack in either lane, they will impede the east-west drive aisle along the north boundary of the site. Staff does not foresee the proposed businesses requiring extended stacking lanes like that of a Dutch Bros. or other solitary coffee shop. However, Staff recommends moving the menu boards further into the drive-through lanes to help alleviate the potential of this conflict. The north drive-through can move the menu board and order speaker at least 10 feet to the west with no foreseeable issues. The internal drive-through lane does not have as much room but should be able to move them at least 5 feet further west; any additional distance is a benefit.

Furthermore, there are multiple drive aisles that run north-south within the site and patrons would have multiple avenues of ingress and egress for the site especially when taking into account the only avenues to exit the site are to the south so there should not be much desire or need for patrons to exit the site by going north.

Again, Staff does not foresee stacking for the proposed businesses being an existential crisis but understands the concern and has thus made minor recommendations to help with the potential problem. At a minimum, Staff is recommending the distance from the start of the drive-through to the order speakers shall be no less than 65 feet to ensure at least this distance is maintained.

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

The stacking lanes for each drive-through are separate from the circulation lanes for at least 65 feet from the menu boards to the adjacent drive aisle. Staff finds this shows compliance with this requirement.

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

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

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

The stacking lane for at least one of the proposed drive-through lanes appears to be greater than 100 feet in length. As noted, Staff is unaware of where the ordering location is on the submitted site plan but it appears to be along the north end of the site for both lanes. With this assumption, the stacking lane for the overall drive-through is long enough to require an escape lane. As discussed previously, the outside lane is the escape lane following the crossing point of the two drive-throughs. Staff finds the proposed escape lane layout complies with this requirement. To ensure that the outside lane can be better utilized as an escape lane earlier in the drive-through process, Staff is recommending a section of curbing shown on the site plan at the north half of the site is removed (see exhibit above in previous section).

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

The proposed drive-throughs are located along the north, west, and south sides of the proposed

building. With Chinden Boulevard and a multi-use pathway abutting the site along the north boundary, Staff finds the location of the drive-throughs are in appropriate locations for surveillance. In addition, the drive aisle abutting the drive-through to the west is intended to be one of the main commercial entrances to the overall Orchard Park Development which should offer additional surveillance opportunities. Meridian Police have also reviewed the site plan for compliance with this standard and have not brought any concerns to Staff.

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

The proposed use of a Restaurant is subject to an additional specific use standard listed in UDC 11-4-3-49 and notes that the minimum amount of parking shall be one (1) space for every 250 square feet of gross floor area. *Based on the proposed building size of 5,600 square feet noted on the submitted site plan, a minimum of 22 parking spaces are required. The proposed site plan shows 36 parking spaces, exceeding UDC minimums. In addition, this building shares a larger parking area with an identical building to the east with an overall parking count of 74 spaces between the two sites, exceeding the minimum amount required by code by 30 spaces. At the time of the future Certificate of Zoning Compliance (CZC) application, the data table on the site plan should be corrected to reflect the correct minimum standards of a restaurant use instead of the general commercial ratio.*

Access: Access to the site is shown via multiple parking drive aisles along the south boundary of the site; these connect to a drive aisle that circumnavigates through the entire Orchard Park Development. Abutting the site to the west but with no direct lot access is a restricted entrance from Chinden Boulevard. In short, there are multiple access points to the subject site from Chinden, Linder, and other nearby public roads to the south and east. Staff does not find any issues with the proposed and existing access points in relation to the subject application.

Parking: A minimum of one (1) parking space is required to be provided for every 250 square feet of gross floor area for the proposed restaurant use. *The proposed building is shown as 5,600 square feet requiring a minimum of 22 parking spaces; the submitted site plan shows 36 proposed parking spaces in addition to other shared parking spaces to the east, exceeding UDC minimums. All proposed drive aisles and parking spaces also meet the required dimensional standards.*

The existing Development Agreement requires cross-access through all of the commercial parcels within the Orchard Park Development. Due to all of the shared drive aisles and parking areas, Staff does not have concerns with the Applicant complying with the existing requirement.

A minimum one (1) bicycle parking space is required to be provided for every 25 vehicle spaces or portion thereof per UDC [11-3C-6G](#); bicycle parking facilities are required to comply with the location and design standards listed in UDC [11-3C-5C](#). *Bicycle parking is shown on the submitted plans in compliance with code (noted as callout number 14 on the site plan).*

Pedestrian Walkways: A pedestrian walkway is depicted on the site plan from the proposed building entrance sidewalk to the multi-use pathway along W. Chinden Blvd. as required by UDC 11-3A-19B.4a. This walkway is depicted to traverse both entrances of the drive-through lanes which introduces a known conflict between pedestrians and vehicles. *Therefore, Staff is recommending this walkway be distinguished from the driving surface by being constructed with pavers, brick, or scored/colored concrete, per subsection B of this code section. The proposed site plan appears to show a different material than the drive surface but its material is not called out. The Applicant should confirm compliance with this code section with a future CZC submittal and note the proposed material for this walkway.*

Landscaping: Parking lot landscaping is required to be provided in accord with the standards listed in UDC 11-3B-8C. Landscaping is depicted on the landscape plan in Section VII.B. The required landscape buffer adjacent to Chinden is already constructed or under construction with the subdivision approvals and is not part of this application.

A minimum 5-foot wide landscape buffer is required to be provided along the perimeter of the parking or other vehicular use areas as set forth in UDC 11-3B-8C.1. *The proposed parking drive aisles and drive-through around the perimeter of the subject site are proposed with landscaping at least 10 feet wide and vegetated with appropriate trees, shrubs, and other vegetative ground coverage. Staff finds these areas and proposed sidewalks meet and exceed the minimum landscape requirements. Furthermore, the submitted landscape plan shows all adjacent parking spaces with the required planter beds and landscaping.*

Mechanical Equipment: All mechanical equipment adjacent to the building and outdoor service and equipment should be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets as set forth in UDC [11-3A-12](#). If mechanical equipment is proposed to be roof-mount, all equipment should be screened and out of view as noted above and should not be visible from the nearest right-of-way.

Building Elevations: The Applicant did not apply for Design Review concurrently with this CUP application but has prematurely submitted for Certificate of Zoning Compliance and Administrative Design Review for the proposed building. These administrative applications will not be reviewed until after the CUP has been heard. Therefore, proposed building elevations have been provided to Staff but Staff has not done a detailed review of the elevations at this time. In general, the elevations show dark brick and white stucco with reveals as field materials; architectural metal siding and aluminum framed storefront windows on the north, east, and south elevations for accent materials; and a concrete banding along the base of the building to tie it to the ground elevation. Detailed review will occur with the Design Review application but Staff finds the proposed elevations to be substantially compliant with the Architectural Standards Manual.

VI. DECISION

A. Staff:

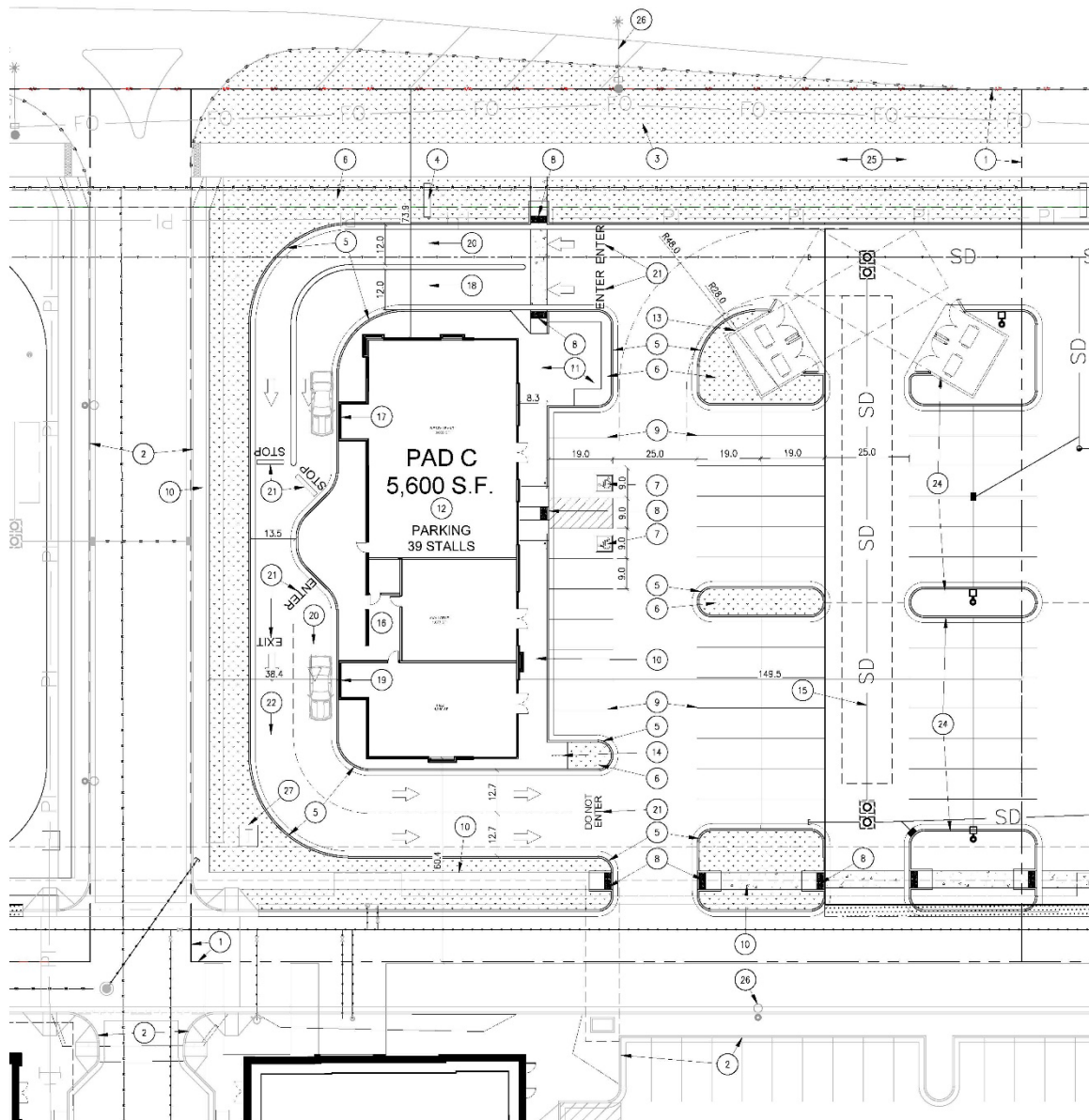
Staff recommends approval of the proposed conditional use permit with the conditions included in Section VIII per the Findings in Section IX. The Director has approved the administrative design review request with conditions.

VII. EXHIBITS

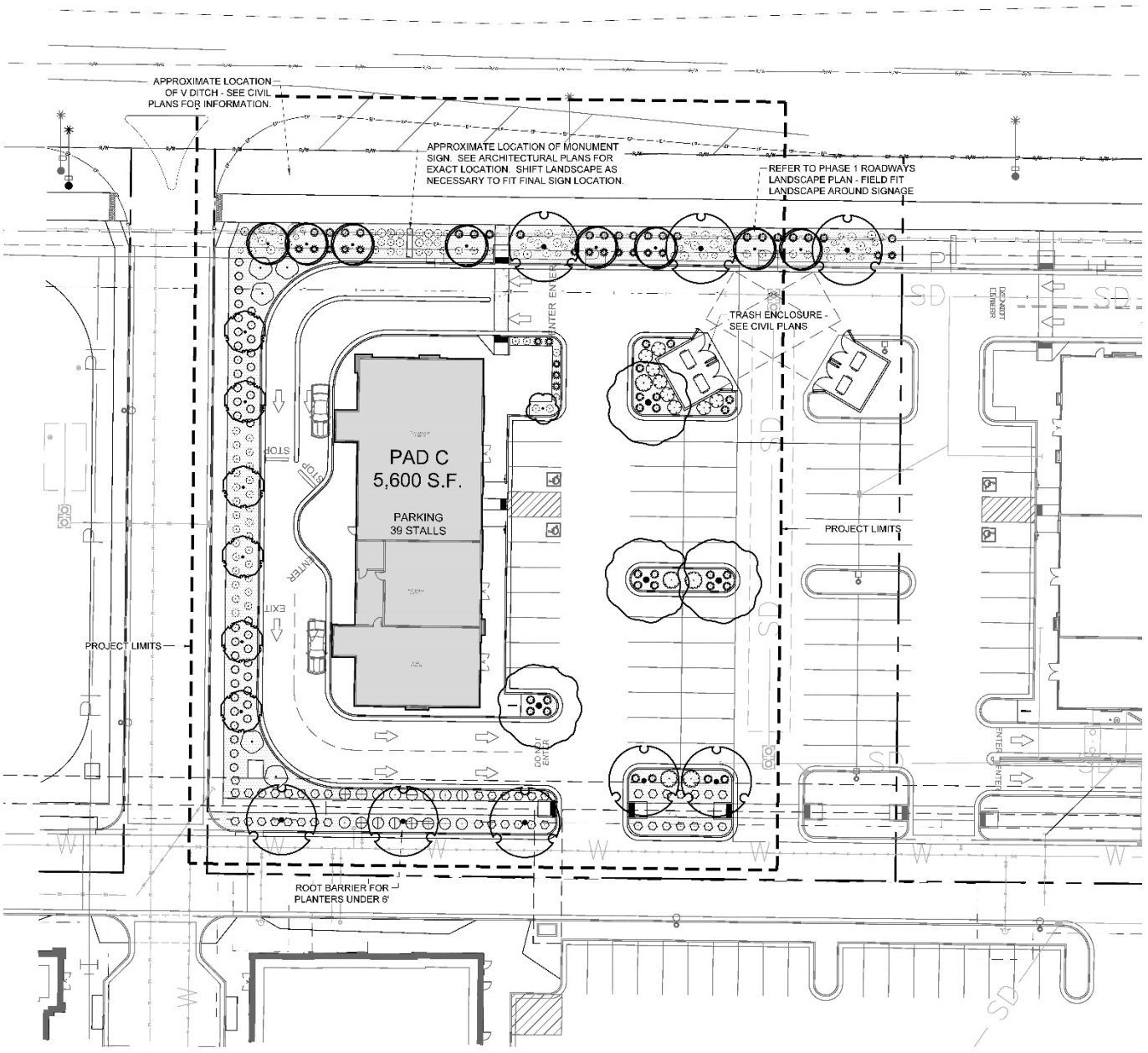
A. Proposed Site Plan (dated: 4/09/2021)



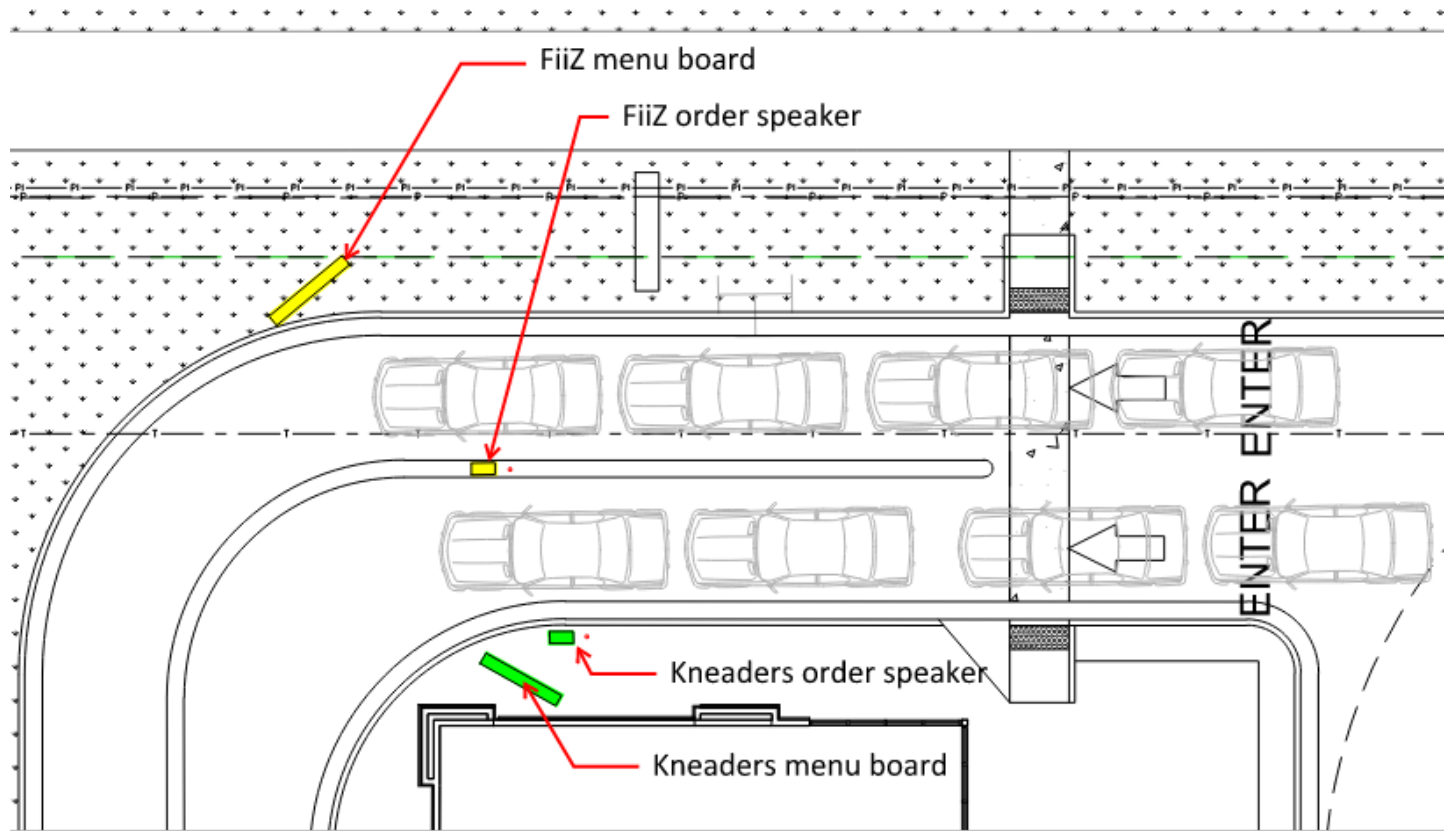
DMG REAL ESTATE PARTNERS, LLC



B. Proposed Landscape Plan (dated: 4/08/2021)

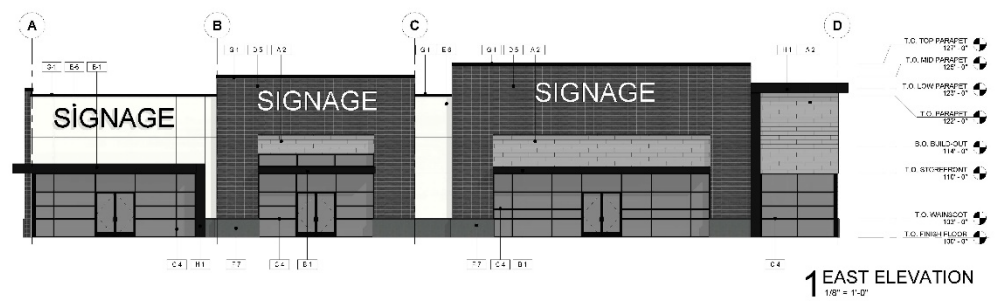


C. Proposed Menu Board and Order Speaker Locations

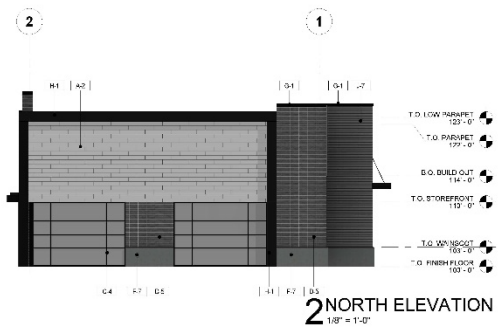


D. Proposed Building Elevations (not a part of approvals)

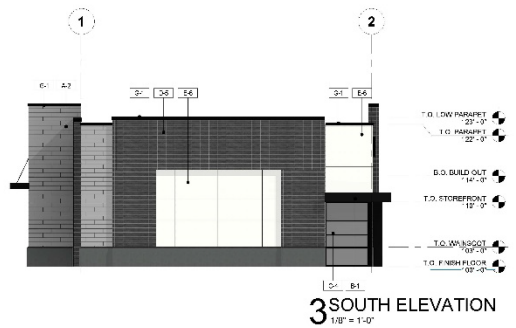
ORCHARD PARK |



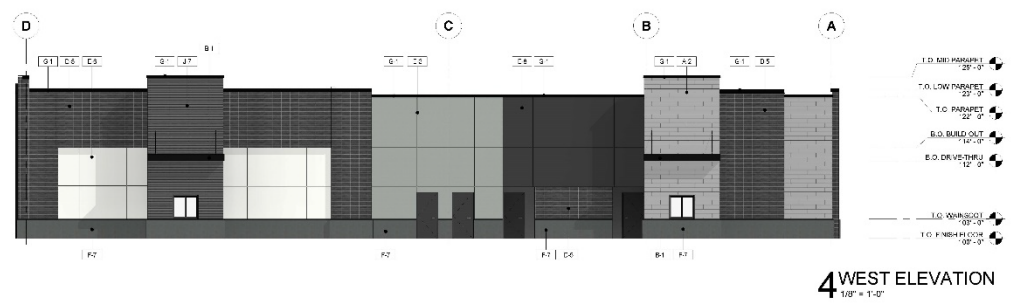
1 EAST ELEVATION
1/8" = 1'-0"



2 NORTH ELEVATION
1/8" = 1'-0"



3 SOUTH ELEVATION
1/8" = 1'-0"



4 WEST ELEVATION
1/8" = 1'-0"



VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING

1. Future development of this site shall comply with the existing Development Agreement ([*DA Inst. #2019-028376*](#)), and associated conditions of approval: H-2017-0088 (AZ, CPAM, PP, VAR); FP-2020-0004; Comply with amended DA approved with H-2021-0034 (MDA, DA is not yet recorded).
2. The Conditional Use Permit for the proposed Drive-Through Establishment is hereby approved with the following conditions of approval:
 - a. The proposed menu boards/order speakers shall be located no less than 65 feet from the near edge of curb at the drive-through entrances. Compliance shall be depicted with the Certificate of Zoning Compliance site plan.
 - b. The Applicant/Owner shall include both pavement striping and signage throughout the site and within the drive-throughs to ensure traffic circulation pattern is clear to patrons; proposed signage AND striping locations shall be submitted and depicted on the site plan at the time of Certificate of Zoning Compliance application and include both directional and tenant signage to direct patrons to desired tenant drive-through.**
 - c. Per UDC 11-3A-19B.4b, depict all pedestrian walkways traversing driving surfaces to be constructed with bricks, pavers, and/or colored or scored concrete to clearly delineate the driving surface from the pedestrian walkway.

3. The site plan submitted with the future Certificate of Zoning Compliance application shall be revised as follows:
 - a. Per the exhibit within Section V above, remove a segment of curbing within the north half of the separated drive-throughs.
 - b. Provide exhibits of and depict on the plans the striping and directional and tenant signage
4. The submitted landscape plan is approved as submitted. Applicant shall maintain the required 35-foot landscape buffer to Chinden Boulevard per City standards outlined in UDC 11-3B-7.
5. Compliance with the standards listed in UDC [11-4-3-11](#) – Drive-Through Establishment is required in perpetuity.
6. Comply with the standards listed in UDC [11-4-3-49](#) – Restaurant.
7. A Certificate of Zoning Compliance and Administrative Design Review application shall be submitted and approved for the proposed use prior to submittal of a building permit application. Future Commercial building shall comply with the standards outlined in the Architectural Standards Manual.
8. The conditional use permit is valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the Applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground as set forth in UDC [11-5B-6](#). A time extension may be requested as set forth in UDC 11-5B-6F.

B. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=230267&dbid=0&repo=MeridianCity>

IX. FINDINGS

Conditional Use (UDC 11-5B-6)

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

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

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

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

Staff finds the proposed multi-tenant building and dual drive-throughs will be harmonious with the Comprehensive Plan and is consistent with applicable UDC standards with the conditions noted in Section VIII of this report.

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

With the conditions of approval in Section VIII and the approved and existing uses in near proximity to the subject site, Staff finds the design, construction, operation and maintenance of

the proposed use will be compatible with other uses in the general neighborhood, be compatible with the existing and intended character of the vicinity, and will not adversely change the essential character of the area.

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

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

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

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

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

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

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

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

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

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



AGENDA ITEM

ITEM TOPIC: Public Hearing for DaVinci Park Drive-Through (H-2021-0037) by NeuDesign Architecture, Located at 4744 N. Park Crossing Ave.

A. Request: Conditional Use Permit for a drive-through establishment for a coffee kiosk within 300 feet of an existing residence and residential district on 1.19 acres of land in the C-N zoning district.



PUBLIC HEARING INFORMATION

Staff Contact: Sonya Allen

Meeting Date: July 1, 2021

Topic: **Public Hearing** for DaVinci Park Drive-Through (H-2021-0037) by NeuDesign Architecture, Located 4744 N. Park Crossing Ave.

- A. Request: Conditional Use Permit for a drive-through establishment for a coffee kiosk within 300 feet of an existing residence and residential district on 1.19 acres of land in the C-N zoning district.
-

Information Resources:

[Click Here for Application Materials](#)

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



STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

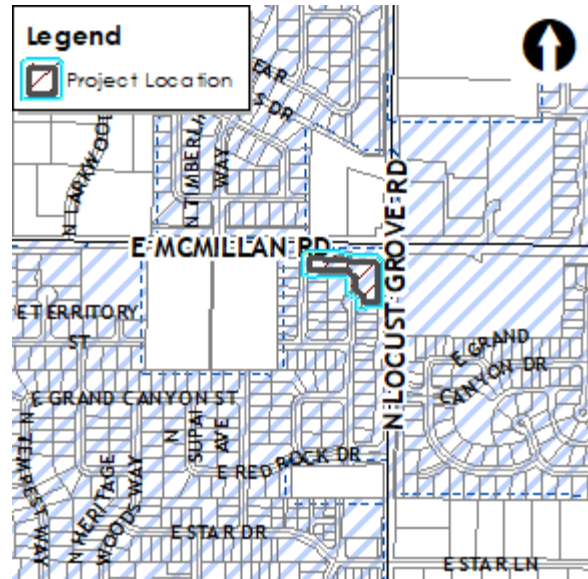
HEARING DATE: 7/1/2021

TO: Planning & Zoning Commission

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

SUBJECT: H-2021-0037
DaVinci Park Drive-Through – CUP

LOCATION: 4744 N. Park Crossing Ave. (Lot 11, Block 3, Da Vinci Park Subdivision), in the NE ¼ of Section 31, Township 4N., Range 1E.



I. PROJECT DESCRIPTION

Conditional use permit (CUP) for a drive-through establishment for a coffee kiosk within 300-feet of an existing residence and residential district on 1.19-acres of land in the C-N zoning district.

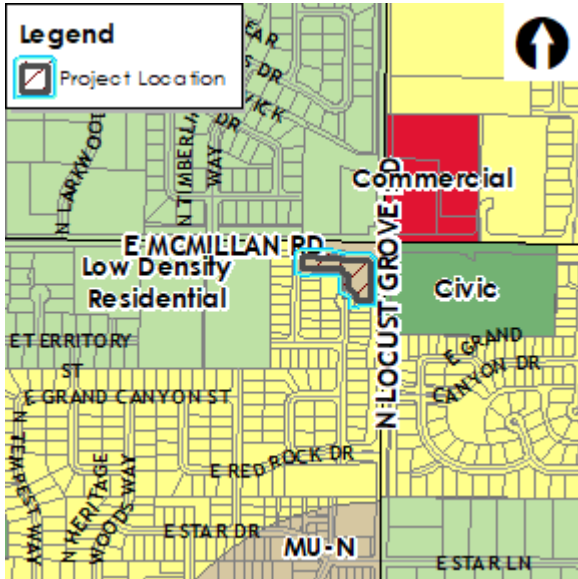
II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	1.19-acres	
Future Land Use Designation	Mixed Use – Neighborhood (MU-N)	
Existing Land Use	Vacant/undeveloped land	
Proposed Land Use(s)	Restaurant (coffee shop) with a drive-through	
Current Zoning	Neighborhood Business District (C-N)	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	5/4/21; no attendees other than the Applicant	
History (previous approvals)	AZ-06-041 (DA #107005526, Harpe Sub.); PP-06-042 (Harpe Sub. – expired); RZ-13-016; PP-13-036 (DaVinci Park); MDA-14-002 (DA #114034781); FP-14-013	

A. Project Area Maps

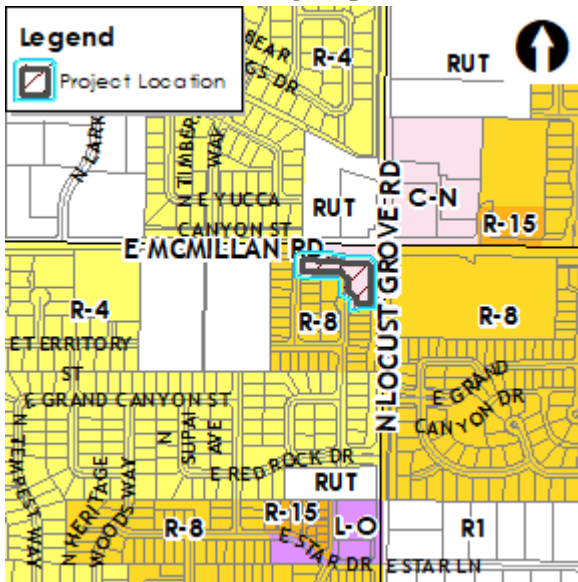
Future Land Use Map



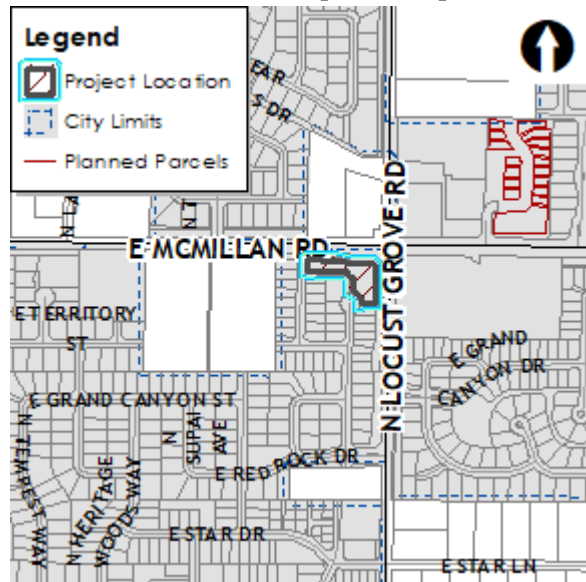
Aerial Map



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant:

Marla Carson, NeuDesign Architecture – 725 E. 2nd Street, Meridian, ID 83642

B. Owner:

Cory Swain, CS2, LLC – 3363 E. Presidential Dr., Ste. 203, Meridian, ID 83642

C. Representative:
Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	6/11/2021
Radius notification mailed to properties within 300 feet	6/8/2021
Site Posting Date	6/9/2021
Next Door posting	6/8/2021

V. STAFF ANALYSIS

The proposed drive-through is for a 620 square foot coffee shop (classified as a restaurant) within 300-feet of an existing residence and residential district, which requires Conditional Use Permit approval (CUP) per UDC Table 11-2B-2 and 11-4-3-11A.1.

The proposed development plan is in substantial conformance with the provisions in the existing Development Agreement (Inst. #114034781) and with the approved conceptual development plan included in the agreement.

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

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

The width of the area proposed for the one-way drive aisle for access to the northern row of parking and stacking lane for the drive-through is too narrow to accommodate both travel lanes – vehicles in the stacking lane will encroach into the drive aisle. Staff recommends the northern row of parking is removed and a planter island is added to guide traffic to avoid conflicts.

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

The stacking lane and escape lane should be clearly delineated. The northern row of parking adjacent to the stacking lane should be removed.

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

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

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

The stacking lane exceeds 100' in length and an escape lane is proposed that should be signed accordingly.

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

The drive-through is visible from E. McMillan Rd. and N. Park Crossing Ln., public streets along the north and west boundaries of the site, for surveillance purposes.

Based on the above analysis, Staff deems the proposed drive-through in compliance with the specific use standards as required if the recommended revisions to the site plan are made.

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

Hours of Operation: The hours of operation are restricted to 6:00 am to 10:00 pm in the C-N zoning district per UDC 11-2B-3B. The proposed hours of operation are 6:00 to 10:00 pm in accord with this standard.

Dimensional Standards: Future development should be consistent with the dimensional standards listed in UDC Table [11-2B-3](#).

Access: A full-access driveway exists to this site from the west via N. Park Crossing Ln. and a right-out only driveway exists to N. Locust Grove Rd. on the east side of the lot. Direct access via E. McMillan Rd. is prohibited.

Parking: A minimum of one (1) parking space is required to be provided for every 250 square feet of gross floor area for restaurant uses. The restaurant space is proposed to consist of 620 square feet; therefore, a minimum of two (2) spaces are required for the restaurant (i.e. coffee shop). A total of 42 spaces exist and/or are proposed between the proposed use and the existing 9,500 square foot retail building on the east side of the site. The minimum number of parking spaces required for the retail use is 19 based on one space per 500 s.f. of gross floor area. The proposed number of spaces exceeds UDC standards by 21 spaces. However, with removal of the northern row of parking adjacent to the vehicle stacking lane for the drive-through, there will be 5 fewer spaces. Staff believes the remaining number of spaces is still sufficient to serve the use(s).

A minimum one (1) bicycle parking space is required to be provided for every 25 vehicle spaces or portion thereof per UDC [11-3C-6G](#); bicycle parking facilities are required to comply with the location and design standards listed in UDC [11-3C-5C](#). A bicycle rack exists on the eastern portion of the site by the retail building. **A bicycle rack should also be provided with the proposed use, capable of holding a minimum of one bicycle.**

Pedestrian Walkways: A continuous internal pedestrian walkway that is a minimum of 5-feet in width is required to be provided from the perimeter sidewalk to the main building entrance per UDC 11-3A-19B.4. The pathway should be distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete, or bricks. The walkway should have weather protection within 20' of all customer entrances. The site plan submitted with the Certificate of Zoning Compliance application should reflect compliance with this standard.

Landscaping: Parking lot landscaping is required to be provided in accord with the standards listed in UDC 11-3B-8C. **Landscaping is required within all planter islands within the parking area as**

required. The landscape plan submitted with the Certificate of Zoning Compliance application should reflect compliance with this standard.

There is an existing street buffer and sidewalk along E. McMillan Rd. and N. Locust Grove Rd. that was installed with the subdivision improvements.

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

Building Elevations: Conceptual building elevations were submitted as shown in Section VII.C that incorporate a mix of materials consisting of hardiplank cement lap siding, accoya wood siding and glazing. **Per the Development Agreement, some of the same design elements are required to be incorporated in the commercial portion of the development as in the residential portion.**

The proposed elevations are not approved with this application; final design shall be consistent with the design standards listed in the [Architectural Standards Manual](#) and with the Development Agreement.

Certificate of Zoning Compliance & Design Review: A Certificate of Zoning Compliance and Design Review application is required to be submitted for the proposed use prior to submittal of a building permit application to ensure consistency with the conditions in Section VII, UDC standards and design standards.

VI. DECISION

A. Staff:

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

VII. EXHIBITS

A. Proposed Site Plan (dated: 11/20/2021)

SITE ANALYSIS:

EXISTING CONDITIONS:

EXISTING AREA: 11,111 SQ FT

BUILDING AREA: 10,857 SQ FT (CORNER) + 957 SQ FT (REAR)

PARKING STALLS:

PROVIDED STANDED STALLS: 30

PROVIDED ADA STALLS: 3

PROVIDED STANDED STALLS: 40

PROVIDED ADA STALLS: 3

PROVIDED BICYCLE PARKING: 3

GENERAL NOTES:

A. THE CONTRACTOR SHALL VERIFY EXISTING CONDITIONS AND REPORT AND DISSEMINATE ANY DISCREPANCIES TO THE ARCHITECT PRIOR TO THE BEGINNING OF CONSTRUCTION. GRADING AND APPROXIMATE VIBRITY IN FIELD SHALL BE DETERMINED AND REPORTED TO THE ARCHITECT PRIOR TO THE BEGINNING OF CONSTRUCTION.

B. ALL PLANS, SPECIFICATIONS AND MATERIALS TO BE USED SHALL BE APPROVED BY THE ARCHITECT PRIOR TO CONSTRUCTION.

C. PRIOR TO COMMENCEMENT OF CONSTRUCTION, THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

D. PROVIDE SECURE BICYCLE PARKING IN CLOSE PROXIMITY TO BUILDING ENTRANCE. PROVIDE BICYCLE RACKS AND REPAIR STATIONS. PROVIDE BICYCLE LOCKERS. PROVIDE BICYCLE REPAIR KIT. PROVIDE BICYCLE REPAIR STATION. PROVIDE BICYCLE REPAIR KIT. PROVIDE BICYCLE REPAIR STATION. PROVIDE BICYCLE REPAIR KIT. PROVIDE BICYCLE REPAIR STATION.

SITE PLAN - NEW

11/20/21

SITE NOTES

1. VERIFY EXISTING CONDITIONS.
2. VERIFY EXISTING GRADING.
3. VERIFY EXISTING UTILITIES, CONDUITS, AND SERVICES.
4. VERIFY EXISTING METAL VESTIBULE.
5. VERIFY EXISTING TRASH ENCLOSURE.
6. VERIFY EXISTING SECURITY LIGHTS.
7. PROVIDE SECURITY LIGHTS.
8. PROVIDE SECURITY LIGHTS.

neUdesign

ARCHITECTURE

1100 S. 10TH ST.

MANDALAY, ID 83842

208.884.2024

CONSULTANT

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CLIENT:

CORY SWAIN

COFFEE KIOSK

1000 S. 10TH ST.

MANDALAY, ID 83842

PROFESSIONAL SEAL:

CORY SWAIN

ARCHITECT

NO. 11000

DATE OF SEAL: 11.20.21

NO. DESCRIPTION DATE

11.20.21 11000 11.20.21

11.20.21 11000 11.20.21

SITE PLAN

A-101

JOB NUMBER: 11000

DATE: 11/20/21

BY: CSW

Item 5.

97

B. Proposed Landscape Plan (dated: 4/14/2021)

SITE MODEL

- 1 SITE PLAN
- 2 LANDSCAPE PLAN
- 3 EXISTING AND PROPOSED CURBS & SIDEWALKS
- 4 EXISTING PAVED DRIVEWAYS
- 5 EXISTING PAVED SIDEWALKS
- 6 EXISTING PAVED DRIVEWAYS
- 7 EXISTING PAVED SIDEWALKS
- 8 EXISTING PAVED DRIVEWAYS
- 9 EXISTING PAVED SIDEWALKS
- 10 EXISTING PAVED DRIVEWAYS
- 11 EXISTING PAVED SIDEWALKS
- 12 EXISTING PAVED DRIVEWAYS
- 13 EXISTING PAVED SIDEWALKS
- 14 EXISTING PAVED DRIVEWAYS
- 15 EXISTING PAVED SIDEWALKS
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- 25 EXISTING PAVED SIDEWALKS
- 26 EXISTING PAVED DRIVEWAYS
- 27 EXISTING PAVED SIDEWALKS
- 28 EXISTING PAVED DRIVEWAYS
- 29 EXISTING PAVED SIDEWALKS
- 30 EXISTING PAVED DRIVEWAYS

SITE ANALYSIS
EXISTING SITE
 TOTAL AREA: 4,500 SQ. FT.
 TOTAL AREA: 1,000 SQ. FT.
LANDSCAPE
 NUMBER OF PLANTING AREAS: 12
 REQUIRED: 12 PLANTING AREAS
 PROVIDED: 12 PLANTING AREAS
GENERAL NOTES
 1. THE CONTRACTOR SHALL VERIFY EXISTING CONDITIONS AND VERIFY ALL DISCREPANCIES WITH THE DRAWINGS TO THE ARCHITECT PRIOR TO THE BEGINNING OF CONSTRUCTION. GRADING AND APPROPRIATE VERMS SHALL BE MAINTAINED THROUGHOUT THE PROJECT.
 2. ALL PLANTS, TREES AND LANDSCAPING TO REMAIN SHALL BE PROTECTED FROM DAMAGE OR DESTRUCTION THROUGHOUT THE PROJECT.
 3. PRIOR TO CONSTRUCTION OF THE PROJECT, THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS FROM THE CITY OF CHICAGO.
 4. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES THROUGHOUT THE PROJECT.
 5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO'S STREETS AND SANITATION DEPARTMENT ORDINANCES AND ALL APPLICABLE REGULATIONS.
 6. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING CURBS, SIDEWALKS, AND DRIVEWAYS THROUGHOUT THE PROJECT.
 7. ALL PLANTS SHALL BE PLANTED IN ACCORDANCE WITH THE CITY OF CHICAGO'S PLANTING SPECIFICATIONS.
 8. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING SIGNAGE AND MARKINGS THROUGHOUT THE PROJECT.
 9. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING DRIVEWAYS THROUGHOUT THE PROJECT.
 10. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING SIDEWALKS THROUGHOUT THE PROJECT.
 11. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING CURBS THROUGHOUT THE PROJECT.
 12. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING DRIVEWAYS THROUGHOUT THE PROJECT.
 13. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING SIDEWALKS THROUGHOUT THE PROJECT.
 14. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING CURBS THROUGHOUT THE PROJECT.
 15. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING DRIVEWAYS THROUGHOUT THE PROJECT.
 16. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING SIDEWALKS THROUGHOUT THE PROJECT.
 17. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING CURBS THROUGHOUT THE PROJECT.
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 19. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING SIDEWALKS THROUGHOUT THE PROJECT.
 20. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING CURBS THROUGHOUT THE PROJECT.
 21. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING DRIVEWAYS THROUGHOUT THE PROJECT.
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 27. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING DRIVEWAYS THROUGHOUT THE PROJECT.
 28. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING SIDEWALKS THROUGHOUT THE PROJECT.
 29. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING CURBS THROUGHOUT THE PROJECT.
 30. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING DRIVEWAYS THROUGHOUT THE PROJECT.

SITE LANDSCAPE PLAN - NEW

net design
 CONSULTANT

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 308.684.2024
 CONSULTANT

CORNER
CORY SWAIN
 COFFEE KIOSK
 PROFESSIONAL SEAL

SITE LANDSCAPE PLAN

A-101

DATE ISSUED: 4/14/21
 DRAWN BY: [Name]
 CHECKED BY: [Name]

Page 7

C. Conceptual Building Elevations (dated: 4/14/21)

1 EAST ELEVATION
116'-0" x 116'-0"

2 NORTH ELEVATION
116'-0" x 116'-0"

3 SOUTH ELEVATION
116'-0" x 116'-0"

4 WEST ELEVATION
116'-0" x 116'-0"

EXTERIOR FINISH LEGEND

<ul style="list-style-type: none"> HORIZONTAL COMBINATION LAP BEAMS - 2" LAP PLANKS PAINT: PRPD (SHAWNEE WILLIAMS) COLOR NAME: BROWN (100) COLOR NO: 100100 ACACIA WOOD BEAMS MFC: DELTA WOODWORK FINISH: TONGUE AND GROOVE GRAIN: BARNWOOD ROYAL 	<ul style="list-style-type: none"> ALUMINUM EXTRUSION HOLDING METAL COLOR: BLACK ANODIZED METAL TRIM COLOR: BLACK ANODIZED METAL TRIM COLOR: BRASS ANODIZED 	<ul style="list-style-type: none"> METAL TRIM COLOR: NATURAL WOOD METAL TRIM COLOR: NATURAL WOOD METAL TRIM COLOR: NATURAL WOOD
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REVISIONS

#	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	4/14/21
2	REVISED	4/14/21
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100	REVISED	4/14/21

neidesign
ARCHITECTURE

221 E. 2ND ST.
MERRICK, ID 83842
208.884.2624

CONSULTANT

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CORNER
CORY SWAIN
COFFEE KIOSK
MERRICK, ID 83842

PROFESSIONAL SEAL

NO. DESCRIPTION DATE
1. ISSUED FOR PERMIT 4/14/21
2. REVISED 4/14/21
3. REVISED 4/14/21

EXTERIOR ELEVATIONS

A-211

DESIGNER: [Signature]
DRAWN BY: [Signature]

VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING

1. Future development of this site shall comply with the previous conditions of approval and terms of the existing Development Agreement [Inst. #[107005526](#) (AZ-06-041 Harpe Sub.), amended as Inst. #[114034781](#) (MDA-13-021, MDA-14-002 DaVinci Park); PP-13-036 (DaVinci Park); FP-14-013] and the conditions contained herein.
2. The site plan and landscape plan submitted with the Certificate of Zoning Compliance application shall be revised as follows:
 - a. The stacking lane, menu and speaker location(s), and window location shall be depicted in accord with UDC [11-4-3-11B](#).
 - b. All mechanical equipment on the back of the building and outdoor service and equipment areas should be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets as set forth in UDC [11-3A-12](#).
 - c. A bicycle rack shall be provided on the site capable of holding a minimum of one bicycle; bicycle parking facilities are required to comply with the location and design standards listed in UDC 11-3C-5C.
 - d. Depict a continuous internal pedestrian walkway that is a minimum of 5-feet in width from the perimeter sidewalk to the main building entrance per UDC 11-3A-19B.4. The pathway shall be distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete, or bricks and shall have weather protection within 20' of all customer entrances.
 - e. Depict landscaping within all planter islands within the parking area in accord with the standards listed in UDC 11-3B-8C. The planting area shall not be less than 5-feet in any dimension, measured inside curbs as set forth in UDC 11-3B-8C.2a.
 - f. Remove the northern row of parking adjacent to the stacking lane and install signage for the escape lane. Depict a planter island along the northern side of the remaining row of parking to guide traffic, landscaped per the standards in UDC 11-3B-8C.
 - g. Clearly delineate the vehicle stacking lane for the drive-through and the escape lane.
3. Direct access via E. McMillan Rd. is prohibited.
4. Compliance with the standards listed in UDC [11-4-3-11](#) – Drive-Through Establishment is required.
5. Compliance with the standards listed in UDC [11-4-3-49](#) – Restaurant is required.
6. Parking for the overall site shall be provided in accord with the standards listed in UDC 11-4-3-49 for restaurants.
7. A Certificate of Zoning Compliance and Design Review application shall be submitted and approved for the proposed use prior to submittal of a building permit application. The design of the site and structure shall comply with the standards listed in UDC [11-3A-19](#); the design standards listed in the *Architectural Standards Manual* and with the Development Agreement. *The Development Agreement requires some of the same design elements to be incorporated in the commercial portion of the development as in the residential portion.*
8. The conditional use permit is valid for a maximum period of two (2) years unless otherwise

approved by the City. During this time, the Applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground as set forth in UDC 11-5B-6. A time extension may be requested as set forth in UDC 11-5B-6F.

B. ADA COUNTY HIGHWAY DISTRICT (ACHD)

Staff Report:

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=230160&dbid=0&repo=MeridianCity>

A Traffic Impact Study (TIS) is not required for this project.

C. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=230615&dbid=0&repo=MeridianCity>

IX. FINDINGS

Conditional Use (UDC 11-5B-6)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This finding is not applicable.

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

This finding is not applicable.



AGENDA ITEM

ITEM TOPIC: Public Hearing for TM Creek Apartments Phase 3 (H-2021-0035) by Brighton Corporation, Generally Located South of W. Franklin Rd. and East of S. Ten Mile Rd.

A. Request: Rezone of 5.58 acres of land from the TN-C to the C-G zoning district.

B. Request: A Conditional Use Permit for a multi-family development consisting of 238 apartment units (including 2 live/work units) on 7.83 acres of land in the C-G zoning district.



PUBLIC HEARING INFORMATION

Staff Contact: Sonya Allen

Meeting Date: July 1, 2021

Topic: **Public Hearing** for TM Creek Apartments Phase 3 (H-2021-0035) by Brighton Corporation, Generally Located South of W. Franklin Rd. and East of S. Ten Mile Rd.

- A. Request: Rezone of 5.58 acres of land from the TN-C to the C-G zoning district.
- B. Request: A Conditional Use Permit for a multi-family development consisting of 238 apartment units (including 2 live/work units) on 7.83 acres of land in the C-G zoning district.

Information Resources:

[Click Here for Application Materials](#)

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

STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



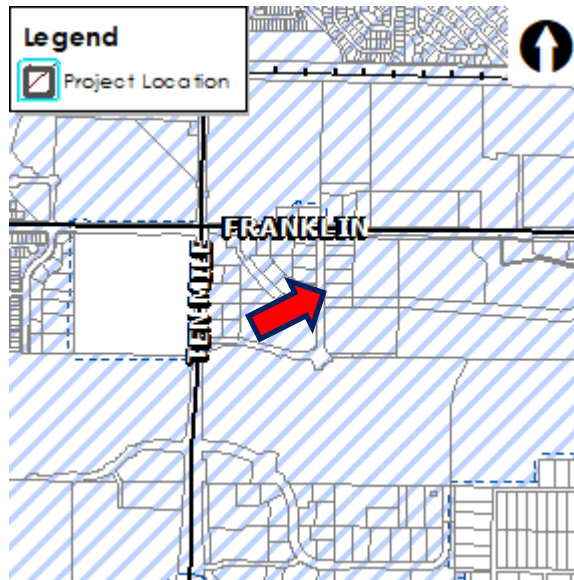
HEARING DATE: July 1, 2021

TO: Planning & Zoning Commission

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

SUBJECT: H-2021-0035 – TM Creek Apartments Phase 3

LOCATION: South of W. Franklin Rd. and east of S. Ten Mile Rd., in the NW ¼ of Section 14, Township 3N., Range 1W. (Parcel #R8483040240)



I. PROJECT DESCRIPTION

The Applicant has applied for a Rezone (RZ) of 5.58-acres of land from the TN-C to the C-G zoning district; and Conditional Use Permit (CUP) for a multi-family development consisting of 238 apartment units, including 2 live/work units, on 7.83-acres of land in the C-G zoning district.

Alternative Compliance (ALT) is requested to the following UDC standards:

- UDC 11-3A-19B.3, which requires no more than 50% of the total off-street parking area for the site to be located between building facades and abutting streets; (*Note: Staff determined this request is not necessary – see analysis in Section VI.*)
- UDC 11-4-3-27B.3, which requires a minimum of 80 square feet of private usable open space to be provided for each dwelling unit; and,
- UDC Table 11-3C-6, which doesn't include a requirement for parking for studio units, to allow the vertically integrated standard to apply.

II. SUMMARY OF REPORT

A. Project Summary

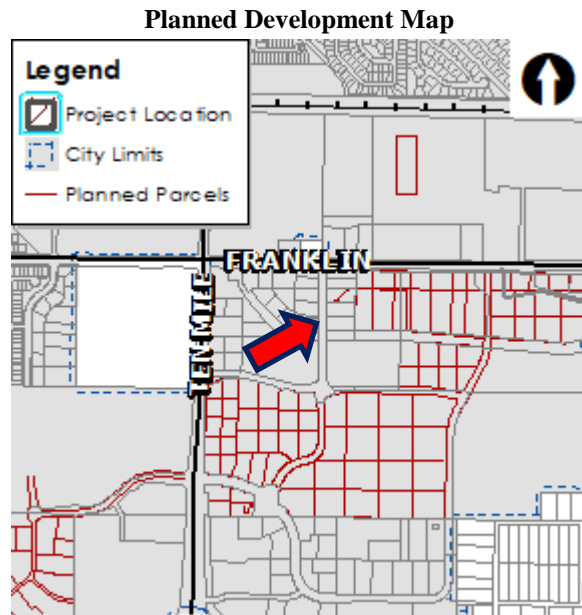
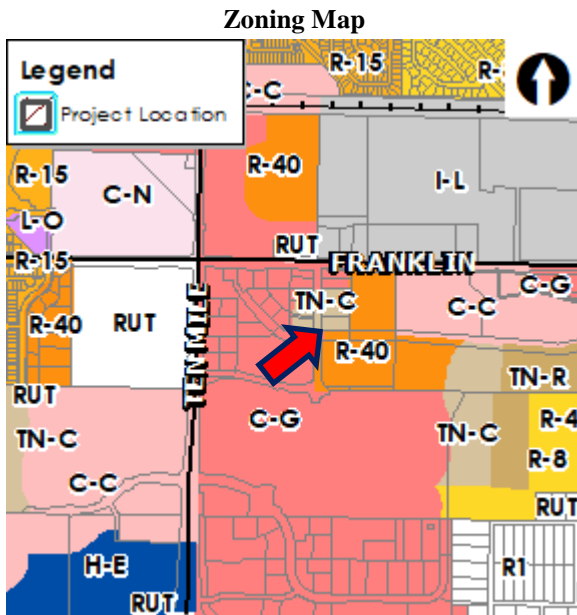
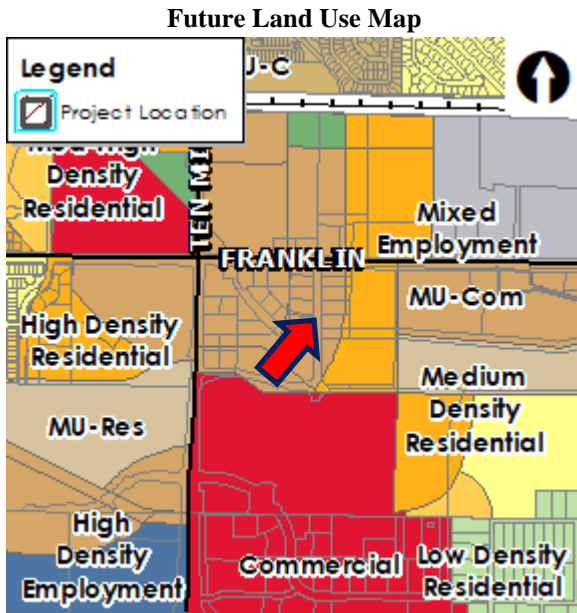
Description	Details	Page
Acreage	5.58-acres (RZ area); 7.83-acres (CUP area)	
Future Land Use Designation	Mixed Use Commercial (MU-COM) & High Density Residential (HDR)	
Existing Land Use	Vacant/undeveloped land	
Proposed Land Use(s)	Future commercial (west of Wayfinder); multi-family development (east of Wayfinder)	
Current Zoning	General Retail & Service Commercial (C-G) and Traditional Neighborhood Center (TN-C)	
Proposed Zoning	General Retail & Service Commercial (C-G)	
Number of Residential Units (type of units)	238-apartment units (studio, 1-bedroom, 2-bedroom and live/work)	
Density (gross & net)	30.4 units/acre (gross)/30.8 units/acre (net)	
Open Space (acres, total [%] / buffer / qualified)	2.51-acres (32.1%)	
Amenities	Clubhouse with fitness facilities, a bike repair room, pet grooming station and work rooms; outdoor swimming pool, grilling area, sports court (snookball) & ping pong and fireside seating.	
Physical Features (waterways, hazards, flood plain, hillside)	The Ten Mile Creek runs off-site along the southern boundary of the site.	
Neighborhood meeting date; # of attendees:	April 12, 2021; no attendees other than Applicant	
History (previous approvals)	AZ-13-015/PP-13-030/H-2015-0018/H-2016-0067/H-2020-0074 (DA Inst. # 2021-089157)	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	Yes	
• Requires ACHD Commission Action (yes/no)	No	
Traffic Impact Study (yes/no)	No	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	One (1) private street access is proposed via Wayfinder, a collector street, along the west boundary of the site.	
Fire Service		
• Distance to Fire Station	2.3 miles from Station #1	
• Fire Response Time	Within 5-minute response time area goal	

Description	Details	Page																																										
• Resource Reliability	70% – does not meet targeted goal of 80% or greater																																											
• Risk Identification	4 – current resources would not be adequate to supply service to this project.																																											
• Accessibility	Meets all required access, road widths and turnarounds once secondary access is completed.																																											
• Special/resource needs	Will require an aerial device – can meet this need in the required time frame if a truck company is required.																																											
• Water Supply	Requires 2,500 gallons per minute for 2 hours.																																											
• Other	See specific comments in Section IX.C.																																											
Police Service	<i>No comments were submitted.</i>																																											
West Ada School District																																												
• Distance (elem, ms, hs)																																												
• Capacity of Schools																																												
• # of Students Enrolled																																												
	<table border="1"> <thead> <tr> <th></th> <th>Enrolled for 21-22</th> <th>Capacity</th> <th>Approved prelim plat parcels per attendance area</th> <th>Approved MF units per attendance area</th> <th>Miles (Dev. to School)</th> </tr> </thead> <tbody> <tr> <td>Peregrine Elementary</td> <td>466</td> <td>650</td> <td>58</td> <td>235</td> <td>1.9</td> </tr> <tr> <td>Meridian Middle School</td> <td>1071</td> <td>1000</td> <td>797</td> <td>1795</td> <td>2.8</td> </tr> <tr> <td>Meridian High School</td> <td>1840</td> <td>2075</td> <td>3507</td> <td>2419</td> <td>1.7</td> </tr> <tr> <td colspan="6">School of Choice Options</td> </tr> <tr> <td>Chief Joseph Elementary (Arts)</td> <td>536</td> <td>700</td> <td>N/A</td> <td>N/A</td> <td>5.2</td> </tr> <tr> <td>Barbara Morgan Elementary (Stem)</td> <td>434</td> <td>500</td> <td>N/A</td> <td>N/A</td> <td>3.3</td> </tr> </tbody> </table>		Enrolled for 21-22	Capacity	Approved prelim plat parcels per attendance area	Approved MF units per attendance area	Miles (Dev. to School)	Peregrine Elementary	466	650	58	235	1.9	Meridian Middle School	1071	1000	797	1795	2.8	Meridian High School	1840	2075	3507	2419	1.7	School of Choice Options						Chief Joseph Elementary (Arts)	536	700	N/A	N/A	5.2	Barbara Morgan Elementary (Stem)	434	500	N/A	N/A	3.3	
	Enrolled for 21-22	Capacity	Approved prelim plat parcels per attendance area	Approved MF units per attendance area	Miles (Dev. to School)																																							
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• Predicted # of students generated from proposed development	24																																											
Wastewater																																												
Distance to Sewer Services	Directly adjacent																																											
Sewer Shed	South Black Cat Trunk Shed																																											
Estimated Project Sewer ERU's	See Application																																											
WRRF Declining Balance	14.15																																											
Project Consistent with WW Master Plan/Facility Plan	Yes																																											
Impacts/Concerns	<ul style="list-style-type: none"> • Sewer easements must be provided and be free of encroachments. • A sewer stub is required to the northern parcel S1214212580 																																											
Water																																												
Distance to Water Services	Directly adjacent																																											
Pressure Zone	2																																											
Estimated Project Water ERU's	See Application																																											
Water Quality	None																																											
Project Consistent with Water Master Plan	Yes																																											
Impacts/Concerns	<ul style="list-style-type: none"> • Water easements must be provided and be free of encroachments. • Water must be extended to the east property line. • An easement must be provided to the southeast portion of the site for future water connection to the east. • The 6'' water main on the east side of the property must be increased to 8'' pipe to meet fire flow. 																																											

C. Project Maps



III. APPLICANT INFORMATION

A. Applicant:

Kameron Nauahi, Brighton Corporation – 12601 W. Explorer, Boise, ID 83713

B. Owner:

Brighton Development – 2929 W. Navigator Dr., Meridian, ID 83642

C. Representative:

Mike Wardle, Brighton Corporation – 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	6/11/2021	
Radius notification mailed to properties within 300 feet	6/8/2021	
Public hearing notice sign posted on site	6/17/2021	
Nextdoor posting	6/8/2021	

V. COMPREHENSIVE PLAN ([Comprehensive Plan](#) and [TMISAP](#))

Land Use:

The subject property is designated Mixed Use – Commercial (MUC-COM) and High Density Residential (HDR) on the Future Land Use Map (FLUM) in the Comprehensive Plan. Development of the property is governed by the Ten Mile Interchange Specific Area Plan (TMISAP).

The purpose of the MU-COM designation is to encourage the development of a mixture of office, retail, recreational, employment, and other miscellaneous uses, with supporting multi-family or single-family attached residential uses. While the focus of these areas is on commercial and employment uses, the horizontal and vertical integration of residential uses is essential to securing entitlements. As with all mixed-use areas, this designation requires developments to integrate the three major use categories – residential, commercial and employment. In MU-COM areas, three or more significant uses also tend to be larger scale projects. This designation is intended to provide flexibility and encourage developers to build innovative projects.

HDR designated areas are multiple-family housing areas where relatively larger and taller apartment buildings are the recommended building type. HDR should include a mix of housing types that achieve an overall average density target of at least 16-25 dwelling units per gross acre. Most developments in this area should fall within or below this range, although smaller areas or higher or lower density may be included. Residential densities can be concentrated in multi-story projects with up to 50 dwelling units per acre allowed.

Design: Traditional neighborhood design concepts with a strong pedestrian-oriented focus are essential in the MU-COM designation. The goal in these areas is to achieve a FAR of 1.00-1.25 or more. Development within these areas exhibit quality building and site design and an attractive pedestrian environment with a strong street character. The mix of residential uses may be achieved vertically within buildings; however, some horizontal mixes may be allowed. This land use designation calls for an overall target density of 8-12 dwelling units per acre, with higher densities allowed on individual projects. No more than 30% of the ground level development within the MU-COM designation should be used for residences. *See the Application of the Design Elements matrix on pg. 3-49 of the TMISAP for design elements applicable to the proposed development.*

HDR designated areas are typically relatively compact located adjacent to or very close to larger MU-COM and Employment areas, and other intensively developed lands. The design and orientation of new HDR buildings should be pedestrian-oriented and special streetscape improvements should be considered to create rich and enjoyable public spaces. A strong physical relationship between the commercial and residential components to adjacent employment or transit centers is critical. Housing types desired in HDR areas are apartment buildings, townhouses or row houses, and live-work units; however, the expectation is that most buildings will be relatively dense multi-family types.

Transportation: The Transportation System Map (TSM) in the TMISAP does not depict any local, collector or arterial streets across this site other than the existing S. Wayfinder Ave., a collector street, which lies along the west boundary of the proposed residential area.

A Traffic Impact Study (TIS) was not required because this area was studied and included in the TMISAP.

The streets in this vicinity (i.e. W. Franklin Rd., S. Ten Mile Rd. and S. Wayfinder Ave.) are fully built-out.

Proposed Use: A multi-family development containing 238 dwelling units consisting of apartments and live/work units is proposed to develop on the site. The proposed development lies within two different FLUM designations – MU-COM & HDR. Multi-family apartments and live/work units are desired uses in both designations.

COMPREHENSIVE PLAN POLICIES:

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

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

The proposed multi-family apartments will contribute to the variety of housing types and financial capabilities for such in the City as desired.

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

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

- “Locate higher density housing near corridors with existing or planned transit, Downtown, and in proximity to employment centers.” (2.01.01H)

The proposed multi-family development is located in close proximity to S. Ten Mile Rd., a mobility arterial, providing access to I-84 and is within an employment center area.

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

The proposed multi-family apartments will contribute to the mix of housing types available in the City. There is currently a mix of housing types within a mile of this site consisting of single-family, townhomes and multi-family apartments.

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

The proposed multi-family apartments should be compatible with existing multi-family residential uses to the south and southwest and future commercial/retail uses in this area.

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

The proposed development will connect to City water and sewer systems; services are required to be

provided to and though this development in accord with current City plans.

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

The proposed residential uses will allow folks to live in close proximity to employment, retail and restaurant uses which will reduce vehicle trips and enhance livability.

VI. STAFF ANALYSIS

A. REZONE (RZ):

A RZ of 5.58-acres of land is proposed from the TN-C to the C-G zoning district. As discussed above, the associated FLUM designation for the area proposed to be rezoned is mostly MU-COM with a narrow sliver along the eastern boundary designated as HDR. The proposed C-G zoning and multi-family residential and live/work (i.e. vertically integrated) uses are consistent with the FLUM designations for this property.

A site plan and building elevations were submitted as shown in Sections VIII.B and D that show how the property is proposed to develop with multi-family residential and vertically integrated uses consistent with the Comprehensive Plan and the TMISAP. The proposed density at 30.4 units per acre is also consistent with the density desired for this area, which is mostly designated HDR.

A legal description and exhibit map for the area proposed to be rezoned is included in Section VIII.A.

Because the subject property is already included within the area governed by a Development Agreement (DA) (Ten Mile Crossing H-2020-0074, Inst. #[2021-089157](#)) and the proposed development is consistent with the provisions in the agreement, Staff does not recommend a new DA or an amendment to the existing DA as a provision of the rezone.

B. CONDITIONAL USE PERMIT (CUP)

A CUP is proposed for a multi-family development containing (3) 4-story structures with 238 apartment units consisting of (42) studio, (120) 1-bedroom, (74) 2-bedroom and (2) live/work (i.e. vertically integrated) units on 7.83-acres of land in the C-G zoning district. The size of each of the unit types proposed is as follows: 516 square feet (s.f.) for studio units; 685 s.f. for 1-bedroom units; 1,036 s.f. for 2-bedroom units; 733 s.f. for small live/work unit; and 1,082 for large live/work unit. The gross density of the development is 30.4 units per acre.

A total of 1,815 square feet of non-residential uses are proposed in the vertically integrated residential structure, which is a principal permitted use in the C-G zoning district and will allow a variety of commercial uses.

Specific Use Standards (UDC 11-4-3):

The proposed use is subject to the following standards: *(Staff’s analysis/comments in italic text)*

[11-4-3-27](#): MULTI-FAMILY DEVELOPMENT:

Site Design:

1. Buildings shall provide a minimum setback of ten feet (10') unless a greater setback is otherwise required by this title and/or [title 10](#) of this Code. Building setbacks shall take into account windows, entrances, porches and patios, and how they impact adjacent properties. *The proposed site plan complies with this standard.*

2. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, and transformer and utility vaults shall be located in an area not visible from a public street, or shall be fully screened from view from a public street. *The site plan depicts screened trash enclosures; all proposed transformer/utility vaults and other service areas shall comply with this requirement.*

3. A minimum of eighty (80) square feet (s.f.) of private, usable open space shall be provided for each unit. This requirement can be satisfied through porches, patios, decks, and/or enclosed yards. Landscaping, entryway and other access ways shall not count toward this requirement. In circumstances where strict adherence to such standard would create inconsistency with the purpose statements of this section, the Director may consider an alternative design proposal through the alternative compliance provisions as set forth in section [11-5B-5](#) of this title. *Alternative Compliance is requested to provide zero or a lesser amount of private open space than required, as follows: 0 for studio units; 79.58 s.f. for 1-bedroom units; 66.84 s.f. for 2-bedroom units; 75.91 s.f. for 1-bedroom vertically integrated unit; and 67.8 s.f. for 2-bedroom vertically integrated unit.*

As an alternative, the Applicant proposes common open space and site amenities above the minimum requirements coupled with innovative new urban design with an emphasis on integrated internal open space, facilities and access to the Ten Mile Creek regional pathway system. Because the proposed design includes design features consistent with “new urbanism” and promotes walkable and mixed-use neighborhoods with access to the adjacent regional pathway along the Ten Mile creek and a vast amount of open space, the Director finds the Applicant’s proposal to be sufficient and approves the Alternative Compliance request as proposed with the condition the 7-foot wide pathway along the southern boundary of the site is widened to 10-feet.

4. For the purposes of this section, vehicular circulation areas, parking areas, and private usable open space shall not be considered common open space. *Private usable open space areas for the units fronting on Wayfinder were included in the common open space calculations, which don’t qualify. However, the internal common open space at 2.2-acres complies with the minimum standard; other areas as shown on the plan that are a minimum of 400 square feet in area and have a minimum length and width dimension of 20’ also qualify and exceed UDC standards.*

5. No recreational vehicles, snowmobiles, boats or other personal recreation vehicles shall be stored on the site unless provided for in a separate, designated and screened area. *The Applicant shall comply with this requirement.*

6. The parking shall meet the requirements set forth in [chapter 3](#), "Regulations Applying to All Districts", of this title. *The Applicant requests alternative compliance to the parking standards listed in UDC Table 11-3C-6, which doesn’t include a requirement for parking for studio units, to allow the vertically integrated standard to apply. One (1) space is required for a 1-bedroom unit in vertically integrated residential as opposed to a 1-bedroom apartment unit, which requires 1.5 spaces with at least one of the spaces being in a covered carport or garage.*

With approval of alternative compliance, a minimum of 372 parking spaces are required with 194 of those in a covered carport or garage, for (42) studio, (120) 1-bedroom, (74) 2-bedroom and (2) vertically integrated residential units. A total of 379 spaces are proposed with 231 of those being covered (201 in a covered carport and 30 garage spaces).

Because the proposed design includes innovative design features based on “new urbanism, “and promotes walkable mixed-use neighborhoods, the Director supports the requested alternative compliance.

Bicycle parking is required per the standards listed in UDC 11-3C-6G and should comply with the standards listed in UDC 11-3C-5C. One bicycle parking space is required for every 25 proposed vehicle parking spaces or portion thereof. Based on 379 spaces, a minimum of 15 spaces are required; a total of 16 spaces are proposed in excess of UDC standards.

7. Developments with twenty (20) units or more shall provide the following:
 - a. A property management office.
 - b. A maintenance storage area.
 - c. A central mailbox location, including provisions for parcel mail, that provide safe pedestrian and/or vehicular access.
 - d. A directory and map of the development at an entrance or convenient location for those entering the development. (Ord. 18-1773, 4-24-2018)

The site plan submitted with the Certificate of Zoning Compliance application should depict the location of these items in accord with this standard.

C. Common Open Space Design Requirements:

1. A minimum area of outdoor common open space shall be provided as follows:
 - a. One hundred fifty (150) square feet for each unit containing five hundred (500) or less square feet of living area. *There are no units containing 500 s.f. or less of living area.*
 - b. Two hundred fifty (250) square feet for each unit containing more than five hundred (500) square feet and up to one thousand two hundred (1,200) square feet of living area. *All 238 of the units fall within this square footage range; therefore, a minimum of 59,500 square feet or 1.37-acres of common open space is required. A total of 2.51-acres (or 32.1%) is proposed in accord with this standard. Although some of this area does not qualify (i.e. private open space) and is not really usable (i.e. parking lot planters), the internal common open space and area along the Ten Mile creek is 2.2-acres, which exceeds UDC standards.*
 - c. Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area. *There are no units proposed that contain more than 1,200 square feet of living area.*
2. Common open space shall be not less than four hundred (400) square feet in area, and shall have a minimum length and width dimension of twenty feet (20'). *The common open space areas depicted on the open space exhibit in Section VIII.D meet this requirement.*
3. In phased developments, common open space shall be provided in each phase of the development consistent with the requirements for the size and number of dwelling units. *This project is proposed to develop in one phase.*
4. Unless otherwise approved through the conditional use process, common open space areas shall not be adjacent to collector or arterial streets unless separated from the street by a berm or constructed barrier at least four feet (4') in height, with breaks in the berm or barrier to allow for pedestrian access. (Ord. 09-1394, 3-3-2009, eff. retroactive to 2-4-2009) *The Applicant requests the street buffer along Wayfinder Ave., a collector street, is allowed to count toward the common open space for the development although it is not separated from the street by a berm or barrier. Without this area, the internal common open space along the creek corridor still meets and exceeds the minimum standards.*

D. Site Development Amenities:

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

Based on 238 proposed units, a minimum of 5 amenities are required but the decision-making body is authorized to consider additional similar amenities if they believe the proposed amenities aren't adequate for the size of the development.

The following amenities are proposed from each category: a clubhouse with a fitness center, bike repair room and pet grooming station; swimming pool; open grassy areas at least 50' x 100' in size; fireside seating; grilling area; and sports courts (snookball & ping pong). The Ten Mile Creek multi-use pathway also lies adjacent to the site for residents to use.

E. Landscaping Requirements:

1. Development shall meet the minimum landscaping requirements in accord with [chapter 3](#), "Regulations Applying to All Districts", of this title.
2. All street facing elevations shall have landscaping along their foundation. The foundation landscaping shall meet the following minimum standards:
 - a. The landscaped area shall be at least three feet (3') wide.
 - b. For every three (3) linear feet of foundation, an evergreen shrub having a minimum mature height of twenty-four inches (24") shall be planted.
 - c. Ground cover plants shall be planted in the remainder of the landscaped area.

The landscape plan submitted with the Certificate of Zoning Compliance application should depict landscaping along the street facing elevations adjacent to S. Wayfinder Ave. in accord with these standards.

- F. Maintenance and Ownership Responsibilities: All multi-family developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features. ***The Applicant shall comply with this requirement.***

Access: One (1) east/west private street access is proposed via S. Wayfinder Ave. for the development with three (3) accesses off the private street. **An application for approval of the private street is required to be submitted that demonstrates compliance with the design and construction standards listed in UDC 11-3F-4.**

A cross-access easement is required to be granted between all non-residential lots in the subdivision per requirement of the preliminary plat in accord with UDC 11-3A-3A.2.

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

A 20-foot wide street buffer exists along S. Wayfinder Ave., a collector street, with on-street parking, benches, planters and tree grates in accord with UDC Table 11-2B-3, 11-3B-7C and the TMISAP.

Landscaping is required within parking lots in accord with the standards listed in UDC 11-3B-8C. The "diamond" planter islands proposed along the eastern boundary of the site comply with the established design standards for TM Crossing.

Landscaping is required to be provided along the pathway adjacent to the southern boundary of the site per the standards listed in UDC [11-3B-12C](#), which require a mix of trees, shrubs, lawn and/or other vegetative groundcover. **Landscaping should be added to the landscape plan in accord with this standard; calculations demonstrating compliance with this standard should also be included in the calculations table.**

Landscaping is required within common open space areas per the standards listed in UDC 11-3G-3E. **Calculations should be included in the calculations table demonstrating compliance with this standard.**

Parking: Off-street vehicle parking is required for the proposed multi-family dwellings and vertically integrated residential as set forth in UDC Table [11-3C-6](#) as discussed above.

Alternative Compliance (ALT) is requested to UDC 11-3A-19B.3, which requires no more than 50% of the total off-street parking area for the site to be located between building facades and abutting streets. No parking is proposed between the building and Wayfinder Ave. Garages are proposed adjacent to the

private street, which screen the parking between the street and the multi-family structures negating the need for ALT.

Pathways: A 7-foot wide pathway is proposed along the southern boundary of the site adjacent to the Ten Mile Creek. **Staff recommends as a condition of approval of the Applicant's request for Alternative Compliance to the private open space standards in UDC 11-4-3-27B.3, the pathway is widened to 10-feet and a 14-foot wide public pedestrian easement is dedicated for the pathway as recommended by the Park's Dept.**

Internal pedestrian walkways are required to be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks per UDC 11-3A-19B.4b.

Fencing: No fencing is depicted on the landscape plan for this development. Any fencing constructed on the site should comply with the standards listed in UDC 11-3A-6 and 11-3A-7.

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

Conceptual building elevations were submitted for the proposed 4-story structures as shown in Section VIII.E. Building materials consist of stucco and bricks in neutral colors. Final design is required to comply with the adopted TM Crossing Design Guidelines.

A Certificate of Zoning Compliance application shall be submitted and compliance with the TM Crossing design guidelines is required as set forth in the DA prior to submittal of building permit applications.

VII. DECISION

A. Staff:

Staff recommends approval of the proposed RZ and CUP and the Director has approved the requests for ALT per the provisions included in Section IX in accord with the Findings in Section X.

VIII. EXHIBITS

A. Legal Description & Exhibit Map for Proposed Rezone

LEGAL DESCRIPTION
TM Creek TN-C Zone Boundary

Part of the NW1/4 of Section 14 Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho described as:

Beginning at point being S89°09'50"E 1577.99 feet along the Section line and S00°34'40"W 294.20 feet from the northwest corner of said Section 14,

Running thence N89°25'20"W 290.60 feet;
thence N89°26'49"W 287.44 feet;
thence S00°33'11"W 186.45 feet;
thence S00°00'00"W 243.81 feet to a point of a non-tangent curve;
thence along said curve to the left 7.90 feet (Curve Data: Radius=270.00 feet, Delta=1°40'33", chord bears S89°02'34"E 7.90 feet);
thence S89°52'51"E 176.26 feet;
thence N87°54'01"E 101.03 feet;
thence N89°42'19"E 41.44 feet to the east line of the NW1/4NW1/4 of said Section 14;
thence along said east line N00°34'40"E 10.00 to the north line of Ten Mile Stub Drain;
thence along said north line N89°51'06"E 249.02 feet;
thence N00°34'40"E 410.51 feet the Point of Beginning.

Parcel Contains 5.58 Acres more or less.

Basis of Bearing

North section line of the NW1/4 of Section 14 Commencing at the Northwest corner of Section 14; thence S89°09'50"E, a distance of 2657.99 feet to the N1/4 of Section 14



LOCATED IN NW 1/4 OF SECTION 14, T3N., R.1W B.M.
ADA COUNTY, IDAHO

CURVE TABLE						
CURVE #	LENGTH	RADIUS	DELTA	TANGENT	CHORD	BEARING
C1	98.81	89.99	56°10'12"	37.35	65.90	N89°26'39"W
C2	107.70	199.99	30°51'16"	50.19	106.40	S77°53'45"W
C3	92.42	199.99	26°28'40"	47.05	91.60	S80°05'03"W
C5	7.90	270.00	1°40'30"	3.95	7.90	S89°02'34"E



P:\WORK\FILES\CAD\2005\PROJECTS\TMS\6 0808 PSE PLAT TM CREEK TM CREEK ZONING.DWG LAST SAVED: 8/20/05 3:35:46 PM PRINTED: 8/22/05 11:18:10 AM

BRIGHTON CORPORATION

KELLER associates

121 2nd St. Avenue, Suite A
Meridian, Idaho 83642
(208) 386-1902

ZONING BOUNDARY
LEGAL DESCRIPTION MAP FOR TM CREEK

C. Landscape Plan (dated: 5/3/21)



PLANT SCHEDULE

NO.	SYMBOL	PLANT SPECIES	QUANTITY	DATE	LOCATION
1	(Symbol)	FRUITING DOGWOOD	2	05/03/21	100' W OF S. WAYFINDER AVE.
2	(Symbol)	FRUITING DOGWOOD	2	05/03/21	100' W OF S. WAYFINDER AVE.
3	(Symbol)	FRUITING DOGWOOD	2	05/03/21	100' W OF S. WAYFINDER AVE.
4	(Symbol)	FRUITING DOGWOOD	2	05/03/21	100' W OF S. WAYFINDER AVE.
5	(Symbol)	FRUITING DOGWOOD	2	05/03/21	100' W OF S. WAYFINDER AVE.
6	(Symbol)	FRUITING DOGWOOD	2	05/03/21	100' W OF S. WAYFINDER AVE.
7	(Symbol)	FRUITING DOGWOOD	2	05/03/21	100' W OF S. WAYFINDER AVE.
8	(Symbol)	FRUITING DOGWOOD	2	05/03/21	100' W OF S. WAYFINDER AVE.
9	(Symbol)	FRUITING DOGWOOD	2	05/03/21	100' W OF S. WAYFINDER AVE.
10	(Symbol)	FRUITING DOGWOOD	2	05/03/21	100' W OF S. WAYFINDER AVE.
11	(Symbol)	FRUITING DOGWOOD	2	05/03/21	100' W OF S. WAYFINDER AVE.
12	(Symbol)	FRUITING DOGWOOD	2	05/03/21	100' W OF S. WAYFINDER AVE.
13	(Symbol)	FRUITING DOGWOOD	2	05/03/21	100' W OF S. WAYFINDER AVE.
14	(Symbol)	FRUITING DOGWOOD	2	05/03/21	100' W OF S. WAYFINDER AVE.
15	(Symbol)	FRUITING DOGWOOD	2	05/03/21	100' W OF S. WAYFINDER AVE.
16	(Symbol)	FRUITING DOGWOOD	2	05/03/21	100' W OF S. WAYFINDER AVE.
17	(Symbol)	FRUITING DOGWOOD	2	05/03/21	100' W OF S. WAYFINDER AVE.
18	(Symbol)	FRUITING DOGWOOD	2	05/03/21	100' W OF S. WAYFINDER AVE.
19	(Symbol)	FRUITING DOGWOOD	2	05/03/21	100' W OF S. WAYFINDER AVE.
20	(Symbol)	FRUITING DOGWOOD	2	05/03/21	100' W OF S. WAYFINDER AVE.

CONDITIONAL USE PERMIT LANDSCAPE SITE PLAN

1 DECIDUOUS TREE PLANTING AND STAKING DETAIL

2 BIKE RACK DETAIL

CONTACT INFORMATION

km

TEN MILE CREEK APARTMENTS III
MERIDIAN, IDAHO
CONDITIONAL USE PERMIT LANDSCAPE PLAN

L1.0

D. Qualified Open Space (dated: 5/3/21)



REV.	DATE	DESCRIPTION

TEN MILE CREEK APARTMENTS III
 MERIDIAN, IDAHO
 CONDITIONAL USE PERMIT QUALIFIED OPEN SPACE EXHIBIT



DESIGNED BY	AKP
DRAWN BY	AKP
CHECKED BY	AKP
DATE	MARCH 2021
PROJECT	2021-001
SHEET NO.	E1.0

E. Conceptual Building Elevations & Renderings for Multi-Family Structures & Clubhouse

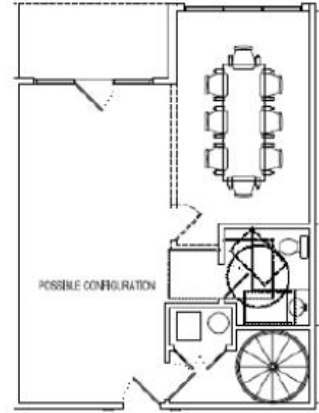
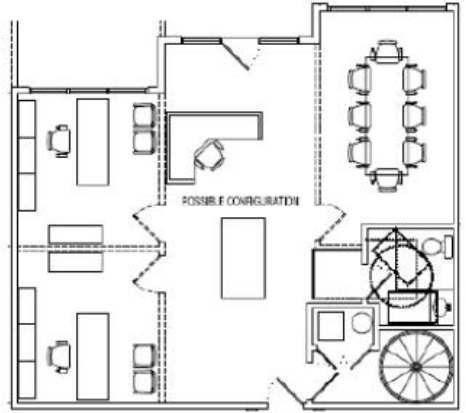




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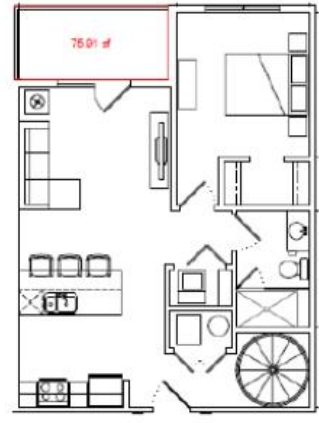
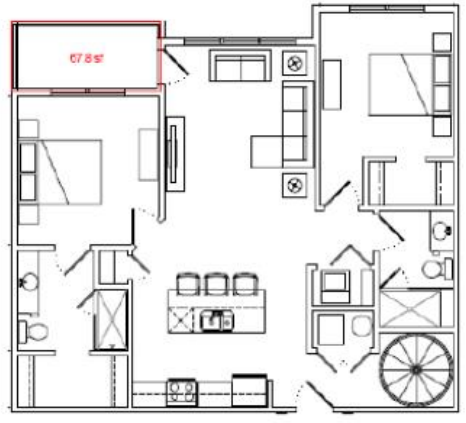
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WAYFINDER AVE. - STREET FRONTAGE



INTERIOR HALLWAY UNIT ENTRANCE

LARGE - 1,082 SF "WORK" - LOWER LEVEL SMALL - 733 SF



LARGE - 1,082 SF "LIVE" - UPPER LEVEL SMALL - 733 SF

IX. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

Conditional Use Permit:

1. The Applicant shall comply with the provisions in the existing Development Agreement (Inst. 2021-089157) and all other previous conditions of approval.
2. The multi-family development shall have an ongoing obligation to comply with the specific use standards listed in UDC 11-4-3-27.
3. The multi-family development shall record a legally binding document that states the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features as set forth in UDC 11-4-3-27F. **A recorded copy of said document shall be submitted to the Planning Division prior to issuance of the first Certificate of Occupancy for the development.**
4. The site and/or landscape plan submitted with the Certificate of Zoning Compliance shall be revised as follows:
 - a. Depict the locations of the property management office, maintenance storage area, central mailbox location (including provisions for parcel mail, that provide safe pedestrian and/or vehicular access), and a directory and map of the development at an entrance or convenient location for those entering the development in accord with UDC 11-4-3-27B.7.
 - b. All transformer and utility vaults and other service areas shall be located in an area not visible from a public street, or shall be fully screened from view from a public street in accord with UDC 11-4-3-27B.2.
 - c. Depict landscaping along the foundations of all street facing elevations adjacent to S. Wayfinder Ave. as set forth in UDC 11-4-3-27E.2.
 - d. Include a detail of the proposed site amenities.
 - e. Depict a gate across the emergency access driveway from W. Franklin Rd. as required by the Fire Dept.
 - f. Depict landscaping along the pathway adjacent to the southern boundary of the site per the standards listed in UDC 11-3B-12C, which require a *mix* of trees, shrubs, lawn and/or other vegetative groundcover.
 - g. Calculations should be included in the calculations table demonstrating compliance with the required landscaping in common open space areas per UDC 11-3G-3E.
 - h. Widen the pathway along the southern boundary of the site to 10-feet.
 - i. Internal pedestrian walkways are required to be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks per UDC 11-3A-19B.4b.
5. Submit an application for the proposed private street that demonstrates compliance with the design and construction standards listed in UDC 11-3F-4.
6. The Director approved the Applicant's request for Alternative Compliance to the off-street parking standards for multi-family dwellings listed in UDC Table 11-3C-6, as follows: a total of 379 spaces shall be provided with 231 of those being covered (201 in a covered carport and 30 garage spaces).
7. The Director approved the Applicant's request for Alternative Compliance to the private usable open space standards listed in UDC 11-4-3-27B.3 for each dwelling unit as follows: 79.58 square feet

(s.f.) for 1-bedroom units; 66.84 s.f. for 2-bedroom units; 75.91 s.f. for the 1-bedroom vertically integrated unit; and 67.8 s.f. for the 2-bedroom vertically integrated unit. Floor plans with square footages noted for patios and balconies shall be submitted with the Certificate of Zoning Compliance application that demonstrate compliance with the alternative compliance approval.

8. Submit a 14-foot wide public pedestrian easement for the pathway along the southern boundary of the site along the north side of the Ten Mile Creek in accord with Park's Department requirements.
9. An application for Certificate of Zoning Compliance shall be submitted for the proposed project and approved prior to submittal of building permit applications. Compliance with the design guidelines in the Ten Mile Interchange Specific Area Plan and the design standards listed in the Architectural Standards Manual as applicable is required. *See the Application of the Design Elements matrix on pg. 3-49 of the TMISAP for design elements applicable to the proposed development.*

B. PUBLIC WORKS

No comments at this time.

C. FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=230631&dbid=0&repo=MeridianCity>

D. POLICE DEPARTMENT

No comments were submitted.

E. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=231480&dbid=0&repo=MeridianCity>

F. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

No comments were submitted.

G. COMMUNITY DEVELOPMENT SCHOOL IMPACT TABLE

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=231292&dbid=0&repo=MeridianCity>

H. WEST ADA SCHOOL DISTRICT (WASD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=231215&dbid=0&repo=MeridianCity>

I. PARK'S DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=230766&dbid=0&repo=MeridianCity>

J. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=231070&dbid=0&repo=MeridianCity>

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=229086&dbid=0&repo=MeridianCity>

X. FINDINGS

A. Rezone (UDC 11-5B-3E)

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

- 1. The map amendment complies with the applicable provisions of the comprehensive plan;
Staff finds the rezone of the subject site from the TN-C to the C-G zoning district is consistent with the associated MU-COM and HDR FLUM designations in the Comprehensive Plan for the subject property proposed to be rezoned.
- 2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;
Staff finds the proposed map amendment to C-G will assist in providing for the retail and service needs of the community consistent with the purpose statements for the district while allowing multi-family residential uses as desired in the HDR FLUM designation.
- 3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;
Staff finds that the proposed rezone should not be detrimental to the public health, safety, or welfare.
- 4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and
Staff finds that the proposed rezone will not result in any adverse impact upon the delivery of services by any political subdivision providing services to this site.
- 5. The annexation (as applicable) is in the best interest of city.
Because this application is for a rezone and not an annexation, this finding is not applicable.

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

The Commission shall base its determination on the Conditional Use Permit requests upon the following:

- 1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.
Staff finds that the subject property is large enough to accommodate the proposed use and dimensional and development regulations of the C-G district (see Analysis, Section V for more information).
- 2. That the proposed use will be harmonious with the Meridian Comprehensive Plan and in accord with the requirements of this Title.
Staff finds that the proposed use is consistent with the future land use map designations of MU-C and HDR and the multi-family residential use is allowed as a conditional use in UDC Table 11-2B-2 in the C-G zoning district.
- 3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.

Staff finds the proposed design of the development, construction, operation and maintenance should be compatible with the mix of other uses planned for this area and with the intended character of the area and that such uses will not adversely change the character of the area.

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

Staff finds that if the applicant complies with the conditions outlined in this report, the proposed use will not adversely affect other property in the area. The Commission should weigh any public testimony provided to determine if the development will adversely affect other properties in the vicinity.

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

Staff finds that essential public services are available to this property and that the use will be adequately served by these facilities.

C. Alternative Compliance (UDC 11-5B-5):

In order to grant approval of an alternative compliance application, the Director shall determine the following:

1. Strict adherence or application of the requirements is not feasible; OR

The Director finds strict adherence to the standards listed in UDC 11-4-3-27B.3 is feasible.

Pertaining to the request for Alternative Compliance to UDC Table 11-3C-6, there are no parking standards for studio units.

2. The alternative compliance provides an equal or superior means for meeting the requirements; and

The Director finds the proposed alternative compliance of providing integrated internal open space, a pathway creek amenity and site amenities and common open space in excess of UDC standards coupled with innovative, new-urban design provides a superior means for meeting the requirements in UDC 11-4-3-27B.3.

The Director finds the proposed alternative for parking for studio units provides an equal means for meeting the requirements in UDC Table 11-3C-6.

3. The alternative means will not be materially detrimental to the public welfare or impair the intended uses and character of the surrounding properties.

The Director finds that the proposed alternative means of compliance will not be detrimental to the public welfare or impair the intended use/character of the surrounding properties.



AGENDA ITEM

ITEM TOPIC: Public Hearing Continued from June 3, 2021 for Woodcrest Townhomes (H-2021-0015) by Blaine A. Womer Civil Engineering, Located at 1789 N. Hickory Way

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

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



PUBLIC HEARING INFORMATION

Staff Contact: Sonya Allen

Meeting Date: July 1, 2021

Topic: **Public Hearing** Continued from June 3, 2021 for Woodcrest Townhomes (H-2021-0015) by Blaine A. Womer Civil Engineering, Located at 1789 N. Hickory Way

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

Information Resources:

[Click Here for Application Materials](#)

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

STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



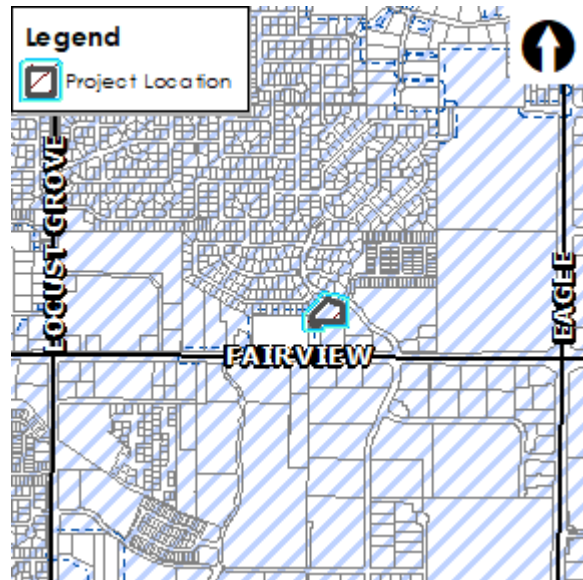
HEARING DATE: July 1, 2021
 (Continued from: June 3, 2021)

TO: Planning & Zoning Commission

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

SUBJECT: H-2021-0015
 Woodcrest Townhomes – CPAM, RZ

LOCATION: 1789 N. Hickory Way, in the SE ¼ of
 Section 5, Township 3N., Range 1E.



I. PROJECT DESCRIPTION

Amendment to the Comprehensive Plan Future Land Use Map (CPAM) to change the future land use designation on 2.10-acres of land from Commercial to Medium High-Density Residential; and Rezone (RZ) of 2.10-acres of land from the L-O (Limited Office) to the R-15 (Medium High-Density Residential) zoning district.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	1.97-acres	
Future Land Use Designation	Commercial	
Existing Land Use	Vacant/undeveloped land	
Proposed Land Use(s)	Residential and office	
Current Zoning	Limited Office (L-O)	
Proposed Zoning	R-15 (Medium High-Density Residential)	
Lots (# and type; bldg/common)	NA (property is not proposed to be subdivided at this time)	
Phasing plan (# of phases)	NA	
Number of Residential Units (type of units)	19 units (single-family attached & townhouse dwellings)	
Density (gross & net)	10.8 units/acre (gross)/13.5 units/acre (net)	
Open Space (acres, total [%] / buffer / qualified)	NA	

Amenities	10' wide multi-use pathway along Meridian Rd./SH-69	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	1/28/21; 10 attendees	
History (previous approvals)	Annexed & subdivided in 1992 as Angel Park Sub. (Lot 1, Block 1) with L-O zoning; re-subdivided in 2001 (Mallane Commercial Complex PP-00-021); FP-03-001 (Lot 4, Block 1); H-2017-0165 (RZ & CUP – denied)	

B. Community Metrics

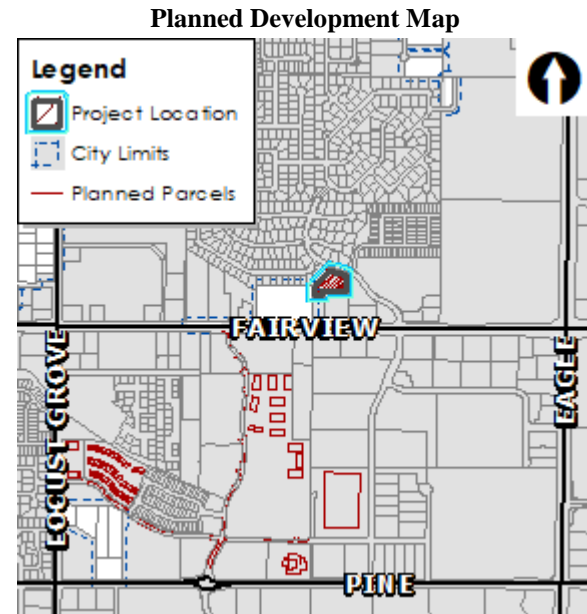
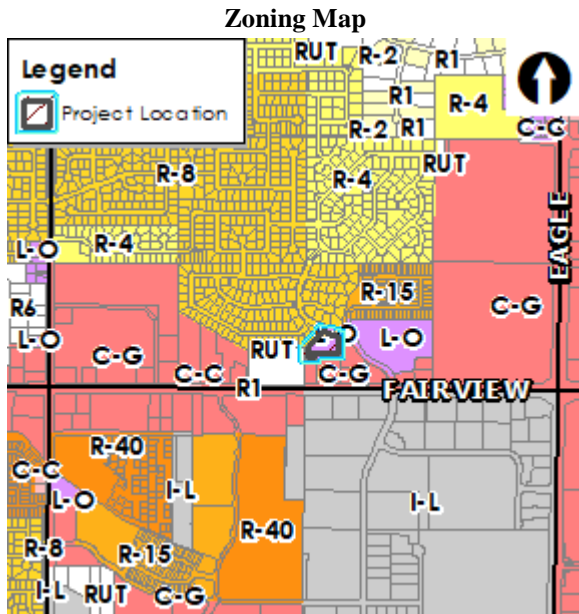
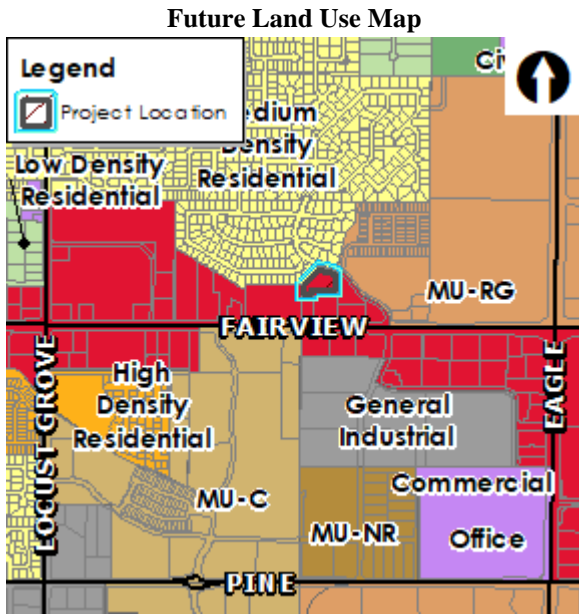
Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> Staff report (yes/no) 	Yes	
<ul style="list-style-type: none"> Requires ACHD Commission Action (yes/no) 	No	
<ul style="list-style-type: none"> Existing Conditions 	Hickory Way is improved with 2-travel lanes, curb, gutter & 5' attached sidewalk. <i>No additional improvements or right-of-way dedication is required with this application.</i>	
<ul style="list-style-type: none"> CIP/IFYWP 	NA	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Access is proposed via the existing driveway via Hickory Way.	
Proposed Road Improvements	None	
Fire Service	<i>See Section IX.C</i>	
Police Service	<i>No comment.</i>	

West Ada School District						
Distance (elem, ms, hs)		Enrolled for 21-22	Capacity	Approved prelim plat parcels per attendance area	Approved MF units per attendance area	Miles (Dev. to School)
Capacity of Schools	River Valley Elementary	445	700	571	764	1.6
# of Students Enrolled	Lewis & Clark Middle School	866	1000	978	1319	2.4
	Centennial High School	1981	1900	549	1234	4.8
	School of Choice Options					
	Pioneer Elementary (Arts)	713	775	N/A	N/A	4.4
	Spalding Elementary (Stem)	697	750	N/A	N/A	4.1

Wastewater	
<ul style="list-style-type: none"> Distance to Sewer Services 	Directly Adjacent
<ul style="list-style-type: none"> Sewer Shed 	Five Mile Trunkshed
<ul style="list-style-type: none"> Estimated Project Sewer ERU's 	See application
<ul style="list-style-type: none"> WRRF Declining Balance 	14.14
<ul style="list-style-type: none"> Project Consistent with WW Master Plan/Facility Plan 	Yes
<ul style="list-style-type: none"> Impacts/Concerns 	<ul style="list-style-type: none"> Do not have services crossing private lots Flow is committed.

	<ul style="list-style-type: none"> • Existing sewer not shown correctly. Missing existing manhole and shown as extends further into the property then existing sewer actually goes. • There is an existing 8" stub from existing manhole that looks like it will not be used. If this is the case the existing stub must be abandoned at the manhole per City Requirements. • Ensure that infiltration trenches are located so that sewer services do no pass through them.
Water	
• Distance to Services	Directly adjacent
• Pressure Zone	3
• Estimated Project Water ERU's	See application
• Water Quality Concerns	None
• Project Consistent with Water Master Plan	Yes
• Impacts/Concerns	<ul style="list-style-type: none"> • Do not have services crossing private lots

C. Project Maps



III. APPLICANT INFORMATION

A. Applicant:

Andrew Newell, Blaine A. Womer Civil Engineering – 4355 W. Emerald St., Ste. 145, Boise, ID 83706

B. Owner:

Don Newell, Landmark Pacific Development, LLC – PO Box 1939, Eagle, ID 83616

C. Representative:
Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper notification published in newspaper	5/14/2021	
Radius notification mailed to property owners within 300 feet	5/12/2021	
Public hearing notice sign posted on site	6/10/2021	
Nextdoor posting	5/11/2021	

V. COMPREHENSIVE PLAN ANALYSIS

LAND USE: This property is designated as Commercial on the Future Land Use Map (FLUM) contained in the [Comprehensive Plan](#). This designation provides for a full range of commercial uses to serve area residents and visitors. Desired uses may include retail, restaurants, personal and professional services, and office uses, as well as appropriate public and quasi-public uses.

The Applicant proposes an amendment to the FLUM to change the existing Commercial designation to Medium High-Density Residential (MHDR). The MHDR designation allows for a mix of dwelling types including townhouses, condominiums, and apartments. Residential gross densities should range from 8 to 12 dwelling units per acre. These areas are relatively compact within the context of larger neighborhoods and are typically located around or near mixed use commercial or employment areas to provide convenient access to services and jobs for residents. Developments need to incorporate high quality architectural design and materials and thoughtful site design to ensure quality of place and should also incorporate connectivity with adjacent uses and area pathways, attractive landscaping and a project identity.

The Applicant proposes to develop the site with a total of 19 single-family attached and townhome dwellings at a gross density of 10.8 units per acre consistent with the land uses and density desired in MHDR designated areas; and an office building.

This site abuts a larger residential neighborhood to the north and is located in close proximity to mixed use designated land and employment uses to the east and southeast, including vacant land yet to be developed, The Village at Meridian, Scentsy and other uses along the Eagle Road corridor, which will provide convenient access to services and jobs for residents. **The development should incorporate high quality architectural and site design to ensure quality of place and incorporate connectivity with adjacent uses and pathways and include attractive landscaping and a project identity as desired in MHDR designated areas.**

Transportation: The Master Street Map (MSM) does not depict any collector streets across this property.

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

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

The proposed single-family attached dwellings and 3- and 4-unit townhomes will contribute to the variety of residential housing types in this area and within the City as desired. Single-family detached and attached homes exist to the north and northeast in Dove Meadows subdivision, zoned R-8.

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

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

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

The proposed single-family attached and townhouse dwellings will contribute to the diversity in housing types in this area, which currently consist of single-family attached and detached homes.

- “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 residential uses will provide a transition in uses between existing single-family homes to the north and commercial/office uses to the south.

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

The proposed residential development and site design should be compatible with existing abutting single-family residential homes to the north.

- “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 residential infill development shouldn't negatively impact abutting development as existing uses are also residential in nature and the medium high-density residential uses will assist in providing a transition to the commercial/office uses to the south.

- “Maintain a range of residential land use designations that allow diverse lot sizes, housing types, and densities.” (2.01.01C)

The proposed MHDR FLUM designation for this property will contribute to the range of residential land use designations in this area of the City which mainly consists of medium density residential (MDR).

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

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

- “Require appropriate landscaping, buffers, and noise mitigation with new development along transportation corridors (setback, vegetation, low walls, berms, etc.)” (3.07.01C)

A street buffer already exists along N. Hickory Way, a collector street, along the northern boundary of the site.

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

Urban sewer and water infrastructure and curb, gutter and sidewalks are required to be provided with development of the future subdivision.

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

Development of the subject infill parcel will maximize public services.

VI. STAFF ANALYSIS

A. COMPREHENSIVE PLAN MAP AMENDMENT (CPAM)

As discussed above, the Applicant requests an amendment to the FLUM to change the future land use designation on 2.10-acres of land from Commercial to MHDR for the development of 19 single-family attached and townhome dwellings at a gross density of 10.8 units per acre. An exhibit map showing the existing and proposed FLUM designations is included in Section VIII.A.

Approval of the proposed amendment to MHDR will contribute to the range of residential land use designations and diversity in housing types and densities in this area as desired. Additionally, it will provide for a transition in land uses between existing medium density residential uses to the north and commercial/office uses to the south and east. The change to a residential designation and subsequent proposed development will provide for fewer vehicle trips per day than would result from commercial development. For these reasons, Staff is in support of the request for a map amendment to MHDR.

B. REZONE (RZ)

The Applicant proposes to rezone 2.10-acre of land from the L-O (Limited Office) to the R-15 (Medium High-Density Residential) zoning district consistent with the proposed FLUM designation of MHDR. A legal description and exhibit map for the rezone area is included in Section VIII.B.

This vacant/undeveloped property is an enclave surrounded by property developed with single-family residential uses to the north and commercial/office uses to the south and east; only the property to the west is yet to develop. Development of the subject property will provide more efficient provision of City services.

A conceptual site plan and building elevations were submitted showing how the property is planned to develop with (19) single-family attached and townhouse dwelling units consisting of (1) single-family attached structure, (3) 3-unit townhouses, (2) 4-unit townhouses and a 2,500 square foot office building.

The property is planned to be subdivided through a future application. The existing subdivision plat (i.e. Mallane Subdivision) requires all lots in the subdivision to obtain conditional use permit approval prior to construction commencing on the lots; this requirement will be removed with re-subdivision of the property. The existing plat also depicts a 10’ PUDI easement and 25’ wide landscape easement along the west and north boundaries and a sanitary sewer, water main and public utilities easement along the east boundary of the site. The landscape buffer easement will be removed since a landscape buffer isn’t required between residential uses and the PUDI easements will be replaced with new easements with the future plat.

Single-family attached and townhouse dwellings are listed as a principal permitted use in the R-15 zoning district per UDC Table 11-2A-2. Future development is subject to the dimensional standards listed in UDC Table [11-2A-7](#) for the R-15 zoning district.

The conceptual development plan depicts access to the site via a cross-access easement from an existing driveway from N. Hickory Way, a collector street; no stub streets exist to this property. Direct access via

N. Hickory Way is prohibited. A private street is planned to provide access to the proposed development and for addressing purposes; an application for such should be submitted with the preliminary plat application and compliance with the standards listed in UDC [11-3F-4](#) is required. **Staff recommends the Applicant work with the property owner to the east to extend the private street to Hickory Way in order to better facilitate emergency access to the site for wayfinding purposes.**

An attached sidewalk is proposed along one side of the private street for pedestrian access.

Off-street parking is required to be provided in accord with the standards listed in UDC Table [11-3C-6](#). A minimum of 2 spaces are required per dwelling unit for 1- and 2-bedroom units, with at least one of those in an enclosed garage, the other space may be enclosed or a minimum 10' x 20' parking pad. For 3- and 4-bedroom units, a minimum of 4 spaces are required per dwelling unit with at least 2 in an enclosed garage, other spaces may be enclosed or a minimum 10' x 20' parking pad. Garages are proposed for each unit with parking pads in front of the garages. Four extra spaces for guests are proposed in the common area near the entry. On-street parking is not allowed due to the width of the private street.

A minimum of one (1) off-street parking space is required for every 500 square feet (s.f.) of gross floor area for non-residential uses (i.e. the office). Based on 2,500 s.f. for the office, a minimum of (5) spaces are required. A total of (9) spaces are proposed, exceeding the minimum standards. Most of the parking spaces for the office encroach within the required 20-foot wide buffer to residential uses, which is not allowed.

Because the site is below 5-acres in size, qualified open space and site amenities are not required by the UDC per UDC 11-3G-2. A total of 0.29-acre of open space is proposed as shown on the concept plan.

A 20-foot wide landscaped street buffer and attached sidewalk exists on this site along N. Hickory Way that was installed with the subdivision improvements that is proposed (and required) to remain.

Conceptual building elevations were submitted for the single-family attached and 3-unit and 4-unit townhouse structures as shown in Section VIII.D. Building elevations consist of a mix of materials including horizontal wood siding, vertical board and batten siding, wood shake siding and cement plaster with stone veneer accents and architectural asphalt roofing. Conceptual building elevations were also submitted for the office with building materials consisting of cement plaster with stone veneer and decorative wood timber accents and architectural asphalt roofing consistent with the residential structures. Final design of all structures is required to comply with the design standards in the [Architectural Standards Manual](#). Detailed review of the elevations for compliance with these standards will take place with the Certificate of Zoning Compliance and Design Review application prior to application for building permits.

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

Staff Recommendation: Because this is an infill property and has an irregular configuration, development of this site is difficult. The proposed concept plan with an office at the southeast corner with parking that encroaches within the required land use buffer does not comply with UDC standards as noted above and is constricted. The Comprehensive Plan states development in MHDR designated areas should incorporate high quality architectural and site design to ensure quality of place and incorporate connectivity with adjacent uses and pathways and include attractive landscaping and a project identity. To achieve this goal and alleviate some of the spatial constrictions on the site, Staff recommends as a provision of the rezone that the office building is removed from the plan and open space with quality landscaping and some parking is provided instead with pathways along the south and east sides of the development and a gazebo with a

seating area as an amenity which can be shared between the residential and commercial development. Prior to the City Council hearing, the Applicant should revise the concept plan accordingly.

VII. DECISION

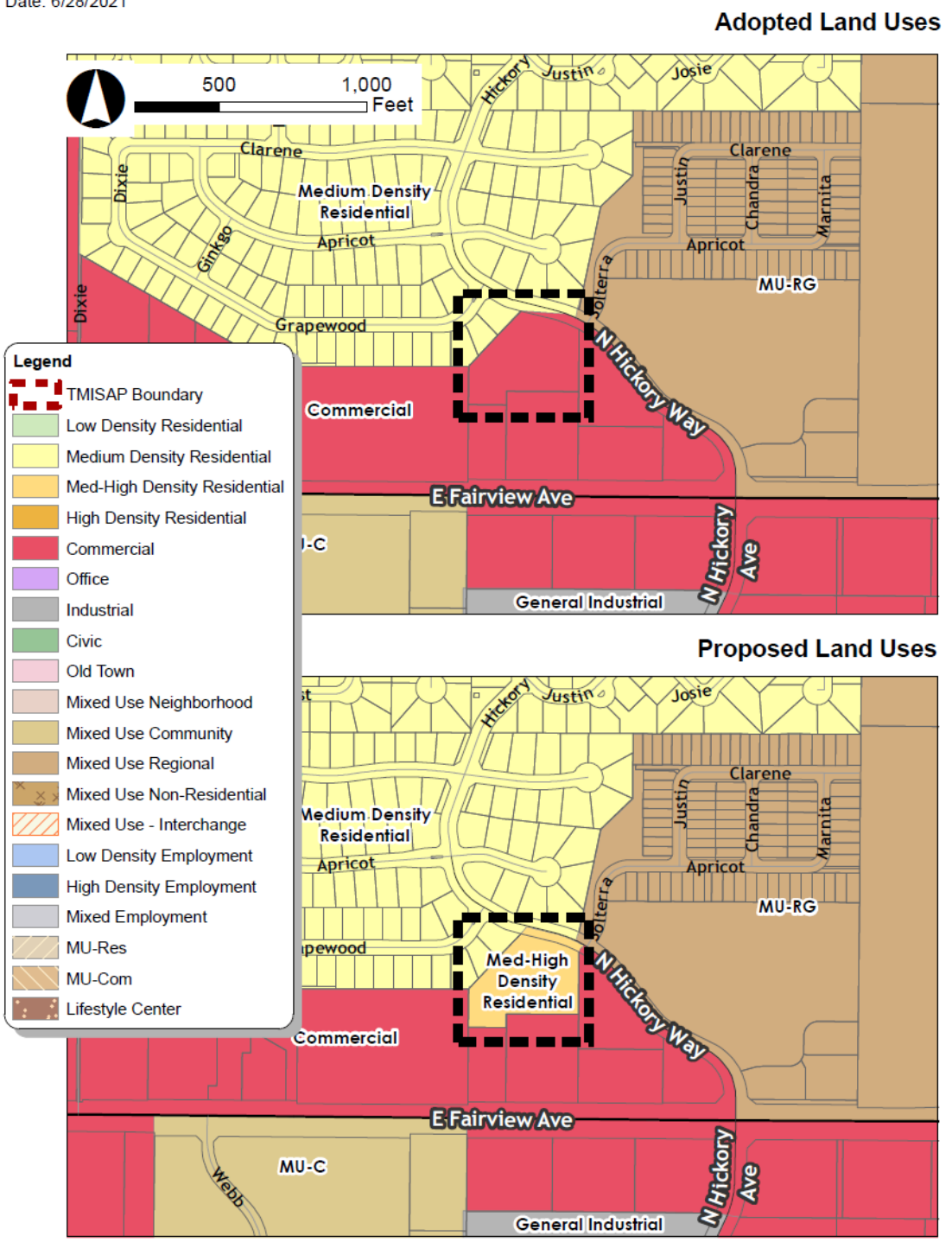
A. Staff:

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

VIII. EXHIBITS

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

Date: 6/28/2021



B. Rezone Legal Description and Exhibit Map

**WOODCREST TOWNHOMES SUBDIVISION
EXHIBIT 'A'
LEGAL DESCRIPTION**

A PARCEL LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 3 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO, AND ALSO BEING A PORTION OF LOT 4, BLOCK 1 OF MALLANE SUBDIVISION, AS SHOWN IN BOOK 87 OF PLATS ON PAGES 9881 THROUGH 9883, RECORDS OF ADA COUNTY, IDAHO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 5 AS SHOWN ON SAID PLAT;

THENCE NORTH 00°28'03" EAST A DISTANCE OF 67.14 FEET TO A 5/8 INCH DIAMETER IRON PIN MARKING THE SOUTHWEST CORNER OF LOT 3, BLOCK 1 OF SAID MALLANE SUBDIVISION;

THENCE CONTINUING NORTH 00°28'03" EAST ALONG THE WESTERLY LINE OF SAID LOT 3, A DISTANCE OF 252.95 FEET TO A 1/2 INCH DIAMETER IRON PIN MARKING THE SOUTHWEST CORNER OF SAID LOT 4 AND THE **TRUE POINT OF BEGINNING**;

THENCE CONTINUING NORTH 00°28'03" EAST ALONG THE WESTERLY BOUNDARY OF SAID LOT 4, A DISTANCE OF 129.73 FEET TO A 5/8 INCH DIAMETER IRON PIN;

THENCE NORTH 43°19'32" EAST ALONG THE NORTHWESTERLY BOUNDARY OF SAID LOT 4, A DISTANCE OF 257.72 FEET TO 5/8 INCH DIAMETER IRON PIN;

THENCE CONTINUING NORTH 43°19'32" EAST ALONG THE NORTHEASTERLY PROLONGATION OF SAID NORTHWESTERLY BOUNDARY, A DISTANCE OF 34.48 FEET TO THE CENTER LINE OF NORTH HICKORY WAY;

THENCE SOUTH 76°12'56" EAST ALONG SAID CENTER LINE, A DISTANCE OF 90.01 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 400.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CENTER LINE AND SAID TANGENT CURVE, 93.24 FEET THROUGH A CENTRAL ANGLE OF 13°21'21" TO A POINT OF INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE EASTERLY BOUNDARY OF SAID LOT 4;

PAGE 1 OF 2

THENCE SOUTH 00°26'44" WEST ALONG SAID PROLONGATION, A DISTANCE OF 33.93 FEET TO A 1/2 INCH DIAMETER IRON PIN MARKING THE NORTHEAST CORNER OF SAID LOT 4;

THENCE SOUTH 00°26'44" WEST ALONG SAID EASTERLY BOUNDARY, A DISTANCE OF 210.08 FEET TO A 5/8 INCH DIAMETER IRON PIN;

THENCE LEAVING SAID EASTERLY BOUNDARY NORTH 89°34'20" WEST, A DISTANCE OF 244.66 FEET TO A 5/8 INCH DIAMETER IRON PIN;

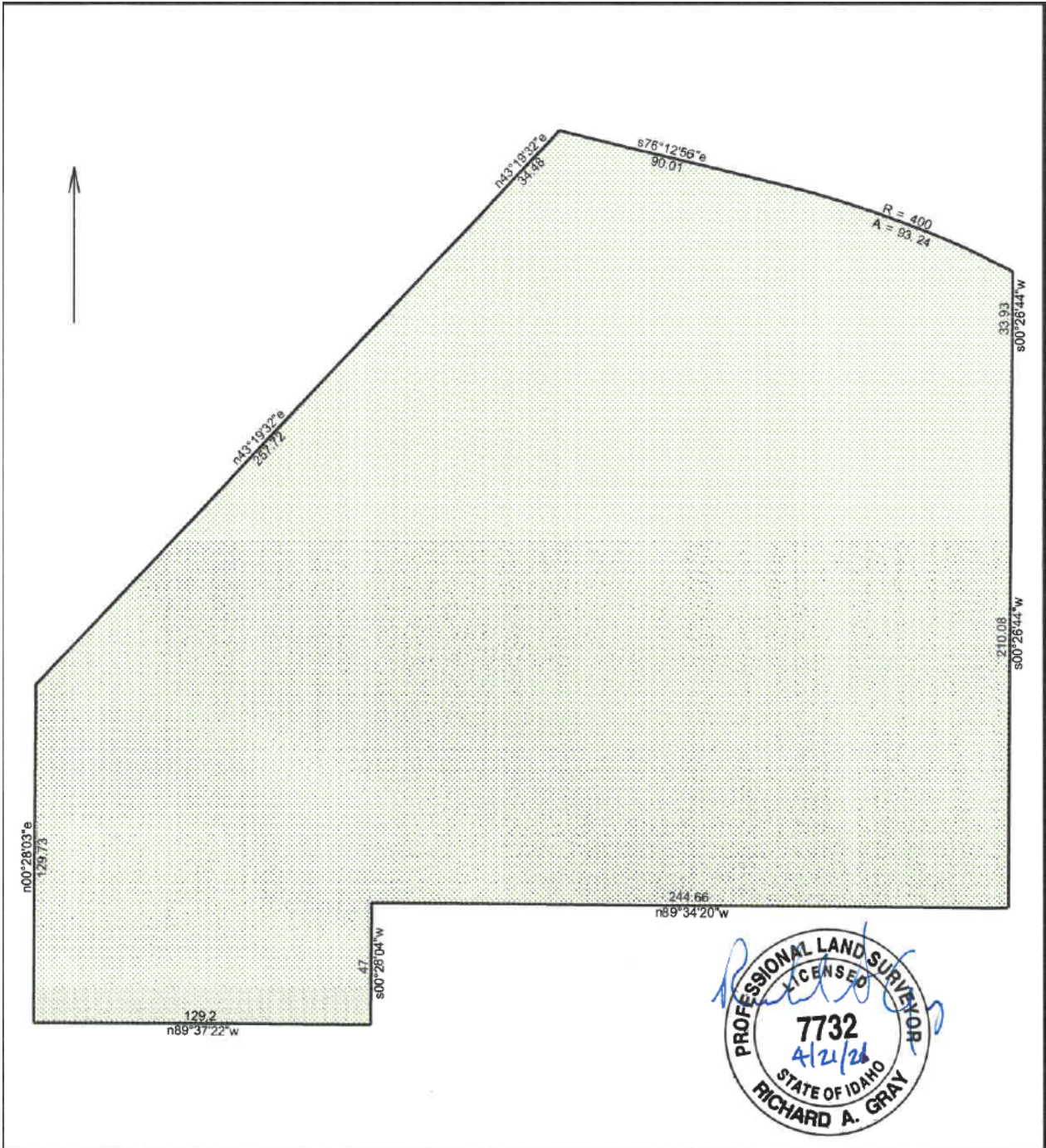
THENCE SOUTH 00°28'04" WEST, A DISTANCE OF 47.00 FEET TO A 5/8 INCH DIAMETER IRON PIN ON THE SOUTHERLY BOUNDARY OF SAID LOT 4;

THENCE NORTH 89°37'22" WEST ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 129.20 FEET TO THE **TRUE POINT OF BEGINNING.**

CONTAINS 2.10 ACRES, MORE OR LESS.

EXHIBIT 'B' ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.





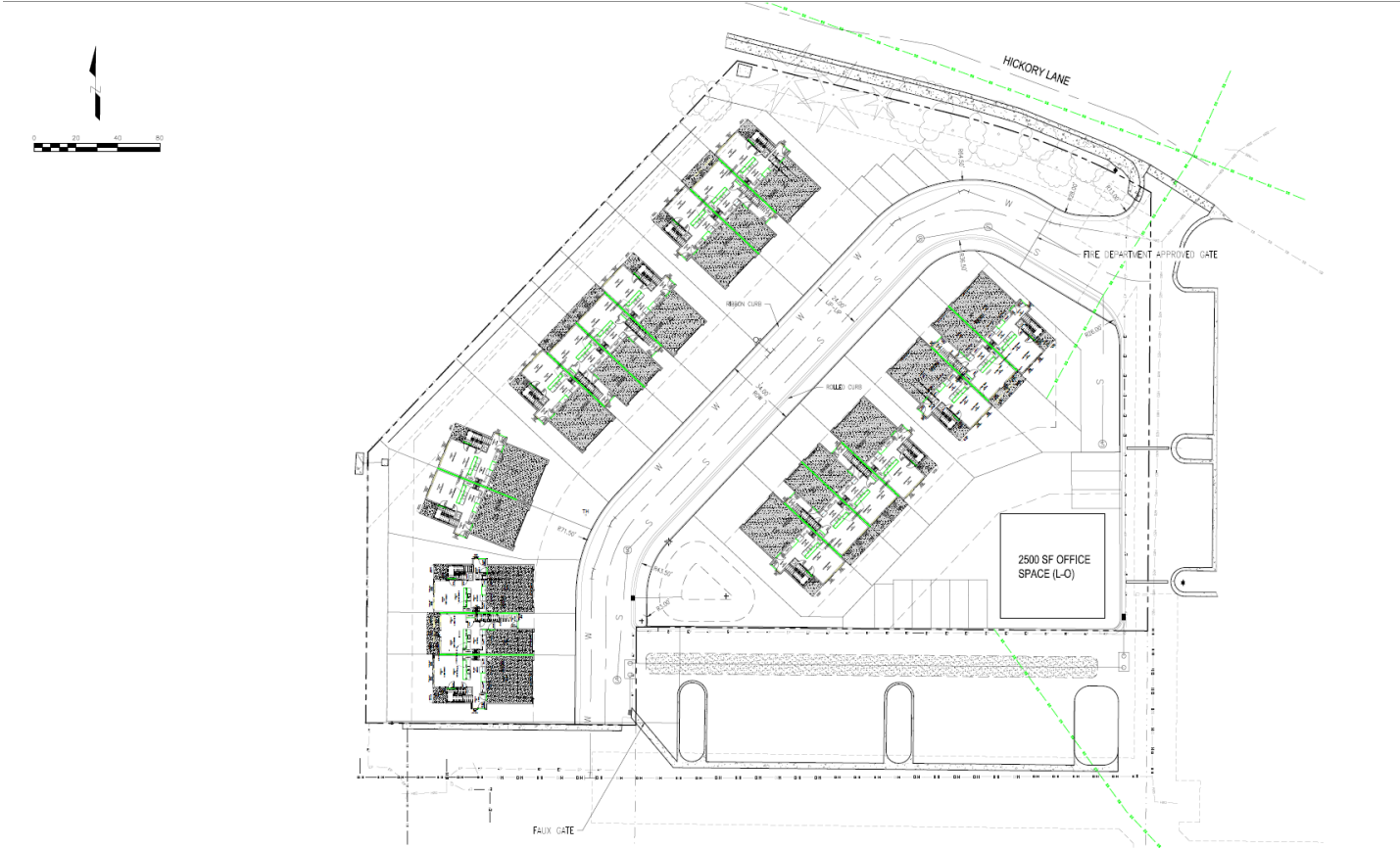
JN14120 Annexation Description 4/21/2021

Scale: 1 inch= 50 feet | File:

Tract 1: 2.1063 Acres (91752 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/281991), Perimeter=1270 ft.

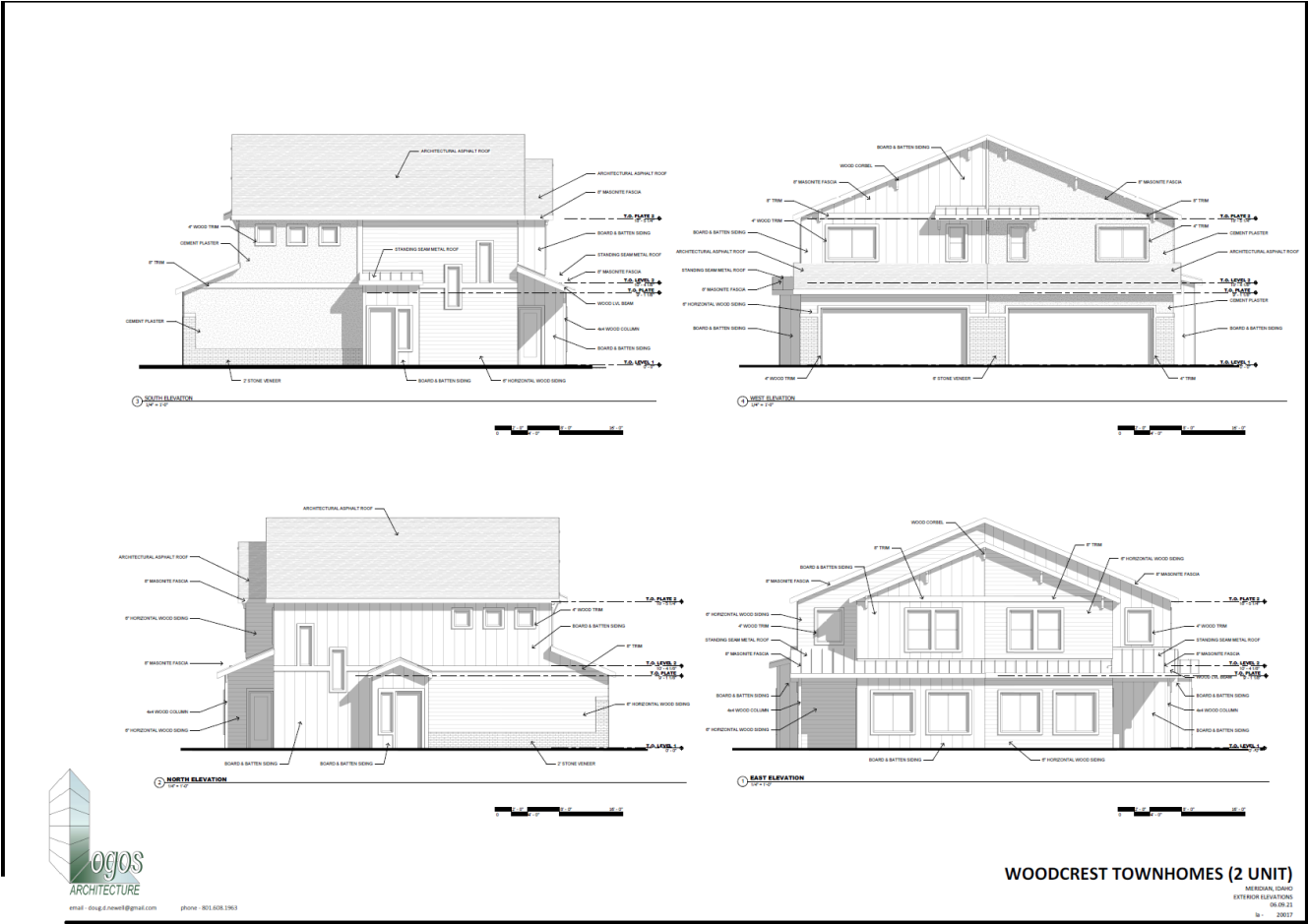
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03 n43.1932e 34.48	10 n89.3722w 129.2
04 s76.1256e 90.01	
05 Rt, r=400.00, delta=013.2121, arc=93.24	
06 s00.2644w 33.93	
07 s00.2644w 210.08	

C. Conceptual Development Plan (NOT APPROVED)



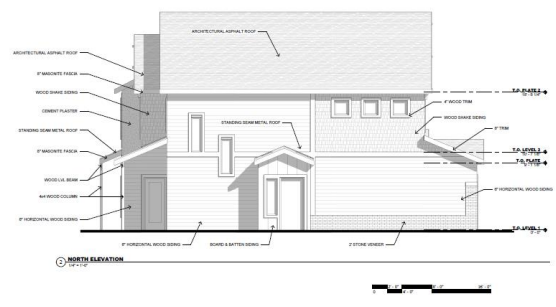
NOTE: 1. ALL DIMENSIONS AND/OR THESE PLANS SHALL NOT BE MORE THAN 24" EXCEPT WHERE NOTED OR SHOWN OTHERWISE. 2. ALL DIMENSIONS AND/OR THESE PLANS SHALL NOT BE MORE THAN 24" EXCEPT WHERE NOTED OR SHOWN OTHERWISE. 3. ALL DIMENSIONS AND/OR THESE PLANS SHALL NOT BE MORE THAN 24" EXCEPT WHERE NOTED OR SHOWN OTHERWISE.	SEAL-ENGINEER				BLAINE A. WOMER CIVIL ENGINEERING <small>REGISTERED PROFESSIONAL ENGINEER - CIVIL</small> <small>STATE OF IDAHO LICENSE NO. 1420004</small>	SENIOR MARK: • PLANNING • DESIGN • CONSTRUCTION • FINANCIAL	CITY OF MERIDIAN, ID WOODCREST TOWNHOMES SUBDIVISION CONCEPTUAL PLAN	SHEET NO. 110011
	DRAWING STATUS: PRELIMINARY PLAN		NO. 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000					FILE NO. 11420004

D. Conceptual Building Elevations



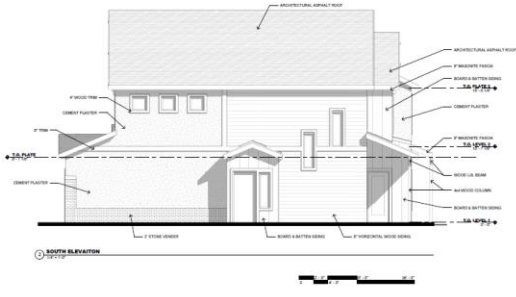
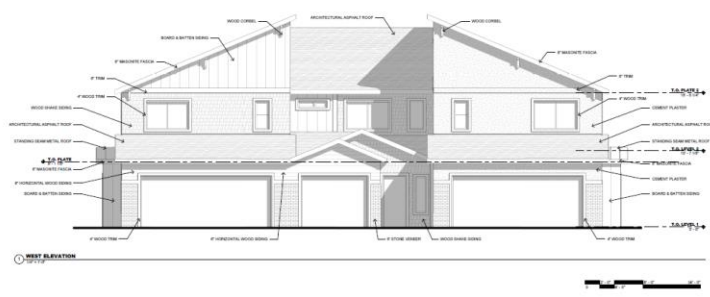
OGOS
 ARCHITECTURE
 email - dogg.d.newitt@gmail.com phone - 801.608.1963

WOODCREST TOWNHOMES (2 UNIT)
 MERIDIAN, IDAHO
 EXTERIOR ELEVATIONS
 06.21
 2007



WOODCREST TOWNHOMES (3-UNIT)

MURKIN, UTAH
EXTERIOR ELEVATIONS
08.08.11
11 20017



WOODCREST TOWNHOMES (3-UNIT)

MURKIN, UTAH
EXTERIOR ELEVATIONS
08.08.11
11 20017

WEST ELEVATION

NORTH ELEVATION

WOODCREST TOWNHOMES (4-UNIT)

MERRILL, OHIO
EXTERIOR ELEVATIONS
06.09.21
14 - 20017



WEST ELEVATION

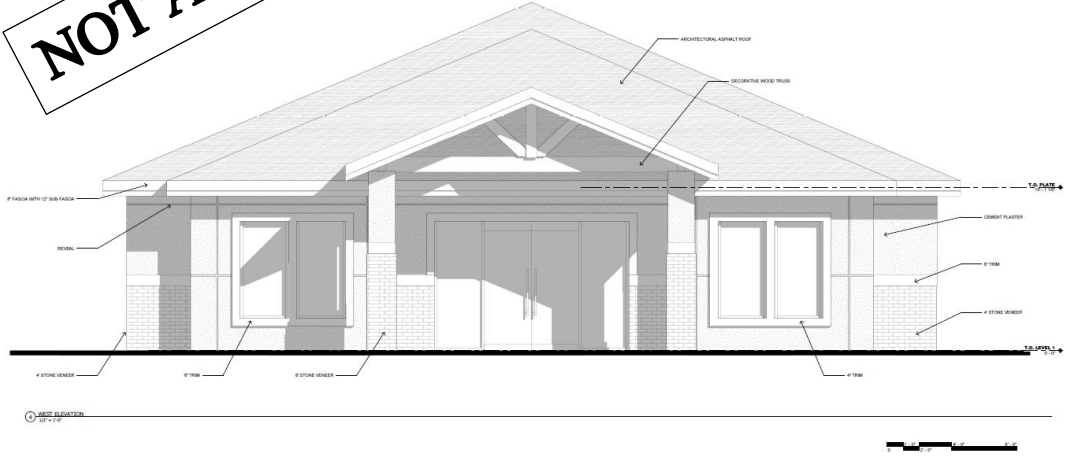
SOUTH ELEVATION

WOODCREST TOWNHOMES (4-UNIT)

MERRILL, OHIO
EXTERIOR ELEVATIONS
06.09.21
14 - 20017



NOT APPROVED



WOODCREST OFFICE SPACE
MORGANTHAU, (DRAFT)
EXTERIOR ELEVATIONS
06/19/21
No. 20037

IX. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

Prior to the City Council hearing, Staff recommends the conceptual development plan is revised to remove the office building and replace it with common open space with quality landscaping that incorporates the following: parking, pedestrian pathways along the south and east sides of the development, and a gazebo with a seating area which can be shared between the residential and commercial development.

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.

Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council granting the annexation. The DA shall, at minimum, incorporate the following provisions:

- a. Future development of this site shall be generally consistent with the conceptual development plan and building elevations included in Section VIII and the provisions contained herein.
- b. Future development shall comply with the design standards listed in the Architectural Standards Manual. An application for Design Review shall be submitted and approved for the single-family attached and townhouse structures prior to submittal of building permit applications.
- c. Direct access via Hickory Way is prohibited.
- d. The proposed development shall incorporate high quality architectural design and materials and thoughtful site design to ensure quality of place and also incorporate connectivity with adjacent uses and area pathways, attractive landscaping and a project identity consistent with the Medium High-Density Residential Future Land Use Map designation in the Comprehensive Plan.
- e. The subject property shall be subdivided prior to submittal of a Certificate of Zoning Compliance and Design Review application(s) for the site.
- f. The Applicant shall work with the property owner to the east to extend the private street to Hickory Way if possible in order to better facilitate emergency access to the site for wayfinding purposes.

B. PUBLIC WORKS

Site Specific Conditions of Approval

- 1.1 No Permanent structures (buildings, carports, trash receptacle walls, fences, infiltration trenches, lightpoles, etc.) can be built within the utility easement.
- 1.2 Do not have water and/or sewer services crossing private lots.
- 1.3 The existing sewer is not shown correctly. Missing existing manhole and shown as extending further into the property then existing sewer actually goes.
- 1.4 There is an existing 8" sewer stub from existing manhole that looks like it will not be used. If this is the case the existing stub must be abandoned at the manhole per City Requirements.
- 1.5 Ensure that infiltration trenches are located so that sewer services do no pass through them.

General Conditions of Approval

- 2.1 Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2.2 Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
- 2.3 The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.
- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 12-13-8.3). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
- 2.5 All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
- 2.6 All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
- 2.7 Any existing domestic well system within this project shall be removed from domestic service per City Ordinance Section 9-1-4 and 9 4 8 contact the City of Meridian Engineering Department at (208)898-5500 for inspections of disconnection of services. Wells may be used for non-domestic purposes such as landscape irrigation if approved by Idaho Department of Water Resources Contact Robert B. Whitney at (208)334-2190.
- 2.8 Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
- 2.9 Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
- 2.10 A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.

- 2.11 All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
- 2.12 Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
- 2.13 It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 2.14 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.15 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.16 All grading of the site shall be performed in conformance with MCC 11-12-3H.
- 2.17 Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 2.18 The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
- 2.19 The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
- 2.20 At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
- 2.21 A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
- 2.22 The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 2.23 The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211..

C. FIRE DEPARTMENT

1. Roadways: When required by the Fire Marshall, “No Parking Fire Lane” signs shall be used per appendix D of the 2018 IFC. No other signs shall be approved:
Roadways: All entrances, internal roads, drive aisles, and alleys shall have a turning radius of 28’ inside and 48’ outside, per International Fire Code Section 503.2.4.
Roadways: All common driveways and alleys shall be maintained at all times for access by fire, police and EMS at all times of the year.

D. POLICE DEPARTMENT

No comments at this time.

E. NAMP & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=228988&dbid=0&repo=MeridianCity&cr=1>

F. CENTRAL DISTRICT HEALTH DEPARTMENT (CDHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=228242&dbid=0&repo=MeridianCity>

G. WEST ADA SCHOOL DISTRICT (WASD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=229685&dbid=0&repo=MeridianCity>

H. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=228193&dbid=0&repo=MeridianCity>

X. 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.

Staff finds the proposed amendment to MHDR is consistent with the Comprehensive Plan in that the proposed infill development will provide a transition in uses from single-family residential to commercial uses to the south and contribute to the diversity in housing types in this area as desired.

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

Staff finds that the proposal to change the FLUM designation from Commercial to MHDR will allow a transition in uses between existing medium density residential homes and commercial uses and will provide an improved guide to future growth and development of the City.

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

Staff 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.

Staff 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.

Staff finds the proposed amendment will be compatible with abutting existing residential uses and existing commercial land uses in the near vicinity.

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

Staff 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.

Staff 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, Staff 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 rezone the subject property with R-15 zoning and develop single-family attached and townhouse dwellings on the site at a gross density of 9.64 units per acre consistent with the proposed MHDR FLUM designation for this property. (See section V above for more information.)

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

Staff finds the proposed map amendment to R-15 and development generally complies with the purpose statement of the residential districts in that it will contribute to the range of housing opportunities available in the City consistent with the Comprehensive Plan.

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

Staff finds the proposed map amendment should not be detrimental to the public health, safety and welfare as the proposed residential uses should be compatible with adjacent single-family residential homes/uses in the area.

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

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

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

This findings is not applicable as a rezone, not an annexation, is proposed.