

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



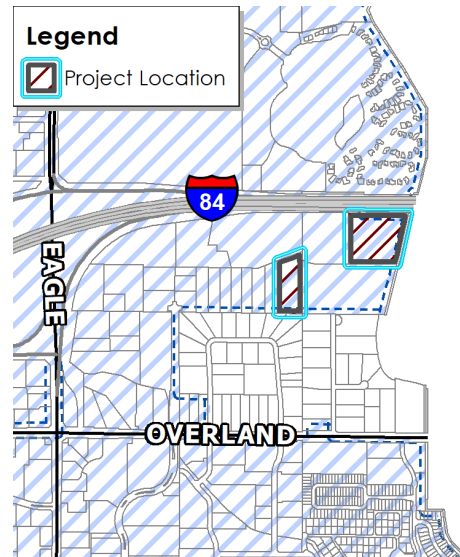
HEARING DATE: March 28, 2023

TO: Mayor & City Council

FROM: Stacy Hersh, Associate Planner
208-884-5533

SUBJECT: H-2022-0085
Rackham East Annexation and Rezone

LOCATION: The Annexation site is located at 1032 S. Silverstone Way, south of I-84, north of E. Overland Rd. and east of S. Eagle Rd., in Section 16, Township 3N, Range 1E. The Rezone site is located at 1074 S. Silverstone Way, South of I-84, North of E. Overland Rd. and S. Eagle Rd., in Section 16, Township 3N, Range 1E.



I. PROJECT DESCRIPTION

Annexation (AZ) of a sliver of property currently zoned RUT in Ada County as part of the overall Eagle View Landing project on 0.143 acres of land with a C-G zoning designation; and a request to rezone 3.938 acres of land from the C-G zoning district to the R-40 zoning district for the multi-family portion of the project previously platted as Lots 18 -19, Block 1 of Rackham Subdivision.

A. Project Summary

Description	Details	Page
Acreage	0.143-acres (AZ); 3.938 (RZ)	
Existing/Proposed Zoning	RUT in Ada County and C-G (existing)/R-40 (proposed)	
Future Land Use Designation	Mixed Use – Regional (MU-R)	
Existing Land Use(s)	Commercial (mixed use) and multi-family apartments	
Proposed Land Use(s)	Commercial (mixed use) and multi-family apartments	
Lots (# and type; bldg./common)	2 buildable lots (1 multi-family & 1 commercial)/0 common lots	
Phasing Plan (# of phases)	N/A	
Number of Residential Units (type of units)	N/A	
Physical Features (waterways, hazards, flood plain, hillside)	The Ridenbaugh Canal runs along the east boundary of the site.	
Neighborhood meeting date; # of attendees:	10/12/2022 – 0 attendees	
History (previous approvals)	Rackham East/Eagle View Apartments AZ, CUP, PP H-2021-0075, Development Agreement (2022-026383); CZC	

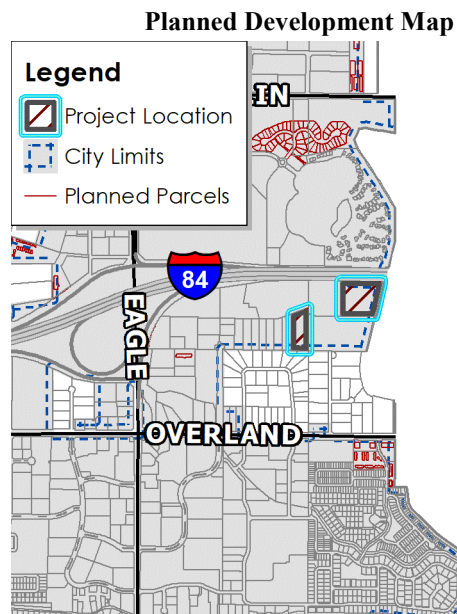
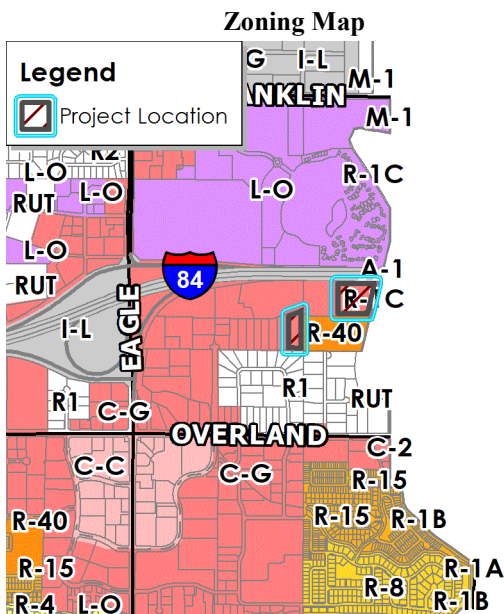
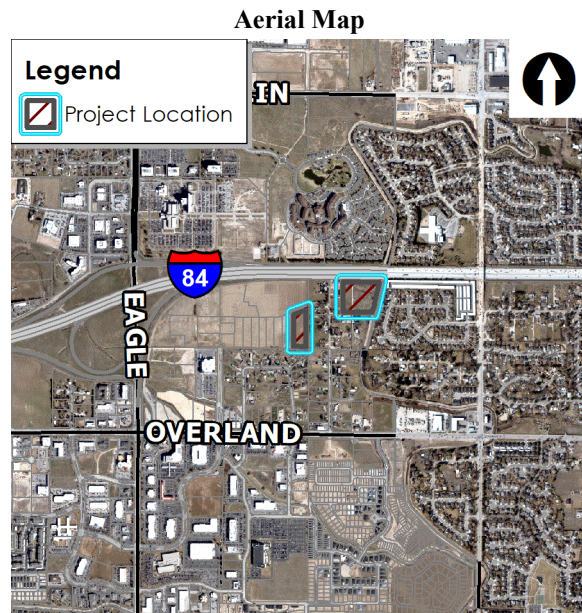
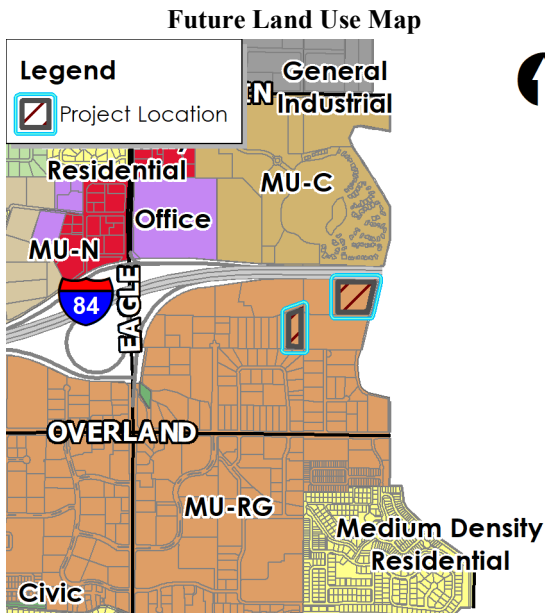
Description	Details	Page
	Eagle View Landing Apartments (A-2022-0047); Power Engineer's Office Building (Building 5) (A-2022-0059); Rackham East (PBA-2022-0009)	

B. Community Metrics

Description	Details	Pg
Ada County Highway District		
- Staff report (yes/no) - Requires ACHD Commission Action (yes/no)	Yes No No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	One access is proposed via S. Rolling Hill Dr. from E. Overland Rd. to the south, and two driveways will provide access from the commercial development to the west via S. Silverstone Way from E. Overland Rd. (a signalized intersection exists at Silverstone/Overland)	
Traffic Level of Service	All road segments are projected to meet ACHD's acceptable level of service (LOS) thresholds for a 5-lanes principal arterial road under all conditions, except for during the PM peak hour for the segment of Overland Road between Eagle Road and Silverstone Way and Rolling Hill Drive under the 2023 total traffic conditions.	
Stub Street/Interconnectivity/Cross Access	Two (2) driveways will be extended into the site from the west boundary. S. Rolling Hill Dr. will stub at the southern boundary of the site.	
Existing Road Network	S. Rolling Hill Dr., a local street, extends from the south from Overland Rd. to the north boundary of the site.	
Existing Arterial Sidewalks / Buffers	There are no existing arterial streets on or abutting this site.	
Proposed Road Improvements	Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP): - The intersection of Overland Road and Eagle Road is scheduled in the CIP to be widened to 7-lanes on the north and south legs, and 8-lanes on the east and west legs, and reconstructed/signalized in the future. The design year is listed as 2025 in the IFYWP and the is listed to be improved between 2031 and 2035. - Overland Road is listed in the CIP to be widened to 7-lanes from Eagle Road to Cloverdale Road between 2036 and 2040 and is listed as unfunded. - The intersection of Cloverdale Road and Overland Road is listed in the CIP to be widened to 7-lanes on the north and south legs and 8 lanes on the east and west legs and signalized between 2026 and 2030.	
Wastewater		
Project Consistent with WW Master Plan/Facility Plan	Flow is committed	
Water		
- Water Quality Concerns - Project Consistent with Water Master Plan	See application Project is consistent with the Master Plan If a well is located on the site it must be abandoned per regulatory requirements and proof of abandonment must be provided to the City. A well can be used as a year-round source or as backup to the PIRR system. In which case it does not need to be abandoned. Note that the existing well(s) must be disconnected from any buildings that remain with verification of disconnect by Meridian Public Works Department.	

Description	Details	Pg
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C. Project Area Maps



A. Applicant:

Brighton Development, Inc. – 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642

B. Owners:

BVA Eagle View Office No. 5, LLC – 2194 Snake River Parkway, Ste. 300, Idaho Falls, ID 83402

C. Representative:

Josh Beach, Brighton Development, Inc. – 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642

II. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Notification published in newspaper	1/18/2023	3/2/2023
Notification mailed to property owners within 500 feet	1/12/2023	3/10/2023
Applicant posted public hearing notice on site	2/14/2023	3/15/2023
Nextdoor posting	1/13/2023	

III. COMPREHENSIVE PLAN ANALYSIS ([Comprehensive Plan](#))

Land Use: The Future Land Use Map (FLUM) contained in the Comprehensive Plan designates this property as Mixed Use – Regional (MU-R).

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 is currently developing the site with office (and possibly some secondary retail uses) and multi-family residential uses. The site is located near S. Eagle Rd. and E. Overland Rd., a major arterial intersection, and the Eagle Rd./I-84 interchange. The offices provide nearby employment opportunities and services for residents in the vicinity. Other commercial uses (offices, entertainment, multi-tenant retail, hotel, etc.) exist to the west in the larger MU-R designated area for a larger mix of uses as desired in MU-R designated areas. Pedestrian walkways are proposed for interconnectivity within the overall area.

Annexation and Rezone:

The proposed annexation is for a sliver of property on 0.143-acres of land with a C-G (General Retail and Service Commercial) zoning designation. The out parcel along the northern boundary of the site was owned by a third party and not part of the Development Agreement (#2022-026383). During the Public Hearing process for this development, the Applicant placed the out parcel under contract; the property has now been acquired and included in the overall Eagle View Landing project. City Staff requested that the Applicant request R-40 zoning for the multi-family portion of the development to more accurately reflect the uses developed on this site when looking at the City's zoning map. Ultimately, the project was approved with a C-G zoning designation for the multi-family portion of the development. Both the office buildings and multi-family development are currently under construction at this time and were approved with Certificate of Zoning Compliance and Design Review Applications (A-2022-0047, A-2022-0059, A-2022-0118). A condition of approval of the Rackham East Subdivision/Eagle View Landing project required the Applicant to annex the out-parcel along the northern boundary of the site and rezone the western C-G zoned portion of the

multifamily development to R-40 within one (1) year of recordation of the Development Agreement. This application request is to initially ensure a clean-up of the zoning for these sites.

The City may require a development agreement (DA) in conjunction with annexation and rezone pursuant to Idaho Code section 67-6511A. Because there is already an existing DA in effect for this property and the proposed development is in compliance with the DA, Staff does not recommend a new DA or changes to the DA with this application.

IV. DECISION

A. Staff:

Staff recommends approval of the requested annexation and rezone with the provisions noted in Section VI, per the Findings in Section VII.

B. The Meridian Planning & Zoning Commission heard these items on March 2, 2023. At the public hearing, the Commission moved to recommend approval of the subject Conditional Use Permit request.

1. Summary of Commission public hearing:

- a. In favor: Jon Wardle, Brighton Corporation;
- b. In opposition: Michael Blowers
- c. Commenting: Jon Wardle;
- d. Written testimony: None
- e. Staff presenting application: Stacy Hersh, Associate Planner
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. Traffic concerns with the overall development impacting the adjacent existing residents.

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

- a. None

4. Commission change(s) to Staff recommendation:

- a. None

5. Outstanding issue(s) for City Council:

- a. None

V. EXHIBITS

A. Annexation Legal Description & Exhibit Map



December 16, 2022
Project No.: 20-219

Exhibit A
Legal Description for Annexation
Eagle View Landing

A parcel of land being a portion of the Northwest 1/4 of the Southeast 1/4 of Section 16, Township 3 North, Range 1 East, B.M., Ada County, Idaho being more particularly described as follows:

Commencing at an aluminum cap marking the Center 1/4 corner of said Section 16, which bears N00°05'15"W a distance of 2,653.59 feet from a brass cap marking the South 1/4 corner of said Section 16, thence following the westerly line of said Northwest 1/4 of the Southeast 1/4, S00°05'15"E a distance of 227.22 feet to a 5/8-inch rebar on the southerly right-of-way line of Interstate 84; Thence leaving said westerly line and following said southerly right-of-way line, S89°34'32"E a distance of 672.76 feet to the **POINT OF BEGINNING**.

Thence following said southerly right-of-way, S89°34'32"E a distance of 482.59 feet to the centerline of the Ridenbaugh Canal and the boundary of Ironwood Subdivision No. 3 (Book 77 of Plats at Page 8098, records of Ada County, Idaho);

Thence following said centerline and said boundary, S12°52'54"W a distance of 17.45 feet;

Thence leaving said centerline and said boundary, N89°15'23"W a distance of 478.72 feet to the Northeast corner of Lot 16, Block 1 of Rolling Hill Subdivision (Book 18 of Plats at Page 1202, records of Ada County, Idaho);

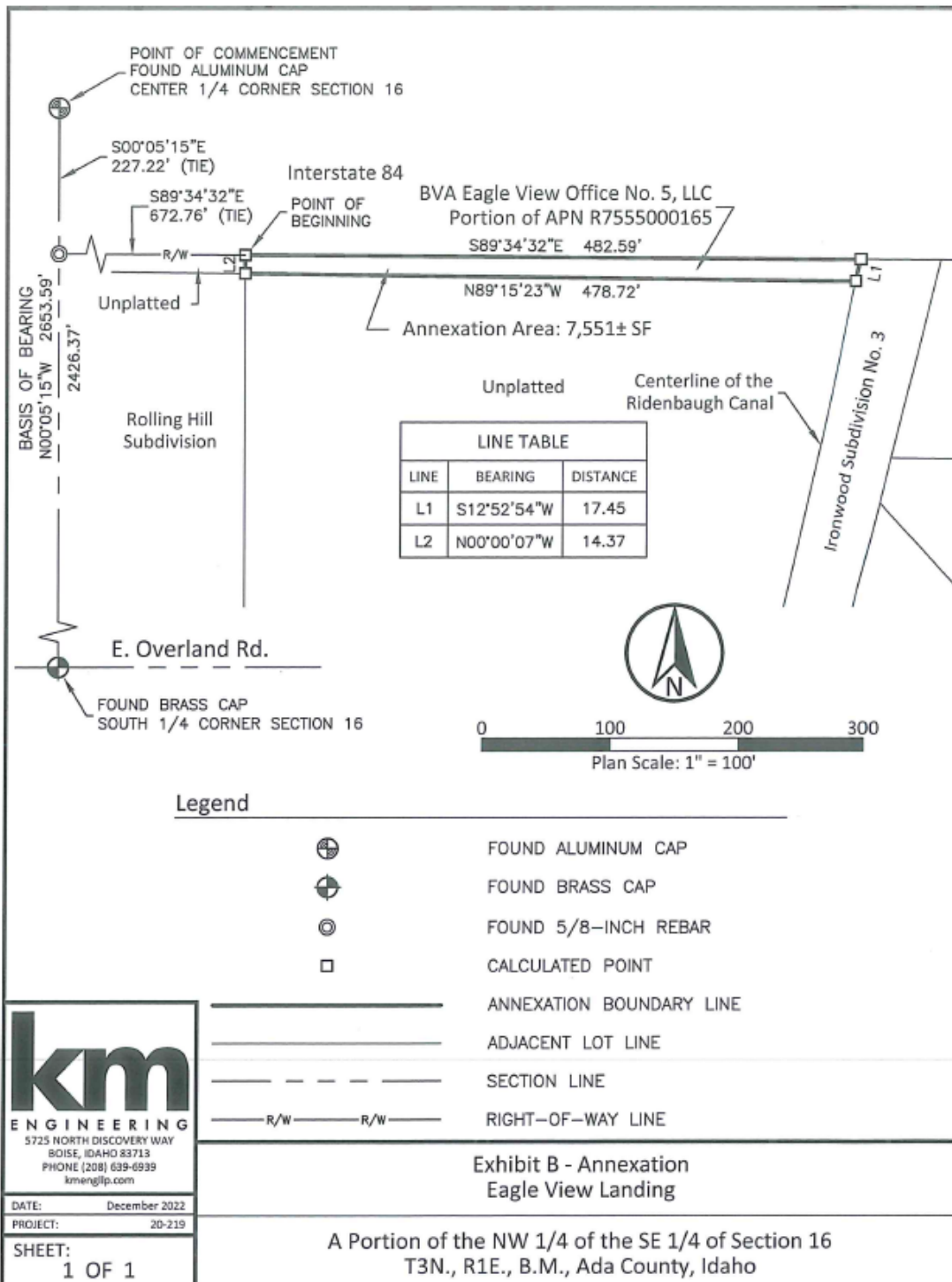
Thence N00°00'07"W a distance of 14.37 feet to the **POINT OF BEGINNING**.

Said parcel contains a total of 7,551 square feet, more or less.

Attached hereto is Exhibit B and by this reference is made a part hereof.



12.16.2022



B. Rezone Legal Description & Exhibit Map



November 8, 2022
Project No. 20-219

Exhibit A Legal Description for Rezone to R-40 Rackham Subdivision

A parcel of land being Lots 18 and 19, Block 1 of Rackham Subdivision (Book 120 of Plats at Page 18,582-18,588, records of Ada County, Idaho) situated in a portion of the Northeast 1/4 of the Southwest 1/4 of Section 16, Township 3 North, Range 1 East, B.M., Ada County, Idaho being more particularly described as follows:

Commencing at an aluminum cap marking the Center 1/4 corner of said Section 16, which bears N00°05'15"W a distance of 2,653.59 feet from a brass cap marking the South 1/4 corner of said Section 16, thence following the easterly line of said Northeast 1/4 of the Southwest 1/4, S00°05'15"E a distance of 650.45 feet to a 5/8-inch rebar on the easterly subdivision boundary of Rackham Subdivision and being the **POINT OF BEGINNING**.

Thence following said easterly line, S00°05'15"E a distance of 676.35 feet to an aluminum cap marking the Center-South 1/16 corner of said Section 16 and being on the southerly line of said Northeast 1/4 of the Southwest 1/4 of said Section 16;

Thence leaving said easterly line and following said southerly line, N89°14'11"W a distance of 278.91 feet to a 5/8-inch rebar on the westerly line of Lot 18 of Rackham Subdivision;

Thence leaving said southerly line and following said westerly line, N00°45'10"E a distance of 574.11 feet to a 5/8-inch rebar on the northerly line of Lots 18 and 19, Block 1 of Rackham Subdivision;

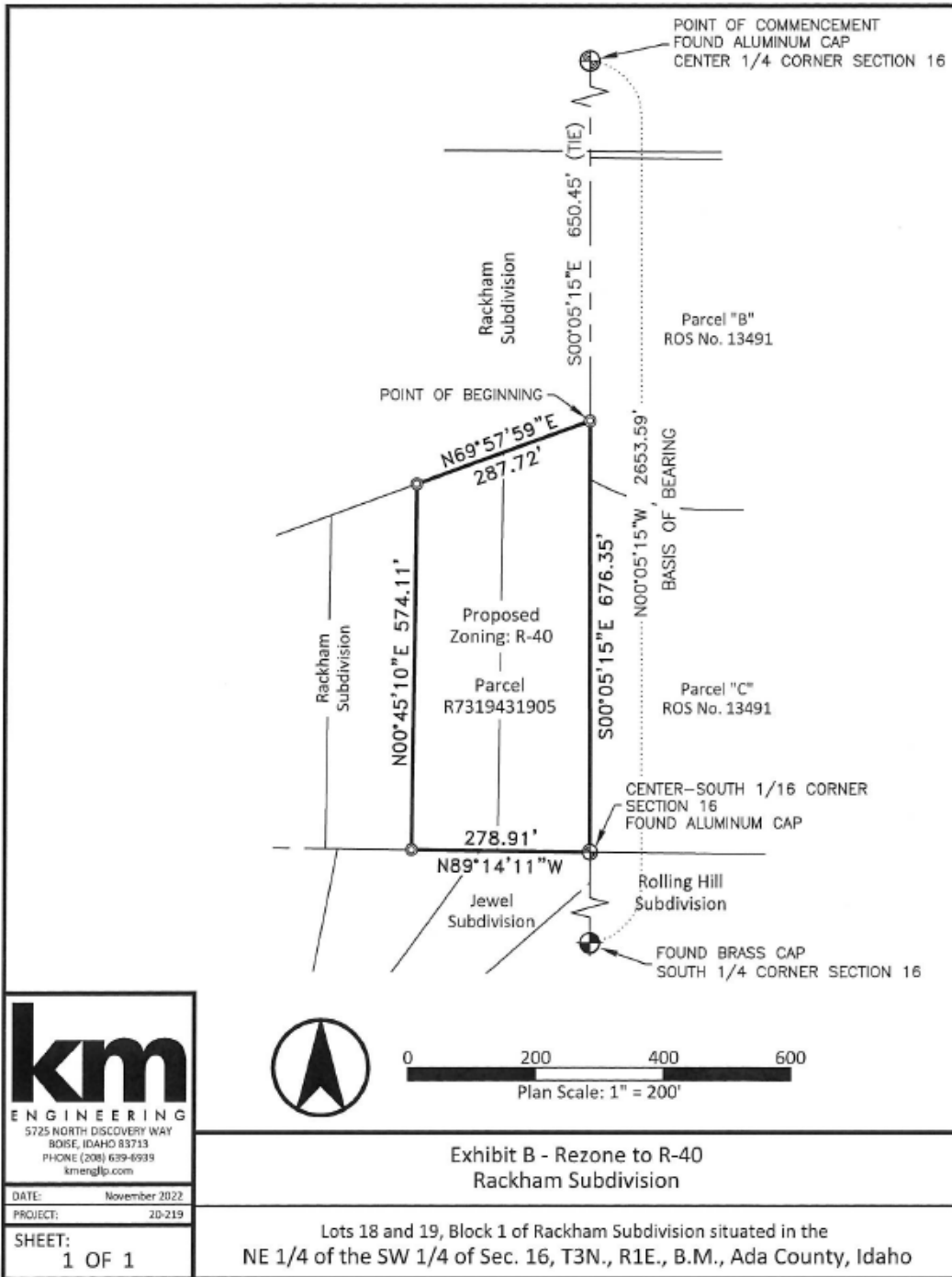
Thence leaving said westerly line and following said northerly line, N69°57'59"E a distance of 287.72 feet to the **POINT OF BEGINNING**.

Said parcel of land contains a total of 3.938 acres, more or less. Said parcel of land is now a portion of Parcel "C" as shown on Record of Survey No. 13491, records of Ada County, Idaho.

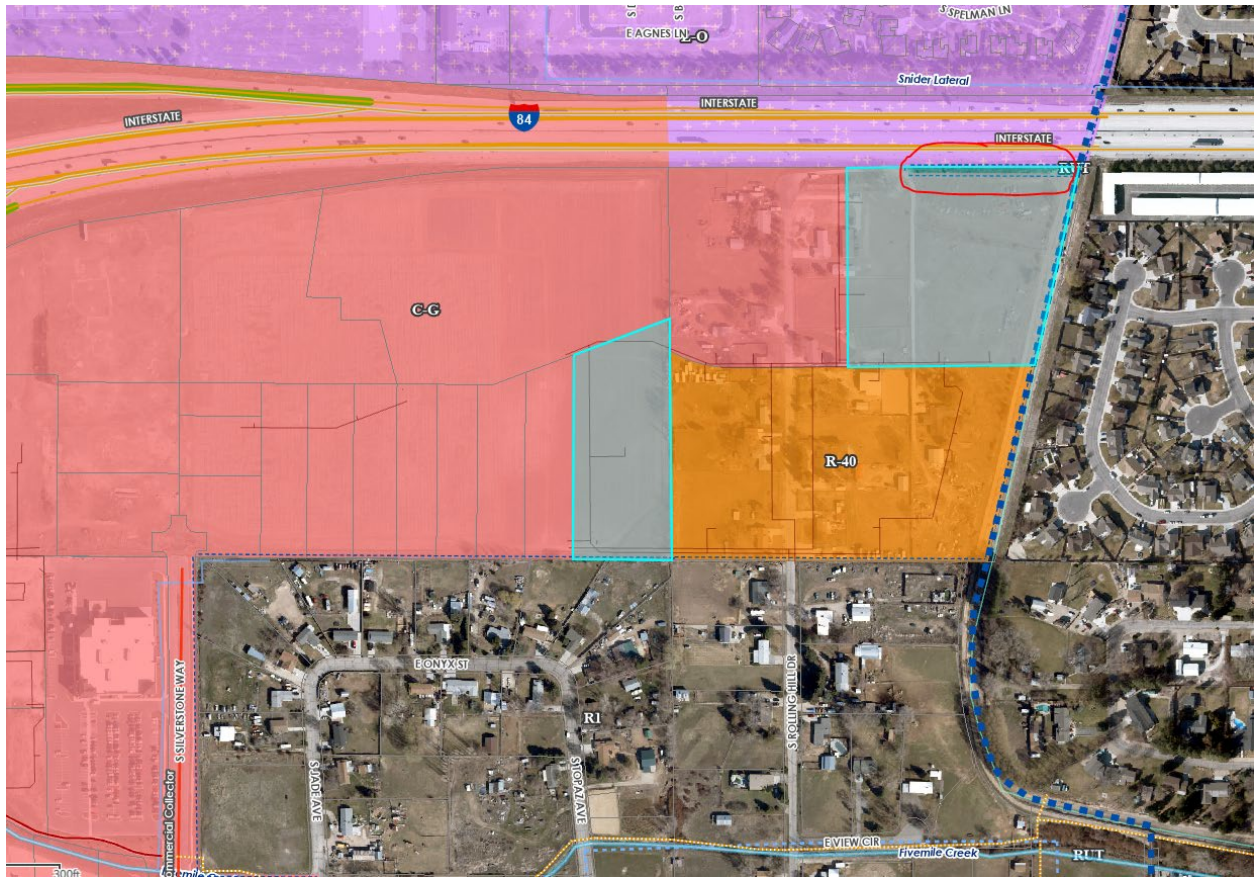
Attached hereto is Exhibit B and by this reference is made a part hereof.



P:\20-219\CAO\SURVEY\EXHIBITS\20-219 LOT 18 & 19 REZONE TO R-40.DWG, TREV ZIMMERMAN, 11/18/2022, DWG TO PDF PCB, ---



C. Vicinity Map



VI. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. Development of the subject property shall be generally consistent with the preliminary plat, landscape plan, phasing plan, conceptual development plan, pedestrian circulation plan, and conceptual building elevations submitted with the recorded Development Agreement ([2022-026383](#)) and the Certificate of Zoning Compliance and Design Review (A-2022-0047; A-2022-0059; A-2022-0118; PBA-2022-0009).

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

2. General Conditions of Approval

- 2.1 Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2.2 Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
- 2.3 The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.
- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 12-13-8.3). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
- 2.5 All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
- 2.6 All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.

- 2.7 Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
- 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

No comments at this time.

D. POLICE DEPARTMENT

No comments at this time.

E. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=285788&dbid=0&repo=MeridianCity&cr=1>

F. ADA COUNTY DEVELOPMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=285790&dbid=0&repo=MeridianCity>

G. ADA COUNTY HIGHWAY DISTRICT (ACHD)

No comments at this time.

VII. FINDINGS

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

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

1. The map amendment complies with the applicable provisions of the comprehensive plan;
Staff finds the proposed zoning map amendment to C-G and R-40 is consistent with the Comprehensive Plan and the MU-R FLUM designation.
2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;
Staff finds the proposed map amendment will allow for the development of a mix of office and multi-family residential uses which will assist in providing for the service needs of area

residents consistent with the purpose statement of the commercial districts in accord with the Comprehensive Plan.

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

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

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

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

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

Staff finds the proposed annexation and rezone is in the best interest of the City, if the property develops consistent with the recorded development agreement noted in section VI.A. above.