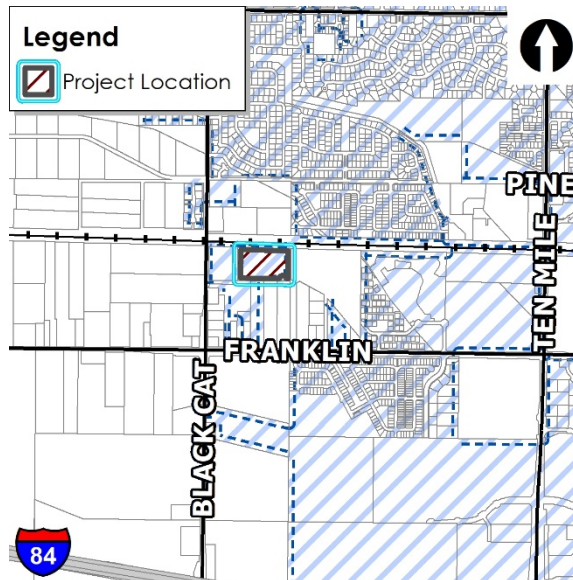


STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: March 9, 2021
 TO: Mayor & City Council
 FROM: Joseph Dodson, Associate Planner
 208-884-5533
 SUBJECT: H-2020-0111
 Aviator Subdivision

LOCATION: The site is located near the northeast corner of N. Black Cat Rd. and W. Franklin Rd., directly north of Compass Public Charter School, in the SW ¼ of the SW ¼ of Section 10, Township 3N., Range 1W.



I. PROJECT DESCRIPTION

The Applicant has submitted requests for the following:

- Comprehensive Plan Map Amendment to return the subject site back to the future land use designation of Medium-High Density Residential (MHDR) for the purpose of developing the site with residential instead of a school site as previously approved;
- Rezone a total of 9.8 acres of land from the M-E zoning district to the R-15 zoning district to align with the proposed map amendment; and
- Modification to the existing development agreement (Inst. #2018-079763) for the purpose of removing the subject property from the boundaries and terms of the previous agreement and enter into a new one, consistent with the proposed residential concept plan, by the Land Group, Inc.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	9.8 acres	
Future Land Use Designation	Mixed Employment – Ten Mile Interchange Specific Area Plan (TMISAP).	
Existing Land Use(s)	Vacant	
Proposed Land Use(s)	Single-Family Residential	
Lots (# and type; bldg./common)	No plat is being requested at this time	
Physical Features (waterways, hazards, flood plain, hillside)	Purdam Gulch Drain runs diagonal through site from the southeast corner to the northwest corner. Applicant intends to tile a majority of this drain and realign it to make better	

Description	Details	Page
	utilization of the property and green space with future plat application.	
Neighborhood meeting date; # of attendees:	October 13, 2020, on-site meeting – 3 attendees	
History (previous approvals)	H-2018-0048 (Compass Charter School AZ, CPAM; DA Inst. #2018-079763).	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> • Staff report (yes/no) • Requires ACHD Commission Action (yes/no) 	<p>Yes</p> <p>No</p>	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Access is proposed via future extension of W. Aviator Street, designated as a towncenter collector street on the Master Street Map (MSM) and within the TMISAP (two lanes of travel with on-street bike lanes). There is no plat proposed with this application but there will be local street connections off of the Aviator extension.	
Traffic Level of Service	Black Cat Road – Better than “E” (446/575 VPH) W. Aviator Street – no known traffic counts at this time.	
Stub Street/Interconnectivity/Cross Access	Applicant is proposing to extend W. Aviator Street and bring it through the subject site and stub it to the eastern property boundary north of the irrigation district pump station in the southeast corner of the site upon future submittal of a preliminary plat.	
Existing Road Network	W. Aviator ends in a temporary turnaround approximately 200 feet along the property’s southern boundary. Next closest street is N. Black Cat Road, an arterial, and is in the ACHD CIP for widening in 2031-2035.	
Proposed Road Improvements	Applicant is not proposing any road improvements at this time. When a preliminary plat is requested in the future, the applicant will be required to extend W. Aviator Street and stub it to their east property boundary.	
Distance to nearest City Park (+ size)	Fuller Park (21.96 acres) – 1.3 miles by foot; approximately 1.7 miles by vehicle.	

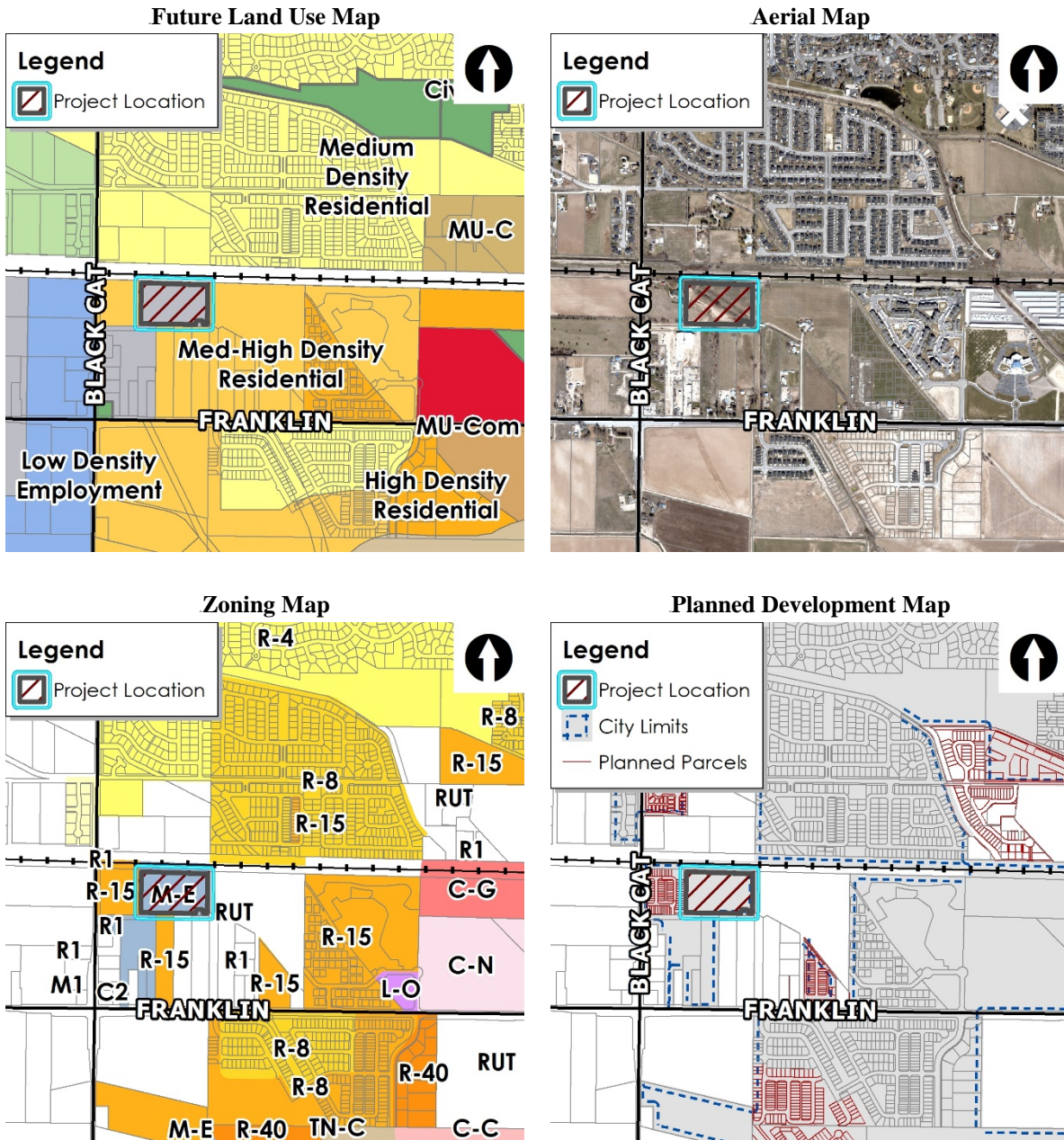
Fire Service

Comments	Because no plat is being proposed, MFD did not offer any comments at this time. In general, project will be limited to no more than 30 homes off of singular access unless all homes are sprinklered.	
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Police Service

<ul style="list-style-type: none"> • Distance to Station • Response Time • Call Data 	<p>Approximately 5 miles from Meridian Police Department</p> <p>Approximately 4 ½ minute response time to an emergency.</p> <p>Between 12/1/2019- 11/30/2020, the Meridian Police Department responded to 1,209 calls for service within a mile of the proposed development. The crime count on the calls for service was 111. See attached documents for details. Between 12/1/2019- 11/30/2020, the Meridian Police Department responded to 35 crashes within a mile of the proposed development.</p>	
<ul style="list-style-type: none"> • Additional Concerns 	None	

C. Project Maps



III. APPLICANT INFORMATION

A. Applicant:

Kristen McNeill, The Land Group, Inc. – 462 E. Shore Drive, Ste. 100, Eagle, ID 83616

B. Owner:

Larry Kline, IAG Sadie Creek, LLC – 800 W. Main Street, Suite 1460, Boise, ID 83702

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	1/1/2021	2/19/2021
Radius notification mailed to properties within 500 feet	12/29/2020	2/16/2021
Public hearing notice sign posted on site	1/11/2021	2/24/2021
Nextdoor posting	12/29/2020	2/16/2021

V. STAFF ANALYSIS

A. COMPREHENSIVE PLAN MAP AMENDMENT (CPAM)

The Applicant is requesting to modify the comprehensive plan map for the subject parcel in order to allow for residential zoning and uses instead of Mixed Employment or other industrial uses. The current future land use is Mixed Employment which encourage research and development, office, light-industrial, information, and other ancillary commercial uses. Instead, the applicant is requesting to return the property to its original future land use of Medium-High Density Residential (MHDR). This designation allows for a mix of dwelling types including townhouses, condominiums, and apartments. Residential gross densities should range from eight to fifteen dwelling units per acre. 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 subject 9.8 acres were annexed into the City of Meridian in 2018 with the Compass Charter School application and received CPAM approval at that time to change the underlying land use from medium-high density residential to mixed employment. The 2018 request and subsequent approval to change the future land use from residential to more of a commercial or industrial land use was so the new school could be constructed and an adjacent county landscaping business could be annexed into the City and still comply with code. Currently, these mixed employment parcels are the outliers in an area surrounded by parcels designated for medium-high and high density residential.

At the time, it was determined that the map change was applicable because the subject parcel was conceptually shown with a sports field, track, and stadium and was the school’s avenue for annexation into the City of Meridian in 2018. However, in 2020, Compass Charter received approval to modify their concept plan and Development Agreement to move their sports field to a more adjacent parcel to the new school. Therefore, this 9.8 acre parcel is no longer part of the long-term plan for the school and was subsequently sold to its current owners.

In addition to the outcomes of the subject parcel, directly west of this site Hensley Station is currently under construction as a medium-high density residential subdivision and less than a half mile to the east of the subject site additional high-density residential projects are currently underway. In addition, directly south of Franklin Road is a larger area of the Ten Mile Plan with a mix of residential, commercial, employment, and industrial zoning. If this parcel is to remain with its current zoning and future land use, Staff believes it would essentially be a random area of commercial zoning and would be very difficult to properly mitigate any noxious uses from occurring.

Because the Applicant is proposing to return the parcel back to its original future land use designation and become a more compatible land use to its neighbors, Staff supports the requested map amendment.

B. DEVELOPMENT AGREEMENT MODIFICATION (MDA)

The subject parcel is still subject to the existing Development Agreement and concept plan from the Compass Charter School annexation (Inst. #2018-079763) that shows this site containing the football field, track, and stadium for Compass Charter. As noted, the school is no longer going forward with this plan and received other approvals from the City to annex an adjacent parcel and construct a play field on it instead. Therefore, in conjunction with the CPAM to change the future land use from mixed employment to residential, this DA Modification request is for the purpose of removing this parcel from that agreement to enter into a new agreement consistent with the proposed residential concept plan (see Section VII).

The proposed concept plan includes the required extension of W. Aviator Street along its southern boundary and then its eventual stub to the east property line within the property. Further analysis of this extension is below in the Rezone analysis. In addition, the concept plan shows single-family attached homes that are a mix of alley-loaded and front loaded homes; a large number of the homes are proposed to have front porches facing green space within the development and along the buffer to W. Aviator. The applicant is showing a local street that loops through the site and connects to Aviator near the southwest and southeast corners of the property allowing for an easy flow of traffic through the site. If the Applicant does not receive the requested map amendment approval, this concept plan, requested R-15 zoning, and conceptual residential use would become null and void.

Because the development plan for this site has completely changed from the school site development previously approved and the terms of the agreement are therefore no longer applicable, Staff is amenable to the request for a new DA to replace the existing agreement based on the proposed concept plan; the provisions for the new DA are included in Section VIII.A.1 and the concept plan for the overall site is included in Section VII.D.

REZONE (RZ)

Lastly, the Applicant is requesting a Rezone of the 9.8 acre parcel, currently zoned Mixed Employment (M-E). This request hinges on the approval of the Comprehensive Plan Map Amendment from Mixed Employment to Medium-High Density Residential (MHDR). If the map amendment is approved, the Applicant is requesting to rezone this property to the R-15 zoning district to allow for a future single-family residential development—no preliminary plat application is being proposed at this time because development of the property as residential hinges solely on receiving the map amendment approval.

As discussed in the CPAM analysis section above, Staff is supportive of a residential development at this location. This property also lies within the Ten Mile Interchange Specific Area Plan (TMISAP) and the Applicant has revised the concept plan numerous times in order to better meet the guidelines and preferences of the Ten Mile Plan. Specifically, the Applicant's concept plan depicts a mix of homes that will be alley-loaded or rear-loaded with the dwellings fronting on green space and homes that are more garage dominant. However, even the garage dominant units are proposed to meet the Ten Mile Plan by bringing the building closer to the street to establish a more uniform street presence and support a pedestrian environment as seen in the conceptual elevations and floor plans in Section VII.E. Specific guidelines and policies within the Ten Mile Plan and the general Comprehensive Plan will be analyzed with a future preliminary plat.

However, because the Applicant is not concurrently applying for a preliminary plat, these conceptual elevations, floor plans, and site plan will be made part of the Development Agreement to ensure substantial compliance with what is currently being proposed. Furthermore, Staff believes the proposed elevations are more in line with the Ten Mile Plan than previous iterations. Staff anticipates some tweaks to the site plan but nothing substantial—if the site plan changes substantially, a new DA Modification application will be required.

Transportation:

Concept plans within Development Agreements are heavily driven by road layouts and the transportation element of society. Therefore, it is important to discuss access for this project in a separate section within this staff report regardless of the fact no preliminary plat is currently being proposed. Access is proposed via extension of a collector street (W. Aviator Street) and a subsequent local street off of said collector. W. Aviator currently provides one of the accesses to the Compass Charter School and will provide access to Hensley Station Subdivision, directly west of the subject site. Due to the pattern of development, Aviator will only be extended to the east boundary of the subject site and not connect to any other major road until such time that more parcels develop to the south and east of the subject site. This is one more reason why the Applicant is not choosing to submit a preliminary plat at this time. Because of this, it is imperative that the conceptual layout of Aviator is well thought out and shown in a position that allows for fair and convenient extension in the future.

The original concept plan submitted by the Applicant depicts Aviator continuing on its current path and heading due east through two parcels that are not currently annexed into the city and terminating at the western boundary of an irrigation parcel with unknown owners (a parcel containing a segment of the Purdam Gulch Drain). Both City Staff and ACHD believe this conceptual configuration for Aviator would be both costly and very difficult to execute because it would have to cross the drain in more than one location and there is no guarantee those permits would be allowed by its administrator.

Staff shared these concerns with the Applicant and they revised the concept plan to show a more appropriate extension of Aviator. Staff is appreciative of the Applicant's ability to work with Staff and revise the layout for the above reasons. The revised concept plans (Section VII.D) now show Aviator heading northeast into the parcel from its terminus in front of the Compass Charter expansion, crossing the drain once, and then stubbing to the east property line north of the irrigation pump station in the southeast corner of the subject site. This new configuration allows for future extension of Aviator to occur without a need to cross the drain again and not require this Applicant to acquire land from the two county parcels to its south. This new layout generally depicts the same internal layout with some shifting of the site to the east to accommodate easements. In addition, the revised concept plan appears to lose much of its central green space but has more green space in other areas of the site. If possible, with future development applications, the Applicant should work to utilize more of the site to provide more central open space. The revised road layout and land area lost to right-of-way may lend itself to a mix of single-family and multi-family to help the property reach the density range for MHDR. Staff believes tying the DA to this revised concept plan is applicable but all parties should be aware that any significant changes will require a future DA Modification application.

VI. DECISION

A. Staff:

Staff recommends approval of the proposed Comprehensive Plan Map Amendment, modification to the existing Development Agreement, and Rezone per the provisions included in Section VIII in accord with the Findings in Section IX.

B. The Meridian Planning & Zoning Commission heard these items on February 4, 2021. At the public hearing, the Commission moved to recommend approval of the subject Comprehensive Plan Map Amendment, Development Agreement Modification, and Rezone requests.

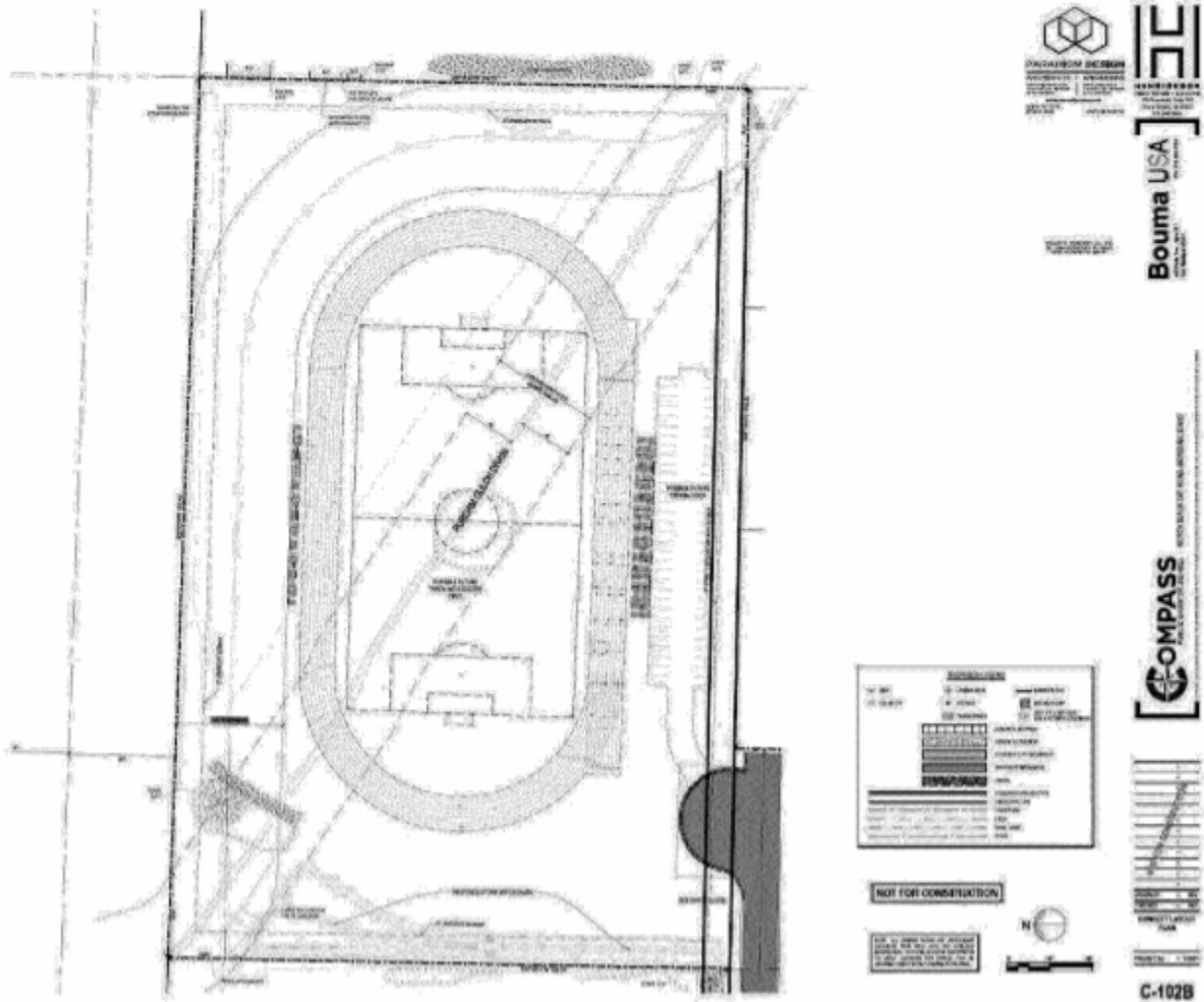
1. Summary of Commission public hearing:

- a. In favor: Kristen McNeill, The Land Group; Matthew Adams, The Land Group**
- b. In opposition: None**
- c. Commenting: Kristen McNeill; Matthew Adams**

- d. Written testimony: One item from Mrs. Bowery – Applicant clarified neighbor’s questions prior to the hearing and she was satisfied with the answers.
 - e. Staff presenting application:
 - 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. Location of drain on property and whether it is intended to be relocated, piped, or both;
 - b. Willingness of Nampa-Meridian to allow any section of the drain to be piped – Applicant has had preliminary discussions with irrigation district and they are in support;
 - c. Concern of future plat and its layout in regards to open space and the common drive shown.
 - 4. Commission change(s) to Staff recommendation:
 - a. None
 - 5. Outstanding issue(s) for City Council:
 - a. The Applicant has not provided Planning Staff with revised rezone exhibits as noted in the conditions of approval.
- C. The Meridian City Council heard these items on March 9, 2021. At the public hearing, the Council moved to approve the subject Comprehensive Plan Map Amendmen, Development Agreement Modification, and Rezone requests.
- 1. Summary of the City Council public hearing:
 - a. In favor: Kristen McNeill, Applicant, The Land Group
 - b. In opposition: Jane Byam, resident
 - c. Commenting: Kristen McNeill, Jane Byam
 - d. Written testimony: None following Commission hearing
 - e. Staff presenting application: Joseph Dodson, Associate Planner
 - f. Other Staff commenting on application: Bill Nary, City Attorney
 - 2. Key issue(s) of public testimony:
 - a. Density of the proposed concept plan when adjacent roads have not yet been widened;
 - b. Issues surrounding changing the comprehensive plan map;
 - 3. Key issue(s) of discussion by City Council:
 - a. Level of traffic on nearby roads with existing development, specifically the charter school traffic, and how would Staff project future road layouts and improvements to occur surrounding subject site;
 - b. Why is the Applicant not proposing a plat concurrently with the other applications;
 - c. What is the benefit to the City to amend the comprehensive plan map and change the subject site’s designation to medium-high density residential—moreover, is this change a reflection of what was there previously or is it a change of the Mixed-Employment designation;
 - d. How does the subject site fit with the adjacent parcels that are also medium-high density residential on the FLUM
 - 4. City Council change(s) to Commission recommendation:
 - a. None

VII. EXHIBITS

A. Conceptual Development Plan Included in Existing Development Agreement



B. Rezone Legal Description and Exhibit Map



LEGAL DESCRIPTION

Page 1 OF 1

November 10, 2020
Project No.: 120035

R/Z EXHIBIT
CITY OF MERIDIAN
REZONE FROM M-E TO R-15 DESCRIPTION

An area of land situate in Southwest Quarter of Section 10, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

COMMENCING at the West Quarter Corner of said Section 10 (from which the Southwest Corner of said Section 10 bears South 00°38'57" West, 2653.05 feet distant); Thence on the west section line of said Section 10, South 00°38'57" West, 1565.22 feet; Thence leaving said west section line, South 89°15'44" East, 25.00 feet to a point common with the easterly right of way line of North Black Cat Road and the northerly right of way line of West Aviator Street; Thence on said northerly right of way line, South 89°15'44" East, 470.45 feet to the **POINT OF BEGINNING**:

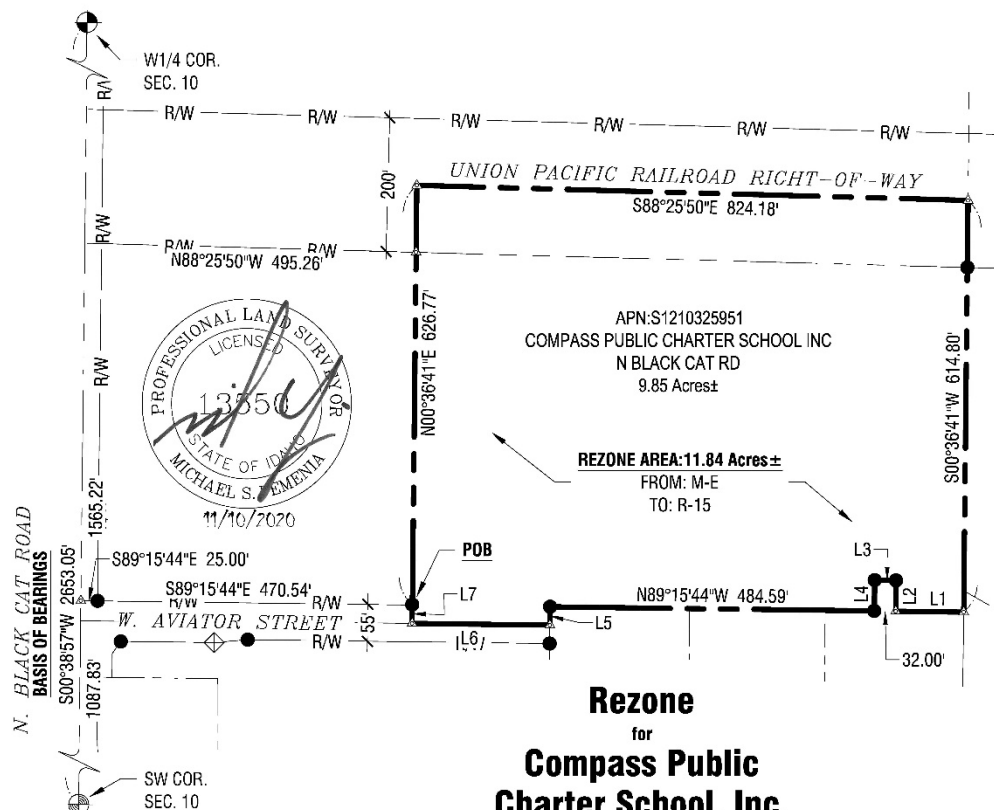
Thence leaving said northerly right of way line, North 00° 36' 41" East, 626.77 feet to a point on the centerline of the 200 foot right of way of the Union Pacific Railroad;
Thence on said centerline right of way line, South 88° 25' 50" East, 824.18 feet;
Thence leaving said centerline right of way line, South 00° 36' 41" West, 614.80 feet;
Thence North 89° 15' 44" West, 101.63 feet;
Thence North 00° 44' 16" East, 46.00 feet;
Thence North 89° 15' 44" West, 32.00 feet;
Thence South 00° 44' 16" West, 46.00 feet;
Thence North 89° 15' 44" West, 484.59 feet to a point common with the northerly and easterly right of way line of West Aviator Street;
Thence on said easterly right of way line, South 00° 36' 41" West, 27.50 feet to the centerline of said West Aviator Street;
Thence on said centerline of West Aviator Street, North 89° 15' 44" West, 205.91 feet;
Thence leaving said centerline, North 00° 44' 16" East, 27.50 feet to the **POINT OF BEGINNING**.

The above described area of land contains 11.84 acres, more or less.

PREPARED BY:
The Land Group, Inc.
Michael Femenia, PLS



11/10/2020



Line Table		
LINE	BEARING	LENGTH
L1	N89°15'44"W	101.63'
L2	N00°44'16"E	46.00'
L3	N89°15'44"W	32.00'
L4	S00°44'16"W	46.00'
L5	S00°36'41"W	27.50'
L6	N89°15'44"W	205.91'
L7	N00°44'16"E	27.50'

**Rezone
for
Compass Public
Charter School, Inc.**

Situate in a Portion of the SW 1/4 of Section 10
Township 3 North, Range 1 West, Boise Meridian
City of Meridian, Ada County, Idaho
2020

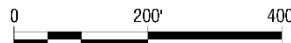
**City of Meridian
R/Z Exhibit**

1 of 1



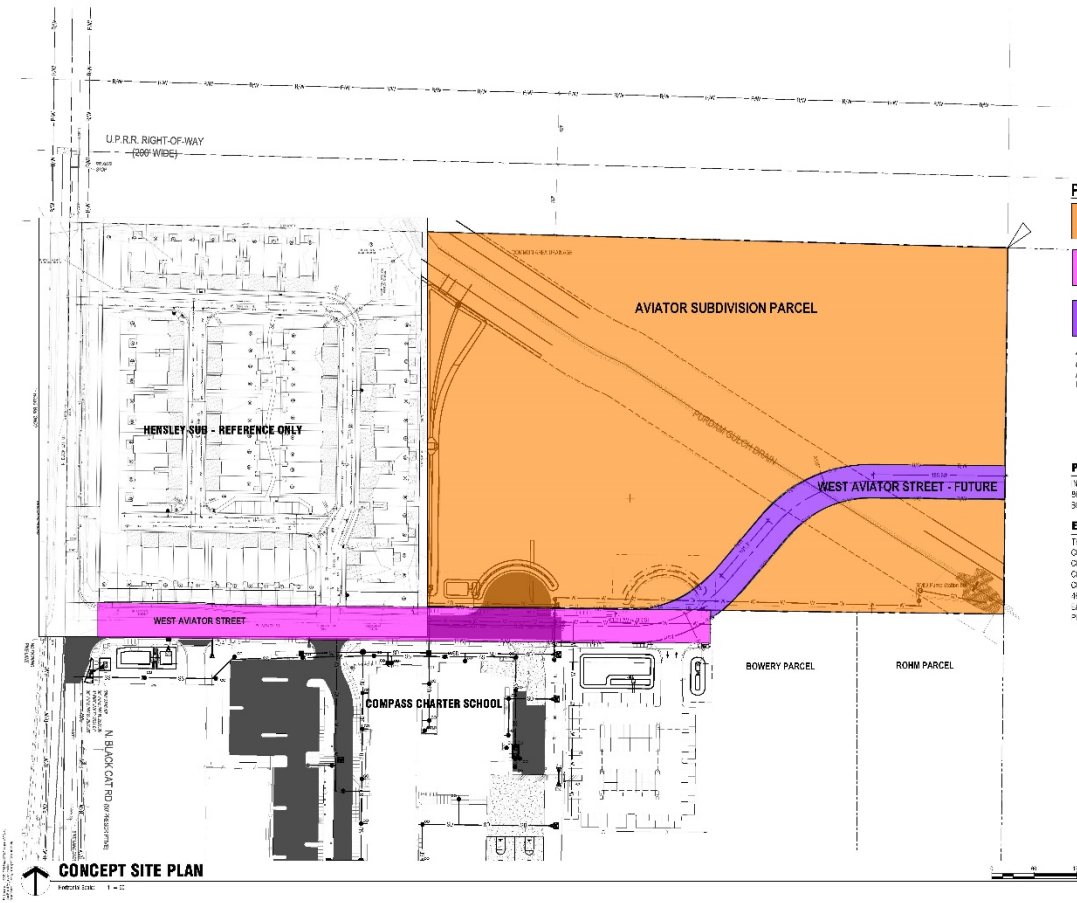
R/Z Exhibit

Horizontal Scale: 1" = 200'

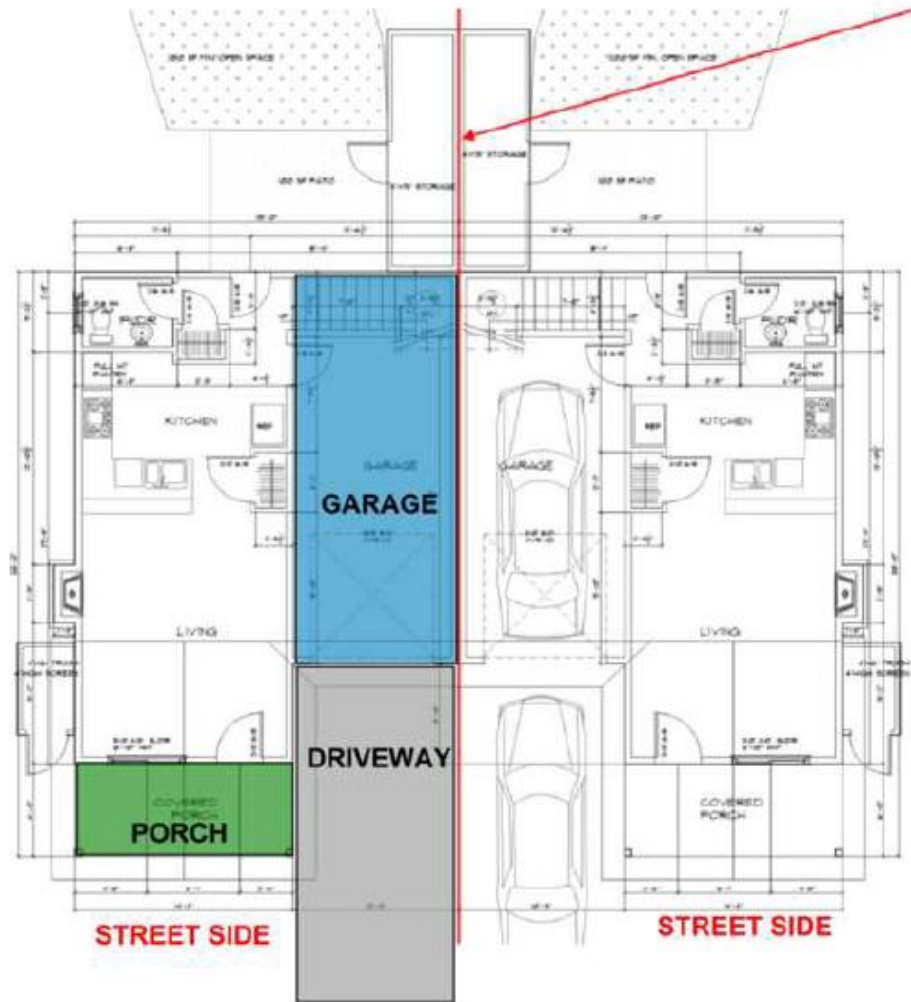


Project No.: 120035
Date of Issuance: November 10, 2020

File Location: C:\Users\jacob\Documents\Projects\120035\120035_rz_exhibit.dwg
Last Printed: 11/10/2020 10:00 AM
User: jacob
Plot Date: 11/10/2020 10:00 AM



E. Conceptual Building Elevations and Floor Plan



Conceptual Neighborhood Housing Type Plan

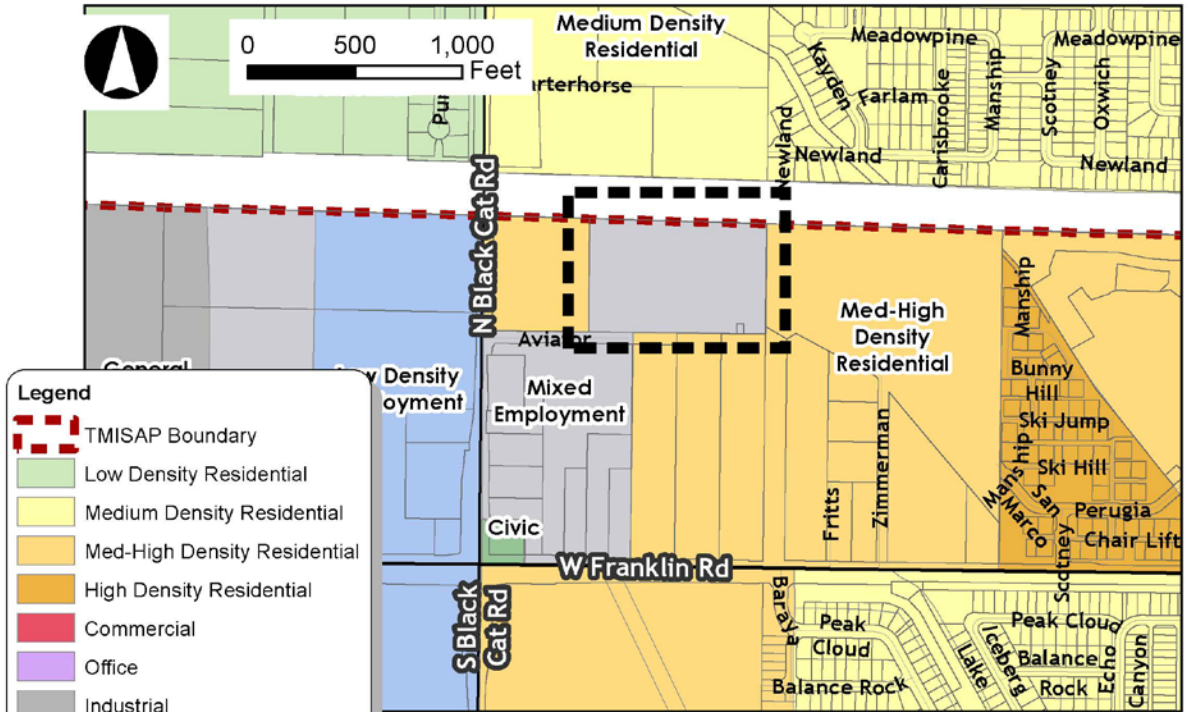


Conceptual Neighborhood Housing Type Elevation

F. Comprehensive Plan Map Amendment Exhibit

Date: 3/30/2021

Adopted Land Uses



Proposed Land Uses



VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

Development Agreement Modification:

1. The subject property shall no longer be subject to the terms of the existing Development Agreement (DA) (Inst. #2018-079763) upon the property owner(s) entering into a new agreement. The new DA shall be signed by the property owner(s) and returned to the City within six (6) months of City Council granting the approval of the rezone. The new DA shall include the following provisions:
 - a. Future development of this site shall be generally consistent with the conceptual site plan, conceptual road layout, and conceptual elevations and floor plan exhibits included in Section VII and the provisions contained herein.
 - b. Future development shall comply with the ordinances in effect at the time of application submittal.
 - c. Future development of this site shall be generally consistent with the neighborhood design elements outlined in the Ten Mile Interchange Specific Area Plan (TMISAP) and the guidelines for the Medium-High Density Residential future land use designation within the TMISAP.
 - d. Future residential development shall be constructed within a gross density range of 8-12 dwelling units per acre.
 - e. The Applicant shall construct W. Aviator substantially consistent with the configuration shown on the Revised Road Layout (Exhibit VII.D).
 - f. No building permits shall be issued for this development until the property has been subdivided.
 - ~~g. At least ten (10) days prior to the City Council hearing, The Applicant shall submit revised Rezone legal descriptions that include the NMID pump station parcel that was illegally split from this parcel in the past.~~

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 No proposed changes to public sewer and water Infrastructure have been presented within this record. Any changes or modifications, to the Public Sewer Infrastructure, shall be reviewed and approved by Public Works.

C. POLICE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=218962&dbid=0&repo=MeridianCity&cr=1>

D. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=218983&dbid=0&repo=MeridianCity>

E. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=219210&dbid=0&repo=MeridianCity>

IX. FINDINGS

A. Comprehensive Plan Map Amendment (UDC 11-5B-7D)

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.

Council finds the proposed map amendment is consistent with other elements of the comprehensive plan as discussed in Section V.

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

As outlined in Section V, Council finds the proposed map amendment is an improved guide to future growth for the subject property.

3. The proposed amendment is internally consistent with the goals, objectives and policies of the comprehensive plan.

Council finds that due to the adjacent development and order of development, the proposed map amendment will be consistent with the comprehensive plan.

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

No development is proposed with this application but Council finds the proposed use of residential is consistent with the Unified Development Code.

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

Council finds the map amendment makes the subject property more compatible with existing and planned surrounding land uses.

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

Because the Applicant will provide public utility extensions at their own cost with future development applications, Council finds the proposed map amendment will not burden any service capabilities.

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.

Council finds the proposed map amendment allows sufficient area to mitigate any anticipated or unanticipated impacts associated with future development of the site.

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

As outlined in Section V, Council finds the proposed map amendment, attached as exhibit F, 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;

Council finds the Applicant's proposal to rezone the 9.8 acre property to the R-15 zoning district is consistent with the requested future land use designation of Medium-High Density Residential as noted above in Section V.B with Staff's recommended provisions.

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

Council finds the proposed map amendment and concept plan comply with the purpose statement of the residential district in a conceptual nature as no specific development is currently proposed.

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

Council finds the proposed map amendment should not be detrimental to the public health, safety and welfare as the proposed use should be compatible with adjacent existing residential properties to the west and the school property to the south.

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

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

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

Council finds the proposed rezone is in the best interest of the City.