

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



In the Matter of the Request for Rezoning of 3.42 Acres of Land from the CC Zoning District to the R-40 Zoning District, Preliminary Plat on the Entire 4.77-Acre Property to allow 33 Residential Lots, 2 Lots for 2 Vertically-Integrated Buildings Containing 12 Residential Units, and One Commercial Lot, Conditional Use Permit to allow Townhouses in the R-40 Zoning District, and Development Agreement Modification to Enter into a New DA to allow the Proposed Development, by Kent Brown.

Case No(s). H-2021-0102

For the City Council Hearing Date of: May 18, 2022 (Findings on June 7, 2022)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of May 18, 2022, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of May 18, 2022, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of May 18, 2022, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of May 18, 2022, 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 City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 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 Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the

Community Development Department, the Public Works Department and any affected party requesting notice.

7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of May 18, 2022, 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 City Council'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 rezoning, preliminary plat, conditional use permit and development agreement modification is hereby approved per the conditions of approval in the Staff Report for the hearing date of May 18, 2022, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

Please take notice that approval of a preliminary plat, combined preliminary and final plat, or short plat shall become null and void if the applicant fails to obtain the city engineer's signature on the final plat within two (2) years of the approval of the preliminary plat or the combined preliminary and final plat or short plat (UDC 11-6B-7A).

In the event that the development of the preliminary plat is made in successive phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of two (2) years, may be considered for final approval without resubmission for preliminary plat approval (UDC 11-6B-7B).

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-6B-7.A, the Director may authorize a single extension of time to obtain the City Engineer's signature on the final plat not to exceed two (2) years. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the preliminary plat, combined preliminary and final plat or short plat to comply with the current provisions of Meridian City Code Title 11. If the above timetable is not met and the applicant does not receive a time extension, the property shall be required to go through the platting procedure again (UDC 11-6B-7C).

Notice of 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. 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.

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6.G.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 City Council may be granted. With all extensions, the Director or City Council may require the conditional use comply with the current provisions of Meridian City Code Title 11(UDC 11-5B-6F).

Notice of Development Agreement Duration

The city and/or an applicant may request a development agreement or a modification to a development agreement consistent with Idaho Code section 67-6511A. The development agreement may be initiated by the city or applicant as part of a request for annexation and/or rezone at any time prior to the adoption of findings for such request.

A development agreement may be modified by the city or an affected party of the development agreement. Decision on the development agreement modification is made by the city council in accord with this chapter. When approved, said development agreement shall be signed by the property owner(s) and returned to the city within six (6) months of the city council granting the modification.

A modification to the development agreement may be initiated prior to signature of the agreement by all parties and/or may be requested to extend the time allowed for the agreement to be signed and returned to the city if filed prior to the end of the six (6) month approval period.

E. Judicial Review

Pursuant to Idaho Code § 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code § 67-6521(1)(a), an affected person aggrieved by this final decision may, within twenty-eight (28) days after all remedies have been exhausted, including requesting reconsideration of this final decision as provided by Meridian City Code § 1-7-10, seek judicial review of this final decision as provided by chapter 52, title 67, Idaho Code. This notice is provided as a courtesy; the City of Meridian does not admit by this notice that this decision is subject to judicial review under LLUPA.

F. Notice of Right to Regulatory Takings Analysis

Pursuant to Idaho Code §§ 67-6521(1)(d) and 67-8003, an owner of private property that is the subject of a final decision may submit a written request with the Meridian City Clerk for a regulatory takings analysis.

G. Attached: Staff Report for the hearing date of May 18, 2022

By action of the City Council at its regular meeting held on the _____ day of _____, 2022.

COUNCIL PRESIDENT BRAD HOAGLUN VOTED_____

COUNCIL VICE PRESIDENT JOE BORTON VOTED_____

COUNCIL MEMBER JESSICA PERREAULT VOTED_____

COUNCIL MEMBER LUKE CAVENER VOTED_____

COUNCIL MEMBER TREG BERNT VOTED_____

COUNCIL MEMBER LIZ STRADER VOTED_____

MAYOR ROBERT SIMISON VOTED_____
(TIE BREAKER)

Mayor Robert Simison

Attest:

Chris Johnson
City Clerk

Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.

By: _____ Dated: _____
City Clerk's Office

Description	Details	Page
Number of Residential Units (type of units)	33 townhouses, 12 vertically-integrated units.	
Density (gross & net)	9.4 du/acre	
Open Space (acres, total [%]/buffer/qualified)	16.1% (0.77 ac)	
Amenities	Neighborhood Park, 10 ft. wide regional pathway	
Physical Features (waterways, hazards, flood plain, hillside)	Five-mile creek floodway is at the southwest corner of the property to the south and west (but not on the property). Creason Lateral traverses a small portion of the site at the southwest corner. The lateral has already been piped in this area	
Neighborhood meeting date; # of attendees:	November 29, 2021 6 – neighbors opposed W. Crosswind St. being connected.	
History (previous approvals)	AZ-09-005, DA Inst # 11031366, Buyrite Apartments (H-2018-0096); MDA H-2019-0092 (not recorded), CUP H-2019-0094	

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)	Access will occur from N. Linder Rd (arterial), W. Crosswind St (local) and N. Wafting Ln (northern stub).	
Traffic Level of Service	Better than "E"	
Stub Street/Interconnectivity/Cross Access	A northern stub is provided (N. Wafting Ln)	
Existing Road Network	W. Ustick Rd., N. Linder Rd., W. Crosswind St.	
Existing Arterial Sidewalks / Buffers	N. Linder Rd. and W. Ustick Rd. have 7 ft. wide sidewalk.	
Proposed Road Improvements	Both W. Ustick Rd and N. Linder Rd are fully improved, although the applicant will be required to install 25 ft. wide landscape buffers.	
Distance to nearest City Park (+ size)	1/5 mile to Settlers Park	
Fire Service		
Distance to Fire Station	1.6 miles from Station 2	
Fire Response Time	< 5 minutes	
Resource Reliability	> 80%	
Risk Identification	2	
Accessibility	Acceptable	
Special/resource needs	Aerial device will be needed	
Water Supply	1,000 gpm per hour	
Other Resources		
Police Service		
	No comments	
Wastewater		
Comments	Flow is committed	

Description	Details	Page
	• Sewer must have at a minimum 3' of cover over top of the pipe. This is not met at manhole SSMH A6. • Water and sewer in parallel require a 30' easement. 24' road does not provide adequate space. • Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement. • Ensure no sewer services pass through infiltration trenches.	
Water		
• Distance to Water Services	0	
• Pressure Zone	2	
• Water Quality	No concerns	
• Project Consistent with Water Master Plan	Yes	
• Impacts/Concerns	• Eliminate the deadend water main in W Wind Gust Ln by ending the water main at N Twister Ln and then running water services to the remaining units off of W Wind Gust Ln. • Eliminate the deadend water main in W Whirl Wind Ln by ending the water main at N Quall Ln and then running water services to the remaining units off of W Whirl Wind Ln. • Eliminate the water main in the “drive through” within the CC zoning. • Eliminate the water main that is cutting through Building B • Connect water to the existing stub off Linder Road.	
Grocery Store	1.5 mile +/- to grocery store and other goods and services.	

C. Project Area Maps

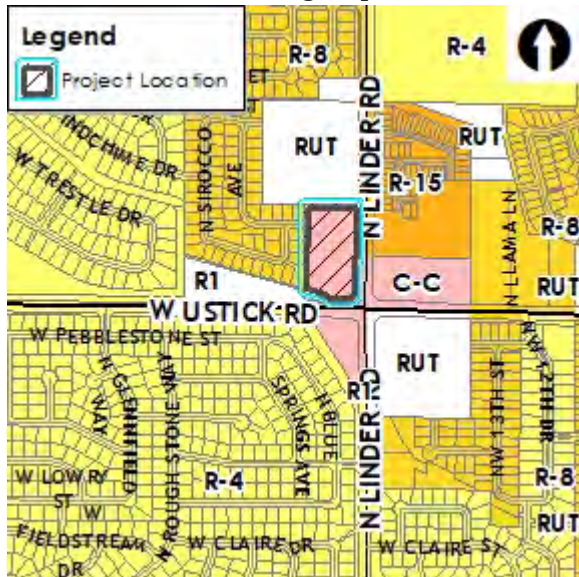
Future Land Use Map



Aerial Map



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant / Representative:

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

B. Owner:

Rama Group LLC – 1548 W. Cayuse Creek Cr, Ste 100, Meridian, ID 83646

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Notification published in newspaper	3/1/2022	5/1/2022
Notification mailed to property owners within 500'	3/28/2022	4/27/2022
Applicant posted public hearing notice sign on site	3/7/2022	5/6/2022
Nextdoor posting	2/28/2022	4/27/2022

V. STAFF ANALYSIS

The subject property is 4.77 acres and is presently zoned C-C. The property was annexed into the City and zoned to C-C in 2009 (Inst. #110031366, JJA Land, AZ-09-005). At the time of annexation approval, specific details for how the site was to develop were not provided. The recorded development agreement requires those details to be provided when the property is subdivided.

In 2019, the property was proposed for a Development Agreement Modification and conditional use to allow a mix of uses including multi-family, a self-service storage facility, office and retail uses. During the October 1, 2019 City Council meeting, there were concerns discussed with the multi-family component in regard to transition in density, height of buildings (3 stories), overcrowding of schools, traffic, and desire for more neighborhood serving uses to be provided in the area. The Planning Commission did approve the self-storage use but strongly recommended retail uses at the northeast corner of the site. Council approved the development agreement modification only for the self-storage and commercial uses, and prohibited multifamily on the site. The development agreement modification was never recorded and no construction has occurred on the property.

This proposal is to rezone 3.42 acres of the subject property from CC to R-40, and a preliminary plat for 33 townhouse lots, 2 lots for 2 vertically-integrated buildings with 6 residential units each (commercial and residential), 1 commercial lot, and 10 common lots. A conditional use is also required for townhouses in the R-40 zoning district. As mentioned above, because specific details regarding development were not provided with the annexation, a development agreement modification is required for any development of the site. This proposal also includes a request for private streets because some of the units front on a mew.

A. Development Agreement Modification

The existing Development Agreement (DA) (Inst. #110031366, JJA Land, AZ-09-005) was approved in 2009. At the time of annexation approval, specific details for how the site was to develop were not provided. The recorded development agreement requires those details when the property is subdivided. The terms of the existing DA are included below in Section VI.B. A legal description and exhibit map subject to the new DA are included below in Section VI.A.

The Applicant desires to enter into a new DA to allow a development consisting of 33 townhouses on 33 lots, 2 vertically-integrated buildings on two lots (12 residential units total), and one 18,236 sq. ft. commercial lot with a 2,000 sq. ft. +/- building. The applicant has submitted a preliminary plat, conceptual site plan, landscape plan and building elevations for all proposed buildings. These will be included as part of the new development agreement.

B. Zoning

The property is presently zoned C-C. The applicant proposes to rezone approximately 3.42 acres at the north and west to R-40 to allow townhomes. Townhomes are allowed in the R-40 zoning district by conditional use. The applicant proposes to retain the remaining 1.28 acres +/- as C-C to construct two 9,200 sq. ft. vertically-integrated buildings, each with 6 residential units as well as commercial uses. The applicant also proposes an approximately 2,000 sq. ft. commercial building at the southwest corner of W. Crosswinds St. and N. Linder Rd. Both of the uses are principally permitted in the C-C zoning district.

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

The FLUM designates the property for Mixed Use Community. The purpose of this designation is to allocate areas where community-serving uses and dwellings are seamlessly integrated into the urban fabric. The intent is to integrate a variety of uses, including residential, and to avoid mainly single-use and strip commercial type buildings. Employment opportunities for those living in and around the neighborhood are encouraged.

The Comprehensive Plan describes components of what would be considered mixed use. Elements pertinent to this proposal include:

- *At least three types of land uses;*
- *Higher density residential development is encouraged when there is a potential for an employment center;*
- *Mixed Use areas typically being developed under a master or conceptual plan; during an annexation or rezone request, a development agreement;*
- *Transitional uses and/or landscaped buffering between commercial and existing low- or medium-density residential development;*
- *Being centered around spaces that are well-designed public and quasi-public centers of activity. Spaces should be activated and incorporate permanent design elements and amenities that foster a wide variety of interests ranging from leisure to play. These areas should be thoughtfully integrated into the development and further placemaking opportunities considered; and,*
- *All mixed-use projects being accessible to adjacent neighborhoods by both vehicles and pedestrians. Pedestrian circulation should be convenient and interconnect different land*

use types. Vehicle connectivity should not rely on arterial streets for neighborhood access.

In addition, the Plan discusses the following additional pertinent requirements for mixed use community:

- *Residential uses should comprise a minimum of 20% of the development area at gross densities ranging from 6 to 15 units/acre;*
- *Vertically integrated structures are encouraged;*
- *Unless a structure contains a mix of both residential and office, or residential and commercial land uses, maximum building size should be limited to a 30,000 square-foot building footprint. For community grocery stores, the maximum building size should be limited to a 60,000 square-foot building footprint;*

The applicant submitted a conceptual plan as part of this application. The application reflects three types of uses, with the majority of the residential portion of the development clustered around a central open space. Two of the buildings (Buildings G & H) are proposed as vertically-integrated structures. More than 20% of the development area is proposed as residential at a gross density of 9.4 du/acre. A 2,000 sq. ft. commercial building with a drive through establishment is also proposed (shown as a pad site). The development is connected to adjacent neighbors through sidewalks, green spaces and the Five Mile Pathway.

Staff supports the inclusion of vertically integrated projects into this development. This is a unique style of housing, is characteristic of a mixed-use development, and would provide employment opportunities for those living in and around the neighborhood. However, staff believes the vertically-integrated structures would be more appropriate on the north side of W. Crosswind St. where Buildings A and B are presently shown. This would better integrate with the commercial pad and reduce the impact of traffic in the townhome portion of this development.

Staff does have concerns that the vertically integrated buildings could build out in the future as merely townhouses with no commercial component, resulting in this development being only a residential development with a drive-through establishment. As the property is presently zoned C-C, staff is also concerned about the loss of additional commercially-viable property. **As a condition of approval, staff recommends a requirement that at time of building permit, the ground floors of all vertically-integrated buildings meet occupancy class requirements for commercial structures.**

The concept plans show a townhouse row indicated as “Building D” along the western property line as close as 30 feet from existing residences. Staff does have concerns with the impact of a “wall effect” of these townhomes on the Windsong No 2 Subdivision. **As a condition of approval, staff recommends Building D be broken into at least two groups of buildings, with the break occurring approximately in the vicinity of Lot 19, Block 3 of the Windsong Subdivision No 2.**

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

- Encourage diverse housing options suitable for various income levels, household sizes, and lifestyle preferences. (2.01.01)

This development proposes 33 townhouses and 12 residential units within vertically-integrated buildings. This would increase the housing diversity in the 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)

This development proposes townhouses and vertically-integrated residential units within an area comprised of a large amount of single family detached to the south, east and west, a commercial center directly across N. Linder Rd to the east (Sawtooth Landing) and a newly developing mixed density residential development at the southeast corner of N. Linder Rd and W. Ustick Rd (Lennon Pointe).

- Establish and maintain levels of service for public facilities and services, including water, sewer, police, transportation, schools, fire, and parks (3. 02.01G).

All public utilities are available for this project site due to existing facilities abutting the site. This project also lies within the Fire Department response time goal of 5 minutes. Linder and Ustick Roads are currently built at their ultimate anticipated widths directly abutting the site.

- Require pedestrian access in all new development to link subdivisions together and promote neighborhood connectivity (2.02.01D).

As will be discussed below, sidewalks are included on both sides of the public roads (W. Crosswind Street and the northern stub) but only sections of the private roads include sidewalk. Staff does not object because the development is aligned around a central open space and other green spaces in such a manner that all portions of the development and surrounding neighborhoods can be accessed by foot with a minimum of walking in the private streets. The applicant is also providing a 10 ft. wide pathway connecting to the Five-Mile Pathway.

- Encourage infill development. (3.03.01E)

The subject property is located on an arterial intersection, and is surrounded by the City of Meridian to the east, west and south. Land uses in the area include detached single-family, multifamily (Lennon Point Community to the southeast) and multiple office buildings directly across N. Linder Rd to the east (Sawtooth Landing). This would be considered an infill development.

- 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)

As this development is comprised of three different uses, including vertically integrated residential buildings, it would be considered a mixed-use development. Numerous commercial uses are within a mile of the property.

E. Existing Structures/Site Improvements:

The property is currently vacant.

F. Proposed Use Analysis:

Townhouses are allowed by conditional use in the R-40 zoning district and vertically-integrated structures are a principally-permitted use in the C-C zoning district. Although it has not been determined what type of future use would occur on the commercial lot at the southwest corner of W. Crosswinds St and N. Linder Rd, the concept plan suggests a drive through establishment. If this drive-through is proposed in the future, it will require the approval a conditional use permit.

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

UDC 11-4-3-41 requires vertically integrated residential projects to be at least two stories, with at least 25% of the gross floor area being residential. None of the required parking is to be located in the front of the structure. The minimum footprint is 2,400 sq. ft., and the specific use standards lists the types of uses that are allowed.

The site plan and building elevations reflect two 9,200 sq ft. +/- three-story vertically-integrated buildings fronting W. Ustick Rd. and N. Linder Rd, with parking provided within the development, not in front of the buildings.

As mentioned above, staff believes the vertically-integrated buildings would be more appropriate on the north side of W. Crosswind St. versus located at the southwest portion, directly on the intersection. This would allow the mixed-use buildings to provide a better transition between commercial and residential uses, promote better walkability with the residential to the west, and minimize traffic in the townhome area.

Also, based on the building elevations submitted, staff is unsure what is being proposed is “vertically integrated residential buildings” as much as additional townhouses or a “work / live” arrangement that could remain entirely residential. As a condition of approval, staff recommends a requirement that at time of building permit, the ground floors of vertically-integrated buildings meet occupancy class requirements for commercial structures.

The concept plan suggests a drive through establishment. As it will be within 300 feet of a residential zone district, a drive through establishment in this location will need approval through a conditional use permit per UDC 11-4-3-11.

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

The R-40 zoning district requires a minimum lot size of 1,000 sq. ft., 25 ft. wide landscape buffers along arterial roads (W. Ustick Rd. and N. Linder Rd.) a 10 ft. street setback from local streets (W. Crosswinds St.), internal side setbacks of 3 ft. rear setback of 12 ft. and allows building heights of up to 60 ft. The C-C zoning district has the same landscape buffer requirement and limits building heights to 50 ft. Staff notes it does not appear the 10 ft. landscape buffer requirement is met along W. Crosswind St in the location of the commercial pad.

In the area proposed for R-40, the preliminary plat indicates lot sizes of at least 1,600 sq. ft., all setbacks are satisfied, the buffer is shown on the landscape plan, and the heights of the townhouses do not exceed 35 ft. The building elevations of the vertically-integrated buildings appear to be within the 50 ft. height limitation, although it is not specified on the elevations. Design will be assessed in detail at time of design review or certificate of zoning compliance.

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

The subject property is located at the northwest corner of N. Linder Rd and W. Ustick Rd., both arterials. There is an existing local road, W. Crosswind St., which serves the adjacent Windsong Subdivision to the west and presently stubs to the subject property.

The sections of N. Linder Road and W. Ustick Rd abutting the subject property are improved with 5- travel lanes, curb, gutter, and 7- foot wide attached concrete sidewalk. Both presently operate at a Level of Service “E”, which is considered acceptable. W. Ustick Road is scheduled to be widened to 5- lanes from Ten Mile Road to Linder Road in 2024. Design for widening N. Linder Rd. to 5-lanes from Cherry Road to Ustick Road is planned for 2025, although a

construction year is not in the IFYWP at this point. ACHD has noted this development is estimated to generate 341 vehicle trips per day.

This development would include closing an existing access on N. Linder Rd and creating a new access from W. Ustick Rd. approximately 250 ft. to the north. This would occur by extending W. Crosswind St. across the subject property to N. Linder Rd. Although ACHD typically discourages new local streets from intersecting arterials, ACHD supports the connection noting it would provide additional access for emergency services and circulation for the site and existing subdivisions located north and west of the site. There is also a northern stub proposed to the property at the north, which is not presently in the City.

Except for W. Crosswinds St, which would be a local street built to the typical 33-foot wide local street section, all the remaining roads in this development are proposed to be private roads. The preliminary plat reflects the private roads south of W. Crosswind St. meet the 24 ft. minimum required width. Required findings for private roads are discussed in the findings in Section IX.

On the north side of W. Crosswind St., the plat indicates a private alley (east-west) and N. Puff Ln (north-south). Neither of these roadways meet minimum requirements. Alleys need to connect on both ends to serve as fire lanes, whereas the alley that is shown north of Buildings A & B dead-ends to the east. Also, N. Puff Ln is shown to be 23 ft. in width whereas 24' ft is the minimum. The applicant should revise this portion of the plat to meet the requirements of UDC 11-6C. This could be done by widening the alley and N. Puff Ln to at least 24 ft. in width, or converting the "alley" to a common drive and removing units to comply with the maximum allowed number of units allowed per UDC 11-6C-3-D (4 total, with no more than 3 on one side).

The applicant should note if Buildings A&B were converted to vertically-integrated residential projects fronting along W. Crosswind St., the alley could be redesigned as a 25-foot wide commercial drive aisle as long as it met the requirements of UDC 11-3C-5. This would increase the commercial uses desired in the area. If the applicant is amenable to this request, staff would recommend that the concept plan be modified prior to the City Council hearing.

NOTE: If additional Vertically Integrated Residential is proposed at the north, it will require the applicant to submit revised legal description to reduce the proposed R-40 zoned area because vertically-integrated residential projects are a conditional use in this zone.

J. Parking (UDC 11-3C):

For townhouses of 2 bedrooms or less, 2 parking spaces are required, at least 1 in an enclosed garage. For townhouses of 3-4 bedrooms, 4 per dwelling unit is required, with two of them being in an enclosed garage. Parking for vertically integrated residential units ranges from 1 to 4 parking spaces depending on the number of bedrooms (not required to be covered) in addition to one space for every five hundred (500) square feet of gross floor area for the commercial portion.

The site plan and elevations reflect all townhouse units are wide enough to have 2-car garages, and most have a pad in the front that meets minimum dimensional requirements for 2 cars (20 ft. by 20 ft.). Buildings A and B on the north side of W. Crosswind St. do not have pads that meet the minimum requirement to be counted as parking and therefore should be no more than 2-bedrooms each. There are 8 additional parking spaces shown on either side of the central open space to account for guest parking.

The commercial lot indicates a building of approximately 2,000 sq. ft., which would require 4 parking spaces; 11 parking spaces are provided at the west and south sides of the building. The 12 vertically-integrated units would require at least 12 parking spaces if all residential units were one bedroom, but the commercial spaces will also require parking spaces based on the amount of gross floor area dedicated to commercial. The elevations show all vertically-integrated units

contain a two-car garage with 14 additional parking spaces provided directly adjacent to an across from the buildings. A shared-parking agreement between the commercial use and the vertically-integrated buildings should be submitted at time of Certificate of Zoning Compliance (CZC). Parking will be reviewed in detail at time of certificate of zoning compliance or building permit.

K. Pathways (*UDC 11-3A-8*):

There are 7 ft. wide attached sidewalks existing along N. Linder Rd. and W. Ustick Rd. The Five Mile Pathway parallels the creek at the west terminating at the subject property. This proposal includes 10 ft. wide pathways along both N. Linder Rd and W. Ustick Rd., connecting to the existing Five Mile Pathway.

Staff supports providing multiuse pathways but finds the configuration as proposed redundant and unnecessary. At the east along N. Linder Rd., the plans propose a 10 ft. wide pathway directly adjacent to the existing 7 ft. wide sidewalk. Similarly, the applicant proposes to provide a 10 ft. wide pathway slightly offset from the existing sidewalk on W. Ustick Rd. **In order to reduce impervious surfacing, unnecessary construction and increase landscaping, staff believes it is unnecessary to provide the additional pathway along N. Linder Rd and that the existing 7 ft. wide attached sidewalk should remain. The sidewalk along W. Ustick Rd should be widened to 10 ft. wide, the pathway shown directly south of Building H should be eliminated, and the connection between the existing Five Mile Creek Pathway and the W. Ustick Road Pathway should be shifted further to the west (this has been red-marked on the concept plan shown in Exhibit IX). Also, staff has concerns with the multiple walkways connecting Buildings G and H to the pathways. For less conflict points, staff recommends the plans be revised to include only one walkway connection to the pathways from each building.**

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

This proposal includes private streets within this development except for W. Crosswind St (collector) and what is shown as an alley at the northern perimeter of the property. UDC 11-3F-4 does not require sidewalks along private street streets in residential areas. Although the concept plan shows only portions of the private streets contain 4 ft. wide sidewalks, the development is clustered in such a way that pedestrian access is possible throughout the development by either pathways, sidewalks or across green space without the need to walk in the street.

5 ft. wide sidewalks are provided along both sides of W. Crosswind St., and the stub street to the north. As discussed in the pathways section above, 10 ft. wide multi-use pathways are being provided along W. Ustick Rd. and N. Linder Rd.

M. Parkways (*UDC 11-3A-17*):

No parkways are proposed with this development.

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

A 25- foot wide street buffer is required adjacent to N. Linder Road and W. Ustick Road. Buffers are required to be landscaped per the standards listed in UDC 11- 3B- 7C. UDC 11-3B-7 requires all residential subdivision street buffers to be on a common lot, maintained by a homeowners' association. Pathways are required to be landscaped with a landscape strip a minimum of five (5) feet wide along each side of the pathway. It does appear landscape buffers of at least 25 ft. in width are provided along both arterials although they are not dimensioned. However, it does not appear either landscape buffer meets the minimum landscaping standards of at least one tree per every 35 ft. as there are long sections of arterial buffer without trees. It is also ambiguous regarding whether a common lot(s) has been included for the entire length of both landscape buffers, particularly along the N. Linder Rd frontage.

The concept plan as submitted indicates an alley or private drive directly abutting the residentially-zoned parcel to the north. To provide buffering and a softer transition, staff recommends a 5 ft. wide landscape buffer in this area, landscaped as required by UDC 11-3B-8.

O. Qualified Open Space (*UDC 11-3G*):

As the property is less than 5 acres in size, it is exempt from required qualified open space. However, the applicant has provided an open space exhibit, and the plat indicates 16% of qualified open space is provided. This includes a 9,500 sq. ft. central open space with a gazebo, although it appears some of what is shown as “qualified open space” does not meet the minimum dimensional requirements, such as parking spaces included into the exhibit.

P. Qualified Site Amenities (*UDC 11-3G*):

As mentioned above, the property is less than 5 acres in size so it is exempt from the qualified open space requirements. Townhouses (each unit on an individual lot) are considered single family residential, so the multifamily amenity requirements do not apply. However, an approximately 9,500 sq. ft. central open space is provided with a gazebo. As one of the objectives of the Mixed-Use Community designation is for open spaces to be centered around spaces that are well-designed public and quasi-public centers of activity, at time of CZC or plat public accessibility should be specified in the CC&Rs, maintenance agreement or property owner’s association agreement.

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

The Creason Lateral traverses a small portion of the site at the southwest corner. The lateral has already been piped in this area, and it is within a common lot on the Plat.

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

Public utilities will be provided from the Windsong Subdivision to the east. A public utilities plan was submitted with this development. The Applicant is required to provide a pressurized irrigation system for the development in accord with 11-3A-15.

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

Building elevations has been submitted with this application. The elevations show townhouses comprised of materials consisting of rock, cement board and hardie board, lap siding, with pitched roofs, exposed timber frame and trellis features, with stone bases. Windows are included on many of the garage doors. The elevations demonstrate significant fenestration and modulation as well as a variety of roofline variation. Most buildings also include first floor covered porches and second story decks.

Staff finds the elevations as proposed demonstrate high quality design, but the elevations of the vertically-integrated structures reflect a townhouse design rather than a commercial business. **If the Planning Commission and City Council believe it important for vertically integrated buildings to include at least some portion of commercial use, as already mentioned, staff recommends a condition that at time of building permit, the ground floors of all vertically-integrated units meet occupancy class requirements for commercial structures.**

VI. DECISION

A. Staff:

Staff recommends approval of the requested rezone, preliminary plat, development agreement modification and conditional use permit with the provisions as noted in Section VII.A per the findings in Section IX of this staff report.

B. This application was originally scheduled for the March 17, 2022 Planning Commission meeting. It was continued to April 7, 2022 at the request of the applicant so the applicant could address staff's recommendations. At the April 7, 2022 Planning Commission meeting, the Commission moved to recommend approval to the City Council of the subject development agreement modification, rezoning, preliminary plat and conditional use request.

1. Summary of the Commission public hearing:

- a. In favor: Kent Brown, Kevin Amar**
- b. In opposition: Kristen Schiller (citizen), Melinda Akhbari (citizen)**
- c. Commenting: Kent Brown, Kevin Amar**
- d. Written testimony: Mike and Sandi Archibald**
- e. Staff presenting application: Alan Tiefenbach**
- f. Other Staff commenting on application: None**

2. Key issue(s) of public testimony:

- a. Density**
- b. Traffic impacts to the Windsong Neighborhood associated with connecting W. Crosswind St. and whether any traffic calming could be implemented.**

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

- a. Size of the office space in the vertically integrated buildings**
- b. Whether the vertically integrated buildings were for sale or for rent.**
- c. Whether the commercial spaces have direct access into the house.**
- d. Discussion regarding stacking of the drive through establishment**
- e. Whether the density proposed was appropriate**
- f. Commission decided they preferred the vertically integrated buildings in the locations proposed by applicant.**

4. Commission change(s) to Staff recommendation:

- a. A short plat to condominiumize the vertically integrated buildings shall be required prior to certificate of zoning compliance.**
- b. Delete staff's recommendation to move vertically integrated buildings on north side of W. Crosswind St.**
- c. Exterior facades of vertically integrated buildings shall integrate brick or stone on the bottom level.**

C. The Meridian City Council heard these items on May 18, 2022. At the public hearing, the Council moved to approve the subject rezoning, preliminary plat, conditional use permit and development agreement modification requests.

1. Summary of the City Council public hearing:

- a. In favor: Jeremy Amar, Biltmore Company, Kent Brown**
- b. In opposition: None**
- c. Commenting: Jeremy Amar, Biltmore Company, Kent Brown**
- d. Written testimony: None**
- e. Staff presenting application: Alan Tiefenbach**
- f. Other Staff commenting on application: None**

2. Key issue(s) of public testimony:
 - a. None
3. Key issue(s) of discussion by City Council:
 - a. Questions regarding parking
 - b. Discussions regarding code requirement prohibiting parking from being in front of vertically-integrated structures.
 - c. Discussion regarding number of lots that could be subdivided under a condo plat.
 - d. Reservations regarding giving up additional commercial land for residential.
 - e. Concerns with whether there were plans for a drinking establishment in the vertically integrated buildings.
4. City Council change(s) to Commission recommendation:
 - a. Revised Condition 1.C. to require condo plat prior to certificate of occupancy.
 - b. Added DA prohibition on drinking establishments in the vertically integrated buildings.

VII. EXHIBITS

A. Rezone Legal Description and Exhibit

Legal Description **PAW Subdivision Property Rezone – R-40**

A parcel located in the SE ¼ of the SE ¼ of Section 35, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at a Brass Cap monument marking the southeast corner of said SE ¼ of the SE ¼, from which a 5/8 inch rebar marking the southwest corner of the SE ¼ of said Section 35 bears N 89°14'45" W a distance of 2643.35 feet;

Thence N 89°14'45" W along the southerly boundary of said SE ¼ of the SE ¼ a distance of 244.80 feet to the **POINT OF BEGINNING**;

Thence continuing N 89°14'45" W along the southerly boundary of said SE ¼ of the SE ¼ a distance of 145.20 feet to a point;

Thence leaving said southerly boundary N 0°15'19" E along the easterly boundary and the extension thereof of Windsong Subdivision No. 2 as shown in Book 100 of Plats on Pages 13022 thru 13024, records of Ada County, Idaho, a distance of 657.59 feet to a 5/8 inch rebar marking the northeast corner of said Windsong Subdivision No. 2;

Thence leaving said easterly boundary S 89°31'02" E a distance of 389.94 feet to a point on the easterly boundary of said SE ¼ of the SE ¼;

Thence S 0°15'04" W along said easterly boundary a distance of 125.00 feet to a point;

Thence leaving said boundary N 89°31'02" W a distance of 231.94 feet to a point;

Thence S 0°28'58" W a distance of 121.50 feet to a point;

Thence S 89°31'02" E a distance of 47.21 feet to a point of curvature;

Thence a distance of 42.30 feet along the arc of a 27.00 foot radius curve right, said curve having a central angle of 89°46'05" and a long chord bearing S 44°37'59" E a distance of 38.11 feet to a point of tangency;

Thence S 0°15'04" W a distance of 223.18 feet to a point;

Thence N 90°00'00" W a distance of 87.15 feet to a point;

Thence S 0°00'00" W a distance of 160.98 feet to the **POINT OF BEGINNING**.

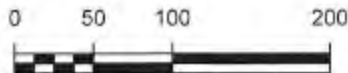
This parcel contains 3.42 acres and is subject to any easements existing or in use.

Clinton W. Hansen, PLS
Land Solutions, PC
December 14, 2021



PAW SUBDIVISION REZONE EXHIBIT

UNPLATTED

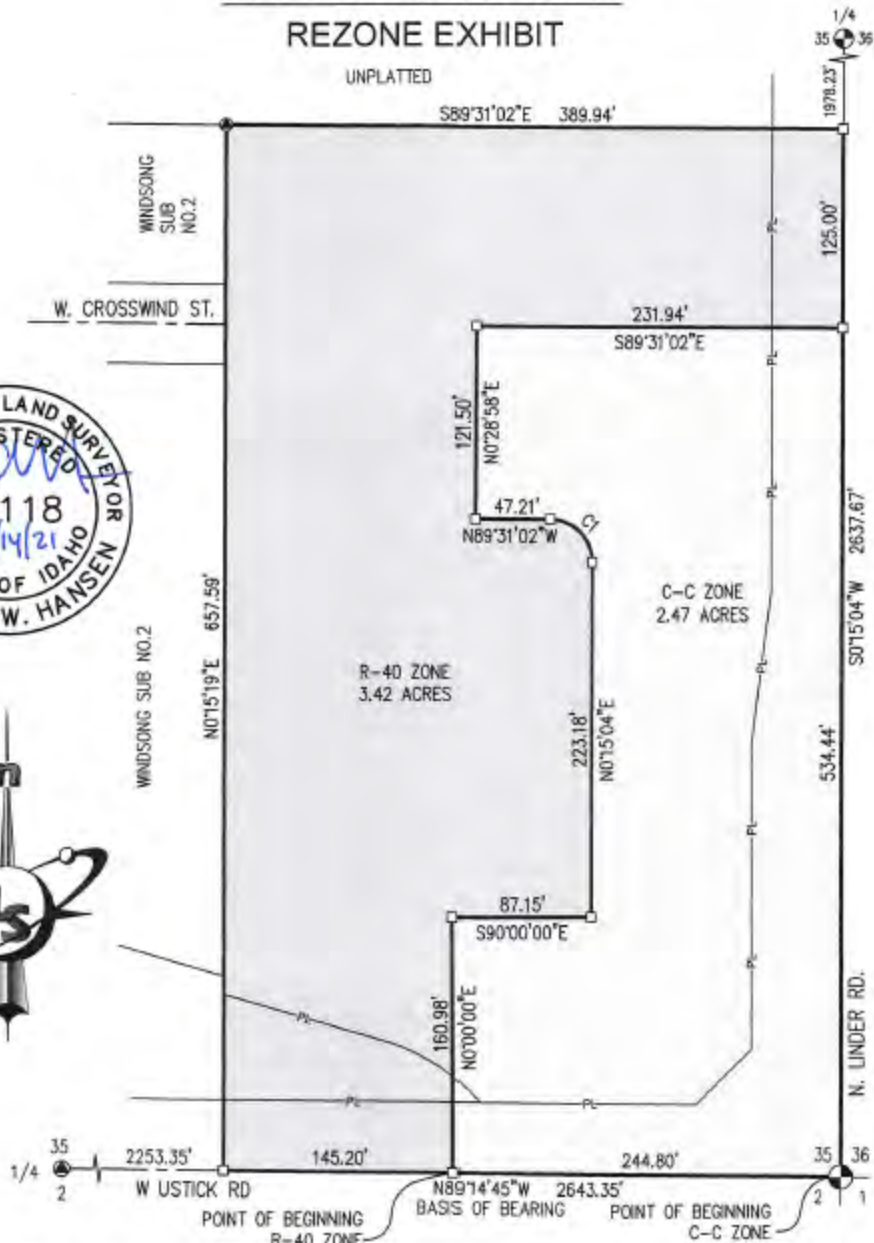


CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	BEARING	CHORD
C1	42.30'	27.00'	89°46'05"	N44°37'59"W	38.11'

LandSolutions
Land Surveying and Consulting

231 E. 5TH ST., STE. A
MERIDIAN, ID 83642
(208) 288-2040 (208) 288-2557 fax
www.landsolutions.biz

JOB NO. 20-09



B. Preliminary Plat Legal Description (date: 9/23/2021)

Legal Description
PAW Subdivision

A parcel located in the SE ¼ of the SE ¼ of Section 35, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at a Brass Cap monument marking the southeast corner of said SE ¼ of the SE ¼, from which a 5/8 inch rebar marking the southwest corner of the SE ¼ of said Section 35 bears N 89°14'45" W a distance of 2643.35 feet;

Thence along the southerly boundary of said SE ¼ of the SE ¼ N 89°14'45" W a distance of 390.00 feet to a point;

Thence leaving said southerly boundary N 0°15'19" E a distance of 45.00 feet to a point on the northerly right-of-way of W. Ustick Road and the **POINT OF BEGINNING**;

Thence continuing N 0°15'19" E along the easterly boundary and the extension thereof of Windsong Subdivision No. 2 as shown in Book 100 of Plats on Pages 13022 thru 13024, records of Ada County, Idaho, a distance of 612.60 feet to a 5/8 inch rebar marking the northeast corner of said Windsong Subdivision No. 2;

Thence leaving said easterly boundary S 89°31'02" E a distance of 344.93 feet to a point on the westerly right-of-way of N. Linder Road;

Thence along said westerly right-of-way the following described courses:

Thence S 0°15'04" W along a line being 45.00 feet westerly of and parallel to the easterly boundary of said SE ¼ of the SE ¼ a distance of 291.46 feet to a point;

Thence S 7°22'34" W a distance of 96.75 feet to a point;

Thence S 0°15'04" W along a line being 57.00 feet westerly of and parallel to the easterly boundary of said SE ¼ of the SE ¼ a distance of 191.66 feet to a point;

Thence S 45°30'09" W a distance of 49.28 feet to a point on the northerly right-of-way of W. Ustick Road;

Thence along said northerly right-of-way, being 45.00 feet northerly of and parallel to the southerly boundary of said SE ¼ of the SE ¼, N 89°14'45" W a distance of 297.99 feet to the **POINT OF BEGINNING**.

This parcel contains 4.77 acres and is subject to any easements existing or in use.

Clinton W. Hansen, PLS
Land Solutions, PC
September 23, 2021



C. Existing Development Agreement

5. CONDITIONS GOVERNING DEVELOPMENT OF SUBJECT PROPERTY:

5.1. Owner/Developer shall develop the Property in accordance with the following special conditions:

1. Future construction and development of the site shall comply with the standards listed in UDC 11-3A-19 and the objectives and guidelines of the Meridian Design Manual in effect at the time of development.
2. Certificate of Zoning Compliance, Design Review and Alternative Compliance applications are required if the applicant proposes a change of use for the existing single family home to a non-residential use.
3. One (1) Certificate of Zoning Compliance (CZC) may be issued for the portion of the property that is located south of the right-in/right-out access point to Linder Road provided the existing home is removed. Additional CZC's shall not be issued until a concept plan is submitted and approved for the subject property. A concept plan shall be reviewed with a future

DEVELOPMENT AGREEMENT – JJA ANNEXATION (AZ 09-005)

PAGE 3 OF 11

preliminary plat application. The following requirements shall apply to the development of the parcel:

- a. coordinate, design and construct the extension of W. Crossroad Street (public street) to Linder Road and stub a public street to the undeveloped parcel to the north (#S0435449905) with ACHD and the City of Meridian.
 - b. provide a 5' public access/recreational easement in favor of the City of Meridian measured from the back edge of 7-foot wide attached sidewalk starting at the western edge of the existing access on Ustick Road and continuing to the east property line.
 - c. depict a 25-foot wide landscape easement along Ustick Road and Linder Road.
4. At the time of development for either portion (north or south) of the property, the applicant shall construct a 10-foot wide multi-use pathway beginning on the western edge of the existing access to Ustick Road, proceeding north/northwest connecting to the existing service road on ACHD's drainage site located at the western boundary. An easement shall be provided for public access to and maintenance of the pathways; contained within an easement agreement or noted on the plat. The City will not assume maintenance of the pathway until it connects from one major arterial road to another, unless otherwise agreed to by the Parks & Recreation Department.
5. The applicant shall be responsible for obtaining a Floodplain Development Permit and secure approval prior to any construction beginning on the site.
6. Development of the subject property shall comply with the C-C standards listed in UDC 11-2B-3 and the allowed uses in Table 11-2B-2.
7. All future development of the subject property shall comply with City of Meridian ordinances in effect at the time of development.
8. The applicant shall be responsible for all costs associated with sewer and water service installation.
9. The applicant shall construct a 5-foot pathway within the subject property providing interconnectivity to the 10-foot pathway planned for the property along Ustick Road. The applicant shall provide a pedestrian circulation plan for review and approval by the Planning Department with the submission of a concept plan or the first CZC application.

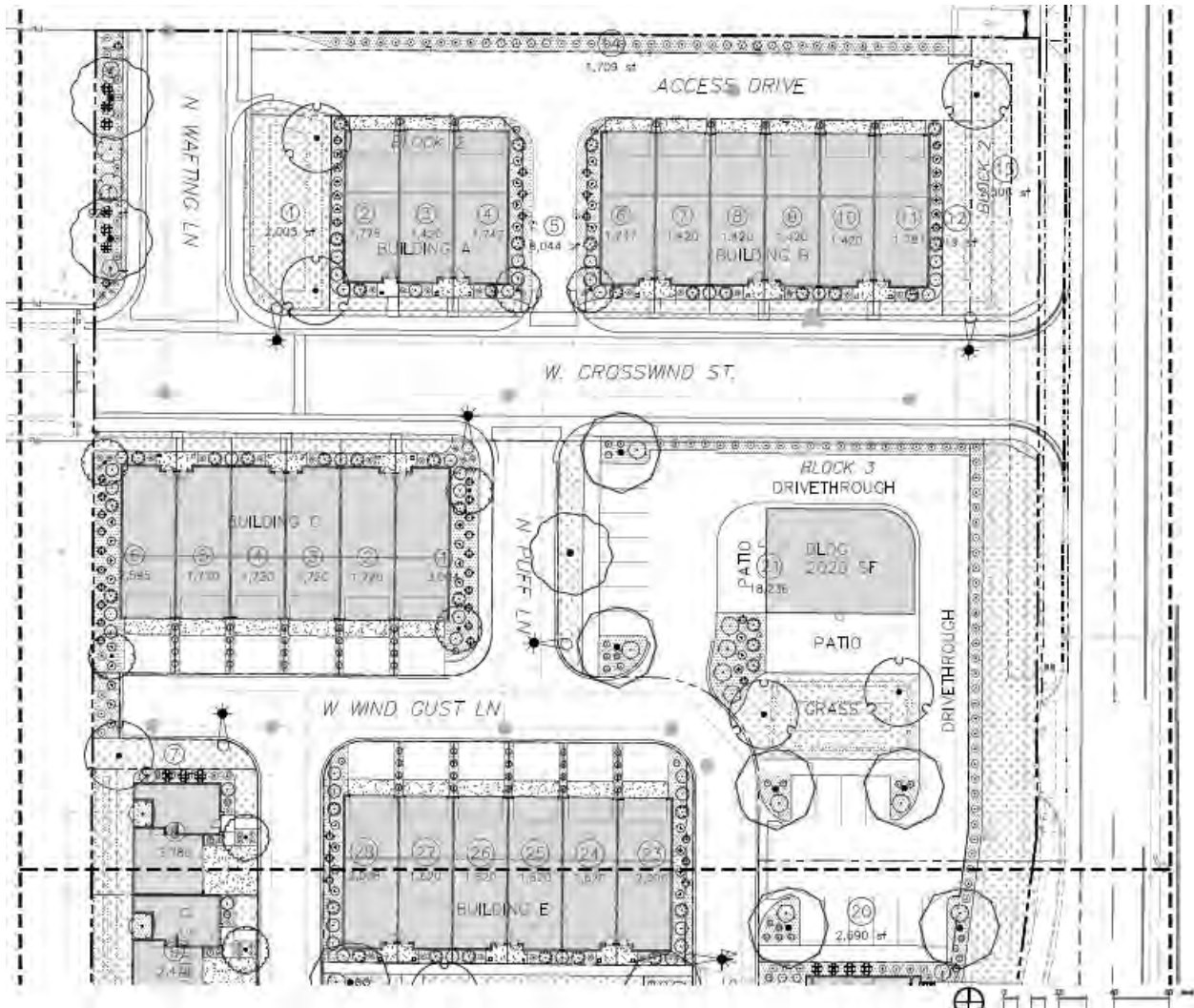
D. Preliminary Plat (date: 9/22/2021 4/5/2022)

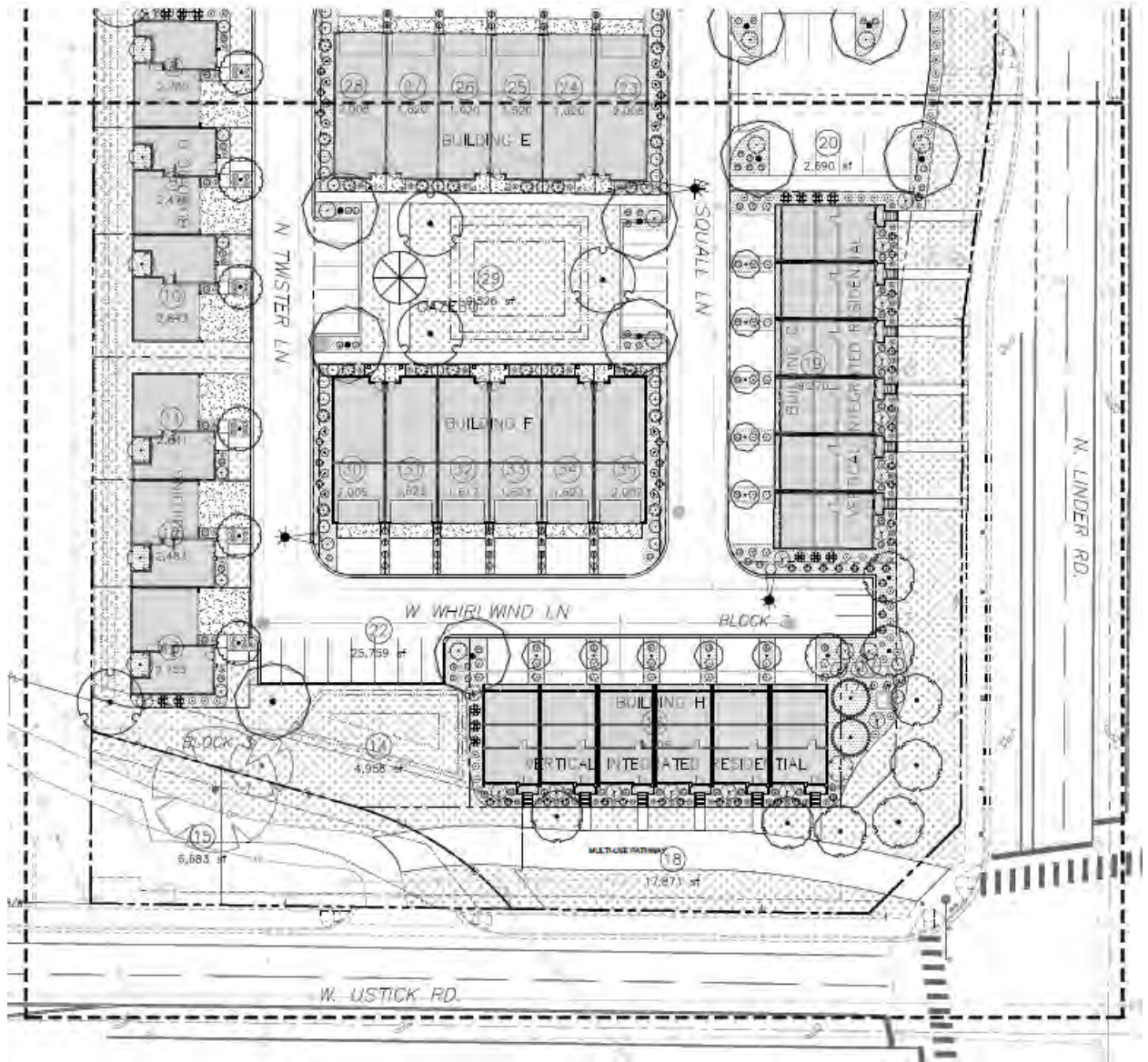


E. Concept Plan – Remarked (date: 12/20/2021)



E. Landscape Plan (date: ~~9/9/2021~~ 4/5/2022)





F. Building Elevations: 12/20/2021)





Vertically Integrated Building Facing Linder Rd



BUILDING 'G'

Vertically Integrated building facing Ustick.



BUILDING 'H'

VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

Site Specific Conditions of Approval

1. Prior to approval of the rezoning ordinance, a new DA shall be entered into between the City of Meridian, the property owner(s) at the time of rezone ordinance adoption, and the developer.

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

- a. Future development of the site shall be generally consistent with the conceptual site plan, landscape plan, and elevations submitted with the rezone application contained herein.
 - b. At time of building permit, floor plans shall be submitted that indicate the ground floors of all units shown as vertically integrated structures meet occupancy class requirements for commercial structures.
 - c. **A short plat to condominiumize the vertically integrated buildings shall be required prior to certificate of zoning compliance certificate of occupancy.**
 - d. **Exterior facades of vertically integrated buildings shall integrate brick or stone on the bottom level.**
 - e. **Drinking establishments are prohibited in the vertically-integrated buildings.**
 - ~~f. Buildings on the north side of W. Crosswind St. shall be vertically integrated buildings. Buildings G and H at the southeast corner of the site may be vertically integrated structures OR townhouses.~~
 - g. At time of CZC or plat, public accessibility for the central open space shall be specified in the CC&Rs, maintenance agreement or property owner's association agreement.
 - h. At the time of CZC or plat, an executed shared-parking agreement between the commercial lots and the vertically integrated structures shall be submitted.
 - i. Building D along the western property line shall be broken into at least two groups of buildings, with the break occurring approximately in the vicinity of Lot 19, Block 3 of the Windsong Subdivision No 2.
2. All private streets shall meet the requirements of UDC 11-3F-4.
 3. All common lots, streets and alleys shall meet the requirements of UDC 11-6C-3.
 4. There should be a consistent architectural theme throughout the development. Administrative design review will be required for all new attached residential structures containing two (2) or more dwelling units. Design review and certificate of zoning compliance will be required for any commercial buildings or vertically-integrated buildings.

5. The Director has approved a request for private streets as required per UDC 11-3F-4.
6. The preliminary plat, dated 9/22/2021, shall be revised as follows:
 - a. Per UDC 11-3B-7, all arterial street buffers shall be on a common lot or on a permanent dedicated buffer, maintained by the property owner or business owners' association.
 - b. Residential street buffers shall be on a common lot, maintained by a homeowners' association.
 - c. The development table shall be updated to indicate 2 vertically integrated residential lots, verses 12.
 - d. Parking spaces shall be subtracted out of all areas indicated as useable open space.
7. The landscape shall be revised as follows:
 - a. The additional pathway along the south perimeter shall be removed, and the sidewalk along W. Ustick Rd shall be widened to a 10 ft. wide pathway along the property line, with a 10 ft. wide connection to the Five Mile Creek Pathway at the west perimeter of the site.
 - b. The pathway shown along N. Linder Rd shall be revised to include only the existing 7 ft. wide sidewalk.
 - c. There shall be no more than one walkway per building connecting to the pathways and sidewalks along W. Ustick Rd. and N. Linder Rd.
 - d. A landscape buffer of at least 5 ft. in width, meeting the planting requirements of UDC 11-3B-9, shall be required along the northern property line or as otherwise required by UDC 11-3B.
8. The developer shall comply with the specific use standards for vertically-integrated projects as listed in UDC 11-4-3-41.
9. A conditional use permit shall be required for the drive through establishment shown on the commercial lot.
10. Off-street vehicle parking shall be provided on the site in accord with UDC 11-3C-4 for townhouses, commercial buildings and vertically integrated projects.
11. Direct access to N. Linder Rd. and W. Ustick Rd. is prohibited. All existing curb cuts shall be replaced with curb, gutter and sidewalk.

GENERAL CONDITIONS OF APPROVAL

1. The Applicant shall have a maximum of two (2) years to commence the use as permitted in accord with the conditions of approval listed above. If the use has not begun within two (2) years of approval, a new conditional use permit must be obtained prior to operation or a time extension must be requested in accord with UDC 11-5B-6F.
2. The preliminary plat approval shall become null and void if the applicant fails to either: 1) obtain the City Engineer signature on a final plat within two years of the date of the approved findings; or 2) obtain approval of a time extension as set forth in UDC 11-6B-7.
3. Any fencing constructed on the site shall be consistent with the standards as set forth in UDC 11-3A-6, 11-3A-7.
4. Comply with all bulk, use, and development standards of the applicable district listed in UDC Chapter 2 District regulations.
5. Install lighting consistent with the provisions as set forth in UDC 11-3A-

4. Construct all off-street parking areas consistent with the standards as set forth in UDC 11-3C-1.
5. Protect any existing trees on the subject property that are greater than four-inch caliper and/or mitigate for the loss of such trees as set forth in UDC 11-3B-10.

B. PUBLIC WORKS DEPARTMENT

Site Specific Conditions of Approval

1. Easements for combined water / sewer mains outside of right-of-way must be a minimum of 30-foot-wide with the minimum separation between mains; additional width may be required if minimum distance is not maintained.
2. No permanent structures can be placed within a City easement including but not limited to buildings, carports, overhangs / eaves, trees, bushes, light poles, infiltration trenches, trash enclosures, etc.

General Conditions of Approval

1. Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet then alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
2. Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
3. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. 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.
4. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to prior to receiving development plan approval.
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.
6. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per

UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.

7. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
8. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
9. 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.
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.
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.
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.
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.
14. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
15. Developer shall coordinate mailbox locations with the Meridian Post Office.
16. 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.
17. 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.
18. 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.

19. 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.
20. 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.
21. 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.
22. 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. MERIDIAN FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=250947&dbid=0&repo=MeridianCity>

D. ACHD

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=253599&dbid=0&repo=MeridianCity>

E. WEST ADA SCHOOL DISTRICT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=255718&dbid=0&repo=MeridianCity>

F. NMID

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=251526&dbid=0&repo=MeridianCity>

G. DEPARTMENT OF ENVIRONMENTAL QUALITY

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=251853&dbid=0&repo=MeridianCity>

IX. FINDINGS

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:

A. ZONING

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

This is a proposal for rezoning of 3.42 acres of subject property from CC to R-40 to allow townhouses. This complies with the applicable provisions of the comprehensive plan, particularly to provide a diversity in housing opportunities and to encourage infill development.

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

Council finds the proposed map amendment to R-40 and the 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;

Council finds with the recommended conditions of approval the proposed R-40 map amendment should not be detrimental to the public health, safety and welfare as the property is on an arterial intersection, sufficient buffering and parking is provided, and the property is surrounded by single family attached, multifamily, and commercial uses.

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 that the proposed zoning amendment will not result in any adverse impact upon the delivery of services by any political subdivision providing services to this site.

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

Council finds the proposed rezoning is in the best interest of the City if the property is developed in accord with the provisions in Section VII.

B. PRELIMINARY PLAT

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings: (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

1. The plat is in conformance with the comprehensive plan and is consistent with this unified development code; (Ord. 08-1372, 7-8-2008, eff. 7-8-2008).

Council finds the proposed plat is generally in conformance with the UDC if the Applicant complies with the conditions of approval in Section VII.

- 2. Public services are available or can be made available and are adequate to accommodate the proposed development;**

Council finds public services can be made available to the subject property and will be adequate to accommodate the proposed development.

- 3. The plat is in conformance with scheduled public improvements in accord with the city's capital improvement program;**

Council finds the proposed plat is in substantial conformance with scheduled public improvements in accord with the City's CIP.

- 4. There is public financial capability of supporting services for the proposed development;**

Council finds there is public financial capability of supporting services for the proposed development.

- 5. The development will not be detrimental to the public health, safety or general welfare; and**

Council finds the proposed development will not be detrimental to the public health, safety or general welfare.

- 6. The development preserves significant natural, scenic or historic features. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)**

There is an existing floodplain and Five Mile Creek at the southwest portion of the property. These features are shown to be preserved in a common lot.

C. CONDITIONAL USE

The Commission and Council shall review the particular facts and circumstances of each proposed conditional use in terms of the following, and may approve a conditional use permit if they shall find evidence presented at the hearing(s) is adequate to establish:

- 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.**

Council finds that if the site is designed in accord with the site plan and landscape plan shown in the exhibits and the conditions of approval, the site will be large enough to accommodate the proposed use and meet the dimensional and development regulations of the R-40 zoning district for townhouses.

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

As described in the staff report, the proposed multi-family residential use in the R-40 zone meets the objectives of the Comprehensive Plan and UDC.

3. **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.**

This proposal would allow 33 townhouses on an arterial intersection, surrounded by multi-family detached and attached, commercial and multifamily uses. Sufficient buffering and landscaping has been provided, there is satisfactory parking, and the elevations reflect high quality design.

The general design, construction, operation and maintenance of the use will be compatible with other residential and commercial uses in the general neighborhood and with the existing and intended character of the vicinity and 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.**

As mentioned above, Council finds the proposed townhouses will not adversely affect other property 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.**

Essential public facilities and services are presently serving the existing development. Sanitary sewer, domestic water and irrigation can be made available to additional property. Please refer to comments prepared by the Public Works Department, Fire Department, Police Department and other agencies.

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 applicant will pay to extend the sanitary sewer and water mains into the site. No additional capital facility costs are expected from the City. The applicant and/or future property owners will be required to pay impact fees.

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.**

Council finds that the proposed development will not involve uses that will create nuisances that would be detrimental to the general welfare of the surrounding area. Council recognizes there will be a small increase of traffic and noise with the approval of this development; whenever undeveloped property is developed the amount of traffic generation does increase

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.**

Council finds that the proposed development will not result in the destruction, loss or damage of any natural feature(s) of major importance.

D. PRIVATE STREETS (UDC 11-3F-5):

In order to approve the application, the Director shall find the following:

- 1. 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.**

No additional capital facility costs are expected from the City. The applicant and/or future property owners will be required to pay impact fees.

- 2. The design of the private street meets the requirements of this article;**

The private streets meet the design requirements of not connecting to an arterial street, allowing sufficient maneuvering for emergency vehicles, not serving more than 50 units and meeting the minimum width of 24 feet.

- 3. Granting approval of the private street would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity**

As these are private streets internally contained within this development connected to adjacent properties by public streets, there is adequate parking provided and Meridian Fire and Police have not expressed objections, the Director finds approval of the private street would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity.

- C. The use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan.**

As listed above in the Comprehensive Plan analysis, the Director finds the use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan.

- D. The proposed residential development (if applicable) is a mew or gated development.**

The majority of the townhouses are clustered around a mew with their entrances facing the open space. This would be considered a mew development.