

EXHIBIT A

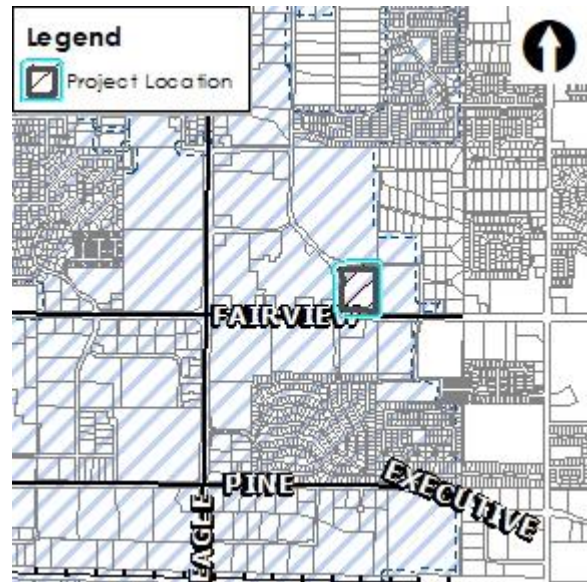
STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: April 7, 2022
TO: Planning & Zoning Commission
FROM: Sonya Allen, Associate Planner
208-884-5533
SUBJECT: H-2022-0008 – Records Apartments

LOCATION: Northeast corner of N. Records Way and E. Fairview Ave., in the SW 1/4 of Section 4, T.3N., R.1E (Parcel #S1104347005)



I. PROJECT DESCRIPTION

Conditional use permit for a multi-family development consisting of 472 apartment units in two (2) 5-story buildings on 9.95-acres of land in the C-G (General Retail and Service Commercial) zoning district. Alternative Compliance (ALT) is also requested to UDC 11-4-3-27B.3, which requires a minimum of 80 square feet of private usable open space to be provided for each dwelling unit.

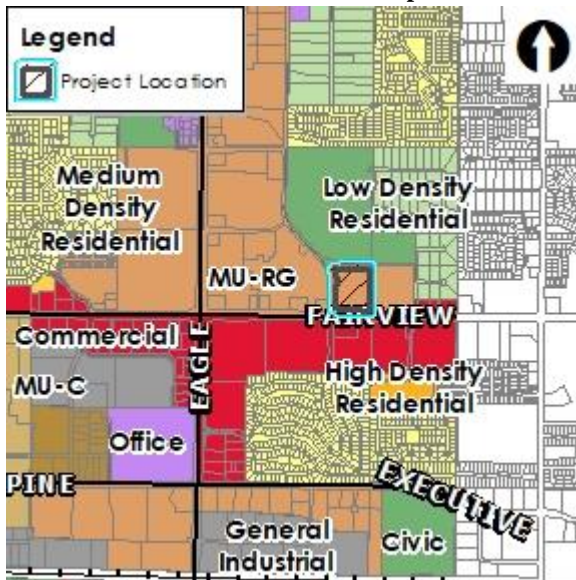
II. SUMMARY OF REPORT

A. Project Summary

Description	Details
Acreage	9.95-acres
Future Land Use Designation	Mixed Use – Regional (MU-R)
Existing Land Use	Vacant/undeveloped land
Proposed Land Use(s)	Multi-family development
Current Zoning	General Retail & Service Commercial (C-G)
Proposed Zoning	NA
Number of Residential Units (type of units)	472 units (apartments)
Density (gross)	47.4 units/acre
Phases (#)	2
Physical Features (waterways, hazards, flood plain, hillside)	None
History (previous approvals)	AZ-07-012 (DA Inst. # 109009630)

B. Project Maps

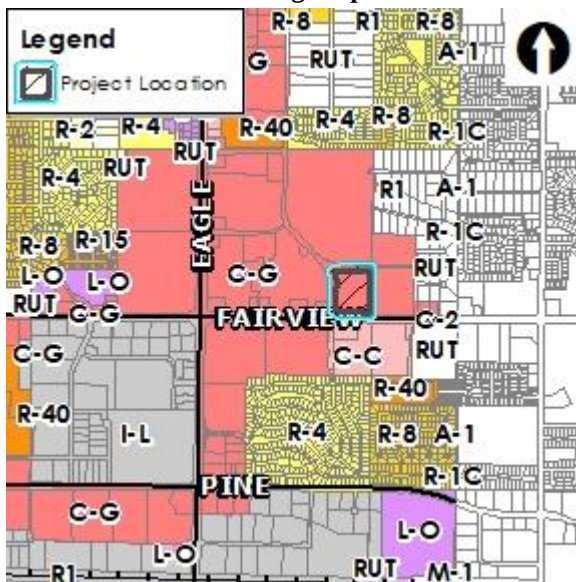
Future Land Use Map



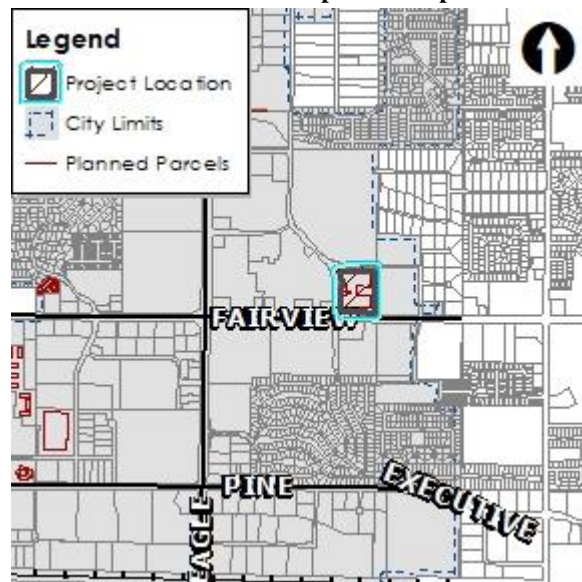
Aerial Map



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant:

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

B. Owner:

DWT Investments, LLC – 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642

C. Representative:

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

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	3/22/2022
Radius notification mailed to properties within 300 feet	3/21/2022
Public hearing notice sign posted on site	3/25/2022
Nextdoor posting	3/21/2022

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

Future Land Use Map Designation:

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

The purpose of the MU-R designation is to provide a mix of employment, retail, and residential dwellings and public uses near major arterial intersections. The intent is to integrate a variety of uses together, including residential, and to avoid predominantly single use developments such as a regional retail center with only restaurants and other commercial uses. Developments should be anchored by uses that have a regional draw with the appropriate supporting uses. For example, an employment center should have supporting retail uses; a retail center should have supporting residential uses as well as supportive neighborhood and community services.

Proposed Use: A multi-family development containing 472 apartment units in one (1) 5-story building with associated parking and landscaping is proposed to develop on this 9.95-acre site in the C-G zoning district.

COMPREHENSIVE PLAN POLICIES AND ANALYSIS:

In reviewing development applications, the following items will be considered in *all* Mixed-Use areas, per the Comprehensive Plan (pg. 3-13): *(Staff's analysis in italics)*

- “A mixed-use project should include at least three types of land uses. Exceptions may be granted for smaller sites on a case-by-case basis. This land use is not intended for high density residential development alone.”

Although the proposed development only includes one use (i.e. residential), the larger MU-R designated area and surrounding area includes commercial (i.e. retail, restaurant, entertainment, etc.) and civic (i.e. Kleiner City Park) uses as well as other residential dwelling types.

At the pre-application meeting, Staff did request the Applicant provide some services for the proposed residential uses (i.e. a daycare, coffee shop, vertically integrated, etc.) on this site but the Applicant declined asserting that a mix of uses already exists in this area to serve the future residents. Staff somewhat agrees although is of the opinion it would be better to have some of these uses integrated with the proposed development on this site – however, Staff is not including a condition for the Applicant to do so. If Commission feels this should be required, a condition should be added accordingly.

- “Where appropriate, higher density and/or multi-family residential development is encouraged for projects with the potential to serve as employment destination centers and when the project is adjacent to US 20/26, SH-55, SH-16 or SH-69.”

The proposed multi-family high density development will provide housing options in close proximity to nearby commercial/employment uses located along SH-55.

- “Mixed Use areas are typically developed under a master or conceptual plan; during an annexation or rezone request, a development agreement will typically be required for developments with a Mixed-Use designation.”

A Development Agreement (DA) exists for this property that includes a conceptual development plan; however, future development of this site was not tied to that plan. A multi-family development is noted in the Table of Proposed Uses included in the DA as an appropriate use to develop within the boundary of the DA with a detailed site plan subject to the conditions of the DA.

- “In developments where multiple commercial and/or office buildings are proposed, the buildings should be arranged to create some form of common, usable area, such as a plaza or green space.”

Commercial and/or office buildings are not proposed as part of this development.

- “The site plan should depict a transitional use and/or landscaped buffering between commercial and existing low- or medium-density residential development.”

There are no low- or medium-density residential developments abutting this site.

- “Community-serving facilities such as hospitals, clinics, churches, schools, parks, daycares, civic buildings, or public safety facilities are expected in larger mixed-use developments.”

No such uses are proposed in this development; however, Kleiner City Park and a Senior Center exist across the street to the north, which provide community-serving facilities.

- “Supportive and proportional public and/or quasi-public spaces and places including but not limited to parks, plazas, outdoor gathering areas, open space, libraries, and schools are expected; outdoor seating areas at restaurants do not count.”

No such uses are proposed in this development; however, Kleiner City Park and a Senior Center exist across the street to the north that provides public outdoor gathering areas and open space.

- “Mixed use areas should be centered around spaces that are well-designed public and quasi-public centers of activity. Spaces should be activated and incorporate permanent design elements and amenities that foster a wide variety of interests ranging from leisure to play. These areas should be thoughtfully integrated into the development and further placemaking opportunities considered.”

As noted above, the proposed development lies just to the south of Kleiner City Park, which includes a senior center. The proposed development plan doesn't include any public/quasi-public uses but does include private open space and amenities for residents of the development. The adjacent Village at Meridian development to the west includes a large public gathering area with a fountain and seating and amenities.

- “All mixed-use projects should be directly accessible to neighborhoods within the section by both vehicles and pedestrians.”

*The Village at Meridian is directly accessible from adjacent neighborhoods by public streets and pedestrian pathways. **Staff recommends the Applicant work with ACHD's Planning and Projects group to see if a pedestrian crossing can be provided to the north at the Record/Longwing intersection for pedestrian safety.***

- “Alleys and roadways should be used to transition from dissimilar land uses, and between residential densities and housing types.”

Roadways separate the proposed residential development from the commercial development to the west and the City park to the north; a shared driveway separates this site from the vehicle sales use to the east.

- “Because of the parcel configuration within Old Town, development is not subject to the Mixed-Use standards listed herein.”

The subject property is not located in Old Town; therefore, this item is not applicable.

In reviewing development applications, the following items will be considered in MU-R areas, per the Comprehensive Plan (pgs. 3-16 thru 3-17):

- Development should generally comply with the general guidelines for development in all Mixed-Use areas.

Staff’s analysis on the proposed project’s compliance with the general guidelines is included above.

- Residential uses should comprise a minimum of 10% of the development area at gross densities ranging from 6 to 40 units/acre. There is neither a minimum nor maximum imposed on non-retail commercial uses such as office, clean industry, or entertainment uses.

*The proposed residential uses contribute to the minimum 10% required in the overall development and is the sole use proposed with this development application. **The proposed gross density is 47.4 units/acre, which exceeds the maximum desired. The density should be reduced to a maximum of 40 units/acre.***

- Retail commercial uses should comprise a maximum of 50% of the development area.

No retail uses are proposed with this development application.

Where the development proposes public and quasi-public uses to support the development, the developer may be eligible for additional area for retail development (beyond the allowed 50%), based on the ratios below:

- For land that is designated for a public use, such as a library or school, the developer is eligible for a 2:1 bonus. That is to say, if there is a one-acre library site planned and dedicated, the project would be eligible for two additional acres of retail development.
- For active open space or passive recreation areas, such as a park, tot-lot, or playfield, the developer is eligible for a 2:1 bonus. That is to say, if the park is 10 acres in area, the site would be eligible for 20 additional acres of retail development.
- For plazas that are integrated into a retail project, the developer would be eligible for a 6:1 bonus. Such plazas should provide a focal point (such as a fountain, statue, and water feature), seating areas, and some weather protection. That would mean that by providing a half-acre plaza, the developer would be eligible for three additional acres of retail development.

This guideline is not applicable as no public/quasi-public uses are proposed with this application.

Based on the analysis above, if the number of units are reduced to a maximum gross density of 40 units per acre (or below), Staff is of the opinion the proposed high-density urban-style residential development is generally consistent with the MU-R designation in the Comprehensive Plan and with the general mixed use guidelines in that it contributes to the mix of uses desired; provides living opportunities within close proximity to employment, retail, restaurant and entertainment uses, which should reduce vehicle trips on area streets; and is located near a major arterial intersection (i.e. E. Fairview Ave. and N. Eagle Rd./SH-55).

VI. STAFF ANALYSIS

CONDITIONAL USE PERMIT (CUP)

A CUP is proposed for a multi-family development containing one (1) 65-foot tall 5-story structure with podium parking on the first floor and 472 apartment units above consisting of (84) studio, (208) 1-bedroom,

(168) 2-bedroom and (12) 3-bedroom units on 9.95-acres of land in the C-G zoning district. The size of each of the unit type is as follows: 586 square feet (s.f.) for studio units; 680 s.f. for 1-bedroom units; 934 s.f. for 2-bedroom units; and 1,242 s.f. for 3-bedroom units. The gross density of the development is 47.4 units per acre. A 9,624 s.f. clubhouse with amenities is also proposed.

The project is proposed to be constructed in two (2) phases; the northern portion of the building and the clubhouse with the first phase and the southern portion of the building with the second phase. The north & south building will be joined together by the clubhouse.

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

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

11-4-3-27: MULTI-FAMILY DEVELOPMENT:

B. Site Design:

1. Buildings shall provide a minimum setback of ten feet (10') unless a greater setback is otherwise required by this title and/or [title 10](#) of this Code. Building setbacks shall take into account windows, entrances, porches and patios, and how they impact adjacent properties. *The proposed site plan complies with this standard.*
2. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, and transformer and utility vaults shall be located in an area not visible from a public street, or shall be fully screened from view from a public street. ***The site/landscape plan submitted with the Certificate of Zoning Compliance application should depict all such areas and reflect compliance with this standard.***
3. A minimum of eighty (80) square feet (s.f.) of private, usable open space shall be provided for each unit. This requirement can be satisfied through porches, patios, decks, and/or enclosed yards. Landscaping, entryway and other access ways shall not count toward this requirement. In circumstances where strict adherence to such standard would create inconsistency with the purpose statements of this section, the Director may consider an alternative design proposal through the alternative compliance provisions as set forth in section [11-5B-5](#) of this title. *Alternative Compliance is requested to provide zero or a lesser amount of private open space than required, as follows: 0 for studio units; 57-82 s.f. for 1-bedroom units; and 60 s.f. for 3-bedroom units – 89 s.f. is proposed for 2-bedroom units, which exceeds UDC standards.*

As justification for the request, the Applicant proposes what they feel are extraordinary site amenities, coupled with innovative new urban design with an emphasis on integrated, internal open space and facilities. The Director agrees with the Applicant's assertions and finds the proposed alternative means of compliance demonstrates an equal means of meeting the intent and purpose of the regulation per the Findings in Section IX below.

4. For the purposes of this section, vehicular circulation areas, parking areas, and private usable open space shall not be considered common open space. *These areas were not included in the common open space calculations on the qualified open space exhibit in Section VIII.C.*
5. No recreational vehicles, snowmobiles, boats or other personal recreation vehicles shall be stored on the site unless provided for in a separate, designated and screened area. *The Applicant shall comply with this requirement.*
6. The parking shall meet the requirements set forth in [chapter 3](#), "Regulations Applying to All Districts", of this title. *Based on the minimum standards listed in UDC [11-3C-6](#), off-street parking is required as follows: a minimum of 84 parking spaces are required for the studio units; a minimum of 312 spaces are required for the 1-bedroom units with at least 208 of those in a covered carport or garage; a minimum of 360 spaces are required for the 2- and 3-bedroom units with at least 180 of those in a covered carport or garage; a minimum of 47 guest spaces; and a minimum of 19 spaces*

for the clubhouse for a total of 822 spaces with at least 388 of those in a covered carport or garage. A total of 815 spaces are proposed with 477 of those covered, which is seven (7) fewer than the minimum required. If the number of units are reduced to a maximum of 40 units per acre (gross) as recommended, this will reduce the number of required parking spaces which should then meet UDC standards. If the Commission approves the proposed density (47.4 units/acre), a minimum of seven (7) additional spaces shall be provided on this site and depicted on a revised site/landscape plan submitted prior to the Commission's action on this application; or, the number of 2- or 3-bedroom units could be reduced to reduce the parking requirement.

Bicycle parking is required per the standards listed in UDC 11-3C-6G and should comply with the standards listed in UDC 11-3C-5C. Based on the minimum number of vehicle parking spaces required (i.e. 822), a minimum of 32 spaces are required; a total of 30 spaces are proposed, which is two (2) fewer than the minimum required. A minimum of two (2) additional bicycle parking spaces shall be provided on this site and depicted on a revised site/landscape plan submitted prior to the Commission's action on this application. Note: A reduction in the number of dwelling units (and subsequently the number of required parking stalls) as recommended may result in the proposed bicycle parking meeting UDC standards.

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

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

- C. Common Open Space Design Requirements (UDC [11-4-3-27C](#)): The total baseline land area of all qualified common open space shall equal or exceed ten (10) percent of the gross land area for multi-family developments of five (5) acres or more. Based on 9.95 acres of land, a minimum of 1-acre of common open space is required to be provided.

In addition to the baseline open space requirement, a minimum area of outdoor common open space shall be provided as follows:

- a. One hundred fifty (150) square feet for each unit containing five hundred (500) or less square feet of living area. *There are no units containing 500 s.f. or less of living area.*
- b. Two hundred fifty (250) square feet for each unit containing more than five hundred (500) square feet and up to one thousand two hundred (1,200) square feet of living area. *460 units fall within this range; therefore, a minimum of 115,000 square feet (or 2.64-acres) of common open space is required for these units.*
- c. Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area. *12 units fall within this range; therefore, a minimum of 4,200 s.f. (or 0.10-acre) of common open space is required for these units.*

Per this standard, a total of 2.74 acres of common open space is required. Combined with the 1 acre noted above for the baseline requirement, a *minimum* of 3.74 acres of common open space is required that complies with the standards listed in UDC [11-4-3-27C](#). *Note: Because this site is directly adjacent to Kleiner City Park to the north and has safe pedestrian access without crossing*

an arterial street, this project is exempt from the additional open space requirements in UDC 11-4-3-27C.3.

The open space exhibit in Section VIII.C depicts a total of 2.75 acres (or 27.7%) of common open space for the development consisting of four (4) internal amenity spaces, the clubhouse and swimming pool area, street buffers along Records (a collector street) and Fairview (an arterial street), and buffer along the southern portion of the east boundary of the site. Per UDC 11-4-3-27C.5, common open space areas shall not be less than 400 square feet in area, and shall have a minimum length and width dimension of 20 feet. **The buffer along the southern portion of the east boundary of the site and the southern portion of the street buffer along N. Records Way is below 20 feet in width and does not meet this standard.** Per UDC 11-4-3-27C.7, unless otherwise approved through the conditional use process, common open space areas shall not be adjacent to collector or arterial streets unless separated from the street by a berm or constructed barrier at least four feet (4') in height, with breaks in the berm or barrier to allow for pedestrian access. **The buffers along Records and Fairview are not separated from the street by a berm and do not meet this standard. Staff recommends a revised open space exhibit is submitted that provides a minimum of 3.74 acres of qualified open space meeting the minimum standards noted above and in UDC 11-4-3-27C prior to the Commission acting on this application. The reduction in the number of units as recommended may result in extra area for common open space to be provided meeting the minimum standards.**

In phased developments, common open space shall be provided in each phase of the development consistent with the requirements for the size and number of dwelling units. *The phasing plan complies with this requirement.*

- D. Site Development Amenities: All multi-family developments shall provide for quality of life, open space, recreation and multi-modal amenities to meet the particular needs of the residents as noted in UDC [11-4-3-27D](#). The number of amenities shall depend on the size of the multi-family development based on the number of units.

For multi-family developments with 75 units or more, four (4) amenities shall be provided with at least one (1) from each category. For developments with more than 100 units such as this, the decision-making body shall require additional amenities commensurate to the size of the proposed development.

The following amenities are proposed: 1) a clubhouse with indoor amenities including a pet spa and fitness facility, and an outdoor kitchen/grilling area, which count toward the quality of life category; 2) plazas with picnic areas with tables, benches and shade structures, which count toward the open space category; 3) a swimming pool; snookball, cornhole and table tennis games; and multi-use pathways along Records and Fairview, which count toward the recreation category; and 4) electric vehicle (EV) charging stations, which count toward the multi-modal category. Other amenities are proposed as noted in the Applicant's [narrative](#). Off-site amenities also exist in Kleiner City Park directly adjacent to this site to the north within walking distance that consist of a pedestrian circulation system, splash pad, play structures, basketball court and bocce ball court. *Staff finds the proposed amenities meet and exceed the minimum standards.*

- E. Landscaping Requirements: Development shall meet the minimum landscaping requirements in accord with [chapter 3](#), "Regulations Applying to All Districts", of this title. Additionally, all street facing elevations shall have landscaping along their foundation that complies with the standards listed in UDC [11-4-3-27E.2](#). **The landscape plan submitted with the Certificate of Zoning Compliance application should depict landscaping along the street facing elevations adjacent to N. Records Way and E. Fairview Ave. in accord with these standards.**
- F. Maintenance and Ownership Responsibilities: All multi-family developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the

development, including, but not limited to, structures, parking, common areas, and other development features. ***The Applicant shall comply with this requirement; a copy of such shall be submitted to the Planning Division prior to issuance of the first Certificate of Occupancy within the development.***

Access: Access is proposed from N. Records Way, a collector street, at the west boundary of the site; and from an existing driveway via E. Elden Gray St., a local street, along the east boundary of the site. **If one doesn't already exist, a cross-access easement shall be granted to the adjacent property to the east (CarMax) for use of the portion of the driveway that lies on this site. A recorded copy of the easement shall be submitted with the first Certificate of Zoning Compliance application.**

Where access to a local street is available, the UDC ([11-3A-3A.1](#)) requires the site circulation to be to be reconfigured to take access from such local street. This standard applies unless otherwise waived by City Council. Therefore, the access via N. Records Ave. is not allowed and shall be removed from the site/landscape plan. The Applicant may request City Council approval of a waiver of this provision as allowed in UDC 11-3A-3 through submittal of an application for City Council Review of the Commission's decision on this matter. *Note: ACHD has approved this access with the requirement of a right-turn lane.*

Road Improvements (CIP/IFYWP): Fairview Ave. is listed in the CIP to be widened to 7-lanes from Eagle Rd./SH-55 to Cloverdale Rd. between 2036 and 2040. No new roads are proposed or required with this application.

Traffic Impact Study (TIS): ACHD deems the estimated trips from this development is less than what was estimated previously for this parcel with the 2- to 3-story office and residential land uses conceptually proposed with the TIS for The Village at Meridian in 2011. For this reason, only a turn lane analysis was required. Based on this analysis, a northbound dedicated right turn lane on Records Way is recommended at the site access; no additional turn lanes are recommended at the access on Elden Gray Street. ACHD is supportive of the access provided a turn lane is constructed as recommended.

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

Landscaped street buffers are required to be provided as follows: a 35-foot wide street buffer is required along E. Fairview Ave., an entryway corridor; a 20-foot wide buffer is required along N. Records Way, a collector street; and a 10-foot wide buffer is required along E. Elden Gray St., a local street, per UDC Table 11-2B-3 and landscaped per the standards listed in UDC [11-3B-7C.3](#). **Some portions of the buffers along Records and Fairview are below the required widths and should be revised. All buffers are required to be planted with a variety of trees, shrubs, lawn or other vegetative groundcover and designed to elicit design principles including rhythm, repetition, balance and focal elements per the recently updated specifications; the landscape plan shall be revised accordingly.**

Landscaping is required within parking lots in accord with the standards listed in UDC 11-3B-8C. **The three (3) "diamond" planter islands between the north & south portions of the building do not meet the standards in UDC 11-3B-8C.2, which require planters to contain a minimum of 50 square feet and run the length of the parking space; the site/landscape plan should be revised accordingly. Where bumpers overhang perimeter landscaping in parking areas, the parking stall dimensions may be reduced 2' in length if 2' is added to the width of the landscaped area planted in groundcover; otherwise, wheel stops should be provided to prevent vehicle overhang. The perimeter buffers/parking along the south and east boundaries of the site should be revised to comply with this standard.**

Landscaping is required to be provided along all pathways per the standards listed in UDC [11-3B-12C](#), which require a mix of trees, shrubs, lawn and/or other vegetative groundcover. **Shrubs should be added to the landscape plan in accord with this standard where none are depicted.**

Pathways: The Pathways Master Plan depicts 10-foot wide multi-use pathways along E. Fairview Ave. and N. Records Way providing pedestrian connections to Kleiner City Park; pathways are proposed in accord with the Plan. **A 14-foot wide public pedestrian easement is required to be submitted to the Planning Division prior to or concurrent with the Certificate of Zoning Compliance application as**

recommended by the Park's Dept. If the pathway is partially located within the public right-of-way, provide sufficient easement width beyond that boundary to cover the 10' sidewalk plus 2'.

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

Sidewalk: The UDC (11-3A-17) requires minimum 5-foot wide detached sidewalks along all collector and arterial streets; and attached sidewalks (or detached) along local streets. Because the Pathways Master Plan depicts pathways along Fairview Ave. and Records Way, a 10-foot wide sidewalk is proposed in those areas instead; a detached sidewalk is proposed along Eldon Gray St.; and an attached sidewalk is proposed along the driveway along the east boundary of the site.

The minimum width of parkways planted with Class II trees is 8-feet; the planter width may be reduced to 6-feet if there are root barriers that meet the standards in UDC [11-3A-17E](#). The site/landscape plans shall be revised accordingly.

Fencing: Any fencing constructed on the site should comply with the standards listed in UDC 11-3A-7. A decorative fence barrier is depicted on the landscape plan along E. Fairview Ave. and N. Records Way.

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

Conceptual building elevations were submitted for the proposed 5-story structure as shown in Section VIII.D. Final design is required to comply with the design standards in the Architectural Standards Manual.

A Certificate of Zoning Compliance and Design Review application shall be submitted and approved prior to submittal of building permit applications.

VII. DECISION

A. Staff:

Staff recommends approval of the proposed CUP with the conditions noted in Section IX per the Findings in Section X. However, prior to the Commission's action on this application, Staff recommends the number of dwelling units is reduced to achieve an overall maximum gross density of 40 units per acre; a revised open space exhibit is submitted that complies with the minimum open space standards in UDC 11-4-3-27C (currently, a minimum of 3.74 acres of qualified open space meeting the minimum standards discussed above in Section VI is required but will change if fewer units are provided as recommended); and a revised site/landscape plan is submitted that complies with the minimum parking standards listed in UDC 11-3C-6 for vehicles and bicycles (currently, a minimum of seven (7) additional vehicle spaces and two (2) additional bicycle parking spaces are required but will change if fewer units are provided as recommended). The Director has approved the request for ALT per the provisions included in Section IX in accord with the Findings in Section X.

B. The Meridian Planning & Zoning Commission heard this item on April 7, 2022. At the public hearing, the Commission moved to approve the subject CUP request.

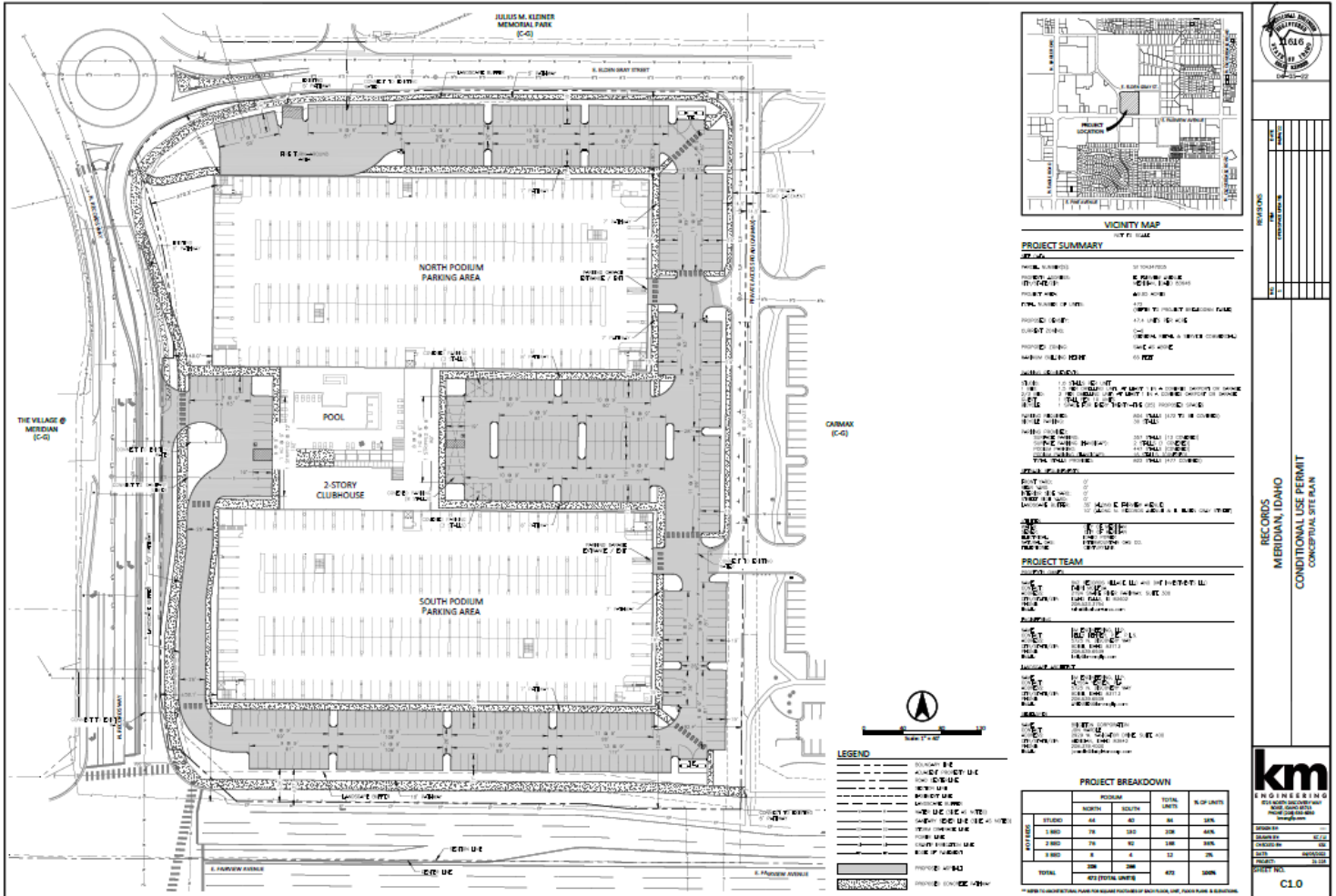
1. Summary of the Commission public hearing:

- a. In favor: Jon Wardle, Brighton Corporation;
 - b. In opposition: None
 - c. Commenting: Scott Dykstra; Michelle Loechel; Toni Allison; Gary Koehmstedt; Carrin Johnson
 - d. Written testimony: Mike Wardle, Brighton Corp. (response to the staff report); Tom & Liz Anthony
 - e. Staff presenting application: Bill Parsons
 - f. Other Staff commenting on application: None
- #### 2. Key issue(s) of public testimony:

- a. Concern pertaining to the amount of traffic that would be generated from this development, especially on Venture St. – request for a gate to be installed across Venture to prohibit access via Fairview; opinion there was insufficient public outreach to neighbors to the east (Staff verified that the adjacent residential neighbors to the east are all outside of the 500' notice range); request for the Applicant to go back to ACHD to get updated traffic numbers that reflect today's traffic counts; request for Elden Gray St. to dead-end at Venture St. to keep traffic generated from the development off Venture;
 - b. Concern pertaining to existing wells going dry in the area and how that will be impacted by development;
 - c. Concern pertaining to pedestrian safety in the area, specifically around the Senior Center, with the proposed development and increased vehicular traffic; increased traffic on Records and at the Fairview/Eagle intersection; and increased use of Kleiner Park and more wear and tear on the park;
 - d. Opinion there is too much high-density housing in this area;
 - e. The Applicant requested changes to the conditions in Section IX of the staff report as follows: 1) deletion of condition #A.2, which restricts density to a maximum of 40 dwelling units per acre; 2) clarification to condition #A.4k that the Applicant plans to request a waiver from City Council to UDC 11-3A-3A.2 to allow the proposed access via Records Way; and 3) modification to condition #A.4m to include the allowance for Alternative Compliance to be requested to the common open space standards;
3. Key issue(s) of discussion by Commission:
- a. Opinion this is the right location for the density proposed and supportive of less open space due to the proximity of Kleiner Park;
 - b. Supportive of the project and glad there isn't a "sea of asphalt" for parking;
 - c. Concern pertaining to safety of pedestrians with vehicular traffic in this area and impacts to County residents to the east.
4. Commission change(s) to Staff recommendation:
- a. The Commission approved the Applicant's requested changes to the conditions of approval as noted above.

VIII. EXHIBITS

A. Site Plan (date: 4/20/2022 4/5/2022) & Rendering – Revised



RECORDS BRIGHTON

CONCEPTUAL, SUBJECT TO CHANGE



1 RECORDS WAY BARRIER TYPE 1 SEE SECTION #1

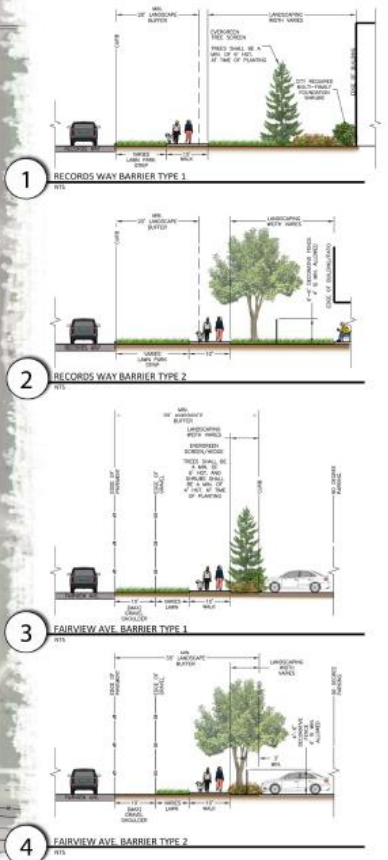
2 RECORDS WAY BARRIER TYPE 2 TO SCREEN PATIOS SEE SECTION #2

RECORDS WAY BARRIER TYPE 1 INCORPORATE DEVELOPMENT SIGNAGE

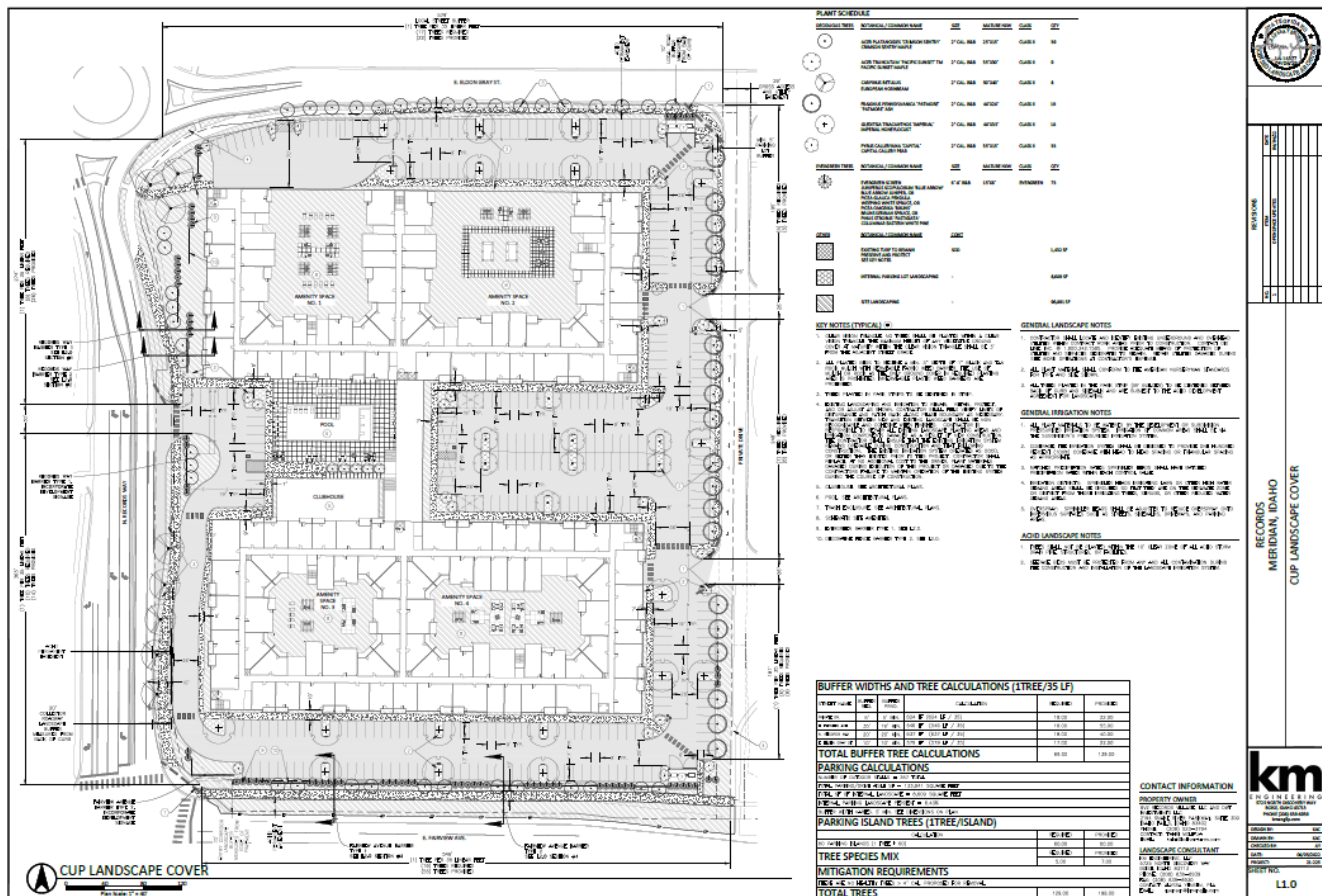
FAIRVIEW AVENUE BARRIER TYPE 2 INCORPORATE DEVELOPMENT SIGNAGE

3 FAIRVIEW AVENUE BARRIER TYPE 1 SEE SECTION #3

4 FAIRVIEW AVENUE BARRIER TYPE 2 SEE SECTION #4

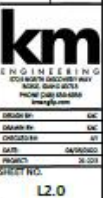
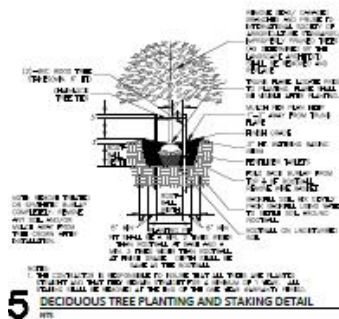
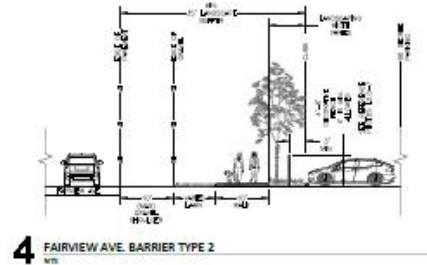
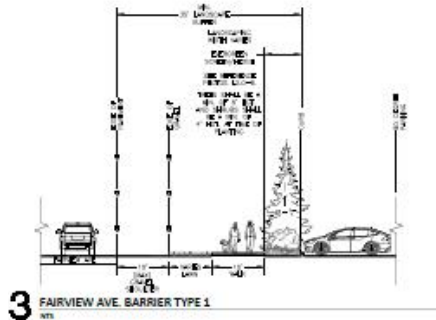
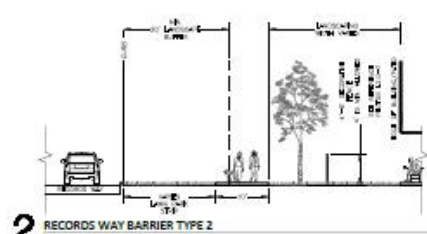
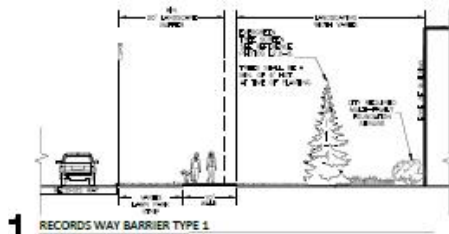


B. Landscape Plan (dated: ~~1/20/22~~ 4/5/22) – Revised



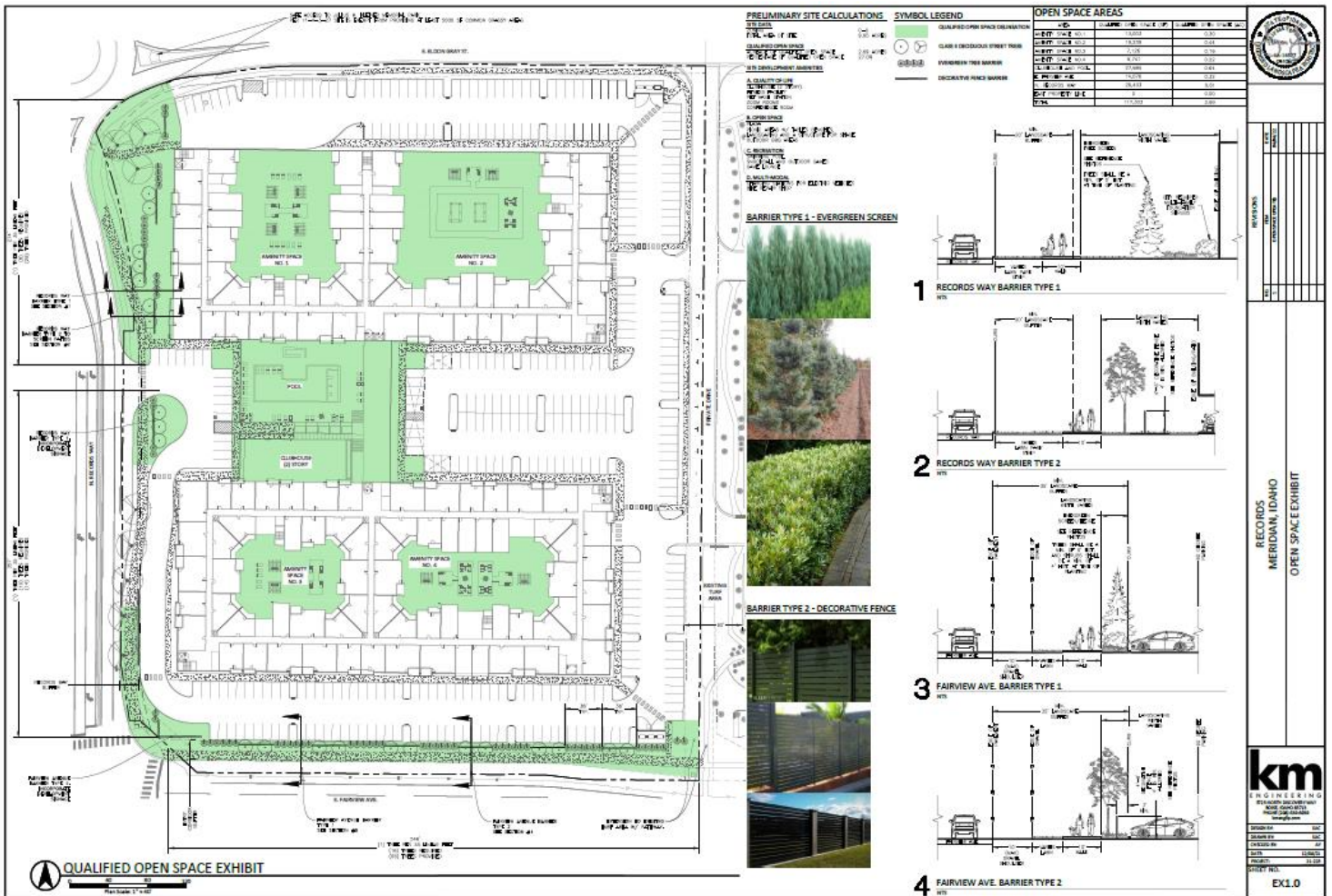


REVISIONS		
REV.	REVISION	DATE
1.	CHINA-2002 LIFT TEST	06/19/02

RECORDS
MERIDIAN, IDAHO
CUP LANDSCAPE DETAILS

C. Qualified Open Space (dated: 12/8/21, stamped on ~~1/25/22~~ 4/6/22)

NOT APPROVED



D. Building Renderings for Multi-Family Structures & Clubhouse (dated: 1/20/22)



PRELIMINARY CONCEPTS
MERCURY MULTIFAMILY / BRIGHTON / BALL VENTURES
20 JANUARY 2022



PRELIMINARY CONCEPTS
MERCURY MULTIFAMILY / BRIGHTON / BALL VENTURES
20 JANUARY 2022



PRELIMINARY CONCEPTS
MERCURY MULTIFAMILY / BRIGHTON / BALL VENTURES
20 JANUARY 2022





PRELIMINARY CONCEPTS
 MEDICAN MULTIFAMILY | BRIGHTON / BALL VENTURES
 20 JANUARY 2022

 Babcock Design



PRELIMINARY CONCEPTS
 MEDICAN MULTIFAMILY | BRIGHTON / BALL VENTURES
 20 JANUARY 2022

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PRELIMINARY CONCEPTS
 MERIDIAN MULTIFAMILY | BRIGHTON / BALL VENTURES
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 20 JANUARY 2022

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PRELIMINARY CONCEPTS
 MERIDIAN MULTIFAMILY | BRIGHTON / BALL VENTURES
 20 JANUARY 2022

 Babcock Design

IX. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

Conditional Use Permit:

1. The Applicant shall comply with the provisions in the existing Development Agreement (David Kleiner Property of Meridian Town Center AZ-07-012, Inst. # [109009630](#)) and all other previous conditions of approval.
2. ~~A maximum gross density of 40 dwelling units per acre shall be provided in this development.~~
3. The multi-family development shall have an ongoing obligation to comply with the specific use standards listed in UDC 11-4-3-27, including but not limited to the following:
 - a. No recreational vehicles, snowmobiles, boats or other personal recreation vehicles shall be stored on the site unless provided for in a separate, designated and screened area.
 - b. The multi-family development shall record a legally binding document that states the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features as set forth in UDC 11-4-3-27F. **A recorded copy of said document shall be submitted to the Planning Division prior to issuance of the first Certificate of Occupancy for the development.**
4. The site and/or landscape plan submitted with the Certificate of Zoning Compliance shall be revised as follows:
 - a. Depict the locations of the property management office, maintenance storage area, central mailbox location (including provisions for parcel mail, that provide safe pedestrian and/or vehicular access), and a directory and map of the development at an entrance or convenient location for those entering the development in accord with UDC 11-4-3-27B.7.
 - b. Depict landscaping along the foundations of all street facing elevations as set forth in UDC [11-4-3-27E.2](#).
 - c. Depict a minimum 35-foot wide street buffer along E. Fairview Ave., an entryway corridor; a minimum 20-foot wide buffer along N. Records Way, a collector street; and a minimum 10-foot wide buffer along E. Elden Gray St., a local street, per UDC Table 11-2B-3.
 - d. Within street buffers, depict a *variety* of trees, shrubs, lawn or other vegetative groundcover designed to elicit design principles including rhythm, repetition, balance and focal elements per the recently updated specifications set forth in UDC [11-3B-7C.3](#).
 - e. Remove the three (3) “diamond” planter islands between the north & south portions of the building and replace them with planter islands that comply with the standards in UDC [11-3B-8C.2](#).
 - f. Shrubs shall be added to the landscape strips along pathways where none currently exist in order to contribute to the *mix* of landscaping required by UDC [11-3B-12C.2](#).
 - g. Where bumpers overhang perimeter landscaping in parking areas, the parking stall dimensions may be reduced 2’ in length if 2’ is added to the width of the landscaped area planted in groundcover; otherwise, wheel stops shall be provided to prevent vehicle overhang. The perimeter buffers/parking along the south and east boundaries of the site should be revised to comply with this standard.

- h. Internal pedestrian walkways are required to be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks per UDC 11-3A-19B.4b.
 - i. Depict off-street vehicle parking and bicycle parking spaces in accord with the standards listed in UDC [11-3C-6](#) (i.e. currently, a minimum of 822 off-street vehicle parking spaces are required with at least 388 of those in a covered carport or garage for the multi-family units, guest and clubhouse; and a minimum of 30 bicycle parking spaces are required depending on how many vehicle parking spaces are provided – these numbers will change if fewer units are provided as recommended).
 - j. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, and transformer and utility vaults shall be depicted on the site plan and shall not be located in an area not visible from a public street, or shall be fully screened from view from a public street as set forth in UDC 11-4-3-27B.2.
 - ~~k. Remove the access driveway via N. Records Way in accord with UDC 11-3A-3A.1, unless otherwise waived by City Council. The Applicant plans to request a waiver from City Council to this standard. City Council approved a waiver to UDC 11-3A-3A.1 to allow a right-in/right-out driveway access via N. Records Way, a collector street (CR-2022-0004).~~
 - l. The minimum width of parkways planted with Class II trees is 8-feet; the planter width may be reduced to 6-feet if there are root barriers that meet the standards in UDC 11-3A-17E.
 - m. Depict common open space that complies with the dimensional standards in UDC 11-4-3-27 (i.e. shall not be less than 400 square feet in area and shall have a minimum length and width dimension of 20 feet). Given the project's proximity to Kleiner Park, the Applicant shall submit an Alternative Compliance application for the baseline open space requirement.
4. A cross-access easement shall be granted to the adjacent property to the east (CarMax – Parcel #S1104438755) for use of the portion of the driveway that lies on this site; a recorded copy of the easement shall be submitted with the first Certificate of Zoning Compliance application. *If an easement already exists, submit a copy of the recorded easement.*
 5. The Director approved the Applicant's request for Alternative Compliance to the private usable open space standards listed in UDC 11-4-3-27B.3 for each dwelling unit as follows: zero (0) s.f. for studio units; 57-82 s.f. for 1-bedroom units; and 60 s.f. for the 3-bedroom units. **Floor plans with square footages noted for patios and balconies shall be submitted with the Certificate of Zoning Compliance application that demonstrate compliance with the alternative compliance approval.**
 6. Submit a 14-foot wide public pedestrian easement for the 10-foot wide pathways required along the southern and western boundaries of the site in accord with Park's Department [requirements](#) prior to or with the Certificate of Zoning Compliance application. *If partially located within the public right-of-way, provide sufficient easement width beyond that boundary to cover the 10' sidewalk plus 2'.*
 7. The Applicant should work with ACHD's Planning and Projects group to see if a pedestrian crossing can be provided to the north across N. Records Way at the Record/Longwing intersection for pedestrian safety between the residential and commercial development, as well as the City Park.
 8. An application for Certificate of Zoning Compliance and Design Review shall be submitted for the proposed project and approved prior to submittal of building permit applications. Compliance with the design standards listed in the Architectural Standards Manual is required.

B. PUBLIC WORKS

Site Specific Conditions of Approval

1. A geotechnical report was not included with this application. A geotechnical report is required to be submitted and reviewed with the first final plat application.
2. 20-foot-wide utility easements are required for all water and sewer mains outside right-of-way. Easements must be centered over mains.
3. No permanent structures including but not limited to trees, bushes, carports, buildings, trash enclosures, fences, infiltration trenches, light poles, etc. may be placed within a utility easement.
4. Fire flow was modeled at 1500 gpm. If more than 1500 gpm is required, contact Public Works.
5. Proposed wastewater flow is 47,000 gpd greater than the master plan. Capacity is available at this time, but there is no guarantee that additional capacity will be available at the time of application submittal.
6. Ensure no sewer services cross infiltration trenches.

General Conditions of Approval

7. 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.
8. 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.
9. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD.
10. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
11. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
12. 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.
13. 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.

14. 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.
15. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
16. 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.
17. 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.
18. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
19. Developer shall coordinate mailbox locations with the Meridian Post Office.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

C. FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=253274&dbid=0&repo=MeridianCity&cr=1>

D. POLICE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=253287&dbid=0&repo=MeridianCity>

E. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=254097&dbid=0&repo=MeridianCity>

F. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=255743&dbid=0&repo=MeridianCity>

G. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=254218&dbid=0&repo=MeridianCity>

H. COMMUNITY DEVELOPMENT SCHOOL IMPACT TABLE

Not yet received.

I. WEST ADA SCHOOL DISTRICT (WASD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=255717&dbid=0&repo=MeridianCity&cr=1>

J. PARK'S DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=253285&dbid=0&repo=MeridianCity>

K. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=255187&dbid=0&repo=MeridianCity>

X. FINDINGS

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

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

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

The Commission finds ~~with the number of units proposed~~, the site ~~does not~~ appears to be large enough to accommodate the proposed use and dimensional and development regulations of the district. ~~If the number of dwelling units are reduced as recommended, which will in turn reduce the amount of common open space and off street vehicle and bicycle parking requirements and allow adequate room for the street buffers and common areas to be widened where needed to meet the minimum standards, the site should be large enough to accommodate the proposed use and meet the dimensional and development regulations of the district (see Analysis, Section VI for more information).~~

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

The Commission finds that the proposed use and density is consistent with uses and density desired in the MU-R designation ~~but that the density should be reduced to a maximum of 40 units per acre (gross) to be consistent with the density guidelines for the MU-R designation (i.e. 6-40 units per acre)~~. The multi-family residential use is allowed as a conditional use in UDC Table 11-2B-2 in the C-G zoning district.

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

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

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

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

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

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

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

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

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

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

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

The Director finds the proposed alternative compliance of providing extraordinary site amenities, coupled with innovative new urban design with an emphasis on integrated, internal open space and facilities provides an equal means for meeting the requirement.

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

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