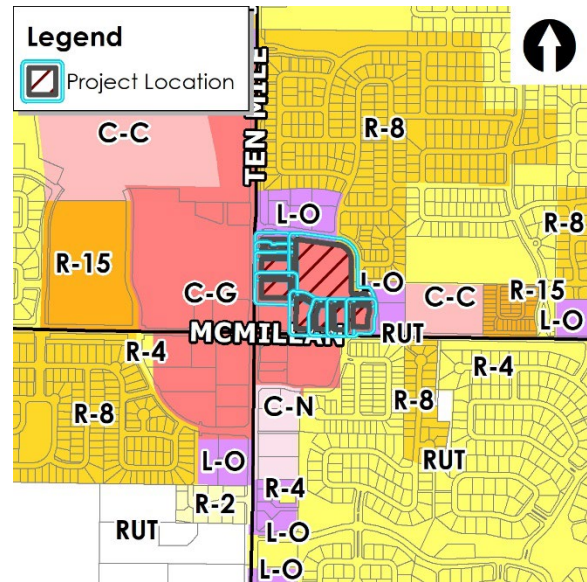


STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 6/14/2022
 TO: Mayor & City Council
 FROM: Joseph Dodson, Associate Planner
 208-884-5533
 SUBJECT: H-2022-0011
 Ten Mile and McMillan MDA

LOCATION: Project is located at the northeast corner of N. Ten Mile Road and W. McMillan Road encompassing nine (9) parcels, in the SW 1/4 of the SW 1/4 of Section 26, Township 4N, Range 1W.



I. PROJECT DESCRIPTION

Request to modify the existing Development Agreement of the Ten Mile and McMillan development (Inst. # 2020-040967) for the purpose of amending a DA provision regarding cross access between the commercial properties and the senior living property.

II. APPLICANT INFORMATION

A. Applicant:

Anne Kunkel, Varin Thomas, LLC – 242 North 8th Street, Ste. 220, Boise, ID 83702

B. Owners:

See multiple affidavits of legal interest in public record for all owners that are part of the Development Agreement.

Senior Living Owner: 55 Resort at Verona Place, LLC – 105 Decker Court, Ste. 460, Irving, TX 75062

C. Representative:

Same as Applicant

III. NOTICING

	City Council Posting Date
Legal notice published in newspaper	5/29/2022

Radius notice mailed to properties within 500 feet	5/26/2022
Public hearing notice sign posted	6/3/2022
NextDoor Posting	5/25/2022

IV. STAFF ANALYSIS

History

The subject application encompasses nine (9) parcels surrounding the northeast corner of N. Ten Mile Road and W. McMillan Road. These parcels were part of a Development Agreement Modification in 2020 and were removed from an existing Development Agreement (DA) for the purpose of entering into a new DA with a new conceptual plan and building elevations (H-2019-0126, DA Inst. #2020-040967) to show a future independent senior living facility. The largest property of the nine parcels received conditional use permit (CUP) approval for the independent senior living facility in 2020 (H-2020-0004), consistent with the new concept plan and elevations.

Development Agreement Modification

The approved DA (Inst. #2020-040967) includes a provision that requires the senior living parcel and the commercial parcels to provide cross-access and cross-parking. The inclusion of this provision is standard for commercial properties but should have excluded the senior living property as the City does not want cut-through traffic or shared parking between the commercial properties and the senior living project. Further, the existing approvals required a commercial drive-aisle along the rear of each commercial building lot which provides for the required cross-access—this drive aisle has been constructed per the previous approvals.

The Applicant is therefore requesting the following modification to provision 5.1.c:

“An easement agreement shall be recorded granting cross-access/cross-parking to all lots in the development, excluding that real property legally described on Exhibit C to the Development Agreement, which shall be developed as multi-family development restricted to seniors, age 55 and older (the “Excluded Property”), but including the parcel at the southwest corner of this site that is not subject to this agreement. A recorded copy of said easement agreement...”

Staff supports the DA Modification request because of the shared drive-aisle, the fact the senior living facility will stand on its own in terms of access and parking, and a desire for the City to limit cut-through traffic between commercial and residential properties. However, Staff does recommend a slight revision to the revised language proposed by the Applicant to make it more clear which property is excluded from this provision and remove redundant language found within an existing provision:

“An easement agreement shall be recorded granting cross-access/cross-parking to all lots in the development, excluding that real property legally described in Exhibit C to the Development Agreement, which was approved as McMillan Independent Senior Living Facility (H-2020-0004) and is located at 4923 N. Cortona Way (the “Excluded Property”), but including the parcel at the southwest corner of this site that is not subject to this agreement. A recorded copy of said easement agreement...”

V. DECISION

A. Staff:

Staff recommends approval of the proposed MDA per the modified provision in Section VI.B.

B. The Meridian City Council heard these items on June 14, 2022. At the public hearing, the Council moved to approve the subject Development Agreement Modification request.

1. Summary of the City Council public hearing:

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

2. Key issue(s) of public testimony:

- a. None

3. Key issue(s) of discussion by City Council:

- a. None

4. City Council change(s) to Staff recommendation:

- a. Include Staff's recommended DA language in lieu of Applicant's proposed language.

VI. EXHIBITS

A. Existing DA Provisions

5. CONDITIONS GOVERNING DEVELOPMENT OF SUBJECT PROPERTY:

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

- a. Future development of this site shall substantially comply with the conceptual development plan and building elevations contained in Exhibit A of the Staff Report that is attached to the Findings of Fact and Conclusions of Law, attached hereto as Exhibit "B".
- b. Development of the subject property (i.e. site design and building design) is required to comply with the design standards listed in UDC 11-3A-19 and the City of Meridian Architectural Standards Manual.
- c. An easement agreement shall be recorded granting cross-access/cross-parking to all lots in the development, including the parcel at the southwest corner of this site that is not subject to this agreement. A recorded copy of said easement agreement shall be submitted to the Planning Division *prior* to issuance of the first Certificate of Zoning Compliance application for the site.
- d. The age of the residents living in the multi-family development shall be restricted to seniors, age 55 and older.

B. Proposed Revisions to the existing Development Agreement Provision 5.1.c:

Applicant's request:

"An easement agreement shall be recorded granting cross-access/cross-parking to all lots in the development, excluding that real property legally described on Exhibit C to the Development Agreement, which shall be developed as multi-family development restricted to seniors, age 55 and older (the "Excluded Property"), but including the parcel at the southwest corner of this site that is not subject to this agreement. A recorded copy of said easement agreement..."

Staff's recommended language:

"An easement agreement shall be recorded granting cross-access/cross-parking to all lots in the development, excluding that real property legally described in Exhibit C to the Development Agreement, which was approved as McMillan Independent Senior Living Facility (H-2020-0004) and is located at 4923 N. Cortona Way (the "Excluded Property"), but including the parcel at the southwest corner of this site that is not subject to this agreement. A recorded copy of said easement agreement..."

C. Noted "Exhibit C, Excluded Property" from revised DA provision:

Parcel "A"

A parcel of Land located in a portion of Block 12 of the Amended Plat of Verona Subdivision No. 4, as the same is shown on the official plat thereof, filed in Book 102 of Plats at Page 13476, Ada County Records, and shown as Parcel A on Record of Survey No. 12081, recorded November 6, 2019, as Instrument No. 2019-110665, being situate in the Southwest quarter of Section 26, Township 4 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the Southwest corner of said Section 26 (from which the South quarter corner of said Section 26 bears South 88°58'52" East, 2602.82 feet distant); thence
North 00°21'16" East, 848.02 feet on the West Section line of said Section 26; thence
Leaving said West section line, South 88°58'52" East, 30.00 feet to the Northwest corner of said Amended Plat of Verona Subdivision No. 4, said point being common with the Easterly right-of-way of North Ten Mile Road and the Southerly right-of-way of West Milano Drive; thence
South 88°58'52" East, 296.55 feet on the Northerly boundary line of said Amended Plat of Verona Subdivision No. 4, said point being the POINT OF BEGINNING; thence
The following eight (8) courses and distances on the Northerly and Easterly boundary line of said Amended Plat of Verona Subdivision No. 4:
South 88°58'52" East, 74.70 feet; thence
South 82°03'54" East, 321.73 feet to a point of curvature; thence
220.09 feet on the arc of a curve to the right, having a radius of 153.00 feet, a central angle of 82°25'14", and a long chord bearing South 40°51'19" East, 201.60 feet; thence
South 00°21'16" West, 60.32 feet; thence
South 00°24'03" East, 151.75 feet; thence
South 00°21'16" West, 60.17 feet; thence
North 89°35'57" East, 117.34 feet to a point of curvature; thence
107.98 feet on the arc of a curve to the right, having a radius of 273.00 feet, a central angle of 22°39'43", and a long chord bearing South 20°53'46" East, 107.28 feet; thence
Leaving said Easterly boundary line, North 90°00'00" West, 458.40 feet to a point of curvature; thence
43.98 feet on the arc of a curve to the right, having a radius of 84.00 feet, a central angle of 29°59'54", and a long chord bearing North 75°00'03" West, 43.48 feet; thence
North 60°00'06" West, 66.00 feet to a point of curvature; thence
58.68 feet on the arc of a curve to the left, having a radius of 116.00 feet, a central angle of 28°59'04", and a long chord bearing North 74°29'38" West, 58.06 feet; thence
North 88°59'10" West, 48.40 feet to a Point of Curvature; thence
29.49 feet on the arc of a curve to the right, having a radius of 19.00 feet, a central angle of 88°55'10", and a long chord bearing North 44°31'35" West, 26.62 feet; thence
North 00°04'00" West, 490.25 feet to the POINT OF BEGINNING.