

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



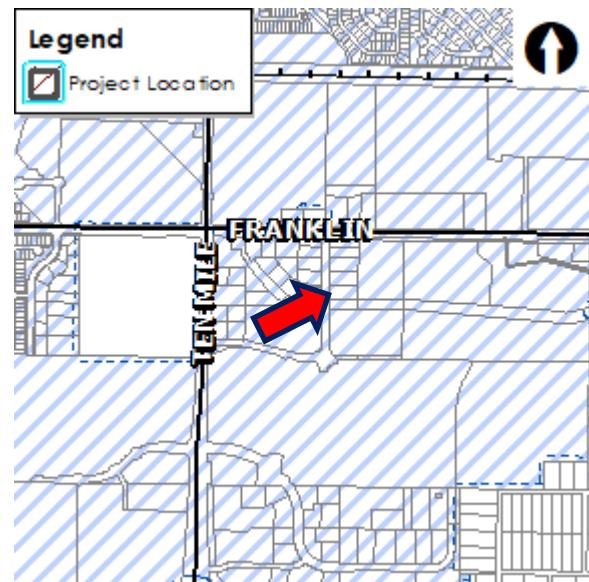
HEARING DATE: August 10, 2021

TO: Mayor & City Council

FROM: Sonya Allen, Associate Planner
208-884-5533

SUBJECT: H-2021-0035 – TM Creek Apartments
Phase 3

LOCATION: South of W. Franklin Rd. and east of S.
Ten Mile Rd., in the NW ¼ of Section
14, Township 3N., Range 1W. (Parcel
#R8483040240)



I. PROJECT DESCRIPTION

The Applicant has applied for a Rezone (RZ) of 5.58-acres of land from the TN-C to the C-G zoning district; and Conditional Use Permit (CUP) for a multi-family development consisting of 238 apartment units, including 2 live/work units, on 7.83-acres of land in the C-G zoning district.

Alternative Compliance (ALT) is requested to the following UDC standards:

- UDC 11-3A-19B.3, which requires no more than 50% of the total off-street parking area for the site to be located between building facades and abutting streets; (*Note: Staff determined this request is not necessary – see analysis in Section VI.*)
- 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; and,
- UDC Table 11-3C-6, which doesn't include a requirement for parking for studio units, to allow the vertically integrated standard to apply.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	5.58-acres (RZ area); 7.83-acres (CUP area)	
Future Land Use Designation	Mixed Use Commercial (MU-COM) & High Density Residential (HDR)	
Existing Land Use	Vacant/undeveloped land	
Proposed Land Use(s)	Future commercial (west of Wayfinder); multi-family development (east of Wayfinder)	
Current Zoning	General Retail & Service Commercial (C-G) and Traditional Neighborhood Center (TN-C)	
Proposed Zoning	General Retail & Service Commercial (C-G)	
Number of Residential Units (type of units)	238-apartment units (studio, 1-bedroom, 2-bedroom and live/work)	

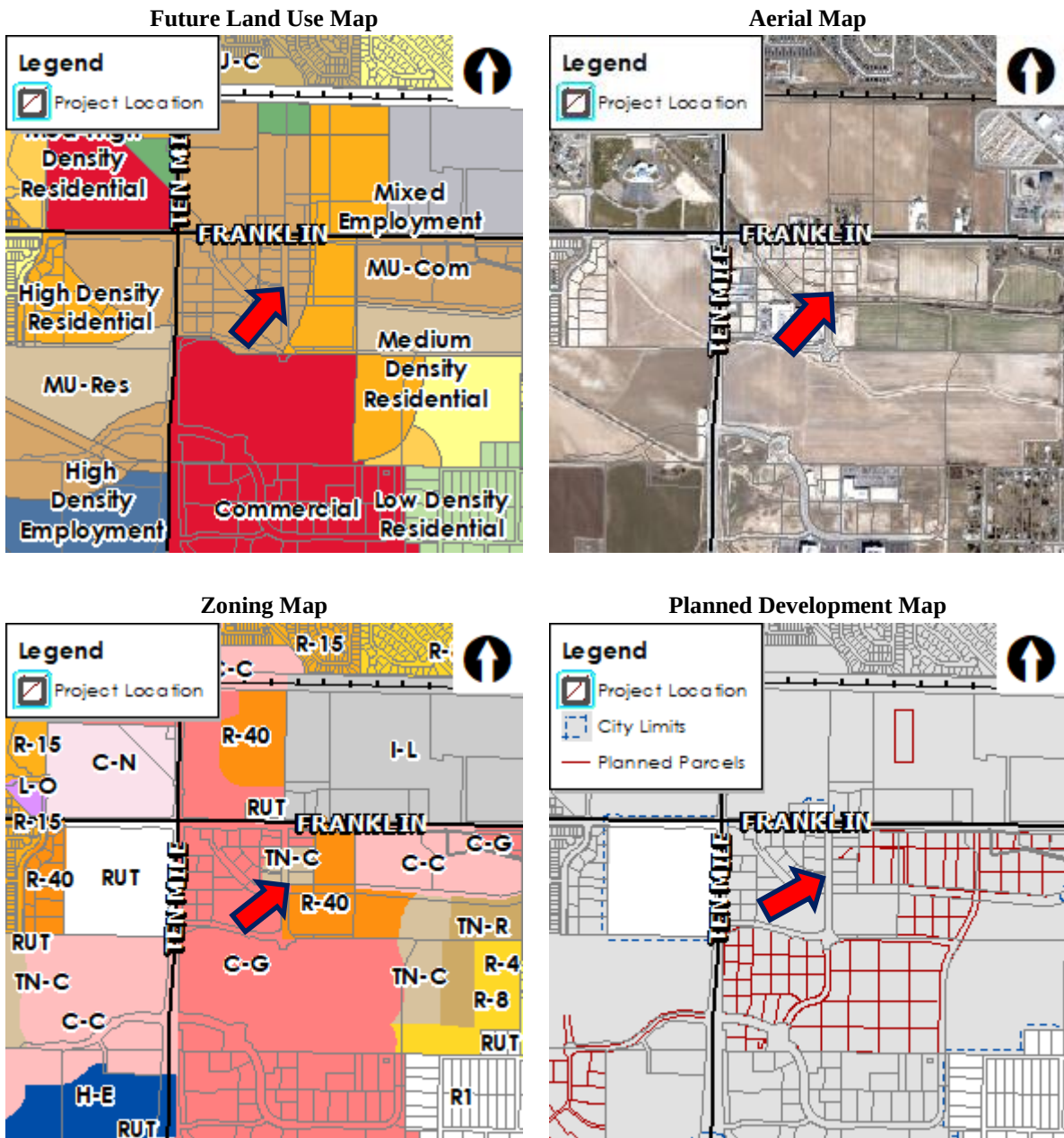
Density (gross & net)	30.4 units/acre (gross)/30.8 units/acre (net)	
Open Space (acres, total [%] / buffer / qualified)	2.51-acres (32.1%)	
Amenities	Clubhouse with fitness facilities, a bike repair room, pet grooming station and work rooms; outdoor swimming pool, grilling area, sports court (snookball) & ping pong and fireside seating.	
Physical Features (waterways, hazards, flood plain, hillside)	The Ten Mile Creek runs off-site along the southern boundary of the site.	
Neighborhood meeting date; # of attendees:	April 12, 2021; no attendees other than Applicant	
History (previous approvals)	AZ-13-015/PP-13-030/H-2015-0018/H-2016-0067/H-2020-0074 (DA Inst. # 2021-089157)	

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)	One (1) private street access is proposed via Wayfinder, a collector street, along the west boundary of the site.	
Fire Service		
• Distance to Fire Station	2.3 miles from Station #1	
• Fire Response Time	Within 5-minute response time area goal	

Description	Details	Page																																										
• Resource Reliability	70% – does not meet targeted goal of 80% or greater																																											
• Risk Identification	4 – current resources would not be adequate to supply service to this project.																																											
• Accessibility	Meets all required access, road widths and turnarounds once secondary access is completed.																																											
• Special/resource needs	Will require an aerial device – can meet this need in the required time frame if a truck company is required.																																											
• Water Supply	Requires 2,500 gallons per minute for 2 hours.																																											
• Other	See specific comments in Section IX.C.																																											
Police Service	No comments were submitted.																																											
West Ada School District																																												
• Distance (elem, ms, hs)	<table><thead><tr><th></th><th>Enrolled for 21-22</th><th>Capacity</th><th>Approved prelim plat parcels per attendance area</th><th>Approved MF units per attendance area</th><th>Miles (Dev. to School)</th></tr></thead><tbody><tr><td>Peregrine Elementary</td><td>466</td><td>650</td><td>58</td><td>235</td><td>1.9</td></tr><tr><td>Meridian Middle School</td><td>1071</td><td>1000</td><td>797</td><td>1795</td><td>2.8</td></tr><tr><td>Meridian High School</td><td>1840</td><td>2075</td><td>3507</td><td>2419</td><td>1.7</td></tr><tr><td colspan="6">School of Choice Options</td></tr><tr><td>Chief Joseph Elementary (Arts)</td><td>536</td><td>700</td><td>N/A</td><td>N/A</td><td>5.2</td></tr><tr><td>Barbara Morgan Elementary (Stem)</td><td>434</td><td>500</td><td>N/A</td><td>N/A</td><td>3.3</td></tr></tbody></table>		Enrolled for 21-22	Capacity	Approved prelim plat parcels per attendance area	Approved MF units per attendance area	Miles (Dev. to School)	Peregrine Elementary	466	650	58	235	1.9	Meridian Middle School	1071	1000	797	1795	2.8	Meridian High School	1840	2075	3507	2419	1.7	School of Choice Options						Chief Joseph Elementary (Arts)	536	700	N/A	N/A	5.2	Barbara Morgan Elementary (Stem)	434	500	N/A	N/A	3.3	
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• Capacity of Schools																																												
• # of Students Enrolled																																												
• Predicted # of students generated from proposed development	24																																											
Wastewater																																												
Distance to Sewer Services	Directly adjacent																																											
Sewer Shed	South Black Cat Trunk Shed																																											
Estimated Project Sewer ERU's	See Application																																											
WRRF Declining Balance	14.15																																											
Project Consistent with WW Master Plan/Facility Plan	Yes																																											
Impacts/Concerns	- Sewer easements must be provided and be free of encroachments. - A sewer stub is required to the northern parcel S1214212580																																											
Water																																												
Distance to Water Services	Directly adjacent																																											
Pressure Zone	2																																											
Estimated Project Water ERU's	See Application																																											
Water Quality	None																																											
Project Consistent with Water Master Plan	Yes																																											
Impacts/Concerns	- Water easements must be provided and be free of encroachments. - Water must be extended to the east property line. - An easement must be provided to the southeast portion of the site for future water connection to the east. - The 6’’ water main on the east side of the property must be increased to 8’’ pipe to meet fire flow.																																											

C. Project Maps



III. APPLICANT INFORMATION

A. Applicant:

Kameron Nauahi, Brighton Corporation – 12601 W. Explorer, Boise, ID 83713

B. Owner:

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

C. Representative:

Mike Wardle, Brighton Corporation – 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	6/11/2021	7/23/2021
Radius notification mailed to properties within 300 feet	6/8/2021	7/21/2021
Public hearing notice sign posted on site	6/17/2021	7/30/2021
Nextdoor posting	6/8/2021	7/20/2021

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

Land Use:

The subject property is designated Mixed Use – Commercial (MUC-COM) and High Density Residential (HDR) on the Future Land Use Map (FLUM) in the Comprehensive Plan. Development of the property is governed by the Ten Mile Interchange Specific Area Plan (TMISAP).

The purpose of the MU-COM designation is to encourage the development of a mixture of office, retail, recreational, employment, and other miscellaneous uses, with supporting multi-family or single-family attached residential uses. While the focus of these areas is on commercial and employment uses, the horizontal and vertical integration of residential uses is essential to securing entitlements. As with all mixed-use areas, this designation requires developments to integrate the three major use categories – residential, commercial and employment. In MU-COM areas, three or more significant uses also tend to be larger scale projects. This designation is intended to provide flexibility and encourage developers to build innovative projects.

HDR designated areas are multiple-family housing areas where relatively larger and taller apartment buildings are the recommended building type. HDR should include a mix of housing types that achieve an overall average density target of at least 16-25 dwelling units per gross acre. Most developments in this area should fall within or below this range, although smaller areas or higher or lower density may be included. Residential densities can be concentrated in multi-story projects with up to 50 dwelling units per acre allowed.

Design: Traditional neighborhood design concepts with a strong pedestrian-oriented focus are essential in the MU-COM designation. The goal in these areas is to achieve a FAR of 1.00-1.25 or more. Development within these areas exhibit quality building and site design and an attractive pedestrian environment with a strong street character. The mix of residential uses may be achieved vertically within buildings; however, some horizontal mixes may be allowed. This land use designation calls for an overall target density of 8-12 dwelling units per acre, with higher densities allowed on individual projects. No more than 30% of the ground level development within the MU-COM designation should be used for residences. *See the Application of the Design Elements matrix on pg. 3-49 of the TMISAP for design elements applicable to the proposed development.*

HDR designated areas are typically relatively compact located adjacent to or very close to larger MU-COM and Employment areas, and other intensively developed lands. The design and orientation of new HDR buildings should be pedestrian-oriented and special streetscape improvements should be considered to create rich and enjoyable public spaces. A strong physical relationship between the commercial and residential components to adjacent employment or transit centers is critical. Housing types desired in HDR areas are apartment buildings, townhouses or row houses, and live-work units; however, the expectation is that most buildings will be relatively dense multi-family types.

Transportation: The Transportation System Map (TSM) in the TMISAP does not depict any local, collector or arterial streets across this site other than the existing S. Wayfinder Ave., a collector street, which lies along the west boundary of the proposed residential area.

A Traffic Impact Study (TIS) was not required because this area was studied and included in the TMISAP.

The streets in this vicinity (i.e. W. Franklin Rd., S. Ten Mile Rd. and S. Wayfinder Ave.) are fully built-out.

Proposed Use: A multi-family development containing 238 dwelling units consisting of apartments and live/work units is proposed to develop on the site. The proposed development lies within two different FLUM designations – MU-COM & HDR. Multi-family apartments and live/work units are desired uses in both designations.

COMPREHENSIVE PLAN POLICIES:

Goals, Objectives, & Action Items: Staff finds the following Comprehensive Plan policies to be applicable to this application and apply to the proposed use of this property (staff analysis in *italics*):

- “Encourage a variety of housing types that meet the needs, preferences, and financial capabilities of Meridian’s present and future residents.” (2.01.02D)

The proposed multi-family apartments will contribute to the variety of housing types and financial capabilities for such in the City as desired.

- “Permit new development only where it can be adequately served by critical public facilities and urban services at the time of final approval, and in accord with any adopted levels of service for public facilities and services.” (3.03.03F)

City water and sewer services are available and can be extended by the developer with development in accord with UDC 11-3A-21.

- “Locate higher density housing near corridors with existing or planned transit, Downtown, and in proximity to employment centers.” (2.01.01H)

The proposed multi-family development is located in close proximity to S. Ten Mile Rd., a mobility arterial, providing access to I-84 and is within an employment center 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)

The proposed multi-family apartments will contribute to the mix of housing types available in the City. There is currently a mix of housing types within a mile of this site consisting of single-family, townhomes and multi-family apartments.

- “Encourage compatible uses and site design to minimize conflicts and maximize use of land.” (3.07.00)

The proposed multi-family apartments should be compatible with existing multi-family residential uses to the south and southwest and future commercial/retail uses in this area.

- “Ensure development is connected to City of Meridian water and sanitary sewer systems and the extension to and through said developments are constructed in conformance with the City of Meridian Water and Sewer System Master Plans in effect at the time of development.” (3.03.03A)

The proposed development will connect to City water and sewer systems; services are required to be

provided to and though this development in accord with current City plans.

- “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)

The proposed residential uses will allow folks to live in close proximity to employment, retail and restaurant uses which will reduce vehicle trips and enhance livability.

VI. STAFF ANALYSIS

A. REZONE (RZ):

A RZ of 5.58-acres of land is proposed from the TN-C to the C-G zoning district. As discussed above, the associated FLUM designation for the area proposed to be rezoned is mostly MU-COM with a narrow sliver along the eastern boundary designated as HDR. The proposed C-G zoning and multi-family residential and live/work (i.e. vertically integrated) uses are consistent with the FLUM designations for this property.

A site plan and building elevations were submitted as shown in Sections VIII.B and D that show how the property is proposed to develop with multi-family residential and vertically integrated uses consistent with the Comprehensive Plan and the TMISAP. The proposed density at 30.4 units per acre is also consistent with the density desired for this area, which is mostly designated HDR.

A legal description and exhibit map for the area proposed to be rezoned is included in Section VIII.A.

Because the subject property is already included within the area governed by a Development Agreement (DA) (Ten Mile Crossing H-2020-0074, Inst. #[2021-089157](#)) and the proposed development is consistent with the provisions in the agreement, Staff does not recommend a new DA or an amendment to the existing DA as a provision of the rezone.

B. CONDITIONAL USE PERMIT (CUP)

A CUP is proposed for a multi-family development containing (3) 4-story structures with 238 apartment units consisting of (42) studio, (120) 1-bedroom, (74) 2-bedroom and (2) live/work (i.e. vertically integrated) units on 7.83-acres of land in the C-G zoning district. The size of each of the unit types proposed is as follows: 516 square feet (s.f.) for studio units; 685 s.f. for 1-bedroom units; 1,036 s.f. for 2-bedroom units; 733 s.f. for small live/work unit; and 1,082 for large live/work unit. The gross density of the development is 30.4 units per acre.

A total of 1,815 square feet of non-residential uses are proposed in the vertically integrated residential structure, which is a principal permitted use in the C-G zoning district and will allow a variety of commercial uses.

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:

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 plan depicts screened trash enclosures; all proposed transformer/utility vaults and other service areas shall comply with this requirement.*
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; 79.58 s.f. for 1-bedroom units; 66.84 s.f. for 2-bedroom units; 75.91 s.f. for 1-bedroom vertically integrated unit; and 67.8 s.f. for 2-bedroom vertically integrated unit.*

As an alternative, the Applicant proposes common open space and site amenities above the minimum requirements coupled with innovative new urban design with an emphasis on integrated internal open space, facilities and access to the Ten Mile Creek regional pathway system. Because the proposed design includes design features consistent with “new urbanism” and promotes walkable and mixed-use neighborhoods with access to the adjacent regional pathway along the Ten Mile creek and a vast amount of open space, the Director finds the Applicant’s proposal to be sufficient and approves the Alternative Compliance request as proposed with the condition the 7-foot wide pathway along the southern boundary of the site is widened to 10-feet.

4. For the purposes of this section, vehicular circulation areas, parking areas, and private usable open space shall not be considered common open space. *Private usable open space areas for the units fronting on Wayfinder were included in the common open space calculations, which don’t qualify. However, the internal common open space at 2.2-acres complies with the minimum standard; other areas as shown on the plan that are a minimum of 400 square feet in area and have a minimum length and width dimension of 20’ also qualify and exceed UDC standards.*
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. *The Applicant requests alternative compliance to the parking standards listed in UDC Table 11-3C-6, which doesn’t include a requirement for parking for studio units, to allow the vertically integrated standard to apply. One (1) space is required for a 1-bedroom unit in vertically integrated residential as opposed to a 1-bedroom apartment unit, which requires 1.5 spaces with at least one of the spaces being in a covered carport or garage.*

With approval of alternative compliance, a minimum of 372 parking spaces are required with 194 of those in a covered carport or garage, for (42) studio, (120) 1-bedroom, (74) 2-bedroom and (2) vertically integrated residential units. A total of 379 spaces are proposed with 231 of those being covered (201 in a covered carport and 30 garage spaces).

Because the proposed design includes innovative design features based on “new urbanism, “and promotes walkable mixed-use neighborhoods, the Director supports the requested alternative compliance.

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. One bicycle parking space is required for every 25 proposed vehicle parking spaces or portion thereof. Based on 379 spaces, a minimum of 15 spaces are required; a total of 16 spaces are proposed in excess of 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:

1. 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. *All 238 of the units fall within this square footage range; therefore, a minimum of 59,500 square feet or 1.37-acres of common open space is required. A total of 2.51-acres (or 32.1%) is proposed in accord with this standard. Although some of this area does not qualify (i.e. private open space) and is not really usable (i.e. parking lot planters), the internal common open space and area along the Ten Mile creek is 2.2-acres, which exceeds UDC standards.*
 - c. Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area. *There are no units proposed that contain more than 1,200 square feet of living area.*
2. Common open space shall be not less than four hundred (400) square feet in area, and shall have a minimum length and width dimension of twenty feet (20'). *The common open space areas depicted on the open space exhibit in Section VIII.D meet this requirement.*
3. 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. *This project is proposed to develop in one phase.*
4. 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. (Ord. 09-1394, 3-3-2009, eff. retroactive to 2-4-2009) *The Applicant requests the street buffer along Wayfinder Ave., a collector street, is allowed to count toward the common open space for the development although it is not separated from the street by a berm or barrier. Without this area, the internal common open space along the creek corridor still meets and exceeds the minimum standards.*

D. Site Development Amenities:

1. All multi-family developments shall provide for quality of life, open space and recreation amenities to meet the particular needs of the residents as follows:
 - a. Quality of life:
 - (1) Clubhouse.
 - (2) Fitness facilities.
 - (3) Enclosed bike storage.
 - (4) Public art such as a statue.
 - b. Open space:
 - (1) Open grassy area of at least fifty by one hundred feet (50 x 100') in size.
 - (2) Community garden.
 - (3) Ponds or water features.
 - (4) Plaza.
 - c. Recreation:
 - (1) Pool.
 - (2) Walking trails.
 - (3) Children's play structures.
 - (4) Sports courts.
2. The number of amenities shall depend on the size of multi-family development as follows:
 - a. For multi-family developments with less than twenty (20) units, two (2) amenities shall be provided from two (2) separate categories.
 - b. For multi-family development between twenty (20) and seventy-five (75) units, three (3) amenities shall be provided, with one from each category.
 - c. For multi-family development with seventy-five (75) units or more, four (4) amenities shall be provided, with at least one from each category.
 - d. For multi-family developments with more than one hundred (100) units, the decision-making body shall require additional amenities commensurate to the size of the proposed development.
3. The decision-making body shall be authorized to consider other improvements in addition to those provided under this subsection D, provided that these improvements provide a similar level of amenity. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

Based on 238 proposed units, a minimum of 5 amenities are required but the decision-making body is authorized to consider additional similar amenities if they believe the proposed amenities aren't adequate for the size of the development.

The following amenities are proposed from each category: a clubhouse with a fitness center, bike repair room and pet grooming station; swimming pool; open grassy areas at least 50' x 100' in size; fireside seating; grilling area; and sports courts (snookball & ping pong). The Ten Mile Creek multi-use pathway also lies adjacent to the site for residents to use.

E. Landscaping Requirements:

1. Development shall meet the minimum landscaping requirements in accord with [chapter 3](#), "Regulations Applying to All Districts", of this title.
2. All street facing elevations shall have landscaping along their foundation. The foundation landscaping shall meet the following minimum standards:
 - a. The landscaped area shall be at least three feet (3') wide.
 - b. For every three (3) linear feet of foundation, an evergreen shrub having a minimum mature height of twenty-four inches (24") shall be planted.
 - c. Ground cover plants shall be planted in the remainder of the landscaped area.

The landscape plan submitted with the Certificate of Zoning Compliance application should depict landscaping along the street facing elevations adjacent to S. Wayfinder 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.***

Access: One (1) east/west private street access is proposed via S. Wayfinder Ave. for the development with three (3) accesses off the private street. **An application for approval of the private street is required to be submitted that demonstrates compliance with the design and construction standards listed in UDC 11-3F-4.**

A cross-access easement is required to be granted between all non-residential lots in the subdivision per requirement of the preliminary plat in accord with UDC 11-3A-3A.2.

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

A 20-foot wide street buffer exists along S. Wayfinder Ave., a collector street, with on-street parking, benches, planters and tree grates in accord with UDC Table 11-2B-3, 11-3B-7C and the TMISAP.

Landscaping is required within parking lots in accord with the standards listed in UDC 11-3B-8C. The "diamond" planter islands proposed along the eastern boundary of the site comply with the established design standards for TM Crossing.

Landscaping is required to be provided along the pathway adjacent to the southern boundary of the site per the standards listed in UDC [11-3B-12C](#), which require a mix of trees, shrubs, lawn and/or other vegetative groundcover. **Landscaping should be added to the landscape plan in accord with this standard; calculations demonstrating compliance with this standard should also be included in the calculations table.**

Landscaping is required within common open space areas per the standards listed in UDC 11-3G-3E. **Calculations should be included in the calculations table demonstrating compliance with this standard.**

Parking: Off-street vehicle parking is required for the proposed multi-family dwellings and vertically integrated residential as set forth in UDC Table [11-3C-6](#) as discussed above.

Alternative Compliance (ALT) is requested to UDC 11-3A-19B.3, which requires no more than 50% of the total off-street parking area for the site to be located between building facades and abutting streets. No parking is proposed between the building and Wayfinder Ave. Garages are proposed adjacent to the

private street, which screen the parking between the street and the multi-family structures negating the need for ALT.

Pathways: A 7-foot wide pathway is proposed along the southern boundary of the site adjacent to the Ten Mile Creek. **Staff recommends as a condition of approval of the Applicant's request for Alternative Compliance to the private open space standards in UDC 11-4-3-27B.3, the pathway is widened to 10-feet and a 14-foot wide public pedestrian easement is dedicated for the pathway as recommended by the Park's Dept.**

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.

Fencing: No fencing is depicted on the landscape plan for this development. Any fencing constructed on the site should comply with the standards listed in UDC 11-3A-6 and 11-3A-7.

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

Conceptual building elevations were submitted for the proposed 4-story structures as shown in Section VIII.E. Building materials consist of stucco and bricks in neutral colors. Final design is required to comply with the adopted TM Crossing Design Guidelines.

A Certificate of Zoning Compliance application shall be submitted and compliance with the TM Crossing design guidelines is required as set forth in the DA prior to submittal of building permit applications.

VII. DECISION

A. Staff:

Staff recommends approval of the proposed RZ and CUP and the Director has approved the requests for ALT per the provisions included in Section IX in accord with the Findings in Section X.

B. The Meridian Planning & Zoning Commission heard these items on July 1, 2021. At the public hearing, the Commission moved to recommend approval of the subject RZ and CUP requests.

1. Summary of Commission public hearing:

- a. In favor: Josh Beach & Jon Wardle, Brighton Corporation
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: Mike Wardle, Brighton Corporation
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: Bill Parsons

2. Key issue(s) of public testimony:

- a. Applicant requested changes to the following conditions: #4h to change the width of the pathway from 10-feet to 8-feet; #8 delete condition requiring public pedestrian easement; and #9 remove language pertaining to compliance with the design guidelines in the TMISAP and the standards in the ASM to require compliance with the Ten Mile Crossing Design Guidelines as required by the DA.

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

- a. Adequacy of parking proposed for the development;
- b. The Applicant's request for a reduction in the width of the pathway from 10-feet to 8-feet along the southern boundary of the site due to topography near the creek;
- c. If fencing should be provided along the creek for public safety;
- d. Desire for more than (2) vertically integrated residential structures to be provided along Wayfinder Ave.

4. Commission change(s) to Staff recommendation:

- a. Delete condition #8 requiring a public pedestrian easement and modify condition #9 as requested by the Applicant. The Commission supported Staff's recommendation for the provision of a 10-foot (instead of 8-foot) wide pathway along the southern boundary of the site.
5. Outstanding issue(s) for City Council:
 - a. The Applicant requests condition #4h is deleted that requires the 8-foot wide pedestrian pathway on the north side of the creek to be widened to 10-feet.

VIII. EXHIBITS

A. Legal Description & Exhibit Map for Proposed Rezone

LEGAL DESCRIPTION TM Creek TN-C Zone Boundary

Part of the NW1/4 of Section 14 Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho described as:

Beginning at point being S89°09'50"E 1577.99 feet along the Section line and S00°34'40"W 294.20 feet from the northwest corner of said Section 14,

Running thence N89°25'20"W 290.60 feet;
thence N89°26'49"W 287.44 feet;
thence S00°33'11"W 186.45 feet;
thence S00°00'00"W 243.81 feet to a point of a non-tangent curve;
thence along said curve to the left 7.90 feet (Curve Data: Radius=270.00 feet, Delta=1°40'33", chord bears S89°02'34"E 7.90 feet);
thence S89°52'51"E 176.26 feet;
thence N87°54'01"E 101.03 feet;
thence N89°42'19"E 41.44 feet to the east line of the NW1/4NW1/4 of said Section 14;
thence along said east line N00°34'40"E 10.00 to the north line of Ten Mile Stub Drain;
thence along said north line N89°51'06"E 249.02 feet;
thence N00°34'40"E 410.51 feet the Point of Beginning.

Parcel Contains 5.58 Acres more or less.

Basis of Bearing

North section line of the NW1/4 of Section 14 Commencing at the Northwest corner of Section 14; thence S89°09'50"E, a distance of 2657.99 feet to the N1/4 of Section 14



LOCATED IN NW 1/4 OF SECTION 14, T3N., R.1W B.M.
ADA COUNTY, IDAHO

CURVE TABLE						
CURVE #	LENGTH	RADIUS	DELTA	TANGENT	CHORD	BEARING
C1	98.51	89.99	56°10'12"	37.35	65.90	N89°26'39"W
C2	107.70	199.99	30°51'16"	55.19	106.40	S77°53'45"W
C3	92.42	199.99	26°28'40"	47.05	91.60	S80°05'03"W
C5	7.90	270.00	1°40'30"	3.95	7.90	S89°02'34"E

SCALE:
1"=400'

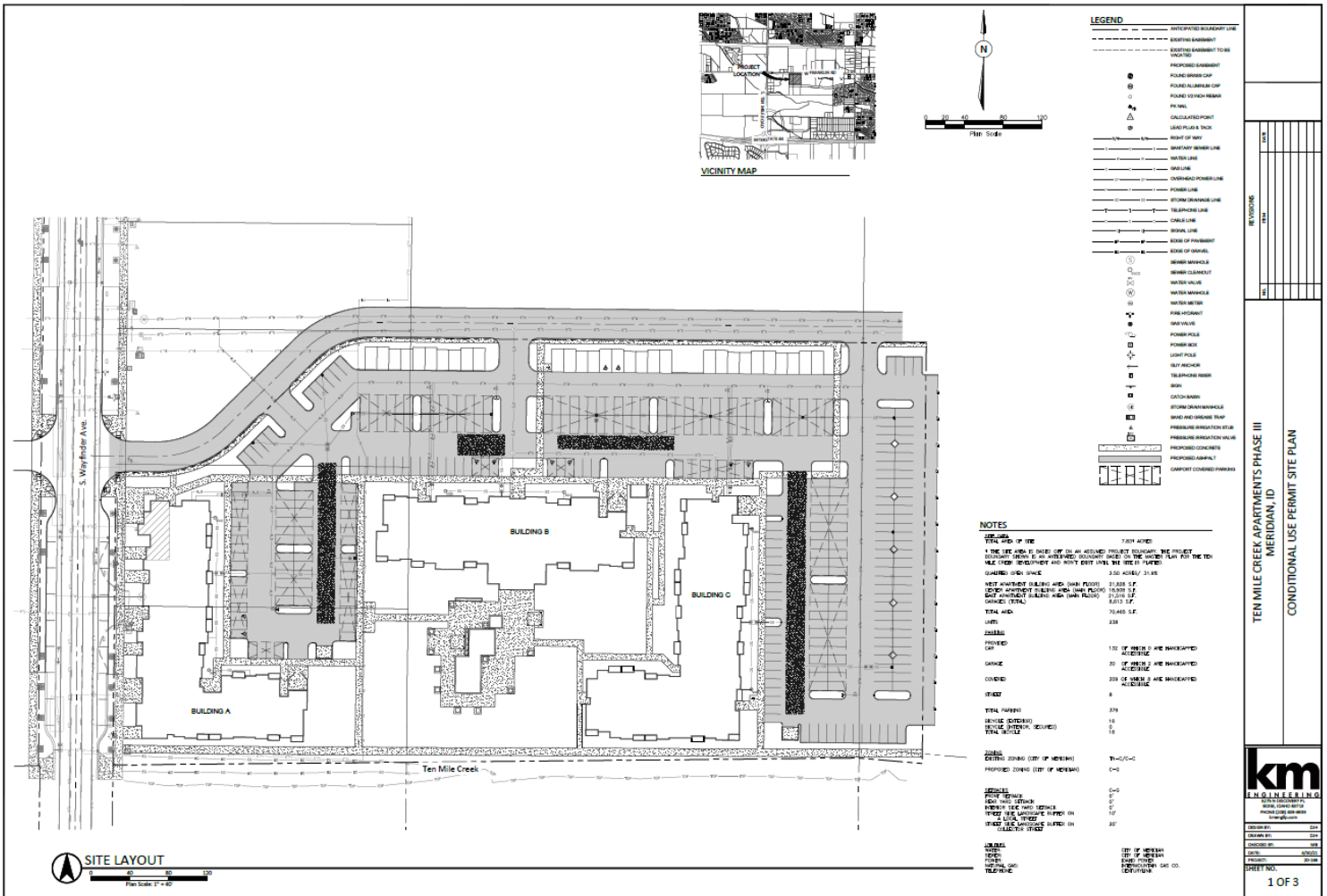


ZONING BOUNDARY LEGAL DESCRIPTION MAP FOR TM CREEK

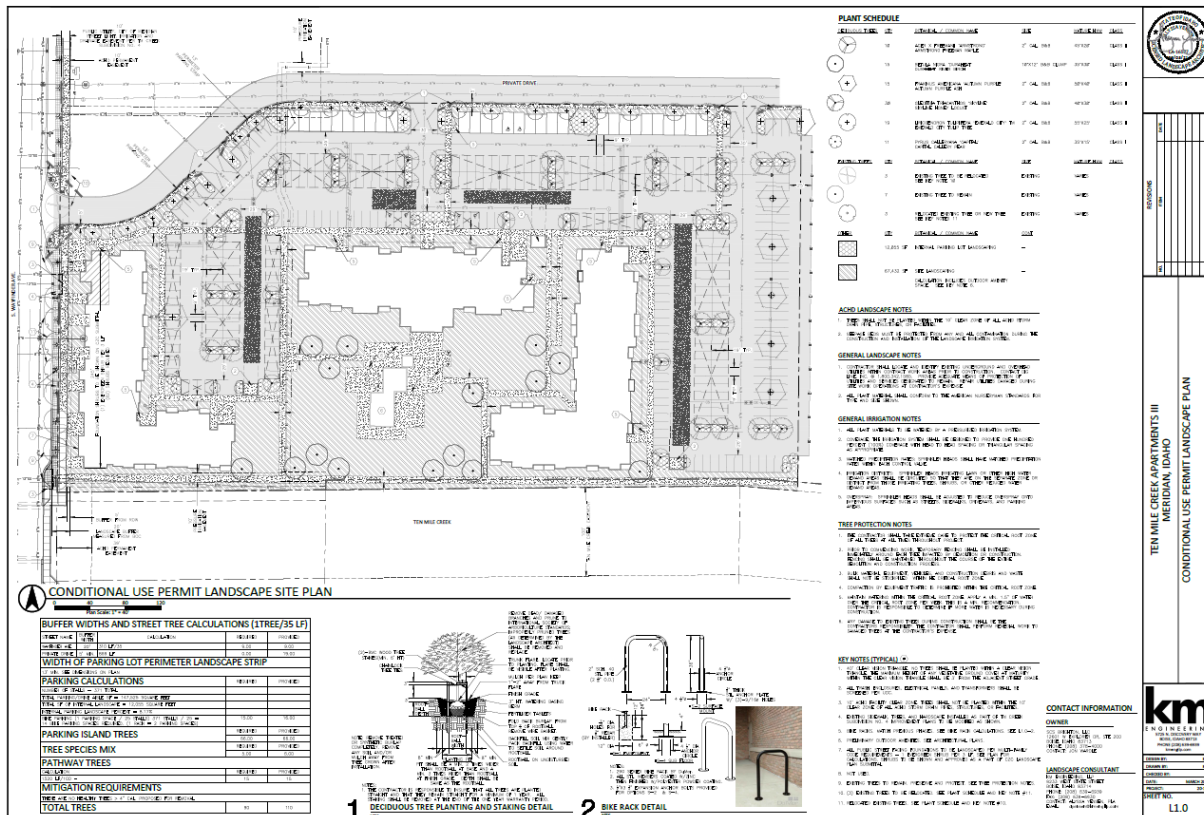
BRIGHTON
CORPORATION

KELLER
associates
121 SW 3rd Avenue, Suite A
Meriden, Idaho 83442
(208) 386-1902

B. Site Plan (date: 4/30/2021)



C. Landscape Plan (dated: 5/3/21)



D. Qualified Open Space (dated: 5/3/21)



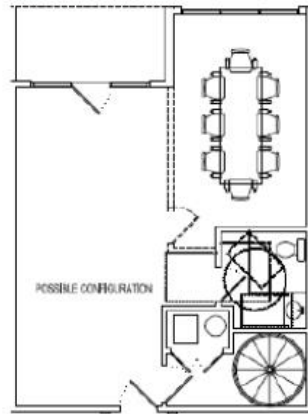
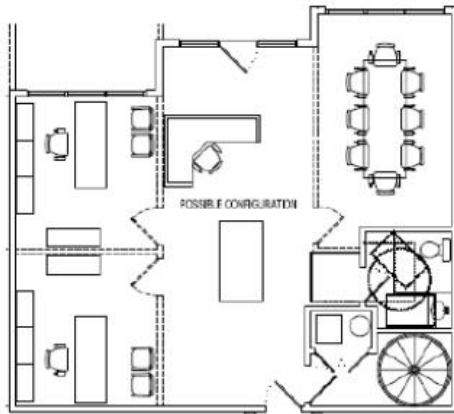
E. Conceptual Building Elevations & Renderings for Multi-Family Structures & Clubhouse





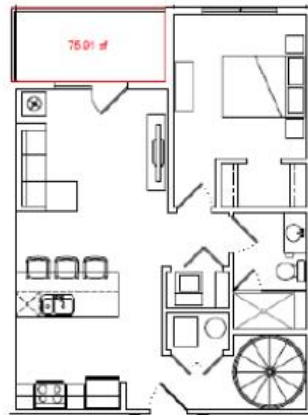
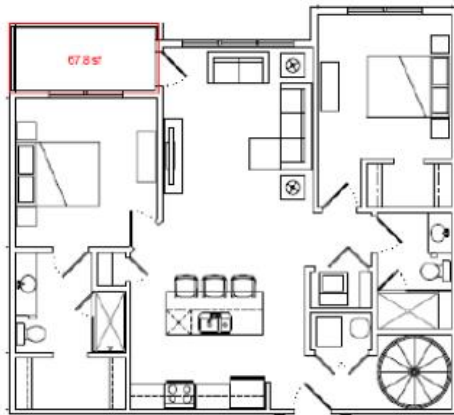
LIVE - WORK UNITS

WAYFINDER AVE. - STREET FRONTAGE



INTERIOR HALLWAY UNIT ENTRANCE

LARGE - 1,082 SF "WORK" - LOWER LEVEL SMALL - 733 SF



LARGE - 1,082 SF "LIVE" - UPPER LEVEL SMALL - 733 SF

IX. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

Conditional Use Permit:

1. The Applicant shall comply with the provisions in the existing Development Agreement (Inst. 2021-089157) and all other previous conditions of approval.
2. The multi-family development shall have an ongoing obligation to comply with the specific use standards listed in UDC 11-4-3-27.
3. 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. All transformer and utility vaults and other service areas shall be located in an area not visible from a public street, or shall be fully screened from view from a public street in accord with UDC 11-4-3-27B.2.
 - c. Depict landscaping along the foundations of all street facing elevations adjacent to S. Wayfinder Ave. as set forth in UDC 11-4-3-27E.2.
 - d. Include a detail of the proposed site amenities.
 - e. Depict a gate across the emergency access driveway from W. Franklin Rd. as required by the Fire Dept.
 - f. Depict landscaping along the pathway adjacent to the southern boundary of the site per the standards listed in UDC 11-3B-12C, which require a *mix* of trees, shrubs, lawn and/or other vegetative groundcover.
 - g. Calculations should be included in the calculations table demonstrating compliance with the required landscaping in common open space areas per UDC 11-3G-3E.
 - h. Widen the pathway along the southern boundary of the site to 10-feet.
 - i. 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.
5. Submit an application for the proposed private street that demonstrates compliance with the design and construction standards listed in UDC 11-3F-4.
6. The Director approved the Applicant's request for Alternative Compliance to the off-street parking standards for multi-family dwellings listed in UDC Table 11-3C-6, as follows: a total of 379 spaces shall be provided with 231 of those being covered (201 in a covered carport and 30 garage spaces).
7. 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: 79.58 square feet

(s.f.) for 1-bedroom units; 66.84 s.f. for 2-bedroom units; 75.91 s.f. for the 1-bedroom vertically integrated unit; and 67.8 s.f. for the 2-bedroom vertically integrated unit. 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.

- ~~8. Submit a 14 foot wide public pedestrian easement for the pathway along the southern boundary of the site along the north side of the Ten Mile Creek in accord with Park's Department requirements.~~
9. An application for Certificate of Zoning Compliance shall be submitted for the proposed project and approved prior to submittal of building permit applications. Compliance with the Ten Mile Crossing Design Guidelines design guidelines in the Ten Mile Interchange Specific Area Plan and the design standards listed in the Architectural Standards Manual as applicable is required. *See the Application of the Design Elements matrix on pg. 3-49 of the TMISAP for design elements applicable to the proposed development.*

B. PUBLIC WORKS

No comments at this time.

C. FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=230631&dbid=0&repo=MeridianCity>

D. POLICE DEPARTMENT

No comments were submitted.

E. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=231480&dbid=0&repo=MeridianCity>

F. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

No comments were submitted.

G. COMMUNITY DEVELOPMENT SCHOOL IMPACT TABLE

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=231292&dbid=0&repo=MeridianCity>

H. WEST ADA SCHOOL DISTRICT (WASD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=231215&dbid=0&repo=MeridianCity>

I. PARK'S DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=230766&dbid=0&repo=MeridianCity>

J. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=231070&dbid=0&repo=MeridianCity>

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=229086&dbid=0&repo=MeridianCity>

X. FINDINGS

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

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

1. The map amendment complies with the applicable provisions of the comprehensive plan;
The Commission finds the rezone of the subject site from the TN-C to the C-G zoning district is consistent with the associated MU-COM and HDR FLUM designations in the Comprehensive Plan for the subject property proposed to be rezoned.
2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;
The Commission finds the proposed map amendment to C-G will assist in providing for the retail and service needs of the community consistent with the purpose statements for the district while allowing multi-family residential uses as desired in the HDR FLUM designation.
3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;
The Commission finds that the proposed rezone should not be detrimental to the public health, safety, or welfare.
4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and
The Commission finds that the proposed rezone will not result in any adverse impact upon the delivery of services by any political subdivision providing services to this site.
5. The annexation (as applicable) is in the best interest of city.
Because this application is for a rezone and not an annexation, this finding is not applicable.

B. 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 that the subject property is large enough to accommodate the proposed use and dimensional and development regulations of the C-G district (see Analysis, Section V 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 is consistent with the future land use map designations of MU-C and HDR and 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 planned for 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 Council 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.

C. 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 listed in UDC 11-4-3-27B.3 is feasible. Pertaining to the request for Alternative Compliance to UDC Table 11-3C-6, there are no parking standards for studio units.

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

The Director finds the proposed alternative compliance of providing integrated internal open space, a pathway creek amenity and site amenities and common open space in excess of UDC standards coupled with innovative, new-urban design provides a superior means for meeting the requirements in UDC 11-4-3-27B.3.

The Director finds the proposed alternative for parking for studio units provides an equal means for meeting the requirements in UDC Table 11-3C-6.

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.