

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



In the Matter of the Request for Conditional Use Permit for Wood Rose Apartments, Located at 1160 W. Ustick Road in the R-15 Zoning District, by The Housing Company.

Case No(s). H-2022-0086

For the Planning & Zoning Commission Hearing Date of: January 19, 2023 (Findings on February 2, 2023)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of January 19, 2023, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of January 19, 2023, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of January 19, 2023, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of January 19, 2023, incorporated by reference)

B. Conclusions of Law

1. The City of Meridian shall exercise the powers conferred upon it by the “Local Land Use Planning Act of 1975,” codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. The Meridian Planning & Zoning Commission takes judicial notice of its Unified Development Code codified at Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Amended Comprehensive Plan of the City of Meridian, which was adopted April 19, 2011, Resolution No. 11-784 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this decision, which shall be signed by the Chairman of the Commission and City Clerk and then a copy served by the Clerk upon the applicant, the Planning Department, the Public Works Department and any affected party requesting notice.

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CASE NO(S). [WOOD ROSE APARTMENTS CUP H-2022-0086]

7. That this approval is subject to the conditions of approval in the attached staff report for the hearing date of January 19, 2023, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

Pursuant to the Planning & Zoning Commission's authority as provided in Meridian City Code § 11-5A and based upon the above and foregoing Findings of Fact which are herein adopted, it is hereby ordered that:

1. The applicant's request for conditional use permit is hereby approved in accord with the conditions of approval in the staff report for the hearing date of January 19, 2023, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Two (2) Year Conditional Use Permit Duration

Please take notice that the conditional use permit, when granted, shall be valid for a maximum period of two (2) years unless otherwise approved by the City in accord with UDC 11-5B-6F.1. During this time, the applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground. For conditional use permits that also require platting, the final plat must be signed by the City Engineer within this two (2) year period in accord with UDC 11-5B-6F.2.

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6.F.1, the Director may authorize a single extension of the time to commence the use not to exceed one (1) two (2) year period. Additional time extensions up to two (2) years as determined and approved by the Commission may be granted. With all extensions, the Director or Commission may require the conditional use comply with the current provisions of Meridian City Code Title 11.

E. Judicial Review

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

F. Notice of Right to Regulatory Takings Analysis

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

G. Attached: Staff Report for the hearing date of January 19, 2023

By action of the Planning & Zoning Commission at its regular meeting held on the _____ day of _____, 2023.

COMMISSIONER ANDREW SEAL, CHAIRMAN VOTED _____

COMMISSIONER MARIA LORCHER, VICE CHAIRMAN VOTED _____

COMMISSIONER NATE WHEELER VOTED _____

COMMISSIONER STEVEN YEARSLEY VOTED _____

COMMISSIONER PATRICK GRACE VOTED _____

COMMISSIONER MANDI STODDARD VOTED _____

Andrew Seal, Chairman

Attest:

Chris Johnson, City Clerk

Copy served upon the Applicant, the Planning and Development Services divisions of the Community Development Department, the Public Works Department and the City Attorney.

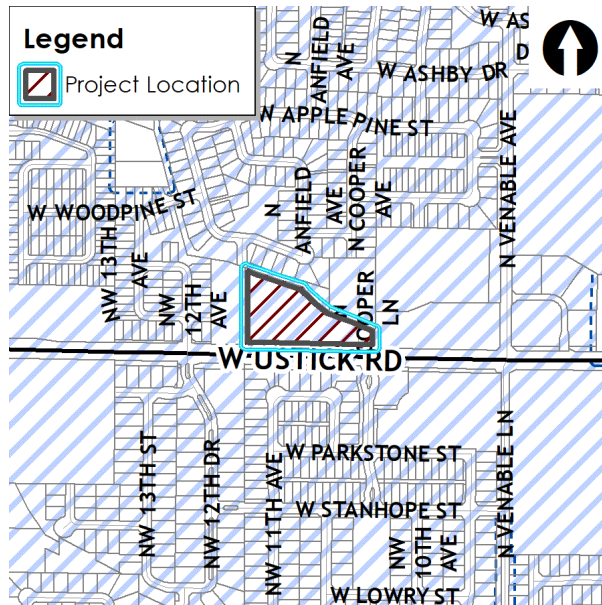
By: _____ Dated: _____
City Clerk's Office

EXHIBIT A



COMMUNITY DEVELOPMENT DEPARTMENT

HEARING DATE: 1/19/2023
TO: Planning & Zoning Commission
FROM: Stacy Hersh, Associate Planner
 208-884-5533
SUBJECT: H-2022-0086
 Wood Rose Apartments CUP
LOCATION: 1160 W. Ustick Road, North of W. Ustick between N. Linder Road and Meridian Road, in the SW 1/4 of the SE 1/4 of the SW 1/4 of Section 36, T. 4N., R. 1W.



I. PROJECT DESCRIPTION

Conditional Use Permit for a multi-family development consisting of 46 multi-family units with a clubhouse on 3.81 acres of land in the R-15 zoning district, by the Housing Company.

II. SUMMARY OF REPORT

A. Project Summary

| Description | Details | Page |
|--|--|------|
| Acreage | 3.81 acres (R-15 zoning district) | |
| Future Land Use Designation | Mixed-Use Community (MU-C) and Medium Density Residential (MDR) | |
| Existing Land Use(s) | Vacant | |
| Proposed Land Use(s) | Multi-Family Residential, rent restricted; 8 1-bedrooms, 28 2-bedrooms, 10 3-bedrooms | |
| Lots (# and type; bldg./common) | One (1) multi-family residential building lot | |
| Number of Residential Units (type of units) | 46 multi-family units – Seven (7) two-story buildings | |
| Density | Gross – 12.07 du/ac. | |
| Open Space (acres, total [%]/buffer/qualified) | 3.81 acres (39,464 s.f.) of qualified open space proposed according to the Common Open Space Requirements Key located on the Landscape Plan (approximately 23%). | |
| Amenities | At a minimum, 3 amenities are proposed – See the amenity Exhibit in Section VII below. | |
| Neighborhood Meeting date | November 14, 2022 | |
| History (previous approvals) | H-2021-0092 (1160 W. Ustick Rd. “aka” Wood Rose Apartments) DA Inst. # 2022-092438 | |

EXHIBIT A

B. Community Metrics

| Description | Details | Page |
|---|---|------|
| Ada County Highway District | | |
| <ul style="list-style-type: none"> • Staff report (yes/no) • Requires ACHD Commission Action (yes/no) | <p>Yes</p> <p>No</p> | |
| Traffic Impact Study (yes/no) | No | |
| Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed) | Access is proposed to W. Ustick Road (arterial) via construction of a new local street connection at the very southeast corner of the site. | |
| Stub Street/Interconnectivity/Cross Access | Stub Street is proposed by constructing the new internal local road, N. Cooper Lane, and stubbing to the north; dedicating additional right-of-way at the site's northwest corner to accommodate for the future extension of 11 th Avenue in the site to the west (1250 W. Ustick Road). | |
| Existing Road Network | Ustick Road is an existing 5-lane arterial street – 4 lanes of travel plus a center turn lane. | |
| Existing Arterial Sidewalks / Buffers | The existing arterial sidewalk along the Ustick frontage is complete; no buffers are existing. | |
| Proposed Road Improvements | Ustick Road is already improved with 5-travel lanes, bike lanes, curb, gutter, and a 5-foot wide detached concrete sidewalk consistent with the MSM; no road improvements are required. | |
| Police Service | | |
| <ul style="list-style-type: none"> • Development Location • Police Response Time • Response Time Goal • Resource Needs • Other | <p>2.6 miles from the Meridian Police Department</p> <p>Expected response time to this area is 3:24 Minutes</p> <p>Response time goal for emergencies is within 3-5 minutes.</p> <p>The Meridian Police Department can service this development if approved</p> <p>All multi-family units shall be clearly marked with addresses and unit numbers visible day or night for emergency response.</p> | |
| Wastewater | <ul style="list-style-type: none"> • Additional 1520 gpd committed to model. WRRF decline balance is 14.57 MGD • Sewer and water running in parallel require 30-foot easement • Sewer should be a minimum 10-feet from the edge of the easement • Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement. • Ensure no sewer services pass through infiltration trenches. | |
| Water | <ul style="list-style-type: none"> • Fire hydrant laterals and water services up to the meter require a 20-foot easement. Easement to extend 10-feet past the fire hydrant/water meter. • Locate water meters 10-feet from buildings. • Water and sewer in parallel require a minimum of a 30-foot easement, the current easement shown is only 25-foot • Water mains require a 20-foot easement with the water main as close to the center of the easement as possible. • Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement. • Provide 20-foot water easement on the eastern portion of the road that extends from the southern boundary to the northern boundary. • Water main must be at least 10-feet from any portion of buildings. | |

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| Description | Details | Page |
|-------------|--|------|
| | <ul style="list-style-type: none"> • Water main must loop through the site from Ustick Rd to the existing water main to the east, currently missing connection to the east. • There is an existing water meter in the corner that must be abandoned if it is not used. • Landscaping plan makes it look like there will be a tree located within a utility easement, no trees are allowed in the City's utility easement. • Trash Receptacles cannot be within the easement. | |

C. Project Maps

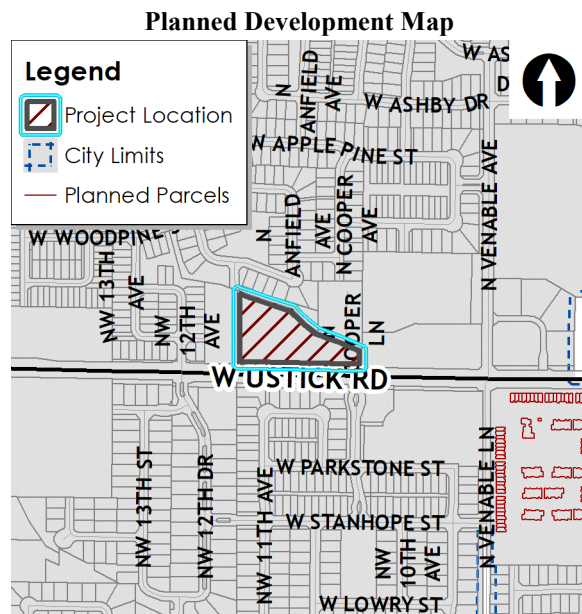
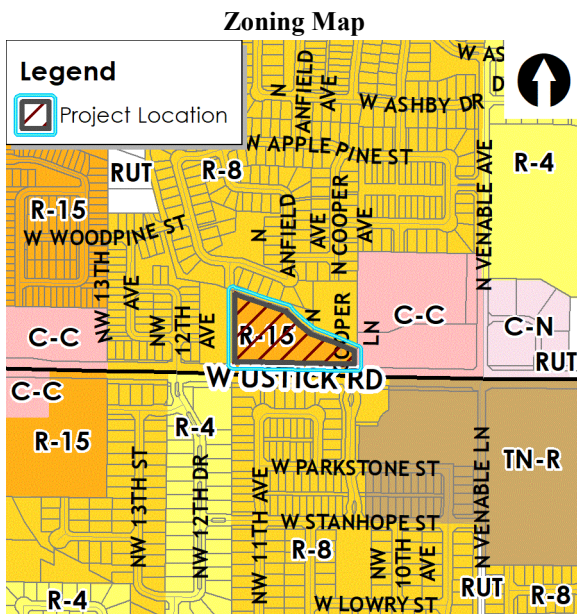
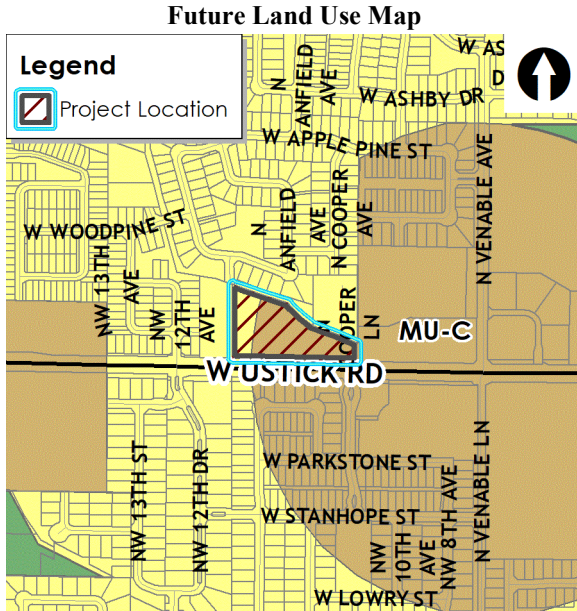


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III. APPLICANT INFORMATION

A. Applicant:

Nate Wheeler, The Housing Company – 656 W. Myrtle Street, Boise, ID 83702

B. Owner:

Erin Anderson, The Housing Company – 656 W. Myrtle Street, Boise, ID 83702

C. Representative:

Same as Applicant

IV. NOTICING

| | Planning & Zoning Posting Date | |
|--|---|--|
| Newspaper Notification | 1/4/2023 | |
| Radius notification mailed to properties within 500 feet | 12/30/2022 | |
| Public hearing notice sign posted on site | 12/30/2022 | |
| Nextdoor posting | 12/30/2022 | |

V. STAFF ANALYSIS

A. PROPERTY HISTORY & COMPREHENSIVE PLAN ANALYSIS:

Land Use:

The subject property, approximately 3.89 acres, includes two future land use designations: Mixed-Use Community (MU-C) is shown on the majority of the site with Medium Density Residential shown on the west quarter of the site on the Future Land Use Map (FLUM) in the Comprehensive Plan.

Mixed Use Community (MU-C) – The purpose of this designation is to allocate areas where community-serving uses and dwellings are seamlessly integrated into the urban fabric. The intent is to integrate a variety of uses, including residential, and to avoid mainly single-use and strip commercial-type buildings. Non-residential buildings in these areas have a tendency to be larger than in Mixed Use Neighborhood (MU-N) areas, but not as large as in Mixed Use Regional (MU-R) areas. Goods and services in these areas tend to be of the variety that people will mainly travel by car to, but also walk or bike to (up to three or four miles). Employment opportunities for those living in and around the neighborhood are encouraged.

Medium High-Density Residential (MHDR) – This designation allows for dwelling units at gross densities of eight to twelve dwelling units per acre. The areas are relatively compact within the context of larger neighborhoods and are typically located around or near mixed-use commercial or employment areas to provide convenient access to services and jobs for residents.

Developments need to incorporate high-quality architectural design and materials and thoughtful site design to ensure quality of place and should also incorporate connectivity with adjacent uses and area pathways, attractive landscaping and a project identity.

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Proposed Use:

A two-story multi-family development containing 46 dwelling units consisting of seven (7) residential apartment buildings, clubhouse, children's play structure, dog park, and an open grassy area is proposed to develop on the site.

History:

The subject site is approximately 3.8 acres in size and abuts W. Ustick Road along its entire southern boundary. This parcel was approved for Annexation and Zoning (H-2021-0092) of 4.54 acres of land with an R-15 zoning district for the purpose of constructing an affordable housing multi-family residential project with a recorded Development Agreement (Inst. #2022-092438) in 2021. The Conditional Use Permit (CUP) application is the next step in establishing the approved use and confirming the submitted site plan, landscape plan, and elevations are substantially consistent with the approved plans within the Development Agreement.

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. The need for affordable housing units is desired in the City of Meridian; a condition was included in the DA.

- “Establish and maintain levels of service for public facilities and services, including water, sewer, police, transportation, schools, fire, and parks” (3.02.01G).

All City services are available for the subject site. West Ada School District (WASD) has submitted a letter noting that approximately 24 school-aged children could be housed in the future development with the Annexation approval and all schools in the applicable attendance areas currently have the capacity to accommodate additional children. ACHD has provided a staff report that analyzed the proposed project and has approved the submitted conceptual plan, use, and transportation element.

- “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)

Traditional multi-family residential exists to the southeast of the site on the south side of Ustick and townhome style multi-family is conceptually approved on a portion of the C-C property directly to the east; detached single-family residential exists to the south, west, and north of the subject site and are all zoned R-8. Staff supports the addition of this development on the north side of Ustick because it does contribute to other housing and rental options in the area other than single-family homes.

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

The proposed affordable multi-family housing units are encouraged to assist in meeting the needs of present and future residents based on their financial capabilities.

- “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.”

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(3.03.03A)

The proposed development will connect to City water and sewer systems; services are required to be provided to and through this development in accord with current City plans.

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

Despite the project being on an odd-shaped parcel with many constraints, the submitted concept plan depicts robust pedestrian facilities throughout the site and to the adjacent parcels. The Applicant is showing multiple connections to the existing arterial sidewalk as well as a pedestrian connection to the east property line and at the very northwest corner of the site for future connectivity. Due to the requirements of the project to the east, it is anticipated the pedestrian facilities will be continued within the commercial component of that project. In addition, the connection at the northwest corner would connect to the attached sidewalk along the future extension of NW 11th Avenue.

Staff finds this development to be generally consistent with the Comprehensive Plan.

B. UNIFIED DEVELOPMENT CODE (UDC) ANALYSIS

Conditional Use Permit (CUP) – Multi-family Development ([UDC 11-4-3-27](#)) Specific Use Standards:

A. Purpose.

1. To implement the goals and policies of the Comprehensive Plan:
 - a. Plan for safe, attractive, and well-maintained neighborhoods that have ample open space, and generous amenities that provide varied lifestyle choices.
 - b. Require the design and construction of pathways connections, easy pedestrian and bicycle access to parks, safe routes to schools, and the incorporation of usable open space with quality amenities as part of new multi-family residential and mixed-use developments.
2. To create multi-family housing that is safe and convenient and that enhances the quality of life of its residents.
 - a. To create quality buildings and designs for multi-family development that enhance the visual character of the community.
 - b. To create building and site design in multi-family development that is sensitive to and well-integrated with the surrounding neighborhood.
 - c. To create open space areas that contribute to the aesthetics of the community, provide an attractive setting for buildings, and provide safe, interesting outdoor spaces for residents.

B. Site design.

1. Buildings shall provide a minimum setback of ten (10) feet 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 standards for only one (1) trash enclosure provided for the multi-family development. Staff***

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recommends that the Applicant work with Republic Services to establish an approved location for the trash enclosures, as well as, an adequate quantity of trash and recycle bins to service this development prior to submittal of the CZC Application. All proposed transformer/utility vaults and other service areas shall comply with this requirement.

3. A minimum of eighty (80) square feet 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 accessways shall not count toward this requirement. In circumstances where strict adherence to such standards would create an inconsistency with the purpose statements of this section, the Director may consider an alternative design proposal through the alternative compliance provisions as outlined in section 11-5B-5 of this title. *The submitted elevations depict several outdoor patios and balconies that may qualify for the requirement. However, without floor plans, Staff cannot verify if each unit is proposed with the minimum required area. Compliance with this standard will occur with the future Certificate of Zoning Compliance (CZC) application; the Applicant is required to comply with this requirement or submit an Alternative Compliance application to seek a reduction to the required private open space standards.*
4. For this section, vehicular circulation areas, parking areas, and private usable open space shall not be considered common open space. *None of these areas were used in the open space calculation.*
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 adhere to this standard.*
6. The parking shall meet the requirements outlined in chapter 3, "regulations applying to all districts", of this title. *See the parking section in the general analysis below.*
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 provides 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.

The Applicant is proposing more than 20 units (46 units) so the Applicant is required to provide the items above in compliance with this standard. The submitted plans do not depict the location of these items. With the future CZC application, the Applicant should revise the site plan to show these items.

C. Common open space design requirements.

1. The total baseline land area of all qualified common open spaces shall equal or exceed ten (10) percent of the gross land area for multi-family developments of five (5) acres or more. *The multi-family area is less than 5 acres in size, approximately 3.81 acres. See the open space section below for more specific analysis.*
2. All common open spaces shall meet the following standards:
 - a. The development plan shall demonstrate that the open space has been integrated into the development as a priority and not for land use after all other development elements have

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been designed. Open space areas that have been given priority in the development design have:

- (1) Direct pedestrian access;
 - (2) High visibility;
 - (3) Comply with Crime Prevention through Environmental Design (CTED) standards; and
 - (4) Support a range of leisure and play activities and uses.
- b. Open space shall be accessible and well-connected throughout the development. This quality can be shown with open spaces that are centrally located within the development, accessible by pathway and visually accessible along collector streets or as a terminal view from a street.
- c. The open space promotes the health and well-being of its residents. Open space shall support active and passive uses for recreation, social gathering, and relaxation to serve the development.

Staff finds the proposed open space areas comply with these standards by providing open space that is well connected, highly visible, and promotes health and well-being by supporting a range of leisure and play activities with the proposed amenities and general design of the open space. See the submitted landscape plan and rendering for a visual of compliance with this standard.

3. All multi-family projects over twenty (20) units shall provide at least one (1) common grassy area integrated into the site design allowing for general activities by all ages. This area may be included in the minimum required open space total. Projects that provide safe access to adjacent public parks or parks under a common HOA, without crossing an arterial roadway, are exempt from this standard.
- a. Minimum size of the common grassy area shall be at least five thousand (5,000) square feet in area. This area shall increase proportionately as the number of units increase and shall be commensurate to the size of the multi-family development as determined by the decision-making body. Where this area cannot be increased due to site constraints, it may be included elsewhere in the development.
 - b. Alternative compliance is available for these standards if a project has a unique targeted demographic; utilizes other place-making design elements in Old-Town or mixed-use future land-use designations with collectively integrated and shared open space areas.
- The submitted plans depict one open common grassy area of approximately 5,000 square feet located next to the dog park. The applicant is also providing additional open space grassy areas above code requirements. Furthermore, several linear open space areas are larger than the 5,000 square foot area required. Staff finds the proposed open space complies with this standard.***
4. 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 fewer square feet 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.

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- c. Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area.

The Applicant is required to provide common open space based on the square footage for each unit type. The submitted plans do not depict the square footage for each unit type: 8 one-bedroom units, 28 2-bedroom units, and 10 3-bedroom units are included on the plans; however, an average unit size of 1,200 square feet or over is provided. Based on the above open space requirements, the Applicant calculated the maximum requirement of 350 square feet for all 46 units of open space; therefore, a minimum of 16,100 square feet or 0.37-acres of common open space is required. This equates to approximately 23% of the property being open space. The submitted open space exhibit depicts approximately 47,684 square feet or 1.097-acres of total qualified open space provided for this site. Staff finds that the open space provided exceeds the requirements for this development.

5. 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 (20) feet.

Applicant complies.

6. 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.

Staff is not aware of any phasing for the proposed project.

7. Unless otherwise approved through the conditional use process, common open space areas shall not be adjacent to a collector or arterial streets unless separated from the street by a berm or constructed barrier at least four (4) feet in height, with breaks in the berm or barrier to allow for pedestrian access.

The Applicant is not including or requesting that the required 25-foot street buffer along W. Ustick Road (arterial roadway) be included as part of the open space calculations.

D. *Site development amenities.*

1. All multifamily 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.
- (5) Dog park with a waste station.
- (6) Commercial outdoor kitchen.
- (7) Fitness course.
- (8) Enclosed storage

- b. *Open space.*

- (1) Community garden.
- (2) Ponds or water features.

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- (3) Plaza.
 - (4) Picnic area including tables, benches, landscaping, and a structure for shade.
 - c. *Recreation.*
 - (1) Pool.
 - (2) Walking trails.
 - (3) Children's play structures.
 - (4) Sports courts.
 - d. *Multi-modal amenity standards.*
 - (1) Bicycle repair station.
 - (2) Park and ride lot.
 - (3) Sheltered transit stop.
 - (4) Charging stations for electric vehicles.
2. The number of amenities shall depend on the size of the multifamily development as follows:
 - a. For multifamily developments with less than twenty (20) units, two (2) amenities shall be provided from two (2) separate categories.
 - b. For multifamily development between twenty (20) and seventy-five (75) units, three (3) amenities shall be provided, with one (1) from each category.
 - c. For multifamily development with seventy-five (75) units or more, four (4) amenities shall be provided, with at least one (1) from each category.
 - d. For multifamily 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.

For the 46 multi-family units proposed, a minimum of three (3) amenities, one from each category, should be provided to satisfy the specific use standards. According to the submitted plans and narrative, the applicant believes there are four (4) qualifying amenities proposed with amenities from each category. The proposed amenities include a clubhouse (2,975 square feet), dog park (3,220 square feet), children's play structure, and an open grassy area (50'x100'). The open grassy space area (50'x100') does not count as an amenity and is considered part of the qualifying open space. The other amenity would be the multi-use pathway that runs through the site. The amenities proposed are required to be from each category. Two of the amenities (clubhouse and dog park) are from the same category. The Applicant should choose an additional amenity from a different category or replace one of the amenities to meet [UDC Code 11-4-3-27.D](#) requirements for the site development amenities for multi-family developments.

E. *Landscaping requirements.*

1. Development shall meet the minimum landscaping requirements by chapter 3, "regulations applying to all districts", of this title.

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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 (3) feet wide.
 - b. For every three (3) linear feet of foundation, an evergreen shrub having a minimum mature height of twenty-four (24) inches shall be planted.
 - c. Ground cover plants shall be planted in the remainder of the landscaped area.

According to the submitted landscape plans, the Applicant is showing compliance with this standard.

- F. *Maintenance and ownership responsibilities.* All multifamily 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 and provide said document at the time of CZC submittal.

Code Analysis –

Dimensional Standards (UDC [11-2A](#)):

The proposed development is required to comply with the dimensional standards listed in UDC Table 11-2B-3 for the R-15 zoning district and those within the specific use standards for Multi-family Development discussed above (UDC 11-4-3-27).

The R-15 zoning district has a minimum landscape buffer requirement of 25 feet to any adjacent arterial street. The submitted concept plan shows this 25-foot landscape buffer to W. Ustick compliant with the required dimensional standards. *The Applicant is required to construct a street buffer along W. Ustick Road, an arterial street, with a parkway area in accord with UDC 11-3B-7.*

The R-15 zoning district has a maximum height limit of 40 feet. The submitted conceptual elevations do not depict measurements but all buildings are proposed as two-story in height so Staff is not concerned with the Applicant meeting this standard. With a future CUP application, Staff will confirm conformance with the required dimensional standards of the R-15 zone.

The submitted plans show compliance with all dimensional and specific use standards, including but not limited to, building height, setbacks, accesses, and required parking spaces.

Existing Structures/Site Improvements:

There is one existing structure on the property that appears to be a large concrete structure. This structure will be removed upon project development. In addition, there is an existing 5-foot wide detached sidewalk along Ustick Road that will be protected and maintained during construction.

Access (UDC [11-3A-3](#)):

Access is proposed to W. Ustick Road (arterial) via construction of a new local street connection at the very southeast corner of the site in alignment with N. Blairmore Way on the south side of W. Ustick Road. The submitted plans show this new road to extend from Ustick and then terminate at the north property boundary to be a total of approximately 100 feet in length. Access to the multi-family residential buildings is proposed off of this new local street segment in the form of a driveway connection on its west side. All parking and access to the proposed units are off of this drive aisle that loops through the site.

There is an existing home at the northeast corner of the subject property that currently takes access to Ustick Road via a private lane easement, N. Cooper Lane. According to the Applicant,

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the existing location of this private lane and curb cut are not in the correct position per the recorded easement. In fact, the Applicant has stated the easement is located further east and in alignment with the proposed local street extension. Therefore, the Applicant does not have to relocate the easement so long as access is still being provided as proposed. In addition, the Applicant is proposing to construct a new segment of private driveway for this homeowner to have access to the new local street. ACHD has offered their support of the proposed access and driveway connections for the project. *Staff recommends the second curb cut in the center of the property along W. Ustick Road be removed and landscaped in accord with UDC 11-3B-7.*

Local street access is not currently available to serve this site. Further, the applicant is providing cross access to the eastern parcel to allow access to the planned commercial uses and reciprocate access as was required with the adjacent eastern property. **The executed cross-access agreement should be submitted with the future CZC application.**

As noted above, there is a small area of existing right-of-way for NW 11th Avenue abutting the subject site at the very northwest corner. It is anticipated this public road would be extended wholly on the property to the west except for the sliver of right-of-way located on this property. Per ACHD's approval with Development Agreement #2022-092438 conditions, the Applicant is required to deed the future right-of-way to ACHD for the extension of 11th Avenue in the northwest corner of the property and deed the required right-of-way for the new public street (Cooper Lane) on the east boundary of the site to ACHD prior to submitting for Certificate of Zoning Compliance approval.

Off-street Parking ([UDC 11-3C-6](#)):

Off-street parking for multi-family developments is required to be provided per the table in UDC 11-3C-6 based on the number of bedrooms per unit. The Applicant is proposing 46 units consisting of 8 1-bedroom units, 28 2-bedroom units, and 10 3-bedroom units. In addition, one (1) guest space for every 10 units is required .

Based on the total number of units proposed and their bedroom count distribution, a minimum of 93 parking spaces, with a minimum of 46 of these spaces to be covered in a garage or by a carport. According to the submitted site plan, the Applicant is proposing 106 spaces with 46 of these spaces to be covered by a carport. The proposed parking exceeds minimum code requirements by 7 spaces; however, the plan submitted is deficient in trash enclosures for this site, which may impact the proposed parking.

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 106 spaces, a minimum of 4 spaces are required; a total of 5 spaces are proposed in excess of UDC standards. A detail of the bicycle rack should be included on the plans submitted with the CZC Application.

Sidewalks ([UDC 11-3A-17](#)) and pedestrian walkways ([UDC 11-3A-19](#)):

A 5-foot wide detached sidewalk is existing along W. Ustick Road. The Applicant is also proposing attached sidewalks and other pedestrian walkways throughout the entire site **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.** *The proposed pedestrian sidewalks shall be constructed with a different material than the driving surface with the plans submitted the CZC Application.*

Pathways ([UDC 11-3A-8](#)):

A 10-foot wide detached multi-use pathway is required in front of the buildings located to the north per the Master Pathways Plan. **The pathway should be placed in a 14-foot wide public use easement, which shall be submitted to the Planning Division prior to submittal for a**

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Certificate of Zoning Compliance. The applicant should coordinate with the Meridian Parks Department on the placement of the pathway along the front of the units in lieu of it along the northern boundary.

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

The Applicant is required to construct street buffers along Ustick Road, an arterial street, along N. and Cooper Lane, new local street, at in accord with UDC 11-3B-7.3. Landscaping is required within parking lots in accord with the standards listed in UDC 11-3B-8C.

According to the submitted landscape plans, all required landscaping appears to be shown including the required number of trees adjacent to W. Ustick Road and within the parking lot islands, and next to drive aisles. A landscape strip a minimum of five (5) feet wide shall be provided along each side of the pathway per [UDC 11-3B-12](#).

Fencing (UDC [11-3A-6](#), [11-3A-7](#)):

All fencing constructed on the site is required to comply with the standards listed in UDC 11-3A-7.

The Applicant is proposing 6-foot closed vision fencing along W. Ustick Road and 6-foot open vision fencing along the west/north property boundaries and around the dog park. All fencing looks to meet the required standards.

Storm Drainage (UDC [11-3A-18](#)):

An adequate storm drainage system is required in all developments by the City's adopted standards, specifications, and ordinances. Design and construction shall follow best management practices as adopted by the City as outlined in UDC 11-3A-18. Storm drainage will be proposed with a future Certificate of Zoning Compliance application and shall be constructed to City and ACHD design criteria.

Pressurized Irrigation (UDC [11-3A-15](#)):

The Applicant is required to provide a pressurized irrigation system for the development in accord with 11-3A-15. No irrigation plans have been submitted the CUP Application at this time but Staff anticipates this will be handled with the future Certificate of Zoning Compliance that is required prior to building permit submittal. Land Development will review these plans in more detail at a later date when specific irrigation plans are submitted.

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

The Applicant has submitted conceptual elevations of the future multi-family 6-plex buildings but not of the noted 8-plex buildings. Multi-family residential projects require Administrative Design Review (DES) approval with future applications so Staff will perform a thorough analysis at that time against the requirements in the Architectural Standards Manual. Further, an application for a Certificate of Zoning Compliance (CZC) will also be required to be submitted for this entire development before the building permit submission.

Initial review of the conceptual elevations depicts a 6-plex building with varying roof profiles and materials including stone, fiber-cement lap siding, and board & batten in different layouts. The elevations also depict the tallest portion of the buildings to face in towards the site which appears to minimize the building massing facing adjacent properties.

VI. DECISION

A. Staff:

Staff recommends approval of the requested Conditional Use Permit per the conditions of approval included in Section VIII in accord accordance with Findings in Section IX.

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- B. The Meridian Planning & Zoning Commission heard this item on January 19, 2023. At the public hearing, the Commission moved to approve the subject Conditional Use Permit request.
1. Summary of the Commission public hearing:
 - a. In favor: Erin Anderson, The Housing Company
 - b. In opposition: none
 - c. Commenting: Erin Anderson
 - d. Written testimony: None.
 - e. Staff presenting application: Stacy Hersh, Associate Planner
 - f. Other Staff commenting: None
 2. Key issue(s) of public testimony:
 - a. None
 3. Key issue(s) of discussion by Commission:
 - a. The pathway connection through the site
 4. Commission change(s) to Staff recommendation:
 - a. None

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VII. EXHIBITS

A. Site Plan Open Space and Amenity Exhibits

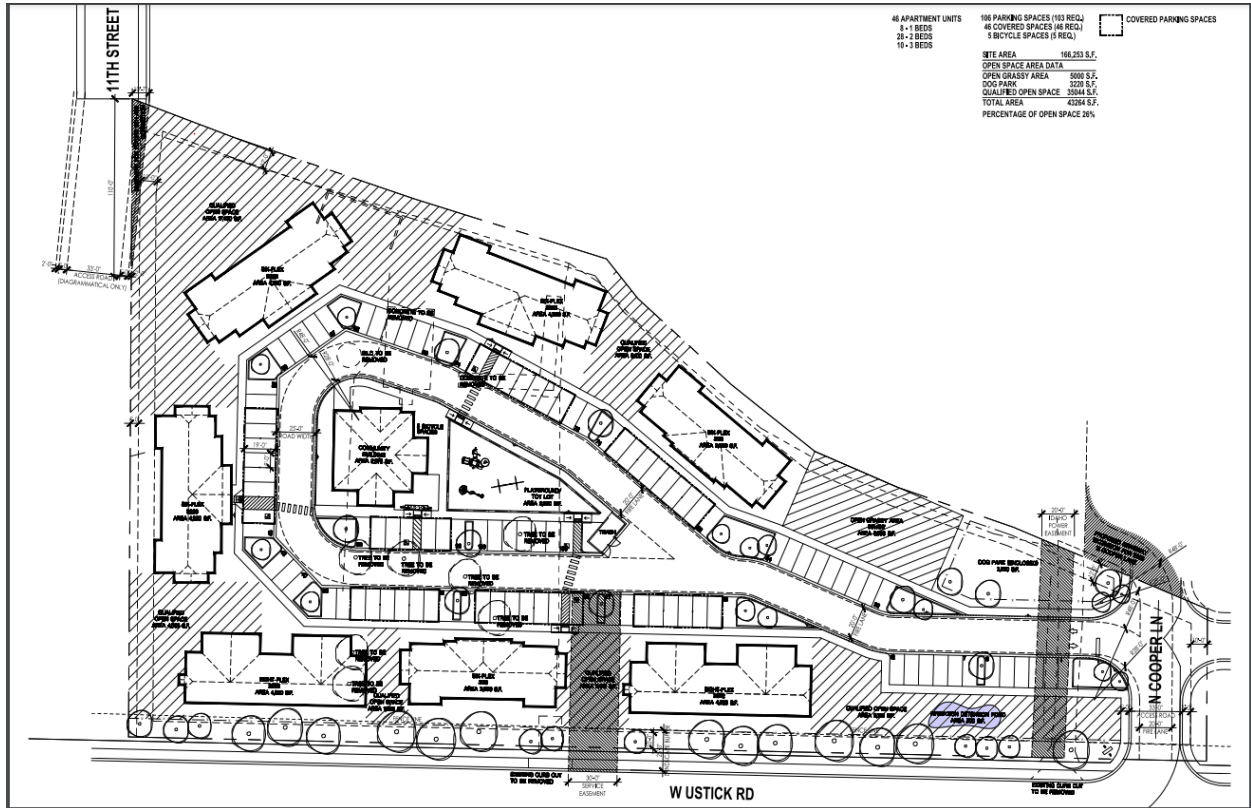


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B. Landscape Plan (dated: November 14, 2022):

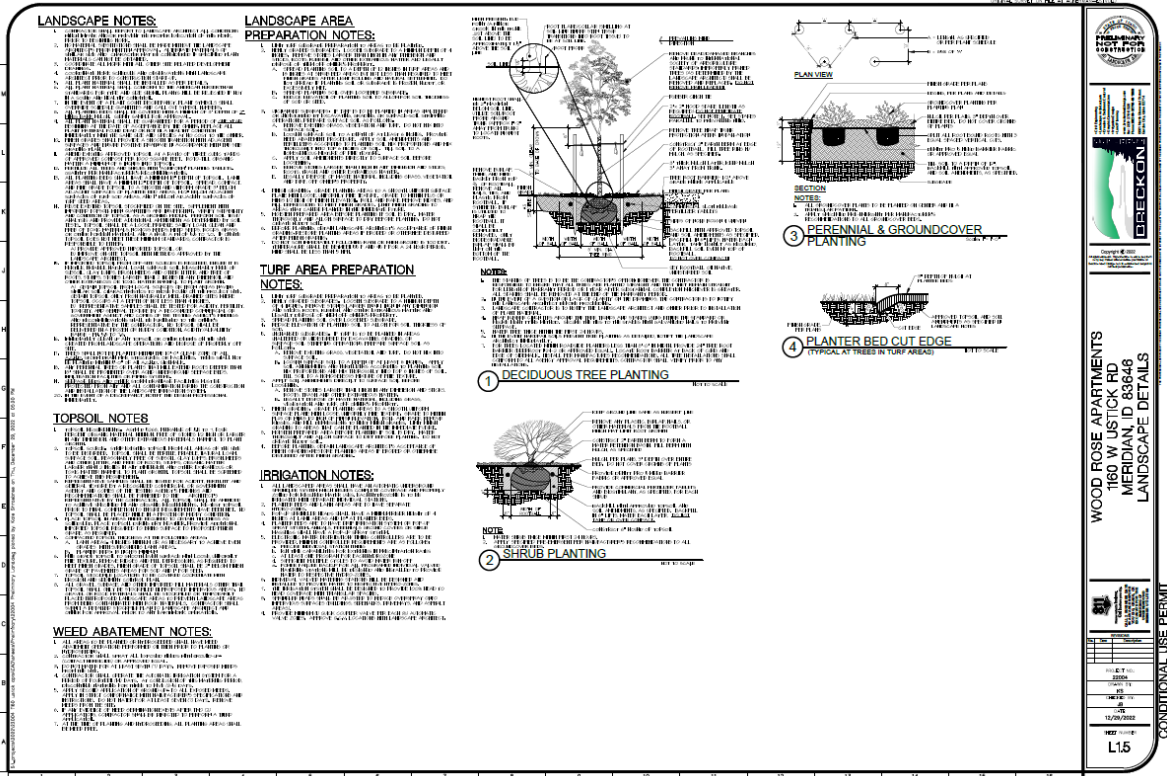
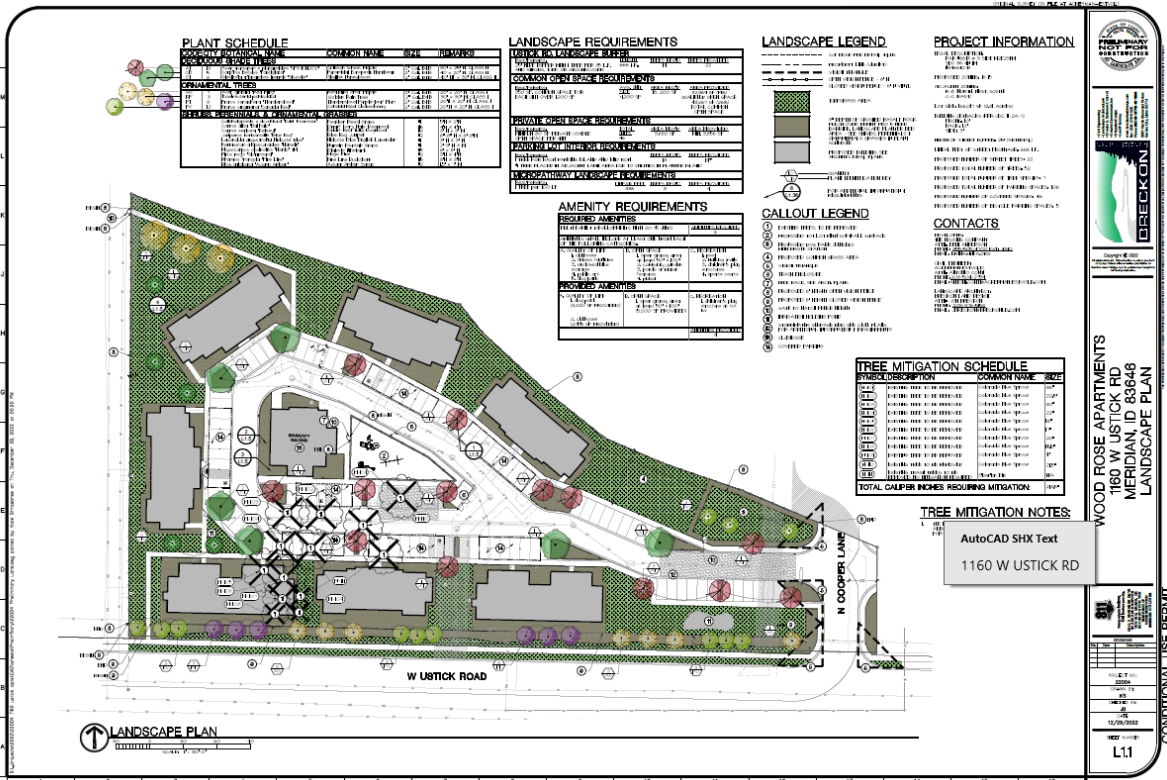


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C. Conceptual Building Elevations



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VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

Conditional Use Permit:

1. The Applicant shall comply with the provisions in the existing Development Agreement H-2021-0092 (DA Inst. #[2022-092438](#)) 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. With the future CZC application, the site plan included in Section VII.A, shall be revised as follows:
 - a. Internal pedestrian walkways are required to be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks in accord with UDC 11-3A-19B.4b. **The proposed pedestrian sidewalks shall be constructed with a different material than the driving surface with the plans submitted the CZC Application.**
 - b. Coordinate with the Meridian Parks Department on the placement of the pathway along the front of the units in lieu of it along the northern boundary and depict the 10-foot pathway on plans submitted with the future Certificate of Zoning Compliance.
 - c. Depict the four (4) required items noted in the specific use standards (UDC 11-4-3-27B.7) to include: property management office, maintenance storage area, central mailbox location, and the location of the directory and map for the complex at all necessary locations.
 - d. 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.
 - e. Applicant shall work with Republic Services to establish an approved location for the trash enclosure, as well as, an adequate quantity of trash and recycle bins to service this development prior to submittal of the CZC Application.
 - f. Include a detail of the bicycle rack on the plans submitted with the CZC Application.
4. With the future CZC application, the landscape plan included in Section VII.B shall be revised as follows:
 - a. Depict landscaping in the street buffers along Ustick Road (an arterial street) and along N. Cooper Lane (new local street) in accord with UDC 11-3B-7.3, which require a *mix* of trees, shrubs, lawn and/or other vegetative ground cover.
 - b. Remove the second curb cut in the center of the property along W. Ustick Road and landscape in accord with UDC 11-3B-7.
 - c. A landscaping strip a minimum of five (5) feet wide shall be provided along each side of the pathway per [UDC 11-3B-12](#).
 - d. Provide an exhibit within the landscape plan that depicts the type of open vision and closed vision fencing proposed along the south, north, and west boundaries of the site including the dog park.

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5. The Applicant shall comply with all specific use standards for the proposed use of Multi-family Residential Development (UDC 11-4-3-27) , as well as, must choose an additional amenity from another category or replace one of the amenities to meet [UDC Code 11-4-3-27.D](#) requirements for the site.
6. The Applicant shall obtain a Certificate of Zoning Compliance (CZC) and Administrative Design Review (DES) approvals before submitting for any building permit within this development along with providing elevations for the clubhouse, eight-plex, and carports with the first CZC.
7. Before the multi-family units are placed in service (release of the first Certificate of Occupancy), Owner and/or Developer shall record a low-income housing tax credit regulatory agreement with the Ada County Recorder's Office to restrict the rental rates on the units for a minimum of thirty (30) years to ensure the units are affordable to individuals and families earning, averaged within the entire project, no more than sixty percent (60%) of the area median income and provide said agreement prior to issuance of any building permit for the proposed use; except that up to six (6) of the proposed units may be market rate units to allow for flexibility in the funding source for this project.
8. The Applicant shall record a cross-access agreement to the property to the east (Parcel S0436347150) for easier access to and from the future commercial uses along W. Ustick Road; the recorded agreement shall be submitted with the future Certificate of Zoning Compliance application approval.
9. At the time of Certificate of Zoning Compliance submittal, the Applicant shall submit a recorded and legally binding document(s) 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, per UDC 11-4-3-27F standards.
10. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2A-7 for the R-15 zoning district.
11. Off-street parking is required to be provided by both the standards listed in UDC Table 11-3C-6 for multi-family dwellings based on the number of bedrooms per unit.
12. The Applicant shall deed the required right-of-way for N. Cooper Avenue to ACHD and deed the required future right-of-way to ACHD for the extension of NW 11th Avenue in the northwest corner of the property prior to submitting for Certificate of Zoning Compliance approval.
13. The Applicant shall comply with all ACHD conditions of approval.
14. Provide a pressurized irrigation system consistent with the standards as outlined in UDC 11-3A-15, UDC 11-3B-6, and MCC 9-1-28.
15. Upon completion of the landscape installation, a written Certificate of Completion shall be submitted to the Planning Division verifying all landscape improvements are in substantial compliance with the approved landscape plan as outlined in UDC 11-3B-14.
14. The conditional use approval shall become null and void unless otherwise approved by the City if the applicant fails to 1) commence the use, satisfy the requirements, acquire building permits and commence construction within two years as outlined in UDC 11-5B-6F.1; or 2) obtain approval of a time extension as outlined in UDC 11-5B-6F.4.

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B. PUBLIC WORKS DEPARTMENT

1. Site Specific Conditions of Approval

- a. Ensure no sewer services cross infiltration trenches.
- b. Sewer should be a minimum 10ft from edge of easement
- c. Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement.
- d. Fire hydrant laterals and water services up to the meter require 20' easement. Easement to extend 10' past the fire hydrant/water meter. Locate water meters 10' from buildings.
- e. Provide 20' water easement on the eastern portion of the road that extends from the southern boundary to the northern boundary.
- f. Water main must be at least 10' from any portion of buildings.
- g. Water main must loop through the site from Ustick Rd to existing water main to the east.
- h. There is an existing water meter in the northwest corner of the project that must be abandoned if it is not used.

2. General Conditions of Approval

1. Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet then alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
2. Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
3. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-foot wide for a single utility, or 30-foot 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.
4. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (UDC 11-3B-6). 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.
5. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
6. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
7. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.

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8. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
9. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
10. 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.
11. 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.
12. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
13. Developer shall coordinate mailbox locations with the Meridian Post Office.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
20. 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. ADA COUNTY HIGHWAY DISTRICT (ACHD)

No report at this time.

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D. NAMPA MERIDIAN IRRIGATION DISTRICT (NMID)

No report at this time.

E. MERIDIAN PARKS DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=286291&dbid=0&repo=MeridianCity>

F. MERIDIAN POLICE DEPARTMENT (MPD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=283967&dbid=0&repo=MeridianCity>

G. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=284951&dbid=0&repo=MeridianCity>

H. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=285179&dbid=0&repo=MeridianCity>

IX. FINDINGS

A. Conditional Use Permit Findings ([UDC 11-5B-6E](#)):

The commission shall base its determination on the conditional use permit request 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.**

Staff finds the submitted site plan shows compliance with all dimensional and development regulations in the R-15 zoning district in which it resides.

- 2. That the proposed use will be harmonious with the Meridian comprehensive plan and in accord with the requirements of this title.**

If all conditions of approval are met, Staff finds the proposed site design and use of multi-family residential are harmonious with the comprehensive plan designation of Mixed-Use Community and the medium-density residential requirements of this title when included in the overall MU-C designated area.

- 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.**

Despite the proposed use being different from the residential uses to the west and south, Staff finds the site design, construction, and proposed operation and maintenance will be compatible with other uses in the general neighborhood and should not adversely change the essential character of the same area, so long as the Applicant constructs the site as proposed.

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

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

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

Staff finds the proposed use will be served adequately by essential public facilities and services because all services are readily available and both ACHD and ITD have reviewed and approved the proposed layout and traffic generation.

- 6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.**

All public facilities and services are readily available for the subject site so Staff finds that the proposed use will not be detrimental to the economic welfare of the community or create excessive additional costs for public facilities and services.

- 7. That the proposed use will not involve activities or processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, or odors.**

Although traffic will increase in the vicinity with the addition of more residential units, Staff finds the proposed use will not be detrimental to any persons, property, or the general welfare.

- 8. That the proposed use will not result in the destruction, loss, or damage of a natural, scenic, or historic feature considered to be of major importance. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005).**

Staff is unaware of any natural, scenic, or historic features within the development area, therefore, Staff finds the proposed use should not result in damage to any such features.