

EXHIBIT B

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



In the Matter of the Request to Rezone a 1.16 acre property from R-4 to the L-O zoning district commensurate with a provision within the Meridian Comprehensive Plan for the purpose of constructing an approximate 10,000 square foot office building in lieu of residential development and a Development Agreement Modification to replace the existing agreement (Inst. #111024535) and enter into a new agreement to develop the site consistent with the proposed development plan, by Mason & Associates.

Case No(s). H-2020-0122

For the City Council Hearing Date of: May 25, 2021 (Findings on June 8, 2021)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of May 25, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of May 25, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of May 25, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of May 25, 2021, incorporated by reference)

B. Conclusions of Law

1. The City of Meridian shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. The Meridian City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the



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

7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of May 25, 2021, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

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

1. The applicant's request for Rezone and Development Agreement Modification is hereby approved per the conditions of approval in the Staff Report for the hearing date of May 25, 2021, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

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

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

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

Notice of Conditional Use Permit Duration

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



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

Notice of Development Agreement Duration

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

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

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

E. Notice of Final Action and Right to Regulatory Takings Analysis

1. **Please take notice** that this is a final action of the governing body of the City of Meridian. When applicable and pursuant to Idaho Code § 67-6521, any affected person being a person who has an interest in real property which may be adversely affected by the final action of the governing board may within twenty-eight (28) days after the date of this decision and order seek a judicial review as provided by Chapter 52, Title 67, Idaho Code.

F. Attached: Staff Report for the hearing date of May 25, 2021.

By action of the City Council at its regular meeting held on the 8th day of June, 2021.

COUNCIL PRESIDENT TREG BERNT VOTED _____

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED AYE

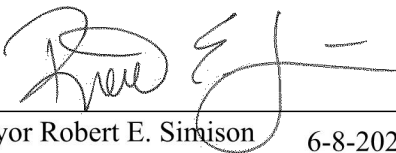
COUNCIL MEMBER JESSICA PERREAULT VOTED AYE

COUNCIL MEMBER LUKE CAVENER VOTED AYE

COUNCIL MEMBER JOE BORTON VOTED AYE

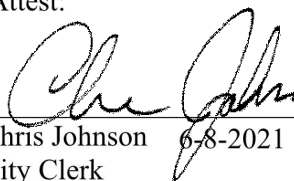
COUNCIL MEMBER LIZ STRADER VOTED AYE

MAYOR ROBERT SIMISON VOTED _____
(TIE BREAKER)



Mayor Robert E. Simison 6-8-2021

Attest:


Chris Johnson 6-8-2021
City Clerk



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

By:  Dated: 6-8-2021
City Clerk's Office

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



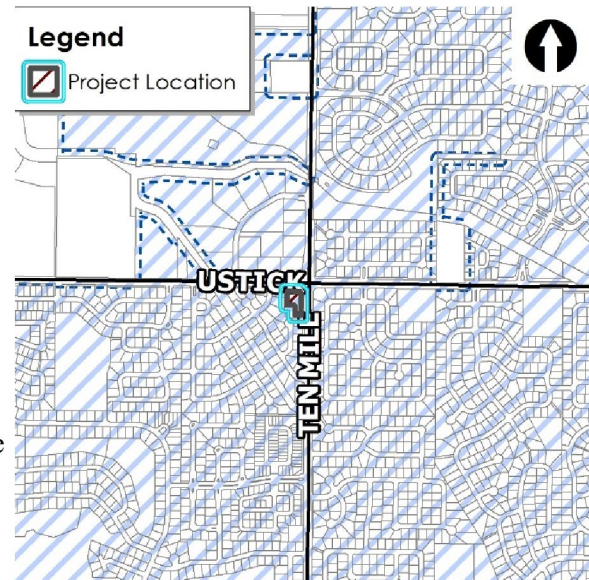
HEARING DATE: 5/25/2021

TO: Mayor & City Council

FROM: Joe Dodson, Associate Planner
208-884-5533

SUBJECT: H-2020-0122
3175 N. Ten Mile Rezone

LOCATION: The site is located at 3175 N. Ten Mile Road, the southwest corner of the Ten Mile and Ustick Road intersection, in the NE ¼ of the NE ¼ of Section 3, Township 3N., Range 1W.



I. PROJECT DESCRIPTION

Request to rezone a 1.16 acre property from R-4 to the L-O zoning district commensurate with a provision within the Meridian Comprehensive Plan for the purpose of constructing an approximate 10,000 square foot office building in lieu of residential development and a Development Agreement Modification to replace the existing agreement (Inst. #111024535) and enter into a new agreement to develop the site consistent with the proposed development plan, by Mason & Associates.

II. SUMMARY OF REPORT

A. Project Summary

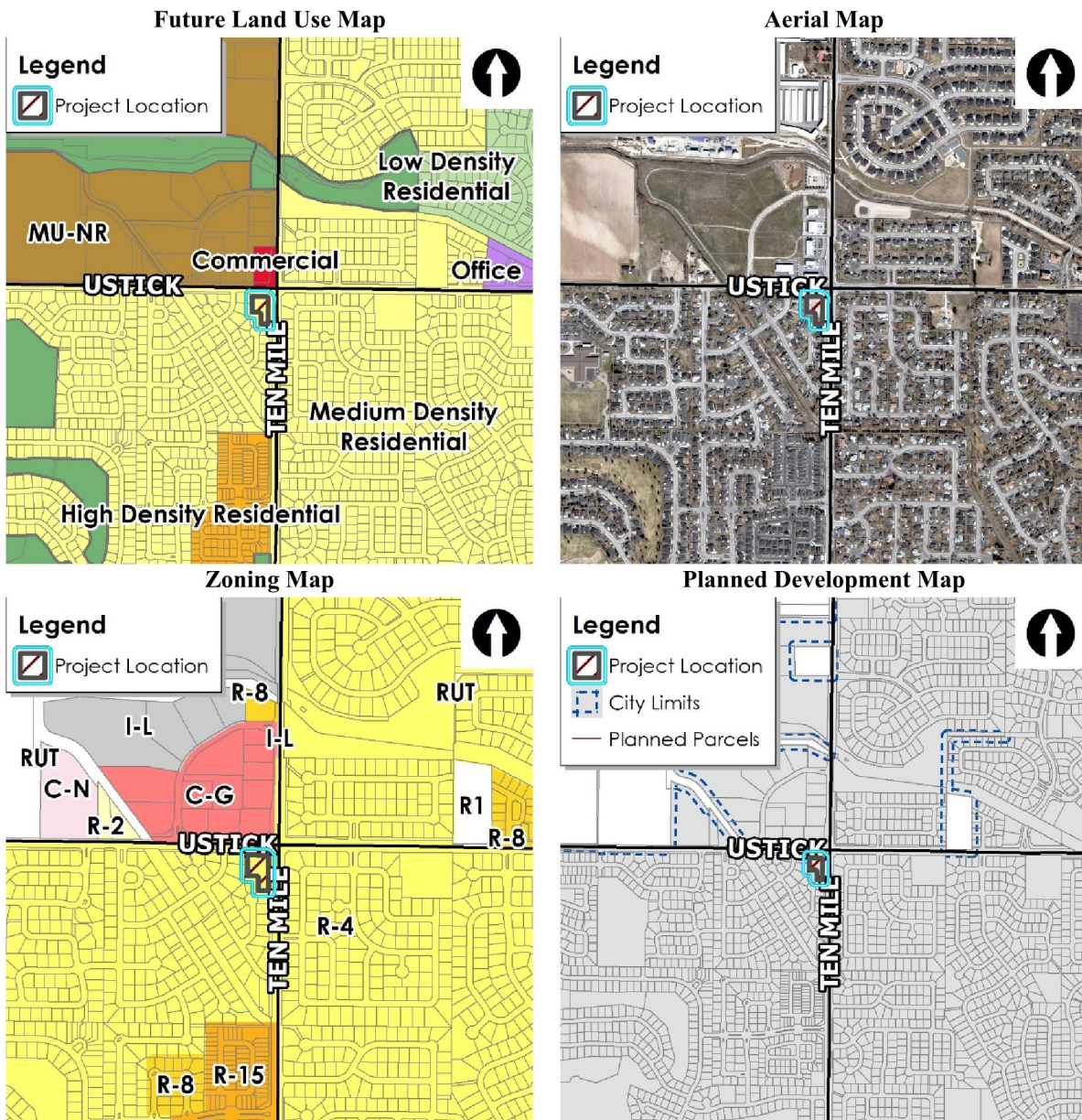
Description	Details	Page
Acreage	1.16	
Future Land Use Designation	Medium Density Residential (3-8 du/ac)	
Existing Land Use(s)	Vacant land	
Proposed Land Use(s)	Commercial – Office	
Lots (# and type; bldg./common)	One (1) building lot	
Phasing Plan (# of phases)	Proposed as one phase	
Neighborhood meeting date; # of attendees:	October 7, 2020 – 1 attendee and 1 letter received	
History (previous approvals)	AZ-10-005 (ACHD Ten Mile); DA Inst. #111024535	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	Yes	

Description	Details	Page
Requires ACHD Commission Action (yes/no)	No	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Two accesses are proposed, both to the adjacent Arterial Streets – Access on Ustick is limited to a Right-in only by ACHD; Access to Ten Mile is proposed as a right-in/right-out access.	
Stub Street/Interconnectivity/Cross Access	No stub street connections are available due to site location and existing development. Cross-access is not feasible or proposed.	
Existing Road Network	Yes	
Existing Arterial Sidewalks / Buffers	Existing sidewalk; buffer is not properly vegetated currently	
Proposed Road Improvements	No road improvements are proposed or required.	
Fire Service		
Distance to Fire Station	0.5 miles from Fire Station #2	
Fire Response Time	This project lies within the Meridian Fire response time goal of 5 minutes.	
Accessibility	Proposed project meets all required access, road widths, and turnarounds. If right-in only access is removed, Fire desires it to become an emergency-only access.	
Police Service		
Concerns	None	
Wastewater		
Distance to Sewer Services	N/A	
Sewer Shed	Ten Mile Trunkshed	
Estimated Project Sewer ERU's	See application	
WRRF Declining Balance	14.08	
Project Consistent with WW Master Plan/Facility Plan	Yes	
Impacts/Concerns	- Flow is committed - Services are installed to site from W. Niemann Drive from the West.	
Water		
Distance to Services	0'	
Pressure Zone	2	
Estimated Project Water ERU's	See application	
Water Quality Concerns	None	
Project Consistent with Water Master Plan	Yes	
Impacts/Concerns	- There is no water infrastructure shown in this application. - There are two existing water stubs: one to the north off of Ustick; and one to the east off of Ten Mile. Any stub that is not used is required to be abandoned.	

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Angie Cueller, Mason & Associates – 924 3rd Street South, Ste. B, Nampa, ID 83651

B. Owner:

Vincent Rigby – 4163 Philomena Drive, Meridian, ID 83646

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	3/12/2021	5/7/2021
Radius notification mailed to properties within 500 feet	3/9/2021	5/4/2021
Site Posting	3/20/2021	5/7/2021
Nextdoor posting	3/9/2021	5/3/2021

V. STAFF ANALYSIS

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

Medium Density Residential (MDR) – This designation allows for dwelling units at gross densities of three to eight dwelling units per acre. Density bonuses may be considered with the provision of additional public amenities such as a park, school, or land dedicated for public services.

The subject site is somewhat of a residentially zoned outparcel due to the fact it located on a hard corner of two arterial streets and has no local street access to be utilized. The Meridian Comprehensive Plan has a provision to allow properties less than two acres in size (subject site is 1.16 acres) that have the access constraints to request a Rezone from a residential district to the Limited Office (L-O) district. The existing site constraints and this provision of the comprehensive plan are the reasons for the Rezone request.

The L-O zoning district and office uses are not inherently allowed or compatible within the MDR future land use designation. However, with the allowed provision, office uses may occur with added requirements that deal with mitigating any noxious uses or incompatibilities of having an office near single-family residential. The Applicant has submitted a site plan that shows compliance with all dimensional standards for a commercial development and within the L-O zoning district. With the proposed site plan and proposed use of a dental office (a principally permitted use within the L-O zoning district) Staff finds the proposed Rezone and use to be generally consistent with the Meridian Comprehensive Plan.

Part of the site design shows a landscape buffer adjacent to the abutting residential which is a requirement of the existing Development Agreement (DA) for the subject site. This DA was required when the property was annexed into the City for ACHD in 2010. As Staff analyzed the subject application and site history, Staff realized that a Development Agreement Modification is also required due to the original DA being for a residential development and not a commercial development. Therefore, the proposed Rezone and office use are not generally consistent with the existing DA. DA Modifications only require Council action so, following the Commission hearing the Staff recommends the Applicant submit a DA Modification application to run concurrently with this Rezone application for the purpose of entering into a new DA, subject to proposed development plan and new DA provisions in Section VIII.A below.

The Applicant has submitted a concurrent DA Modification application since being heard at the Planning and Zoning Commission hearing; as noted above, the new DA provisions are provided below in Section VIII.A1.

Staff finds the proposed project and site design to be generally consistent with the Comprehensive Plan.

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

The applicable Comprehensive Plan policies are cited below with Staff analysis in italics.

“Require all new development to create a site design compatible with surrounding uses through buffering, screening, transitional densities, and other best site design practices” (3.07.01A). The proposed commercial project sets the building as far away from the existing residential as is physically possible. In addition, the Applicant is showing the required landscape buffer adjacent to the existing homes to the south and west. Because of the proposed layout and landscape buffering, the proposed building and use should be compatible with the surrounding residential uses, especially after Staff’s recommended revisions discussed in later sections regarding the fencing and landscape buffer width.

“Establish and maintain levels of service for public facilities and services, including water, sewer, police, transportation, schools, fire, and parks” (3.02.01G). All public utilities are available for this project site due to the existing stubs abutting the site, per Public Works comments. This project also lies within the Fire Department response time goal by being within half a mile of a Fire Station. School capacity is not a factor in a commercial development. A project of this small size should not impact the abutting transportation corridors but the Applicant’s proposal to utilize an entrance that is part of a turn-lane for the main intersection is not supported by code.

Staff finds that the existing development of the immediate area and proposed use create conditions for adequate levels of service to and for this proposed project.

“Support the inclusion of small-scale neighborhood commercial areas within planned residential developments as part of the development plan, where appropriate.” (3.06.02A). The proposed use directly abuts residential homes but has no shared accesses with these homes. However, there is easy pedestrian access to the proposed dental office from the adjacent subdivisions via the local and arterial sidewalks. Locating a neighborhood commercial use like that of a dental office near residential with easy pedestrian and vehicle access meets the intent of this comprehensive plan policy.

“Require appropriate building design, and landscaping elements to buffer, screen, beautify, and integrate commercial, multifamily, and parking lots into existing neighborhoods.” (5.01.02D). With the proposed building elevations showing a 22’ high building at its maximum and the required landscape buffer to the adjacent residential uses, the proposed use should be integrated with the existing neighborhood.

“Require pedestrian access in all new development to link subdivisions together and promote neighborhood connectivity.” (2.02.01D). Proposed project is maintaining the existing detached sidewalks along Ustick and Ten Mile and shows sidewalk connections from building entrance to the arterial sidewalks. The proposed pedestrian accesses should be adequate for the proposed use.

“Ensure that new development within existing residential neighborhoods is cohesive and complementary in design and construction.” (2.02.02F). As discussed, the Applicant is proposing a commercial development that places the building the furthest away from the residential it can be and proposes a 20-foot wide landscape buffer adjacent to the homes. The site design and landscaping should provide for a use that is complementary to the existing homes.

Staff finds this development to be generally consistent with the Comprehensive Plan in order support the proposed office use.

C. Existing Structures/Site Improvements:

There are no existing structures on site. Subject site has two water stubs to the property and a sewer service line stubbed to it from the west through a driveway located on an adjacent City owned property. No other site improvements are known at this time.

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

The Applicant submitted conceptual building elevations of the proposed single-story commercial building. The submitted elevations show a single story building approximately 22' to top of plate in the area of the building that directly abuts the intersection; this area is meant to hold the corner of this intersection. The remaining portions of the building are approximately 17.5' in height. Overall the building is shown with varying parapet heights, a stone material banding along the bottom of the building, horizontal wall modulation, and a main field material that appears to be stucco. The south facing elevation also shows awnings and windows nearly the length of the building lending itself to a modern storefront feel.

New commercial buildings require Administrative Design Review prior to building permit submittal so Staff will perform a more complete analysis of the proposed elevations at the time of that application submittal. Staff recommends the north facing elevation incorporate an additional field material to satisfy one or more of the architectural standards.

E. Proposed Use Analysis:

The proposed use is a dental office within a proposed commercial building approximately 10,000 square feet in size. This use is a permitted use within the requested L-O zoning district per UDC Table 11-2B-2.

The existing DA provision that requires a 20' landscape buffer adjacent to the three existing residences to the south and west. The submitted site plan shows this buffer with adequate landscaping and therefore compliance with this provision. A number of the parking spaces are facing directly towards one of the homes and there is an existing wood fence located along the shared property lines. Because the proposed use would have more vehicular traffic than residential, Staff finds that the proposed landscaping and existing wood fencing may not be enough screening to mitigate light and noise pollution from the proposed dental office and parking lot. City of Meridian does not allow double fencing so if any solid fencing were to be required it would have to replace the existing fencing and may require this Applicant work with the adjacent homeowner if the fence is not owned by this land owner, convoluting the process and end result. The Applicant should work with the adjacent homeowners to replace the wood fencing with privacy vinyl fencing.

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

The proposed site plan shows compliance with all UDC dimensional standards per the submitted plan for the proposed L-O zoning district as outlined in UDC Table 11-2B-3.

The submitted site plan shows parking space at the required 19' depth and 9' width with all drive aisles being at least 25' wide to accommodate two-way traffic and adequate space for emergency services. In addition, the main drive aisle in the center of the site is at least 41' wide which is well beyond the required width.

As noted above, the Applicant is showing the DA required 20' landscape buffer but Staff believes there is a better use of the site area when the drive aisle width is also considered. For example, to further mitigate any issues with the proposed office use and parking spaces abutting the residential homes, the Applicant could widen the landscape buffer that abuts 3079 N. Firelight Place (the home at the southwest corner of the site). The Applicant could widen this buffer to 30'

wide and pull the proposed parking spaces even further from the fence. Increasing the buffer width and therefore requiring additional landscaping is a better alternative to replacing the existing fencing. Staff recommends that a wider landscape buffer be required to help minimize noise and light pollution.

G. Access (UDC [11-3A-3](#), [11-3H-4](#)):

Access to the site is proposed via two connections to the adjacent arterials—one right-in only access is proposed to Ustick and one right-in/right-out access is proposed to Ten Mile. The proposed access to Ustick does not meet ACHD policies but was a negotiated access at the time the property sold. The proposed access to Ten Mile **does** meet ACHD policy and is recommended for approval by ACHD within their staff report. See their report in Section VIII.D for more detailed information on the ACHD site specific conditions of approval.

Staff supports the proposed and limited access to Ten Mile Road commensurate with the approval from ACHD. In addition to the access to Ustick not meeting ACHD policy, the City can restrict access for the development further despite ACHD previously granting the access with the sale of the property. The proposed access to Ustick is proposed as an entrance only into site but there would be no true way to restrict vehicles from utilizing it as an exit as well. In addition, this access point is directly within a right-hand turn lane on Ustick which furthers the safety issues associated with this access point. Therefore, through UDC 11-3A-3, Staff recommends the proposed Ustick access **not** be approved and instead utilize it as an emergency only access barricaded with knockdown bollards, to be approved by Meridian Fire.

H. Parking (UDC [11-3C](#)):

Off-street parking is required to be provided in accord with the standards listed in [UDC Table 11-3C-6B](#) for nonresidential uses. Commercial uses require 1 space for every 500 square feet of gross floor area.

The Applicant's submitted site plan shows a total of 42 parking spaces which exceeds the 20 spaces that are required at a minimum for the proposed building size of approximately 10,000 square feet.

I. Sidewalks (UDC [11-3A-17](#)):

5-foot wide detached sidewalks are existing along both arterial streets (Ustick and Ten Mile) in accord with UDC 11-3A-17 and ACHD standards. No changes to these sidewalks are required or proposed. The Applicant is also showing sidewalk connections from the front of the building to the arterial sidewalks, as required by code.

Staff finds the existing and proposed sidewalks meet UDC requirements.

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

The Applicant is proposing landscaping regulated by three code sections due to their locations, Buffers Along Streets, Parking Lot Landscaping, and Landscape Buffers to Adjoining Uses (UDC 11-3B-7, 11-3B-8, & 11-3B-9, respectively).

The Applicant is proposing a 20' landscape buffer to the abutting residential uses as required by the existing Development Agreement. However, the requested L-O zoning district also requires this buffer per the dimensional standards of the zone. As noted in Section V.F, Staff recommends this buffer be enlarged to 30' to place the proposed parking spaces further away from the residences. The proposed parking lot landscaping appears to meet UDC requirements as outlined in UDC 11-3B-8. The submitted site plan does not show landscaping between the existing detached sidewalk and back of curb. This area of the site is also required to be landscaped in

accord with UDC 11-3B-7. Staff is recommending a condition of approval to correct this with the CZC submittal.

K. Pressurized Irrigation (UDC 11-3A-15):

The Applicant is required to provide a pressurized irrigation system for the required landscape buffers in accord with 11-3A-15. This irrigation will provide for healthier and sustained landscaping that is an integral buffer between the proposed use and the existing residences.

VI. DECISION

A. Staff:

Staff recommends approval of the requested Rezone and Development Agreement Modification per the recommended DA provisions in Section VII and the Findings in Section IX of this staff report.

B. The Meridian Planning & Zoning Commission heard these items on April 1, 2021. At the public hearing, the Commission moved to recommend approval of the subject Rezone request.

1. Summary of Commission public hearing:

- a. In favor: William Mason, Mason & Associates – Applicant Representative; Stephen Rankin, Neighbor;
- b. In opposition: None
- c. Commenting: William Mason; Stephen Rankin.
- d. Written testimony: One (1) piece - discussing potential of noise and light pollution to adjacent residential; mention of a desire to require the Applicant replace the existing wood fence with an 8-foot CMU block wall.
- e. Staff presenting application: Joseph Dodson, Associate Planner
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. Concern over the location of the access to Ten Mile being too close to the existing residence to the south.

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

- a. Fire access concerns, if any, but specifically to the recommended reduction in drive aisle width to approximately 30’;
The kind of uses that could reside within building beyond a dentist office;
Different options of mitigating noise and light beyond widening the required landscape buffers adjacent to residential;

4. Commission change(s) to Staff recommendation:

- a. None

5. Outstanding issue(s) for City Council:

- a. None

C. The Meridian City Council heard these items on May 25, 2021. At the public hearing, the Council moved to approve the subject Rezone and Development Agreement Modification requests.

1. Summary of the City Council public hearing:

- a. In favor: Jessica Petty, Applicant Representative/Architect; Vincent Rigby, Applicant/Owner.
- b. In opposition: None
- c. Commenting: Jessica Petty; Vincent Rigby; Alexis Rankin, neighbor; Stephen Rankin, neighbor.
- d. Written testimony: None since Commission meeting.
- e. Staff presenting application: Joseph Dodson, Associate Planner

- f. Other Staff commenting on application: None
- 2. Key issue(s) of public testimony:
 - a. Location of proposed access to Ten Mile and its proximity to the existing residence directly south of the subject site;
 - b. What options are there to move this access further north;
- 3. Key issue(s) of discussion by City Council:
 - a. Clarification on proposed use, allowed hours of operation per zoning request, and if other uses may be allowed within the same building;
 - b. Is Staff amenable to an increased buffer along the southern boundary consistent with Staff's existing recommendation along the southwest boundary;
 - c. How can access to Ustick be constructed and restricted in order to prevent patrons from exiting to Ustick;
- 4. City Council change(s) to Commission recommendation:
 - a. Modify condition VIII.A1.a to allow it as an entrance-only access and include appropriate and adequate signage for the entrance only access from Ustick and to work with ACHD and Planning Staff on the appropriate curbing to restrict this access safely;
 - b. Modify condition VIII.A1.d to note the 30-foot buffer shall be adjacent to the south boundary and the existing home abutting the southwest corner of the site;

VII. EXHIBITS

A. Rezone Exhibit and Legal Description



Professional Engineers, Land Surveyors and Planners

924 3rd St. So. Nampa, ID 83651
Ph (208) 454-0256 Fax (208) 467-4130

e-mail: gholzhey@masonandassociates.us

FOR: McCarter-Moorehouse
JOB NO.: AU1920
DATE: October 15, 2020

PROPERTY DESCRIPTION

A parcel of land being a portion of Government Lot 1 of Section 3, Township 3 North, Range 1 West East, Boise Meridian, Ada County Idaho, more particularly described as follows:

Commencing at the northeast corner of Government Lot 1, said corner being S 89° 07' 06" E a distance of 2640.66 feet from the N1/4 of Section 3;

Thence N 89° 07' 22" W a distance of 285.88 feet along the north boundary of Government Lot 1;

Thence S 00° 23' 51" W a distance of 61.00 feet to a point on the northerly right of way of Ustick Road;

Thence S 89° 07' 22" E a distance of 30.12 feet along the northerly right of way of Ustick Road to the **POINT OF BEGINNING**;

Thence S 89° 07' 22" E a distance of 167.57 feet along the northerly right of way of Ustick Road;

Thence S 47° 20' 44" E a distance of 42.40 feet along the northerly right of way of Ustick Road to a point on the westerly right of way of Ten Mile Road;

Thence S 00° 24' 09" W a distance of 275.57 feet along the westerly right of way of Ten Mile Road to a point on the northerly boundary of Firelight Estates;

Thence along the northerly boundary of Firelight Estates the following courses and distances;

Thence N 89° 36' 15" W a distance of 113.16 feet;

Thence N 00° 23' 51" E a distance of 110.07 feet;



Professional Engineers, Land Surveyors and Planners
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Thence N 89° 07' 59" W a distance of 85.77 feet to the northwest corner of Lot 8 Block 2 of Firelight Estates;

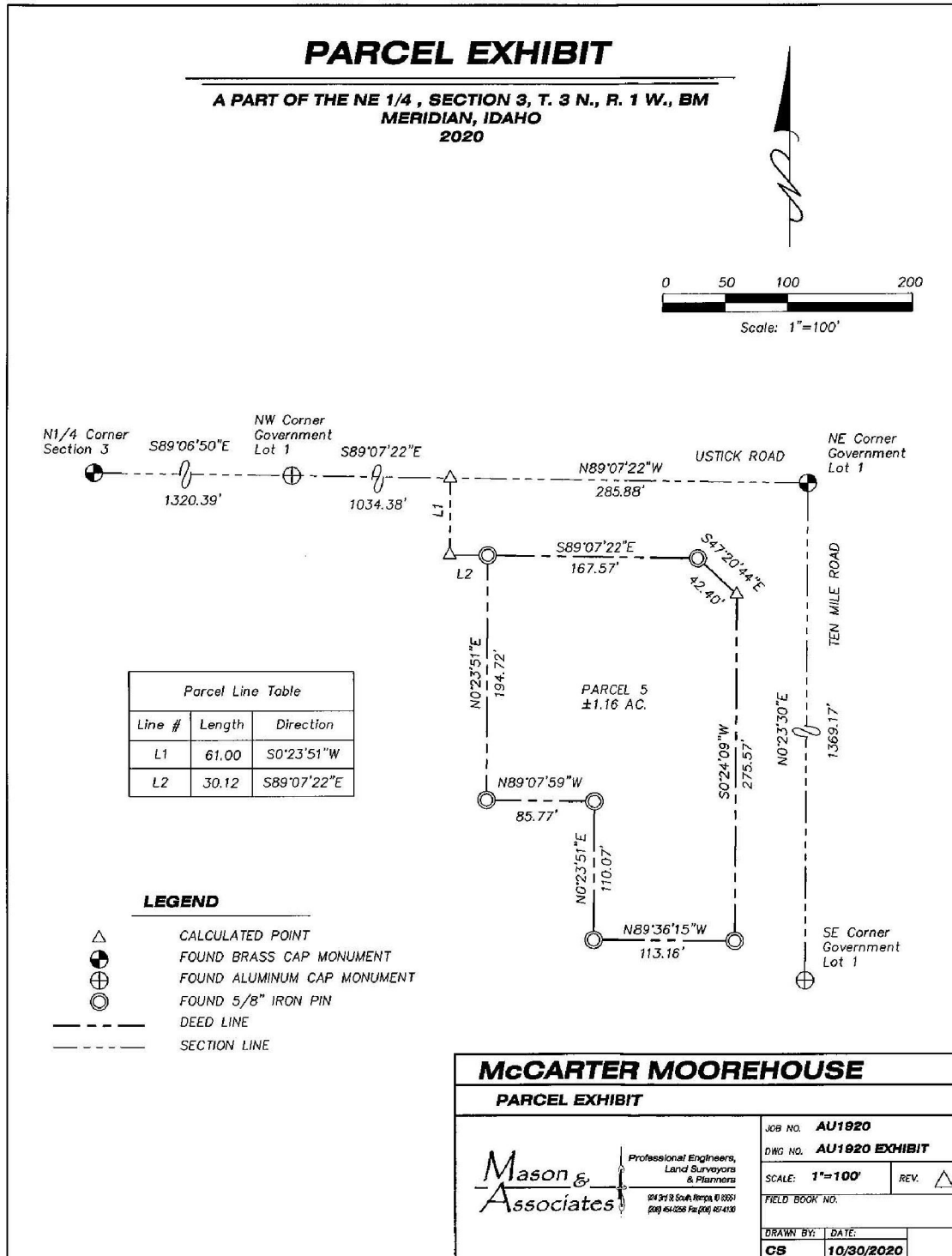
Thence N 00° 23' 51" E a distance of 194.72 feet along the easterly boundary of Lot 2 Block 5 of Englewood Creek Estates Subdivision No. 1 extended to the **POINT OF BEGINNING**.

This parcel contains 1.16 acres more or less.

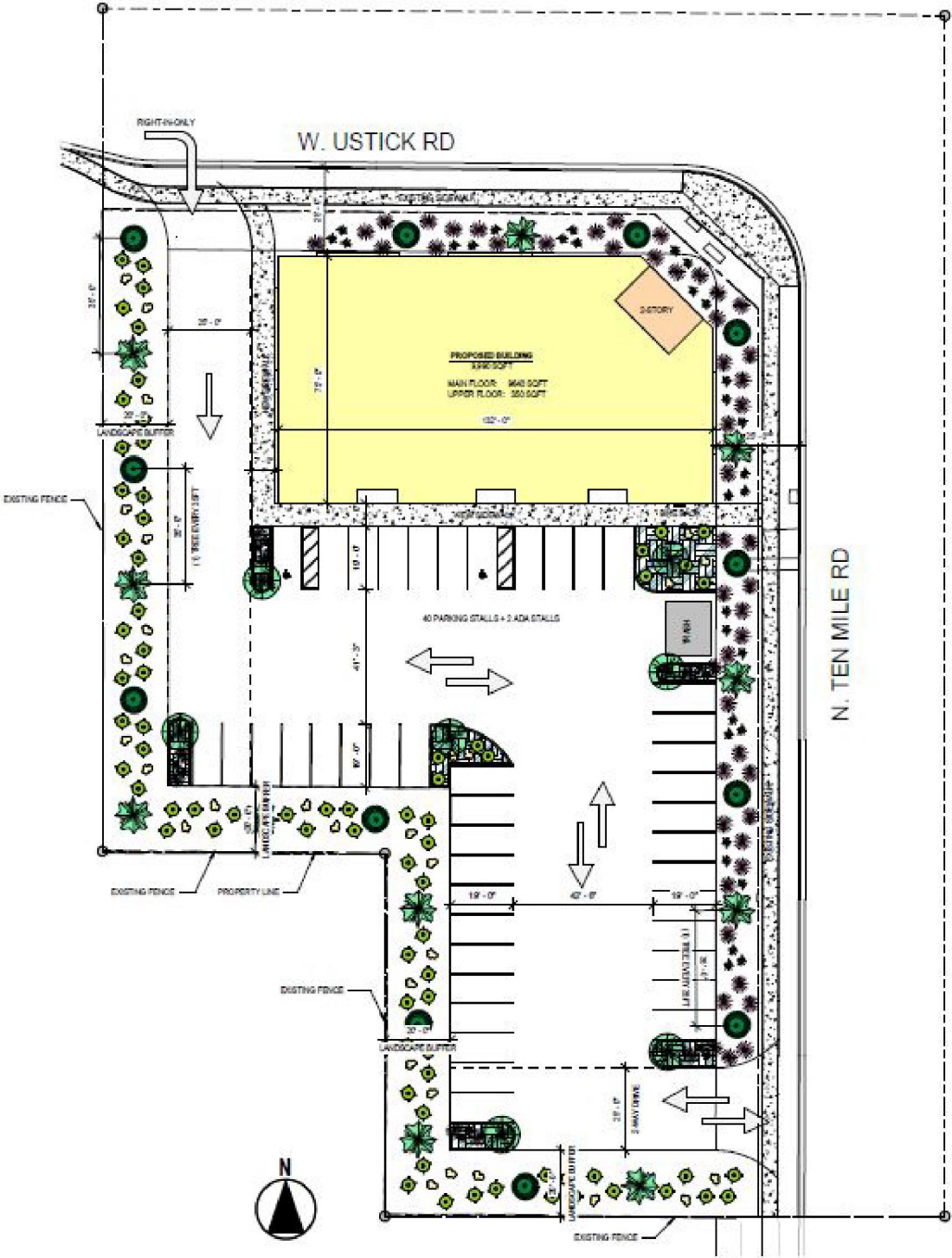
SUBJECT TO: All existing rights of way and easements of record or implied appearing on the above-described parcel of land.



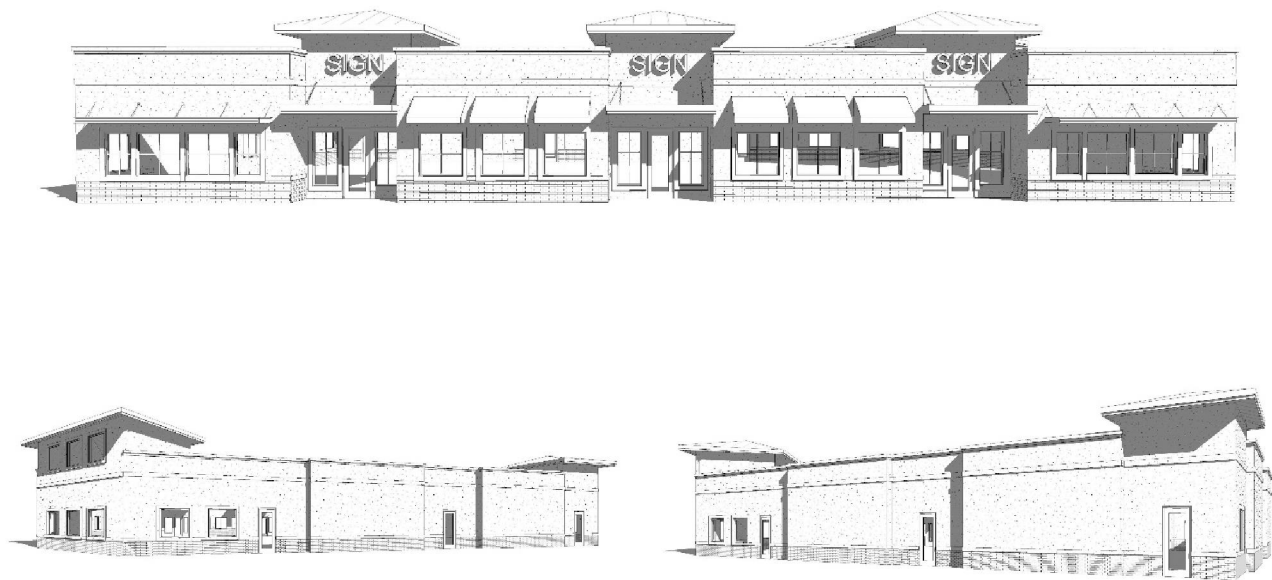
Professional Engineers, Land Surveyors and Planners
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B. Concept Site Plan



C. Conceptual Building Elevations



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1104 N. TESSIE ROAD, SUITE 100, CHANDLER, AZ 85224



McCarter-Moonhouse

12.15 Design

ARCHITECT GROUP

DR. RIGBY

3175 N. TESSIE ROAD, SUITE 100, CHANDLER, AZ 85224

30 VIEWS

VERIFY SCALES

ALL DIMENSIONS
IN FEET AND INCHES
UNLESS OTHERWISE NOTED

DATE: 11/04/2020
BY: COVERED ARCHITECTURE, INC.

DESIGNED	COVERED
DRAWN	COVERED
CHECKED	COVERED

004

11.04.2020

VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. Prior to the City Council hearing, the Applicant shall apply for a concurrent Development Agreement Modification application to run concurrently with this Rezone application and replace the existing Development Agreement. At a minimum the following DA provisions shall be included in the new DA:
 - a. Show the access to Ustick as an emergency entrance-only access and include appropriate signage and striping to inform patrons that it is not an exit for the site; work with ACHD on any allowed curbing within the right-of-way to help ensure this access is for ingress only;
 - b. The proposed access to N. Ten Mile Road shall be limited to a right-in/right-out only access;
 - c. At the time of Certificate of Zoning Compliance application submittal, the landscape plan shall show landscaping between the detached sidewalks and the back of curb abutting the adjacent arterial streets, Ustick and Ten Mile Roads, per UDC 11-3B-7;
 - d. Show the required landscape buffer adjacent to the existing residential uses to be 30 feet wide instead of 20 feet along the southern boundary and the southwest boundary adjacent to parcels R2833240190 and R2833240180, respectively;
 - e. The allowed uses on the subject site shall be limited to professional services, personal services, and healthcare and social services.

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 There is no water infrastructure shown in this application. There are however two existing water stubs, one to the north off of Ustick Road, and one to the east off of Ten Mile Road. Any stubs that are not to be used will need to be abandoned per Meridian Public Works Standards.
- 1.2 Sanitary sewer service is available in W. Niemann Drive to the West.
- 1.3 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 12-13-8.3). By entering into a development agreement with the City of Meridian, the applicant agrees to use the City of Meridian's recycled water supply as the source of irrigation water. Further, the applicant agrees to provide for secondary backup water to provide service when recycled water is not available. Once development plans have been submitted to the city for review, the city will model the recycled water system and make a final determination regarding our ability to supply reclaimed water to the development. If the city can serve the development with recycled water then recycled water must be utilized as the irrigation source of water, a secondary or backup source must also be provided. If the city can't serve the development then the primary source of irrigation water should come from surface water irrigation sources if available. The applicant shall be responsible to construct the recycled irrigation system in accordance with Department of Environmental Quality (DEQ) recycled water rules and regulations, and Division 1200 of the City of Meridian Supplemental Specifications and Drawings to the Idaho Standards for Public Works Construction. These requirements do not wave the applicants responsibilities or obligations to irrigation districts.

- 1.4 A street light plan will need to be included in the final plat and or building permit application. Street light plan requirements are listed in section 6 of the City's Design Standards.

2. General Conditions of Approval

- 2.1 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 than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2.2 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.
- 2.3 The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.
- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 12-13-8.3). 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.
- 2.5 All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
- 2.6 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.
- 2.7 Any existing domestic well system within this project shall be removed from domestic service per City Ordinance Section 9-1-4 and 9 4 8 contact the City of Meridian Engineering Department at (208)898-5500 for inspections of disconnection of services. Wells may be used for non-domestic purposes such as landscape irrigation if approved by Idaho Department of Water Resources Contact Robert B. Whitney at (208)334-2190.
- 2.8 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.

- 2.9 Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
- 2.10 A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
- 2.11 All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
- 2.12 Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
- 2.13 It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 2.14 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.15 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.16 All grading of the site shall be performed in conformance with MCC 11-12-3H.
- 2.17 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.
- 2.18 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.
- 2.19 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.
- 2.20 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.
- 2.21 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.
- 2.22 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.

2.23 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. NAMPA-MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=224336&dbid=0&repo=MeridianCity>

D. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=224863&dbid=0&repo=MeridianCity>

IX. FINDINGS

A. Annexation and/or Rezone (UDC 11-5B-3E)

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

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

Council finds the proposed zoning map amendment to rezone the property from the R-4 zoning district to the L-O zoning district and subsequent development is consistent with the Comprehensive Plan, if the applicant complies with the requirements outlined above.

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

Council finds the proposed zoning map amendment and the proposed use comply with the applicable regulations, specifically the purpose statement of the requested L-O zoning district.

3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;

Council finds the proposed zoning map amendment should not be detrimental to the public health, safety and welfare, if the applicant complies with the requirements outlined above.

4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and

Council finds the proposed zoning map amendment will not result in an adverse impact on the delivery of services by any political subdivision providing public services within the City.

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

Not applicable; application is for a Rezone.