

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



In the Matter of the Request for Conditional Use Permit for a multi-family development consisting of 60 attached units (50 units on 4225 E. Overland Rd. and 10 units on Parcel S1121121011) on 6.8 acres of land in the C-G zoning district; and a Development Agreement Modification to modify the concept plan approved with the existing agreements (Inst. #2017-012608 & #2018-012456) to include a mix of multi-family and commercial uses on the remaining 6.8 acres of the Movado development, by FlexSpace, LLC.

Case No(s). H-2020-0123

For the City Council Hearing Date of: April 20, 2021 (Findings on May 4, 2021)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of April 20, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of April 20, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of April 20, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of April 20, 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 April 20, 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 Conditional Use Permit and Development Agreement Modification is hereby approved per the conditions of approval in the Staff Report for the hearing date of April 20, 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 April 20, 2021

By action of the City Council at its regular meeting held on the 4th day of May, 2021.

COUNCIL PRESIDENT TREG BERNT VOTED AYE

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED AYE

COUNCIL MEMBER JESSICA PERREAULT VOTED _____

COUNCIL MEMBER LUKE CAVENER VOTED AYE

COUNCIL MEMBER JOE BORTON VOTED AYE

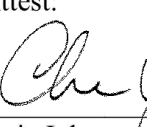
COUNCIL MEMBER LIZ STRADER VOTED AYE

MAYOR ROBERT SIMISON VOTED _____
(TIE BREAKER)



Mayor Robert E. Simison 5-4-2021

Attest:



Chris Johnson 5-4-2021
City Clerk



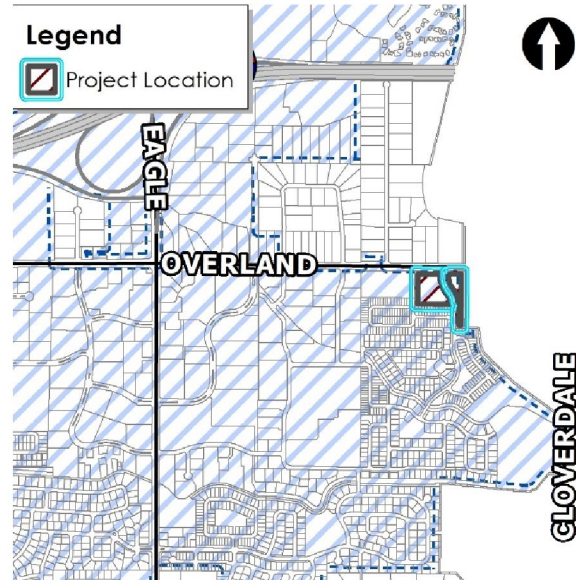
Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.

By:  Dated: 5-4-2021
City Clerk's Office

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: April 20, 2021
 TO: Mayor & City Council
 FROM: Joseph Dodson, Associate Planner
 208-884-5533
 SUBJECT: H-2020-0123
 Movado Mixed-Use
 LOCATION: Generally located on the south side of E. Overland Road between S. Eagle Road and S. Cloverdale Road, in a portion of the NW ¼ of the NE ¼ of Section 21, Township 3N., Range 1E.



I. PROJECT DESCRIPTION

The Applicant has submitted requests for the following:

- Conditional Use Permit for a multi-family development consisting of ~~6660~~ attached units (~~5650~~ units on 4225 E. Overland Rd. and 10 units on Parcel S1121121011) on 6.8 acres of land in the C-G zoning district; and
- Development Agreement Modification to modify the concept plan approved with the existing agreements (Inst. #2017-012608 & #2018-012456) to include a mix of multi-family and commercial uses on the remaining 6.8 acres of the Movado development, by FlexSpace, LLC.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	6.8 acres (C-G zoning district)	
Future Land Use Designation	Mixed Use Regional	
Existing Land Use(s)	Vacant	
Proposed Land Use(s)	Multi-Family Residential and future Commercial	
Lots (# and type; bldg./common)	2 existing commercial building lots – properties have not been final platted yet	
Phasing Plan (# of phases)	Proposed as one phase for the residential; commercial is future.	
Number of Residential Units (type of units)	606 multi-family units – proposed as 8-plex and 6-plex, attached townhome style	
Density (gross & net)	Gross – 9.678 .82 du/ac.; Net – 17.24 du/ac.	

Description	Details	Page
Open Space (acres, total [%]/buffer/qualified)	19,561 square feet of qualified common open space proposed (approximately 6.6%) – collector street buffers are not part of proposed open space but part of previous Movado Greens development. 7,573 square feet of private open space proposed.	
Amenities	Three (3) amenities are proposed – Enclosed bicycle storage, plaza with BBQ & firepit, and a coffee kiosk. Further Staff analysis is below in Section V.	
Physical Features (waterways, hazards, flood plain, hillside)	N/A	
Neighborhood meeting date; # of attendees:	2 meetings: October 7, 2020 (11 attendees) & October 8, 2020 (5 attendees)	
History (previous approvals)	Part of Movado Estates AZ, PP, PS (H-2016-0112); Movado Greens/Silverstone Apartments MCU, MDA, PP, RZ (H-2017-0104); Silverstone Apartments MDA (H-2019-0099) & Silverstone Apartments MCU (H-2019-0014) that were withdrawn; DA Inst. #'s 2017-012608 & #2018-012456.	

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>	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Access is proposed via driveway connections to both sides of S. Movado Way, a collector street. Driveway will be an extension of driveway stub along western property line.	
Stub Street/Interconnectivity/Cross Access	Internal access is via shared driveways for both the commercial and multi-family developments; part of this is from an existing driveway stub from the west (Silverstone Apartments). Applicant is proposing to stub a driveway access near the southeast corner of the site to the east property line for connectivity of a project within the City of Boise.	
Existing Road Network	Movado Way is an existing collector street; Overland Road is an existing arterial street.	
Existing Arterial Sidewalks / Buffers	The landscape buffers and arterial sidewalks along E. Overland Road are existing and were constructed with previous approvals. However, an older curb cut along Overland was not closed with curb, gutter, and sidewalk—this should be corrected with this application.	
Proposed Road Improvements	No road improvements are proposed as Movado Way is already existing and at its full width. Additional on-site driveways will be constructed as access for the commercial and multi-family portions of the site.	
Distance to nearest City Park (+ size)	Fire Station #4 Park is closest public park as seen on GIS – 0.4 acres in size and approximately 1.7 miles away. Movado Subdivision has two larger open space areas, as well as other smaller open space areas.	
Fire Service		
<ul style="list-style-type: none"> • Distance to Fire Station 	Approximately 1.7 miles from Fire Station #4	

Description	Details	Page
<ul style="list-style-type: none"> • Fire Response Time 	This project lies within the Meridian Fire response time goal of 5 minutes.	
<ul style="list-style-type: none"> • Risk Identification • Concerns 	Risk Factor 3 – Commercial The fire department is concerned there is nowhere for visitors to the apartments to park on the west side of the project. Fire lanes may be blocked which would become an issue.	
Police Service		
	No comments	
West Ada School District		
Estimated school age children generated by this development (elem, ms, hs)	4 to Pepper Ridge Elementary 2 to Lewis & Clark MS 3 to Mountain View HS	
Capacity of Schools	Pepper Ridge Elementary – 675 students Lewis & Clark MS – 1,000 students Mountain View HS – 2,175 students	
# of Students Enrolled (Spring '20 enrollment)	Pepper Ridge Elementary – 576 students Lewis & Clark MS – 1,071 students Mountain View HS – 2,237 students	
Wastewater		
<ul style="list-style-type: none"> • Distance to Sewer Services 	Directly adjacent	
<ul style="list-style-type: none"> • Sewer Shed 	Five Mile Trunkshed	
<ul style="list-style-type: none"> • Estimated Project Sewer ERU's 	See application	
<ul style="list-style-type: none"> • WRRF Declining Balance 	14.07	
<ul style="list-style-type: none"> • Project Consistent with WW Master Plan/Facility Plan 	Yes	
<ul style="list-style-type: none"> • Impacts/Concerns 	<ul style="list-style-type: none"> • Additional 4,272 gpd committed to model • No Permanent structures (buildings, carports, trash receptacle walls, fences, infiltration trenches, lightpoles, etc.) can be built within the utility easement. • Not clear as to how the commercial/office building in the northeast corner will be serviced. 	
Water		
<ul style="list-style-type: none"> • Distance to Services 	Directly adjacent	
<ul style="list-style-type: none"> • Pressure Zone 	4	
<ul style="list-style-type: none"> • Estimated Project Water ERU's 	See application	
<ul style="list-style-type: none"> • Water Quality Concerns 	None	
<ul style="list-style-type: none"> • Project Consistent with Water Master Plan 	Yes	
<ul style="list-style-type: none"> • Impacts/Concerns 	<ul style="list-style-type: none"> • Eliminate water main dead-end at southeast corner of western parcel; possibly run a service line to the building instead. See attached markup. 	

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	2/12/2021	4/9/2021
Radius notification mailed to properties within 500 feet	2/9/2021	4/6/2021
Public hearing notice sign posted on site	2/22/2021	4/9/2021
Nextdoor posting	2/9/2021	4/6/2021

V. STAFF ANALYSIS

A. DEVELOPMENT AGREEMENT MODIFICATION (MDA)

A modification to the existing Development Agreements (Inst. #2017-012608 & #2018-012456), is requested for the purpose of including a new development plan for this area of the Movado Greens development to consist of both commercial and residential uses instead of solely commercial. The existing DA provisions are still applicable as they were mostly related to the larger Movado development overall.

The existing DA includes a concept plan for this area from 2017 when the property received DA Modification approval to change the number and layout of apartment units along Overland, now known as the Silverstone Apartments. The existing concept plan depicts a number of office, retail, and general commercial buildings. This concept plan was intended to maintain a commercial presence within this area of the Mixed-use Regional designation despite being removed from the main commercial area at the intersection of Eagle and Overland.

The Applicant believes the existing concept plan for this area of the agreement is not feasible with that amount of commercial square footage being separated from the Eagle/Overland area by residential and is too far east in general to accommodate 56,000 square feet of commercial space. Therefore, the Applicant is proposing a new concept plan depicting three commercial pad sites and 66 multi-family dwellings in the form of townhome style dwellings. The commercial is now proposed at approximately 27,500 square feet and is shown along Overland to increase the visibility. In the western half of the site, it is separated from 56 units of the multi-family residential by a shared drive aisle that is the access to the public street network for both proposed uses and connects to the west to the Silverstone Apartments site. In the eastern half of the site, the Applicant also shows the commercial building along Overland road for visibility with the remaining area of the lot as parking until the remaining 10 multi-family townhome units are proposed in a small sliver of remaining land in the very southeast of the project.

Revising the development plan for this last remaining portion of the Movado Estates development is doable if done so with the right changes in mind. Staff believes that what the Applicant has presented does not fully touch on what a mixed-use development can provide, especially in terms of creating a sense of place and providing more pedestrian focus. Staff recommends some revisions to the site plan to improve the integration of uses and to better create a sense of place in this portion of the Movado development overall. ~~Staff's recommended changes are as follows: condense the northwest commercial into one building; widen the northernmost drive aisle and include street trees while removing all parking that backs into the driving lane; and, incorporate a shared plaza between the commercial and residential.~~

~~First, the Applicant should lose the northwest commercial lot in lieu of providing a plaza for the multi-family residential and future commercial to share. Instead of two single-story commercial buildings, the Applicant should consolidate these buildings into one structure that is two-stories in height in order to better utilize the land area available. In addition, constructing a two-story structure can hold the corner~~

along Overland and Movado Way more efficiently than a single-story structure when accounting for the required landscape buffer along Overland. Furthermore, a two-story commercial structure offers a consistent transition to the two-story multi-family townhomes and existing residential south of the project. Staff finds it appropriate that the Applicant decide the most appropriate size of this two-story building but believes it should be at least 10,000 square feet total which requires a minimum of 20 parking spaces (1 space per 500 square feet). In addition, to ensure adequate site circulation and pedestrian safety in perpetuity, staff is recommending a new DA provision that no drive-through use is permitted on this site. If one were to be proposed, Staff does not foresee the site adequately containing the stacking lane for a busy drive-through which could seriously harbor the function of the drive aisles and reduce pedestrian safety. Furthermore, the allowed uses for the commercial within this project should be office, retail, personal and professional services, restaurant, and daycare uses to aid in the integration and compatibility between the commercial and residential uses within the project.

As noted, part of condensing the northwest commercial buildings into one, two-story structure is to remove the need for two building pad sites and allow for an area that can be shared between the commercial and the multi-family townhomes. There are multiple ways to design this that can incorporate a shared plaza and create a better sense of place in this mixed-use area. Staff has some specific recommendations but final design will largely be up to the Applicant. At a minimum, the Applicant should incorporate a pedestrian crossing from the multi-family units to the new shared plaza within the commercial area. This can be located somewhat centrally on the site with parking on either side, east and west, of a more modern two-story commercial building along Overland that frames the plaza, creating a true sense of place between the two uses. The Applicant could also construct the two story building in the location of the central commercial building (southwest corner of Overland and Movado Way) as shown on the proposed site plan and have the shared plaza and parking to the west of the building. Staff can see these two options as more than feasible but, as already discussed, the format of how this area is redesigned should be up to the Applicant; the Applicant should aim to create a sense of place and provide for an area that is shared in order to meet the intent of the mixed-use policies.

~~The final piece of this revision relates to the design of the shared drive aisle. With the removal of parking spaces along the drive aisle, the drive aisle can be widened to accommodate detached sidewalks and street trees lining both sides of the drive aisle to create a short boulevard. Across this boulevard is where the new pedestrian pathway should be constructed; the crossing should be constructed with a different material than that of the driving surface (i.e. stamped concrete, pavers, or similar) to clearly delineate the pedestrian path between the residential and commercial. An additional option for this drive aisle would be to include parallel parking spots with detached sidewalks and appropriate landscaping (street trees are not a requirement but a recommendation). With Staff's recommended revisions and the Applicant's revisions, Staff supports the Development Agreement Modification request.~~

COMPREHENSIVE PLAN (<https://www.meridiancity.org/compplan>):

This property is designated MU-R (Mixed Use – Regional) on the Future Land Use Map (FLUM).

Land Use:

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

In general, the proposed uses of multi-family dwellings and commercial are listed as allowed uses within the MU-R designated areas. More specific comprehensive plan policy analysis is below. As currently designed staff believes the project presents some issues for safe pedestrian connectivity and lacks a true integration of uses through the site. Staff believes the site layout can be modified to improve these issues with the uses proposed. Staff’s recommended changes are outlined in the above section as well as throughout the staff report.

Furthermore, the Applicant presented a thorough case for this area of the MU-R designation to lack true viability as a premier location for commercial uses due to its location being more than a half mile from the Eagle/Overland intersection, the central hub of this MU-R area. Some commercial should remain on these parcels but Staff agrees with the Applicant that the proposed amount with the incorporation of townhome style multi-family is adequate to meet a majority of the mixed-use policies if better integration of uses is done as outlined above by staff above.

Transportation:

Access is proposed via driveways that connect to S. Movado Way, the existing collector street that bisects the project. The driveway within the northwest section of the project will connect to the driveway stub from the Silverstone Apartments directly to the west. This driveway acts as a border between the proposed commercial buildings and multi-family townhomes and shows parking backing into the driveway. As discussed, Staff finds this driveway can be better designed in order to provide for safer pedestrian connectivity through the site and provide more integration of the uses. For example, the recommended changes to incorporate a boulevard and added pedestrian crossings in this area of the site.

South of this driveway are the drive aisles for the multi-family townhomes with the required parking located on both sides. The southeast portion of this area contains a segment of drive aisle that is over 150 feet in length which requires a fire turnaround. Instead, Staff recommends this segment be reduced in length to not require a turnaround; a few parking spaces in this area may need to be removed to accommodate this.

The east side of the development proposes an additional commercial building as well as ten (10) more multi-family units with driveway accesses to Movado Way in alignment with the rest of the site. The submitted site plan shows more than the minimum parking required and drive aisles that meet UDC and Fire Department requirements for the commercial portion of the east site. The proposed dwellings at the very southeast corner of the project are placed with minimal room to spare surrounding the buildings but do appear to show compliance with dimensional standards.

According to ACHD, the proposed driveway connections meet their district offset policies by being 220 feet from the intersection of Movado Way and Overland Road. However, these two northernmost proposed driveways will not meet offset requirements should the Overland and Movado intersection ever be signalized. In this case these accesses would be limited to right-in/right-out accesses only. The Applicant is aware of this potential and still proposed the driveways at their current locations. Therefore, Staff does not find it necessary to recommend different locations but will instead note compliance with ACHD conditions of approval and their policies.

COMPREHENSIVE PLAN POLICIES (<https://www.meridiancity.org/compplan>):

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 dwellings are shown as townhome style units and would be a new type of multi-family dwelling in this immediate area and add to the available housing diversity within the

Movado development. In addition, all of the units are proposed at 2-bedroom units which would offer future residents rental opportunities at a lower price than three bedroom homes.

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

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

- “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 three-story, garden-style apartments are currently under construction directly to the west of the subject site which makes the proposed two-story townhome style apartments a new type of multi-family housing in this area. The proposed residential is also a different type than the single-family proposed directly south and further into the Movado development.

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

Mixed-use areas require integration of uses that are not always precisely compatible but through thoughtful site design, conflicts can be minimized. With Staff’s recommended changes, the proposed development offers better integration, ~~minimizes conflicts by removing parking that backs into a drive aisle, and better utilizes the land area.~~ The drive aisle with the revisions recommended by Staff acts as both a buffer and a point of integration between the commercial and multi-family residential on the property. The required setbacks between the subject property and the apartments to the west should offer an adequate transition and screening between more intensive residential buildings and the townhome style units proposed with this development.

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

The proposed development will connect to City water and sewer systems by continuing existing stubs where available.

- “Maximize public services by prioritizing infill development of vacant and underdeveloped parcels within the City over parcels on the fringe.” (2.02.02)

The subject site is already annexed but currently undeveloped; it is one of the last areas of the Movado development to be developed. Because everything to the south is mostly developed and the site abuts a major arterial and entryway corridor, public services are readily available for this site despite being on the outer edge of City limits.

- “Require urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, water and sewer utilities.” (3.03.03G)

Urban sewer and water infrastructure and curb, gutter and sidewalks is required to be provided with development as proposed. However, an existing driveway cut was not closed with curb, gutter, and sidewalk along Overland as required with previous approvals. The previous requirement to comply with this will be carried over into this project.

- “Require collectors consistent with the ACHD Master Street Map (MSM), generally at/near the mid-mile location within the Area of City Impact.” (6.01.03B)

The Applicant is utilizing an existing collector street as the access for the proposed development. No new public roads are required or proposed with this application.

- “Slow the outward progression of the City's limits by discouraging fringe area development; encourage development of vacant or underutilized parcels currently within City limits.” (4.05.03B)

The proposed parcels are already annexed with commercial zoning but are not yet developed. As noted, these parcels are likely to not develop with the intended uses of only commercial when so far removed from the main MU-R center further to the west. Despite abutting the edge of City limits, City services are readily available. Furthermore, developing these parcels will allow for the entrance to the City of Meridian from the east along Overland Road to be enhanced with commercial and transitional residential.

- “Monitor and adjust the amount and mix of industrial, commercial, and office areas needed to meet the employment needs of the City.” (3.06.01B)

The Applicant’s proposal removes some commercial square footage from what is currently approved in the Movado Greens DA. According to the Applicant, the subject parcels are too far removed from the intersection of Eagle/Overland to directly compete with the already undeveloped Silverstone commercial area further to the west. Staff agrees that reducing the amount of commercial on this site to accommodate more neighborhood or community serving commercial uses rather than regional uses is prudent based on existing development patterns and size of the property.

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

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

The proposed development includes both multi-family residential and commercial pad sites. At a minimum, the development should provide two land uses immediately. With more than one commercial building, it is very feasible that at least three land uses will be provided. However, Staff does not find it necessary to require at least three land uses on the subject site due to its relatively small size (6.8 acres) in relation to the much larger parcels located further west and also in the MU-R designation. The proposed development meets this goal.

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

The Applicant is proposing multi-family residential at a gross density of 9.67 units/acre which falls within the medium-high density residential range were the project to be located in that designation. In addition, the subject parcels have easy access to a new collector street that connects to Overland Road, an arterial; Overland provides access east and west from the site to major employment centers in Meridian and Boise.

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

An overall development plan is currently in place for the subject parcels and are currently approved as solely commercial sites. The Applicant is requesting to modify this plan to include multi-family residential with the commercial uses proposed along Overland Road.

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

Staff is recommending revisions to the site plan that will help meet this comprehensive plan policy including ~~combining two of the commercial buildings into one in order~~ to provide for a shared plaza between the multi-family and this commercial. With these changes, the project will meet this policy.

- “The site plan should depict a transitional use and/or landscaped buffering between commercial and existing low- or medium-density residential development.”
The proposed plan depicts two-story, multi-family residential as a transition from a busy arterial and commercial buildings to existing single-family homes directly to the south. The single-family development to the south would also have landscaping between their backyards and the proposed multi-family residential. Many of these single-family homes abutting the subject site are attached products which makes the townhome style multi-family an adequate transition to commercial uses.
- “Community-serving facilities such as hospitals, clinics, churches, schools, parks, daycares, civic buildings, or public safety facilities are expected in larger mixed-use developments.”
The proposed project is not a larger mixed-use development; therefore, strict adherence to this policy is not feasible.
- “Supportive and proportional public and/or quasi-public spaces and places including but not limited to parks, plazas, outdoor gathering areas, open space, libraries, and schools are expected; outdoor seating areas at restaurants do not count.”
Staff is recommending revisions commensurate with this policy in order to provide for a shared plaza between uses that are not outdoor seating areas for restaurants. Future commercial uses are not yet known so the Applicant is not proposing this as an option at this point.
- “Mixed use areas should be centered around spaces that are well-designed public and quasi-public centers of activity. Spaces should be activated and incorporate permanent design elements and amenities that foster a wide variety of interests ranging from leisure to play. These areas should be thoughtfully integrated into the development and further placemaking opportunities considered.”
As discussed earlier in the report, the subject parcels are small areas of undeveloped land within the MU-R designation and are separated from larger MU-R parcels further to the west by existing residential. These factors do not make it feasible for strict adherence to this policy. However, Staff has recommended revisions to the site plan in order to help meet other mixed-use policies that will, in-turn, move the project closer to compliance with this policy.
- “All mixed-use projects should be directly accessible to neighborhoods within the section by both vehicles and pedestrians.”
The proposed development will be directly accessible to adjacent neighborhoods through extension of sidewalks from the existing network into the site. Staff believes better integration could occur if the concept plan is revised to reduce the commercial footprint and increase the shared area between the uses.
- “Alleys and roadways should be used to transition from dissimilar land uses, and between residential densities and housing types.”
There are no alleys proposed in this development but the drive aisles within the proposed development act as a transition between the proposed residential and commercial areas as desired. Staff’s recommended changes would further create this transition as described in more detail earlier in the report.
- “Because of the parcel configuration within Old Town, development is not subject to the Mixed-Use standards listed herein.”
The subject property is not located in Old Town; therefore, this item is not applicable.

In reviewing development applications, the following items will be considered in MU-R areas, per the Comprehensive Plan:

- “Developments should comply with the general guidelines for development in all Mixed-Use areas.”
See analysis above.
- “Residential uses should comprise a minimum of 10% of the development area at gross densities ranging from 6 to 40 units/acre.”
The proposed development meets this policy by providing more than 10% as residential and with a gross density of nearly 10 units/acre.
- “There is neither a minimum nor maximum imposed on non-retail commercial uses such as office, clean industry, or entertainment uses.”
Staff is recommending that the non-retail commercial uses on this site be limited in order to ensure compatible uses are proposed in the future. Because of the relatively small size of this mixed-use site, this policy is better adhered to further to the west in the Silverstone or Rackham commercial developments.
- “Retail commercial uses should comprise a maximum of 50% of the development area.”
Future commercial uses are not yet known at this time. However, Staff’s proposed use restrictions may provide for more than 50% of the commercial area to be retail. It is more likely that office uses or a daycare may end up within the proposed commercial area due to their proximity to multi-family residential. Staff will analyze this policy with future Certificate of Zoning Compliance applications.

Based on the analysis above, Staff finds the proposed plan is *generally* consistent with the vision of the Comprehensive Plan for this area in regard to land use, density and transportation. **Several different land-uses should exist within the future commercial area of the site and Staff’s recommended changes should increase the development’s consistency with the comprehensive plan.**

B. UNIFIED DEVELOPMENT CODE (UDC) ANALYSIS

Conditional Use Permit (CUP) – Multi-family Development (UDC 11-4-3-27):

The proposed multi-family development consists of 66 units with 56 on the western parcel and 10 units on the eastern parcel. The proposed use of multi-family residential is subject to conditional use permit approval by the Planning and Zoning Commission within the existing C-G zoning district and subject to specific use standards outlined in UDC 11-4-3-27 and below:

11-4-3-27 – Multi-Family Development:

A. Purpose:

1. To create multi-family housing that is safe and convenient and that enhances the quality of life of its residents.
2. To create quality buildings and designs for multi-family development that enhance the visual character of the community.
3. To create building and site design in multi-family development that is sensitive to and well integrated with the surrounding neighborhood.
4. 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 feet (10') unless a greater setback is otherwise required by this title and/or *title 10* of this Code. Building setbacks shall take into account windows,

entrances, porches and patios, and how they impact adjacent properties. *Proposed project shall comply with this requirement.*

2. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, and transformer and utility vaults shall be located in an area not visible from a public street, or shall be fully screened from view from a public street. *The site plan depicts screened trash enclosures that are only visible from the drive aisles; all proposed transformer/utility vaults shall also 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 standard would create inconsistency with the purpose statements of this section, the Director may consider an alternative design proposal through the alternative compliance provisions as set forth in section [11-5B-5](#) of this title. *According to the submitted open space exhibit, the apartments are proposed with approximately 135 square feet of private open space in the form of private patios and decks for each unit, commensurate with traditional garden style apartment buildings.*
4. For the purposes of this section, vehicular circulation areas, parking areas, and private usable open space shall not be considered common open space. *These areas were not included in the common open space calculations for the site.*
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. *Applicant shall comply with this requirement.*
6. The parking shall meet the requirements set forth in *chapter 3, "Regulations Applying to All Districts"*, of this title. *See analysis in staff report 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 provide safe pedestrian and/or vehicular access.
 - d. A directory and map of the development at an entrance or convenient location for those entering the development. (Ord. 18-1773, 4-24-2018)

Per the submitted plans, the Applicant appears to meet these requirements except for the property management office; it is unclear where this office is located on-site. Where it is not clear on the submitted plans, the Applicant shall comply with these requirements at the time of CZC submittal.

The site plan submitted with the Certificate of Zoning Compliance application shall depict these items.

C. Common Open Space Design Requirements:

1. A minimum area of outdoor common open space shall be provided as follows:
 - a. One hundred fifty (150) square feet for each unit containing five hundred (500) or less square feet of living area.
 - 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.
 - c. Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area.

Each unit contains less than 1,200 square feet of living area therefore, 250 square feet of common open space is required per unit in accord with the requirements above.

- 2. Common open space shall be not less than four hundred (400) square feet in area, and shall have a minimum length and width dimension of twenty feet (20').

Proposed open space submitted as meeting this requirement has been reviewed. All area labeled as qualified common open space on the open space exhibit complies with this requirement. The Applicant has proposed 19,561 square feet of qualified open space while needing to provide a minimum of 16,500 square feet of common open space; the proposed open space exceeds the minimum requirements. In addition to the areas shown on the open space exhibit, there is an area north of the ten units in the very southeast corner of the project that abuts Movado Way that is also qualifying. This area is approximately 2,000 square feet in area which increases the qualified open space further but the exhibit does not show this. Because these ten units are part of the CUP request, the open space exhibit should also include those units and show how they are meeting the private open space requirements as well as show any other qualifying common open space.

The proposed open space consists of a buffer between the multi-family residential and the existing residential to the south, a mew between two of the 8-plex buildings, a plaza area along Movado Way that contains the amenities, and other small areas that meet the minimum dimensional standards. Despite the proposed open space exceeding the minimum required by code, the only area large enough for a more active open space is the green space to the south of the plaza area that abuts Movado Way and is approximately 3,000 square feet in area. Because of this, the recommended revisions to the site design are even more important because there would be another area where residents could sit and safely enjoy their development despite not counting towards the open space.

Furthermore, the developer of the subject parcels is the same as those for the rest of Movado Estates and Movado Greens directly south of the proposed development. It can be assumed these residents will have the opportunity to utilize the existing pedestrian network to access the larger open spaces within those developments. The Applicant should verify this at the Commission hearing.

Overall, the proposed open space meets these specific use standards and Staff finds the proposed open space is adequate, especially with Staff’s recommended changes.

- 3. In phased developments, common open space shall be provided in each phase of the development consistent with the requirements for the size and number of dwelling units. *The multi-family portion of the project is proposed to be developed in one (1) phase.*
- 4. Unless otherwise approved through the conditional use process, common open space areas shall not be adjacent to collector or arterial streets unless separated from the street by a berm or constructed barrier at least four feet (4') in height, with breaks in the berm or barrier to allow for pedestrian access. (Ord. 09-1394, 3-3-2009, eff. retroactive to 2-4-2009). *The required buffer along S. Movado Way, a collector street, is not shown as qualified open space on the submitted open space exhibit. However, a central open space area is proposed adjacent to Movado Way and is separated from the street by an existing buffer and fencing.*

D. Site Development Amenities:

- 1. All multi-family developments shall provide for quality of life, open space and recreation amenities to meet the particular needs of the residents as follows:
 - a. Quality of life:
 - (1) Clubhouse.
 - (2) Fitness facilities.

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

Based on 66 proposed units a minimum of three (3) amenities are required. The Applicant has proposed 3 amenities, one from each category as required by code. The Applicant has proposed an enclosed bike storage area, a plaza, and a coffee kiosk. A coffee kiosk is not an option listed above in the Recreation category but subsection D.3 allows the decision-making body to authorize alternative options if they provide a similar level of amenity. If the Applicant can provide more detail in how the coffee kiosk will be operated as an amenity for this development, Staff finds it to be an adequate substitute. If the Commission finds this not to be true, an additional qualifying amenity should be added to meet these specific use standards.

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

c. Ground cover plants shall be planted in the remainder of the landscaped area.

The submitted landscape plan appears to meet these specific use standard landscape requirements and shall be further verified at the time of CZC submittal (see Exhibit VII.D).

Existing Structures/Site Improvements:

There are no existing structures on site except for a vinyl privacy fence along Overland Road. S. Movado Way is a collector street that the Applicant was required to construct with previous approvals for Movado Estates and Movado Greens developments. All other site improvements would occur with these approvals.

Dimensional Standards (UDC 11-2):

The proposed development and future commercial buildings are required to comply with the dimensional standards listed in UDC Table 11-2B-3 for the C-G zoning district. *Submitted plans appear to show compliance with all dimensional standards except for the 10 units in the very southeast corner of the site, across from E. Vacheron Street. These units are also proposed as 2-bedroom units with tucked under 2-car garages facing east, meeting the minimum parking requirement for each unit. Submitted site plans appear to meet all UDC and specific use requirements.*

Access (UDC 11-3A-3):

Access was discussed heavily in the transportation section of the comprehensive plan analysis section earlier in the report. For the benefit of this report a quick summary of the proposed access is also in this section and also includes analysis on the accesses proposed for the ten units in the southeast corner of the site across from E. Vacheron.

Access for all sections of the development are proposed via driveway connections to Movado Way, the existing collector street; no units have direct vehicular access to Movado Way but do have easy pedestrian access. Staff is recommending some changes to the northernmost drive aisle in the northwest section of the development to increase pedestrian safety and create a better sense of place within the development. As noted in the previous dimensional standards section, the drive aisle access for the ten units in the SEC of the site does not show the required 5 feet of landscaping along the eastern property boundary. The driveway access for these units to Movado Way aligns with Vacheron Street and should be stubbed to the eastern property line in order to provide for cross-access to the adjacent parcel to the east that is in the City of Boise. This parcel has recently received approval from the City of Boise for a commercial and self-service storage development; cross-access to this development is already part of the existing DA in order to minimize direct access to Overland.

Road Improvements:

The Applicant is required to close any existing curb-cuts along Overland and/or Movado Way that are not proposed to be used. This includes the large curb cut along Overland that was required to be closed with previous approvals. In order to ensure this curb-cut is finally closed, Staff is recommending a condition of approval that no certificate of occupancy for the multi-family be issued until all curb-cuts are closed in line with ACHD requirements.

Sidewalks (UDC 11-3A-17):

All sidewalks adjacent to all public streets are already constructed as set forth in UDC 11-3A-17 except for the section noted above that requires the Applicant to close an old curb-cut. All other proposed sidewalks are adjacent to the multi-family residential buildings and shown adjacent to the future commercial structures. The pedestrian circulation that is a part of this project will be different should the Commission agree with Staff's recommended changes for the northernmost drive aisle in the northwest section of the site.

With Staff’s recommended changes, the northernmost drive aisle would have detached sidewalks on both the north and south side of the drive aisle with ample room for additional trees. This change would create a short segment of boulevard between the residential and commercial components of the site but is both a better transition and area of integration than currently proposed, especially when the addition of a shard plaza is incorporated north of this drive aisle. In addition to the recommended detached sidewalks in this area, Staff is recommending at least one pedestrian crossing between the multi-family townhomes and the commercial/plaza area that is clearly delineated from the driving surface by being constructed as either brick pavers, stamped concrete, or similar. These crossings should be clearly shown on the revised plans.

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

Street buffer landscaping is required to be provided as set forth in UDC Tables 11-2B-3 for the C-G zoning district, and planted in accord with the standards listed in UDC 11-3B-7C. The Overland and Movado Way street buffers are existing and are shown to remain intact during development. As discussed in the specific use standards section earlier in the report, the submitted landscape plans appear to show compliance with all other landscaping requirements for multi-family developments including vegetative ground cover and the correct number of trees.

A 25-foot landscape buffer on the south side of the C-G zoning is required adjacent to the R-15 zoning district to the south. This buffer appears to be shown on the submitted plans and includes additional landscaping to help minimize any conflicts of the different residential types.

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.

A 6-foot tall solid vinyl fence is proposed to remain along all property boundaries. It appears the existing fencing along Overland is to be removed but the buffer landscaping material will remain.

All proposed fencing meets UDC requirements.

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

An adequate storm drainage system is required in all developments in accord with the City’s adopted standards, specifications and ordinances. Design and construction shall follow best management practice as adopted by the City as set forth in UDC 11-3A-18. Storm drainage is proposed to be mitigated by underground seepage beds and/or retention ponds in accord with ACHD design criteria.

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

Conceptual building elevations were submitted for the 56 units on the western parcel; no elevations have been submitted for the future commercial structures or the ten units in the southeast corner of the development. The Applicant should provide conceptual elevations prior to the Commission meeting.

All non-residential and multi-family structures require Administrative Design Review prior to obtaining building permits. At the time of those submittals, Staff will analyze conformance with the Architectural Standards Manual. An application for Certificate of Zoning Compliance is also required to be submitted along with Design Review for this entire development and each commercial structure.

The elevations submitted for the 56 units on the western parcel show two-story structures with varying roof profiles along the rooflines and mostly lap-siding exteriors. No color elevations were submitted so materials and color palettes cannot be analyzed. However, Staff will analyze all elevations for compliance with the Architectural Standards Manual at the time of Design Review submittal. Furthermore, Staff is recommending a condition of approval that the same design elements are incorporated in the commercial and multi-family development to ensure integration and congruency in design.

VI. DECISION

A. Staff:

Staff recommends approval of the proposed modification to the existing Development Agreement and approval of the requested Conditional Use Permit per the DA provisions and conditions of approval included in Section VIII in accord with the Findings in Section IX.

B. The Meridian Planning & Zoning Commission heard these items on March 4, 2021. At the public hearing, the Commission moved to **recommend denial** of the subject Development Agreement Modification and Conditional Use Permit requests.

1. Summary of Commission public hearing:

- a. In favor: Hethe Clark, Applicant Legal Rep.
- b. In opposition: Christy Decker, neighbor; Kevin Johnson, neighbor; Clarence Orton, neighbor; James Preuss, neighbor; JoAnn Gormley, neighbor; Dee Dee Toschi, neighbor; Walter Nye, neighbor; Sandi Gottesman, neighbor; Jane Quick, neighbor; Dave Bromley, neighbor; Jan Nye, neighbor; Glenda Conaughey, neighbor; Patricia Preuss, neighbor; Martha McClay, neighbor.
- c. Commenting: Hethe Clark, Christy Decker, Kevin Johnson, Clarence Orton, James Preuss, JoAnn Gormley, Dee Dee Toschi, Walter Nye, Sandi Gottesman, Jane Quick, Dave Bromley, Jan Nye, Glenda Conaughey, Patricia Preuss, and Martha McClay.
- d. Written testimony: None
- e. Staff presenting application: Joseph Dodson, Associate Planner
- f. Other Staff commenting on application: Bill Parsons, Current Planning Supervisor

2. Key issue(s) of public testimony:

- a. Quality of the proposed multi-family amenities and lack of area for children to play;
- b. Concern over no updated traffic study being required as well as the assumed increase of traffic from additional multi-family units;
- c. Value of adjacent homes being brought down by proposed multi-family development;
- d. Proximity of proposed two-story buildings to existing single-story homes south of subject site;
- e. Property was approved for Commercial, not more residential;

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

- a. Difficulty of losing commercial area to residential, specifically multi-family residential;
- b. How does the proposed coffee kiosk amenity work? – intended to be self-serve but stocked by the property management;
- c. Challenge of revising a master-planned community that was approved with a certain amount of commercial in order to incorporate more residential;
- d. Lack of integration of the proposed residential and commercial;
- e. Do the proposed changes match the comprehensive plan and offer an adequate amount of commercial and integration with the existing development to the south.

4. Commission change(s) to Staff recommendation:

- a. None – however, staff made revisions based upon discussions prior to the Commission hearing; these are noted by strikethrough and underline changes in the recommended conditions of approval.
- b. Commission recommended denial for the following reasons: it does not fit the Comprehensive plan, the proximity of the proposed apartments to the existing homes is too close, and that it does not fit with the existing character of the neighborhood.

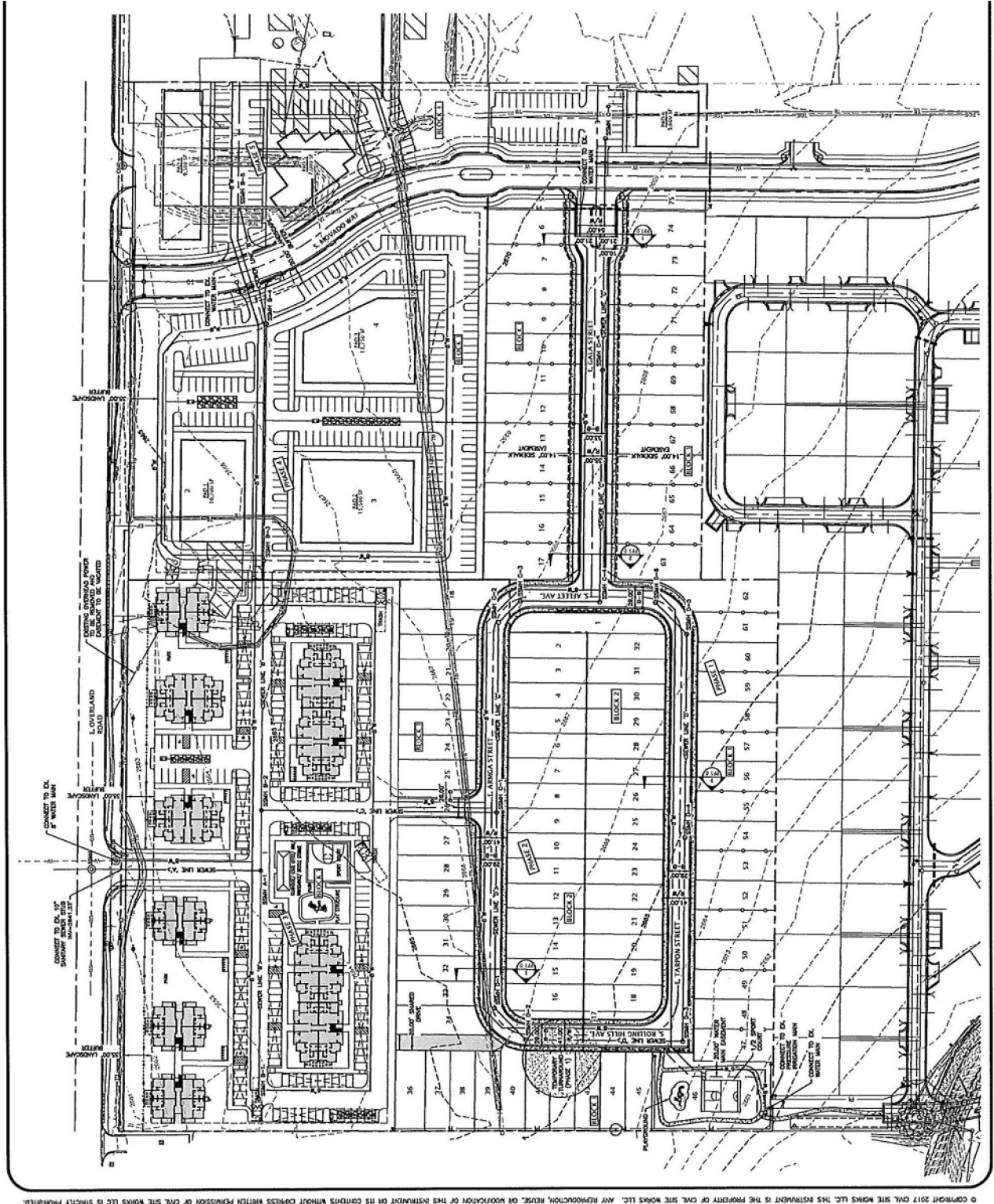
5. Outstanding issue(s) for City Council:

- a. None

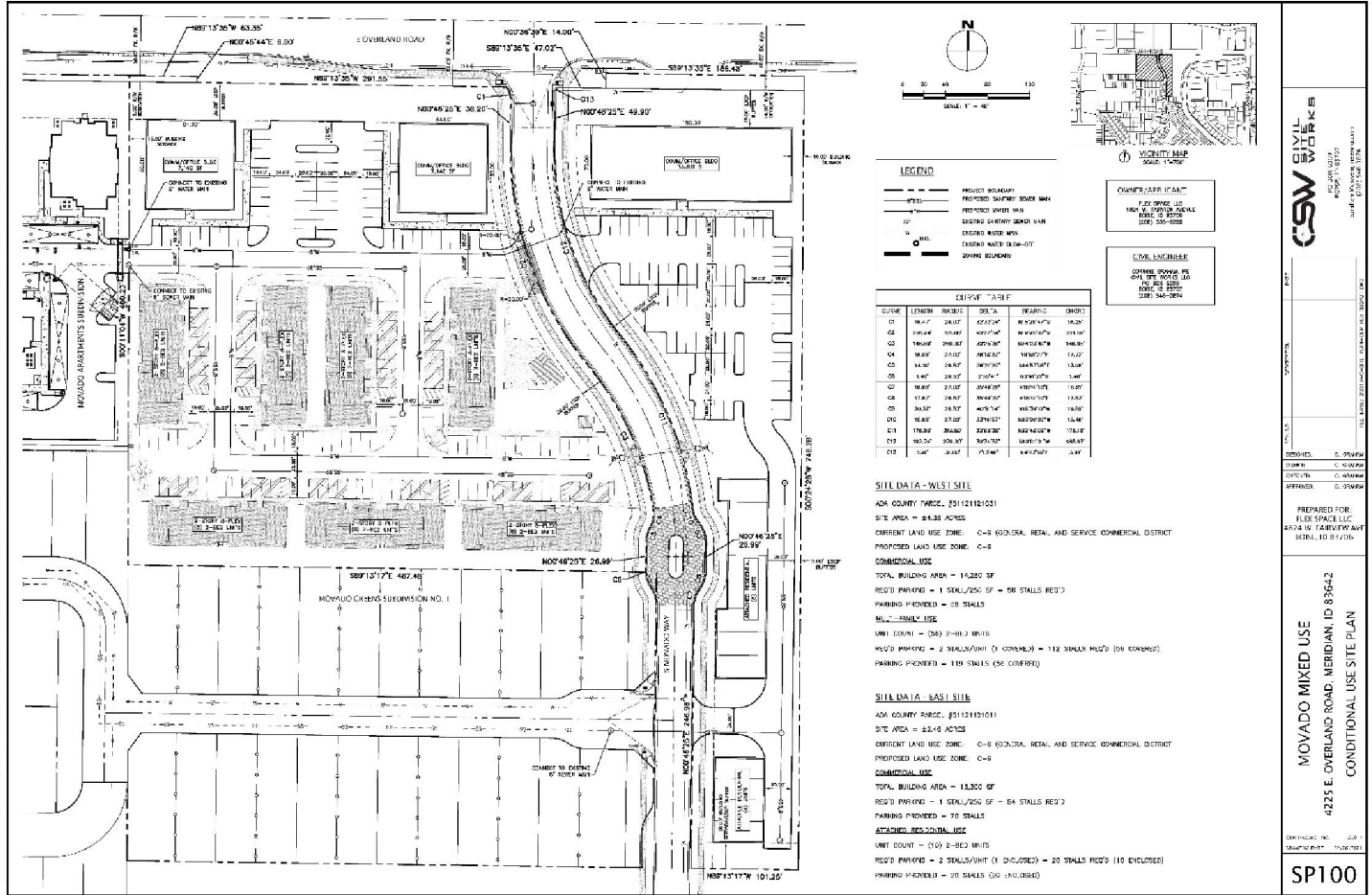
- C. The Meridian City Council heard these items on April 20, 2021. At the public hearing, the Council **moved to approve** the subject Conditional Use Permit and Development Agreement Modification requests.
1. Summary of the City Council public hearing:
 - a. In favor: Hethe Clark, Applicant Attorney; Mark Bottles, Broker;
 - b. In opposition: Gary Dudlicek, neighbor; Jane Quick, neighbor; Carol Ogburn, neighbor; JoAnn Gormley, neighbor; Jim Price, neighbor; Jan Nye, neighbor; Glenda McConaughy, neighbor; Patricia Price, neighbor; Martha McClay, neighbor; Vera Jo Bustos, neighbor; Dee Dee Toschi, neighbor; Dave Rognlie, neighbor;
 - c. Commenting: Hethe Clark; Jim Conger, Developer; Mark Bottles; Kristy Inselman, ACHD; Gary Dudlicek; Jane Quick; Carol Ogburn; JoAnn Gormley; Jim Price; Jan Nye; Glend McConaughy; Patrici Price; Martha McClay; Vera Jo Bustos; Dee Dee Toschi; Dave Rognlie.
 - d. Written testimony: 14 pieces – 13 against, 1 in favor; Those against note the same issues as discussed at the previous 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. Quality and kind of amenities proposed;
 - b. Increase of traffic, no new traffic study required, and what is the trigger for the
 - c. Movado/Overland intersection to be signalized;
 - d. Buffer width and vegetation density between proposed product type and existing single-story duplexes to the south;
 - e. How do master planned developments like Movado change their plan after the fact;
 - f. Difficulty of marketing the subject site for the amount of commercial currently proposed in the DA with the larger and more visible Eagle View Landing to the north slowly coming online;
 3. Key issue(s) of discussion by City Council:
 - a. Submitted letter from West Ada and the assumed number of children;
 - b. Issues associated with additional traffic from more residential versus commercial and why was a new traffic study not triggered;
 - c. Quality of the proposed amenities – are the proposed amenities adequate for the proposal;
 - d. Design of the newly proposed single-story townhomes and the overall proposed finishing materials of the proposed product type;
 - e. Height of all proposed structures, especially the newly proposed single-story units along the southern boundary;
 4. City Council change(s) to Commission recommendation:
 - a. Include an amenity that is child focused – no specific amenity was listed but Applicant should work with Staff to determine best fit.
 - b. Restrict the units along the southern boundary of parcel S1121121031 abutting the existing homes in Movado Greens to single-story only.

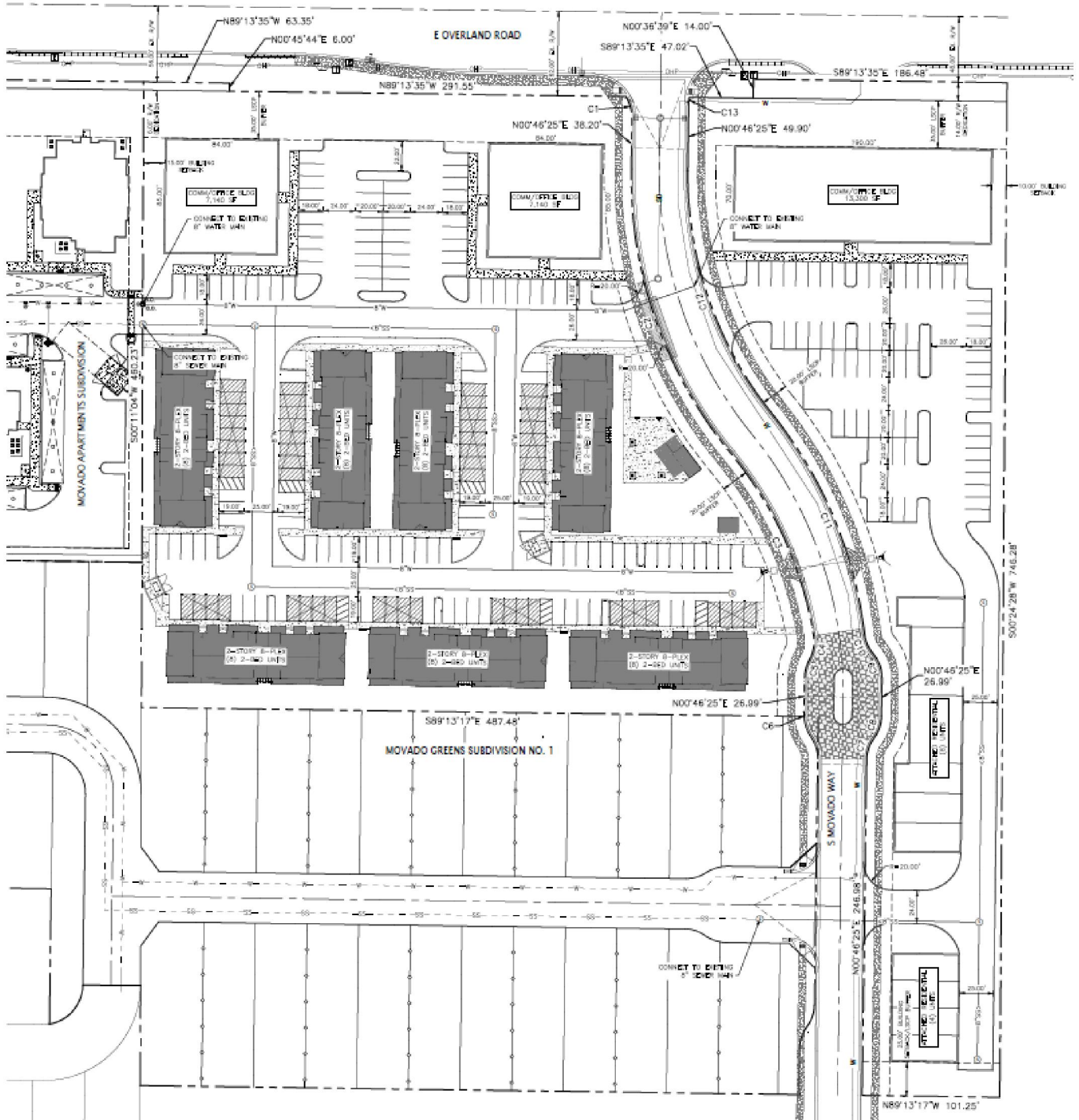
VII. EXHIBITS

A. Conceptual Development Plan Included in Existing Development Agreements (Movado Greens)



B. Site Plan/New Concept Plan (date: 2/26/2021) NOT APPROVED





Item #13.

D. Qualified Open Space Exhibit (dated: 7/30/2020) NOT APPROVED



1 SITE PLAN - OPEN SPACE

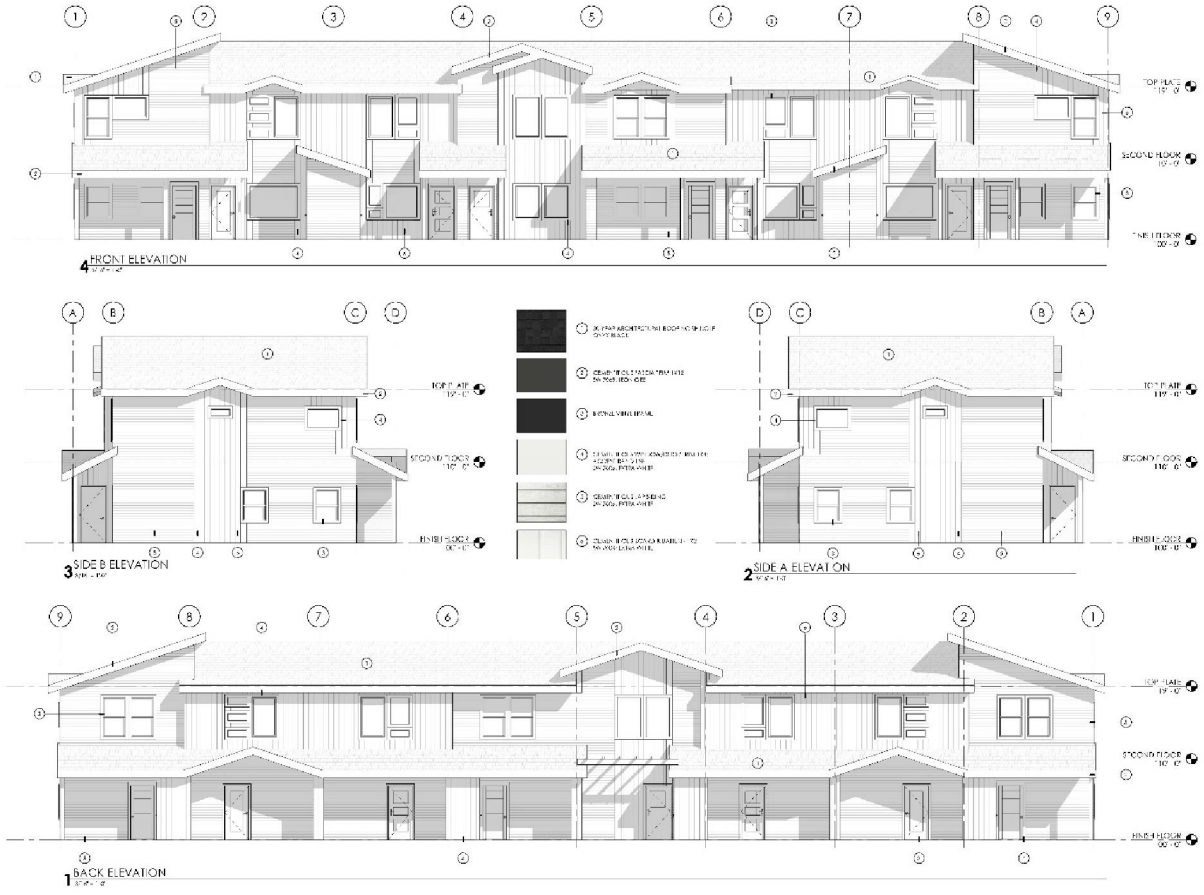
LEGEND

■	PRIVATE, USABLE OPEN SPACE = 7,028 SF <small>MINIMUM 10' WIDE AND 10' DEEP 1. EXTERIOR PATIO, DECK, OR BALCONY 2. EXTERIOR COURTYARD OR TERRACE 3. EXTERIOR WALKWAY OR PATH</small>
■	COMMON OPEN SPACE W/ MIN. 20' DEEP (MIN. 10' WIDE) = 57 <small>MINIMUM 10' WIDE AND 10' DEEP 1. EXTERIOR PATIO, DECK, OR BALCONY 2. EXTERIOR COURTYARD OR TERRACE 3. EXTERIOR WALKWAY OR PATH</small>
■	SITE DEVELOPMENT AMENITIES = 3 <small>1. EXTERIOR PATIO, DECK, OR BALCONY 2. EXTERIOR COURTYARD OR TERRACE 3. EXTERIOR WALKWAY OR PATH</small>

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<p>PROJECT: FLEXSPACE LLC MOVADO MULTIFAMILY MERIDIAN, ID 83642</p>	<p>PROFESSIONAL:</p> <p>OPEN SPACE & AMENITY PLAN</p>
<p>JOB NO.: 230624 DATE: 03/05/21 DRAWN BY: AMB/ST</p>	
<p>SHEET NUMBER: A-1.1</p>	

E. Conceptual Building Elevations



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<p>EXTERIOR ELEVATIONS</p>	
<p>MEMBER OF: FLEXSPACE LLC MOVADO MULTIFAMILY MERIDIAN, ID 83642</p>	
JOB NO.	7
DATE	
CONTRACTOR	Author
<p>SHEET NUMBER: A-3.0</p>	
<p>DATE PLOTTED: 11/26/2014</p>	

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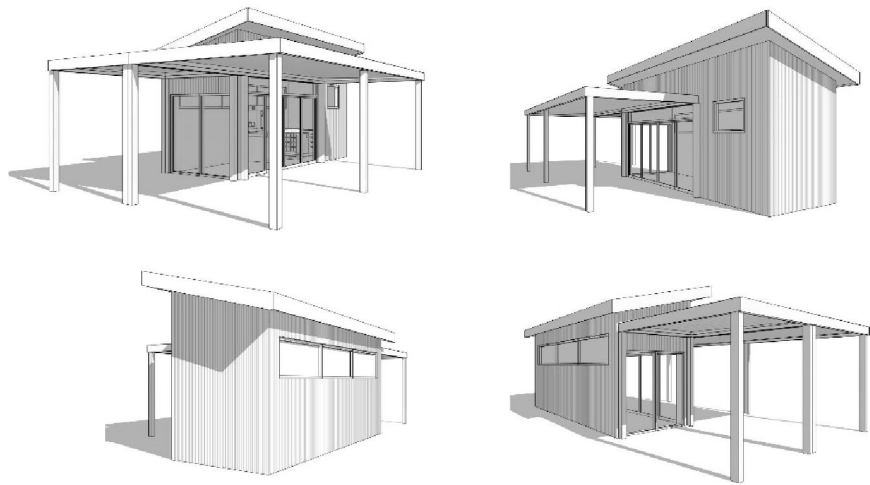
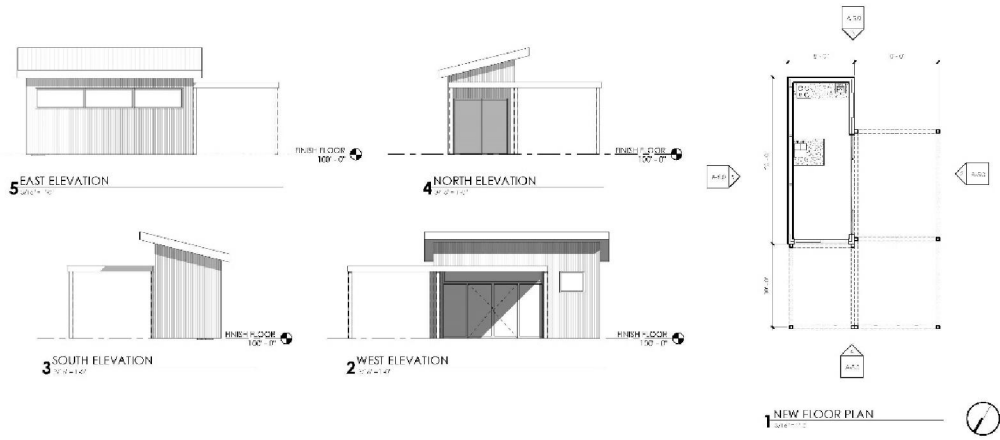
PROFESSIONAL SEAL

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JOB NO.:	7
DATE:	11.02.20
DRAWN BY:	Author
SHEET NUMBER:	A-4.0
DATE PLOTTED:	11/2/20 10:28:31 AM

3-D RENDERINGS

Item #13.



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PROJECT NAME:	
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PROJECT: FLEXSPACE LLC MOVADO MULTIFAMILY MERIDIAN, ID 83642 BISTRO PLAN & ELEVATIONS	
JOB NO:	
DATE:	11.12.20
DRAWN BY:	WJC
SHEET NUMBER: A-5.0	
TOTAL SHEETS: 11 OF 16	

VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

Development Agreement Modification:

1. Within six (6) months of the City Council granting the subject modification, the owner shall sign and obtain Council approval of the amended development agreement that includes an updated development plan as shown in Section VII.B; the amended DA shall include the following provisions:
 - a. Future development of this site shall be generally consistent with the conceptual site plan, conceptual building elevations, landscape plan, and qualified open space exhibits included in Section VII and the provisions contained herein with the following revisions:
 - i. ~~Condense the two commercial buildings on the western parcel into a singular two-story structure;~~
 - ii. ~~Remove the parking along the northernmost east-west drive aisle on the western parcel to allow for detached sidewalks on both sides with 8-foot wide parkways and street trees;~~
 - iii. Add a shared plaza to be used by the commercial and multi-family residential within the development located somewhere within the area of the proposed commercial buildings along Overland—conceptual design of this area should be completed by the Applicant and submitted to Planning Staff for review prior to the City Council hearing;
 - iv. Include at least one (1) pedestrian crossing from the multi-family townhomes to the shared plaza and commercial that is clearly delineated from the driving surface by being constructed with brick pavers, stamped concrete, or similar;
 - b. The allowed uses within the future commercial buildings shall be flex-space, office, retail, personal and professional services, restaurant, and daycare uses to aid in the integration and compatibility with the multi-family residential; no drive throughs shall be permitted within this development without obtaining a modification to this agreement.
 - c. No building permits shall be issued for this development until the property has been subdivided in accord with the approved preliminary plat (H-2017-0104).
 - d. The Applicant shall grant cross-access with the adjacent property to the east (Parcel #S1121110200) located somewhere along the shared eastern property boundary; copy of the agreement shall be provided with the Certificate of Zoning Compliance application.
 - e. The units along the southern boundary of parcel #S1121121031 shall be restricted to single-story only.

Conditional Use Permit (CUP):

2. The Applicant shall adhere to all previous conditions of approval associated with this site (H-2016-0112 & H-2017-0104).
3. **At least ten (10) days prior to the City Council hearing With the Certificate of Zoning Compliance application, the Applicant shall submit a revised site plan and landscape plan to reflect Staff's recommended layout changes above and the following dimensional standard revisions:**
 - i. **Revise the drive aisle in the southeast corner of the western parcel to reduce this segment's length to no more than 150 feet.**
4. ~~At least ten (10) days prior to the City Council hearing With the Certificate of Zoning Compliance application,~~ the Applicant shall submit a revised open space exhibit showing the ten (10) units in the southeast corner of the development and compliance with the multi-family open space standards.
5. Prior to obtaining certificate of occupancy on any building within this development, the Applicant shall close all curb-cuts not being proposed for use along S. Movado Way and E. Overland Road with curb, gutter, and sidewalk commensurate with ACHD requirements.
6. ~~The Applicant shall provide conceptual elevations for the proposed multi-family dwellings located in the very southeast corner of the site and all commercial buildings at least ten (10) days prior to the City Council hearing.~~
7. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2B-3 for the C-G zoning district.
8. An additional amenity shall be added to the site that is geared towards children (i.e. a tot-lot, climbing boulders, etc.).
9. Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for multi-family dwellings based on the number of bedrooms per unit.
10. The Applicant shall comply with all ACHD conditions of approval.
11. The Applicant shall obtain Administrative Design Review and Certificate of Zoning Compliance approvals for the future commercial buildings prior to submittal for any building permits for the commercial portion of the development.
12. The Applicant shall obtain Administrative Design Review and Certificate of Zoning Compliance approvals for the multi-family residential buildings prior to submittal for any building permits for the residential portion of the development. Because the two multi-family developments are separated by S. Movado Way and on separate lots, the applicant shall submit a Design Review application for each lot.
13. Future building elevations of both the commercial and multi-family development shall incorporate similar design elements and finish materials to ensure cohesive project design.
14. The Applicant shall remove the existing privacy fencing along the Overland Road frontage for the commercial portion of the site with development of each commercial site and subsequent Certificate of Zoning Compliance approval.
15. Provide a pressurized irrigation system consistent with the standards as set forth in UDC 11-3A-15, UDC 11-3B-6 and MCC 9-1-28.

- 16. 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 set forth in UDC 11-3B-14.
- 17. 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 set forth in UDC 11-5B-6F.1; or 2) obtain approval of a time extension as set forth in UDC 11-5B-6F.4.

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 No Permanent structures (buildings, carports, trash receptacle walls, fences, infiltration trenches, lightpoles, etc.) can be built within the utility easement. It is unclear as to how the commercial/office building in the northeast corner will be serviced.
- 1.2 Eliminate water main dead-end at southeast corner of western parcel; possibly run a service line to the building instead.
- 1.3 A streetlight plan will need to be included in the final plat or building permit application. Streetlight plan requirements are listed in section 6 of the City's Design Standards. Streetlights are required on Overland Road. Streetlights shall be installed and operational prior to any occupancy as required in section 6 of the Meridian 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. POLICE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222720&dbid=0&repo=MeridianCity&cr=1>

D. NAMPA-MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223055&dbid=0&repo=MeridianCity>

E. CENTRAL DISTRICT HEALTH DEPARTMENT (CDHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222773&dbid=0&repo=MeridianCity>

F. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222737&dbid=0&repo=MeridianCity>

G. COMMUNITY DEVELOPMENT SCHOOL IMPACT TABLE

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=218002&dbid=0&repo=MeridianCity>

H. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=218955&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.**

If all conditions of approval are met, Council finds the submitted site plan shows compliance with all dimensional and development regulations in the C-G 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.**

Council finds the proposed use of multi-family residential, with Staff's recommended revisions, is harmonious with the comprehensive plan designation of Mixed-Use Regional and the requirements of this title when included in the overall project analysis.

- 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 than the residential uses directly to the south, Council finds the 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 complies with Staff's recommended revisions and maintains all required landscape buffers.

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

Council 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.**

Council finds the proposed use will be served adequately by essential public facilities and services because all services are readily available.

- 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 Council finds 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 by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.**

Although traffic is sure to increase in the vicinity with the addition of more residential units, all major roadways adjacent to the site are already at their full width and the development has multiple

avenues of accessing the arterial network to the north or to the south. Therefore, Council 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)**

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