

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



In the Matter of the Request for Annexation of 10.41 acres of land with a request for C-C (2.01 acres) and R-15 (8.3 acres) zoning districts; Preliminary Plat consisting of 43 residential building lots (42 single-family residential and 1 multi-family residential), 1 commercial building lot, and 2 common lots on 8.8 acres of land in the proposed C-C and R-15 zoning districts; Conditional Use Permit for a multi-family development consisting of a total of 18 units on 1.18 acres in the proposed R-15 zoning district, by DG Group Architecture, PLLC. (NOTE: The Applicant also received approval for private streets in a portion of the project. This application is reviewed and approved by the Director)

Case No(s). H-2021-0071

For the City Council Hearing Date of: February 22, 2022 (Findings on March 8, 2022)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of February 22, 2022, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of February 22, 2022, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of February 22, 2022, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of February 22, 2022, 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 February 22, 2022, 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 requests for Annexation and Zoning, Preliminary Plat, and Conditional Use Permit are hereby approved per the conditions of approval in the Staff Report for the hearing date of February 22, 2022, 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 February 22, 2022.

By action of the City Council at its regular meeting held on the 8th day of March, 2022.

COUNCIL PRESIDENT BRAD HOAGLUN VOTED AYE

COUNCIL VICE PRESIDENT JOE BORTON VOTED

COUNCIL MEMBER JESSICA PERREAULT VOTED AYE

COUNCIL MEMBER LUKE CAVENER VOTED AYE

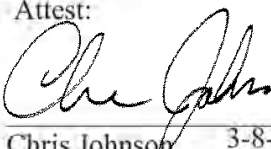
COUNCIL MEMBER TREG BERNT VOTED AYE

COUNCIL MEMBER LIZ STRADER VOTED AYE

MAYOR ROBERT SIMISON VOTED
(TIE BREAKER)



Mayor Robert E. Simison 3-8-2022

Attest:


Chris Johnson 3-8-2022
City Clerk



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

By:  Dated: 3-8-2022
City Clerk's Office

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



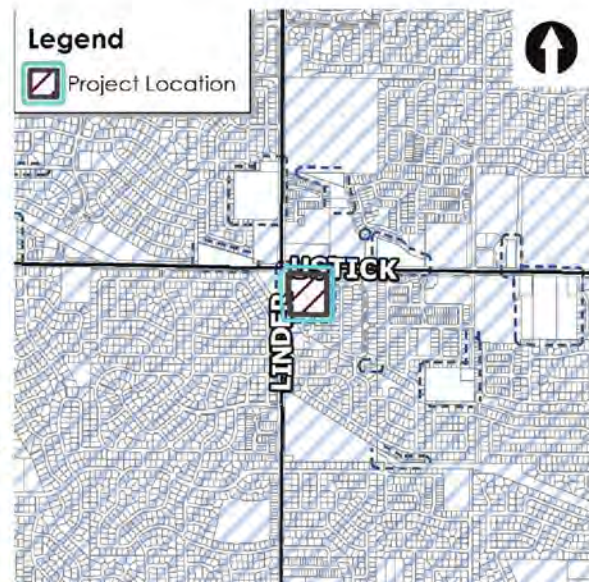
HEARING DATE: 2/22/2022

TO: Mayor & City Council

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

SUBJECT: H-2021-0071
Lennon Pointe Community

LOCATION: The site is located at 1515 W. Ustick Road, in the southeast corner of N. Linder Road and W. Ustick Road, in the NW ¼ of the NW ¼ of Section 1, Township 3N., Range 1W.



I. PROJECT DESCRIPTION

- Annexation of 10.41 acres of land with a request for C-C (2.01 acres) and R-15 (8.3 acres) zoning districts;
- Preliminary Plat consisting of 44 ~~43~~ residential building lots (43 ~~42~~ single-family residential and 1 multi-family residential), 1 commercial building lot, and 2 common lots on 8.8 acres of land in the proposed C-C and R-15 zoning districts;
- Conditional Use Permit for a multi-family development consisting of a total of 18 units on 1.18 acres in the proposed R-15 zoning district, by DG Group Architecture, PLLC.

Note: The Applicant is also applying for private streets in a portion of the project. This application is reviewed and approved by the Director; Commission action is not required. Analysis of the private street design is provided below in section V.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details
Acreage	10.41 (R-15 – 8.3 acres; C-C – 2.01 acres)
Future Land Use Designation	Mixed Use Community
Existing Land Use(s)	County residential
Proposed Land Use(s)	Residential (townhomes, single-family attached, single-family detached, and multi-family) and Commercial
Lots (# and type; bldg./common)	47 total lots – 43 residential lots; 1 multi-family residential lot; 1 commercial; and 2 common lot.
Phasing Plan (# of phases)	No phasing plan was submitted

Description	Details
Number of Residential Units (type of units)	61 residential units – 4 detached single-family lots, 30 single-family attached lots, 9 townhome lots, and 18 multi-family units.
Density	Gross – 7.35 du/ac.; Net – 18.55 du/ac.
Open Space (acres, total [%]/buffer/qualified)	1.64 acres of qualified open space (18.7%) – large open space area in the southwest corner of the site, the large central mew, and half of the required arterial street buffers
Amenities	2 qualifying amenities for UDC 11-3G-3 – segment of 10-foot multi-use pathway and tot-lot (non-qualifying dog-park area is also proposed). 2 qualifying amenities for the multi-family residential (UDC 11-4-3-27) – shared plaza and public art feature.
Physical Features (waterways, hazards, flood plain, hillside)	Kellogg Drain and Creason Lateral traverse the southern portion of the site. Floodplain exists over a majority of the site. See Public Works comments for further requirements, Section VIII.B.
Neighborhood meeting date	September 7, 2021
History (previous approvals)	N/A

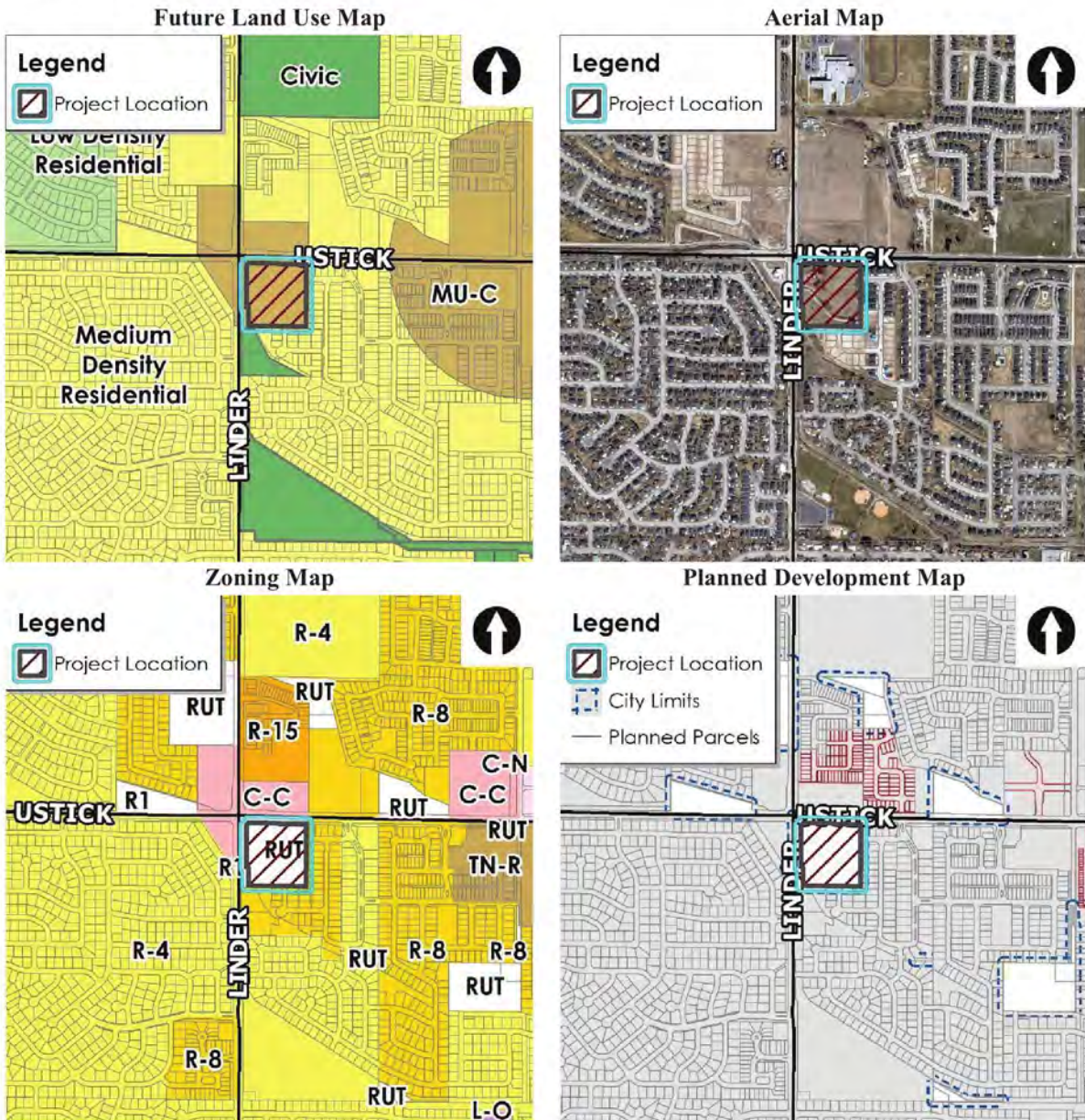
B. Community Metrics

Description	Details
Ada County Highway District	
- Staff report (yes/no) - Requires ACHD Commission Action (yes/no)	Yes No
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Access to the adjacent arterials (Ustick and Linder) is proposed via one driveway connection to each. Private Street access is proposed to the internal local street being extended through the site.
Traffic Level of Service	Ten Mile Road – Better than “E” (1,474/1,540 VPH) Pine Avenue (existing section only) – Better than “D” (182/425 VPH)
Stub Street/Interconnectivity/Cross Access	Two local stub streets exist to the east and south property boundaries – Applicant is proposing to extend each street and intersect them within the site. Applicant is proposing a private street through the west half of the development that connects to the extended local street. Access to the commercial property at the northwest corner of the site is proposed via drive aisle connections to the proposed private street and the multi-family drive aisle. Access to the multi-family units is proposed via a typical drive aisle.
Existing Road Network	Internal road network is not existing.
Existing Arterial Sidewalks / Buffers	Existing arterial sidewalks; The required landscape buffers will be installed with this project.
Proposed Road Improvements	None proposed or required with this application. Below are anticipated improvements to adjacent roadways: Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP): - Linder Road is scheduled in the IFYWP to be widened to 5-lanes from Ustick Road to Cherry Lane in the future with the design year of 2025. - Ustick Road is scheduled in the IFYWP to be widened to 5-lanes from Linder Road to Ten Mile Road in 2025. - Linder Road is listed in the CIP to be widened to 3-lanes from Ustick Road to Cherry Lane between 2036 and 2040. - Ustick Road is listed in the CIP to be widened to 5-lanes from Linder Road to Ten Mile Road between 2021 and 2025.

Description	Details																																										
Fire Service																																											
- Distance to Fire Station - Fire Response Time - Resource Reliability - Risk Identification - Accessibility	1.5 miles from Fire Station #2 This project lies within the Meridian Fire response time goal of 5 minutes. Fire Station #2 reliability is 85%. Risk Factor 4 – commercial with hazards (multi-family waterway) Proposed project meets all required access, road widths, and turnarounds; Fire has signed off on Private Street layout. Addressing for project is very important for emergency responses; Applicant shall work with City Addressing Agent and the Fire Official to have lighted maps wherever necessary.																																										
Police Service																																											
- Distance to Station - Response Time - Call Data	Approximately 4.2 miles from Meridian Police Department Approximate 4-minute response time to an emergency. Between 10/1/2019- 9/31/2021, the Meridian Police Department responded to 4,584 calls for service within the reporting district (M731) of the proposed development. The crime count on the calls for service was 442. See attached documents for details. Between 10/1/2019- 9/31/2021, the Meridian Police Department responded to 62 crashes within a mile of the proposed development. See attached documents for details.																																										
Additional Concerns	None																																										
West Ada School District																																											
	<table><tr><th></th><th>Enrollment</th><th>Capacity</th><th>Approved prelim plat parcels per attendance area</th><th>Approved MF units per attendance area</th><th>Miles (Dev. to School)</th></tr><tr><td>River Valley Elementary</td><td>453</td><td>700</td><td>433</td><td>560</td><td>4.8</td></tr><tr><td>Meridian Middle School</td><td>1097</td><td>1000</td><td>800</td><td>1798</td><td>2.2</td></tr><tr><td>Meridian High School</td><td>1769</td><td>2075</td><td>3728</td><td>2300</td><td>2.0</td></tr><tr><td colspan="6"><u>School of Choice Options</u></td></tr><tr><td>Chief Joseph School -Arts</td><td>498</td><td>700</td><td>N/A</td><td>N/A</td><td>3.7</td></tr><tr><td>Barbara Morgan - STEM</td><td>412</td><td>500</td><td>N/A</td><td>N/A</td><td>1.0</td></tr></table>		Enrollment	Capacity	Approved prelim plat parcels per attendance area	Approved MF units per attendance area	Miles (Dev. to School)	River Valley Elementary	453	700	433	560	4.8	Meridian Middle School	1097	1000	800	1798	2.2	Meridian High School	1769	2075	3728	2300	2.0	<u>School of Choice Options</u>						Chief Joseph School -Arts	498	700	N/A	N/A	3.7	Barbara Morgan - STEM	412	500	N/A	N/A	1.0
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- Project Consistent with Master Plan - Comments	No – See attached water markup in Exhibit VII.F and conditions in Section VIII.B for required revisions. - A water main connection will be required to Ustick Road. - Current design does not follow the utility corridor. Water mains should be located north and east of roadway centerline. - A water main connection will be required to the existing stubs in North Zion Park Avenue and West Pebblestone Drive. - The proposed main west of Building B should be eliminated. - Complete the water loop by extending the water main in the private road between Building B and Building D1 to the northeast. - Minimize water main length near the commercial lot at the northwest corner of the development. Bring the water main only as far as needed to provide a hydrant for the buildings’ fire protection. Extend service lines from the main to serve the two retail buildings. - Water mains should not cross through landscaping or sidewalks.																																										
Wastewater																																											
Project Consistent with Master Plan	No – Development needs to tie into sewer at W. Pebblestone Dr. and not in W. Ustick.																																										

Description	Details
Comments	- Services should not cross other residential lots. The services in the southeast corner do this and need to be adjusted. Sewer needs to tie into the cleanout in W. Pebblestone Dr. The cleanout is supposed to be temporary until this parcel developed. The City does not want the clean out there permanently. - There is a manhole located in a landscaping area (located at the NE corner nearest Pebblestone Dr). Reconfigure so this manhole is in the ROW. 20' Utility easement for sewer and 30' utility easement for sewer and water needed. - Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement. - Ensure no sewer services cross infiltration trenches.
COMPASS – Communities in Motion 2040 2.0 Review	
Housing w/in 1 mile	5,240
Jobs w/in 1 mile	970
Ratio	0.2 – indicates an employment need (ratio between 1-1.5 is considered healthy ratio).
Nearest Bus Stop	3.1 miles
Nearest Public School	0.5 miles
Nearest Public Park	0.25 miles – Approximately ¼ mile north of Tully Park (18.3 acres in size).
Nearest Grocery Store	1.6 miles
Recommendations	See agency comment section for link to full file.

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Same as Representative

B. Owner:

Jeff Sindon – PO Box 383, McCall, ID 83638

C. Representative:

Andrew Wheeler, DG Group Architecture, PLLC – 430 E. State Street, Eagle, ID 83616

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	11/2/2021	2/6/2022
Radius notification mailed to properties within 500 feet	10/27/2021	2/3/2022
Site Posting	11/2/2021	2/7/2022
Nextdoor posting	10/28/2021	2/3/2022

V. STAFF ANALYSIS

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

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

The subject site has existing City of Meridian zoning in all directions, including across the adjacent arterials to the north and west. The site is directly bordered to its north and west by arterial streets, Ustick and Linder Roads, respectively. Development of these areas are ongoing with detached single-family to the east and south in Creason Creek Subdivision and multiple office buildings being constructed to the north across Ustick Road. An ambulance service and C-C zoning exist to the west across Linder Road. In addition to the existing land uses around the property, the subject site contains two major waterways and a large area of floodplain that traverse a large segment of the southern half of the site, the Creason Lateral and the Kellogg Drain. The Applicant is proposing to pipe the Kellogg Drain and reroute it to make more area of the site usable as well as provide open space and pathways in the southwest corner of the site and along the west boundary.

*The proposed land uses are attached single-family, townhomes, multi-family residential, and commercial. These land uses are consistent with those outlined in the MU-C future land use designation definitions and preferred uses when properly integrated with both internal and external uses. Overall, Staff finds the proposed site design does integrate the project and proposed uses in appropriate manners. Specifically, the Applicant has proposed their multi-family residential product along Ustick and the commercial buildings at the hard corner of the Ustick and Linder intersection which places the most intense uses closest to the arterials. Therefore, the single-family uses are proposed on the remaining area of the site that makes up approximately 70% of the site area. The Applicant is proposing the single-family portion of the site as all two-story except for the 6-unit townhomes along Linder which are proposed 3-stories. **Because of the proposed transitional density and placement of the proposed uses, this project is generally consistent with the concept diagrams in the City's Comprehensive Plan for mixed-use designations.***

However, the one area of the site that Staff finds could provide more transition is the 4-story multi-family building along Ustick that is also adjacent to single-family to the east. The existing detached single-family home in Creason Creek directly adjacent to the site is a single-story home

with an upstairs bonus room. Despite the separation of the side yard of the single-family home and a proposed micro-path area of 20 feet wide between the two uses, Staff finds the height disparity of the existing home and the proposed 4-story multi-family building is an adequate transition. According to the Applicant, the multi-family units are each two stories and are being proposed as being stacked, which is how the 4-story concept is proposed. Therefore, Staff is recommending the top two (2) units directly adjacent to Creason Creek are removed so there is approximately 65 feet (includes landscaping and unit width) of separation between the existing home and the 4-story portion of the multi-family. With this revision, the height of the two story multi-family units would be approximately 21 feet depending on how the Applicant proposes to roof the units (flat roof or pitched roof).

In addition to site design, certain densities are required to be met for residential projects within the MU-C future land use designation. The proposed project as shown is approximately 7.35 du/ac, meeting the 6-15 du/ac requirement (see community metrics above). Therefore, Staff finds the density proposed with the annexation and plat is consistent with the Future Land Use Map designation of Mixed-Use Community (MU-C). NOTE: The gross density will decrease slightly with staff's recommendation to lose two of the multi-family units.

Mixed-use designations also require at least three (3) types of land uses. When analyzing projects within the MU-C future land use designation, the approved and/or developed land uses nearby must be considered. Therefore, Staff has taken into account adjacent land uses that can be traveled between with relative ease. The closest development to this property is an office development that is under construction to the north. Specific uses of this project are not known at this time but the property is zoned C-C and does not have limitations on the allowed uses outside of zoning. Furthermore, this project is proposed with different residential land uses as well as two commercial building footprints. Staff finds the appropriate number of uses for a mixed-use area is met.

Therefore, as noted previously and with Staff's recommended revision, Staff finds the proposed project to be generally consistent with the Mixed-Use Community purpose statement and concept diagram. Further and specific policy analysis is below.

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. In order to ensure the site develops as proposed with this application, Staff recommends a DA as a provision of annexation with the provisions included in Section VIII.A1. The DA is required to be signed by the property owner(s)/developer and returned to the City within 6 months of the Council granting the annexation for approval by City Council and subsequent recordation. A final plat will not be accepted until the DA is executed and the AZ ordinance is approved by City Council.

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

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

"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). Lennon Pointe Community is proposing a project with a combination of land uses in the form of single-family attached, townhomes, multi-family, and commercial within one development. A vast majority of the housing that exists around this development are traditional detached single-family homes. The Applicant hopes to add additional housing types in this geographic area and within this MU-C area that will delineate a unique living opportunity in the City and add to the housing diversity available while being within safe walking distance to future commercial uses.

"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 site design incorporates mews, private streets, an extension of public streets, common open space, and different land uses within the same project area. As discussed above, Staff finds the proposed site design is compatible with adjacent uses through transitional density, buffering, and overall design.

“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 existing facilities abutting the site. This project also lies within the Fire Department response time goal of 5 minutes. Linder and Ustick Roads are currently built at their ultimate anticipated widths directly abutting the site.

West Ada School District offered comments on this project and estimates 32 additional school aged children would be housed in this development. According to the letter received, the allocated elementary and high school for this site have capacity but the middle school is already over capacity. Staff understands that school enrollment is a major issue to be dealt with on a city-wide scale. Due to the incorporation of different housing types and a unit count on the low end of the allowed density, the Applicant has minimized the project impact on area schools.

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

“Preserve, protect, and provide open space for recreation, conservation, and aesthetics” (4.05.01F). The proposed project offers open space that exceeds the minimum requirements in the unified development code (UDC). The Applicant has placed a large area of open space in the southwest corner of the development where the irrigation facilities and their easements exist. In addition, there is a mew running north-south through the center of the development for the attached single-family units to front on green space rather than the road network. This adds to the green space and adds a more livable component to the project. Other areas of open space are also proposed along the west boundary that would act as a buffer from Linder as well as a proposed dog park area in the southeast corner of the site. In addition, all of the open space areas are accessible through pedestrian facilities that connect throughout the entire site. Staff supports the proposed open space areas and anticipates they will provide recreation, conservation, and add to the aesthetic of the project.

See further analysis in Section V.F and V.L.

“Establish distinct, engaging identities within commercial and mixed-use centers through design standards.” (2.09.03A). As discussed above, the proposed project offers a distinct set of uses and design that are currently not available nearby the site. Included in this is the incorporation of two commercial buildings at the northwest corner of the site with a shared plaza for use by the residents and future business patrons. This is a desired aspect of mixed-use areas that helps engage the commercial buildings with the residential component of a project. In addition, according the submitted elevations and site renderings, the Applicant is proposing distinct architecture for the project that creates a specific identity for this development and corner property.

In addition to general Comprehensive Plan policies, projects in mixed-use areas should also aim to meet the mixed-use policies. Rather than list them all in this report, Staff has analyzed the project against them and finds the project to be consistent with a majority of those policies outlined in the mixed-use area of the Comprehensive Plan [here](#).

Therefore, Staff finds this development to be generally consistent with the Comprehensive Plan and a majority of the mixed use-policies.

C. Existing Structures/Site Improvements:

The site currently houses a single-family home and other accessory buildings. All existing structures will be removed upon development of this site. The Applicant will be responsible for maintaining the existing arterial sidewalks along Ustick and Linder Roads during construction.

D. Proposed Use Analysis:

The Lennon Pointe Community proposes multiple residential uses and a commercial component within the same project. The commercial area is proposed at the very northwest corner of the site and shows two building pads totaling 12,000 square feet on 1.47 acres of requested C-C zoning. No tenants are currently known at this time but the submitted site plan shows the larger building closest to the hard corner with a drive-through and the smaller building along the south boundary of the C-C area adjacent to a shared plaza. Should a drive-through be proposed on this commercial lot, it will require a future Conditional Use Permit (CUP) because it is within 300 feet of a residential use and district. Commercial buildings require Certificate of Zoning Compliance (CZC) and Design Review so Staff will evaluate uses for compliance with code with future application submittals.

The remaining area of the site (7.28 acres) is proposed with the R-15 zoning district and residential uses. The residential areas of the site are proposed with three (3) detached single-family homes (located at the very southeast corner of the site), attached single-family (2 attached units with each on their own lot), townhomes (3 or more attached units on individual lots), and multi-family residential. All of the proposed single-family uses are permitted uses within the requested R-15 zoning district. The multi-family residential use is a conditional use in R-15 zoning district per UDC Table 11-2A-2.

No phasing plan was submitted so it can be assumed development is proposed to be constructed in one phase. Administrative Design Review is required for all of the proposed residential uses except for the three (3) detached homes proposed in the southeast corner of the site. This application was not submitted concurrently with the other applications so the Applicant will be required to submit this prior to obtaining building permits for any of the attached product and the multi-family. The Applicant has provided conceptual elevations and renderings of all residential uses and Staff's initial analysis is that the buildings comply with the Architectural Standards Manual (ASM).

E. Dimensional Standards (UDC 11-2):

The commercial and multi-family residential lots appear to meet all UDC dimensional standards per the submitted plat. *All of the single family lots also meet the UDC minimum lot size standard except for the central lot in the 3-unit townhome at the south end of the site—this lot is shown as less than the minimum required 2,000 square feet and should be corrected with the final plat submittal to meet UDC standards. The 3-unit townhome building contains the three smallest building lots in the development and includes the non-conforming lot. Other than these three lots, the smallest building lot is approximately 2,800 square feet.*

Furthermore, it appears the site plan shows building footprints too large for the proposed building lots—the building footprints do not meet the minimum building setback to the entrance sidewalks of 10 feet. When future building permits are submitted, the Applicant will be required to show compliance with all R-15 dimensional standards as outlined in UDC Table 11-2A-7.

According to the submitted conceptual elevations, the proposed 4-story multi-family buildings are 46 feet in height which is above the 40 foot height limit for the requested R-15 zoning district. Prior to submitting for CZC and Design Review, the Applicant is required to correct this to comply with the R-15 dimensional standards.

In addition to the building lots, the Applicant is proposing a private street through a portion of the residential area. According to the submitted plans, the Applicant is proposing this private street to be at least 26 feet wide and be within a 30-foot easement on the plat. Sidewalks are not required along private streets but the Applicant has proposed a 5-foot wide sidewalk along the proposed building rather than adjacent to the private street. Overall, the minimum UDC standards outlined in UDC 11-3F for the proposed private street are met per the submitted plans.

The inclusion of sidewalks adjacent to the townhome units on the west end of the development adds to the pedestrian circulation of the site despite not being required for private streets. The same can be said for all of the pedestrian facilities shown on the submitted site plan that provide the entrances to each unit and creates alley-loaded homes for a majority of the site. However, the "detached" sidewalk on the east side of the 6-unit townhome building should be moved to be located adjacent to the private street so the sidewalk is less likely to be blocked by cars parked on the parking pad between the street and the garage door.

In addition, all subdivision developments are also required to comply with Subdivision Design and Improvement Standards (UDC 11-6C-3). *The proposed preliminary plat and submitted plans appear to meet the UDC requirements of this section.*

F. Specific Use Standards (UDC 11-4-3):

The proposed multi-family development use is subject to conditional use permit approval by the Planning and Zoning Commission 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 complies with this requirement according to the submitted plans.*
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 internal to the site; 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. *Each multi-family unit is proposed as a two-story unit with the units on levels 1 & 2 differing from those on levels 3 & 4. According to a document submitted by the Applicant, the lower units provide at least 132 square feet of private open space in the form of private patios. This document also states the units on the upper levels provide at least 251 square feet of private open space per unit in the form of private patios. The submitted conceptual elevations show the fourth floor patio is essentially a roof-top deck above the third floor. **Based on the submitted elevations and data provided by the Applicant, Staff supports the proposed private common open space and finds it exceeds the required area.***

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)

Applicant is proposing 18 units so this requirement is not applicable to this development.

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.
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'). *Each multi-family unit is proposed as greater than 1,200 square feet so 350 square feet of common open space per unit is needed to meet the specific use standards. The maximum common open space*

required for the overall project is 44,415 square feet with 6,300 square feet of that needed to satisfy the multi-family standards. Because the project is relatively small, all open space is proposed to be shared between the single and multi-family residential units. The open space shown on the submitted open space exhibit shows 48,824 square feet of total qualified open space but does not include all areas that are qualifying per UDC standards. However, based on the number of units, the inaccurate amount of open space shown still meets all required open space area. With the pedestrian facilities proposed in this project Staff finds it applicable for all of the residential units to share the common open space proposed.

3. In phased developments, common open space shall be provided in each phase of the development consistent with the requirements for the size and number of dwelling units. *This project is proposed to 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 buffers along Linder and Ustick Roads are not included in the open space exhibit calculations at all so this area was not part of the area shown to satisfy the common open space requirement for the multi-family units.*
- 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 18 proposed units, a minimum of two (2) amenities are required. The Applicant is proposing a shared plaza and public art from two categories to satisfy this requirement.

E. Landscaping Requirements:

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

The landscape plans provided appear to show compliance with these landscape requirements and will also be verified at the time of CZC submittal (see Exhibit VII.D).

G. Access (UDC 11-3A-3, 11-3H-4) & Private Streets (UDC 11-3F-4):

Access from the adjacent arterials (N. Linder Road and W. Ustick Road) is proposed via one 25-foot wide driveway connection to each arterial street. The driveway to Ustick Road shall be restricted to right-in/right-out, per ACHD, and passes through the multi-family portion of the project where it connects to the parking drive aisle for the multi-family units and then connects to the proposed private street. The driveway access to Linder Road is a temporary full access and is located approximately 360 feet south of the Linder/Ustick intersection. ACHD has approved both of these arterial access points through analysis of driveway analyses made by the Applicant's traffic engineer. No Traffic Impact Study (TIS) was required because less than 100 residential units are proposed.

The other public access points to the site are proposed via extending a public local street through the site. N. Zion Park Avenue is being extended from the south property boundary and W. Pebblestone Drive is being extended from the east property boundary in the northeast corner of the site. The proposed local street is shown as 32 feet wide with 5.5-foot wide attached sidewalk within 47 feet of right-of-way. *This does not meet ACHD standards so the Applicant will be required to revise the plat to show the public road as 33 feet wide with 5-foot wide attached sidewalk. This revision can be easily made as the Applicant is providing the correct amount of right-of-way; no revisions to the plat are needed to make this correction.*

A private street is proposed through the west portion of the site for vehicular access to some of the residential units. The proposed private street and local street are functioning as alleys for a

majority of the proposed residential units as the main entrance to each home is located opposite of the garage access. As discussed in section V.E above, the private street meets UDC 11-3F-4 standards by being proposed as at least 26 feet wide.

As noted, the Applicant is proposing three (3) detached homes in the southeast corner of the site. These three lots take access from a common drive off of the local street extension, N. Zion Park Avenue. The proposal for the number of units and access complies with code requirements.

In general, and consistent with ACHD analysis and approvals, Staff supports the proposed road layout and arterial access points because the proposal offers appropriate site circulation while also providing avenues to minimize cut-through traffic to the east and south through driveway connections to Linder and Ustick Roads.

H. Parking (UDC 11-3C):

Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for multi-family and single-family dwellings based on the number of bedrooms per unit. Based on the proposal of 18 3-bedroom apartment units, 36 parking spaces total are required to be provided—one space per unit must be covered, per UDC standards. The submitted site plan shows 44 total parking spaces for the multi-family portion of the site. *Each 2-story unit that enters on the first level is proposed with a two-car garage. The 2-story units that enter on the third level appear utilize the surface spaces but none of these spaces are shown to be covered. Therefore, the submitted site plan does not show compliance with code requirements. The Applicant should revise the site plan to show at least nine (9) covered spaces for the upper level units to satisfy this requirement. If this is not desired, the Applicant can provide a single-car garage space on the first level for each proposed unit.*

NOTE: Staff is recommending a loss of two units along the east side of the building. This recommended change would reduce the parking requirement by 4 total spaces, two covered and two uncovered. However, due to the overall issues with insufficient parking for multi-family projects, Staff does not recommend a reduction in parking.

The single-family portion of the site consists of 43 homes but the bedroom count of each is not known at this time. However, each home is shown with a two-car garage and a 20' x 22' parking pad that allows for a 4-bedroom home, per UDC standards. *In addition, the submitted site plan shows 35 additional off-street parking spaces around the private street portion of the site meant for guest parking for the single-family homes. The proposed 33-foot wide local street also allows on-street parking where no driveways exist. Staff supports the proposed amount of parking for the single-family portion of the project because it exceeds UDC minimum requirements.*

The commercial area proposed in the northwest corner of the site is shown with two buildings totaling approximately 12,000 square feet requiring at least 24 parking spaces based on the nonresidential parking ratio of 1 space for every 500 square feet of commercial gross floor area. *According to the submitted site plan, 25 parking spaces are being proposed. Each space appears to meet the minimum dimensional standards of 9' x 19' as well. Complete analysis of the proposed commercial area will take place with the first CZC application for the commercial site. Initial analysis shows compliance with all UDC dimensional standards except for how the drive aisle along the north and east of the commercial site functions. The drive aisle along the north boundary of the site is shown as 12 feet wide which implies a one-way drive aisle and it leads to the drive aisle along the east boundary of the site that is shown as approximately 26 feet wide which implies two-way traffic. There does not appear to be a need for the eastern drive aisle to allow two-way traffic if the north drive aisle is a one-way exit in this area.*

The commercial area depicted on the site plan is conceptual in nature so future submittals and proposed uses will dictate more detail in the submitted plans. At this point, Staff is not recommending any specific revisions to the commercial area of the site for the reasons noted.

I. Pathways (UDC 11-3A-8):

A 10-foot wide multi-use pathway is required along the Creason Lateral in the southwest corner of the property. This pathway is slated to connect to the existing arterial sidewalk along Linder Road and to future improvements to the south for a more complete regional pathway network. *The Applicant is proposing the multi-use pathway in an appropriate location but its connection to the southern boundary does not appear to match with location of the regional pathway segment approved with Creason Creek No. 2 directly to the south. Upon review of the modified landscape plans for that plat, it appears the Applicant should shift the regional pathway stub to the west to be closer to the Creason Lateral. Final approval of the pathway connections will be verified by the Park's Department and our pathways coordinator. In the interim, Staff is recommending the Applicant show this shift of the regional pathway prior to the Council hearing to better match adjacent approvals to the south.*

*In addition to the proposed regional pathway segment, the proposed sidewalks in this project are essentially micro-pathways that connect throughout the entire development and traverse through every open space area as well. They offer increased pedestrian connection and provide for the inclusion of a majority alley loaded residential units. **The proposed pedestrian facilities offer connectivity to and from nearby subdivisions as well as safe access to all amenities and the commercial area in the northwest corner of the project.***

J. Sidewalks (UDC 11-3A-17):

Attached sidewalks at least 5 feet wide are proposed along the proposed local street extension, in accord with the standards listed in UDC 11-3A-17. Other sidewalks are proposed throughout the rest of the site for added pedestrian connectivity, as discussed throughout this report.

*The sidewalks in this development create connections throughout the entire project including to and from the commercial portion of the site. The proposed large open space area and regional pathway in the southwest corner of the development are also easily accessible because of these sidewalks. The sidewalks along N. Linder Road and W. Ustick Road are existing; the Applicant is required to maintain and/or repair any of this sidewalk that is disturbed during construction. **As stated above, Staff supports the sidewalk and pedestrian circulation element of this project.***

In consideration of pedestrian safety as well as traffic calming for the site, Staff is recommending that all pedestrian crossings that cross the private street and any drive aisle be constructed with brick pavers, stamped concrete, or equal, as outlined in UDC 11-3A-19B.4.b.

K. Landscaping (UDC 11-3B):

A 25-foot wide street buffer is required adjacent to N. Linder Road and W. Ustick Road, arterial streets, and to be landscaped per the standards listed in UDC 11-3B-7C. A 25-foot wide easement is depicted on the plat adjacent to both arterials starting at the back of the existing attached sidewalk along each arterial, meeting the UDC requirements for the minimum width.

*UDC 11-3B-7C.2 dictates that required landscape buffers for residential subdivisions shall be located on common lots and owned and maintained by a homeowner's association. The Applicant's proposal to include this required buffer in an easement does not comply with this code section. **Therefore, the Applicant should revise the plat to show the required arterial landscape buffers adjacent to the residential portions of the project within a common lot at least 25 feet in width. The required landscape buffer adjacent to the commercial site can remain in an easement per this code section.***

*In addition, an area of the Creason Lateral and Kellogg Drain irrigation easements underlay a large portion of the landscape buffer along Linder Road that is currently shown with trees. Staff anticipates the applicable irrigation district will not allow trees within their easements so the landscape plans should be revised to show the removal of trees from the easement area. Furthermore, code requires that if a required landscape buffer is encumbered by easements, at least 5 feet of landscaping be proposed outside of the easement area to include the required number of trees. **Because of the extensive impediment these two irrigation facilities create in this area of the site, Staff does not find it feasible to comply with this code requirement in its fullest extent as it would require half of the site to shift to the east reducing the width of the new in the center of the development. Staff finds the trees that are allowed outside of the easement area, the placement of the access point to Linder, and the separation of the townhome units from Linder offer appropriate and adequate landscaping and buffering. However, to formalize this finding and comply with code, the Applicant should apply for Alternative Compliance with the first final plat application.***

Landscaping is required along all pathways (including micro-pathways) in accord with the standards listed in UDC 11-3B-12C. The total lineal feet of all pathways with the required and proposed number of trees is included on the first sheet of the submitted landscape plans.

According to the submitted landscape plans, the proposed regional pathway in the southwest corner of the site is also within the Kellogg Drain irrigation easement which generally does not allow trees and minimal landscaping. The submitted landscape plans show no trees proposed within this easement.

Common open space is required to be landscaped in accord with the standards listed in UDC 11-3G-3E. The total square footage of common open space and the required number of trees to demonstrate compliance with UDC standards is included in the Landscape Calculations table and shows compliance with code requirements.

The proposed C-C zoning district requires a 25-foot landscape buffer to any residential district.

According to the submitted plans, a 20-foot buffer is proposed to be shared over the commercial property boundary – 10 feet on the commercial property and 10 feet on the residential side. It appears the additional required 5 feet of area can be easily accommodated and will not require any revision to the placement of buildings. In addition, in order to allow the commercial site to be more viable and the fact the proposed development is planned together, Staff approves of the proposal to share the width of the 25-foot landscape buffer across the shared property line.

L. Waterways (UDC 11-3A-6):

As noted throughout the report, the subject site has two waterways subject to review—the Kellogg Drain and the Creason Lateral. UDC 11-3A-6 dictates these waterways be piped.

So, the Applicant is proposing to pipe both waterways to help with the usable area of the site. The Applicant is also proposing to reroute the Kellogg Drain because its easement would greatly encumber the site if left in its current position. The Applicant is proposing to move it closer to the southern property boundary and underneath a segment of the public road and private street; it is then proposed to move north and connect to the existing section of the drain that is piped and currently passes under Linder Road. Staff supports the proposal to pipe and vegetate these waterways.

In addition, a majority of the site contains floodplain which will require specific permits and building requirements. Public Works and Land Development will be the departments to handle these reviews as final platting and building permits are submitted.

A portion of one of the building lots (Lot 2, Block 1) is shown on the preliminary plat and site plan within the floodplain area. The building footprint is not so this technically complies with City and floodplain standards. However, to ensure the future homeowner has the easiest access to use their property, Staff recommends this 6-unit townhome building be shifted to the north to get as much of the building lot out of the floodplain as possible. There is adequate room on the north side of this building for this to occur without any other changes to the development.

M. Qualified Open Space (UDC 11-3G):

A minimum of 10% **qualified** open space meeting the standards listed in UDC 11-3G-3B is required for the single-family portion of the site. Analysis on the open space area required and proposed for the multi-family portion of the site is above in Section V.F. Based on the proposed plat of 8.75 acres, a minimum of 0.88 acres of qualified common open space should be provided to satisfy this requirement.

The Applicant has revised the open space exhibit per Staff's request to depict the qualified areas and accurately note the amount of qualified open space for the project. According to the revised exhibit, the Applicant is proposing 1.64 acres of qualified open space, approximately 18.7%. The majority of the qualified open space consists of the large open space area in the southwest corner of the site, the large central mew, and half of the required arterial street buffers. This area exceeds the minimum UDC requirements.

Staff finds the proposed open space is adequate in amount and placement to satisfy all code requirements.

N. Qualified Site Amenities (UDC 11-3G):

Based on the area of the proposed plat (8.75 acres), a minimum of one (1) qualified site amenity is required to be provided per the standards listed in UDC 11-3G-3C.

The applicant proposes two (2) qualified amenities to satisfy the requirements in this section of the UDC, a 10-foot multi-use pathway segment and a children's play structure. The proposed amenities meet the minimum UDC standards.

O. Fencing (UDC 11-3A-6, 11-3A-7):

All fencing is required to comply with the standards listed in UDC 11-3A-7. Fencing is proposed as shown on the landscape plan and appears to meet UDC standards.

P. Building Elevations (UDC 11-3A-19 | Architectural Standards Manual):

As discussed in the comprehensive plan policies analysis, Staff believes the submitted elevations meet the required Architectural Standards. The applicant has not submitted a concurrent design review application for the attached residential buildings. With the final plat application, the Applicant should also submit an Administrative Design Review (DES) application for these units.

The Applicant also submitted conceptual elevations for the commercial buildings. These elevations show multiple field materials of brick, concrete wainscot, and lap siding with roof parapet variations and wall modulation—in all, the conceptual elevations appear to also meet the ASM. A separate DES will be required for the Commercial portion of the development with future CZC submittals to verify ASM compliance.

VI. DECISION

A. Staff:

Staff recommends approval of the requested annexation and zoning with the requirement of a Development Agreement and approval of the requested conditional use permit and preliminary

plat applications per the Findings in Section IX of this staff report. The Director approved the private street application.

B. The Meridian Planning & Zoning Commission heard these items on December 2, 2021 and January 20, 2022. At the January 20th public hearing, the Commission moved to recommend approval of the subject Annexation and Zoning, Preliminary Plat, and Conditional Use Permit requests.

1. Summary of Commission public hearing:

- a. In favor: Andrew Wheeler, Applicant Representative; Patrick Reams, Owner Representative; Carissa Sindon, descendant of the Owners.
- b. In opposition: Caryn Bitler, neighbor; Pamela Stinette, neighbor; Olena Santana, neighbor; Shelby Shanaberger, neighbor; John Bitler, neighbor; Pamela Stinnett, neighbor;
- c. Commenting: Andrew Wheeler; Caryn Bitler; Pamela Stinette; Olena Santana; Shelby Shanaberger; John Bitler; Patrick Reams; Carissa Sindon; Pamela Stinnett.
- d. Written testimony: Caryn and John Bitler (13 pieces of testimony); Helen and Eder Santana;
- e. Staff presenting application: Joseph Dodson, Associate Planner
- f. Other Staff commenting on application: Kurt Starman, Deputy City Attorney

2. Key issue(s) of public testimony:

- a. Concern over proposal to include multi-family dwellings;
- b. Concern with height disparity across property to existing homes in Creason Creek and a loss of privacy;
- c. General desire to construct the property with detached single-family homes only;
- d. Concerns with general increase of traffic in the vicinity with additional homes/units;
- e. Desire to relay how difficult the site is to develop with two major irrigation facilities bisecting the property and has floodzone throughout the entire property;
- f. Appreciation of proposed design considering history of property and difficulty of developing this.

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

- a. Location of proposed multi-family in relation to existing single-family to the east and the proposed commercial—could the commercial and multi-family be switched;
- b. Height of the multi-family being 4-story and at the maximum 40' mark; general desire for this to be reduced as it does not match anything along the Ustick corridor;
- c. How will the garages for the multi-family be utilized for parking instead of storage;
- d. Location of the Dog Park in relation to the other open space and existing homes to the east—could it be moved;
- e. What kind of commercial is the target for the proposed pad sites;
- f. Staff's recommended (and agreed to by Applicant) changes for the homes along the east boundary to be front-loaded to have abutting backyards along the east boundary;
- g. Concern with viability of Commercial with no direct access due to proximity to the hard corner of Linder and Ustick;
- h. General agreement that the proposed changes to the site plan and multi-family are a benefit to the project;
- i. Still concern with proposed attached units along east boundary instead of detached single-family;

4. Commission change(s) to Staff recommendation:

- a. Commission recommended changes to the staff report consistent with Staff's memo prior to the January 20th meeting.

5. Outstanding issue(s) for City Council:

- a. None

C. The Meridian City Council heard these items on February 22, 2022. At the public hearing, the Council moved to approve the subject Annexation and Zoning, Preliminary Plat, and Conditional Use Permit requests.

1. Summary of the City Council public hearing:

- a. In favor: Andrew Wheeler, Applicant Representative; Carissa Sindon, descendant of previous owners.
- b. In opposition: Caryn Bitler, neighbor; Matt Shanaberger, neighbor;
- c. Commenting: Carissa Sindon; Caryn Bitler; Matt Shanaberger;
- d. Written testimony: See public record for multiple entries from Mrs. Caryn Bitler.
- e. Staff presenting application: Joseph Dodson, Associate Planner
- f. Other Staff commenting on application: Bill Nary, City Attorney

2. Key issue(s) of public testimony:

- a. Additional traffic generated by project but specifically any commercial cut-through traffic for existing residential to the east;
- b. Support for the project as a logical redevelopment of former agricultural land despite the overall changing character of Meridian to a more urban community;
- c. Reciting of previous concerns stated at the Commission hearing – see above for Commission recap and those comments.

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

- a. Project being more closely aligned with Mixed-Use Neighborhood than Mixed-Use Community and whether site should be mixed-use at all;
- b. Is the buffer between the proposed multi-family and the existing residence to the east sufficient;
- c. Reasoning behind the Linder access being designated as a temporary full-access by ACHD;
- d. Should access from/to Linder be further restricted than what ACHD is allowing at this time because of foreseeable traffic conflicts in the future;
- e. Anticipated timing of the commercial component of the project, specifically in relation to the residential component;
- f. Viability of commercial with proposed accesses and what are the expected tenants/uses because of this;
- g. Is project anticipated to be developed, built, and owned by the same ownership—based in concerns regarding perpetual maintenance of shared common areas if ownership varies across the site;
- h. Willingness of Applicant to do denser landscaping between multi-family buildings and east property boundary;

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

- a. Add provision to construct curbing on the subject site, adjacent to ACHD right-of-way, within the proposed Linder access curb cut to discourage any left-in or left-out traffic movement;
- b. Add provision that the landscaping between the multi-family and the existing residential and the landscaping between the C-C and R-15 zoning district behind the proposed commercial building are constructed with denser landscaping that touches at maturity while installing more mature trees at the time of installation.

VII. EXHIBITS

A. Annexation and Zoning Legal Descriptions and Exhibit Maps



Lennon Pointe Annexation Legal Description

A parcel of land situate in the North 1/2 of the West 1/2 of Government Lot 4 in Section 1, Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, and more particularly described as follows:

BEGINNING at the northwest corner of Section 1, from which the west one-quarter corner bears, South 00°01'03" East, 2699.19 feet, thence along the northerly line of Government Lot 4, South 88°43'02" East, 665.57 feet;

Thence along the westerly boundary of the Creason Creek Subdivision No.1 recorded in Book 112 of Plats at Pages 16486-16488, South 00°02'45" West, 680.06 feet to the northerly boundary of the Creason Creek Subdivision No.2 recorded in Book 119 of Plats at Pages 18301-18303;

Thence along said northerly boundary, North 88°59'01" West, 664.76 feet to westerly line of Government Lot 4;

Thence North 00°01'03" West, 683.16 feet to the **POINT OF BEGINNING**.

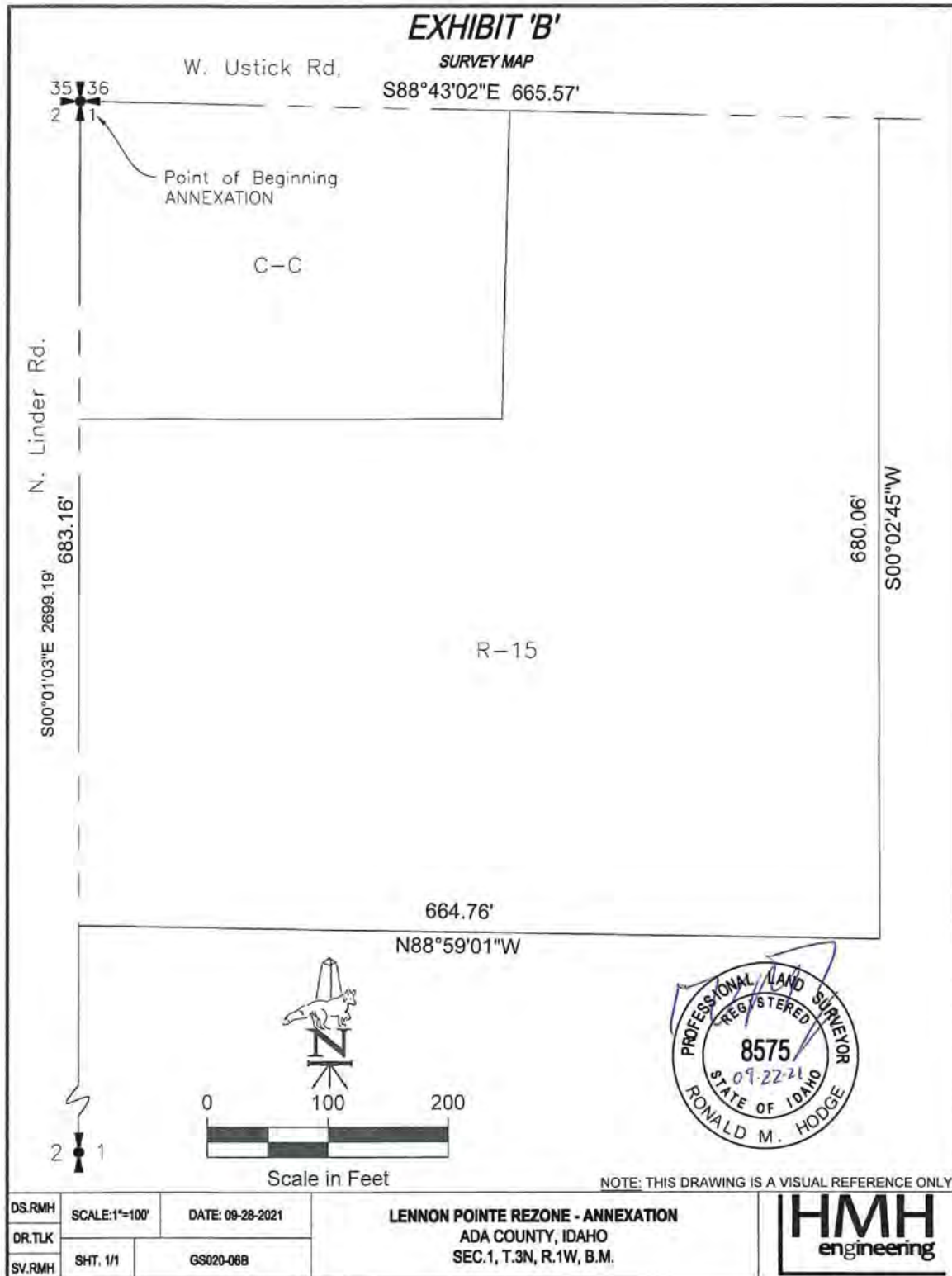
Containing 10.41 acres, more or less
END OF DESCRIPTION

Prepared by:
Ronald M. Hodge, PLS
Survey Department Manager

RMH:tk



680 S. Progress Ave., Suite #2B • Meridian, Idaho 83642 • Tel: 208-342-7957 • Web: hmh-llc.com
Equal Opportunity Employer





**Lennon Pointe Rezone
(C-C) Community Commercial
Legal Description**

A parcel of land situate in the North 1/2 of the West 1/2 of Government Lot 4 in Section 1, Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, and more particularly described as follows:

BEGINNING at the northwest corner of Section 1, from which the west one-quarter corner bears, South 00°01'03" East, 2699.19 feet, thence along the northerly line of Government Lot 4, South 88°43'02" East, 356.54 feet;

Thence South 01°16'58" West, 255.14 feet;

Thence South 89°58'57" West, 350.66 feet to westerly line of Government Lot 4;

Thence North 00°01'03" West, 263.17 feet to the **POINT OF BEGINNING**.

Containing 2.10 acres, more or less

END OF DESCRIPTION

Prepared by:

Ronald M. Hodge, PLS

Survey Department Manager



RMH:tk

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**Lennon Pointe
R-15 Rezone
Legal Description**

A parcel of land situate in the North 1/2 of the West 1/2 of Government Lot 4 in Section 1, Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, and more particularly described as follows:

COMMENCING at the northwest corner of Section 1, from which the west one-quarter corner bears, South 00°01'03" East, 2699.19 feet, thence along the northerly line of Government Lot 4, South 88°43'02" East, 356.54 feet to the **POINT OF BEGINNING**;

Thence continuing along the northerly line of Government Lot 4, South 88°43'02" East, 309.03 feet;

Thence along the westerly boundary of the Creason Creek Subdivision No.1 recorded in Book 112 of Plats at Pages 16486-16488, South 00°02'45" West, 680.06 feet to the northerly boundary of the Creason Creek Subdivision No.2 recorded in Book 119 of Plats at Pages 18301-18303;

Thence along said northerly boundary, North 88°59'01" West, 664.76 feet to westerly line of Government Lot 4;

Thence along said westerly line, North 00°01'03" West, 420.00 feet;

Thence North 89°58'57" East, 350.66 feet;

Thence North 01°16'58" East, 255.14 feet to the **POINT OF BEGINNING**.

Containing 8.30 acres, more or less
END OF DESCRIPTION

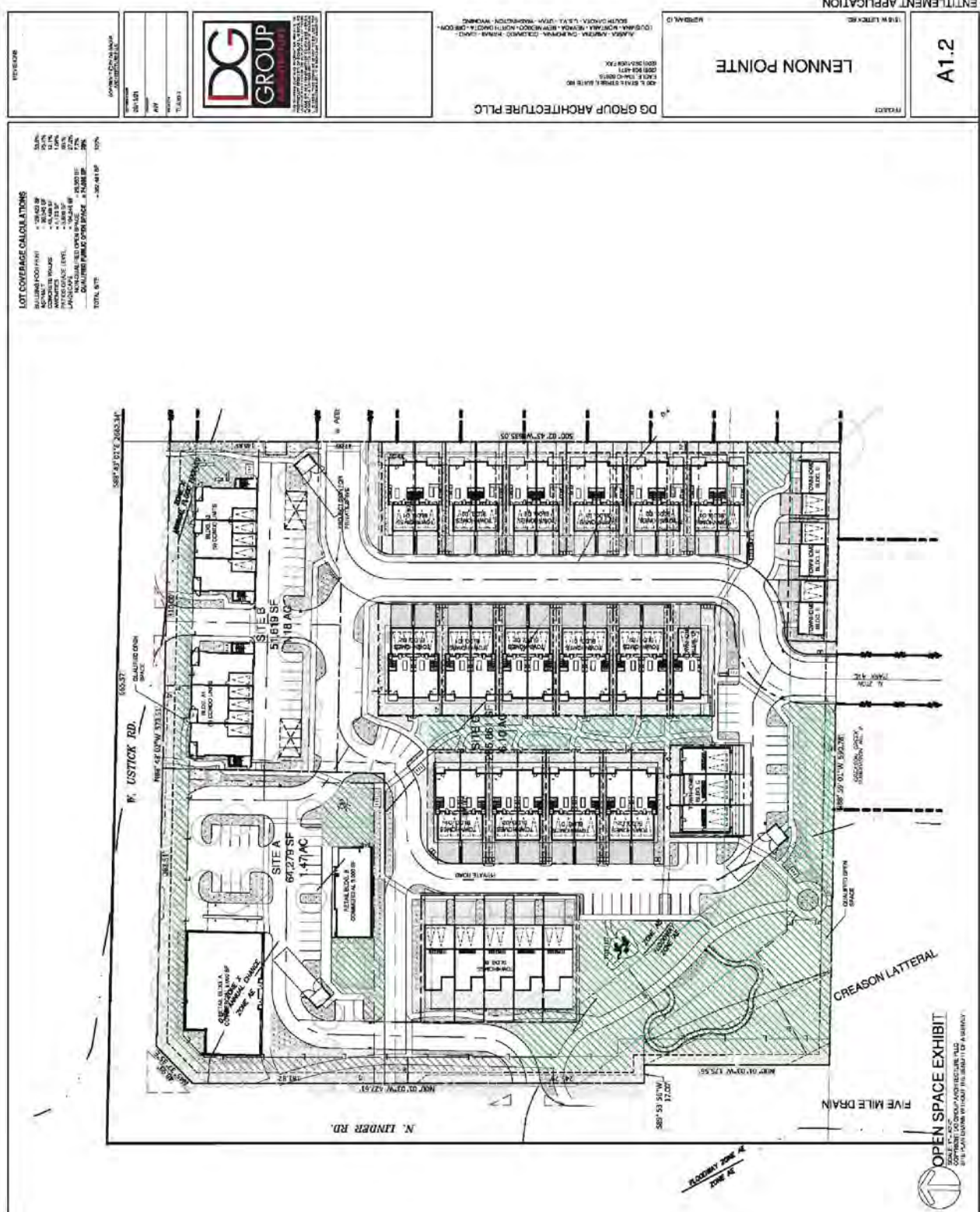
Prepared by:
Ronald M. Hodge, PLS
Survey Department Manager



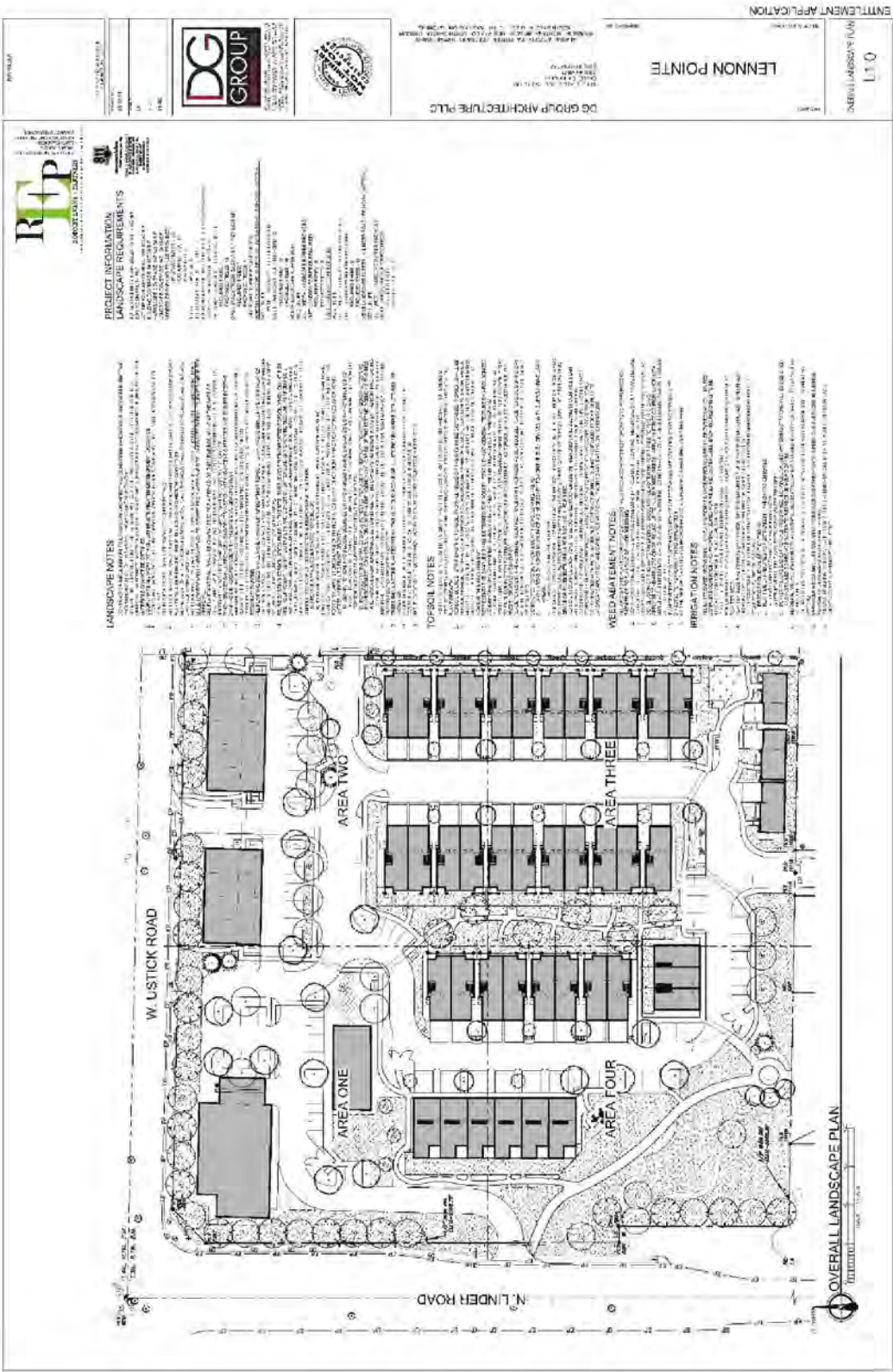
RMH:tk

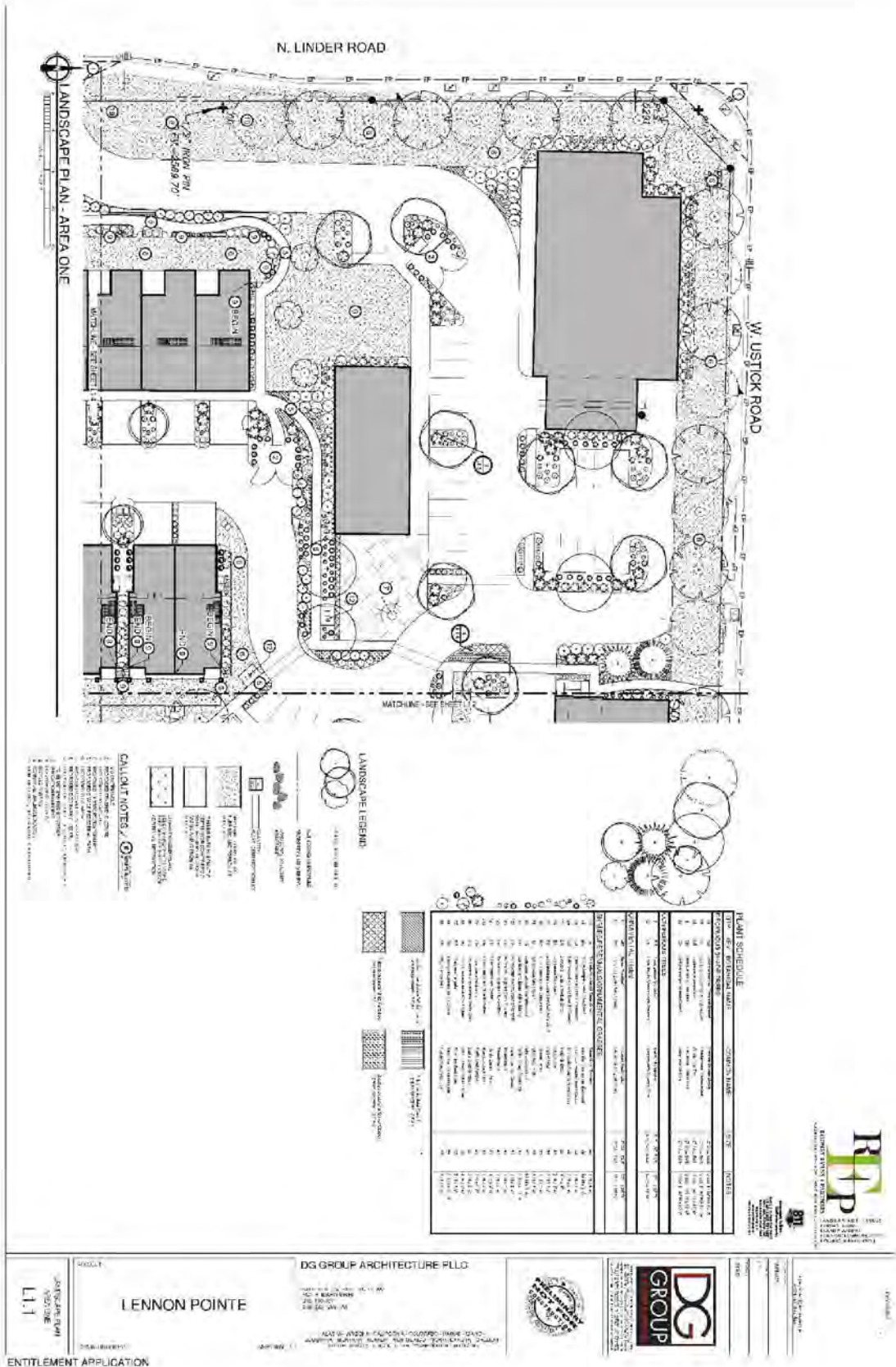
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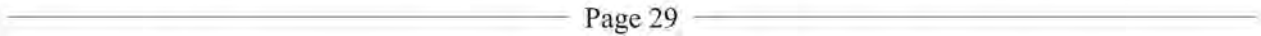
C. Open Space Exhibit (date: ~~9/13/2021~~) Revised January 2022

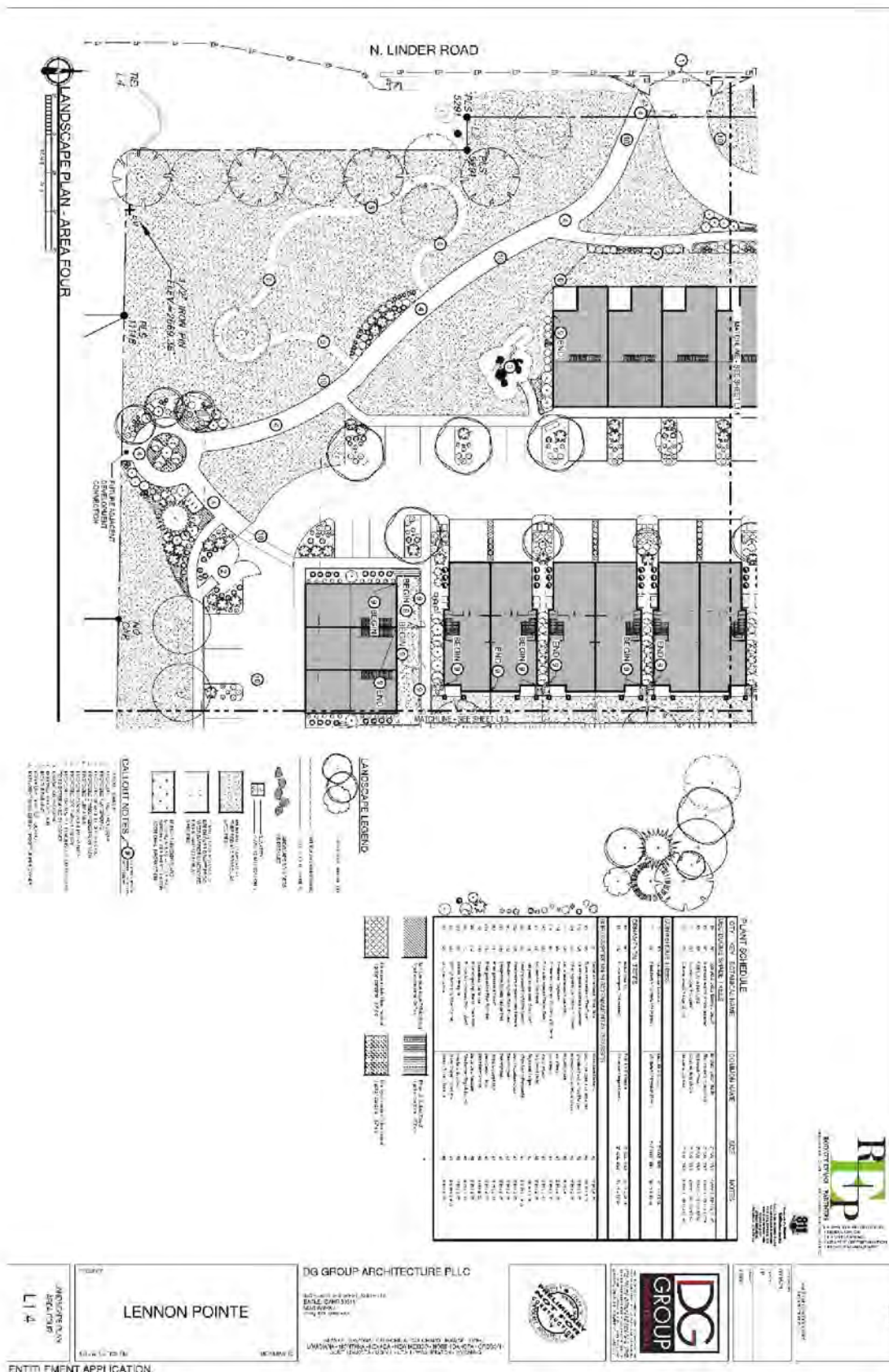


D. Landscape Plans (date: 9/15/2021) NOT APPROVED (requires revision prior to Final Plat)



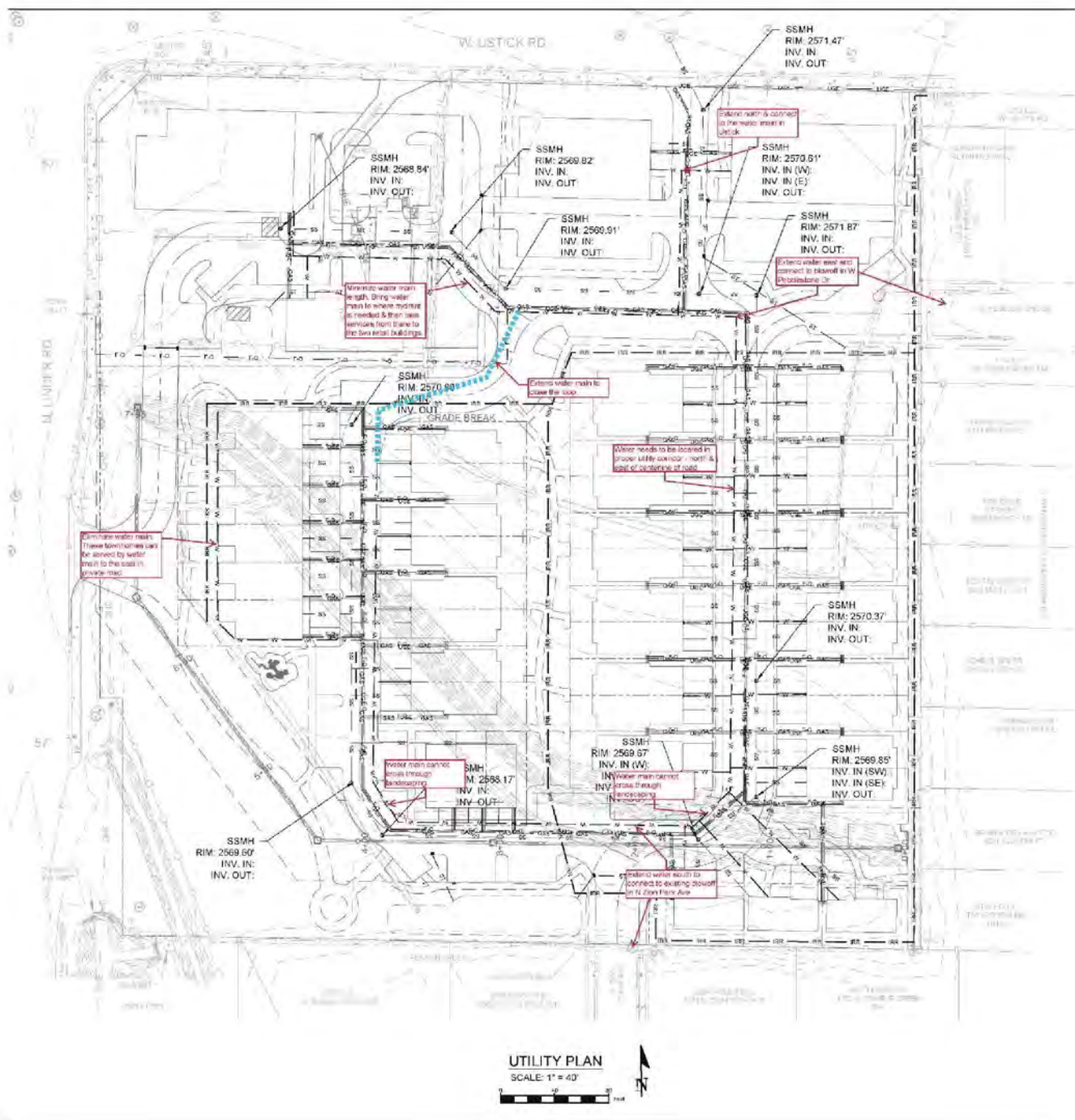




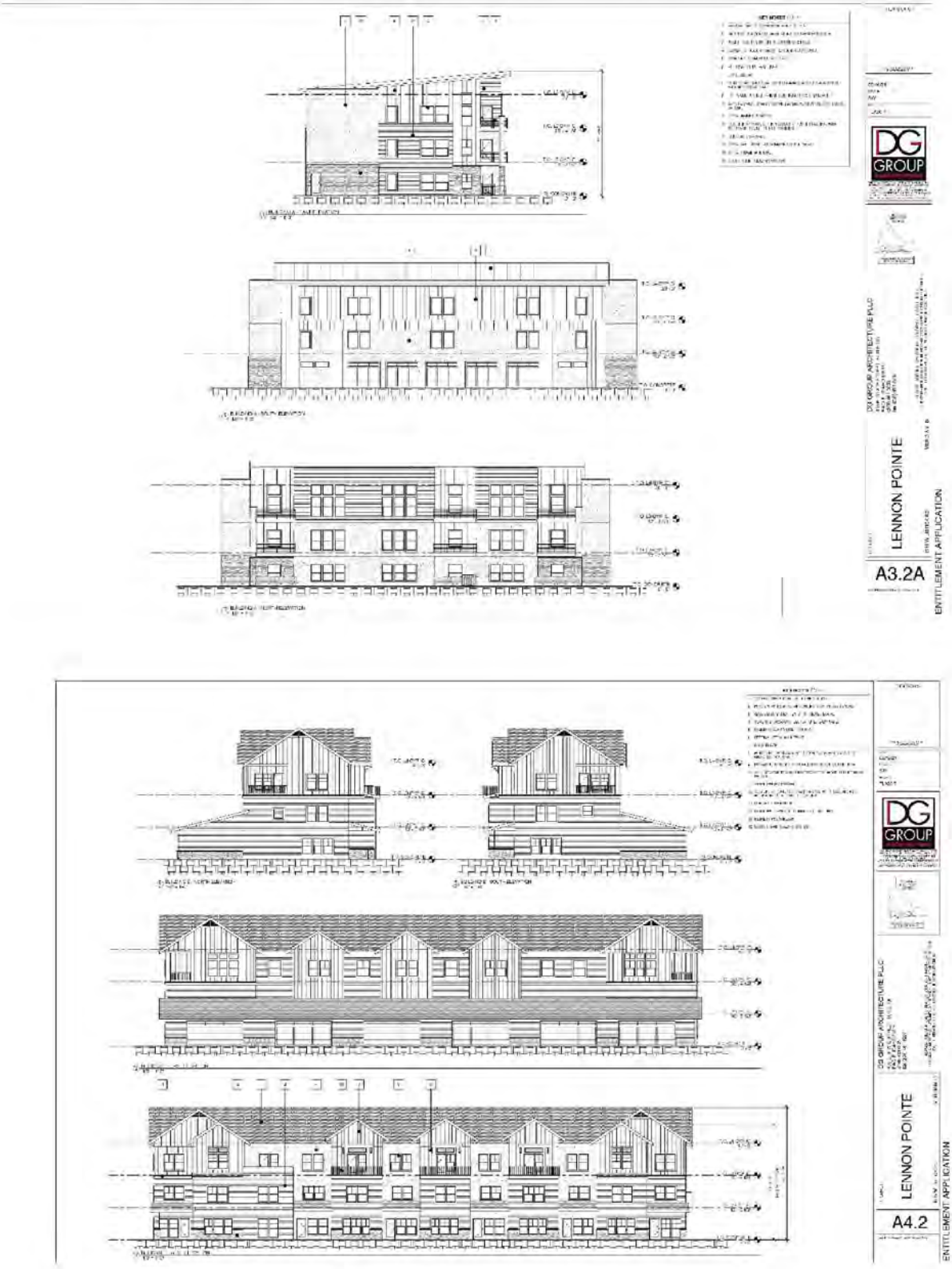


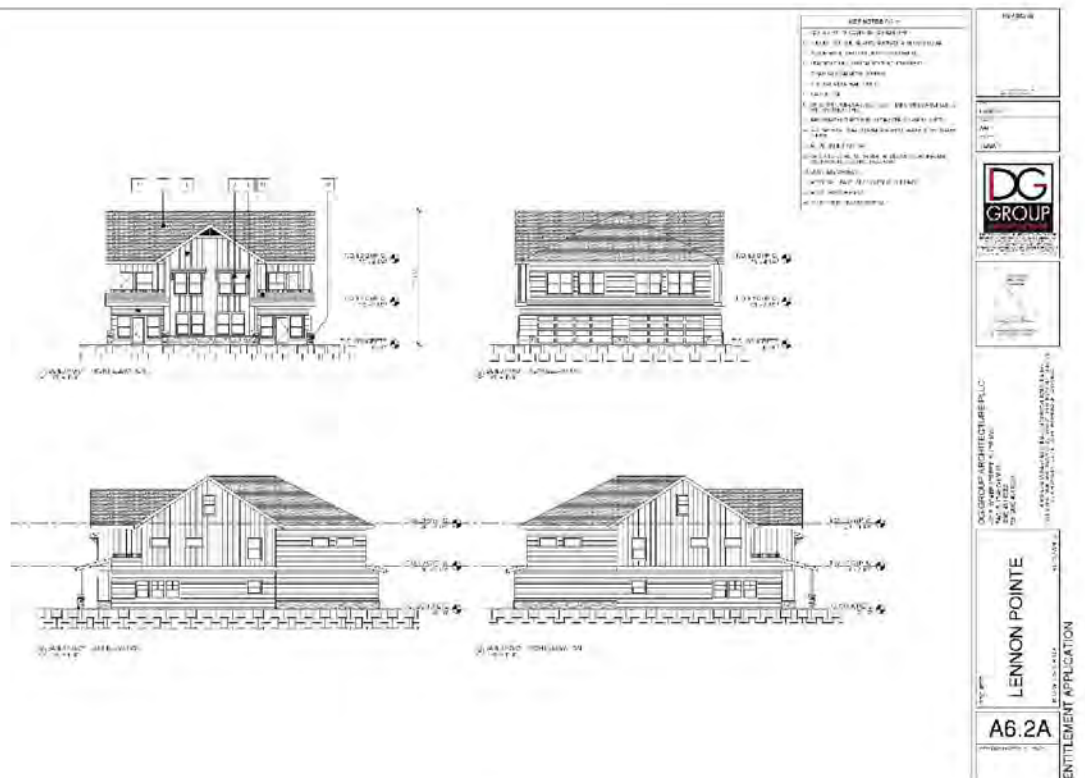
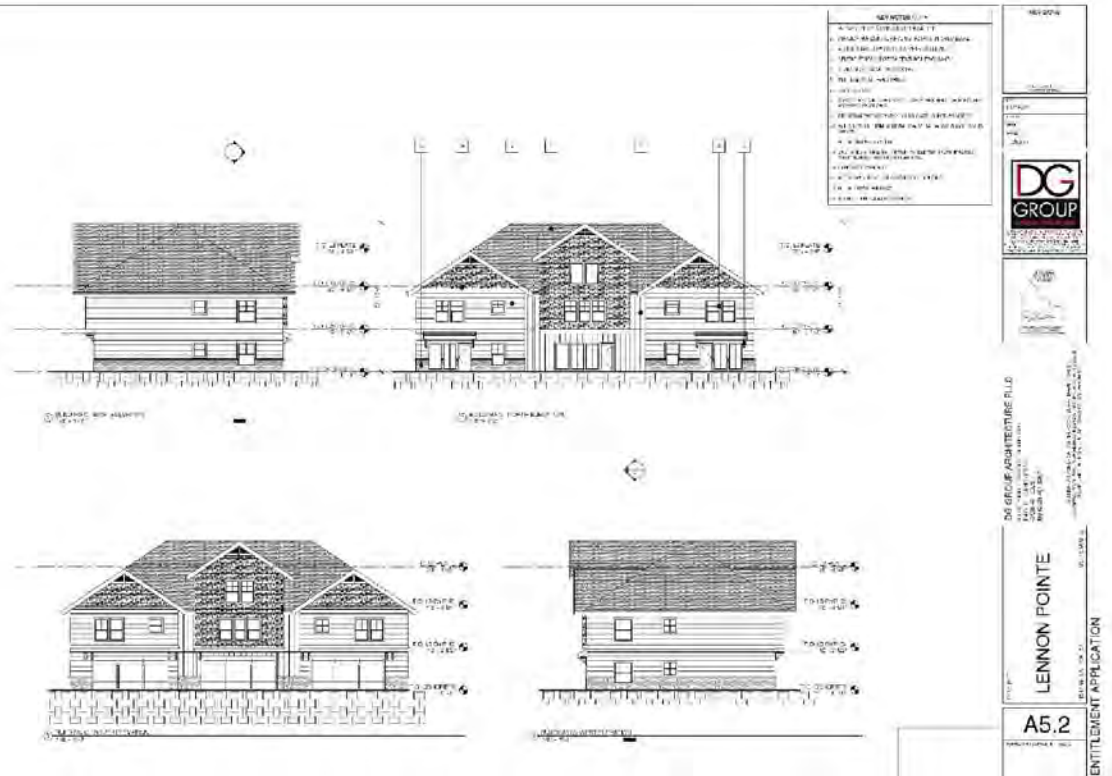


F. Public Works – Water Markup



G. Conceptual Building Elevations and Site Renderings (Revised January 2022)







The DG Group logo consists of the letters "DG" in a large, bold, sans-serif font, with the word "GROUP" in a smaller, all-caps, sans-serif font directly beneath it. The entire logo is enclosed within a square border.

ING GROUP ARCHITECTURE PLLC
10000 E. 15th Ave., Suite 300
Denver, CO 80231
Tel: 303.733.1100
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A6.2B



DG GROUP

D3 GROUP ARCHITECTURE PLLC
 1000 N. CENTRAL AVE. #100
 SUITE 100
 DALLAS, TX 75208
 TEL: 214.760.1234
 FAX: 214.760.1235
 WWW.D3GROUPARCHITECTURE.COM

A7.2

Architectural drawings of the Lennon Pointe building. The top row shows two elevations: 'BUILDING SECTION - EAST ELEVATION' and 'BUILDING SECTION - WEST ELEVATION'. The middle row shows a 'BUILDING SECTION - SOUTH ELEVATION'. The bottom row shows a 'BUILDING SECTION - NORTH ELEVATION'. Each drawing is labeled with its orientation and a scale of 1/8" = 1'-0".

KEY NOTES -

- 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
- 2. FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
- 3. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE ARCHITECT.
- 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
- 5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BUILDING CODE.
- 6. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CODES AND STANDARDS.
- 7. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AMERICAN INSTITUTE OF ARCHITECTS (AIA) STANDARDS.
- 8. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS (ASME) STANDARDS.
- 9. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AMERICAN SOCIETY OF ELECTRICAL ENGINEERS (ASEE) STANDARDS.
- 10. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE) STANDARDS.
- 11. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS (ASME) STANDARDS.
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- 16. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE) STANDARDS.
- 17. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS (ASME) STANDARDS.
- 18. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AMERICAN SOCIETY OF ELECTRICAL ENGINEERS (ASEE) STANDARDS.
- 19. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE) STANDARDS.
- 20. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS (ASME) STANDARDS.

REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	01/15/2020
2	ISSUED FOR PERMIT	01/15/2020
3	ISSUED FOR PERMIT	01/15/2020
4	ISSUED FOR PERMIT	01/15/2020
5	ISSUED FOR PERMIT	01/15/2020
6	ISSUED FOR PERMIT	01/15/2020
7	ISSUED FOR PERMIT	01/15/2020
8	ISSUED FOR PERMIT	01/15/2020
9	ISSUED FOR PERMIT	01/15/2020
10	ISSUED FOR PERMIT	01/15/2020
11	ISSUED FOR PERMIT	01/15/2020
12	ISSUED FOR PERMIT	01/15/2020
13	ISSUED FOR PERMIT	01/15/2020
14	ISSUED FOR PERMIT	01/15/2020
15	ISSUED FOR PERMIT	01/15/2020
16	ISSUED FOR PERMIT	01/15/2020
17	ISSUED FOR PERMIT	01/15/2020
18	ISSUED FOR PERMIT	01/15/2020
19	ISSUED FOR PERMIT	01/15/2020
20	ISSUED FOR PERMIT	01/15/2020

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LENNON POINTE

APPLICATION









VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

- I. A Development Agreement (DA) is required as a provision of annexation of this property. Prior to approval of the annexation ordinance, a DA shall be entered into between the City of Meridian, the property owner(s) at the time of annexation ordinance adoption, and the developer.

Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council granting the annexation. The DA shall, at minimum, incorporate the following provisions:

- a. Future development of this site shall be generally consistent with the approved plat, site plan, landscape plan, open space exhibit, and conceptual building elevations included in Section VII and the provisions contained herein.
- b. The 10-foot multi-use pathway along the Kellogg Drain and Creason Lateral in the southwest quadrant of the site shall be constructed with Phase 1 of the development.
- c. The existing county residential access onto W. Ustick Road shall be closed upon development of the subject site; the only approved accesses to the adjacent arterials are those shown on the site plan.
- d. All pedestrian crossings within the private street and drive aisle portions of the site shall be constructed with brick, pavers, stamped concrete, or equal to clearly delineate pedestrian facilities.
- e. The required landscape street buffers shall be constructed and vegetated along the entire perimeter (along N. Linder Road and W. Ustick Road) with the first phase of development.
- f. No more than ~~16~~ 18 multi-family units are approved with the Lennon Pointe Community development—~~the first two units closest to the east property boundary and Creason Creek Subdivision are limited to two-story units in height.~~
- g. If cross-access is proposed between the commercial lot and the 5-unit townhomes, the Applicant shall submit a recorded cross-access agreement to the Planning Division at the time of Final Plat Signature to ensure perpetual cross-access between the private street in the residential portion of the project and the commercial drive aisle.
- h. Applicant shall construct the following landscaped areas with trees that touch at maturity, trees at least 3" in caliper at the time of planting, and install enough plants to have at least 70% ground cover at plant maturity: landscape buffer between the proposed commercial building and the single-family residential to its south and; the landscape area at the northeast corner of the site between the multi-family building and the east property boundary (Lot 31, Block 1).
- i. With the first phase of development, the Applicant shall construct raised curbing or similar within the Linder Road access adjacent to ACHD right-of-way to discourage any left-in or left-out traffic patterns. Applicant shall depict

this curbing on the civil drawings and landscape plans with the first final plat submittal; coordinate with ACHD as necessary.

2. The preliminary plat included in Section VII.B, ~~dated October 14, 2021~~ with revision date of January 2022, shall be revised as follows prior to Final Plat submittal at least ten (10) days prior to the City Council hearing:
 - a. ~~Correct the size of Lot 9, Block 1 to meet the 2,000 square foot minimum lot size requirement of the R-15 zoning district.~~
 - b. Add additional common lots for the required landscape street buffers to N. Linder Road and W. Ustick road adjacent to residential uses, per UDC 11-3B-7C.2.
 - c. Stamped and signed by the licensed land surveyor.
 - d. Add a note stating direct lot access to N. Linder Road and W. Ustick Road is prohibited except for those access points approved by ACHD and as shown on the approved site plan.
 - e. Add a common lot for the proposed common drive currently shown on Lot 13, Block 2 and add a plat note stating the purpose of the common drive and which building lots it serves.
3. The landscape plan included in Section VII.D, dated September 15, 2021, shall be revised as follows prior to submittal of the Final Plat application:
 - a. Revise the location of the trees for the Linder Road street buffer to be outside of any waterway easement.
 - b. Shift the proposed regional pathway on Lot 1, Block 1 to the west to better align with the approved segment to the south in Creason Creek No. 2.
 - c. Show the required 25-foot landscape buffer between the C-C zoning district and the R-15 zoning district as required by UDC 11-3B-9C.
 - d. Revise the landscape plan to match the revised preliminary plat and site plan dated January 2022.
4. The site plan, as shown in Exhibit VII.E, shall be revised as follows prior to Final Plat submittal:
 - a. ~~Shift the 6-unit townhome building to the north to move as much of Lot 2, Block 1 out of the floodway zone.~~
 - b. ~~Move the detached sidewalk adjacent to the east side of the 6-unit townhome building to the east to be an attached sidewalk to the private street.~~
 - c. Show the required number of covered spaces for the proposed multi-family residential development, per UDC Table 11-3C-6.
 - d. Shift the proposed regional pathway on Lot 1, Block 1 to the west to better align with the approved segment to the south in Creason Creek No. 2.
5. ~~The multi-family residential elevations, shall be revised as follows at least ten (10) days prior to the City Council hearing:~~
 - a. ~~Reduce the height of the proposed buildings to meet the maximum building height limit of forty (40) feet for the R-15 zoning district.~~

- ~~b. Show the loss of the two units on the third and fourth levels of the eastern multi-family building consistent with the DA provision above.~~
6. With Final Plat application, the Applicant shall submit for Alternative Compliance to the landscape street buffer tree requirements along N. Linder Road for that area encumbered by the Kellogg Drain and Creason Lateral easements.
 7. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2A-7, UDC Table 11-2B-3, and those listed in the specific use standards for multi-family development, UDC 11-4-3-27.
 8. Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for multi-family and single-family dwellings based on the number of bedrooms per unit.
 9. The Applicant shall comply with all ACHD conditions of approval.
 10. The Applicant shall obtain Administrative Design Review (DES) for the attached single-family and townhome units prior to building permit submittal. One DES may be utilized for the entire single-family portion of the site.
 11. The Applicant shall obtain Certificate of Zoning Compliance (CZC) and Administrative Design Review (DES) approval for the future commercial buildings and multi-family structures prior to building permit submittal.
 12. Comply with the outdoor service and equipment area standards as set forth in UDC 11-3A-12.
 13. 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.
 14. 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.
 15. The applicant and/or assigns shall comply with the private street standards as set forth in UDC 11-3F-3 and 11-3F-4.
 16. 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.
 17. The preliminary plat approval shall become null and void if the applicant fails to either: 1) obtain the City Engineer signature on a final plat within two years of the date of the approved findings; or 2) obtain approval of a time extension as set forth in UDC 11-6B-7.
 18. Prior to City Engineer signature on the plat, the applicant shall submit a public access easement for the multi-use pathway along the southern boundary of the site to the Planning Division for approval by City Council and subsequent recordation.
 19. Prior to issuance of Certificate of Occupancy on any building, the Applicant shall provide proof of the required maintenance agreement to the Planning Division in accord with UDC 11-4-3-27 – all multifamily developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features.

20. Business hours of operation within the C-C zoning district shall be limited from 6 am to 11 pm as set forth in UDC 11-2B-3A.4.
21. Any drive-thru establishment use shall require Conditional Use Permit approval in accord with UDC 11-4-3-11.

B. Public Works

Site Specific Conditions of Approval

1. The geotechnical investigative report prepared by SITE Consulting, LLC indicates some very specific construction considerations due to shallow ground water on site. The applicant shall be responsible for the adherence of these recommendations.
2. A portion of this project lies within the Meridian Floodplain and Floodway Overlay District. Prior to any development occurring in the Overlay District a floodplain permit application, including hydraulic and hydrologic analysis is required to be completed and submitted to the City and approved by the Floodplain Administrator per MCC 10-6—All structures in the overlay district must be elevated to flood protection elevations.
3. A water main connection will be required to Ustick Road.
4. Current design does not follow the utility corridor. Water mains should be located north and east of roadway centerline.
5. A water main connection will be required to the existing stubs in North Zion Park Avenue and West Pebblestone Drive.
6. The proposed main west of Building B should be eliminated. Townhomes can be served by the water main east of Building B.
7. Complete the water loop by extending the proposed water main in the private road between Building B and Building D1 northeast to connect into the water main located south of Building A1.
8. Minimize water main length near the commercial lot at the northwest corner of the development. Bring the water main only as far as needed to provide a hydrant for the buildings' fire protection. Extend service lines from the main to serve the two retail buildings.
9. Water mains should not cross through landscaping or sidewalks.
10. Sewer service lines should not cross lots other than the lot they serve. Services in the southeast corner do not meet this requirement and must be adjusted.
11. Sewer needs to connect to West Pebblestone Drive by removing the temporary cleanout and connecting to the existing main.
12. The manhole located at the northeast corner of the development near Pebblestone Drive must be moved so it is located out of the landscaped area and instead located in Right-of-Way.
13. Sewer services should not cross infiltration trenches.
14. Utility easements are required for all mains outside of Right-of-Way.
15. No permanent structures can be built within a City of Meridian utility easement including but not limited to buildings, car ports, trash enclosures, fences, trees, bushes, infiltration trenches, light poles, etc.

General Conditions of Approval

16. Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet then alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
17. 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.
18. 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.
19. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). 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.
20. 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.
21. 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.
22. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
23. 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.
24. 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.

25. 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.
26. 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.
27. 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.
28. 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.
29. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
30. Developer shall coordinate mailbox locations with the Meridian Post Office.
31. 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.
32. 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.
33. 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.
34. 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.
35. 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.
36. 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.
37. 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. FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=240228&dbid=0&repo=MeridianCity>

D. POLICE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=240012&dbid=0&repo=MeridianCity>

E. PARK'S DEPARTMENT – PATHWAY COMMENTS

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=242744&dbid=0&repo=MeridianCity>

F. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=243241&dbid=0&repo=MeridianCity&cr=1>

G. WEST ADA SCHOOL DISTRICT (WASD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=242517&dbid=0&repo=MeridianCity>

H. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=240139&dbid=0&repo=MeridianCity>

I. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=244361&dbid=0&repo=MeridianCity>

J. NAMPA MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=240461&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 annex the property into the City of Meridian with R-15 and C-C zoning districts and subsequent development is consistent with the Comprehensive Plan, if all conditions of approval are met.

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 request for the development of multiple housing types will contribute to the range of housing opportunities available within the City and within this area. Council finds the proposed addition of commercial within the development is generally consistent with the purpose statement of the commercial district and consistent with the future land use designation of Mixed-Use Community.

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.

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.**

Because of the unique and distinct project proposed, the proposed addition of more commercial zoning, and the varying types of housing options proposed, Council finds the annexation is in the best interest of the City.

B. Preliminary Plat Findings:

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings:

1. **The plat is in conformance with the Comprehensive Plan;**

Council finds that the proposed plat, with Staff's recommendations, is in substantial compliance with the adopted Comprehensive Plan in regard to land use, density, transportation, and pedestrian connectivity. (Please see Comprehensive Plan Policies in Section V of this report for more information.)

2. **Public services are available or can be made available and are adequate to accommodate the proposed development;**

Council finds that public services will be provided to the subject property with development. (See Section VIII of the Staff Report for more details from public service providers.)

3. **The plat is in conformance with scheduled public improvements in accord with the City's capital improvement program;**

Because City water and sewer and any other utilities will be provided by the development at their own cost, Council finds that the subdivision will not require the expenditure of capital improvement funds.

4. **There is public financial capability of supporting services for the proposed development;**

Council finds there is public financial capability of supporting services for the proposed development based upon comments from the public service providers (i.e., Police, Fire, ACHD, etc.). (See Section VII for more information.)

5. **The development will not be detrimental to the public health, safety or general welfare; and,**

Council is not aware of any health, safety, or environmental problems associated with the platting of this property. ACHD considers road safety issues in their analysis and has approved the proposed road layout and connections to adjacent arterials.

6. **The development preserves significant natural, scenic or historic features.**

Council is unaware of any significant natural, scenic, or historic features that exist on this site that require preserving.

C. **Conditional Use Permit Findings:**

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.**

Council finds that the submitted site plan shows compliance with all dimensional and development regulations in the R-15 zoning district in which it resides except for those noted and required to be revised.

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, in conjunction with the other residential housing types proposed, is in accord with the comprehensive plan designation of Mixed-Use Community and the requirements of this title.

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 closest to the subject site, 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, if all conditions of approval are met.

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 as all services are readily available, the nearby arterial street is widened to its full width, and the Applicant is required to construct a new public road extension to accommodate additional traffic flow.

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

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

Although traffic will likely increase in the vicinity with the proposed use, all major roadways adjacent to the site are already at their full width and the proposed layout offers the best opportunity for safe circulation. Therefore, Council finds the proposed use will not be detrimental to any persons, property, or the general welfare, if all conditions of approval are met.

- 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 not aware of any such features; the proposed use should not result in damage of any such features.

D. Private Street Findings:

In order to approve the application, the director shall find the following:

- 1. The design of the private street meets the requirements of this article;**

The Director finds that the proposed private street design meets the requirements.

- 2. Granting approval of the private street would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity; and**

The Director finds that the proposed private streets would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity if all conditions of approval are met.

- 3. The use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)**

The Director finds the use and location of the private streets do not conflict with the comprehensive plan or the regional transportation plan because the proposed design meets all requirements and the project is also extending the required public road through the site.

- 4. The proposed residential development (if applicable) is a mew or gated development. (Ord. 10-1463, 11-3-2010, eff. 11-8-2010)**

The Director finds the proposed residential development is a mew development by having a majority of the units facing green space instead of the private street.