EXHIBIT B

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

**In the Matter of the Request for Annexation of 23 acres of land with a request for the R-8 zoning district; Preliminary Plat consisting of 84 building lots and 31 common lot on 35.7 acres of land in the proposed R-8 zoning district and existing R-15 zoning district; and Conditional Use Permit for a multi-family development consisting of a total of 216 residential units on 12.74 acres in the existing R-15 zoning district, by Gem State Planning, LLC.**

**Case No(s). H-2020-0113**

**For the City Council Hearing Dates of: 4/6/2021, 5/11/2021, and 5/26/2021 (Findings on June 8, 2021)**

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing dates of 4/6/2021, 5/11/2021, and 5/26/2021, incorporated by reference)

2. Process Facts (see attached Staff Report for the hearing dates of 4/6/2021, 5/11/2021, and 5/26/2021, incorporated by reference)

3. Application and Property Facts (see attached Staff Report for the hearing dates of 4/6/2021, 5/11/2021, and 5/26/2021, incorporated by reference)

4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing dates of 4/6/2021, 5/11/2021, and 5/26/2021, incorporated by reference)

B. Conclusions of Law

1. The City of Meridian shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).

2. The Meridian City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 and Maps.

3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.

4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.

5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.

6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the

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

7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing dates of 4/6/2021, 5/11/2021, and 5/26/2021, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

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

1. The applicant's request for Annexation and Zoning, Preliminary Plat, and Conditional Use Permit are hereby approved per the conditions of approval in the Staff Report for the hearing dates of 4/6/2021, 5/11/2021, and 5/26/2021, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

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

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

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

Notice of Conditional Use Permit Duration

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

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

Notice of Development Agreement Duration

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

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

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

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

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

F. Attached: Staff Report for the hearing dates of 4/6/2021, 5/11/2021, and 5/26/2021.

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

COUNCIL PRESIDENT TREG BERNT VOTED_____

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED AYE

COUNCIL MEMBER JESSICA PERREAULT VOTED AYE

COUNCIL MEMBER LUKE CAVENER VOTED AYE

COUNCIL MEMBER JOE BORTON VOTED AYE

COUNCIL MEMBER LIZ STRADER VOTED AYE

MAYOR ROBERT SIMISON (TIE BREAKER) VOTED_____

Mayor Robert E. Simison 6-8-2021

Attest:

Chris Johnson 6-8-2021
City Clerk

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

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

EXHIBIT A

# STAFF REPORT

## COMMUNITY DEVELOPMENT DEPARTMENT

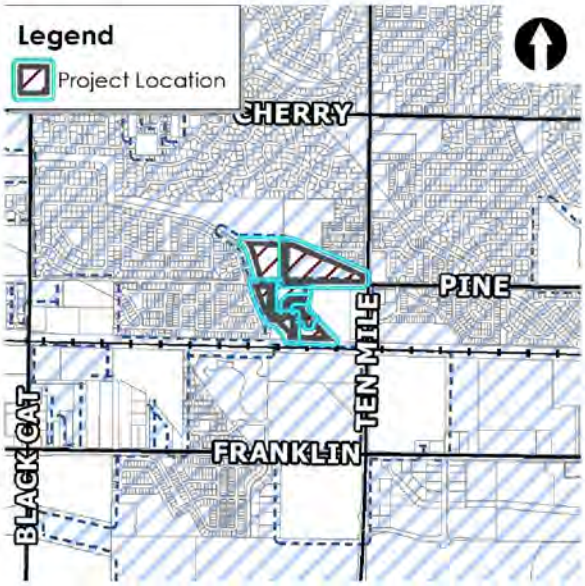
HEARING DATE: 4/6/2021, 5/11/2021, and 5/26/2021

TO: Mayor & City Council

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

SUBJECT: H-2020-0113
Foxcroft Subdivision

LOCATION: The site is located directly west of Ten Mile Road, on both sides of the proposed Pine Avenue extension, and east of the Tenmile Creek, in the E ½ of Section 10, Township 3N., Range 1W.




## I. PROJECT DESCRIPTION

- Annexation of 23 acres of land with a request for the R-8 zoning district;
- Preliminary Plat consisting of 8~~5~~4 building lots and 31 common lot on 35.7 acres of land in the proposed R-8 zoning district and existing R-15 zoning district; and
- Conditional Use Permit for a multi-family development consisting of a total of 216 residential units on 12.74 acres in the existing R-15 zoning district, by Gem State Planning, LLC.

## II. SUMMARY OF REPORT

A. Project Summary

| Description | Details | Page |
|---|---|---|
| Acreage | 35.7 acres (R-15 – 12.74 acres; R-8 – 23 acres) | |
| Future Land Use Designation | Medium Density Residential & Mixed Use Community | |
| Existing Land Use(s) | County residential and farm land; vacant R-15 zoning | |
| Proposed Land Use(s) | Multi-Family Residential and detached single-family residential | |
| Lots (# and type; bldg./common) | 11~~5~~6 total lots – 9 multi-family residential; ~~76~~ 75 single-family lots; and 31 common lot. | |
| Phasing Plan (# of phases) | Proposed as three (3) phases | |
| Number of Residential Units (type of units) | 291~~2~~ total units – ~~76~~ 75 single family; 216 apartment units | |
| Density (gross & net) | **Gross (overall) – 8.17 du/ac.; Net – 18.3 du/ac. Gross per area: NW Block – 3.35 du/ac.; SW Block – 3.28 du/ac.; NE Block (apartments) – 16.95 du/ac.** | |

| Description | Details | Page |
|---|---|---|
| Open Space (acres, total [%]/buffer/qualified) | **6.88 acres of qualified open space OVERALL (approximately 19.2%) – 5.31 acres for 11-3G requirements (approximately 15%); 1.57 acres (69,123 square feet) proposed for 11-4-3-27 (Multi-Family) standards.**<br>18,360 square feet of private open space is proposed (approximately 85 square feet per unit) to meet specific use standards. | |
| Amenities | 7 qualifying amenities – 10' multi-use pathway, pool, clubhouse, picnic areas, tot-lot, fitness facilities, and a pedestrian/bicycle circulation system. | |
| Physical Features (waterways, hazards, flood plain, hillside) | Tenmile Creek abuts the property along the entire western boundary; some floodplain exists on site due to creek. | |
| Neighborhood meeting date; # of attendees: | October 14, 2020 – 13 attendees | |
| History (previous approvals) | R-15 portion of property – Ellensburg Subdivision, AZ-05-051; PP-05-052; CUP-05-047. CUP and plat have long expired but zoning ordinance was approved. | |

B. Community Metrics

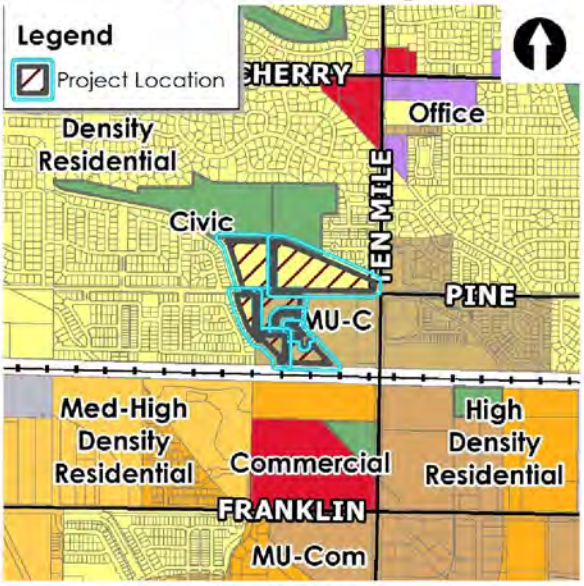
| Description | Details | Page |
|---|---|---|
| Ada County Highway District | | |
| • Staff report (yes/no) | Yes | |
| • Requires ACHD Commission Action (yes/no) | No | |
| Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed) | Access is proposed via connections to the extension of W. Pine Avenue west from N. Ten Mile Road (arterial). Pine will be extended by this Applicant and the adjacent Applicant on the south side of Pine from the intersection of Pine & Ten Mile west to the eastern boundary of the southern portion of this site. Access is proposed as 3 public street connections for the SF portion of the site and 2 driveway accesses for the multi-family site. | |
| Traffic Level of Service | Ten Mile Road – Better than "E" (1,474/1,540 VPH)<br>Pine Avenue (existing section only) – Better than "D" (182/425 VPH) | |
| Stub Street/Interconnectivity/Cross Access | No public stub street connections are proposed. Applicant is allowing adjacent property to southeast to connect one of their private drives to a proposed public street connection on the south side of Pine Avenue. Applicant is also allowing an emergency only access near the southeast corner of the site for the benefit of this project and the adjacent project. | |
| Existing Road Network | No (Pine Avenue exists on the west side of the Tenmile Creek) | |
| Existing Arterial Sidewalks / Buffers | Existing sidewalk along Ten Mile but no buffer. | |
| Proposed Road Improvements | The Applicant, in conjunction with the Applicant of the property to the southeast, is proposing to extend Pine Avenue west from the intersection of Pine and Ten Mile to the Ten Mile Creek. This Applicant is responsible for the construction of Pine that this property abuts (approximately | |

| Description | Details | Page |
|---|---|---|
| | 1,650 feet) and construction of the vehicular bridge over the Tenmile Creek along the western property boundary. | |
| Distance to nearest City Park (+ size) | 0.9 miles to Fuller Park (21.9 acres in size) by car; approximately 0.5 miles to Fuller Park via existing and planned pathway and sidewalk connections. | |
| Fire Service | | |
| • Distance to Fire Station | Approx. 1 mile from Fire Station #2 | |
| • Fire Response Time | This project lies within the Meridian Fire response time goal of 5 minutes. | |
| • Resource Reliability | Fire Station #2 reliability is 85%. | |
| • Risk Identification | Risk Factor 2 – residential with hazards (multi-family and waterway) | |
| • Accessibility | Proposed project meets all required access, road widths, and turnarounds.<br>Proposed phasing plan shall be adhered to; any changes in the phasing shall be approved by the Fire Department. | |
| Police Service | | |
| • Distance to Station | Approximately 4 miles from Meridian Police Department | |
| • Response Time | Approximately 4.5-minute response time to an emergency. | |
| • Call Data | Between 12/1/2019- 11/30/2020, the Meridian Police Department responded to 1,209 calls for service within a mile of the proposed development. The crime count on the calls for service was 111. See attached documents for details.<br>Between 12/1/2019- 11/30/2020, the Meridian Police Department responded to 35 crashes within a mile of the proposed development. See attached documents for details. | |
| • Additional Concerns | None | |
| West Ada School District | | |
| • Distance (elem, ms, hs) | 0.1 miles to Chaparral Elementary<br>2.4 miles to Meridian Middle School<br>1.0 mile to Meridian High School | |
| • Capacity of Schools | Chaparral Elementary – 700 students<br>Meridian Middle School – 1,250 students<br>Meridian High School – 2,075 students | |
| • # of Students Enrolled | Chaparral Elementary – 423 students<br>Meridian Middle School – 1,022 students<br>Meridian High School – 1,852 students | |
| | | |
| Wastewater | | |
| • Distance to Sewer Services | NA | |
| • Sewer Shed | South Black Cat Trunkshed | |
| • Estimated Project Sewer ERU's | See application | |
| • WRRF Declining Balance | 14.02 | |
| • Project Consistent with WW Master Plan/Facility Plan | Yes | |
| • Impacts/Concerns | • Additional 16,555 gpd of flow committed to model.<br>• Per minimum city requirements, all sewer mainlines and manholes outside of a paved roadway shall have at a minimum, a 14-ft wide compacted grave access roadway centered over the mainline. This condition can also be satisfied with a 14-foot wide paved surface. The pathway shown over the existing sewer along the north properties is | |

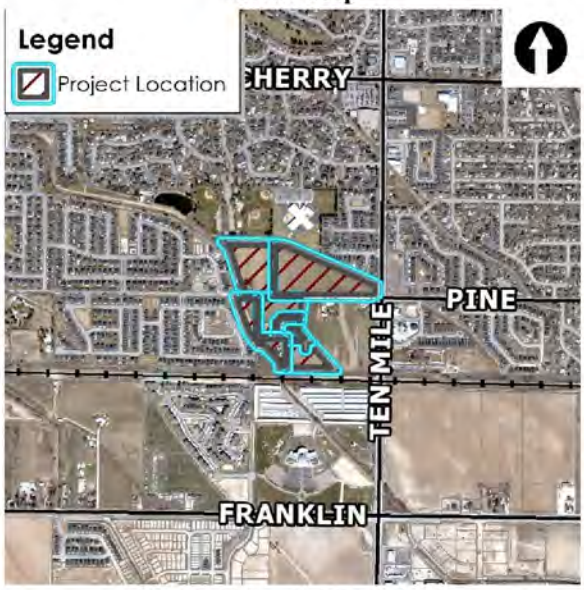
| Description | Details | Page |
|---|---|---|
| | subject to this requirement, as well as manholes SSMH A2, SSMH A3, and SSMH A5.<br>• Please redesign the sanitary sewer routing to eliminate the sewer mainline passing through the common driveway labeled as Lot 20, NW Block 1. | |
| | | |
| Water | | |
| • Distance to Services | 0' | |
| • Pressure Zone | 2 | |
| • Estimated Project Water ERU's | See application | |
| • Water Quality Concerns | None | |
| • Project Consistent with Water Master Plan | Yes | |
| • Impacts/Concerns | • Applicant shall be required to construct 12-inch water main in W. Pine Avenue to comply with "to-and-through" requirements. This new mainline shall connect to existing water mains at the west and east ends.<br>• The water main in N. White Leaf Way near SSMH G5 needs to connect to the proposed water main to the east (Mile High Pines Sub).<br>• The water main in W. Sugar Pine Ct. that currently dead-ends needs to connect to the proposed water main to the east (Mile High Pines Sub) in N. Side Creek Lane. Currently this dead-end does not meet fire flow pressure requirements.<br>• There are a few water mains in the multi-family area that may have an opportunity to be eliminated. See Exhibit Section VII (I.) Water Markup for Areas of Possible Water Main Elimination. | |
| | | |
| COMPASS – Communities in Motion 2040 2.0 Review | | |
| Housing w/in 1 mile | 3,801 | |
| Jobs w/in 1 mile | 1,454 | |
| • Ratio | 0.38 – Indicates an employment need (ratio between 1-1.5 is considered healthy ratio) | |
| Farmland Consumed? | Yes | |
| Nearest Bus Stop | 0.8 miles | |
| Nearest Public School | 0.1 miles | |
| Nearest Public Park | 0.1 miles | |
| Nearest Grocery Store | 0.5 miles | |
| Recommendations | See agency comment section for link to full file. | |

C. Project Area Maps

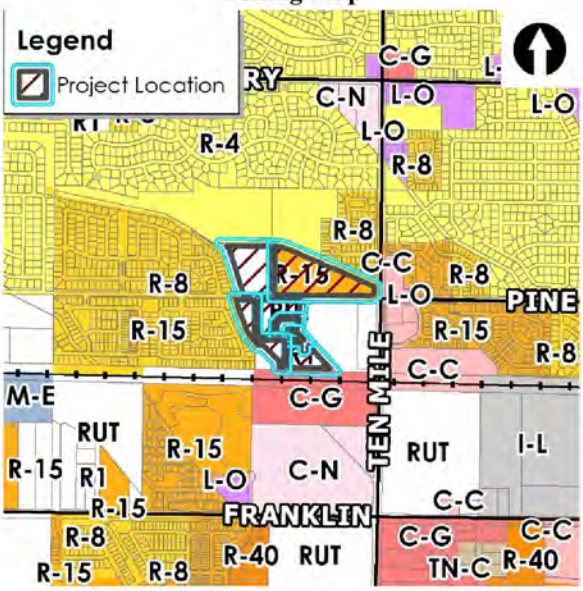
**Future Land Use Map**



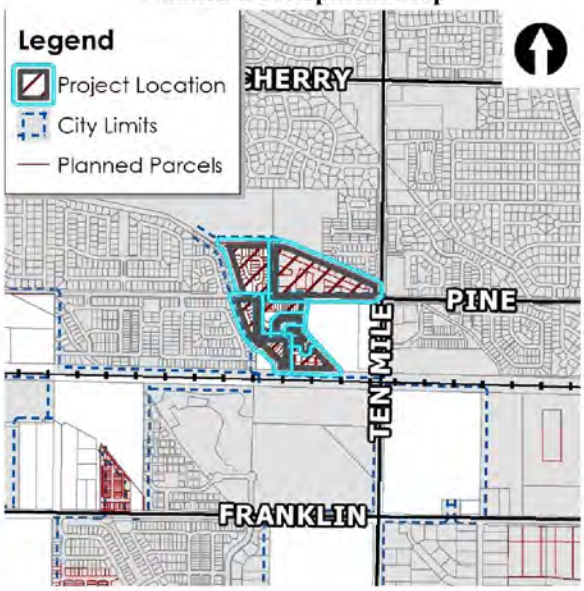

**Aerial Map**




**Zoning Map**




**Planned Development Map**




## III. APPLICANT INFORMATION

**A.** Applicant:

Same as Representative

**B.** Owner:

Viper Investments (main ownership group) – 1977 E. Overland Road, Meridian, ID 83642

**C.** Representative:

Jane Suggs, Gem State Planning – 9840 W. Overland Road, Ste. 120, Boise, ID 83709

## IV. NOTICING

| | Planning & Zoning Posting Date | City Council Posting Date |
|---|---|---|
| Newspaper Notification | 1/15/2021 | 3/19/2021 |
| Radius notification mailed to properties within 500 feet | 1/12/2021 | 3/16/2021 |
| Site Posting | 2/3/2021 | 3/26/2021 |
| Nextdoor posting | 1/12/2021 | 3/17/2021 |

## V. STAFF ANALYSIS

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

The subject project area contains two future land use designations, Mixed-use Community (MU-C) and Medium Density Residential (MDR), with the MDR designation taking up a larger area of the project, 12.1 acres and 23.6 acres, respectively.

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.

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

*The subject project is located west of Ten Mile Road near the intersection of Pine and Ten Mile and its western border is the Tenmile Creek. The project has existing City of Meridian zoning and development to the west and north of the property consisting of R-8 zoning and detached single-family homes and R-4 zoning containing Fuller Park and Chaparral Elementary. South of the southern section of the project is the railroad easement for the historic Oregon Short Line RR; south of the railroad tracks is a 15-acre self-storage facility. Directly to the east/southeast of this project is a project that recently received approval by City Council for a mixed-use development consisting of 135 multi-family units and three commercial pad sites. Across Ten Mile Road is existing commercial zoning and uses as well as a Church use.*

*The project to the south/southeast has the MU-C designation which is also on a portion of the southern section of the subject project. The majority of the subject project contains the MDR designation. Future land use designations are not parcel specific and therefore, when a project contains more than one designation the Applicant has the opportunity to float the designations and propose a project that may fit with both or only one of the designations. In this case, the Applicant has not chosen to include any commercial uses with the subject project and instead has proposed a project that is entirely residential, corresponding with the MDR designation. The Applicant is proposing detached and attached single-family residential and multi-family residential which are also recommended uses within the MDR. Despite intentionally not proposing a project consistent with the MU-C designation, the Applicant understands some integration of uses and incorporating adequate transitions between uses is still important. Thus, this Applicant and that of the project to the east have worked together to allow cross-access*

*between the projects located on the south side of the Pine Avenue extension so both vehicles and pedestrians of this project can have easier access to the commercial approved on the west side of Ten Mile. Commission and Council should determine if this sole connection is enough integration.*

*Other than integration, the density of the project also comes into play when discussing the future land use designations. MDR allows projects with densities in the range of 3-8 du/ac and overall, this project is proposed with a gross density of 8.17 du/ac which is rounded down to 8. The MU-C designation allows gross densities of 6-15 du/ac but Staff finds this range to be generally nonapplicable because the Applicant is largely not proposing a mixed-use project; in short, it would not be appropriate to allow an overall higher density based in a future land use designation that is otherwise not a part of the project in any other aspect. A potential issue arises when the density is broken out into the segments of the plat that happen to coincide with the proposed phasing plan—the southwest block, the northwest block, and the northeast block, according to the Applicant. The Applicant breaks the density of the project down into these three areas on the submitted preliminary plat. The single-family portion of the project is proposed with a gross density just above 3 du/ac with the apartments being proposed at a gross density of 16.95 du/ac. The same difference in the numbers is also revealed when looking at the number of units proposed within the requested zones; 216 multi-family units on 12.7 acres versus 76 single-family units on approximately 23 acres. If the Applicant was only requesting approval of the apartments, the proposed density would not comply with the Comprehensive Plan and therefore the only reason it is compliant now is because of the single-family portion of the project.*

*Despite this fact, Staff agrees that apartments make sense on the R-15 piece abutting a collector street, adjacent to a school, and across from a mixed-use development to the south and more commercial to the east across Ten Mile. However, Staff does have concerns on how the apartments transition to other development and the impact that the proposed number of units will have on the transportation system in this area. To help in these regards Staff is recommending the Applicant lose some apartment units in the form of reducing some of the buildings to two-story structures instead of three. Specifically, Staff recommends that buildings on Lots 4, 5, 6, and 9, NE Block 1 (as shown on the submitted plat) within the multi-family portion of the site be no more than two stories. This would help with the transition of multi-story structures abutting the backs of single-family homes to the west and to the north (Moshers Farm Subdivision) and reduce the number of units by approximately 32 units.*

*Reducing the number of apartment units by 32 would revise the total number to 184 units and change the density of the apartments to approximately 14.4 du/ac which would fall within the allowed range of the MU-C designation. Again, this designation is generally not being analyzed by Staff but because part of the project does contain it and the adjacent project south of the proposed apartments also has the MU-C designation, Staff finds it appropriate for the higher density portion of the site to not exceed the allowed density within the MU-C because it makes for a more cohesive density between the proposed apartments and all adjacent development, both existing and approved.*

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.*

~~*The Applicant's submitted Annexation and Zoning exhibit does not appear to match the parcel lines shown on the submitted plat in the very southwest corner of the site. The COGO provided by the City's GIS department shows this in the clearest way:*~~

~~As seen by this blue area, the red line of the submitted Annexation and Zoning Boundary missed this small area. The aims to minimize leaving small slivers of county land whenever possible. So, prior to the City Council hearing, the Applicant should provide revised legal descriptions and exhibits to include this small sliver of land.~~

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). *Foxcroft Subdivision proposes multiple different types of housing within the project to include single-family attached (duplexes), alley-loaded single-family homes, as well as traditional detached single-family and garden style, walk-up apartments. Staff finds the proposed housing diversity would offer new types of housing for this immediate area.*

"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 some transitional densities and pedestrian facilities within open space to act as buffers between the subject parcels and existing development. As noted above, Staff does have concern between the transition of the apartments to the detached single-family homes abutting the project to the northeast. The project also abuts the Tenmile Creek on its entire western boundary which is a natural buffer between this subdivision and those to the west. Within the site the Applicant is proposing alley-loaded units abutting Pine Avenue on the south and duplexes on the north side of Pine Avenue abutting the apartments. Both of these choices offer a good transition from a busy collector street to the more traditional detached single-family homes. In addition, Staff finds placing attached units next to the apartments in order to transition from a higher density to the existing Creekstone and Castlebrook Subdivisions to the west is appropriate.*

"Establish and maintain levels of service for public facilities and services, including water, sewer, police, transportation, schools, fire, and parks" (3.02.01G). *All public utilities are available for this project site due to the existing network abutting the site to the east and to the west within the*

*existing section of Pine Avenue, per Public Works comments. The Applicant will be extending Pine from Ten Mile Road all the way to the west and constructing a bridge over Tenmile Creek to complete this segment of Pine. Subsequently, all public utilities will also be extended at the Applicant's expense in order to connect to the existing services within the right-of-way. This project also lies within the Fire Department response time goal.*

*West Ada School District has offered comments on this project estimates 73 additional school aged children in this development. Chaparral Elementary abuts the subject site directly to the north and the Applicant is extending the multi-use pathway network to incorporate pedestrian connection to Chaparral.*

*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, especially with Staff's recommended revisions.*

"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) because of the preservation of the Tenmile Creek. This creek is one of the natural waterways specifically noted within the UDC that should be left natural and unimproved in order to provide for conservation of historic waterways. Other than the creek, the Applicant is proposing open space areas that exceed the minimum 50' x 100' dimensional standards that should allow for usable open space in all areas of the proposed project. The Applicant is also proposing multi-use pathways along the creek and adjacent to Chaparral Elementary and Fuller Park which provides more usable open space and additional pedestrian connections in this area of the City that is currently lacking in connections to Ten Mile Road.*

"Coordinate with developers, irrigation districts, and drainage entities to implement the proposed pathway network along canals, ditches, creeks, laterals and sloughs." (3.08.02B). *The Applicant is proposing a large extension of the multi-use pathway network with this development adjacent to the Tenmile Creek. The Applicant has coordinated with the irrigation district to ensure adequate access for maintenance as well as allowed landscaping. In addition, the Applicant is proposing segments of the multi-use pathway along the north boundary to be wider than the 10' requirement to accommodate adequate access for public utility maintenance. This also offers additional room for pedestrians and cyclists to travels safely from the east and west of the site to Fuller Park and Chaparral Elementary.*

"Require pedestrian access connectors in all new development to link subdivisions together and to promote neighborhood connectivity as part of a community pathway system." (6.01.01H). *As discussed above, the proposed development is constructing large segments of the regional pathway system which helps connect multiple areas of the City to Fuller Park and Chaparral Elementary. In addition, there are proposed connections to the required detached sidewalks along the Pine Avenue extension. All of the proposed pedestrian improvements would improve the access and safety for pedestrians and cyclists in this area of the City.*

"Require collectors consistent with the ACHD Master Street Map (MSM), generally at/near the mid-mile location within the Area of City Impact." (6.01.03B). *Pine Avenue is a collector street east of Ten Mile Road and west of the adjacent Tenmile Creek but the segment of Pine that bisects the property is only a dirt-road, private access at this time. With the development of these parcels and the recently approved project to the southeast, Pine Avenue will be constructed as a collector street as noted on the MSM. This will make a much needed connection for the overall transportation network of Meridian and especially within the immediate area of the development.*

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

C. Existing Structures/Site Improvements:

The subject development consists of 7 parcels and on three of them are existing homes that are proposed to remain. Access to all of the existing homes is currently via Pine, a private street that connects to Ten Mile Road but is required to be constructed as a public collector street with this development. No other site improvements are currently known.

D. Proposed Use Analysis:

The Applicant is proposing multiple types of residential uses within this development—detached single-family, attached single-family, alley loaded single-family, and multi-family residential. Multi-family residential is a conditional use in the R-15 zoning district per UDC Table 11-2A-2. All other proposed residential uses are principally permitted uses in the R-8 zoning district. Multi-family developments require Certificate of Zoning Compliance (CZC) and Design Review so Staff will have additional opportunities to review this portion of the site.

The Applicant has provided a phasing plan notating the project is to be constructed in three phases with the single-family south of Pine being first, the single-family area north of Pine second, and lastly the multi-family development in the third phase. The Applicant is required to and has proposed to construct a vehicle bridge over Tenmile Creek and extend Pine Avenue from Ten Mile Road over the creek with the first phase of development.

*The proposed residential uses and how they are laid out provide for a transition from Ten Mile Road to the existing detached single-family subdivisions on the west side of Tenmile Creek despite not including the 16 acres abutting the development to the east (a different owner that has received approval for a multi-family development). Abutting the creek, the Applicant is showing traditional detached homes that front on a north-south local street that connects to Pine Avenue. East of this local street, and on the south side of Pine, the site transitions to alley loaded homes that front on Pine. South of the alley loaded units are two of the three existing homes that are to remain and they are proposed to take access from the new local streets proposed within the development. These homes abut the developments eastern boundary along a long segment but are somewhat removed from the boundary by the existing yards. The Applicant has provided an exhibit showing how this are of the plat can redevelop in the future should those existing owners relocate or choose to redevelop. Staff finds it appropriate to incorporate this exhibit into the Development Agreement because it shows a logical extension of the single-family development within the project for future development.*

*East of the local street on the north side of Pine the site transitions to single-family attached homes in form of duplexes. These homes abut the proposed apartment complex within the existing R-15 zoning district. According to the Applicant, these homes are proposed as single-story structures which is a major factor in Staff's recommendation to limit the centrally abutting apartment building (Lot 9, NE Block 1) to a two-story structure to offer a better transition within this area of the project. The apartments are proposed with five buildings along the northern boundary abutting Chaparral Elementary and an existing subdivision. As noted, Staff believes the three buildings adjacent to the existing subdivision should also be limited to two-story structures to offer a more appropriate transition regardless of the approximate 80-foot buffer between the apartment buildings and the back of the single-family lots. Staff finds the centrally located clubhouse and open space for the multi-family units to depict good site design and should offer adequate opportunity for use by everyone within the multi-family development.*

E. 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 shall comply with this requirement.*
2. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, and transformer and utility vaults shall be located in an area not visible from a public street, or shall be fully screened from view from a public street. *The site plan depicts screened trash enclosures that are only visible from the private streets; all proposed transformer/utility vaults shall also comply with this requirement.*
3. A minimum of eighty (80) square feet of private, usable open space shall be provided for each unit. This requirement can be satisfied through porches, patios, decks, and/or enclosed yards. Landscaping, entryway and other accessways shall not count toward this requirement. In circumstances where strict adherence to such standard would create inconsistency with the purpose statements of this section, the Director may consider an alternative design proposal through the alternative compliance provisions as set forth in section *11-5B-5* of this title. *According to the revised open space exhibit, the apartments are proposed with approximately 85 square feet of private open space in the form of private patios and decks for each unit, commensurate with traditional garden style apartment buildings.*
4. For the purposes of this section, vehicular circulation areas, parking areas, and private usable open space shall not be considered common open space. *These areas were not included in the common open space calculations for the site.*
5. No recreational vehicles, snowmobiles, boats or other personal recreation vehicles shall be stored on the site unless provided for in a separate, designated and screened area. *Applicant shall comply with this requirement.*
6. The parking shall meet the requirements set forth in *chapter 3*, "Regulations Applying to All Districts", of this title. *See analysis in staff report below.*
7. Developments with twenty (20) units or more shall provide the following:

a. A property management office.

b. A maintenance storage area.

c. A central mailbox location (including provisions for parcel mail) that provide safe pedestrian and/or vehicular access.

d. A directory and map of the development at an entrance or convenient location for those entering the development. (Ord. 18-1773, 4-24-2018)

*Per the submitted plans, the Applicant appears to meet these requirements. Where it is not clear on the submitted plans, the Applicant shall comply with these requirements at the time of CZC submittal.*

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

C. Common Open Space Design Requirements:

1. A minimum area of outdoor common open space shall be provided as follows:
    a. One hundred fifty (150) square feet for each unit containing five hundred (500) or less square feet of living area.
    b. Two hundred fifty (250) square feet for each unit containing more than five hundred (500) square feet and up to one thousand two hundred (1,200) square feet of living area.
    c. Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area.

***Note: Open space standards found in UDC 11-3G <u>AND</u> those found in these specific use standards shall apply to this project. Please see the applicability section of both code sections. Staff analysis for both open space requirements is in Section V.L of this staff report instead of splitting the analysis into two parts.***

2. Common open space shall be not less than four hundred (400) square feet in area, and shall have a minimum length and width dimension of twenty feet (20'). *Proposed open space submitted as meeting this requirement has been reviewed. All area labeled as qualified common open space on the open space exhibit complies with this requirement.*
3. In phased developments, common open space shall be provided in each phase of the development consistent with the requirements for the size and number of dwelling units. *The multi-family portion of the project is proposed to be developed in one (1) phase. However, all pathways and required landscape buffers to Ten Mile Road and Pine Avenue will be required to be constructed with the first overall phase of development.*
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 buffer along W. Pine Avenue, a collector street, and the buffer along N. Ten Mile Road, do not count toward the common open space requirements for the multi-family specific use standards. However, those areas along the arterial and collector roadways do count towards the minimum 10% required open space for the residential development as a whole.*

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 216 proposed units or the reduced amount of 184 units recommended by Staff, a minimum of four (4) amenities are required; however, the decision-making body is authorized to consider other amenities in addition to those provided per the standards listed above in 2.d.***

***It is not entirely clear what amenities are proposed only for the multi-family portion of the development. Therefore, the following amenities are what are known by Staff to be proposed from the quality of life, open space, and recreation categories: a clubhouse, a swimming pool, pedestrian and bicycle paths, a segment of multi-use pathway, and open space that is at least 5,000 square feet. Therefore, the Applicant is proposing 5 qualifying site amenities to meet the multi-family standards. Staff is not in full support that the proposed 5 amenities can adequately serve nearly 200 apartment units. At the Commission hearing, the Applicant should clarify***

***what other amenities are proposed for the multi-family portion of the development to ensure compliance with code.***

E. Landscaping Requirements:

1. Development shall meet the minimum landscaping requirements in accord with *chapter 3*, "Regulations Applying to All Districts", of this title.

2. All street facing elevations shall have landscaping along their foundation. The foundation landscaping shall meet the following minimum standards:

a. The landscaped area shall be at least three feet (3') wide.

b. For every three (3) linear feet of foundation, an evergreen shrub having a minimum mature height of twenty-four inches (24") shall be planted.

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

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

F. Dimensional Standards (*UDC 11-2*):

The proposed building lots appear to meet all UDC dimensional standards except for Lots 3-8, of SW Block 2 (some of the alley loaded lots), per the submitted plat; these lots do not meet the minimum lot size of 4,000 square feet. *The Applicant is required to comply with the dimensional standards of the requested zone so the noted lots must be enlarged to meet the minimum lot size requirement. To do this, the Applicant will likely have to reduce the open space lot directly south of these lots and push the alley further south.*

*Note: The alley that is shown on the plat does not meet ACHD policies for an alley. Therefore, this alley must instead be constructed as a minor urban local street which is a minimum of 24 feet wide with curb and gutter and no parking is allowed on either side. Staff is recommending a condition of approval in line with ACHD's condition to ensure this street segment is revised.*

In addition, all subdivision developments are also required to comply with Subdivision Design and Improvement Standards (UDC 11-6C-3). The Applicant is proposing a cul-de-sac that is over the permitted 500 foot length and therefore must be approved by City Council, per the UDC standards. *The submitted preliminary plat depicts this cul-de-sac to be approximately 710 feet in length and ends in a cul-de-sac that has an emergency access to the adjacent Mile High Pines subdivision directly to the east. This Applicant needs the emergency access in order to maintain Fire Department approval. The adjacent subdivision was recently approved with maintaining this access but Commission and Council should determine if the overall site design of this southern section of the site is sufficient for 26 homes to take access from when developing around existing structures.*

G. Access (*UDC 11-3A-3*, *11-3H-4*):

Access is proposed local street connections to the W. Pine Avenue extension for the single-family portions of the development; the multi-family development is proposed with two driveway access points to Pine Avenue that line up proposed accesses on the south side of Pine (one within this development and one within the Mile High Pines project on the south side of Pine). There is no access to N. Ten Mile Road except through the collector street, Pine Avenue. Because of the Tenmile Creek and other easements along the boundaries there are no other stub streets that exist to this development. Subsequently, the Applicant is not proposing any stub streets to adjacent subdivisions. The proposed public streets and driveway access points have been approved by ACHD despite the easternmost driveway not meeting district policy. ACHD has recommended a

25% modification to their standards to allow this access so that it aligns with the one approved for Mile High Pines to the south and to allow overall traffic circulation in the multi-family development.

As noted, the Applicant is proposing a cul-de-sac over the permitted length. Please see previous section for analysis and requirements on this issue.

***Traffic Impact Study Analysis:***

***The proposed project proposes more than 100 units and therefore requires a Traffic Impact Study (TIS). The Applicant's traffic impact study has been analyzed by ACHD and specific conditions of approval are outlined in their staff report (see exhibit VIII.K). Despite ACHD analyzing and discussing the TIS in their own report, Staff finds it necessary to highlight the main points of discussion and road improvement requirements, specifically those related to the extension of Pine Avenue.***

***This Applicant and the Applicant for the approved project to the southeast of this project have entered into a legally binding "Dedication and Development Agreement" that outlines the potential options for how the Pine Avenue extension will be constructed (see Exhibit VIII.O). In addition, ACHD has outlined different options for how this extension and road improvements can occur. The Applicant's agreement discusses that whoever obtains City approval second is required to dedicate the required amount of right-of-way to ensure Pine Avenue is constructed centered on the section line dividing the two properties. Staff appreciates the forethought of this agreement to ensure correct construction of the Pine Avenue extension. Therefore, Staff recommends a condition of approval in line with this agreement.***

***At a minimum, this Applicant will construct Pine Avenue west of the Pine/Ten Mile intersection as ½ of a 36-foot collector street section with vertical curb, gutter, and detached sidewalk on the north side. This half street section is proposed and has been approved by ACHD for approximately 890 feet into the site from Ten Mile because the Mile High Pines development will construct the southern half the street section abutting their site. West of this line, this Applicant is required to construct Pine as the full collector street section to the west boundary and construct the vehicle bridge over Tenmile Creek. In addition, the Applicant is required to enter into a signal agreement for the required signal improvements at the Pine/Ten Mile intersection.***

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 single-family and multi-family dwellings based on the number of bedrooms per unit.

*The single-family portion of the site must comply with these standards and will be confirmed at the time of building permit submittal.*

*The Applicant has provided data regarding the multi-family portion of the site to show compliance with the parking requirements. Based on the number of bedrooms, the minimum parking required for the multi-family development is 415 spaces; according to the submitted preliminary plat, 429 parking spaces are proposed. This amount exceeds the minimum requirements by only 14 spaces. Pine Avenue will be a collector street which does not allow on-street parking so there are only 14 extra spaces for guests to park within the apartment complex. Staff has major concerns regarding the proposed parking which is an additional reason why reducing the number of units as previously discussed is recommended. By losing 32 units, the parking requirement will be reduced by 48 spaces if they are all one-bedroom units and will be reduced by 64 spaces if they are all two-bedroom units. Staff recommends a reduction in apartment units but not a significant reduction in parking spaces. Following the reduction in*

*units, some of the parking could be removed in order to move Lot 11 or Lot 9 away from the single-family homes to the west; some parking could also be removed to increase the amount of open space within the apartment complex. Staff recommends that no more than 20 of the excess spaces are removed to accommodate the above options.*

*The Applicant did not submit a separate parking plan for review.*

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

A 10-foot wide multi-use pathway is required and proposed along the property's western, northern, and southern boundaries. The Applicant's submitted plans show compliance with this requirement in line with the Master Pathways Plan (MPP).

*The Applicant will continue the new segment of pathway from Mile High Pines to the east along the southern boundary and abutting the railroad easement. This section of multi-use pathway will then connect to a segment along the east side of the Tenmile Creek that will be shared with the irrigation access road. Approximately 425 feet north of the southern boundary, the pathway turns west and crosses the creek at an existing culvert to end up behind the Chesterfield Subdivision. This juncture of the pathway also turns east to become a micro-path and connects to the attached sidewalk along the internal local street. Along the creek the pathway continues north to Pine Avenue and will connect to the sidewalks along the collector street and allow for access to the existing multi-use pathway on the north side of Pine that continues further north to Fuller Park and the Castlebrook Subdivision.*

*Per the MPP, the Applicant is also proposing to construct another large segment of multi-use pathway along the northern boundary that starts at Ten Mile Road and continues all the way to the western boundary with a new pathway connection to Fuller Park from this development. This new connection will allow residents of this development, the future Mile High Pines residents, and those of existing developments to the west to use the sidewalks and this new pathway segments to access Fuller Park further east than what is currently existing within Castlebrook Sub. In addition to the required multi-use pathways, the Applicant is proposing a micro-path between the apartment complex and the northwest block of single-family homes that connects the detached sidewalks along Pine to the multi-use pathway along the norther boundary. This is yet another pedestrian and bicycle connection to increase the pedestrian circulation in this area.*

*Despite all of the proposed pathways within the development, there is one additional connection that could tie together even more paths and add a quicker way for children to walk to Chaparral Elementary, if it can be done. Staff believes adding a new micro-path connection to the open space and pathway within Moshers Subdivision to the northeast would be a great benefit to this development and the recently approved Mile High Pines. Adding a new connection to the school is not preferred by either the school district or Police because it creates another access point to monitor for safety reasons. Mosher Subdivision already has a dedicated micro-path connection to Chaparral so if this Applicant can work with the Mosher HOA and tie into their existing network, the overall pedestrian access to the school will be increased.*

***Overall, this Applicant is proposing to construct approximately 4,500 linear feet (approximately 0.85 miles) of pathways with this development, which does not include the detached sidewalks along Pine Avenue.*** *This is an abnormally high number for one project to construct so Staff is appreciative of the proposed pathways that are required and not required. Staff is in full support of the proposed pathway plan for the subject development.*

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

5-foot attached sidewalks are proposed along all internal private streets and 5-foot detached sidewalks are proposed along Pine Avenue, in accord with the standards listed in UDC 11-3A-17.

*The sidewalks in this development create connections throughout the project including to and from the multi-use pathway segments surrounding the development. All open space areas also appear to be directly adjacent to sidewalks which add to the accessibility of these areas. Staff supports the sidewalk and pedestrian circulation plan for this development. See Exhibit VII.E.*

K. Landscaping (*UDC 11-3B*):

A 20-foot wide street buffer is required adjacent to W. Pine Avenue, a collector street, landscaped per the standards listed in *UDC 11-3B-7C*. At least a 20-foot wide common lot is depicted along both sides of Pine Avenue and the submitted landscape plans appear to show landscaping in excess of code requirements.

There is also a 25-foot wide landscape buffer required adjacent to the small area of the site that abuts N. Ten Mile Road, an arterial roadway; the submitted plat and landscape plans also show compliance with this requirement. The submitted landscape plans appear to show the correct amount of landscaping per the UDC standards for the landscape buffers.

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 are included in the Landscape Calculations table on the submitted landscape plans, sheet L.4. The correct number of trees appear to be shown on the submitted plans. ***However, the required 5 feet of landscaping and trees on both sides of the pathways is not shown at any point throughout the site. Staff understands the pathways are encumbered by the Tenmile Creek to some degree. Therefore, at a minimum, the Applicant should apply for Alternative Compliance at the time of Final Plat submittal to show an adequate alternative to the required landscaping on both sides of the multi-use pathways.***

***Prior to the City Council hearing though, the Applicant should revise relevant plans to reduce the depth of the lots along the southern boundary to include the required landscaping on both sides of the pathway in this segment. In addition, the segment that runs along the east side of the creek should widen the landscape area adjacent to the pathway to at least 5 feet; the submitted landscape plans show only a 3-foot wide area of landscaping. The lots adjacent to this segment can accommodate a loss of at least 2 feet in lot depth to include 5 feet of landscaping on at least one side of the pathway.***

***The segment of multi-use pathway along the north boundary and proposed apartments is also encumbered by irrigation and sewer easements as well as the required dimensional standards for drive aisles and parking spaces. Because of this, the Applicant has proposed trees and landscaping on the buildable lots abutting the pathway that exceed UDC minimums. Staff agrees with this decision but this alternative should also be included in the alternative compliance request required at the time of final plat submittal.***

***For the segment of pathway along the north boundary but behind the single-family lots, no landscaping is shown beyond grasses. This does not meet code and at a minimum, these lots should be reduced to accommodate at least 5 feet of landscaping (including trees) between the pathway and the buildable lots. As discussed previously, the lack of trees on the drain side of the pathway should be part of the required alternative compliance request.***

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 meets UDC requirements.

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

As discussed previously, the open space standards for both the standard 11-3G-3 and the multi-family specific use standards are analyzed in this section. A minimum of 10% ***qualified*** open space meeting the standards listed in UDC 11-3G-3B is required for the overall development, including the multi-family portion of the project. Based on the proposed plat of 35.72 acres, a minimum of 3.57 acres of qualified common open space should be provided to satisfy the requirements of 11-3G-3. In addition, because there is a multi-family development within a residential zoning district, the common open space standards listed within the specific use standards, UDC 11-4-3-27, also apply. The minimum amount of open space required to satisfy the specific use standards is 1.24 acres of common open space.

**Combined, the required amount of minimum qualifying open space that should be provided is 4.81 acres. The Applicant's revised open space exhibit shows a total of 6.9 acres of qualifying open space. 5.31 acres meet the 11-3G-3 standards (approximately 14.9%) and the remaining 1.59 acres meet the common open space requirements in the multi-family development specific use standards (see Exhibit VII.C).** The qualified open space consists of the required street buffers, the Tenmile Creek, and other open space areas throughout the site. This area exceeds the minimum UDC requirements.

The 1.59 acres of common open space proposed to meet the specific use standards for multi-family development consist of the clubhouse/pool with some adjacent open space, two areas that are at least 5,000 square feet, and other smaller areas of open space that meet the minimum 20' x 20' multi-family open space dimensional standards. The open space proposed to meet the specific use standards also exceeds the minimum UDC requirements.

*As noted above, the common open space provided with this development exceeds the minimum amounts required by code. Despite proximity and ease of access to Fuller Park for this development, the Applicant proposed open space in excess of UDC standards. In addition, the Applicant is not counting a majority of the multi-use pathways as open space because they know they cannot accommodate the required landscaping adjacent to them. Staff appreciates the amount of open space proposed and even though it is not centrally located, Staff believes there is adequate open space within Fuller Park to engage in larger activities.*

*In addition, the Applicant is proposing private open space for the multi-family development that complies with code requirements. Staff appreciates all of the pedestrian pathways throughout the site; these pathways and sidewalks connect the main areas of open space to the residential units offering fairly equitable access to the proposed open space.*

*Staff supports the pedestrian network and the connections to open space anchored by usable open space and amenities and the commercial area on the eastside of the site. All in all, Staff finds that the proposed common and private open space are sufficient for a project of this size and proposed use.*

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

Based on the area of the proposed plat (35.7 acres), a minimum of two (2) qualified site amenities are required to be provided per the standards listed in *UDC 11-3G-3C*.

The applicant proposes three (3) qualifying amenities to satisfy the requirements in this section of the UDC; 10-foot multi-use pathway segments, children's play structure, and a gazebo. All other site amenities (analyzed in an above section) satisfy the multi-family specific use standard amenity requirements.

N. 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 submitted landscape plans and appears to meet UDC requirements.*

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

The applicant has submitted conceptual renderings and elevations only for the apartment buildings. Attached single-family homes and multi-family structures require Administrative Design Review (DES) approval prior to building permit submittal.

*The submitted multi-family elevations show traditional, walk-up garden style apartment buildings. The buildings appear to have at least three field materials of stucco, lap siding, and stone and incorporate adequate roof plane variation along the roofline. The buildings all share the identical color palette which does create a singular identity.*

*The ASM notes that no two multi-family buildings should look the same. At the time of DES submittal for these structures, the Applicant should create more differentiation between the units to ensure compliance with the ASM. This could occur by adding variation in the amount of accent materials and/or accent colors. Staff will ensure compliance with the ASM at the time of design review submittal for both the multi-family units and the attached single-family dwellings.*

## 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.

B. The Meridian Planning & Zoning Commission heard these items on March 4, 2021. At the 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: Jane Suggs, Gem State Planning – Applicant Representative;
   b. In opposition: Jane Byam, resident.
   c. Commenting: Jane Suggs; Jane Byam;
   d. Written testimony: None
   e. Staff presenting application: Joseph Dodson, Current Associate Planner
   f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
   a. Future land use map shown on the project site and its correlation to density;
   b. Concern over the extension of Pine Avenue and the potential of traffic increasing at the intersection of Pine and Black Cat;
   c. Density of the project not being compatible with subdivisions to the west and the larger lots even further west, west of Black Cat;
   d. Will the Black Cat and Pine intersection be signalized?
3. Key issue(s) of discussion by Commission:
   a. Pine Avenue extension and its impact to closest arterial intersections (Pine & Ten Mile; Pine & Black Cat);
   b. How the southernmost lots function as shown on the proposed plat;
   c. Redevelopment plans for the three existing homes that are to remain on site, specifically the two lots in the southern section of the project;

d. General location of the different types of single-family homes and how access to them will work.
What kind of additional amenity is appropriate for the apartment units;

4. Commission change(s) to Staff recommendation:
   a. Revise the conditions of approval as noted in the Staff Memo dated March 1, 2021;
   b. Add a condition that an additional amenity be added to the proposed multi-family development in the R-15 zoning district.
5. Outstanding issue(s) for City Council:
   a. None

C. The Meridian City Council heard these items on April 6, 2021, May 11, 2021, and May 26, 2021. At the public hearing, the Council moved to approve the subject Annexation and Zoning, Preliminary Plat, and Conditional Use Permit requests (application was continued multiple times due to the City Council awaiting a decision on new state legislature. Public testimony was heard and Council questioned the Applicant at each meeting; all meeting summaries have been condensed into this singular summary).

1. Summary of the City Council public hearing:
   a. In favor: Jane Suggs, Applicant Rep.; Deborah Nelson, Applicant Legal Represntation
   b. In opposition: Multiple neighbors noted as being against the proposed project for its density, location of the proposed apartments, and the proposal to extend Pine Avenue; please see public record for specifics.
   c. Commenting: Jane Suggs; Deborah Nelson; Marissa Parker, neighbor;
   d. Written testimony: 11 pieces of public testimony from February until May 26th noting opposition to the proposed development in terms of its density, the extension of Pine Avenue, and the location of the proposed apartments in relation to the existing single-family homes in the Mosher Farms Sub. to the north.
   e. Staff presenting application: Joseph Dodson, Associate Planner
   f. Other Staff commenting on application: Kristy Inselman, ACHD; Garret White, Parks Department; Joe Bongiorno, Deputy Chief Fire Marshal; Bill Nary, City Attorney;
2. Key issue(s) of public testimony:
   a. Location and height of proposed apartment units in relation to the existing single-family homes to the north (Mosher Farms Sub.);
3. Key issue(s) of discussion by City Council:
   a. In regards to the future land use designations, is Staff concerned with transitional density or transitional uses;
   b. Clarification on proposed plat and which lots contain homes that are to remain and is there a redevelopment plan;
   c. Clarification that multi-family use and Conditional Use Permit request is contained to the R-15 zoning district that is existing;
   d. Location and necessity of shared emergency access between subject project and project to the east (Mile High Pines);
   e. Proposed density and how it meets the comprehensive plan;
   f. Location of the proposed amenities and open space in relation to the proposed uses;
   g. Is a pedestrian crossing proposed across the Pine Avenue extension—since one is not proposed what dictates the need for a crossing;
   h. Pedestrian connections to and from the adjacent park and school and how the proposed pedestrian facilities intend to connect to these points and move children safely between the sites;
   i. Level of access to the multi-family development and their proposed locations;

j. Could proposed project be broken into separate applications to get at least the infrastructure and multi-family portions of the project moving forward while the state legislature makes a decision on their items;

k. Clarification on if a pedestrian bridge to Fuller Park is required—it is required per the proposed pathways and per the Park's Department conditions document;

l. Density and location of landscaping between proposed apartments and existing homes in Mosher Farms to the north;

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

a. Clarify that a pedestrian bridge for the multi-use pathway connection to Fuller Park is required.

# VII. EXHIBITS

## A. Annexation and Zoning Legal Descriptions and Exhibit Maps

Description for
**R-8 ZONE**
Foxcroft Subdivision
November 19, 2020

A parcel of land located in the Southwest 1/4 of the Northeast 1/4 and the North 1/2 of the Southeast 1/4 of Section 10, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho more particularly described as follows:

Commencing at the East 1/4 corner of said Section 10 from which the Center 1/4 corner of said Section 10 bears, North 89°36'02" West, 2655.68 feet; thence on the East-West centerline of said Section 10, North 89°36'02" West, 939.50 feet to the **REAL POINT OF BEGINNING**;

thence leaving said centerline, South 06°07'28" West, 415.20 feet;

thence South 42°52'02" East, 798.04 feet to the centerline of the Oregon Short Line Railroad;

thence on said centerline, North 88°51'42" West, 703.34 feet;

thence leaving said centerline, North 33°15'25" West, 241.17 feet;

thence North 48°32'21" West, 101.97 feet;

thence North 43°57'49" West, 144.27 feet;

thence North 88°52'12" West, 50.71 feet to the Easterly boundary line of Chesterfield Subdivision No. 4 as filed in Book 112 of Plats at Pages 16216 through 16218, records of Ada County, Idaho;

thence on said Easterly boundary line the following seven (7) courses and distances:

North 45°26'50" West, 1.76 feet;

North 39°43'48" West, 89.05 feet;

North 39°20'28" West, 100.02 feet;

North 25°23'24" West, 125.16 feet;

North 19°21'27" West, 94.89 feet;

PROFESSIONAL LAND SURVEYOR REGISTERED 11779 11/19/2020 STATE OF IDAHO COLTON B. PROCAMMON

Page 1 of 2

North 22°44'42" West, 83.44 feet;

North 17°25'33" West, 198.22 feet to the East-West centerline of said Section 10;

thence on said centerline, South 89°36'02" East, 39.48 feet to the Easterly boundary line of Ten Mile Creek as described in Easement Deed recorded on March 15, 1946 in Book 121 of Deeds at Page 23, records of Ada County, Idaho;

thence on said Easterly boundary line the following three (3) courses and distances:

North 17°27'31" West, 530.79 feet;

120.85 feet along the arc of curve to the left having a radius of 176.00 feet, a central angle of 39°20'32" and a long chord which bears North 37°07'47" West, 118.49 feet;

North 56°48'03" West, 118.30 feet to the North boundary line of the Southeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 10;

thence on said North boundary line, South 89°37'19" East, 765.14 feet to the Northeast corner of the Southeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 10;

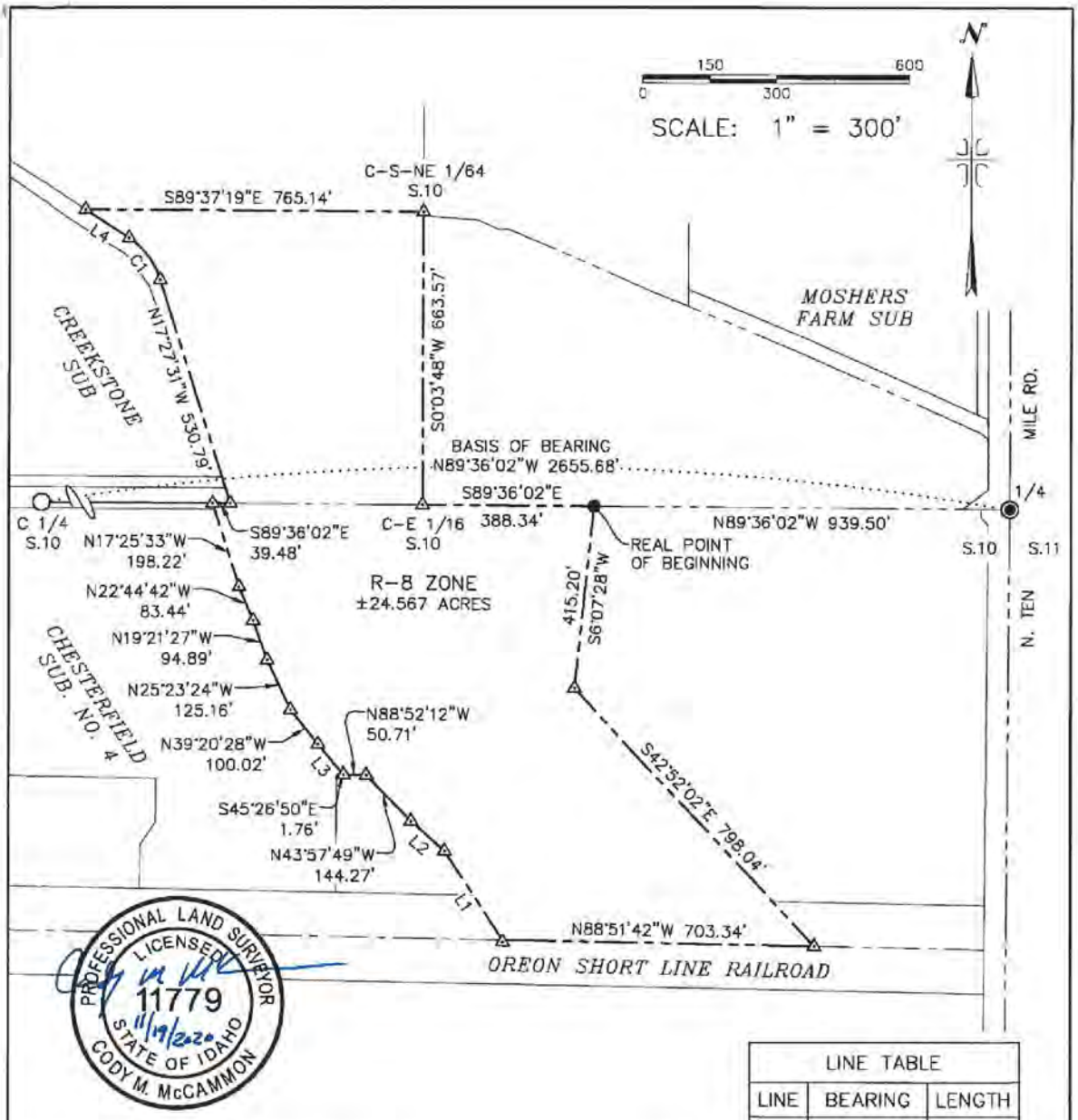
thence South 00°03'48" West, 663.57 feet to the Southeast corner of the Southeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 10;

thence on the East-West centerline of said Section 10, South 89°36'02" East, 388.34 feet to the **REAL POINT OF BEGINNING**.

Containing 24.567 acres, more or less.

End of Description.

PROFESSIONAL LAND SURVEYOR
REGISTERED
11779
11/19/2020
STATE OF IDAHO
CODY M. McCAMMON




| LINE TABLE | | |
|---|---|---|
| LINE | BEARING | LENGTH |
| L1 | N33°15'25"W | 241.17 |
| L2 | N48°32'21"W | 101.97 |
| L3 | N39°43'48"W | 89.05 |
| L4 | N56°48'03"W | 118.30 |

| CURVE TABLE | | | | | |
|---|---|---|---|---|---|
| CURVE | LENGTH | RADIUS | DELTA | CHORD BRG. | CHORD DIST. |
| C1 | 120.85 | 176.00 | 39°20'32" | N37°07'47"W | 118.49 |

IDAHO SURVEY GROUP, LLC
9565 W. EMERALD ST.
BOISE, IDAHO 83704
(208) 846-8570

EXHIBIT DRAWING FOR
CITY OF MERIDIAN R-8 ZONE
FOXCROFT SUBDIVISION

LOCATED IN THE SW 1/4 OF THE NE 1/4 AND THE N 1/2 OF THE SE 1/4 OF SECTION 10, T.3N., R.1W., B.M., ADA COUNTY, IDAHO

JOB NO. 19-133
SHEET NO. 1
DWG. DATE 11/19/2020

Description for
**R-15 Zone**
Ten Pine Park Subdivision
October 27, 2020

A parcel of land located in the Southeast 1/4 of the Northeast 1/4 of Section 10, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho more particularly described as follows:

**BEGINNING** at the East 1/4 corner of said Section 10 from which the Center 1/4 corner of said Section 10 bears, North 89°36'02" West, 2655.68 feet;

thence on the East-West centerline of said Section 10, North 89°36'02" West, 1327.84 feet to the Southeast corner of the Southeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 10;

thence on the East boundary line of the Southeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 10, North 00°03'48" East, 654.55 feet to the centerline of the Ten Mile Drain;

thence on said centerline the following seven (7) courses and distances:

South 85°32'14" East, 126.24 feet;

South 65°24'02" East, 49.70 feet;

North 89°34'58" East, 23.00 feet;

South 66°39'02" East, 357.40 feet;

South 67°30'53" East, 357.19 feet;

South 66°01'35" East, 448.10 feet;

South 50°13'59" East, 22.66 feet;

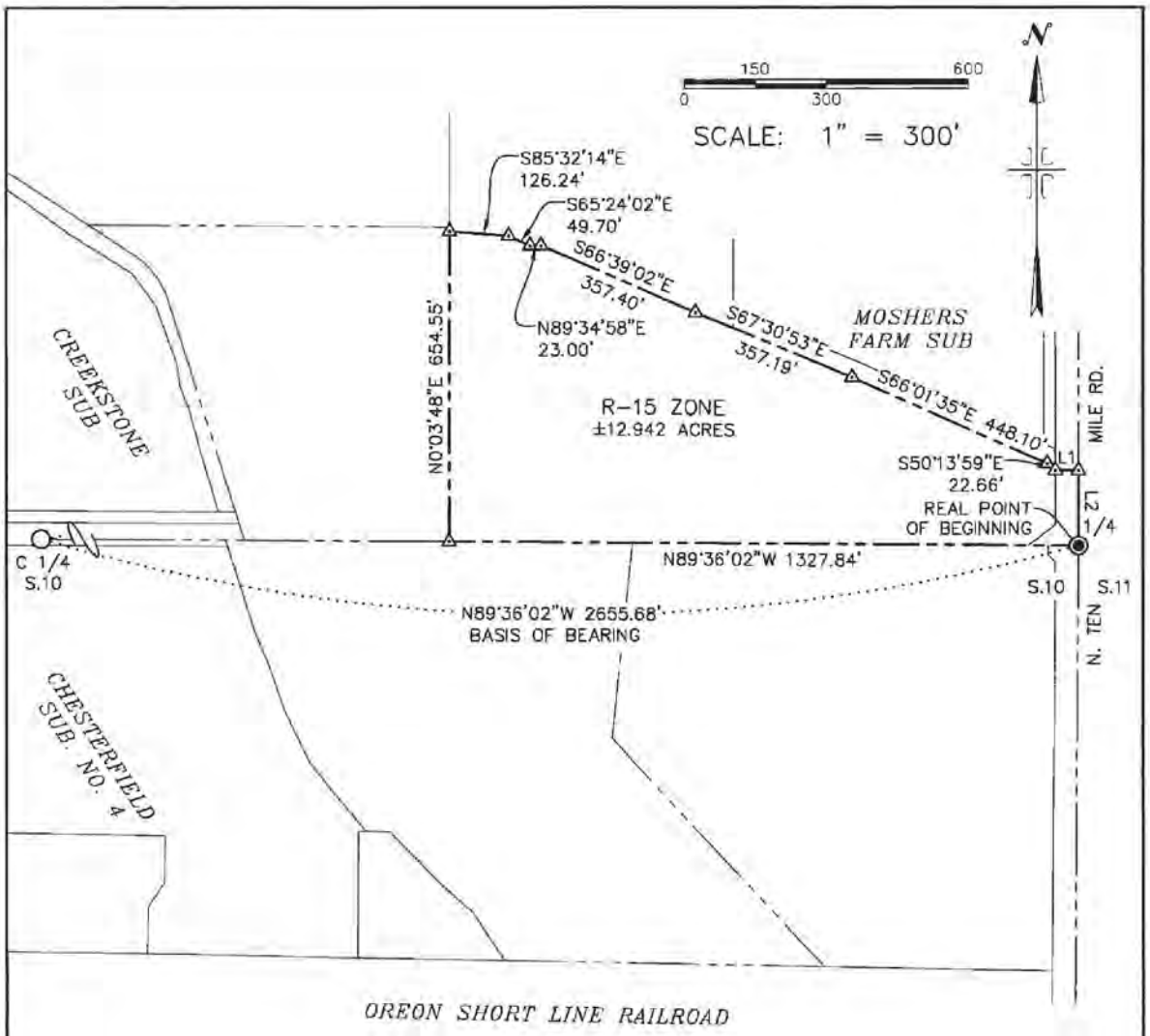
thence leaving said centerline, North 89°59'52" East, 48.00 feet to the East boundary line of said Section 10;

thence on said East boundary line, South 0°00'08" East, 158.64 feet to the **REAL POINT OF BEGINNING.**

Containing 12.942 acres, more or less.

End of Description.

Page 1 of 1



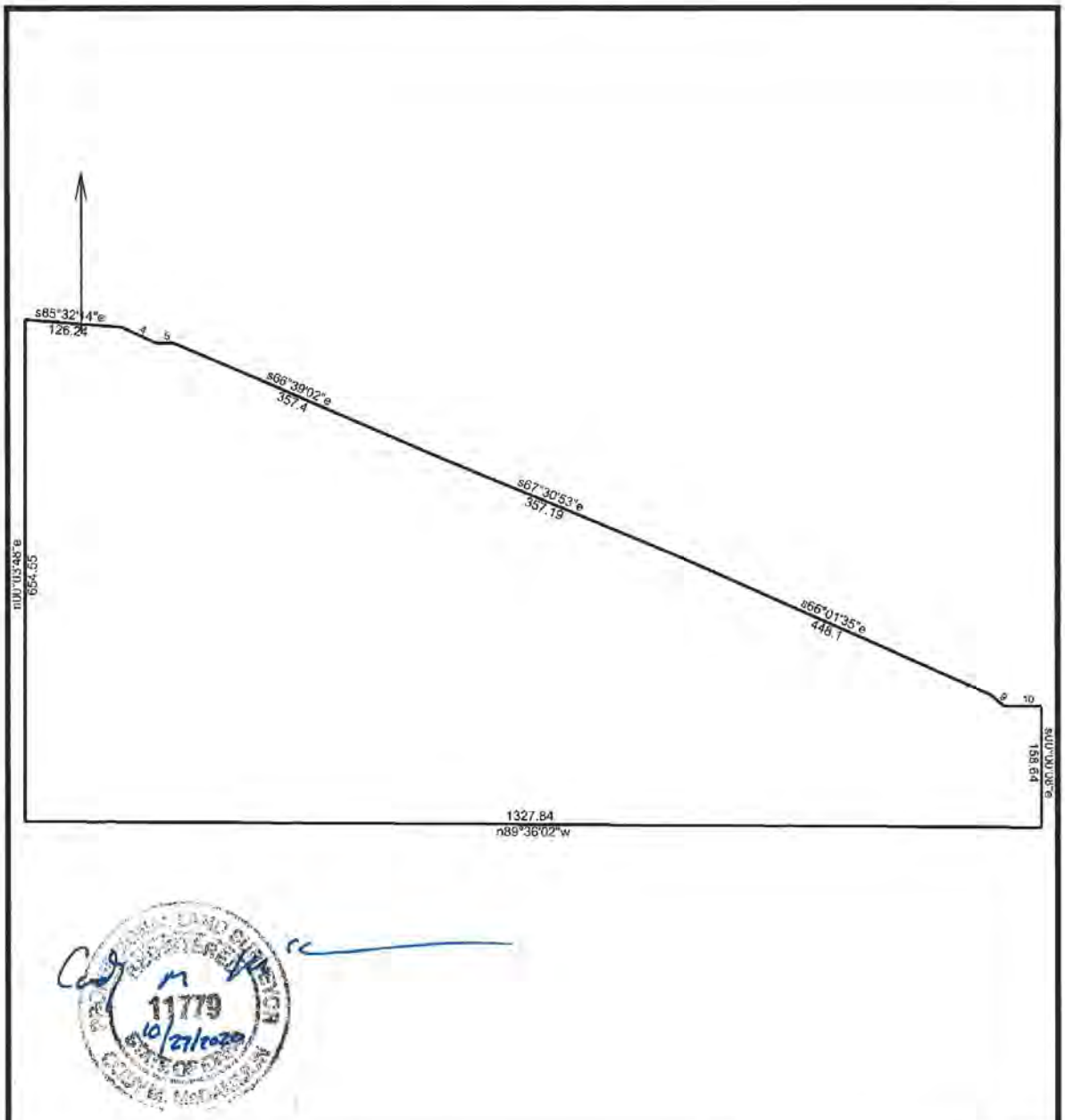

PROFESSIONAL LAND SURVEYOR
LICENSED
11779
10/27/2020
STATE OF IDAHO
CODY M. McCAMMON

| LINE TABLE | | |
|---|---|---|
| LINE | BEARING | LENGTH |
| L1 | N89°59'52"E | 48.00 |
| L2 | S0°00'08"E | 158.64 |

IDAHO SURVEY GROUP, LLC
9865 W. EMERALD ST.
BOISE, IDAHO 83704
(208) 846-8570

EXHIBIT DRAWING FOR
CITY OF MERIDIAN R-15 ZONE
TEN PINE PARK SUBDIVISION
LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 10,
T.3N., R.1W., B.M., ADA COUNTY, IDAHO

JOB NO. 19-133
SHEET NO. 1
DWG. DATE 10/27/2020



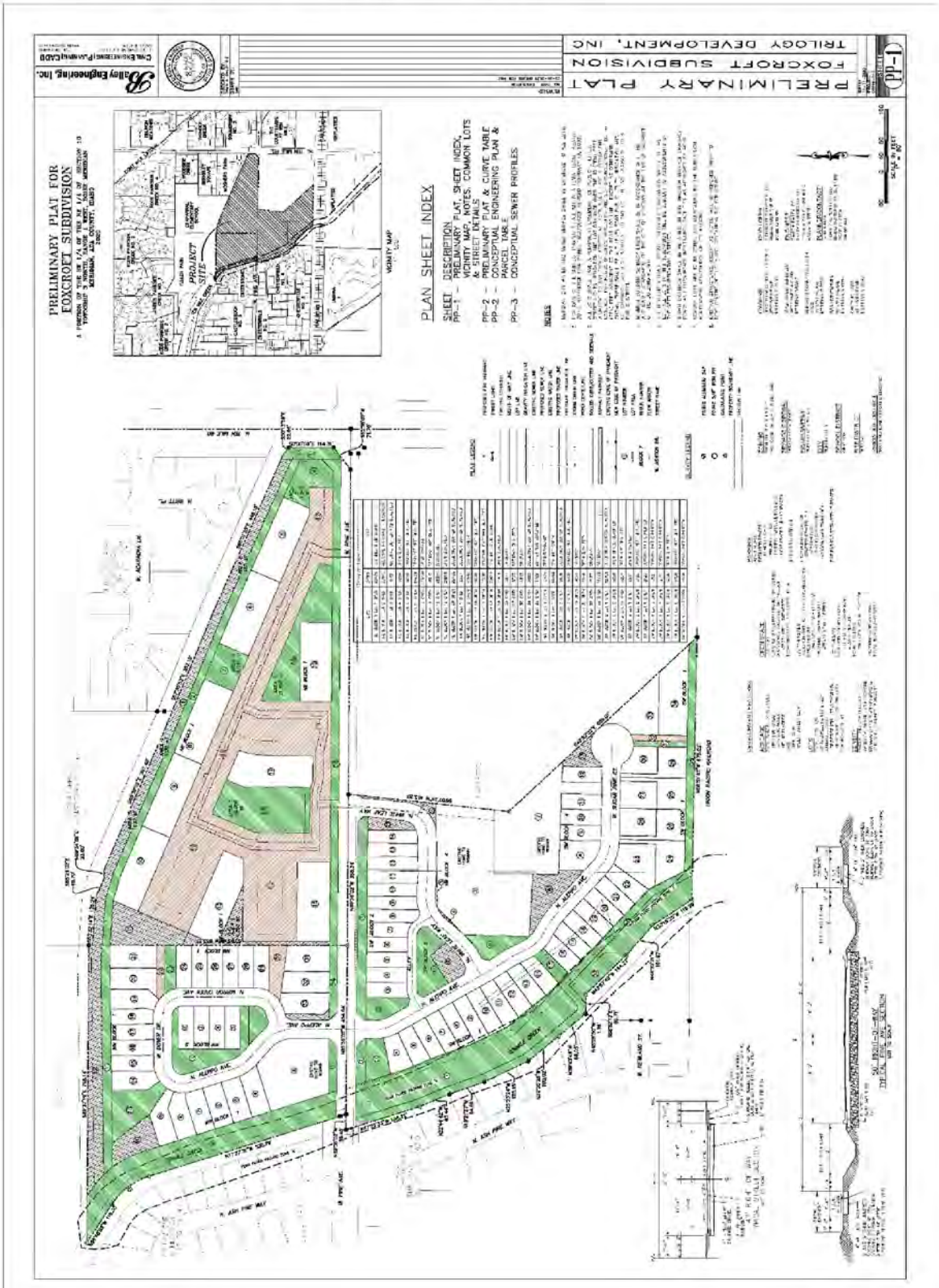

10/27/2020

Scale: 1 inch= 171 feet | File: Ten Pine Park Sub R-15 Zone.ndp

Tract 1: 12.9416 Acres, Closure: s62.4340e 0.01 ft. (1/686231), Perimeter=3573 ft.

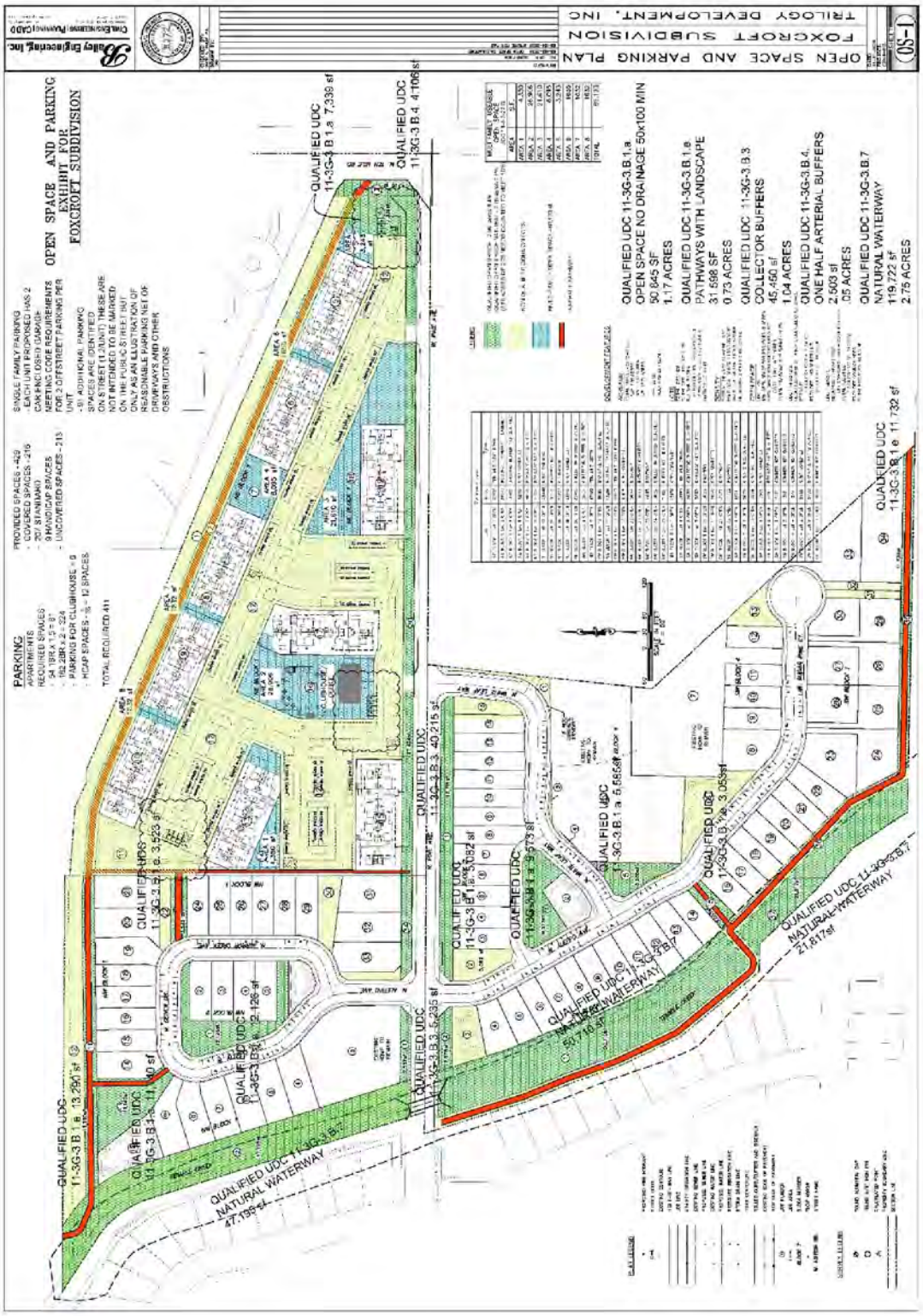
01 n89.3602w 1327.84
02 n00.0348e 654.55
03 s85.3214e 126.24
04 s65.2402e 49.7
05 n89.3458e 23
06 s66.3902e 357.4
07 s67.3053e 357.19
08 s66.0135e 448.1
09 s50.1359e 22.66
10 n89.5952e 48
11 s00.0008e 158.64

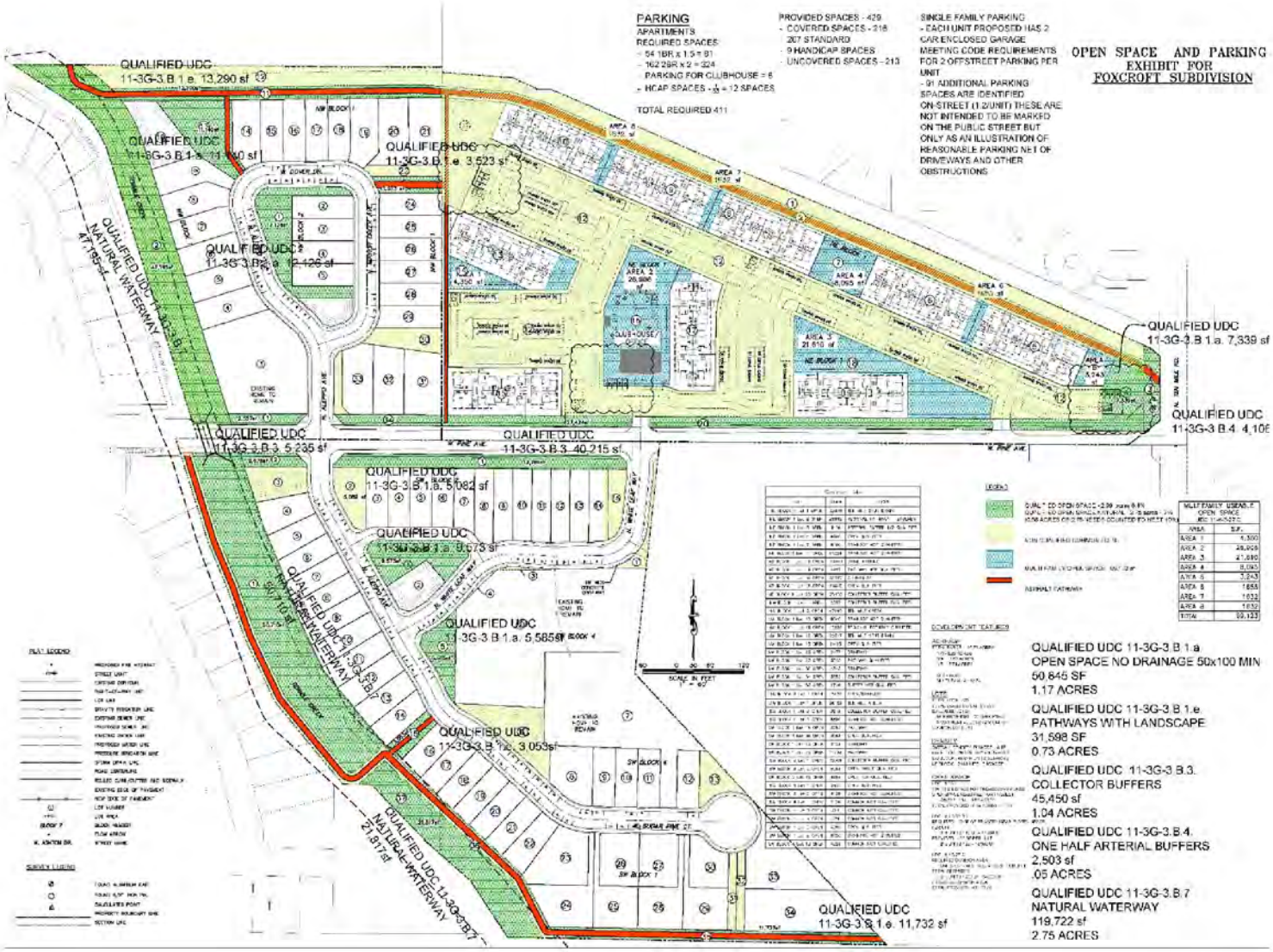
B. Preliminary Plat (dated: ~~11/11/2020~~ February 24, 2021)



PRELIMINARY PLAT
FOXCROFT SUBDIVISION
TRILOGY DEVELOPMENT, INC
PD-2
Bailey Engineering, Inc.
PRELIMINARY PLAT FOR
FOXCROFT SUBDIVISION

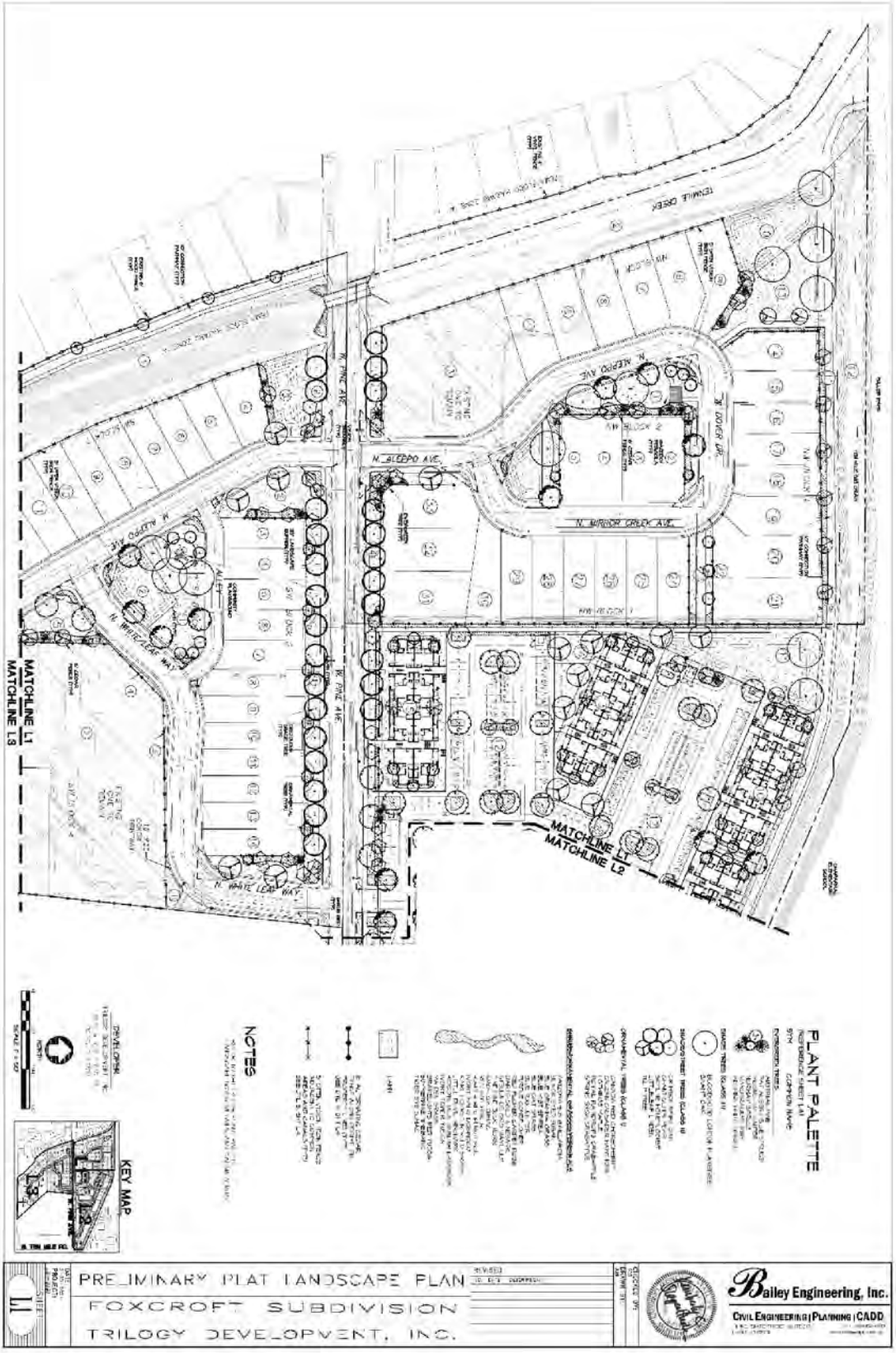
C. Open Space Exhibit (date: ~~11/11/2020~~ February 24, 2021)



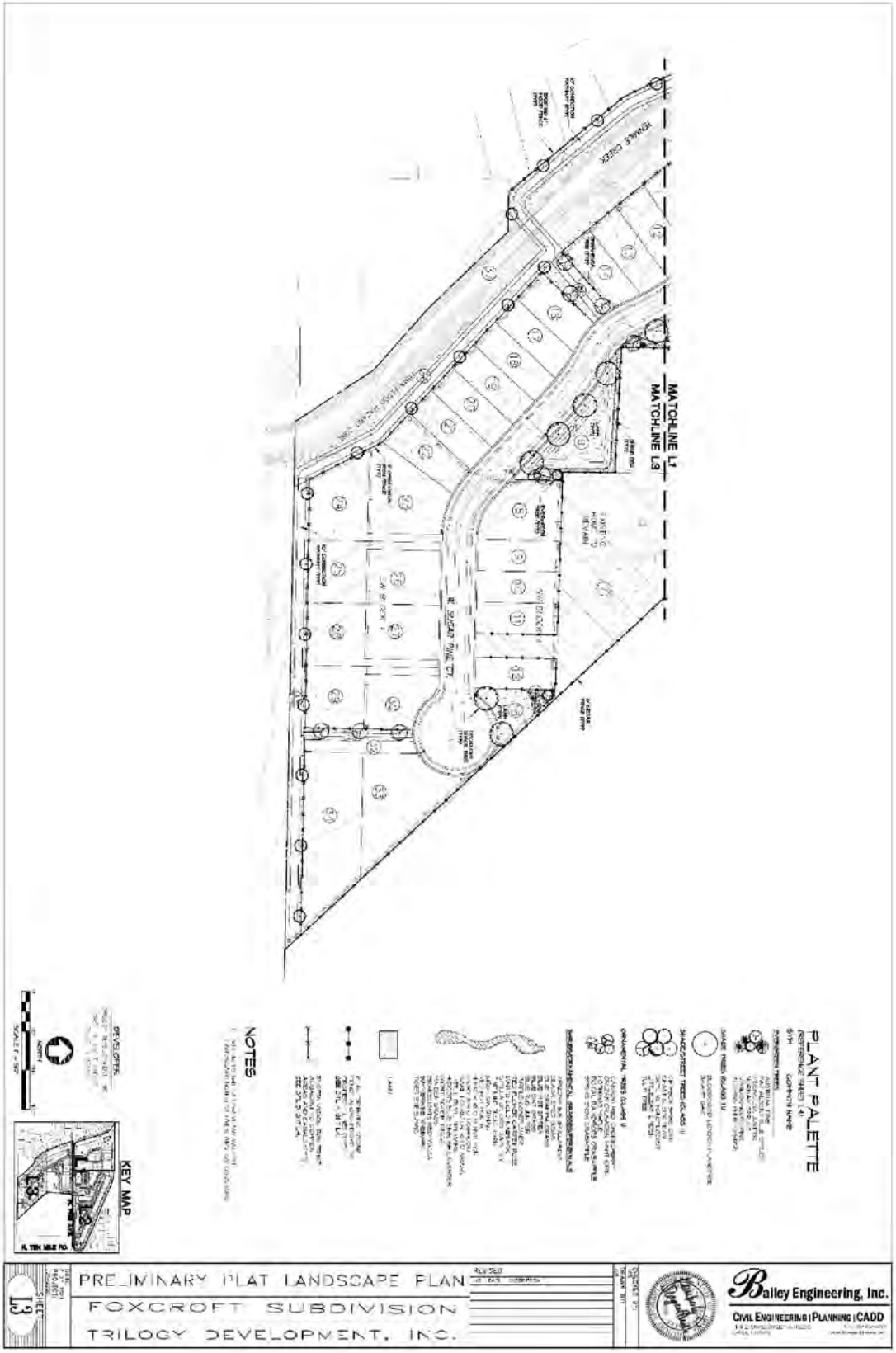

OPEN SPACE AND PARKING EXHIBIT FOR FOXCROFT SUBDIVISION
PARKING
APARTMENTS
REQUIRED SPACES
- 54 1BR x 1.5 = 81
- 162 2BR x 2 = 324
- PARKING FOR CLUBHOUSE = 6
- HCAP SPACES - 4% = 12 SPACES
TOTAL REQUIRED 411
PROVIDED SPACES - 429
- COVERED SPACES - 216
207 STANDARD
9 HANDICAP SPACES
UNCOVERED SPACES - 213
SINGLE FAMILY PARKING
- EACH UNIT PROPOSED HAS 2 CAR ENCLOSED GARAGE MEETING CODE REQUIREMENTS FOR 2 OFFSTREET PARKING PER UNIT
- 91 ADDITIONAL PARKING SPACES ARE IDENTIFIED ON-STREET (1.2/UNIT) THESE ARE NOT INTENDED TO BE MARKED ON THE PUBLIC STREET BUT ONLY AS AN ILLUSTRATION OF REASONABLE PARKING NET OF DRIVEWAYS AND OTHER OBSTRUCTIONS
QUALIFIED UDC 11-3G-3.B.1.a. 13,290 sf
QUALIFIED UDC 11-3G-3.B.1.a. 3,523 sf
QUALIFIED UDC 11-3G-3.B.1.a. 12,126 sf
QUALIFIED UDC 11-3G-3.B.1.a. 7,339 sf
QUALIFIED UDC 11-3G-3.B.4. 4,10
QUALIFIED UDC 11-3G-3.B.3. 5,235 sf
QUALIFIED UDC 11-3G-3.B.3. 40,215 sf
QUALIFIED UDC 11-3G-3.B.1.a. 5,062 sf
QUALIFIED UDC 11-3G-3.B.1.a. 9,673 sf
QUALIFIED UDC 11-3G-3.B.1.a. 5,585 sf
QUALIFIED UDC 11-3G-3.B.1.a. 3,053 sf
QUALIFIED UDC 11-3G-3.B.1.a. 11,732 sf
QUALIFIED UDC 11-3G-3.B.7 NATURAL WATERWAY 47,195 sf
QUALIFIED UDC 11-3G-3.B.7 NATURAL WATERWAY 21,917 sf
CLUB HOUSE
AREA 1
AREA 2
AREA 3
AREA 4
AREA 5
AREA 6
AREA 7
AREA 8
SCALE IN FEET
QUALIFIED UDC 11-3G-3.B.1.a
OPEN SPACE NO DRAINAGE 50x100 MIN
50,845 SF
1.17 ACRES
QUALIFIED UDC 11-3G-3.B.1.e
PATHWAYS WITH LANDSCAPE
31,598 SF
0.73 ACRES
QUALIFIED UDC 11-3G-3.B.3.
COLLECTOR BUFFERS
45,450 sf
1.04 ACRES
QUALIFIED UDC 11-3G-3.B.4.
ONE HALF ARTERIAL BUFFERS
2,503 sf
.05 ACRES
QUALIFIED UDC 11-3G-3.B.7
NATURAL WATERWAY
119,722 sf
2.75 ACRES

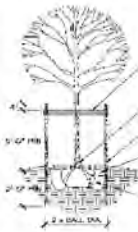
D. Landscape Plans (date:~~11/11/2020~~ February 25, 2021)

FOXCROFT SUBDIVISION
MERIDIAN, ID
PRELIMINARY PLAT LANDSCAPE PLAN
FEBRUARY 25, 2021
DEVELOPER:
JOYSLIN DELTS
ARCHITECTS


PRELIMINARY PLAT LANDSCAPE PLAN
FOXCROFT SUBDIVISION
TRILOGY DEVELOPMENT, INC.
Bailey Engineering, Inc.
CIVIL ENGINEERING | PLANNING | CADD
PLANT PALETTE
NOTES
KEY MAP
MATCHLINE L1
MATCHLINE L2
MATCHLINE L3
N. PINE AVE.
N. ALEPPO AVE.
N. MIRROR CREEK AVE.
N. WHITE LEAF WAY
DEWALT DRIVE
L1

MATCHLINE L1
MATCHLINE L2
N. PINE AVE
N. TEN MILE RD.
PLANT PALETTE
NOTES
KEY MAP
PRELIMINARY PLAT LANDSCAPE PLAN
FOXCROFT SUBDIVISION
TRILOGY DEVELOPMENT, INC.
L2
Bailey Engineering, Inc.
CIVIL ENGINEERING | PLANNING | CADD

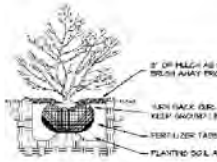

MATCHLINE L1
MATCHLINE L3
PLANT PALETTE
NOTES
KEY MAP
PRELIMINARY PLAT LANDSCAPE PLAN
FOXCROFT SUBDIVISION
TRILOGY DEVELOPMENT, INC.
SHEET
L3
Bailey Engineering, Inc.
CIVIL ENGINEERING | PLANNING | CADD



NOTES:
1. REMOVE ALL TWINE, ROPE, OR BINDING FROM ALL TRUNKS
2. REMOVE BURLAP AND WIRE BASKETS FROM THE TOP 1/3 OF ALL ROOT BALLS AFTER PLANTING. IF SYNTHETIC BURLAP IS USED, IT MUST BE COMPLETELY REMOVED.
3. STAKING OF TREES: TO BE THE CONTRACTOR'S OPTION; HOWEVER, THE CONTRACTOR IS RESPONSIBLE TO ENSURE THAT ALL TREES ARE PLANTED STRAIGHT AND REMAIN STRAIGHT FOR A MIN OF 1 YEAR. ALL STAKING SHALL BE REMOVED AT THE END OF THE 1 YEAR WARRANTY PERIOD.
4. TREES PLANTED IN SOD AREAS: REMOVE SOD 3' DIA. FROM TREE TRUNK.

① TREE PLANTING/STAKING

NOT TO SCALE



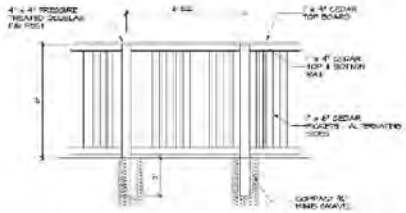
NOTE: DIG HOLE TWICE THE SIZE OF ROOTBALL.

② SHRUB PLANTING

NOT TO SCALE

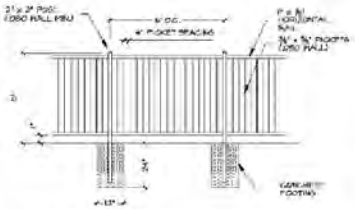
③ PLANTER CUT BED EDGE

NOT TO SCALE



④ 6' ALTERNATING CEDAR FENCE

NOT TO SCALE



NOTES:
1. INSTALL PER MANUFACTURER'S RECOMMENDATIONS AND REQUIREMENTS.
2. FENCE STYLE MAY VARY.
3. IRON TO BE POWDER COATED BLACK.

⑤ BLACK IRON OPEN VISION FENCE

NOT TO SCALE

## LANDSCAPE CALCULATIONS

| LOCATION | BUFFER WIDTH | LENGTH | REQUIRED | PROVIDED |
|---|---|---|---|---|
| [illegible] | [illegible] | [illegible] | [illegible] TREES | [illegible] |
| [illegible] | [illegible] | [illegible] | [illegible] TREES | [illegible] |
| [illegible] | [illegible] | [illegible] | [illegible] TREES | [illegible] |
| [illegible] | | | | [illegible] |
| [illegible] | [illegible] | [illegible] | [illegible] TREES | [illegible] |
| [illegible] | [illegible] | [illegible] | [illegible] TREES | [illegible] |
| [illegible] | [illegible] | [illegible] | [illegible] TREES | [illegible] |
| TOTAL NUMBER OF TREES | | | [illegible] TREES | [illegible] TREES |

## DEVELOPMENT DATA

| | |
|---|---|
| [illegible] | [illegible] |
| [illegible] | [illegible] |
| [illegible] | [illegible] |
| [illegible] | [illegible] |
| [illegible] | [illegible] |
| [illegible] | [illegible] |
| [illegible] | [illegible] |
| [illegible] | [illegible] |

## PLANT PALETTE

| SYM | COMMON NAME | BOTANICAL NAME | SIZE |
|---|---|---|---|
| EVERGREEN TREES | | | |
| [illegible] | [illegible] | [illegible] | [illegible] |
| SHADE TREES (CLASS U) | | | |
| [illegible] | [illegible] | [illegible] | [illegible] |
| SHADE/FORM TREES (CLASS U) | | | |
| [illegible] | [illegible] | [illegible] | [illegible] |
| ORNAMENTAL TREES (CLASS I) | | | |
| [illegible] | [illegible] | [illegible] | [illegible] |
| SHRUBS/ORNAMENTAL GRASSES/GROUNDCOVER | | | |
| [illegible] | [illegible] | [illegible] | [illegible] |

## NOTES

1. [illegible]
2. [illegible]
3. [illegible]
4. [illegible]
5. TREES SHALL BE PLANTED 10' CLOSER THAN 30' FROM FIRE HYDRANTS.
6. [illegible]
7. [illegible]
8. [illegible]

DEVELOPER

[illegible]

Bailey Engineering, Inc.
CIVIL ENGINEERING | PLANNING | CADD

DRAWN BY:

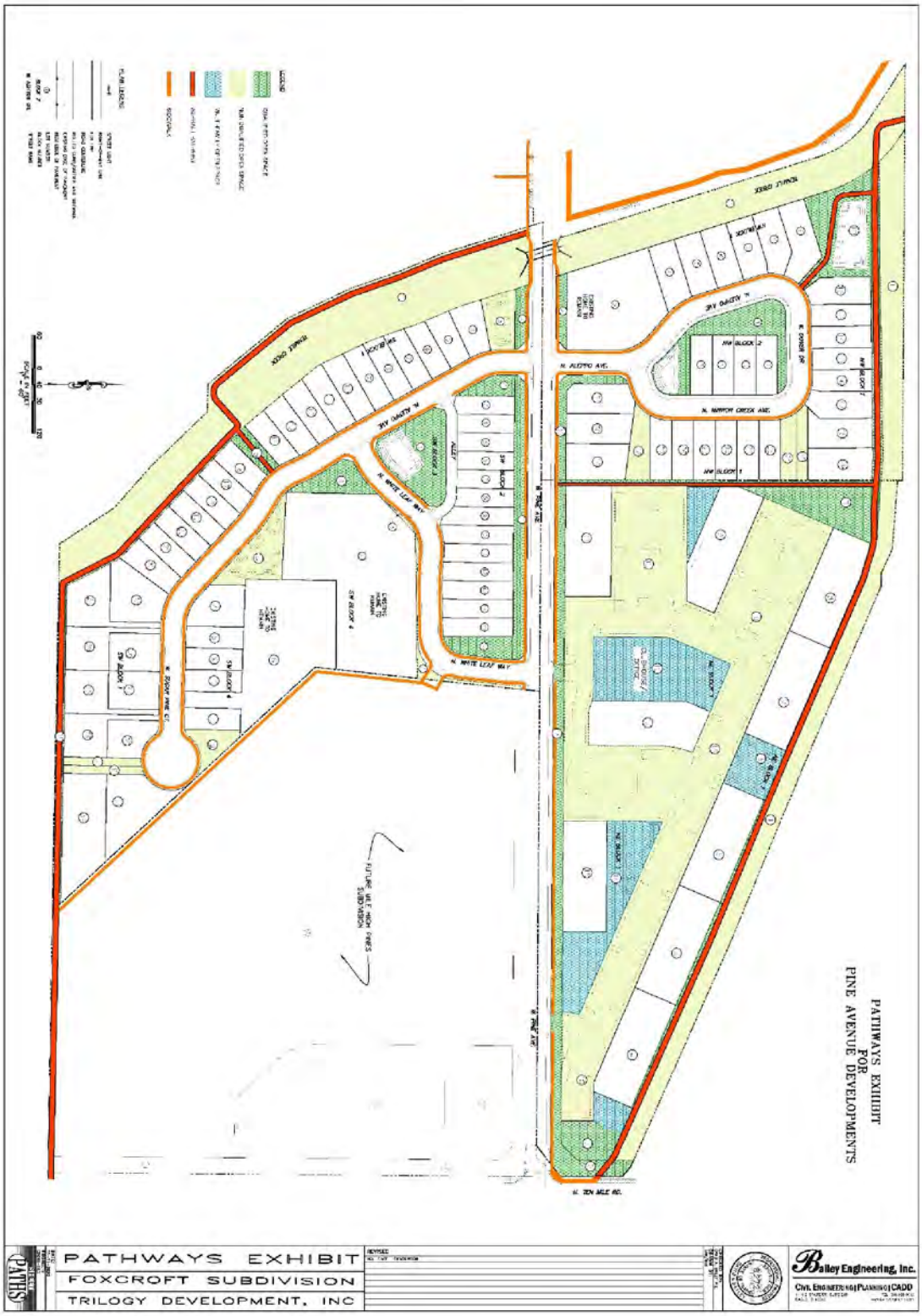
REVISED

PRELIMINARY PLAT LANDSCAPE PLAN
FOXCROFT SUBDIVISION
RIDGY DEVELOPMENT, INC.

DATE:
PROJECT:

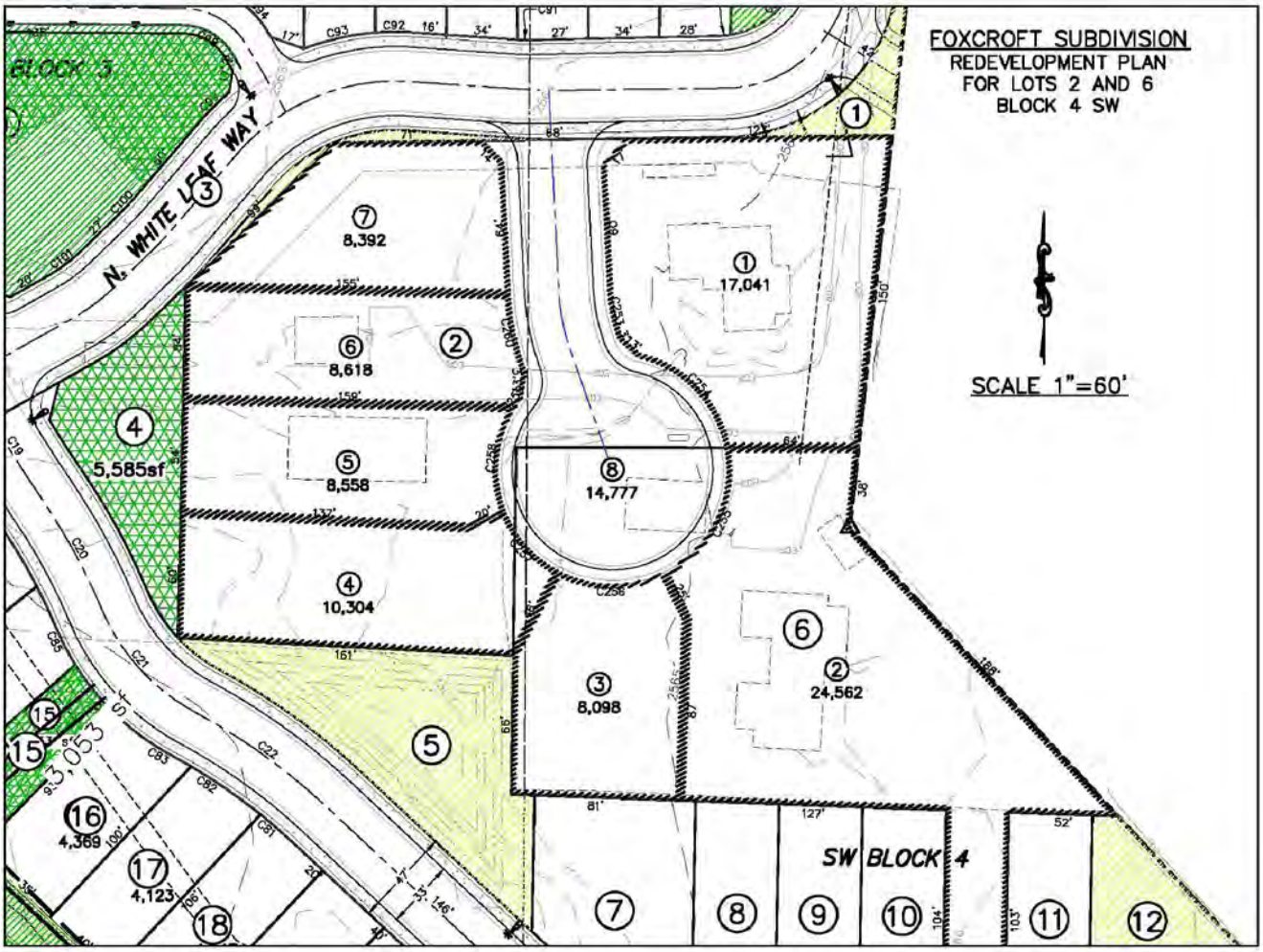
SHEET
L4

E. Pathways and Pedestrian Circulation Exhibit



F. Proposed Phasing Plan

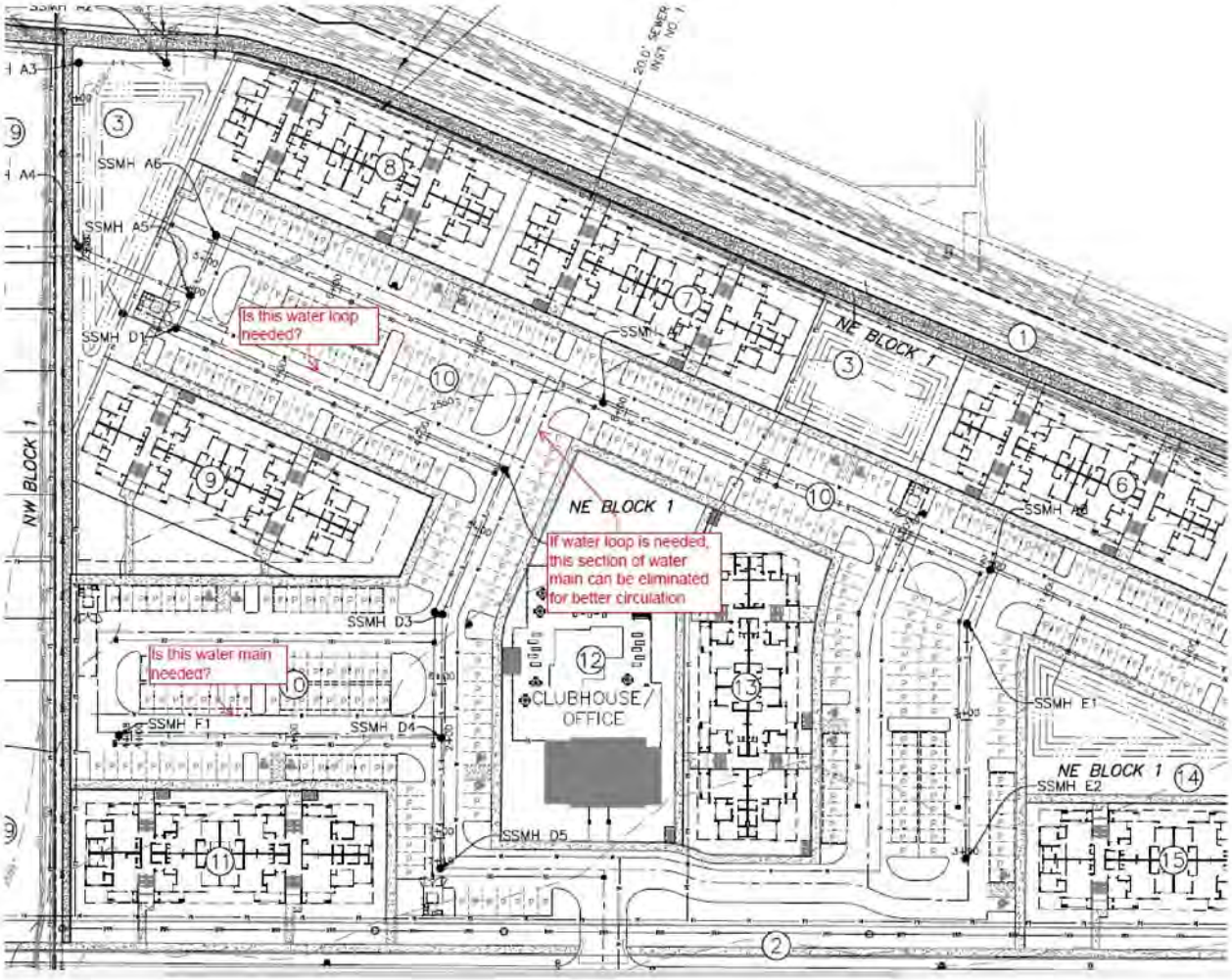
G. Conceptual Redevelopment Plan for lots containing existing homes to remain in the "SW Block"



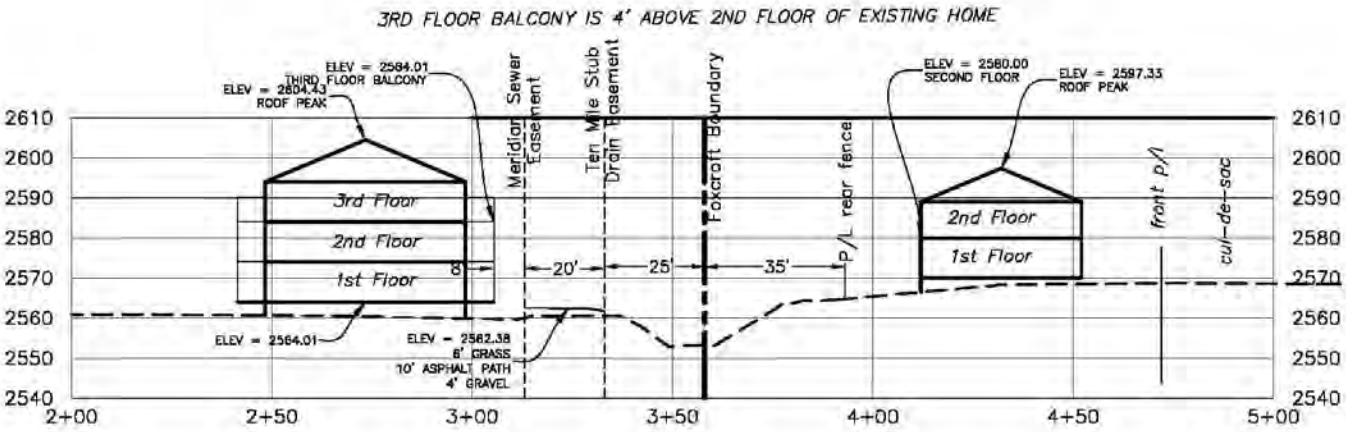
H. Conceptual Building Elevations ~~– Apartments~~

763

~~I. Water Markup for Areas of Possible Water Main Elimination (DELETE)~~



J. Ten Mile Stub Drain cross-section




Ten Mile Stub Drain PROFILE

## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING DIVISION

1. 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, conceptual building elevations, ~~conceptual redevelopment plan,~~ pathway and pedestrian circulation exhibit, and the proposed phasing plan included in Section VII and the provisions contained herein.

   b. The 10-foot multi-use pathway segments surrounding the development and the required pedestrian bridge to Fuller Park shall be constructed with ~~Phase 1~~ each phase of the development as seen on the phasing plan.

   c. With the first phase of development, the Applicant shall construct the extension of W. Pine Avenue, the vehicle bridge over Ten Mile Creek, ~~and the Pine/Ten Mile intersections in accord with~~ all other ACHD requirements ~~and~~ in line with the signed "Dedication and Development Agreement," as seen in exhibit VIII.L, and the ACHD conditions of approval.

d. No building permits shall be submitted until the final plat for the associated phase is recorded.

e. The required landscape street buffers shall be constructed and vegetated (along N. Ten Mile and W. Pine Avenue) with the first phase of development.

~~f. The multi-family development shall be constructed with no more than 184 units with buildings on Lots 4, 5, 6, and 9, NE Block 1 (as shown on the submitted plat) to be no more than two-stories in height; proposed parking shall not be reduced by more than 20 parking spaces following the reduction in units.~~

g. With future sale of single-family homes on Lots 20-32, NW Block 1, the Applicant shall include the multi-family site plan and renderings in the sales and advertising information for these homes.

~~2. With Final Plat submittals, the Applicant shall provide relevant revised plans to depict any minor revisions shown on the revised open space exhibit.~~

3. The preliminary plat included in Section VII.B, dated ~~November 11, 2020~~ February 24, 2021 is approved as shown. ~~shall be revised as follows at least ten (10) days prior to the City Council hearing:~~

   ~~a. Revise the proposed alley between SW Block 2 and SW Block 3 to be a minor urban local street constructed at a minimum of 24 feet wide with curb and gutter, no sidewalks, and no parking on either side.~~

   ~~b. Relocate the minor urban local street further south to allow Lots 3-8, SW Block 2 to meet the minimum lot size in the R-8 zoning district of 4,000 square feet.~~

   ~~c. Reduce applicable building lots in the single-family areas of the site to accommodate at least 5 feet of landscaping and trees along the multi-use pathway segments (Lots 12-19, NW Block 1; Lots 16-24, SW Block 1; Lots 25, 28, 29, & 34, SW Block 1).~~

~~4.~~ The landscape plan included in Section VII.D, dated ~~November 11, 2020~~ February 25, 2021, is approved as shown. ~~shall be revised as follows prior to submittal of the Final Plat application:~~

   ~~a. Revise the landscape plans to add a 5-foot wide landscape buffer along both sides of the pathway segment located along the southern boundary of the site, landscaped in accord with UDC 11-3B-12.~~

   ~~b. Show at least 5 feet of landscaping on the east side of the pathway segment on the east side of the Ten Mile Creek and landscape in accord with UDC 11-3B-12~~

   ~~c. Show at least 5 feet of landscaping on the south side the pathway segment abutting Lots 12-19, NW Block 1.~~

5. The Applicant shall apply for Alternative Compliance with ~~the first~~ each Final Plat submittal to propose an adequate alternative for all of the required pathway landscape requirements, in accord with UDC 11-5B-5.

~~6. If an agreement can be made with the Mosher Subdivision homeowner's association, the Applicant shall construct a micro-path into the Mosher Subdivision and tie into their existing pathway network generally located in the location of the existing culvert over the Ten Mile Sub Drain along the northern property boundary with the first phase of development.~~

7. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2A-6, UDC Table 11-2A-7, 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 single-family and multi-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 approval entire multi-family development with the submittal of the Certificate of Zoning Compliance for the entire site and for the attached single-family dwellings.
11. The Applicant shall obtain Certificate of Zoning Compliance approval for the entire multi-family development prior to building permit submittal and show an additional amenity within the multi-family portion of the project that is child focused, per the Planning and Zoning Commission requirement.
12. ~~The Applicant shall provide conceptual elevations for the proposed single-family attached dwellings buildings at least ten (10) days prior to the City Council hearing.~~
13. Comply with the outdoor service and equipment area standards as set forth in UDC 11-3A-12.
14. 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.
15. Upon completion of the landscape installation, a written Certificate of Completion shall be submitted to the Planning Division verifying all landscape improvements are in substantial compliance with the approved landscape plan as set forth in UDC 11-3B-14.
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. The Applicant shall adhere to and maintain all standards as set forth in the Multi-family Development specific use standards, UDC 11-4-3-27.
19. Prior to building permit submittal for any structure in each phase, the Applicant shall record the associated final plat for that phase.
20. The Applicant shall record a maintenance agreement for the multi-family development that states the maintenance and the ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features, in accord with UDC 11-4-3-27.
21. Prior to issuance of Certificate of Occupancy on any building, the applicant shall submit public access easements for all of the multi-use pathways within the development to the Planning Division for approval by City Council and subsequent recordation.
22. Future redevelopment of existing homes (Lots 2 & 7, SW Block 4) shall be generally consistent with the submitted Conceptual Redevelopment Plan as seen in Exhibit VII.G.

## B. PUBLIC WORKS

### 1. Site Specific Conditions of Approval

~~1.1 Per minimum city requirements, all sewer mainlines and manholes outside of a paved roadway shall have at a minimum, a 14-ft wide compacted grave access roadway centered over the mainline. This condition can also be satisfied with a 14-foot wide paved surface. The pathway shown over the existing sewer along the north properties is subject to this requirement, as well as manholes SSMH A2, SSMH A3, and SSMH A5.~~

~~1.2 Please redesign the sanitary sewer routing to eliminate the sewer mainline passing through the common driveway labeled as Lot 20, NW Block 1. Sanitary sewer mainlines are not allowed within common drives, only sewer services (reminder that a maximum of three services are allowed into a manhole, with a minimum 30-degrees of angle separation).~~

1.3 All sanitary sewer and water easement areas must remain free of any permanent structures, trees, brush, or perennial shrubs or flowers within the area described for the easement.

1.4 Sanitary sewer and water service lines cannot run under carports.

1.5 Minimum distance between service lines must be maintained, 6-feet between potable/non-potable service lines, 5-feet between each sewer stub off the mainline.

1.6 Any sewer service lines greater than 100-feet will need cleanouts that are accessible for cleaning; contact plumbing official for specific details.

~~1.7 Applicant shall be required to construct 12-inch water main in W. Pine Avenue to comply with "to-and-through" requirements. This new mainline shall connect to existing water mains at the west and east ends.~~

~~1.8 The water main in N. White Leaf Way near SSMH G5 needs to connect to the proposed water main to the east (Mile High Pines Sub).~~

~~1.9 The water main in W. Sugar Pine Ct. that currently dead-ends needs to connect to the proposed water main to the east (Mile High Pines Sub) in N. Side Creek Lane. Currently this dead-end does not meet fire flow pressure requirements.~~

~~1.10 There are a few water mains in the multi-family area that may have an opportunity to be eliminated. See Exhibit Section VII (I.) Water Markup for Areas of Possible Water Main Elimination.~~

1.11 A Floodplain Development Permit and updated hydrology and hydraulic model are required for the W. Pine Ave bridge and pathways.

1.12 A street light plan will need to be included in the final plat application. Street light plan requirements are listed in section 6-7 of the City's Design Standards. A future installation agreement is required for the streetlights on Pine Avenue and Ten Mile Road. Contact the Meridian Transportation and Utility Coordinator for additional information.

1.13 The geotechnical report submitted with this application (prepared by SITE Consulting, LLC, dated November 16, 2020) indicates that they had begun the geotechnical exploration and recommendation report. This initial investigative report does not contain the final determinations. **Applicant shall be required to submit the completed geotechnical report/recommendations prior to this application proceeding to the Meridian City Council for consideration.** Particular attention needs to be focused on ensuring that all residences constructed with crawl spaces should be designed in a manner that will inhibit water in crawl spaces. This may include the installation of foundation drains, and the installation of rain gutters and roof drains that will carry storm water at least 10-feet away

from all residences. Foundation drains are not allowed to drain into the sanitary sewer system, nor the trench backfill for the sewer and/or water service lines.

**2. General Conditions of Approval**

2.1 Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.

2.2 Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.

2.3 The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 81/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.

2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 12-13-8.3). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to prior to receiving development plan approval.

2.5 All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.

2.6 All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.

2.7 Any existing domestic well system within this project shall be removed from domestic service per City Ordinance Section 9-1-4 and 9 4 8 contact the City of Meridian Engineering Department at (208)898-5500 for inspections of disconnection of services. Wells may be used for non-domestic purposes such as landscape irrigation if approved by Idaho Department of Water Resources Contact Robert B. Whitney at (208)334-2190.

2.8 Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.

2.9 Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.

2.10 A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.

2.11 All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.

2.12 Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.

2.13 It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.

2.14 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.

2.15 Developer shall coordinate mailbox locations with the Meridian Post Office.

2.16 All grading of the site shall be performed in conformance with MCC 11-12-3H.

2.17 Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.

2.18 The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.

2.19 The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.

2.20 At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.

2.21 A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. These standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.

2.22 The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

2.23 The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure

for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

**C. FIRE DEPARTMENT**

*https://weblink.meridiancity.org/WebLink/DocView.aspx?id=218795&dbid=0&repo=MeridianCity*

**D. POLICE DEPARTMENT**

*https://weblink.meridiancity.org/WebLink/DocView.aspx?id=218971&dbid=0&repo=MeridianCity*

**E. PARK'S DEPARTMENT**

*https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222554&dbid=0&repo=MeridianCity*

**F. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)**

*https://weblink.meridiancity.org/WebLink/DocView.aspx?id=219143&dbid=0&repo=MeridianCity*

**G. NAMPA MERIDIAN IRRIGATION DISTRICT (NMID)**

*https://weblink.meridiancity.org/WebLink/DocView.aspx?id=220017&dbid=0&repo=MeridianCity*

**H. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)**

*https://weblink.meridiancity.org/WebLink/DocView.aspx?id=218921&dbid=0&repo=MeridianCity*

**I. CENTRAL DISTRICT HEALTH DEPARTMENT (CDH)**

*https://weblink.meridiancity.org/WebLink/DocView.aspx?id=218258&dbid=0&repo=MeridianCity*

**J. WEST ADA SCHOOL DISTRICT (WASD)**

*https://weblink.meridiancity.org/WebLink/DocView.aspx?id=221010&dbid=0&repo=MeridianCity*

**K. ADA COUNTY DEVELOPMENT SERVICES**

*https://weblink.meridiancity.org/WebLink/DocView.aspx?id=218397&dbid=0&repo=MeridianCity*

**L. ADA COUNTY HIGHWAY DISTRICT (ACHD)**

https://weblink.meridiancity.org/WebLink/DocView.aspx?id=219777&dbid=0&repo=MeridianCity

**M. COMMUNITY DEVELOPMENT SCHOOL IMPACT TABLE**

https://weblink.meridiancity.org/WebLink/DocView.aspx?id=221015&dbid=0&repo=MeridianCity

**N. PUBLIC WORKS MEMO – RESPONSE TO PRELIM CIVIL PLANS**

https://weblink.meridiancity.org/WebLink/DocView.aspx?id=220311&dbid=0&repo=MeridianCity

**O. DEDICATION AND DEVELOPMENT AGREEMENT – VIPER AND BARON**

https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222672&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 the R-8 zoning district 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 different types of residential dwelling types will contribute to the range of housing opportunities available within the City and within this area. Staff finds the proposed development is generally consistent with the purpose statement of the residential districts included as part of the application.*

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 proposed addition of differing dwelling types and the construction of a needed public road extension, 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 subject roads and road improvements.*

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

   *Council finds that with preserving the Tenmile Creek, the development meets this finding.*

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 and preliminary plat appear to meet all dimensional and development regulations in the R-15 zoning district in which it resides.*

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

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

3. **That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.**

   *Despite the proposed use being different than the residential uses 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, so long as the Applicant complies with Staff's recommended revisions.*

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 is sure to increase in the vicinity with the proposed use, all major roadways adjacent to the site are already at their full width and the Applicant is required to extend Pine Avenue as a collector street adjacent to their site. Therefore, Council finds the proposed use will not be detrimental to any persons, property, or the general welfare.*

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

   *With the preservation of the Tenmile Creek (a natural waterway), Council finds the proposed use should not result in damage of any such features.*