

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



In the Matter of the Request for Annexation and Zoning of 2.99 acres of land with a request for the C-G zoning district for the purpose of constructing an approximate 30,000 square foot flex space building on 2.19 acres of land, by KM Engineering, LLP.

Case No(s). H-2021-0066

For the City Council Hearing Date of: November 16, 2021 (Findings on November 30, 2021)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of November 16, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of November 16, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of November 16, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of November 16, 2021, incorporated by reference)

B. Conclusions of Law

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

7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of November 16, 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 is hereby approved per the conditions of approval in the Staff Report for the hearing date of November 16, 2021, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

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

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

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

Notice of Conditional Use Permit Duration

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

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

or City Council may require the conditional use comply with the current provisions of Meridian City Code Title 11(UDC 11-5B-6F).

Notice of Development Agreement Duration

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

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

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

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

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

F. Attached: Staff Report for the hearing date of November 16, 2021.

By action of the City Council at its regular meeting held on the 30th day of November, 2021.

COUNCIL PRESIDENT TREG BERNT

VOTED AYE

COUNCIL VICE PRESIDENT BRAD HOAGLUN

VOTED AYE

COUNCIL MEMBER JESSICA PERREAULT

VOTED AYE

COUNCIL MEMBER LUKE CAVENER

VOTED _____

COUNCIL MEMBER JOE BORTON

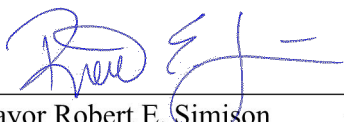
VOTED AYE

COUNCIL MEMBER LIZ STRADER

VOTED AYE

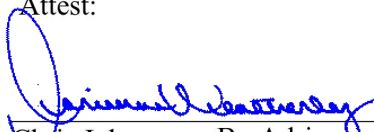
MAYOR ROBERT SIMISON
(TIE BREAKER)

VOTED _____



Mayor Robert E. Simison 11-30-2021

Attest:



Chris Johnson By Adrienne Weatherly, Deputy City Clerk 11-30-2021
City Clerk

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

By:  Dated: 11-30-2021
City Clerk's Office

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



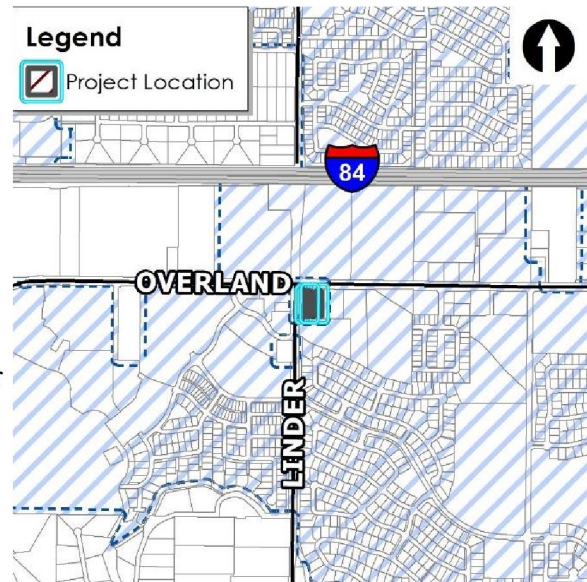
HEARING DATE: 11/16/2021

TO: Mayor & City Council

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

SUBJECT: H-2021-0066
Red Aspen

LOCATION: The site is located at the southeast corner of S. Linder Road and W. Overland Road, in the NW ¼ of the NW ¼ of Section 24, Township 3N., Range 1W



I. PROJECT DESCRIPTION

Annexation and Zoning of 2.99 acres of land with a request for the C-G zoning district for the purpose of constructing an approximate 30,000 square foot flex space building on 2.19 acres of land, by KM Engineering, LLP.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	AZ – 2.99 acres; Project Site – 2.19 acres	
Future Land Use Designation	Commercial (majority) and Medium Density Residential	
Existing Land Use(s)	Vacant	
Proposed Land Use(s)	Flex-Space	
Lots (# and type; bldg./common)	One (1) commercial building lot	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	August 31, 2021 – no attendees	
History (previous approvals)	N/A	

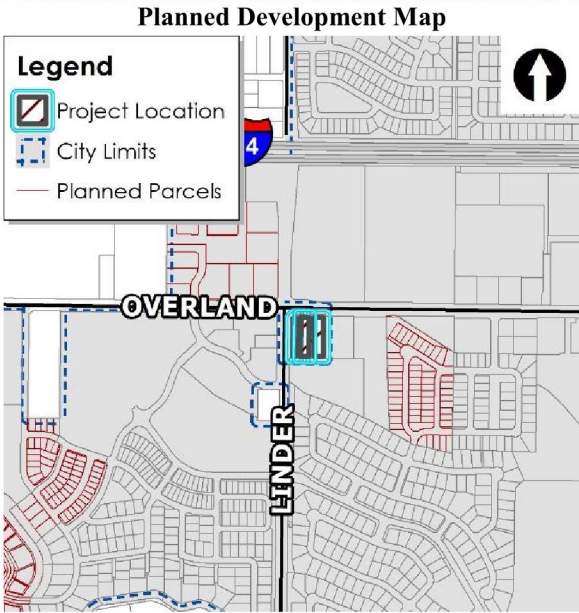
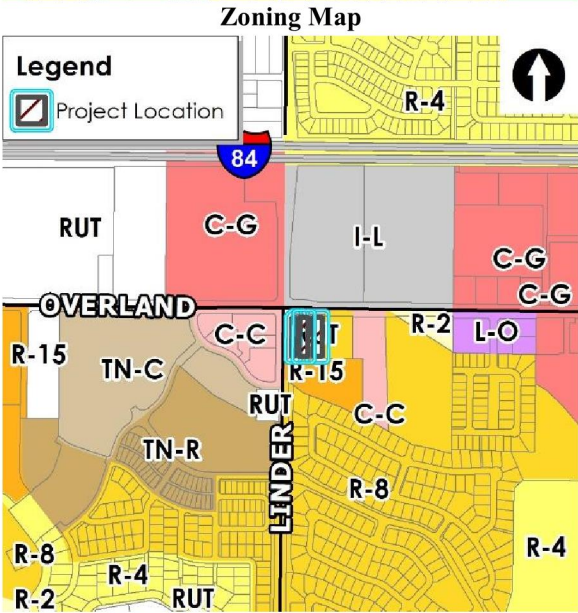
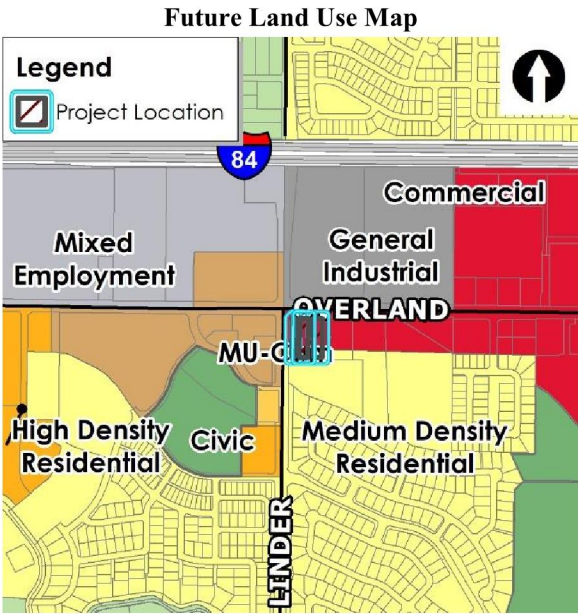
B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> Staff report (yes/no) 	Yes	
<ul style="list-style-type: none"> Requires ACHD Commission Action (yes/no) 	No	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Access is proposed via two driveway connections to the adjacent arterial streets—the access to Overland Road is existing and is proposed to remain.	
Stub Street/Interconnectivity/Cross Access	There is no opportunity for stub street or connectivity between adjacent sites and the subject site due to existing development. Applicant is proposing to widen an existing access to Linder Road and share it with the adjacent residential development to the south.	
Existing Road Network	Yes.	
Existing Arterial Sidewalks / Buffers	No buffers exist along Linder or Overland; existing sidewalk along Overland but not along Linder.	
Proposed Road Improvements	<p>No road improvements are required with this application because the Overland/Linder Road intersection is planned for future improvement. (see ACHD staff report in Section VIII.D).</p> <p>CIP/Five Year Work Plan for adjacent & nearby roadways: Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):</p> <ul style="list-style-type: none"> Linder Road is scheduled in the IFYWP to be constructed as a new 4-lane I-84 overpass and widened to 5-lanes on each side of I-84 with a level 3 bike facility from Franklin Road to Overland Road in the future. Linder Road is listed in the CIP to be widened to 3-lanes from Victory Road to Overland Road between 2036 and 2040. Linder Road is listed in the CIP to be widened to 5-lanes from Overland Road to Franklin Road between 2036 and 2040. The intersection of Overland Road and Linder Road is listed in the CIP to be widened 6-lanes on the north and south legs and 7-lanes on the east west legs and signalized between 2036 and 2040. 	
Fire Service		
<ul style="list-style-type: none"> Distance to Fire Station 	Directly adjacent to Fire Station #6	
Police Service		
<ul style="list-style-type: none"> Concerns 	None/no comments	
Wastewater		
<ul style="list-style-type: none"> Distance to Sewer Services 	0'	
<ul style="list-style-type: none"> Sewer Shed 	South Black Cat Trunkshed	
<ul style="list-style-type: none"> Project Consistent with WW Master Plan/Facility Plan 	Yes	



Description	Details	Page
<ul style="list-style-type: none">Impacts/Concerns	<ul style="list-style-type: none">Parcel S1224223460 has a sewer main stubbed to it – a 20’ easement is required onsite until line transitions to a service line.	
Water		
<ul style="list-style-type: none">Distance to Services	0’	
<ul style="list-style-type: none">Water Quality Concerns	None	
<ul style="list-style-type: none">Consistent with Water Master Plan	Yes	
<ul style="list-style-type: none">Other Comments	<ul style="list-style-type: none">There are existing stubs at the west (Linder Rd) and north (Overland Rd) boundaries that either needs to be used or abandoned.	

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Joshua Jantz, KM Engineering, LLP – 5725 N. Discovery Way, Boise, ID 83713

B. Owner:

Jeffrey Majors, Jamco Investments, LLC – 4700 N. Cloverdale Road, Ste. 210, Boise, ID 83714

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	10/5/2021	10/31/2021
Radius notification mailed to properties within 500 feet	10/5/2021	10/28/2021
Site Posting	10/7/2021	11/1/2021
Nextdoor posting	10/5/2021	10/28/2021

V. STAFF ANALYSIS

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

Commercial – The Commercial designation is meant to provide a full range of commercial uses to serve area residents and visitors. Desired uses may include retail, restaurants, personal and professional services, and office uses, as well as appropriate public and quasi-public uses. Multi-family residential may be allowed in some cases, but should be careful to promote a high quality of life through thoughtful site design, connectivity, and amenities.

The project site is approximately two (2.19) acres in size and currently consists of three parcels located at the southeast corner of Linder and Overland and directly abuts the newest Meridian Fire Station along Overland. In addition to the Commercial future land use designation, there is a small area of Medium Density Residential (MDR) along the southern boundary. Because land use designations are not parcel specific, this land use designation is also represented on the subject site but correlates to the residential project to the south (Linder Road Apartments). However, the City anticipates commercial uses on this corner, especially because it is adjacent to two major arterial roadways (Linder and Overland) and near a planned interstate overpass.

The proposed use of Flex Space is subject to specific use standards (UDC 11-4-3-18) and is proposed to serve as the core office and warehouse of a local business, Red Aspen. Red Aspen is a social selling (online) beauty company that aims to utilize this site as their new main hub for their growing business. Flex Space is a principally permitted use in the requested C-G zoning district and has no restrictions on semi-truck traffic. However, the Applicant has specifically stated the amount of truck traffic for this business is minimal and mostly handled by smaller delivery trucks. The submitted concept plan shows the proposed truck docks being along the end of the building but facing east towards the Fire Station and meets code as submitted. However, Staff does have concern over the general proximity of the truck docks and turnaround area to the residential project to the south. Further analysis is below.

The Applicant has proposed to place the building near the hard corner and pull it away from the existing multi-family residential to the south approximately 119 feet from the south property line. The submitted concept plan depicts this 119 foot distance to include the required 25-foot landscape buffer and solid fencing along the southern property line abutting the multi-family project; no buffer is required adjacent to the Fire Station because it is not a residential use. The Applicant is also showing the required landscape buffers adjacent to the arterial streets with the one adjacent to Overland being shown wider than the required 25 feet. Due to required right-of-way dedication along Overland Road, the proposed building is shown approximately 42 feet behind the existing sidewalk which has led to the building being further south than Staff originally anticipated.

In order to help the site gain back some of its usable area and create more space between the proposed use and the existing residential to the south, Staff is recommending the Applicant reduce the street buffer to Overland Road by going through the Alternative Compliance process with future applications. Staff finds this revision to the site has at least two positive outcomes: the building can be moved further north towards Overland to create a better presence and streetscape along this corridor, and; moving the building further north creates further separation from the existing multi-family development to the south while at the same time allowing more area for trucks to safely turnaround in the south half of the site. Staff finds the landscape buffer and linear distance between the proposed use and the existing residential to the south offers adequate transition and mitigation between uses.

In addition to the proposed use on the subject site, it is worth noting the surrounding uses in the immediate area. As noted, Fire Station #6 is directly to the west of the subject and there is an existing multi-family residential and R-15 zoning to the south. In addition, Staff has noted S. Linder Road and W. Overland Road abut the site on the west and north, respectively. On the west side of Linder, there is existing C-C zoning with a partially developed commercial/office center. On the north side of Overland is I-L zoning and Camping World, an RV storage, service, and sales business. Furthermore, on the opposite corner of Linder and Overland is the Artemisia Subdivision, zoned C-G and proposed with a number of commercial uses including vehicle sales. Thus, when looking at the surrounding area, nonresidential uses are commonplace.

Access to the site is proposed via one connection to Linder Road and one connection to Overland Road with both accesses restricted to right-in/right-out only maneuvers. The Applicant is proposing to share and widen the existing access to Linder Road that the multi-family project uses directly abutting the southern property line. Staff has not seen a written agreement for this shared access and one should be submitted with any future applications. However, Staff does support widening and sharing this access so the site has adequate circulation; without a second access point to the site, any future development on the site will be severely hindered. The proposed access to Overland is an existing curb cut that is supported by both Staff and ACHD. Both proposed access points are as far away from the Linder and Overland intersection as is possible. Staff supports the access to the site as proposed but is recommending a DA provision that the Applicant provide proof of an agreement with the property owner to the south regarding the shared access to Linder with the future Certificate of Zoning Compliance application.

The hours of operation for the facility are an additional factor in determining if the proposed use fits in this location. The Applicant has stated the planned hours of operation are Monday thru Friday, 9am to 5:00pm with occasional Saturday hours during the holiday season (October-December). Most importantly, the Applicant has stated that any freight deliveries will only occur during normal hours of operation. Due to the proposed hours of operation, Staff believes the proposed Development Agreement provisions and screening methods will be sufficient in mitigating any noxious consequences of the proposed use.

Staff finds the proposed site design combined with the proposed Flex Space use to be generally consistent with the Comprehensive Plan. Specific Comprehensive Plan policies are discussed and analyzed below.

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. *In order to ensure the site develops as proposed with this application, Staff recommends a DA as a provision of annexation with the provisions included in Section VIII.A1. The DA is required to be signed by the property owner(s)/developer and returned to the City within 6 months of the Council granting the annexation for approval.*

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

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

“Establish and maintain levels of service for public facilities and services, including water, sewer, police, transportation, schools, fire, and parks” (3.02.01G). *City water and sewer services are readily available to the subject site. As previously noted, the subject site is directly adjacent to Fire Station #6 so fire service is not an issue. The proposed access points to the site are supported by Staff and ACHD. Therefore, Staff finds the project complies with this policy.*

“Promote business retention, expansion, and improvement programs.” (2.07.01). *The subject application is for Red Aspen, a locally grown and sustained business. Due to the success of their business, this company needs to expand its footprint here in the Treasure Valley. The owners have a strong desire to remain in Meridian with the proposed project that will help it continue to flourish. Creating a flex space building for existing and future warehouse and office needs is a great fit for this location and the City of Meridian as a whole.*

“Require pedestrian access in all new development to link subdivisions together and promote neighborhood connectivity.” (2.02.01D). *Despite the project not being a residential development, a segment of multi-use pathway is required and shown adjacent to Linder Road along the west property boundary. The Applicant is proposing to construct the required segment of pathway and complete this large segment of multi-use pathway on the east side of Linder Road creating a continuous pathway from Overland to Victory Middle School. This connection and added pathway would connect to the existing sidewalk along Overland that connects east and west to various projects and uses. In addition, the submitted site plan shows adequate internal sidewalk connections to the arterial sidewalks for overall connectivity.*

“Work with existing industrial businesses to expand or relocate operations to appropriate areas.” (2.08.03C). *The proposed business is not an industrial business but Staff finds it equally important to support existing local businesses to relocate to appropriate areas when expansion is needed. After discussions with Staff and other entities, the Applicant determined the subject corner property is the ideal location to construct their own building designed solely for their business operations. Because the subject area is planned for commercial uses and a majority of the nearby uses are also nonresidential, Staff agrees with the Applicant and believes the subject site is an appropriate and ideal area for Red Aspen.*

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

C. Existing Structures/Site Improvements:

There are no existing structures or site improvements.

D. Proposed Use Analysis:

The proposed use is for offices and associated warehousing, which falls under Flex Space within Meridian development code. This use is a permitted use in the requested C-G zoning district per UDC Table 11-2B-2 and is also subject to Specific Use Standards (UDC 11-4-3-18). As

previously discussed within the Comprehensive Plan section above, Staff supports the proposed use at this location—it is a nonresidential use which complies with the comprehensive plan, it is an expansion of a locally grown business, and Staff finds there is adequate pedestrian and landscaping improvements proposed. Therefore, Staff finds this is an ideal location for this business and proposed use. Staff analysis of the Specific Use Standards is in *italics* below:

UDC 11-4-3-18 – Flex Space:

A. Office and/or retail showroom areas shall comprise a minimum of thirty (20) percent of the structure and/or tenant space. *The submitted concept plan shows the office area of the building comprising approximately 8,700 square feet in area, equating to approximately 30% of the building area. Proposed office area complies with this standard.*

B. Light industry and warehousing shall not comprise more than seventy (70) percent of the tenant space. *According to the submitted concept plan, approximately 20,800 square feet of floor area is reserved for the warehouse component of the building which equates to 70% of the total building size of 29,440 square feet. Thus, the proposed site plan complies with this standard.*

C. In the C-C, C-G and M-E districts, roll-up doors and loading docks shall not be visible from a public street. *According to the submitted concept plan and conceptual elevations, the Applicant is proposing two loading docks and one roll-up door for the building. The loading docks and roll-up door are proposed to be located at the south end of the building and face the east property line, towards the Meridian Fire Station. Per the submitted concept plan, the loading docks should not be visible from Overland or Linder Roads so Staff finds the proposed locations of these design elements to be in compliance with this standard.*

In addition, any off-street loading spaces must adhere to UDC 11-3C-8 which prohibits any loading space (i.e. loading docks) to face a residential use and limit hours of operation should it be located within 50 feet of a residential district. The submitted concept plan shows compliance with all standards outlined in this code section—the loading docks face the fire station to the east (not a residential use) and are not within 50 feet of any residential district or use.

D. Retail use shall not exceed twenty-five (25) percent of leasable area in any tenant space. *Because Red Aspen is an online business, there is no retail area included in the building design. Therefore, this standard is not applicable to the submitted site plan. However, the Applicant will be required to comply with this standard in perpetuity should any redesign of the building space occur and a retail component is added.*

Additional analysis on the proposed use and how it integrates with adjacent uses is in the Comprehensive Plan analysis section above. Staff will confirm compliance with these specific use standards with any future Certificate of Zoning Compliance (CZC) application.

E. Dimensional Standards (UDC 11-2):

The Applicant is proposing to annex the subject property into the City with the C-G zoning district which does not have a minimum lot size. As noted above, the proposed use is a permitted use in the requested zoning district. Furthermore, according to the concept plan, the proposed building, drive aisle and vehicle use areas, and the proposed parking stalls meet UDC dimensional standards.

The project requires a minimum 25-foot wide landscape buffer adjacent to both Linder Road and Overland Road, arterial streets. The submitted concept plan shows compliance with the required street buffers with the landscape buffer along Overland being shown as approximately 42 feet wide and the required 25 foot width along Linder. Within the comprehensive plan section above, Staff has recommended a reduction in the Overland landscape buffer width to be less than 25 feet from the ultimate right-of-way. Through Alternative Compliance, Staff believes a reduced buffer

would help mitigate any noxious uses of the site for the residential project to the south by moving the building further away from the south property line. In addition, shifting the building further north would aid the building in holding this corner and creating a true presence at this intersection.

In addition, the C-G zoning district requires a minimum landscape buffer of 25 feet to any residential use which is applicable along the south property boundary where an existing multi-family residential development exists. The submitted concept plan shows this 25-foot landscape buffer compliant with the required dimensional standards.

According to the conceptual elevations, the building is proposed with a height of approximately 38 feet in height. The C-G zoning district allows a maximum height of 65 feet so the proposed building height complies with this dimensional standard. However, because of adjacent C-C zoning and development, Staff believes limiting the height of any future building on the subject site to the 50-foot height limit of the C-C zoning district instead of the 65-foot limit in the C-G zoning district is a prudent provision to add within the required Development Agreement. Staff recommends this provision in case the proposed use and building is not constructed and a future Applicant proposes a taller building—Staff believes constructing a building up to the allowed 65-foot height in the C-G zoning district does not integrate with adjacent development.

With future CZC submittals, Staff will confirm conformance with the required dimensional standards of the C-G zone and the Flex Space specific use standards (11-4-3-18). Therefore, the proposed project meets all required dimensional standards outlined in UDC 11-2B-3.

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

The Applicant has submitted conceptual elevations of the future flex space building; Administrative Design Review (DES) and a formal review of the elevations will be required with a future CZC submittal. Per the submitted conceptual elevations, the building is proposed to be constructed with tilt-up concrete panels that have a texture coat applied to it. The elevations also show ample cornice work visible on all elevations, faux windows with fenestration, parapet variation, accent material and color around the base of the building, and two-story windows with painted steel canopies. Staff will analyze the future building elevations submitted with the DES application for compliance with the Architectural Standards Manual.

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

Access to the site is proposed via one connection to Linder Road and one connection to Overland Road with both accesses restricted to right-in/right-out only maneuvers. The access point from Linder road is an existing 25-foot wide access point for the multi-family project adjacent to the south and the Applicant is proposing to widen the curb-cut to 40 feet and share it with the residential project. ACHD has reviewed this proposal and supports the Applicant's request to widen the existing Linder access. Staff has not seen a written agreement for this shared access between the adjacent land owner this one; Staff recommends said agreement be submitted with any future application(s). However, Staff does support widening and sharing this access so the site has adequate circulation; without a second access point to the site, any future development on the site will be severely hindered. The proposed access to Overland is an existing curb cut that is supported by both Staff and ACHD. Both proposed access points are as far away from the Linder and Overland Roads intersection as is physically possible. Staff supports the access to the site as proposed but is recommending a DA provision that the Applicant provide proof of a reciprocal cross-access agreement with the property/property owner to the south regarding the shared access to Linder with the future Certificate of Zoning Compliance application.

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

Off-street parking is required to be provided in accord with the standards listed in [UDC Table 11-3C-6B](#) for nonresidential uses based on the ratio for commercial zoned properties of one (1) space for every 500 square feet of gross building floor area. A 29,440 square foot building requiring at least 59 parking spaces with the required parking ratio is proposed. According to the submitted concept plan, 59 parking spaces are proposed, exceeding the minimum requirement by one (1) space. Staff will confirm compliance with these standards at the time of CZC submittal. The proposed use of a flex space will rarely have the full allotment of parking spaces utilized because the warehouse component of the building takes up a larger area while not traditionally requiring the same amount of parking as office or other commercial uses. Furthermore, there will be no customers that go to the proposed building so all of the parking will be for employees.

Therefore, initial review of the concept plan does not give Staff any concern over the amount of parking due to the proposed use of a Flex Space building.

I. Sidewalks and Pathways ([UDC 11-3A-17](#) & [UDC 11-3A-8](#)):

5-foot wide attached sidewalk exists along Overland Road and is required to remain. A 10-foot wide multi-use pathway segment is required along the west boundary and adjacent to Linder Road per the Master Pathways Plan. ACHD is requiring both pedestrian facilities be attached facilities due to future planned road widening and intersection improvements. The concept plan also shows at least 7-foot wide sidewalks adjacent to the future building that connect to the arterial pedestrian facilities offering adequate pedestrian connectivity for the subject site. Furthermore, the additional segment of multi-use pathway and its connection to the sidewalk along Overland would create a fully connected pedestrian network from Overland to Victory Middle School, Bear Creek Park, and back with the additional benefit of connecting the pathway system to the arterial street sidewalk network that has vast regional connectivity. The proposed sidewalks and pathway meet UDC requirements.

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

The Applicant is required to construct landscape buffers along Overland Road, Linder Road, and along the southern boundary as a landscape use buffer. The buffers along Overland and Linder are governed by UDC 11-3B-7; the land use buffer along the south property boundary is governed by UDC 11-3B-9. The Applicant did not submit specific landscape plans for the project and no landscaping is shown on the submitted concept plan. However, the minimum required landscape buffer widths are shown on the concept plan. Staff will ensure compliance with all landscaping standards with the future CZC submittal.

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

All fencing is required to comply with the standards listed in UDC 11-3A-7. 6-foot high vinyl fencing is depicted on the concept plan but it is not labeled as existing or proposed. Staff is aware there is existing fencing along the south and east boundaries constructed with the adjacent development. In general, 6-foot fencing should be included along the south and east boundaries for security and screening purposes especially between this subject site and the residential development to the south. Should fencing be proposed, Staff will analyze that with the future CZC submittal.

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

The Applicant is required to provide a pressurized irrigation system for the development in accord with 11-3A-15. No irrigation plans have been submitted for Flex Space use at this time. With future development applications, the Applicant will be required to provide a pressurized

irrigation system for the required landscaping around the site. Land Development will review these plans in more detail at a later date when specific irrigation plans are submitted.

VI. DECISION

A. Staff:

Staff recommends approval of the requested annexation and zoning with the requirement of a Development Agreement per the Findings in Section IX of this staff report.

B. Commission:

The Meridian Planning & Zoning Commission heard these items on October 21, 2021. At the public hearing, the Commission moved to recommend approval of the subject Annexation and Zoning request.

1. Summary of Commission public hearing:

- a. In favor: Amanda Moore, Genie Reese, and Jesse McKinney – Applicants; Josh Jantz, Applicant Representative; Cornel Larson, Project Architect.
- b. In opposition: None
- c. Commenting: Amanda Moore, Jesse McKinney, Josh Jantz, and Cornel Larson.
- d. Written testimony: None
- e. Staff presenting application: Joseph Dodson, Associate Planner
- f. Other Staff commenting on application: Bill Parsons, Planning Supervisor; Kurt Starman, Assistant City Attorney.

2. Key issue(s) of public testimony:

- a. Support for the proposed use and ability to keep a Meridian local business here in the City; Clarification on some of Staff's conditions of approval;

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

- a. Clarification on some of Staff's conditions and DA provisions, specifically the proposed height limit and use limitations;
- b. Staff's response to Applicant's request to remove/modify the DA provision limiting uses—
- c. Commission concluded to keep Staff's recommended DA provision after Staff's explanation;
- d. Why Staff is recommending to reduce the landscape buffer along Overland to move the building closer and is there a specific amount/distance required by Staff.

4. Commission change(s) to Staff recommendation:

- a. Add condition of approval per Staff's recommendation to require Applicant obtain a property boundary adjustment.
- b. Modify DA Provision A.1b to increase the height limit consistent with the C-C zoning district.

5. Outstanding issue(s) for City Council:

- a. In the Commission motion, Commission required the Applicant obtain a PBA prior to the Council meeting but this is not possible due to timing with the County processes. Staff believes it was a misunderstanding of the expectation set by Staff at the hearing. In response, Staff has included an appropriate condition regarding the PBA.

C. The Meridian City Council heard these items on November 16, 2021. At the public hearing, the Council moved to approve the subject Annexation and Zoning requests.

1. Summary of the City Council public hearing:

- a. In favor: Amanda Moore, Genie Reese, and Jesse McKinney – Applicants; Josh Jantz, Applicant Representative; Cornel Larson, Project Architect.
- b. In opposition: None

- c. Commenting: Amanda Moore, Genie Reese, Jesse McKinney, Cornel Larson
 - d. Written testimony: None
 - e. Staff presenting application: Joseph Dodson, Associate Planner
 - f. Other Staff commenting on application: None
- 2. Key issue(s) of public testimony:
 - a. Requesting approval of subject application to keep a local business in the City of Meridian.
- 3. Key issue(s) of discussion by City Council:
 - a. None
- 4. City Council change(s) to Commission recommendation:
 - a. None

VII. EXHIBITS

A. Annexation and Zoning Legal Descriptions and Exhibit Maps



**TEALEY'S LAND
SURVEYING**

12594 W. Explorer Drive, Suite 150 • Boise, Idaho 83713
(208) 385-0636
Fax (208) 385-0696

Project. No.: 4865
Date: July 30, 2021

DESCRIPTION FOR ANNEXATION PARCEL - ASPEN GROVE HOLDINGS, LLC

A parcel of land lying in the NW 1/4 of Section 24, T.3N., R.1W., B.M., Ada County, Idaho and more particularly described as follows:

BEGINNING at the Northwest corner of said Section 24, thence along the North boundary of said Section 24

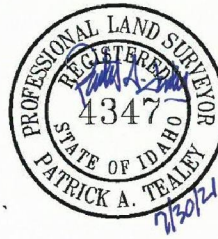
South 89°07'25" East 327.10 feet to a point on the extended West boundary of Record of Survey No. 9277, filed for record in the office of the Ada County Recorder, Boise, Idaho under Instrument No. 112056125; thence along said extended West boundary and along the West boundary of said Record of Survey No. 9227

South 00°41'26" West 397.51 feet to the Southwest corner of said Record of Survey No. 9227, marked by a 5/8" iron pin; thence

North 89°33'34" West 327.10 feet to a point on the West boundary of said NW 1/4 of Section 24; thence along said West boundary

North 00°41'26" East 400.00 feet to the **POINT OF BEGINNING**,

Said parcel contains 2.99 acres, more or less.

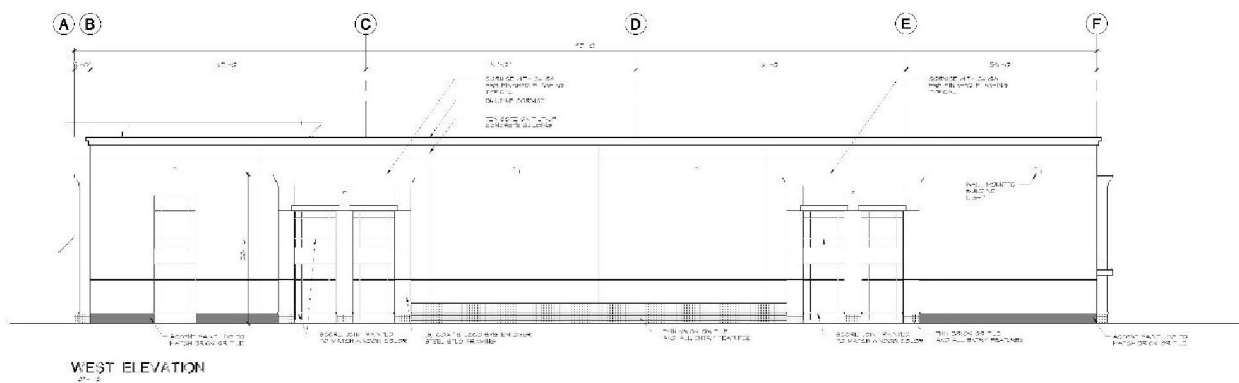
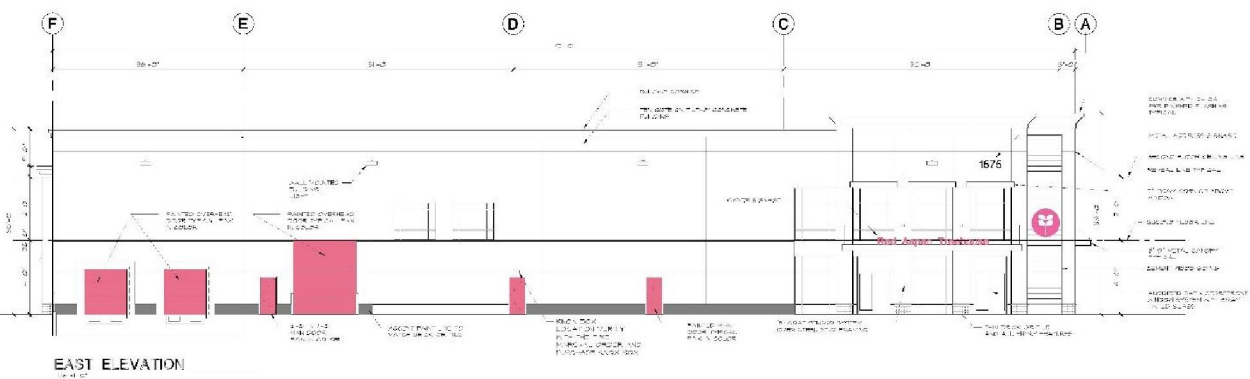


W:\4865\TitleReport\4865-annex desc.docx - jdc



C. Concept Elevations





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 and the property owner(s) at the time of annexation ordinance adoption.

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 concept plan and conceptual elevations included in Section VII and the provisions contained herein.
 - b. Future development of the subject site shall have a height limit of ~~40~~ 50 feet consistent with the proposed flex space building and C-C zoning to the west.
 - c. With the future Certificate of Zoning Compliance application, the Applicant shall provide a copy of the recorded reciprocal cross access agreement to share an access to Linder Road with the property to the south.
 - d. The allowed uses on the subject site shall be: flex space, financial institution, healthcare/social services, information industry, personal and professional services, retail (including wine and beer sales), restaurant, research and development, and vertically integrated residential. The Applicant shall adhere to any applicable specific use standards for a proposed use.
2. The Applicant shall obtain a Property Boundary Adjustment prior to building permit submittal to combine the existing lots or adjust them appropriately to meet all dimensional and building code requirements.

B. PUBLIC WORKS

Site Specific Conditions of Approval

1. There are no changes to water or sewer infrastructure proposed. Any changes to water or sewer infrastructure must be reviewed by Public Works.
2. Any used services or mains must be abandoned at the main that will remain in service.
3. Sewer service lines should not run through infiltration trenches.
4. Parcel S1224223460 has a sewer main stubbed to it that is currently not covered in a City utility easement. A 20 foot wide easement is required onsite until the line transitions to a service.

General Conditions of Approval

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

be used in conformance of City of Meridian Public Works Departments Standard Specifications.

2. Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
3. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD.
4. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
5. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
6. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
7. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
8. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
9. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
10. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
11. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
12. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
13. Developer shall coordinate mailbox locations with the Meridian Post Office.
14. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.

15. The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
16. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
17. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
18. A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
19. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

C. NAMPA MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=239643&dbid=0&repo=MeridianCity>

D. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=230783&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 C-G zoning district with the proposed Flex Space use and site design 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 the requested development complies with the regulations outlined in the requested C-G zoning district and is consistent with the purpose statement of the requested zone.

- 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, especially if all conditions of approval are met.

- 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.**

Council finds the annexation is in the best interest of the City.