

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



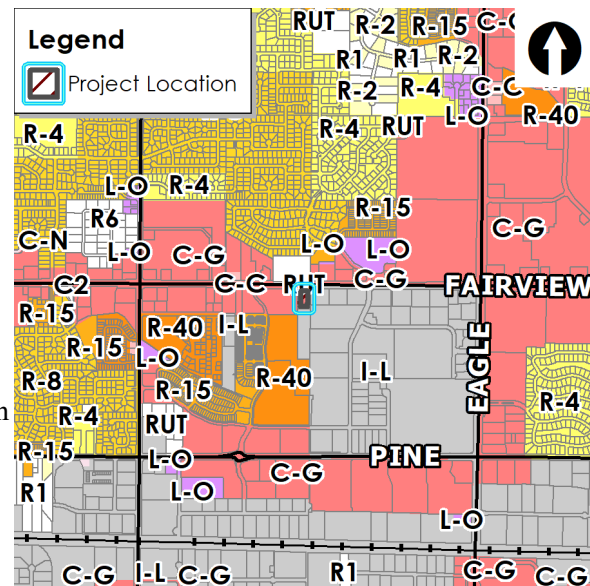
HEARING DATE: 1/03/2023

TO: Mayor & City Council

FROM: Stacy Hersh, Associate Planner
208-884-5533

SUBJECT: H-2022-0071
Jennie' Retail MDA

LOCATION: The site is located at 2365 E. Fairview Avenue, near the half-mile mark between N. Eagle Road and N. Locust Grove Road, in the NE 1/4 of the NW 1/4 of Section 8, Township 3N, Range 1E (R7104250004).



I. PROJECT DESCRIPTION

Development Agreement Modification (MDA) to amend the existing agreement (DA Inst. #104027941) to remove the provision in the DA that currently requires conditional use permit approval for all future uses prior to development on the property, by Richard Wilmot, Chrystalis Architecture and Planning.

II. SUMMARY OF REPORT

A. Applicant:

Richard Wilmot – 3130 W. State Street, Boise, ID 83703

B. Owner: Mauricio and Ilene Garcia – 4863 N. Larkwood Place, Meridian, ID 83646

C. Representative:

Same as Applicant

III. STAFF ANALYSIS

The Applicant proposes to amend the Cortabitarte Development Agreement (Inst. #104027941) to remove the existing provision that requires all future commercial uses to obtain a Conditional Use Permit (CUP) as shown in Exhibit A. The Applicant believes the requirement of a Conditional Use Permit for all future uses on the subject property is no longer necessary if the property develops consistent with the proposed concept plan in Exhibit B below.

The proposed site plan depicts a mix of retail, restaurants, a drive-through, and associated site improvements. Because the site has the potential to develop with multiple drive-throughs and restaurants, staff has analyzed the parking on the plan using the restaurant standards requiring one (1)

parking stall for every 250 square feet ([*UDC 11-4-3-49*](#)) of gross floor area to ensure adequate parking. Per this standard, 68 parking stalls would be required if the site develops per the submitted concept plan. Currently, the plan depicts 50 parking stalls. Therefore, staff recommends adding a provision to the Development Agreement to address potential parking issues by requiring a parking ratio of 1 parking stall for every 250 square feet of gross floor area regardless of the use.

Currently, the City is processing a CZC and DES application for a drive-through use on the west boundary in the Pine 43 development. If the abutting property does develop with a drive-through, the proposed drive-through would be within 300 feet of another drive-through which would require CUP approval.

Access to the property is proposed from E. Fairview Avenue; a shared access drive with the property to the east (R8525101800). Staff has reviewed the Pine 43 Development Agreement (#2018-000751) conditions of approval and cross-access was required to be provided to this property for future cross-access and interconnectivity between the two commercial areas. The plan as submitted doesn't contemplate the cross access with the adjacent property. Staff recommends the applicant grant cross access with the adjacent property to improve interconnectivity.

Staff recommends the development agreement modification with the recommended changes in Exhibit A below.

IV. DECISION

A. Staff:

Staff recommends approval of the modification to the DA (Inst. #104027941) as recommended by Staff's analysis above and with the specific changes below.

V. EXHIBITS

A. Existing Development Agreement Provision (DA Instr. #104027941):

Existing:

ANNEXATION AND ZONING CONDITIONS:

A. Adopt the Recommendations of the Meridian Planning & Zoning Department, as modified by the Planning & Zoning Commission, as follows:

- All future uses within the boundaries of this annexation can only be approved through the Conditional Use Permit process.
- The existing residential use may continue as a legal nonconforming use until such time as sanitary sewer service is available to the property and at that time the residential use of the building shall cease.
- The C-G area shall remain undevelopable until sanitary sewer service is available to the property.
- Any existing domestic wells and/or septic systems within this project will have to be removed from their domestic service, per City Ordinance Section 5-7-517, when services are available from the City of Meridian. Wells may be used for non-domestic purposes such as landscape irrigation.
- Any other conditions desired by the Council.

DEVELOPMENT AGREEMENT (AZ-03-026)

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Staff's Recommended Changes:

Strike this provision in section 5 - ~~"All future uses within the boundaries of this annexation can only be approved through the Conditional Use Permit process."~~

Add a new DA provision - A cross-access/ingress-egress easement shall be granted and the shared driveway constructed to Parcel #R7104250566 (Pine 43 Subdivision) to the west. A copy of the recorded easement shall be submitted with the first certificate of zoning compliance application.

Add a new DA provision – Parking for the development shall be based on the parking ratio of one (1) parking space for every two hundred fifty (250) square feet of gross floor area regardless of use.

B. Conceptual Site Plan (reference only):

