

April 11, 2022

MEMORANDUM

TO: Mayor and City Council

FROM: Alan Tiefenbach, Associate City Planner

RE: Black Cat Industrial Development - H-2021-0064

At the March 1, 2022 City Council Meeting, the Council continued this case to April 26, 2022 for the applicant to continue to address traffic and infrastructure improvements and to propose conditions of approval for the development.

Attached are proposed conditions of approval and findings prepared by the applicant's development team. The summary of these conditions are as follows:

1. The applicant proposes I-L zoning on the site, with all uses and dimensional standards allowed with the exception of a prohibition on self-storage as a primary use.
2. Minimum design requirements are only required for building frontages facing S. Black Cat Rd., I-84, and the E-W Collector bisecting the site.
3. The conditions contain a template for the E-W collector rather than the collector being required to meet Street Section C as described in the Ten Mile Interchange Specific Area Plan.
4. Requirement that certificates of zoning compliance cannot be submitted until ACHD accepts the traffic study.
5. Standard public works conditions of approval.

Since the last Council meeting, the development area has been reduced. This is due to the property owner of 935 S. Black Cat Rd. declining to extend their contract with the applicant. This has reduced the property by approximately 3.62 acres. Also, the applicant has removed the fire station originally proposed at the northeast corner as the City does not credit land dedications toward impact fee reductions.

ATTACHMENTS

- A. Revised Concept Plan, Roadway Sections, Public Utility Plan and Annexation Exhibit.

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=258646&dbid=0&repo=MeridianCity>

- B. Proposed Conditions of Approval and Findings (provided by applicant)
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CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. Site Specific Conditions of Approval:

- 1.1. A Development Agreement (DA) is required, which shall at a minimum, incorporate the following provisions:
 - a. The property zoned I-L shall be used consistent with the uses and dimensional standards allowed in the I-L zone, which include light manufacturing, research and development, warehousing and distributing. Self-service storage facility¹ will not be a primary use on the property.
 - b. Development of the subject property shall be generally consistent with the site plan and conceptual building elevations submitted with the applications.
 - c. The East-West collector road shall be constructed as shown in Exhibit A.
 - d. Development in the I-L Zone shall be generally consistent with the development guidelines contained in the Ten Mile Interchange Specific Area Plan (TMISAP) for Mixed Employment (ME) designated areas, with the following clarifications and exceptions:
 - 1) Only building faces along Black Cat Road, I-84 and the E-W collector through the middle of the site shall be considered frontage. No other building faces are considered frontage.
 - 2) For the interior industrial buildings (A, B, C, D, E, F, G, H, J), an average of 15% of the linear dimension of the street level frontage shall be in windows or doorways.
 - 3) Parking is allowed along frontage, provided that the maximum length of parking at frontage does not exceed 30% of the linear dimension of total frontage of all buildings combined.

- e. Development in the I-L Zone shall be generally consistent with the Meridian Architectural Standards Manual, with the following exceptions:
 - 1) Requirements shown on Building Scale, Building Form, Architectural Elements, and Materials Standards Tables apply to building facades along Black Cat Road, I-84 and the E-W collector through the middle of the site. They do not apply to other building facades.
 - 2) Loading Docks will be allowed to face the N-S Collector on the west boundary as shown in the site plan.
- f. Certificate of Zoning Compliance and Design Review applications cannot be submitted until after ACHD accepts the Traffic Impact Study.
- g. The applicant shall submit a Certificate of Zoning Compliance and Design Review application to the Planning Division for approval of all future uses on the site to ensure compliance with the Unified Development Code, , Comprehensive Plan, Architectural Standards Manual, prior to issuance of building permits for any structure(s) within this site.

Notes:

¹ as defined in Meridian Unified Development Code Section 11-1A-1

B. PUBLIC WORKS

1. Site Specific Conditions of Approval:

- 1.1. Surface slopes shall not exceed 3:1
- 1.2. All drainage must be retained onsite
- 1.3. If the onsite 8'' sewer lines are services, they should be decreased to 6'', based off flows this should be sufficient.
- 1.4. Any 8'' water or sewer main outside of right-of-way shall be covered by a City easement.
- 1.5. Sewer services shall not pass through infiltration trenches.
- 1.6. When the development connects to the east, the water pressure zone will change from 1 to 2 which will result in an approximately 22 psi pressure increase. Provide stubs or blind flanges to the property lines at the future road connections to both the east and west.

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 then alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.

- 2.2. Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
- 2.3. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.
- 2.4. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 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.
- 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 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. Record of abandonment must be provided to the City prior to signature of the final plat.

- 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. 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.
- 2.17. 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.
- 2.18. 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.

- 2.19. 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 certificate of occupancy for any structures within the project.
- 2.20. A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
- 2.21. 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.
- 2.22. 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.

FINDINGS

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:

A. ANNEXATION AND REZONE

1. The map amendment complies with the applicable provisions of the comprehensive plan;

The City Council finds that the I-L zoning district and proposed light industrial use is consistent with the existing Mixed Employment FLUM and TMISAP designations for this site and is compatible with existing and planned future uses in the area. The TMISAP provides that Mixed Employment areas should provide a variety of flexible sites for small

businesses as well as large national or regional enterprises. (3-11). The proposed industrial development provides flex and light industrial uses in a variety of building sizes, each of which is demisable into smaller spaces to serve a variety of business sizes. TMISAP also seeks to “provide for industrial opportunities in consideration of future improvements to Highway 16” (3-3). The site provides an ideal location for local and regional light industrial businesses to access Highway 16, providing jobs close to home for Meridian residents.

The City Council finds that the proposed initial zoning of R-15 for the approximately 1-acre residential property on the east side of Black Cat Road is consistent with the existing Medium High Density Residential designation for this site and is compatible with existing and planned future uses in the area.

2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;

The City Council finds the proposed I-L zoning district and proposed use is consistent with the regulations and purpose statements of the I-L district, which is to provide for convenient employment centers of light manufacturing, research and development, warehousing and distributing.

The City Council finds the proposed R-15 zoning district is consistent with the regulations and purpose statement of the R-15 district.

3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;

The City Council finds the proposed zoning map amendment will not be detrimental to the public health, safety and welfare. The development will build new roads and pathways consistent with TMISAP design standards to provide safe vehicular and non-vehicular connections for employees and area residents.

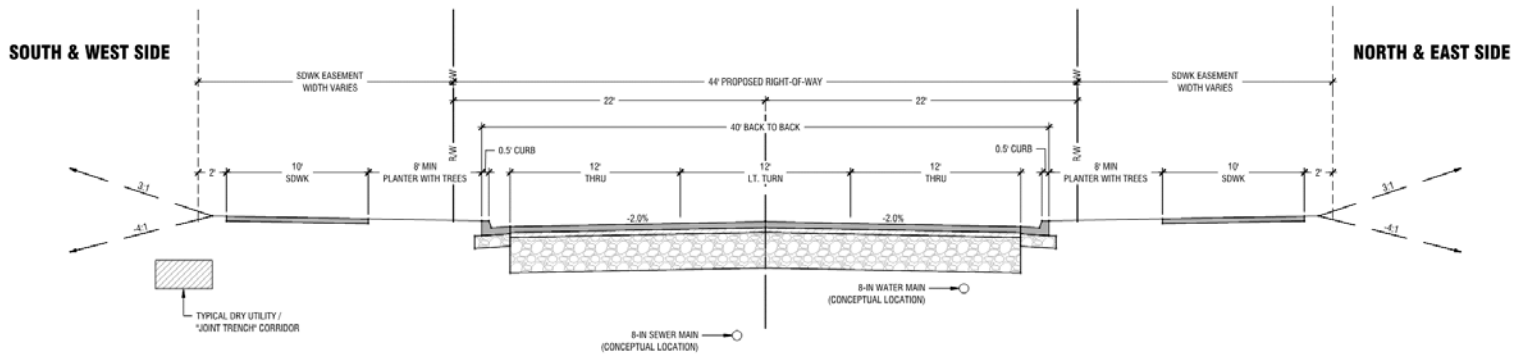
4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and

The City Council finds that the proposed zoning amendment will not result in any adverse impact upon the delivery of services by any political subdivision providing services to this site. The proposed industrial development will not impact school capacities.

5. The annexation (as applicable) is in the best interest of city.

The City Council finds that the annexation is in the best interest of the City. The proposed industrial use will provide needed industrial business space to support and complement the commercial and residential uses planned within the TMISAP area.

EXHIBIT A



PROPOSED CONDITIONS OF APPROVAL: