

**STAFF REPORT**

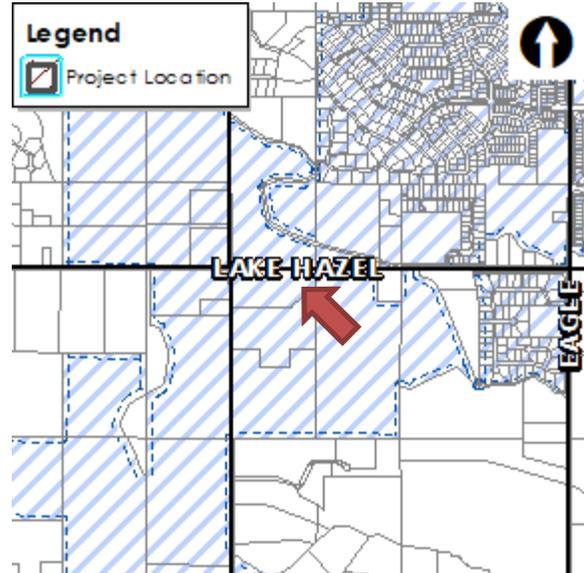
**COMMUNITY DEVELOPMENT DEPARTMENT**

HEARING DATE: 5/20/2021

TO: Planning & Zoning Commission  
 FROM: Sonya Allen, Associate Planner  
 208-884-5533

SUBJECT: H-2021-0020  
 Gem Prep South – CUP

LOCATION: Approximately 1/8 of a mile east of S. Locust Grove Rd. on the south side of E. Lake Hazel Rd., in the NW ¼ of Section 5, Township 2N., Range 1E.



**I. PROJECT DESCRIPTION**

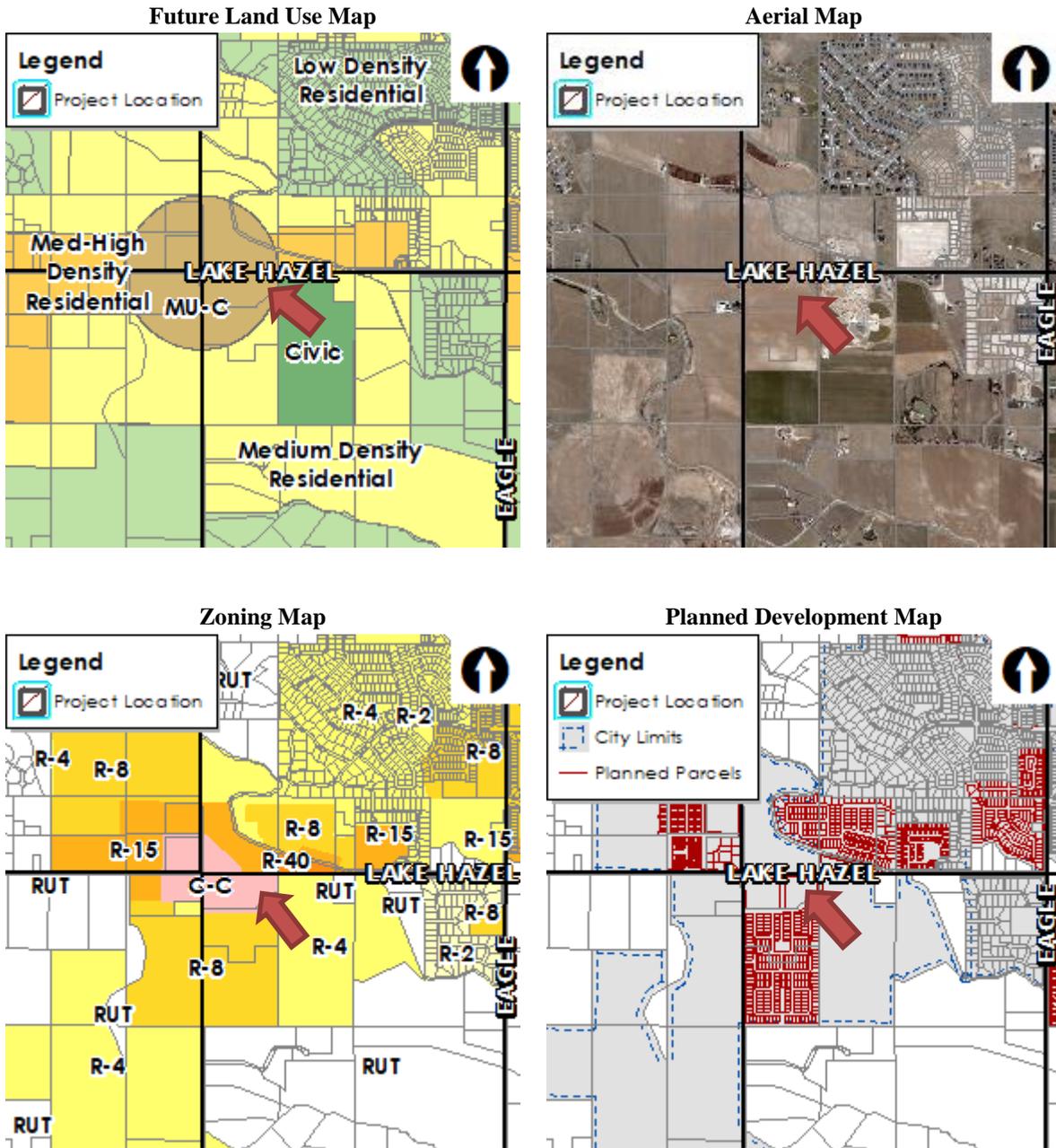
Conditional use permit for an education institution on 5.95 acres of land in the C-C zoning district that proposes direct access via a collector street and where there is not a safe, separate pedestrian and bikeway access between the neighborhood and the school site.

**II. SUMMARY OF REPORT**

A. Project Summary

| Description                                                   | Details                                                                                                                | Page |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|------|
| Acreage                                                       | 5.95-acres                                                                                                             |      |
| Future Land Use Designation                                   | Mixed Use – Community (MU-C)                                                                                           |      |
| Existing Land Use                                             | Vacant/undeveloped agricultural land                                                                                   |      |
| Proposed Land Use(s)                                          | Public education institution (K-12 charter school)                                                                     |      |
| Current Zoning                                                | Community Business District (C-C)                                                                                      |      |
| Physical Features (waterways, hazards, flood plain, hillside) | None                                                                                                                   |      |
| Neighborhood meeting date; # of attendees:                    | 1/21/21; 1 attendee other than the Applicant                                                                           |      |
| History (previous approvals)                                  | H-2020-0066 (Apex MDA Inst. #2020-178120), RZ); H-2020-0057 (PP – Apex Southeast); FP-2020-0013 (Apex Southeast No. 1) |      |

A. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Elias Felix, Paradigm Design – 4250 N. Drinkwater Blvd., Ste. 120, Scottsdale, AZ 85251

B. Owner:

Robert Phillips, Gem Innovation Schools – 2750 E. Gala St., Meridian, ID 83642

C. Representative:  
 Same as Applicant

**IV. NOTICING**

|                                                          | <b>Planning &amp; Zoning<br/>Posting Date</b> |
|----------------------------------------------------------|-----------------------------------------------|
| Newspaper Notification                                   | 4/30/2021                                     |
| Radius notification mailed to properties within 300 feet | 4/27/2021                                     |
| Site Posting Date                                        | 5/6/2021                                      |
| Next Door posting                                        | 4/27/2021                                     |

**V. STAFF ANALYSIS**

The proposed conditional use permit is required for an education institution on 5.95-acres of land in the C-C zoning district, per UDC Table 11-2B-3; and because the site takes access from a collector street and there is not a safe, separate pedestrian and bikeway access between the neighborhood and the school site, per UDC 11-4-3-14E.4.

This land is designated on the Future Land Use Map (FLUM) in the Comprehensive Plan as part of a larger Mixed Use – Community (MU-C) designated area. The proposed school will provide a community-serving public use in this neighborhood as desired in mixed use developments.

A kindergarten through twelfth grade college preparatory charter school is proposed. The proposed 2-story structure will consist of a total of 45,110 square feet. Hard top and recreational play fields are proposed. The site is surrounded by public streets – an arterial street (i.e. E. Lake Hazel Rd.) along the north boundary, a collector street (i.e. S. Tower St./S. Vertex Way) along the southeast boundaries; and a local street (i.e. S. Peak Ave.) along the west boundary. The use is anticipated to generate 1,156 vehicle trips per day on weekdays when school is in session per the Applicant’s narrative submitted with the application; the ACHD report states 590 vehicle trips per day are estimated based on the Traffic Impact Study (TIS).

Idaho Code [SS 67-6519(3)] requires a [school site checklist](#) to be submitted, which is included in the public record for this project.

*Note: The existing Development Agreement allows the C-C zoned portions of this development to obtain building permits prior to subdivision of the property.*

**Specific Use Standards:** The proposed use is subject to the specific use standards listed in UDC [11-4-3-14](#), Education Institution. Accessory uses are allowed as stated.

Elementary schools should be located within the center of neighborhoods; they’re encouraged to be adjacent to public parks or open space; and at least 30% of the perimeter of the site should be open to streets or open space areas with access encouraged from local streets. Middle and high schools may take access off a designated arterial or collector street.

The proposed school includes elementary as well as middle and high school grades. It is located at the north end of the Apex Southeast development adjacent to E. Lake Hazel Rd., an arterial street. Future residential uses are also planned to the north and northwest of this site. Discovery Park, a 77-acre public park, is located directly to the east. The school site is open to public streets on all sides and

access is proposed via local and collector streets; no access is proposed via the arterial street. Staff deems this to be in substantial compliance with the aforementioned standards.

Access to the school site from the future residential neighborhood to the south is proposed at the intersection of E. Tower St. and S. Peak Way with striped cross-walks, signage and school zone flashing signage in accord with the [school site checklist](#) recommendations. A crossing guard will be required for students that are walking and biking to school.

Staff has reviewed the other applicable specific use standards and finds the proposed use and site design to be in substantial compliance with these standards.

**Williams Pipeline:** The Williams natural gas pipeline bisects this site and is located within a 75-foot wide easement. All development within the easement is required to comply with the [Williams Developer's Handbook](#).

**Access:** Access is proposed via one access from S. Peak Ave., a local street along the west boundary; one access via S. Vertex Way, a collector street along the east boundary; and one access via S. Tower St., a collector street along the south boundary of the site. Direct access via E. Lake Hazel Rd. is not proposed and is prohibited.

The parent pick-up area is located on the north side of the building; the bus pick-up/drop-off is located on the south side of the building, which will prevent vehicle conflicts.

**Parking:** A minimum of one (1) off-street parking space is required to be provided for every 400 square feet of gross floor area for education institution uses per UDC 11-4-3-14I. Based on 45,110 square feet, a minimum of 113 off-street parking spaces are required. A total of 118 spaces are proposed in excess of the minimum UDC standards.

A minimum one (1) bicycle parking space is required to be provided for every 25 vehicle spaces or portion thereof per UDC [11-3C-6G](#); bicycle parking facilities are required to comply with the location and design standards listed in UDC [11-3C-5C](#). A minimum of five (5) bicycle spaces are required to be provided; eight (8) spaces are proposed in excess of UDC standards.

**Pedestrian Walkways:** A 10-foot wide multi-use pathway is proposed along the north property boundary of the site in accord with the Pathways Master Plan; a 14-foot wide public use easement is required for the pathway unless the pathway will be located within the adjacent right-of-way.

**The 5-foot wide sidewalks proposed adjacent to parking should either be widened two feet (2') to seven feet (7') to allow for vehicle overhang (the length of the stall may be decreased 2' in this instance) or wheel stops should be provided in the adjacent parking stalls to prevent vehicle overhang in accord with UDC 11-3C-5B.**

**Landscaping:** Parking lot landscaping is required to be provided in accord with the standards listed in UDC 11-3B-8C. Landscaping is depicted on the landscape plan in Section VII.B in planter islands within the parking area as required; **a tree should be added at the east end of the row of parking on the north side of the building where none is proposed.**

Street buffer landscaping and walkways are required with the subdivision improvements for Apex Southeast Subdivision No. 1; **however, if this site develops first, it will be responsible to construct and install these improvements.**

**Landscaping is required along the multi-use pathway along E. Lake Hazel Rd. per the standards listed in UDC [11-3B-12C](#) and should be depicted on the landscape plan.**

**Mechanical Equipment:** All mechanical equipment on the back of the building and outdoor service and equipment should be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent

properties and public streets as set forth in UDC [11-3A-12](#).

**Fencing:** All fencing is required to comply with the standards listed in UDC 11-3A-7. Chainlink fencing is depicted on the landscape plan around the play area adjacent to S. Vertex Way. **Because this site is located adjacent to a collector street, Staff recommends a fencing material of higher quality such as wrought iron is provided.**

**Building Elevations:** Conceptual building elevations were submitted as shown in Section VII.C that incorporate various colors of horizontal lap siding and metal panels in various trim colors. **These elevations have *not* been reviewed for compliance with design standards and therefore, are *not* approved; final design shall be consistent with the design standards listed in the [Architectural Standards Manual](#).**

**The trash enclosure should be constructed with similar materials and colors to match the building.**

**Certificate of Zoning Compliance & Design Review:** A Certificate of Zoning Compliance and Design Review application is required to be submitted for the proposed use prior to submittal of a building permit application to ensure consistency with the conditions in Section VII, UDC standards and design standards.

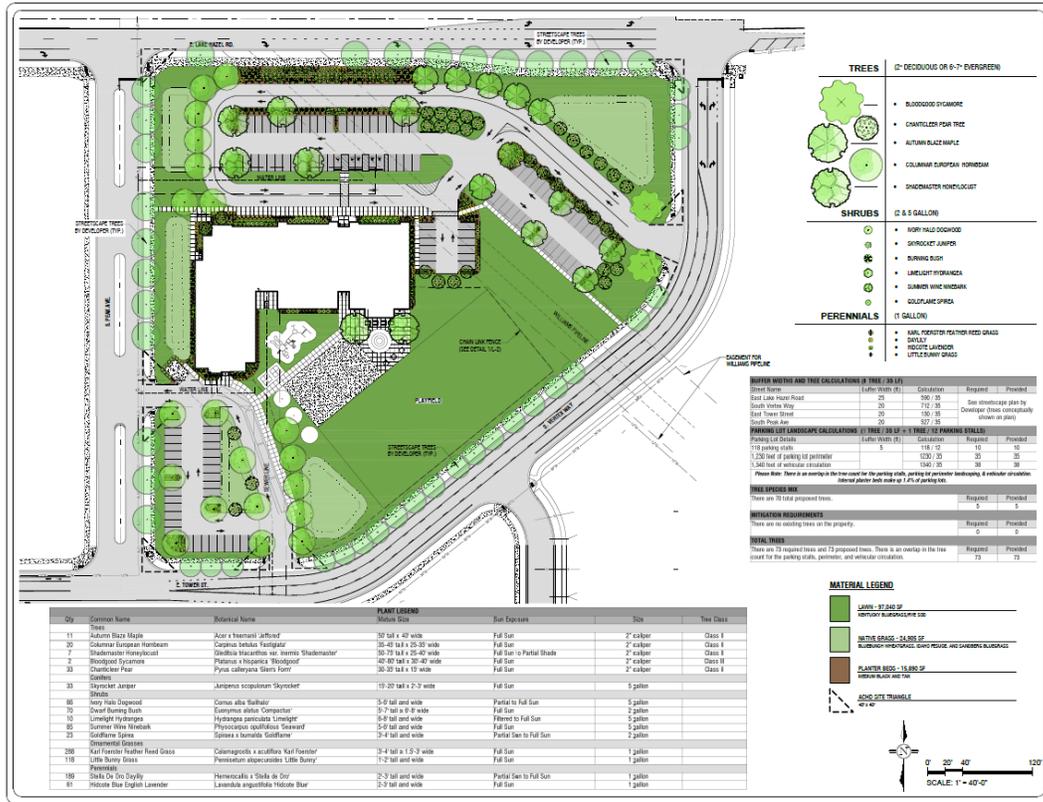
## VI. DECISION

### A. Staff:

Staff recommends approval of the proposed conditional use permit with the conditions included in Section VIII per the Findings in Section IX.



B. Proposed Landscape Plan (dated: 3/5/2021)



**Bouma U A**  
3033 Orchard Vista Dr., Suite 309  
Grand Rapids, MI 49546  
616-882-6100  
BoumaUSA.com

**811**  
CONTACT ONLINE  
48 HOURS  
BEFORE DIGGING  
1-800-542-1500 (or 811)

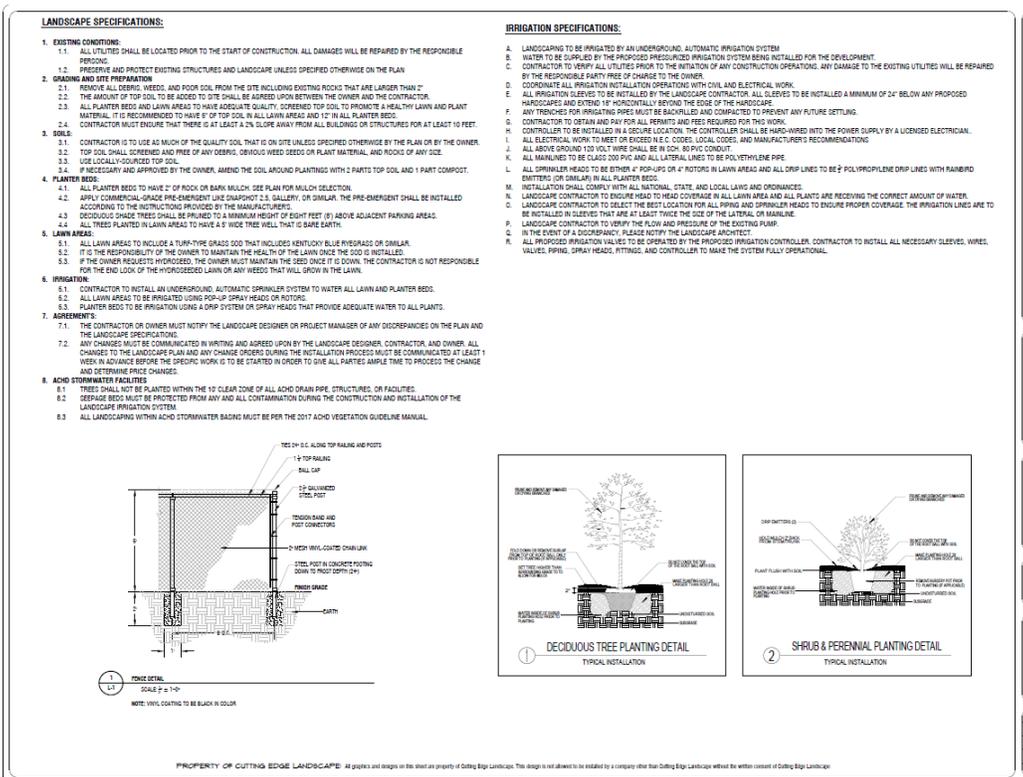
**CUTTING EDGE LANDSCAPE**  
5407 ALLWORTH STREET  
BOISE, ID 83714  
(208) 378-4568  
cuttingedge@landscapes.com

**SOUTH GEM INNOVATION SCHOOL**

**PRELIMINARY LANDSCAPE PLAN**  
NOT FOR CONSTRUCTION  
MERIDIAN, ID 83642

**CONTACT ONLINE**  
48 HOURS  
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1-800-542-1500 (or 811)

**L-1**



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Grand Rapids, MI 49546  
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**811**  
CONTACT ONLINE  
48 HOURS  
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1-800-542-1500 (or 811)

**CUTTING EDGE LANDSCAPE**  
5407 ALLWORTH STREET  
BOISE, ID 83714  
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cuttingedge@landscapes.com

**SOUTH GEM INNOVATION SCHOOL**

**PRELIMINARY IRRIGATION & LANDSCAPE SPECS**  
NOT FOR CONSTRUCTION  
MERIDIAN, ID 83642

**CONTACT ONLINE**  
48 HOURS  
BEFORE DIGGING  
1-800-542-1500 (or 811)

**L-2**



## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING

1. Future development of this site shall comply with the terms of the existing Development Agreement, preliminary plat and final plat conditions of approval [H-2020-0066 (Apex RZ MDA Inst. #2020-178120); H-2020-0057 (PP – Apex Southeast); FP-2020-0013 (Apex Southeast No. 1) and the conditions contained herein.
2. The site/landscape plan submitted with the Certificate of Zoning Compliance application shall be revised as follows:
  - a. Add a tree at the east end of the row of parking on the north side of the building in accord with UDC 11-3B-8C.2d.
  - b. All mechanical equipment on the back of the building and outdoor service and equipment areas should be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets as set forth in UDC [11-3A-12](#).
  - c. Depict landscaping adjacent to the multi-use pathway along E. Lake Hazel Rd. per the standards listed in UDC 11-3B-12C.
  - d. The 5-foot wide sidewalks proposed adjacent to parking shall either be widened two feet (2') to seven feet (7') to allow for vehicle overhang (the length of the stall may be decreased 2' in this instance) or wheel stops should be provided in the adjacent parking stalls to prevent vehicle overhang in accord with UDC 11-3C-5B.
  - e. Change the fencing type around the play area adjacent to S. Vertex Way from chainlink to wrought iron.
  - f. Depict all cross-walks to the school site as included in the school site checklist.
3. Direct access via E. Lake Hazel Rd. is prohibited.
4. Compliance with the standards listed in UDC [11-4-3-14](#) Education Institution is required.
5. Parking for the overall site shall be provided in accord with the standards listed in UDC [11-4-3-14I](#) for education institutions.
6. All development within the easement is required to comply with the [Williams Developer's Handbook](#).
7. If this site develops prior to construction and installation of the street buffer improvements associated with Apex Southeast Subdivision No. 1, these improvements are required to be installed with this development.
8. A Certificate of Zoning Compliance and Design Review application shall be submitted and approved for the proposed use prior to submittal of a building permit application. The design of the site and structure shall comply with the standards listed in UDC [11-3A-19](#) and the design standards listed in the [Architectural Standards Manual](#).
9. The conditional use permit is 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 as set forth in UDC [11-5B-6](#). A time extension may be requested as set forth in UDC 11-5B-6F.

## **B. PUBLIC WORKS**

1. The proposed water main extension from S Peak Avenue must be an 8'' main. Connect the fire line, water meter service line, and fire hydrant from the 8'' main extension.
2. Any changes to public water or sewer infrastructure must be reviewed and approved by Public Works.
3. Water and sewer must be provided to and through this project to adjacent properties per City Design Standards.
4. A streetlight plan is required to be submitted with the building permit application. Streetlights shall be installed and operational prior to occupancy.

## **C. POLICE DEPARTMENT**

Best practice safety suggestions:

- Electronic (Audio/Video) entry into main entrance at the main exterior door and/or the entry door just inside the vestibule.
- Removal of sliding window at secretary's office in vestibule to reduce the easy of accessibility into the secure area of the school.
- Built in blind in classroom door windows.
- Recommend 3M ballistic and shatterproof laminate for main entry door and other exterior entry points.
- Proper numbering per IOSSS recommendations in exterior windows of each classroom.
- Classroom numbers projecting double-sided wall signage above classroom doors (examples attached).
- Hanging signage in hallways T-intersections etc. providing information and ease of movement by first responders throughout interior of the school.

## **D. BOISE PROJECT BOARD OF CONTROL**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=227459&dbid=0&repo=MeridianCity>

## **E. ADA COUNTY HIGHWAY DISTRICT (ACHD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=228929&dbid=0&repo=MeridianCity>

## **F. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=228019&dbid=0&repo=MeridianCity>

## **G. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=228002&dbid=0&repo=MeridianCity>

## IX. FINDINGS

### Conditional Use (UDC 11-5B-6)

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.

*Staff finds the site is large enough to accommodate the proposed development and meet all dimensional and development regulations of the C-C zoning district.*

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

*Staff finds the proposed K-12 education institution will be harmonious with the Comprehensive Plan and is consistent with applicable UDC standards with the conditions noted in Section VIII of this report.*

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.

*Staff finds the design, construction, operation and maintenance of the proposed use will be compatible with other uses in the general neighborhood, with the existing and intended character of the vicinity and will not adversely change the essential character of the area.*

4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

*Staff finds the proposed use will not adversely affect other properties in the vicinity if it complies with the conditions in Section VIII of this report.*

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.

*Staff finds the proposed use will be served by essential public facilities and services as required.*

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.

*Staff finds the proposed use will not create additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.*

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.

*Staff finds the proposed use will not be detrimental to any persons, property or the general welfare by the reasons noted above.*

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)

*Staff finds the proposed use will not result in the destruction, loss or damage of any such features.*

9. Additional findings for the alteration or extension of a nonconforming use:

- a. That the proposed nonconforming use does not encourage or set a precedent for additional nonconforming uses within the area; and,

*This finding is not applicable.*

- b. That the proposed nonconforming use is developed to a similar or greater level of conformity with the development standards as set forth in this title as compared to the level of development of the surrounding properties.

*This finding is not applicable.*