

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



In the Matter of the Request for Development Agreement Modification to amend the Kenai Subdivision (aka Gramercy) Development Agreement (Inst. #106141056) for the purpose of amending the concept plan to incorporate 164 age restricted multi-family housing units, by Intermountain Pacific, LLC.

Case No(s). H-2021-0022

For the City Council Hearing Date of: May 25, 2021 (Findings on June 8, 2021)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of May 25, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of May 25, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of May 25, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of May 25, 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 May 25, 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 Development Agreement Modification is hereby approved per the conditions of approval in the Staff Report for the hearing date of May 25, 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 May 25, 2021.

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

COUNCIL PRESIDENT TREG BERNT VOTED _____

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED AYE

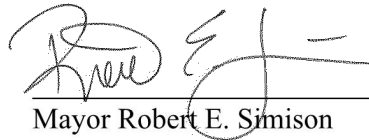
COUNCIL MEMBER JESSICA PERREAULT VOTED AYE

COUNCIL MEMBER LUKE CAVENER VOTED AYE

COUNCIL MEMBER JOE BORTON VOTED AYE

COUNCIL MEMBER LIZ STRADER VOTED AYE

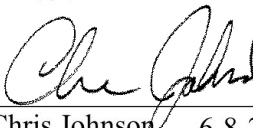
MAYOR ROBERT SIMISON VOTED _____
(TIE BREAKER)



Mayor Robert E. Simison

6-8-2021

Attest:




Chris Johnson
City Clerk

6-8-2021



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

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

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



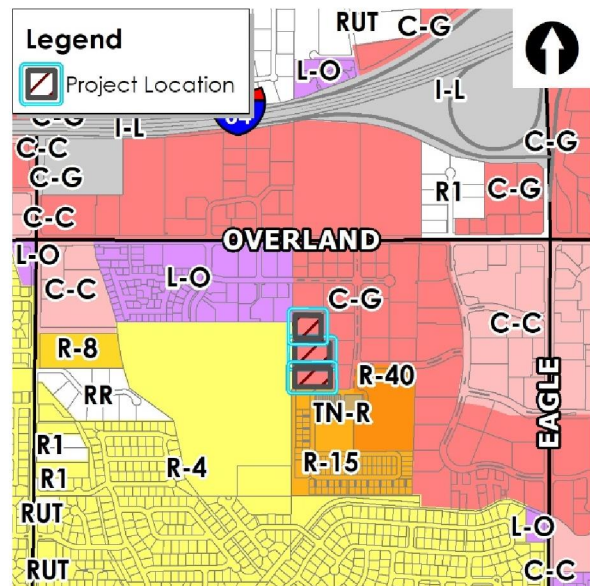
HEARING DATE: 5/25/2021

TO: Mayor & City Council

FROAM: Joseph Dodson, Associate Planner
208-884-5533

SUBJECT: H-2021-0022
Gramercy Commons MDA

LOCATION: The site is located at 1873, 1925, and 2069 S. Wells Avenue, in the NW ¼ of the NE ¼ of Section 20, Township 3N., Range 1E.



I. PROJECT DESCRIPTION

Development Agreement Modification to amend the Kenai Subdivision (aka Gramercy) Development Agreement (Inst. #106141056) for the purpose of amending the concept plan to incorporate 164 age restricted multi-family housing units, by Intermountain Pacific, LLC.

II. SUMMARY OF REPORT

A. Applicant:

Mike Chidester, Intermountain Pacific, LLC – 2541 E. Gala Street, Meridian, ID 83642

B. Owners:

St. Luke's Regional Medical Center, LTD.; The Dagney Group, LLC, and; Elton Family Fund 1, LLC

C. Representative:

Same as Applicant

III. STAFF ANALYSIS

The Applicant proposes to amend the Kenai Subdivision Development Agreement (Inst. #106141056) to amend the existing concept plan for the subject commercial lots and incorporate a new development plan with a multi-level, 164 age-restricted unit multi-family development. See Section V for Staff's recommended new DA provisions related to the proposed development.

History: The subject sites were annexed in 2006 under AZ-06-007 (Kenai Subdivision) and platted under PP-06-019 and FP-06-048; the preliminary plat was approved with single-family detached, single-family attached, multi-family, and commercial building lots. The subject development is

EXHIBIT A

proposed across three (3) of the commercial properties that directly abut Mountain View High School—in reality, the new development is proposed primarily on the two southern properties and only a drive-aisle and parking are proposed to cross the property line of the northernmost site.

The original approvals required a cross-parking and cross-access agreement for all lots within the subdivision; Staff understands this agreement to be recorded and in place for the subject sites. The Applicant is proposing to amend the existing DA rather than enter into a completely new DA in order to show good faith in the original agreement and to remain part of the overall Gramercy Development, including maintaining the cross-access/cross-parking agreements.

Because the Development Agreement (DA) does not include multi-family in this location, an MDA is required and is why the Applicant is requesting one. Concurrently, multi-family residential is a conditional use within the C-G zoning district and the Applicant has applied for said permit which is scheduled to be heard by the Planning and Zoning Commission on 6/03/2021, following the decision by Council on this DA Modification. Staff will analyze the proposed development in more detail with that report; Staff's review at this time shows the Applicant is compliant with or exceeds code requirements in parking, open space and amenities, and dimensional standards for the proposed use within the C-G zoning district.

Concept Plan: The existing concept plan within the DA only depicts the three subject lots as commercial lots but does not depict any building footprints or any other development on the lots. The only development depicted on the existing concept plan around these lots are the multi-use pathway along the southern property line and the associated pathway landscaping. The pathway and required landscaping are already installed in this area of the site. See Exhibit B for the existing concept plan found within the original Development Agreement.

The new development plan depicts a singular, multi-level, age-restricted (three and four stories in height) multi-family apartment complex that is wrapped around a parking structure—the parking structure is proposed to contain a majority of the required parking spaces. Around the proposed building the new development plan depicts a drive aisle that circles the entire structure and includes two areas of surface level parking located on the east and north sides of the proposed building that contain the remaining required parking. The drive aisle that circles the building is intended to be for Fire and EMS but Staff is unaware if the drive aisle will be closed to resident traffic as well. In addition to the building, the new development plan depicts multiple areas of open space and amenities located along each side of the building to include: a pool and other amenities within a south courtyard; an entry plaza along the east side of the building; fire-pits and lounging areas along the west, and; a community garden and pickleball court along the north side of the building. All of the open space and amenity areas appear to be connected with sidewalks and to be easily accessible by future residents.

The submitted elevations are for illustrative purposes and further refinement is necessary to comply with the Architectural Standards Manual and other design elements of buildings already constructed within the Gramercy development.

Access: The subject sites are internal to the Gramercy development and only abut a short segment of public road along the southern boundary of the site (E. Goldstone Street); all of the sites are currently undeveloped and do not have any accesses constructed on-site. However, to the north and east, adjacent sites are developed and have constructed portions of drive aisles for their access to S. Wells Avenue. As seen on the proposed development plan, the Applicant is proposing to connect to these three (3) drive aisles to provide access to the apartment complex: one to the north connecting to an existing drive aisle and commercial property and two to the east to connect to S. Wells Avenue.

ACHD does not act on Development Agreement Modifications but has provided a response letter with the concurrent Conditional Use Permit application. In their response letter, ACHD has noted that no improvements are required to any adjacent or nearby public roads and did not require a Traffic Impact

EXHIBIT A

Study because the development is not estimated to generate enough peak hour vehicle trips, despite proposing over 100 apartment units. Staff verified with ACHD that the estimated trip generation of the development does not change whether the units are proposed as age-restricted or not. In addition, ACHD has noted that all adjacent public roads are over-built and are capable of handling additional vehicle trips without issue. Because of these reasons provided by ACHD Staff is supportive of the proposed development in regards to its transportation impact.

Nonetheless, Staff understands the traffic along Overland Road (the closest arterial street to the north) is worsening and any additional traffic will exacerbate the problem. The development would also have easy vehicular access to the east to Eagle Road in three different places via commercial collector streets. One of the commercial collectors also provides an additional access point to Overland Road which should lessen the burden placed on the intersection of Overland Road and S. Wells Avenue.

In addition to vehicular access, the site abuts a segment of multi-use pathway that the Applicant is proposing to connect to. This multi-use pathway runs along the southern project boundary and continues both north and south. To the north, the pathway runs along S. Wells and connects to the arterial sidewalks along Overland Road. As the pathway heads south, it runs along the Mountain View High School property and then connects to a public park, Gordon Harris Park; the pathway then continues into the neighboring single-family development further to the south.

Staff finds proposing an apartment complex in this area of the City in close proximity to commercial development, child care/charter school, and established regional pedestrian facilities warrants a Development Agreement Modification and support of the proposed development.

IV. DECISION

A. Staff:

Staff recommends approval of the modification to the DA (Inst. #106141056) as recommended by Staff's analysis above and with the specific changes below.

B. The Meridian City Council heard this item on May 25, 2021. At the public hearing, the Council moved to approve the subject Development Agreement Modification request.

1. Summary of the City Council public hearing:

- a. In favor: Hethe Clark, Applicant Representative;
- b. In opposition: None
- c. Commenting: Hethe Clark; Mark Sindell, Project Architect; Tiina Ritval, Project Architect;
- 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. None

3. Key issue(s) of discussion by City Council:

- a. Will the amended DA be tied to the submitted site plan? – Yes.
- b. Clarification on what spaces will be allowed for cross-parking in the overall Grammercy development.
- c. Clarification on the proposed DA provision language change and the term “joint-use facilities.”

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

- a. Work with Planning and Legal Staff to ensure proper language on the DA provision requested to be revised by the Applicant.

EXHIBIT A

V. EXHIBITS

A. Development Agreement provisions from the existing DA (Inst. #106141056):

Existing Provisions:

5. CONDITIONS GOVERNING DEVELOPMENT OF SUBJECT PROPERTY:

5.1. "Owner/Developer" shall develop the "Property" in accordance with the following special conditions:

DEVELOPMENT AGREEMENT (AZ 06-021) KENAI SUBDIVISION

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1. All future uses shall not involve uses, activities, 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.
2. That all future development of the subject property shall be consistent with the owner/developer's conceptual plan unless otherwise modified by other provisions of the Development Agreement.
3. That all future development of the subject property shall be constructed in accordance with City of Meridian ordinances in effect at the time of development.
4. That all future uses and lots on this site shall conform to the District Regulations and Allowed Uses contained in the Unified Development Code (UDC), in effect at the time of development.
5. That the owner/developer will be responsible for all costs associated with the sewer and water service extension.
6. That 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.
7. That development of the residential and commercial lots, along with the orientation and relationship to the street, particularly the auto court, shall comply substantially with the submitted sample elevations and materials list in Exhibit A of the staff report for the hearing date of June 27, 2006.
8. That prior to the issuance of any certificate of zoning compliance all landscaping shall be constructed along the southern and northern property boundaries to the point of connection with adjoining projects. The commercial/office lots should include either a permanent easement or be redesigned to include landscaping in common lots along Overland Road
9. That the maximum square footage of one single building without design review shall be 60,000 square feet or a maximum of 40' in height.
10. That the owner/developer shall coordinate with the Meridian Parks Department and Nampa Meridian Irrigation District to define the location of the multiuse pathway, bridge maintenance, and landscaping along the Ridenbaugh Canal and along the western property boundary to the area where the proposed R-15 zone transitions to the C-G zone. The pathway shall then connect to the proposed detached sidewalks along S. Kenai Way and continue internally through the site to connect with E. Overland Road.
11. That the owner/developer shall comply with all design and maintenance standards as defined by UDC 11-3A-8 unless specifically waived by the Meridian City Council.
12. That the owner/developer shall coordinate with the Meridian Parks Department the transfer by dedication of the 2.035 acre addition to Kiwanis Park. The owner/developer shall also be responsible for all costs of dedication, construction, landscaping, and pathway construction as agreed upon.

EXHIBIT A

Staff's Recommended Changes:

Strike 5.1.9 – Current development code requires Administrative Design Review for new multi-family residential and new commercial so it is not necessary to dictate other parameters.

Staff does not recommend any other changes to the existing provisions for this site as this DA and these provisions encompass a much larger area than the three subject sites.

Add Provision: “Future development of the proposed age restricted multi-family development on the subject C-G zoned properties shall be substantially consistent with the approved site plan, unit count, open space and amenities, and future approved elevations (the submitted elevations are not approved; future elevations will be reviewed via Administrative Design Review with a future Certificate of Zoning Compliance application for the overall site development).”

Add provision: “The multi-family units within this project shall be age-restricted to 55 years and older, per the Applicant’s proposal.”

Add provision: “Applicant shall connect to the regional pathway system along the southern property boundary by constructing at least one (1) pedestrian crosswalk across the drive aisle with either stamped concrete, brick pavers, or similar to clearly delineate the pedestrian connection to the pathway system.”

Add provision: “Future development of northernmost property (1873 S. Wells Avenue; Parcel # R3238510240) shall NOT include any multi-family development and shall be limited to commercial uses (including vertically integrated development) unless a future Rezone application is applied for to allow single-family dwellings. The concept plan for these three parcels shall be updated when Parcel R3238510240 develops in the future.”

Add provision: “Prior to Certificate of Zoning Compliance approval, a Property Boundary Adjustment shall be obtained by the Applicant to reconfigure the lots consistent with the proposed site plan.”

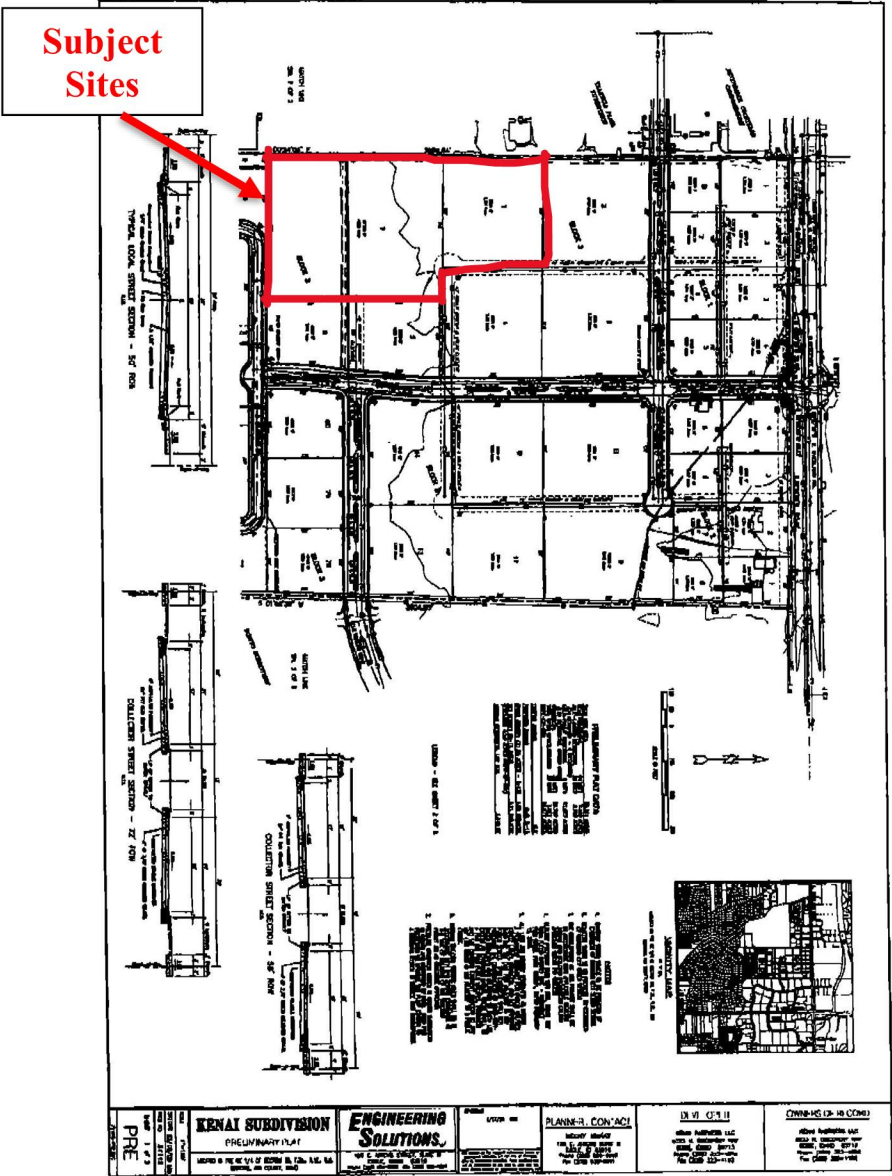
EXHIBIT A

B. Existing DA Concept Plan (Preliminary Plat):

CITY OF MERIDIAN PLANNING DEPARTMENT STAFF REPORT FOR THE HEARING DATE OF 6/27/2006

Exhibit A1: Preliminary Plat dated March 10 Revised June 27, 2006

POOR COPY



C. Proposed Development Plans:

SECTION 03 | SITE PLAN



Gomeroy Commons | Meriden, ID | Conditional Use Permit Application | 03.23.2021

PROJECT DATA
Current & Proposed Zone: C/G

PARKING	
Required:	
2 Bedroom (2/unit):	112
1 Bedroom (1.5/unit):	162
Guest Parking (Future Requirement):	16
Total Parking Required:	290

Provided:	
Garage (standard):	212
Garage (accessible):	8
Surface (standard):	68
Surface (accessible):	3
Total Parking Provided:	291

Bicycle Parking:	
Required:	12
Provided:	12
(Additional secure bike parking to be provided, size TBD.)	

Building Size:	175,087 sq ft
Garage Size:	112,516 sq ft
Total Gross Building Area:	287,603 sq ft

Lot Size:	211,702 sq ft
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EXHIBIT A

SECTION 05 | CONTEXT VIEW



SECTION 07 | LANDSCAPE PLAN



PROJECT INFORMATION

There are no existing natural features, existing buildings, or existing trees with trunks greater than 4 inches on the site.

Street Trees: see Tree Species Mix

Street Buffers: n/a

Parking lot perimeter landscape strip: 10'

Buffer width between different land uses: 10'

Number of parking stalls and percent of parking area with internal landscaping: 71 surface stalls located along internal circulation routes, no more than 12 stalls between landscaping

Total number of trees and tree species mix: 94 (see Tree Species Mix)

- 1 Entry Plaza
- 2 South Courtyard
- 3 Sunset Terrace
- 4 Community Garden
- 5 Recreation Court
- 6 Garage Entry & Service Court
- 7 Fire Department Access
- 8 8' x 10' Residential Patio Typ.
- 9 Pedestrian Connection to Gordon Harris Park
- 10 Pedestrian Connection to existing residential

D. Conceptual Building Elevations: (NOT APPROVED)

SECTION 04 | ELEVATIONS



Gramercy Commons | Meridian, ID | Conditional Use Permit Application | 03.23.2021

GGLO 7

SECTION 04 | ELEVATIONS



Gramercy Commons | Meridian, ID | Conditional Use Permit Application | 03.23.2021

GGLO 8

EXHIBIT A

SECTION 06 | PERSPECTIVE VIEWS



Gramercy Commons | Meridian, ID | Conditional Use Permit Application | 03.23.2021

GGLO 10

SECTION 06 | PERSPECTIVE VIEWS



Gramercy Commons | Meridian, ID | Conditional Use Permit Application | 03.23.2021

GGLO 11