

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: August 4, 2022

TO: Planning & Zoning Commission

FROM: Sonya Allen, Associate Planner
208-884-5533

SUBJECT: H-2022-0030 – Overland & Wells II –
MDA, CUP, ALT

LOCATION: 2600 E. Overland Rd., in the SE ¼ of
Section 17, Township 3N., Range 1E.
(Parcel #S1117438626)



I. PROJECT DESCRIPTION

The Applicant has submitted an application for a modification to the existing Development Agreement (H-2016-0056, Inst. #2016-060157) to change the development plan on the northern portion of the site from a retail grocery store to multi-family residential; and conditional use permit for a multi-family development consisting of 351 apartment units on 11.65 acres of land in the C-G zoning district at a gross density of 30.13 units per acre.

Alternative compliance is also requested to UDC 11-3H-4D, which requires noise abatement to be provided for residential uses adjacent to a state highway, to allow double-paned windows in lieu of a berm/wall.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	18.75 acres (entire site subject to DA); 11.65 acres (DA modification area & multi-family development)	
Future Land Use Designation	Mixed Use – Regional (MU-R)	
Existing Land Use	Vacant/undeveloped land	
Proposed Land Use(s)	Multi-family development	
Current Zoning	General Retail & Service Commercial (C-G)	
Proposed Zoning	NA	
Lots (# and type; bldg/common)	NA	
Phasing plan (# of phases)	1	
Number of Residential Units (type of units)	351 multi-family units [(7) studio units; (202) 1-bedroom units; and (142) 2-bedroom units]	

Density (gross & net)	30.13 units/acre (gross)	
Open Space (acres, total [%] / buffer / qualified)	2.07 acres (18%)	
Amenities	Clubhouse/lounge with a fitness facility and swimming pool, grills & fire pits, plaza, 10' wide multi-use pathway/trail system, public art, seating areas, pocket library, picnic area & shade structures and charging stations for electric vehicles.	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	4/6/2022	
History (previous approvals)	AZ Ord. #665 (1994, Thomas & Wurst Properties); H-2016-0056 (DA #2016-060157 – Volante Investments); H-2020-0118 (MDA) Inst. #2021-119176 – Volante Investments/WinCo Foods).	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	Yes	
• Requires ACHD Commission Action (yes/no)	No	
Traffic Impact Study (yes/no)	Yes	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Access is proposed from Overland Rd. via S. Wells Ave. at the south boundary of the site and via the extension of E. Cinema Dr. at the west boundary of the site.	
Traffic Level of Service	Overland Rd. – Better than “E” (acceptable level of service is “E”)	
Stub Street/Interconnectivity/ Cross Access	E. Cinema Dr. stops 50' short of the west boundary of the site – no other stub streets exist to this site. Cinema is required to be extended from the west to S. Wells Ave. with the 2 nd phase of WinCo Wells subdivision; Wells will be extended from Overland Rd. with the 1 st phase of WinCo Wells subdivision.	
Existing Road Network	There are no existing internal roadways within the site.	
Existing Arterial Sidewalks / Buffers	A curb, gutter and attached 7' wide sidewalk exists along Overland Rd.; no buffer exists.	
Proposed Road Improvements	Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP): <ul style="list-style-type: none"> Overland Road is listed in the CIP to be widened to 7-lanes from Locust Grove Road to Eagle Road between 2036 and 2040. The intersection of Overland Road and Locust Grove Road is listed in the CIP to be widened to 7-lanes on the north leg, 7-lanes on the south leg, 8-lanes on the east leg, and 7-lanes on the west leg, and signalized between 2026 and 2030. The intersection of Overland Road and Eagle Road is listed in the CIP to be widened to 7-lanes on the north leg, 7-lanes on the south leg, 8-lanes on the east leg, and 8-lanes on the west leg, and signalized between 2031 and 2035. 	
Fire Service		

Description	Details	Page								
<ul style="list-style-type: none">Distance to Fire Station	1.0 mile from Station #4									
<ul style="list-style-type: none">Fire Response Time	Within 5-minute response time goal									
<ul style="list-style-type: none">Resource Reliability	78% (goal is 80% or greater)									
<ul style="list-style-type: none">Risk Identification	2 – current resources would not be adequate to supply service to this project.									
<ul style="list-style-type: none">Accessibility	Meets all required access, road widths and turnarounds									
<ul style="list-style-type: none">Special/resource needs	Will require an aerial device – can meet this need in the required time frame if a truck company is required.									
<ul style="list-style-type: none">Water Supply	Requires 2,500 gallons per minute for 2 hours.									
<ul style="list-style-type: none">Other										
Police Service										
<ul style="list-style-type: none">Distance to Police Station	1.4 miles									
<ul style="list-style-type: none">Police Response Time	3:21 (Priority 3); 5:50 (Priority 2); 11:10 (Priority 1)									
<ul style="list-style-type: none">Calls for Service	3,222 (in RD ‘M751’) – between 5/1/20 and 4/30/22)									
<ul style="list-style-type: none">% of calls for service split by priority	<table><tr><td>% of P3 CFS</td><td>2.6%</td></tr><tr><td>% of P2 CFS</td><td>79.0%</td></tr><tr><td>% of P1 CFS</td><td>16.6%</td></tr><tr><td>% of P0 CFS</td><td>1.8%</td></tr></table>	% of P3 CFS	2.6%	% of P2 CFS	79.0%	% of P1 CFS	16.6%	% of P0 CFS	1.8%	
% of P3 CFS	2.6%									
% of P2 CFS	79.0%									
% of P1 CFS	16.6%									
% of P0 CFS	1.8%									
<ul style="list-style-type: none">Accessibility										
<ul style="list-style-type: none">Specialty/resource needs										
<ul style="list-style-type: none">Crimes	357 (RD – M751 – between 5/1/20 and 4/30/22)									
<ul style="list-style-type: none">Crashes	140 (RD – M751 – between 5/1/20 and 4/30/22)									
<ul style="list-style-type: none">Other	MPD can service this area if approved. For more info, see: https://weblink.meridiancity.org/WebLink/DocView.aspx?id=263854&dbid=0&repo=MeridianCity									
West Ada School District	(No comments were received from WASD)									
Wastewater										
<ul style="list-style-type: none">Distance to Sewer Services	Directly adjacent in East Overland Road.									
<ul style="list-style-type: none">Sewer Shed	Five Mile Trunk Shed									
<ul style="list-style-type: none">Estimated Project Sewer ERU’s	See Application									
<ul style="list-style-type: none">WRRF Declining Balance	14.34									

• Project Consistent with WW Master Plan/Facility Plan	Yes	
• Impacts/Concerns	• No Permanent structures (buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) can be built within the utility easement.	
Water		
• Distance to Water Services	Directly adjacent in East Overland Road.	
• Pressure Zone	4 Pressure is 71PSI with Firm Well 25 off-line.	
• Estimated Project Water ERU's	See application	
• Water Quality	There are two long dead ends for fire hydrants which may result in poor water quality.	
• Project Consistent with Water Master Plan	Yes	
• Impacts/Concerns	Offsite waterline to the east must be installed to allow looping before this development is constructed. Water stub into property at the southeast corner of the apartments needs to be abandoned per City Requirements if it is not used.	

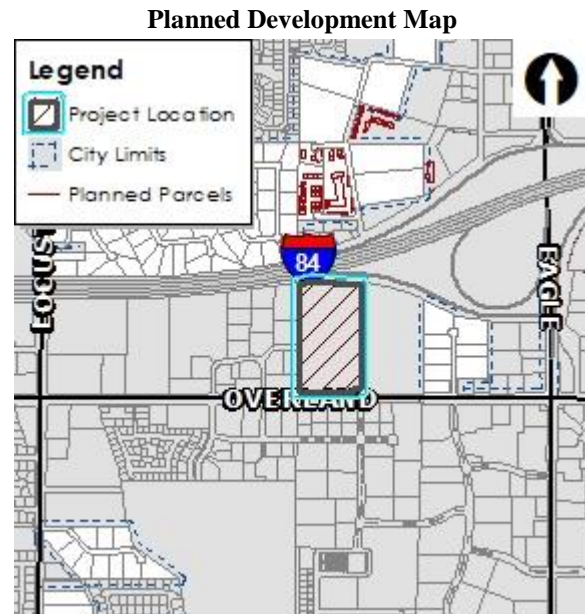
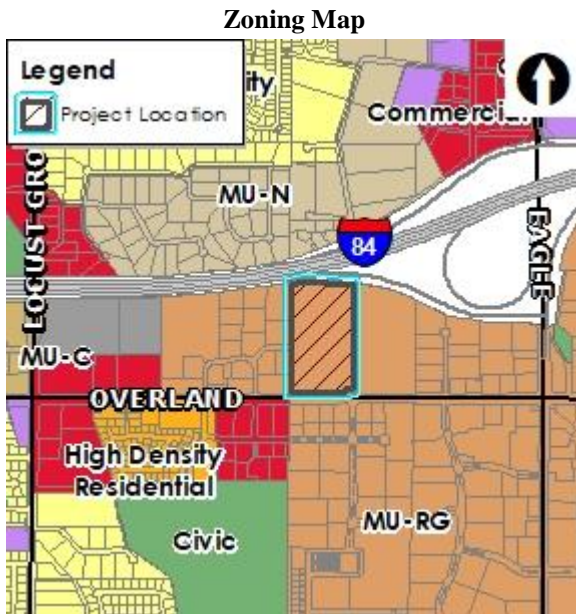
C. Project Maps

Future Land Use Map



Aerial Map





III. APPLICANT INFORMATION

A. Applicant:

Kristen McNeill, Givens Pursley – 601 W. Bannock St., Boise, ID 83702

B. Owner:

WinCo Foods, LLC – PO Box 5756, Boise, ID 83705

C. Agent/Representative:

Jonathan Fragoso, Morgan Stonehill Partners – 333 Josephine St., Ste. 2, Denver, CO 80206

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	7/19/2022	
Radius notification mailed to properties within 300 feet	7/14/2022	
Public hearing notice sign posted on site	7/22/2022	
Nextdoor posting	7/15/2022	

V. COMPREHENSIVE PLAN ([HTTPS://WWW.MERIDIANCITY.ORG/COMPLAN](https://www.meridiancity.org/complan)):

Land Use:

This property is designated Mixed Use – Regional (MU-R) on the Future Land Use Map (FLUM).

The purpose of the MU-R designation is to provide a mix of employment, retail, and residential dwellings and public uses near major arterial intersections. The intent is to integrate a variety of uses together, including residential, and to avoid predominantly single use developments such as a regional retail center with only restaurants and other commercial uses. Developments should be anchored by uses that have a regional draw with the appropriate supporting uses. The developments are encouraged to be designed consistent with the conceptual MU-R plan depicted in Figure 3D (pg. 3-17).

The conceptually approved WinCo grocery store on this site would have provided a regional draw to this area as desired, whereas residential uses do not but they do provide housing for workers in the MU-R designated area and the general vicinity. A multi-family development consisting of 360 units was recently approved to develop on the adjacent property to the east (H-2021-0007 Seasons at Meridian). This in part was justified by the plans to develop a grocery store on this site, which now is proposed to be replaced by more apartments. This development proposes to add another 351 units for a total of 711 apartment units in this immediate area; commercial/retail uses are still anticipated to develop on the southern 7.1 acres of the site. Although the residential uses aren't integrated with the adjacent commercial uses as desired in MU-R designated areas, pathways are proposed for pedestrian connectivity between these uses. While some neighborhood and community services are within walking and biking distance, most of the job base, and especially family-wage jobs, will require driving to employment areas. The City generally considers mixed use areas separated by regional corridors as independent areas. It is difficult to justify them as mixed use when they are less walkable and not integrated. Further, connectivity south across Overland and east across Eagle, programmed to be 7 or more lanes, and increasing pedestrian and bicycle activity across such wide facilities will not be appealing, and may exacerbate signal timings challenges. *Note: Because this property was annexed and entitled with C-G zoning in 1994 without the requirement of a Development Agreement, Staff is not recommending a mix and integration of uses on this site as-is typically desired in the MU-R designation.*

Transportation:

There are no collector streets planned across this site per the Master Street Map (MSM). This site will be accessed from the south by S. Wells Ave. from E. Overland Rd., a mobility corridor, and from the west by E. Cinema Dr., a local street. This site is approximately a half mile west of the Overland/Eagle Rd. intersection, a major arterial intersection, on the south side of the I-84 off-ramp. Transit services are available to serve this site via Route 42.

With the preliminary plat (H-2021-0007 – WinCo Wells), ACHD required additional right-of-way to be dedicated for the widening of Overland Rd. to provide a dedicated westbound right-turn lane at Wells Ave. when Wells is constructed to intersect Overland Rd. The Wells/Overland intersection is required to be signalized prior to issuance of the first Certificate of Occupancy for the multi-family development on the adjacent property to the east (H-2021-0007 DA Inst. 2021-119174). **If this property develops first, the Applicant should work with the adjacent property to the east to coordinate the off-site construction of a westbound right-turn lane on Overland Rd. at the Wells Ave. intersection and signalize the intersection consistent with the ACHD report.**

Overland Rd. is listed in the Capital Improvement Plan (CIP) to be widened to 7-lanes from Locust Grove to Eagle Road between 2036 and 2040. The intersection of Eagle and Overland Roads is listed in the CIP to be widened to 7-lanes on the north leg, 8-lanes on the south, 8-lanes on the east and 8-lanes on the west leg and signalized between 2031 and 2035.

The proposed multi-family development is estimated to generate 1,607 additional trips/day with 138 additional vehicle trips/hour in the PM peak hour. The grocery store was estimated to generate an

additional 7,723 trips/day with 555 additional trips/hour in the PM peak hour and 820 additional trips/hour in the Saturday peak hour.

The ACHD report states the PM peak hour traffic count for Overland Rd. is estimated at 1,540, which is a PM peak hour level of service of better than “E”; acceptable level of service for a five-lane principal arterial is “E”. Although overall, the level of service may be “acceptable”, certain roadway segments and/or intersections turning movements are currently failing and will be worse with the adjacent multi-family development to the east and the proposed development. One of the most congested AM peak hour travel movements – eastbound Overland traffic turning north on Eagle – is also operating at an ‘E’ service currently. This travel movement exceeds the desired V/C ratio of 0.8, currently at 0.9, and increase to 1.16 with (or without) this project constructed. One of the mitigation strategies is simply to increase the green signal time of this movement. Other travel directions also suffer from significant congestion, including the northbound Eagle travel lane, a conflicting direction, which in the AM may back up through both Goldstone and Copper Point. With the development to the east, [ACHD](#) recommended mitigation measures to lessen the impacts from the development including revisions to the phasing plan to coincide with the District’s planning Capital Projects and reducing the scope and/or scale of the project. *See ACHD report in Section IX.H for more information.*

COMPREHENSIVE PLAN POLICIES (<https://www.meridiancity.org/compplan>):

Goals, Objectives, & Action Items: Staff finds the following Comprehensive Plan policies to be applicable to this application and apply to the proposed use of this property (staff analysis in *italics*):

- “Encourage a variety of housing types that meet the needs, preferences, and financial capabilities of Meridian’s present and future residents.” (2.01.02D)

The proposed multi-family apartments will contribute to the variety of housing types in the City and specifically in the southern portion of the City.

- “Permit new development only where it can be adequately served by critical public facilities and urban services at the time of final approval, and in accord with any adopted levels of service for public facilities and services.” (3.03.03F)

City water and sewer services are available and can be extended by the developer with development in accord with UDC 11-3A-21.

- “Locate higher density housing near corridors with existing or planned transit, Downtown, and in proximity to employment centers.” (2.01.01H)

The proposed multi-family development is located along I-84 and E. Overland Rd., a mobility arterial, which is a major east/west corridor proposed to be widened to 7-lanes; and in close proximity to neighboring employment centers in the Bonito, Rackham and Silverstone subdivisions at Eagle/Overland. Transit services are available to serve this area.

- “Require all new development to create a site design compatible with surrounding uses through buffering, screening, transitional densities, and other best site design practices.” (3.07.01A)

The proposed apartment buildings will be set back over 100’ from the northern property line adjacent to the I-84 off-ramp. A 35’ wide landscaped street buffer is proposed along the northern boundary; a 22-foot wide buffer is proposed along the western boundary; and a 10-foot wide buffer is proposed along the southern boundary adjacent to Cinema Dr. The tallest buildings at 4-stories in height are proposed on the northern portion of the site with 3-story buildings on the southern portion.

- “Avoid the concentration of any one housing type or lot size in any geographical area; provide for diverse housing types throughout the City.” (2.01.01G)

The proposed multi-family apartments will contribute to the mix of housing types available in the City. There is currently a mix of housing types within a mile of this site consisting of single-family, townhomes and multi-family apartments.

- “Encourage compatible uses and site design to minimize conflicts and maximize use of land.” (3.07.00)

The proposed multi-family apartments should be compatible with future like uses to the east and existing retail, restaurant, service, entertainment and employment uses in the nearby vicinity, which should minimize conflicts and maximize use of land.

- “Ensure development is connected to City of Meridian water and sanitary sewer systems and the extension to and through said developments are constructed in conformance with the City of Meridian Water and Sewer System Master Plans in effect at the time of development.” (3.03.03A)

The proposed development will connect to City water and sewer systems; services are required to be provided to and through this development in accord with current City plans.

- “Maximize public services by prioritizing infill development of vacant and underdeveloped parcels within the City over parcels on the fringe.” (2.02.02)

The area surrounding this vacant site is part of the City and is almost entirely developed with the exception of the property to the east which is approved for a multi-family development (H-2020-0118; H-2021-0007). Development of this infill property will result in more efficient provision of public services.

- “Require urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, water and sewer utilities.” (3.03.03G)

Urban sewer and water infrastructure and curb, gutter and sidewalks is required to be provided with development as proposed.

- “Encourage and support mixed-use areas that provide the benefits of being able to live, shop, dine, play, and work in close proximity, thereby reducing vehicle trips, and enhancing overall livability and sustainability.” (3.06.02B)

The proposed multi-family development and future retail development is in close proximity to employment, restaurant, entertainment, office and service uses. This mix of uses will enable residents to shop, dine, play and work in close proximity to their residence, thus reducing vehicle trips and enhancing overall livability and sustainability.

- “Slow the outward progression of the City's limits by discouraging fringe area development; encourage development of vacant or underutilized parcels currently within City limits.” (4.05.03B)

Development of the subject vacant land, currently in the City limits, is encouraged over parcels on the fringe of the City. The development of this property will result in better provision of City services.

VI. STAFF ANALYSIS

A. DEVELOPMENT AGREEMENT MODIFICATION (MDA)

A modification to the existing Development Agreement (DA) (H-2016-0056 Volante Investments – Inst. #2016-0060157) is proposed to change the use and update the conceptual development plan and building elevations for the northern portion of the site. The DA originally included the abutting property to the east at 2700 E. Overland Rd. but was amended in 2021 to exclude that property from the agreement and deleted provision #5.1.3 which pertained to development of that property (H-2020-0118, Inst. #2021-119176).

The existing conceptual development plan depicts an 85,000 square foot WinCo Foods grocery store on the northern portion of the site and vacant land on the southern portion of the site planned for retail uses. The proposed plan is for a 351-unit apartment complex (i.e. multi-family development); seven (7) retail building pads are depicted on the southern portion of the site. This is the same developer of the multi-family development to the east that was recently approved for 360 units – this project will be phase II.

WinCo has decided not to open a new store in this location and instead is planning to remodel its existing store in Meridian on S. Progress Ave. They feel this is not a favorable location for another store and that it's not in their best interest to sell this land to another commercial or retail user.

As discussed above in Section V, Staff believes the proposed plan provides housing for nearby employment uses and contributes to the mix of uses desired in the MU-R designation. The adjacent commercial development to the west provides retail, restaurant and entertainment uses which will be utilized by the residents and are within easy walking distance.

Staff is generally supportive of the proposed modification; however, has concerns about the negative impact any development of this property will have on the existing transportation network in this area.

B. CONDITIONAL USE PERMIT (CUP)

Conditional use permit for a multi-family development consisting of 351 residential units [(7) studio units, (202) 1-bedroom & (142) 2-bedroom units] on 11.65 acres of land in the C-G zoning district at a gross density of 30.13 units per acre. The two (2) northern buildings (Building 3) will be 4-stories in height, the two (2) southern buildings (Buildings 1 and 2) will be 3-stories in height and the clubhouse will be 2-stories in height. Dwelling units will range in size from 569 to 1,159 square feet. This development is proposed to be constructed in one phase.

Specific Use Standards (UDC 11-4-3):

The proposed use is subject to the following standards: *(Staff's analysis/comments in italic text)*

11-4-3-27: MULTI-FAMILY DEVELOPMENT:

“B. Site Design:

1. Buildings shall provide a minimum setback of ten feet (10') unless a greater setback is otherwise required by this title and/or [title 10](#) of this Code. Building setbacks shall take into account windows, entrances, porches and patios, and how they impact adjacent properties. *The proposed structures appear to comply with this standard except for the garages along the eastern property boundary; the site plan should be revised to reflect a minimum 10-foot wide building setback around the perimeter of the development.*
2. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, and transformer and utility vaults shall be located in an area not visible from a public street, or shall be fully screened from view from a public street. *The site plan depicts screened trash enclosures not visible from a public street; all proposed transformer/utility vaults and other service areas shall comply with this requirement.*
3. A minimum of eighty (80) square feet of private, usable open space shall be provided for each unit. This requirement can be satisfied through porches, patios, decks, and/or enclosed yards. Landscaping, entryway and other access ways shall not count toward this requirement. In circumstances where strict adherence to such standard would create inconsistency with the purpose statements of this section, the Director may consider an alternative design proposal through the alternative compliance provisions as set forth in section [11-5B-5](#) of this title. *The Applicant's narrative states a minimum of 80 square feet of private usable open space will be provided for each unit in the form of balconies and patios. Floor plans should be submitted*

with the Certificate of Zoning Compliance application that demonstrate compliance with this standard.

4. For the purposes of this section, vehicular circulation areas, parking areas, and private usable open space shall not be considered common open space. *These areas were not included in the common open space calculations for the site.*
5. No recreational vehicles, snowmobiles, boats or other personal recreation vehicles shall be stored on the site unless provided for in a separate, designated and screened area. *The Applicant shall comply with this requirement.*
6. The parking shall meet the requirements set forth in [chapter 3](#), "Regulations Applying to All Districts", of this title. *The proposed parking meets and exceeds UDC standards per the analysis below.*

Based on (7) studio units; (202) 1-bedroom units; (142) 2-bedroom units and a 9,950 square foot clubhouse, a minimum of 629 off-street parking spaces are required, including guest parking, with 344 of those in a covered carport or garage. Accessible parking is required in accord with ADA standards. A total of 653 spaces are proposed, which exceeds the minimum standards by 24 spaces.

Based on 653 vehicle parking spaces, a minimum of 27 bicycle parking spaces shall be provided in accord with the standards listed in UDC [11-3C-5C](#). A total of 27 bicycle spaces are proposed in accord with this standard.

7. Developments with twenty (20) units or more shall provide the following:
 - a. A property management office.
 - b. A maintenance storage area.
 - c. A central mailbox location, including provisions for parcel mail, that provide safe pedestrian and/or vehicular access.
 - d. A directory and map of the development at an entrance or convenient location for those entering the development. (Ord. 18-1773, 4-24-2018)

The Applicant's narrative states these items will be provided; the site plan submitted with the Certificate of Zoning Compliance application should depict the location of these items in accord with this standard.

- C. Common Open Space Design Requirements (UDC [11-4-3-27C](#)): The total baseline land area of all qualified common open space shall equal or exceed ten (10) percent of the gross land area for multi-family developments of five (5) acres or more. Based on 11.65 acres of land, a minimum of 1.17 acres of common open space is required to be provided.

In addition to the baseline open space requirement, a minimum area of outdoor common open space shall be provided as follows:

- a. One hundred fifty (150) square feet for each unit containing five hundred (500) or less square feet of living area. *None of the units are below 500 square feet (s.f.) of living area.*
- b. Two hundred fifty (250) square feet for each unit containing more than five hundred (500) square feet and up to one thousand two hundred (1,200) square feet of living area. *All 351 units are between 500 and 1,200 s.f.; therefore, a total of 87,750 s.f. (or 2.01 acres) of common open space is required.*

- c. Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area. *None of the units are over 1,200 s.f. of living area.*

Per this standard, a total of 87,750 s.f. (or 2.01 acres) of common open space is required.

Combined with the 1.17 acres noted above for the baseline requirement, a minimum of 3.18 acres of common open space that meets the standards listed in UDC 11-4-3-27C is required to be provided in the proposed development.

A total of 110,905 square feet (or 2.55 acres) of common open space is proposed consisting of linear open space along the north & west boundaries of the site with a 10-foot wide multi-use pathway connecting to the pathway in the first phase of the development to the east; a park with grass consisting of 9,803 s.f. in area; a large amenity area; roof-top terraces on the clubhouse and leasing office; and street buffer and additional common area along E. Cinema Dr., a local street as depicted on the open space exhibit in Section VIII.D.

There is an existing 40-foot wide sewer easement centered on the west property boundary (20' on this site) that contains an access road. A 14-foot wide access road is required to be maintained on this site; lawn and shrubs are allowed outside of the access road area within the easement but trees are not. Staff recommends an additional 5-feet is provided outside of the easement area for trees per the standards listed in UDC [11-3B-8C](#) and [11-3B-12C](#); or, apply for alternative compliance as set forth in UDC [11-5B-5](#). (Note: If wheel stops are not proposed to be provided within abutting parking spaces, an additional 2-feet is required to be added to the adjacent buffer to allow for vehicle overhang per UDC 11-3C-5B; the length of parking spaces may be reduced by 2-feet to 17-feet if 2-feet is added to the buffer width.) In order to count toward the open space requirement, the area must not be less than 400 s.f. in area and shall have a minimum length and width of 20-feet and be fully landscaped. The non-landscaped area where the maintenance road is located may not count toward the common open space requirement; therefore, the open space exhibit should be revised and additional open space should be provided to meet the minimum 3.18 acres. Also an option would be to request alternative compliance to the common open space standards listed in UDC 11-4-3-27C per 11-4-3-27C.3b. Note: The allowance for alternative compliance (ALT) was intended to apply to the baseline common open space requirement but was inadvertently placed in the wrong code section with the last amendment – this is being rectified with the next series of code amendments but until then, ALT can be requested.

2. Common open space shall be not less than four hundred (400) square feet in area, and shall have a minimum length and width dimension of twenty feet (20'). *The common open space areas depicted on the open space exhibit in Section VIII.E meet this requirement.*
 3. In phased developments, common open space shall be provided in each phase of the development consistent with the requirements for the size and number of dwelling units. *This project is proposed to develop in one phase.*
 4. Unless otherwise approved through the conditional use process, common open space areas shall not be adjacent to collector or arterial streets unless separated from the street by a berm or constructed barrier at least four feet (4') in height, with breaks in the berm or barrier to allow for pedestrian access. (Ord. 09-1394, 3-3-2009, eff. retroactive to 2-4-2009) *None of the common open space is located adjacent to a collector or an arterial street.*
- D. Site Development Amenities: All multi-family developments shall provide for quality of life, open space, and recreation amenities to meet the particular needs of the residents as noted in UDC 11-4-3-27D. The number of amenities shall depend on the size of the multi-family development based on the number of units.

For multi-family developments with 75 units or more, four (4) amenities shall be provided with at least one (1) from each category. For developments with more than 100 units such as this, the decision-making body shall require additional amenities commensurate to the size of the proposed development.

The following amenities are proposed from each of the following categories: 1) Quality of Life – clubhouse/lounge with a game room, 24-hour fitness facility, coffee bar and a business center; pocket library; grills and fire pits; and public art space; 2) Open Space – 9,620 s.f. grassy courtyard area with six (6) seating areas with benches and shade structures, a hammock lawn, a 3,800 s.f. rooftop terrace, and a pocket library; 3) Recreation: swimming pool and a 10-foot wide multi-use pathway around the west and north boundaries of the site that connects to the perimeter pathway in Phase I; and 4) Multi-Modal: charging stations for electric vehicles. *Staff is of the opinion the proposed amenities are commensurate with the size of development proposed.*

- E. Landscaping Requirements: Development shall meet the minimum landscaping requirements in accord with chapter 3, "Regulations Applying to All Districts", of this title. Additionally, all street facing elevations shall have landscaping along their foundation that complies with the standards listed in UDC 11-4-3-27E.2. *The landscape plan submitted with the Certificate of Zoning Compliance application should depict landscaping along the street facing elevations adjacent to E. Cinema Dr. in accord with these standards. Landscaping is required to be provided along all pathways per the standards listed in UDC 11-3B-12C. Street buffer landscaping along the I-84 off-ramp, classified as an entryway corridor, and along E. Cinema Dr., a local street, is required to be installed with the subdivision improvements.*
- F. Maintenance and Ownership Responsibilities: All multi-family developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features.” *The Applicant shall comply with this requirement; a copy of such shall be submitted to the Planning Division prior to issuance of the first Certificate of Occupancy within the development.*

Noise Abatement: Because residential uses are proposed adjacent to I-84, noise abatement is required to be provided within the buffer along I-84 in accord with the standards listed in UDC [11-3H-4D](#). Noise abatement in the form of a berm or a berm and wall combination is required to be provided approximately parallel to the freeway. The top of the berm or berm/wall is required to be a minimum of 10-feet higher than the elevation at the centerline of the freeway. The Applicant is *not* proposing to construct a berm and/or wall as required and requests alternative compliance to this standard. *Per UDC 11-3H-4D.4, the Director may approve alternative compliance as set forth in UDC 11-5 where the Applicant has a substitute noise abatement proposal in accord with ITD standards and prepared by a qualified sound engineer.*

Alternative compliance (ALT) to the noise abatement standards is requested because the buildings along the northern boundary of the site are set back between 110 and 145+/- feet from the I-84 off-ramp and a berm/wall with landscaping would not adequately buffer a multi-story building. A letter was submitted from Bionomics Environmental, Inc., listed on ITD’s website as an acceptable consultant for noise studies, with an alternate recommendation for noise abatement in the form of double-paned windows with an STC rating of 31 for all units facing I-84 and the off-ramp and minimizing the number of window openings facing I-84. The letter states that in his opinion, double-paned windows are preferable to a noise wall and will provide adequate noise abatement for this site based on the reasons in the letter included in Section VIII.G. Based on this analysis, the Director is supportive of the request for ALT for double-pane windows with an STC rating of 31 to be provided in all units facing I-84 and the off-ramp.

Building Elevations (*UDC [11-3A-19](#) | [Architectural Standards Manual](#)*): Conceptual building elevations and perspectives were submitted for the proposed structures as shown in Section VIII.E. A modernist vernacular theme of design is proposed with a monochromatic color palette of off-whites and shades of gray with lap siding accents and decorative balcony railings for color and texture. Final design of all structures is required to comply with the design standards in the Architectural Standards Manual.

A final plat application is required to be submitted, approved and a plat recorded for the second phase of WinCo Wells subdivision (H-2021-0007) to create a developable parcel prior to submittal of a Certificate of Zoning Compliance and Design Review application for the proposed development.

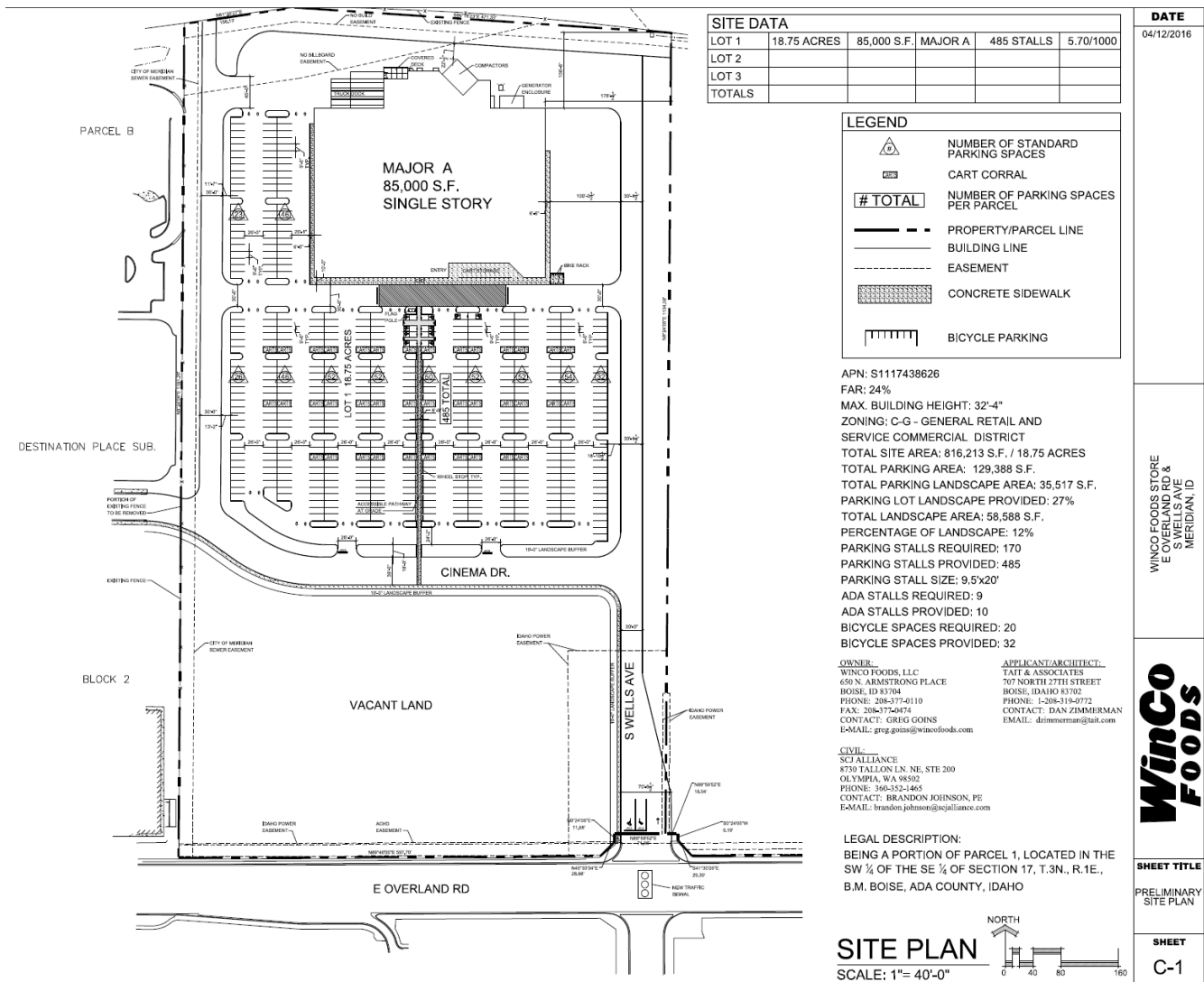
VII. DECISION

A. Staff:

Staff recommends approval of the proposed modification to the existing Development Agreement and Conditional Use Permit; and the Director has approved the request for Alternative Compliance per the provisions included in Section IX in accord with the Findings in Section X.

VIII. EXHIBITS

A. Existing Conceptual Development Plan & Building Elevations and Conditions





April 11, 2016

OVERLAND AND WELLS | WINCO FOODS - MERIDIAN, IDAHO

A 01



4. **USES PERMITTED BY THIS AGREEMENT:** This Agreement shall vest the right to develop the Property in accordance with the terms and conditions of this Agreement.

4.1 The uses allowed pursuant to this Agreement are only those uses allowed under the UDC.

4.2 No change in the uses specified in this Agreement shall be allowed without modification of this Agreement.

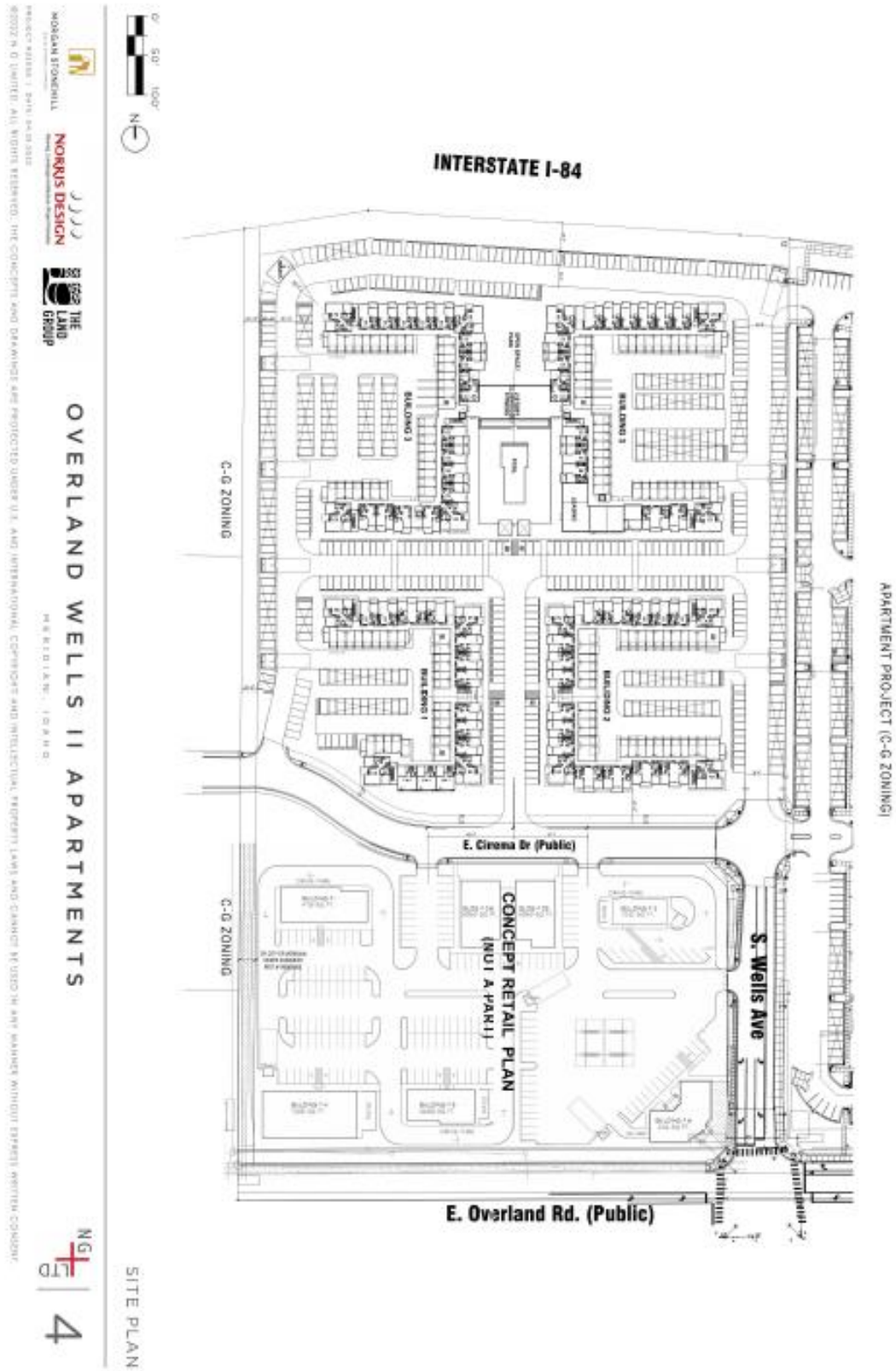
5. **CONDITIONS GOVERNING DEVELOPMENT OF SUBJECT PROPERTY:**

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

1. All development shall comply with City of Meridian ordinances and the Comprehensive Plan.
2. Development of the west parcel located at 2600 E. Overland Road property shall be generally consistent with the conceptual development plan and building elevations included in Exhibits A.4 and A.5.
3. Prior to development of the east parcel located at 2700 E. Overland Road, the Development Agreement shall be modified to include a conceptual development plan that is consistent with the MU-R FLUM designation contained in the Comprehensive Plan.
4. With development of the subject property, the developer is required to extend sewer & water mains to and through the property.
5. Future development shall comply with the design standards contained in UDC 11-3A-19 and the Architectural Standards Manual and/or any updated versions thereof.

Note: Provision #5.1.3 was stricken by the 1st Addendum to the DA (H-2020-0118, Inst. #2021-119176).

B. Proposed Conceptual Development Plan



C. Proposed Landscape Plan, Site Amenity Plan & Site Data (date: 4/27/2022)

GENERAL LANDSCAPE NOTES

- THE CONTRACTOR SHALL FOLLOW THE LANDSCAPE PLANS AND SPECIFICATIONS AS CLOSELY AS POSSIBLE. ANY SUBSTITUTION OR ALTERATION SHALL NOT BE ALLOWED WITHOUT APPROVAL OF THE OWNER'S REPRESENTATIVE. GENERAL PLANT QUANTITY AND QUALITY SHALL BE CONSISTENT WITH THE PLANS.
- THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL PLANT QUANTITIES. GRAPHIC QUANTITIES TAKE PRECEDENCE OVER WRITTEN QUANTITIES. THE OWNER'S REPRESENTATIVE RESERVES THE RIGHT TO INSPECT AND TAG ALL PLANT MATERIAL PRIOR TO SHIPPING TO THE SITE. IN ALL CASES, THE OWNER'S REPRESENTATIVE MAY SELECT PLANT MATERIAL AT THE SITE IF MATERIAL IS DAMAGED, DISEASED, OR DECLINING HEALTH AT THE TIME OF ON-SITE INSPECTIONS OR IF THE PLANT MATERIAL DOES NOT MEET THE MINIMUM SPECIFIED STANDARD IDENTIFIED ON THE PLANS AND IN THE SPECIFICATIONS. THE CONTRACTOR SHALL COORDINATE WITH THE OWNER'S REPRESENTATIVE FOR INSPECTION AND APPROVAL OF ALL MATERIALS AND PRODUCTS PRIOR TO INSTALLATION.
- THE OWNER'S REPRESENTATIVE MAY ELECT TO UPLIFT PLANT MATERIAL AT THEIR DISCRETION BASED ON SELECTION, AVAILABILITY, OR TO ENHANCE SPECIFIC AREAS OF THE PROJECT. THE CONTRACTOR SHALL VERIFY PLANT MATERIAL SIZES WITH OWNER'S REPRESENTATIVE PRIOR TO PACKAGING, SHIPPING OR STOCKING OF PLANT MATERIALS. SUBMIT CHANGE ORDER REQUEST TO OWNER'S REPRESENTATIVE FOR APPROVAL IF ADDITIONAL COST IS REQUESTED BY THE CONTRACTOR PRIOR TO INSTALLATION. RES-TOCKING CHARGES WILL NOT BE APPROVED IF THE CONTRACTOR FAILS TO SUBMIT A REQUEST FOR MATERIAL CHANGES.
- THE CONTRACTOR SHALL WARRANTY ALL CONTRACTED WORK AND MATERIALS FOR A PERIOD OF ONE YEAR AFTER SUBSTANTIAL COMPLETION HAS BEEN ISSUED BY THE OWNER'S REPRESENTATIVE FOR THE ENTIRE PROJECT UNLESS OTHERWISE SPECIFIED IN THE CONTRACT DOCUMENTS OR SPECIFICATIONS.
- REFER TO IRRIGATION PLANS FOR LIMITS AND TYPES OF IRRIGATION DESIGNED FOR THE LANDSCAPE. IN NO CASE SHALL IRRIGATION BE OMITTED WITHIN THE MINIMUM DISTANCE FROM BUILDING OR WALL FOUNDATIONS AS STIPULATED IN THE GEOTECHNICAL REPORT. ALL IRRIGATION DISTRIBUTION LINES, HEADS AND EMITTERS SHALL BE KEPT OUTSIDE THE MINIMUM DISTANCE AWAY FROM ALL BUILDING AND WALL FOUNDATIONS AS STIPULATED IN THE GEOTECHNICAL REPORT.
- LANDSCAPE MATERIAL LOCATIONS SHALL HAVE PRECEDENCE OVER IRRIGATION MAINLINE AND LATERAL LOCATIONS. COORDINATE INSTALLATION OF IRRIGATION EQUIPMENT SO THAT IT DOES NOT INTERFERE WITH THE PLANTING OF TREES OR OTHER LANDSCAPE MATERIAL.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING POSITIVE DRAINAGE EXISTS IN ALL LANDSCAPE AREAS. SURFACE DRAINAGE ON LANDSCAPE AREAS SHALL NOT FLOW TOWARD STRUCTURES AND FOUNDATIONS. MAINTAIN SLOPE AWAY FROM FOUNDATIONS PER THE GEOTECHNICAL REPORT RECOMMENDATIONS. ALL LANDSCAPE AREAS BETWEEN WALLS AND CURBS SHALL DRAIN FREELY TO THE CURB UNLESS OTHERWISE IDENTIFIED ON THE GRADING PLAN. IN NO CASE SHALL THE GRADE, TURF TWITCH, OR OTHER LANDSCAPE MATERIALS COME IN CONTACT WITH WALLS. MINIMUM SLOPES ON LANDSCAPE AREAS SHALL BE 2% MAXIMUM SLOPE SHALL BE 2% UNLESS SPECIFICALLY IDENTIFIED ON THE PLANS OR APPROVED BY THE OWNER'S REPRESENTATIVE.
- PRIOR TO INSTALLATION OF PLANT MATERIALS, AREAS THAT HAVE BEEN COMPACTED OR DISTURBED BY CONSTRUCTION ACTIVITY SHALL BE THOROUGHLY LOOSENED TO A DEPTH OF 8" - 12" AND AMENDED PER SPECIFICATIONS.
- ALL LANDSCAPED AREAS ARE TO RECEIVE ORGANIC SOIL PREPARATION AT 4 cu yds/1,000 sq ft OR AS NOTED IN THE TECHNICAL SPECIFICATIONS.
- TREES SHALL NOT BE LOCATED IN GRASSLESS, GRAVELLED AREAS, OR UTILITY EASEMENTS. CONTACT OWNER'S REPRESENTATIVE FOR RELOCATION OF PLANTS IN QUESTIONABLE AREAS PRIOR TO INSTALLATION.
- THE CENTER OF EVERGREEN TREES SHALL NOT BE PLACED CLOSER THAN 8" AND THE CENTER OF ORNAMENTAL TREES CLOSER THAN 6" FROM A SIDEWALK, STREET OR DRIVE LANE. EVERGREEN TREES SHALL NOT BE LOCATED ANY CLOSER THAN 18" FROM IRRIGATION ROTOR HEADS. NOTIFY OWNER'S REPRESENTATIVE IF TREE LOCATIONS CONFLICT WITH THESE STANDARDS FOR FURTHER DIRECTION.
- ALL EVERGREEN TREES SHALL BE FULLY BRANCHED TO THE GROUND AND SHALL NOT EXHIBIT SIGNS OF ACCELERATED GROWTH AS DETERMINED BY THE OWNER'S REPRESENTATIVE.
- ALL TREES ARE TO BE STAKED AND GUYNED PER DETAILS FOR A PERIOD OF 1 YEAR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING STAKES AT THE END OF 1 YEAR FROM ACCEPTANCE OF LANDSCAPE INSTALLATION BY THE OWNER'S REPRESENTATIVE. OBTAIN APPROVAL BY OWNER'S REPRESENTATIVE PRIOR TO REMOVAL.
- ALL TREES INSTALLED ABOVE RETAINING WALLS UTILIZING GEO-GRID MUST BE HAND DUG TO PROTECT GEO-GRID. IF GEO-GRID MUST BE CUT TO INSTALL TREES, APPROVAL MUST BE GIVEN BY OWNER'S REPRESENTATIVE PRIOR TO DOING WORK.
- ALL TREES IN SEED OR TURF AREAS SHALL RECEIVE MULCH RINGS. OBTAIN APPROVAL FROM OWNER'S REPRESENTATIVE FOR ANY TREES THAT WILL NOT BE MULCHED FOR EXCESSIVE MOISTURE REASONS.
- SHRUB, GROUND COVER AND PERENNIAL BEDS ARE TO BE CONTAINED BY 4" x 14 GAUGE GREEN ROLL TOP INTERLOCKING TYPE EDGER, RIVISON OR EQUAL. EDGER IS NOT REQUIRED WHEN ADJACENT TO CURBS, WALLS, WALKS OR SOLID FENCES WITHIN 2" OF PRE-MULCHED FINAL GRADE. EDGER SHALL NOT BE REQUIRED TO SEPARATE MULCH TYPES UNLESS SPECIFIED ON THE PLANS.
- ALL SHRUB BEDS ARE TO BE MULCHED WITHIN 2" DEPTH, 3/4" x 3/4" TAN FIBER FLOCK OVER SPECIFIED GEOTEXTILE WEED CONTROL FABRIC. ALL GROUND COVER AND PERENNIAL FLOWER BEDS SHALL BE MULCHED WITH 2" DEPTH GORILLA HART SHREDED CLEAR LANDSCAPE MULCH. NO WEED CONTROL FABRIC IS REQUIRED IN GROUND COVER OR PERENNIAL AREAS.
- AT SEED AREA BOUNDARIES ADJACENT TO EXISTING NATURAL AREAS, OVERLAP ADJUTING NATURAL AREAS BY THE FULL WIDTH OF THE SEEDER.
- EXISTING TURF AREAS THAT ARE DESTROYED DURING CONSTRUCTION ESTABLISHMENT AND THE MAINTENANCE PERIOD SHALL BE RESTORED WITH NEW SOIL TO MATCH EXISTING TURF SPECIES. DISTURBED NATURAL AREAS WHICH ARE TO REMAIN SHALL BE OVER SEEDS AND RESTORED WITH SPECIFIED SEED MIX.
- CONTRACTOR SHALL OVER SEED ALL MAINTENANCE OR SERVICE ACCESS BENCHES AND ROADS WITH SPECIFIED SEED MIX UNLESS OTHERWISE NOTED ON THE PLANS.
- ALL SEEDS SLOPES EXCEEDING 25% IN GRADE (A-1) SHALL RECEIVE EROSION CONTROL BLANKETS. PRIOR TO INSTALLATION, NOTIFY OWNER'S REPRESENTATIVE FOR APPROVAL OF LOCATION AND ANY ADDITIONAL COST IF A CHANGE ORDER IS NECESSARY.
- WHEN COMPLETE, ALL GRADES SHALL BE WITHIN +/- 1/8" OF FINISHED GRADES AS SHOWN ON THE PLANS.
- SOFT SURFACE TRAILS NEXT TO MANICURED TURF OR SHIRTS BEDS SHALL BE CONTAINED WITH 4" x 14 GAUGE GREEN ROLL TOP EDGER, RIVISON OR EQUAL.
- WHEN PLANTER URNS ARE SHOWN ON PLANS, CONTRACTOR SHALL INCLUDE THE FOLLOWING PLANTER MIX, ANNUAL FLOWER PLANTING PROGRAM (INCLUDES 2 PLANTINGS) FOR THE 1ST YEAR (SPRING AND FALL) AND WINTER MAINTENANCE AS NEEDED. UNLESS OTHERWISE SPECIFIED, CONTRACTOR TO PROVIDE ANNUAL PLANTING SELECTION FOR REVIEW BY OWNER. IRRIGATION FOR PLANTERS TO BE ON SEPARATE ZONES; CONTRACTOR TO COORDINATE PLACEMENT OF NECESSARY SLEEVING PRIOR TO PLACEMENT OF PLANTMENT.
- PRIOR TO THE PLACEMENT OF MULCH AND WEED FABRIC, A GRANULAR, PRE-EMERGENT, WEED CONTROL AGENT SHALL BE ADDED TO ALL PLANTING BEDS IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTION, EXCEPT AROUND ORNAMENTAL GRASSES.
- THE CONTRACTOR IS EXPECTED TO KNOW AND UNDERSTAND THE CITY AND COUNTY SPECIFICATIONS FOR LANDSCAPE AND IRRIGATION. IN CASES OF DISCREPANCIES THE HIGHER OF THE TWO STANDARDS SHALL HAVE PRECEDENCE.
- THE DEVELOPER, HIS SUCCESSORS AND ASSIGNS SHALL BE RESPONSIBLE FOR THE INSTALLATION, MAINTENANCE AND REPLACEMENT OF ALL IMPROVEMENTS SHOWN OR INDICATED ON THE APPROVED LANDSCAPE PLAN ON FILE IN THE PLANNING DEPARTMENT.

PLANT SCHEDULE

DECIDUOUS TREES	BOTANICAL NAME	ROOT	SIZE	QTY
AC AB	ACER X FREEMANNI 'JEFFERS RED' TM	8.8 B	2" CAL	15
CA BE	CARPINUS BETULUS 'FASTIGIATA'	8.8 B	2" CAL	14
CE OC	CELTIS OCCIDENTALIS	8.8 B	2" CAL	24
CL PE	CLADRASTIS KENTUCKEA 'PERKINS PINK'	8.8 B	2" CAL	11
GI AG	GINKGO BILOBA 'AUTUMN GOLD' TM	8.8 B	2" CAL	7
UL CA	ULMUS X FRONTIER	8.8 B	2" CAL	17
EVERGREEN TREES	BOTANICAL NAME	ROOT	SIZE	QTY
PI FA	PICEA RUGENS 'FASTIGIATA'	8.8 B	6' HEIGHT	15
TA SK	TAXODIUM DISTICHUM 'SKYWARD' TM	8.8 B	6' HT.	6
ORNAMENTAL TREES	BOTANICAL NAME	ROOT	SIZE	QTY
AC HW	ACER TATARICUM 'HOT WINGS'	8.8 B	1.5" CAL	33
AM AS	AMELANCHIER X GRANDIFLORA 'AUTUMN BRILLIANCE'	8.8 B	6' CLUMP	19

STREET TREES	LENGTH (LF)	TREES REQUIRED	TREES PROVIDED
STREET	510	15	35
E CINEMA DRIVE			

STREET BUFFERS	BUFFER WIDTH REQUIRED	BUFFER WIDTH PROVIDED
STREET		
E CINEMA DRIVE	30'	41'

ADIACNET USE BUFFERS	BUFFER WIDTH REQUIRED	BUFFER WIDTH PROVIDED
LOCATION		
NORTH BUFFER	35'	35'
WEST BUFFER	20'	22'

PARKING LOT BUFFERS	WIDTH PROVIDED
WIDTH REQUIRED	5'
	5'

INTERNAL LANDSCAPING	TREES REQUIRED	TREES PROVIDED
TOTAL # OF STALLS	10	15
653		



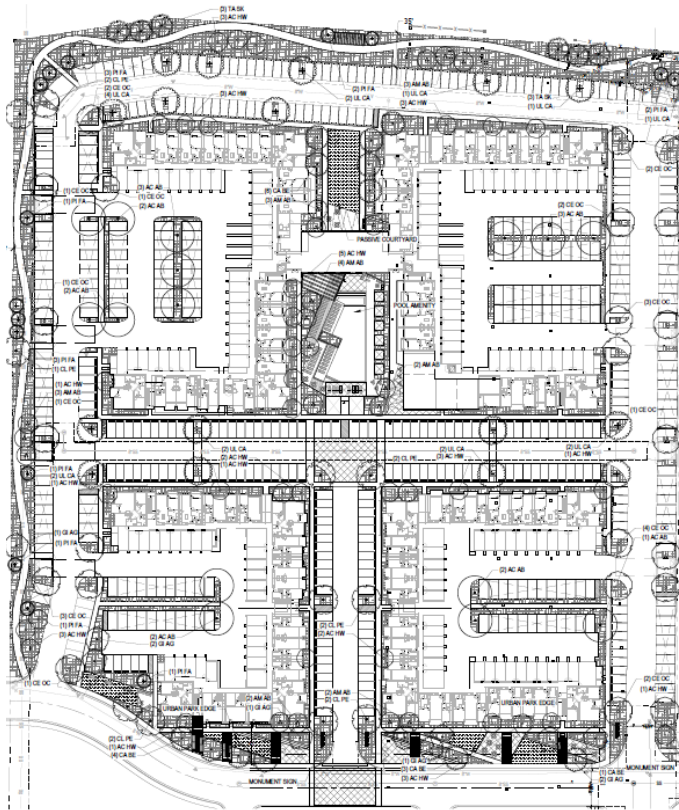
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www.norusedesign.com

OVERLAND WELLS II
MORGAN HOLDINGS & STONEHILL
JULIE L. CANTALANO, OWNER
INTERIOR DESIGNER

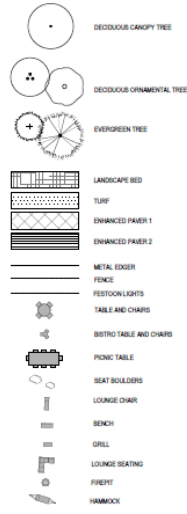


Project No. 19070128
Date of Revision 10/27/2021
Project Location: OVERLAND WELLS II, WEST
LANDSCAPE NOTES

1.1.0



LEGEND



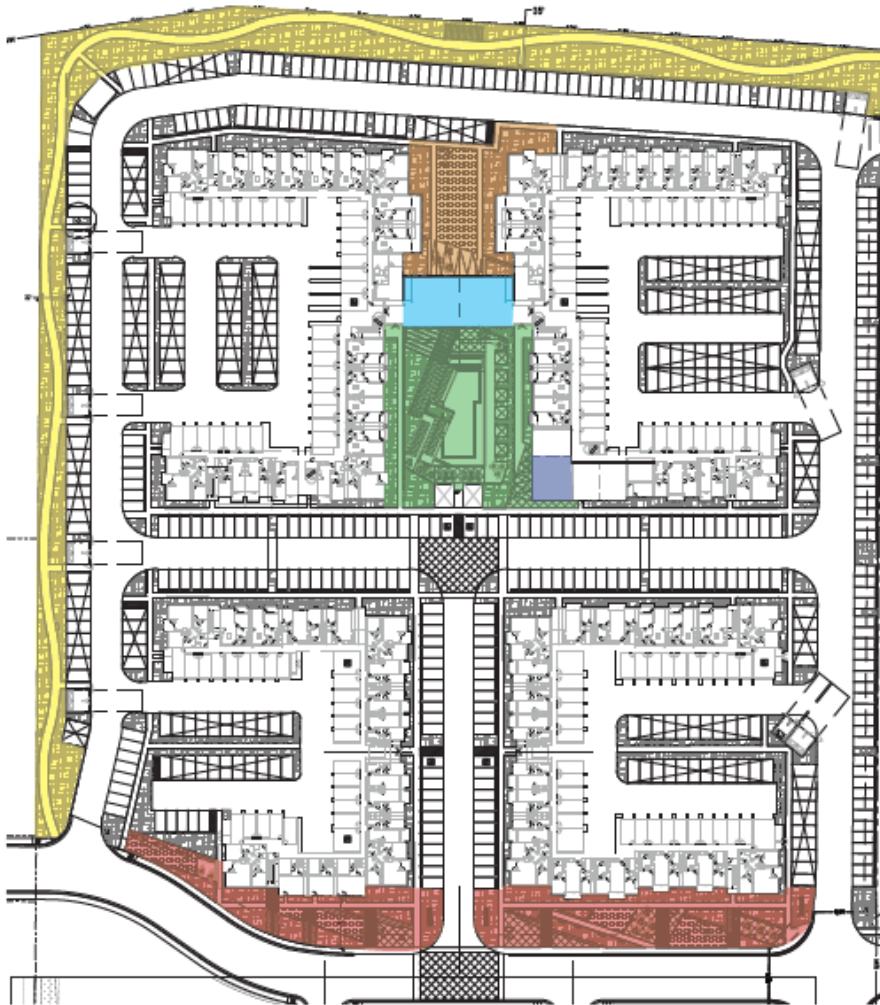
OVERLAND WELLS II MORGAN HOLDINGS & STONEHILL



OVERLAND WELLS II MORGAN HOLDINGS & STONEHILL



D. Qualified Open Space Exhibit (dated: 4/27/22)



OPEN SPACE PROVIDED

PARK	9,863 SF
AMENITY AREA	17,211 SF
PERIMETER (NORTH AND WEST)	46,044 SF
CINEMA DRIVE OPEN SPACE	21,000 SF
ROOFTERRACE OVERLOOKING	3,800 SF
ROOFTERRACE OVERLOOKING	1,200 SF
TOTAL OPEN SPACE PROVIDED	103,885 SF
TOTAL SITE AREA	507,850 SF
PERCENTAGE OF QUALIFIED OPEN SPACE	20.4%



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Denver, Colorado 80202
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MORGAN HOLDINGS & STONEHILL
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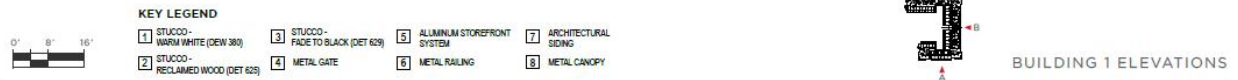
DATE: 4/27/22
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]



PROJECT NO: 1907-108
DATE: 4/27/22
PROJECT: OVERLAND WELLS II
OPEN SPACE
EXHIBIT
L-4.0



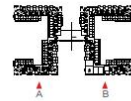
E. Conceptual Building Elevations & Renderings for Multi-Family Structures & Clubhouse





KEY LEGEND

- | | | | |
|-------------------------------------|------------------------------------|------------------------------|------------------------|
| 1 STUCCO - WARM WHITE (DEW 380) | 3 STUCCO - FADE TO BLACK (DET 629) | 5 ALUMINUM STOREFRONT SYSTEM | 7 ARCHITECTURAL SIDING |
| 2 STUCCO - RECLAIMED WOOD (DET 625) | 4 METAL GATE | 6 METAL RAILING | 8 METAL CANOPY |



BUILDING 3 ELEVATIONS



OVERLAND WELLS II APARTMENTS
MERIDIAN, IDAHO



PROJECT #22005 | DATE: 04-25-2022

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VISION



OVERLAND WELLS II APARTMENTS

MERIDIAN, IDAHO



PROJECT #23005 | DATE: 04.25.2023

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VIEW FROM MAIN ENTRANCE LOOKING NORTH




OVERLAND WELLS II APARTMENTS
 **6**
 MERIDIAN, IDAHO
PROJECT REVISION 1 DATE: 10.26.2022
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VIEW FROM ROOF TERRACE LOOKING SOUTH




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VIEW LOOKING CLUBHOUSE AND LEASING




OVERLAND WELLS II APARTMENTS
 **8**
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VIEW LOOKING POOL, FITNESS, CLUBHOUSE AND ROOF TERRACE

HORGAN STONEHILL
PROJECT #20088 | DATE: 04.26.2022
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NG
CLT | 9



AERIAL PERSPECTIVE VIEW LOOKING NORTHWEST

HORGAN STONEHILL
PROJECT #20088 | DATE: 04.26.2022
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CLT | 10



AERIAL PERSPECTIVE VIEW LOOKING NORTHEAST

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MERIDIAN, IDAHO

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CLT | 11



VIEW FROM CROSSROAD LOOKING EAST

OVERLAND WELLS II APARTMENTS

MERIDIAN, IDAHO

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VIEW FROM URBAN PLAZA LOOKING EAST

OVERLAND WELLS II APARTMENTS

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NG | 13

PROJECT NUMBER: 1 DATE: 04.08.2022
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VIEW FROM ADJACENT SITE LOOKING NORTHEAST

OVERLAND WELLS II APARTMENTS

MERIDIAN, IDAHO

NG | 14

PROJECT NUMBER: 1 DATE: 04.08.2022
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F. Legal Description for Property Subject to Amended Development Agreement



LEGAL DESCRIPTION

Page 1 OF 1

JUNE 6, 2022
PROJECT NO.: 122056

2600 EAST OVERLAND ROAD

A PARCEL OF LAND LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 3 NORTH, RANGE 1 EAST, BOISE MERIDIAN, CITY OF MERIDIAN, ADA COUNTY, IDAHO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ONE QUARTER CORNER OF SAID SECTION 17, FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 17 BEARS NORTH 89°46'00" EAST, 2656.84 FEET;
THENCE NORTH 00°24'05" EAST, 45.00 FEET, TO THE SOUTHEAST CORNER OF DESTINATION PLACE SUBDIVISION FILED IN BOOK 93 OF PLATS AT PAGE 11190, RECORDS OF ADA COUNTY, IDAHO, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF EAST OVERLAND ROAD AND THE POINT OF BEGINNING;

THENCE ON THE EASTERLY BOUNDARY LINE OF SAID DESTINATION PLACE SUBDIVISION NORTH 00°24'05" EAST, 1,181.25 FEET, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 84;
THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING 3 COURSES AND DISTANCES:
THENCE NORTH 81°35'27" EAST, 158.13 FEET;
THENCE SOUTH 86°18'23" EAST, 471.33 FEET, TO A POINT OF CURVATURE;
THENCE 63.33 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,809.86 FEET, A CENTRAL ANGLE OF 02°00'17" AND WHOSE LONG CHORD BEARS SOUTH 85°10'34" EAST, 63.33 FEET;
THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE SOUTH 00°24'05" WEST, 1134.59 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF EAST OVERLAND ROAD;
THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING 4 COURSES AND DISTANCES:
THENCE SOUTH 89°59'52" WEST, 71.96 FEET;
THENCE SOUTH 00°24'05" WEST, 11.58 FEET;
THENCE SOUTH 45°33'34" WEST, 28.68 FEET;
THENCE SOUTH 89°46'00" WEST, 597.70 FEET TO THE POINT OF BEGINNING.

THE ABOVE-DESCRIBED PARCEL CONTAINS 18.74, ACRES MORE OR LESS.

PREPARED BY: THE LAND GROUP
MICHAEL S. FEMENIA





2600 E. Overland Rd.

for
Winco Foods, LLC

Situate in a portion of the SW 1/4 of the SE 1/4 of Section 17
Township 3 North, Range 1 East, Boise Meridian
City of Meridian, Ada County, Idaho
2022

Curve Table

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	63.33'	1,809.88'	2°00'18"	S85°10'34"E	63.33'



2600 East Overland Road

Winco Foods, LLC

1

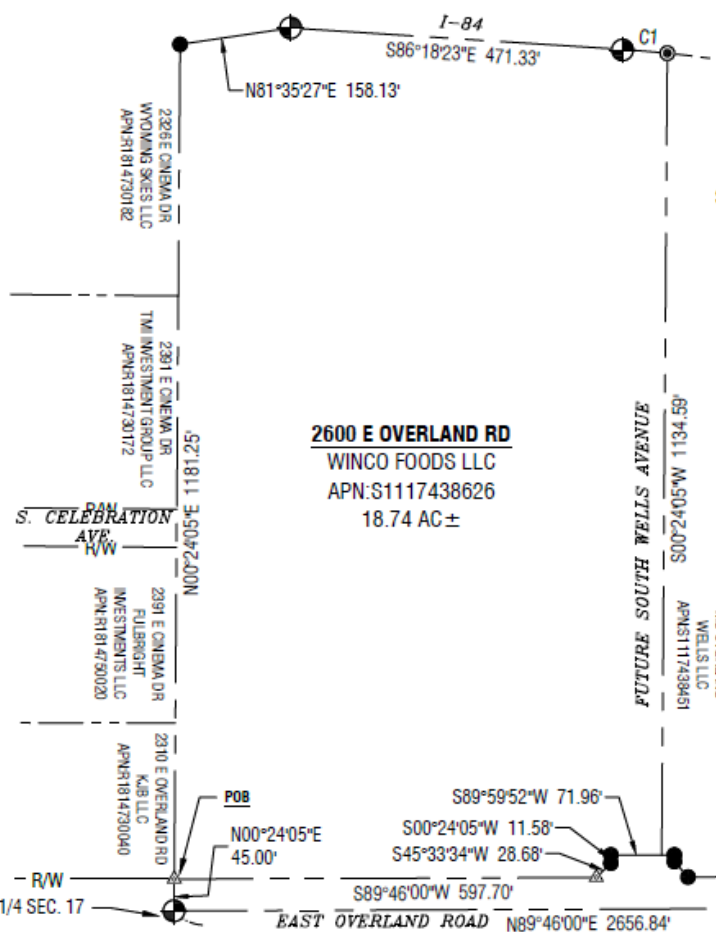
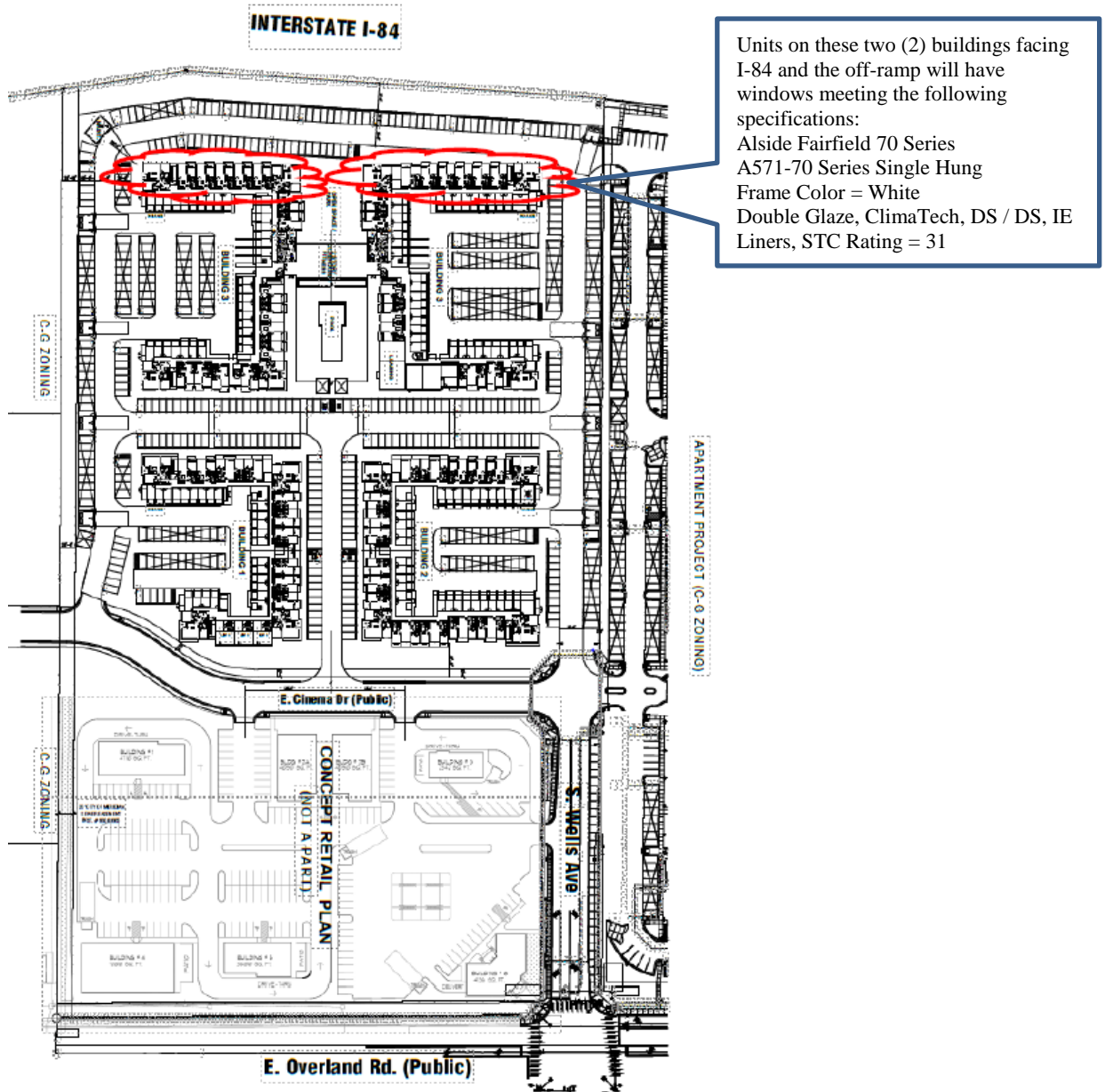


Exhibit "B"

Horizontal Scale: 1" = 200'

Project No.: 120124
June 6, 2022

G. Alternative Compliance Details





Dave Aizpitarte

Bionomics Environmental, Inc.

1045 East Winding Creek

Eagle ID 83616

208-939-1022

I visited Phase Two of the Overland Wells proposed site 3/24/2022 and its proximity to I-84. Similar to Phase One, in my professional opinion, double-paned windows are preferable to a noise wall and provide adequate noise abatement for this site.

Dave Aizpitarte background

David Aizpitarte has performed and supervised all aspects of traffic noise studies, including all field sampling using FHWA procedures for sampling and quality control. He performed and supervised computer modeling using Stamina 2.0, TNM 1.0, and TNM 2.5 for modeling present and future traffic noise impacts. He has attended classes in traffic noise analysis including seminars presented by Bowlby and Associates and HMMH Inc. (developers of TNM). He is a traffic noise expert witness for the ACHD and the ITD and has served both on an advisory group for the upgrade of TNM and the ITD noise policy. He has performed a wide variety of traffic noise studies throughout Idaho and Montana in support of road design, airports and facilities expansion.

1 The location is relatively far away from the I-84 centerline. Bionomics designed (non-engineering) the noise walls across from the Boise Airport on the north side of I84. The regulations did not require us to study receptors similar to the Overland Wells Phase Two proposed apartment complex located further away than ones located adjacent to I84. The further a potential sensitive receptor is from a noise source (I84) the more community noise becomes a factor.

2. Similar to Phase One, the elevational difference and terrain features cover up the tires of the vehicles both on the eastbound off-ramp and I84. This would be a benefit for the first level (ground floor) of the apartments. At higher speeds tire noise is the predominant noise source and having them obscured by terrain can be sufficient mitigation. From what I observed I feel this is the case at this proposed project location.

3. ITD noise policy does not contemplate any mitigation for second or third floors of receptors in an apartment complex. The noise walls are typically not feasible from an engineering basis (too tall, structurally unsound) and not reasonable from a cost basis. I would recommend mitigation such as double paned windows and minimize the window openings facing the freeway. A Light Frame Ordinary Sash (closed) window will give you a 20 dB reduction in interior sound levels, Storm Windows will give you a 25 dB reduction. This is a cost effective and superior mitigation to noise walls that start a 7 dB reduction per receptor and again, walls only mitigate for the receptors directly behind them.

4. From an esoteric standpoint, walls can be claustrophobic and conflict with the view of the foothills (visual impacts). For example, Bionomics was able to design a wall for the Renaissance apartment complex on Chinden that met both engineering (Feasibility) and cost (Reasonability) criteria set by the FHWA (Federal Highway Administration). The owners felt that the wall would disrupt the view and give the apartment complex a "penitentiary" look. They declined (desirability) the wall. The same issue happened on the south east quadrant of the Ten Mile interchange. Similar to this proposed project the terrain features of the off ramp offered noise mitigation and the neighborhood was unanimous in retaining their view of the foothills.

I hope this will give you a good case and please review and give me any comments or corrections.

Dave Aizpitarte

Principal

Bionomics Environmental, Inc.

IX. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

Development Agreement Modification:

1. The conceptual development plan included in Section VIII.B and conceptual building elevations included in Section VIII.E of this report shall replace the conceptual development plan and building elevations included in Section VIII.A and in the existing Development Agreement (DA) (Inst. #2016-060157). *The amended DA shall be signed by the property owner(s) and returned to the City within six (6) months of City Council granting the subject modification.*

Conditional Use Permit:

2. **Prior to the City Council hearing, submit a revised common open space exhibit that complies with the minimum standards listed in UDC [11-4-3-27C](#). A minimum of 3.18 acres of *qualified* common open space is required and may not include the sewer easement area along the west property boundary where the 14-foot wide access road is required to be preserved. *Alternative compliance may be requested to the standards in UDC 11-4-3-27C per 11-4-3-27C.3b.***
3. **A final plat application shall be submitted, approved and a plat recorded for the second phase of the WinCo Wells subdivision preliminary plat (H-2021-0007) to create a developable parcel prior to submittal of a Certificate of Zoning Compliance and Design Review application for the proposed development.**
4. The multi-family development shall have an ongoing obligation to comply with the specific use standards listed in UDC [11-4-3-27](#).
5. Submit floor plans demonstrating compliance with the minimum private usable open space standard of eighty (80) square feet for each unit in accord with UDC [11-4-3-27B.3](#) with the Certificate of Zoning Compliance application.
6. The multi-family development shall record a legally binding document that states the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features as set forth in UDC 11-4-3-27F. **A recorded copy of said document shall be submitted to the Planning Division prior to issuance of the first Certificate of Occupancy for the development.**
7. Comply with building code requirements for separation between structures within the development.
8. The site and/or landscape plan submitted with the Certificate of Zoning Compliance shall be revised as follows:
 - a. Buildings shall provide a minimum setback of ten feet (10') unless a greater setback is otherwise required, per UDC [11-4-3-27B.1](#). *The garage structures along the eastern boundary don't comply with this standard.*
 - b. Depict the locations of the property management office, maintenance storage area, central mailbox location (including provisions for parcel mail, that provide safe pedestrian and/or vehicular access), and a directory and map of the development at an entrance or convenient location for those entering the development in accord with UDC [11-4-3-27B.7](#).
 - b. All transformer and utility vaults and other service areas shall be located in an area not visible from a public street, or shall be fully screened from view from a public street in accord with UDC [11-4-3-27B.2](#).
 - c. Depict landscaping along the foundations of all street facing elevations adjacent to E. Cinema Dr. as set forth in UDC [11-4-3-27E.2](#).

- d. Depict landscaping along all pathways in accord with the standards listed in UDC [11-3B-12C](#).
 - e. Provide a minimum of 3.18 acres of common open space that complies with the standards listed in UDC [11-4-3-27C](#).
 - f. Include details for the proposed amenities (i.e. grills & fire pits, public art, shade structures, etc.).
 - g. Widen the buffer along the west boundary of the site to include a minimum of 5-feet outside of the sewer easement to plant trees in accord with the standards for perimeter parking lot landscaping in UDC [11-3B-8C](#) and landscaping along pathways in UDC [11-3B-12C](#); or, apply for alternative compliance to these standards as set forth in UDC [11-5B-5](#). (Note: If wheel stops are not proposed to be provided within abutting parking spaces, an additional 2-feet is required to be added to the adjacent buffer to allow for vehicle overhang per UDC 11-3C-5B; the length of parking spaces may be reduced by 2-feet to 17-feet if 2-feet is added to the buffer width.) A 14-foot wide maintenance road should be depicted within the easement and any landscaping within the area where the maintenance road is located should be removed from the plan; the 6-foot wide area within the easement outside of the maintenance road area may be landscaped with grass and bushes.
9. The Applicant's request for Alternative Compliance to the noise abatement standards listed in UDC 11-3H-4D was approved by the Director. Double-pane windows with an STC rating of 31 shall be installed on the north-facing elevations of all units facing I-84 and the off-ramp as proposed.

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 No Permanent structures (buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) can be built within the utility easement.
- 1.2 Sewer easement varies depending on sewer depth. Sewer 0-15 ft deep require a 20 ft easement, 16-20 ft a 30 ft easement, and 21-30 ft a 40 ft easement. Adjust easements accordingly.
- 1.3 Sewer 18 ft or deeper require a 60" manhole.
- 1.4 For water and sewer in parallel, if sewer depth is greater than 15', locator water main 5 ft from edge of easement and center the sewer main between the water main and other edge of easement.
- 1.5 Utility Plan shows southern main connecting to existing sewer main on Cinema Dr. There is current no existing sewer stub in that location. Sewer will need to be brought from the stub from E Overland Rd.
- 1.6 Ensure no sewer services pass through infiltration trenches.
- 1.7 Offsite waterline to the east must be installed to allow looping before this development is constructed.
- 1.8 Water stub into property at the southeast corner of the apartments needs to be abandoned per City Requirements if it is not used.

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 12-13-8.3). 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 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 existing domestic well system within this project shall be removed from domestic service per City Ordinance Section 9-1-4 and 9 4 8 contact the City of Meridian Engineering Department at (208)898-5500 for inspections of disconnection of services. Wells may be used for non-domestic purposes such as landscape irrigation if approved by Idaho Department of Water Resources Contact Robert B. Whitney at (208)334-2190.
- 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 All grading of the site shall be performed in conformance with MCC 11-12-3H.
- 2.17 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.
- 2.18 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.
- 2.19 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.
- 2.20 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.
- 2.21 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.
- 2.22 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.
- 2.23 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. FIRE DEPARTMENT

No comments were submitted.

D. POLICE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=263854&dbid=0&repo=MeridianCity>

E. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=266584&dbid=0&repo=MeridianCity>

F. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=264930&dbid=0&repo=MeridianCity&cr=1>

G. WEST ADA SCHOOL DISTRICT (WASD)

No comments were submitted.

H. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=266385&dbid=0&repo=MeridianCity>

I. COMMUNITY DEVELOPMENT DEPARTMENT – SCHOOL IMPACT TABLE

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=266819&dbid=0&repo=MeridianCity&cr=1>

X. FINDINGS

A. Conditional Use Permit (UDC 11-5B-6E)

The Commission shall base its determination on the Conditional Use Permit requests 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 that the subject property is large enough to accommodate the proposed use and dimensional and development regulations of the C-G district (see Analysis, Section V for more information).

2. That the proposed use will be harmonious with the Meridian Comprehensive Plan and in accord with the requirements of this Title.

Staff finds that the proposed use is consistent with the future land use map designation of MU-R and is allowed as a conditional use in UDC Table 11-2B-2 in the C-G zoning district.

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 proposed design of the development, construction, operation and maintenance should be compatible with the mix of other uses planned for and existing in this area and with the intended character of the area and that such uses will not adversely change the 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 that if the applicant complies with the conditions outlined in this report, the proposed use will not adversely affect other property in the area.

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 that essential public services are available to this property and that the use will be adequately served by these facilities; comments were not received from WASD. The school impact table provided by the Community Development Dept. in Section IX.I shows that the elementary and middle school enrollment is currently under capacity and the high school enrollment is over capacity.

B. Alternative Compliance (UDC 11-5B-5):

In order to grant approval of an alternative compliance application, the Director shall determine the following:

1. Strict adherence or application of the requirements is not feasible; OR

The Director finds strict adherence to the standards listed in UDC 11-3H-4D is feasible although not entirely effective due to the height of the proposed structures.

2. The alternative compliance provides an equal or superior means for meeting the requirements; and

The Director finds the proposed alternative means of compliance of providing double-pane windows on all units in the two (2) northern structures that face I-84 and the off-ramp as noise abatement to the traffic noise provides a superior means for meeting the requirements in UDC 11-3H-4D.

3. The alternative means will not be materially detrimental to the public welfare or impair the intended uses and character of the surrounding properties.

The Director finds that the proposed alternative means will not be detrimental to the public welfare or impair the intended use/character of the surrounding properties.