

**DEVELOPMENT AGREEMENT**

- PARTIES:**
- 1. City of Meridian**
  - 2. Lesley’s Mobile Estates, LLC, OWNER/DEVELOPER**

THIS DEVELOPMENT AGREEMENT (this Agreement), is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by and between **City of Meridian**, a municipal corporation of the State of Idaho, hereafter called CITY, whose address is 33 E. Broadway Avenue, Meridian, Idaho 83642, and **Lesley’s Mobile Estates, LLC**, whose address is 313 N. Main Street, Hailey, Idaho 83333, hereinafter called OWNER/DEVELOPER.

**1. RECITALS:**

- 1.1 **WHEREAS**, Owner is the sole owner, in law and/or equity, of certain tract of land in the County of Ada, State of Idaho, described in Exhibit “A”, which is attached hereto and by this reference incorporated herein as if set forth in full, herein after referred to as the Property; and
- 1.2 **WHEREAS**, Idaho Code § 67-6511A provides that cities may, by ordinance, require or permit as a condition of zoning that the Owner and/or Developer make a written commitment concerning the use or development of the subject Property; and
- 1.3 **WHEREAS**, City has exercised its statutory authority by the enactment of Section 11-5B-3 of the Unified Development Code (“UDC”), which authorizes development agreements upon the annexation and/or re-zoning of land; and
- 1.4 **WHEREAS**, Owner/Developer submitted an application for a rezone of approximately 6.82 and 0.33 acres of land from the R-8 (Medium-Density Residential) and C-G (General Retail and Service Commercial) zoning districts to the R-40 (High-Density Residential) (6.61 acres) and C-G (General Retail and Service Commercial) (0.54 acres) zoning districts on the property as shown in Exhibit “A” under the Unified Development Code, which generally describes how the Property will be developed and what improvements will be made; and
- 1.5 **WHEREAS**, Owner/Developer made representations at the public hearings before Planning and Zoning Commission and the Meridian City Council as to how the Property will be developed and what improvements will be made; and
- 1.6 **WHEREAS**, the record of the proceedings for requested annexation and zoning held before Planning and Zoning Commission and the City Council includes responses of government subdivisions providing services within the City of Meridian planning jurisdiction and includes further testimony and comment; and

- 1.7 **WHEREAS**, on the 27<sup>th</sup> day of June, 2023, the Meridian City Council approved certain Findings of Fact and Conclusions of Law and Decision and Order (“Findings”), which have been incorporated into this Agreement and attached as Exhibit “B”; and
- 1.8 **WHEREAS**, the Findings require the Owner/Developer to enter into a Development Agreement before the City Council takes final action on final plat; and
- 1.9 **WHEREAS**, Owner/Developer deem it to be in its best interest to be able to enter into this Agreement and acknowledges that this Agreement was entered into voluntarily and at its urging and request; and
- 1.10 **WHEREAS**, City requires the Owner/Developer to enter into a development agreement for the purpose of ensuring that the Property is developed and the subsequent use of the Property is in accordance with the terms and conditions of this Agreement, herein being established as a result of evidence received by the City in the proceedings for zoning designation from government subdivisions providing services within the planning jurisdiction and from affected property owners and to ensure zoning designation is in accordance with the amended Comprehensive Plan of the City of Meridian on December 19, 2019, Resolution No. 19-2179, and the UDC, Title 11.

**NOW, THEREFORE**, in consideration of the covenants and conditions set forth herein, the parties agree as follows:

2. **INCORPORATION OF RECITALS:** That the above recitals are contractual and binding and are incorporated herein as if set forth in full.

3. **DEFINITIONS:** For all purposes of this Agreement the following words, terms, and phrases herein contained in this section shall be defined and interpreted as herein provided for, unless the clear context of the presentation of the same requires otherwise:

- 3.1 **CITY:** means and refers to the **City of Meridian**, a party to this Agreement, which is a municipal Corporation and government subdivision of the state of Idaho, organized and existing by virtue of law of the State of Idaho, whose address is 33 East Broadway Avenue, Meridian, Idaho 83642.
- 3.2 **OWNER/DEVELOPER:** means and refers to **Lesley’s Mobile Estates, LLC**, whose address is 313 N. Main Street, Hailey, Idaho 83333, hereinafter called OWNER/DEVELOPER, the party that owns and is developing said Property and shall include any subsequent owner(s)/developer(s) of the Property.
- 3.3 **PROPERTY:** means and refers to that certain parcel(s) of Property located in the County of Ada, City of Meridian as in Exhibit “A” describing a parcel to bound by this Development Agreement and attached hereto and by this reference incorporated herein as if set forth at length.

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:

a. Future development of this site shall be generally consistent with the site plan, landscape plan, phasing plan and building elevations included in Section VIII of the Staff Report attached to the Findings of Fact and Conclusions of Law attached hereto as Exhibit "B" and the provisions contained herein.

b. The final plat application for the second phase of development shall not be submitted to the Planning Division for a minimum period of four (4) years from the date of approval of the preliminary plat to allow residents of the mobile home park ample time to find other housing prior to redevelopment of the site. The Applicant shall submit proof of notice via registered mail to all residents of the mobile home park of the upcoming change in use of the property with submittal of the final plat application. The letter shall include contact information (i.e. internet links, phone numbers, etc.) for local affordable housing resource options for residents. No building permit applications shall be submitted for at least one (1) year from the date of submittal of the final plat application.

c. All access via E. Fairview Ave. for the subject property shall cease upon redevelopment of the commercial portion of the property and sole access shall be taken via NE 3<sup>rd</sup> St., the lesser classification of the two streets, in accord with UDC 11-3A-3 and ACHD Policy.

d. With the first phase of development, the Developer shall construct NE 3<sup>rd</sup> St. between E. Badley Ave. and E. Gruber Ave. as a complete street section (from west to east abutting the site), as follows: 4-foot wide buffer, 10-foot wide sidewalk/pathway, 8-foot wide parkway, 2-foot wide curb and gutter, two (2) 13-foot wide travel lanes, 2-foot wide curb and gutter, and an 8-foot wide parkway within the existing 60 feet of right-of-way. Provide a permanent right-of-way easement extending from the right-of-way line to 2 feet behind back of sidewalk abutting the site on the east side of NE 3<sup>rd</sup> St. for a 5-foot wide detached sidewalk.

e. With the second phase of development, the Developer shall construct an 8-foot-wide planter strip and 5-foot-wide detached sidewalk abutting the site on the east side of NE 3<sup>rd</sup> St. A permanent right-of-way easement shall be provided to 2 feet behind back of sidewalk if located outside of the right-of-way; sidewalk shall be located wholly within right-of-way or wholly within an easement.

- f. The existing nonconforming parking and landscaping in the commercial portion of the development and the mobile home park in the R-40 zoning district, is allowed to remain until redevelopment of the site in accord with the phasing plan as approved with the conditional use permit for extension of these nonconforming uses.
- g. Depict pedestrian connections between the single-family, multi-family and commercial portions of the development. All pathways should comply with the standards in UDC 11-3A-8.
- h. The mobile homes and associated debris that are vacant at the beginning of Phase 2 shall be removed within 45 calendar days; if there are more than five (5) vacant mobile homes, that time period is extended to 90 calendar days.
- i. In two (2) years when the Applicant's loan on the property switches to a fixed-rate, the Applicant shall take inventory of the homes that exist at that time and offer to move (at the Applicant's cost) any of the RV's or mobile homes that are newer than 1976 to a mobile home or RV park that the Applicant is building in Ontario, OR or to any park the Applicant owns in Eagle, Twin Falls, or Kimberly, ID contingent upon spaces being available in those parks at that time, as offered by the Applicant in the letter included in Section VIII.G of the staff report.

6. **COMPLIANCE PERIOD** This Agreement must be fully executed within six (6) months after the date of the Findings for the annexation and zoning or it is null and void.

7. **DEFAULT/CONSENT TO DE-ANNEXATION AND REVERSAL OF ZONING DESIGNATION:**

7.1 **Acts of Default.** In the event Owner/Developer, or Owner/Developer's heirs, successors, assigns, or subsequent owners of the Property or any other person acquiring an interest in the Property, fail to faithfully comply with all of the terms and conditions included in this Agreement in connection with the Property, this Agreement may be terminated by the City upon compliance with the requirements of the Zoning Ordinance.

7.2 **Notice and Cure Period.** In the event of Owner/Developer's default of this agreement, Owner/Developer shall have thirty (30) days from receipt of written notice from City to initiate commencement of action to correct the breach and cure the default, which action must be prosecuted with diligence and completed within one hundred eighty (180) days; provided, however, that in the case of any such default that cannot with diligence be cured within such one hundred eighty (180) day period, then the time allowed to cure such failure may be extended for such period as may be necessary to complete the curing of the same with diligence and continuity.

7.3 **Remedies.** In the event of default by Owner/Developer that is not cured after notice from City as described in Section 7.2, City shall, upon satisfaction of the notice and hearing procedures set forth in Idaho Code section 67-6511A, have the right, but not a duty, to de-annex all or a portion of the Property, reverse the zoning designations described herein, and terminate City services to the de-annexed Property, including water service and/or sewer service. Further, City shall have the right to file an action at law or in equity to enforce the provisions of this Agreement. Because the covenants,

agreements, conditions, and obligations contained herein are unique to the Property and integral to City's decision to annex and/or re-zone the Property, City and Owner/Developer stipulate that specific performance is an appropriate, but not exclusive, remedy in the event of default. Owner/Developer reserves all rights to contest whether a default has occurred.

- 7.4 **Choice of Law and Venue.** This Agreement and the rights of the parties hereto shall be governed by and construed in accordance with the laws of the State of Idaho, including all matters of construction, validity, performance, and enforcement. Any action brought by any party hereto shall be brought within Ada County, Idaho.
- 7.5 **Delay.** In the event the performance of any covenant to be performed hereunder by either Owner/Developer or City is delayed for causes that are beyond the reasonable control of the party responsible for such performance, which shall include, without limitation, acts of civil disobedience, strikes or similar causes, the time for such performance shall be extended by the amount of time of such delay.
- 7.6 **Waiver.** A waiver by City of any default by Owner/Developer of any one or more of the covenants or conditions hereof shall apply solely to the default and defaults waived and shall neither bar any other rights or remedies of City nor apply to any subsequent default of any such or other covenants and conditions.

8. **INSPECTION:** Owner/Developer shall, immediately upon completion of any portion or the entirety of said development of the Property as required by this Agreement or by City ordinance or policy, notify the City Engineer and request the City Engineer's inspections and written approval of such completed improvements or portion thereof in accordance with the terms and conditions of this Agreement and all other ordinances of the City that apply to said Property.

9. **REQUIREMENT FOR RECORDATION:** City shall record this Agreement, including all of the Exhibits, and submit proof of such recording to Owner/Developer, prior to the third reading of the Meridian Zoning Ordinance in connection with the rezoning of the Property by the City Council. If for any reason after such recordation, the City Council fails to adopt the ordinance in connection with the annexation and zoning of the Property contemplated hereby, the City shall execute and record an appropriate instrument of release of this Agreement.

10. **ZONING:** City shall, following recordation of the duly approved Agreement, enact a valid and binding ordinance zoning the Property as specified herein.

11. **SURETY OF PERFORMANCE:** The City may also require surety bonds, irrevocable letters of credit, cash deposits, certified check or negotiable bonds, as allowed under the UDC, to insure the installation of required improvements, which the Owner/Developer agree to provide, if required by the City.

12. **CERTIFICATE OF OCCUPANCY:** No Certificates of Occupancy shall be issued in any phase in which the improvements have not been installed, completed, and accepted by the City, or sufficient surety of performance is provided by Owner/Developer to the City in accordance with Paragraph 11 above.

13. **ABIDE BY ALL CITY ORDINANCES:** That Owner/Developer agree to abide by all ordinances of the City of Meridian unless otherwise provided by this Agreement.

14. **NOTICES:** Any notice desired by the parties and/or required by this Agreement shall be deemed delivered if and when personally delivered or three (3) days after deposit in the United States Mail, registered or certified mail, postage prepaid, return receipt requested, addressed as follows:

**CITY:**  
City Clerk  
City of Meridian  
33 E. Broadway Ave.  
Meridian, Idaho 83642

with copy to:  
City Attorney  
City of Meridian  
33 E. Broadway Avenue  
Meridian, Idaho 83642

**OWNER/DEVELOPER:**  
**Lesley's Mobile Estates, LLC**  
313 N. Main Street  
Hailey, Idaho 83333

14.1 A party shall have the right to change its address by delivering to the other party a written notification thereof in accordance with the requirements of this section.

15. **ATTORNEY FEES:** Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorney's fees as determined by a Court of competent jurisdiction. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination or forfeiture of this Agreement.

16. **TIME IS OF THE ESSENCE:** The parties hereto acknowledge and agree that time is strictly of the essence with respect to each and every term, condition and provision hereof, and that the failure to timely perform any of the obligations hereunder shall constitute a breach of and a default under this Agreement by the other party so failing to perform.

17. **BINDING UPON SUCCESSORS:** This Agreement shall be binding upon and inure to the benefit of the parties' respective heirs, successors, assigns and personal representatives, including City's corporate authorities and their successors in office. This Agreement shall be binding on the Owner/Developer, each subsequent owner and any other person acquiring an interest in the Property. Nothing herein shall in any way prevent sale or alienation of the Property, or portions thereof, except that any sale or alienation shall be subject to the provisions hereof and any successor owner or owners shall be both benefited and bound by the conditions and restrictions herein expressed. City agrees, upon written request of Owner and/or Developer, to execute appropriate and recordable evidence of termination of this Agreement if City, in its sole and reasonable discretion, had determined that Owner and/or Developer have fully performed their obligations under this Agreement.

18. **INVALID PROVISION:** If any provision of this Agreement is held not valid by a court of competent jurisdiction, such provision shall be deemed to be excised from this Agreement and the invalidity thereof shall not affect any of the other provisions contained herein.

19. **DUTY TO ACT REASONABLY:** Unless otherwise expressly provided, each party shall act reasonably in giving any consent, approval, or taking any other action under this Agreement.

20. **COOPERATION OF THE PARTIES:** In the event of any legal or equitable action or other proceeding instituted by any third party (including a governmental entity or official) challenging the validity of any provision in this Agreement, the parties agree to cooperate in defending such action or proceeding.

21. **REMOVED PROPERTY:** The City is hereby authorized, in its sole discretion, to remove a portion of the Property (“Removed Property”) from this Agreement at any time, provided that the City and the owner of the Removed Property concurrently enter into a modified development agreement governing the development and use of the Removed Property. The remaining portion of the Property, which has not been removed from this Agreement as described above, shall continue to be bound by the terms of this Agreement.

22. **FINAL AGREEMENT:** This Agreement sets forth all promises, inducements, agreements, condition and understandings between Owner/Developer and City relative to the subject matter hereof, and there are no promises, agreements, conditions or understanding, either oral or written, express or implied, between Owner/Developer and City, other than as are stated herein. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Agreement shall be binding upon the parties hereto unless reduced to writing and signed by them or their successors in interest or their assigns, and pursuant, with respect to City, to a duly adopted ordinance or resolution of City.

22.1 No condition governing the uses and/or conditions governing rezoning of the subject Property herein provided for can be modified or amended without the approval of the City Council after the City has conducted public hearing(s) in accordance with the notice provisions provided for a zoning designation and/or amendment in force at the time of the proposed amendment.

23. **EFFECTIVE DATE OF AGREEMENT:** This Agreement shall be effective on the date the Meridian City Council shall adopt the amendment to the Meridian Zoning Ordinance in connection with the annexation and zoning of the Property and execution of the Mayor and City Clerk.

[end of text; acknowledgements, signatures and Exhibits A and B follow]



# EXHIBIT A

Description for  
**Promenade Cottages**  
October 6, 2023

A parcel of land located in the Northeast 1/4 of the Northwest 1/4 of Section 7, Township 3 North, Range 1 East of the Boise Meridian, City of Meridian, Ada County, Idaho more particularly described as follows:

Commencing at the 1/4 corner common to Sections 6 and 7, T.3N., R.1E., B.M., from which the Section corner common to Sections 1 and 12, T.3N., R.1W., B.M., and said Sections 6 and 7 bears South 88°35'29" West, 2,404.77 feet; thence on the north boundary line of said Section 7, South 88°35'29" West, 630.19 feet; thence leaving said north boundary line, South 00°35'12" West, 48.56 feet to the **POINT OF BEGINNING**;

thence continuing South 00°35'12" West, 912.02 feet to the north right-of-way line of E. Bradley Avenue;

thence on said north right-of-way line, North 89°30'43" West, 363.81 feet to the east right-of-way line of NE 3rd Street;

thence on said east right-of-way line, North 00°28'17" East, 908.77 feet to the south right-of-way line of E. Fairview Avenue;

thence on said south right-of-way line the following three (3) courses and distances:

North 89°11'04" East, 351.13 feet;

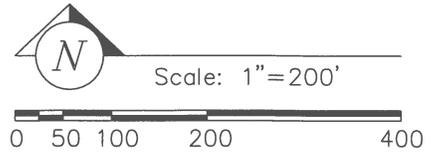
South 00°00'05" East, 4.86 feet;

North 89°59'55" East, 14.57 feet to the **POINT OF BEGINNING**.

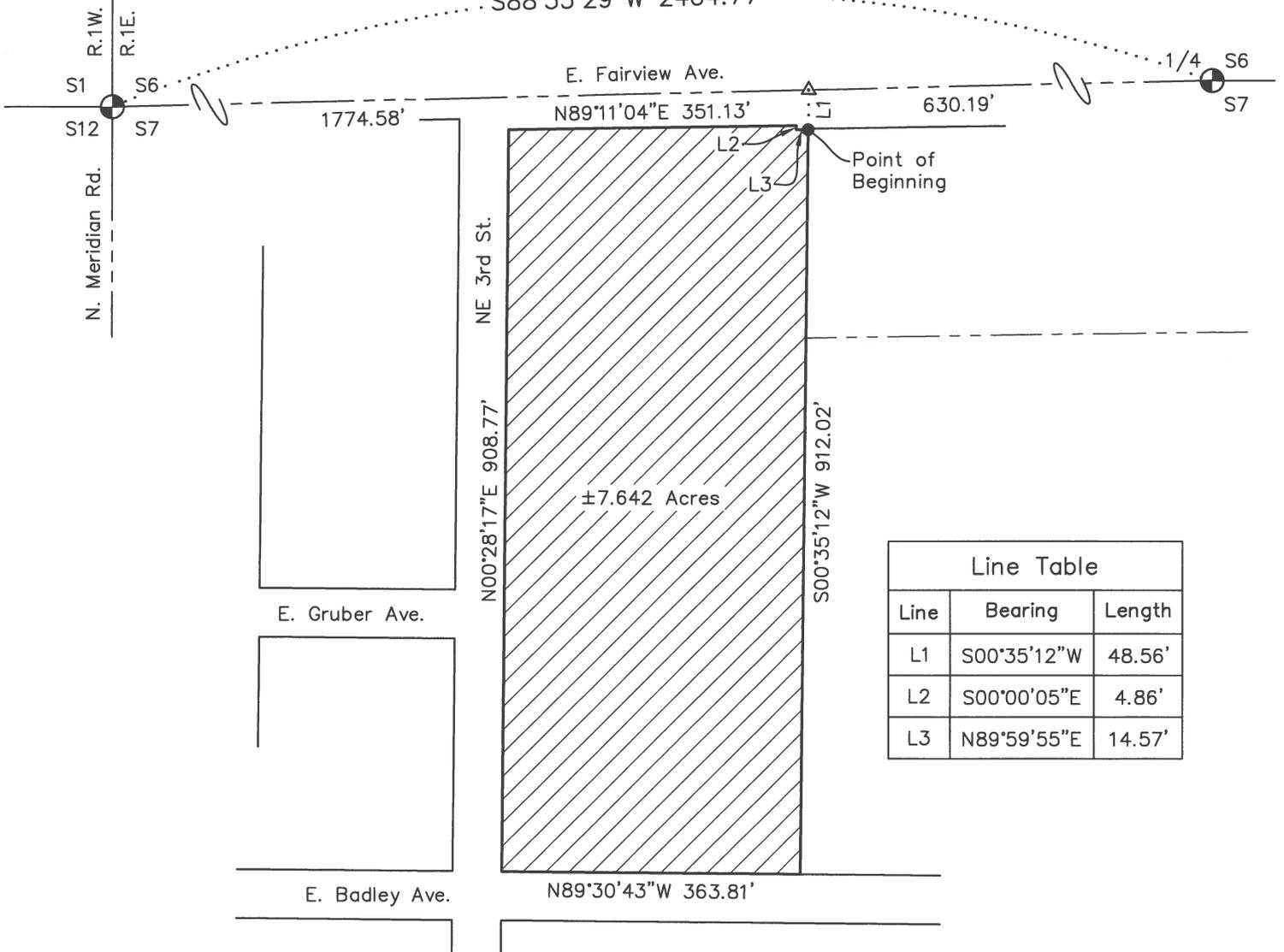
Containing 7.642 acres, more or less.

End of Description.





Basis of Bearings  
 $S88^{\circ}35'29''W$  2404.77'



Line Table		
Line	Bearing	Length
L1	S00°35'12"W	48.56'
L2	S00°00'05"E	4.86'
L3	N89°59'55"E	14.57'



P:\Promenade (Elm Grove) 21-211\dwg\Bndy Ex.dwg 10/6/2023 5:38:14 PM

9955 W. EMERALD ST.  
 BOISE, IDAHO 83704  
 (208) 846-8570

Exhibit for  
**Promenade Cottages**

Located in the NE1/4 of the NW1/4 of Section 7,  
 T.3N., R.1E., B.M., City of Meridian, Ada County, Idaho.

Job No.  
 21-211

Sheet No.  
 1

Dwg. Date  
 10/6/2023

Description for  
**R-40 Zone**  
September 2, 2022

A parcel of land located in the Northeast 1/4 of the Northwest 1/4 of Section 7, Township 3 North, Range 1 East of the Boise Meridian, City of Meridian, Ada County, Idaho more particularly described as follows:

Commencing at the 1/4 corner common to Sections 6 and 7, T.3N., R.1E., B.M., from which the Section corner common to Sections 1 and 12, T.3N., R.1W., B.M., and said Sections 6 and 7 bears South 88°35'29" West, 2,404.77 feet; thence on the centerline of E. Fairview Avenue, South 89°11'04" West, 629.99 feet; thence leaving said centerline, South 00°35'12" West, 310.09 feet to the **REAL POINT OF BEGINNING**;

thence continuing South 00°35'12" West, 686.83 feet to the centerline of E. Badley Avenue;

thence on said centerline, North 89°30'43" West, 393.75 feet to the intersection of E. Badley Avenue and NE 3rd Street;

thence on the centerline of NE 3rd Street, North 00°28'17" East, 730.12 feet;

thence leaving said centerline, South 89°28'01" East, 90.00 feet to the exterior line of the City of Meridian C-G Zone;

thence on said exterior boundary line the following two (2) courses and distances:

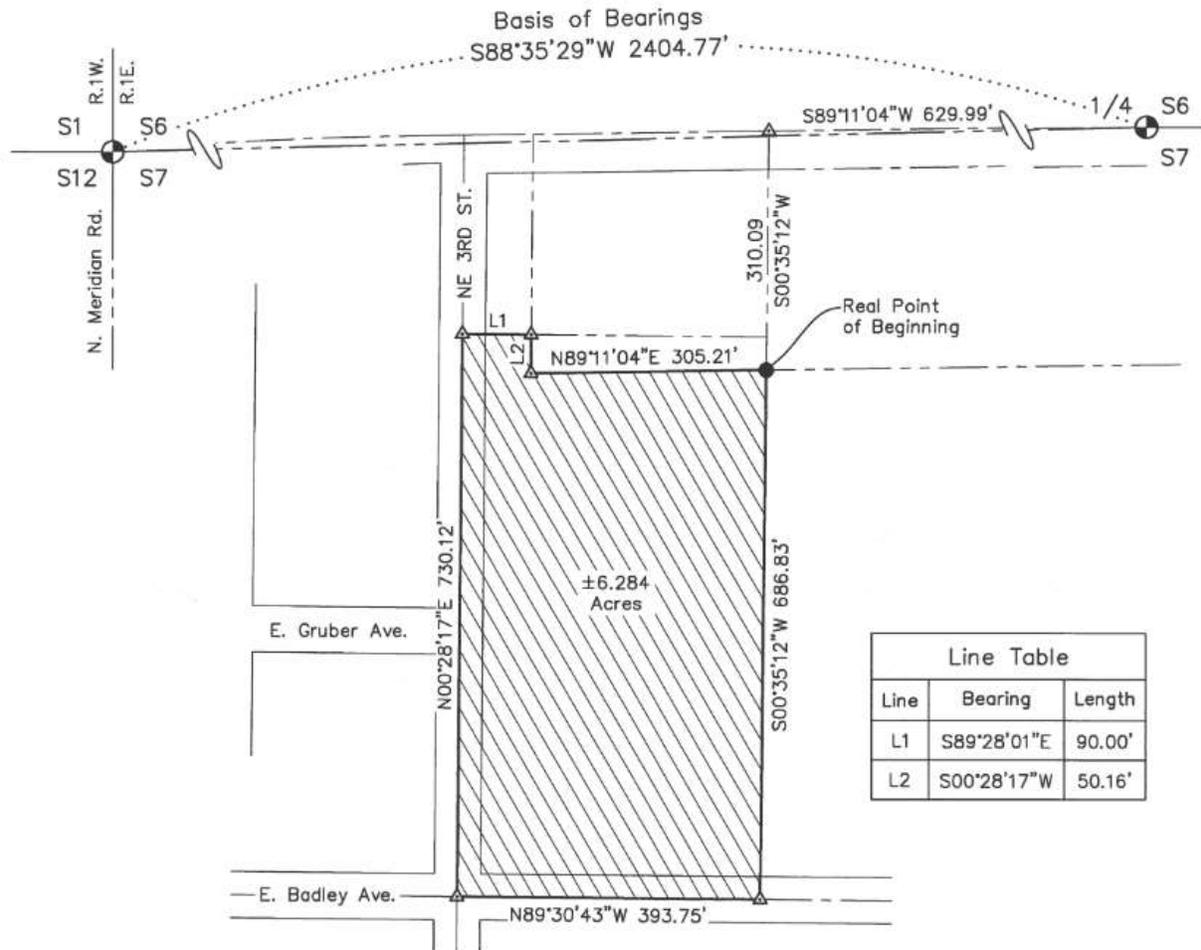
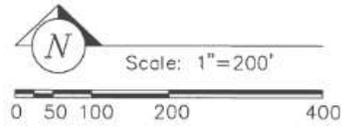
South 00°28'17" West, 50.16 feet;

North 89°11'04" East, 305.21 feet to the **REAL POINT OF BEGINNING**.

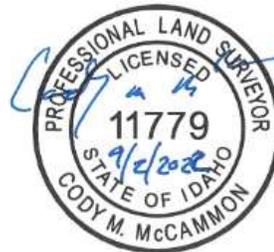
Containing 6.284 acres, more or less.

End of Description.





Line Table		
Line	Bearing	Length
L1	S89°28'01"E	90.00'
L2	S00°28'17"W	50.16'



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**ISG** IDAHO SURVEY GROUP, LLC

9955 W. EMERALD ST.  
BOISE, IDAHO 83704  
(208) 846-8570

Exhibit for  
**R-40 Zone**

Located in the NE1/4 of the NW1/4 of Section 7,  
T.3N., R.1E., B.M., City of Meridian, Ada County, Idaho.

Job No.  
21-211

Sheet No.  
1

Dwg. Date  
9/2/2022

Description for  
**R-40 Zone**  
September 2, 2022

A parcel of land located in the Northeast 1/4 of the Northwest 1/4 of Section 7, Township 3 North, Range 1 East of the Boise Meridian, City of Meridian, Ada County, Idaho more particularly described as follows:

Commencing at the 1/4 corner common to Sections 6 and 7, T.3N., R.1E., B.M., from which the Section corner common to Sections 1 and 12, T.3N., R.1W., B.M., and said Sections 6 and 7 bears South 88°35'29" West, 2,404.77 feet; thence on the centerline of E. Fairview Avenue, South 89°11'04" West, 629.99 feet; thence leaving said centerline, South 00°35'12" West, 267.11 feet to the **REAL POINT OF BEGINNING**;

thence continuing South 00°35'12" West, 42.98 feet to the exterior boundary line of the City of Meridian C-G Zone;

thence on said exterior boundary line the following two (2) courses and distances:

South 89°11'04" West, 305.21 feet;

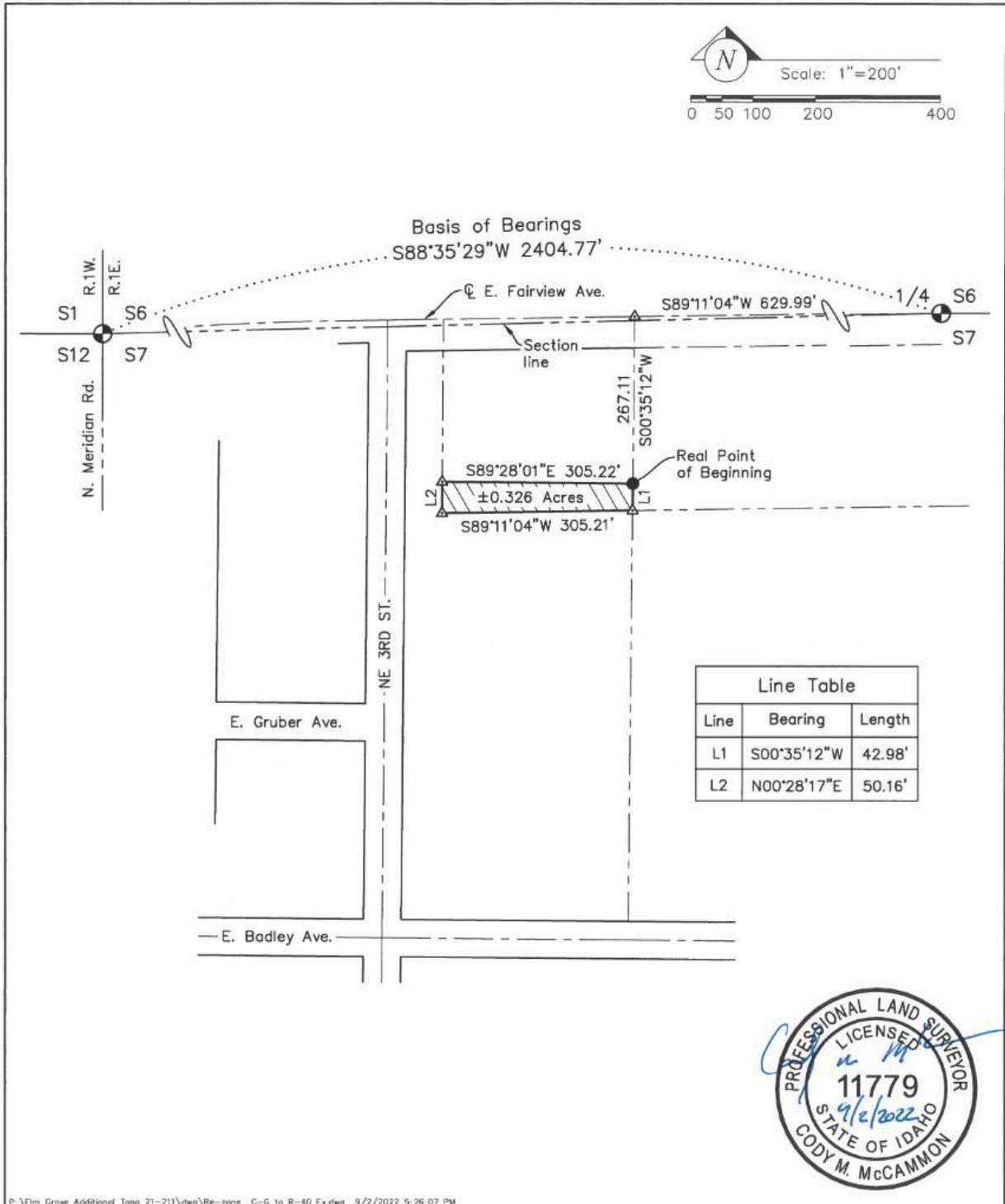
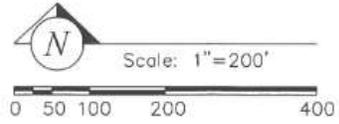
North 00°28'17" East, 50.16 feet;

thence leaving said exterior boundary line, South 89°28'01" East, 305.22 feet to the **REAL POINT OF BEGINNING**.

Containing 0.326 acres, more or less.

End of Description.





Line Table		
Line	Bearing	Length
L1	S00°35'12"W	42.98'
L2	N00°28'17"E	50.16'



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**ISG** IDAHO SURVEY GROUP, LLC  
 9955 W. EMERALD ST.  
 BOISE, IDAHO 83704  
 (208) 848-8570

Exhibit for  
**R-40 Zone**  
 Located in the NE1/4 of the NW1/4 of Section 7,  
 T.3N., R.1E., B.M., City of Meridian, Ada County, Idaho.

Job No.  
 21-211  
 Sheet No.  
 1  
 Dwg. Date  
 9/2/2022

Description for  
**C-G Zone**  
September 2, 2022

A parcel of land located in the Northeast 1/4 of the Northwest 1/4 of Section 7, Township 3 North, Range 1 East of the Boise Meridian, City of Meridian, Ada County, Idaho more particularly described as follows:

Commencing at the 1/4 corner common to Sections 6 and 7, T.3N., R.1E., B.M., from which the Section corner common to Sections 1 and 12, T.3N., R.1W., B.M., and said Sections 6 and 7 bears South 88°35'29" West, 2,404.77 feet; thence on the centerline of E. Fairview Avenue, South 89°11'04" West, 935.83 feet to the exterior boundary line of the City of Meridian C-G Zone and the **REAL POINT OF BEGINNING**;

thence on said exterior boundary line, South 00°28'17" West, 259.92 feet;

thence leaving said exterior boundary line, North 89°28'01" West, 90.00 feet to the centerline of NE 3rd Street;

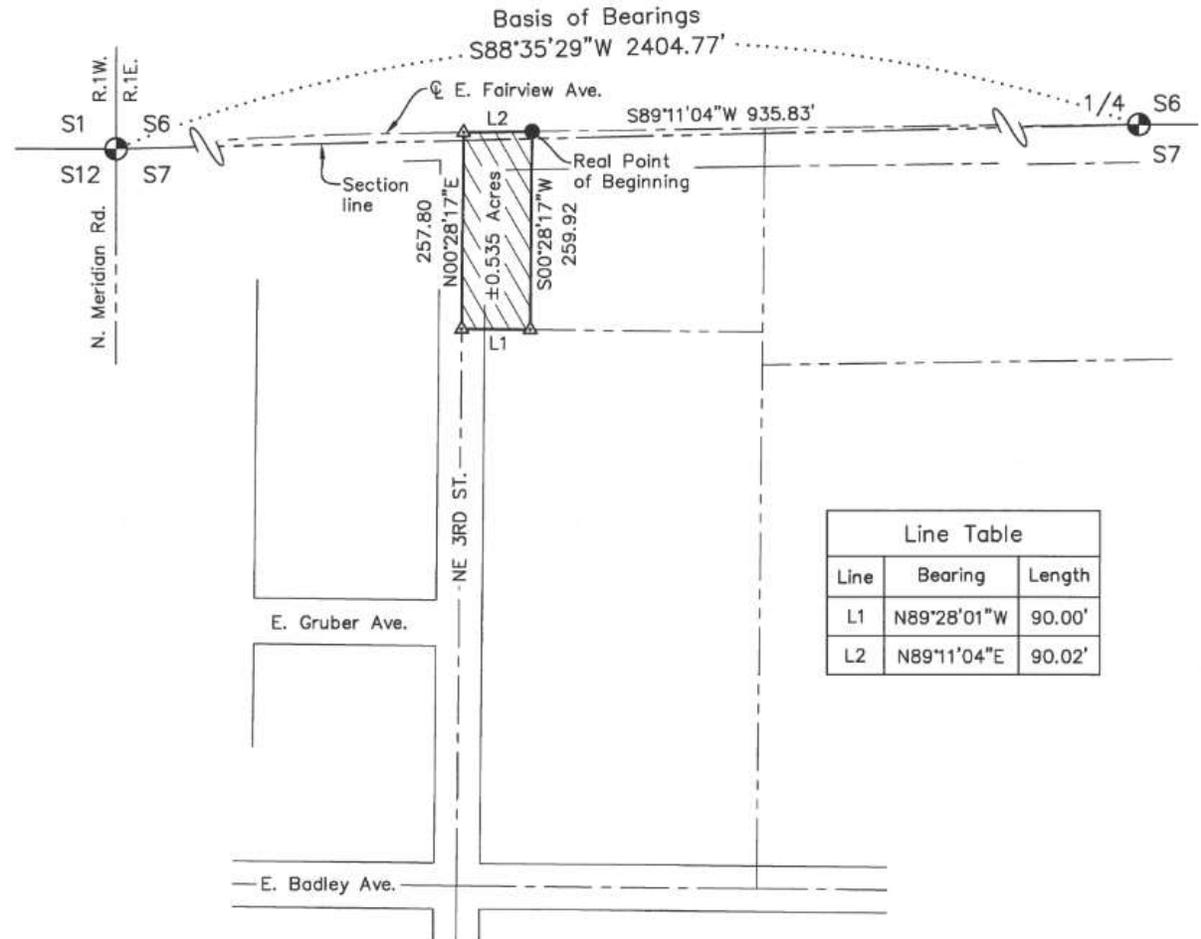
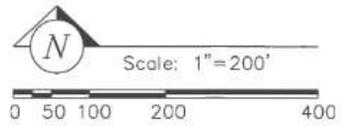
thence on said centerline, North 00°28'17" East, 257.80 feet to centerline of E. Fairview Avenue;

thence on said centerline, North 89°11'04" East, 90.02 feet to the **REAL POINT OF BEGINNING**.

Containing 0.535 acres, more or less.

End of Description.





Line Table		
Line	Bearing	Length
L1	N89°28'01"W	90.00'
L2	N89°11'04"E	90.02'



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**IDAHO SURVEY GROUP, LLC**  
 9955 W. EMERALD ST.  
 BOISE, IDAHO 83704  
 (208) 846-8570

Exhibit for  
**C-G Zone**  
 Located in the NE1/4 of the NW1/4 of Section 7,  
 T.3N., R.1E., B.M., City of Meridian, Ada County, Idaho.

Job No.  
 21-211  
 Sheet No.  
 1  
 Dwg. Date  
 9/2/2022

# EXHIBIT B

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



**In the Matter of the Request for Rezone of 6.82 and 0.33 Acres of Land from the R-8 and C-G Zoning Districts to the R-40 (6.61 Acres) and C-G (0.54 Acre) Zoning Districts; Preliminary Plat Consisting of 45 Building Lots [30 Single-family Residential Building Lots, Five (5) Multi-family Building Lots, Two (2) Commercial Building Lots] and Eight (8) Common Lots on 7.64 Acres of Land in the R-40 and C-G Zoning Districts; Conditional Use Permit (CUP) to Construct a 90-unit Multi-family Development on Approximately 2.8 Acres of Land in the Requested R-40 Zone; CUP to Construct Single-family Detached Dwellings on 10 of the 30 Single-family Residential Lots in the Requested R-40 Zone; CUP to Allow the existing nonconforming parking, landscaping, and mobile home park to remain as-is for an extended period of time in the C-G and requested R-40 zoning districts; Private Streets for Internal Access to the Proposed Single-family and Multi-family Units; and, Alternative Compliance to the Off-street Parking Standards for Single-family Dwellings Listed in UDC Table 11-3C-6, which Requires Parking Pads to be Located in Front of the Garage, to Allow the Parking Pads for the 3-bedroom Units to be Located as Close as Possible to the Corresponding Unit, by A-Team Land Consultants.**

**Case No(s). H-2022-0013**

**For the City Council Hearing Date of: May 23, and June 20, 2023 (Findings on June 27, 2023)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of June 20, 2023, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of June 20, 2023, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of June 20, 2023, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of June 20, 2023, 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 June 20, 2023, 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 Rezone, Preliminary Plat, (3) Conditional Use Permits, Private Street and Alternative Compliance is hereby approved with the requirement of a Development Agreement per the provisions in the Staff Report for the hearing date of June 20, 2023, 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. Judicial Review

Pursuant to Idaho Code § 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code § 67-6521(1)(a), an affected person aggrieved by this final decision may, within twenty-eight (28) days after all remedies have been exhausted, including requesting reconsideration of this final decision as provided by Meridian City Code § 1-7-10, seek judicial review of this final decision as provided by chapter 52, title 67, Idaho Code. This notice is provided as a courtesy; the City of Meridian does not admit by this notice that this decision is subject to judicial review under LLUPA.

#### F. Notice of Right to Regulatory Takings Analysis

Pursuant to Idaho Code §§ 67-6521(1)(d) and 67-8003, an owner of private property that is the subject of a final decision may submit a written request with the Meridian City Clerk for a regulatory takings analysis.

#### G. Attached: Staff Report for the hearing date of June 20, 2023

By action of the City Council at its regular meeting held on the 27th day of June, 2023.

COUNCIL PRESIDENT BRAD HOAGLUN VOTED AYE

COUNCIL VICE PRESIDENT JOE BORTON VOTED AYE

COUNCIL MEMBER JESSICA PERREAULT VOTED AYE

COUNCIL MEMBER LUKE CAVENER VOTED \_\_\_\_\_

COUNCIL MEMBER JOHN OVERTON VOTED AYE

COUNCIL MEMBER LIZ STRADER VOTED AYE

MAYOR ROBERT SIMISON VOTED \_\_\_\_\_  
(TIE BREAKER)

  
\_\_\_\_\_  
Mayor Robert E. Simison 6-27-2023

Attest:

  
\_\_\_\_\_  
Chris Johnson 6-27-2023  
City Clerk



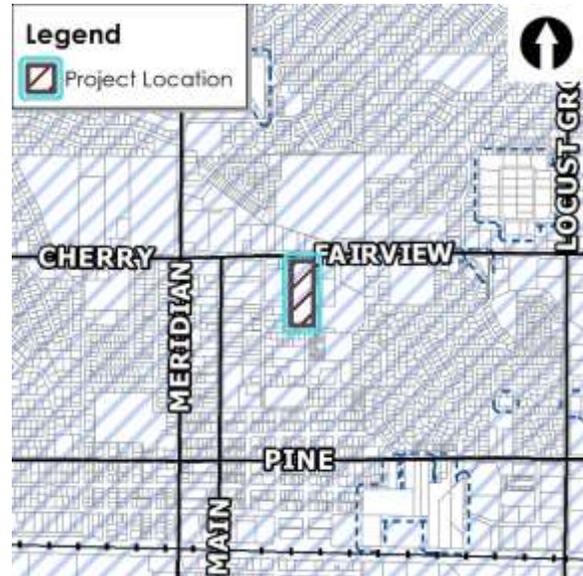
Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.

By:  Dated: 6-27-2023  
City Clerk's Office

**STAFF REPORT**  
**COMMUNITY DEVELOPMENT DEPARTMENT**



HEARING DATE: 6/20/2023  
DATE: *Continued from: 5/23/2023*  
TO: Mayor & City Council  
FROM: Sonya Allen, Associate Planner  
208-884-5533  
SUBJECT: H-2022-0013  
Promenade Cottages Subdivision  
LOCATION: 403 E. Fairview Ave., in the NW 1/4 of  
Section 7, Township 3N, Range 1E.  
(Parcel #S1107212707)



**I. PROJECT DESCRIPTION**

The Applicant has submitted requests for the following:

- Rezone of 6.82 and 0.33 acres of land from the R-8 and C-G zoning districts to the R-40 (6.61 acres) and C-G (0.54 acres) zoning districts;
- Preliminary plat consisting of 45 building lots [30 single-family residential building lots, five (5) multi-family building lots, two (2) commercial building lots] and eight (8) common lots on 7.64 acres of land in the R-40 and C-G zoning districts;
- Conditional Use Permit (CUP) to construct a 90-unit multi-family development on approximately 2.8 acres of land in the requested R-40 zone;
- CUP to construct single-family detached dwellings on 10 of the 30 single-family residential lots in the requested R-40 zone;
- CUP to allow the existing nonconforming parking, landscaping, and mobile home park to remain as-is for an extended period of time in the C-G and requested R-40 zoning districts;
- Private streets (PS) are proposed for internal access to the proposed single-family and multi-family units; and,
- Alternative Compliance (ALT) to the off-street parking standards for single-family dwellings listed in UDC Table 11-3C-6, which requires parking pads to be located in front of the garage, to allow the parking pads for the 3-bedroom units to be located as close as possible to the corresponding unit.

## II. SUMMARY OF REPORT

### A. Project Summary

Description	Details
Acreage	7.64 acres
Future Land Use Designation	Commercial (2.12+/- acres) and High Density Residential (HDR) (5.52+/- acres)
Existing Land Use(s)	Commercial (retail/restaurant/multi-tenant), mobile home park, and vacant/undeveloped land.
Proposed Land Use(s)	Existing commercial (retail/restaurant) uses to remain, single-family residential (SFR) attached/detached and multi-family residential (MFR) apartments proposed.
Lots (# and type; bldg./common)	45 total lots (30 SFR building lots, 5 MFR building lots, 2 commercial building lots, and 8 common lots)
Phases	3
Number of Residential Units	120
Density	20.51 units/acre overall in R-40 zoned area
Open Space (acres, total [%]/buffer/qualified)	See Section VI
Amenities	Swimming pool, clubhouse, dog park, community garden and a tot lot
Neighborhood meeting date	December 8, 2021
History (previous approvals)	Ross's Elm Grove Annexation (Ord. #183); Ross's Elm Grove Annexation No. 2 (Ord. #185) (1969)

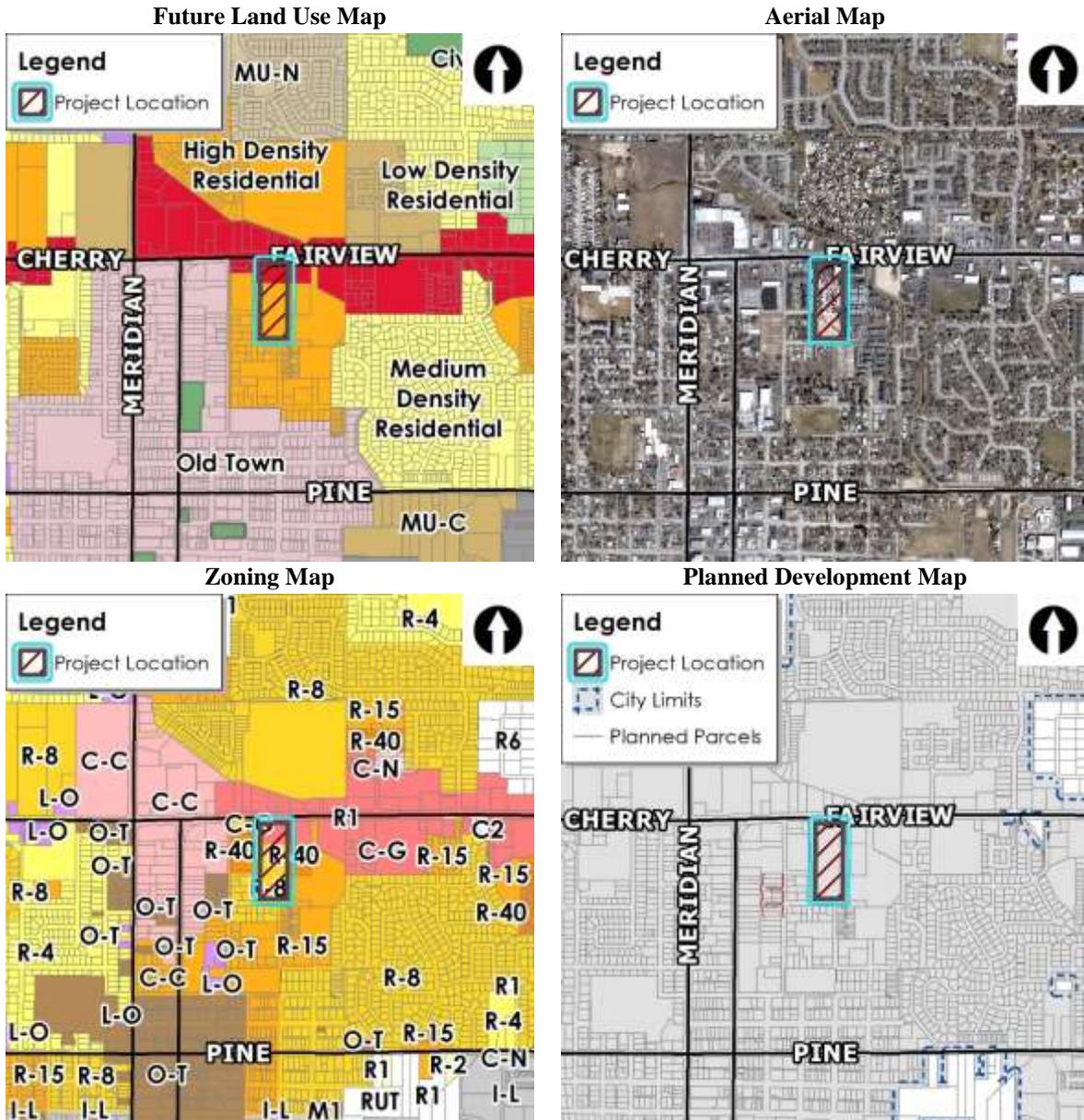
### B. Community Metrics

Description	Details
Ada County Highway District	
<ul style="list-style-type: none"> <li>Staff report (yes/no)</li> </ul>	Yes
<ul style="list-style-type: none"> <li>Requires ACHD Commission Action (yes/no)</li> </ul>	No
<ul style="list-style-type: none"> <li>Traffic Impact Study (yes/no)</li> </ul>	No (not required)
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	There are currently three (3) access driveways via E. Fairview Ave., an arterial street, & nine (9) access driveways via NE 3 <sup>rd</sup> Street, a local street (planned to be a collector). The three (3) access driveways via Fairview are proposed to remain until redevelopment of the commercial area; three (3) access driveways are proposed via NE 3 <sup>rd</sup> St.
Stub Street/Interconnectivity/Cross Access	Gruber Ave. stubs to NE 3 <sup>rd</sup> St. to the west of this property but does not exist on the property to the east where multi-family apartments exist. East Badley Ave. runs along the south boundary of the site. No stub streets exist to this property.
Existing Road Network	NE 3 <sup>rd</sup> St. is a 2-lane local street along the northern portion of the west boundary of the site that dead-ends at Gruber Ave. (it's unimproved between Gruber and Badley abutting the site); E. Fairview Ave. is a 5-lane arterial street along the north boundary of the site; and Badley Ave. is a 2-lane local street along the south boundary of the site.
Condition of Area Roadways (Level of Service)	Fairview Ave.: Better than "E", which is an acceptable level of service for a 5-lane principal arterial.
Existing Arterial Sidewalks / Buffers	There is an existing detached 5-foot wide sidewalk along E. Fairview Ave. A 9+/- foot wide landscaped street buffer exists along Fairview between the western and the middle access driveway; the remainder of the site has no street buffer. A 4+/- foot wide attached sidewalk exists along NE 3 <sup>rd</sup> St. There is not a street buffer along NE 3 <sup>rd</sup> St. No sidewalk or street buffer exists along Badley Ave.

Description	Details
Proposed Road Improvements	<p><b>Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):</b></p> <ul style="list-style-type: none"> <li>• Fairview Avenue is scheduled in the IFYWP to be widened to 7-lanes from Locust Grove Road to SH-55 (Eagle Road) in 2025.</li> <li>• Locust Grove Road is scheduled in the IFYWP to be widened to 5-lanes from Fairview Avenue to Ustick Road with the design year in 2026 and the construction year in the future.</li> <li>• The intersection of Fairview Avenue and Locust Grove Road is scheduled in the IFYWP to be widened to 7-lanes on the north leg, 7-lanes on the south, 9-lanes on the east, and 9-lanes on the west leg, plus enhanced pedestrian and bike facilities and intersection lighting in 2025.</li> <li>• Fairview Avenue is listed in the CIP to be widened to 7-lanes from Meridian Road to Locust Grove Road between 2036 and 2040.</li> </ul>
<b>Fire Service</b>	
<ul style="list-style-type: none"> <li>• Distance to Fire Station</li> <li>• Fire Response Time</li> <li>• Resource Reliability</li> <li>• Accessibility</li> <li>• Risk Identification</li> </ul>	<p>1.8 miles from Fire Station #1.</p> <p>Within 5-minute response time goal area.</p> <p>Fire Station #1 reliability is 76% (below the targeted goal of 80%)</p> <p>Proposed project meets all required road widths, access, and turnaround dimensions.</p> <p>4 (current resources would <i>not</i> be adequate to supply service to this project)</p>
<b>Police Service</b>	
Distance to Police Station	2.1 miles
Police Response Time	3:30 minutes (expected); 3:45 minutes (average)
Calls for Service	7,199 within a mile of the development
% of calls for service split by priority	
Accessibility	If this project includes climate-controlled hallways, PD requests further discussions with developer on plans for emergency police access into each building entry point using a multi-technology keypad.
Specialty/resource needs	PD already serves this area
Crimes	734
Crashes	238
Other Reports	
<b>West Ada School District</b>	
Distance (elem, ms, hs)	Meridian Elementary, Meridian Middle, Meridian High
Capacity of Schools	These schools can adequately support the students from this development.
# of Students Enrolled	
# of Students Predicted from this development	18
<b>Wastewater</b>	
Distance to Sewer Services	Connect to existing sewer main in E. Badley Ave
Sewer Shed	
Estimated Project Sewer ERU's	Additional 1585 GPD committed to model
WRRF Declining Balance	WRRF declining balance is 14.35 MGD
Project Consistent with WW Master Plan/Facility Plan	Yes
<b>Water</b>	
Distance to Water Services	Connect to existing water mains on NE. 3 <sup>rd</sup> St. and E. Badley Ave
Pressure Zone	2
Estimated Project Water	Info not supplied by PW

Description	Details
ERU's	
Water Quality	
Project Consistent with Water Master Plan Impacts/Concerns	Yes

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Steve Arnold, A-Team Land Consultants – 1785 Whisper Cove Avenue, Boise, ID 83709

B. Owner:

Mark Kelly, Lesley’s Mobile Estates, LLC – 313 N. Main Street, Hailey, ID 83333

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	11/30/23, 1/4/23	5/7/2023
Radius notification mailed to properties within 500 feet	11/13, 22, 12/30/22	5/5/2023
Site Posting	10/19/22	5/1/2023
Nextdoor posting	11/28/22, 12/20/22	5/5/2023

V. COMPREHENSIVE PLAN – STAFF ANALYSIS

A. Future Land Use Map Designation (<https://www.meridiancity.org/complan>)

**Land Use:** The Future Land Use Map (FLUM) contained in the Comprehensive Plan designates most of this property as High Density Residential (HDR) (5.52+/- acres) with some Commercial (2.12+/- acres) along E. Fairview Ave.

The HDR designation allows for the development of multi-family homes in areas where high levels of urban services are provided and where residential gross densities exceed twelve dwelling units per acre. Development might include duplexes, apartment buildings, townhouses, and other multi-unit structures. A desirable project would consider the placement of parking areas, fences, berms, and other landscaping features to serve as transitions between neighboring uses. These areas are compact within the context of larger neighborhoods and are typically located around or near mixed use commercial or employment areas to provide convenient access to services and jobs for residents. Developments need to incorporate high-quality architectural design and materials and thoughtful site design to ensure quality of place; they should incorporate connectivity with adjacent uses and area pathways, attractive landscaping, gathering spaces and amenities, and a project identity.

The Commercial designation will provide a full range of commercial uses to serve area residents and visitors. Desired uses may include retail, restaurants, personal and professional services, and office uses, as well as appropriate public and quasi-public uses. Multi-family residential may be allowed in some cases, but should be careful to promote a high quality of life through thoughtful site design, connectivity, and amenities. Sample zoning include: C-N, C-C, and C-G.

The Applicant proposes to develop the southern HDR designated portion of the property with a mix of single-family attached (20) and detached (10) homes and multi-family apartments (90) at an overall gross density of 20.51 units per acres consistent with the density desired in HDR designated areas. The gross density of the multi-family development is 28 units/acre; with 11 units/acre for the single-family development. Although single-family detached units are not specifically listed as a desired use in the HDR designation, the UDC does allow them with a conditional use permit in the R-40 zoning district. The southern 5.85 acres of land (6.61 acres including adjacent right-of-way to the centerline of the road) is proposed to be rezoned to R-40 consistent with the HDR designation.

The proposed development should be compatible with the abutting multi-family development on

the property to the east. A 15-foot wide landscaped buffer is proposed along the shared property line with the southern portion containing a pedestrian pathway. The southern and western portions of the property abut public streets (NE 3<sup>rd</sup> St. and E. Badley Ave.).

The existing retail store and restaurant/multi-tenant building/uses on the northern portion of the property in the C-G zoning district are proposed to remain. These uses provide services to area residents as desired in the Commercial designation.

**Transportation:** Northeast 3<sup>rd</sup> Street exists along the west boundary of the site and is a planned residential collector street per ACHD's [Master Street Map](#) (MSM) and north/south corridor through the City from Franklin Rd. to Fairview Ave. Preservation and dedication of right-of-way for the expanded street section and pathway is required with development [see [Downtown Meridian City Core Street Cross-Section Master Plan](#) (pg. 4-9) and the [Comprehensive Plan](#) (pg. 6-3)]. See analysis below in Section VI.B for more information.

**Comprehensive Plan Policies** (<https://www.meridiancity.org/compplan>): The applicable Comprehensive Plan policies are cited below with Staff's analysis in italics.

- “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).

*As discussed above, the subject property is proposed to develop with a mix of single-family attached and detached dwellings and multi-family apartment units, which will contribute to the diversity of housing types in this area.*

- “With new subdivision plats, require the design and construction of pathways connections, easy pedestrian and bicycle access to parks, safe routes to schools, and the incorporation of usable open space with quality amenities” (2.02.01A).

*The Pathways Master Plan depicts a segment of the City's multi-use pathway system along the west side of NE 3<sup>rd</sup> Street adjacent to the west boundary of this site; an existing sidewalk provides an on-street route for the pathway along the northern boundary of the site along Fairview Ave. Internal pathways are proposed from the perimeter sidewalks along E. Badley Ave. and E. 3<sup>rd</sup> Street to the central common area within the residential portion of the site.*

*Qualified open space and site amenities will be required with development of the residential portion of the site in accord with the standards listed in UDC [11-3G-3](#) and [11-4-3-27C, D](#).*

- “Pursue the extension of Idaho Ave. and/or Broadway Ave. to Commercial Dr. and the extension of East 3<sup>rd</sup> St. from Fairview Ave. to Pine Ave. in Downtown.” (6.01.02I)

*Development of this site will facilitate the extension of NE 3<sup>rd</sup> Street from E. Badley Ave. to E. Fairview Ave. in general accordance with the Downtown Meridian Street Cross-section Master Plan.*

- “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 service is currently provided to the existing uses and can be provided to future uses within this development. Police and Fire protection is already provided to this property and will continue to be provided.*

- “Work with transportation agencies and private property owners to preserve transportation corridors, future transit routes and infrastructure, road, and highway extensions, and to facilitate access management.” (6.01.02M)

*Dedication of additional right-of-way and improvements for the expansion and extension of*

*the NE 3<sup>rd</sup> Street corridor, a planned residential collector street, is required with this development in accord with ACHD's requirements.*

- “Encourage the development of high quality, dense residential and mixed-use areas near in and around Downtown, near employment, large shopping centers, public open spaces and parks, and along major transportation corridors, as shown on the Future Land Use Map.” (2.02.01E)

*The proposed high-density development is in close proximity to the downtown area and shopping along the Fairview Ave. transportation corridor.*

*Staff finds this development to be generally consistent with the Comprehensive Plan, as noted above.*

## **VI. UNIFIED DEVELOPMENT CODE – STAFF ANALYSIS**

*Note: The Applicant submitted this application on February 18, 2022; therefore, the UDC standards in effect at that time, dated November 30, 2021, apply to development of this site, not the current standards.*

### **A. Rezone (RZ):**

A Rezone of 6.28 and 0.33 acres of land from the R-8 (medium-density residential) and C-G (general retail and service commercial) zoning districts to the R-40 (high-density residential) (6.61 acres) and C-G (0.54 acres) zoning districts is proposed for the existing commercial and proposed residential development in accord with the associated Commercial and HDR FLUM designations for this property. Legal descriptions and exhibit maps for the rezone areas are included in Section VIII.A of this report.

There are two (2) commercial buildings (a retail store and a multi-tenant building with a restaurant) on the northern portion of this site along Fairview Ave. that are proposed to remain until the third phase of development; a redevelopment plan was not submitted for this area. A mobile home park exists to the south of the commercial area that is proposed to be removed and redeveloped with 90 multi-family apartments with the second phase of development. The southern portion of the site consists of vacant/undeveloped land that is proposed to develop with a mix of single-family attached (20) and detached (10) homes with the first phase of development. The existing retail store (Rodda Paint) and mobile home park are considered nonconforming uses in the R-8 zoning district, as defined in UDC [11-1A-1](#), as such uses are prohibited in the R-8 zoning district. *See conceptual development plan included in Section VIII.D.*

The rezone to C-G will remove the nonconforming status of the retail store as such use is a principal permitted use in the C-G zoning district per UDC [Table 11-2B-2](#). The mobile home park is a prohibited use in the proposed R-40 zoning district; a conditional use permit is proposed to extend the nonconforming use in the R-40 district until such time as the property redevelops. The proposed multi-family development is listed as a conditional use in the R-40 zoning district per UDC [Table 11-2B-2](#) and is subject to the specific use standards listed in UDC [11-4-3-27](#). The proposed single-family attached dwellings are listed as a principal permitted use and the single-family detached dwellings are listed as a conditional use in the R-40 zoning district per UDC [Table 11-2A-2](#).

The City may require a development agreement (DA) in conjunction with a rezone pursuant to Idaho Code section 67-6511A. **To ensure future development is consistent with the Comprehensive Plan and with the development plan proposed with this application, Staff recommends a DA is required with this application, containing the provisions noted in Section VIII.A, as discussed herein.** *There is no development agreement currently in effect for this property.*

## **B. Preliminary Plat (PP):**

The proposed preliminary plat consists of 30 residential building lots for 20 single-family attached dwellings and 10 single-family detached dwellings, five (5) multi-family building lots, two (2) commercial building lots, and eight (8) common lots on 7.64 acres of land in the R-40 and C-G zoning districts.

This property is within the Northern Gateway Urban Renewal District and within the Opportunity Zone. If approved, the tax increment from this project would go toward making public improvements in the area.

The Applicant plans to develop the property in three (3) phases as shown on the preliminary plat. The single-family on the south end of the site is proposed to develop first with the multi-family second, and rebuild of the commercial area last shortly after the second phase. The phasing plan is based on the type of loan the Applicant has on the property. Because the property is income producing, the loan will not allow the owners to disrupt the income being made off the existing commercial buildings and the mobile home park. Once the property is not encumbered by this loan condition, the owner will move forward with Phase II, providing market conditions warrant it; Phase III will follow shortly after.

Due to the financing and timing, the Applicant requests an additional period of time of approximately 4-5 years, instead of the standard 2-years, to obtain the City Engineer's signature on the second phase file plat. This will also allow ample time to notice the existing residents of the mobile home park of the plan to redevelop the property. **Staff recommends the second phase final plat application is not allowed to be submitted for a minimum period of four (4) years from the date of approval of the preliminary plat to allow residents of the mobile home park ample time to find other housing prior to redevelopment; this will require at least one (1) time extension to be obtained in order for the preliminary plat to remain valid.**

### **Dimensional Standards:**

Future development should comply with the dimensional standards for the R-40 zoning district listed in UDC [Table 11-2A-8](#) and for the C-G zoning district listed in UDC Table [11-2B-3](#).

### **Subdivision Design and Improvement Standards (UDC [11-6C-3](#)):**

Development of the subdivision is required to comply with the subdivision design and improvement standards listed in UDC [11-6C-3](#).

### **Access (UDC [11-3A-3](#)):**

There are three (3) existing access driveways via E. Fairview Ave., a principal arterial, designated on the Master Street Map (MSM) as a mobility arterial – one (1) for the retail store and two (2) for the multi-tenant building where a restaurant (i.e. Idaho Pizza) is located. There are nine (9) existing access driveways via NE 3<sup>rd</sup> St., a local street, designated on the MSM as a residential collector street – two (2) for the commercial, one (1) ingress/egress driveway for the mobile home park, and six (6) driveway accesses for individual homes. No access exists via E. Badley Ave., a local street along the southern portion of the property as that portion of the site is undeveloped.

The two (2) eastern accesses via Fairview for the multi-tenant building are proposed to remain until redevelopment of that portion of the commercial property occurs as removal at this time would negatively affect the existing uses; the western access is proposed to be removed as it's too close to the intersection and doesn't conform to ACHD standards. ACHD is supportive of both of the eastern accesses remaining until such time as the property redevelops. **Staff recommends a DA provision requiring all access via Fairview Ave. to cease upon redevelopment of the commercial portion of the property and sole access to be taken via NE 3rd St., the lesser classification of the two streets, in accord with UDC 11-3A-3 and ACHD Policy.**

The topography of the eastern portion of the commercial site where the multi-tenant building and

the eastern two (2) accesses are located is approximately 3-feet higher than the western portion of the site where the retail building and single access is located and there is no cross-access driveway between the two areas.

The northern access via NE 3<sup>rd</sup> St. is proposed to be removed as it's too close to the intersection and doesn't conform to ACHD standards. The second access nearest Fairview is proposed to remain to serve the existing commercial retail store and a new driveway access is proposed 30-feet to the south of the aforementioned driveway as depicted on the site plan in alignment with the driveway on the west side of 3<sup>rd</sup>. **Due to the traffic conflicts that will likely result with the two driveways so close together, Staff recommends these two (2) accesses are combined and aligned with the driveway on the west side of 3<sup>rd</sup> in accord with UDC [11-3A-3](#), which limits access points to collector streets.** The existing driveway in alignment with Gruber Ave. on the west side of 3<sup>rd</sup> is proposed to remain and be reconstructed as a 30-foot wide curb return type driveway and has been approved by ACHD. The remainder of the accesses are proposed to be closed.

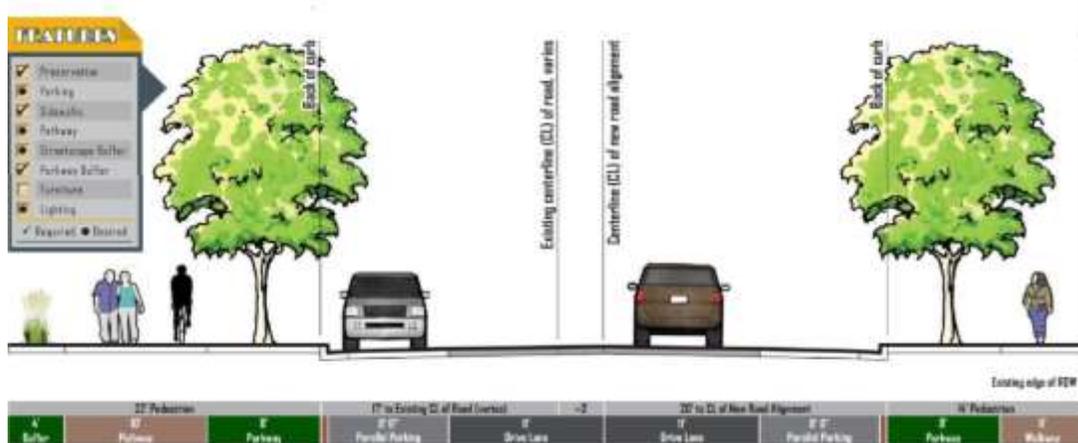
Two (2) new accesses are proposed via E. Badley Ave. to the single-family portion of the development, which also provides connectivity to the multi-family and commercial portions of the development.

**With the subdivision, cross-access/ingress-egress easements should be granted between the single-family, multi-family and commercial portions of the development via a note on the final plat or a separate recorded agreement in accord with UDC [11-3A-3](#).**

**Street Improvements:**

An additional 21-feet of right-of-way is required to be dedicated along Fairview Ave. consistent with the MSM; however, no street improvements are required with this application. Fairview is listed in the CIP to be widened from 5- to 7-travel lanes with on-street bike lanes between 2036 and 2040.

**With development, the existing section of NE 3<sup>rd</sup> St. is required to be reconstructed and the unimproved section between E. Gruber Ave. and E. Badley Ave. constructed as a collector street in accord with the MSM and in general conformance with The City's Downtown Meridian Street Cross-Section Master Plan, as follows:**



*Note: Staff is working with ACHD on an appropriate cross-section for this street that generally conforms to the above street section.*

**In accord with the right-of-way referenced in the East 3<sup>rd</sup> Street Alignment Study and the stated need in the Cross-section Master Plan, Staff recommends the following complete street section for NE 3<sup>rd</sup> St. between Badley and Gruber is constructed with the first phase**

of development:

Buffer	Sidewalk	Parkway	Curb	Bikelane	Lane	Lane	Bikelane	Curb	Parkway	Sidewalk	Buffer	Total
4	10	8	2	0	13	13	0	2	8	5	1	66

**For the street section between Gruber and Fairview to be constructed with the second phase of development, the existing section of 3<sup>rd</sup> St. should be reconstructed as ½ of a 40-foot street section with an 11-foot wide travel lane, an 8-foot wide planter strip and 5-foot wide concrete sidewalk abutting the site.**

**Private Streets:**

Private streets are proposed for internal access to the proposed single-family and multi-family units for addressing purposes and are required to comply with the standards listed in UDC [11-3F-4](#). Twenty-four (24) foot wide streets are proposed in the single-family portion of the development to serve the 2-story structures and 26-foot wide streets are proposed in the multi-family portion of the development to serve the 3-story structures in accord with Fire Dept. requirements. **The private streets should be delineated from the parking areas on the common lot.**

The Director finds the proposed private streets comply with the aforementioned standards and the required Findings for approval (see Section X.F below). Therefore, the Director *tentatively* approves the private streets subject to completion of the tasks noted in UDC [11-3F-3B](#) within one (1) year in accord with the Findings in Section X.F. Upon completion of these tasks and submittal of the required documents, final approval will be issued.

**Parking:** Off-street parking is required to be provided in accord with the standards listed in UDC [Table 11-3C-6](#) for the use.

Alternative Compliance is requested to the off-street parking standards for single-family dwellings listed in UDC Table 11-3C-6 (note #2), which requires parking pads to be located in front of the garage, to allow the parking pads for the 3-bedroom units on Lots 2, 5, 9, 11, 12, 14, 19, 22, 24, 26, 28 to and 32 to be located as close as possible to the corresponding unit as shown on the parking exhibit in Section VIII.F.

Although this request is irregular and not ideal, it still provides the required parking in fairly close proximity to the associated dwelling units. The walking distance from the parking spaces to the units they serve varies from 65 to 130 feet.

Due to the proposed site design with alley-loaded units accessed by private streets, the Applicant states it's not feasible to comply with the required standards. Staff finds revisions could be made to the plan to comply but it would change the design of the project.

Because the proposed alternative means of compliance meets the intent of the requirement by providing an equal means of compliance and shouldn't be materially detrimental to the public welfare or impair the intended uses and character of surrounding properties in accord with the required Findings for such, the Director has approved the request (see Findings in Section X.G).

**Sidewalks (UDC [11-3A-17](#)):**

The UDC requires detached sidewalks along collector and arterial streets; attached sidewalks may be provided along local streets.

There is an existing 5-foot wide detached sidewalk along E. Fairview Ave. and a 4+/- foot wide attached sidewalk along NE 3<sup>rd</sup> St.; no sidewalk exists along Badley Ave. When NE 3<sup>rd</sup> St., a future collector street, is reconstructed and extended, a detached sidewalk will be provided. An attached sidewalk will be required along Badley Ave., a local street.

A multi-use pathway is designated on the Pathways Master Plan along Fairview Ave. on this site.

If on-street bike lanes are not constructed by ACHD with the Fairview road widening project, a 10-foot wide detached sidewalk will likely be constructed by ACHD in lieu of the bike lanes. **The Applicant should coordinate with ACHD to ensure a 10-foot wide detached pathway is constructed rather than a pathway of lesser width in accord with the Pathways Master Plan.**

**Pathways (UDC [11-3A-8](#)):**

The Pathways Master Plan (PMP) depicts a 10-foot wide multi-use pathway off-site along the west side of NE 3<sup>rd</sup> St. and an on-street route along E. Fairview Ave. on this site. All pathways should comply with the standards in UDC [11-3A-8](#).

Accommodating the East 3rd Street Pathway is of the utmost importance. Meridian road does not have bike lanes or parkways separating the sidewalk from a 5-lane roadway. Similarly, Main Street does not have bike lanes and the narrow sidewalks do not accommodate bike use so close to storefronts. The City's only opportunity for a family-friendly strong north-south pathway is on 3rd Street which has one of the few rail crossings. This Pathway alignment is adopted as part of the Comprehensive Plan, Pathway Master Plan, and Street Cross-section Master Plan. Portions of East 3rd Street to the South (Carlton to Franklin) are programmed for widening and will incorporate the pathway. The pathway location on the west side has been identified as the safest option and needs to be kept in this alignment on one-side of the street to enhance appeal and promote its use in a pedestrian and bike-friendly downtown.

Internal pedestrian pathways are proposed from the perimeter sidewalks to the main building entrances of the commercial buildings and within the single-family residential portion of the development to the central common area. **Revisions should be made to the pedestrian plan to provide pedestrian connections between the single-family, multi-family and commercial portion of the development.**

The pedestrian access to Badley Ave. will provide a connection to the multi-use pathway along the Five Mile Creek to the east.

A detached 10-foot wide multi-use pathway should be provided within the street buffer along Fairview with redevelopment of the commercial portion of the site in Phase 3 in accord with the PMP. *ACHD may construct this pathway with the Fairview road widening project in 2036-2040 if on-street bike lanes are not constructed.*

**Landscaping (UDC [11-3B](#)):**

A 9+/- foot wide landscaped street buffer exists along Fairview between the western and the middle access driveway; the remainder of the site has no street buffer. No street buffer exists along NE 3rd St. or Badley Ave.

A 25-foot wide street buffer is required along E. Fairview Ave., an arterial street, and a 20-foot wide street buffer is required along NE 3<sup>rd</sup> St., to be improved as a collector street, per UDC Tables [11-2A-8](#) and [11-2B-3](#). No street buffer is required along Badley Ave. Landscaping is required to be installed within the street buffers in accord with the standards listed in UDC [11-3B-7C](#). The buffer on the commercial portion of the property will be required with the third phase of development which should follow the Fairview Ave. road widening project.

All residential subdivision street buffers are required to be on a common lot, maintained by the homeowner's association per UDC [11-3B-7C.2a](#). All commercial street buffers are required to be on a common lot or on a permanent dedicated buffer, maintained by the property owner or business owner's association per UDC [11-3B-7C.2b](#).

**Landscaping is required adjacent to all pathways within the site in accord with the standards listed in UDC [11-3B-12C](#).**

There are existing trees on this site that are proposed to be removed with development. Mitigation

is required in accord with the standards listed in UDC [11-3B-10C.5](#). **Mitigation information should be included on the landscape plan in accord with UDC standards.**

**Common Open Space:**

The UDC ([11-3G-2](#)) does not include minimum open space standards for single-family developments in the R-40 zoning district that are under 5 acres in size. Because the single-family portion of the development is only 2.7+/- acres in size, open space is not required. Common open space is proposed as shown on the landscape plan.

Common open space for multi-family developments is required per the standards listed in UDC [11-4-3-27C](#) (see CUP analysis below for more information).

**Site Amenities:**

The UDC ([11-3G-2](#)) does not include minimum site amenity standards for single-family developments in the R-40 zoning district that are under 5 acres in size. Because the single-family portion of the development is only 2.7+/- acres in size, site amenities are not required. Site amenities are proposed consisting of a 1,260 square foot clubhouse, a plaza area with seating, a community garden, tot lot and a dog park.

Site amenity standards for multi-family developments are listed in UDC [11-4-3-27D](#) (see CUP analysis below for more information).

In the commercial area, a gazebo and plaza areas are proposed for each building.

**Storm Drainage:**

An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances. Design and construction is required to follow Best Management Practices as adopted by the City as set forth in UDC [11-3A-18](#). The Applicant submitted a [Geotechnical Engineering Report](#) for the subdivision. Stormwater integration is required in accord with the standards listed in UDC [11-3B-11C](#).

**Pressure Irrigation:**

Underground pressurized irrigation water is required to be provided for each and every lot in the subdivision as required in UDC [11-3A-15](#). This property lies within the Nampa-Meridian Irrigation District boundary.

**Utilities:**

Utilities are required to be provided to the subdivision as required in UDC [11-3A-21](#). Street lights shall be installed in accord with the City's adopted standards, specifications and ordinances.

**Waterways:**

There are no waterways of significant size that cross this site. All waterways on this site shall be piped as set forth in UDC [11-3A-6B.3](#), unless otherwise waived by City Council. The southern portion of this project is within the Meridian Floodplain Overlay District (zone AE). **A floodplain development permit is required before land disturbance begins. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters. The lowest finished floor of the buildings must be elevated to flood protection levels with BFE and lowest finished floor noted on final grading plans.**

**Fencing:**

All fencing is required to comply with the standards listed in UDC 11-3A-7. No fencing is depicted on the landscape plan. However, the Applicant intends to construct 6-foot tall solid vinyl fencing along the eastern and northern boundaries of the residential portion of the development to screen the residential from the commercial uses. Fencing details should be included on the

landscape plan submitted with the final plat application(s).

**C. Conditional Use Permit (CUP) – Multi-family Development:**

A CUP is requested for a multi-family development consisting of 90 residential units on approximately 2.8 acres of land in the requested R-40 zoning district in accord with UDC [Table 11-2B-2](#). Five (5) 3-story 18-plex multi-family structures are proposed containing a mix of 1- (45) and 2-bedroom (45) units ranging from 712 to 1,278 square feet in size.

*Note: The Applicant doesn't expect the 2<sup>nd</sup> phase of development in which the multi-family development lies, to develop for approximately 4-5 years due to the type of loan they have on the property and restrictions associated with it.*

**Specific Use Standards (UDC 11-4-3-27):**

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

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

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 site plan included in Section VII.D depicts buildings at a minimum setback of 10-feet; no greater setback is required.*
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 plans submitted with the Certificate of Zoning Compliance application should demonstrate compliance with this standard.*
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 each dwelling unit will have a minimum 80 square foot patio or balcony, which meets 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 should comply with this requirement.*
6. The parking shall meet the requirements set forth in [chapter 3](#), "Regulations Applying to All Districts", of this title. *Based on (45) 1-bedroom and (45) 2-bedroom units, a minimum of 167 off-street vehicle parking spaces are required, including nine (9) guest parking spaces, with 90 of those being in a covered carport or garage per UDC [Table 11-3C-6](#). A minimum of two (2) additional parking spaces are required for the 1,260 square foot clubhouse per UDC [11-3C-6B.1](#). Total off-street parking required for the multi-family development is 169 spaces with 90 covered spaces. The site plan depicts a total of 176 spaces with 81 of those being covered, which is nine (9) more than the*

*minimum required but nine (9) fewer covered spaces than required. A minimum of nine (9) of the parking spaces proposed should be covered.*

*Based on the number of vehicle parking spaces proposed (i.e. 176), a minimum of seven (7) bicycle parking spaces are required per UDC [11-3C-6G](#) that comply with the standards listed in UDC [11-3C-5C](#). Bike racks should be provided in central locations for each multi-family building and the amenity building. Bicycle parking should be included on the site plan in accord with these standards.*

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 location of these items should be depicted on the site plan submitted with the Certificate of Zoning Compliance application.*

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 10% of the gross land area for multi-family developments of 5 acres or more. *Because the site is only 2.8 acres in area, this standard does not apply.*

Common open space areas are required to comply with the standards listed in UDC 11-4-3-27C.2, which state that open space areas must be integrated into the development as a priority and not for the use of land after all other elements of the development have been designed. These areas should have direct pedestrian access, be highly visible, comply with CPTED standards and support a range of leisure and play activities and uses – irregular shaped, disconnected or isolated open spaces do not meet the standard. Open space areas should be accessible and well connected throughout the development (i.e. centrally located, accessible by pathway and visually accessible along collector streets or as a terminal view from a street). Open space areas should promote the health and well-being of its residents and support active and passive uses for recreation, social gathering and relaxation to serve the development. ***Pathways should be provided to the central common open space area for pedestrian access.***

All multi-family projects over 20 units are required to provide at least one (1) common grassy area of at least 5,000 s.f. in area that's integrated into the site design allowing for general activities by all ages, which may be included in the minimum required open space. The area shall increase proportionately as the number of units increase and shall be commensurate to the size of the development as determined by the decision-making body. *The site plan depicts a central common open space area of 8,907s.f. that meets this requirement.*

In addition to the baseline open space requirement, which doesn't apply in this instance, 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. *All units contain more than 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 of the proposed 90 units contain between 500 and 1,200 s.f. of living area; therefore, a minimum of 22,500 s.f. (or 0.5 acre) 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 contain more than 1,200 square feet.*

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'). *All qualified areas meet this standard.*

*The qualified open space exhibit depicts 0.94-acre of qualified open space, which is 0.44-acre above the required amount.*

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. *The multi-family portion of the development is proposed to be constructed in one phase as the second overall phase of development.*

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) ***Some of the qualified open space is located adjacent to a collector street (i.e. NE 3<sup>rd</sup> St.). As such, a berm or constructed barrier should be provided in accord with this standard.***

Site Development Amenities:

1. All multi-family developments shall provide for quality of life, open space and recreation amenities to meet the particular needs of the residents as follows:
  - a. Quality of life:
    - (1) Clubhouse.
    - (2) Fitness facilities.
    - (3) Enclosed bike storage.
    - (4) Public art such as a statue.
    - (5) Dog park with waste station.
    - (6) Commercial outdoor kitchen.
    - (7) Fitness course.
    - (8) Enclosed storage.
  - b. Open space:
    - (1) Community garden.
    - (2) Ponds or water features.
    - (3) Plaza.
    - (4) Picnic area including tables, benches, landscaping and a structure for shade.
  - c. Recreation:
    - (1) Pool.

- (2) Walking trails.
- (3) Children's play structures.
- (4) Sports courts.
- d. Multi-modal amenity standards:
  - (1) Bicycle repair station.
  - (2) Park and ride lot.
  - (3) Sheltered transit stop
  - (4) Charging stations for electric vehicles
- 2. The number of amenities shall depend on the size of multi-family development as follows:
  - a. For multi-family developments with less than twenty (20) units, two (2) amenities shall be provided from two (2) separate categories.
  - b. For multi-family development between twenty (20) and seventy-five (75) units, three (3) amenities shall be provided, with one from each category.
  - c. For multi-family development with seventy-five (75) units or more, four (4) amenities shall be provided, with at least one from each category.
  - d. For multi-family developments with more than one hundred (100) units, the decision-making body shall require additional amenities commensurate to the size of the proposed development.

- 3. The decision-making body shall be authorized to consider other improvements in addition to those provided under this subsection D, provided that these improvements provide a similar level of amenity. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

*Based on 90 multi-family units, a minimum of four (4) amenities are required with at least one from each category listed in UDC [11-4-3-27D.1](#). The site plan depicts the following amenities: a swimming pool, clubhouse, dog park, community garden, bike lockers and a tot lot from the quality of life, open space and recreation categories. **An additional amenity should be provided from the multi-modal category.***

E. Landscaping Requirements:

- 1. Development shall meet the minimum landscaping requirements in accord with [chapter 3](#), "Regulations Applying to All Districts", of this title.
- 2. All street facing elevations shall have landscaping along their foundation. The foundation landscaping shall meet the following minimum standards:
  - a. The landscaped area shall be at least three feet (3') wide.
  - b. For every three (3) linear feet of foundation, an evergreen shrub having a minimum mature height of twenty-four inches (24") shall be planted.
  - c. Ground cover plants shall be planted in the remainder of the landscaped area.

***The landscape plan submitted with the Certificate of Zoning Compliance application should depict landscaping in accord with these standards.***

- 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.*

**Landscaping** (*UDC [11-3B](#)*):

Street buffer landscaping is required to be installed with the subdivision improvements (see analysis above in Section V.B).

Landscaping is required to be provided along all pathways per the standards listed in UDC [11-3B-12C](#). **A mix of trees, shrubs, lawn and/or other vegetative ground cover with a minimum of one (1) tree per 100 linear feet of pathway.**

**Fencing:** All fencing is required to comply with the standards listed in UDC 11-3A-7. A 6-foot tall solid screen fence is proposed along the northern & western boundaries of the multi-family development.

**Building Elevations** (*UDC [11-3A-19](#) | [Architectural Standards Manual](#)*):

Conceptual building elevations were submitted for the proposed structures multi-family as well as the single-family structures, included in Section VII.G. The single-family cottages are all proposed to be 2-stories in height with 2-car garages, while the multi-family apartment buildings are proposed to be 3-stories in height. The clubhouse will be a single-story in height. The Applicant's narrative states the multi-family buildings will use similar accents that the cottage units will have.

**A Certificate of Zoning Compliance application is required to be submitted for approval of the multi-family development and re-development of the commercial development to ensure compliance with UDC standards and development provisions associated with this application. A Design Review application is required to be submitted for approval of the single-family attached and multi-family structures and future commercial structures or changes to existing commercial structures. Final design of all structures must comply with the design standards in the Architectural Standards Manual.**

**D. Conditional Use Permit (CUP) – Single-family Dwellings in R-40 District:**

A CUP to requested for the development of 10 single-family detached dwellings in the requested R-40 zoning district as required by UDC [Table 11-2A-2](#).

Typically, single-family detached residential uses are not a desired use in the R-40 (high-density residential) zoning district. However, they are allowed as a conditional use.

There are existing single-family residential dwellings to the west across NE 3<sup>rd</sup> St. and to the south across E. Badley Ave. The proposed single-family homes at a higher density of 16.5 units per acre will assist in providing a transition to the multi-family apartments planned in the second phase of this development and should be compatible with adjacent uses. For these reasons, Staff is supportive of the request.

**E. Conditional Use Permit (CUP) – Nonconforming Use:**

A CUP is requested to allow the existing nonconforming parking, landscaping, and mobile home park, that includes RV's, to remain as-is for an extended period of time until redevelopment occurs with the second and third phases of the proposed development.

Per UDC 11-1A-1, a nonconforming use is defined as, "A use that lawfully existed prior to the effective date of this title but that does not now conform to the allowed uses for the district in which it is located. For the purpose of this title, nonconforming parking lot design and landscaping shall be deemed a nonconforming use." A nonconforming use may be extended through approval of a CUP as set forth in UDC 11-1B-4A.1a.

The nonconforming use of a portion of the site as a mobile home park and the parking and

landscaping in the commercial portion of the development will remain as-is until the second and third phases of development respectively, which will be approximately 4-5 years.

The reason for the lengthy request is so that the Applicant may proceed with development of the southern vacant portion of the site with Phase I, while allowing the residents of the mobile home park adequate time to find other housing options prior to redevelopment of that portion of the site with Phase II. Redevelopment of the commercial portion of the site isn't proposed until the third phase of development. The extended time period for redevelopment of the mobile home park also accommodates the type of loan the Applicant has on the property and the income generating uses in the interim. The extended time period for the commercial portion of the development where the nonconforming parking and landscaping are located will allow the Fairview Ave. road widening project to be completed. For these reasons, Staff is supportive of the Applicant's request.

## VII. DECISION

### A. Staff:

Staff recommends approval of the requested Rezone, Preliminary Plat and (3) Conditional Use Permit applications per the Findings in Section IX of this staff report. The Director has approved the requested Private Street and Alternative Compliance administrative applications associated with this project.

### B. The Meridian Planning & Zoning Commission heard these items on April 20, 2023. At the public hearing, the Commission moved to recommend approval of the subject RZ, PP and CUP requests.

#### 1. Summary of Commission public hearing:

- a. In favor: Steve Arnold, Applicant's Representative
- b. In opposition: None
- c. Commenting: Kellee Jean Warner
- d. Written testimony: None
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: Bill Parsons

#### 2. Key issue(s) of public testimony:

- a. Question from neighbor regarding how the proposed development would affect adjacent properties.
- b. Concern from two (2) residents of the mobile home park pertaining to where they'll live if/when the property redevelops in the future and the cost associated with moving.

#### 3. Key issue(s) of discussion by Commission:

- a. Concern pertaining to the extended time period for redevelopment of the mobile home park and commercial portions of the development and feasibility of the developer's ability to refinance the property after the terms of the existing loan are satisfied;
- b. Concern pertaining to the upkeep of the mobile home park in the interim of people vacating the mobile homes prior to redevelopment of the site and inclusion of a requirement for the mobile homes to be removed as they are vacated;
- c. Concern pertaining to the uncertainty of what's involved with the construction of a complete street section for NE 3<sup>rd</sup> St. between Gruber and Badley (i.e. if additional right-of-way is needed from the property to the west; if reimbursement for the cost of construction of the western portion of the street is possible from ACHD);
- d. Inclusion of a sunset requirement for the CUP for extension of the nonconforming uses.

#### 4. Commission change(s) to Staff recommendation:

- a. A sunset requirement was included for the CUP for extension of the nonconforming uses consistent with the preliminary plat requirement in the DA (see condition #A.4.1);
- b. The pedestrian pathway along the eastern boundary of the single-family portion of the site shall be removed due to CPTED safety concerns (see condition #A.2.2f);
- c. Inclusion of a provision requiring the mobile homes & associated debris that are vacant

at the beginning of Phase 2 to be removed within 45 calendar days; if there are more than 5 vacant mobile homes, that time period is extended to 90 calendar days (see DA provision #A.1.1i).

5. Outstanding issue(s) for City Council:

a. None

C. The Meridian City Council heard these items on May 23, and June 20, 2023. At the public hearing on June 20<sup>th</sup>, the Council moved to approve the subject RZ, PP and CUP requests.

1. Summary of the City Council public hearing:

a. In favor: Steve Arnold, Applicant's Representative; Mark Kelly, Applicant

b. In opposition: None

c. Commenting: Pat Hammerhan, Mike Harsh

d. Written testimony: Mark Kelly, Elm Grove Mobile Home Park (Applicant)

e. Staff presenting application: Sonya Allen

f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

a. The Applicant proposed to install bollard lighting along pathway on east side of single-family residential for visibility of the area.

b. Concern pertaining to living conditions in some of the mobile homes in the park and the appearance of some of the properties within the park.

c. Concern pertaining to the possible difference in cost for a rental space between the existing park and another park when the residents are forced to move.

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

a. Who will be in charge of maintaining the mobile home park during the transition. *The Applicant will continue to maintain the park.*

b. Concern for the displacement of residents in the mobile home park and where they will go given the price of housing now and in the future.

c. Concern pertaining to construction vehicles negatively effecting residents of the mobile home park.

d. Possible solutions for affordable housing when the residents have to move to another location.

e. The need for the Applicant to provide advanced notice to residents of the park of the upcoming change in use of the property to provide adequate time for residents to find other housing and get on lists for low-income housing if needed.

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

a. Modify DA provision #1.1b to include the following requirement: "The Applicant shall submit proof of notice via registered mail to all residents of the mobile home park of the upcoming change in use of the property with submittal of the final plat application. The letter shall include contact information (i.e. internet links, phone numbers, etc.) for local affordable housing resource options for residents. No building permits shall be submitted for at least one (1) year from the date of submittal of the final plat application."

b. Include a condition of the CUP for the multi-family development requiring the Applicant to submit proof of notice via registered mail to all residents of the mobile home park of the upcoming change in use of the property with future application for a CUP time extension for the multi-family development. The letter shall include contact information (i.e. internet links, phone numbers, etc.) for local affordable housing resource options for residents (see condition #3.8 in Section IX).

c. Modify condition #A2.2f to delete the requirement for removal of the pathway along the eastern side of the single-family residential portion of the development and add a requirement for pedestrian lighting to be installed along the pathway.

- d. Include a new DA provision, “In two (2) years when the Applicant’s loan on the property switches to a fixed-rate, the Applicant shall take inventory of the homes that exist at that time and offer to move (at the Applicant’s cost) any of the RV’s or mobile homes that are newer than 1976 to a mobile home or RV park the Applicant is building in Ontario, OR or to any park the Applicant owns in Eagle, Twin Falls, or Kimberly, ID, contingent upon spaces being available in those parks at that time, as offered by the Applicant in the letter included in Section VIII.G of the staff report (see Section IX.1.1j).”

**VIII. EXHIBITS**

A. Rezone Legal Descriptions and Exhibit Maps

Description for  
**R-40 Zone**  
September 2, 2022

A parcel of land located in the Northeast 1/4 of the Northwest 1/4 of Section 7, Township 3 North, Range 1 East of the Boise Meridian, City of Meridian, Ada County, Idaho more particularly described as follows:

Commencing at the 1/4 corner common to Sections 6 and 7, T.3N., R.1E., B.M., from which the Section corner common to Sections 1 and 12, T.3N., R.1W., B.M., and said Sections 6 and 7 bears South 88°35'29" West, 2,404.77 feet; thence on the centerline of E. Fairview Avenue, South 89°11'04" West, 629.99 feet; thence leaving said centerline, South 00°35'12" West, 310.09 feet to the **REAL POINT OF BEGINNING**;

thence continuing South 00°35'12" West, 686.83 feet to the centerline of E. Badley Avenue;

thence on said centerline, North 89°30'43" West, 393.75 feet to the intersection of E. Badley Avenue and NE 3rd Street;

thence on the centerline of NE 3rd Street, North 00°28'17" East, 730.12 feet;

thence leaving said centerline, South 89°28'01" East, 90.00 feet to the exterior line of the City of Meridian C-G Zone;

thence on said exterior boundary line the following two (2) courses and distances:

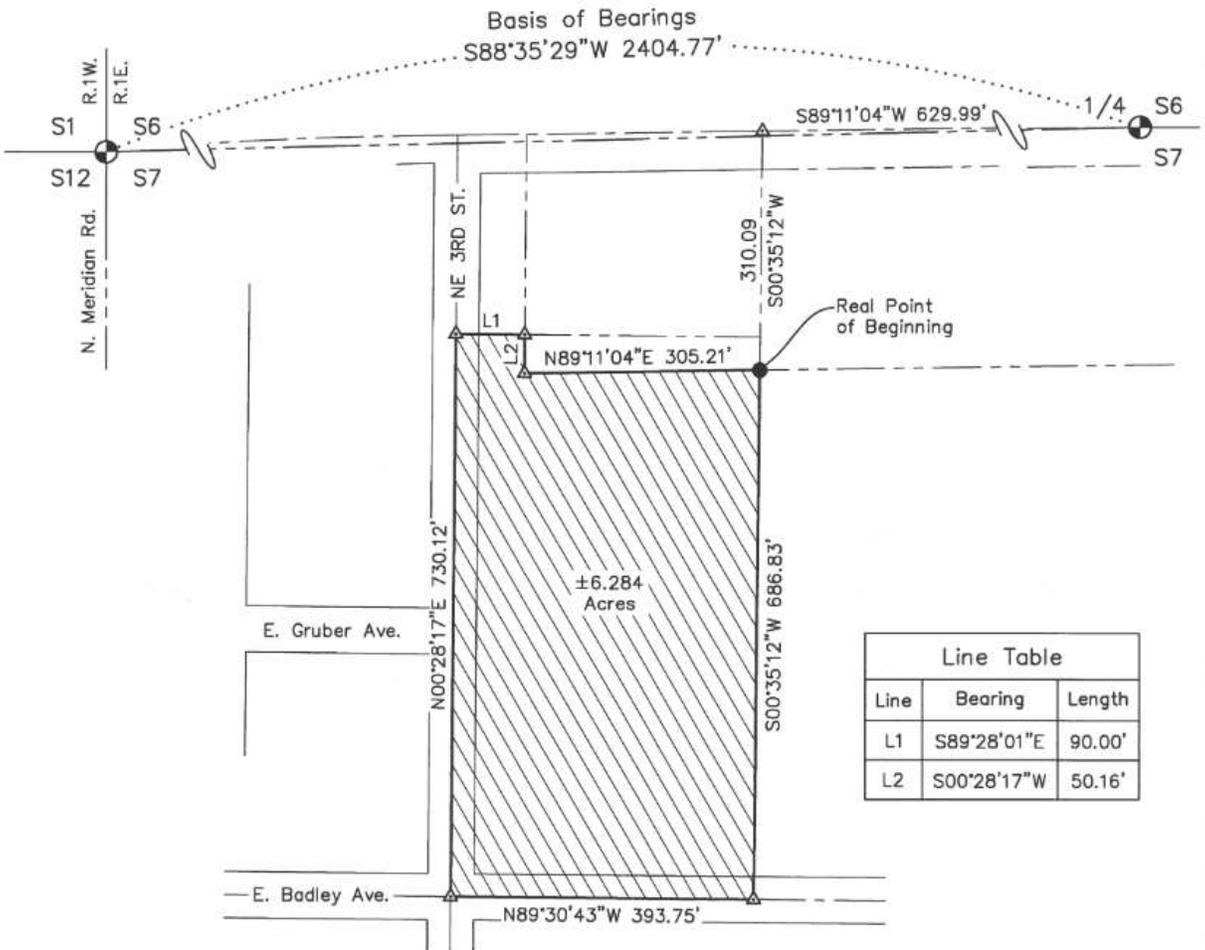
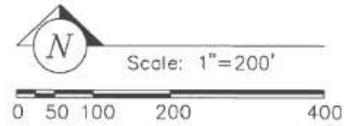
South 00°28'17" West, 50.16 feet;

North 89°11'04" East, 305.21 feet to the **REAL POINT OF BEGINNING**.

Containing 6.284 acres, more or less.

End of Description.





Line Table		
Line	Bearing	Length
L1	S89°28'01"E	90.00'
L2	S00°28'17"W	50.16'



P:\0m Grove Additional Topo 21-211\dwg\Re-zone R-8 to R-40 Ex.dwg 9/2/2022 6:06:24 PM

**ISG** IDAHO SURVEY GROUP, LLC  
 9955 W. EMERALD ST.  
 BOISE, IDAHO 83704  
 (208) 846-8570

Exhibit for  
**R-40 Zone**  
 Located in the NE1/4 of the NW1/4 of Section 7,  
 T.3N., R.1E., B.M., City of Meridian, Ada County, Idaho.

Job No.  
21-211  
 Sheet No.  
**1**  
 Dwg. Date  
9/2/2022

Description for  
**R-40 Zone**  
September 2, 2022

A parcel of land located in the Northeast 1/4 of the Northwest 1/4 of Section 7, Township 3 North, Range 1 East of the Boise Meridian, City of Meridian, Ada County, Idaho more particularly described as follows:

Commencing at the 1/4 corner common to Sections 6 and 7, T.3N., R.1E., B.M., from which the Section corner common to Sections 1 and 12, T.3N., R.1W., B.M., and said Sections 6 and 7 bears South 88°35'29" West, 2,404.77 feet; thence on the centerline of E. Fairview Avenue, South 89°11'04" West, 629.99 feet; thence leaving said centerline, South 00°35'12" West, 267.11 feet to the **REAL POINT OF BEGINNING**;

thence continuing South 00°35'12" West, 42.98 feet to the exterior boundary line of the City of Meridian C-G Zone;

thence on said exterior boundary line the following two (2) courses and distances:

South 89°11'04" West, 305.21 feet;

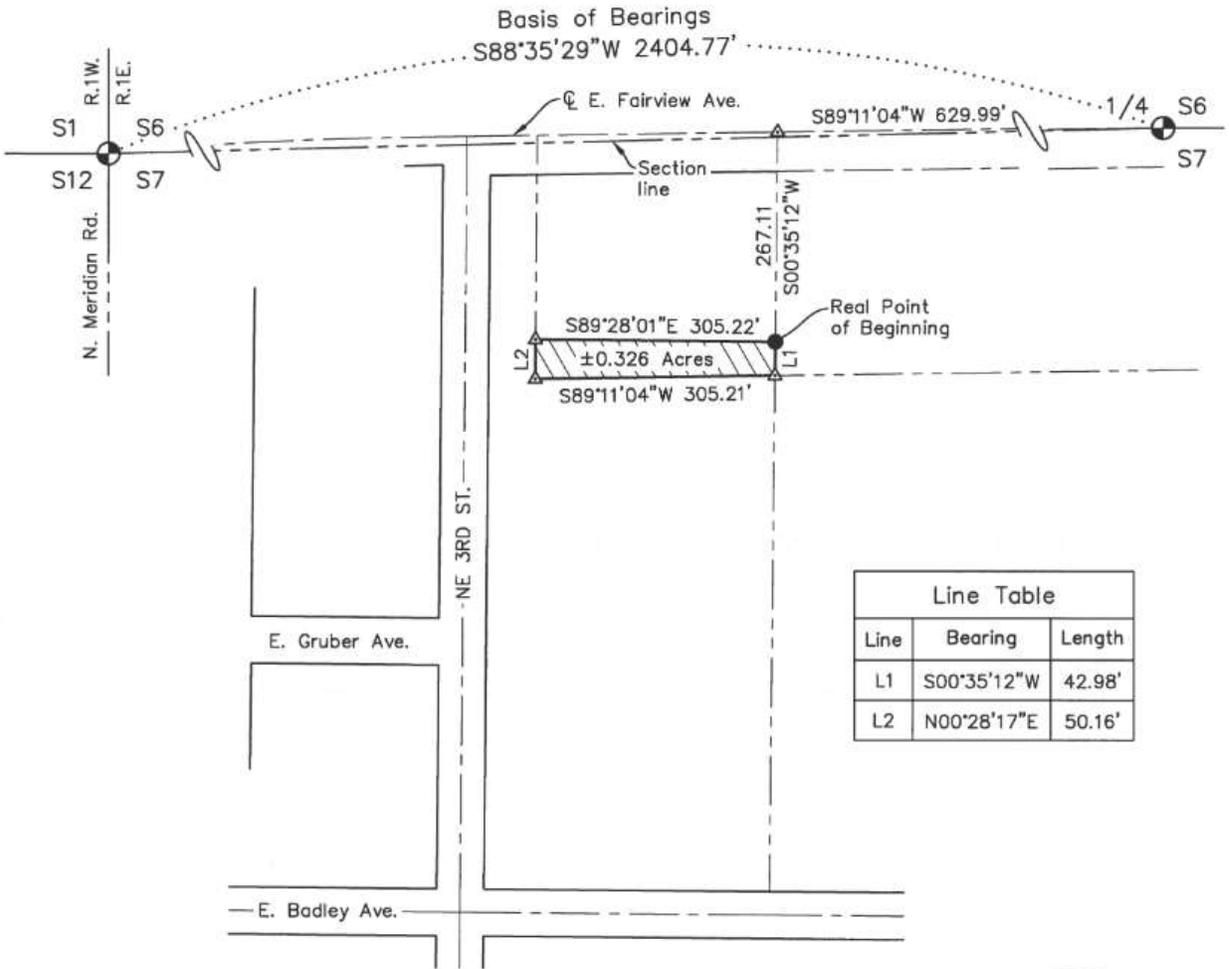
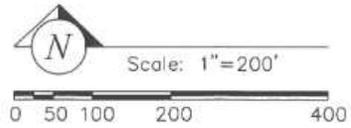
North 00°28'17" East, 50.16 feet;

thence leaving said exterior boundary line, South 89°28'01" East, 305.22 feet to the **REAL POINT OF BEGINNING**.

Containing 0.326 acres, more or less.

End of Description.





Line Table		
Line	Bearing	Length
L1	S00°35'12"W	42.98'
L2	N00°28'17"E	50.16'



P:\Elm Grove Additional Topo 21-211\dwg\Re-zone C-G to R-40 Ex.dwg 9/2/2022 5:26:07 PM



**IDAHO SURVEY GROUP, LLC**  
9955 W. EMERALD ST.  
BOISE, IDAHO 83704  
(208) 846-8570

Exhibit for  
**R-40 Zone**

Located in the NE1/4 of the NW1/4 of Section 7,  
T.3N., R.1E., B.M., City of Meridian, Ada County, Idaho.

Job No. 21-211
Sheet No. 1
Dwg. Date 9/2/2022

Description for  
**C-G Zone**  
September 2, 2022

A parcel of land located in the Northeast 1/4 of the Northwest 1/4 of Section 7, Township 3 North, Range 1 East of the Boise Meridian, City of Meridian, Ada County, Idaho more particularly described as follows:

Commencing at the 1/4 corner common to Sections 6 and 7, T.3N., R.1E., B.M., from which the Section corner common to Sections 1 and 12, T.3N., R.1W., B.M., and said Sections 6 and 7 bears South 88°35'29" West, 2,404.77 feet; thence on the centerline of E. Fairview Avenue, South 89°11'04" West, 935.83 feet to the exterior boundary line of the City of Meridian C-G Zone and the **REAL POINT OF BEGINNING**;

thence on said exterior boundary line, South 00°28'17" West, 259.92 feet;

thence leaving said exterior boundary line, North 89°28'01" West, 90.00 feet to the centerline of NE 3rd Street;

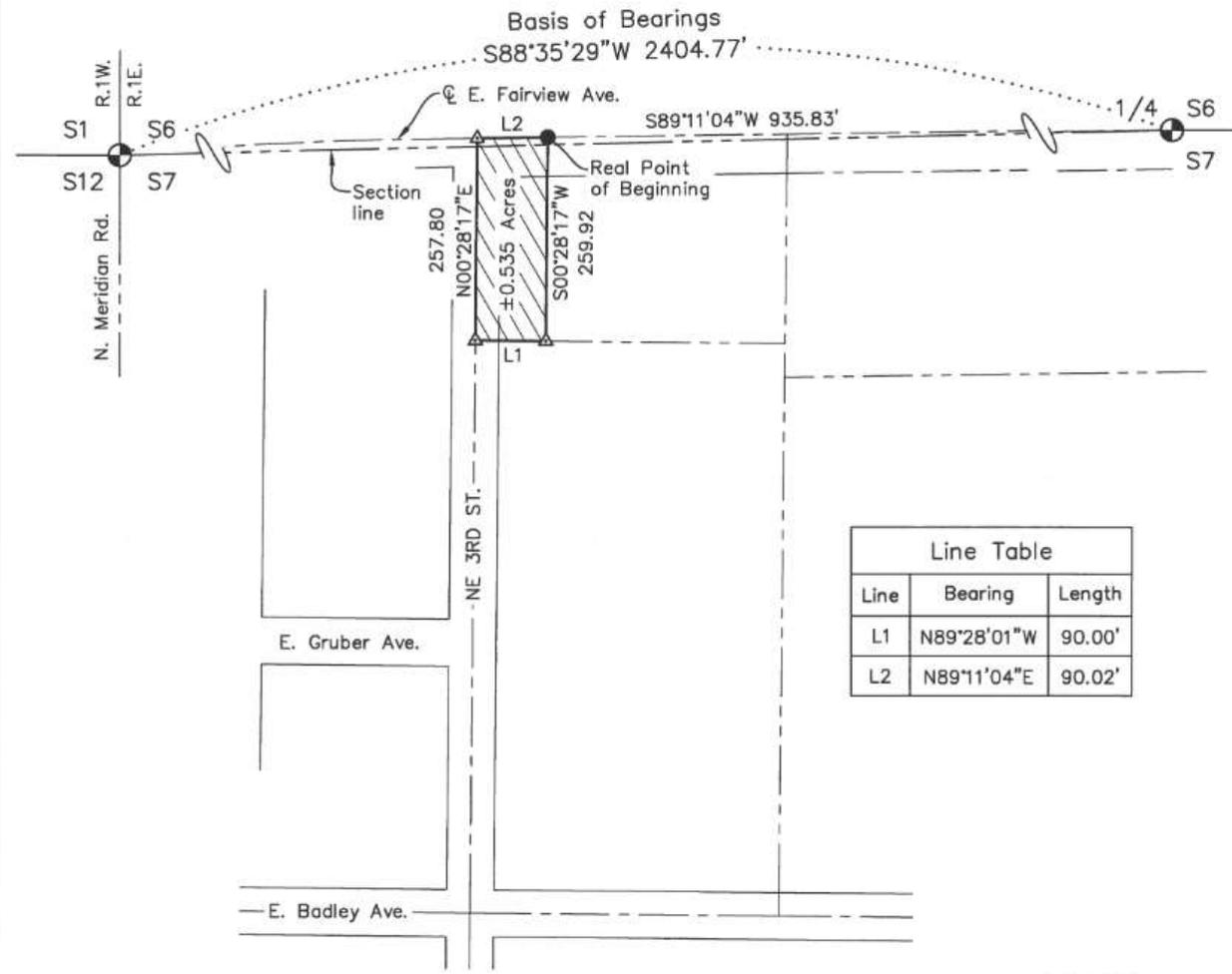
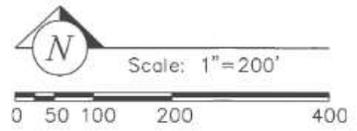
thence on said centerline, North 00°28'17" East, 257.80 feet to centerline of E. Fairview Avenue;

thence on said centerline, North 89°11'04" East, 90.02 feet to the **REAL POINT OF BEGINNING**.

Containing 0.535 acres, more or less.

End of Description.





Line Table		
Line	Bearing	Length
L1	N89°28'01"W	90.00'
L2	N89°11'04"E	90.02'



P:\Eri Grove Additional Tops 21-211\deg\Re-zone C-G Ex.dwg 9/2/2022 4:56:35 PM

**ISG** IDAHO SURVEY GROUP, LLC  
 9955 W. EMERALD ST.  
 BOISE, IDAHO 83704  
 (208) 846-8570

Exhibit for  
**C-G Zone**

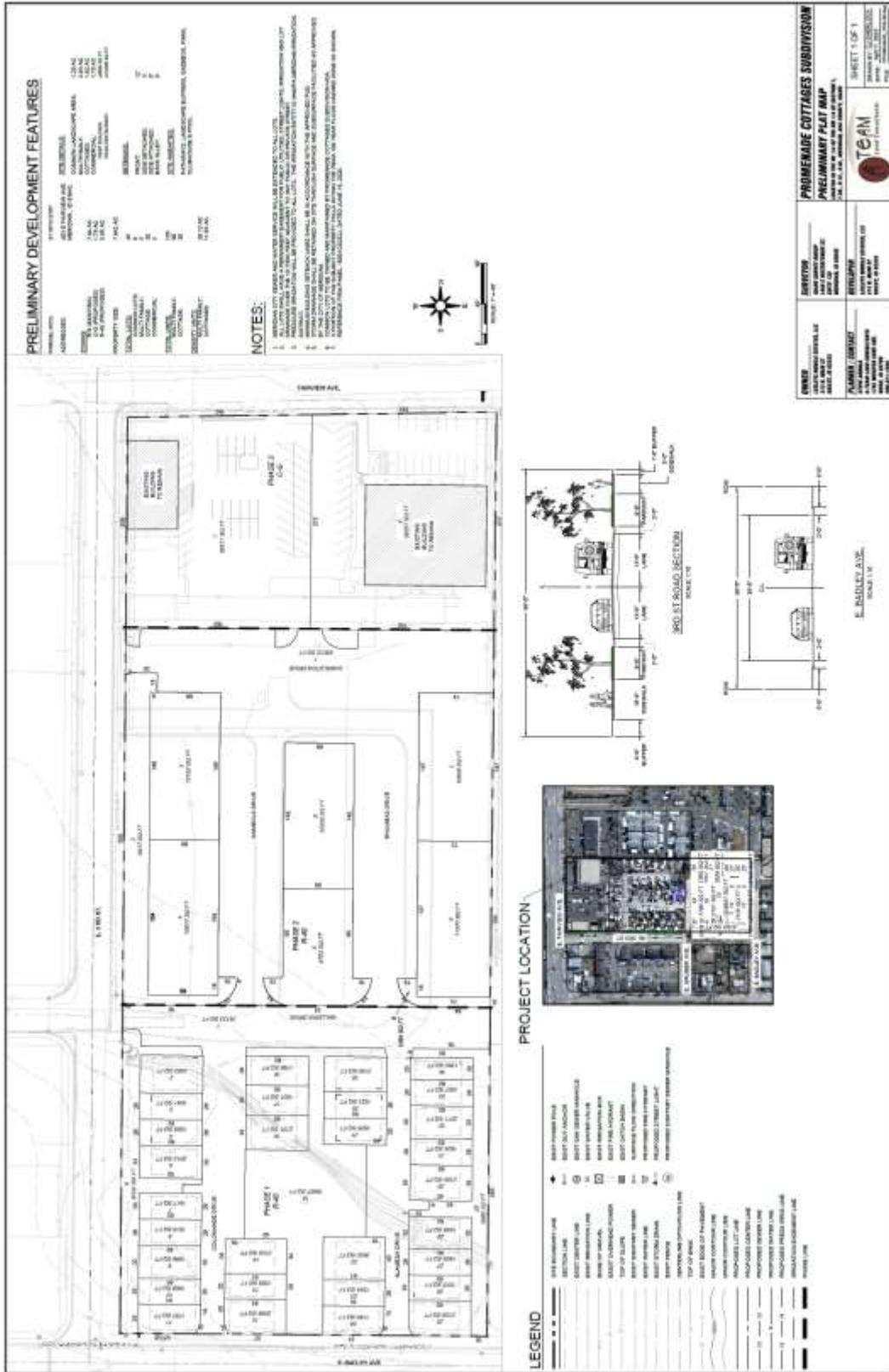
Located in the NE1/4 of the NW1/4 of Section 7,  
 T.3N., R.1E., B.M., City of Meridian, Ada County, Idaho.

Job No.  
21-211

Sheet No.  
**1**

Dwg. Date  
9/2/2022

B. Preliminary Plat (dated: 4/7/2023)



C. Landscape Plan (date: 4/7/2023)



**PROMENADE COTTAGES SUBDIVISION**  
**LANDSCAPE PLAN**  
 PREPARED FOR THE CLIENT BY THE ARCHITECT  
 DATE: 08/15/2023

**PROJECT:**  
 10000 FAIRVIEW AVE  
 CHARLESTON, SC 29405  
 10000 FAIRVIEW AVE

**DESIGNER:**  
 JOURNAL JOHNSON  
 10000 FAIRVIEW AVE  
 CHARLESTON, SC 29405

**DATE:**  
 08/15/2023

**SCALE:**  
 1" = 10'

**TEAM:**  
 JOURNAL JOHNSON

**SHEET 1 OF 1**



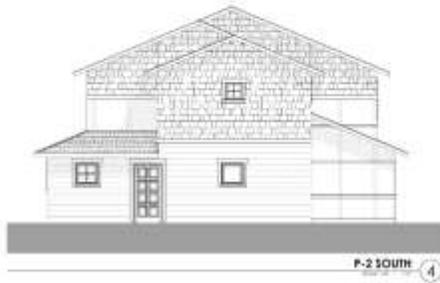


E. Open Space Exhibit (dated: 4/7/23)





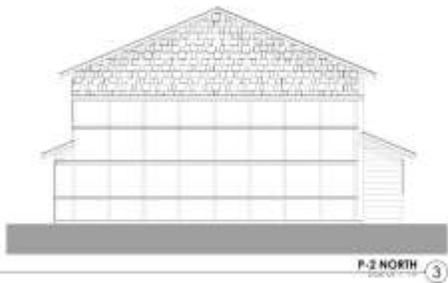




P-2 SOUTH 4



P-2 EAST 2



P-2 NORTH 3



P-2 WEST 1

REFERENCE NOTES

1. [Blank]

2. [Blank]

3. [Blank]

4. [Blank]

stichter

ARCHITECTURE

SCHEMATIC DESIGN

MULTI-FAMILY HOUSING  
White Cloud Subdivision  
1000 S. 10th St.

Developer: P-2

15,000

A3.03



P-4/P-5 SOUTH 4



P-4/P-5 EAST 2



P-4/P-5 NORTH 3



P-4/P-5 WEST 1

REFERENCE NOTES

1. [Blank]

2. [Blank]

3. [Blank]

4. [Blank]

stichter

ARCHITECTURE

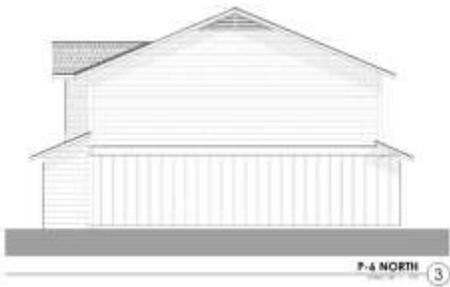
SCHEMATIC DESIGN

MULTI-FAMILY HOUSING  
White Cloud Subdivision  
1000 S. 10th St.

Developer: P-4/P-5

15,000

A3.04



REFERENCE NOTES

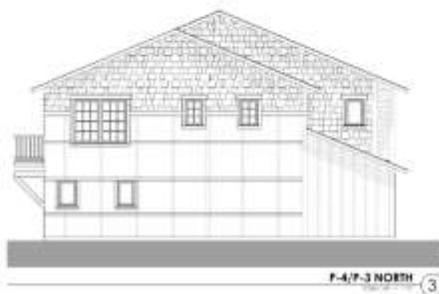
DATE: 10/15/2023

PROJECT: MULTI-FAMILY HOUSING  
White Cloud Subdivision  
1000 S. 10th St., White Cloud, MI 49890

SCHEMATIC DESIGN

15-003

**A3.05**



REFERENCE NOTES

DATE: 10/15/2023

PROJECT: MULTI-FAMILY HOUSING  
White Cloud Subdivision  
1000 S. 10th St., White Cloud, MI 49890

SCHEMATIC DESIGN

15-003

**A3.06**



REFERENCE NOTES	
<b>SCHMALTZ DESIGN</b> ARCHITECTS 1000 N. 10TH ST. SUITE 100 DENVER, CO 80202 (303) 733-8800 www.slichter.com	
<b>MULTI-FAMILY HOUSING</b> White Cloud Subdivision 1000 N. 10TH ST.	
Elevators P-1/P-4	
15-063	<b>A3.07</b>

Floor Plans:

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=274096&dbid=0&repo=MeridianCity>

Apartments (18-plex):



REAR ELEVATION



FRONT ELEVATION



SIDE ELEVATION



ELM GROVE APARTMENTS - 18 UNIT BUILDING - FLOOR PLAN - TYPICAL OF STUDIOS

Clubhouse:



WEST ELEVATION



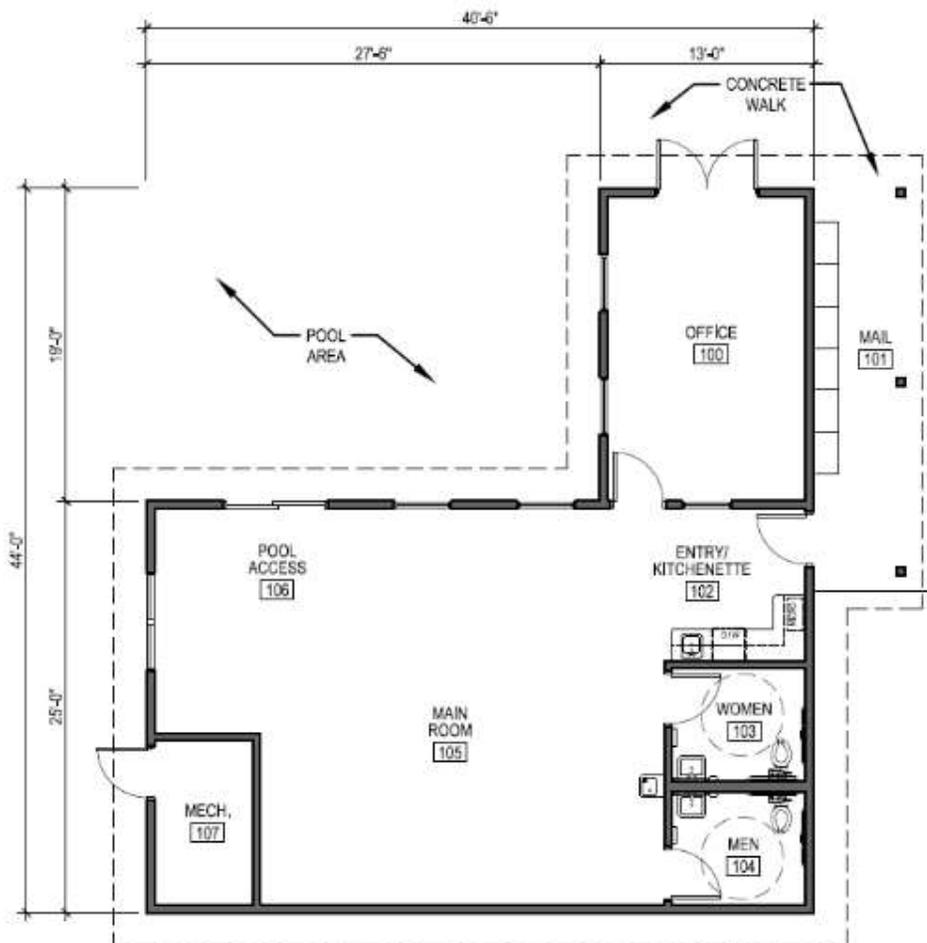
SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION



## H. Letter from the Applicant

### **Elm Grove Commercial and Mobile Home Park**

**History:** Property was purchased in 2015 and financing was put in place which cross collateralized Elm Grove and Riviera Estates Mobile Home Park, in Eagle. The loan is a 10-year fixed rate interest which converts to an adjustable loan after 10 years. The vacant property at the south end of the Elm Grove property (Promenade Cottages Area) is allowed to be carved out of the collateral held by the bank as we were planning to develop this vacant portion of the property. The balance of the property will need to remain operating as-is per the loan documents and remain as collateral for the loan as long as it is in existence. We have been working with City Staff to entitle the property for approximately 5-6 years.

#### **Inventory of homes at the park at this time (total of 40 spaces):**

15 - Recreation Vehicles (these can be moved very easily and economically and there are a number of RV parks within a 50-mile radius of Elm Grove)

17 - Mobile homes that are older than 1976 (these homes typically need to be retrofitted to meet HUD standards before they can be moved depending on individual jurisdictions and are usually uneconomical and will require costly dump fees to dispose of these homes)

8 – Mobile homes newer than 1976 (these homes can be moved and make economic sense in most cases)

\*in two years the inventory could be different and we are committed to filling any future vacant spaces during the interim period prior to construction of phase 2/multi-family to RVs so that when the closing of the park occurs it will be easier to transition.

**Possible Options to help with the displacement of residents of the Mobile Home Park** (while we have empathy for anyone that has to change their living arrangement, we feel the RVs are going to be able to find other alternatives when the time comes that we are ready to give notice to vacate):

1. In two years when the loan is switching from a fixed-rate we could take inventory of what homes exist and at that time we could offer to move (at our cost) any of the RVs or MHs that are newer than 1976 to a mobile home park and RV park we are building in Ontario, Oregon or to any MH park we own in Eagle, Twin Falls or Kimberly (pending there are spaces available in those parks).
2. Instead of giving “90 day notices to vacate” (which Idaho statute requires) to all residents when we are ready to begin construction on the phase 2 multi-family component then we will give “180 day notice to vacate” and will provide assistance in finding affordable housing and RV park options at that time by providing materials and internet links such as these <https://housingidaho.com> and <https://bcaacha.org/>

3. Another possibility is to replace our existing manufactured home community with a new one. If the City has any surplus property for sale or is open to allowing the development of a new community within its boundaries, we can construct a suitable manufactured home community to accommodate the 25 available homes that could potentially be relocated.
4. The City is proposing to condition us to build the full width of street improvements for 3<sup>rd</sup> street between Gruber and Badley. We are accustomed to building half width improvements when we are developing only one side of the proposed street. If the City would condition us to only build a full half width in this area, we could then allocate a portion of those dollars to providing financial assistance to the residents of the mobile home park.

The proposed development involves significant risks, considering the current financing challenges and uncertainties in the commercial mortgage market. We need to strike a balance between servicing the existing debt and transitioning to the development of the multi-family units. This transition would entail discontinuing the current revenue source.

We are hopeful that the city will approve the necessary documents to carve out the phase 1 area (Promenade Cottages). This will allow us to commence construction on that phase, creating an alternative revenue source for the property. This new revenue stream will assist in transitioning the financing for the entire property and progressing with phase 2 of the multi-family development.

While the multi-family units are not specifically designed to meet "affordable per medium income standards" or be deed restricted, they are planned to offer smaller 1- and 2-bedroom options that are relatively more affordable. Increasing the overall supply of rental units will ultimately contribute to the affordability of the entire market area.

Sincerely,

*Mark Kelly*

Elm Grove Mobile Home Park

## IX. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING DIVISION

#### 1. Rezone

- 1.1 A Development Agreement (DA) is required as a provision of rezone of this property. Prior to approval of the rezone ordinance, a DA shall be entered into between the City of Meridian, the property owner(s) at the time of rezone ordinance adoption, and the developer.

Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council granting the rezone. The DA shall, at minimum, incorporate the following provisions if City Council determines the rezone is in the best interest of the City:

- a. Future development of this site shall be generally consistent with the site plan, landscape plan, phasing plan and building elevations included in Section VIII and the provisions contained herein.
- b. The final plat application for the second phase of development shall not be submitted to the Planning Division for a minimum period of four (4) years from the date of approval of the preliminary plat to allow residents of the mobile home park ample time to find other housing prior to redevelopment of the site. The Applicant shall submit proof of notice via registered mail to all residents of the mobile home park of the upcoming change in use of the property with submittal of the final plat application. The letter shall include contact information (i.e. internet links, phone numbers, etc.) for local affordable housing resource options for residents. No building permit applications shall be submitted for at least one (1) year from the date of submittal of the final plat application.
- c. All access via E. Fairview Ave. for the subject property shall cease upon redevelopment of the commercial portion of the property and sole access shall be taken via NE 3<sup>rd</sup> St., the lesser classification of the two streets, in accord with UDC 11-3A-3 and ACHD Policy.
- d. ~~With the first phase of development, the developer shall street section for NE 3<sup>rd</sup> St. between Badley and Gruber to be constructed with the first phase of development:~~
- e. With the first phase of development, the Developer shall construct NE 3<sup>rd</sup> St. between E. Badley Ave. and E. Gruber Ave. as a complete street section (from west to east abutting the site), as follows: 4-foot wide buffer, 10-foot wide sidewalk/pathway, 8-foot wide parkway, 2-foot wide curb and gutter, two (2) 13-foot wide travel lanes, 2-foot wide curb and gutter, and an 8-foot wide parkway, 5-foot wide sidewalk and 1-foot wide buffer within the existing 66 60-feet of right-of-way. Provide a permanent right-of-way easement extending from the right-of-way line to 2-feet behind back of sidewalk abutting the site on the east side of NE 3<sup>rd</sup> St. for a 5-foot wide detached sidewalk.
- f. With the second phase of development, the Developer shall ~~reconstruct NE 3<sup>rd</sup> St. between E. Gruber Ave. and E. Fairview Ave., as half of a 40-foot wide street section with an 11-foot wide travel lane, an 8-foot wide planter strip and 5-foot wide concrete sidewalk abutting the site~~ construct an 8-foot wide planter strip and 5-foot wide detached sidewalk abutting the site on the east side of NE 3<sup>rd</sup> St. A permanent right-of-way easement shall be provided to 2-feet behind back of sidewalk if located outside of the right-of-way; sidewalk shall be located wholly within right-of-way or

wholly within an easement.

- g. The existing nonconforming parking and landscaping in the commercial portion of the development and the mobile home park in the R-40 zoning district, is allowed to remain until redevelopment of the site in accord with the phasing plan as approved with the conditional use permit for extension of these nonconforming uses.
- h. Depict pedestrian connections between the single-family, multi-family and commercial portions of the development. All pathways should comply with the standards in UDC 11-3A-8.
- i. The mobile homes and associated debris that are vacant at the beginning of Phase 2 shall be removed within 45 calendar days; if there are more than five (5) vacant mobile homes, that time period is extended to 90 calendar days.
- j. In two (2) years when the Applicant's loan on the property switches to a fixed-rate, the Applicant shall take inventory of the homes that exist at that time and offer to move (at the Applicant's cost) any of the RV's or mobile homes that are newer than 1976 to a mobile home or RV park that the Applicant is building in Ontario, OR or to any park the Applicant owns in Eagle, Twin Falls, or Kimberly, ID contingent upon spaces being available in those parks at that time, as offered by the Applicant in the letter included in Section VIII.G of the staff report.

## **2. Preliminary Plat**

2.1 The final plat(s) shall include the following revisions:

- a. Depict a 25-foot wide street buffer along E. Fairview Ave., an arterial street, and a 20-foot wide street buffer along NE 3<sup>rd</sup> St., to be improved as a collector street, within a common lot or on a permanent dedicated buffer easement, maintained by the property owner, homeowner's association or business owners' association, per UDC [11-3B-7C.2a](#).
- b. Remove the western-most driveway access driveway via E. Fairview Ave. on the commercial portion of the property as it does not meet ACHD policy.
- c. Remove one of the two driveway accesses via E. Fairview Ave. in front of the existing multi-tenant building in accord with UDC [11-3A-3](#), unless otherwise waived by City Council.
- d. Combine the two (2) northern access driveways via NE 3<sup>rd</sup> St. and align the driveway with the driveway on the west side of NW 3<sup>rd</sup> St.
- e. A cross-access/ingress-egress easement shall be provided between the single-family, multi-family and commercial lots via a note on the final plat or a separate recorded agreement in accord with UDC [11-3A-3](#).
- f. Delineate the privates from parking areas on the common lot.

2.2 The landscape plan included in Section VII.C shall be revised as follows:

- a. Depict a 25-foot wide street buffer along E. Fairview Ave., an arterial street, and a 20-foot wide street buffer along NE 3<sup>rd</sup> St., to be improved as a collector street, with landscaping in accord with the standards listed in UDC [11-3B-7C](#).
- b. Landscaping is required adjacent to all pathways within the site in accord with the standards listed in UDC [11-3B-12C](#).
- c. Mitigation information should be included on the landscape plan for all existing trees

that are being removed with development in accord with the standards listed in UDC [11-3B-10C.5](#).

- d. Depict a minimum 5-foot wide detached sidewalk with an 8-foot wide parkway along the east side of NW 3<sup>rd</sup> Street in accord with the Downtown Meridian Street Cross-Section Master Plan (see pg. 4-11).
  - e. Depict a 10-foot wide detached sidewalk/pathway along E. Fairview Ave. within the street buffer if not constructed by ACHD with the Fairview Ave. road widening project.
  - ~~f. Remove the pedestrian pathway along the eastern boundary of the single family portion of the site at the direction of the Commission. Depict pedestrian lighting adjacent to the pathway along the eastern boundary of the single-family residential portion of the development.~~
- 2.3 Future development shall be consistent with the minimum dimensional standards listed in UDC [Table 11-2A-8](#) for the R-40 zoning district and UDC [Table 11-2B-3](#) for the C-G zoning district.
- 2.4 All private streets within the development shall comply with the design and construction standards listed in UDC [11-3F-4](#).
- 2.5 Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for single-family dwellings based on the number of bedrooms per unit. Alternative Compliance was approved for Lots 2, 5, 9, 11, 12, 14, 19, 22, 24, 26, 28 to and 32, to allow the parking pads to be in alternate locations as depicted on the parking exhibit in Section VIII.F instead of in front of the garages.
- 2.6 The Applicant shall comply with all ACHD conditions of approval.
- 2.7 Provide a pressurized irrigation system consistent with the standards as set forth in UDC [11-3A-15](#), UDC [11-3B-6](#) and MCC [9-1-28](#).
- 2.8 Upon completion of the landscape installation, a written Certificate of Completion shall be submitted to the Planning Division verifying all landscape improvements are in substantial compliance with the approved landscape plan as set forth in UDC 11-3B-14.
- 2.9 A Design Review application shall be submitted for approval of the single-family attached structures. Final design shall comply with the design standards in the [Architectural Standards Manual](#).
- 2.10 The preliminary plat approval shall become null and void if the applicant fails to either: 1) obtain the City Engineer signature on a final plat within two years of the date of the approved findings; or 2) obtain approval of a time extension as set forth in UDC 11-6B-7.

### **3. Conditional Use Permit (multi-family development):**

- 3.1 Compliance with the specific use standards listed in UDC [11-4-3-27](#): Multi-Family Development and the dimensional standards listed in UDC [Table 11-2A-8](#) is required.
- 3.2 The site/landscape plans submitted with the Certificate of Zoning Compliance shall be revised as follows:
  - a. 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 in accord with UDC [11-4-3-27B.2](#).

- b. Depict the location 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](#).
  - c. Depict landscaping along all the foundation of all street facing elevations in accord with the standards listed in UDC [11-4-3-27E](#).
  - d. Depict landscaping along all pathways per the standards listed in UDC [11-3B-12C](#). *A mix of trees, shrubs, lawn and/or other vegetative ground cover with a minimum of one (1) tree per 100 linear feet of pathway.*
  - e. Depict a minimum of 176 off-street parking spaces as proposed with at least 90 of those being in a covered carport or garage per UDC [Table 11-3C-6](#).
  - f. Depict a minimum of 7 bicycle parking spaces (based on 176 vehicle parking spaces proposed) per the standards listed in UDC [11-3C-6G](#); bicycle parking facilities shall comply with the standards listed in UDC [11-3C-5C](#). Bike racks should be provided in central locations for each multi-family building and the amenity building.
  - g. Pathways should be provided to the central common open space area for pedestrian access in accord with UDC [11-4-3-27C.2b](#).
  - h. Depict an additional site amenity from the multi-modal category listed in UDC [11-4-3-27D.1d](#) in accord with UDC [11-4-3-27D.2c](#).
  - i. Depict minimum 7-foot wide sidewalks where parking abuts sidewalks if wheel stops aren't proposed to prevent vehicle overhang in accord with UDC 11-3C-5B4; if 7-foot sidewalks are proposed, the length of the stall may be reduced to 17 feet.
  - j. Depict a berm or constructed barrier at least four feet (4') in height, with breaks in the berm or barrier to allow for pedestrian access, along NE 3<sup>rd</sup> St. in accord with UDC 11-4-3-27C.7.
- 3.3 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 as set forth in UDC 11-4-3-27B.5.
- 3.4 Submit a floor plan(s) for the multi-family structures that depict a minimum of 80 square feet of private, usable open space for each unit in accord with UDC [11-4-3-27B.3](#).
- 3.5 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 as set forth in UDC [11-4-3-27F](#). **A recorded copy of the document shall be submitted prior to issuance of the first Certificate of Occupancy for the development.**
- 3.6 A Certificate of Zoning Compliance and Design Review application shall be submitted for approval of the multi-family development to ensure compliance with UDC standards and development provisions associated with this application. Final design of all structures must comply with the design standards in the [Architectural Standards Manual](#).
- 3.7 The conditional use permit 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.

Upon written request and filing by the applicant prior to the termination of the period in accord with subsection (F)(1) of this section, the director may authorize a single extension of time to commence the use not to exceed one (1) two-year period. Additional time extensions up to two (2) years as determined and approved by the commission may be granted. With all extensions, the director or commission may require the conditional use comply with the current provisions of this chapter.

3.8 The Applicant shall submit proof of notice via registered mail to all residents of the mobile home park of the upcoming change in use of the property with future application for a time extension of the conditional use permit. The letter shall include contact information (i.e. internet links, phone numbers, etc.) for local affordable housing resource options for residents.

#### **4. Conditional Use Permit (Extension of Non-Conforming Uses)**

4.1 The conditional use permit for the extension of the non-conforming uses stated herein is valid for a period of four (4) years from the date of approval. A time extension may be requested in accord with the standards listed in UDC [11-5B-6F.3](#).

#### **5. Conditional Use Permit (Single-family Detached Residential in the R-40 Zoning District)**

5.1 The developer is allowed to construct up to ten (10) single-family detached dwelling units in the R-40 zoning district as allowed by UDC Table 11-2A-2 with a conditional use permit.

### **B. PUBLIC WORKS**

#### **1. Site Specific Conditions of Approval**

- 1.1 Ensure no sewer services cross infiltration trenches.
- 1.2 End of line requires a minimum of 0.6% slope.
- 1.3 Minimum angle into/out of a manhole in the direction of flow is 90 degrees. This is not met for tie in from the apartments to NE 3rd St.
- 1.4 Water or sewer mains requires a 20' easement with main centered in the middle. Sewer and water in parallel require a 30' easement with 10' separation between mains and edge of pavement. Sewer crossing the common lot as well as within the apartments do not meet these requirements.
- 1.5 Provide 20' easements for water services up to water meters and 10' beyond.
- 1.6 Provide 20' easements for fire hydrant laterals and 10' beyond.
- 1.7 Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement.
- 1.8 Water main stubs to future phases must have a blow-off
- 1.9 Provide a water valve halfway through the apartment loop.
- 1.10 A portion of this project is within the Meridian Floodplain Overlay District. A floodplain development permit is required before land disturbance begins. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters. The lowest finished floor of the buildings must be elevated to flood protection levels with BFE and lowest finished floor noted on final grading plans.

## 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 than 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. 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.
- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (UDC 11-3B-6). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
- 2.5 Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
- 2.6 All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
- 2.7 Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
- 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 All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
- 2.10 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.
- 2.11 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.
- 2.12 Applicant shall be responsible for application and compliance with any Section 404

Permitting that may be required by the Army Corps of Engineers.

- 2.13 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.14 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.
- 2.15 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.
- 2.16 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.
- 2.17 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.
- 2.18 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](http://www.meridiancity.org/public_works.aspx?id=272).
- 2.19 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.
- 2.20 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**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=274173&dbid=0&repo=MeridianCity>

#### **D. POLICE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=274178&dbid=0&repo=MeridianCity&cr=1>

#### **E. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=277899&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=276640&dbid=0&repo=MeridianCity&cr=1>

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=285893&dbid=0&repo=MeridianCity>

**G. IDAHO TRANSPORTATION DEPARTMENT (ITD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=282985&dbid=0&repo=MeridianCity>

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=278368&dbid=0&repo=MeridianCity>

**H. WEST ADA SCHOOL DISTRICT (WASD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=279665&dbid=0&repo=MeridianCity>

**I. COMMUNITY DEVELOPMENT DEPARTMENT – SCHOOL IMPACT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=278904&dbid=0&repo=MeridianCity>

**J. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=283103&dbid=0&repo=MeridianCity&cr=1>

**K. ADA COUNTY HIGHWAY DISTRICT (ACHD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=298048&dbid=0&repo=MeridianCity>

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=274103&dbid=0&repo=MeridianCity>

**L. PARK'S DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=293798&dbid=0&repo=MeridianCity>

**M. MERIDIAN DEVELOPMENT CORP.**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=294143&dbid=0&repo=MeridianCity>

**X. FINDINGS**

**A. Rezone:**

Required Findings: Upon recommendation from the commission, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:

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

*The City Council finds the proposed zoning map amendment to R-40 and C-G and subsequent development is generally consistent with the Comprehensive Plan and the underlying FLUM*

*designations of Commercial and High-Density Residential.*

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

*The City Council finds the proposed map amendment will alleviate the existing nonconforming use of the commercial retail use in the R-8 zoning district and allow for a range of housing opportunities consistent with the Comprehensive Plan.*

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

*The City Council finds the proposed zoning map amendment and subsequent development should not be detrimental to the public health, safety and welfare if adequate notice is provided to existing residents of the mobile home park as required.*

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

*The City Council finds the proposed zoning map amendment will not result in an adverse impact on the delivery of services by any political subdivision providing public services within the City.*

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

*This finding is not applicable as the application is for a rezone, not annexation.*

#### **B. Preliminary Plat:**

**In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings:**

- 1. The plat is in conformance with the Comprehensive Plan;**

*The City Council finds that the proposed plat is in substantial compliance with the adopted Comprehensive Plan in regard to land use, density, transportation, and pedestrian connectivity with the condition in this report. (Please see Comprehensive Plan Policies in, Section V of this report for more information.)*

- 2. Public services are available or can be made available and are adequate to accommodate the proposed development;**

*The City Council finds that public services will be provided to the subject property with development. (See Section IX of the Staff Report for more details from public service providers.)*

- 3. The plat is in conformance with scheduled public improvements in accord with the City's capital improvement program;**

*Because City water and sewer and any other utilities will be provided by the development at their own cost, the City Council finds that the subdivision will not require the expenditure of capital improvement funds.*

- 4. There is public financial capability of supporting services for the proposed development;**

*The City Council finds there is public financial capability of supporting services for the proposed development based upon comments from the public service providers (i.e., Police, Fire, ACHD, etc.) in Section IX.*

- 5. The development will not be detrimental to the public health, safety or general welfare;**

**and,**

*The City Council is not aware of any health, safety, or environmental issues associated with the platting of this property that would be detrimental to the public health, safety or general welfare.*

**6. The development preserves significant natural, scenic or historic features.**

*The City Council is unaware of any significant natural, scenic or historic features that exist on this site that require preserving.*

**C. Conditional Use Permit (multi-family development):**

**The city council shall base its determination on the conditional use permit request upon the following:**

**1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.**

*The City Council finds the site is large enough to accommodate the development of 90 apartment units and meet all of the dimensional and development regulations of the R-40 zoning district.*

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

*The City Council finds the proposed multi-family development will be harmonious with the Comprehensive Plan and in accord with the standards in the UDC.*

**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.**

*The City Council finds the design, construction, operation and maintenance of the proposed multi-family development will be compatible with other uses in the general neighborhood and should not adversely change the essential character of the same area, if all conditions of approval are met.*

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

*The City Council finds the proposed use, if it complies with all conditions of approval imposed, will not adversely affect other property in the vicinity.*

**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.**

*The City Council finds the proposed use will be adequately served by essential public facilities and services.*

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

*Because all public facilities and services are readily available, the City Council finds that the proposed use will not be detrimental to the economic welfare of the community or create excessive additional costs for public facilities and services.*

**7. That the proposed use will not involve activities or processes, materials, equipment and**

**conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.**

*Although traffic will increase in the vicinity with approval of the proposed multi-family development, the City Council finds it shouldn't be excessive or detrimental to any persons, property or the general welfare.*

- 8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)**

*The City Council finds approval of the proposed use shouldn't result in the destruction, loss or damage of any such features.*

**D. Conditional Use Permit (single-family dwellings in R-40 district):**

**The city council shall base its determination on the conditional use permit request upon the following:**

- 1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.**

*The City Council finds the site is large enough to accommodate the proposed use and meet all of the dimensional and development regulations of the R-40 zoning district except for the off-street parking standards, of which the Applicant requests approval of alternative compliance (see Section VI.D).*

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

*The City Council finds the proposed use (i.e. single-family dwellings) will be harmonious with the Comprehensive Plan in it they will provide a transition in density and uses to the proposed multi-family development and complies with UDC standards with approval of a conditional use permit.*

- 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.**

*The City Council finds the design, construction, and proposed operation and maintenance of the single-family dwellings will be compatible with other such uses in the neighborhood to the west and south and should not adversely change the essential character of the same 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.**

*The City Council finds the proposed use will not adversely affect other properties in the vicinity.*

- 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.**

*The City Council finds the proposed use will be adequately served by essential public facilities and services.*

- 6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.**

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

- 7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.**

*Although traffic will increase in the vicinity with approval of the proposed residential units, the City Council finds it shouldn't be excessive or detrimental to any persons, property or the general welfare.*

- 8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)**

*The City Council finds approval of the proposed use shouldn't result in the destruction, loss or damage of any such features.*

**E. Conditional Use Permit (non-conforming use):**

**The city council shall base its determination on the conditional use permit request upon the following:**

- 1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.**

*The City Council finds this finding does not apply to the proposed extension of the nonconforming uses.*

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

*The City Council finds this finding does not apply to the extension of the nonconforming uses as the proposed uses do not comply with certain UDC standards, thus the reason for the request.*

- 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.**

*The City Council finds the extension of the nonconforming uses is compatible with other uses in the general neighborhood that are yet to redevelop and comply with current UDC standards and will not adversely change the essential character of the area.*

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

*The City Council finds the extension of the nonconforming uses will not adversely affect other property in the vicinity.*

- 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.**

*The City Council finds the extension of the nonconforming uses will continue to be adequately served by the facilities and services noted.*

- 6. That the proposed use will not create excessive additional costs for public facilities and**

**services and will not be detrimental to the economic welfare of the community.**

*The City Council finds the extension of the nonconforming uses will not be detrimental to the economic welfare of the community or create excessive additional costs for public facilities and services.*

- 7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.**

*The City Council finds the extension of the proposed nonconforming uses will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare as noted.*

- 8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)**

*The City Council finds the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.*

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

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

*The City Council finds the proposed extension of the nonconforming uses do not encourage or set a precedent for additional nonconforming uses within the area.*

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

*The City Council finds the proposed extension of nonconforming uses are comparable to adjacent properties in the area that are yet to redevelop.*

**F. Private Street:**

**In order to approve the application, the Director shall find the following:**

- 1. The design of the private street meets the requirements of this Article;**

*The Director finds the design of the proposed private streets complies with the standards listed in UDC 11-3F-4. See analysis in Section VI.B for more information.*

- 2. Granting approval of the private street would not cause damage hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity; and**

*The Director finds that granting approval of the proposed private streets would not cause any hazard, nuisance or other detriment to persons, property or uses in the vicinity if the streets are designed as proposed and constructed in accord with the standards listed in UDC 11-3F-4B.*

- 3. The use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan.**

*The Director finds the use and location of the private streets does not conflict with the Comprehensive Plan and/or the regional transportation plan as they are proposed to connect to local (E. Badley Ave.) and collector (NE 3<sup>rd</sup> St.) streets consistent with private street standards.*

**4. The proposed residential development (if applicable) is a mew or gated development.**

*The Director finds the proposed residential development incorporates a mew in the site design as desired.*

**G. Alternative Compliance:**

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

**1. Strict adherence or application of the requirements are not feasible; or**

*The Director finds with the proposed site design, strict adherence or application of the requirements is not feasible; however, revisions to the site plan could be made to comply.*

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

*The Director finds the proposed alternative means of compliance provides an equal means for meeting requirement.*

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

*The Director finds the proposed alternative means of compliance to the parking standards will not be materially detrimental to the public welfare or impair the intended use and character of surrounding properties.*