

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: August 17, 2021

TO: Mayor & City Council

FROM: Alan Tiefenbach, Associate Planner
208-884-5533

SUBJECT: H-2021-0024
Wells Assisted Living and Andorra Subdivision

LOCATION: Southwest corner of E. Magic View Dr. and S. Wells St. at 675, 715 & and 955 S. Wells St. in the SE ¼ of Section 17, Township 3N., Range 1E.



I. PROJECT DESCRIPTION

The Applicant has submitted the following applications:

- Annexation and zoning of 17.50 acres of land with the TN-R zoning district;
- Preliminary plat for 61 building lots and 8 common lots (northern half) on 11.79 acres;
- Conditional use to allow a 91-unit, three story nursing and residential care building with a footprint of 30,000 sq. ft and an 8,960 sq. foot commercial building with use to be determined at a later date (southern half);
- Private streets in the gated portion of the development serving 61 residential units with two (2) gates;
- Alternative Compliance to UDC 11-3F-4-4B which limits a gated development to no more than fifty (50) dwelling units, to allow 61 dwelling units.
- Alternative Compliance to UDC 11-3C-4A, which requires parking spaces for all single-family detached dwellings to be located on the same lot as the use that they are intended to serve, to allow 32 of the required parking spaces to be accommodated within on-street bulb-outs. The Planning Director approves alternative compliance requests.

A similar proposal was approved for the subject properties in April of 2020 (Andorra Senior Living H-2019-0127). This proposal included 76 single family residences and a 3-story apartment building with 88 dwelling units. Following the Council meeting, the property owners of the parcel to the west (972 E. Wells Cir) decided they were not interested in selling the property to the applicant and the annexation and development agreement was never completed. The present development was redesigned and no longer contains the additional parcel.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	17.50	
Future Land Use Designation(s)	MDR (north) and MU-N (south)	
Existing Land Use	Single-family residential/vacant land	
Proposed Land Use(s)	Assisted living / memory care, office and single family residential	
Current Zoning	RUT and R1 in Ada County	
Proposed Zoning	TN-R	
Phasing plan (# of phases)	2 phases. 61 units of residential and nursing and residential care facility will be constructed as two separate projects at the same time, office would be built at a later phase.	
Number of Residential Units (type of units)	61 single family units and 91 units in 3-story building	
Density	Gross density is 8.7 dwelling units to the acre	
Open Space (acres, total [%] / buffer / qualified)	Open space is required for the single-family development per the standards in UDC 11-3G. Based on an area of 11.79 acres, 1.2 acres of qualified open space (10%) is required, whereas 2.38 acres (21.5%) is proposed, double the UDC requirements.	
Amenities	Central pathway along Five Mile Creek, green space corridor north-south through the residential development, clubhouse with fitness center and pool, outdoor open spaces with water features, pickle ball, horseshoe pits gazebos and dog park.	
Physical Features (waterways, hazards, flood plain, hillside)	Five Mile Creek bisects the property and is contained within a 100-foot easement	
Neighborhood meeting date; # of attendees:	Two neighborhood meetings were held in February and March of 2021 – (Approximately 45 attendees among the two meetings)	
History (previous approvals)	AZ, PP H-2019-0127 (Approved but never completed)	
Public Testimony	As of June 30, 2021, two letters have been received. One letter was received from the Woodbridge HOA President (Snorting Bull Subdivision) and Bette Monteith. Issues expressed include, traffic, density, height of houses, and the distance of the proposed homes from the existing homes.	

B. Community Metrics

Description	Details	Page
ACHD		
Staff report (yes/no)	An updated staff report was completed with this proposal.	
Requires ACHD Commission Action (yes/no)	No	
Improvements	Applicant will be required to improve Magic View Drive and Wells St as 36' wide local commercial street. Wells circle is required to be constructed as a 33-foot-wide local street. Applicant will be required to construct Gentry Circle as a 33-foot street section, including cul-de-sac.	
Fire Service		
Distance to Fire Station	This fire station is approximately 1.9 miles from the project. If approved, the Fire Department can meet the response time goals.	
Fire Response Time	This development falls within the 5-minute response time (under ideal conditions) from the nearest fire station – Fire Station 1 and Fire Station 5.	
Resource Reliability	This development is closest to Fire Station #1. Current reliability is 70% from this station and does not meet the targeted goal of 80% or greater.	
Risk Identification	This proposed commercial development has a risk factor of 2, in which current resources would be adequate to supply service to this proposed project. Risk factors include firefighting in multi-story buildings and a large gathering of people in a single location. This entails a greater risk for the occupants as well as first responders.	
Accessibility	The project meets all required access, road widths and turnarounds. All private roadways and the ends of the roadways shall be signed “No parking fire lane.”	
Special/resource needs	This proposed project will not require an aerial device. The closest truck company is 5 minutes travel time (under ideal conditions) to the proposed development, and therefore the Fire Department can meet this need in the required timeframe if a truck company is required. This fire station is approximately 1.7 miles from the project. In the event of a hazmat event, there will need to be mutual aid required for the development. In the event of a structure fire an additional truck company will be required. This will require additional time delays as a second truck company is not available in the city.	
Water Supply	Water supply for this proposed development requires 1,000 gallons per minute for one hour. The commercial area (the office building and the assisted living / memory care) will require 1,500 gallons a minute for 2 hours. (Approximate – see appendix B of the 2015 International Fire Code) The fire flow requirements may be less if the buildings are fully sprinklered.	

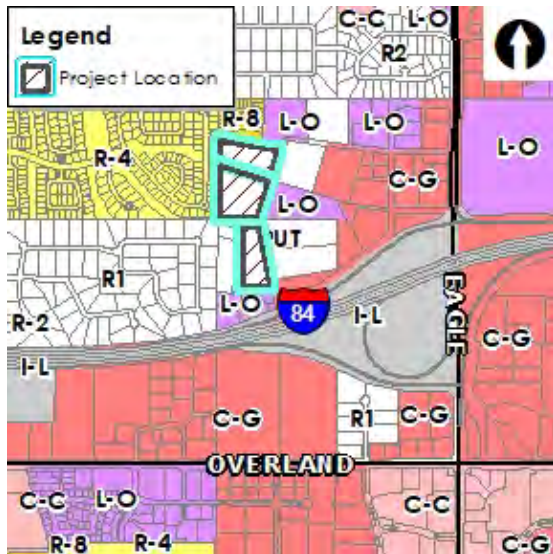
Police Service		
	No comments	
Wastewater		
	Distance to Sewer Services	N/A
	Sewer Shed	Five Mile Trunkshed
	Estimated Project Sewer ERU's	See application
	WRRF Declining Balance	14.11
	Project Consistent with WW Master Plan/Facility Plan	Yes
	Impacts/Concerns	- Pipe going into/out of manhole must have a min angle of 90 degrees. - Ensure that infiltration trenches are located so that sewer services do not pass through them. - Ensure that no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement. - Flow is committed
Water		
	Distance to Water Services	0 feet
	Pressure Zone	4
	Estimated Project Water ERU's	See application
	Water Quality Concerns	None
	Project Consistent with Water Master Plan	Yes
	Impacts/Concerns	The applicant will be required to connect the northwest water main to the existing water stub off of E Magic View Dr

C. Project Maps

Future Land Use Map



Zoning Map



Aerial Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant / Representative:

Jamie Koenig, Babcock Design – 800 W. Main St, Boise, ID, 83702

B. Owner(s):

Iterra Homes, LLC – 316 E. 1400 St, St. George, UT, 84790

Bambam Opportunity Development – 520 E. Taberncle St, St. George, UT, 84770

IV. NOTICING

		Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification		6/25/2021	
Radius notification mailed to properties within 300 feet		6/22/2021	
Public hearing notice sign posted on site		6/29/2021	
Nextdoor posting		6/22/2020	

V. STAFF ANALYSIS

A. Annexation & Zoning

The Applicant requests annexation and zoning of 17.5 acres of land with TN-R zoning district consistent with the MU-N (Mixed Use – Neighborhood) and MDR (Medium-density Residential) Future Land Use Map (FLUM) designations in the Comprehensive Plan. A conceptual site plan and building elevations were submitted for the development showing how the property is planned to develop, included in Section V.

The Applicant proposes to develop the site with 61 single family building lots, a 91-unit, three story assisted living / memory care building with a footprint of 30,000 sq. ft. and possibly a 9,000 sq. ft. office building. Within the nursing and residential care (assisted living / memory care) facility the applicant proposes a restaurant, spa, salon, multipurpose/movie theater, lounge, library, crafts, and other spaces to serve the residences of the facility. There will be studio, one and two-bedroom units.

The Allowed Uses table in UDC Table 11-2D-2 for the TN-R zoning district lists single family detached as a principally permitted use, and professional services (office) and a nursing or residential care facility by conditional use, subject to specific use standards listed in UDC 11-4-3. Compliance with the dimensional standards listed in UDC Table 11-2D-6 for the TN-R district is required, including but not limited to the maximum building height of 40 feet.

The proposed annexation area is contiguous to City annexed property and is within the Area of City Impact Boundary. To ensure the site develops as proposed by the applicant, staff is recommending a development agreement as part of the annexation approval.

B. Future Land Use Map Designation

The Future Land Use Map designates 13 acres of this property to the north as MDR, and approximately 4.5 acres of this property at the south is designated as MU-N (Mixed Use – Neighborhood).

The MDR designation allows for a mix of dwelling types including single family residential, townhouses, condominiums, and apartments. Residential gross densities should range from three to eight dwelling units per acre. With the area proposed for single-family residential area to the north being approximately 13 acres in size, 61 dwelling units amounts to 4.7 du/acre.

The portion of the property proposed for detached single family residences is directly adjacent to the established Snorting Bull Subdivision (also called Woodbridge) to the west. This adjacent subdivision is comprised of lots of approximately 5,500 – 6,500 sq. ft. in area. There are 16 existing houses along the adjacent boundary line of this subdivision and the houses are approximately 42' to 45' in width. The applicant proposes 21 houses of approximately 32' in width and lot sizes of 4,000 sq. ft. along the same abutting property line. At staff's recommendation, the applicant is "staggering" the rear setbacks of these houses from 12' to 27' to reduce a "wall effect" on the adjacent subdivision.

The applicant also proposes to vary the height of the larger houses by keeping the western half of the houses adjacent to the existing residences to one story. Although the proposed lot sizes are smaller than what are in the adjacent subdivision and the houses narrower, the density as proposed is on the lower end of what could be allowed by the FLUM and impacts of height have been reduced. As the rows of houses at the east and west perimeters of this development have shallower side setbacks, this has allowed an increase of quality useable open space oriented at the center to 21.3%, whereas 10% is required. Because the portion of the property to the south is designated for MU-N, and there is existing office and commercial properties south of that and adjacent to I-84, a slightly higher transition in density from the neighboring properties is appropriate.

The purpose of the MU-N designation is to assign areas where neighborhood-serving uses and dwellings are seamlessly integrated into the urban fabric. The intent is to avoid predominantly single-use developments by incorporating a variety of uses. Land uses in these areas should be primarily residential with supporting non-residential services. Non-residential uses in these areas tend to be smaller scale and provide goods or services that people typically do not travel far for (approximately one mile) and need regularly. Employment opportunities for those living in the neighborhood are encouraged. The proposal in this area includes 91 assisted and memory care units with supporting retail, restaurant and entertainment uses in an 30,000 sq. ft. footprint along with a 9,000 sq. ft. office building. The proposed development meets many of the goals of Mixed-use Neighborhood designation.

The proposed 9,000 sq. ft. office building located toward the eastern-middle portion of the site (north of Five-Mile Creek) is within an area recommended for MDR, not MU-N. However, the Comprehensive Plan notes that future land use designations are not parcel specific. An adjacent abutting designation, when appropriate and approved as part of a public hearing with a land development application, may be used. It is staff's opinion that this is appropriate as the office development is part of a larger development and is suitably integrated.

C. Comprehensive Plan (<https://www.meridiancity.org/compplan>):

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

2.01.01M - “Support active-adult or independent senior living development.” *The proposed development will provide housing options for seniors in close proximity to office, medical and commercial uses developed in the area.*

3.02.00 – “Maintain, improve, and expand the City's infrastructure to meet existing and growing demands in a timely, orderly, and logical manner.” *The proposed development is contiguous to the City and urban services can be provided to this development. The applicant will be responsible for the extension of the services to serve the proposed development.*

6.01.01H - “Require pedestrian access connectors in all new development to link subdivisions together to promote neighborhood connectivity as part of a community pathway system.” *Pedestrian internal walkways are proposed throughout the development. A segment of the City’s multi-use pathway is also proposed to be extended with the development.*

4.05.02C – “Encourage the incorporation of creek corridors as amenities in development design.” *The submitted concept plan incorporates the Five Mile Creek corridor into the design of the project.*

2.02.01 – “Plan for safe, attractive and well-maintained neighborhoods that have ample open space and generous amenities that provide varied lifestyle choices.” *The concept plan and open space exhibit as designed depicts 21.5% common open space. Open space is linked throughout the development with inter-connected walking paths for residents of the community to enjoy.*

3.02.01G – “Establish and maintain levels of service for public facilities and services, including water, sewer, police, transportation, schools, fire and parks.” *The applicant is proposing to develop the site with single family detached, assisted living and memory care and an office building. Public Works has allocated resources to serve the development. Both Police and Fire have not expressed concerns with the proposed development. With the development of the site, a pathway segment will be extended to enhance the City pathway. Staff finds that the proposed development should have a minimal impact on the current LOS for public facilities.*

In reviewing development applications, the following items will be considered in MU-N areas, per the Comprehensive Plan:

- “All developments should have a mix land uses.”

The proposed development contains a mix of uses as required (i.e. assisted living and memory care, single family residential and office).

- “Residential uses should comprise a minimum of 40% of the development area at densities ranging from 6 to 12 units/acre.”

This development proposes 91 assisted living and memory care residential units in a three story 30,000 sf. ft footprint, 61 single family units, and a 9,000 sq. ft. office building. This is more than 40% of the development being residential, with a gross density of approximately 8.7 du/ acre.

- “Non-residential buildings should be proportional to and blend in with adjacent residential buildings.”

The applicant has submitted conceptual elevations of all buildings. The single-family residences on the northern portion of the site are bungalow and craftsman style homes with pitched roofs, dormers, lap siding and rock to tie into the existing residential to the west. The assisted living and memory care and office building are at the southern portion of the site and will likely be developed as a separate project under a different owner. The architecture

proposed for these buildings is much more contemporary – flat-roofed buildings with a combination of panel, stucco, metal, exposed timber frame and overhanging balconies. This is a style that is not characteristic of the residential uses to the north. However, this is a separate project, is separated from the residential component by 5-mile creek, and there is variety of commercial architecture in and around the general vicinity. The architecture of the two proposed commercial buildings is mostly consistent with each other. Although the elevations of the assisted living and memory care building contains numerous architectural features, modulation and variation in field materials and accents, the elevation provided for the office building is simpler and might not comply with the standards of the Architectural Standards Manual (ASM). Final design will be determined at the time of CZC and design review.

“Unless a structure contains a mix of both residential and office, or residential and commercial land uses, a maximum building size should be limited to a 20,000 square-foot building footprint.”

The largest building proposed on the site is the 3-story assisted living / memory care building which has a building footprint of 30,000 square-feet. In addition to 91 residential units, the building is indicated to contain a restaurant, spa, salon, movie theater and lounge, which meets the above recommendation for a mix of uses to allow larger footprints.

- “Supportive and proportional public and/or quasi-public spaces and places including but not limited to parks, plazas, outdoor gathering areas, open space, libraries, and schools that comprise a minimum of 10% of the development area are required. Outdoor seating areas at restaurants do not count towards this requirement.”

The proposed development has multiple gathering spaces that comply with this requirement.

- Where the development proposes public and quasi-public uses to support the development above the minimum 5%, the developer may be eligible for additional residential densities and/or an increase to the maximum building footprint.”

The applicant is extending a portion of the pathway through the development for public benefit and providing open space in excess of UDC standards. Therefore, staff supports the increase in the building footprint as proposed by the applicant.

D. Existing Structures/Site Improvements:

There are several existing structures on this site that are required to be removed prior to development of each subsequent phase.

E. Proposed Use Analysis:

The applicant proposes to rezone to Traditional Neighborhood Residential District (TN-R) to allow single family detached, office and nursing or residential care facility. Single family detached is a principally permitted uses; the office and nursing or residential care requires a conditional use permit, which is discussed below. The end-user of the office building is unknown at this time and will be evaluated when an end-user is identified. Allowed uses are those identified in UDC Table 11-2D-2.

Since the initial submittal of the formal application, the applicant has later mentioned they were considering the possibility of multifamily rather than the assisted living / memory care facility. Staff mentioned this was a different use, would require a new application, new public noticing and would likely result in a delayed hearing date. Staff also had concerns with potential traffic impacts,

especially for cars that would use E. Magic View Dr as a “cut through” street to the west. The applicant subsequently expressed their desire to retain the present hearing date and to move forward with the application as was initially submitted. It is important to note the traditional neighborhood districts are the only zone districts in which multifamily is allowed by-right without a conditional use permit. Staff recommends a restriction that limits the three-story building at the south to nursing and residential care.

E. Specific Use Standards

UDC 11-4-3-29 lists the specific use standards for nursing or residential care facilities. Standards include requirements for occupancy, and requirements for fencing of outdoor areas accessible to patients who are memory-compromised. The concept site plan does reflect several outdoor areas associated with the nursing or residential care facility, but no specificity regarding which areas will be accessible for memory care patients. The outdoor areas should be identified and contain proper fencing at time of CZC submittal.

F. Dimensional Standards (*UDC 11-2*):

The proposed plat and subsequent development are required to comply with the minimum dimensional standards listed in UDC Table 11-2D-6 for the TN-R district. This includes setbacks contingent upon whether the property is street accessed or alley accessed, a maximum building height of 40’ (30’ to eaves providing roof access), and landscape buffers of 5’ along alleys and 8’ along local streets. Street layout is primarily to be based on a grid, with block faces limited to no longer than 500’ without intersecting street or alley. At least two different housing types are required, such as single-family dwellings with attached garages and alley-loaded single-family dwellings. It is anticipated that a street only access properties at the perimeter of a TN-R development. All dwelling units are required to have a minimum of 2 lights at the front of the unit.

It does appear the concept plan as submitted meets most TN-R requirements, including street accessed along the perimeter. Two housing types of street accessed and alley-loaded homes are proposed, as well as assisted living and memory care. The 3-story nursing or residential care facility appears to be within the 40’ height limit, although the height is not dimensioned on the conceptual elevations. A lighting plan will be required at time of CZC and design review.

The block lengths along S. Shadowbrook Ln (west) and S. Andorra Ln (east) exceed 500’. Staff understands that without a complete redesign it is not feasible to meet the block length requirements at the west due to the existing residences, and putting a mid-block park in this area would probably not be well-received by the neighbors. Staff and the applicant have discussed the block length along S. Andorra Ln (east) and the applicant has agreed to provide a mid-block park and pathway connection from S. Andorra Ln to the S. Wells St pathway. Staff recommends the Council approve a waiver from 11-2D-3-A-C-1 to allow the block length as proposed at the western property boundary (S. Shadowbrook Ln).

G. Access (*UDC 11-3A-3*):

Access to this development is proposed from the adjacent local streets (E. Magic View Dr, S. Wells St. and E. Wells Circle) in accord with UDC 11-3A-3. For internal connectivity, the applicant is proposing gated private streets, alleys and drive aisles at the portion of the property desired for single family residential. UDC 11-3F-1 allows the Director to approve private streets when certain findings are satisfied. These are discussed in Section VII.

ACHD responded in a staff report dated June 29, 2021 that the applicant will be required to improve Magic View Dr and S. Wells St. as 36’ wide local commercial streets. There is a bridge

scheduled to be constructed across Five Mile Creek in a future integrated five-year work plan project; the applicant will not be required to improve S. Wells St. along this section.

There is existing un-named ACHD right-of-way (ROW) created with Instrument #812200 shown as E. Gentry Circle toward the middle of the property, in the location of the office building. ACHD is requiring the applicant to construct this road as well as the cul-de-sac turnaround with a minimum 50-foot radius to include curb, gutter and 5-foot wide concrete sidewalk. At present, the concept plan only shows this road being constructed to a western stub at the property line.

ALTERNATIVE COMPLIANCE

UDC 11-3F-4 (Private Street Requirements) states a gated development shall have no more than 50 dwelling units. 11-3C-4 (Off-Street Parking and Loading Requirements) requires parking spaces for all single-family detached, townhouse, secondary, and duplex dwellings to be located on the same lot as the use that they are intended to serve.

The single family detached portion of this development proposes 61 gated lots served by private streets and alleys. The 61 units are required to provide 244 parking spaces (4 per unit, at least 2 in an enclosed garage for homes with greater than 3 bedrooms). The applicant proposes 32 of these parking spaces to be in "bulb-outs" in 6 locations along the private streets. This is because some of the houses are either lacking in size of garages or the size of driveways, which results in not all homes providing four parking spaces, although all homes provide at least two.

11-3F-4 allows the Director to approve, or recommend approval of alternative design or construction standards when the applicant can demonstrate that the proposed overall design meets or exceeds the intent of the required standards of this article and shall not be detrimental to the public health, safety, and welfare.

Requests for alternative compliance are allowed only when one (1) or more of the following conditions exist:

- a. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical;
- b. The site involves space limitations or an unusually shaped lot;
- c. Safety considerations make alternative compliance desirable;
- d. Other regulatory agencies or departments having jurisdiction are requiring design standards that conflict with the requirements of this article;
- e. The proposed design includes innovative design features based on "new urbanism", "neotraditional design", or other architectural and/or site designs that promote walkable and mixed-use neighborhoods;
- f. Additional environmental quality improvements would result from the alternative compliance.

In order to grant approval for an alternative compliance application, the Director shall make three findings. These are discussed in Section IX below.

G. Parking (*UDC 11-3C*):

As mentioned in the alternative compliance section above, the single-family residential portion of this development proposes 61 houses with 3 or more bedrooms, requiring at least 244 parking

spaces. All of these parking spaces are provided, although 32 of them would be provided in “bulb-outs” along the private streets (as mentioned in the Alternative Compliance section above).

The 244 parking spaces do not account for the 4,320 sq. ft. clubhouse. Parking for residential clubhouses is calculated based on nonresidential standards, which is one space for every five hundred square feet of gross floor area. Based on this ratio, 9 additional parking spaces are required, whereas they have not been provided. It does appear there is additional area in and around the bulb-outs near the clubhouse to provide these spaces. Staff is recommending 9 additional spaces as a condition of approval.

For a nursing and residential care facility, the parking requirement is 0.5 parking space per bed. The concept site plan indicates 102 beds, which requires 51 parking spaces. 101 parking spaces have been provided. Staff believes there would be some number of staff and an office, which has been unaccounted for. Based on a requirement for office uses (commercial) of 1 parking space per 500 sq. ft., the additional 51 parking spaces would accommodate 25,500 sq. ft. of office space, nearly an entire floor of the 3-story building. Staff believes adequate parking has been provided for this building, but at the time of certificate of zoning compliance will request an accounting of the number of beds, as well as the square footage of the staff office.

The site plan reflects an 8,960 sq. ft., two story office building. 18 parking spaces would be required and 40 spaces are shown on the conceptual plan.

H. Pathways (*UDC 11-3A-8*):

There is an informal 10-foot wide pathway stubbed at the west boundary of the adjacent Snorting Bull Subdivision. The Meridian Pathways Plan shows a future multi-use pathway connecting to this stub. The concept plan as submitted does include a connection to this stub via a direct east – west connection from the existing western pathway stub to the detached sidewalk along S. Wells St. However, there are portions of this pathway shown to narrow to 5’ in width. To be consistent with the Pathways Plan, staff recommends the entire length of pathway from the existing western stub at the adjacent subdivision to S. Wells Street be built to a finished template at 10’ in width’. With the final plat submittal, the applicant should submit and obtain approval of a pedestrian pathway easement from City Council. Further, the applicant should coordinate with the applicable irrigation district and conform to any requirements of the district.

The Meridian Pathways Plan shows the preferred future alignment for the multi-use pathway is along Five-Mile Creek whereas the applicant is providing the connection approximately 200 feet to the north. This is because Five-Mile Creek bisects a property to the west that is neither part of Snorting Bull Subdivision nor the subject property. As the present applicant cannot control if and when this western property develops, the connection 200 feet to the north is the alternate alignment. The applicant is also providing a second pathway connection along Five-Mile Creek (south perimeter of the office parking lot). This connection should be developed to a 10’ template to the western property line to facilitate completion of the preferred creekway alignment if the western property annexes and develops.

The conceptual development plan shows detached sidewalks and pathways providing designated pedestrian access between all single-family residences, the central amenity, the office building and the assisted living / memory care facility.

I. Sidewalks (*UDC 11-3A-17*):

The applicant is providing 5’ detached sidewalks along all the local roads which border this property (E. Magic View Dr., S. Wells St. and E. Wells Cir) although the TN-R dimensional

standards only require 5' wide detached sidewalks along collector roads. 4' wide detached sidewalks are provided along all the internal private roads.

J. *Parkways (UDC 11-2 11-3A-17):*

UDC 11-2D-6 requires parkways of a minimum width of 8' and landscaped with Class II trees along all local streets. The conceptual landscape plan does indicate at least 8' of landscaping adjacent to most of the detached sidewalks running along E. Magic View Dr. S. Wells St. and Wells Cir. in most areas. At the time of final plat the landscape plan should indicate all requirements of UDC 11-2D-6 and 11-3A-17 are satisfied.

L. *Landscaping (UDC 11-3B and UDC 11-2D-6):*

Because the site is more than 5 acres in size, the applicant is subject to the landscape requirements. This includes landscape strips and parkways along all local streets (in the TN-R zone district), a minimum of 10% qualified open space and minimum landscape requirements for all common open spaces and pathways. For commercial uses (including the assisted living and memory care), there are requirements for perimeter and internal landscaping within commercial parking lots, parking islands at intervals of no less than 12 parking space intervals, and tree mitigation requirements for qualifying trees. The conceptual landscape plan does indicate landscape requirements are met, although there are a few locations where it appears the minimum 8' wide parkway strip is not met along the local streets. At the time of final plat, the applicant will need to submit a landscape plan with landscape type and quantity indicated that meets the requirements of UDC 11-2D-6 and UDC 11-3B.

M. *Qualified Open Space (UDC 11-3G)*

All residential developments over 5 acres in area are required to provide at least 10% of qualified open space. The applicant has submitted an open space exhibit. Based on an acreage of 11.79 acres, 1.18 acres of open space is required, whereas 21.5% is provided. All qualified open space meets the minimum dimensional requirements and appears to be landscaped as required per UDC 11-3G-3-E.

N. *Qualified Site Amenities (UDC 11-3G-3-C)*

One amenity is required with this development. The applicant proposes a central open space which includes a 4,320 sq. ft. clubhouse, swimming pool, hot tub, pickleball court, horseshoe pit and dog park. In several other areas of the residential development, there are large open spaces which contain picnic gazebos and an open space corridor with internal pathways running the length of the residential area north to south. Although not required, the nursing / residential care facility includes sizeable open space, an internal courtyard, bocce ball court, picnic gazebo, and community garden. The Five-Mile Creek is being preserved within a 100' wide easement. The development as proposed greatly exceeds the minimum requirements.

O. *Fencing (UDC 11-3A-6, 11-3A-7):*

All fencing constructed on the site is required to comply with the standards listed in UDC 11-3A-7 and the specific use standards for nursing and residential care per 11-4-3-29. With submittal of the final plat landscape plan and the CZCs for the commercial portions, the applicant should provide details of the fencing proposed for the development to ensure it complies with UDC standards.

P. *Existing Easements:*

There are existing 10-foot wide public, utility, drainage and irrigation easements that run along the interior and exterior boundary of the three platted lots created with the Magic View Amended Plat. Prior to the final plat or the issuance of a CZC application, the applicant will be required to vacate the 10-foot wide easements along internal lines and rededicate if necessary.

Q. Waterways (*UDC 11-3A-6*):

The Five Mile Creek crosses the southwest corner of this site and is proposed to remain open as an amenity for the development in accord with the standards listed in UDC 11-3A-6.

R. Utilities (*UDC 11-3A-21*):

Connection to City water and sewer services is proposed in accord with UDC 11-3A-21. Street lighting is required to be installed in accord with the City's adopted standards, specifications and ordinances. See Section VI below for Public Works comments/conditions.

S. Pressurized Irrigation System (*UDC 11-3A-15*):

An underground pressurized irrigation (PI) system is required to be provided for each lot within the development as set forth as set forth in UDC 11-3A-15.

T. Storm Drainage (*UDC 11-3A-18*):

An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances. Design and construction shall follow best management practice as adopted by the City as set forth in UDC 11-3A-18.

U. Building Elevations (*UDC 11-3A-19 | Architectural Standards Manual*):

As mentioned in the Comprehensive Plan Section, conceptual building elevations were submitted for the proposed structures on the site as shown in Section V. Single family residents incorporate residential characteristics consistent with the adjacent residences, and the commercial building have a more contemporary appearance. All structures are required to comply with the design standards listed in the Architectural Standards Manual. Submittal and approval of a Certificate of Zoning Compliance and Design Review applications are required prior to submittal of building permit application(s).

In order to be respectful to the existing residences and because of the visibility of the project, as a condition of approval staff is recommending the rear or side of structures facing the existing residences at Snorting Bull Subdivision or facing E. Magic View Dr. or S. Wells St shall incorporate articulation through changes in materials, color, modulation, and architectural elements (horizontal and vertical) to break up monotonous wall planes and roof lines in accord with UDC 11-3A-19 and the Meridian Design Manual.

VI. DECISION

A. Staff:

Staff recommends approval of the proposed Annexation, Preliminary Plat and Conditional Use Permit with the requirement of a Development Agreement per the provisions and comments included in Section VIII in accord with the Findings in Section IX. The Planning Director has approved alternative compliance in accord with UDC 11-5B-5 to allow 61 gated lots, 32 of the required residential parking spaces to be provided in bulb-outs, and private streets per UDC 11-3F-5.

- B. The Meridian Planning & Zoning Commission heard this item on July 15, 2021. At the public hearing, the Commission moved to approve the subject conditional use, annexation, rezoning and preliminary plat request.
1. Summary of the Commission public hearing:
 - a. In favor: Jamie Koenig, Brent Thompson
 - b. In opposition: None
 - c. Commenting: Jamie Koenig, Brent Thompson
 - d. Written testimony: Staff has received two letters of testimony from neighbors.
 - e. Staff presenting application: Alan Tiefenbach
 - f. Other Staff commenting on application: None
 2. Key issue(s) of public testimony:
 - a. John Overton representing the Woodbridge HOA, expressed concerns regarding cut-through traffic into the Woodbridge Subdivision, why an updated traffic study was not completed, whether the single-family residences would be age-restricted, parking issues along E. Magic View Dr, height of houses, and clarification on the number of parking spaces in the development. He also discussed how the project had evolved, that it had been difficult keeping up with changing plans, and their disappointment that the previous development never got completed given the community was in favor of it.
 3. Key issue(s) of discussion by Commission:
 - a. Commission discussed phasing of the project, whether the single-family residences would become a rental product, concerns about the nursing and residential care facility becoming multifamily, clarification on the number of parking spaces, whether traffic calming could be considered along E. Magic View and the applicant reaching out to the Woodbridge community prior to the Council meeting.
 4. Commission change(s) to Staff recommendation:
 - a. Commission added a requirement to the development agreement that all the properties along the western perimeter, directly adjacent to the Snorting Bull Subdivision (Woodbridge) maintain side setbacks of at least 5' (minimum 10' spacing between buildings).
 - b. Commission added a note to the development agreement that the amenities shown on the concept plan shall be required with this development including a central open space with at least a 4,320 sq. ft. clubhouse, swimming pool, hot tub, pickleball court, horseshoe pit, dog park, and an open space corridor with internal pathways running the length of the residential area north to south. The nursing / residential care facility will include the open space as shown, an internal courtyard, bocce ball court, picnic gazebo, and community garden.
 - b. Commission clarified that the concept plan they were approving was the one dated July 13, 2021 presented to them at the hearing.
 - c. Commission directed the applicant to reach out to the Snorting Bull Subdivision prior to the Council hearing.

VII. EXHIBITS

A. Annexation Legal Description and Exhibit Map (date: 4/21/2021)

WELLS STREET PROPERTY
CITY OF MERIDIAN ANNEXATION
LEGAL DESCRIPTION

Lots 7, 21, 22 and a portion of Lot 6 of Amended Magic View Subdivision filed in Book 52 of Plats at Pages 4445 through 4446, Ada County Records and that portion of the lands of Ada County Highway District as described in that Warranty Deed recorded under Instrument No. 8235392, Ada County Records, located in the East Half of Section 17, Township 3 North, Range 1 East, Boise Meridian, City of Meridian, Ada County, Idaho, described as follows:

BEGINNING at the center-quarter corner of Section 17, Township 3 North, Range 1 East, Boise Meridian, from which the north-quarter corner of said Section 17 bears North 00°23'48" East, 2,657.09 feet; Thence North 00°23'48" East, 926.76 feet along the west line of the East Half of said Section 17;
Thence S 80°09'03" E, 413.16 feet to the most northerly angle point in the north line of said Lot 7;
Thence along the northerly line of said Lot 7, S 80°09'03" E, 312.15 feet to the northeast corner thereof;
Thence S 16°49'09" W, 802.30 feet along the easterly lines of said Lots 7 and 22;
Thence S 09°36'26" E, 35.49 feet along the easterly line of said Lot 22 to the northeast corner of said Lot 21;
Thence S 09°36'26" E, 789.42 feet along the east line of said Lot 21 to the southeast corner thereof;
Thence N 89°15'33" W, 373.45 feet along the south line of said Lot 21 to the southwest corner thereof;
Thence N 00°01'21" W, 723.67 feet along the west line of said Lot 21 to the southerly line of said lands of Ada County Highway District;
Thence N 00°01'21" W, 50.00 feet to the north line of said lands of Ada County Highway District;
Thence N 89°57'50" W, 252.88 feet along said north line and the south line of said Lot 22 to the POINT OF BEGINNING, containing 17.50 acres, more or less.

END DESCRIPTION

J-U-B ENGINEERS, Inc.

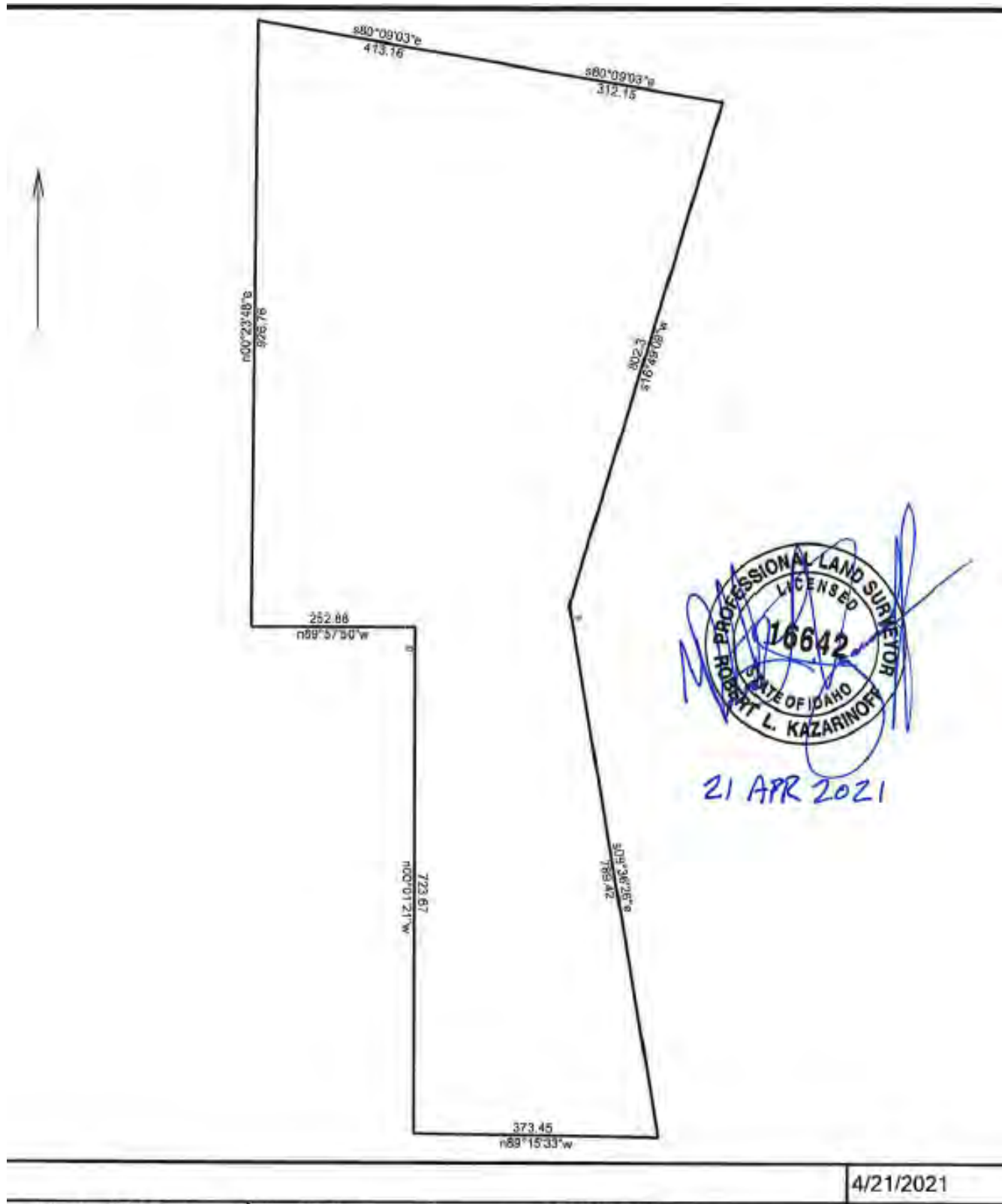
This description was prepared by me or under my supervision. If any portion of this description is modified or removed without the written consent of Robert L. Kazarinoff, PLS, all professional liability associated with this document is hereby declared null and void.

Robert L. Kazarinoff, PLS 16642

Date



21 APR 2021



B. Conceptual Site Plan (date: ~~06/26/2021~~ **July 13, 2021**)



C. Preliminary Plat (date: 10/21/2021)



D. Proposed Landscape Plan (date: 10/21/2021)





SITE AMENITIES

- 1 CENTRAL MEADOW
- 2 PRIVACY FENCES
- 3 WALKING TRAIL
- 4 PICNIC GAZEBO AND LAWN AREA
- 5 VEHICULAR GATE
- 6 100 YEAR FLOODPLAIN AND ADDITIONAL 10' WIDE BUFFER

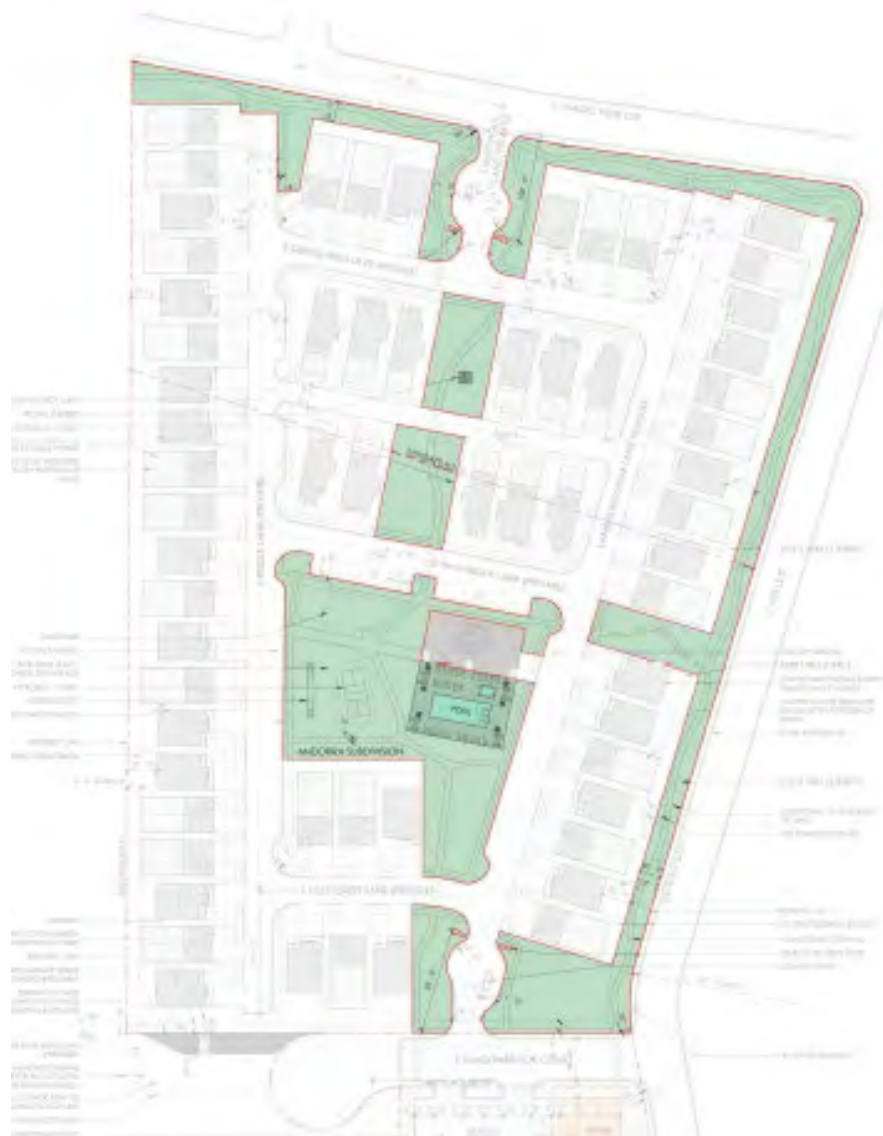
PLAN ENLARGEMENT



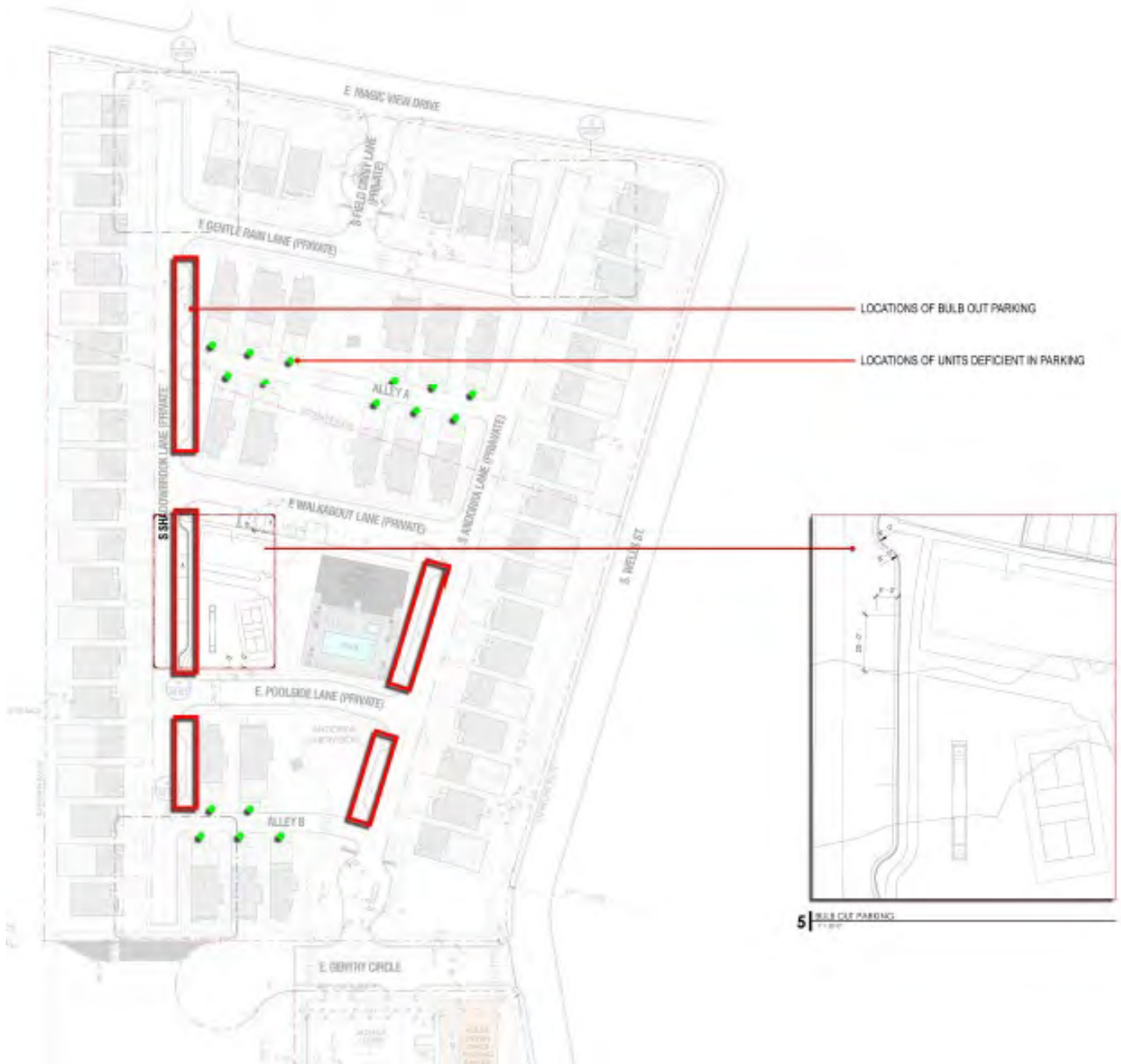
PLAN ENLARGEMENT

10' x 10' = 1" = 100'

D. Open Space Exhibit (date: 5/7/2021 **July 13, 2021**)



E. Bulb Out Exhibit (date: 5/7/2021)



F. Conceptual Elevations (date: 5/7/2021)



WELLS STREET COTTAGES ELEVATION 01



WELLS STREET COTTAGES ELEVATION 02



WELLS STREET COTTAGES ELEVATION 03



WELLS STREET COTTAGES ELEVATION 04





VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. A Development Agreement (DA) is required as a provision of annexation of this property. Prior to approval of the annexation ordinance, a DA shall be entered into between the City of Meridian, the property owner(s) at the time of annexation 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 annexation. The DA shall, at minimum, incorporate the following provisions:

- a. Future development of this site shall be generally consistent with the preliminary plat, landscape plan, conceptual site plan, and conceptual building elevations in Section VII and the provisions contained herein.
 - b. The three-story building shown at the south portion of the site may only be used for nursing and residential care.
 - c. Any office building may only operate with the uses as specified in Table 11-2D-2.
 - d. Applicant shall construct a segment of the City's 10-foot multi-use pathway through the development as proposed. Prior to signature on a final plat, the applicant shall obtain City Council's approval of a public pedestrian easement and record said document.
 - e. The rear or side of structures facing the existing residences at Snorting Bull Subdivision or facing E. Magic View Dr. or S. Wells St shall incorporate articulation through changes in materials, color, modulation, and architectural elements (horizontal and vertical) to break up monotonous wall planes and roof lines in accord with UDC 11-3A-19 and the Meridian Design Manual.
 - f. **All residences along the western perimeter of the development, adjacent to the existing homes in Snorting Bull Subdivision (Woodbridge) shall maintain minimum side setbacks of at least 5' (a minimum spacing of 10' between buildings).**
 - g. **The amenities shown on the concept plan shall be required with this development including a central open space with at least a 4,300 sq. ft. clubhouse, swimming pool, hot tub, pickleball court, horseshoe pit, dog park, and an open space corridor with internal pathways running the length of the residential area north to south. The nursing / residential care facility will include the open space as shown, an internal courtyard, bocce ball court, picnic gazebo, and community garden.**
2. **Prior to the City Council meeting, the applicant shall reach out to the Snorting Bull Subdivision (Woodbridge).**
 3. The applicant shall provide a mid-block pathway connection from S. Andorra Ln to the S. Wells St pathway which complies with the minimum requirements of UDC 11-3A-8 and 11-3B-12.
 4. Parking for the clubhouse will be provided at one (1) space for every five hundred (500) square feet of gross floor area in accord with 11-3C-6-B.
 4. All structures shall comply with the design standards listed in the Architectural Standards Manual and the design standards listed in UDC 11-3A-19. An application for Design Review

shall be submitted concurrently with the Certificate of Zoning Compliance application and approved prior to submittal of building permit applications for nursing and residential care facility or the office building.

5. Applicant shall comply with the TN-R dimensional standards set forth in UDC Table 11-2D-6.
6. Applicant shall comply with all ACHD conditions of approval.
7. Applicant shall comply with all specific use standards for a nursing and residential care facility in accord with 11-4-3-29.
8. Comply with all bulk, use, and development standards of the applicable district listed in UDC Chapter 2 District regulations.
9. The applicant shall design and construct the multi-use pathways consistent with the location and specifications set forth in Chapter 3 of the Meridian Pathways Master Plan unless otherwise approved by the Parks Department.
10. Construct all off-street parking areas consistent with the standards as set forth in UDC 11-3B-5I, 11-3B-8C, and Chapter 3 Article C.
11. Preserve any existing trees on the subject property that are four-inch caliper or greater; or mitigate for the loss of such trees as set forth in UDC 11-3B-10C.
12. Private streets shall be designed and constructed in accord with the standards as set forth in UDC 11-3F-4. With the submittal of a final plat application, the applicant or owner shall provide documentation of a binding contract that establishes the party or parties responsible for the repair and maintenance of the private street, including regulations for the funding thereof. 11-3F-3.
13. All common open space and site amenities shall be maintained by an owner's association as set forth in UDC 11-3G-3F1.
14. The Director (at the applicant's request) approved alternative compliance in accord with UDC 11-5B-5 to allow the following:
 - a. 61 gated lots whereas UDC 11-3F-4 limits developments to 50 lots;
 - b. Allow 32 required parking spaces to be provided in bulb-outs whereas UDC 11-3C-4 requires parking spaces for all single-family detached dwellings to be located on the same lot as the use that they are intended to serve. Additional parking is required for the clubhouse.
15. The Applicant shall have a maximum of two (2) years to commence the use as permitted in accord with the conditions of approval listed above. If the use has not begun within two (2) years of approval, a new conditional use permit must be obtained prior to operation or a time extension must be requested in accord with UDC 11-5B-6F.
16. 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 [add date]; or 2) obtain approval of a time extension as set forth in UDC 11-6B-7.

B. PUBLIC WORKS

A. SITE SPECIFIC CONDITIONS:

1. A streetlight plan must be included with the final plat application and/or building permit application and must comply with section 6 of the City's Design Standard.
2. A portion of this project lies within the Meridian Floodplain and Floodway Overlay District. Prior to any development occurring in the Overlay District a floodplain permit application, including hydraulic and hydrologic analysis is required to be completed and submitted to the City and approved by the Floodplain Administrator per MCC 10-6. Development in the floodway must meet either no-rise conditions or go through the CLOMR/LOMR process with FEMA to modify the maps.
3. Sewer mains through a manhole must have a minimum angle of 90 degrees.
5. Sewer service lines should not be located through infiltration trenches.
6. All water and sewer mains, water meters, and fire lines to the jurisdictional valve must be placed within public right of way or a City utility easement of 20 foot wide per utility and be free from all encroachments including but not limited to buildings, carports, streetlights, infiltration trenches, trees, fences, etc.
7. The water main in the northwest portion of the development must be connected to the existing water stub off E Magic View Dr.
8. A geotechnical must be included with the final plat application and/or building permit application.

B. General Conditions of Approval

1. Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet then alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
2. 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.
3. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this

document. All easements must be submitted, reviewed, and approved prior to development plan approval.

4. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
5. All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
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.
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.
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.
9. Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
10. A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
11. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
12. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
13. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
14. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
15. Developer shall coordinate mailbox locations with the Meridian Post Office.
16. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.

17. The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
18. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
19. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
20. A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
21. The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
22. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

C. FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=229654&dbid=0&repo=MeridianCity>

D. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=229625&dbid=0&repo=MeridianCity>

E. BOISE PROJECT BOARD OF CONTROL

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=229849&dbid=0&repo=MeridianCity>

F. DEPARTMENT OF ENVIRONMENTAL QUALITY

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=230177&dbid=0&repo=MeridianCity>

G. NMID

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=230614&dbid=0&repo=MeridianCity>

H. COMPASS

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=230801&dbid=0&repo=MeridianCity>

I. WEST ADA COUNTY SCHOOL DISTRICT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=232144&dbid=0&repo=MeridianCity>

IX. FINDINGS

I. Annexation and/or Rezone (UDC 11-5B-3E)

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;

Commission finds that the Applicant's request to annex and develop the subject 17.5-acre property with TN-R zoning is consistent with the associated MU-N and MDR FLUM designations for this property. (See section V above for more information.)

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

Commission finds the proposed map amendment and development complies with the purpose statements of the traditional neighborhood districts in that it will provide for a range of housing needs for the community consistent with the Comprehensive Plan.

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

Commission finds the proposed map amendment should not be detrimental to the public health, safety and welfare as the proposed residential and commercial uses should be compatible with adjacent existing and future residential and commercial uses in the area.

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

Commission finds City services are available to be provided to this development.

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

Commission finds the proposed annexation is in the best interest of the City.

B. Preliminary Plat (UDC 11-6B-6)

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings: (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

1. The plat is in conformance with the comprehensive plan and is consistent with this unified development code; (Ord. 08-1372, 7-8-2008, eff. 7-8-2008)

Commission finds the proposed plat is generally in conformance with the UDC if the Applicant complies with the conditions of approval in Section VIII.

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

Commission finds public services can be made available to the subject property and will be adequate to accommodate the proposed development.

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

Commission finds the proposed plat is in substantial conformance with scheduled public improvements in accord with the City's CIP.

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

Commission finds there is public financial capability of supporting services for the proposed development.

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

As mentioned in the analysis section above, with the proposed and recommended mitigation measures Commission finds the proposed development will not be detrimental to the public health, safety or general welfare.

6. The development preserves significant natural, scenic or historic features. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

Commission is unaware of any significant natural, scenic or historic features that need to be preserved with this development.

C. Conditional Use Permit (Nursing and Residential Care Facility)

The Commission shall base its determination on the conditional use permit request upon the following:

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

Commission finds the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations of the TN-R district. The concept plan and landscape plan show all parking, setback, and landscaping requirements are met, and additional useable open space and amenities are provided whereas they are not required.

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

with the requirements of this title.

Commission finds the proposed nursing and residential care facility and potentially the commercial building will be harmonious with the Comprehensive Plan in that it will provide alternative housing options that are close to existing commercial and retail services for older residents and needed commercial uses in a mixed-use area.

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.

Commission finds the design, construction, and operation of the nursing and residential care facility and the office should be compatible with the adjacent and future commercial uses and the future commercial uses nearby and will not adversely change the essential character of the same area. The end-user of the office building is unknown at this time and will be evaluated when an end-user is identified. Allowed uses are those identified in UDC Table 11-2D-2.

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

If the proposed project complies with the conditions of approval in Section VII as required, Commission finds the proposed nursing and residential care facility and the potential commercial building should 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.

Police and Fire have responded they can serve the facility and did not express concerns. Public Works has not expressed concerns other than the conditions of approval listed in Section VIII above. The nursing and residential care facility is not intended to generate any demand for school services. The commercial building will be reviewed when an end user is identified. The applicant will be required to comply with all ACHD conditions of approval.

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.

Commission finds the proposed use should not create any 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 may increase very slightly in this area due to the proposed use, Commission finds the proposed nursing and residential care and potentially an office building should not be detrimental to 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)

Five-Mile Creek, north of the facility, is intended to be preserved as a natural amenity. Commission is unaware of any other natural, scenic or historic features in this area.

D. Private Streets (UDC 11-3F-5):

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

- A. The design of the private street meets the requirements of this article;

The private streets meet the design requirements of not connecting to an arterial street, allowing sufficient maneuvering for emergency vehicles, and meeting the minimum width of 27 feet. In addition, the design does incorporate central houses oriented on a common mew through the site design as listed in the intent of this section.

The proposal exceeds the limitation of no more than 50 units being served by a gated development. The Director has approved Alternative Compliance to allow 61 lots.

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

The fire district and police have not expressed concerns in regard to the private streets and gated lots. The Director has determined granting approval of the private streets would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity.

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

Proposing private streets with an integrated pathway system, clustering of houses around common mews, and a central greenspace corridor complies with Comprehensive Plan policies such as requiring new residential neighborhoods to provide complete streets, developing a connected, comfortable, and comprehensive network of multi-purpose pathways, ensuring safe routes and access, encouraging safe, physical activity for pedestrians and bicyclists, and fostering a walkable and bikeable community and providing necessary infrastructure.

- D. The proposed residential development (if applicable) is a mew or gated development.

The proposed development is a gated development that is centered around common mews. It exceeds the provisions of UDC 11-3F-4.b which limits gated developments to no more than 50 dwelling units, but the Director has approved Alternative Compliance to allow 61 lots due to its clustering, significant open space and amenities, and integrated pathway system.

E. ALTERNATIVE COMPLIANCE

As required by UDC 11-3F-4, the Planning Director has granted alternative compliance from the private street requirements of UDC 11-3F-4 and parking requirements of 11-3C-4 with the following findings:

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

Although it is feasible to restrict the number of gated lots to 50 and provide all required parking for each single-family residence on site, the development is intended to be a walkable neighborhood with homes clustered around an abundance of central open space and amenities. Because the houses are clustered around greenspace and pathway connections (making the project more walkable), staff is supportive of the additional 11 gated lots. Staff also supports the “bulb-out” parking alternative, as requiring longer driveways (or garages) would result in loss of at least some of the central open space or amenities (or a complete re-design).

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

In addition to the main central amenity (the clubhouse), the homes in this development are oriented around an approximately 75' wide green space corridor that bisects the property north-south, and a 6' pathway providing pedestrian access from E. Magic View Dr. to the 5 Mile Creek pathway to the south as well as multiple connections to S. Wells St at the east. Per the common open space and site amenity requirements of UDC 11-3G, at 11.79 acres, this development is only required to provide 1 amenity and 1.18 acres of qualified open space. The open space exhibit provided reflects 21.5% qualified open space (2.4 acres), with amenities including a central open space with a clubhouse, pool, fitness center, pickleball court and picnic structure, and dog park. There are also numerous pathways throughout the development, and at least 3 other 50' x 100' grassy areas (with gazebos).

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

As the fire department and police department have not expressed issues with the number of gated lots, and the required number of parking is provided near the single-family residences in bulb-outs along the private roads, the Director finds this alternative compliance provides an equal or superior means for meeting the requirements and will not be materially detrimental to the public welfare or impair the intended uses and character of surrounding properties.