

EXHIBIT A



COMMUNITY DEVELOPMENT DEPARTMENT

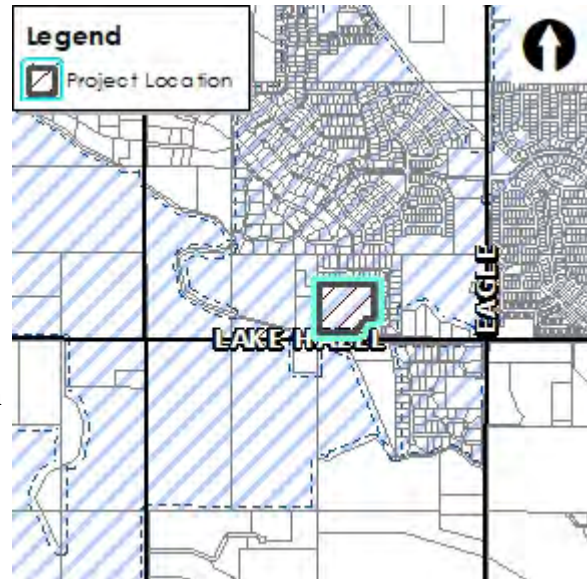
HEARING DATE: 11/4/2020

TO: Mayor & City Council

FROM: Alan Tiefenbach, Associate Planner
208-489-0573

SUBJECT: H-2020-0096
East Ridge - MDA

LOCATION: North side of E. Lake Hazel Rd. between
S. Locust Grove Rd. and S. Eagle Rd. in
the southeast ¼ of Section 32, Township
3N., Range 1E.



I. PROJECT DESCRIPTION

Modification to existing Development Agreement (Inst. #2018-052339 to change the lot configuration and home elevations in the R-15 portion of the plat, subdivision amenities, and termination of the first Addendum (Inst. # 2019-021791).

II. SUMMARY OF REPORT

A. Applicant:

Sophia Durham, The Conger Group – 4824 W. Fairview Ave., Boise ID 83706

B. Owner:

C4 Land LLC – PO Box 1610, Eagle ID 83616

C. Representative:

Sophia Durham, The Conger Group – 4824 W. Fairview Ave., Boise ID 83706

III. STAFF ANALYSIS

History: The subject property is approximately 41 acres and was annexed, zoned to R-4 and R-15 and approved in November of 2017 as the East Ridge Estates Subdivision Preliminary Plat (H-2017-0129). The approved project allows the construction of a residential subdivision consisting of one hundred thirty-nine (139) residential lots and seven (7) common lots. A development agreement (Instrument #2018-052339) was recorded as a condition of approval of the annexation and preliminary plat. This development agreement included conditions such as future development being generally consistent

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with the exhibits in the staff report, prohibitions on direct access from E. Lake Hazel Rd., specifications on building elevations, and required open space and amenities including a clubhouse, sitting areas, and a neighborhood park. During the November 28, 2018 City Council hearing, there was a significant amount of community concern regarding the project. Concerns included traffic, density, existing slopes, height of structures and transition to the surrounding neighborhoods.

In 2019, it was discovered concessions that had been presented in a letter by the Applicant to the City Council at the 2017 public hearings to address community concerns had not been included in the original development agreement. The majority of the additional restrictions were in response to requests from the property owner at 2310 E. Lake Hazel (to the west). These restrictions included a height limitation to one-story on the lots which most impacted that adjacent neighbor, wrought iron fencing required along the west property boundary, berming, additional landscaping and increased setbacks along the west boundary. However, there are also restrictions that affect more properties than just 2310 E. Lake Hazel. Some of these include a one-story height limitation and 45' rear setback for houses on Lots 1-3 of Block 1 (northwestern corner of the site), and a one-story height limitation on all 96 houses in the Village Area (please refer to Exhibit D). In March 2019, the City Council directed staff to record these additional restrictions as an addendum to the development agreement (Inst. # 2019-021791). The Final Plat for Phase One (Impressive East Ridge No. 1) was approved by the Council on July 17, 2019. The majority of homes in this phase have been built.

MDA Request: The applicant is requesting to modify the terms of the original agreement (Instrument #2018-052339) and terminate the first addendum (Instrument #2019-021791). The modification to the original DA includes a change to lot configuration, open space, amenities and home elevations approved for the R-15 portion of the development. The termination of the addendum is to eliminate the agreed upon terms discussed during the public hearing between the surrounding neighbors and the developer. Staff has provided analysis on the requested changes as follows:

A conceptual final plat was presented that differed from the preliminary plat. UDC 11-6B-3 allows minor changes to a final plat as long as the number of lots is the same or less, and the open space is relocated and not reduced. All these requirements were met; however, the final plat had a configuration that had changed enough that staff believed it did not meet the “generally consistent with the preliminary plat” requirement listed in Section 5.1.b of the original development agreement. Staff’s position was the development agreement should be revised to include this new configuration.

In addition to reconfiguration of the plat and proposed removal of the clubhouse, the applicant also notes the individual property owner at 2310 E. Lake Hazel, who had driven much of the development addendum restrictions, had recently sold the property to a developer and the property is now being developed as part of the Lavender Heights Subdivision (H-2020-0009). The applicant requests elimination of the addendum so that the additional mitigation measures will not be required.

A. Staff Analysis of the Proposal to Modify Development Agreement (#2018-052339)

(Staff response in italics)

1. Reconfiguration of the R-15 zoned lots in the Village portion of the subdivision.

96 senior homes were approved in the Village Area and this number will not change. However, the lot type, setbacks, common driveways and orientation of some of the lots have changed (see Exhibit A). The minimum lot size of some of the lots has decreased slightly because numerous common driveways which were previously part of the lot have been removed and most lots have been reconfigured along private streets. The open space has slightly decreased in Phases 2 & 3, but the open space for the total plat has increased slightly (transferred to Phase One). The Village Area will be developed in two phases, with the first phase consisting of 38 homes.

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Staff supports these changes. There is no increase in number of lots, it is preferable to have houses oriented to streets versus numerous common lots, and the amount of total open space has increased. Staff notes any changes to utilities from the previously approved plan will need to be reviewed and approved by Public Works.

2. Change to Building Elevations

The elevations submitted with the preliminary plat and referenced by the existing development agreement represent larger estate homes and duplexes. The applicant proposes to replace the approved elevations with one story patio-type homes with materials and architecture similar to what was approved with the Preliminary Plat.

Staff supports this change. The building elevations indicate one story, and architecture and materials are similar to what was approved with the preliminary plat.

3. Removal of Clubhouse Amenity

The original amenities approved with the preliminary plat and required with the recorded development agreement include a clubhouse, sitting areas, large common lot, neighborhood park and shade structure. The development agreement states the clubhouse is for usage by the residents of the Village Layout (please refer to Final Plat Exhibit E). The clubhouse is located on Lot 14, Block 2 and is required to be constructed with Phase 2 of the development.

The applicant requests to modify Section 5.1.d of the original development agreement to remove the clubhouse from the required amenities. According to the applicant, because of the Covid outbreak and social distancing protocols, potential buyers are no longer interested in indoor gathering areas. The applicant states surveys have shown buyers prefer outdoor amenities over indoor ones. The applicant requests to replace the clubhouse with a dog park, outdoor ramada (shade structure), a water feature and a large open park area.

Staff does not support removal of the clubhouse. Staff is not convinced the pandemic associated with the Covid outbreak will result in permanent loss of interest in indoor amenities. Also, the new Village Layout is shown to be an age-restricted community with patio homes and limited yard space. Staff believes the clubhouse serves as an integral component for social gatherings and / or events. Finally, a clubhouse amenity would be accessible year-round, versus outdoor structures that will see limited use in the winter months.

B. Staff Analysis to terminate Development Agreement Addendum #2019-021791.

The development agreement addendum is comprised of four sections (see Exhibit E). Staff has analyzed each section below to ensure the neighborhood concerns are adequately addressed in the amended development. In general, staff is supportive of terminating this agreement in favor of carrying forward certain provisions in the amended agreement. Staff recommended provisions to remain are identified below.

1. Entire Development.

This section limits the number of lots, lists the allowed zoning, requires berms along E. Lake Hazel Rd., has limitations on access, requires looping of water infrastructure, and has limits on how grading can occur to the west.

Staff supports removal of the entire section. Number of lots has already been established under the preliminary plat, the property has already been zoned, all roads connected to external

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roads have been constructed, the ownership of the western property has changed and the landscape buffer has already been constructed along E. Lake Hazel Rd.

2. Village Product Area

This section states that along the western boundary (2310 E. Lake Hazel Rd) wrought iron fencing, berming, increased landscaping and 20' setbacks are required. All properties in the Village Area are limited to 25' in height and are required to be age restricted.

Staff supports removing the requirements in this section that are specific to 2310 E. Lake Hazel Rd. As the property is under different ownership than the property owner who requested most of the restrictions, staff is amenable to all the western-specific requirements of this section being deleted. However, it is staff's opinion that removing the 25' height limitation for houses in the Village Product Area could impact properties beyond just the western property. Also, the requirement for age restriction was a significant discussion during the preliminary plat hearings, and age restricted patio homes and duplexes were used as a justification as to why R-15 zoning would be appropriate. Staff recommends the retention of the following restrictions associated with this section:

"All product in the Village Area is to be single level with a maximum roof height of 25'"

"All product in the Village Area is to be age restricted."

3. 6 Estate Lots

This section states that along the western boundary (2310 E. Lake Hazel Rd) wrought iron fencing, increased trees and shrubs, and a 10' setback is required. All properties in this section are required to maintain R-4 side setbacks and be single level. A 45' setback is required for Lots 1-3, Block 1.

Staff supports removing the requirements in this section that are specific to 2310 E. Lake Hazel Rd. Also, the property is zoned R-4 so the note regarding R-4 setbacks is unnecessary. However, as only four of the six houses have been constructed and impacts from removing restrictions could impact other surrounding properties (such as the ones in Blackrock Subdivision No 1.) staff recommends retention of the following restrictions associated with this section:

"All 6 lots to be single level with a maximum roof height of 25 feet.

Rear setbacks for Lots 1-3 and 18-20 Block 3 of Impressive East Ridge Subdivision No 1 shall be 45 feet."

4. Rim Estate Lots

This section requires adhering with the site plan approved by Council on November 13, 2017, increased rear setbacks of 45 feet and side yard setbacks of 7.5 feet for Lots 6-23 of Block 1.

Staff only supports removal of the requirement regarding adhering with the site plan as the property is already platted. The remainder of the restrictions pertain to the lots on the east portion of the property. Some of these lots are still vacant and abut the neighboring Sky Mesa Highlands (H-2019-0123) to the west.

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IV. DECISION

A. Staff:

1. Staff recommends the City Council approve the termination of Development Agreement Addendum Inst. # 2019-021791.
2. Staff recommends the City Council approve the amendment to Development Agreement #2018-052339 as follows:

5.1.b Future development of this site shall be generally consistent with the lot layout preliminary plat and building elevations depicted in Exhibit A of the Staff Report attached to Exhibit "B", Findings of Fact Conclusions of Law, and the revisions noted in the staff report. The Village area of the plat (zoned R-15) shall comply with revised lot layout, open space and building elevations contained in this staff report.

5.1.d ~~No change—Staff recommends the clubhouse remains as a required amenity for the development.~~ The site shall develop with a minimum of 10.54% open space (4.32 acres) and shall include the following amenities specific to the Village Concept and other amenities that would be for the use of the estate lots as well as the Village concept. The amenities specific to the Village concept include a clubhouse an open air ramada, sitting areas, a dog park and water feature on ~~and~~ a large common lot. Amenities that would be shared by both the estate lots and the Village concept include a neighborhood park that includes a large grassy area, a shade structure and sitting areas.

3. Add the following new DA provisions:

- All product in the Village area (zoned R-15) to be single level with a maximum roof height of 25 feet.
- All product in the Village Area (zoned R-15) is to be age restricted.
- Lots 1-3 and 18-20, Block 3 of the Impressive East Ridge Subdivision No. 1 are to be single level with a maximum building height of 25 feet.
- Rear setbacks for Lots 1-3, Block 3 of the Impressive East Ridge Subdivision No. 1 shall be 45 feet as measured from the north property line.
- Rear setbacks for Lots 6-23, Block 3 of the Impressive East Ridge Subdivision No. 1) shall be 45 feet.
- Side yard setbacks for Lots 6-23, Block 3 of the Impressive East Ridge Subdivision No. 1 shall be 7.5 feet.

B. The Meridian City Council heard these items on November 4, 2020. At the public hearing, the Council moved to approve the subject MDA request.

1. Summary of the City Council public hearing:

- a. In favor: Hethe Clark, the Conger Group
- b. In opposition: None

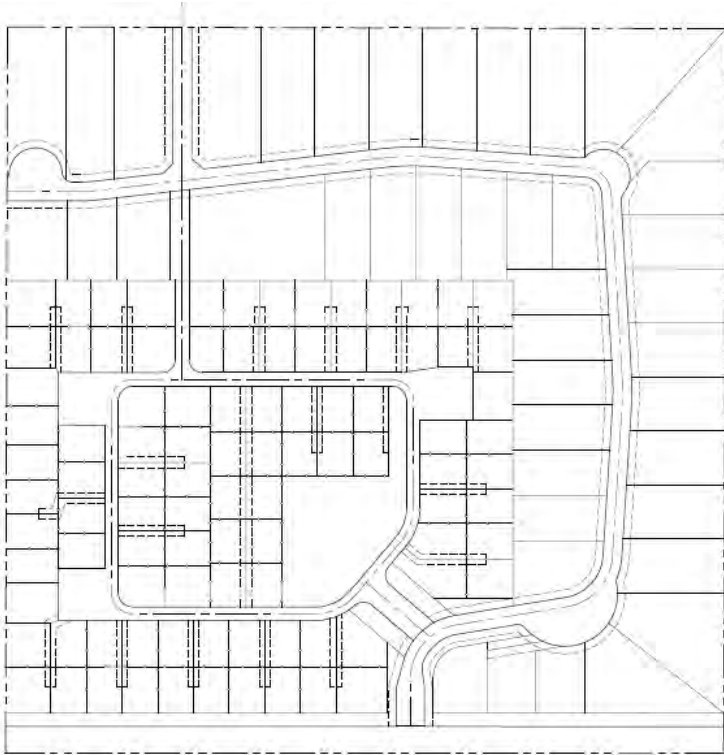
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- c. **Commenting: Hethe Clark and Annette Alonso**
- d. **Written testimony: None**
- e. **Staff presenting application: Alan Tiefenbach**
- f. **Other Staff commenting on application: None**
- 2. **Key issue(s) of public testimony:**
 - a. **Concerns with onsite parking, whether the required open space was enough for the development, grading that had occurred and why private versus public streets were approved.**
- 3. **Key issue(s) of discussion by City Council:**
 - a. **Discussion regarding whether the clubhouse amenity should be required.**
- 4. **City Council change(s) to Staff recommendation:**
 - a. **Revise 5.1.d of Development Agreement #2018-052339 as noted above.**

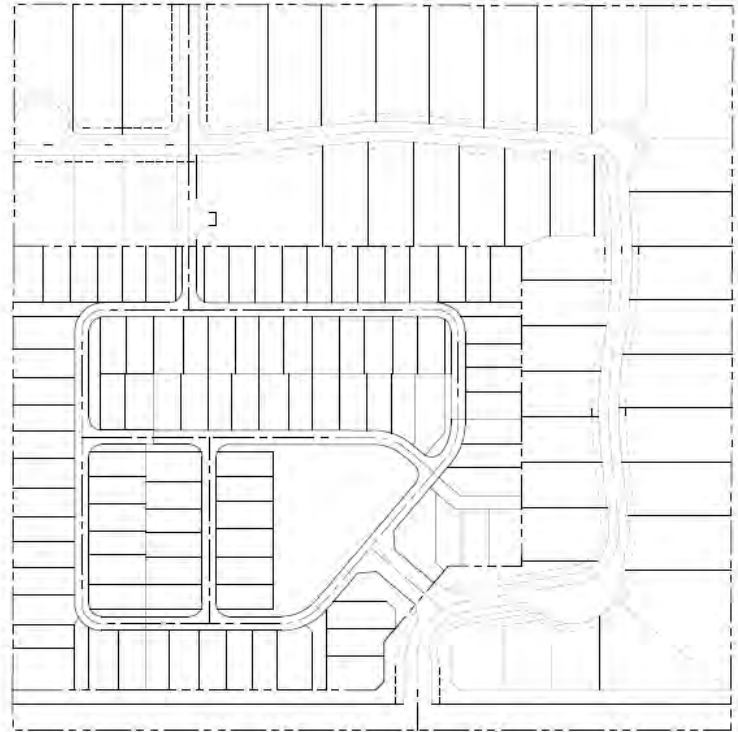
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5. EXHIBITS

A. Approved Preliminary Plat and Proposed Configuration for Phase 2 (date 10/23/20)



EASTRIDGE SUBDIVISION
ORIGINAL PRELIMINARY PLAT



EASTRIDGE SUBDIVISION
REVISED PRELIMINARY PLAT

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B. Proposed Plat Modification Showing Area of Next Phase (date: 10/23/2020)



C. Approved Preliminary Plat Landscape Plan Showing Clubhouse Area (Date 11/28/17)



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D. Open Space Exhibits by Phase (Date: 10/23/20)



- PHASE 2/3 QUALIFYING OPEN SPACE
- PHASE 1 QUALIFYING OPEN SPACE

EASTRIDGE SUBDIVISION OPEN SPACE EXHIBIT

TOTAL SITE AREA = ±40.99 ACRES

PHASE 1 OPEN SPACE 2.60 ACRES

PHASE 2/3 OPEN SPACE 1.76 ACRES

TOTAL OPEN SPACE 4.36 ACRES (10.6%)

Proposed Phase 2&3 Open Space Exhibit



E. Approved Final Plat for Impressive East Ridge Subdivision No 1. (date: 7/17/2018)
(Marked up to show areas referenced by Development Agreement Addendum)



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F. Approved Elevations for Village Area from Preliminary Plat (date: 11/28/2017)



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G. Proposed Elevations for Village Area (date: 10/27/20)



TEMPE-B



CHANDLER-B
4015 sq. ft.



GLENDALE-C



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H. Development Agreement #2018-052339 - (date: 6/5/2018)

3.3 **DEVELOPER:** means and refers to DevCo, LLC, whose address is 4824 W. Fairview Ave., Boise, ID 83706, the party that is developing said Property and shall include any subsequent developer(s) of the Property.

3.4 **PROPERTY:** means and refers to that certain parcel(s) of Property located in the County of Ada, City of Meridian as described in Exhibit "A" describing the parcels to be annexed and zoned Medium Low Density Residential (R-4) and R-15 (Medium High Density Residential) zoning districts 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 and/or Developer shall develop the Property in accordance with the following special conditions:

- a. Except the public street access to E. Lake Hazel Road from East Ridge Avenue, direct lot access to E. Lake Hazel Road, an arterial street, is prohibited in accord with UDC 11-3A-3.
- b. Future development of this site shall be generally consistent with the preliminary plat and building elevations depicted in Exhibit A of the Staff Report attached to Exhibit "B", Findings of Fact Conclusions of Law and the revisions noted in the staff report.
- c. The applicant shall comply with the submitted home elevations attached in Exhibit A.4 of the Staff Report attached to Exhibit "B", Findings of Fact Conclusions of Law. The rear and/or side of structures that face arterial or collector streets (Lots 2-5 of Block 1, Lots 55, 56, 59, 60, 63, 64, 67, 68, 71 and 72 of Block 2), shall incorporate articulation through changes in two or more of the following: modulation (e.g. – projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall panes and roof lines that are visible from the subject public street. Single-story structures are exempt from this requirement.
- d. The site shall develop with a minimum of 10.54% open space (4.32 acres) and shall include the following amenities specific to the Village Concept and other amenities that would be for the use of the estate lots as well as the Village concept. The amenities specific to the Village concept include a clubhouse, sitting areas and a large common lot. Amenities that would be shared by both the estate lots and the Village concept include a neighborhood park that includes a large grassy area, a shade structure and sitting areas.

Applicant proposes to remove clubhouse requirement and replace with dog park, water feature, and outdoor ramanda

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- I. Development Agreement Addendum #2019-021791 (date: 3/19/2019)
(Staff supports DA being terminated, but recommends retention of red items in amended DA.)



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Entire Development:

- Adhere with the Site Plan dated November 13, 2017.
- The Development Agreement will restrict the total number of residential homes to 96 lots for the Village housing and 41 homes for the Estate Lots.
- Zoning will be R-4 for the Estate Lots and R-15 for the Village neighborhood.
- Lake Hazel landscape to incorporate a 4 to 6-foot-tall berm. A majority (80%) of the berm will be the requested 6 foot tall.
- Phase 1 will include the connection to Lake Hazel from E. Cyanite Drive.
- Construction access will be from Lake Hazel Road.
- Domestic Water will be looped to E. Cyanite Drive which will improve current domestic water quality for existing homeowners on City Services.
- Grading – property will be graded from west to east such that the existing grade will be reduced by not less than approximately 3' from the western property line to the mid-point of the property or further.

Village Product Area:

- Wrought Iron Fencing on the property line boundary with adjacent neighbor (at our west boundary).
- A 1' to 2' berm for planting on our west boundary.
- A deciduous tree with a caliper size between 2 to 2.5 inches every 60 feet / an evergreen (blue spruce) tree sized between 8 to 10 feet approximately every 60' (i.e. a tree every 30 feet) with a maximum growth height of 20 to 25 feet along west boundary.
- A grouping of 3 shrubs between every tree along west boundary.
- All product in the Village area is to be single level with a maximum roof height of 25 feet.
- All product in the Village area is to be age restricted.
- Setback of housing product to be 20' from western property line.

6 Estate Lots (Lots 1-3, Block 3 and Lots 16-18, Block 2):

- Wrought Iron Fencing on the property line boundary with adjacent neighbor (at our west boundary).
- A deciduous tree with a caliper size between 2 to 2.5 inches every 60 feet / an evergreen (blue spruce) tree sized between 8 to 10 feet approximately every 60' (i.e. a tree every 30 feet) with a maximum growth height of 20 to 25 feet along west boundary.
- A grouping of 3 shrubs between every tree along west boundary.
- All 6 lots to be single level (~~This will require the Baumgartner Property to deed restrict 100' of their adjacent property to single level~~) with a maximum roof height of 25 feet.
- Rear Setbacks for Lots 1, 2 and 3, Block 3 shall be 45 feet. ~~The 45 foot setback is measured from the north property line.~~
- ~~Side yard setbacks to be R-4.~~
- Set back of housing product to be 10' from western property line.

Rim Estate Lots (Lots 6-23, Block 1):

- ~~Adhere with the Site Plan dated November 13, 2017, which will include specified lot widths.~~
- Rear Setbacks for Lots 6-23 shall be 45 feet.
- Site yard setbacks shall be 7.5 feet for homes on the Rim.