

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



In the Matter of the Request for Daphne Square Subdivision, Annexation, Zoning and Preliminary Plat approval of 30 residential lots and 3 common lots on 4.97 acres of land in the R-15 zoning district, by Schultz Development, LLC.

Case No(s). H-2020-0101

For the City Council Hearing Date of: January 19, 2021 (Findings on February 2, 2021)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of January 19, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of January 19, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of January 19, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of January 19, 2021, incorporated by reference)

B. Conclusions of Law

1. The City of Meridian shall exercise the powers conferred upon it by the “Local Land Use Planning Act of 1975,” codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. The Meridian City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.

- 7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of January 21, 2021, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

Pursuant to the City Council’s authority as provided in Meridian City Code § 11-5A and based upon the above and foregoing Findings of Fact which are herein adopted, it is hereby ordered that:

- 1. The applicant’s request for annexation, zoning to R-15, and preliminary plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of January 21, 2021, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

Please take notice that approval of a preliminary plat, combined preliminary and final plat, or short plat shall become null and void if the applicant fails to obtain the city engineer’s signature on the final plat within two (2) years of the approval of the preliminary plat or the combined preliminary and final plat or short plat (UDC 11-6B-7A).

In the event that the development of the preliminary plat is made in successive phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of two (2) years, may be considered for final approval without resubmission for preliminary plat approval (UDC 11-6B-7B).

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-6B-7.A, the Director may authorize a single extension of time to obtain the City Engineer’s signature on the final plat not to exceed two (2) years. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the preliminary plat, combined preliminary and final plat or short plat to comply with the current provisions of Meridian City Code Title 11. If the above timetable is not met and the applicant does not receive a time extension, the property shall be required to go through the platting procedure again (UDC 11-6B-7C).

Notice of Development Agreement Duration

The city and/or an applicant may request a development agreement or a modification to a development agreement consistent with Idaho Code section 67-6511A. The development agreement may be initiated by the city or applicant as part of a request for annexation and/or rezone at any time prior to the adoption of findings for such request.

A development agreement may be modified by the city or an affected party of the development agreement. Decision on the development agreement modification is made by the city council in accord with this chapter. When approved, said development agreement shall be signed by the property owner(s) and returned to the city within six (6) months of the city council granting the modification.

A modification to the development agreement may be initiated prior to signature of the

agreement by all parties and/or may be requested to extend the time allowed for the agreement to be signed and returned to the city if filed prior to the end of the six (6) month approval period.

E. Notice of Final Action and Right to Regulatory Takings Analysis

1. **Please take notice** that this is a final action of the governing body of the City of Meridian. When applicable and pursuant to Idaho Code § 67-6521, any affected person being a person who has an interest in real property which may be adversely affected by the final action of the governing board may within twenty-eight (28) days after the date of this decision and order seek a judicial review as provided by Chapter 52, Title 67, Idaho Code.

F. Attached: Staff Report for the hearing date of January 21, 2021.

By action of the City Council at its regular meeting held on the 2nd day of February, 2021

COUNCIL PRESIDENT TREG BERNT VOTED AYE

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED AYE

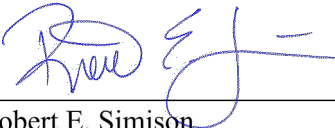
COUNCIL MEMBER JESSICA PERREAULT VOTED AYE

COUNCIL MEMBER LUKE CAVENER VOTED AYE

COUNCIL MEMBER JOE BORTON VOTED AYE


COUNCIL MEMBER LIZ STRADER VOTED AYE

MAYOR ROBERT E. SIMISON VOTED _____
(TIE BREAKER)




Mayor Robert E. Simison

Attest:



Chris Johnson
City Clerk



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

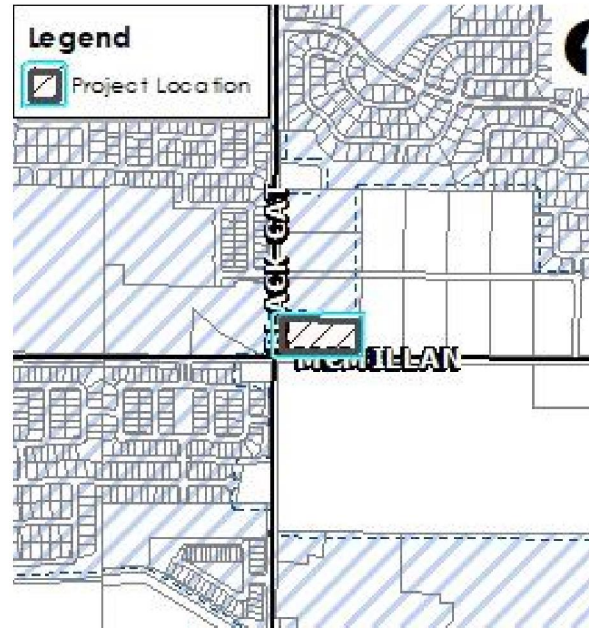
By:  _____ Dated: 2-2-2021
City Clerk's Office

EXHIBIT A

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 1/19/2021
 TO: Mayor & City Council
 FROM: Alan Tiefenbach
 208-489-0573
 Bruce Freckleton, Development Services Manager
 208-887-2211
 SUBJECT: H-2020-0101
 Daphne Square Subdivision
 LOCATION: 4700 W. McMillian Rd.
 NE corner of N. Black Cat Rd and W. McMillian Rd.



I. PROJECT DESCRIPTION

Annexation & zoning of 4.97 acres of land with an R-15 zoning district, and preliminary plat consisting of 30 building lots and 3 common lots, by Schultz Development, LLC.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	4.97	
Future Land Use Designation	Medium Density Residential 3-8 du/acre	
Existing Land Use(s)	Existing manufactured home	
Proposed Land Use(s)	Single Family Attached and Detached	
Lots (# and type; bldg./common)	30 single family lots and 3 common lots	
Phasing Plan (# of phases)	One Phase	
Number of Residential Units (type of units)	30	
Density (gross & net)	6 du / acre gross	
Open Space (acres, total [%]/buffer/qualified)	26,749 sq. ft. (12.36%) qualified open space.	
Amenities	5,611 sq. ft. common lot with shade structure and benches.	
Physical Features (waterways, hazards, flood plain, hillside)	An irrigation lateral runs east to west along McMillian Rd.	
Neighborhood meeting date; # of attendees:	August 25, 2020, 4 attendees	

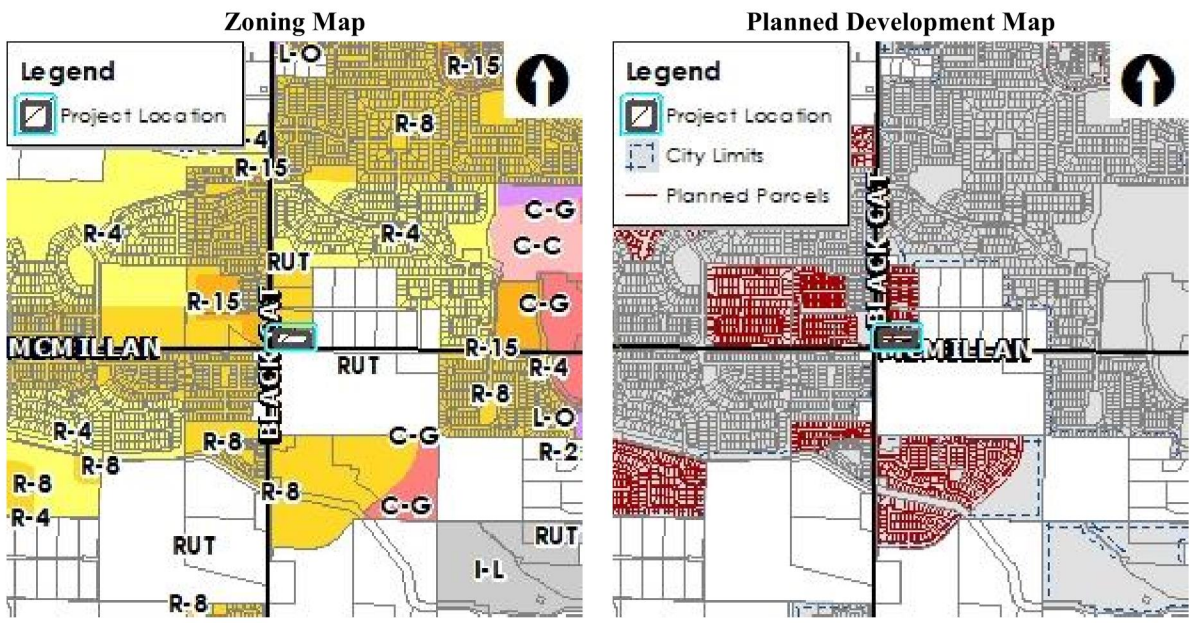
Description	Details	Page
History (previous approvals)	N/A	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> Staff report (yes/no) 	Yes	
<ul style="list-style-type: none"> Requires ACHD Commission Action (yes/no) 	No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Northern access from N. Eynsford Ave (local road in Brody Square) to N. Black Cat Rd via W. Daphne St, there is also an eastern stub proposed.	
Traffic Level of Service	D	
Existing Road Network	No existing internal roads.	
Existing Arterial Sidewalks / Buffers	Buffer and sidewalk exists on west side of N. Black Cat Road (part of the Jump Creek Subdivision.) W. McMillan Road – no sidewalks or buffers	
Proposed Road Improvements	Applicant required to construct all internal roads to 33’ width. 5’ wide detached sidewalks will be constructed along N. Black Cat Rd and W. McMillan Rd.	
Distance to nearest City Park (+ size)	+/- 1.25 miles, Keith Bird Legacy Park, 1.5 miles, Heroes Park	
Fire Service		
<ul style="list-style-type: none"> Distance to Fire Station 	2.4 miles	
<ul style="list-style-type: none"> Fire Response Time 	5 minutes	
<ul style="list-style-type: none"> Resource Reliability 	86%	
<ul style="list-style-type: none"> Risk Identification 	1	
<ul style="list-style-type: none"> Accessibility 	Roadway access, radio coverage	
<ul style="list-style-type: none"> Special/resource needs 	No aerial device necessary	
<ul style="list-style-type: none"> Water Supply 	1,000 gpm	
<ul style="list-style-type: none"> Other Resources 	None needed	
Police Service		
<ul style="list-style-type: none"> Distance to Police Station 	7 miles	
<ul style="list-style-type: none"> Police Response Time 	> 6 minutes	
<ul style="list-style-type: none"> Calls for Service 	631 within one mile	
<ul style="list-style-type: none"> % of calls for service split by priority 	40.3% P1, 53.2% P2, 1.4% P3	
<ul style="list-style-type: none"> Accessibility 	Satisfactory.	
<ul style="list-style-type: none"> Specialty/resource needs 	None necessary.	
<ul style="list-style-type: none"> Crimes 	115	
<ul style="list-style-type: none"> Crashes 	40	

Ada County Schools		
• Impacted Schools	Pleasant View ES - .7 Miles Star MS – 7.7 Miles Meridian HS – 4.1 Miles	
• Capacity of Schools	Pleasant View ES - 650 Star MS – 1000 Meridian HS – 2075	
• # of Students Enrolled	Pleasant View ES - 356 Star MS – 701 Meridian HS – 1975	
• Estimated New Students Generated by Development	Pleasant View ES - 10 Star MS – 5 Meridian HS – 7	
Wastewater		
• Distance to Sewer Services	N/A	
• Sewer Shed	N. Black Cat Trunkshed	
• Estimated Project Sewer ERU's	See application	
• WRRF Declining Balance	13.98	
• Project Consistent with WW Master Plan/Facility Plan	Yes	
• Impacts/Concerns	Additional 543 gpd committed to model	
Water		
• Distance to Water Services	Directly adjacent	
• Pressure Zone	1	
• Estimated Project Water ERU's	See application	
• Water Quality	No concerns	
• Project Consistent with Water Master Plan	Yes	
• Impacts/Concerns	Dead-end water mainline	





III. APPLICANT INFORMATION

A. Applicant:

Matt Schultz, Schultz Development LLC – 8421 S. Ten Mile Rd, Meridian ID 83642

B. Owner:

Kristie and Jeffrey Harrison – Box 136, Adams, Oregon, 97810

C. Representative:

Matt Schultz, Schultz Development LLC – 8421 S. Ten Mile Rd, Meridian ID 83642

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	11/27/2020	1/1/2021
Radius notification mailed to properties within 300 feet	11/23/2020	12/29/2020
Nextdoor posting	11/23/2020	12/29/2020
Sign Posting	12/04/20	1/6/2021

V. STAFF ANALYSIS

This proposal includes annexing 4.97 acres of land, zoning to R-15, and platting 30 building lots and 3 common lots. The majority of the housing is proposed to be single family attached with several additional single family detached homes.

A. Annexation:

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

This property is designated Medium Density Residential on the City’s Future Land Use Map (FLUM) contained in the Comprehensive Plan.

This designation allows for dwelling units at gross densities of three to eight dwelling units per acre. Density bonuses may be considered with the provision of additional public amenities such as a park, school, or land dedicated for public services.

The annexation area is near existing public services and not on the periphery of corporate city limits; existing City of Meridian zoning and development is directly adjacent to the west, north and nearby to the east. The property is directly adjacent and south of the Brody Square Subdivision, of which the final plat was approved by City Council on December 15, 2020. The proposed land use of single-family residential is consistent with the recommended uses in the FLUM designation, however the proposed density of 6 du/acre is on the higher end of the recommended density range. Accordingly, staff has conveyed to the applicant that if this higher density is proposed, the project should incorporate quality open space and amenities. This is discussed in the open space section later in this staff report.

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. In order to ensure the site develops as proposed with this application, staff recommends a DA as a provision of annexation with the provisions included in Section IX.A. The DA is required to be signed by the property owner(s)/developer and returned to the City within 6 months of the Council granting the annexation for approval by City Council and subsequent recordation.

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

(Staff analysis is in italics after the cited policy)

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

This proposal includes single family attached and several single-family detached homes. As this project is within an area surrounded by primarily single family detached homes, it will contribute to the variety of housing type.

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

As mentioned above, this proposal would allow for a more diverse type of housing.

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

The proposed plat depicts 5’ sidewalks on both sides of all local roads. A 5’ detached sidewalk runs along Black Cat Rd. and connects to a sidewalk of the same width at the Brody Square Subdivision to the north, and there is a 5’ detached sidewalk along W. McMillan which is the same width as the pathway along W. McMillan Ave provided by the Oakwinds

and Oaks Subdivisions to the west. The sidewalks will result in both external and internal multi-modal connectivity.

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

City water and sewer service is available along Black Cat Road and can be extended by the developer with development in accord with UDC 11-3A-21.

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

The applicant will dedicate right-of-way for future widening of N. Black Cat Rd. and W. McMillian Rd, will construct all internal roadways, and will construct detached sidewalks of 5’ in width. Curb and gutter is not being constructed along N. Black Cat Rd or W. McMillian Rd at this time due to the future plans for ACHD to widen both these roads. Water and sewer will be provided by 8-inch mains constructed in 2021 in the stub street from the Brody Square subdivision to the north.

- “Require pedestrian access in all new development to link subdivisions together and promote neighborhood connectivity.” (2.02.01D)

Detached sidewalks are proposed on both side of all internal streets. Sidewalks will be completed to the terminus of the stub street to the east and the border of the property to the north (to Brody Square) which would connect to any future development. A 5’ detached sidewalk is proposed along the length of the development paralleling Black Cat Road and a 5’ detached sidewalk is proposed along W. McMillian Rd.

“Reduce the number of existing access points onto arterial streets by using methods such as cross-access agreements, access management, and frontage/backage roads, and promoting local and collector street connectivity” (6.01.02B).

Two points of access are proposed, both from local streets. There will be a northern access via N. Brody Ave. which will connect to W. Daphne St in the Brody Square Subdivision and to N. Black Cat Rd. or W. McMillian Rd. An eastern stub is proposed to provide access if the properties to the east are development (presently in unincorporated Ada County).

D. Existing Structures/Site Improvements:

There is an existing mobile home on the property which will be removed.

E. Proposed Use Analysis:

The applicant proposes single-family attached and detached homes, which are listed as a principal permitted use in the R-15 zoning district per UDC Table 11-2A-2.

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

The preliminary plat and future development is required to comply with the dimensional standards listed in UDC Table 11-2A-7 for the R-15 district. All lots meet the minimum 2,000 sq. ft. requirements, and future structures should comply with the minimum setbacks of the district.

UDC 11-6C-3- regulates block lengths for residential subdivisions. Staff has reviewed the submitted plat for conformance with these regulations. The intent of this section of code is to ensure block lengths do not exceed 750 feet, although there is the allowance of an increase in block length to 1000 feet if a pedestrian connection is provided.

W. Riva Capri Ct. (the internal road) is approximately 575 feet in length. This exceeds the maximum of 500' for dead end streets. However, UDC 11-6C-3-B-4 allows the City Council to approve dead-end streets up to 750' in length where a pedestrian connection is provided from the street to an adjacent existing or planned pedestrian facility. A pedestrian connection is provided from the end of the cul-de-sac to the sidewalk along W. McMillian Rd.

G. Access (*UDC 11-3A-3*,

Two accesses are proposed for this property. The first is a 33' wide internal street which will connect to the Brody Square Subdivision to the north. The second is a stub street to the undeveloped property to the east (presently in unincorporated Ada County). Only one street will serve the internal development – W. Riva Capri Ct - which ends in a cul-de-sac.

N. Black Cat Road, an arterial road, is presently improved with two travel lanes and transitions to three travel lanes at the site's north property line. There is no curb, gutter or sidewalk on the east side along the subject property although it is improved with detached sidewalk on the west. The applicant proposes to dedicate right-of-way, widen the pavement, and construct a 5-foot detached sidewalk that will connect to one of the same width at the Brody Square Subdivision to the north.

W. McMillian Rd. an arterial road, is improved with 2 travel lanes and no curb, gutter or sidewalk. A roundabout is planned for the McMillan / Black Cat intersection. The applicant proposes to dedicate right-of-way, widen the pavement and construct a 5-foot detached sidewalk.

ACHD reviewed this proposal and in a staff report dated November 13, 2020 stated the project is anticipated to generate approximately 210 additional trips per day and supports the project as proposed. Meridian Fire has responded the project meets all required access, road widths and turnarounds.

Common Driveways (*UDC 11-6C-3*): No common driveways are proposed with this development.

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

Off-street parking is required to be provided for single-family attached based on the number of bedrooms per unit (i.e. 2, 3 and 4 bedroom units require 4 per dwelling unit with at least 2 in an enclosed garage, other spaces may be enclosed or a minimum 10' x 20' parking pad) in accord with the standards listed in UDC Table 11-3C-6. All elevations show at least two car garages, and the landscape plan shows parking pads of least 20' x 20' in front of the single family attached.

The applicant has provided a parking exhibit. The parking plan provides a 33' local street section which allows for additional on-street parking of up to 30 on-street spaces. This on-street parking does not count toward meeting minimum requirements. ACHD and Meridian Fire have both reviewed the plan and have not expressed concerns.

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

The development proposes one 5' micro-pathway connecting the cul-de-sac to the common open space in Lot 17, Block 2. However, because it is proposed within the common open space it would still count as useable open space. The micro-pathway does appear to meet the tree requirement of at least 100 tree per hundred linear feet as required by UDC 11-3B-12.

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

Detached sidewalks are proposed throughout the development on both sides of all roads and meet the minimum 5' width of UDC 11-3A-17.

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

Parkways are shown on the landscape plan adjacent to the detached pathways along the N. Black Cat Rd. and W. McMillian Rd. frontages as well as along internal sidewalks. The parkways exceed the minimum requirement of 8' in width and are landscaped with turf.

L. Landscaping (*UDC 11-3B*):

The landscape plan reflects 26,749 sq. ft. of open space (12.36%). This includes 25' wide arterial buffers, 8-foot parkways on the internal streets, a 5,611 square foot common lot, and 6,844 sq. ft. stormwater facility. As required by UDC 11-3B-5-3, when more than 50 trees are required, there shall be at least 5 species of trees. 8 species of trees are proposed.

The landscape plan indicates 5 trees totaling 68 inches will be removed which require mitigation. 34 trees at 2" caliper will be planted equaling 68 inches.

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

The applicant provided an open space exhibit as well as open space calculations on the landscape plan. The landscape plan reflects 12.36% of qualified open space. This includes several linear open spaces of at least twenty feet (20') and longer than fifty feet (50') with accesses at both ends and landscaped as required per UDC 11-3G-3-E. A 5,611 sq. ft. landscaped common lot is also proposed.

Staff is not confident this project actually proposes 12.36% of qualified open space. The Open Space Exhibit indicates the entire parkways along the internal sidewalks being credited, but driveways cannot be included in this total. Also, only 1/2 of the required arterial buffers can be counted, and the applicant is counting both 1/2 of the buffers and the parkways within these required buffers as qualified open space. Finally, a round-about is proposed at the N. Black Cat Rd / W. McMillian Rd intersection, and the landscape plan suggests the open space is being counted prior to the round-about construction. It is possible some of the landscaping as shown will be removed with the road project.

UDC 11-3G-1 requires at least 10% of qualified common open space and site amenities when a development is more than 5 acres in size. This property is less than 5 acres and therefore would not be required to meet UDC 11-3G-1. However, at a July 20, 2020 Pre-Application meeting, staff informed the applicant that in order for staff to support the density as proposed, the development should include high-quality and useable amenities as part of project. The development as proposed includes a 5,611 common open space which contains a sitting area and benches located directly on an arterial intersection, and a 6,844 sq. ft. stormwater facility. It is staff's opinion this development does not include quality useable open space or amenities. Staff recommends that prior to City Council meeting, the plat and landscape plan be revised to merge Lots 28 and 29 of Block 1 into Lot 30, Block 1 and provide a quality amenity and useable open space.

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

As mentioned above, the proposal includes a 5,611 sq. ft. common lot with a shade structure and benches located directly on an arterial intersection. Although the UDC does not require common open space or amenities for developments of less than 5 acres, the applicant is requesting the City annex this property (there are presently no City entitlements) at a density at the high end of the density range recommendations. Staff has informed the applicant that if a higher density is proposed, quality open space and amenities should be provided. Staff does not believe this development includes high quality or useable open space or amenities that justifies higher density.

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

The applicant has mentioned an irrigation lateral runs along the southern property line, adjacent to SW. McMillian Ave. The applicant shall comply with the provisions for irrigation ditches, laterals, canals and/or drainage courses, as set forth in UDC 11-3A-6.

P. 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. A 6-foot tall solid vinyl fence is proposed along the periphery of the property and along the rear lot line of all single-family units. At least one side of all common open spaces does not have any fencing. If fencing is proposed, all fencing abutting pathways and common open space lots not entirely visible from a public street shall be open style of up to six feet (6') in height or closed vision fencing not exceeding four feet (4') in height as required by UDC 11-3A-7.

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

Connection to City water and sewer services is proposed. Water and sewer will be provided by 8-inch mains constructed in 2021 in the stub street from the Brody Square subdivision to the north. Street lighting is required to be installed in accord with the City's adopted standards, specifications and ordinances.

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

Conceptual building elevation renderings were submitted for the future detached and attached homes within the development. All housing types are proposed at two story, with clapboard or lap siding, dormers and gabled roofs. Overall, the elevations proposed are satisfactory but do not include elevations of the sides or rears of structures. As many of the houses will be very visible from N. Black Cat Rd. and W. McMillan Rd. staff recommends a condition that the rear and/or sides of 2-story structures on Lot 18 of Block 1 and Lots 2-16 of Block 2 that face N. Black Cat Road and W. McMillan Rd. 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 planes and roof lines. Single-story structures are exempt from this requirement. Planning approval will be required at time of building permit. Also, Per UDC 11-5B-8, administrative design review will be required for all new attached residential structures containing two (2) or more dwelling units.

VI. DECISION

A. Staff:

Staff recommends approval of the requested annexation, zoning to R-15 and preliminary plat for this property with the conditions noted in Section VII. per the Findings in Section IX.

B. The Meridian Planning & Zoning Commission heard this item on December 17, 2020. At the public hearing, the Commission moved to approve the subject annexation and preliminary plat request.

1. Summary of the Commission public hearing:

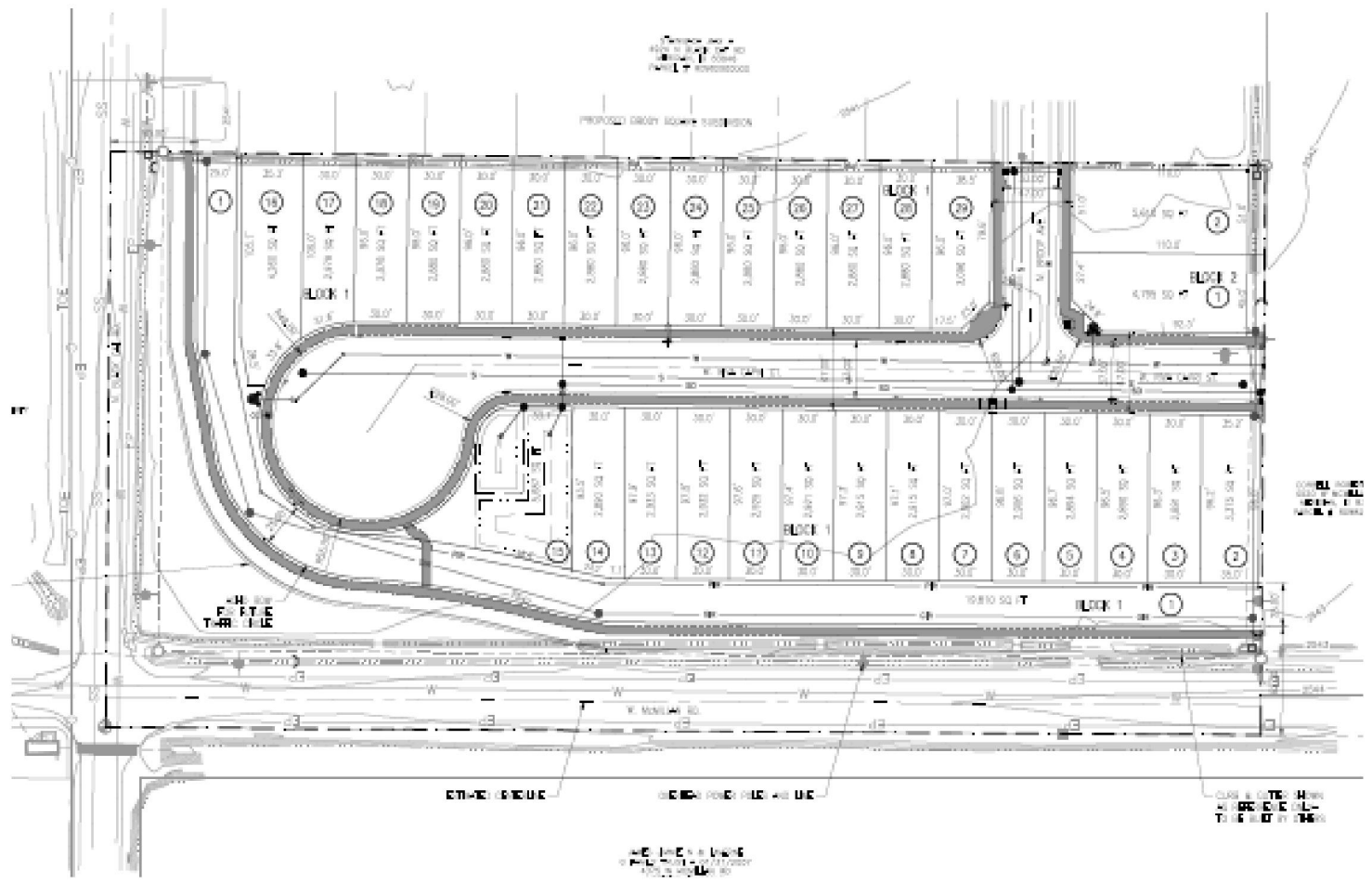
- a. In favor: Matt Schultz,
- b. In opposition: None
- c. Commenting: Matt Schultz
- d. Written testimony: None
- e. Staff presenting application: Alan Tiefenbach
- f. Other Staff commenting on application: Bill Parsons

2. Key issue(s) of public testimony:
 - a. Representative of the Beach Lateral Water Users Association commented the ditch along W. McMillian was an important source of irrigation and wanted to ensure there was no interruption or impact on services.
 - b. Property owner east of the site at 4520 W. McMillan Ave commented their property shares a property line with much of the subject property, they actively graze livestock and wanted to make sure there was a fence or other barrier preventing impacts to their livestock.
 3. Key issue(s) of discussion by Commission:
 - a. Discussed whether enough open space was being provided for this project.
 - b. Discussed the future round-about and how much landscaping would be lost.
 - c. Discussed how the retention pond would be constructed and whether it would be a legitimate open space area.
 - d. Discussed whether internal sidewalks could be extended to connect to N. Black Cat Rd.
 - e. Discussed how the lot lines of Lots 18-29 Block 1 did not line up with the lots of the adjacent Brody Square Subdivision to the north and whether a better transition could be provided.
 - f. Discussed whether additional open space could be provided by using Lot 1, Block 2 as open space versus a building lot.
 - g. Discussed whether additional open space could be provided to all lots by converting the detached sidewalks to attached with no parkways and increasing rear setbacks to 20' versus 12'.
 4. Commission change(s) to Staff recommendation:
 - a. Align Lots 18-29, Block 1 with adjacent northern lots in Brody Square Subdivision to provide better transition.
 - b. Applicant shall increase quality open space and amenities by one or both options:
 1. Work with Brody Square representatives to locate a playground amenity in the central park in Lot 9, Block 3 and allow shared open space and amenities for residents of both subdivisions.
 2. Convert Lot 1, Block 2 of Daphne Square Subdivision into common open space.
 - c. Detached sidewalks shall be converted to attached sidewalks with parkways eliminated along internal roads and rear setbacks of all building lots shall be increased from 12' to 20'.
- C. The Meridian City Council heard these items on January 19, 2021. At the public hearing, the Council approved the subject annexation, zoning and preliminary plat request.
1. Summary of the City Council public hearing:
 - a. In favor: Matt Schultz
 - b. In opposition: None
 - c. Commenting: Matt Schultz
 - 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. None
 3. Key issue(s) of discussion by City Council:
 - a. None
 4. City Council change(s) to Commission recommendation:
 - a. Removed Planning Commission recommendation to align Lots 18-29, Block 1 with adjacent northern lots in Brody Square Subdivision to provide better transition.

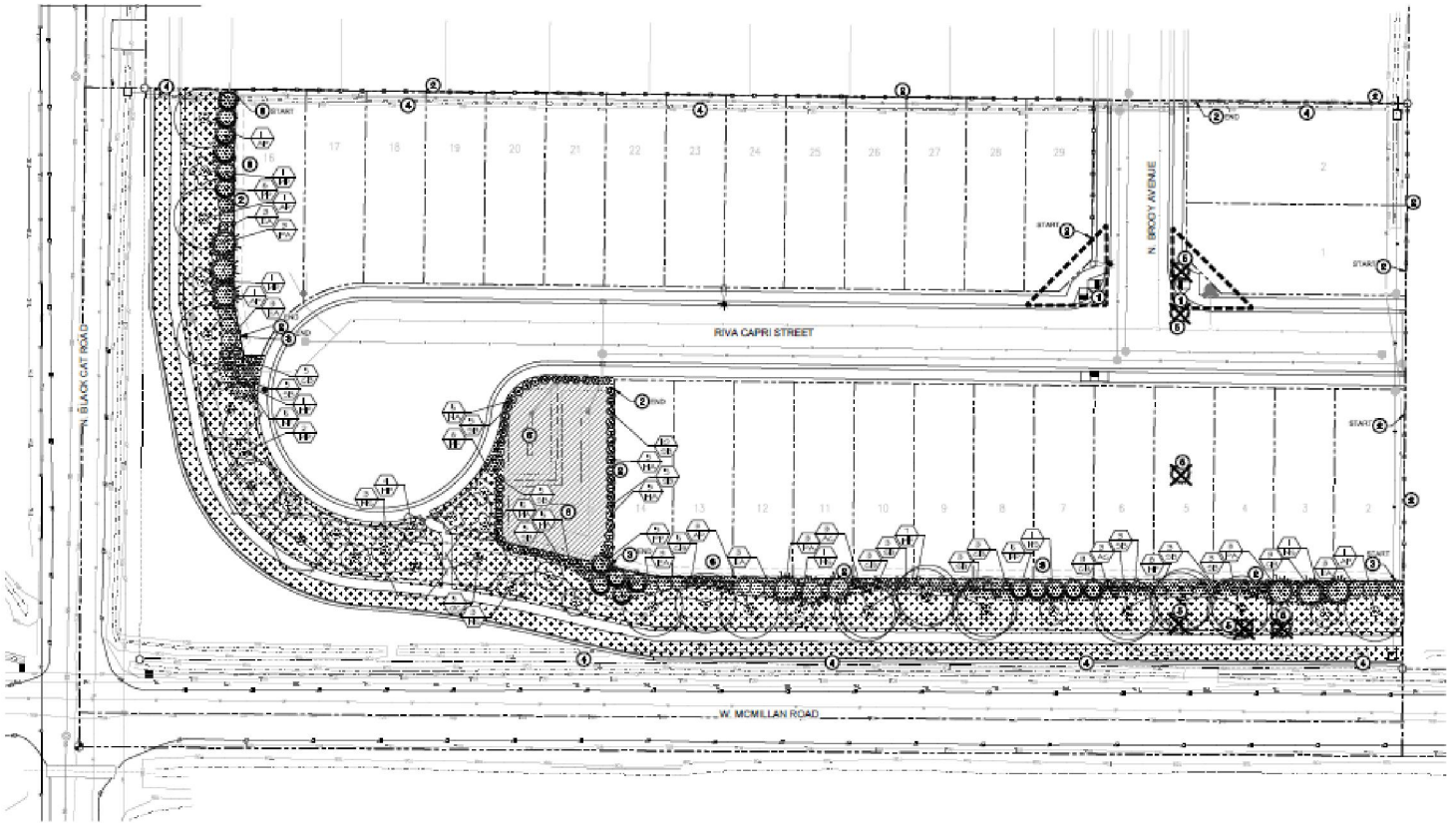
EXHIBITS

A. Revised Preliminary Plat (date: 1/11/2021)

Updated since Planning Commission – moved detention pond adjacent to cul-de-sac open space, reflected open space configuration after construction of round-about, converted all sidewalks from detached to attached, reduced three lots on east side of N. Brody Ave from 3 lots to two lots.



B. Revised Landscape Plan (date:1/7/2021)



C. Revised Color Landscape Plan (date: 1/8/2021)

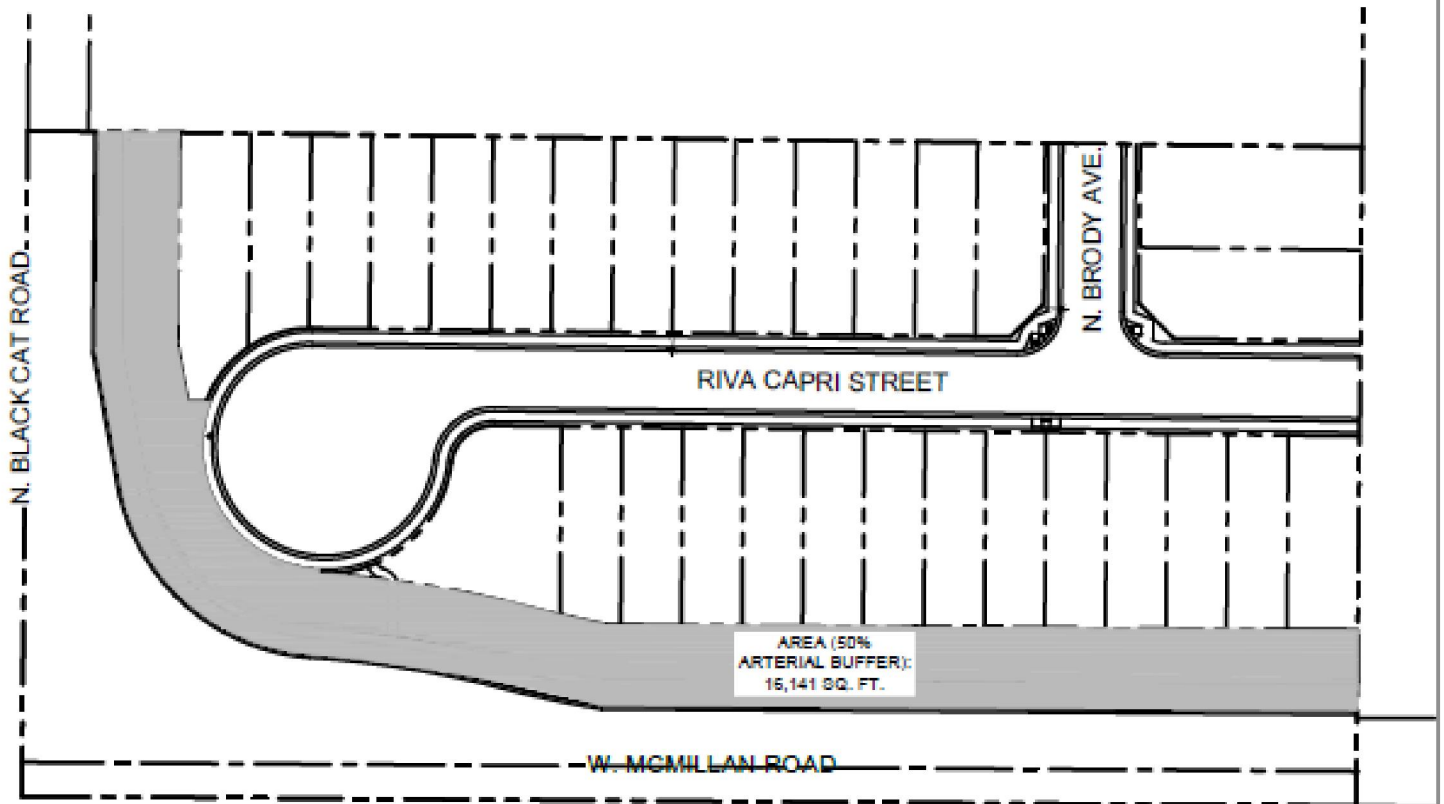


D. Revised Qualified Open Space Exhibit (date: 1/7/2021)

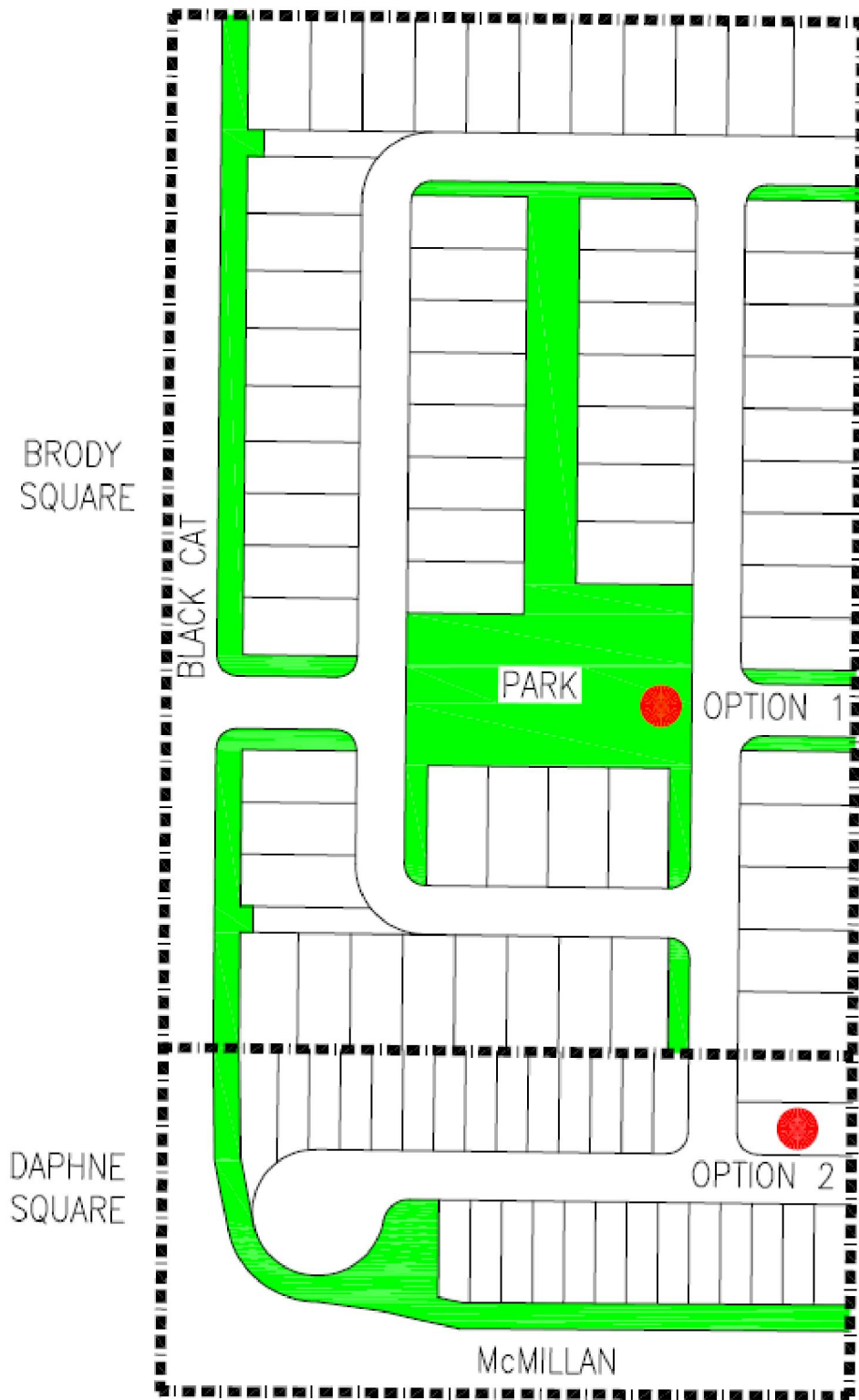
CITY OF MERIDIAN SINGLE FAMILY (R-15) OPEN SPACE REQUIREMENTS

QUALIFIED OPEN SPACE			
10% OPEN SPACE REQUIRED (QUALIFIED OPEN SPACE)	TOTAL AREA: 55,074 SF (1.26 AC)	REQUIRED: 5,507 (0.13 AC) 10%	PROVIDED: 16,741 (0.37 AC) 10.4%

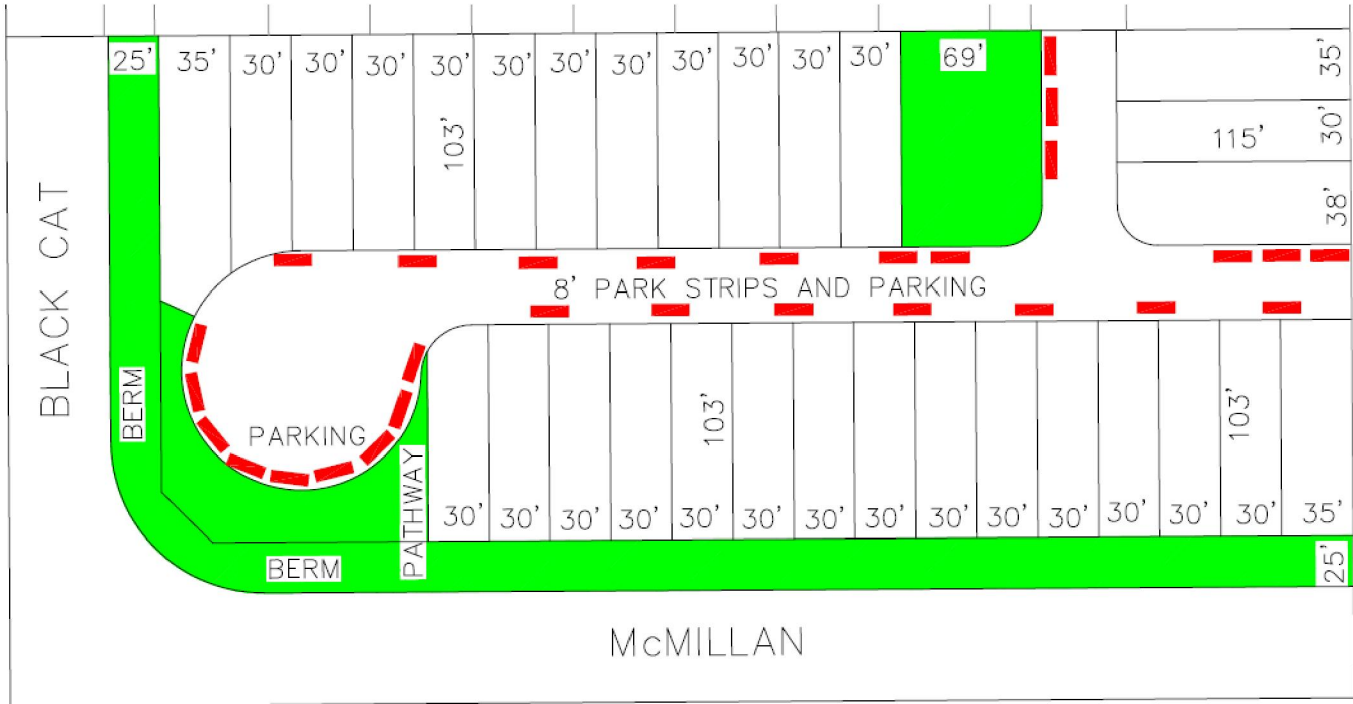
LANDSCAPE LEGEND



E. Daphne Square / Brody Square Amenity Exhibit Demonstrating Option One and Option Two as recommended by Planning Commission. (date 1/10/2021)



F. Parking Exhibit (date: 10/5/2020)



DAPHNE SQUARE
30 ON-STREET PARKING SPACES

G. Building Elevations (date: Sept 28, 2020)



H. Annexation Exhibit (date: 10/7/2020)

EXHIBIT ____
ANNEXATION AND R-15 ZONING DESCRIPTION FOR
DAPHNE SQUARE SUBDIVISION

A portion of the SW 1/4 of the SW 1/4 of Section 27, T.4N., R.1W., B.M., Ada County, Idaho more particularly described as follows:

BEGINNING at the SW corner of said Section 27 from which the W1/4 corner of said Section 27 bears North 00°31'08" East, 2637.33 feet

thence along the West boundary line of said Section 27 North 00°31'08" East, 329.50 feet a angle point in the exterior boundary line of Black Cat Estates Subdivision No. 1 as file in Book 29 of Plats at Pages 1798 and 1799, records of Ada County, Idaho;

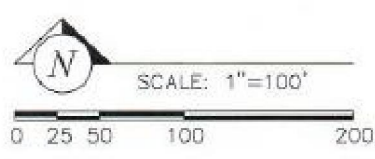
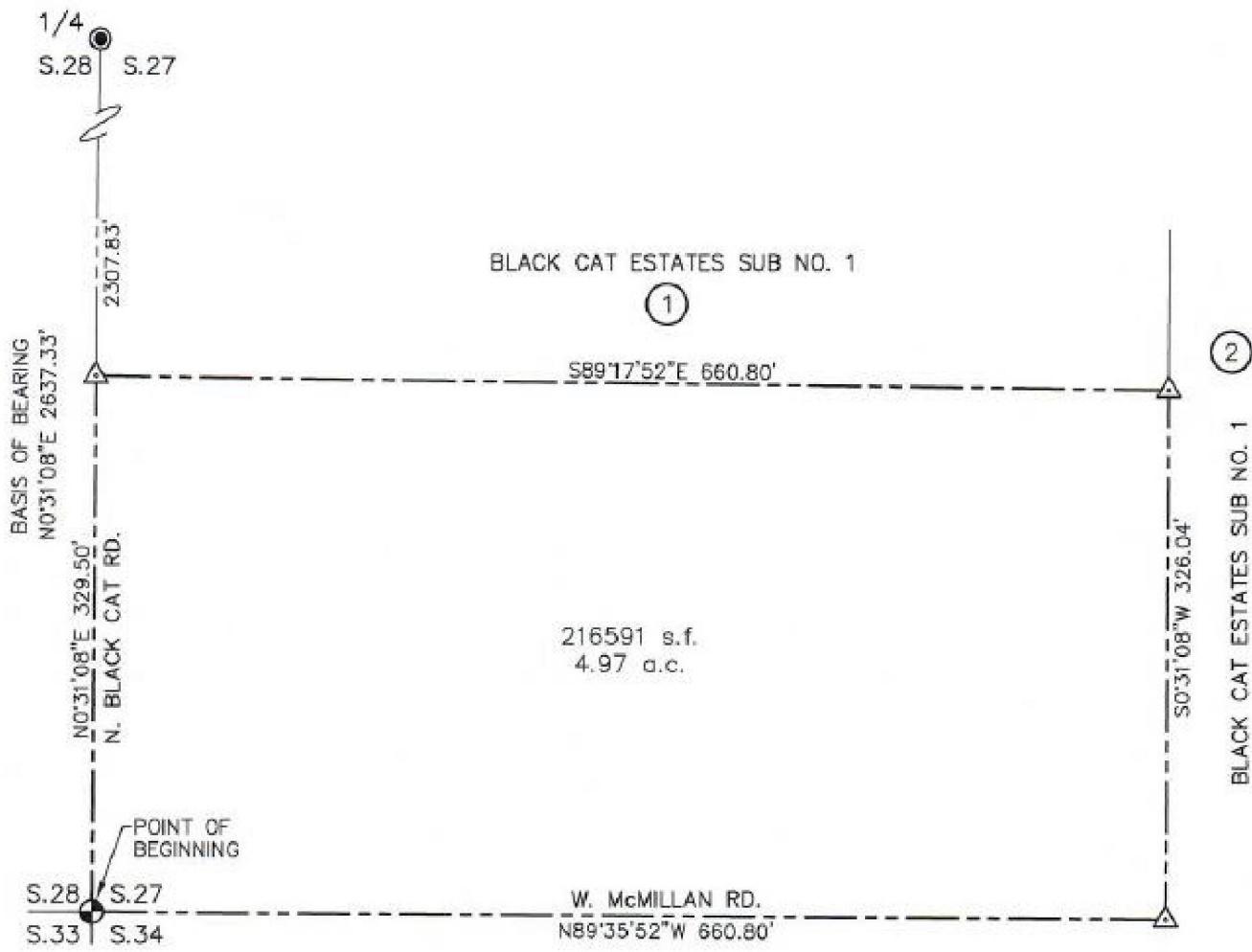
thence along the exterior boundary line of said Black Cat Estates Subdivision No. 1 the following courses and distances:

thence leaving said West boundary line South 89°17'52" East, 660.80 feet;

thence South 00°31'08" West, 326.04 feet to a point on the South boundary line of said Section 27;

thence along said South boundary line North 89°35'52" West, 660.80 feet to the **REAL POINT OF BEGINNING**. Containing 4.97 acres, more or less.





VII. 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. The rear and/or sides of 2-story structures on Lot 18 of Block 1 and Lots 2-16 of Block 2 that face N. Black Cat Road and W. McMillan Rd 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 planes and roof lines. Single-story structures are exempt from this requirement. Planning approval will be required at time of building permit.
- b. Future development of this site shall be generally consistent with the preliminary plat, landscape plan and conceptual building elevations for the single-family dwellings included in Section VIII and the provisions contained herein.
- c. **If an agreement cannot be reached with the Brody Square Homeowner’s Association (HOA) in regard to locating an additional playground amenity within Lot 9, Block 3 of the Brody Square Subdivision and sharing amenities and common open space between the two subdivisions, the applicant shall revise the preliminary plat to convert Lot 1, Block 2 of the Daphne Square Subdivision into common open space.**
- d. **Rear setbacks of all homes in Lots 18-29, Block 1 shall be 20’.**
- ~~2. Prior to the City Council meeting, the plat and landscape plan shall be revised to merge Lots 28 and 29 of Block 1 into Lot 30, Block 1 and provide a quality amenity and useable open space.~~
- ~~3. **Applicant shall align lots 18-29, Block 1 with adjacent northern lots in Brody Square Subdivision to provide better transition.**~~
- ~~4. **Detached sidewalks shall be converted to attached sidewalks with parkways eliminated along internal roads and rear setbacks of Lots 18-29, Block 1 shall be increased from 12’ to 20’.**~~
- ~~5. Prior to the City Council meeting, the plat and landscape plan shall be revised to reflect the landscaping lot shown as Lot 17, block 2 after all ACHD road improvements.~~
- 6. Administrative design review will be required for all new attached residential structures containing two (2) or more dwelling units.
- 7. The applicant shall comply with all provisions of 11-3A-3 with regard to access to streets.

8. The applicant shall construct all proposed fencing and/or any fencing required by the UDC, consistent with the standards as set forth in UDC 11-3A-7 and 11-3A-6B, as applicable.
9. The development shall comply with standards and installation for landscaping as set forth in UDC 11-3B-5 and maintenance thereof as set forth in UDC 11-3B-13.
10. The plat shall comply with the provisions for irrigation ditches, laterals, canals and/or drainage courses, as set forth in UDC 11-3A-6.
11. The development shall comply with all subdivision design and improvement standards as set forth in UDC 11-6C-3, including but not limited to cul-de-sacs, alleys, driveways, common driveways, easements, blocks, street buffers, and mailbox placement.
12. Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for single-family detached dwellings based on the number of bedrooms per unit.
13. The Applicant shall have a maximum of two (2) years to obtain City Engineer's signature on a final plat in accord with UDC 11-6B-7.
14. The Applicant shall comply with all conditions of ACHD.

B. PUBLIC WORKS

SITE SPECIFIC CONDITIONS:

1. The water main ending at the cul-de-sac should connect to the existing mainline in Black Cat Road to avoid dead-end main and to provide a dual connection.
2. The geotechnical investigative report for this development, prepared by ATLAS Materials Testing & Inspection, dated 08/17/2020 indicates some very specific construction considerations, such as ensuring that the bottom of crawl spaces must be elevated at least 2-feet above seasonal groundwater elevation, and the installation of foundation drains. Foundation drains are not allowed to discharge into the sanitary sewer, or the sanitary sewer/water service line trench. The applicant shall be responsible for the adherence of these recommendations to help ensure that groundwater does not become a problem within crawlspaces of homes.

GENERAL CONDITIONS:

1. Sanitary sewer service to this development is available via extension of existing mains adjacent to the development. The applicant shall install mains to and through this subdivision; applicant shall coordinate main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
2. Water service to this site is available via extension of existing mains adjacent to the development. The applicant shall be responsible to install water mains to and through this development, coordinate main size and routing with Public Works.
3. 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.
4. Upon installation of the landscaping and prior to inspection by Planning Department staff, the

applicant shall provide a written certificate of completion as set forth in UDC 11-3B-14A.

5. A letter of credit or cash surety in the amount of 110% will be required for all incomplete fencing, landscaping, amenities, pressurized irrigation, prior to signature on the final plat.
6. The City of Meridian requires that the owner post with the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water 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 applicant shall be required to enter into a Development Surety Agreement with the City of Meridian. 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.
7. 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, and water infrastructure for a duration of two years. This surety amount will be verified by a line item final cost invoicing 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.
8. In the event that an applicant and/or owner cannot complete non-life, non-safety and non-health improvements, prior to City Engineer signature on the final plat and/or prior to occupancy, a surety agreement may be approved as set forth in UDC 11-5C-3C.
9. 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.
10. 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.
11. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
12. Developer shall coordinate mailbox locations with the Meridian Post Office.
13. All grading of the site shall be performed in conformance with MCC 11-1-4B.
14. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
15. The 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.
16. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
17. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
18. Street light plan requirements are listed in section 6-7 of the Improvement Standards for Street

Lighting (http://www.meridiancity.org/public_works.aspx?id=272). All street lights shall be installed at developer’s expense. Final design shall be submitted as part of the development plan set for approval, which must include the location of any existing street lights. The contractor’s work and materials shall conform to the ISPWC and the City of Meridian Supplemental Specifications to the ISPWC. Contact the City of Meridian Transportation and Utility Coordinator at 898-5500 for information on the locations of existing street lighting.

- 19. 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 signature of the final plat by the City Engineer.
- 20. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
- 21. Any existing domestic well system within this project shall be removed from domestic service per City Ordinance Section 9-1-4 and 9 4 8 contact the City of Meridian Water Department at (208)888-5242 for inspections of disconnection of services. Wells may be used for non-domestic purposes such as landscape irrigation if approved by Idaho Department of Water Resources.
- 22. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact the Central District Health Department for abandonment procedures and inspections.
- 23. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C.1). 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 development plan approval.
- 24. 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.

C. COMMUNITY DEVELOPMENT (SCHOOLS ANALYSIS)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=216458&dbid=0&repo=MeridianCity>

D. ACHD

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=216805&dbid=0&repo=MeridianCity>

D. MERIDIAN POLICE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=216307&dbid=0&repo=MeridianCity>

E. MERIDIAN FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=215774&dbid=0&repo=MeridianCity>

F. ADA COUNTY

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=215849&dbid=0&repo=MeridianCity>

G. DEPARTMENT OF ENVIRONMENTAL QUALITY

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=216378&dbid=0&repo=MeridianCity>

H. SETTLERS IRRIGATION

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=216404&dbid=0&repo=MeridianCity>

VIII. FINDINGS

A. 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;

Council finds annexation of the subject site with an R-15 zoning designation is consistent with the Comprehensive Plan MDR FLUM designation for this property if the Applicant complies with the provisions in Section VII.

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

Council finds the lot sizes proposed combined with the housing types proposed will be consistent with the purpose statement of the residential districts in that a range of housing opportunities will be provided consistent with the Comprehensive Plan.

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

Council finds that the proposed zoning map amendment should not be detrimental to the public health, safety, or welfare. Council considered any oral or written testimony that was provided when determining this finding.

- 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

Council finds that the proposed zoning amendment will not result in any adverse impact upon the delivery of services by any political subdivision providing services to this site.

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

Council finds the proposed annexation is in the best interest of the City if the property is developed in accord with the provisions in Section VII.

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)

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

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

Council 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;

Council 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;

Council 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

Council 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)

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

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