

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



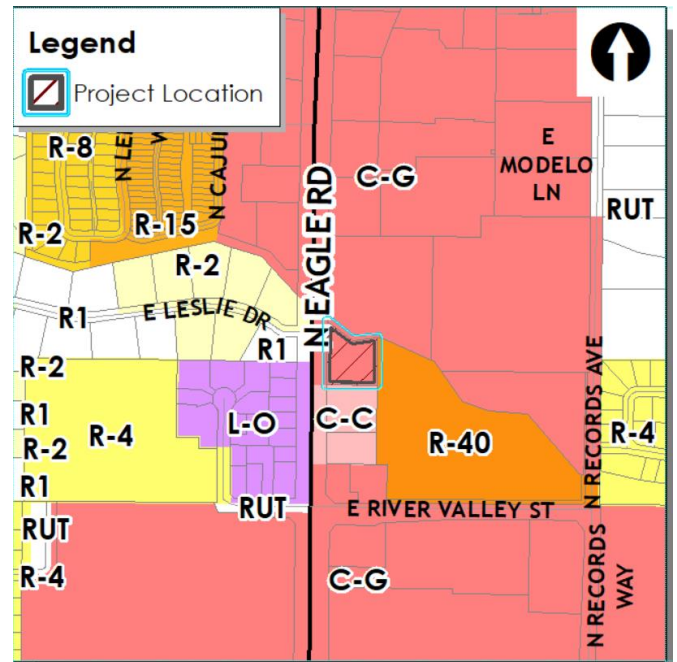
HEARING DATE: April 12, 2022
Continued from: March 22, 2022

TO: Mayor & City Council

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

SUBJECT: H-2022-0009
Copper Canary

LOCATION: 2590 N. Eagle Rd., in the NW 1/4 of
Section 4, T.3N., R.1E.



I. PROJECT DESCRIPTION

Modification to the existing development agreement (Inst. #104129529) to remove the subject property from the agreement and prepare a new development agreement with an updated conceptual development plan; removal of the requirement for conditional use approval of any future uses on the site; requirement for access to be taken from the north via the future backage road with emergency only access from the south.

II. SUMMARY OF REPORT

A. Applicant:

Jeff Likes, ALC Architecture – 1119 E. State St., Ste. 120, Eagle, ID 83616

B. Owner:

East River Valley Street, LLC – 2832 State St., Carlsbad, CA 92008

C. Representative:

Same as Applicant

III. NOTICING

	City Council Posting Date
Notification published in newspaper	3/6/2022

Notification mailed to property owners within 300 feet	3/7/2022
Applicant posted public hearing notice on site	3/30/2022
Nextdoor posting	3/8/2022

IV. STAFF ANALYSIS

The existing Development Agreement (DA) (Inst. #[104129529](#) – Red Feather AZ-03-021) originally encompassed a larger 114.52-acre area that includes Redfeather Estates, a residential development to the east and adjacent commercial properties. The DA requires any future uses of the property to only be approved through the Conditional Use Permit (CUP) process and requires either a public or private backage street generally parallel with Eagle Rd./SH-55 to be incorporated into the design of future site plans. A conceptual master plan demonstrating interconnectivity, transitional uses, access points and other key land planning issues is required prior to any detailed CUP applications being submitted. *See Section VI.A for more information.*

A variance (VAR-08-004) was approved in 2008 for a temporary access via N. Eagle Rd./SH-55 until such time as access can be provided to the site from either the south via a frontage road from the extension of E. River Valley St. or from the north across the South Slough. At such time, the temporary access to Eagle Rd. is required to be removed and the street buffer landscaping adjacent to Eagle Road is required to be completed. *Currently, there is no access to the site from either the north or the south.*

The Applicant requests a modification to the existing DA to remove the subject property from the agreement and prepare a new DA with an updated conceptual development plan; removal of the requirement for conditional use approval of any future uses on the site; and requirement for access to be taken from the north via the future backage road with emergency only access from the south.

A conceptual development plan was submitted as shown in Section VI.C that depicts a reconfigured parking area, extension of the street buffer and pedestrian pathway across the existing driveway from N. Eagle Rd./SH-55, a drive aisle along the east boundary of the site connecting to the north for future access via Eagle Rd./SH-55 and to the south for emergency access only. *Note: A driveway from Eagle Rd./SH-55 is depicted on the concept plan partially on this site and partially on the property to the north that has not been approved; an approved access via Eagle/SH-55 exists approximately 500' to the north of the subject property. The UDC (11-3H-4B.2) does not allow new approaches directly accessing a state highway. The City Council may consider and approve a modification to this standard upon specific recommendation of the Idaho Transportation Department per UDC 11-3H-3. Staff anticipates a request for this access will be part of a future development application on the adjacent property to the north.*

The Applicant proposes new DA provisions, which are included in Section VI.D below. Staff is amenable to the request to remove the requirement for a conceptual master plan to be submitted for the overall area as much of this area has already been developed and/or has entitlements. Staff is also supportive of the removal of the requirement for any future uses to be approved through the CUP process as the UDC ([Table 11-2B-2](#)) governs the allowed uses in the C-G zoning district and a CUP is not required for all uses. **Staff is *not* in favor of removal of the requirement for a public or private backage street generally parallel with Eagle Rd./SH-55 to be provided as UDC [11-3H-4B.3](#) requires such to provide future connectivity and access to all properties fronting the state highway that lie between the Applicant's property and the nearest section line road and/or half mile collector road. Although a drive aisle/backage road is depicted on the conceptual site plan,**

it's proposed to dead-end at the southern boundary with an emergency only access to the south. Because access is limited in this area, Staff believes it's important for this backage road to provide through unrestricted public access to the north and the south. The Fire Dept. does not support the backage road being blocked for emergency access only and states the road needs to run through unobstructed for fast access to businesses in this area.

Based on the aforementioned recommendation, Staff recommends the conceptual site plan is revised to depict a backage road along the east boundary of the site with unrestricted access to the south. DA provision #5.1d should be revised to include vehicular access to the south. DA provision #5.1e should be replaced with a requirement for cross-access easements to be granted to the properties to the south and to the north; a recorded copy of the easements should be submitted to the Planning Division with the Certificate of Zoning Compliance application.

V. DECISION

A. Staff:

Staff recommends approval of the modification to the DA with the changes noted in Section V.D as discussed above in Section IV.

VI. EXHIBITS

A. Existing Development Agreement Provisions (Inst. #[104129529](#))

4. **USES PERMITTED BY THIS AGREEMENT:**

4.1 The uses allowed pursuant to this Agreement are only those uses allowed under "City's" Zoning Ordinance codified at Meridian City Code Section 11-7-2 (K) which are herein specified as follows:

Any future uses of the property shall be approved only through the conditional use permit process. Additionally, either a public or private backage street generally parallel with Eagle Road/SH 55 shall be incorporated into the design of the future site plans. A conceptual master plan demonstrating interconnectivity, transitional uses, access points and other key land planning issues is required prior to any detailed CUP applications being submitted on either the Bryson or Schrammeck properties for the C-G zone.

- 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.A "Owner" shall develop the "Property" in accordance with the following special conditions:

1. Removal of any existing domestic wells and/or septic systems within this project from their domestic service must be accomplished at such time as the "Owners" change the current use of "Property" or otherwise develop the "Property" in accordance with the terms hereof.
2. Any future uses of the property shall be approved only through the conditional use permit process. In addition, there is a requirement that either a public or private backage street generally parallel with Eagle Road/SH 55 shall be incorporated into the design of future site plans. A conceptual master plan demonstrating interconnectivity, transitional uses, access points and other key land planning issues is required prior to any detailed CUP applications being submitted on either the Bryson or Schrammeck properties.

The following Comprehensive Plan policies (from Chapter VI and VII) shall be applicable to these properties:

Transportation Policies Applicable to the Bryson/Schrammeck Annexation:

- "Large development proposals that are likely to generate significant traffic should be assessed for their impact on the transportation system and surrounding land uses. They should be examined for ways to encourage all forms of transportation such as transit, walking, and cycling.
- New development should not rely on cul-de-sacs since they provide poor fire access, walkability, and neighborhood social life. New development and streets should be designed to encourage walking and bicycling.
- In addition to providing for enhanced automobile traffic, Meridian should seek ways to encourage alternative modes of transport. Improvement in and encouraged use of public transit systems is an important first step. Public transit includes bus systems and ridesharing. By fostering such means of high vehicle occupancies, congestion on roadways can be decreased.

- Pathways that encourage use by bicyclists and pedestrians can decrease road congestion and add to the community's quality of life. The proposed off-street and multiple-use pathway systems are depicted in Figures VI-3 and VI-4. New and existing developments should ensure that the guidelines laid out in this plan are adopted.
- Eagle Road is the major north-south arterial in Ada County. The capacity of this arterial should be protected by minimizing the number and location of private driveway access connections to this important roadway. The City should recognize, adopt, and help implement the Eagle Road Access Control Study, prepared by ACHD in 1997."

Mixed Use Development Policies Applicable to the Bryson/Schrammeck Annexation:

- "Where feasible, multi-family residential uses will be encouraged, especially for projects with the potential to serve as employment destination centers and when the project is adjacent to State Highways 20-26, 55 or 69;
- In developments where multiple commercial and/or office buildings are proposed (not residential), the buildings should be arranged to create some form of common, usable area, such as a plaza or green space;
- Where the project is developed adjacent to low or medium density residential uses, a transitional use is encouraged."

3. All irrigation ditches, laterals or canals, exclusive of natural waterways, intersecting, crossing or lying adjacent and contiguous to the parcel shall be tiled per City Ordinance 12-4-13. Plans will need to be approved by the appropriate irrigation/drainage district, or lateral users association, with written confirmation of said approval submitted to the Public Works Department.

B. Legal Description & Exhibit Map for Property Subject to New Development Agreement

EXHIBIT "A"

Legal Description of the Property

A portion of the Southwest quarter of the Northwest quarter of Section 4, Township 3 North, Range 1 East, Boise Meridian, more particularly described as follows:

Commencing at the Northwest corner of the Southwest quarter of the Northwest quarter of Section 4, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho; thence South along the West line of said Section 4, a distance of 433.62 feet to the Real Point of Beginning; thence South 53° 40' East 231.00 feet to a point; thence North 83° 50' East 114.57 feet to a point; thence South 218.05 feet to a point; thence West 300.00 feet to a point on the West line of said Section 4; thence North 342.64 feet to the Point of Beginning.

Excepting a 25 foot strip on the West side for highway right-of-way.

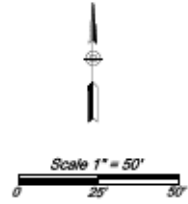
Also Excepting a parcel of land being on the Easterly side of the centerline of State Highway No. 55 (Eagle Road), Project No. NH-F-3271(037) Highway Survey, as shown on the plans thereof now on file in the office of the Idaho Transportation Department, and being a portion of the Southwest quarter of the Northwest quarter of Section 4, Township 3 North, Range 1 East, Boise Meridian, described as follows to-wit:

Commencing at the Northwest corner of the Southwest quarter of the Northwest quarter of Section 4, Township 3 North, Range 1 East, Boise Meridian that bears North 89° 23' 47" West 0.34 feet from Station 155+31.73 of said State Highway No. 55 (Eagle Road), Project NH-F-3271(037) Highway Survey; thence South 0° 36' 13" West (shown of record to be South) along the West line of said Southwest quarter of the Northwest quarter a distance of 765.43 feet (shown of record to be 776.26 feet) to the Southwest corner of the tract of land as described in that certain Warranty Deed dated January 24, 1975, recorded January 24, 1975, as Instrument No. 912958, records of Ada County, Idaho, said corner being a point in the centerline of said State Highway No. 55, that is coincident with Station 147+66.31 of said Highway Survey and being the Real Place of Beginning; thence South 89° 23' 47" East (shown of record to be East) along the South line of said tract of land 70.0 feet to a point in a line parallel with and 70.0 feet Easterly from the centerline and bears South 89° 23' 47" East from Station 147+66.31 of said Highway Survey; thence North 0° 36' 13" East along said parallel line a distance of 291.05 feet to a point in the Northerly line of said tract of land and being opposite Station 150+57.35 of said Highway Survey; thence North 53° 03' 47" West (shown of record to be North 53° 40' West) along said Northerly line 86.89 feet to the Northwest corner of said tract of land, said corner being a point in the West line of said Southwest quarter of the Northwest quarter, said West line being coincident with the centerline of said State Highway No. 55, and said point being coincident with Station 151+08.84 of said Highway Survey; thence South 0° 36' 13" West along said West line being coincident with said centerline 342.53 feet to the Real Place of Beginning.

COPPER CANARY LEGAL DESCRIPTION EXHIBIT

PORTION OF THE SW 1/4 OF THE NW 1/4 OF SECTION
4, T.3N., R.1E., BOISE MERIDIAN, CITY OF MERIDIAN,
ADA COUNTY, IDAHO.

FEBRUARY 2022 SCALE: 1" = 35' SHEET 1 OF 1



BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.

EAGLE ROAD

S00° 36' 00"W - 291.11'

S53° 04' 00"E - 144.06'

N84° 26' 08"E - 114.63'

I.N. 2021-155773

S00° 36' 08"W - 218.08'

N89° 23' 52"W - 230.01'



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C. Proposed Conceptual Development Plan



D. Proposed Development Agreement Provisions

Staff's recommended changes to the proposed provisions are shown in strike-out/underline format.

1. 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.

1.1 The uses allowed pursuant to this Agreement are only those uses allowed as permitted, conditional and/or accessory uses under the UDC.

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

2. CONDITIONS GOVERNING DEVELOPMENT OF SUBJECT PROPERTY:

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

a. Development of the Property shall no longer be subject to the terms of the Development Agreement recorded as Instrument No. 104129529.

b. Development of the Property shall be generally consistent with the conceptual development plan depicted on Exhibit "C", attached hereto, and the provisions contained herein.

c. Owner/Developer shall make application for administrative Design Review. Future development shall comply with the structure and site design standards listed in the Architectural Standards Manual. Strict design review of all four sides of the remodeled existing building is required.

d. The existing direct access to the Property via N. Eagle Rd./SH-55 shall continue until vehicular access to the north across the South Slough and to N. Eagle Rd./SH-55 or to the south to E. River Valley St. is provided. At such time, the temporary access to Eagle Rd./SH-55 shall be removed and the street buffer landscaping adjacent to Eagle Road shall be completed consistent with the UDC standards. *Note: The access via N. Eagle Rd./SH-55 depicted on the conceptual development plan along the northern boundary of this site is not approved with this application.*

e. ~~The drive aisle on the east side of the Property shall terminate at the south boundary of the Property as an emergency vehicle access. Access will be restricted by a gate that will allow for emergency vehicle. The Owner/Developer shall coordinate the design of the gate with the Meridian Fire Department.~~ Cross-access easements shall be granted to the properties to the north and to the south and recorded copies of the easements shall be submitted to the Planning Division with the Certificate of Zoning Compliance application.

f. A Certificate of Zoning Compliance and administrative Design Review applications shall be submitted to and approved by the Planning Division prior to submittal of a building permit application(s).