

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

HEARING DATE: March 5, 2024
Continued from: February 20, 2024

TO: Mayor & City Council
FROM: Sonya Allen, Associate Planner
208-884-5533

SUBJECT: Pathways – AZ, CUP
[H-2023-0061](#)

LOCATION: 965 E. Ustick Rd., in the NE 1/4 of
Section 6, T.3N., R.1E.



I. PROJECT DESCRIPTION

Annexation (AZ) of 1.11 acres of land with an L-O zoning district; and Conditional Use Permit (CUP) for a public education institution that takes access from an arterial street without a safe, separate pedestrian and bikeway access between the neighborhood and the school site.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details
Acreage	0.90-acre
Future Land Use Designation	Medium Density Residential (MDR)
Existing Land Use	Single-family residential (SFR)
Proposed Land Use(s)	Public education institution
Current Zoning	R1 in Ada County
Proposed Zoning	Limited Office (L-O)
Phasing Plan	1
Physical Features (waterways, hazards, flood plain, hillside)	None
Neighborhood meeting date	9/6/23
History (previous approvals)	ROS #1070

B. Project Area Maps

Future Land Use Map



Aerial Map



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant:

Kent Mussell, Mussell Construction, Inc. – PO Box 3304, Nampa, ID 83653

B. Owner:

MMW&T, LLC – PO Box 3304, Nampa, ID 83653

C. Representative:

Mike Mussell, MMW&T, LLC – PO Box 3304, Nampa, ID 83653

IV. NOTICING

	Planning & Zoning Notice Dates	City Council Notice Dates
Newspaper Notification	1/2/2024	2/4/2024
Radius notification mailed to properties within 300 feet	12/29/2023	2/20/2024
Site Posting Date	1/5/2024	2/23/2024
Next Door posting	12/29/2023	2/5/2024

V. COMPREHENSIVE PLAN ANALYSIS

Land Use: This property is designated as Medium Density Residential (MDR) on the Future Land Use Map (FLUM) contained in the [\(Comprehensive Plan\)](#). This designation allows for dwelling units at gross densities of 3 to 8 dwelling units per acre.

Although dwelling units are typically desired in the MDR designation, the Comprehensive Plan does allow requests for office uses (i.e. L-O zoning), at the discretion of City Council, for areas with a Residential FLUM designation if the property only has frontage on an arterial street or section line road and is 2-acres or less in size. In this instance, no ancillary commercial uses are permitted.

The subject property meets the aforementioned criteria. Although the requested use is not office, education institutions are listed as an allowed use in the L-O zoning district and Staff deems the uses similar in terms of intensity of use and impacts to adjacent properties. Therefore, the Applicant requests City Council approval of an education institution use on this property in accord with the Comprehensive Plan.

Transportation: East Ustick Road, which runs along the front/north side of this property, is depicted as a residential arterial street on the Master Street Map (MSM). There are no stub streets from adjacent developments to this property.

Goals, Objectives, & Action Items: Staff finds the following Comprehensive Plan policies to be applicable to this application and apply to the proposed use of this property (staff analysis in italics):

- “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 and can be provided to this property 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)

Urban sewer and water infrastructure is available to this property. Curb, gutter and sidewalk has been constructed along E. Ustick Rd. in accord with UDC standards.

- “Ensure development provides safe routes and access to schools, parks, and other community gathering places.” (2.02.01G)

A mostly attached sidewalk exists along the frontage of this property adjacent to E. Ustick Rd., a residential arterial street. There are no pathways to the site from adjacent developments.

- “Maximize public services by prioritizing infill development of vacant and underdeveloped parcels within the City over parcels on the fringe.” (2.02.02)

Annexation and redevelopment of the subject infill parcel will maximize public services.

- “Ensure the location and design of schools are compatible with existing and planned neighborhoods and land uses.” (2.03.01D)

The proposed school should be compatible with adjacent existing residential uses in the vicinity.

VI. STAFF ANALYSIS

A. Annexation & Zoning (AZ):

The Applicant proposes to annex 1.11 acres of land with an L-O zoning district for the development of a public education institution (charter school for high school age students) in West Ada School District. **City Council approval is needed to approve the proposed use and zoning in the MDR FLUM designation as mentioned above in Section V.**

The site is within the Area of City Impact (AOCI) boundary and is contiguous to City annexed land to the south, east and west. A legal description was submitted for the boundary of the annexation area, included in Section VIII.A below.

There is an existing 2,259 square foot (s.f.) single-family dwelling on this site, which is proposed to be enlarged to 8,000 square feet and converted to an education institution. **The existing structure is required to connect to City water and sewer service within 60 days of annexation and disconnect from private service, as set forth in MCC 9-1-4 and 9-4-8.**

A public education institution is listed as a permitted use in the proposed L-O zoning district per UDC [Table 11-2A-2](#), subject to the specific use standards listed in UDC [11-4-3-14](#). The specific use standards require a conditional use permit (CUP) when the education institution takes access from a collector or an arterial street and there is not a safe, separate pedestrian and bikeway access between the neighborhood and the school site. A CUP is requested concurrent with the annexation request (see analysis below).

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. **To ensure this property develops as proposed and required, Staff recommends a DA with the provisions discussed herein and included in Section IX.A.**

B. Conditional Use Permit (CUP):

A CUP is requested for a public education institution that takes access from an arterial street (i.e. E. Ustick Rd.) without a safe, separate pedestrian and bikeway access between the neighborhood and the school site, as required by UDC [11-4-3-14E](#).

The proposed charter school will serve high school age students and educates students in small groups or 1:1 support sessions, which should be low impact on adjacent residential uses. The Applicant states that the school features a very low student-to-teacher ratio and no extracurricular or outdoor activities. See the Applicant's [narrative](#) for more information.

Dimensional Standards: The proposed development is required to comply with the dimensional standards listed in UDC [Table 11-2B-3](#) for the proposed L-O zoning district.

Specific Use Standards: The proposed use is required to comply with the specific use standards listed in UDC [11-4-3-14F](#), Education Institution, as follows: *Staff's analysis is in italics.*

- A. Accessory uses. Accessory uses including, but not limited to, daycare facilities, community events, community services, social services, curricular and extracurricular activities, meeting facilities for clubs and organizations, and school administration may be allowed.
 - 1. Community events shall include, but are not limited to, events organized by an association of persons for a social, literary, political, educational or recreational purpose. Community events shall not include retail or other services that are customarily carried on as a business.
 - 2. Curricular or extracurricular activities at an education institution shall include any sporting, musical, dramatic, artistic, fundraising or educational activities associated with any group, association, or classroom of said education facilities. Curricular or extracurricular activities shall not include retail or other services of businesses not directly associated with the education facility.
 - 3. When conducted within an existing structure and site modifications are not proposed and/or required allowed accessory uses do not require a certificate of zoning compliance.
 - 4. Uses not deemed as an accessory use by the Director shall require approval as a principal permitted or conditional use consistent with this title or as a temporary use consistent with [title 3](#), chapter 4 of this Code.
- B. Location criteria for elementary schools. Elementary schools should be located within the center of neighborhoods with access encouraged from local streets. Elementary school locations adjacent to public parks or open space are encouraged. At least thirty (30) percent of the perimeter of an elementary school site should be open to streets or open space areas. *NA*
- C. Location criteria for middle schools and high schools. Middle and high schools may take access off a designated arterial or collector street. *The proposed school for high school age students takes access off an arterial street (E. Ustick Rd.).*
- D. Exemption. An education institution with less than one hundred fifty (150) students or located within the TN-R district may be exempt from the requirements for open space, landscaping, parking and drop off areas. *The Applicant states the school will serve less than 150 students; therefore, it is exempt from the aforementioned standards. On average, approximately 30 students will be there at a time, with a maximum capacity of 40 students. Student appointments are normally 1-1.5 hours in length and occur twice per week.*
- E. Conditional use requirement. A conditional use permit shall be required for any education institution in which any of the following circumstances exist:
 - 1. The education institution is in excess of two hundred fifty thousand (250,000) square feet within a residential district; *The proposed school will only be 8,000 s.f.*
 - 2. The education institution includes lighted fields adjoining or within a residential district; *No lighted fields are proposed.*

3. The education institution will generate in excess of one thousand five hundred (1,500) vehicular trips per day; *The proposed school will not generate more than 1,500 vehicle trips per day. Students are responsible for their own transportation; busses will not service the campus. The Applicant anticipates that nearly all students will be dropped off by family and that a minority of students will drive themselves.*
 4. The education institution takes access from a collector or an arterial street and there is not a safe, separate pedestrian and bikeway access between the neighborhood and the school site. *The proposed school takes access from an arterial street (E. Ustick Rd.) and there is not a safe, separate pedestrian and bikeway access between the neighborhood and the school site.*
- F. Portable classrooms (temporary and permanent). The site plan for all education institutions shall include the location of any future portable classrooms (temporary and/or permanent). *No portable classrooms are proposed.*
1. Temporary portables. A temporary portable classroom shall be an accessory use valid for a maximum period of four (4) years from the date of issuance of a certificate of occupancy.
 - a. Temporary portable classrooms that meet the standards as set forth in subsection (F)(4) of this section shall require a certificate of zoning compliance approval but shall not be subject to design review.
 - b. Temporary portable classrooms that do not meet the standards as set forth in subsection (F)(4) of this section shall require a conditional use permit but shall not be subject to design review.
 2. Permanent portables. Prior to the termination of the four-year permit, the applicant may request to convert a temporary portable classroom to a permanent portable classroom.
 - a. Permanent portable classrooms that meet the standards as set forth in subsection (F)(4) of this section shall require a certificate of zoning compliance and design review approval.
 - b. Permanent portable classrooms that do not meet the standards as set forth in subsection (F)(4) of this section shall require a conditional use permit and design review approval.
 3. Permit termination. Upon termination of the four-year permit, the temporary portable classroom approval shall be null and void and the applicant shall remove the structure immediately.
 4. Standards.
 - a. The portable classroom shall not be located in the front yard of the principal school structure.
 - b. The portable classroom shall not be located in any required yard.
 - c. The placement of the portable classroom shall not reduce the number of required off street parking spaces.
 - d. The portable structures shall comply with the building code in accord with [title 10](#) of this Code.
 - e. Exterior colors of the portable classrooms shall be compatible with the color of

the primary school building.

- f. The roofing material on the portable classrooms shall be of a finish that emits a minimal amount of glare.
 - g. Where the portable classroom is located within two hundred (200) feet of a street and is visible from such a street, the portable classroom shall be screened from view of the street with a minimum of one (1) evergreen tree per fifteen (15) feet of linear structure. The tree shall be a minimum of six (6) feet in height.
- G. Additional standards for education institution, private. The applicant shall provide written documentation that the facility meets the minimum site area guidelines as established by the Idaho State Department of Education. *Not applicable.*
- H. Additional standards for vocational or trade schools. The applicant shall provide written documentation that the school will have a major curriculum relating to technological industrial research and processes. *Not applicable.*
- I. Parking space requirement. In all commercial and residential districts, education institutions shall provide one (1) parking space for every four hundred (400) square feet of gross floor area. *Based on an 8,000 s.f. building, a minimum of 20 off-street parking spaces are required to be provided; a total of ~~33~~ ~~30~~ 38 parking spaces are depicted on the revised site plan, exceeding the minimum standard by ~~13~~ ~~10~~ 18 spaces, which should assist in providing additional parking for the 12+/- staff members.*

Based on the number of vehicle spaces provided, a minimum of two (2) bicycle parking spaces should be provided in a bicycle rack that meets the standards listed in UDC [11-3C-5C](#).

Access: There are two (2) existing driveway curb cuts to this site via E. Ustick Rd., an arterial street; no other accesses are available to the site. ~~Only one (1) access~~ Two (2) driveway is accesses are proposed via Ustick Rd. with redevelopment for a one-way driveway through of the site as shown on the revised site plan. This design is much preferred over the original design as it provides 400' of queuing for student drop-offs, which shouldn't impact traffic on Ustick Rd. A driveway is proposed to the property to the east for future interconnectivity.

Where access to a local street is not available, the UDC ([11-3A-3A.2](#)) requires the property owner to grant cross-access/ingress-egress to adjoining properties via a recorded easement (this standard is intended to apply primarily to nonresidential properties but may extend to residential properties where the use is anticipated to change to a nonresidential use). This property and the adjacent property to the east only have access to an arterial street (i.e. Ustick Rd.); therefore, an easement should be granted to the property to the east in the location where the driveway is proposed, unless otherwise waived by City Council. **A copy of the recorded easement shall be submitted to the Planning Division with the Certificate of Zoning Compliance application.**

~~The hatched area shown on the plans at the east end of the row of parking on the south side of the building is proposed as a turnaround area.~~

Traffic: A [Focused Traffic Study](#) that includes a public school checklist was submitted to ACHD for the proposed development by TJW Engineering, Inc. as required by Idaho State Statute 67-6519. ACHD has not yet completed their review of this study/checklist but should prior to the City Council meeting.

To avoid traffic conflicts on Ustick Rd. the Applicant should ensure vehicles do not stack on Ustick Rd. waiting to turn into the site or park along Ustick Rd. to pick-up or drop-off students.

~~To better facilitate traffic flow within the site, Staff recommends the angled parking along the west boundary of the site is changed to 90-degree parking, which will allow vehicles to exit the site easier without requiring them to turn around in the constrained area on the southern portion of the site. Seventeen (17) foot long parking spaces may be provided with a 25-foot wide drive aisle and no wheel stops in parking spaces.~~

Sidewalks/Pathways: A 7-foot wide (mostly) attached sidewalk exists along E. Ustick Rd. Detached sidewalks are required along arterial streets per UDC 11-3A-17; however, because the existing sidewalk is in good condition, Staff doesn't recommend it's reconstructed as a detached sidewalk.

~~A 7-foot wide sidewalk is proposed on the south side of the building adjacent to parking that ranges from 5 to 7 feet in width; which accommodates up to 2-feet of overhang by vehicles in the abutting parking spaces. If wheel stops are not provided in parking spaces abutting the 5-foot wide area to prevent vehicle overhang, the sidewalk should be widened to 7 feet in accord with UDC [11-3C-5B.4](#). If the sidewalk is widened to 7 feet, the length of the parking spaces may be reduced to 17 feet if desired.~~

A 5-foot wide sidewalk is proposed from the perimeter sidewalk along Ustick Rd. to the main building entrance in accord with UDC 11-3A-19.B.4. A 5+' sidewalk ranging from 3' to 7' wide is also proposed along the west side of the building for safe pedestrian access from the parking area to the main building entrance on the north side of the building. ~~The sidewalk should be widened to a minimum of 5 feet in accord with UDC [11-3A-17A](#).~~

Landscaping: A 25-foot wide street buffer is required along E. Ustick Rd., an arterial street, landscaped per the standards listed in UDC [11-3B-7C](#). The tree class should be included in the Proposed Plant Material legend and should demonstrate compliance with the required standards (25% of the required trees should be Class II; and 35% of qualifying trees must provide urban canopy at maturity. The landscape plan depicts a buffer with the required number of trees and plantings in accord with UDC standards.

Parking lot landscaping is required in accord with the standards listed in UDC [11-3B-8C](#). **Class II or III trees are required in perimeter buffers; tree class should be added to the plant legend to demonstrate compliance.** ~~Planter islands are required at the ends of rows of parking to reduce the visual impact of long rows of parked cars and to guide traffic; a planter island should be added at the west end of the row of parking on the south side of the building alongside the sidewalk that complies with the standards in UDC [11-3B-8C.2a](#).~~

The UDC ([Table 11-2B-3](#)) requires a minimum 20-foot wide buffer to residential uses in the L-O zoning district, landscaped per the standards listed in UDC [11-3B-9C](#). Residential uses abut the site on three sides – to the west, south and east. **The Applicant requests City Council approval of a modified buffer widths along the west east property boundary that varies from 11 of 6'8" +/-' at its narrowest point and along the west property boundary of 8'10" at its narrowest point to 12-8 +/-' at its widest point with an allowance for up to 2-feet of vehicle overhang within the buffer from adjacent parking spaces as depicted on the site plan in Section VIII.B.** Such requests are allowed to be considered by City Council at a public hearing with notice to surrounding property owners. The building will not encroach into any of the required buffer areas. The buffer is required to include a mix of evergreen and deciduous trees, shrubs, lawn or other vegetative groundcover – **evergreen trees should be included in the buffer.** Typically, the buffer area should result in a barrier that allows trees to touch within 5 years of planting; however, because a 6-foot tall screen/privacy fence is proposed, the planting requirement may be reduced to a minimum of one (1) tree per 35 linear feet, plus shrubs, lawn, or other vegetative groundcover.

Note: If Council does not approve the reduced buffer widths requested along the ~~west east and west boundaryies~~ of the site, a 20-foot wide buffer shall be provided as set forth in UDC Table 11-2B-3. Provision of the full buffer widths would prohibit the one-way driveway design and would require a redesign of the site; the traffic study and public school checklist would also need to be updated. Note: This would reduce parking to 22 ~~21~~ spaces as there wouldn't be adequate room to accommodate parking along the west boundary, which still complies with the parking standards in UDC 11-4-3-14I but likely would not be adequate for the site.

Mitigation is required for existing healthy trees 4" caliper and greater that are removed from the site as set forth in UDC [11-3B-10C.5](#). There are 19 existing healthy trees on the site totaling 405 caliper inches, ~~11~~ 12 of which, totaling ~~186~~ 169 caliper inches, are proposed to be removed – these require mitigation. The other ~~eight~~ seven (8 7), totaling 249 236 caliper inches, are proposed to be preserved and protected on the site – these trees are proposed to be counted toward the mitigation requirement. **Existing trees being retained on the site may count toward required landscaping but do not count toward mitigation requirements; the landscape plan should be revised accordingly.** **Because it's not feasible to provide 100% mitigation on the site due to size of the site, the Applicant should submit an application for Alternative Compliance to UDC 11-3B-10C.5 prior to the City Council hearing.**

Fencing: Fencing is required to comply with the standards listed in UDC [11-3A-7](#). Fencing exists around the perimeter of the site; however, the applicant proposes to construct new 6-foot tall aluminum frame vinyl around the perimeter of the site as shown on the site plan. **If/when the abutting property to the east redevelops with a non-residential use, the fence shall be removed between the two properties where the driveway stubs to the property line to enable cross-access between the properties.**

Utilities (UDC [11-3A-21](#)): Connection to City water and sewer services is required in accord with UDC 11-3A-21. **Street lights will be required to be installed with redevelopment of the property in accord with the City's adopted standards, specifications and ordinances.**

Waterways: There are no existing waterways that cross this site.

Pressurized Irrigation System (UDC [11-3A-15](#)): Underground pressurized irrigation water is required to be provided to the development as set forth in UDC 11-3A-15.

Storm Drainage (UDC [11-3A-18](#)): An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances.

Hours of Operation: The hours of operation for the school will be from 8:00 am to 4:00 pm year-round, closed on Saturdays and Sundays. Cohort start times are varied throughout the day and the campus is closed during the times the adjacent homes are most likely to be occupied. The majority of the students are anticipated to leave the campus by 3:00 pm each day. **The L-O zoning district limits business hours of operation from 6:00 am to 10:00 pm.**

Building Elevations: Building elevations and a floor plan were submitted for the proposed school building as shown in Section VIII.D. **Final design of the structure is required to comply with the design standards listed in the [Architectural Standards Manual](#) (ASM). The architectural character of the building should relate to adjacent residential uses. New construction must share at least three similar accent materials, field materials, or other architectural feature of a building within 150-feet of the property in accord with ASM Goal 1.2B.**

Certificate of Zoning Compliance/Design Review: A Certificate of Zoning Compliance (CZC) and Design Review application is required to be submitted to the Planning Division and approved prior to submittal of building permit application(s). **The application materials should be**

updated as necessary to comply with the conditions contained in Section IX.

VII. DECISION

A. Staff:

Staff recommends approval of the proposed annexation & zoning and conditional use permit applications with the provisions included in Section IX per the Findings in Section X.

B. The Meridian Planning & Zoning Commission heard these items on January 18th and February 1st, 2024. At the public hearing on February 20th, the Commission continued the subject AZ and CUP requests to the March 5th City Council in order to allow additional time to obtain ACHD's report and for the Applicant to post a public hearing notice sign on the site in accord with UDC standards.

1. Summary of Commission public hearing:

- a. In favor: Kent Mussell (Applicant); David Leroy, Attorney for the Applicant; Leslie Leonards, Pathways School; Calvin Taper, Construction Manager for Mussell Construction.**
- b. In opposition: None**
- c. Commenting: Steve Swan and Jennifer Hajjar (neighbors); Nancy Wilson**
- d. Written testimony: Three (3) letters were received from parents of current students at Pathways School – Jennifer Schmerer, Oralia Rios and Cassandra Gonzalez; and a letter in agreement with the staff report conditions was received from Kent Mussell, the Applicant.**
- e. Staff presenting application: Sonya Allen**
- f. Other Staff commenting on application: None**

2. Key issue(s) of public testimony:

- a. Neighbor concerns pertaining to impact of traffic generated from the proposed school.**
- b. Opinion that there shouldn't be a negligible effect on traffic based on the traffic produced at an existing Pathways school at another location.**
- c. Concern pertaining to safety of vehicles making left-turns into and out of the site across 2-lanes of traffic; danger of students/pedestrians crossing Ustick Rd. to get to and leave the school; and question if emergency vehicles are able to access the site if needed.**

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

- a. Reservations about a school in this location with a residential FLUM designation and constrained site area with access via Ustick Rd., a busy arterial street.**
- b. Desire to see the traffic study and receive comments from ACHD before making a recommendation to City Council.**
- c. Supportive of this location for the proposed school.**
- d. Concern pertaining to internal traffic flow within the site.**
- e. The Commission continued the project to the next Commission hearing on Feb. 1st in order to obtain the ACHD report for consideration in a motion, to consider the impacts of a one-way driveway along the east boundary of the site on the buffer to residential use to the east and the internal site circulation.**
- f. Concern pertaining to accessibility of the site if traffic is heavy on Ustick Rd.**
- g. In favor of the revisions made to the site plan to better accommodate internal circulation and queuing and safe drop-off for students on the site.**

4. Commission change(s) to Staff recommendation:

- a. None**

5. Outstanding issue(s) for City Council:

- a. The Applicant's request for reduced buffer widths to residential uses along the east boundary of the site from 20' to 6'8" (at the narrowest point) and along the west**

boundary of the site from 20' to 8'10" (at the narrowest point). Since the last hearing, the Applicant revised the site plan to include 90-degree parking instead of angled parking along the west boundary of the site to increase the number of parking spaces by 8 spaces.

VIII. EXHIBITS

A. Annexation & Zoning Legal Description and Exhibit Map

LEGAL DESCRIPTION FOR ANNEXATION OF 965 E USTICK ROAD

A parcel of land located in the in the Northwest 1/4, of the Northeast 1/4 Section 6, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho and being further described as follows:

BASIS OF BEARING:

The North line of said Northwest 1/4, of the Northeast 1/4, derived from found monuments and taken as S89°47'28"E with the distance between monuments found to be 1324.50 feet.

BEGINNING at a point on the North line of the Northwest 1/4, of the Northeast 1/4 Section 6, Township 3 North, Range 1 East, Boise Meridian from which the from which the East 1/16 corner of said section 6 bears South 85°47'28" East a distance of 493.86 feet.

Thence leaving said North line, South 00°16'42" West, a distance of 252.69 feet;

Thence North 89°42'02" West, a distance of 192.00 feet;

Thence North 00°30'53" East to a point on said North line, a distance of 252.39 feet;

Thence along said North line South 89°47'28" East, a distance of 190.96 feet to the **POINT OF BEGINNING**.

Said Parcel containing 48,356 square feet or 1.11 acres, more or less and is subject to all existing easements and rights-of-ways of record or implied.

END OF DESCRIPTION.

Kenneth H. Cook, P.L.S. 9895
Timberline Surveying
847 Park Centre Way, Suite 3
Nampa, Idaho 83651
(208) 465-5687

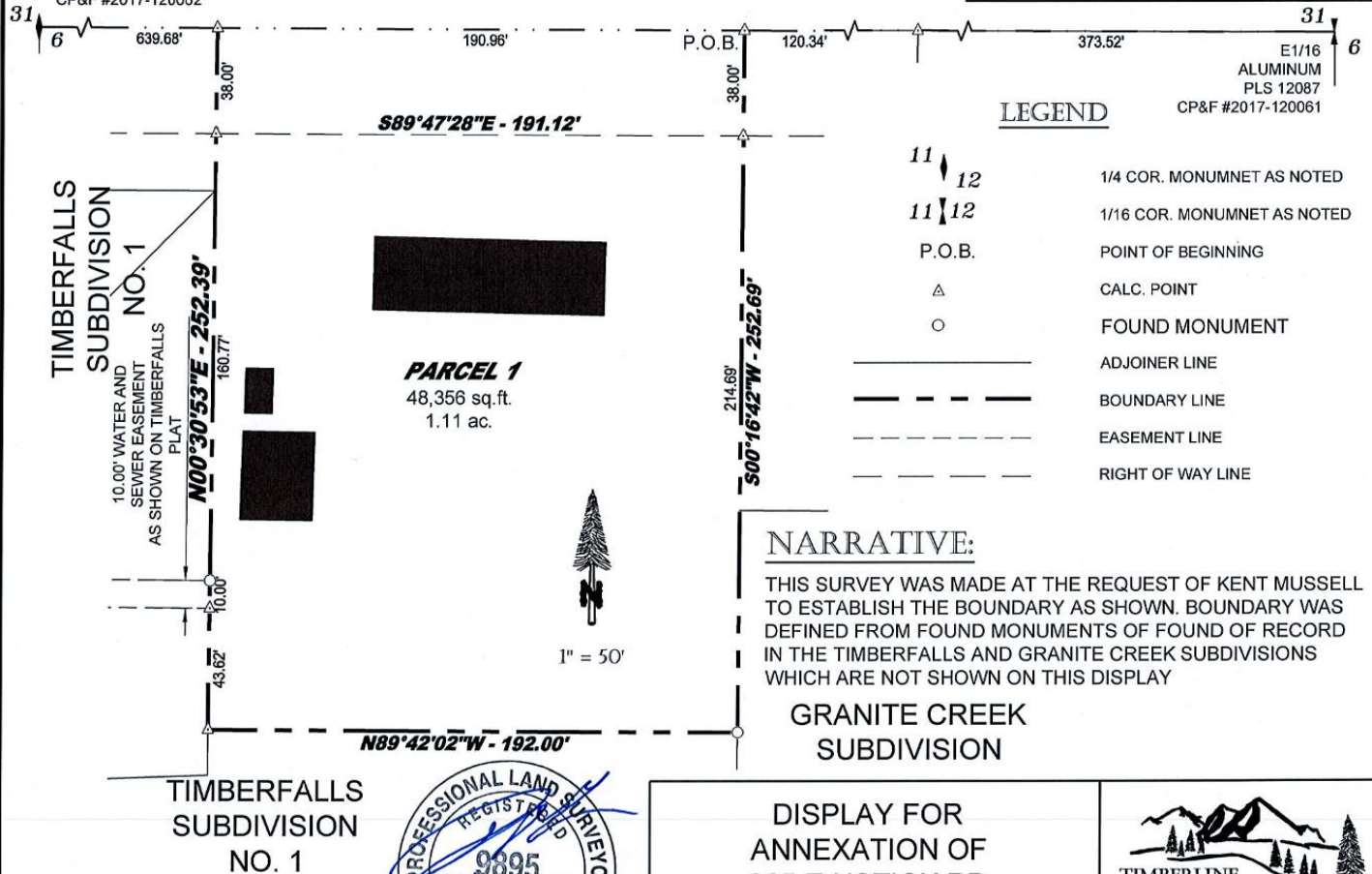


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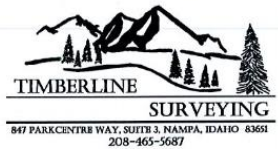
USTICK ROAD
BASIS OF BEARING

A PORTION OF NORTHWEST 1/4 OF THE NORTHEAST
1/4 OF SECTION 6, TOWNSHIP 3 NORTH,
RANGE 1 EAST, B.M., ADA COUNTY, IDAHO

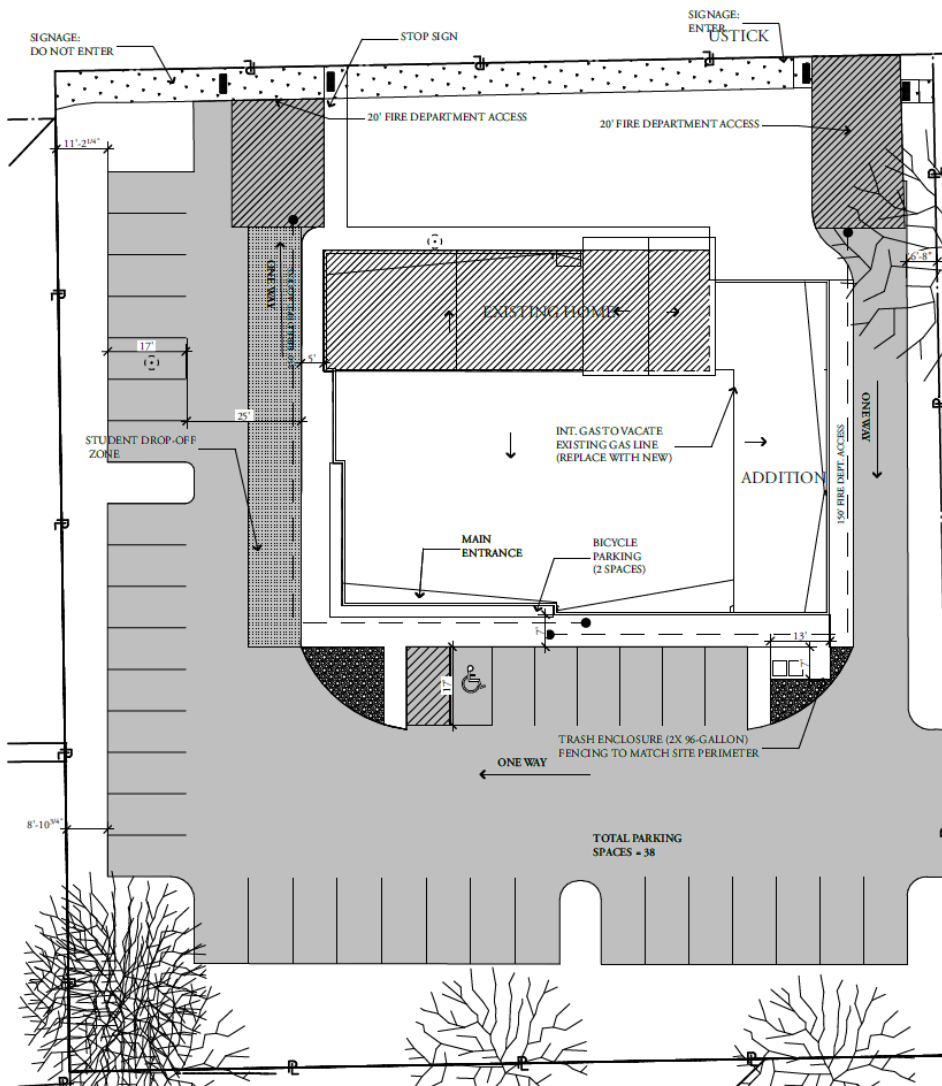


DISPLAY FOR
ANNEXATION OF
965 E USTICK RD

FILE: 23013 - MUSSELL- USTICK 4-6-2023.dwg



B. Proposed Site Plan (dated: 1/8/25/24) – REVISED



SITE PLAN

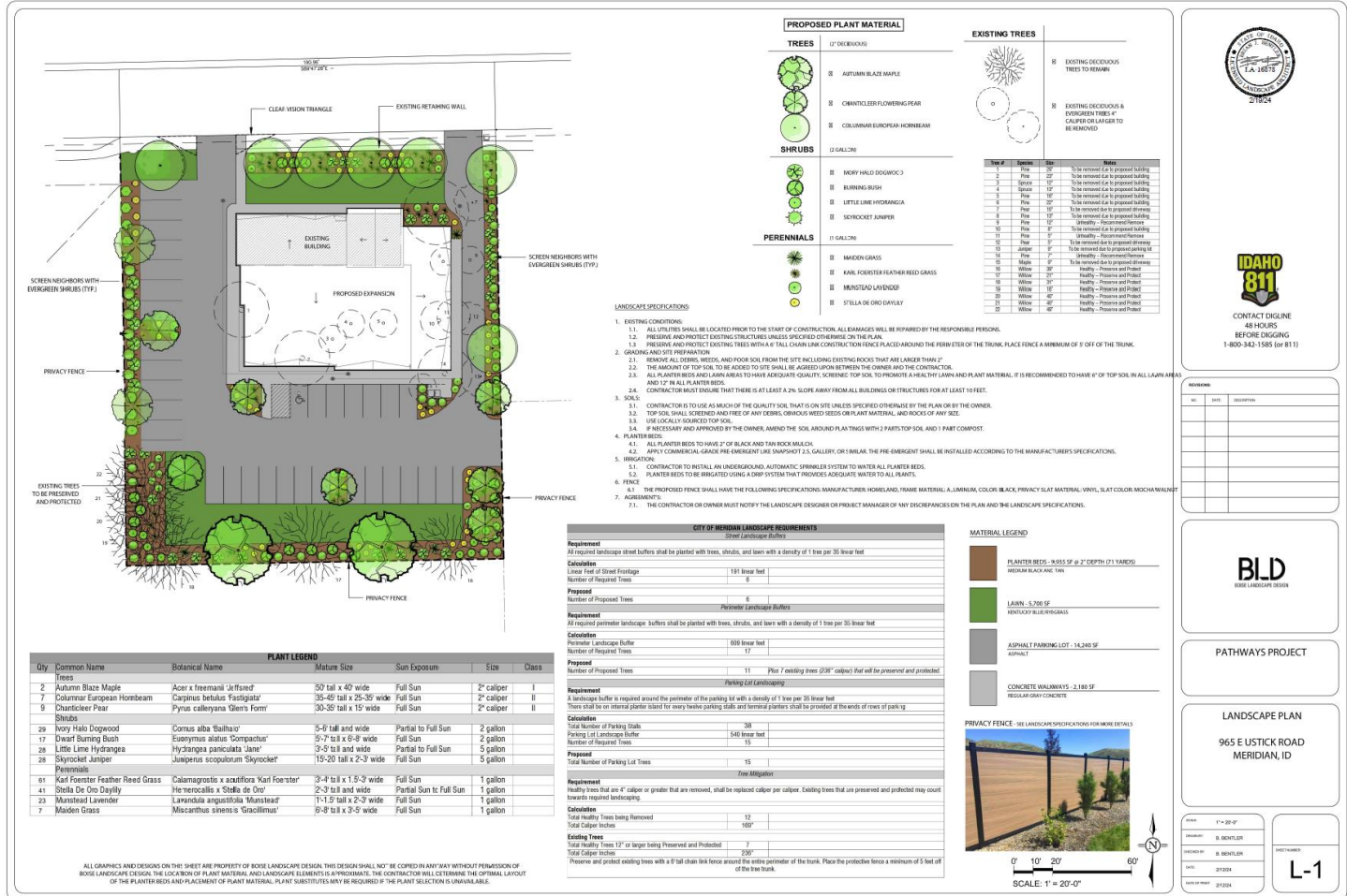
1" = 30'

PATHWAYS MERIDIAN
COMPOSITE DESIGN #1 • 2/26/24

NETWORK ARCHITECTS • PO BOX 2005 • 311 E. LAKE ST. • MC-CALL, ID 83638 • PH 208-634-3343 • FAX 208-634-6318

SHEET SITE

C. Landscape Plan (dated: 1/8/24 2/19/24)



Page 16

NETWORK ARCHITECTS • 2511 W. NEFF ST. • BOISE, ID 83702 • PH 208-315-1967 • www.networkarch.com

IX. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. Annexation & Zoning

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 date of City Council approval of the Findings of Fact, Conclusions of Law and Decision & Order for the Annexation request. The DA shall, at minimum, incorporate the following provisions:

- a. The existing structure shall connect to City water and sewer service within 60 days of annexation and disconnect from private service, as set forth in MCC [9-1-4](#) and [9-4-8](#).
- b. Future development of this site shall be generally consistent with the site plan, landscape plan and conceptual building elevations included in Section VIII and the provisions contained herein.
- c. Future uses on the site are limited to office or an education institution, ancillary commercial uses are not allowed.
- d. If/when the abutting property to the east redevelops with a non-residential use, the fence shall be removed between the two properties where the driveway stubs to the property line to enable cross-access between the properties.
- e. Vehicles waiting to turn into the site shall not stack on Ustick Rd., nor shall vehicles park along Ustick Rd. to pick-up or drop-off students.

2. Conditional Use Permit

2.1 Compliance with the standards listed in UDC [11-4-3-14](#) – Education Institution, is required.

2.2 Compliance with the dimensional standards listed in UDC [Table 11-2B-3](#) for the L-O zoning district is required, except for any reductions to standards specifically approved with this application.

2.3 The site/landscape plan shall be revised prior to the City Council hearing as follows:

- a. Based on the number of vehicle spaces provided, a minimum of two (2) bicycle parking spaces must be provided in a bicycle rack that meets the standards listed in UDC [11-3C-5C](#).
- b. Revise the calculations on the landscape plan and depict as many trees as is feasible for tree mitigation in accord with the standards listed in UDC [11-3B-10C](#). *Existing trees being retained on the site may count toward required landscaping but do not count toward mitigation requirements. If the required number of mitigation trees cannot be provided on the site, an alternative compliance application shall be submitted prior to the City Council hearing.*
- c. ~~Include the tree class in the Plant Legend on the landscape plan that demonstrates compliance with the standards listed in UDC [11-3B-7C](#) (25% of the required trees in the street buffer should be Class II; and 35% of qualifying trees must provide urban canopy~~

- at maturity and [11-3B-8C.1b](#) (Class II or III trees are required in perimeter buffers).
- d. ~~Include a planter island at the west end of the row of parking on the south side of the building (alongside the sidewalk) that complies with the standards in UDC [11-3B-8C.2](#).~~
 - e. ~~Either depict wheel stops in the parking spaces on the southeast side of the building abutting the 5-foot wide section of sidewalk to prevent vehicle overhang or widen the sidewalk to 7 feet to accommodate vehicle overhang as set forth in UDC [11-3C-5B.4](#). If 7-foot wide sidewalks are provided to accommodate overhang, the length of the parking spaces may be reduced to 17 feet if desired.~~
 - f. ~~Include evergreen trees within the perimeter buffers to residential uses as set forth in UDC [11-3B-9C.1a](#).~~
 - g. ~~Widen the sidewalk along the northwest side of the building to a minimum of 5 feet in accord with UDC 11-3A-17A.~~
 - h. ~~Change the angled parking along the west boundary of the site to 90-degree parking to facilitate better ingress/egress within the site. Depict 17-foot long spaces, instead of 19-foot long spaces, with no wheel stops within parking spaces.~~
 - i. ~~Depict a buffer along the west boundary of the site ranging from 11' to 12' (as can be accommodated), which allows for up to 2 feet of vehicle overhang within the buffer from adjacent parking spaces. *Wheel stops in parking spaces are not required.*~~
 - j. Reduce the length of the parking spaces along the west boundary of the site to 17-feet on the landscape plan consistent with the site plan in order to provide a minimum 25-foot wide drive aisle adjacent to parking.
- 2.4 A cross-access/ingress-egress easement shall be granted to the property to the east (Parcel #S1106120867) for access when/if it redevelops with a non-residential use in the future to reduce access points to the arterial street in accord with UDC [11-3A-3A.2](#). A copy of the recorded easement shall be submitted to the Planning Division with the Certificate of Zoning Compliance application.
- 2.5 If approved by City Council, a reduced buffer width ~~ranging from 11 from 20' to 6'8" +/- to 12 8 +/- ', with an allowance for up to 2 feet of vehicle overhang within the buffer from adjacent parking spaces,~~ is allowed along the ~~west east~~ property boundary and from 20' to 8'10" is allowed along the west property boundary with the allowance for up to 2' of vehicle overhang from adjacent parking spaces, landscaped per the standards listed in UDC [11-3B-9C](#). If Council does not approve the reduced buffer width requested, a 20-foot wide buffer shall be provided as set forth in UDC Table 11-2B-3. Note: *This would reduce parking to 22 21 spaces, which still complies with the parking standards in UDC 11-4-3-14I but likely would not be adequate for the site. Provision of the full buffer width would prohibit the one-way driveway design and would require a re-design of the site, which would require the traffic study and public school checklist to be updated.*
- 2.6 Business hours of operation shall be limited to the hours between 6:00 am and 10:00 pm as set forth in UDC [11-2B-3B](#).
- 2.7 A Certificate of Zoning Compliance application shall be submitted for the proposed use that complies with all UDC conditions and the provisions contained herein.
- 2.8 A Design Review application shall be submitted for the proposed addition to the existing structure that demonstrates compliance with the design standards listed in the Architectural Standards Manual. New construction must share at least three similar accent materials, field materials, or other architectural feature of a building within 150-feet of the property (ASM

Goal 1.2B).

2.9 The conditional use permit is valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the Applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground as set forth in UDC 11-5B-6. A time extension may be requested as set forth in UDC 11-5B-6F.

B. PUBLIC WORKS DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=329747&dbid=0&repo=MeridianCity>

C. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=324850&dbid=0&repo=MeridianCity>

D. ADA COUNTY DEVELOPMENT SERVICES

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=328632&dbid=0&repo=MeridianCity>

E. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=317456&dbid=0&repo=MeridianCity>

F. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=315729&dbid=0&repo=MeridianCity>

G. ADA COUNTY HIGHWAY DISTRICT (ACHD)

Comments not yet received

X. FINDINGS

A. Annexation (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;
The Commission finds the Applicant's request to annex the subject property with an L-O zoning district for a public education institution is consistent with the Comprehensive Plan as noted in Section V.
2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;
The Commission finds the map amendment and associated development is consistent with the regulations outlined for the district and the purpose statement of the commercial districts in that it provides for the service needs of the community.
3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;
The Commission finds the proposed map amendment should not be detrimental to the public health, safety and welfare as the proposed use should be compatible with adjacent existing residential uses in the vicinity.
4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and
The Commission finds City water and sewer service is available to be extended to this development. The provision of a school in this area will assist in providing for the education needs of the community in this area of the City.
5. The annexation (as applicable) is in the best interest of city.
The Commission finds the proposed annexation is in the best interest of the city.

B. Conditional Use (UDC 11-5B-6)

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

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.
The Commission finds the site is large enough to accommodate the proposed use and meet all dimensional and development regulations of the L-O zoning district, except for the reduced buffer to residential uses along the ~~west~~ east boundary of the site requested by the Applicant.
2. That the proposed use will be harmonious with the Meridian comprehensive plan and in accord with the requirements of this title.
The Commission finds the proposed use will be harmonious with the Comprehensive Plan and in accord with UDC standards with the exception of the reduced buffer width to residential uses requested along the ~~west~~ east boundary of the site.
3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.
The Commission finds the design, construction, operation and maintenance of the proposed use should be compatible with adjacent residential uses and with the existing and intended

character of the vicinity and will not adversely change the essential character of the area if the Applicant complies with the conditions in Section IX.

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

The Commission finds the proposed use will not adversely affect other properties in the vicinity if it complies with the conditions in Section IX of this report.

5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.

The Commission finds the proposed use will be served by essential public facilities and services as required.

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

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

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

The Commission finds the proposed use will not be detrimental to any persons, property or the general welfare by the reasons noted above.

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

The Commission finds the proposed use will not result in the destruction, loss or damage of any such features.

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

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

This finding is not applicable.

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

This finding is not applicable.