

EXHIBIT A

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



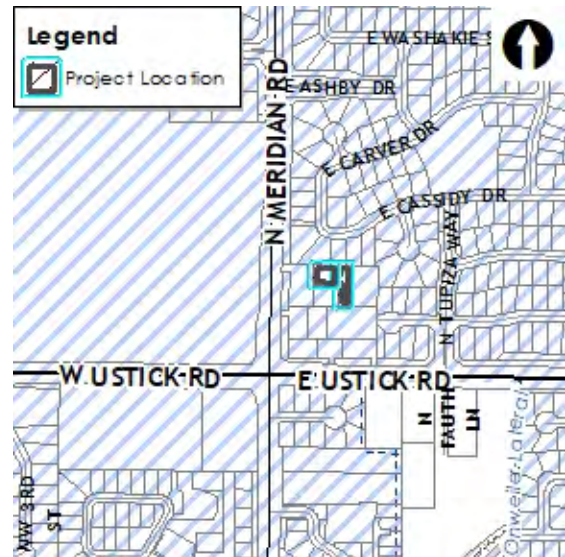
HEARING DATE: 09/14/2021

TO: Mayor & City Council

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

SUBJECT: H-2021-0052
Bright Star Care Meridian MDA

LOCATION: The site is located at 3336 & 3340 N.
Meridian Rd, in the SW ¼ of Section 31,
Township 4N, Range 1E.



I. PROJECT DESCRIPTION

Modification to the existing Sundance Subdivision Development Agreement and Addendum (Instrument #'s 102056126 and 106133465) to remove the subject property for the purpose of entering into a new agreement to allow a reduction to the required 20-foot residential landscape buffer to construct a 5,800 sq. ft. nursing and residential care facility consistent with approved conditional use permit (H-2021-0040), by Hatch Design Architecture.

II. SUMMARY OF REPORT

A. Applicant / Representative:

Jeff Hatch, Hatch Design Architecture - 200 W. 36th St., Boise, ID, 83714

B. Owner:

Settler's Crossing LOC – 7761 W. Riverside Dr, Ste 100, Boise, ID, 83714

III. STAFF ANALYSIS

The subject property is presently two vacant lots comprising 0.43 acres and is within the Settlers Business Park (Sundance Subdivision No. 5). The subject property is within the Sundance Subdivision Development Agreement, originally recorded in 2002 and modified in 2006.

On July 15, 2021, the Planning Commission approved a conditional use on the subject property to allow a 5,800 sq. ft. nursing and residential care facility. The landscape plan of this facility reflected a 10' wide buffer adjacent to the residential properties to the north. However, a requirement of the Sundance Subdivision Development Agreement is that due to the single family uses abutting the boundary of the subject property, a minimum 20-foot planting strip is required along the northern property line. Because this is a requirement of the DA, it can only be reduced through action of the Council. Consequently, the Planning Commission approved the conditional use with the condition

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that the applicant either meet the 20' residential landscape buffer requirement, or request a development agreement modification through the City Council prior to submitting a certificate of zoning compliance application. As the Sundance Subdivision Development Agreement contains several hundred residential properties as well as all the commercial properties within the Settler's Business Park, staff recommended the applicant remove the subject properties from the existing development agreement and enter into a new development specifically for the subject property.

The applicant states that per the Settlers Business Park Property Owners Association, the original intent of this buffer requirement was to mitigate the impact of commercial properties on the adjacent residential. According to the applicant, this development is a residential type use, so the requirement was not meant to apply in this situation. The applicant added that fencing is provided between the subject property and the properties to the north, and trees are provided in the proposed buffer at approximately 12.5' spacing, which is almost three times the density required by 11-3B-9 (requiring 35' spacing). The applicant submitted a letter of no objection from the Settlers Business Park Property Owners Association and held a neighborhood meeting on August 17, 2021 of which there were no comments.

Because there are no objections, the applicant is providing fencing and nearly three times as much density in the landscaping, and because of the low impacts to adjacent residential associated with a nursing and residential care facility, staff does not object to the reduction in the buffer width. Staff has reviewed the requirements of the original DA and the DA addendum. As the subject property is located internally within the Settler's Business Park and all parking, infrastructure and public improvements for the Sundance Subdivision and Settlers' Business Park have already been constructed, the only pertinent requirements of the existing DA are regarding the allowed uses and the landscape buffer.

IV. DECISION

A. Staff:

Staff recommends the City Council approve removing the subject property from the Sundance Subdivision Agreement and Addendum (Instrument #'s 102056126 and 106133465) and establishing a new development agreement.:

1. The property is approved to develop with a nursing and residential care facility). The applicant shall substantially comply with the site plan, landscape plan and building elevations approved with conditional use permit (H-2021-0040).
2. The applicant shall be allowed to construct a 10-foot wide landscape buffer along the northern boundary of the site as shown in Exhibit B.

B. The Meridian City Council heard these items on September 14, 2021. At the public hearing, the Council moved to approve the subject development agreement modification request.

1. Summary of the City Council public hearing:
 - a. In favor: Jeff Hatch, Hatch Design Architecture
 - b. In opposition: None
 - c. Commenting: None
 - 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

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3. Key issue(s) of discussion by City Council:
a. None

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V. EXHIBITS

A. Legal Description

EXHIBIT "A" Parcel A – Description

A parcel of land being a portion of Lot 47, Block 7 of SUNDANCE SUBDIVISION No. 5, filed in Book 98 of Plats at Pages 12523-12526, in the Office of the Ada County Recorder, located in the SW ¼ of Section 31, Township 4 North, Range 1 East, Boise Meridian, City of Meridian, Ada County, Idaho, and as shown on Record of Survey No. 8756, filed as Instrument No. 110034523, being more particularly described as follows:

BEGINNING at the northwesterly corner of Lot 47, Block 7 of said subdivision; thence, along the northerly line of said Lot 47,

1. S.89°08'33"E., 101.48 feet; thence, leaving said northerly line,
2. S.00°51'50"W., 88.09 feet to the southerly line of said Lot 47; thence, along said southerly line,
3. N.89°08'10"W., 101.48 feet to the southwesterly corner of said Lot 47; thence, along the westerly line of said Lot 47,
4. N.00°51'50"E., 88.08 feet to the **POINT OF BEGINNING**.

CONTAINING: 0.205 Acres, more or less.

SUBJECT TO: All Covenants, Rights, Rights-of Way and Easements of Record.



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EXHIBIT "A" Parcel B – Description

A parcel of land being a portion of Lots 46 and 47, Block 7 of SUNDANCE SUBDIVISION No. 5, filed in Book 98 of Plats at Pages 12523-12526, in the Office of the Ada County Recorder, located in the SW ¼ of Section 31, Township 4 North, Range 1 East, Boise Meridian, City of Meridian, Ada County, Idaho, and as shown on Record of Survey No. 8756, filed as Instrument No.110034523, being more particularly described as follows:

COMMENCING at the northwesterly corner of Lot 47, Block 7 of said subdivision; thence, along the northerly line of said Lot 47,

- A) S.89°08'33"E., 101.48 feet to the **POINT OF BEGINNING**; thence, continuing along said northerly line,
1. S.89°08'33"E., 60.00 feet; thence, leaving said northerly line,
 2. S.00°51'50"W., 177.90 feet to the southerly line of said Lot 46; thence, along said southerly line,
 3. N.90°00'00"W., 49.44 feet to the southwesterly corner of said Lot 46; thence, along the westerly line of said Lot 46,
 4. N.00°51'50"E., 90.55 feet to the southeasterly corner of said Lot 47; thence, along the southerly line of said Lot 47,
 5. N.89°08'10"W., 10.56 feet; thence, the southerly line of said Lot 47,
 6. N.00°51'50"E., 88.09 feet to the **POINT OF BEGINNING**.

CONTAINING: 0.224 Acres, more or less.

SUBJECT TO: All Covenants, Rights, Rights-of Way and Easements of Record.

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C. Landscape Plan of approved Brightstar Meridian Conditional Use

3. ALL TREES THAT ARE DAMAGED, DESTROYED, OR REMOVED SHALL BE REPLACED AT THE MITIGATION STANDARDS PER THE CITY OF BRIGHTSTAR.
4. SEE TREE MITIGATION NOTES FOR ADDITIONAL INFORMATION.

Adjacent Single Family

Area of buffer reduction

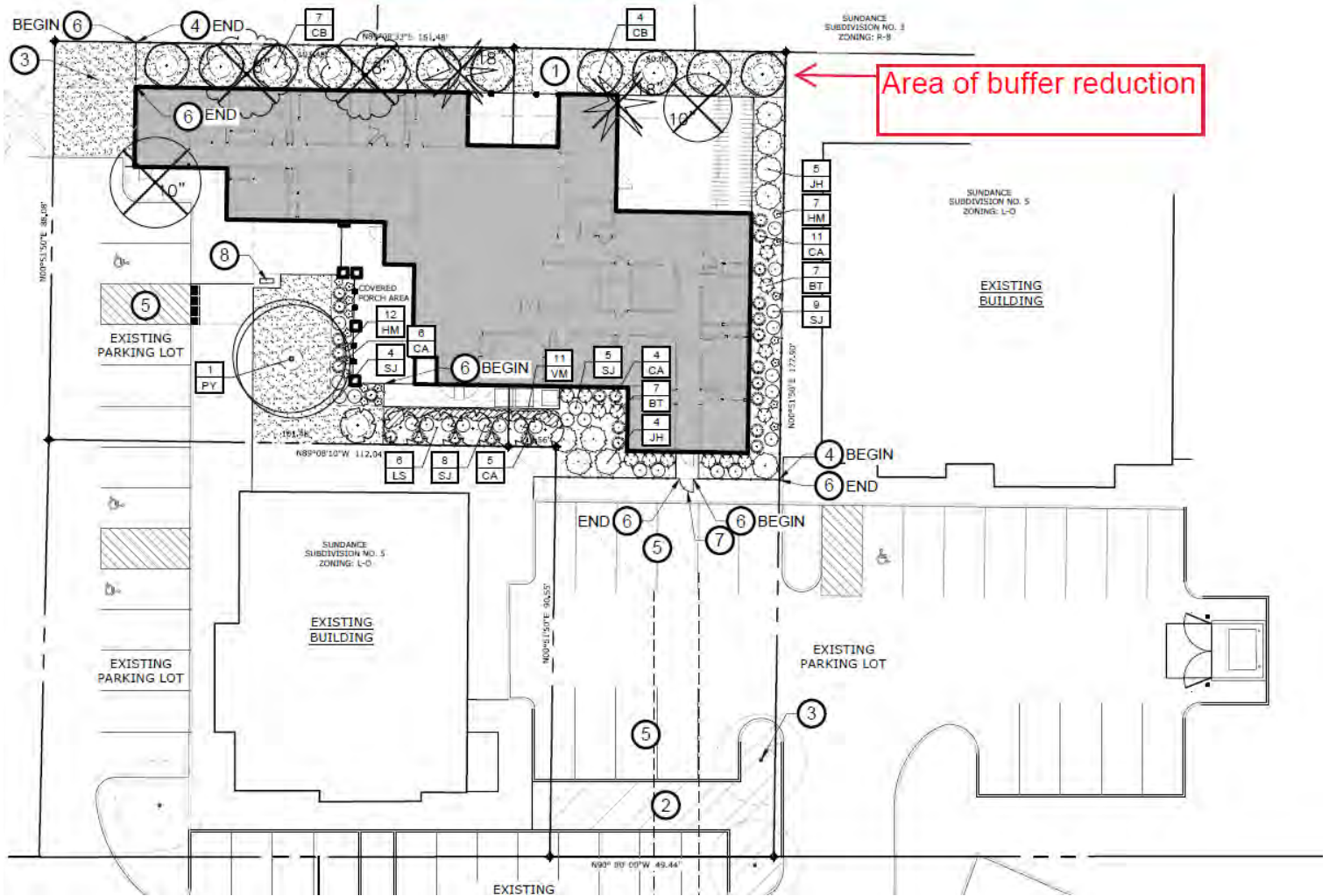
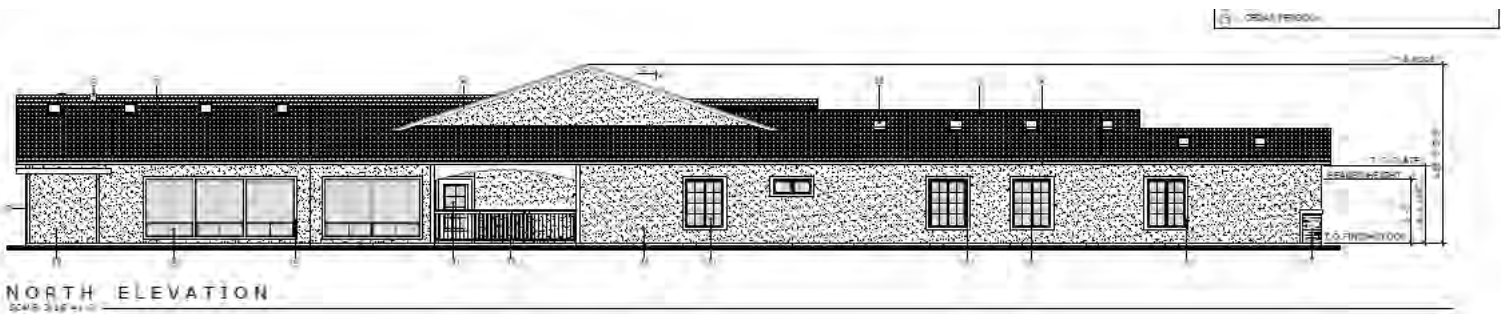


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D. Approved Elevations of Brightstar Meridian Facility



Front (west) elevation



Rear (north) elevation facing residential (fence and landscaping will be in front of this elevation).

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E. Existing DA language

- permitted.
8. Provide five-foot-wide sidewalks in accordance with City Ordinance Section 12-5-2.K.
 9. All construction shall conform to the requirements of the Americans with Disabilities Act.
 10. Meridian City Ordinance 12-6 sets forth the requirements for Planned Developments. Any conditions attached to a Final Development Plan for Planned Development projects run with the land and shall not lapse or be waived as the result of any subsequent change in tenancy or ownership.
 11. That any proposed uses other than an office use on Lots 45, 47, 49 and 50, Block 7 shall require a CUP. The office uses are allowed under the Planned Development process and would not require a CUP if constructed in accordance with an approved CUP site plan and plat.
 12. Due to the single-family uses abutting the boundaries of Lots 45, 47 and 49, Block 7 (proposed as future office use), a minimum 20-foot planting strip, in accordance with City Ordinance 12-4-7.A., is required along the property lines of these three lots.
 13. Dedicate 48-feet of right-of-way from the centerline of Ustick Road abutting the parcel by means of recordation of a final subdivision plat or execution of a warranty deed prior to issuance of a building permit (or other required permits), whichever occurs first.
 14. Dedicate 48-feet of right-of-way from the centerline of Meridian Road abutting the parcel by means of recordation of a final subdivision plat or execution of a warranty deed prior to issuance of a building permit (or other required permits), whichever occurs first.
 15. Construct the main entrance off Ustick Road, located approximately 900-feet east of the west property line, as proposed. Construct the main entrance with one inbound