

August 3, 2022

MEMORANDUM

TO: Mayor and City Council

FROM: Alan Tiefenbach, Associate Planner
Caleb Hood, Planning Division Manager

RE: Black Cat Industrial Development - H-2021-0064

On April 26th, 2022 the City Council continued this case to August 16th so the applicant could further address traffic and infrastructure improvements and to propose conditions of approval for the development.

Since the last Council meeting, the development area has been reduced. This is due to the property owner of 935 S. Black Cat Rd. declining to extend their contract with the applicant. This has reduced the property by approximately 3.62 acres. Also, the applicant has removed the fire station site originally proposed at the northeast corner, due to the City not allowing land dedication to count toward impact fee reductions. (The Fire Department would still like to acquire some land in this general vicinity for a future station.)

Proposed conditions of approval and findings created by the applicant are linked as attachments in this memorandum. Planning Staff offers comments below (*in italics*) on the proposed Planning Conditions of Approval. Land Development has also responded that they have no opposition to the Public Works Conditions of Approval proposed. Staff previously drafted findings recommending denial with the original staff report dated December 21, 2021.

Planning Staff Comments on Conditions of Approval as Proposed by Applicant:

A Development Agreement (DA) for the I-L Zoned property is required, which shall at a minimum, incorporate the following provisions:

1. The property zoned I-L shall be used consistent with the uses and dimensional standards allowed in the I-L zone, which include light manufacturing, research and development, warehousing and distributing. Self-service storage facility will not be a primary use on the property.

The Ten Mile Interchange Area Specific Plan (TMISAP) designates this property for Mixed Employment. The applicant proposes I-L zoning for the property which is

generally consistent with the TMISAP designation. However, the applicant has submitted a conceptual site plan that proposes primarily warehouse/storage uses that are generally inconsistent with the mixed employment future land use designation and the integrated planned transportation network typologies. The TMISAP envisions "...a mixture of office, research and specialized employment areas, light industrial including manufacturing and assembly, and other miscellaneous uses...Mixed Employment areas should be designed to encourage multimodal travel and convenient circulation to supporting uses located within the area." (pg. 3-11).

The applicant has submitted a concept plan that can be included with the development agreement. This concept plan does limit the types of uses that can occur in this development. However, there are still uses that could occur within the development based on the concept plan and I-L zoning that would not be totally consistent with the TMISAP vision. These uses include warehousing as a primary use, a freight terminal, equipment rental, sales and service, and vehicle impound, sales and repair. The applicant's proposed written restrictions do prohibit self-storage as a primary use, as noted in the first provision above.

2. Development of the subject property shall be generally consistent with the final site plan and conceptual building elevations submitted with the applications.

Buildings A-H are consistent with the I-L zoning, however as noted above warehousing and distribution are not expressly supported by the TMISAP. Buildings K1-K6 are oriented toward S. Black Cat Rd and are limited to 17,000 sq. ft. The use, size and orientation of these buildings would be more consistent with the TMISAP. Staff believes all future buildings should be subject to the architectural design review process (see below prevision and analysis).

3. Development in the I-L Zone shall be generally consistent with the development guidelines contained in the Ten Mile Interchange Specific Area Plan (TMISAP) for Mixed Employment (ME) designated areas, with the following clarifications and exceptions:

- a. Only building façades fronting on and adjacent to Black Cat Road, Interstate-84, and the east to west collector road running through the middle of the site shall be considered frontage for the purpose of applying the TMISAP development guidelines. The TMISAP development guidelines shall not apply to any other building façades.

The Architectural Standards Manual (ASM) generally requires compliance for all buildings which face public roadways, that are visible from residential neighborhoods or public spaces, or facing the public entry of an adjacent building. Under the Applicant's proposal, there would not be architectural requirements for any of the buildings facing the adjacent property to the north (presently in unincorporated Ada County and designated for Mixed Employment development in the future) and as viewed from the future collector along the western property line. The mixed employment designation is intended to support a mixed office, manufacturing and R&D type environment, and industrial buildings

not meeting desired standards may negatively impact future potential on adjacent properties to develop with the desired, higher intensity employment uses and family-wage jobs planned for the area and needed in the City. Staff recommends full compliance with the TMISAP development guidelines (see below provisions for further analysis).

- b. Notwithstanding any provision in the TMISAP development guidelines, building façades fronting on and adjacent to the east to west collector road running through the middle of the site shall have an average of 15% of the linear dimension of the street level frontage in windows or doorways.

The TMISAP requires a minimum of 20% of first floor elevations to be windows (fenestration) or doorways. The ASM requires fenestration at 30%. As stated by the applicant in their original narrative, the nature of these industrial buildings prevents compliance with the minimum requirements. Staff disagrees with this assertion however, as other warehousing and industrial buildings in prominent corridors and near more sensitive non-industrial uses have met alternative compliance for fenestration. An example would be the Scentsy warehouses on Pine Ave.

- c. Parking is allowed along building frontages, provided that the maximum length of parking along a building frontage does not exceed 30% of the linear dimension of total frontage of all planned buildings combined.

The Structure and Site Design Standards of UDC 11-3A-19 prohibit more than 50% of parking to be between buildings and the street. The TMISAP states no more than 30% of the parking should be along the front; it does not indicate whether this frontage is based on individual buildings, the entire frontage or an average of all the buildings combined.

The intent of limiting parking building frontages is to create a more pedestrian-friendly experience, reduce the dominance of the automobile and reduce “seas of parking” along roadways. Staff notes the concept plan appears to show parking along the majority of the building frontages on the southern side of the east-west collector, with no parking along the northern side of the east-west collector. This would result auto-dominated development that is not consistent with the TMISAP for this area.

4. When required to be constructed, the east to west collector shall be constructed in conformity with the street section design attached as Exhibit A.

The applicant is proposing to phase-in construction of the east-west collector. The proposed industrial collector includes 12 ft. wide travel lanes, 8 ft. wide landscape strips and 10 ft. wide sidewalks. The applicant’s original narrative states the purpose of this template is to “provide easy freight access to the project.” Freight movement was not the principal concern or use for this collector, as envisioned with the TMISAP. The proposed collector cross-section differs from the Street Section C template in the TMISAP. Please refer to the analysis regarding access in the original staff report dated December 21, 2021 for additional details. Further, staff questions if

phasing-in the construction of this collector is in the best interest of the community. It may be several months, or even years, before the collector is constructed to the adjacent properties that will rely on it for access to Black Cat and be required to extend it to McDermott and Franklin Roads.

5. Development in the I-L Zone shall be generally consistent with the Meridian Architectural Standards Manual, with the following exceptions:

- a. Requirements shown on Building Scale, Building Form, Architectural Elements, and Materials Standards Tables apply to building facades along Black Cat Road, I-84, and the east to west collector running through the middle of the site. They do not apply to other building facades.

See staff's comments in Section 3 above.

- b. Loading Docks will be allowed to face the north to south collector on the western boundary of the site.

The TMISAP states service entries and loading docks should be located on secondary and tertiary (local) streets and screened from public view.

6. Certificate of Zoning Compliance and Design Review applications cannot be submitted until after ACHD accepts the Traffic Impact Study.

The applicant added this requirement at the request of City staff.

7. The applicant shall submit a Certificate of Zoning Compliance and Design Review application to the Planning Division for approval of all future uses on the site to ensure compliance with the Unified Development Code, Comprehensive Plan, Architectural Standards Manual, prior to issuance of building permits for any structure(s) within this site.

A Certificate of Zoning Compliance and Design Review is already required for any new structures on the property. This condition is unnecessary.

8. The Rosenlof Drain shall be left open and may not be piped.

*Portions of the Rosenlof Drain lie on the northern boundary of this site. UDC 11-3A-6 requires all irrigation ditches, laterals, sloughs or canals, intersecting, crossing or lying within the area being developed, shall be piped, or otherwise covered. **The applicant requests to leave the drain open, a waiver must be approved by Council.***

9. The total square footage of approved building occupancy on the site shall be dependent on substantial completion, by owner/developer or any agency or third-party, of the following roadway improvements:

- a. Greater than 0 SF: Prior to any occupancy being permitted on the site: (i) the east to west collector must be constructed from Black Cat west into the site

approximately 1,500 feet; (ii) frontage improvements on Black Cat from the east to west collector to Franklin must be complete; and (iii) turn lanes at the intersection of Black Cat and the east to west collector must be completed as recommended by ACHD. Completion of the above improvements permit occupancy for up to 960,000 SF.

- b. Greater than 960,000 SF: To exceed 960,000 SF of occupied space on the site: (i) Black Cat must be widened to five lanes between the east to west collector and Franklin; (ii) the intersection of Black Cat and Franklin must be improved as recommended by ACHD; and (iii) the east to west collector must be extended to the western boundary of the site. Completion of the above improvements permit occupancy for up to 1,500,000 SF.
- c. Greater than 1,500,000 SF: To exceed 1,500,000 SF of occupied space on the site Franklin must be widened to five lanes between Black Cat and State Highway 16 and a traffic signal must be constructed at the intersection of Black Cat and the east to west collector, when a signal warrant analysis shows it is required.

Staff has received an updated letter from ACHD dated July 12, 2022. The letter states the development is estimated to generate approximately 4,700 daily trips with 886 of these trips in the PM peak hour. The letter makes the following findings:

1. *The segment of S. Black Cat Rd from W. Franklin Rd to the property will likely exceed satisfactory LOS at full buildout. The north-south collector along the western property line will reduce these issues, but the applicant has been unable to get cross access from the property owner to the north between the subject property and W. Franklin Rd.*
2. *ACHD has noted there is presently not enough right-of-way to widen S. Black Cat Rd to 5 lanes, although the applicant has indicated they are in the process of acquiring property. ACHD has responded they are not guaranteeing a cooperative development agreement at this time.*
3. *The intersection of S. Black Cat Rd. / W. Franklin Rd is projected to exceed ACHD's acceptable LOS. Although there is presently not enough right-of-way for improvements, this intersection is in ACHD's Integrated Five Year Work Plan (IFYWP) to be widened between 2026 and 2030.*
4. *W. Franklin Rd. west of S. Black Cat Rd is projected to exceed ACHD's acceptable LOS, however it is in the IFYWP to be widened between 2026 and 2030.*
5. *The intersection of W. Franklin Rd and N. McDermott Rd is projected to exceed ACHD's acceptable LOS. It is shown to be improved as a roundabout, but design and construction year has not been determined.*

6. *ACHD would limit the number of trips on the east-west collector to S. Black Cat Rd. until there were alternate public access. ACHD notes the traffic study recommends signaling this intersection.*

The applicant has submitted an exhibit (see the Development Square Footage Exhibit linked below) demonstrating the phasing of road improvements based on square footages.

Staff believes it is more appropriate to tie these roadway improvement provisions to CZC/DES issuance instead of occupancy square footage. Many times, when a building is done prior to other required improvements, there is a lot of pressure placed on City Staff (the Building Official) to issue a CO even though the required site improvements are not complete. If required prior to CZC/DES issuance, the building occupant and the developer (when they are different entities) coordinate compliance instead of lobbying the City to issue CO when the improvements are not complete. As mentioned above, Staff is also concerned about the east-west collector not being complete and “stubbed” to the property to the west. This is a large 103-acre parcel with significant development potential in the near future. Finally, the applicant does not address when the north-south collector on the west property line would be required/constructed. This planned north-south collector is right in the middle of the section and key to a interconnected roadway network.

10. In the I-L Zone, ACHD required frontage improvements, landscape buffer and pathway shall be constructed along S. Black Cat Rd.

Applicant has added this provision as requested by City staff. The applicant should note what would be the trigger for these improvements, such as prior to the first building permit

11. A Development Agreement (DA) for the R-15 Zoned property is required, which shall at a minimum, incorporate the following provisions:

- a. The property zoned R-15 shall be used consistent with the uses and dimensional standards allowed in the R-15 zone.
- b. The existing home located at 350 S Black Cat shall hook up to City water and sewer services within 60 calendar days of such services becoming available in accord with MCC 9-1-4 and 9-4-8. At such time, all septic and wells shall be abandoned.

Staff notes the applicant is not proposing any details regarding when a landscape buffer or pathway segment would be constructed along the S. Black Cat Rd. frontage of this property. Staff believes there should also be some discussion regarding the tiling of the Rosenlof Drain which crosses this property, and how access to Black Cat and cross access could occur to the north and east in the future; there is a planned collector intersecting Black Cat on this property. Further, no concept plan was submitted for this property but the proposed DA

provision allows R-15 uses, which includes duplexes, townhouses and daycare centers, among other uses, by right.

ATTACHMENTS

A. Proposed Conditions of Approval and Findings (provided by Applicant)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=269197&dbid=0&repo=MeridianCity&cr=1>

B. Development Square Footage Exhibit

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=269202&dbid=0&repo=MeridianCity&cr=1>

C. Proposed Utility Plan and Site Plan

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=269195&dbid=0&repo=MeridianCity>

D. ACHD Updated Letter

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=266955&dbid=0&repo=MeridianCity>
