

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



In the Matter of the Request for Annexation and Zoning of 15 Acres of Land with a R-8 zoning District, and Preliminary Plat Consisting of 64 Building Lots, and Vacation of Daphne Right of Way by Pinnacle Land Development, LLC.

Case No(s). H-2020-0032

For the City Council Hearing Date of: July 21, 2020 (Findings on August 4, 2020)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of July 21, 2020, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of July 21, 2020, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of July 21, 2020, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of July 21, 2020, 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 July 21, 2020, 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, preliminary plat and vacation of Daphne Street is hereby approved per the conditions of approval in the Staff Report for the hearing date of July 21, 2020, 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. The Applicant is hereby notified that pursuant to Idaho Code 67-8003, denial of a development application entitles the Owner to request a regulatory taking analysis. Such request must be in writing, and must be filed with the City Clerk not more than twenty-eight (28) days after the final decision concerning the matter at issue. A request for a regulatory takings analysis will toll the time period within which a Petition for Judicial Review may be filed.
2. **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 July 21, 2020

By action of the City Council at its regular meeting held on the 8th day of September, 2020.

COUNCIL PRESIDENT TREG BERNT VOTED YEA

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED YEA

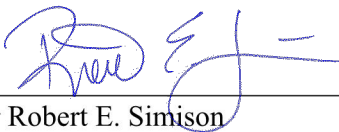
COUNCIL MEMBER JESSICA PERREAULT VOTED -----

COUNCIL MEMBER LUKE CAVENER VOTED YEA

COUNCIL MEMBER JOE BORTON VOTED YEA

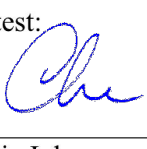
COUNCIL MEMBER LIZ STRADER VOTED YEA

MAYOR ROBERT 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: 9-8-2020
City Clerk's Office

EXHIBIT A

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING 7/21/2020

DATE:

TO: Mayor & City Council

FROM: Alan Tiefenbach, Associate Planner

208-489-0573

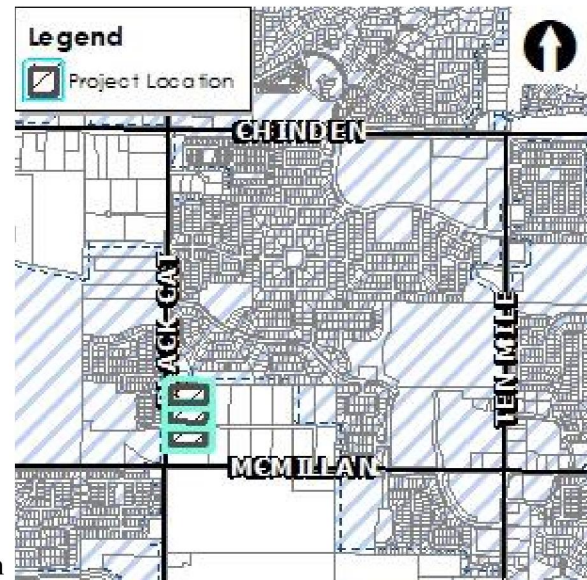
Bruce Freckleton, Development
Services Manager

208-887-2211

SUBJECT: H-2020-0032

Brody Square

LOCATION: The site is located within the northeast quadrant of N. Black Cat Road and W. McMillan Road., in the SW ¼ of Section 27, Township 4 N., Range 1W.



I. PROJECT DESCRIPTION

Annexation & zoning of 15 acres of land (3 different properties) with an R-8 zoning district, and preliminary plat consisting of 65 building lots and 7 common lots, by Pinnacle Land Development, LLC. This request also includes vacating approximately 275 feet of Daphine Street.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	15.00	
Future Land Use Designation	Medium Density Residential	
Existing Land Use(s)	Single Family / Rural	
Proposed Land Use(s)	Single Family, 65 Lots	
Lots (# and type; bldg./common)	65 Single Family, 7 Common Lots	
Phasing Plan (# of phases)	1 phase	
Number of Residential Units (type of units)	65 Single Family	
Density	4.33 du / acre	
Open Space (acres, total [%]/buffer/qualified)	2.67 acres, 16.5% total open space, 11.5% qualified open space	
Amenities	< 20 acres, one required.	
Physical Features (waterways, hazards, flood plain, hillside)	Beach Lateral parallels N. Black Cat Road.	
Neighborhood meeting date; # of attendees:	January 23, 2020 – 7 attendees signed in.	

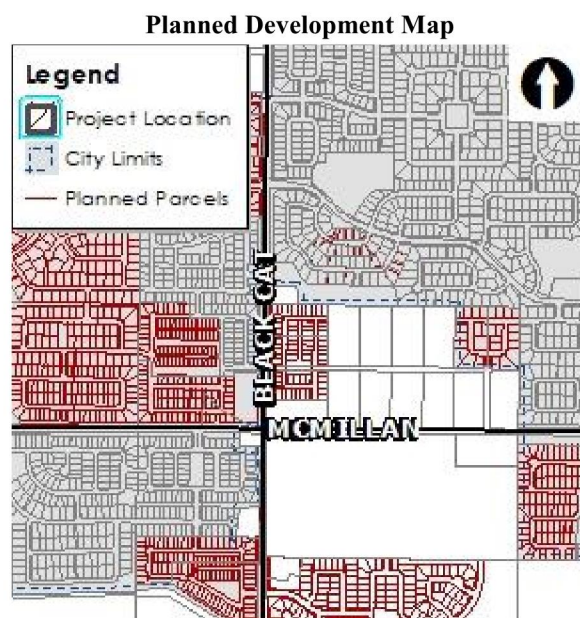
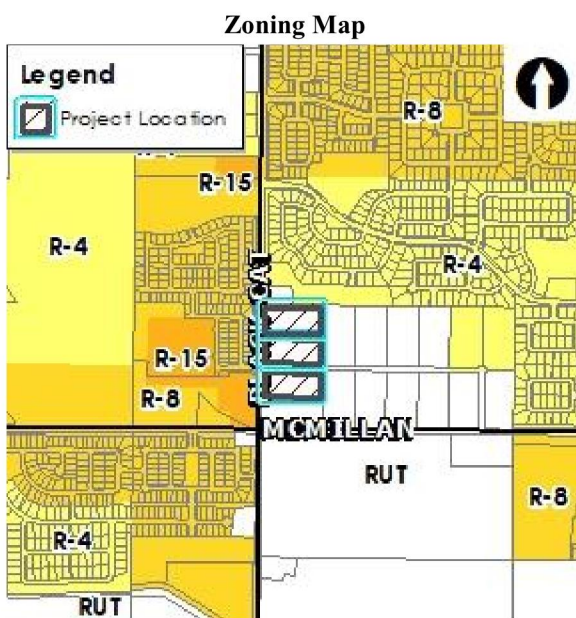
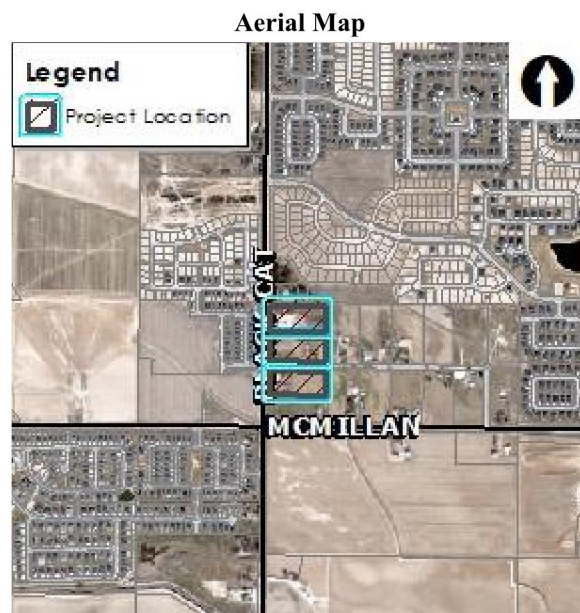
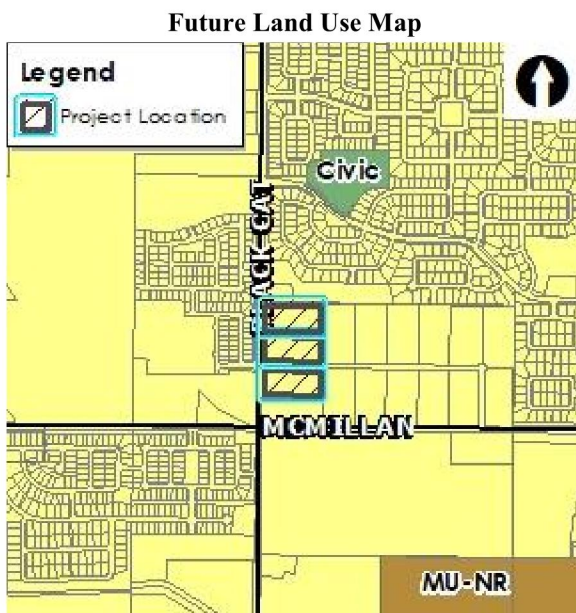
Description	Details	Page
History (previous approvals)	Black Cat Estates No. 1 & 2, unincorporated Ada County	

B. Community Metrics

Description	Details	Page	
Ada County Highway District			
- Staff report (yes/no) - Requires ACHD Commission Action (yes/no)	Yes Yes – Vacation of Daphne St must be approved by ACHD.		
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Four accesses are proposed. The western access is to N. Black Cat Road (Minor Arterial) from Daphne Street (local road) and the eastern access is to McMillan Road (Minor Arterial) via Daphne Street and N. Joy Street (local roads). There are two stub streets shown.		
Traffic Level of Service	Per the ACHD staff report: McMillan Rd. – Better than “E” (acceptable level of service) Black Cat Rd. – Better than “E” (acceptable level of service)		
Stub Street/Interconnectivity/Cross Access	The applicant is proposing two stub streets – one to the east and one to the south.		
Existing Road Network	Minor Arterials and Local Streets		
Existing Arterial Sidewalks / Buffers	Buffer and sidewalk exists on west side of N. Black Cat Road (part of the Jump Creek Subdivision.) Buffer and sidewalk on east side of N. Black Cat Road proposed with this subdivision.		
Proposed Road Improvements	Local streets are being constructed to serve this development. All streets will be constructed to ACHD standards.		
Distance to nearest City Park (+ size)	Approx. 1.5 miles to Keith Bird Legacy Park and Heroes Park		
Distance to other key services	Approx. 1.5 miles to Hunter Elementary School, 2 miles to Rocky Mountain High School.		
Fire Service			
- Distance to Fire Station - Fire Response Time - Resource Reliability	Fire Station No. 2, 2.6 miles Less than 5 minutes 76% - does meet the targeted goal of 80% or greater		
Risk Identification	Risk Factor 2. Current resources would not be adequate to supply serve to project.		
Accessibility	Project meets all required access, road widths and turnaround.		

Description	Details	Page	
Special/resource needs	Project will not require an aerial device; cannot meet this need in the required timeframe if a truck company is required. Closest truck company is 13 minutes travel time.		
Water Supply	Requires 1,000 gallons per minute for one hour, may be less if buildings are fully sprinklered.		
Police Service	No comments submitted.		
West Ada School District	No comments submitted.		
Wastewater			
Distance to Sewer Services	Directly adjacent in N. Black Cat Road		
Sewer Shed	North Black Cat Trunkshed		
Estimated Project Sewer ERU's	See application		
WRRF Declining Balance	13.91		
Project Consistent with WW Master Plan/Facility Plan	Yes		
Impacts/Concerns	- No sewer mains in common driveways. - No manholes in common driveways or sidewalks. - Provide "to and through" sewer connection to the property to the south.		
Water			
Distance to Water Services	Located in N. Black Cat Road		
Pressure Zone	1		
Estimated Project Water ERU's	See application		
Water Quality	No concerns		
Project Consistent with Water Master Plan	Yes		
Impacts/Concerns	Modeling analysis will need to be completed at Final Plat to verify minimum fire flow pressure is met at each phase.		

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Randy Clarno, Pinnacle Land Development, LLC – 7629 E. Pinnacle Peak Rd, Ste 110
Scottsdale, AZ 85255

B. Owner:

Max Steinback, Hurley Family Trust, Kenneth Arendse

4924 & 5120 N. Black Cat Rd, 4644 W. Daphne Street, Meridian, ID 83646

C. Representative:

Keith Nichter, Kimley-Horn and Associates Inc, 950 W. Bannock St, Boise, ID 83702

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	5/29/2020	6/19/2020
Radius notification mailed to properties within 300 feet	5/29/2020	7/16/2020
Public hearing notice sign posted on site	7/10/2020	
Nextdoor posting	5/27/2020	7/16/2020

V. STAFF ANALYSIS

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 proposed land use of single-family residential is consistent with the recommended uses in the FLUM designation. The proposed project has a gross density of 4.3 du/ac, meeting the required density range listed above. Therefore, Staff finds the proposed preliminary plat and requested R-8 zoning district to be generally consistent with the Future Land Use Map designation of Medium Density Residential.

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.

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

The following Comprehensive Plan Policies are applicable to this development:

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

The proposed medium density single-family detached homes will contribute to the variety of residential categories in the City; however, there is no variety in housing types proposed within the development. The FLUM recommends densities of between 3 and 8 dwelling units per acre. Given this density recommendation, likely any resulting housing would be of the single-family detached type.

- “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 along Black Cat Rd, and 6’ wide pathways within the central common open space. This will result in multi-modal routes both to the development and within the development.

The central park amenity shown in Lot 9 consists of a small pond, a gazebo and several pathways. At present, the pond cuts off walkway access in the middle of Block 3. It is staff’s opinion that connecting the two pathways along the pond would result in more useable space. Staff has added this as a recommended condition of approval.

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

Attached sidewalks are proposed on both side of all streets. Sidewalks will be completed to the terminus of stub streets at the east and south which would connect to any future development. A 5’ detached sidewalk is proposed along the length of the development paralleling Black Cat Road.

- “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.

- Ensure that new development within existing residential neighborhoods is cohesive and complementary in design and construction. (2.02.02F)

To the west of the subject property is the Jump Creek Subdivision, zoned R-8 (same as this proposal) with lot sizes of approximately 6,000 square feet (similar sizes as what is proposed with this plat). North of the property is single family residential zoned R-4. South of the property is vacant land, and east of the property is rural residential zoned RUT in Ada County. The areas that have developed in the vicinity of the subject property thus far have been comparable in zoning and lot sizes.

This development proposes architecture consisting of one and two story homes with pitched roofs, stone bases and / or lap siding very similar to what has been constructed in the Jump Creek Subdivision. The landscape buffer and 5' detached pathway shown on the landscape plan is comparable to the improved stretch of Black Cat Road along the Jump Street Subdivision. The proposed single-family residential development and site design should be compatible with existing residential uses.

In order to ensure compatibility and quality of design, staff recommends a condition that the rear and/or sides of 2-story structures on Lots 11-21, Block 1 and Lots 2-6, Block 2 that face N. Black Cat Road 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.

C. Existing Structures/Site Improvements:

The subject property consists of three lots. There is an existing single-family residence on each lot. These will be removed.

D. Proposed Use Analysis:

Single-family detached dwellings are listed as a principal permitted use in the R-8 zoning districts in UDC Table 11-2A-2.

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

All proposed lots and public streets appear to meet UDC dimensional standards per the submitted preliminary plat. This includes property sizes, required street frontages, and road widths. Development of the subdivision is required to comply with the subdivision design and improvement standards listed in UDC 11-6C-3, including but not limited to streets, common driveways and block face. In addition, all subdivision developments are also required to comply with Subdivision Design and Improvement Standards (UDC 11-6C-3) regarding common driveways.

There are two (2) common driveways proposed; such driveways should be constructed in accord with the standards listed in UDC 11-6C-3D. An exhibit should be submitted with the final plat application that depicts the setbacks, fencing, building envelope, and orientation of the lots and structures accessed via the common driveway. If a property abuts a common driveway but has the required minimum street frontage and is taking access via the public street, the driveway should be depicted on the opposite side of the shared property line from the common driveway. A perpetual ingress/egress easement shall be filed with the Ada County Recorder, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment.

Address signage should be provided at the public street for homes accessed via the common driveways.

F. Access (11-3A-3):

Four accesses are proposed. The western access is to N. Black Cat Road (Minor Arterial) from Daphne Street (local road) and the eastern access is to McMillan Road (Minor Arterial) via Daphne Street and N. Joy Street (local roads). There are two stub streets shown.

ACHD reviewed this proposal and in a staff report dated May 1, 2020 stated the project is anticipated to generate approximately 613 additional trips per day, with 65 additional trips during the PM peak hour.

Black Cat Road, a minor arterial, is presently improved with two travel lanes. ACHD intends to expand it to three lanes between 2026 and 2030. 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. Existing right-of-way is approximately 29 feet from centerline to the subject property. The applicant proposes to dedicate 19 additional feet of right-of-way to centerline and construct a 5' detached sidewalk in this area.

Daphne Street is presently built to 26 feet wide in a 50' right-of-way without curb, gutter or sidewalk. The applicant proposes to vacate approximately 275 feet of Daphne at the center of the proposed development to locate an approximately 1.6 acre park and pond in this area. At the east and west of this park, Daphne will be built to 33 feet in width with rolled curb, gutter and 5 foot attached sidewalk. ACHD has not expressed concerns regarding the proposed vacation. City Council is a recommending body on the vacation request.

Two stub streets are proposed. Avilla Drive will stub to the east, and Eynsford Ave will stub to the south. All roads within this proposed development will be local roads built to the same standards as Daphne Street.

During the November 7, 2019 Pre-Application Meeting, staff recommended that a stub street should be provided to the north from Avilla Drive through Block 1. This is to allow future access from the property at 5230 N. Black Cat Rd if it were to redevelop in the future. This access is not provided. Staff is recommending this as a condition of approval.

W. McMillan Road, a minor arterial, is intended to be widened from two to three lanes by 2035. A roundabout is planned for the McMillan / Black Cat intersection. W. McMillan Road is not part of this development.

Meridian Fire has stated the project meets all required access, road widths and turnarounds. ACHD has stated they support the road network and improvements as proposed.

G. Parking (UDC 11-3C):

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. Future development should comply with these standards. No parking plan was submitted with the application.

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

Several pathways are proposed with this development. At the center of the development is a common lot containing a park and a pond (Lot 9 Block 3). There is an approximately 295' long pathway north of the pond in this common lot. There is an east / west pathway south of the pond. Sidewalks are proposed on both sides of all roads within the development.

The applicant is requesting an open water pond be credited toward their qualifying open space (as is discussed below). For full credit, staff recommends the northern and southern pathways connect along the pond to produce a more inviting and useable area.

The applicant has submitted conceptual exhibits to demonstrate the alignment and distances. All pathways will be required to meet the requirements of section 11-3A-8 of the UDC.

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

Attached sidewalks are proposed along internal streets in accord with the standards listed in UDC 11-3A-17.

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

No parkways are proposed with this plat.

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

The development proposes approximately 108,000 sf of open space, which is 16.5% of the total area. This includes a 25' wide buffer along Black Cat Road as required for arterial streets, 20' wide landscape strips on either side of Daphne Street, and a central open space and park with a water feature shown as Lot 9. With a length of 988 feet, 28 trees would be required within the Black Cat Road Buffer. The landscape plan proposes 34 trees. The buffer appears to comply with UDC 11-2A-6.

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

The applicant proposes 11.5% of qualified open space. This includes a central park within Lot 9, Block 3 (including a .42-acre pond) and the .54-acre arterial landscape buffer which is being given ½ credit per the UDC. The pond is 24% of the total qualified open space, which meets the 25% maximum of UDC 11-3G-3D. As is required to count the pond as qualified open space, it is proposed to be developed with an amenity consisting of a shade structure and several benches. The landscaping as proposed meets the minimum requirements of 11-3B. As mentioned in the "Pathways" Section above, staff recommends the northern and southern pathways connect along the pond to produce a more inviting and useable area.

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

Based on the area of the proposed plat (15.4 acres), a minimum of one (1) qualified site amenity is required to be provided per the standards listed in UDC 11-3G-3C.

The applicant has proposed one (1) qualified amenity, a pond and shade structure with a seat wall and several benches. There are pathways that intersect in this area. The amenity meets the minimum requirements of UDC 11-3G.

N. Tree preservation (11-3B-10)

The applicant proposes to remove 93 trees (1,367 cal. inches) that will require mitigation. The applicant has committed to working with the City Arborist prior to removal. Staff is recommending a condition that the applicant submit a tree mitigation plan at time of final plat. This mitigation plan shall indicate the total number and caliper inches of trees proposed for removal and the total number of replacement trees proposed.

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

The existing Beach Lateral parallels the western property line along Black Cat Road. This ditch is required to be piped as indicated by UDC 11-3A-6.

P. Fencing (UDC 11-3A-6, 11-3A-7):

All fencing is required to comply with the standards listed in UDC 11-3A-6C and 11-3A-7. Fencing is shown on the landscape plan and consists of 6' high solid vinyl fencing around the entire perimeter of the development (including along Black Cat Road, and 5' open style lattice top fencing along the common areas. *There are several areas within Lot 9 (the common area) where closed style fencing is shown. UDC 11-3A-7 requires any fencing abutting pathways and open space to be open style.*

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

Public services are available to accommodate the proposed development. All lots within the subdivision will be provided domestic water and sanitary sewer service by the City via extensions available along N. Black Cat Road. Irrigation will be provided by Settlers Irrigation District via the Beach Lateral. The Beach Lateral is not a constant delivery system so a pump and pond will be constructed for water storage. The pond is being developed as a landscape feature.

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

The Applicant has submitted sample elevations of the single-family homes for this project (see Section VIII).

The single-family homes are depicted as two-story structures with two-car garages, and a variety of finish materials with stone and lap-siding combinations. The submitted sample elevations appear to meet design requirements for single-family homes and use consistent architecture as the homes across N. Black Cat Road in the Jump Creek Subdivision. As mentioned in the Comprehensive Plan section above, a condition of approval is being recommended in regard to planning review of homes visible from N. Black Cat Road.

S. Right-of-Way Vacation

The applicant is proposing to vacate approximately 275 feet of Daphne Street to configure the central park and open space in the center of the development. Proposed internal roads will route traffic around the park. This section of Daphne Street is not

needed for access. Therefore, staff is supportive of vacating the ROW. However, per City Code, the City Council is only a recommending body on the vacation request; final approval is subject to ACHD approval. ACHD has noted a separate application will be required and the vacation should be completed prior to final plat approval. If the vacation is ultimately not approved, the plat as currently presented must be revised.

VI. DECISION

A. Staff:

Staff recommends approval of the requested annexation and zoning with the requirement of a Development Agreement and approval of the requested preliminary plat with the conditions noted in Section IX. per the Findings in Section X.

B. The Meridian Planning & Zoning Commission heard this item on June 18, 2020. At the public hearing, the Commission moved to recommend approval of the subject Annexation and Preliminary Plat request.

1. Summary of Commission public hearing:

- a. In favor: Deborah Nelson with Givens Pursley, Randy Clarno with Pinnacle Land Development and Brandon McDougald with Kimley Horn (Applicant's Representatives), Paul Poorman, neighbor at 5230 N. Black Cat Road.
- b. In opposition: None
- c. Commenting: Deborah Nelson with Givens Pursley, Randy Clarno with Pinnacle Land Development and Brandon McDougald with Kimley Horn (Applicant's Representatives)
- 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. Paul Poorman, adjacent neighbor to the north at 5230 N. Black Cat Road, said the applicant had been very good with working with him, and he supported the development but had privacy concerns. He said the applicant had assured him he would get a privacy fence to the south and any houses adjacent to his would be kept one story so they would not look down into his house.

3. Key issues(s) of discussion by Commission

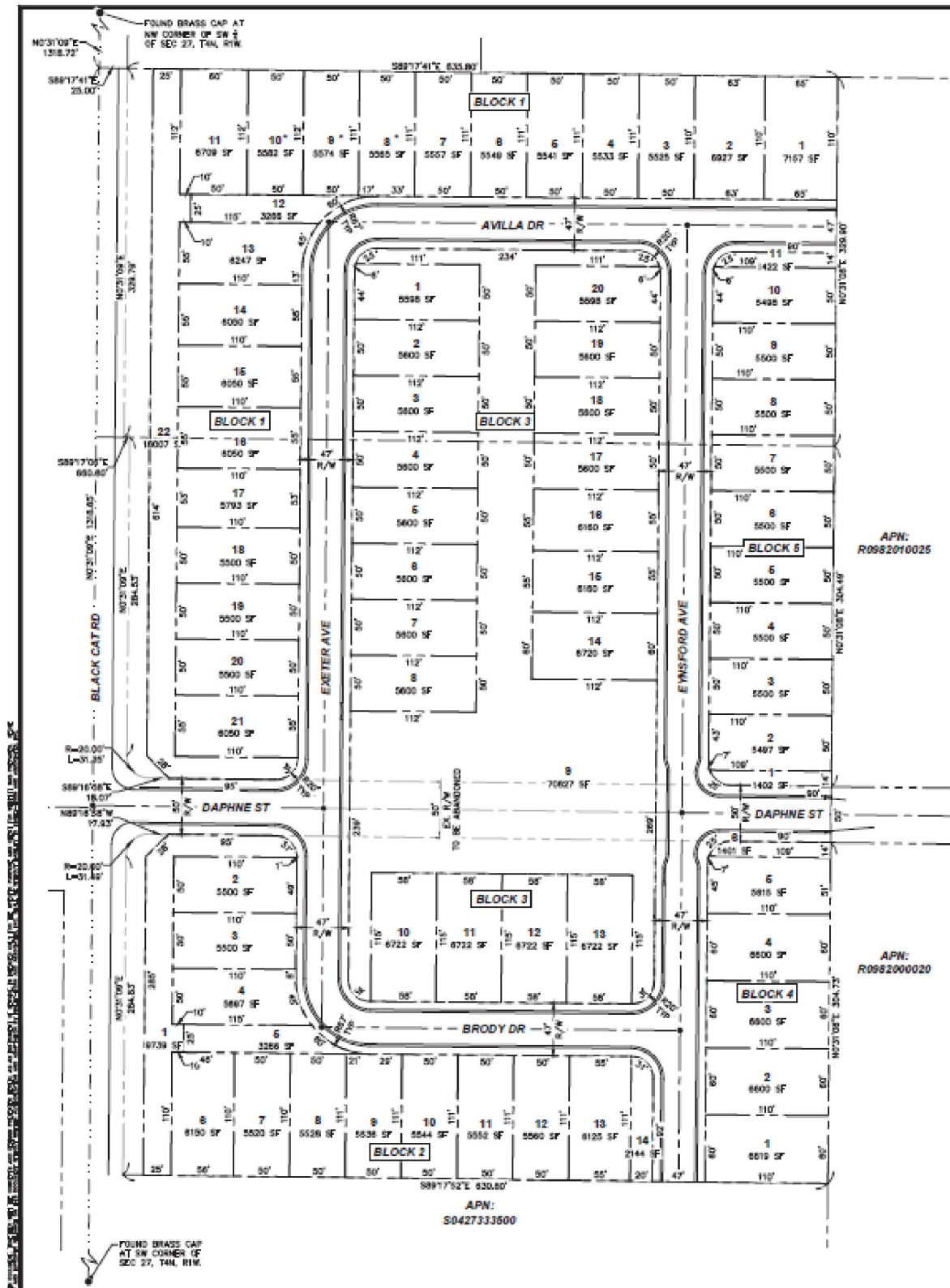
- a. The Commissioners discussed whether the northern stub street was necessary.

- b. The Commissioners had questions regarding future expansions of N. Black Cat Road and whether the round-about was still being constructed at N. Black Cat Road and W. McMillian Road.
 - c. The Commissioners discussed whether the pond should be considered an amenity, and whether it could be reconfigured to connect the north and south pathways as staff had recommended.
 - d. The Commissioners discussed Paul Poorman's request for a fence, and his desire for adjacent homes to be kept to one story.
4. Commission change(s) to Staff recommendation:
- a. Remove staff condition for a stub street to be provided to the north from Avilla Drive through Block 1.
 - b. Remove Lot 61 to reconfigure the pond into this area to provide a better open space and allow the connection of the pathways as recommended by staff.
 - c. Add a restriction that homes on Lots 42-44 be limited to one-story.
 - d. Add a condition for a concrete wall and berm to be constructed along the property line adjacent to 5230 N. Black Cat Road.
5. Outstanding issues(s) for City Council:
- a. The lot numbering on the plat versus the landscape plan is not consistent. The plat has the correct numbering. The Planning Commission recommendation for homes on Lots 42-44 to be limited to one-story should be changed to Lots 8-10, Block 1.
- C. The Meridian City Council heard these items on July 21, 2020. At the public hearing, the Council moved to approve the subject preliminary plat request.
1. Summary of the City Council public hearing:
- a. In favor: Deborah Nelson (Givens Pursley)
 - b. In opposition: None
 - c. Commenting: Deborah Nelson (Givens Pursley), Randy Clarno (developer) and Tim Nicholson (Kimley – Horn)
 - d. Written testimony: None
 - e. Staff presenting application: Alan Tiefenbach
 - f. Other Staff commenting on application: None

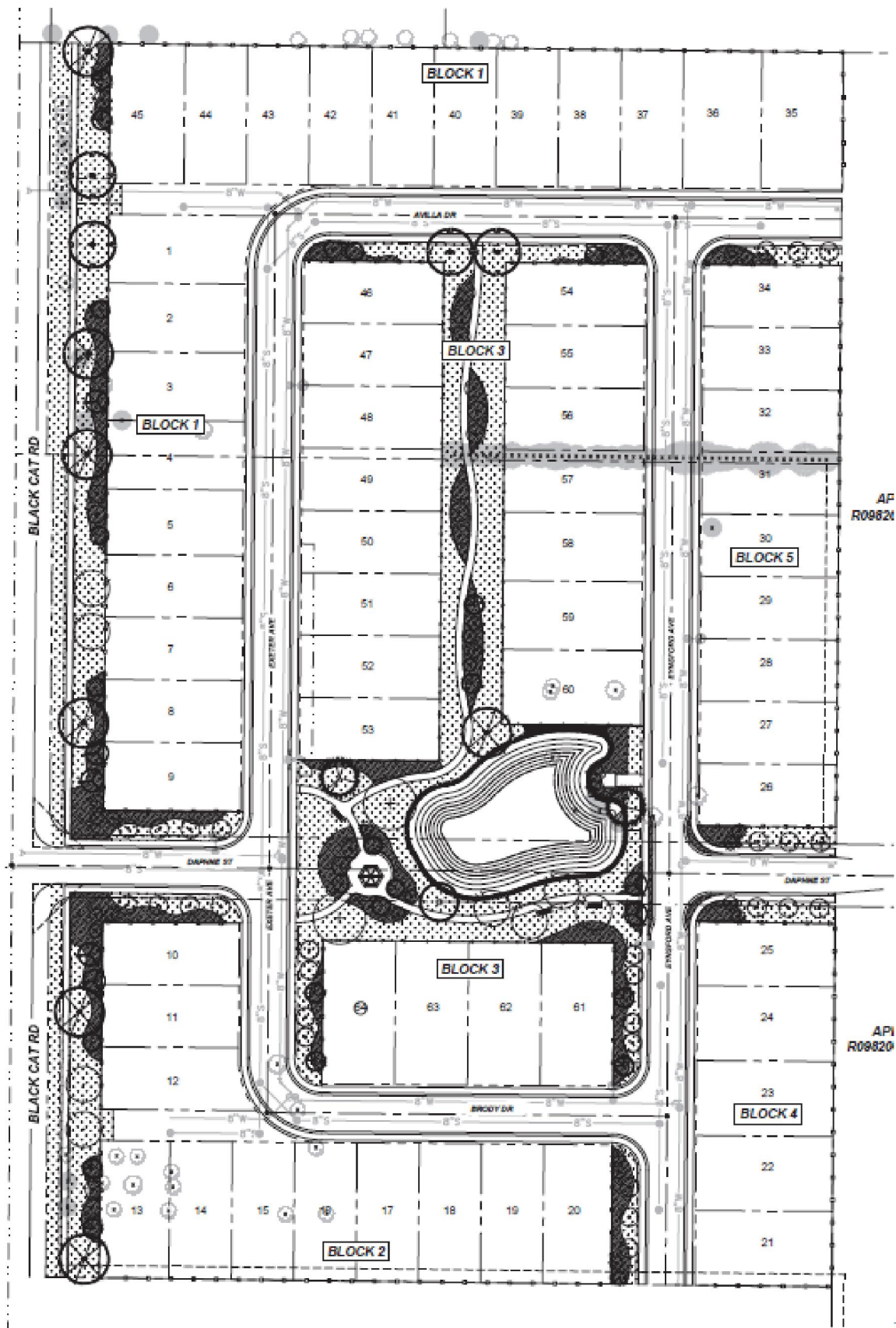
2. Key issue(s) of public testimony
 - a. None
3. Key issue(s) of discussion by City Council:
 - a. None
4. City Council change(s) to Commission recommendation:
 - a. None

VII. EXHIBITS

A. Preliminary Plat (date: 7/1/2020)



B. Landscape Plan (date: 7/1/2020)



C. Amenities

Community Shade Structure/Picnic Area



Ramada:

- Manufacturer: Classic Recreation Systems
- Model: Charleston
- Size: 20' x 20'
- Material: Steel
- Color: "Cool Jade Green" (roof) and "Jet Black" (frame)

Community Pond (Example)



Stucco Seat Wall (Example)



D. Elevations



E. Legal Description

Description for
Brody Square Subdivision-Annexation
March 13, 2020

A parcel of land situated within the Southwest 1/4 of the Southwest 1/4 of Section 27, Township 4 North, Range 1 West of the Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the Section corner common to Sections 27, 28, 33, and 34, T.4N. R.1W. B.M. from which the 1/4 corner common to said Sections 27 and 28 bears North 00°31'09" East, 2637.37 feet; thence on the West boundary line of said Section 27, North 00°31'09" East, 329.49 feet to the **REAL POINT OF BEGINNING**;

thence continuing on said West boundary line, North 00°31'09" East, 989.15 feet to the South 1/16 corner common to said Section 27 and 28;

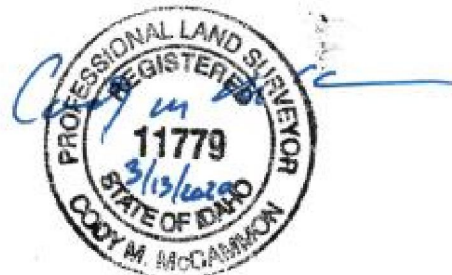
thence on the North boundary line of the Southwest 1/4 of the Southwest 1/4 of said Section 27, South 89°17'41" East, 660.80 feet to the Northwest corner of Lot 2, Block 2, Black Cat Estates No. 2, as filed in Book 32 of Plats at Pages 1945 and 1946, records of Ada County, Idaho;

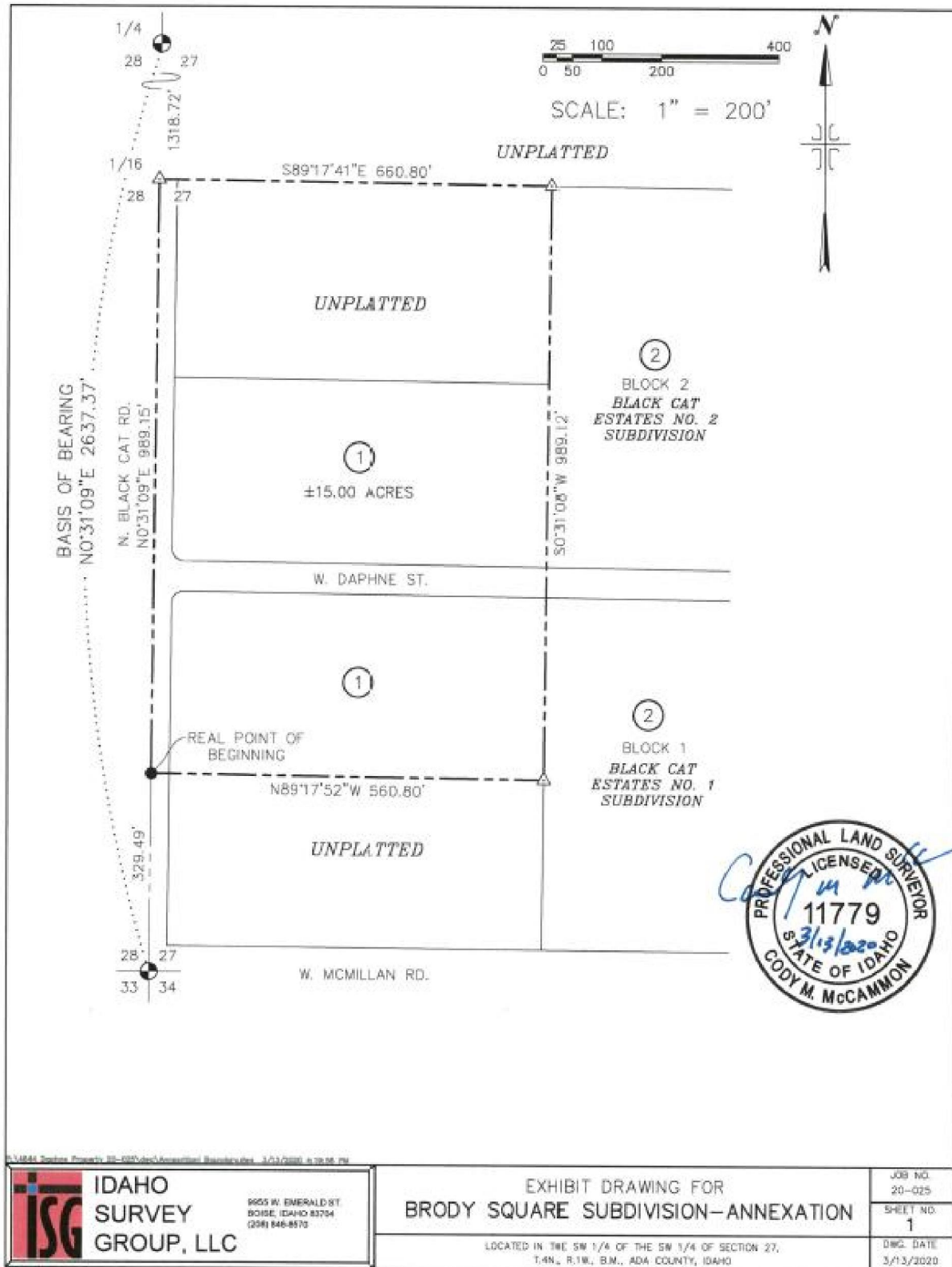
thence South 00°31'08" West, 989.12 feet to the Southeast corner of said Lot 1, Black Cat Estates No. 1, as filed in Book 29 of Plats at Pages 1798 and 1799, records of Ada County, Idaho

thence North 89°17'52" West, 660.80 feet to the **REAL POINT OF BEGINNING**.

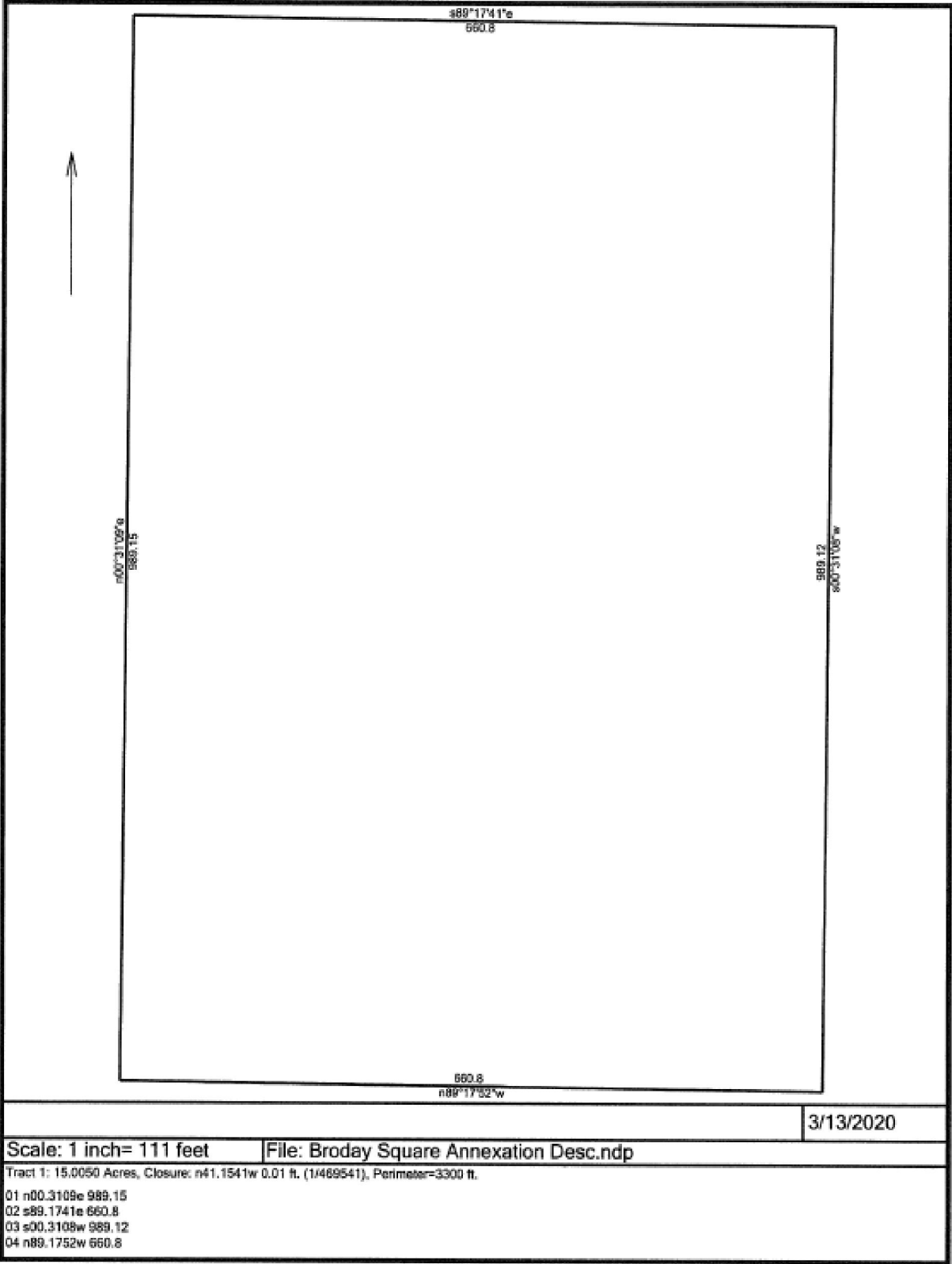
Containing 15.00 acres, more or less.

End of Description.





Item #16.



Scale: 1 inch= 111 feet		File: Broday Square Annexation Desc.ndp	3/13/2020
Tract 1: 15.0050 Acres, Closure: n41.1541w 0.01 ft. (1/469541), Perimeter=3300 ft.			
01 n00.3109e 989.15			
02 s89.1741e 660.8			
03 s00.3108w 989.12			
04 n89.1752w 660.8			

Description for
West Daphne Street Vacation
March 6, 2020

A portion of West Daphne Street right of way as shown on Black Cat Estates No. 2, as filed in Book 32 of Plats at Pages 1945 and 1946, records of Ada County, Idaho, situated within the Southwest 1/4 of the Southwest 1/4 of Section 27, Township 4 North, Range 1 West of the Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the Section corner common to Sections 27, 28, 33, and 34, T.4N. R.1W. B.M. from which the 1/4 corner common to said Sections 27 and 28 bears North 00°31'09" East, 2637.37 feet; thence on the West boundary line of said Section 27, North 00°31'09" East, 634.40 feet; thence on the Westerly extension of and the South right-of-way line of West Daphne Street, South 89°16'58" East, 230.00 feet to the **REAL POINT OF BEGINNING**;

thence leaving said South right-of-way line, North 00°31'09" East, 50.00 feet to the North right-of-way line of West Daphne Street;

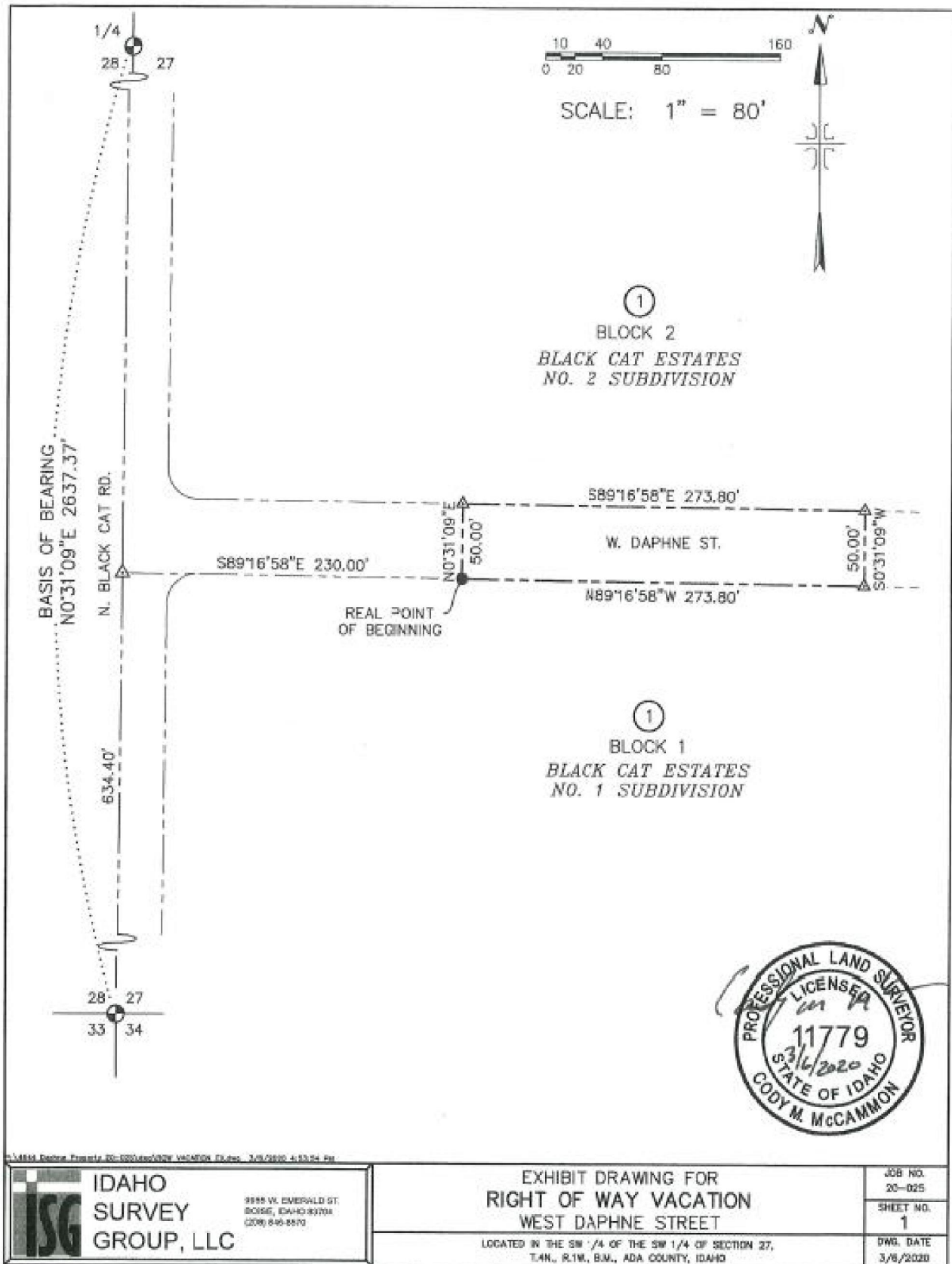
thence on said North right-of-way line, South 89°16'58" East, 273.80 feet;

thence leaving said North right-of-way line, South 00°31'09" West, 50.00 feet to said South right-of-way line;

thence on said South right-of-way line, North 89°16'58" West, 273.80 feet to the **REAL POINT OF BEGINNING**.

Containing 13,690 square feet or 0.31 acres, more or less.

End of Description.



VIII. 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 Development Agreement shall require the rear and/or sides of 2-story structures on Lots 11-21, Block 1 and Lots 2-6, Block 2 that face N. Black Cat Road to 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. The Development Agreement shall have a restriction that homes on Lots 8-10, Block 1 should be limited to one-story.
 - c. The Development Agreement shall add a condition for a concrete wall and berm to be constructed along the property line adjacent to 5230 N. Black Cat Road.
 - d. 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.
2. This approval is based upon ACHD vacating the requested section of Daphne St.
 3. The plat included in Section VII, dated 7/1/2020, shall be revised as follows prior to submittal of the final plat application:
 - i. ~~A stub street shall be provided to the north from Avilla Drive through Block 1. This is to allow future access from the property at 5230 N. Black Cat Rd if it were to redevelop in the future.~~
 4. The landscape plan included in Section VII.C, dated ~~2/2/2020~~ 7/1/2020, shall be revised as follows prior to submittal of the final plat application:
 - a. ~~The northern and southern pathways shall connect at the pond to result in a continuous pathway along the pond.~~
 - b. ~~Sitting and passive recreation areas shall be depicted on the landscape plan.~~
 - c. The fencing shown in Block 3 shall be revised to be open style as required per UDC 11-3A-7.
 5. The applicant will submit a tree mitigation plan at time of final plat. This mitigation plan shall indicate the total number and caliper inches of trees proposed for removal and the total number of replacement trees proposed.

6. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2A-6 for all buildable lots.
7. The applicant shall comply with all provisions of 11-3A-3 with regard to access to streets.
8. 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.
9. The plat shall comply with the provisions for irrigation ditches, laterals, canals and/or drainage courses, as set forth in UDC 11-3A-6.
10. Pathway and adjoining fences and landscaping shall be constructed consistent with the standards as set forth in UDC 11-3A-7A7, 11-3A-8 and 11-3B-12C.
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. An exhibit shall be submitted with the final plat application that depicts the setbacks, fencing, building envelope, and orientation of the lots and structures accessed via the common driveway; if a property abuts a common driveway but has the required minimum street frontage and is taking access via the public street, the driveway shall be depicted on the opposite side of the shared property line from the common driveway as set forth in UDC 11-6C-3D.
14. For the common driveway that serves a dual purpose (i.e. driveway/emergency access), signage shall be provided to notify residents that the common driveway is a no parking zone.

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 No sanitary sewer mainlines are allowed in the common driveways.
- 1.2 No sanitary sewer manholes are allowed in common driveways or sidewalks.
- 1.3 No dead-end water mainlines are allowed in common driveways.
- 1.3 Provide a "to and through" sanitary sewer mainline connection to the property to the south.
- 1.4 Modeling analysis must be completed at Final Plat to verify minimum fire flow pressure is met at each phase.
- 1.5 The geotechnical investigative report prepared by AllWest indicates some very specific construction considerations. 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.

2. General Conditions of Approval

- 2.1 Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. 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.

- 2.2 Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
- 2.3 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 development plan approval.
- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 12-13-8.3). 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 receiving development plan approval.
- 2.5 All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
- 2.6 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.
- 2.7 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 Engineering Department at (208)898-5500 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 Contact Robert B. Whitney at (208)334-2190.
- 2.8 Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
- 2.9 Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
- 2.10 A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.

- 2.11 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.
- 2.12 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.
- 2.13 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.
- 2.14 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.15 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.16 All grading of the site shall be performed in conformance with MCC 11-12-3H.
- 2.17 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.
- 2.18 The design 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.
- 2.19 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.
- 2.20 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.
- 2.21 A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
- 2.22 The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse 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 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.
- 2.23 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, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate 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.

C. ACHD

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=186071&dbid=0&repo=MeridianCity>

D. MERIDIAN FIRE DEPARTMENT (MFD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=186071&dbid=0&repo=MeridianCity>

E. COMPASS

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=188452&dbid=0&repo=MeridianCity>

F. DEPARTMENT OF ENVIRONMENTAL QUALITY

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=186718&dbid=0&repo=MeridianCity>

IX. FINDINGS

A. Annexation and/or Rezone, and Vacation of ROW (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 annexation of the subject site with an R-8 zoning designation is consistent with the Comprehensive Plan MDR FLUM designation for this property if the Applicant complies with the provisions in Section VIII.

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

The Commission 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;

The Commission finds that the proposed zoning map amendment and vacation of Daphne St. should not be detrimental to the public health, safety, or welfare. The Commission recommends the Council consider any oral or written testimony that may be 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

The Commission 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:

The Commission finds the proposed annexation is in the best interest of the City if the property is developed in accord with the provisions in Section VIII.

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)

The Commission finds the proposed plat is generally in conformance with the UDC if the Applicant complies with the conditions of approval in Section IX.

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

The Commission 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;

The Commission 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;

The Commission 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

The Commission 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)

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