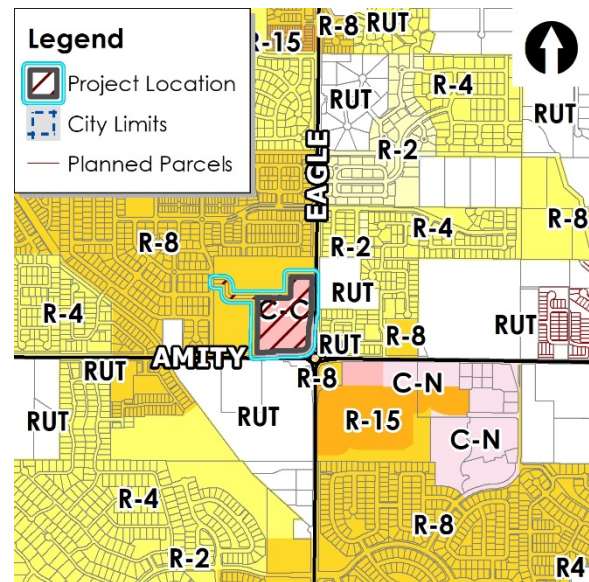


STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 9/29/2020
 TO: Mayor & City Council
 FROM: Joseph Dodson, Associate City Planner
 208-884-5533
 SUBJECT: TECC-2020-0002
 Firenze Plaza
 LOCATION: NWC of E. Amity Road and S. Eagle Road.



I. PROJECT DESCRIPTION

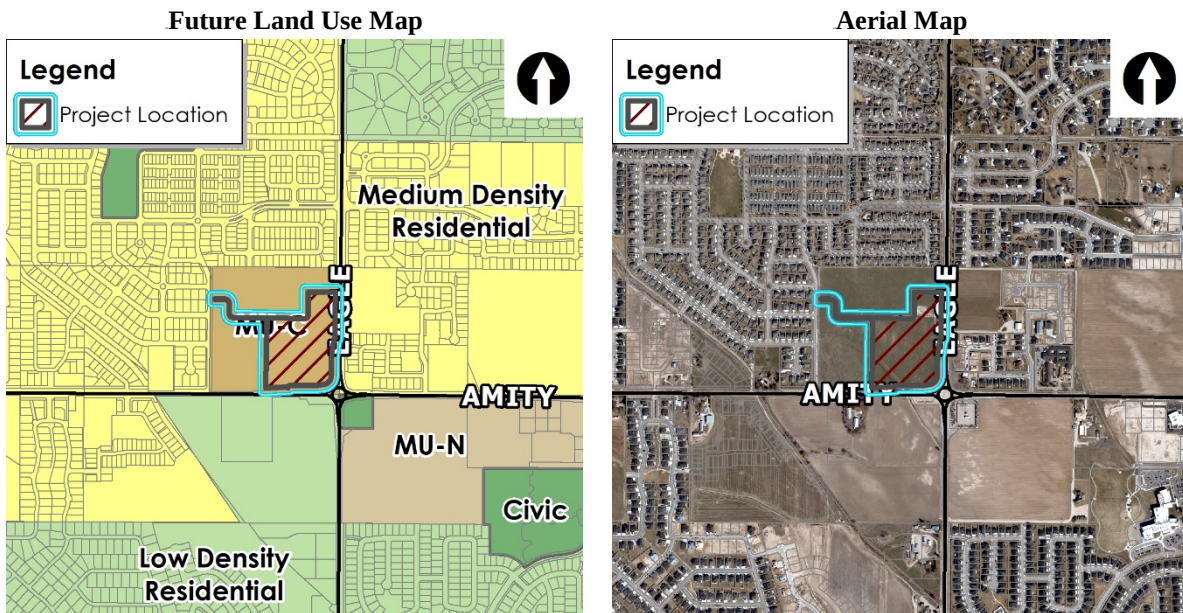
Request for an 18-month time extension in order to obtain the City Engineer's signature on phase one of the final plat.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	15.92 acres	
Existing/Proposed Zoning	C-C	
Future Land Use Designation	Mixed Use Community	
Existing Land Use(s)	Vacant/Agriculture	
Proposed Land Use(s)	Commercial	
Lots (# and type; bldg./common)	14 commercial lots; 11 building lots; 2 common lots; and 1 other lot for right-of-way dedication	
Neighborhood meeting date; # of attendees:	July 30, 2020 (Zoom) – One (1) person attended.	
History (previous approvals)	H-2016-0102 (AZ, CPAM, PP); DA Inst. #2017-041827; A-2017-0098 (CZC); A-2019-0120 (TED); H-2019-0067	

B. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Tamara Thompson, The Land Group – 462 E. Shore Dr., Ste. 100, Eagle, ID 83616

B. Owner:

ABS ID-O, LLC – 250 E. Parkcenter Blvd., Boise, ID 83726

C. Representative:

Same as Applicant

IV. NOTICING

	City Council Posting Date
Notification published in newspaper	9/4/2020
Notification mailed to property owners within 300 feet	9/1/2020
Applicant posted public hearing notice on site	9/18/2020
Nextdoor posting	9/2/2020

V. UNIFIED DEVELOPMENT CODE ANALYSIS ([UDC](#))

Per UDC 11-6B-7C, “Upon written request and filing by the applicant prior to the termination of the period in accord with subsections A and B of this section, 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 this title.”

The preliminary plat for this project was approved by City Council on February 7, 2016 and was valid for 2 years. Prior to the expiration date, an administrative time extension (A-2019-0120) was requested and approved by the Director on March 22, 2019, which granted an additional 18 month period of time, until August 7, 2020, in order to obtain the City Engineer’s signature on the final plat (H-2019-0067) that was approved by City Council on July 16, 2019 (orders on August 6, 2019). The reason for the previous time extension was due to an increase in construction costs, coordination with ACHD, and an overall labor shortage, both in the construction industry and in employees for the new Albertson’s store, according to the submitted narrative in 2019. Prior to expiration of the previous time extension, the Applicant submitted a request for this subsequent time extension. The reasons for this latest request, per the Applicant’s narrative, are the same as the previous ones listed above.

Since the preliminary plat, final plat, and previous time extension were approved, there have not been any City Code changes that would necessitate new conditions being placed on the subject time extension. However, the design of the intersection at Eagle and Amity has changed. ACHD’s response letter (see attached Exhibit VII.D) to this application notes that additional right-of-way (ROW) or easement may be required for the current roundabout design. If the Applicant participates in a cost-share agreement for construction of the Eagle Road driveway and deceleration lane, ACHD will construct these improvements as part of the intersection project. If the costs are not paid by the Applicant, ACHD will not complete the improvements and additional ROW will be needed for the deceleration lane without compensation. The Applicant should continue working closely with ACHD on the latest construction plans (currently at 99% completion) for the planned roundabout to ensure minimal changes to the plat.

One of the changes in the roundabout design is a 10-foot attached sidewalk rather than a 10-foot detached sidewalk as previously approved with the final plat. This change requires the landscape buffer be measured from the back of sidewalk rather than from back of curb, as required by code. The Applicant may need to add additional land area to fully comply with the landscape buffer requirements or request Alternative Compliance with a new CZC application to reduce this buffer. Regardless, the Applicant will be required to construct the landscape buffers along Amity and Eagle and associated frontage improvements with phase 1 as required with the final plat and recorded development agreement.

The existing development agreement (DA) between the applicant and the City (provision 5.k) allows one right-in/right-out access to Amity Road and one to Eagle Road from the commercial portion of the property. ACHD also approved these accesses previously but with the CZC application and not the plat; the CZC has since expired. Although the DA allows the two accesses, ACHD has the authority to re-evaluate the access due to the CZC expiring. This creates a conflict between the existing DA approved by the City and ACHD’s recent letter due to the approved CZC expiring. With the current design of the roundabout, ACHD did not include the right-in/right-out access to Amity Road; there is a “bypass” lane in the roundabout design that allows southbound Eagle Road traffic to go westbound on Amity in a dedicated lane. This design affects driveway locations for the subject site and ACHD will evaluate the driveway locations during the review of the new CZC application.

In addition, with the preliminary plat approval in 2016, ACHD required that the Applicant enter into a Cooperative Development Agreement with ACHD for the widening of the roundabout at Eagle and Amity, and the widening of Eagle Road—according to ACHD, the Applicant could not commit to constructing the improvements and provide a timeframe for the development. These were the determining factors as to why the agreement was terminated in 2019.

It is also important to note, that the Building Division still shows the applicant having active building permits for this project. **The applicant will be required to submit for a new CZC and DES**

approval (including site and landscape plans) to the City before commencing with construction, as required with the preliminary plat approval.

Approval of the subject time extension will allow the Applicant to work with ACHD on any relevant changes with the roundabout design and obtain the City Engineer's signature on the final plat and proceed with development of the property. ACHD and City Staff are not recommending any new plat conditions of approval to be incorporated with this project. **However, the applicant is required to comply with all previous conditions of approval approved with the development of the subject property, including the requirement to obtain new CZC and DES approvals prior to any construction.**

VI. DECISION

A. Staff:

Staff recommends approval of the proposed time extension of the Final Plat for a time period of 18 months, as requested, to expire on February 7, 2022 if the City Engineer's signature is not obtained first.

B. The Meridian City Council heard these items on September 29, 2020. At the public hearing, the Council moved to approve the subject Time Extension request.

1. Summary of the City Council public hearing:

- a. In favor: Tamara Thompson, Applicant Representative.**
- b. In opposition: None**
- c. Commenting: Lucas – ACHD; Ann Burke; Mario Martinez; and Carmen Maus.**
- d. Written testimony: None**
- e. Staff presenting application: Joseph Dodson**
- f. Other Staff commenting on application: None**

2. Key issue(s) of public testimony:

- a. What is the timeline for construction of the proposed Albertson's and what is the proposed design?**
- b. Were a photometric and traffic study completed on the commercial site?**

3. Key issue(s) of discussion by City Council:

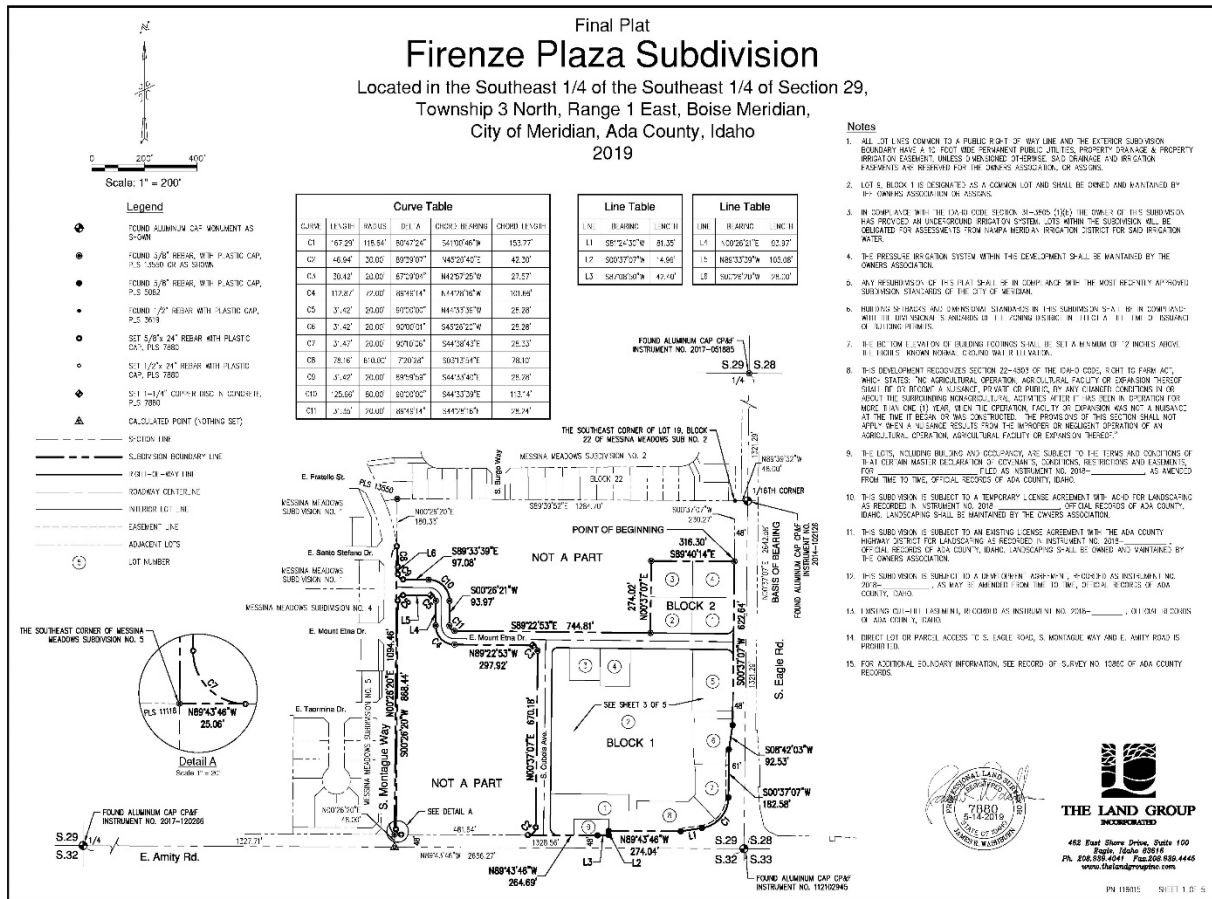
- a. Council inquired on the relative nature of the new roundabout design and any effects it might have on the approved plat – any potential changes to the plat would be handled outside of the platting process and instead through the new Certificate of Zoning Compliance application that is required.**

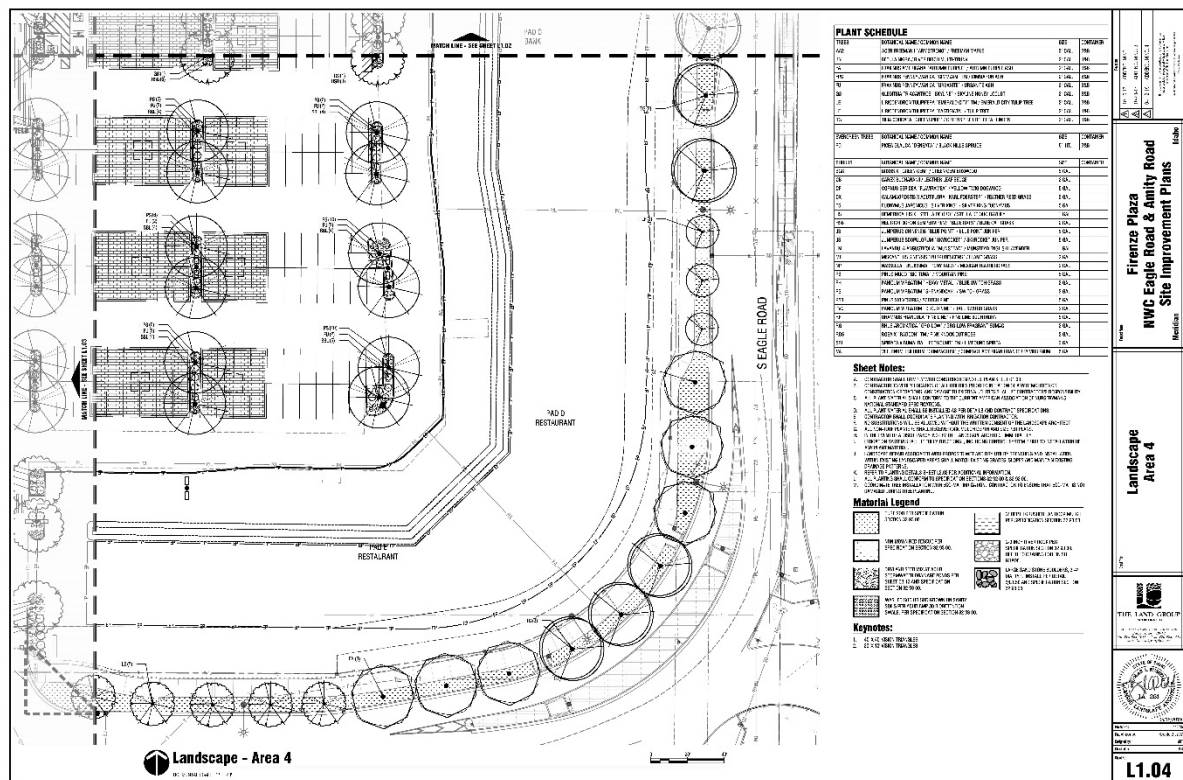
4. City Council change(s) to Staff recommendation:

- a. None**

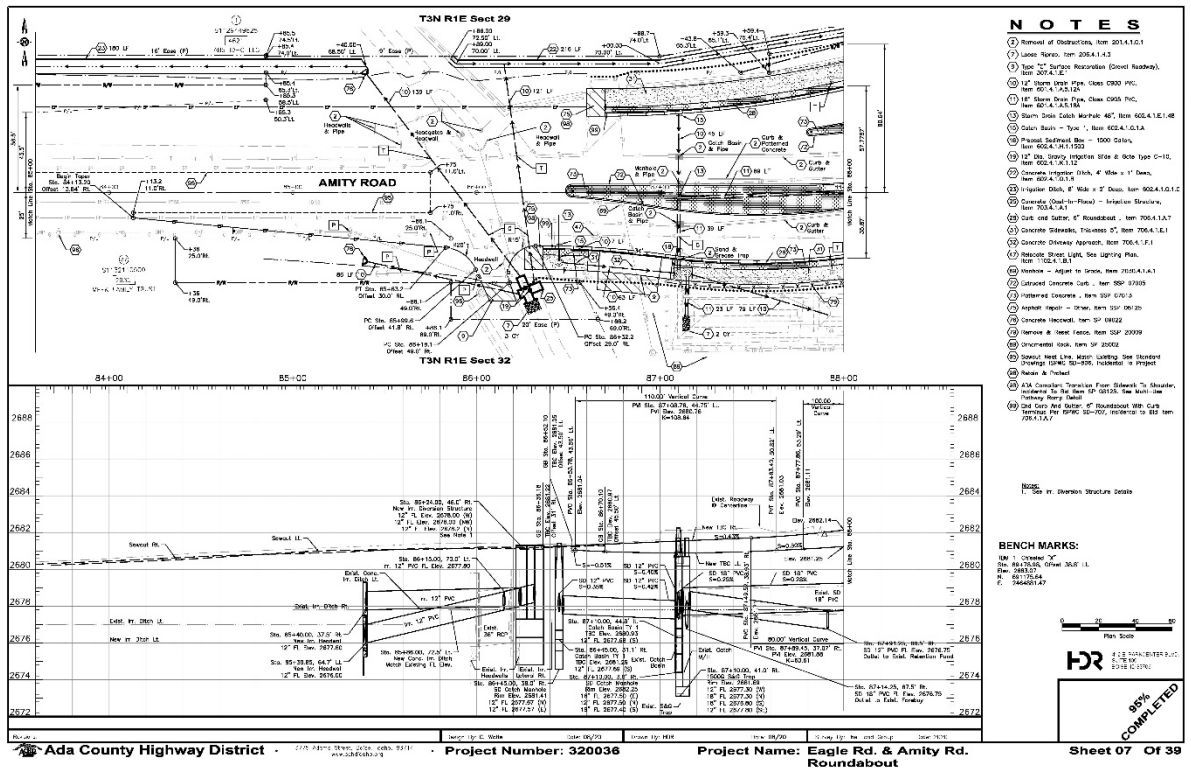
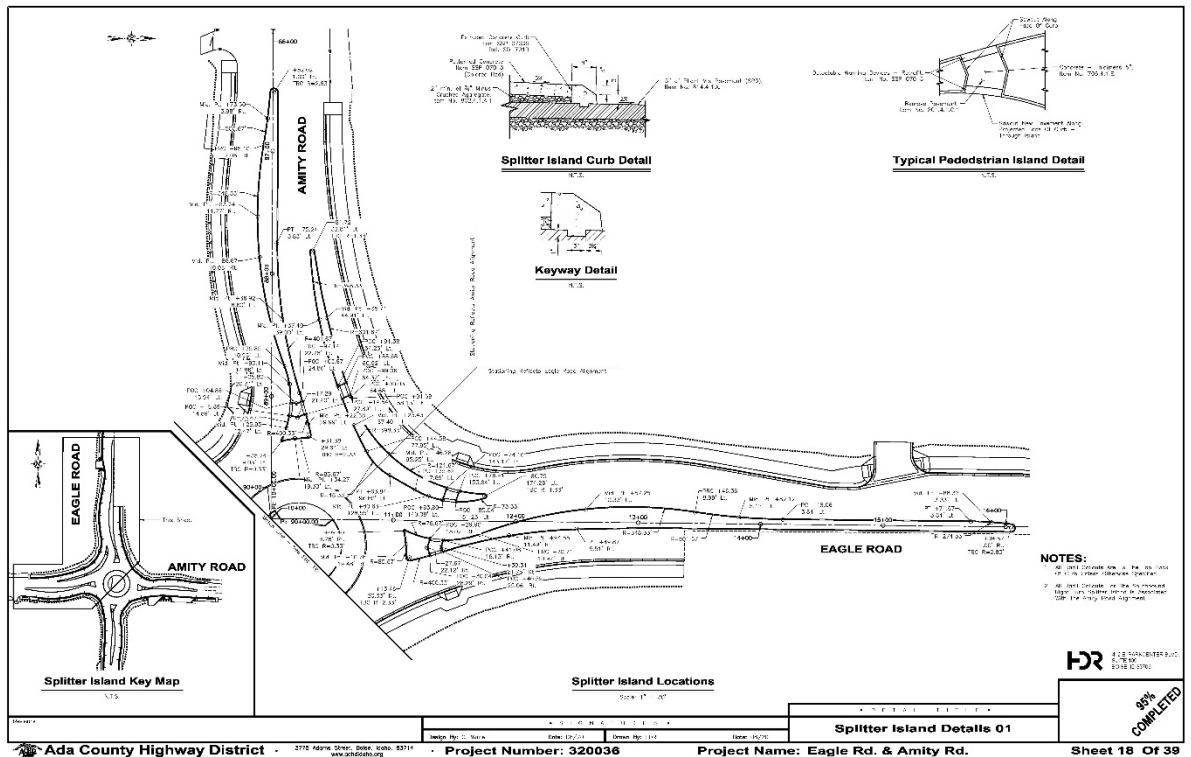
VII. EXHIBITS

A. Final Plat (date: 5/14/2019)





C. 95% Construction Plans – Eagle & Amity Roads Roundabout (relevant sections)



D. ACHD Response Letter



Mary May, President
Kent Goldthorpe, Vice-President
Rebecca W. Arnold, Commissioner
Sara M. Baker, Commissioner
Jim D. Hansen, Commissioner

September 17, 2020

Tamara Thompson
The Land Group

RE: Firenze Subdivision Preliminary Plat Time Extension/ TECC-2020-0002

Preliminary Plat – Firenze Subdivision

On December 14, 2016, the ACHD Commission approved the preliminary plat for Firenze Subdivision. As a part of that approval, the developer, Albertsons Corporation, agreed to enter into a Cooperative Development Agreement with ACHD to expand the existing roundabout at the Eagle/Amity intersection, prior to the widening of Eagle Road between Victory Road and Amity Road. In addition, ACHD granted certain access points on Eagle Road and Amity Road, but also denied two access points, with the caveat that they could be considered with a specific development application. Those driveways were the southerly right-in/right-out driveway on Eagle Road and the easterly right-in/right-out driveway on Amity Road. The preliminary plat expired with the City of Meridian in August 2020; and the applicant is seeking a second time extension for the plat.

Certificate of Zoning Compliance (CZC) – Grocery Store

Soon after the preliminary plat approval, the applicant submitted a CZC application for the grocery store and associated uses. At that time, the southerly driveway on Eagle Road and the easterly driveway on Amity Road were approved as right-in/right-out access points, with deceleration lanes; in accordance with the procedure approved by the Commission with the preliminary plat. The CZC application is no longer valid, according to the City of Meridian and the developer will need to submit a new CZC application to move forward with a building. Therefore, the driveway approvals issued by ACHD are null and void. When a new application is submitted, ACHD will re-evaluate Site Specific Conditions of Approval, including driveway locations.

Cooperative Development Agreement

The developer entered into the Agreement with ACHD to design and construct the expansion of the roundabout. The civil drawings were nearly complete in 2018; but the developer could not commit to constructing the improvements and could not provide a timeline for development. The Agreement was subsequently terminated in 2019.

ACHD Intersection Design/Driveway locations

Because the applicant failed to satisfy the terms of the Cooperative Development Agreement, ACHD quickly hired a consultant to design the intersection so that the roundabout could be constructed with the widening of Eagle Road between Victory Road and Amity Road, in FY2021, per the Integrated Five Year Work Program.

The ACHD intersection design is nearly complete. As a result of the traffic analysis prepared by the consultant, it was determined that an eastbound bypass lane is necessary at the northwest corner of the intersection to accommodate the forecast traffic volumes. Due to safety concerns related to the proximity of the easterly driveway, ACHD did not include the easterly driveway on Amity Road in the intersection plans.

On the intersection plans ACHD has included the southerly driveway on Eagle Road as a right-in/right-out driveway with a deceleration lane. If the applicant pays for these improvements and enters into a Cost Share Agreement with ACHD to construct the driveway and deceleration lane, prior to the beginning of project construction, then ACHD will construct the improvements with the intersection project. If the applicant does not pay for the costs, then these improvements won't be constructed by ACHD. Additionally, the applicant will need to dedicate additional right-of-way for the deceleration lane, which ACHD will not compensate for because the deceleration lane is necessary to serve the site.

ACHD may need additional right-of-way or easements to construct the roundabout, but we are working closely with The Land Group to minimize impacts to this property.

Time Extension Request

ACHD has no objection to the Time Extension and has no additional plat conditions. The conditions related to the Cooperative Development Agreement, however, are no longer valid.

Sincerely,

Christy Little

Christy Little
Development Services Manager
(208)387-6144
clittle@achdidaho.org

cc: Eri
City of Meridian