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540 E. Franklin Road

888-1234 / fax 895-0390

Parks & Recreation

11 E. Bower Street

888-3579 / fax 898-5501

Planning & Zoning

660 E. Watertower Lane

Suite 202

884-5533 / fax 888-6854

Police

1401 E. Watertower Lane

888-6678 / fax 846-7366

Public Works

660 E. Watertower Lane

Suite 200

898-5500 / fax 898-9551

- Building

660 E. Watertower Lane

Suite 150

887-2211 / fax 887-1297

- Sewer (WWTP)

3401 N. Ten Mile Road

888-2191 / fax 884-0744

- Water

2235 N. W. 8th Street

888-5242 / fax 884-1159

November 2, 2004

Mr. Richard H. Childress
Point Architects
5072 North Marsh Avenue
Boise, ID 83714

Dear Mr. Childress:

This letter is in response to your request for alternative compliance measures for a retail building and site improvement proposed for your client's property at the northwest corner of Fairview Avenue and Barbara Drive. In summary, I will grant your request for alternative compliance.

You requested a width reduction of the required land use buffer (M.C.C. 12-13-12) which separates your proposed retail development from the less intense residential use to the north. More specifically, you propose a 5-foot landscape buffer along the north property line which incorporates a 6-foot tall stained cedar fence and miscellaneous plantings. Also, the pathway along Five Mile Creek will not be required to have a 5-foot landscape buffer due to spatial constraints (M.C.C. 12-13-12-9).

The intent of the alternative compliance section is to encourage creative solutions to land use problems. The City recognizes that the specific requirements of the landscape ordinance cannot and do not anticipate all possible landscape situations. In addition, the City recognizes that there may be landscape proposals which conform to the purpose, intent, and objectives of the landscape ordinance, but were not anticipated in the specific regulations.

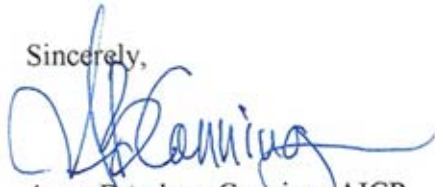
City Staff finds that the following conditions exist on the subject property: 1) topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical; and 2) the site involves space limitations or an unusually shaped lot. The division of the property by Five Mile Creek, along with the corresponding easement, creates unique spatial constraints which make full compliance impractical. Staff also finds that the additional landscaping along Fairview Avenue will be of benefit to the City.

Mr. Richard H. Childress
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Please be aware that the information provided on the site plan was insufficient for a complete analysis of compliance with the Landscape Ordinance (M.C.C. 12-13). At the time of application for a Certificate of Zoning Compliance, a more detailed landscape plan will be required for approval. I cannot draw any firm conclusions from the site plan provided, but it appears that there are conifer trees proposed for the street buffer along Barbara Drive and I cannot determine if the sight triangle requirements at the road/driveway intersection are provided. Please ensure that the landscape plan submitted at the time of application for Certificate of Zoning Compliance addresses the following items (but not limited to): number, species, spacing and size of plantings proposed; curbing; sight triangles; drainage; irrigation; maintenance; and preservation of existing trees, if applicable.

Given the site constraints on the property, I will grant your request for alternative compliance. Please feel free to call me at 884-5533 with any questions or concerns. Section 11-1-11 of the Meridian City Code allows any aggrieved person to appeal this decision. All appeals shall be filed with the Meridian Planning and Zoning Department within fifteen (15) days after the date of this letter.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Canning", with a stylized flourish extending to the right.

Anna Borchers Canning, AICP
Planning Director