



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

**In the Matter of the Request for Annexation and Zoning of 10 acres of land with a request for the R-8 zoning district; Rezone of 6.99 acres of land from the R-4 zoning district to the R-8 zoning district; Preliminary Plat consisting of 65 single-family detached building lots and 8 common lots on 16.63 acres of land, and; Development Agreement Modification to terminate the existing DA (Bellhaven Subdivision, AZ-07-011 & PP-07-016, Inst. #108057324) to incorporate the subject parcel (S0427325702) into a new DA consistent with the proposed Preliminary Plat and Annexation for Pera Place Subdivision (H-2021-0056), by Tony Tseng, Applied Media, Inc.**

**Case No(s). H-2021-0056 & H-2021-0091**

**For the City Council Hearing Date of: December 14, 2021 (Findings on January 4, 2022)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of December 14, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of December 14, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of December 14, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of December 14, 2021, 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 December 14, 2021, 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 requests for Annexation and Zoning, Rezone, Preliminary Plat, and Development Agreement Modification are hereby approved per the conditions of approval in the Staff Report for the hearing date of December 14, 2021, 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 Conditional Use Permit Duration

Please take notice that the conditional use permit, when granted, shall be valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground. For conditional use permits that also require platting, the final plat must be signed by the City Engineer within this two (2) year period.

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6.G.1, the Director may authorize a single extension of the time to commence the use not to exceed one (1) two (2) year period. 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 conditional use comply with the current provisions of Meridian City Code Title 11(UDC 11-5B-6F).

#### 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. **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 December 14, 2021.

By action of the City Council at its regular meeting held on the 4th day of January, 2022.

COUNCIL PRESIDENT TREG BERNT VOTED AYE

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED AYE

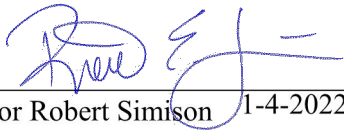
COUNCIL MEMBER JESSICA PERREAULT VOTED AYE

COUNCIL MEMBER LUKE CAVENER VOTED AYE

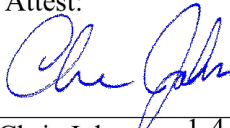
COUNCIL MEMBER JOE BORTON VOTED \_\_\_\_\_


COUNCIL MEMBER LIZ STRADER VOTED AYE

MAYOR ROBERT SIMISON VOTED \_\_\_\_\_  
(TIE BREAKER)

  
\_\_\_\_\_  
Mayor Robert Simison 1-4-2022

Attest:

  
\_\_\_\_\_  
Chris Johnson 1-4-2022  
City Clerk



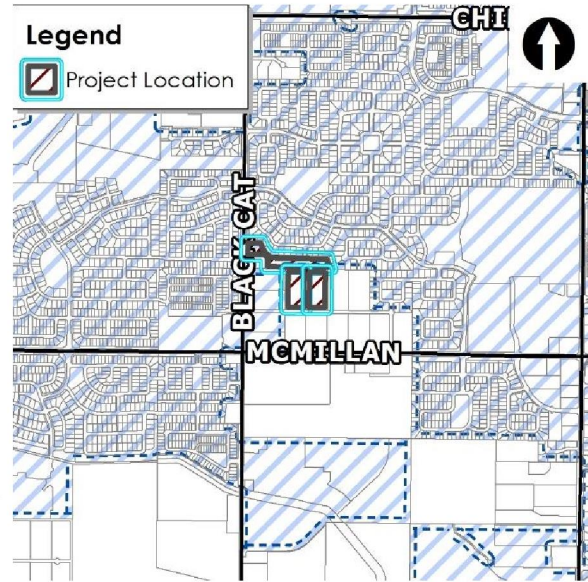
Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.

By:  \_\_\_\_\_ Dated: 1-4-2022  
City Clerk's Office

**STAFF REPORT**  
**COMMUNITY DEVELOPMENT DEPARTMENT**



HEARING DATE: 12/14/2021  
 TO: Mayor & City Council  
 FROM: Joe Dodson, Associate Planner  
 208-884-5533  
 SUBJECT: H-2021-0056 & H-2021-0091 (MDA)  
 Pera Place Subdivision  
 LOCATION: The site is located at 4600 W. Daphne Street, 4546 W. Daphne Street, and Parcel S0427325702, near the northeast corner of N. Black Cat Road and W. McMillan Road, in the NW ¼ & the SW ¼ of the SW ¼ of Section 27, Township 4N., Range 1W.



**I. PROJECT DESCRIPTION**

- Annexation and Zoning of 10 acres of land with a request for the R-8 zoning district;
- Rezone of ~~6.84~~ 6.99 acres of land from the R-4 zoning district to the R-8 zoning district,
- Preliminary Plat consisting of 65 single-family detached building lots and 8 common lots on 16.63 acres of land, and;
- Development Agreement Modification to terminate the existing DA (Bellhaven Subdivision, AZ-07-011 & PP-07-016, Inst. #108057324) to incorporate the subject parcel (S0427325702) into a new DA consistent with the proposed Preliminary Plat and Annexation for Pera Place Subdivision (H-2021-0056).

**II. SUMMARY OF REPORT**

A. Project Summary

| Description                     | Details   | Page |
|---------------------------------|---|------|
| Acreage                         | AZ – 10 acres; Plat – 16.63 acres                           |      |
| Future Land Use Designation     | Medium Density Residential (3-8 du/ac)                      |      |
| Existing Land Use(s)            | Vacant land and County Residential                          |      |
| Proposed Land Use(s)            | Detached Single-family Residential                          |      |
| Lots (# and type; bldg./common) | 73 total lots – 65 residential building lots; 8 common lots |      |
| Phasing Plan (# of phases)      | No phasing plan submitted                                   |      |
| Number of Residential Units     | 65 single-family units                                      |      |
| Density                         | Gross – 3.91 du/ac  |      |

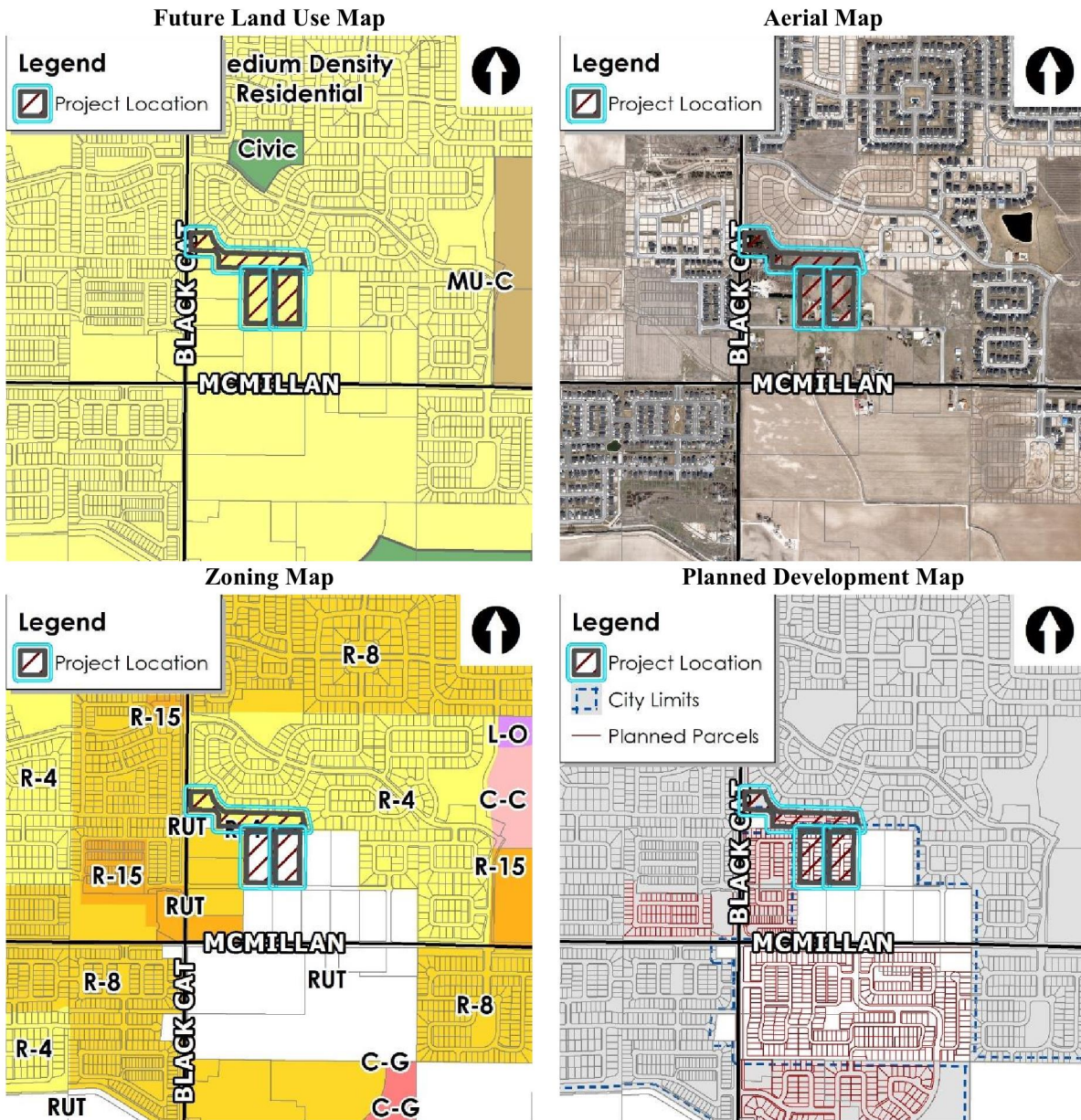
| Description                                    | Details   | Page |
|--|---|------|
| Open Space (acres, total [%]/buffer/qualified) | 3.14 acres total open space – 2.84 acres of qualified open space (approximately 17%)  |      |
| Amenity  | Additional qualified open space above the requirement (at least 20,000 square feet); Pergola with a picnic table; and a Tot-lot.  |      |
| Neighborhood meeting date; # of attendees:     | June 30, 2021 – 12 attendees; September 13, 2021 – No attendees   |      |
| History (previous approvals)                   | AZ-07-011 & PP-07-016 (for the R-4 parcel); DA Inst. #108057324; Black Cat Estates Subdivision No. 2 (County subdivision that includes the remaining 10 acres and two parcels). |      |

B. Community Metrics

| Description   | Details  | Page |
|---|--|------|
| Ada County Highway District   |  |      |
| <ul style="list-style-type: none"> <li>Staff report (yes/no)</li> <li>Requires ACHD Commission Action (yes/no)</li> </ul> | <p>Yes</p> <p>Yes – Applicant received ACHD Commission approval on October 6, 2021.</p>  |      |
| Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)  | Access is proposed via extension of existing and planned stub streets; two new access points to Daphne Street are also proposed. Proposed stub street extensions include one from the north through Vicenza Commons (N. Sepino Avenue) and one from the west through Brody Square that is currently under construction.  |      |
| Stub Street/Interconnectivity/Cross Access  | All existing and planned stub streets are shown as being extended into the project site, per the submitted plat. The Applicant is proposing internal local streets for all interconnectivity; no collector or arterial streets traverse the project area.  |      |
| Existing Road Network   | No   |      |
| Existing Arterial Sidewalks / Buffers   | No; submitted plat shows new arterial sidewalk and buffer along short segment abutting N. Black Cat Road.  |      |
| Proposed Road Improvements  | <p>The Applicant is required to improve W. Daphne Street as ½ of a 33-foot wide street section with curb, gutter, and 5-foot wide attached sidewalk with this application.</p> <p>CIP/Five Year Work Plan for nearby roads:<br/> <b>Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):</b></p> <ul style="list-style-type: none"> <li>The intersection of McMillan Road and Black Cat Road is scheduled in the IFYWP for the installation of an interim traffic signal in 2022.</li> <li>Black Cat Road is listed in the CIP to be widened to 5-lanes from Ustick Road to McMillan Road between 2031 and 2035.</li> <li>Black Cat Road is listed in the CIP to be widened to 5-lanes from McMillan Road to Chinden Boulevard between 2036 and 2040.</li> <li>McMillan Road is listed in the CIP to be widened to 5-lanes from Black Cat Road to Ten Mile Road between 2031 and 2035.</li> <li>The intersection of McMillan Road and Black Cat Road is listed in the CIP to be reconstructed as a multi-lane roundabout with 4-lanes on the north leg, 4-lanes on the south, 2-lanes east, and 2-lanes on the west leg, and between 2031 and 2035.</li> </ul> |      |
| Distance to nearest City Park (+ size)  | 1.5 miles to Keith Bird Legacy Park (7.5 acres)  |      |

| Description  | Details   | Page |
|--|---|------|
| <b>Fire Service</b>  |   |      |
| <ul style="list-style-type: none"> <li>Distance to Fire Station</li> </ul>                             | 2.5 miles from Fire Station #5 (project would be serviced by future Fire Station #8, scheduled for completion in Summer 2023).  |      |
| <ul style="list-style-type: none"> <li>Fire Response Time</li> </ul>                                   | The project lies within the Meridian Fire response time goal of 5 minutes.  |      |
| <ul style="list-style-type: none"> <li>Resource Reliability</li> </ul>                                 | Fire Station #5 reliability is 84% (above the goal of 80%)  |      |
| <ul style="list-style-type: none"> <li>Risk Identification</li> </ul>                                  | Risk Factor 2 – Residential with hazards (proposed pond/drainage facility)  |      |
| <ul style="list-style-type: none"> <li>Accessibility</li> </ul>  | Proposed project meets all required road widths, and turnaround dimensions.   |      |
| <b>Police Service</b>  |   |      |
| See link in Section VIII.D   |   |      |
| <b>Wastewater</b>  |   |      |
| <ul style="list-style-type: none"> <li>Distance to Sewer Services</li> </ul>                           | N/A   |      |
| <ul style="list-style-type: none"> <li>Project Consistent with WW Master Plan/Facility Plan</li> </ul> | Yes   |      |
| <ul style="list-style-type: none"> <li>Impacts/Concerns</li> </ul>                                     | <ul style="list-style-type: none"> <li>Provide to-and-through to 4448, 4500, and 4520 W. Daphne St. Manholes need to be extended to property line at the east and into Daphne St at the south.</li> <li>Ensure no sewer services pass through infiltration trenches.</li> <li>Ensure that angles of pipe into/out of manhole is a minimum of 90 degrees in the direction of flow.</li> <li>Parcel S0427325702 is part of the Black Cat Main Reimbursement agreement.</li> </ul> |      |
| <b>Water</b>   |   |      |
| <ul style="list-style-type: none"> <li>Distance to Services</li> </ul>                                 | 0'  |      |
| <ul style="list-style-type: none"> <li>Project Consistent with Water Master Plan</li> </ul>            | Yes   |      |
| <ul style="list-style-type: none"> <li>Impacts/Concerns</li> </ul>                                     | <ul style="list-style-type: none"> <li>Any well that will no longer be used must be abandoned according to IDWR requirements.</li> <li>Assuming existing blow-offs at the west boundary. Call out blow off removal.</li> <li>Blow offs at the east side to be called out as per Standard Drawing W13.</li> </ul>  |      |

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Dan Lardie, Leavitt & Associates Engineers, Inc – 1324 1<sup>st</sup> Street South, Nampa, ID 83651

B. Developer:

Tony Tseng, Applied Media, Inc. – 6518 N. Fairborn Avenue, Meridian, ID 83642

C. Representative:

Same as Applicant



IV. NOTICING

|  | Planning & Zoning Posting Date | City Council Posting Date |
|--|--------------------------------|---------------------------|
| Newspaper Notification                                   | 9/17/2021                      | 11/28/2021                |
| Radius notification mailed to properties within 500 feet | 9/15/2021                      | 12/2/2021                 |
| Site Posting   | 10/15/2021                     | 12/1/2021                 |
| Nextdoor posting   | 9/16/2021                      | 12/6/2021                 |

V. STAFF ANALYSIS

A. Future Land Use Map Designation (<https://www.meridiancity.org/compplan>)

Medium-Density Residential (MDR) – 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 subject project is approximately sixteen and a half acres (16.5) and includes three (3) existing parcels, one of which was annexed into the City with the R-4 zoning district in 2007 and has an existing Development Agreement (DA). The area to the north of this project is developed R-4 zoning with detached single-family homes and an R-8 subdivision is approved to the west of this project, Brody Square. Consistent with the future land use designation of MDR (3-8 du/ac), the Applicant is proposing Pera Place Subdivision with 65 building lots equating to a gross density of 3.91 units per acre. Therefore, the Applicant is proposing a residential project at the low end of the allowable density. Furthermore, the proposed use of detached single-family residential is an allowed and anticipated use in the requested R-8 zoning district and MDR future land use designation.*

**REZONE:** *As noted, a portion of this project is already annexed and zoned R-4. This area of the project created a county enclave that is still owned by the same property owner and is referred to as the Poorman outparcel. This enclave is currently not annexed into the City and was not required to annex when the R-4 property was annexed and approved for a preliminary plat in 2007.*

*The previously approved plat is no longer valid as it is long expired but the existing DA is tied to previous layout and the existing R-4 zoning. The Applicant is requesting to rezone this area to the R-8 zoning district to match the requested zoning of the 10 acres to the south and the approved projects to the south/southwest. Because there is an existing DA tied to a plat that is no longer valid and the Applicant is requesting to rezone this area, the Applicant should submit a Development Agreement Modification application to replace the existing DA and incorporate its boundary with the property included with the concurrent annexation request. This will ensure that the subdivision will develop as proposed. The MDA application should be submitted prior to scheduling this project for the future was submitted prior to the Council hearing. Staff's recommended DA provisions are already in the conditions section of this report, Section VIII, and supports the MDA request to ensure a more connected road network and cohesive project is proposed. If the Poorman outparcel is not included in the project boundary, the project area within the annexation boundary (approximately 10 acres) could likely stand on its own merits. However, the project was not analyzed in this manner so Staff cannot guarantee 100 percent compliance with UDC standards for this area alone. For example, the required amount of qualified open space. Should Council decide the R-4 parcel*

***should not be a part of this project, Staff recommends a continuance to allow Staff time to analyze just the 10 acres associated with the annexation request.***

*In general, Staff finds rezoning this area from R-4 to R-8 a logical expansion of existing zoning nearer the corner of Black Cat and McMillan Roads to the southwest of the subject site. Brody Square Subdivision is an approved R-8 subdivision directly to the west/southwest of this area and the Applicant has aimed to match the lot lines along the abutting project boundary. This same density is proposed throughout the proposed project; Staff finds the proposal to annex 10 acres and rezone 6.5 acres to the R-8 zoning district offers an appropriate transitional density to the developed R-4 area to the north.*

***Staff finds the proposed project to be generally consistent with the Comprehensive Plan. Specific Comprehensive Plan policies are discussed and analyzed below.***

The City may require a development agreement (DA) in conjunction with an annexation and rezone pursuant to Idaho Code section 67-6511A. *In order to ensure the site develops as proposed with this application, Staff recommends a new DA that encompasses the land proposed to be rezoned and annexed with the provisions included in Section VIII.A1. 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 rezone and annexation approval. A final plat will not be accepted until the new DA is executed and the RZ and AZ ordinances are approved by City Council.*

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

The applicable Comprehensive Plan policies are cited below with Staff analysis in italics.

*“Avoid the concentration of any one housing type or lot size in any geographical area; provide for diverse housing types throughout the City” (2.01.01G). The proposed project offers a density and site design similar to project approved to the west. Despite proposing a similar density and lot size as that to the west, this Applicant is proposing a large linear open space lot and varying lot sizes throughout the development that should offer different home design. In addition, the overall combined density of projects in the area near the corner of Black Cat and McMillan offer a transition between the arterial roadways and the existing R-4 zoning to the north. It is anticipated and planned within this corridor along McMillan that detached single-family homes will be proposed. Furthermore, proposing a density near the lowest allowed provides the City a relief to the transportation network and area schools when compared to a project at twice the density, which would be allowed within the same future land use designation.*

*“Establish and maintain levels of service for public facilities and services, including water, sewer, police, transportation, schools, fire, and parks” (3.02.01G). All public utilities are available for this project site due to the existing stubs abutting the site to the west and north. This project also lies within the Fire Department response time goal and Fire has approved the accesses to and through the site. West Ada School District anticipates an additional 45 school aged children from this development, according to the ratio of 0.7 kids per household. With the anticipated additional school aged children in the vicinity of project area, Staff anticipates adequate capacity for the designated middle and high school but overcrowding at Pleasant View Elementary, the elementary school approximately ¼ mile to the north through the adjacent subdivision. Unfortunately, the City does not control the construction of new schools but Staff is aware of the potential for overcrowding at the neighborhood elementary school. Because of this, West Ada anticipates some students utilizing the options of charter schools and specialty schools.*

*Staff finds that the existing and planned development of the immediate area create appropriate conditions for levels of service to and for this proposed project.*

“Preserve, protect, and provide open space for recreation, conservation, and aesthetics” (4.05.01F). *The Applicant is proposing this project with two large open space lots totaling 2.75 acres. These two lots are located at different areas of the plat with one being 97-foot wide linear open space in the south portion of the site and the other located along Black Cat and is proposed with a vast number of existing trees that are remaining. Both areas have ample recreation opportunity and pedestrian connections through them. Preserving the existing trees and creating an area of open space that links through the subdivision in the south present adequate usable open space, appropriate conservation, and ample aesthetics for the project.*

“Require pedestrian access in all new development to link subdivisions together and promote neighborhood connectivity.” (2.02.01D). *Proposed project is extending the attached sidewalks from the south to allow easy access to the future pedestrian facilities and amenities within Prevail Subdivision.*

“Ensure that new development within existing residential neighborhoods is cohesive and complementary in design and construction.” (2.02.02F). *As discussed, the Applicant is proposing lot sizes and lot lines similar to that of the approved Brody Square subdivision directly abutting the site to the west. In addition, R-8 zoning is an appropriate zoning to transition to the R-4 zoning to the north. The Applicant could revise the lot sizes along the north boundary to meet the R-4 minimum lot size of 8,000 square feet but due to the proposed road layout, aligning lot lines may still be difficult. Furthermore, in this area of the site, the Applicant is proposing six lots adjacent to five existing lots in Vicenza Commons offering similar density along this shared boundary. Therefore, Staff finds the proposed density and lot placement should provide a cohesive project with Vicenza Commons to the north and provide adequate transitional density overall.*

“Require new development to establish street connections to existing local roads and collectors as well as to underdeveloped adjacent properties.” (6.01.02C). *The Applicant is required to and is proposing to extend all abutting stub streets – N. Sepino Avenue from the north, a local street from the west in Brody Square Subdivision, and two new connections to Daphne Street, the existing local street along the south project boundary. The Applicant is also proposing a new stub street to the east boundary for future connectivity and development opportunity for those parcels to the east. Further discussion and analysis on this are below in Section G, Access. Staff finds the Applicants proposed street connections comply with this policy.*

“Eliminate existing private treatment and septic systems on properties annexed into the City and instead connect users to the City wastewater system; discourage the prolonged use of private treatment septic systems for enclave properties.” (4.08.02A). *As discussed, a portion of this project surrounds a county enclave that utilizes private septic and well systems. Staff has had multiple discussions with that landowner and they do not have an interest in annexing into the City and connecting to City services at this time. The submitted plans show their septic drain field on a small portion of the already annexed R-4 parcel (discussed in more detail below) perpetuating prolonged use of the private systems. Staff finds these conditions do not comply with this policy.*

***Staff finds this development to be generally consistent with the Comprehensive Plan.***

C. Existing Structures/Site Improvements:

There are two existing county residential single-family homes with accessory structures on the two 5-acre sites abutting Daphne Street. Both homes are proposed to be removed upon development of this project.

**Within the existing R-4 parcel, the Poorman outparcel has their septic tank drain field on a small area just north of their property line near Black Cat Road. According to the**

**submitted plat, the Applicant has proposed a non-buildable lot over this area. Staff does not support the inclusion of a non-buildable lot for this shared use and instead recommends the developer and the Poorman’s enter into a separate agreement that defines how this area is to be used and maintained. This recommendation would remove the non-buildable lot and incorporate this area into the larger common lot as previously proposed by the Applicant. This agreement should be included with a future final plat application and include a termination clause when the Poorman outparcel redevelops or connects to City services.**

D. Proposed Use Analysis:

The proposed use is detached single-family residential with an average lot size of 6,705 square feet and a minimum lot size of 5,297 square feet. This use is a permitted use in the requested R-8 zoning district per UDC Table 11-2A-2 and all lots meet the minimum lot size requirement of 4,000 square feet. The Applicant has not noted if this is a phased project, however Staff anticipates it to develop as one phase.

*The proposed use, lot sizes, and lot alignment should provide for a development that is cohesive with the adjacent development to the north and the planned development to the west/southwest.*

E. Dimensional Standards ([UDC 11-2](#)):

The residential lots appear to meet all UDC dimensional standards per the submitted plat. In addition, all subdivision developments are also required to comply with Subdivision Design and Improvement Standards (UDC 11-6C-3). *The proposed preliminary plat and submitted plans appear to meet all UDC requirements except for the length of the proposed east-west cul-de-sac shown as W. Philomena Court in the north portion of the site. This cul-de-sac measures approximately 550 feet in length, 50 feet beyond the allowed length by UDC 11-6C-3. Therefore, the Applicant requires a Council Waiver to exceed the 500 foot limit for a dead-end street.*

***Note: The original preliminary plat met this requirement and included an access easement to the Poorman outparcel. At Staff’s recommendation, the Applicant extended Philomena Court further west so that right-of-way would touch the Poorman outparcel instead of an easement. Staff recommended this because easements are more difficult to track and maintain than having abutting right-of-way. With the current layout, the City will have more means of requiring the Poorman outparcel take access from Philomena Court instead of Black Cat should that property ever redevelop. Therefore, Staff recommends Council approve the waiver for the dead-end street to exceed 500 feet.***

F. Building Elevations ([UDC 11-3A-19](#) | [Architectural Standards Manual](#)):

The Applicant submitted conceptual building elevations for the proposed detached single-family homes. Note that detached single-family homes do not require Design Review approval therefore Staff does not review these for compliance with any standards.

However, the submitted elevations depict single and two-story homes with two-car garages. The elevations depict field materials of lap siding and faux shingles with varying roof profiles offering an overall array of potential homes. Because these homes do not abut an arterial or collector roadway, staff is not requiring any additional design review with the building permit submittal.

G. Access ([UDC 11-3A-3](#), [11-3H-4](#)):

Access is proposed via multiple local street connections and no arterial or collector street connections. One access is via extension of N. Sepino Avenue, a local street stubbed to the northern boundary from the Vicenza Commons Subdivision. The Applicant is also proposing two new north-south local street connections to W. Daphne Street, an existing county local street along the southern boundary. Daphne Street is the access point for the existing county residences

and is proposed to be improved with half-plus-twelve feet of pavement, curb, gutter, and 5-foot attached sidewalk, per the ACHD staff report (see section VIII.I). The submitted plat shows these north-south local streets intersecting a new east-west local street that would be an extension of Avilla Drive from Brody Square to the west (Brody square is currently under construction but no roads have been constructed at this time). The proposed N. Sepino extension intersects Avilla Drive and is the access point for the noted Philomena Court. In addition, the Applicant is proposing a common drive off of N. Sepino that serves three (3) building lots; the two other lots adjacent to the common drive are proposed to take access from N. Sepino instead of the common drive. All local streets are proposed as 33-foot wide street sections with 5-foot attached sidewalk within 47 feet of right-of-way consistent with ACHD policy.

The Applicant is also proposing to extend Avilla Drive to the east boundary as a stub street for future road connectivity to adjacent properties. The improvement of Daphne Street will also allow for future connectivity to the east with the assumption that redevelopment of the parcel(s) to the south will be required to complete the south half of Daphne and continue the pedestrian connectivity.

***Staff supports the overall road layout and stub street locations as proposed on the revised preliminary plat.***

H. 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 dwellings based on the number of bedrooms per unit. Staff will confirm compliance with these standards at the time of building permit submittal for each residence. In addition, the proposed 33-foot wide street section accommodates on-street parking where no driveways exist. Furthermore, no on-street parking is allowed within any part of the cul-de-sac at the end of W. Philomena Court unless the Applicant revises it to be constructed with a 57-foot radius.

*Because each lot is at least 50 feet wide and there are areas where no driveways exist on the local streets, Staff is not concerned with the amount of parking in this subdivision.*

I. Sidewalks ([UDC 11-3A-17](#)):

5-foot wide attached sidewalks are proposed along all proposed streets except for that sidewalk along N. Black Cat—the Applicant is proposing to construct 5-foot wide detached sidewalk within the required street buffer consistent with code requirements. In addition, the Applicant is proposing 5-foot wide micro-paths through each large open space lot for added pedestrian connectivity. The proposed sidewalks meet UDC 11-3A-17 and ACHD standards.

***As proposed, the project and existing conditions of the Poorman outparcel not being annexed into the City would create a sidewalk gap along the east side of Black Cat. This gap would be approximately 190 feet in length and equates to the Poorman out-parcel’s frontage along Black Cat. This sidewalk gap is why the project required ACHD Commission approval instead of the standard staff-level review and approval. The ACHD Commission approved the road layout and the overall project without this additional sidewalk connection but instructed the Applicant try to obtain the additional right-of-way and sidewalk along the outparcel frontage.***

***Because the Poorman outparcel was allowed to remain unannexed in 2007 from the parcel that is part of this application despite common ownership, Staff does not find it feasible to include a condition of approval to require it be annexed into the City at this time or to require the arterial street buffer and detached sidewalk along the Poorman outparcel frontage. However, consistent with other approvals in the area, Staff recommends an interim sidewalk is constructed along the outparcel frontage for pedestrian safety and to eliminate this sidewalk***

**gap until frontage improvements are required at such time the Poorman outparcel is redeveloped.**

J. Landscaping ([UDC 11-3B](#)):

The required landscaping regulated by code within the proposed development are the following areas: the common open space areas and the required landscape buffer to N. Black Cat Road. The submitted landscape plans show landscaping in these areas as proposed.

*The Applicant is proposing two end-cap common lots on the west side of N. Sepino Avenue that are not wide enough to count as qualified open space but are still required to comply with UDC 11-3B-7, buffers along streets. The submitted landscape plans show compliance with code requirements for the number of trees and other vegetative ground cover.*

*In addition, common open space is required to be landscaped with one (1) tree for every 8,000 square feet of open space. The large open space area in the south area of the site is shown as 46,319 square feet on the preliminary plat requiring at least six (6) qualifying trees. The submitted landscape plans show a number of trees exceeding this UDC requirement. The large open space lot in the northwest corner of the site adjacent to Black Cat is over one-and-a-half acres in size and has an unknown number of existing and mature trees. In addition to these existing trees, the Applicant is proposing at least eight (8) additional qualifying shade trees. Overall, Staff finds the submitted landscape plans show landscaping in excess of code requirements.*

*The landscape buffer along N. Black Cat Road is required to be 25' wide and vegetated in accord with UDC 11-3B-7. The submitted landscape plans show compliance with UDC requirements for the number of trees, tree spacing/grouping, and additional vegetative ground cover with two (2) new trees and the existing conditions of multiple existing and mature trees in the buffer area. The landscape plans and plat also show this buffer to be within a 30-foot common lot exceeding the 25-foot requirement.*

***As noted above, the Applicant is proposing a micro-pathway from the cul-de-sac to the detached sidewalk along Black Cat through the existing tree area. Because this area is densely vegetated and has a relatively large gap between any roads (approximately 400 feet of micro-path), Staff is concerned with safety while traversing this path. Staff is unaware if these trees are pruned to accommodate better visibility or the level of visibility between the proposed cul-de-sac and Black Cat. Therefore, Staff is including a DA provision to install and maintain lights along this micro-path to help with pedestrian safety and meet CPTED policies in this area.***

*The Applicant is required to dedicate additional right-of-way for Black Cat total 50 feet from centerline. This additional dedication is for future widening of Black Cat but in the meantime, UDC 11-3B-7C.5 requires a gravel shoulder of no more than 10 feet with the remaining area to be vegetated with lawn or other vegetative ground cover; gravel is not a sufficient ground cover material. According to the submitted landscape plans, the Applicant is not showing compliance with this code section. So, Staff is recommending a condition of approval to revise the landscape plans to meet this requirement prior to Final Plat submittal.*

K. Qualified Open Space and Amenities ([UDC 11-3G](#)):

The proposed preliminary plat area is approximately 16.6 acres in size in size requiring at least one (1) amenity and 1.66 acres (approximately 72,300 square feet) of qualified open space per UDC 11-3G-3. The Applicant is proposing a pergola shade structure with a picnic bench, a tot-lot, and at least 20,000 square feet of qualified open space to meet the amenity requirements; *Staff finds the proposed amenities exceed code requirements.*

According to Staff calculations, the Applicant is proposing approximately 2.84 acres of qualified open space (approximately 17%) to include half of the Black Cat buffer, and the two large open space lots within the project. As discussed throughout the report, Staff finds the proposed open space to be thoughtfully designed and placed for appropriate recreation and use.

*Note: the large linear open space lot in the south end of the site contains three (3) separate pond facilities that are needed to provide pressurized irrigation for the project. According to the submitted landscape plans, these facilities are shown as small open water ponds with landscaping and rock around each one creating aesthetic open space amenities. Staff finds these small ponds add to the overall beautification and recreation of the open space area so long as they are maintained in accord with UDC standards to include recirculating water and are maintained such that they do not become mosquito breeding grounds.*

L. Fencing (UDC [11-3A-6](#), [11-3A-7](#)):

All fencing is required to comply with the standards listed in UDC 11-3A-7. Fencing is proposed as shown on the landscape plan and appears to meet UDC standards as proposed including open vision fencing adjacent to common open space areas.

**VI. DECISION**

A. Staff:

Staff recommends approval of the requested annexation, rezone, preliminary plat, and DA Modification application with the requirement of a new Development Agreement per the Findings in Section IX of this staff report.

B. The Meridian Planning & Zoning Commission heard these items on November 4, 2021. At the public hearing, the Commission moved to recommend approval of the subject Annexation and Zoning, Rezone, and Preliminary Plat requests.

1. Summary of Commission public hearing:

- a. In favor: Dan Lardie, Applicant Representative; Tony Tseng, Applicant; Mr. & Mrs. Poorman, sellers of the R-4 parcel.
- b. In opposition: None
- c. Commenting: Dan Lardie; Paul Poorman; Gayle Poorman; Joel Tague, neighbor;
- d. Written testimony: Don Applegarth, neighbor.
- e. Staff presenting application: Joseph Dodson, Associate Planner
- f. Other Staff commenting on application: Bill Parsons, Planning Supervisor.

2. Key issue(s) of public testimony:

- a. Location of proposed micro-path in open space lot in northwest corner of the site and a desire to move it to further from the existing homes;
- b. Transition in lot sizes/lot lines between proposed R-4 lots and existing R-4 lots to the north;
- c. Overall desire for applications to be approved as proposed because of Applicant’s willingness to work with sellers.
- d. **City’s place in creating the Poorman outparcel starting in 2007 and onward by not requiring the parcel be annexed originally.**

3. Key issue(s) of discussion by Commission:

- a. Confirmation of use for proposed irrigation ponds in central open space;
- b. Configuration of remaining parcels to the south and east – is proposal adequate transition to the larger 5-acre parcels.
- c. Size and configuration of lots on proposed common drive;

- d. Issues of allowing existing Poorman outparcel to remain and not become part of plat/annexation area – what are the City’s options with this parcel;
  - 4. Commission change(s) to Staff recommendation:
    - a. Move the micro-path in the large open space lot along Black Cat to be further away from the fence along the north boundary to a more centralized location in the open space lot;
    - b. Revise the plat to show the lot lines along the north boundary (Lots 2-7, Block 1) to align with the existing lot lines to the north in Vicenza Commons Subdivision.
  - 5. Outstanding issue(s) for City Council:
    - a. None
- C. The Meridian City Council heard these items on December 14, 2021. At the public hearing, the Council moved to approve the subject Annexation and Zoning, Rezone, Preliminary Plat and Development Agreement Modification requests.
- 1. Summary of the City Council public hearing:
    - a. In favor: Tony Tseng, Developer; Paul & Gayle Poorman, property owner; David Pera, property owner;
    - b. In opposition: None
    - c. Commenting: Tony Tseng; Paul Poorman; Gayle Poorman; David Pera; Erik Harter, neighbor; Ken Tokowitz, neighbor; Victoria Tague, neighbor;
    - d. Written testimony: None following Commission hearing.
    - e. Staff presenting application: Joseph Dodson, Associate Planner
    - f. Other Staff commenting on application: Lt. Harper, Police Department;
  - 2. Key issue(s) of public testimony:
    - a. Desire for project approval and testaments of Developer’s, Tony Tseng, good character;
    - b. History of Poorman outparcel and why keeping as many of the existing trees is so important to everyone in the neighborhood;
    - c. Understanding and support of sidewalk needs along Black Cat by the Poorman’s and developer;
    - d. Overall desire to keep trees in open space area for some nature preservation;
  - 3. Key issue(s) of discussion by City Council:
    - a. Plan for utilizing, maintaining, and improving wooded area shown as common open space in the northwest corner of the site, specifically in terms of lighting and safety concerns brought up by Police Department;
    - b. Timeline of sidewalk improvements for adjacent projects, specifically the required sidewalk along Black Cat;
    - c. Location of amenities and quality of irrigation ponds during off-season months;
    - d. **Approval of the needed Council Waiver for the proposed cul-de-sac over 500’ (550’) in length because of Staff’s recommended revisions.**
  - 4. City Council change(s) to Commission recommendation:
    - a. None



**VII. EXHIBITS**

**A. Annexation and Rezone Legal Descriptions and Exhibit Maps**



**IDAHO  
SURVEY  
GROUP**

9955 W Emerald St  
Boise, ID 83704

Phone: (208) 846-8570  
Fax: (208) 884-5399

*Boundary Description for*  
**Pera Place - City of Meridian Annexation**  
*August 5, 2021*

A parcel of land situated in the southwest quarter of Section 27, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, including Lots 2 and 3, Block 2 of Black Cat Estates Subdivision No. 2, (instrument number 870382, records of Ada County, Idaho); and being more particularly described as follows:

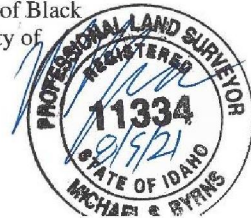
Commencing at the southwest corner of Section 27, Township 4 North, Range 1 West, Boise Meridian, which bears S00°31'09"W, 2637.37 feet from the west quarter-section corner of Section 27;  
Thence N00°31'09"E, 1318.65 feet along the west line of Section 27 to the south sixteenth-section corner of Section 27;  
Thence S89°17'46"E, 660.80 feet along the north line of the southwest quarter of the southwest quarter of Section 27 (City of Meridian annexation instrument number 2020-138111, records of Ada County, Idaho) and the south line of the north half of the southwest quarter of Section 27 (City of Meridian annexation instrument number 108057325, records of Ada County, Idaho) to the POINT OF BEGINNING:

Thence continuing S89°17'46"E, 728.47 feet along the south line of the north half of the southwest quarter of Section 27, and the current boundary of the City of Meridian (City of Meridian annexation instrument number 108057325, records of Ada County, Idaho), to the corner of Vicenza Commons Subdivision (instrument number 2018-085335, records of Ada County, Idaho) on the north boundary of Lot 4, Block 2 of Black Cat Estates Subdivision No. 2 (Record of Survey instrument number 112020950, records of Ada County, Idaho);

Thence N89°25'46"W, 67.40 feet along the north boundary of Lot 4 to the northeast corner of Lot 3, Block 2 of Black Cat Estates Subdivision No. 2;

Thence S00°32'04"W, 659.59 feet along the boundary of Lots 3 & 4 and the southerly extension thereof to the center line of W. Daphne St.;

Thence N89°16'00"W, 660.89 feet along the center line of W. Daphne St. to the southerly extension of the boundary of Lots 1 & 2, Block 2 of Black Cat Estates Subdivision No. 2, and the current boundary of the City of





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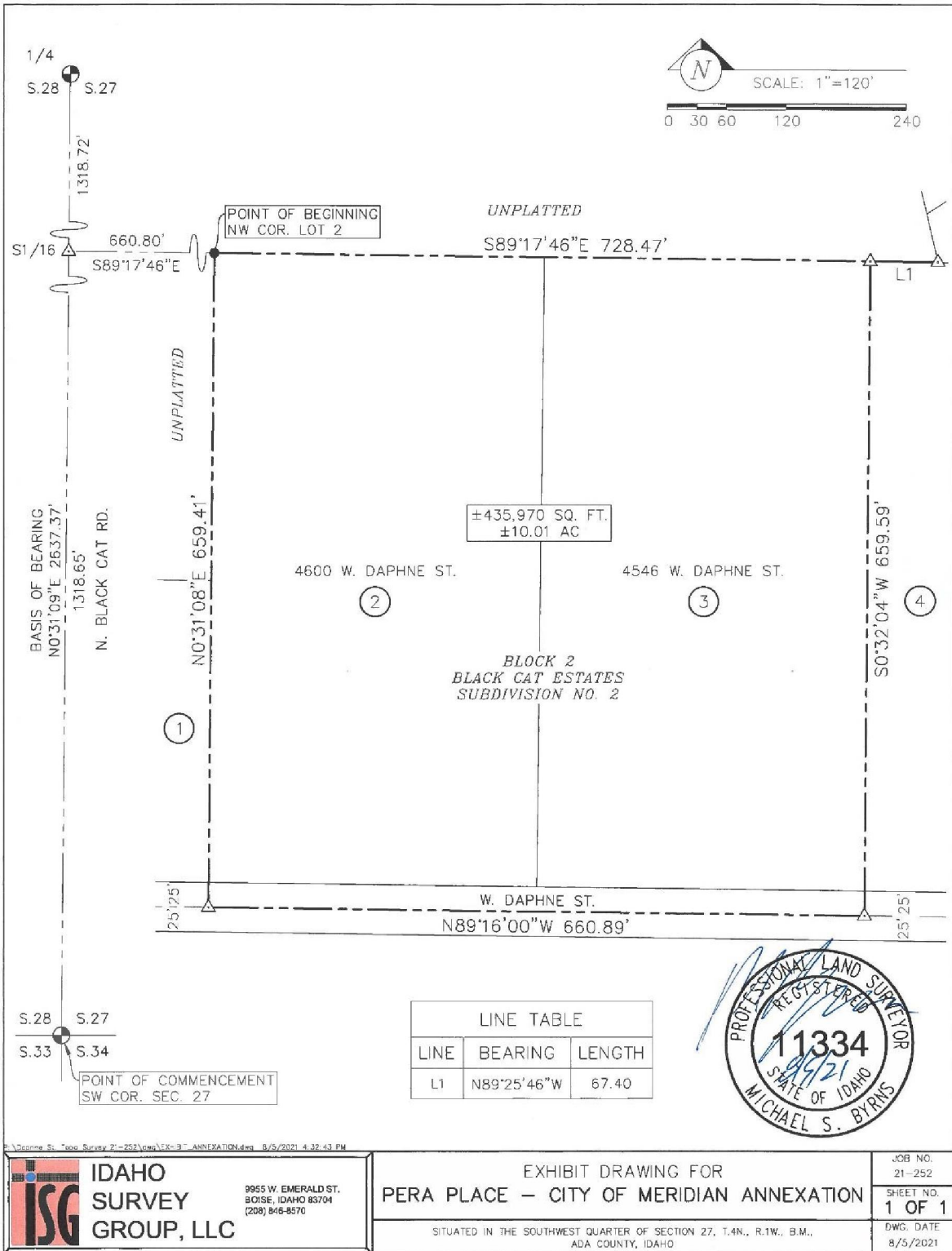
Meridian (City of Meridian annexation instrument number 2020-13811,  
records of Ada County, Idaho);

Thence N00°31'08"E, 659.41 feet along the boundary of Lots 1 & 2, the  
southerly extension thereof, and the current boundary of the City of  
Meridian to the POINT OF BEGINNING.

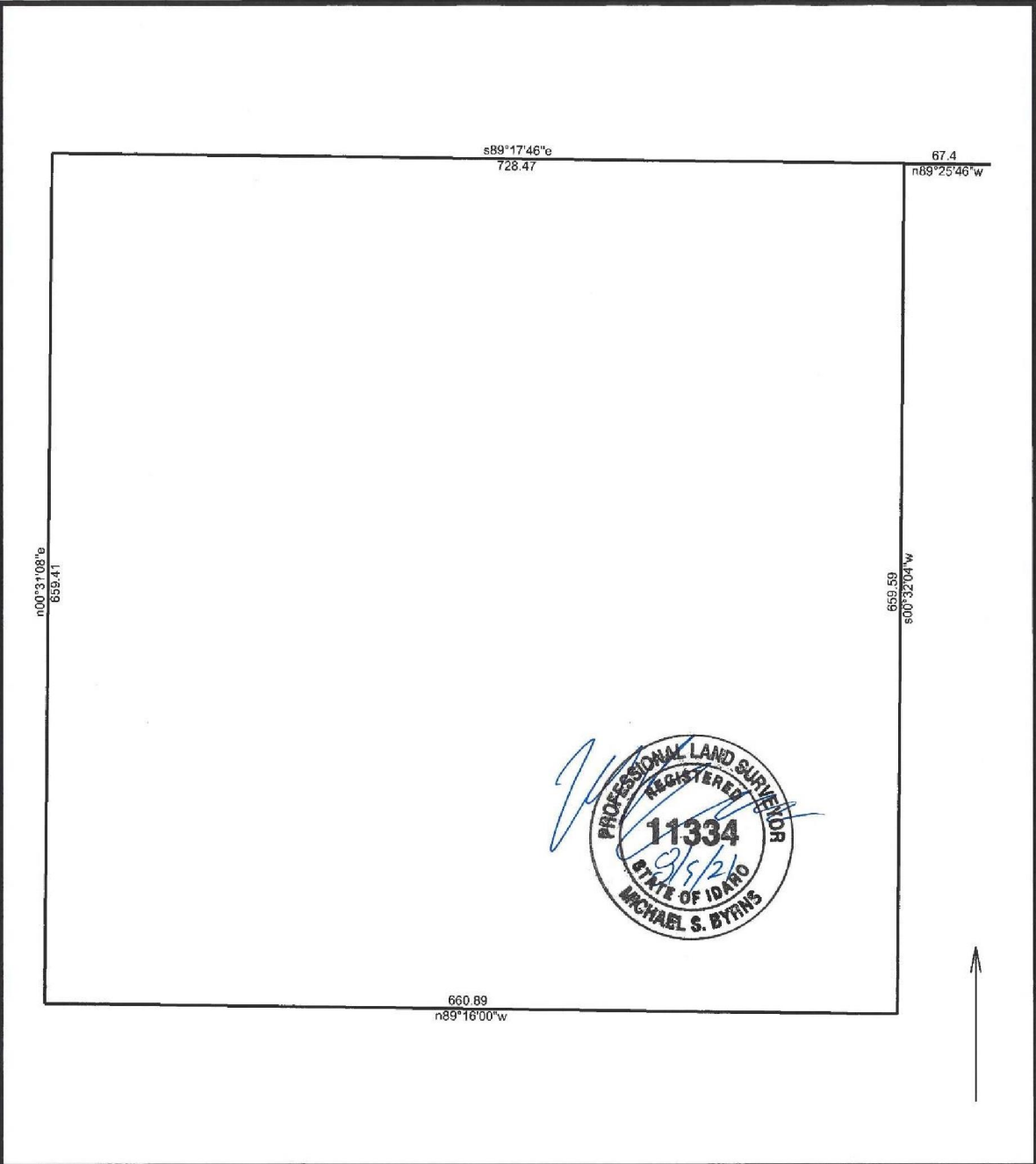
The above-described parcel contains 10.01 acres, more or less.



Item #14.



Item #14.



Pera Place - Meridian Annexation Closure Worksheet 8/5/2021

Scale: 1 inch= 100 feet File:

Tract 1: 10.0085 Acres, Closure: n00.0000e 0.00 ft. (1/972464), Perimeter=2776 ft.  
01 s89.1746e 728.47  
02 n89.2546w 67.4  
03 s00.3204w 659.59  
04 n89.1600w 660.89  
05 n00.3108e 659.41



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9955 W Emerald St  
Boise, ID 83704

Phone: (208) 846-8570  
Fax: (208) 884-5399

*Boundary Description for*  
**Pera Place - City of Meridian Rezone R4 to R8**  
*Project No. 21-252 December 6, 2021*

A parcel of land situated in the north half of the southwest quarter of Section 27, Township 4 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, and being more particularly described as follows:

Commencing at the southwest corner of Section 27, Township 4 North, Range 1 West, Boise Meridian, which bears S00°31'09"W, 2637.37 feet from the west quarter-section corner of Section 27;  
Thence N00°31'09"E, 1505.03 feet along the west line of Section 27 to the southwest corner of Parcel B (Record of Survey 7768, records of Ada County, Idaho), the POINT OF BEGINNING:

Thence continuing N00°31'09"E, 255.13 feet along the west line of Section 27 and Parcel B to the corner with Vicenza Subdivision No. 2 (Book 110 of Plats at Pages 15670 thru 15673, records of Ada County, Idaho);

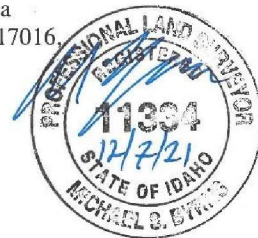
Thence S89°38'12"E, 291.82 feet along the boundary of Parcel B, Vicenza Subdivision No. 2, and Vicenza Subdivision No. 4 (Book 117 of Plats at Pages 17790 thru 17793, records of Ada County, Idaho);

Thence S19°35'11"E, 111.85 feet along the boundary of Parcel B and Vicenza Subdivision No. 4 to the corner with Vicenza Commons Subdivision No. 2 (Book 117 of Plats at Pages 17794 thru 17797, records of Ada County, Idaho);

Thence S34°24'46"E, 79.39 feet along the boundary of Parcel B and Vicenza Commons Subdivision No. 2;

Thence S50°46'23"E, 89.27 feet along the boundary of Parcel B and Vicenza Commons Subdivision No. 2;

Thence S88°11'48"E, 896.60 feet along the boundary of Parcel B and Vicenza Commons Subdivision No. 2 to the corner with Vicenza Commons Subdivision (Book 114 of Plats at Pages 17014 thru 17016, records of Ada County, Idaho);





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Thence S12°47'30"E, 206.28 feet along the boundary of Parcel B and  
Vicenza Commons Subdivision to the south line of the north half of the  
southwest quarter of Section 27;

Thence N89°17'46"W, 728.47 feet along the south line of the north half of  
the southwest quarter and the boundary of Parcel B to the corner with the  
5120 N. Black Cat Rd. Parcel (Record of Survey 12801, records of Ada  
County, Idaho);

Thence N89°17'41"W, 319.20 feet along the boundary of Parcel B and the  
5120 N. Black Cat Rd. Parcel to the corner with Parcel A (Record of  
Survey 7768, records of Ada County, Idaho);

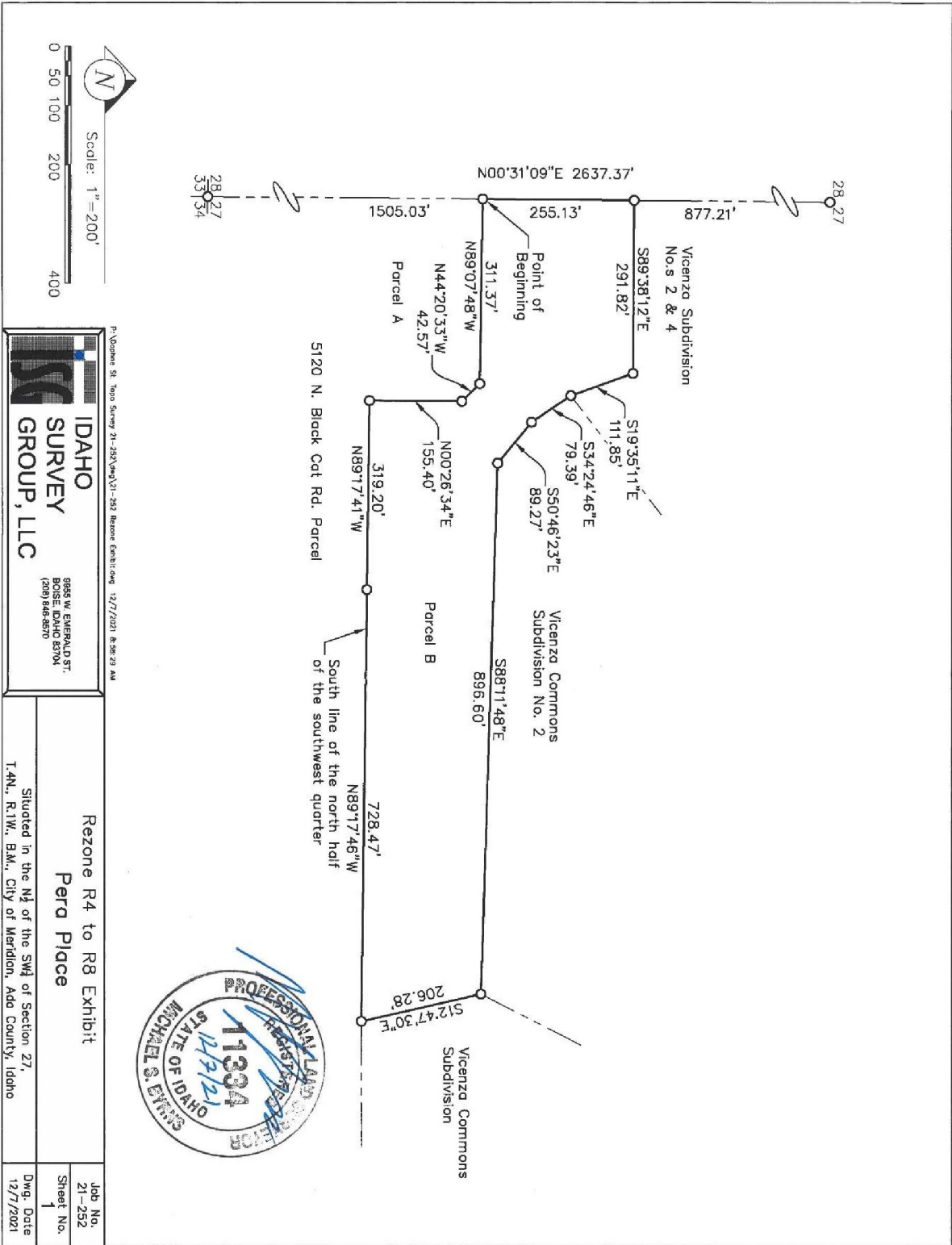
Thence N00°26'34"E, 155.40 feet along the boundary of Parcel B and  
Parcel A;

Thence N44°20'33"W, 42.57 feet along the boundary of Parcel B and  
Parcel A;

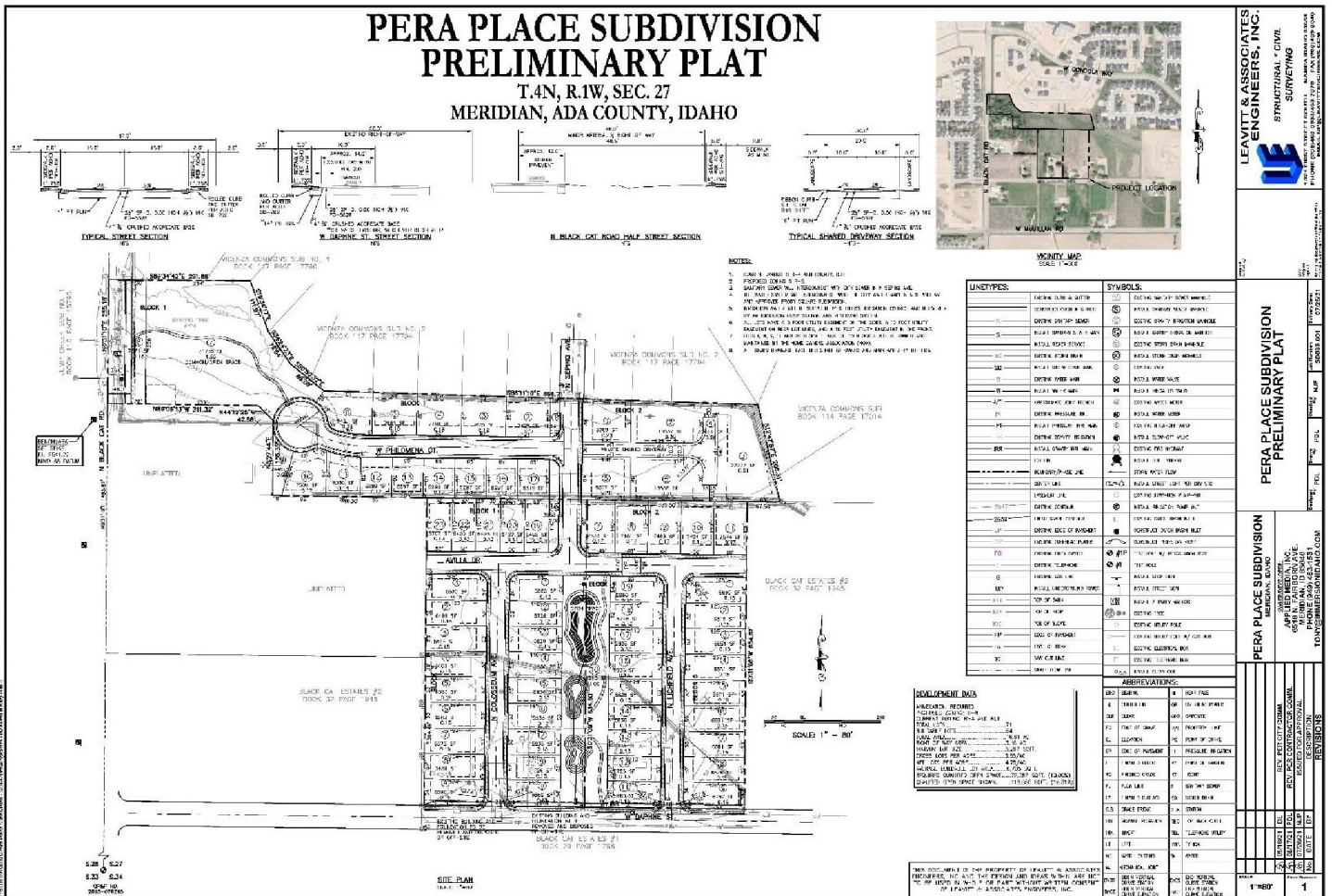
Thence N89°07'48"W, 311.37 feet along the boundary of Parcel B and  
Parcel A to the POINT OF BEGINNING.

The above-described parcel contains 6.99 acres, more or less.





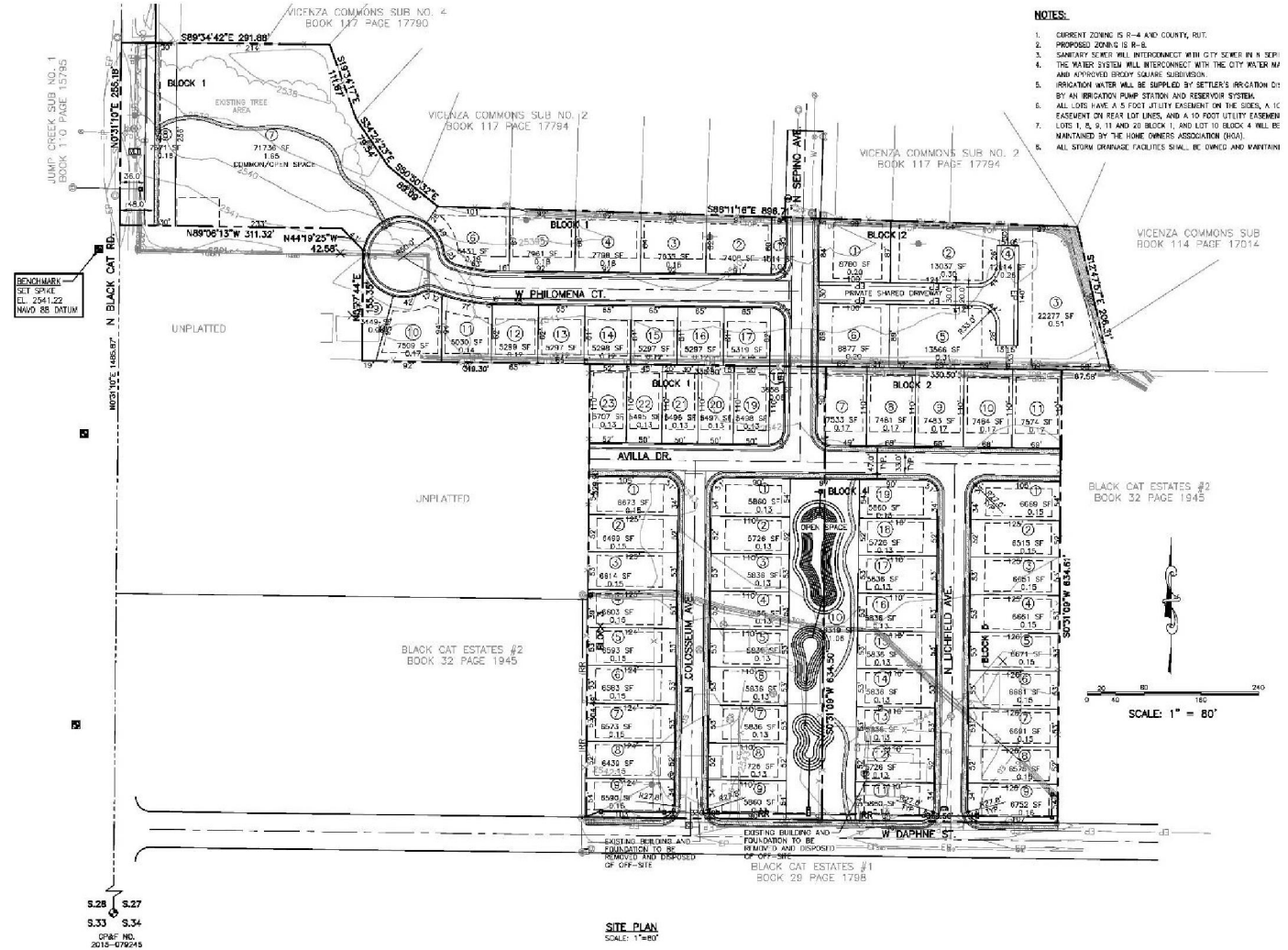
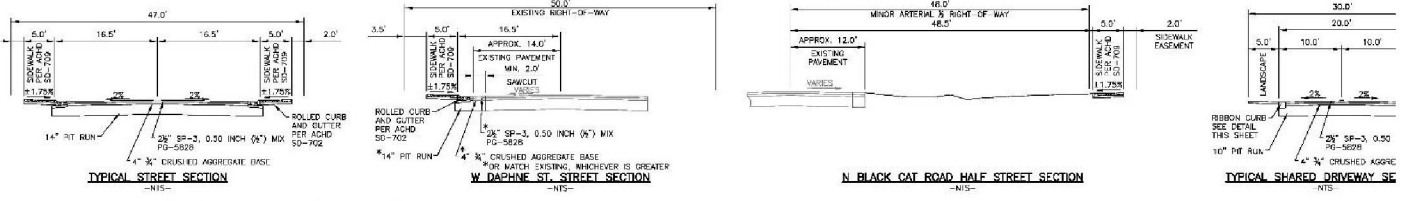
B. Revised Preliminary Plat (dated: 9/17/2021)



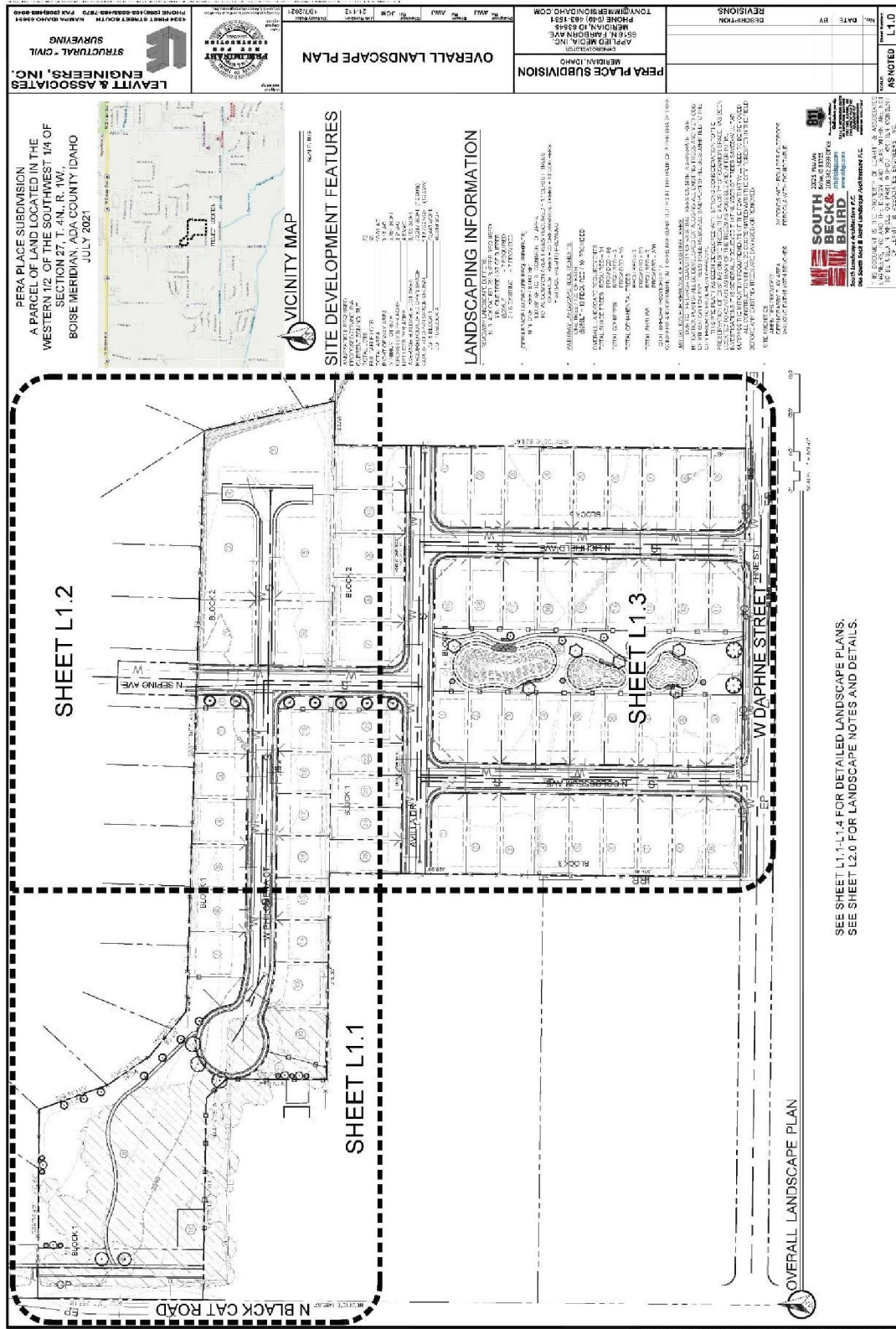


# PERA PLACE SUBDIVISION PRELIMINARY PLAT

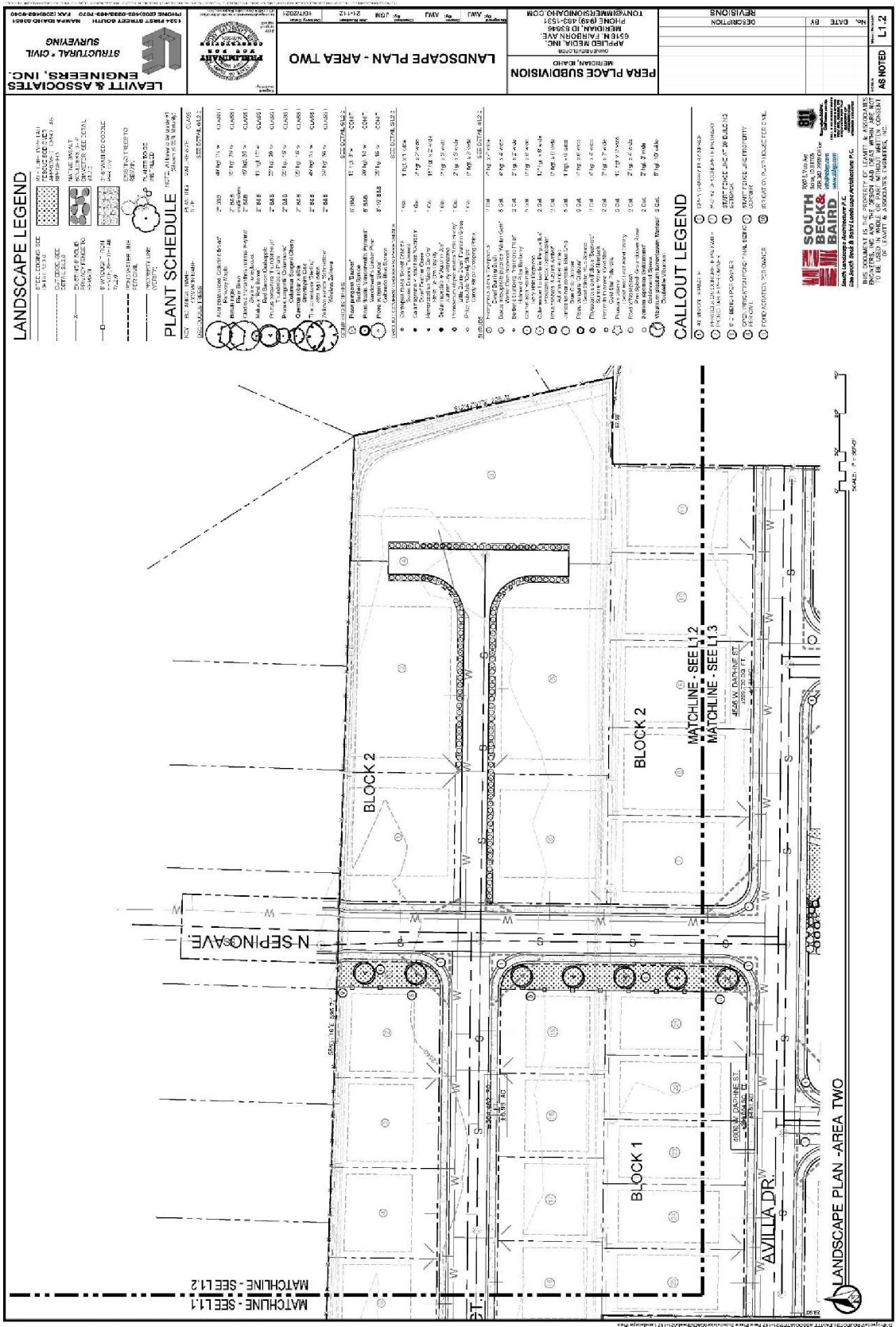
T.4N, R.1W, SEC. 27  
MERIDIAN, ADA COUNTY, IDAHO

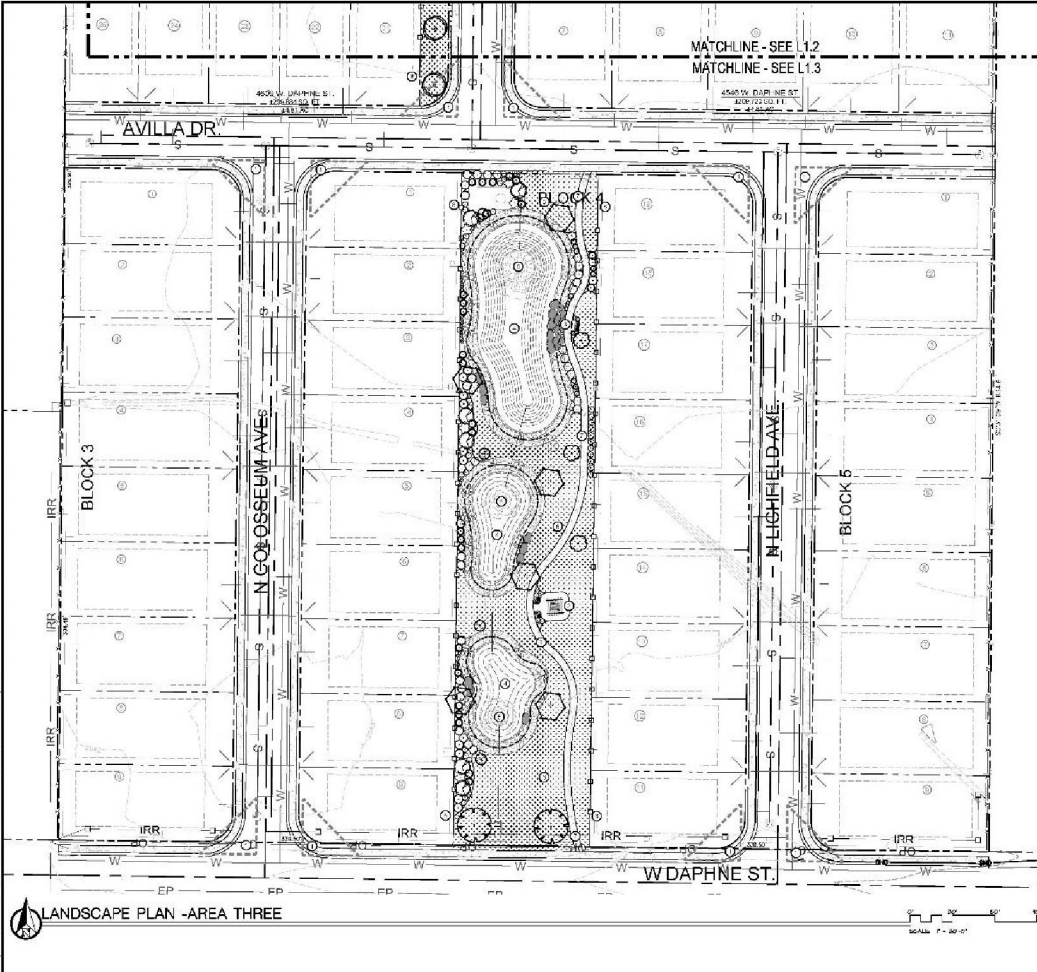


C. Landscape Plans (date: 10/7/2021)









### LANDSCAPE LEGEND

|                          |                          |                        |                           |
|--------------------------|--------------------------|------------------------|---------------------------|
| Symbol: Dotted pattern   | Symbol: Stippled pattern | Symbol: Solid black    | Symbol: Circle with cross |
| Symbol: Horizontal lines | Symbol: Vertical lines   | Symbol: Diagonal lines | Symbol: Square with cross |
| Symbol: Triangle         | Symbol: Diamond          | Symbol: Circle         | Symbol: Square            |

### PLANT SCHEDULE

| SYMBOL | PLANT NAME | QUANTITY | UNIT PRICE | TOTAL   |
|--------|------------|----------|------------|---------|
| 1      | Plant Name | 100      | 1.00       | 100.00  |
| 2      | Plant Name | 200      | 2.00       | 400.00  |
| 3      | Plant Name | 300      | 3.00       | 900.00  |
| 4      | Plant Name | 400      | 4.00       | 1600.00 |
| 5      | Plant Name | 500      | 5.00       | 2500.00 |

### CALLOUT LEGEND

|                           |                           |                             |                            |
|---------------------------|---------------------------|-----------------------------|----------------------------|
| Symbol: Circle with dot   | Symbol: Square with dot   | Symbol: Triangle with dot   | Symbol: Diamond with dot   |
| Symbol: Circle with cross | Symbol: Square with cross | Symbol: Triangle with cross | Symbol: Diamond with cross |
| Symbol: Circle with star  | Symbol: Square with star  | Symbol: Triangle with star  | Symbol: Diamond with star  |

**SOUTH BECK & BAIRD**  
 South Landscape Architecture P.C.  
 2200 South Loop West, Suite 1000  
 Houston, Texas 77058  
 Phone: (713) 865-1111  
 Fax: (713) 865-1112  
 Website: www.southbeckandbaird.com

**LEAVITT & ASSOCIATES ENGINEERS, INC.**  
 STRUCTURAL-CIVIL SURVEYING

**PERA PLACE SUBDIVISION**  
 METRICIAN PLAN  
 LANDSCAPE PLAN - AREA THREE

DATE: 11/11/11  
 BY: [Signature]  
 CHECKED: [Signature]  
 APPROVED: [Signature]

AS NOTED L1.3

D. Revised Open Space Exhibit



LEAVITT & ASSOCIATES  
ENGINEERS, INC.  
STRUCTURAL & CIVIL  
SURVEYING

4425 WEST CENTER AVENUE, SUITE 100  
DENVER, COLORADO 80212  
PHONE: 303.733.1111  
FAX: 303.733.1112  
WWW.LEAVITTANDASSOCIATES.COM

PERA PLACE SUBDIVISION  
 1. PRELIMINARY PLAN  
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 100. PRELIMINARY PLAN

1"=60'

1

E. Conceptual Building Elevations



## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING DIVISION

1. A Development Agreement (DA) is required as a provision of annexation and rezone of this property. Prior to approval of the annexation and rezone ordinances, a new DA shall be entered into between the City of Meridian, the property owner(s) at the time of annexation and rezone ordinance adoption, and the developer. **Prior to the City Council hearing being scheduled, the Applicant shall submit for a Development Agreement Modification to replace the existing DA for the R-4 parcel and incorporate the entire rezoned and annexed property under a new DA. A fee of \$502.00 shall be paid at the time of application submittal.**

The DA shall be signed by the property owner(s) and returned to the Planning Division within six (6) months of the City Council granting the annexation and rezone. The DA shall, at minimum, incorporate the following provisions:

- a. Future development of this site shall be consistent with the approved plat, landscape plan, and conceptual building elevations included in Section VII and the provisions contained herein.
  - b. The Applicant shall install and maintain lights along the micro-path proposed within the large open space lot in the northwest corner of the site (Lot 8, Block 1) to help with pedestrian safety and use of this open space area.
  - c. With final plat submittal, the Applicant shall provide a copy of the executed agreement with the Poorman outparcel (Parcel #S0427325830) outlining the use, maintenance, and termination of the septic drain field that is part of the large open space lot in the northwest corner of the project, shown as Lot 8, Block 1.
  - d. The Applicant shall construct an interim 5-foot wide sidewalk along the Poorman outparcel (Parcel #S0427325830) to eliminate the sidewalk gap on the east side of N. Black Cat Road and provide safe pedestrian access along this corridor. Coordinate with the transportation authority on approved construction methods for this interim sidewalk.
2. ~~Prior to the City Council hearing, the Applicant shall provide a revised Rezone legal description and exhibit map for the existing R-4 parcel noting the rezone request to the R-8 zoning district.~~
  3. The revised preliminary plat included in Section VII.B, dated September 17, 2021, shall be revised as follows prior to submitting for Final Plat approval:
    - a. Add a plat note stating that direct lot access to N. Black Cat Road is prohibited.
    - b. ~~Remove the non-buildable lot (Lot 10, Block 1) for the Poorman outparcel septic drain field and show it as part of the larger common lot (Lot 8, Block 1).~~
  4. The landscape plan included in Section VII.C, dated October 7, 2021, shall be revised as follows prior to submitting for Final Plat approval:
    - a. Any landscaping within the ACHD right-of-way shall be landscaped in accord with UDC 11-3B-7C.5.
  5. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2A-6 for the R-8 zoning district.



6. Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for single-family dwellings based on the number of bedrooms per unit.
7. The Applicant shall comply with all ACHD conditions of approval.
8. Provide a pressurized irrigation system consistent with the standards as set forth in UDC 11-3A-15, UDC 11-3B-6 and MCC 9-1-28.
9. Upon completion of the landscape installation, a written Certificate of Completion shall be submitted to the Planning Division verifying all landscape improvements are in substantial compliance with the approved landscape plan as set forth in UDC 11-3B-14.
10. The preliminary plat approval shall become null and void if the applicant fails to either: 1) obtain the City Engineer signature on a final plat within two years of the date of the approved findings; or 2) obtain approval of a time extension as set forth in UDC 11-6B-7.

**B. PUBLIC WORKS**

**Site Specific Conditions of Approval**

1. The blow off at the west boundary of the subdivision must be removed.
2. The new blow off at the east boundary of the subdivision should be called out using Standard Drawing W13.
3. City requires developers to provide sewer to and through this project to adjacent properties. In accordance with the to-and-through policy, sewer must be extended to 4448, 4500, and 4520 W. Daphne Street.
4. Ensure no sewer service lines pass through infiltration trenches.
5. Ensure that angles of pipe into and out of manholes is a minimum of 90 degrees in the direction of flow.

**General Conditions of Approval**

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. 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.
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.

4. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). 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.
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.
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.
7. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
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.
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.
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.
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.
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.
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.
14. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
15. Developer shall coordinate mailbox locations with the Meridian Post Office.
16. 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.
17. 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.

- 18. 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.
- 19. 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.
- 20. 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](http://www.meridiancity.org/public_works.aspx?id=272).
- 21. 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.
- 22. 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. FIRE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=236733&dbid=0&repo=MeridianCity>

**D. POLICE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=237247&dbid=0&repo=MeridianCity>

**E. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=237895&dbid=0&repo=MeridianCity>

**F. WEST ADA SCHOOL DISTRICT (WASD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=238205&dbid=0&repo=MeridianCity>

**G. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=237323&dbid=0&repo=MeridianCity>

**H. COMMUNITY DEVELOPMENT SCHOOL IMPACT TABLE**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=239277&dbid=0&repo=MeridianCity>

**I. ADA COUNTY HIGHWAY DISTRICT (ACHD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=240450&dbid=0&repo=MeridianCity>

**IX. FINDINGS**

A. Annexation and Rezone (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;**

*Council finds the proposed zoning map amendment to annex the property into the City of Meridian with the R-8 zoning district and Rezone a portion of the project from R-4 to the R-8 zoning district with the proposed preliminary plat and site design is consistent with the Comprehensive Plan, if all conditions of approval are met.*

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

*Council finds the proposed zoning map amendment and the request for the development complies with the regulations outlined in the requested R-8 zoning district and is consistent with the purpose statement of the requested zone.*

**3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;**

*Council finds the proposed zoning map amendment should not be detrimental to the public health, safety and welfare.*

**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**

*Council finds the proposed zoning map amendment will not result in an adverse impact on the delivery of services by any political subdivision providing public services within the City.*

**5. The annexation (as applicable) is in the best interest of city.**

*Council finds the annexation is in the best interest of the City.*

B. Preliminary Plat Findings:

**In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings:**

**1. The plat is in conformance with the Comprehensive Plan;**

*Council finds that the proposed plat is in substantial compliance with the adopted Comprehensive Plan in regard to land use, density, transportation, and pedestrian connectivity. (Please see Comprehensive Plan Policies in, Section V of this report for more information.)*

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

*Council finds that public services will be provided to the subject property with development. (See Section VIII of the Staff Report for more details from public service providers.)*

**3. The plat is in conformance with scheduled public improvements in accord with the City's**

**capital improvement program;**

*Because City water and sewer and any other utilities will be provided by the development at their own cost, Council finds that the subdivision will not require the expenditure of capital improvement funds.*

**4. There is public financial capability of supporting services for the proposed development;**

*Council finds there is public financial capability of supporting services for the proposed development based upon comments from the public service providers (i.e., Police, Fire, ACHD, etc.). (See Section VII for more information.)*

**5. The development will not be detrimental to the public health, safety or general welfare; and,**

*Council is not aware of any health, safety, or environmental problems associated with the platting of this property. ACHD considers road safety issues in their analysis and has offered their support of the proposed development with the proposed road layout in mind.*

**6. The development preserves significant natural, scenic or historic features.**

*Council is unaware of any significant natural, scenic or historic features that exist on this site that require preserving.*