

DEVELOPMENT AGREEMENT

- PARTIES:**
1. **City of Meridian**
 2. **BPS Eagle Road, LLC, Owner/Developer**

THIS DEVELOPMENT AGREEMENT (this Agreement), is made and entered into this _____ day of _____, 2023, by and between **City of Meridian**, a municipal corporation of the State of Idaho, hereafter called CITY, whose address is 33 E. Broadway Avenue, Meridian, Idaho 83642, and **BPS Eagle Road, LLC**, whose address is 1401 17th Street, Suite 700, Denver, Colorado, 80202, hereinafter called OWNER/DEVELOPER.

1. **RECITALS:**

- 1.1 **WHEREAS**, Owner is the sole owner, in law and/or equity, of certain tract of land in the County of Ada, State of Idaho, described in Exhibit “A”, which is attached hereto and by this reference incorporated herein as if set forth in full, herein after referred to as the Property; and
- 1.2 **WHEREAS**, Idaho Code § 67-6511A provides that cities may, by ordinance, require or permit as a condition of zoning that the Owner and/or Developer make a written commitment concerning the use or development of the subject Property; and
- 1.3 **WHEREAS**, City has exercised its statutory authority by the enactment of Section 11-5B-3 of the Unified Development Code (“UDC”), which authorizes development agreements upon the annexation and/or re-zoning of land; and
- 1.4 **WHEREAS**, Owner/Developer submitted an application for annexation and zoning of approximately 14.47 acres of land with a request for the R-15 (Medium High-Density Residential) zoning district on the property as shown in Exhibit “A” under the Unified Development Code, which generally describes how the Property will be developed and what improvements will be made; and
- 1.5 **WHEREAS**, Owner/Developer made representations at the public hearings before Planning and Zoning Commission and the Meridian City Council as to how the Property will be developed and what improvements will be made; and
- 1.6 **WHEREAS**, the record of the proceedings for requested annexation and zoning held before Planning and Zoning Commission and the City Council includes responses of government subdivisions providing services within the City of Meridian planning jurisdiction and includes further testimony and comment; and

- 1.7 **WHEREAS**, on the 11th day of July, 2023, the Meridian City Council approved certain Findings of Fact and Conclusions of Law and Decision and Order (“Findings”), which have been incorporated into this Agreement and attached as Exhibit “B”; and
- 1.8 **WHEREAS**, the Findings require the Owner/Developer to enter into a Development Agreement before the City Council takes final action on final plat; and
- 1.9 **WHEREAS**, Owner/Developer deem it to be in its best interest to be able to enter into this Agreement and acknowledges that this Agreement was entered into voluntarily and at its urging and request; and
- 1.10 **WHEREAS**, City requires the Owner/Developer to enter into a development agreement for the purpose of ensuring that the Property is developed and the subsequent use of the Property is in accordance with the terms and conditions of this Agreement, herein being established as a result of evidence received by the City in the proceedings for zoning designation from government subdivisions providing services within the planning jurisdiction and from affected property owners and to ensure zoning designation is in accordance with the amended Comprehensive Plan of the City of Meridian on December 19, 2019, Resolution No. 19-2179, and the UDC, Title 11.

NOW, THEREFORE, in consideration of the covenants and conditions set forth herein, the parties agree as follows:

2. **INCORPORATION OF RECITALS:** That the above recitals are contractual and binding and are incorporated herein as if set forth in full.

3. **DEFINITIONS:** For all purposes of this Agreement the following words, terms, and phrases herein contained in this section shall be defined and interpreted as herein provided for, unless the clear context of the presentation of the same requires otherwise:

- 3.1 **CITY:** means and refers to the **City of Meridian**, a party to this Agreement, which is a municipal Corporation and government subdivision of the state of Idaho, organized and existing by virtue of law of the State of Idaho, whose address is 33 East Broadway Avenue, Meridian, Idaho 83642.
- 3.2 **OWNER/DEVELOPER:** means and refers to **BPS Eagle Road, LLC**, whose address is 1401 17th Street, Suite 700, Denver, Colorado, 80202, hereinafter called OWNER/DEVELOPER, the party that owns and is developing said Property and shall include any subsequent owner(s)/developer(s) of the Property.
- 3.3 **PROPERTY:** means and refers to that certain parcel(s) of Property located in the County of Ada, City of Meridian as in Exhibit “A” describing a parcel to

bound by this Development Agreement and attached hereto and by this reference incorporated herein as if set forth at length.

4. **USES PERMITTED BY THIS AGREEMENT:** This Agreement shall vest the right to develop the Property in accordance with the terms and conditions of this Agreement.

4.1 The uses allowed pursuant to this Agreement are only those uses allowed under the UDC.

4.2 No change in the uses specified in this Agreement shall be allowed without modification of this Agreement.

5. **CONDITIONS GOVERNING DEVELOPMENT OF SUBJECT PROPERTY:**

5.1. Owner/Developer shall develop the Property in accordance with the following special conditions:

a. Development of the subject property shall be generally consistent with the conceptual development plan, site plan, preliminary plat, conceptual phasing plan, landscape plan, open space and site amenity exhibits, and conceptual building elevations submitted with the application contained herein.

b. The final plat shall be recorded prior to issuance of the first certificate of occupancy for any structures within this development.

6. **COMPLIANCE PERIOD** This Agreement must be fully executed within six (6) months after the date of the Findings for the annexation and zoning or it is null and void.

7. **DEFAULT/CONSENT TO DE-ANNEXATION AND REVERSAL OF ZONING DESIGNATION:**

7.1 **Acts of Default.** In the event Owner/Developer, or Owner/Developer's heirs, successors, assigns, or subsequent owners of the Property or any other person acquiring an interest in the Property, fail to faithfully comply with all of the terms and conditions included in this Agreement in connection with the Property, this Agreement may be terminated by the City upon compliance with the requirements of the Zoning Ordinance.

7.2 **Notice and Cure Period.** In the event of Owner/Developer's default of this agreement, Owner/Developer shall have thirty (30) days from receipt of written notice from City to initiate commencement of action to correct the breach and cure the default, which action must be prosecuted with diligence and completed within one hundred eighty (180) days; provided, however, that in the case of any such default that cannot with diligence be cured within such one hundred eighty (180) day period, then the time allowed to cure such failure may be extended for such period as may be necessary to complete the curing of the same with diligence and continuity.

- 7.3 **Remedies.** In the event of default by Owner/Developer that is not cured after notice from City as described in Section 7.2, City shall, upon satisfaction of the notice and hearing procedures set forth in Idaho Code section 67-6511A, have the right, but not a duty, to de-annex all or a portion of the Property, reverse the zoning designations described herein, and terminate City services to the de-annexed Property, including water service and/or sewer service. Further, City shall have the right to file an action at law or in equity to enforce the provisions of this Agreement. Because the covenants, agreements, conditions, and obligations contained herein are unique to the Property and integral to City's decision to annex and/or re-zone the Property, City and Owner/Developer stipulate that specific performance is an appropriate, but not exclusive, remedy in the event of default. Owner/Developer reserves all rights to contest whether a default has occurred.
- 7.4 **Choice of Law and Venue.** This Agreement and the rights of the parties hereto shall be governed by and construed in accordance with the laws of the State of Idaho, including all matters of construction, validity, performance, and enforcement. Any action brought by any party hereto shall be brought within Ada County, Idaho.
- 7.5 **Delay.** In the event the performance of any covenant to be performed hereunder by either Owner/Developer or City is delayed for causes that are beyond the reasonable control of the party responsible for such performance, which shall include, without limitation, acts of civil disobedience, strikes or similar causes, the time for such performance shall be extended by the amount of time of such delay.
- 7.6 **Waiver.** A waiver by City of any default by Owner/Developer of any one or more of the covenants or conditions hereof shall apply solely to the default and defaults waived and shall neither bar any other rights or remedies of City nor apply to any subsequent default of any such or other covenants and conditions.

8. **INSPECTION:** Owner/Developer shall, immediately upon completion of any portion or the entirety of said development of the Property as required by this Agreement or by City ordinance or policy, notify the City Engineer and request the City Engineer's inspections and written approval of such completed improvements or portion thereof in accordance with the terms and conditions of this Agreement and all other ordinances of the City that apply to said Property.

9. **REQUIREMENT FOR RECORDATION:** City shall record this Agreement, including all of the Exhibits, and submit proof of such recording to Owner/Developer, prior to the third reading of the Meridian Zoning Ordinance in connection with the rezoning of the Property by the City Council. If for any reason after such recordation, the City Council fails to adopt the ordinance in connection with the annexation and zoning of the Property contemplated hereby, the City shall execute and record an appropriate instrument of release of this Agreement.

10. **ZONING:** City shall, following recordation of the duly approved Agreement, enact a valid and binding ordinance zoning the Property as specified herein.

11. **SURETY OF PERFORMANCE:** The City may also require surety bonds, irrevocable letters of credit, cash deposits, certified check or negotiable bonds, as allowed under the UDC, to insure the installation of required improvements, which the Owner/Developer agree to provide, if required by the City.

12. **CERTIFICATE OF OCCUPANCY:** No Certificates of Occupancy shall be issued in any phase in which the improvements have not been installed, completed, and accepted by the City, or sufficient surety of performance is provided by Owner/Developer to the City in accordance with Paragraph 11 above.

13. **ABIDE BY ALL CITY ORDINANCES:** That Owner/Developer agree to abide by all ordinances of the City of Meridian unless otherwise provided by this Agreement.

14. **NOTICES:** Any notice desired by the parties and/or required by this Agreement shall be deemed delivered if and when personally delivered or three (3) days after deposit in the United States Mail, registered or certified mail, postage prepaid, return receipt requested, addressed as follows:

CITY:
City Clerk
City of Meridian
33 E. Broadway Ave.
Meridian, Idaho 83642

with copy to:
City Attorney
City of Meridian
33 E. Broadway Avenue
Meridian, Idaho 83642

OWNER/DEVELOPER:
BPS Eagle Road, LLC
1401 17th Street, Suite 700
Denver, Colorado 80202

14.1 A party shall have the right to change its address by delivering to the other party a written notification thereof in accordance with the requirements of this section.

15. **ATTORNEY FEES:** Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorney's fees as determined by a Court of competent jurisdiction. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination or forfeiture of this Agreement.

16. **TIME IS OF THE ESSENCE:** The parties hereto acknowledge and agree that time is strictly of the essence with respect to each and every term, condition and provision hereof, and that the failure to timely perform any of the obligations hereunder shall constitute a breach of and a default under this Agreement by the other party so failing to perform.

17. **BINDING UPON SUCCESSORS:** This Agreement shall be binding upon and inure to the benefit of the parties' respective heirs, successors, assigns and personal representatives, including City's corporate authorities and their successors in office. This Agreement shall be binding on the Owner/Developer, each subsequent owner and any other person acquiring an interest in the Property.

Nothing herein shall in any way prevent sale or alienation of the Property, or portions thereof, except that any sale or alienation shall be subject to the provisions hereof and any successor owner or owners shall be both benefited and bound by the conditions and restrictions herein expressed. City agrees, upon written request of Owner and/or Developer, to execute appropriate and recordable evidence of termination of this Agreement if City, in its sole and reasonable discretion, had determined that Owner and/or Developer have fully performed their obligations under this Agreement.

18. **INVALID PROVISION:** If any provision of this Agreement is held not valid by a court of competent jurisdiction, such provision shall be deemed to be excised from this Agreement and the invalidity thereof shall not affect any of the other provisions contained herein.

19. **DUTY TO ACT REASONABLY:** Unless otherwise expressly provided, each party shall act reasonably in giving any consent, approval, or taking any other action under this Agreement.

20. **COOPERATION OF THE PARTIES:** In the event of any legal or equitable action or other proceeding instituted by any third party (including a governmental entity or official) challenging the validity of any provision in this Agreement, the parties agree to cooperate in defending such action or proceeding.

21. **REMOVED PROPERTY:** The City is hereby authorized, in its sole discretion, to remove a portion of the Property (“Removed Property”) from this Agreement at any time, provided that the City and the owner of the Removed Property concurrently enter into a modified development agreement governing the development and use of the Removed Property. The remaining portion of the Property, which has not been removed from this Agreement as described above, shall continue to be bound by the terms of this Agreement.

22. **FINAL AGREEMENT:** This Agreement sets forth all promises, inducements, agreements, condition and understandings between Owner/Developer and City relative to the subject matter hereof, and there are no promises, agreements, conditions or understanding, either oral or written, express or implied, between Owner/Developer and City, other than as are stated herein. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Agreement shall be binding upon the parties hereto unless reduced to writing and signed by them or their successors in interest or their assigns, and pursuant, with respect to City, to a duly adopted ordinance or resolution of City.

22.1 No condition governing the uses and/or conditions governing rezoning of the subject Property herein provided for can be modified or amended without the approval of the City Council after the City has conducted public hearing(s) in accordance with the notice provisions provided for a zoning designation and/or amendment in force at the time of the proposed amendment.

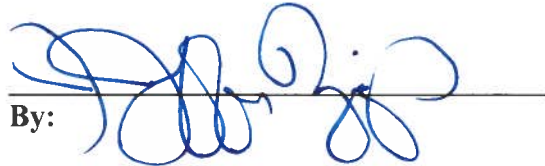
23. **EFFECTIVE DATE OF AGREEMENT:** This Agreement shall be effective on the date the Meridian City Council shall adopt the amendment to the Meridian Zoning Ordinance in connection with the annexation and zoning of the Property and execution of the Mayor and City Clerk.

[end of text; acknowledgements, signatures and Exhibits A and B follow]

ACKNOWLEDGMENTS

IN WITNESS WHEREOF, the parties have herein executed this agreement and made it effective as hereinabove provided.

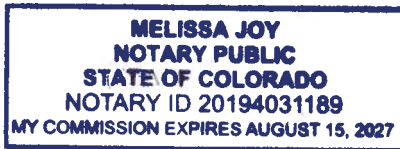
OWNER:
BPS Eagle Road, LLC

By: 

STATE OF Colorado)
County of Denver : ss:)

On this 31 day of July, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared J. Jeffrey R. Goff, known or identified to me to be the Manager of **BPS Eagle Road, LLC** and the person who signed above and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public
My Commission Expires: August 15, 2027

CITY OF MERIDIAN

ATTEST:

By: _____
Mayor Robert E. Simison

Chris Johnson, City Clerk

STATE OF IDAHO)
County of Ada : ss)

On this _____ day of _____, 2023, before me, a Notary Public, personally appeared **Robert E. Simison** and **Chris Johnson**, known or identified to me to be the Mayor and Clerk, respectively, of the **City of Meridian**, who executed the instrument or the person that executed the instrument of behalf of said City, and acknowledged to me that such City executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

Notary Public for Idaho
My Commission Expires: _____

EXHIBIT A

Description for
R-15 Zone
Artisan Victory Market Subdivision
June 9, 2023

A portion of the Southwest 1/4 of the Southwest 1/4 of Section 21, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho more particularly described as follows:

Commencing at the 1/4 corner common to said Sections 20 and 21, T.3N., R.1E., B.M., from which the Section corner common to Sections 20, 21, 28 and 29 T.3N., R.1E., B.M., bears South 00°00'26" East, 2,700.16 feet, thence on the west boundary line of said Section 21, coincident with the centerline of S. Eagle Road, South 00°00'26" East, 1,350.01 feet to the South 1/16 corner common to said Sections 20 and 21 and the **REAL POINT OF BEGINNING**;

thence on the north boundary line of the Southwest 1/4 of the Southwest 1/4 of said Section 21 coincident with the south boundary of Bancroft Square Subdivision as filed in Book 111 of Plats at Pages 16142 through 16144, records of Ada County, Idaho, South 89°22'03" East, 800.06 feet to the west boundary line of Sutherland Farm Subdivision No. 2 as filed in Book 89 of Plats at Pages 10242 through 10244, records of Ada County, Idaho;

thence on said west boundary line and the west boundary line of Sutherland Farm Subdivision No. 1 as filed in Book 86 of Plats at Pages 9806 through 9808, records of Ada County, Idaho, South 00°00'26" East, 786.42 feet to the Northeast corner of Inglewood Place Subdivision No. 1 as filed in Book 120 of Plats at Pages 18835 through 18837, records of Ada County, Idaho;

thence on the north boundary line of said Inglewood Place Subdivision No. 1 and the westerly extension thereof, North 89°36'03" West, 800.03 feet to the west boundary line of said Section 21, coincident with the centerline of S. Eagle Road;

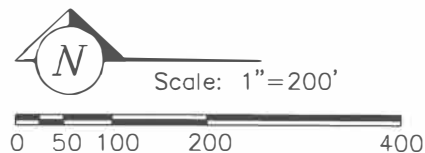
thence on said west boundary line, North 00°00'26" West, 789.68 feet to the **REAL POINT OF BEGINNING**.

Containing 14.473 acres, more or less.

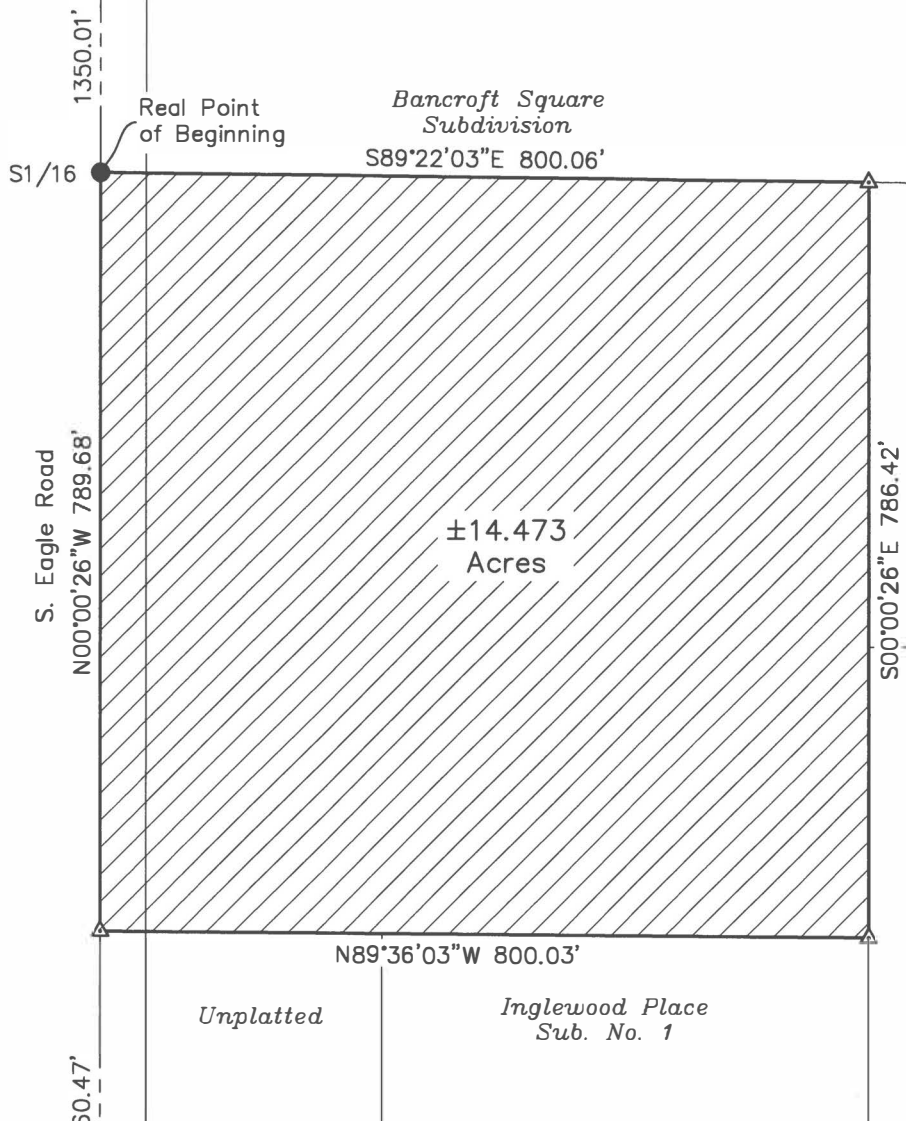
End of Description.



1/4
S.20 S.21



Basis of Bearings
S00°00'26"E 2700.16'



Sutherland Farm
Sub. No. 2

Sutherland Farm
Sub. No. 1

Unplatted

Inglewood Place
Sub. No. 1



P:\Artisan Victory Market (Modern Craftsman Eagle) 21-486\dwg\R15_Zone_Ex.dwg 6/9/2023 10:26:12 AM



IDAHO
SURVEY
GROUP, LLC

9955 W. EMERALD ST.
BOISE, IDAHO 83704
(208) 846-8570

Exhibit Drawing for
R-15 Zone
Artisan Victory Market Subdivision
A portion of the SW 1/4 of the SW 1/4 of Section 21,
T.3N., R.1E., B.M., Ada County, Idaho

Job No.
21-486

Sheet No.
1

Dwg. Date
6/9/2023

EXHIBIT B

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



In the Matter of the Request for Annexation and Zoning of 14.47-acres of Land with an R-15 (Medium High-density Residential) Zoning District; Preliminary Plat Consisting of 4 Building Lots and Two Common Lots on 13.60-acres of Land in the R-15 Zoning District; Conditional Use Permit for a Multi-family Development Consisting of 138 Dwelling Units on 13.60-acres of Land in the R-15 Zoning District; and Internal Private Streets for Artisan Victory Market Subdivision, by Horrocks Engineers, Inc.

Case No(s). H-2022-0066

For the City Council Hearing Date of: May 9 and June 20, 2023 (Findings on July 11, 2023)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of May 9, 2023, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of May 9, 2023, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of May 9, 2023, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of May 9, 2023, 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 May 9, 2023, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

Pursuant to the City Council's authority as provided in Meridian City Code § 11-5A and based upon the above and foregoing Findings of Fact which are herein adopted, it is hereby ordered that:

1. The applicant's request for annexation, conditional use permit, and preliminary plat is hereby approved per the provisions in the Staff Report for the hearing date of May 9, 2023, 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. Judicial Review

Pursuant to Idaho Code § 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code § 67-6521(1)(a), an affected person aggrieved by this final decision may, within twenty-eight (28) days after all remedies have been exhausted, including requesting reconsideration of this final decision as provided by Meridian City Code § 1-7-10, seek judicial review of this final decision as provided by chapter 52, title 67, Idaho Code. This notice is provided as a courtesy; the City of Meridian does not admit by this notice that this decision is subject to judicial review under LLUPA.

F. Notice of Right to Regulatory Takings Analysis

Pursuant to Idaho Code §§ 67-6521(1)(d) and 67-8003, an owner of private property that is the subject of a final decision may submit a written request with the Meridian City Clerk for a regulatory takings analysis.

G. Attached: Staff Report for the hearing date of May 9, 2023

By action of the City Council at its regular meeting held on the 11th day of July, 2023.

COUNCIL PRESIDENT BRAD HOAGLUN

VOTED AYE

COUNCIL VICE PRESIDENT JOE BORTON

VOTED AYE

COUNCIL MEMBER JESSICA PERREAULT

VOTED _____

COUNCIL MEMBER LUKE CAVENER

VOTED _____

COUNCIL MEMBER JOHN OVERTON

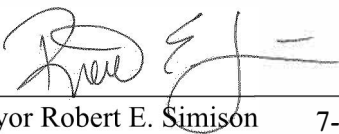
VOTED AYE

COUNCIL MEMBER LIZ STRADER

VOTED AYE

MAYOR ROBERT SIMISON
(TIE BREAKER)

VOTED _____



Mayor Robert E. Simison 7-11-2023

Attest:



Chris Johnson 7-11-2023
City Clerk



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

By:  Dated: 7-11-2023
City Clerk's Office

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



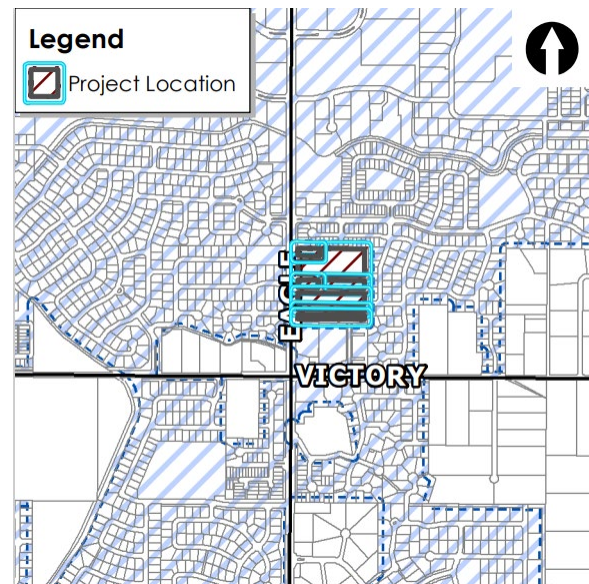
HEARING DATE: May 9, 2023

TO: Mayor & City Council

FROM: Bill Parsons, Current Planning Supervisor
208-884-5533

SUBJECT: H-2022-0066
Artisan Victory Market – AZ, CUP, PP, & PS

LOCATION: 2820, 2910, 2960, 2990 and 3020 S. Eagle Rd., in the SW 1/4 of Section 21, T.3N., R.1E. (Parcel #S1121336051; S1121336101; S1121336176; S1121336200; S1121336230; S1121336251; and S1121336276)



NOTE: This project was continued from the May 9th City Council hearing in order for the applicant to revise plans and renote the project per the discussions during the hearing. Staff prepared a memo for City Council on June 15th that identified specific changes and the applicable conditions that required modification. The staff report has been updated to reflect the changes noted in this [memo](#).

I. PROJECT DESCRIPTION

Annexation and Zoning (AZ) of approximately 14.47 acres of land with the R-15 (12.38 acres) and C-C (2.09 acres) zoning districts; Preliminary Plat (PP) consisting of 5 building lots (3 multi-family and 2 commercial) and 1 common lot on approximately 13.6 acres of land in the requested R-15 and C-C zones; and a Conditional Use Permit (CUP) for a multi-family development consisting of 131 units on 11.94 acres in the R-15 zoning district. Private streets (PS) are proposed for internal access within the development.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details
Acreage	13.6-acres (14.47 AZ area)
Existing/Proposed Zoning	RUT in Ada County (existing); R-15 (12.38 acres) & C-C (2.09 acres) (proposed)
Future Land Use Designation	Mixed Use – Community (MU-C)
Existing Land Use(s)	Rural residential/agricultural
Proposed Land Use(s)	Multi-family residential & Commercial

Description	Details
Lots (# and type; bldg./common)	5 buildable lots and 1 common lot
Phasing Plan (# of phases)	1 phase – For occupancy purposes 6 phases are proposed for the multi-family project.
Number of Residential Units (type of units) and square footage of commercial uses	131 multi-family dwelling units; 2 commercial buildings totaling 18,100 square feet
Physical Features (waterways, hazards, flood plain, hillside)	NA
Neighborhood meeting date	7/28/22; March 21, 2023 the applicant held another neighborhood meeting based on the public comments received for this application.
History (previous approvals)	CPA-05-001

B. Community Metrics

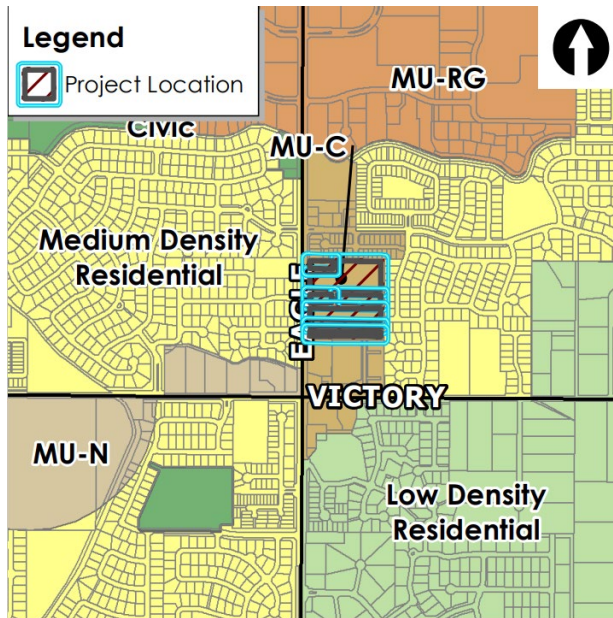
Description	Details
Ada County Highway District	
• Staff report (yes/no) • Requires ACHD Commission Action (yes/no)	Yes No A Traffic Impact Study (TIS) was prepared by Kimley-Horn.
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Main access for this development will be from S. Eagle Rd. ACHD has approved the connection as a temporary full access and reserves the right to restrict this access in the future; a local street network will be extended to provide additional access to and through the development. Internal circulation is being provide through a private street connection.
Traffic Level of Service	
Stub Street/Interconnectivity/Cross Access	3 local streets are stubbed to this property and will be extended with the plat; cross access via is required to the property to the south (Inglewood Place Subdivision).
Existing Road Network	S. Eagle Rd., arterial street, S. Titanium Ave. and E. Publisher St. abut this site.
Existing Arterial Sidewalks / Buffers	There is an existing 7-foot wide attached sidewalk along S. Eagle Rd. All existing curb cuts to S. Eagle Rd. not being utilized by this development must be closed and improved with curb, gutter, and sidewalk.
West Ada School District	

Description	Details																																										
- Predicted # of students generated from proposed development - Distance (elem, ms, hs) - Capacity of schools # of Student Enrolled	West Ada School District has experienced sustained growth in student enrollment during the last ten years. Based on current enrollment data specific to new development (within the last 5 years) in proximity to this proposed development, we estimate this development consisting of 138 multi-family units could house approximately 26 school aged children. Approval of this application will affect enrollments at the following schools in West Ada School District based on attendance areas for the 2022-23 school year. For your information, included in this data is the number of approved lots and multi-family units approved by this and other agencies. <table><thead><tr><th></th><th>Enrollment</th><th>Capacity</th><th>Approved lots per attendance area</th><th>Approved MF units per attendance area</th><th>Projected Students from Approved Dev.</th></tr></thead><tbody><tr><td>Pepper Ridge Elementary</td><td>515</td><td>675</td><td>186</td><td>756</td><td>68</td></tr><tr><td>Lewis & Clark Middle School</td><td>885</td><td>1000</td><td>501</td><td>2297</td><td>71</td></tr><tr><td>Mountain View High School</td><td>2461</td><td>2175</td><td>2956</td><td>408</td><td>401</td></tr><tr><td colspan="6"><u>School of Choice Options</u></td></tr><tr><td>Christine Donnell Elementary-Arts</td><td>474</td><td>500</td><td>N/A</td><td>N/A</td><td></td></tr><tr><td>Spalding Elementary - STEM</td><td>678</td><td>750</td><td>N/A</td><td>N/A</td><td></td></tr></tbody></table> West Ada School District supports economic growth. Based on future enrollment forecasts, the capacity of the high school is projected to be operating above building capacity and full utilization of educational spaces upon the completion of the previously approved lots. Future developments will continue to have an impact on the district's capacity.		Enrollment	Capacity	Approved lots per attendance area	Approved MF units per attendance area	Projected Students from Approved Dev.	Pepper Ridge Elementary	515	675	186	756	68	Lewis & Clark Middle School	885	1000	501	2297	71	Mountain View High School	2461	2175	2956	408	401	<u>School of Choice Options</u>						Christine Donnell Elementary-Arts	474	500	N/A	N/A		Spalding Elementary - STEM	678	750	N/A	N/A	
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Christine Donnell Elementary-Arts	474	500	N/A	N/A																																							
Spalding Elementary - STEM	678	750	N/A	N/A																																							
Police Service	<i>No comments received</i>																																										
Distance to Police Station																																											
Police Response Time																																											
Calls for Service																																											
Accessibility																																											
Specialty/resource needs																																											
Crimes																																											
Crashes																																											
Other																																											
Wastewater																																											
Distance to Sewer Services	Directly adjacent																																										
Sewer Shed																																											
Estimated Project Sewer ERU's	See application																																										
WRRF Declining Balance	5,780 MGD																																										
Project Consistent with WW Master Plan/Facility Plan	Yes																																										
Impacts/concerns	Additional 5,780 gpd committed to model. See Public Works site specific conditions																																										
Water																																											
Distance to Water Services	Directly adjacent																																										
Pressure Zone																																											
Estimated Project Water ERU's	See application																																										
Water Quality Concerns	None																																										

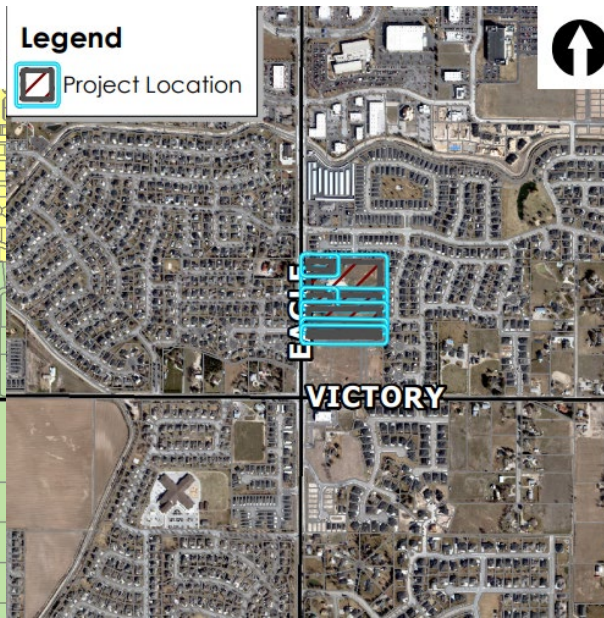
Description	Details
• Project Consistent with Water Master Plan	Yes
• Impacts/Concerns	See Public Works site specific conditions

C. Project Area Maps

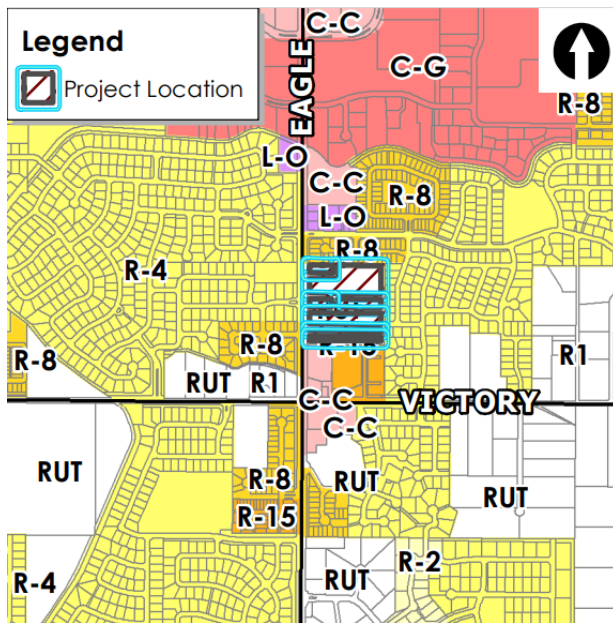
Future Land Use Map



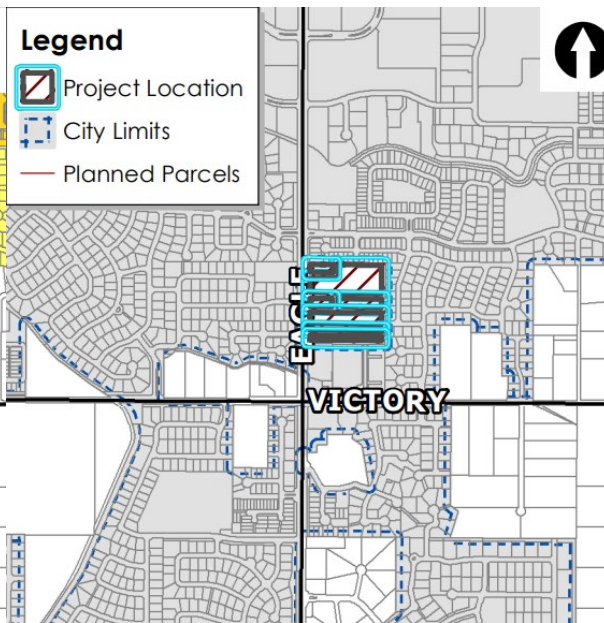
Aerial Map



Zoning Map



Planned Development Map



A. Applicant:

Kindi Moosman, Horrocks Engineers, Inc. – 2775 W. Navigator Dr., Ste. 210, Meridian, ID 83642

B. Owners:

BPS Eagle Road, LLC – 1401 17th Street, Ste. 700, Denver, CO 80202

C. Representative:

Same as Applicant

III. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Notification published in newspaper	2/15/2023	4/23/2023
Notification mailed to property owners within 300 feet	2/10/2023	4/21/2023
Applicant posted public hearing notice on site	2/17/2023	4/20/2023
Nextdoor posting	2/10/2023	4/21/2023

IV. COMPREHENSIVE PLAN ANALYSIS (*Comprehensive Plan*)

Land Use: The Future Land Use Map (FLUM) contained in the Comprehensive Plan designates this property as Mixed Use – Community (MU-C).

The purpose of the MU-C designation is to allocate areas where community-serving uses and dwellings are seamlessly integrated into the urban fabric. The intent is to integrate a variety of uses, including residential, and to avoid mainly single-use and strip commercial type buildings. Non-residential buildings in these areas have a tendency to be larger than in Mixed Use Neighborhood (MU-N) areas, but not as large as in Mixed Use Regional (MU-R) areas. Goods and services in these areas tend to be of the variety that people will mainly travel by car to, but also walk or bike to (up to three or four miles). Employment opportunities for those living in and around the neighborhood are encouraged. Developments are encouraged to be designed according to the conceptual MU-C plan depicted in Figure 3C.

Sample uses appropriate in MU-C areas include: All MU-N categories, community grocer, clothing stores, garden centers, hardware stores, restaurants, banks, drive-thru facilities, auto service station, and retail shops, and other appropriate community-serving uses. Sample zoning include: R-15, R-40, TN-R, TN-C, C-C, and L-O.

Proposed Development: The Applicant proposes to develop the site with two (2) land use types – small-scale commercial (includes retail, restaurants, drive-through pharmacy, etc.) and residential (i.e. multi-family residential). The site is designed for commercial uses along Eagle Road, an arterial street, with 131 multi-family residences for a gross density of 11 units per acre and a net density of 12.4 units per acre located to the north and east of the commercial pads. The site includes a mix of 1-bedroom duplex-style multi-family units, 2 and 3-bedroom bungalow-style multi-family units, and 2 and 3-bedroom townhome-style multi-family units with open space integrated throughout. The proposed development is generally consistent with the conceptual MU-C plan in the Comprehensive Plan.

In reviewing development applications, the following items will be considered in *all* Mixed-Use areas, per the Comprehensive Plan (pg. 3-13): (*Staff's analysis in italics*)

- “A mixed-use project should include at least three types of land uses. Exceptions may be granted for smaller sites on a case-by-case basis. This land use is not intended for high-density residential development alone.”

The proposed 13.60-acre development includes two types of land uses – commercial and residential. The Inglewood Subdivision along the south boundary is also designated MU-C and the City has approved a restaurant w/ drive-through and a daycare on this site. Therefore, staff is supportive of the site developing with two land uses types as proposed. Since one of the buildings will be multi-tenant building, staff does anticipate other commercial uses developing on the property.

- “Where appropriate, higher density and/or multi-family residential development is encouraged for projects with the potential to serve as employment destination centers and when the project is adjacent to US 20/26, SH-55, SH-16 or SH-69.”

The proposed development includes 131 multi-family units at a gross density of 11 units per acre. The multi-family portion of the project is located along east side of Eagle Road. An employment destination center is not desired due to the size of the property; however, other neighborhood commercial uses could develop on the commercial lots which may encourage a walkable environment and provide additional services for the area.

- “Mixed Use areas are typically developed under a master or conceptual plan; during an annexation or rezone request, a development agreement will typically be required for developments with a Mixed-Use designation.”

A site plan was submitted with the annexation request, included in Section VII.B. A Development Agreement is required that binds future development to this plan.

- “In developments where multiple commercial and/or office buildings are proposed, the buildings should be arranged to create some form of common, usable area, such as a plaza or green space.”

The conceptual development plan does not depict common usable open space for the commercial portion of the development. Staff recommends that the Applicant re-orientate the buildings to create some form of common usable area between the commercial buildings and the common lot directly south of the clubhouse and pool. A decorative crosswalk should also be used to delineate the connectivity through the private street and continued through the commercial parking lot to the existing 7-foot sidewalk along Eagle Rd.

- “The site plan should depict a transitional use and/or landscaped buffering between commercial and existing low- or medium-density residential development.”

The applicant has oriented the commercial next to commercial uses approved with the Inglewood Subdivision to the south. As a transition to the existing residential on the north/east and south boundary, the applicant is proposing two-story townhomes on the south boundary adjacent to the larger assisted living facility and orienting single-story duplex and single detached units along the east and north boundaries.

- “Community-serving facilities such as hospitals, clinics, churches, schools, parks, daycares, civic buildings, or public safety facilities are expected in larger mixed-use developments.”

No such uses are specifically proposed in this development – the tenants of the commercial buildings are unknown at this time. From north to south, the larger MU-C area includes storage, an office park, single-family residential, two (2) planned daycares, assisted living, two coffee shops w/ drive-throughs, and a Rite Aid.

- “Supportive and proportional public and/or quasi-public spaces and places including but not limited to parks, plazas, outdoor gathering areas, open space, libraries, and schools are expected; outdoor seating areas at restaurants do not count.”

There are no public and/or quasi-public spaces or places proposed with this development. As noted above, the applicant should include a plaza area in the commercial area that ties in with the open space south of the clubhouse and pool. A decorative pedestrian crossing would also help integrate the two open spaces. A pedestrian connectivity should also be provided to the existing 7-foot sidewalk adjacent to Eagle Rd.

- “Mixed use areas should be centered around spaces that are well-designed public and quasi-public centers of activity. Spaces should be activated and incorporate permanent design elements and amenities that foster a wide variety of interests ranging from leisure to play. These areas should be thoughtfully integrated into the development and further placemaking opportunities considered.”

See analysis above.

- “All mixed-use projects should be directly accessible to neighborhoods within the section by both vehicles and pedestrians.”

The proposed commercial portion of the development is directly accessible to the multi-family residential portion of the development to the north/east, the single-family developments further to the north and east (Bancroft Square Sub. & Sutherland Farm Sub. No. 2) by both vehicles and pedestrians.

- “Alleys and roadways should be used to transition from dissimilar land uses, and between residential densities and housing types.”

A landscape buffer is proposed between the proposed multi-family and existing single-family developments to the north/east and to the assisted living facility located to the south as a transition and buffer between uses. The buffers are between 15 and 20 feet respectively. Further, the applicant has intentionally placed the one-story duplex and single detached units along the north and east boundary to ensure compatibility.

- “Because of the parcel configuration within Old Town, development is not subject to the Mixed-Use standards listed herein.”

The subject property is not located in Old Town; therefore, this item is not applicable.

In reviewing development applications, the following items will be considered in MU-C areas, per the Comprehensive Plan (pgs. 3-16 thru 3-17):

- Development should generally comply with the general guidelines for development in all Mixed-Use areas.

Staff’s analysis on the proposed project’s compliance with these guidelines is included above.

- Residential uses should comprise a minimum of 20% of the development area at gross densities ranging from 6 to 15 units/acre. There is neither a minimum nor maximum imposed on non-retail commercial uses such as office, clean industry, or entertainment uses.

Residential uses are proposed over 87.8% (11.94 acres) of the development area at an overall gross density of 11 units/acre, consistent with the density desired in MU-C designated

areas.

- Retail commercial uses should comprise a maximum of 50% of the development area.

Retail/commercial uses are only proposed to comprise of 12.2% (1.66 acres) of the development area in accord with this policy.

Comprehensive Plan Policies: The following Comprehensive Plan Policies are applicable to this development:

- “Permit new development only where it can be adequately served by critical public facilities and urban services at the time of final approval, and in accord with any adopted levels of service for public facilities and services.” (3.03.03F)

City water and sewer service is available and can be extended by the developer with development in accord with UDC 11-3A-21. Urban services are available to be provided upon development.

- “Encourage compatible uses and site design to minimize conflicts and maximize use of land.” (3.07.00)

The proposed retail/commercial uses should be compatible with the existing commercial to the south. The proposed multi-family development should be compatible with existing single-family residential uses to the north in Bancroft Square Subdivision, to the east in Sutherland Farm Subdivision No.1, and to the south in the Inglewood Place Senior Housing with the proposed separation in uses by fencing and landscaping to minimize conflicts between higher and lower density residential.

- “Encourage and support mixed-use areas that provide the benefits of being able to live, shop, dine, play, and work in close proximity, thereby reducing vehicle trips, and enhancing overall livability and sustainability.” (3.06.02B)

The proposed development will provide housing in close proximity to goods, services, and employment. This area of Meridian is predominately detached single-family dwelling units.

- “Require pedestrian circulation plans to ensure safety and convenient access across large commercial and mixed-use developments.” (3.07.02A)

The development plan depicts pedestrian pathways throughout the commercial and multi-family residential development. Staff recommends the applicant relocate the trash enclosure located on the north side of the parking lot east of the pool and install a 5-foot wide sidewalk to provide a more direct connection to the children’s play structure. Five-foot wide detached sidewalks are being extended as part of the local street network (Sutherland Farm, Bancroft Square, and Inglewood Place Senior Housing) for interconnectivity.

- “With new subdivision plats, require the design and construction of pathway connections, easy pedestrian and bicycle access to parks, safe routes to schools, and the incorporation of usable open space with quality amenities.” (2.02.01A)

Safe pathway connections should be provided from the proposed multi-family development to the commercial buildings. As noted above staff recommends the applicant provide a

decorative crossing. Usable open space and quality amenities are proposed with the multi-family development that exceed UDC standards (see analysis below).

- “Evaluate the feasibility of annexing existing county enclaves and discourage the creation of additional enclaves.” (3.03.03I)

This property is an enclave that abuts City annexed land to the north, south, east, and west.

Here is the applicant’s justification on how the project complies with some of the policies in the plan:

Section	Comprehensive Plan Goal and Project Compliance
2.01.01	Encourage diverse housing options suitable for various income levels, household sizes and lifestyle preferences.
	<i>Artisan Victory Market will include a mix of 1-bedroom duplex, 2-, & 3-bedroom bungalow-style multi-family units and 2- & 3-bedroom townhome-style multi-family units, providing diversity within the Project and also diversity from nearby single-family detached residences. Artisan Victory Market will offer a variety of amenities to cater to the different recreational hobbies of residents and to foster a sense of community.</i>
2.01.01E	Encourage the development of high-quality, dense residential and mixed-use areas near, in, and around Downtown near employment, large shopping centers, public open spaces and parks, and along major transportation corridors, as shown on the Future Land Use Map.
	<i>This project provides medium high-density residential units that complement and provide a transition between the commercial and employment areas to the south on Victory and to the north closer to I-84, and the single-family residences to the north and east. The area has been largely developed in compliance with the larger Mixed-Use Community area, and the mix of surrounding employment and retail uses will benefit from the addition of higher density residential homes.</i>
2.02.01A	With new subdivision plats, require the design and construction of pathways connections, easy pedestrian and bicycle access to parks, safe routes to schools and the incorporation of usable open space with quality amenities.
	<i>Artisan Victory Market is a connected community with pathways that connect the residential development to the north and east with the more intensive commercial and retail uses to the south. The project includes over 1.6 miles of internal pathways and sidewalks on public streets, and quality amenities including a clubhouse, fitness room, swimming pool and community garden.</i>
2.02.02C	Support infill development that does not negatively impact the abutting, existing development.
	<i>Artisan Victory Market has been designed to minimize impact on the surrounding neighborhoods with 1-story residences on the north and east boundaries.</i>
3.03.00	Direct and prioritize development in strategic areas and in accordance with corridor and special area plans.

	<i>As an infill site with all services readily available, Artisan Victory Market exemplifies the vision of the Mixed-Use Community designation by providing a well-designed, interconnected living and commercial space where people can live, work, shop, and raise a family all within the same community.</i>
3.06.02B	Encourage and support mixed-use areas that provide the benefits of being able to live, shop, dine, play, and work in close proximity, thereby reducing vehicle trips, and enhancing overall livability and sustainability
	<i>This mixed-use project fosters the mixed-use environment of the larger area by complementing the surrounding commercial, retail, and single-family detached residential uses. Planned and developed commercial and employment centers are within walking distance of the Site. Artisan Victory Market residents can shop, dine, plan and work in close proximity and reduce vehicle trips in the area. This Project will increase the overall livability and sustainability of the surrounding area by providing much needed housing that will help nearby businesses thrive with a permanent customer base.</i>
3.07.01A	Require all new development to create a site design compatible with surrounding uses through buffering, screening, transitional densities, and other best site design practices.
	<i>Smaller commercial and multi-family residential provides an appropriate transition between the C-C retail and commercial uses to the south and Eagle Road to the west, and the single-family residences to the east and north. The Site integrates higher density buildings along Eagle Road and the commercial areas to the south and provides single-level duplex and bungalow-style multi-family units along the north and east adjacent to the single-family homes. Fencing screens the project from surrounding developments.</i>
6.01.01H	Require pedestrian access connectors in all new development to link subdivisions together and promote neighborhood connectivity as part of a community pathway system.
	<i>With approximately 1.6 miles of internal pathways and detached sidewalks, Artisan Victory Market provides necessary connectivity between current and future developments and uses on all sides of the property.</i>

In summary, Staff believes the proposed development plan is generally consistent with the vision of the Comprehensive Plan for this area per the analysis above.

V. UNIFIED DEVELOPMENT CODE ANALYSIS (UDC)

The applicant has submitted a revised open space exhibit 15 days prior to the Council meeting. The analysis below has been updated in strike-through and underline format to represent the changes to the open space and changes discussed with the Commission during the hearing.

A. Annexation:

The proposed annexation is for 14.47 acres of land with R-15 (12.38 acres) and C-C zoning (2.09 acres) districts. The proposed use of the property may include up to 18,100 square feet of commercial uses (tenants unknown) and 131 multi-family residential units on 13.60 acres in the C-C and R-15 districts. Parking for the multi-family development is discussed further in the report however the conceptual development plan does depict 55 parking stalls for the commercial

lots. Based on the square footage of the proposed commercial development, the UDC only requires a minimum of 36 stalls.

A conceptual development plan was submitted, included in Section VII.B below that shows how the overall property is planned to develop. Based on the analysis above in Section IV, Staff is of the opinion the proposed annexation, zoning and development plan is generally consistent with the Comprehensive Plan with the provisions noted in Section VIII as discussed herein.

A multi-family development requires approval of a Conditional Use Permit (CUP) in the R-15 zoning district, subject to the specific use standards for such listed in UDC [11-4-3-27](#). Commercial/retail uses and drive-through uses are listed as a principally permitted uses in the C-C zoning district per UDC [Table 11-2B-2](#). **However, the proposed drive-through associated with the southern-most commercial building will require the approval of a CUP because of its proximity to the proposed and existing residential uses. Staff is supportive of a drive-through on this site however, the commercial area is more neighborhood serving and therefore the site should be restricted to only developing one drive-through on the property as proposed.**

The proposed uses and zoning districts are listed as appropriate uses and zoning in the Comprehensive Plan for the MU-C designated area.

The property is contiguous to City annexed land and is within the City's Area of City Impact boundary. A legal description and exhibit map of the overall annexation area is included in Section VII.A.

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. **To ensure future development is consistent with the Comprehensive Plan and with the development plan proposed with this application, Staff recommends a DA is required with this application, containing the provisions noted in Section VIII.A, as discussed herein.**

B. Preliminary Plat:

The proposed preliminary plat consists of 5 building lots (3 multi-family and 2 commercial) and 1 common lot on 13.60 acres of land in the R-15 and C-C zoning districts.

The proposed subdivision will develop in a single phase. However, for occupancy purposes, the applicant is proposing 6 phases for the multi-family portion of the development.

Existing Structures/Site Improvements:

There are existing homes and outbuildings that need to be removed with development of the property. Since the project is being phased staff anticipates the removal of the structures with the first phase.

Dimensional Standards:

Development of the proposed lots are required to comply with the dimensional standards listed in UDC Tables [11-2A-7](#) for the R-15 district and UDC Table [11-2B-3](#) for the C-C zoning district. The minimum lot size in the R-15 zone (no minimum lot size in the C-C zone) size is not pertinent to this development because the applicant is proposing multiple units on larger parcels. The CUP site plan doesn't depict any setbacks on the plan. Per the specific use standards, a minimum setback of 10 feet is required unless a greater setback is required by the UDC. In the applicant's narrative it states that the units along the north and south boundary have a 15-foot setback and the units along the east boundary have a 20-foot buffer which exceeds code requirements. Further, the applicant has provided all single-story units adjacent to the existing single-family homes therefore staff is supportive of the setbacks along these boundaries. For

those units along Eagle Rd., the code requires a 25-foot landscape buffer in a common lot and those units adjacent to the buffer should be setback 10 feet from the interior edge of the buffer. The other units adjacent to Titanium and Publisher are required to have a 10-foot setback to living area. None of the garages are oriented towards the street. **NOTE: As discussed below the applicant has included the 15-foot setback areas along the south boundary in their qualified open space calculations. This area does not count towards qualified open space unless it is dimensioned a minimum of 20 feet (see analysis below).**

Subdivision Design and Improvement Standards (UDC [11-6C-3](#)):

Development of the subdivision is required to comply with the subdivision design and improvement standards listed in UDC 11-6C-3. The project complies with these standards.

Access (UDC [11-3A-3](#))

A private street is proposed via S. Eagle Rd., an arterial street. No stub streets are required or proposed for this application. The site does have three (3) existing stub streets that are proposed to be extended with this development. This critical because most of the residential units and the commercial uses will take access from an internal private street. The extension of the local street connection will allow traffic to flow better through this site to the signalized intersection at Easy Jet and not rely solely on the Eagle Rd. access.

The units located on the east side of Titanium take access from shared driveways. Although not classified as common driveways, the applicant should provide at a minimum 20-foot driveways to ensure vehicles can access the designed garage spaces associated with those units. With the CZC application the applicant should demonstrate compliance with this requirement.

Cross-access/ingress-egress should be provided between all C-C zoned commercial lots in the subdivision and the Inglewood commercial uses to south via a note on the final plat.

A private street application was submitted with this application for the internal private streets. Private streets are required to comply with the design and construction standards listed in UDC [11-3F-4](#). Staff has reviewed these standards and it appears the Applicant can comply with all standards except for the following:

- ~~Private streets are required to connect to a local or collector street—connection to an arterial street is not allowed (11-3F-4A.2). The private street is proposed to connect to S. Eagle Rd. and ACHD has approved this location. Council will need to grant the applicant request for the Eagle Rd. access. Staff is supportive the additional entrance because it aligns with E. Mackay Dr. on the west side of Eagle Rd. and provides better access to the commercial planned in the southwest corner of the development.~~

~~Upon recommendation of the City Engineer and Fire Marshall, the Director may approve, or recommend approval of alternative design or construction standards through the alternative compliance process when the Applicant can demonstrate that the proposed overall design meets or exceeds the intent of the required standards of this article and shall not be detrimental to the public health, safety and welfare, per UDC 11-3F-4B.3.~~

As is, the private street connection to Eagle Rd. does not currently meet all of the required standards and cannot be approved; a request for alternative compliance may be submitted for consideration by the Director. Staff recommends the applicant submit the alternative compliance application 15 days prior to the City Council hearing. If the portion of Since the Eagle Road access is not part of the private street network, the applicant should depict the ingress/egress easement on the face of the plat to allow access to the platted private streets. Further, the plat should be revised to place the private street in a common lot rather than an easement.

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

A 7-foot attached sidewalk exists along Eagle Rd. and will remain as part of the development. Where there are existing driveways being closed, the applicant is required to install curb, gutter, sidewalk and landscaping per UDC standards. Five-foot detached sidewalks are proposed along the internal local streets. Internal sidewalks are dispersed throughout the multi-family development. Staff has concerns with the residential units on the east side of Titanium Ave, specifically pedestrian safety. The residents on this side of the roadway will need to cross the street to gain access to the main amenities. **Staff recommends that the applicant coordinate with ACHD and include decorative crossings through this roadway and provide traffic calming at the Titanium and Publisher intersection.**

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

Street buffers are required to be provided as follows: A minimum 25-foot wide buffer is required along S. Eagle Rd. and a minimum 10-foot wide buffer is required along the private street in the C-C zoning district (east side of the southern-most building), measured per the standards listed in UDC [11-3B-7C.1a](#). **Landscaping is required within the street buffer as set forth in UDC [11-3B-7C](#) (see updated standards).** Street buffers are required to be maintained by the property owner or business owners' association and should be depicted on the plat in a common lot or permanent dedicated buffer per UDC [11-3B-7C.2b](#).

Depict landscaping within common open space areas as set forth in UDC 11-3G-5B.3.

There are existing trees on the site to be removed or that require mitigation. **The landscape plan submitted with the final plat should include the detail mitigation plan in accord with UDC 11-3B-10.**

Storm Drainage (UDC [11-3A-18](#)):

An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances. Design and construction are required to follow Best Management Practices as adopted by the City. Stormwater integration is required in accord with the standards listed in UDC [11-3B-11C](#).

Pressure Irrigation (UDC [11-3A-15](#)):

Underground pressurized irrigation water is required to be provided in the subdivision as required in UDC 11-3A-15.

Utilities (UDC [11-3A-21](#)):

Utilities are required to be provided to the subdivision as required in UDC [11-3A-21](#). Street lights shall be installed in accord with the City's adopted standards, specifications and ordinances.

Waterways (UDC [11-3A-6](#)):

No major facilities traverse the site. Comment letters from the irrigation districts indicate they don't have any facilities on this property but the property does have a valid right. Per Idaho State Statutes, Title 42, local irrigation/drainage ditches that cross this property, in order to serve neighboring properties, must remain unobstructed and protected by an appropriate easement by the landowner, developer, and contractors.

Fencing (UDC [11-3A-6](#) and [11-3A-7](#)):

All fencing is required to comply with the standards listed in UDC 11-3A-7. The applicant has provided a master fence plan that depicts the fencing styles and locations for the development. A combination of 6-foot tall solid, 4-foot with 2 foot open-vision and 6-foot tall wrought iron fencing is proposed. **With final plat submittal, any fencing proposed along Publisher and Titanium should be installed 10 feet from the property line.**

C. **Conditional Use Permit (CUP):**

A Conditional Use Permit is requested for a multi-family residential development consisting of 131 dwelling units on 11.94 acres of land in the R-15 zoning district in accord with UDC [Table 11-2B-2](#). The proposed development will have (24) 2-story townhome units; (31) duplex units and (45) single detached units and clubhouse centrally located within the complex. The mix of units consisting of 1- (62), 2- (53) and 3- (16) bedroom units ranging from 692 to 1,352 square feet in size.

Specific Use Standards (UDC 11-4-3-27):

The proposed use is subject to the following standards: *(Staff's analysis/comments in italic text)*

[11-4-3-27](#): MULTI-FAMILY DEVELOPMENT:

Site Design:

1. Buildings shall provide a minimum setback of ten feet (10') unless a greater setback is otherwise required by this title and/or [title 10](#) of this Code. Building setbacks shall take into account windows, entrances, porches and patios, and how they impact adjacent properties. *The site plan included in Section VII.D depicts buildings a 20-foot buffer on the east and a 15-foot setback on the north and south.*
 2. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, and transformer and utility vaults shall be located in an area not visible from a public street, or shall be fully screened from view from a public street. ***The plans submitted with the Certificate of Zoning Compliance application should demonstrate compliance with this standard.***
 3. A minimum of eighty (80) square feet of private, usable open space shall be provided for each unit. This requirement can be satisfied through porches, patios, decks, and/or enclosed yards. Landscaping, entryway and other access ways shall not count toward this requirement. In circumstances where strict adherence to such standard would create inconsistency with the purpose statements of this section, the Director may consider an alternative design proposal through the alternative compliance provisions as set forth in section [11-5B-5](#) of this title. *The Applicant's narrative states the average private open space for each unit is 353 sq. ft. Each duplex and detached single family unit include a patio and private yard ranging in size from 509 sq. ft. to 681. sq. ft. The townhome units each have 92 to 94 sq. ft. of private patio space. Staff finds each unit exceeds UDC requirements.*
 4. For the purposes of this section, vehicular circulation areas, parking areas, and private usable open space shall not be considered common open space. *These areas were not included in the common open space calculations for the site (see OS-1 Exhibit below).*
 5. No recreational vehicles, snowmobiles, boats or other personal recreation vehicles shall be stored on the site unless provided for in a separate, designated and screened area. *The Applicant should comply with this requirement.*
 6. The parking shall meet the requirements set forth in [chapter 3](#), "Regulations Applying to All Districts", of this title. *The parking ratio the applicant used to calculate parking for this development doesn't meet the current multi-family standards. However, this application was submitted prior to the adoption of the new ordinance so staff has analyzed the parking based on the previous standards. Based on the previous code the site was required to provide 191 total parking stalls with 90 of those being covered. Based on the parking calculations provided by the applicant, the residential portion of the development will have 236 spaces (in combination of carports, surface, driveways*
-

and garages) which exceeds code requirements. Further, on-street parking (approximately 50 spaces) will be available along Publisher and Titanium. The commercial portion of the development will have 55 parking spaces. ***NOTE: The parking ratio for the commercial area could decrease with staff's recommendation for incorporating a 10-foot wide landscape buffer on the east boundary of the southern-most commercial lot and a plaza area.***

7. Developments with twenty (20) units or more shall provide the following:
 - a. A property management office.
 - b. A maintenance storage area.
 - c. A central mailbox location, including provisions for parcel mail, that provide safe pedestrian and/or vehicular access.
 - d. A directory and map of the development at an entrance or convenient location for those entering the development. (Ord. 18-1773, 4-24-2018)

The applicant's narrative states that they are providing the required items noted above. The location of the directory and map of the development should be depicted on the site plan submitted with the Certificate of Zoning Compliance application.

Common Open Space Design Requirements (UDC [11-4-3-27C](#)):

The total baseline land area of all qualified common open space shall equal or exceed 10% of the gross land area for multi-family developments of 5 acres or more. *A minimum of 1.09 acres of common open is required to meet this standard.*

Common open space areas are also required to comply with the standards listed in UDC 11-4-3-27C.2, which state that open space areas must be integrated into the development as a priority and not for the use of land after all other elements of the development have been designed. These areas should have direct pedestrian access, be highly visible, comply with CPTED standards and support a range of leisure and play activities and uses – irregular shaped, disconnected or isolated open spaces do not meet the standard. Open space areas should be accessible and well connected throughout the development (i.e. centrally located, accessible by pathway and visually accessible along collector streets or as a terminal view from a street). Open space areas should promote the health and well-being of its residents and support active and passive uses for recreation, social gathering and relaxation to serve the development. *The proposed common open space meets these standards.*

All multi-family projects over 20 units are required to provide at least one (1) common grassy area of at least 5,000 s.f. in area that's integrated into the site design allowing for general activities by all ages, which may be included in the minimum required open space. The area shall increase proportionately as the number of units increase and shall be commensurate to the size of the development as determined by the decision-making body. *The Applicant proposes five (5) central common open space areas throughout the development in excess of this code requirement.*

In addition to the baseline open space requirement, a minimum area of outdoor common open space shall be provided as follows:

- a. One hundred fifty (150) square feet for each unit containing five hundred (500) or less square feet of living area. *All units contain more than 500 square feet (s.f.) of living area.*

- b. Two hundred fifty (250) square feet for each unit containing more than five hundred (500) square feet and up to one thousand two hundred (1,200) square feet of living area. *A total of 91 units contain between 500 and 1,200 s.f. of living area; therefore, a minimum of 22,750 s.f. (or 0.52 of an acre) of common open space is required.*
- c. Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area. *A total of 40 units contain more than 1,200 s.f.; therefore, a minimum of 14,000 s.f. (or 0.32 acre) of common open space is required.*

At a minimum, a total of 36,750 s.f. (or 0.84 of an acre) of qualified outdoor common open space is required to be provided per this standard. In order to meet the baseline requirement noted above and this standard, a total of 1.93 acres of qualified open space is required (2.47 acres is provided). The revised open space exhibit submitted ~~with the application~~ after the Commission hearing exceeds the minimum code requirement ~~however, the applicant should remove the linear open space along the south boundary from the calculations as this area doesn't meet the minimum 20 foot dimensional standard noted below.~~

Common open space shall be not less than four hundred (400) square feet in area, and shall have a minimum length and width dimension of twenty feet (20'). *All of the green areas depicted on the revised open space exhibit in Section VII.E meet this requirement.*

In phased developments, common open space shall be provided in each phase of the development consistent with the requirements for the size and number of dwelling units. *The Applicant anticipates the multi-family development will be constructed in 6 phases for occupancy purposes.*

Unless otherwise approved through the conditional use process, common open space areas shall not be adjacent to collector or arterial streets unless separated from the street by a berm or constructed barrier at least four feet (4') in height, with breaks in the berm or barrier to allow for pedestrian access. (Ord. 09-1394, 3-3-2009, eff. retroactive to 2-4-2009) *None of the common open space areas are located adjacent to a collector or arterial street.*

Site Development Amenities:

1. All multi-family developments shall provide for quality of life, open space and recreation amenities to meet the particular needs of the residents as follows:
 - a. Quality of life:
 - (1) Clubhouse.
 - (2) Fitness facilities.
 - (3) Enclosed bike storage.
 - (4) Public art such as a statue.
 - (5) Dog park with waste station.
 - (6) Commercial outdoor kitchen.
 - (7) Fitness course.
 - (8) Enclosed storage.
 - b. Open space:
 - (1) Community garden.

- (2) Ponds or water features.
 - (3) Plaza.
 - (4) Picnic area including tables, benches, landscaping and a structure for shade.
 - c. Recreation:
 - (1) Pool.
 - (2) Walking trails.
 - (3) Children's play structures.
 - (4) Sports courts.
 - d. Multi-modal amenity standards:
 - (1) Bicycle repair station.
 - (2) Park and ride lot.
 - (3) Sheltered transit stop
 - (4) Charging stations for electric vehicles
2. The number of amenities shall depend on the size of multi-family development as follows:
 - a. For multi-family developments with less than twenty (20) units, two (2) amenities shall be provided from two (2) separate categories.
 - b. For multi-family development between twenty (20) and seventy-five (75) units, three (3) amenities shall be provided, with one from each category.
 - c. For multi-family development with seventy-five (75) units or more, four (4) amenities shall be provided, with at least one from each category.
 - d. For multi-family developments with more than one hundred (100) units, the decision-making body shall require additional amenities commensurate to the size of the proposed development.
 3. The decision-making body shall be authorized to consider other improvements in addition to those provided under this subsection D, provided that these improvements provide a similar level of amenity. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

Proposed amenities include a clubhouse with a fitness facility, a swimming pool, an outdoor lounge area, dog park, internal walking trails, community garden and passive open space areas. Another amenity should be included in the development since the applicant is proposing over 100 units. Of the amenities included in the development, there isn't one listed from the multi-modal category above. Therefore, staff recommends that the applicant add one additional amenity from the multi-modal category above and include the amenity on the site plan submitted with the certificate of zoning compliance application.

E. Landscaping Requirements:

1. Development shall meet the minimum landscaping requirements in accord with [chapter 3](#), "Regulations Applying to All Districts", of this title.
2. All street facing elevations shall have landscaping along their foundation. The foundation landscaping shall meet the following minimum standards:

- a. The landscaped area shall be at least three feet (3') wide.
- b. For every three (3) linear feet of foundation, an evergreen shrub having a minimum mature height of twenty-four inches (24") shall be planted.
- c. Ground cover plants shall be planted in the remainder of the landscaped area.

The landscape plan submitted with the Certificate of Zoning Compliance application should depict landscaping in accord with these standards.

F. Maintenance and Ownership Responsibilities: All multi-family developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features. ***The Applicant shall comply with this requirement.***

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

Conceptual building elevations were submitted for the proposed residential and commercial structures, included in Section VII.G. The residential units are proposed to be 1- or 2-stories in height, and the clubhouse and commercial buildings are also proposed to be a single-story in height; building materials consist of a stucco in various colors, culture stone accents in various colors, horizontal lap siding, and asphalt shingle roofing. Both the residential and commercial uses complement each other as desired in the MU-C designated area. Staff is supportive of the design for the development as proposed. As noted below compliance with the ASM is required.

A Certificate of Zoning Compliance and Design Review application is required to be submitted for approval of the multi-family and commercial development to ensure compliance with UDC standards and development provisions associated with this application. Final design of all structures must comply with the design standards in the Architectural Standards Manual.

VI. DECISION

A. Staff:

Staff recommends approval of the requested annexation with the requirement of a development agreement, preliminary plat and conditional use permit with the provisions noted in Section VIII, per the Findings in Section IX. **The Director has approved the private street request.**

B. The Meridian Planning & Zoning Commission heard these items on April 6, 2023. At the public hearing, the Commission voted to recommend approval of the subject AZ, PP, and CUP requests.

1. Summary of Commission public hearing:

- a. In favor: Elizabeth Koeckeritz
- b. In opposition: None
- c. Commenting: Lorie Delaney, Dave Bailey, Matthew Riggs, Bev Montgomery, Jennifer Jenks, Ritis Skinner, Carl Koonz, and Leann Richardson
- d. Written testimony: See the public record. The City has received numerous letters in opposition of this project. Areas of concern - density, traffic congestion, and extension of the adjacent stub streets.
- e. Staff presenting application: Bill Parsons
- f. Other Staff commenting on application: Kurt Starman

2. Key issue(s) of public testimony:

- a. Public safety for the residents in the assisted living facility.
 - b. Extension of S. Titanium Ave and cut-through traffic.
 - c. Traffic congestion in the area.
-

3. Key issue(s) of discussion by Commission:
 - a. Extension of S. Titanium Ave.
 - b. Traffic dispersion per the traffic study.
 - c. Coordination with the adjacent property to the south on traffic calming measures in S. Titanium Ave.
4. Commission change(s) to Staff recommendation:
 - a. Commission modified DA provision c. to require the plat to be recorded prior to the issuance of the first certificate of occupancy.
 - b. Commission required the applicant and the property owner to the south to coordinate on traffic calming measures in S. Titanium Ave.
 - c. Commission modified Public Works general condition of approval 2.9.
5. Outstanding issue(s) for City Council:
 - a. None

C. The Meridian City Council heard these items on May 9, and June 20, 2023. At the public hearing, the Council voted to approve the subject AZ, PP, and CUP requests.

1. Summary of the City Council public hearing:
 - a. In favor: Elizabeth Koeckeritz and Matt Riggs
 - b. In opposition: None
 - c. Commenting: Eric and Carol Gabrielson
 - d. Written testimony: None
 - e. Staff presenting application: Bill Parsons
 - f. Other Staff commenting on application: Bill Nary
 2. Key issue(s) of public testimony:
 - a. None
 3. Key issue(s) of discussion by City Council:
 - a. Elimination of the drive-through
 - b. Integration of the commercial and residential uses
 - c. Developing the property with all residential units
 - d. Dispersion of traffic through the development
 - e. Inclusion of larger/more trees within the development to create a boulevard look and feel
 - f. Cross access with the southern property
 - g. Hours of operation for the drive-through
 4. City Council change(s) to Commission recommendation:
 - a. Conditions of approval in Exhibit VIII.A updated per the memo dated June 15, 2023.
-

VII. EXHIBITS

A. Annexation Legal Description & Exhibit Map

Description for
R-15 Zone
Artisan Victory Market Subdivision
June 9, 2023

A portion of the Southwest 1/4 of the Southwest 1/4 of Section 21, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho more particularly described as follows:

Commencing at the 1/4 corner common to said Sections 20 and 21, T.3N., R.1E., B.M., from which the Section corner common to Sections 20, 21, 28 and 29 T.3N., R.1E., B.M., bears South 00°00'26" East, 2,700.16 feet, thence on the west boundary line of said Section 21, coincident with the centerline of S. Eagle Road, South 00°00'26" East, 1,350.01 feet to the South 1/16 corner common to said Sections 20 and 21 and the **REAL POINT OF BEGINNING**;

thence on the north boundary line of the Southwest 1/4 of the Southwest 1/4 of said Section 21 coincident with the south boundary of Bancroft Square Subdivision as filed in Book 111 of Plats at Pages 16142 through 16144, records of Ada County, Idaho, South 89°22'03" East, 800.06 feet to the west boundary line of Sutherland Farm Subdivision No. 2 as filed in Book 89 of Plats at Pages 10242 through 10244, records of Ada County, Idaho;

thence on said west boundary line and the west boundary line of Sutherland Farm Subdivision No. 1 as filed in Book 86 of Plats at Pages 9806 through 9808, records of Ada County, Idaho, South 00°00'26" East, 786.42 feet to the Northeast corner of Inglewood Place Subdivision No. 1 as filed in Book 120 of Plats at Pages 18835 through 18837, records of Ada County, Idaho;

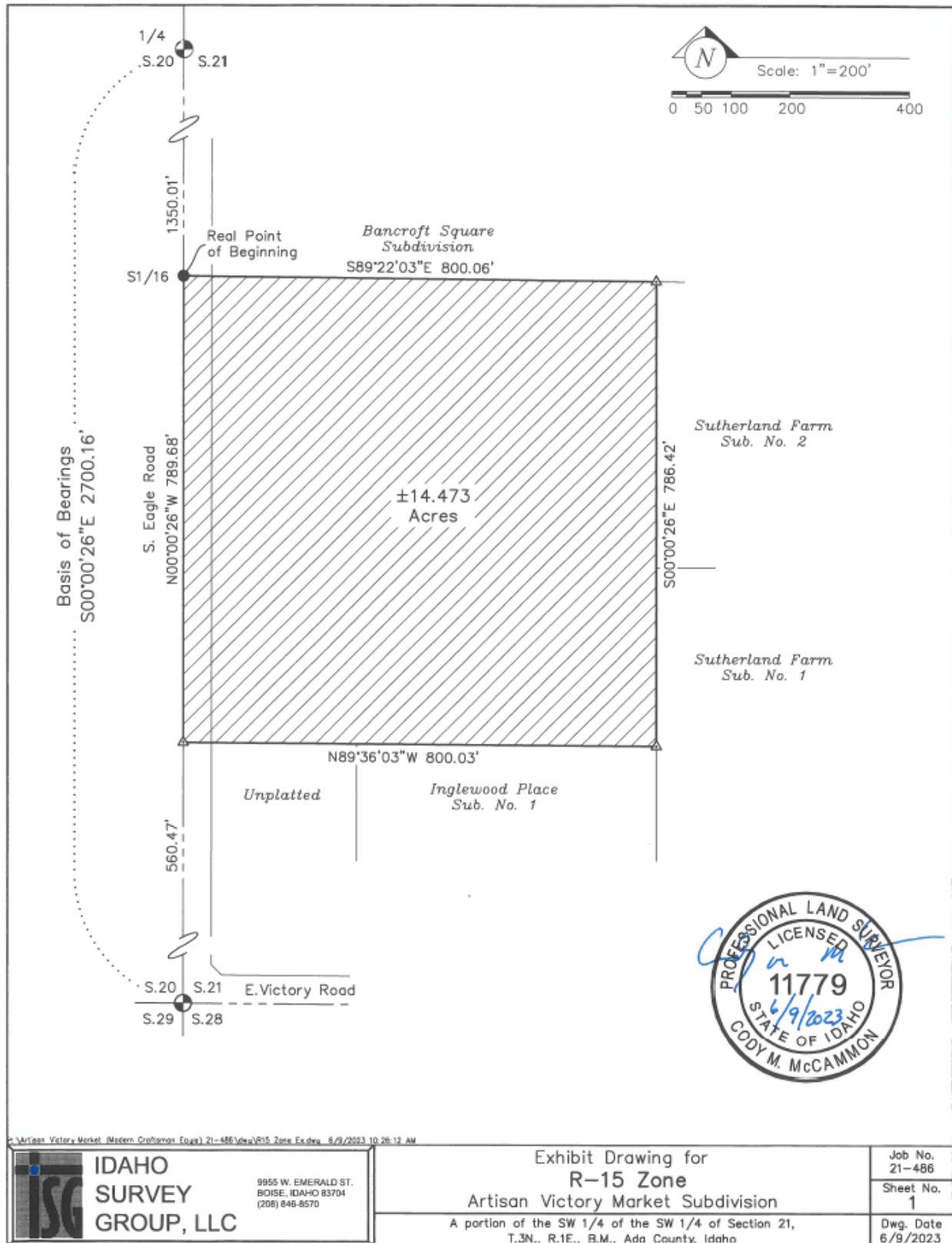
thence on the north boundary line of said Inglewood Place Subdivision No. 1 and the westerly extension thereof, North 89°36'03" West, 800.03 feet to the west boundary line of said Section 21, coincident with the centerline of S. Eagle Road;

thence on said west boundary line, North 00°00'26" West, 789.68 feet to the **REAL POINT OF BEGINNING**.

Containing 14.473 acres, more or less.

End of Description.





\\sdc\apps\Victory Market (Modern Craftsmen Edge)\21-486\idm\215 Zone Ex.dwg, 6/9/2023 10:26:12 AM



**IDAHO
SURVEY
GROUP, LLC**

9955 W. EMERALD ST.
BOISE, IDAHO 83704
(208) 848-8570

Exhibit Drawing for
R-15 Zone
Artisan Victory Market Subdivision

A portion of the SW 1/4 of the SW 1/4 of Section 21,
T.3N., R.1E., B.M., Ada County, Idaho

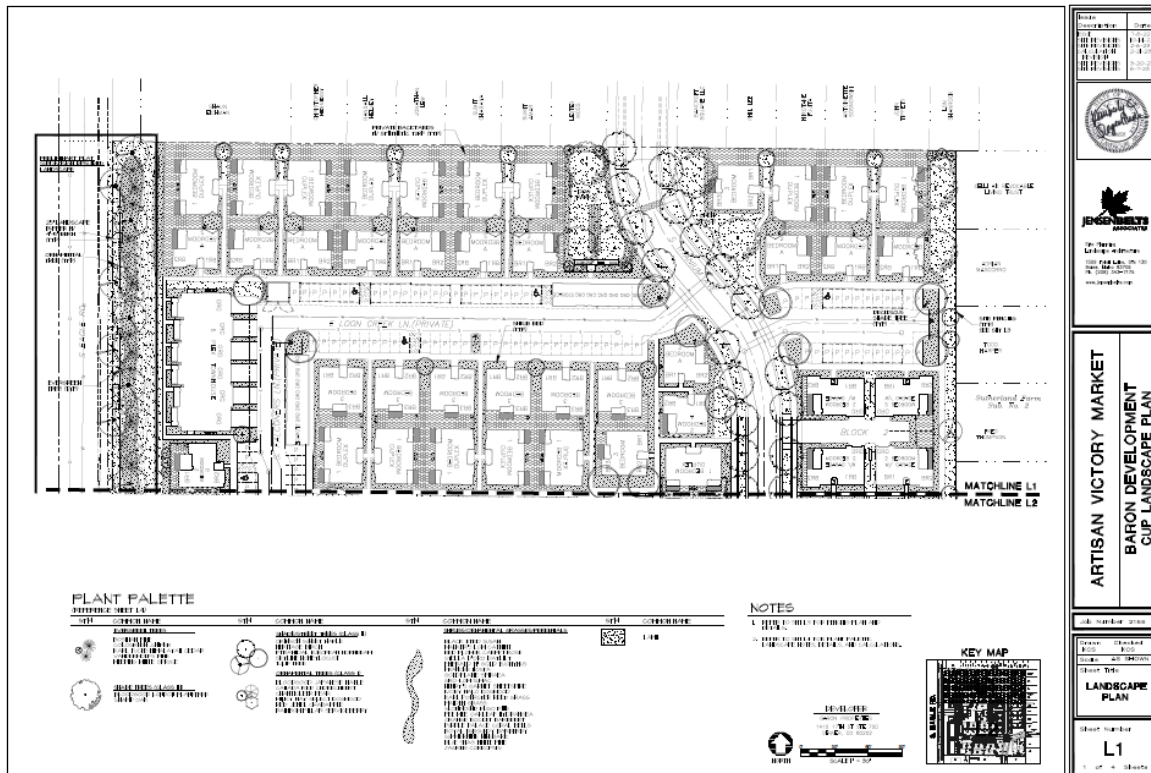
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Sheet No.
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Dwg. Date
6/9/2023

[illegible]

This detailed site plan illustrates the 'Kommunale Wohnanlage' (Municipal Housing Estate) in Berlin, designed in 1927. The plan shows a large rectangular residential complex with multiple courtyards, surrounded by streets and greenery. Key features include a central green space, several courtyards, and a large building complex. The plan is labeled with 'Kommunale Wohnanlage' and '1927'.



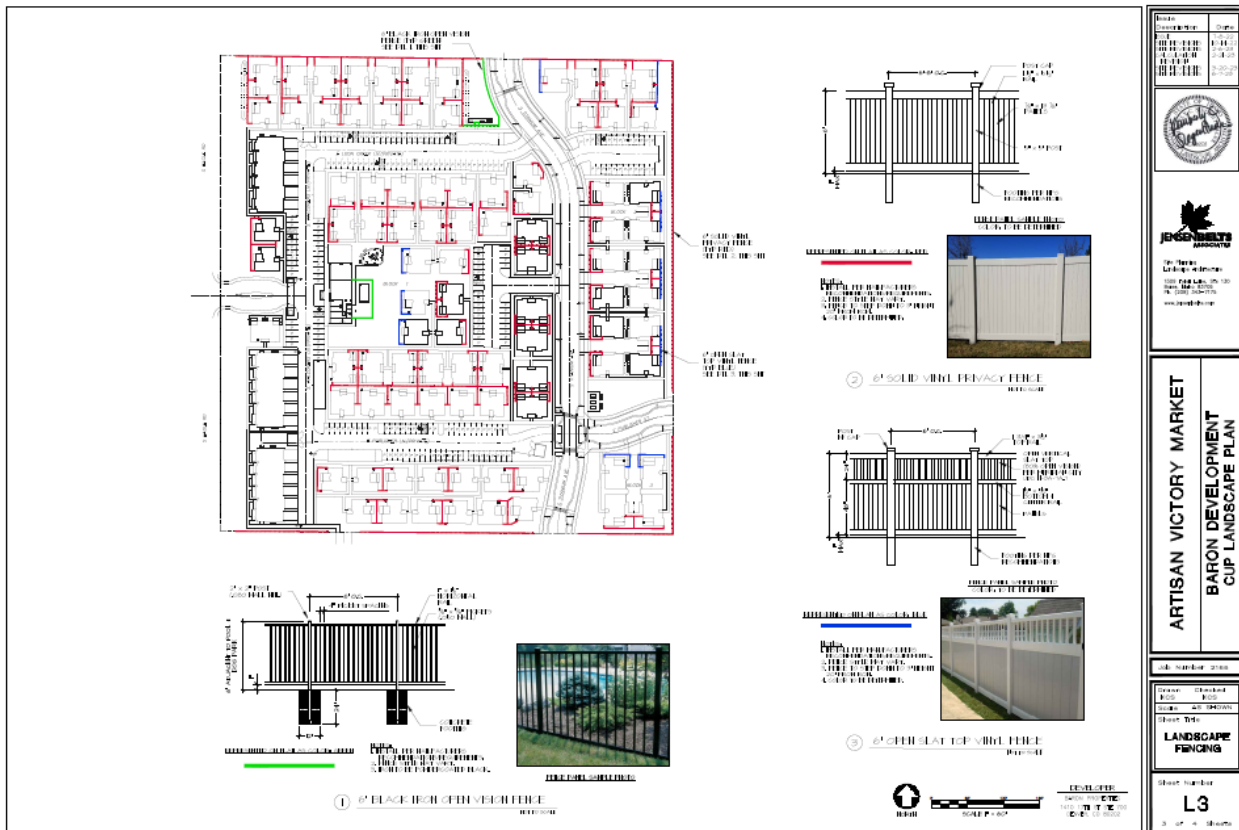
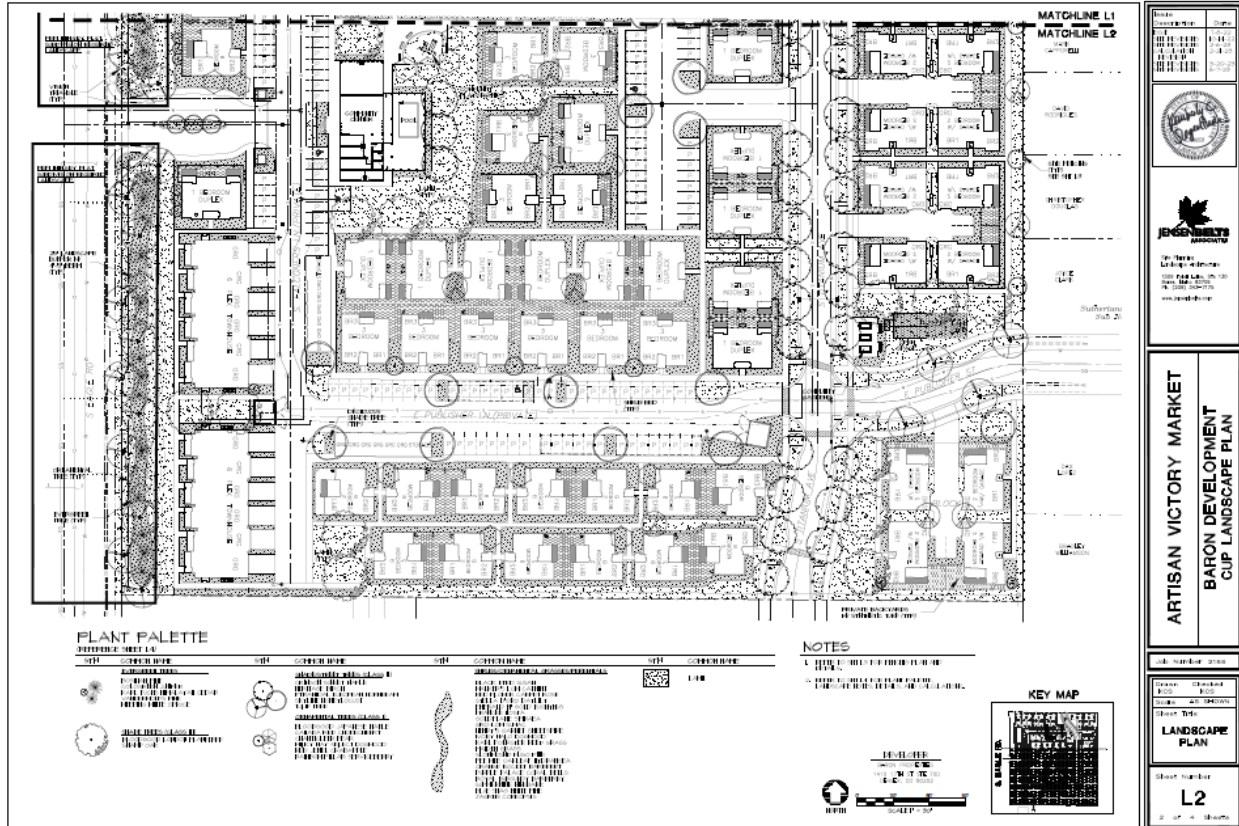
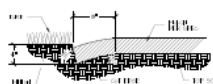




Diagram illustrating the structure of a coral reef (Figure 1). The diagram shows a cross-section of the reef with various parts labeled in Chinese:

- 1. 珊瑚礁的頂部 (Top of the coral reef)
- 2. 珊瑚礁的側面 (Side of the coral reef)
- 3. 珊瑚礁的底部 (Bottom of the coral reef)
- 4. 珊瑚礁的內部 (Interior of the coral reef)
- 5. 珊瑚礁的開口 (Opening of the coral reef)
- 6. 珊瑚礁的縫隙 (Gap of the coral reef)
- 7. 珊瑚礁的孔洞 (Hole of the coral reef)
- 8. 珊瑚礁的通道 (Channel of the coral reef)
- 9. 珊瑚礁的裂縫 (Crack of the coral reef)
- 10. 珊瑚礁的縫隙 (Gap of the coral reef)
- 11. 珊瑚礁的孔洞 (Hole of the coral reef)
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- 97. 珊瑚礁的裂縫 (Crack of the coral reef)
- 98. 珊瑚礁的縫隙 (Gap of the coral reef)
- 99. 珊瑚礁的孔洞 (Hole of the coral reef)
- 100. 珊瑚礁的通道 (Channel of the coral reef)

2 SHRUB PLANTING



③ FLAHER CUT BED EDGE

[illegible]

1. 公司名稱	2. 公司主要業務	3. 成立時間	4. 上市地點	5. 上市日期
1. 中國建設銀行	2. 提供各類銀行服務	3. 1985年	4. 香港交易所	5. 1995年
1. 中國工商銀行	2. 提供各類銀行服務	3. 1985年	4. 香港交易所	5. 1995年
1. 中國銀行	2. 提供各類銀行服務	3. 1985年	4. 香港交易所	5. 1995年
1. 交通銀行	2. 提供各類銀行服務	3. 1985年	4. 香港交易所	5. 1995年
1. 農業銀行	2. 提供各類銀行服務	3. 1985年	4. 香港交易所	5. 1995年
1. 郵政儲蓄銀行	2. 提供各類銀行服務	3. 1985年	4. 香港交易所	5. 1995年
1. 中國人民銀行	2. 提供各類銀行服務	3. 1985年	4. 香港交易所	5. 1995年
1. 中國農業銀行	2. 提供各類銀行服務	3. 1985年	4. 香港交易所	5. 1995年
1. 中國交通銀行	2. 提供各類銀行服務	3. 1985年	4. 香港交易所	5. 1995年
1. 中國工商銀行	2. 提供各類銀行服務	3. 1985年	4. 香港交易所	5. 1995年

TOTAL FUEL	_____	FIVE ACRES
TOTAL AREA	_____	4
TOTAL FUEL USED	_____	FIVE ACRES (FIVE)
TOTAL FUEL USED	_____	ONE
TOTAL FUEL PROVIDED	_____	FIVE ACRES (FIVE)
TOTAL FUEL USED	_____	ONE
TOTAL FUEL USED	_____	ONE

[illegible]

ARTISAN VICTORY MARKET

LANDSCAPE DETAILS

L4

ARTISAN VICTORY MARKET



JUNE 7, 2023

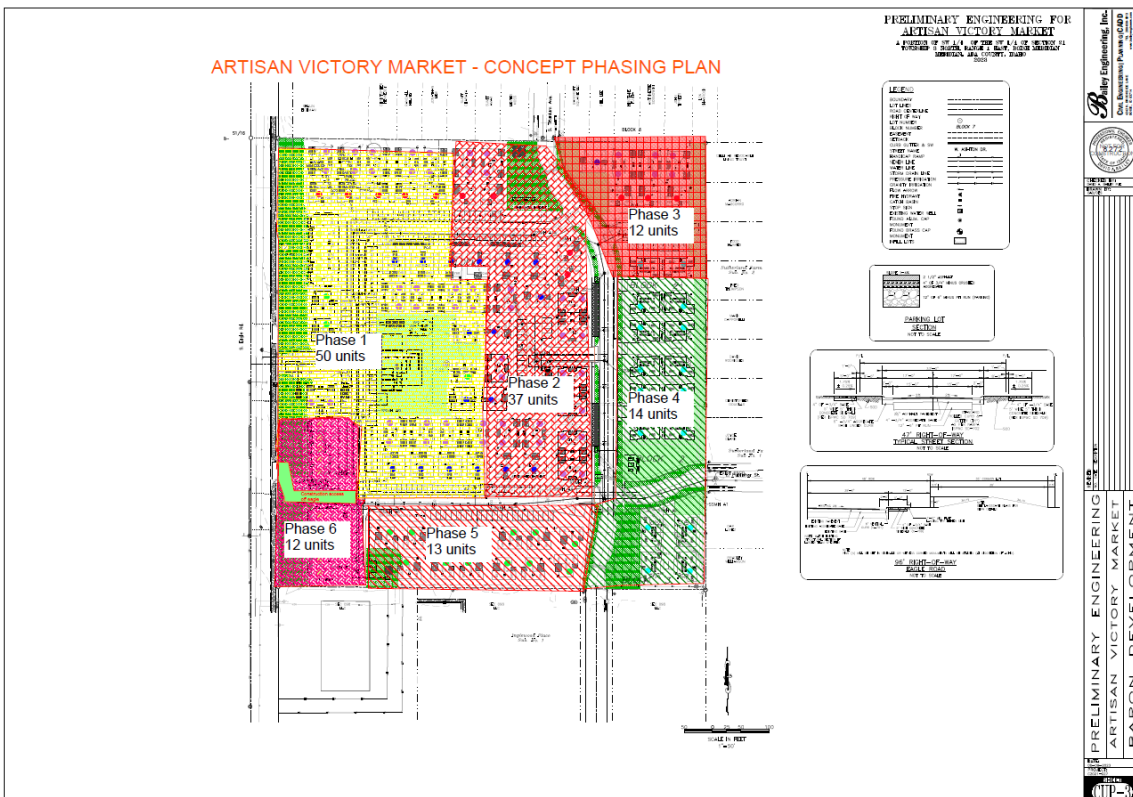
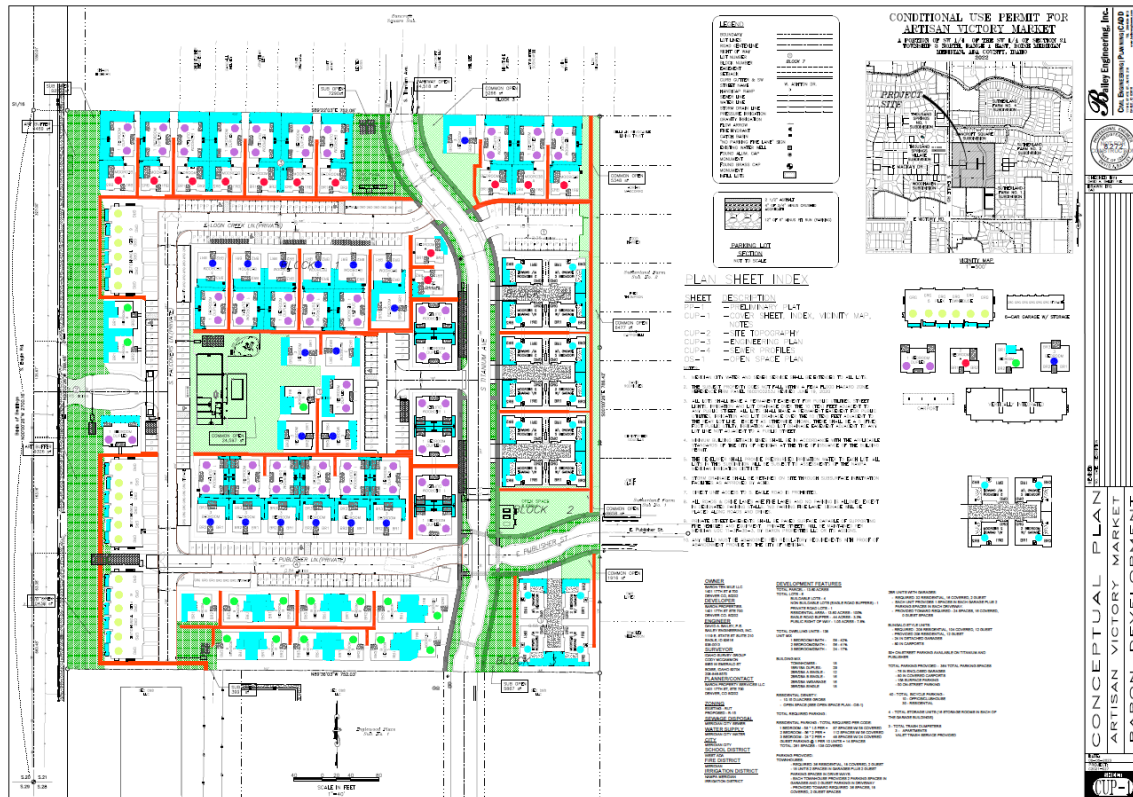


DEVELOPER
BARON PROPERTIES
1410 17TH ST STE 700
DENVER, CO 80202


JENSENBELTS
ASSOCIATES

Site Planning / Landscape Architecture
9000 York Lane, Suite 100, Dallas, TX 75243
(972) 382-1100

D. Site Plan – Conditional Use Permit (dated: 03/15/2023/06/09/2023) & Conceptual Phasing Plan for Multi-Family Development



[illegible]

F. Site Amenity Exhibit for Multi-Family Development

AMENITIES

- A – Clubhouse and Pool
- B – Dog Park
- C – Playground
- D – Community Gardens
- E – Open Space

B – Dog Park



C – Playground



A – Schematic Clubhouse and Pool



D – Community Gardens



G. Conceptual Building Elevations & Perspectives for Multi-Family Development



MODERN — CRAFTSMAN

VICTORY MARKET

CLUBHOUSE

CONCEPT MATERIALS COLOR PALETTE

1. COLORWAY: INCANDESCENT WHITE
2. COLORWAY: NEUTRAL GREY
3. LAY-UPING: WOODEN LOOK
4. STONE: OLD FASHION STONE
5. ROOF: INTERMEDIATE, PAVILION SPRING, COLOR: BLACK
6. FASCIA: URBANE BRONZE



BARON
PROPERTIES

HUMMEL
ARCHITECTS

HIP ROOF



SINGLE SLOPE ROOF



MODERN — CRAFTSMAN

1 BED 1 BATH DUPLEX

CONCEPT MATERIALS COLOR PALETTE

1. COLORWAY: INCANDESCENT WHITE
2. COLORWAY: NEUTRAL GREY
3. LAY-UPING: WOODEN LOOK
4. STONE: OLD FASHION STONE
5. ROOF: INTERMEDIATE, PAVILION SPRING, COLOR: BLACK
6. FASCIA: URBANE BRONZE



CONCEPT MATERIALS COLOR PALETTE

1. COLORWAY: INCANDESCENT WHITE
2. COLORWAY: NEUTRAL GREY
3. LAY-UPING: WOODEN LOOK
4. STONE: OLD FASHION STONE
5. ROOF: INTERMEDIATE, PAVILION SPRING, COLOR: BLACK
6. FASCIA: URBANE BRONZE



CONCEPT MATERIALS COLOR PALETTE

1. COLORWAY: INCANDESCENT WHITE
2. COLORWAY: NEUTRAL GREY
3. LAY-UPING: WOODEN LOOK
4. STONE: OLD FASHION STONE
5. ROOF: INTERMEDIATE, PAVILION SPRING, COLOR: BLACK
6. FASCIA: URBANE BRONZE



BARON
PROPERTIES

HUMMEL
ARCHITECTS

HIP ROOF



SINGLE SLOPE ROOF



MODERN — CRAFTSMAN

2 BED 2 BATH TYPE A

CONCRETE PALETTE (OPTIONAL)

1. COLOR #1: MICHELLE WHITE
2. COLOR #2: NE WINDY GRAY
3. LAP SIDING: WOOD-LOOK
4. STONE: C&A FARMED STONE
5. ROOF: ARDENNE CHARLIE, ASTORIA SHINGLES, COLOR: BLACK
6. FASCIA: URBANE SIDINGS



CONCRETE PALETTE (REQUIRED)

1. COLOR #1: ACCESSIBLE BRICK
2. COLOR #2: DEEP PAVING
3. LAP SIDING: WOOD-LOOK
4. STONE: C&A FARMED STONE
5. ROOF: ARDENNE CHARLIE, ASTORIA SHINGLES, COLOR: BLACK
6. FASCIA: URBANE SIDINGS



CONCRETE PALETTE (OPTIONAL)

1. COLOR #1: GUTENBERG HILL
2. COLOR #2: ESCORT ONLY
3. LAP SIDING: WOOD-LOOK
4. STONE: C&A FARMED STONE
5. ROOF: ARDENNE CHARLIE, ASTORIA SHINGLES, COLOR: BLACK
6. FASCIA: URBANE SIDINGS



BARON PROPERTIES

HUMMEL ARCHITECTS

HIP ROOF



SINGLE SLOPE ROOF



MODERN — CRAFTSMAN

2 BED 2 BATH GARAGE

CONCRETE PALETTE (OPTIONAL)

1. COLOR #1: MICHELLE WHITE
2. COLOR #2: NE WINDY GRAY
3. LAP SIDING: WOOD-LOOK
4. STONE: C&A FARMED STONE
5. ROOF: ARDENNE CHARLIE, ASTORIA SHINGLES, COLOR: BLACK
6. FASCIA: URBANE SIDINGS



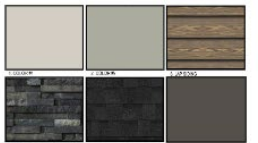
CONCRETE PALETTE (REQUIRED)

1. COLOR #1: ACCESSIBLE BRICK
2. COLOR #2: DEEP PAVING
3. LAP SIDING: WOOD-LOOK
4. STONE: C&A FARMED STONE
5. ROOF: ARDENNE CHARLIE, ASTORIA SHINGLES, COLOR: BLACK
6. FASCIA: URBANE SIDINGS



CONCRETE PALETTE (OPTIONAL)

1. COLOR #1: GUTENBERG HILL
2. COLOR #2: ESCORT ONLY
3. LAP SIDING: WOOD-LOOK
4. STONE: C&A FARMED STONE
5. ROOF: ARDENNE CHARLIE, ASTORIA SHINGLES, COLOR: BLACK
6. FASCIA: URBANE SIDINGS



BARON PROPERTIES

HUMMEL ARCHITECTS

HIP ROOF



SINGLE SLOPE ROOF



MODERN _ -CRAFTSMAN

3 BED 2 BATH

CONCRETE PALETTE OPTIONS #1

1. COLOR #1: MICHELE WHITE
2. COLOR #2: MICHIGAN GRAY
3. LAP SIDING: MICHELSON
4. STONE: OLA TAPERED STONE
5. ROOF: MICHELSON, ASPHALT SHINGLES, COLOR: BLACK
6. FASCIA: BROWN SIDINGS



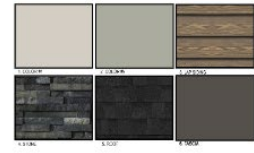
CONCRETE PALETTE OPTIONS #2

1. COLOR #1: ACCESSIBLE BEIGE
2. COLOR #2: GRAY WHITE
3. LAP SIDING: MICHELSON
4. STONE: OLA TAPERED STONE
5. ROOF: MICHELSON, ASPHALT SHINGLES, COLOR: BLACK
6. FASCIA: BROWN SIDINGS



CONCRETE PALETTE OPTIONS #3

1. COLOR #1: ACCESSIBLE BEIGE
2. COLOR #2: LIGHT GRAY
3. LAP SIDING: MICHELSON
4. STONE: OLA TAPERED STONE
5. ROOF: MICHELSON, ASPHALT SHINGLES, COLOR: BLACK
6. FASCIA: BROWN SIDINGS



BARON
PROPERTIES

HUMMEL
ARCHITECTS

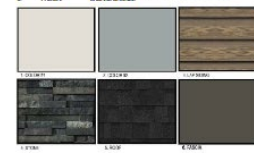


MODERN _ -CRAFTSMAN

TOWNHOUSES - 6 PLEX

CONCRETE PALETTE OPTIONS #1

1. COLOR #1: MICHELE WHITE
2. COLOR #2: MICHIGAN GRAY
3. LAP SIDING: MICHELSON
4. STONE: OLA TAPERED STONE
5. ROOF: MICHELSON, ASPHALT SHINGLES, COLOR: BLACK
6. FASCIA: BROWN SIDINGS



CONCRETE PALETTE OPTIONS #2

1. COLOR #1: ACCESSIBLE BEIGE
2. COLOR #2: GRAY WHITE
3. LAP SIDING: MICHELSON
4. STONE: OLA TAPERED STONE
5. ROOF: MICHELSON, ASPHALT SHINGLES, COLOR: BLACK
6. FASCIA: BROWN SIDINGS



CONCRETE PALETTE OPTIONS #3

1. COLOR #1: ACCESSIBLE BEIGE
2. COLOR #2: LIGHT GRAY
3. LAP SIDING: MICHELSON
4. STONE: OLA TAPERED STONE
5. ROOF: MICHELSON, ASPHALT SHINGLES, COLOR: BLACK
6. FASCIA: BROWN SIDINGS



BARON
PROPERTIES

HUMMEL
ARCHITECTS



MODERN - CRAFTSMAN

VICTORY MARKET

ENTRY FEATURE

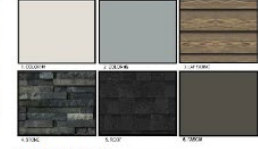
CONCRETE PALETTE OPTIONS

1. COLOR #1: INCREDIBLE WHITE
2. COLOR #2: NEW YORK GRAY
3. LAY-UPING: MODERN LOOK
4. STONE: CDA TAPERED STONE
5. ROCK: ARCHITECTURAL ASPHALT SHINGLES, COLOR: BLACK
6. FASCIA: URBANE BRONZE



CONCRETE PALETTE OPTIONS

1. COLOR #1: INCREDIBLE WHITE
2. COLOR #2: NEW YORK GRAY
3. LAY-UPING: MODERN LOOK
4. STONE: CDA TAPERED STONE
5. ROCK: ARCHITECTURAL ASPHALT SHINGLES, COLOR: BLACK
6. FASCIA: URBANE BRONZE



CONCRETE PALETTE OPTIONS

1. COLOR #1: INCREDIBLE WHITE
2. COLOR #2: NEW YORK GRAY
3. LAY-UPING: MODERN LOOK
4. STONE: CDA TAPERED STONE
5. ROCK: ARCHITECTURAL ASPHALT SHINGLES, COLOR: BLACK
6. FASCIA: URBANE BRONZE



BARON HUMMEL
PROPERTIES ARCHITECTS

MODERN - CRAFTSMAN

GARAGE - STORAGE BUILDING

CONCRETE PALETTE OPTIONS

1. COLOR #1: INCREDIBLE WHITE
2. COLOR #2: NEW YORK GRAY
3. LAY-UPING: MODERN LOOK
4. STONE: CDA TAPERED STONE
5. ROCK: ARCHITECTURAL ASPHALT SHINGLES, COLOR: BLACK
6. FASCIA: URBANE BRONZE



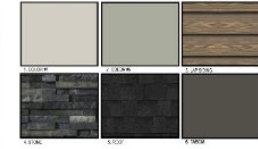
CONCRETE PALETTE OPTIONS

1. COLOR #1: INCREDIBLE WHITE
2. COLOR #2: NEW YORK GRAY
3. LAY-UPING: MODERN LOOK
4. STONE: CDA TAPERED STONE
5. ROCK: ARCHITECTURAL ASPHALT SHINGLES, COLOR: BLACK
6. FASCIA: URBANE BRONZE



CONCRETE PALETTE OPTIONS

1. COLOR #1: INCREDIBLE WHITE
2. COLOR #2: NEW YORK GRAY
3. LAY-UPING: MODERN LOOK
4. STONE: CDA TAPERED STONE
5. ROCK: ARCHITECTURAL ASPHALT SHINGLES, COLOR: BLACK
6. FASCIA: URBANE BRONZE



BARON HUMMEL
PROPERTIES ARCHITECTS

VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. A Development Agreement (DA) is required as a provision of annexation of this property. Prior to approval of the annexation ordinance, a DA shall be entered into between the City of Meridian, the property owner(s) at the time of annexation ordinance adoption, and the developer.

Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council granting the annexation. The DA shall, at minimum, incorporate the following provisions:

- a. Development of the subject property shall be generally consistent with the conceptual development plan, site plan, preliminary plat, conceptual phasing plan, landscape plan, open space and site amenity exhibits, and conceptual building elevations submitted with the application contained herein.
- b. ~~The applicant shall include a plaza area in the commercial area that ties in with the open space south of the clubhouse and pool and provide a decorative pedestrian crossing to integrate the two open spaces. A pedestrian connectivity shall also be provided to the existing 7 foot sidewalk adjacent to Eagle Rd.~~
- c. The final plat shall be recorded prior to issuance of ~~building permits~~ the first certificate of occupancy for any structures within this development.
- d. ~~The site shall be restricted to only one drive-through on the property as proposed. Conditional use permit approval is required prior to commencement of the use.~~

Preliminary Plat:

2. The final plat shall include the following revisions:
 - a. ~~Include a note granting cross access/ingress egress easements between all commercial lots in the subdivision, Inglewood Subdivision to the south, and Eagle Road via a note on the final plat.~~
 - b. Depict all street landscape buffers in a common lot or on a permanent dedicated buffer easement, maintained by the property owner, homeowner's association or business owners' association as set forth in UDC [11-3B-7C.2a](#). *A minimum 25-foot wide buffer is required along S. Eagle Rd. per the standards listed in UDC [11-3B-7C.1](#).*
 3. The landscape plan submitted with the final plat shall be revised as follows:
 - a. Landscaping is required within the street buffer as set forth in UDC [11-3B-7C](#). *(See updated standards.)*
 - b. Depict landscaping within common open space areas as set forth in UDC 11-3G-5B.3.
 - c. ~~With final plat submittal, any fencing proposed along Publisher and Titanium shall be installed 10 feet from the property line.~~
 4. Future development shall be consistent with the minimum dimensional standards listed in UDC Tables [11-2A-7](#) for the R-15 district and UDC Table [11-2B-3](#) for the C-C zoning district.
 5. All waterways on this site shall be piped as set forth in UDC [11-3A-6B](#), unless otherwise waived by City Council.
-

6. The landscape plan submitted with the final plat shall include the detail mitigation plan in accord with UDC 11-3B-10.
7. All structures on the property shall be removed for the site with development of the subdivision.
8. Comply with all ACHD conditions of approval.
9. Comply with the private street standards in UDC 11-3F-4. The proposed private streets shall be in a common lot. ~~If the private street is proposed to intersect Eagle Rd. apply for alternative compliance 15 days prior to the City Council hearing.~~
10. Staff has concerns with the residential units on the east side of Titanium Ave, specifically pedestrian safety. The residents on this side of the roadway will need to cross the street to gain access to the main amenities. **The applicant shall coordinate with ACHD and include decorative crossings through this roadway and provide traffic calming at the Titanium and Publisher intersection. This also includes coordinating with the property owner to the south as testified at the public hearing.**

Conditional Use Permit:

11. Compliance with the specific use standards listed in UDC [11-4-3-27](#): Multi-Family Development.
 12. The site/landscape plans included in Section VII shall be revised as follows:
 - a. ~~All shared driveways along the east side of Titanium shall be a minimum width of 20 feet and the garages stepped back as proposed to ensure vehicles can utilize the single car garages.~~
 - b. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, and transformer and utility vaults shall be located in an area not visible from a public street, or shall be fully screened from view from a public street in accord with UDC [11-4-3-27B.2](#).
 - c. Depict the location of the property management office; maintenance storage area; central mailbox location, including provisions for parcel mail, that provide safe pedestrian and/or vehicular access; and a directory and map of the development at an entrance or convenient location for those entering the development in accord with UDC [11-4-3-27B.7](#).
 - d. ~~Remove the 15-foot linear open space along the southern property boundary from the qualifying open space calculations. A new open space exhibit is required 15 days prior to City Council to ensure the development still complies with the multi-family common open space standards.~~
 - e. Depict landscaping along all the foundation of all street facing elevations in accord with the standards listed in UDC [11-4-3-27E](#).
 - f. Depict a minimum of 20 bicycle parking spaces per the standards listed in UDC 11-3C-6G; bicycle parking facilities shall comply with the standards listed in UDC [11-3C-5C](#). Bike racks should be provided in two central locations as proposed.
 - g. Depict a minimum of ~~305~~²³⁶ parking spaces for the multifamily development as proposed.
-

- h. Provide amenities for the development as shown in Exhibit VII.F. The applicant shall provide another amenity from the multi-modal category and provide a detail of the amenity with the CZC submittal.
 - i. Minimum 7-foot wide sidewalks shall be provided where parking abuts sidewalks if wheel stops aren't proposed to prevent vehicle overhang in accord with UDC 11-3C-5B4; if 7-foot sidewalks are proposed, the length of the stall may be reduced to 17 feet.
 - j. The applicant shall relocate the trash enclosure located on the north side of the parking lot east of the pool and install a 5-foot wide sidewalk to provide a more direct connection to the children play structure.
- 13. No recreational vehicles, snowmobiles, boats or other personal recreation vehicles shall be stored on the site unless provided for in a separate, designated and screened area as set forth in UDC 11-4-3-27B.5.
 - 14. All multi-family developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features as set forth in UDC [11-4-3-27F](#). **A recorded copy of the document shall be submitted prior to issuance of the first Certificate of Occupancy for the development.**
 - 15. In phased developments, common open space shall be provided in each phase of the development consistent with the requirements for the size and number of dwelling units in accord with UDC [11-4-3-27C.6](#).
 - 16. A Certificate of Zoning Compliance and Design Review application is required to be submitted for approval of the multi-family and commercial development to ensure compliance with UDC standards and development provisions associated with this application.

B. PUBLIC WORKS

Site Specific Conditions of Approval

- 1. Project must submit Phasing Memo with construction drawings per Land Development Notes associated with PREAPP-2021-0192. If project will be phased for occupancy, then separate Land Development record will need to be submitted for review of the public utilities with each phase.
 - 2. A streetlight plan will be required for the development of this property.
 - 3. Remove main for manhole B3 and B4. Run sewer service directly to building for apartment buildings.
 - 4. Provide turn around area for manhole F1 (turn around approximately the same as fire truck).
 - 5. Common Driveways with four or more lots need to have a private sewer line that will be the responsibility of the HOA. A manhole in the common driveway located at the property boundary is required with a lid that states Private.
 - 6. Sewer easement width varies depending on sewer depth. Sewer 0-15 ft deep require a 20 ft easement, 16-20 ft a 30 ft easement, and 21-30 ft a 40 ft easement. Also see general note three under Public Works General Conditions of Approval for additional easement requirements.
-

7. When sewer and water easements are combined the width of the easement will vary depending on sewer depth. Sewer 0-20 ft deep require a 30 ft easement, 20-25 ft a 40 ft easement, and 25-30 ft a 45 ft easement.
8. For water and sewer in parallel, if sewer depth is greater than 15', locate water main 5 ft from edge of easement and center the sewer main between the water main and other edge of easement.
9. Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement.
10. Ensure no sewer services pass through infiltration trenches.
11. Avoid having the water meters in hardscape. First option would be to have them in landscaping where we can have at least 10 ft separation from the building and 10 ft easement (we are ok with extended pigtails). If there is no suitable landscaping to meet that requirement then place the meters as far from the building as possible and provide as close to 10 ft as possible.
12. Applicant to ensure that services up to the water meter have 20 ft easement. Carports and other permanent structures cannot be within easement. The areas of concern are the units north of Loon Creek Ln and Publisher Ln.

General Conditions of Approval

- 2.1 Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet then alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
 - 2.2 Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
 - 2.3 The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.
 - 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 12-13-8.3). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
-

- 2.5 All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
- 2.6 All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
- 2.7 Any 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.
- 2.8 Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
- 2.9 Prior to vertical permit acceptance/receipt, street signs are to be in place, sanitary sewer may be installed/inspected in part or in whole (but not required as activated or fully approved as not necessary for site safety), and water systems activated and approved as related to hydrant locations, road base installed and approved for use and capacity of 80,000 lb. vehicle, prior to payment or receipt of vertical building permits. Vertical building permit plan sets may be submitted and reviewed/approved prior to horizontal acceptance of above listed requirements. However, approved plan sets may not be paid for or collected until horizontal acceptance. This stipulation does not pertain to garage buildings or vertical structures located within the driveways, drive isles, or site roads to be constructed. Garage buildings or vertical structures located within the driveways, drive isles or site roads are allowed to proceed with plan submittals, reviews and approvals along with permit payment and receipt, and can be constructed concurrent with completion of horizontal requirements for the site, and be permitted prior to horizontal acceptance to minimize access impact in regard to the emergency access of the site. Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
- 2.10 A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
- 2.11 All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
- 2.12 Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
- 2.13 It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 2.14 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.15 Developer shall coordinate mailbox locations with the Meridian Post Office.
-

- 2.16 All grading of the site shall be performed in conformance with MCC 11-12-3H.
- 2.17 Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 2.18 The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
- 2.19 The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
- 2.20 At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
- 2.21 A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
- 2.22 The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 2.23 The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

C. FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=281216&dbid=0&repo=MeridianCity> Meets all Fire Dept. requirements and is across the street from Station #4.

D. POLICE DEPARTMENT

No comments have been received.

E. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=282300&dbid=0&repo=MeridianCity&cr=1>

F. WEST ADA SCHOOL DISTRICT (WASD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=289314&dbid=0&repo=MeridianCity&cr=1>

G. BOISE PROJECT BOARD OF CONTROL

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=282195&dbid=0&repo=MeridianCity&cr=1>

H. DEPARTMENT OF ENVIRONMENTAL QUALITY

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=285810&dbid=0&repo=MeridianCity&cr=1>

I. PARK'S DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=281205&dbid=0&repo=MeridianCity&cr=1>

J. COMMUNITY DEVELOPMENT SCHOOL IMPACT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=286761&dbid=0&repo=MeridianCity&cr=1>

K. ADA COUNTY DEVELOPMENT SERVICES

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=282820&dbid=0&repo=MeridianCity&cr=1>

L. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=286497&dbid=0&repo=MeridianCity&cr=1>

M. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=290332&dbid=0&repo=MeridianCity&cr=1>

N. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=290332&dbid=0&repo=MeridianCity&cr=1>

IX. FINDINGS

A. Annexation and/or 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;

The Council finds the proposed zoning map amendment to the R-15 zone and subsequent development is generally consistent with the Comprehensive Plan and the MU-C FLUM designation.

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

The Council finds the proposed map amendment will allow for the development of residential uses which will contribute to the range of housing opportunities in the City consistent with the purpose statement of the residential districts in accord with the Comprehensive Plan.

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

The 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

The 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.

The Council finds the proposed annexation is in the best interest of the City.

B. Preliminary Plat:

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;

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

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

The 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, the 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;

The 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 VIII for more information.)

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

The 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.

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

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

C. Conditional Use Permit (UDC 11-5B-6E)

The Commission shall base its determination on the Conditional Use Permit requests upon the following:

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.

The Council finds that the subject property is large enough to accommodate the proposed uses and dimensional and development regulations of the R-15 zoning district (see Analysis, Section V for more information).

2. That the proposed use will be harmonious with the Meridian Comprehensive Plan and in accord with the requirements of this Title.

The Council finds that the proposed use is consistent with the future land use map designation of MU-C.

3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.

The Council finds the proposed design of the development, construction, operation and maintenance should be compatible with the mix of other uses planned for this area and with the intended character of the area and that such uses will not adversely change the character of the area.

4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

The Council finds that if the applicant complies with the conditions outlined in this report, the proposed use will not adversely affect other property in the area. The Council should weigh any public testimony provided to determine if the development will adversely affect other properties in the vicinity.

5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.

The Council finds that essential public services are available to this property and that the use will be adequately served by these facilities.

D. Private Street (UDC 11-3F-5)

In order to approve the application, the Director shall find the following:

1. The design of the private street meets the requirements of this Article;
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The Director finds the proposed design of the private streets does comply with all of the standards listed in UDC 11-3F-4.

2. Granting approval of the private street would not cause damage hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity; and

Staff does not anticipate the proposed private streets would cause damage hazard or other detriment to persons, property or uses in the vicinity if the streets are designed and constructed in accord with the standards listed in UDC 11-3F-4B. The adjacent neighborhoods will still have access through the development via a local street network for a portion of the site.

3. The use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan.

The Director finds the use and location of the proposed private streets does not conflict with the regional transportation plan. A local street network is being provided with the development to provide connectivity with adjacent neighborhoods which is desired in the Comprehensive Plan.

4. The proposed residential development (if applicable) is a mew or gated development.

This finding is not applicable as this a multi-family development and not a mew or gated development.
