

DEVELOPMENT AGREEMENT

PARTIES: **1. City of Meridian**
 2. Percy Farms LLC, Owner/Developer

THIS DEVELOPMENT AGREEMENT (this “**Agreement**”) is made and entered into this 22 day of December, 2022, 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 **Percy Farms LLC**, an Idaho limited liability company, whose address is 1250 Stegerman Court, Meridian, ID 83642, hereinafter called “**OWNER/DEVELOPER**.”

1. RECITALS:

- 1.1 **WHEREAS**, Owner/Developer is the sole owner, in law and/or equity, of a certain tract of land in the County of Ada, State of Idaho, commonly known as 5385 S. Meridian Road, Meridian, Idaho 83642, and described in **Exhibit “A,”** which is attached hereto and by this reference incorporated herein as if set forth in full, hereinafter referred to as the “**Property**,” and
- 1.2 **WHEREAS**, Idaho Code § 67-6511A provides that cities may, by ordinance, establish provisions governing the creation, form, recording, modification, enforcement and termination of development agreements required or permitted as a condition of zoning that the Owner/Developer make a written commitment concerning the use or development of the 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 and the modification of development agreements; and
- 1.4 **WHEREAS**, Owner/Developer has submitted an application for development agreement modification to remove the property listed in **Exhibit “A”** from an existing Development Agreement recorded in Ada County as Instrument #2016-007091, and for the inclusion of the Property into this new Agreement, 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 duly noticed public hearings before 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 development agreement modification held before 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 15th of November, 2022, 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**, Owner/Developer deems 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
- 1.9 **WHEREAS**, the property listed in **Exhibit “A”** shall no longer be subject to the terms of the existing Development Agreement (Inst. #2016-007091) and shall be bound by the terms contained herein in this new agreement; and
- 1.10 **WHEREAS**, City requires the Owner/Developer to enter into a development agreement modification 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 designations are 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 **Percy Farms LLC**, whose address is 1250 Stegerman Court, Meridian, Idaho 83642, the party that owns said Property and shall include any subsequent owner(s) of the Property.
- 3.3 **PROPERTY:** means and refers to that certain parcel of Property located in the County of Ada, City of Meridian as described in **Exhibit "A"** describing a parcel to be removed from existing Development Agreement recorded in Ada County as Instrument #2016-007091, with such parcel being bound by this new Agreement, which **Exhibit "A"** is 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 as permitted, conditional and/or accessory uses under the UDC.
- 4.2 No change in the uses specified in this Agreement shall be allowed without modification of this Agreement.
- 4.3 Until such time the entire property develops, the current agricultural uses of the property shall be allowed to continue for those phases of the project not yet platted; this does not allow the existing home to remain on the property and said structure shall be removed with the first phase of development.

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

- 5.1 Owner/Developer shall develop the Property in accordance with the following special conditions:
 - a. Future development of this site shall be substantially consistent with the approved plat, landscape plan, phasing plan, open space exhibit, and conceptual building elevations included in Section VII and the provisions contained herein.
 - b. The Applicant and/or assigns shall not obtain more than 30 residential building permits prior to the emergency access being reviewed and approved by the Meridian Fire Department.

- c. The Applicant and/or assigns shall not obtain more than 100 residential building permits prior to a secondary public road access being constructed and approved by ACHD.
- d. The remaining width of W. Quartz Creek Street (the new collector street along the south boundary), the required multi-use pathway, and the required collector and arterial landscape buffers adjacent to W. Quartz Creek and S. Meridian Road/SH 69 shall be constructed and vegetated with the first phase of development.
- e. Applicant and/or assigns shall dedicate additional right-of-way for SH 69/Meridian Road per the ITD Memo and construct a southbound right-turn lane from SH 69 onto W. Quartz Creek Street with the first phase of development.
- f. The elevations/facades of 2-story structures that face S. Meridian Road, an entryway corridor, and W. Quartz Creek Street, a collector street, shall incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public street. Single-story structures are exempt from this requirement.

6. **COMPLIANCE PERIOD:** This Agreement must be fully executed within six (6) months after the date of the Findings 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's 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 actions 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 § 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 the 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 ordinance or policy, notify the City Engineer and request the City Engineer's inspections and written approval of such completed improvements or portion therefor in accordance with the terms and conditions of this Agreement and all other ordinance 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.

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 agrees to provide, if required by the City.

12. **CERTIFICATE OF OCCUPANCY:** No Certificates of Occupancy shall be issued if 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 agrees 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 Ave.
Meridian, Idaho 83642

OWNER/DEVELOPER:
Percy Farms LLC
1250 Stegerman Court
Meridian, Idaho 83642

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/Developer, to execute appropriate and recordable evidence of termination of this Agreement if City, in its sole and reasonable discretion, has determined that Owner/Developer has fully performed its 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 reasonable 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. **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.

20.1 No condition governing the uses and/or conditions governing the 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.

22. **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:

Percy Farms LLC


By: James Percy

Its: **Owner**

STATE OF IDAHO)
 : ss:
County of Ada)

On this 22 day of December, 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared James Percy, known or identified to me to be the Owner of **Percy Farms LLC** and the person who signed above and acknowledged to me that they 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

My Commission Expires: 11/08/2025

CITY OF MERIDIAN

ATTEST:

By: _____
Mayor Robert E. Simison

Chris Johnson, City Clerk

STATE OF IDAHO)
 : ss
County of Ada)

On this _____ day of _____, 20____, 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 TN-R ZONE ALLURE SUBDIVISION

A parcel of land located in the Southeast 1/4 of the Northeast 1/4 of Section 36, T.3N, R.1W., B.M., City of Meridian, Ada County, Idaho being more particularly described as follows:

Commencing at the Northeast corner of Section 36 from which the East 1/4 corner of said Section 36 bears South 00°37'38" West, 2641.53 feet; thence South 00°37'38" West, 1320.76 feet along the east line of Section 36 to the **REAL POINT OF BEGINNING**;

thence continuing along said east line, South 00°37'38" West, 1300.77 feet;

thence leaving said east line on a line parallel with and 20.00 feet north from the South boundary line of the Southeast 1/4 of the Northeast 1/4 of said Section 36, North 89°21'32" West, 1,316.52 feet to the west boundary line of the Southeast 1/4 of the Northeast 1/4 of said Section 36;

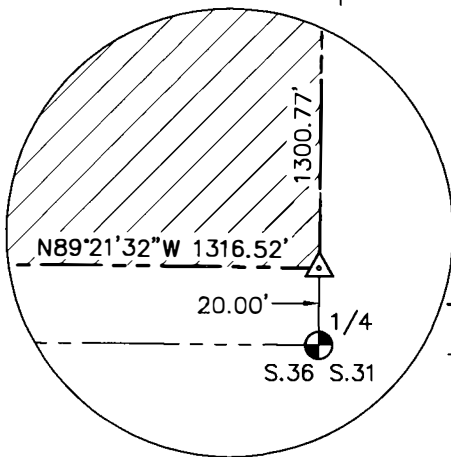
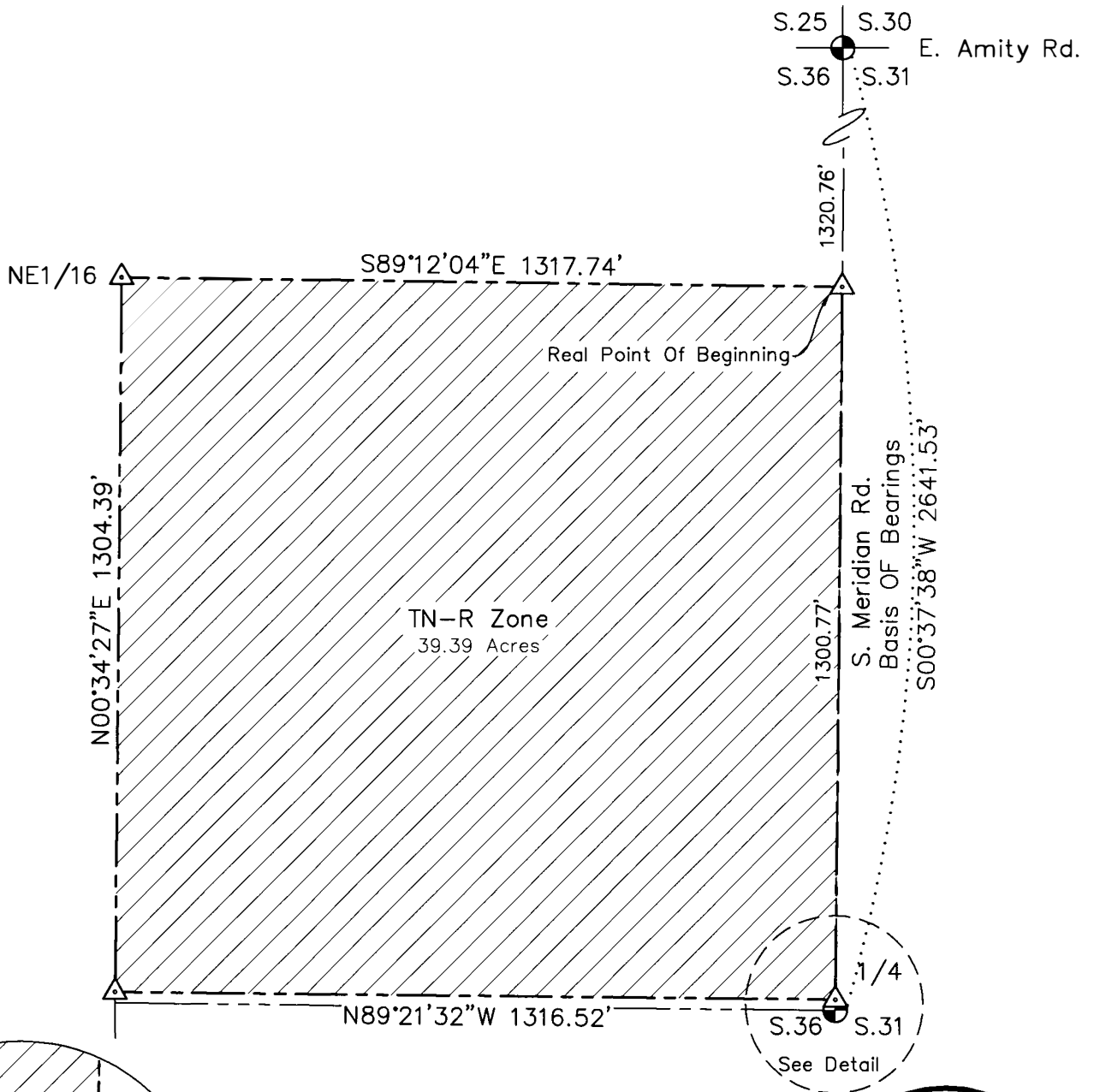
thence along said west boundary line, North 00°34'27" East, 1,304.39 feet to the Northeast 1/16 corner of said Section 36;

thence along the north boundary line of the Southeast 1/4 of the Northeast 1/4 of said Section 36, South 89°12'04" East, 1,317.74 feet to the **REAL POINT OF BEGINNING**.

Containing 39.39 acres, more or less.

End of Description.





Detail

Scale: 1" = 50'

LEGEND



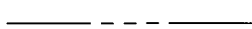
Section Corner



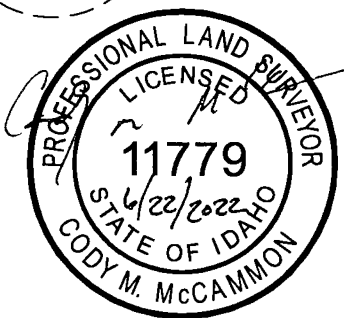
Property Corner



Property Boundary Line



Section Line



Scale: 1" = 300'



P:\Prevail West 40ac 21-024\dwg\21 024 Rezone.dwg 6/22/2022 4:56:34 PM



**IDAHO
SURVEY
GROUP, LLC**

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

Exhibit ____ Drawing For
TN-R Zone
Allure Subdivision

Located in The SE1/4 Of The NE1/4 Of Section 36,
T.3N., R.1W., B.M., Ada County, Idaho.

Job No.
21-024

Sheet No.
1

Dwg. Date
6/22/2022

EXHIBIT B

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



In the Matter of the Request for Request to Rezone 39.39 acres of land from the R-4 to the TN-R zoning district; Preliminary Plat consisting of 226 single-family building lots and 36 common lots on 37.34 acres in the requested TN-R district; and Modification to the existing development agreement (Inst. #2016-007091), as required by the existing development agreement provisions, for the purpose of entering into a new agreement consistent with the proposed project and plat, by Breckon Land Design.

Case No(s). H-2022-0050

For the City Council Hearing Date of: November 1, 2022 (Findings on November 15, 2022)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of November 1, 2022, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of November 1, 2022, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of November 1, 2022, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of November 1, 2022, 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 November 1, 2022, 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 Rezone, Preliminary Plat, and Development Agreement Modification is hereby approved per the conditions of approval in the Staff Report for the hearing date of November 1, 2022, 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 November 1, 2022.

By action of the City Council at its regular meeting held on the 15th day of November, 2022.

COUNCIL PRESIDENT BRAD HOAGLUN VOTED AYE

COUNCIL VICE PRESIDENT JOE BORTON VOTED AYE

COUNCIL MEMBER JESSICA PERREAULT VOTED AYE

COUNCIL MEMBER LUKE CAVENER VOTED

COUNCIL MEMBER TREG BERNT VOTED

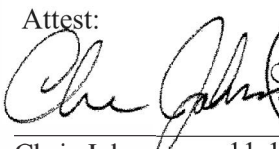
COUNCIL MEMBER LIZ STRADER VOTED AYE

MAYOR ROBERT SIMISON VOTED
(TIE BREAKER)



Mayor Robert E. Simison 11-15-2022

Attest:



Chris Johnson 11-15-2022
City Clerk



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

By:  Dated: 11-15-2022
City Clerk's Office

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



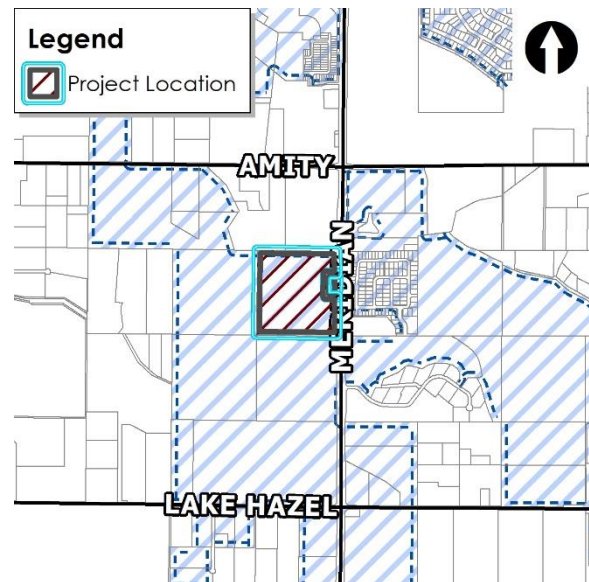
HEARING DATE: 11/1/2022

TO: Mayor & City Council

FROM: Joe Dodson, Associate Planner
208-884-5533

SUBJECT: H-2022-0050
Allure Subdivision

LOCATION: The site is located at 5385 S. Meridian Road, directly north of the half-mile mark on the west side of Meridian Road between E. Amity and E. Lake Hazel Roads, in the SE 1/4 of the NE 1/4 of Section 36, Township 3N, Range 1W.



I. PROJECT DESCRIPTION

- Request to Rezone 39.39 acres of land from the R-4 to the TN-R zoning district;
- Preliminary Plat consisting of 226 single-family building lots and 36 common lots on 37.34 acres in the requested TN-R district; and
- Modification to the existing development agreement (Inst. #2016-007091), as required by the existing development agreement provisions, for the purpose of entering into a new agreement consistent with the proposed project and plat, by Breckon Land Design.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	RZ – 39.39; Plat – 37.34 acres	
Future Land Use Designation	Medium Density Residential (3-8 du/ac)	
Existing Land Use(s)	Vacant land	
Proposed Land Use(s)	Detached and Attached Single-family Residential, front-loaded and alley-loaded; single-family townhomes.	
Lots (# and type; bldg./common)	226 single-family residential building lots; 36 common lots	
Phasing Plan (# of phases)	Proposed as five (5) phases	
Number of Residential Units	226 single-family units (123 detached; 104 attached townhomes)	
Density	Gross – 6.05 du/ac; Net – 7.49 du/ac	
Open Space (acres, total [%]/buffer/qualified)	7.49 acres total; 6.96 acres of qualified open space (approximately 18.6%) per submitted open space exhibit.	
Amenity	At least three (3) site amenities – pool, children’s play structures, and open space in excess of code requirements.	

Description	Details	Page
Neighborhood meeting date	June 6, 2022	
Distance to nearest City Park (+ size)	1.9 miles to Discovery Park to the southeast of the project (76.88 acres in size; phase 1 constructed with phase 2 under construction).	
History (previous approvals)	H-2015-0019 (South Meridian Annexation)	

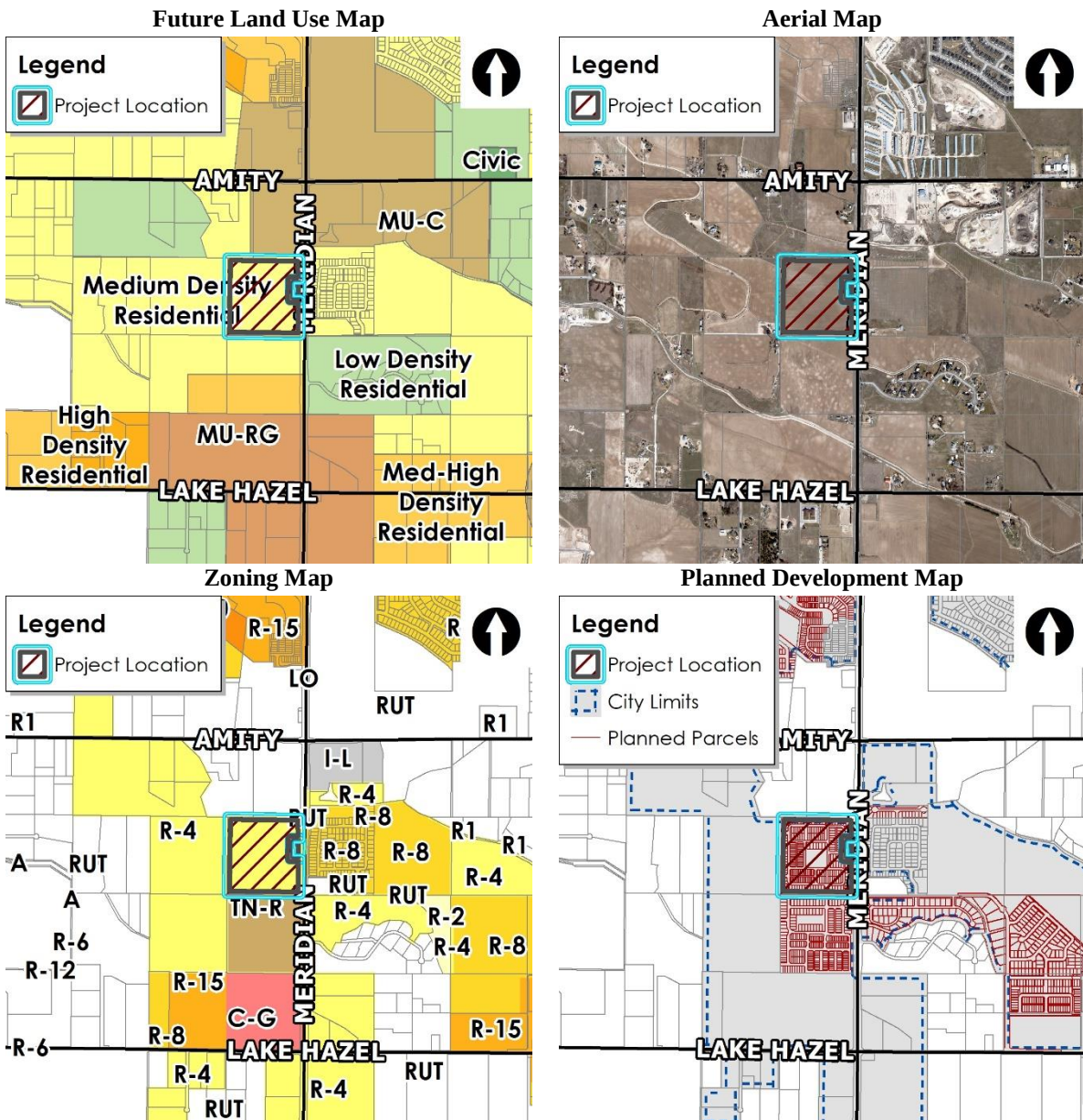
B. Community Metrics

Description	Details	Page
Ada County Highway District		
Staff report (yes/no)	Yes	
Requires ACHD Commission Action (yes/no)	No	
Traffic Impact Study (yes/no)	Yes	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Access is via a new local street connection to W. Quartz Creek Street, a new collector street along entire south property boundary.	
Stub Street/Interconnectivity/Cross Access	Yes; 3 stub streets are proposed to adjacent underdeveloped properties. Project is proposed to complete W. Quartz Creek (collector street) improvements for shared access to Meridian Road/SH 69	
Existing Road Network		
Existing Arterial Sidewalks / Buffers	No. Buffer and detached multi-use pathway are required and proposed.	
Proposed Road Improvements	Applicant is required to complete the required improvements within the remaining right-of-way on the north side of the the new collector street along the southern project boundary, W. Quartz Creek Street.	
Fire Service		
Distance to Fire Station	3.4 miles from Fire Station #6 (Approximately 2 miles from proposed fire station #7 on Lake Hazel; response time will fall within the 5-minute response time area for Station #7.	
Fire Response Time	Project currently does not <i>currently</i> reside within the Meridian Fire 5-minute response time goal area.	
Resource Reliability	Fire Station #6 reliability is 83% (above the goal of 80%)	
Risk Identification	Risk Factor 1 – Residential	
Accessibility	- Proposed project meets all required road widths, and turnaround dimensions. Project does not meet secondary access requirements as there is only one way in and out currently available; approved secondary access is required.	
Police Service		
Distance to Station	Approximately 4.2 miles from Meridian Police Department	
Response Time	Approximately 4:37 response time to an emergency (Priority 3 call)	
Water & Wastewater		
	See Public Works Site Specific Conditions (Section VIII.B)	
COMPASS – Communities in Motion 2050 Review	- Letter depicts a positive fiscal impact for the City and the School District but a net negative fiscal impact to the County and ACHD. - Letter also notes a lack of pedestrian and bicycle infrastructure in this area.	

Description	Details	Page
West Ada School District		
Estimated Additional School Aged Children	99 estimated school-aged children at full build out.	

	<u>Enrollment</u>	<u>Capacity</u>	<u>Approved lots per attendance area</u>	<u>Approved MF units per attendance area</u>	<u>Projected Students from Approved Dev.</u>
Mary McPherson Elementary	460	675	3443	26	760
Victory Middle School	1048	1000	4496	502	600
Meridian High School	1824	2075	3555	3464	601
School of Choice Options					
Christine Donnell School -Arts	474	500	N/A	N/A	
Spalding Elementary - STEM	680	750	N/A	N/A	

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Mary Wall, Breckon Land Design – 181 E. 50th Street, Garden City, ID 83714

B. Owner:

Jim Percy, Percy Farms LLC – 1250 Stegerman Court, Meridian, ID 83642

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	9/21/2022	10/15/2022
Radius notification mailed to properties within 500 feet	9/15/2022	10/13/2022
Site Posting	9/23/2022	10/12/2022
Nextdoor posting	9/15/2022	10/13/2022

V. STAFF ANALYSIS

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

Medium Density Residential (MDR) – This designation allows for dwelling units at gross densities of three to eight dwelling units per acre. Density bonuses may be considered with the provision of additional public amenities such as a park, school, or land dedicated for public services.

The subject site consists of two properties totaling approximately 37 acres and was annexed into the City of Meridian in 2015 along with many other parcels in this area under the “South Meridian Annexation.” It is located on the north side of the mid-mile mark on the west side of Meridian Road between Lake Hazel and Amity Roads; it is directly west of the Prevail Subdivision (Percy Subdivision) located on the east side of Meridian Road and directly north of the recently approved Briar Ridge Subdivision annexation and preliminary plat (H-2021-0036).

*Allure Subdivision is proposed with 226 building lots on 37.34 acres which constitutes a gross density of 6.05 du/acre which falls in the middle of the allowable density in the MDR designation on the property and is slightly more than Briar Ridge to the south (5.84 du/acre). In addition, the requested TN-R zoning district requires a minimum **net** density of 6 du/acre and according to the submitted plat, the net density of Allure is nearly 7.5 du/acre making the subject plat compliant with this standard. Through the pre-planning process, the Applicant and Staff worked together to propose different housing types within this project to both match and diversify the housing types proposed with Briar Ridge to the south. The grid-like street layout and the different housing types also led the Applicant to request the TN-R zoning district as Briar Ridge did. Staff supports this request and the overall proposed layout as it continues the design and transition from the properties further to the south.*

Rezone:

When the subject property was annexed into the City of Meridian in 2015 it was zoned R-4 to help delineate that this property would be developed as residential. The Development Agreement that was created as part of this original annexation dictated that the City would have services available as soon as possible and the first Rezone application would be free of charge. This stipulation regarding a Rezone application was made because the annexation was City initiated and the property had no concept plan or specific development planned at the time of annexation; the City understood future development may not match the existing zoning and gave future applicants the opportunity to propose a different zoning with a new development plan.

The Applicant’s request to rezone to the Traditional Neighborhood Residential (TN-R) zoning district is, in itself, consistent with the future land use designations because it is a residential district. More importantly, the overall site design proposed by the Applicant is consistent with the comprehensive plan and the future land use designation because of the density proposed, the multiple housing types proposed, the inclusion of parkways throughout the entire development,

the completion of the collector street along the south boundary for future connectivity, and a stub street proposed along the north boundary for future public road connectivity to Amity Road. Staff believes the request for a traditional neighborhood zoning district in this area of the City continues the framework of neighborhood/street oriented design for future development to the north and west to be more pedestrian focused and walkable.

Development Agreement Modification:

The same stipulation regarding the Rezone application applies to the first Development Agreement Modification (MDA) for this property. In fact, the existing DA requires that with any future redevelopment an MDA is required to be submitted. Therefore, the Applicant has submitted an MDA to satisfy this requirement and update the development plan, in order to develop the property with the proposed subdivision. The DA will be tied to the submitted preliminary plat and be required to develop the property per the submitted plans and proposed housing types.

Staff finds the proposed project and the requested applications to be generally consistent with the future land use designations within this project site. Specific Comprehensive Plan policies are discussed and analyzed in the next section.

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

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

“Avoid the concentration of any one housing type or lot size in any geographical area; provide for diverse housing types throughout the City” (2.01.01G). The subject project is proposed with a site design that closely resembles traditional neighborhood design with short block lengths, street trees, pedestrian facilities throughout, and three distinct housing types within this one project. Thus, the Applicant is requesting a rezone from the R-4 district to the TN-R zoning district to have zoning that fits the proposed housing types of detached single-family, alley loaded single-family (attached and townhome), and single-family townhomes with parkways throughout the project. In addition, the proposed housing types will vary greatly from the Shafer View Estates’ larger lots to the southeast and even the detached single-family homes in Prevail Subdivision to the east. Thus, Staff finds the proposed development offers more housing diversity in this area of the city for future residents.

“Establish and maintain levels of service for public facilities and services, including water, sewer, police, transportation, schools, fire, and parks” (3.02.01G). All public utilities are available for this project site, per Public Works comments. This project does not currently reside within the Fire Department response time goal of 5-minutes but will upon completion of Fire Station #7 (anticipated completion date of Summer 2023). However, the singular public road access is through Quartz Creek Street along the southern boundary; a majority of Quartz Creek is being constructed by Briar Ridge Subdivision to the south. Fire code only allows 30 homes off of one access so the Applicant will need to provide an additional emergency access. West Ada School District has provided comments on this application and estimates an additional 99 school aged children will be generated by this development at full build-out. Further, the submitted letter notes that with current school boundaries and school capacities, the approved residential units in this area of the City will create overcrowding at each designated school. West Ada notes that it will always work to accommodate the children being served and specifically lists some of those methods in their letter (see Section VIII.I).

ACHD has analyzed the subject application for compliance with their standards and finds the proposed project to be in compliance and notes the nearby public roads and intersections can accommodate the increase in traffic. ACHD has also added conditions that additional traffic calming is provided throughout the internal streets of the project due to some of the proposed block lengths exceeding allowable distances without a turn or bisecting street. ITD has also reviewed the subject project due to all of the traffic required to utilize the adjacent Meridian

Road/SH 69 transportation network via the collector street connection at the south boundary, Quartz Creek. Overall, the adjacent public roads have been deemed to accommodate the anticipated increase in traffic and ITD is requiring a southbound right-turn lane from SH 69 onto W. Quartz Creek Street for added safety.

Staff finds, with appropriate conditions of approval, that the existing and planned development of the immediate area create conditions for levels of service to and for this proposed project that meet code requirements.

“Preserve, protect, and provide open space for recreation, conservation, and aesthetics” (4.05.01F). *The Applicant is proposing open space in excess of code requirements with a large open space lot centralized within the development and other areas of linear open space connecting different areas of the site. In addition, the project is proposed with parkways and street trees throughout the entire site offering more open space that would be used for pedestrian activity and should add aesthetic value to the development. Further analysis on the proposed open space is below in Section V.L.*

“Promote area beautification and community identity through context sensitive building and site design principles, appropriate signage, and attractive landscaping.” (5.01.02C). *The requested TN-R zoning district requires more than one housing type and streets that include parkways and street trees. With parkways, sidewalks are further removed from the public street making for safer pedestrian facilities and encouraging more pedestrian activity. Because of the desired project aesthetic by the Applicant and the requirements of the traditional neighborhood zoning district, the proposed project is creating its own identity through site design and thoughtful landscaping and pedestrian elements.*

“Require pedestrian access in all new development to link subdivisions together and promote neighborhood connectivity.” (2.02.01D). *Proposed project is not directly adjacent to any other constructed development at this time. However, the Applicant is proposing parkways with detached sidewalks throughout the entire site, some micro-pathways, and constructing a multi-use pathway segment along the entire Meridian Road frontage; these design elements should offer ample pedestrian connectivity within the site and to future development, specifically to the approved Briar Ridge property to the south. Furthermore, the Applicant is proposing two stub streets to the property to the west and one stub street along the north boundary with detached sidewalks. These stub streets and sidewalks will be required to be extended when the adjacent properties develop making the proposed pedestrian network a positive example of linking subdivisions together.*

“Require proposed development within areas further away from urban services, existing utilities or requiring significant City utility upgrades, to demonstrate fiscal benefits, strategic fit with the Comprehensive Plan, contiguity with existing development, and appropriate mitigation for any impacts to existing City service users.” (3.03.02F). *Because the extension of utility services will be fully financed by the Applicant, the specific concern of the City expending funds for utilities is minimal. However, there is evidence that developing this parcel does not constitute orderly development because urban services are not nearby. Urban services include adjacent transportation facilities, employment opportunities, and commercial services like grocery stores, gas stations, and even general retail, office, and restaurant uses. Staff finds with the adjacent development constructed and approved (Briar Ridge, Prevail Subdivision, Shafer View Estates, and self-service storage use), many of these concerns may be mitigated. However, Staff finds the Applicant has not demonstrated a strategic fit with this policy and the community benefit may not be known until commercial development is proposed for the mixed-use designated properties at the intersections of Amity/Meridian and Lake Hazel/ Meridian Roads.*

“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). *All of the essential urban services are relatively far removed from the project site despite other residential development being completed across Meridian Road to the east and approved to the south. For example, the closest gas station is more than 1.5 miles to the north with the next closest being nearly 3 miles away; the closest grocery store is approximately 2.5 miles away with the completion of the Albertson’s at the Eagle and Amity intersection. There is no existing commercial within 1.5 miles of this development which automatically requires that future residents would have to utilize their car to get to essential services. Approximately 1.5 miles to the east, at the intersection of Lake Hazel and Locust Grove, commercial zoning is approved but any actual construction timeline is unknown as this area has only been platted and no administrative applications have been submitted. However, C-G zoning is existing directly south of the Briar Ridge project site which does allow for future commercial uses to be located nearby these proposed residences. **Despite this development meeting a majority of the comprehensive plan policies and being proposed with an insightful and carefully considered site design, Staff does have concern on the timing of development for this project in relation to urban services. The property does about an area of mixed-use community designated property to the north which is anticipated to contain commercial uses in the future; the proposed site design (stub street and pedestrian facility locations) helps set up appropriate connectivity between this project and the anticipated commercial uses to the north.***

Staff finds this development to be generally consistent with the Comprehensive Plan, as discussed throughout the above sections and comprehensive plan policies.

C. Existing Structures/Site Improvements:

There is an existing home and outbuilding on approximately 1 acre along Meridian Road but no other site improvements are noted. The historical use for the subject site is agricultural in nature—the property owner intends on continuing to farm the property as the project develops over time. Staff has included a DA provision related to this request in Section VIII.A.

D. Proposed Use Analysis:

The proposed uses within this project are all residential—detached single-family residential, detached alley-loaded single-family, attached single-family, and alley-loaded townhomes. All uses proposed are permitted residential uses within the requested TN-R zoning district per UDC Table 11-2D-2. The TN-R zoning district requires a minimum of two (2) housing types—the proposed housing types offer four (4) distinct housing types, which complies with this zoning requirement.

The project is proposed to be constructed in five (5) phases according to the submitted preliminary plat page 1. Phase 1 and phase 2 are located along the southern boundary and will finish the construction of the adjacent collector street, W. Quartz Creek. Phase 1 is also depicted with the full Meridian Road street buffer, approximately half of the large open space lot in the center of the development, and contains the children’s play structures and the swimming pool amenity. Three of the four proposed housing types are proposed within the first two phases of the development. Phase 3 includes an area that is central-west for the project and hold the remaining area of the large central open space lot. Phase 4 is depicted along the remaining Meridian Road frontage and contains the last housing type, detached alley-loaded product. Phase 5 completes the project with the remaining area along the north boundary and generally in the northwest corner of the site.

Per the submitted phasing plan reviewed by Meridian Fire, secondary emergency access is needed as the only public road access is to Quartz Creek along the southern boundary. The Applicant has submitted an emergency access exhibit with two options noted (see Exhibit VII.G).

Staff recommends utilizing option “B” as depicted on the exhibit because that access is controlled by this applicant whereas the noted option “A” requires an adjacent property owner to the north to provide access through their site. Staff would prefer option A because it follows the overall planned public street layout but Staff has not received any confirmation from this Applicant or the adjacent property owner that the proposed local street will be extended with phase 1 development of this project as a public street through their site or if they would allow the access to be constructed as a temporary emergency access only. Because of these unknowns, Staff finds it most prudent to recommend the noted option B. Furthermore, this emergency access must be constructed prior to the 31st building permit is submitted in order to comply with Fire code.

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

The requested zoning district of TN-R does not have a minimum lot size requirement but does require a minimum net density of six (6) du/acre. The submitted preliminary plat shows a minimum lot size proposed of 2,300 square feet and an overall average lot size of 4,343 square feet. Because home placement on the building lot is not yet known at the time of preliminary plat submittal, setbacks are not reviewed at this time. However, per the submitted plat, the residential lots appear to meet all UDC dimensional standards for the TN-R zoning district; this includes compliance with the net density requirement. In addition, all subdivision developments are also required to comply with Subdivision Design and Improvement Standards (UDC 11-6C-3).

The proposed preliminary plat and submitted plans appear to meet all UDC requirements but the plat should depict the proposed lots that have zero lot-lines (proposed attached and townhome products) to ensure compliance with setback requirements with the future building permit submittals. Therefore, the Applicant should revise the plat to depict the applicable zero lot-lines with each applicable final plat submittal.

Note: The proposed common driveways within the project (5 total) comply with UDC requirements as no more than three (3) lots are shown off of each. However, the City has experienced some issues at the ends of common drives where one property owner does not have adequate space on the common drive to back out of their garage and then head towards the public road. To ensure this type of conflict does not occur, at the time of final plat submittals, the Applicant should submit common drive exhibits showing adequate area for residents to back out of garages without trespassing on the building lot at the end of the common drives.

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

The Applicant submitted conceptual building elevations for the proposed residential dwellings. Note that detached single-family homes do not require Design Review approval therefore Staff does not review these for compliance with any standards. However, townhomes (an attached housing product) and single-family attached dwellings do require administrative design review (DES) approval prior to building permit submittal. With that future application submittal Staff will analyze the elevations for the townhomes and single-family attached dwellings against the Architectural Standards Manual; the DES application should be submitted with the first final plat application for all required housing types.

The submitted elevations depict single and two-story homes with two-car garages and varying home styles. Specifically, the Applicant shows the single-family attached, townhomes, and the alley-loaded detached single-family homes (noted as the Carriage Home product). The elevations depict differing field materials and designs utilizing lap siding with stone accents, awnings of different materials, and varying roof profiles offering an overall array of potential homes. The Applicant has not submitted conceptual elevations for the traditional front-loaded detached single-family product; the Applicant should submit these prior to the City Council meeting to be compliant with checklist submittal standards and allow Staff to ensure these homes along the collector and Meridian Road have adequate modulation and varying roof profiles.

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

Main access to Allure Subdivision is proposed via construction/completion of a new collector street (W. Quartz Creek Street) along the entire south property boundary that connects from the west boundary of the site to Meridian Road/SH 69 at the mid-mile point consistent with the construction of E. Quartz Creek Street on the east side of Meridian Road. The approved Briar Ridge project to the south is constructing at least half of the proposed Quartz Creek street section with a majority of the required pavement. According to ACHD, Allure should complete the remaining six (6) feet of pavement and construct the remaining curb, gutter, and detached sidewalk within 27.5 feet of additional right-of-way on the north side of this collector street. The submitted preliminary plat shows compliance with these requirements except that the Applicant is required to dedicate additional right-of-way, per ACHD. The remaining roads proposed within this development are local streets that are at least 33 feet wide with 5-foot detached sidewalk and 8-foot parkways creating a beautiful streetscape and identity for the entire project and continuing the traditional neighborhood design that Briar Ridge was approved with to the south.

As discussed in previous sections, secondary emergency access to Meridian Road is required by the Meridian Fire Department after 30 homes are constructed. Staff recommends this emergency access is constructed at the northeast corner of the property as depicted as option “B” on their emergency access exhibit (Section VII.G) and is constructed with phase 1 development—

additional trip generation and access analysis is below in the Traffic Impact Study analysis sub-section. The Applicant is proposing to stub a local street to the north boundary near the midpoint of the north property line for future connectivity to Amity Road. This connection will be needed for additional phases of development per ACHD (discussed below). In addition to the stub street along the north boundary, the submitted preliminary plat also shows two stubs to the western boundary for future connectivity. ACHD has approved the proposed stub street locations and road network but notes multiple streets require traffic calming within the site because they exceed 750 feet per ACHD standards. The specific streets that require traffic calming for ACHD are listed within their staff report (Section VIII.K).

Staff supports the proposed street layout and stub street locations so long as the proposed stub to the north boundary is aligned so that only one property owner can construct the full local street section or at least half-plus-12 feet of the required pavement on their property for safe access to Amity Road. Despite the fact the UDC measures street length differently than ACHD, Staff agrees that multiple streets within the subdivision should include traffic calming. The Applicant should work with ACHD on the best options for qualifying traffic calming and revise the preliminary plat to show the proposed traffic calming along S. Ametrine Avenue, W. Allure Street, W. Cusick Street, S. Solaris Avenue, and W. Caldera Street with the applicable final plat submittals.

NOTE: Meridian Road/SH 69 is currently being studied by the Idaho Transportation Department (ITD) for corridor improvements from Overland Road south to Orchard Avenue in Kuna under the [Idaho 69 Corridor](#) (Story Map – [Idaho Highway 69 Corridor Plan](#)). **The mid-mile intersection at the southeast corner of the subject project is part of this study and is proposed to be designed with a reduced conflict U-turn (RCUT) intersection that eliminates**

left turns and thru-traffic from lower-volume roads. See exhibit below for an example of what the Quartz Creek/SH 69 intersection could look like.



Reduced Conflict U-Turn Crossing

Despite proposing to construct a collector street that connects to SH 69, ITD does not find this as direct access because no buildable lot is proposed with direct lot access to the state highway. The approved Briar Ridge project to the south was required to enter into a cost share agreement for the road and intersection improvements along SH 69 in lieu of constructing any road improvements with their development. According to the submitted memo from ITD dated September 29, 2022, this Applicant is not required to enter into a cost share agreement but is instead required to dedicate an additional 12 feet of right-of-way along Meridian Road for the purpose of constructing a future southbound right-turn lane from SH 69 onto W. Quartz Creek Street. The specific condition notes a “future” turn lane but then goes onto state specific plans are required by the Applicant inferring that they are required to construct this turn lane with this development. **The Applicant should work with ITD to verify the timing of this required improvement. Staff would recommend constructing this southbound right-turn lane with phase 1 development in a location that will not require it to be reconstructed at a future date. This would create a safer entrance onto Quartz Creek Street for both projects proposed to take access from it.**

The subject project is proposed with over 100 units (226 units) so a Traffic Impact Study (TIS) was required. Due to the property requiring access to Meridian Road/SH 69, the Applicant was required to submit the TIS to both ACHD and ITD. Staff’s summary and analysis of this report and the conditions of approval is below.

Traffic Impact Study Analysis:

According to the submitted Traffic Impact Study (TIS), the proposed Allure Subdivision will generate approximately 2,154 additional vehicle trips per day with 216 of those trips occurring per hour in the PM peak hour. The Applicant’s traffic impact study has been analyzed by ACHD and ITD and specific conditions of approval are outlined in their staff reports (see exhibits in Section VIII). Despite ACHD analyzing and discussing the TIS in their own report, Staff finds it necessary to highlight the main points of discussion and road improvement requirements, specifically those related to the overall access points for the project.

Per the ACHD staff report, the additional vehicle trips from this development will push the Quartz Creek access to SH 69 over the allowed threshold for a singular collector street access, 3,000 daily vehicle trips. Specifically, Briar Ridge to the south accounts for approximately 2,000 of those allowed trips so Allure is allowed to add an additional 1,000 trips. As noted, this development is proposed to generate over 2,100 daily trips so less than half of the proposed building lots can be constructed prior to an additional public street access to a different public road is constructed. ACHD has included a condition of approval that prior to ACHD signature on the final plat containing 101st building lot, secondary public street access is required. The proposed secondary connection has been discussed and is along the north property line, shown as S. Hermatite Avenue. This connection should and would connect north to W. Amity Road, an arterial street and is stubbed to a property that is not annexed into the City and does not have any active projects. Staff has had preliminary discussions with the potential developer of that mixed-use designated site but nothing has been submitted to the City. Therefore, the timing of this secondary public street access is unknown at this time and thus a concern. Because of the timing issue and the potential of this local street not being extended for some time, Staff is including a condition of approval that no more than 100 residential building permits are issued for this site until secondary public road access is constructed consistent with the ACHD condition of approval. Should the Applicant obtain a private agreement with the adjacent property owner/developer for that parcel (S1236110060, 4975 S. Meridian Road) to extend the public road to Amity, the proposed condition will become void.

H. Parking (UDC [11-3C](#)):

Off-street parking is required to be provided in accord with the standards listed in [UDC Table 11-](#)

[3C-6](#) for single-family dwellings based on the number of bedrooms per unit. Staff will confirm compliance with these standards at the time of building permit submittal for each residence. However, all of the local streets are proposed as at least 33-foot wide street sections which accommodate on-street parking where no driveways exist. Furthermore, because of the proposed alley-loaded homes and inclusion of parkways, the entire length of streets adjacent to the alley-loaded products can be utilized for on-street parking as no driveways will be present.

I. Sidewalks ([UDC 11-3A-17](#)) & Pathways ([UDC 11-3A-8](#)):

5-foot wide detached sidewalks and 8-foot parkways are proposed along all internal streets consistent with the requirements for the requested TN-R zoning district. The Applicant is also proposing detached sidewalk on the north side of the collector street along the south boundary as required by code for sidewalks adjacent to collector streets. *The proposed sidewalks and parkways meet UDC 11-3A-17 standards and ACHD standards.*

In addition to the internal sidewalks, the Applicant is required to construct a segment of 10-foot wide multi-use pathway along the Meridian Road frontage, per the Master Pathways Plan. *The Applicant is showing this required pathway segment within a landscaped common lot, per code requirements.*

J. Development Along State Highways ([UDC 11-3H](#)):

The full east boundary of the proposed project has frontage along Meridian Road/SH 69 which requires noise abatement per UDC 11-3H-4. The Applicant is proposing to construct a 5-foot berm with a 6-foot wall on top of it to total at least 11 feet above SH 69 centerline height, a foot above the code requirement. This wall, berm, landscaping, and required multi-use pathway is located within the required 35-foot wide common lot along the entire frontage and outside of the ITD right-of-way. The required wall should modulate along the highway frontage; the submitted landscape plans show compliance with this requirement. *At the northeast corner of the property, there appear to be two breaks in the wall which will minimize its effectiveness at noise abatement as required. The southern portion that is missing appears to be due to the location of a sewer main which does not allow permanent structures to be constructed over them. However, the northern piece that is missing does not appear to have a justification and so the berm/wall should be extended as close to the north property line as possible.*

UDC 11-3H-4B.3 also requires construction of a “street, generally paralleling the state highway, to provide future connectivity and access to all properties fronting the state highway...” The Applicant has shown compliance with this requirement by proposing to finish constructing a portion of the mid-mile collector along the south boundary, a series of local streets connecting north-south through the site, and proposing to stub a local street to the north boundary for future access to Amity and for that future mixed-use development.

Other analysis regarding other access standards of this code section are analyzed above in Section F.

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

The required landscaping regulated by code within the proposed development are the following areas: that area within the proposed parkways ([UDC 11-3A-17](#) and [UDC 11-3B](#)); the common open space lots, and; the required landscape street buffers to Meridian Road and W. Quartz Creek. The submitted landscape plans show landscaping in these areas as proposed.

8-foot wide parkways are proposed throughout the site to comply with the zoning requirements of the TN-R zoning district. Parkway are required to be vegetated with an average of 1 tree per every 35 linear feet to be compliant. The submitted landscape plan appears to show compliance with this requirement but the calculations table does not note the linear feet of parkways along

the interior local streets and the required number of trees; the Applicant should correct this with the Final Plat submittals to ensure compliance with this requirement.

In addition, common open space is required to be landscaped with one (1) tree for every 5,000 square feet of open space. The submitted landscape plans show trees and vegetation in the large central open space lot that meets the minimum number of trees (124,000 square feet divided by 5,000 equals 25 trees). According to the submitted landscape plans, 26 trees are proposed in this open space area and this does not include the perimeter trees that are required for the parkways and would not count towards this requirement.

The landscape buffer along Meridian Road is required to be 35' wide and contain the required multi-use pathway within it. The submitted landscape plans show compliance with these UDC requirements for the buffer width, number of trees, tree spacing/grouping, and additional vegetative ground cover; the submitted plat is consistent with the landscape plan and also shows at least a 35-foot wide common lot along Meridian Road. Staff finds the required collector street buffer along Quartz Creek to also be compliant with these standards by providing trees in excess of code and a wider buffer than required (35 feet total versus 20 foot minimum).

The Applicant is also proposing a number of micro-pathways within common lots that create linear open space and additional breaks in the streetscape for added pedestrian connectivity through the project. UDC 11-3B-12 requires that trees be placed on both sides of these pathways and the submitted landscape plan shows compliance.

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

Allure Subdivision is proposed with a preliminary plat area of approximately 37 acres in the TN-R zoning district requiring a minimum of 15% qualified open space (or 5.6 acres) and a minimum of eight (8) amenity points, per UDC 11-3G-3 & 11-3G-4.

The Applicant is continuing a segment of multi-use pathway along the Meridian Road that is approximately ¼ mile long which equates to two (2) amenity points. In addition to the pathway, the Applicant is proposing a swimming pool with changing facilities and restrooms which qualifies for six (6) amenity points and a playground area which qualifies for two (2) amenity points, all within the central open space lot. Therefore, the Applicant is proposing amenities worth a total of 10 amenity points and exceed the minimum requirements of UDC 11-3G-4.

The Applicant's open space exhibit (Section VII.D) shows 6.96 acres of qualified open space (approximately 18.6%), exceeding the minimum required amount of 5.6 acres. However, some of the areas noted on the exhibit as qualifying do not qualify per UDC 11-3G-3 standards because they are not at least 20 feet in width. Staff does not recommend these areas be revised to add an additional few feet as they are already remnant pieces along end-caps of housing blocks that do not entirely meet the intent of the open space code. Further, the removal of these areas is nominal and will not affect the Applicant's compliance with the minimum open space requirements. It is important to note the Applicant's qualified open space calculation does not include any of the parkways within the development which is qualifying open space if the correct number of trees are added to the parkways. Therefore, the actual proposed qualified open space vastly exceeds the minimum amount required by code. The Applicant does not need to use this area as qualified open space to meet the minimum 15% amount and parkways are already required as part of the site design for the requested TN-R zoning district. So, Staff is not concerned the open space exhibit does not show this area but would recommend this area is added to the exhibit to ensure a fully accurate open space calculation is depicted in the record. ***This revision should occur prior to the City Council hearing.***

Overall, Staff supports the proposed open space and the proposed amenities and their locations being centralized within the development for fairly equitable access by all future residents.

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

All fencing is required to comply with the standards listed in UDC 11-3A-7. Fencing is proposed as shown on the landscape plan and appears to meet UDC standards as proposed except for the lack of fencing noted adjacent to the common drives and the 6-foot open vision fencing proposed adjacent to three micro-path lots (Lot 21, Block 2, Lot 16, Block 3, & Lot 8 Block 10).

Per UDC 11-3A-7A.7b, when an open space lot is not greater than 250 feet in length and is fully visible from a public street, open vision is not required and 6-foot tall closed vision fencing is allowed. In order to help with future privacy concerns by residents, Staff recommends the fencing shown and installed along these areas is closed vision fencing and not open vision. The Applicant should revise the landscape plan at the time of the applicable final plat applications.

The submitted landscape plans do not depict any fencing adjacent to the common drives as required by code for properties that do not take access from the common drive. Therefore, with the future final plat applications, the Applicant should revise the landscape plans to depict the proposed fencing on the required common drive exhibit.

N. Pressurized Irrigation (UDC [11-3A-15](#)):

The Applicant is required to provide a pressurized irrigation system for the development in accord with 11-3A-15. Land Development will review pressurized irrigation plans in more detail when specific plans are submitted with future Final Plat applications.

VI. DECISION

A. Staff:

Staff recommends approval of the requested Rezone, Development Agreement Modification, and approval of the requested Preliminary Plat application per the Findings in Section IX of this staff report.

B. The Meridian Planning & Zoning Commission heard these items on October 6, 2022. At the public hearing, the Commission moved to recommend approval of the subject Rezone, Preliminary Plat, and Development Agreement Modification requests.

1. Summary of Commission public hearing:

- a. In favor: Jon Breckon, Applicant Representative; Jim Percy, Project Property Owner.
- b. In opposition: None
- c. Commenting: Jon Breckon; Doug Connolly, nearby church land owner; Jim Percy.
- d. Written testimony: None relative to this specific project.
- e. Staff presenting application:
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. Support of project and desire to partner with Applicants in this area to help construct the access to Amity for the purpose of getting a local street access instead of an arterial access and a connection to sewer services;
- b. Support of project and appreciation of Staff's assistance following the passing of the original developer, Matt Schultz.

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

- a. Proposed common driveways in their numbers and noted concerns with trash collection and overflow parking;
- b. Timing of development phasing, specifically in regards to nearby urban services and the needed access to the north to Amity;
- c. Proposed parking for alley-loaded townhomes—confirmation that each unit has a tuck-under garage as well as a parking pad/driveway;

- d. Clarification on any motion regarding the emergency/secondary access required for Fire;
- e. Requirement and timing of the deceleration lane and turn-lane onto Quartz Creek Street from the north;
- f. Concern over the singularly proposed pool and its size for the proposed number of homes and future residents—caution to the Applicant on size of pool and potential of additional amenities being needed in the future.
- 4. Commission change(s) to Staff recommendation:
 - a. None
- 5. Outstanding issue(s) for City Council:
 - a. None

C. The Meridian City Council heard these items on November 1, 2022. At the public hearing, the Council moved to approve the subject Annexation and Zoning and Preliminary Plat requests.

- 1. Summary of the City Council public hearing:
 - a. In favor: Jim Percy, Property Owner; Jon Breckon, Owner Representative; Doug Connelly, neighboring property owner.
 - b. In opposition: None
 - c. Commenting: Jon Breckon; Jim Percy; Doug Connelly.
 - d. Written testimony: Doug Connelly – support of project and desire to collaborate to get sewer and public street connection from project to Amity Road to the north.
 - e. Staff presenting application: Joseph Dodson, Associate Planner
 - f. Other Staff commenting on application: None
- 2. Key issue(s) of public testimony:
 - a. Support of project and desire to partner with Applicants in this area to help construct the access to Amity for the purpose of getting a local street access instead of an arterial access and a connection to sewer services;
 - b. Support of project and appreciation of Staff's assistance following the passing of the original developer, Matt Schultz.
- 3. Key issue(s) of discussion by City Council:
 - a. Proposed parking for alley-loaded townhomes—confirmation that each unit has a tuck-under garage as well as a parking pad/driveway;
 - b. Clarification on the discrepancies between the ITD requirements for the two adjacent projects (Allure and Briar Ridge);
 - c. Timing of development phasing, specifically in regards to the needed secondary public street access to the north to Amity;
 - d. Does staff have any concern with the type of housing design and densities proposed with Allure and Briar Ridge and the precedent they are setting up—Answer is no; transitional densities are anticipated further away from Meridian Road.
- 4. City Council change(s) to Commission recommendation:
 - a. None

VII. EXHIBITS

A. Rezone Legal Description and Exhibit Map

DESCRIPTION FOR TN-R ZONE ALLURE SUBDIVISION

A parcel of land located in the Southeast 1/4 of the Northeast 1/4 of Section 36, T.3N, R.1W., B.M., City of Meridian, Ada County, Idaho being more particularly described as follows:

Commencing at the Northeast corner of Section 36 from which the East 1/4 corner of said Section 36 bears South 00°37'38" West, 2641.53 feet; thence South 00°37'38" West, 1320.76 feet along the east line of Section 36 to the **REAL POINT OF BEGINNING;**

thence continuing along said east line, South 00°37'38" West, 1300.77 feet;

thence leaving said east line on a line parallel with and 20.00 feet north from the South boundary line of the Southeast 1/4 of the Northeast 1/4 of said Section 36, North 89°21'32" West, 1,316.52 feet to the west boundary line of the Southeast 1/4 of the Northeast 1/4 of said Section 36;

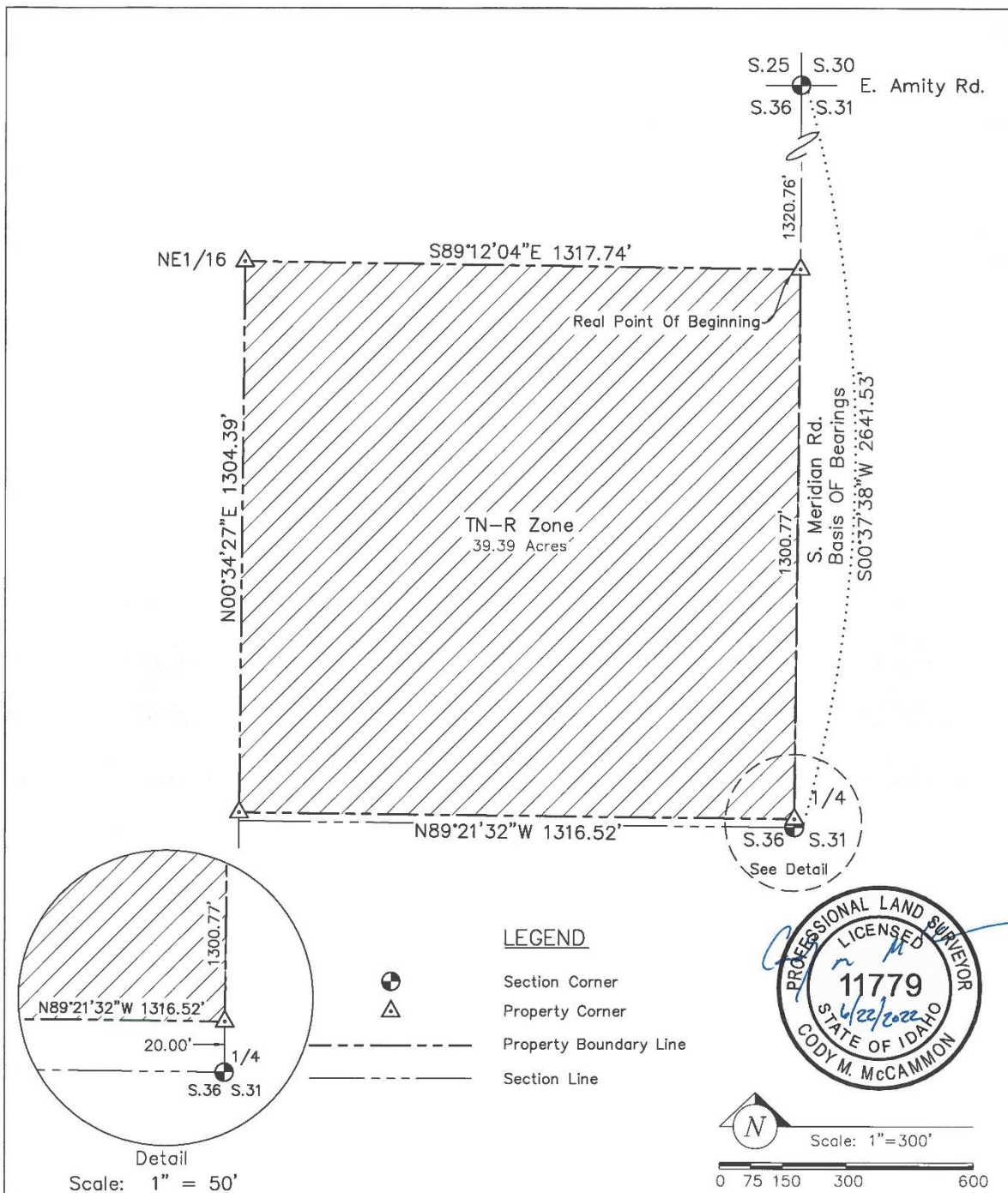
thence along said west boundary line, North 00°34'27" East, 1,304.39 feet to the Northeast 1/16 corner of said Section 36;

thence along the north boundary line of the Southeast 1/4 of the Northeast 1/4 of said Section 36, South 89°12'04" East, 1,317.74 feet to the **REAL POINT OF BEGINNING.**

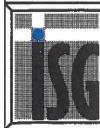
Containing 39.39 acres, more or less.

End of Description.





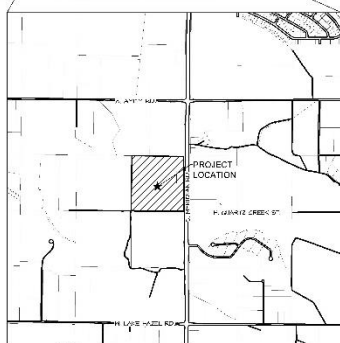
P:\Prevail West 40ac 21-024\dwg\21-024 Rezone.dwg 6/22/2022 4:56:34 PM

 IDAHO SURVEY GROUP, LLC 9955 W. EMERALD ST. BOISE, IDAHO 83704 (208) 946-8670	Exhibit ____ Drawing For TN-R Zone Allure Subdivision	Job No. 21-024 Sheet No. 1
	Located In The SE1/4 Of The NE1/4 Of Section 36, T.3N., R.1W., B.M., Ada County, Idaho.	Dwg. Date 6/22/2022

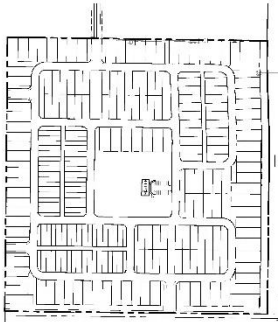
B. Preliminary Plat (dated: 6/15/2022)

ALLURE SUBDIVISION

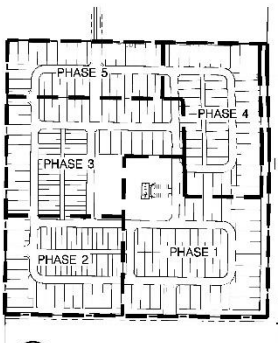
LOCATED IN THE SE 1/4 OF THE NE 1/4 OF
SECTION 36, T.3N, R.1W, B.M. ADA COUNTY, IDAHO



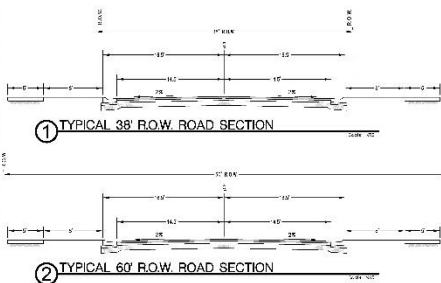
VICINITY MAP



SITE PLAN



PHASING MAP



DEVELOPMENT INFORMATION

GENERAL NOTES: ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IDAHO ENGINEERING AND SURVEYING BOARD (E&S) RULES AND REGULATIONS, THE IDAHO DEPARTMENT OF TRANSPORTATION (DOT) STANDARD SPECIFICATIONS FOR HIGHWAYS, AND THE IDAHO DEPARTMENT OF AGRICULTURE AND LIVELIHOODS (DALL) RULES AND REGULATIONS FOR THE REGULATION OF THE PRACTICE OF ENGINEERING AND SURVEYING.

DEVELOPMENT FEATURES:

- PROPOSED ZONING: T-3
- PROPOSED LOT AREA: 3,300 SF
- PROPOSED LOT WIDTH: 30.00 FT
- PROPOSED LOT DEPTH: 110.00 FT
- PROPOSED LOT AREA: 3,300 SF
- PROPOSED LOT WIDTH: 30.00 FT
- PROPOSED LOT DEPTH: 110.00 FT
- PROPOSED LOT AREA: 3,300 SF
- PROPOSED LOT WIDTH: 30.00 FT
- PROPOSED LOT DEPTH: 110.00 FT

BENCHMARK & DATUM

THE BENCHMARK IS A 1/4" X 1/4" X 1/4" ALUMINUM BENCHMARK SET IN THE CORNER OF THE LOT. THE DATUM IS THE MEAN SEA LEVEL DATUM.

CONTACTS

ALLURE SUBDIVISION
MERIDIAN, ID
COVER
LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 36, T.3N, R.1W

DRAWING INDEX

COVER
PP10
TOPOGRAPHIC SURVEY
PP11
OVERALL PRELIMINARY PLAT
PP12
PRELIMINARY PLAT - AREA A
PP13
PRELIMINARY PLAT - AREA B
PP14
PRELIMINARY PLAT - AREA C
PP15
PRELIMINARY PLAT - AREA D
CU1
OVERALL DRAINAGE AND UTILITY PLAN
CU2
DRAINAGE AND UTILITY PLAN - AREA A
CU3
DRAINAGE AND UTILITY PLAN - AREA B
CU4
DRAINAGE AND UTILITY PLAN - AREA C
CU5
DRAINAGE AND UTILITY PLAN - AREA D
LI1
OVERALL LANDSCAPE PLAN
LI2
LANDSCAPE PLAN - AREA A
LI3
LANDSCAPE PLAN - AREA B
LI4
LANDSCAPE PLAN - AREA C
LI5
LANDSCAPE PLAN - AREA D
LI6
LANDSCAPE DETAILS

NOTES

- ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IDAHO ENGINEERING AND SURVEYING BOARD (E&S) RULES AND REGULATIONS, THE IDAHO DEPARTMENT OF TRANSPORTATION (DOT) STANDARD SPECIFICATIONS FOR HIGHWAYS, AND THE IDAHO DEPARTMENT OF AGRICULTURE AND LIVELIHOODS (DALL) RULES AND REGULATIONS FOR THE REGULATION OF THE PRACTICE OF ENGINEERING AND SURVEYING.
- THE BENCHMARK IS A 1/4" X 1/4" X 1/4" ALUMINUM BENCHMARK SET IN THE CORNER OF THE LOT. THE DATUM IS THE MEAN SEA LEVEL DATUM.
- ALLURE SUBDIVISION
MERIDIAN, ID
COVER
LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 36, T.3N, R.1W

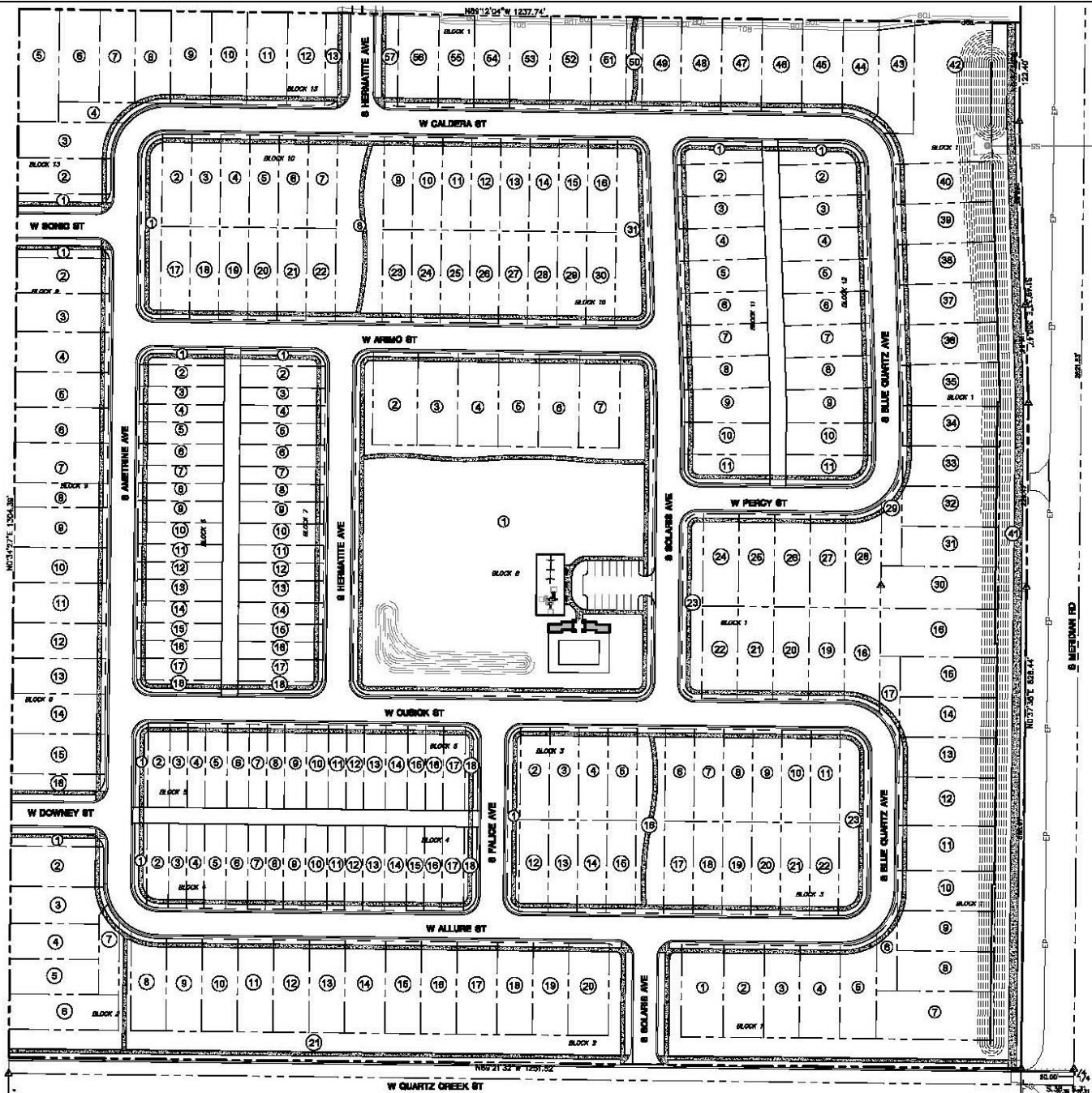
THE BENCHMARK IS A 1/4" X 1/4" X 1/4" ALUMINUM BENCHMARK SET IN THE CORNER OF THE LOT. THE DATUM IS THE MEAN SEA LEVEL DATUM.

NOT FOR CONSTRUCTION

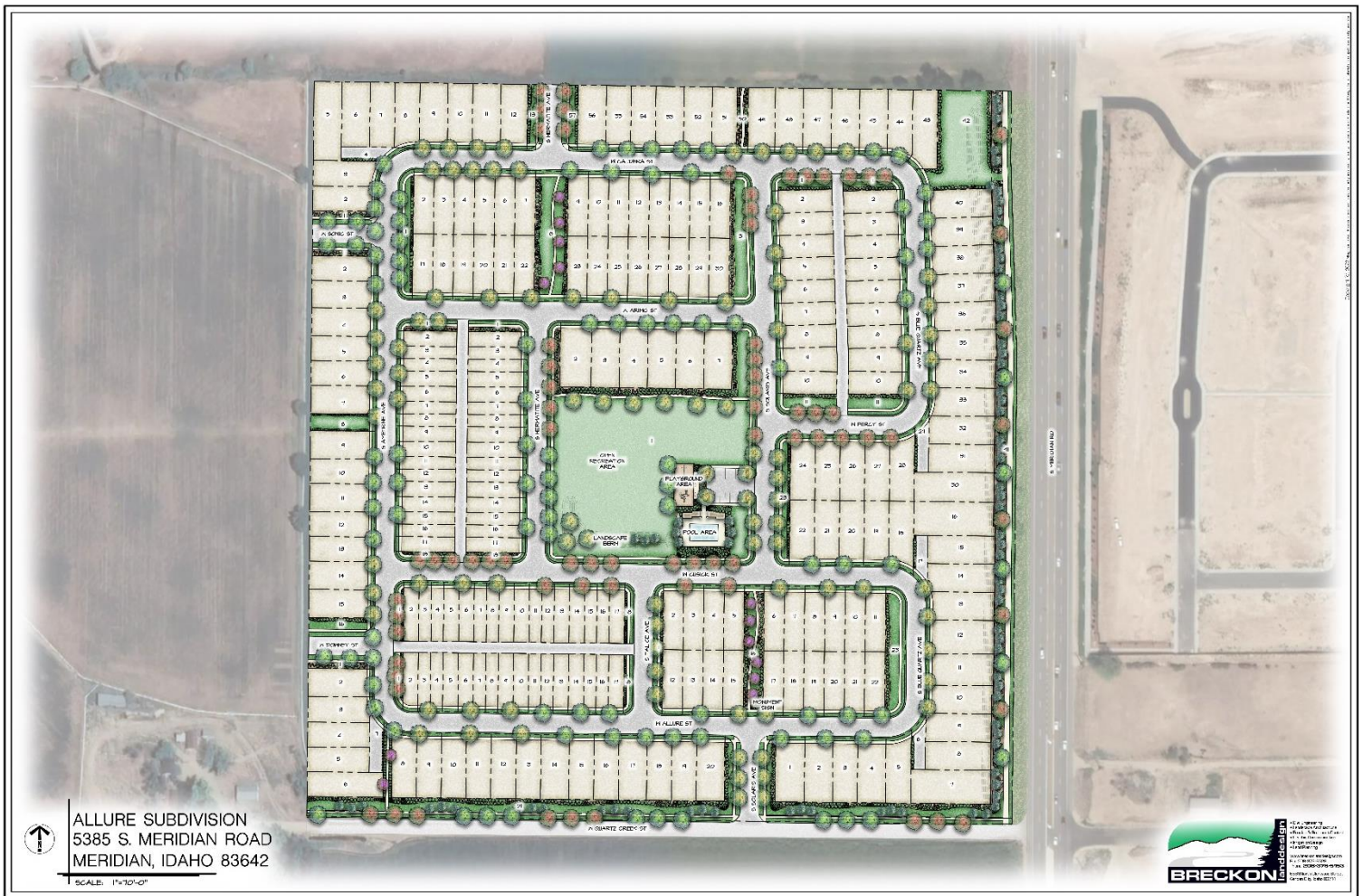


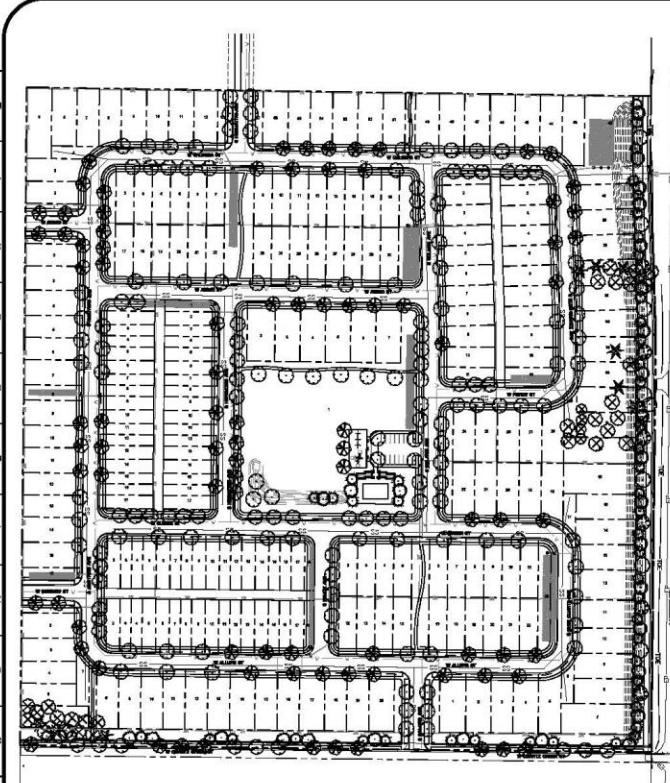
ALLURE SUBDIVISION
MERIDIAN, ID
COVER
LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 36, T.3N, R.1W

PP10

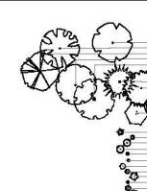


C. Landscape Plans (date: 6/15/2022):

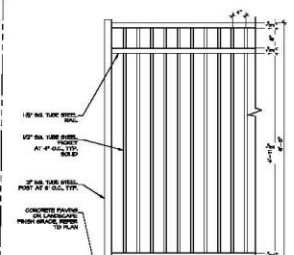




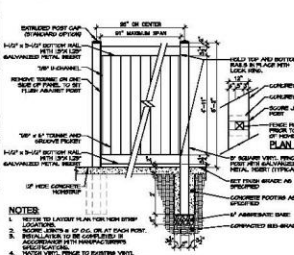
1 OVERALL LANDSCAPE PLAN
SCALE: 1/8" = 1'-0"



PLANT SCHEDULE				
PLANT KEY	BOTANICAL NAME	COMMON NAME	SIZE	NOTES
1	Platanus occidentalis	American Sycamore	12" DBH	Plant in open areas
2	Quercus alba	White Oak	12" DBH	Plant in open areas
3	Fraxinus americana	American Ash	12" DBH	Plant in open areas
4	Prunella americana	American Plum	12" DBH	Plant in open areas
5	Amelanchier canadensis	Shadblow	12" DBH	Plant in open areas
6	Malus domestica	Domestic Apple	12" DBH	Plant in open areas
7	Malus ioensis	Adirondack Apple	12" DBH	Plant in open areas
8	Malus baccata	Redflowering Crabapple	12" DBH	Plant in open areas
9	Malus pyracantha	Firethorn	12" DBH	Plant in open areas
10	Malus virginiana	Crabapple	12" DBH	Plant in open areas
11	Malus sylvestris	Malus	12" DBH	Plant in open areas
12	Malus domestica	Domestic Apple	12" DBH	Plant in open areas
13	Malus ioensis	Adirondack Apple	12" DBH	Plant in open areas
14	Malus baccata	Redflowering Crabapple	12" DBH	Plant in open areas
15	Malus pyracantha	Firethorn	12" DBH	Plant in open areas
16	Malus virginiana	Crabapple	12" DBH	Plant in open areas
17	Malus sylvestris	Malus	12" DBH	Plant in open areas
18	Malus domestica	Domestic Apple	12" DBH	Plant in open areas
19	Malus ioensis	Adirondack Apple	12" DBH	Plant in open areas
20	Malus baccata	Redflowering Crabapple	12" DBH	Plant in open areas
21	Malus pyracantha	Firethorn	12" DBH	Plant in open areas
22	Malus virginiana	Crabapple	12" DBH	Plant in open areas
23	Malus sylvestris	Malus	12" DBH	Plant in open areas
24	Malus domestica	Domestic Apple	12" DBH	Plant in open areas
25	Malus ioensis	Adirondack Apple	12" DBH	Plant in open areas
26	Malus baccata	Redflowering Crabapple	12" DBH	Plant in open areas
27	Malus pyracantha	Firethorn	12" DBH	Plant in open areas
28	Malus virginiana	Crabapple	12" DBH	Plant in open areas
29	Malus sylvestris	Malus	12" DBH	Plant in open areas
30	Malus domestica	Domestic Apple	12" DBH	Plant in open areas
31	Malus ioensis	Adirondack Apple	12" DBH	Plant in open areas
32	Malus baccata	Redflowering Crabapple	12" DBH	Plant in open areas
33	Malus pyracantha	Firethorn	12" DBH	Plant in open areas
34	Malus virginiana	Crabapple	12" DBH	Plant in open areas
35	Malus sylvestris	Malus	12" DBH	Plant in open areas
36	Malus domestica	Domestic Apple	12" DBH	Plant in open areas
37	Malus ioensis	Adirondack Apple	12" DBH	Plant in open areas
38	Malus baccata	Redflowering Crabapple	12" DBH	Plant in open areas
39	Malus pyracantha	Firethorn	12" DBH	Plant in open areas
40	Malus virginiana	Crabapple	12" DBH	Plant in open areas
41	Malus sylvestris	Malus	12" DBH	Plant in open areas
42	Malus domestica	Domestic Apple	12" DBH	Plant in open areas
43	Malus ioensis	Adirondack Apple	12" DBH	Plant in open areas
44	Malus baccata	Redflowering Crabapple	12" DBH	Plant in open areas
45	Malus pyracantha	Firethorn	12" DBH	Plant in open areas
46	Malus virginiana	Crabapple	12" DBH	Plant in open areas
47	Malus sylvestris	Malus	12" DBH	Plant in open areas
48	Malus domestica	Domestic Apple	12" DBH	Plant in open areas
49	Malus ioensis	Adirondack Apple	12" DBH	Plant in open areas
50	Malus baccata	Redflowering Crabapple	12" DBH	Plant in open areas
51	Malus pyracantha	Firethorn	12" DBH	Plant in open areas
52	Malus virginiana	Crabapple	12" DBH	Plant in open areas
53	Malus sylvestris	Malus	12" DBH	Plant in open areas
54	Malus domestica	Domestic Apple	12" DBH	Plant in open areas
55	Malus ioensis	Adirondack Apple	12" DBH	Plant in open areas
56	Malus baccata	Redflowering Crabapple	12" DBH	Plant in open areas
57	Malus pyracantha	Firethorn	12" DBH	Plant in open areas
58	Malus virginiana	Crabapple	12" DBH	Plant in open areas
59	Malus sylvestris	Malus	12" DBH	Plant in open areas
60	Malus domestica	Domestic Apple	12" DBH	Plant in open areas
61	Malus ioensis	Adirondack Apple	12" DBH	Plant in open areas
62	Malus baccata	Redflowering Crabapple	12" DBH	Plant in open areas
63	Malus pyracantha	Firethorn	12" DBH	Plant in open areas
64	Malus virginiana	Crabapple	12" DBH	Plant in open areas
65	Malus sylvestris	Malus	12" DBH	Plant in open areas
66	Malus domestica	Domestic Apple	12" DBH	Plant in open areas
67	Malus ioensis	Adirondack Apple	12" DBH	Plant in open areas
68	Malus baccata	Redflowering Crabapple	12" DBH	Plant in open areas
69	Malus pyracantha	Firethorn	12" DBH	Plant in open areas
70	Malus virginiana	Crabapple	12" DBH	Plant in open areas
71	Malus sylvestris	Malus	12" DBH	Plant in open areas
72	Malus domestica	Domestic Apple	12" DBH	Plant in open areas
73	Malus ioensis	Adirondack Apple	12" DBH	Plant in open areas
74	Malus baccata	Redflowering Crabapple	12" DBH	Plant in open areas
75	Malus pyracantha	Firethorn	12" DBH	Plant in open areas
76	Malus virginiana	Crabapple	12" DBH	Plant in open areas
77	Malus sylvestris	Malus	12" DBH	Plant in open areas
78	Malus domestica	Domestic Apple	12" DBH	Plant in open areas
79	Malus ioensis	Adirondack Apple	12" DBH	Plant in open areas
80	Malus baccata	Redflowering Crabapple	12" DBH	Plant in open areas
81	Malus pyracantha	Firethorn	12" DBH	Plant in open areas
82	Malus virginiana	Crabapple	12" DBH	Plant in open areas
83	Malus sylvestris	Malus	12" DBH	Plant in open areas
84	Malus domestica	Domestic Apple	12" DBH	Plant in open areas
85	Malus ioensis	Adirondack Apple	12" DBH	Plant in open areas
86	Malus baccata	Redflowering Crabapple	12" DBH	Plant in open areas
87	Malus pyracantha	Firethorn	12" DBH	Plant in open areas
88	Malus virginiana	Crabapple	12" DBH	Plant in open areas
89	Malus sylvestris	Malus	12" DBH	Plant in open areas
90	Malus domestica	Domestic Apple	12" DBH	Plant in open areas
91	Malus ioensis	Adirondack Apple	12" DBH	Plant in open areas
92	Malus baccata	Redflowering Crabapple	12" DBH	Plant in open areas
93	Malus pyracantha	Firethorn	12" DBH	Plant in open areas
94	Malus virginiana	Crabapple	12" DBH	Plant in open areas
95	Malus sylvestris	Malus	12" DBH	Plant in open areas
96	Malus domestica	Domestic Apple	12" DBH	Plant in open areas
97	Malus ioensis	Adirondack Apple	12" DBH	Plant in open areas
98	Malus baccata	Redflowering Crabapple	12" DBH	Plant in open areas
99	Malus pyracantha	Firethorn	12" DBH	Plant in open areas
100	Malus virginiana	Crabapple	12" DBH	Plant in open areas

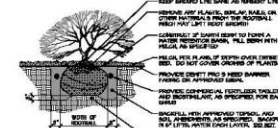


1 TUBE STEEL FENCE
SCALE: 1/4" = 1'-0"

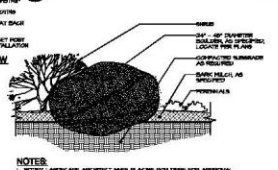


2 VINYL FENCE PANEL
SCALE: 1/4" = 1'-0"

CITY OF MERIDIAN LANDSCAPE REQUIREMENTS			
RESIDENTIAL	COMMERCIAL	INDUSTRIAL	OPEN SPACE
1. PLANTING REQUIRED	1. PLANTING REQUIRED	1. PLANTING REQUIRED	1. PLANTING REQUIRED
2. PLANTING SPECIFICATIONS	2. PLANTING SPECIFICATIONS	2. PLANTING SPECIFICATIONS	2. PLANTING SPECIFICATIONS
3. PLANTING SCHEDULE	3. PLANTING SCHEDULE	3. PLANTING SCHEDULE	3. PLANTING SCHEDULE
4. PLANTING MAINTENANCE	4. PLANTING MAINTENANCE	4. PLANTING MAINTENANCE	4. PLANTING MAINTENANCE
5. PLANTING REPLACEMENT	5. PLANTING REPLACEMENT	5. PLANTING REPLACEMENT	5. PLANTING REPLACEMENT
6. PLANTING REMOVAL	6. PLANTING REMOVAL	6. PLANTING REMOVAL	6. PLANTING REMOVAL
7. PLANTING PROTECTION	7. PLANTING PROTECTION	7. PLANTING PROTECTION	7. PLANTING PROTECTION
8. PLANTING RESTORATION	8. PLANTING RESTORATION	8. PLANTING RESTORATION	8. PLANTING RESTORATION
9. PLANTING MONITORING	9. PLANTING MONITORING	9. PLANTING MONITORING	9. PLANTING MONITORING
10. PLANTING EVALUATION	10. PLANTING EVALUATION	10. PLANTING EVALUATION	10. PLANTING EVALUATION



3 SHRUB PLANTING
SCALE: 1/4" = 1'-0"



4 BOULDER INSTALLATION IN SHRUB / PERENNIAL BED
SCALE: 1/4" = 1'-0"

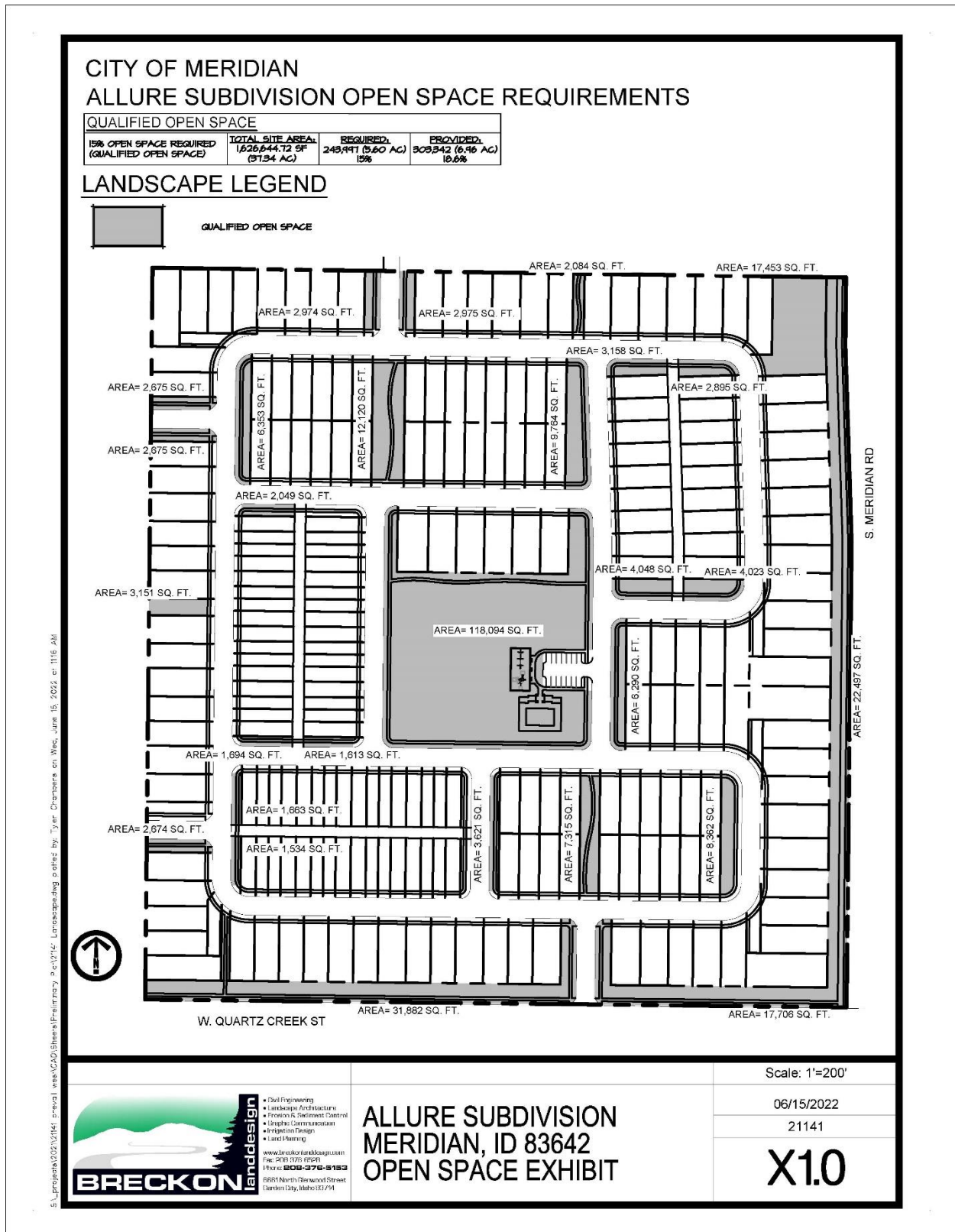


ALLURE SUBDIVISION, ID
MERIDIAN, ID
OVERALL LANDSCAPE PLAN
LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 36, T3N, R1W

PROJECT NO. 1111
DATE: 10/10/10
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: 1/8" = 1'-0"
SHEET NUMBER: L10

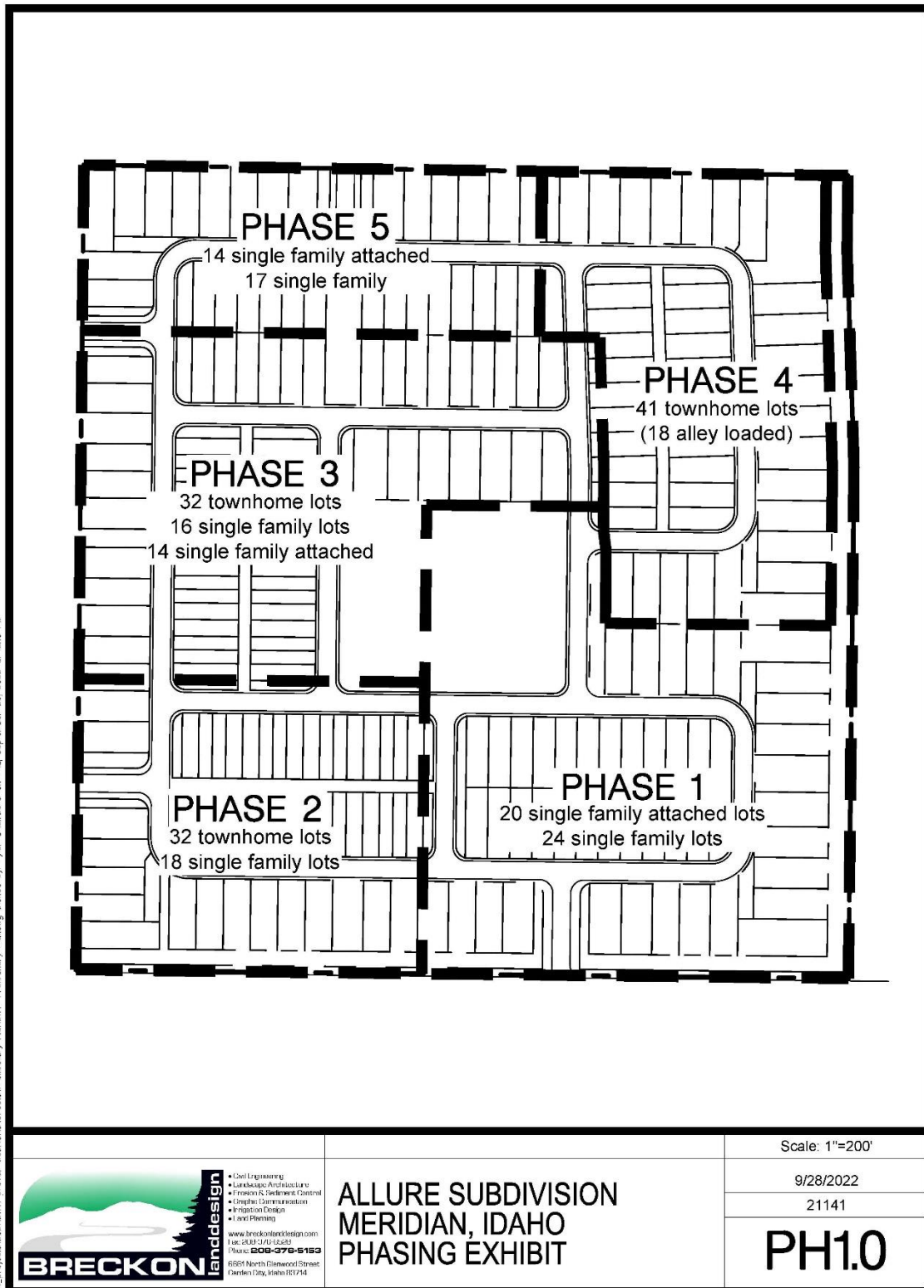
PRELIMINARY PLAN

D. Open Space Exhibit (dated: 6/15/2022):



E:\projects\1021\10141 - gravel - east\CAD\Breckon\Primary 2-c3174 - Landscape.dwg plotted by: Tyler Crook on Wed, June 15, 2022 at 11:16 AM

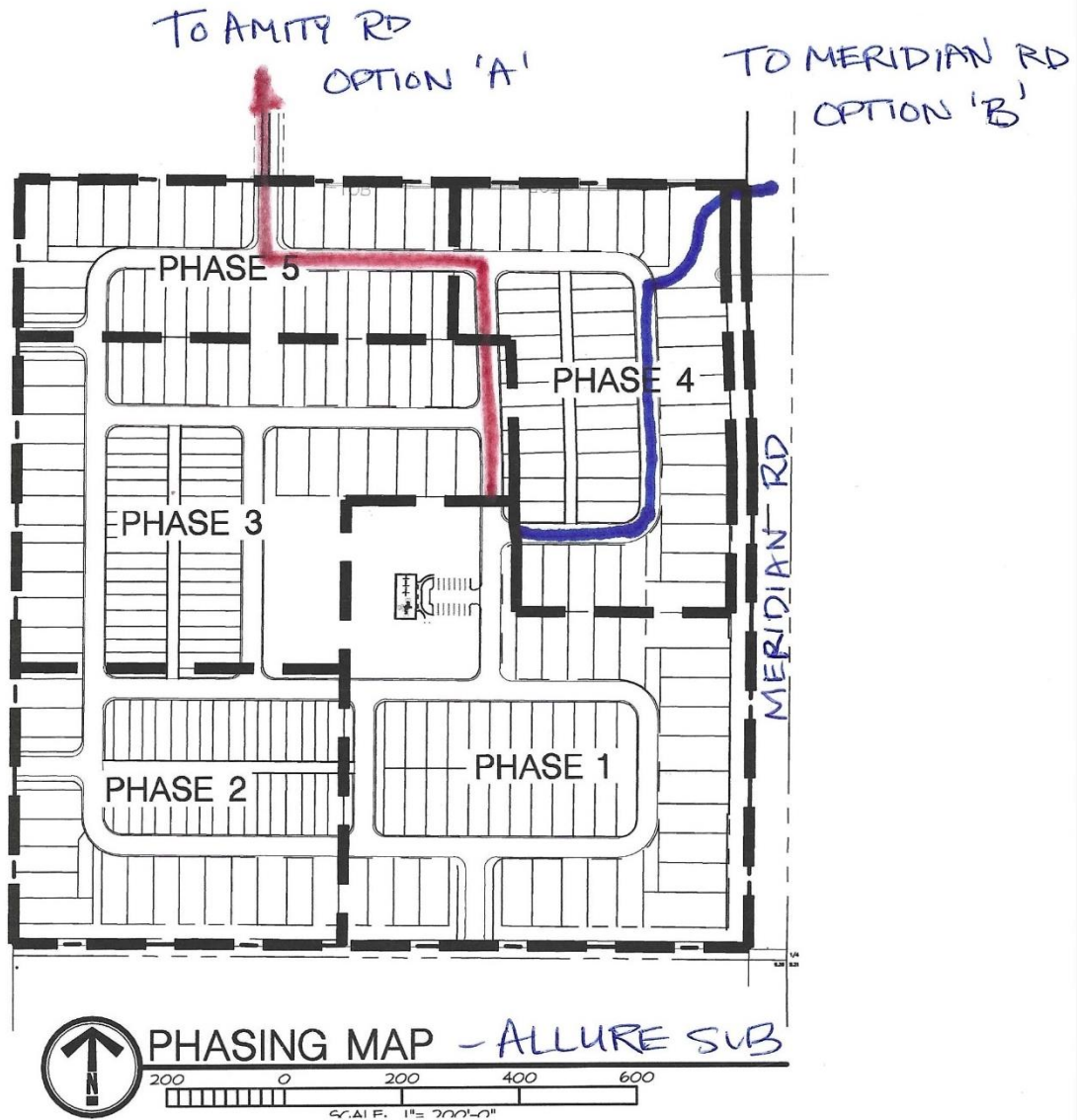
E. Phasing Plan (dated: 9/28/2022):



2017年12月15日 星期四 14:15:11



G. Emergency Access Options Exhibit:



EMERGENCY ACCESS EXHIBIT
FOR PHASE 1

H. Conceptual Building Elevations



DUPLEX HOMES

ALLURE

MERIDIAN, ID



TOWNHOMES

ALLURE

MERIDIAN, ID



CARRIAGE HOMES

ALLURE

MERIDIAN, ID

VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. Within six (6) months of the City Council granting the subject modification, the owner shall sign and obtain Council approval of the amended development agreement that includes an updated development plan per the submitted preliminary plat, as shown in Section VII.B; the amended DA shall include the following provisions:
 - a. Future development of this site shall be substantially consistent with the approved plat, landscape plan, phasing plan, open space exhibit, and conceptual building elevations included in Section VII and the provisions contained herein.
 - b. The Applicant and/or assigns shall not obtain more than 30 residential building permits prior to the emergency access being reviewed and approved by the Meridian Fire Department.
 - c. The Applicant and/or assigns shall not obtain more than 100 residential building permits prior to a secondary public road access being constructed and approved by ACHD.
 - d. The remaining width of W. Quartz Creek Street (the new collector street along the south boundary), the required multi-use pathway, and the required collector and arterial landscape buffers adjacent to W. Quartz Creek and S. Meridian Road/SH 69 shall be constructed and vegetated with the first phase of development.
 - e. Applicant and/or assigns shall dedicate additional right-of-way for SH 69/Meridian Road per the ITD Memo and construct a southbound right-turn lane from SH 69 onto W. Quartz Creek Street with the first phase of development.
 - f. Until the such time the entire property develops, the current agricultural uses of the property shall be allowed to continue for those phases of the project not yet platted; this does not allow the existing home to remain on the property and said structure shall be removed with the first phase of development.
 - g. The elevations/facades of 2-story structures that face S. Meridian Road, an entryway corridor, and W. Quartz Creek Street, a collector street, shall incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public street. Single-story structures are exempt from this requirement.
2. The preliminary plat included in Section VII.B, dated June 15, 2022, shall be revised as follows with the applicable final plat submittals:
 - a. Revise the plat to show ACHD approved traffic calming along W. Quartz Creek Street, S. Ametrine Avenue, W. Allure Street, W. Cusick Street, S. Solaris Avenue, and W. Caldera Street, coordinate with Meridian Fire and ACHD as necessary.
 - b. Depict the required emergency access to Meridian Road/SH 69, as approved by the Meridian Fire Department.
 - c. With each applicable final plat submittal, revise the plat to depict any proposed zero lot-lines for the single-family attached and single-family townhome dwellings.
 - d. Add a plat note stating that direct lot access to S. Meridian Road/SH 69 and W.

Quartz Creek Street is prohibited.

3. The landscape plan included in Section VII.C, dated June 15, 2022, shall be revised as follows prior to the City Council hearing with the applicable final plat submittals:
 - a. Revise the landscape plan to match the plat revision noted in VIII.A2 above.
 - b. Depict the required berm/wall combination along Meridian Road to extend to the north property line to minimize the breaks in the wall.
 - c. In the landscape calculations table, show the linear feet of parkways and include the required number of trees and proposed number of trees in accord with UDC 11-3B-7C.
 - d. Revise the fencing adjacent to three micro-path lots (Lot 21, Block 2, Lot 16, Block 3, & Lot 8 Block 10) to be 6-foot privacy fencing.
 - e. With the future final plat applications, depict the proposed fencing adjacent to the proposed common drives.
 - f. Any landscaping within the ITD right-of-way shall be landscaped in accord with UDC 11-3B-7C.5.
- ~~4. Prior to the City Council hearing, the Applicant shall submit conceptual elevations for the proposed detached single family dwellings.~~
- 5. Prior to the City Council hearing, the Applicant shall submit a revised Open Space Exhibit depicting the qualifying parkways throughout the development.**
6. At the time of relevant final plat submittals, the Applicant shall submit common drive exhibits showing adequate area for residents to back out of garages without trespassing on the building lot at the end of the common drives—said exhibits shall depict, at a minimum: building envelope, fencing, common landscaping, and anticipated driveway locations.
7. Future development shall be consistent with the minimum dimensional standards listed in UDC 11-2D-3 and UDC 11-2D-6 for the TN-R zoning district.
8. Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for single-family dwellings based on the number of bedrooms per unit.
9. The Applicant shall comply with all ACHD conditions of approval.
10. Provide a pressurized irrigation system consistent with the standards as set forth in UDC 11-3A-15, UDC 11-3B-6 and MCC 9-1-28.
11. Applicant shall comply with the noise abatement standards as set forth in UDC 11-3H-4D.
12. Applicant shall comply with all fencing standards as set forth in UDC 11-3A-6 & UDC 11-3A-7.
13. Prior to the first Final Plat submittal, the Applicant shall obtain Administrative Design Review (DES) approval for the townhomes and single-family attached dwellings within this development.
14. Prior to signature on a final plat, the applicant shall submit a public access easement for the multi-use pathway segment along Meridian Road to the Planning Division for approval by City Council and subsequent recordation. The easement shall be a minimum of 14' in width (10' pathway and 2' shoulder on each side).
15. Upon completion of the landscape installation, a written Certificate of Completion shall be submitted to the Planning Division verifying all landscape improvements are in substantial

compliance with the approved landscape plan as set forth in UDC 11-3B-14.

16. The preliminary plat approval shall become null and void if the applicant fails to either: 1) obtain the City Engineer signature on a final plat within two years of the date of the approved findings; or 2) obtain approval of a time extension as set forth in UDC 11-6B-7.

B. PUBLIC WORKS DEPARTMENT

Site Specific Conditions of Approval

1. Each phase of the development will need to be modeled to verify minimum fire flow pressure is maintained.
2. If a well is located on the site, it must be abandoned per regulatory requirements.
3. Seepage bed must be 25' from waterlines unless additional protection is provided. There are at least two spots where this requirement is not met.
4. Dead-ends that will be extended require a blow-off.
5. Before full build out, two connections to the existing water system will be required; the second connection can be made to the north or back out to Meridian Rd.
6. Additional 15,800 gpd committed to model. WRRF decline balance is 14.37 MGD.
7. Master Plan line needs to be 12" with a slope of 0.28%. To and through slopes for all lines including 8" should be minimum slopes (where min slope for the 12" line is 0.28%).
8. Applicant required to abandon 12" main in Meridian Rd being installed as part of Briar Ridge development to the south so that Briar Ridge development sewers through this property. Applicant MUST work with Briar Ridge to determine location where 12" main is to connect to south.
9. Provide to-and-through to S1236110060 and S1236121090. Provide sewer connection in ROW instead of common lot.
10. Provide 14' wide access path for existing manhole located at eastern boundary. Due to distance from road provide a hammer head turn around for a 40' x 9' service vehicle.
11. Provide 20' easement for sewer outside of ROW.
12. Angle into/out of manhole needs to be 90 degrees minimum in the direction of flow. Multiple manholes do not appear to meet this requirement.
13. Ensure that manhole at W. Cusick St. and S. Blue Quartz Ave. is not located in the curb/gutter.
14. For common driveways with 3 or less lots, do not have mains located in common driveways. Run services from main in ROW.
15. See exhibit in public record titled "WW comments – Allure;" arrows showing direction of sewage flow should be corrected.
16. Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement.
17. Ensure no sewer services cross infiltration trenches.

General Conditions of Approval

1. Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to

provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet then alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.

2. Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
3. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.
4. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
5. All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
6. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
7. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
8. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
9. Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
10. A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
11. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a

- performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
12. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
 13. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
 14. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
 15. Developer shall coordinate mailbox locations with the Meridian Post Office.
 16. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
 17. The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
 18. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
 19. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
 20. A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
 21. The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
 22. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

C. FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=269062&dbid=0&repo=MeridianCity&cr=1>

D. SCHOOL IMPACT TABLE

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=275920&dbid=0&repo=MeridianCity>

E. BOISE PROJECT BOARD OF CONTROL (BPBC)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=269876&dbid=0&repo=MeridianCity>

F. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=270088&dbid=0&repo=MeridianCity>

G. MERIDIAN POLICE DEPARTMENT (MPD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=269061&dbid=0&repo=MeridianCity>

H. PARKS DEPARTMENT - PATHWAYS

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=266529&dbid=0&repo=MeridianCity>

I. WEST ADA SCHOOL DISTRICT (WASD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=276143&dbid=0&repo=MeridianCity>

J. IDAHO TRANSPORTATION DEPARTMENT (ITD)

Conditions Memo -

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=276629&dbid=0&repo=MeridianCity>

K. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=275993&dbid=0&repo=MeridianCity>

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;

City Council finds the proposed zoning map amendment to Rezone the property from the R-4 zoning district to the TN-R zoning district with the proposed preliminary plat and site design is consistent with the Comprehensive Plan, if all conditions of approval are met.

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

City Council finds the proposed zoning map amendment and the request for the development complies with the regulations outlined in the requested TN-R zoning district and is consistent with the purpose statement of the requested zone and traditional neighborhood zoning districts in general.

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

City 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**

City 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.**

Subject site is already annexed so City Council finds this finding nonapplicable.

B. Preliminary Plat Findings:

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

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

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

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

City 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, City 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;**

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

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

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

specific conditions of approval.

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

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