

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



In the matter of the request for Development Agreement modification to terminate all existing agreements in the Ten Mile Crossing development area in favor of one master agreement to govern future development of the overall area to include project-specific design guidelines to supersede those in the Ten Mile Interchange Specific Area Plan (TMISAP), which include deviations from certain goals and guidelines including decreased floor area ratios, different street and streetscape designs, landscape and architectural design elements and site development standards, including an increase in height in the C-G zoning district of up to 100-feet to allow for 6-story buildings; Rezone of 40.98-acres from the R-40 and C-C zoning districts to the C-G zoning district, 3.9-acres from the TN-C and C-G zoning districts to R-40 zoning district, 0.65-acre from the R-8 and TN-C zoning districts to the C-G zoning district, and 0.53-acre from the TN-C zoning district to the C-G zoning district; and, Preliminary Plat consisting of 83 buildable lots and 2 common lots on 132.42 acres of land in the R-40 and C-G zoning districts, by Brighton Development.

Case No(s). H-2020-0074

For the City Council Hearing Date of: April 13, 2021 (Findings on May 11, 2021)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of April 13, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of April 13, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of April 13, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of April 13, 2021, incorporated by reference)

B. Conclusions of Law

1. The City of Meridian shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. The Meridian City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.

5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.
7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of April 13, 2021, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

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

1. The applicant's request for a development agreement modification in favor of one new consolidated agreement, rezone and preliminary plat are hereby approved per the provisions in the Staff Report for the hearing date of April 13, 2021, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

Please take notice that approval of a preliminary plat, combined preliminary and final plat, or short plat shall become null and void if the applicant fails to obtain the city engineer's signature on the final plat within two (2) years of the approval of the preliminary plat or the combined preliminary and final plat or short plat (UDC 11-6B-7A).

In the event that the development of the preliminary plat is made in successive phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of two (2) years, may be considered for final approval without resubmission for preliminary plat approval (UDC 11-6B-7B).

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-6B-7.A, the Director may authorize a single extension of time to obtain the City Engineer's signature on the final plat not to exceed two (2) years. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the preliminary plat, combined preliminary and final plat or short plat to comply with the current provisions of Meridian City Code Title 11. If the above timetable is not met and the applicant does not receive a time extension, the property shall be required to go through the platting procedure again (UDC 11-6B-7C).

Notice of Development Agreement Duration

The city and/or an applicant may request a development agreement or a modification to a development agreement consistent with Idaho Code section 67-6511A. The development agreement may be initiated by the city or applicant as part of a request for annexation and/or rezone at any time prior to the adoption of findings for such request.

A development agreement may be modified by the city or an affected party of the development agreement. Decision on the development agreement modification is made by the city council in accord with this chapter. When approved, said development agreement shall be signed by the property owner(s) and returned to the city within six (6) months of the city council granting the modification.

A modification to the development agreement may be initiated prior to signature of the agreement by all parties and/or may be requested to extend the time allowed for the agreement to be signed and returned to the city if filed prior to the end of the six (6) month approval period.

E. Notice of Final Action and Right to Regulatory Takings Analysis

1. **Please take notice** that this is a final action of the governing body of the City of Meridian. When applicable and pursuant to Idaho Code § 67-6521, any affected person being a person who has an interest in real property which may be adversely affected by the final action of the governing board may within twenty-eight (28) days after the date of this decision and order seek a judicial review as provided by Chapter 52, Title 67, Idaho Code.

F. Attached: Staff Report for the hearing date of April 13, 2021

By action of the City Council at its regular meeting held on the 11th day of May, 2021.

COUNCIL PRESIDENT TREG BERNT VOTED AYE

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED AYE

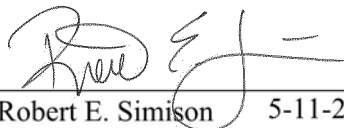
COUNCIL MEMBER JESSICA PERREAULT VOTED _____

COUNCIL MEMBER LUKE CAVENER VOTED AYE

COUNCIL MEMBER JOE BORTON VOTED AYE

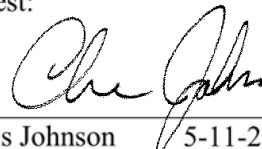
COUNCIL MEMBER LIZ STRADER VOTED AYE

MAYOR ROBERT SIMISON VOTED _____
(TIE BREAKER)



Mayor Robert E. Simison 5-11-2021

Attest:



Chris Johnson 5-11-2021
City Clerk



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

By:  Dated: 5-11-2021
City Clerk's Office

EXHIBIT A

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



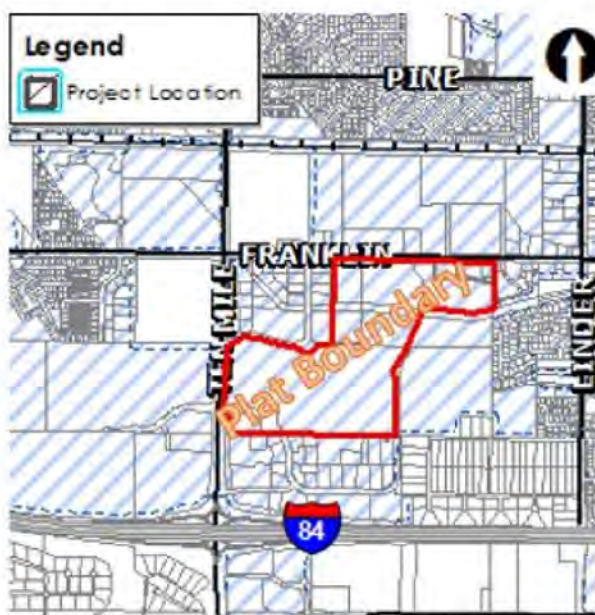
HEARING DATE: April 13, 2021

TO: Mayor & City Council

FROM: Sonya Allen, Associate Planner
208-884-5533

SUBJECT: H-2020-0074
TM Center - PP
Ten Mile Crossing – MDA, RZ

LOCATION: East of S. Ten Mile Rd. & south of W. Franklin Rd., in the north half of Section 14, Township 3N., Range 1W.



I. PROJECT DESCRIPTION

Preliminary Plat consisting of 83 buildable lots and 2 common lots on 132.42 acres of land in the R-40 and C-G zoning districts;

Rezone of 40.98-acres from the R-40 and C-C zoning districts to the C-G zoning district; 3.9-acres from the TN-C and C-G zoning districts to R-40 zoning district; 0.65-acre from the R-8 and TN-C zoning districts to the C-G zoning district; and 0.53-acre from the TN-C zoning district to the C-G zoning district; and,

Development Agreement modification to terminate all existing agreements in the Ten Mile Crossing development area in favor of one master agreement to govern future development of the overall area. The proposal includes a request for adoption of project-specific design guidelines to supersede those in the Ten Mile Interchange Specific Area Plan (TMISAP), which include deviations from certain goals and guidelines including decreased floor area ratios, different street and streetscape designs, landscape and architectural design elements and site development standards, including an increase in height in the C-G zoning district of up to 100-feet to allow for 6-story buildings [i.e. TM Crossing – AZ-12-005 (Inst. 114002254, 1st Addendum #2016-062220, 2nd Addendum #2017-051907, TMC Expansion #2019-011700); TM Creek/TM Creek East – AZ-13-015/H-2015-0018 (Inst. #114045759, 1st Addendum #2016-073497, 2nd Addendum #2017-113747); Ten Mile Center – AZ-14-001 (Inst. #2014-065514); Calnon Properties – H-2015-0017 (Inst. 2016-030845); and Bainbridge Franklin – H-2018-0057 (Inst. #2019-077071)].

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	307.72 DA boundary; 132.42 plat boundary; 46.06 rezone area	
Future Land Use Designations	Mixed Use – Residential (MU-R), Medium Density Residential (MDR), Medium High-Density Residential (MHDR), High Density Residential (HDR), Mixed Use – Commercial (MU-C) and Commercial in the TMISAP	
Existing Land Uses	Agricultural, commercial, restaurant, carwash, personal and professional service, office, healthcare, multi-family residential	
Proposed Land Use(s)	Commercial, office and high density residential	
Current Zoning	Mostly C-G with some R-8, R-40, TN-C, TN-R and C-C	
Proposed Zoning	R-40 and C-G	
Lots (# and type; bldg./common)	83 building (74 commercial, 9 high-density residential)/2 common	
Phasing plan (# of phases)	6 (conceptually, based on market demand)	
Number of Residential Units (type of units)	TBD	
Density (gross & net)	TBD	
Open Space (acres, total [%] / buffer / qualified)	TBD with future residential development	
Amenities	TBD with future residential development	
Physical Features (waterways, hazards, flood plain, hillside)	The Ten Mile Creek, Purdam Gulch Drain, Von Lateral and Kennedy Lateral cross this site	

Neighborhood meeting date; # of attendees:	September 23, 2020; 4 attendees	
History (previous approvals)	TM Crossing – AZ-12-005 (Inst. 114002254, 1st Addendum #2016-062220, 2nd Addendum #2017-051907, TMC Expansion #2019-011700); TM Creek/TM Creek East – AZ-13-015/H-2015-0018 (Inst. #114045759, 1st Addendum #2016-073497, 2nd Addendum #2017-113747); Ten Mile Center – AZ-14-001 (Inst. #2014-065514); Calnon Properties – H-2015-0017 (Inst. 2016-030845); and Bainbridge Franklin – H-2018-0057 (Inst. #2019-077071)]	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	Yes	
• Requires ACHD Commission Action (yes/no)	No	
• Existing Conditions	A full Traffic Impact Study (TIS) was not required.	
• CIP/IFYWP	Abutting roadways (Ten Mile & Franklin Rds.) are fully improved; Wayfinder with detached sidewalks exists between Franklin and Vanguard; Cobalt with detached sidewalk on the north side of the road exists from Wayfinder to the east boundary of TM Creek East Apartments	
	- Linder Road is scheduled in the IFYWP to be widened to 5-lanes from Franklin Road to Pine Avenue in 2020. The project includes Bridge #1120. - Linder Road is scheduled in the IFYWP to be widened to 5-lanes from Overland Road to Franklin Road and will include a new 4-lane I-84 overpass. - The intersection of Linder Road and Franklin Road is listed in the CIP to be widened to 6-lanes on the north leg, 6-lanes on the south, 7-lanes east, and 7-lanes on the west leg, and signalized between 2021 and 2025.	

Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	One collector street access (S. New Market Ave.) and two (2) driveway accesses are proposed via Franklin Rd.	
Traffic Level of Service Stub	Better than "D" – Franklin & Ten Mile Roads (acceptable LOS is "E")	
Street/Interconnectivity/Cross Access	Cobalt Dr. is proposed to stub to the east for future extension.	
Existing Road Network	Ten Mile and Franklin Roads exist along the west and north boundaries of this site; Wayfinder exists from Franklin Rd. to Vanguard; Cobalt extends from Ten Mile Rd. to midway between Wayfinder and New Market/Benchmark.	
Existing Arterial Sidewalks / Buffers	A detached sidewalk exists along Franklin, some buffers; an existing asphalt pathway exists along Ten Mile, some buffers	
Proposed Road Improvements	No improvements are proposed to adjacent roadways (Ten Mile & Franklin)	
Fire Service		
• Distance to Fire Station	1.7 miles – Fire Station #2	
• Fire Response Time	Falls within 5-minute response time	

• Resource Reliability	76% for Fire Station #2 – does <i>not</i> meet the target goal of 80% or greater	
• Risk Identification	Risk factor of 4 – current resources would <i>not</i> be adequate to supply service to this project (see comments in Section VIII.C)	
• Accessibility	Project meets all required access, road widths and turnarounds	
• Special/resource needs	An aerial device is required; the closest truck company is 6 minutes travel time (under ideal conditions) – Fire Dept. can meet this need in the required timeframe if required.	
• Water Supply	Requires 1,500 gallons per minute for 2 hours; may be less if building is fully sprinklered, which all are proposed to be	
• Other Resources	NA	

Police Service

• Distance to Police Station	4 miles	
• Police Response Time	3.5 minutes	
• Calls for Service	577 within a mile of site (3/1/2019 – 2/29/2020)	
• Accessibility	No concerns with the proposed access	
• Specialty/resource needs	No additional resources are required at this time; the PD already services the area	
• Crimes	67 within a mile of site (3/1/2019 – 2/29/2020)	
• Crashes	25 within a mile of site (3/1/2019 – 2/29/2020)	

West Ada School District

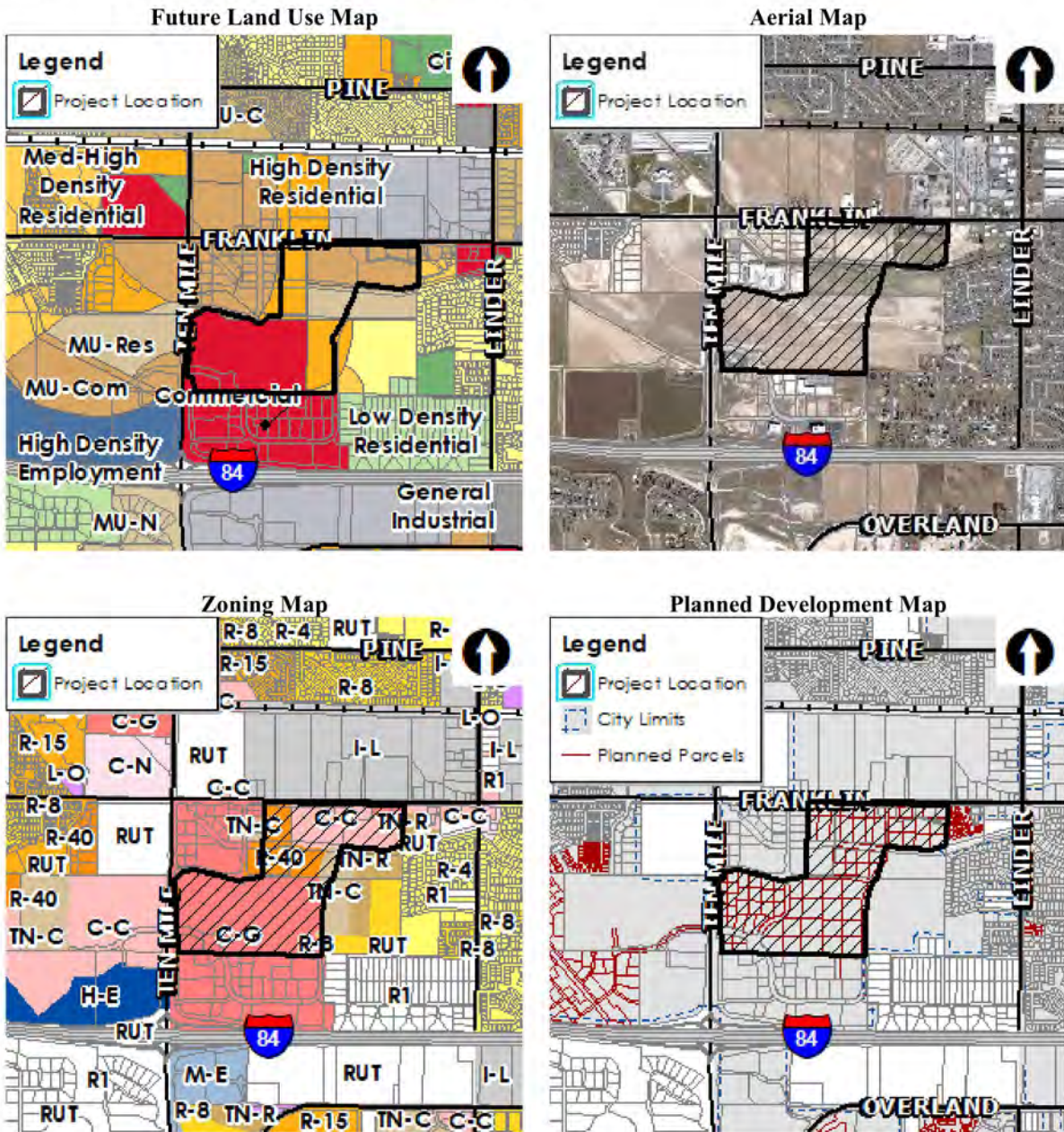
Joint School District No. 2 (dba West Ada School District) has experienced significant and sustained growth in student enrollment during the last ten years. Many of our schools throughout the district are operating at or above capacity. Based on U.S. census data, we can predict that these homes, when completed, will house **380 (= # homes x 0.8 per census data) school aged children**. Approval of the **TM Center** will affect enrollments at the following schools in West Ada District:

	<u>Enrollment</u>	<u>Capacity</u>	<u>Miles</u> (Dev. to School)
Peregrine Elementary	526	650	1.9
Meridian Middle School	1285	1250	2.7
Meridian High School	2126	2400	1.5

Due to the abundant amount of growth in the area, West Ada is actively building new schools, and boundaries are always changing. These future students could potentially attend Owyhee High School.

Wastewater		
Distance to Sewer Services	Directly adjacent	
Sewer Shed	South Black Cat Trunk shed	
Estimated Project Sewer ERU's	See application	
WRRF Declining Balance	13.96	
Project Consistent with WW Master Plan/Facility Plan	Yes	
Impacts/Concerns	The current sewer configuration submitted with this application, depicts at intersection of Colbalt and New Market Avenue, flow being enabled to go in either the north or the west direction. This needs to be corrected so flow only goes in one direction. Based on conversations with applicant 8" sewer line on Cobalt will not connect to manhole at intersection.	
Water		
Distance to Water Services	Directly adjacent	
Pressure Zone	2	
Estimated Project Water ERU's	See application	
Water Quality Concerns	This development will result in a long dead-end water main which may result in poor water quality. Connecting to the south will eliminate this dead-end and correct this problem.	
Project Consistent with Water Master Plan	Yes	
Impacts/Concerns	- To alleviate the water quality issues, this development must extend the proposed 12" water main south to connect into the existing water main in S New Market Ave (TM Crossing No 4). - Make sure to tie into the existing 12" water stub in Vanguard (between lots 6 & 25, block 1)	

C. Project Maps (Preliminary Plat Boundary)



III. APPLICANT INFORMATION

A. Applicant:

Michael Wardle, Brighton Development – 2929 W. Navigator Dr. #400, Meridian, ID 83642

B. Owners:

SCS Brighton, LLC – 2929 W. Navigator Dr. #400, Meridian, ID 83642

SCS Brighton II, LLC – 2929 W. Navigator Dr., #400, Meridian, ID 83642

DWT Investments, LLC – 2929 W. Navigator Dr., #400, Meridian, ID 83642

SCS Investments, Inc. – 2929 W. Navigator Dr., #400, Meridian, ID 83642

SCS Investments, LLC – 2929 W. Navigator Dr., #400, Meridian, ID 83642

SCS TM Creek, LLC – 2929 W. Navigator Dr., #400, Meridian, ID 83642

Brighton Land Holdings, LLC – 2929 W. Navigator Dr., #400, Meridian, ID 83642

C. Representative:

Same as Applicant

IV. NOTICING

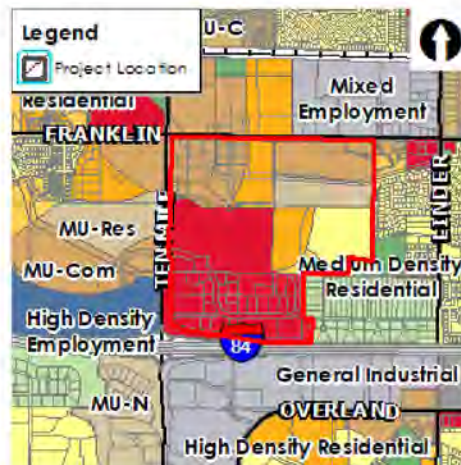
	Planning & Zoning Posting Date	City Council Posting Date
Newspaper notification published in newspaper	2/26/2021	3/26/2021
Radius notification mailed to property owners within 300 feet	2/23/2021	3/24/2021
Public hearing notice sign posted on site	3/4/2021	4/1/2021
Nextdoor posting	2/25/2021	3/24/2021

V. COMPREHENSIVE PLAN ANALYSIS

No changes are proposed to the Future Land Use Map (FLUM) or text of the Comprehensive Plan or the Ten Mile Interchange Specific Area Plan (TMISAP).

LAND USE:

Approximately half of the property subject to the proposed new Development Agreement (DA) is designated on the Future Land Use Map in the [Comprehensive Plan](#) as Commercial with some Medium Density Residential (MDR), Medium High Density Residential (MHDR), High Density Residential (HDR), Mixed Use Residential (MU-RES) and Mixed Use Commercial (MU-COM) [see pg. 111 (D-1), Appendix D]. Development of this area is governed by the Ten Mile Interchange Specific Area Plan ([TMISAP](#)) and existing DA's. *See pages 3-5 thru 3-9 in the TMISAP for more information on these specific land use designations.*



Since the adoption of the TMISAP in 2007, there have been substantial changes to the FLUM in this area. In 2012, an amendment to the map was approved for TM Crossing (CPAM-12-001) that changed 30.5-acres of land from Lifestyle Center (LC), 8.5-acres from Medium High Density Residential (MHDR) and 40-acres from High Density Employment (HDE) to Commercial with C-G zoning to accommodate a range of uses including office/professional, hospitality and large & small retailers. A market analysis provided by the Applicant at the time deemed another lifestyle center in addition to The Village at Meridian wasn't feasible in such close proximity. Although future development wouldn't be held to the mixed-use guidelines of the Plan, future development was required to comply with the design goals of the Plan through the DA to ensure consistency with the Plan and the overall area. This area has developed with several multi-story professional office and medical office buildings and is still in the development process. *Note: The Commercial land use designation is a FLUM designation in the Comprehensive Plan but not in the TMISAP; therefore, there are no specific design guidelines in the Plan for this designation.*

In 2015, an amendment to the FLUM was approved for Calnon (H-2015-0017) that changed the FLUM designation on 40.06-acres from Medium High Density Residential (MHDR) & High Density Residential (HDR) to Mixed Use Commercial (MU-COM) and 15.49-acres from Medium Density Residential (MDR), MHDR and High Density Residential (HDR) to Mixed Use Residential (MU-RES). In the absence of a development plan, a conceptual use plan was approved with the DA for retail, office and service commercial uses within the MU-COM area and office/medium high-density residential uses in the MU-RES area to ensure a mix of uses is provided in this area consistent with the underlying FLUM designations. No development has occurred yet in this area.

Most recently in 2019 with the new Comprehensive Plan (Res. #19-2179), the FLUM designation on approximately 62 acres of land on the western half of the Ten Mile Center (aka Treasure Valley Investments) property was changed from Lifestyle Center (LC) to Commercial based on the finding in the previous market analysis that another lifestyle center couldn't be supported in such close proximity to The Village. No development has occurred yet in this area.

Conceptual development/use/roadway alignment plans were previously approved with DA's for the land proposed to be governed by one overall new DA that currently govern future development of these areas.

TRANSPORTATION:

No road improvements are planned adjacent to this site as Ten Mile Rd. is fully improved with 5-travel lanes, curb, gutter and a 7' wide attached temporary asphalt pathway; and Franklin Rd. is fully improved with 5-travel lanes with curb, gutter and 5-foot wide attached sidewalk abutting the site. A traffic signal exists at the S. Vanguard Way/S. Ten Mile Rd. intersection and a signal has been installed through the poles at the W. Franklin Rd./S. Wayfinder Way intersection – ACHD will hang the mast arms when warranted. Conduit was also installed at the New Market Ave. (Benchmark)/Franklin Rd. intersection with the Franklin Road widening project to accommodate installation of a future signal which is required to be constructed through the signal poles and luminaires prior to signature on the final plat. When ACHD determines it's warranted in the future, the District will complete installation of the signal and put it into operation.

Construction plans for the extension of S. Wayfinder Ave. between the two roundabouts within the proposed plat were approved by ACHD on May 26, 2020 outside of the subdivision process and the street and detached sidewalks have been constructed. **The plans were approved by the City Land Development Division for consistency with City standards pertaining to extension of water & sanitary sewer main lines and street lights but were *not* reviewed or approved by the Planning**

Division and do *not* comply with the design guidelines for that street section (i.e. “E”) as designated on the Street Section Map in the Plan and as required in the existing DA for Ten Mile Center (see Street Design below for more information).

Construction plans for the extension of W. Cobalt Ave. from the Wayfinder roundabout to the east edge of the Ten Mile Creek East Apartment project (midway between Wayfinder and New Market/Benchmark) were approved by ACHD with that project *also* outside of the subdivision process and the street and detached sidewalk on the north side has been constructed. **These plans were also not reviewed or approved by the Planning Division and don’t comply with the street section [i.e. “E” (or “D”)] desired in the TMISAP for the east/west collector street connection between Wayfinder and New Market/Benchmark, albeit further to the south (see Street Design below for more information).**

Approval of S. New Market Ave./Benchmark from Franklin to the south boundary of the site is requested with the proposed preliminary plat. **The existing DA for Ten Mile Center requires streets to be constructed consistent with the applicable street section (i.e. “D”) as shown on the Street Section Map in the TMISAP (see Street Design below for more information).**

Street Network (3-17): The Transportation System Map (TSM) included in the [TMISAP](#) (pg. 3-18, shown below) depicts collector streets through this site connecting to existing and future collector streets to the north and south. These street locations coincide with the town center collector streets depicted on the [Master Street Map](#) (MSM). Roundabouts are also depicted on the TSM at the Cobalt/Wayfinder and Vanguard/Wayfinder intersections, which have been constructed.



Two (2) north/south collector streets (S. Wayfinder Way and S. New Market Ave./Benchmark) are depicted on the plat in locations consistent with the TSM and the MSM; Wayfinder was recently constructed. An east/west collector street is not proposed along the southern boundary of the site because a local street (W. Navigator Dr.) was constructed further to the south with development of the adjacent TM Crossing subdivision, which was deemed to meet the intent of the Map and provide the desired east/west connection. An east/west collector street (W. Cobalt Dr.) is proposed and partially constructed through the middle of this site for a connection between Ten Mile and New Market/Benchmark that is not depicted on the TSM or the MSM, which provides more needed connectivity in this area.

Access Control (3-17): In order to move traffic efficiently through the Ten Mile Area and optimize performance of streets, direct access via arterial streets is prohibited except for collector street connections. Access to arterial streets should occur via the collector road system. Wayfinder, Cobalt, Vanguard and New Market/Benchmark are all collector streets that provide access via the abutting arterial streets (Ten Mile & Franklin).

Two (2) driveway accesses via Franklin Rd. are depicted on the plat – one to the east and one to the west of New Market/Benchmark on Lot 4, Block 3 and Lot 4, Block 4. The conceptual

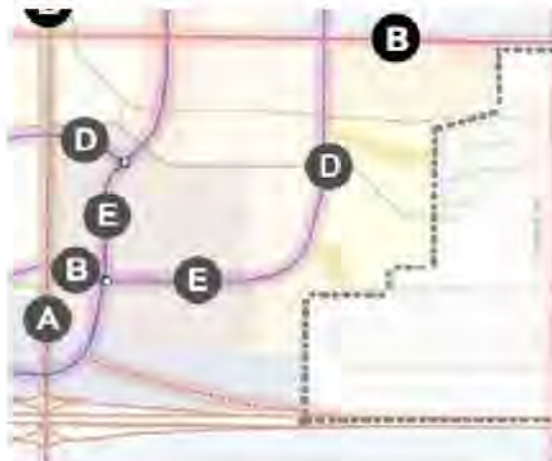
development plan included in the DA for the Bainbridge Franklin property depicts the eastern driveway access via Franklin; however, the Applicant states this property is no longer planned to develop in that manner. ACHD has *not* approved either of these accesses and is requiring a traffic analysis be submitted to demonstrate additional driveways are necessary to serve the site. The UDC's ([11-3A-3](#)) intention is to improve safety by combining and/or limiting access points to arterial streets to ensure motorists can safely enter all streets. City Council should determine if a waiver to the standards in UDC 11-3A-3 is appropriate for the proposed driveway accesses in the absence of a conceptual development plan for this area. These accesses are prohibited unless specifically approved by the City and ACHD.

Complete Streets (3-19): Streets should be designed to serve all users – motorists, bus riders, bicyclists, and pedestrians, including people with disabilities. Bicycling and walking facilities should be incorporated into all streets unless exceptional circumstances exist such as roads where bicyclists or pedestrians are prohibited by law, where the costs are excessive, or where there is clearly no need. **The following are features that should be considered as a starting point for each street: sidewalks, bike lanes, wide shoulders, crosswalks, refuge medians, bus pullouts, special bus lanes, raised crosswalks, audible pedestrian signals, sidewalk bulb-outs, street furnishings and on-street parking.**

The street sections depicted on the plat, some of which have already been constructed, incorporate detached sidewalks/pathways, planter strips and bike lanes along all streets; however, many of the other desired elements are not being provided which are integral to the Ten Mile area and the multi-modal options envisioned by the Plan. A VRT bus stop exists at the northwest corner of Vanguard/Wayfinder; other bus stops are anticipated within the development. The Applicant should address at the public hearing (or in writing prior to the hearing) what other design features are planned for internal public streets within this development.

Street Design (3-20): The TMISAP includes several street section types for specific uses and conditions based on projected vehicular and pedestrian usage, desired parking conditions, specific physical conditions, public emergency access, and streetscape character. Streets within the Ten Mile area should be designed and sized to optimize pedestrian comfort and to facilitate slow-moving traffic. It's desirable that lanes on streets be 11 feet in width with the exception of those lanes closest to the intersections with Franklin and Ten Mile Roads which can increase to 12 feet from the point of the intersection with the arterial street to the point of the intersection with another street or access point.

The Street Section Map (SSM) contained in the [TMISAP](#) (pg. 3-22, shown below) depicts specific street section classifications for each of the streets shown on the TSM based on the criteria noted above for the area. These classifications have both a functional and a design-related classification to balance the design considerations for pedestrians and motorists.



The Master Street Map (MSM) guides the right-of-way (ROW) acquisition, collector street requirements and specific roadway features required through development. The MSM designates the collector streets within this site as town center collectors, which are recommended to have (2) travel lanes with a center turn lane, bicycle lanes and on-street parallel parking (if appropriate) within a 60-foot wide street section, a 6-foot wide buffer zone and an 8-foot wide sidewalk within 88 feet of right-of-way (see ACHD's [Livable Street Design Guide](#) pg. 21, shown below). ***The ACHD report states the previously approved street section for Wayfinder & the proposed street section for New Market/Benchmark meet District policy and are consistent with the TMISAP and Town Center Collector street typology as proposed without on-street parking and is approved. However, these street sections are not consistent with the applicable street sections in the TMISAP in that they don't have on-street parking and have reduced pedestrian walkways and/or buffers.***

2.6 STREET DESIGN: TOWN CENTER COLLECTOR

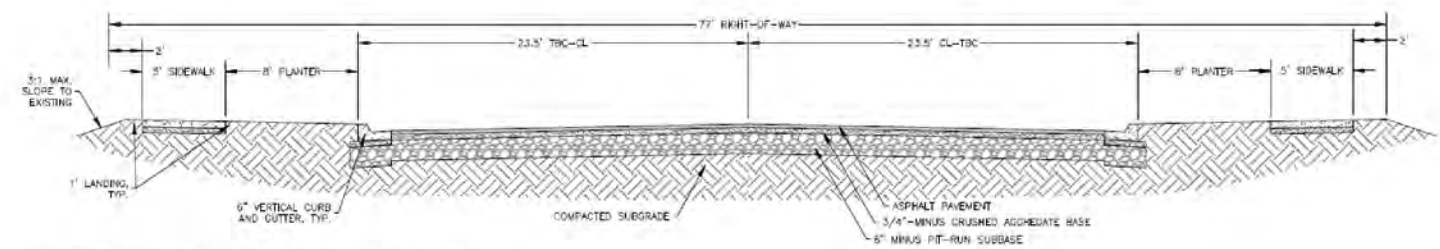
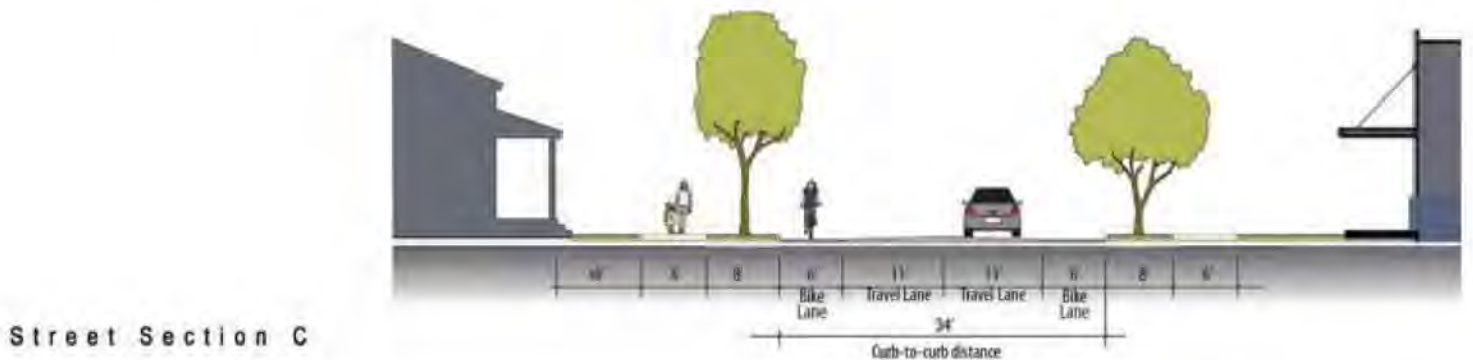
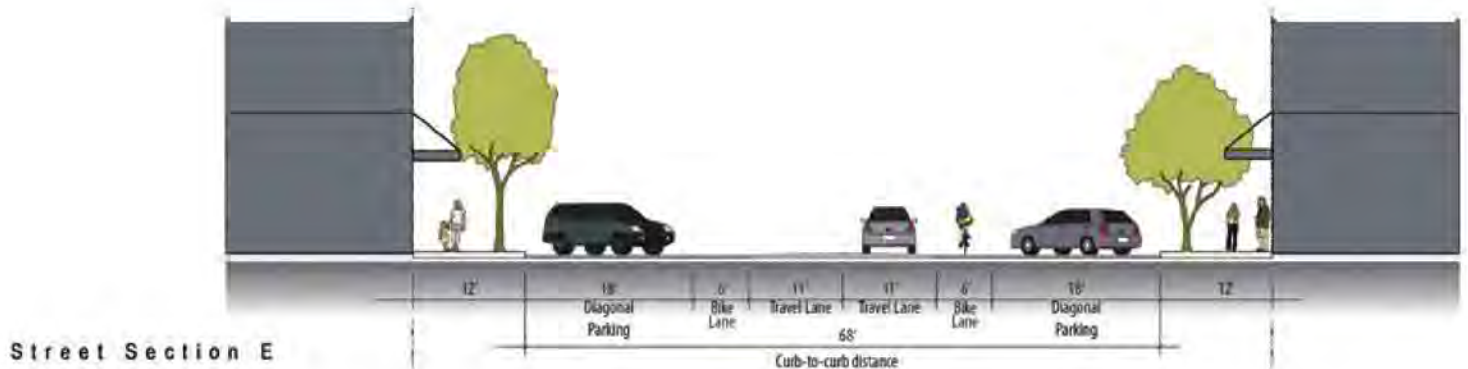


The western north/south collector street, proposed as S. Wayfinder Ave., designated as "E" (minor collector street), extends from a future signalized intersection at W. Franklin Road to the south to Vanguard. The portion north of Cobalt was approved with TM Creek subdivision. **Per the Map and as required by the existing DA for Ten Mile Center, this street should have been constructed per the guidelines for Street Section E shown below with two (2) travel lanes, bike lanes, diagonal parking and 12' sidewalks with trees in wells (see pgs. 3-21 & 3-23 in the TMISAP).** However, the street section approved by ACHD and constructed is a standard street section with (2) travel lanes, a center turn lane, bike lanes, 8-foot wide planter strips, a 5-foot wide detached sidewalk on the west side and an 8-foot wide pathway on the east side with no on-street parking, similar to that of major collector street (i.e. Street Section C, shown below) (see street section from the proposed plat and detail from the proposed design guidelines below). Because of the changes to the FLUM in this area from LC to Commercial and this street providing access to the employment uses to the south, which will likely result in a higher traffic volumes, Staff is in general support of the design as constructed. Minor collector streets in the Plan differ from the MSM's town center collector street in that they don't have a center turn lane and have diagonal instead of parallel parking.

Minor collector streets serve as the primary retail streets and are pedestrian-oriented and defined by street-level storefronts. Buildings are built to 12-foot wide sidewalks with street trees in wells and

pedestrian-scale lighting. A 5-foot wide dry-utilities corridor should be provided along both sides of the street curb; both wet utilities may be located in the street; and streetlights should be placed in the dry utilities corridor on either side of the street.

Major collector streets provide access from adjacent arterial streets into the employment areas. Buildings on these streets are set back from the street as some distance generally behind a detached sidewalk. The sidewalk may be widened in some cases to extend to the front of commercial retail or higher density residential buildings.



STREET SECTION: S. WAYFINDER AVE.

SCALE: NTS

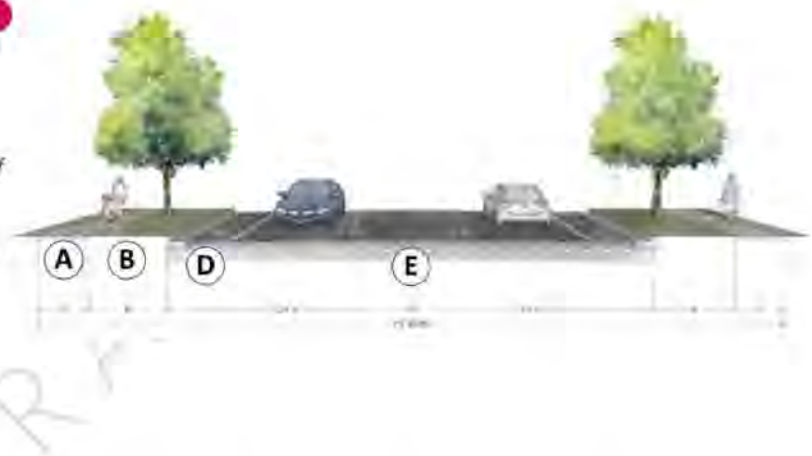
Typical Street Sections

Typology

Label	Physical Characteristics
A	Sidewalk: 5' to 8'
B	Tree Lawn: 8' to 10'
C	Tree Grate
D	Bicycle Lane
E	Two-Way Left Turn Lane
F	Center Landscaped Median
G	Parallel Parking

Figure 7.3
Typical Commercial
Street Section,
Two-Lane + Turn
Lane + Bike Lanes

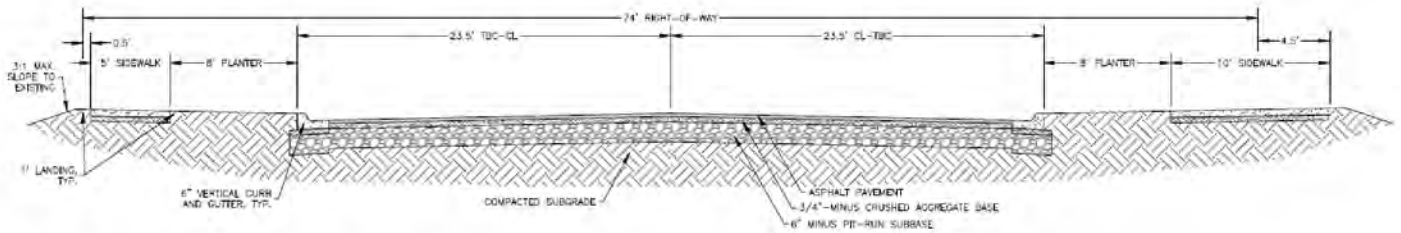
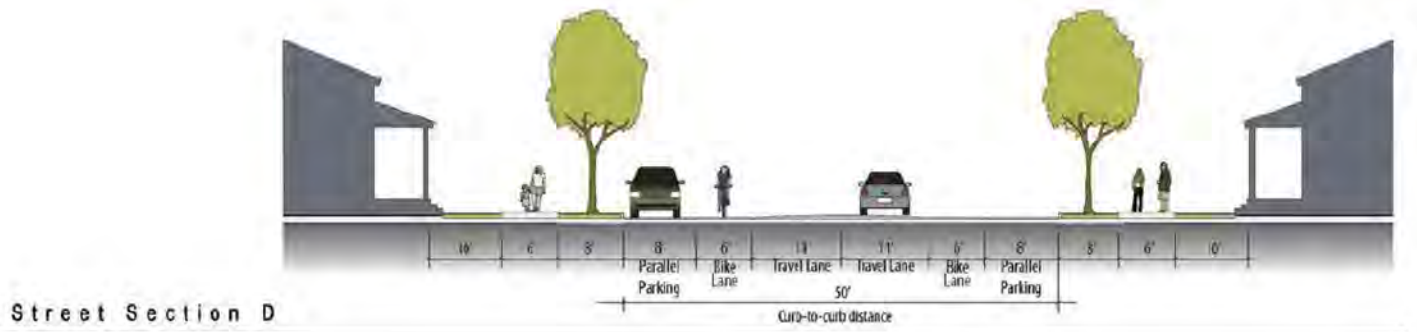
- **Navigator**, east of Vanguard
- **Cobalt**
- **New Market**
- **Wayfinder**, south of Tenmile Creek to Vanguard



The eastern north/south collector street proposed as S. New Market Ave./Benchmark Ave., designated as “D” (residential collector street), will extend from Franklin Rd. to the south boundary of the site and connect to Navigator Dr. in the TM Crossing project. **This street should be constructed in accord with the guidelines for Street Section D shown below with two (2) travel lanes, bike lanes, parallel on-street parking (if allowed by ACHD), 8’ tree-lined parkways and detached sidewalks per the TMISAP and as required by the existing DA’s for Ten Mile Center and Calnon (see pgs. 3-21 & 3-23 in the TMISAP).**

The street section from the proposed plat and a detail from the proposed design guidelines shown below differ from a residential collector street in that there is a center turn lane, wider travel lanes and no on-street parking. ACHD has approved the proposed design; however, Staff does *not* support the proposed design as it’s not consistent with the TMISAP and the existing DA’s and therefore, recommends revisions consistent with Street Section D below with on-street parking. ACHD will have to review and approve revised street sections if changes are required to the proposed design – although on-street parking is desired and recommended, ACHD will need to review and determine if it’s safe to provide. *Staff discussed the discrepancies between the proposed plat and the town center collector in the MSM and Street Section D with ACHD and was told that although the Livable Street Design Guide allows for parking on a collector street it isn’t always appropriate in all locations – because we don’t know the end users for lots adjacent to these streets (a conceptual development plan or use plan wasn’t submitted) it’s difficult to determine if on-street parking will be appropriate. Residential collector streets in the Plan differ from the MSM’s town center collector street in that they don’t have a center turn lane and have a wider buffer zone.*

Residential collector streets serve the local access needs of residential, live/work, and commercial activities within a residential neighborhood or mixed-use residential area. Buildings on these streets should have limited setbacks behind the sidewalk and a tree lawn should be provided. On-street parking is allowed. A 5-foot dry utilities corridor should be provided along both sides of the street curb; both wet utilities may be located in the street; and streetlights should be placed in the dry utilities corridor on either side of the street.



STREET SECTION: S. NEW MARKET AVE.

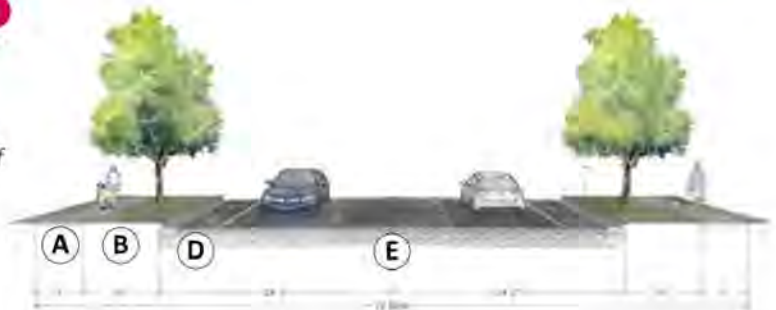
Typical Street Sections

Typology

Label	Physical Characteristics
A	Sidewalk: 5' to 8'
B	Tree Lawn: 8' to 10'
C	Tree Grate
D	Bicycle Lane
E	Two-Way Left Turn Lane
F	Center Landscaped Median
G	Parallel Parking

Figure 7.3
Typical Commercial Street Section, Two-Lane + Turn Lane + Bike Lanes.

- **Navigator**, east of Vanguard
- **Cobalt**
- **New Market**
- **Wayfinder**, south of Tenmile Creek to Vanguard

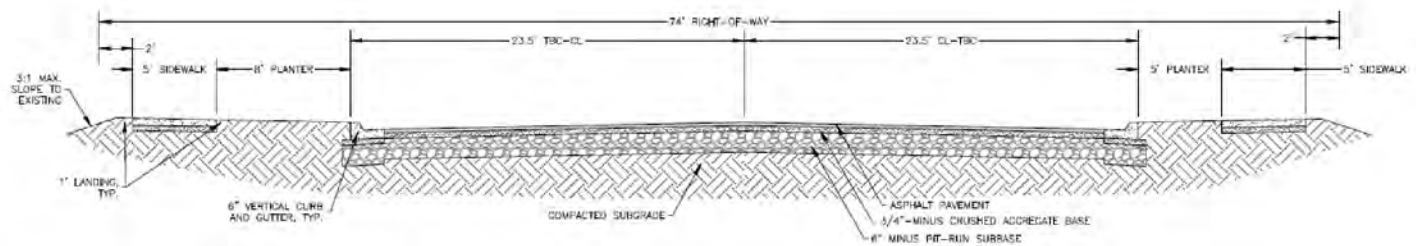
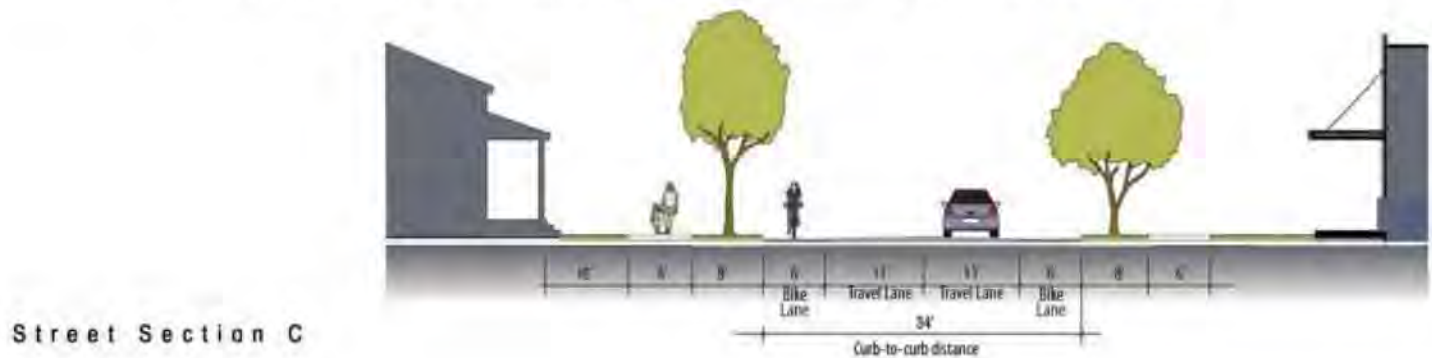


Neither the SSM shown above, nor the MSM, depicts an east/west collector where W. Cobalt Dr. is proposed to extend between Wayfinder and New Market although it does depict such further to the south in alignment with the access via Ten Mile Rd. along the southern boundary of this site which was actually constructed further to the south (i.e. Navigator Dr.) as discussed above. This southern section is designated as a minor collector street ("E") on the Street Section Map in the TMISAP and as a town center collector on the MSM. The portion of Cobalt west of Wayfinder is designated as a residential collector street (Street Section D) but was approved to be constructed as a major collector street closely aligning with Street Section C due to residential uses not being planned at that time in that area – since that time, the development plan changed and multi-family residential uses have been constructed along the north side of the street, east of S. Innovation Ln.

The extension of Cobalt will provide a connection from Ten Mile between Wayfinder and New Market/Benchmark, which Staff believes provides much needed connectivity in this area. Residential

uses exist and are planned on the north side of this street between Wayfinder and New Market/Benchmark with future commercial uses likely on the south side. The section of this street east of TM Creek East Apartments has not yet been constructed but the design has been approved by ACHD with the subject plat. Staff is amenable to the proposed design consistent with that constructed to the west.

Street Section C, the street section from the plat and a detail from the proposed design guidelines are shown below. The western portion of Cobalt in front of the TM Creek East apartments project was previously approved as part of ACHD's action on that project and has been constructed.



STREET SECTION: W. COBALT DR.

Typical Street Sections

Typology

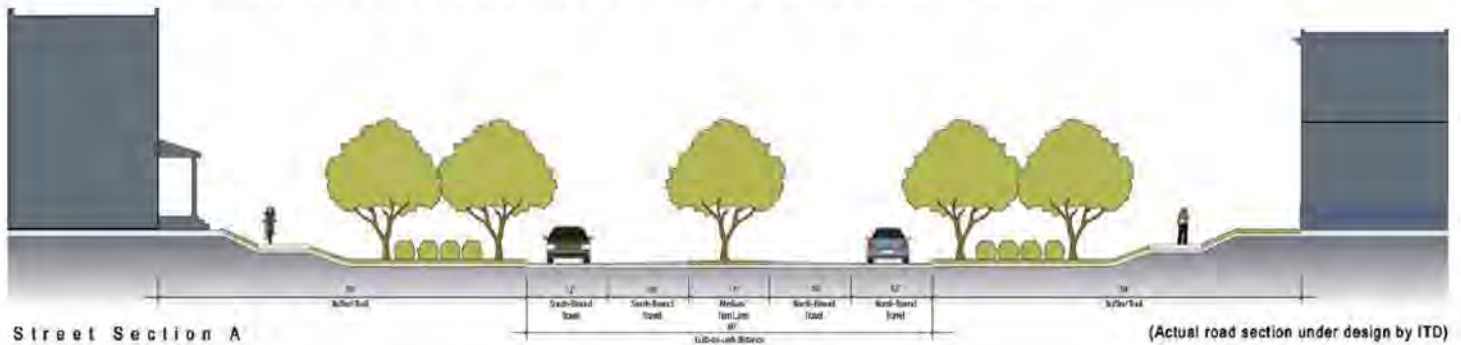
Label	Physical Characteristics
A	Sidewalk: 5' to 8'
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C	Tree Grate
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Figure 7.3
Typical Commercial
Street Section,
Two-Lane + Turn
Lane + Bike Lanes

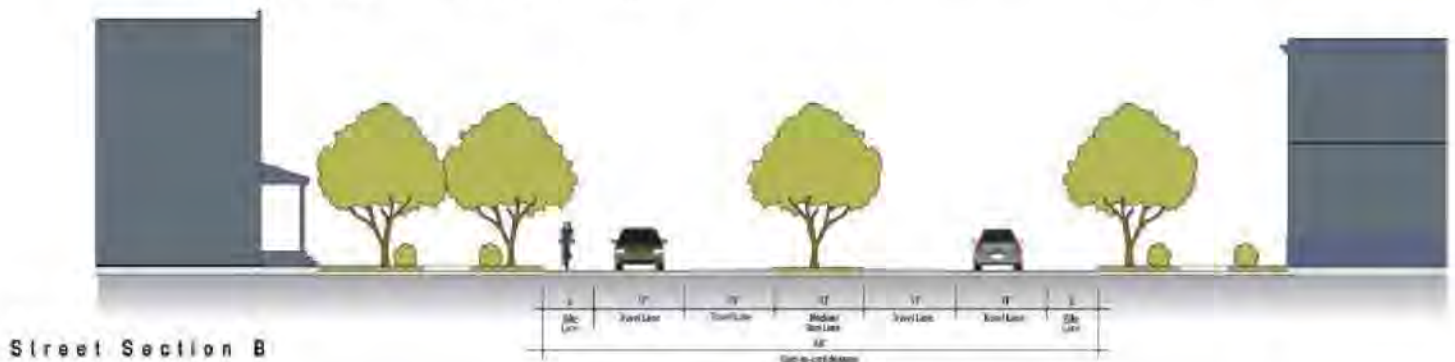
- **Navigator**, east of Vanguard
- **Cobalt**
- **New Market**
- **Wayfinder**, south of Tenmile Creek to Vanguard



South Ten Mile Rd., an existing arterial street along the west boundary of the site, is designated as a modified 4-lane parkway ("A") on the Street Section Map. **Buildings should address the street but be set back some distance from the roadway to provide security to the pedestrians and bikes and a wide tree lawn and detached trail should be provided as shown on Street Section A below. Streetlights should be located in the tree lawn area and should be of a pedestrian scale. Dry utilities should be located back of the curb in the dry utilities corridor.**



West Franklin Rd., an existing arterial street along the north boundary of the site, is designated as a typical 4-lane parkway ("B") on the Street Section Map. **Buildings should address the street but be set back some distance from the roadway edge to provide for a tree lawn and detached sidewalk to provide security to the pedestrian as shown on Street Section B below. Streetlights should be located in the tree lawn area and be of a pedestrian scale. Dry utilities should be located back of the curb in the dry utilities corridor.**



Streetscape (3-25): All streets should include street trees within the right-of-way. The proposed development incorporates tree-lined streets with detached sidewalks throughout consistent with the Plan.

Public Art (3-47): Public art with a high quality of design should be incorporated into the design of streetscapes. No public art is proposed. **Staff recommends public art is provided in the streetscape and within the development in accord with the guidelines in the TMISAP.**

Public transit (3-25) – Commercial and employment activity centers need access by multiple modes of transportation and should be pedestrian and transit friendly. Public transit is also important component of

residential developments as it effectively decreases parking needs by reducing the number of cars needed for residents.

Transit stops should be designed with shelters for weather protection to patrons; the design of such should be coordinated between the City, VRT and ACHD ensuring architectural consistency with the general theme of the activity center. Transit locations should include pedestrian amenities such as landscaping, pedestrian and landscape lighting, benches and trash receptacles consistent with the design and location of the shelter.

Valley Regional Transit (VRT) currently has an intermediate stop at Ten Mile Crossing in its Boise-Nampa service. As the project's employment and residential population grows and more of the internal street systems are completed, the opportunity for expanded transit service will also grow. A bus stop has been provided at the northwest corner of the Vanguard/Wayfinder roundabout in Ten Mile Crossing; more bus stops are anticipated as the businesses and residential population in this area increases. In April 2020, the VRT Board approved a new fixed-route connecting The Village at Meridian and Ten Mile Crossing, which is anticipated to begin service in early 2021. **The Applicant's narrative states they will continue to work with VRT on additional bus stop locations in future phases of development as the public transportation system expands. These plans should be shared with the City with each subsequent final plat phase.**

DESIGN:

Development of the area governed by the Plan is required to incorporate design guidelines consistent with those in the Plan as outlined in the Application of the Design Elements table (3-49). These guidelines apply to Architecture and Heritage (3-32), Street Oriented Design (3-33), Buildings to Scale (3-34), Gateways (3-35), Neighborhood Design (3-36), Building Form & Character (3-37), Building Details (3-41), Signs (3-46) and Public Art (3-47).

The Applicant proposes alternate *design guidelines* with this application to supersede those in the Plan. These guidelines are proposed to govern site design and development; landscape and hardscape; architectural design for commercial, mixed-use and multi-family residential structures; signage; and streets and pathways. A text amendment is not proposed to the Plan to exclude this area from the design guidelines in the Plan as recommended by Staff. *See Analysis below in Section VI for more information.*

Goals, Objectives, & Action Items: Staff finds the following Comprehensive Plan policies to be applicable to this application and apply to the proposed use of this property (staff analysis in *italics*):

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

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

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

Pathways are proposed throughout the development along at least one side of internal public streets as shown on the pathways plan in Section VIII.F. A pathway is planned with future development to the school site to the east for connectivity and a safe route to the school. A multi-use pathway is

proposed within the Ten Mile Creek corridor as an amenity in accord with the Pathways Master Plan.

- “Improve and protect creeks and other natural waterways throughout commercial, industrial and residential areas.” (4.05.01D)

The Ten Mile creek runs east/west through this site and is proposed to be improved as an amenity corridor with a multi-use pathway.

- “Ensure development is connected to City of Meridian water and sanitary sewer systems and the extension to and through said developments are constructed in conformance with the City of Meridian Water and Sewer System Master Plans in effect at the time of development.” (3.03.03A)

The proposed development will connect to City water and sewer systems; services are proposed to be provided to and through this development in accord with current City plans.

- “Require collectors consistent with the ACHD Master Street Map (MSM), generally at/near the mid-mile location within the Area of City Impact.” (6.01.03B)

Collector streets are proposed consistent with the MSM.

- “Provide pathways, crosswalks, traffic signals and other improvements that encourage safe, physical activity for pedestrians and bicyclists.” (5.01.01B)

*Pathways are proposed within the development per the pathways plan in Section VIII.F. **Crosswalks, audible pedestrian signals and other improvements to encourage safety should be considered and provided as appropriate for pedestrians and bicyclists.***

- “Require urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, water and sewer utilities.” (3.03.03G)

Urban sewer and water infrastructure and curb, gutter and sidewalks is required to be provided with development as proposed.

VI. STAFF ANALYSIS

A. DEVELOPMENT AGREEMENT MODIFICATION (MDA)

A modification is proposed to terminate all existing Development Agreements (DA's) in the Ten Mile Crossing development area in favor of one new master agreement to govern future development of the overall area. The existing DA's proposed to be replaced by the new agreement are as follows (links to the agreements are included):

- TM Crossing – AZ-12-005 (Inst. [#114002254](#)), 1st Addendum H-2016-0054 (Inst. [#2016-062220](#)), 2nd Addendum H-2017-0027 (Inst. [#2017-051907](#));
- TM Crossing Expansion – H-2018-0122 (Inst. [#2019-011700](#));
- TM Creek/TM Creek East – AZ-13-015 (Inst. [#114045759](#)), 1st Addendum TM Creek East H-2015-0018 (Inst. [#2016-037777](#)), TM Creek Addendum H-2016-0067 (Inst. [#2016-073497](#)), TM Creek 2nd Addendum H-2017-0124 [#2017-113747](#));
- Ten Mile Center (aka Treasure Valley Investments) – AZ-14-001 (Inst. [#2014-065514](#));
- Calnon Properties – H-2015-0017 (Inst. [#2016-030845](#)); and,
- Bainbridge Franklin – H-2018-0057 (Inst. [#2019-077071](#))

The map below depicts the locations and land area governed by these agreements.



These agreements include a variety of provisions for development, including standard UDC requirements and provisions specific to each development – some of which have already been complied with, and conceptual development plans demonstrating how the property was proposed to develop – future development is required to generally comply with those plans. All of these developments were required to comply with the various guidelines and design elements in the TMISAP.

Staff has reviewed these agreements and included pertinent provisions from them in the new DA; many of the standard UDC requirements have been removed along with provisions that have already been complied with (see recommended DA provisions in Section IX.A.1). Provisions for development of the overall Ten Mile Crossing area governed by this DA are included as well as specific provisions for each annexation area; a map is included that depicts the boundaries of these areas.

The proposed DA modification also includes a request for adoption of project-specific [design guidelines](#) through the DA to supersede those in the [Ten Mile Interchange Specific Area Plan](#) (TMISAP) for the overall Ten Mile Crossing development area referred to as the Ten Mile Crossing Design (TMCD) District. These guidelines would be the governing design and development guide for this area and would not apply to any land not included in the Ten Mile Crossing project area.

As stated in the Introduction, the purpose of the design guidelines is as follows: to encourage flexibility, innovation and creativity in Ten Mile Crossing's overall design and development that respond to market demand and site specific conditions while enhancing the economic viability and quality of Ten Mile Crossing and the City of Meridian; allow for innovative design solutions that create visually pleasing and cohesive patterns of development; provide for the implantation and balance of a variety of uses within the development including viable mixed-use projects; identify and define standards for uses that may occur in each of the land use categories; create functionally integrated development that allows for a more efficient and cost effective provision of public services; provide for the public health, safety, enjoyment, convenience and general welfare, and provide efficient and effective administrative processes.

The proposal establishes an administrative framework for the development process for this area and includes the creation of an in-house design review board (“TMCDR Board”) and internal design review process prior to application submittals to the City for Certificate of Zoning Compliance (CZC) and Design Review (DR) approval. This Board would forward its decisions to the City for their consideration of all project applications. Staff would review these applications and the decision of the Board; applications found in compliance with the proposed design guidelines would only be subject to CZC approval but not DR approval. Staff would issue Findings of Fact, Conclusions of Law (FFCL) and Conditions of Approval of their decision, which would be appealable pursuant to the provisions in UDC 11-5A. *Note: FFCL are not issued for administrative actions, only Commission and Council actions.*

The Applicant’s narrative states the two major distinctions between the proposed design guidelines and those in the Plan are the floor area ratios (FAR’s) and street standards (see analysis below) – the remainder of the proposed guidelines detail, define and clarify the standards proposed to unify, guide and govern the development of this area. *See below for more information on requested deviations from the Plan.*

As a provision of the new DA, the Applicant also requests approval of an increase in building height to 100-feet in the C-G zoning district to allow for 6-story buildings in this area (see analysis below).

Requested Deviations from the TMISAP:

- **Floor Area Ratio (FAR):** Floor area ratios (FAR’s) are defined in the TMISAP as the gross floor area of all buildings on a lot divided by the lot area. FAR’s are used as a means for measuring the intensity of a use and are a comparison between the land the building occupies and the floor area in square foot of the space. The minimum FAR’s desired in the Plan are based on the FLUM designation and range from 0.75 in MU-RES to 1.00-1.25 in MU-COM designated areas – because the Commercial designation is not included in the TMISAP, there are no minimum FAR guidelines for that designation.

In the proposed design guidelines, maximum FAR’s are encouraged to the extent possible for the use and building height but a minimum FAR is not specified. This will result in decreased FAR’s for this area from what was envisioned in the Plan.

Because the FAR goals have been somewhat unrealistic to achieve thus far, Staff agrees a change is appropriate; however, City Council should determine if eliminating the minimum FAR goals entirely is appropriate for this area and is in the best interest of the City.

- **Street and Streetscape Design:** As noted above in Section V, the street sections already approved by ACHD and constructed (i.e. Wayfinder) and proposed (i.e. New Market/Benchmark and Cobalt) are not consistent with the guidelines in the TMISAP for those street section.

Traditional neighborhood design concepts with a strong pedestrian-oriented focus are desired in the Ten Mile Area to assist in creating a lively and active street presence with stores and residences fronting on adjacent streets. The portion of Wayfinder north of the Ten Mile Creek does have on-street parking in the planned town center area. Pedestrian pathways are proposed along collector streets, the Ten Mile Creek and the Kennedy Lateral as shown in Section VIII.F throughout the development consistent with the Pathways Master Plan for pedestrian walkability and connectivity. The proposed street design with reduced walkway widths, no on-street parking and wider travel lanes will not promote as much of a pedestrian friendly environment as intended for this area as traffic will be flowing faster with the proposed design.

On-street parking was desired for this area based on the original FLUM designations and uses and site design anticipated for this area based on projected vehicular and pedestrian usage, desired parking, physical conditions and streetscape character. Several changes to the FLUM have been approved since the adoption of the TMISAP as noted above but no changes have been made to the

Street Section Map or the street sections in the Plan. Collectively, these changes – especially the change from lifestyle center to commercial and C-G zoning – will result in more intense commercial development than envisioned and will substantially change the intended character of this area.

In the commercial areas along Wayfinder and Cobalt, Staff agrees it's more appropriate (and safer) not to have on-street parking. However, in the residential and mixed-use designated areas along New Market/Benchmark, Staff is of the opinion on-street parking is still appropriate although it's difficult to determine in the absence of a development plan for that area since the type of street sections desired are largely based on the types of uses adjacent to the streets. Refer to Section V Street Design above for Staff's recommendation on streets and streetscape designs.

Staff is not supportive of the Applicant's proposal for different design guidelines to apply to this development to supersede those in the Plan through the DA as the whole intent of the goals and guidelines in the Plan is to have a unified design for the overall area governed by the Plan.

Because the Applicant requests street sections, streetscape designs and FAR's that differ from those outlined in the Plan and doesn't want to be held to the architectural design guidelines and other guidelines in the governing plan, Staff suggested applying for an amendment to the TMISAP to exclude this area from the Plan. Without an amendment to the Plan, this area is governed by the Plan and can't be superseded by another Plan. The Applicant was not in favor of this option.

Another suggestion was to only include certain exceptions to the design guidelines in the Plan through the DA that differ from the Plan and for the Applicant to use the proposed design guidelines internally to ensure consistent design within their development. Since they state the only substantive changes to the Plan are to the street sections, streetscapes and FAR this was Staff's preferred option. The Applicant was not in favor of this option either.

As stated above, Staff is of the opinion the design guidelines in the Plan cannot be replaced with another set of design guidelines without an amendment to the Plan allowing this and referencing the other guidelines; or an amendment excluding this area from the Plan. Otherwise, the guidelines in the Plan apply to this area as well as the other areas within the overall Ten Mile Area which ensure unity in the overall Ten Mile Area.

Rather than recommending denial of the Applicant's request, Staff recommends approval of an alternative as previously suggested to only include the exceptions to the guidelines in the Plan in the DA. If the guidelines proposed by the Applicant are truly in line with the existing guidelines as stated, notwithstanding the exceptions, this seems to be the simpler option and one that doesn't conflict with the current Plan. Note: Staff has not compared the established design guidelines in the Plan to those proposed by the Applicant to verify they align, notwithstanding the exceptions requested. Staff requested the Applicant include the differences between the two sets of guidelines in their application for transparency in what was actually being requested (i.e. how they differed) but they did not do so.

If Council is in favor of the proposed design guidelines, Staff recommends an application is submitted to amend the TMISAP to allow this area to be excepted from the existing Plan or for a reference to be included to these design guidelines for this area.

Requested deviation from the dimensional standard for maximum building height listed in UDC Table 11-2B-3 for the C-G zoning district:

- The maximum building height allowed in the C-G zoning district is 65-feet. Additional height not to exceed 20% of the maximum height allowed in the district may be approved by the Director through the alternative compliance procedures set forth in UDC 11-5B-5 – additional height shall be allowed

when the development provides 10% of the building square feet in open space, courtyards, patios, or other usable outdoor space available for the employees and/or patrons of the structure, excluding required setbacks and landscape buffers per UDC 11-2B-3A.3d. Additional height exceeding 20% of the maximum height allowed in the district or when additional height is requested without providing the required open space in accord with UDC 11-2B-3A.3d requires approval through a conditional use permit, per UDC 11-2B-3A.3e.

Because the TMISAP encourages taller buildings and greater FAR's and the UDC standards hinder this goal, Staff is supportive of allowing an increase in the maximum building height up to 100-feet in the C-G zoning district through the new DA without further application.

B. REZONE (RZ)

The Applicant requests a rezone of 40.98-acres from the R-40 and C-C zoning districts to the C-G zoning district; 3.9-acres from the TN-C and C-G zoning districts to the R-40 zoning district; 0.65-acre from the R-8 and TN-C zoning districts to the C-G zoning district; and 0.53-acre from the TN-C zoning district to the C-G zoning district. A conceptual development plan was *not* submitted with this application for the areas proposed to be rezoned as is typical for such requests.

The smaller areas proposed to be rezoned to C-G will “clean-up” the zoning in this area where it’s irregular and doesn’t follow parcel lines and/or proposed streets.

The area proposed to be rezoned to R-40 south of the Ten Mile Creek will be an extension of the R-40 zoning that exists to the west and will allow for the development of additional multi-family residential uses with conditional use permit approval. The proposed zoning and use is consistent with the underlying Mixed Use Residential (MU-RES) FLUM designation; the target density for this designation is 8 to 12 dwelling units per acre. The FLUM designation of the abutting property to the west is High-Density Residential (HDR) which also allows for multi-family residential uses at a target density of 16-25 dwelling units per acre. FLUM designations are not parcel specific and an adjacent abutting designation, when appropriate and approved as part of a public hearing with a land development application, may be used. Because the HDR designation allows for a higher density, Staff recommends this designation apply to future development of this property since the density will likely be higher than 12 units per acre if apartments are developed on the site similar to those to the west (i.e. TM Creek East Apartments). Future development of this property is currently governed by the existing DA’s for Ten Mile Center and Calnon referenced above; conceptual development plans were not approved for these projects other than a conceptual street layout for the Ten Mile Center property. **In the absence of a conceptual development plan, to ensure a mix of uses from each major use category (i.e. commercial, residential, employment) are provided as set forth in the TMISAP in accord with the provisions of the annexation, Staff recommends a conceptual use plan (i.e. bubble plan) is submitted and included in the new DA that demonstrates compliance with the existing DA provisions. Note: An existing and future development map is included in the proposed design guidelines on pg. 6 that could be further defined to accomplish this.**

The larger area to be rezoned to C-G between W. Franklin Rd. and the Ten Mile Creek is designated on the FLUM as mostly Mixed-Use Commercial (MU-COM) with approximately a quarter of the area on the west end as High Density Residential (HDR). As noted above, because the FLUM is not parcel specific and allows for abutting designations to govern, Staff recommends the abutting MU-COM designation to the east apply and govern future development of the western portion of this site. The proposed C-G zoning district is listed as an appropriate zoning choice in the Zoning District Compatibility Matrix in the TMISAP for the MU-COM designation. The MU-COM designation allows for a variety of uses including: commercial, vertically integrated residential, live-work, employment, entertainment, office, and multi-family. Allowed uses in the C-G district are listed in UDC Table [11-2B-2](#). Future development of this property is currently governed by the existing Development Agreements

for TM Creek East and Calnon referenced above; conceptual development plans were not approved for these projects. **In the absence of a conceptual development plan, to ensure a mix of uses from each major use category (i.e. commercial, residential, employment) are provided as set forth in the TMISAP in accord with the provisions of the annexation, Staff recommends a conceptual use plan (i.e. bubble plan) is submitted and included in the new DA that demonstrates compliance with the existing DA provisions.**

C. PRELIMINARY PLAT (PP)

The proposed preliminary plat consists of 83 [74 commercial and 9 high-density residential (Lots 16-24, Block 3)] buildable lots and 2 common lots on 132.42 acres of land in the R-40 and C-G zoning districts.

The plat is conceptually proposed to develop in six phases. Phase 1 consisting of multi-family apartments in TM Creek East on Lot 16, Block 3 is currently under construction and almost completed; no development has occurred on the remainder of the site. Phase 2 commenced last year with the completion of Wayfinder from Vanguard to Cobalt between the existing roundabouts. The development of Phases 3-6 may vary in area and sequence based on product need and market demand.

The proposed common lots will contain the Ten Mile Creek corridor which includes a 10-foot wide segment of the City's multi-use pathway system on one side and the Nampa and Meridian Irrigation District's (NMID) maintenance road on the other side (Lot 15, Block 3); and the relocated Von Lateral, which will be deeded to NMID (Lot 1, Block 4)

Existing Structures/Site Improvements:

There are no existing structures on this site. West Cobalt Dr. has been extended from the roundabout at Wayfinder to the east boundary of the TM Creek East apartments project and S. Wayfinder Ave. has been extended between the roundabouts at W. Cobalt Dr. and S. Vanguard Way but the design of these streets was not approved with a subdivision plat and are *not* consistent with the street sections designated on the Street Section Map in the TMISAP however, they do comply with ACHD standards. South Vanguard Way from Ten Mile Rd. and the roundabout at the southwest corner of the site was approved and constructed with the TM Crossing development to the south.

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

The proposed subdivision and subsequent development is required to comply with the minimum dimensional standards listed in UDC Tables [11-2A-8](#) (R-40), [11-2B-3](#) (C-G) and [11-2D-5](#) (TN-C), as applicable. Staff has reviewed the proposed plat and it complies with these standards.

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

Previous projects (i.e. TM Crossing and TM Creek subdivisions) in this area established accesses via S. Ten Mile Rd. (i.e. Cobalt and Vanguard) and W. Franklin Rd. (Wayfinder) and collector streets consistent with the TSM in the TMISAP and the MSM. A new street access via W. Franklin Rd. and collector street (New Market/Benchmark) is proposed with this plat to the east of Wayfinder consistent with the TSM and the MSM, which will align with the segment of New Market/Benchmark to be constructed to the south in TM Crossing Subdivision.

As mentioned above, S. Wayfinder Ave. between the two roundabouts at Cobalt and Vanguard was constructed last year outside of the subdivision process. Although the proposed access points and road alignments are consistent with the TSM and the MSM, the street sections constructed for Wayfinder between the roundabouts and the proposed New Market/Benchmark are *not* consistent with the Street Section Map in the TMISAP as discussed in Sections V and VI.A above. Staff recommends New Market/Benchmark is constructed with on-street parking (if deemed safe and acceptable to ACHD) consistent with Street Section D in the Plan.

Two (2) driveway accesses are depicted on the plat via W. Franklin Rd. on Lot 4, Block 3 and Lot 4, Block 4. The access on Lot 4, Block 4 was previously conceptually approved with the Bainbridge

Franklin annexation by the City (DA provision #1.1.1i) and ACHD (Site Specific condition #B.1) as a temporary full access which may be restricted to a right-in/right-out at any time as determined by ACHD – other than this access, all other access via Franklin on the Bainbridge Franklin site was prohibited. **Per the guidelines in the TMISAP for Street Section B (pg. 3-22) and access control (pg. 3-17), access should be restricted to collector streets. The (UDC 11-3A-3) also limits access points to arterial streets. City Council approval of the proposed driveway access on Lot 4, Block 3 is required; ACHD has required a traffic analysis to be submitted for these accesses to demonstrate that additional driveways are necessary to service the site. Both the City and ACHD have to approve these accesses in order for access to be granted and driveways constructed.**

A cross-access/ingress-egress easement is required to be granted via a note on the plat between all non-residential lots and to the parcel to the east [#R8580480020 (now #R8580500100), Twelve Oaks) per requirement of the existing DA for Bainbridge Franklin in accord with UDC 11-3A-3A.2. A note should also be placed on the plat that direct lot access via S. Ten Mile Rd. and W. Franklin Rd. and the internal collector streets is prohibited unless otherwise approved by the City and ACHD.

Pathways (UDC [11-3A-8](#)):

The Pathways Master Plan (PMP) depicts segments of the City's multi-use pathway system on this site as follows: on-street within the street buffer along Ten Mile Rd., along the Ten Mile Creek corridor and along New Market Ave. Multi-use pathways are required to be 10-foot wide within a 14-foot wide public pedestrian easement with landscaping on either side per the standards listed in UDC 11-3B-12C.

A pathways plan was submitted by the Applicant, included in Section VIII.F that depicts 8- to 10-foot wide pathways throughout this site and the adjacent properties owned by the same developer consistent with the PMP totaling 3.5 miles of pathways. These pathways connect to the City's multi-use pathways and provide a pedestrian connection to the school site to the east. **Pathways and associated landscaping should be depicted on a revised landscape plan submitted with the final plat(s) in accord with UDC standards and the Pathways Master Plan as recommended by the Park's Dept.**

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

The UDC (11-3A-17) requires minimum 5-foot wide detached sidewalks along all collector and arterial streets. In the Ten Mile area, the design guidelines call for wider sidewalks ranging from 6 to 12 feet depending on the street section classification. Because 5-foot wide detached sidewalks have already been provided in many areas within the site, Staff is amenable to continuing this minimum width with 8- to 10-foot wide pathways provided in locations consistent with the pathway plan in Section VIII.F.

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

Parkways should be provided as shown on the applicable street sections in the TMISAP for the street classification as noted above in Section V. Landscaping shall be provided in the parkways consistent with the standards listed in UDC 11-3B-7C.

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

A 35-foot wide street buffer is required along S. Ten Mile Rd., an entryway corridor; a 25-foot wide street buffer is required along W. Franklin Rd., an arterial street; and 20-foot wide street buffers are required along collector streets, landscaped per the standards listed in UDC 11-3B-7C. The design guidelines in the TMISAP also require landscape buffers based on the street classification and the applicable street section. **Staff recommends minimum street buffers are provided in accord with UDC standards, except for along S. Ten Mile Rd., classified as Street Section A in the TMISAP, which requires a 50-foot wide street buffer so that pedestrian walkways and buildings are setback a safe distance from the street.**

Qualified Open Space & Site Amenities (UDC 11-3G):

Common open space and site amenities are required to be provided in residential developments in residential districts of five acres or more in size per the standards listed in UDC 11-3G-3. Although a portion of this site is planned to develop with residential uses in the future, no development is proposed with this application. **Future development should comply with the standards in UDC 11-3G-3, as applicable.**

As mentioned above, 3.5 miles of pathways are proposed in the area shown on the pathways plan in Section VIII.C as an amenity for this development.

Fencing (UDC 11-3A-6, 11-3A-7):

No fencing is depicted on the landscape plan. All fencing constructed on the site is required to comply with the standards listed in UDC 11-3A-6 and 11-3A-7.

Waterways: The Kennedy Lateral and the Ten Mile Creek run east/west across this site and the Von Lateral runs across the northeast corner of the site.

The Ten Mile Creek lies within a 100-foot wide easement in Lot 15, Block 3 and is a natural waterway; as such, it should remain as a natural amenity and not be piped or otherwise covered and be improved with the development and protected during construction in accord with UDC 11-3A-6. A maintenance road exists for NMID on the north side of the creek and a multi-use pathway is planned on the south side of the creek.

The Kennedy Lateral lies within a 55-foot wide easement and is required to be piped unless left open and improved as a water amenity or linear open space.

The Von Lateral lies within a 40-foot wide easement and is proposed to be relocated along Franklin Rd. in Lot 1, Block 4 and deeded to NMID.

Floodplain: A portion of this site along the Ten Mile Creek is located within the Meridian Floodplain Overlay District. Prior to any development occurring with the Overlay District, the Applicant is required to submit, and the City shall review and approve, a floodplain development application which includes the necessary analysis and documents under MCC Title 10, Chapter 6, including hydraulic and hydrologic analysis.

Utilities (UDC 11-3A-21):

Connection to City water and sewer services is required in accord with UDC 11-3A-21. Street lighting is required to be installed in accord with the City's adopted standards, specifications and ordinances and the TMISAP. *See Section VIII.B below for Public Works comments/conditions.*

Pressurized Irrigation System (UDC 11-3A-15):

An underground pressurized irrigation (PI) system is required to be provided for each lot within the development as set forth as set forth in UDC 11-3A-15.

Storm Drainage (UDC 11-3A-18):

An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances. Design and construction shall follow best management practice as adopted by the City as set forth in UDC 11-3A-18.

Building Elevations (UDC 11-3A-19 | Architectural Standards Manual) (TMISAP)

The Applicant submitted pictures/renderings of 14 existing and approved buildings at TM Crossing: commercial, office, retail and residential structures including multi-story office buildings; single-story commercial structures (medical, hospice, gym, restaurant and food service, retail, auto service); and the first two multi-family projects (see Section VIII.G).

The design of future buildings in this development shall incorporate design elements that are generally consistent with those in the "typical" elevations shown in Section VIII.G. Final design of

structures in this development is required to comply with the design guidelines in the TMISAP and the design standards listed in the Architectural Standards Manual, notwithstanding the exceptions approved with this application and included in the DA.

VII. DECISION

A. Staff:

Staff recommends approval of the requested modification to replace all existing Development Agreements with a new agreement for the overall Ten Mile Crossing development per the provisions in Section IX.A.1; approval of the proposed rezone in accord with the Findings in Section X; and approval of the proposed preliminary plat per the conditions included in Section IX in accord with the Findings in Section X.

B. The Meridian Planning & Zoning Commission heard these items on March 18, 2021. At the public hearing, the Commission moved to recommend approval of the subject RZ and PP requests.

1. Summary of Commission public hearing:

- a. In favor: Jon Wardle and David Turnbull, Brighton Corp.
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: Mike Wardle, Brighton Corp.; Doug Thompson
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: Bill Parsons

2. Key issue(s) of public testimony:

- a. Applicant presented a comprehensive view of the design guidelines proposed for the Ten Mile Area and the requested modifications to the staff recommendation.

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

- a. Would like a nice central common open space/site amenity area;
- b. Desire for pedestrian-scale lights to be provided along walkways;
- c. Desire for the developer to follow the use plan submitted to ensure a mix of uses is developed as desired;
- d. Concern that it may not be appropriate to extend the building height limit up to 100-feet in the overall C-G zoning district – certain areas may not be appropriate for buildings that tall (e.g. adjacent to Franklin and Ten Mile Roads);
- e. Applicant's request for additional driveway accesses via Franklin Rd.;
- f. The Commission was generally in favor of the proposed design guidelines for the development.

4. Commission change(s) to Staff recommendation:

- a. Applicant should work with Staff prior to the Council meeting to identify specific areas where buildings could extend up to 100' in height & provide a conceptual diagram for Council to consider – consider the area south of Cobalt & west to Benchmark Ave. for those taller buildings – these areas should provide significant buffering between future residential uses & neighborhood roadways; *The Applicant & Staff discussed this and agreed that leaving flexibility in this area may be the best option – if Council disagrees, condition #A.1a(3) should be amended accordingly.*
- b. The Applicant should follow the bubble plan concept presented at the hearing as they move forward with their concept plans [see provision #A.1a(10)]; and
- c. The Commission wanted to see some sort of significant central amenity added to the concept plan for the project, whether it be an amphitheatre, a plaza, or a park and that they might seek assistance from the urban renewal agency or work with Council on what that amenity might look like [see provision #A.1a(11)].

5. Outstanding issue(s) for City Council:
 - a. City Council should determine if a waiver to the standards in UDC 11-3A-3 is appropriate for the proposed driveway accesses via Franklin Rd. in the absence of a conceptual development plan for this area; and
 - b. The Applicant should address at the public hearing (or in writing prior to the hearing) what other design features are planned for internal public streets within this development. *Per the TMISAP, the following are features that should be considered as a starting point for each street: sidewalks, bike lanes, wide shoulders, crosswalks, refuge medians, bus pullouts, special bus lanes, raised crosswalks, audible pedestrian signals, sidewalk bulb-outs, street furnishings and on-street parking.*
- C. The Meridian City Council heard these items on April 13, 2021. At the public hearing, the Council moved to approve the subject MDA, RZ and PP requests.
1. Summary of the City Council public hearing:
 - a. In favor: Jon Wardle, Brighton Development
 - b. In opposition: None
 - c. Commenting: Garrett Blackner; Denise LaFever
 - d. Written testimony: Doug Thompson
 - e. Staff presenting application: Sonya Allen
 - f. Other Staff commenting on application: None
 2. Key issue(s) of public testimony:
 - a. Concern pertaining to impacts on on-street parking from multi-family development and central location of mailboxes for the multi-family developments;
 - b. Concern pertaining to the effects approval of this development will have on taxpayers.
 3. Key issue(s) of discussion by City Council:
 - a. The requirement for on-street parking to be provided along New Market/Benchmark, excluding the 200' section south of Franklin Rd.;
 - b. The Applicant's request for a waiver to UDC 11-3A-3 for two (2) direct lot accesses via W. Franklin Rd.;
 - c. The appropriateness of approval of separate design guidelines for development of this property to be included in the Development Agreement;
 - d. The Applicant's request for buildings in the C-G district to be allowed a maximum height of 100-feet.
 4. City Council change(s) to Commission recommendation:
 - a. Council approved the Applicant's requested changes to condition #2.d; approved the waiver to UDC 11-3A-3 to allow the two (2) proposed direct accesses via Franklin Rd.; and approved the proposed design guidelines to be the governing document for this development to be included in the Development Agreement.

VIII. EXHIBITS

A. Legal Description of Property Subject to New Development Agreement



October 9, 2020
Ten Mile Crossing Sub-Area
Project No. 19-105
Legal Description

Exhibit A

A parcel of land situated in a portion of Section 14, Township 3 North, Range 1 West, B.M., City of Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at the northwest corner of said Section 14, which bears N89°09'27"W from the north 1/4 corner of said Section 14, thence following the northerly line of said Section 14, S89°09'27"E a distance of 74.46 feet; Thence leaving said northerly line, S00°50'33"W a distance of 72.00 feet to the southerly right-of-way line of W. Franklin Rd. and the subdivision boundary of TM Creek Subdivision No. 2 and being the **POINT OF BEGINNING**.

Thence following said southerly right-of-way line and said subdivision boundary, the following twelve courses:

1. S89°09'27"E a distance of 176.45 feet;
2. S00°50'33"W a distance of 10.00 feet;
3. S89°09'27"E a distance of 70.00 feet;
4. N00°50'33"E a distance of 10.00 feet;
5. S89°09'27"E a distance of 44.37 feet;
6. N88°23'22"E a distance of 9.64 feet;
7. S00°50'33"W a distance of 7.41 feet;
8. S89°09'27"E a distance of 61.72 feet;
9. S84°34'43"E a distance of 113.53 feet;
10. S88°42'21"E a distance of 128.76 feet;
11. N84°21'40"E a distance of 94.58 feet;
12. N87°36'44"E a distance of 180.08 feet to the subdivision boundary of TM Creek Subdivision No. 4;

Thence leaving said subdivision boundary of TM Creek Subdivision No. 2 and following said southerly right-of-way line and said subdivision boundary of TM Creek Subdivision No. 4 the following four courses:

1. S83°19'54"E a distance of 144.49 feet;
2. S89°06'53"E a distance of 158.24 feet;
3. N00°35'03"E a distance of 12.05 feet;
4. S89°09'27"E a distance of 75.09 feet;

Thence leaving said southerly right-of-way line and following said subdivision boundary the following two courses;

1. S00°34'31"W a distance of 18.00 feet;
2. S89°09'27"E a distance of 249.00 feet;

Thence leaving said subdivision boundary, S89°09'27"E a distance of 1,079.97 feet;

Thence S89°13'12"E a distance of 467.21 feet;

Thence N00°11'53"E a distance of 1.93 feet;

Thence 19.44 feet along the arc of a circular curve to the left, said curve having a radius of 60.00 feet, a delta angle of 18°33'54", a chord bearing of N09°05'04"W and a chord distance of 19.36 feet to the said southerly right-of-way line;

Thence following said southerly right-of-way line the following three courses;

1. S89°13'12"E a distance of 322.98 feet;
2. N00°34'27"E a distance of 20.00 feet;
3. S89°13'12"E a distance of 542.00 feet to the easterly line of the Northwest 1/4 of the Northeast 1/4 of said Section 14;

Thence following said easterly line, S00°34'27"W a distance of 1,280.50 feet to the southeast corner of said Northwest 1/4 of the Northeast 1/4 (northeast corner of the Southwest 1/4 of the Northeast 1/4) ;

Thence leaving said easterly line of the Northwest 1/4 of the Northeast 1/4 and following the easterly line of said Southwest 1/4 of the Northeast 1/4, S00°34'20"W a distance of 1,038.11 feet;

Thence leaving said easterly line, N89°12'39"W a distance of 450.00 feet;

Thence S00°34'20"W a distance of 290.40 feet to the southerly line of said Southwest 1/4 of the Northeast 1/4;

Thence following said southerly line, N89°12'39"W a distance of 879.80 feet to the center of said Section 14 (northwest corner of Primrose Subdivision);

Thence leaving said southerly line and following the easterly line of the Southwest 1/4 of said Section 14 (westerly line of said Primrose Subdivision), S00°35'29"W a distance of 887.73 feet to the northwest corner of the "Public Use Area" lot on said Primrose Subdivision;

Thence leaving said easterly line (westerly line of said Primrose Subdivision) and following the northerly line of said "Public Use Area" lot, S89°11'48"E a distance of 165.98 feet to the northeast corner of said lot;

Thence leaving said northerly line and following the easterly line of said lot, S00°32'58"W a distance of 440.52 feet to the southeast corner of said lot;

Thence leaving said easterly line and following said southerly line, N89°19'00"W a distance of 166.30 feet to the southwest corner of said lot on the easterly line of said Southwest 1/4 of said Section 14;

Thence leaving said southerly line and following said easterly line (also the subdivision boundary of TM Crossing Subdivision No. 4), S00°35'29"W a distance of 15.90 feet to the northerly right-of-way line of Interstate 84;

Thence following the northerly right-of-way line and said subdivision boundary, N89°34'11"W a distance of 396.68 feet to the subdivision boundary of TM Crossing Subdivision No. 2;

Thence leaving said subdivision boundary of TM Crossing Subdivision No. 4 and following said northerly right-of-way line and said subdivision boundary of TM Crossing Subdivision No. 2 the following eight courses:

1. N89°34'11"W a distance of 104.61 feet;
2. N81°01'41"W a distance of 83.12 feet;
3. N85°34'09"W a distance of 670.00 feet;
4. N04°25'51"E a distance of 25.00 feet;
5. N85°34'09"W a distance of 110.00 feet;
6. S04°25'51"W a distance of 15.00 feet;
7. N81°29'01"W a distance of 421.07 feet;
8. N82°36'30"W a distance of 185.91 feet to the subdivision boundary of TM Crossing Subdivision No. 3;

Thence leaving said subdivision boundary of TM Crossing No. 2 and following said northerly right-of-way line and said Subdivision Boundary of TM Crossing Subdivision No. 3 the following four courses:

1. N82°36'30"W a distance of 394.87 feet;
2. N73°55'09"W a distance of 104.00 feet;
3. N46°58'42"W a distance of 166.76 feet;
4. N12°05'53"W a distance of 92.20 feet to the easterly right-of-way line of S. Ten Mile Rd.;

Thence leaving said northerly right-of-way line, and following said easterly right-of-way line and said subdivision boundary, N01°31'49"W a distance of 71.15 feet to the subdivision boundary of TM Crossing Subdivision;

Thence leaving said subdivision boundary of TM Crossing Subdivision No. 3 and following said easterly right-of-way line and said subdivision boundary of TM Crossing Subdivision the following three courses:

1. N01°31'49"W a distance of 396.89 feet;
2. N89°42'58"W a distance of 4.00 feet;
3. N00°30'02"E a distance of 456.76 feet;

Thence leaving said subdivision boundary and following said easterly right-of-way line the following six courses:

1. S89°11'30"E a distance of 35.18 feet;
2. N00°31'34"E a distance of 236.38 feet;
3. N89°26'27"W a distance of 46.03 feet;
4. N00°33'33"E a distance of 1,068.27 feet
5. S89°26'27"E a distance of 12.95 feet;
6. N03°39'37"E a distance of 39.28 feet to the subdivision boundary of TM Creek Subdivision No. 1;

Thence following said easterly right-of-way line and said subdivision boundary the following twelve courses:

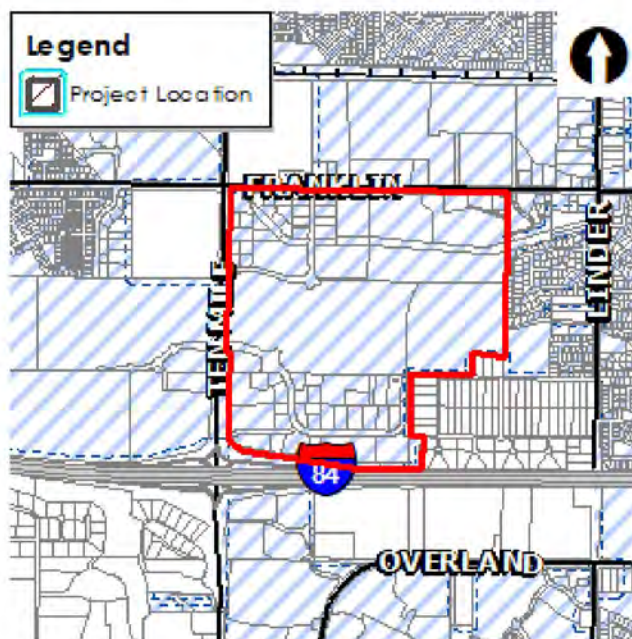
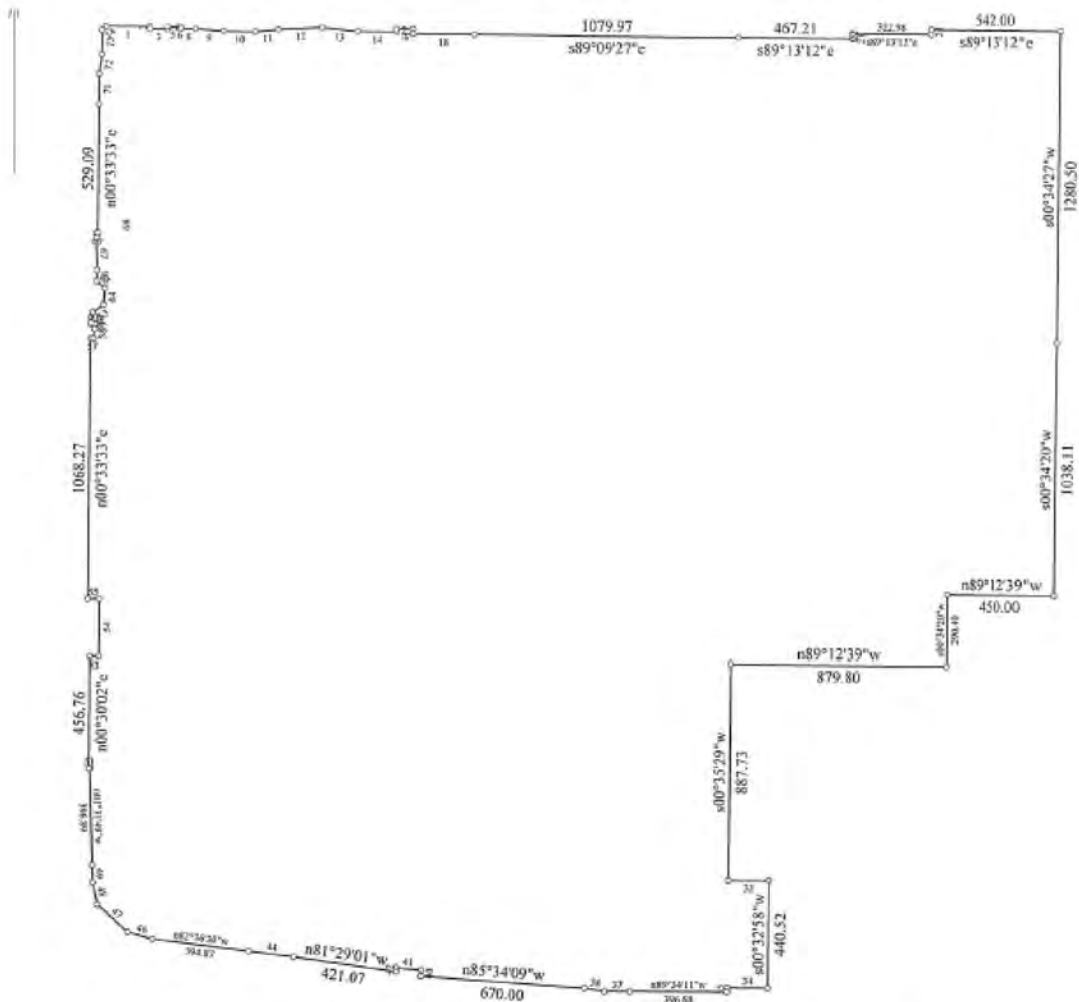
1. N03°39'37"E a distance of 20.72 feet;
2. N86°20'23"W a distance of 16.21 feet;
3. N00°33'51"E a distance of 4.41 feet;
4. N10°47'07"E a distance of 43.38 feet;
5. N53°31'44"E a distance of 54.14 feet;
6. N03°31'44"E a distance of 66.88 feet;
7. N49°26'27"W a distance of 43.98 feet;
8. N03°39'37"E a distance of 45.01 feet;
9. N01°43'37"W a distance of 132.83 feet;
10. 19.74 feet along the arc of a circular curve to the left, said curve having a radius of 7,272.00 feet, a delta angle of 00°09'20", a chord bearing on N02°55'55"E and a chord distance of 19.74 feet;
11. N89°41'52"E a distance of 4.35 feet;
12. N00°33'33"E a distance of 529.09 feet to the subdivision boundary of TM Creek Subdivision No. 2;

Thence leaving said subdivision boundary of TM Creek Subdivision No. 1 and following said easterly right-of-way line and said subdivision boundary of TM Creek Subdivision No. 2 the following four courses:

1. N00°33'33"E a distance of 123.31 feet;
2. N07°37'31"E a distance of 80.50 feet;
3. N00°33'20"E a distance of 100.00 feet;
4. N45°09'55"E a distance of 23.06 feet to the **POINT OF BEGINNING**.

Said description contains a total of 307.72 acres, more or less.





B. Rezone Legal Descriptions & Exhibit Maps



9233 WEST STATE STREET | BOISE, ID 83714 | 208.639.6939 | FAX 208.639.6930

October 21, 2020
Project No. 19-105

Exhibit A
Legal Description for
Rezone to C-G (North)
TM Center Subdivision

A parcel of land situated in a portion of the Northeast 1/4 of the Northwest 1/4 and a portion of the Northwest 1/4 of the Northeast 1/4 of Section 14, Township 3 North, Range 1 West, B.M., City of Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at a found brass cap marking the Northwest corner of said Section 14, thence following the northerly line of the Northwest 1/4 of said Section 14, S89°09'27"E a distance of 1,577.99 feet to the **POINT OF BEGINNING**.

Thence S89°09'27"E a distance of 1,080.00 feet to a found aluminum cap marking the North 1/4 corner of said Section 14;

Thence leaving said northerly line and following the northerly line of the Northeast 1/4 of said Section 14, S89°13'12"E a distance of 786.90 feet to a point;

Thence leaving said northerly line, S00°34'27"W a distance of 234.00 feet to a point;

Thence S76°26'39"E a distance of 556.22 feet to a point on the easterly line of said Northwest 1/4 of the Northeast 1/4 of Section 14;

Thence following said easterly line, S00°34'20"W a distance of 459.40 feet to a point on the centerline of Ten Mile Drain;

Thence leaving said easterly line and following the centerline of Ten Mile Drain, S75°31'34"W a distance of 180.64 feet to a point;

Thence 96.67 feet along the arc of a circular curve to the right, said curve having a radius of 286.50 feet, a delta angle of 19°20'00", a chord bearing of S85°11'34"W and a chord distance of 96.22 feet to a point;

Thence N85°08'26"W a distance of 1,677.56 feet to a point;

Thence S89°28'20"W a distance of 455.90 feet to a point on the easterly boundary of TM Creek Subdivision No.4 (Book 117 of Plats, Pages 17944-17947, records of Ada County, Idaho);

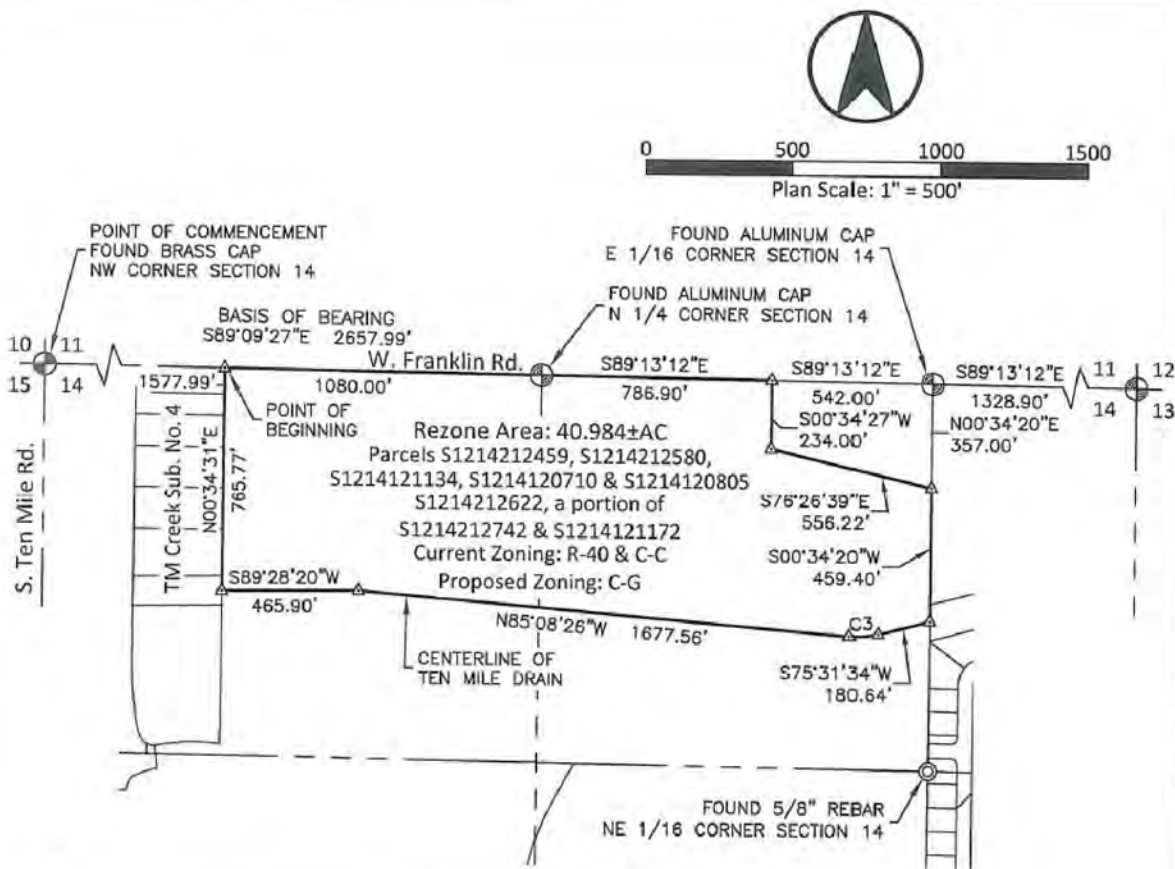
Thence leaving said centerline and following the easterly boundary of said TM Creek Subdivision No.4, N00°34'31"E a distance of 765.77 feet to the **POINT OF BEGINNING**.

Said parcel contains a total of 40.984 acres, more or less.

Attached hereto is Exhibit B and by this reference is hereby made a part of.



ENGINEERS | SURVEYORS | PLANNERS



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG	CHORD
C3	286.50'	96.67'	19°20'00"	S85°11'34"W	96.22'

Exhibit B - Rezone to C-G (North) TM Center Subdivision

A Portion of the NE 1/4 of the NW 1/4 and a Portion of the NW 1/4 of the NE 1/4 of Section 14, T.3N., R.1W, B.M., Meridian, Ada County, ID

DATE: October 2020
PROJECT: 19-105

SHEET:
1 OF 1

km
ENGINEERING

ENGINEERS, SURVEYORS, PLANNERS

9233 WEST STATE STREET
BOISE, IDAHO 83714
PHONE (208) 639-6939
FAX (208) 639-6930



9233 WEST STATE STREET | BOISE, ID 83714 | 208.639.6939 | FAX 208.639.6930

February 16, 2021
Project No. 19-105

Exhibit A
Legal Description for
Rezone to R-40
TM Center Subdivision

A parcel of land situated in a portion of the East 1/2 of the Northwest 1/4 and a portion of the West 1/2 of the Northeast 1/4 of Section 14, Township 3 North, Range 1 West, B.M., City of Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at a found brass cap marking the Northwest corner of said Section 14, thence following the northerly line of the Northwest 1/4 of said Section 14, S89°09'27"E a distance of 2,657.99 feet to a found aluminum cap marking the North 1/4 corner of said Section 14;
Thence leaving said northerly line and following the easterly line of the Northwest 1/4 of said Section 14, S00°35'31"W a distance of 797.76 feet to a point on the centerline of Ten Mile Drain;
Thence leaving said easterly line and following said centerline, S85°08'26"E a distance of 81.87 feet to the **POINT OF BEGINNING**.

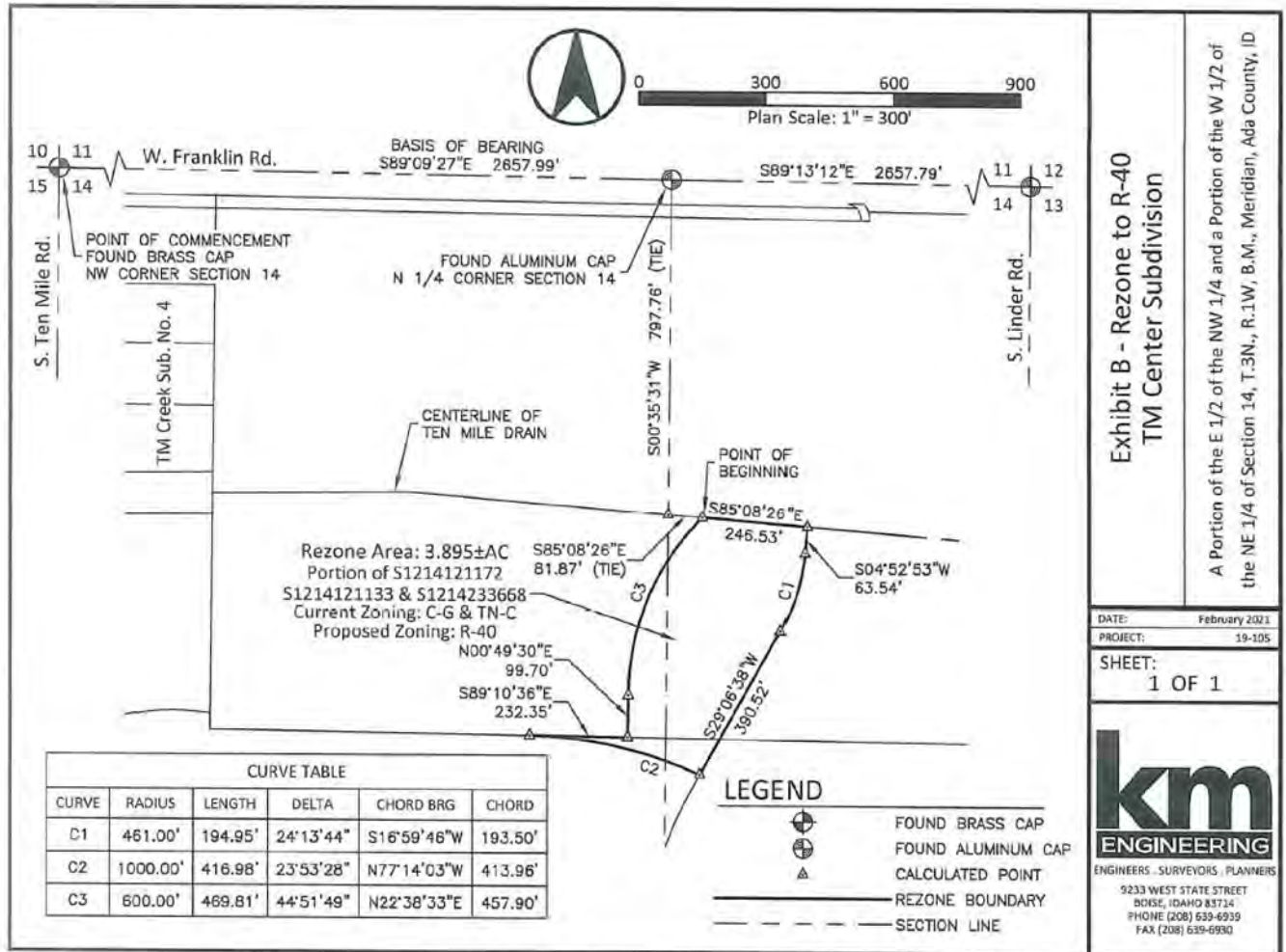
Thence following said centerline, S85°08'26"E a distance of 246.53 feet;
Thence leaving said centerline, S04°52'53"W a distance of 63.54 feet;
Thence 194.95 feet along the arc of a circular curve to the right, said curve having a radius of 461.00 feet, a delta angle of 24°13'44", a chord bearing of S16°59'46"W and a chord distance of 193.50 feet;
Thence S29°06'38"W a distance of 390.52 feet;
Thence 416.98 feet along the arc of a circular curve to the left, said curve having a radius of 1,000.00 feet, a delta angle of 23°53'28", a chord bearing of N77°14'03"W and a chord distance of 413.96 feet to the southerly line of said East 1/2 of the Northwest 1/4;
Thence following said southerly line, S89°10'36"E a distance of 232.35 feet;
Thence leaving said southerly line, N0°49'30"E a distance of 99.70 feet;
Thence 469.81 feet along the arc of a circular curve to the right, said curve having a radius of 600.00 feet, a delta angle of 44°51'49", a chord bearing of N22°38'33"E and a chord distance of 457.90 feet to the **POINT OF BEGINNING**.

The above-described rezone parcel description contains a total of 3.895 acres, more or less.

Attached hereto is Exhibit B and by this reference is hereby made a part of.



ENGINEERS | SURVEYORS | PLANNERS





9233 WEST STATE STREET | BOISE, ID 83714 | 208.639.6939 | FAX 208.639.6930

February 16, 2021

Project No. 19-105

Exhibit A
Legal Description for
Rezone to C-G (South)
TM Center Subdivision

A parcel of land situated in a portion of the South 1/2 of the Northwest 1/4 and a portion of the Southwest 1/4 of the Northeast 1/4 of Section 14, Township 3 North, Range 1 West, B.M., City of Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at a found aluminum cap marking the center of said Section 14, which bears S89°11'30"E a distance of 2,656.47 feet from a found aluminum cap marking the West 1/4 corner of said Section 14; Thence following the southerly line of said South 1/2 of the Northwest 1/4, N89°11'30"W a distance of 48.56 feet to **POINT OF BEGINNING 1.**

Thence following said southerly line, N89°11'30"W a distance of 50.18 feet;
 Thence leaving said southerly line, N0°48'30"E a distance of 172.47 feet;
 Thence 131.03 feet along the arc of a circular curve to the left, said curve having a radius of 200.00 feet, a delta angle of 37°32'15", a chord bearing of N17°57'36"W and a chord distance of 128.70 feet;
 Thence N36°43'42"W a distance of 53.27 feet;
 Thence 57.88 feet along the arc of a circular curve to the left, said curve having a radius of 300.00 feet, a delta angle of 11°03'15", a chord bearing of N47°44'41"E and a chord distance of 57.79 feet;
 Thence 141.85 feet along the arc of a compound curve to the left, said curve having a radius of 500.00 feet, a delta angle of 16°15'16", a chord bearing of N34°05'26"E and a chord distance of 141.37 feet to a point hereinafter referred to as POINT "A";
 Thence S00°18'58"W a distance of 494.23 feet to **POINT OF BEGINNING 1.**

The above-described rezone parcel description contains a total of 0.654 acres, more or less.

TOGETHER WITH

Commencing at a point previously referred to as POINT "A", Thence N00°18'58"E a distance of 262.00 feet;

Thence 271.76 feet along the arc of a circular curve to the right, said curve having a radius of 926.00 feet, a delta angle of 16°48'54", a chord bearing of N08°43'25"E and a chord distance of 270.79 feet to **POINT OF BEGINNING 2.**

Thence 128.39 feet along the arc of a circular curve to the left, said curve having a radius of 500.00 feet, a delta angle of 14°42'45", a chord bearing of N19°19'30"W and a chord distance of 128.04 feet;
 Thence 144.04 feet along the arc of a reverse curve to the right, said curve having a radius of 300.00 feet, a delta angle of 27°30'34", a chord bearing of N12°55'37"W and a chord distance of 142.66 feet;
 Thence N0°49'30"E a distance of 17.95 feet;
 Thence 182.49 feet along the arc of a circular curve to the right, said curve having a radius of 1,000.00 feet, a delta angle of 10°27'20", a chord bearing of S70°30'59"E and a chord distance of 182.23 feet;
 Thence S29°06'38"W a distance of 44.98 feet;

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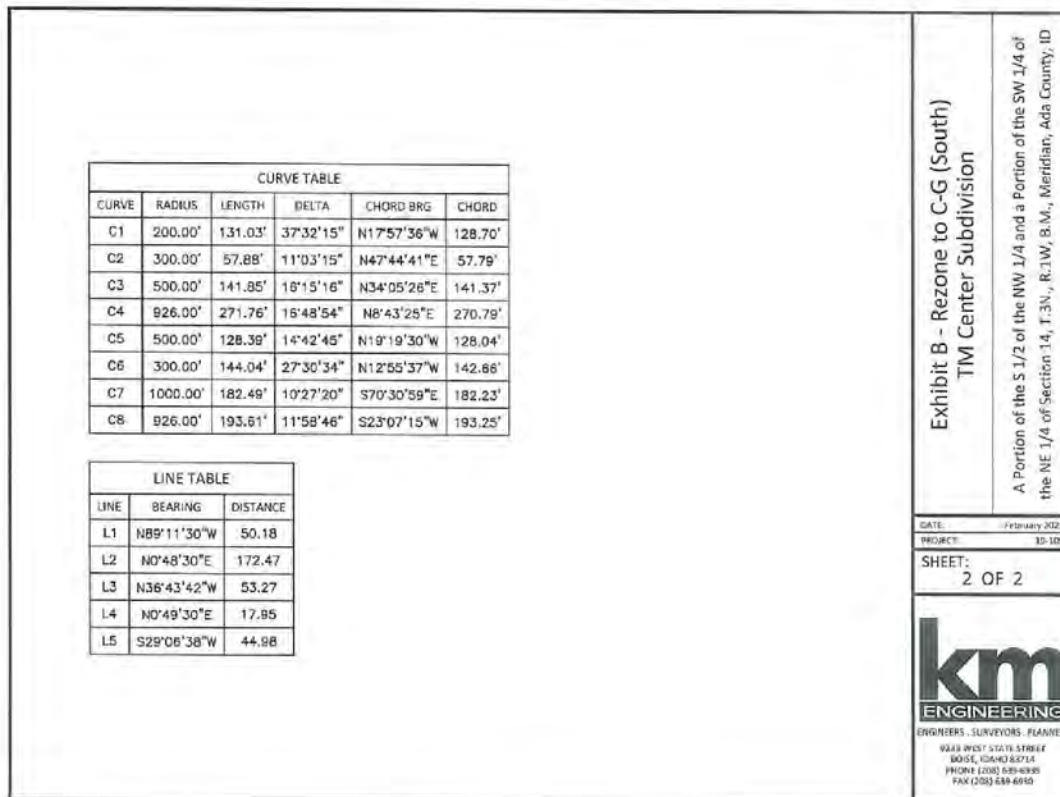
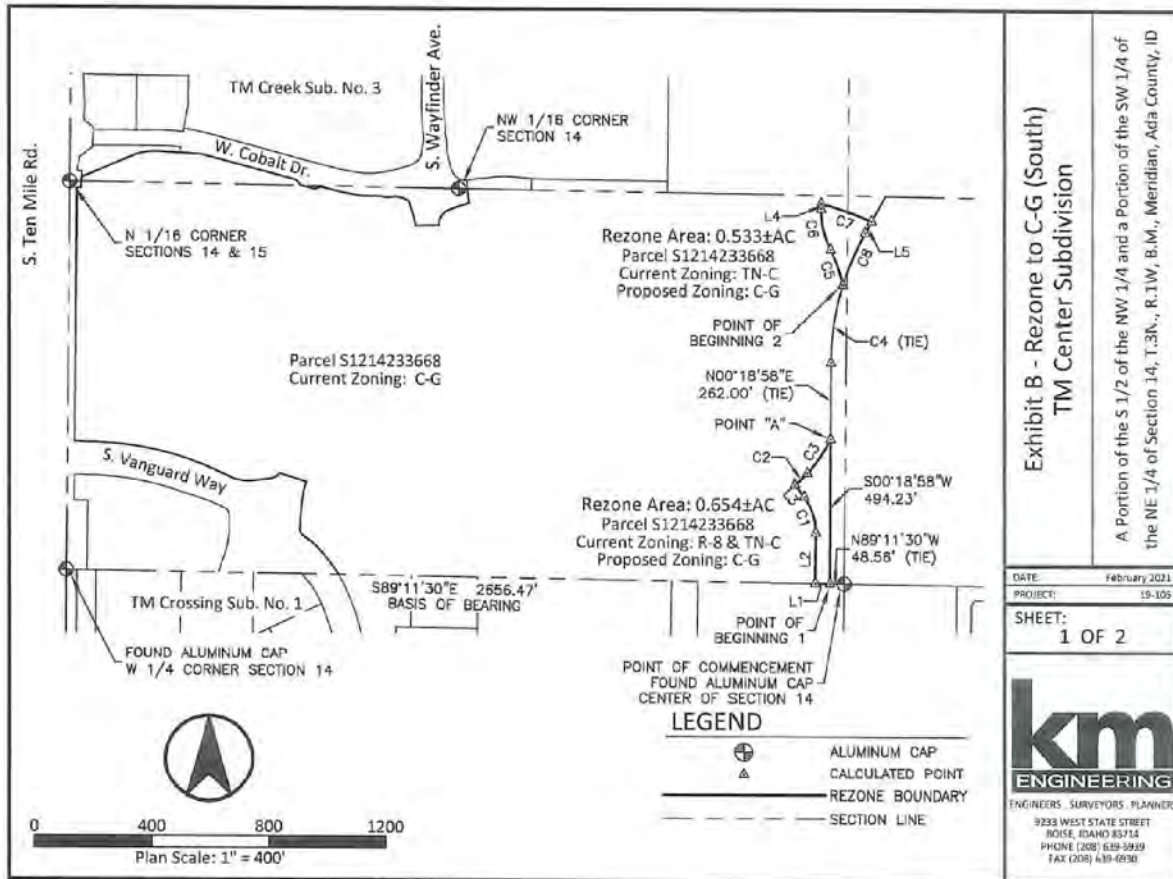
Thence 193.61 feet along the arc of a circular curve to the left, said curve having a radius of 926.00 feet, a delta angle of $11^{\circ}58'46''$, a chord bearing of $S23^{\circ}07'15''W$ and a chord distance of 193.25 feet to **POINT OF BEGINNING 2.**

The above-described rezone parcel description contains a total of 0.533 acres, more or less.

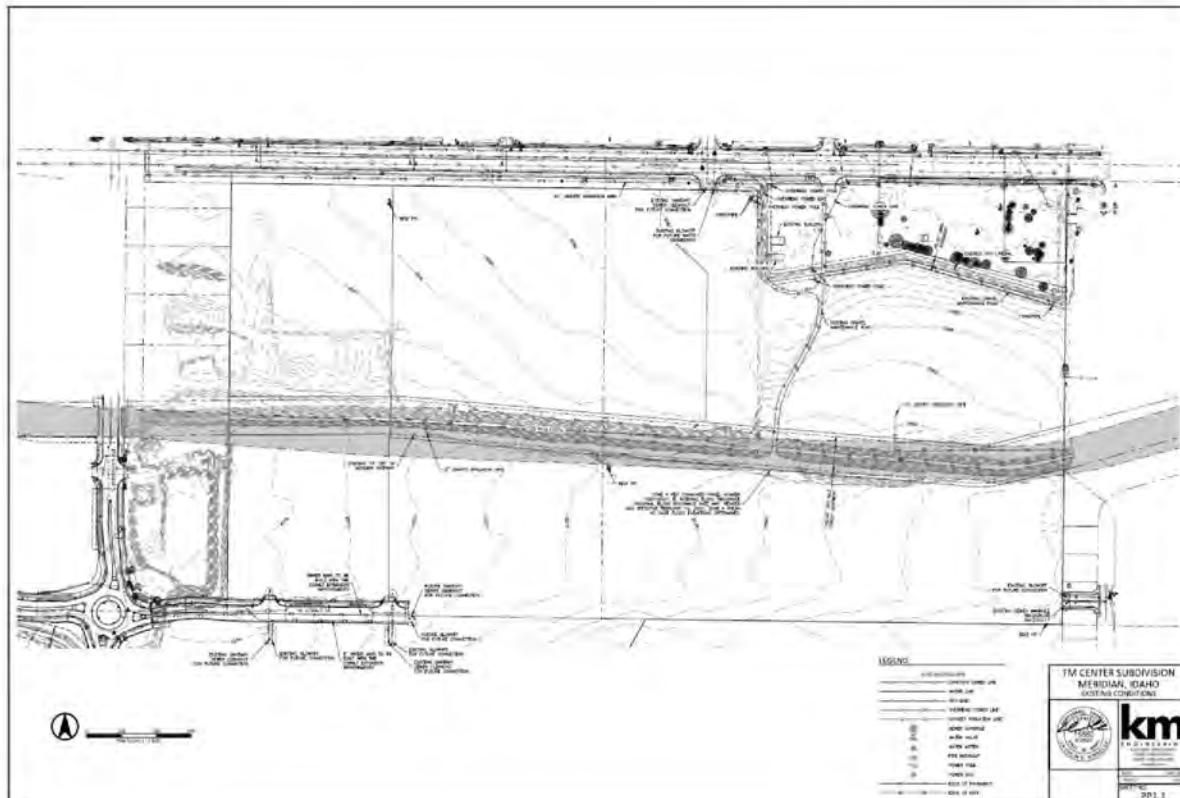
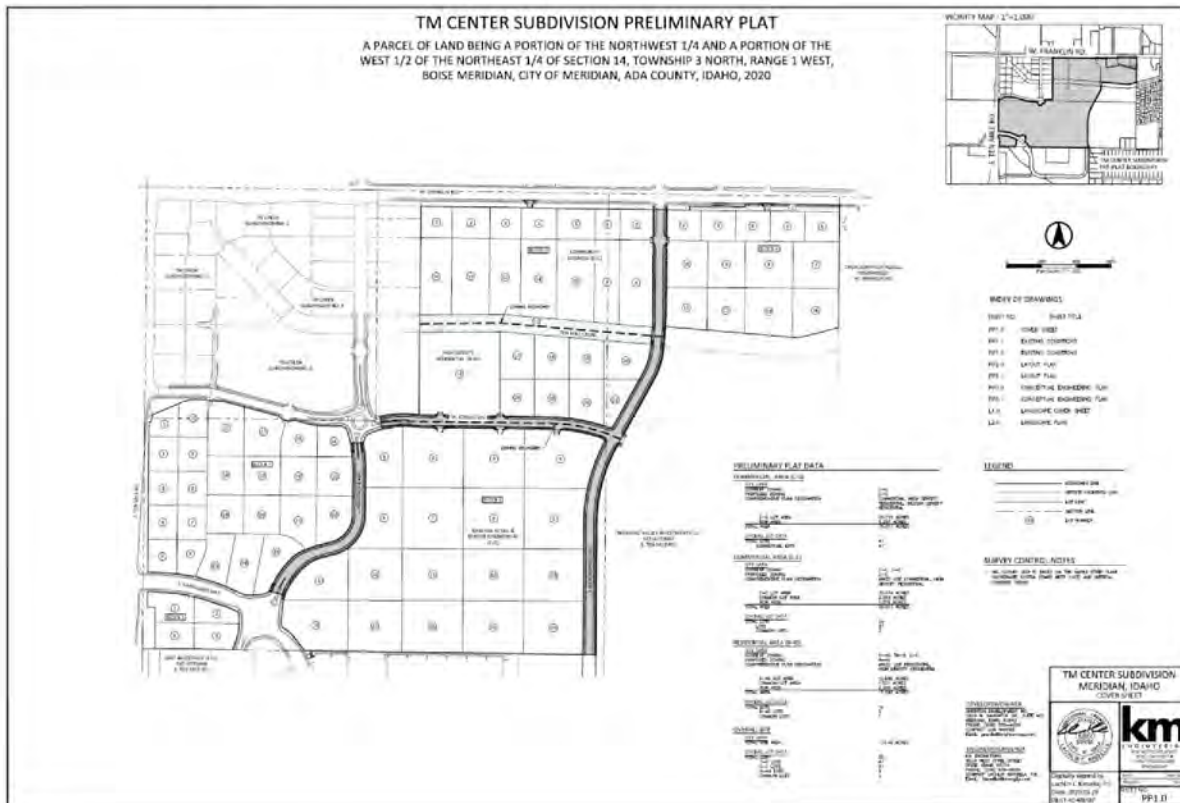
The total rezone description contains a total of 1.187 acres, more or less.

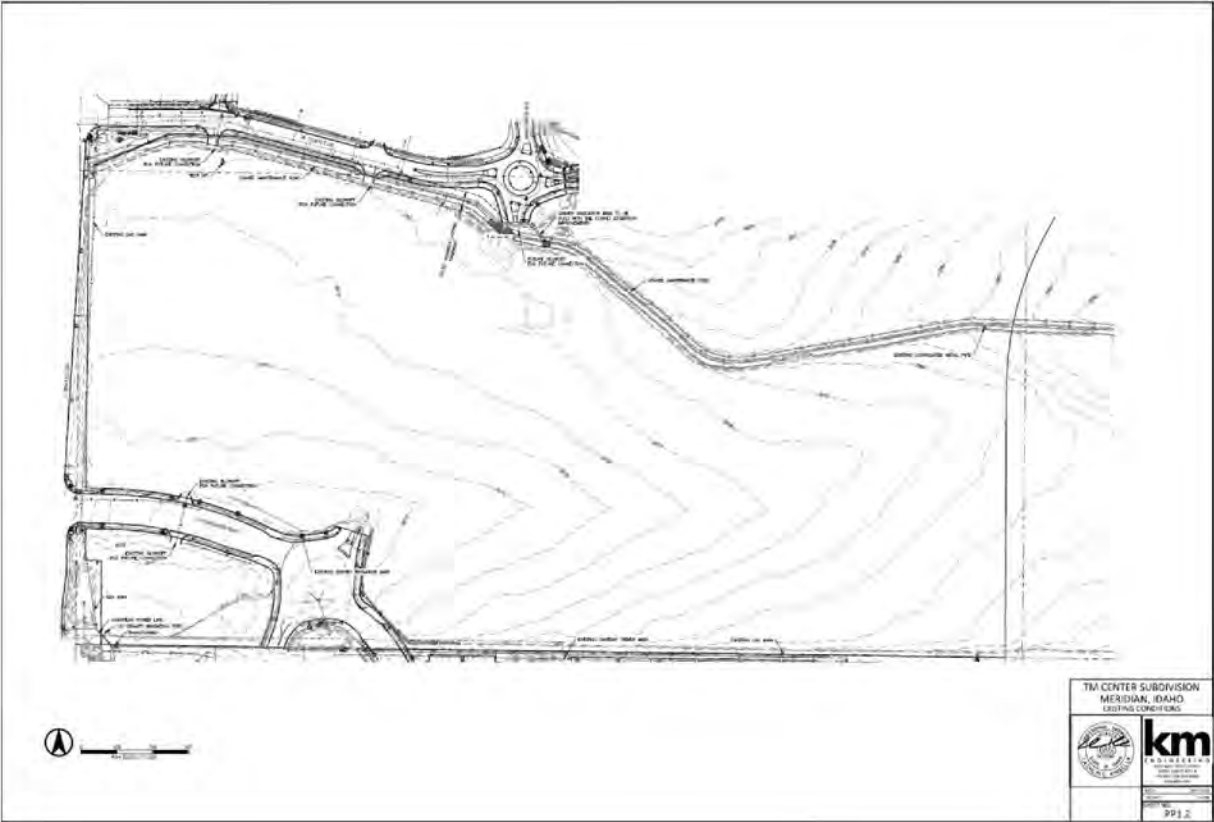
Attached hereto is Exhibit B and by this reference is hereby made a part of.



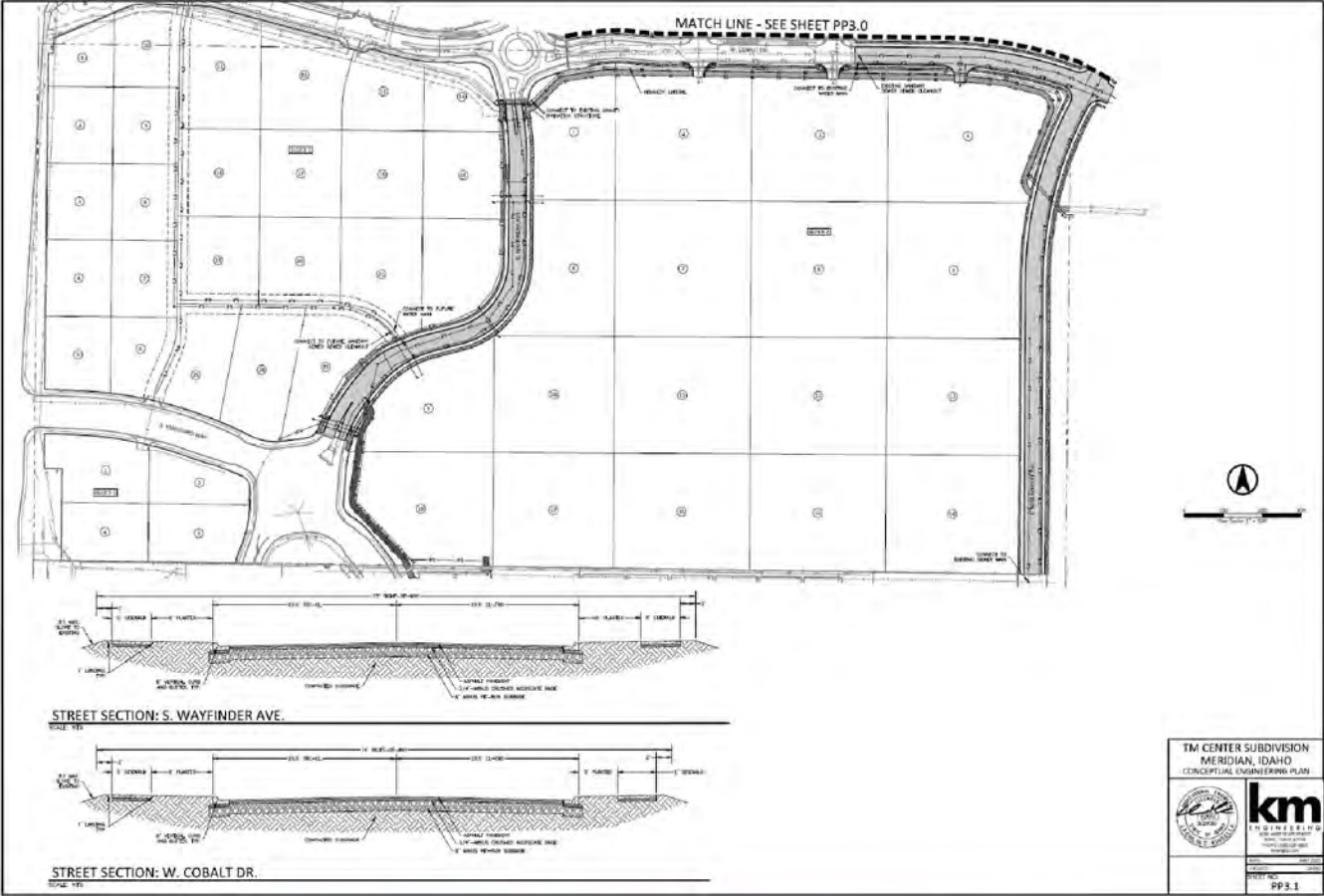


C. Preliminary Plat (date: 5/29/2020) and Conceptual Phasing Plan

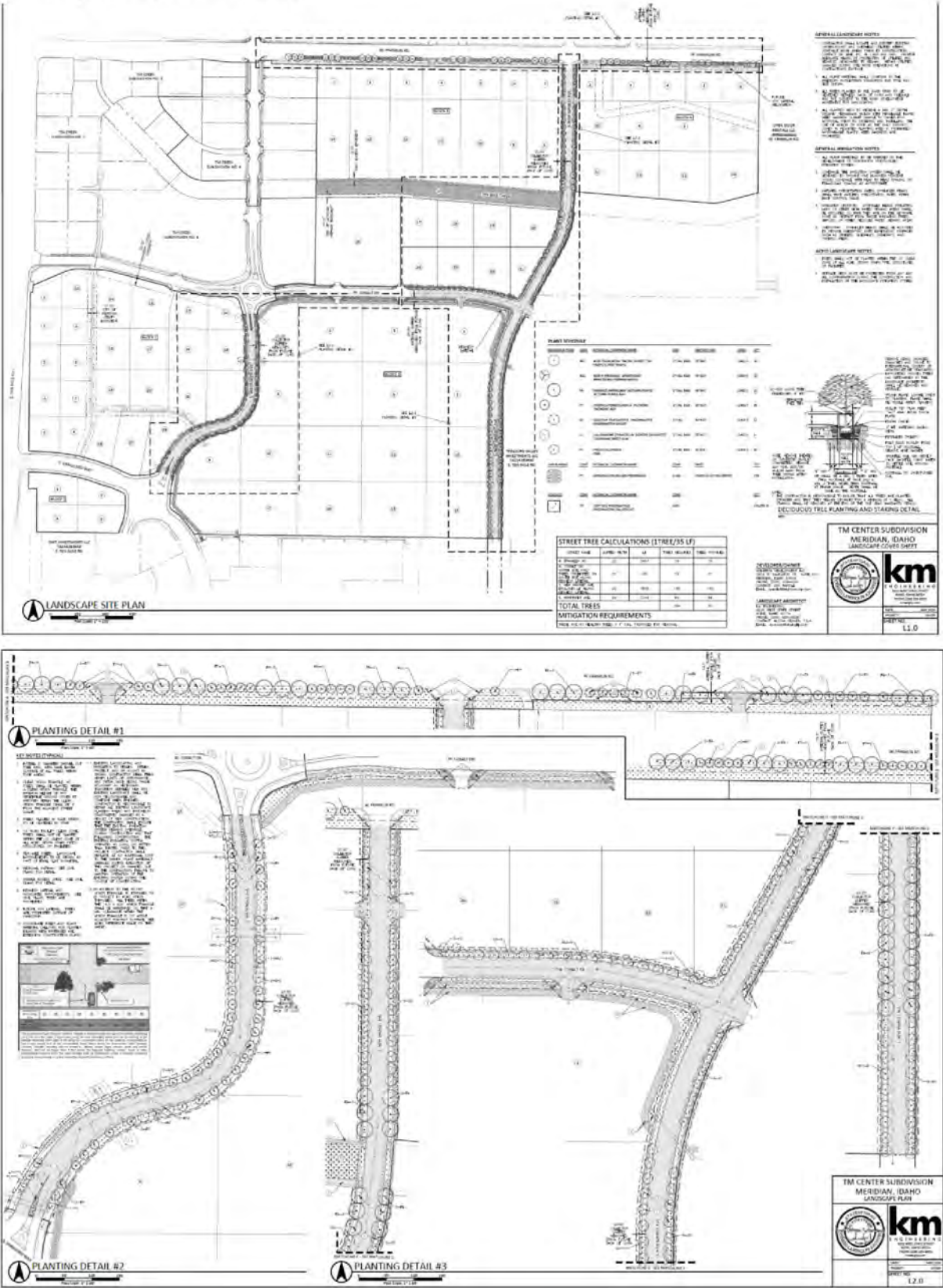








D. Landscape Plan (date: 5/28/2020)



E. Roadways – Completed and Future

100% COMPLETE

- Vanguard (*primary entrance*)
- Navigator (*east/west collector/local*)
- Wayfinder (*north/south collector*)

75% COMPLETE

- Cobalt (*east/west collector*)

15% COMPLETE

- Benchmark (*north/south collector connection to Franklin*)



F. Pathway Plan



G. Conceptual Building Elevations/Perspectives



BRIGHTON BUILDING (complete)

TM CENTER SUBDIVISION
BUILDING ELEVATION TYPICALS



PAYLOCITY BUILDING (complete)

TM CENTER SUBDIVISION
BUILDING ELEVATION TYPICALS



AMERIBEN PHASE II (under constr)

TM CENTER SUBDIVISION
BUILDING ELEVATION TYPICALS



SALTZER MEDICAL (under constr)

TM CENTER SUBDIVISION
BUILDING ELEVATION TYPICALS



LASALLE BUILDING (under constr)

TM CENTER SUBDIVISION
BUILDING ELEVATION TYPICALS



EXISTING SINGLE-STORY SHOPS

TM CENTER SUBDIVISION
BUILDING ELEVATION TYPICALS



EXISTING SINGLE-STORY MEDICAL

TM CENTER SUBDIVISION
BUILDING ELEVATION TYPICALS



EXISTING CARWASH

TM CENTER SUBDIVISION
BUILDING ELEVATION TYPICALS



EXISTING RESTAURANT/SHOPS (*front*)

TM CENTER SUBDIVISION
BUILDING ELEVATION TYPICALS



EXISTING RESTAURANT/SHOPS (*rear*)

TM CENTER SUBDIVISION
BUILDING ELEVATION TYPICALS



EXISTING AUTO SERVICE

TM CENTER SUBDIVISION
BUILDING ELEVATION TYPICALS



THE LOFTS at TEN MILE (*complete*)

TM CENTER SUBDIVISION
BUILDING ELEVATION TYPICALS



THE LOFTS at TEN MILE (*garages*)

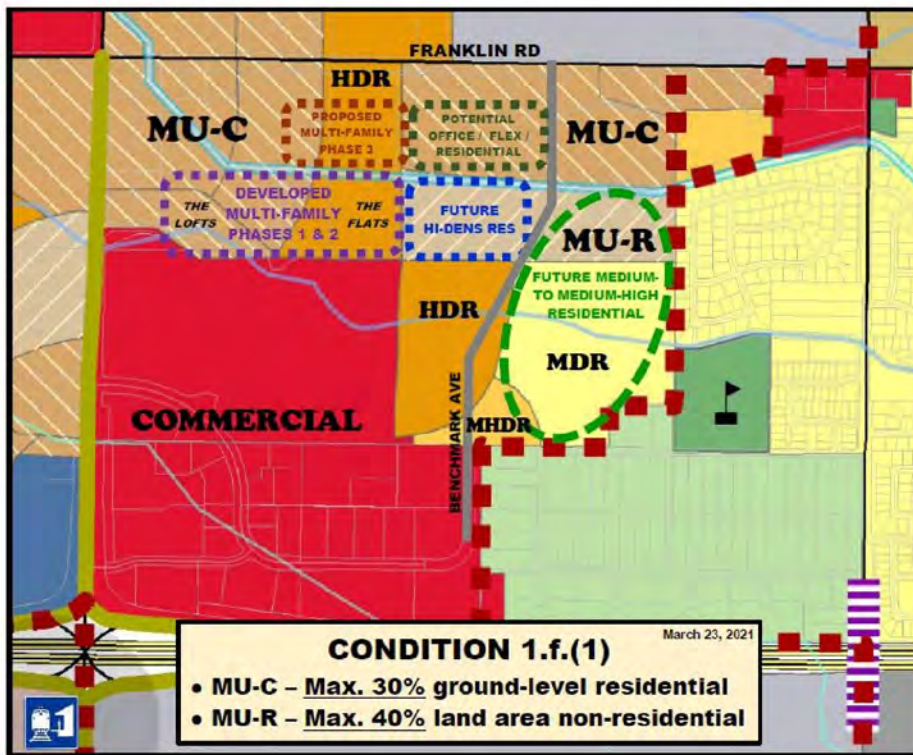
TM CENTER SUBDIVISION
BUILDING ELEVATION TYPICALS



THE FLATS at TEN MILE (*under constr*)

TM CENTER SUBDIVISION
BUILDING ELEVATION TYPICALS

H. FLUM Designations/Use Plan & Conceptual Land Use Plan Presented at the Commission Hearing



I. Ten Mile Crossing Design Guidelines

Link:

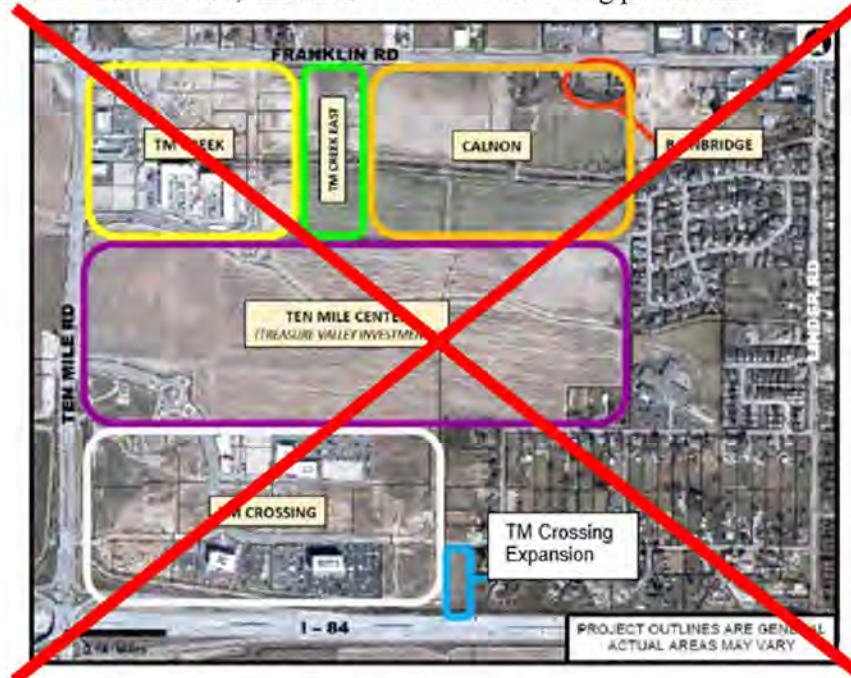
<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=226536&dbid=0&repo=MeridianCity>

IX. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

~~A conceptual use plan (i.e. bubble plan) shall be submitted at least 10 days prior to the City Council hearing, to be included in the development agreement, that demonstrates consistency with the mix of uses from each major use category (i.e. commercial, residential, employment) for the overall area governed by the DA as set forth in the TMISAP and the provisions of Development Agreements associated with previous annexations. Done~~

1. A new Development Agreement shall replace all existing agreements in the Ten Mile Area as referenced above in Section VI.A, and shall include the following provisions:



- a. Provisions applicable to entire development:

- (1) Future development shall be consistent with the guidelines for development in the ~~Ten Mile Interchange Specific Area Plan (TMISAP)~~ Ten Mile Crossing Design Guidelines pertaining to land use, transportation and design; UDC standards; and design standards in the Architectural Standards Manual, except for the deviations specified in this agreement.
- (2) Public art shall be incorporated at the entries of the site to create a sense of arrival and as appropriate throughout the overall development. Public art should contribute to the character and identity of the City and should be incorporated in the design of streetscapes, plazas, public spaces associated with buildings, etc. Art should be easily visible to the public (e.g. on the exterior of buildings rather than in lobbies, or visible from the street or publicly assessable open spaces rather than interior courtyards), ~~in accord with the TMISAP.~~
- (3) Building height in the C-G zoning district for structures in the area governed by this agreement is allowed to extend up to a maximum of 100-feet without further application.
- (4) Direct lot access via S. Ten Mile Rd. and W. Franklin Rd., arterial streets; and W. Cobalt Dr., S. Wayfinder Ave., S. Vanguard Way and S. Benchmark Ave., collector streets, is prohibited in accord with UDC 11-3A-3 ~~and the TMISAP~~ unless otherwise approved by the City and ACHD ~~in conjunction with a detailed development plan and/or subdivision. City Council approved waivers to UDC 11-3A-3 for direct access via S. Ten Mile Rd., W.~~

Franklin Rd., S. Wayfinder Ave. and W. Cobalt Dr. as shown on the preliminary plat and concept plan for TM Creek subdivision (AZ-13-015; PP-13-030).

- (5) The design of future buildings in this development shall incorporate design elements that are generally consistent with those in the “typical” elevations shown in Section VIII.G and the architectural design guidelines in the Ten Mile Crossing Design Guidelines.

- (6) The developer shall continue to work with Valley Regional Transit (VRT) to determine the nature and timing of public transit services needed in this area. With each final plat development phase, an update should be provided to the City.

Shelters should be placed at transit stops for weather protection to patrons; the design of such should be coordinated between the City, VRT and ACHD ensuring architectural consistency with the general theme of the activity center. Transit locations should include pedestrian amenities such as landscaping, pedestrian and landscape lighting, benches and trash receptacles consistent with the design and location of the shelter.

- (7) Prior to the City Engineer’s signature on the first final plat for TM Center, the developer shall submit a surety to the City of Meridian for the cost of a Welcome to Meridian sign to be placed off-site at the intersection of S. Ten Mile Rd. and S. Vanguard Way. The sign shall be constructed prior to issuance of the first Certificate of Occupancy in the first phase of TM Center subdivision.

- (8) A portion of this site along the Ten Mile Creek is located within the Meridian Floodplain Overlay District. Prior to any development occurring with the Overlay District, the Applicant is required to submit, and the City shall review and approve, a floodplain development application which includes the necessary analysis and documents under MCC Title 10, Chapter 6, including hydraulic and hydrologic analysis.

- (9) Street lights ~~at a pedestrian scale~~ shall be installed within the tree lawn area along W. Franklin Rd. ~~as set forth in the TMISAP.~~

- (10) The Applicant should follow the bubble plan concept presented at the hearing, included in Exhibit VIII.H, as they move forward with their conceptual development plans.

- (11) A significant central amenity shall be added to the concept plan for the project, whether it be an amphitheatre, a plaza, or a park. The Developer should seek assistance from the urban renewal agency or work with Council on what that amenity might look like.

~~b. TM Crossing Expansion site (H-2018-0122, Parcel #R7192800752):~~

- ~~(12) If at some point in the future the adjacent homes to the north and east of the site (i.e. Parcel #R7192800752) redevelop commercially and the 25-foot wide right-of-way street easement depicted on the Primrose subdivision plat on the adjacent property to the north (Lot 7, Block 3) is dedicated, a public street connection may be required at that time.~~

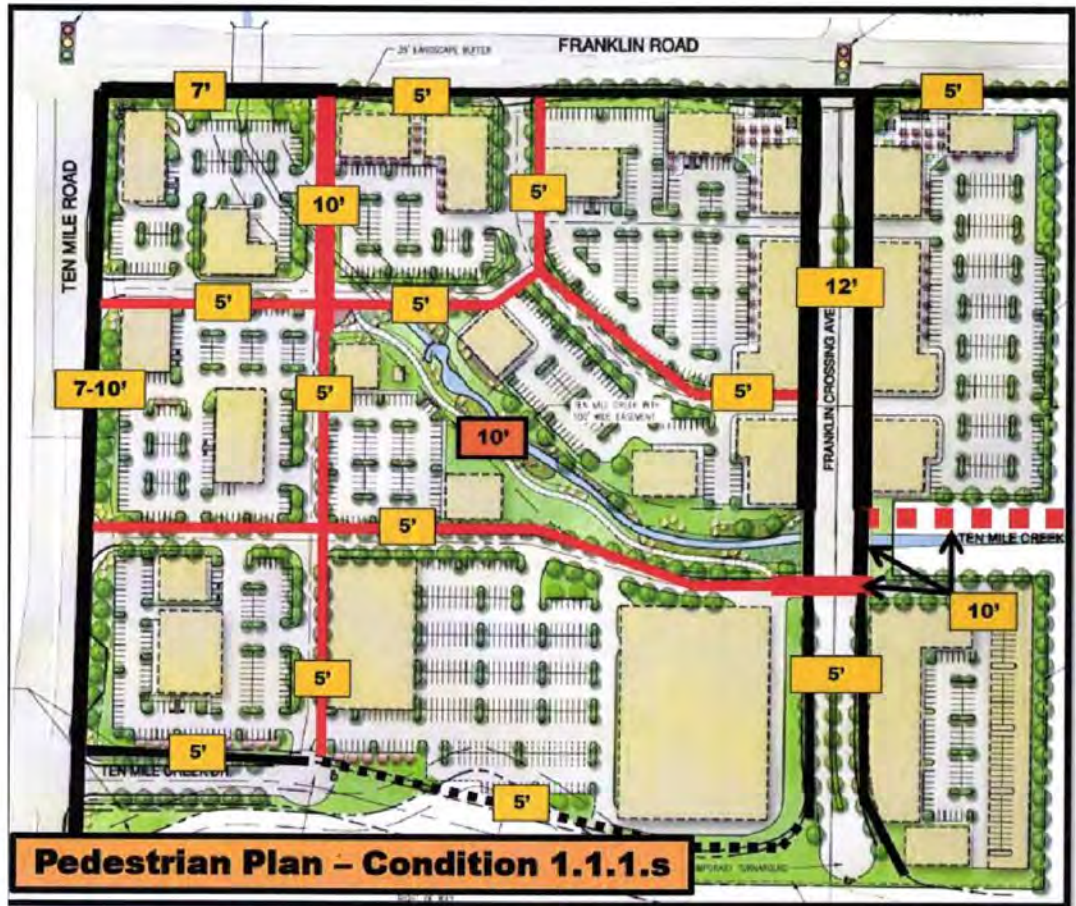
- ~~(2) (13) A pedestrian connection shall be provided from the residential neighborhood (i.e. Primrose Subdivision) to the commercial development to the west on the TM Crossing Expansion site (H-2018-0122 Parcel #R7192800752) in accord with UDC 11-3B-9C.3. The location of the pedestrian connection may be within the right-of-way street easement adjacent to the north property boundary.~~

~~e. TM Creek site (AZ-13-015, H-2017-0124):~~

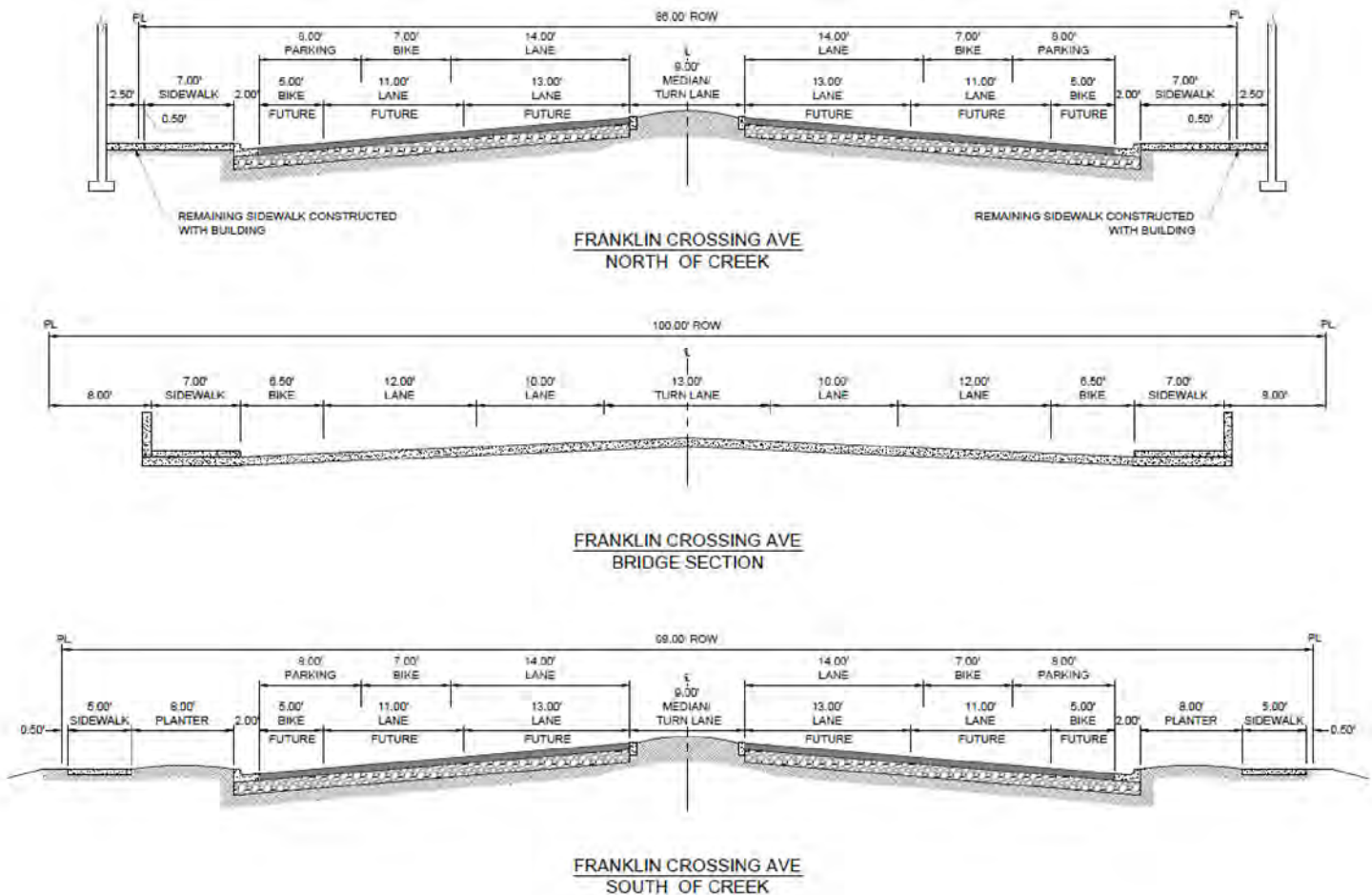
- ~~(4) Future development of this site shall be generally consistent with the conceptual site plan shown below and shall develop with a mix of office, commercial and residential uses as proposed.~~



- (214) ~~Street lights at a pedestrian scale shall be installed within the tree lawn area along S. Ten Mile Rd. and W. Cobalt Dr. as set forth in the TMISAP.~~
- (315) ~~Pedestrian-scale lighting shall be installed along S. Wayfinder Ave., north of Ten Mile Creek as set forth in the TMISAP.~~
- (416) ~~All structures within the TN-C zone adjacent to S. Wayfinder Ave. north of the Ten Mile Creek shall be a minimum of two stories in height in accord with UDC 11-2D-5 and the design elements contained in the TMISAP Ten Mile Crossing Design Guidelines.~~
- (517) ~~Buildings along S. Wayfinder Ave. north of the creek should be built to the sidewalk with street trees in wells and street-level store fronts, in accord with the TMISAP.~~
- (618) ~~A crosswalk shall be provided across S. Wayfinder Ave. where the multi-use pathway along the Ten Mile Creek crosses the street.~~
- (719) ~~For Except where multi-family development may occur, for streets & block fronts where commercial uses and pedestrian activity are most desired north of the Ten Mile Creek, it is recommended that sidewalks be lined with shops, restaurants, offices and galleries and that buildings be designed with multiple sidewalk entries where feasible, generously-scaled display and transom windows, pedestrian-scales signs and banners, and awnings or canopies for sun shading.~~
- (8) ~~A pedestrian crossing over the Ten Mile Creek shall be provided as part of the creek amenity if approval can be obtained from Nampa & Meridian Irrigation District.~~
- (9)(20) Sidewalks shall be provided internally along one side of all major drive aisles for pedestrian connectivity within the development in accord with the Internal Pedestrian Plan shown below.



(4021) South Wayfinder Ave. shall initially be constructed in accord with the street sections shown below. Future reconfiguration of S. Wayfinder Ave. may occur if warranted by ACHD, in accord with the street section shown below.



d. TM Creek East (H-2015-0018):

- (4) (22) The TM Creek East site (H-2015-0018) shall develop with multi-family residential uses and shall obtain conditional use permit approval prior to development. The overall average density target should be at least 16-25 dwelling units per gross acre. Design and orientation of buildings should be pedestrian oriented with special streetscape improvements to create rich and enjoyable public spaces. A strong physical relationship between the commercial and residential components to adjacent employment or transit centers is critical."
- (2) (23) The subject property shall be subdivided prior to issuance of any building permits Certificates of Occupancy for the site.

e. Ten Mile Center (aka Treasure Valley Investments) (AZ-14-001):

- (1) ~~The property shall be subdivided prior to submittal of the first Certificate of Zoning Compliance application.~~
- (2) (24) The property shall be developed in a manner that provides a transition in uses to adjacent residential properties.
- (3) ~~Most buildings along S. Ten Mile Rd. should address the street by being built to the street buffer with windows overlooking the pathway to provide security to the pedestrians and bikes on the pathway as set forth in the TMISAP.~~

- (4) ~~(25)~~ A pedestrian connection shall be made to the adjacent school site to the east (i.e. Peregrine Elementary School).
- (5) ~~(26)~~ The portions of the property zoned TN-C and TN-R shall be developed in a manner that incorporates traditional neighborhood design concepts ~~as set forth in the TMISAP.~~
- (6) ~~(27)~~ Only residential uses shall be developed within the R-8 zone. In addition to other allowed uses, a minimum of 75 residential units shall be developed within the TN-R zone, and a minimum of 300 residential units shall be developed within the C-G and/or TN-C zones combined.
- (7) ~~(28)~~ The Kennedy Lateral and all other waterways on the site shall be piped or otherwise covered in accord with UDC 11-3A-6, unless waived by City Council.
- (8) ~~(29)~~ Based on the 2020 Sewer Master Plan Update, the subject property (i.e. Parcels #S1214233668 & S1214233680) lies within two sewer boundaries. The Kennedy Lateral is the sewer shed boundary. Sanitary sewer services to this development is are being proposed via main extensions from the Black Cat Trunk and Ten Mile Diversion Trunk of mains located near the Purdam Drain within the southwest portion of the subject property and main extensions from Franklin Road. Owner/Developer shall install mains to and through the development, coordinate main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service. Minimum cover over sewer mains is three feet; if cover from top of pipe to sub-grade is less than three feet then alternative materials shall be used in conformance with City of Meridian Public Works Department standard specifications.
- (9) ~~(30)~~ Water service to the subject property (i.e. Parcels #S1214233668 & S1214233680) will be via extension of mains in Ten Mile Road along the alignment of the future east-west collector. Owner/Developer shall be responsible to install water mains to and through the property at the time of development and to coordinate main sizes and routing with City of Meridian Public Works Department.
- (10) ~~(31)~~ Future construction of streets within this site shall be consistent with the applicable street section as shown on the Street Sections ~~Map~~ contained in the Ten Mile Crossing Design Guidelines ~~Interchange Specific Area Plan (TMISAP) (pgs. 3-20 and 3-21) with the exception of the east-west collector street (W. Cobalt Dr.) from Ten Mile Road at the northwest corner of the site which shall be constructed as a major collector street in accord with Street Section C.~~
- f. ~~Calnon (H 2015-0017):~~
- (1) ~~(32)~~ Prior to any development occurring on the subject property, the applicant shall be subject to modify the development agreement to include a more detailed and conceptual development plan dated March 18, 2021, included in Exhibit VIII.H, for the site that is consistent with the MU-C and MU-R land use designations. A mix of uses from each major use category (i.e. commercial, residential, employment) shall be provided ~~as set forth in the Ten Mile Interchange Specific Area Plan (TMISAP).~~ No more than 30% of the ground level development within the MU-C designation shall be used for residences. No more than 40% of the land area within the MU-R area shall be utilized for non-residential uses.
- (2) ~~The subject property shall be subdivided prior to issuance of any building permits for the site.~~
- (3) ~~(33)~~ Provide a minimum of 218 residential dwelling units on the site of varying types (i.e. multi-family, single-family, townhouse, duplex, and/or vertically integrated). *Note: The*

number of units provided may be greater than 218 units without a limit on the maximum number of units.

- (4) ~~(34)~~ A 10-foot wide multi-use pathway shall be constructed on this site along the ~~north-south~~ side of the Ten Mile Creek and to the property to the south (i.e. Parcel #S1214233668). The pathway shall be constructed in accord with the Pathways Master Plan and UDC 11-3A-8. Landscaping on either side of the pathway is required in accord with the standards listed in 11-3B-12C.
- (5) ~~(35)~~ The stub street that exists to this property at the east boundary of the site (i.e. Parcel #S1214121133), W. Cobalt Street, from Whitestone Estate Subdivision shall be extended with development.
- (6) ~~(36)~~ The Vaughn Lateral shall be piped on the site where it is currently open if approval can be obtained from Nampa & Meridian Irrigation District (NMID) as it is owned in-fee by NMID.
- (7) ~~Sidewalks shall be provided internally along one side of all major drive aisles for pedestrian connectivity within the development.~~
- (8) ~~(37)~~ This property (i.e. Parcels #S1214212622, #S1214121134, #S1214120712 & #S1214121133) borders a domestic water pressure zone boundary, and therefore with development, the applicant shall be required to install a pressure reducing station vault and conduits for power and telemetry cabling in the vicinity of their southeasterly connection in W. Cobalt Street. The installation of the pressure reducing appurtenances shall be the responsibility of the Meridian Public Works Department. Applicant shall coordinate the vault and conduit design criteria with the Meridian Public Works Department as part of the development plan review process.
- (9) ~~(38)~~ The City of Meridian currently owns and operates a sanitary sewer lift station near the west end of W. Cobalt Street. With the development of the subject property (i.e. Parcels #S1214212622, #S1214121134, #S1214120712 & #S1214121133), the applicant shall be required to extend a sanitary sewer main from W. Franklin Road through the property to the lift station location and facilitate the abandonment of the lift station.

~~g. Bainbridge Franklin ([H-2018-0057](#)):~~

- ~~(1) A cross access/ingress-egress easement(s) shall be granted to the property to the east (parcel #R8580500100) in accord with UDC 11-3A-3. With the first certificate of zoning compliance application, the applicant shall provide a recorded cross access easement that grants access to the Twelve Oaks property.~~

2. The final plat(s) shall include the following revisions:

- a. Change the street name of S. New Market Ave. to S. Benchmark Ave. consistent with the Street Name Review approval.
- b. Include a note that prohibits direct lot access via W. Franklin Rd. and N. Ten Mile Rd., arterial streets; and S. Wayfinder Ave., S. Benchmark Ave., W. Cobalt Dr. and S. Vanguard Way, collector streets, unless otherwise approved by the City and ACHD. *Note: City Council approved a waiver to UDC 11-3A-3 to allow the two (2) direct accesses proposed via W. Franklin Rd. on Lot 4, Block 3 and Lot 4, Block 4 to the east and west of New Market/Benchmark subject to ACHD approval.*
- c. A 5-foot dry-utilities corridor should be provided along both sides of the street curb along S. Wayfinder Ave., W. Cobalt Dr. and S. New Market Ave./Benchmark Ave. Both wet utilities may be located in the street. Streetlights should be placed in the dry utilities corridor on either

side of the street. Streetlights of a pedestrian-scale shall be provided along Wayfinder north of Ten Mile Creek and Cobalt; ~~pedestrian-scale lighting is not required along New Market/Benchmark if it will serve as a residential collector with on-street parking—otherwise, pedestrian lighting is required.~~

- ci. South New Market Ave./Benchmark Ave. shall be constructed with two (2) travel lanes, bike lanes, parallel parking south of Ten Mile Creek on the east side of the street, adjacent to future medium-density residential development (if allowed by ACHD at preliminary platting of that area), 8-foot wide parkways and detached sidewalks/pathways consistent with ~~Street Section D in the TMISAP~~ the Ten Mile Crossing Design Guidelines, the development agreement, Pathways Master Plan and pathway plan for the site. *The first 200' of south of Franklin Rd. on New Market is not allowed to have on-street parking per the ACHD report to allow for right and left turn lanes.*
- e. ~~Streetlights at a pedestrian-scale~~ shall be located in the tree lawn area (i.e. in right-of-way between curb and sidewalk) along S. Ten Mile Rd. ~~in accord with the TMISAP for Street Section A (see pg. 3-22).~~ Dry utilities should be located back of the curb in the dry utilities corridor.
- f. ~~Streetlights at a pedestrian-scale~~ shall be located in the tree lawn area (i.e. in right-of-way between curb and sidewalk) along W. Franklin Rd. and Vanguard Way ~~in accord with the TMISAP for Street Section B (see pg. 3-22).~~ Dry utilities should be located back of the curb in the dry utilities corridor.
- g. Depict a minimum ~~50~~35-foot wide street buffer along S. Ten Mile Rd., an entryway corridor, measured from the back of curb, in a common lot or on a permanent dedicated buffer, maintained by the property owner or business owners' association in accord with UDC 11-3B-7C.2 ~~and Street Section A in the TMISAP.~~
- h. Depict a minimum 25-foot wide street buffer along W. Franklin Rd., an arterial street, measured from the back of curb, in a common lot in the R-40 zone and in a common lot or on a permanent dedicated buffer in the C-G zone, maintained by the property owner or business owners' association in accord with UDC 11-3B-7C.2.
- i. Depict a minimum 20-foot wide street buffer along W. Cobalt Dr., S. Wayfinder Ave., S. New Market Ave./Benchmark Ave., and S. Vanguard Way, collector streets, measured from the back of curb, in a common lot in the R-40 zone and in a common lot or on a permanent dedicated buffer in the C-G zone, maintained by the property owner or business owners' association in accord with UDC 11-3B-7C.2.
- j. A cross-access/ingress-egress easement shall be granted via a note on the plat or a separate recorded agreement between all non-residential lots in accord with UDC 11-3A-3A.2.
- k. A cross-access/ingress-egress easement shall be granted via a note on the plat or a separate recorded agreement to the parcel to the east (#R8580500100, Villas at Twelve Oaks) in accord with UDC 11-3A-3A.2.
- l. Remove the two (2) driveway accesses depicted on the plat via Franklin Rd. on Lot 4, Block 3 and Lot 4, Block 4 to the east and west of New Market/Benchmark unless specifically approved by City Council through a waiver to UDC 11-3A-3, which limits access to arterial streets, *and by ACHD. City Council approved these two (2) driveway accesses; ACHD approval is still required.*

- m. If New Market has not yet been constructed to stub to the site's south property boundary by the time the proposed section is constructed, depict a temporary turnaround easement and construct a temporary cul-de-sac that meets the dimensional standards of a standard cul-de-sac at the terminus of New Market on this site per ACHD and Fire Dept. standards.
3. The landscape plan submitted with the final plat shall include the following revisions:
- a. Detached pathways, 8- to 10-foot wide, shall be depicted in accord with the pathway plan in Section VIII.F and with the City's Pathways Master Plan as required by the Park's Department in Section IX.E. *At a minimum, 10-foot wide pathways shall be provided along S. Ten Mile Rd., the east side of S. New Market Ave. and along the Ten Mile Creek in accord with the Pathways Master Plan; 8-foot wide pathways may be provided in other locations.*
 - b. Depict a minimum 5-foot wide detached sidewalk along the west side of S. New Market Ave./Benchmark Ave. where 8- to 10-wide pathways are not proposed on the pathway plan, with 8-foot wide parkways within a minimum 20-foot wide landscaped buffer ~~in accord with the TMISAP for Street Section D (see pg. 3-21).~~
 - c. Depict a minimum 20-foot wide street buffer, landscaped per the standards listed in UDC 11-3B-7C, along each side of W. Cobalt Dr., a collector street; and a detached 8- to 10-foot wide pathway on the south side of the street consistent with the pathway plan.
 - d. Depict minimum 20-foot wide street buffers, landscaped per the standards listed in UDC 11-3B-7C, along S. Wayfinder Ave. and S. Vanguard Way, both collector streets.
 - e. Depict a ~~50~~35-foot wide buffer area with detached 10-foot wide pathway along S. Ten Mile Rd., ~~consistent with that shown for Street Section A in the TMISAP;~~ depict landscaping in accord with the standards listed in UDC 11-3B-12C for pathways and 11-3B-7C for street buffers.
 - f. Depict a minimum 25-foot wide buffer with a minimum 5-foot wide detached sidewalk along W. Franklin Rd., landscaped per the standards listed in UDC 11-3B-7C.
 - g. Depict streetlights ~~at a pedestrian scale in the tree lawn area along S. Ten Mile Rd. in accord with the TMISAP for Street Section A (see pg. 3-22).~~
 - h. Depict streetlights ~~at a pedestrian scale in the tree lawn areas along W. Franklin Rd. and S. Vanguard Way in accord with the TMISAP for Street Section B (see pg. 3-22).~~
 - i. Depict streetlights at a pedestrian scale in the tree lawn areas along ~~W. Cobalt Dr. and S. Wayfinder Ave. north of Ten Mile Creek;~~ if New Market/Benchmark is not constructed as a residential collector street with on-street parking, streetlights at a pedestrian scale shall also be provided along this street.
 - j. Include mitigation information on the plan for all trees on the site that are proposed to be removed that require mitigation in accord with the standards listed in UDC 11-3B-10C.5. Contact Matt Perkins, City Arborist, to schedule an appointment for an inspection to determine mitigation requirements.
4. ~~In accord with the TMISAP for "complete streets," the following are features that shall be considered as a starting point for each street: sidewalks, bike lanes, wide shoulders, crosswalks, refuge medians, bus pullouts, special bus lanes, raised crosswalks, audible pedestrian signals, sidewalk bulb-outs, street furnishings and on-street parking. The Applicant shall address at the public hearing (or in writing prior to the hearing) what additional design features are planned for internal public streets within this development aside from those proposed. See pgs. 11-14 of the Ten Mile Crossing Design Guidelines for details.~~

- 5. 4. All future development shall comply with the minimum dimensional standards listed in UDC Tables 11-2A-6 (R-8), 11-2A-8 (R-40), 11-2B-3 (C-G), 11-2D-5 (TN-C) and 11-2D-6, as applicable.
- 6. 5. A 14-foot wide public pedestrian easement shall be submitted to the Planning Division for all of the multi-use pathways within the site that area not located in the right-of-way prior to signature on the final plat by the City Engineer.
- 7. 6. Streetlights shall be placed in the dry utilities corridor on either side of W. Cobalt Dr., S. Wayfinder Ave. and S. New Market Ave./Benchmark Ave.
- 8. 7. Development of the plat shall occur generally consistent with the phasing plan in Section VIII.C.

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 The current sewer configuration submitted with this application, depicts at intersection of Colbalt and New Market Avenue, flow being enabled to go in either the north or the west direction. This needs to be corrected so flow only goes in one direction. Based on conversations with applicant 8" sewer line on Cobalt will not connect to manhole at intersection.
- 1.2 To alleviate the water quality issues, this development must extend the proposed 12" water main south to connect into the existing water main in S New Market Ave (TM Crossing No 4).
- 1.3 Tie into the existing 12" water stub in Vanguard (between lots 6 & 25, block 1)

2. General Conditions of Approval

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

- 2.5 All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
- 2.6 All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
- 2.7 Any existing domestic well system within this project shall be removed from domestic service per City Ordinance Section 9-1-4 and 9 4 8 contact the City of Meridian Engineering Department at (208)898-5500 for inspections of disconnection of services. Wells may be used for non-domestic purposes such as landscape irrigation if approved by Idaho Department of Water Resources Contact Robert B. Whitney at (208)334-2190.
- 2.8 Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
- 2.9 Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
- 2.10 A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
- 2.11 All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
- 2.12 Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
- 2.13 It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 2.14 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.15 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.16 All grading of the site shall be performed in conformance with MCC 11-12-3H.
- 2.17 Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 2.18 The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
- 2.19 The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.

- 2.20 At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
- 2.21 A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
- 2.22 The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 2.23 The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information.

C. FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=191391&dbid=0&repo=MeridianCity>

D. POLICE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=191282&dbid=0&repo=MeridianCity>

E. PARK'S DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=192685&dbid=0&repo=MeridianCity>

F. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223592&dbid=0&repo=MeridianCity>

G. CENTRAL DISTRICT HEALTH DEPARTMENT (CDHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223468&dbid=0&repo=MeridianCity>

H. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=191393&dbid=0&repo=MeridianCity>

I. WEST ADA SCHOOL DISTRICT (WASD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=192801&dbid=0&repo=MeridianCity>

J. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223625&dbid=0&repo=MeridianCity>

Questions from City Staff and ACHD response:

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222896&dbid=0&repo=MeridianCity>

ACHD confirmation that a Traffic Impact Study (TIS) was not required for this project.

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222887&dbid=0&repo=MeridianCity>

X. FINDINGS

A. REZONE (UDC 11-5B-3E)

Upon recommendation from the commission, the council shall make a full investigation and shall at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;
The City Council finds the rezone of the subject site to the C-G and R-40 zoning districts is consistent with the associated MU-COM and HDR FLUM designations in the Comprehensive Plan for the subject property proposed to be rezoned.
2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;
The City Council finds the proposed map amendment to C-G will assist in providing for the retail and service needs of the community while the map amendment to R-40 will assist in providing for a range of housing opportunities consistent with the Comprehensive Plan in accord with the purpose statements for the districts.
3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;
The City Council finds that the proposed rezone should not be detrimental to the public health, safety, or welfare.
4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and
The City Council finds that the proposed rezone will not result in any adverse impact upon the delivery of services by any political subdivision providing services to this site.
5. The annexation (as applicable) is in the best interest of city.
Because this application is for a rezone and not an annexation, this finding is not applicable.

B. PRELIMINARY PLAT (UDC 11-6B-6)

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings: (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

4. The plat is in conformance with the comprehensive plan and is consistent with this unified development code; (Ord. 08-1372, 7-8-2008, eff. 7-8-2008)
The City Council finds the proposed plat is generally in conformance with the UDC and the guidelines in the Comprehensive Plan and TMISAP if the Applicant complies with the Development Agreement provisions, conditions of approval in Section IX and ACHD conditions.

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

The City Council finds public services can be made available to the subject property and will be adequate to accommodate the proposed development.

3. The plat is in conformance with scheduled public improvements in accord with the city's capital improvement program;

The City Council finds the proposed plat is in substantial conformance with scheduled public improvements in accord with the City's CIP.

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

The City Council finds there is public financial capability of supporting services for the proposed development.

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

The City Council finds the proposed development will not be detrimental to the public health, safety or general welfare.

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

The City Council is unaware of any significant natural, scenic or historic features that need to be preserved with this development.