

*\*This is a revision to the original agreement for the sole purpose of clarifying no vehicle sales will be conducted at this location.*

## **DEVELOPMENT AGREEMENT**

- PARTIES:**
1. City of Meridian
  2. Idaho Auto Mall, LLC, Owner/Developer

THIS DEVELOPMENT AGREEMENT (this Agreement), is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by and between **City of Meridian**, a municipal corporation of the State of Idaho, hereafter called CITY whose address is 33 E. Broadway Avenue, Meridian, Idaho 83642 and **Idaho Auto Mall, LLC**, whose address is 3449 E. Copper Point Drive, Meridian, ID 83642, hereinafter called OWNER/DEVELOPER.

1. **RECITALS:**

- 1.1 **WHEREAS**, Owner is the sole owner, in law and/or equity, of certain tract of land in the County of Ada, State of Idaho, described in Exhibit "A", which is attached hereto and by this reference incorporated herein as if set forth in full, herein after referred to as the Property; and
- 1.2 **WHEREAS**, Idaho Code § 67-6511A provides that cities may, by ordinance, require or permit as a condition of zoning that the Owner/Developer make a written commitment concerning the use or development of the subject Property; and
- 1.3 **WHEREAS**, City has exercised its statutory authority by the enactment of Section 11-5B-3 of the Unified Development Code ("UDC"), which authorizes development agreements upon the annexation and/or re-zoning of land; and
- 1.4 **WHEREAS**, Owner/Developer has submitted an application for annexation and zoning of 25.87 acres of land to the C-G (General Retail and Service Commercial) zoning district on the property listed in Exhibit "A", under the Unified Development Code, which generally describes how the Property will be developed and what improvements will be made; and
- 1.5 **WHEREAS**, Owner/Developer made representations at the public hearings before Planning and Zoning Commission and the Meridian City Council, as to how the Property will be developed and what improvements will be made; and
- 1.6 **WHEREAS**, the record of the proceedings for requested annexation and zoning held before Planning and Zoning Commission and the City Council, includes responses of government subdivisions providing services within the

City of Meridian planning jurisdiction, and includes further testimony and comment; and

- 1.7 **WHEREAS**, on the 15<sup>th</sup> day of June, 2021, the Meridian City Council approved certain Findings of Fact and Conclusions of Law and Decision and Order (“Findings”), which have been incorporated into this Agreement and attached as Exhibit “B”; and
- 1.8 **WHEREAS**, the Findings require the Owner/Developer to enter into a Development Agreement before the City Council takes final action on final plat; and
- 1.9 **WHEREAS**, Owner/Developer deem it to be in its best interest to be able to enter into this Agreement and acknowledges that this Agreement was entered into voluntarily and at its urging and request; and
- 1.10 **WHEREAS**, City requires the Owner/Developer to enter into a development agreement for the purpose of ensuring that the Property is developed and the subsequent use of the Property is in accordance with the terms and conditions of this Agreement, herein being established as a result of evidence received by the City in the proceedings for zoning designation from government subdivisions providing services within the planning jurisdiction and from affected property owners and to ensure zoning designation are in accordance with the amended Comprehensive Plan of the City of Meridian on December 19, 2019, Resolution No. 19-2179, and the UDC, Title 11.

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

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

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

- 3.1 **CITY:** means and refers to the **City of Meridian**, a party to this Agreement, which is a municipal Corporation and government subdivision of the state of Idaho, organized and existing by virtue of law of the State of Idaho, whose address is 33 East Broadway Avenue, Meridian, Idaho 83642.
- 3.2 **OWNER/DEVELOPER:** means and refers to **Idaho Auto Mall, LLC**, whose address is 3449 E. Copper Point Drive, Meridian, ID 83642, hereinafter called OWNER, the party that owns said Property and shall include any subsequent owner(s) and developer (s) of the Property.



3.3 **PROPERTY:** means and refers to that certain parcel(s) of Property located in the County of Ada, City of Meridian as in Exhibit "A" describing a parcel to be annexed and bound by this Development Agreement and attached hereto and by this reference incorporated herein as if set forth at length.

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

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

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

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

5.1. Owners and/or Developer shall develop the Property in accordance with the following special conditions:

- a. Development of the subject property shall be generally consistent with the preliminary plat, landscape plan and conceptual building elevations submitted with the annexation application contained herein.
- b. Prior to development of the commercial/office portion of the development, the development agreement shall be amended to include a conceptual development plan that demonstrates consistency with the land use, transportation and design elements of the Ten Mile Interchange Specific Area Plan (TMISAP), including but not limited to the following:
  - (1) Provide minimum 6-foot wide parkways/planting strips and detached minimum 5-foot wide sidewalks along all streets within the development (Pedestrian & Bicycle System, pg. 3-27). *The minimum width of parkways planted with Class II trees is 8-feet; the minimum width of parkway planters for Class I and III trees is 10-feet. Planter widths for Class II trees may be reduced to 6-feet if root barriers are installed per the standards listed in UDC 11-3A-17E.*
  - (2) Sidewalks/pathways shall include dedicated crosswalks at the intersection with all streets within commercial activity centers and shall be distinguished from surrounding paving (Crosswalks, pg. 3-28).
  - (3) Street furnishings such as seating, newspaper racks, bollards, trash receptacles, bicycle racks and other elements important to the functioning of an effective pedestrian environment shall be provided (Street Furniture, pgs. 3-28 – 3-29).
  - (4) Exterior lighting should be used to provide illumination for the security and safety of entry drives, parking, service and loading areas, pathways, courtyards and plazas, without intruding on adjacent properties. Site lighting should be architecturally compatible and consistent in design between sites. (Lighting, pg. 3-30).

- (5) Future development along Overland Rd. and internal local streets should incorporate street-oriented design consistent with the TMISAP for commercial developments.
- (6) Building orientation and setbacks should be close to the street with the main entrance of buildings oriented to the street (Street-Oriented Design, pg. 3-33).
- (7) A continuous unbroken frontage along required build-to lines to a minimum height of 30-feet should be constructed for at least 75% of the property frontage. Adjustments to this requirement may be allowed, such as modest setbacks to accommodate additional sidewalk space for café seating, or breaks in frontage for the creation of pocket parks.

New Buildings at street intersections should “hold the corners” and avoid introducing additional building setbacks unless a new public space is specified.

At least 40% of the linear dimension of the street level frontages shall be in windows or doorways; street level windows shall be clear or tinted visually permeable glass (mirrored or reflective glass is prohibited). Window sills shall be located no higher than 3’6” above adjacent exterior grade; headers shall be located no lower than 8’0” above adjacent exterior grade. No wall frontage shall continue uninterrupted by a window or a functional public access doorway for a linear distance of greater than 12’.

The principal doorway for public entry into a building shall be from the fronting street. Corner entrances may be provided on corner lot buildings (Commercial and Mixed-Use Buildings, pg. 3-33). No parking should be placed between a building and the fronting primary or secondary street (Commercial Activity Centers, pg. 3-37).

- (8) The space between a building façade and the adjacent sidewalk or walkway should be appropriately landscaped with a combination of lawn, groundcover, shrubs and appropriate trees (Building Facades, pg. 3-38).
- (9) Low-rise buildings of 2-4 stories over much of the area is desired (Building Heights, pg. 3-38).
- (10) Buildings should be designed with clearly delineated bases, bodies and tops (Base, Body and Top, pg. 3-39).
- (11) Comply with the general recommendations for Activity Centers noted on pg. 3-40.
- (12) Awnings shall be provided on building facades for climate protection for pedestrians and shall extend a minimum of 5-feet from the façade of the fronting structure – 8-feet is preferable in wider pedestrian environments (Awnings, pg. 3-45).
- (13) Signs should be designed to contribute to the overall character, identity and way finding system. The colors, materials, sizes, shapes and lighting of signs should be compatible with the architecture of the buildings and the businesses they identify (Signs, pg. 3-46).
- (14) High quality public art should be incorporated into the design of streetscapes, public buildings, parks, transit, infrastructure, and other public projects (Public



Art, pg. 3-47).

(15) Open civic spaces should be provided in commercial activity centers/mixed use environments and should be located adjacent to an accessible from at least one primary street (3-48).

- c. Minimum 5-foot wide pedestrian walkways shall be provided from the perimeter sidewalks along Overland and Linder Roads to the main building entrances in accord with UDC 11-3A-19B.4a.
- d. Internal pedestrian walkways shall be provided between buildings within the site for pedestrian connectivity. Internal walkways shall be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks in accord with UDC 11-3A-19B.4b.
- e. All future structures constructed on this site shall comply with the design guidelines in the TMISAP and the design standards in the Architectural Standards Manual.
- f. The final plat shall be recorded prior to issuance of building permits for any structures beyond those on the Kendall Ford site (i.e. Lot 1, Block 1). *The Kendall Ford site is allowed to develop and obtain building permits prior to recordation of the plat, subject to approval by the Building Department.*
- g. Compliance with the specific use standards listed in UDC 11-4-3-38: *Vehicle Sales or Rental and Service* is required. There will be no vehicle sales at this location, as stated at the City Council hearing on June 1, 2021.
- h. If fencing is proposed for security around the Kendall Ford site, it shall be of a higher quality than chain-link (i.e. wrought iron).

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

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

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

- 7.3 **Remedies.** In the event of default by Owner/Developer that is not cured after notice as described in Section 7.2, Owners and/or Developer shall be deemed to have consented to modification of this Agreement and de-annexation and reversal of the zoning designations described herein, solely against the offending portion of Property and upon City's compliance with all applicable laws, ordinances and rules, including any applicable provisions of Idaho Code §§ 67-6509 and 67-6511. Owner/Developer reserve all rights to contest whether a default has occurred. This Agreement shall be enforceable in the Fourth Judicial District Court in Ada County by either City or Owner/Developer, or by any successor or successors in title or by the assigns of the parties hereto. Enforcement may be sought by an appropriate action at law or in equity to secure the specific performance of the covenants, agreements, conditions, and obligations contained herein.
- 7.4 **Delay.** In the event the performance of any covenant to be performed hereunder by either Owner/Developer or City is delayed for causes that are beyond the reasonable control of the party responsible for such performance, which shall include, without limitation, acts of civil disobedience, strikes or similar causes, the time for such performance shall be extended by the amount of time of such delay.
- 7.5 **Waiver.** A waiver by City of any default by Owner/Developer of any one or more of the covenants or conditions hereof shall apply solely to the default and defaults waived and shall neither bar any other rights or remedies of City nor apply to any subsequent default of any such or other covenants and conditions.

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

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

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

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



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

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

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

<b>CITY:</b>	with copy to:
City Clerk	City Attorney
City of Meridian	City of Meridian
33 E. Broadway Ave.	33 E. Broadway Avenue
Meridian, Idaho 83642	Meridian, Idaho 83642

**OWNER/DEVELOPER:**  
**Idaho Auto Mall, LLC**  
3449 E. Cooper Point Drive  
Meridian, ID 83642

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

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

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

17. **BINDING UPON SUCCESSORS:** This Agreement shall be binding upon and inure to the benefit of the parties' respective heirs, successors, assigns and personal representatives, including City's corporate authorities and their successors in office. This Agreement shall be binding on the Owner/Developer, each subsequent owner and any other person acquiring an interest in the Property. Nothing herein shall in any way prevent sale or alienation of the Property, or portions thereof, except that any sale or alienation shall be subject to the provisions hereof and any successor owner or owners shall be both benefited and bound by the conditions and restrictions herein expressed. City agrees, upon written request of Owners and/or Developer, to execute appropriate and

recordable evidence of termination of this Agreement if City, in its sole and reasonable discretion, had determined that Owners and/or Developer have fully performed their obligations under this Agreement.

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

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

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

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

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

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

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



## ACKNOWLEDGMENTS

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

### OWNER/DEVELOPER:

**Idaho Auto Mall, LLC**

By: Kendall Development Group L.L.C., Manager

By: David E. Blewett

Its: Manager

### CITY OF MERIDIAN

ATTEST:

By: \_\_\_\_\_  
Mayor Robert E. Simison

\_\_\_\_\_  
Chris Johnson, City Clerk

STATE OF IDAHO )  
: ss:  
County of Ada )

On this 28th day of February, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared David Blewett known or identified to me to be the Manager of Idaho Auto Mall, LLC and the person who signed above and acknowledged to me that he executed the same on behalf of said entity.

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

(SEAL)

JOSIE BAXTER  
COMMISSION #15719  
NOTARY PUBLIC  
STATE OF IDAHO

Joan Baxter  
Notary Public  
My Commission Expires: 11-18-24

STATE OF IDAHO )  
: ss:  
County of Ada )

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

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

(SEAL)

\_\_\_\_\_  
Notary Public  
My Commission expires: \_\_\_\_\_

# EXHIBIT A

## Legal Description

### **Annexation & C-G Rezone – Proposed Artemisia Subdivision**

A parcel being a portion of the SE ¼ of the SE ¼ of Section 14, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

**BEGINNING** at a Brass Cap monument marking the southeast corner of said Section 14, from which an Aluminum Cap monument marking the southwest corner of the SE ¼ of said Section 14 bears N 89°19'41" W a distance of 2661.68 feet;

Thence along the southerly boundary of said SE ¼ of the SE ¼, also being the centerline of W. Overland Road, N 89°19'41" W a distance of 923.89 feet to a point;

Thence leaving said centerline and southerly boundary N 0°40'19" E a distance of 1210.11 feet to point on the centerline of Interstate 84;

Thence along said centerline S 89°34'02" E a distance of 921.31 feet to a point on the easterly boundary of said SE ¼ of the SE ¼, also being the centerline of S. Linder Road;

Thence leaving the centerline of said Interstate 84 and along said easterly boundary and S. Linder Road centerline S 0°32'59" W a distance of 1213.95 feet to the **POINT OF BEGINNING**.

This parcel contains 25.67 acres and is subject to any easements existing or in use.

Clinton W. Hansen, PLS  
Land Solutions, PC  
March 5, 2021



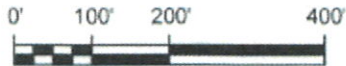
Artemisia Subdivision – Annexation & Rezone  
Job No. 19-72  
Page 1 of 1



# CITY OF MERIDIAN ANNEXATION & C-G REZONE

## PROPOSED ARTEMISIA SUBDIVISION

A PORTION OF THE SE 1/4 OF THE SE 1/4 OF SECTION 14, T.3N., R.1W., B.M.  
CITY OF MERIDIAN, ADA COUNTY, IDAHO



1/4  
14 13

1437.47'

S89°34'02"E 921.31'

Q INTERSTATE 84



N0°40'19"E 1210.11'

SITE

25.67 ACRES +/-

1213.95'  
N0°32'59"E 2651.42'

S. LINDER RD.

1/4  
14  
23

1737.79'

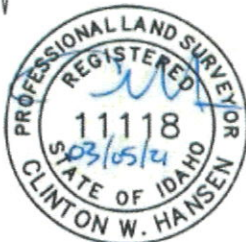
923.89'

POINT OF BEGINNING

N89°19'41"W 2661.68'  
BASIS OF BEARING

W. OVERLAND RD.

14 13  
23 24



S. SPANISH SUN WAY

**LandSolutions**  
Land Surveying and Consulting

231 E. 5TH ST., STE. A  
MERIDIAN, ID 83642  
(208) 288-2040 (208) 288-2557 fax  
www.landsolutions.biz

JOB NO. 19-72

## EXHIBIT B

### STAFF REPORT

#### COMMUNITY DEVELOPMENT DEPARTMENT



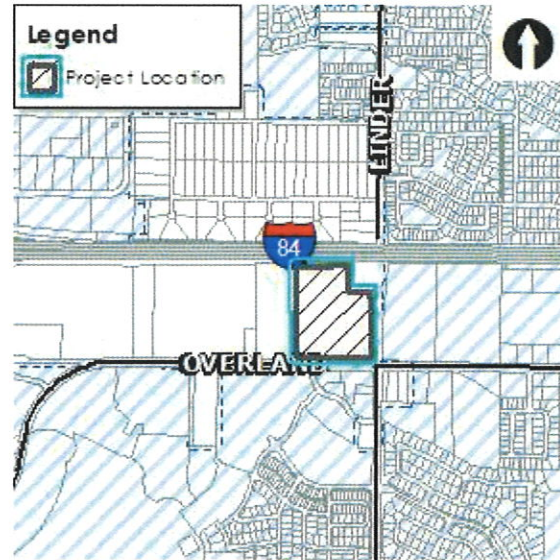
HEARING DATE: June 1, 2021

TO: Mayor & City Council

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

SUBJECT: H-2021-0014  
Artemisia Subdivision – AZ, PP

LOCATION: 1690 W. Overland Rd., in the SE ¼ of  
Section 14, T.3N., R.1W. (Parcel  
#S1214449107)



### I. PROJECT DESCRIPTION

Annexation and zoning (AZ) of 25.67-acres of land with a C-G (General Retail and Service Commercial) zoning district; and, Preliminary Plat (PP) consisting of 9 commercial buildable lots on 19.26-acres of land in the proposed C-G (General Retail and Service Commercial) zoning district.

### II. SUMMARY OF REPORT

#### A. Project Summary

Description	Details	Page
Acreage	25.67-acres (AZ); 19.26-acres (PP)	
Existing/Proposed Zoning	RUT in Ada County/C-G	
Future Land Use Designation	Mixed Employment (ME) (13.4+/- acres) & Mixed-Use Commercial (MUC) (5.9+/- acres)	
Existing Land Use(s)	Single-family rural residential/agricultural	
Proposed Land Use(s)	Corporate office, parts sales, service, accessory center, RV maintenance	
Lots (# and type; bldg./common)	9 buildable lots/0 common lots	
Phasing Plan (# of phases)	1 phase	
Number of Residential Units (type of units)	0	
Physical Features (waterways, hazards, flood plain, hillside)	The Hardin Drain runs along the northeast corner of this site.	
Neighborhood meeting date; # of attendees:	8/26/20; 3 attendees & 2/4/21; no attendees	
History (previous approvals)	None	



## B. Community Metrics

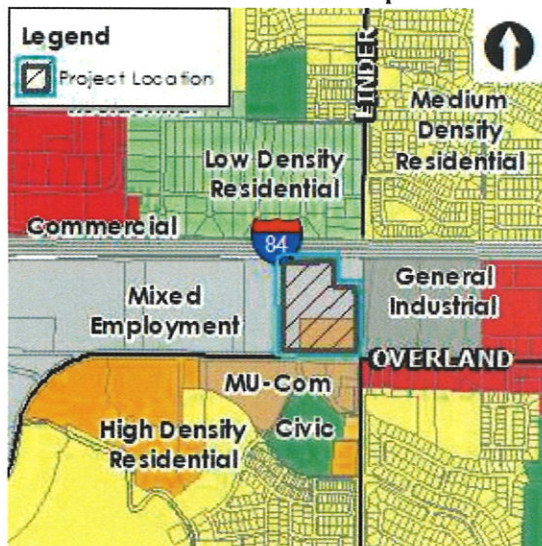
Description	Details	Pg
Ada County Highway District		
<ul style="list-style-type: none"> <li>Staff report (yes/no)</li> <li>Requires ACHD Commission Action (yes/no)</li> </ul>	<p>Yes</p> <p>No</p> <p>A Traffic Impact Study (TIS) was not required.</p>	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	One access is proposed via W. Overland Rd., a 5-lane arterial street along the southern boundary of the site.	
Traffic Level of Service	Better than "D" (acceptable LOS is "E")	
Stub Street/Interconnectivity/Cross Access	One stub street (W. Tasa St.) is proposed at the west boundary of the site for future extension	
Existing Road Network	W. Overland Rd. runs along the southern boundary of the site	
Existing Arterial Sidewalks / Buffers	No sidewalks exist along W. Overland Rd. adjacent to this site.	
Proposed Road Improvements	<p>Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):</p> <ul style="list-style-type: none"> <li>Linder Road is scheduled in the IFYWP to be constructed as a new 4-lane I-84 overpass and widened to 5-lanes on each side of I-84 with a level 3 bike facility from Franklin Road to Overland Road in the future.</li> <li>The intersection of Overland Road and Linder Road is listed in the CIP to be widened 6-lanes on the north and south legs and 7-lanes on the east west legs and signalized between 2036 and 2040.</li> </ul>	
<b>Fire Service</b>		
<ul style="list-style-type: none"> <li>Distance to Fire Station</li> <li>Fire Response Time</li> </ul>	<p>0.1 mile</p> <p>Falls within 5:00 minute response time area - nearest station is Fire Station #6 – <i>can</i> meet response time goals</p>	
<ul style="list-style-type: none"> <li>Resource Reliability</li> <li>Risk Identification</li> </ul>	<p>87% - <i>does</i> meet the target goal of 80% or greater</p> <p>4 – current resources would <i>not</i> be adequate to supply service (large building with high fire loading)</p>	
<ul style="list-style-type: none"> <li>Accessibility</li> <li>Special/resource needs</li> </ul>	<p>Project meets all required access, road widths and turnaround.</p> <p>Project will require an aerial device; can meet this need in the required timeframe if a truck company is required.</p>	
<ul style="list-style-type: none"> <li>Water Supply</li> <li>Other Resources</li> </ul>	<p>Requires 2,500 gallons per minute for two hours, may be less if buildings are fully sprinklered.</p>	
<b>Wastewater</b>		
<ul style="list-style-type: none"> <li>Distance to Sewer Services</li> <li>Sewer Shed</li> <li>Estimated Project Sewer ERU's</li> <li>WRRF Declining Balance</li> <li>Project Consistent with WW Master Plan/Facility Plan</li> <li>Impacts/concerns</li> </ul>	<p>Directly adjacent</p> <p>South Black Cat Trunk Shed</p> <p>See application</p> <p>14.08</p> <p>Yes</p> <ul style="list-style-type: none"> <li>Flow is committed</li> <li>See Public Works Site Specific Conditions</li> </ul>	
<b>Water</b>		



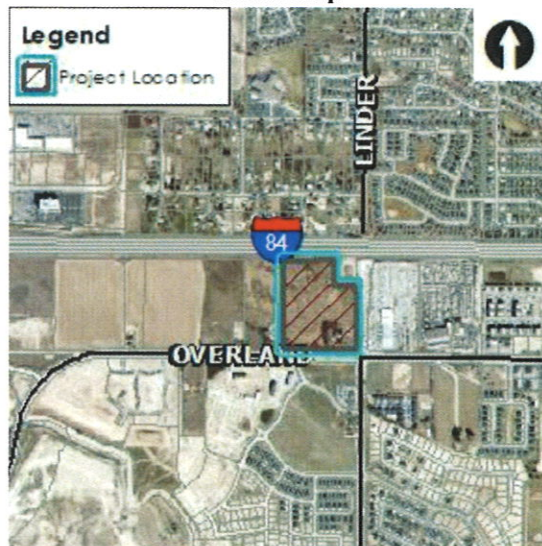
• Distance to Water Services	Directly adjacent	
• Pressure Zone	3	
• Estimated Project Water ERU's	See application	
• Water Quality Concerns	None	
• Project Consistent with Water Master Plan	Yes	
• Impacts/Concerns	See Public Works Site Specific Conditions	

### C. Project Area Maps

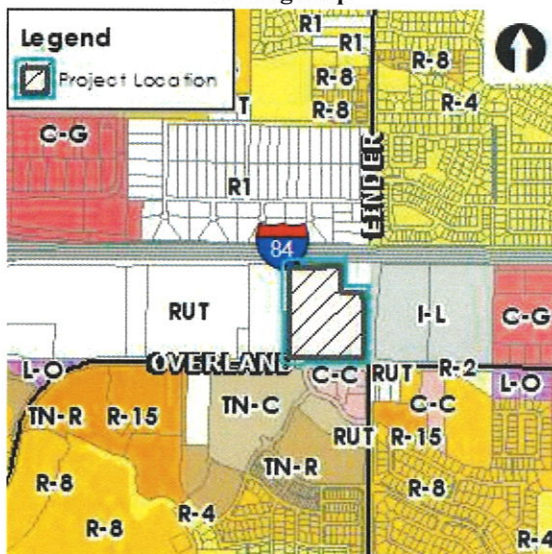
Future Land Use Map



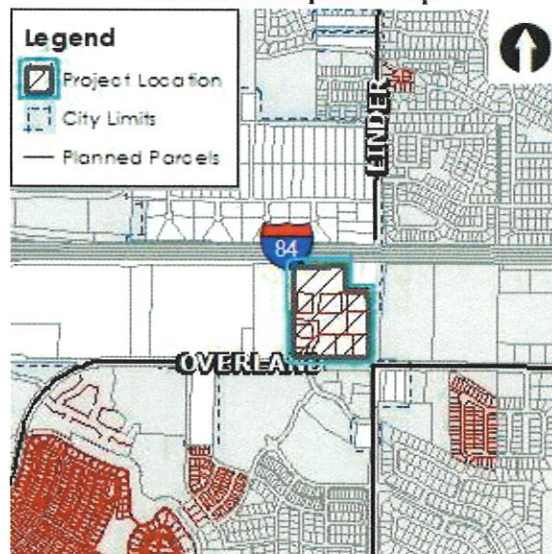
Aerial Map



Zoning Map



Planned Development Map





**A. Applicant:**

Engineering Solutions, LLP – 1029 N. Rosario St., Ste. 100, Meridian, ID 83642

**B. Owners:**

Idaho Auto Mall, LLC – 8854 W. Emerald St., Boise, ID 83704-4830

**C. Representative:**

Becky McKay, Engineering Solutions, LLP – 1029 N. Rosario St., Ste. 100, Meridian, ID 83642

**III. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>	<b>City Council Posting Date</b>
Notification published in newspaper	3/26/2021	5/14/2021
Notification mailed to property owners within 300 feet	3/24/2021	5/11/2021
Applicant posted public hearing notice on site	4/3/2021	5/15/2021
Nextdoor posting	3/24/2021	5/12/2021

**IV. COMPREHENSIVE PLAN ANALYSIS (*Comprehensive Plan*)**

**Land Use:** The Future Land Use Map (FLUM) contained in the Comprehensive Plan designates the northern and western 13.4+/- acres of this site as Mixed Employment (ME) and the 5.9 acres at the southeast corner of the site as Mixed-Use Commercial (MUC). This site is within the area governed by the Ten Mile Interchange Specific Area Plan (*TMISAP*).

The purpose of ME designated areas is to encourage a diversity of compatible land uses that may include a mixture of office, research and specialized employment areas, light industrial including manufacturing and assembly, and other miscellaneous uses. These areas generally do not include retail and consumer service uses serving the wider community. However, a small amount of retail and service establishments, primarily serving employees and users of the ME areas or nearby industrial areas, are allowed.

ME areas should provide a variety of flexible sites for small, local or start-up businesses, as well as sites for large national or regional enterprises. ME areas should be designed to encourage multimodal travel and convenient circulation to supporting uses located within the area. Buildings are anticipated to range in height from 1-4 stories, have total floor areas of 10,000-1,000,000 square feet, with a FAR that will exceed .75.

The purpose of MUC designated areas is to encourage the development of a mixture of office, retail, recreational, employment and other miscellaneous uses, with supporting multi-family or single-family attached residential uses. This designation requires developments to integrate the three major use categories – residential, commercial and employment. Traditional neighborhood design concepts with a strong pedestrian-oriented focus are essential. Development within these areas exhibit quality building and site design and an attractive pedestrian environment with a strong street character.

The northern portion of the site, designated ME, is proposed to develop first with two (2) single-story structures with a combined square footage of 92,307 for Kendall Ford Auto Center, a regional company; proposed uses include vehicle sales and service and retail sale of vehicle accessories. A

variety of lot sizes are proposed on the MUC designated southern portion of the site for future retail and office uses adjacent to W. Overland Rd.

Staff believes the proposed uses are generally consistent with the associated ME and MUC FLUM designations and will contribute to the variety of uses already in this area and with future uses. Existing uses consist of single-family and multi-family residential uses to the south and southwest, which provide the residential component of the mixed-use area although not an integrated part of the development; office to the south; recreational vehicle sales, retail parts/accessories sales and service to the east; and future mixed employment uses to the west. **Future development along Overland Rd. and internal local streets should incorporate street-oriented design consistent with the TMISAP for commercial developments.**

**Transportation:** The Transportation System Map in the TMISAP depicts arterial streets along the south and east boundaries of the site – Overland Rd. exists along the south boundary as a 5-lane roadway and Linder Rd. is listed in the IFYWP to be constructed as a 5-lane roadway and a 4-lane overpass in the future along the east boundary of the site. A local street is depicted through the western portion of this site from Overland Rd. to the west boundary of this site consistent with that shown on the proposed preliminary plat.

Mixed-Use Commercial areas must include an integrated system of sidewalks, walkways and pathways that provide access to all structures and spaces within a development. Sidewalks should *not* be located immediately adjacent to the curb – they should be separated from the curb by a minimum 4-foot wide planting strip planted with street trees and other landscaping. A loop pathway is proposed on the landscape plan around the perimeter of this site as an amenity for employees and the public.

Street furnishings such as seating, newspaper racks, bollards, trash receptacles, bicycle racks and other elements important to the functioning of an effective pedestrian environment should be provided as set forth in the TMISAP (Street Furniture, pgs. 3-28 – 3-29).

Exterior lighting should be used to provide illumination for the security and safety of entry drives, parking, service and loading areas, pathways, courtyards and plazas, without intruding on adjacent properties. Site lighting should be architecturally compatible and consistent in design between sites. (See TMISAP, Lighting, pg. 3-30).

**Design:** In commercial developments, building orientation and setbacks should be close to the street with the main entrance of buildings oriented to the street (Street-Oriented Design, pg. 3-33).

For all new commercial and mixed-use buildings, a continuous unbroken frontage along required build-to lines to a minimum height of 30-feet should be constructed for at least 75% of the property frontage. Adjustments to this requirement may be allowed, such as modest setbacks to accommodate additional sidewalk space for café seating, or breaks in frontage for the creation of pocket parks. New Buildings at street intersections should “hold the corners” and avoid introducing additional building setbacks unless a new public space is specified. At least 40% of the linear dimension of the street level frontages shall be in windows or doorways; street level windows shall be clear or tinted visually permeable glass (mirrored or reflective glass is prohibited). Window sills shall be located no higher than 3’6” above adjacent exterior grade; headers shall be located no lower than 8’0” above adjacent exterior grade. No wall frontage shall continue uninterrupted by a window or a functional public access doorway for a linear distance of greater than 12’. The principal doorway for public entry into a building shall be from the fronting street. Corner entrances may be provided on corner lot buildings (Commercial and Mixed-Use Buildings, pg. 3-33). No parking should be placed between a building and the fronting primary or secondary street (Commercial Activity Centers, pg. 3-37).

The space between a building façade and the adjacent sidewalk or walkway should be appropriately landscaped with a combination of lawn, groundcover, shrubs and appropriate trees (Building Facades, pg. 3-38).



Low-rise buildings of 2-4 stories over much of the area is desired (Building Heights, pg. 3-38).

Buildings should be designed with clearly delineated bases, bodies and tops (Base, Body and Top, pg. 3-39).

Comply with the general recommendations for Activity Centers noted on pg. 3-40.

Awnings shall be provided on building facades for climate protection for pedestrians and shall extend a minimum of 5-feet from the façade of the fronting structure – 8-feet is preferable in wider pedestrian environments (Awnings, pg. 3-45).

Signs should be designed to contribute to the overall character, identity and way finding system. The colors, materials, sizes, shapes and lighting of signs should be compatible with the architecture of the buildings and the businesses they identify (Signs, pg. 3-46).

High quality public art should be incorporated into the design of streetscapes, public buildings, parks, transit, infrastructure, and other public projects (Public Art, pg. 3-47). The Applicant proposes a focal point at the northwest corner of Linder & Overland Roads with a sculpture and masonry signage (see detail on Sheet L1.40 of the landscape plan in Section VII.C).

Open civic spaces should be provided in commercial activity centers/mixed use environments and should be located adjacent to an accessible from at least one primary street (3-48). Linear open space with a pedestrian walkway is proposed around the perimeter of the development; additional common/gathering area(s) should be provided within the commercial/office portion of the development.

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

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

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

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

*The proposed uses should be compatible with similar uses (Camping World & Bish’s RV) and zoning (I-L) to the east, future mixed employment uses to the west, and multi-family residential, office and future commercial uses to the south across Overland Rd.*

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

*The anticipated retail uses should provide shopping opportunities for area residents and employees of the proposed auto center and offices. The proposed auto center will provide jobs within close proximity of single-family and multi-family residential uses to the south across Overland Rd.*

- “Encourage the development of supportive commercial near employment areas.” (3.06.02C)

*The proposed retail uses should provide supportive uses for the auto center and office uses.*

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

*The landscape plan depicts a pedestrian walkway within the landscape buffers around the*

*perimeter of the development and sidewalks along internal public streets. Additional internal pedestrian walkways should be provided between buildings within the site for pedestrian connectivity and from the perimeter sidewalks along Overland and Linder Roads to the main building entrances.*

- “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 required to be provided to and through this development in accord with current City plans.*

- “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 services are available to this site and can be extended by the developer with development in accord with UDC 11-3A-21. The emergency response times for Police Dept. and Fire Dept. meets the established goals.*

- “Require appropriate landscaping, buffers, and noise mitigation with new development along transportation corridors (setback, vegetation, low walls, berms, etc.).” (3.07.01C)

*A 50-foot wide landscaped street buffer is required to be provided along the northern boundary of the site adjacent to I-84. The structures on Lot 1, Block 1 are proposed to be setback 315’+ from I-84.*

- “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 are proposed as required with this development.*

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

## **V. UNIFIED DEVELOPMENT CODE ANALYSIS ([UDC](#))**

### **A. Annexation:**

The proposed annexation is for 25.67-acres of land with a C-G (General Retail and Service Commercial) zoning district, which includes the ITD storm drainage area at the northeast corner of the site and the right-of-way to the section/center line of adjacent streets. The proposed C-G zoning is consistent with the associated ME and MUC FLUM designations as is the proposed uses.

The proposed use of the property will include **sales and** service for commercial fleet operations for large commercial trucks and motorhomes; vehicle accessory sales; an installation facility for customizing vehicles; parts department; and reconditioning facility for used cars for Kendall Ford Auto Center. The Applicant anticipates the future uses on the six (6) lots located along W. Overland Rd. and adjacent to S. Spanish Sun Way to be retail and office space.

Vehicle sales and service, minor vehicle repair, retail sales, and professional services (i.e. offices) are all listed as principal permitted uses in the C-G zoning district per UDC Table [11-2B-2](#), subject to the specific use standards in UDC 11-4-3 as applicable. *Note: Major vehicle repair is prohibited in the C-G zoning district. **At the hearing, the applicant did disclose that vehicle sales would not occur at this site.***



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

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

#### **B. Preliminary Plat:**

The proposed plat consists of 9 commercial buildable lots on 19.26-acres of land in the proposed C-G zoning district. Lots range in size from 22,305 square feet (s.f.) (0.51-acre) to 422,643 s.f. (9.7-acres) with an average lot size of 87,625 s.f. (2.01-acres). The subdivision is proposed to develop in one (1) phase. *Note: The portion of the annexation area at the northeast corner of the site that is the ITD storm drainage area is not included in the proposed plat as it's been dedicated as right-of-way.*

The Applicant requests approval to obtain building permits and develop the Kendall Auto site on Lot 1, Block 1, prior to recordation of the final plat. Staff is amenable to this request as the subject parcel is considered a legal parcel eligible for development; however, prior to issuance of building permits for any other lots within the subdivision, the final plat should be recorded.

#### **Existing Structures/Site Improvements:**

There are no existing structures on this site; the previous home and accessory structures have been removed.

#### **Proposed Use Analysis:**

A variety of uses are proposed on lots in the subdivision including vehicle **sales and** service and retail sale of vehicle accessories **and parts**; retail; and office uses.

Vehicle sales and service is listed as a principal permitted use in the C-G district and is subject to the specific use standards listed in UDC [11-4-3-38](#); however **no vehicle sales are proposed to occur at this site as stated at the public hearing**. Retail sales and professional services (i.e. offices) are also listed as a principal permitted use in the C-G district. Other uses are allowed as noted in the Allowed Uses in the Commercial Districts Table [11-2B-2](#).

#### **Dimensional Standards:**

Development of the proposed lots is required to comply with the dimensional standards of the C-G zoning district in [UDC Table 11-2B-3](#).

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

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

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

One (1) public street access (S. Spanish Sun Way) is proposed via W. Overland Rd. in alignment with that to the south. Direct lot access via W. Overland Rd. and S. Linder Rd. is prohibited.

One (1) stub street (W. Tasa St.) is proposed to the west boundary for future extension in accord with the Transportation System Map in the TMISAP. A temporary cul-de-sac is required to be constructed at the terminus of Tasa St. until the street is extended in the future.

**Cross-access/ingress-egress easements are required to be granted between all lots in the subdivision in accord with UDC [11-3A-3A.2](#).**

**Capital Improvement Plan (CIP)/Integrated Five Year Work Plan (IFYWP):** Per the ACHD report, Linder Rd. is scheduled in the IFYWP to be constructed as a new 4-lane I-84 overpass and widened to 5-lanes on each side of I-84 with a level 3 bike facility from Franklin Rd. to Overland Rd. in the future. The intersection of Overland Rd. and Linder Rd. is listed in the CIP to be widened to 6-lanes on the north and south legs and 7-lanes on the east west legs and signalized between 2036 and 2040.

A future traffic signal is planned in the CIP at the Linder/Overland Rd. intersection and scheduled for 2031-2035 but may be accelerated if the Linder Rd. overpass becomes a priority. For this reason, and because Overland Rd. is fully built-out, a Traffic Impact Study (TIS) was not required by ACHD with this application.

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

Off-street parking is required to be provided in accord with the standards listed in [UDC 11-3C-6B.1](#) for non-residential uses in commercial districts. Parking stalls and drive-aisles should comply with the dimensions in UDC Table [11-3C-5](#).

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

A 10' wide detached multi-use pathway is proposed as required within the street buffer along S. Linder Rd. in accord with the Pathways Master Plan. **The pathway should be placed in a 14-foot wide public use easement, which shall be submitted to the Planning Division prior to submittal for City Engineer signature on the final plat(s).** If the pathway will be located entirely within the right-of-way, a public pedestrian easement is not needed.

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

Sidewalks are required to be provided adjacent to all streets as set forth in UDC 11-3A-17; detached sidewalks/pathway are required along W. Overland Rd. and S. Linder Rd., both arterial streets, and per the guidelines in the TMISAP.

**In accord with the TMISAP and UDC 11-3A-17E, Staff recommends minimum 5-foot wide detached sidewalks are provided along all streets within the development.**

**Sidewalks/pathways should include dedicated crosswalks at the intersection with all streets within commercial activity centers and should be distinguished from surrounding paving as set forth in the TMISAP (Crosswalks, pg. 3-28).**

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

**Parkways are recommended along all streets within the development in accord with the TMISAP, planted with street trees and landscaping per the standards in UDC 11-3B-7C.**

The minimum width of parkways planted with Class II trees is 8-feet; the minimum width of parkway planters for Class I and III trees is 10-feet. Planter widths for Class II trees may be reduced to 6-feet if root barriers are installed per the standards listed in UDC [11-3A-17E](#).

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

A 50-foot wide street buffer is required adjacent to I-84; 25-foot wide buffers are required along W. Overland Rd. and S. Linder Rd., arterial streets; and a 10-foot wide buffers are required along S. Spanish Sun Way and W. Tasa St., local streets, per UDC [Table 11-2B-3](#), landscaped per the standards listed in UDC [11-3B-7C](#). Street buffers with detached sidewalks are measured from back of curb. All street buffers are required to be maintained by the property owner or business owners' association per UDC 11-3B-7C.2b.

If residential uses abut any of the lots at the time of lot development, a minimum 25-foot wide street buffer shall be provided, landscaped per the standards in UDC 11-3B-9C. A residential use currently exists on the abutting property to the west.



Landscaping is required adjacent to the pathway along S. Linder Rd. per the standards in UDC [11-3B-12C](#). A 5' wide landscape strip is required on both sides of the pathway planted with a *mix* of trees, shrubs, lawn and/or other vegetative ground cover.

Landscaping is required within parkways per the standards listed in UDC [11-3A-17](#) and [11-3B-7C](#).

There were existing trees on this site around the home that have been removed – the Applicant states these trees were diseased and trash trees that did not require mitigation. If any other trees exist on the site, mitigation may be required per the standards listed in UDC 11-3B-10C.5.

**Contact the City Arborist, Matt Perkins, prior to removing any additional trees from the site to determine mitigation requirements.**

**Storm Drainage:**

An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances. Design and construction is required to follow Best Management Practices as adopted by the City. The Applicant submitted a [Geotechnical Engineering Report](#) for the subdivision.

The preliminary plat depicts an existing ITD storm drainage facility at the northeast corner of the site that is proposed to remain.

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

Underground pressurized irrigation water is required to be provided for each and every lot in the subdivision as required in UDC 11-3A-15. This property lies within the boundary of Nampa-Meridian Irrigation District; water delivery is from the Kennedy Lateral which is piped along Overland Rd. The Applicant proposes to install a pressure irrigation system along with a pump station adjacent to W. Overland Rd.

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

Utilities are required to be provided to the subdivision as required in UDC 11-3A-21. An existing 12-inch water main is located within Overland Rd. with a second 12-inch water main within the Linder Rd. right-of-way. An existing 30-inch sewer main line is located within Overland Rd.

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

The Hardin Drain is a large open waterway that lies within a 40-foot wide easement across the northeast corner of the site that is proposed to be piped with a 36-inch reinforced concrete pipe in accord with UDC 11-3A-6B.3. This project is not within the flood plain.

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

All fencing is required to comply with the standards listed in UDC 11-3A-7. A 6-foot tall chain-link fence exists around the ITD storm drainage facility which is proposed to remain. **No fencing is depicted on the plan around the Kendall Ford; Staff recommends if fencing is proposed for security that it be of a higher quality than chain-link (i.e. wrought iron) – the Applicant should clarify at the hearing if fencing will be proposed and if so, what type of fencing is proposed.**

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

Conceptual building elevations were submitted for the Kendall Ford site as shown in Section VII.D. Two (2) single-story structures are proposed on Lot 1, Block 1 with building materials consisting of ACM panels (i.e. aluminum composite), corrugated horizontal metal panels, CMU in two (2) different colors; metal sunscreens and canopies are proposed over some windows. Overhead doors are proposed on the north, east and west sides of the building. **Final design must comply with the design guidelines in the TMISAP and the design standards in the Architectural Standards Manual.**

## VI. DECISION

### A. Staff:

Staff recommends approval of the requested annexation with the requirement of a development agreement and preliminary plat per the provisions noted in Section VIII, per the Findings in Section IX.

### B. The Meridian Planning & Zoning Commission heard this item on April 15, 2021. At the public hearing, the Commission moved to approve the subject AZ & PP requests.

#### 1. Summary of the Commission public hearing:

- a. In favor: Becky McKay, Engineering Solutions
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: Becky McKay, Engineering Solutions (in agreement with staff report)
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: None

#### 2. Key issue(s) of public testimony:

- a. None

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

- a. In favor of the location of the proposed use and site design.

#### 4. Commission change(s) to Staff recommendation:

- a. None

### C. The Meridian City Council heard these items on June 1, 2021. At the public hearing, the Council moved to approve the subject AZ and PP requests.

#### 1. Summary of the City Council public hearing:

- a. In favor: Shari Stiles, Engineering Solutions
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: None
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: None

#### 2. Key issue(s) of public testimony:

- a. None

#### 3. Key issue(s) of discussion by City Council:

- a. None

#### 4. City Council change(s) to Commission recommendation:

- a. Council allowed one building permit to be issued for Kendall Ford prior to recordation of the plat with the caveat that it's subject to approval by the Building Department (see condition #A.1f in Section VIII).



## VII. EXHIBITS

### A. Annexation Legal Description & Exhibit Map

#### Legal Description

#### **Annexation & C-G Rezone – Proposed Artemisia Subdivision**

A parcel being a portion of the SE ¼ of the SE ¼ of Section 14, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

**BEGINNING** at a Brass Cap monument marking the southeast corner of said Section 14, from which an Aluminum Cap monument marking the southwest corner of the SE ¼ of said Section 14 bears N 89°19'41" W a distance of 2661.68 feet;

Thence along the southerly boundary of said SE ¼ of the SE ¼, also being the centerline of W. Overland Road, N 89°19'41" W a distance of 923.89 feet to a point;

Thence leaving said centerline and southerly boundary N 0°40'19" E a distance of 1210.11 feet to point on the centerline of Interstate 84;

Thence along said centerline S 89°34'02" E a distance of 921.31 feet to a point on the easterly boundary of said SE ¼ of the SE ¼, also being the centerline of S. Linder Road;

Thence leaving the centerline of said Interstate 84 and along said easterly boundary and S. Linder Road centerline S 0°32'59" W a distance of 1213.95 feet to the **POINT OF BEGINNING**.

This parcel contains 25.67 acres and is subject to any easements existing or in use.

Clinton W. Hansen, PLS  
Land Solutions, PC  
March 5, 2021



# CITY OF MERIDIAN ANNEXATION & C-G REZONE

## PROPOSED ARTEMISIA SUBDIVISION

A PORTION OF THE SE 1/4 OF THE SE 1/4 OF SECTION 14, T.3N., R.1W., B.M.  
CITY OF MERIDIAN, ADA COUNTY, IDAHO



1/4  
14 13

1437.47'

S89°34'02"E 921.31'

INTERSTATE 84

SITE

25.67 ACRES +/-

N0°40'19"E 1210.11'

1213.95'  
N0°32'59"E 2651.42'

S. LINDER RD.

1/4  
14  
23

1737.79'

923.89'

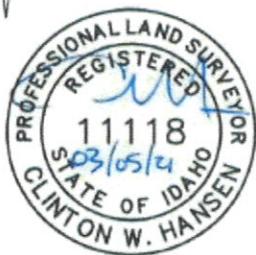
POINT OF BEGINNING

14 13  
23 24

N89°19'41"W 2661.68'  
BASIS OF BEARING

W. OVERLAND RD.

S. SPANISH SUN WAY



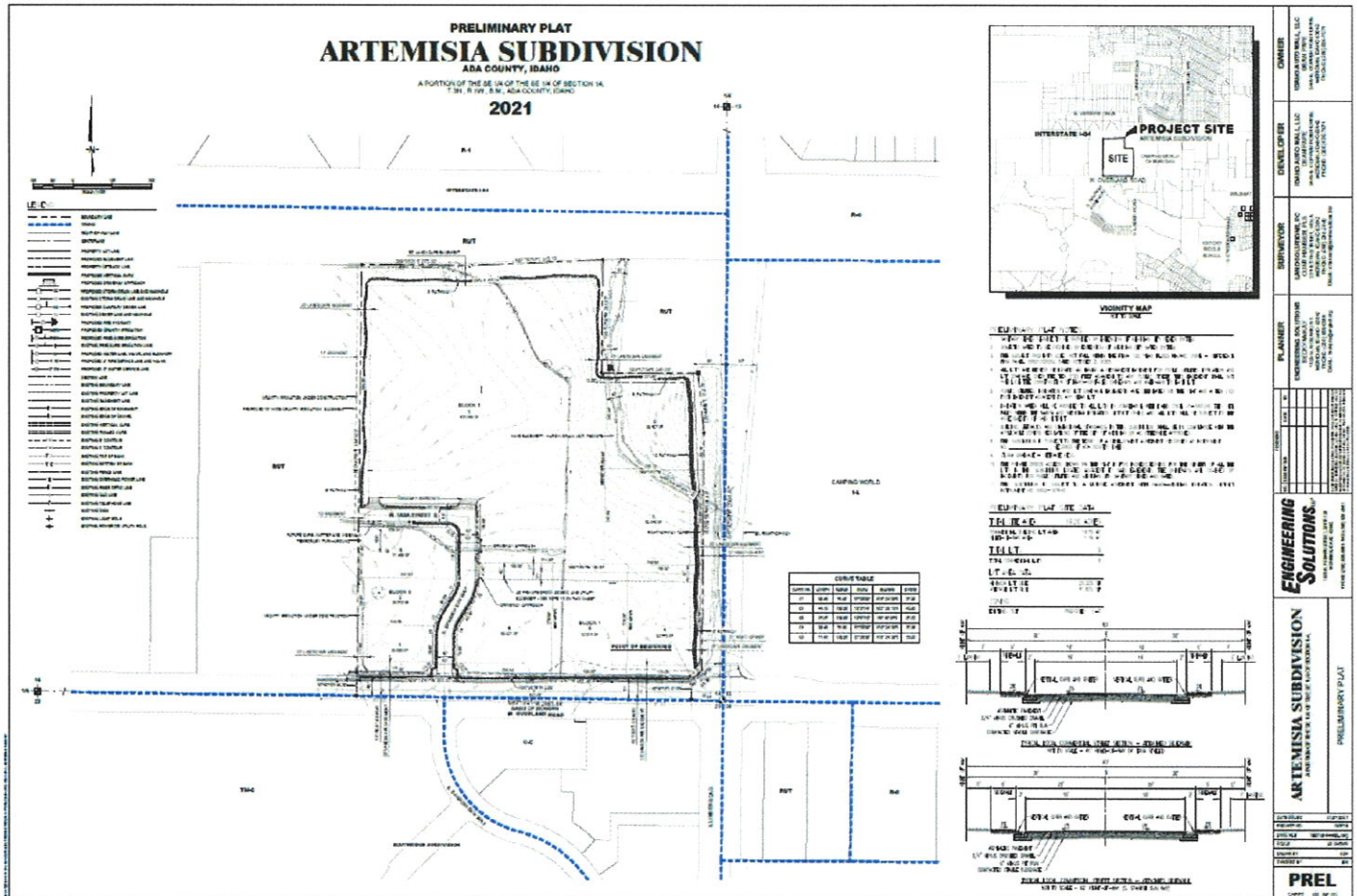
**LandSolutions**  
Land Surveying and Consulting

231 E 5TH ST., STE. A  
MERIDIAN, ID 83642  
(208) 288-2040 (208) 288-2557 fax  
www.landsolutions.biz

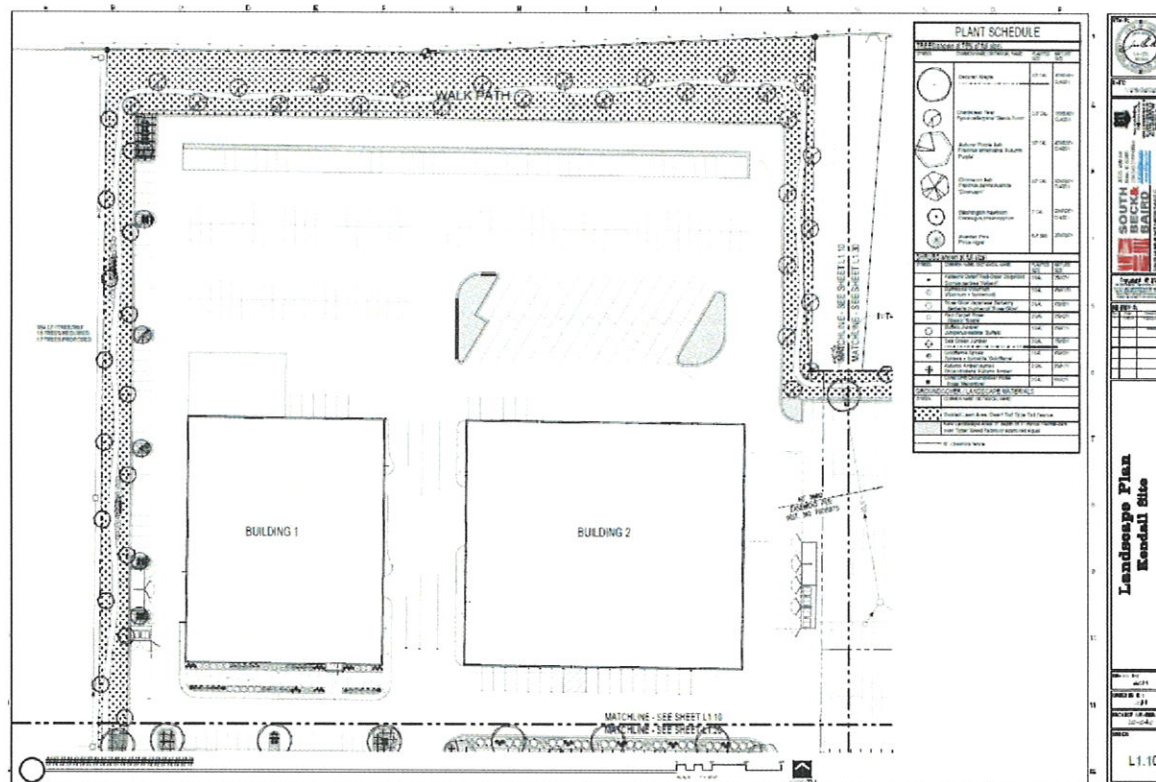
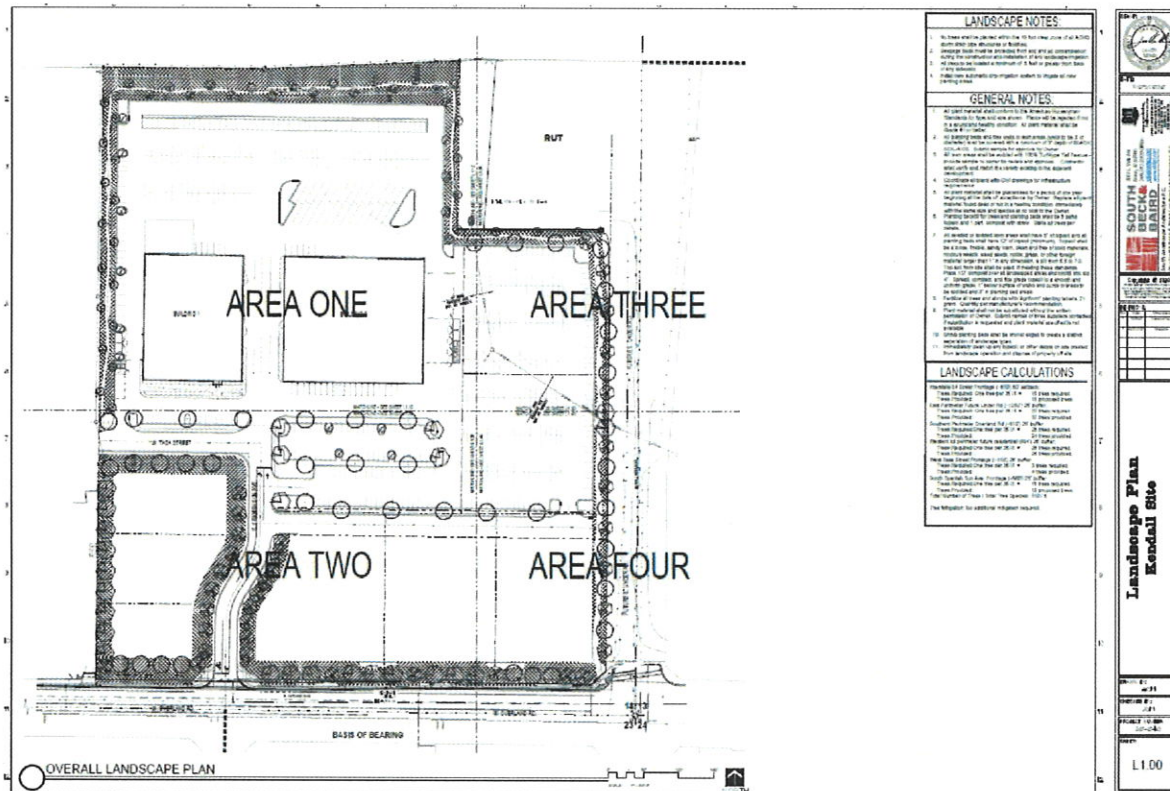
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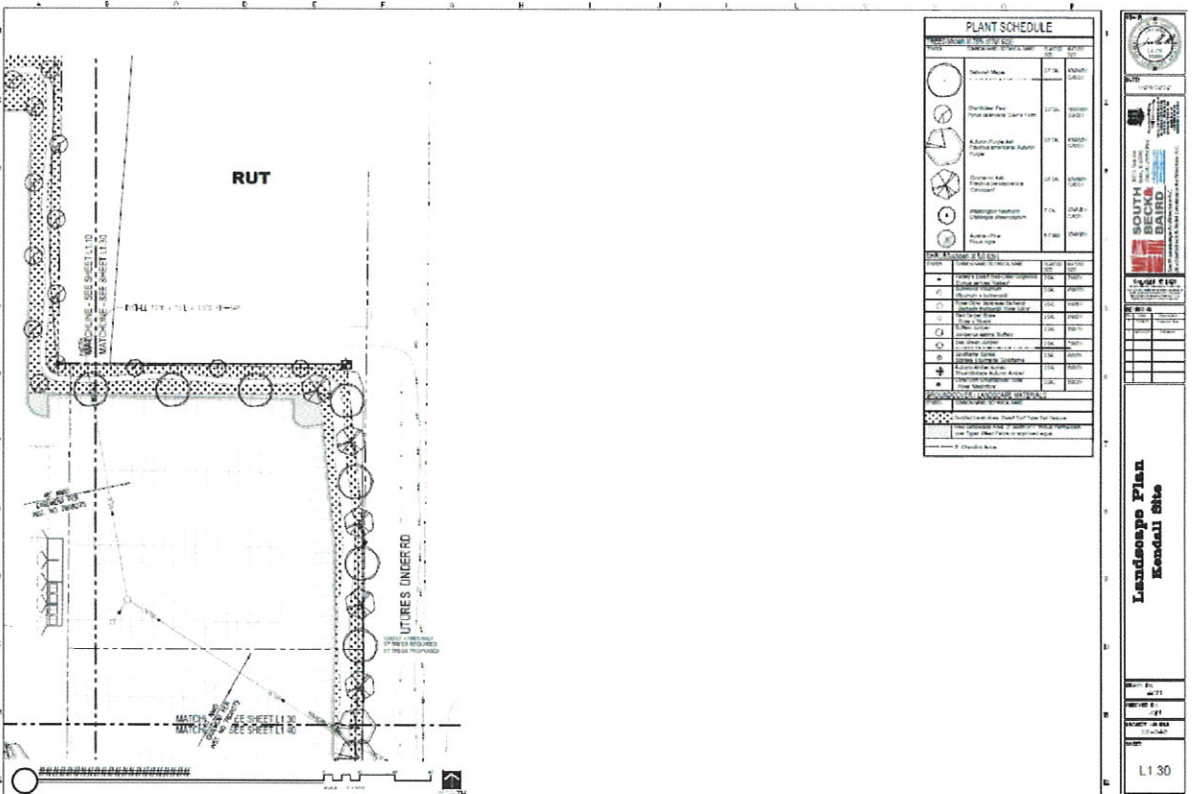
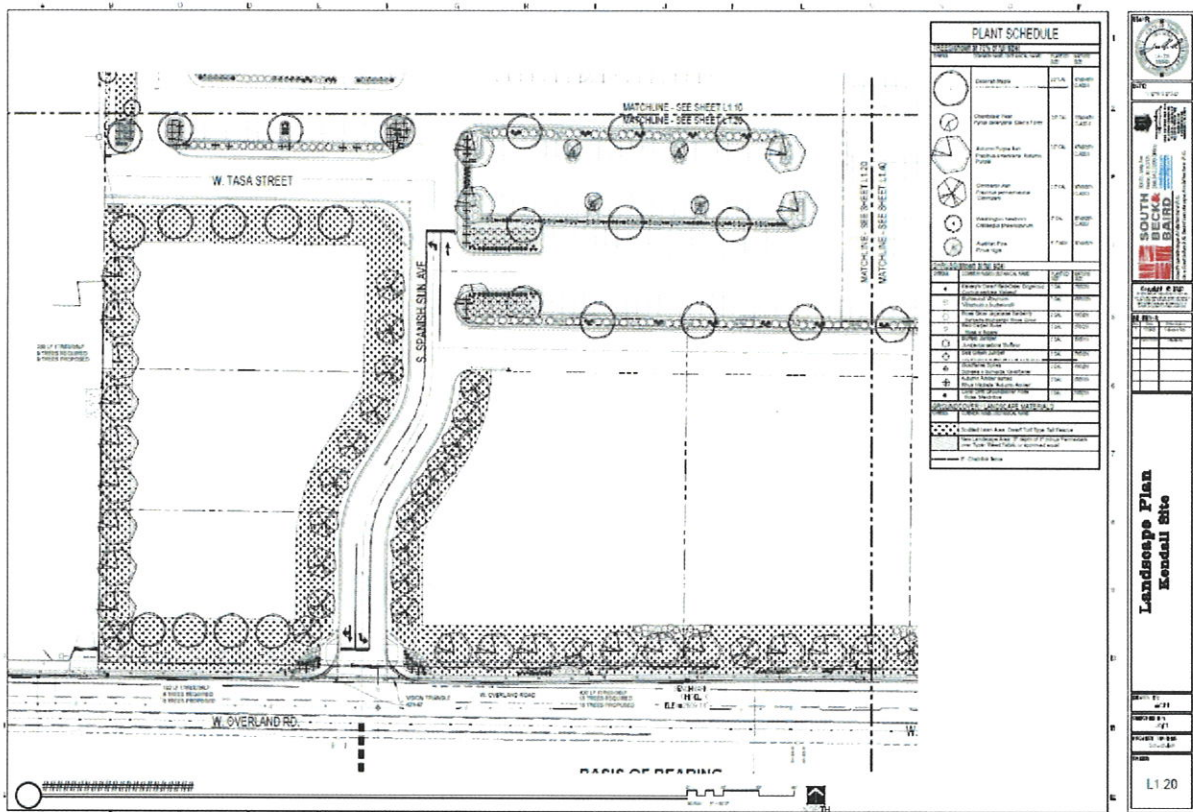
### B. Preliminary Plat & Phasing Plan (date: 1/27/2021)

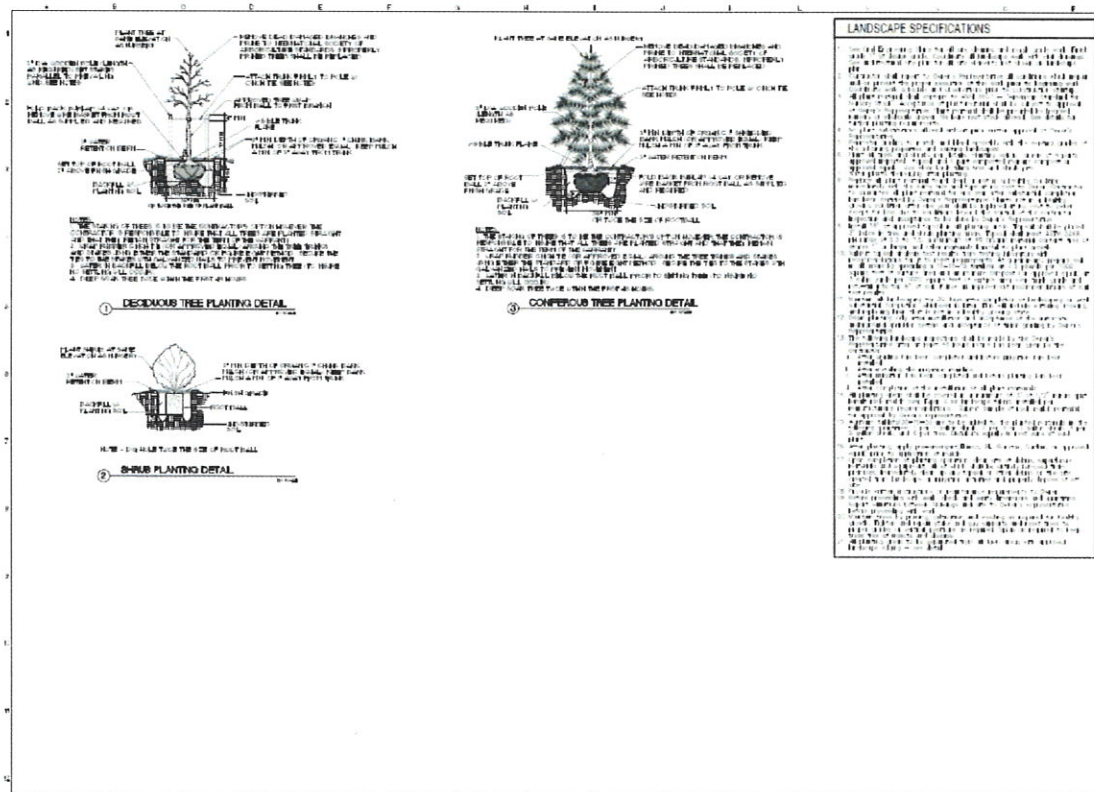
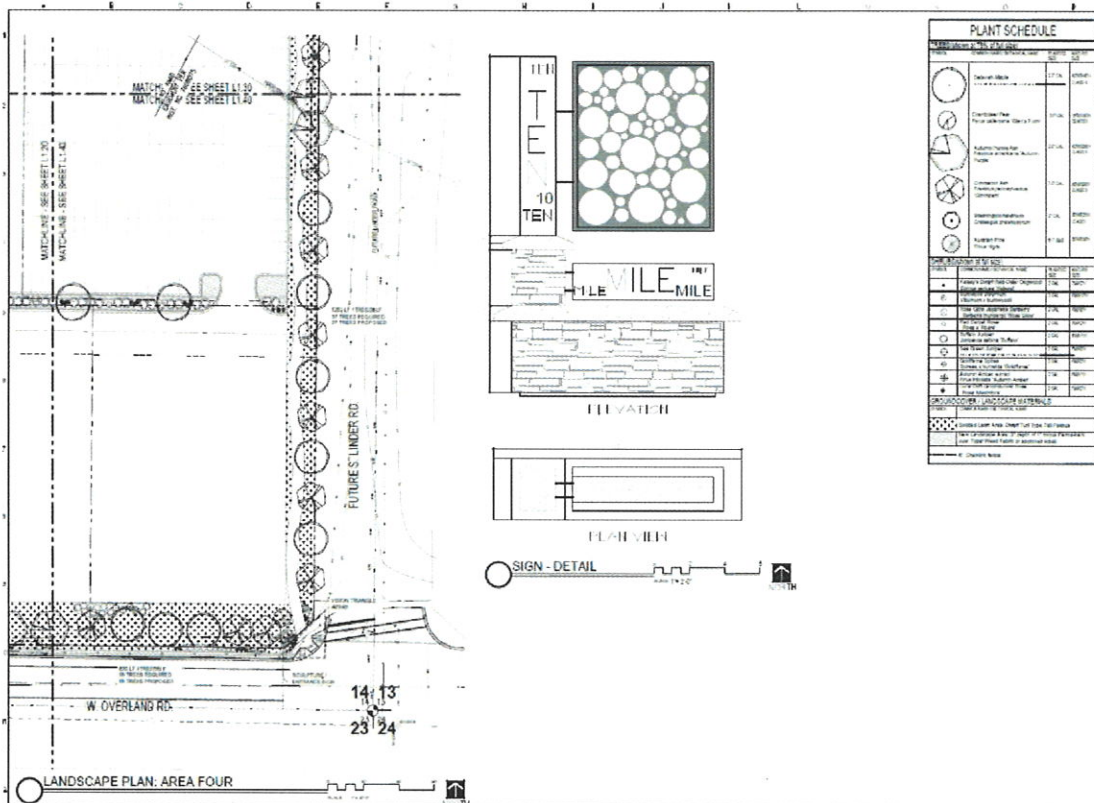


### C. Landscape Plan (date: 3/1/2021)









**LANDSCAPE PLAN**  
**Kendall Site**

Scale: 1" = 10'

North Arrow

Legend

Sheet: L140

**LANDSCAPE PLAN**  
**Kendall Site**

Scale: 1" = 10'

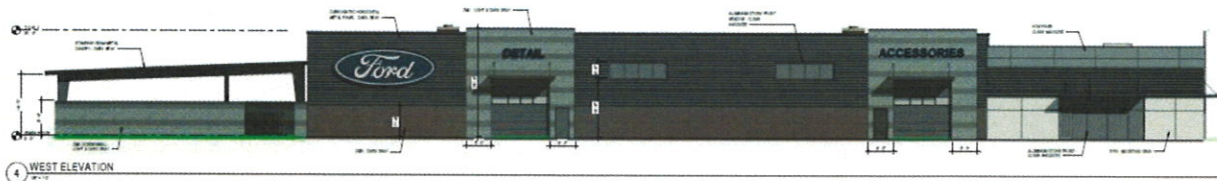
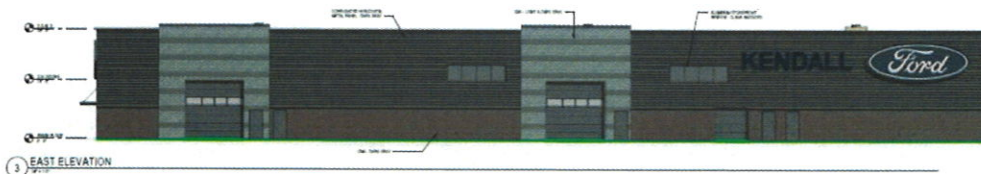
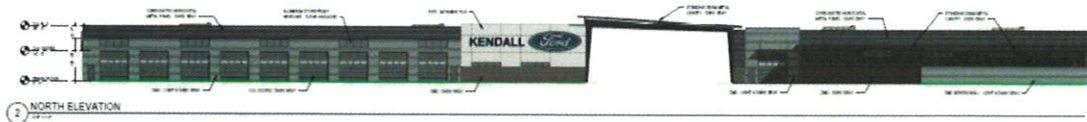
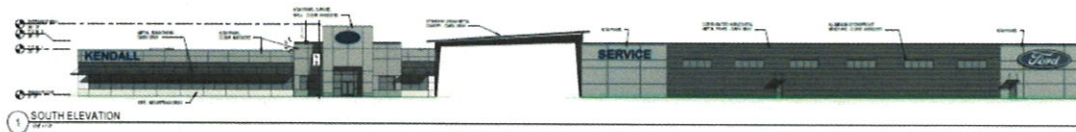
North Arrow

Legend

Sheet: L200



#### D. Conceptual Building Elevations (dated: 2/2/2021)









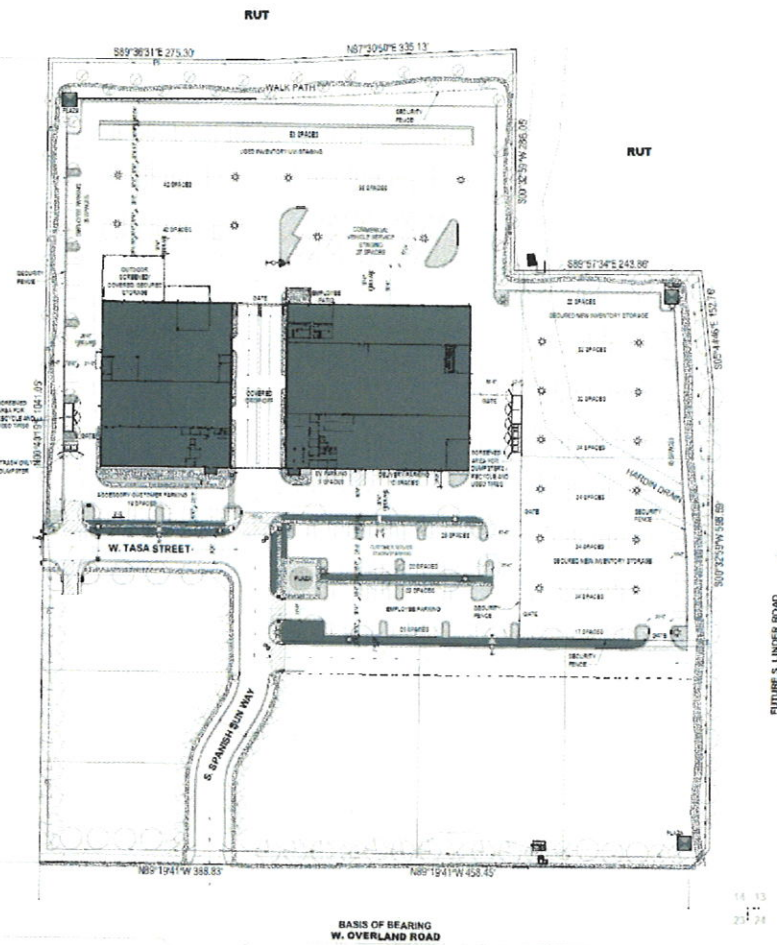
**KENDALL OVERLAND**  
SOUTH EAST VIEW

**KENDALL**  
FORD of MERIDIAN





E. Updated Site Plan (dated: 3/2/2021) Presented at City Council Hearing – NOT REVIEWED OR APPROVED BY PLANNING STAFF



PROPOSED SITE PLAN 05-27-21

<b>PROPOSED KENDALL DEVELOPMENT</b> OVERLAND ROAD MERRIDEN, ID	
<small>           THIS SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE SUBMITTER TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE SUBMITTER WARRANTS THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT TO THE BEST OF THEIR KNOWLEDGE. THE SUBMITTER RELEASES THE PLANNING DEPARTMENT FROM ALL LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS SITE PLAN.         </small>	
PREPARED BY: [Name] DATE: [Date]	REVIEWED BY: [Name] DATE: [Date]
OVERALL SITE PLAN A1.0	

## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING DIVISION

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

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

- a. Development of the subject property shall be generally consistent with the preliminary plat, landscape plan and conceptual building elevations submitted with the annexation application contained herein.
- b. Prior to development of the commercial/office portion of the development, the development agreement shall be amended to include a conceptual development plan that demonstrates consistency with the land use, transportation and design elements of the Ten Mile Interchange Specific Area Plan (TMISAP), including but not limited to the following:
  - (1) Provide minimum 6-foot wide parkways/planting strips and detached minimum 5-foot wide sidewalks along all streets within the development (Pedestrian & Bicycle System, pg. 3-27). *The minimum width of parkways planted with Class II trees is 8-feet; the minimum width of parkway planters for Class I and III trees is 10-feet. Planter widths for Class II trees may be reduced to 6-feet if root barriers are installed per the standards listed in UDC [11-3A-17E](#).*
  - (2) Sidewalks/pathways shall include dedicated crosswalks at the intersection with all streets within commercial activity centers and shall be distinguished from surrounding paving (Crosswalks, pg. 3-28).
  - (3) Street furnishings such as seating, newspaper racks, bollards, trash receptacles, bicycle racks and other elements important to the functioning of an effective pedestrian environment shall be provided (Street Furniture, pgs. 3-28 – 3-29).
  - (4) Exterior lighting should be used to provide illumination for the security and safety of entry drives, parking, service and loading areas, pathways, courtyards and plazas, without intruding on adjacent properties. Site lighting should be architecturally compatible and consistent in design between sites. (Lighting, pg. 3-30).
  - (5) Future development along Overland Rd. and internal local streets should incorporate street-oriented design consistent with the TMISAP for commercial developments.
  - (6) Building orientation and setbacks should be close to the street with the main entrance of buildings oriented to the street (Street-Oriented Design, pg. 3-33).
  - (7) A continuous unbroken frontage along required build-to lines to a minimum height of 30-feet should be constructed for at least 75% of the property frontage. Adjustments to this requirement may be allowed, such as modest setbacks to accommodate additional sidewalk space for café seating, or breaks in frontage for the creation of pocket parks.

New Buildings at street intersections should “hold the corners” and avoid introducing additional building setbacks unless a new public space is specified.



At least 40% of the linear dimension of the street level frontages shall be in windows or doorways; street level windows shall be clear or tinted visually permeable glass (mirrored or reflective glass is prohibited). Window sills shall be located no higher than 3'6" above adjacent exterior grade; headers shall be located no lower than 8'0" above adjacent exterior grade. No wall frontage shall continue uninterrupted by a window or a functional public access doorway for a linear distance of greater than 12'.

The principal doorway for public entry into a building shall be from the fronting street. Corner entrances may be provided on corner lot buildings (Commercial and Mixed-Use Buildings, pg. 3-33). No parking should be placed between a building and the fronting primary or secondary street (Commercial Activity Centers, pg. 3-37).

- (8) The space between a building façade and the adjacent sidewalk or walkway should be appropriately landscaped with a combination of lawn, groundcover, shrubs and appropriate trees (Building Facades, pg. 3-38).
  - (9) Low-rise buildings of 2-4 stories over much of the area is desired (Building Heights, pg. 3-38).
  - (10) Buildings should be designed with clearly delineated bases, bodies and tops (Base, Body and Top, pg. 3-39).
  - (11) Comply with the general recommendations for Activity Centers noted on pg. 3-40.
  - (12) Awnings shall be provided on building facades for climate protection for pedestrians and shall extend a minimum of 5-feet from the façade of the fronting structure – 8-feet is preferable in wider pedestrian environments (Awnings, pg. 3-45).
  - (13) Signs should be designed to contribute to the overall character, identity and way finding system. The colors, materials, sizes, shapes and lighting of signs should be compatible with the architecture of the buildings and the businesses they identify (Signs, pg. 3-46).
  - (14) High quality public art should be incorporated into the design of streetscapes, public buildings, parks, transit, infrastructure, and other public projects (Public Art, pg. 3-47).
  - (15) Open civic spaces should be provided in commercial activity centers/mixed use environments and should be located adjacent to an accessible from at least one primary street (3-48).
- c. Minimum 5-foot wide pedestrian walkways shall be provided from the perimeter sidewalks along Overland and Linder Roads to the main building entrances in accord with UDC 11-3A-19B.4a.
  - d. Internal pedestrian walkways shall be provided between buildings within the site for pedestrian connectivity. Internal walkways shall be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks in accord with UDC 11-3A-19B.4b.
  - e. All future structures constructed on this site shall comply with the design guidelines in the TMISAP and the design standards in the Architectural Standards Manual.
  - f. The final plat shall be recorded prior to issuance of building permits for any structures beyond those on the Kendall Ford site (i.e. Lot 1, Block 1). *The Kendall Ford site is allowed to develop and obtain building permits prior to recordation of the plat, subject to approval by the Building Department.*

- g. Compliance with the specific use standards listed in UDC [11-4-3-38](#): Vehicle Sales or Rental and Service is required. **There will be no vehicle sales at this location as stated at the City Council hearing on June 1, 2021.**
- h. If fencing is proposed for security around the Kendall Ford site, it shall be of a higher quality than chain-link (i.e. wrought iron).
- 2. The final plat shall include the following revisions:
  - a. Include a note prohibiting direct lot access via W. Overland Rd. and S. Linder Rd.
  - b. Include a note granting cross-access/ingress-egress easements between all lots in the subdivision in accord with UDC [11-3A-3A.2](#).
- 3. The landscape plan submitted with the final plat shall be revised as follows:
  - a. Include a calculations table on the plan that demonstrate compliance with the standards for street buffer ([11-3B-7C](#)), pathway ([11-3B-12C](#)) and parkway ([11-3B-7C](#)) landscaping; include required vs. provided number of trees.
  - b. Include mitigation information for any existing trees that are removed from the site in accord with the standards listed in UDC 11-3B-10C.5. *Contact the City Arborist, Matt Perkins, prior to removing any trees from the site to determine mitigation requirements.*
- 4. Future development shall be consistent with the minimum dimensional standards listed in UDC Table [11-2B-3](#) for the C-G zoning district.
- 5. All waterways on this site shall be piped as set forth in UDC [11-3A-6B](#) unless otherwise waived by City Council.
- 6. A 14-foot wide public use easement for the multi-use pathway along S. Linder Rd. shall be submitted to the Planning Division prior to submittal for City Engineer signature on the final plat(s). *If the pathway will be located entirely within the right-of-way, a public pedestrian easement is not needed.*

## **B. PUBLIC WORKS**

### **1. Site Specific Conditions of Approval**

- 1.1 This project has been granted permission to sewer the northern portion of the property outside of its designated sewer shed.
- 1.1.2 The applicant shall provide a deposit for the future construction of an 8-inch sewer main along the North portion of property. The deposit shall be 125% of the construction bid. The deposit must be provided to the City prior to signature of the final plat.
- 1.1.3 The applicant shall provide a sewer utility easement for the future construction of an 8-inch sewer main along the North portion of the property. The easement shall be 20-foot-wide and free from any permanent structure including buildings, fences, trees, bushes, etc. There must also be a point of access provided for future access to the main.
- 1.1.4 Provide a valve to the North and West side of the water tee located in the future Linder Road overpass.

### **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 wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
- 2.8 Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
- 2.9 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](http://www.meridiancity.org/public_works.aspx?id=272).
- 2.22 The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 2.23 The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.



**C. FIRE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=224777&dbid=0&repo=MeridianCity>

**D. CENTRAL DISTRICT HEALTH DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=225351&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=225372&dbid=0&repo=MeridianCity>

**F. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=226077&dbid=0&repo=MeridianCity>

**G. ADA COUNTY DEVELOPMENT SERVICES**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=224816&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=225900&dbid=0&repo=MeridianCity>

**IX. FINDINGS**

**A. Annexation and/or Rezone (UDC 11-5B-3E)**

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

1. The map amendment complies with the applicable provisions of the comprehensive plan;

*The City Council finds the proposed zoning map amendment to C-G and subsequent development is consistent with the Comprehensive Plan.*

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 will allow for the development of a mix of commercial/office uses which will provide for the retail and service needs of the community consistent with the purpose statement of the commercial districts in accord with the Comprehensive Plan.*

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

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

4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and

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

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

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

B. Preliminary Plat Findings:

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

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

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

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

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

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

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

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

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

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

*The City Council is not aware of any health, safety, or environmental problems associated with the platting of this property. ACHD considers road safety issues in their analysis.*

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

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