

## EXHIBIT B

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



**In the Matter of the Request for Annexation and Zoning of 41.28 acres of land to accommodate the future construction of a mixed-use commercial and high-density residential development, by GFI – Meridian Investments III, LLC.**

**Case No(s). H-2020-0046**

**For the City Council Hearing Date of: October 27, 2020 (Findings on November 17, 2020)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of October 27, 2020, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of October 27, 2020, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of October 27, 2020, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of October 27, 2020, 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 October 27, 2020, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

#### C. Decision and Order

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

1. The applicant's request for Annexation and Zoning is hereby approved per the conditions of approval in the Staff Report for the hearing date of October 27, 2020, attached as Exhibit A.

#### D. Notice of Applicable Time Limits

##### Notice of Preliminary Plat Duration

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

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

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

##### Notice of Conditional Use Permit Duration

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

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6.G.1, the Director may authorize a single extension of the time to commence the use not to exceed one (1) two (2) year period. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director

or City Council may require the conditional use comply with the current provisions of Meridian City Code Title 11(UDC 11-5B-6F).

#### Notice of Development Agreement Duration

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

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

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

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

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

#### F. Attached: Staff Report for the hearing date of October 27, 2020

By action of the City Council at its regular meeting held on the 17th day of November, 2020.

COUNCIL PRESIDENT TREG BERNT

VOTED AYE

COUNCIL VICE PRESIDENT BRAD HOAGLUN

VOTED AYE

COUNCIL MEMBER JESSICA PERREAULT

VOTED AYE

COUNCIL MEMBER LUKE CAVENER

VOTED AYE

COUNCIL MEMBER JOE BORTON

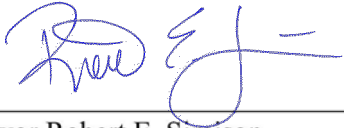
VOTED AYE

COUNCIL MEMBER LIZ STRADER

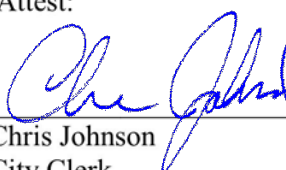
VOTED AYE

MAYOR ROBERT SIMISON  
(TIE BREAKER)

VOTED \_\_\_\_\_

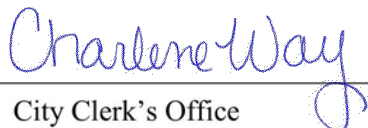
  
\_\_\_\_\_  
Mayor Robert E. Simison

Attest:

  
Chris Johnson  
City Clerk



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

By:  \_\_\_\_\_ Dated: 11-17-2020  
City Clerk's Office

## STAFF REPORT

### COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 10/27/2020

TO: Mayor & City Council

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

SUBJECT: H-2020-0046  
Gateway at Ten Mile

LOCATION: The site is located at the northeast corner of N. Ten Mile Road and W. Franklin Road, in the SW ¼ of the SW ¼ of Section 11, Township 3N., Range 1W.



#### I. PROJECT DESCRIPTION

Request for annexation and zoning of approximately 41.28 acres of land from RUT in Ada County to the C-G (26.54 acres) and R-40 (14.74) zoning districts to accommodate the future construction of a mixed-use commercial and high-density residential development, by GFI – Meridian Investments III, LLC.

**Note: Following the original publication of this staff report for the Planning & Zoning Commission, the Applicant requested a continuance to further analyze and address Staff's concerns and recommended conditions of approval. The Applicant and Staff have worked together in the recent months and a revised concept plan was generated out of these discussions. This revised and more detailed concept plan has been analyzed by Staff and has resulted in strikeout and underline changes throughout the staff report including changes to the Development Agreement provisions and conditions of approval.**

#### II. SUMMARY OF REPORT

##### A. Project Summary

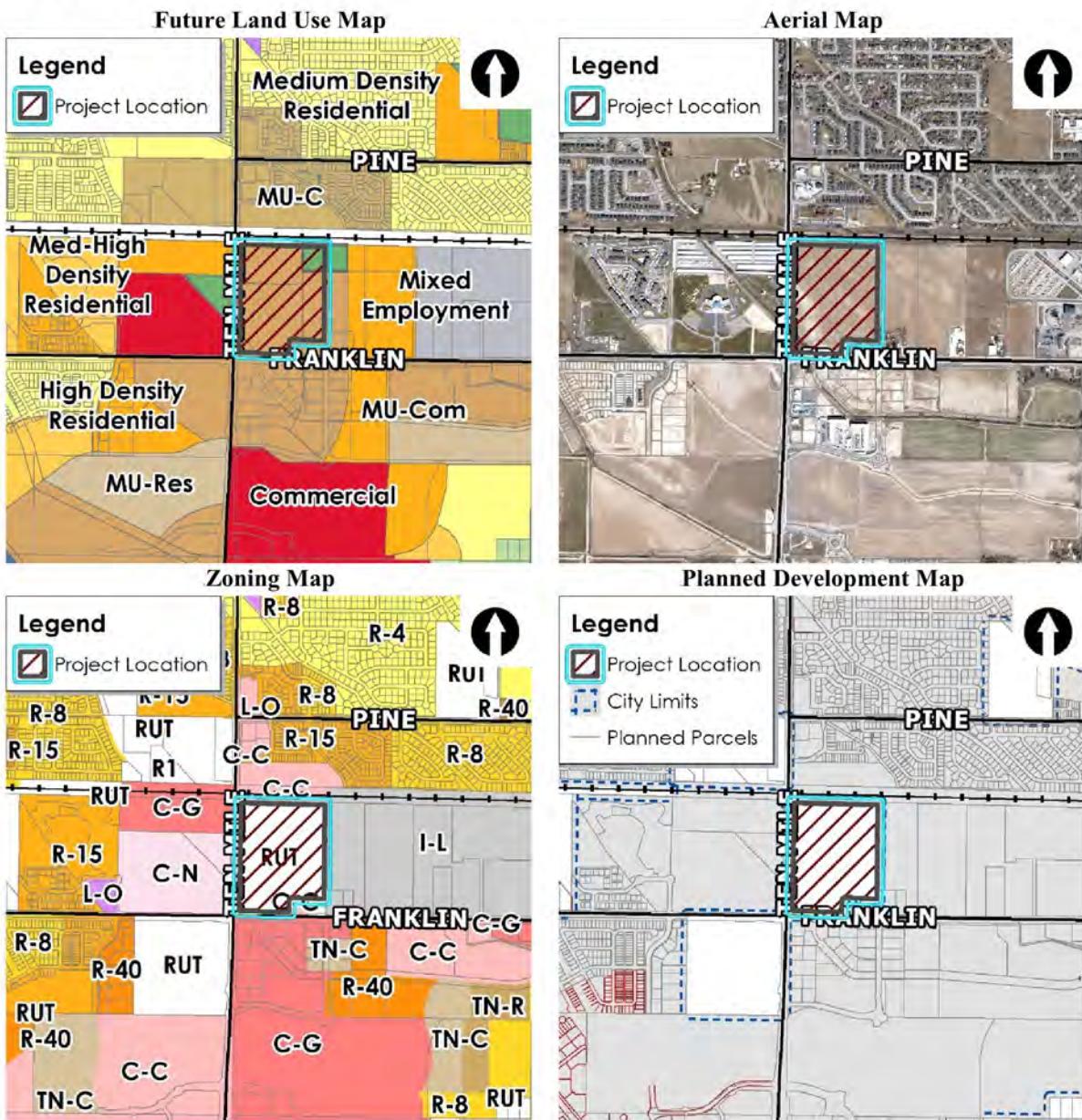
| Description                     | Details                                                                                           | Page |
|---------------------------------|---------------------------------------------------------------------------------------------------|------|
| Acreage                         | 41.28 acres                                                                                       |      |
| Future Land Use Designation     | Mixed Use Commercial (MU-C); Civic; Ten Mile Interchange Specific Area Plan (TMISAP)              |      |
| Existing Land Use(s)            | Agriculture                                                                                       |      |
| Proposed Land Use(s)            | Future Residential, Commercial, Office/Retail, <u>and an area reserved for a future Civic Use</u> |      |
| Lots (# and type; bldg./common) | None proposed at this time                                                                        |      |

| Description                                                   | Details                                       | Page |
|---------------------------------------------------------------|-----------------------------------------------|------|
| Number of Residential Units (type of units)                   | N/A; Proposed future high-density residential |      |
| Physical Features (waterways, hazards, flood plain, hillside) | Ten Mile Creek                                |      |
| Neighborhood meeting date; # of attendees:                    | February 5, 2020 – 1 attendee                 |      |
| History (previous approvals)                                  | N/A                                           |      |

## B. Community Metrics

| Description                                                         | Details                                                                                                                                                 | Page           |
|---------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Ada County Highway District                                         |                                                                                                                                                         |                |
| • Staff report (yes/no)                                             | Yes                                                                                                                                                     | Section VIII.E |
| • Requires ACHD Commission Action (yes/no)                          | No                                                                                                                                                      |                |
| Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed) | See analysis section below for more information (Section V.F)                                                                                           |                |
| Stub Street/Interconnectivity/Cross Access                          | See analysis section below for more information (Section V.F)                                                                                           |                |
| Existing Road Network                                               | Franklin Road and Ten Mile Road, arterial roadways, are fully improved with at least two travel lanes in both directions abutting the site.             |                |
| Existing Arterial Sidewalks / Buffers                               | There is existing 7-foot attached sidewalks along both arterial streets; there is no existing street buffers due to the property never being developed. |                |
| Proposed Road Improvements                                          | Applicant is not required to improve <u>Overland Road</u> either arterial roadway or dedicate additional right-of-way.                                  |                |
| Fire Service                                                        | No comments for bubble plan.                                                                                                                            |                |
| • Distance to Fire Station                                          | .4 miles from Fire Station #6                                                                                                                           |                |
| • Fire Response Time                                                | Meridian Fire can meet the 5 minute response time goal.                                                                                                 |                |
| • Resource Reliability                                              | Reliability is unknown at this time as the station is new.                                                                                              |                |
| • Risk Identification                                               | Risk Factor 1—Residential                                                                                                                               |                |
| • Accessibility                                                     | Proposed project meets all required access, road widths, and turnarounds.                                                                               |                |
| COMPASS                                                             |                                                                                                                                                         |                |
| Job/Housing Ratio                                                   | .9 (range of 1-1.5 is ideal; lower number indicates an employment need)                                                                                 |                |
| Nearest Services                                                    | Bus Stop – 0.4 miles<br>Public Park – 1.2 miles<br>Grocery Store – 2.6 miles                                                                            |                |

## C. Project Area Maps



## III. APPLICANT INFORMATION

## A. Applicant:

GFI – Meridian Investments III, LLC – 74 East 500 South, Ste. 200, Bountiful, UT 84010

## B. Owner:

Franklin & Ten Mile LLC – 217 W. Georgia Avenue, Ste. 100, Nampa, ID 83686

## C. Representative:

KM Engineering, LLP – 9233 W. State Street, Boise, ID 83714

## IV. NOTICING

|                                                             | Planning & Zoning<br>Posting Date | City Council<br>Posting Date |
|-------------------------------------------------------------|-----------------------------------|------------------------------|
| Newspaper Notification                                      | 5/29/2020                         | 10/9/2020                    |
| Radius notification mailed to<br>properties within 300 feet | 5/26/2020                         | 10/6/2020                    |
| Site Posting                                                | <del>6/5/2020</del> 8/26/2020     | 9/22/2020                    |
| NextDoor posting                                            | 5/27/2020                         | 10/6/2020                    |

## V. STAFF ANALYSIS

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

Mixed Use Commercial – The purpose of the Mixed Use Commercial designation is to encourage the development of a mixture of office, retail, recreational, employment, and other miscellaneous uses, with supporting multifamily or single family attached residential uses. While the focus of these areas is on commercial and employment uses, the horizontal and vertical integration of residential uses is essential to securing entitlements.

The subject property also resides within the Ten Mile Interchange Specific Area Plan (TMISAP) which plans for approximately 2,800 acres bordered (roughly) by Linder Road to the east; McDermott Road to the west; the Union Pacific Railroad line to the north and ½ mile south of Overland Road on the south. The specific area plan is an addendum to this Comprehensive Plan.

Traditional neighborhood design concepts with a strong pedestrian-oriented focus are essential within the TMISAP. The goal in these areas is to achieve a floor area ratio (FAR) of 1.00- 1.25 or more. Development within these areas exhibit quality building and site design and an attractive pedestrian environment with a strong street character. The mix of residential uses may be achieved vertically within buildings; however, some horizontal mixes may be allowed. Where existing parcel sizes are small, development plans should be prepared in collaboration with the adjacent property owners in order to establish an integrated mixed use project across several parcels. **This land use designation calls for an overall target density of 8-12 dwelling units per acre, with higher densities allowed on individual projects. No more than 30 percent of the ground level development within the Mixed Use Commercial designation should be used for residences.**

*The proposed annexation area is surrounded by existing City of Meridian zoning. The proposed application is only for annexation with the required Development Agreement; no subdivision or Conditional Use application is currently proposed. The Applicant has proposed a ~~bubble~~ concept plan that future development shall be based off; both its general ideas and its specific details are important and will help guide future development. In general, the proposed annexation and zoning is for C-G (general commercial and office/retail) and R-40 (high-density residential) with a goal to adhere to the TMISAP and the Mixed Use Commercial policies. As stated, this site resides in the TMISAP and will be required to meet certain site design and building design standards (see further analysis below) regardless of the zoning districts. Enforcement of these standards will be largely done through the executed Development Agreement required with annexation of this property. Since there are no other concurrent applications associated with this*

project, Staff anticipates further refinement of this bubble concept plan as end-users are identified and a traffic impact study is completed in the future.

The Applicant is requesting R-40 zoning for their residential portion of the property. Staff understands the desire is to use this zoning designation for high-density residential in the form of multi-family development. Multi-family residential is a conditional use in the R-40 zoning district and requires additional specific use standards as stated in UDC 11-4-3-27. Multi-family residential is also a conditional use in the C-G zoning district and theoretically the applicant could propose less vertically dense residential across both requested zoning districts. Because of this fact, Staff is recommending that the gross density of any proposed residential uses is based on the entire area of the site and not just within the residential zoning district. This will allow the Applicant to offer taller and denser residential on a smaller footprint furthering compliance with the Mixed Use Commercial goals and policies. Staff is concerned that this zoning does not fully meet the intent of the Mixed Use Commercial future land use designation because it does not offer any additional site design requirements beyond the standard multi-family development. Staff is concerned that traditional garden style multi-family development will be proposed and this type of development, at least as a majority product type, is not supportive of the future land use designation. One of the main goals of the MU-C designation in the Ten Mile Area is stated above: "No more than 30 percent of the ground level development within the Mixed Use Commercial designation should be used for residences." Staff is concerned that traditional, walk-up garden style multi-family built in the areas shown on the bubble plan as R-40 would not meet the intent of the Mixed Use Commercial designation to build higher density and integrated housing within developments, likely exceed this 30 percent maximum and the target density desired in the plan. Staff recognizes that meeting this goal is not always 100% feasible, however, the applicant should implement many of the design concepts envisioned by the this future land use designation within the Ten Mile Area plan to ensure general compliance. The Applicant has assured Staff that traditional garden style multi-family apartments will not be proposed and are not envisioned on this site. With the revised concept plan and conversations that have occurred with the Applicant, Staff now has less concerns regarding the type of apartments that may be built on site but will be adding provisions into the DA to help ensure traditional garden style multi-family is not built as part of this project.

Because of these issues, Staff highly recommends that the bubble plan showing current areas labeled as office/retail and R-40 be revised to show a larger area of residential but with a combination of TN-R (Traditional Neighborhood Residential) and TN-C (Traditional Neighborhood Center District) zoning designations and provisions that at least 50% of the residential area be a combination of either Vertically Integrated structures or single-family product types. This would provide a good deal of housing choice, opportunities to transition, and the necessary guidance to ensure transit oriented and traditional neighborhood design later, with only a bubble diagram. Vertically integrated and multi-family uses are principally permitted within the traditional neighborhood districts and much of the same commercial/retail/office uses are also principally permitted. Therefore, making these changes should prove less restrictive than the proposed R-40 zoning designation.

Staff previously recommended changing the requested zoning from C-G and R-40 to the Traditional Neighborhood zoning districts. This recommendation was made with the intent to ensure pedestrian oriented design and ensure some multi-story buildings on the subject site in order to comply with the comprehensive plan. Since the original publication of the staff report, the Applicant and Staff have worked to create a more refined concept plan that includes an overall stepping in building height from the arterials towards the interior of the site and street sections that mirror those within the specific area plan. These proposed street sections show on-street parking, bike lanes, parkways with a tree canopy, and detached sidewalks. These

types of street designs are largely what a “complete street” should be and offers walkable and inviting neighborhoods for both the residential and commercial component of projects. An additional change from the original bubble plan is the Applicant’s addition of 3-story townhomes along the main thoroughfare of the site and one of the roads proposed as a complete street. These 3-story townhomes are a welcomed additional housing type on site and should help to create placemaking within the transition between residential uses and commercial uses on the subject site. Because of these changes, Staff is now more comfortable with the requested zoning designations of C-G and R-40 with both Staff and the Applicant understanding that provisions will be included to ensure the site is constructed in the future with a pedestrian oriented focus as now proposed with the revised concept plan. These revisions make the development more consistent with the policies outlined in the Mixed Use Commercial designation, specifically those that promote different housing types and an integration of commercial and residential uses.

Ten Mile Interchange Specific Area Plan (TMISAP):

The subject site and development is required to be consistent with the street cross-sections and design elements contained within the TMISAP. These include elements of streetscape design, building design, site design, and pedestrian connectivity. Because there is no specific development proposed with this application, Staff cannot analyze whether the application meets specific design requirements. However, Staff is including some of the most applicable goals from TMISAP below and analyzing those portions that are shown on the ~~bubble~~ revised concept plan. The Applicant has also included a list of goals from the TMISAP within their application that they expect to be included as DA provisions (see Section VII.C). The following are goals and design elements in the TMISAP that are most applicable to future development based upon the submitted bubble plan and submitted application materials – Staff’s analysis is in *italics*:

- Traditional neighborhood design concepts with a strong pedestrian-oriented focus are essential – *This type of neighborhood design focuses on true interconnectivity between pedestrians, cyclists, and the automobile. One way this is achieved is through Street Oriented Design. This design requires streetscapes that should include landscaping with trees between curbs and sidewalks, the adjacent residences, and any building frontages. It creates development that allows access for everyone to be direct and convenient. The Applicant’s bubble plan appears to show some of this design but is lacking in the details that Staff would normally require. The Applicant’s revised concept plan specifically shows more of these elements (parkways, detached sidewalks adjacent to residences, etc.) through their proposed street sections (see Section VII.C). Because this is only a bubble concept plan, Staff will analyze future specific development for compliance with these design concepts. Future development of the site should also focus on building scale and design oriented for 20 mph or slower. Features typical of higher speed traffic are not compatible with the internal activity centers intended for the Ten Mile Area. All features of the future buildings should be pedestrian oriented, especially those fronting on internal travel ways and drive aisles. A simple way to help the City ensure a site design with these types of designs is to require the Applicant’s requested residential zoning and the central commercial area to be a combination of TN-R and/or TN-C designations, as noted in the section above. A combination would allow for greater flexibility. Regardless, to ensure future compliance, Staff is recommending a DA provisions that future development adhere to the street cross-sections, site design, and architectural design standards laid out in the TMISAP and within the submitted street sections, to the extent possible.*
- Street-oriented design is critical in urban environments and especially at a gateway to the Ten Mile Area such as this; buildings should be at or close to the property line creating a

consistent edge to the public space and making streets more friendly and walkable – The Applicant has proposed a DA provision that speaks to this goal but the submitted condition relates to buildings fronting on Ten Mile and Franklin only. Staff agrees that these buildings should get as close as possible to the edge of the landscape buffers required along the arterial roadways but because of the required landscape buffers, they cannot “hold the corners” of these major roadways. Therefore, future commercial buildings should also aim to achieve this goal on all internal streets as well, where most pedestrian traffic will occur anyways. This will ensure the traditional neighborhood design is achieved in the most beneficial and important areas of the site, away from the arterial roadways. Meeting this goal is a major factor in Staff’s recommendation to revise the requested zoning to the traditional neighborhood districts. The revised concept plan shows a majority of the commercial and 3-story townhome structures aiming to meet this goal. Staff is still unable to fully determine whether the proposed structures are shown at the property line or are setback because it is only a concept plan. However, Staff will be including provisions to require that at least those buildings along the interior thoroughfare are built to the back of sidewalk unless outdoor dining is proposed within this area. Staff understands that there may be a need for some of these structures to have frontage area for outdoor dining or architectural elements—this should not preclude these buildings from being built with these elements and as close to the back of sidewalk as possible to aid in placemaking within the development.

In addition, the very southwest corner of the site is constrained by the Ten Mile Creek and will severely limit any use in this section of the site. ~~The bubble revised concept plan has a note stating “possible AHD pond relocation” in this area of the site. There is no guarantee that ACHD will agree to relocating their pond and the Applicant should be open to a number of possible options on this constrained piece of the property. shows a pedestrian connection to this area and no vehicular connection.~~ This corner of the property is approximately 1.5 acres (including the easement area) and is highly visible from public roadways. This area should be treated with great care and consideration of its intended use. ~~Staff can envision the pedestrian connection shown on the bubble plan leading to a nice integrated plaza for the commercial development on the east side of the Ten Mile Creek.~~ The Ten Mile Creek should be integrated with the future uses proposed in this area similar to the design concepts implemented with the approval of the TM Creek project to the south. Staff also recommends the Applicant work with the appropriate agencies and City departments to find the best use for this corner. There could be an opportunity to provide a public use on this side of the creek.

- Incorporate plazas between compatible uses to provide shared outdoor seating and enhance pedestrian circulation between uses – ~~The revised bubble concept plan shows plazas between proposed commercial uses and a shared vista between the proposed office/retail area and the high-density residential. This revised layout shows better pedestrian connection between uses and should greatly help activate the commercial uses. Again, annexing in this property with the traditional neighborhood zoning designations instead of R-40 would greatly help in achieving this goal because of its pedestrian-oriented design requirements in the Plan and the UDC. Some flexibility in the location of these should be assumed in the future, to ensure maximum benefit from a variety and mix of uses and various intensities and scale.~~
- The goal in these areas is to achieve a FAR (floor area ratio) of 1.00-1.25 or more – There is no development proposed at this time that can have its FAR analyzed. This FAR is indeed a goal and not a prescribed standard as achieving this will be difficult for most developments. However, Staff and the Applicant have had discussions regarding this goal

*and the TMISAP goal of two-story or more structures. In response, the Applicant has included a proposed DA provision that would require ~~at least one multi-story structure along each arterial roadway. The condition also notes that other some of those structures along the main interior road that may be single-story would be designed in such a way that their building facades appear to be a two-story structure. Staff is supportive of this provision so long as it does not include more than the two buildings shown to be affected by this requirement as depicted on the submitted concept plan. Staff is supportive of this but in reality this provision helps add a look and feel to the scale of architecture instead of aiding in adding density so Staff is not overly concerned with this. Instead, Staff is recommending a provision that all commercial structures along the main thoroughfare (the only road shown with on-street parking) have a ceiling height of at least 15-feet for the ground level commercial—this includes those buildings shown as single-story with two-story facades. This provision is consistent with language within the TMISAP (see page 3-38 within the plan). Instead of trying to create the look of two story structures on single-story buildings, Staff is recommending a DA provision that allows no more than two (2) future commercial buildings along each arterial (Ten Mile and Franklin) within the C-G zoning district to be single-story. Three and four story non-residential or integrated mixed use buildings could be used to request additional 1:1 allowance for more single-story structures later, assuming continued integration of mixed use commercial site design principles. Staff will review each building site as future land use applications are submitted for compliance with ~~this goal~~ the proposed provisions but is not inclined to hold the Applicant to specific FAR requirements.~~*

**Civic Land Use Designation**— There is a very small area in the very northeast corner of the subject site, adjacent to the railroad tracks, that shows a Civic future land use with a Transit Station icon nearby ~~designation on the future land use map (FLUM).~~ This area is labeled ~~on the Future Land Use Map (FLUM)~~ as Civic to serve as a placeholder for future multi-modal transportation options should they arise. ~~This area abuts the rail corridor and is a great place for future multi-modal transportation options;~~ The Applicant plans to incorporate that area into their proposed R-40 zoning district. The Applicant shows ~~does not currently have plans for this area as an open space area to act as a placeholder as it may be decades before it develops as a public transportation hub.~~

*Future transportation needs are going to become increasingly important for the City of Meridian, especially in the Ten Mile Area. To ensure the needs of future generations are at least capable of being met, areas labeled as Civic with a Transit Station icon within our FLUM need to be preserved to the extent possible. In addition to the specific land area needed for a transportation hub, access to the site is equally as important. The access to this Civic area is analyzed in the Access section of this staff report, see Section V.F. In order to help preserve this area, Staff is recommending a DA provision that holds the Applicant to interim uses, such as shared/overflow parking or open space and other temporary uses that don't require a lot of investment or permanent structures, until such time that it develops as its ~~intended~~ envisioned civic/transportation use. In addition, this Civic area would make a good transition between the future high-density residential and the industrial user directly to the east.*

*It should be noted that the City and outside agencies like that of COMPASS and VRT do not currently have specific plans for how mass-transit within the Valley will work within the rail corridor or at this location. Because of this, it is currently difficult for Staff to recommend other uses not be allowed or limit certain uses on this site for the area shown as Civic on the FLUM. It should be noted that COMPASS is currently doing a study to determine the corridor and mode for the I-84 alternative analysis. There will be additional public involvement and study necessary*

*before any real regional decision is made on how the railroad corridor is used for public transportation. The Commission and Council should be aware that this Applicant is choosing to work with Staff on preserving this area for the benefit of the City and not necessarily for themselves, which is appreciated. Nevertheless, Staff is concerned that the reserved area shown on the concept plan as open space may not be enough area for future transit needs like a transit station and associated infrastructure; the parking area directly to its west and potentially even the adjacent multi-story building may need to be redeveloped in the future depending on the type of public transportation developed in the future. The Applicant is aware that more of this area may need to be redeveloped in the future to accommodate future needs and also understands that a multi-modal transportation stop on this property would be beneficial to this development.*

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. *In order to ensure the site develops as proposed with this application and consistent with the Comprehensive Plan, Staff recommends a DA as a provision of annexation with the provisions included in Section VIII.A1. The DA is required to be signed by the property owner(s)/developer and returned to the City within 6 months of the Council granting the annexation for approval by City Council and subsequent recordation.*

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

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

*“Promote Ten Mile, Downtown, and The Village as centers of activity and growth.” (2.09.03B). The location of this site is at a major intersection within the TMISAP, in the northeast corner of N. Ten Mile Road and W. Franklin Road. This site is one of the last major corners of the Ten Mile Area to be annexed. Even though there is no specific development proposed at this time with this application, the submitted bubble plan shows the framework for a center of activity and growth. Staff believes this could be a welcome addition to the City of Meridian.*

*“Avoid the concentration of any one housing type or lot size in any geographical area; provide for diverse housing types throughout the City” (2.01.01G). The proposed bubble plan shows R-40 zoning which is meant for high-density residential. In line with this, the Applicant plans to construct multi-family residential and some 3-story townhomes in the requested R-40 zoning area. In the nearby vicinity of this site there is detached and attached single-family residential and multi-family residential. There is other R-40 zoning in the area where multi-family is under construction, an area where multi-family is already constructed, and another area of R-40 zoning that is zoned but not yet developed. There is also R-8 and R-15 zoning districts nearby that house the single-family residential options for the area. Staff believes that some additional multi-family residential is a good fit for this area and the proposed density of commercial uses, provided there be a mix of housing product types and designed consistent with traditional neighborhood principles.*

*“Reduce the number of existing access points onto arterial streets by using methods such as cross-access agreements, access management, and frontage/backage roads, and promoting local and collector street connectivity” (6.01.02B). Future development on this site will dictate precisely where and how many access points to the arterial streets (Ten Mile and Franklin) are needed. The Applicant is requesting to keep as many of the existing curb cuts as possible but understands that those locations shown on the bubble plan are not approved. This is because a future TIS will be required and the Applicant will be required to show how and why the locations and number of access points are needed. In general, Staff appreciates the Applicant’s desire to not keep all existing access points. Staff will largely defer to ACHD’s staff report on the future access points onto the arterial streets to be determined with a future traffic study. Staff recommends that the*

applicant work with ACHD for the extension of the collector street network to serve the development with a future traffic study.

“Provide housing options close to employment and shopping centers” (3.07.02D). *This project is proposed as a mixed use development that would have both residential and employment opportunities in the same area. In addition, the area immediately south of the subject site is the Ten Mile Crossing subdivision that is full of commercial and employment development. Staff believes this is a prime location for residential, especially for the ~~high density residential that is different housing types~~ being proposed.*

“Encourage the development of high quality, dense residential and mixed use areas near in and around Downtown, near employment, large shopping centers, public open spaces and parks, and along major transportation corridors, as shown on the Future Land Use Map.” (2.02.01E). Gateway at 10 Mile is proposed as a mixed use development with three and four-story, high density residential as a main use of the site. The residential piece of this development is proposed to integrate with the commercial portion of the site as well as offer options to those working in the employment centers nearby and throughout the Ten Mile Area. In addition, the site is located at the corner of two major arterial streets which furthers the need for dense residential and a mix of uses on this corner. Staff finds that as development occurs on the subject property, future development on nearby properties will encourage the density and types of uses proposed at this location.

***Staff finds this development to be generally consistent with Comprehensive Plan policies and objectives.***

C. Existing Structures/Site Improvements:

The subject site is solely used for agriculture at this time. No other site improvements or structures are known at this time.

D. Proposed Use Analysis:

The proposed uses are not yet set in stone. However, the Applicant’s bubble concept plan depicts multi-family residential; commercial; and office/retail. This application is requesting C-G and R-40 zoning; multi-family residential is a conditional use in the R-40 zoning district per UDC Table 11-2A-2 and the C-G zoning district allows multiple types of commercial, retail, and office uses.

*As noted above, Staff is recommending the TN-C and TN-R zoning districts for a portion of the site where some of the C-G and all of the R-40 are being proposed. This recommendation is not made lightly and is done so with the intent of offering the City the opportunity to gain true neighborhood design in this development but also offer the Applicant future flexibility in both design and potential uses, both commercial and residential. For example, traditional neighborhood districts allow vertically integrated buildings as a principally permitted use rather than a conditional use as it is in the requested R-40 zoning district. Furthermore, the Mixed Use Commercial land use designation within the TMISAP calls for pedestrian oriented design that generally requires pedestrian oriented streetscapes, on-street parking as the norm and not the exception, multi-story development, and integration of residential uses with commercial and/or office/retail uses. Traditional neighborhood zoning districts allow for these types of designs by permitting higher building heights and mixed use development, requiring complete streets, and encouraging commercial development that attracts nearby residences with true integration of outdoor spaces through shared plazas and pedestrian circulation plans. now comfortable with the requested zoning of C-G and R-40 contingent on the fact that the pedestrian oriented design outlined in the submitted street sections and revised concept plan are adhered to in the future. Staff is recommending a number of revised and new provisions to help ensure the site is built as*

close to this as possible. Multi-family residential is a conditional use in the R-40 zoning district and the Applicant is aware that this application is not granting approval of the multi-family use as that will be determined through future conditional use permit(s). The inclusion of plazas and sidewalks that connect the proposed commercial and residential uses promote interconnectivity between uses as desired within the Mixed Use Commercial designation in the TMISAP.

The Applicant has provided an exhibit of these plazas showing what appear to be raised crossings for vehicles (adding pedestrian safety), benches with trees within tree grates, and sails providing shade for bistro tables between the commercial buildings. Staff finds that these details within the submitted exhibit show integration of pedestrian elements and better access to the proposed commercial/retail buildings for those who will live and work on-site or nearby. Future development of these plazas should minimally contain these main elements to ensure compliance with the TMISAP and Comprehensive Plan. Staff is recommending provisions in line with these elements.

An additional element of the proposed uses within this development are the proposed industrial uses to the east of the subject site. As more of this area develops with users, they will need places to live, socialize, and grab lunch. It is not unfathomable that employees of the new Fed-Ex distribution center to the east will walk to this property for lunch every week. Because of this, Staff supports the ratio of proposed commercial and residential on the subject site, 22.7 acres to 16.3 acres respectively. Even though the proposed uses are subject to change as end-users are identified in the future, the general distribution of land reserved for commercial and residential is not intended to change. To offer both the City and the Applicant some flexibility in future uses, Staff is recommending a DA provision to limit the amount of Residential uses on the property to no more than 45%.

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

All future lots and public streets shall be required to meet all UDC dimensional standards. This includes property sizes, required street frontages, road widths, and traditional neighborhood design standards as required by the TMISAP, ~~and the traditional neighborhood districts in the UDC.~~

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

Even though the subject site is used for agricultural purposes and has historically been so, there are multiple curb cuts along W. Franklin Road and N. Ten Mile Road, arterial roadways. The submitted bubble plan shows the Applicant's desire to keep a majority of the existing curb cuts for future access.

*According to ACHD, future development of this site must have a traffic impact study (TIS) completed and approved by ACHD based upon the density of housing and type of commercial users proposed. Because a TIS will be required at a future date, Staff will await conditioning the access points until such time that future development applications and a TIS are submitted. A DA provision has been recommended in this staff report to ensure compliance with City and ACHD policies regarding future access points to these arterial roadways.*

*Along the eastern boundary, the Master Street Map (MSM) and the TMISAP show a future collector roadway that traverses almost the entire eastern property line. This collector roadway is intended to connect across Franklin and into the Ten Mile Crossing subdivision development to the south of this site. However, this collector roadway cannot be built at its proposed connection point to W. Franklin Road at this time due to this Applicant not owning the property that directly abuts Franklin Road. The Applicant is agreeing to construct half plus twelve feet of public right-*

of-way on the area of the site they do own in the southeast corner of their site. This construction would occur upon development of the site at a future date.

Directly to the east of this site is I-L zoning and a new Fed-Ex distribution center is nearing construction. Even though the MSM and TMISAP show the future collector roadway going further north along the shared property boundary and then heading east, Fed-Ex was not required to build a portion of the collector roadway going north-south on this shared property line. Instead, they were approved with an east-west collector road further south within their property that aligns with the proposed east-west roadway in the southern area shown in this application. This location of the collector roadway is clearly different than that shown within the TMISAP. This new location should still offer adequate cross access between parcels once fully developed but has also changed the type of future access to the Civic use in the northeast corner of this site where the collector roadway would connect to. Since the Fed-Ex distribution center was approved without constructing the north-south collector, ~~Staff does not have authority to require them to do so until that site redevelops. Therefore, the future north-south collector roadway shown on the MSM, it is not a feasible option to require this Applicant construct their portion at this time. submitted bubble plan in this application would need to be wholly constructed on this property and by this Applicant if it were to develop as shown. Staff is concerned that this is unlikely due to the circumstances outlined. Instead, Staff believes at least a public local street should be built along the eastern boundary of this site for future connectivity to the collector roadway in the southeast corner of this site that will connect to Franklin Road and~~ for Instead, Staff believes adequate access to any future transportation use in along the north boundary northeast corner of the site, shown as the Civic land use on the concept plan, can be obtained via an east-west public street connection to Ten Mile Road as depicted on the concept plan. A potential alternative to this would be to move the Civic use further west, still along the northern boundary but behind the commercial fronting Ten Mile, and ensure Staff believes the travel way shown in the north of the site is should be built as a full public access (at least a local street) to handle future traffic to and from a transportation hub instead of the private street shown on the concept plan.

In addition to the access points to Ten Mile and Franklin Road, there will be travel ways within the development. These areas appear to be shown on the ~~submitted bubble revised concept plan as a combination of public streets, private streets, and drive aisles, and not full public streets and their locations may change in the future as more specific development is proposed.~~ The road network will be the backbone of the connectivity for this development and is therefore incredibly important to the future development of this site. Staff would prefer the main travel way shown that starts in the southeast corner and curves up towards the northwest corner of the property be a public local street. ~~This is currently not a requirement due to no TIS being required at this time but~~ Staff believes creating a genuine public thoroughfare would help traffic flow and create a grand drive through the development lined with street trees and pedestrian walkways.

Staff is fully supportive of the proposed street sections as they mirror those presented as "Street Section C" and "Street Section D" within the transportation section of the TMISAP (see page 3-20 and 3-21 of the TMISAP). The submitted renderings include street trees, bike lanes, on-street parking, and detached sidewalks—all of these elements are desired within the Ten Mile area and especially within Mixed Use Commercial land use designations where pedestrian oriented design is expected. Whether the final street layout within this development is private or public, Staff is recommending that minimally the main streets within the development be built with these street sections in mind. Having traditional neighborhood zoning designations instead of the R-40 would also help achieve this goal, as stated throughout the staff report. The roadway shown along the eastern property boundary however, is an integral local and likely regional connection to this development and any future regional transportation hub on this site as discussed above.

~~Pedestrian connectivity and further site design comments are discussed above in the Comprehensive Plan analysis section. Staff recommends that the Applicant continue working with ACHD on the extension of the street network within this development; this will hopefully occur through the future traffic study that is required.~~

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

Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-5 for all uses other than single-family detached dwellings. Included in these standards are those for commercial and retail, office, and restaurant uses. ~~In addition, the parking standards for vertically integrated buildings are required to be adhered to if such uses are proposed.~~ Future planning and use applications will determine the required number of parking spaces for all uses.

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

No multi-use pathways are proposed or required with this development. However, one of the main goals of a mixed use designation is pedestrian access and connection as well as cyclist connectivity and safety for all. **A recommended DA provision is the applicant provide a pedestrian circulation plan with a future DA amendment or subdivision, so staff can analyze pedestrian circulation on the site once end-users are known for the proposed development.**

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

Seven-foot attached sidewalks exist along N. Ten Mile Road; seven-foot attached and detached sidewalk exist adjacent to W. Franklin Road. No additional sidewalks are proposed at this time because no development is proposed with this application. Future development projects on this site will be analyzed for compliance with the required sidewalk widths and locations. Staff notes that pedestrian connection will be integral to future development of this site and the Applicant will be required to meet the standards as set forth in UDC 11-3A-17 and those additional DA provisions outlining the requirement to construct some complete streets as proposed with the submitted street sections commensurate with the TMISAP.

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

A 25-foot wide landscape buffer is required adjacent to both W. Franklin Road and N. Ten Mile Road, arterial roadways, landscaped per the standards listed in [UDC 11-3B-7C](#). A common lot that is at least 25-feet wide along these roadways will be required upon future development. As future development and the required TIS will dictate vehicular connections to Franklin and Ten Mile, Staff does not find it necessary to require construction of the buffers now. Some of the required landscaping would likely be destroyed upon development. Therefore, Staff will analyze the landscape buffers at a later date. The landscape details that are a part of complete streets ~~and traditional neighborhood design~~ will be analyzed with future development.

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

The Applicant has requested R-40 zoning and has stated their intention of developing that area with high-density, multi-family residential. In the R-40 zone, multi-family residential is a conditional use and qualified open space will be required for a minimum of 10% of the gross area and the open space requirements for the specific use standards in UDC 11-4-3-27 (the requirement for open space to be provided under both sections of code is currently under review by staff and the Open Space Committee; therefore, this statement may not be entirely accurate and the Applicant may have different standards that are required upon submittal of future land use applications). The qualified open space and amenities for the future multi-family development will be reviewed at a later date.

*With the traditional neighborhood zoning districts (TND) recommended by Staff, most, if not all, of the potential residential housing types are principally permitted. If traditional multi-family is still proposed in the future, the specific use standards will still apply. Staff is recommending the Applicant construct vertically integrated buildings which would alleviate the very specific open space standards as required for traditional multi-family development. This is not to say open space is not wanted but the specific use standards for vertically integrated buildings and the recommended TND are not as prescriptive as those for traditional multi-family.*

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

As stated above, no specific development is proposed with this application. Therefore, no building elevations were submitted. Future buildings on the subject site will be required to meet the architectural standards laid out in the TMISAP and the Architectural Standards Manual (ASM). The architectural design standards within the recommended traditional neighborhood design often reflect buildings with porches, minimal front loaded garages, and great pedestrian connections. The vertically integrated buildings being recommended by staff have specific use standards that will also drive the architectural design for these areas. Staff recommends the Applicant review these requirements in conjunction with the Ten Mile Plan and its architectural standards.

The proposed C-G zoning district should house multiple types of uses. The future buildings in this zone will be required to minimally meet those architectural design standards listed in the non-residential ASM checklist. In addition, the TMISAP requires the commercial buildings to be built with street oriented design. Some of the main design points in this specific plan are: buildings must “hold the corners” of the site when adjacent to streets; street level commercial must have at least 40% of the linear dimension of the façade as windows or doorways; no wall frontage shall continue uninterrupted by a window or public access for a linear distance of greater than 12 feet; and the principle doorway for public entry into a building shall be from the fronting street. Staff is recommending DA provisions to ensure future compliance with the architectural standards for both the commercial and residential portions of this project.

## VI. DECISION

A. Staff:

Staff recommends approval of the requested annexation and zoning with the requirement of a Development Agreement and the provisions noted in Section VIII.A per the findings in Section IX of this staff report.

B. The Meridian Planning & Zoning Commission heard these items on September 17, 2020. At the public hearing, the Commission moved to recommend approval of the subject Annexation and Zoning request.

1. Summary of Commission public hearing:

- a. In favor: Stephanie Leonard, Applicant Representative; Deborah Nelson, Applicant Legal Representative
  - b. In opposition: None
  - c. Commenting: Stephanie Leonard; Deborah Nelson; Walt Gasser, Applicant.
  - d. Written testimony: None
  - e. Staff presenting application: Joseph Dodson, Current Associate Planner
  - f. Other Staff commenting on application: Bill Parsons, Planning Supervisor
2. Key issue(s) of public testimony:
- a. None
3. Key issue(s) of discussion by Commission:

- a. Viability of allowing up to two (2) building permits prior to any platting process and before an approved Traffic Impact Study (TIS) – Staff does not support this request.
- b. Are the access points to proposed project from Franklin and Ten Mile Roads, arterial streets, shown approved by City Staff? – Provisionally, these accesses are approved but without a TIS, none of it is guaranteed.
- c. Location and potential future use of Civic/transit area along north boundary of site.
- d. Overall vehicular travel layout mostly focused on new location of collector roadway versus that shown on the MSM including where a future signal is planned at Franklin.
- e. What is the relation of this corner in terms of development of other areas within the Ten Mile Area
- 4. Commission change(s) to Staff recommendation:
  - a. Revise DA provision VIII.A-1.b to include the first part of the Applicant's request for a wording change.
- 5. Outstanding issue(s) for City Council:
  - a. None
- C. The Meridian City Council heard these items on October 27, 2020. At the public hearing, the Council moved to approve the subject Annexation and Zoning request.
  - 1. Summary of the City Council public hearing:
    - a. In favor: Stephanie Leonard, Applicant Representative; Walt Gasser, Applicant
    - b. In opposition: None
    - c. Commenting: Stephanie Leonard; Walt Gasser; Trevor Gasser, Applicant; Justin Lucas, ACHD Representative.
    - d. Written testimony: None
    - e. Staff presenting application: Joseph Dodson, Associate Planner
    - 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. The near and long term potential use of the reserved Civic area near the northeast corner of the site, how the 2040 timeline was decided by staff, and should there be an additional option for the City to purchase this area made part of the DA provision.
    - b. Staff's comfort level with the DA and whether it has been deemed strong enough to dictate future development on the subject site; should anything change, will the Applicant be required to go before City Council again?
    - c. The expected timeline of development – specifically, whether the residential or commercial component is expected to be constructed first.
    - d. The point of access to Franklin Road that is slated to be signalized by ACHD and how the construction of this signal might occur with the Applicant not owning the property directly adjacent to Franklin Road – Justin Lucas from ACHD responded to this question following staff's comments outlining that with the required Traffic Impact Study (TIS), ACHD will review what the Applicant will be required to participate in regarding the future signal and all requested access points.
    - e. Whether a discussion has occurred between the developer and the Community Development department on assisting the Applicant in finding tenants for the commercial portion of the site in order to try and bring family-wage jobs to Meridian.
    - f. Clarity on why staff decided to not push the floor area ratio goal from within the TMISAP and how has that been mitigated within the staff report and subsequent DA provisions.

4. City Council change(s) to Commission recommendation:
  - a. Approve the revised language for DA provisions VIII.A1.b & VIII.A1.I per the Applicant's request – Staff expressed no concerns with these revisions as they are for clarity and do not change the function or intent of either provision.

## VII. EXHIBITS

### A. Annexation and Zoning Legal Descriptions and Exhibit Maps (NOT APPROVED)



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

April 20, 2020  
Project No.: 20-005  
Legal Description

#### CITY OF MERIDIAN ANNEXATION

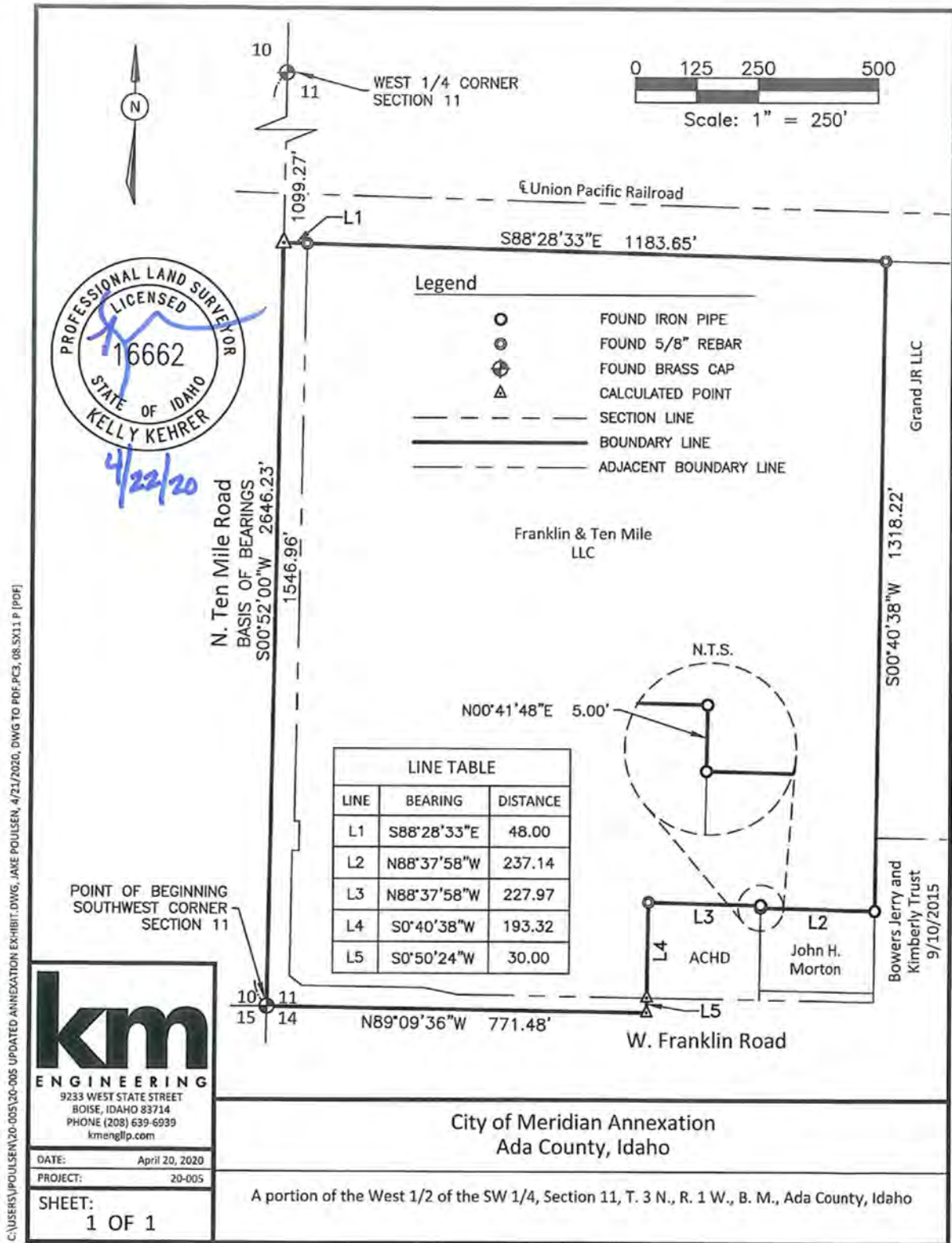
A parcel of land situated in the West 1/2 of the Southwest 1/4, Section 11, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho and being more particularly described as follows:

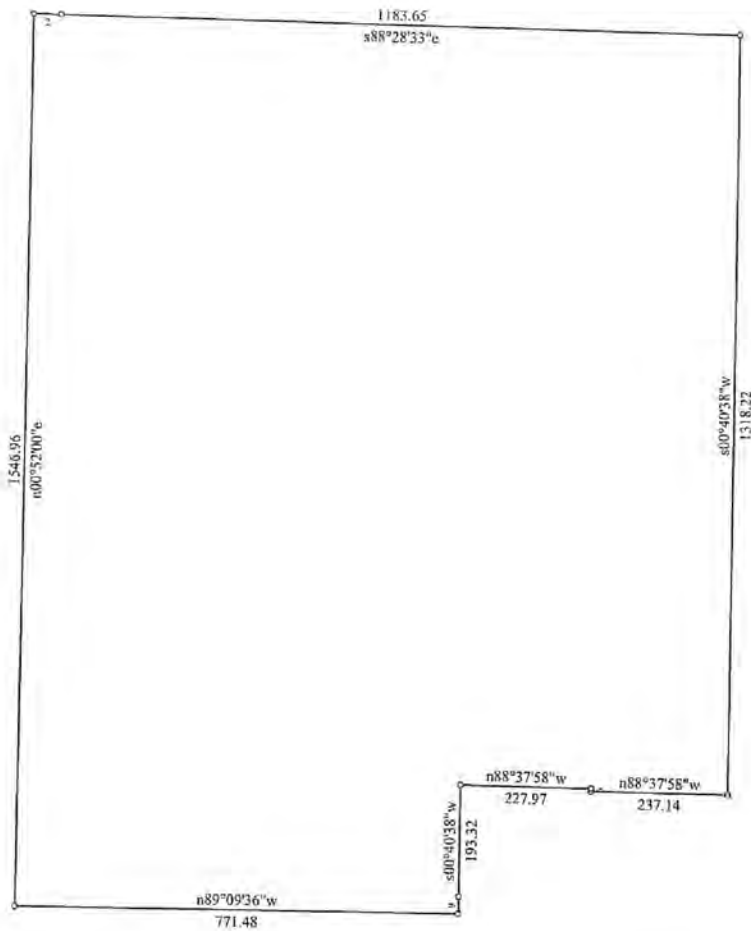
**BEGINNING** at a found brass cap marking the southwest corner of said Section 11, which bears S00°52'00"W a distance of 2,646.23 feet from a found brass cap marking the West 1/4 corner of said Section 11, thence following the westerly line of said Section 11, N00°52'00"E a distance of 1,546.96 feet;  
Thence leaving said westerly section line, S88°28'33"E a distance of 48.00 feet to a found 5/8-inch rebar marking the northwest corner of a parcel described as Parcel A of Record of Survey No. 6883, (Records of Ada County, Idaho) on the southerly right-of-way line of the Union Pacific Railroad;  
Thence following said southerly right-of-way line, S88°28'33"E a distance of 1,183.65 feet to a found 5/8-inch rebar marking the northeast corner of said Parcel A;  
Thence leaving said southerly right-of-way line and following the easterly boundary line of said Parcel A, S00°40'38"W a distance of 1,318.22 feet to a found iron pipe;  
Thence leaving said easterly boundary line, N88°37'58"W a distance of 237.14 feet to a found iron pipe;  
Thence N00°41'48"E a distance of 5.00 feet to a found iron pipe;  
Thence N88°37'58"W a distance of 227.97 feet to a found 5/8-inch rebar;  
Thence S00°40'38"W a distance of 193.32 feet to a found 5/8-inch rebar on the northerly right-of-way line of W. Franklin Road;  
Thence S00°50'24"W a distance of 30.00 feet to the southerly line of said Section 11;  
Thence following said southerly section line, N89°09'36"W a distance of 771.48 feet to the **BEGINNING**.

Said parcel contains 41.284 Acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.



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|                                                                                                                    |                      |                      |
|--------------------------------------------------------------------------------------------------------------------|----------------------|----------------------|
| Title:                                                                                                             |                      | Date: 04-20-2020     |
| Scale: 1 inch = 250 feet                                                                                           | File:                |                      |
| Tract 1: 41.284 Acres: 1798338 Sq Feet: Closure = n81.2834e 0.01 Feet: Precision = 1/864866: Perimeter = 5562 Feet |                      |                      |
| 001=n00.5200e 1546.96                                                                                              | 005=n88.3758w 237.14 | 009=s00.5024w 30.00  |
| 002=s88.2833e 48.00                                                                                                | 006=n00.4148e 5.00   | 010=n89.0936w 771.48 |
| 003=s88.2833e 1183.65                                                                                              | 007=n88.3758w 227.97 |                      |
| 004=s00.4038w 1318.22                                                                                              | 008=s00.4038w 193.32 |                      |



October 15, 2020  
Project No.: 20-005

**Exhibit A**  
**Legal Description for**  
**C-G Zone**

A parcel of land situated in the West 1/2 of the Southwest 1/4 of Section 11, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho and being more particularly described as follows:

**BEGINNING** at a found brass cap marking the Southwest corner of said Section 11, which bears S00°52'00"W a distance of 2,646.23 feet from a found brass cap marking the West 1/4 corner of said Section 11, thence following the westerly line of said Section 11, N00°52'00"E a distance of 1,546.96 feet;  
Thence leaving said westerly line, S88°28'33"E a distance of 48.00 feet to a found 5/8-inch rebar marking the Northwest corner of a parcel of land described as Parcel A of Record of Survey No. 6883, on the southerly right-of-way line of the Union Pacific Railroad;  
Thence following said southerly right-of-way line, S88°28'33"E a distance of 643.44 feet;  
Thence leaving said southerly right-of-way line, S00°52'00"W a distance of 306.93 feet;  
Thence N89°06'49"W a distance of 19.91 feet;  
Thence S76°01'35"W a distance of 203.26 feet;  
Thence S00°52'00"W a distance of 497.48 feet;  
Thence 397.66 feet along the arc of a circular curve to the left, said curve having a radius of 250.00 feet, a delta angle of 91°08'14", a chord bearing of S44°42'07"E and a chord distance of 357.04 feet;  
Thence S89°09'12"E a distance of 505.25 feet to the easterly boundary line of said Parcel A;  
Thence following said easterly boundary line, S00°40'38"W a distance of 218.18 feet to a found iron pipe;  
Thence leaving said easterly boundary line, N88°37'58"W a distance of 237.14 feet to a found iron pipe;  
Thence N00°41'48"E a distance of 5.00 feet to a found iron pipe;  
Thence N88°37'58"W a distance of 227.97 feet to a found 5/8-inch rebar;  
Thence S00°40'38"W a distance of 193.32 feet to a found 5/8-inch rebar on the northerly right-of-way line of W. Franklin Road;  
Thence S00°50'24"W a distance of 30.00 feet to the southerly line of said Section 11;  
Thence following said southerly line, N89°09'36"W a distance of 771.48 feet to the **POINT OF BEGINNING**.

Said parcel contains 24.011 Acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

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

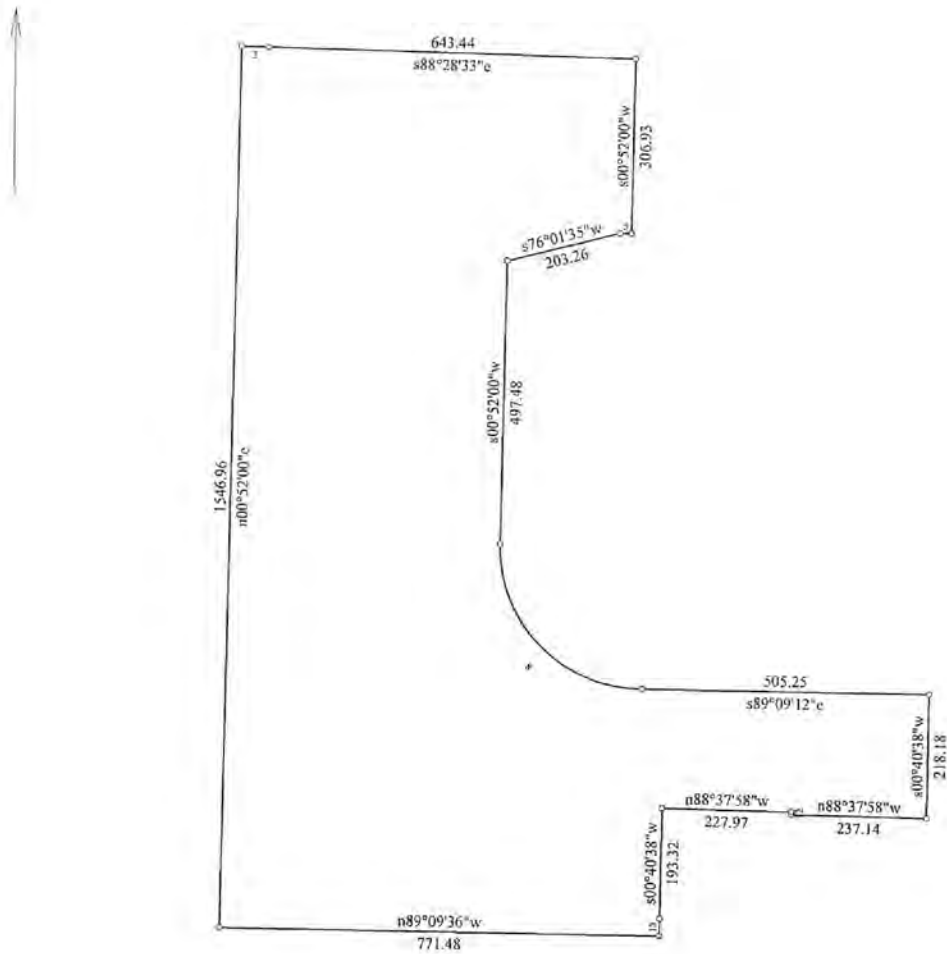
All subdivisions, deeds, records of surveys, and other instruments of record referenced herein are recorded documents of the county in which these described lands are situated in.



9233 West State Street • Boise, Idaho 83714 • 208.639.6939 • kmengllp.com

P:\20-005\CAD\SURVEY\ZONING LEGALS\20-005 ZONING & ANNEXATION EXHIBITS.DWG, JANE POULSEN, 10/15/2020, KYOCERA TASKALFA 4550CI KXP.C3, 08.5x11 P





|                                                                                                                    |                                                             |                      |
|--------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|----------------------|
| Title:                                                                                                             |                                                             | Date: 10-14-2020     |
| Scale: 1 inch = 260 feet                                                                                           | File:                                                       |                      |
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| 002=s88.2833e 48.00                                                                                                | 008 L: R=250.00, Delta=91.0814<br>Bng=s44.4207e, Chd=357.04 | 014=s00.4038w 193.32 |
| 003=s88.2833e 643.44                                                                                               | 009=s89.0912e 505.25                                        | 015=s00.5024w 30.00  |
| 004=s00.5200w 306.93                                                                                               | 010=s00.4038w 218.18                                        | 016=n89.0936w 771.48 |
| 005=n89.0649w 19.91                                                                                                | 011=n88.3758w 237.14                                        |                      |
| 006=s76.0135w 203.26                                                                                               | 012=n00.4148e 5.00                                          |                      |



October 15, 2020  
Project No.: 20-005

**Exhibit A**  
**Legal Description for**  
**R-40 Zone**

A parcel of land situated in the West 1/2 of the Southwest 1/4 of Section 11, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at a found brass cap marking the Southwest corner of said Section 11, which bears S00°52'00"W a distance of 2,646.23 feet from a found brass cap marking the West 1/4 corner of said Section 11, thence following the westerly line of said Section 11, N00°52'00"E a distance of 1,539.02 feet;  
Thence leaving said westerly line, S89°08'00"E a distance of 691.40 feet to the northerly boundary line of a parcel of land described as Parcel A on Record of Survey No. 6883, on the southerly right-of-way line of the Union Pacific Railroad and being the **POINT OF BEGINNING**.

Thence following said southerly right-of-way line, S88°28'33"E a distance of 540.21 feet to a found 5/8-inch rebar marking the Northeast corner of said Parcel A;  
Thence leaving said southerly right-of-way line and following the easterly boundary line of said Parcel A, S00°40'38"W a distance of 1,100.04 feet;  
Thence leaving said easterly boundary line, N89°09'12"W a distance of 505.25 feet;  
Thence 397.66 feet along the arc of a circular curve to the right, said curve having a radius of 250.00 feet, a delta angle of 91°08'14", a chord bearing of N44°42'07"W and a chord distance of 357.04 feet;  
Thence N00°52'00"E a distance of 497.48 feet;  
Thence N76°01'35"E a distance of 203.26 feet;  
Thence S89°06'49"E a distance of 19.91 feet;  
Thence N00°52'00"E a distance of 306.93 feet to the **POINT OF BEGINNING**.

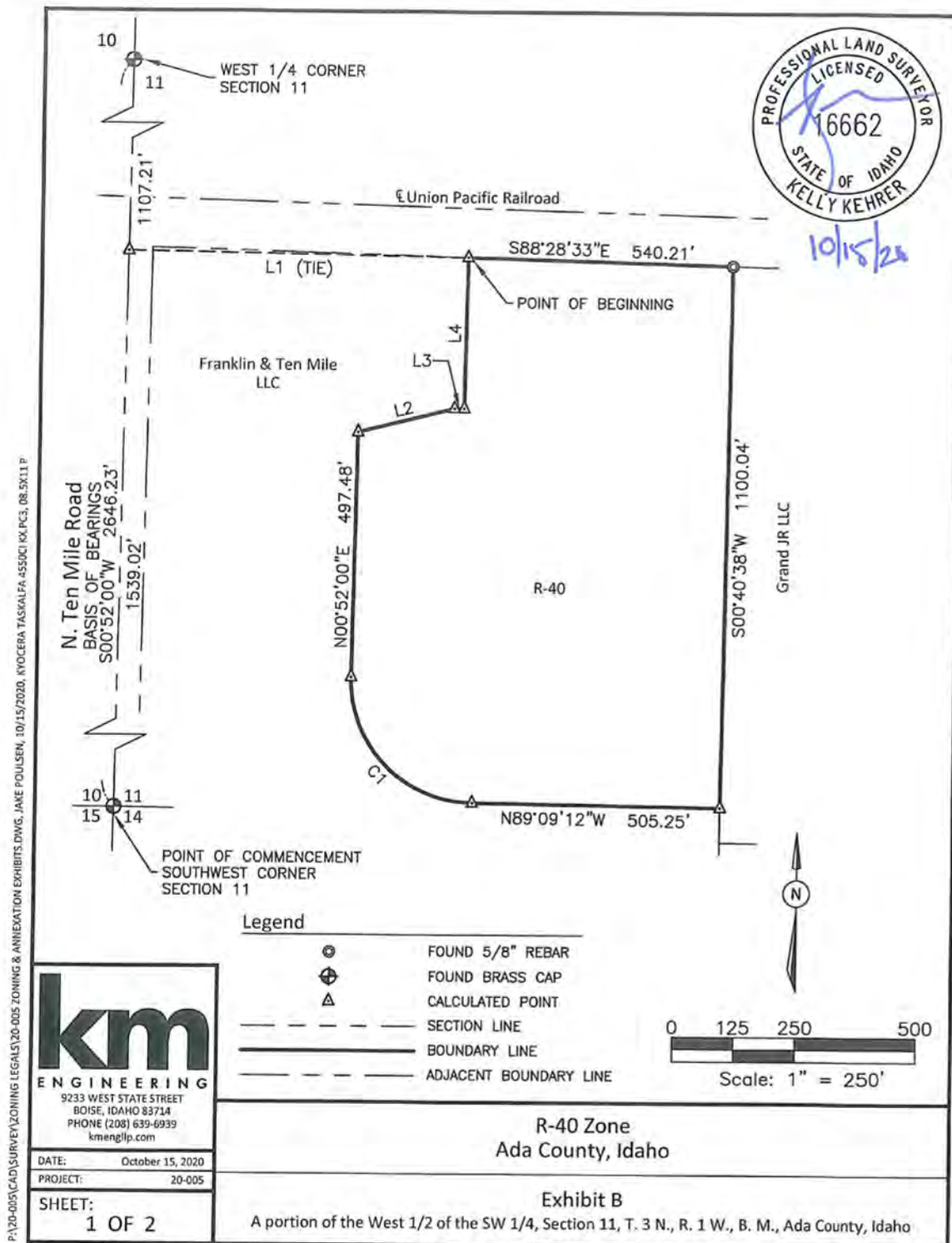
Said parcel contains 17.273 Acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

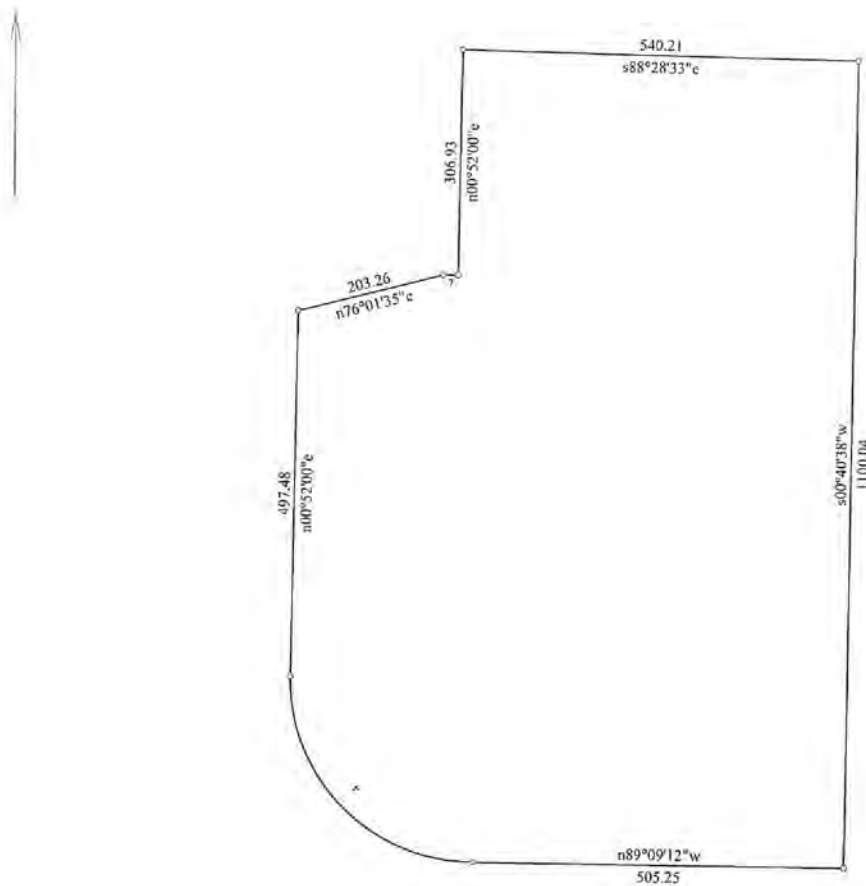
Attached hereto is **Exhibit B** and by this reference is hereby made a part of.

All subdivisions, deeds, records of surveys, and other instruments of record referenced herein are recorded documents of the county in which these described lands are situated in.



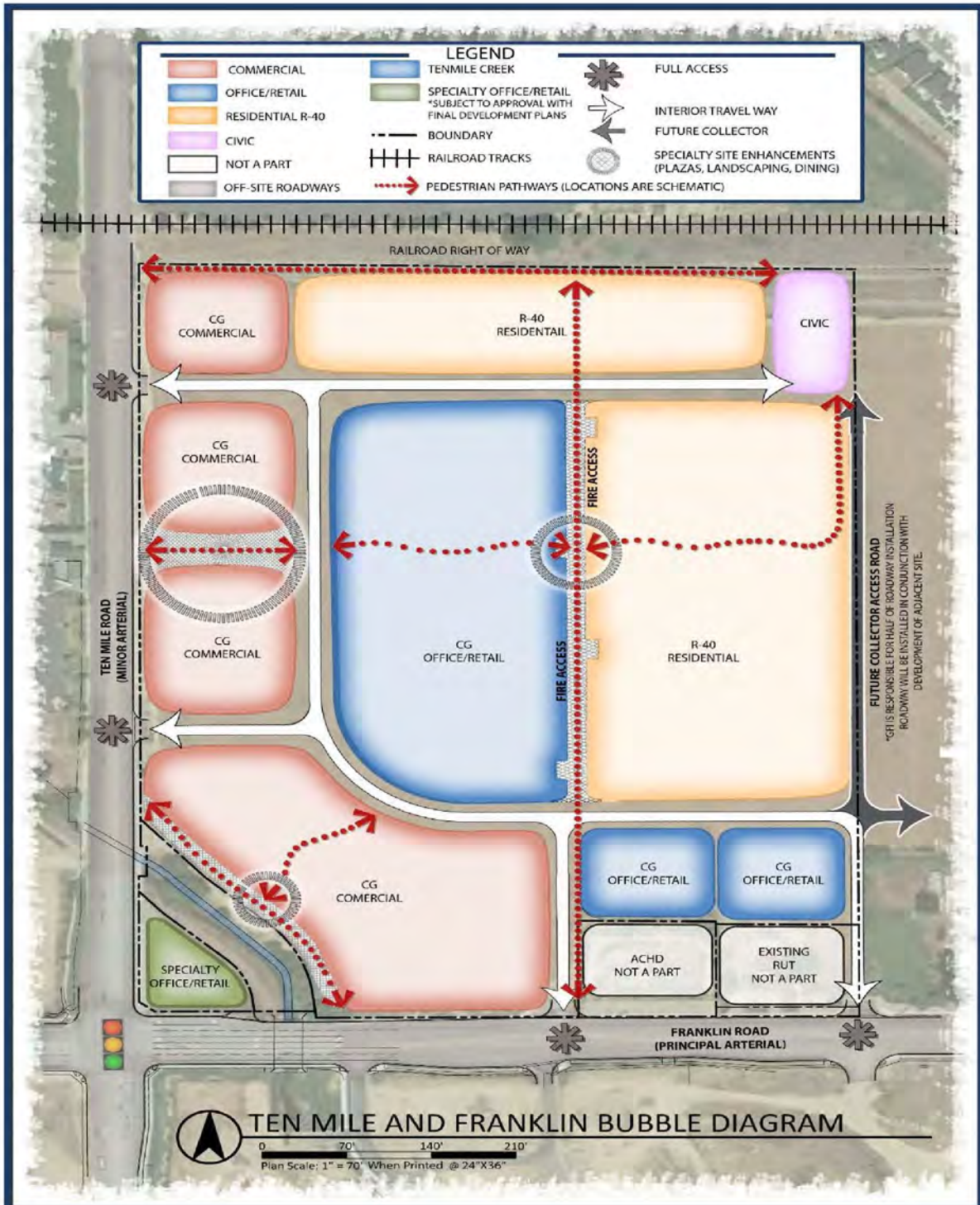
9233 West State Street • Boise, Idaho 83714 • 208.639.6939 • kmengllp.com



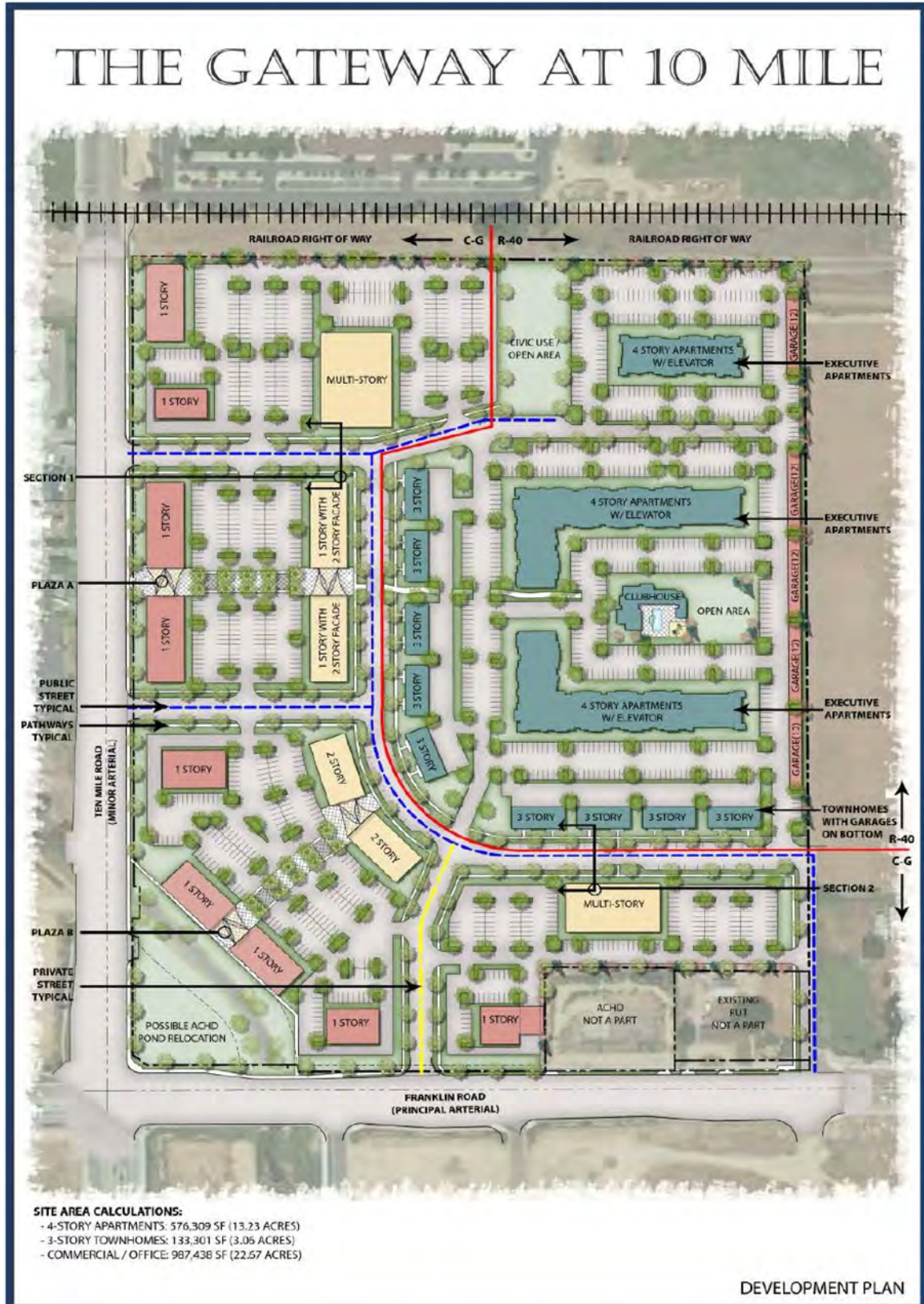


|                                                                                                                   |                                                              |                      |
|-------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|----------------------|
| Title:                                                                                                            |                                                              | Date: 10-14-2020     |
| Scale: 1 inch = 200 feet                                                                                          | File:                                                        |                      |
| Tract 1: 17.273 Acres: 752430 Sq Feet: Closure = s65.0116e 0.01 Feet: Precision = 1/322352: Perimeter = 3571 Feet |                                                              |                      |
| 001=s88.2833e 540.21                                                                                              | 004=Rt, R=250.00, Delta=91.0814<br>Bng=n44.4207w, Chd=357.04 | 007=s89.0649e 19.91  |
| 002=s00.4038w 1100.04                                                                                             | 005=n00.5200e 497.48                                         | 008=n00.5200e 306.93 |
| 003=n89.0912w 505.25                                                                                              | 006=n76.0135e 203.26                                         |                      |

B. Bubble Plan (date: 6/8/2020) (NOT APPROVED)



## C. Revised Concept Development Plan (August September 2020)



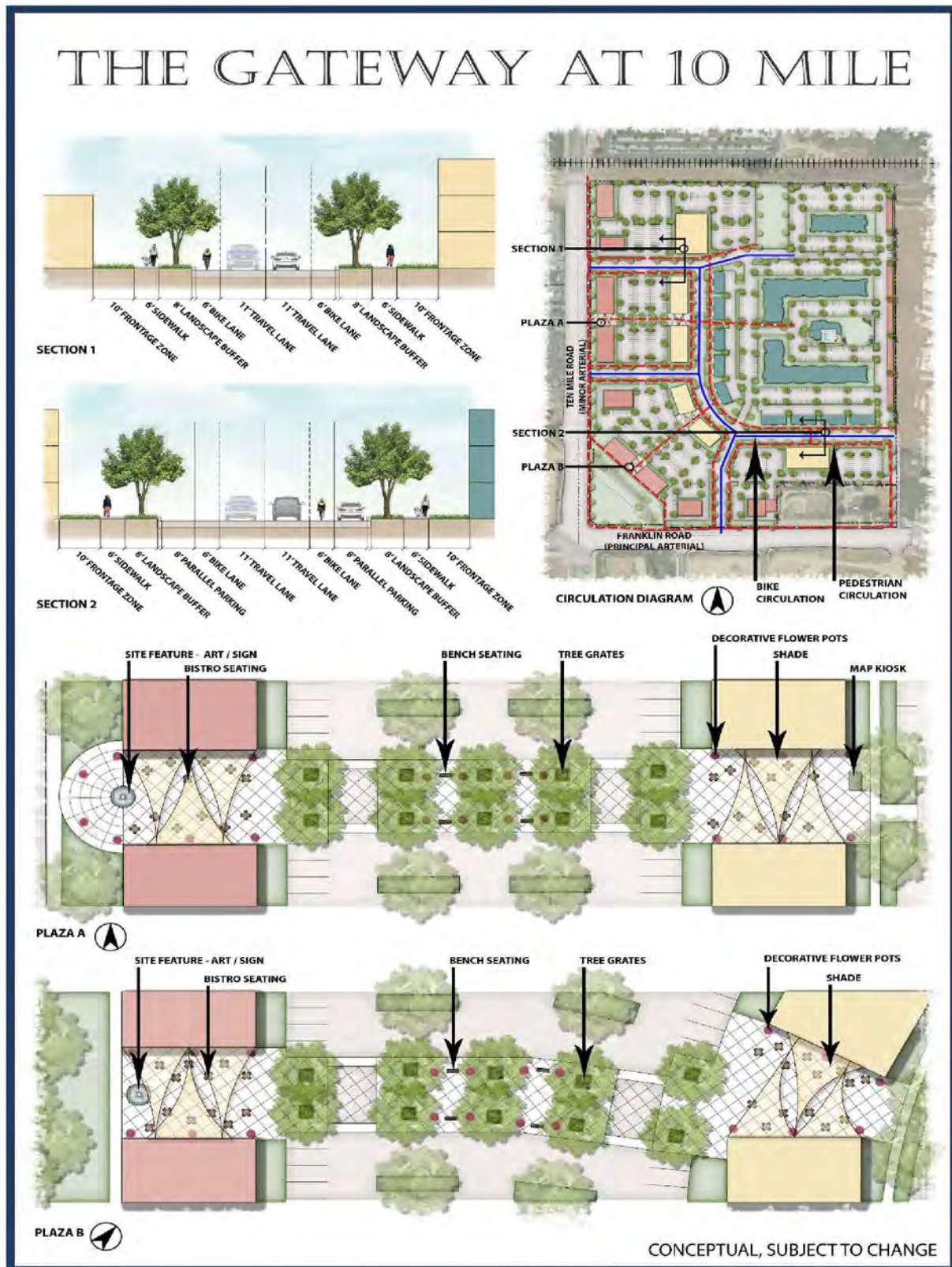
## D. Applicant's Proposed Development Agreement Provisions

### Ten Mile and Franklin – Proposed Conditions for DA

We propose that the following items be included as conditions governing development of the subject property:

- Buildings along Ten Mile and Franklin should relate effectively to each fronting street. Buildings along Ten Mile and Franklin should be at or close to the property line facing the street with main entrances/facades oriented to the street. Parking will not be permitted between front of building and street frontage along Ten Mile and Franklin.
- Buildings at the corner of Ten Mile and Franklin should "hold the corners" to the extent feasible given the constraints of the site due to Ten Mile Creek.
- The space between a building façade and the adjacent sidewalk should be landscaped with a combination of lawn, groundcover, shrubs, and trees.
- Minimize single-story structures. Include at least one multi-story building fronting on Ten Mile and at least one multi-story building fronting on Franklin. On single-story structures, use architectural facades to add height wherever possible and visually effective.
- Incorporate plazas between compatible uses to provide shared outdoor seating and enhance pedestrian circulation between uses.
- Restaurants are encouraged to have outdoor dining. Shops & stores are encouraged to open their doors & street front windows & use clear glass that allows visual access inwards & outwards.
- Incorporate human-scale design with building entrances placed close to the street, ground floor windows, articulated facades, appropriately scaled signs and lighting, and awnings and other weather protection. Create architectural distinctions between any ground and upper stories. Announce entries through changes in details, materials, and design compositions.
- Provide elements that become focal points and announce special places in the Ten Mile area (gateway & entryway corridor signs, continuous walkways, attractive streetscape design and landscaping).
- Architectural character should establish a clear sense of identity for each activity center through an overall palette for each phase of the development while maintaining a degree of individuality for each building. The palette should address and coordinate key elements such as materials (walls, roofs, key architectural elements), and colors, etc.
- Signs should be compatible with the architecture of the buildings and businesses they identify in colors, materials, sizes, shapes, and lighting.

E. Proposed Street Sections and Plaza Exhibit



## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING DIVISION

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

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

- a. ~~The submitted bubble plan in Section VII.B is not approved as shown. At least ten (10) days prior to the City Council hearing, the Applicant shall submit a revised bubble plan reflecting Staff's recommended revisions herein.~~
- b. The Applicant is required to submit a Development Agreement Modification ~~once a more specific development plan is known or when any future subdivision occurs; the future development plan shall address internal vehicle and pedestrian circulation, streetscapes, future uses, building design, and access if any future development or application materially deviates from the approved Development Plan and recorded Development Agreement.~~ The City shall not issue a building permit until the property is subdivided, and a specific development plan is approved by Council.
- c. ~~The Applicant shall revise the bubble plan to show a larger residential area to include those areas shown as "office/retail" and annex into the City of Meridian with TN-C (Traditional Neighborhood Center District) and TN-R (Traditional Neighborhood Zoning District) zoning instead of the requested R-40 zoning designation. At least ten (10) days prior to the City Council hearing, the applicant shall provide revised legal descriptions and exhibit maps for the requested C-G and R-40 district and the recommended TN-C and TN-R zoning districts to reflect the revised concept plan as seen in Exhibit VII.C.~~
- d. ~~Within the TN-R and TN-C zoning district, at least those structures abutting the main road through the development shall be vertically integrated structures and meet the specific use standards as stated in UDC 11-4-3-41, or single-family structures to ensure a diversity and mix of housing products.~~
- e. ~~No more than two (2) buildings along each arterial roadway within the proposed C-G zoning district shall be single story structures (two buildings along N. Ten Mile Road and two buildings along W. Franklin Road), except that additional single story structure allotment may be requested where in a 1:1 exchange for structures that are greater than 2 stories.~~
- f. The Applicant shall comply with the design standards as proposed and shown in Exhibit VII.CD. The applicant shall also comply with the following additional design standards at a minimum:
  1. Street level commercial must have at least 40% of the linear dimension of the façade as windows or doorways;

2. No wall frontage shall continue uninterrupted by a window or public access for a linear distance of greater than 12 feet; ~~and~~
  3. The principle doorway for public entry into a building shall be from the fronting street;
  4. Minimally six (6) of the eleven (11) proposed single-story structures shall be built with a first story clear ceiling height of 12-15 feet, especially those two structures along the main internal thoroughfare built adjacent to the proposed street cross-section 2 as seen in Exhibit VII.C; and
  5. In place of the fourth bullet point shown in Exhibit VII.D, the following provision shall apply: Minimize single-story structures; on single-story structures, use architectural facades to add height wherever possible and visually effective.
- g. All street cross-sections (excluding commercial parking lot drive aisles) shall be consistent with the submitted cross-sections as shown in Exhibit VII.E, commensurate with the Ten Mile Interchange Specific Area Plan (TMISAP) for traditional neighborhood design. Commercial drive aisles should still be designed with a high degree of pedestrian connectivity and comfort in mind, and utilize on-street parking where feasible to separate pedestrians from automotive traffic.
  - h. The Applicant shall preserve the Civic portion of the site for the future development of a multi-modal transit station. Interim uses shall be limited to shared/overflow parking, open space, and temporary uses (i.e. outdoor markets, car shows, mobile sales units, special events, and others as outlined in UDC 3-4. If by 2040 no Valley-wide study is adopted or the Treasure Valley High Capacity Transit Study determines a transit station is not necessary here, this restriction shall be null and void.
  - i. All future landscaping and lighting shall be consisting with the TMISAP and Public Works standards.
  - j. No accesses to N. Ten Mile Road and W. Franklin Road are approved with this application; access points to these arterial roadways will be reviewed in conjunction with the future traffic impact study required by Ada County Highway District (ACHD) upon future development of the subject site and any future subdivision.
  - k. Upon future development, the Applicant shall construct half plus twelve feet of the required right of way for the future collector street located in the southeast corner of the property.
  - l. The Applicant shall construct the east-west street in the northern portion of the site as a full public street ending in the southeast corner of the proposed Civic site along the eastern property boundary and wholly on this property starting at the collector roadway in the southeast corner of the property and ending in the northeast corner of the site where the Civic future land use is as shown on the bubble revised concept approved Development pPlan in Exhibit VII.C.
  - m. Future development of this site shall comply with the Ten Mile Interchange Specific Area Plan (TMISAP) goals submitted by the Applicant, as shown in Exhibit VII.C; ~~all other goals stated in the TMISAP shall also be complied with to the extent possible other than the Floor Area Ratio (FAR) requirement.~~

- n. Future development of both the commercial and residential structures shall comply with the applicable architectural design guidelines within the TMISAP and the Architectural Standards Manual (ASM).
- o. Future development shall be consistent with the development and dimensional standards listed in UDC 11-2A-8 for the R-40 zoning district and those listed in UDC 11-2B-3 for the C-G zoning district. ~~11-2D-2 for the recommended traditional neighborhood districts.~~
- p. The Applicant shall comply with the ordinances in effect at the time of application submittal.
- q. The future residential development on this site shall be developed with a density range of 8-15 dwelling units per acre, based on the acreage of the entire site.
- r. ~~The Applicant shall integrate the Ten Mile Creek into the development via outdoor dining and/or specialty retail to incorporate the creek as an amenity for the development.~~
- s. If an agreement with ACHD to relocate their pond to the constrained piece in the southwest corner of the site is not accomplished, the Applicant shall coordinate with the Parks Department to include a public amenity (trail hub lot) in the southwest corner of the site, labeled as specialty retail possible ACHD pond relocation on the bubble concept plan. If an neither agreement with the Parks Department cannot be made, the Applicant may construct this area with a specialty use that allows for an activity node for the development. Future development plans shall show this area of the bubble concept plan with greater detail following these discussions.
- t. Minimally those commercial buildings fronting along the central thoroughfare, proposed to be built adjacent to the labeled street section 2, shall be built as close to the back of sidewalk as possible—outdoor dining may be used in this area as an alternative but building façades shall be built no further than 10 feet from back of sidewalk in any case.
- u. The proposed plazas as shown in Exhibit VII.E shall be built as raised islands for added pedestrian safety and placemaking; the addition of bollards shall also be considered for added safety and to delineate travel areas.
- v. Future development and potential changes to the development shall include no more than 45% of the subject site with residential uses, as measured in acres and square feet.

## B. PUBLIC WORKS

### 1. Site Specific Conditions of Approval

- 1.1 A street light plan will need to be included in the preliminary plat application. Street light plan requirements are listed in section 6-7 of the City's Design Standards.
- 1.2 The City owns and maintains a reclaimed water system adjacent to the subject site. Connection to this system is required for irrigation use. Use of reclaimed water is contingent on final design/demand. Reclaimed water is only for commercial/office areas (no residential). All reclaimed lines/sprinklers must be designed per the city's reclaimed specifications including signage. Applicant shall be required to execute a user agreement

before water delivery. (See "Sample Reclaimed Water USER MANUAL" and "December 2017 RECYCLED WATER USER AGREEMENT" for additional information and examples.)

- 1.3 A Floodplain Development Permit is required for effective A Zone development. Applicant's engineer may want to extend the TM Crossing Hydraulic Study to determine actual floodplain and BFE's.

## **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](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. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=188672&dbid=0&repo=MeridianCity>

**D. CENTRAL DISTRICT HEALTH (CDH)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=187422&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=189937&dbid=0&repo=MeridianCity>

**F. COMPASS (COMMUNITY PLANNING ASSOCIATION)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=188458&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;**

*Commission finds the proposed zoning map amendment to C-G, TN-C and TN-R districts and ~~not the~~ R-40 zoning district is consistent with the Comprehensive Plan, if all provisions of the Development Agreement are complied with.*

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

*Commission finds the proposed zoning map amendment will allow for the development of multiple types of residential and commercial uses which will contribute to the range of housing opportunities available within the City and more employment opportunities in the Ten Mile Area, consistent with the Comprehensive Plan and the purpose statement of the Mixed Use Commercial designation of the Ten Mile Interchange Specific Area Plan.*

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

*Commission 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**

*Commission 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.**

*Commission finds the proposed annexation is in the best interest of the City per the Analysis in Section V and the DA provisions contained herein.*