

ADDENDUM TO DEVELOPMENT AGREEMENT

PARTIES:

- 1. City of Meridian**
- 2. King's Congregation Church, Owner/Developer**

THIS ADDENDUM TO DEVELOPMENT AGREEMENT is dated this _____ day of _____, 2023, ("ADDENDUM"), by and between **City of Meridian**, a municipal corporation of the State of Idaho ("CITY"), whose address is 33 E. Broadway Avenue, Meridian, Idaho 83642 and **King's Congregation Church** ("OWNER/DEVELOPER"), whose address is 1150 E. Pienza St., Meridian, ID 83642.

RECITALS

A. OWNER/DEVELOPER submitted an application for a Modification to the existing Development Agreement recorded on July 29, 2009 as Instrument #109088809 in Ada County Records for the purpose of updating the conceptual development plan and building elevations for the site. The Meridian City Council approved said application with Findings of Fact and Conclusions of Law as in the attached Exhibit "A."

B. CITY and OWNER/DEVELOPER now desire to amend said Development Agreement, which terms have been approved by the Meridian City Council in accordance with Idaho Code Section 67-6511.

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

1. OWNER/DEVELOPER shall be bound by the terms of the Development Agreement recorded on July 29, 2009 as Instrument #109088809, except as specifically amended as follows:

That the conceptual development plan and building elevations for the site shall be amended as depicted in Section VI.B of the Staff Report included in the Findings of Fact and Conclusions of Law as attached hereto as Exhibit "A."

That Section 5.1.6 of the Development Agreement recorded on July 29, 2009 as Instrument #109088809 in Ada County Records shall be amended to read, "*Direct access to Victory Road is prohibited. Access to this site shall be provided from E. Pienza Street and S. Mesa Way. All other access points to/from the site are prohibited unless approved by ACHD and the City of Meridian.*"

2. That Owner/Developer agrees to abide by all ordinances of the City of Meridian and the Property shall be subject to de-annexation if the Owner/Developer, or their assigns, heirs, or successor shall not meet the conditions of this Addendum, and the Ordinances of the City of Meridian as herein provided.

3. This Addendum shall be binding upon and inure to the benefit of the parties' respective heirs, successors, assigns and personal representatives, including City's corporate authorities and their

successors in office. This Addendum shall be binding on the Owner/Developer of the Property, each subsequent owner and any other person(s) acquiring an interest in the Property. Nothing herein shall in any way prevent sale or alienation of the Property, or portions thereof, except that any sale or alienation shall be subject to the provisions hereon and any successor owner or owners shall be both benefited and bound by the conditions and restrictions herein expressed. City agrees, upon written request of Owner/Developer, to execute appropriate and recordable evidence of termination of this Addendum if City, in its sole and reasonable discretion, had determined that Owner/Developer have fully performed its obligations under this Addendum.

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

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

- a. Except as herein provided, no condition governing the uses and/or conditions governing development of the subject Property herein provided for can be modified or amended within the approval of the City Council after the City has conducted public hearing(s) in accordance with the notice provisions provided for a zoning designation and/or amendment in force at the time of the proposed amendment.

6. This Addendum shall be effective as of the date herein above written.

7. Except as amended by the Addendums, all terms of the previous Agreements shall remain in full force and effect.

[End of text. Acknowledgements, signatures, and Exhibit A follow.]

ACKNOWLEDGMENTS

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

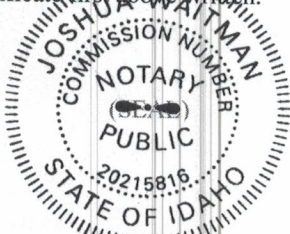
OWNER/DEVELOPER:
King's Congregation Church

[Signature]
By:
Its: Ruling Elder

STATE OF Idaho)
County of Ada) ss.

On this 15 day of June, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared C. Israel Waitman, known or identified to me to be the Elder (title) of King's Congregation Church (entity name) and the person who signed above and acknowledged to me that they executed the same on behalf of said corporation.

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



[Signature]
Notary Public
My commission expires: 12/03/2027

CITY OF MERIDIAN

ATTEST:

By:
Mayor Robert E. Simison

[Signature]
Chris Johnson, City Clerk

STATE OF IDAHO)
County of Ada) ss.

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

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

(SEAL)

Notary Public for Idaho
My commission expires: _____

EXHIBIT A

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



In the Matter of the Request for Modification to the Existing Development Agreement (Instrument #109088809, AZ-08-014) to Include an Updated Conceptual Development Plan & Building Elevations for the Site and Modification to Provision #5.1.6, by Glancey Rockwell & Associates.

Case No(s). H-2023-0013

For the City Council Hearing Date of: May 9, 2023 (Findings on May 23, 2023)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of May 9, 2023, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of May 9, 2023, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of May 9, 2023, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of May 9, 2023, incorporated by reference)

B. Conclusions of Law

1. The City of Meridian shall exercise the powers conferred upon it by the “Local Land Use Planning Act of 1975,” codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. The Meridian City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.

7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of May 9, 2023, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

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

1. The applicant's request for modification to the existing Development Agreement is hereby approved per the provisions in the Staff Report for the hearing date of May 9, 2023, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Development Agreement Duration

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

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

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

E. Judicial Review

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

F. Notice of Right to Regulatory Takings Analysis

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

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

By action of the City Council at its regular meeting held on the 23rd day of May, 2023.

COUNCIL PRESIDENT BRAD HOAGLUN VOTED AYE

COUNCIL VICE PRESIDENT JOE BORTON VOTED AYE

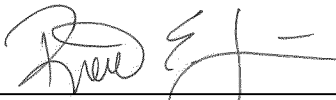
COUNCIL MEMBER JESSICA PERREAULT VOTED AYE

COUNCIL MEMBER LUKE CAVENER VOTED AYE

COUNCIL MEMBER JOHN OVERTON VOTED AYE



COUNCIL MEMBER LIZ STRADER VOTED AYE

MAYOR ROBERT SIMISON VOTED _____
(TIE BREAKER)



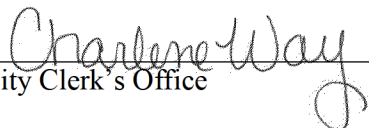
Mayor Robert E. Simison 5-23-2023

Attest:

Chris Johnson 5-23-2023
City Clerk

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

By:  _____ Dated: 5-23-2023
City Clerk's Office

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 5/9/2023
 TO: Mayor & City Council
 FROM: Sonya Allen, Associate Planner
 208-884-5533
 SUBJECT: King’s Congregation Church - MDA
[H-2023-0013](#)
 LOCATION: 1150 E. Pienza St., in the NE 1/4 of
 Section 30, T.3N., R.1E. (Parcel
 #S1130120725)



I. PROJECT DESCRIPTION

Modification to the existing Development Agreement (AZ-08-014 - Inst. #109088809) to update the conceptual development plan & building elevations for the site.

II. SUMMARY OF REPORT

- A. Applicant:
 Ryan McColly, Glancey Rockwell and Assoc. – 1257 W. River St., Ste. 110, Boise, ID 83702
- B. Owner:
 King’s Congregation Church – 1150 E. Pienza St., Meridian, ID 83642
- C. Representative:
 Same as Applicant

III. NOTICING

	City Council Posting Date
Notification published in newspaper	4/23/2023
Notification mailed to property owners within 300 feet	4/21/2023
Applicant posted public hearing notice on site	3/4/2023
Nextdoor posting	4/21/2023

IV. STAFF ANALYSIS

The Applicant requests a modification to the existing DA (Inst. #[109Direct 088809](#)) to update the conceptual development plan & building elevations for the site and modify provision #5.1.6.

The original DA was required with annexation ([AZ-08-014](#)) of the property and included a plan for the first and second phases of development. The first phase included improvements to the existing 7,000 square foot (s.f.) church building, removal of the access point via E. Victory Rd., a paved 41-space parking lot with an emergency turnaround for the Fire Dept. off of Pienza St., the installation of a landscaped street buffer along E. Victory Rd. and a pressurized irrigation system. The second phase was for a new 42,500 s.f. church building on the site with an additional 52 parking spaces and associated landscaping. *See Section VI.A below.*

The Applicant proposes to reduce the size of the new building from 42,500 to 7,400 s.f. as it exceeds the current needs of the church and change its location on the site. The existing building will remain along with some of the existing parking. Parking is proposed where the new building was previously proposed to be located on the southern end of the site. The design and building materials of the new building is proposed to change from a 2-story to a single-story and will include a dark gray asphalt shingled roof instead of a blue metal roof, white horizontal siding instead of stucco and stone veneer wainscot with a white steeple. Although the proposed roofing material/color and siding materials differ from the existing structure, the main color, stone wainscot and roof pitch of the buildings are generally compatible and should be compatible with adjacent residential structures. Final design is required to comply with the design standards in the Architectural Standards Manual. *See Section VI.B below.*

A change is also proposed to DA provision #5.1.6, as follows: “Direct access to Victory Road is prohibited. Access to this site shall be provided from E. Pienza Street and S. Mesa Way. All other access points to/from the site are prohibited unless approved by ACHD and the City of Meridian.” *See Section VI.B below.*

The previous development plan did not have an access via S. Mesa Way as the street had not been constructed at that time. The proposed access via Mesa Way will provide better connectivity and access with adjacent developments and streets. The “jog” in the access points from Mesa Way and Pienza St. should assist in slowing traffic and reducing cut-through traffic through the site.

The off-street parking proposed for the development exceeds the standards in UDC 11-3C-6 by 74 spaces. Based on the overall square footage of the buildings (i.e. 14,329 s.f.), a minimum of 28 spaces are required; a total of 103 spaces are proposed.

The site design is required to comply with all applicable UDC standards. A detailed review of the site plan, landscape plan and building elevations will take place with the Certificate of Zoning Compliance and Design Review applications prior to submittal of a building permit application.

V. DECISION

A. Staff:

Staff recommends approval of the proposed modification to the DA with the changes noted in Section VI.B as discussed above in Section IV.

B. The Meridian City Council heard this item on May 9, 2023. At the public hearing, the Council moved to approve the subject MDA request.

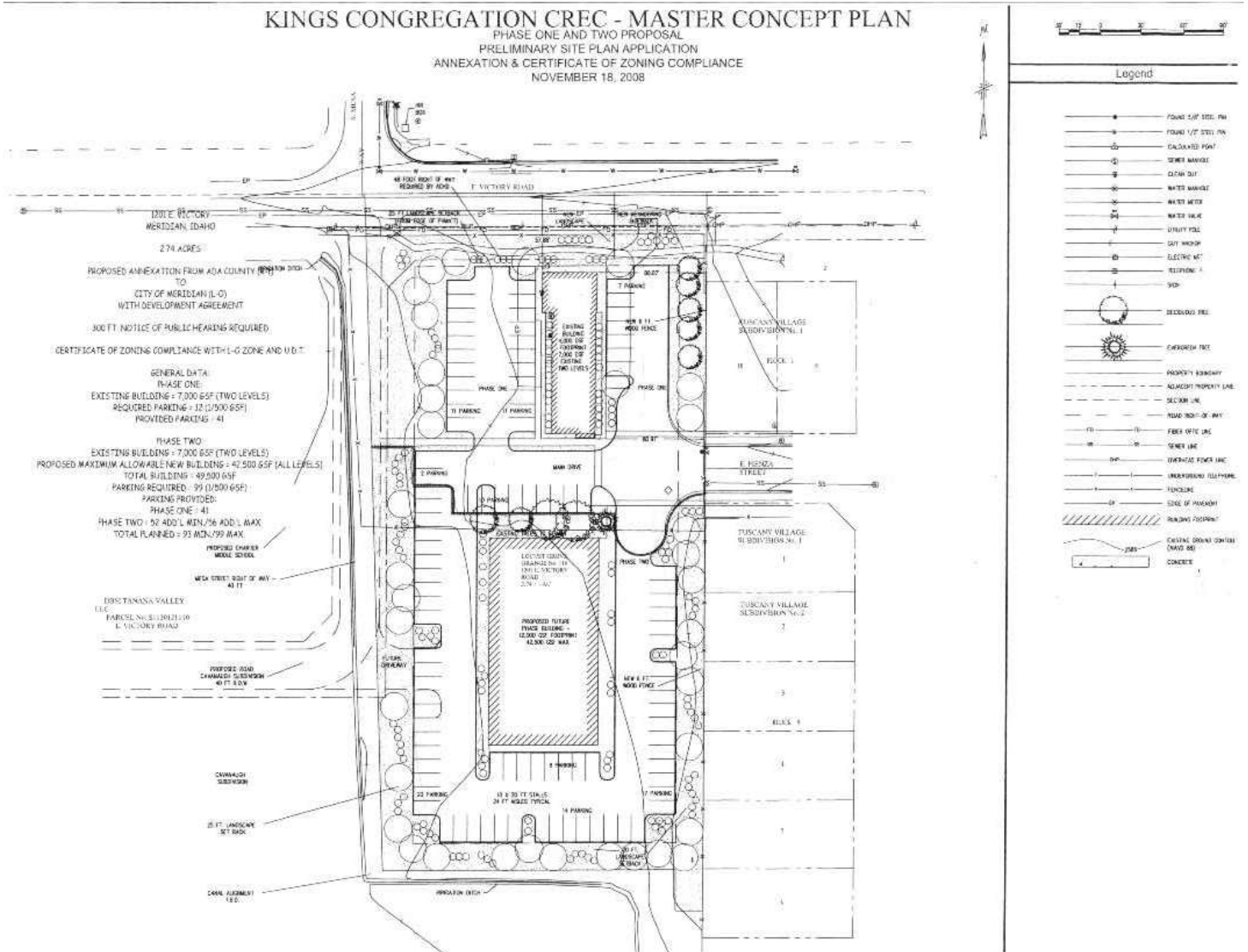
1. Summary of the City Council public hearing:

- a. In favor: Ryan McColly, Applicant’s Representative
- b. In opposition: None
- c. Commenting: Mike Bierman

- d. Written testimony: Ryan McColly, Applicant's Representative (in agreement with staff report)
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: None
- 2. Key issue(s) of public testimony:
 - a. Questions pertaining to if Pienza St. is going to be extended through the site to Mesa Way and the height of the proposed structure.
- 3. Key issue(s) of discussion by City Council:
 - a. None
- 4. City Council change(s) to Commission recommendation:
 - a. None

VI. EXHIBITS

A. Existing Master Conceptual Development Plan, Building Elevations & Development Agreement Provisions



Phase 1:

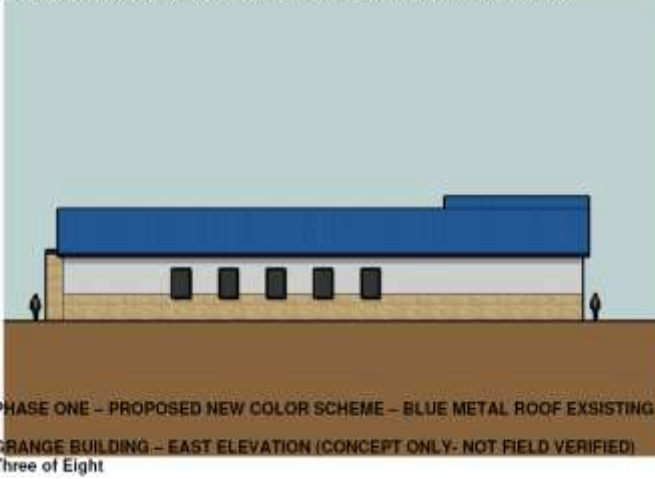
THE KING'S CONGREGATION CREC – MASTER CONCEPT PLAN 11/18/08



THE KING'S CONGREGATION CREC – MASTER CONCEPT PLAN 11/18/08



THE KING'S CONGREGATION CREC – MASTER CONCEPT PLAN 11/18/08



THE KING'S CONGREGATION CREC – MASTER CONCEPT PLAN 11/18/08



Phase 2:

THE KING'S CONGREGATION CREC – MASTER CONCEPT PLAN 11/18/08



PHASE TWO – PROPOSED NEW BUILDING

NEW SANCTUARY BUILDING – EAST ELEVATION (CONCEPT ONLY)
Five of Eight

THE KING'S CONGREGATION CREC – MASTER CONCEPT PLAN 11/18/08



PHASE TWO – PROPOSED NEW BUILDING

NEW SANCTUARY BUILDING – WEST ELEVATION (CONCEPT ONLY)
Six of Eight

THE KING'S CONGREGATION CREC – MASTER CONCEPT PLAN 11/18/08



PHASE TWO – PROPOSED NEW BUILDING

NEW SANCTUARY BUILDING – SOUTH ELEVATION (CONCEPT ONLY)
Seven of Eight

THE KING'S CONGREGATION CREC – MASTER CONCEPT PLAN 11/18/08



PHASE TWO – PROPOSED NEW BUILDING

NEW SANCTUARY BUILDING – NORTH ELEVATION (COMBINED)
Eight of Eight

Existing Development Agreement Provisions (Inst. #[109088809](#))

4. **USES PERMITTED BY THIS AGREEMENT:**

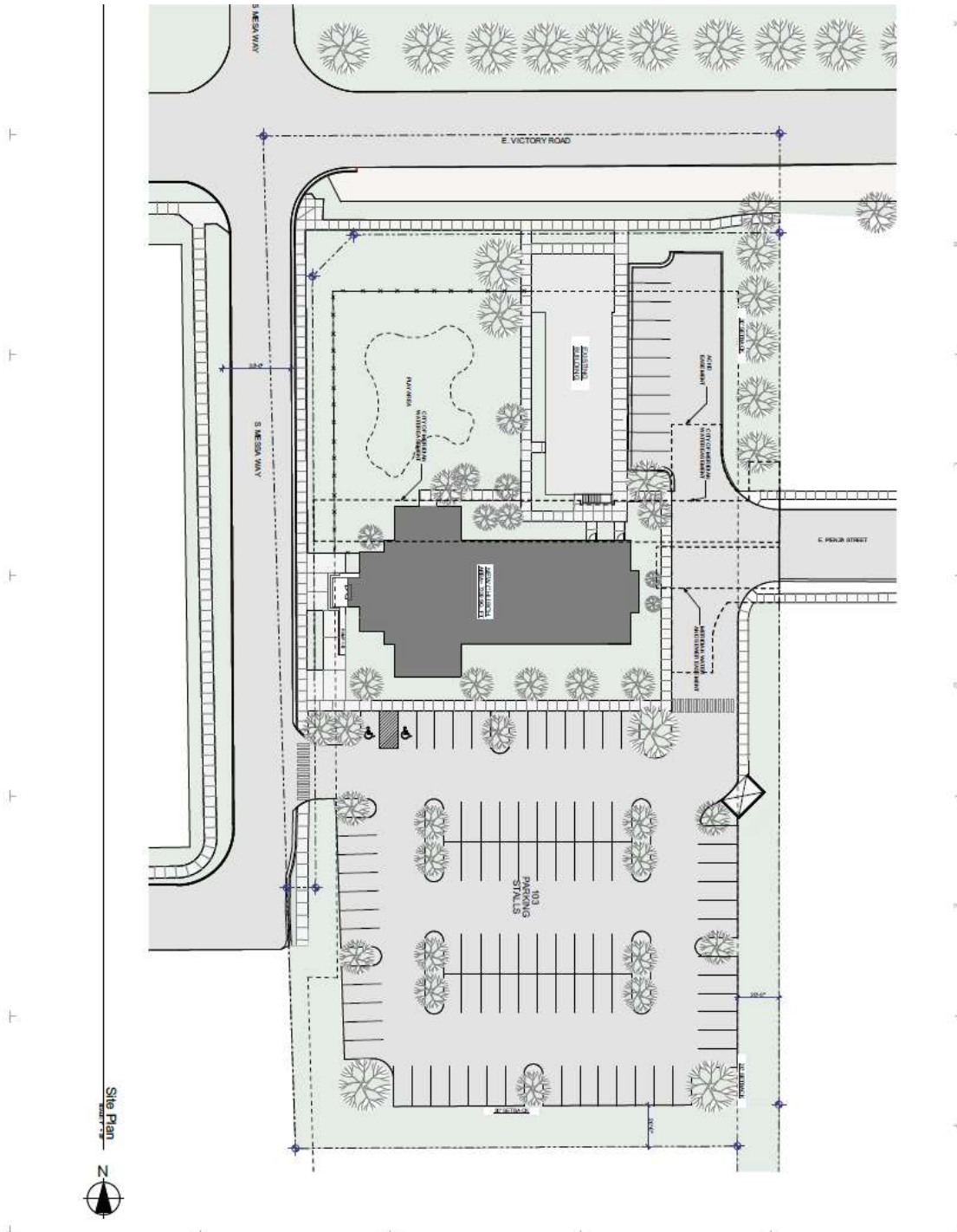
- 4.1 The uses allowed pursuant to this Agreement are only those uses allowed under City's Zoning Ordinance codified at Meridian Unified Development Code § 11-2B.
- 4.2 No change in the uses specified in this Agreement shall be allowed without modification of this Agreement.

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

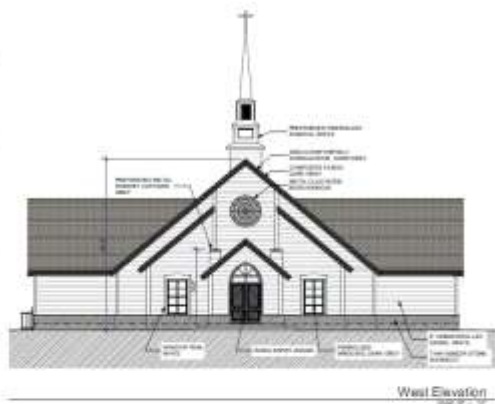
- 5.1. Owner/Developer shall develop the Property in accordance with the following special conditions:
 1. The applicant shall be responsible for the construction and installation of, and all costs associated with, the sewer and water service extension and connection to such City services.
 2. Any and all existing domestic wells and/or septic systems within this project will have to be removed from their domestic service, per City Ordinance Section 5-7-517, when services are available from the City of Meridian. Wells may be used for non-domestic purposes such as landscape irrigation.
 3. No signs are approved with the subject annexation approval. All business signs will require a separate sign permit in compliance with UDC 11-3D.
 4. Construct a minimum 5-foot wide detached sidewalk along Victory Road, as proposed on the "Conceptual Master Plan" attached as Exhibit A.2 of the Staff Report prior to issuance of certificate of occupancy for the existing church building in "Phase 1", as defined in the Conceptual Master Plan.
 5. The existing driveway accesses to Victory Road shall be removed prior to issuance of Certificate of Occupancy for the existing church building in Phase 1.
 6. Direct access to Victory Road is prohibited. Access to this site shall be provided from E. Pienza Street. All other access points to/from the site are prohibited unless approved by ACHD and the City of Meridian.
 7. Provide a pedestrian pathway through this site for interconnectivity between Tuscany Village Subdivision and Cavanaugh Subdivision and for access to the future school site to the west, as depicted on the Conceptual Master Plan. Said pathway shall be constructed prior to issuance of Certificate of Occupancy for the existing church building in Phase 1.
 8. A minimum 25-foot wide street buffer shall be installed adjacent to Victory Road in compliance with the standards listed in UDC 11-3B-7C. Said buffer shall be installed prior to issuance of a Certificate of Occupancy for the existing church building in Phase 1.

9. A minimum 10-foot wide street buffer shall be installed adjacent to Mesa Way in compliance with the standards listed in UDC 11-3B-7C. Said buffer shall be constructed with each phase of development, as depicted on the Conceptual Master Plan, prior to release of Certificate of Occupancy for each structure.
10. A minimum 20-foot wide landscape buffer shall be installed along the southern end of the west property boundary, and the south and east property boundaries adjacent to residential uses, in compliance with the standards listed in UDC 11-3B-9C. Said buffer shall be constructed with each phase of development, as depicted on the Conceptual Master Plan, prior to the Certificate of Occupancy for each structure.
11. The Applicant shall comply with the tree preservation standards listed in UDC 11-3B-10 for protection of existing trees that are proposed to be retained and existing trees 4-inch caliper and greater that are proposed to be removed.
12. Development of this site shall substantially comply with the Conceptual Master Plan and building elevations, including construction materials, submitted with the subject annexation application included as Exhibits A.2, A.3, and A.4 of the Staff Report.
13. Development of this site shall comply with the current design standards in effect at the time of Certificate of Zoning Compliance.
14. A Certificate of Zoning Compliance (CZC) that meets the requirements herein is required for approval of the existing church use, prior to release of Certificate of Occupancy for the structure in phase 1. Another CZC will be required for Phase 2 of the development, as set forth in the Conceptual Master Plan.
15. The applicant shall bring the exiting systems in the existing building up to current International Fire Code standards, prior to issuance of Certificate of Occupancy for the change in use of the building.

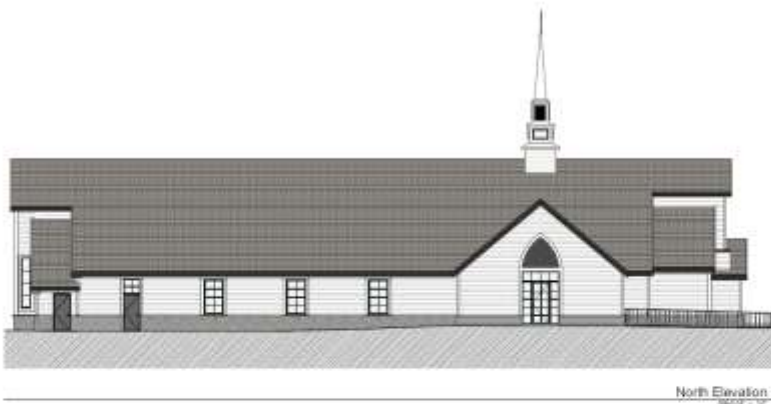
B. Proposed Conceptual Development Plan, Building Elevations & Change Development Agreement Provision #5.1.6



<p>A-0.01</p>	<p>Site Plan</p>	<p>KINGS CONGREGATION CHURCH 1150 E Piazza St Meridian, ID 83842</p>	<p>Glancy • Rockwell & Associates Architecture • Planning 1257 West River Street, Suite 310 Boise, Idaho 83702 p. 208.445.0566 f. 208.445.1718 e. office@grpa.com</p>								
	<p> <small> COPYRIGHT © 2023 DRAWN BY: [Name] CHECKED BY: [Name] SCALE: AS SHOWN DATE: 09/23/23 PROJECT NO: 23008 </small> </p>										



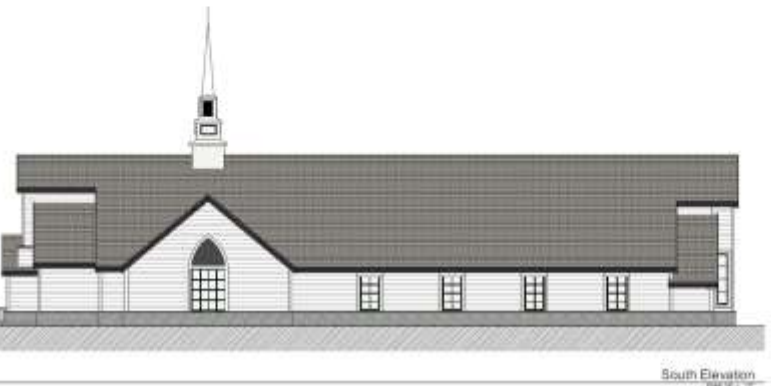
West Elevation



North Elevation



East Elevation



South Elevation

<p>Clancy • Rockwell & Associates Architectural Firm 1277 W. Main Street, Suite 102 Meridian, ID 83452</p>
<p>KINGS CONGREGATION CHURCH 1151 E. Pienza St. Meridian, ID 83452</p>
<p>COPYRIGHT 2023 DRAWN BY: [redacted] CHECKED BY: [redacted] SCALE: AS NOTED DATE: 10-10-23 PROJECT NO: 23-000</p>
<p>SHEET TITLE Elevations</p>
<p>A-2.01</p>

The Applicant proposes the following change to Development Agreement provision #5.1.6:
 “Direct access to Victory Road is prohibited. Access to this site shall be provided from E. Pienza Street and S. Mesa Way. All other access points to/from the site are prohibited unless approved by ACHD and the City of Meridian.”

Note: All other provisions remain the same; no other changes are proposed.