

DEVELOPMENT AGREEMENT

- PARTIES:**
1. **City of Meridian**
 2. **Lansing Farm, LLC, OWNER**
 3. **Conger Group, DEVELOPER**

21 THIS DEVELOPMENT AGREEMENT (this Agreement), is made and entered into this day of August, 2023, by and between **City of Meridian**, a municipal corporation of the State of Idaho, hereafter called CITY, whose address is 33 E. Broadway Avenue, Meridian, Idaho 83642, and **Lansing Farm, LLC**, whose address is 4824 W. Fairview Avenue, Boise, Idaho, 83706, hereinafter called OWNER, and **Conger Group**, whose address is 4824 W. Fairview Avenue, Boise, Idaho, 83706, hereinafter called DEVELOPER.

1. **RECITALS:**

- 1.1 **WHEREAS**, Owner is the sole owner, in law and/or equity, of certain tract of land in the County of Ada, State of Idaho, described in Exhibit "A", which is attached hereto and by this reference incorporated herein as if set forth in full, herein after referred to as the Property; and
- 1.2 **WHEREAS**, Idaho Code § 67-6511A provides that cities may, by ordinance, require or permit as a condition of zoning that the Owner and/or Developer make a written commitment concerning the use or development of the subject Property; and
- 1.3 **WHEREAS**, City has exercised its statutory authority by the enactment of Section 11-5B-3 of the Unified Development Code ("UDC"), which authorizes development agreements upon the annexation and/or re-zoning of land; and
- 1.4 **WHEREAS**, Owner/Developer submitted an application for annexation and zoning of approximately 22.667 acres of land with a request for the TN-R (Traditional Neighborhood Residential) zoning district on the property as shown in Exhibit "A" under the Unified Development Code, which generally describes how the Property will be developed and what improvements will be made; and
- 1.5 **WHEREAS**, Owner/Developer made representations at the public hearings before Planning and Zoning Commission and the Meridian City Council as to how the Property will be developed and what improvements will be made; and
- 1.6 **WHEREAS**, the record of the proceedings for requested annexation and zoning held before Planning and Zoning Commission and the City Council includes responses of government subdivisions providing services within the

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

- 1.7 **WHEREAS**, on the 25th day of April, 2023, the Meridian City Council approved certain Findings of Fact and Conclusions of Law and Decision and Order ("Findings"), which have been incorporated into this Agreement and attached as Exhibit "B"; and
- 1.8 **WHEREAS**, the Findings require the Owner/Developer to enter into a Development Agreement before the City Council takes final action on final plat; and
- 1.9 **WHEREAS**, Owner/Developer deem it to be in its best interest to be able to enter into this Agreement and acknowledges that this Agreement was entered into voluntarily and at its urging and request; and
- 1.10 **WHEREAS**, City requires the Owner/Developer to enter into a development agreement for the purpose of ensuring that the Property is developed and the subsequent use of the Property is in accordance with the terms and conditions of this Agreement, herein being established as a result of evidence received by the City in the proceedings for zoning designation from government subdivisions providing services within the planning jurisdiction and from affected property owners and to ensure zoning designation is in accordance with the amended Comprehensive Plan of the City of Meridian on December 19, 2019, Resolution No. 19-2179, and the UDC, Title 11.

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

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

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

- 3.1 **CITY:** means and refers to the **City of Meridian**, a party to this Agreement, which is a municipal Corporation and government subdivision of the state of Idaho, organized and existing by virtue of law of the State of Idaho, whose address is 33 East Broadway Avenue, Meridian, Idaho 83642.
- 3.2 **OWNER:** means and refers to **Lansing Farm, LLC**, whose address is 4824 W. Fairview Avenue, Boise, Idaho 83706, hereinafter called OWNER, the party that owns said Property and shall include any subsequent owner(s) of the Property.
- 3.3 **DEVELOPER:** means and refers to **Conger Group**, whose address is 4824 W. Fairview Avenue, Boise, Idaho 83706, hereinafter called DEVELOPER,

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the party that is developing said Property and shall include any subsequent developer(s) of the Property.

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

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

- 4.1 The uses allowed pursuant to this Agreement are only those uses allowed under the UDC.
- 4.2 No change in the uses specified in this Agreement shall be allowed without modification of this Agreement.

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

- 5.1. Owner/Developer shall develop the Property in accordance with the following special conditions:
- a. Future development of this site shall be generally consistent with the preliminary plat, phasing plan, landscape plan, qualified open space, qualified site amenities, and conceptual building elevations included in Section VIII and the provisions contained herein.
 - b. The collector street (N. San Marco Way) shall be constructed in its entirety with the first phase of development and shall be designed consistent with Street Section C (major collector street) in the Ten Mile Interchange Specific Area Plan (see pgs. 3-20, 3-22 and 3-23), unless an alternative cross section is approved by ACHD.
 - c. Public art of a high quality of design shall be provided within the development and incorporated into the design of the streetscape or publicly accessible open space as set forth in the TMISAP (see pg. 3-47).
 - d. A bicycle rack should be provided for each of the multi-family buildings and the clubhouse in accord with the standards listed in UDC 11-3C-5C. A minimum of 18 spaces are required.
 - e. A minimum of 442 off-street parking spaces shall be provided for the multi-family development with a minimum of 221 of those spaces in a covered carport or garage as proposed, in accord with UDC Table 11-3C-6.
 - f. A maximum of 216 multi-family units shall be constructed within this development.

- g. A Certificate of Zoning Compliance application shall be submitted for the multi-family portion of the development; compliance with the specific use standards listed in UDC 11-4-3-27 is required.
- h. A Design Review application shall be submitted for all single-family attached, townhouse and multi-family structures within the development. Compliance with the design standards listed in the Architectural Standards Manual and any applicable guidelines in the Ten Mile Interchange Specific Area Plan (TMISAP) is required. The single-family attached and townhome structures are not required to incorporate porches along 30% of the front facades and front-loaded 2-car garages do not have to be 20 feet behind the primary façade or designed with two (2) separate garage doors.
- i. Pedestrian-scale lighting should be provided on all building facades facing the street and internal walkways in accord with the TMISAP (pg. 3-34).
- j. The space between the building façade and adjacent walkway should be appropriately landscaped with a combination of lawns, groundcover, shrubs and trees in accord with the TMISAP (pg. 3-37).
- k. Zimmerman Lane will not be dedicated as public right-of-way, except for the two stub locations at Atomic St. and Chair Lift St. Dedicate such stub locations to ACHD in configurations required by ACHD prior to the City Engineer's signature on the first final plat. Before recordation of the annexation ordinance AND the City's acceptance of the modified AZ and Plat boundaries to remove Zimmerman Lane, the applicant shall record a property boundary adjustment between the Newkirk property and the three (3) selected adjacent County parcels immediately to the west to facilitate conveyance of the Zimmerman Lane property as proposed. Proof of such conveyance shall be provided to City staff prior to City Engineer's signature on the first final plat.

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

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

7.1 **Acts of Default.** In the event Owner/Developer, or Owner/Developer's heirs, successors, assigns, or subsequent owners of the Property or any other person acquiring an interest in the Property, fail to faithfully comply with all of the terms and conditions included in this Agreement in connection with the Property, this Agreement may be terminated by the City upon compliance with the requirements of the Zoning Ordinance.

7.2 **Notice and Cure Period.** In the event of Owner/Developer's default of this agreement, Owner/Developer shall have thirty (30) days from receipt of written notice from City to initiate commencement of action to correct the breach and cure

the default, which action must be prosecuted with diligence and completed within one hundred eighty (180) days; provided, however, that in the case of any such default that cannot with diligence be cured within such one hundred eighty (180) day period, then the time allowed to cure such failure may be extended for such period as may be necessary to complete the curing of the same with diligence and continuity.

7.3 **Remedies.** In the event of default by Owner/Developer that is not cured after notice from City as described in Section 7.2, City shall, upon satisfaction of the notice and hearing procedures set forth in Idaho Code section 67-6511A, have the right, but not a duty, to de-annex all or a portion of the Property, reverse the zoning designations described herein, and terminate City services to the de-annexed Property, including water service and/or sewer service. Further, City shall have the right to file an action at law or in equity to enforce the provisions of this Agreement. Because the covenants, agreements, conditions, and obligations contained herein are unique to the Property and integral to City's decision to annex and/or re-zone the Property, City and Owner/Developer stipulate that specific performance is an appropriate, but not exclusive, remedy in the event of default. Owner/Developer reserves all rights to contest whether a default has occurred.

7.4 **Choice of Law and Venue.** This Agreement and the rights of the parties hereto shall be governed by and construed in accordance with the laws of the State of Idaho, including all matters of construction, validity, performance, and enforcement. Any action brought by any party hereto shall be brought within Ada County, Idaho.

7.5 **Delay.** In the event the performance of any covenant to be performed hereunder by either Owner/Developer or City is delayed for causes that are beyond the reasonable control of the party responsible for such performance, which shall include, without limitation, acts of civil disobedience, strikes or similar causes, the time for such performance shall be extended by the amount of time of such delay.

7.6 **Waiver.** A waiver by City of any default by Owner/Developer of any one or more of the covenants or conditions hereof shall apply solely to the default and defaults waived and shall neither bar any other rights or remedies of City nor apply to any subsequent default of any such or other covenants and conditions.

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

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

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

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

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

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

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

CITY:
City Clerk
City of Meridian
33 E. Broadway Ave.
Meridian, Idaho 83642

with copy to:
City Attorney
City of Meridian
33 E. Broadway Avenue
Meridian, Idaho 83642

OWNER:
Lansing Farm, LLC
4824 W. Fairview Avenue
Boise, Idaho 83706

DEVELOPER:
Conger Group
4824 W. Fairview Avenue
Boise, Idaho 83706

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

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

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

17. **BINDING UPON SUCCESSORS:** This Agreement shall be binding upon and inure to the benefit of the parties' respective heirs, successors, assigns and personal representatives,

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

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

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

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

21. **REMOVED PROPERTY:** The City is hereby authorized, in its sole discretion, to remove a portion of the Property ("Removed Property") from this Agreement at any time, provided that the City and the owner of the Removed Property concurrently enter into a modified development agreement governing the development and use of the Removed Property. The remaining portion of the Property, which has not been removed from this Agreement as described above, shall continue to be bound by the terms of this Agreement.

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

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

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

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

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ACKNOWLEDGMENTS

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

OWNER:

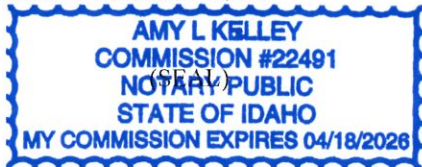
Lansing Farm, LLC

By: [Signature]
Its: member

STATE OF Idaho)
County of Ada : ss:)

On this 21 day of August, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared Chris Nolan, known or identified to me to be the Member of Lansing Farm, LLC and the person who signed above and acknowledged to me that he 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.



[Signature]
Notary Public
My Commission Expires: 4/18/2026

OWNER:

Conger Group

By: [Signature]
Its:

STATE OF Idaho)
County of Ada : ss:)

On this 21 day of August, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared Jim Conger, known or identified to me to be the Member of Conger Group and the person who signed above and acknowledged to me that he 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.



[Signature]
Notary Public
My Commission Expires: 8-3-2026

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CITY OF MERIDIAN

ATTEST:

By: _____
Mayor Robert E. Simison

Chris Johnson, City Clerk

STATE OF IDAHO)
 : ss
County of Ada)

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

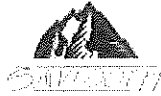
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

Notary Public for Idaho
My Commission Expires: _____

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EXHIBIT A



Sawtooth Land Surveying, LLC

P. (208) 398-8104 F. (208) 398-8105
2030 S. Washington Ave. Emmett, ID 83617

Newkirk Annexation Description

BASIS OF BEARING is N. 89°15'34" W., between a found aluminum cap PLS 14221 marking the S1/4 corner of Section 10 and a found aluminum cap PLS 14221 marking the SW corner of Section 10, both in Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho.

A parcel of land located in the E1/2 of the SW1/4 of Section 10, T. 3 N., R. 1 W., B.M., City of Meridian, Ada County, Idaho more particularly described as follows:

COMMENCING at an aluminum cap marking the S1/4 corner of said Section 10;

Thence N. 89°15'34" W., coincident with the south line of said SW1/4, a distance of 793.09 feet;

Thence N. 0°34'26" E., coincident with the west right of way of N. Zimmerman Lane and the extension thereof, 903.05 feet, to the approximate centerline of the Purdam Drain and the **POINT OF BEGINNING** said point witnessed S. 0°34'26" W., 10.00 feet with a 5/8" rebar with cap PLS 11779;

Thence coincident with said centerline the following three (3) courses and distances;

Thence N. 60°56'14" W., 425.75 feet;

Thence S. 59°04'26" W., 103.00 feet;

Thence N. 59°29'07" W., 74.36 feet to the west line of the east half of the SE1/4 of the SW1/4, said point witnessed N. 0°36'35" E., 69.53 feet with a 5/8" rebar with cap PLS 12464;

Thence N. 0°36'35" E., coincident with said west line, 614.70 feet to the centerline of the railroad right of way;

Thence S. 88°26'46" E., coincident with said centerline, 1097.69 feet;

Thence leaving said centerline, S. 0°35'04" W., 216.64 feet to a 5/8" rebar with no cap, hereafter referred to as "Point A" on the southwesterly right of way of the Kennedy Lateral;

Thence continuing, S. 0°35'04" W., 1250.38 feet to the approximate centerline of said Purdam Drain, said point witnessed N. 0°35'04" E., 42.00 feet with a 5/8" rebar with cap PLS 11779;

Thence N. 39°15'40" W., coincident with said centerline, 891.69 feet to the **POINT OF BEGINNING**.

LESS and **EXCEPTING** a parcel of land more particularly described as follows:

BEGINNING at the aforementioned "Point A";

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Thence N. $42^{\circ}57'39''$ W., coincident with the southwesterly right of way of said Kennedy Lateral, 25.93 feet to a 5/8" rebar with cap PLS 11779;

Thence N. $58^{\circ}29'25''$ W., coincident with said southwesterly right of way, 133.89 feet to a 5/8" rebar with cap PLS 11779;

Thence N. $88^{\circ}22'37''$ W., coincident with said southwesterly right of way, 186.62 feet to a 5/8" rebar with cap PLS 11779;

Thence N. $1^{\circ}12'41''$ E., coincident with said southwesterly right of way, 31.04 feet to a 5/8" rebar with cap PLS 11779 on the southerly railroad right of way;

Thence S. $88^{\circ}26'46''$ E., coincident with said southerly railroad right of way, 232.69 feet to a 5/8" rebar with cap PLS 11779 on the northeasterly right of way of said Kennedy Lateral;

Thence S. $58^{\circ}29'25''$ E., coincident with said northeasterly right of way, 100.62 feet to a 5/8" rebar with cap PLS 11779;

Thence S. $0^{\circ}35'04''$ W., 66.38 feet to the **POINT OF BEGINNING**.

Said parcel contains 22.667 acres more or less.

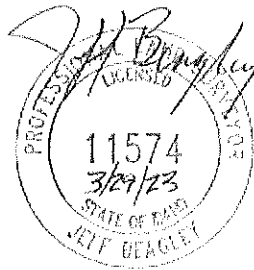


EXHIBIT B

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



In the Matter of the Request for Annexation and Zoning of 22.667 Acres of Land with a TN-R (Traditional Neighborhood Residential) Zoning District AND Preliminary Plat Consisting of 63 (44 Single-family Attached, 18 Townhome, and 1 Multi-family) Building Lots and 8 (5 Landscape, 1 Common Driveway, 1 Alley, and 1 Non-buildable) Common Lots on 20.44 Acres in the TN-R Zoning District for Newkirk Subdivision, by Conger Group.

Case No(s). H-2022-0088

For the City Council Hearing Dates of: March 28, and April 11, 2023 (Findings on April 25, 2023)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of March 28, 2023, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of March 28, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of March 28, 2023, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of March 28, 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.

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7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of March 28, 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 annexation and preliminary plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of March 28, 2023, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

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

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

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

Notice of Development Agreement Duration

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

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

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

E. 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 March 28, 2023

By action of the City Council at its regular meeting held on the 25th day of April, 2023.

COUNCIL PRESIDENT BRAD HOAGLUN

VOTED AYE

COUNCIL VICE PRESIDENT JOE BORTON

VOTED AYE

COUNCIL MEMBER JESSICA PERREAULT

VOTED _____

COUNCIL MEMBER LUKE CAVENER

VOTED AYE

COUNCIL MEMBER JOHN OVERTON

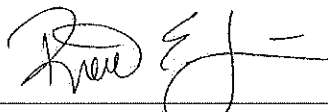
VOTED AYE

COUNCIL MEMBER LIZ STRADER

VOTED AYE

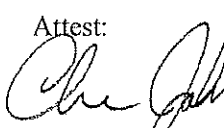
MAYOR ROBERT SIMISON
(TIE BREAKER)

VOTED _____



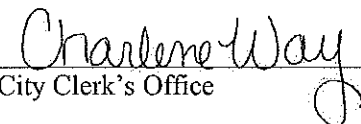
Mayor Robert E. Simison 4-25-2023

Attest:

Chris Johnson 4-25-2023
City Clerk

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

By:  _____ Dated: 4-25-2023
City Clerk's Office

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STAFF REPORT	
COMMUNITY DEVELOPMENT DEPARTMENT	

HEARING DATE: March 28, 2023

TO: Mayor & City Council

FROM: Bill Parsons, Current Planning Supervisor
208-884-5533

SUBJECT: Newkirk Neighborhood AZ, PP
H-2022-0088

LOCATION: 4250 W. Franklin Rd., in the SW 1/4 of Section 10, T.3N., R.1W. (Parcel #S1210346801)



I. PROJECT DESCRIPTION

Annexation of ~~23.67~~ 22.667 acres of land with a TN-R (Traditional Neighborhood Residential) zoning district; and Preliminary Plat consisting of 63 (44 single-family attached, 18 townhomes & 1 multi-family) building lots and 8 (5 landscape, 1 common driveway, 1 alley, 1 non-buildable) common lots on ~~21.06~~ 20.44 acres of land in the TN-R district for Newkirk Neighborhood Subdivision.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details
Acreage	21.06 <u>20.44</u> acres (23.67 <u>22.667</u> acres - annexation area)
Future Land Use Designation	Medium-High Density Residential (MHDR) in the Ten Mile Interchange Specific Area Plan (TMISAP)
Existing Land Use	Single-family rural residential (SFR)
Proposed Land Use(s)	SFR attached dwellings, townhouse dwellings & multi-family development
Current Zoning	Rural Urban Transition (RUT) in Ada County
Proposed Zoning	TN-R
Lots (# and type; bldg/common)	63 building/8 common lots
Phasing plan (# of phases)	2 (SFR/townhomes – Phase 1; multi-family – Phase 2)
Number of Residential Units (type of units)	278 (44 single-family attached, 18 townhomes & 216 apartments)
Density (gross & net)	13.2 units/acre (gross)
Open Space (acres, total [%] / buffer / qualified)	7.21 acres (or 35%) qualified

Amenities	Single-family area: play structure, swings, (2) seating areas, (2) shade structures, climbing rocks and a climbing dome. Multi-family area: clubhouse, fitness center, enclosed bike storage, dog park with waste station, swimming pool, walking trails, picnic area, bike repair station, outdoor seating area.
Physical Features (waterways, hazards, flood plain, hillside)	The Kennedy Lateral crosses the northeast corner of the site and the Purdam Gulch Drain runs along the southwest corner of the site.
Neighborhood meeting date	9/21/2022
History (previous approvals)	None

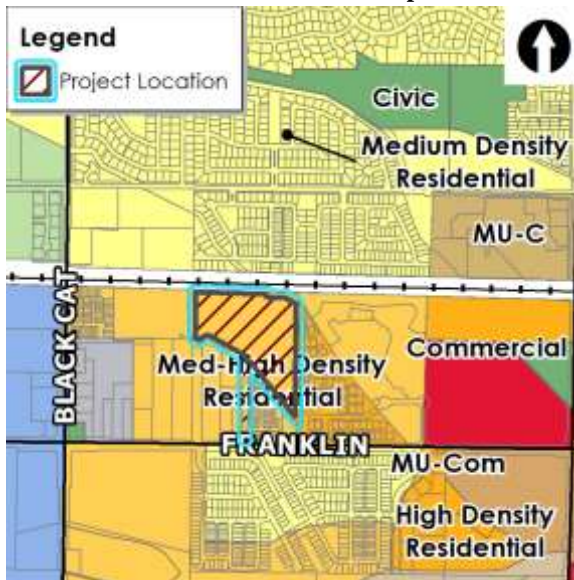
B. Community Metric

Description	Details
Ada County Highway District	
- Staff report (yes/no) - Requires ACHD Commission Action (yes/no)	Yes No
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	A collector street (San Marcos Way) is required to be extended from the east boundary to the west boundary of the site per the Master Street Map.
Proposed Road Improvements	See ACHD staff report in the public record.
Fire Service	
- Distance to Fire Station - Fire Response Time - Resource Reliability - Accessibility	2.4 miles from Station #2 Falls just outside of the 5-minute response time goal 82% (above the targeted goal of 80%) This project meets all required access, road widths, and turnarounds as presented in the preliminary plat. The shared drives shall have an address sign at each entrance, the roadways, common driveways, and alleys shall be maintained 365 days a year for fire, EMS, and police responses.
Additional Comments/Concerns	See Fire Staff Report in the link provided below under Section IX(C).
Police Service	
- Distance to Fire Station - Fire Response Time - Accessibility	4 miles from Meridian Police Department Expected response time is 4:17 minutes; Average emergency response time is 3:46 minutes for City of Meridian If Applicable, any climate-controlled multi-family developments, the Meridian Police Department required police access into each building's entry point using a multi-technology keypad per UDC 11-4-3-27G. See Meridian Police Department Staff Report in the link provided below under Section IX(D).
West Ada School District	
Distance (elem, ms, hs) Capacity of Schools	

# of Students Enrolled	West Ada School District has experienced sustained growth in student enrollment during the last ten years. Based on current enrollment data specific to new development (within the last 5 years) in proximity to this proposed development, we estimate this development consisting of 216 apartments and 62 single-family homes could house approximately 79 school aged children. Approval of this application will affect enrollments at the following schools in West Ada School District based on attendance areas for the 2022-23 school year. For your information, included in this data is the number of approved lots and multi-family units approved by this and other agencies. <table><thead><tr><th></th><th>Enrollment</th><th>Capacity</th><th>Approved lots per attendance area</th><th>Approved MF units per attendance area</th><th>Projected Students from Approved Dev.</th></tr></thead><tbody><tr><td>Chaparral Elementary</td><td>498</td><td>700</td><td>618</td><td>2650</td><td>170</td></tr><tr><td>Meridian Middle School</td><td>1057</td><td>1250</td><td>656</td><td>2947</td><td>265</td></tr><tr><td>Meridian High School</td><td>1758</td><td>2075</td><td>3560</td><td>3613</td><td>750</td></tr><tr><td colspan="6"><u>School of Choice Options</u></td></tr><tr><td>Chief Joseph Elementary-Arts</td><td>525</td><td>700</td><td>N/A</td><td>N/A</td><td></td></tr><tr><td>Barbara Morgan STEM Academy</td><td>416</td><td>500</td><td>N/A</td><td>N/A</td><td></td></tr></tbody></table>		Enrollment	Capacity	Approved lots per attendance area	Approved MF units per attendance area	Projected Students from Approved Dev.	Chaparral Elementary	498	700	618	2650	170	Meridian Middle School	1057	1250	656	2947	265	Meridian High School	1758	2075	3560	3613	750	<u>School of Choice Options</u>						Chief Joseph Elementary-Arts	525	700	N/A	N/A		Barbara Morgan STEM Academy	416	500	N/A	N/A	
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# of students estimated for this development	79																																										
Wastewater																																											
Wastewater Modeling	•Additional 9500 gpd committed to model. WRRF decline balance is 14.57 MGD •Sewer and water running in parallel require 30-foot easement • Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement. • Ensure no sewer services pass through infiltration trenches.																																										
Project Consistent with WW Master Plan/Facility Plan																																											
Impacts/Concerns	See Public Works Site Specific Conditions																																										
Water																																											
Distance to Services																																											
Pressure Zone																																											
Estimated Project Water ERU's																																											
Water Quality Concerns	Each Phase will need to be modeled independently to verify adequate pressure.																																										
Project Consistent with Water Master Plan	Yes																																										
Impacts/Concerns	See Public Works' Site-Specific Conditions																																										

C. Project Maps

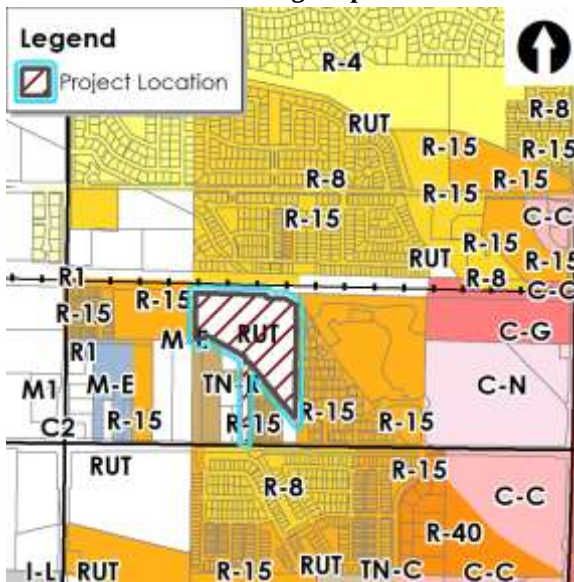
Future Land Use Map



Aerial Map



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant:

Laren Bailey, Conger Group – 4824 W. Fairview Avenue, Boise, ID 83706

B. Owner:

Lansing Farm LLC – 4824 W. Fairview Avenue, Boise, ID 83706

C. Representative:

Laren Bailey, Conger Group – 4824 W. Fairview Avenue, Boise, ID 83706

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper notification published in newspaper	1/18/2023	3/12/2023
Radius notification mailed to property owners within 500 feet	1/12/2023	3/10/2023
Public hearing notice sign posted on site	2/17/2023	03/17/2023
Nextdoor posting	1/13/2023	3/11/2023

V. COMPREHENSIVE PLAN ANALYSIS

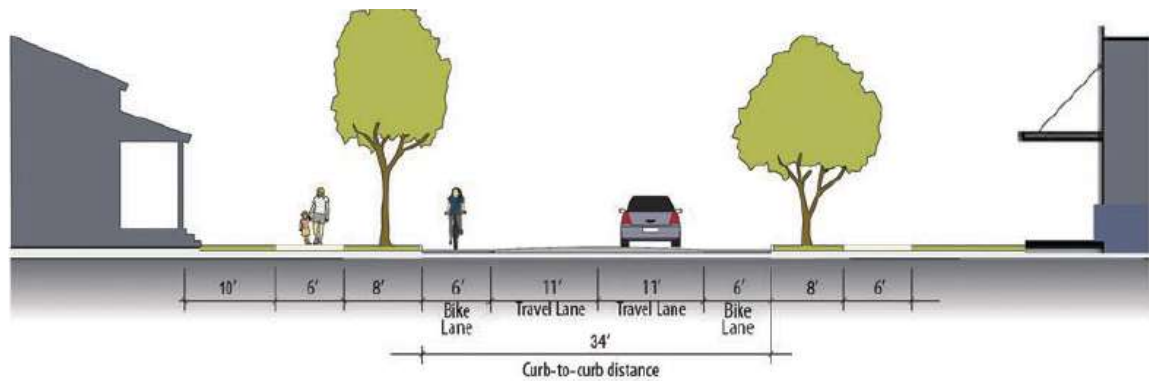
(This section and the one below have been updated in a strike-through and underline format that reflects the discussion at the public hearing and the Commission's recommendation on the subject application.)

This property is designated Medium High-Density Residential (MHDR) on the Future Land Use Map (FLUM) and is located within the area governed by the Ten Mile Specific Area Plan (TMISAP).

LAND USE: MHDR areas are locations recommended primarily for relatively dense multi-family housing types, such as row houses, townhouses, and condominium and apartment buildings and complexes. These areas should have a mix of housing types that achieve an overall average density target of 12 dwelling units per gross acre with densities ranging from 8-15 units per acre. MHDR areas typically are relatively compact areas within a larger neighborhood and generally should be located around and near more intensely developed areas, such as Mixed Use Commercial or Employment areas, in order to provide convenient access to these commercial activity and employment centers for the greatest number of residents. Apartment buildings are desired to be accessed via shared entrances and hallways.

The proposed development incorporates a mix of single-family attached homes with (44) front-loaded garages, (18) alley-loaded townhouses and (216) multi-family apartments at an overall gross density of 13.2 units per acre consistent with the density desired in the MHDR FLUM designation in the TMISAP. The apartment buildings have enclosed shared accesses but not shared hallways. This property is in an area that's largely developed with and planned for medium high-density residential uses. Mixed Use – Commercial areas are in the development process approximately ¼ mile to the east and Employment areas are designated approximately ½ mile to the west and south. The Ten Mile interchange is also within about 1.5 miles to the southeast of the site.

TRANSPORTATION: ACHD's Master Street Map (MSM) depicts a new towncenter collector street across this property from the west to the east boundary connecting to N. San Marco Way. The Transportation System Map in the TMISAP lists the functional classification for this street as a collector street and the Street Section Map lists the design classification as a major collector street, which is intended to be constructed consistent with Street Section C as follows:



This street is planned to eventually provide a connection from W. Franklin Rd. to the west past N. McDermott Rd. Local streets, an alley and a common driveway are proposed internally for access to the proposed residential units.

DESIGN: All residential neighborhoods in the Ten Mile Interchange area should be developed in consideration of Traditional Neighborhood Design (TND) principals and concepts and the standards established by the City for the TN-R district. Future development should be consistent with the design elements in the TMISAP for the MHDR FLUM designation as determined by the Application of the Design Elements table (see pg. 3-49), as follows: *(Staff's analysis of consistency with these elements is in italics.)*

3-33. Street-oriented Design: Useable porches should be a dominant element of residential buildings and should be located along at least 30% of the front façade of the buildings – a higher percentage is recommended as is the location of porches on one or more side facades. When possible, garages should be loaded from a rear alleyway. Where garages must be accessed from the front, the garages must be located no less than 20' behind the primary façade. Front-loaded 2-car garages that are visible from the primary street must be designed with two (2) separate garage doors.

Out of the 62 single-family attached/townhome units, only 18 are alley-loaded; the other 44 are all front loaded with living area 20' behind the garages away from the street. None of the units have usable porches that meet the guideline, except for the multi-family apartments. No porches are proposed on the side facades. All units have single 2-car garage doors, not separate doors.

Covered entries to the units are proposed; however, these areas are not usable as a porch as they are barely wider than the doors [i.e. 1'4" wider on the attached units (8" on each side of the door) and 3' wider on the townhouse units (18" on each side of the door)] and are located to the side and rear of the garages – not on the front façade as desired. In order to meet the minimum guideline of 30%, minimum 7.5' wide porches would need to be provided for each attached unit; and 6.6' wide porches would need to be provided for each townhome unit – this would still not provide very "usable" porches as the entryway to the door takes up most of that space.

Revisions to the plans and elevations are necessary to meet the street-oriented design criteria likely resulting in wider lots with a reduction in the number of units/lots. Staff recommends more alley-loaded townhomes are provided as an alternative to wider lots for attached units in order to meet the design criteria and not lose as many lots. A different product type should be provided for the attached units with garages at least 20' behind the primary facade, building entrances facing the street with front/side porches that provide usable area that meets the minimum guidelines. Front-loaded 2-car garages that are visible from the primary street must be designed with two (2) separate garage doors.

- **3-34. Buildings to Scale:** Everything seen and experienced from the sidewalk – building fronts, lighting, open space – should be designed for human interaction at a pedestrian's perspective. Key elements to consider are the continuity of the building sizes, how the street-level and upper-level architectural detailing is treated, elements that anchor and emphasize pedestrian scale, roof forms, rhythm of windows and doors, and general relationship of buildings to public spaces such as streets,

plazas and other open space. Human-scale design is critical to the success of built places for pedestrians. Building entrances should be placed close to the street; ground floor windows, articulated facades, appropriately scaled lighting, awnings and other weather protection should be provided.

Continuity of building sizes is proposed but with little variation in form and design of any of the structures. The street-level and upper-level architectural detailing offer few differences in the attached and townhome units; architectural detailing between the first two (2) stories on the multi-family units are generally the same with a different siding material on the third story.

Elements that anchor and emphasize pedestrian scale are windows, doors, weather protection/roofs over windows and doors, window pop-outs and recesses – the addition of masonry accents on the first floor facades would assist in emphasizing pedestrian scale and durability & quality of materials. Building entrances are not placed at the street on attached units as desired, they are located at the rear of the garages away from the street with garages facing the street. Building entrances for the townhomes face the street as desired because these units are alley-loaded.

Buildings/living area are not oriented to open space areas or public spaces such as streets (except for the 18 townhome units) as desired.

Revisions to the plans and elevations are necessary to meet this design criteria. More architectural variety and details should be provided to differentiate between the street-level and upper-level units. Lighting at a pedestrian-scale should be provided on the buildings facing the street and internal walkways. A different product type should be provided for the attached units with garages behind the units, building entrances facing the street with front/side porches.

3-36. Neighborhood Design: All residential neighborhoods in the Ten Mile interchange area should be developed in consideration of traditional neighborhood design principles and concepts, which pertain to mixed housing stock, architecture and design, streetscapes and streets. Front porches and garages accessed from an alley are usually the standard in residential areas; parking for homes is primarily located behind buildings. Streetscape design relates to the street itself and consists of landscaped parkways with trees between curbs and sidewalks, adjacent sidewalks and front yard spaces and provides public space for street trees, street furniture and view corridors. Other aspects of neighborhood design that contribute to a traditional streetscape are connected network of streets, alleys and sidewalks. Roadways and pedestrian ways are interconnected so that access for pedestrians, cyclists and automobile drivers is direct and convenient and allows traffic to be dispersed through a variety of streets and ways. Narrower streets designed with TND characteristics result in slower moving traffic and provide a safer, more pleasant pedestrian environment and encourages interaction among residents.

A diversity of residential housing types is proposed for a variety of housing choices within the same neighborhood as desired. Although two (2) different “types” of architecture are proposed for each of the three (3) housing types, the form is the same and the trim details only vary slightly – only some of the materials and window placements are different – more variety should be provided.

As previously noted, usable porches that meet the minimum guidelines are not provided for the single-family attached and townhome units as desired. Alley-accessed garages and parking are only provided for the 18 townhome units; the 44 single-family attached units are all accessed from the street with parking in front of the garages facing the street, which is not desired. Landscaped parkways are proposed as desired with view corridors but no street furniture is proposed except for a couple of benches along the southwest side of the collector street. A connected network of narrow streets, alleys and sidewalks is proposed as desired. ACHD is requiring traffic calming measures to be provided in the collector street to slow traffic.

Revisions to the plans and elevations are necessary to meet this design criteria. A different product type should be provided for the attached units with garages set back at least 20' behind the primary façade (alley-accessed townhomes are preferred), building entrances facing the street

~~with front/side porches that meet the minimum guidelines, and more street furniture should be provided. More variety between the building types, materials and architectural features should also be provided.~~

- **3-37. Building Form & Character:**

Building Facades – Buildings should be designed so that their primary facades relate to active public spaces and pedestrian areas. The primary façade of a structure is that frontage of the building that has been designed and detailed so as to represent the building's most important elevations. The primary façade should always include an entry into the building. Entries should be located so as to provide direct access from adjacent public spaces, primary streets and activity areas. Access from walkways should be uninterrupted by vehicular traffic. Buildings should be located so as to help frame adjacent public spaces and to provide an architectural backdrop for associated passive and active activities. The space between a building façade and the adjacent walkway should be appropriately landscaped with a combination of lawns, groundcover, shrubs and trees.

*The townhomes are designed so that their primary facades face the street with direct pedestrian access from primary streets; access from walkways is uninterrupted by vehicular traffic as garages are accessed from alleys. **The single-family attached structures, which make up 71% of the single-family and townhome units, are not designed so that their primary façade relates to active pedestrian areas or public spaces – the garages face the street; the entry is at the living area 20' behind the garages. Building entries do not have direct pedestrian access from the street because garages are in front of the living area facing the street; access from walkways is interrupted by vehicle traffic because all of the units have front-loaded garages and driveways. The multi-family units have direct pedestrian access that is uninterrupted by traffic because walkways are proposed up next to the buildings. None of the units, including multi-family units, frame open space areas; only the townhome units frame the streets as desired. Landscaping is not depicted on the plan in the space between building facades and adjacent walkways as desired.***

~~Revisions to the plans and elevations are necessary to meet this design criteria. A different product type should be provided for the attached units with garages set back at least 20' behind the primary façade. More alley-accessed townhomes are preferred as they would help frame adjacent public spaces and streets and provide more TND for this area. The space between the building façade and adjacent walkway should be appropriately landscaped with a combination of lawns, groundcover, shrubs and trees; a landscape plan should be submitted that demonstrates compliance with this guideline.~~

Building Heights: Low-rise buildings of 2-4 stories over much of the area is recommended.

Two-story single-family attached and townhome structures and 3-story multi-family structures are proposed in accord with this guideline.

- **Pitched Roofs:** A mix of flat and pitched roofs are anticipated in the Ten Mile area based on a wide variety of individual buildings. Pitched roofs should be, where possible, symmetrical hips or gables, with a pitch between 4:12 and 12:12 with an overhang of at least 12 inches and a maximum of 2.5'. Roof brackets and rafter tail treatments are encouraged.

*All of the roof pitches proposed fall within the desired pitch range. **Corbels are depicted on all of the concept elevations; rafter tail treatments are encouraged as well as other design elements as noted in the ASM.***

- **3-47. Public Art:** Public art should be incorporated into the design of streetscapes, public buildings, parks, transit, infrastructure, and other public projects in the Ten Mile area. Public art should be meaningful and encourage the free flow of ideas and cultural ideologies. Public art should be integrated into either the architectural design or the design of plazas and public spaces associated with a building and should be easily visible to the public (e.g. visible from the street or publicly accessible open spaces rather than interior courtyards).

Public art is not proposed but should be provided in accord with this guideline. Details should be submitted prior to the City Council hearing on what type of public art is proposed and the location of such. The provision of public art would also qualify as another amenity (1 point).

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

- “Encourage a variety of housing types that meet the needs, preferences, and financial capabilities of Meridian’s present and future residents.” (2.01.02D)

The proposed single-family attached dwellings, townhouse dwellings and multi-family apartments will contribute to the variety of housing types available within the City.

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

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

- “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)

This area contains a variety of housing types, including single-family attached and detached homes, townhomes and apartments, which contributes to the diversity in housing types available within the City.

- “Require all new development to create a site design compatible with surrounding uses through buffering, screening, transitional densities, and other best site design practices.” (3.07.01A)

The western portion of the site proposed to develop with single-family attached and townhouse dwellings should be compatible with adjacent like uses to the west and south; the eastern portion of the site proposed to develop with multi-family apartments should be compatible with adjacent townhouse and multi-family apartments to the east. The railroad tracks and associated right-of-way provides a 200-foot separation between single-family detached homes and the proposed development. The street buffer and associated landscaping along the proposed collector street (N. San Marco Way) will assist in buffering the single-family attached and detached homes and townhomes to the south. The proposed density should be compatible with adjacent existing and future development in the MHDR designated area.

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

The proposed residential uses and site design should be generally compatible with adjacent residential uses and developments.

- “Support infill development that does not negatively impact the abutting, existing development. Infill projects in downtown should develop at higher densities, irrespective of existing development.” (2.02.02C)

The proposed infill development shouldn’t negatively impact adjacent existing properties as similar uses and densities exist and/or are planned in this area.

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

The proposed development will connect to City water and sewer systems with development of the subdivision; services are required to be provided to and through this development in accord with

current City plans.

- “Require pedestrian access in all new development to link subdivisions together and promote neighborhood connectivity.” (2.02.01D)

There are no multi-use pathways designated on the Pathways Master Plan for this site, nor are any pathways stubbed to this property other than sidewalks along public streets. The sidewalks along streets will promote pedestrian connectivity with adjacent neighborhoods.

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

Urban sewer and water infrastructure and curb, gutter and sidewalks are required to be provided with development of the subdivision.

- “Eliminate existing private treatment and septic systems on properties annexed into the City and instead connect users to the City wastewater system; discourage the prolonged use of private treatment septic systems for enclave properties.”

If annexed, the septic system for the existing home is required to be removed with development.

- “Maximize public services by prioritizing infill development of vacant and underdeveloped parcels within the City over parcels on the fringe.” (2.02.02)

Development of the subject infill parcel will maximize public services.

VI. STAFF ANALYSIS

A. ANNEXATION (AZ)

The Applicant proposes to annex ~~23.67~~ 22.667 acres of land with a TN-R (Traditional Neighborhood Residential) zoning district which is listed in the Zoning District Compatibility Matrix in the TMISAP as one of the best choices for zoning in the MHDR designation.

A preliminary plat and conceptual building elevations were submitted, included in Section VIII, showing how the property is proposed to be subdivided into 63 building lots and 8 common lots for the development of 44 single-family attached dwellings, 18 townhome dwellings & 216 apartments for a total of 278 new residential units.

The proposed residential use, mix of housing types and density of the development is consistent with the MHDR FLUM designation; **however, the proposed architectural design, especially for the attached units, does not comply with the TND guidelines in the TMISAP, as discussed above. Development in this area should conform to these guidelines in order to be deemed consistent with the Plan and in the best interest of the City for annexation. Staff recommends revisions to the plans as noted above in Section V prior to Commission action on this application.**

This property, along with two (2) 1-acre properties to the south, are enclaves surrounded by existing and future residential uses – single-family residential detached homes exist to the north (Chesterfield), townhome dwellings are in the development process to the south (Ascent), townhome-style multi-family dwellings exists to the east (Entrada Farms), single-family attached and detached homes are in the development process to the south (Alamar); and single-family attached homes are anticipated to develop on the property to the west (Aviator).

A legal description and exhibit map for the boundary of the property proposed to be annexed is included in Section VIII.A. This property is within the City’s Area of City Impact boundary and within the area governed by the Ten Mile Interchange Specific Area Plan (TMISAP), as discussed above in Section V.

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. **If this property is annexed, Staff recommends a DA is required with the provisions discussed herein and included in Section IX.A.**

B. PRELIMINARY PLAT (PP):

A preliminary plat is proposed consisting of 63 [44 single-family attached, 18 townhomes & one (1) multi-family lot for 216 apartment units] building lots and eight (8) [five (5) landscape, one (1) common driveway, one (1) alley and one (1) non-buildable) common lots on ~~21.0620~~20.44-acres of land in the TN-R district. Proposed lots range in size from 2,090 to 4,257 square feet (s.f.) with an average lot size of 2,790 sf. The subdivision is proposed to develop in two (2) phases as shown on the preliminary plat in Section VIII.B. The single-family residential portion is proposed to develop with the first phase and the multi-family development in the second phase.

Single-family attached dwellings, townhome dwellings and multi-family developments are listed as a principal permitted use in the TN-R zoning district per UDC [Table 11-2D-2](#). Multi-family developments are subject to the specific use standards listed in UDC [11-4-3-27](#); review of the development for consistency with these standards will occur with the Certificate of Zoning Compliance application.

Existing Structures/Site Improvements: There is an existing home and several outbuildings on the property that are proposed to be removed with development. **Prior to the City Engineer's signature on the final plat, all existing structures that do not conform to the setbacks of the district are required to be removed.**

Dimensional Standards (UDC [Table 11-2D-6](#)): The proposed plat and subsequent development is required to comply with the dimensional standards listed in UDC Table [11-2D-6](#) for the TN-R zoning district. There is no minimum lot size in the TN-R district; each building site is required to be of sufficient size to meet the minimum setbacks for the district. A minimum of two (2) housing types are provided as required.

Access: Access is proposed via the extension of N. San Marco Way, a collector street, at the southeast corner of the subdivision. San Marco Way will extend to the west boundary and connect with W. Aviator St. to be extended with Aviator Subdivision (H-2020-0111).

This property and three (3) properties to the south take access from Zimmerman Ln., a private street; two (2) of these properties don't have public street frontage. **ACHD is requiring Zimmerman Ln. to be dedicated and improved as a local public street in order to provide a north/south street connection between Franklin Rd. and the collector street, public street frontage for the two parcels to the south, and access to Ascent Subdivision from a local street, which will enable their temporary vehicle access to be converted to emergency and pedestrian access only. The plat should be revised accordingly.**

Three (3) stub streets (i.e. E. Chair Lift St., W. Atomic St. and W. Ski Hill St.) exist in Ascent Subdivision that are required to be extended with development as required by ACHD.

A street is planned to stub at the south boundary of the subject property from Alamar Subdivision near the southwest corner of this site per the approved preliminary plat ([H-2022-0004](#)). The development agreement for Alamar (Inst. #[2022-065010](#)) states the final alignment at the north property line shall be determined at the time of the second final plat submittal to allow the developer flexibility to work with this developer on the alignment. Although the second phase final plat has not yet been submitted, the common lot at the northwest corner of the Alamar development was included in the first phase ([FP-2022-0027](#)) with the southern portion of the north/south street (N. Feather Reed Ave.), which essentially dictates alignment of the street north to the collector street. ACHD is requiring a stub street to be provided from the collector street to the south boundary of the subdivision in alignment with Feather Reed to the south; ACHD is not requiring Wolfsburg to align with that street. Staff is concerned about the proximity of N. Wolfsburg Ave. to Feather Reed and safety of left-turn movements onto the collector from both of those streets. The collector street has a fairly significant curve in this location as well that may hinder sight distance.

Common Driveway (UDC [11-6C-3D](#)): One (1) common driveway is proposed at the northwest corner of the site on Lot 10, Block 1 for access to Lots 11-14, Block 1. Common driveways are allowed to serve

a maximum of four (4) dwelling units; in no case shall more than three (3) dwelling units be located on one (1) side of the driveway. **A total of four (4) dwelling units are proposed on the north side of the driveway; the final plat and common driveway exhibit shall be revised to depict a maximum of three (3) units on one (1) side of the driveway as required; or, alternative compliance may be requested as set forth in UDC [11-5B-5](#).**

A perpetual ingress/egress easement is required to be filed with the Ada County Recorder for the common driveway, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment. **This may be accomplished through depiction of the easement on the face of the final plat and an accompanying note. If a separate easement is recorded, a copy should be submitted to the Planning Division with the final plat for City Engineer signature.**

Alleys (UDC [11-6C-3B.5](#)): One (1) 20-foot wide alley is proposed for access to the townhome lots in Block 3. The Alley should be constructed in accord with the standards listed in UDC [11-6C-3B.5](#). **A detail of the alley should be submitted with the final plat that demonstrates complies with these standards.**

Parking: All single-family attached and townhouse dwelling units are proposed to have a 2-car garage with a 2-space parking pad consistent with UDC [Table 11-3C-6](#) for 1- to 4-bedroom units; if any units contain more than 4 bedrooms, an additional two (2) spaces are required with at least one (1) of those being an enclosed space. An additional 38 on-street parking spaces (0.5+ per home) are available for residents and guests as shown on the parking exhibit in Section VIII.I. These spaces are located adjacent to common areas and in front of the townhome units as there is not adequate room in front of the attached units for on-street parking with the width of the lots vs. the driveways. With the narrow 27-foot wide streets proposed internally, which are desired with TND, parking is only allowed on one side of the street.

A minimum of 430 parking spaces are required to be provided for the multi-family development based on 48 1-bedroom units and 168 2-bedroom units, with 216 of those spaces being in a covered carport or garage, per UDC [Table 11-3C-6](#). A total of 442 parking spaces are proposed overall, which exceeds the minimum by 12 spaces, with 221 of those spaces covered.

Based on the number of parking spaces provided (442), a minimum of 18 bicycle parking spaces are required per UDC [11-3C-6G](#), in accord with the standards in UDC [11-3C-5C](#). A total of 18 spaces are proposed. **Staff recommends a bicycle rack is provided for each building and for the clubhouse.**

Landscaping (UDC [11-3B](#)): A 20-foot wide street buffer with an 8-foot wide parkway planted with Class II trees and a 5-foot wide detached sidewalk is required to be provided along N. San Marco Way, a collector street, per UDC [Table 11-2D-6](#), landscaped per the *updated* standards listed in UDC [11-3B-7C](#).

An 8-foot wide parkway with Class II trees is required along all local streets per UDC [Table 11-2D-6](#), landscaped per the standards listed in UDC [11-3B-7C](#).

All common open space areas are required to be landscaped with one deciduous shade tree for every 5,000 square feet of area and include a variety of trees, shrubs, lawn or other vegetative groundcover per UDC [11-3G-5B.3](#). **Shrubs should be added to common open space areas and the calculations table on the landscape plan should be revised to include this updated standard; a minimum of 28 trees are required.**

There are several existing trees on this site that will be removed with development. An existing tree inventory and mitigation plan is included in Section VIII.H. **Mitigation is required to be provided per the standards listed in UDC [11-3B-10C.5](#); calculations demonstrating compliance should be included on the landscape plan submitted with the final plat application.**

Landscaping is required along all pathways per the standards listed in UDC [11-3B-12C](#).

Common Open Space (UDC [11-3G-3](#)): A minimum of 15% qualified open space is required to be provided within the single-family and townhome portion of the development per [Table 11-3G-3](#) for the

TN-R zoning district. Based on 10.01 acres of land, a minimum of 1.5 acres is required to be provided that complies with the standards listed in UDC [11-3G-3B](#). *Note: The multi-family development is exempt from these standards and is instead required to comply with the common open space standards listed in UDC [11-4-3-27C](#). The multi-family development will be reviewed for compliance with those standards with the Certificate of Zoning Compliance application.*

The exhibit included in Section VIII.F depicts 35.4% (or 3.55 acres) of common open space for the single-family and townhome portion of the development consisting of three (3) large common areas over 5,000 square feet (s.f.) at 41,652 and 9,239 s.f. and a large area at the south end of the site west of the collector; 8-foot wide landscaped parkways along the townhome lots; and landscaped linear open space. The common lot at the southwest corner of the development will adjoin common area in Alamar Subdivision if the stub street to the south is relocated further to the east as required. The collector street buffers do not count toward qualified open space unless they meet the enhanced buffer requirements noted in UDC [11-3G-3B.3](#), which is interpreted to mean buffer landscape materials consistent with entryway corridors listed in UDC [11-3B-7C.3f](#). On the south side of the collector, the linear open space that is outside of the buffer may count if landscaped per the standards listed in UDC 11-3B.

Preferably, the open space exhibit should be revised prior to the Commission hearing but at the latest before the City Council hearing, to include landscaping and other design features that demonstrate compliance with the quality and qualified open space standards listed in UDC [11-3G-3A.2](#) and [11-3G-3B](#) and TND design. Any areas that don't qualify should be depicted as non-qualifying open space. When multi-family is approved concurrently with single-family, the minimum open space requirements in UDC 11-3G-3 shall apply to the gross land area of the entire development.

In order to qualify, common areas should be landscaped per the updated standards listed in UDC [11-3G-4B.3](#); parkways and street buffers should be landscaped per the standards listed in UDC [11-3A-17E](#) and [11-3B-7C](#) [collector buffers must meet the enhanced buffer requirements (i.e. entryway corridor standards) in order to qualify]; stormwater swales that are incorporated into required landscaped areas should comply with the standards listed in UDC [11-3B-11C](#); and linear open space should be landscaped per the requirements in UDC 11-3B.

Site Amenities (UDC [11-3G-4](#)): A minimum of two (2) points of site amenities are required based on the area of the single-family/townhome portion of the development. Qualified amenities should include features listed in UDC [Table 11-3G-4](#). A 5,000+ s.f. children's playground with a play structure, swings, climbing rocks, a climbing dome, seating benches, and a shade structure within a safe fenced area (3 points) is proposed which meets the minimum standard. The provision of public art, as recommended, will also qualify as an amenity (1 point). **The "pathway park" consisting of 9,239 s.f. at the southwest corner of the development where a shade structure, pathway and seating area is proposed should include a picnic table in order to qualify as a picnic area (2 points).** Required sidewalks adjacent to public right-of-way do not qualify. Overall, the proposed amenities exceed the minimum standards. *Note: The multi-family development is exempt from these standards and is instead required to comply with the site amenity standards listed in UDC [11-4-3-27D](#). The multi-family development will be reviewed for compliance with those standards with the Certificate of Zoning Compliance application.*

Pathways: The Pathways Master Plan does not depict a multi-use pathway on this site. No pathways are proposed except for sidewalks required along streets within the development.

Sidewalks ([11-3A-17](#)): A 5-foot wide detached sidewalk is required along W. Franklin Rd., an arterial street, and along local streets in the TN-R zone within the development; and a 6-foot wide detached sidewalk is required along N. San Marco Way, a collector street per Street Section C in the TMISAP, consistent with the 6-foot wide sidewalk in Entrada Farms to the east.

Fencing ([11-3A-7](#)): Fencing should comply with the standards listed in UDC 11-3A-7. Six-foot tall solid vinyl fencing is proposed around the west and north perimeter boundaries of the subdivision and on

shared lot lines between building and common lots that are visible from the public street, as shown on the landscape plan. A 5' tall open vision iron fence is proposed around the children's playground area. A 2-rail split rail fence is proposed at the back edge of the street buffer along the northeast side of San Marco Way on the multi-family portion of the site. **Fencing is not proposed along the perimeter of Lot 1, Block 4 where it adjoins future common area in Alamar Subdivision and should not be so that residents of both subdivisions can enjoy a larger common area.**

Lighting (UDC [11-2D-6F](#)): In addition to the standards set forth in UDC [11-3A-11](#) of this title, the following standards shall apply within the TN-R district: All dwelling units shall have a minimum of two (2) lights at the front of the unit. All dwelling units on alley accessed properties shall have a minimum of two (2) lights along the alley. All lighting required in this section shall prevent uplighting and shall be on a photocell that activates the lighting at dusk and turns it off at dawn.

Waterways: The Kennedy Lateral crosses the northeast corner of this site within a parcel of land owned by the irrigation district. This parcel bisects the subject property into two (2) parcels. The Applicant is working with the irrigation district to try to deed the small "triangle" area on the north side of the lateral to the irrigation district because it is of no value to this development.

A 6-foot tall closed vision vinyl fence is proposed adjacent to the lateral; UDC [11-3A-6C.3](#) requires an open vision fence at least 6-feet in height and having an 11-gauge, 2-inch mesh or other construction, equivalent in ability to deter access to the lateral. **Staff recommends a 6-foot tall wrought iron fence is provided in this area to deter access to the lateral.**

Utilities (UDC [11-3A-21](#)): Connection to City water and sewer services is required in accord with UDC 11-3A-21. Street lighting is required to be installed in accord with the City's adopted standards, specifications and ordinances.

Pressurized Irrigation System (UDC [11-3A-15](#)): Underground pressurized irrigation water is required to be provided to each lot within the subdivision as set forth in UDC 11-3A-15.

Storm Drainage (UDC [11-3A-18](#)): An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances. Design and construction shall follow best management practice as adopted by the City as set forth in UDC 11-3A-18. A [geotechnical report](#) was submitted with this subdivision.

Building Elevations: Conceptual building elevations were submitted for the proposed structures within the development as shown in Section VIII.I. Two (2) elevations were submitted for the 2-story attached units proposed in Blocks 1 and 2 and for the 2-story townhome units attached in units of three (3) proposed in Block 3; building materials consist of a mix of board & batten siding, soffit board siding, cottage lap siding and shake siding. Two (2) elevations and perspectives were submitted for the 3-story multi-family apartment buildings; building materials consist of mix of board & batten siding and horizontal lap siding with fiber cement panel accents. An elevation was submitted for the clubhouse; building materials consist of a mix of board & batten siding and horizontal lap siding with stone veneer accents.

The proposed elevations are ~~not~~ approved in concept however, and they should be revised to incorporate traditional neighborhood design elements as set forth in the TMISAP, as noted above in Section V, and in to comply with the Architectural Standards Manual (ASM). Revised elevations should be submitted that demonstrate compliance with these guidelines and standards prior to Commission action on this application.

Certificate of Zoning Compliance (CZC): A CZC application is required to be submitted for the multi-family portion of the development; compliance with the specific use standards listed in UDC [11-4-3-27](#) is required.

Design Review: A design review application(s) is required to be submitted for all single-family attached, townhouse and multi-family structures within the development. **Final design of all structures should**

comply with the standards for traditional neighborhood design listed in the Architectural Standards Manual (ASM) and any applicable traditional neighborhood design guidelines in the Ten Mile Interchange Specific Area Plan (TMISAP) for the MHDR FLUM designation (see the Application of Design Elements table on pg. 3-49). Note: Staff has *not* reviewed the proposed elevations for consistency with the design standards in the ASM; this review will take place with submittal of the design review application. The Applicant should closely review these standards when making changes to the elevations in order to most accurately represent the style and construction of homes proposed to be constructed on this site.

VII. DECISION

A. Staff:

Staff recommends approval of the proposed annexation with the requirement of a Development Agreement, and preliminary plat per the provisions in Section IX in accord with the Findings in Section X *if* revisions are made to the plans as recommended by Staff that are consistent with the traditional neighborhood design guidelines in the TMISAP.

B. The Meridian Planning & Zoning Commission heard these items on March 2, 2023. At the public hearing, the Commission voted to recommend approval of the subject AZ and PP request.

1. Summary of Commission public hearing:

- a. In favor: Hethe Clark (Applicant's Representative)
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: None
- e. Staff presenting application: Bill Parsons
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. None

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

- a. Incorporating more alley-loaded townhome lots in the development.
- b. Architectural design standards in the TMISAP, specifically as it related to front porches, individual garage doors and stepping the garages back 20 feet from the primary facade.
- c. Design elements of the Plan versus the TN-R standards in the UDC.
- d. Extension of Zimmerman Lane.

4. Commission change(s) to Staff recommendation:

- a. Comission modified DA provision i. to specify that the single-family attached and townhome structures did not need to comply with some of the design elements in the TMISAP.
- b. Various DA proivisions and conditions of approval were modified to account for ACHD's determination for the extension of the surrounding stub streets to this property. The email and the exhibit have been uploaded below under the Agency comments section IX. for reference.

5. Outstanding issue(s) for City Council:

- a. Removing the 50-foot sliver of property, known as Zimmerman Lane, from the boundary of the annexation and preliminary plat to allow the applicant time to potentially deed this property to the adjacent County residences to own/maintain. The applicant is proposing the Council add the following DA provision should you choose to support the applicant's request: "Per ACHD direction, Zimmerman Lane will not be dedicated as public right-of-way, with the exception of two stub locations at Atomic St. and Chair Lift St. Dedicate such stub locations to ACHD in configurations required by ACHD prior to signature on the first final plat. The remainder of Zimmerman Lane will remain a private access. Because Zimmerman Lane will remain a private access,

modify the annexation and preliminary plat boundaries to remove Zimmerman Lane to facilitate possible future conveyance of the remainder of Zimmerman Lane to property owners benefitted by this access easement who remain outside city limits. ”

C. The Meridian City Council heard these items on March 28 and April 11, 2023. At the public hearing, the Council voted to approve the subject AZ and PP request.

1. Summary of the City Council public hearing:
 - a. In favor: Hethe Clark (Applicant's Representative)
 - b. In opposition: None
 - c. Commenting: Jim Conger, Jeff Wrede, Harlin Baldwin, and Ryan Adamson
 - d. Written testimony: None
 - e. Staff presenting application: Bill Parsons
 - f. Other Staff commenting on application: Bill Nary and Joe Bongiorno
2. Key issue(s) of public testimony:
 - a. Conveyance of the Zimmerman Lane property to the adjacent Ada County property owners.
 - b. Extension of W. Atomic St. and public utilities (water and sewer) and who is responsible for the construction and cost associated with the extensions if Zimmerman Lane is removed from the boundary of the project.
3. Key issue(s) of discussion by City Council:
 - a. Additional design elements associated with the residential units.
 - b. Maintenance/ownership of the triangle parcel in the NEC of the development.
 - c. Excluding the Zimmerman Lane property from the annexation and preliminary plat boundary and the timing for the conveyance of the property to the County residences to the west.
 - d. The timing of receiving ACHD'S revised staff report prior to the Council hearing.
4. City Council change(s) to Commission recommendation:
 - a. DA provision 1.c. was stricken.
 - b. Council added a new condition of approval that requires the triangle parcel to be owned and maintained by an owner's association in accord with UDC 11-3G-5C since NMID no longer wants ownership of the lot.
Council added a new DA provision allowing Zimmerman Lane to be removed from the
 - c. AZ and PP boundary with the caveat that a PBA needs to be approved and recorded by Ada County before the City approves the AZ ordinance and executes the recorded development agreement.

VIII. EXHIBITS

A. Annexation Legal Description and Exhibit Map



Sawtooth Land Surveying, LLC

P: (208) 398-8104 F: (208) 398-8105
2030 S. Washington Ave., Emmett, ID 83617

Newkirk Annexation Description

BASIS OF BEARING is N. 89°15'34" W., between a found aluminum cap PLS 14221 marking the S1/4 corner of Section 10 and a found aluminum cap PLS 14221 marking the SW corner of Section 10, both in Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho.

A parcel of land located in the E1/2 of the SW1/4 of Section 10, T. 3 N., R. 1 W., B.M., City of Meridian, Ada County, Idaho more particularly described as follows:

COMMENCING at an aluminum cap marking the S1/4 corner of said Section 10;

Thence N. 89°15'34" W., coincident with the south line of said SW1/4, a distance of 793.09 feet;

Thence N. 0°34'26" E., coincident with the west right of way of N. Zimmerman Lane and the extension thereof, 903.05 feet, to the approximate centerline of the Purdam Drain and the **POINT OF BEGINNING** said point witnessed S. 0°34'26" W., 10.00 feet with a 5/8" rebar with cap PLS 11779;

Thence coincident with said centerline the following three (3) courses and distances;

Thence N. 60°56'14" W., 425.75 feet;

Thence S. 59°04'26" W., 103.00 feet;

Thence N. 59°29'07" W., 74.36 feet to the west line of the east half of the SE1/4 of the SW1/4, said point witnessed N. 0°36'35" E., 69.53 feet with a 5/8" rebar with cap PLS 12464;

Thence N. 0°36'35" E., coincident with said west line, 614.70 feet to the centerline of the railroad right of way;

Thence S. 88°26'46" E., coincident with said centerline, 1097.69 feet;

Thence leaving said centerline, S. 0°35'04" W., 216.64 feet to a 5/8" rebar with no cap, hereafter referred to as "Point A" on the southwesterly right of way of the Kennedy Lateral;

Thence continuing, S. 0°35'04" W., 1250.38 feet to the approximate centerline of said Purdam Drain, said point witnessed N. 0°35'04" E., 42.00 feet with a 5/8" rebar with cap PLS 11779;

Thence N. 39°15'40" W., coincident with said centerline, 891.69 feet to the **POINT OF BEGINNING**.

LESS and **EXCEPTING** a parcel of land more particularly described as follows:

BEGINNING at the aforementioned "Point A";

Thence N. $42^{\circ}57'39''$ W., coincident with the southwesterly right of way of said Kennedy Lateral, 25.93 feet to a 5/8" rebar with cap PLS 11779;

Thence N. $58^{\circ}29'25''$ W., coincident with said southwesterly right of way, 133.89 feet to a 5/8" rebar with cap PLS 11779;

Thence N. $88^{\circ}22'37''$ W., coincident with said southwesterly right of way, 186.62 feet to a 5/8" rebar with cap PLS 11779;

Thence N. $1^{\circ}12'41''$ E., coincident with said southwesterly right of way, 31.04 feet to a 5/8" rebar with cap PLS 11779 on the southerly railroad right of way;

Thence S. $88^{\circ}26'46''$ E., coincident with said southerly railroad right of way, 232.69 feet to a 5/8" rebar with cap PLS 11779 on the northeasterly right of way of said Kennedy Lateral;

Thence S. $58^{\circ}29'25''$ E., coincident with said northeasterly right of way, 100.62 feet to a 5/8" rebar with cap PLS 11779;

Thence S. $0^{\circ}35'04''$ W., 66.38 feet to the **POINT OF BEGINNING**.

Said parcel contains 22.667 acres more or less.





PROJECT:
NEWKIRK ANNEXATION EXHIBIT
E1/2, SW1/4, SECTION 10
T. 3 N., R. 1 W., B.M.
CITY OF MERIDIAN
ADA COUNTY, IDAHO

OWNER/DEVELOPER:
CONGER
MANAGEMENT
GROUP
DATE: 3/2023

2030 S. WASHINGTON AVE.
EMMETT, ID 83617
P: (208) 398-8104
F: (208) 398-8105
www.sawtoothls.com

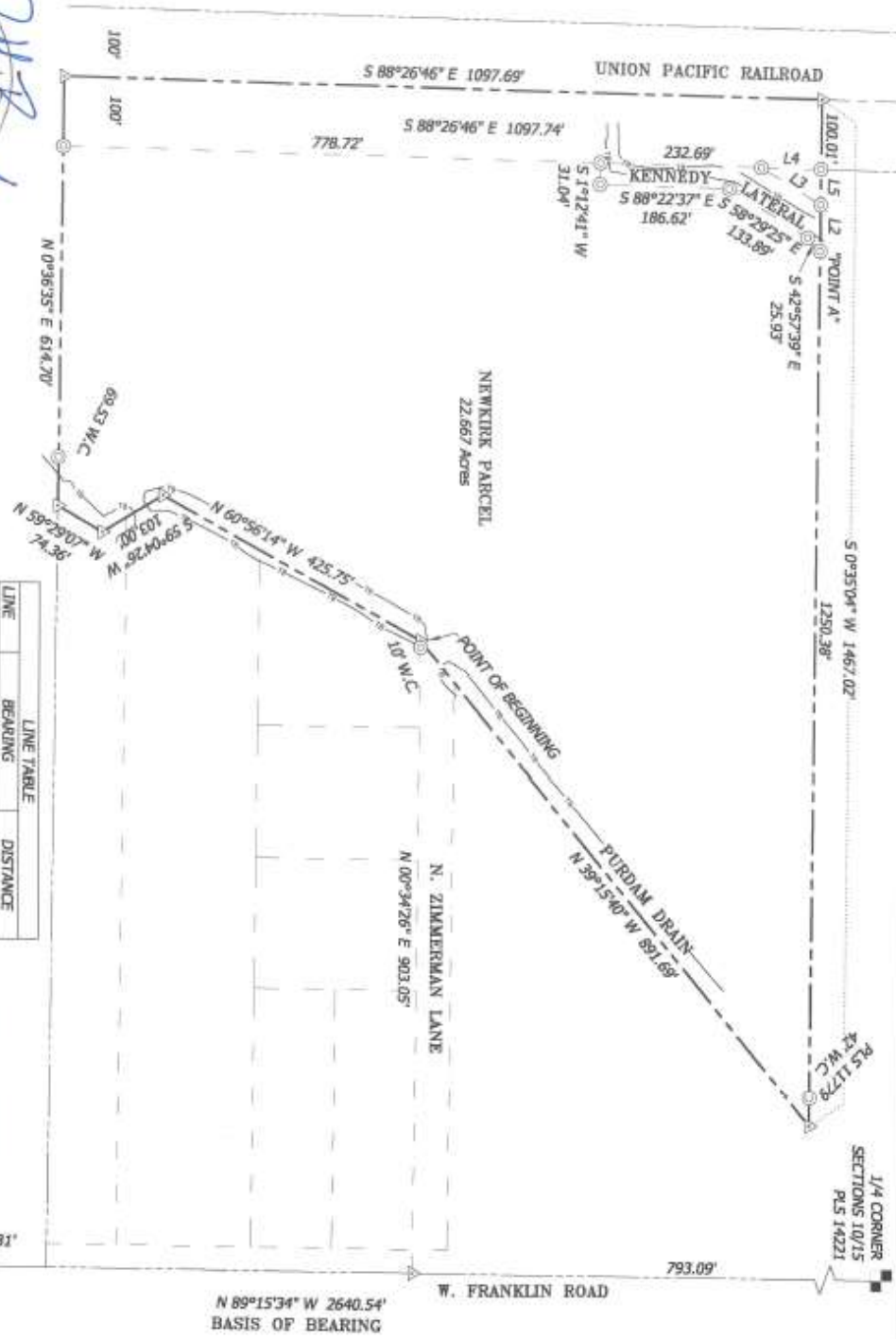
DWG # 121381-E
PROJECT # 121381
SHEET 1 OF 1

LINE TABLE		
LINE	BEARING	DISTANCE
L2	S 00°35'04" W	66.38'
L3	S 58°29'25" E	100.62'
L4	S 88°16'46" E	86.33'
L5	S 00°35'04" W	50.25'

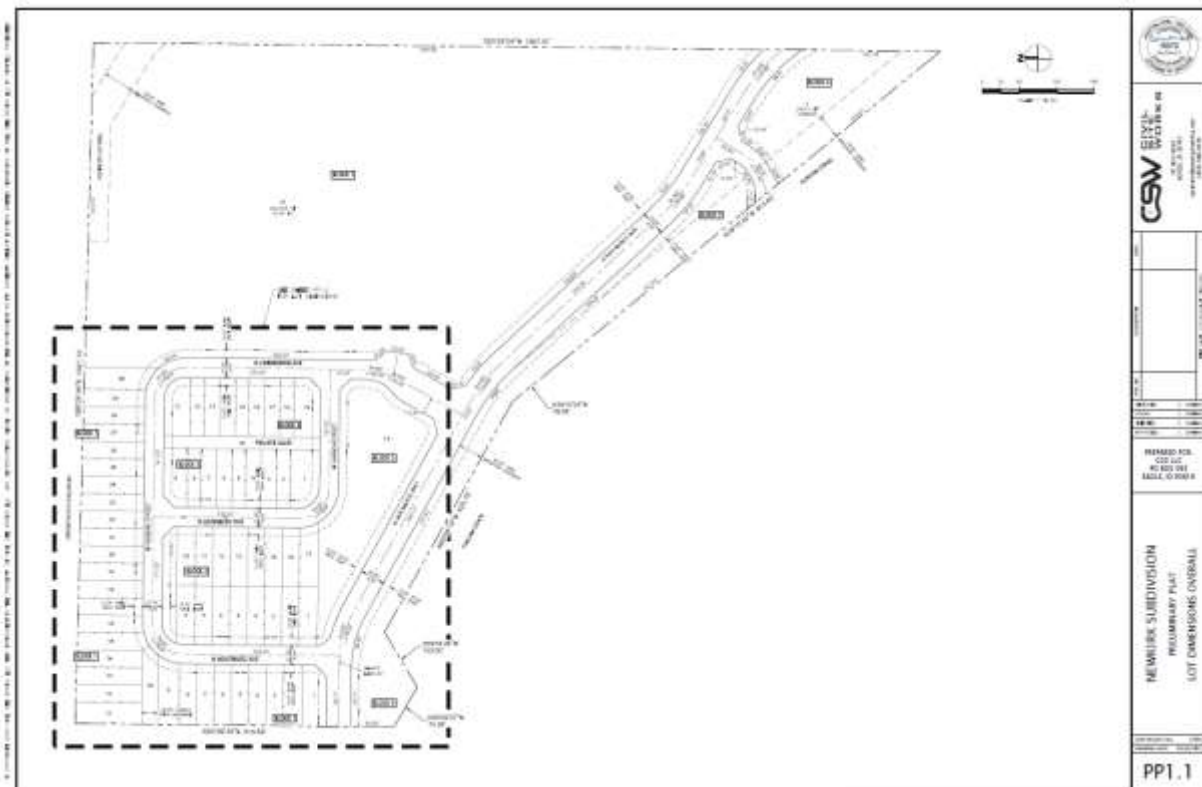
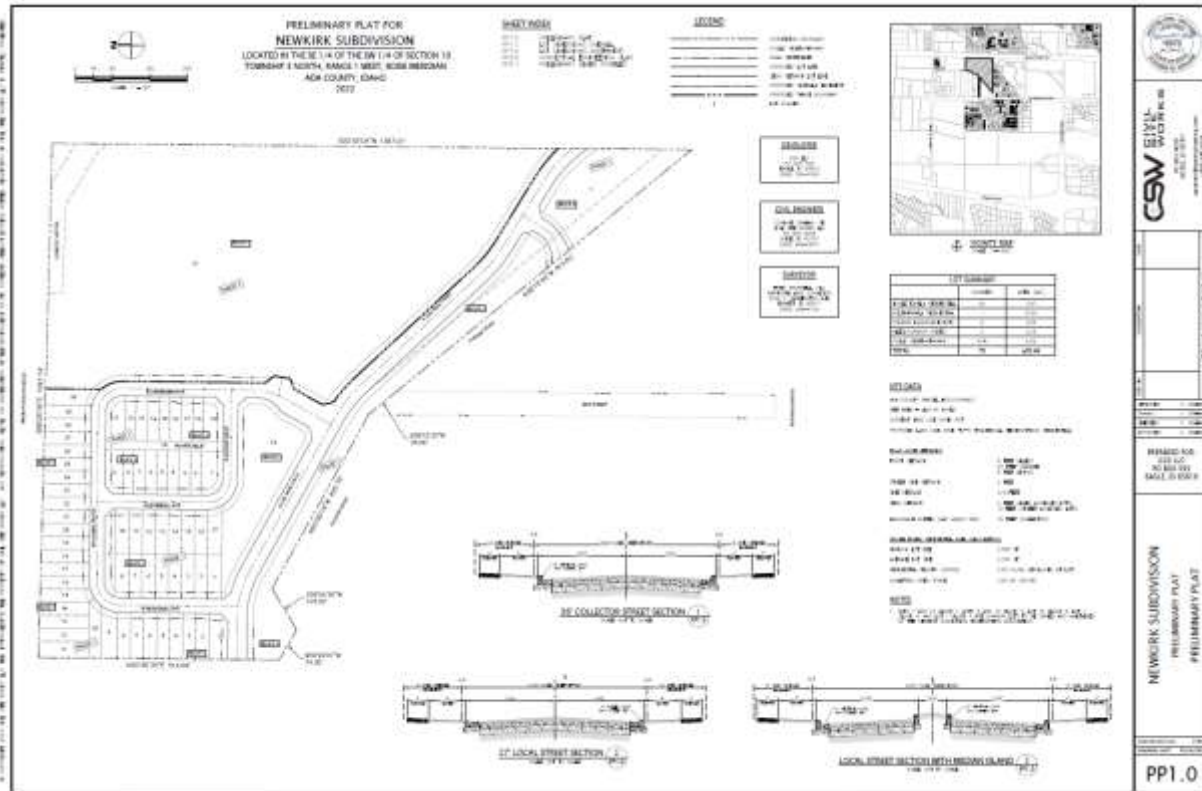


PLS 14221
9 10 15 16

NTS

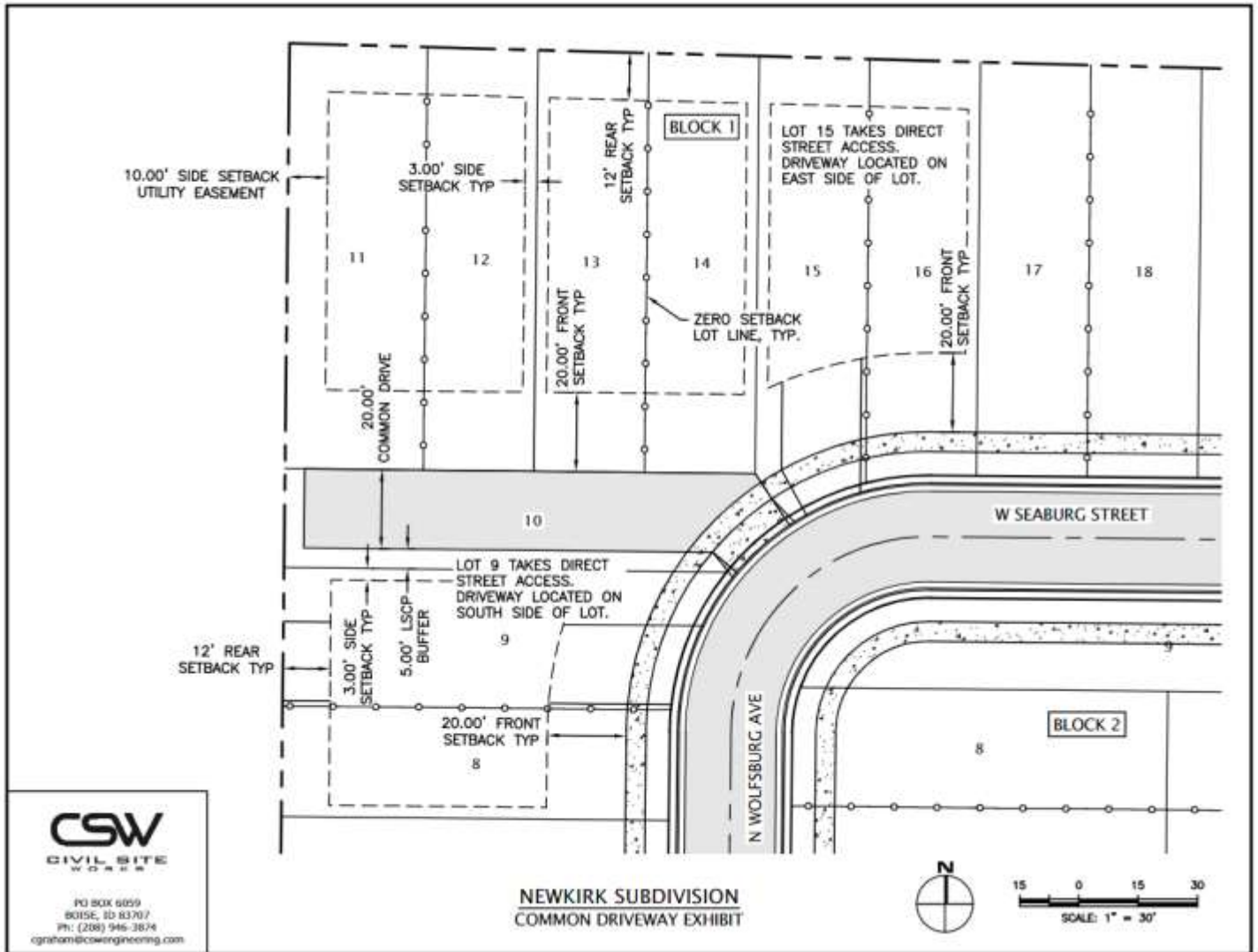


B. Preliminary Plat (dated: 10/21/22 03/29/23) ~~NOT APPROVED~~

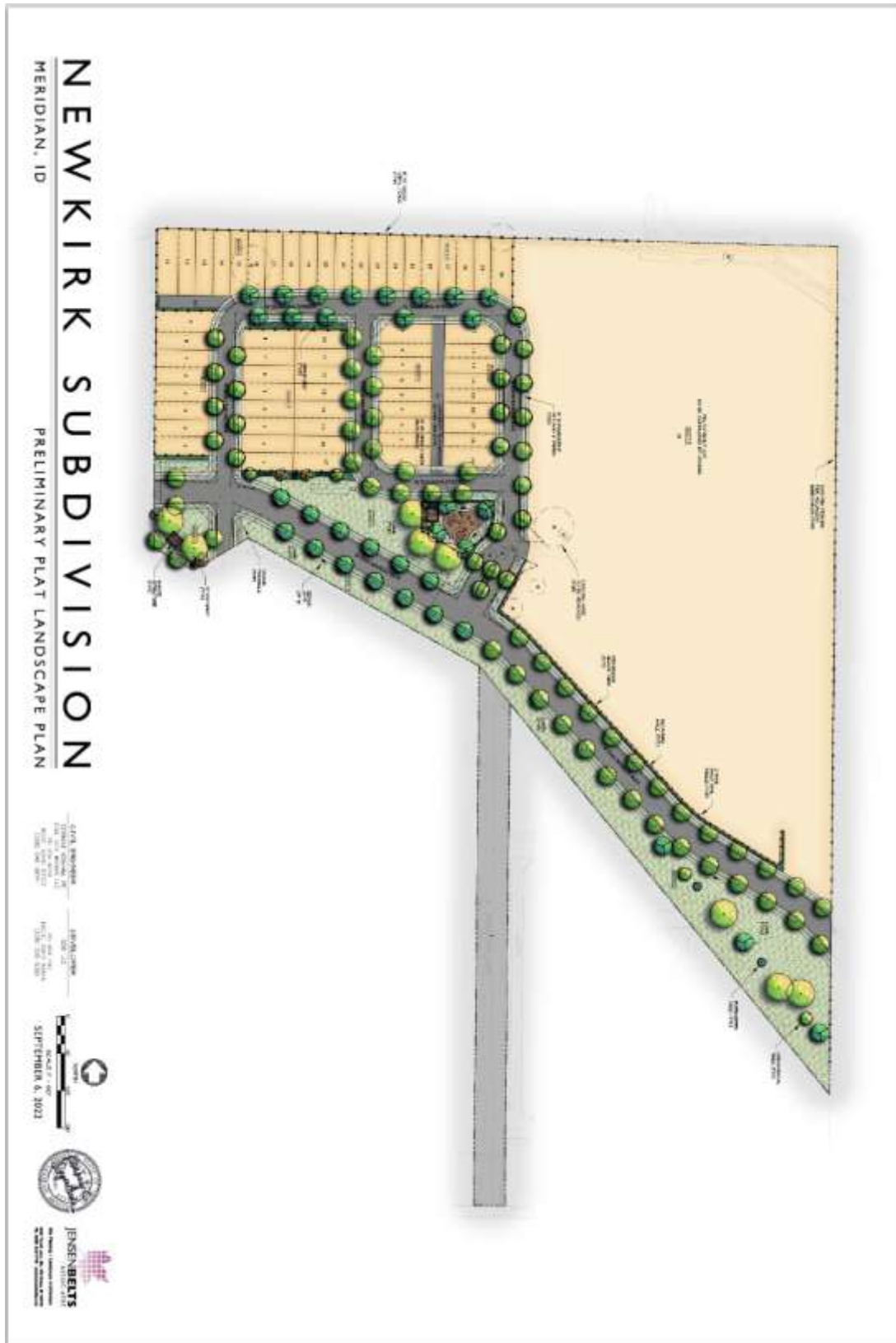




C. Common Drive Exhibit – *NOT APPROVED*



D. Landscape Plan – Preliminary Plat (dated: 9/6/2022)



E. Conceptual Site Plan & Landscape Plan for Multi-Family Development



F.



1 OVERALL SITE PLAN



NEWKIRK APARTMENTS

N. ZIMMERMAN LANE MERIDIAN, IDAHO

OVERALL GENERAL SITE NOTES

SCALE: 1"=50'-0"
 ZONING: TN-R
 TOTAL AREA: 454,766 S.F.
 10.44 ACRES
 DENSITY PROPOSED: 20.7 D.U./ACRE

SETBACKS:

SIDES: 10 FEET
 REAR: 10 FEET
 FRONT (COLLECTOR): 20 FEET

PROJECT DATA:

NUMBER OF APARTMENT BUILDINGS: 10
 NUMBER OF DWELLING UNITS: 216

PARKING REQUIRED:

1.5 SPACES x 48 1 BDRM UNITS = 72
 2 SPACES x 168 2 BDRM UNITS = 336
 PARKING SPACES PROPOSED: 442
 PARKING SPACES PROPOSED PER UNIT: 2.05
 COVERED SPACES REQUIRED: 216
 COVERED SPACES PROPOSED: 221
 COMPACT SPACES PROPOSED: 0
 ACCESSIBLE PARKING SPACES REQUIRED: 16
 ACCESSIBLE PARKING SPACES PROPOSED: 16
 BICYCLE PARKING SPACES PROPOSED (1:25): 18

COMMON OPEN SPACE REQUIRED:

59,400 S.F.
 162 D.U. x 250 S.F./D.U. = 40,500 S.F.
 54 D.U. x 350 S.F./D.U. = 18,900 S.F.
 COMMON OPEN SPACE PROVIDED: 46,362 S.F.

SITE DEVELOPMENT AMENITIES PROPOSED:

1. CLUBHOUSE (QUALITY OF LIFE)
2. FITNESS CENTER (QUALITY OF LIFE)
3. ENCLOSED BIKE STORAGE (QUALITY OF LIFE)
4. DOG PARK W/ WASTE STATION (QUALITY OF LIFE)
5. POOL (RECREATION)
6. WALKING TRAILS (RECREATION)
7. PICNIC AREA (OPEN SPACE)
8. BIKE REPAIR STATION (MULTI-MODEL)

DEVELOPER:

G20, LLC
 601 W BANNOCK ST.
 BOISE, ID 83702

CIVIL

ENGINEER: CIVIL SITE WORKS
 804 W RICHMOND ST.
 BOISE, ID 83706
 (208) 946-3874

ARCHITECT:

THE ARCHITECTS OFFICE, PLLC
 499 MAIN ST.
 BOISE, ID 83702
 (208) 343-2931



PROJECT

NEWKIRK
 APARTMENTS



FILE

JANUARY 1, 2020

10:00 AM

DAVID R. HAYS

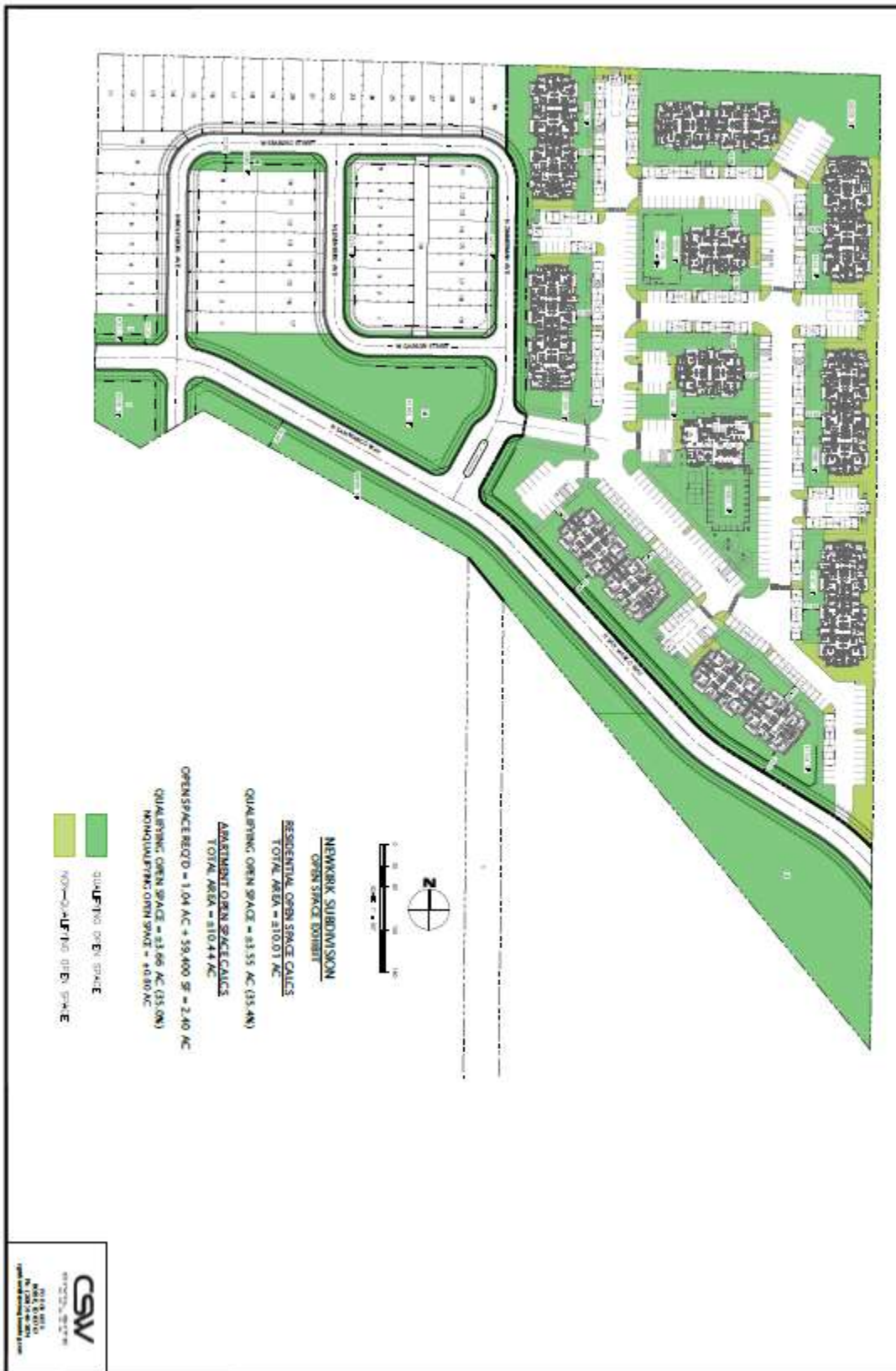
REVISIONS

SHEET

A100

OVERALL
 SITE PLAN

G. Common Open Space Exhibit & Calculations



Project: Newkirk Neighborhood

Date: 11.11.2022

Block	Lot	Sqft Open Space	Dimensions	Description	Code Section
1	1	4,051	41.31' x 98'	Collector Frontage	C
1	31	159,430	-	Multi-Family Open Space	MF
2	9	4,485	188' x 21.06'	End Cap	B
2	18	39,734	-	Large Park	A
4	1	8,792	-	Collector Frontage/ Park	A,C
5	2	85,885		Collector Frontage	A,C
-	-	6,550		Parkway Strip	E
Subtotals			Acres	Percent of Total	
Total Sqft		308,927	7.09197888		
Qualified Open Space Ac.		7.09			
Total Project Acres		20.45			
Non-Qualifying Open Space		0.80			
Percent of Qualified Open Space		34.68%			
Arterial and Collector Frontage		98,728	2.27	31.96%	
Buffers & Endcaps		4,485	0.10	1.45%	
Hillside		0	0.00	0.00%	
"Useable"		205,714	4.72	66.59%	

Page 1

	Code Section	Description
A	11-3G-3A-2B	Open grassy area of at least 5,000' in area.
B	11-3G-3B-1E	Linear open space area that is at least twenty feet (20') and up to fifty feet (50'), has an access at each end, and is improved and landscaped as set forth in subsection E of this section.
C	11-3G-3B-3	Full Area of Buffer: The full area of the landscape buffer along collector streets may count toward the required common open space.
D	11-3G-3B-3	Percentage of Buffer: Fifty percent (50%) of the landscape buffer along arterial streets may count toward the required common open space.
E	11-3G-3B-4	Parkways Along Collector and Local Residential Streets: Parkways along local residential streets that meet all of the following standards may count toward the common open space requirement:

H. Site Amenities

Proposed Amenities Single-family Area:

A. Large 1-Acre, Play Park (Block 2, Lot 18) – The Newkirk Neighborhood Park will contain the following recreation facilities:

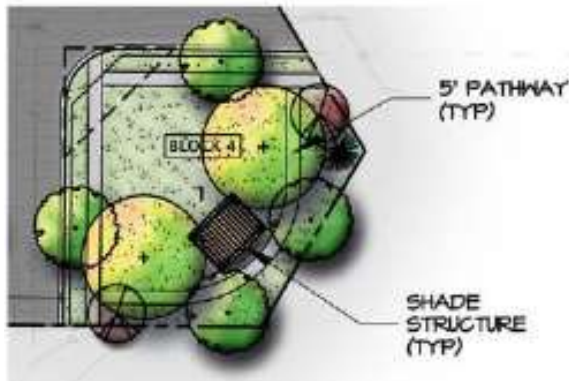
- Play Structure
- Swings
- Seating Benches
- Shade Structure
- Climbing Rocks
- Climbing Dome
- Large Grass play area
- Attractive Landscaping
- Playground fencing for safety



B. Pathways – The Newkirk Neighborhood will include the following pedestrian pathways:

- **5' Wide Separated Pedestrian Pathway on Both sides of N. San Marco Way – 2,770 LF**

Pedestrian pathways within the Newkirk Neighborhood will total over one half mile in length.



C. Pathway Park (Block 4, Lot 1) - The Newkirk Neighborhood Park will contain a small pedestrian park including:

- **Shade Structure**
- **Additional Pathway**
- **Seating Areas**
- **Attractive Landscaping**

Proposed Amenities Multi-family Area:

A. Multi-Family Amenities – The 216-unit Multi-family Chalet's will have the following Amenities:

- **Club House (Quality of Life)**
- **Fitness Center (Quality of Life)**
- **Enclosed Bike Storage (Quality of Life)**
- **Dog Park W/Waste Station (Quality of Life)**
- **Pool (Recreation)**
- **Walking Trails (Recreation)**
- **Picnic Area (Open Space)**
- **Bike Repair Station (Multi-Modal)**
- **Outdoor Seating**
- **Attractive Landscaping**

I. Pedestrian Connectivity Exhibit

The Newkirk Neighborhood will include pedestrian pathways as well as internal sidewalks that will form a very connected and pedestrian friendly environment for the homeowners and public.

Over a mile of pedestrian pathway will be constructed within the Newkirk Neighborhood. This pathway system will provide a variety of opportunities for the residents of the Newkirk Neighborhood to walk, bike or connect to the greater Ten Mile Interchange Area.

All internal streets and collector roadways will have separated sidewalks. The map below illustrates the pedestrian connectivity.

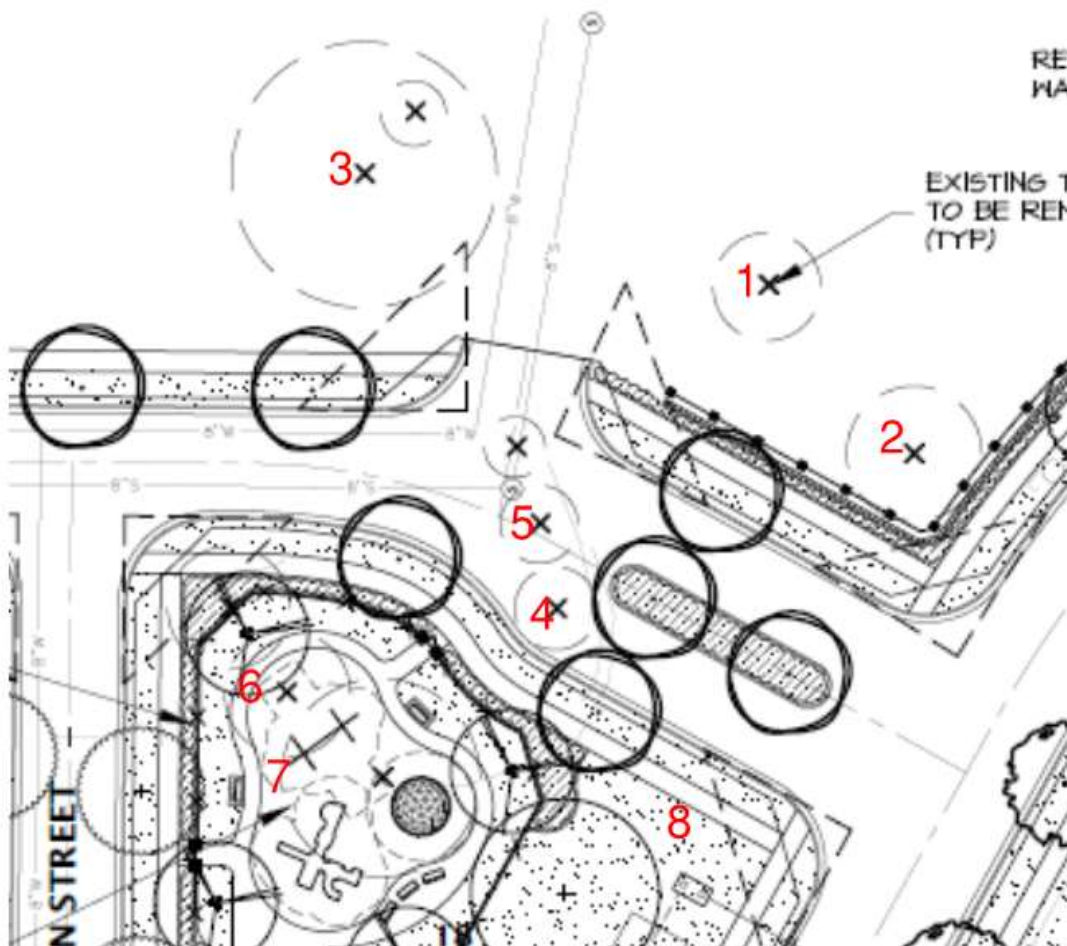


APPENDIX 12.10.1

J. Existing Tree Inventory & Mitigation Plan

Newkirk Neighborhood Tree Inventory and Mitigation Plan

The following is an inventory of existing trees on the proposed Newkirk Neighborhood property. The trees are in fair to poor condition as they have not been well maintained and most are in various stages of decay and nearly all have structural issues. For this reason, we are proposing to remove all the existing trees and to mitigate for some of the caliper inches of loss. Some of the trees such as the willow do not require mitigation per city code. A map and photos of the trees is provided below as well as a total of caliper inches that should be mitigated for and a calculation of trees to be provided in the new development per the landscape plan. It is calculated that approximately 105" of existing tree caliper should be mitigated for, the project is providing 318 new trees with an average caliper of 2" that equals 636 caliper inches. The new trees planted will far outweigh any trees being removed from the site.



Map of existing trees

Tree 1



10" Caliper shade – to be mitigated

Tree 2



Large Willow with rotted base and many dead limbs. – No mitigation proposed

Tree 3



Large walnut tree, 30" – 40" caliper, multi-trunk, poor condition, structural issues.
– To be mitigated at 50%.

Tree 4



11" Crab Apple – poor to fair condition – to be mitigated

Tree 5



13" Shade tree – fair condition – to be mitigated

Tree 6



6" Shade tree – to be mitigated

Tree 7



18" Shade tree – fair Condition - to be mitigated

Tree 8



7" Pine – fair condition – to be mitigated

Calculations from the Newkirk Landscape Plans

LANDSCAPE CALCULATIONS

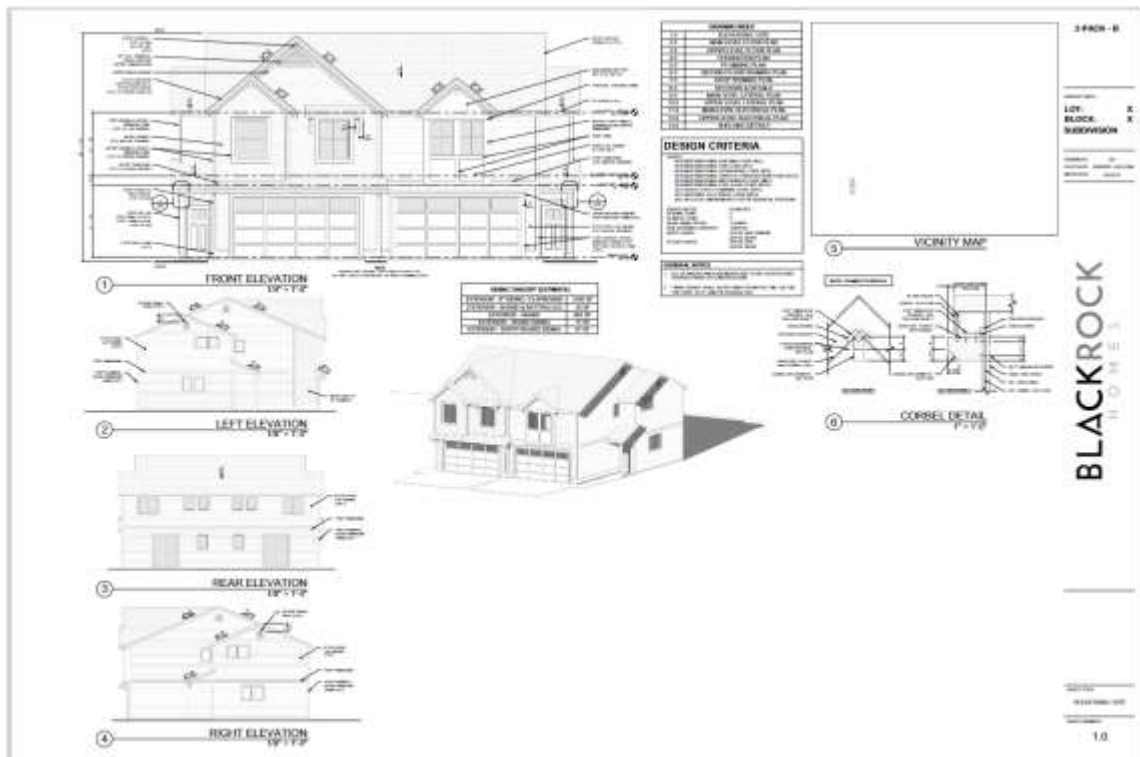
LOCATION		REQUIRED	PROVIDED
STREET TREES			54 TREES
PARK/COMMON OPEN SPACE	142,130 SF / 8000 =	18 TREES	83 TREES
TOTAL NUMBER OF TREES:		18 TREES	131 TREES

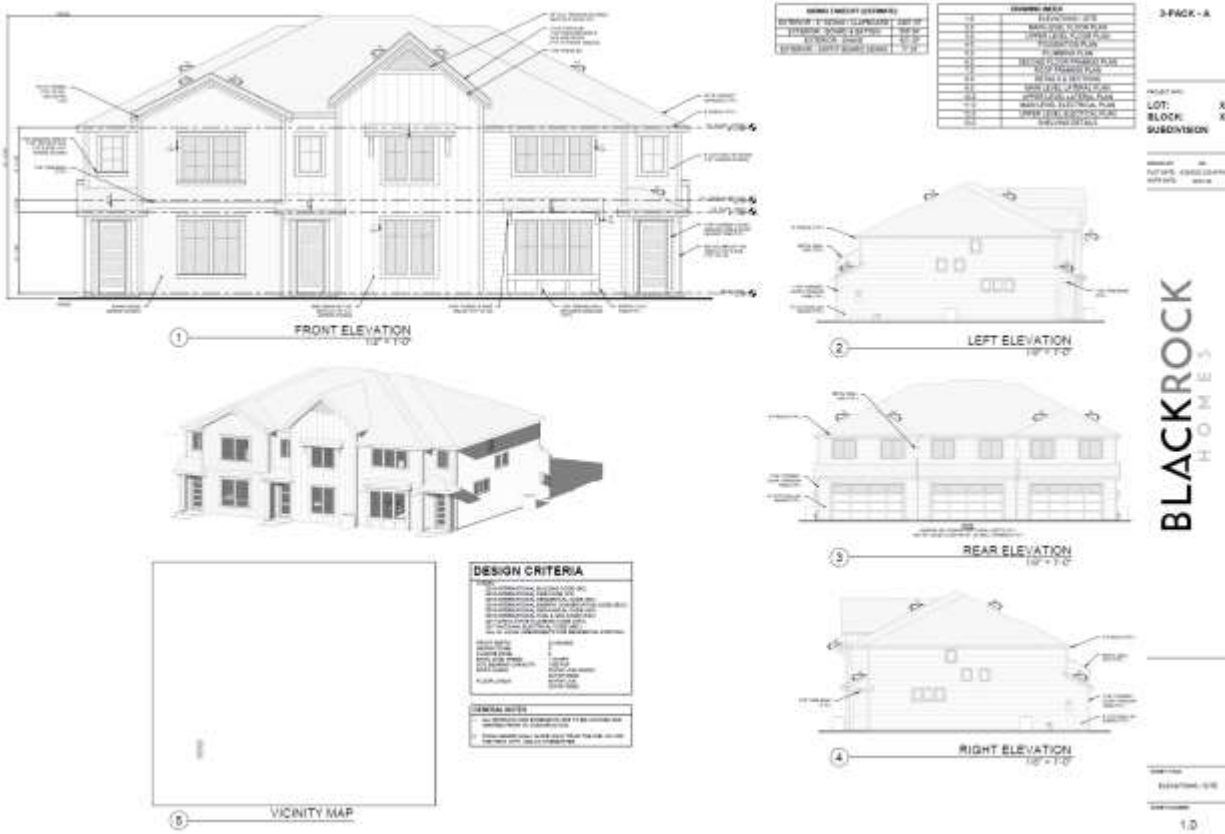
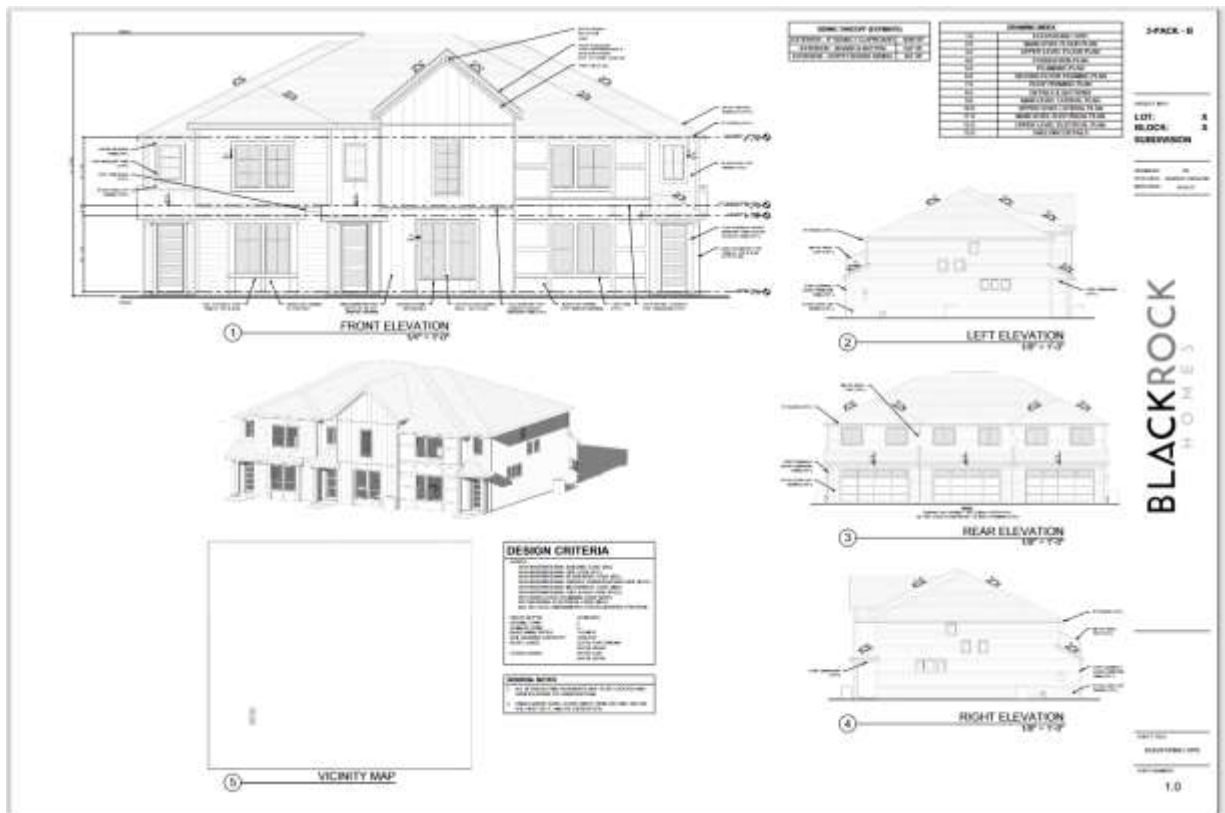
ALL EXISTING TREES TO BE REMOVED. SEE NOTE 8, THIS SHEET.

PLANT SCHEDULE

TREES	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	QTY	REMARKS
	Acer x freemanii 'Jeffersred' / Autumn Blaze® Freeman Maple	B&B	2"		10	50' H 35W CLASS II
	Betula papyrifera 'Clump' / Clump Paper Birch	B&B	2.5"		13	50'H x 40"W, CLASS II, clump
	Gleditsia triacanthos inermis 'Skycole' TM / Skyline Honey Locust	B&B	2"		44	45'H X 35' W, CLASS II
	Malus x 'Spring Snow' / Spring Snow Crabapple	B&B	2"		4	20'H x 20"W, CLASS I
	Prunus virginiana 'Canada Red' / Canada Red Chokecherry	B & B	2"		4	40'H x 40"W, CLASS II
	Prunus x cerasifera 'Crimoizam' / Crimson Pointe Flowering Plum	B&B	2"		24	H 20'-25' W 5'-6' CLASS II
	Pyrus calleryana 'Chanticleer' / Chanticleer Pear	B&B	2"		30	30'-35' H x 22' W, Class II
EVERGREEN TREE	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	QTY	REMARKS
	Picea glauca 'Sander's Blue' / Sander's Blue White Spruce	B & B		5'-7'H	11	5'-6'H x 2'-3'W
	Picea glauca 'Pendula' / Weeping White Spruce	B&B		25' H	28	H 12'-40' W 5'-8'
	Picea omorika 'Bruns' / Bruns Spruce	B&B		6'-7' H	4	30'H x 8'W
	Pinus flexilis 'Vanderwolf's Pyramid' / Vanderwolf's Pyramid Pine	B&B		6'-7' H	9	20'-25' tall & 10'-15' wide

K. Conceptual Building Elevations – ***NOT APPROVED***







- #### KEYWORDS

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<https://openstax.org>
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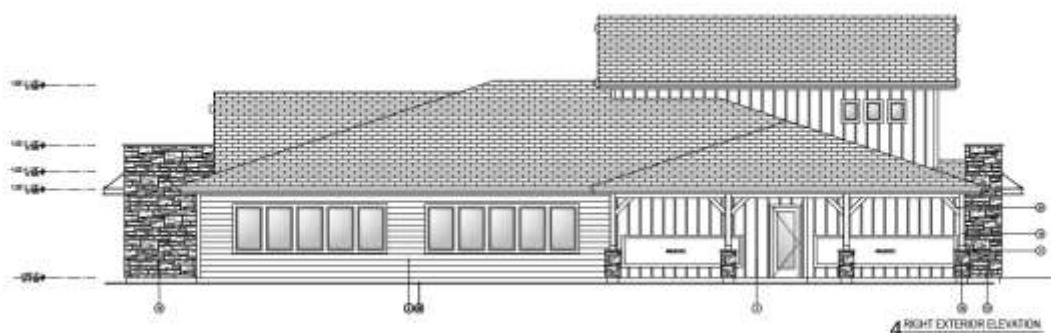
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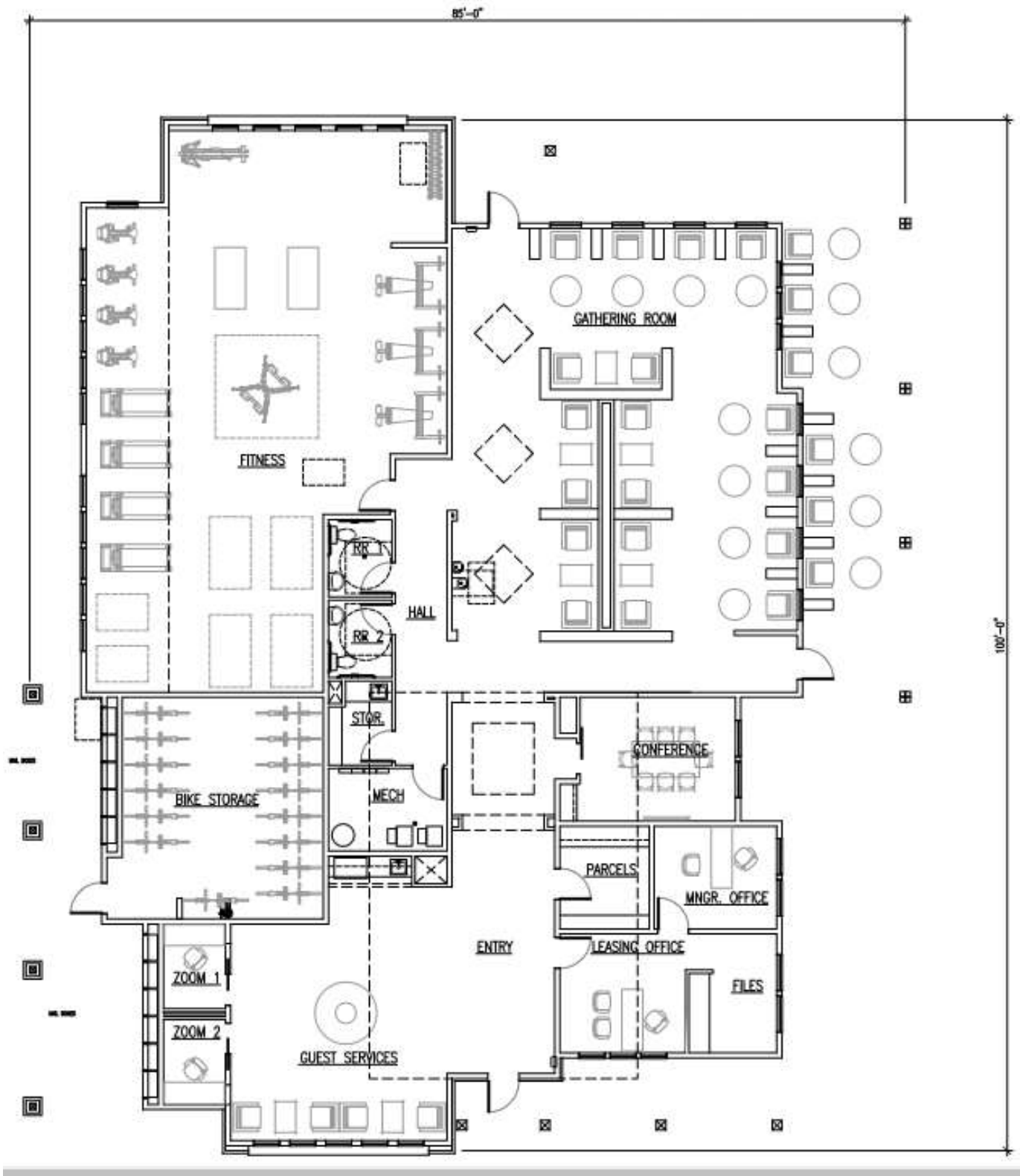
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NETWORK ADVERTISEMENTS

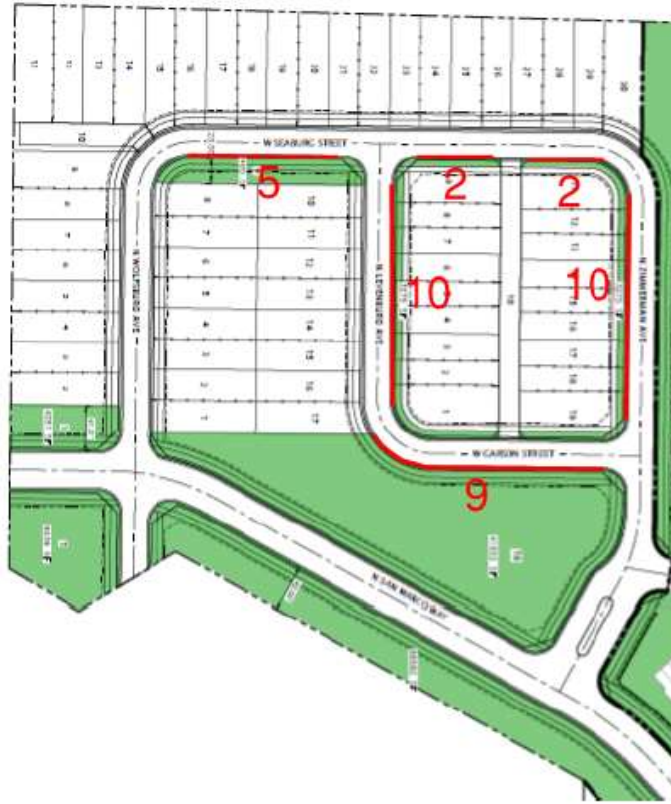
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L. Parking Exhibit

SINGLE-FAMILY

The Newkirk Neighborhood will meet or exceed all of the requirements of the City of Meridian's Code for off-street parking. All homes within the neighborhood will have a minimum of a two (2) car garage and a driveway that will accommodate an additional two (2) parking spaces, for a total of four (4) off-street parking spaces. As illustrated below, an additional 38 (over 0.5 additional per home) on-street parking spaces will be available for use by the residence.



MULTI-FAMILY

The Newkirk Apartments meet and exceed all parking requirements of the City of Meridian Code. The code requires 418 parking stalls, we are providing 450 parking stalls.

IX. CITY/AGENCY COMMENTS & CONDITIONS

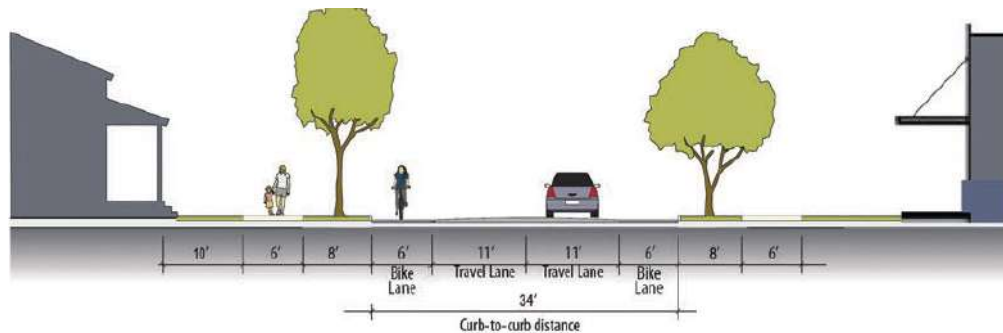
A. PLANNING DIVISION

1. A Development Agreement (DA) is required as a provision of annexation of this property. Prior to approval of the annexation ordinance, a DA shall be entered into between the City of Meridian, 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. Future development of this site shall be generally consistent with the preliminary plat, phasing plan, landscape plan, qualified open space, qualified site amenities, and conceptual building elevations included in Section VIII and the provisions contained herein.
- b. The collector street (N. San Marco Way) shall be constructed in its entirety with the first phase of development and shall be designed consistent with Street Section C (major collector street) in the Ten Mile Interchange Specific Area Plan (see pgs. 3-20, 3-22 and 3-23), unless an alternative cross section is approved by ACHD.
- c. ~~The small triangle portion of the property located at the northeast corner of the development, north of the Kennedy Lateral, shall be deeded to Nampa Meridian Irrigation District.~~
- d. Public art of a high quality of design shall be provided within the development and incorporated into the design of the streetscape or publicly accessible open space as set forth in the TMISAP (see pg. 3-47).
- e. A bicycle rack should be provided for each of the multi-family buildings and the clubhouse in accord with the standards listed in UDC [11-3C-5C](#). A minimum of 18 spaces are required.
- f. A minimum of 442 off-street parking spaces shall be provided for the multi-family development with a minimum of 221 of those spaces in a covered carport or garage as proposed, in accord with UDC [Table 11-3C-6](#).
- g. A maximum of 216 multi-family units shall be constructed within this development.
- h. A Certificate of Zoning Compliance application shall be submitted for the multi-family portion of the development; compliance with the specific use standards listed in UDC [11-4-3-27](#) is required.
- i. A Design Review application shall be submitted for all single-family attached, townhouse and multi-family structures within the development. Compliance with the design standards listed in the Architectural Standards Manual and ~~the any applicable~~ guidelines in the Ten Mile Interchange Specific Area Plan (TMISAP) is required. The single-family attached and townhome structures are not required to incorporate porches along 30% of the front facades and front-loaded 2-car garages do not have to be 20 feet behind the primary façade or designed with two (2) separate garage doors. The residential development shall be developed in consideration of traditional neighborhood design principals and concepts as set forth in the TMISAP for the MHDR Future Land Use Map designation (see the Application of the Design Elements table on pg. 3-49).
- j. Pedestrian-scale lighting should be provided on all building facades facing the street and internal walkways in accord with the TMISAP (pg. 3-34).
- k. The space between the building façade and adjacent walkway should be appropriately landscaped with a combination of lawns, groundcover, shrubs and trees in accord with the TMISAP (pg. 3-37).

1. Zimmerman Lane will not be dedicated as public right-of-way, except for the two stub locations at Atomic St. and Chair Lift St. Dedicate such stub locations to ACHD in configurations required by ACHD prior to the City Engineer's signature on the first final plat. Before recordation of the annexation ordinance AND the City's acceptance of the modified AZ and Plat boundaries to remove Zimmerman Lane, the applicant shall record a property boundary adjustment between the Newkirk property and the three (3) selected adjacent County parcels immediately to the west to facilitate conveyance of the Zimmerman Lane property as proposed. Proof of such conveyance shall be provided to City staff prior to City Engineer's signature on the first final plat.
2. The final plat shall include the following revisions:
 - a. ~~Dedicate right of way and depict Zimmerman Ln. as a local public street from W. Franklin Rd. to San Marco Way and a dedicated right turn lane on San Marco at Zimmerman as required by ACHD.~~
 - b. Extend the three (3) stub streets (i.e. E. Chair Lift St., W. Atomic St. and W. Ski Hill St.) from Ascent Subdivision into the site as required by ACHD.
 - c. Align San Marco Way with the approved location of the stub street at the west boundary of the site from Aviator Subdivision.
 - d. Extend right-of-way to the south from San Marco Way in alignment with Feather Reed Ave. in the future second phase of Alamar Subdivision. *The stub street will need to be located on the east side of the common lot (Lot 3, Block 1) at the northwest corner of Alamar subdivision as approved with the first phase final plat.*
 - e. Depict a maximum of three (3) units on one (1) side of the common driveway on Lot 10, Block 1 in accord with UDC [11-6C-3D.1](#); or, obtain approval of alternative compliance for the proposed design as set forth in UDC [11-5B-5](#).
 - f. Depict a 20-foot wide street buffer in a common lot or on a permanent dedicated buffer easement with an 8-foot wide parkway and a 6-foot wide detached sidewalk along N. San Marco Way, a collector street, per UDC [Table 11-2D-6](#) and Street Section C in the TMISAP, unless an alternative cross section is approved by ACHD.



3. The landscape plan submitted with the final plat shall include the following revisions:
 - a. Revise the landscape plan consistent with the changes to the final plat listed above.
 - b. Include mitigation calculations on the plan for existing trees that are proposed to be removed in accord with the standards listed in UDC [11-3B-10C.5](#) and the exhibit in Section VIII.H.
 - c. Depict landscaping within the 20-foot wide street buffer along San Marco Way in accord with the *updated* standards listed in UDC [11-3B-7C](#). An 8-foot wide parkway is required along the collector street planted with Class II trees and a 5-foot wide detached sidewalk per UDC [Table 11-2D-6](#). Include the linear feet of buffer with the number of required vs. provided trees in the Landscape Calculations table that demonstrates compliance with UDC standards.

- d. Depict an 8-foot wide parkway with Class II trees along all local streets per UDC [Table 11-2D-6](#), landscaped per the standards listed in UDC [11-3B-7C](#). Include the linear feet of parkways with the number of required vs. provided trees in the Landscape Calculations table that demonstrates compliance with UDC standards.
 - e. Depict shrubs in common open space areas in accord with UDC [11-3G-5B.3](#).
 - f. Update the Landscape Calculations table for common open space areas to reflect the updated requirement of one tree per 5,000 square feet common open space per UDC [11-3G-5B.3](#); a minimum of 28 trees are required.
 - g. Change the fencing type along the Kennedy Lateral to 6-foot tall wrought iron in accord with UDC [11-3A-6C.3](#).
 - h. Include a picnic table in the common area at the southwest corner of the site on Lot 1, Block 4.
 - i. Fencing shall not be provided along the perimeter of Lot 1, Block 4 where it adjoins future common area in Alamar Subdivision.
 - j. A minimum of one (1) bench should be provided along the northeast side of the collector street in accord with traditional neighborhood development guidelines in the TMISAP.
 - k. The area in the northeast corner of the development, north of the Kennedy Lateral, shall be owned and maintained by the property owner or owner's association in accord with UDC 11-3G-5C.
4. The proposed plat and subsequent development is required to comply with the dimensional standards listed in UDC [Table 11-2D-6](#) for the TN-R zoning district.
 5. The common driveway shall be designed and constructed per the standards listed in UDC [11-6C-3D](#). **Revise the common driveway exhibit in Section VIII.C to reflect a maximum of three (3) dwelling units on one (1) side of the driveway as set forth in UDC 11-6C-3D.1; or, alternative compliance may be requested as set forth in UDC [11-5B-5](#).**
 6. A perpetual ingress/egress easement shall be filed with the Ada County Recorder for the common driveway, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment. This may be accomplished through depiction of the easement on the face of the final plat and an accompanying note. If a separate easement is recorded, a copy shall be submitted to the Planning Division with the final plat for City Engineer signature.
 7. The alley shall be designed and constructed per the standards listed in UDC [11-6C-3B.5](#). A detail of the alley shall be submitted with the final plat that demonstrates complies with these standards.
 8. Per UDC [11-2D-6F](#), all dwelling units shall have a minimum of two (2) lights at the front of the unit. All dwelling units on alley accessed properties shall have a minimum of two (2) lights along the alley. All lighting shall prevent uplighting and shall be on a photocell that activates the lighting at dusk and turns it off at dawn.
 9. Prior to the City Engineer's signature on the final plat, all existing structures that do not conform to the setbacks of the district shall be removed.
 10. Approval of a preliminary 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. Upon written request and filing by the applicant prior to the termination of the period in accord with subsections (A) and (B) of UDC 11-6B-7, 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 this title.

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 Sewer and water running in parallel require 30ft easement.
- 1.2 Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement.
- 1.3 Ensure no sewer services pass through infiltration trenches.
- 1.4 Provide 20' easement and install main to make connection of water line between east and west property. If main in western property is not installed at time of construction install a blow-off per City requirements.
- 1.5 Do not have a connection to the west. It is a different pressure zone.
- 1.6 Development to the south shows road in a different location. Coordinate with southern property on location and make sure water main is in road wherever that ends up being.
- 1.7 Water line requires 20' easement with water line centered in it. No car ports allowed in easement.
- 1.8 20' Easement up to water meter and 10' beyond is required but cannot go under car ports. Keep that in mind for all areas where it is applicable.
- 1.9 Water and sewer line require 30' easement minimum. Water and sewer to be 10' from edge with at least 10' separation. No car ports allowed in easement.
- 1.10 Each phase will need to be modeled independently to verify adequate pressure.
- 1.11 Connect to existing water stub to the east. Required to provide better looping on the eastern property.

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 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized,

the developer will be responsible for the payment of assessments for the common areas prior to prior to receiving development plan approval.

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

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

C. FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=286169&dbid=0&repo=MeridianCity>

D. POLICE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=286172&dbid=0&repo=MeridianCity>

E. PARK'S DEPARTMENT

No comments were submitted.

F. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=287222&dbid=0&repo=MeridianCity>

G. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=287028&dbid=0&repo=MeridianCity>

H. WEST ADA SCHOOL DISTRICT (WASD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=287286&dbid=0&repo=MeridianCity>

I. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=293687&dbid=0&repo=MeridianCity>

EMAIL FROM CHRISTY LITTLE ON THE FUTURE ROAD EXTENSIONS FOR NEWKIRK SUBDIVISION

Bill & Sonya,

Sorry for the late e-mail but we have been working through solutions this week regarding Zimmerman Lane. I had hoped to have a revised report for you today, but rather than chance sending a report with errors, I'll just outline the changes here.

1. Zimmerman Lane will not be required to be constructed as a public street through the site. As demonstrated by the TIS, it is not needed to serve the site; and there is no designation on the MSM at this location for a collector.
2. Zimmerman Lane will remain as private and continue to provide access to the parcels that are served today.
3. The developer will be required to ensure that local traffic does not use Zimmerman Lane (i.e. signage, barricades, etc...)
4. Developer will dedicate right-of-way for the future extensions of Atomic St and Chair Lift St; and will be required to provide a road trust for the construction which will be done by a different developer.
5. Developer will extend Ski Hill Street into the site and Feather Reed.
6. Ascent Ave – just a reminder about the condition on Ascent Ave at Franklin Road. That connection was approved as a driveway, and is a temporary right-of-way easement. The plat note states that when other access is available to the site, the driveway will be closed. ACHD will work with that developer when stub streets have been extended.

Thanks,
Christy



J. SCHOOL IMPACT TABLE (COMMUNITY DEVELOPMENT)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=286766&dbid=0&repo=MeridianCity>

K. DEPARTMENT OF ENVIRONMENT QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=287890&dbid=0&repo=MeridianCity>

L. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=287353&dbid=0&repo=MeridianCity>

X. FINDINGS

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

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

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

The Council finds the Applicant's request to annex the subject property with TN-R zoning and develop a mix of single-family attached and townhouse dwellings and multi-family apartments on the site at a

gross density of 13.2 units per acre is consistent with the land uses and density desired in MHDR designated areas in the TMISAP.

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

The Council finds the proposed map amendment to TN-R and development generally complies with the purpose statement of the Traditional Neighborhood Residential District in that it will provide for a variety of residential land uses, including attached single-family residential, townhomes and multi-family apartments; open space that promotes pedestrian activity; safe and efficient movement of vehicular traffic; with some of the units accessed from an alley.

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

The Council finds the proposed map amendment should not be detrimental to the public health, safety and welfare as the proposed residential uses should be compatible with adjacent single-family residential homes/uses in the area.

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

The Council finds City services are available to be provided to this development. WASD has provided comments on the application that are included above in Section IX.H.

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

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

B. Preliminary Plat (UDC 11-6B-6)

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

1. The plat is in conformance with the comprehensive plan and is consistent with this unified development code; (Ord. 08-1372, 7-8-2008, eff. 7-8-2008)

The Council finds the proposed plat is generally in conformance with the UDC and the Comprehensive Plan.

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

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

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

The Council finds the plat is in conformance with scheduled public improvements for this area in accord with the City's CIP.

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

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

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

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

6. The development preserves significant natural, scenic or historic features. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

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