

## DEVELOPMENT AGREEMENT

**PARTIES:**   **1. City of Meridian**  
                  **2. BPS Franklin Road, LLC, Owner/Developer**

THIS DEVELOPMENT AGREEMENT (this “**Agreement**”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between **City of Meridian**, a municipal corporation of the State of Idaho, hereafter called “**CITY**,” whose address is 33 E. Broadway Avenue, Meridian, Idaho 83642, and **BPS Franklin Road, LLC**, whose address is 1401 17<sup>th</sup> Street, Suite 700, Denver, Colorado 80202, hereinafter called “**OWNER/DEVELOPER**.”

1.           **RECITALS:**

- 1.1       **WHEREAS**, Owner/Developer is the sole owner, in law and/or equity, of a 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, hereinafter referred to as the “**Property**,” and
  
- 1.2       **WHEREAS**, Idaho Code § 67-6511A provides that cities may, by ordinance, establish provisions governing the creation, form, recording, modification, enforcement and termination of development agreements required or permitted as a condition of zoning that the Owner/Developer make a written commitment concerning the use or development of the 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 and the modification of development agreements; and
  
- 1.4       **WHEREAS**, Owner/Developer submitted an application for development agreement modification to remove the property listed in **Exhibit “A”** from an existing Development Agreement recorded in Ada County as Instrument #2020-117678, and for the inclusion of the Property into this new Agreement, 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 duly noticed public hearings before 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 development agreement modification held before 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 23<sup>rd</sup> of May, 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**, Owner/Developer deems 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
- 1.9 **WHEREAS**, the property listed in **Exhibit “A”** shall no longer be subject to the terms of the existing Development Agreement (Inst. #2020-117678) and shall be bound by the terms contained herein in this new agreement; and
- 1.10 **WHEREAS**, City requires the Owner/Developer to enter into a development agreement modification for the purpose of ensuring 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 designations are in accordance with the amended Comprehensive Plan of the City of Meridian on December 19, 2019, Resolution No. 19-2179, and the UDC, Title 11.

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

2. **INCORPORATION OF RECITALS:** That the above recitals are contractual and binding and are incorporated herein as if set forth in full.
3. **DEFINITIONS:** For all purposes of this Agreement, the following words, terms and phrases herein contained in this section shall be defined and interpreted as herein provided for, unless the clear context of the presentation of the same requires otherwise:
  - 3.1 **CITY:** means and refers to the **City of Meridian**, a party to this Agreement, which is a municipal Corporation and government subdivision of the state of Idaho, organized and existing by virtue of law of the State of Idaho, whose address is 33 East Broadway Avenue, Meridian, Idaho 83642.
  - 3.2 **OWNER/DEVELOPER:** means and refers to **BPS Franklin Road, LLC**, whose address is 1401 17<sup>th</sup> Street, Suite 700, Denver, Colorado 80202, the party that owns said Property and shall include any subsequent owner(s) of the Property.
  - 3.3 **PROPERTY:** means and refers to that certain parcel of Property located in the County of Ada, City of Meridian as described in **Exhibit “A”** describing a parcel to be removed from existing Development Agreement recorded in Ada County as Instrument #2020-117678, with such parcel being bound by this new Agreement,

which **Exhibit “A”** is 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 as permitted, conditional and/or accessory uses 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. The southwest portion of the property located at 4540 W. Franklin Rd. (Parcel #S1210336405) shall no longer be subject to the terms of the previous Development Agreement recorded as Instrument #2020-117678 (Compass Public Charter School East Expansion H-2020-0042) and shall instead be subject to the terms of the subject Development Agreement.
- b. Future development of this site shall be generally consistent with the preliminary plat, site plan, landscape plan, qualified open space exhibit and conceptual building elevations included in Section VIII and the provisions contained herein.
- c. Right-of-way shall be dedicated and/or the collector street (W. Aviator St.) shall be constructed across and adjacent to the northwest corner of this site on- and off-site as required by ACHD. The 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).
- 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). The art shall be provided in a prominent location and should provide an identity for the development.
- e. A maximum of 122 multi-family units shall be constructed within this development.
- f. A Design Review application shall be submitted for all structures within the multi-family development. Compliance with the design standards listed in the Architectural Standards Manual and the guidelines in the Ten Mile Interchange Specific Area Plan (TMISAP) is required. 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 as specified in the Application of the Design Elements table on pg. 3-49 including but not limited to: roof pitch and overhang (roof brackets and rafter tail treatments are encouraged design elements), and front porches for street-facing units on the north/south boulevard.

- g. Pedestrian-scale lighting should be provided on all building facades facing the street and internal walkways in accord with the TMISAP (pg. 3-34).
- h. 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).

6. **COMPLIANCE PERIOD:** This Agreement must be fully executed within six (6) months after the date of the Findings 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's 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 actions 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 § 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 the 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 ordinance or policy, notify the City Engineer and request the City Engineer's inspections and written approval of such completed improvements or portion therefor in accordance with the terms and conditions of this Agreement and all other ordinance 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.

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 agrees to provide, if required by the City.

12. **CERTIFICATE OF OCCUPANCY:** No Certificates of Occupancy shall be issued if 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 agrees 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 Ave.  
Meridian, Idaho 83642

**OWNER/DEVELOPER:**  
BPS Franklin Road, LLC  
1401 17<sup>th</sup> Street, Suite 700  
Denver, Colorado 80202

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

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

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

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

**ACKNOWLEDGMENTS**

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

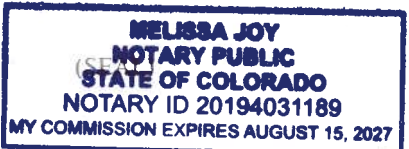
**OWNER:  
BPS Franklin Road, LLC**

[Handwritten Signature]  
By: J. Jeffrey Riggs  
Its: Manager

STATE OF Colorado )  
County of Denver : ss: )

On this 19 day of July, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared J. Jeffrey Riggs, known or identified to me to be the Manager of **BPS Franklin Road, LLC** and the person who signed above and acknowledged to me that they 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.



[Handwritten Signature]  
Notary Public  
My Commission Expires: August 15, 2027

**CITY OF MERIDIAN**

**ATTEST:**

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

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

STATE OF IDAHO )  
County of Ada : ss: )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, 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: \_\_\_\_\_



# EXHIBIT A

Description for  
**Colorado Ridge Subdivision**  
*April 4, 2023*

A parcel of land located in the Southwest 1/4 of the Southwest 1/4 of Section 10, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the Section corner common to Sections 9, 10, 15 and 16, T.3N., R.1W., B.M. from which the 1/4 corner of said Sections 10 and 15, bears South 89°15'34" East, 2640.54 feet; thence on the south boundary line of said Section 10 South 89°15'34" East, 702.06 feet; thence leaving said south boundary line, North 00°36'35" East, 35.88 feet to the **REAL POINT OF BEGINNING**;

thence continuing North 00°36'35" East, 319.00 feet;

thence South 89°15'38" East, 206.24 feet;

thence North 00°35'14" East, 732.97 feet;

thence South 89°15'50" East, 412.30 feet to the east boundary line of the Southwest 1/4 of the Southwest 1/4 of said Section 10;

thence on said east boundary line, South 00°36'35" West, 1,057.89 feet to the north right-of-way line of W. Franklin Road;

thence on said north right-of-way line the following three (3) courses and distances:

North 89°15'34" West, 65.31 feet;

North 00°44'26" East, 5.88 feet;

North 89°15'34" West, 552.95 feet to the **REAL POINT OF BEGINNING**.

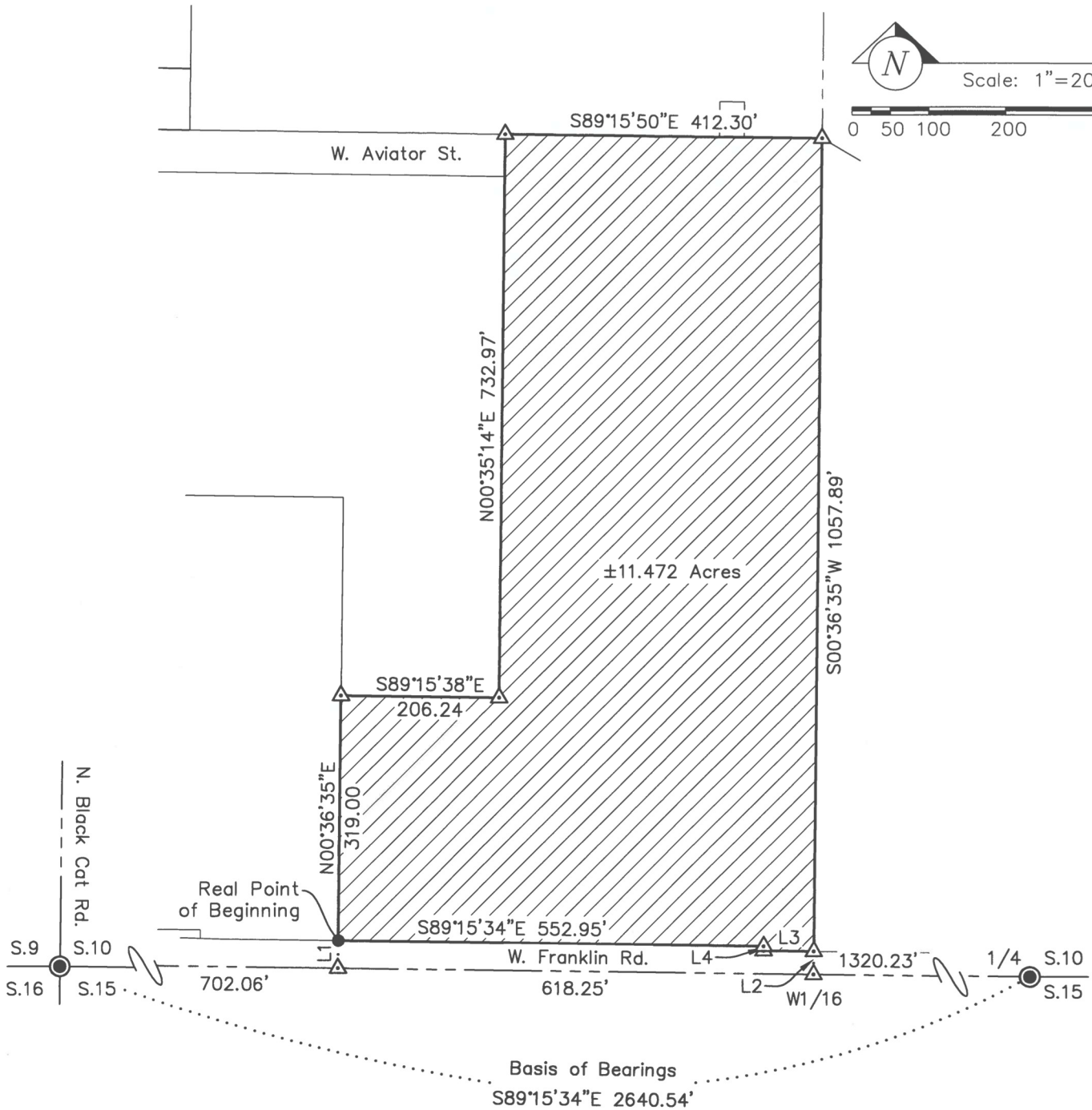
Containing 11.472 acres, more or less.

End of Description.





Scale: 1"=200'



Line Table		
Line	Bearing	Length
L1	N00°36'35\"E	35.88'
L2	N00°36'35\"E	30.00'
L3	N89°15'34\"W	65.31'
L4	N00°44'26\"E	5.88'



P:\Colorado Ridge (4490 Franklin) 22-045\dwg\Pplat Ex.dwg 4/4/2023 2:38:56 PM



**IDAHO  
SURVEY  
GROUP, LLC**

9955 W. EMERALD ST.  
BOISE, IDAHO 83704  
(208) 846-8570

Exhibit Map for  
**Colorado Ridge Subdivision**

A parcel of land located in the SW1/4 of the SW1/4 of  
Section 10, T.3N., R.1W., B.M., Ada County, Idaho.

Job No.  
22-045

Sheet No.  
1

Dwg. Date  
4/4/2023

# EXHIBIT B

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



**In the Matter of the Request for Modification to the Existing Development Agreement (Instrument #2020-117678) to Remove the Property at 4540 W. Franklin Road from the Agreement for the Purpose of Including it in the Subject Multi-family Development; Annexation and Zoning of 10.29-acres of Land with an R-15 (Medium High-density Residential) Zoning District; Preliminary Plat Consisting of One (1) Building Lot and One (1) Other Lot on 11.47-acres of Land in the R-15 Zoning District; Conditional Use Permit for a Multi-family Development Consisting of 122 Dwelling Units on 11.47-acres of Land in the R-15 Zoning District; and Internal Private Streets for Modern Craftsman Franklin Subdivision, by Horrocks Engineers, Inc.**

**Case No(s). H-2022-0079**

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

**A. Findings of Fact**

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

**B. Conclusions of Law**

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

6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.
7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of May 9, 2023, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

#### C. Decision and Order

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

1. The applicant's request for a modification to the existing development agreement, annexation & zoning, conditional use permit and preliminary plat is hereby approved per the provisions in the Staff Report for the hearing date of May 9, 2023, attached as Exhibit A.

#### D. Notice of Applicable Time Limits

##### Notice of Preliminary Plat Duration

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

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

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

##### Notice of Conditional Use Permit Duration

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

conditional use permits that also require platting, the final plat must be signed by the City Engineer within this two (2) year period.

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

#### Notice of Development Agreement Duration

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

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

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

#### E. Judicial Review

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

#### F. Notice of Right to Regulatory Takings Analysis

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

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

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

COUNCIL PRESIDENT BRAD HOAGLUN VOTED AYE

COUNCIL VICE PRESIDENT JOE BORTON VOTED AYE

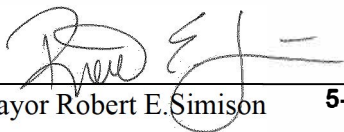
COUNCIL MEMBER JESSICA PERREAULT VOTED AYE

COUNCIL MEMBER LUKE CAVENER VOTED AYE


COUNCIL MEMBER JOHN OVERTON VOTED AYE


COUNCIL MEMBER LIZ STRADER VOTED AYE

MAYOR ROBERT SIMISON VOTED \_\_\_\_\_  
(TIE BREAKER)

  
\_\_\_\_\_  
Mayor Robert E. Simison 5-23-2023

Attest:

  
\_\_\_\_\_  
Chris Johnson 5-23-2023  
City Clerk



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

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

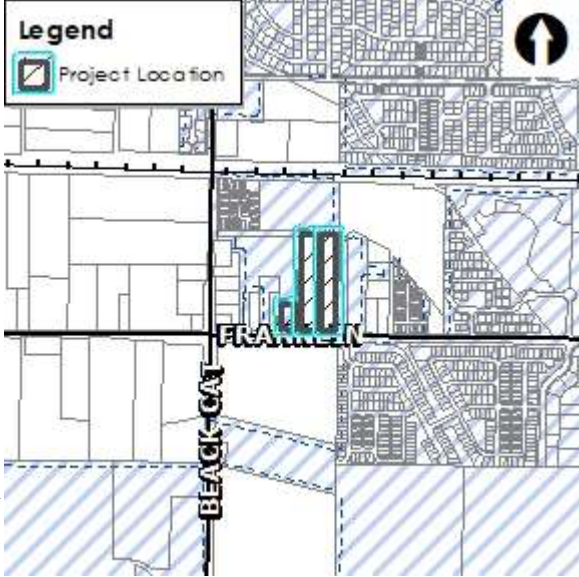
HEARING DATE: May 9, 2023

TO: Mayor & City Council

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

SUBJECT: Modern Craftsman Franklin AZ, CUP, MDA, PP, PS H-2022-0079  
(aka Colorado Ridge)

LOCATION: 4540, 4490, & 4420 W. Franklin Road, approximately 1/4 mile east of the northeast corner of W. Franklin Road and N. Black Cat Road, in the SW 1/4 of Section 10, Township 3N, Range 1W.  
(Parcel #S1210336521; #S1210336450; #S1210336405)



**I. PROJECT DESCRIPTION**

Modification to the existing Development Agreement (MDA) (Inst. #2020-117678) to remove the property at 4540 W. Franklin Road from the agreement for the purpose of including it in the proposed multi-family development; Annexation (AZ) of 10.29-acres of land with an R-15 (medium high-density residential) zoning district; Preliminary Plat (PP) consisting of one (1) building lot and one (1) other lot on 11.47 acres of land in the R-15 zoning district; Conditional Use Permit (CUP) for a multi-family development consisting of 122 dwelling units on 11.47 acres of land in the R-15 zoning district; and internal private streets (PS) for Modern Craftsman Franklin Subdivision.

**II. SUMMARY OF REPORT**

A. Project Summary

Description	Details
Acreage	11.47 acres
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)	Multi-family residential development (MFR)
Current Zoning	Rural Urban Transition (RUT) in Ada County & R-15 in the City
Proposed Zoning	R-15
Lots (# and type; bldg/common)	1 building/1 common lot
Phasing plan (# of phases)	1 phase
Number of Residential Units (type of units)	122 multi-family units (single-family detached & attached/duplex and townhome style units)
Density (gross & net)	10.64 units/acre (gross)

Open Space (acres, total [%] / buffer / qualified)	Revisions are needed to the common open space exhibit
Amenities	Clubhouse, dog park, community garden; swimming pool, internal walking trails, children's play structure and charging stations for electric vehicles.
Physical Features (waterways, hazards, flood plain, hillside)	None
Neighborhood meeting date	9/28/2022
History (previous approvals)	A-2020-0164 (ROS #12525 - Parcel B); H-2020-0042 (Compass Charter School East Expansion Ord. 20-1895; DA Inst. #2020-117678)

### B. Community Metric

Description	Details
Ada County Highway District	
<ul style="list-style-type: none"> <li>Staff report (yes/no)</li> </ul>	Yes
<ul style="list-style-type: none"> <li>Requires ACHD Commission Action (yes/no)</li> </ul>	No
Traffic Impact Study (yes/no)	Yes

Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	One access is proposed via W. Aviator St., a collector street, at the northern boundary; and one access is proposed via N. Moshova Ave., a local street, from W. Franklin Rd. at the southwest corner of the site.
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Traffic Level of Service	<table border="1"> <thead> <tr> <th>Roadway</th> <th>Frontage</th> <th>Functional Classification</th> <th>PM Peak Hour Traffic Count</th> <th>PM Peak Hour Level of Service</th> </tr> </thead> <tbody> <tr> <td>Franklin Road</td> <td>618-feet</td> <td>Principal Arterial</td> <td>793</td> <td>Better than "D"</td> </tr> <tr> <td>Aviator Street</td> <td>67-feet</td> <td>Collector</td> <td>433</td> <td>"E"</td> </tr> </tbody> </table> <p>* Acceptable level of service for a five-lane principal arterial is "E" (1,780 VPH). * Acceptable level of service for a two-lane collector is "D" (425 VPH).</p>	Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service	Franklin Road	618-feet	Principal Arterial	793	Better than "D"	Aviator Street	67-feet	Collector	433	"E"
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Aviator Street	67-feet	Collector	433	"E"												

Stub Street/Interconnectivity/ Cross Access	W. Aviator St. stubs to the property's west boundary at the north end of the site.
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Existing Road Network	W. Franklin Rd., an arterial street, runs along the southern boundary of the site; W. Aviator St., a collector street, stubs to the southwest corner of the site.
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Existing Arterial Sidewalks/Buffers	A detached sidewalk exists along Franklin Rd. on the western portion of the site that transitions to an attached sidewalk on the eastern portion of the site. No street buffers exist on this site.
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Proposed Road Improvements	<p><b>Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):</b> There are no roadways, bridges or intersections in the general vicinity of the project that are in the Integrated Five Year Work Plan (IFYWP).</p> <ul style="list-style-type: none"> <li>Franklin Road is scheduled in the IFYWP to be widened to 5-lanes from McDermott Road to Black Cat Road with the design year in 2026 and the construction date has not been determined.</li> <li>Black Cat Road is listed in the CIP to be widened to 5-lanes from Franklin Road to Cherry Lane between 2031 and 2035.</li> <li>Black Cat Road is listed in the CIP to be widened to 5-lanes from Overland Road to Franklin Road between 2036 and 2040.</li> </ul>
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Traffic Impact Study (yes/no)	Yes
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Fire Service	
<ul style="list-style-type: none"> <li>Distance to Fire Station</li> </ul>	2.6 miles from Station #2
<ul style="list-style-type: none"> <li>Fire Response Time</li> </ul>	Falls <b>outside</b> of the 5-minute response time goal
<ul style="list-style-type: none"> <li>Resource Reliability</li> </ul>	85% (above the targeted goal of 80%)



<ul style="list-style-type: none"> <li>Accessibility</li> </ul>	This project meets all required access, road widths, and turnarounds as presented in the preliminary plat.																																										
<ul style="list-style-type: none"> <li>Additional Comments/Concerns</li> </ul>	See Fire comments in the link provided below under Section IX.I.																																										
<b>Police Service</b>																																											
<ul style="list-style-type: none"> <li>Distance to Fire Station</li> </ul>	4 miles from Meridian Police Department																																										
<ul style="list-style-type: none"> <li>Fire Response Time</li> </ul>	Expected response time is 4:17 minutes; Average emergency response time is 3:46 minutes for City of Meridian																																										
<ul style="list-style-type: none"> <li>Accessibility</li> </ul>	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.																																										
<b>West Ada School District</b>																																											
Distance (elem, ms, hs)	<table border="1"> <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>494</td> <td>700</td> <td>618</td> <td>3650</td> <td>275</td> </tr> <tr> <td>Meridian Middle School</td> <td>1064</td> <td>1250</td> <td>656</td> <td>2947</td> <td>147</td> </tr> <tr> <td>Meridian High School</td> <td>1718</td> <td>2075</td> <td>3560</td> <td>3613</td> <td>607</td> </tr> <tr> <td colspan="6"><b>School of Choice Options</b></td> </tr> <tr> <td>Chief Joseph Elementary-Arts</td> <td>526</td> <td>700</td> <td>N/A</td> <td>N/A</td> <td></td> </tr> <tr> <td>Barbara Morgan STEM Academy</td> <td>417</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	494	700	618	3650	275	Meridian Middle School	1064	1250	656	2947	147	Meridian High School	1718	2075	3560	3613	607	<b>School of Choice Options</b>						Chief Joseph Elementary-Arts	526	700	N/A	N/A		Barbara Morgan STEM Academy	417	500	N/A	N/A	
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# of students estimated for this development	20																																										
<b>Wastewater</b>																																											
<ul style="list-style-type: none"> <li>Wastewater Modeling</li> </ul>	•Additional 1,350 gpd committed to model. WRRF decline balance is 14.5 MGD																																										
<ul style="list-style-type: none"> <li>Project Consistent with WW Master Plan/Facility Plan</li> </ul>	Yes																																										
<ul style="list-style-type: none"> <li>Impacts/Concerns</li> </ul>	See Public Works Site Specific Conditions																																										
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<ul style="list-style-type: none"> <li>Pressure Zone</li> </ul>	1																																										
<ul style="list-style-type: none"> <li>Estimated Project Water ERU's</li> </ul>																																											
<ul style="list-style-type: none"> <li>Water Quality Concerns</li> </ul>	Each Phase will need to be modeled independently to verify adequate pressure.																																										
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<ul style="list-style-type: none"> <li>Impacts/Concerns</li> </ul>	See Public Works' Site-Specific Conditions																																										

### C. Project Maps

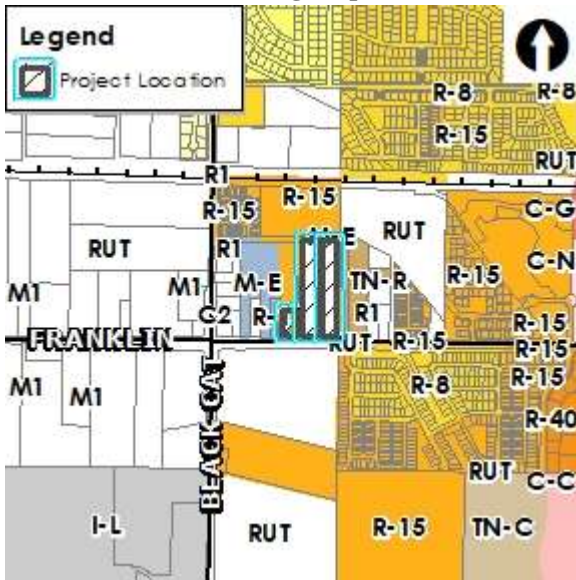
Future Land Use Map



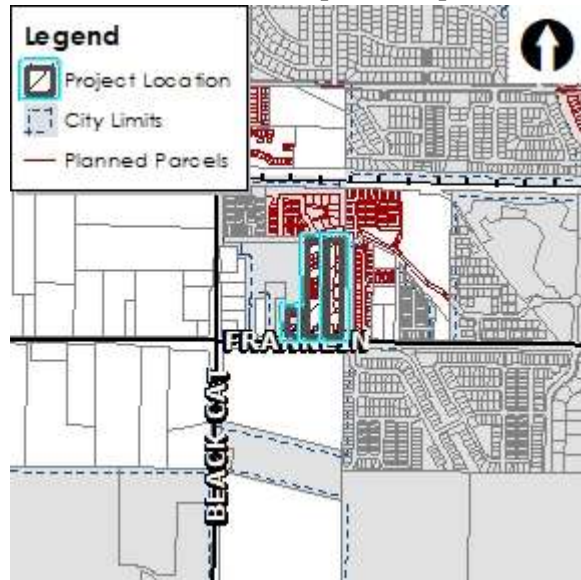
Aerial Map



Zoning Map



Planned Development Map



### III. APPLICANT INFORMATION

#### A. Applicant:

Kindi Moosman, Horrocks Engineers, Inc. – 2775 W. Navigator Dr., Ste. 210, Meridian, ID 83642

#### B. Owner:

BPS Franklin Road, LLC – 1401 17<sup>th</sup> Street, Suite 700, Denver, CO 80202

#### C. Representative:

Same as Applicant

**IV. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>	<b>City Council Posting Date</b>
Newspaper notification published in newspaper	3/22/2023	4/23/2023
Radius notification mailed to property owners within 500 feet	3/16/2023	4/21/2023
Public hearing notice sign posted on site	3/22/2023	4/20/2023
Nextdoor posting	3/16/2023	4/21/2023

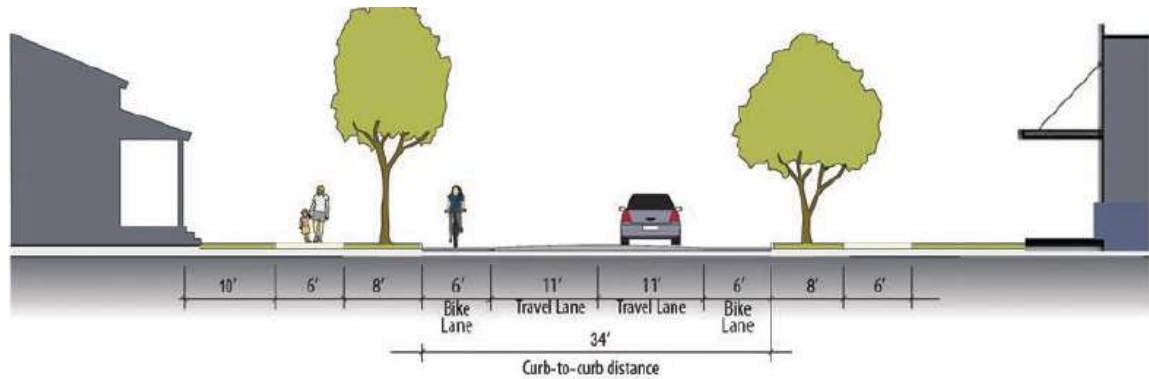
**V. COMPREHENSIVE PLAN ANALYSIS**

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 multi-family development incorporates a mix of single-family detached and attached/duplex and townhome style units containing a mix of 1-, 2- and 3-bedrooms at an overall gross density of 10.64 units per acre. Although single-family and townhome *style* units are proposed, the use is considered multi-family because all of the units are on one lot instead of individual lots. As such, they will all be rental units and not privately owned. The proposed density is consistent with the density desired in the MHDR designation. A charter school and landscape business exist to the west; residential uses with a mix of housing types including single-family detached and attached, townhomes and multi-family apartments, are entitled and planned to develop to the north (Aviator), northeast (Newkirk) and east (Alamar) of this site. Employment and commercial uses are planned to the southeast of this site across Franklin Rd., which will provide jobs and services in close proximity to area residents.

**TRANSPORTATION:** ACHD’s Master Street Map (MSM) depicts a new towncenter collector street (i.e. W. Aviator St.) across the northwest corner of this property extending from the west from N. Black Cat Rd. 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. ½ mile west of N. Black Cat Rd. to Franklin Rd. via Umbria Hills Ave., ¼ mile west of N. Ten Mile Rd.

A local public street (Moshava Ave.) is proposed for access to the development from the south via W. Franklin Rd., an arterial street. ACHD is requiring this access to be a private road/drive aisle constructed along the west boundary of the site to ensure the parcel to the west has access to the driveway. Private streets are proposed for internal access to the proposed dwelling units.

Franklin Rd. is fully improved abutting the site; therefore, no additional right-of-way or street improvements are required. The Ten Mile interchange is located within about 1.5 miles to the southeast of the site. State Highway 16 is planned to extend from Chinden Blvd. to I-84 approximately 1.5 miles west of this site, just west of McDermott Rd.; no interchange is planned at Franklin Rd.

**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 R-15 zoning district. Future development should be consistent with the design elements in the TMISAP for the Residential 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.

*Largely, this plan (65%) does not incorporate street-oriented design; there is no on-street parking along the collector street and no porches are proposed except for the townhome style units, which have porches and balconies and are accessed from the rear via a private street along the periphery of the site. The 2-car garages have single-doors but are located at the rear of the structures away from public view and the primary street; no front-loaded garages are proposed.*

- **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 between the single-story single-family style structures and between the 2-story townhome style structures along the eastern boundary of the site. The street-level and upper-level architectural detailing of the townhome style units is very similar with windows of like size and orientation and balconies over porches. Stone veneer wainscoting is proposed along portions of the facades to anchor and emphasize pedestrian scale; landscaping along street-facing foundations is also required for pedestrian scale. Weather protection is proposed over entrances. Roof forms are symmetrical in various pitches.*

- **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 variety of residential housing types is proposed for a mixed housing stock and diversity of housing choices within the same neighborhood. Hip and gable roofs and 1- and 2-story structures are proposed for a variety in architecture and design. Porches and balconies are depicted on the concept elevations for the townhome style units. Parking is located off internal private streets. The townhome style units have garages at the rear of the structures accessed from a private street. Internal walkways and private streets provide connections for pedestrians and vehicles to adjacent public streets and developments. The narrow private streets and center planter islands with bulb-outs assist in slowing traffic for a safer neighborhood and pedestrian environment.*

- **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.

*Building facades front on internal private streets and common open space areas. The overall design of the development is very auto oriented, not pedestrian oriented as desired. Although there are a lot of walkways, there is a lot of asphalt in the site design and pedestrian crossings in vehicular use areas (i.e. private streets). For pedestrian safety and to delineate walkways, Staff recommends crossings are distinguished from vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19B.4. The townhomes are designed so that their primary facades face the private street and have direct pedestrian access from the sidewalk along the private street. Landscaping (lawn, groundcover, shrubs and trees) should be provided between building facades and adjacent walkways.*

- **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.

*A mix of symmetrical gable and hip style roofs are proposed. The conceptual elevations do not depict the pitch of the roofs or dimensions of the overhangs; all roof pitches should fall within the desired range. No roof brackets, rafter tail treatments or other similar architectural design elements are proposed but should be considered. Compliance with the design standards in the Architectural Standards Manual is required.*

- **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 in a prominent location that provides an identity for the development. 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.*

**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 detached and attached/duplex and townhouse style dwellings will contribute to the variety of housing types and rental options 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 overall area contains a variety of housing types, including single-family attached and detached homes, townhomes and apartments for sale and rent, which contributes to the diversity in housing types and options 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)

*Proposed structures are oriented to front on adjacent collector and arterial streets (Aviator & Franklin) as desired. A **minimum 5-foot wide landscape buffer should be provided around the perimeter of the development in areas adjacent to vehicular use areas.** A 100-foot wide strip of land owned by NMID exists along the eastern boundary of the site where the Purdam Gulch Drain is located, which will provide a spatial separation and buffer between the proposed townhome style units and single-family detached and attached units approved to develop in Alamar Subdivision to the east. A 20-foot wide landscape buffer exists along the shared property line on the school site to the west, which provides screening and buffering between land uses.*

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

*The proposed residential use and site design should be generally compatible with adjacent residential uses, the school and landscaping business.*

- “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 the sidewalk along Aviator Street. There are no neighborhoods abutting this site. Internal pedestrian pathways provide access to the sidewalk along Aviator St.*

- “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.*

- “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. DEVELOPMENT AGREEMENT MODIFICATION (MDA):**

The Applicant proposes a modification to the existing Development Agreement (DA) (Inst. #[2020-117678](#)) to remove the property at 4540 W. Franklin Road from the agreement for the purpose of including it in the proposed multi-family development and associated DA.

There is a conceptual development plan included in the DA that depicts a parking lot and a sports field for the adjacent charter school to the west that previously owned this property (see Section VIII.A). That plan is proposed to be replaced with the multi-family development plan proposed with the conditional use permit included in Section VIII.D. Since the time the DA was approved, a property boundary adjustment was approved (A-2020-0164, ROS #12525 - Parcel B) which broke this portion off into its own parcel.

**With the concurrent annexation request for the adjacent parcels to the east, Staff recommends a new DA as a provision of annexation. As a provision of the new DA, Staff recommends the property located at 4540 W. Franklin Rd. no longer be subject to the terms of DA Inst. #[2020-117678](#) (Compass Public Charter School East Expansion H-2020-0042) and be subject to the terms of the new DA.**

A legal description and exhibit map are included in Section VIII.H for the overall boundary of the property subject to the new DA, which includes the subject parcel at 4540 W. Franklin Rd. and the property proposed to be annexed.

**B. ANNEXATION (AZ):**

The Applicant requests annexation of two parcels of land (i.e. Parcels #S1210336450 & S1210336521) consisting of 10.29-acres with an R-15 (medium high-density residential) zoning district. The parcels are currently zoned RUT in Ada County. As discussed above in Section V, the proposal is generally consistent with the guidelines for development in the TMISAP except for certain design elements as noted.

A preliminary plat, site plan and conceptual building elevations were submitted, included in Section VIII, showing how the property is proposed to be subdivided into one (1) building lot and one (1) common lot for the development of 122 multi-family residential units.

The proposed residential use, mix of housing types and density of the development is consistent with the MHDR FLUM designation. The design partially incorporates traditional neighborhood design elements but not entirely as noted above in Section V.

The proposed R-15 zoning and multi-family development with single-family detached & attached and townhome style units is compatible with adjacent future single-family detached and attached homes to the east in Alamar Subdivision, zoned TN-R; single-family attached homes and apartments to the northeast in Newkirk Subdivision, zoned R-15; and to future single-family attached homes approved in Aviator Subdivision to the north. This property is an enclave surrounded by City annexed land to the north, west and east.

A legal description and exhibit map for the boundary of the property proposed to be annexed is included in Section VIII.B. This property is within the City's Area of City Impact boundary.

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. **To ensure future development is consistent with the guidelines for development in the TMISAP and with the development plan proposed, Staff recommends a DA is required with the provisions discussed herein and included in Section IX.A.**

**C. PRELIMINARY PLAT (PP):**

A preliminary plat is proposed consisting of one (1) building lot and one (1) other lot on 11.47 acres of land in the R-15 zoning district (see Section VIII.C).

**Existing Structures/Site Improvements:** There are two (2) existing homes 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.** A detached sidewalk exists along W. Franklin Rd. on the western portion of the site that transitions to an attached sidewalk on the eastern portion of the site.

**Dimensional Standards:** The proposed plat and subsequent development is required to comply with the dimensional standards listed in UDC [Table 11-2A-7](#) for the R-15 zoning district.

**Access:** Access is proposed via the extension of W. Aviator St., a collector street, which is planned to cross the northwest corner of the site and extend to the northeast through Aviator and Newkirk Subdivisions. **If Aviator St. hasn't been constructed with Aviator Subdivision, ACHD is requiring the on-site and an off-site portion to be constructed with this subdivision. The street shall be designed consistent with Street Section C (major collector street) in the Ten Mile Interchange Specific Area Plan, unless an alternative street section is approved by ACHD (see pgs. 3-20, 3-22 and 3-23).**



Another access (N. Moshova Ave.) is proposed at the southwest corner of the site via W. Franklin Rd., an arterial street. ACHD is requiring this access to be a drive aisle or private street rather than a public street as proposed because there is no public benefit to a public street in this location. The access drive should be located along the west property line so that the adjacent property at 4610 W. Franklin Rd. has access to the driveway and a cross-access/ingress-egress easement should be required granting access to that property. The UDC ([11-3F-4A.2](#)) prohibits private streets from connecting to an arterial street unless otherwise approved through alternative compliance as set forth in UDC [11-5B-5](#). Therefore, the access should be constructed as a drive aisle.

Private streets are proposed for internal access within the development and are required to comply with the standards listed in UDC [11-3F-4](#). **The Director approved the private streets with the condition they're constructed on a lot in the subdivision rather than an easement since the property is being subdivided in accord with UDC 11-3F-4A.1; the plat should be revised accordingly. Where the private street connects to a public street (i.e. W. Aviator St.), the connection shall be approved by ACHD. The private streets should be constructed in accord with the standards listed in UDC 11-3F-4B.2.**

**A common/shared driveway exhibit was submitted for the access driveway to the townhome style units at the southeast corner of the site as shown in Section VIII.C. Because common driveways aren't allowed off of a private street and this driveway meets the standards for a private street, it should be constructed as a private street.**

No stub streets are proposed or recommended to adjacent properties as the property to the east where the Purdam Gulch Drain is located is owned by NMID and a crossing isn't needed in that area; and the northern portion of the property to the west is a school. The access proposed via Franklin Rd. will be located along the west property line so that the property to the west (currently a landscape business) has access via the drive aisle.

**Landscaping (UDC [11-3B](#)):** A 25-foot wide street buffer with an 8-foot wide parkway and a 5-foot wide detached sidewalk is required to be provided along W. Franklin Rd., an arterial street, per UDC [Table 11-2A-7](#), landscaped per the *updated* standards listed in UDC [11-3B-7C](#). *On the eastern portion of the site where the sidewalk is attached, Staff doesn't recommend it's removed and replaced with a detached sidewalk as it's fairly new.*

A 20-foot wide street buffer with an 8-foot wide parkway planted with Class II trees and a 6-foot wide detached sidewalk is required to be provided along W. Aviator St., a collector street, per UDC [Table 11-2A-7](#) and Street Section C in the TMISAP, landscaped per the *updated* 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 (Sheet L5) should be updated to demonstrate compliance with this standard.**

There are several existing trees on this site that will be removed with development as depicted on the landscape plan. **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 Certificate of Zoning Compliance and/or 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](#)):** Because this is a multi-family development, the open space standards in UDC 11-3G-3 do not apply; however, the open space standards listed in UDC 11-4-3-27C for multi-family development do apply (see analysis below in the CUP section).

**Site Amenities (UDC [11-3G-4](#)):** Because this is a multi-family development, the site amenity standards in UDC 11-3G-4 do not apply; however, the site amenity standards listed in UDC 11-4-3-27D for multi-family development do apply (see analysis below in the CUP section).

**Sidewalks ([11-3A-17](#)):** A detached sidewalk exists along the western portion of the site along W. Franklin Rd. that transitions to an attached sidewalk on the eastern portion of the site. The UDC ([11-3A-17](#)) requires minimum 5-foot wide detached sidewalks along collector and arterial streets. Because this is a fairly new sidewalk, Staff doesn't recommend it's removed and replaced with a detached sidewalk. **Staff recommends a 6-foot wide sidewalk is constructed along the collector street at the northern boundary of the site in accord with Street Section C in the TMISAP.** No sidewalk is required along internal private streets. **Staff does recommend a sidewalk is constructed along the entry drive aisle via Franklin Rd. for pedestrian connectivity and safety.**

**Fencing ([11-3A-7](#)):** Fencing is required to comply with the standards listed in UDC [11-3A-7](#). A fencing plan was submitted, included in Section VIII.E, that depicts 6-foot tall solid vinyl privacy fencing along much of the perimeter of the site. A 6-foot tall black iron open vision fencing is proposed around the swimming pool. A 4-foot tall solid vinyl fence with a 2-foot open vertical slat top is proposed in certain locations as depicted on the plan.

**Lighting (UDC [11-2D-6F](#)):** All lighting installed on the site should comply with the standards set forth in UDC [11-3A-11](#) and with the guidelines in the TMISAP.

**Waterways:** The Purdam Gulch Drain lies along the east boundary of the site within a 100-foot wide easement on land owned by Nampa & Meridian Irrigation District. Where the drain shifts to the northwest at the northeast corner of the site, the easement encroaches on this site as depicted on the plat. A 6-foot tall closed vision vinyl fence is proposed within the easement area. **Per NMID's comments in Section IX.F, no structures shall encroach within the easement area without a signed License Agreement and approved plan before construction.**

**The 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 if the drain isn't improved as a water amenity or linear open space. Therefore, Staff recommends the fencing type is changed to 6-foot tall black iron open vision fence along the east boundary of the site and across the northeast corner of the site at the easement line if an encroachment agreement isn't obtained from NMID for the proposed fence.**

**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.

#### **D. CONDITIONAL USE PERMIT**

A conditional use permit is proposed for a multi-family development consisting of 122 dwelling units on 11.47 acres of land in the R-15 zoning district. A mix of housing types are proposed including (18) 2-bedroom single-family detached style homes, (6) 3-bedroom single-family detached style homes, (56) 1-bedroom single-family attached/duplex style units, and (42) townhome style units with (28) 2-bedroom units and (14) 3-bedroom units. All units will be for rent and are located on one lot rather than individual lots, which constitutes a multi-family development.

A multi-family development is listed as conditional use in the R-15 zoning district per UDC [Table 11-2A-2](#) and is subject to the specific use standards listed in UDC [11-4-3-27: Multi-Family Development](#) as follows:

“B. Site Design:

1. Buildings shall provide a minimum setback of ten feet (10') unless a greater setback is otherwise required by this title and/or [title 10](#) of this Code. Building setbacks shall take into account windows, entrances, porches and patios, and how they impact adjacent properties. *The proposed multi-family structures appear to comply with the minimum setbacks required for the R-15 zoning district listed in UDC [Table 11-2A-7](#) if the street buffer along the collector street (W. Aviator St.) is placed in an easement rather than a common lot. Also, comply with building code requirements for separation between structures within the development.*
2. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, and transformer and utility vaults shall be located in an area not visible from a public street, or shall be fully screened from view from a public street. *The site plan depicts four (4) trash enclosures within the site that are screened and not visible from a public street; **all proposed transformer/utility vaults and other service areas shall comply with this requirement. The trash enclosure should accommodate recycling.***
3. A minimum of eighty (80) square feet of private, usable open space shall be provided for each unit. This requirement can be satisfied through porches, patios, decks, and/or enclosed yards. Landscaping, entryway and other access ways shall not count toward this requirement. In circumstances where strict adherence to such standard would create inconsistency with the purpose statements of this section, the Director may consider an alternative design proposal through the alternative compliance provisions as set forth in section [11-5B-5](#) of this title. *The open space exhibit, included in Section VIII.F, demonstrates compliance with this standard. The landscape plan depicts enclosed yards for the single-family style units.*
4. For the purposes of this section, vehicular circulation areas, parking areas, and private usable open space shall not be considered common open space. *These areas were not included in the common open space calculations for the site.*
5. No recreational vehicles, snowmobiles, boats or other personal recreation vehicles shall be stored on the site unless provided for in a separate, designated and screened area. *The Applicant shall comply with this requirement.*
6. The parking shall meet the requirements set forth in [chapter 3](#), "Regulations Applying to All Districts", of this title. *The proposed parking meets and exceeds UDC standards per the analysis below.*

*Based on (56) 1-bedroom units, (46) 2-bedroom units and (20) 3-bedroom units, a minimum of 248 off-street parking spaces are required, including (12) spaces for guest parking, with 122 of those in a covered carport or garage. A total of 260 spaces are proposed with 165 of those being covered (i.e. 84 in-unit garages, 23 in separate garages and 58 covered carport spaces) and 95 surface spaces, which exceeds the minimum standard by 12 spaces. Accessible parking is required in accord with ADA standards.*

*Based on 260 vehicle parking spaces, a minimum of 10 bicycle parking spaces are required to be provided in accord with the standards listed in UDC [11-3C-5C](#). A total of 30 bicycle spaces are proposed in accord with and exceeding this standard.*

7. Developments with twenty (20) units or more shall provide the following:
  - a. A property management office.
  - b. A maintenance storage area.

- c. A central mailbox location, including provisions for parcel mail, that provide safe pedestrian and/or vehicular access.
- d. A directory and map of the development at an entrance or convenient location for those entering the development. (Ord. 18-1773, 4-24-2018)

*The narrative states these items have been incorporated into the design; the site plan submitted with the Certificate of Zoning Compliance application should depict the location of these items in accord with this standard.*

C. Common Open Space Design Requirements (UDC [11-4-3-27C](#)):

The total baseline land area of all qualified common open space shall equal or exceed ten (10) percent of the gross land area for multi-family developments of five (5) acres or more. *Based on 11.47 acres of land in the development, a minimum of 1.15 acres of common open space that meets the qualifications listed in UDC [11-4-3-27C.2](#) is required.*

In addition to the baseline open space requirement, a minimum area of outdoor common open space shall be provided as follows:

- a. One hundred fifty (150) square feet for each unit containing five hundred (500) or less square feet of living area. *None of the units are below 500 square feet (s.f.) of living area.*
- b. Two hundred fifty (250) square feet for each unit containing more than five hundred (500) square feet and up to one thousand two hundred (1,200) square feet of living area. *All 122 102 units are between 500 and 1,200 s.f.; therefore, a total of ~~30,500~~ 25,500 s.f. (or ~~0.70~~ 0.59-acre) of common open space is required that meets the standards in UDC [11-4-3-27C](#).*
- c. Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area. *None 20 of the units are over 1,200 s.f. of living area; therefore, a total of 7,000 s.f. (or 0.16 acre) of common open space is required that meets the standards in UDC [11-4-3-27C](#).*

*Per the above standards, a minimum of ~~1.85~~ 1.9 acres of common open space is required overall. The revised common open space exhibit included in Section VIII.F depicts a total of ~~2.1~~ 2.15 acres of common open space, not including parkways which don't meet the minimum width requirement of 20 feet, which exceeds the minimum standard by 0.25-acre; however, it includes areas that don't meet the qualifications as noted in UDC [11-4-3-27C](#) (i.e. street buffers, planter islands in parking areas, and the linear open space area depicted along N. Hanging Lake Ln. and along the east boundary of the site don't meet the minimum area and dimension standard noted below). A revised plan should be submitted at least 15 days prior to the City Council hearing that demonstrates compliance with the minimum open space standards listed in UDC [11-4-3-27C](#); or, an application for alternative compliance should be submitted as allowed by UDC [11-4-3-27C.3b](#).*

Common open space shall be not less than four hundred (400) square feet in area, and shall have a minimum length and width dimension of twenty feet (20').

In phased developments, common open space shall be provided in each phase of the development consistent with the requirements for the size and number of dwelling units. *This project is proposed to develop in one phase.*

Unless otherwise approved through the conditional use process, common open space areas shall not be adjacent to collector or arterial street buffers unless separated from the street by a berm or constructed barrier at least four feet (4') in height, with breaks in the berm or barrier to allow for pedestrian access. (Ord. 09-1394, 3-3-2009, eff. retroactive to 2-4-2009) *Some of the common open space is located adjacent to a collector street (Aviator St.) and an arterial (Franklin Rd.) street – The Applicant shall provide a berm or constructed barrier as noted unless otherwise approved through the CUP process. The Applicant should state what their intentions are at the Commission*

*hearing (whether or not they're proposing a berm or barrier; or are requesting approval as is through the CUP). A 4-foot tall berm is depicted on the landscape plan. **Staff recommends a break in the berm is provided and the pedestrian pathway is extended to the sidewalk along Franklin Rd. in the central common area between the 1- and 2-bedroom units.***

D. Site Development Amenities:

All multi-family developments shall provide for quality of life, open space, and recreation amenities to meet the particular needs of the residents as noted in UDC 11-4-3-27D. The number of amenities shall depend on the size of the multi-family development based on the number of units.

For multi-family developments with 75 units or more, such as this, four (4) amenities shall be provided with at least one (1) from each category. For multi-family developments with more than 100 units, the decision-making body shall require additional amenities commensurate to the size of the proposed development. *Based on 122 units, Staff recommends a minimum of five (5) amenities are provided with at least one (1) from each category.*

The following amenities are proposed from each of the following categories: 1) Quality of Life – clubhouse, dog park (a waste station is required); Open Space – community garden; Recreation – swimming pool, internal walking trails, children's play structure; and, Multi-Modal – charging stations for electric vehicle. The proposed amenities meet and exceed UDC standards.

- E. Landscaping Requirements: Development shall meet the minimum landscaping requirements in accord with chapter 3, "Regulations Applying to All Districts", of this title. Additionally, all street facing elevations shall have landscaping along their foundation that complies with the standards listed in UDC [11-4-3-27E.2](#). ***The landscape plan submitted with the Certificate of Zoning Compliance application should depict landscaping along the street facing elevations of all buildings along W. Franklin Rd. and W. Aviator St. in accord with these standards. Landscaping is required to be provided along all pathways per the standards listed in UDC [11-3B-12C](#). Street buffer landscaping along W. Aviator St., a collector street, and W. Franklin Rd., an arterial street, is required to be installed with the subdivision improvements.***

**Depict a minimum 5-foot wide buffer around the perimeter of the development in areas adjacent to vehicular use areas with landscaping as set forth in UDC 11-3B-8C.1.**

- F. Maintenance and Ownership Responsibilities: All multi-family developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features.” ***The Applicant shall comply with this requirement; a copy of such shall be submitted to the Planning Division prior to issuance of the first Certificate of Occupancy within the development.***

**Pathways (UDC [11-3A-8](#)):** 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 and internal pedestrian pathways. All pathways should be constructed in accord with the standards listed in UDC [11-3A-8](#). ***For better pedestrian connectivity, Staff recommends the north/south pathways next to the linear open space at the west boundary of the site between Mount Elbert W. Ski Jump Ln. & Pyramid W. Fresh Powder Lane are connected; and a walkway is added on the south side of W. Fresh Powder Ln. on the north side of the common area where the clubhouse & swimming pool is located.*** Staff further recommends pedestrian crossings across private streets are distinguished through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19B.4b.

**Building Elevations:** Conceptual building elevations were submitted for the proposed structures within the development as shown in Section VIII.G. Building materials appear to consist of a stucco-like material with wood look lap siding and stone accents with asphalt shingle roofs.

**Design Review:** A design review application(s) is required to be submitted for all structures within the development. **Final design of all structures should comply with the multi-family design standards listed in the Architectural Standards Manual (ASM) and the 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) – the proposed conceptual elevations are not approved.**

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

## VII. DECISION

### A. Staff:

Staff recommends approval of the proposed Development Agreement Modification, Annexation with the requirement of a Development Agreement, Preliminary Plat and Conditional Use Permit per the provisions in Section IX, in accord with the Findings in Section X. The Director has approved the proposed private streets within the development per the provisions in Section IX, in accord with the Findings in Section X.

### B. The Meridian Planning & Zoning Commission heard these items on April 6, 2023. At the public hearing, the Commission moved to recommend approval of the subject AZ, CUP and PP requests.

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

- a. In favor: Elizabeth Koeckeritz, Givens Pursley; David Bailey, Bailey Engineering (Engineer)
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: Shannon Ely, Baron Properties (Applicant)
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: Bill Parsons

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

- a. The Applicant requests the proposed private streets are allowed to be in an easement rather than a common lot due to the nature of the project and the civil complexities associated with it and concerns pertaining to spacing & easements (condition #A.2.1c); the private street names are updated in condition #A.3.6m to reflect the new names; and condition #B.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.*”) is deleted in its entirety and replaced with the following condition, which is consistent with their arrangements with other Modern Craftsman projects: “*Prior to Vertical permit acceptance/receipt, street signs are to be in place, sanitary sewer may be installed/inspected in part or in whole (but not required as activated or fully approved as not necessary for site safety), and water systems activated and approved as related to hydrant locations, road base installed and approved for use and capacity of 80,000 lb. vehicle, prior to payment or receipt of vertical building permits. Vertical building permit plan sets may be submitted and reviewed/approved prior to horizontal acceptance of above listed requirements. However, approved plan sets may not be paid for or collected until horizontal acceptance. This stipulation does not pertain to garage buildings or vertical structures located within the driveways, drive isles, or site roads to be constructed. Garage buildings or vertical structures located within the driveways, drive isles or site roads are allowed to proceed with plan submittals, reviews and approvals along with permit payment and receipt, and can be constructed concurrent with completion of horizontal requirements for the site, and be*

permitted prior to horizontal acceptance to minimize access impact in regard to the emergency access of the site.”

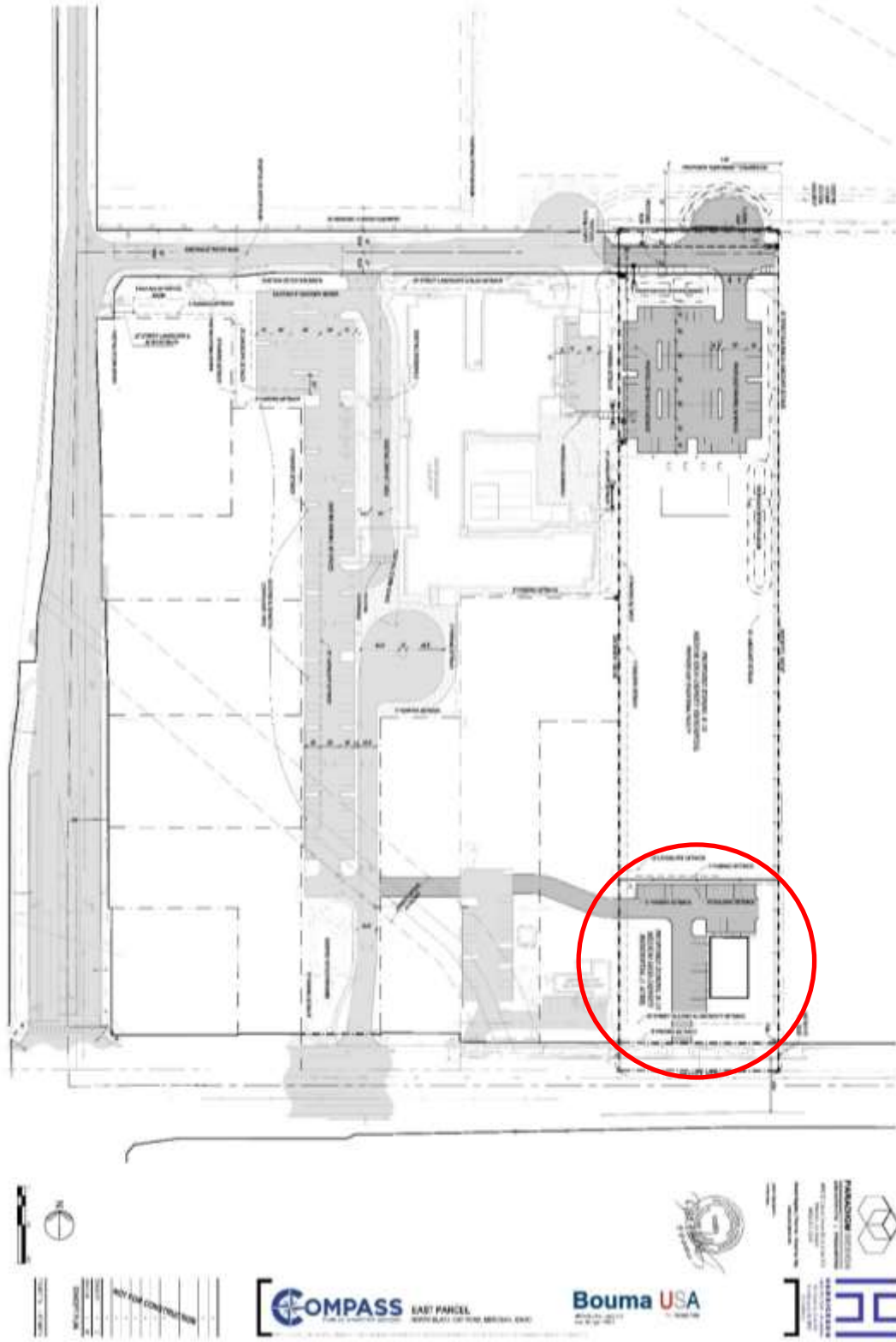
3. Key issue(s) of discussion by Commission:
  - a. Discussion pertaining to the private street being in an easement as requested by the Applicant, rather than a common lot as preferred by the UDC – preference to uphold the Director’s decision if a request for City Council review of the Director’s decision is submitted.
  - b. Not in favor of approving an alternative compliance request that would provide more private open space in lieu of the required common open space. Would prefer the Applicant make more of an effort to comply with the minimum UDC standards for common open space without degrading the quality of the development.
4. Commission change(s) to Staff recommendation:
  - a. At Staff’s request, a condition was added for a sidewalk to be provided along the south side of W. Fresh Powder Ln. on the north side of the common area where the community center is located for pedestrian connectivity and safety (A.3.6o).
  - b. At the Applicant’s request, update the street names referenced in condition #A.3.6m per the updated plans.
  - c. At the Applicant’s request, modify condition #B.2.9 per the language proposed by the Applicant and agreed upon by Staff.
5. Outstanding issue(s) for City Council:
  - a. None

C. The Meridian City Council heard these items on May 9, 2023. At the public hearing, the Council moved to approve the subject AZ, CUP, MDA and PP requests.

1. Summary of the City Council public hearing:
  - a. In favor: Elizabeth Koeckeritz, Givens Pursley; Matthew Riggs, Applicant
  - b. In opposition: None
  - c. Commenting: Susan Luke, Compass Charter School; Kristy Inselman, ACHD
  - d. Written testimony: Elizabeth Koeckeritz, Givens Pursley (in agreement with the Commission recommendation)
  - e. Staff presenting application: Sonya Allen
  - f. Other Staff commenting on application: Bill Parsons
2. Key issue(s) of public testimony:
  - a. Request for a “no parking” sign to be installed along Aviator while construction is going on to help with traffic flow and congestion for the adjacent charter school, especially during arrival and dismissal.
3. Key issue(s) of discussion by City Council:
  - a. Preference to see revisions to the elevations to more closely comply with the traditional neighborhood design guidelines, including front porches;
  - b. The plan for public art within the development.
4. City Council change(s) to Commission recommendation:
  - a. Modify DA provision #1.1f to include the specific requirement for front porches to be provided on units facing the boulevard;
  - b. Include a requirement for pedestrian connections to be provided across parkways to the detached sidewalks adjacent to parallel parking spaces along the north/south boulevard (see condition #3.6p).
  - c. Include a requirement for the Applicant to work with Staff and Compass Charter School on traffic calming or other measures on the private streets to enhance safety (see condition #3.6q).

**VIII. EXHIBITS**

- A. Conceptual Development Plan Included in Development Agreement (Inst. #[2020-117678](#) H-2020-0042) for Property Located at 4540 W. Franklin Rd.



- B. Annexation Legal Description and Exhibit Map



Description for  
**R-15 Zone**  
Colorado Ridge Subdivision  
October 19, 2022

A portion of the Southwest 1/4 of the Southwest 1/4 of Section 10, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the Section corner common to Sections 9, 10, 15 and 16, T.3N., R.1W., B.M. from which the 1/4 corner common to said Sections 10 and 15, bears South 89°15'34" East, 2640.54 feet; thence on the south boundary line of said Section 10 South 89°15'34" East, 908.44 feet to the **REAL POINT OF BEGINNING**;

thence leaving said south boundary line, North 00°35'14" East, 1087.86 feet;

thence South 89°15'50" East, 412.30 feet to the east boundary line of the Southwest 1/4 of the Southwest 1/4 of said Section 10;

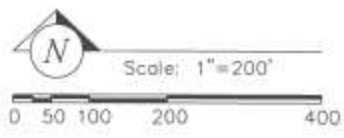
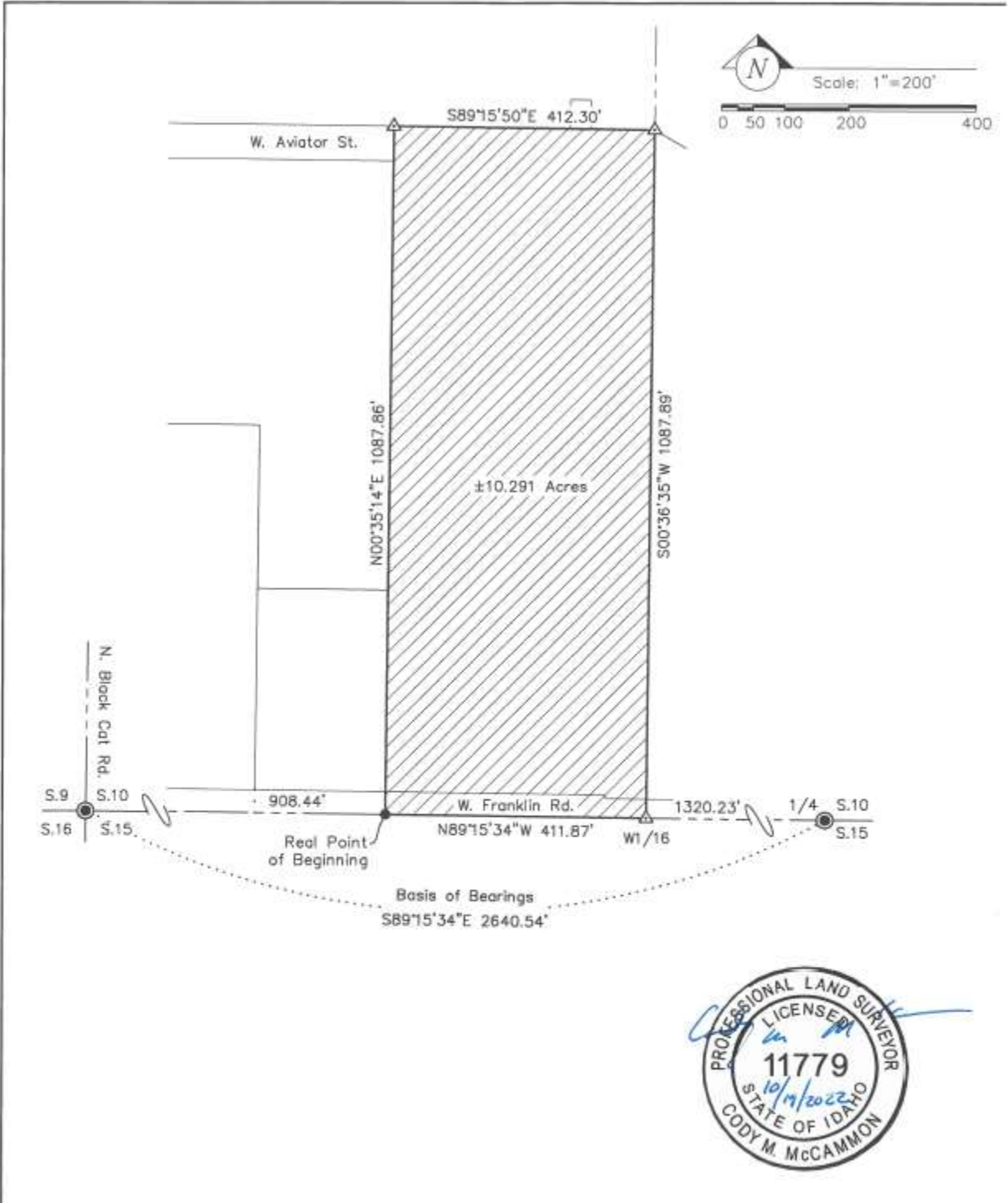
thence on said east boundary line, South 00°36'35" West, 1087.89 feet to the West 1/16 corner common to said Sections 10 and 15;

thence on the south boundary line of said Section 10, North 89°15'34" West, 411.87 feet to the **REAL POINT OF BEGINNING**.

Containing 10.291 acres, more or less.

End of Description.





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**IDAHO SURVEY GROUP, LLC**  
 9605 W. EMERALD ST.  
 BOISE, IDAHO 83704  
 (208) 846-0570

Annexation Exhibit for  
**R-15 Zone**  
 Colorado Ridge Subdivision  
 A portion of the SW1/4 of the SW1/4 of Section 10,  
 T.3N., R.1W., B.M., Ada County, Idaho.

Job No. 22-045
Sheet No. 1
Dwg. Date 10/19/2022



C. Common/Shared Access Drive Exhibit – *NOT APPROVED AS A COMMON DRIVEWAY (TO BE APPROVED AS A PRIVATE STREET)*









**PLANT PALETTE**

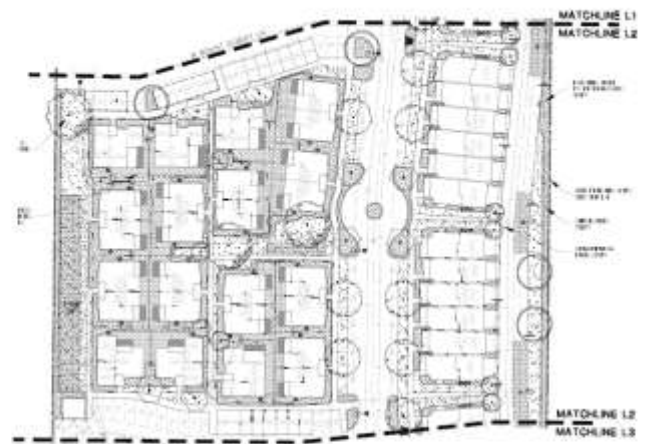
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	1. COLORADO BLUE SPRUCE P. COULteri 12-18" DBH		1. JUNIPERUS HORIZONTALIS J. HORIZONTALIS 12-18" DBH		1. REDWOOD T. REDWOOD 12-18" DBH
	1. WESTERN WHITE PINE P. MONTANA 12-18" DBH		1. WESTERN JUNIPER J. HORIZONTALIS 12-18" DBH		1. DOUGLAS FIR P. DOUGLASSII 12-18" DBH
	1. WESTERN RED CEDAR T. PLICATA 12-18" DBH		1. WESTERN HEMLOCK T. PLICATA 12-18" DBH		1. WESTERN LARCH T. LARicina 12-18" DBH

**NOTES**

- 1. SEE L1 FOR MATCHLINE L1
- 2. SEE L2 FOR MATCHLINE L2



<p><b>COLORADO RIDGE</b> BARON DEVELOPMENT CUP LANDSCAPE PLAN</p>
<p>LANDSCAPE PLAN</p>
<p>L1</p>

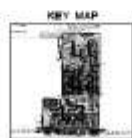


**PLANT PALETTE**

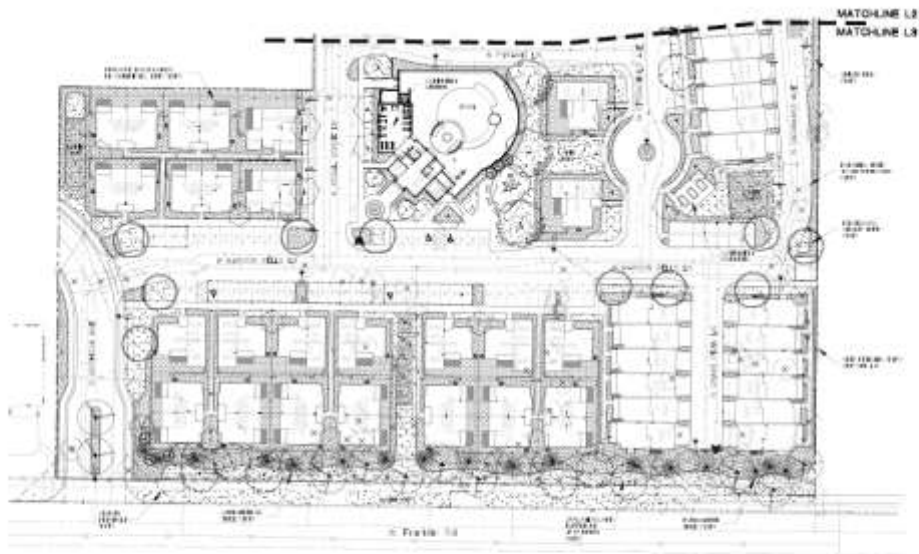
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	1. WESTERN RED CEDAR T. PLICATA 12-18" DBH		1. WESTERN HEMLOCK T. PLICATA 12-18" DBH		1. WESTERN LARCH T. LARicina 12-18" DBH

**NOTES**

- 1. SEE L1 FOR MATCHLINE L1
- 2. SEE L3 FOR MATCHLINE L3



<p><b>COLORADO RIDGE</b> BARON DEVELOPMENT CUP LANDSCAPE PLAN</p>
<p>LANDSCAPE PLAN</p>
<p>L2</p>



**PLANT PALETTE**

SYM	DESCRIPTION	SYM	DESCRIPTION	SYM	DESCRIPTION
(Symbol)	PLANT SPECIES	(Symbol)	PLANT SPECIES	(Symbol)	PLANT SPECIES
(Symbol)	PLANT SPECIES	(Symbol)	PLANT SPECIES	(Symbol)	PLANT SPECIES
(Symbol)	PLANT SPECIES	(Symbol)	PLANT SPECIES	(Symbol)	PLANT SPECIES

**NOTES**

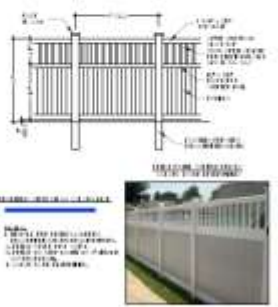
- SEE PLAN FOR SPECIFIC PLANTING LOCATIONS.
- PLANTING TO BE COMPLETED BY DATE OF PROJECT OPENING.



**COLORADO RIDGE**  
BARON DEVELOPMENT  
CUP LANDSCAPE PLAN

LANDSCAPE PLAN

**L3**

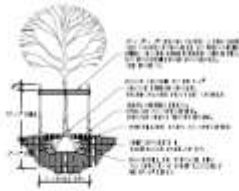


**COLORADO RIDGE**  
BARON DEVELOPMENT  
CUP LANDSCAPE PLAN

LANDSCAPE PLAN

**L4**



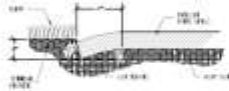


**NOTE:** ALL TREE PLANTINGS SHALL BE DONE IN ACCORDANCE WITH THE CITY OF DENVER'S TREE CARE AND MAINTENANCE ORDINANCE. ALL TREE PLANTINGS SHALL BE DONE IN ACCORDANCE WITH THE CITY OF DENVER'S TREE CARE AND MAINTENANCE ORDINANCE. ALL TREE PLANTINGS SHALL BE DONE IN ACCORDANCE WITH THE CITY OF DENVER'S TREE CARE AND MAINTENANCE ORDINANCE.

1 TREE PLANTING - STABLE



2 TREE PLANTING - PLANTER



3 PLANTER - 10" MULCH

**LANDSCAPE CALCULATIONS**

ITEM	QUANTITY	UNIT	PRICE	TOTAL
PLANTING	2	SQ. FT.	10.000	20.000
MULCH	10	SQ. FT.	1.000	10.000
TOTAL				30.000

**DEVELOPMENT DATA**

TOTAL AREA	10,000	SQ. FT.
PLANTING AREA	20	SQ. FT.
MULCH AREA	100	SQ. FT.
TOTAL PLANTING AREA	120	SQ. FT.
TOTAL MULCH AREA	110	SQ. FT.
TOTAL PLANTING AND MULCH AREA	230	SQ. FT.

**PLANT PALETTE**

SYM	PLANT NAME	PLANT SIZE	QTY
1	PLANTING	10"	2
2	MULCH	10"	10
3	PLANTER	10"	1
4	PLANTING	10"	2
5	MULCH	10"	10
6	PLANTER	10"	1
7	PLANTING	10"	2
8	MULCH	10"	10
9	PLANTER	10"	1
10	PLANTING	10"	2
11	MULCH	10"	10
12	PLANTER	10"	1
13	PLANTING	10"	2
14	MULCH	10"	10
15	PLANTER	10"	1
16	PLANTING	10"	2
17	MULCH	10"	10
18	PLANTER	10"	1
19	PLANTING	10"	2
20	MULCH	10"	10
21	PLANTER	10"	1
22	PLANTING	10"	2
23	MULCH	10"	10
24	PLANTER	10"	1
25	PLANTING	10"	2
26	MULCH	10"	10
27	PLANTER	10"	1
28	PLANTING	10"	2
29	MULCH	10"	10
30	PLANTER	10"	1

**NOTES**

1. ALL PLANTINGS SHALL BE DONE IN ACCORDANCE WITH THE CITY OF DENVER'S TREE CARE AND MAINTENANCE ORDINANCE.
2. ALL PLANTINGS SHALL BE DONE IN ACCORDANCE WITH THE CITY OF DENVER'S TREE CARE AND MAINTENANCE ORDINANCE.
3. ALL PLANTINGS SHALL BE DONE IN ACCORDANCE WITH THE CITY OF DENVER'S TREE CARE AND MAINTENANCE ORDINANCE.
4. ALL PLANTINGS SHALL BE DONE IN ACCORDANCE WITH THE CITY OF DENVER'S TREE CARE AND MAINTENANCE ORDINANCE.
5. ALL PLANTINGS SHALL BE DONE IN ACCORDANCE WITH THE CITY OF DENVER'S TREE CARE AND MAINTENANCE ORDINANCE.
6. ALL PLANTINGS SHALL BE DONE IN ACCORDANCE WITH THE CITY OF DENVER'S TREE CARE AND MAINTENANCE ORDINANCE.
7. ALL PLANTINGS SHALL BE DONE IN ACCORDANCE WITH THE CITY OF DENVER'S TREE CARE AND MAINTENANCE ORDINANCE.
8. ALL PLANTINGS SHALL BE DONE IN ACCORDANCE WITH THE CITY OF DENVER'S TREE CARE AND MAINTENANCE ORDINANCE.
9. ALL PLANTINGS SHALL BE DONE IN ACCORDANCE WITH THE CITY OF DENVER'S TREE CARE AND MAINTENANCE ORDINANCE.
10. ALL PLANTINGS SHALL BE DONE IN ACCORDANCE WITH THE CITY OF DENVER'S TREE CARE AND MAINTENANCE ORDINANCE.

10-01-2024  
10-01-2024  
10-01-2024

Project: BARON DEVELOPMENT  
CUP LANDSCAPE PLAN

**COLORADO RIDGE**  
BARON DEVELOPMENT  
CUP LANDSCAPE PLAN

10-01-2024  
10-01-2024  
10-01-2024

LANDSCAPE  
DETAILS

L5



## G. Conceptual Building Elevations



### MODERN — CRAFTSMAN FRANKLIN

#### CLUBHOUSE / ENTRY FEATURE

##### LANDSCAPE

1. COLOR #1	NEUTRAL WHITE (S/T)
2. COLOR #2	NEUTRAL GREY (S/T)
3. COLOR #3	NEUTRAL GREY (S/T)
4. COLOR #4	NEUTRAL GREY (S/T)
5. COLOR #5	NEUTRAL GREY (S/T)
6. COLOR #6	NEUTRAL GREY (S/T)
7. COLOR #7	NEUTRAL GREY (S/T)
8. COLOR #8	NEUTRAL GREY (S/T)
9. COLOR #9	NEUTRAL GREY (S/T)
10. COLOR #10	NEUTRAL GREY (S/T)

##### EXTERIOR

1. COLOR #1	NEUTRAL WHITE (S/T)
2. COLOR #2	NEUTRAL GREY (S/T)
3. COLOR #3	NEUTRAL GREY (S/T)
4. COLOR #4	NEUTRAL GREY (S/T)
5. COLOR #5	NEUTRAL GREY (S/T)
6. COLOR #6	NEUTRAL GREY (S/T)
7. COLOR #7	NEUTRAL GREY (S/T)
8. COLOR #8	NEUTRAL GREY (S/T)
9. COLOR #9	NEUTRAL GREY (S/T)
10. COLOR #10	NEUTRAL GREY (S/T)

##### CONCRETE

1. COLOR #1	NEUTRAL WHITE (S/T)
2. COLOR #2	NEUTRAL GREY (S/T)
3. COLOR #3	NEUTRAL GREY (S/T)
4. COLOR #4	NEUTRAL GREY (S/T)
5. COLOR #5	NEUTRAL GREY (S/T)
6. COLOR #6	NEUTRAL GREY (S/T)
7. COLOR #7	NEUTRAL GREY (S/T)
8. COLOR #8	NEUTRAL GREY (S/T)
9. COLOR #9	NEUTRAL GREY (S/T)
10. COLOR #10	NEUTRAL GREY (S/T)

BARON HUMMEL  
ARCHITECTS

### MODERN — CRAFTSMAN FRANKLIN

#### CLUBHOUSE

##### LANDSCAPE

1. COLOR #1	NEUTRAL WHITE (S/T)
2. COLOR #2	NEUTRAL GREY (S/T)
3. COLOR #3	NEUTRAL GREY (S/T)
4. COLOR #4	NEUTRAL GREY (S/T)
5. COLOR #5	NEUTRAL GREY (S/T)
6. COLOR #6	NEUTRAL GREY (S/T)
7. COLOR #7	NEUTRAL GREY (S/T)
8. COLOR #8	NEUTRAL GREY (S/T)
9. COLOR #9	NEUTRAL GREY (S/T)
10. COLOR #10	NEUTRAL GREY (S/T)

##### EXTERIOR

1. COLOR #1	NEUTRAL WHITE (S/T)
2. COLOR #2	NEUTRAL GREY (S/T)
3. COLOR #3	NEUTRAL GREY (S/T)
4. COLOR #4	NEUTRAL GREY (S/T)
5. COLOR #5	NEUTRAL GREY (S/T)
6. COLOR #6	NEUTRAL GREY (S/T)
7. COLOR #7	NEUTRAL GREY (S/T)
8. COLOR #8	NEUTRAL GREY (S/T)
9. COLOR #9	NEUTRAL GREY (S/T)
10. COLOR #10	NEUTRAL GREY (S/T)

##### CONCRETE

1. COLOR #1	NEUTRAL WHITE (S/T)
2. COLOR #2	NEUTRAL GREY (S/T)
3. COLOR #3	NEUTRAL GREY (S/T)
4. COLOR #4	NEUTRAL GREY (S/T)
5. COLOR #5	NEUTRAL GREY (S/T)
6. COLOR #6	NEUTRAL GREY (S/T)
7. COLOR #7	NEUTRAL GREY (S/T)
8. COLOR #8	NEUTRAL GREY (S/T)
9. COLOR #9	NEUTRAL GREY (S/T)
10. COLOR #10	NEUTRAL GREY (S/T)

BARON HUMMEL  
ARCHITECTS



# MODERN — CRAFTSMAN

## ENTRY FEATURE

### BASE PALETTE



### CEILING PALETTE



### WALL PALETTE



BARON HUMMEL  
PROPERTIES



HP ROOF



# MODERN — CRAFTSMAN

## 1 BED 1 BATH DUPLEX

### BASE PALETTE



### CEILING PALETTE



### WALL PALETTE



BARON HUMMEL  
PROPERTIES

SINGLE SLOPE ROOF



HP ROOF



# MODERN — CRAFTSMAN

## 2 BED 2 BATH TYPE A

### SHARFACELISTINGS

- 1. COLOR: ACCESSIBLE WHITE SW 7010
- 2. COLOR: BENTONCREAM SW 7013
- 3. LP ROOF: BROWN LUMBER - 100% RECYCLED FIBER OPTIC INSULATION - 100% RECYCLED FIBER OPTIC INSULATION - 100% RECYCLED FIBER OPTIC INSULATION
- 4. ROOF: BROWN LUMBER - 100% RECYCLED FIBER OPTIC INSULATION - 100% RECYCLED FIBER OPTIC INSULATION
- 5. PAINT: BROWN LUMBER SW 7010



### SHARFACELISTINGS

- 1. COLOR: ACCESSIBLE WHITE SW 7010
- 2. COLOR: BENTONCREAM SW 7013
- 3. LP ROOF: BROWN LUMBER - 100% RECYCLED FIBER OPTIC INSULATION - 100% RECYCLED FIBER OPTIC INSULATION
- 4. ROOF: BROWN LUMBER - 100% RECYCLED FIBER OPTIC INSULATION - 100% RECYCLED FIBER OPTIC INSULATION
- 5. PAINT: BROWN LUMBER SW 7010



### SHARFACELISTINGS

- 1. COLOR: ACCESSIBLE WHITE SW 7010
- 2. COLOR: BENTONCREAM SW 7013
- 3. LP ROOF: BROWN LUMBER - 100% RECYCLED FIBER OPTIC INSULATION - 100% RECYCLED FIBER OPTIC INSULATION
- 4. ROOF: BROWN LUMBER - 100% RECYCLED FIBER OPTIC INSULATION - 100% RECYCLED FIBER OPTIC INSULATION
- 5. PAINT: BROWN LUMBER SW 7010



BARON HUMMEL PROPERTIES

SHARFACELISTINGS



HP ROOF



# MODERN — CRAFTSMAN

## 2 BED 2 BATH TYPE B

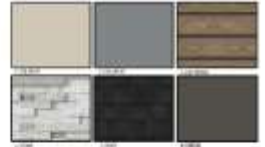
### SHARFACELISTINGS

- 1. COLOR: ACCESSIBLE WHITE SW 7010
- 2. COLOR: BENTONCREAM SW 7013
- 3. LP ROOF: BROWN LUMBER - 100% RECYCLED FIBER OPTIC INSULATION - 100% RECYCLED FIBER OPTIC INSULATION
- 4. ROOF: BROWN LUMBER - 100% RECYCLED FIBER OPTIC INSULATION - 100% RECYCLED FIBER OPTIC INSULATION
- 5. PAINT: BROWN LUMBER SW 7010



### SHARFACELISTINGS

- 1. COLOR: ACCESSIBLE WHITE SW 7010
- 2. COLOR: BENTONCREAM SW 7013
- 3. LP ROOF: BROWN LUMBER - 100% RECYCLED FIBER OPTIC INSULATION - 100% RECYCLED FIBER OPTIC INSULATION
- 4. ROOF: BROWN LUMBER - 100% RECYCLED FIBER OPTIC INSULATION - 100% RECYCLED FIBER OPTIC INSULATION
- 5. PAINT: BROWN LUMBER SW 7010



### SHARFACELISTINGS

- 1. COLOR: ACCESSIBLE WHITE SW 7010
- 2. COLOR: BENTONCREAM SW 7013
- 3. LP ROOF: BROWN LUMBER - 100% RECYCLED FIBER OPTIC INSULATION - 100% RECYCLED FIBER OPTIC INSULATION
- 4. ROOF: BROWN LUMBER - 100% RECYCLED FIBER OPTIC INSULATION - 100% RECYCLED FIBER OPTIC INSULATION
- 5. PAINT: BROWN LUMBER SW 7010



BARON HUMMEL PROPERTIES

SHARFACELISTINGS



HP ROOF



SINGLE SLOPE ROOF



# MODERN - CRAFTSMAN

3 BED 2 BATH

### BASE PALETTE

- 1. COLOR 1: HONEYBEE WHITE
- 2. COLOR 2: METRIC GREY
- 3. COLOR 3: CALIFORNIA WOOD
- 4. COLOR 4: METRIC GREY
- 5. COLOR 5: METRIC GREY
- 6. COLOR 6: METRIC GREY



### DOOR PALETTE

- 1. DOOR 1: METRIC GREY
- 2. DOOR 2: METRIC GREY
- 3. DOOR 3: METRIC GREY
- 4. DOOR 4: METRIC GREY
- 5. DOOR 5: METRIC GREY
- 6. DOOR 6: METRIC GREY



### BASE PALETTE

- 1. COLOR 1: HONEYBEE WHITE
- 2. COLOR 2: METRIC GREY
- 3. COLOR 3: CALIFORNIA WOOD
- 4. COLOR 4: METRIC GREY
- 5. COLOR 5: METRIC GREY
- 6. COLOR 6: METRIC GREY



BARON HUMMEL PROPERTIES

# MODERN - CRAFTSMAN

GARAGE - STORAGE BUILDING

### BASE PALETTE

- 1. COLOR 1: HONEYBEE WHITE
- 2. COLOR 2: METRIC GREY
- 3. COLOR 3: CALIFORNIA WOOD
- 4. COLOR 4: METRIC GREY
- 5. COLOR 5: METRIC GREY
- 6. COLOR 6: METRIC GREY



### DOOR PALETTE

- 1. DOOR 1: METRIC GREY
- 2. DOOR 2: METRIC GREY
- 3. DOOR 3: METRIC GREY
- 4. DOOR 4: METRIC GREY
- 5. DOOR 5: METRIC GREY
- 6. DOOR 6: METRIC GREY



### BASE PALETTE

- 1. COLOR 1: HONEYBEE WHITE
- 2. COLOR 2: METRIC GREY
- 3. COLOR 3: CALIFORNIA WOOD
- 4. COLOR 4: METRIC GREY
- 5. COLOR 5: METRIC GREY
- 6. COLOR 6: METRIC GREY



BARON HUMMEL PROPERTIES





# MODERN — CRAFTSMAN

## TOWNHOUSES - 8 PLEX

### QUAD FACILITIES

- 1. COLOR AC: BRANDED WHITE (S1111)
- 2. COLOR EC: BRANDED WHITE (S1111)
- 3. COLOR FC: BRANDED WHITE (S1111)
- 4. COLOR GC: BRANDED WHITE (S1111)
- 5. COLOR HC: BRANDED WHITE (S1111)
- 6. COLOR IC: BRANDED WHITE (S1111)



### QUAD FACILITIES

- 1. COLOR AC: BRANDED WHITE (S1111)
- 2. COLOR EC: BRANDED WHITE (S1111)
- 3. COLOR FC: BRANDED WHITE (S1111)
- 4. COLOR GC: BRANDED WHITE (S1111)
- 5. COLOR HC: BRANDED WHITE (S1111)
- 6. COLOR IC: BRANDED WHITE (S1111)



### QUAD FACILITIES

- 1. COLOR AC: BRANDED WHITE (S1111)
- 2. COLOR EC: BRANDED WHITE (S1111)
- 3. COLOR FC: BRANDED WHITE (S1111)
- 4. COLOR GC: BRANDED WHITE (S1111)
- 5. COLOR HC: BRANDED WHITE (S1111)
- 6. COLOR IC: BRANDED WHITE (S1111)



H. Legal Description for Property Subject to New Development Agreement

Description for  
**Colorado Ridge Subdivision**  
April 4, 2023

A parcel of land located in the Southwest 1/4 of the Southwest 1/4 of Section 10, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the Section corner common to Sections 9, 10, 15 and 16, T.3N., R.1W., B.M. from which the 1/4 corner of said Sections 10 and 15, bears South 89°15'34" East, 2640.54 feet; thence on the south boundary line of said Section 10 South 89°15'34" East, 702.06 feet; thence leaving said south boundary line, North 00°36'35" East, 35.88 feet to the **REAL POINT OF BEGINNING**;

thence continuing North 00°36'35" East, 319.00 feet;

thence South 89°15'38" East, 206.24 feet;

thence North 00°35'14" East, 732.97 feet;

thence South 89°15'50" East, 412.30 feet to the east boundary line of the Southwest 1/4 of the Southwest 1/4 of said Section 10;

thence on said east boundary line, South 00°36'35" West, 1,057.89 feet to the north right-of-way line of W. Franklin Road;

thence on said north right-of-way line the following three (3) courses and distances:

North 89°15'34" West, 65.31 feet;

North 00°44'26" East, 5.88 feet;

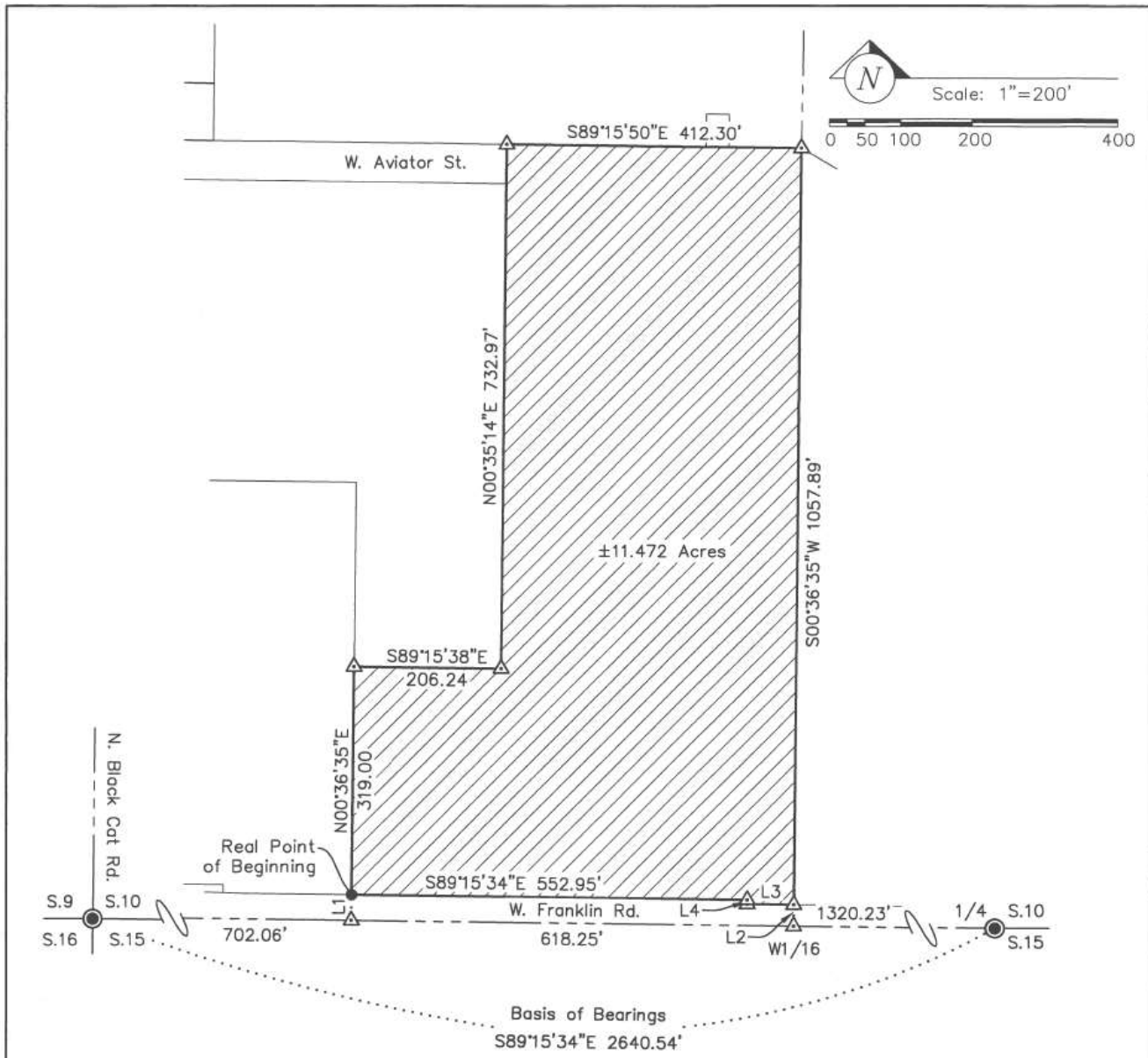
North 89°15'34" West, 552.95 feet to the **REAL POINT OF BEGINNING**.

Containing 11.472 acres, more or less.

End of Description.







Line Table		
Line	Bearing	Length
L1	N00°36'35"E	35.88'
L2	N00°36'35"E	30.00'
L3	N89°15'34"W	65.31'
L4	N00°44'26"E	5.88'



P:\Colorado Ridge (4490 Franklin) 22-045\dwg\Plot Ex.dwg 4/4/2023 2:38:56 PM

**ISG** IDAHO SURVEY GROUP, LLC  
 9855 W. EMERALD ST.  
 BOISE, IDAHO 83704  
 (208) 846-8570

Exhibit Map for  
**Colorado Ridge Subdivision**  
 A parcel of land located in the SW1/4 of the SW1/4 of  
 Section 10, T.3N., R.1W., B.M., Ada County, Idaho.

Job No. 22-045
Sheet No. 1
Dwg. Date 4/4/2023

## IX. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING DIVISION

#### 1. Annexation

1.1 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:

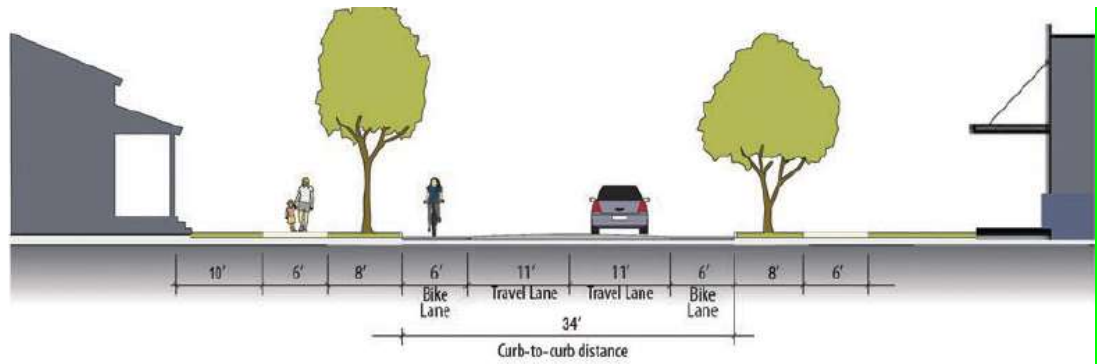
- a. The southwest portion of the property located at 4540 W. Franklin Rd. (Parcel #S1210336405) shall no longer be subject to the terms of the previous Development Agreement recorded as Instrument #2020-117678 (Compass Public Charter School East Expansion H-2020-0042) and shall instead be subject to the terms of the subject Development Agreement.
- b. Future development of this site shall be generally consistent with the preliminary plat, site plan, landscape plan, qualified open space exhibit and conceptual building elevations included in Section VIII and the provisions contained herein.
- c. Right-of-way shall be dedicated and/or the collector street (W. Aviator St.) shall be constructed across and adjacent to the northwest corner of this site on- and off-site as required by ACHD. The 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).
- 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). The art shall be provided in a prominent location and should provide an identity for the development.
- e. A maximum of 122 multi-family units shall be constructed within this development.
- f. A Design Review application shall be submitted for all structures within the multi-family development. Compliance with the design standards listed in the Architectural Standards Manual and the guidelines in the Ten Mile Interchange Specific Area Plan (TMISAP) is required. 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 as specified in the Application of the Design Elements table on pg. 3-49 including but not limited to: roof pitch and overhang (roof brackets and rafter tail treatments are encouraged design elements), and front porches for street-facing units on the north/south boulevard.
- g. Pedestrian-scale lighting should be provided on all building facades facing the street and internal walkways in accord with the TMISAP (pg. 3-34).
- h. 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).

#### 2. Preliminary Plat

2.1 The final plat shall include the following revisions:

- a. Depict the extension of the collector stub street (i.e. W. Aviator St.) across the northwest corner of the site as required by ACHD.

- b. A drive aisle access shall be depicted via W. Franklin Rd., an arterial street, at the southwest corner of the site along the west property line to ensure the parcel to the west has access to the drive aisle, as required by ACHD.
- c. Depict the internal private streets in a lot within the subdivision per UDC [11-3F-4A.1](#). Where the private street connects to a public street (i.e. W. Aviator St.), the connection shall be approved by ACHD.
- d. Depict a minimum 20-foot wide street buffer along W. Aviator St., a collector street, in a permanent dedicated buffer easement with an 8-foot wide parkway and a 6-foot wide detached sidewalk, per UDC [Table 11-2A-7](#) and Street Section C in the TMISAP, unless an alternative street section is approved by ACHD.



- 2.2 The landscape plan submitted with the final plat shall include the following revisions:
- a. 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](#).
  - b. Depict landscaping within the 20-foot wide street buffer along W. Aviator St. 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 6-foot wide detached sidewalk as set forth in the TMISAP (Street Section C). Include the linear feet of buffer with the number of required vs. provided trees in the Landscape Calculations table on Sheet L5 that demonstrates compliance with UDC standards.
  - c. Depict landscaping within the 25-foot wide street buffer along W. Franklin Rd. in accord with the *updated* standards listed in UDC [11-3B-7C](#).
  - d. Change the fencing type along the east boundary of the site adjacent to the Purdam Gulch Drain to 6-foot tall wrought iron in accord with UDC [11-3A-6C.3](#). *Fencing should not encroach within the easement at the northeast corner of the site without a License Agreement with NMID.*
  - e. Depict enhanced landscaping and design features in the street buffer along W. Franklin Rd. that meets the entryway corridor standards in UDC [11-3B-7C.3f](#) in order to count 50% of the street buffer toward the open space requirement in UDC [11-3G-3A.1](#).
  - f. Provide a 4-foot tall berm (or constructed barrier) within the street buffer along W. Franklin Rd. as proposed in accord with UDC [11-4-3-27C.7](#). Provide a break in the berm and extend the pedestrian pathway in the central common area between the 1- and 2-bedroom units to the sidewalk along Franklin Rd.
- 2.3 The proposed plat and subsequent development is required to comply with the dimensional standards listed in UDC [Table 11-2A-7](#) for the R-15 zoning district.

- 2.4 No structures shall encroach within the Nampa & Meridian Irrigation District's easement for the Purdam Gulch Drain that crosses the northeast corner of the site without a signed License Agreement and approved plan before construction.
- 2.5 A cross-access/ingress-egress easement shall be granted to the property to the west at 4610 W. Franklin Rd. (Parcel #S1210336377) for access to the drive aisle via W. Franklin Rd. located along the west property line.
- 2.6 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.
- 2.7 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.

### **3. Conditional Use Permit**

- 3.1 The multi-family development shall have an ongoing obligation to comply with the specific use standards listed in UDC [11-4-3-27](#).
- 3.2 The multi-family development shall record a legally binding document that states the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features as set forth in UDC 11-4-3-27F. **A recorded copy of said document shall be submitted to the Planning Division prior to issuance of the first Certificate of Occupancy for the development.**
- 3.3 Comply with building code requirements for separation between structures within the development.
- 3.4 Site amenities shall be provided as proposed from each of the following categories: 1) Quality of Life – clubhouse, dog park (a waste station is required); Open Space – community garden; Recreation – swimming pool, internal walking trails, children's play structure; and, Multi-Modal – charging stations for electric vehicles, in accord with UDC 11-4-3-27D. *Other comparable amenities may be considered by the Director.*
- 3.5 The trash enclosures shall accommodate recycling.
- 3.6 The site and/or landscape plan submitted with the Certificate of Zoning Compliance shall be revised as follows:
  - a. Remove the street sections for N. Moshova Ave. and depict a drive aisle instead of a public street on the plan. The drive aisle shall be located along the west property to ensure the parcel to the west can utilize the access. Depict a sidewalk along the drive aisle for pedestrian connectivity and safety.
  - b. Change the fencing type along the east boundary of the site adjacent to the Purdam Gulch Drain to 6-foot tall black iron open vision fencing in accord with UDC [11-3A-6C.3](#) to deter access to the lateral. If the fence is placed within the easement area, a License Agreement shall be required with NMID.

- c. All transformer and utility vaults and other service areas shall be located in an area not visible from a public street, or shall be fully screened from view from a public street in accord with UDC [11-4-3-27B.2](#).
  - d. Depict landscaping along the foundation of all street facing elevations adjacent to W. Aviator St. and W. Franklin Rd., as set forth in UDC [11-4-3-27E.2](#).
  - e. Depict landscaping along all pathways in accord with the standards listed in UDC [11-3B-12C](#).
  - f. Include mitigation calculations for trees removed from the site as set forth in UDC [11-3B-10C.5](#).
  - g. Depict landscaping within common open space areas as set forth in UDC [11-3G-5B.3](#); include calculations in the Landscape Calculations table that demonstrate compliance with the updated standards.
  - h. The drive aisle via W. Franklin Rd. shall be located along the west property line in order to provide a shared access to the property to the west (Parcel #S1210336377).
  - i. Depict a minimum 5-foot wide buffer around the perimeter of the development in areas adjacent to vehicular use areas with landscaping as set forth in UDC 11-3B-8C.1.
  - j. Depict the location of the property management office, maintenance storage area, central mailbox location (including provisions for parcel mail, that provide safe pedestrian and/or vehicular access), and a directory and map of the development at an entrance or convenient location for those entering the development as set forth in UDC [11-4-3-27B.7](#).
  - k. Depict a berm or constructed barrier at least 4-feet in height, with breaks in the berm or barrier to allow for pedestrian access along W. Aviator St. and W. Franklin Rd., as set forth in UDC [11-4-3-27C.7](#), unless otherwise approved through the conditional use process.
  - l. Depict a waste station in the dog park as required by UDC [11-4-3-27D.1a](#).
  - m. Connect the north/south pathways on the east side of the linear open space at the west boundary of the site between ~~Mount Elbert W. Ski Jump Ln. & Pyramid W. Fresh Powder Lane~~.
  - n. Distinguish pedestrian crossings across private streets through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19B.4b.
  - o. Depict a sidewalk along the south side of W. Fresh Powder Ln. on the north side of the common area where the community center is located.
  - p. Depict pedestrian connections across parkways to the detached sidewalks adjacent to parallel parking spaces along the north/south boulevard as discussed at the City Council hearing.
  - q. Depict traffic calming or other measures on the private streets to enhance safety as discussed at the City Council hearing (work with the Compass Charter School and Staff).
- 3.7 All internal private streets shall be constructed in accord with the standards listed in UDC 11-3F-4B.2. The Applicant or owner shall have one (1) year to complete
- 3.8 All pathways shall be constructed in accord with the standards set forth in UDC [11-3A-8](#).
- 3.9 A minimum of ~~1.85~~ 2.15 acres of common open space is required, as proposed, that complies with the standards for qualified open space listed in UDC [11-4-3-27C](#). ~~A revised open space exhibit shall be submitted that demonstrates compliance with the required standards OR an alternative compliance application shall be submitted at least 15 days prior to the City Council hearing.~~
- 3.10 A minimum of 260 off-street parking spaces shall be provided for the multi-family development

with a minimum of 165 of those spaces in a covered carport or garage as proposed on the site plan, in accord with UDC Table 11-3C-6.

- 3.11 A Certificate of Zoning Compliance and Design Review application shall be submitted and approved for the proposed use prior to submittal of a building permit application. The design of the site and structure shall comply with the design guidelines in the Ten Mile Interchange Specific Area Plan, the standards listed in UDC 11-3A-19 and the design standards listed in the Architectural Standards Manual.
- 3.12 The conditional use permit is valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the Applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground as set forth in UDC 11-5B-6. A time extension may be requested as set forth in UDC 11-5B-6F.

## **B. PUBLIC WORKS**

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

- 1.1 Since the 6-plex's to the east and west will not be individually owned lots, have a single meter come off of W Chair lift for each individual building instead of extending a water main down the common driveway.
- 1.2 Water services up to the meter are the responsibility of the City and require a 20' easement up to the meter and 10' beyond.
- 1.3 Water main needs to be on the north side of the private drives and a minimum of 25' from all infiltration structures unless an alternative protection per DEQ is provided.
- 1.4 Water main pipe sizes were not provided in the plans. Water was modeled with all mains being 8"
- 1.5 Any unused sewer stubs must be abandoned per City requirements
- 1.6 All manholes must have a 14ft wide graveled/paved access path per City requirements.
- 1.7 Infiltration trenches and other permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, light poles, etc.) cannot be built within City water/sewer easement.
- 1.8 Remove SSMH 4, 5, B13, and B14 to reduce number of unnecessary manholes.

### **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 (UDC 11-3B-6). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
- 2.5 All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
- 2.6 All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
- 2.7 Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
- 2.8 Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
- 2.9 ~~Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits. Prior to vertical permit acceptance/receipt, street signs are to be in place, sanitary sewer may be installed/inspected in part or in whole (but not required as activated or fully approved as not necessary for site safety), and water systems activated and approved as related to hydrant locations, road base installed and approved for use and capacity of 80,000 lb. vehicle, prior to payment or receipt of vertical building permits. Vertical building permit plan sets may be submitted and reviewed/approved prior to horizontal acceptance of above listed requirements. However, approved plan sets may not be paid for or collected until horizontal acceptance. This stipulation does not pertain to garage buildings or vertical structures located within the driveways, drive isles, or site roads to be constructed. Garage buildings or vertical structures located within the driveways, drive isles or site roads are allowed to proceed with plan submittals, reviews and approvals along with permit payment and receipt, and can be constructed concurrent with completion of horizontal requirements for the site, and be permitted prior to horizontal acceptance to minimize access impact in regard to the emergency access of the site.~~
- 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](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=288044&dbid=0&repo=MeridianCity&cr=1>

**D. POLICE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=288041&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=289411&dbid=0&repo=MeridianCity>

**G. IDAHO TRANSPORTATION DEPARTMENT (ITD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=290809&dbid=0&repo=MeridianCity>

**H. WEST ADA SCHOOL DISTRICT (WASD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=291870&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=292086&dbid=0&repo=MeridianCity>

**J. ADA COUNTY DEVELOPMENT SERVICES**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=289772&dbid=0&repo=MeridianCity>

**K. DEPARTMENT OF ENVIRONMENT QUALITY (DEQ)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=288836&dbid=0&repo=MeridianCity&cr=1>

**L. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=290682&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 City Council finds the Applicant’s request to annex the subject property with R-15 zoning for a multi-family development complies with the applicable provisions of the Comprehensive Plan. Further, the density and mix of residential housing types 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 City Council finds the proposed map amendment to R-15 and development generally complies with the purpose statement of the Residential Districts in that it will provide for a range of housing opportunities consistent with the Comprehensive Plan.*

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

*The City Council finds the proposed map amendment should not be detrimental to the public health, safety and welfare as the proposed residential use should be compatible with adjacent residential and school 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 City 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 City 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 City Council finds the proposed plat is in general 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 City Council finds public services can be made available to the subject property and will be adequate to accommodate the proposed development.*

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

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

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

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

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

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

## **C. Conditional Use Permit (UDC 11-5B-6E)**

The Commission shall base its determination on the Conditional Use Permit requests upon the following:

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.

*The City Council finds that the subject property is large enough to accommodate the proposed use and dimensional and development regulations of the R-15 zoning district (see Analysis, Section V for more information).*

2. That the proposed use will be harmonious with the Meridian Comprehensive Plan and in accord with the requirements of this Title.

*The City Council finds that the proposed use as a multi-family development is consistent with the future land use map designation of MHDR and is allowed as a conditional use in the R-15 district per UDC Table 11-2A-2.*

3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.

*The City Council finds the proposed design of the development, construction, operation and maintenance should be compatible with the mix of other uses planned for and existing in this area and with the intended character of the area and that such uses will not adversely change the character of the area.*

4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

*The City Council finds that if the applicant complies with the conditions outlined in this report, the proposed use will not adversely affect other property in the area.*

5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.

*The City Council finds that essential public services are available to this property and that the use will be adequately served by these facilities; see comments in Section IX.H from WASD.*

#### **D. Private Street (UDC 11-3F-5)**

In order to approve the application, the Director shall find the following:

1. The design of the private street meets the requirements of this Article;

*The Director finds the proposed design of the private streets complies with the standards listed in UDC 11-3F-4. See analysis in Section VI.C for more information.*

2. Granting approval of the private street would not cause damage hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity;

*The Director finds granting approval of the proposed private streets will not cause damage hazard, or nuisance, other detriment to persons, property or uses in the vicinity.*

3. The use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan; and,

*The Director finds the use and location of the proposed private streets does not conflict with the regional transportation plan. While private streets do not provide connectivity with adjacent neighborhoods, which is desired in the Comprehensive Plan, the properties to the east and west are already developed/entitled with no connectivity to this site.*

4. The proposed residential development (if applicable) is a mew or gated development.

*This finding is not applicable as it's a multi-family development and is not a mew or gated development.*