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



## In the Matter of the Request for Development Agreement modification, by Mike Maffia, MGM2. Case No(s). H-2025-0009

### For the City Council Hearing Date of: June 3, 2025 (Findings on June 17, 2025)

### A. Findings of Fact

- 1. Hearing Facts (see attached Staff Report for the hearing date of June 3, 2025, incorporated by reference)
- 2. Process Facts (see attached Staff Report for the hearing date of June 3, 2025, incorporated by reference)
- 3. Application and Property Facts (see attached Staff Report for the hearing date of June 3, 2025, incorporated by reference)
- 4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of June 3, 2025, 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 June 3, 2025, 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 Development Agreement modification is hereby approved per the conditions of approval in the Staff Report for the hearing date of June 3, 2025, 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 June 3, 2025

By action of the City Council at its regular meeting held on the 2025.	day of,
COUNCIL PRESIDENT LUKE CAVENER	VOTED
COUNCIL VICE PRESIDENT LIZ STRADER	VOTED
COUNCIL MEMBER DOUG TAYLOR	VOTED
COUNCIL MEMBER JOHN OVERTON	VOTED
COUNCIL MEMBER ANNE LITTLE ROBERTS	VOTED
COUNCIL MEMBER BRIAN WHITLOCK	VOTED
MAYOR ROBERT SIMISON (TIE BREAKER)	VOTED

Mayor Robert E. Simison

Attest:

Chris Johnson City Clerk

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

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City Clerk's Office

## **COMMUNITY DEVELOPMENT**

# **DEPARTMENT REPORT**



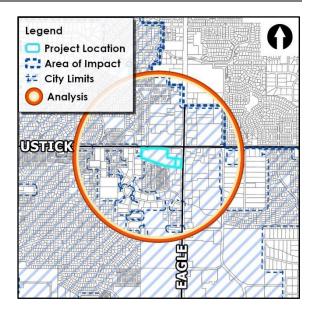
HEARING DATE:	April 22, 2025 continued to May 13, 2025 June 3, 2025
TO:	Mayor & City Council
FROM:	Linda Ritter, Associate Planner
	208-884-5533
	lritter@meridiancity.org

APPLICANT: Mike Maffia, MGM2

SUBJECT: H-2025-0009

Centrepoint Apartments MDA

LOCATION: 3100 N. Centrepoint Way and 3030 N. Cajun Lane, located in the NE ¼ of Section 5, Township 3N, Range 1E (Parcel(s) # S1105110111 and S1105110120)



### I. PROJECT OVERVIEW

#### A. Summary

The applicant is proposing to move forward with the project approval that was received in 2022 (H-2022-0072) with the modification to the existing Development Agreement (Instrument No. 2022-079000) for the existing 11.17 acres. The modification will create two (2) new agreements which will allow each property to be developed independently.

#### **B.** Issues/Waivers

In 2024, CUP and DA modifications were approved with a deed restricted affordable multifamily development with 239 units. The applicant terminated his entitlements and withdrew his application due to complications at the State level with project financing. The applicant is proposing to move forward with the project that was previously approved in 2022 (H-2022-0072).

#### C. Recommendation

Recommend approval of the proposed Development Agreement modification.

#### **D.** Decision

Approved with conditions

### **II. COMMUNITY METRICS**

Description	Details	Map Ref.
Existing Land Use(s)	Vacant	-
Proposed Land Use(s)	Multi-Family Residential and Commercial	-
Existing Zoning	C-G	VI.A.2
Proposed Zoning	C-G	
Adopted FLUM Designation	MU-R	VI.A.3
Proposed FLUM Designation	MU-R	

#### Table 1: Land Use

#### Table 2: Process Facts

Description	Details
Preapplication Meeting date	1/28/2025
Neighborhood Meeting	2/25/2025
Site posting date	4/3/2025

Note: See City/Agency Comments and Conditions Section and public record for all department/agency comments received. Centrepoint Apartments MDA H-2025-0009 (copy this link into a separate browser).

#### **Table 3: Project Overview**

Description	Details
History	H-2018-0121 (Villasport CUP, MDA); H-2021-0006 (CUP), H-2022-0035 (MDA, DA Inst. #2022-079000); H-2024-0019 (ALT, CUP, MDA) – this application was approved but the applicant terminated their entitlement rights; TED-2023-0002; TEC-2025-0001
Phasing Plan	None
Residential Units	213 multi-family units - One (1) two-story building and five (5) 3-story buildings
Open Space	6.78 acres (295,401 s.f.) of qualified open space proposed according to the open space exhibit (approximately 40%).
Amenities	At a minimum, 13 amenities are proposed – See the amenity Exhibit in Section VII below.
Physical Features	The Milk Lateral has previously been piped and there is a thirty (30) foot irrigation easement that goes through the property.
Acreage	11.17
Lots	2
Density	Gross – 21.3 du/ac.

### III. STAFF ANALYSIS

Comprehensive Plan and Unified Development Code (UDC)

#### A. General Overview

The subject application encompasses two (2) parcels located south of E. Ustick Road (Parcels S1105110111 and S1105110120. Parcel S1105110111 was part of a Development Agreement Modification and Conditional Use Permit (CUP) application in 2019 that removed the subject parcel from an existing Development Agreement (DA) for the purpose of entering into a new DA with a new conceptual plan and building elevations (H-2018-0121, DA Inst. # 2019-060877) and a request for a new athletic club and spa (indoor recreation facility), Villasport. The CUP approval for the indoor recreation facility has since expired and the property was sold.

The current CUP and DA (H-2022-0035 DA Inst# 2022-079000) was approved to construct a mixed-use development consisting of commercial space and a 213-unit multi-family development in lieu of an athletic club/spa and commercial building.

In 2024, CUP and DA modifications were approved with a deed restricted affordable multifamily development with 239 units. The applicant terminated his entitlements and withdrew his application due to complications at the State level with project financing.

#### **B.** Development Agreement Modification

The applicant is requesting the following changes to the Development Agreement:

- Parcel E (3100 Centrepoint Way) The required landscape street buffers and multi-use pathway segments shall be constructed and vegetated with the residential phase of development along E. Ustick Road; the proposed 25-foot landscape buffer along the west and south boundaries shall be constructed with the residential phase Parcel E of development.
- Parcel F (3030 N. Cajun Lane) The required landscape street buffers and multi-use pathway along N. Eagle Road will be constructed and vegetated with the development of the Commercial Parcel Parcel F.

#### C. Staff's Analysis

Staff has no objection to the Applicant's request for a modification to the existing development agreement (H-2021-0103, Inst. #2022-066859) to create two (2) new development agreements so that each parcel can develop independently.

On December 3, 2024, the City Council approved findings for H02024-0019 for modifications to the existing Development Agreement (DA) H-2022-0035 and Conditional Use Permit (CUP) H-2022-0072 to facilitate the construction of a 239-unit multifamily affordable apartment project. This proposal strictly pertains to the residential component of the approved development plan. The applicant also requested alternative compliance for the to the open space and parking lot landscaping. In January of 2025, that applicant terminated the entitlements and withdrew their application for the Centrepoint Apartments project (H-2024-0019 ALT, CUP, MDA) due to complications at the State level with project financing. An administrative time extension (TED-2023-0002) was approved for a two-year period in April of 2023. Prior to the expiration date of April 1, 2025, the applicant submitted an application for an additional two-year

During the review process for H-2024-0019, ITD required the applicant to dedicate twelve (12) feet of right-of-way on Eagle Road and reconstruct the right turn lane to Seville Lane.

The current DA requires the landscape street buffers and multi-use pathway segments to be constructed and vegetated with the first phase of development along E. Ustick Road and N. Eagle Road; the proposed 25-foot landscape buffer along the west and south boundaries shall be constructed with the first phase of development.

The applicant is proposing to create two development agreements for the following reasons:

- To allow landscape street buffers and pathways along E. Ustick Road as well as the 25foot landscape buffer along the west and south boundaries to be developed with the residential development on Parcel E. Staff is requiring the frontage improvements along E. Ustick Road are installed no later than a year after approval of the development agreement modification as this is the final missing link leading up to Eagle Road.
- To allow the landscape buffer and pathway along N. Eagle Road to be constructed with the commercial development on Parcel F.

Therefore, each parcel owner will be responsible for the improvements outlined in each of their development agreements.

### **IV. CITY/AGENCY COMMENTS & CONDITIONS**

### A. Meridian Planning Division

- 1. Development Agreement Modification (Parcel E Multi-family):
  - 1.1 The modified Development Agreement shall be signed by the property owner(s) and returned to the Planning Division within six (6) months of the City Council approval of the Findings. The Development Agreement shall, at minimum, incorporate the following provisions:
    - a. Future development of the site shall be substantially consistent with the submitted concept plan and color renderings included in Section VI of Exhibit B and the provisions contained herein.
    - b. Future development <u>of Parcel E</u> shall comply with the standards outlined in the multi-family development specific use standards, UDC 11-4-3-27.
    - c. All future pedestrian crossings that traverse shared drive aisles within the development shall be constructed with brick, pavers, stamped concrete, or colored concrete to clearly delineate the driving surface from the pedestrian facilities, per UDC 11-3A-19B.4b.
    - d. The required landscape street buffers and multi-use pathway segment shall be constructed and vegetated with the first residential phase of development along E. Ustick Road and N. Eagle Road; the proposed 25-foot landscape buffer along the west and south boundaries shall be constructed with the first residential phase of development.
    - e. Applicant shall work with ACHD to construct a safe pedestrian crossing from the central multi-family site area to the parking lot along the west boundary across N. Centrepoint Way.
    - f. With the future Conditional Use Permit for the multi-family development, the building along the west boundary shall be no more than two-stories in height and the three (3) buildings within the center of the project shall be no more than three-stories in height, consistent with the Applicant's revised concept plan and presentation to Council.
    - g. Applicant shall continue the masonry wall along the west property boundary consistent with adjacent development and help buffer the proposed project.
    - h. Staff and Applicant shall work with ACHD to mark Centrepoint Way as noparking on both sides, should ACHD allow it.
    - i. Applicant shall work with ITD regarding right of way dedication and the proposed improvements to Eagle Road.
    - j. A shared access easement and parking agreement shall be granted between the Commercial Parcel (F) and the Residential Parcel (E) allowing vehicular and pedestrian ingress and egress across both properties unless a property boundary adjustment has been completed. A recorded copy of said easement shall be submitted to the Planning Division with the Certificate of Zoning Compliance application.

Development Agreement #2 (Parcel F - Commercial):

- a. Future development of the site shall be generally consistent with the submitted concept plan included in Section VI of Exhibit B and the provisions contained herein.
- b. The required landscape street buffers, multi-use pathway, and decorative lighting along N. Eagle Road shall be constructed and vegetated with the development of the Commercial Parcel.
- c. A shared access easement and parking agreement shall be granted between the Commercial Parcel (F) and the Residential Parcel (E) allowing vehicular and pedestrian ingress and egress across both properties unless a property boundary adjustment has been completed. A recorded copy of said easement shall be submitted to the Planning Division with the Certificate of Zoning Compliance application.
- d. Applicant shall work with ITD regarding right-of-way dedication and the proposed improvements to Eagle Road.

#### **B.** Meridian Public Works

#### Site Specific Conditions of Approval

- 1. Water is about 200ft from the Property boundary for parcel \$1105110120.
- 2. Any changes to public water infrastructure must be approved by public works.
- 3. Ensure no sewer services pass through infiltration trenches.
- 4. Provide 20' Easements for mains, hydrant laterals and water services. Easements should extend up to the end of main/hydrant/water meter and 10' beyond it.
- 5. No permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) to be built within the utility easement.

#### **General Conditions of Approval**

- 1. Applicant shall coordinate water and sewer main size and routing with the Public Works Department.
- 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.
- 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). Sewer/water easement varies depending on sewer depth. Sewer 0-20 ft deep require a 30 ft easement, 20-25 ft a 40 ft easement, and 25-30 ft a 45 ft easement. Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement. 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 81/2" 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.
- 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 prior to receiving development plan approval.

- 5. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
- 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.
- 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.
- 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.
- 9. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
- 10. 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.
- 11. 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.
- 12. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 13. Developer shall coordinate mailbox locations with the Meridian Post Office.
- 14. 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.
- 15. 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.
- 16. 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.
- 17. 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.
- 18. 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.
- 19. 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.

20. 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. Meridian Park's Department

<u>https://weblink.meridiancity.org/WebLink/Browse.aspx?id=389740&dbid=0&repo=MeridianCit</u> y

### **D.** Idaho Department of Environmental Quality (DEQ)

<u>https://weblink.meridiancity.org/WebLink/Browse.aspx?id=389740&dbid=0&repo=MeridianCit</u> y

### E. Idaho Transportation Department (ITD)

https://weblink.meridiancity.org/WebLink/Browse.aspx?id=389740&dbid=0&repo=MeridianCity

### V. ACTION

### A. Staff:

Staff recommends approval of the requested Development Agreement Modification per the conditions of approval included in Section IV.

### **B.** City Council:

The Meridian City Council heard these items on June 3, 2025. At the public hearing, the Council moved to approve the subject Development Agreement modification requests.

<u>1.</u> <u>Summary of the City Council public hearing:</u>

- <u>a.</u> <u>In favor: Mike Maffia-Applicant, Jeff Vrba</u>
- b. In opposition: None
- <u>c.</u> <u>Commenting: Jeff Vrba</u>
- d. <u>Written testimony: None</u>
- e. Staff presenting application: Linda Ritter
- f. Other Staff commenting on application: None
- <u>2. Key issue(s) of public testimony:</u>
  - <u>a.</u> <u>None</u>
- 3. <u>Key issue(s) of discussion by City Council:</u>
  - a. <u>Idaho Transportation Department required improvements to Eagle Road as The Eagle</u> <u>Road and Ustick Road intersection is the busiest intersection in the State of Idaho.</u>

### VI. EXHIBITS

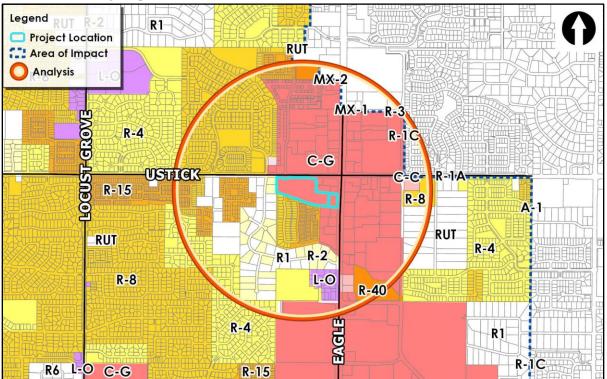
### A. Project Area Maps

(link to Project Overview)

1. Aerial



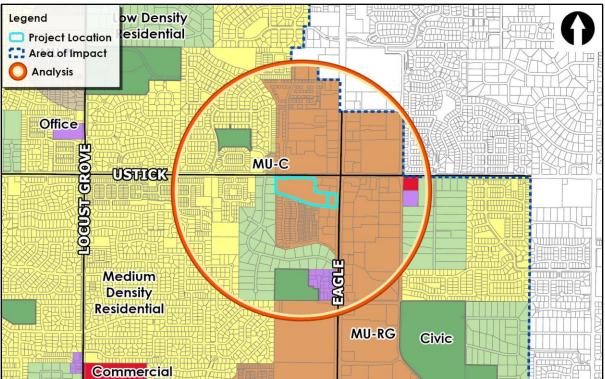
2. Zoning Map



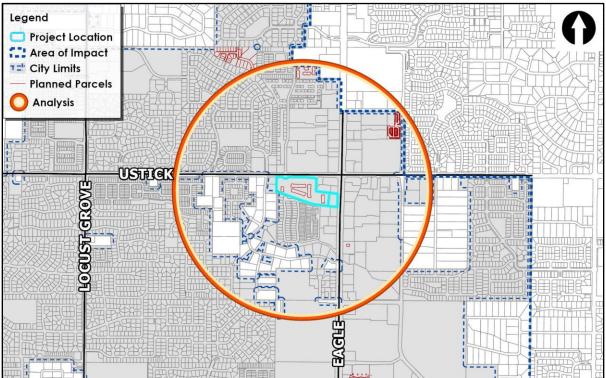
City of Meridian | Department Report

VI. Exhibits

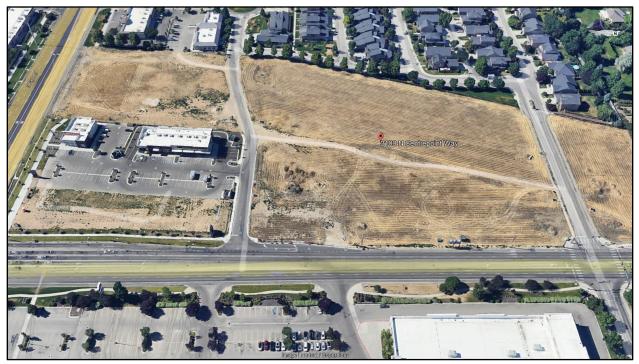
3. Future Land Use

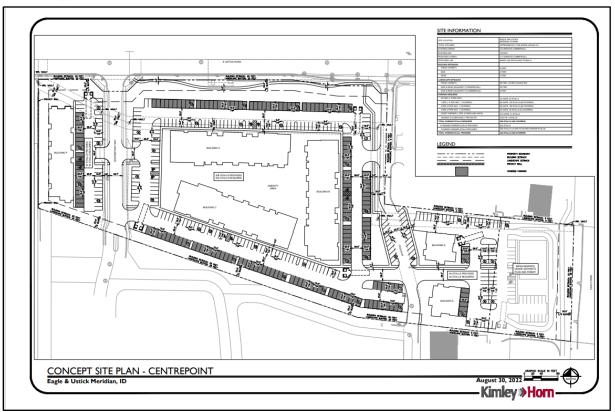


4. Planned Development Map

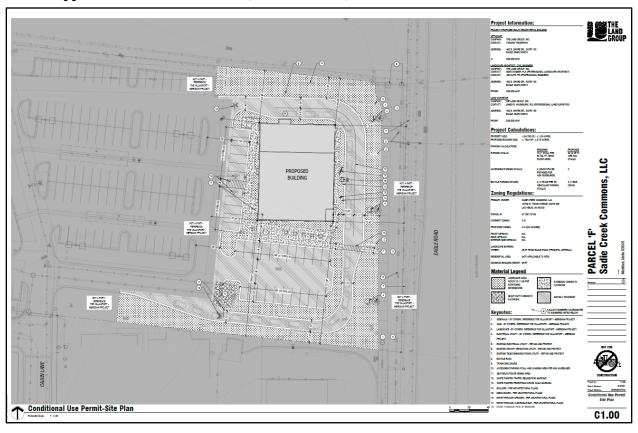


# B. Subject Site Photo





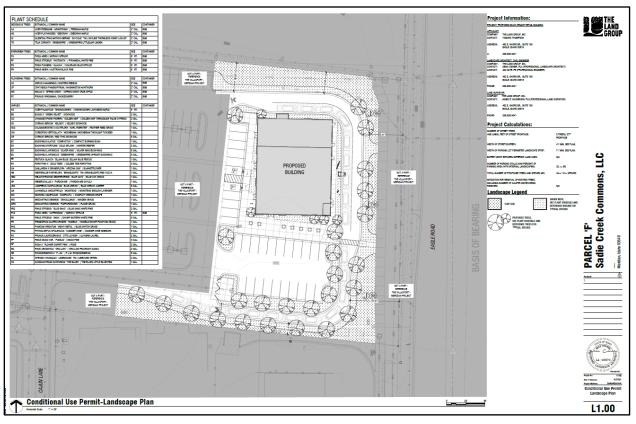
C. Approved Site Plan – Parcel E (date: 8/30/2022)



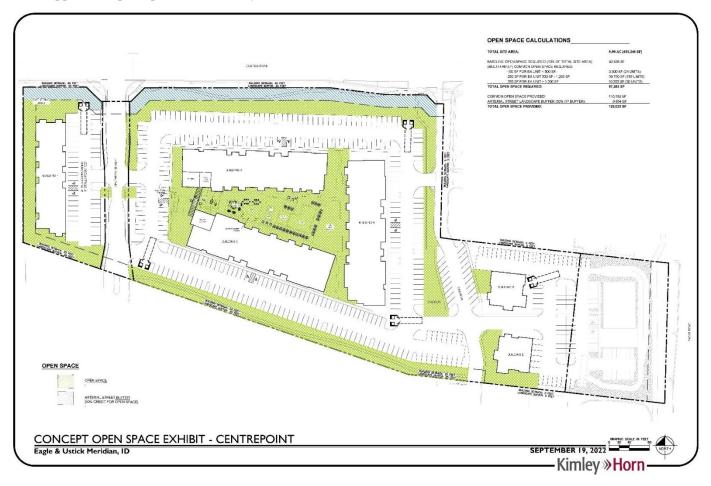
D. Approved Site Plan – Parcel F (date: 1/27/2021)



### E. Approved Landscape Plan - Parcel E (date: 9/19/2022)



### F. Approved Landscape Plan - Parcel F (1/27/2021)



#### G. Approved Building Elevations – Parcel E (date: 8/30/2022)





<b>BUILDING E ELEVATIONS</b>	1/16* = 1* - 0*	AP0.34
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BUILDING F - SOUTH ELEVATION 3		BUILDING F - EAST ELEVATION 1
=	2223 - BUILDING F	BUILDING F - ELEVATIONS AP0.35



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